

Oklahoma Senate Committee on Appropriations

2017-18 Performance Report

Oklahoma State Bureau of Investigation

MISSION STATEMENT:

The mission of every OSBI member is to ensure the safety and security of the citizens of Oklahoma.

AGENCY DIRECTOR:

Stan Florence, Director
405-879-2585
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GOVERNANCE:

Here a brief description of the agency's governance structure should be provided. Is the agency headed by a Governor appointee? An appointee of an independent board? Who selects the board, and who are the current members of the board.

The OSBI is governed by the Oklahoma State Bureau of Investigation Commission (Title 74 § 150.3)

The OSBI Commission consists of seven members appointed by the Governor with the advice and consent of the State Senate. Four members represent the lay citizenry-at-large, one member shall be a district attorney, one member shall be a sheriff, and one member shall be a chief-of-police. Members are appointed for terms of seven years and not more than two may be from the same congressional district.

Title 74 § 150.4 – the OSBI Commission appoints the Director of the Oklahoma State Bureau of Investigation.

Current members of the Oklahoma State Bureau of Investigation Commission are:

Mike Boring, Chairman
Keith Humphrey, Vice Chairman
R.B. Hauf, Sheriff Member
Rusty Noble, Lay Member
Rick Stephens, Lay Member
Mikeal Clayton, Lay Member
Roger Webb, Lay Member

Does the Board have any committees or subgroups? If so, please provide a detailed listing of the subgroups and their areas of focus.

The OSBI Commission does not have any committees or subgroups.

GOVERNANCE ACCOUNTABILITY:

Please provide copies of the minutes for any Commission/Board meetings the agency has had since July 1, 2014 in electronic format (Only in PDF format) Is there an attendance policy for board members/commissioners? If so, is it being followed?

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The meeting minutes are attached with this document.

There is not an attendance policy for the Commission members but a quorum of four members of the Commission is necessary to conduct any official business.

MODERNIZATION EFFORTS:

Please provide a listing of all government modernization efforts undertaken by the agency since July 1, 2014. Additionally, please provide any authorizing statutory changes that prompted the modernization efforts and whether those efforts have led to cost savings or additional cost burden.

While there have not been any authorizing statutory changes prompting modernization, the OSBI has implemented and/or is continuing to implement the following:

1. Two (2) Internet Crimes Against Children (ICAC) Mobile Interview and Mobile Analysis Units were deployed.
2. The OSBI Background Investigation Manual revision was completed.
3. The Internet Crimes Against Children (ICAC) Basic Investigation Course was developed.
4. Implemented the new IBIS system, BrassTrax, and introduced a new process for accepting/entering IBIS cases. We have seen significantly more hits (>100% increase) using the new system, and with the new procedures, we get those hits in approximately 1 week after evidence is submitted to us.
5. The upgrade of the states Automated Fingerprint Identification System (AFIS) was tested and accepted for deployment in September of 2017. The AFIS project has taken three years of preparation and cooperation by OSBI, OCPD, TPD, FBI and the vendor to improve the identification capability of the state. The improved technology should reduce fingerprint rejections, increase accuracy of identifications, provide additional functionality and enhance public safety.
6. Validated the new DNA kits well ahead of the FBI's deadline. The FBI mandated that all forensic labs contributing samples to CODIS had to transition to a new DNA kit that expanded the number of loci analyzed. Labs had to complete validation of the kits by January 2017. Our DNA labs easily met this mandate.
7. Held three Forensic Science Academies for judges, prosecutors, and defense attorneys. The 8 week program introduces CJ members to the forensic sciences that are used to process evidence in criminal cases. Participants get opportunities to perform analysis in mock cases on instrumentation used by OSBI Criminalists.
8. Maintained national accreditation through ASCLD/LAB-ANAB for all OSBI lab facilities (with the exception of DEU).

CORE MISSION:

What services are you required to provide which are outside of your core mission? Are any services you provide duplicated or replicated by another agency? Are there services which are core to your mission which you are unable to perform because of requirements to perform non-core services elsewhere?

The Core Mission of the OSBI includes the following statutory duties and responsibilities:

- Maintaining scientific laboratories to assist all law enforcement agencies in the discovery and detection of

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criminal activity, including operating a DNA program and convicted offender DNA database;

- Maintaining fingerprint and other identification files;
- Operating the Arrest/Disposition Reporting System;
- Operating teletype, mobile and fixed radio or other communication systems;
- Conducting schools and training programs for the agents, peace officers and technicians of the state charged with the enforcement of law and order and the investigation and detection of crime;
- Assisting all law enforcement officers and district attorneys when such assistance is requested;
- Investigating and detecting criminal activity as directed by the Governor, Attorney General, Council on Judicial Complaints, Legislative investigative committees with subpoena powers, Director of DHS, or District Court Judge as authorized by law;
- Conducting special background investigations of nominees for the Supreme Court, Horse Racing Commission, Lottery Commission, for the Governor with written consent of the investigation subject, or the State Treasurer as authorized by law;
- Maintaining a Uniform Crime Reporting system; collecting and correlating information and compiling statistics concerning the volume and nature of crime and the administration of criminal justice within the state;
- Administering the Oklahoma Reward Fund to give cash awards to people who assist law enforcement agencies in the solution of specified crimes;
- Investigating motor vehicle thefts, oil and gas thefts, and computer crimes violations in Oklahoma;
- Directing, controlling, and administering a Missing Persons Information Program for all law enforcement offices in the State of Oklahoma;
- Investigating threats against the person of elected or appointed officials and providing protection for foreign visiting officials;
- Administering the Self Defense Act licensing of individuals to carry a weapon;
- Operating the Criminal Information Unit, including the Statewide Intelligence Network, to collect, analyze, and disseminate information concerning the "activity and identity of individuals reasonably believed to be engaged in organized crime, criminal conspiracies, or threatening violent crime;"
- Provide criminal history record information to the public; conduct criminal justice information system audits;
- Investigate and enforce all laws relating to any crime listed as an exception to the definition of "non-violent offense" as set forth in Section 571 of Title 57 of the Oklahoma Statutes that occur on turnpikes;
- Establish, coordinate, and maintain the Automated Fingerprint Identification System (AFIS) and the DNA Laboratory;
- Establish an Internet Crimes Against Children (ICAC) unit for the primary purpose of investigating Internet crimes committed against children; the unit shall additionally promote safe Internet use among children and their parents;
- Establish the Child Abuse Response Team (CART) for the purpose of investigating cases of physical and sexual abuse of a child;
- Recognized by the Bureau of Justice Statistics as the Statistical Analysis Center (SAC) to provide a central contact point for federal, state, and local criminal justice agencies.
- Administer a data information system called the "Offender Data Information System" (ODIS).

Services outside of the core mission provided by OSBI include law enforcement training. Because OSBI agents have expertise in law enforcement specialty areas, OSBI provides training to state and local law enforcement officers.

This is a duplicative responsibility as

this is also the primary responsibility of CLEET.

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PRIVATE ALTERNATIVES:

Are any of the services which are performed by the agency also performed in the private sector in Oklahoma? In other states? Has the agency been approached by any foundation, for-profit or not-for-profit corporation with efforts to privatize some of the functions of the agency?

Title 74-150.37 requires the State to ensure that forensic work performed on behalf of the prosecution in Oklahoma be conducted by a nationally accredited laboratory. There are some private laboratories that conduct forensic analysis; however, the fees charged by independent labs for testing and courtroom testimony is exorbitant. It is far more cost effective for the State to maintain its own forensic laboratory to perform this service for the State. There are also some municipal labs (Oklahoma City PD, Tulsa PD, Midwest City PD, Ardmore PD and Norman PD) that perform some level of forensic analysis. Another issue to consider is that federal requirements restrict which entities have access to CODIS, the national DNA database. Presently, only government entities are allowed to participate fully in the CODIS program. If private labs were utilized to perform DNA testing, the State would still be required to maintain a CODIS lab into which we could enter and access the CODIS system as well as to employ a Technical Manager in Biology to technically review the private laboratory's records and case reports.

There are vendors that sell name-based criminal history information utilized by employers in making hiring decisions. These are name-based checks of open records whereas the OSBI maintains the state's fingerprint based criminal history repository and provides a more comprehensive search. Also, many statutes require fingerprint-based record checks at the local and national level. The OSBI is the only authorized entity in Oklahoma able to complete this process. Additionally, for fingerprint-based record searches, the OSBI provides "rap-back" that provides notification to submitting agencies of an Oklahoma arrest that occurs after the initial record search was completed. This allows the submitting agency to be able to monitor the case to determine possible impact on employment or licensing.

There are some private polygraphists that conduct polygraph exams, vendors that provide computer forensic analysis and a few that provide audio/video analysis, all of which are services provided by the OSBI. Also, private oil and gas companies conduct a certain level of oil field theft investigative activities.

The OSBI has not been approached by any foundation or corporation to privatize any functions of the agency.