

California Law Enforcement Telecommunications System (CLETS)
Advisory Committee (CAC)
Meeting Minutes (Unapproved)

February 25, 2009
Folsom Police Department

Present: Chair: Gary Cooper (California Department of Justice)
Members: Sam Spiegel (California Peace Officers' Association), Gary Grootveld (Department of General Services), Reggie Chappelle (California Highway Patrol), Larry Spikes (California State Association of Counties), Fran Delach (League of California Cities), Lisa Solomon (California Police Chiefs Association), Steve Westerman (Department of Motor Vehicles)

Absent: Scott Marshall (California State Sheriffs' Association), George Anderson (California Peace Officers' Association)

CALL TO ORDER – Chair Gary Cooper called the meeting to order at 10:01 a.m.

ROLL CALL – Communications Administration Program Manager Valerie Fercho-Tillery called roll. A quorum was present.

APPROVAL OF OCTOBER 29, 2008 MINUTES – A motion was made to approve the minutes.

Motion:	Sam Spiegel
Second:	Reginald Chappelle
Vote:	Approved unanimously

CHAIR'S REPORT (Gary Cooper)

- a. **The Department of Motor Vehicles' (DMV) photo request reason code requirement (Steve Westerman)** – The use of a reason code when requesting a photo is primarily for auditing purposes. DMV wants to extend this requirement for photo retrieval as well.
- b. **REAL ID Act Update (Steve Westerman)** – With the change in administration, DMV is waiting to see whether the REAL ID Act might be modified as it is currently proposed. The nationwide budget crisis gives all states an opportunity to reiterate ideas to make the act more flexible. California is working with the National Governors' Association (NGA) to implement the act, make it more flexible and reduce costs. New Homeland Security Secretary Janet Napolitano has said she is willing to revise how the REAL ID Act is implemented and work with the NGA in an effort to facilitate implementation and keep costs down. Funding for California remains critical, since currently there are no federal funds to help implement the act. Other top concerns include privacy and security. The entire project is in a waiting mode until further decisions are made in Washington, D.C.

EXECUTIVE SECRETARY'S REPORT (Valerie Fercho-Tillery)

a. Action items from the October 29, 2008 CAC meeting

1. CLETS Policies, Practices and Procedures (PPP) Changes: Modify the current PPP so the sections approved at the June 2008 meeting no longer refer to sections that have not yet been approved. *Result: Completed. Those sections now refer directly to the Federal Bureau of Information (FBI) Criminal Justice Information Services Security Policy.*
2. Post PPP and allow for comment until January 1, 2009. The comments should be posted regularly instead of compiling all of them at the end, then posting the document. *Result: A Department of Justice (DOJ) message board was established on the California Law Enforcement Web (CLEW) to allow posted comments from the field. None were received. The message board has been retained for agencies to share information with each other or if they have questions about vendors, they are welcome to use the message board.*
3. The DOJ was to notify the United States Air Force, Security Forces at Beale Air Force Base, that if it was not compliant by today's meeting, it was to provide a status report at the ensuing meeting. *Result: A letter was sent. The client is now compliant and no longer required to report.*
4. The CLETS Administration Section (CAS) was to send a letter to the Los Angeles County Sheriff reflecting the CAC's continued support of the Sheriff's commitment to secure its network. *Result: A letter was sent to the Los Angeles County Sheriff.*
5. The CAS was to send a letter to the Los Angeles Police Department (LAPD) chief, reiterating the requirement to send representation to the CAC meetings to give an update until the department is compliant. *Result: A letter was sent to the LAPD chief.*
6. The CAS was to send a letter to the Brea Police Department chief, indicating the requirement to send representation to the CAC meeting to give an update until the department is compliant. *Result: A letter was sent to the Brea Police Department chief.*
7. The CAS was to send a letter to the Orange County Sheriff, indicating the requirement to send representation to the CAC meeting and to give an update until the department is compliant. *Result: A letter was sent to the Orange County Sheriff.*
8. Berkeley PD was to provide an implementation plan, with dates. *Result: Berkeley PD responded that the estimated time frame for compliance would be mid-summer 2009.*
9. Post CAC members information on the CLEW site. *Result: A roster has been posted on the public Attorney General's (AG) Web site and will be soon posted on CLEW. Also, the minutes from the previous CAC meeting reflect the CAC members and their represented organizations.*

b. CLETS System Misuse Statistics

Possible cases of CLETS misuse worked by the DOJ from October 1, 2008 to December 31, 2008:

Of the 16 cases reported:

- 8 cases are pending
- 8 cases were closed
- 2 cases of misuse were verified; one was fired, another was counseled and reprimanded

- Source of misuse complaints
- 11 Law enforcement
 - 0 Criminal justice
 - 2 Department of Justice
 - 3 Private citizen
 - 0 Federal

c. **CLETS Network/Traffic Statistics (October through December 2008)**

- Monthly average 67,164,042
- Daily average 2,507,554
- Peak day 2,673,802
- Peak hour 177,627

Breakdown of CLETS Traffic (October through December 2008)

<u>Agency</u>	<u>Percentage</u>	<u>Volume</u>
▪ CLETS	100	201,492,125
▪ Criminal Justice Information Systems (CJIS)	50	100,919,901
▪ DMV	33	66,974,510
▪ NCIC	13	25,799,819
▪ Other*	4	7,797,895

*Includes NLETS, Oregon, etc.

CLETS /CJIS Database Breakdown (October through December, 2008)

- Stolen Vehicle System 35 percent
- Criminal History System 20 percent
- Wanted Persons System (including the California Restraining and Protective Order System) 19 percent
- Supervised Release File 14 percent
- Missing Persons System 7 percent
- Others (Firearms, Property, Mental Health Firearms, etc.) 5 percent

d. **Legislative Report (Julie Basco)**

Of the AG's proposals that are of interest to law enforcement or the criminal justice community, here are some of the highlights:

- The Child Abuse Central Index (CACI) started as a child abuse investigatory tool in the 1960s. In the last 40 years, about 96 percent of search inquiries are for applicant regulatory purposes. For example, foster care parents and daycare workers are checked through that system. Only about 4 percent are done for law enforcement investigatory purposes. This came to light last summer when the Adam Walsh Act required that out-of-state social service entities check other states' CACIs; in California, that index does not reside with a social services agency, but with the DOJ. A proposal this year is to move the CACI from the DOJ to the Department of Social Services, as is the case in the other 49 states.

- A second proposal covers giving specific statutory authority to perform misdemeanor field bookings. Many agencies want to perform not only identity checks in the field with a mobile device, but bookings as well. Statute in that area is broad, generally allowing that function. Some law enforcement agencies are more comfortable with a specific statute, so the AG's office is sponsoring a proposal, carried by Assemblywoman Fiona Ma. This is a component of the Vision 2015 information sharing platform.
- The third proposal involves the DOJ seeking to establish a custodian of records certification program. Currently, when a non-law enforcement agency wants to be authorized to receive criminal history for regulatory purposes, a custodian of records must be established and have a background conducted. There is no check-and-balance for that individual, since their background check goes back to that individual. The DOJ would like to establish a uniform suitability determination for potential custodians of record.
- The fourth proposal involves mandating a prescription for all over-the-counter medication that can be used as a source for methamphetamine. Assemblyman Danny Gilmore is carrying the legislation.

Legislatively, bill introductions have been slow, with approximately 500 Assembly bills and 300 Senate bills. The only proposed bill so far that mentions the CLETS is Senate Bill 41, which does nothing to change the functionality of the infrastructure. It creates some additional data elements that will be carried by the Automated Firearms System, which is accessed via the CLETS.

STANDING STRATEGIC PLANNING SUBCOMMITTEE (SSPS) UPDATE (Sam Spiegel)

The subcommittee met, reviewed the PPP revisions and focused on ensuring there was an appeal process related to the CLETS access. The DOJ agreed those appeals will be heard and ruled on by the CAC. A motion was made to approve the PPP as proposed.

Motion:	Sam Spiegel
Second:	Fran Delach
Vote:	Approved unanimously

CLETS ADMINISTRATION SECTION

- a. **Revised Strategic Plan (Georgia Fong)** – Following the recent SSPS meeting, minor modifications were made to the Strategic Plan. The changes included incorporating the retention of the SSPS within the PPP and also a description of the committee. Assuming the plan is adopted, a document about the plan's mission and vision will be posted on the CLEW. The DOJ will begin working on business initiatives and encouraged ideas or input, either to the CAS mailbox or message board. A motion was made to adopt the Strategic Plan, which will be labeled as the CLETS 2009 Strategic Plan, a living document that can be updated at any time.

Motion: Sam Spiegel
Second: Reggie Chappelle
Vote: Approved unanimously

HAWKINS DATA CENTER UPDATE

- a. **CLETS Migration Project (Terry Buckley)** – New CLETS application testing has been rigorous; integration testing is complete and alpha testing, consisting of the DOJ verifying all the functional requirements, is nearly finished. Beta testing, which involves performance, has concluded. Data was driven through the legacy system, and then through the new system, and results were verified. In a separate pure performance test that measured speed, a new threshold was unable to be reached because of the restrictions of input to information resources (CJIS, DMV, National Law Enforcement Telecommunications System, etc.) Approximately 150 messages per second were received at top speed, twice the contractual requirement. Based on information available, there should be 10 years life in the system. A broadcast was scheduled to be sent February 26, 2009, informing the field the first test will be done between March 7 and March 15, 2009. The process may not take more than a week before it is put into acceptance, which should take approximately 45 days. The anticipated completion date is May 1, 2009.

- b. **Business Managers Alliance (BMA) Telecommunication Working Groups (Amy Peters)** – A BMA meeting was held in October 2008, where a telecommunications focus group was formed and divided into two parts: The Interagency Information Sharing and the DOJ Law Enforcement Network working group and an XML working group. The Interagency Information Sharing and the DOJ Law Enforcement Network working group, chaired by Amy Peters, met in January 2009 and worked on creating guidelines for data sharing and ideas for what agencies would like to share across the CLETS network and implementation guidelines. The group is working on drafts for a security agreement for interconnectivity between agencies, a memorandum of understanding for participating agencies and a format for requesting services through the DOJ. A Mobile ID pilot program was agreed upon, with the California Highway Patrol (CHP) and Stanislaus County and possibly other counties, though there is no start date. The next BMA meeting is scheduled for March 25, 2009. The XML group will not meet until the new CLETS is in production.

APPLICATIONS CALENDAR

- a. **Consent Calendar** – There were four new service applications on the consent calendar and 22 upgrade applications. A motion was made to accept the consent calendar.
Motion: Gary Grootveld
Second: Lisa Solomon
Vote: Approved unanimously

- b. **Applications with Discussion** – There are three applications requiring further discussion: one new service application, and two upgrade applications.

CDN-01 United States Fish and Wildlife Service Law Enforcement Unit – The applicant is requesting access to CLETS through the Automated Regional Justice Information System (ARJIS) via the San Diego County Sheriff Department’s eSun message switching computer (MSC). The staff recommends approval with the following conditions: Personal Digital Assistants to employ a personal firewall; the applicant will provide an implementation plan; and the applicant will provide a status report at each CAC meeting until compliant.

ARJIS has already submitted the implementation plan and the agency expects to be compliant by the end of May 2009. A motion was made to approve the application.

Motion: Reggie Chappelle
Second: Sam Spiegel
Vote: Approved unanimously

CDU-01 Kings County Sheriff’s Department – The applicant is upgrading to a new software vendor that will include modules for its computer aided dispatch (CAD), records management system, jail and mobiles. The applicant will not be able to interface the new software with its current MSC and is requesting a second line connection. Corcoran PD, Lemoore PD and Hanford PD will also be participating in this upgrade. Staff recommends approval with the following conditions: The applicant is to segment the untrusted (fire) data path physically from the CLETS data path, provide an implementation plan and provide a status report at each CAC meeting until compliant.

The Sheriff has already sent an implementation plan and said the county should be compliant by March 6, 2009. DOJ staff indicated the second line will be maintained until the migration is complete, then it would be combined into a single line. A motion was made to approve the application.

Motion: Sam Spiegel
Second: Lisa Solomon
Abstained: Larry Spikes
Vote: Approved unanimously

CDU-02 Merced Police Department – The applicant is upgrading its wireless system and adding mnemonic pooling. Staff recommends approval with the following conditions: The client is to segment the CLETS MSC from any untrusted network segments by use of either a new firewall or leveraging the existing firewall, which is to be implemented by August 2009, and the applicant will provide a status report at each CAC meeting until compliant.

The applicant agency has moved its implementation date from August 2009 to March 13, 2009. A motion was made to accept the application.

Motion: Fran Delach
Second: Reggie Chappelle
Vote: Approved unanimously

CLIENT REPORTS

- a. **Los Angeles County Sheriff's Department** – The client submitted an application in which the technical review revealed the client did not meet the encryption requirement in three areas. One of the areas has been resolved; however, there are still two outstanding issues: 1) the microwave segments (*no anticipated compliancy date was given*), and 2) the wireless access for its mobile computers (*anticipated compliancy date: November 2009*). Representative Lieutenant Charles “Skip” Blomer said meetings have been held with the mobile data computer staff and a Request for Proposal should be completed in March or April 2009. There is every indication that funding should not be an issue. Sam Spiegel suggested if funding becomes a problem, the sheriff should contact the CAC for support.
- b. **Long Beach Police Department** – The client submitted an application in which the technical review revealed the client does not meet CLETS security requirements for untrusted networks. The client is requesting an extension until July 1, 2009 due to ongoing technical issues and the availability of staff to implement the solution. Representative Kris Klein reported all equipment is in place and the department is working on finalizing its encryption. If the July 1, 2009 target date becomes jeopardized, a representative will report at the next CAC meeting.
- c. **San Francisco Police Department (SFPD)** – The client submitted an application in which the DOJ technical review revealed the client has multiple untrusted entities connected without the required firewall or encryption of CLETS data. The CAC granted a revised deadline of March 2009; however, the client is now requesting an extension until September 2009. Representative Larry Kempinski said progress has been stalled by staffing, funding and technology issues. Sensing unlikely compliance by the September timeline, the CAC suggested communicating directly with outgoing Chief Heather Fong, who is scheduled to retire April 30, 2009, or Assistant Chief James Lynch, who could be named interim Chief. With the help of a consultant, approximately 75 percent of the work has been completed, but Kempinski said the department would not make the previous March deadline. The CAC voiced concerns with SFPD meeting its projected September deadline, thus leaving the network in jeopardy. A letter will be sent from the CAC to SFPD emphasizing the possible loss of service should compliance continue to be a problem. The SFPD will be required to report at the next CAC meeting. A motion was made to grant the extension.
- Motion: Sam Spiegel
 Second: Larry Spikes
 Vote: Approved unanimously
- d. **California Highway Patrol (CHP)** – A CLETS inspection revealed the client does not meet the requirements to document all successful/unsuccessful logins. The compliance issues will be resolved as part of its CAD procurement project. The CAC has granted a deadline of January 2011. Representative Rita Lugo said the current CAD system does not allow the disabling of failed log-on attempts, though it does log successful log-ons. The CHP is waiting for the Department of General Services (DGS) to issue the notification of intent to award a bid. The hope is to execute the contract by the second quarter of 2009 and to start configuring systems during the third quarter.

- e. **Los Angeles Police Department (LAPD)** – The client submitted an application in which the DOJ technical review revealed the client was not compliant with two issues, one of which still remains: to segment two untrusted 911 networks from LAPD’s trusted network. The client is requesting an extension until March 2009. A client update was e-mailed to committee members. No representative attended the meeting. Sam Spiegel volunteered to contact Assistant Chief Jim McDonald about mandatory attendance. A motion was made to grant an extension until March 2009.

Motion: Sam Spiegel
Second: Reggie Chappelle
Vote: Approved unanimously

- f. **Brea Police Department** – The client submitted an application in which the DOJ technical review revealed the client’s network configuration violates the CLETS policy for untrusted and public networks. The client is requesting an extension until the fourth quarter of 2009. Representative Cliff Flaughner said three of the previous five compliance issues had been resolved; the remaining issues are 1) encrypting personal computers on offsite locations, which should be complete by April 20, 2009; and 2) solving issues with two CAD vendors, which could not meet the target date of March 25, 2009 for getting the interfaces to CLETS. The department is negotiating with vendors for fourth-quarter compliance, though no deadlines have been set. A motion was made to grant an extension until the fourth quarter. The client is required to report at the next CAC meeting and to send a status report in the next three or four months with a specific date for compliance.

Motion: Fran Delach
Second: Lisa Solomon
Vote: Approved unanimously

- g. **Orange County Sheriff’s Department (OCSD)** – The client submitted an application in which the DOJ technical review revealed the agency’s network configuration violates the CLETS policy for untrusted and public networks. The client’s anticipated compliance date is June 2009, providing its external agencies are able to comply. Representative David Wilson reported internal encryption was completed within the OCSD as of December 2008. Approximately 45 letters were sent out to agencies that access through the OCSD MSC and one state agency was not able to comply, thus discontinuing its access. Three agencies are in progress, nine should be compliant in February 2009 and 30 others have not responded. Mr. Wilson questioned how much leverage the OCSD has over agencies that connect through the Orange County MSC. For the agencies that go through the OCSD MSC, any noncompliance jeopardizes OCSD’s access and cutting off those agencies is a decision for the Orange County Sheriff to make. The OCSD received approximately \$200,000 in grant money, which is available for items such as Cisco routers. Mr. Wilson will be contacting agencies that have not responded, talk about grant distribution and perhaps portions of that \$200,000 can be applied toward helping them become compliant.

- h. **Santa Monica College Police Department** – The client submitted an application in which the DOJ technical review revealed the agency did not meet CLETS security requirements for untrusted networks. The issue has been resolved and the client is now

compliant. The agency will be removed from future agendas.

- i. **Sonoma County Sheriff's Department** – The client submitted an application in which the DOJ technical review revealed the agency does not meet encryption and segmentation requirements. The client is on schedule for completion in June 2010. Representative Justin Riedel said the first item on the schedule, segmenting the untrusted portion of the network that supports non-law enforcement CAD users, is complete. The second item, installing new hardware and encryption modules for all of the cities and the county of Sonoma's CLETS wide area network link, is 50 percent complete and on schedule to be completed in June 2009. The third item, ensuring that data radio wireless segments for mobile data computers meet current encryption requirements, should be finished by June 2010. A status letter will be provided for the next CAC meeting.
- j. **Berkeley Police Department** – The client submitted an application in which the DOJ technical review revealed the agency does not encrypt CLETS data via the untrusted T1 line. The anticipated compliancy date to encrypt the substation link is July 2009. Though no representative was present, Captain Roger Power of the Alameda County Sheriff's Department confirmed Berkeley's application for encryption of the line was approved by Berkeley on February 17, 2009. Captain Power said the encryption should be in place within 90 days, and he believes the department is on target for July 2009.
- k. **Albany Police Department** – The client submitted an application in which the DOJ technical review revealed the agency does not encrypt CLETS data via the untrusted T1 line to the Alameda County Sheriff's Office LAWNET. The anticipated compliancy date to encrypt the link is mid-April 2009. Representative John Geissberger said the agency has accepted a proposal from Alameda County Sheriff to encrypt the LAWNET line, and the department should be compliant within 45 to 90 days. The agency will continue to report if is not compliant by the next CAC meeting.
- l. **Stanislaus County Sheriff's Department** – The client submitted an application in which the DOJ technical review revealed the agency did not meet the DOJ security requirements in the area of untrusted networks. The issue has been resolved, is compliant and the agency will be removed from future agendas.
- m. **San Francisco County Sheriff's Department** – The client submitted an application in which the DOJ technical review revealed the agency's encryption is not compliant with the Federal Information Processing Standard 140-2 (*anticipated compliancy date of October 2008*). The new devices to resolve this issue have been received; however, the San Francisco Department of Technology (DOT) is unable to install them and has not provided an estimated time frame. The client is requesting the CAC send a letter to the DOT to assist in escalating this issue and indicated an extension would be necessary. The CAC will send a letter to the Sheriff.
- n. **East Palo Alto Police Department** – The client submitted an application in which the DOJ technical review revealed the agency does not meet the encryption requirements for its public T1 link and a public fiber link connecting two substations, and the client must implement a solution to authenticate passwords for CJIS users. Representative Jimmie

Tulabing said solutions are in place for both issues. The agency will be compliant on encryption issues as soon as the network is migrated behind the virtual private network. As for the passwords, the Department used the San Mateo County MSC, so East Palo Alto PD could not force San Mateo County to make those changes, although the issue is on that County's agenda, with no time frame set. The CAC will send a letter to the San Mateo County Sheriff's Department, reaffirming the necessity to address the password issue. The network should be moved behind the firewall within 60 days, and the CAC will be updated by letter.

MEMBERS' REPORTS

Larry Spikes reported he was encouraged by the PPP progress and was sorry that attendance at CAC meetings is likely to drop because of fiscal issues. He also was relieved that human service agencies throughout the state can continue their work following agreement on a State budget. He expects the May 19, 2009 vote to be critical for human service agencies and the revised estimates vote in June to be even more critical to determine the short-term future for counties.

Reggie Chapelle said a grant-funded project, approved by the state chief information officer, will allow electronic citation data to the courts, as part of the Administrative Office of the Courts case management program. The project should be completed in 2011. The project will not provide hardware for all the CHP officers, but the project includes enough money to pay for several hundred pieces of hardware.

Sam Spiegel reminded the audience of a California Peace Officers' Association training conference the week of May 18, 2009 in Monterey, but said he was concerned about the potential turnout because of the economy, even though many participants are paying their own way.

Lisa Solomon requested staff provide a history of multiple extension requests in client reports at future meetings.

Gary Grootveld reported the DGS is embarking on a yearlong strategic planning effort funded by a federal grant. The project will assess the current public safety communications operability of state agencies and start looking toward the future. A gap analysis will be part of that program. Much of this goes toward the legislature and when a budget change is approved, how that fits into the overall plan. Secondly, the Little Hoover Commission met February 25, 2009 to hear the Governor's plan to move the public safety unit out of the DGS. That includes the 911 office and the public safety radio office. That proposal, if adopted, would take effect in May 2009.

CAC DISCUSSION/OPEN FORUM /PUBLIC COMMENT

None

NEXT CAC MEETING/ADJOURN – The next CAC meeting is scheduled Thursday, June 18, 2009 at 9:30 a.m. at the Folsom Police Department. The meeting was adjourned at 11:39 a.m.

Action Items

1. Staff to develop a proposal to amend the requirement for out-of-compliant agencies to report in person. With the current budget constraints, it is difficult for agencies to send a representative. A suggestion was made to have the agency appear in person only after the 1st or 2nd failure to report in writing.
2. Staff to add information to the client report summaries indicating the number of extensions an agency has requested.
3. Staff to send a letter to the SFPD Assistant Chief James Lynch laying out the criticality of bringing its system into compliance.
4. Sam Spiegel to call the LAPD Assistant Chief Jim McDonnell regarding the criticality of the compliance issue.
5. Brea Police Department to send a letter to the DOJ within the next 3 or 4 months regarding the status of the two items out of compliance. The letter is to include an anticipated compliance date instead of “4th quarter of 2009.”
6. Staff to send a letter to the San Francisco County Sheriff suggesting he apply more pressure to the county information technology department to have the equipment installed since the equipment, which would bring the agency into compliance, is on hand.
7. Staff to send a letter to the San Mateo County Sheriff requesting an action plan to bring East Palo Alto PD into compliance with the FBI’s Criminal Justice Information Services Security Policy regarding password authentication.