



Criminal Justice Information System  
Governing Board  
State of Connecticut

101 East River Drive, East Hartford, CT 06108 • [www.ct.gov/cjis](http://www.ct.gov/cjis)

---

**CJIS Governing Board Special Session**  
**September 20, 2013, 1:30 pm**  
**101 East River Drive, East Hartford, CT 06108**

**CJIS Governing Board Members and Designees in attendance**

Michael P. Lawlor, *Co-Chair, Under Secretary, Office of Policy and Management*; Judge Patrick L. Carroll, III, *Co-Chair, Deputy Chief Court Administrator, Judicial*; Brian Carlow, Esq., *Deputy Chief Public Defender, Office of Chief Public Defender Services, (Designee)*; Cheryl Cepelak, *Deputy Commissioner of Administration, Department of Correction, (Designee)*; Melody Currey, *Commissioner, Department of Motor Vehicles*; Kevin Kane, Esq., *Chief State's Attorney, Office of the Chief State's Attorney*; Richard C. Mulhall, *Chief, Connecticut Police Chiefs Association*; Michael Pollard, *Designee for Sen. Eric Coleman the Co-Chair of the Joint Standing Committee of the General Assembly on Judiciary*; Mark Raymond, *CIO, Bureau of Enterprise Systems and Technology/Department of Administrative Services*; Steve Spellman, *Department of Emergency Services and Public Protection, (Designee)*; and Erika Tindill, *Chairperson, Board of Pardons and Paroles*.

**Other attendees**

Mathew Abraham (DPDS), James Cetran (CPCA), Chris Duryea (JUD), Tom Martin (OAG), Marc Montminy (CPCA), John Russotto (DCJ), Celia Siefert (JUD), Thomas Sutkowski (JUD), and Antoinette Webster (DESPP).

**CJIS staff and contractors**

Phil Conen (Xerox), Richard Hegwood, Bob Kaelin (MTG), Jeremy Katz (Xerox), Patty Meglio, Jason Mull (Xerox), Sean Thakkar, Elizabeth Ugolik, and David Wright (Xerox).

**I. Welcome and Introduction**

- Judge Patrick L. Carroll III, Governing Board Co-Chair, brought the meeting to order at 1:40 pm and welcomed everyone. In his opening remarks, Judge Carroll explained that this meeting was scheduled to keep Board members fully apprised of the progress of the project. He then turned the floor over to Mr. Michael Lawlor, Governing Board Co-Chair, for his opening remarks.
- Mr. Lawlor stated that since the August Governing Board Meeting, several conversations were held with various stakeholders, project staff, Mr. Bob Kaelin (MTG), and Xerox representatives to review and identify any obstacles to the project. He also met with Judge Carroll and Ms. Karen Buffkin to interview for the Durational Project Manager position.
- Mr. Lawlor introduced Rick Hegwood, the newly hired Durational Project Manager. He described his background and success with Core-CT and that his expertise is welcome on this project. Mr. Hegwood would take over the project management responsibilities on a short-term basis and report back to the Board as to what he believes the obstacles are and the future of its success. Mr. Hegwood will supply a more complete report on his findings at the October 17<sup>th</sup> Board meeting and what the process will be moving forward.

- Mr. Lawlor reiterated from the August Governing Board meeting there was a consensus to hold more frequent meetings with a core group of people to monitor the progress of the project. Since Mr. Hegwood has arrived, the bi-weekly Governance Committee meetings will commence on October 4<sup>th</sup> at 10:00am in East Hartford. The purpose of these meetings will be to monitor what has happened in the previous 2 weeks, get a sense of any issues, and brainstorm through those problems. Mr. Lawlor identified the key stakeholders at the moment as Commissioner Bradford and Kevin Kane. If anyone is interested in attending or teleconferencing in, please contact Mr. Thakkar's office well in advance of the meeting, so that preparations can be made to include them.
- Mr. Lawlor explained that since the last meeting Ms. Buffkin has been involved in extensive conversations with Xerox to ensure their contractual and payment obligations are clear. It is her belief that both Xerox and the State are satisfied with the outcome of those discussions.
- Mr. Lawlor then introduced Mr. Sean Thakkar, CJIS Executive Director.

## II. PowerPoint Presentation

- Mr. Thakkar presented the Agenda, Moving Forward Strategy and CJIS Organizational Head Count (slides 2-4).
- Initial staff assignments/organizational structure have been laid out. The major change that was made was that Mark Tezaris will no longer be working on CISS, but will be focused specifically on OBTS and CIDRIS. Both Mr. Tezaris and Mr. Hegwood will be reporting directly to Mr. Thakkar.
- Mr. Kane stated that to remediate the project scope, it may involve pretty fundamental decision-making. He inquired as to who will be making those decisions. Mr. Lawlor replied that Ms. Buffkin would address this question upon her arrival.
- Ms. Tindill asked if there was a durational project manager in place before and did money needed to be shifted from someplace else or was it already budgeted. Mr. Thakkar explained that we did not have a durational project manager until Mr. Hegwood was hired, and that the funds were available for additional personnel. Mr. Lawlor confirmed.
- Mr. Thakkar then introduced Mr. Hegwood, Durational Project Manager, to provide an update on CISS (slides 5-6).
- Mr. Hegwood stated that his first few weeks was focused on the contract alignment with Xerox and didn't believe there was any change made to the scope. An agreement was made on the contract and he would be approaching each of the stakeholders in the next few weeks to get input.
- The focus in the next three months is to parallel the releases and impact to resources, the team and what it means to the agencies.
- Mr. Hegwood expects that there will be some organizational changes within the CISS team that will dedicate people to specific releases in the CISS team.
- Mr. Hegwood acknowledged that stakeholders are frustrated with the program and its direction, they are frustrated with the communication, they are confused, and they have requested better interaction and involvement. He said that this is his top priority.
- Mr. Hegwood's next order of business is to work with Mr. Jason Mull and the state police on the CISS Security Policy.
- Mr. Hegwood introduced Mr. Jason Mull, Chief Information Security Officer for Xerox Services State Enterprise Solutions Group (slide 7).
- Mr. Mull began working on the FBI/CJIS security policy as it relates to the CISS project back in July at the request of Mr. Lawlor and Mr. Thakkar.

- Initial meetings with Ms. Joan Hilliard and Captain Panaccione resulted in the agreement to gather a group of individuals to participate in follow up meetings to identify the issues and potential resolutions as well as reach a common understanding. Mr. Mull's main goal was to identify FBI/CJIS security issues, document them, develop solutions in partnership with DESPP (specifically Ms. Hilliard and Mr. Darryl Hayes) and submit them to the FBI for review. Currently, they are still working to identify all the issues, but one issue stands out: whether or not a non-criminal justice agency can manage, process, and disseminate FBI data.
- Mr. Lawlor asked how it is determined what is and what is not a criminal justice agency.
- Mr. Mull quoted from the FBI/CJIS Security Policy, version 2.0, section 3.2.5, "a non-criminal justice agency is defined for the purposes of access to CJI (criminal justice information) as an entity or any subunit thereof that provides services primarily for the purposes other than administration of criminal justice." Mr. Mull stated that its interpretation varies across all of the states.
- Mr. Lawlor asked, that under the federal rules that govern this, is there a definition of what is a criminal justice agency rather than what it not. Mr. Mull said they just state what is not.
- Mr. Kevin Kane stated that he believes a definition does exist in section 20.3(g) and quoted from that "a criminal justice agency is defined as (1) courts, (2) a governmental agency or any subunit thereof that performs the administration of criminal justice pursuant to a statute or executive order, and that allocates a substantial part of its annual budget to the administration of criminal justice." Mr. Kane also quoted section 20.3(b) the "Administration of criminal justice means performance of any of the following activities: Detection, apprehension, detention, pretrial release, post-trial release, prosecution, adjudication, correctional supervision, or rehabilitation of accused persons or criminal offenders..." Mr. Kane states that it's a complicated definition and it is his hope that the FBI is on the same page in terms of its interpretation. Mr. Mull agreed that it's an item that needs to be addressed.
- Mr. Mull stated that a system description was sent to the FBI for review by Mr. Tezaris back in December, and was returned with four areas of concern, which he believes was a result of providing them with incompleteness information.
- Mr. Mull suggested that conversations need to occur with the FBI that includes Board representation and the state CSO. In addition to concerns regarding FOIA, there was also concern on the documentation and chain of custody, essentially the FBI can tell where the information has been and where it has gone from an audit standpoint. Mr. Mull believes those concerns can be answered through the four technology documents provided from Xerox to DESPP that outlines the protections, the controls and the auditing characteristics of the system. It was also requested to the state CSO that she submits to the FBI those documents for their review.
- Mr. Mull stated there are two questions pending response from the FBI that were sent through Ms. Hilliard: (1) guidance on the virtualization of servers and its protection, and (2) the definition of FBI data. The response timeframe is unknown and must be addressed through the CSO. Chief Mulhall asked if anything was submitted up the chain from the CSO to the FBI since the letter dated March 21, 2013. Mr. Mull couldn't say other than they have submitted several things to the CSO. Chief Mulhall reminded the Board that this is a major project for the State of Connecticut and is concerned about the direction this is going in. He feels that there was some effort but progress keeps being halted and suggested bringing the FBI to the table to discuss.
- Mr. Lawlor understood Chief Mulhall's position, but felt the process we need to focus on now is to figure out what the actual real issues are. He then reverted back to the discussion of

defining what a criminal justice agency is.

- Mr. Lawlor quoted section 20.3(b), as Mr. Kane read earlier, but included the final sentence that states “...The administration of criminal justice shall include criminal identification activities and the collection, storage, and disseminations of criminal history record information.” Mr. Lawlor and Mr. Kane both believe that sentence is important.
- Mr. Kane said that we have to decide what our purpose is with CJIS and what we want. How important is that FBI information and what is it? What does the term ‘criminal history’ include and not include, and how can we share it and can it be shared.
- Mr. Lawlor stated that the only real obstacle is whether the information can be housed in CJIS. Who gets to make that call? The person to whom the FBI looks to answer those questions is the CSO and are they making the right decision given the statutory mandate that we have?
- Mr. Hegwood reiterated that this is a high priority for him, and he will work with others to create a work plan and schedule face-to-face meetings with the FBI to get some answers.
- Mr. Mull stated that a lot more time has been spent than he expected to establish a common baseline of understanding. Significant amount of confusion exists about the project, it had to be worked through and it still needs to be worked through not only within DESPP but within other agencies as well. Mr. Mull stated that the FBI has allowed other states to do what they have identified as dictated in their laws. It is important to identify the different types of information from the nine categories of FBI restricted data, where the data exists and what should be protected.
- Mr. Mull emphasized the need for the State to find out if CJIS Governing Board is a criminal justice agency. Mr. Mull said he was happy to assist the State in an independent manner, and will continue to provide Mr. Hegwood with CJIS compliance expertise as he leads the effort in working with Ms. Hilliard. Mr. Mull reminded the Board that the design documents that were provided to DESPP needs to be reviewed with the FBI which will assist in answering issue number four in their letter. He suggested again that a group - with representation from the Board, CSO and stakeholders - need to have a face-to-face with the FBI to get all questions, rules and definitions answered. In his experience, the FBI is willing to work with you.
- Mr. Mull said the FBI has issues with Public Act 08-01, section 40 in that the Governing Board is too broad and generalized. The other issue is a lack of management control since this is not a criminal justice agency. This letter is only in reference to CHRI (criminal history records information) and not CJI (criminal justice information), the difference being that CJI encompasses everything except for CHRI.
- Ms. Tindill inquired as to what prevented us from fixing this issue six months ago and what can we do now to move this issue along.
- Mr. Pollard stated he believed that there is no single point of ownership to resolve the single issue of FBI data and move forward. He suggests appointing a single point of ownership.
- Mr. Lawlor said that there were a number of legitimate issues that are coming to light because we are entering an operational period. CJIS compliance is critical. He said that the authoritative person is the CSO, Ms. Hilliard.
- Mr. Pollard clarified that the point of ownership he was referring to was from a project standpoint - someone that will see the issue through resolution. Mr. Lawlor said that Mr. Hegwood would take it in the short run and that ultimately, the final responsibility will be his and Judge Carroll’s as co-chairs.
- Mr. Mull introduced Mr. Bob Kaelin from MTG to provide an update on the Moving Forward Strategy.

- Mr. Kaelin provided an update on the Moving Forward Strategy (slides 9-11). In response to Mr. Kane's question about scope, Mr. Kaelin verified that nothing has changed in terms of scope, requirements or design process. It was just an alignment to how we are doing the project in the milestones and the payments. Mr. Kaelin reiterated that any changes to scope or design will go through the normal processes.
- Mr. Kaelin said that every state manages the FBI data differently. More than half of the states decide how they are going to do it and then present it to the FBI. Judge Carroll surmised that if we reach a consensus within the state, we are more likely to obtain approval from the FBI. Mr. Kaelin agreed. Mr. Spellman wanted to convey that consensus within the state does not guarantee approval by the FBI as no other state has done what we are attempting to do.
- Mr. Kaelin stated that the CSO ensures the integrity and accuracy of data, auditability, and compliance with the FBI/CJIS Security Policy. Our state is unique in that we are doing local processes at a state level (jails, policing, and prosecution). Mr. Kaelin suggested the need to form a work group that includes the CSO, DCJ, and other representatives from the community to constructively resolve problems.
- Chief Mulhall remarked that he believes that within the definition of what a criminal justice agency is, that it's possible that CJIS was missed and he inquired as to if it would be worth going back to the legislature to get it changed. Mr. Lawlor said that if they were to go in that direction, nothing would be finalized before June or July of next year as the legislature will not meet until February of 2014. But that's a step to take if only absolutely necessary. Chief Mulhall asked if the Governor could make this change happen with an Executive Order. Mr. Kaelin said that North Dakota handled their CJIS problem with an executive order. Mr. Spellman remarked that the most important thing to the FBI is what you are going to *do* with the information, not so much if you are a criminal justice system.
- Ms. Currey offered a worst case scenario: to sweep CJIS under Public Safety or the Chief State's Attorney's Office, and then CJIS will automatically become a criminal justice agency.
- Mr. Kane expressed his concern about decisions being made without considering the consequences and allowing access to sensitive information.
- Mr. Lawlor asked Mr. Mull about the document that CJIS sent to the FBI and whether it covered access to secure information. Mr. Mull said the document to the FBI didn't cover audits or other security methods, it referred primarily to the state statute. Mr. Kaelin recommended the formation of a specific working group with key interested parties to: define all the issues that need to be addressed, define and obtain a consistent understanding of the various definitions so generic terms will no longer be used, work specific steps and mitigation to ensure appropriate compliance through completion, and reporting to the Board or the Governance Committee so they are vetted and sent to the community for their acceptance.
- Mr. Hegwood said he is taking the lead with Ms. Hilliard to get a game plan together.
- Mr. Kaelin stated that the project schedule is not yet complete and recommends that Mr. Thakkar and Mr. Hegwood set a date to complete the high level schedule. It is important to communicate a work schedule and design to the stakeholders and clarify the priorities. A work schedule will go out soon to the stakeholders.
- Ms. Currey inquired to the short-term scheduled and asked for a copy. Mr. Hegwood said that he would send it out.
- Mr. Kaelin turned the meeting over to Mr. Thakkar who reminded the Board that the next meeting is October 17<sup>th</sup> in Rocky Hill.
- Mr. Thakkar turned the meeting over to Judge Carroll.

- Judge Carroll requested to the Board that any member interested in participating in the bi-weekly Governance Committee meetings to please contact Mr. Thakkar or Ms. Elizabeth Ugolik. Meeting invites and related documentation will be sent in advance.
- Mr. Lawlor asked Ms. Buffkin to address Mr. Kane's earlier question about the changes in scope.
- Ms. Buffkin replied that there wasn't a change in scope, rather a modification of Xerox's work plan to align deliverables with the payment schedule. Due to FBI and resource issues, there was a slippage that required the schedule to be revised. It has not yet been finalized.

There being no further business, a motion was made by Mr. Kane to close the meeting and was seconded by Ms. Tindill at 3:10 pm.