CJIS Advisory Board Meeting
January 24, 2017 · 2:00PM
DPSST · A234

In Attendance: Becki David (OSP), Tricia Whitfield (OSP), Mat Oeder (OSP), Lauren Bowden (OSP), Jim Conlin (OJD), Wendy Landers (OSP), Ryan Shands (Youth Development), Kelly Officer (CJC), Darren Wellington (DAS OSCIO), Brian Wallace (OSSA), Teresa Parker (OLCC)
By Phone: Philip Cox (OYA), Craig Daniels (DMV), Renee Davis (DMV), Jason Mosiman (Jail Command Council), Christine Bell (Probation & Parole), Jeff Rusiecki (APCO/NENA)

Start Time: 2:00 PM

OSP CJIS Division Updates

NICS Index Access
This is the first time that law enforcement partners have had access to NICS. The database was formerly restricted to firearms background checks only, and was closed to law enforcement. Records states have reports which indicated certain firearms prohibitors that didn’t fall under NCIC or III. OSP rolled out first for the CHL function of Sheriffs Offices for licensing decisions. The second phase was rolled out for the specifically authorized purpose of Disposition of Firearms. While this is limited access only to Law Enforcement that have the responsibility to return weapons from evidence to the owner, setting up the access and training component to a larger group of Chiefs, Sheriffs, and State Police was a heavy lift due to the larger scope of ORIs and the need to keep access focused. All access to the NICS Index is subject to audit.

Executive Order 16-12 Enhancing Gun Safety in Oregon - Agency Notifications
Governor Brown signed EO 16-12, which in part directs OSP to notify the appropriate criminal justice agencies when a prohibited person attempts to purchase and the firearm transfer has been denied. Notices could include one or more – supervising judge, Parole and Probation, DA, PSRB. The Training group sent out an email to all applicable partners to let them know that OSP would send these notices. Since the FICS Unit often does not know, for example, who the supervising judge is, notices are sent to applicable ORIs and requested to then be passed to the appropriate judge. Initial questions were resolved and this is working well so far. Denials comprise less than 1% of total checks annually. Brian Wallace asked what the expectation is for that information, and if OSP investigates false purchases. Per Tricia, denied investigations are related, but not necessarily the same. The Executive Order calls for notification of agencies specifically involved in the supervision of the denied person, so they are aware of the attempt. This new notification requirement is over and above denied investigations, which are conducted either by OSP or local agencies that have agreed to investigate within their jurisdiction. The FICS Unit calls OSP Dispatch when a denial occurs, and Dispatch determines if there is a participating local law enforcement agency or if OSP will be called to take the case. In their investigation the agency must determine if the buyer knowingly attempted to purchase while prohibited, but not the actual prohibition itself. Brian expressed concern that if it is sent to a terminal, it will be disregarded; this is problematic if the expectation is for an agency to re-run the person and then follow up with a corrections agency. The notifications made via LEDS APB are formatted to follow the Executive Order. FICS completes the notification format with as much information as possible, including the Subject’s Name, SID#, Court Order or Case Number and the OSP Denied case number. It is sensitive information which cannot be shared with everyone. Brian asked if the message is sent to multiple ORIs together, or if separate messages go to single ORIs. It is sent to many, if applicable. He asked if there is some kind of record of whom the message was sent to, in case there is a duplicate effort in which one ORI needs it and another doesn’t. Per Tricia, it is batched and sent to a group email; they don’t have the time to pick and choose and it is unlikely that it goes in separate emails. Please contact Tricia if there are any questions. She will follow up with FICS Manager Dave Piercy for feedback received and how the emails are sent.
**UCR Project Update**

For the first time, the Oregon statewide quarterly UCR reports are posted online. Quarters 1 and 2 are up, and Quarter 3 will be posted shortly. The Quarter 4 report is produced as the Annual Report. This couldn’t be done without the help of the submitting agencies. Previously, the timing of data submissions was more lax, and the move toward meeting the statutory requirement for reporting in turn created pressure on agencies to submit their data by hard timelines. Reporting is required by statute, and while agencies are not forced to report, when they do report OSP wants to make sure the data is accurate and reflects as they report it in the timeliest manner possible. It is automatic for NIBRS/ONIBRS agencies. However, for the remaining OUCR agencies it is all manual work to send, correct, and re-process errors. The goal was to improve the process, accuracy, and timeliness of the data for all involved. Kelly Officer indicated that she was aware that some larger metropolitan agencies were working to move to NIBRS, and she hasn’t seen the Quarter 2 report to see if they were able to make the transition yet. The report format is the same from quarter to quarter in order to make the data more easily consumed and easy to use. Each has a cover page showing which agencies have or have not reported for that period. The purpose of which is to know what the report contains and what is missing. It is not intended to single out agencies. If anyone has viewed the reports and has questions or suggestions, please let Tricia know.

Work continues on the NIBRS build project to set up a platform for agencies. OSP will continue to accept ONIBRS data to transform and convert it when needed for submitting to FBI. Partner agencies are making progress with their vendors and compiling data to test. There is no confirmed date for when it will be completed at this time.

**LEDS 20/20 – CRIMEvue Update**

The project is called the CRIMEvue Replacement Project, and the project has decided through stakeholder engagement that the replacement system will be called LEDS 20/20. In the future, the project will be referred to as the LEDS 20/20 Project. Contract negotiations with the apparent vendor started in mid-October. A signed contract is anticipated on 2/9/17. There are meetings every Monday, Wednesday, and Friday to work through negotiation issues. The vendor has been receptive and a good partner. Much of the work at this time relates to details on what the work product should be and when it should occur. The project team is working with DAS OSCIO on multiple items. Project closure is estimated to be in 2020, but the contract isn’t yet signed so it may change. In addition, changes have taken place with the contracted independent QA resource. OSP decided to move to a new vendor and a new RFP will be posted to secure a new vendor. Timing will correspond closely with contract signing. Tricia Whitfield is the lead for stakeholder engagement, and outreach will begin to increase via email and AM Message. As agency Administrators and your LEDS Reps receive project notices, please share them with your agency staff.

**OSP LEDS Helpdesk Overview**

Candy Benson is the Team Lead for the LEDS Helpdesk at OSP. The LEDS Helpdesk assists all agencies that connect with LEDS. They monitor critical systems such as the LEDS connection to the Message Switch, Switch transactions, and OERS (the Oregon Emergency response System). They work with agencies when system inquiry returns aren’t coming back and they help to troubleshoot VPN or firewall issues. They have an escalation matrix for notifications to agencies and OSP management. They have one main terminal that receives messages at all hours which is always monitored. They assist users with questions about Query, Entry, Modify, Locate, and Clear/Cancel for LEDs and NCIC records. They are the main point of contact for LEDs, Nlets, NCIC, after-hours OSP IT, OERS, and NAWAS. They receive any out of state administrative messages for officer safety and Homeland Security status, and additionally provide contact information for other out of state resources. The LEDS Helpdesk provides investigative assistance for offline searches for ongoing investigations; they are able to go directly to the database for searches, once vetted through chain of command and auditing.
Many LEDS Reps contact the LEDS Helpdesk for validations and removals. Every three years, they contact every ORI and verify agency information to update LEDS.

The LEDS Helpdesk is managed and organized under the OSP IT Section within the Public Safety Services Bureau and not actually under the CJIS Division. The unit has eight positions with diverse backgrounds. Four people are former dispatchers; there is one former law enforcement officer, and a former Fingerprint Technician. Between May 17, 2016 and December 31, 2016, the LEDS Helpdesk fielded 5,978 calls and created 6,432 tickets. This data is only from May 17, 2016, as this is when the new phone system started collecting this data; there were more calls and tickets for the year than reflected. Candy provided business cards to the group in-meeting, and encouraged them to contact her with any questions.

DMV Gender Rule
DMV is seeking a rule change to add a third code “X” in addition to “M” and “F.” Tricia understood that DMV is moving forward on this project, and has asked OSP among other partner agencies to do a Fiscal Impact Statement. She asked DMV to speak to the CJIS Advisory Board to bring members up to speed on the issue and share how DMV envisions this coming together for agencies, what types of questions they anticipate, and what types of impacts to users are known - such as definitions must be very clear from system to system and training will be a factor. Renee Davis has attended this meeting as a subject matter expert to help clarify some concerns.

There was a court order submitted in June 2016 in regards to a customer who underwent a sex change and who requested their license to be changed to something other than “M” or “F.” At the time, the system didn’t allow an alternate designation. DMV contacted external stakeholders, and there are no statutory impediments to for a third designator. They contacted other agencies for Fiscal Impact Statements, and for information regarding what it would mean for their systems to capture “X” for “Not Specified.” The deadline for that commentary is February 1, 2017. DMV will review the input and begin drafting the rule. Programming has started on the DMV side already, as it will take many hours to get in place. They want to reach an operative date of July 1, 2017, if possible.

Becki David asked about using the administrative rule to give ODOT and/or DMV the right to accept “X” and which part of the system will be modified to accept it; this will inform what will need to be modified in OSP systems to accept and transmit it. Per Renee, all drive systems to include LEDS and any information on the drive record or customer’s record that had issuance of a Driver’s License, ID, or Permit. Jim asked if there is an alternative to simply say “neither,” or if it can be left blank. Per Renee, it cannot be left blank because it is required by statute to capture physical description: weight, height, and sex. There was other research done on what would happen if they stopped capturing sex at all, and they determined that it would cause more issues with other standards for Real ID compliance. For OJD, it is less of a problem for the courts themselves than a vendor issue for Odyssey; eCitations will fail if there is anything other than “M,” “F,” or nothing. They can accept a blank field, but not a third designation at this time.

Tricia asked if they would consider those impacts and not move forward. The impacts will be taken to the management team for discussion, but not all impacts have been received and reviewed yet. They have information from DOC, and the impact to their systems is major. Though it could be as simple as adding a third box to UTC, it requires their system to change significantly in order to accept it. There would be vendor changes for record management, fingerprinting, jail management, etc. Becki asked if there is a test record to see what it looks like. There will be differences for the fields with conditional formatting. Transmitting to the FBI will be a challenge if Oregon’s LEDS is out of sync or doesn’t translate to NCIC codes. “X” sometimes translates to “U” (Unknown), so there are still some unclear points. There will be a notable impact to crime reporting. Booking isn’t always the same either, because of how Livescan captures NGI data fields and translates before sending on to LEDS. Staff always calls agencies with changes on entries other than “M” or
“F.” OSP wants to act in accordance with external partners and CJIS standards. The volume of changes to systems should be reduced as much as possible.

Becki asked if DMV was ordered to do this through any Executive Order type Actions, or if this came from a personal court order and they’re moving forward as a future improvement. Currently, all gender change is under policy and one of the forms to change gender or sex on existing record is a court order. The best path to address how to respond to the court order was to create an administrative rule. This is why DMV asked for Fiscal Impacts and requested public comment to determine internal and external stakeholder impact. There is no mandatory date to meet at this time. Depending on the ultimate decision, they may receive another court order to respond to the first one. At this point it is DMV trying to determine the appropriate action to meet the needs of customers and prevent unnecessary impacts to stakeholders. Tricia thought she understood that there was already an order that rejected the request for gender “X.” Per Renee, there was a case in Ashland which was denied based on the judge’s belief that they lacked the authority to make the change. The current order came from Multnomah County and is a different case. California was also presented with a court order and they are determining what their actions will be. Tricia added that it may be beneficial to see the other Impact Statements if acceptable, and asked if DMV could share copies; Renee agreed. Darren asked about DMV modernization, and if the third field is in the RFP requirements. Renee confirmed that it was identified as a business requirement.

Brian Wallace said the APB is the body that would make changes at the federal level for any biometric information in NCIC or otherwise. This will be a topic paper if it isn’t already. He asked what the definition of “X” is in Oregon – it is “Non-Specified” for anyone who does not identify as male or female in order to cover all other gender identities. He asked if people are making the change on forms without court orders; per Renee, on all original applications, customers self-certify as male or female and will continue to self-certify in the future for all fields. Jim added that this comes from a judge in Multnomah County that determined a person has the right to self-specify. This ruling was based on a sex change order from female to non-binary; non-binary do not identify as either male or female.

DMV is trying to remain sensitive, but it is a large piece of biometric data for criminal justice and law enforcement agencies which may cause issues for future self-designation if “X” is selected arbitrarily. Rules around its use must be identified, because this could be problematic for law enforcement looking at warrants. There is concern about opening the door for people with warrants to change designations and appearances to evade the warrant. There are also concerns about changing sexes for a SID, and potential confusion about differences between SID and Driver’s License numbers. Per Renee, there is no statutory requirement to prove ones sex. If a Birth Certificate indicates one sex, and the person self-identifies as the opposite sex or as “X,” then it opens the door to changing sex at will to avoid incrimination. When staff calls, they will change documentation if it is confirmed that a person is going through a sex change. Mat added that with new CRIMEvue there will be “AKA” fields for sex in addition to the “AKA” fields for names. Also, it is less difficult for LEDs because the record is based on arrest cycle, not the DMV record. This hasn’t changed at the federal level or in LEDs; the issue is the pass-through for the message switch.

Mat asked Renee if they contacted the National DMV Association about this. She confirmed that they did, and they just adopted in their DLID standards to allow an “X” designation, and it will likely go nationwide. New York recently allowed “Intersex” as an option. Per Ryan, this has been an issue in jails for years so it isn’t surprising it has been an issue for DMV. Brian asked if any states are using “X” for “Refusal to Identify” or “T” for “Transgender.” The federal identifier has several options, but they’re not all activated. NCIC and III don’t use the same codes. Per Brian, this will likely be presented soon at the federal level for NCIC. Other state DMVs don’t have more than what Oregon has today. California is in the same situation as Oregon is with the court order. Research went out to all states, and only Arkansas accepts “U;” all other states accept only “M” and “F.” The federal level uses “U” for “Transgendered,” but Oregon doesn’t want to use “U” in place of “X.”
Round Table Discussion – Advisory Board Agency Updates

- **Jim Conlin, OJD**: They are catching up after deploying Odyssey on other systems. It was statewide as of June, and now they are doing back-end work. There will be a new version of Odyssey in the New Year. OJD is no longer doing any programming, it is all vendor driven.

- **Teresa Parker, OLCC**: They are still searching for RMS system. Rich Evans is now with OLCC and will be managing the project. There has been a lot of training with public safety constituents and public education on marijuana. The deadline for all early start retail has passed. Medical dispensaries now only sell for medicinal purposes, not recreational. Recreational dispensaries may sell both. Training has been a challenge as they transition from licensing to compliance.

- **Ryan Shands, Youth Development**: They recently adopted a program to allow grant review work for providers submitting applications. He is drafting federal compliance report for Oregon. This is a manual process, and data comes from several hundred agencies and programs. He is seeking a way to simplify the process and understand the systems used in other agencies. He will be looking to discuss race and ethnicity data sets at OSP, how to request that data, and how it differs at the state and federal levels. Lauren will set meeting for Tricia and Ryan to discuss.

- **Kelly Officer, CJC**: The CJC collects data from Odyssey to put into a data management program to create aggregate results. There are challenges with race and ethnicity data. They will continue work on the project; it was finished in November at the request of the Governor’s Office to include felony convictions for drug possession with race and ethnicity within. It doesn’t have as much impact to law enforcement in this case. They have done a lot of work with Tableau for data visualization to be concise and easy to read. The dashboard for drug felony possession is up, but they are still working with it.

- **Brian Wallace, Ossa**: They are at the mercy of the FBI to report data, and if the system isn’t established to receive the data they have, it is problematic so race and ethnicity are being discussed. In February 2015, FBI Director Comey put out an initiative to collect use of force data by police officer against a subject, in which force results in serious physical injury by the federal definition, the death of the subject, or if a firearm was discharged at or in the direction of the subject. This is not for pepper spray level injuries. LEOKA handles the data relating to use of force against an officer and is a separate data collection system approved by Director Comey and the APB. Cognitive testing was completed with many agencies and a portal created separately from UCR. It is under the same category as UCR at the FBI, but is not the same. There are pilot agencies. In order to be a pilot agency, there must be 350 or more officers. The purpose is to see how the portal works, so agencies were asked to submit all the data with no personally identifiable information for the officer or subject unless death resulted. The portal is within LEEP and has been user friendly. They will gather the police reports as well to ensure people interpret the report and portal the same way. It will not be disseminated and is confidential. The questions in the portal must be clear and used correctly. OSP got the tech specs for this project. States will have the ability to first capture and aggregate the data to submit to FBI on a monthly basis. Per Tricia, FBI ultimately looks to OSP in the roll of CSA as the responsible party for agency participation; when she and Major Worthy attended a recent Tribal Conference, it was the first time for this topic.

- **Becky David, OSP**: She thanked the group for coming to the meeting and Candy for her presentation. After hours and OERS coordination is a major contribution LEDS Helpdesk makes in addition to everything else they do. The group is open to new agenda items.
- **Wendy Landers, OSP**: She thanked the group for inviting her to attend and it was helpful to put names to faces.
- **Mat Oeder, OSP**: Nothing to report.
- **Darren Wellington, DAS OSCIO**: They are getting ready for legislative session. Pre-session filed bills dropped two weeks ago and a list went out. Some may affect all agencies. DOJ has one about reporting for which OSP may be involved. They’re trying to look at bills, study fiscals, and present resource plans. LFO asked OSP and others to present at JLCIMT. CRIMEvue and a project from DOJ made it through the Governor’s Budget. There will be a lot of changes through session.
- **Candy Benson, OSP**: Nothing to report.
- **Craig Daniels, DMV**: Work continues on their system modernization. They have selected FAST Enterprises as the prospective vendor. They are entering contract negotiations shortly, with the hope for a signed contract by the end of the biennium. Tricia wants to discuss how they use facial recognition at a later date.
- **Philip Cox, OYA**: They are in the initial stages of JGIS modernization. The platform is aging and more difficult to support. They are moving toward .NET and it will be a multi-year process. The POP didn’t make it through, so they are gearing up for session. There is a meeting today for the Ways and Means presentation in February.
- **Chris Bell, Parole and Probation**: Nothing to report.
- **Jeff Rusiecki, APCO/NENA**: They have been reporting and in test mode for several months for UCR. He thanked Nancy Sharp in OSP CJIS for all her help.
- **Tricia Whitfield, OSP**: Nothing to report.

### Action Items
(identified in this meeting)

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<tr>
<th>No.</th>
<th>Action Item</th>
<th>Owner</th>
<th>Target date</th>
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<tbody>
<tr>
<td>1.</td>
<td>Follow up with Dave Piercy about how the EO 16-12 emails are sent, and what feedback has been received from recipient agencies.</td>
<td>Tricia Whitfield</td>
<td>Unspecified</td>
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<td>2.</td>
<td>Send OSP a copy of the other Fiscal Impact Statements for the possible “X” sex designation</td>
<td>Renee Davis</td>
<td>Unspecified</td>
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<td>3.</td>
<td>Set a meeting for Tricia Whitfield and Ryan Shands to discuss race and ethnicity data</td>
<td>Lauren Bowden</td>
<td>Unspecified</td>
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**Future Meetings**: Meetings are quarterly. The next meeting will be on April 25, 2017 at 2pm at DPSST Room A235 (4190 Aumsville Hwy. SE, Salem, OR 97317 – Room A235). If meetings should take place more often than quarterly, please bring it to the round table discussion at the next meeting.