

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

DECEMBER 7, 2012

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, Vice-Chairman
Hon. Dustin McDaniel by Ms. Kathryn Henry
Sheriff Larry Sanders
Mr. David Guntharp
Mr. Larry Robinson
Mr. Marc McCune
Colonel Stan Witt by Lt. Cora Gentry
Mr. J. D. Gingerich
Sgt. Lloyd White
Ms. Debbie Wise
Judge Whit Fowlkes

Also attending were: Jay Winters, ACIC Director; Letha Osborne, Administrator of the Information Services Division, Bill Clinton, Administrator of the Operations Division; Brad Cazort, Administrator of the Repository Division; Mary Rogers, Administrative Services Manager; Warren Readnour; Paula Stitz, ACIC; Rick Stallings, ACIC; Karen Burgess, ACIC; 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 7, 2012 regular meeting and the October 25, 2012 Special Meeting.

MOTION: That the minutes of the September 7, 2012 regular meeting and the minutes of the October 25, 2012 Special Meeting be approved.

MOTION BY: J. D. Gingerich

SECONDED BY: David Guntharp

VOTING: Unanimous

Operations Committee Report

New Terminal Site Applications

Bill Clinton reported that the Operations Committee met prior to the Board meeting to consider four applications for direct access. He mentioned that at the last Board meeting there were no applications. These applications are in your packet.

The first application was for the Elkins Police Department. Elkins has twelve sworn and civilian personnel and they've requested a limited access workstation to use at their department. The Committee recommended approval of this application.

MOTION: That the application for the Elkins Police Department be approved.

MOTION BY: David Guntharp

SECONDED BY: Debbie Wise

VOTING: Unanimous

David Guntharp asked for the definition of limited access.

Bill Clinton responded that with limited access they can do inquiries but they can't enter records into the system. We can actually give them that capability but the hit confirmations would still be done by the sheriff's office because they will not be manned 24-hours a day.

Bill Clinton said that the next application was for Arkansas Tech Department of Public Safety at Arkansas Tech University in Russellville. They have 14 sworn personnel and it's basically the same situation. They are asking for a limited access terminal and in the comments it mentions that they are working toward a 24-hour dispatch center. The Committee recommends approval of this application.

MOTION: That the application for the Arkansas Tech Department of Public Safety be approved.

MOTION BY: Lt. Cora Gentry

SECONDED BY: Sheriff Larry Sanders

VOTING: Unanimous

Bill Clinton stated that the next application was for the Bradley Police Department located in south Arkansas. There is only one employee, who is the Chief. They are also asking the Board for a limited access workstation that they can use on demand. The Committee recommends approval.

David Guntharp asked if they kept a terminal behind a lock and key that only the Chief has access to.

Mr. Clinton responded that the terminal would have to be located in a secure area. We now have the capability that if a terminal is not in a secure area such as a MDT or a vehicle, we install it on a laptop and require that everyone that operates or has access to that device has a token that they carry with them. It's a key fob that has a button on it and it displays a six character number on the device. Whenever they log in they have to use not only their user name and password but they have to push the button on that device and give us the number on that. That device is in sync with our message switch so we have assurance that the person logging on is the person that they say they are.

Lt. Cora Gentry asked why they are traveling 18 miles to the Sheriff's office to do something they can do there. They wouldn't be able to enter warrants because they're not 24/7.

Bill Clinton responded that they probably go pick up printouts and things of that nature that they may need to support a case.

Lt. Gentry said that was a lot of money to pay for 18 miles of distance.

Bill Clinton said that getting a workstation now is pretty economical. We charge them a \$50.00 installation fee, \$18.00 a month for the software and then transaction costs, which is 4.72 cents per transaction. So in a case like this they can provide their own internet access which they probably already have.

MOTION: That the application for the Bradley Police Department be approved.

MOTION BY: David Guntharp
SECONDED BY: Sergeant Lloyd White
VOTING: Unanimous

Bill Clinton said that the last application was from the U. S. National Park Service in Hot Springs. They are requesting some MDT's (mobile data terminals) in their cars. The Committee recommends approval.

MOTION: That the application for the U. S. National Park Service be approved.

MOTION BY: Sheriff Larry Sanders
SECONDED BY: Debbie Wise
VOTING: Unanimous

Division Status Reports

Operations Division

On-Line System

Karen Burgess reported and stated that she and Stormy Cook attended a CPI conference in September and they learned that Arkansas is the number one state for the most-implemented Nlets message keys, and we were proud of that. The XML conversion on the Nlets message keys is complete. Currently, Ms. Burgess is helping ISD convert the Criminal History message keys to XML. We have configured nine workstations, 57 Mobile Data Terminals and four CAD systems in the last three months. We have also configured two iPatrol devices which are the hand-held phone devices where the application is on that. We have configured those for Sebastian County and Flippin Police Department. We have also requested an ORI from NCIC for Marion County District Court which is in Bull Shoals. We have entered 21 special interest vehicles and two special interest persons.

Ms. Burgess said that the devices that Bill Clinton referred to for non-secure terminals or devices, she calls a token which is also the Advanced Authentication. We have assigned 184 of those and have activated 229 in the last three months in various locations. We now have a total of 997 that are activated and 535 that are pending for a total of 1,532.

We have performed 685 offline searches. The other statistics will also be reflected on the three graphs included in your handout. This is the work that Network Control performs.

The next page is the missing persons report. We have 420 missing persons entered into NCIC for Arkansas and 79 unidentified persons entered into NCIC for Arkansas.

Ms. Burgess said that the next report is from our training division. We've trained 484 students in level 1 and 90 students in level 2. We also have provided the training room to Driver's Services so they could train 35 court clerks. That makes a grand total of 609 students. We are also going to have some in-house training. Our training division is going to start concentrating on the in-house staff and do some classes here. We learned this week that Pulaski County has voluntarily surrendered teaching their classes, and they want ACIC to train their personnel. That's going to be approximately 400 students that we have to filter through here and train.

David Guntharp asked that when ACIC moves its training room if there would be a larger training facility.

Jay Winters answered that it will be somewhat larger. That's part of what we are working on now, what capabilities we will have there. We have tried to have some larger classes here but the capabilities didn't work. We couldn't get all of the internet services working correctly in this building. Mr. Winters said he thought that after we move we could train at least 50 at a time.

Vine/JusticeXchange

Rick Stallings reported for Vine, JusticeXchange, AlertXpress, LeadsOnLabs and Field Agents and included a handout in the packets. Mr. Stallings pointed out that at the last Board meeting, there was a vacancy of the Central and East Central Arkansas Field Agent position, and that has been filled by Keith Weaver. He comes to us from the 1st Judicial District Drug Task Force.

For Vine, JusticeXchange and LeadsOnLabs we conducted training classes in October and November which were successful. Those were held at various locations throughout the state. The Vine Court implementation with the Administrative Office of the Courts to interface to their contact system has been fully implemented. We just received word that Miller County is coming online although they will not be using the scheduling system. We are making their records available through Vine for people to view and they can contact their prosecutor at that point to register.

The DL photo interface through JusticeXchange was upgraded when the Revenue Department upgraded their system for all the DL photos back in September.

Reporting on Vine, as of December 3, 2012 we have 49,620 registrations on people who are incarcerated and 10,307 registrations on parolees. There are 3,832 people using JusticeXchange. Since January 1, 2012 there have been over 124,000 DL photos accessed through JusticeXchange and 133 Epic forms have been submitted through JusticeXchange.

The next page of the report is the LeadsOnLabs report. It gives you a year-to-date from January 1, 2012 through November and then we have the scrap metal statistics as well.

David Guntharp asked what the phone searches were.

Mr. Stallings responded that the phone searches for Vine is where people actually call in using the 800-number searching for people using the phone system.

Mr. Guntharp asked if they did not have access to an inmate or a parolee.

Mr. Stallings answered that they may not have access to the internet to look for that person.

Bill Clinton said that if they are registering against someone they have to locate them first in the system before they can register them. So if a person was in jail and you wanted to know when they were going to be released, you would have to go in and find that person first and then complete the registration. You could either do it on the phone or on the internet.

David Guntharp asked if there was someone dedicated to do that full-time.

Rick Stallings said that Michele Kulesa helps and we contract with APPRISS to provide victim service representatives. If they are unable to locate that person through the automated system, they can zero out to an operator and they will help them find or locate the person.

Arkansas Incident Based Reporting System (AIBRS)

Bill Clinton reported and said that Ralph Ward normally reports but was unable to attend. He said there is a handout in your packet regarding NIBRS and N-Dex data. He thought Mr. Ward and his section just finished getting the last of the NIBRS data in and of course they continue to work on collecting 2012 data and perform the necessary quality control on that data. There are still two agencies that are submitting N-Dex data, Little Rock and North Little Rock and Mr. Ward is working with Pulaski County to collect N-Dex data from them. Of course, we would like to have other agencies submitting that data as well.

There is also a list there of some of the searches they have received or requests for information that they have received from various entities around the state.

David Guntharp asked if the agencies submit their data electronically or in paper form.

Bill Clinton responded that he thought everyone was submitting electronically.

Repository Division

Legal

Brad Cazort reported that at the last Board meeting he mentioned that ACIC had received a lawsuit from an incarcerated sex offender who had filed suit against two Arkansas County jailers, two Stuttgart police officers, the Arkansas County prosecutor and a staff member of our Sex Offender Registry. That lawsuit has now been dismissed and Mr. Cazort was happy to report that ACIC was not involved in any litigation.

Sex Offender Registry

Brad Cazort reported and included a handout of charts of sex offenders for this quarter. Since last quarter we've added about 300 sex offenders, which is pretty much on par. Those in compliance have stayed over 51 percent. Our address unknowns has stayed very low compared to other states.

J. D. Gingerich asked why ACIC continues to report deceased.

Mr. Cazort answered that we report deceased, out of state and deported, not by law but as requested. Multiple victims' rights groups had asked us to do that because many times victims may take months or years before they get the courage to look up the status of their offender. If they were to look there and there was nothing at all, then there's no closure. If they look there and find out that they have moved out of state, have been deported or deceased, then it helps them in their closure. We're only doing that as a service to the victim's rights groups who have asked us to do that.

J. D. Gingerich asked if there was a separate file that was maintained on people who used to be on the registry, but are now deceased. Or are they still literally on the registry.

Brad Cazort answered that they are still in our system but we have changed their status from compliant or incarcerated to deceased. If you were to pull their name up it would show deceased. It is all done electronically. They are still in our system but their status has changed.

David Guntharp asked if they ever came out of the registry.

Brad Cazort answered that we don't take them out. Other states and the feds do. The reason we don't is we were asked not to by victim's rights groups. That's a service we're providing.

Paula Stitz also stated that we have no legal authority to remove anyone. That is done by court order.

Brad Cazort mentioned that we did get a prosecutor who had a judge sign over about 10 deceased people in his county and asked us to remove them from the system. When we got the order in we removed them.

Criminal History Division

Brad Cazort reported for the Criminal History Division and included a chart for the total number of documents that have been worked in the last three months. He was pleased to report that essentially the Criminal History Division was working current. We do not have any appreciable backlog. We have changed our imaging system to a new system, and they have to move the documents that were stored under the DIS system one at a time to our new system. It started off with about 850,000 documents and we are now down to approximately 400,000. They are doing a good job on that and all other work is current at this time.

Administrative Division

Mary Rogers reported for the Administrative Division and included a handout detailing the current budget and expenses that we have used and the remaining budget we have available to use until June, 2013. So far everything is pretty much on time with every payment that we had and everything looks good concerning our expenditures this year. Ms. Rogers didn't foresee any difficulties in having the appropriation to do what we have to do for this year.

David Guntharp asked if we would be running into any problems with our Sex Offender Registry if there is \$178,000 in expenses and we have spent \$150,000.

Mary Rogers answered that for the Sex Offender Registry there is actually \$150,000 budgeted and we have only spent \$1,789.99. That budgeted amount is based on a projection of becoming compliant with the new law enacted regarding the fee to be paid by sex offenders. We haven't seen a big increase in those fees coming into our agency yet.

Brad Cazort said that in the last session Representative Woods passed the law that mandated that the \$250.00 sex offender fee be applied. At the same time in our budget he increased our appropriation for expenses out of that fund. He may actually have increased it to \$250,000 at that time but we've actually only received roughly \$150,000. As the fee grows, hopefully the appropriation is there. We have way more appropriation than we have dollars at this point.

Mary Rogers said that she decreased the amount budgeted for this fiscal year on the advice of the Office of Budget because we had \$250,000 budgeted for several years and we have not spent that amount. The Office of Budget thought it would be appropriate to lower it, so she lowered it to \$150,000 in hopes that eventually we may have more funds available to utilize for the Sex Offender Registry.

David Guntharp asked if we lost our appropriation.

Mary Rogers answered that we lost \$100,000 of it but we still have a sufficient amount to handle whatever we're going to be doing for a few years. She also stated that that appropriation was specifically for this fund and that if we were able to justify the fact that we have the cash funds available we could get an increase in our appropriation.

Information Services Division

Letha Osborne reported for the ISD Division and said that there was a handout included. We are in the process of hiring a new Network Services Manager due to J. C. Hedrick leaving in

September. We have resumed talks with Arkansas State Police and we have worked out a plan to become a NFF state next spring. That's what we are currently working on and we have resumed talks with ADC to try to perform an electronic exchange of data. We are working with AIRS because they did the Driver's License System. Next year they are going to do the Motor Vehicle System and update that. That will require changes on eCite and we are working with that.

Board Meeting dates for 2013

Chairman Jack Lassiter said that the Board Meeting dates for 2013 were included on the Agenda and asked the Board if anyone had any objections to those dates. There were no objections.

Update on Adam Walsh Compliance

Brad Cazort said that at the last Board meeting he was asked to present an update regarding ACIC's compliance with the Adam Walsh Act. He said that the Adam Walsh Act was passed by Congress in 2006 and mandated that every state, Indian tribe and U. S. Territory be in full compliance by 2009. Every jurisdiction had the option of two one-year extensions. In order to try to achieve compliance, Arkansas did apply for and receive extensions for both years. Our deadline expired in 2011. Currently, there are only 16 states nationally that are Adam Walsh compliant and those are listed on the power point presentation. Three territories and only 36 of the 566 federally recognized Indian tribes are Adam Walsh compliant.

Title I of the Adam Walsh Act is known as the Sex Offender Registration and Notification Act, commonly called SORNA. It is implemented and managed by the Department of Justice and the Office of Justice Programs. The office that actually runs it is called the Office of Sex Offender, Monitoring, Apprehending, Registering and Tracking, or the SMART Office. The SMART Office divided the requirements of SORNA into 14 different sections and each of these sections then gets reviewed by the SMART Office to determine if they are in compliance with SORNA. The SORNA law does not require that any jurisdiction be absolutely in compliance with any section but we must be substantially in compliance. Mr. Cazort then proceeded to brief the Board on all 14 areas and Arkansas's status in each one of those areas.

The first area has to do with the immediate transfer of information. SORNA requires that when an offender is initially registered or updates information in a jurisdiction that the information be immediately sent to any other jurisdiction where they are required to register. The information is also immediately sent to NCIC and the National Sex Offender Registry and to our website. ACIC is compliant in that area.

We are more problematic in area 2, which are offenses which have to be included on our registry. SORNA requires that there are certain federal, military and foreign crimes that have to be included in our registration scheme. People who are convicted of those must be registered here. It also requires that we capture certain sex offenses, both from our state and from other states in our scheme. SORNA also requires that adjudication of delinquency, which is juveniles, have to be included in your sex offender registration scheme. In Arkansas we do require any person who has been convicted of a listed sex offense in our statutes to register and if convicted in another state or federal, tribal or military court, a crime that is similar to our statute, that person must register. We capture a lot of the things that SORNA requires but we're not getting

everything that they want. Specifically, SORNA has a complaint that our definition of state does not include certain convictions in federal, military, tribal or the District of Columbia or the U. S. Territories. We don't mention that specifically in our law.

Secondly, our law does not require registration for people convicted of sex offenses in Canada, the United Kingdom, Australia, New Zealand or any other foreign country where there's an independent judiciary enforcing the right to trial. Specifically, under federal offenses there are three federal crimes. Those federal crimes are misleading words or digital images on the internet, filing factual about alien individuals, or use of interstate facilities to transmit information about a minor. Those are federal offenses and our state law does not require anyone to register if they are convicted in federal court of those three crimes. And again, the bigger problem is for juveniles. In Arkansas a juvenile is adjudicated delinquent for a sex offense. The juvenile court then will order them to be assessed prior to being registered. That assessment becomes part of the court's determination of whether or not that juvenile should register at all. The court can require that they register or not register. Adults who are sentenced and are required to register are assessed after that. Again, Arkansas law does not specifically require that every juvenile who is adjudicated and delinquent of a sex offense actually be registered under our law. And because we don't capture those necessary offenses and the offenders in our registration scheme, SORNA has deemed that we are not in compliance with Section 2. For us to be compliant would require legislation and changes, with the hardest part being the changes in the Arkansas juvenile code. Under federal law under SORNA they have tiered all of the named crimes in the federal system from Level 1 being the lowest, and Tier 1, Tier 2 and Tier 3 being the most serious. In Arkansas we do not tier because our system is not based on a conviction based, it is an assessment based. The SMART Office has reviewed all of our statutes that require registration in Arkansas. They have tiered them for their own information, and even though we do not tier, they have determined that we actually do meet their requirements.

Section 4 is what information is required to be collected. SORNA requires that we collect various pieces of information. A list of things that SORNA requires to be collected, Arkansas law does not allow. That would be collecting the status of their parole, probation or supervised release, collecting of palm prints and submitting them to the FBI, collecting digitized copies of their passport, digitized copies of their immigration documents, information about any professional licenses, temporary lodging information, their dates of travel, the text of their offense, and we don't collect any information on any airplanes they might own. Because we don't collect that specific information, we are not in compliance with the area of what information is required.

Area 5, SORNA requires that the jurisdiction require registration if someone is convicted or incarcerated. It also requires you to register if you reside, work or attend school in the jurisdiction. Our law does require that so we are in compliance in this area. For initial registration, SORNA requires that when an offender is incarcerated within our jurisdiction, the registration has to occur upon release. We certainly do that. In fact, the Department of Correction is now doing a lot of the registrations upon intake. Similarly, when someone is sentenced in this jurisdiction but not incarcerated, the law requires that they register within three business days. If they've been sentenced, convicted or incarcerated in another jurisdiction they must register within three days of moving to our state. And again, Arkansas law is compliant.

This is a highly constitutionally-suspect area. This is the retroactive application of SORNA. SORNA requires basically that every jurisdiction have a procedure to recapture three classes of offenders. The three classes include those who are currently incarcerated or under some kind of supervision for a sex offense or some other crime, those who have already been registered or subject to a preexisting sex offense registration, and those who reenter the jurisdictional criminal system for any conviction. Which basically means if you have been convicted of a sex offense, have done your time, have done everything you need to do, and in that state you get off the sex offender registry, and you turn around and get charged with another crime, SORNA requires that they put you back on the Sex Offender Registry for life. Even though it's not a sex offense. Highly constitutionally-suspect. Our retroactive provisions deviate obviously from SORNA's requirements. Our law applies to anybody who was convicted on or after August 1st of 1997 of an offense and received incarceration, probation or parole. SORNA said that to be compliant we would also need to capture those individuals who committed offenses prior to 1997. But even though they determine we have some things to do, their ultimate determination was our deviations did not substantially disserve the purposes of the SORNA requirements in this area. So we're not compliant, but we're not non-compliant. So on the major constitutionally suspect area, we have been allowed to slide.

Section 8, has to do with keeping everything current. SORNA requires that when an offender resides in a jurisdiction they must appear in person to update their name, residence, employment, school, termination, etc. They also require that when an offender lives within a jurisdiction that they must immediately update changes to their email addresses, their internet, identifiers, phone communications, vehicles and temporary lodging. When an offender works in a jurisdiction but does not reside or attend school there SORNA requires that they appear in person to update employment information. If they attend school but don't reside or work within that jurisdiction, they have to appear in person to update their school information. SORNA requires that when an offender resides in a jurisdiction but states that he intends to travel outside the United States, they must notify that jurisdiction 21 days in advance that they are going to leave the country. Also, SORNA requires that when an offender notifies the jurisdiction of his attempt to relocate to another country for any reason or his intent to travel that the jurisdiction must do three things. They must notify any other jurisdiction, notify the U. S. Marshall's Office and update NCIC and the National Sex Offender Registry. Arkansas does not do that. We do not require sex offenders to provide a 21-day notice of travel. We do provide that information to the U. S. Marshall's Office when we get it but that's on a limited case-by-case basis if we just happen to come across that information. Our law doesn't require offenders to update all of the required registration information. Again, we make people come in and update their change of residence by law and when they do that we update all of the other information, but the law does not require them to come in and update the other information immediately. Therefore, we are not in compliance according to the SMART Office and to become compliant again would take some legislation at the General Assembly.

Section 9 is the verification of appearance requirements. SORNA requires that offenders have to register for a specific duration of time to make in-person appearances based on their tier and in our case their assessment. We do require all of our sex offenders to register for life. We don't again tier our offenders based upon the crime. Instead it's an offender level and we rank them 1

to 4. Sex offenders who are assessed at levels 1, 2 and 3 have to report every six months. Level 4's have to report every quarter. SORNA allows for their tier 1, their low-level crimes, to be terminated if certain conditions are met. In Arkansas, all sex offenders are essentially registered for life. There are, however, certain sex offenders who may petition the court to be removed from the Sex Offender Registry after a period of 15 years. That is basically anybody, unless they were found to have committed an aggravated sex offense or found to be a sexually violent predator, which is a level 4, or have been found to be guilty of two or more sex offenses. Those people may not petition the court to be removed. Again, in Arkansas juveniles may petition the court to have their name removed from the Sex Offender Registry at any time while the juvenile court still has jurisdiction of the case or when they reach age 21, whichever is later. The petition is made and the juvenile court then makes the determination whether or not they should be removed from our registry. If they don't then the court can keep them on the registry for ten additional years, but then they are removed. Since we have a broader class of ability for people to get off of the registry, and we don't come anywhere close in terms of juvenile registrations, we are not compliant in this area. And again, to become compliant would take legislation.

Area 10 has to do with our website. SORNA requires that every jurisdiction have a website that displays certain information. Essentially the problem that SORNA has is that our website does not display a person's criminal history record. We don't put the name and address of their employer, their physical description, the address of their school and we don't publish the vehicles that they're driving, including their license plate numbers and vehicle descriptions. SORNA requires that but our state law does not allow that. Because of that we do not meet the requirements on the website.

Section 11 is community notification. SORNA requires that every jurisdiction disseminate information about offenders to particular agencies and people in the area. And it requires that everyone use the SORNA portal. We do not use the SORNA exchange portal, which is something that they designed to supposedly facilitate the exchange of information between sex offender registries. We do that and every state does that. Very few states use the SORNA portal because it's complicated and not very handy. Also, our law does not provide for notification to the general public whenever someone starts work or school. We do notification based upon residence, even though we are not technically in compliance. Again, the second time they determined that our deviations do not substantially disserve their purpose, so we are ok in that area.

Section 12 has to do with having a penalty for failure to register. You must have essentially a felony crime for failure to comply and we do have that so we are in compliance in this area.

Section 13 is what to do when an offender fails to appear. SORNA requires that when a jurisdiction is notified that somebody intends to reside or go to school and they fail to appear that we notify the originating jurisdiction, the one they were moving here from, that they failed to appear. We do that and we are in compliance with this. When we get notice from Missouri that someone is coming and they don't show up, we turn around and notify Missouri that they did not come.

The last section has to do with absconders. SORNA requires that when you have information that a sex offender has absconded, that we have to take certain actions to investigate and notify law enforcement agencies. That is in our law and we are compliant in that area.

Essentially, we are in compliance in 7 of the 14 areas. We have two additional areas in which our policies and procedures are not deemed to substantially disserve the purposes of SORNA. We are not compliant in 5 of the 14 areas, and compliance in any one of those would require legislation. Some of that would be more comprehensive in other areas and some would be simple in other areas to do. There are obviously still some constitutional questions perhaps about retroactivity. There are also going to be some problems to deal with regarding juveniles.

If you're not in compliance like we are, the penalty is that a state will lose ten percent of its Byrne grant funds, state funds only. It does not touch the Byrne grant funds that are available to local law enforcement. Arkansas has been penalized this past year. You can request reinstatement of the 10 percent reduction of those funds if you promise to use that ten percent of those funds to achieve SORNA compliance. We have not requested a reinstatement of the funds because the only thing we can do to achieve compliance is legislation. Currently, of the 34 states who are not in compliance, five of them have not asked to have their Byrne grant monies reinstated.

Chief Danny Bradley asked Brad Cazort if there were any plans to propose legislation to address some of these issues.

Brad Cazort responded that we don't have any plans. We've got two bills. One has to do with the \$250.00 sex offender fee and ask to make it applicable to sex offenders who move here from other states. And secondly, we've got a small bill that cleans up some basic language stemming from some concerns addressed to us from law enforcement and prosecutors but nothing that specifically addresses any of this that we're proposing. Mr. Cazort said he's not saying that there won't be legislation that deals with it. He said he doesn't anticipate any type of comprehensive legislation to deal with all five of those areas. There may be legislation that tells us to start collecting additional information that gets us compliant in one or two areas. But again, we're not asking for it and it is certainly possible that it could occur.

Chief Danny Bradley said that there were members of the Chief's Association that are interested in the travel reporting requirements.

Brad Cazort said that we would certainly like to have the authority to do that, and it's going to require some changes on our end and also on the forms. We know for a fact that sex offenders travel internationally because it's much easier to offend. There's one sex offender who frequently travels to the Philippines because it's very easy to engage in sex with minors in the Philippines. When we know he is going, we alert the U. S. Marshall's Office. We would certainly like the authority, and the Marshall's Office would certainly like us to have the authority, to collect that information and pass it on to them when we find out.

Chief Danny Bradley said that the local interest is with local travel, such as people that register in one jurisdiction but really spend substantial time at another jurisdiction staying with a friend

or maybe they're registered at their mother's house but actually spending most of their time at another city, county or with a friend.

Brad Cazort said that is one of the areas in that little clean-up deal that we had several prosecutors address us about. There was nothing in the penalty section dealing with that issue. Under the section that deals with a Class C penalty for certain violations of our sex offender act, they've added a fourth event that if you file any false paperwork or documentation dealing with registration, verification, change of address or petitions to be removed from the registry, that that would also constitute a Class C felony.

Chief Danny Bradley responded that he didn't think it was a false statement, but just the fact that they're saying that's their permanent address but they're spending a lot of time over at a friend's house or a motel.

Brad Cazort said there is another part of that clean-up bill that we don't have in our definition. There is no definition of a temporary residence, so in that bill we are adding a definition of what constitutes a temporary residence that would also require them to register at that address. If they spend more than five days there in a year, that is a temporary residence. We've been asked to put a definition of a temporary residence into the code.

Paula Stitz said that what she hears from prosecutors and police officers that are investigating these types of instances is the difficulty proving it. If they can prove beyond a reasonable doubt that they are actually living with a girlfriend or living with their mother, then there are already laws on the books that they can charge them under. But it takes so much time for law enforcement to prove that in a court of law. Ms. Stitz said that she thought the disconnect was obtaining the needed proof.

Chief Danny Bradley said that he thinks you need to get away from that proof. He said what his association is looking at is if there is a sex offender who's required to register and they go for an overnight stay out of their jurisdiction, then they're looking at reporting. That way you don't have to prove residence somewhere else.

Brad Cazort said that that doesn't affect us, in what we maintain here. That affects law enforcement and the prosecutors and their ability to keep track.

Chief Danny Bradley asked what would happen if the reporting requirement was for the visited jurisdiction.

Brad Cazort responded that that's essentially the requirement if you change states. If someone is leaving Arkansas to go to Missouri, they are supposed to report in Arkansas that they are moving. When we get that information then we notify the Missouri Sex Offender Registry. If they don't show up then we have the ability to go back and notify them. Also, if they do show up local law enforcement knows to expect them. That situation is already in place for state-to-state moves. It's not in place for intrastate moves.

Chief Danny Bradley asked how we dealt with a sex offender that has a job that requires extensive travel and overnight stay.

Paula Stitz answered that is the most difficult thing, federal or state. Long distance truck drivers are the biggest thing. About the only thing we have in our law is if they miss verifying. If they are traveling across state lines and they miss verifying here, then that's a violation. If they have to know the laws of each and every state that they travel across, they could violate multiple times.

Brad Cazort said there were other states that deal with that. We recently received from Idaho a list of somebody who was traveling on vacation and they had the dates he was traveling through Nevada, Oklahoma and Arkansas. That list was sent to every one of those registries so we would at least know that he was passing through the state. But that was based on that state's law that required them to make that kind of information available to other states.

Discussion on emailing out-of-state DL photos to non-secure emails

Bill Clinton reported and said that Arkansas was one of the first states in the country that developed the ability to send DL photos over the network. All of our users can do an inquiry on an Arkansas driver and get the DL photo back. More and more states are joining that group and it's now pretty common to exchange interstate DL photos, which has been a big help. Mr. Clinton thought it was one of the best things we have done since he's been at ACIC. He is actually on a committee at Nlets that's encouraging all states to develop that capability. We are making good progress at doing that. Even before we had the capability to exchange DL photographs electronically, Network Control had the ability to pull up those photographs. So it was very common for agencies to call in to Network Control and request a photograph. We would pull it up on a machine that we have through Driver Services. Then we would either email it or fax it to the police department. We had the policy in Network Control that we would only email those photographs out if the agency had a secure email address, which would be a departmental email address or a LEO address. We wouldn't send it out to any Yahoo or hot mail address or something like that. That worked well for us. When we developed the capability of local agencies actually being able to pull those up on their ACIC workstation, we had some requests from agencies that had an officer in the field that needed that photo. They would cut, paste and email it out to the officer in the field on their handheld device.

Some of our employees were at a conference and we found that our policy was not exactly in sync with other states policies. So we took a new look at that to see if we needed to tighten that policy up a little bit. We were trying to be accommodating to agencies and officers out on the street who needed that information. We were trying to accommodate them to get the information out there. Mr. Clinton said part of it was his interpretation of whether the photo itself was personally identifiable information. Warren Readnour, Jay Winters and Bill Clinton had a discussion about that. There's nothing more personally identifiable information than a person's photo, but it's not the same as your Social Security Number, name and date of birth or something similar that can be used for identify theft. Mr. Clinton obtained a copy of the Nlets paper that describes the usages of interstate sharing of photos and it's not specific in what technical security measures you need to have in place for exchange of photos. We probably need to take a fresh

look at our policy as far as how those photos are being distributed after they get to the local agency.

J. D. Gingerich said that it's not an image of the driver's license. It's literally just the photograph.

Bill Clinton responded that it was just the picture. They are getting the picture out to the person in the agency and as long as it's not accompanied by any date of birth, Social Security Number, driver's license, then that is acceptable to ACIC.

Warren Readnour said that the federal law, even the photo itself, is coming from the driver's license. The federal law governs what you can do with anything you get off of that. And it considers the picture itself to be personally identifiable information. That, however, can be released to law enforcement. ACIC is in compliance on that. It's the next stage where we are releasing it to law enforcement. But when they're doing it, they're not doing it over their controlled device, they're doing it over the open internet or individual's personal device. We don't allow them to access criminal history records. We've had that discussion before. Mr. Readnour said at times they use their own device which is sometimes more advanced than what their department is able to provide them. And there we said no, you can't put it on your personal device. Some of them are sending these photos out in this situation, so it is somewhat of a policy with how we are handling it. It's also now becoming a national issue. Other states have stricter limitations on what they will allow, even who they will allow them to be distributed to. At times, even more restrictive than the federal law. And it's going to cause a problem if we are getting it from some other state and one of our agencies violates that state's policy. They may terminate our access to it if they disagree with how it is ultimately being distributed out there.

J. D. Gingerich asked what federal law we were talking about.

Warren Readnour answered that it's the federal law regarding a driver's license. It's the Driver Protection Services. We are in compliance with that because it allows law enforcement to have access to all of that. Federal law limits who can get all the driver's license information.

Bill Clinton said that we have an excellent working relationship with the Office of Driver Services and they've always been very helpful in making their information available to law enforcement. But the steps that other states have had to go through to get their DL photos shared with law enforcement are not the same experience that we have had. We certainly wouldn't want to do anything to jeopardize that.

Chief Danny Bradley said that once it gets sent out to a non-secure address, then it can be on Facebook or wherever they want to put it, which is not a good thing. He said he thinks that comes back and affects this agency if there aren't rules out there that prohibit that.

Bill Clinton said that he thought we were probably covered there because our system regulations say that all information transmitted over the ACIC system is for official criminal justice purposes. He said he thought we probably needed to look at our policy and tighten it up a little bit.

Jay Winters said that we're not trying to deprive the officers on the street of the ability to have that, but any of them can get an email address on LEO, Law Enforcement Online. They can get on there and in five minutes have a secure email address that it can be forwarded to. It's not a matter that they can't have it. Mr. Winters said our goal would be that we've got it all spelled out. He said he thought other states are looking at whether or not we have that set out in our guidelines.

Lt. Cora Gentry asked Bill Clinton if ACIC would have to have the policy to put a disclaimer on the bottom of the picture that any other release of this photo is prohibited in the meantime. Or would you have to have a policy in place to do that.

Bill Clinton said that when he says policy, he's not talking about changing our system regulations but just what we teach in our training classes and what we tell people who call in with questions.

Warren Readnour stated that he thought that they're bringing it to your attention now because it's being done out there and this could be an inconvenience. There could be a push-back from sheriff's employees and from local police departments. It's going to cause another step. It could either delay them from getting that picture or require them to get a secure device or a departmental device. It's not so much that you're changing the rules. Mr. Readnour said he thought they wanted to bring it to your attention because there may be a little bit of fallout from this. The thing to look at is we don't let them get the criminal history records either. There are steps they have to go through. A lot of them would love to have this information on their personal device, but the potential problems outweigh the benefits to that. Mr. Readnour said he thought Bill Clinton and Jay Winters have reached the same conclusion on the DL photos and wanted to bring that to the Board's attention.

Chief Danny Bradley said that in law enforcement that's a big issue. Chief Bradley said that he tries to educate his employees about bringing a personal device to work. It becomes subject to discovery, and may even be subject to FOI once they start using that personal device at work for work-related purposes.

Warren Readnour said that he also has a concern about criminal history information being accessed from a personal device. If the information is coming from ACIC, it's part of our criminal history information and needs to be secured and restricted.

Chief Danny Bradley said that they've had that huge debate in his department and we issued a policy to make it clear to everybody that any information that's generated regarding the police department, police work or while you're on duty belongs to the police department. That information belongs to us. Wherever it resides, it belongs to us. The issue just gets bigger and bigger as technology grows.

Marc McCune asked what made an email secure as opposed to non-secure.

Bill Clinton responded that ideally what we would like to have is an encrypted email. The rule that we came up with years ago was that it had to be an email address that was managed by the department.

Marc McCune asked about the pertinent email that's then accessed under wireless devices, i.e. phones, tablets. He asked if that was just as unsecure as anything else.

Bill Clinton said that if you're getting it from a wireless device it does make it more susceptible to being unsecure.

Marc McCune said that if you tried to make them all encrypted, that would be a big expense that most departments couldn't afford.

Warren Readnour said that we had approved some mobile devices earlier and if they've got those in their car they're going to get it on that.

Bill Clinton said he was torn between making it handy for the guy on the street. But as we were talking about earlier, there are multiple ways you can get direct access to ACIC and it's becoming more and more affordable. Karen Burgess set up several iPatrol, which is an app that you can download for your iPhone or your Android phone and for \$20-something a month plus transaction costs where you can have access on your iPhone. So it's becoming pretty affordable.

Warren Readnour said that was going back to what Chief Bradley was talking about if it's not the department's device, you're going to be using that information on your device.

Bill Clinton said that to follow-up on that, part of our application process is for that feature. We ask that question and they have to certify that it is a departmentally-owned device.

Jay Winters said that app is not only going to be device-specific but it's going to be individual-specific. So if Bill Clinton has an iPhone or an iPad that works, he can't log in and use it because it has to have my identifiers. There's quite a bit of security there. Mr. Winters was at the new Sheriff's School this week and some of the sheriffs said that they're buying iPads and that they will be using these. In some areas they're going to replace the laptops.

Bill Clinton said another capability that we've developed is making attachments to an AM message. So our AM messages are becoming more and more like emails. If we need to send a message from our department to North Little Rock or any other department, we can now attach a photo, video, or word document up to 256k in size to that AM message. We're seeing a lot of success with that. Mr. Clinton has been invited to speak before the International Association of Chiefs of Police Advisory Committee next week to tell them how we did that. Again, we were one of the first places in the country to develop that capability. The next step is to be able to send these messages state to state, not just in Arkansas.

Warren Readnour told J. D. Gingerich that it was the Federal Driver's Privacy Protection Act of 1994 that uses the DL photos.

Other Business

Jay Winters said that we are working hard and he was most proud that ACIC is involved in a lot of proactive things. We're not reacting, we're trying to be ahead of the curve on a lot of things. He appreciates everything the ACIC staff does and the hard work that they do.

Mr. Winters asked the Board members if they preferred paper copies of the Board meeting information or if they preferred it to be emailed to them.

Some Board members use both, so Mr. Winters said we would continue to provide that.

Mr. Winters informed the Board that our next ACIC Conference will be in May in Hot Springs. He also congratulated Brad Cazort for his hard work in securing the Peabody for our ACIC Conference for 2014-2016. He got us a great deal, and it makes it somewhat easier being centrally located.

The last thing Jay Winters discussed was an update on the move. We have been meeting back and forth with the builders. The building is at the corner of Fourth and Main, the old Pfeiffer-Blass building. It's coming together very well. They are on the second level of a four-level parking deck. There is work going on all seven floors of the building and the very positive thing for us is they are building it to our specifications. We are not out any costs for that. Mr. Winters said that our lease ends here on June 30, 2013. Ann Laidlaw and ABA helped broker this deal for us. She's on board so the lease is not going to be an issue whether we leave early or stay. In fact, people are already trying to get our office space. Everything is going well, and when it gets a little further along he invited the Board members to go tour the new location.

Chairman Jack Lassiter thanked the staff for their excellent reports.

Other Business

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

ACIC Director

Date