

Policy Team of the Information Technology and Systems Improvement Committee
Minutes
June 4, 2015

A public meeting of the Policy Team of the Information Technology and Systems Improvement Committee of the Arizona Criminal Justice Commission was convened on June 4, 2015 at the Arizona Criminal Justice Commission, 1110 W. Washington, Suite 250, Phoenix, AZ 85007.

Members Present:

Karl Heckart, Chairperson, Administrative Office of the Courts
Steve Ballance, Maricopa ICJIS
Jim Berry, Pima County Sheriff's Department
Cathy Clarich, Maricopa County Superior Court
Michael Keran, Scottsdale Police Department
Julio Marroquin, Yavapai County Attorney's Office, by conference call
Barbara Marshall, Maricopa County Attorney's Office, Kris Smith representing
John Merritt, Pima County Attorney's Office, by conference call
Jeff Raynor, Department of Public Safety

Members Absent:

Cathy Allen, Coconino County Sheriff's Office
Cheryl Harris, Navajo County Attorney's Office
Nancy McKay-Hills, Tucson Police Department
Michael Kearns, Department of Corrections
Mark Marino, Gilbert Police Department

Staff Participating:

Marc Peoples, Program Manager
Andy LeFevre, Public Information Officer
Matt Bileski, Research Analyst
Wendy Boyle, Executive Secretary

Guests Participating:

Heather Cotter, Waterhole Consulting
Tony Coulson, NTH Consulting
Patrick Scott, Administrative Office of the Courts
Aaron Gorrell, Waterhole Consulting

I. Call to Order and Roll Call

The meeting was called to order by Chairperson Karl Heckart at 1:30 p.m. Roll was taken and a quorum was declared present.

II. Minutes of the February 5, 2015 Meeting

Chairperson Heckart called for a motion on the minutes. Jeff Raynor entered a motion to approve the minutes of the February 5, 2015 meeting. The motion was seconded by Steve Ballance and was unanimously approved by the Policy Team.

III. Criminal Justice Records Improvement Strategy Review

Marc Peoples, Program Manager reviewed the goals of the Criminal Justice Records Improvement Strategy. The goals include: criminal records improvement by increasing the timeliness, accuracy, completeness and accessibility of record information; as well as, the enhancement of information shared across jurisdictional boundaries.

Mr. Peoples provided an overview of the supporting activities and performance measures related to the strategy. The tactical progress includes the following: 1) extend the electronic disposition of information entry through ADRS; 2) expand the XML data transfer to ADRS through the pilot agencies; 3) increase the completeness of criminal history records, which has improved by 14.9 percent; 4) extend JWI functionality and database sources; 5) continuation of support through facilitation, participation and information sharing, the warrant reengineering process; 6) continuation of support through facilitation and participation of executive and stakeholder workgroups; 7) facilitate the National Instant Criminal Background Check System by applying for grants to support the initiatives that include dealing with felonies, domestic

violence and all types of offenses; 8) continuously look at issues dealing with failure to appear; 9) work with the AOC and electronic filing docking; 10) and establish E-citation as an important future goal.

Mr. Peoples addressed the technology standards comprised of: continuation of educating stakeholders on federal information exchange standards, such as NIEM compliance; educating stakeholders regarding the capability of querying across multiple informational sources through JWII; and adopting NIEM compliant exchange standards for E-filing and E-citation information sharing.

The funding initiative identified opportunities to further the priorities of the state strategy; coordinate efforts to leverage the greater benefit; and continue to encourage national and state legislative appropriations for public safety records and information exchanges. ACJC has applied for funding every year through NICS, NCHIP and other grants. Each of the grant funds deal with protective orders; as well as, expanding the reach to support the criminal justice infrastructure.

Mr. Peoples reviewed the priorities for FY16, emphasizing the need for ADRS to be moved to the level of high importance for multi-disciplinary outreach and training.

Mr. Peoples then discussed the grant funding supporting the strategy goals and activities. The first section covered funding for the NICS projects. The grant awards given by the Bureau of Justice Statistics (BJS) for FFY 2014, in the amount of \$769,332, supported the continuation of the Arizona NICS Task Force. For FFY 2013, in the amount of \$657,313, funding was used for analysis, design and system changes to support the simplified segmented approach. NCHIP grant funding included awards by BJS for FFY 2014, in the amount of \$644,947, to organize projects supporting records and information improvements/backlog reductions. Funding for FFY 2013, in the amount of \$248,819, was allocated for agency research projects to address missing dispositions and backlogs. The Improving Background Checks initiative for the current grant funding awarded by BJS for FFY 2013, in the amount of \$634,236, involved the metal health reporting to NICS, and eWarrant Proof of Concept support. Funding for FY 2015, in the amount of \$211,749, was awarded to improve the one print on court sentencing documents captured through the 2FID device.

Mr. Peoples gave an update on applications submitted for federal grant funds supporting the strategy goals/activities for federal fiscal year 2015. The first grant funding request is for NICS, totaling \$1.7 million to continue the NICS task force; resolve issues in the Orders of Protection System; review the Gap Initiative; and Automation of Missing Disposition Reports. The second grant application for NCHIP, totaling \$1.3 million, is to fund the e-Warrant Expansion, Missing Disposition Backlog Project, Police Data Sharing Project, Livescan Machine Project, and AZ AFIS equipment update. The third grant application is a partnership with the City of Phoenix, for an Office on Violence Against Woman (OVW) grant, in the amount of \$305,775. This would be in collaboration with the Orders of Protection Project.

This agenda item was presented for informational purposes and did not require Policy Team action.

IV. 2FID Pilot Project Update and Recommendation for Criminal Justice Records Improvement Program (CJRIP)

Heather Cotter, Waterhole Consulting updated the Policy Team on the 2FID pilot project in Maricopa and Pinal counties.

The rollout involved using two different technologies called MorphoTrak and Cross Match, in both jurisdictions. Preliminary findings include the DPS review which indicates fingerprints using a 600 DPI, COTS printer are sufficient for the ADC GAP Filler Project; and there is a perceived ease of use in the courtroom environment with no significant change in courtroom business processes.

Ms. Cotter indicated the second phase of Cross Match testing in Pinal County will end on June 19 and the Maricopa County MorphoTrak testing will end June 26, 2015. Outcomes including reviews of customer support, technology interruptions and what worked in each jurisdiction will be consolidated into one final assessment report to ACJC.

Chairperson Heckart inquired about the cost difference of both biometric technologies.

Ms. Cotter estimated the preliminary flat fee cost per unit, could range between \$1,800 to \$2,300; including hardware and software installation, along with maintenance fees. Also, the Policy Team had questions about the intent of the recommendation. The inquiries lead to the following: are there findings that certain certified technologies could be used or a proof of concept where no standards are necessary; and will there be a list of vendors to purchase from or from the suggested two devices for reliability, cost leverage to run an RFP and to put a contract in place.

Mr. Peoples addressed that ACJC is providing the pilot project to show the technology is viable for the courts, and to allow the courts to obtain a reliable fingerprint.

Ms. Cotter echoed the biometric print replaces the ink and roll technique to capture a better fingerprint, and is considered sufficient according to DPS and can be run against AFIS. The next steps would be to make the technology available to all the superior courts.

After review and discussion, Jeff Raynor entered a motion to recommend to the Information, Technology and Systems Improvement Committee directing FY 2016 through FY 2017 Byrne/JAG 5% funding designated for the Gerald Hardt Criminal Justice Records Improvement Program, in the amount not to exceed \$200,000, to support the initiative for implementing mobile fingerprint devices in each criminal courtrooms in the remaining 14 County Superior Courts. The motion was seconded by Cathy Clarich and was unanimously approved by the Policy Team.

V. National Instant Criminal Background Check System (NICS) Taskforce Update and Add Recommendations

Marc Peoples, Program Manager introduced the topics discussed at the NICS task force meeting on October 14, 2014. The two issues were Conditions of Release and Protection Orders, which included new recommendations from the task force.

Tony Coulson, NTH Consulting reviewed the eight recommendations. Mr. Coulson emphasized that the task force voted on all proposals. When there were disagreements, the language was modified and reflected as the current proposals.

Mr. Coulson discussed the Conditions of Release proposals. Regarding the areas of domestic violence and order of protection, the group felt that reporting these issues to NICS was sufficient; however, they realized there were gaps in the information reported. Attempts to get Category 2 information and indictment reported to NICS failed to get through the 2015 legislative process. The group then looked at domestic violence as Conditions of Release, where a judge orders a prohibition of a firearm as a reportable condition.

The first proposal: all conditions of release by a judge be reported to NICS. At the time a judge for any criminal matter imposes a condition of release that prohibits firearms possession, it is reported to NICS as a prohibited possessor and is placed in the policy and procedure process within the court system.

The second proposal: conditions of release are reported electronically and automatically to NICS. Since conditions can change quickly and be modified, the information can be pulled automatically and updated if needed.

The third proposal: the system used to report Conditions of Release shall also be able to automatically modify/or cancel a record. The fourth proposal: law enforcement should have access to Conditions of Release through their automated systems.

Next, Mr. Coulson addressed the Orders of Protection category. The NICS task force recommends a two-fold proposal. First, Arizona should develop a statewide protocol that establishes a best practices model on how Orders of Protection should be served; and secondly, law enforcement agencies should develop a mechanism to account for service and service attempts for Orders of Protection.

The next proposal: once the victim has authorized service, the Petition and Orders of Protection should be transmitted electronically from the Court to the appropriate law enforcement agency (ies).

The final proposal: local agencies that serve Orders of Protection, have the ability to implement 7x24 hit confirmation and also be able to enter served Orders of Protection into the National Crime Information Center (NCIC).

Mr. Coulson summarized how the task force was looking at automating the Orders of Protection by reviewing and mapping the processes; coming up with a mechanism for service and service attempts; and when the victim authorizes a service, a petition should be made available for law enforcement to electronically perform the service of orders of protection. The Policy Team had discussions on how this is beyond a criminal justice policy change and more of a social issue; how in Arizona, a protective order is not a criminal event; and how there will be opposition from the judges. The Policy Team also considered that the policy and process of the Order of Protection language will need to be clarified before funding.

After review and discussion, Steve Ballance entered a motion to recommend to the Information, Technology and Systems Improvement Committee the first five recommendations only to the NICS Records Improvement Plan on page 9 of the agenda. Cathy Clarich suggested the following amendment to the motion by modifying the fifth recommendation to read "Arizona should develop a statewide protocol that establishes a best practices model on how Orders of Protection should be processed and shared." Steve Ballance accepted the amendment to his motion. The motion was seconded by Michael Keran and was unanimously approved by the Policy Team.

VI. Warrant Standardization Project

Patrick Scott, Administrative Office of the Courts gave an update of the Warrant Standardization Project.

Mr. Scott explained a rule petition was filed in January 2015 to amend the rules of criminal procedure by eliminating the existing eight warrant forms and replace them with a single standard warrant form to be utilized with the issuance of a warrant. The first comment period for Rule Petition R-15-004 ended May 20, 2015. One comment was filed by Arizona Prosecuting Attorney Advisory Council (APAAC) in favor of the change to the rule. The official comment period closes on June 15, 2015. It will be forwarded to the Supreme Court for consideration in the fall 2015, where an outcome will be determined. A clarifying comment will be filed, as a result of the commentaries received by some courts, about the process of using the warrant form.

This agenda item was presented for informational purposes and did not require Policy Team action.

VII. Rule 37/Simplified Segmented Approach (SSA) for Arizona Disposition Reporting System (ADRS) and Missing Fingerprint Workgroup

Aaron Gorrell, Waterhole Consulting first presented an update on the Simplified Segmented Approach (SSA) and Missing Fingerprint Workgroup. The SSA ensures that disposed court charges are added to the criminal history as long as there is an underlying fingerprint.

Mr. Gorrell shared the progress on the initiatives for Maricopa County, Pima County and the other 13 Arizona Judicial and Case Management System (AJACS) Courts. The policy for Maricopa County Superior Court was implemented

in May that allows clerks to add charges provided that the counts were indicted as disposed on the court order. The cases were tracked for two weeks and 1,319 were disposed, 224 of the cases had the SSA policy applied, and 14 percent had no underlying fingerprint. Pima County is working on the adopted policy from Maricopa County for the process model. The update was also made to the 13 AJACS courts for the court case management system to effectively implement this policy.

Mr. Gorrell continued on with the summary of the eWarrants project through the AOC. The pilot implementation with Flagstaff Municipal Court and Coconino County Sheriff's Office is going through a functional design review to create a warrant. Discussions have led to identifying the leading practices for the warrant entry. The timeline has the design process continuing through the end of June, the implementation phase will take place June through August, the testing will be done in August with training and implementation by October.

This agenda item was presented for informational purposes and did not require Policy Team action.

VIII. Update on Current Criminal Justice Systems Improvement Projects

Aaron Gorrell, Waterhole Consulting briefed the committee on the Criminal eFiling Project in conjunction with the AOC starting June 10. The four key stakeholders include Maricopa, Pima, Yuma and Greenlee counties. The main focus is to allow prosecutors to initiate criminal court cases electronically directly from the prosecutor to the court case management system. The significant benefits include reducing duplicate data entry and to start sharing electronically in a methodical way arrest information with the key identifier being the PCN.

Mr. Gorrell explained the Historical Warrant Repository project is making available the historical warrant information for setting a bond. It came about from a request out of pretrial court services moving towards an evidence based practice for determining a bond. There is no statewide record that shows how often a person has failed to appear for a hearing. The idea behind historical warrant repository is that when a warrant is cleared, a repository would be created at DPS to keep a record of it allowing pretrial and prosecutors who make bonding decisions, and have the information available to them. The kickoff meeting was May 20 that had representatives from Maricopa Probation/Pre-Trial and the County Attorney's Office, Pinal County Probation/Pre-Trial, and the Gilbert City Attorney. The next steps are to start building the functional requirements and implementing the system by the end of the year.

The Missing Fingerprint project will be presented to the Arizona Association of Counties on July 1 and the County Sheriffs on July 15. The discussion will include the legislation that has been proposed which will have the sheriffs responsible for most of the fingerprinting. The ultimate goal is to simplify the process with local law enforcement and the county sheriffs.

Mr. Gorrell went on to discuss the last two initiatives. The Felony Conviction to NICS is at the final stages where DPS, AOC and ACJC are working on a Memorandum of Understanding (MOU) with signoff in the near term. This is a system that will base convictions in a court case management system with convictions in the DPS criminal history file. If a felony conviction is recorded in a court case management system but not in the criminal history, those cases would be forwarded to NICS.

Mr. Gorrell provided information on the Mental Health Indicator to Law Enforcement initiative. There were discussions earlier where a person who is a prohibited possessor for mental health reasons, NICS has a category that makes it where the person cannot purchase a firearm. Law Enforcement is not allowed to have access to NICS to determine whether or not the person is a prohibited possessor. This initiative seeks to create an Arizona access for local law enforcement to have access to the information. Legislation was passed in the last session approving the authorization of DPS to share this information. The discussion went further to channel what are the policy implications, what can law enforcement do with this, what does the implementation look like and who is housing the information. Mr. Gorrell explained the information will remain with the AOC and implemented so local law enforcement could do a name and date of birth warrant check on a person, including the AOC database. The next steps are to understand what the policy implications are at the local law enforcement level.

This agenda item was presented for informational purposes and did not require Policy Team action.

IX. Arizona Disposition Reporting System (ADRS)

Marc Peoples, Program Manager presented an update on the training for ADRS. Mr. Peoples stated training continues across the state to local agencies on ADRS. Staff recently provided training in Yuma resulting in one agency signing up for the web portal of ADRS. As a result of the training, a unique situation was identified. Mr. Peoples reported after a staff person leaves a local law enforcement agency, there is not a training component in house for ADRS. From that, staff realized perhaps a computer based training environment is needed so local agencies could have the tutorial on ADRS. Staff will contact DPS to help create and host, providing law enforcement agencies with the tools to use especially as required by auditing purposes.

This agenda item was presented for informational purposes and did not require Policy Team action.

X. Legislation Update

Andy LeFevre, Public Information Officer stated ACJC had a successful legislative session.

Mr. LeFevre summarized how six drafted legislative proposals were approved at the Commission meeting in November 2014. The first three bills dealt with the continuation of work to transmit information from the courts on mental health ruling case information to law enforcement as reported to NICS. Two bills were associated with fingerprinting and one bill for the victim compensation program. ACJC was successful in getting three of the bills introduced.

Mr. LeFevre explained SB1294 would have required medical providers to accept payment from the Crime Victims Compensation Program as payment in full. The legislation was pulled at the request of the Hospitals Healthcare Association, who asked to begin stakeholder discussions to come to an agreement. Next, SB1295 was the Judgment of guilt fingerprinting document requiring at the time of sentencing for certain offenses, the court to permanently place a defendant's fingerprint to the sentencing document/minute order or record the defendant's two-fingerprint biometric-based identifier in the criminal case file. This bill passed both chambers unanimously and was signed into law. The final bill, SB1373 created the authorizing language necessary for DPS to provide law enforcement officers the indicator notification of the mental health court information. This bill passed unanimously in both chambers and was signed into law.

This agenda item was presented for informational purposes and did not require Policy Team action.

XI. Criminal History Records Completeness

Matt Bileski, Research Analyst gave a presentation on the Criminal History Records Completeness data brief that was recently published on the ACJC website.

Mr. Bileski began the presentation by defining criminal history record completeness as an arrest record with subsequent case disposition information available in the Arizona Computerized Criminal History (ACCH) repository within a timely manner. Data from 2004 to 2013 are standardized so that arrest charges are given equal time for disposition completion across years and the findings can be compared year over year.

Next, Mr. Bileski broke down the percentage of arrest charges with subsequent case disposition information in the ACCH from 2004 to 2013. The data showed that the total number of arrest charges processed in the ACCH rose to over 500,000 in 2007 before falling to roughly 448,000 in 2011. The total number of arrest charges steadily increased in 2012 and 2013. The disposition completion percentages of the arrest charges across the ten-year period reached a high of 71.5 percent in 2012 and declined to 63.3 percent in 2013. Mr. Bileski also reviewed the overall completion rate for arrest charges dating back to January 2002. Using the 2015 data extract, it was discovered that 76.5 percent of arrest charges from 2002 to 2013 had associated case disposition information attached by the end of 2014. This was a 0.1 percent increase in completeness compared to the 2014 extract for arrest charges from 2002 to 2012. Despite the decrease to 63.3 percent completeness for arrest charges in 2013, Mr. Bileski stated that overall completeness of arrest charges ranging back to 2002 remained roughly the same from one year prior.

County-level completeness of arrest charges was also examined. Nine of the 15 county completion rates fell from 2012 to 2013. Pinal County had the most dramatic decrease from 66.3 percent in 2012 to 37.6 percent in 2013. Six counties had completeness rates above 70 percent, and Greenlee and Yavapai Counties were above 80 percent in 2013.

Lastly, the methods used in submitting disposition information to the ACCH were analyzed from 2004 to 2013. Mr. Bileski explained that approximately 75 percent of disposition charge findings were submitted via paper to the ACCH in 2013. Also in 2013, electronic submissions increased to more than 24 percent of all disposition charge submissions, and ADRS submissions accounted for 18 percent. Staff would like to see the rates continue to increase and will monitor throughout this year to have an annual update of the information for next year.

This agenda item was presented for informational purposes and did not require Policy Team action.

XII. Call to the Public

Chairperson Heckart made a call to the public. No members of the public addressed the Policy Team.

XIII. Date, Time, and Location of Next Meeting

The next Policy Team meeting will be held on **Thursday, October 1, 2015** at **1:30 p.m.** at the Arizona Criminal Justice Commission, 1110 W. Washington, Suite 250, and Phoenix, Arizona 85007.

XIV. Adjournment

The meeting was adjourned at 4:10 p.m.

Respectfully submitted,



John A. Blackburn, Jr.
Executive Director

Audio recording is available upon request.