

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

June 5, 2015

The meeting was held in the ACIC training room at 322 South Main Street in Little Rock.
Members present:

Mr. David Guntharp, Chairman
Sgt. Lloyd White, Vice-Chairman
Hon. Leslie Rutledge by Mr. David Raupp
Mr. Jack Lassiter
Mr. Harold Pointer
Judge Whit Fowlkes by Judge Lance Wright
Ms. Wendy Kelley by Mr. Dale Reed
Mr. Marc McCune by Mr. Bob McMahan
Ms. Debbie Wise
Col. Bill Bryant
Sheriff Ron Nichols

Also attending were: Jay Winters, ACIC Director; Bill Clinton, Administrator of the Operations Division; Brad Cazort, Administrator of the Repository Division; Michael Tackett, Administrator of the Information Services Division; Mary Rogers, Administrative Services Manager; Nina Carter for Ed Armstrong; Patrick Hudson, Attorney General's Office; Karen Burgess, ACIC; Rick Stallings, ACIC; Ralph Ward, ACIC; Paula Stitz, ACIC; Cortney Williams, ACIC; Diann Bloomingburg, ACIC; Angie Tatom, ACIC and Judy Lepper, ACIC.

Chairman David Guntharp called the meeting to order at 10:00 and said there were three people that he needed to introduce. Mr. Guntharp introduced Judge Lance Wright who was attending for Judge Whit Foulkes, Dale Reed who was sitting in for Wendy Kelley and also Bob McMahan who was attending for Marc McCune. He also introduced Nina Carter who was attending for Ed Armstrong. Chairman Guntharp asked if everyone had an opportunity to review the minutes from the March 27, 2015 ACIC Supervisory Board meeting. He asked if there was a motion for approval.

MOTION: That the minutes of the March 27, 2015 meeting be approved.

MOTION BY: Debbie Wise

SECONDED BY: David Raupp

VOTING: Unanimous

Operations Committee Report

New Terminal Site Applications

Bill Clinton said that the Operations Committee met prior to the Board meeting to consider seven applications. The first application was the 16th Judicial District Prosecuting Attorney. This was for a deputy prosecutor in Mountain View and he is requesting access in his office for preparation in court cases. The Committee didn't have any issues with this and recommended approval.

The next application is the Alexander Police Department. It's a department located just south of Little Rock on the edge of Saline County. They are requesting access. They get their primary dispatch function provided by Saline County but it would help them if they had their own access point in their department. The Committee reviewed this application and also recommended approval.

The third application is the Batesville Police Department. For thirty years the Independence County Sheriff's Office has contracted with the City of Batesville to provide their law enforcement service. Now the City of Batesville is forming their own police department and they also have a city-run 911 center which has had access for many years. Now that they're forming a police department they're requesting a workstation in their administrative offices to take care of administrative functions in the police department. The Committee has reviewed this application and also recommended approval.

The next application is Piggott Police Department in Clay County. Their primary dispatch will continue to be done by the Clay County Sheriff's Office. To make things more efficient they are requesting ACIC access in their department. The Committee recommended approval of this application as well.

Next is White County Prosecuting Attorney's office in Searcy. In reviewing this application we noticed that they had left the question blank about fingerprinting their staff. Mr. Clinton called them to clarify that they would fingerprint their staff and they agreed to do that. He thinks it was just an oversight on their part. The Committee has reviewed this application and recommended approval of the White County Prosecuting Attorney's office.

The next application is for the Wynne Police Department in Cross County, another agency that has grown in the last few years. They get their primary dispatch provided by Cross County but they are requesting four mobile terminals and one workstation in the investigator's office. The Committee recommended approval of this application.

The last application that Mr. Clinton passed out came in yesterday. One of the field agents made a trip to Sulphur Springs Police Department in Benton County to do a site visit and had favorable report. They are requesting three MDT's for their patrol units. The Committee recommended approval of this application as well.

Chairman David Guntharp asked Bill Clinton what happened to the Constable application that was pulled at the last meeting.

Mr. Clinton responded that it was still in the process of being reviewed.

MOTION: That the applications for the 16th Judicial District Prosecuting Attorney, Alexander Police Department, Batesville Police Department, Piggott Police Department, White County Prosecuting Attorney's office, Wynne Police Department and the Sulphur Springs Police Department be approved.

MOTION BY: Sgt. Lloyd White

SECONDED BY: Debbie Wise

VOTING: Unanimous

Division Status Reports

Operations Division

On-Line System

Karen Burgess reported and said that the Operations Division has configured 13 workstations and 48 Mobile Data Terminals. These statistics are between February 26 and May 27, 2015 and those are listed in the handout. We had five ACIC workstations removed within this three month period. We had seven DIS routers removed and they are listed. We had five ORI requests from NCIC. Operations has entered 74 special interest vehicles and two special interest persons. We had 1,026 hot files that were processed, 71 audit reports and 2 re-audit reports.

The Network Control Division logged 467 offline searches. We had 818 password resets, token resyncs and things of that sort. We processed and emailed 190 driver's license photos. We have processed 2,177 stolen vehicles, 291 vehicle searches by name and we resolved and dispatched 323 trouble calls.

Ms. Burgess said that they have been working on a large missing person project. On May 8, 2015 every time an agency enters a missing person into NCIC we would send them a message asking them to please let us help you locate your missing person. We offered to have the missing person put on the ACIC website. We also offered to help them put information such as the photo in the NCIC entry as well. One of the ACIC Field Agents taught at the ACIC Conference on May 13th and 14th that we offer the opportunity to display the missing person information and photo on the ACIC website. Since May 14, we have entered 30 missing persons on our website and we have deleted 21 persons. We are getting law enforcement participation putting missing person on the website since we put the word out.

On April 30, 2015 we had 471 missing persons in NCIC. We got a new list as of yesterday and there were 498 missing persons in NCIC. Ms. Burgess looked at the website yesterday and there were 45 missing persons on the website. It's taking some time but we're trying to get them on the website. We're also working with INA and CPI trying to get the process automated.

Ms. Burgess reported that yesterday they were able to hire someone for the Network Control Supervisor position. Jimmy Everett has been promoted from Network Control coordinator to the supervisor position. She feels that he will do an excellent job.

For the training report, Ms. Burgess said that the date that the violent person video or movie will be filmed will be the week of June 22 through June 26, 2015. They have chosen North Little Rock Police Department, Miller County Sheriff's Office and the Arkansas State Police as the locations for the filming.

She reported on the training statistics, and said these statistics are from March 1 through June 1, 2015. For classroom training, for Level 1 we had 587 students trained and for Level 2 we had 96 students trained. For NexTest, which is online training, we had 1,198 tests taken for Level 1, 74 Level 2 tests taken and on Level 2 recertification we had 430 tests taken.

Vine/JusticeXchange

Rick Stallings reported and started off with what the field agents are doing. As Karen Burgess mentioned, their agencies are moving off of the DIS circuit they are picking up the equipment. They are active in training the Level I and Level II users and they are also currently busy conducting audits. They have their audit schedules that they are assigned to in January and they work through that until September. The last part of the year allows for re-audits that need to be completed. We get everything done before the end of the year. Mr. Stallings said there was some information in the packets that had the statistics for their audits. 41 agencies have been audited out of the 121 that have been assigned to the agents. Tiffanie Ward is our non-criminal justice agency coordinator. Any agency that has access to the non-criminal side like the Department of Education and the Psychology Board has to have fingerprint based background checks. She is auditing all of those agencies that have to have a fingerprint based background check as authorized by state law and approved by the FBI. Ms. Ward has conducted 26 out of 75 audits. The most common non-compliance issues that she is finding are applicant notification record challenge, security of the criminal history record and dissemination of the criminal history records.

For Vine/JusticeXchange, we have worked with Appriss to deploy an updated booking software, DSI-Lite. Some of the agencies are experiencing a little difficulty but we're working through that and it's a training issue. We have been working with Appriss to upgrade 71 interfaces. We have 51 of those interfaces completed which works towards a more stable environment. We're pulling data more accurately and timely. We've upgraded our scripts and are working with the Department of Community Correction to update those. As of May 26, there were 125,030 registrations on inmates and 47,403 registrations on parolees. This year we've had 75,788 new registrations on the system for notification. For JusticeXchange, we have 3,752 users accessing information. These are law enforcement, criminal justice users accessing information on people who are incarcerated or historical records on incarceration. They have searched from January 2015 to May 25, 2015 and have made over 268,000 searches in the system.

There were 15 EPIC submissions. The LeadsOnlabs total number of transactions was 56,588. The total sales that were blocked was 886. For Scrap Metal, there have been over 2.5 million transactions from January 1 to May 1, 2015.

David Raupp referred to the audits and asked for an example of the dissemination of non-compliance.

Rick Stallings responded and said some of the agencies have boards and they are discussing the criminal history without notifying the applicant that it's going to be discussed. That is part of the FBI policy, they must make notification to them in writing and they have to have an opportunity to pull that record. If some people say they don't want their information discussed and they pull their application, some agencies are continuing to discuss that criminal history and they are not supposed to.

Brad Cazort said that another area of concern is that under FBI regulations criminal history information can only come back to an authorized state agency. You may have a state agency that's licensing day cares and all they're allowed to do is determine a yes or no based on that criminal history instead of actually sending that criminal history record to the day care. That would be inappropriate dissemination.

Arkansas Incident Based Reporting System (AIBRS)

Ralph Ward reported on the current NIBRS status and said that currently we have 286 agencies cleared to report NIBRS. The majority of their effort this quarter was centered on testing and retesting NIBRS submissions. We are working with the agencies and software vendors to approve their file format for the new NIBRS specifications.

In addition, we are submitting the approved agencies 2014 and 2015 data to the FBI. We are currently moving the 2014 data to production and will post our preliminary statistics later this month. We are also working with the Infrastructure Division and TAC 10 to move our NIBRS and NDex servers to a new platform. This will provide a web based portal that will enable submitting agencies to securely log in and upload their NIBRS files. They will also be able to check their errors and run reports. We should move to the testing phase later this summer. Other projects of interest that we are finalizing or just starting are the ACIC charge codes and NIBRS coding, NIBRS mapping project, NIBRS drug type coding and comprehensive victim report.

We have also received and completed several requests for statistics. Some of the more notable ones are from the Arkansas House of Representatives, FBI-West Little Rock, Arkansas Coalition Against Violence, Arkansas Center for Healing Hearts, Benton Police Department, the University of Kentucky, Arkansas State Fusion Center and the St. Francis College of New York.

Repository Division

Sex Offender Registry

Paula Stitz reported and said that there was not a lot to report on the Sex Offender Registry. They are working on their 8th edition of the Sex Offender Manual, updating it because of the Legislative Session. There were about five new bills that became acts and they are adding those. They are also working on the acknowledgement forms to reflect some of the things that sex offenders are required to do because of those new laws. They are in the process of interviewing

someone for the grant position to help with getting their files imaged so they can get away from paper. She said they are continuing to interview and hope to hire someone by next week.

Ms. Stitz said there was nothing unusual in their statistics. They are still very happy with the way things are going. She did notice that the address unknowns went up a little bit which has not happened for quite some time. She also noticed that the delinquents went down significantly. She thinks that has a lot to do again with the U. S. Marshal's help. We're finding sex offenders that are incarcerated in different states and different prison systems. Because of that the delinquent number are continually going down.

Criminal History Division

Brad Cazort reported and said they were doing something a little different this time. Normally we present you with a lot of numbers of documents and things that we've done since the last Board meeting. He was pleased to report that all of the work we're doing was current and there was no backlog.

Mr. Cazort wanted to talk about one specific thing that they've been doing. Years ago, they had DIS design an imaging system for us. We had thousands of documents that had not been imaged and were just laying around. They designed one for us that was working but what we didn't realize at first was that the cost of that expanded as we needed more volume. Since we didn't delete any documents, every month our bill was getting higher and higher. We had to find another imaging system. In 2011 we contracted with LaserFische who is now doing our imaging. We found out that we had about 900,000 documents imaged in the DIS system and the way DIS coded it there was no way to move it over to our new LaserFische system in any type of batch format. We had several entities and private companies take a look at it and it could not be done. A lot of the information that was in the DIS system did not have all of the correct information. So essentially we were forced to move all of those documents over to LaserFische on a one-by-one basis. That's in addition to imaging all of the new documents that we have coming in every day. Brad Cazort introduced Diann Bloomingburg and said she was in charge of this project. If you see from the chart, we started out with a little over 900,000 documents that needed to be imaged. We're down to actually 16,000 documents that are remaining. He wanted Diann to come down because she has been in charge of doing this and is retiring. After 40 years of working with the State, the last 28 being with ACIC, next week will be her last week here. He wanted everyone to see her and let them know what a great job she's done getting all of this done. He was very appreciative of her work.

Administrative Division

Mary Rogers, Administrative Services Manager, reported and said that the information in the handout was what we have expended so far on this budget as of last week. Basically, we're pretty much on target with all of our remaining budget for paying all of our June bills. Of course this is our fiscal year end so it will be a very busy month. Next month we will be trying to keep CAFR happy with the annual reporting. Background checks to date that we have received funds on is at \$2,349,223.00. We estimate we'll get 2.5 and we're doing pretty good on that. The budget for next year is almost complete but she said there will be some changing and finalizing on that. We are working right along on our grants. A couple of those are going to be reviewed

so we'll be able to appropriate the funds next year on the grants that we will still have open next year.

Information Services Division

Michael Tackett reported and said there were a lot of things going on with the ISD Division. There are a lot of larger projects going on and new ones starting up. He said they were listed in the packet and on the screen. He said he would give some details about some of the major ones that we have, one of them being the mainframe project. We are trying to get off of DIS's mainframe on to a server environment that would cut down our cost and also give us more opportunity to do new things. It will also enable us to automate things and to actually help out local law enforcement so we can provide things to them at a cheaper cost.

Chairman David Guntharp asked if there was a timeframe that we would be off of the mainframe.

Michael Tackett answered yes and no. He said they are working to make sure they get off of that as quickly as possible. But there has not been a definitive timeframe set. The vendor that we are working with, Mainstream, has given us the time frame of nine months to a year once the conversion officially starts. Right now we're getting everything planned. We've broken it down into two phases to get off of the project. The first one is a business analysis portion of it. We're going to go through and take every bit of code that we have on the mainframe and go through it piece by piece. The code is very old and it's been added to over and over again. To ensure that we're getting what we need, we're going through there and taking every piece of that and analyzing it and making sure we're getting all of the correct information so that we can be prepared for the code conversion when that portion gets through all the checks and balances and we're approved for that project. Right now, Mainstream has been coming in for the last two or three weeks sitting down with us three or four days a week. We're taking one of our simple programs that doesn't have a lot of user interaction. They're going to take that and we're going to test that one with the conversion. They're going to go ahead and convert it to make sure that we're pulling all of the correct information that we need from the old code before we move forward. We're working with DIS to get the test environment set up so that we can go ahead and put the code on there and test it so that we can continue to move forward with that. That's the business analysis portion of it. Mr. Tackett said he's still working on the documentation for the overall conversion. Because of the price tag for it, it has to go through multiple different check-offs and approvals. Those being the Governor's Office, DIS and Legislative approval. They each want it in their own way. He's trying to take all of the documents that DIS has gone through previously and formulate our packets to match theirs so that we don't have to do a whole lot of changes each time it comes back. We're just about ready to submit all of those and hopefully we'll have that within the next week ready to get that project approved.

Chairman David Guntharp asked if Michael Tackett thought it would be a year or two years.

Michael Tackett said he really thought it would be less than a year if we can start it by the end of the summer. Just to get the business analysis project approved took a little while. The new guidelines have been set up to ensure that everything is done correctly and everybody is looking at it to make sure it's not unnecessary spending, but it's what we actually need. Because of that

it's going through different levels of check-offs and trying to get everybody to meet and approve it. The lawyers are having to sign off on it and look at everything. The first portion of it took us about two months to get through the total from the first time that we submitted it to DIS until everyone signed off on it. Mr. Tackett expects it will be probably two to three months from the time he submits the first set of paperwork for it. He hopes to have it done by the end of next week. He said if we could start on it by the end of August he thinks it will be done by the middle of next year.

Chairman David Guntharp asked if DIS would shut the mainframe down and if there's a date to shut it down completely.

Michael Tackett said he didn't believe they had a date scheduled. He said that obviously we're not the only ones on the mainframe. They're trying to push everyone to get off of it so that they can shut it down. However, Mr. Tackett said he wouldn't speculate the reasons others wouldn't get off of it but he knows that there are other agencies/organizations that have information on there that have not even started their process.

Chairman Guntharp said that it's going to be expensive for those agencies because they're going to have to share the cost.

Mr. Tackett agreed. Every time an agency comes off of it the cost to run the mainframe then gets spread out to the existing ones. That's one of the reasons we're making a big push to get off of it in a hurry so that we can get off of that cost. The cost will be significantly lower going to the server-based environment. Right now we get charged every time we hit the mainframe for a transaction. We won't in the future. We'll have a set cost which will give us the opportunity to do more queries and things like that so we can hit the mainframe multiple times and only be charged a set fee for everything. He said he was looking forward to that.

Other things going on is missing persons which Karen Burgess talked about earlier. ISD has been working with INA to get some things set up. What we've done during the interim time is work with INA. Currently every time an agency submits something to ACIC for a missing person, we've got to take that information, formulate it and give it to INA and put in a ticket for them to enter it on the website. It's a multi-step process. So INA has actually worked with us to cut out some of those steps. What they've done is given us the ability to add and edit the website itself. So every time we have someone new, we can go in there and add them or delete them if they've been found. The only process that's slow for that is uploading the pictures for the individuals. That's currently done once daily. At 6:00, we upload our file to the INA server and they take that and make the changes by 2:00 p.m. in the afternoon. That's the process just for the pictures. The data and the person's information is up there instantaneously. As soon as we enter it in it's good. Mr. Tackett is working with INA right now to do that more than once a day. He wants to try to do it three to four times a day and stack it out so that we can have pictures updated. They're working with their system to see what it takes for them to do that and we're trying to update that process. The overall goal that Karen Burgess mentioned is it's just a streamline process. When someone enters it in it's going to go up to NCIC. When NCIC agrees that the information is good and accurate and they accept it then we will take a snapshot of that and push it over to INA so that it will be updated instantly. That should be along with pictures

and everything. That's a big thing that we're pushing towards. Right now we're trying to fix things and make the process better until we can get to that point.

There are various other issues that the programming and applications department is taking care of daily. Paula Stitz had mentioned about some codes changing for sex offenders. We had one code that changed that targeted homeless people and how do we give an address for them. The team jumped on that really quick and got some solutions set up and in place so that we can take care of and monitor that and fix those.

For the Infrastructure side of the house, we're still doing some cleaning up and reconfiguration making the network stronger and better. We've made a lot of improvements. One of the things that we've decided that we're going to do is actually build a whole Network side-by-side. Because of virtualization we can create new servers. We're taking each server piece by piece and moving it to the new Network to ensure that everything is secure and clean and rebuilt to the newest standards. We're moving forward with that.

Legislative Update

Brad Cazort reported and said there was a presentation on the computers about certain Acts that have passed since the last Legislative Session that deal directly with ACIC. He said that this last session had the fewest number of Bills filed since 1997. This year there were 2,105 Bills filed, of which 742 were budget or appropriation bills. The Governor has signed 1,288 Acts and 588 of those were budget or appropriation. There were 700 new laws that were passed and signed by the Governor and will go into effect on July 22, 2015 unless the law itself contained some emergency clause or some other specific date as to when they went into effect.

Act 218 abolished the Lottery Commission and transferred all of its functions to the Department of Finance and Administration. Rick Stallings mentioned that we have a field agent whose job is to audit all of the non-criminal justice agencies who are authorized to do a fingerprint based background check through NCIC. The Lottery Commission is one of those 34-35 agencies with that approval. We've sent this Act to the FBI for them to review and make sure it still complies with their requirements and determine whether or not the ORI's that have been issued to the Lottery Commission will transfer to DFA or we're going to have to issue new ORI's. We have not heard back from the FBI on that question yet.

Act 357 was a result of the Attorney General's Task Force on Human Trafficking that was passed after the last Session and it added trafficking persons and the patronizing of a victim of human trafficking as mandatory sex offense registration offenses. So if you are convicted of that you now must register as a sex offender for either one of those acts.

Act 358 is another bill that made some technical corrections in the sex offender law that were internally inconsistent trying to unify the time frames to make them easier to understand. We added a provision similar to the sealing law of last year that if a person applies to a court to have their requirements to register removed and the court says no, they've got to wait a year before they file again. Also, the one big part of this is it does now require that any sex offender who claims to be homeless to come back and verify every thirty days rather than every ninety days.

Act 376 added churches and other places of worship where a Level 4 sex offender may not live within 2,000 feet of. Current law already prohibited them from living within 2,000 feet of a school, park, youth center or daycare. This law is not one we asked for and it only applies to Level 4 and there are about 360 Level 4 totals out of our 14,000 in the registry. It didn't affect that many people and honestly when you get into large cities like Little Rock most of the churches already have a day care or school. So this really didn't affect many Level 4's within large cities. It had a bigger effect out in the rural areas around the state.

Chairman David Guntharp asked how the 2,000 feet was determined. Mr. Cazort said that was a good question and it's never been answered by a court. At some point somebody will have an appropriate case to give to the court to determine how to measure it, because the law itself does not say how to measure it. It just says 2,000 feet. Paula Stitz said that most police departments and sheriff's departments have a consistent policy of how to do it. She's talked to a lot of the contact people from different departments and most of them do property line to property line. They develop a policy to do that. When North Little Rock first came up with that, the philosophy was they're not necessarily legally allowed to go on people's property without permission. For no reason other than to measure from door to door. So they came up with the policy of doing it property line to property line since there's no guidance in the law telling them how to do it. Ms. Stitz said that most departments measure it by the shortest distance to get to the property line. Brad Cazort said that an example of a potential problem would be you have two pieces of property that abut on a corner but the houses themselves are in the opposite far end of the property line. The houses may be more than 2,000 feet apart but the property is touching. Does that count or not. We don't know. If the property lines are back to back but the houses face opposite each way and you have to measure from front door to front door and you go out one and around the block to do that it would be more than 2,000 feet. Again, there is no guidance on how to measure that distance at this point. No one in the law and the courts has ever interpreted it.

Act 393 abolishes the Private Investigator Board and moves all of its duties to the State Police. It also provides the licensure of polygraph examiners, voice stress analysts, private investigators, security officers and alarm techs. Again, all of those occupations under the Private Investigator Board were authorized to do fingerprint-based background checks through the State Police. We've sent this bill back to the FBI and are waiting to hear back from them that it still meets their requirements. Also, whether or not the ORI's that have been assigned to the Private Investigator Board will transfer to State Police or do we need to issue new ORI's for that.

Act 405 now requires all wireless telecommunication companies to provide us with contact information so that a law enforcement agency may contact us and get the name of a person with that wireless company. This enables us to get immediate location information if they're involved in an investigation in the case of a kidnapping or something like that where they need to know where that phone is immediately. We will have a list of contact people for all telecommunication agencies available on a 24/7 basis that we can release to law enforcement upon their request.

Act 895 is the Governor's Criminal Justice Reform Act with an emergency clause that is now in effect which basically creates more ways of finding additional bed space. Making sure that those

who get out of prison are hopefully not going to recidivate. It's a very long and complicated Act. It peripherally affects us because obviously it involves criminal histories of criminals.

Act 919 now requires all cities and counties that operate a 911 center to annually report to the Arkansas Emergency Telephone Services Board, which is an agency Mr. Cazort didn't even know existed. They will report to them a list of all of their dispatchers including their training and their certification and will start requiring every year at least 50 percent of those dispatchers to have training from ALETA. We are actually going to meet with ALETA in the next couple of weeks to find out if we can help in the course of our annual ACIC Conference to provide some hours of training that would count towards those training requirements for dispatchers. Again, we don't know but we're asking and want to help if we can.

Chairman David Guntharp asked if ALETA had a training course set up. Brad Cazort said he thought they did for dispatchers.

Debbie Wise asked who would be responsible for the expense of the training. Brad Cazort answered it would probably be the 911 centers.

Act 954 is not one that we sponsor but we are certainly supportive of it. It now requires anybody who's arrested for probation violation not to be fingerprinted. Probation violation is not a new crime. It is a parcel of the underlying offense that you were put on probation for. But when a law enforcement agency arrests somebody and fingerprints them that creates an entirely new file in our system like a new crime. We're having to go in and manually delete that as a new arrest and put it back under the underlying case that it came from. Again, we were surprised to see it but we're very supportive of it. For now if they're arresting for probation violation and determine the fingerprints are on file, they no longer print them for that arrest.

Chairman David Guntharp asked if they fingerprint them do they send it to ACIC or State Police.

Brad Cazort said they send it to State Police and it gets entered into AFIS which opens a new file on the second charge in our system.

Mr. Guntharp asked how you would stop that if they fingerprint someone in.

Brad Cazort said again, is every law enforcement agency going to comply with this law? Probably not, they're going to make mistakes and we will still do what we do now. Which is manually go in and remove that second arrest and put that information under the underlying arrest.

Act 973 provides for the possible lifetime probation and monitoring of certain sex offenders on proof to the court that they pose a serious risk to the public. This bill required a prosecutor at the time of the charge and conviction to convince the court that this is a dangerous person and it does provide for potential lifetime probation for them. It also provides a means for them to petition the court to get off of that.

Act 1016 changes the way that juveniles are to be printed. Basically all juveniles are fingerprinted. Of course that creates a file in our system, but not all juveniles get adjudicated delinquent. A lot of times the prosecutors are dismissing the charges. We're not getting that information to remove that from our files. They're applying to go into the military and it's showing up. It's a new law now that all juveniles are to be fingerprinted at arrest only for Class Y, A and B felonies. All juveniles adjudicated of any offense upon adjudication will be fingerprinted. There is also now an interim study task force that sponsored the bill to set up over the course of the next few years to further study about how we print and deal with juveniles in the system that may not be adjudicated or charges may not be filed. This is just the sponsor's first step and there may well be more comprehensive law in the next Session.

Act 1020 abolished the State Board of Massage Therapy and moved all its duties to the Department of Health. We're also asking the FBI on this one if the Act is correct and meets the requirements and if the ORI's issued to the Board of Massage Therapy will transfer or do we need to get new ones for the Department of Health for this function.

Likewise, Act 1089 added an additional license background check to the Department of Education. They already have clearance to do fingerprint based background checks. They snuck in a new license for preservice teachers. We've sent that off to the FBI to make sure that it meets their requirements and whether or not we need a separate ORI for preservice teachers or if any of the other ORI's will fit that function.

Chairman David Guntharp asked what a preservice teacher was. Brad Cazort said that was a great question and the Act just says they just added in the list of licenses that they're granting preservice teachers. He didn't read in depth what it is.

Rick Stallings said that it's basically a student. They're not actually calling them a teacher but it's before they actually become a teacher.

Act 1179 now gives school resource officers statewide jurisdiction if they are accompanying any activity of their school or group function anywhere in the state and something happens. They have arrest authority in that area. Any arrests they make though will go to the courts in the area where they make the arrests, not where they're from.

Act 1185 is one that we sponsored and effectively Arkansas is now an open records state. We had this last Session a large number of Legislators who were pushing very hard to create a Child Abuse Registry, a Domestic Abuse Registry very similar to our current State Offender Registry with assessments. We tried very hard and successfully pointed out to them how expensive a full-blown new registry would be and trying to set that up and convinced them that opening our records up to anybody would solve this problem. So if you now want to check who is going to be your babysitter, you may now go to INA and enter the information and it gives their criminal history back no longer requiring their written consent. Written consent is still required when doing an employment background check, but for a personal background check it's not. You go online and pay the fee and put in the information. Obviously, the less information you have the less reliable of a return you're going to get. We became the 32nd state to offer open records that are not subject to FOI. You've got to pay the fee and the fee is for the service. So somebody

puts in that information and gets nothing back and they say they didn't get anything back. You're not paying for the results, you're paying for the search. This was how we convinced the Legislature not to impose and do highly expensive new registries for everything under the sun. We are now an open records state.

Jay Winters added that that information is already out there through private companies. The problem was most of those private companies didn't go back and check. So Brad Cazort and his crew spent a lot of their time cleaning up that information. Somebody will get turned down for a job because they got arrested 10 years ago for something that's sealed or whatever and we have to go through and clear all of that information out. So with this, we're just saying you're going to get the information but it's going to be good information.

Jack Lassiter asked what the fee was and how much of that does ACIC get.

Brad Cazort answer the fee was \$20.00 and it's divided three ways. Roughly, \$5.00 of that will go to a victim's reparation fund, \$7.50 to State Police and \$7.50 to ACIC.

Act 1265 was Senator Sanders' big Legislative piece that he was pushing. It now requires the Department of Correction, the Department of Community Correction and the Parole Board to create a public website with information on incarceration, information including all disciplinary actions, risk assessments, no contact orders, parole eligibility, offenses that a probationer is being supervised for and victim notification. It had an emergency clause and is now in effect. The goal of this was to ensure more public information out there about people who are seeking to be released from prison and better information for those that want to argue that that's not an appropriate thing to do. We're peripherally involved in this in that we will provide conviction information to the DOC for them to place on their website. Also, as Rick Stallings mentioned we're going to interface with VINE on the victim information rather than us recreating the wheel that's being created here. We're working with VINE on people who are getting telephone notifications and they will have an additional recording that will direct them to this website once it's up and running. Or if they're getting an email of notification about something on VINE and a link that will send them to this website for further information.

Chairman David Guntharp said that some of those files are huge and asked if DOC was going to be able to get all of that on the website.

Dale Reed said he thought they were working on a certain amount of them within a certain time frame. He said he thought they were supposed to have it operating around July 1, 2015.

Chairman Guntharp asked how would a person go in and find this information.

Dale Reed answered they would access this information from the ADC website.

Act 1285 made a change in amending abuse of a minor. Prior to this Act permitting abuse of a minor was a mandatory registered offense for the Sex Offender Registry. There's actually two different types of permitting abuse of a minor, permitting physical abuse or permitting sexual abuse. Prior to this Act any permitting abuse of a minor was a registerable offense. This Act

now has changed that and permitting sexual abuse will be a registerable offense and physical abuse will not be. Anyone who is on the registry right now for having permitted physical abuse has the opportunity to petition the court to be removed from the registry for that offense.

David Raupp asked Brad Cazort about Act 405 on the telecommunications notification. He asked if there is any judicial component to that.

Brad Cazort answered it requires all of the telecommunication companies provide us with a 24-7 contact person to get location information and then we have that available for any law enforcement agency who needs it for an immediate investigation. The immediacy of the investigation would almost by nature prohibit any kind of judicial intervention because you're probably needing this in a kidnap situation or a fleeing felon from a bank robbery. You need to know right now where that phone is.

Jay Winters said that he suspected what they would put into place would be to get the name of the dispatcher, the name of the officer requesting it and what their purpose was for. Not specifically, but if they say they've got an emergency we're going to write that information down. But then there's something to follow up on that. In fact, one of the Legislators asked us to forward that information to them on a regular basis so we can look at it and see how much it's being used.

David Raupp said he would guess it would be in circumstances where you might arrest without a warrant.

Colonel Bill Bryant asked about the Act on the DNA and asked if they had to take DNA from people arrested for felonies now.

Mr. Cazort answered it wouldn't be an increase in business for ACIC but an increase in business for the Crime Lab. It won't affect ACIC at all. We do have a flag on our criminal history record that indicates if DNA is on file or not. The Crime Lab is actually in control of that flag so when they process DNA they can log in to our system and flip the flag and show the DNA is on file. But it really won't affect ACIC at all.

Colonel Bryant asked Sheriff Ron Nichols if it has been worked out with law enforcement who is going to take the DNA. He asked if they take it and said he's heard the sheriff's office will be the ones when they book them in to take the DNA.

Sheriff Nichols said there was a lot of kick-back right now but that it would probably start with the sheriff's office.

Chairman David Guntharp said so you would take the swab and send it to the Crime Lab.

Sheriff Nichols answered yes.

Debbie Wise asked who does it now.

Sheriff Nichols said most of it is done in the sheriff's office.

Colonel Bill Bryant said when he was with DEA, they took their own DNA samples and sent them off to the FBI. The federal agencies do, but until this new law passed we would only do certain crimes.

Brad Cazort agreed. For those that don't understand there was a list of 8 or 9 offenses prior to this law that you could take DNA on arrest. Obviously you can take DNA from everybody upon conviction but with this new law now they will take DNA from everybody on arrest from a Class A misdemeanor and up.

Chairman Guntharp said if you arrest and book them, you need to take a DNA right then and that's the difference.

Election of Officers (Chairman and Vice-Chairman)

Chairman David Guntharp said that it was time to elect a Chairman and a Vice-Chairman to serve for the next two years. It's open for any member of the ACIC Supervisory Board. He opened it up for anyone that was interested in either one of the positions or for a Motion.

MOTION: That David Guntharp be nominated as Chairman of the ACIC Supervisory Board and that Sgt. Lloyd White be nominated as Vice-Chairman of the ACIC Supervisory Board.

MOTION BY: Jack Lassiter

SECONDED BY: David Raupp

VOTING: Unanimous

Chairman Guntharp said he appreciated it and that it would be interesting to serve another term if elected. He asked if there was anyone else that was interested in running.

Judge Lance Wright moved that we close the nominations and elect by acclamation.

MOTION: That the nominations are closed and have been elected by acclamation.

MOTION BY: Judge Lance Wright

SECONDED BY: Debbie Wise

VOTING: Unanimous

Chairman Guntharp said at this time he wanted to recognize Vice-Chairman Sgt. Lloyd White and that he had something he wanted to share with the Board.

Sgt. Lloyd White said it was an honor for him to serve on this Board as Vice-Chairman. He said he attended the ACIC Conference a couple of weeks ago and for those who have not had the opportunity to do that, he encouraged them to fit that into their schedule. He has attended the last 11 or 12 of these conferences and he learns something every year from them. It's very hard

to put one of these on and he wanted to recognize Jay Winters and his staff for an excellent job that they did at this conference. He asked that they receive a round of applause for their excellent job.

Other Business

Jay Winters first and foremost wanted to thank Diann Bloomingburg for her 40 years of service to the State of Arkansas and thanked her for her time here. Diann has done a great job and she has always been there and been supportive. To go from 900,000 records to 17,000 records is amazing. He remembered when they were still talking about doing some of this and thinking we couldn't get that done without hiring people to complete that. She's done a great job and Mr. Winters said she deserved to have the chance to retire and wished her the best.

Jay Winters mentioned the Electronic Log Book. Back 7 years ago after the Session we were tasked with the job of overseeing the Electronic Log Book. When people purchased pseudoephedrine we could keep up with it and we could monitor that. We've done that and LeadsOnlabs won the bid and has been the vendor. The seven years was up, and Rick Stallings first came and talked to him in August and said we need to start looking at this and get our stuff together to rebid this and he agreed. It's a simple deal where we ask you to tell us what you can do and we review it. We had Legislators trying to pass laws that told us who we had to pick and why we had to pick them and Mr. Winters had to testify three or four different times. He said he wanted to thank Rick Stallings. DFA had a change in personnel and we're going through procurement so Rick Stallings had to write this up three different times and get all of that done. Then we had to fight all of this other stuff and they would say do it this way and then they'd say we have to do it another way. We ended up with a group of Rick Stallings, Sheriff Ron Nichols, Chief Monty Sims from the Chiefs of Police Association, John Kirtley from the Pharmacy Board, and Captain Coppinger from the Arkansas State Police. They reviewed it and did a great job. Mr. Winters said that after all of the results were turned in, NPlex was the one chosen and he thought they had a two-week period for somebody to jump up and say no, that isn't right. But if within two weeks they don't the official notification will go out and then we'll have to figure out how long it's going to take for NPlex to get set up and most likely going to have to go back before the Legislature and get another extension on this contract to keep it going.

Mary Rogers said we had one more month on what we had approved on our current vendor.

Jay Winters said what a great job they did getting this thing done. A simple thing that should have taken 60 days at the most took nearly a year.

Mr. Winters said the other day he asked Brad Cazort and Bill Clinton to come to his office. One of the Legislators had some questions they wanted answered and they ended up sending him 105 questions, of which 9 of those we could answer. Brad Cazort had to formulate the questions because they wanted results by age, race, sex, county and charge for the last 10 years. So when you think about that Brad Cazort had to form questions. To get an answer for one question you had to present to our programmers about 100 different questions that they had to put in and get answers for. He just wanted to say thank you to Brad Cazort, Benny Rinke and Bob Verucchi, the programmers who did the work. We got 9 answers and it took over 100 questions to get those answers and go in and program everything. They got all of that together and got it sent

back over there in less than a week. He really appreciated the job they did and the work they did on that.

Mr. Winters wanted to mention that Doug Smith is our liaison with the Governor's Office but was not here today. We had some positions and still have some positions open that we forwarded over and they've been at OPM for over 30 days. One of them they mentioned was a grant position for the Sex Offender Registry. The grant was about gone and we haven't even got authority to hire somebody to do the work. Doug Smith jumped in there and talked to the Governor and got us permission to fill those positions. We've got three more positions that have been over there for 30 days and again we haven't even got permission to hire. For Karen Burgess' position for Network Supervisor, Doug Smith got that position unfrozen and moving forward. Michael Tackett has an IT position that's been open for 45 days or so that he needs to fill very badly. Mr. Winters wanted to say how much help Doug Smith has been getting that information for us and getting us help with that.

The last thing is just a reminder that we voted at the last Board meeting to change the meeting date for our September meeting because it fell on the Friday before Labor Day. That meeting is August 28, 2015 instead of September 4, 2015. Obviously, we will be sending information but just wanted to remind the Board that we will be meeting the last week in August instead of the first week of September.

Chairman David Guntharp asked if anyone had any questions for Jay Winters or if there was anything else that needed to be discussed.

MOTION: That there was no further business and the ACIC Supervisory Board meeting was officially adjourned at 12:15 p.m.

MOTION BY: Jack Lassiter

SECONDED BY: David Raupp

VOTING: Unanimous

ACIC Director

Date