

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

**JUNE 4, 2010**

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

Mr. Jack Lassiter, Chairman  
Sergeant Lloyd White  
Chief Danny Bradley  
Hon. Dustin McDaniel by Ms. Kathryn Henry  
Mr. David Guntharp  
Sheriff Larry Sanders  
Mr. J. D. Gingerich by Mr. Larry Brady  
Ms. Vicki Rima  
Colonel Winford Phillips

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; Warren Readnour, Office of the Attorney General; Judge Herbert T. Wright, Jr.; Sharron Stallings, ACIC; Rick Stallings, ACIC; Paula Stitz, ACIC; Angie Tatum, ACIC; and Judy Lepper, ACIC.

Chairman Jack Lassiter called the meeting to order and asked for approval of the minutes of the March 5, 2010 regular meeting.

**MOTION:** That the minutes of the March 5, 2010 regular meeting be approved.

**MOTION BY:** Sergeant Lloyd White

**SECONDED BY:** Colonel Winford Phillips

**VOTING:** Unanimous

**Judge Herbert T. Wright, Jr. Letter**

Chairman Lassiter stated that there was a letter that was circulated earlier to the Board members from Judge Herbert T. Wright, Jr., Fourth Division Circuit Court in Pulaski and Perry Counties concerning issues involving Act 346, which is also codified as A.C.A. §16-93-303. He said there are some issues that we need to address concerning the way we enter individuals that are placed on probation under this act. Chairman Lassiter asked Judge Wright to speak to the Board concerning this matter.

Judge Wright stated that there are actually three provisions for the way these cases are reported by ACIC that are causing problems. Act 346, which clearly states that a judgment of conviction is not entered, has a probation statute which says a judgment of conviction shall be entered if a fine is not imposed. Then a judgment of conviction does not have to be entered. In the drug statute there is a provision for a deferment in which a judgment of conviction is not entered. Judge Wright said that the problem that he has experienced both as a judge in Pulaski County Circuit Court for the past 16-17 months and as an attorney handling these types of cases is if he had a client or defendant that Act 346 was imposed upon, it was reported by ACIC as a conviction. That person would go out and attempt to obtain employment or housing. A background search would show a conviction and that person was told by the court and by their attorney that they could say that they do not have a conviction because that is what the law says. Then it came back that those people had been dishonest with whichever they are applying for, housing or employment, and they're declined. An additional problem is that some of these people are doing background checks through private companies. They may have corporation X check your background and that conviction shows up. Two years later when it's finally sealed and disappears, that corporation doesn't go back and check that. They use their own database. So even though the record sealed access to everybody, that private company has that in their database. Right now Judge Wright has three cases in which someone has either adjudicated guilty and not imposed a judgment or they have had Act 346. AOC has ordered the prosecutor to get a judgment signed in every one of those cases and Judge Wright has refused to sign them. For the few cases done, it's usually not a violent or sexual crime. It's a case in which someone has a decent job and we want to keep these folks employed. We don't want them to lose their job with a conviction on their record. Judge Wright said it's a problem because he won't sign those judgments and the prosecutor understands his position. But something needs to be done so that the prosecutor can do what they're ordered to do, have the records they need and Judges can have the probation records they need.

Judge Wright said that the other issue if Act 346 probation is imposed at the end it would be dismissed under Act 346 and sealed. But if a judgment is not imposed on a probation case, dismissed is going to be indicated on your records. This means that if these people come back and are misjudged, they didn't deserve the break that they got. The prosecutor is not going to have records showing that they can enhance these for habitual allegations. Judge Wright said that this is the problem and he hopes there is a solution.

Chairman Lassiter said that if you look at §16-93-303 that was just circulated, the first paragraph indicates that the court is given the authority under this provision to accept a plea without making a finding of guilt or entering a judgment of guilt. The court can defer further proceedings, depending on probation, for a period of not less than one year. So this is a first offender provision, which allows the court in effect to defer action for a period of time and place the defendant on probation without making any finding of guilt. This is really the goal of the statute. SB authorizes the court to dismiss the case at the end of that probation period if the individual has complied with all of the conditions of probation. It's unlike other first offender statutes in which the person is convicted and then later gets a conviction expunged. Here the case is dismissed under these procedures. When the individual is placed on probation under Act 346, the box is checked that he's guilty. The judge has never made a finding of guilt, so that's not accurate. It seems that there ought to be some other way to do this. It should show probation

under Act 346. At the end of the period, if the judge enters the order of dismissal, that is indicated, or the screen indicates dismissed and sealed. The problem the prosecutors have is for habitual offender purposes, the prosecutors can use the earlier Act 346 probation and dismissal. When they look at that they can't tell that the individual had the Act 346 probation. It seems we ought to change that and the prosecutors ought to see dismissed under the procedures of Act 346 so they will know that there has been some earlier court proceeding. That's the problem that Judge Wright and the prosecutors have.

Judge Wright said that during the period that they are put on probation, law enforcement wants to know about it in case they come in contact with them in the field. So it needs to be reported to law enforcement on ACIC, just not to the general public.

Brad Cazort referred to a power point presentation that will answer some of these questions. He said that Judge Wright is exactly correct. Act 346 says that the judge places them on probation without a finding of guilt and there's another statute that tells the defendant that when you go apply for a job you may correctly put on your application that you have not been found guilty of any felony. In Arkansas we have seven different expungement statutes. Brad has made this presentation to the circuit judges, district judges, drug court judges and prosecutors and tells them that the nicest thing about the law of expungements in Arkansas is that it is entirely inconsistent. What the law gives on one hand, it takes away on the other. In this case Act 346, which is a first offender statute, is designed to give a person a fresh start. It does say that they pled guilty, but the judge doesn't find them guilty. Then they're placed on probation with conditions and at the end of that period if they're successful, then the judge can dismiss the case and seal it. During the period of probation on any of the expungement statutes, ACIC does report that as a conviction. The reason is under §16-93-303c it says "During the period of probation described above in subdivision (a)(1)(A)(i) of this section, a defendant is considered as not having a felony conviction except for:" and then it lists six different reasons that they are considered to be a convicted felon. We don't know when somebody searches a name in ACIC what they're looking for. We don't know if they're searching for one of these six reasons or not. But because the law says they are still considered to be a felon for those purposes, we've got to show them as a felon in our system to make that point clear. And additionally that's supported by two different Attorney General's opinions, numbers 2001-60 and 2005-30.

Chairman Lassiter asked Mr. Cazort if we reported probation under Act 346 and somebody is searching that in law enforcement, then shouldn't they know that? A prosecutor searching that would know that in Act 346 there are certain exceptions for habitual offender purposes. For criminal history scores, they would know that there's some impact with an Act 346 plea. But on the screen it just shows guilty, it's not even referenced as being on probation under Act 346.

Brad Cazort said that it does say guilty and sentenced under Act 346.

Chairman Lassiter said why can't we just say sentenced to probation under Act 346 instead of making a legal conclusion that he's guilty. You don't have an order from a court making a finding of guilt.

Mr. Cazort said that he thought it would take a programming change that Letha Osborne had developed. Even if ACIC makes that change on our system, the FBI interprets our law the same way. So if somebody is doing a national background check and it comes back showing Act 346, the FBI considers them to be guilty as well because of our law, and that's what gets reported to every other state that they may be applying for a background check in. It is possible to do a programming change to show sentenced under Act 346 for law enforcement purposes. But the law does say that they're still guilty for those six reasons. That plus the two Attorney General's opinions is why it is reported that way. Act 346 and one or two others of the seven expungement laws allow the judge at the completion of their probation period to actually dismiss the case. At which case we go back and change the conviction to not guilty. The other three or four expungement laws do not allow the judge to dismiss it, so it's just ultimately sealed. In Arkansas, sealed does not mean erased. It means it's electronically sequestered so that people who have access to it is limited. The showing of guilty is not just on Act 346, it's under all seven expungement laws during that probationary period that we show them as guilty.

Vicki Rima said that the circuit clerks have a problem because agencies come in and pick up the information. It's now out on the web during that entire time. Those people come back, or the judge expunges or seals it, but it's there. So circuit clerks get calls all day every day about why their information is still out there. There is no way for us to get it back.

Brad Cazort said he would talk about public domain. Under Act 346, once the judge actually terminates their probation and finds them not guilty and dismisses the case, they are still considered a felon for purposes of buying a handgun even though the case has been dismissed and there is no conviction. That law got changed in the last session but everyone sentenced under Act 346 prior to that has a permanent ban on buying a gun. Under the definition of felon under the statute, that is certain persons prohibited from buying a firearm. One of those definitions includes anybody who was placed on probation during an expungement period. The law was changed for Act 346 with the new drug court expungement but it did not get changed for the other five. So anybody who has their record expunged under any of the other five provisions still is lifetime prohibited from owning a gun because they are considered to be a felon.

As to the public domain, this is a continual problem. We used to get two or three calls a day from people who were irate because they had a background check done and it came back as a conviction and the record was sealed. They are mad at us because the record is wrong. They have to sign a release and we pull their record, the record is correct. It turns out that internet companies attempt to save a buck rather than going through the State Police as they should. If you do a background check through the State Police, what comes back on an employment check are misdemeanor convictions, felony convictions, and pending felonies with no disposition less than three years old. So if it's an old felony that's over three years old with no disposition that doesn't get returned. Dismissed cases, nolle prossed and pending misdemeanors do not get returned. The problem is these people are very good at having people go out to every courthouse in the state and pick up the arrest and conviction records. They are terrible in going out and picking up orders to seal and expungement records, and they are not reporting those. Those records are all public records when they are picking them up, but when they get to ACIC they cease to be a public record. We have no control, no jurisdiction over anybody who goes to the courthouse to get them because they are public records and there's no state law that gives us any

authority. We have continued to tell attorney's who call on behalf of their client who thinks their record is wrong, that it's wrong because the company is reporting it wrong. I think they have a laid down liable lawsuit to sue the companies but no one has jumped on that bandwagon yet. The information we have would be correct and if the employer had gone to the State Police to do the background check in the proper way, it would have returned without that conviction because it had been sealed. It is a huge problem that there is no solution for because there is no legal control over those companies.

Chairman Lassiter said that is a good point and an issue for another day. It's possible that maybe we can open our records up like other states because ours are the most accurate.

Warren Readnour said that we tried that four years ago and that's what led to the State Police doing that. But there was a legislative fight and the Legislature didn't want to open the records. Obviously, we're not considering trying that again. If we have accurate information and it's all public information when we collect it, what made it private was our compilation. But with all these private entities, now they go to AOC. They don't even have to go to the county clerk's office. They go to AOC and get the information.

Chairman Lassiter addressed Judge Wright's issue. He said that if you look on the second page of the handout that was circulated it lists the events in which Act 346 dismissal still causes a conviction. They're all for something that happens in the future. This was codified four years ago as a result of the work of a committee that Jack Lassiter, David Raupp and Cora Gentry were on. Brad Cazort joined us and our forms that are now online for Act 531 probation were drafted by our committee. We finalized them a couple of years ago. These exceptions are triggered by future events. A determination of eventual offender status, that is if the defendant is fortunate enough to get 346 probation and a dismissal. If he messes up again he's going to have to deal with the fact that he got through the system one time for purposes of habitual offender problems. A determination of criminal history scores if he gets busted again as well as sentencing. And for purposes of impeachment as a witness if he testifies at a trial, he can be cross-examined. We compiled this and put it in the act because some judges said there are some things that you need to do to clean up some of our expungement provisions and it would be helpful to us if we could look in one place and find out where this dismissal under Act 346 can still be used in the future. But in the present, when he dismisses the co-provision very clearly as Brad says, the individual says he's never had a conviction. The judge has never made a finding of guilt under this scenario and at the end of the case he is dismissed. Only if the defendant does something or testifies at some future proceeding can this in some way come up. The problem is with the way it is done. It does not accurately reflect what the judge does and many of the prosecutors have a problem with showing a dismissal at the end because they can't tell for what reason it was dismissed. When they have the defendant, who has been under Act 346 probation on robbery, they ought to be able to use the 346 case for purposes of habitual offender status and in determining the criminal history scores.

Brad Cazort said that it is a constant problem. When all seven of the laws of expungement were written, they didn't consider the effect on the others. There are separate laws that affect what the law gives on one hand, but it takes away on another. Actually what is needed is a legislative complete rewrite of the law of expungements but there is a not much of a lobby out there to push

the Legislature to do that. Until that happens we've got problems because the statutes are internally inconsistent.

Chairman Lassiter asked if there were any questions or any discussion or motion.

He asked if the Board would like him to appoint a committee to address this and make a recommendation at the next meeting.

**MOTION:** That the Chairman appoint a committee to do further fact finding on this issue and report back at the next meeting

**MOTION BY:** Vicki Rima  
**SECONDED BY:** Sergeant Lloyd White  
**VOTING:** Unanimous

Chairman Lassiter stated that he would do that and circulate.

Judge Herbert T. Wright, Jr. thanked the Board.

## **Division Status Reports**

### **Operations Division**

#### **On-Line System**

Sharron Stallings reported and included a handout. She said that they have been working on some projects with the CAD system, mobile data systems, keeping the system on line and the day to day operation. A couple of people from the Operations Division were involved in the ACIC Conference. Monthly stats were included. Ms. Stallings wanted to explain sapien searches. When law enforcement calls in with a name of an individual, and they want all the vehicles registered to that individual. We have a program called Sapiens that Motor Vehicle gives us access to that allows us to go into the online system and check for vehicles registered to individuals. As you can see we get a lot of those requests daily. There were a total of 561 stolen vehicles in the month of March.

Warren Readnour pointed out that there was not a quorum. There are only seven Board members present, with 14 on the committee. It takes eight members for a quorum. He pointed out with regard to the last motion, that you have the right to appoint a committee any time you want. As far as approving the minutes earlier, you will need to do that again at the next meeting. You can still basically have a committee meeting at this point rather than a full Board meeting.

Chairman Lassiter thanked Mr. Readnour and said that when Chief Bradley arrives we'll have a redo.

Warren Readnour said they can just readopt the minutes and the meeting can continue.

## **Field Services Division**

### **Training and Legal**

Brad Cazort stated that there was nothing to report on legal at this point. In your packet you have a short notice on training for the second quarter. For our mobile classroom, all the computers we ordered are in and have been set up and we are testing them. Our first full test for a mobile classroom will occur July 13<sup>th</sup> in El Dorado and we have mobile classrooms scheduled through the end of the year and the beginning of next year. The result being, once we get it up and running we will have a class in this facility one time, the next time we will be on the road, and get our classrooms out and about to local police agencies. We also have the statistics for our testing and training in this last quarter. We gave 400 Level I tests with a 77 percent pass rate; 44 Level II tests with all passing; and 171 Level II refresher with an 85 percent pass rate.

### **Vine/JusticeXchange**

Rick Stallings reported for Vine, JusticeXchange, AlertXpress, LeadsOnLabs and Field Agents, etc. He said that they have been working with Appriss, the vendor for Vine, JusticeXchange, AlertXpress and also a Dell Management system to bring Garland, Saline, Pulaski County's photos online to allow law enforcement to access and view all of the booking photos in those agencies. The offender photographs those agencies can actually handle is 1,238 offender photographs. That would be a benefit for law enforcement just to have those online and viewable. That should be accomplished by the end of the month, which is the end of our grant for that interface.

The McGehee Police Department was added to Vine and JusticeXchange. We've had three other agencies that have inquired to be added to the Vine system. They are 24-hour holding facilities but they still have a lot of offenders that go through those facilities. We have completed our advertisement with the Razorback Sports Properties. Because of that advertisement we have seen an increase in new monthly registrations. We are continually educating law enforcement and the criminal justice agencies on Vine, JusticeXchange and AlertXpress. Since the first of the year we've trained 233 people. We held classes in West Memphis, North Little Rock and Rogers. There were quite a few people that had never used the system before. The agents have been working with Benny Battles on the Mobile Training Lab to get locations and make sure that they have established a connection and are pointing people in the right direction. We have a new field agent in the northeast Arkansas area. Her name is Katie Romberger. The field agents have been assisting in her training. At this point I believe she is ready to hold classes. She has been conducting audits. She basically has hit the ground running and should be a good addition to the ACIC staff. The agents have been working on their new laptops getting those ready, collecting dispositions, conducting audits and training classes as normal.

Karen Burgess, Sandra Blue, Larry Cole and Rick Stallings attended the STARS conference. We met with other agencies and practitioners from our field. We basically shared some ideas with them and they did basically the same thing with us. NCIC audits were discussed, Triple I, Interstate Identification Index was discussed. Technical audits and the federal motor vehicle registration system were among other things that were discussed.

## **Sex Offender Registry**

Paula Stitz stated that they are preparing for the FBI Audit. They emailed us last week 100 sex offenders that they want to pull from our files. Ms. Stitz said that Arkansas's Sex Offender Registry has just hit 10,000 this month. They will be here for a couple of days and we are getting ready. We're getting ready to do our monthly regional meetings for June later this month, and hopefully we'll be done by August. We have a couple more to do around the state with law enforcement and prosecutors, teaching them about registration and what we need from them and what they need from us. They've been very successful and it's caused the SOR to run a lot smoother. The ACIC Conference conflicted with the National SMART Symposium and Conference in Portland, Oregon. Our grant money comes from the SMART grant. We applied this year and they will be announcing that grant in September. Apparently, a lot of funding is going to the Indian tribal places. They are trying to get them to come in line with the Sex Offender Registry. There has been some hesitancy for tribes to get involved in it. Their laws and government bodies can be quite a bit different than federal or state government. The larger tribes are arguing with their state entities, not wanting to participate with them and wanting to have their own. So they brought a lot of the Indian tribes in trying to get them in line. They are applying for some these grant monies too, so there is a lot of competition for the grant monies to improve and make the sex offender registry better and more electronic. They are not going to make the announcement until September. They did say that there will be no more extensions for getting our laws in compliance with the Adam Walsh Act. There are only three states as of today that have come into compliance with the Adam Walsh Act. They are Ohio, Delaware and Florida, and two tribes. This law has been in effect since September of 2006 and is a slow process. They were celebrating because they had three states that were compliant. Arkansas is one of the states that is hesitant about passing the Adam Walsh Act for several reasons. So all of these states have been complaining to the FBI about it, and they did get Congress to make a few changes, which are included in your packet. They addressed juvenile delinquents indicating that it is not mandatory for juvenile delinquents who have been adjudicated in juvenile court and required to register to put them on our website. We do that already but some of the states didn't want to do that.

They wanted to keep internet identifiers on the website. Now they are saying we don't have to put them on the website. One of the things that we did like was the guidelines about international travel. We have had some issues with sex offenders running to Mexico or Europe and different places and now they have a consistent way to notify these countries through the U. S. Marshall's Office. We need to change the law slightly that requires sex offenders 21 days before they plan to travel to another country to let their local law enforcement agency know. Once we're notified of that, we can contact the U. S. Marshall's Office and they can contact Interpol or whoever they have communication with and let them know these sex offenders are in their country. We don't have that in our law and we really need to start working with Legislators and see if we can't get that changed. The others were retroactive. What the Adam Walsh Act said was if you have ever been convicted of a sex offense, you're required to register. In Arkansas it's regulated by the date the law was passed. They've changed that slightly to where if a police officer stops someone and runs criminal history check on them and they've been arrested for another crime, a felony, and they look at their criminal history record and they have a sex offense they can look at it and if it's been over 25 years since he committed the crime you don't have to require him to register, but you can if you want to. And that's one of the reasons



that a lot of the states, including Arkansas, are arguing about this Adam Walsh Act. They did say no more extensions. We've got a year extension until our 2011 Legislative Session. After that, if you don't come into substantial compliance with the Adam Walsh Act, ten percent of the Byrne fund money will be taken out. What they did tell me was the ten percent is going to come from the 60 percent that the state agencies get of Byrne grant funds, not the 40 percent that local law enforcement applies for. It will be taken from the state's part.

Brad Cazort added that they had applied for and received their last extension through June of next year. The failure to comply is a decrease in Byrne grant money, which ACIC does not apply for. There are a number of state agencies that do apply and they call us all the time and ask if we're going to be Adam Walsh compliant. It's up to the Legislature. There are other agencies who are concerned about our becoming compliant because it's affecting their grant pocketbook.

Paula Stitz said that they had a package that made us compliant with the Adam Walsh Act, presented it to the Legislature this last Legislative Session, and it didn't get out of Committee.

Chief Danny Bradley asked what the ten percent means in terms of dollars.

Brad Cazort responded that he didn't know exact numbers but the amount of the Byrne grant has been dwindling and some states have decided that giving up 10 percent of the dwindling pot is worth their not complying with Adam Walsh. That may be how the Legislature wants to think about this. The actual number has been decreasing every year.

If we lose 10 percent of the Byrne fund money it's not as much as we have to pay to come into compliance with Adam Walsh. Ms. Stitz had talked to Louisiana and Ohio a couple of times before they came into compliance. They were on a panel, along with Florida and Delaware, with two tribes that were in compliance talking about how they came into compliance. They asked Ohio how it was going. His comment was as soon as we wade through all the lawsuits that we're wading through right now we might be able to tell a little better. One of the biggest fears that states had was lawsuits that were going to happen as a result of some of the tighter reigns they were putting on sex offenders. But the federal government is putting pressure to get Adam Walsh ratified.

Chairman Lassiter stated that Chief Danny Bradley and Mr. David Guntharp had joined us so there was now a quorum.

## **Criminal Justice Information Division**

### **Arkansas Incident Based Reporting System (AIBRS)**

Ralph Ward provided a handout and reported that the current program status for NIBRS is that there are 272 agencies that are required or requesting to report to NIBRS. 268 of those are currently reporting to us, including 15 new agencies that started this past year. This leaves us with two agencies that are testing with us, one working with their vendor to report NIBRS and one is in the process of acquiring a vendor. Regarding Repository upgrades, we have

successfully completed the second testing phase with the FBI with one more to go. We are also preparing to load the 2009 data submissions to the new repository.

### **Criminal History Division**

Mr. Ward provided a handout for the Criminal History Division. The first five months there are totals for several items. The grand total for the major documents processed in the past five months is around 275,000 records. Since the beginning of the year, all employees in the Criminal History Section have been cross-training on their jobs and tasks.

### **Administrative Division**

Rhonda Richardson reported for the Administrative Division and provided a handout with the ACIC budget. The budget reflects three budget reductions that we have taken this fiscal year.

### **Information Services Division**

Letha Osborne gave the report for the ISD Division and provided a handout. She said that ISD has been doing their normal desktop support, software installation and database maintenance and keeping everything up and running. At the last Board meeting she reported that they had been working with Law Enforcement Standards to upgrade their system. We have completed the initial upgrade. Upon completion of that upgrade, we visited with them to show them how everything worked and found they were doing a lot of things manually. We have taken on the burden of helping them with other projects to get them more automated.

We have been working with INA. We were able, with the help of Rick Stallings and the Sex Offender Division, to work with them and get the new Sex Offender Website running for free.

We have been working with North Little Rock to install an Edge device on the NDEX project. We have a 30 day testing and evaluation and so far it's working and receiving the data we need and get an IP for the FBI.

### **Field Services Presentation**

Brad Cazort gave a presentation on the Field Services Division. The Field Services Division is responsible for the operation and maintenance of the Sex Offender Registry, Victim Notification, JusticeXchange, AlertXpress, LeadsOnLabs, Pseudoephedrine Registry, the Metal Theft logs, training our field agents, and our public information and misuse investigations. Mr. Cazort referred to the Organization chart, and said that he is the Administrator of the division that is divided into three areas. Paula Stitz is the Manager of the Sex Offender Section, Rick Stallings is the Manager of Field Services and Benny Battles is our Training Manager.

Mr. Cazort made a presentation of each of the different areas to briefly explain what they do. Vine is the Victim Information and Notification System that allows checks of the location and status of an offender and to register for notification of events that are related to that offender. It is referred to as the Arkansas Vine system. It's actually an acronym for Victim Information and Notification System. You do not have to be a victim to use this system. Historically for Vine, we keep track of how many people register to follow a victim. You can see it's grown every year. In 2009 there were 27,189 registrations for Vine. So far in 2010, through the first of June, we are at 8,852. It continues to grow every year. That is a service that is free to the public.

Ms. Vicki Rima asked Mr. Cazort if someone registers for Vine as a victim and that's FOI'd, is that information that you have to put out to the public, as to who is registering?

Mr. Cazort answered that they have never had anyone do an FOI to see who was registered. He sees all of the FOI's but never one on Vine.

JusticeXchange is an information sharing solution that provides criminal justice professionals with an instant up-to-date database of booking records and other data from thousands of other agencies across the county. Currently the total numbers of records that are available are over 45,000,000 for 30 different states, plus another 7.5 million booking photos. Searches that have been made through JusticeXchange for January through May are consistently over 50,000, and through May 3rd we were up to almost 20,000. It is a well-used system for criminal justice agencies. So far this year we have provided almost 48,000 photos through JusticeXchange.

AlertXpress is a high-speed notification system that provides government agencies with the ability to create and deliver large-scale notifications to people and businesses immediately using a telephone, fax, or email. Last year there were over 140,000 alerts delivered through AlertXpress. Halfway through this year we've had 167,000 alerts.

LeadsOnLabs is the innovative and user-friendly online investigative service that is used to identify suspects in the manufacture of methamphetamines. There are 872 total active stores in the State of Arkansas, 812 pharmacies and 60 convenience stores. Active means that they are able to send transactions. Some stores sell very little products and are not necessarily deemed to be active all the time.

Since January of this year, there have been over 325,000 sales of ephedrine and pseudoephedrine that have gone through the system. At the same time there have been a little over 30,000 that have been blocked or denied. The denial rate through this system is 9 to 10 percent. Those denied are purchasing ephedrine or pseudoephedrine either over the limit or they have tried to purchase too much at one time or too much within a calendar month.

Metal Theft is one of our newer programs. If a scrap metal dealer searches, the dealer is required to take a thumb-print, a photograph, a picture of various certain metals that people bring in for recycling. This has been brought about through legislation because of the high incidence and growth rate of copper theft. As you can see, in September of 2009 there have been a little over 6,000 through our Metal Theft log.

Rick Stallings and Tammy Newcomb are in charge of all those programs. Our field agents are the first and sometime the only contact that an agency may have with ACIC. They are responsible for training users in the state and assisting at ACIC. They also handle the installation of software updates, hardware replacements throughout the state and conducting audits to ensure that agencies are following both ACIC and NCIC policies. If there is a complaint of misuse, they assist in the investigation with the appropriate agency. They gather documentation and they also go to courts and help collect missing dispositions. We have seven field agents that are divided among those seven territories.

Sex Offender Registry is responsible for operating and supervising the Arkansas Sex Offender Program. It includes receipt and verification of all initial registration forms, all verification and address forms, all change of address forms and acknowledgement forms. Additionally, they are responsible for obtaining copies of all conviction and disposition information for all registrants regardless of which state they come from. It is sometimes a tricky problem to get records from other states, particularly California. The Registry is also responsible for assisting local law enforcement and other criminal justice agencies in prosecuting sex offender cases. ACIC Manager Paula Stitz represents ACIC on the Sex Offender Assessment Committee and is a certified law enforcement instructor for the yearly Sex Offender Registration and Assessment Regional Workshops. The Registry also produces and distributes the Arkansas Sex Offender Registry Protocol Manual. We have currently reached the 10,000 mark in sex offenders. We have at 10,083 as of two days ago. Out of that number we have just under 5,000 who are in compliance; 1,651 are out of state; 1,381 are still in the penitentiary and 1,221 are delinquent. That doesn't mean we don't know where they are. They are just slow in getting their paperwork back. 465 are now deceased and 355 are address unknown. Those are the people that are absolutely gone. We have notified law enforcement and the U. S. Marshall's Office in an attempt to locate them. They have absconded. We have 69 people on the registry who have been deported. Paula Stitz, Kathy Smith, Jennifer Anderson and Margaret Bell are the four people who handle the Sex Offender Registry. We have four people to handle a registry of over 10,000 people. The State of Virginia, for example, has about 16,000 on their registry and they have 67 employees handling the sex offender registry.

We currently provide training to criminal justice agencies in three levels. Level I is our basic four hour introductory class. It familiarizes students with the ACIC system and how to do queries. Level II is an advanced certification. It's currently a 24-hour class over three days. It will soon be updated to a 32-hour class over four days. It certifies students to have full access to all formats. Because the expense of training has increased, we have developed the mobile classroom in an effort to offset some of the expense of training. We are testing now and the first full-blown mobile class will occur in July in El Dorado.

Mr. Cazort referred to the training statistics from the last half of last year and the first half of this year. Needless to say, we train a lot of people.

Chairman Lassiter asked if he correctly remembered that our percentage of unknowns in the Sex Offender Registry is significantly lower than the national average?

Brad Cazort responded yes, it is lower than most states. Law enforcement does a very good job of keeping track of where they are and letting us know. Part of the Adam Walsh Act required the U. S. Marshall's Office to assist every state in locating the absconder sex offenders. The Marshall's Office in the eastern and western districts of Arkansas jumped on that and I think their goal is to lead the U. S. Marshall's offices in the apprehension of all the missing sex offenders. They have been an enormous help. In the last year we had a visit from U. S. Postal Inspectors who now want in on the action of looking for missing sex offenders so we are giving them information as well. Arkansas does maintain a very low percentage of missing and unknown absconder sex offenders.

Chairman Lassiter stated that the Board now had a quorum and we can lawfully move to approve the minutes of the last meeting.

**MOTION:** That the minutes of the March 5, 2010 regular meeting be approved.

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

Warren Readnour asked Chairman Lassiter if he wanted Vicki Rima to make her motion again about the Committee.

Chairman Lassiter answered yes.

**MOTION:** That the Chairman appoint a committee to further study the issue concerning Judge Wright's letter and report back at the next Board meeting.

**MOTION BY:** Vicki Rima  
**SECONDED BY:** Chief Danny Bradley  
**VOTING:** Unanimous

### **Other Business**

Danny Ormand said that most everyone knew Letha Osborne. She has been at the agency 30 plus years. She has run the ISD Department very successfully and has worked her way up from the front desk all the way through that program. Mr. Ormand stated that he asked Letha Osborne if she would consider wearing an additional hat at ACIC as Deputy Director to help him go to meetings, work as a team to help build some leadership and do some things here at the agency. She has totally agreed to do that. So along with her duties at ISD she has agreed to serve in the capacity as Deputy Director. Mr. Ormand said he's very proud of her and she does an outstanding job. She'll be an asset in that position at ACIC.

Ms. Angie Tatom works in the Administrative Division. She's worked in just about every division here. She's worked everywhere around in the Agency and she'll continue to do that. Her toughest job will be keeping up with Danny Ormand. Angie is going to keep up with Danny Ormand day to day and keep the Administrative Division on track.

Mr. Ormand said that the ACIC Conference this year was a great success. The staff did an outstanding job. It was at the Hot Springs Convention Center this year and had over 300 attendees. We had a lot more room. We had 23 vendors this year and were able to provide some additional meals. We had a successful bar-b-que one night which all attendees enjoyed. Governor Mike Beebe spoke at one of our luncheons. Hewlett-Packard was one of our bigger

vendors this year. They paid for the bar-b-que. Motorola, Appriss, LeadsOnLine and all of the people that we deal with every day were able to come and help. We had tons of door prizes, including laptops, so next year if you can work it in your schedule we'd like to ask you to come. We are looking at possibly the first week in May for next year at the same location. We look forward to putting on a good conference again next year. The staff here does an outstanding job. They do a great job and I'm real proud of them.

Mr. Lassiter asked if there was any other business.

Mr. Lassiter said that Danny Ormand reminded him that the next Board meeting is scheduled for the Friday before Labor Day. It would be my suggestion that we move that meeting to the following Friday, September 10, 2010. The meeting was rescheduled for Friday, September 10, 2010.

There was no further business and the meeting was adjourned at 11:08 a.m.

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ACIC Director

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Date