

STATE OF CALIFORNIA DEPARTMENT OF JUSTICE  
OFFICE OF THE ATTORNEY GENERAL

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TRANSCRIPT OF RECORDED PROCEEDINGS  
CLETS ADVISORY COMMITTEE

Held on

JUNE 26, 2019

1:00 p.m.

at

Folsom City Council Chambers

50 Natoma Street

Folsom, CA 95630

Transcribed by: Mary Ellen Edd, CSR 9755

1 FOLSOM, CALIFORNIA, JUNE 26, 2019

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3 MR. HOWLAND: Well, good afternoon. I am Scott  
4 Howland, Chair, and I'd like to call this afternoon's CLETS  
5 Advisory Committee Meeting to order, here on June 26th,  
6 2019, here in Folsom, California.

7 And with that, I'll ask Maria, our secretary, to  
8 call roll.

9 MS. CRANSTON: Cory Honea with California State  
10 Sheriff's Association.

11 MR. HONEA: Present.

12 MS. CRANSTON: Mark Bonini for the California State  
13 Association of Counties.

14 MR. BONINI: Present.

15 MS. CRANSTON: Scott Howland, representing  
16 California Highway Patrol.

17 MR. HOWLAND: Present.

18 MS. CRANSTON: Rick Hillman representing the  
19 California Police Chief's Association.

20 MR. HILLMAN: Present.

21 MS. CRANSTON: Mike Carroll representing California  
22 Peace Officers Association.

23 MR. CARROLL: Present.

24 MS. CRANSTON: Tom Wilson representing the  
25 Department of Motor Vehicles.

1 MR. WILSON: Present.

2 MS. CRANSTON: Greg Park representing the  
3 California League -- League of California Cities.

4 MR. PARK: Present.

5 MS. CRANSTON: And Joe Dominic representing the  
6 Department of Justice.

7 MR. DOMINIC: Here -- present.

8 MS. CRANSTON: And then we have two members out  
9 today, and it's Mark Pazin representing the Government  
10 Office of Emergency Services, and Marc Shaw representing the  
11 California Peace Officers Association.

12 MR. HOWLAND: And do we have a quorum?

13 MS. CRANSTON: We do, we have a quorum.

14 MR. HOWLAND: Thank you. I'll start out with  
15 housekeeping for those that haven't been here to the Folsom  
16 City Council Chambers. If you need restrooms, they're out  
17 the door to the right and then a slight turn at the  
18 constable hall to the right. You'll find both a men's and  
19 women's room.

20 Now, from that standpoint, I'll remind the  
21 committee to make sure that we use the microphones, because  
22 the proceedings are being recorded to be transcribed, and  
23 that little green light by your microphone tells you your  
24 mic is hot. You can turn that off, but make sure you turn  
25 that back on when we get underway.

1           Finally, I'd like to let the audience know that,  
2 for public comment, we always find it helpful to know the  
3 organization you represent and your name, although that is  
4 not required. We'd ask that you do provide that if you  
5 would like to, from that standpoint.

6           And then a reminder to the committee that for  
7 motions, it's always nice to hear the last name associated  
8 with the motion, and that way for transcription purposes we  
9 know who made the motion and things go a little smoother  
10 from that standpoint.

11           And so at this point, I'd like to do introductions,  
12 and we'll start out with our CLETS staff that does a  
13 tremendous job helping us get the meeting together and pull  
14 it off.

15           MS. TOMKINSON:           Wendy Tomkinson, CLETS  
16 Administration Section.

17           MR. CARLSON:   David Carlson, CLETS Administration  
18 Section.

19           MR. MALLORY:   Ryan Mallory, CLETS Administration  
20 Section.

21           MS. YANG:       I'm Deborah Yang, Legal  
22 Counsel.

23           MR. HOWLAND:   And then we'll ask the audience, and,  
24 again, it's volunteering, if you'd like to state your name  
25 and the organization you're with.

1 MS. BRANNIGAN: Kelly Brannigan with the  
2 Department of Justice.

3 MS. ARNAIZ: Nicole Arnaiz with the Department of  
4 Justice.

5 MR. MARTIN: Deputy (Unintelligible) Martin,  
6 Alameda County Sheriff's Office.

7 MR. (UNINTELLIGIBLE): Darren (Unintelligible),  
8 Alameda County IT.

9 MS. REICH: Jenny Reich, Department of Justice.

10 MS. OPDYKE: Audra Opdyke, Department of  
11 Justice.

12 MR. BEARDWOOD: Kirk Beardwood, Department of  
13 Justice.

14 MR. (UNINTELLIGIBLE): (Unintelligible)  
15 (Unintelligible), Santa Clara County.

16 MS. COOPER: Michelle Cooper, with Santa Clara  
17 County Sheriffs.

18 MS. ROBLES: Robin Robles, Department of  
19 Justice.

20 MS. TODD-MILLER: Diedre Todd-Miller,  
21 Department of Motor Vehicles.

22 MS. CHOI: Erin Choi, Department of  
23 Justice.

24 MS. PRADO: Jennifer Prado, San Mateo County  
25 Sheriff's Office.

1           MR. MAASS: Dave Maass, attorney for Electronic  
2 Frontier Foundation.

3           MR. LUONG: George Luong for Department of  
4 Justice.

5           MR. VEGA: Ricardo Vega, Department of Justice.

6           MR. HOWLAND: Excellent. Thank you all. And I  
7 must say, we have a good showing from DOJ again this  
8 meeting.

9           At this point, I'd like to move to the Chairman's  
10 report, and I have the pleasure of welcoming three new  
11 members to our committee.

12           First, Chief Rick Hillman, Chief of the Folsom  
13 Police Department, I want to say thank you for helping to  
14 host us here. Appreciate the facility. He is representing  
15 the California Police Chiefs Association, and is  
16 replacing Cynthia Renaud, who is now the Santa Monica  
17 Police Chief. I want to welcome you and, as I said before,  
18 embarrass you a little bit with a very brief bio so that  
19 the committee and the audience can get to know you a little  
20 bit better from that standpoint.

21           Rick Hillman became the Folsom Police Chief on  
22 April 23rd, 2018. In his role, he leads a full service  
23 police department of 78 sworn officers and 29 professional  
24 staff providing service to approximately 80,000 residents  
25 living in a 30-square-mile city.

1 Rick started his career with the Folsom Police  
2 Department in 1995 after serving as a police officer with  
3 the Placerville Police Department. He served in various  
4 capacities within the department including patrol, SWAT, and  
5 internal affairs. As a commander, he led the Operations  
6 Bureau which represents all uniformed staff. Rick holds a  
7 Bachelor of Science degree in criminal justice management  
8 from the Union Institute and University. He's acquired an  
9 intermediate, advanced, supervisory, and management  
10 certificates from POST and is a graduate of the Sherman  
11 Block Supervisory Leadership Institute.

12 Rick, welcome to the committee.

13 MR. HILLMAN: Thank you.

14 MR. HOWLAND: Next we have Sheriff Cory Honea  
15 representing the California State Sheriffs Association.  
16 Welcome to the committee.

17 MR. HONEA: Thank you.

18 MR. HOWLAND: And I'll share a quick bio of you, and  
19 as we talked earlier, I'll make it brief from that standpoint.

20 Cory Honea has served as the Sheriff Coroner for Butt  
21 County since 2014. Sheriff Honea began his law enforcement  
22 career with Butt County Sheriff's Office in 1993 when he was  
23 hired as a deputy sheriff. He served as a patrol deputy and  
24 a detective until 2000 when he transferred to the District  
25 Attorney's Office as an investigator.

1           During his tenure at the District Attorney's  
2 Office, Sheriff Honea promoted through the ranks to the  
3 position of Chief Investigator.

4           In 2010, he returned to the Butte County Sheriff's  
5 Office and served as the Undersheriff until 2014. Sheriff  
6 Honea has extensive training, certified by the POST. He  
7 holds a juris doctor and is licensed to practice law in the  
8 State of California.

9           Cory, it's great to have you on the committee, and  
10 I know you've been really busy lately with what's been going  
11 on in your county, so we appreciate you joining the  
12 committee and taking part in the group.

13           MR. HONEA: My pleasure, thank you.

14           MR. HOWLAND: And, finally, Chief Tom Wilson,  
15 representing the Department of Motor Vehicles. Tom, welcome  
16 to the group. And, of course, I have a quick bio for you,  
17 too.

18           Chief Wilson has been a member of the Department of  
19 Motor Vehicles Investigations Division since 2000 and has  
20 most recently been Investigations Division Regional One  
21 Deputy Chief from 2016 to 2018.

22           While providing leadership to the field  
23 investigators as a Regional Deputy Chief, he has also been  
24 providing oversight to the Special Operations Command Office  
25 of Internal Affairs, the computer forensics team, and the



1 Confidential Records Unit.

2 Tom started at DMV as an Investigator in the Fresno  
3 district office and was promoted to Supervising Investigator  
4 in 20 -- in 2004. In 2011, he was promoted as a Central  
5 Area Commander where he oversaw operations in Stockton,  
6 Fresno, and Bakersfield.

7 Prior to coming to DMV, Tom was employed as a  
8 Kingsburg police officer and detective for nine years. He's  
9 a graduate of the U.C. Davis Extension -- Executive Leadership  
10 Development Academy, the California Police Officers  
11 Standards and Training and Supervisory Leadership Institute,  
12 and the 18-month POST Command College for Law Enforcement  
13 Executives.

14 Tom has a Bachelor's Degree in Criminology from  
15 Wilmington University. Tom, welcome to the committee.

16 MR. WILSON: Thank you.

17 MR. HOWLAND: And, finally, one more introduction.  
18 We have new Legal Counsel for the committee, Deborah Yang,  
19 and is here to assist the committee with our Bagley Keene  
20 Open Meetings Act, and I do have a (unintelligible) bio for  
21 you also.

22 Deborah's work as staff attorney for the Department  
23 of General Services and the State Treasurer. In March she  
24 joined the Department of Justice as Deputy Attorney General  
25 in the Government Law Section. She graduated from U.C.

1 Irvine with a BA in Political Science in 2001 and from U.C.  
2 Hastings College of Law in 2004.

3 Welcome to the committee. And in advance, we  
4 appreciate your help.

5 MS. YANG: Thank you.

6 MR. HOWLAND: Next we'll move on to the Executive  
7 Secretary's report.

8 MS. CRANSTON: In today's Executive Secretary's  
9 report, I'll be addressing three different areas: CLETS  
10 traffic, misuse statistics, and the action items from the  
11 last meeting.

12 For the first quarter of 2019, for the total  
13 messages inbound and outbound, there was approximately 260  
14 million messages. The monthly average inbound and outbound  
15 were a little above 86 million messages per month. The  
16 daily average in and outbound were almost three million  
17 messages, and the peak day for inbound and outbound were  
18 almost three and a half -- three and a half million. Sorry.

19 In just a little comparison over the last ten  
20 years, you can see how the traffic has significantly increased  
21 over CLETS, so the monthly average has increased by  
22 approximately 21 percent.

23 Next item is the CLETS journal search misuse  
24 statistics. These are statistics for misuse investigations  
25 when local law enforcement requests DOJ to run a journal

1 search to assist in their investigations.

2           So this year we've had over the last six months, 29  
3 requests related to misuse. Last year for the entire year,  
4 we had 50. Out of those 29, 15 cases there was no misuse  
5 found, 12 cases are still pending, two misuse cases, misuse  
6 was found.

7           So far there's been no employees counseled or  
8 reprimanded. However, there were 38 cases where training  
9 was required. In that particular case, it had to do with  
10 CCW permits, and they were running name checks versus  
11 running fingerprints.

12           And there was also one other. At this point, I  
13 don't know what the other type of action that was taken, but  
14 these are the figures so far.

15           Now, for the annual misuse. In February of each  
16 year, agencies are required to submit their misuse  
17 investigations for the previous year. So here are the  
18 infor- -- here is the information for the 2018 year as well  
19 as 2017.

20           So for agencies submitting, we did have less  
21 agencies than we did last year. Part of the reason is last  
22 year, the courts for L.A. reported separately, so we counted  
23 them as individual offices versus putting all the courts  
24 together.

25           Also, we had a lot of agencies that retired that

1 were no longer independent. They were either contracting  
2 with sheriffs or, you know, no longer wanted CLETS service.  
3 So the total number of agencies did go down.

4 Last year by year's end, we did have 100 percent  
5 compliance, and so far we have 100 percent compliance  
6 already for this year, for 2018.

7 Agencies reporting no misuse, 1,090, and there were  
8 114 agencies that did report CLETS misuse. Twenty-five of  
9 the cases are still pending. We will follow up with those  
10 on a monthly basis until they're closed, and we will report  
11 those findings.

12 Investigations performed had 143 cases where CLETS  
13 misuse was found, 21 employees have been counseled, 11  
14 employees reprimanded, 62 require training. This is a new  
15 category, because last year it was -- it was lumped in with  
16 other, and we found there were a lot of training issues, so  
17 we did add it as a separate category. Fifteen employees  
18 were suspended, 10 had resigned, six terminated. And then  
19 other, last year, you can see that number's higher. That's  
20 because we included training in the other category. And  
21 then there were three cases where no action was taken.

22 As far as action items, there were no action items  
23 in open session from last meeting.

24 And that's it for the Executive Secretary's report.

25 MR. HOWLAND: Great. Any questions for the

1 Secretary from the committee?

2 I'd just like to say thank you to the DOJ staff  
3 because they are 100 percent compliance. That is something  
4 we've been working on for quite some time, and to have that  
5 achieved is a good -- is a great accomplishment. But  
6 knowing there was a lot of work in the background as far as  
7 follow-up to make sure we have all the reports and everything  
8 else.

9 MS. CRANSTON: Yes.

10 MR. HOWLAND: So please pass on our thanks, our  
11 appreciation to staff for all their hard work that resulted  
12 in 100 percent compliance.

13 MS. CRANSTON: Thank you.

14 MR. HOWLAND: At this point, we'd like to move on  
15 to pending legislation. And Kelly Brannigan has a  
16 presentation for us.

17 MS. BRANNIGAN: Good afternoon, I'm Kelly  
18 Brannigan. And I'm going to be discussing some of the  
19 legislation that the Department of Justice is currently  
20 looking at this session. We'll be going by vote topic, and  
21 I'm going to be starting with some of the criminal justice  
22 data bills.

23 First is Assembly Bill 1076, which is criminal  
24 records, automatic relief.

25 AB 1076, was amended on May 16<sup>th</sup> and would, commencing

1 January 1<sup>st</sup>, 2021, require the Department of Justice, on a  
2 weekly basis, to review the records in the statewide  
3 criminal justice databases and, based on the information  
4 within the Automated Criminal History System, or the ACHS,  
5 identify persons who are eligible for arrest and/or  
6 conviction relief. The bill would require an update to the  
7 ACHS and other databases to document that that relief was  
8 granted.

9 AB 1076 would require the DOJ to annually publish  
10 to OpenJustice statistics disaggregated to county-level  
11 regarding relief granted pursuant to the provisions of the  
12 bill, along with statistics of arrests and convictions  
13 lacking sufficient information.

14 The bill would also allow a prosecuting attorney  
15 and/or probation department to, no later than 90 calendar days  
16 before the date of the person's eligibility date, to file a  
17 motion to prohibit the relief, and require the court to  
18 conduct a hearing within 45 days.

19 Next is AB 1331, criminal justice data.

20 AB 1331 was last amended June 20th, and this would,  
21 commencing January 1st, 2021, require local and state law  
22 enforcement agencies and courts to report specified arrest,  
23 sentencing, and related information electronically to the  
24 Department of Justice on a weekly basis.

25 It would also prohibit a person with a public

1 agency or bona fide research body from being denied access  
2 to criminal offender record information required for the  
3 performance of his or her duties, as specified, based solely  
4 on the person's own criminal record.

5           Next up, we have the firearms bills.

6           Starting with AB 12, gun violence restraining  
7 orders.

8           AB 12 was last amended June 19th and would extend  
9 the duration of a gun violence restraining order and related  
10 renewal from one year to a period of time of one to five  
11 years, to be determined the court. It would also authorize  
12 a law enforcement officer to file a petition for a gun  
13 violence restraining order in the name of the law -- sorry,  
14 to file a petition for a gun violence restraining order in  
15 the name of the law enforcement agency in which that officer  
16 is employed.

17           AB 340, firearms, armed prohibited persons.

18           AB 340, last amended May 16th, would authorize the  
19 County of Ventura to establish and implement a Disarming  
20 Prohibited Persons Taskforce, consisting of officers and  
21 agents from specified agencies. This DPPT would be tasked  
22 with identifying, monitoring, arresting, and assisting in  
23 the prosecution of prohibited persons. It would authorize  
24 the DOJ to award a grant to the County of Ventura for the  
25 purpose of completing taskforce-related duties. If the

1 county were to apply or receive such a grant, it would be  
2 required to submit a detailed report to the DOJ and the  
3 Legislature 15 months prior to receiving that grant.

4 Then we have AB 879, another firearms bill.

5 This was last amended June 17th and would,  
6 commencing July 1, 2024, require the sale of a firearm  
7 precursor part, as specified, to be processed through a  
8 licensed firearm precursor part vendor, with specified  
9 exemptions.

10 Commencing July 1st, 2025, the bill would require  
11 any person seeking to purchase firearm precursor parts to  
12 undergo a background check through the Department of  
13 Justice. This background check would be conducted  
14 electronically at the time of sale, similar to what will be  
15 done with ammunition beginning July 1st of this year.

16 SB 61, firearms transfers.

17 This was last amended June 11th and would,  
18 beginning July 1st, 2021, prohibit an individual from making  
19 more than one application to purchase a long gun within any  
20 30-day period with specified exemptions. It would similarly  
21 prohibit a dealer from delivering a long gun to a person  
22 whenever the dealer is notified by the DOJ that the  
23 purchaser has made another application to purchase a long  
24 gun within the preceding 30-day period.

25 Effective January 1st, 2021, SB 61 would also



1 prohibit the sale of a semiautomatic centerfire rifle to a  
2 person who has a valid hunting license or is honorably  
3 discharged from the Armed Forces and is under 21 years of  
4 age, unless they possess a Certificate of Eligibility from  
5 the DOJ.

6 Last firearms bill is SB 376. This is firearms  
7 transfers.

8 Last amended June 11th, this bill would limit the  
9 number of firearms transactions that may be conducted by an  
10 unlicensed dealer to a maximum of six per year. It would  
11 also limit the number of firearms purchases to 50 per person  
12 per year. Lastly, SB 376 would require anybody  
13 manufacturing 50 or more firearms to be licensed as a  
14 manufacturer.

15 Then we have some miscellaneous bills.

16 AB 300. This is hate crime and incident reporting.

17 AB 300, last amended on May 16th, would define hate  
18 incident and would require a law enforcement's  
19 informational, incident, and crime reports to include a  
20 check box indicating whether the underlying incident in the  
21 report is a hate crime or hate incident. It would further  
22 require completion of a supplemental hate crime or hate  
23 incident report form that indicates this type of bias  
24 motivation and any other identifying information to assist  
25 in the prosecution.

1           Then we have AB 392, peace officers, deadly force.

2           AB 391, last amended May 23rd, would change the  
3 circumstances under which the use of deadly force is  
4 justifiable when the officer reasonably believes, based on  
5 the totality of the circumstances, that such force is  
6 necessary for either of the following reasons:

7           1. To defend an imminent -- to defend against an  
8 imminent threat of death or serious bodily injury to the  
9 officer or to another person.

10           2. To apprehend a fleeing person for any felony  
11 that has threatened or resulted in death or serious bodily  
12 injury, if the officer reasonably believes that the person  
13 will cause death or serious bodily injury to another unless  
14 immediately apprehended. Where feasible, a peace officer  
15 shall, prior to the use of force, make reasonable efforts to  
16 identify themselves as a peace officer and to warn that  
17 deadly force may be used, unless the officer has objectively  
18 reasonable grounds to believe the person is aware of those  
19 facts.

20           The bill stipulates a peace officer shall not use  
21 deadly force against a person solely based on the danger  
22 that person poses to themselves.

23           Then we have AB 1747, law enforcement, immigration.

24           AB 1747, last amended April 24th, would prohibit a  
25 California law enforcement agency from making agency or

1 department databases or the information therein available to  
2 any entity for the purpose of immigration enforcement. It  
3 would exempt from these provisions information regarding an  
4 individual for whom an arrest warrant has been issued and  
5 information regarding an individual's citizenship or  
6 immigration status. The bill would void any contracts or  
7 agreements in effect on January 1, 2020, that conflict with  
8 these provisions.

9           Lastly, AB 1747 would require all persons and  
10 entities provide access to agency or department databases to  
11 agree in writing that material disclosed to them from the  
12 databases be treated as confidential and only used for  
13 purposes consistent with existing law.

14           Lastly, SB 620, criminal offender record  
15 information, referral of persons on supervised release.

16           SB 620, last amended June 17th, would authorize a  
17 municipal police department or county sheriff's department  
18 to provide the name and address of persons on supervised  
19 release within their jurisdiction to a county, city, city  
20 and county, or nonprofit organization that provides  
21 transitional services to persons on supervised release. It  
22 would require a person on supervised release to be notified  
23 that they may consent to the release of their information  
24 for this purpose and would allow these persons to opt in to  
25 having their information released.

1           And that concludes the legislative updates. Any  
2 questions?

3           (No audible response.)

4           MR. HOWLAND: Seeing no questions, thank you so  
5 much. Definitely busy tracking bills.

6           Next we have an update on online applications  
7 submission and approval system, and I welcome Ryan Mallory.

8           MR. MALLORY: Good afternoon. My name is Ryan  
9 Mallory. I am Information Technology Associate with the  
10 CLETS Administration Section. I've been here for about a  
11 year. And I want to discuss today the development and  
12 implementation of a project that's, I think we can all  
13 agree, is long overdue, which is a web-based interface for a  
14 repository for filling out and submitting documentation  
15 relating to the CLETS Administration.

16           I think we can agree that the current process is a  
17 bit lengthy, and the documentation handling and processing  
18 and work flow needs to be improved. The shortcomings that  
19 appear most stem from applications simply because there's so  
20 many, or there's three different kinds. You have upgrades,  
21 new, and including the now Cloud, infamous Cloud apps.

22           This implementation of the, um -- I'm sorry, um,  
23 when it comes to applications, many outside agencies agree  
24 that process is lengthy and cumbersome, primarily due to the  
25 fact that, depending on whether it's an upgrade or new, it

1 can depend on how much you need to fill out.

2           This new interface will allow outside agencies to  
3 determine the status when the documentations are submitted,  
4 and it will streamline the application process and  
5 significantly improve turnaround for CAS documents,  
6 and one of the most important factors is that this is going  
7 to reduce human errors so that documents will go through less  
8 human hands. This will allow the external agencies to  
9 track the applications and documents with status updates,  
10 which sets the consistent workflow for the approval process,  
11 allow external agencies to maintain their contact  
12 information and delegate permissions to specific users  
13 within their agency, and it's going to create a foundation  
14 to easily implement future documents to the  
15 framework.

16           This is going to be developed internally within  
17 DOJ, and our goal is to utilize accounts already available  
18 on the CLEW website. That way there's no new data needing  
19 to be created, and we will use existing methods of  
20 authentication, and the four primary documents are the ones  
21 I mentioned earlier. We hope to have the Subscriber  
22 Agreement, the CLETS Change Request, the misuse form, and  
23 the CLETS application all on there when -- when it launches.

24           The current status right now, I'm just now  
25 finalizing the business requirements and documentation and

1 drafting the final workflow chart and database requirements.  
2 We are projected to go into a test environment within the  
3 next few months and hopefully ending later this year, we  
4 will have something workable that will allow somebody to  
5 start using as a primary function.

6 That's it.

7 MR. HOWLAND: Any questions from the committee?

8 UNID. MALE: No question, just comment. Thank you.

9 MR. MALLORY: You're welcome.

10 UNID. MALE2: I'd like to go that thank you, too.  
11 Just a quick question.

12 MR. MALLORY: Sure.

13 UNID. MALE2: Do you have any idea, as far as time  
14 savings as far as users go projected how much time will be  
15 saved in the application process?

16 MR. MALLORY: I believe, for the most part, it's  
17 going to be -- make things easier. They are going to have  
18 -- everything we have is manual right now. We reach out to  
19 the agencies. You have to resubmit all the documents. This  
20 way we're just going to reach out and say, "Hey, we found  
21 some issues with this specific application." All we have to  
22 do is long in, change it, resubmit it, and that's it.  
23 There's no printing out, getting new signatures, or anything  
24 like that. It's just all going to be in a specific  
25 repository for your agency with a status and everything that

1 just streamline. It's -- it's hard to say how much infor-  
2 -- how much time it will particularly save. But --

3 MS. CRANSTON: I'd also like to chime in. One of  
4 the other benefits of this will be everything comes in now  
5 either fax machine, snail mail, or through e-mail. It will  
6 have one portal to come in, so everything's tracked and  
7 logged. You don't have to worry about things slipping  
8 through the cracks, because it's always going to be there with  
9 reminders of what the status is. So that in itself will be  
10 a huge benefit.

11 And also, there won't be a lot of us duplicate  
12 entering information, misuse forms, for example. They come  
13 in, we enter them onto a spreadsheet. Now it'll come  
14 directly from the client into the database. We don't have  
15 to touch it other than gather the numbers.

16 MR. MALLORY: Yeah, the numbers will be one  
17 specific export, and that's it.

18 MR. HOWLAND: Appreciate the work on that and look  
19 forward to seeing it go live.

20 Next we have an update on Senate Bill 54. Dave  
21 Carlsen's going to give us an update on the changes that  
22 have been made as a result of SB 54.

23 MR. CARLSEN: Good afternoon, members of the  
24 committee. My name is David Carlsen. I work for the CLETS  
25 Administration Section at the DOJ, and I've been there for

1 about three years.

2           So I'm just going to be providing a brief overview  
3 of the efforts of the California Department of Justice,  
4 specifically the CLETS Administration Section, have taken to  
5 educate, inform, and otherwise provide details to agencies  
6 regarding the usage of our databases in relation to SB 54.

7           So basically, brief overview of SB 54, which is  
8 also known as the California Values Act, its intention and  
9 focus is to prevent the utilization of California's  
10 non-criminal history information databases to perform  
11 Federal immigration enforcement, with the exception of  
12 certain exceptions that are defined by law.

13           The CLETS Administration Section has required that  
14 all subscribing CLETS agencies submit a subscriber agreement  
15 and a CLETS Policies, Practices and Procedures  
16 Acknowledgment form in relation to the changes that we have  
17 made in relation SB 54.

18           Both of these documents signify the signing  
19 agencies understand the changes that have been made and to  
20 the PPP specifically as they relate to the California Values  
21 Act. And as on the presentation, you can see some specific  
22 PPP sections that were changed specifically for SB 54.

23           In relation to SB 54, we also modified some system  
24 use notifications or banner language on multiple DOJ  
25 applications. I won't go through them all, but I've listed



1 them on the Power Point there, that, uh, some banner  
2 language was changed on.

3 One of the actions that we made this year, as I  
4 stated earlier, was the requiring of a Subscriber Agreement  
5 and a PPP Acknowledgement Form from all agencies. I am  
6 pleased to say that over 99 percent of the agencies have  
7 submitted these forms. So far there are a few that haven't  
8 gotten them to us yet, but we are actively pursuing getting  
9 those documents from those agencies and just trying to track  
10 them down.

11 As noted on the Power Point, if, for whatever  
12 reason, we are unable to get those agencies to provide those  
13 forms, we are intending to terminate CLETS access.

14 And I think that's it. Have any questions?

15 MR. HOWLAND: Thank you for the update. Any  
16 questions from the committee?

17 MR. PARK: Thank you for the report. In the  
18 analysis preparing for this and with the legislative update,  
19 1774 kinda does have 1747, Assembly Bill 1747 does have some  
20 kind of overlap on the use of databases and what could  
21 happen if that gets passed.

22 MR. CARLSEN: Uh-huh.

23 MR. PARK: What new potential workload would we  
24 see that kinda relates to this on behalf of the agencies or  
25 DOJ that some of those databases aren't allowed to be shared

1 anymore?

2 MR. CARLSEN: We will have to modify the  
3 documentation that we've already submitted to different  
4 agencies, and we may need them to -- Joe wants to answer  
5 that question.

6 MR. DOMINIC: No, I'm sorry.

7 MR. CARLSEN: Um, and we will have to send out a  
8 new document for agencies to sign to cover the new language  
9 as specified in AB 1747.

10 MR. DOMINIC: Yeah. So 54 has --

11 UNID. MALE: (Unintelligible).

12 UNID MALE: -- thank you, very much.

13 54, as you just showed and what it requires in the  
14 Values Act that is very specific, and then 1747 actually takes  
15 It a step further. So our policies and everything else will be  
16 updated with more - with stronger language and actually into  
17 things a little deeper because each entity or department will  
18 be impacted by this bill. So with 54, DOJ is providing more  
19 guidance and oversight. 1747 is really across the board to  
20 all entities, and then the key there is that any information  
21 not just non criminal justice data, right, any information  
22 should not be used for immigration enforcement. That's the  
23 biggest impact.

24 MR. HOWLAND: Thank you. Any other questions?

25 (No audible response.)

1           MR. HOWLAND: Great. Thank you for the  
2 presentation.

3           Next we have a presentation from Dave Maass, The  
4 Electronic Frontier Foundation, an analysis of misuse data  
5 and developments in regards to CLETS access and  
6 immigration enforcement. Dave, welcome to the  
7 committee.

8           MR. MAASS: Thank you. Let me see if I can find the  
9 mouse on here. Oh, it's this one here. That would explain  
10 it. Excellent.

11           So my name is Dave Maass. I'm a Senior Investigative  
12 Researcher at The Electronic Frontier Foundation. If you're  
13 not familiar with us, we are a non-profit based in San  
14 Francisco. We've been around for, since about 1990, and we  
15 focus on civil liberties issues as it comes to technology  
16 and the law. And this ranges from everything from freedom  
17 of information to privacy and free speech. I tend to focus  
18 on law enforcement surveillance and law enforcement  
19 technology.

20           When people ask that, you know, Latin question, I'm  
21 not going to try it in Latin, but, you know, who watches the  
22 watchmen, and that often is me and my colleagues.

23           And I've been coming to these committee hearings  
24 and following them for probably for about five or six years  
25 now, and, uh, the reason this came on my radar is, about six

1 years ago, I saw a Power Point presentation which described  
2 misuse of CLETS, and the numbers didn't really make any  
3 sense to me. It was just kind of a number of journal  
4 searches, and I had no idea. I was like this doesn't tell  
5 me anything about how police are misusing this system, what  
6 kind of misuse, what's being done, and so it's been a long  
7 process of five or six years coming to this committee,  
8 writing letters, asking for things to be updated.

9 I generally don't have nice things to say to a room  
10 full of cops, but I can say that this is one of those rare  
11 times where I feel like the California Department of Justice  
12 has taken amazing strides related to this. They have, you  
13 know, as a lot of the presentations before have shown, the  
14 amount of data being collected has just grown substantially  
15 hearing that we're 100 percent compliance. Like I don't  
16 even believe it, but I will take your word for it today.

17 I think Joe Dominic has been responsive to a lot of  
18 our complaints over the years, a lot of our criticisms. If he  
19 hasn't been able to fully address them, he's been able to,  
20 in good faith, negotiate and find ways for us to interact.  
21 So I just want to like -- I'm sorry -- outpour my gratitude  
22 to this committee and to the California Department of  
23 Justice on this.

24 So I want to walk you a little bit through why, you  
25 know, how I look at this data, what I do with it, and why I

1 collect it.

2 I'm interested on one level about data privacy.  
3 The public has never been more concerned about data privacy  
4 than now. But also with the CLETS, I mean CLETS has been  
5 around since, like 1965 or, you know, some really long time.  
6 It's before I was born. But it's a fairly mature system  
7 that has controls put in place that there is, you know, a  
8 process for getting misuse, which we don't see on a lot of  
9 other databases.

10 There isn't necessarily this kind of control over  
11 face recognition databases or license plate databases or all  
12 these other things that police are collecting. And so we  
13 use CLETS's misuse as a way to understand what kinds of  
14 abuse is happening from police, you know, what we -- you  
15 know, how often does it happen, are there particular  
16 agencies that have a problem, because if they can do it  
17 through CLETS and get caught, then what is happening on  
18 these other systems where there isn't these kind of controls  
19 and oversight in place.

20 So this is going to be a sense of like where I'm  
21 coming from on this.

22 And so when I look at this data, and I also want to  
23 say that I think that the numbers I'm going to show you are  
24 a little bit different than the numbers that were presented  
25 before. I think part of that is just based on the timing of

1 when I filed my California Public Records Act request to get  
2 this information. I think often more data comes in, and it  
3 gets updated. And also there might be some issues where I'm  
4 kind of using different terminology. It's the same  
5 terminology but to describe different things. So I'll try  
6 to work through that.

7           So when we looked at the data that we got I think  
8 about a month ago, you know, we started comparing. Well,  
9 how did this compare to last year? And we found that last  
10 year, there were 143 misuse violations. The data we have  
11 from this year said 142. I think that's been increased by  
12 one since we got the data. So I think that we're at a  
13 good -- we have a good idea now of what like the base line  
14 level is.

15           I am not -- going forward, I'm not going to be  
16 comparing data to years prior to 2016. I don't think  
17 they're apples to oranges anymore because of the amount of  
18 compliance that we're having.

19           The numbers I have here for reported misuse, I  
20 believe that possibly in the other presentation, this was  
21 agencies who had reported misuse investigations, but not  
22 necessarily a conclusion of that being misuse. For us,  
23 we're talking about here specifically whether they had a  
24 positive finding of misuse -- I'm gonna keep whacking  
25 that -- um, the had a positive finding that misuse had

1 happened. And then there were 27 investigations pending.  
2 This is not going to match exactly what you've just seen for  
3 the reasons I explained.

4 But I think what's interesting though is that, if  
5 there has been a decrease in the number of agencies  
6 presenting mis -- uh, finding misuse, that's a positive step  
7 forward even if the actual misuse violation stayed the same.

8 I also like looking at the discipline. The  
9 discipline is really important, because we don't necessarily  
10 know what the nature of the misuse was, but we get a sense  
11 of how bad it was based on the type of discipline.

12 So in 2018, 16 people lost or left their jobs, that is  
13 resigned or terminated, 15 people were suspended. We don't  
14 exactly know how long that suspension lasted, but it's good  
15 to know that -- that people are taking that kind of action.  
16 There were six criminal charges filed, and there were ten  
17 people reprimanded.

18 But I'm just dealing with data. It's mostly in this  
19 like really long spreadsheet. And then also the DOJ's  
20 really nice enough to give me thousands of pages of  
21 individual forms to comb through as well. But when we look  
22 at it, we see the numbers, and we see, okay, Chula Vista  
23 Police Department had 38 violations. That is an all-time  
24 record from whenever looking at CLETS misuse data, oh, my  
25 gosh, there must be, you know, a horrible agency, right?

1 And then you have Glendale Police Department coming in second  
2 with 25. But are these comparable and do they actually mean  
3 what, you know, well, what do they actually mean once you  
4 look at the data?

5 So we made some calls, and we found that these  
6 numbers aren't comparable at all. So with Chula Vista,  
7 while it did have a record of misuse, it was actually a small  
8 problem. What happened is that Chula -- and I think this  
9 was addressed in an earlier presentation -- that Chula Vista  
10 Police Department had gotten a memo that, uh, the DOJ sent  
11 out saying, hey, you know, you can't use this stuff for  
12 background checks, for gun purposes, like that is a misuse.

13 And so Chula Vista Police Department got that memo,  
14 and they're like, oh, man, we were actually doing that. We  
15 need to actually go back through and check on this. And so  
16 they did some new training, and they very diligently wrote  
17 down how many misuses there were as opposed to just saying,  
18 well, we're going to count all three cases as one case of  
19 misuse, because they were all the same problem. It was very  
20 good that they did that. But it's not something that really  
21 concerns me too greatly.

22 However, then you look at Glendale Police Department,  
23 and when I called them up, what had actually happened is  
24 that they had a -- a -- a newish employer or employees going  
25 through a probationary period who, in answering questions



1 during his interview, disclosed that he had run 15 to 25  
2 searches of women that he found attractive through the  
3 system. And that is a much bigger problem. That is like  
4 the exact sort of thing that we do not want to see happening  
5 with CLETS. However, it's just one person. So it isn't  
6 necessarily an agency-wide system.

7 We also, uh, you know, I also want to give a, you  
8 know, compliment to, uh, to Chair Howland, because I also  
9 sent him a query about what had happened with CHP's misuse,  
10 and he broke it down in a really interesting way.

11 He said that there were three incidents where an  
12 officer ran a license plate through CLETS without a need to  
13 know. One officer was terminated and two were suspended.  
14 And then there were six instances where CLETS was used for  
15 licensing purposes where they should have been running  
16 fingerprinting checks instead of running, you know, things  
17 through CLETS.

18 And I think it's really helpful to me to have that  
19 information to understand the context of, you know, what is  
20 a low-level misuse and what is actually like an abuse of the  
21 system.

22 So we -- we came up with some recommendations on  
23 how this stuff might be easier for -- for the public to  
24 understand and also easier for you to understand to figure  
25 out whether you need to put more controls in place, figure

1 out how bad this misuse problem is.

2 And one is to disclose the aggregate number of  
3 employees who are engaged in this use. If I had, looking  
4 at, um, this, you know, this case from Glendale Police  
5 Department and I saw that it was one percent who did 25  
6 violations, I have a better context of what's going on. It  
7 doesn't necessarily get into personnel issues that people  
8 find sensitive; it just lets me know that this was one  
9 person. On the other hand, if I see that it was, you know,  
10 35 people, then that maybe raises other kinds of concerns.

11 I also think there's an opportunity to come up with  
12 some -- some broad categories of what that misuse is  
13 that, again, doesn't get into super confidential issues.  
14 It doesn't get into investigative process, or it doesn't  
15 get into personnel records, but allows people to know that  
16 this was a gun licensing issue, or this was an issue of  
17 personal use of the system, you know, things that would help  
18 everybody look at this data and be like, okay, we have this  
19 one agency where we had, you know, 15 employees, you know,  
20 searching their ex-wives with this system versus, you know,  
21 licensing issues.

22 And I think there's a way to go about it. I think  
23 the DOJ has put together already a decent list of what various  
24 categories of misuse are that you could start from.

25 So I want to switch a little bit, because one of

1 the things that happened earlier this year, and you saw this  
2 in a presentation, is that the PPP was updated to classify  
3 immigration enforcement as misuse. And this really only  
4 applies to anything that's not criminal history records.  
5 We're not going to read through this again. I just wanted  
6 to put this in my presentation so it's there.

7           The one thing that concerned us looking through the  
8 data is that no component of DHS opened a single  
9 investigation into misuse this year. They're a very large  
10 agency with a lot of employees. I find it normal when I  
11 find a small town or small -- small city or small county  
12 that doesn't have a lot of officers, if they don't do an  
13 investigation that year, it makes sense. You know, they  
14 have five employees. You know, there's not a lot of people  
15 to abuse it.

16           But when you have ICE, which has tons of people  
17 across the state, and there's not one case where they're  
18 like maybe we need to inspect this a little bit closer, or  
19 maybe there was something hinky going on. And I'm not  
20 talking about running an investigation and finding no  
21 misuse. I'm talking no investigations whatsoever, which is  
22 concerning considering that there was memos sent out saying  
23 why, you know, immigration enforcement is misuse.

24           So Voice of San Diego earlier this year came out  
25 with a report. There was ICE officers seen doing, um, you

1 know, making arrests, carrying around printouts of DMV data.  
2 Um, Voice checked around, and the DMV said that this data  
3 did not come from them, which really only left one place it  
4 could come from, and that was CLETS. Maybe it wasn't CLETS  
5 and maybe there's something I'm missing here, but  
6 nevertheless, the story did highlight CLETS as being a  
7 potential area of where this data came from.

8           And one would expect, when you see a new story that  
9 creates a new cycle saying that this system might have been  
10 misused, that ICE would have at least opened up an  
11 investigation, I think any other department in California,  
12 if they saw a credible allegation in a news story that CLETS  
13 was abused, would have opened up an investigation. I think  
14 it should raise some serious red flags that ICE did not even  
15 open one. Because it did actually really alarm Assembly  
16 Member Lorena Gonzales who, in her, you know, actual, you  
17 know, Senate analysis of these forms, goes into process  
18 after her, you know, communications with the DMV believing  
19 that, yes, like that DHS officers were accessing information  
20 information on CLETS that was not criminal history  
21 information.

22           Now, this is something that may have been updated  
23 since the last time I got the records, but one of the things  
24 that also jumped out at me in the misuse is that, when I looked  
25 at it the first time, there were only two agencies that hadn't

1 reported. There was a local agency in Riverside, and then  
2 there was ICE Orange County. And maybe you can let me know  
3 if ICE Orange County has filed its misuse report since we  
4 got the data.

5 But, according to the CJIS bulletin, agencies that  
6 fail to report misuse annually will be subject to sanctions  
7 up to and including removal of CLETS. And so, if it is  
8 still the case that ICE Orange County has not produced the  
9 misuse report, then I do think that this committee needs to  
10 take some serious steps about, uh, you know, to apply the  
11 teeth that it has written into its own policies.

12 You know, California is not the only place in the  
13 country dealing with these issues. If you're following the  
14 news in Chicago, and I'm not sure you are, but there is  
15 been moves in Chicago for them to shut off access to  
16 Chicago's databases to ICE. The Mayor did confirm that this  
17 is the case, that ICE can no longer access any CPD -- CPD  
18 database. They are still concerned, however, that the FBI,  
19 which they did not cut off access to, the FBI might be pass  
20 through where the FBI is accessing the database and then  
21 passing things on to ICE.

22 So we also had a few recommendations, and one is  
23 that we feel like ICE Orange County is, you know, maybe  
24 doesn't deserve the trust of CLETS, and this committee  
25 should start looking out what it can do to address that. We

1 would recommend suspension, but obviously, the various  
2 sanctions that are available to you, uh, that's a decision  
3 for you to make.

4 But as people probably noted over last week, there  
5 have been a lot of talks about raids, deportation raids in  
6 California and other states. We expected those to happen on  
7 Sunday. The President has said that he is delaying it two  
8 weeks and that we can expect it to start over again.

9 What I would suggest is that the Department of  
10 Justice, that's the California Department of Justice,  
11 closely monitor CLETS over the next two weeks and beyond.  
12 And if you start seeing some strange things happening from  
13 the ICE subscribers, you know, searches that don't have the  
14 kinds of, uh, of, you know, supporting details that you'd  
15 expect or certain officers running it over and over again, I  
16 think that's cause for suspending access to CLETS.

17 You know, under SB 54, you can't deny ICE access to  
18 criminal history data. But as I read SB 54, you don't  
19 actually have to give them direct access to CLETS. You can  
20 actually ask ICE to contact the Department of Justice when  
21 it wants information, say this is what we want, here's why  
22 we want it, and then DOJ can give it to them.

23 I would also suggest that DOJ take a look at, you  
24 know, maybe do some spot checks, some audits of ICE agencies  
25 access over the last year considering what we saw come out

1 of San Diego and considering the ramp-up of immigration  
2 enforcement we're seeing from this administration.

3 So I'm here to take any other questions, but that  
4 basically covers what I wanted to address today.

5 MR. HOWLAND: Any questions?

6 UNID. MALE: I just want to say thank you for the  
7 compliments on behalf of the committee, because any time we,  
8 the cops can get the compliments, we'll take them. But I know  
9 there has been great progress made from that standpoint, so  
10 it's nice to have that recognized. And, again, thank DOJ's  
11 staff for all their hard work for that. Thank you for the  
12 presentation. Appreciate it.

13 MR. MAASS: You're welcome.

14 MR. HOWLAND: Next on the agenda, we'll move on to  
15 Upgrade Applications approved by DOJ. I'll point the  
16 committee to your folders where there's 19 CLETS Upgrade  
17 Applications. And, as a reminder, these applications will  
18 not be voted upon as they were approved by DOJ management  
19 but are being presented as information only.

20 And, for the record, can I ask the Secretary just to  
21 read the list of agencies' applications that have been  
22 approved.

23 MS. CRANSTON: Sure. The applications that have  
24 been approved since the last CLETS Advisory Committee  
25 meeting include the Butte County Sheriff's Office, the

1 California State University Dominguez Hills Police  
2 Department, Delano Police Department, Judicial Council of  
3 California, La Habra Police Department, Madera Police  
4 Department, Manteca Police Department, Marysville Police  
5 Department, Nevada County Sheriff's Office, Palm Springs  
6 Police Department, Paso Robles Police Department, Pinole  
7 Police Department, Redding Police Department, the San  
8 Joaquin County District Attorney's Office, San Luis Obispo  
9 County Sheriff's Office, Santa Ana Unified School District  
10 Police Department, University of California San Diego Police  
11 Department, the University of California San Francisco  
12 Police Department, and the Ventura Police Department.

13 MR. HOWLAND: Thank you for that. Next we'll move  
14 on to New Service Applications calendar, and I'll ask our  
15 secretary to present the information about this application,  
16 and then as a committee, we will have to vote on this.

17 MS. CRANSTON: We received one application for a  
18 new service to CLETS from the Merced County Human Service  
19 Agency's Special Investigations Unit. This agency is a  
20 Class 3 agency which means it's a law enforcement unit of a  
21 non-law enforcement agency. They qualify under California  
22 Penal Code 830.35(a) as well as 11105(b).

23 The primary function of this agency is to  
24 investigate suspected welfare fraud, and they do have six  
25 peace officers. Staff does recommend approval of this



1 application.

2 MR. HOWLAND: Any questions on the application from  
3 the committee?

4 (No audible response.)

5 MR. HOWLAND: Any public comment on this  
6 application?

7 (No audible response.)

8 MR. HOWLAND: Seeing no public comment, do I hear a  
9 motion?

10 MR. HILLMAN: Hillman, make a motion to accept the  
11 application.

12 MR. HOWLAND: We have a motion to accept the  
13 application. Do we have a second?

14 MR. PARK: Park, I'll second.

15 MR. HOWLAND: Park for the second. I'll ask the  
16 Secretary call roll.

17 MS. CRANSTON: Sheriff Honea?

18 MR. HONEA: I approve.

19 MS. CRANSTON: Marc Bonini?

20 MR. BONINI: Approve.

21 MS. CRANSTON: Scott Howland?

22 MR. HOWLAND: Yes.

23 MS. CRANSTON: Rick Hillman?

24 MR. HILLMAN: Yes.

25 MS. CRANSTON: Mike Carroll?

1 MR. CARROLL: Yes.

2 MS. CRANSTON: Tom Wilson?

3 MR. WILSON: Yes.

4 MS. CRANSTON: Greg Park?

5 MR. PARK: Yes.

6 MS. CRANSTON: And Joe Dominic?

7 MR. DOMINIC: Yes.

8 MS. CRANSTON: Motion passes.

9 MR. HOWLAND: Great. Thank you very much.

10 Next we'll move to client reports, and we'll have  
11 our Secretary go through our resident client reports.

12 MS. CRANSTON: The first agency for open session is  
13 Chula Vista Police Department. The 2017 FBI audit revealed  
14 the agency had nine compliance issues. And as of December  
15 3rd, this agency is compliant with all issues and is no  
16 longer required to report.

17 The next agency is Glendale Police Department, and  
18 they were found to be noncompliant with ten different issues  
19 from the 2017 FBI audit. As of November 29th, 2018, the  
20 agency is completely compliant in both open and closed  
21 sessions and will no longer be required to report.

22 The Long Beach Police Department. The 2017 FBI  
23 audit revealed the agency had seven compliance issues. As  
24 of May 31st of this year, the agency's compliant and will no  
25 longer be required to report.

1           Pasadena Police Department. Their 2017 FBI audit  
2 revealed they had 10 compliance issues. As of December  
3 12th, the agency is compliant with all outstanding issues  
4 and are no longer or will be no longer required to report.

5           The San Diego Harbor Police. Their 2017 FBI audit  
6 revealed they had 11 compliance issues. All open session  
7 issues have been resolved effective November 29th, 2018.

8           San Diego Unified School District Police  
9 Department. The 2017 FBI audit revealed the agency had  
10 eight compliance issues, all of which have been resolved as  
11 of April 3rd. They are compliant, and they will no longer  
12 be required to report.

13           Next we have San Diego County Sheriff's Office.  
14 Their 2017 FBI audit revealed the agency had 11 compliance  
15 issues of which there's only one remaining which is  
16 personnel security. The agency is requesting an extension  
17 to September 1st, 2019. They were unable to attend the  
18 meeting, but they did request and send a letter apologizing  
19 for their inability to be here.

20           MR. HOWLAND: And because this is an extension,  
21 this is an item that the committee is going to need to vote on,  
22 and I'll point that there's a letter in the packet from the  
23 Sheriff indicating that in order to achieve compliance,  
24 There are some contractual changes they're in the process of  
25 making. Want to open up for any discussion?

1           And they anticipated they're requesting an  
2 extension through September of '19. Do we have a motion?

3           MR. HONEA:     Sheriff Honea, I'll make the motion to  
4 approve extension.

5           MR. HOWLAND:   And do we have a second?

6           MR. HILLMAN:   Hillman, I'll second the motion.

7           MR. HOWLAND:   Hillman with the second.     I'll ask the  
8 Secretary to call the roll.

9           MS. YANG:       Ask for public comments.

10          MR. HOWLAND:   Oh, any public comments on this one?  
11 Thank you.

12          (No audible response.)

13          MR. HOWLAND:   Seeing no public comments, now I'll  
14 ask the Secretary to call the roll.

15          MS. CRANSTON:   Joe Dominic?

16          MR. DOMINIC:    Yes.

17          MS. CRANSTON:   Greg Park?

18          MR. PARK:       Yes.

19          MS. CRANSTON:   Tom Wilson?

20          MR. WILSON:     Yes.

21          MS. CRANSTON:   Mike Carroll?

22          MR. CARROLL:    Yes.

23          MS. CRANSTON:   Rick Hillman?

24          MR. HILLMAN:    Yes.

25          MS. CRANSTON:   Scott Howland?

1 MR. HOWLAND: Yes.

2 MS. CRANSTON: Mark Bonini?

3 MR. BONINI: Yes.

4 MS. CRANSTON: Cory Honea?

5 MR. HONEA: Yes.

6 MS. CRANSTON: We have a motion. The motion  
7 passes.

8 MR. HOWLAND: Motion passes, thank you.

9 MS. CRANSTON: San Diego Police Department. The  
10 2017 FBI audit revealed the agency had six compliance  
11 issues. All have been resolved except one issue for open  
12 session, which is system use notifications. The agency is  
13 on target for compliance by September 2019.

14 The next agency is the San Mateo County Sheriff's  
15 Office. Their 2017 FBI audit revealed the agency had 14  
16 compliance issues of which there are still five remaining  
17 open session issues which include the security addendums,  
18 personnel security, security awareness training, physical  
19 security, and event auditing. Compliance was expected by  
20 April 1st of this year; however, an extension is required,  
21 and we have Jennifer Prado from the San Mateo County  
22 Sheriff's Office here to request the extension.

23 MR. HOWLAND: Welcome.

24 MS. PRADO: So we expect to be compliant by July  
25 15th of next month, for all items for the security

1 addendums, personal security, security awareness training,  
2 and we will not need the fingerprints for Raging Wire or the  
3 contracts because BMI is going to get an electronic badge  
4 control blocks put on their cages, so Raging Wire houses  
5 their servers, and currently I think only a security guard  
6 has access in there, so they're going to eliminate that  
7 where only BMI employees have access. So and that will be  
8 done by July 15th.

9 UNID. MALE: So it sounds like when I'm looking at  
10 the letter, most items will be done by July 15th, and there  
11 was an event logging issue that according to the letter is  
12 anticipated by September; is that correct?

13 MS. PRADO: Uh, yeah. BMI has confirmed that they  
14 do review that log and there is a log. I think there was a  
15 question at the time when FBI did the audit where I did not  
16 have an answer. I did not know the answer for them, but  
17 they, BMI does do an audit.

18 UNID. MALE: Got it. So -- so you are compliant  
19 there.

20 MS. PRADO: Yeah, they are compliant.

21 UNID. MALE: And you're requesting an extension to  
22 July 15th to finish the other items.

23 MS. PRADO: For the batch control.

24 UNID. MALE: Okay.

25 MR. HOWLAND: Any questions or discussions from the

1 committee?

2 (No audible response.)

3 MR. HOWLAND: And with that, I will open it up for  
4 any public comments.

5 (No audible response.)

6 MR. HOWLAND: And with that, do I hear a motion?

7 MR. BONINI: Mark will make a motion to extend to  
8 July 15th, 2019.

9 MR. CARROLL: Mike Carroll, I'll second.

10 MR. HOWLAND: We have a motion and a second. I'll  
11 ask the Secretary to call the roll.

12 MS. CRANSTON: Cory Honea?

13 MR. HONEA: Yes.

14 MS. CRANSTON: Mark Bonini?

15 MR. BONINI: Yes.

16 MS. CRANSTON: Scott Howland?

17 MR. BONINI: Yes.

18 MS. CRANSTON: Rick Hillman?

19 MR. HILLMAN: Yes.

20 MS. CRANSTON: Mike Carroll?

21 MR. CARROLL: Yes.

22 MS. CRANSTON: Tom Wilson?

23 MR. WILSON: Yes.

24 MS. CRANSTON: Greg Park?

25 MR. PARK: Yes.

1 MS. CRANSTON: And Joe Dominic?

2 MR. DOMINIC: Yes.

3 MS. CRANSTON: Motion passes.

4 MR. HOWLAND: Congratulations, the extension has been  
5 granted.

6 MS. PRADO: Thank you.

7 MR. HOWLAND: At this point, we are going to move  
8 to closed session, and I will ask our Secretary to present  
9 the information.

10 MS. CRANSTON: Thank you. Pursuant to Government  
11 Code Section 11126(c)(18)(a), a closed session is being  
12 conducted in order to review detailed client reports  
13 regarding specific matters that pose a threat or potential  
14 threat of criminal activity against CLETS and/or CLETS data  
15 transmitted between the DOJ and specific client law  
16 enforcement agencies.

17 MR. HOWLAND: I'll ask the Secretary to do a roll  
18 call.

19 MS. CRANSTON: Cory Honea?

20 MR. HONEA: Here.

21 MS. CRANSTON: Mark Bonini?

22 MR. BONINI: Here.

23 MS. CRANSTON: Scott Howland?

24 MR. HOWLAND: Yes.

25 MS. CRANSTON: Rick Hillman.



1 MR. HILLMAN: Here.

2 MS. CRANSTON: Mark Pazin? I'm sorry, he's not  
3 here.

4 Mike Carroll?

5 MR. CARROLL: Here.

6 MS. CRANSTON: Tom Wilson?

7 MR. WILSON: Here.

8 MS. CRANSTON: Greg Park?

9 MR. PARK: Here.

10 MR. CRANSTON: And Joe Domnic?

11 MR. DOMINIC: Here.

12 MR. HOWLAND: That gives us our two-third  
13 consensus, so we will all adjourn to closed session.

14 (CLOSED SESSION HELD.)

15 MR. HOWLAND: From closed session, would like to call  
16 the meeting back to order and ask our Executive Secretary to  
17 provide an update from closed session.

18 MS. CRANSTON: A closed session was held pursuant to  
19 Government Code Section 11126(c)(18)(a), the committee  
20 received special or status reports regarding specific matters  
21 that posed a threat or potential threat of criminal activity  
22 against CLETS and/or CLETS data transmitted between the DOJ  
23 and specific client law enforcement agencies. Where the  
24 disclosure of these considerations could compromise the  
25 security of CLETS or the transmitted CLETS data. The CLETS

1 Advisory Committee evaluated the status of compliance efforts  
2 and directed dates by which items need to be resolved.

3 MR. HOWLAND: Thank you very much.

4 At this point, we'd like to move on to the part of our agenda  
5 where we have member reports, and that gives the opportunity  
6 for the members of the committee to give any applicable updates  
7 regarding their organization or the association which they  
8 represent.

9 Let's see. I don't want to start with the first time-

10 UNID. MALE: I'm good if you're good. I can start.

11 MR. HOWLAND: All right. We'll start down there.

12 UNID. MALE: Okay. Thank you. I actually only  
13 have one thing to bring up. Uh, committee member Park  
14 brought up at the last meeting, which I was not in attendance,  
15 the usage of digital license plates and what's happening  
16 with the pilot project with the department. And so I just  
17 obtained an update so that we could put it out here today just  
18 to make sure there's some clarity in what's going on.

19 Right now we are not approving digital license  
20 plates. We are just doing a simple pilot of a project to  
21 determine if development is warranted or not, and if there will  
22 be successes. And my understanding from a conference call  
23 yesterday is that that pilot is getting ready to have a  
24 review and assessment of what they found, but at this time,  
25 we will not be proceeding with digital license plates until  
26 there's some more improvements and enhancements.

1           At the same time, we brought up the fact that law  
2 enforcement needs to sit at the table to discuss the issues  
3 related to reporting as stolen, because what came up with, Mr.  
4 Park, is that if someone had their vehicle stolen and had a  
5 digital license plate, they could go and report it stolen to  
6 local agencies, but then they had to call the vendor who  
7 sells the license plates, and they can hit a button from  
8 their facility that then would say this vehicle is stolen  
9 on the license plate. Which is a great concept except for  
10 there's too many steps and layers that need to happen for  
11 that to occur.

12           So we are making recommendations that the hot wash  
13 that they have during the breakdown, that  
14 we're looking at those as potentials that law enforcement's  
15 entry into SVS would somehow automatically trigger that  
16 vehicle to be identified as stolen.

17           So at this time, they will not be proceeding with,  
18 uh, authorizing anything further than what's out there in  
19 the pilot, which is a very minimal amount of license plates  
20 at this time. But we'll have more in future meetings to  
21 discuss, and that's all I have.

22           MR. HOWLAND: Great, thank you for that update.

23           MR. PARK: And I too thank you for that update;  
24 very, very informative and good to hear how that project's  
25 Moving on. Greg Park extending kudos and thanks to the  
26 Department of Justice for the work that they're doing in the

1 master offense code table.

2 For the last year, Joe Dominic's team under Marc  
3 St. Pierre have been working to develop a uniform gold  
4 standard offense code table for use in California and all the  
5 justice partners. That work has been moving forward  
6 phenomenally, and believe we're almost finished with the  
7 Penal Code if I understand it correctly. So good work.  
8 Thank you for that support.

9 MR. HOWLAND: Great. Thank you for that update.

10 MR. CARROLL: Mike Carroll, nothing.

11 MR. DOMINIC: Nothing for me.

12 MR. HILLMAN: Nothing other than to say, uh, I'm  
13 happy to be here representing the California Police Chiefs  
14 Association. Thank you.

15 UNID. MALE: Nothing for me. Thank you.

16 UNID. MALE: I have nothing.

17 MR. HOWLAND: All right. Thank you very much.  
18 Nothing from the chair.

19 Next is our CAC discussion and open forum as well  
20 as public comment. And I'll start with any additional items  
21 the committee would like to discuss?

22 (No audible response.)

23 MR. HOWLAND: Seeing none from the committee, um,  
24 I'd like to open it up at this point for public comment.  
25 Any members of the public who would like to make a comment?

1 (No audible response.)

2 MR. HOWLAND: Very quiet group today.

3 And with that, we're going to move towards adjournment.

4 Our next meeting will be scheduled for November or December of  
5 2019, and we'll provide appropriate public notice for that.

6 And with that, I would like to adjourn our meeting and  
7 thank you, everyone, for attending today. Have a great afternoon.

8 (Meeting adjourned.)

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CERTIFICATION AND  
DECLARATION OF TRANSCRIBER

--o0o--

I, MARY ELLEN EDD, CSR, and a duly designated transcriber, do hereby declare and certify under penalty of perjury that I have transcribed recording(s) which total one in number and cover a total of pages numbered 1 through 54 and which recording was duly recorded at Folsom, California, on the 26th day of June, 2019, and that the foregoing pages constitute a true, complete, and accurate transcription of the aforementioned recording(s) to the best of my ability within the limits of the quality of the recording(s).

I hereby declare that I am a disinterested person in the above-captioned matter and have no interest in the outcome of this proceeding.

Dated this 30th day of June, 2019, at Sacramento, California.

/s/ Mary Ellen Edd

MARY ELLEN EDD, CSR NO. 9755