Global Justice Information Sharing Initiative (Global) Global Advisory Committee (GAC) Meeting

Spring 2020 Virtual Meeting

April 1, 2020 Meeting Summary

BACKGROUND AND PURPOSE

The U.S. Department of Justice (DOJ), Office of Justice Programs (OJP), Bureau of Justice Assistance (BJA), and the Global Justice Information Sharing Initiative's (Global) Advisory Committee (GAC) had initially scheduled a meeting for April 1, 2020, in Washington, DC. However, in the weeks leading up to the meeting, GAC leadership recommended changing the meeting to a virtual platform because of the COVID-19 outbreak. The Honorable Kevin J. Bowling, J.D. MSJA, Court Administrator, 20th Circuit and Ottawa County Probate Courts, representing the National Association for Court Management and GAC Chairman, led the meeting in furtherance of and alignment with Global's charter and mission.¹

This synopsis includes key highlights from the meeting, as well as the meeting agenda.

CONVENE AND WELCOMING REMARKS

Chairman Bowling opened the meeting by thanking all attendees during this most difficult time concerning the COVID-19 crisis, recognizing that everyone is busy with emergency activities and coordination, yet willing to take the time to join in the first-ever virtual Global conference. Chairman Bowling gave special praise to recently departed Pam Scanlon and Tom O'Reilly for their critical work on information sharing and efforts to support the GAC with the following tribute.

Pamela Lynn Scanlon, born on September 3, 1952, passed away on January 9, 2020. Pam was a true pioneer and an expert in her field, and her contributions to GLOBAL and this committee will never be forgotten. In 1997, she became the Executive Director of the Automated Regional Justice Information System (ARJIS), an integrated justice enterprise system. An out-of-state colleague wrote, "Anyone that has sent or received law enforcement data over a computer has been impacted by Pam's work."

Thomas J. O'Reilly, born on June 17, 1949, passed away on February 20, 2020. Tom was an American hero and one of the nation's foremost leaders in the field of criminal justice and suspicious activity reporting. Tom was a founding member of the U.S. Department of Justice's Global Justice Information Sharing Initiative and one of the architects of the Nationwide Suspicious Activity Reporting Initiative; he served as the first director of the latter. Tom's contributions to GLOBAL and this committee will never be forgotten.

Chairman Bowling facilitated the introduction of federal officials, special guests, and observers and then introduced Ms. Tracey Trautman.

BJA FEDERAL OFFICIALS' REMARKS

Ms. Tracey Trautman, Principal Deputy Director, Bureau of Justice Assistance, Office of Justice Programs, U.S. Department of Justice, and Global Designated Federal Official (DFO), provided welcoming remarks, thanking the members and emphasizing the importance of meeting virtually to keep Global's work moving forward.

Ms. Trautman introduced Mr. Michael Costigan, Acting Director, Bureau of Justice Assistance, Office of Justice Programs, U.S. Department of Justice.

¹ Additional information regarding Global can be found at www.it.ojp.gov/global.

Mr. Costigan thanked everyone for joining the call, noting the challenges that everyone is facing and appreciating their sacrifices to take part in the conference. Mr. Costigan gave an overview of his distinguished career, while remarking on the importance of working with Ms. Trautman. He also praised BJA for the quick turnaround with the COVID-19-related grant and advised that the Attorney General and Ms. Katherine Sullivan appreciate the work of the GAC.

PRESENTATION TOPIC: Social Media and Information Sharing in the 21st Century

Chairman Bowling advised that the Social Media and Information Sharing in the 21st Century panel will examine emerging issues related to social media (lawful access) and will address the ability to share information, privacy, and civil liberties and the importance of having a social media policy and critical areas that should be addressed in the policy. These remarks directly focused on our mission regarding the efficient sharing of data among justice entities and introduced the following presenters:

- Mr. Dan Mahoney, Deputy Director, Northern California Regional Intelligence Center (NCRIC)
- Ms. Heather R. Frient, Privacy and Compliance Officer/Security Liaison, Statewide Terrorism Analysis and Crime Center (STACC), Ohio Department of Public Safety
- Ms. Sherry Sabol, Section Chief/Special Assistant to the General Counsel at Federal Bureau of Investigation

Mr. Mahoney outlined the newest NFCA subcommittee, formed in 2019, bringing all 80 centers under one umbrella and focused on privacy concerns. The subcommittee is divided into the six regions with two coordinators located within each region. Areas of concern can be raised within the region and shared nationally. Mr. Mahoney advised that this subcommittee was formed with the goal of uniting privacy officers for training and communication sharing. Privacy officers have dealt with handling FOIAs, but with the advent of ALPRs and other technology, issues are changing rapidly. The DHS Office of Civil Rights and Civil Liberties also joins the committee during the two regularly scheduled monthly calls. Conversations focus on policy that will take advantage of the available technologies and address privacy concerns as well. Mr. Mahoney also called for an update to the Real-Time Open Source Analysis (ROSA) Resource Guide document that Global created several years ago. Requests related to COVID-19 have already come in from six centers.

Ms. Frient, focusing on the First and Fourth Amendments, gave an overview pertaining to social media use for law enforcement. Ms. Frient discussed in detail the following critical issues and supported her presentation with examples of case law, as well as a detailed discussion on matters surrounding liability.

First Amendment Cases: True Threats

- *U.S. v. Elonis*, 841 F.3d 589 (2016) Case involving violent fake rap lyrics on FB. Discussion on which standard to use (subjective vs. objective).
- **State v. Metzinger**, 456 S.W.3d 84 (MO Court of Appeals, 2015). Sports nut mad about the World Series, tweeted offensive but not true threats. What would a reasonable recipient think?
- **State v. Kohonen**, 192 Wn. App. 567 (WA Court of Appeals, 2016). High school tweets not cyberstalking. Would a reasonable speaker foresee recipient taking it as a threat? Totality of circumstances.
- *U.S. v. Carrillo*, 2020 U.S. Dist. LEXIS 7628 (NM U.S. District Court, 2020) FB posts to burn ACLU office in NM, plus "Go Trump." Political hyperbole didn't negate the threats.

Other First Amendment Cases:

• *Black Lives Matter v. Town of Clarkstown,* 354 F.Supp. 3d 313 (NY U.S. District Court, 2018). County intelligence center and town unlawful surveillance of groups based on race, social and/or political positions.

Fourth Amendment Cases:

- *U.S. v. Meregildo*, 883 F.Supp. 2d 523 (S.D. NY, 2012) Government used a "friend" (working as a cooperating witness) to access profile information. NO violation of Fourth Amendment.
- **Everett v. State**, 186 A.3d 1224 (DE Superior Court, 2018) Defendant accepted friend request from LE using covert profile. No violation (assumption of risk that one of his friends might be LE/share info with LE).

Regarding particularity of warrants. Searches must be "as limited as possible" and not "a general, exploratory rummaging in a person's belongings." *Coolidge v. New Hampshire*, 403 U.S. 443 (1971).

Ms. Sabol then gave an overview of the Lawful Access initiative and a historical perspective in relation to the "Going Dark" phenomenon, highlighting that the challenges existing in the law enforcement arena will only continue to worsen. The transition from analog to digital introduced these issues, and although the ability to access data has increased, law enforcement's ability to access that data has decreased. The "end-to-end" encryption topic is significant now because users' communications are automatically encrypted. Ms. Sabol emphasized the following myths/points:

- <u>Law enforcement is looking for a "back door."</u> Truth: We want the companies to be able to access that data and produce it upon request from law enforcement. Law enforcement wants a "front door" and for everything to be aboveboard. We do not want to search databases and servers for our targets. We are looking for a transparent, understood capability that would be executed by a company pursuant to a court order.
- <u>Threats to privacy and data security</u>. Truth: Lawful access is important to security and safety. Law enforcement's inability to obtain information puts the security of American citizens at risk. We are trying to maintain our ability to protect our privacy and security.
- <u>Lawful access stifles innovation and places the U.S. tech industry at a disadvantage</u>. Truth: We have full faith in our tech sector to innovate around this. We know our tech sector has an interest in setting the standard worldwide for this issue.
- <u>It's a burden on the industry</u>. Truth: Complying with regulations is not a burden. Other highly regulated industries do just fine.

PRESENTATION TOPIC: Mental Health in the Justice System

Chairman Bowling shared that the Mental Health in the Justice System Panel will focus on issues being seen throughout the nation that touch all our justice system components. The Conference of State Court Administrators has identified this as a priority and addresses it at regional meetings; it is a primary focus for the organization. You will also hear about some national best practices occurring in Maricopa County, Arizona, and Los Angeles, California. This panel will address the efficient sharing of data among justice entities to help solve this problem, which most of us see daily.

- Facilitated by Mr. David Byers, Administrative Office of the Courts, Arizona Supreme Court, Director, GAC Member
- Mr. Brian Bixler, Lieutenant II; Los Angeles Police Department
- Mr. David Covington, CEO and President, Recovery Innovations
- Ms. Therese Wagner, Chief Deputy Probation Officer, Maricopa County, Arizona

Mr. Byers opened the panel discussion and emphasized that every day, law enforcement members encounter people with mental health needs; the crisis affects all of us. It has become such a significant issue that the Conference of Chief Justices has created a national task force focused solely on the mentally ill in the justice system. A robust discussion and presentation followed, beginning with Mr. David Covington.

Mr. Covington noted that we have a system in place for the rapid deployment of support and services on a person's worst day, giving the examples of a heart attack, a car accident, and a gunshot wound. He remarked that when an emergency happens, services are immediately available (9-1-1, poison control, etc.), and this is done thousands of times per day. However, there is no system in place for mental health crises that works like other response systems. Mr. Covington highlighted Arizona's Crisis Now Model and the fact that the Substance Abuse and Mental Health Services Administration (SAMHSA) has leveraged the successes in the Crisis Now Model within a recent SAMSHA publication. Also, Arizona, in the late 1980s, was last in per capita funding related to issues of mental health but now capitalizes on \$100 million per year in funding. Mr. Byers followed up by detailing the important linkage of Medicaid and its positive impact on funding deficits. Ms. Therese Wagner was then introduced to the group.

Ms. Wagner, with more than 30 years of service in both juvenile and adult probation, made an extensive PowerPoint presentation with an overview of the Maricopa County programs in place that specifically address mental health issues within the criminal justice system. Highlights included the following:

- Disparity for health coverage for those in need of mental health coverage. Culture change in 2013 regarding access to Medicaid.
- The Drug Court program's success for more than 25 years; bill access for clinical services and ability to contract with a third-party billing service.
- Relationships that have developed and the Arizona Health Care Costs Containment Systems (AHCCCS) program, providing a tremendous forum for information sharing. AHCCCS received funding to collocate services, and probation officers can bring services to patients, wherever they are located.
- Dave Byers explained how data exchange takes place between the jail system and recently released inmates. Also discussed was how the Targeted Investment Program is being employed, bringing health care to justice-involved individuals.

Mr. Byers then introduced Lieutenant Brian Bixler.

LAPD Lieutenant Bixler opened his presentation with the information that LAPD has the largest mental health evaluation team (Crisis Response Team) in the world. LAPD also trains other police departments across the United States with a 40-hour block of instruction. He then presented a PowerPoint outlining the outstanding program in place. Lieutenant Bixler emphasized the importance of the team's Mission Statement, which defines the work of the 110 sworn officers assigned to the team. The Crisis Response Team collaborates closely with the Los Angeles Department of Mental Health and adheres to the five pillars of an effective response: training, triage, crisis response, follow-up, and community engagement. His presentation outlined the training model and mentioned the grant money available to send officers to train at LAPD in the 40-hour course. The course teaches attendees the importance of understanding stigma, de-escalation, resources, law, and self-care. Lieutenant Bixby placed a heavy emphasis on the importance of a unified team—officers and mental health workers working alongside one another, mutually respecting and trusting fellow team members. Examples of successful deployments were discussed, and the question was asked whether this program could be effective in rural areas as well. Mr. Covington responded with an example of similar work being conducted in both rural Georgia and Colorado. Lieutenant Bixler advised that an agency partnership MOU example will be shared with the group.

PRESENTATION TOPIC: Challenges Facing Public Safety Answering Points (PSAPs)

Chairman Bowling introduced the next topic, advising that the panel will focus on the challenges being faced by PSAPs nationally related to the integration of Next Gen 911, FirstNet, and the impact on their operations. In the past, these PSAPs received 9-1-1 communications only through voice. Moving forward, PSAPs will have the technology to receive texts, video, and photographs, which will increase the amount of information coming in. This will be one of the areas that the Tips and Leads—Threat to Life Task Team will evaluate. Nationally, we must incorporate PSAPs into the tips and leads discussion and how they process all this information and ensure that the information is disseminated to partners. In addition, we will hear from Patrick Baldwin, who will explain how his state's fusion center is incorporating CAD data into its daily operations.

- Facilitated by Sheriff Mike Milstead, GAC Vice Chairman, Minnehaha County Sheriff's Office, South Dakota
- Mr. Ty Wooten, Director, Education and Training, National Emergency Number Association (NENA)
- Mr. Patrick Baldwin, Director, Southern Nevada Counter Terrorism Center, Las Vegas Metro Police Department

Sheriff Mike Milstead facilitated the discussion panel and highlighted the importance of better coordination of tip lines, regardless of the form. He proposed adding a PSAP component to the GAC. Sheriff Milstead then introduced Mr. Ty Wooten.

Mr. Wooten discussed Next Gen 911 and noted the high volume of data streaming into the 5,800–6,000 PSAPs in the United States, calling them the sensors for homeland security and the beginning point of most emergencies, while

recognizing the challenges that will be associated with artificial intelligence and other sensitive data flowing into the centers. Mr. Wooten advised that PSAPs or communications centers are the central point for information sharing in law enforcement agencies. They are much different than the old "radio rooms" of the past. Some states have moved to the next-generation environment based on new IP protocols. Some regional areas have bonded together to use Next Gen 911, and many states are in the process of adopting it. Decisions will need to be made on what the future of the communications centers will look like. Sheriff Milstead then introduced Mr. Patrick Baldwin.

Mr. Baldwin defined his current role at the SNCTC and provided a PowerPoint presentation detailing criminal precursors to terrorism and leveraging CAD data, emphasizing the importance of CAD data/information. Mr. Baldwin gave an overview of current processes in place at the SNTCT related to the 18 Critical Infrastructure and Key Resources sectors, utilizing data by applying the 3-I Model and intelligence-led policing to prevent terrorism. The SNCTC utilizes CAD data and information in near real time. Mr. Baldwin gave an overview of a 2009 New Year's Eve incident/investigation involving a series of propane tank thefts that reinforced the importance of harvesting CAD data. He also described the role the center plays in analyzing CAD information to develop intelligence information and alerting officers to potential dangers. The center is always querying the environment and providing decision makers with information they need to make informed decisions. Mr. Baldwin emphasized examples showing why the CAD data is so useful:

- Every police contact Is documented
- Real-time information
- Timeliness versus accuracy
- Crime uses
- SAR creation
- Adaptability
- Mental health, homelessness
- COVID-19

Chairman Bowling then asked Mr. Mike Sena, Chairman of the CICC, to provide an update on the CICC meeting held virtually on March 31, 2020.

Mr. Sena updated the group on the following topics from the CICC meeting:

Tips and leads: Coordinating all the groups involved to include the private sector. A chairman has been identified, and the group was planning an in-person meeting but may change to a virtual format. The Criminal Intelligence Sharing Plan is in production.

Mr. Sena also advised that ALPR was discussed in the CICC briefing yesterday, reemphasizing data storage and deconfliction issues related to ALPR.

Following a break, Chairman Bowling opened the roundtable discussion with the following initial comments.

"We will now have our membership updates from the floor and suggested next steps for the GAC. As I've mentioned previously, it is your leadership and voice that truly makes this committee successful. Collectively, we have a very strong voice that can impact national information sharing initiatives, develop best practices for the entire justice community. As I call your name, please advise who you represent and report on current information sharing projects and initiatives under way within your respective associations and bring priorities to the floor for Global consideration, as well as discuss points raised during the presentations we have heard today."

Chairman Bowling then identified the members and summarized their priorities with the following remarks.

• Veronica Cunningham, American Probation and Parole Association—COVID-19 work staff status. Lacking equipment to keep up with work. Hosting virtual roundtable with partners to discuss current best practices in place. Kevin responds with access to CJIS information and appropriate security in place, or not? Chicago's Cook

County officers do not have agency-issued laptops or phones but must keep up with their caseloads on their personal devices. A discussion followed regarding FOIA requests and publicly available information.

- Jeff Washington, American Correctional Association—COVID-19 webinars with more than 2,000 folks partaking. Enhanced website. Correctional centers have disease plans in place. Responses include shutting down visits to halt spread. The National Governors Association (NGA) and the Federal Emergency Management Agency (FEMA) have worked with his association.
- Dave Byers, Conference of State Court Administrators—The Medicaid project was relatively easy to implement. The most frequent penalty received from a court is a fine. Billions of dollars are out there in fines and fees that are owed by offenders. We are now able to notify people when they owe a fine and remind them of their payments. Cash payments can be taken at CVS stores across the country (they are open later than the courthouse). Whitepaper pending.
- Mike Lesko, Criminal Justice Information Services Advisory Policy Board—Meetings cancelled in Cleveland. CJIS
 security policy with the cloud. Established a task force to maintain CJIS security compliance. CJIS CIO shared a
 three-page pdf to ensure compliance. Established a delayed fingerprint compliance. DOJ request to establish a
 collection of law enforcement suicide data. . .database pending. Fifteen crime labs getting less evidence and
 lessening backlog.
- Jim Gerst, Federal Bureau of Investigation, CJIS Division—National Crime Information Center (NCIC) transactions down, National Instant Criminal Background Check System (NICS) has record numbers. Use of Force (UOF) collection, 39.7 percent of law enforcement agencies participating in program.
- Sheriff McMahon, Major County Sheriffs of America—Discussion related to Medicaid reimbursement issues to sheriffs' departments. Funding through BJA for housing criminal aliens being held for local crimes. Sanctuary state laws are impeding this program. Meth up because of price and back in a big way.
- Paul Embley, National Center for State Courts—The coronavirus will do more to promote technology use in the courts than we have done in the past ten years. It has exposed some gaps and encouraged workarounds in new ways. Some courts are looking at doing jury trials remotely.
- Mike Moore, National Conference of State Legislators—HIPPA issues related to first responders involved in COVID-19 and what restrictions apply in a state of emergency. Our first responders are looking for information on whether someone has been exposed to COVID-19 and whether this is a HIPPA violation.
- Judge Barbara Mack, National Council of Juvenile and Family Court Judges—It has been reported that crime has decreased with COVID-19, but increases have occurred in domestic violence and child abuse. We will see vastly increased grooming and recruiting of children online with kids at home on their devices more frequently. DOJ is working on a report on child abuse/exploitation prevention and interdiction. Those discussions have explained how much the internet has changed our world in the last five years. There was a lot of discussion about the increase in suicides among victims of livestreaming and sextortion. The need for deconfliction and having one location that all law enforcement agencies can access for deconfliction about both offenders and victims.
- Mike Sena, National Fusion Center Association—NFCA, HIDTA, and RISS are finding gaps in information sharing related to COVID-19. Emphasized the importance of work that GAC has done over the years.
- Sheriff Mike Milstead, National Sheriffs' Association—It is important to remember that our job is to be a Federal Advisory Committee to the U.S. Attorney General. Our next charge is to send BJA leadership the offer that this group and its ability to form task teams and perform critical timely tasks is at the disposal of BJA and the DOJ. We must be available to them and cannot just put out another best-practices guide; we must help with the meaningful work with which they have been tasked.

- Dave Roberts, SEARCH, The National Consortium for Justice Information and Statistics—Gun shop and firearms
 purchases impact noncriminal justice inquiries. It would be worth our time to explore and give guidance to
 agencies on ALPR. Performance metrics around technology performance: Is it working and how is it working?
- Steve Mabeus, Office of the Director of National Intelligence—National Security Partnerships—Domestic DNI rep
 meetings have been cancelled. What a great meeting to use technology and get this information out. Finding
 alternative ways to meet. ODNI staff members are at minimum manning the office but teleworking when they
 can.
- Eric Sweden, National Association of State Chief Information Officers—Meeting cancelled. Role of state CIO for COO, remote access, and cybersecurity risks.

Leadership's Thoughts From the Spring 2020 GAC Meeting and the Way Ahead

GAC Chairman Bowling

- July 2020 GAC Summer Conference Call
- October 2020 GAC Fall Meeting

Chairman Bowling indicated that the meetings are planned at this point. He reminded everyone that course materials are available on the IIR cloud.

David Lewis, Senior Policy Advisor, Bureau of Justice Assistance, Office of Justice Programs, U.S. Department of Justice, and Global Deputy Designated Official—<u>Ashanti Alert Act</u> is coming up and wanted to put it on everyone's radar. RISS has developed a law enforcement site at RISS.net, and ROCIC in Tennessee has developed a report for officers. NW3C has held two trainings for COVID-19 fraud and had over a thousand attendees at each webinar. There will be one for investigators working in remote scenarios.

Ms. Tracey Trautman thanked the membership and others for attending.

The meeting was adjourned at 4:48 p.m., ET.

Global Justice Information Sharing Initiative (Global) Advisory Committee (GAC, Committee)





Conference call number: (669) 900-6833

Conference ID: 317 301 606#

Meeting Link:

https://ncric.zoom.us/j/317301606

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12:00 Noon – 12:05 p.m. Convene and Welcoming Remarks

Mr. Kevin Bowling, Court Administrator, 20th Circuit and Ottawa County

Probate Courts, Global Advisory Committee (GAC) Chairman

12:05 p.m. – 12:10 p.m. Introduction of GAC Guests

Facilitated by GAC Chairman Bowling

Introduction of federal officials, special guests, and observers

12:10 p.m. – 12:25 p.m. U.S. Department of Justice Federal Officials' Remarks

Ms. Tracey Trautman, Principal Deputy Director, Bureau of Justice Assistance, Office of Justice Programs, U.S. Department of Justice, and

Global Designated Federal Official

Mr. Michael Costigan, Acting Director, Bureau of Justice Assistance, Office of

Justice Programs, U.S. Department of Justice

12:25 p.m. – 12:40 p.m. Setting the Stage: Agenda Overview and Anticipated Outcomes

GAC Chairman Bowling

12:40 p.m. – 1:25 p.m. Social Media and Information Sharing in the 21st Century

Mr. Dan Mahoney, Deputy Director, Northern California Regional

Intelligence Center (NCRIC)

Ms. Heather R. Frient, Privacy and Compliance Officer/Security Liaison,

Statewide Terrorism Analysis and Crime Center (STACC), Ohio

Department of Public Safety

Ms. Sherry Sabol, Section Chief/Special Assistant to the General

Counsel, Federal Bureau of Investigation

1:25 p.m. – 1:40 p.m. Break



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1:40 p.m. - 2:40 p.m.

Mental Health in the Justice System

Facilitated by Mr. David Byers, Administrative Office of the Courts, Arizona Supreme Court, Director, GAC Member

Mr. Brian Bixler, Lieutenant II; Los Angeles Police Department

Mr. David Covington, CEO & President, Recovery Innovations

Ms. Therese Wagner, Chief Deputy Probation Officer, Maricopa County, Arizona

2:40 p.m. – 3:10 p.m.

Challenges Facing Public Safety Answering Points (PSAPS)

Facilitated by Sheriff Mike Milstead

Mr. Ty Wooten, Director, Education and Training, National Emergency Number Association (NENA)

Mr. Patrick Baldwin, Director, Southern Nevada Counter Terrorism Center, Las Vegas Metro Police Department

3:10 p.m. - 3:25 p.m.

Criminal Intelligence Coordinating Council Update

CICC Chairman Sena

- Tips and Leads and Threats to Life Priority Update
- National Criminal Intelligence Sharing Plan update
- Automated License Plate Reader Initiative Update Mr. David Lewis, BJA

3:25 p.m. – 3:40 p.m.

Break



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3:40 p.m. - 4:30 p.m.

Membership Updates From the Floor and Suggested Next Steps for the GAC Facilitated by GAC Chairman Bowling

During this roundtable, members will have an opportunity to report on current information sharing projects and initiatives under way within their respective associations and bring priorities to the floor for Global consideration, as well as discuss points raised during the presentations.

4:30 p.m. - 4:45 p.m.

Leadership's Thoughts From the Spring 2020 GAC Meeting and the Way Ahead *GAC Chairman Bowling*

- July 2020 GAC Summer Conference Call
- October 2020 GAC Fall Meeting

4:45 p.m.

Adjournment

