

**Minutes of the ADVISORY COMMITTEE on NEVADA CRIMINAL JUSTICE
INFORMATION SYSTEM (NCJIS) MEETING**

December 3, 2013

The NCJIS Advisory Committee meeting was called to order at 1:03 PM on Tuesday, December 3, 2013. Division Administrator Julie Butler presided in room 2135 of the Legislative Counsel Bureau, Carson City, Nevada and via videoconference in room 4412E of the Grant Sawyer Building, Las Vegas, Nevada.

ADVISORY BOARD MEMBERS PRESENT:

Julie Butler, Division Administrator, Department of Public Safety, General Services Division
Nevada State Senator Justin C. Jones
Nevada State Assemblyman Tyrone Thompson
Jared Frost, Deputy Attorney General, Office of the Attorney General
James Taylor, Deputy Chief, Gaming Control Board
John Helzer, Assistant District Attorney, Washoe County District Attorney's Office
Scott Sosebee, Deputy Director for Information Technology, Administrative Offices of the Courts
Robert Quick, Undersheriff, Lander County Sheriff's Office

ADVISORY BOARD MEMBERS NOT PRESENT:

James G. Cox, Director, Department of Corrections

STAFF MEMBERS PRESENT:

Kendra Callan, Department of Public Safety, General Services Division

OTHERS PRESENT:

Mindy McKay, Department of Public Safety, General Services Division
Catherine Krause, Chief IT Manager, Enterprise IT Services
Gregory Fiscaro, Department of Public Safety, General Services Division
Guinevere Hobdy, Department of Public Safety, General Services Division
Ron Unger, Sheriff, Lander County Sheriff's Office
Lori Story, Attorney General's Office
Patty Peters, Las Vegas Metropolitan Police Department
Carmen Tarrats, Las Vegas Metropolitan Police Department
Lori Dunn, Las Vegas Metropolitan Police Department
Pat Janjetovic, Las Vegas Metropolitan Police Department
Geoff Watson, Department of Public Safety, General Services Division
Sharnette Hammond, Las Vegas Metropolitan Police Department/Detention Center
Pam Delporto, Nevada Department of Corrections

Agenda Item 1 – Call to Order-Verification of the Quorum (for possible action)

Administrator Julie Butler:

Ok, I'm going to go ahead and call the meeting of the Advisory Committee on Nevada Criminal Justice Information System to order. Kendra, would you please call the roll.

A roll call of the Advisory Board verified the presence of a quorum.

Julie Butler:

Senator Jones is back. I'd like to note that for the record. Thank you all for coming, particularly those in the north. We're having our first snow storm of the season so I appreciate you braving the roads to get here today.

Agenda Item 2 – Introduction of members of the public and public comment

Julie Butler:

Are there any members of the public that would like to provide comment at this time, either in Carson City or in Las Vegas? Hearing none. We will move on to review and approve the minutes from the July 10, 2013 meeting.

Agenda Item 3 – Review, amend and approve minutes from the July 10, 2013 Committee meeting (for possible action)

Julie Butler:

Do I have any comments on the minutes from last time or corrections?

John Helzer:

It looked like we were doing a lot of quoting as to the minutes. This is right off the tape it appears to be. I like that format by the way. I haven't seen that a lot and would encourage you to continue it. I think it really lays it out and it's not just a summary. That's my comment concerning the minutes.

Julie Butler:

Ok, thank you. If there are no further comments or corrections I would take a motion to approve.

Motion to approve the minutes was made by Mr. Quick and seconded by Mr. Helzer.

Julie Butler:

All those in favor? Any opposed?

All favored the motion.

Agenda Item 4 – Election of Vice Chairman (for possible action)

Julie Butler:

We were going to elect a vice chairman at the last meeting and I neglected to agendize that. Now we're going to move forward with the election of vice chairman for the NCJIS Advisory

Committee. At this point, I'll first ask do we have any volunteers. Does anybody want to nominate themselves?

Undersheriff Robert Quick:

I don't know that I want to nominate myself but I'd be willing to take the position.

Julie Butler:

Ok. Undersheriff Quick has expressed an interest in being the Committee's vice Chairman. Any others? Alright, can I have a motion?

John Helzer:

I'll move to approve Undersheriff Quick for the Vice Chairmanship.

Julie Butler:

Is there a second?

Jared Frost:

I'll second the motion.

Julie Butler:

All those in favor? Any opposed?

All favored the motion.

Julie Butler:

Was that one nay? It was time delay. Undersheriff Quick, congratulations – NJCIS Vice Chairman.

Agenda Item 5 – Organization chart for General Services Division (provided for information only)

Julie Butler:

At the last meeting it was requested that the division provide an organizational chart now that we are the General Services Division and no longer the Records and Technology Division. This occurred as a result of some legislation in the 2013 session where the DPS Technology Bureau was centralized under the Department of Administration's Enterprise IT Services Division and the dispatch centers in Carson City, Las Vegas, and Elko were moved out from under the management of the Nevada Highway Patrol and moved into the General Services Division. The long range concept being that DPS wanted to create a civilian support services division and this was one of the initial moves to move the dispatch and warrants personnel under General Services. The organization chart is just provided for the committee's information on how we're currently structured. I'm happy to answer any questions on that at this time.

Hearing none.

Agenda Item 6 – Decide when to meet to review and possibly revise the Bylaws (for possible action)

Julie Butler:

We're going to take some things out of order for this just because it will flow better. I'm going to move item number 6. We do need to take a look at our bylaws. Our bylaws were reestablished in I believe 2005. Is that correct Mindy? What I'd like to do when we decide when our next meeting is, we may incorporate a revision of the bylaws into that next meeting. We can move that down towards the end of the agenda.

Agenda Item 11– Disposition reporting status by Nevada courts (for discussion)

Julie Butler:

At this point what I'd like to do is move to agenda item 11, disposition reporting status by Nevada courts. I have Guinevere Hobdy and Bonnie McCabe. Guinevere is the supervisor over our fingerprint support criminal section which handles the arrest records, maintenance, and dispositions of those. Bonnie McCabe is the supervisor over our firearms unit, our Brady point-of-sale unit. They are going to provide some brief information about disposition reporting.

Guinevere Hobdy:

Hello everyone, I'm Guinevere Hobdy, as Julie introduced me. I just want to say it's an honor to be here to present to you today, as criminal history I'm rather passionate about. Back in 2012 we did a study to determine what our accuracy rate was and determined it was only 44% accuracy and completeness. Part of the recommendation from MTG Management Consultants, who did the study, was to do what's called a records backfill. We started reaching out to the courts and doing some analysis. About 30 days ago when I started doing this process I learned out of the 77 Nevada courts only 26 of them were reporting to us. With AOC's assistance we started outreach and to date we are currently receiving dispositions from 37 courts to include the Clark County District Attorney's office. There are courts 14 pending, beginning that process. And we've received to date at the Repository, 765,445 dispositions that we need to backfill criminal history with for the last 5 years.

Jared Frost:

Just to clarify, these are criminal convictions that were not reported to your office and you're now trying to backfill for a more complete picture of the criminal records in Nevada?

Guinevere Hobdy:

Yes, what we're trying to do is essentially a two part process. One, get all the courts on board with reporting currently so I'll have all 77 courts reporting their current dispositions and the second part is attacking that backfill, trying to update all records that are incomplete from days gone past.

John Helzer:

For a long time, I've been under the impression that the incompleteness of criminal histories was in large part because there was a lag in the sense of being able to input or match the dispositions to the arrest. That may still be an issue but what I'm hearing now is in addition

to that there's just underreporting by the courts that you're trying to address. You're not even getting a lot of dispositions to move on to the matching issues that exist. Is that correct?

Guinevere Hobdy:

Correct.

John Helzer:

Thank you.

Scott Sosebee:

Scott Sosebee, Administrative Office of the Courts. Guinevere, could you provide some clarity. Maybe I misheard, but did you mention that one of the areas of the reporting was Clark County District Attorney's office? How does that factor in? You keep referring to the courts as well. Does the study include reporting from the prosecuting attorney's office as well or is that a separate number of these kind of getting mixed together?

Guinevere:

A final disposition is determined by statute as the final disposition being reported by the criminal justice agency closing the case. Prosecutors as I understand are part of the criminal justice agencies. If they chose not to file then we would need that disposition so in that case we would need something from them to complete the accuracy of that event, that arrest event.

Scott:

I guess what I'm trying to determine is if the prosecuting attorney's office or that agency is that being rolled in? It seems like we're only talking about the courts. Is there a broader picture? And then when you mention the District Attorney's office in Clark County makes me think that it's a broader issue. If we're going to be looking at completeness and accuracy, maybe I don't understand how that's being compiled.

Guinevere:

I apologize. We started doing an analysis of the courts and as that came about the last few weeks we learned there was a large gap with the District Attorney's offices and when I say that Clark County DA is reporting, it is a broad picture. It is courts and District Attorneys. You're correct, it is a broader picture. I'm sorry I wasn't clear on that.

John Helzer:

I agree because I think why we're discussing this and coming back to number 6 is because what has historically been discussed is the District Attorney's do have obligations when there's a disposition and we have had discussions as to what a disposition is and what triggers reporting. Clearly, receiving a case from law enforcement if we decline to prosecute then we conclude the case. I believe we're reporting those and if not then we'll find out soon. I'm pretty sure we're reporting when we decline to prosecute because that's the conclusion of the case. If I'm right, Chairman Butler, what we're going to get back is that the discussion you want to have is a more complete reporting and discussion concerning what dispositions need to be reported. Is that right?

Julie Butler:

We have had that conversation and continue to have that conversation. If you'll remember, I think it was the January meeting a year or two years ago, we talked about the MTG Study and the lack of completeness, accuracy, and timeliness in the criminal history records that are housed at the Repository and the gap and underreporting that does occur. We know it occurs and that's part of the reason we asked MTG, and Guinevere's going to touch on this under item number 8, to take an independent look at the quality and completeness of our records. It's just been in the last month or so with some events in the media and some stories that have come to light that has brought the disposition reporting issue to the forefront and helped us doing our outreach. I do want to talk to you about completeness and accuracy.

John Helzer:

If we're going to have that discussion at the next meeting I suggest we might to give consideration to an interim meeting. I know a lot of people don't like that but there's so much to do. One thing I'm looking at is it's not going to be a quick discussion as to prosecutors saying "report this, report this." You came in with 4 cases, you decided to issue 1, later it was amended - these are all potentially dispositions. The courts are going to be interested because there are many stages in which there are dispositions other than 'this is the sentencing'. We have revocation proceedings and other matters that occur that could trigger dispositions requirements also. Unless I'm wrong, I haven't read it for quite a while, is that law enforcement may have obligations to report dispositions also and I've never heard those addressed. There is language I think that talks about law enforcement concluding investigation efforts that may trigger also reporting obligations. I see this as a fairly large discussion that may warrant an interim meeting. This is the only thing I'd like to give consideration.

Julie Butler:

Agreed. A few years ago, and I think you were part of that effort; we tried to form a steering committee to adopt some policies statewide on disposition reporting. It kind of lost its legs I guess, for lack of a better term. I think that ought to be reinstated and I think your suggestion is an excellent one, to have an interim meeting.

Scott Sosebee:

I would second the motion that we need to have an interim meeting. One of the recommendations I was going to make was revisiting the need for that working group, specifically to target dispositions. What I would be concerned might occur if we don't handle this properly is that it becomes an 'us vs. them' type of situation rather than looking at the disposition reporting in a more holistic manner which I think is very important. I want to avoid the courts becoming defensive. I think if we take proper steps early on as we're evaluating this we can really get down to some of those types of solutions that are going to improve the completeness and accuracy. Certainly as we went out as we became aware we reached out to all the courts and certainly found out that some of the courts, in no bad intent, we're either incorrectly reporting or unknowingly reporting dispositions to law enforcement thinking law enforcement was filing. There were a lot of explainable reasons why this was occurring and I think we're taking the steps to improve that. The second recommendation I would make would be to consider a recurring report either to this advisory committee or a transparent report that just indicates the completeness and

accuracy of Nevada, be it a monthly report or quarterly report. I think that would help get all the parties involved and mobilized to improve that data. I think once you get all of the courts and agencies reporting we're still going to have what I think is going to be a significant quality issue coming out of that. It seems to me the first step we should take is to get all of the agencies that are not reporting, reporting then move on to the address the quality issue of that data that's going to be reported. More recently we've been examining the importance of the PCN [Process Control Number] and that's going to cause other discussions with whether or not the courts have the PCN available to report and whose responsibility it is to get that information as part of the report. Those are just a couple of my quick comments on this. As a dimension, I think it's a pretty complex issue and not easily resolved today but certainly think it's an important one. I also recognize the challenge it is to get this information across the state and into the system.

John Helzer:

Just one last comment. For people who haven't been here for a while or newly arrived we haven't really had a lot of meetings. We've tried to keep it down. I do feel, I've already said it, I think it's overdue. I'm open to some substantial time. As you said there are the courts, there's law enforcement, there's the prosecutors. I don't know if I want to raise this. If we meet halfway between the next meeting I think there are some things that are going to develop in Adam Walsh that may be subject to discussion at the same time. It's a reporting obligation, a registration obligation, but I some things will sort out I think in the next month or so. So if there's an appetite for that I certainly think it has to be in that setting. Historically we come in, there are a few things that are proposed, the schedule is typed, the agenda is typed and that's why I think it lost legs more than anything is that it warranted a lot more time. We have new leadership, and I'm not blaming old leadership, but there seems to be an appetite for it. I would encourage everybody to not groan at one more meeting, which is what I'm guilty of very often, but realize it's really needed.

Julie Butler:

Thank you very much. I have long wanted to see this committee take a more active role in statewide policy setting on these types of issues. I do think that the committee does have the authority to do so. I would welcome a more active and involved role. We have tried for years and years and years to automate things and make it better without really setting the policies and procedures and understanding who reports what and how that happens. Until we do that I don't think that we can make the significant strides that clearly need to be made. I'm all for it. I welcome any input from the south.

Senator Justin Jones:

Madam Chair, can I ask that the witness give a little more detail with regards to adjudication of mentally defective records to DPS?

Julie Butler:

Sure. We've got Bonnie McCabe here. She's the supervisor of our Brady Point-of-Sale unit to specifically address that issue for you.

Bonnie McCabe

Good afternoon. I'm Bonnie McCabe and I'm the supervisor of the Brady unit. We do background checks for handguns but we also enter the mental health into the NICS [National Instant Criminal Background Check System] Index. Do all of you have one of

these charts I put out with the numbers on it? You can see where we were in 2010 and where we are right now?

Julie Butler:

Bonnie, just a second. Do you have those down south? The title of it is Mental Health Submission into the National Instant Criminal Background Check System.

Senator Justin Jones:

Yes, we do.

Julie Butler:

Ok, great.

Bonnie McCabe:

When I started going through I didn't realize this was a real education for me too. I knew we had 17 counties in Nevada, but I didn't know we only had 10 district courts. Of those 10 district courts, some of them fall under multiple counties. So when you look at the charts in the first year 2010 you can see that we only had 237 entries into the NICS Index of mental adjudicated persons. This apparently was mainly just persons that were adjudicated as, an example would be they could not stand trial, insanity, or committed to a hospital. As the years went on we had a little more each year until this year. There was a reporter; I'm sure all of you know who she is. She's from the Reno Gazette Journal out of Reno. She brought to light that some of the courts were not reporting the adjudications and it was mainly the ones for guardianship. So in September, it actually started in July, August, and through September, we were hit really hard with Washoe County and Clark County - that would be 2nd District and 8th District Courts. We had gone from 2010, from 237, to July 1st of this year through November 18th of this year just in that month we entered 2,092. From what I understand the courts went in and were auditing all of the courts, they were auditing all of their own work. They were looking through to see who had been submitted to the Repository for entry into NICS and they found some that were not. That has brought our number up now to a total of 3,043 that we have entered into the NICS Index that were adjudicated mentally defective. You'll notice there's only one court that has not submitted anything. I contacted that court on November 25th and that was the 6th Judicial District Court and they confirmed to me over the telephone that they did not have any mentally adjudicated persons in their district. That's why we have gotten nothing from them.

Julie Butler:

Thank you, Bonnie. Does anybody have any questions?

Senator Justin Jones:

Madam Chair, I'd like to follow up with the witness and just ask are you comfortable now with the reporting or is there still more work to be done.

Bonnie McCabe:

Now that everyone and all the courts are aware of what they should be doing and submitting those forms to us. When we get them we try and submit them [to NICS] the same day but if it's late in the afternoon, say around 5 o'clock, we submit them immediately the next morning so we make sure we get those in there. What's really encouraging is I do

get calls from different courts asking me what the procedure is, what forms they should submit, and just different questions. I'm really encouraged compared to three years ago that they are showing more diligence to get those to us.

Senator Justin Jones:

Have you done any auditing of the courts to ensure, as the reporter had done in Clark and Washoe, to ensure the reporting is complete?

Bonnie McCabe:

There would be no way I can audit the courts. I don't know what's on their side of it, what their procedure is. But looking at the form that you have, the submission form with the chart on it, this is how I can audit it. It's court by court and year by year.

Julie Butler:

Is the AOC doing any sort of auditing process with the courts? Are you staffed to do that?

Scott Sosebee:

We're not, to my knowledge, staffed to do that or conducting a specific targeted audit on this specifically. There may be some residual information that we're able to bring out of the USJR statistical reporting process. We might be able to examine that. I am currently unaware of any auditing process that we have in place but can certainly follow up on that and report back to the committee any efforts that we have underway or have undertaken or the capability to do so. I did have one additional comment related to both the mental health reporting and also this relates back to the disposition reporting. With our experience with the disposition reporting with the initial report Guinevere had put out, we did have concerns over the time frame that snapshot was taken in terms of determining which courts had reported or not. Keep in mind particularly with some of the rural courts that their case load can be rather minimal. If you only take a small snapshot of time that you look at to determine whether or not that court has reported I'm not sure that that's always going to be a good indicator of whether or not that court's in compliance. Particularly, you have Beowawe Justice Court that primarily has traffic citations. They may have 10 to 15 criminal filings per year. If you only look at one month you may not see and may reach the conclusion they're not in compliance with reporting dispositions or mental health adjudications when in fact it's really just due to the infrequency that they have those cases. I would ask that that be considered for future types of reporting. And that perhaps there might be some other type of control we can put into place to ensure that they're in compliance and just did not have anything to report during that period.

Julie Butler:

So noted.

Assemblyman Tyrone Thompson:

Madam Speaker, I have a question or actually a suggestion. Is there a way that, I know we pointed out the 6th Judicial District Court didn't report, but could we actually get zeros in all of the columns so we know that at least there was reporting and there was a reporting of zero? Just by being blank I'm at a question mark as to whether people complied or they didn't. I think we should just complete the entire grid with zeros if in fact they have reported but they reported zeros.

Julie Butler:

Sure, that's an easy enough change to make. We will do that.

Assemblyman Tyrone Thompson:

Also, I still want to go back to Senator Jones' suggestion. When will this be as complete as it can so we can really use this data for day to day challenges that we have in our communities and really say that these are as close to the numbers as we know that they are?

Julie Butler:

That's a really good question. I don't know. We are at the mercy of the courts to report that to us. We're just the data dumping ground and the transmission mechanism to the Federal National Instant Criminal Background Checks Systems, the FBI NICS System. We are confident now that the courts know the responsibility to report to us, they have been made aware of it. We have done some outreach efforts and sending letters and phone calls but I don't know if we can ever say with certainty that we've got everybody. That's the ideal and that's the goal but we don't know what we don't know. If they don't report it we don't have it.

Assemblyman Tyrone Thompson:

I'm just suggesting that we know that we put our best effort forward to get the data and we can say on this day these are our 2013 statistics, so on and so forth. Also, a follow up question and maybe I'm getting into the weeds of the situation but who are these letters going to? Are they going to supervisors, managers, directors, judges? The request, who are they going to? Sometimes it really makes a difference on who you send it to on whether it gets the attention or not.

Julie Butler:

That's correct. For the communications we sent out when AB46 was enacted back in 2009 we sent those letters all three times to the court Administrators of each of those courts. We got that list from the Nevada Administrative Office of the Courts. We've worked very closely with them all along to make sure the information was getting to the right person at the right court to make sure they were aware of their obligations to report.

Assemblyman Tyrone Thompson:

Thank you.

Julie Butler:

Ok, any further questions or discussions on agenda item 11?

James Taylor:

I'd like to ask a question, Madam Chairman. Madam Chairman, James Taylor down in Las Vegas. How often are they supposed to report this? Is it as this happens or is it a quarterly report?

Julie Butler:

Bonnie?

Bonnie McCabe:

That all depends on the court. Some courts will fax over everything on a Friday or some other courts might fax everything over as they're getting them through the week. It just depends on the court.

James Taylor:

The big numbers from this year, are these numbers that they're reporting from prior years or is this as many as we're getting this year alone?

Bonnie McCabe:

When AB46 went through it started from that date - January 1, 2010 forward. If it is from the past it's from January 2010.

James Taylor:

So you would expect these numbers to start dropping once they get caught up then or are we expecting this many a year?

Bonnie McCabe:

No, they will drop. This was their backlog that they had that they did not report to us at that time.

James Taylor:

Is there anything we can do if they fail? Is there any sanctions? Do we have any teeth here?

Bonnie McCabe:

I don't know.

Julie Butler:

We do not. There were not any provisions or mechanisms in AB46 to sanction or otherwise discipline or what have you for failure to report. We do this with our annual crime in Nevada book, you just list who reports and who doesn't and that's about it.

James Taylor:

Thank you.

Assemblyman Tyrone Thompson:

Madam Chairman, I have a question and again I apologize if I'm retracing something that's already been said. It's my first meeting. I know it's our goal to make everything systematic so my question is how many of all of the reporting systems of all these courts, how many talk to each other? Are all of the systems separate or are they all the same system?

Scott Sosebee:

Scott Sosebee from the Administrative Office of the Courts. Currently right now, the AOC sponsors a case management system and on that system we have 33 courts. The other 44 courts are part of their own projects or have independent case management systems for managing that system (Totaling 77 courts). The AOC also hosts what we call the Multi-County Integrated Justice Information System which does provide an information exchange platform. We did look at specifically for the mental health because the transaction volumes are very low, and this is going back several years when we did examine that, there is currently no automated message in place between the courts or that would be able to be

facilitated with Public Safety for the actual reporting. Certainly the costs or the economics on that might be prohibitive because here you can see this is a backlog reporting, if you're looking at \$3,000. We'd really have to look at the economics of that. However, if you are pursuing that on the same lines of the disposition if there was to be an additional effort in electronic disposition reporting, depending on the way your system was configured, you might be able to accommodate other types of messages within that system as well. The short answer is no, there's really nothing in place for the automated reporting of the mental health adjudications. Currently, and I'm not aware of any specific planning for that. However, it is something we have considered in the past but it really eliminated investing much effort on the electronic reporting and that's going back several years.

Assemblyman Tyrone Thompson:

This is my follow up question on the systems. I think you said there were 33 courts on one system? Could it be possible to at least, with those 33, create some type of automated reporting instead of us relying on a fax machine or sending in widget counting and where you can actually go in and make the query, everybody has to have it in by the 15th of the month, staff members able to download that information, and then work with the other 77 or so?

Scott Sosebee:

Currently for the 33 that the AOC has responsibility for, that system we're currently going through an upgrade – reviewing and analyzing an upgrade of that system. The criminal history module would be a part of that. The study we did for the criminal history reporting was taken and that's part of the baseline for the new features that would be included. I would have to go back and work with our systems people specifically on the case management system to see if the current system's even capable of storing that data. Many of the courts often, and Bonnie can probably clarify, a lot of these are hand compiled reports that aren't coming necessarily directly as an output from the case management systems just simply because when the case management systems were put in place there was no accommodation for this type of data. A lot of the systems probably do not have the fields or modules in place to even contain this data. That would be something that would have to be looked at more in depth. I think that would be everybody's goal to be able to get to a point where we can report those automatically. One of the things we did that we might be able to take an approach that if we do make one assumption right now that the case management systems are capable of at least storing the data but not capable of transmitting, we might be able to set up a similar model which allows what we call a direct report or a direct print which allows the court to run a daily report which then prints that information directly to Public Safety. That improves the timeliness of the reporting. There's also some standardization in terms of how that information is received. That we have not specifically looked into but we could invest some time in that in the short term and we might be able to come up with a solution there. Really the biggest obstacle moving forward with any type of automation is what type of information is contained in the case management systems and how we can export and manipulate that data to improve the reporting.

Assemblyman Tyrone Thompson:

If I may add, and then it goes back to we need to evaluate how important is this data. This data we're talking about, mental health is very crucial to our community. It definitely may be something that we need to look into because we need to be as on target with it as we can.

Julie Butler:

Alright, very good discussion. Thank you, Bonnie. Thank you, Guinevere. We're going to move on now to agenda item 7. We will have Mindy McKay, our Records Bureau Chief, give us an update on Repository legislation and some other issues.

John Helzer:

Madam Chairman, if I can. Did we conclude 6 because it says possible action?

Julie Butler:

What I want to do is move that towards the end when we decide when we're going to have our next meeting and we may take this up as an agenda item at the next meeting.

John Helzer:

That's fine. I just wanted to get back maybe setting something in the interim. Thank you.

Agenda Item 7 – Repository 2013 legislative update (for discussion)

- a. SB 243 (DNA)
- b. SB 38 (failed)
- c. AB 30 (sex offender website)
- d. SB 45 (record seals)
- e. SB 502 (rap back)
- f. Multiple statutes governing expansion of 92-544 statutes

Mindy McKay:

Good afternoon Madam Chairman and members of the committee. My name is Mindy McKay and I'm the Records Bureau Chief with the General Services Division of the Nevada Department of Public Safety. You should have the handouts in front of you for the slide presentation, a few items. On slide #2 I will be presenting significant legislation from 2013. Guinevere will then come back up and present the MTG Records Quality Audit information for you. I will then take back over to give you some information on the dissemination of criminal history record information. And finally we will have Greg Fisicaro and Catherine Krause come up and present to you information regarding the NCJIS Modernization update.

Slide #3 - Significant Legislation This Year

The Records Bureau proposed three bills for 2013 session – SB38, AB30, and SB45 which I will get to in a moment. SB243 requires that DNA is collected for all persons arrested for a felony. The DNA must be kept if the person is convicted of the felony and may be destroyed if the person is not convicted of the felony or meets certain other criteria. The forensic lab informs the Criminal History Repository it created a DNA profile and submitted to the State DNA database and to the FBI's Combined DNA Indexing System (CODIS). The Repository must include a DNA indication on the person's criminal history record. The person of record may make a written request to Repository on our form to destroy their DNA profile if certain criteria are met. The Repository has 6 weeks to forward the request for DNA destruction and all supporting documentation to the lab. The lab shall notify the Repository not to remove the DNA flag on the person's criminal history if certain requirements are not met and the Repository is required to notify the person of record ASAP. If the lab does destroy the person's DNA sample, they will notify the Repository who

then notifies person of record. The law enforcement agency is responsible for providing that form to the subject of the record. This was effective July 1st of this year.

SB38 revises provisions governing dissemination of criminal history record information relating to certain offenses. It is intended to bring us in line with federal legislation for people who work with vulnerable populations who don't currently have authority under State law to do a fingerprint-based background check through the FBI. Groups that were intended to be helped by SB 38 were the governmental agencies and private non-profits who serve the elderly, the disabled, including mentally disabled, and volunteers that work with children who are over 16 but not yet 18. This died in Committee. We have come up with an alternative to background these groups which is the federal National Child Protection Act/Volunteers for Children Act (NCPA/VCA). We are currently working on getting those into that group. Implementing the federal law will close these gaps in Nevada, but it will require additional auditing responsibilities for staff. We will have to seek additional auditing staff in future budgets to implement this new program.

AB 30 revises provisions governing the NV Sex Offender Registration website. Prior to AB 30, the Repository was receiving public records requests from out-of-state employers and dating websites for print-outs of all offenders in the State Sex Offender Registry. The Department felt this practice placed us in a liability situation as the print-outs were only good for the date and time they were run. Therefore if someone was using the information to make employment or hiring decisions or to decide whom to date, they could be relying on outdated information. In addition, it is against Nevada law to use the Registry for employment decisions. AB 30 makes the Sex Offender Registration website the official source of information for the public thus not allowing unauthorized entities to inspect a confidential Sex Offender Registration record as the website acts as the non-confidential record for inspection by the public. Also, AB 30 removes the requirement for the Repository to maintain a log of inquiries to the Registry and this became effective May 24th of this year.

John Helzer:

I do have a question. Will this sex offender registry be the location when there's a mandated reporting by the courts for a juvenile sex offender? Under Adam Walsh, which was embraced by this state and is our law, there's a requirement for certain offenses to be reported to the sex offender registration. Is there a separate sex offender registration for Adam Walsh or would this be the location?

Julie Butler:

Under the Walsh Act, juveniles if they're adjudicated as an adult for offenses that would be serious violent sexual offenses if committed by an adult they are required to register. We have made a decision to not post juveniles on the website, mainly philosophically to not do that. We are currently consulting with our legal counsel on whether or not we can continue. It has been our view that it might be detrimental to kids because you can't un-ring that bell once they're posted out on that website. We've not wanted to do that. We're currently having legal counsel look and see if we have the authority to not post them when we get the green light to go ahead and implement.

John Helzer:

If we can, if we're going to have discussion about reporting, I brought it up because there were courts that asked me about the reporting obligation. Maybe that's something we can

address in the interim also. I understand that the Department of Justice, through a communication, gave some discretion to the state of Nevada which I believe is subject to the interpretation guidance by the Attorney General or by some legal authority to this Repository. There have been some recent court decisions that indicate that the law is valid both at the federal level for adults and the juvenile level by our Supreme Court. I think a lot of that will wash out in the next month or so. Perhaps we can bring that to the table because that's just another difficult issue. I hear what you're saying, that the publication requirements have been of concern to many people but how you deal with that is still the quagmire word in the midst. So something I'm interested in getting back to and a difficult discussion, I realize that.

Julie Butler:

Yes, thank you. It is. You are correct. The federal SMART office did give states in their supplemental guidelines the authority to decide whether or not they were going to post juveniles to their public sex offender website. We have decided not to. However, there was a recent case involving some juvenile offenders we may not in our state version, AB579, have the latitude to not post them. That's what I'm having legal weigh in on – to see what we're required to do with respect to that. Yes, a very difficult issue indeed and I think certainly we would like to have further discussion.

Mindy McKay:

And yes, Mr. Helzer, the website will continue to be the public reporting mechanism for if and when the Adam Walsh Act is implemented.

SB 45 revises provisions governing the sealing and removal of certain records of criminal history. It requires the petitioner to submit additional information when requesting to seal their criminal history record. It changes the language to be broader when referencing agencies who may maintain such records. If requesting to seal my record, I must make sure it's sealed in every possible place that may have that record. We may, the state may, the FBI may but maybe the booking agency or detention facility did not. Improperly sealed or only partially sealed records may come back to haunt the person when they go to apply for a job or hold public office or purchase a firearm. This was implemented July 1st of this year.

SB 502 on your next slide is RAP Back. It is the State Health Division's bill to come into compliance with the criminal history backgrounding provisions of the Affordable Care Act. It requires additional groups of long-term health care providers to be fingerprint background checked at the State and FBI, such as hospice providers and certain portions of acute-care hospitals. SB 502 further allows the Repository to keep the applicant fingerprints for persons applying to work in the long-term health care field. The prints will be matched against existing arrest and latent fingerprints to provide notification to the Health Division and to the employer if the applicant has a subsequent criminal conviction that may be disqualifying for working in the long-term health care industry. So for example, if I apply for a position with a healthcare facility in 2010 and I have an arrest but there's no disposition they go ahead and grant me employment. Now it's 2013 and we subsequently get the disposition for that arrest posted to the criminal history rap sheet. If that employer and that employee had enrolled in the RAP Back program they would then be notified of that disposition which would allow the employer to make a final determination of employment suitability. That's the purpose of the RAP Back. That was effective July 1st of this year.

Then we have multiple statutes governing expansion of criminal history background checks for employment/licensing purposes. For example we had multiple bills amended to include multiple employment licensing that at the time wasn't in that law and now has been added to that law so it will be increasing the background submissions into our Repository. For example: timeshare sales agents, Nevada Transportation Authority for licensing common motor carrier licenses, tow car operators. The biggest volume that we believe we will see coming in is going to be Statute 62G which is for employment applicants and existing employees with any Department of Juvenile Justice services and Child Welfare Services. This again was effective July 1st of this year. Are there any questions, concerns, comments regarding the legislature for this year before we move on? Excellent. At this time I would again like to invite back up to the table Guinevere Hobdy, supervisor for the Fingerprint Support Unit – Criminal section to present to you the MTG Records Quality Audit.

Agenda Item 8 – MTG Records Quality Audit Update (for discussion)

Guinevere Hobdy:

Hello, Guinevere Hobdy here from the General Services Division, Nevada Department of Public Safety. I'd like to share two pieces of information I find rather interesting before I launch into the update of the quality audit. First, each day seven million hits are done on the National Crime Information Center Index, that's NCIC as you may all know. Secondly, the accuracy and completeness and timeliness of our dispositions impacts employment, the sex offender registry, RAP Back which Mindy just referenced in SB502 which brings me to the audit and where we're at right now and how it's really going to benefit us in the long run. The Records Bureau received a grant in 2012 to conduct an independent audit of completeness, accuracy, and timeliness of criminal history records housed in the Repository. It was recommended through the 2011 disposition study and the 2012 NCJIS Modernization Study. Currently, the internal figures estimate only 44% of Nevada criminal history is accurate and complete. MTG Management Consultants was retained through a competitive bid process and they're currently conducting the audit at this time. Law enforcement agencies were solicited for their probable cause sheets or their booking sheets from a random sampling that the MTG consultants had conducted and that is complete. All of the agencies participated which we're really thankful for because that will help us with this update and this audit. The sampling for the courts is underway. We're about 50% complete on gathering that documentation from the courts which would be dispositions. Again, thanks to AOC. They've been working with us and MTG on that. I just talked to MTG today. We'll be on target for the final report to the Records Bureau in March 2014 with the findings of how and what we're missing and why hopefully.

Julie Butler:

Thank you, Guinevere. I'm going to just interject in here. What we're hoping to get out of this study is independent verification of what we already know anecdotally which is that our records are very much incomplete. We hope that this independent audit will help bolster our case for funding and additional resources to help address this problem. Then once we know where our records are incomplete and from which sources, it will help set us up for another effort that we have pending for this next calendar year which is to do more of a disposition outreach effort programmatically to go into those records management systems at the local levels and electronically grab the records we know we're missing rather than relying on them shipping volumes and volumes of paper dispositions to us.

Assemblyman Tyrone Thompson:

Madam Chair, again Tyrone Thompson, quick question. As a part of the deliverables on the grant, are they also going to recommend suggested next steps for us or is it just they're collecting the data and reporting the data? Or are they going to go further and state what we as a state need to do to bring our criminal history records up in higher compliance?

Julie Butler:

The records quality audit is actually a recommendation that came from a 2011 study that MTG did, pursuant to a grant that the Administrative Office of the Courts received, to specifically look at the disposition reporting problem in Nevada. Actually I made a presentation to this committee back in 2011 that looked in depth at the results of that study. Basically what it recommended was a whole lot of money and setting up regional data sharing hubs to go ahead and address this issue and I think somewhere to the tune of \$7 - \$9 million. I'm looking at Catherine Krause, do you remember? Yeah, I don't know. Do you remember, Scott? Yeah, somewhere to the tune of several million dollars to help address this issue. Obviously when I presented that to this committee the legislators on the committee at the time, while sympathetic, said the state's in the financial situation it's in and so while we're sympathetic you need to do the best you can absent the resources. So that's what we've been trying to do. Having said that, the records quality audit also was recommended in another study conducted in 2012 pursuant to a federal grant that is called the NCJIS Modernization Study, that again MTG was retained to take a look at our criminal history system and provide us a path forward to modernize it to bring us into the current technology environment. This audit comes from several studies where we've tried to look at this issue and we're trying within our means. I don't know if that really answers your question?

Assemblyman Tyrone Thompson:

I'm just basically asking in the report that's going to come out in March, will it have all of that listed towards the end? Everything that you said, will that be reiterated.

Julie Butler:

I don't know if it will. I know it will outline exactly where our records are deficient and who's got what and where we need to go from there. As far as bringing in the history of the other studies that we've recently done, I don't know that it will do that. We certainly have those studies on file and can share any of that information or the executive summaries at least with the committee since we do have some new members.

Assemblyman Tyrone Thompson:

Ok, thank you.

Agenda Item 9 – Dissemination of CHRI (for discussion)

Mindy McKay:

Thank you, Guinevere. My final presentation for you today is the next slide, number 6 on the dissemination of FBI criminal history record information. On the left hand side, the column that states Criminal Purposes gives you the details of what it can be used for for criminal purposes, therefore governed by the FBI CJIS Advisory Policy Board. You have to meet the definition of criminal justice agency as set forth in 28 CFR Part 20. No sharing restrictions between criminal just agencies for criminal just purposes and of course there is a security

tracking and audit requirement. On the right side of the slide is the civil purposes governed by the National Crime Prevention and Privacy Compact. It does follow public law 92-544 and 28 CFR Subsection 50.12 and 28 CFR Part 20. State statute or local ordinance is what is required for authorization and it must be approved by the FBI and it's for licensing or employment purposes. It's only for the purpose requested, meaning if I submitted a request for a CCW [Carry Concealed Weapons] permit that is governed by one statute and then I go to apply for a position that is governed by another statute for a background check you cannot use my CCW background check to make that employment determination. You have to go through the process for the employment determination as governed by that statute. It is fingerprint based. The results are only to the governmental agency and again we are required to have security tracking and audit. Any questions or discussions for me?

Julie Butler:

We included that slide just for the committee's information. We included the slide because there was a question at our last meeting over the summer about just what can and can't be disseminated and what are the rules. So that was the purpose for including this slide today.

Mindy McKay:

At this time I would like to invite up to the table Greg Fisicaro with the Department of Public Safety. He is the supervisor over our Business Process Analyst section. He is heading the NCJIS Modernization project and also Catherine Krause with the Department of Administration, the Enterprise IT Services Division. They will be presenting to you the next slide.

Agenda Item 12 – NCJIS Modernization update (for discussion)

- a. Progress of the BPAs in defining as-is and to-be environments
- b. Pictorial description of what's included in NCJIS Modernization
 - i. Which applications and approximate time frame
 - ii. Tie-in to dispositions, NOCs
 - iii. Where we are with Increment 2 (infrastructure) modernization
- c. EITS update re-modernization

Julie Butler:

Here again if you're following along on your agenda we're a little bit out of order. This would be the EITS update, item 10, and it would also be the NCJIS Modernization update, item 12. So we're going to take 12 first and then Catherine's going to present item 10.

Greg Fisicaro:

Thank you, Julie. For the record, my name's Greg Fisicaro, Business Process Analyst supervisor. I will be starting off with the BPA portion of the NCJIS Modernization project as Ms. Mindy McKay stated. I am the program manager for the NCJIS Modernization project and this is a new project that's been going on within DPS that is hopefully going to bring us up to a new technological standing that will be in compliance with not only our own state statutes but within the nation as well.

The first item on the list here is the progress update for the as-is and to-be environments. Currently what we're doing is my BPA group is actually working with a two-fold process. If you

have seen the case study that was released in 2012 there are two initiatives that are the main core of the project, those initiatives being initiative 3 and initiative 4. Initiative 3, being the CCH (Computerized Criminal History), the message switch and the hot file portion and then initiative 4 being the Parole & Probation portion focusing on Parole & Probation by itself and the replacement of the OTIS [Offender Tracking Information] system. Currently I have two Business Process Analysts that are working on those items. The CCH portion is currently underway and the high level requirements have been gathered with the core groups that work with those items. The information has been compiled into an initial request for information which we plan to release by the end of the calendar year. We're working with State Purchasing to currently finalize that and move forward in the hopes that we will get some good information as to what is currently out there. The system that we're currently working with is a customized system built specifically for us. We're moving to something that will hopefully be more, for lack of a better term, extensible. Extensible meaning that it will have a plug and play portion, will be able to update with changing technologies without any major overhauls such as we are looking at doing with the CCH right now. With that basically in the beginning of calendar year 2014 we are going to hopefully have a better idea of what is out there, what is offered to us, and for lack of a better term have the dog and pony show as to what we don't know.

The Parole & Probation part is working as well. Unfortunately we do have a vacancy in our BPA group for that position that was recently opened up. The initial high level requirements were gathered with the Parole & Probation offices; however, it was left at that due to the vacancy. The recruitment for the filling of that vacancy is currently out on the State of Nevada's NEATS website. We plan to have that filled within the next month or so and then we can pick up exactly where our last incumbent had left off and be moving forward with that. With the Parole & Probation portion that has taken a bit of a lesser standing due to the fact that it is not fiscally feasible until at earliest fiscal year '16 or '17 with the fact that the initiative 3 is the core component of our system as a whole and so that will need to be taken care of first prior to the Parole & Probation.

While we're out there looking at these new systems we will be looking at the Parole & Probation portions of the systems and if they do offer some sort of extensibility within that then it is definitely something we will see about implementing with the CCH but it won't be a specific priority at that particular point in time. With both of these initiatives we are looking at the transitional requirements that will be going into these so my BPAs are looking with the groups at what their particular business process is and items as they are currently now, where the gaps in efficiencies and reporting lie and then moving forward from that hopefully working to better understand where we can increase those efficiencies, increase that timeliness in reporting, so on and so forth. Are there any questions on that particular portion?

John Helzer:

I have a question. What did you say the timeline was? I thought you mentioned March or something for completion or initial summary, something available at that time.

Greg Fisicaro:

The RFI we're working on for the criminal history portion, the CCH message switch and hot file which is considered initiative 3 within the MTG Study, we're working on finalizing that initial RFI – that request for information by the end of calendar year '13. So hopefully in January or February of calendar year '14, in the next couple months, we'll have a better idea of systems out there.

John Helzer:

Part of what we received were findings, evaluations from your group. Sometimes we get things brought into the meeting or you get it shortly before the meeting and if it's not available until January, if you're talking about January of 2014, it's not something we'd be having in our hands at the next meeting because that would be in probably July.

Greg Fisicaro:

Correct, at the next meeting in July. Unless there was some act of God and we came to a sudden conclusion of the perfect vendor that will handle all of our requirements.

John Helzer:

I don't want to just limit it to the RFI, request for information. You're going to be making recommendations, correct?

Greg Fisicaro:

Correct.

John Helzer:

And when would you anticipate those recommendations would be reduced to writing and available to the board members?

Greg Fisicaro:

Those recommendations should be available by the next meeting as to what our recommendations are for the extensible items that we would be looking into. But as for selecting a particular vendor and whether or not that particular vendor has all of those items or if it's going to be multiple vendors, that is something that will have to wait until the next meeting.

John Helzer:

And I apologize because I was less interested in the RFI than I was in recommendations and the course to be followed or recommended through your efforts. It's just something to be considered, Madam Chair. If in fact we're going to be receiving recommendations, things to review, I certainly would like them at least a couple weeks before the meeting.

Julie Butler:

Yeah and I think that's definitely doable. The whole purpose of this committee is to advise on technology and information sharing so it's definitely relevant to this committee.

Greg Fisicaro:

As I stated beforehand, at this particular point in time we really don't know what we really don't know. We're looking in hopes that we will understand a little bit more of where our items actually lack or where the inefficiencies are. So the next item after that is a pictorial description of what the NCJIS Modernization is and the two items under that I'll be taking care of are the which applications and approximate timeframe and the tie-in to dispositions and NOC's [Nevada Offense Codes]. You should have received two particular diagrams. One of them is a large conglomeration of items and it is labeled Conceptual Example of Current Environment and the secondary one just has MTG Management consultants at the top of it. These were both provided by MTG in the full case study that they provided at 2012 for the NCJIS Modernization project. I am kind of using these as a reference guide as to what we currently are looking at as our system and what we're hoping to go to. It was quoted in the MTG Study that one of the items that we have is a tightly interwoven and overly complex system. That is unfortunately one of the items that happens when you develop a system that's customized specifically for your needs. Unfortunately, depending on the particular area that you are within it may be a need. So

what we're hoping to find, as I've said before, is an extensible system that will allow us to a) keep up with technology as the technology evolves over the years, but b) also allow us to do a plug-and-play system. In essence what we would do is implement a core system and then from there be able to plug in a P&P portion, a CCH portion, a message switch and plug those into the main core system. As legislation, or statute, or federal regulation comes down the line we would be able to move forward and talk with a particular vendor or vendors that work with this system and say "this is what we're looking for" and they would give us a recommendation. We can do some sort of planning and move forward and implement that new plug-and-play system.

At this particular point in time we are working with initiative 2 within the MTG Study which is the integration service, which is basically the backbone, or foundation, of the entire system as a whole as the middleware and then from there that has actually been purchased. We have worked with the recommendation of our representative over at Enterprise IT Systems and found a vendor that the state currently works with that has a software suite that is showing capability of what we need for not only our current needs but also our future needs. We have purchased the licensing and that is currently in with our development team and they are going to be learning it.

The second part to that is that we are working on a request for proposals that will be going out for general bid that will bring in a consultant as well as a training portion that will focus on that specific software. For the record, that software is AG Web Methods version 9.0. From there as I stated beforehand, the RFI for the CCH message switch and hot file replacement - initiative 3 within the MTG Study is currently underway and looking to be publicly released by end of calendar year '13 with more information in the beginning of calendar year '14. This is being worked on with the State Purchasing office as it will be a large expenditure and we'll be working on a subsequent RFP that will go out for public bid.

This is the first major component of the modernization project and is looking to be funded fiscally within the '15/'16 budget for the P&P portion (the Parole & Probation portion) thereafter. The main objective again of this entire system as a whole is extensibility moving for this that the timeframes, due to large scale of this particular replacement are something that we are working on as we get a chance. According to the MTG case study they did lay out a very aggressive timeline that over the next 6 years we would replace all of these systems. That was prior to the knowledge of the consolidation of our individual IT group into the EITS system as well dealing with state budgeting. These consultants come from a world of the money will always be there. That being said our initial portion is going to be planned for the fiscal year '15/'16 for the initiative 3 and then moving forward as the items become determined we will be looking forward to that particular item.

Doing this particular study, the RFI for the CCH portion or the initiative 3, as I said beforehand we don't know what we don't know. We are looking at every possible means out there that we can for this and ultimately looking for that extensible system. We will be looking at items such as Cloud Computing, a GOTS system which stands for Government Off the Shelf, COTS system which stands for Commercial Off the Shelf, SAAS which is Software As A Service. Again we are looking to ultimately turn this into a system that we will not have to do a major overhaul within the next 10 years. Any questions on that particular portion? Hearing none, I'll move ahead. The last portion is the tie-in with dispositions and the NOC's.

Julie Butler:

Greg, NOC's being Nevada Offense Codes for those being new on the committee.

Greg Fisicaro:

With the testimony of Ms. Hobdy beforehand we understand the dispositions and the Nevada Offense Codes being the main reporting or original reporting mechanism for the criminal history, these are the main portion; this is the main backbone or the main data that is housed within our Repository. So with that being said the main items that we're looking for are these codes that allow uniform reporting and consistency within all of the systems. Now with the advent of the new modernization project the goal will be to move that. All of these systems will be able to talk in one way or another, in a more efficient manner than they currently are. Moving forward they will be able report that information into a complete rap sheet and criminal history. Moving forward with that, since these dispositions are the main data that is housed within the systems and they are the main determining factor for many of the criminal history items, they are going to be the main portion of the modernization project as a whole. They may not be the main technological need but they are the main data Repository need and again the main objective for these dispositions and criminal history that are the core item. They ultimately protect the public and our Public Safety officers due to the fact that if we have inaccurate reporting out there or we do not have these dispositions or these Nevada Offense Codes (NOCs) are inaccurately done when they are entered into the systems we do not have accurate reporting down to the individual officer. The officer may not know if they are dealing with a violent sex offender or if they're dealing with someone that has a concealed carry weapon, or CCW license, and that is the ultimate thing that we want to protect. That is our job as a whole.

Agenda Item 10 – EITS update (for discussion)

Catherine Krause:

Catherine Krause, I am the Chief IT Manager with the Client Services Unit within Enterprise IT Services. I'm going to just cover a couple things as far as where we are. Last meeting I had talked about what we had funded for this biennium which, as Greg mentioned, was primarily initiative 2 which was primarily infrastructure type things which don't have a lot of business visibility. As you heard from Greg those are coming later. We are making some progress and I did want to make sure to maybe draw you back to some of the very busy diagrams that you have if I can do that. What we actually are going to be doing and replacing in this particular biennium and where we are. So basically, where we're at right now as Greg said, we've acquired funding and licensing and we're really working primarily on planning the remaining portions. Just to let you know there are a few things we really will be doing and implementing this time that's going to position us for all the remaining portions of the system going forward.

You actually have three different diagrams from the MTG Study in front of you. One is the one Greg referenced, the Conceptual Example of Current Environment. As Greg pointed out, referencing the MTG Study, it's very busy and convoluted and that was kind of the point. There are a few items on there that we will be replacing over time. The second one is page 59 from the study and one is page 52 from the study. The one that's page 59 is really more of a simplified version that we're working to get to throughout these six initiatives that MTG laid out. As you can see, even though it's still fairly complex, it's much simpler and much easier to maintain. Even though there will be a significant investment to get us there it is a lot easier to deal with going forward.

The third diagram is a little bit more of a technical diagram. You couldn't always see what we're doing on the less technical diagram. On the one labeled 62 you see CJIS in the middle in the state Public Safety area and something references middleware. We've been using the terms middleware and integration service interchangeably but that's what we're implementing. That's

the Software AG Web Methods. That's what's going to allow all of these different systems to communicate with each other. That's what we're working on right now. The specific components that are going to be replaced this year, there's a few business areas. One, there's something referred to as Mapper - what it's often referred to - but there's a couple of specific systems on the second diagram, page 59, that we will be implementing in this biennium as kind of our first smaller systems. People are retiring; the technology's really old so we will be replacing what is in the support information box on the state Public Safety systems. The administrative services functions, what that is it's actually what the Repository uses when they are maintaining criminal history records and doing things like records seals, that kind of thing. What is used today to do that is extremely old technology. It's difficult to hire staff to do that so that's one of the reasons that project was early on. I have this middleware implemented. We're going to start very slowly and with a couple small systems replacing things. That is one of the things. Also, it's really more on the busy diagram there's on the bottom right hand side, basically you'll see a connection between the Parole & Probation OTIS System and the State Controller's Office System – Advantage. That's for reporting of restitution payments between Parole & Probation and the Controller's Office. We'll also be replacing that interface with this middleware in this biennium and that has been funded by the legislature. So there are a couple small initial pieces.

We also are going to be preparing the rest of the infrastructure on the more technical diagram. We're going to be setting up all the Sequel Server, referred to as the Sequel Server farm, and getting it ready for all of the other systems that are coming. I don't want to get in the weeds too much. That may already be too much into the weeds for some of the committee members. This is a tough one and we really appreciate the legislature's funding of this because it's really hard when you need to do these foundational things before you can do the more visible things like replace your criminal history system. These initial steps are absolutely required for us to succeed in pulling apart this really busy mess that we have that makes it very difficult for us to support the criminal justice community. I wanted to let you know that's what's coming. It had been requested at the last meeting that we have some diagrams pointing out exactly what it is we're talking about. That's what we're working on right now. Those are the primary things that will be replaced in this biennium setting us up to do the other things that Greg's team is working on. The requirements, now, because they're such large systems, it will take a significant amount of time to get us ready with that. I'll pause there and ask if you have any questions about the technical side of where we're at right now?

Undersheriff Robert Quick,

Madam Chair, being one of the users on the JLink system, we've noticed in the recent six to eight months a considerable amount of more downtime and slowness on the system. Are you taking that into consideration when you're looking to replace parts and pieces and hardware, things like that, that ultimately this system is going to fail badly.

Catherine Krause:

Yes. I think that was, and Ms. Butler can speak to this as well, that was part of our argument in requesting the funding before the legislature. We weren't able to ask for the full funding for everything at once but these foundational pieces. I would say we're going to be looking at that and that will be a good segue into my next update. We also have concern about the age of the system, and as Greg mentioned with the timeframe, the budgetary process, what was recommend was a six year replacement cycle we're already behind on. I do think that's too long for these systems to last. We need to address that and determine if we can take that into consideration and possibly rearrange a few things going forward. We are looking at that.

So going into other things we're doing at Enterprise IT that are under the purview of the committee. One of the things actually is Phase 1 of a datacenter migration project. Basically, today where everything is physically housed is at the Department of Public Safety Headquarters, but there is a much larger and more modern state computer facility that we would like to move all of the equipment to but there's a significant amount of work to do that. We have funding to replace a lot of our servers. Part of the slowdowns that you're starting to see in JLink and a little more downtime is related to the age of the servers. Those were implemented I believe at the end of calendar year 2010 and by the time we did that they were actually already old. You are starting to see some impact of that. We are in the planning phase right now. Part of the discussion is when do we move JLink, how does that happen, move it to new hardware, should we do that as an interim step because it's going to take quite a bit of time to get to the new version of JLink, which would be more modern which is what Greg was just speaking about. I don't have before you today the specifics of the plan but we have noticed as well, we have those same concerns and I think we may have some recommendations to bring possibly to the next meeting.

As far as if there's any decisions to be made, trade-offs, that kind of thing that would definitely be in the purview of this committee because it affects the entire justice community and how we would proceed with that and what are the real risks. Those are things you need to know. The only other thing I really have today is that last time I was here we had just reorganized, and we've reorganized again. The reason for that is really to bring a couple of things. The primary benefit to the criminal justice community is some stronger and more senior technical leadership. I think Enterprise IT Services had that in comparison with Department of Public Safety being a separate IT organization. We're going through what that means right now. We have some significantly more senior IT staff that are now involved in managing what the entire criminal justice community relies on than you had before. That would be a benefit, although everyone's just learning right now so you haven't seen the benefit yet but it's directly related to your questions as far as what are the risks and making sure we address them so the systems don't fail before we replace. That is definitely a valid concern. I didn't have anything else. Does anyone on the committee have any questions? Thank you very much for the chance to speak to you today.

Julie Butler:

Thank you very much, Catherine. Just for the committee's information, part of what we hope to acquire with this request for information is some updated information on costs of these replacement systems which we will definitely be bringing forth to the 2015 session of the legislature for additional funding to replace the criminal history system, the message switch, and the hot files which is really what we're referring to as the whole core environment of this statewide criminal history system. For you legislators on the committee "please help!" When you see our request, it's directly related to these studies and absolutely necessary for us to move forward in a modernized criminal justice environment.

Agenda Item 13 – NCJIS Technical Subcommittees status report (for discussion)

Julie Butler:

Ok. Item 13 - NCJIS Technical Subcommittee status report, Patty Peters, are you in audience in Las Vegas?

Patty Peters:

Yes, ma'am. Hi, my name is Patty Peters. I'm the CJIS Manager with the Las Vegas Metropolitan Police Department. I'm also the Chairperson for the Southern Nevada Technical Subcommittee. I want to thank Madam Chair for this opportunity to speak. I represent the Southern Nevada Technical, Teresa Wiley represents the Northern Technical Subcommittee. I'm not sure if Teresa's in the audience up there. I tried desperately to get up there but I guess you guys are having a big snow storm.

Julie Butler:

Yes we are. Teresa is not here today.

Patty Peters:

I'll represent both committees. For the new members on the committee, the technical subcommittees have been in existence since the '80s. Our pure existence is to assist the state and to also work with those criminal justice agencies in our jurisdictions to set up communications to work on projects, to resolve issues that we find out south or up north and that we can help get resolved to the state. We meet quarterly. We also have voting members in the steering committee that meeting quarterly. Any issues that can't get resolved at the technical level get resolved at the steering level. Any issues that can't get resolved at the steering level then come to the Advisory Committee for recommendation. The state sits on the steering; they are a voting member as well as representatives from these small agencies both from the north and the south. We wanted to make sure everybody had a voice. For Southern Technical, I have probably close to 150 members that I will send notices to about the meetings and Teresa Wiley has the same up in her jurisdiction. We usually meet about the same time and try to resolve the same issues. We work back and forth on resolution of those issues. We met recently in August and also September because over 2011, 2012, with all the financial difficulties that were out there it was difficult on all levels for us to get together. What we did was try to communicate over the phone. If we could get together at more of a regional level to just see those faces, have those discussions, and set up those communications we did. We weren't quite as successful at meeting four times a year. We picked those back up in 2013. There's a commitment there on both levels. The state has been gracious enough to also include us in modernization which we're very grateful for. We have a lot of knowledge. We've been around for a long time. We are the users. We are the points-of-contact when dealing with the state for our administrators. Terminal Agency Coordinators are the first line people to work with the state regarding audits and also help resolve issues found at the agency level. A lot of the things that were even discussed today can be brought up at our meetings and resolved in our meetings in the way of educating, in the way of letting agencies know that these are the issues up at the state level that need to be solved at a local level. A lot of the members in the both the south and the north just recently were involved in the new SCOPE created down south. I don't know if any of you are aware of it but it's a system much like the state switch. We have over 11,000 users, close to 90 agencies. That was a 5 year task. We learned a lot. When that system went live it went live without a hitch. We we're very grateful in how it went live and there was a lot of time and effort that went into that, with the agencies as well as the state. We were all involved in it. Just recently we had the vehicle system that was part of that SCOPE project that went live and it too went live without a hitch. We are very familiar with how much time is involved in creation of new projects and the commitment that has to be made on a part of the agency and the agency users as well as the state. There really isn't anything the Advisory Committee discusses that we don't discuss down as the technical level. We put together documents that Madam Chair is aware

of and basically what it does is outline everything we've done since the '80s all the way up to 2010, when we didn't meet for the last 2 years. We'll add to that and keep it updated. I really just wanted to introduce myself and what it is that we do. Madam Chair, feel free to shut me down because you know what a little yakker I can be. I just want to let you know that we're all there, we're all very committed, and we're really looking forward to this modernization project that the State has put forward. We bring a lot to the table as well as the state. Any questions?

Assemblyman Tyrone Thompson:

I do have a question, Madam Chair. First of all, thank you for being a part of the modernization committee. Like you said, you are the users. You work with this system everyday and I know that frontline users are like, "If I could create it..." I guess what I'm hearing, what could we do to ensure the communication gap is closed in a little bit more with the BPA group - Greg's team, and with the subcommittee being that you said at one time you struggled to meet 4 times a year. With modernization you may even need to meet more regularly. Is there anything that you can share with us so we can brainstorm how we don't become reactionary? I've seen when systems that the main builders of the system will say this is what it is and then when it comes to maybe the testing phase there's something very vital that the user mentions then we have to go all the way back. In order to keep that flow are there any recommendations you can make?

Patty Peters:

The state's very good at when a new system is introduced involving the user community and letting us test it. We are great testers. We pound the system. Probably the greatest thing, if I had anything to offer, is that we do meet, we meet regularly and we meeting in person. Although I love telecommunication, it makes it so I don't have to fly and get cold in the snow, that one-on-one meeting is invaluable. It has to be a commitment on the part of the agencies because that is going to involve funding. I can speak for my own agency and I know we're very committed. I know there are a lot of agencies up north and down south that are very committed to this project as well as the state. That would be the one thing just that we meet, often, and in person.

Assemblyman Tyrone Thompson:

Thank you.

Patty Peters:

Madam Chair, would you like to shut me down?

Julie Butler:

Thank you very much, Patty. I appreciate that. I think Greg has a comment as well.

Greg Fiscaro:

This is Greg Fiscaro, just to build off what Patty has stated there. As the supervisor and the program manager for NCJIS Modernization program, we have an outreach program built into our group that will help bridge that gap you're talking about. We've already been represented at both the north and south Technical Subcommittee meetings and as I've stated with Patty, for myself and if nothing else for my entire group, we would like to be involved in those meetings. Ultimately these users are the ones that are going to be using it on the daily basis, as the front-line users, so we want to build that dream system for them.

Of course you are going to have to be the ones that bring them back down to reality every once in a while. There is an outreach that's built into our group as a whole and our by-laws for ourselves. It is something that we're currently working on.

Patty Peters:

Are you trying to say that we users want it all? (laughing) Thank you, Greg.

Julie Butler:

Thank you very much, Patty, I appreciate it.

Agenda Item 14 – Comments of committee members (for discussion)

Julie Butler:

Any comments or reflections from committee members at this point, item 14?

Assemblyman Tyrone Thompson:

Madam Chair, I do have a request as a new member. I looked on the Department of Public Safety website and everything. Is there a link, because you know its different world with different jargon, is there a link with all of the acronyms?

Julie Butler:

It's a test! (laughing)

Assemblyman Tyrone Thompson:

I work in the homeless community in my day job and I know how we can be with our language. It is important, seriously, about communication because communication's lost if we're talking a lot of acronyms and people don't understand. Is there a glossary of terms that people can access?

Julie Butler:

I don't know that we have anything currently written but we can certainly put something together for the committee that would help. Any new employees we get to our agency go, "Oh my gosh, where's my dictionary?" I totally sympathize and we can put something together.

Agenda Item 15 – Public comment (for discussion)

Julie Butler:

One last time, public comment, are there any in Carson City or Las Vegas? Hearing none.

Agenda Item 16 – Schedule next NCJIS Advisory Committee meeting (for possible action)

Julie Butler:

The next item we need to discuss is when we want to do our next and if we want to, so there are kind of two things, do we want to roll a discussion and possible revision of the by-laws into this next meeting? And then we also discussed having an interim meeting to really try and put some definition to some of the problems we're experiencing with dispositions

and next steps. The first question is, an interim meeting, maybe January or February and then a regularly scheduled meeting say around June, July or August? Does that sound good? What's the pleasure of the committee?

Undersheriff Robert Quick

Madam Chair, I would certainly suggest an interim meeting as well but I may also suggest we hold off on the regular meeting because at that interim we may decide we need another one in 2 months. We're kind of jumping ahead.

Julie Butler:

I'm good with that. Do we want to look at February or March timeframe for that interim meeting or do we want to do that sooner? I don't have a calendar in front of me.

John Helzer:

If we can look at something in February that would be best for me. Everything gets put off in my world from Thanksgiving on. We have a murder trial going on right now but that's not common this time of year. What I'm trying to say is it all comes home in January for a lot of trials it would certainly help me if we could look at early February or sometime during that month. I like the idea of saying do we need more. We haven't done that before and this is something that's going to take a little effort and we may want to break it up and I think make it more productive. I'm suggesting we invite, you know who the parties are and we invite them. You may want to break it down to a morning-afternoon. We may have some issues concerning Adam Walsh. While they're related in the sense of reporting and dispositions and obligations and duties, I think the players are not necessarily all the same. I think you're good at this, Madam Chair, in the sense of saying what do we want to do and have the right people there and commit to some time. I think it will be very productive.

Julie Butler:

That second week of February, February 10th, 11th, 12th, somewhere in there. We can get some proposed dates out to the committee members and finalize but does the second week of February tentatively seem ok to the committee.

John Helzer:

It does for me.

Assemblyman Tyrone Thompson:

Madam Chair, I have a question. I know we're doing an interim committee but I'm trying to understand what are the desired goals and/or objectives for this interim committee? I've been listening to the discussion but I guess I really would like to drill down so we don't have a meeting just to have a meeting. What are some of the goals or objectives for this interim meeting?

John Helzer:

We normally do not have that type of interim meeting. What I would anticipate, and certainly open to other comments, is that if we set that meeting in February that we are looking at including representatives of the courts, law enforcement agencies, prosecutors because there are obligations as to each of those entities to report to the Repository. There's also a lot of confusion. I have courts that are asking me about reporting obligations, for example under sexual offenses. They need to be at the table so they can hear the discussion and

hear the law. What I would anticipate is really discussions of what are the reporting obligations of each entity at that table, how do you comply, what is anticipated in the future with the development in the sense of making complying easier and that ties into modernization that we've been discussing today. Answering questions in the sense of what if we're not able to provide it in the format you want, how are we going to receive assistance in making sure these records are included? We have some rurals that have lesser abilities to report than some of the larger counties. We haven't done that. We know that we need a complete criminal history. I know the courts, prosecutors, and law enforcement want to make that a complete history but we really haven't done the nuts and bolts meeting. It really needs to be a productive, not just a meeting for a meeting.

Assemblyman Tyrone Thompson:

If we could invite decision makers and front-line, everyday staff, if we can have a combination I think that would be perfect. A lot of times we don't have decision makers at the table and then all the greatness that we talk about is lost when we leave. If we could have that combination I think that would be great.

Julie Butler:

Excellent suggestion and what I'm hoping ultimately comes out of this is some statewide policies that this committee will adopt to specify how we want dispositions reported to the Repository, who's responsible for reporting what, what format does it come in, when are you going to report - those types of things that are really preventing us from having that and accurate system that we so desperately need.

John Helzer:

If I may, I think it's important to have people who can make decisions. I'm a representative from a board who wants me to report back. We're going to have a meeting in a couple of weeks so I'll ask for greater authority. We could do a lot by front loading this, asking prosecutors what is it that you want to know and have discussed, courts – what is you want to have discussed. I think the agenda that is created from that will be very helpful because it will organize the discussion.

Julie Butler:

Very good and we would definitely get the agenda out to the committee members for their input prior to holding the meeting. When you do see that draft agenda and you do have comments or things that you want to add or things we've left off please do let my staff know. Tentatively we'll look at the second week of February for this next meeting. My staff will get out some proposed dates to you. We'll look at the middle of the week somewhere maybe around the 11th, 12th, or 13th. That's a Tuesday, Wednesday, Thursday and we'll go from there. Any other comments or issues from the committee. Hearing none.

Agenda Item 17 – Adjournment (for possible action)

Julie Butler:

Do I have a motion to adjourn?

John Helzer:

I motion to adjourn.

Undersheriff Robert Quick:
I'll second.

Julie Butler:
We are adjourned.

Meeting adjourned at 2:56pm.