CALIFORNIA DEPARTMENT OF JUSTICE

CALIFORNIA LAW ENFORCEMENT

TELECOMMUNICATIONS SYSTEM (CLETS)

ADVISORY COMMITTEE (CAC) MEETING

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EXCERPT OF TRANSCRIPT FROM TAPED PROCEEDINGS

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WEDNESDAY, DECEMBER 14, 2016

Folsom City Council Chambers
50 Natoma Street
Folsom, California

TRANSCRIBED BY: Jo Anne Pyne

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P R O C E E D I N G S

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VICE-CHAIR MELE: Good afternoon, my name is Jim Mele, I'm the vice-chair of the CLETS Advisory Committee. We will go ahead and call this meeting to order. May we have a roll call.

MR. DANN: For the California State Sheriff's Association Vice-Chair Tuolumne County, Sheriff James Mele.

VICE-CHAIR MELE: Present.

MR. DANN: From the California Peace Officers Association, Newark Police Department, Commander Mike Carroll.

COMMANDER CARROLL: Present.

MR. DANN: For the California Department of Justice, CJIS, Director Joe Dominic.

DIRECTOR DOMINIC: Present.

MR. DANN: For the League of California Cities, Folsom City Manager, Evert Palmer.

CITY MANAGER PALMER: Present.

MR. DANN: For the California Police Chief Association, Folsom Police Department Chief, Cynthia Renaud.

CHIEF RENAUD: Here.

MR. DANN: For the California Highway

Patrol Chief Information Officer, Chief Scott Howland.

CHIEF HOWLAND: Here.

MR. DANN: For the Office of Emergency Services, Chief Mark Pazin.

For the California State Association of County of Sacramento, Chief Probation Officer, Lee Seale.

CHIEF SEALE: Present.

MR. DANN: For the California Peace Officers Association, Assistant Chief Marc Shaw.

ASST. CHIEF SHAW: Here.

MR. DANN: For the Department of Motor Vehicles, Chief Frank Alvarez.

CHIEF ALVAREZ: Here.

MR. DANN: Vice-Chair Mele, we have a quorum.

VICE-CHAIR MELE: Thank you. We'll do some housekeeping. The restrooms are out and to the right. I'm going to ask the members of the panel or the committee to please use your microphone and turn them on. And also if you could please identify yourself before speaking.

Also for the -- please, if you wouldn't mind, muting or turning your phones off during this meeting.

At this time we would like to have audience introductions. It's not required, but if you would please introduce yourself. Start over here.

MR. KENNEDY: Steve Kennedy, CLETS Administration Section.

MS. ZUFFELATO: Julie -- Julia Zuffelato from the Attorney General's Office.

MS. CRANSTON: Maria Cranston, CLETS Administration Section.

MR. IBBOTSON: Todd Ibbotson, Department of Justice.

MR. SCHROEDER: Kirk Schroeder, Department of Justice.

MR. PARK: Brett Park, City of Livermore Police Department.

MR. BOLEN: Jeff Bolen, Microsoft.

MR. CHOYER: Rick Choyer with Microsoft.

MS. LIGHTENER: Michelle Lightener, Microsoft.

MR. WINCO: Eric Winco with [Inaudible] Police Department.

MR. HILLS: Jarret Hills, Microsoft.

MR. McKEE: Stuart McKee, [inaudible] Microsoft Section.

MR. KREM: Dan Krem, Microsoft.

MR. MANCHADE: Alfredo Manchade, Sacramento County Sheriff.

MR. GRANDURE: Bob Grandure with Peak Performance.

VICE-CHAIR MELE: Thank you all. At this time, we will have the Executive Secretary's report.

MR. DANN: Okay. The first item we have on the list is a report on actions from previous meetings. I do want to call you to the attention of the Electronic Frontier Foundation's letter that is in your packets where there was a mention about how action items from the agenda are not being more specific to allow someone to be able to tell. I will say in the future agendas we will address that and get some information.

For this particular action item, the action item we did have was from Chief Howland. It was to do a comparison of several years of CLETS misuse data. Unfortunately, some of the previous years' data isn't as readily available, so presenting that information would not do us any good. So what I've committed to is at the next meeting, I know the 2015 data that we have that is solid, and I also know that the 2016 data that we have currently will be

solid. So at the next meeting I'll do a comparison to the two. Presenting it in the capacity you had requested wouldn't be presentable. So a lot of that is due to a lot of PRA requests, the CAS Unit became more involved in the tracking of that data and now it is tracked by each transaction. So I apologize for that, but we will work to rectify that moving forward.

That being said, according to the [inaudible] CLETS Statistics so far year-to-date, as you can see, the inbound transactions there's 915 million, a monthly average of 83 million and a daily average of 2.7 million inquiries.

What I can report on is the year-to-date CLETS Potential Misuse Statistics. These are general searches that an agency has asked to be [inaudible] to the system. There is another set of CLETS Misuse Statistics that are reported annually in February for the previous year, that's why at the next meeting I'll be able to report on all agencies that report that information. This is specific to where DOJ ran a general search and year-to-date we've done 41. Twenty-nine of those ended up being no CLETS misuse at all, three of them are pending. We will be in contact with those agencies to ensure that they report on those. We find out, as you know, an investigation sometimes takes

some time.

The misuse found, there was nine of them that was founded and you can see the actions that they took below. In this particular case, the nine equals the nine that I believe I said at the last meeting. Sometimes administrators -- administrative actions can add up to more than what the misuse was founding. They might take several actions on an employee where they reprimand them, suspend them and terminate them. So I'd like -- as I said, I will commit at the next meeting to show the 2015-2016 data.

And that's all I have. Is there any questions? Thank you.

VICE-CHAIR MELE: Thank you.

Just for -- for the record, from the Office of Emergency Services, Chief Mark Pazin is also here. Welcome, Chief, thank you for being here.

CHIEF PAZIN: Apologize for being late. Traffic was -- miscalculated on my part.

VICE-CHAIR MELE: No problem. Thank you.

Item 6 will be an update on the applications which have been approved by the Department of Justice. These applications will not be going down as they have already been approved by the Department of

Justice management, but are being presented as information to you today.

The California Department of Forestry and Fire Protection, Arson Investigation; Ceres Police Department; Emeryville Police Department; Glendora Police Department; La Verne Police Department; Nevada County Sheriff's Office; San Francisco County Probation Department; Shasta County Marshal's Office; Sutter County Sheriff's Office; Taft Police Department; University of California Riverside Police Department.

Item 7, New Service Application -- Applications calendar.

I will turn this item over to Maria.

MS. CRANSTON: Good afternoon, Committee Members. We only have one new service application on the agenda today and that is for the U. S. Federal Housing Finance Agency, Office of the Inspector General out of L. A. They qualify under the Inspector General Act of 1978 as amended by the Housing and Economic Recovery Act of 2008 as well as California Penal Code 830.8. There are a total of seven sworn officers and they are requesting inquiry access using a single device. They're not connected to any systems to store data. And staff recommends approval.

VICE-CHAIR MELE: Okay, thank you. Is

there any discussion on this item?

CHIEF HOWLAND: I -- I have a question. Scott Howland with the CHP. Another public concern on this one and you indicated there are seven officers using a single device. Is there any more details on what the responsibilities of those officers are?

MS. CRANSTON: Yes. Not so much specifically on the officers, but the agency itself their primary function is to conduct criminal, civil and administrative investigations for general fraud, waste, and abuse of Federal Housing Finance Agency and its programs and regulated entities.

As far as the databases they want access to, they're only requesting inquiry access to the Automated Firearm System, Wanted Person System, criminal history, and DMV, and only for investigations for such as who are under investigation.

CHIEF HOWLAND: Thank you.

VICE-CHAIR MELE: Any other discussion? Okay, thank you. Any public comment on this item? Seeing none, we'll go ahead and move for a vote.

MR. DANN: Sheriff Mele.

VICE-CHAIR MELE: Yes.

MR. DANN: Mike Carroll.

COMMANDER CARROLL: Yes.

MR. DANN: Joe Dominic.

DIRECTOR DOMINIC: Yes.

MR. DANN: Evert Palmer.

CITY MANAGER PALMER: Yes.

MR. DANN: Cynthia Renaud.

CHIEF RENAUD: Yes.

MR. DANN: Scott Howland.

CHIEF HOWLAND: Yes.

MR. DANN: Mark Pazin.

CHIEF PAZIN: Yes.

MR. DANN: Lee Seale.

CHIEF SEALE: Yes.

MR. DANN: Marc Shaw.

ASST. CHIEF SHAW: Yes.

MR. DANN: Frank Alvarez.

CHIEF ALVAREZ: Yes.

MR. DANN: That's a unanimous vote.

VICE-CHAIR MELE: Thank you.

Item #8, Upgrade CLETS Application - New Technology. And I'll turn this item over to Maria Cranston, again.

MS. CRANSTON: Okay. Again, we have one application on the upgrade application using new technology, which is for Chula Vista Police Department. They are requesting to use cloud technology and

implementing Microsoft Azure Government Cloud Technology and Microsoft 365. They want to use it for disaster recovery services and data storage.

This will be our first cloud technology application and what the department has done, because this is a new technology, we've created a matrix identifying all of the requirements that the FBI established in the CJIS Security policy. There's over 300 requirements. So we've identified and laid out who's responsible for each of the responsibilities. Is it the vendor's responsibility, the client's responsibility, or a shared responsibility? So Chula Vista submitted all the detailed information, as well as working with Microsoft and DOJ staff have reviewed that matrix to ensure everything is being met according to CJIS security policies.

Staff does recommend approval for this application.

VICE-CHAIR MELE: Thank you. Discussion from the Committee? Okay. Public comment. Okay.

Before we go for the roll call, I just want to say this is exciting in the sense that this is a new technology with the cloud. So, obviously, lots of eyes are going to be watching this, so we will make sure that everything is done in accordance with how

it's been set out.

CHIEF HOWLAND: Sheriff.

VICE-CHAIR MELE: Yes?

CHIEF HOWLAND: Yes, one question. Scott Howland, CHP. Those 300 requirements, how do they split between Microsoft, the organization, and shared as far as the number? Do you know offhand?

MS. CRANSTON: Not offhand. I mean, there's a lot of different responsibilities and some of them are shared.

VICE-CHAIR MELE: Well, would it be appropriate, I mean, we have a contingency from Microsoft with us. Would it be appropriate for them, for somebody if they felt comfortable enough to maybe answer that question? I mean.

MR. PATTERSON: Dan Patterson, [Inaudible] from Microsoft, for the record. I don't have the exact -- should I use the microphone?

VICE-CHAIR MELE: No. Scott.

CHIEF HOWLAND: No, what [inaudible]?

VICE-CHAIR MELE: No, red means go.

CHIEF HOWLAND: That means -- I forgot. Since we have the ISO here I just wanted to see if he would comment on that.

VICE-CHAIR MELE: Thank you.

CHIEF HOWLAND: And then afterwards [inaudible], I guess.

MR. IBBOTSON: Good afternoon, I'm Todd Ibbotson, I'm the Information Security Officer with the Department of Justice, and I work with Microsoft along with my team and the CAS Unit to -- to work on this matrix.

The answer's kind of difficult to say because we look at every solution that they're proposing. And this is not just Microsoft; this is other cloud vendors. So depending on what the offering is that they're doing, there may be a shift of responsibility between the cloud provider, the agency requesting this -- this resource, and what's shared. So it -- it's hard to say. We -- we could say, like, for example, Azure Services Storage would be completely different matrix of responsibilities than, let's say, Office 365 with Exchange. But we have this matrix. I've got how many lines are on it that kind of group it by control than the CJIS security policy and -- and that is available, right? --

UNIDENTIFIED FEMALE: Yes.

MR. IBBOTSON: -- today for review.

It's a -- it's a starting point, the guideline. Really comes down to when that agency says

this is the exact version, this is what we ordered, then those responsibilities may shift back and forth and we review that every -- case-by-case.

VICE-CHAIR MELE: Okay.

CHIEF HOWLAND: [Inaudible]. So, Todd, each application that agency sends to us to review we base a [inaudible] on that service need.

MR. IBBOTSON: That is correct. We do have agreements in place with Microsoft and Amazon AWS to help alleviate some of these [inaudible] controls like tracking fingerprints of Cloud providers. But, yes, it's -- it's all based on the individual solution that agency is requesting.

CHIEF HOWLAND: Thank you. Great.

VICE-CHAIR MELE: Thank you.

MR. IBBOTSON: All right, thank you.

UNIDENTIFIED MALE: Thanks, Todd.

VICE-CHAIR MELE: Any other -- anymore discussion on that I should say. Okay. Let's go ahead and we'll initiate a -- a roll call vote.

MR. DANN: Sheriff Mele.

VICE-CHAIR MELE: Yes.

MR. DANN: Mike Carroll.

COMMANDER CARROLL: Yes.

MR. DANN: Joe Dominic.

DIRECTOR DOMINIC: Yes.

MR. DANN: Evert Palmer.

CITY MANAGER PALMER: Yes.

MR. DANN: Cynthia Renaud.

CHIEF RENAUD: Yes.

MR. DANN: Scott Howland.

CHIEF HOWLAND: Yes.

MR. DANN: Mark Pazin.

CHIEF PAZIN: Yes.

MR. DANN: Lee Seale.

CHIEF SEALE: Yes.

MR. DANN: Marc Shaw.

ASST. CHIEF SHAW: Yes.

MR. DANN: Frank Alvarez.

CHIEF ALVAREZ: Yes.

MR. DANN: We have a unanimous vote.

VICE-CHAIR MELE: Okay. Item #9. We will be moving into Closed Session after our vote. We need a two-thirds consensus for this. This is in -- allowed under Government Code Section 11126(c)(18) and (c)(18), Review of the -- of the detailed Client Reports.

MR. DANN: Sheriff Mele.

VICE-CHAIR MELE: Yes.

MR. DANN: Mike Carroll.

COMMANDER CARROLL: Yes.

MR. DANN: Joe Dominic.

DIRECTOR DOMINIC: Yes.

MR. DANN: Evert Palmer.

CITY MANAGER PALMER: Yes.

MS. ZUFFELATO: Excuse me.

MR. DANN: Cynthia Renaud.

MS. ZUFFELATO: Excuse me.

MR. DANN: Oh?

MS. ZUFFELATO: Before the vote, can we have public -- any request for public comment on this item -- even though it's Closed Session, it's still a requirement.

VICE-CHAIR MELE: Yes, Ma'am, I apologize.

MS. ZUFFELATO: Thank you.

VICE-CHAIR MELE: Would anybody like to --

UNIDENTIFIED MALE: What?

VICE-CHAIR MELE: You flustered me. That doesn't happen too often.

We'll take it up for public comment. Okay. So now seeing none, do we have discussion by the Board or the chair or does -- the Committee, or can we just move into the --

MS. ZUFFELATO: No, you can go ahead.

VICE-CHAIR MELE: Okay, thank you.

MR. DANN: Scott Howland.

CHIEF HOWLAND: Yes.

MR. DANN: Mark Pazin.

CHIEF PAZIN: Yes.

MR. DANN: Lee Seale.

CHIEF SEALE: Yes.

MR. DANN: Marc Shaw.

ASST. CHIEF SHAW: Yes.

MR. DANN: Frank Alvarez.

CHIEF ALVAREZ: Yes.

MR. DANN: We have more than the two-thirds consensus.

VICE-CHAIR MELE: We will now adjourn to the Closed Session.

MR. DANN: Steve, can you get the audio, please? Thank you.

[Closed Session]

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VICE-CHAIR MELE: Okay, we're back from our Closed Session and I will turn it over to Keith Dann for the report on that.

MR. DANN: A Closed Session was held pursuant to Government Code Section 11126(c) 18(a).

The CAC received Status Reports regarding specific matters that pose a threat or potential threat of criminal activity against CLETS and/or CLETS data transmitted between the DOJ and specific client law enforcement agencies whether disclosure of these considerations could compromise the security of CLETS, whether transmitting CLETS data. The CAC evaluated the status of compliance efforts and directed dates by which items need to be resolved.

VICE-CHAIR MELE: Thank you.

Item 10, the -- the CAC Chair Vacancy. We will initiate a discussion of the election of the new chair at this time. So I will open it up to the committee.

UNIDENTIFIED MALE: I'd like to nominate Sheriff Mele [inaudible] CAC.

CHIEF PAZIN: I'll second that. Mark Pazin.

VICE-CHAIR MELE: You were late, so you can't --

CHIEF PAZIN: [Inaudible].

VICE-CHAIR MELE: That's okay. Okay, so we have a -- we have a motion and a second.

CHIEF PAZIN: Make a nomination to close nominations.

MR. DANN: I'll need to do a roll -- roll call vote for this.

MS. ZUFFELATO: And a public comment.

VICE-CHAIR MELE: Yes, we'd really like a public comment.

UNIDENTIFIED MALE: Yes.

VICE-CHAIR MELE: We -- we will open it up for a public comment. Okay. Now we'll move forward.

MR. DANN: Okay. To make Sheriff Mele the CAC Chair. Mike Carroll.

COMMANDER CARROLL: Yes.

MR. DANN: Joe Dominic.

DIRECTOR DOMINIC: Yes.

MR. DANN: Evert Palmer.

CITY MANAGER PALMER: Yes.

MR. DANN: Cynthia Renaud.

CHIEF RENAUD: Yes.

MR. DANN: Scott Howland.

CHIEF HOWLAND: Yes.

MR. DANN: Mark Pazin.

CHIEF PAZIN: Absolutely.

MR. DANN: Lee Seale.

CHIEF SEALE: Yes.

MR. DANN: Marc Shaw.

ASST. CHIEF SHAW: Yes.

MR. DANN: Frank Alvarez.

CHIEF ALVAREZ: Yes.

MR. DANN: And, Julia, do I need to ask Sheriff Mele also?

MS. ZUFFELATO: Yes.

MR. DANN: Sheriff Mele.

VICE-CHAIR MELE: I will abstain.

MR. DANN: Duly noted. We have an almost unanimous vote. Congratulations, Sir.

VICE-CHAIR MELE: Well, thank -- thank you very much. Thank you, Members. I, first of all, appreciate your -- your confidence and, hopefully, I don't fail on this. But thank you.

At this time, we need to take -- have a --

DIRECTOR DOMINIC: Is there public comment?

VICE-CHAIR MELE: You need public comment on that also?

DIRECTOR DOMINIC: You need that before we move on from that, the public comment?

MS. ZUFFELATO: Well, I -- I don't know. Are you reading it into Item 11?

VICE-CHAIR MELE: No, we -- we have one

vote. We're going to do that for vice-chair?

MS. ZUFFELATO: Vice-chair. Yes, public comment before the vice-chair [inaudible].

VICE-CHAIR MELE: Okay, so we're going to open it up on public comment on the vice-chair? Okay. Okay. Seeing none, we will then now move forward on discussion of the vice-chair.

UNIDENTIFIED MALE: Mr. Chair, I nominate Lee Seale as vice-chair.

CITY MANAGER PALMER: I'll second that, Evert Palmer, League of California Cities.

UNIDENTIFIED MALE: That was -- that was quick. I mean, I was going to -- I was going to nominate you, but that's great.

CHIEF SEALE: I might not make it yet.

MR. DANN: Julia, this does not need a roll call. The -- the Chair can pick who the vice-chair is.

VICE-CHAIR MELE: So, everybody --

CHIEF SEALE: Thank you. I'm willing to accept this gracious honor.

VICE-CHAIR MELE: Oh, thank you so much.

CHIEF SEALE: Thank you.

VICE-CHAIR MELE: Okay. Do we need any more public comment on -- comment on that? That's the

one thing I can do without public comment?

UNIDENTIFIED MALE: Outstanding.

VICE-CHAIR MELE: Okay. At this time, we'll go ahead and we'll talk -- we'll have Members' Report. Ask the members individually if they have anything. We'll start down here with Chief Pazin. Can you please start us off on -- on a report, Mr. -- Chief?

CHIEF PAZIN: Nothing to report, Mr. Chair -- Sheriff, Sir.

UNIDENTIFIED MALE: Nothing to report.

CHIEF RENAUD: Nothing to report.

UNIDENTIFIED MALE: Nothing to report.

UNIDENTIFIED MALE: Nothing to report.

DIRECTOR DOMINIC: Nothing to report.

UNIDENTIFIED MALE: Nothing to report.

UNIDENTIFIED MALE: Nothing to report.

VICE-CHAIR MELE: I have nothing to report.

Okay. The other thing that I would like to point out is that, obviously, this is a -- a law enforcement type committee. The last several months in the law enforcement family has been very difficult, especially here in California, so I do want to thank the men and women each day that have that -- do the

service of protecting the streets, our neighborhoods. And I want to thank this committee, most of you that have those men and women that are doing that each day. It was a very, as I said, as we all know, very tough time from the month of October through November. So thank you for what you do, thank you for what your people do. And as we go back home let us remember those that have fallen, let us remember those men and women that are serving us in our communities at this time. So, thank you.

At this time we'll open up for public comment. Discussion, open public forum or forum -- or public comment.

MR. McKEE: Mr. Chairman, Members of the Committee, I'm Stuart McKee from Microsoft. And I feel badly. You've opened for public comment and nobody's come to the microphone, so I thought I needed to do that.

In all seriousness, I want to just take an opportunity. I know there was some stuff on the agenda today and innovations that we've been talking about and -- and give a thank you to this Committee, as well as the staff and the leadership of California. I know a number of staff have worked very hard over a long period of time. And it's easy to lose perspective

that, you know, that -- that CLETS and this Board was created in the sixties with sixties legislation and it's been a lot of years of continued service. And in the age of accelerating innovation, the way Tom Friedman describes it, it's a -- it's -- it's hard to sometimes realize how important the information we're protecting.

If I could really quickly just give you a little snapshot of what's happened since 2013 since I've been showing up and engaging in these conversations. We -- we currently have hundreds of thousands of users across the state and hundreds of agencies that are doing things everywhere from e-mail in-boxes to body camera video, from authentication user name and password to -- to disaster type recoveries scenarios. At Microsoft it's a privilege for us to -- to acknowledge that we now have hundreds of employees that have been fingerprinted and background checked in the State of California, as well as 25 other states across the country. In fact, four of them are here today; Rochelle, Rick, Cameron and I are four of those employees even though we're not in the data center, we kind of drug Microsoft to the party and said we'll go first.

But just let me conclude by saying,

again, I really appreciate California's leadership and get a chance to operate and interact with law enforcement across the country and at the federal level. And it is truly a privilege for Microsoft to be a partner and help deliver innovations and technology that law enforcement can trust to deliver on the law enforcement missions.

So that's what I wanted to say.

VICE-CHAIR MELE: Thank you.

MR. McKEE: Thank you.

VICE-CHAIR MELE: Is there any other public comment? Okay. Thank you all for being here. Our next Advisory Committee CLETS -- Advisory Committee meeting will be --

MR. DANN: One other -- one last thing. Just want to make sure that everyone knows that we'll take the Electronic Frontier Foundations letter that's every -- in everyone's packet and we'll add it to the record.

VICE-CHAIR MELE: Okay, thank you. We will now adjourn this meeting for December. And we will -- our next meeting will be in June of 2017. Thank you.

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[Whereupon the meeting was adjourned.

Next meeting scheduled for June 2017.]

CERTIFICATION AND

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Dated this **2nd day of March 2017** at Sacramento, California.

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J. D. Pyne, Transcriber

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