

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
April 22, 2010
1:00 p.m.

MEMBERS PRESENT

Patrick Conmay, Nevada Department of Public Safety, Chief Records and Technology Division
Assemblyman Bernie Anderson
Todd Westergard, Administration Chief, Gaming Control Board
Ron Titus, State Court Administrator, Supreme Court
James Earl, Executive Director, Technological Crimes, Attorney General's Office
John Helzer, Deputy District Attorney, District Attorney's Association

MEMBERS EXCUSED

Senator Maurice Washington
Howard Skolnik, Director, Nevada Department of Corrections
Robert Quick, Under Sheriff for Lander County, Sheriff's and Chief's Association

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

Chief Patrick Conmay called the meeting to order at 1:05pm. Roll call was taken by Ashlee Guderian. All attendees were asked to sign in if they had not already done so.

B. July 23, 2009 and January 28, 2010 meeting minutes comment, revision and acceptance (action)

Mr. Earl moved to accept the minutes. The motion was seconded by Mr. Westergard. All in favor, motion carries and minutes are accepted.

C. NCJIS Advisory Committee Election of Chair (action)

Chief Conmay was ~~is~~ nominated as chair by Mr. Titus. The motion was seconded by Mr. Earl. All in favor, motion carries. Assemblyman Anderson believed that electing a Vice Chair, although not on the agenda, should be acceptable. Assemblyman Anderson nominated Mr. Westergard. The motion was seconded by Mr. Earl. All in favor, motion carries.

D. Future NCJIS Steering Committee Meetings (action)

Chief Conmay indicated this would cross over into agenda item E. Chief Conmay met with the Records and Technology staff concerning the Steering Committee Meetings and their frequency. Due to the process of travel and funding for travel it has become a fiscal difficulty. Chief Conmay was ~~is~~ asking to adjust the meeting frequency. Chief Conmay indicated it may be beneficial to discuss agenda item E before continuing with discussing agenda item D. Assemblyman Anderson understood the Steering Committee is comprised of end users and it is vital to keep Records and Technology aware of what the agencies are experiencing. Assemblyman Anderson felt it was a good relationship that offered a necessary communication bridge between the North and South. Chief Conmay ~~does~~ not mean to imply that there is a negative relationship and he values issues being addressed. He was ~~is~~, however, curious as to whether the same issues can be addressed in fewer meetings due to the current budget situation. Mr. Titus has been confused by the structure of the Technical Subcommittees and the Steering Committee and their roles independently and in conjunction.

D. Future NCJIS Steering Committee Meetings (action) cont.

-Diane McCord, Administrative Services Officer, Records and Technology Division in the audience, clarified how the Subcommittees and Steering Committee are comprised and what their roles are. Chief Conmay began to discuss agenda item E which could provide more insight.

-Please refer to agenda item E before continuing with agenda item D.

-Mr. Titus believed **believes** the committees were formed when the Criminal History Repository began and the environment is different today. Mr. Titus believed **believes** the systems we have now should be assessed to determine the needs of the committees. Chief Conmay felt **feels** that there are more options to utilize and video conference should be looked at. Mr. Earl encouraged **encourages** pushing DoIT and others to set up video conference in a few locations. Kimberly Baseel TAC for Elko in the audience stated this would be beneficial for the Technical Subcommittees because they encompass a bigger body of attendees.

-Please refer back to agenda item D for action.

-Assemblyman Anderson recommended **recommends** that the Advisory Committee ask the Chair if the Steering Committee meetings be conducted by teleconference or video conference. The motion is seconded by Mr. Earl. All in favor, motion carries.

E. Creation of Governance Body to Review, Prioritize, Approve, Reject and Oversee Project Requests From Member Agencies (discussion & action)

Chief Conmay explained **explains** that with two bureaus there are fixed resources. The resource allocation needs to be addressed for efficiency and effectiveness since certain projects impact multiple agencies. The projects must be coordinated to ensure all are positively affected. Often benefits of implementing a technology system seem obvious but the obstacles are not recognized. Budget and grant seeking needs to be based on a strategy and not just what money will be available. Chief Conmay asked the Committee members for advice and guidance in seriously considering establishing a governance body and guidelines for projects to be approved. If this is done, Chief Conmay does not favor advisory or mandatory. Chief Conmay asked for discussion and suggestions. Mr. Westergard asked Chief Conmay if he was married to the idea of one committee performing all functions or can multiple committees have assigned levels of functions. Chief Conmay thought **thinks** it may be a more functional solution since the notion to establish a process is all he is married to. The Criminal History Repository is central for various types of information, so prioritization to ensure the needs are being met is important. Mr. Titus understood **understands** that all agencies involved need to be included in the decision of prioritization. The Technology Bureau Chief, Catherine Krause in the audience, stated the Records and Technology Tech Bureau is staffed to either serve statewide or portions of The Department of Public Safety (DPS) only. She can't do everything for everyone. DPS is creating a body specific to DPS projects with the understanding that there are projects coming in from outside entities that will affect their project request status. Assemblyman Anderson recognized **recognizes** that we are trying rapidly to catch up to the technology of today in coordinating everyone involved. When laws are created that effect criminal justice entities, we scramble to meet those requirements causing current projects to be delayed. Everyone wants to use the technology and it is expected The Department of Public Safety do what everyone else wants. We need to stay attuned to what everyone is asking and be able to say we can't. As a policy maker, Assemblyman Anderson wants us to be able to solve all of these problems. If it takes Assemblyman Anderson presenting this to the money committees he would be happy to. Chief Conmay asked **is asking** if the committee members want him to make the plan. Mr. Earl agreed **agrees** with what Assemblyman Anderson said regarding the advisory nature of this body. The advice from this body is high level and not technical.

E. Creation of Governance Body to Review, Prioritize, Approve, Reject and Oversee Project Requests From Member Agencies (discussion & action) cont.

–This does not mean there won't have to be an agreement between NCJIS/DPS and DoIT for other resources. That entity is a joint executive branch that has 2 relevant responsibilities:

-1) Review ~~review~~ and recommend on both civil and criminal statutes to change them to keep pace with tech changes. So, if there were statute changes that can be changed to make our jobs easier, this board may be able to help.

-2) Assist DoIT in their operations. Change them to allow the state to use DoIT for purchase of technology services and equipment. With respect to DoIT, Chief Conmay stated we have frequent meetings with them concerning these issues. At times they are able to help and other times they are in the same situation we are and, therefore, are unable to help.

–Chief Conmay believed ~~believes~~ we need to be a completion effort and not a management effort. Mr. Helzer supported ~~supports~~ the concept Chief Conmay has brought forward. Chief Conmay does not want to be viewed as a member of DPS favoring DPS projects because he will not be practicing favoritism. Scott Sosebee in the audience asked if the plan is as it pertains to the Criminal History Repository or the justice community at large. Chief Conmay clarified the criminal justice community as a whole which may not be of concern to this committee. As Chief Conmay has looked at current projects, he sees that one project tends to involve other projects which all eventually impact The Criminal History Repository. Mr. Sosebee suggested being able to have the body have the strength and leadership to invest if it's for the criminal justice community as a whole. Chief Conmay has had ideas and discussions that if it's not something that involves The Criminal History Repository should the Nevada Sheriff's and Chief's Association be involved? Catherine Krause stated the challenge faced is that the Technology Bureau has involvements outside of the Records Bureau. Mr. Titus believed ~~believes~~ that if it impacts the Records and Technology resources than Chief Conmay should have the ability to make the decision after this committee advises. Mr. Titus addressed ~~addresses~~ if The Criminal History Repository should be its own entity separate from DPS? Mr. Anderson suggested ~~suggests~~ that Chief Conmay needs to draw a short term plan and a continual long term plan on a calendar basis to reassess the accomplishments and viability. Mr. Earl stated it may be helpful to realize that there is a continuum with information sharing on one side, advise in middle and direction/power to direct on other end and some of the concerns have may be addressable thru info sharing opposed to control, i.e. Chief Conmay's predecessor talked to Mr. Earls board about the National Data Exchange (NDEx) which provided him with access to Sheriff's which is a good forum to share information with a varied board. The Tech Crime Advisory Board welcomes Chief Conmay as a speaker. Chief Conmay will look at the mission and bylaws of each committee take Mr. Earl up on his offer and take a look at short term and long term plan then develop from there. Chief Conmay will also deal with project requests and projects according to that plan. Assemblyman Anderson moved that the Chair, Chief Conmay, review the mission statements to recommend future needs, similarly for the Steering Committee. The motion is seconded by Mr. Titus. All in favor, motion carries. **Exhibit A.**

F. Proposed Budget Reductions and Effect On Criminal History Repository (discussion)

Lisa Young, Chief Fiscal Officer, with the DPS Records and Technology Division explained that Records and Technology has 3 budget accounts; one for Technology, one for Records and one general fund. The general fund is money for nonprofit organizations to get fingerprint background checks on their volunteers. Money ran out of the general fund account so the nonprofit organizations can no longer conduct fingerprint background checks on volunteers using that account. The Technology Bureau is going to a zero based budget to depict what it takes for Technology to operate. This is to define exactly what The Department of Public Safety expects Technology to do without negatively impacting any other Division involved. The Records Bureau is continuing with current services and desires to avoid reserve raids and further decreases in the

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court assessments.

F. Proposed Budget Reductions and Effect On Criminal History Repository (discussion) cont.

–Mr. Titus questioned prioritization regarding helping others understand that the Technology Bureau has for a long time relied on money from the Records Bureau, now they must do projects with no help. The Records Bureau Chief, Julie Butler, in the audience, explained which systems need to be rewritten and which upgrades still need to be done. Ms. Young stated strategies are being thought of involving reserve funds for future allocations. Ms. Butler mentioned that the system currently being used can be maintained but will eventually break and information will no longer be able to be added. Mr. Westergard asked if forfeiture money is an option. Ms. Young indicated one of the issues with forfeiture funds is there are many stringent requirements. Mr. Earl pointed out that there is virtual forfeiture money that is unused and there are no limits or restrictions. There are tremendous advantages to this and as long as the crime is coded correctly, the money can be locked down prior to trial allowing and the money to go to agencies who participated in the investigation. Mr. Earl explained the forfeiture law and the intended use.

G. Public Comment (discussion)

No public comment.

H. FBI Audit Results and Criminal History Rewrite Status (discussion)

Julie Butler, Records Bureau Chief, with the DPS Records and Technology Division presented a power point presentation on the FBI audit results and the criminal history rewrite status. **(Exhibit B)** The Records and Technology Division is audited every 3 years by the FBI in 6 areas. The Division did very well in all of these areas.

- The Criminal Justice Information Systems (CJIS) Systems Agency audit is the most critical and was in compliance in all areas except uptime. The system should have been available at least 98% of the time, yet we were at 97%. The Disaster Recovery and Infrastructure Upgrade project will cause this percentage rate to decrease temporarily until it is completed.
- The Integrated Automated Fingerprint Identification System was next and in compliance in all areas except the Nursing Board stored information on a DoIt server. This is considered an unauthorized dissemination of information and this problem has yet to be solved. Assemblyman Anderson asked if this was the only out of compliance entity. Ms. Butler explained that the FBI pulled a random sampling and this was discovered.
- Another new process implemented is auditing all civil applicant entities. This will be done at random by the Criminal History Repository and will include all 1,200 agencies.
- Uniform Crime Reporting is the next area and was in full compliance.
- The National Instant Criminal Background Check Program was another area that was in full compliance with a recommendation to pack the records.
- The Sex Offender Registry is a new area for the audit. This first audit was informational only. The Criminal History Repository only had 2 recommendations specific to absconded comments and programming changes needed to enter all available information in the electronic record. Positive news from the SMART Office was that Nevada is in compliance with the Federal Adam Walsh Act when the stay is lifted.
- The final audit was the National Data Exchange (NDEx) The CJIS Systems Agency was out of compliance in two (2) areas specific to Chief Conmay's signature on access requests. The grant that was approved to implement NDEx is still on hold.

The Criminal History Repository has applied for a federal earmark to conduct a study of the old systems in use. This will be the foundation used to replace old applications for the rewrite beginning hopefully in 2013/2014.

–The Divisions personnel joined the meeting to celebrate the FBI audit success. Ms. Butler thanked everyone for their hard work over the last three (3) years in preparation of the triennial FBI audits. **Exhibit B.**

I. Comments of committee members (discussion)

No further discussion.

J. Schedule next NCJIS Advisory Committee meeting (action)

This meeting was out of order as usually scheduled due to lack of quorum at the January 28, 2010 meeting. September may be more appropriate. Assemblyman Anderson motioned September 16, 2010 as the next meeting of the NCJIS Advisory Committee. The motion is seconded by Mr. Westergard. Motion carried unanimously.

K. Adjournment

Adjourned at 3:13 PM