

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

**Monday, July 11, 2016**

The NCJIS Advisory Committee was called to order at 1:30 pm on Monday July 11, 2016. The NCJIS Advisory Committee meeting was conducted at the Legislative Counsel Bureau located at 401 South Carson Street Room 2134 Carson City, NV and via videoconference in the Grant Sawyer Building at 555 East Washington Avenue Room 4412, Las Vegas, Nevada.

**ADVISORY BOARD MEMBERS PRESENT:**

Julie Butler – Department of Public Safety, General Services Division Administrator  
Robert Quick – Lander County Sheriff’s Office, Undersheriff  
PK O’Neill – Nevada State Assemblyman  
Rod Moore – Department of Corrections, proxy  
Jared Frost – Attorney General’s Office, Deputy Attorney General  
Thomas Carroll – Clark County District Attorney’s Office, Chief Deputy District Attorney  
Mark Lipparelli – Nevada State Senator  
James Taylor – Gaming Control Board, Deputy Chief

**ADVISORY BOARD MEMBERS NOT PRESENT:**

John McCormick – Assistant Court Administrator

**OTHERS PRESENT:**

Mindy McKay – Department of Public Safety, General Services Division  
Paula Ryssman – Department of Public Safety, General Services Division  
Kathy Comba – State Enterprise IT Services Division  
Carmen Tarrats – Las Vegas Metropolitan Police Department  
Erica Souza-Llamas - Department of Public Safety, General Services Division  
Laura English – Department of Public Safety, General Services Division  
Jim Lemaire – Department of Public Safety, General Services Division  
Pat Saunders – Department of Public Safety, General Services Division  
Linda Kennedy – Department of Public Safety, General Services Division  
Greg Fisicaro – Department of Public Safety, General Services Division  
Ron Unger – Lander County Sheriff’s Office, Sheriff  
Alison Lopez – Department of Public Safety, General Services Division  
Teresa Wiley – Sparks Police Department  
Nadine MacDonald – Department of Public Safety, General Services Division  
Lisa Jensen – Department of Public Safety, General Services Division  
Nathan Hastings – Attorney General’s Office, Deputy Attorney General

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

Julie Butler called the meeting to order. Paula Ryssman took roll call. John McCormick was not present. All of the other members were present. A quorum was established.

## **Agenda Item 2 – Public Comment**

None seen or heard in the North or South

## **Agenda item 3 - For discussion and possible action: Review, amend and approve minutes from April 19, 2016 NCJIS Advisory Committee Meeting**

A motion was made to approve the meeting minutes from the April 19<sup>th</sup> 2016 meeting and the motion carried unanimously.

## **Agenda Item 4 – For Discussion and Possible Action: Review of potential modifications to the Nevada Criminal Justice Information System Administrative Policies including but not limited to, changes to better reflect the technical and compliance requirements, to include the governance of various system users in Nevada that are located outside the state, to include governance related to access of criminal information for civil purposes, to update outdated information, and to now include technical policies-. The Commission will review the potential modifications and may act to amend the Policies and adopt the Policies with or without any amendment – Mindy McKay**

Mindy McKay presented a summary of changes. A hard-copy of these changes was included in packet for each member.

While discussing the summary, the following questions were asked:

Assemblyman O’Neill asked if this allows for discretion or appeal to allow certain people with felonies or misdemeanors to have access to NCJIS. Ms. McKay advised if an agency has an employee who comes up with a record, or warrant of any type, and they want to request an exception, it is up to the CJIS Systems Officer (CSO), Julie Butler, to make that determination. The background of the employee will be taken into consideration as to if the CSO will grant access. Ms. Butler followed-up and advised a secondary audit of confirmation does not need to be conducted and explained that this is already done.

Senator Lipparelli advised there is no affirmative language that says when a person fails a review process they would be prohibited access until they have availed themselves in the section that relates to access and the requirement for backgrounds. The concern was that someone would challenge this policy by saying they went through the process and completed the background check and then made the executive decision to allow the employee with a record access to the system anyway. The perception is the policy does not state the employee should be prevented from accessing the system and they met their obligation by completing the background. The Committee agreed to the following verbiage change for page 13, section 2.1 #2:

*“Before unescorted access for authorized personnel who have direct or indirect access to CJI is granted, a state of Nevada and national fingerprint based record check, and a wants/warrants check must be performed and the screening criteria met.”*

Ms. McKay presented the following requests for clarifications or modifications from other agencies that were brought to her attention:

- Sparks Police Department advised of the acronym "IWEITS" was referred to several times in the document. This acronym was a spell-check catch that was not modified correctly. That acronym was removed throughout the document.
- In section 4.3 pertaining to administrator, upper level management, and supervisors it did not define how often the training was to be taken. This has caused conflicted perceptions that some believe the training must meet the same guidelines as terminal operators of obtaining certification within the first six months of employment and recertifying every two years thereafter. While others believe certification should be a one-time only practice. The State's response refers to the language obtained from the NVSHARE site. This language states that the upper-level training for users can be used as a one-time thing; however, the basic training requirements still need to be met. For example: some administrators are operators or TACS, some are authorized recipients, and some do not even work in or around the information or physically secured environment. It depends on what role that administrator takes within that administration as to the level of training that would be required of them.
- The question was asked pertaining to section 10.1.3 #7 and #8, how was the fingerprint-background waiver different than the notice to applicant waiver? Are either of these the same as the Department of Public Safety (DPS) civil applicant waiver? State's response is the fingerprint-background waiver authorized an agency to receive the subject's criminal history record information. It also advises the applicant of their rights to challenge the accuracy of the criminal history record information and provide direction on how to challenge at the state and federal levels. The notice to applicant waiver is specifically for the NCPA/VCA accounts. The DPS civil applicant waiver is the same as the fingerprint-background waiver. The use of these forms is explained when opening a civil applicant account and used during the training and auditing.
- Pertaining to 3.3 Logical Security, the request was a change in wording as there was no way to have an operator know what screen the CJIS information is on if the operator had multiple screens open at one time. For example, a dispatcher having a screen up on one monitor and another screen up on a different monitor, they cannot duplicate an Originating Agency Identifier (ORI). Each screen has to have its own ORI. This is part of Jim Lemaire's technical portion and has been moved, in its entirety, from the current policy section 1.6 #4 with no changes.

Laura English explained that Carmen Tarrats from Las Vegas Metropolitan Police Department questioned the User Agreements between agencies. Ms. English advised the agency would like the State to step in when the agency was not sure of the language that should be documented in a User Agreement. The State responded explaining that was not something the State should be involved in and suggested the agency involve their legal counsel for assistance.

Julie Butler reviewed the changes/clarifications presented to the Committee:

1. the wording on page 13 in section 2.1.1 and 2.1.2
2. on page 22 striking the word "SUPERVISORS" in #3 about the middle of page in the title ADMINISTRATORS/UPPER LEVEL MANAGERS
3. on page 32 under section 9.2 #1 adding the language "and/or NTAC"

Ms. McKay confirmed these changes/clarifications along with all of the grammatical, spelling, and name changes and to include the additional terms/definitions in the Appendix A.

A motion was made and seconded to approve the administrative policies for NCJIS as presented with the changes. The motion was approved unanimously.

**Agenda Item 5 – For Discussion: Potential Bill Draft Request to amend Nevada Revised Statute 179A.079. The Records Bureau Chief will inform the Committee of the Criminal History Repository’s intent to submit a bill draft request to change the NCJIS Advisory Committee to be a subcommittee of the Advisory Commission on the Administration of Justice. The Committee’s assigned Deputy Attorney General will address previous bill draft request statutory language concerning subcommittees – Mindy McKay**

Mindy McKay explained originally the bill draft request (BDR) to amend NRS 179A.079 was brought forward as its own specific BDR, as it relates to this Committee. Then a request from the Governor’s office was received to identify committees that may be duplicative or similar in nature. The Advisory Committee on the Administration of Justice (ACAJ) appears to be similar to the NCJIS Advisory Committee. A majority of the committee members from both groups is the same, except the ACAJ has more members, is more visible, and meets more often. As a subcommittee, we opted to take that BDR and roll it under the ACAJ. That will align with the process that the FBI’s Advisory Policy Board has in place in regards to all of their committees and working groups. A document has not been created as of today; however, the request has been submitted for consideration.

Additionally, Nathan Hastings attended this meeting on behalf of Katie Brady. As a result, Katie is not able to present her portion pertaining to this and asked that this be tabled until the next meeting.

No questions or objections, this agenda item was tabled.

**Agenda Item 6 - For Discussion: Update the Committee on the status of NCJIS Modernization Phase 2, which includes rewriting the computerized Criminal History (CCH) System; the message switch upgrades (JLink) and the Offender Tracking and Information System. Present the proposal for Phase 3 of the NCJIS Modernization, which includes enhancements to the CCH (yet to be defined), rewrite of the Protection Order System, and rewrite of the Point of Sale, Civil Applicant, Civil Name Check Systems and replacement of the Accounting System – Linda Kennedy**

Linda Kennedy presented a Power Point and provided handouts for all the members. These handouts were included in each member’s packet and available for the public.

The NCJIS Modernization Program Phase 2 is on schedule, on budget, and delivering to requirements. Proposed timelines have been set up to complete this project. For NCJIS Modernization Phase 3, the Point of Contact (POC) and the Computerized Criminal History (CCH) enhancements will be completed the first year of the 18/19 biennium, while the Protection Orders and civil applicant/name checks will be completed the second year of the

18/19 biennium. Throughout the two years, the accounts receivable application, a document management solution, and a user portal will be worked on so that all the projects can be turned on at the same time. However, the CCH enhancement is not dependent on anything else and can be turned on after the first year.

Assemblyman O'Neill complimented the General Services Division and the new Enterprise IT Services staff working on this project for being on schedule and on budget. He explained this is tremendously good work and he looks forward to seeing the project completed.

Julie Butler explained she is presenting to the IT Strategic Planning Committee to secure funding for this project on Thursday, July 14, 2016 for inclusion to the Governor's recommended budget.

**Agenda Item 7 – For Discussion: Update on the implementation of the Adam Walsh Act, enacted by Assembly Bill 579 from the 2007 Legislative Session, for the registration of sex offenders in this state – Mindy McKay**

Mindy McKay presented for Julie Ornellas. The implementation was rolled out as scheduled. However, another injunction was ordered that resulted in the roll-out to be rolled back. Should the court rule to implement again, the State will be ready. Ms. McKay explained, in detail, the steps for implementation.

Chief Deputy District Attorney Carroll asked why the totals from the pre-tier level counts were different from the post tier level counts.

Pat Saunders explained the reason for the increased tier level counts for the AB 579 is the pre-tier level counts included offenders that were not required to have a tier level as it was not required by the offense.

Julie Butler reiterated that we are in a holding pattern with the courts, and as soon as we have more information everyone will be advised.

No other comments or questions from the North or the South.

**Agenda Item 8 – For Discussion: National Incident Based Reporting System (NIBRS) Transition Update. The NIBRS is an incident-based reporting system in which agencies collect data on each single crime occurrence and report to the Uniform Crime Reporting Program. DPS is transitioning from the Summary system to the Incident system – Mindy McKay**

Mindy McKay explained the FBI Director James Comey formally announced a mandate for all states to discontinue their old Uniform Crime Reporting's Summary Reporting System and fully transition to the data-rich National Incident Based Reporting System for faster access to crime statistics and more robust data. The General Services Division was awarded a planning grant to help implement this project. The next phase will be the implementation for which another grant opportunity will be available. The implementation is expected to last three years to transition three reporting law enforcement agencies in Nevada. The remaining reporting law enforcement

agencies in Nevada will transition afterward in the hopes of meeting Director Comey's deadline of January 1, 2021. Agencies unable to meet the deadline will collaborate with the FBI to develop a transition plan and timeline for conversion. This transition is supported by the FBI's Advisory Policy Board, the International Association of Chiefs of Police, Major Cities Chiefs Association, Major County Sheriffs' Association, and the National Sheriffs' Association, as well as the Executive Branch of our government.

Ms. McKay provided a detailed explanation of the NCS-X Project to include a background and what this meant for the State of Nevada. Pertaining to scope, the expectation is to secure additional grant funding for the next phase of the project. A three year plan will need to be created. A timeline was provided to explain each step in the plan.

Assemblyman O'Neill asked if the Sheriff's and Chiefs were contacted for a presentation. Ms. Butler contacted Bob Roshack and requested time on the Sheriff's and Chief's agenda for the November meeting. Ms. McKay presented to them at their last meeting in Carson City.

Deputy Chief Taylor asked if this new system will be mandatory. Ms. McKay advised per NRS it is mandatory for law enforcement agencies to submit their crime statistics to the Nevada DPS. The GSD compiles the statistics and reports them annually in the State publication and then forwards the reports to the FBI.

Chief Deputy District Attorney Carroll asked if the new NOCs will be compatible with the new reporting requirements and will this be an easy switch or will there be major modifications. Ms. McKay explained this is a major portion of the project being looking into and anticipates an answer for the next meeting.

No other comments or questions from the North or the South.

**Agenda Item 9 – For Discussion: Disposition Backfill Status Update, provide a status on the number of dispositions left to enter into the Computerized Criminal History System – Erica Souza-Llamas**

Erica Souza-Llamas provided a history of the disposition backfill project.

Audits and outreach efforts conducted by the GSD staff identified that only 26 of the 78 Nevada courts were consistently reporting dispositions to GSD, while some courts discovered they hadn't reported dispositions to the GSD in over 20 years. Because of this, the GSD received approximately 931,085 backlogged dispositions since July 2014. The GSD hired temporary and permanent staff members, which was funded with a mix of grants and the Records Bureau's reserves. While the project had a slow beginning due to training and other unforeseen challenges, the staff processed an astounding 734,128 dispositions from July 2014 through the end of June 2016. This outstanding progress left approximately 196,957 remaining dispositions to be entered. The GSD staff is entering the dispositions into the state criminal history database and the FBI's criminal history database concurrently.

Through additional outreach and education all 78 Nevada courts are reporting dispositions to the GSD. The GSD Criminal Records Unit staff has done a phenomenal job at ensuring all of the current workloads, which include current dispositions now being reported from all 78 courts, are maintaining in a current state while continuing to eliminate the backlog of dispositions.

Julie Butler added that one of the enhancements from the CCH phase two presentation would be to automate the transmission of information from the State to the FBI, if funding is approved.

No questions or comments from the North or the South.

**Agenda Item 10 – For Discussion: NCJIS Technical Subcommittee Update of the meetings of the Northern and Southern Technical Sub-Committee since the April 19, 2016 NCJIS Advisory Committee Meeting – Teresa Wiley, Sparks Police Dept., and Carmen Tarrats, Las Vegas Metro PD**

Teresa Wiley, Chair of the Northern Technical Sub-Committee, advised their sub-committee met January 2, 2016 with approximately 25 members in attendance. There have been a lot of changes with their committee membership due to retirements. Ms. Wiley asked the GSD if some of the remaining members, sitting in voting positions, would be able to bring a subject-matter-expert in dispositions to attend the DPS rap sheet design meetings. Ms. Wiley was told they were not allowed to do that. Ms. Wiley brought this up in this meeting hoping for reconsideration. Their committee's intent is to have the right people attending the meeting to discuss what the Rap sheet should look like and to make sure it meets the needs of the law enforcement community.

Ms. Wiley talked about the open meeting law requirement that may affect the Northern and Southern Technical Sub-Committees, and possibly the NCJIS Steering Committee. Ms. Wiley is working with Julie Butler to find out what that actually means. The concern is if the Technical and Steering Committees are not able to meet the requirements, their September 2016 meetings will have to be canceled. Additionally, Ms. Wiley expressed her concern of the open meeting law due to the sensitive discussions that they do not want to be open to the public.

Assemblyman O'Neill confirmed the Attorney General's Office is requesting the committees to meet the open meeting laws even though during the Technical Committee meetings, sensitive, confidential and secure information is discussed which will be made public.

Julie Butler provided clarification; at the April 2016 meeting the question was asked if the sub-committee's meetings were subject to the open meeting law. Deputy Attorney General Katie Brady researched and found case law that said both the Technical Subcommittees and the Steering Committee need to be subject to the open meeting law. This news was disconcerting because the committees do discuss sensitive and secure information. To get around this, the committees would have to have a statutory exemption. A bill draft request is being looked into to fold all the committees into the Advisory Commission on the Administration of Justice that will allow these committees to have an exemption from the OML; because of sensitive matters and system designs. The Department of Homeland Security is also struggling with this issue.

Ms. Wiley also explained their meetings are used for training as well.

Carmen Tarrats, the Terminal Agency Coordinator for the Las Vegas Metropolitan Police Department and the Chair for the Southern Sub-Committee, explained their concerns pertaining to the open meeting law; to include whether or not the members would continue to attend the meetings if they are subject to the open meeting law.

No additional questions or comments from the North or the South.

**Agenda Item 11 – For Discussion: Overview and status of other information technology projects of the General Services Division including:**

**RapBack:** Pursuant to SB 502 from the 2013 session, RapBack will enable the Repository to inform the Health Division of subsequent criminal activity after the initial pre-employment background check for long-term health care worker.

**Criminal History Disposition Backfill Tool:** This is an automated tool intended to make it easier for the Repository staff to match court dispositions with arrest records in order to complete rap sheets.

**All Arrestee DNA:** Pursuant to SB 243 of the 2013 session, this bill requires the collection of a DNA sample for all felony arrestees. The Repository and the State Forensic labs have been working on an IT project to facilitate this collection. – Greg Fisicaro

Greg Fisicaro provided an update with the following:

- RapBack is currently in process. GSD staff is actively testing RapBack with the Health Division and working on the manual processes on the GSD side to move forward the employment suitability determinations as they come through the system. The Health Division is looking for a grant extension on their end due to technical and backlog issues. The GSD is working with the Health Division and should be finished with the GSD side shortly.
- Criminal History Disposition Backfill Tool is on task and moving forward. The tool has been in the final User Acceptance Testing (UAT) phase for about two months.

Julie Butler added the GSD acknowledges the criminal history records housed by the Repository are not complete. The intention of the tool is to reach out to the courts electronically, on a court-by-court basis, to see what dispositions they have in their records management system and match them with ours. We are looking to use systems to move data rather than people looking up the information and manually updating. This is one piece to complete this puzzle.

- All Arrestee DNA is in the finalized testing with EITS staff and the state forensic laboratories. Once finalized, within the next few weeks, we will be able to implement the item.

Julie Butler added this tool will notify the criminal justice agencies of the SID (state ID number) when they book individuals to assure the DNA collected is fingerprint verified.

No questions or comments from the North of the South.

**Agenda Item 12 – Public Comment**

No questions or comments from the North or the South.

**Agenda Item 13 – For possible action: Adjournment**

Motion was made and seconded, all approved, and the meeting adjourned at 3:10 p.m.