

## Criminal History Records Working Group Meeting

Date of Meeting: August 1, 2013

Attendees: Chairman Major James Eickhoff, Wyandotte County Sheriff's Office  
Melanie Waters, Office of Judicial Administration  
Leslie Moore, KBI – Information Services Division Director  
Patrick Vogelsberg, KCDAA  
Captain Shane Hoobler, Shawnee County Sheriff's Office  
Rebecca Spielman, Shawnee County Sheriff's Office  
Tammy Sisk, KBI – Records Manager  
Lisa Parrish, KBI – Identification Manager

### *Phone Attendees*

Amy Spitler, Hutchinson Municipal Court  
Arlene Frederiksen, Salina Police Department  
Barry Wilkerson, Riley County Attorney's Office  
Undersheriff Dave Dunstan, Saline County Sheriff's Office  
Jerry Bauer, Kansas Department of Corrections  
Sheila Wacker, Johnson County Sheriff's Office  
Marc Bennett, Sedgwick County District Attorney's Office

Additional Attendees: Kirk Thompson, KBI – Director

The meeting began at 1:33pm.

### **Prior meeting notes**

Meeting notes were approved.

### **Updates from prior meeting**

There were no updates from the prior meeting.

### **Final Disposition Reports**

Rebecca Spielman asked how to handle disposition reports that are received from another county. She said no fingerprints are received with the disposition report so they don't know what to do with it. Rebecca said the SN CO DA does not want them because they submit dispositions electronically to the KBI.

Leslie Moore explained that in KBI training agencies are encouraged to submit the fingerprints to the KBI to ensure they get reported. There have been too many times a crime is not reported to the Central Repository then later the prints cannot be located. The agency is then encouraged to mail the disposition report along with the arrest report to the originating agency of the warrant so the disposition can be matched to the fingerprint arrest that was already reported.

Rebecca wanted to know how she could verify that the fingerprints were already submitted to the Central Repository. Sheri Sharp suggested that she call the KBI to verify when she receives those types of dispositions. Major Eickhoff also suggested that Rebecca could look on the rapsheet available on the KCJIS web portal.

#### **Open Records Requests (*attached*)**

Major Eickhoff passed around a copy of a letter his agency received regarding an open records request for all arrests made in the past 90 days. Major Eickhoff said he had spoken to several other agencies that had also received the same letter from the same group of people. Captain Hoobler and Undersheriff Dunstan said their agencies had also received the same letter. Major Eickhoff thought it would be good if everyone responded the same so the agency wouldn't come back and complain about fees or transparency. Captain Hoobler said he would contact the Kansas Sheriff's Association for advice and let everyone know what he learns.

#### **Working Group By-Laws (*attached*)**

Director Kirk Thompson gave a brief overview of the suggested by-laws and asked if there were any suggested changes or concerns. Barry Wilkerson asked if KCDAAs could have two members to represent a large and medium sized county. The group approved the by-laws with the suggested change to allow 2 representatives from KCDAAs. Leslie Moore will formalize the by-laws and contact agencies that currently are not represented to ask for members to be appointed.

#### **Update on RAPID**

Leslie Moore originally planned for a demonstration to the new electronic disposition form; however, the vendor had another obligation that could not be rescheduled. The vendor has promised to attend the next meeting to give a demonstration. The KBI Records staff just completed the first round of testing on the electronic disposition form. The vendor is now using that information to make some adjustments for another round of testing. The vendor will have documentation for the interface connection completed and ready to give to prosecutors and courts before September 30, 2013.

#### **Statute File**

Leslie Moore released the statute file to users in July. It contains both the updates from July and January. The file will not be released again until after the 2014 legislative session.

Arlene Frederiksen stated the KIBRS Gateway was just being updated with the statutes and wanted to know if she would have to resubmit information due to the statute file update. Leslie verified with Janell Zeiler, the Incident Based Reporting Unit Manager, after the working group meeting that any submissions through the KIBRS Gateway that completed successfully did not have to be resubmitted.

#### **NICS Requests**

Leslie Moore told the group that the KBI had been overwhelmed with requests from the FBI regarding wanting additional information for gun background checks. The requests are required to be back to the FBI immediately because they had to make a decision within 72 hours of a gun purchase. Due to the amount of requests many were not being returned in the 72 hour requirement. When this happens the FBI is forced to allow the sale to proceed with caution. If it is discovered later that the person purchasing the firearm should not have been allowed to purchase the firearm then ATF is notified to retrieve the firearm.

Leslie explained that a large majority of the requests the KBI was receiving was for information that is not contained in the criminal history record. Some examples of requests are wanting to know the relationship of the victim to a crime; wanting to know if probation was completed successfully, wanting to know if the sentenced programs (such as anger management) was completed successfully. Leslie asked if the group would approve for the FBI to make these types of requests directly with the agency that would hold that information. Then have the FBI still go to the KBI for the actual arrest and dispositions. The group discussed and thought that sounded good and suggested going back to discuss with their agencies. Leslie suggested drafting a letter to send to the FBI and having the KBI legal counsel review prior to the next meeting. Leslie would bring the letter to the meeting for all agencies to review and approve. The group agreed to this suggestion.

#### **Senate Bill (SB) 66**

Barry Wilkerson asked if anyone was working on the stat requirement for SB 66. Leslie Moore said she heard of the bill and knew there had been discussions about possibly using information reported to the central repository to get those numbers. Leslie explained the numbers would not be accurate with the current manual system because there were too many dispositions that were waiting to be data entered. Leslie said after the electronic disposition reporting goes live in 2014 the records would be much more accurate because the dispositions would be entered immediately on a day forward basis. Barry said there was no mandated date to complete this project.

#### **Nominations**

Leslie Moore reminded everyone that there would be elections for the chairperson at the next meeting. If anyone had nominations for the chairperson to either contact Major Eickhoff or Leslie.

The next meeting will be October 24th at 1:30pm at KBI Headquarters.

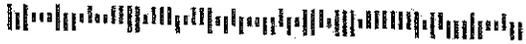
If you have any ideas for agenda items for the next meeting please email James Eickhoff at [JEickhoff@wycosheriff.org](mailto:JEickhoff@wycosheriff.org).

The meeting ended at 2:17pm.

## Rebecca Williams

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Coconut Creek, FL 33073  
Email: recordsproj2012@gmail.com  
Phone: 786-371-3807

July 8, 2013



Wyandotte Cnty Jail  
Jail Administrator Jeff Fewell  
710 N 7th St  
Kansas City, KS 66101-3051

Dear Jail Administrator Fewell:

Pursuant to your state open records act or applicable F.O.I.A. law, I request access to your digital arrest log for the past 90 days, including names of those arrested, what they were arrested for, locations of the arrest and other arrest information you may have. I am also requesting mugshots, where available.

I agree to pay reasonable duplication fees for the processing of this request in advance. If my request is denied in whole or in part, I ask that you justify all denials by reference to specific exemptions of either your state act or the F.O.I.A.

This request is for publication purposes to inform the residents of the community of ongoing criminal activity, etc.

Thank you for your assistance.

Sincerely,

*Rebecca Williams*

Rebecca Williams  
Digital Publishing Consultant

## **Kansas Criminal History Record Information Working Group By-Laws**

1. Reconstitute the advisory group known as the Kansas Criminal History Record Information Working Group (CHRIWG) to be consistent in structure and purpose with other KBI working/advisory groups.
2. Develop and adopt a CHRIWG Mission Statement:
  - a. The mission of the Kansas Criminal History Record Information Working Group is to bring interested entities and disciplines together in an open forum to address and improve the management of the Criminal History Records Program in Kansas by reviewing and making recommendations related to legislation, accurate and timely reporting of arrests, dispositions and confinements and supporting the overall improvement of the administration of justice in this state.
3. Develop and adopt By-Laws to reflect procedures proposed in this document.
  - a. The CHRIWG is an advisory body and communication forum. The CHRIWG does not exist as a legal entity nor does it have any legal authority.
4. Reconstitute the “Core” Membership of CHRIWG – to reflect core organizations and core members that are representative of CHRI users/submitters. (Examples below)
  - a. Kansas Bureau of Investigation (KBI) – four members
    - i. Information Services Division (ISD) Director
    - ii. Records Unit Manager
    - iii. Identification Unit Manager
    - iv. Information Services Division legal counsel
  - b. Kansas Sheriff’s Association (KSA) – designate three core organizations
    - i. Large Department
    - ii. Medium Sized Department
    - iii. Small Department
  - c. Kansas Association of Chief’s of Police (KACP) – designate three core organizations
    - i. Large Department
    - ii. Medium Sized Department
    - iii. Small Department
  - d. Kansas Department of Corrections (KDOC) – one member
  - e. Kansas Juvenile Justice Authority (KJJA) or KDOC Juvenile Division – one member
  - f. Kansas Association of County and District Attorneys Association (KCDAA) – two members
    - i. Large Department
    - ii. Medium Department

- g. Municipal Prosecutor – one member
- h. Kansas Municipal Court Clerks – one member
- i. Municipal Court Judge – one member
- j. Kansas Office of Judicial Administration (OJA) – two members
  - i. Court Services
  - ii. Administration
- k. Kansas Sentencing Commission (KSC)
- l. Others at the recommendation of the WG

5. Core Organizations

- a. Designate core members
- b. May designate an alternate core member in the event the primary core member is unable to attend a scheduled meeting.
- c. Have complete discretion as to their representative (core member and designee) and their length of term.

6. Core members

- a. Will serve as subject matter experts on matters relating to the Kansas Criminal History Records System.
- b. Will be designated by the core organizations listed above.
- c. Will be charged with representing the interests of the core organizations.
- d. Will be charged with maintaining communication with the core organization regarding the activities and proposals of the CHRIWG.
- e. Will be subject to participation (appointment and removal) in the CHRIWG at the discretion of the CEO of the core organization.

7. Kansas Bureau of Investigation – Responsibilities

- a. Identify and appoint core agencies.
- b. Serve as the coordinating entity / organize meetings at the direction of the Chair.
- c. Take meeting minutes.
- d. Send and post CHRIWG meeting notices, agenda's and meeting minutes, a week in advance, to all core members and to the CEO of all core organizations, at the direction of the Chair.
- e. Assure compliance with Kansas Open Meetings Act requirements.
- f. Retain record of any CHRIWG proposals and the disposition of such (minutes).
- g. Maintain an up-to-date CHRIWG location on the KCJIS Website and KBI Public Website.

8. CHRIWG - Participation

- a. Any person / agency / agency representative with interest may attend meetings and request to be placed on the meeting notification list.
- b. Any attendee may participate in the discussions of the CHRIWG consistent with the provisions of Roberts Rules of Order and the direction of the CHRIWG Chairperson.

9. CHRIWG – Recommendations / Proposals / Operations

- a. The core membership, during the September meeting of the CHRIWG, shall elect a chairperson and vice chairperson for the CHRIWG for the following year. The chairperson shall organize and lead the meetings, set the meeting agenda and set the day and times for meetings. The vice chairperson shall serve in the capacity of the Chairperson in their absence. There shall be a term limit of two years for the chairman and vice chairman.
- b. Any proposed recommendation of the group shall be noted in the minutes and shall be voted on by a quorum of the core members. A record of the vote shall be maintained. Roberts Rules of order shall be followed.
- c. (TBD – based upon membership) of the core membership shall constitute a quorum.
- d. A proposal may be advanced for further consideration by a two-thirds vote of a quorum.
- e. If in the opinion of the chairman significant substantive disagreement exists as to a proposed recommendation, they may authorize a minority report that will be attached to the proposal.
- f. The CHRIWG shall not propose any legislative action or changes to existing law directly to a legislative body or individual member of either chamber.
- g. The recommendations of the CHRIWG shall be shared in a timely fashion with the legislative liaison, legislative committee and the CEO of all core organizations.
- h. The decision to pursue legislative action recommended by the CHRIWG will be made jointly by the leadership of the core organizations after fully vetting any such proposal with the remainder of the group. Pursuit of legislative action shall then fall to one of the core organizations.
- i. It is expected that core organizations/core members may on occasion have opposing views on certain matters related to the act. The CHRIWG and this process are meant to facilitate discussion and seek consensus on those matters where consensus is possible. The CHRIWG does not assume any further responsibility or authority.

Nothing in this document is meant to restrict any core member/core organization from unilaterally pursuing legislative action that they believe is in the best interest of their respective organization or entity.