**BOARD OF MANAGERS**

**MEETING MINUTES**

**Thursday, August 28, 2014**

**OPENING AND ATTENDENCE**

The regularly scheduled Board of Managers meeting was held at Veteran’s Affairs office located in Dover, Delaware. Captain Potts called the meeting to order at 10:31 a.m. Those in attendance included:

**BOM MEMBERS:**

Nancy Dietz DYRS

Marian Bhate PDO

Capt. Potts Newark PD

Phillip Winder DOC

Earl McCloskey DOJ

Deborah Lindell JIC

Leann Summa Family Court

Marianne Kennedy JP Court

**PROXIES:**

Daniel Hall DSP-SBI

Earle Dempsey DTI

Pat Crowell NCC PD

**STAFF AND INTERESTED PARTIES:**

Lisa Morris DAG

Peggy Bell DELJIS

Kelly Knutkowski DELJIS

Mary Hansen DELJIS

Alan Ellingsworth AI Hospital

Keith Moore AI Hospital

Steve VanVechten Tower Hill School, Constable

Isabella Kaplan DTI

Joe Shockley DTI

**1. REVIEW AND APPROVAL OF BOM AND EXECUTIVE SESSION JULY MINUTES**

A motion was made to approve the Board of Managers public session meeting minutes by Ms. Deborah Lindell and seconded by Ms. Marian Bhate.

A motion was made to approve the executive session minutes by Ms. Bhate and seconded by Mr. Earl McCloskey after the correction was made from 12:43 a.m. to 12:43 p.m. to the minutes. All approved with one abstention.

**2. NETWORK MANAGEMENT**

* A.I. DuPont Hospital
  + A motion was made by Ms. Nancy Dietz to grant A.I. DuPont Hospital Constable DELJIS access and seconded by Mr. McCloskey with a caveat that the access is the same DELJIS access that is granted to Delaware constables that are currently on the system.
* Tower Hill School
  + A motion was made by Ms. Bhate to grant Tower Hill School District Constable DELJIS access and seconded by Ms. Dietz with a caveat that access is the same DELJIS access that is granted to Delaware constables that are currently on the system.

**3. STRATEGIC ISSUES** –No new updates.

**4. COMMITTEE REPORTS**

* **Planning Committee** –No new updates.
* **Police Complaint Access Committee**–No new updates.
* **Policy and Procedure Committee** –No new updates.
* **Executive Committee Decision Review from Hearing**

A motion was made by Ms. Bhate to enter into executive session to discuss Cases numbers 20140713, 201307109, 20130729, and criminal files and criminal records pursuant to 29 Delaware Code §10004, the disclosure of which would constitute an invasion of personal privacy. The motion was seconded by Mr. McCloskey; with unanimous approval.

The BOM returned to open session for voting.

A motion to affirm the Executive Committee’s decisions for case hearings 20140713, 201307109, and 20130729 was made by Ms. Summa and seconded by Ms. Marianne Kennedy. A vote was made with unanimous approval with one abstention.

**5. OLD BUSINESS**

* **Automated System Usage Statistics** – Ms. Bell reviewed the statistics with the attendees.
* **Project Status Report Overview** –Ms. Bell reviewed the report with the attendees.
* Accident Sale Portal – All reports have been matched for accuracy and are 100% correct. We are working on the back end financial coding.
* Adjudicated Summary – Internal testing is still under way.
* Building interface matching program between DOE (three pilot schools) and CJIS – This item has been completed and the automated notices are in place and have been tested and released to school district offices.
* CARS – Web service has been tested by DELJIS and DelDOT. Waiting on IP addresses for production implementation.
* CCDW – JIC and DELJIS will be working to identify fields needed for the download. Courts want an initial dump of data and then will need updates but not a complete dump each time.
* Civil Judgments – Turned over to JP court to test.
* DCAP Logging – This request will be closed.
* DCI Message Switcher Modernization – The vendor is working on criminal history transactions.
* DMV look up to SQL files – We are taking the program list and determining if batch/real time and input/output DMV data.
* DUI Database – This request is closed. We can revisit once the exact scope is determined.
* Jury System for DOJ On-Line – This request is closed.
* KIOSK Interface – Test applications have been setup and web service available for testing for Touch pay once they have screens ready.
* Law File Table Rewrite – This item has not been started. Numerous patches have been added to the Law File over the past 10 years. DELJIS will re-write the file to enhance processing and data exchanges.
* LEISS Tables – This item has not been started. NCHIP funding has been received to enhance the table within LEISS.
* LEP (Limited English Proficiency) – This will be included in the new LEISS rewrite.
* Printing to Cannon Printer–JIC is testing the new print option without the Extendnetbox. The print server appears to be working at JIC.
* Red Light/ Green Light –SIEH form was submitted to DTI to setup web service. We are waiting on response so vendor can begin testing

Questions/Comments about Project Status Report

Ms. Lindell commented that JIC has a pilot underway for the Extendnet replacement program and that has been successful so far. The only issue that occurred was LEISS print jobs which Ms. Lindell is working with DELJIS to get the issue resolved.

Ms. Bell inquired about the after-hours point of contact at JIC, since JIC is supporting all of the JP Print for after hours. Ms. Lindell said that they have a 24 after hours call process which details when to call DELJIS, when to call DTI, and when to call JIC.

Ms. Bell advised that she received two after hour printer calls from the courts and when Ms. Bell checked the print queue it was clear which means there is a problem with the printer or the problem with the print going to the printer. Ms. Bell referred the calls to JIC but the individuals who called did not know who to contact. Ms. Marianne Kennedy said there are currently procedures that are in place but there is not a policy. Ms. Lindell said if the individuals experiencing printer problems have followed all of the procedures, the number to contact should be posted on the wall by the printer. The number to call is 302-255-2607 and when the caller leaves a message Ms. Lindell will be contacted.

* **Discussion of Rules and Regulations** –DAG Lisa Morris distributed a draft of the Rules and Regulations to the Board members that incorporated the Board’s feedback and document retention and destruction policies from the meeting with the Delaware Archives into the draft.

DAG Morris recommended making the Rules and Regulations law to provide more legal authority. DAG Morris has been working with DELJIS to revise the letters that are being sent for hearings.

* + Mr. McCloskey inquired if under the Delaware Administrative Code potential litigants have additional appeal rights. DAG Morris provided in Section 13.8, “A written decision shall be rendered by the Board within sixty (60) days of the hearing, unless extenuating circumstances require a longer period. The Board’s decision on appeal is final and is not subject to further appeal or review.”
  + Captain Potts inquired about individuals requesting to re-open a case. DAG Morris responded that the only time the Board can re-open a case is for persons who fail to cooperate with an administrative investigation of a breach or improper access and the Board permanently suspends the person’s access subject to them cooperating with DELJIS and can impose other sanctions when they go through that process. If a person is denied access, they cannot return to the board for that same issue.

DAG Morris outlined the changes and additions that were made in the Rules and Regulations that include the following:

* Section 2.2 –The Board asked for the definition of administrative leave and provided the provision of permanently suspended. “Administrative Leave: A temporary leave from employment, including without limitation, extended leave, family medical leave, or suspension from an agency.”
* Section 2.11 – The Board requested to change the language to include the word “oral” when describing the access to CJI. “Indirect Access: Access to CJI, in online or printed form, by an individual without approved DELJIS credentials for direct access.”
* Section 2.12 – The Board requested to change language to include the word “oral” when describing the access to CJI in section 2.11. “Improper Access or Breach: Shall include improper dissemination, unauthorized use, or obtaining CJI, directly or indirectly, in either on-line or printed form without a specific business reason directly related to an Authorized Users authorized access. “Improper Access or Breach” shall include access for the purpose of confirming the existence or non­existence of CJI or CJIS, or the transmission or non­transmission of information improperly obtained.”
* Section 6.10 – Includes the records retention and destruction procedures provided in Section 7. “Authorized Agencies are required to comply with the Records Retention and Destruction procedures provided in Section 7, that require CJIS, NCIC and/or NICS information be securely disposed of. Whether the information is in a physical form (printout) or an electronic form (hard drive, flash drive, etc.) the information must be disposed of in such a way that unauthorized people cannot retrieve it. For most agencies, this means ensuring printed information is shredded onsite by the user.”
* Section 8.2.5 – This section includes the number of days a person can have for a hearing. “The Board shall review the appeal and the person shall be given the opportunity to be heard by the Board within sixty (60) days of receipt of the letter of appeal, unless extenuating circumstances require a longer period.”
* Section 9.7 – “Authorized Users who improperly access or become aware of improper access of CJIS by another user, or by any other entity, shall immediately report the violation to their agency head, management, or directly to the DELJIS Security Manager or designee, and shall cooperate with and assist in the conduct of any administrative investigation pursuant to Section 12.”
* Section 10.4 – Includes the number of days of receipt for the notice of suspension. “An appeal may be initiated by the user by submitting a request for a hearing in writing by email, fax or U.S. Mail to the attention of the Chairperson of the Board within fifteen (15) days of receipt of the notice of suspension.”
* Section 10.5 – “The Board shall review the appeal and the person shall be given the opportunity to be heard by the Board within sixty (60) days of receipt of the letter of appeal, unless extenuating circumstances require a longer period.”
* Section 12.1 – Language was added to include the refusal to cooperate with investigations shall result in a permanent suspension of the Authorized User. “No Authorized User shall refuse to cooperate in the administrative investigation of a suspected violation or breach, whether such investigation is conducted by an SBI investigator or DELJIS investigator. Refusal to cooperate shall result in a permanent suspension of the Authorized User.”
* Section 12.12 – “An appeal may be initiated by the user by submitting a request for a hearing in writing by email, fax or U.S. Mail to the attention of the Chairperson of the Board within fifteen (15) days of receipt of the notice of suspension.”
* Section 12.13 – “The Board shall review the appeal and the person shall be given the opportunity to be heard by the Board within sixty (60) days of receipt of the letter of appeal, unless extenuating circumstances require a longer period.”
* Section 13.8 – “A written decision shall be rendered by the Board within sixty (60) days of the hearing, unless extenuating circumstances require a longer period. The Board’s decision on appeal is final and is not subject to further appeal or review.”

DAG Morris distinguished when the Board of Manager meetings can go into executive session and when to go into public session. DAG Morris said the Board can go into executive session when discussing criminal history records, a breach of access if there’s a victim involved and information of the victim who a person accessed.

* DAG Morris suggested that the Rules and Regulations can be amended to include a line under the section “Hearings” stating that hearings are conducted in accordance to FOIA and the ability to operate under FOIA.
  + A motion was made by Ms. Summa to move forward with the amendments that were discussed for the Rules and Regulations and seconded by Mr. McCloskey.
  + Ms. Bell advised that the Rules and Regulations can be converted to a PDF file and displayed on the web and we are able to reset all DELJIS users Acknowledgement Agreement and provide the users thirty (30) days to re-sign the Acknowledgement Agreement with an electronic signature. If the users who don’t use the applications within thirty (30) days, DELJIS will send out notices to users to sign on to the application.

Mr. McCloskey suggested that under section 2.1 the word “right” be removed because DELJIS access should be viewed as a privilege and not a right. A motion was made by Ms. Bhate to accept this change and seconded by Ms. Summa.

A motion was made by Ms. Bhate to adopt the Rules and Regulations and the amendments that were discussed starting October 1, 2014 seconded by Mr. McCloskey with the condition that all DELJIS users are notified that the Rules and Regulations will be submitted to be adopted by the Administrative Code.

**6. NEW BUSINESS**

* Discussion of Historical Records- No new updates at this time. DAG Morris reported that all the documents, the VINE agreement, survey of all the other states, and portions of the research have been completed, and she will continue with the Historical Records (SBI #), once the Rules and Regulations are completed.
* NCIC Security Policy- This discussion has been postponed.

**7. PUBLIC COMMENT**

Since there was no one who attended the meeting from the public; there were no concerns or questions raised to the board.

**8. ADJOURNMENT**

With no further discussion a motion to adjourn was made by Mr. McCloskey and seconded by Ms. Bhate at 12:12 p.m. Motion carried. The next regularly scheduled meeting date is for **Thursday, September 18th at 10:30 a.m.**