**DELJIS BOARD OF MANAGERS**

**PUBLIC MEETING MINUTES**

**Thursday, February 19, 2015**

**10:00 a.m.**

**Commission of Veteran’s Affairs**

**802 Silver Lake Blvd. Suite 100**

**Dover, DE 19904**

**OPENING AND ATTENDENCE**

The regularly scheduled Board of Managers meeting was held at Veteran’s Affairs office located in Dover, Delaware. Capt. Potts called the meeting to order at 10:08 a.m.

**BOM MEMBERS:**

Lt. Fred Calhoun NCC PD

Deborah Lindell JIC

Marianne Kennedy JP Court

Leann Summa Family Court

Michael McDonald DSP-IT

James Collins DTI

Captain Potts Newark PD

Earl McCloskey DOJ

Marian Bhate PDO

Phil Winder DOC

**PROXIES:**

Michelle Brogden DYRS

**STAFF AND INTERESTED PARTIES:**

Andrel Martinez Appellant

Jeffrey Whitmarsh DSP

David Weaver DSP

Peggy Bell DELJIS

Lisa Morris DAG

Mary Hansen DELJIS

**STAFF AND INTERESTED PARTIES (CONT):**

Lynn Gedney DELJIS

Mary Hansen DELJIS

Ray Sammons DELJIS

Kelly Knutkowski DELJIS

Capt. Daniel Hall SBI

Joe Shockley DTI

Anthony Spiezio DTI

Isabella Kaplan DTI

Maggie O’Beer Capitol Police

Eric Maloney Capitol Police

**PUBLIC:**

Zoila Bueno

Nick Martinez

Olga Manzanares

Theodore Rosello

Ricardo Rosello

Florence LeCompte

Adriana Manzanares

Cortney Lewis

Karen Tingle

Sarah Loiselle

**I. REVIEW AND APPROVAL OF JANUARY PUBLIC MINUTES**

A motion was made to approve the January public session minutes by Mr. McDonald and seconded by Ms. Summa. Motion carried.

**II. HEARINGS**

Mr. McDonald with Delaware State Police (DSP) recused himself for Case Hearing 20130751.

**CASE HEARING #20130751**

The DELJIS Security Manager, Ms. Mary Hansen distributed a handout, consisting of:

* Documents referencing Mr. Martinez’s Login ID and Password.
* Directive 1 signed by Mr. Martinez and Policy Verification Forms.
* Kent County Superior Court Guilty Plea Agreement for Case 1403006482 of selected charges.
* JIC Screen Print of Electronic Disposition.
* Summerbrook Way Queries made by Mr. Martinez.
* Queries of Data Search by Mr. Martinez.

Mr. Martinez provided his objections for the hearing. Mr. Martinez’s objected Sgt. Weaver being in the room during the hearing and page four (4) of the handout that showed the date Mr. Martinez electronically signed Directive Four that there was an electronic signature and he said that there wasn’t anything on the page that indicated there was his electronic signature on that policy dated 4/24/13.

Sgt. Whitmarsh with DSP is currently assigned to DSP Troop 2 and previously assigned with SBI. Sgt. Whitmarsh’s assignment at SBI was to handle and investigate potential DELJIS violations and criminal disseminations of criminal histories of various DSP employees who have access to the DELJIS system. Sgt. Whitmarsh discussed the case involving misuse of DELJIS by Andrel Martinez. Sgt. Whitmarsh testifies as follows:

* Sgt. Whitmarsh was contacted by the DSP Internal Affairs in January of 2013 advising him of a potential DELJIS violation and it was alleged Mr. Martinez was the person responsible for accessing and potentially disseminating DELJIS information.
* Sgt. Whitmarsh began his investigation by first contacting Ms. Lewis who believed Mr. Martinez had accessed her information, as well as her family members and was disseminated to Ms. Loiselle. During interview Sgt. Whitmarsh conducted with Ms. Loiselle, she told him that Mr. Martinez never shared any criminal history information with her. Sgt. Whitmarsh was not concerned about criminal dissemination after obtaining those facts, but he was still tasked to identify if any unlawful or inappropriate queries were conducted in the DELJIS system by Mr. Martinez.
* Sgt. Whitmarsh contacted the DELJIS Security Manager, Ms. Hansen, and requested if she was able to provide printouts of queries that were conducted by Mr. Martinez under his login ID. Sgt. Whitmarsh was able to obtain Mr. Martinez’s performance appraisal forms with his signatures that showed he had agreed and acknowledged the DELJIS policies. Sgt. Whitmarsh reviewed the queries that were conducted under Mr. Martinez’s logon ID and Mr. Martinez relationships to those individuals. Sgt. Whitmarsh noted that not all queries were all criminal history queries, as some queries included registration information and or names that were queried.
* There was a pattern of queries on particular days where vehicles came back to Summerbrook Way address was being queried in succession by Mr. Martinez. Sgt. Whitmarsh noticed the correlation of the queries and the relationship to the individual Ms. Loiselle because that’s where she currently lived at the time. It was noted that Mr. Martinez was on duty and was logged in leading up to the times or during the times that all the queries were conducted.
* Sgt. Whitmarsh noted that not all queries were all criminal history queries, as some queries included registration information and or names that were queried. He noticed in his data that there was a pattern of queries on particular days. He presented a list of names, dates and times of individuals with a Summebrook Way address where Ms. Loiselle currently lived at the time. The queries were done in succession, and in one or two queries that did not return a Summerbrook Way address a further query would have been conducted on the registration which would have revealed either criminal history or driver’s license information.

Mr. Martinez asked questions to Sgt. Whitmarsh’s testimony asking him if he had known about the policies and forms he had signed for DELJIS in 1998 and 2003. Mr. Martinez also asked Sgt. Whitmarsh about information that was included in his arrest warrant.

The Board advised Mr. Martinez to keep his questions relevant to the testimony and that the purpose of the Board was to listen to the testimonies and evidence presented to the Board and for the Board to determine if there was any unauthorized use or misuse of the DELJIS system.

There were three witnesses who wanted to provide testimonies for the hearing. Their testimonies are as follows:

* Ms. Loiselle provided her testimony to the Board requesting that Mr. Martinez not be given access because he abused his power and access to DELJIS is a privilege.
* Ms. Tingle-Martinez provided her testimony to the Board requesting that the Board not grant Mr. Martinez DELJIS access because had disseminated information of Ms. Lewis’s family to her.
* Ms. Lewis provided her testimony to the Board requesting that Mr. Martinez not be granted access to DELJIS.

With no other discussions, Mr. Martinez provided his testimony to the Board. The Board asked that Mr. Martinez keeps his testimony limited to the access and for the purpose of the Board to determine if there was improper access of the DELJIS access.

Mr. Martinez testifies as follows:

* Mr. Martinez testified that he didn’t know what policy was in affect at the time and used the system as a moral basis because he was concerned with the safety of himself and his family working as a special undercover officer.
* Mr. Martinez said that he had a copy of his signed Directive 1 DELJIS Policy but did not have a copy of DELJIS Policy 4.

The Board responded to Mr. Martinez and advised that the DELJIS Policy 4 was an electronic signature that everyone must read and accept in order for them to continue using the DELJIS system.

* Mr. Martinez said that he should have read the policies before accepting them.
* Mr. Martinez advised that he would like his mother, Ms. Maria Martinez, to testify before the Board.

Ms. Martinez testifies as follows:

Ms. Martinez provided her testimony that she has worked with Delaware state agencies as an interpreter and knows of other employees of other state agencies who misused the DELJIS system for their personal use.

The Board deliberated on the merits of the case and the impact of the evidence presented to them. The board determined that they have suspended users for running only one violation and in this case there are multiple that were questionable. Several Board members commented on Mr. Martinez’s actions and his lack of responsibility while using DELJIS. At the conclusion of the Board deliberation, a motion was made by Lt. Calhoun to permanently suspend Mr. Martinez’s DELJIS access and seconded by Mr. McCloskey. Motion carried with unanimous approval.

**CASE HEARING #20140736**

Mr. Michael McDonald returned to the Board of Managers for Case Hearing 20140736. Ms. Bhate recused herself for Case Hearing 20140736.

The appellant for Case 20140736, Ms. Kathleen Linton did not attend the case hearing. DAG Morris provided an overview of the case and that Ms. Linton was reinstated her DELJIS access by the Board in November after an arrest, subsequently the day after reinstatement. Ms. Bell received an email from an anonymous person of mugshots and criminal history information from the DELJIS system that had been sent to the anonymous person via text message. This occurred prior to reinstatement but had been reported after reinstatement a search of the system showed Ms. Linton ran the records. Ms. Linton has been notified of the hearing but did not attend before the Board.

Mr. Sammons interviewed Ms. Linton and she had admitted to sending the information for a safety issue.

A motion was made to permanently suspend Ms. Linton’s DELJIS access by Ms. Summa and seconded by Ms. Lindell. Motion carried unanimously.

Ms. Bhate returned to the Board of Managers meeting.

1. **STRATEGIC ISSUES**
   * IT Consolidation- James Collins provided an overview of the work with the Data Governance Council with DOC and judiciaries and how the Council is looking for opportunities to share information efficiently in administrative work related to Corrections.
   * Mr. Collins provided a brief overview of the updates of the state agencies DTI is consolidating which include the following:
     1. There is an assessment being conducted for DYRS because one of their IT staff members retired in December.
     2. DTI is finishing up the Department of State consolidation and the DSP migration of the servers to the William Penn Data Center.
     3. DELDOT is in the process of migrating all of the servers and decommissioning data centers.
     4. DNREC is almost finished migrating to the William Penn Data Center.
2. **NETWORK MANAGEMENT-** No new updates at this time.
3. **COMMITTEE REPORTS**
   * Ballot for Committee- The announcement of the slate of officers were presented. A motion to close the slate was made by Ms. Summa and seconded by Ms. Kennedy. The Slate of Officers will be brought up next month for voting.
   * Planning Committee-No new updates at this time.
   * Police Complaint Access Committee-No new updates at this time.
   * Policy and Procedure Committee- No new updates at this time.
4. **OLD BUSINESS**
   * Automated System Usage Statistics- Ms. Bell reviewed the Automated System Usage Statistics with the attendees.
   * Mr. McDonald requested for a checkbox to be added into IDR that alerts the viewer that there is a digital video of the incident. He requested that the same check box be made available in any enforcement application like incident report.

* Project Status Report Overview- Ms. Bell reviewed the Project Status Report with the attendees.
  + Accident Sale Portal- The application has been moved to a new server and we are currently testing.
  + AFIS Upgrade- This is a new item which will move mugshots to the AFIS server. Changes are required to get mugshots from AFIS instead of Faces, adding new fields to AFIS interface to send SBI number changes back for manually entered prints and application prints.
  + AG Intake Scheduling- This is a new item. All intakes will be scheduled at time of warrant for all New Castle County cases. Changes are being tested.
  + Bail Bondsperson Database- We are working on creating a conversion program for current bail bondsperson/company database to new database.
  + Bail Condition Screen- This item was completed and the screens were implemented on 2/4/15.
  + Boat Registration File- DTI programming is in progress. We expect to have applications ready for testing in the next couple weeks.
  + Blood Search Warrant- We are finishing uploading the data. Once all of the data is uploaded, then it will be available for testing.
  + CAD Interface- The web service should be available (approximately) the week of 2/16 for E-Crash and E-Tickets. We will supply the vendor with the WDSL file.
  + CARS Interface- This item has been completed. The web service has been deployed in production. Everything is ready for when CARS is deployed into production.
  + CCP Charge Summary- This item has been completed and was implemented on 1/26/2015.
  + DCI Message Switcher Modernization- Driver’s licenses, registrations, stolen vehicles, wanted, and criminal transactions need to be tested once the firewall ports are open.
  + DOC Domestic Violence Referral Form- Initially gave them the DV Hope summary printout to use but they need an online version they can print on local pc printer. A request has been sent over to DTI.
  + DOJ Case Tracking System- DOJ requested addition of victim and witness files. Specifications created and sample files sent to DOJ.
  + DSP Police Portal- A conference call held to discuss interfaces for the police portal to get incident data.
  + EMT Commission Rap Back- Testing is in progress for arrest notices.
  + Gun Involved- A field has been added to the file to indicate if a person was struck.
  + IDR Checkpoint- A field has been added to file to indicate if a stop was at a checkpoint.
  + LEISS Re-Write- We are continuing to test on complaint/warrant system. An MOU has been signed with DSP and Safety and Homeland Security. The money for this project has been released.
  + Memex Enhancement- This is a new item. This will allow the ability to query by driver license numbers, registration numbers, or SBI numbers. We need to get addresses for specific license, registrations or SBI numbers. Discussions were held that to get the data quickly Memex could use our existing broker transactions.
  + Mental Health Records- Mental patient records have been removed from criminal history. SBI has informed police agencies of new process for police to code as transports to hospital. Bad records will be continued to be cleaned up until programming changes are available in the new LEISS. As of 2/13/15 there are 19,760 records in G4.
  + Migration of Warehouse to New Server- SBI criminal history case management system moved successfully to new server. Accident sale portal and E-payment is in testing phase.
  + NIBRS Law Enforcement Counts- Counts were sent successfully in December 2014. Testing changes to add counts by ORI instead of Agency as DSP Troops are reported by county.
  + Red Light Cameras- We need to change the location of data transfer to DELDOT’s new red light vendor and also change court interface for JP Court. We are waiting on funding.
  + Red Light/ Green Light- This item has been completed. The web service was deployed in production. Polytech has not reported any issues.
  + SBI CHCHM COGNOS Cubes- This is a new item that will allow the ability to generate yearly reports in COGNOS. We are going to develop COGNOS cubes for SBI CHCM appointments/ services.
  + Wilmington Crime Reduction- This is a new item. Notifications will go to DIAC notices of arrests and any case changes of any case involving guns.
  + Wilmington PD Crime Analysis- A Wilmington PD crime analysis was done by Temple University in which they needed the last 5 years of Wilmington PD incidents. This item has been completed and the files have been sent to Temple University for their study.

1. **NEW BUSINESS**

* A motion to go into executive session was made by Ms. Bhate and seconded by Mr. McDonald pursuant to 29 Delaware Code §10004 to discuss strategies involving legal advice.
* The Board returned to public session and discussed the remaining items on the agenda.
* Ms. Bell advised changes needed to be made to Chapter 86. The purpose to revise Chapter 86 was to update the Chapter so the Board would be able to act more effectively but does not give or take away authority from any agency. Ms. Bell would like the Board to review the changes that have been made to Chapter 86 and once the Chapter has been finalized DELJIS will be looking for sponsors and suggestions were made for possible sponsors for the Bill.

Mr. McDonald made a recommendation on line 79 on page 3 of the revised copy of Chapter 86 to define the term criminal justice record information. DAG Morris recommended that the word “record” needed to be removed.

1. **PUBLIC COMMENT**

There was no comment from the public.

1. **ADJOURNMENT**

With no further discussion, a motion to adjourn was made by Ms. Bhate seconded by Ms. Kennedy at 1:52 p.m.

**The next meeting date is scheduled for March 26, 2015 at 10:00 a.m.**