

California Law Enforcement Telecommunications System (CLETS)
Advisory Committee (CAC)
Meeting Minutes (Unapproved)

October 5, 2011
Folsom Police Department

Present: Vice Chair: Sam Spiegel (California Peace Officers' Association)
Members: Reggie Chappelle (California Highway Patrol), Gary Grootveld (Department of General Services), Marc Shaw (California Peace Officers' Association), Lisa Solomon (California Police Chiefs Association), Larry Spikes (California State Association of Counties), Steve Westerman (Department of Motor Vehicles)

Absent: Scott Marshall (California State Sheriffs' Association), Fran Delach (League of California Cities)

Vacant: Department of Justice

CALL TO ORDER – Vice Chair Sam Spiegel called the meeting to order at 10:03 a.m.

ROLL CALL – CLETS Executive Secretary Valerie Fercho-Tillery called roll. A quorum was present.

APPROVAL OF APRIL 28, 2011, MINUTES – A motion was made to approve the minutes.

Motion:	Lisa Solomon
Second:	Gary Grootveld
Vote:	Approved – Sam Spiegel, Lisa Solomon, Steve Westerman, Gary Grootveld
Abstain:	Reggie Chappelle, Larry Spikes, Marc Shaw

VICE CHAIR'S REPORT (Sam Spiegel) – California Highway Patrol (CHP) Captain Marc Shaw was introduced as a new member of the CAC representing the California Peace Officers' Association. Sam Spiegel read Captain Shaw's biography and presented him with a certificate. Michelle M. Mitchell was introduced as the new CLETS legal counsel.

EXECUTIVE SECRETARY'S REPORT (Valerie Fercho-Tillery)

a. **Action items from the April 28, 2011, CAC meeting**

1. The CAC to send a letter of support to Senator Wright on Senate Bill (SB) 315. *Result: A letter of support was sent May 4, 2011.*

2. The CAC to send a letter to the Los Angeles County Sheriff's Department (LASD) reminding the agency of the requirement to appear in person when requesting an extension. *Result: A letter was sent to the LASD on May 23, 2011. A response was received without the requested information on August 16, 2011. A follow-up letter was sent to the LASD on August 29, 2011. LASD responded on September 19, 2011 with the requested information.*
3. Scott Marshall to contact the Contra Costa County Sheriff to reinforce the requirement the agency send a representative to the next CAC meeting, if not compliant. *Result: The Contra Costa County Sheriff became compliant in early June 2011.*

b. CLETS System Misuse Statistics

Possible cases of CLETS misuse worked by the Department of Justice (DOJ) from April 1, 2011, through September 30, 2011:

Of the 63 cases reported:

- 33 cases are pending
- 30 cases were closed
- 1 case of misuse was verified

Source of misuse complaints

- 43 Law enforcement
- 6 Federal
- 3 Private citizen
- 7 Criminal justice
- 4 DOJ

c. CLETS Traffic Statistics (April 2011 through June 2011)

	<u>Inbound</u>	<u>Outbound</u>
▪ Total messages	223,758,958	224,890,229
▪ Monthly average	74,586,326	74,963,409
▪ Peak day	2,868,727	2,887,188
▪ Peak hour	195,109	196,561

CLETS Traffic Statistics (July 2011 through September 2011)

	<u>Inbound</u>	<u>Outbound</u>
▪ Total messages	225,498,537	226,920,586
▪ Monthly average	75,166,179	75,640,195
▪ Peak day	2,790,204	2,992,197
▪ Peak hour	200,218	266,720

d. Legislative Report

1. Assembly Bill 13 – This bill would add charter schools to the existing law that authorizes a school district or county office of education to request that a local law enforcement agency conduct an automated criminal history records check of a prospective nonteaching volunteer aide. *This bill failed to pass the Senate Education Committee.*
2. Senate Bill 315 – This bill mandates that a prescription be required for any over-the-counter medication containing an ephedrine-based drug. The CAC sent a letter of support to Senator Wright. *This bill is parked in the health committee and will be taken up next session. A hearing is scheduled January 11, 2012.*

3. Assembly Bill 109 – Lisa Solomon brought up for discussion Assembly Bill 109 and the many changes occurring in how information is shared with local law enforcement agencies for the post-community supervision releases that will happen through the local agencies instead of through paroles. Paroles is planning on uploading information into DOJ’s Supervised Release File (SRF), but local probation departments need to update that information so that law enforcement agencies can have continuity on information sharing on these individuals after they have left the state’s hands. There are conversations among other committees, including the statewide data sharing task force and another committee that is discussing exactly how data sharing will occur at the state level, between the DOJ and other partners in the state.

Bureau of Criminal Information and Analysis Chief Julie Basco spoke about the DOJ’s realignment, saying the tight time frame made enhancement impossible. Thus, the DOJ looked at its existing databases to determine which types of existing message keys and data methods could be utilized for this new group, with an emphasis on the SRF. The DOJ provided information to law enforcement, the courts and probation with guidelines on how to use the existing message keys to capture the post-community supervision release population, as well as the community supervision population. Though not ideal, that was all possible with existing message keys. Presently, there is no indicator for this new group, but the DOJ is working on a message key enhancement that ideally will be launched in December, allowing an individual’s status to be much more prominent in the reply that is returned. The DOJ also looked at its criminal offense table, which guides the Live Scan device choices. For example, if an individual normally would have gone to CDCR and coming out of court instead is sentenced to county jail, that jail will have the option of fingerprinting the individual under a criminal type of transaction. Those fingerprints will record on the rap sheet and show as a local custody when individuals are taken into custody at a local jail, which currently does not happen routinely, though that option is available. The DOJ also updated its offense tables to cover its new disposition codes should someone come out of court with the Penal Code 1170h designation.

HAWKINS DATA CENTER UPDATE

- a. **Business Managers Alliance (BMA) Telecommunications Focus Groups (Amy Peters)** – A pilot project has been ongoing for more than a year in an attempt to secure Mobile ID between two agencies, the Fresno-area CHP and the Fresno County Sheriff’s Office, using the DOJ law enforcement network. The involved agencies successfully conducted testing over the network. One remaining issue is the blue check devices that connect to the laptop for the local CHP officers. When that bug is resolved, a 30-day pilot will be run to determine the impact on the DOJ network, if any. Processes will be put in place so that traffic can be tracked and to ensure the system is manageable and responding as desired over the network.

INFORMATION SHARING REPORT (Christina Rogers) – The DOJ’s Division of Law Enforcement (DLE) has been at the table of the task force chaired by CAC member Lisa Solomon and has been partnering with CalEMA in discussions about node administrators and looking at which type of data the DOJ can bring to the table that would add value to the CAC

work in terms of law enforcement activities. Sam Spiegel emphasized the need for proactive participation at the executive level. The goal of the task force, Sam Spiegel said, was to put a futures focus on the problem and start the communication among the stakeholders as soon as possible so that there is a concept once things begin rolling out. Such a tactic, he indicated, would be beneficial should legislation evolve regarding data sharing and the consequences of being unprepared. Christina Rogers emphasized that DLE Director Larry Wallace is quite interested in pushing the data sharing effort and has committed to making this happen, though how that commitment will be fulfilled is uncertain. Because the DLE faced many budget cuts, much of DLE's organization was cut. By the next CAC meeting, the strategy may be clearer.

PAWN LEGISLATION REPORT (Jessica Devencenzi) – Pawn brokers and secondhand dealers are required to fill out form JUS 123, which in turn must be given to local law enforcement and the DOJ. Local law enforcement should enter the form's information into the Automated Property System (APS), enabling all local law enforcement to search for stolen goods. However, many jurisdictions cannot keep up with the high volume of forms coming into their offices, so the information often is not entered into the APS. Dialog ensued about how this information could be tracked. In 2000, legislation passed requiring the DOJ to meet with secondhand dealers and local law enforcement to solve the electronic transmission issue. There was little funding and the parties couldn't agree on how an electronic format should appear. Ten years went by with little movement, but a 2010 senate resolution encouraged the DOJ to reconvene the previous meetings, which began in February 2011.

A pawn broker secondhand dealer workgroup was begun, and the aforementioned parties resumed discussions. An agreement was reached on how secondhand dealers would electronically report (a schematic diagram was distributed). Thus, in lieu of JUS 123, pawnbrokers and secondhand dealers will enter their transactions into an online database, currently called the Pawn Hub, which will be developed by the DOJ. In turn, the DOJ will process those transactions into the APS, and that information will be available to all local law enforcement agencies. Those agencies will be able to search against or extract that information for entry into their local systems. Dealers will not be able to enter any data into CLETS through CLETS lines or directly into APS. Funding for this process will come from secondhand dealers' licensing fees. Legislation, with an urgency clause, will likely be introduced next session. Assuming the legislation passes, funds will begin to build up, the database would be developed and the process could begin in approximately 2014. The CAC asked for perennial updates. Lisa Solomon said it would be helpful if the upcoming database could be fed into other law enforcement databases, including Coplink.

PROPOSED CLETS POLICIES, PRACTICES AND PROCEDURES (PPP) CHANGES (Valerie Fercho-Tillery) – The current PPP refers to specific sections in the Federal Bureau of Investigation's (FBI) Criminal Justice Information Services (CJIS) Security Policy. When the PPPs were rewritten a couple of years ago, the users were adamant that references to the FBI's CJIS Security Policy included the section number of that policy in the PPPs. That was done. Then early in 2011, the FBI revamped its CJIS Security Policy, changed all its section numbers and altered some of the terminology. The revision currently being proposed would update all of the PPP section numbers to match the FBI's CJIS Security Policy and also change some

terminology so that they stay in sync. No other changes in the PPPs were proposed at that time. A motion was made to accept the PPP changes as proposed.

Motion: Gary Grootveld
Second: Larry Spikes
Vote: Approved unanimously

NEW SERVICE APPLICATIONS

There were four new service applications. Each application was voted on individually.

- a. **Santa Clara County Social Services Agency, Welfare Fraud Investigation Unit (Dave Sutherland)** – The unit was originally assigned to the Santa Clara County District Attorney’s Office, but was moved to a non-law enforcement agency, the Department of Social Services, necessitating an application for new service. The agency is now a law enforcement unit of a non-law enforcement agency, with more than 50 percent of its budget allocated toward law enforcement functions. The agency has peace officer status under California Penal Code 830.35. The agency will investigate suspected welfare and in-home services welfare fraud.

Motion: Reggie Chappelle
Second: Lisa Solomon
Vote: Approved unanimously

- b. **Lake County Department of Social Services, Welfare Fraud Investigation Unit (Wendy Welenofsky)** – The agency is requesting CLETS service as a law enforcement unit of a non-law enforcement agency with more than 50 percent of its budget allocated for law enforcement purposes. The agency’s primary function is to investigate welfare fraud and in-home services welfare fraud. The agency previously contracted with Lake County to receive CLETS information. However, early in 2011, the agency was approved to hire three welfare fraud investigators with peace officer status; therefore, the agency is applying for CLETS access.

Motion: Lisa Solomon
Second: Steve Westerman
Vote: Approved unanimously

- c. **U.S. Air Force, Plant 42, Security Forces in Los Angeles County (Teresa Mora)** – The agency is a law enforcement unit of a non-law enforcement agency, with federal law enforcement officers. The primary function is to perform law enforcement and security duties at the Plant 42 location, including traffic enforcement, antiterrorism surveillance, entry control and routine law enforcement investigations. The applicant has been working with Edwards AFB and the Los Angeles County Sheriff’s Department for emergency notifications, but has the need for immediate responses to ensure officer safety. Currently, response requests from the Air Force and sheriff’s department can take

up an hour. The staff recommendation is approval, pending completion of the DOJ technical review.

Motion: Lisa Solomon
Second: Gary Grootveld
Vote: Approved unanimously

- d. **U.S. Department of Commerce, Bureau of Industry and Security, Office of Export Enforcement in Orange County (Michelle D. Mitchell)** – This entity wishes to obtain CLETS access through the Orange County Sheriff’s Department. Its mission is to protect U.S. national security, Homeland Security, foreign policy and economic interests through a law enforcement program focused on sensitive exports to hostile entities or those that engage in onward proliferation, prohibited foreign boycotts and related public safety laws. Export enforcement accomplishes its mission through preventative and investigative enforcement activities and then pursues appropriate criminal and administrative sanctions against export violators, primarily focusing on violators of the Export Administration Act. Currently the Bureau obtains law enforcement information through third-party entities, such as local law enforcement, the FBI or Customs, a cumbersome process often resulting in information not being disseminated in a timely manner. CLETS access would alleviate that problem.

Motion: Reggie Chappelle
Second: Marc Shaw
Vote: Approved unanimously

UPGRADE APPLICATIONS APPROVED BY THE DOJ

There were nine upgrade applications approved.

- a. Alameda County Sheriff’s Department (Alameda County)
- b. Fontana School District Police Department (San Bernardino County)
- c. Merced County Sheriff’s Department (Merced County)
- d. Rocklin Police Department (Placer County)
- e. Santa Clara County Sheriff’s Department (Santa Clara County)
- f. Twin Rivers Unified School District Police Department (Sacramento County)
- g. Huntington Beach Police Department (Orange County)
- h. San Diego Police Department (San Diego County)
- i. Stockton Police Department (San Joaquin County)

CLIENT REPORTS

- a. **Fontana Unified School District Police Department (Dave Sutherland)** – The client requested to upgrade service by adding mobile devices; however, it did not meet the two-factor authentication requirement. Due to budget constraints, the client will not implement the upgrade until the software is installed to resolve the two-factor authentication issue, which is anticipated to occur in November 2011.

- b. **Los Angeles County Sheriff's Department (Teresa Mora)** – The client submitted an application in which the DOJ technical review revealed the agency did not meet the encryption requirements in three areas. One issue was resolved; however, two issues remain: meeting encryption requirements for its microwave segments and wireless access for its mobile data terminals (MDTs). The MDTs will be replaced with mobile digital computers (MDCs), which will meet the CLETS encryption requirements. The MDC project will resolve both compliance issues, as the cellular network will be used instead of the microwave circuits. The original anticipated compliance date was June 2006. The client has requested three extensions, with the last anticipated compliance date being July 2013. The CAC questioned whether the targeted July 2013 date was acceptable. CLETS Executive Secretary Valerie Fercho-Tillery answered that budget issues prevented the purchase of mobile terminals, resulting in delayed compliance requests, and DOJ had accepted the anticipated July 2013 compliance date.
- c. **South Bay Regional Public Communications Authority (Teresa Mora)** – The client submitted an application in which the DOJ technical review determined the agency does not employ antivirus software or firewalls on the mobile computers. The client originally expected to be compliant this fiscal year; however, due to budget cuts the compliance implementation did not occur. The project is expected to be funded in the 2012-13 fiscal year. Client representative Jose Rivera attended the meeting and requested an extension until November 30, 2012. He said the project budget was just over \$100,000. Like other South Bay Regional projects, this one had been budgeted and then was frozen. He further indicated the agency's city manager and city council members now have a better understanding of the compliance issue and its importance for the DOJ and the agency. It was decided the CAC would send a letter to the agency's executive director, encouraging compliance. A motion was made to grant the extension.

Motion: Larry Spikes
 Second: Reggie Chappelle
 Vote: Approved unanimously

- d. **Banning Police Department (Michelle D. Mitchell)** – The client submitted an application in which the DOJ technical review determined the agency was using the Internet to transport CLETS data to a Mobile Command Center without the required two-factor authentication. In its last report, the client said it had been working to meet all of the authentication requirements but was limited by budget as to what can be purchased to implement a second method of authentication. The client was not able to provide an anticipated compliance. No client representative attended the meeting. Lisa Solomon said she would contact the Banning Chief of Police and ask for an update.
- e. **Escondido Police Department (Michelle D. Mitchell)** – The client submitted an application in which the DOJ technical review determined the agency's network allowed non-law enforcement user/activities (fire/emergency medical services) connectivity to the network via mobile devices without the required segmentation or encryption. The proposed solution included: 1) Segmentation of fire traffic by placing the Net Motion servers in front of the Escondido Police Department's firewall, which has since been

resolved; and 2) data encryption from the Net Motion servers to the CAD server, which was projected to be completed by July 2010. An extension was requested for an undetermined time due to budget shortfalls and the CAD vendor, Northrop Grumman, not committing resources for a final plan and QA testing. The client expressed to the vendor the urgency for assistance; however, the vendor had not provided some necessary information to allow the Escondido Police Department to move forward. The city has suspended travel expenses, so no representative attended the meeting. Lisa Solomon said she would contact the Escondido Chief of Police to emphasize the importance of network security and ask for an update.

- f. **Hanford Police Department (Michelle D. Mitchell)** – The client resolved the noncompliance issues September 29, 2011, and is no longer required to report.
- g. **Huntington Beach Police Department (Michelle D. Mitchell)** – Technical review of the client’s application determined the agency was noncompliant in two areas: 1) The mobile devices were not permanently mounted in vehicles and could query CLETS data when removed, and 2) Not all passwords were compliant. Advanced authentication is expected to be implemented by April 2012 through grant funding. If grant funding is not approved, the city has agreed to work with the police department to ensure the mobile computers are permanently mounted in the cars, in which case funding would continue to be pursued. Two-factor authentication should be implemented by December 2012.
- h. **Mendota Police Department (Michelle D. Mitchell)** – Technical review of the client’s application determined the agency was noncompliant in three areas: advanced authentication for mobile devices, password aging and antivirus software. The antivirus issue was resolved. The remaining two items will be resolved by the Fresno County Sheriff’s Office on behalf of Mendota Police Department as well as other agencies behind its MSC: 1) The anticipated compliance date for the password aging requirement was November 1, 2011. 2) The Fresno Sheriff’s Office has already taken steps toward finalizing two-factor authentication. AT&T stated that, due to the complexity, the change will take approximately six to eight weeks to complete. Additionally, each agency within the county utilizing the sheriff’s mobile computers must make the changes to its mobile device configurations. Once the required changes have been completed, tokens and instructions will be distributed to enable the two-factor authentication. Most agencies within the county have limited IT staff or resources to make the required changes in a timely manner. The anticipated compliance date for two-factor authentication for all impacted clients is May 31, 2012. Fresno County will be required to report at future CAC meetings, and the CLETS Administration Section (CAS) recommended Mendota PD no longer be required to report.
- i. **Modesto Police Department (Michelle D. Mitchell)** – The client submitted an application in which the DOJ technical review revealed the agency did not meet CLETS security requirements in two areas: encryption and password authentication for CJIS users. The original anticipated compliance date was December 31, 2009. The client was granted an extension until October 31, 2010; however, the vendor could not provide a product that met the agency’s business needs, and a second extension was granted until

June 30, 2011. The agency now is compliant with the encryption issue but is requesting an extension until December 2011 to resolve the password authentication issue.

Kevin Harless, IT Manager for the City of Modesto, said the Modesto Police Department went live with its new public safety system June 5, 2011, and that four of the five noncompliance issues had been resolved, with all passwords being reset. However, the agency discovered the new passwords did not meet the FBI CJIS Security Policy standards for length and character creation. In light of that, Sam Spiegel asked how it could be better explained so this standard would not have been missed, and emphasized the agency should not have gone live without meeting all five security requirements. Police Chief Michael Harden ensured the final issue would be completed by December 31, 2011, admitted the agency had adequate direction and said the final compliance issue should not have been missed. A motion was made to grant the extension.

Motion: Lisa Solomon
Second: Gary Grootveld
Vote: Unanimously approved

- j. **San Diego Police Department (Michelle D. Mitchell)** – The client submitted an application in which the DOJ technical review determined the agency did not meet encryption requirements for its wireless segments. In an FBI audit, it was also determined the client did not meet requirements associated with passwords and authentication of users for its laptops. The anticipated completion date is June 2013. A client update, which was e-mailed to Committee members, indicated the upgrading of the passwords would not commence until June 2013, a concern of Committee members. Michelle D. Mitchell said she would seek a more exact date on the password issue. Lisa Solomon said the CAC put itself in an awkward position by approving the upgrade without compliance issues being met. Valerie Fercho-Tillery indicated because agencies are struggling with their budgets, projects are experiencing trouble being approved through their own cities or counties. Thus, the DOJ doesn't want to make it more difficult by restricting project completion during a fiscal year when financing has been procured. Therefore, the DOJ approves an agency moving forward with a project and then monitors deficiencies while asking for updates. Discussion ensued as to whether, despite the application being approved, the timeline could be negotiated. Valerie Fercho-Tillery said dates are not part of the approval process. The DOJ could attempt to enforce the timelines, though budgetary hurdles might make that difficult. Budget concerns currently have forced the DOJ to become more reactive than proactive. Lisa Solomon said she would contact the San Diego police chief about the issue.

ELECTION OF NEW CAC CHAIR – A nomination was made for Sam Spiegel, currently the vice chair, to be the new CAC chair, a position that has been vacant since November 2009. Sam Spiegel will designate a vice chair after speaking to other Committee members.

Motion: Lisa Solomon
Second: Reggie Chappelle
Vote: Approved unanimously

MEMBERS' REPORTS

- Larry Spikes – The realignment package has redefined public safety to include Adult Protective Services and Child Protective Services, so there will be considerable competition for available funds. Those funds are sorely lacking, considering what is necessary to carry out desired functions. CSAC is looking into establishing some constitutional protections by putting something on the ballot.
- Reggie Chappelle – Following the September 2010 signing of AB 2408 that required IT consolidation, the CHP has submitted an application to the DOJ for the portion of the consolidation that pertains to the network, called CGEN, which the California Technology Agency wants to be used. At this point, it is uncertain whether that network will meet the CLETS requirements and have a law enforcement component; currently it does not appear as if it will, though clarification could be in place by the next CAC meeting. Sam Spiegel insisted that any such transition cannot violate security protocols and noted that the California Technology Agency must understand the issue of dual authentication as it relates to CLETS. Sam Spiegel volunteered to attend meetings with the California Technology Agency, if necessary, and said the CAC would stand behind that mandate.
- Lisa Solomon – She was told by a vendor that there may be something coming in terms of compliance and authentication/password use and that there may be some sort of a requirement for an electronic key in addition to passwording by end users. The requirement might have been coming from the CJIS, perhaps with a deadline sometime in 2013. She asked whether staff had heard of such discussion. Julie Basco said the latest version of the CJIS Security Policy was finalized early in 2011, and she had no memory of the FBI dictating that encryption or authentication be mandated.
- Gary Grootveld – The chief of the California Technology Agency, 911 Emergency Communications, Ryan Dulin, asked to be included on the next CAC agenda to give a presentation on Next Generation 911.
- Steve Westerman – Previously issues were reported with problems associated to manufacturing the new driver licenses. Those problems have been resolved. The error rate has dropped below 1 percent, and the turnaround time has been reduced to between three and four weeks.
- Sam Spiegel – The annual COPSWEST convention, the largest technology show in the region, is scheduled Nov. 7-10 in Ontario, CA.

CAC DISCUSSION/OPEN FORUM /PUBLIC COMMENT

None.

NEXT CAC MEETING/ADJOURN – The next CAC meeting will be scheduled for February or March 2012, with an exact date to be announced. The meeting was adjourned at 12:37 p.m.

Action Items

1. The CAC to send a letter of encouragement to the executive director of the South Bay Regional Public Communications Authority, asking the client to make compliance a priority in its 2012/2013 budget.
2. Lisa Solomon to contact the Banning police chief and request a Client Report update.
3. Lisa Solomon to contact the Escondido police chief to discuss its plan to become compliant.
4. Lisa Solomon to contact the San Diego police chief about the agency's password upgrades.
5. CLETS Administration staff to report back on the San Diego Police Department's implementation schedule.