

NCJIS ADVISORY COMMITTEE MEETING MINUTES

Nevada Department of Public Safety
Records and Technology Division
333 West Nye Lane, Suite 100
Training Room
Carson City, Nevada 89706
July 23, 2009
1:00 p.m.

MEMBERS PRESENT

Captain P.K. O'Neill, Chief, Records and Technology Division, Nevada Department of Public Safety
Assemblyman Bernie Anderson
Todd Westergard, Administration Chief, Gaming Control Board
Ron Titus, State Court Administrator, Supreme Court
John Helzer, Deputy District Attorney, District Attorney's Association
James Earl, Attorney General's Office
Robert Quick, Under Sheriff Lander County, Sheriffs' and Chiefs' Association

MEMBERS WITH PROXY

No proxy letters submitted.

MEMBERS EXCUSED

Senator Maurice Washington
Howard Skolnik, Director, Nevada Department of Corrections

A. Call open meeting to order and roll call (action)

Captain P.K. O'Neill called the meeting to order at 1:10 PM. Roll call was taken by Anita Kerr, Secretary, NCJIS Advisory Committee. All attendees were asked to sign. Captain O'Neill introduced and welcomed the newest member of the committee, Undersheriff Robert Quick, representing the Sheriffs' and Chiefs' Association. Undersheriff Quick has worked for the Lander County Sheriff's office for 14 years as a deputy and the last four as the Undersheriff.

B. January 8, 2009 meeting minutes comment, revision and acceptance (action)

Assemblyman Anderson moved to accept the minutes as presented. Mr. Earl seconded the motion. All in favor, motion carries and the minutes are accepted.

C. Disposition Policy Committee Update (discussion)

Kathy Comba, Applications Manager, Technology Bureau, Department of Public Safety introduced herself to the members and public audience. Ms. Comba provided copies of her Powerpoint for the members and the public. Ms. Comba gave a brief overview of the challenges facing dispositions. Ms. Comba wanted to address the challenges through the creation of two disposition committees who would create policies and procedures. Additionally, the committees would work on an electronic means of submission and appending of dispositions. Ms. Comba further stated there is also a lack of clearly defined standards. Ms. Comba proposed the two committees be; the Policy Committee and the Technical Committee. The Policy Committee would be responsible for establishing policies and procedures and streamlining manual and electronic disposition reporting. The Technical Committee would provide the technical support needed and assist with implementing the policies and procedures established by the Policy Committee. The Policy Committee would include representatives from law enforcement, the courts, district attorneys and Records and Technology. The Technical Committee would include representatives from the courts, Records and Technology and user group representatives as needed. Final draft of the policies and

C. Disposition Policy Committee Update (discussion) (cont.)

procedures would be presented to the NCJIS Advisory Committee for approval. Assemblyman Anderson asked how this differs from earlier discussions relative to the Nevada Offense Code (NOC). Mr. Sosebee with the Administrative Office of the Courts explained there is a relationship between the dispositions process and the NOC's. Ms. Comba explained a NOC is part of the information we receive to assist in the disposition. Mr. Titus asked what the first four policies are. Ms. Comba did not have the information but said she would make them available to the members, if requested. Assemblyman Anderson pointed out the differences between the numbering system of the Nevada Revised Statute (NRS) and the NOC. Ms. Comba explained the NOCs are in conjunction with the NRS whenever a new law is written and implemented. Ms. Comba stated the Records and Technology Division, along with the Administrative Office of the Courts, have applied for a NCHIP Grant to hire a project manager which will assist in speeding up the entire process. The manager should be hired by the end of 2009. Mr. Helzer questioned the number of dispositions needing processing. Ms. Butler, Records Bureau Chief, Records and Technology Division, Department of Public Safety, explained that when the Division moved to the present location in late 2007, additional boxes of dispositions were discovered. It was noted that the number of dispositions are currently at less than twelve thousand; this is down from two hundred fifty-two thousand. Ms. Butler further stated the backlog should be eliminated by the end of 2009. Ms. Butler stated the Records Bureau is working with agencies on matching the remaining dispositions with fingerprint cards. Mr. Helzer voiced concerns about what the agencies think the current status is. Ms. Comba reminded everyone that the Records Bureau is caught up dispositions it has received but cannot do anything about other agencies and their individual backlogs. Ms. Butler clarified; the Records Bureau exhausts every resource before sending a disposition back to an agency for resolution. Mr. Helzer stated he would go to the Sheriffs' in his jurisdiction to assist in educating them as to what the process is at the Records Bureau so everyone can become cooperative in their efforts to eliminate the disposition backlog. Mr. Westergard asked if all agencies had been asked if they had boxes of backlogged dispositions. Patti Peters, Southern Technical Sub-committee Chair stated there has been communication between agencies and everyone should be aware of the issues. Teresa Wiley, Northern Technical Sub-committee chair, stated the District Court feels it is the courts responsibility to forward the dispositions and not the law enforcement agencies. Mr. Helzer explained that by statute it is the responsibility of the courts not the District Attorney's office. Mr. Titus asked if there has been a report ran to show how many dispositions have not been received by the Records Bureau. Ms. Butler stated the Records Bureau has ran reports and used that information in grant applications in the past. She noted the Records Bureau receives about 30% of available dispositions, but is confident the number received has increased. Captain O'Neill tasked Dianne Draper, NCJIS Program Specialist Supervisor, Records and Technology Bureau, Department of Public Safety, with asking the agencies to forward any dispositions they may have to us. Captain O'Neill stated, as the CJIS Systems Officer (CSO), the intent is to bring the policies and procedures developed to the NCJIS Advisory Committee for input and advice. As CSO, Captain O'Neill would listen to the advice of the Board but the ultimate responsibility lies with the CSO. Captain O'Neill thanked Ms. Comba for her presentation.

Exhibit A

D. Nevada Offense Code Revision and Governance Structure (action)

Scott Sosebee from the Administrative Office of the Courts gave a brief history and definition of a NOC. Mr. Sosebee explained that the new NOC is called an "intelligent NOC". The NOC bridging the old and intelligent NOC is called the "transitional NOC". The intelligent NOC is made up of characters that represent a certain piece of information pertaining to that offense. Captain O'Neill asked what the number means and if it can be easily searched. Martin Overstreet with the Administrative Office of the Courts explained that each component can be searched at each level of the criminal justice process.

D. Nevada Offense Code Revision and Governance Structure (action) (cont.)

Assemblyman Anderson questioned how it differs from the definitions in the NRS when the NOC changes. Mr. Overstreet stated they would cite the NRS(s) that apply to the crime and do a search to select which NOC corresponds. Mr. Overstreet further explained that the NOC is used system-to-system to allow for easy transfer of information. Captain O'Neill offered to meet with the Legislative Counsel Bureau (LCB) to further explain the system. Mr. Titus noted, in the past, he sat down with a few members of the LCB to discuss this issue. Mr. Sosebee explained what really drives the system, is the electronic exchange of information. If we are going to have integration between the entire criminal justice community, this is the proper direction to proceed. Mr. Sosebee further stated he sees the NRS and NOC as complimentary systems and not as competitive systems. Undersheriff Quick asked how the officer in the field will compare the NRS with the crime to find the correct NOC to use when writing their reports. Mr. Overstreet explained there is currently a .pdf file that is searchable. Mr. Overstreet stated that the intelligent NOC system would give the entire criminal justice community a very useful tool. Mr. Sosebee continued his presentation by giving an overview of the intent of the NOC Program using a transitional effort. Mr. Helzer asked if part of the effort included transferring both hard and electronic copies in all jurisdictions, and if it is mapped out. Mr. Sosebee answered, they are including everyone. It is a long term objective. The governance responsibility will be to aid and assist in setting up this process to flow as efficiently as possible. Mr. Sosebee gave an overview of what has been accomplished to date.

Mr. Helzer asked if there is a way to know if the current information is tainted with out-of-date information. Mr. Overstreet stated their suggestion is not necessarily to convert the old to new, but use the information as it comes in. Assemblyman Anderson stated the NOC Program is a link between missing elements in the system. The program has the potential to act as a platform for making statistical comparisons. Mr. Sosebee explained NOCs are a part of the Criminal History Repository's responsibility relative to reporting the information in a manner prescribed by the Department of Public Safety. Captain O'Neill read a section of NRS 179A.079. Subsection 3(a); "The Advisory Committee shall: Recommend policies and procedures that apply the best management practices to the activities at the Central Repository". Captain O'Neill further stated that we stay cognizant of this NRS, as this is an action item and although the final decision lies with the CJIS Systems Officer (CSO), all input is appreciated. Mr. Sosebee described the challenges to the current NOC Program through the transition from old to intelligent. Currently, the needs of the program far outweigh the resources available. Mr. Sosebee further explained the proposed mission is to provide accurate NOC data, maintain the NOC model and data, establish policies and procedures and assist in the conversion and implementation of the new model. The proposed NCJIS Advisory Committee responsibilities include prioritizing major initiatives and projects, provide direction and assistance on funding requirements, approve statewide NOC policy and information dissemination and lastly, to aid in the resolution of appeals. Mr. Sosebee reviewed the responsibilities of both the proposed NOC Policy Committee and the proposed NOC Working Group. Ms. Butler explained the governance, funding and project sponsorship. The governance would include approval of proposed NOC governance models or provide guidance and/or direction for future NOC governance. Captain O'Neill suggested the policy writer change the wording under Proposed NCJIS Advisory Committee Responsibilities, from "resolve appeals" to "hear and recommend". Mr. Titus suggested the model be changed to include the CSO at the top with a line to the Advisory Committee since the CSO makes the final decision. Mr. Helzer does not see how both committees would be able to separate the different issues, considering how busy everyone is and the fact that both committees share members. Assemblyman Anderson questioned why the research group appears to be part of the Administrative Office of the Courts. Mr. Sosebee stated it is a shared function to ensure the local ordinance backs up the offense. Assemblyman Anderson suggested changing the model to include a link between the two committees and the CSO. Ms. Butler continued by explaining the funding considerations. She stated, as of now we are operating "as-is" for fiscal year 2010-2011 (FY10-11) and establishing a dedicated funding account for FY12-13 to include funding from court assessments.

D. Nevada Offense Code Revision and Governance Structure (action) (cont.)

Mr. Helzer questioned the involvement of the NCJIS Advisory Committee in this matter.

Ms. Butler explained that NRS179A.079 stipulates the responsibilities of this committee relative to this agenda item. She further stated the need for the committees support. Ms. Butler informed the committee that a prioritized list on NOC projects will be provided to them. Mr. Titus suggested the model flow chart be refined to include the suggested changes and then circulated to the members of the committee for an agreement. The Chair closed this agenda item. **No action taken. Exhibit B**

Recess called at 3:29PM by Chair.

Reconvened at 3:45PM

Captain O'Neill stated he would like to precede to action items I and M as NCJIS Advisory Committee member Mr. Earl may need to excuse himself from the meeting.

I. Civil Name Check Program Policy Review (action)

Diane McCord was not present today, Ms. Butler will present on her behalf. Civil Name Check (CNC) is a namebased background check program primarily used by the casinos in Southern Nevada for their non-gaming employees. As this program grows, there is an increase need for policies to govern the program. Undersheriff Quick asked if the CNC system is similar to what law enforcement agencies use. Ms. Butler stated it is not. The dedicated terminal is located at the casino and only checks the state system for criminal history and nationwide warrants. This system gives employers another avenue for background checks without submitting fingerprints. Each background check has a twenty dollar transaction fee with four dollars going to Clark County for access to their local system (SCOPE). Mr. Earl asked if Section Eight, which covers dissemination, was of most concern. Mr. Earl feels this section is short on concise definitions. Ms. Butler stated this is why policies are needed. Undersheriff Quick asked if abuse of the system would be handled by the Criminal Repository. Ms. Butler explained the Criminal Repository staff audits user agencies for compliance. Assemblyman Anderson asked what the penalties are if the policies are violated. Ms. Butler stated, it would depend on how egregious the violation. Mr. Earl suggested strengthening language in Section Eight. Mr. Westergard stated Section Two has no disqualifying criteria for what will happen to those checks that return with a record attached. Ms. Butler stated the Central Repository follows NCJIS policies and will modify this section. Mr. Westergard asks that a definition of "agency" be added to the last page. Assemblyman Anderson asked how this system coincides with dissemination of wanted information from other states. Captain O'Neill explained it is not criminal history, so it is considered public knowledge. Assemblyman Anderson then referred to Section Four, number four, asking if the terminal user is given a code that is specific to that user only. Ms. Draper answered that each person has their own user name and password that is restricted to that individual and that terminal location. Ms. Butler further explained liability and protection is covered under the contract with the terminal location.

Captain O'Neill proceeded to address each section: 1) the information in Sections One, Three, Four, Five, Six, and Seven have no suggested changes. 2) Section Two needs a bullet to add criteria of refused access. 3) Section Eight the sentence, "Under the terms and conditions agreed to through an executed Agreement and pursuant to administrative policies and operating procedures of the Nevada Criminal Justice Information System, the scope of this authority is understood to be limited to those having direct responsibility for conducting pre and post employment background checks of applicants and/or employees." needs to be simplified. Section Nine needs the page break removed and the format improved. 4) Section Ten (10.2) needs the statement, "ability to suspend access pending audit" added with "a recommendation by the auditor within 30 days". 5) Section Eleven, first paragraph, remove the sentence, "Currently the fee is \$20.00". 6) A definition of "agency" will be added to Addendum A.

I. Civil Name Check Program Policy Review (action) (cont.)

Mr. Westergard motioned to accept the changes proposed to the Civil Name Check Program Policies. Assemblyman Anderson seconded the motion. All were in support of the policy with the CSO having final approval. Motion carries. **Exhibit C**

M. Schedule Next NCJIS Advisory Committee Meeting (action)

Captain O'Neill suggested holding the next meeting on Thursday, January 28, 2010 from 1:00 PM to 5:00 PM. Assemblyman Anderson motioned to accept the proposed date. Undersheriff Quick seconded the motion. Motion carries.

G. 2009 Legislative Summary (Bills and Budgetary-Grant Submission Plan) (discussion)

Ms. Butler gave a brief update on the bills passed by the 2009 Legislative Session. Four of the bills sponsored by the Records and Technology Division, Department of Public Safety passed. One additional bill, which was not part of the Departments proposed bills but will greatly affect us, also passed. These bills are: AB81 which clarified our business responsibilities and is effective October 1, 2009; AB46 implements the National Criminal Background Check System (NICS) Improvement act in Nevada and is effective January 1, 2010; AB93 which changes the definition of misdemeanor Assault and will affect the Brady Unit with their background checks for firearm ownership and was effective May 6, 2009; AB497 which implements the collection of criminal justice information statistics from statewide criminal justice agencies for reports to the Legislature and is effective July 1, 2010 and SB28 which will require the dental records of missing persons and the unidentified dead go to county coroners and not to the Central Repository.

Lisa Young, Chief Fiscal Officer, Records and Technology Division, Department of Public Safety, continued the presentation explaining the Division's budget status. Captain O'Neill explained the need to rebuild the Record Bureaus' reserves. The reserves will assist in refurbishing the Criminal History Repository's system as it is antiquated and not user friendly. In addition, we need to have enough reserve to carry us over to the next fiscal year for operating costs. Ms. Young explained the downward economy had affected the Records Bureau also. Ms. Young then reviewed the Technology Bureaus' budget. She informed the committee that the three vacant positions in the Applications Unit were eliminated as part of Department of Public Safety statewide required cuts. The staffing level at the Technology Bureau allows for only maintenance and small projects at this time. Ms. Butler continued the presentation reviewing current and future possible Federal Grants. These Federal Grants include the 2008 NCHIP Grant which was used to reduce disposition backlog and will expire in September of this year and the 2008 SMART Grant which will pay for enhancements to the Sex Offender Registry. The Records and Technology Division is awaiting a letter of award on the 2009 NCHIP Grant which is a cooperative effort with the Administrative Office of the Courts and will help with the disposition issues. The Records and Technology Division applied in May of 2009 for a 2009 NARIP Grant which would allow for improvements to the Brady Program and the Records and Technology website. **Exhibit D**

F. Technical Sub-Committee Briefing (discussion)

Ms. Peters, Southern Technical Sub-committee Chair, stated that she and Ms. Wiley, Northern Technical Sub-committee Chair, are willing to defer their discussion to the next scheduled meeting of the NCJIS Advisory Committee with the understanding they will appear on the agenda. Captain O'Neill was in agreement and tabled the item.

G. FBI Audit Briefing (discussion)

On behalf of Ms. McCord, Ms. Butler explained the Federal Bureau of Investigations (FBI) audits the Records and Technology Division every three years with the next audit due in October of 2009. The FBI audits the Division to ensure compliance with FBI policies and procedures. The Sex Offender Registry will be audited for the first time. There will be no sanctions imposed due to this being the first audit. Instead, it will be informational only. The Fingerprint Unit, Brady Unit and Uniform Crime Reporting Unit will also be audited at this time.

H. Sex Offender Enhancement Project (Appriss contract) (discussion)

On behalf of Ms. McCord, Ms. Butler explained enhancements to the Sex Offender Registry (Appriss contract) were paid with money from the SMART Grant. The enhancements will establish a new interface at the local level, allowing for geographical coding for addresses, offender mapping and other useful and needed information. The new enhancements will replace the system currently in use. Captain O'Neill stated there will be a meeting on August 11, 2009 addressing this new system and all members were welcome to attend. An update on this project will be given at the next scheduled NCJIS Advisory Committee meeting. Ms. Flo Jones, a member of the public present today, asked how someone submits a request to have inaccurate information corrected. Captain O'Neill explained there are existing procedures in place at Federal and local authorities.

J. Records Bureau Fiscal Year 2009 Statistical Report (discussion)

Captain O'Neill reported the FY09 statistical information for the members.

- The Brady Unit had 64,000 requests for permits in FY08 and approximately 103,000 in FY09. This is a 62% increase. At the same time, the number of requests went up and the denials also increased. Warrant hits were down in FY09.
- The backlog in dispositions went from 252,000 in FY08 to 11,332 in FY09. Mr. Helzer asked if this number included sealed records. Captain O'Neill said it did not include sealed records. There were 1,400 records sealed in FY08 and 1,800 records sealed in FY09.
- The number of criminal fingerprint cards processed also rose from 109,000 in FY08 to 119,000 in FY09. In addition, the processing time of 21 days went up from 90% of cards processed in FY08 to 93.5% of cards processed in F09.
- Civil applicant cards went down 10% in FY09 from 108,000 in FY08 to 98,000 in FY09. Captain O'Neill further explained, of the 108,000 applicant cards completed in FY08, 68,000 were done electronically and of the 98,000 applicant cards completed in FY09, 67,000 were completed electronically. Captain O'Neill noted the percentage of applicant cards processed electronically is at about 50% of the total cards submitted. Undersheriff Quick asked if grants are available for LiveScan equipment for law enforcement. Captain stated he did not think there were any grants available and the Records and Technology Division would not be able to provide LiveScan equipment as they had in the past.
- Captain O'Neill stated the Program Development and Compliance (PD&C) audits were up 27% from FY08. In FY08, 64 audits were completed and in FY09, 81 audits were completed.
- The Civil Name Check (CNC) program had 1,400 warrant hits in FY08 and 104 warrant hits in FY-09.

J. Records Bureau Fiscal Year 2009 Statistical Report (discussion) (cont.)

- The Sex Offender Unit had 6,300 active files in FY08 and 6,461 active files in FY09; this is an increase of 2.6%. In FY08 there were 194 Tier III offenders and 193 Tier III offenders in FY09. Of the 6,461 active files in FY09, 2,200 were Tier II offenders. Captain O'Neill explained when an offender applies for a driver's license the Department of Motor Vehicles will run a query and if the offender is out of compliance it will be identified. A Nevada driver's license will not be issued until the offender is in compliance. In FY08, 578 offenders were identified as out of compliance; in FY09, 547 offenders were identified as out of compliance.
- The Technology Bureau reported 10,000 NCJIS devices in use during FY08 and 11,000 devices in use during FY09. In FY-08 there were 164,000 transactions per day and in FY09 there were 188,000 transactions per day. It was noted the response time on these transactions were three seconds or less.
- The Helpdesk, which is operating twenty-four hours a day, seven days a week, three hundred and sixty five days a year, responded to 23,000 calls for assistance in FY08 and 22,000 calls for assistance in FY09. Of these calls, 87% were answered by Help Desk personnel. Captain stated that he is amazed at how so few do so much with so little.

K. Public Comments (discussion)

Captain O'Neill inquired if there were comments or questions from the floor. There were no comments or questions from the floor.

L. Comments of NCJIS Advisory Committee Members (discussion)

Captain O'Neill received no further discussion from the members. Mr. Titus motioned to close the meeting. Undersheriff Quick seconded the motion. Motion carries. Meeting adjourned.

5:00 PM Adjournment of meeting