

**MINUTES OF THE
ARKANSAS CRIME INFORMATION CENTER
SUPERVISORY BOARD**

DECEMBER 3, 2010

The meeting was held in the ACIC training room at One Capitol Mall in Little Rock. Members present:

Mr. Jack Lassiter, Chairman
Chief Danny Bradley
Sergeant Lloyd White
Hon. Dustin McDaniel by Ms. Kathryn Henry
Sheriff Larry Sanders
Mr. Harold Pointer
Judge Michael E. Irwin
Ms. Vicki Rima
Mr. J. D. Gingerich by Mr. John Stewart
Colonel Winford Phillips by Lt. Cora Gentry
Mr. David Guntharp

Also attending were: Danny Ormand, ACIC Director; Rhonda Richardson, Administrator of the Administration Division; Letha Osborne, Administrator of the Information Services Division; Brad Cazort, Administrator of the Field Services Division; Bill Clinton, Administrator of the Operations Division; Ralph Ward, Administrator of the Criminal Justice Information Division; Sharron Stallings, ACIC; Rick Stallings, ACIC; Chez Annamalai, ACIC; Warren Readnour; Angie Tatom, ACIC; and Judy Lepper, ACIC.

Chairman Jack Lassiter called the meeting to order and asked for approval of the minutes of the September 10, 2010 regular meeting.

MOTION: That the minutes of the September 10, 2010 regular meeting be approved.

MOTION BY: Sergeant Lloyd White

SECONDED BY: Sheriff Larry Sanders

VOTING: Unanimous

Operations Committee Report

New Terminal Site Applications

Bill Clinton reported that the Operations Committee met prior to the Board meeting to consider two applications for direct access to ACIC. The two applications were Pea Ridge Police Department and the Prosecuting Attorney's Office in Batesville. The Committee recommended approval of both of these applications.

Chairman Lassiter asked if there were any questions.

MOTION: That the applications for Pea Ridge Police Department and the Prosecuting Attorney's Office in Batesville be approved.

MOTION BY: Mr. John Stewart

SECONDED BY: Lt. Cora Gentry

VOTING: Unanimous

David Guntharp asked if they were paying for the full line charge or if ACIC was picking up part of the cost.

Bill Clinton responded that if they had a circuit installed on the state network they paid for that. The cost is \$287 a month. Some agencies are running on the internet and they provide their own internet access. In those cases there are some security issues that have to be addressed. They have to buy a separate firewall to make that safe connection.

David Guntharp asked if we had been able to reduce the charge that ACIC has had to pick up for the agencies.

Bill Clinton said that some of the other costs had gone down. For example, if they use our software to access the system the cost is \$18.00 a month, which is considerably cheaper than it was two years ago. As far as the circuits go, there are faster circuits and the costs have not gone up.

Division Status Reports

Operations Division

On-Line System

Sharron Stallings reported and included a copy of her report. Bentonville Police Department and Washington County Sheriff's Office are both in the process of getting a new CAD and Mobile Data System. We are also working with Garland County Sheriff's Office on a Mobile Data System. Ms. Stallings said they continue to get requests for missing persons to add to the ACIC website. She also receives emails from across the county on missing persons. They are having difficulty knowing what to do if they have a missing loved one. We have added second terminals at various locations around the state. We have been testing on Windows 7 in our Network Control area. Our new computers that we will be putting out in the field will have Windows 7. We are helping ISD test that messenger software on Windows 7 before we start putting it out statewide. There are also a couple of pilot sites that can also help with this test.

Ms. Stallings said that the audit schedule has been revised for next year and Bill Clinton has some information on the NCIC audit.

Bill Clinton reported that we get audited by the FBI by CJIS every three years. We get audited and ACIC audits the local agencies to ensure that they are following the proper procedures. Our FBI audit was in June. They send an audit team into the state and they audit ACIC and they also select local agencies out in the state and audit some of those as well. They chose 17 local

agencies to audit. We just got the results back from that audit a couple of weeks ago and did pretty well. There are a few things that we have to work on. Things like ensuring local agencies use the proper purpose codes when they run a criminal history, which seems to be an ongoing issue. Also ensuring that local agencies use criminal histories for authorized purposes only. The third thing was ensuring that local agencies enter the wanted person with all available and descriptive information entered into the warrant entry. The last one was ensuring that local agencies enter protection orders in a timely manner. They want them entered just as quickly as they are received. Those are the core areas that we are going to address and report back to the FBI and tell them what we are going to do to fix those issues. We will be working on that response.

Judge Michael E. Irwin asked Bill Clinton if he would explain the purpose code.

Mr. Clinton responded that when a criminal history is run on the ACIC system there are different codes that are used to indicate what purpose you are inquiring about. For example, if a police department is working an investigation, they would use purpose code C for criminal justice purposes. The one that they caught us on was a purpose code for a firearm related inquiry. For example, if a police department confiscated a weapon or recovered it in a burglary investigation. If they want to return that weapon back to the rightful owner, they may run a criminal history on that individual to see if he's a convicted felon before they return the firearm. In that case they use purpose code F for firearm's check. There are different codes that our local users would use to indicate the inquiry purpose.

Jack Lassiter asked Mr. Clinton how the process works. He asked what the time frame was for reporting back to the FBI and who determines if any non-compliance issues have been corrected.

Bill Clinton said that they are to report back by December 13, with a response that describes a plan to address the deficiencies that were found in the audit. For example, we're going to train our users by publishing information to make them more aware of the proper procedures. We will respond to them by December 13th and then at some point they will look at what progress we've made to address these issues. In three years they will come back and audit us again.

Vicki Rima asked if the protection orders go from the Clerk to the Sheriff's Office. She wanted to know if it was a problem on the sheriff's department side or the clerk's office and where the breakdown was.

Bill Clinton said he wasn't 100 percent sure. We encourage people at the law enforcement level to document when they have received the order or the warrant. The auditors look at the time it was received until the time it was actually entered into the system. They would like to see them entered within three days.

Field Services Division

Training and Legal

Brad Cazort stated that on the training side since the last Board meeting, we have given 522 Level I exams with 79 percent of those passing. We have given 108 Level II exams with a 100

percent pass rate and 159 Level II refresher exams with an 86 percent pass rate. We are now doing the mobile classrooms and the mobile classroom schedule has been set for this next year. Our plan is for two of every three of our training classrooms to be on the road somewhere in the state. We will have two on the road classes and then a class here as well. So far the mobile classroom has been successful and is very well received. The good news on legal is we're not currently involved either directly or indirectly in any litigation.

Vine/JusticeXchange

Rick Stallings reported for Vine, JusticeXchange, AlertXpress, LeadsOnLabs and Field Agents, etc. and included a handout. The field agents have been teaching Level I refreshers as needed. They have been installing equipment and new hardware throughout the state, including printers and assisting agencies. They are also working out their schedules for next year for audits and training and will be contacting those local agencies and to get those audits scheduled.

Mr. Stallings said JusticeXchange, Vine, AlertXpress and LeadsOnLabs have been busy. Training classes for Vine/JusticeXchange were held in Little Rock, Mountain View and Magnolia at the campus. There are also two classes scheduled for LeadsOnLabs and Scrap Metal on December 8 at Pulaski Technical in North Little Rock. There will also be some additional training classes set up for next year beginning with January and February. We have received the 2010 SAVIN grant and will apply for the 2011 grant to upgrade some of our Vine interfaces.

Currently there are 35,601 registrations on inmates and 2,569 registrations on parolees. JusticeXchange has almost 3,800 users and those users have accessed the DL photos regularly. This year they have searched 123,944 DL photos through the system.

There is continued interest in AlertXpress. Mr. Stallings said he will be in Stone County on AlertXpress in the coming weeks. They want to use it to notify their community and surrounding area. He also included figures on LeadsOnLabs and the Scrap Metal.

Sex Offender Registry

Brad Cazort reported and included a chart on the number of sex offenders as of December 1st. Currently there are 10,429 sex offenders. The sex offenders' growth rate by the end of December will have added about seven percent, which is a slightly lower growth rate than we have experienced in the last two or three years. In actual raw numbers, we're still adding more people because seven percent is a larger number from last year. Mr. Cazort referred to the chart and pointed out the address unknowns is 346 out of the 10,429. That is an extraordinarily low number compared to other states. He attributes that to the U. S. Marshall's Office. The Adam Walsh Act authorized the U. S. Marshalls to assist every state's sex offender registry in finding sex offender absconders. The Marshall's Office in the Eastern District and Western District of Arkansas are almost in the lead nationally of finding runaway sex offenders. They are almost in competition with each other. As long as they are competing that keeps our number of address unknowns low.

Criminal Justice Information Division

Arkansas Incident Based Reporting System (AIBRS)

Ralph Ward provided a handout and reported on the current program status for NIBRS. There are 272 agencies that are required or requesting to report to NIBRS. 264 of those agencies have been cleared to report NIBRS. We have two agencies that are currently testing. One is working with their vendor and one is still trying to acquire a vendor. Regarding the NIBRS repository upgrade, we are finalizing our process of the 2009 data submission to the new repository and also testing that data with the FBI. The 2009 NIBRS reports will be on the website this month.

Ralph Ward said that ACIC does not recommend any vendors. If an agency wants to know about a vendor, we provide them with a list of law enforcement agencies and their phone number, along with the vendor that they're using. They call that police department or sheriff's office and ask them about the software and get the information through them. We won't provide any information on any private vendors to the agencies.

Criminal History Division

Mr. Ward provided a handout for the Criminal History Division. The number of records entered for the Criminal History Division was 75,000; total records quality controlled was 51,300; total records verified was almost 70,000 and total AFIS transmissions worked this year was almost 100,000. From January to date, we have processed over 588,000 major documents. The Criminal History employees are continuing to cross-train and we're also conducting task oriented team meetings to formulate a Criminal History SOP.

Administrative Division

Rhonda Richardson reported for the Administrative Division and included a spreadsheet of ACIC'S budget, expenditures and balance remaining as of November 30, 2010. Since our last meeting we have been awarded three new grants, the 2010 NCHIP, SAVIN and SMART grant.

Information Services Division

Letha Osborne reported for the ISD Division and provided a handout detailing the last three months. AOC was ready to implement their new system and we were able to do a successful implement this morning.

Chief Danny Bradley asked what the Blackberry Express was.

Ms. Osborne responded that it is the new server. J. C. Hedrick, our new Network Services Manager, has researched and found that they can use the Blackberry Express Server. They installed it here and we don't have to pay the phone company the cost of using their equipment. It's at no cost to us and saves money.

Proposed Legislation

Brad Cazort reported and stated that currently there are four prefiled bills that we have our eye on and a couple that are in draft stage. HB 1007 is the only piece of legislation that we have actively sought a sponsor for and are pushing. That legislation would end the requirement that we notify sex offenders by registered mail each time they are subject to verifying. This is

costing us about \$70,000 a year. It will be replaced with a new electronic sex offender system that we're working on through our grant. We have shown this to the Prosecutor's Association and everyone is pleased with where we are going with it. Under our new system, sex offenders will be provided a new date and time for them to return verification to their file.

HB 1009 by Representative Woods provides authorization for local law enforcement to provide notifications of sex offenders who have moved here from out of state prior to their being assessed by SOSRA. We don't have a position on that. It does authorize pre-assessment notification by law enforcement of out-of-state sex offenders that have moved here.

Under HB 1015, there is currently in the law a provision that authorizes a judge to assess a \$250.00 fee to a sex offender. While the language seems to be mandatory, it actually has a secondary language that makes it discretionary and most judges do not, in fact, assess that fee. Half of that fee comes to ACIC to run the sex offender registry and half of it goes to the Department of Correction to run the Sex Offender Assessment Division. HB 1015 would remove the discretionary language and would mandate that every sex offender be assessed that \$250.00 one-time fee.

HB 1029 was recently filed and does not involve ACIC but we are keeping a close eye on it. This creates a prescription drug monitoring act, very similar to what we are currently doing for ephedrine and pseudoephedrine. However, the bill assigns the task of doing this to the Department of Health.

Two other bills are in draft stage and Mr. Cazort believes they will be filed. One deals with a consolidate, rewrite and hopefully simplification of all of the laws dealing with Orders to Seal and Expungements. There was a task force led by Judge Lightle, Little Rock District Judge, that Lt. Cora Gentry and Brad Cazort sat on and met several times. There is a piece of draft legislation that will ultimately simplify and help people understand the process of sealing a record and what the effect of that will be on someone's criminal history record. In companion with that, and that will be offered by Representatives Williams and Nichols, a bill has been drafted by Representative Nichols that would create a private cause of action against the private fly-by-night internet companies that are offering incorrect background checks. Representative Williams has a bill that would create a private cause of action by an individual against those companies for disseminating incorrect information that would include any damages they can prove, court costs and attorneys fees. Those last two bills have not been filed, but we anticipate that they will.

David Guntharp asked how they prosecute those that are out of state that are providing those services. How is that piece of legislation enforced for companies whose headquarters are located outside the State of Arkansas that are providing the information for companies either in-state or out-of-state.

Mr. Cazort responded he didn't know. Obviously, there's no criminal prosecution. On a civil matter you could argue that the state courts have jurisdiction over them because they are providing that information. Again, it is not a criminal matter but a civil proceeding. He said he assumed that the argument would be that the Arkansas courts have jurisdiction over those

companies because they are doing business in Arkansas and providing that information to companies in Arkansas.

Presentation

Danny Ormand recognized Rhonda Richardson who is retiring. She is the third fiscal officer that this agency has had since it began. That speaks a lot for her and this agency. Ms. Richardson has 31 years in state government with 17 of those being at ACIC. Mr. Ormand said he appreciates everything she has done for the agency and invited the Board members to attend her reception following the Board meeting. Next Friday is her last day and she is going to be missed. We will also make some presentations to her at the reception.

Mr. Ormand also presented a plaque to Board Member Vicki Rima who is resigning effective December 31, 2010. She has been here for 15 years and has worked with every Director. We appreciate her and her honesty and forwardness that she has had with me and with the staff through the years and all the hard work that she's done to help us and give us the guidance that we need. On behalf of the staff and the Board, he presented her with a plaque of appreciation.

Mr. Ormand asked each Division to send him some information of things that they were proud of over the last twelve month.

Operations Division has worked with the Arkansas State Crime Lab. We talked about identifying those unidentifiable persons who have died. They have put over 90 people in the NCIC system. They have also moved the warrants from the state file over to NCIC, which makes them available to every person in the nation. The users can also add photos, aka's to those warrants, and we can also do electronic validations. Under the CJIS rules, we have to have dual authentication. Bill Clinton's staff came up with the idea of working with some of our vendors about a token system that comes up with a verification number. We're doing that now and starting to put those out in the field. Testing is complete and is being deployed at the Little Rock Police Department and Paragould.

In the Administrative Division we discussed security in the main reception area and what we need up there. We were able to work with ABA to get that accomplished. You have to be buzzed in or have your id card to get in that door. That gives us a barrier for those ladies that are out front from anybody just walking in. Security has been tightened and they're especially pleased with how it functions. We did lose a lot of the reception area, but we found that there are really no complaints. There is now a private, secure room that the public use to can speak to someone about a criminal history issue. It's worked out very well and we acquired that for better security. Their division also worked in the purchasing of the PC's and printers that we put in the field. The field agents are currently working on that, but all those computers and printers that we got were from free federal funds. Rhonda Richardson has been shuffling that around to make sure she keeps all the money straight and her division keeps up with tracking numbers on those. We were also able to acquire some additional floor space for storage on the second floor. ABA worked with us again. So we now have a Conference Room downstairs and additional storage space. And most recently the agency that was on the 6th floor moved out and they have allowed us to have the entire sixth floor. We're going to move some people up there and allow some spreading out on the second floor. New carpeting was installed in the training room and in most

of this new space. ABA worked with us to do that. They also work with the SAVIN and SMART grants and the normal day-to-day operations.

Buck Ward earlier talked about the backlog in the Criminal History files. Mr. Ormand commended them about cleaning those files up. They went through 50,000 ADC fingerprint cards. The backlog has processed AFIS tissue dispositions, circuit court dispositions, and the identification of 4,500 master fingerprint cards from that 50,000 that are now being entered. They have accomplished the goal of bringing down the backlog to zero. That is an accomplishment to his staff. One thing they have done is cross-training. They have reassigned some job duties and they have done all of that work without any overtime, weekends or holidays that we used to have to put in. The NDEX is in the final stage of testing. They're doing that with the FBI in North Little Rock and the state is 100 percent NIBRS compliant. There are no more summary reports. They've finalized development of several statistical reporting and the conversion tools for the crime data.

Letha Osborne wears two hats at ACIC, one as Deputy Directory and one as ISD Administrator. She and her staff have done a great job this year. We've had a lot of new ideas that we want to accomplish. We were able to secure a new digital recording system for our security in the building. Now if something happens it is recorded.

Brad Cazort discussed the Mobile Classroom and how that's been deployed. Letha Osborne's group worked on ghosting those 45 computers and getting those ready. She also talked about the application implemented with AOC, which was a big project. They increased the Arrest Tracking Numbers (ATN's) with the alpha-numeric characters with ASP, the live scan. We talked about color printers where driver's license photos can be viewed in color. Also developed and deployed a new transaction called QSOR. That was to allow each law enforcement agency the ability to retrieve the list of sex offenders within their jurisdiction through their terminal.

Mr. Ormand discussed the Wasp System for inventory. Each year we go out in the field and inventory of all the equipment. Before we had to pull equipment out from under the desk to find numbers on the back of equipment. Now we put the bar code on the front of equipment as we go back through this process. The field agents take this gun and it will read it right on the front. They can go into an agency, and if they know they have 20 pieces of equipment, they can do 20 of them and hit send. Mary Rogers does that for us in the Administrative Division. Ms. Osborne's group set this system up to ensure everything was working correctly.

ACIC, the Governor's Office, DIS and several others had talked to Law Enforcement Standards. ACIC had built them a system 23 years ago of how to track law enforcement officers with their training. The system was outdated. They received a price from another agency that it would cost them \$100,000. Mr. Ormand said when he came to ACIC, the ISD staff came to him and said they could probably do that in-house for them at no cost. They did some research and were able to implement that program for them. There were some additional changes that were needed and we were able to do that at no charge to them.

Mr. Ormand talked about the Field Services Division. Brad Cazort said Vine had 8,258 email notifications in June 2010 and 4,400 phone notifications, which was a record for our state.

They've talked about deploying the cameras in the webcams that we have put out to replace the old system. Our Mobile Training has been one of the great things that we've done. It allows law enforcement to take training within their home base. Before, they had to come to Little Rock and pay for a hotel, meals, plus attend training for three to four days. Every place that we've held those classes has been a win-win. Mr. Cazort said there were some technical problems that needed to be worked out but that the community colleges were ready to help. Mr. Ormand said that Mr. Cazort's group has done a great job with that training.

Chez Annamalai with ISD presented a slide show on sex offenders. Mr. Ormand said it's been an expensive program and we were struggling with what to do to make it easier, simpler and more cost effective. Recently we met with several people and discussed how we could implement an easier way for law enforcement to register and verify sex offenders and move from a paper system to an electronic system. We partnered with INA and they will set up a web-access port that the local vendor, law enforcement or the eOMIS product can tie into. Anyone wanting to connect to that will be able to come in through that INA connection. It will come into our office through INA and then the forms would go to the imaging system, the sex offender file, and then to the server. We're also going to deploy in the field a camera and an electronic pen pad. When that offender goes in, they will sit down with that law enforcement officer. All of those forms will be electronic. They will go to the website, click on which form they need and fill that information in. They will take a picture of them, have them electronically sign that form, hit send and it will come directly to us. When that offender comes back to verify that information, his or her name will be entered. His or her information will come up automatically on the screen and law enforcement can ask if there are any changes to the information. If there are changes, they will make those changes, take another picture, have them electronically sign that form and hit send. We won't have to fool with paper anymore. All the information will be available through local law enforcement. We're also going to retain the paper in case there is an agency that may not want to get set up electronically. They can then mail the paper forms back to us and we'll scan it which will make it a part of the electronic system.

DOC does the assessments. Once we get a new sex offender registered, it will come through INA, then to us, and will automatically go to DOC for the assessment process. A few months ago we would download every 30 days. We changed that to a week and within a day or two we changed it to each day. Now it will automatically go to DOC electronically at that time. That information will go to them to do the assessment and it will come directly back to us through INA. It will also be available through the public website.

Mr. Ormand said that our public website was costing us \$133,000 a year, which was paid for with grant money. When the grant ran out, we worked with INA and they reestablished the website and made some improvements. At last count, it will cost us about \$1,000 a year for that public website. So we saved a tremendous amount of money for all of the agencies involved. This electronic program will be completed with a federal grant for less than \$300,000. No state funds will be involved whatsoever. The INA charges after the initial setup are zero to the state. It will all be free and the only charges we'll have will be what we have in-house for labor. We're excited about this but we've kept it real quiet because we still haven't got it all put together. We have ordered the cameras and the pen pads. INA is in their third step in getting the development done to work out the programming for that. Letha Osborne's group has been

working to get their part done. Hopefully by the end of January or February we'll start deploying those cameras and pen pads and start training. We're going to try to do on-line training where we can train people at one time and make it as simple and easy for local law enforcement. There's going to be no cost to us and it will really help the sex offender office get these files set up.

David Guntharp asked if a sex offender moves in from out of state and he's on supervision and they enter him into the system, and he's registered in another state, will this be a connection with the other states if they're in INA?

Mr. Ormand answered no. We will still have to go to the other state and get that information. We'll still have to call because there are so many different programs that other states use, so there's no way we can tie into each one of those individual programs.

Mr. Guntharp asked if this INA web access is unique to Arkansas.

Mr. Ormand responded that INA is in several states. This is the first time INA has developed a program for sex offenders. We knew what we wanted it to do and we told them, and asked if they could make it do that. With their help and Letha Osborne's group working on this, it's really come together.

Mr. Guntharp asked if it had the potential of going across state lines if INA is involved.

Mr. Ormand said he thought it would. For \$300,000 we're going to buy the cameras, the pads, pay INA to do the initial setup and pay our programmers.

Mr. Guntharp wanted to know where those cameras and pads go and what agencies receive that information.

Brad Cazort responded that currently, there are over 260 different police agencies that register, supervise, or verify the address of sex offenders. That's every county plus almost 200 local police departments. In some counties, the sheriff does all the registration. In Pulaski County, they have a group that they supervise. Little Rock, North Little Rock and Jacksonville have their groups. In some counties you have several cities who are all managing sex offenders. In some counties like Van Buren County the Sheriff does it all. But any agency that has any sex offender management at all will get a camera and a signature pad.

Mr. Guntharp asked if a local law enforcement agency runs a sex offender, and they're not from their area what do they access?

Mr. Cazort said if it's a new sex offender coming here from out of state and they go to their local law enforcement to register, they will log on to this system and enter a new registration for that person. This will notify us immediately that we need to get in touch with the other state to get supporting documents and will notify the Arkansas Department of Correction immediately that this person needs to be scheduled for assessment. If it's a person that's changing their address, they will go to the local law enforcement agency. By law they are supposed to report to the

agency that is supervising them ten days before they are moving to let them know where they are going to relocate. That agency will go onto this system, pull up a change of address form, enter that information and where they are relocating. The system will then notify ACIC that they're coming and notify that new agency that this person is on their way.

Mr. Guntharp noted it would be an automatic notification. But if it's an offender who is not under supervision and he changes his address, then it's up to him to go to the law enforcement agency in the area.

Brad Cazort stated that by law the offender is supposed to report to the law enforcement agency that is currently supervising him and advise them that he's moving. He has to do that ten days before he moves.

Mr. Ormand said if a county needs to know who is on the sex offender data storage for that area, law enforcement can look directly at that file and access that. The public will only have access to the public website.

Danny Ormand discussed the second phase, where law enforcement can access information through a mobile device. Everybody is going to iPhones, iPads and electronics. We are working with INA that if a law enforcement officer stops someone, he can take his iPhone, hit that site, type a name in and see if he's a sex offender. They'll get that automatically and see it within a matter of seconds. That's the second phase of deployment, so we want to make sure we get it out in the field and working first, then we want to add that phase where law enforcement will have access to that through their mobile device.

Mr. Guntharp inquired about the public website.

Mr. Ormand responded that that's where the public can go to our state website and look at the offenders. There are some Level 2's on that website and all Levels 3 and 4 are registered on that website.

Brad Cazort added that on that website you can register to find all the sex offenders either by zip code, county, or within a certain mile range of your address. You can register either by phone or email for notification of any sex offenders that have moved into your area. Part of that second phase includes the public phase and we're going to put that out on smart phones as well.

Sheriff Larry Sanders asked how long it currently takes for assessments.

Mr. Cazort answered that it is certainly faster than it was. Two years ago it was probably six months and it's now weeks. We have no control over that. He said INA has done a lot to speed up the process. It's certainly not as instantaneous as people would like it to be.

Judge Michael E. Irwin asked what INA was.

Letha Osborne responded Information Network of Arkansas.

Lt. Cora Gentry said INA has worked with Arkansas State Police. They have developed our criminal background check system where the nursing homes can log on and run the background check. It bounces off ACIC and goes back to them, so it has cut the time for people to get background checks back from days to instantaneous. They have also worked with us on the new concealed handgun system. We now electronically notify law enforcement instead of mailing them a piece of paper, so INA can develop anything very inexpensively. The criminal background check system pays for itself. We pay a monthly fee for the development of the concealed system. They have a Board but they are government-related. Another thing to talk about is we have shown different states our criminal background check system. That's probably going to happen with the registered sex offender system. If Arkansas is a good example, then INA can deploy that.

David Guntharp noted it would be easy to link up between the states.

Sheriff Larry Sanders asked if INA doesn't have an address on a sex offender, do they have anything to offer on the sex offenders.

Brad Cazort said they don't. We download daily to INA the information that goes on the public website. They don't have the ability to find anybody that's missing. For the people who are address unknown, we have their name and latest address. We send that to the U. S. Marshall's Office, all of the local police and the postal inspectors. It's law enforcement's job to try to find them.

Judge Michael E. Irwin said he was curious because he hasn't seen any information on that and knows that we supposedly have a system that we use where we can find out if somebody's ordered a pizza. He said would be interested in trying to find out if we can do any good by using that type of information.

Lt. Cora Gentry responded that they are working with ACIC. ASP has two monitors in the lobby, one in the main lobby and one in the Driver's License Section, of people who do not have an address. We can deploy that all over the state using a television screen and will probably be expanding that.

Danny Ormand said INA works with the county just like they do with the state. They'll come and work with counties on anything that's needed.

Chief Danny Bradley asked if there was any tie to Axiom's database.

Lt. Gentry responded that Axiom comes to ASP for background checks.

Chief Bradley said they have a huge collection of information from multiple sources. He wanted to know for those that are unknown, do we check their databases from their credit cards.

Brad Cazort responded that law enforcement would be doing that.

Danny Ormand stated that he was very proud of all of the good things that have been accomplished. ACIC staff are the ones who put all of this together and they have done a great job. They have come up with all of these ideas. Mr. Ormand said they're doing a great job and he appreciated the work that they do.

Other Business

Mr. Lassiter asked if there was any other business.

He then announced the dates of the 2011 Board meetings scheduled for Friday, March 4, Friday, June 3rd, Friday, September 2nd and Friday, December 2nd.

Chief Danny Bradley said there was one issue that he would like to get the feeling of the Board on. Back before the last Legislative session, he and Bill Clinton talked about an issue that was never resolved. Under state law, any misuse of ACIC information is a felony. That law was written back when ACIC was created where virtually there was not much electronic information and there was a certain "big brother" fear. So much of that information is available through other avenues, but the law still sits out there. And you have an officer or police employee who does wrong and misuses information in some way. Whether they're charged or not, you've got a felony. You've got an employee that's committed a felony under state law, whether that conduct warrants that or not. Chief Bradley said he thinks we need to protect the information.

Sheriff Larry Sanders stated that he had the same issues.

Chief Bradley would like to get the feel of the Board to see if that's something we could seek a change in the law to adjust that to a reasonable result for that kind of behavior.

David Guntharp agreed with Chief Bradley. Now you can buy this information and it's more readily available. Mr. Guntharp suggested looking at departments issuing their policies to deal with it instead of having a felony conviction for providing this information or misusing it.

Judge Michael E. Irwin asked if Chief Bradley wanted to decriminalize it or change it from a felony to a misdemeanor or have variations.

Chief Bradley responded that he would be happy to get it at least into a misdemeanor class. You may have an officer who ran a license plate that he shouldn't have. In Chief Bradley's department, that's an automatic first offense termination and a felony violation of state law. If it were, in my view, a reasonable thing it would be different. But it just seems like it's something that's hung on for too many years.

Sheriff Larry Sanders thought it ought to be more in line where it's basically a technical violation with ACIC rather than a state law. It's something that could be dealt with internally, with policies, where somebody could still be disciplined for misuse. He stated that he didn't know that he would like for it to be a misdemeanor from some of the issues that he's dealt with.

Chief Bradley presented some options. You could do a misdemeanor or you could write the law to put it back before this Board as a regulatory authority and control it through regulations to the

departments. If you have a violation, this Board could approve the penalty. If the department is handling it to the satisfaction of this Board, that's fine. If they don't, you always have the option of discontinuing service to that agency.

Sheriff Sanders thought that was more in line.

Brad Cazort pointed out that misuse is a poorly defined term in the state code. In fact, there are two types of misuse. The improper accessing of our system would be one. Secondly would be the improper distribution of that information. Someone may have gotten that information properly and legally, but then if they turn around and tell people what they have, that's also misuse. Since Mr. Cazort investigates all misuse, he agrees there are a lot of technical misuse issues. Some are inadvertent and minor. In the history of ACIC there have been some misuse violations that have been extraordinarily egregious of people who were accessing the system for profit or private gain through our system or JusticeXchange. There have been some very serious violations that have warranted prosecution. Our position has been because it's such a vague term, when we investigate if it's a technical or a small violation, it's usually going to go back to the chief or to the sheriff. Only in the situations that we find it's extraordinarily egregious do we send it straight to the prosecutor. Mr. Cazort thought it would be better if the law was clearer but said that there really are various levels. There may be a level that should only be administratively handled, but there may be levels that are misdemeanor levels. But there are certainly felony misuse levels as well.

Chief Danny Bradley asked Danny Ormand if that was something that the ACIC staff could work on. He then asked Mr. Lassiter if it was proper to try to deal with that.

Warren Readnour said that Bill Clinton, Brad Cazort, ACIC staff and he had worked on that two years ago. We worked on trying to come up with a tiered system two years ago for the Session of having one layer be a felony and one layer be a misdemeanor.

Brad Cazort asked if the Chief's Association sponsored it last time.

Chief Bradley responded that he was involved in it but doesn't recall that it ever got to the point of having a proposal being presented.

Mr. Readnour said they had difficulty drafting a misdemeanor describing it. The same conduct occurs when the police officer runs the license plate of his daughter's boyfriend and when a police officer is running license plates so he can be a process server and make money. The same action occurs. How do you describe that in a statute that one's a felony and one's a misdemeanor?

Chief Bradley thought that's indicative of what we we're trying to deal with. If we can't even explain it on the front end, how do we deal with it on the back end?

Sheriff Larry Sanders agreed and said he's called Mr. Ormand and Mr. Clinton on similar issues. His local Boy's and Girl's Club contacted him and said they'd like for them to run a background check on the coaches before working with children. Sheriff Sanders said he can't do that and doesn't like that idea. There are people that have legitimate reasons, people that volunteer to

work with senior citizens to go into their homes and take care of them and we can't run a background check. He doesn't agree with that.

Lt. Cora Gentry said that the money for that is what funds AFIS and the fingerprint check system with half going to ACIC. There is a system in place to do that that takes it off of you.

Sheriff Sanders said he understands that part of it, but there is a charge on our end of it. The people call the Sheriff and say they don't have the money in their Boy's and Girl's Club budget to pay for this, and want to know if we can help them. Those calls have been coming in for the last six years.

Warren Readnour stated that when that was adopted four or six years ago the Board actually voted to move forward to make the records open to the public. Florida was the example that's been used. In Florida, you can walk into a police station and there's a terminal that's available for use. But the Legislature balked at that and the compromise was what State Police has set up to have in certain circumstances. That doesn't prevent you from trying again with the Legislature.

Brad Cazort said that he heard from Representative Lee that she may be introducing a bill that would turn Arkansas into an open record state. It would allow access to any record for a fee.

Lt. Cora Gentry said they reevaluated the volunteer rate last year, to see if it could be reduced. Currently it's at half price the normal rate. We can reevaluate that again to see if it can be reduced or eliminated.

Bill Clinton said that you have to make a distinction between Arkansas records and the records from III or even NCIC. Whatever we change and look at only affects our records.

Jack Lassiter stated that there needs to be some definitions of levels of abuse and what information is available. He said that he thinks there is a need to appoint a committee directed by the recently retired David Guntharp. Mr. Lassiter said he would charge himself with that assignment and circulate an email within the next 24 hours.

Mr. Lassiter thanked the staff for the excellent reports and wanted to echo what the Director said. He said the Board really appreciates their efforts.

There was no further business and the meeting was adjourned at 11:17 a.m.

ACIC Director

Date