



Central Repository for Nevada Records of Criminal History

Advisory Commission on the Administration of
Justice

March 28, 2018

Mindy McKay
Records Bureau Chief

STATUTORY AUTHORITY

- Housed within the Records, Communications and Compliance Division (RCCD) of DPS (NRS 480.130, 480.140, 179A.075)
 - Collect and maintain records, reports, and compilations of statistical data submitted by each agency of criminal justice and any other agency dealing with juvenile delinquency
 - Collect, maintain, and arrange all information regarding:
 - ✓ Records of criminal history
 - ✓ DNA profile of a person from whom a biological specimen was obtained
 - Use a record of personal identifying information (biometric) of a subject as the basis for maintaining any records regarding him/her



CRIMINAL JUSTICE FUNCTIONS

- Centralized storage facility for Nevada Arrest and Disposition Records
- Fingerprint-based background checks for employment, licensing, and individuals providing services to vulnerable populations (various State and Federal statutes)
- Nevada Offense Codes program
- FBI CJIS Systems Agency for State of Nevada (28 CFR Part 20)
- NCJIS Compliance Unit (Training and Auditing) (28 CFR Part 20)



OTHER SERVICES

- State Sex Offender Registry (NRS 179B, 179D)
- Point of Contact Program for firearms transfers
(18 USC 922 (g, n))
- Name-based background checks for employment purposes
(NRS 179A)
- Uniform Crime Reporting Program
 - ✓ Arrests (NRS 179A.078)
 - ✓ Domestic Violence Protection Order Registry
(NRS 179A.350)
 - ✓ Elder Abuse Reporting Repository (NRS 179A.450)



INFORMATION SECURITY UNIT

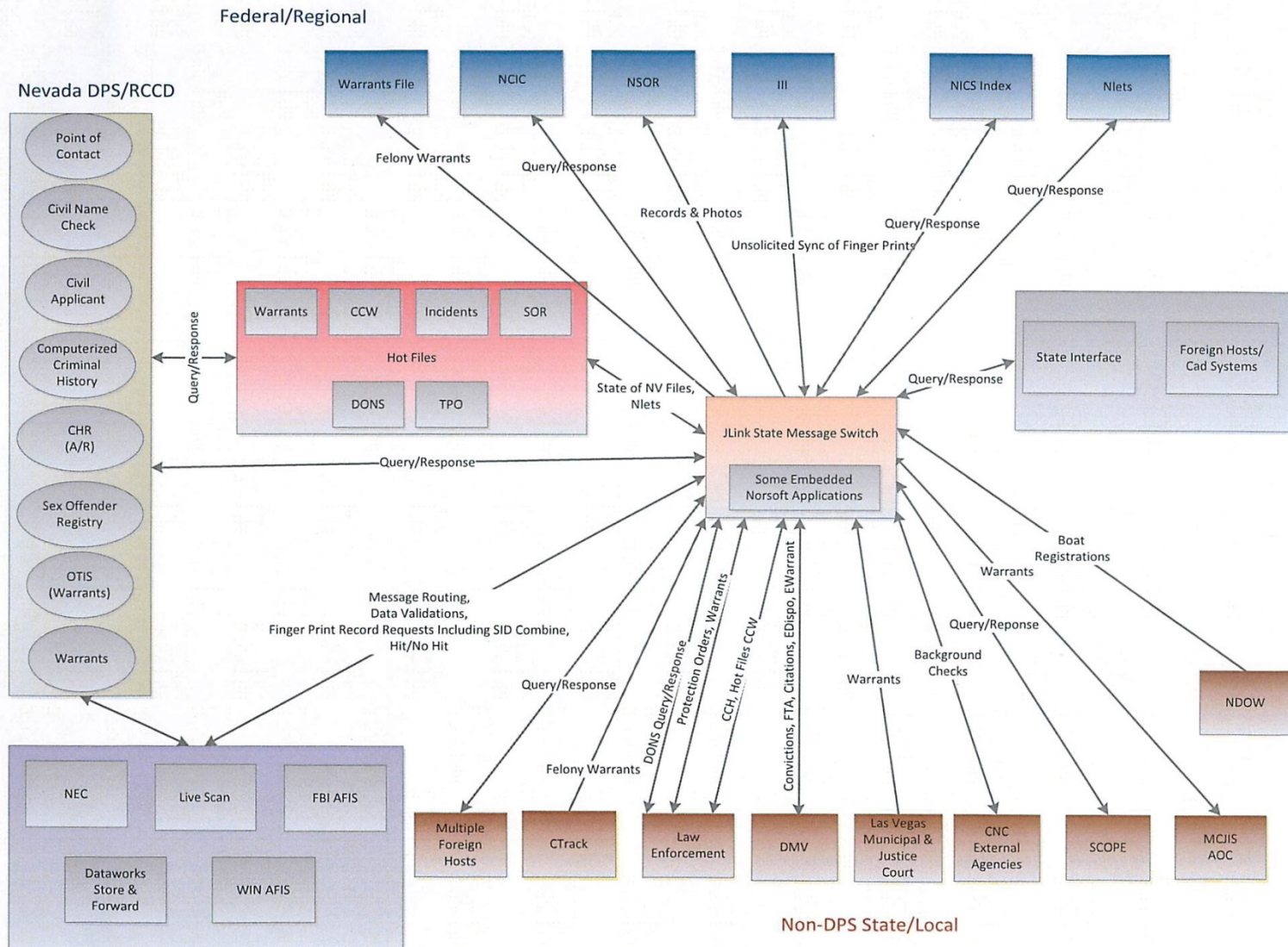
- Security Point of Contact to the FBI's Criminal Justice Information Services (CJIS) Division and to Enterprise IT Services (EITS)
- Documents technical compliance with FBI and State Security Policies to ensure confidentiality, integrity, and availability of criminal justice and departmental information.
- Documents and provides assistance for implementing security-related controls for systems that interact with FBI CJIS Systems, NCJIS, and other DPS systems.
- Reports security breaches / issues to FBI CJIS Division, Enterprise IT Services, and/or DPS Director, depending on the issue.
- Resource for DPS Divisions and Nevada criminal justice agencies when designing, modifying, and decommissioning electronic systems.



NEVADA CRIMINAL JUSTICE INFORMATION SYSTEM

- Nevada Criminal Justice Information System (NCJIS): the computerized information system created to serve all state, federal, and local law enforcement and criminal justice agencies in Nevada that require criminal justice information
- Conduit through which Nevada criminal justice agencies access information systems of Nevada criminal justice agencies, the Federal Bureau of Investigation, other states, and international criminal justice agencies (e.g., Interpol, RCMP)
- Managed by the Central Repository within RCCD
- IT services and support provided by Enterprise IT Services, a division of the Department of Administration





NCJIS MODERNIZATION

- Began in FY 2012 with a study to examine the best path forward to modernize critical systems within NCJIS, to include:
 - Computerized Criminal History (CCH) System
 - Parole and Probation's Offender Tracking Information System (OTIS)
 - Temporary Protection Orders
 - Law Enforcement Message Switch (Justice Link)
- 2014- 2015 Biennium
 - Middleware and back-end systems upgraded
 - Defined requirements for CCH and OTIS replacements
- 2016-2017 Biennium
 - CCH requirements and coding begun
 - OTIS requirements and coding begun
 - TPO requirements gathered
 - Message switch upgraded



NCJIS MODERNIZATION, CONT.

- 2018-2019 Biennium
 - CCH Phase 1 go-live scheduled for April 8, 2018
 - OTIS go-live scheduled for June 30, 2018
 - TPO go-live scheduled for April 15, 2018
 - Identify a new message switch vendor
- 20-21 Biennium
 - Implement new message switch
 - Replace the three background check systems of the RCCD Records Bureau (Civil Applicant, Civil Name Check, Point of Contact)
 - Replace Records Bureau's accounting system
 - Document management
 - User Portal
- 22-23 Biennium
 - Warrants system replacement
 - User requests from Nevada criminal justice agencies
 - Disaster Recovery
 - Application refresh



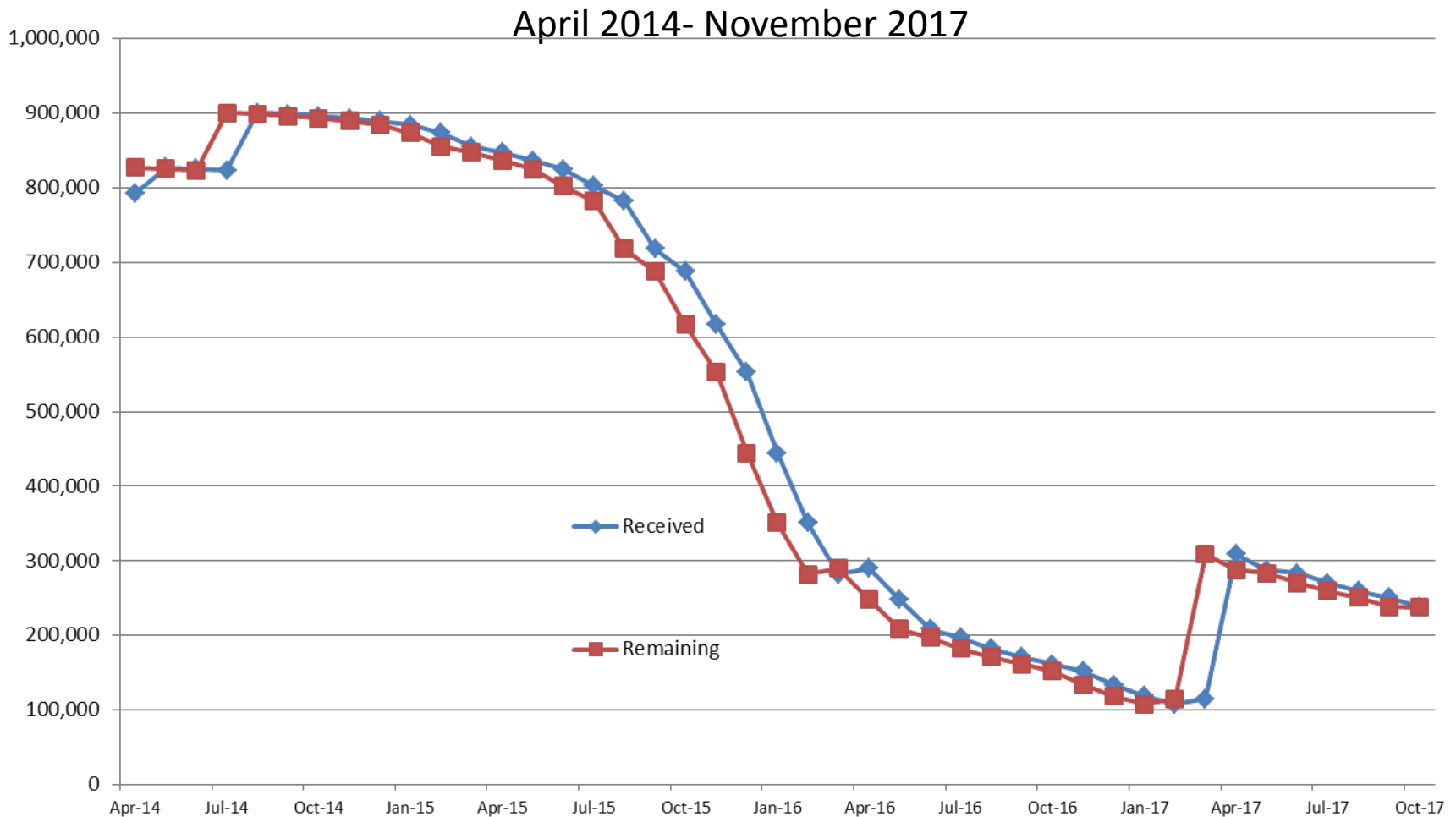
DISPOSITION BACKFILL HISTORY

In October 2013:

- Total arrests without dispositions = 1,249,731
- Only 29 Courts reporting to the Repository
- By December 2013 received 799,147 dispositions
- Began outreach to request submission of missing dispositions from all courts, which produced even more dispositions, bringing the total to > 900k



DISPOSITION BACKFILL HISTORY



CURRENT DISPO STATUS

- All Nevada courts are reporting consistently
- Eliminated backfill mostly, with exception of a few stragglers
- Data entry current on “current” dispositions
- Records completion has improved to 59% compared with 23% in 2014
 - Total arrests as of 03/20/18 = 2,142,539
 - Total arrests with dispositions as of 03/20/18 = 1,270,408



NOW AND FUTURE

- E-Dispo FBI Backfill
- SOR/NSLA boxes
- Previous Records Conversion Clean-Up
- Criminal history record database modernization go-live
- Correlation project
- Fingerprint vault reorganization
- Continued Outreach & Education
- Criminal history record database modernization Part 2



DNA Expungement Process

1. Log receipt of application.
2. Review application for accuracy.
3. If required information is not included then return application with a letter that lets the subject know additional information is required.
4. If required information is included, forward application to the Lab via secured method (through the Law Enforcement Electronic Portal – LEEP).
5. Staff waits for the Lab's response.
6. Compliance letter is mailed to the subject.





DNA EXPUNGEMENT APPLICATION FORM

DNA EXPUNGEMENT APPLICATION FORM

REQUEST TO THE CENTRAL REPOSITORY OF NEVADA RECORDS OF CRIMINAL HISTORY TO EXPUNGE MY CODIS AND STATE DNA DATABASE PROFILE AND DESTROY MY SAMPLE

Name (name(s) used at the time of the collection): _____

Mailing Address: _____
City State Zip Code

Social Security Number (SSN): _____

Date of Birth (DOB): _____

Nevada State Identification Number (SID): _____ (insert number if known)

Pursuant to NRS 176.09123, if a person is arrested for a felony or certain other specified offenses, the law enforcement agency making the arrest shall obtain a biological specimen from the person and submit the biological specimen to the appropriate forensic laboratory for genetic marker analysis.

On or about _____ (date/year), I provided a DNA sample for inclusion in the Nevada state DNA database and CODIS (NRS 176.09123) to a law enforcement agency in _____ City, under the name I listed above.

To the best of my knowledge, the charge for which my DNA database sample was taken was: _____

(describe or name/s of charge/s).

I request that my biological specimen be destroyed and the DNA profile and DNA record be purged from the designated Forensic Laboratory (pursuant to NRS 176.0917), the State DNA Database and CODIS on the following grounds:

(CHECK ONE AND ATTACH THE DOCUMENTATION DESCRIBED)

A. The arrest/conviction which formed the basis of my DNA collection has been resolved by:

- ☐ 1. A dismissal — The felony charge(s) which formed the basis of my DNA collection was dismissed. [Attach a certified copy of the court docket or minute order dismissing the charge(s), or a trial court's Clerk Certificate verifying this fact.]
- ☐ 2. Successful completion of a pre-prosecution diversion program [Attach a certified copy of the court docket or minute order making this ruling.]

FORM CONTINUED ON THE BACK OF THIS PAGE

- ☐ 3. Conditional discharge [Attach a certified copy of the conditional discharge]
- ☐ 4. Acquittal — I was acquitted or found not guilty of the offense which qualified me for inclusion in the Nevada state DNA database and CODIS. [Attach a certified copy of the court docket or minute order making this finding.]
- ☐ 5. An agreement entered into by a prosecuting attorney and the defendant in which the defendant, in exchange for a plea of guilty, guilty but mentally ill, or nolo contendere, received a charge other than a felony. [Attach a certified copy of the court minutes]

B. ☐ No qualifying charges were or will be filed within three (3) years after the date of arrest. [Attach sworn affidavit from the arresting law enforcement agency, providing case name and number, and certifying that no charge(s) will be filed based on the arrest or attach a certified copy of a complaint reflecting that only misdemeanor charge(s) were filed based on the arrest.]

I certify to the best of my knowledge that all of the following statements are true:

A. I have no past or present criminal offense that qualifies me for inclusion in the Nevada state DNA database and CODIS.
[Note: (1) If you provided a DNA sample after you were validly convicted of a felony, the fact you subsequently had that felony conviction expunged (NRS 179.245, 178A.265, 179.259 and 453.3365), or reduced to a misdemeanor, does not entitle you to also have your DNA profile expunged or sample removed from the Nevada state DNA database and CODIS. (2) If you provided a DNA sample after a conviction for a misdemeanor and had any past felony conviction at that time, your sample is not eligible for expungement or removal from the Nevada state DNA database and CODIS.]

B. I have no past or present duty to register as a sex offender. [NRS 179D.445, 179D.460 or 179D.480]

C. I did not provide a DNA sample as a part of a plea bargain.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: _____ at _____, State of _____
(Date) (City) (State)

Print Name: _____

Signature: _____
(person requesting DNA profile expungement and sample removal)

MAIL THE REQUEST FOR DNA SAMPLE EXPUNGEMENT TO:
Central Repository of Nevada Records of Criminal History
Attn: Fingerprint Support – Criminal Unit
333 W. Nye Lane, Suite 100
Carson City, Nevada 89706

For State Repository use only:

Received date: _____
Received by: _____
Sent to Forensic Lab: Washoe County or Las Vegas
Sent on date: _____
Sent by: _____

For Forensic Laboratory use only:

Received date: _____
Received by: _____
Expungement: Granted or Denied
Expungement date: _____
State Notified on date: _____





Records, Communications and Compliance Division
Criminal Records Unit
333 West Nye Lane, Suite 100
Carson City, Nevada 89706
Telephone (775) 687-0196 - Fax (775) 687-3284
www.rccd.nv.gov

Julie Butler
Division Administrator

DATE: March 5, 2018
RE: DNA Expungement Request

NAME:
ADDRESS:

This office is in receipt of your request for destruction of the biological sample obtained by the arresting agency pertaining to the above mentioned individual. The following action has occurred

- ☐ The results of the information provided indicate the expungement request has met the requirements within Nevada Revised Statute (NRS) 176.09125. The State of Nevada and the associated Forensic Laboratory **have destroyed and removed the DNA profile/record** from the Nevada Criminal Justice Information System (NCJIS) and the State DNA Database and the Combined DNA Index System (CODIS).
- ☐ The results of the information provided indicate the expungement request does not meet the requirements within Nevada Revised Statute (NRS) 176.09125 as indicated below. The State of Nevada and the associated Forensic Laboratory **have not destroyed or removed the DNA profile/record** from the Nevada Criminal Justice Information System (NCJIS) and the State DNA Database and the Combined DNA Index System (CODIS).
- ☐ 176.09125.1(b)(1) The individual had a felony conviction.
- ☐ 176.09125.1(b)(2) Additional felony charge within 3 years after the date of arrest.
- ☒ **Your request has been rejected** for one of the following reasons indicated below. **Please correct and re-submit.**
- ☐ Application incomplete
- ☒ Missing required documentation pursuant to NRS 176.09125(2)(b)(1)
- ☒ A.1 Certified copy of dismissal
- ☐ A.2 Certified copy of diversion program completion
- ☐ A.3 Certified copy of conditional discharge

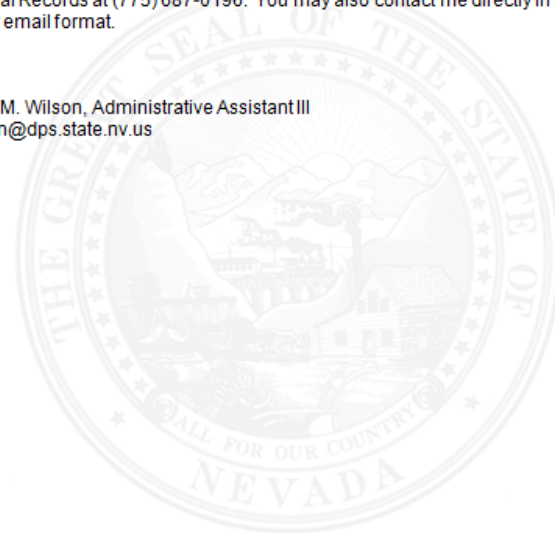
- ☐ A.4 Certified copy of acquittal
- ☐ A.5 Certified copy of plea agreement

☐ Missing sworn affidavit from the law enforcement agency that submitted the biological specimen that no felony charges arising from the arrest have been filed within 3 years after the date of arrest, pursuant to NRS 176.09125(2)(b)(2).

☐ Other:

Should you need further assistance please contact the Fingerprint Support Unit – Criminal Records at (775) 687-0196. You may also contact me directly in writing, via mail or email format.

Nicole M. Wilson, Administrative Assistant III
nwilson@dps.state.nv.us



DNA Expungements

Total DNA Expungement Requests Received by RCCD	286
DNA Expungement Requests Received by RCCD in CY 2017	81
DNA Expungement Requests Received by RCCD in CY 2018 year-to-date	17
Total DNA Expungement Requests Rejected by RCCD before going to the Labs	204
Total DNA requests forwarded by RCCD to the Labs	63
Total DNA Expungement Requests granted by the Labs	60
Total DNA Expungement Requests denied by the Labs	2
Total DNA Expungement requests pending a decision by the Labs	1



