

NEVADA DEPARTMENT OF PUBLIC SAFETY



Records & Technology Division Records Bureau

Strategic Business Plan
July 21, 2006



**Department of Public Safety
Records & Technology Division
Records Bureau**

**Strategic Business Plan
Fiscal years 2007 - 2011**

Budget Account #: 4709

Budget Title: Criminal History Repository

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Submitted by: Captain Philip K. O'Neill, Chief

As the author of this Strategic Business Plan, I would like to thank the staff of the Records and Technology Bureaus for their knowledge, assistance, and most of all patience as this plan was developed. It was your help that made this Plan possible. Thank you.

Julie A. Butler, Program Officer III
Department of Public Safety
Records and Technology Division
Records Bureau
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EXECUTIVE SUMMARY

Purpose of the Strategic Business Plan

The purpose of this Strategic Business Plan (the Plan) is to identify the current and future operational and technological challenges facing the Records Bureau of the Department of Public Safety and to set forth a plan for dealing with those challenges in a logical, clear, and cost-effective manner. While the Plan specifically covers fiscal years 2007 - 2009, it provides insight into operations projected for the 2009 – 2011 biennium. To address both the Bureau’s needs and the needs of its customers, the Plan focuses on the organization’s automation and business processes including the logic behind the recommendations for staffing and process improvement. Each recommendation is designed to complement the Bureau’s mission and vision of becoming the premier criminal history records repository in the nation and a model that other states wish to emulate.

History of the Records Bureau

The Records Bureau, more commonly known as the Criminal History Repository, was established in 1985 as a part of the Nevada Highway Patrol Division. Its mandate was simple: to be the state’s “file cabinet” for records of criminal history provided to it by criminal justice agencies at the local, state, and federal levels. The Repository was further mandated to maintain fingerprints of individuals with criminal history records as a means of positive identification. The Repository’s statutory authority is derived from Nevada Revised Statutes (NRS) 179A through 179D.

The Repository was originally funded with a combination of General Fund appropriations and federal grants made available under the Justice Assistance Act of 1984. However, as the years passed the revenue supporting the Repository gradually shifted away from the General Fund and toward Court Assessments and fees for services.

Along with the gradual shift in revenues supporting the Repository since its inception, its statutory mandates gradually expanded to allow certain governmental regulatory agencies, licensing bodies, and private non-profit employers access to the Repository’s records through fingerprint-based criminal background checks for people working in positions of trust. Such positions include, but are not limited to: individuals working with children, the elderly, and/or disabled persons; individuals working in financial institutions and/or the banking industry; and positions where money or property exchanges hands.

As a result of the federal Brady Handgun Violence and Prevention Act of 1984, the Repository added a program for federally-licensed firearms dealers to run criminal background checks on potential purchasers of handguns and long guns. In 1998, the Civil Name Check program was implemented, which allowed the casino industry to run name-based criminal

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background checks of potential employees in non-sensitive positions (e.g., maids, cooks, bus persons). And in 2001, the Sex Offender Registry program was officially transferred from the Parole and Probation Division to the Repository.

As the revenues supporting the Repository shifted and the new mandates/programs gradually took effect, the Repository found itself having to supplement its criminal history functions with user fees paid by civil applicants and/or their employers, firearms dealers, and the casino industry. The subsidies were allowed to continue despite projections that eventually this practice would land the Repository in financial trouble.

As predicted, in FY 2002 the Repository started experiencing financial difficulties resulting from the civil program subsidies and an administrative decision that the Repository would have to pay the full costs for maintaining the law enforcement messaging switch, which is the mechanism used to transmit criminal history information to local, state, and national criminal justice agencies. The terrorist activities of September 11, 2001, also impacted the Repository. As the events of that tragic day rippled throughout the national and state economies, the economic slowdown that followed further impacted the Repository's fee-based revenue streams.

As a result, the Repository found itself "upside down" with respect to its revenues and expenditures. Positions were left vacant, and cuts in every budget category were made in an effort to bring the budget in the black, but to no avail. The Repository had to seek General Fund advances and loans from the Interim Finance Committee's Contingency Fund just to stay afloat. Due to the staffing vacancies, huge backlogs developed in all program areas, some of which continue to this day. The financial difficulties continued throughout fiscal years 2003 and 2004. The cycle was broken in FY 2005 when fee increases were sought, and approved, for the Brady and Civil Name Check programs.

Current Needs

Today the Records Bureau finds itself financially healthy and almost fully staffed. Sixty out of 67 legislatively authorized positions are filled, and the remaining positions are in various stages of recruitment. However, each program area is still experiencing operational challenges stemming from the financial crisis of fiscal years 2002 – 2004.

Of the six operational units within the Bureau, the greatest need is in the Fingerprint Unit. Since FY 2003, the number of criminal fingerprint submissions has increased by approximately 16%, and the number of civil applicant fingerprint submissions has increased by approximately **66%**, yet the number of staff and the amount of equipment to process this additional volume of work has remained the same. As a result, huge backlogs of fingerprint submissions, court dispositions, and criminal records that need corrections must be addressed.

Workload increases also have been experienced in the Bureau's other units, namely in the Brady, Civil Name Check, and Sex Offender Registry programs. If the past is any indication, all program areas will experience growth in the years to come as more and more public attention is focused on criminal background searches for civilian purposes and on keeping track of sex offenders.

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Recommendations

To address the tremendous growth in the Bureau's programs, the Plan recommends adding positions in almost all units and automating and/or streamlining business processes. If the projections of the Bureau's workload are realized, the Bureau will be able to pay for these changes out of a reduction to its budgetary reserve and will have sufficient cash to begin each fiscal year from 2007 – 2011.

Some of the specific recommendations are as follows:

- Staff has had to deal with greater quantities of work to stay caught up and provide accurate and timely information to the Bureau's customers.
 - A time and motion study should be conducted to help determine the amount of staff and the type of equipment necessary to accomplish the Bureau's mission. The time and motion study should include every unit within the Bureau, with specific concentration in the Fingerprint Unit.
 - The civil applicant background check process should be automated. A pilot program is currently underway, supported by federal grant funds from the State Health Division, for electronic civil applicant fingerprint submissions.
- Because the information being provided is automated to one degree or another, staff has had to deal with limited amounts of equipment and/or outdated software to complete an ever-increasing workload.
 - While computer equipment is important, the need for relevant software is equally important to the functioning of the Bureau. Efficient, effective software must be developed in-house or purchased from an outside vendor to facilitate the timely operation of the Bureau.
 - Disaster recovery capabilities must be implemented to ensure the security and integrity of the Bureau's data and the safety of the law enforcement community and the public.
- Staffing increases and/or reclassifications are recommended throughout the Bureau in order to catch up to the existing workload and achieve the Bureau's data quality and customer service goals.
 - A Bureau Manager is needed to more effectively oversee Bureau's daily operations.
 - Additional positions are recommended for the Fingerprint Unit, the Brady Point-of-Sale Program, and the Sex Offender Registry Program.

1. TYPE of PLAN: Enhancements to Existing Programs

2. GENERAL DESCRIPTION OF PLAN

The purpose of this Strategic Business Plan is to identify the current and future management and technological challenges facing the Records Bureau, more commonly known as the Criminal History Repository, of the Department of Public Safety, Records and Technology Division, and to outline a plan to address those challenges in a logical, consistent, and cost-effective manner.

The Plan centers around the critical staffing and technology issues that must be addressed during fiscal years 2007, 2008, and 2009 in order for the Records Bureau to uphold its statutory mandate to “collect, maintain, and arrange all information...relating to records of criminal history”¹ and serves as a guide for the future direction of the Records Bureau during the 2007 – 2009 biennium and beyond. The Plan does not address the more routine, “housekeeping” issues that may arise during the day-to-day operations of the Records Bureau. Detailed descriptions of the staffing and technology issues identified for the current and future biennia may be found in Section 5 of this Plan and in the various attachments.

The technology projects that must be completed during the remainder of the 2005 – 2007 biennium in order for the Records Bureau to comply with its statutory mandates are listed below in priority order. Some of these projects already have been approved by the Nevada Legislature’s Interim Finance Committee, and others are pending approval in FY 2007. Funding for these projects will come from a reduction to the Records Bureau’s Reserve category (100%), which has increased substantially since FY 2005 when fee increases took effect for the Civil Name Check and the Brady Point-of-Sale (firearms) programs. Aside from a miniscule amount of General Funds to allow the Bureau access to the Interim Finance Committee’s Contingency Fund, the Records Bureau receives no General Fund or Highway Fund support.

The projects proposed for FY 2007 were not included in the Records Bureau’s 2005 – 2007 biennial budget. In an agreement with the Department of Information Technology (DoIT), the Records and Technology Division was instructed *not* to develop Technology Improvement Requests (TIR) for projects that cannot be completed in-house until it could be determined that these projects were a priority from a Department standpoint and that funding was going to be available.

The Records Bureau has now confirmed that these projects are, in fact, a Department priority and that sufficient funds will exist in the Bureau’s FY 2007 Reserve category to pay for them. TIRs have been developed and approved by the Department of Information Technology. The next step is for the Bureau to request approval to implement them from the Nevada Legislature’s Interim Finance Committee. Projects proposed for the 2007 – 2009 biennium have been requested in the agency request budgets of the Records and Technology Bureaus (budget accounts 4709 and 4733, respectively).

¹NRS 179A.075(4)

It should be stressed that the dollar amounts associated with these projects are the Records Bureau's best *estimates* and are based upon information that is known as of July 10, 2006. As the scope of work for each project is refined and an in-house assessment or Request for Proposals is completed, the actual costs will likely change based upon improvements in technology and/or modifications to the scope of work based upon new or additional information.

By placing these projects within the larger context of an overall Strategic Business Plan, it will demonstrate to the Executive and Legislative Branches of state government, the myriad criminal justice agencies with whom the Records Bureau comes into contact, and to Nevada's citizens that these projects are necessary to upholding the Records Bureau's statutory mandates and have not been piecemealed or planned without concerns for the longer-term implications. Rather, these projects are interlinked and are critical to the missions of the Department of Public Safety and the Records and Technology Division.

2005 – 2007 Biennium Technology Project Descriptions	Projected Costs FY 07	FY 08	FY 09	Status
1. Eliminate backlog of criminal and juvenile fingerprint cards, Triple I errors, and court dispositions.				
a. Criminal Error Cards	\$13,029	Remainder of any left from FY 07	Remainder of any left from FY 08	To begin in September 2006
b. Criminal & Juvenile Card Conversion	\$128,427	\$0	\$0	Approved by BOE on 6/8/06 and IFC 6/13/06
c. Card Identification after Conversion	\$33,780	Remainder of any left from FY 07	Remainder of any left from FY 08	To begin in September 2006
d. Triple I Errors (\$25,616 from federal grant and \$5,123 from Records Bureau)	\$30,739	Remainder of any left from FY 07	Remainder of any left from FY 08	Subgrant from Office of Criminal Justice Assistance
e. Dispositions (\$88,346 from federal grant and \$17,669 from Records Bureau)	\$106,015	Remainder of any left from FY 07	Remainder of any left from FY 08	Subgrant from Office of Criminal Justice Assistance
2. Migrate from the current mainframe-based technology for the Nevada Criminal Justice Information System (NCJIS) and ancillary databases housed by the Records Bureau to client/server technology. This migration consists of the following projects:				

2005 – 2007 Biennium Technology Project Descriptions	Projected Costs FY 07	FY 08	FY 09	Status
a. Programming & Circuit Costs	\$317,205	\$98,250	\$98,250	Approved by IFC 4/4/06
b. Warrants System Re-write	\$661,500	\$0	\$146,212	Approved by IFC 4/4/06
c. Civil Name Check Re-write	\$204,500	\$0	\$30,000	Submitted to 9/12/06 IFC for approval
d. Civil Applicant & Civil Name Check Accounting Module	\$207,500	\$0	\$30,000	Submitted to 9/12/06 IFC for approval
➤ Health Division Pilot Program for Electronic Fingerprint Submission (NRS 449) (\$15,190 from Health Division subgrant and \$4,800 from Records Bureau)	\$19,9190	\$7,200	\$7,200	Submitted to 9/12/06 IFC for approval
➤ State Identification Number (SID) Assignment Rewrite	To be determined	To be determined	To be determined	Scope of work in development
e. Dangerous Offender Notification System Re-write	\$100,000	\$0	\$15,000	Submitted to 9/12/06 IFC for approval
3. Additional Systems Area Network Storage Capacity	\$91,302	\$0	\$0	Submitted to 9/12/06 IFC for approval
2007 – 2009 Biennium Technology Project Descriptions	Projected Costs FY 08	Projected Costs FY 09	Projected Costs FY 10	Projected Costs FY 11
1. Disaster Recovery Infrastructure Plan for the NCJIS and ancillary databases housed by the Records Bureau. (Figures from NEBS, E586, 7/12/06, 2:30 p.m.)	\$1,938,731	\$149,849	\$149,849	\$149,849
2. Criminal History Arrest & Administration System Re-write	\$198,000	\$18,000	\$18,000	\$18,000
3. Nevada Offender Code Re-write	\$63,300	\$6,000	\$6,000	\$6,000
4. Court Dispositions to FBI	\$38,160	\$3,600	\$3,600	\$3,600
5. N-DEx Participation: Nevada Share Project for Police Incident Reporting and Criminal History Rap Sheet to XML (possible subgrant from the Las Vegas Metropolitan Police Department. Still in negotiations as of July 10, 2006)	In negotiations	To be determined	To be determined	To be determined
6. Civil Applicant Response	\$19,050	\$3,000	\$3,000	\$3,000

7. Sex Offender Registry Statewide Bulletin Dissemination	\$49,440	\$2,400	\$2,400	\$2,400
8. Web-Based Brady Front-End	\$38,160	\$3,600	\$3,600	\$3,600
9. California Law Enforcement Telecommunications Network Access Fees (Still in negotiations as of July 10, 2006. To be cost allocated in the Technology Bureau's budget.)	In negotiations	To be determined	To be determined	To be determined
10. GangNet State Interface (To be cost allocated in the Technology Bureau's budget.)	\$135,143	\$76,893	\$76,893	\$76,893

3. AGENCY VISION, MISSION AND GOALS

National Objectives

The objectives of the U.S. Department of Justice, Bureau of Justice Statistics' Criminal History Improvement Program are to *“ensure that accurate records are available for use in law enforcement, including sex offender registry requirements, and to protect public safety and national security, and to permit states to identify*

- *Ineligible firearm purchasers;*
- *Persons ineligible to hold positions involving children, the elderly, or the disabled;*
- *Persons subject to protection orders or wanted, arrested, or convicted of stalking and/or domestic violence;*
- *Persons ineligible to be employed or hold licenses for specified positions; and*
- *Persons potentially presenting threats to public safety.”²*

Department

The *Mission* of the Department of Public Safety is to provide services in support of protecting Nevada's citizens and visitors by promoting safer communities through prevention, preparedness, response, recovery, education, and enforcement.

One of the Department's goals is to improve the technology support systems for the Department of Public Safety and its stakeholders. This goal ties directly to the Governor's Functional Goal of maximizing the use of the Internet and other technology to make government more accessible and economical.

² U.S. Bureau of Justice Statistics, National Criminal History Improvement Program (NCHIP) home page at <http://www.ojp.usdoj.gov/bjs/nchip.htm>

Bureau

The *Vision* of the Records Bureau is to be the premier criminal history records repository in the nation and a model that other states wish to emulate.

The *Mission* of the Records Bureau is to provide accurate, timely, and appropriate public safety information to the Divisions within the Department, to the law enforcement community and to the citizens of Nevada using state-of-the-art technology.

The *Goals* of the Records Bureau are to:

- Improve the quality of all criminal history records maintained by the Bureau; and
- Improve customer service by providing criminal history information in an accurate, timely and cost-effective manner.

In order to further the national objectives and to achieve the goals of the Department and the Bureau, changes in staffing and improvements in technology must be made during Fiscal Years 2007, 2008, 2009, and beyond. To that end, the projects proposed herein will improve the environment in which criminal history information is accessed and stored, thereby allowing for greater system accuracy, functionality, reporting capability, and faster response times. These benefits will be realized not just by the Records Bureau, but by all users of the criminal history information it houses – from the Sheriff’s Office in Nye County to the Federal Bureau of Investigation in Washington, D.C., and the businesses, non-profits and volunteer organizations in between.

4. BACKGROUND INFORMATION

4.1. Records and Technology Division Background

The Records and Technology Division is new as of July 1, 2005. Previously, the Records Bureau, which houses the Criminal History Repository, existed as a section within the Nevada Highway Patrol (NHP). It remained there until Senate Bill 452 of the 2005 Legislative Session was approved, which removed the Repository from the Nevada Highway Patrol and established it under the Department of Public Safety (DPS). Although in this document, the words *Records Bureau* and *Repository* are used interchangeably, there is a distinction between the two. The Repository is the section of the Records Bureau that houses the criminal history records of all offenders in Nevada and includes the Fingerprint Technical Support and Fingerprint Data Entry units of the Bureau. The Records Bureau houses the Division Chief’s Office and several other programs as listed below, but does not officially exist in statute as the “Records Bureau.”

The Technology Bureau was its own division within the Department although it, too, did not exist in statute. It started as the primary technical support for the Criminal History Repository’s Nevada Criminal Justice Information System (NCJIS), which is the backbone of all state criminal history data, and gradually expanded to provide

information technology services to other divisions within the Department as the needs arose. Its authority was inferred from the various enabling statutes of the other divisions within the Department.

As SB 452 was making its way through the Legislature, the DPS Director made the decision to merge the Records Bureau and the Technology Division into the Records and Technology Division. Doing so recognizes the dependent relationship between the two: the Records Bureau cannot exist without NCJIS, which is supported by the Technology Bureau, and the Technology Bureau receives approximately 50% of its Programming budget, 86% of its Systems budget, and 58% of its overall operating budget from funding passed through from the Records Bureau. Additionally, the other programs managed by the Records Bureau, namely:

- Civil Applicant (fingerprint-based) Background Checks;
- Civil Name Background Checks;
- Brady Point-of-Sale Program (background checks for firearm purchases);
- State Sex Offender Registry;
- Temporary Protection Order Registry; and
- Dangerous Offender Notification

rely heavily on the Technology Bureau for maintenance and support of the computer hardware and software that run these programs. While the two Bureaus are closely linked and share many of the same goals, the focus of this Strategic Business Plan is on the Records Bureau only. Current and proposed organizational charts are provided in Attachment A.

The Division has submitted a Bill Draft Request to the Department of Administration for consideration by the 2007 Nevada Legislature to formally establish the Records and Technology Division within the Department of Public Safety under NRS 480.130 and 480.140 and to amend NRS 179A.075 to specify that the Criminal History Repository is established within the Records and Technology Division.

4.2. Historical Perspective

As mentioned previously, the State's Central Repository for Nevada Records of Criminal History was established as a section of the Highway Patrol Division of the Department of Motor Vehicles by Assembly Bill 186 of the 1985 Legislative Session. The intent of the Repository was to locate the State's criminal history records in a centralized location for ease of accessing, tracking, maintaining, and reporting criminal history information to the law enforcement community state- and nationwide. The bill required each criminal justice agency in the State of Nevada to submit their criminal history records to the Repository and for the Repository to "collect, maintain, and arrange all records of criminal history submitted to it" and to "use a record of the subject's fingerprints as the basis for any records maintained regarding him."³ The bill also gave individuals who are

³ Assembly Bill 186, 1995, Sections 3a and 3b, respectively.

the subject of criminal history records the right to inspect those records during normal business hours and allowed the Repository to charge a “reasonable fee” for making that information available.

A memorandum from the Legislative Counsel Bureau’s Fiscal Analysis Division to the Assembly Committee on Ways and Means dated May 8, 1985, indicates that prior to the establishment of the Nevada Criminal History Repository, the only semblance of a centralized criminal history records database was the SCOPE (Shared Computer Operations for Protection and Enforcement) system, which was established in the 1960s by the then Clark County Sheriff’s Department, and was a service for which user agencies had to pay. The memo indicates the service was cost-prohibitive for many of Nevada’s smaller law enforcement jurisdictions, which is one reason that local law enforcement agencies supported the creation of a central repository. When AB 186 was proposed in 1985, Nevada was the only state in the nation that did not have a central repository for criminal history records.

The Highway Patrol Division was chosen as the home for the Nevada Criminal History Repository because it was a secure facility (a requirement of the Federal Bureau of Investigation (FBI) for use of the National Crime Information Center database) and because it operated the state’s Law Enforcement Messaging Switch, which was a teletype system that allowed the law enforcement community to check an individual’s criminal history against various databases maintained by the FBI, other state and Canadian criminal history repositories, and the motor vehicle records of other states. It was therefore determined that the Repository could open with minimal fiscal impact: \$123,247 in Fiscal Year 1986 and \$340,073 for Fiscal Year 1987.

The Repository was originally funded through a General Fund appropriation and a federal grant made available under the Justice Assistance Act of 1984. Work performed by the Repository’s staff was primarily in support of the criminal justice community at the local, state and federal levels through administration of the NCJIS system,⁴ although legislative testimony at the time indicates that lawmakers felt that fingerprint-based criminal history background checks for child care workers was also a good idea.

Over the years since the Repository’s creation, its scope of work has gradually expanded from its mandate of keeping criminal history records to include fingerprint and name-based criminal history background checks for civilian employment and regulatory purposes. This is consistent with national trends, where a recent report from SEARCH, The National Consortium for Justice Information and Statistics, notes, “In the past 20 years, criminal history repositories have experienced a rapidly escalating national

⁴ In addition to the NCJIS system, the Nevada Criminal History Repository is the Control System Agency for the Federal Bureau of Investigation’s National Crime Information Center (NCIC), the National Law Enforcement Telecommunications System (NLETS), the California Law Enforcement Telecommunications System (CLETS), and Nevada’s Uniform Crime Reporting (UCR) program. The Repository is also a participant in the FBI’s Interstate Identification Index (Triple I) and was a founding member of the Western Identification Network’s Automated Fingerprint Identification System (WIN-AFIS). The Repository is also the “Chief Law Enforcement Official” (CLEO) for administration of the Brady Handgun Violence Prevention Act of 1993.

demand for criminal history record checks for noncriminal justice purposes.”⁵ In addition:

*According to a February 2005 survey of human resource professionals by the Society for Human Resources Management, criminal background checks were the second-most frequently conducted employee background checks by employers after U.S. employment eligibility checks.*⁶

The authority for the FBI (and by extension, each state) to conduct criminal history records checks for non-criminal-justice licensing or employment purposes is based upon Public Law 92-544 of 1972.⁷ The law allowed states and local governments to exchange criminal history information with the FBI if allowed under a state statute which has been approved by the U.S. Attorney General.

*There are currently approximately 1,200 state statutes that are approved by the Attorney General under Pub. L. 92-544. In addition, the National Child Protection Act/Volunteers for Children Act (NCPA/VCA) allows state government agencies, without requiring a state statute, to conduct background checks and suitability reviews of employees or volunteers of entities providing services to children, the elderly, and disabled persons.*⁸

In Nevada, the enactment of such statutes has come on gradually over the years since the Criminal History Repository was created and has led to a “scope creep” of sorts as the number of people needing fingerprint-based criminal history records searches for civilian purposes has increased. The following is a brief chronology of significant events and federal/state legislation that has affected the Records Bureau, and especially the Criminal History Repository, since its establishment.

1987 Legislative Session – Senate Bill 479: The Nevada Legislature authorized the Repository to share information with employers, upon request, about sexual offenses against children committed by employees or prospective employees. A \$53,453 General Fund appropriation funded the start-up costs for the program. The Repository was instructed to repay the General Fund for the start-up costs by June 30, 1989 from fees charged for providing the information.

January 1988: The Civil Applicant background check program began. Individuals wishing to gain a license to practice the following occupations/professions or to provide certain services are required by statute to have a fingerprint-based criminal history records check through the State Repository. The program was funded through

⁵ SEARCH: The National Consortium for Justice Information & Statistics, *Report of the National Task Force on the Criminal Backgrounding of America*, 2005, Page 12. (See Attachment L for a copy of this report.)

⁶ *Ibid*, 5.

⁷ Criminal Justice Information Services Information Letter 95-3, found at <http://www.ojdp.ncjrs.org/pubs/guidelines/appen-b2.html>

⁸ U.S. Department of Justice, Office of the Attorney General, *The Attorney General’s Report on Criminal History Background Checks*, June 2006, page 4. (See Attachment M for a copy of the Executive Summary of this report.)

user fees (at the time) of \$15.00 (State-only) and \$24.00 (FBI check). In January 2003, a fee increase of \$6.00 for the State-only portion was implemented as it was determined that the State was losing \$6.00 for every civil fingerprint card it processed.

Note: this is the list of occupations/professions and service providers that require fingerprint-based criminal history record checks as of fiscal year 2006. Not all of these were required when the Civil Applicant program began in 1988.

<ul style="list-style-type: none">• (Prospective) Adoptive Parents• Alcohol, Drug Abuse, and Problem Gambling Counselors• Agents of Societies for the Prevention of Cruelty to Animals• Athletic Commission members• Boxing referees• Building Inspectors• Certified Public Accountants• Child Care Licensees and Workers• Chiropractors / Assistants• Collection Agents• Concealed Weapons Permit holders• Dentists/Dental Hygienists• Employees Working with Children• Foster Home Licensees and Providers• Gaming Licensees and Principal Employees• Insurance Administrators and Salesmen	<ul style="list-style-type: none">• Medical Care Attendants, EMTs, and Firefighters• Mobile Home Dealers, Manufacturers, and Sellers• Mortgage Brokers• Morticians & Funeral Parlor Operators• Nurses & Health Care Workers• Nursing & Group Home Administrators• Oriental Medicine Practitioners• Physical Therapists / Assistants• Physicians / Assistants• Private Investigators & Security Guards• Real Estate Agents, Appraisers, and Brokers• Social Workers• State Bar Applicants• Stock Brokers and Sellers of Mutual Funds and Securities• Taxicab Drivers• Teachers, Teachers' Aids, and School District Employees
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February 28, 1994: The Brady Point-of-Sale program was established within the Records Bureau pursuant to the Brady Handgun Violence Prevention Act of 1993 (Public Law 103-159). The Act requires name-based criminal history background checks on individuals wishing to purchase handguns in the State of Nevada. The program expanded on December 1, 1998 to include background checks on sales of long guns (rifles and shotguns), which were previously exempted from the legislation, and had a significant impact on the workload volume of the Brady staff.

1994: The U.S. Congress passed the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act. This law established requirements for states to set up and maintain a registry of individuals convicted of crimes against a child or a sexually violent offense. The Wetterling Act helped to lay the foundation for other laws, including Megan's Law, and the National Sex Offender Registry in use today.⁹ The registry was originally maintained by the Nevada Division of Parole and Probation, as it was the only law enforcement agency that had offices statewide.

⁹National Sex Offender Registry, <http://www.nsor.net/wetterling-act.htm>

1995 Legislative Session – Senate Bill 299: The Nevada Legislature mandated that individuals applying for a Carry Concealed Weapons permit must have a fingerprint-based criminal history records check through the State Repository.

1995 Legislative Session – Assembly Bill 65: The Nevada Legislature mandated that teachers, administrators, and school personnel must have a fingerprint-based criminal history records checks through the State Repository.

June 1995: Dangerous Offender Notification System (DONS) module was added to the NCJIS Wanted Person file in response to the 1995 shooting of a Sparks police officer by an individual on “supervised release” status. This increased the volume of criminal fingerprints handled by the Repository’s staff as approximately 12,000 parolees and probationers had to be fingerprinted for inclusion into this new module.

1996: The U.S. Congress passed Megan’s Law, which was signed by President Clinton on May 16, 1996, requiring states to make sex offender registries publicly available.

1996: Discussions began between the Records Bureau and the gaming industry for the Civil Name Check (CNC) program for name-based criminal history background checks of employees in non-gaming positions (e.g., maids, cooks, maintenance workers, etc.).¹⁰ After receiving legislative approval in the 1997 Legislative Session, the CNC Program started as a pilot project in FY 1998 in conjunction with the Las Vegas Metropolitan Police Department and six Southern Nevada casinos.¹¹ Seven new positions were originally authorized for the CNC program.

1996: The Records Bureau started working on an electronic interface with the Administrative Office of the Courts due to the large backlog of dispositions to be entered into the criminal history records database (NCJIS).¹² As of FY 2006, the interface has been developed and is known as the Multi-County Integrated Justice Information System (MC-IJIS). However, few of the municipal and district courts in Nevada are actually using the system. Until such time as the courts are mandated to use it, the majority of dispositions will continue to be entered manually by the Repository’s staff.

1997 Legislative Session – Assembly Bill 155: The Nevada Legislature mandated that operators of intermediate care facilities, skilled nursing facilities, residential group homes, and all employees of agencies that provide in-home nursing care must have a fingerprint-based criminal history records check through the State Repository.

1997 Legislative Session – Assembly Bill 170: The Nevada Legislature mandated that peace officers are required to submit reports of domestic violence to the Records

¹⁰ Project status report memo from Dennis DeBacco, Records Bureau Manager, to NHP Col. Michael Hood, 5/1/96

¹¹ The Mirage, Circus Circus, Rio, Caesar’s Palace, Las Vegas Hilton, and the MGM Grand

¹² Memo from Dennis DeBacco, Records Bureau Manager, to NHP Captain Larry Whitson, 12/8/96

Bureau, and the Records Bureau must serve as the collection place for reports on domestic violence, Temporary and Extended Protective (Restraining) Orders and to compile annual statistical reports of the same. The Records Bureau and the Public Safety Technology Division worked to develop the Temporary Protective Order Registry during the 1999 - 2001 biennium.

1997 Legislative Session – Assembly Bill 284: The Nevada Legislature mandated that private security guards must have a fingerprint-based criminal history records check through the State Repository.

1997 Legislative Session – Senate Bill 103: The Nevada Legislature mandated that the Records Bureau establish a program to gather and analyze data relating to the recidivism rates of adults and juveniles who commit sexual offenses and the effectiveness of treatment programs for juvenile sex offenders.

1997 Legislative Session – Senate Bill 285: The Nevada Legislature mandated that the fingerprints of a child adjudicated delinquent for committing an act that would be a felony or sexual offense if committed by an adult be submitted to the State Repository and kept separately from the criminal history records of adults.

1997 Legislative Session – Senate Bill 325: Established the statewide Sex Offender Registry and community notification process within the Parole and Probation Division and in the Criminal History Repository (in response to the Jacob Wetterling Act, the Lynchner Act,¹³ and Megan's Law).

1997 Legislative Session: The Nevada Legislature authorized 17 new positions for the Records Bureau over the 1997 – 1999 biennium to handle the increased volume of work brought about by legislation relating to juveniles and sex offenders.

October 1997: NCJIS rewrite began as a result of a 1994 study and recommendations by an independent consulting group¹⁴ and was expected to take up to seven (7) years to complete. The rewrite was funded by a \$700,000 grant from the U.S. Bureau of Justice Statistics under the National Criminal History Improvement Program. The new system would allow for greater functionality and reporting capabilities to track an individual's entire criminal history. Some of the modules that were added during this time included Parole and Probation status, Sex Offender Registry, Carry Concealed Weapons permit file, Temporary Protection Order file, and an automated Civil Applicant file (still in the pilot stages as of FY 2006, see section 5.2.3.1). The Technology Bureau did the rewrite in-house in a programming language called USoft.

¹³ The Lynchner Act of 1996 mandated the Federal Bureau of Investigation to establish and maintain a national Sex Offender Registry by 1999 that is interactive with all state registries and can track the whereabouts and movements of sex offenders and people who have committed crimes against children across the United States. (42 U.S.C. § 14072 and 14073). http://www.registeredsexoffenders.net/Lynchner_Tracking_and_Identification_Act.html

¹⁴ The 1994 baseline audit and needs assessment of the Nevada Criminal History Repository was conducted by the Executive Consulting Group, Inc., and was funded by a grant from the U.S. Department of Justice, Bureau of Justice Statistics, Criminal History Record Improvement Project (Project Number 92-DD-CX-K020).

The rewrite took NCJIS from a mainframe environment to a client-server environment.

May 1998, Interim Finance Committee Meeting: The Records Bureau Manager appeared before the Nevada Legislature's Interim Finance Committee to request 3 additional fingerprinting positions and associated operating and office equipment costs to handle the increased workload brought about by AB 155 and AB 284 of the 1997 Legislative Session. The Bureau Manager provided testimony that the 17 new positions previously authorized in the 1997 Legislative Session didn't account for the impact of these two bills. The Committee approved the Bureau's request.

At the same meeting, the Bureau Manager indicated that he had deliberately delayed hiring 4 of the 7 new positions authorized for the Civil Name Check program in the 1997 Session until such time as the positions could be supported with sufficient revenues. The remaining 3 Civil Name Check positions remained authorized but "frozen" until such time as the Bureau could work with Legislative Fiscal staff to determine the need.

2001 Legislative Session: The Nevada Legislature approved the transfer of 5.06 FTEs from the Parole and Probation Division to the Records Bureau to centralize the Sex Offender Registry Program and to fund the positions with Court Assessments rather than General Fund. The transfer eliminated the duplication of effort in research, record keeping, and data entry between the two agencies that was previously occurring.

2003 Legislative Session – Assembly Bill 29: Increased the amounts of the administrative (court) assessments required to be paid by defendants pleading guilty to committing a misdemeanor in Nevada. The increases generated additional revenue for all agencies receiving court assessments pursuant to NRS 176.059.

2003 Legislative Session – Assembly Bill 78: The Nevada Legislature mandated that the Department of Public Safety, through the Criminal History Repository, provide an accessible, free-to-the-public, and internet-based registry for persons convicted of sexual offenses and crimes against children.

2005 Legislative Session – Senate Bill 341: SB 341 strengthened the registration requirements for persons convicted of sex crimes and/or crimes against children. Effective 7/1/06, registrants now must renew their drivers' licenses annually instead of every four years. Non-compliance information is shared with the Gaming Control Board (for work cards). The bill establishes a statutory "Tier 3" designation for certain sexual offenses and requires the Criminal History Repository to establish a community notification website that provides the public with a photo and the home address of certain registrants. Since its passage, the Repository has been working diligently with the Department of Motor Vehicles and the Gaming Control Board to develop the necessary interfaces to implement the annual renewal requirements. SB 341 was implemented as scheduled on July 1, 2006. As of noon on July 6, 2006,

there have been approximately 16,000 inquiries from the Department of Motor Vehicles, and 22 offenders have been identified.

As these new mandates and programs gradually came online, the Records Bureau managed to handle them within (for the most part) existing resources and established user fees. However, also during this time, the Bureau's funding source for *criminal* history records changed from a combination of General/Federal funds when the Criminal History Repository was first established to Court Assessments and federal grant funds.¹⁵

A review of historical records and past budgets kept by the Records Bureau indicates the intent of the new funding model was that the Court Assessments would cover the operating costs associated with *criminal* history records and fingerprints, and user fees would cover the operating costs related to civil applicant fingerprints, civil name checks, and the Brady Point-of-Sale Program. Unfortunately, the costs to operate the criminal side of the house turned out to be greater than anticipated, and the Bureau found itself spending its reserves from the fee-based portions of the budget to "bail out" the shortfalls in Court Assessments.¹⁶

The problem came to a head in the 2001 Legislative Session when the decision was made that beginning in FY 2002 the Nevada Highway Patrol would no longer provide a subsidy to the Criminal History Repository for operation of the Law Enforcement Messaging Switch, which was the mechanism used to transmit the information stored in the Repository to local, state, and federal law enforcement agencies. This forced the Repository to have to rely solely on Court Assessments to fund its criminal history operations. The potential for a revenue shortfall did not go unnoticed, however, as evidenced by a memorandum from Carol English, former Deputy Chief of Administrative Services for the then Department of Motor Vehicles and Public Safety, to John P. Comeaux, former State Budget Director, dated January 24, 1991:

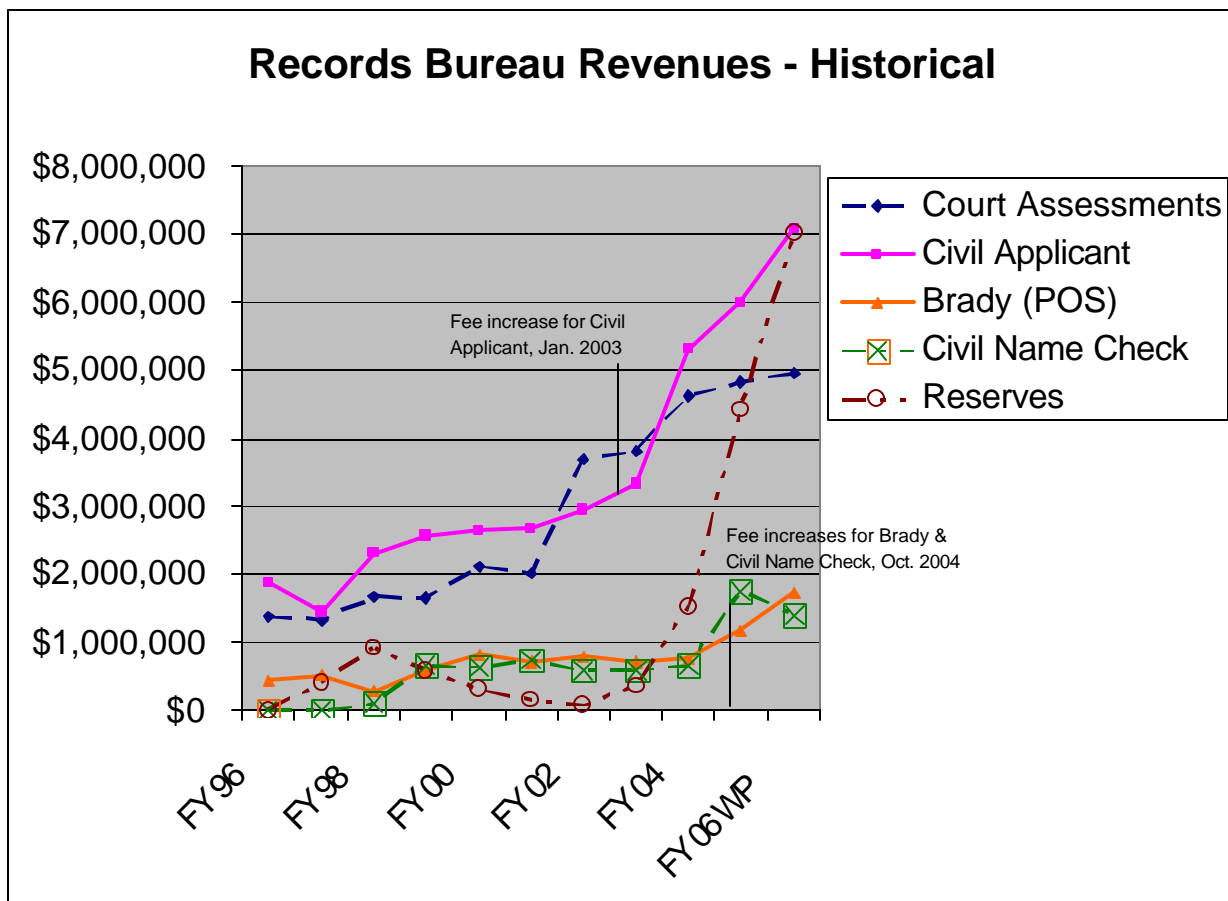
The Governor's Recommended Budget will cause a Court Assessment deficit in the first year of the biennium of nearly <\$498,000> that will have to be covered from the fee-funded reserve balances....The repeated using of reserve balances [from the fee-funded programs] over the current and previous biennia has reduced the reserve balances to levels that the budget will not be able to continue to survive.

The Department put forth a decision unit (E278) in its 2001 – 2003 biennial budget request to repay the reserves in the fee-funded budgets by the amount that the Court Assessments were short in the 1999 – 2001 biennium. However, this decision unit was not included in the Governor's recommended budget, and the practice of funding the Court Assessment shortfalls with the fee-funded reserves was allowed to continue.

¹⁵ See NRS 176.059(8)(b)(1) and 1987 Legislative Appropriations Report, page 210

¹⁶ NRS 179A.140 grants the authority to the Repository to use revenues collected from user fees to defray the costs of operating the Repository.

Enter September 11, 2001. The terrorist attacks of that day plunged the U.S. economy into a recession as the impacts were felt in the world financial markets and in each state. To stay afloat, many Nevada businesses, especially in the gaming industry, did not hire new employees or build new properties. This impacted the Records Bureau's revenues, and therefore reserves, as the number of civil applicant and civil name background checks decreased. The graph below illustrates the impact on the reserves.



As predicted a year earlier, the Court Assessment revenues for FY 2002 fell approximately \$440,000 short of the amount needed to cover the criminal history functions of the Records Bureau, even after a General Fund advance of \$245,520 and a General Fund appropriation of \$245,530, forcing the Bureau to once again spend its reserve balances in the Civil Applicant, Civil Name Check, and Brady Point-of-Sale programs.¹⁷ Spending the reserves in those three programs affected the balance forward going into FY 2003. By the end of FY 2003, despite an increase of \$6.00 in the state-only portion of the Civil Applicant fingerprint processing fee, the Civil Applicant

¹⁷ NRS 353.359 authorizes agencies receiving revenue from court assessments to receive a General Fund advance equal to 1/12 of the total amount of court assessments collected in the previous fiscal year upon approval by the Director of the Department of Administration. The General Fund advance is to be repaid once the court assessment revenue is received. However, if court assessment revenue is insufficient to pay back the advance, a contingent appropriation from the General Fund is made in the amount of the shortfall.

program was running a deficit of approximately \$219,000, forcing the Bureau to turn once again to the Brady Point-of-Sale and Civil Name Check programs when court assessments once again failed to materialize as budgeted.¹⁸

At the same time, the Records Bureau had to demonstrate to the Budget Division and the Legislature that it was doing all it could to reduce expenditures and minimize the impact to the General Fund. It did this by making drastic cuts in its operating budget during Fiscal Years 2002 and 2003. The Bureau looked for savings in its personnel category by not filling approximately 10 vacant positions out of a total of 61 authorized FTEs (a staffing level of approximately 84%). Due to the vacancies, staff had to re-prioritize their work. The Bureau stopped “rolling prints” for civil job applicants who were used to coming to the Bureau to be fingerprinted for employment screening purposes. The processing of fingerprints for juveniles and deceased persons was stopped, and court dispositions were not entered into the criminal history database. The staff shortages led to the development of huge backlogs for criminal and civil fingerprint processing, court dispositions, Uniform Crime Reporting, Domestic Violence reporting, and the Sex Offender Registry implementation. Additional cuts were made in the out-of-state and in-state travel, operating, and training categories; however, efforts to control these expenditures proved to be inadequate to address the revenue problems.

The situation did not escape notice by the Legislative Counsel Bureau’s Audit Division, who found in their FY 2002 audit of the Repository that:

*Nearly 70,000 criminal fingerprint cards have not been fully processed by the Records and Identification Services Bureau. Specifically, information from the cards has been entered into the criminal history records database [NCJIS], but the fingerprints have not been matched to existing records.*¹⁹

The story was the same for court dispositions. The *Survey of State Criminal History Information Systems, 2003* (the latest year available), conducted by SEARCH notes at that time Nevada had 150,000 unprocessed or partially processed court dispositions and estimated it would need approximately 400 person-days to eliminate it.²⁰

By the start of FY 2004, there was serious discussion of whether or not to close the Bureau altogether and lay off staff. The balance forward amount was only half of what had been budgeted due to the “bail out” provided by the Brady Point-of-Sale and Civil Name Check programs, leaving the reserve balance dangerously low. When Court Assessment revenue again came up short, it left the Bureau with no choice but to close the doors or seek an advance from the General Fund of \$313,806 (pursuant to NRS 353.359) and a loan from the Interim Finance Committee’s Contingency Fund of \$328,000 and again forced management to leave positions vacant and cut expenditures in

¹⁸ Memorandum from Dana Howry, Records Bureau ASO I, to Daryl Riersgard, Records Bureau Manager, 9/20/04

¹⁹ Report of the Legislative Auditor on the *Security and Integrity of the State’s Criminal History Repository* (LA02-24), 2002, page 2.

²⁰ SEARCH, The National Consortium for Justice Information and Statistics, *Survey of State Criminal History Information Systems, 2003: A Criminal Justice Information Policy Report*, February 2006, Page 37, Table 13.

every category. This, in turn, compounded the backlog problems in criminal and civil fingerprint processing, court dispositions, etc., and the cycle was repeated.

In order to break the cycle and recover from its downward financial spiral, the Records Bureau, with support from the Department of Public Safety and the Governor's Office, decided in August 2004 that its only viable alternative was to seek fee increases for the Brady Point-of-Sale and the Civil Name Check programs in order to subsidize the Bureau's criminal history functions. By that time, the Brady program was 10 years old, and the Civil Name Check program was 7 years old. Neither had had any fee adjustments since their establishment, despite increasing personnel and technology costs to run the programs. The Brady fee went from \$15.00 per transaction to \$25.00 per transaction. The Civil Name Check fee went from \$12.00 per name to \$20.00 per name. The fee increases took effect on October 1, 2004.

After the additional revenues started coming in, the Bureau stabilized financially and was able to repay the General Fund and IFC Contingency Fund loans and balance forward a sufficient amount to FY 2006. With an approximately \$7.4 million reserve balance projected for the end of FY 2006, the Records Bureau now has to recover from the programmatic and staffing issues that crippled it in Fiscal Years 2002, 2003, and 2004 and prepare for the future. This Business Plan will help the Bureau do just that.

5. DETAILED BUSINESS PLAN

Today the Records Bureau finds itself financially healthy and almost fully staffed. As of July 10, 2006, 60 of the Bureau's 67 authorized FTEs are filled. The Bureau is actively recruiting and/or is in the hiring process for all of the vacant positions. When filled, it will be the first time in 7 years that the Bureau has been fully staffed. Yet problems still haunt the Bureau, stemming from the financial cutbacks and frequent changes in management of previous years – problems, which, if not addressed, will impact the quality of the Bureau's criminal history records and all who rely on the Bureau's data for years to come.

The first of these issues is staffing. Since 2001, there have been six (6) different managers of the Records Bureau, including the current Division Chief, each with his own ideas of where the Bureau should have focused its efforts. The frequent changes in leadership, coupled with the dire financial conditions of FYs 2002 – 2004, have, to some extent, left remaining staff unsure of where the Bureau is headed and of the staffing, equipment, and technological resources needed to achieve management's goals. It has also left a legacy of unfinished projects and broken promises which have hurt the Division's credibility with the Executive and Legislative branches of government and its customers and stakeholders.

The second issue is technology. The financial climate of FYs 2002 – 2004 forced the Bureau to forego any technological improvements that could have helped with its workflow processes, such as new equipment and upgrading to better computer hardware and software systems. As a result, many projects, such as the mainframe migration, have been in the works for years, much to the dismay of the Records and Technology Division staff and to the Budget Division and the Legislature.

The detailed analysis that follows outlines the Bureau’s intentions to address its *primary* staffing and technology issues within the overall context of its data quality and customer service goals. Each program is examined in terms of the workload, staffing, equipment, and technological resources required to “get the job done.” The analysis does not include or attempt to predict *every* operational or fiscal issue that could possibly arise from the date of this Plan through the end of FY 2009. To do so would be an impossible task.

Furthermore, it should be *re-emphasized* that the projects defined herein and their associated costs and budgetary decision unit numbers are valid as of July 21, 2006 and represent the best information available at that time. Modifications may (and likely will) need to be made in the future due to circumstances beyond the Bureau’s or the Department’s control and as additional information, changes in Administration, input from user groups, and/or improvements in technology present themselves.

5.1. Revenue Projections

Some of the technology projects proposed within this Strategic Business Plan are one-time in nature. Others involve an initial outlay and a relatively small annual maintenance fee in ensuing fiscal years. The plan to pay for these projects is to use the Records Bureau’s reserve balance, which is estimated at \$7,804,057 as of 7/31/06, and federal grant funding, where available. The Bureau estimates it will need approximately \$5,000,000 (90-day reserve) to start FY 2007, leaving \$2,804,057 available for funding the various FY 2007 projects described herein. A detailed analysis of revenues and expenditures will be presented in the Bureau’s 2007 – 2009 biennial budget request, which is due to the Department of Administration, Budget Division, on September 1, 2006.

5.2. Needs Assessment

5.2.1. Administration Office

The Administration Office houses the Division Chief, Operations Managers for the various Bureau programs, and the Fiscal Unit. All-told, there are 10.0 FTEs distributed as follows.

Section	Title
Administration	1.0 FTE DPS Captain (Division Chief), 2.0 FTE Administrative Services Officers I, 1.0 FTE Program Officer II, and 1.0 FTE Administrative Assistant II
Fiscal	1.0 FTE Administrative Services Officer I, 1.0 FTE Management Analyst I, 2.0 FTE Accounting Assistants II, 1.0 FTE Accountant Technician II

The Administration Office has various needs, some immediate and others more long-term. Interviews with fiscal staff and analysis by the Department of Public Safety’s Internal Auditor have identified the Fiscal Section’s Accounts

Receivable (AR) process as requiring immediate attention. The Fiscal Section is currently down 1.0 FTE and except for the Administrative Services Officer, all personnel are new. Fiscal staff have not been able to devote sufficient time to the Accounts Receivable function due to vacancies. Delinquent accounts are currently running 3 – 5% of total receivables, but industry standard is around 2%. Aging Reports have not been completed or submitted to the State Controller's Office as required. With an approximately \$20 million annual budget, the AR function cannot continue to be ignored.

In addition, it was discovered that Fiscal staff are spending 30 – 45 minutes each day making copies of checks received in case there is a future dispute. This is time that could be spent trying to collect on delinquent accounts, completing Aging Reports, or doing the many other duties for which the Section is responsible. A check scanner could automate this process and save a significant amount of staff time. So could re-organizing the filing structure of accounts payable to file invoices by vendor name rather than by general ledger number.

When these issues were brought to the attention of the Division Chief, immediate action was taken. The Fiscal Unit is in the process of recruiting for the vacant Accountant Technician II, and duties will be realigned once that individual is on-board so that the Management Analyst I position can be dedicated to Accounts Receivable (anticipated by mid-August 2006). The Bureau also is obtaining vendor quotations for a check scanner and hopes to have it installed by August 2006. In addition, the Bureau will be looking at various ways to benchmark the accounting practices of the Fiscal Unit and provide the necessary training for staff in September 2006.

To reduce the number of delinquent accounts, the Bureau will be reviewing its operating procedures on terminating accounts for nonpayment and will be exploring various options with the State Controller's Office for the same. The Bureau hopes to have an updated account termination procedure in place and actively being enforced by September 2006.

5.2.1.1. *Future Needs*

Administration

The Division Chief's number one priority for the Administration Office for fiscal years 2008 and 2009 is to hire a Bureau Manager for the Records Bureau. When the Records Bureau existed as part of the Nevada Highway Patrol, there was a Major that had overall responsibility for the Bureau and a Bureau Manager to handle the daily operations. When the Records Bureau moved out from under the NHP and combined with the Technology Bureau, this position was lost, and a DPS Captain became the Division Chief.

The Captain now finds himself being placed in the difficult position of being a Division Chief as well as a Bureau Manager. Involvement in the daily operations of the Bureau has taken him away from the higher-level functions of planning for the Division's future needs and interacting with the various DPS divisions and outside users of the Records Bureau's services. It also gives the appearance that the Chief is not responsive to the technology needs of the other divisions. There is the perception that the Records Bureau's projects will always "win out" over the projects of the other divisions since he is both the Bureau Manager and the Division Chief. Having a Bureau Manager also would give the Records Bureau a chain of command structure similar to the Technology Bureau, who has a Grade 44 Bureau Manager that reports directly to the Chief, and would provide a buffer for issues to be solved at a lower level.

To address these issues, the Records Bureau will request a 1.0 FTE, Grade 44 Bureau Manager position effective October 1, 2007. The position could be sworn or civilian. A detailed cost estimate is provided in the Records Bureau's 2007 – 2009 biennial budget request as part of decision unit E251. A companion decision unit, E806, will be requested to upgrade the Captain's position (PCN 0001)²¹ to a Division Administrator in the Unclassified Service in accordance with the Director's goal to standardize the classifications of division chiefs throughout the department.²² Decision Unit E258 will request the various accessories that go along with the Division Administrator's position, such as uniform allowance, annual physical examination, badge, gun/ammunition safe, and vehicle.

The Administration Office would also like to realign and enhance the current Uniform Crime Reporting (UCR) section by expanding its focus to include research and analysis of issues affecting the Division as a whole, and not strictly focusing on collecting crime statistics for the annual UCR report to the FBI, the Governor, and the Legislature. Due to the Bureau's recent financial crisis and recovery, the Division Chief has determined that the Bureau would benefit from continual business process assessment of its operating procedures, policy analysis, researching of various Executive/Legislative proposals at the state and federal levels, financial and statistical research and analysis of the Bureau's programs and comparisons with other states/countries, forecasting of demand and trends in the Bureau's various programs, and the preparation of reports and presentations summarizing the various studies and/or research conducted. Expanded duties also would include working with the Technology Bureau's staff in documenting the current business practices and information technology needs of the various divisions within the department and recommending ways to streamline operations and/or provide better service to those divisions. Finally, the public

²¹ PCN stands for Position Control Number

²² Class Code U9002, equivalent to the rank of Major in the classified service. Approximate annual salary is \$94,631. (See the Nevada Department of Personnel's Pay Policy 12, effective 7/1/06.)

attention that continues to be focused on tracking sex offenders will require the Bureau to continually analyze the impacts of proposed and/or modified legislation at the federal and state levels and recommend immediate and future courses of action based upon the available information. The type of high-level policy analysis contemplated here would fit right in with the proposed function of a research and analysis section.

The Bureau proposes that the enhanced UCR section be re-named the Research and Analysis Unit and supervised by a 1.0 FTE Management Analyst IV (Grade 39) position. The MA IV must have knowledge of collecting and analyzing various data sets, statistical techniques, forecasting methods, state budgeting, the state personnel system, writing policies and procedures, developing presentations, and conducting training. Excellent written and oral communication skills will be critical. Strong presentation skills also will be crucial in order to convey information and provide a convincing case for process improvements and changes. The position will be interacting with Division Chiefs, Bureau Managers, and other management personnel within and outside the Department of Public Safety and must be a high enough level to effectively interact with those individuals. If approved, the position would report to the new Bureau Manager position and would serve as the Assistant Manager when the Bureau Manager is out of the office.

The MA IV would supervise 4.0 FTEs: 1.0 FTE Program Officer II (PCN 0019) and 3.0 FTE Uniform Crime Reporting positions (PCNs 0021, 0026, and 0063). A detailed cost estimate is provided in the Records Bureau's 2007 – 2009 biennial budget request as part of decision unit E252.

Fiscal Section

Upgrades also are being requested for the Fiscal Section. The Bureau is requesting that the Administrative Services Officer I position (PCN 0023), which functions as the Bureau's Chief Fiscal Officer, be upgraded to an Administrative Services Officer II. Since FY 2000, the Records Bureau's annual budget has grown from approximately \$6.9 million to approximately \$20 million today. Each program for which the Bureau is responsible has seen tremendous growth over the past six fiscal years, which is expected to continue into the future. Revenue streams are varied and challenging to project. As the Bureau has grown, so too have the consequences of error in the overall scope of the Chief Fiscal Officer's responsibilities. In addition, the merger of the Records and Technology Bureaus into one division has created the need for an overall Chief Fiscal Officer rather than each Bureau having its own fiscal personnel. This will eliminate duplication of staffing resources and should ensure consistency in accounting, budget administration, and reporting between the Bureaus. A detailed cost estimate is provided in the Records Bureau's 2007 – 2009 biennial budget request as part of decision unit E807.

The Bureau also is requesting to upgrade the 2.0 FTE Accounting Assistant II positions (PCNs 0015 and 0038) to 1.0 Accounting Assistant III and 1.0 Accounting Assistant IV, respectively. Due to the overall growth in the Bureau's budget over the past six years, the scope, complexity, and consequences of error of the Fiscal section's work has increased. The Bureau is expecting individuals in these positions to bring with them a more advanced knowledge of accounting practices and the state accounting system than an entry-level position allows. And because of high turnover in these positions, the Bureau is finding it necessary to upgrade these positions in order to recruit and retain qualified candidates. PCN 0015 will focus on the Accounts Payable function. PCN 0038 will be devoted to Accounts Receivable and requires a higher skill level that distinguishes it from the proposed Accounting Assistant III. A detailed cost estimate is provided in the Records Bureau's 2007 – 2009 biennial budget request as part of decision unit E807.

Relocation

In addition to staffing, the other Administration priority for the 2007 – 2009 biennial budget is to move the two bureaus making up the Records and Technology Division into one building. Currently the Technology Bureau is housed in the DPS Headquarters Building at 555 Wright Way in Carson City, and the Records Bureau is housed in leased office space at 808 W. Nye Lane. Being one division in two buildings has placed a strain on the management and staff as they go about their day-to-day jobs. Availability of the Division Chief and access to management of both bureaus is not always possible because meetings are frequently held at the other's location. Staff loses valuable time running documents and equipment back and forth and traveling across town for meetings. Communication is more difficult, and people don't always get the information they need right away due to the separation. Finally, the Department of Motor Vehicles is looking to expand its office space and has expressed a desire to move into the space currently occupied by the Department of Public Safety's Technology Bureau. Because the space is currently too small to house all employees of the DPS Technology Bureau²³ relocation to a larger facility is the only logical choice. Therefore, the Division is exploring various office locations throughout Carson City that will accommodate both bureaus (112 FTEs). The Technology Bureau is looking to move by September 1, 2007, and the Records Bureau will follow on January 1, 2008. Detailed cost estimates of the move are provided in decision units E259 in the Technology Bureau's budget (4733) and in the Records Bureau's budget (4709).

²³ A total of 10.0 DPS Technology Bureau FTEs are either working at home or have been relocated to other divisions within the department due to the lack of space in the Wright Way facility.

State Personnel Study

The Bureau also would like to request that State Personnel conduct an audit of its Administrative Assistant II (AAII) positions in the Fingerprint Support and Brady Units to see if they are appropriately classified. As the projections will show, there has been significant growth in these program areas over the past few years which is expected to continue well into the future. Daily duties have expanded from simple data entry and answering phones. The consequences of error are huge if the wrong individual is identified, wrongly denied (or offered) employment, or allowed to purchase a firearm in error. The DPS's Personnel Office will be conducting an initial study of the AAII positions in August 2006. Depending upon their recommendation, the Bureau will be requesting upgrades for these positions in its 2007 – 2009 biennial budget request.

5.2.2. Criminal History Repository

As previously stated, the primary mandate of the Records Bureau, and the basis for all other functions for which it is responsible, is to operate the Central Repository for Nevada Records of Criminal History. Records of criminal history are defined in NRS 179A.070 and may include information about adult arrests, court dispositions, convictions, parole/probation status, and felony registration status, to name a few. Adult arrest records are stored in the Nevada Criminal Justice Information System (NCJIS) database and are based upon a set of the subject's fingerprints as a means to positively match the individual with the record. The Repository is currently authorized for 25 FTEs: 13.0 Fingerprint Technicians of various levels, 10.0 Fingerprint Support staff, and 2.0 Records Management staff. Of the 13 Fingerprint Technicians, 1 has been temporarily assigned to the Fingerprint Support Unit to act as the section supervisor, and 1 is vacant (Fingerprint Technician IV, PCN 0004). This leaves the actual number of Fingerprint Technicians as of July 10, 2006 at 11 FTE.

To date, there are approximately 123 criminal justice and 155 non-criminal justice agencies using the NCJIS database. Criminal justice users include local, state, and federal law enforcement agencies, courts, district attorneys and city prosecutors, and State agencies such as the Department of Corrections and the Division of Parole and Probation. Non-criminal justice users mainly include occupational licensing/regulatory boards and commissions.

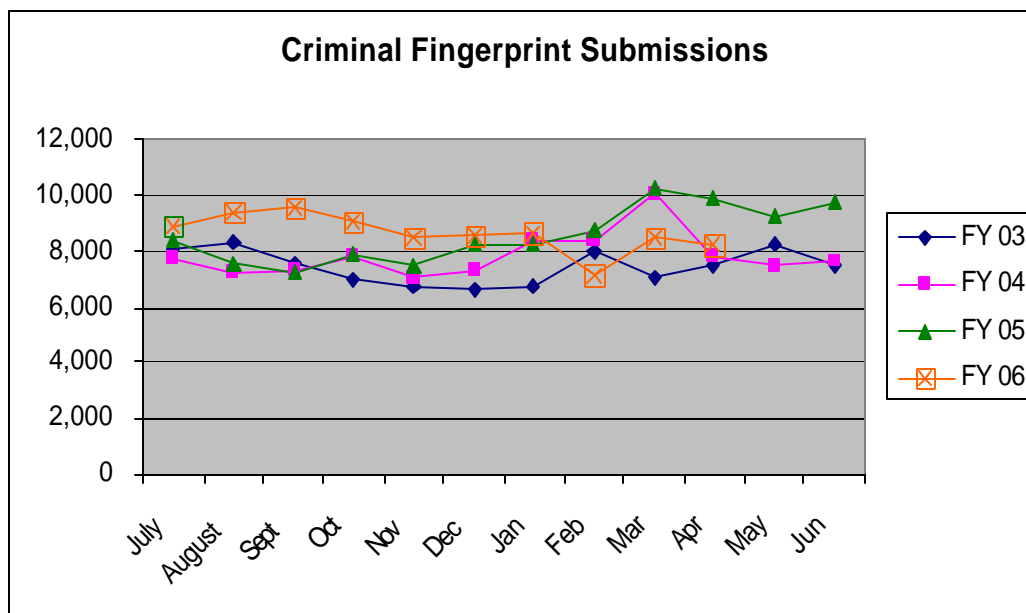
New criminal history records are created, and existing records are updated, when a Nevada law enforcement agency electronically submits arrest information and a digitized set of the arrestee's fingerprints to the Repository via a system known as LiveScan. The LiveScan system consists of a scanning station for the fingerprints that is connected to a computer for the booking facility to enter the arrestee's personal information (i.e., name, date of birth, height, weight, etc.) and the offense(s) he/she is charged with. When an individual's arrest information and

fingerprints interface with the Repository, the information is divided in two. The individual's personal information and the offense(s) are automatically uploaded from LiveScan into the NCJIS database. The digitized fingerprint goes to the Western Identification Network's Automated Fingerprint Identification System (WIN-AFIS), which is a regional database that digitizes and stores fingerprint images from 9 Western States and a few federal agencies.²⁴ The WIN-AFIS uses a mathematical algorithm to analyze the fingerprint submission and transmits a list of the top 5 potential "candidates" for the Repository's Fingerprint Technicians to analyze and make a positive identification. At the same time, the NCJIS and the WIN-AFIS "talk" to see if the individual already has a Nevada criminal history record or if this is a new record, and a State Identification Number (SID) is referenced or newly assigned to link the individual's fingerprints with the record.

Once a positive identification is made or a new SID assigned, the individual's fingerprint images and SID are archived in WIN-AFIS and at the same time are electronically forwarded to the Federal Bureau of Investigation's Integrated AFIS (IAFIS) and to the Interstate Identification Index (Triple I) System, which is the FBI's criminal history repository for criminal history records reported to it by the states.²⁵ All of this is done in an effort to positively identify the individual and to correctly update or establish his/her criminal history record. Since FY 2003, the Repository has averaged approximately 8,100 criminal fingerprint submissions per month, as depicted in the graph below. This figure does not include latent fingerprint submissions, which are prints collected from crime scenes and sent to the Repository to see if they match anyone in the regional or national AFIS databases to which Nevada is linked.

²⁴ WIN states include Alaska, California, Idaho, Montana, Nevada, Oregon, Utah, Washington, and Wyoming. Federal participation includes Immigration & Customs Enforcement, the Drug Enforcement Administration, the Federal Bureau of Investigation, and the Postal Service. The WIN database is located in Sacramento, California.

²⁵ "Under Triple I, the FBI maintains an identification index to persons arrested for felonies or serious misdemeanors under State or Federal law. The index includes identification information, (such as name, date of birth, race, and sex), FBI Numbers and State Identification Numbers (SID) from each State holding information about an individual. Search inquiries from criminal justice agencies nationwide are transmitted automatically via State telecommunications networks and the FBI's National Crime Information Center (NCIC) telecommunications lines. Searches are made on the basis of name and other identifiers....If a hit is made against the Index, record requests are made using the SID or FBI Number, and data are automatically retrieved from each repository holding records on the individual and forwarded to the requesting agency. Participation requires that the State maintain an automated criminal history record system capable of interfacing with the Triple I system and capable of responding automatically to all interstate and Federal/State record requests." (Definition taken verbatim from the Bureau of Justice Statistics web page on Justice Statistics Improvement Programs found at <http://www.ojp.usdoj.gov/bjs/jrip.htm>.)



At the start of each shift, the Fingerprint Technicians work on processing the fingerprint submissions that came in from the previous day by verifying that the prints are readable and that the offense code is correct. Assuming there are no errors, the process of positively identifying the individual and updating his/her record all the way through the WIN-AFIS and FBI's IAFIS and back can take as little as 2 hours. Because the criminal record submission process is almost totally automated, Fingerprint Technicians can process an average of approximately 46 fingerprint records per hour.

5.2.2.1. Errors and Fingerprint Backlogs

However, within any work process there are bound to be exceptions. Of the approximately 8,100 electronic submissions per month, an average of 1,100 (13%) have problems.²⁶ For instance, the fingerprints can come through with the fingers in the wrong position or with the wrong fingers printed (two left thumbs, for example), or the personal information names one individual but the fingerprints belong to someone else. Other errors may cause the submission to reject from NCJIS such as a wrong offense code, a typographical error in the original LiveScan submission from the law enforcement agency, or a duplicate Process Control Number. In each of these cases, a hard copy of the individual's fingerprints is printed, and Repository staff must research the error and work to correct it within 48 hours or the record will automatically purge from the system. If the errors are too numerous to fix, the Repository must contact the local law enforcement agency and have them re-submit the fingerprints altogether.

²⁶ Based on FY 2006 *SafeStat* reports year-to-date (through May 2006).

As of June 2006, there are 7,896 criminal fingerprint submissions that have either rejected from the WIN-AFIS or from NJCIS for errors, and staff estimates it will take approximately 464 hours at a cost of \$13,029 to correct and re-submit them.²⁷ In addition, there are 2,229 records that must be diligently researched one-by-one for errors that occurred but were never fully corrected during the NCJIS rewrite process of converting the database from a mainframe environment to an Oracle-based relational platform. There is one person dedicated to this task currently. Data from the Bureau's May 2006 SafeStat reports indicates this individual processed 93 problem cards in 68 hours. This equates to approximately 1.4 hours per card. At this rate, it will take approximately 3,121 hours to address these problems. Management plans to fill remaining vacancies in the Fingerprint Technician unit and use existing staff working voluntary overtime throughout FY 2007 to correct these errors. Additional Fingerprint Technician positions will be requested in the 2007 – 2009 biennial budget process in an effort to catch up to the existing volume of work and prevent future backlogs from occurring.

In addition to the criminal error cards, there are thousands of Triple I errors that need to be corrected. Triple I errors are generated daily and are found during a semiannual synchronization process that attempts to match the State's criminal history information with the FBI's. Errors can occur for two reasons: (1) information is entered incorrectly at the local law enforcement or Repository level and subsequently transmitted to Triple I, or (2) FBI staff can make a data entry error on a manual record submission. Either way, the result is the same: Repository personnel are required by the FBI to correct the errors. Until they do, Nevada cannot participate in the FBI's National Fingerprint File²⁸ initiative

²⁷ Fingerprint Unit's *SafeStat Report*, May 2006. The report notes there were 3,678 criminal cards that required manual scanning because they didn't process correctly through the WIN-AFIS which will take approximately 263 hours (14 cards/hour) to complete. Additionally, there were 4,218 criminal cards that were entered into NCJIS but still need to be analyzed by the Fingerprint Technicians, requiring approximately 201 hours (21 cards/hour) to complete. Assuming a time-and-one-half hourly rate of \$28.08/hour for a Fingerprint Technician II (Grade 31-5, Employer-Paid Retirement, 7/1/06 Compensation Schedule), the approximate cost would be 464 hours x \$28.08/hour = \$13,029.12. Actual costs may vary depending upon the staff volunteering for the overtime and the actual number of cards per hour that are completed.

²⁸ The National Fingerprint File (NFF) is an FBI initiative to create a national fingerprint database of individuals indexed in the Interstate Identification Index (Triple I) System. The NFF would allow the FBI to get out of the "record housing" business by allowing member states to electronically search the criminal history records of other states, thereby taking the FBI out of the loop. Currently, each state sends duplicate records of criminal history to the FBI to be kept in a national database. In order to determine if an individual has a criminal history record in another state, the requesting agency has to go through the FBI to conduct the search. The NFF concept would decentralize the sharing of criminal history records between states by recognizing that each state's records belong to that state and are the responsibility of that state, rather than the FBI, to maintain and update. Under the NFF, the first time an individual is arrested, one set of the individual's fingerprints and "rap sheet" information would be sent (electronically) to the FBI through the Triple I System. Information on any subsequent arrests and dispositions would be updated and maintained by the arresting state. NFF states could then pass criminal history information back and forth without having to go through the FBI, thereby eliminating the "middle man" and allowing for more timely and accurate searches, while lowering costs by eliminating the duplicate data entry and fingerprint card processing.

as required by the National Crime Prevention and Privacy Compact,²⁹ to which Nevada belongs.

By using Nevada Highway Patrol dispatchers during off-peak hours and Repository staff to audit the dispatchers' corrections, the Repository is current on correcting Triple I errors for calendar years 2005 and 2006. However, there are an estimated 30,497 errors backlogged from 2001 – 2004. The Triple I backlog is a direct result of two things that occurred during that same time:

- Temporary suspension of criminal LiveScan submissions during FY 2003; and
- Fiscal and staffing constraints

Prior to the statewide LiveScan implementation in FY 2004, the criminal history records process was only partially automated. Some Nevada law enforcement agencies had LiveScan machines for the electronic transmission of records, paid for by federal Edward Byrne Memorial Formula Grant 5% Set-Aside³⁰ funds, but there were other jurisdictions that were still obtaining a set of the arrestee's fingerprints the old-fashioned way, i.e., by placing the arrestee's fingers on an ink pad and then rolling them onto two cards (one for the State and one for the FBI) to make the impressions. In addition to the arrestee's fingerprints, each card contained the individual's name, personal identifying characteristics, and the offense(s) for which he was arrested. The cards were then mailed to the Repository for processing.

When the fingerprint cards arrived at the Repository, it took two people to process them: a Fingerprint Support person and a Fingerprint Technician. (The FBI card was mailed to the FBI.) The Fingerprint Support person manually entered the individual's personal and offense information into NCJIS and assigned or referenced a State Identification (SID) number, and the Fingerprint Technician would scan the fingerprint card into the WIN-AFIS database, research the candidate list generated from the system, and try to make a positive identification.

²⁹ The National Crime Prevention and Privacy Compact was signed and passed into law in October 1998 (Public Law 105-251, Title II). The purpose of the Compact is to establish uniform procedures for the sharing of criminal history record information between states and the federal government for non-criminal justice purposes.

³⁰ The statewide LiveScan implementation began in the early 1990s and was made possible through a savings in the State's Edward Byrne Memorial Formula Grant 5% Set-Aside from 1992 – 1995 of \$542,291 (CFDA # 16.579). Following recommendations made by the Executive Consulting Group's 1994 baseline audit of the Repository, the State opted to use the savings to automate the criminal history record submission process by installing LiveScan machines in local law enforcement agencies throughout the State. At the time, it was anticipated that the statewide LiveScan implementation would automate approximately 70% of the arrest records that were received by the Repository. Source: NCHIP Funding Request 2006 (see Attachment B).

Problems arose in FY 2003 when some of the LiveScan transmissions became corrupt. As the volume of electronic transmissions increased with the steady placement of LiveScan machines in more and more local law enforcement agencies, it was discovered that the interface between LiveScan and NCJIS was causing the records to become corrupt in WIN-AFIS. It became such a problem that the Repository had to halt all LiveScan transmissions that year and go back to the manual process until the interface could be rewritten. This created a backlog of 38,754 criminal fingerprint cards and 16,562 juvenile fingerprint cards³¹ that need to be scanned into WIN-AFIS and positively identified by the Fingerprint Technicians.

In the meantime, the volume of civil applicant fingerprints didn't stop, and the financial troubles the Repository found itself in forced it to process an increasing volume of work at an approximately 84% staffing level. Between FYs 2003 and 2004 alone, the number of civil applicant fingerprints cards processed increased by **25%**.³² Since the interface wasn't working correctly for criminal prints, personnel were re-assigned to work on civil applicant fingerprints, putting other tasks, like correcting Triple I errors, on the back burner.

In FY 2004 the LiveScan interface was fixed, and criminal fingerprints could be processed electronically once again. The downtime resulted in a 33% drop in the number of criminal fingerprint submissions that were processed from FYs 2003 to 2004.³³ In the meantime, the criminal, juvenile, and Triple I backlogs remained as existing staff did all they could to try and keep up with the daily criminal submissions and the ever-increasing civil applicant submissions.

Now that the Bureau has turned the corner with respect to its financial and personnel resources, it is finally in a position to address these backlogs. The criminal, juvenile, and Triple I backlogs are a concern because without addressing them Nevada's criminal history records are incomplete, which could have disastrous consequences. (The worst-case scenario is the sex offender who is erroneously approved to be a Boy Scout leader since his record hasn't caught up with him yet.) Because the information is shared with multiple agencies at the local, state, tribal, and federal levels, it is critical that these backlogs are processed as quickly as possible.

To that end, in June 2006 the Bureau entered into a \$128,427 one-year contract with ComnetiX, Inc. to convert the backlogged criminal and juvenile fingerprint cards to digital images by scanning them into the WIN-AFIS

³¹ NRS 179A.070(2)(b) excludes juvenile records from records of criminal history. The Repository receives the fingerprints from juvenile arrests and sends them through the WIN-AFIS, but their personal information and offense(s) are not entered into the NCJIS database.

³² From the Records Bureau's Service Activity Reports for FY 03 (6/4/04, 10:02 am) and FY 04 (5/17/06, 8:43 am).

³³ From the Records Bureau's Service Activity Reports for FY 03 (6/4/04, 10:02 am) and FY 04 (5/17/06, 8:43 am).

database.³⁴ Once the cards are scanned, they will have to be analyzed by the Repository's Fingerprint Technicians so that a positive identification can be made. Management plans to offer overtime throughout FY 2007 to Technicians wishing to volunteer in order to process the backlog. It is not feasible to hire a contractor or temporary employees for the identification portion because it takes two (2) years to fully train a Fingerprint Technician. At an average processing rate of about 46 cards/hour it is estimated to take approximately 1,203 hours at cost of \$33,780.³⁵

The approximately 30,497 remaining Triple I errors also will be corrected by existing staff volunteering for overtime throughout FY 2007. At an average correction rate of 35 errors/hour it is estimated to take 871 hours to clear the backlog at an approximate cost of \$25,616.³⁶ In May 2006, the Bureau applied through the Nevada Office of Criminal Justice Assistance for a federal grant under the National Criminal History Records Improvement Program (NCHIP) to pay for the overtime. The Bureau has been told verbally that its grant application has been approved, but as of June 2006 an official Letter of Award has not been received. If funding is not received as anticipated, the Bureau will look to its Reserve to fund this activity. The consequences of not funding the Triple I corrections are the threat of sanctions from the FBI when they arrive in January 2007 to conduct their triennial audit of the Bureau's NCJIS database. The sanctions could result in a loss of connection to the FBI's Criminal Justice Information System and all of the information it stores.

5.2.2.2. *Court Dispositions Backlog*

Unfortunately, once the fingerprint and Triple I backlogs are addressed the Repository's work still isn't caught up. As of June 2006 there is an alarming court disposition backlog of approximately 118,327 dating back to August 2005. This issue has been a sore spot for years and is one of the factors used by the U.S. Bureau of Justice Statistics to rank a state's overall data quality. There are two reasons for the backlog. First, after nearly 10 years of trying and thousands of federal grant dollars spent, the Administrative Office of the Courts (AOC) and the Repository are still not exchanging disposition information electronically. Although the Multi-County Integrated Justice Information System (MC-IJIS) interface has been developed, very few

³⁴ Contract approved by the Board of Examiners on June 8, 2006, and the work program to move funds from Reserve to Operating to pay for the contract was approved by the Interim Finance Committee on June 13, 2006 (FY 07 WP C30869).

³⁵ Total of 55,316 criminal & juvenile cards ÷ 46 cards/hour = 1,202.52 hours. Assuming a time-and-one-half hourly rate of \$28.08/hour for a Fingerprint Technician II (Grade 31-5, Employer-Paid Retirement, 7/1/06 Compensation Schedule), the approximate cost would be 1,203 hours x \$28.08/hour = \$33,780.24. Actual costs may vary depending upon the staff volunteering for the overtime and the actual number of cards per hour that can be completed. Any backlogs remaining after FY 2007 would be processed during FY 2008.

³⁶ Source: Records Bureau's 2006 NCHIP Application (see Attachment B). For a complete description of the NCHIP program see Attachment C. The actual number of errors is approximate and could be less if some of the errors are duplicates. Any backlogs remaining after FY 2007 would be processed during FY 2008.

Nevada courts are actually using the system. Because each court operates autonomously, most have continued to use their own disposition tracking systems and/or forms, none of which communicate electronically with the Repository. Since the AOC has no authority to mandate the use of MC-IJIS, that means each court is still mailing or faxing its dispositions to the Repository for manual data entry.

Second, due to the fiscal crisis and recovery process mentioned throughout this document, the entering of court disposition information into NCJIS has been almost non-existent in recent years as personnel have been reassigned to handle other priorities. Currently only one individual in the Fingerprint Support unit (out of 11 FTEs total) is entering dispositions. Even then, dispositions are only entered on an as-requested basis and as time permits. Although the data for FY 2006 are limited, only 1% of total dispositions received have been entered into NCJIS.³⁷

The lack of disposition information is problematic because none of the arrest records is complete without the corresponding dispositions indicating whether or not the charges against an individual were upheld or dismissed. The potential legal ramifications are huge and very real. All of the programs the Records Bureau operates and all NCJIS system users rely on the information in the Repository being accurate and complete. Repository information is transmitted locally, statewide, and nationally through the National Law Enforcement Telecommunications Network and through FBI databases such as the National Crime Information Center and the National Instant Check System. Since Nevada's criminal history records are incomplete, it could lead to firearms being placed into the wrong hands or individuals being wrongly offered (or denied) employment in sensitive positions such as child care workers and teachers.

Over the years the Bureau was reluctant to request additional staff to handle dispositions as management anticipated that MC-IJIS would be implemented and dispositions would be handled automatically (and they could not afford new staff during the period of financial crisis anyway).

Despite these challenges, there is a glimmer of hope on the MC-IJIS front, and the project continues to receive federal funding under the NCHIP grant. The MC-IJIS project team, consisting of representatives from the AOC and the Department of Public Safety's Technology Bureau, has had success recently in submitting "test" dispositions to the Repository. There is still more testing that needs to occur for batch processing, but things look promising. The AOC currently is working with Carson City Municipal Court to get them up-and-running with MC-IJIS and transmitting dispositions electronically to the Repository by mid-July 2006.

³⁷ Source: FY 2006 *SafeStat Reports* for the Fingerprint Support & File Management Units

Additionally, the MC-IJIS team has been meeting with the Las Vegas Justice Court to develop an interface between that court's disposition system, C-Track, and MC-IJIS that would allow them to submit disposition information electronically by the end of July 2006. The project team also has been working with a vendor called CourtView, whose application is used by several Nevada courts, to interface with MC-IJIS. Once the interface has been developed and tested as stable, it will be released to some 40 courts, hopefully by the end of calendar year 2006. However, it should be noted that the actual deployment is out of the Repository's control.

The MJ-IJIS implementation will help with dispositions going forward, but the backlog still needs to be addressed. On this front, the Records Bureau has applied for \$88,346 in federal funding in its 2006 NCHIP grant application (the same one as the Triple I errors) to use voluntary staff overtime to enter the backlogged dispositions. However, after the grant application was submitted it was determined that the Bureau should amend its application to instead hire temporary workers to address the disposition backlogs rather than ask staff to volunteer for overtime. The amended grant application will be submitted to the State Office of Criminal Justice Assistance (OCJA) in September 2006.

Recently, the Office of Criminal Justice Assistance notified the Bureau that its grant application has been approved. However, as of July 2006 the OCJA does not know exactly how much will be awarded. Depending on the size of the award, the Repository's plan is to hire four temporary workers at 40 hours per week for six months to enter the dispositions and bring the database current.³⁸ If the full request is not funded, the Bureau would request to pay the difference out of a reduction to its Reserve category.

5.2.2.3. *Impact on Data Quality and Existing Services*

The elimination of the backlogs in criminal and juvenile fingerprints, Triple I error corrections, and court disposition entry will have a direct impact on the overall quality of data in the Repository. According to the Bureau of Justice Statistics, data quality is defined as:

*[t]he extent to which criminal history records are complete and timely. In addition, accessibility is sometimes considered a data quality factor. The key concern in data quality is the completeness of records and the extent to which records include dispositions as well as arrest and charge information.*³⁹

³⁸ 4 temporaries x 35 dispositions/hour x 160 hours/month x 6 months = 134,400 dispositions.

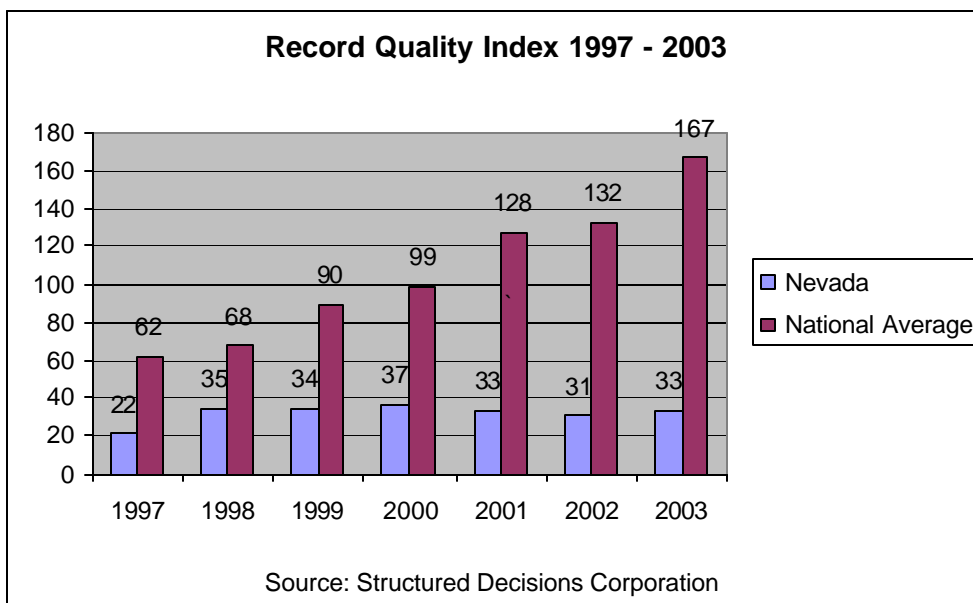
³⁹ Bureau of Justice Statistics home page on Justice Statistics Improvement Programs at <http://www.ojp.usdoj.gov/bjs.jrip.htm>

To assist states in determining how good their data is, the U.S. Bureau of Justice Statistics (BJS) has contracted with a private consulting firm, Structured Decisions Corporation, to develop a Records Quality Index (RQI) for state criminal history records. The RQI is a measurement of eleven data quality measures and two process measures concerning the completeness and timeliness of disposition entry into state criminal history databases. The RQI assists the federal government in making state-to-state and state-to-national comparisons of criminal history records and helps the BJS and each state to identify priority areas for NCHIP grant funding. The RQI is bounded by zero on the lower end, meaning the state does not do a particular activity, and has no upper limit. The index will naturally grow over time as each component within the RQI is addressed. The higher a state's RQI, the better its data quality.⁴⁰

Since 1997, the first year for which the RQI is available, Nevada has shown some improvement in the overall quality of its records as depicted in the graph below. However, the continuing backlog of fingerprint cards, Triple I errors, and court dispositions is having a negative impact on Nevada's score and prevents full participation in the FBI's National Fingerprint File initiative. Until the backlogs are addressed, Nevada cannot expect to see substantial improvements in its score, and all users of the Repository's data are affected.

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⁴⁰ Structured Decisions Corporation, Measuring the Performance of Criminal History Records Systems: The Records Quality Index, January 2005, and Nevada Records Quality Index Results for 1997 – 2003, February 2006. (see Attachment D)



Data quality also was identified as an issue in the 2002 Legislative Audit of the Repository. Despite staff's best efforts to catch errors before the information is entered into NCJIS and submitted regionally and nationally, the audit found that:

The criminal history database contained inaccurate information and some records were missing. In one test, 31 of 945 (3%) data elements in the database contained errors. In another test, 56 of 155 (36%) data elements contained errors....Having errors in records of criminal history will impact the accuracy of background checks for gun purchases and work-related background checks.⁴¹

In response to the Legislative Audit, the Records Bureau Manager at the time, NHP Lt. Rick Keema, indicated the Bureau had implemented a system to conduct a quarterly random sample of records submitted for each month in that quarter.⁴² The sampling was supposed to have begun in July 2002 and would have involved matching the information on the fingerprint card with the data entered into NCJIS to verify the accuracy of the information. Unfortunately, with the frequent changes in management over the past 6 years as noted above, this sampling seems to have fallen by the wayside. This issue was brought to the attention of the current Chief of the Records and Technology Division in June 2006, and the quarterly random sampling process has been reinstated effective July 1, 2006.

⁴¹ Report of the Legislative Auditor on the *Security and Integrity of the State's Criminal History Repository* (LA02-24), 2002, page 2.

⁴² Internal Policy Number FMG-4.1, Criminal History Record Quality Control

5.2.2.4. *Current Staffing Needs*

As an alternative to the overtime, the Bureau could consider hiring additional employees. The Fingerprint Unit has not been authorized for additional employees since May 1998 when civil applicant fingerprint volume increased as a result of AB 155.⁴³

An analysis of the average number of criminal and civil fingerprint cards received per month during FY 2006 shows that to catch up to the current workload the Bureau would need to add 2.5 FTE Fingerprint Technicians. This is based upon an average FY 2006 criminal and civil fingerprint card volume of 22,200 cards per month. With 10 FTE Fingerprint Technicians⁴⁴ to process the work load that means each FTE would have to process 2,220 cards per month ($22,200 \div 10$). However, only 80% of the Technicians' productive time is actually spent processing fingerprint cards. The other 20% is spent doing research, filing, attending meetings, in training, etc. Adjusting for time spent, that means each employee can realistically only process 1,776 ($2,220 \times 80\%$) cards per month.

$1,776 \text{ cards/FTE/month} \times 10 \text{ FTEs} = 17,760 \text{ cards per month can be processed}$

But 22,200 cards come in on average each month. That means 4,440 cards are going into Backlog status each month ($22,200 - 17,760$). To catch up, a minimum of **2.5 FTEs** would need to be added ($4,440 \text{ cards backlogged} \div 1,776 \text{ cards per month that can be processed}$).

Based upon this analysis, the Bureau will be asking for **3.0 FTEs** in its 2007 – 2009 biennial budget request: 2.0 FTE Fingerprint Technicians II and 1.0 FTE Fingerprint Technician III. The Bureau's plan for the additional 0.5 FTE is that the Fingerprint Technician III will be a floor supervisor in addition to a technician. The individual will trouble shoot and solve problems occurring on shift that cannot be handled at the Technician II level. Cost details can be found in the Bureau's 2007 – 2009 agency request budget in decision unit E256.

Adding Fingerprint Technicians will help the Records Bureau to keep up with its workload in the future but will not solve its immediate needs due to the 2-year Fingerprint Technician training program. Therefore overtime is seen as the only practical way to reduce the backlogs.

⁴³ Three additional FTEs were authorized in the 1997 Legislative Session to handle the anticipated volume associated with AB 155, which required a fingerprint-based criminal background check for operators of long-term care facilities, skilled nursing facilities, and residential group homes. The Bureau was instructed to go to the Interim Finance Committee if and when their volume of work picked up as a result of this bill.

⁴⁴ As of July 2006, there are 11.0 FTE Fingerprint Technicians: 1 Fingerprint Technician IV, who is the supervisor and does not do the day-to-day processing of fingerprint submissions, 1 Fingerprint Technician III, and 9 Fingerprint Technician IIs.

5.2.2.5. *Future Projections*

The number of criminal fingerprint submissions is expected to increase each year as the state's population increases. The two data series are highly correlated, but a regression analysis of the number of NCJIS records on total statewide population tended to underpredict. Therefore, the growth in the number of NCJIS records was projected based upon the average growth of the database during the past three fiscal years. A detailed discussion is provided in Section 5.3.

5.2.2.6. *Financial Assessment Recap*

The following is a summary of the backlog elimination projects and their estimated costs as described in the narrative above. The estimated FY 07 Reserve left after all backlogs are eliminated is \$7,606,029.⁴⁵ Costs for FYs 2008 and 2009 cannot be estimated at this time. Those costs will depend on what, if anything, was not completed by the end of FY 2007. No additional costs are anticipated for Operating, Equipment, Information Services, or Training.

Estimated impacts on current and future services once the backlogs are addressed are better data quality as measured by the State's Record Quality Index and eventual participation in the FBI's National Fingerprint File. Unquantifiable benefits include the ability to provide accurate, up-to-date criminal history information to the law enforcement community, employers and the general public.

If use of the Reserve to address the backlogs is not approved, the State could face potential sanctions from the FBI and/or potential lawsuits from individuals relying on the Repository's data for law enforcement, employment and/or regulatory purposes.

⁴⁵ The estimated Reserve balance may be somewhat overstated as it does not include costs for the approximately 2,229 error cards left over as a result of problems that were never fully corrected with the NCJIS rewrite. Since there is only one individual assigned to this task, it is not known how many overtime hours will be dedicated to this project in FY 2007.

Description	Volume	Estimated # OT Hours	Goal	Estimated FY 07 Costs	
				Bureau Funding (reduction to Reserve)	Federal Funding (NCHIP Grant)
1. Criminal Fingerprint Backlog (Error Cards)	7,896	464	Backlog eliminated by 6/30/07	\$13,029	\$0
2. Criminal & Juvenile Card Conversion (Indep. Contract)	55,316	-	All cards scanned into WIN-AFIS by ComnetiX by 6/30/07	\$128,427	\$0
3. Criminal & Juvenile Card Identification (after conversion)	55,316	1,203	Cards identified by 6/30/07	\$33,780	\$0
4. Triple I Errors	30,497	871	Errors eliminated by 6/30/07	\$5,123	\$25,616
5. Court Dispositions	118,327	3,381	Dispositions entered by 2/1/07	\$17,669	\$88,346
Total		5,919		\$198,028	\$113,962

5.2.3. Civil Applicant Program

The Civil Applicant Program started in 1988 and has grown almost every year since. The program affords certain employers and others authorized by statute the ability to run fingerprint-based criminal history background checks on potential employees and volunteers. The list of occupations that require a fingerprint-based criminal background check was noted previously under Section 4.2 of this Plan.

The Fingerprint Technicians and Fingerprint Support personnel perform the same functions for the Civil Applicant Program as they do for the criminal side. The difference is that approximately 75% of the civil applicant fingerprint submissions are still manual. In other words, the Repository is still getting fingerprint cards through the mail, hand delivered, or sent to a printer at the Repository from employers needing background checks for individual employees.

When a set of fingerprint cards arrives, they are date-stamped by an Administrative Assistant in the Fingerprint Support unit. From there, they are routed to the Fiscal Unit to allow the employer's account to be billed and/or to process a personal or business check that will pay for the background search. They are then routed back to the Fingerprint Support unit for entry into NCJIS (and the mailing of one card to the FBI if requested by the employer). Afterward, the State card goes to the Fingerprint Technicians for scanning into the WIN-AFIS. The Technicians then compare the fingerprints with a list of candidates generated from the WIN-AFIS to determine if the individual in question has a criminal history. Once a decision is made ("Hit" or "No Hit"), the cards are routed back to the Fingerprint Support unit to send a written response to the

employer on the results of the background check. By statute, the whole process is supposed to be conducted in 30 days or less.⁴⁶ However, the process currently takes about 60 days from receipt of the fingerprint cards to response to the employer. That means an individual can be delayed as much as two months before being able to start a new job or renew his/her license for an existing job. From a customer service standpoint, the Bureau recognizes it needs to do better.

One way to speed up the civil applicant process is to purchase additional equipment for the Fingerprint Technicians. During the fiscal crisis of FYs 2002 – 2004, the Fingerprint Technicians were able to survive with the 6 WIN-AFIS terminals that currently exist because the Repository wasn't staffed at full capacity, and existing staff worked staggered shifts and/or worked on weekends. However, the almost full-staffing in the Repository in FY 2006, coupled with the volume of civil applicant cards that has increased substantially in the past few years, means that the rotating of staff to enable access to WIN-AFIS terminals cannot continue.

Therefore, the Repository asked for, and received, permission from the Nevada Legislature's Interim Finance Committee at its June 13, 2006, meeting to purchase 5 additional WIN-AFIS terminals, bringing the total number of terminals to 11, a high-speed scanner for scanning fingerprint cards into the WIN-AFIS, a high-speed printer, and an additional T-1 line.⁴⁷ Once the additional equipment has been received and installed, anticipated in September 2006, the Repository will strive to meet the 30-day turnaround time.

The other way to speed up the civil applicant process is to automate it, i.e., make it like the electronic submission on the criminal side. As of June 2006, approximately 25% of the civil applicant cards are arriving in various stages of automation. If a civil applicant has his/her fingerprints taken at a local sheriff's office or police department using LiveScan equipment, the cards may come to the Repository and interface automatically with NCJIS, WIN-AFIS, and the FBI's IAFIS, thereby saving the staff time of data entry and scanning.

However, other times fingerprints may be collected via LiveScan machines but rather than electronic transmission of the images, hard cards are printed for applicants to mail to the Repository. Or, the fingerprint images may be transmitted electronically to the Repository, thereby saving mailing time, but hard cards are printed on the Repository's end. In both instances, Fingerprint Technicians must manually scan the fingerprint cards into the WIN-AFIS, wait for the candidate list, do their analysis and comparison, and re-route the cards to Fingerprint Support for the final response.

⁴⁶ NRS 179A.210(4)

⁴⁷ FY 07 Work Program C30864, \$167,964, Approved by IFC on 6/13/06

Eventually the Records Bureau would like to fully-automate the civil applicant process, which would save staff time and improve service to the Bureau's customers. The U.S. Attorney General recently recommended:

*The infrastructure for collecting fingerprints...should be exclusively through electronic, live-scan devices....The fingerprint collection should be decentralized at locations other than law enforcement agencies, including at the place of employment or through a consumer reporting agency, and should take advantage of outsourcing where necessary. User fees should be used to develop any additional system capacity for processing the additional demand for fingerprint checks.*⁴⁸

To that end, in FY 2005 the Bureau explored the possibility of using key fob technology as a means to connect with civil LiveScan machines for electronic transmission of fingerprints. However, upon further research it was determined that key fobs did not provide the level of security required by the FBI for access to the various federal databases to which the Repository is linked, and the idea was scrapped.

More recently the Bureau has been working with the State Health Division on a Virtual Private Network (VPN) solution to automate the civil applicant process. Assuming the pilot program goes well (as described below) the Bureau can expand the automated civil applicant program to other employers.

5.2.3.1. *Health Division Pilot Program for Automated Civil Applicant Fingerprints*

The State Health Division, Bureau of Licensure and Certification (BLC), received a grant in FY 2005 from the federal Centers for Medicare and Medicaid Services (CMS) to buy LiveScan machines and place them in health care facilities throughout the state in an effort to speed up the fingerprint-based background check process for intermediate care facilities, skilled nursing centers, and residential group homes as required under NRS 449.176. The BLC had spoken with the previous Records Bureau Manager before applying for the CMS grant, who indicated that the Repository could accept electronic civil applicant submissions.

As it turned out, that was not the case. The LiveScan machines were purchased and placed within the health care facilities statewide during FYs 2005 and 2006, but due to network connectivity and federal security requirements on the sending end the Repository was not set up to accept electronic civil applicant fingerprints. This placed the Repository and the Health Division in the uncomfortable situation of having to explain to the

⁴⁸ U.S. Department of Justice, Office of the Attorney General, *The Attorney General's Report on Criminal History Background Checks*, June 2006, page 8.

health care facilities that the new LiveScan machines they received won't work as intended for several months – possibly a year or more.

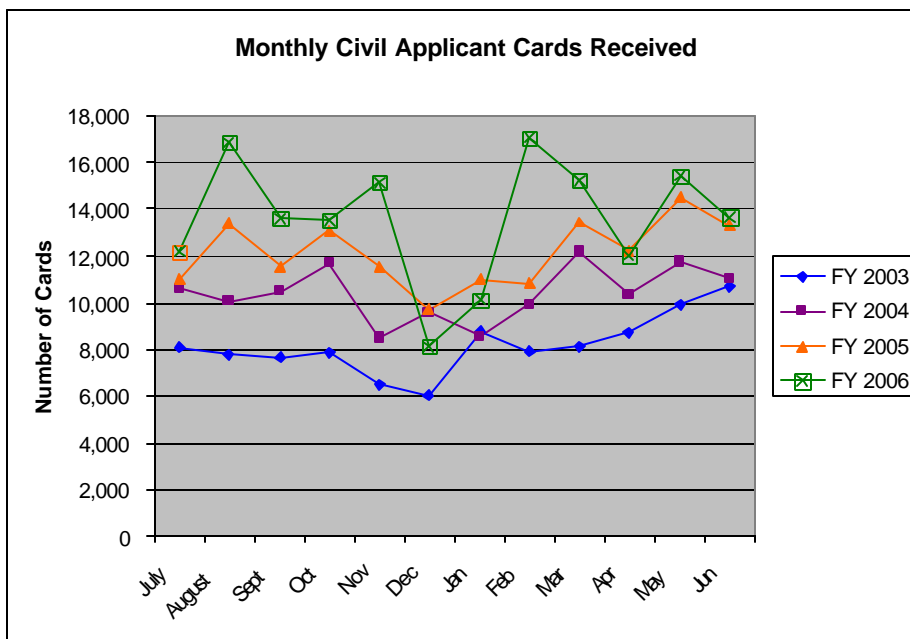
In an effort to resolve the situation as quickly as possible, the BLC and the Records and Technology Division have held several meetings to discuss possible solutions. The Records and Technology Division considered offering VPN connections to each health care facility with a LiveScan machine purchased under the grant. The Records Bureau was in the process of preparing a Work Program to add 50 VPN connections in FY 2007 when it was decided to explore another option due to staffing constraints in the Technology Bureau, who would have to manage those connections.

The Records and Technology Division is now working with the BLC and the various LiveScan vendors to determine the feasibility of having health facilities who purchased LiveScan machines under the grant submit their fingerprint images to the vendors, who will store the images and then forward them electronically to the Repository for processing. The Records Bureau and the BLC believe this to be the optimal solution. This solution will require a VPN connection for the approximately 6 LiveScan vendors as opposed to a VPN connection for every health facility wishing to send to the Repository electronically. This solution will solve the security issues and enable the Technology Bureau to manage the connections with existing staff. The estimated cost of the equipment for this solution is \$15,190 (see Attachment E for cost and schematic details). All but the ongoing cost to maintain the circuit will be paid for by a subgrant from the BLC. A work program to receive the grant funds will be forthcoming once the Bureau receives the Notice of Grant Award from the BLC.

The VPN solution will allow the BLC's grant recipients to submit their fingerprints electronically. However, those entities are only a part of the potential demand for electronic civil applicant services. To go to a global automated civil applicant solution, the Bureau will be developing a Request for Proposals (RFP) in conjunction with the State Purchasing Division for a universal fingerprint store and forward system that would accept electronic transmissions from any vendor. It is anticipated that the RFP process will be completed by approximately July 2007, at which time automated civil applicant could become a reality. The Bureau is anticipating the cost of a universal store and forward solution to be roughly \$150,000. The Bureau and the BLC are exploring whether or not some of this cost could be paid by federal grant funding and will know more in the Fall of 2006. If grant funding is not available, the Bureau would pay for the universal store and forward project through a reduction to its Reserve.

5.2.3.2. Current Staffing Needs

In the meantime, the Repository needs to catch up to its existing work load. An analysis of the civil applicant fingerprint cards received during the last four fiscal years shows the volume of fingerprint cards coming in **increased 66%** from FY 2003 to FY 2006. Yet **staffing has remained the same** at 25 FTEs total for the Fingerprint Support and Fingerprint Technician units.



As mentioned under section 5.2.2.4, the FY 2006 average number of criminal and civil applicant fingerprint submissions received was 22,200 per month. Although the Fingerprint Support Unit has 14 FTEs, it was assumed that only 8 FTEs work on data entry and fingerprint support tasks on any given day.⁴⁹

$$22,200 \text{ cards/month} \div 8 \text{ FTEs} = 2,775 \text{ cards/FTE/month}$$

An analysis of productive time spent using available data from FYs 2005 and 2006 shows that only 58% of the Fingerprint Support Unit's time is spent processing fingerprint cards. The remaining time is devoted to the other duties that go along with each position including, but not limited to: filing, searching for records, answering questions from the public/phone calls, attending meetings, going to training, etc.

⁴⁹ The remaining 6 FTEs are used as follows: 2.0 FTEs are assigned to phones/mail; 2.0 FTEs are assigned to the File Room for records updating, Triple I corrections, and record seals ; 1.0 FTE is the *acting* supervisor of the unit, who does not do the day-to-day tasks of the unit on a regular basis; and 1.0 FTE is the section supervisor, which is vacant as of 7/31/06.

Adjusting for time spent means that the actual number of cards the Fingerprint Support Unit can process each month is:

$$2,775 \text{ cards} \times 0.58 = 1,610 \text{ cards/FTE/month}$$

$$1,610 \text{ cards/FTE/month} \times 8 \text{ FTEs} = 12,880 \text{ cards can be processed in one month}$$

But on average, 22,200 cards/month came in during FY 2006. That means 9,320 cards are going into backlog status each month.

To catch up, the Fingerprint Support Unit would need to add:
 $9,320 \text{ backlogged cards/month} \div 1,610 \text{ cards/FTE/month} = \mathbf{5.79 \text{ FTEs}}$

Although the staffing model presented above shows the need for approximately 6 FTEs, the Bureau only plans to request **5.0 FTEs** for the Fingerprint Support Unit in its 2007 – 2009 biennial budget request: 1.0 FTE Program Officer II to be the unit supervisor, 2.0 FTE Administrative Assistant III positions to be first-line supervisors, and 2.0 FTE Administrative Assistant II data entry positions (see decision unit E256). The Bureau anticipates that as the civil applicant program becomes more automated, increases in productivity will reduce the need for the additional position.

In addition, the Department of Public Safety's Internal Auditor recommended in July 2006 that the Records Bureau conduct a detailed "Time and Motion" study of the Fingerprint Technician and Fingerprint Support Units to determine the extent to which existing business practices can be streamlined. The Bureau has accepted this recommendation, and the study will commence in the Fall of 2006. If it is found that the Bureau can raise productivity without increasing staff, notification will be sent to the Budget Division and the Legislative Counsel Bureau via the Department of Public Safety's Director's Office requesting modification to decision unit E256.

Finally, it has been suggested by a member of the Fingerprint Support staff that if the Bureau were to dedicate one person to training employers on how to submit civil applicant fingerprint cards a significant amount of staff time and postage could be saved, though exactly how much is not known at this time. Frequently, employers submit fingerprint cards without correctly completing the information on the cards (such as referencing the appropriate NRS). Sometimes staff will simply return the cards to the employer, which further delays the background check process. Other times, staff will call the employer and obtain verbal authorization to fix the error(s). This approach, while good from a customer service standpoint, takes time that could be devoted to processing other cards.

The Bureau is therefore looking into the feasibility of having a staff member meet one-on-one with employers wishing to establish civil applicant accounts to show them how to properly complete the cards and to answer any questions they may have about the background check process and/or fees. It is anticipated that by answering employers' questions up-front, time can be saved on the back end by not having to return the cards or call the employers for additional information.

5.2.3.3. *Future Projections*

Civil applicant fingerprint submissions are expected to increase substantially over the next several years. A recent report by the U.S. Attorney General notes that, "The number of fingerprint submissions to the FBI for non-criminal justice checks...has grown to a point at which they now exceed fingerprint submissions to the FBI for criminal justice checks."⁵⁰

The same can be said about Nevada's volume of civil applicant background checks. Double-digit growth already has been experienced, and that trend is expected to continue as ever-increasing numbers of employers are requiring background checks for prospective employees and volunteers.

*A 1998 study by the Society for Human Resources Management...found that 'over half of the employers that check references on applicants discover some kind of false information and 45 percent of them found applicants lied about criminal records.' Combine this with the pressure on employers to hire the right person for the right job, and the burgeoning employer appetite for comprehensive background information is easily explained.*⁵¹

*Similarly, a 2000 survey by the Society for Human Resources Management 'found that 61 percent of hiring managers polled had conducted [criminal record] screenings within the previous year, compared with 44 percent who said they had done a screening regularly in a separate study two years earlier.'*⁵²

In addition, Senate Bill 341 of the 2005 Legislative Session made provisions for employers to receive criminal history records and sex offender registration information for existing and prospective employees and volunteers. It is not known how much of an impact SB 341 will have in terms of the additional

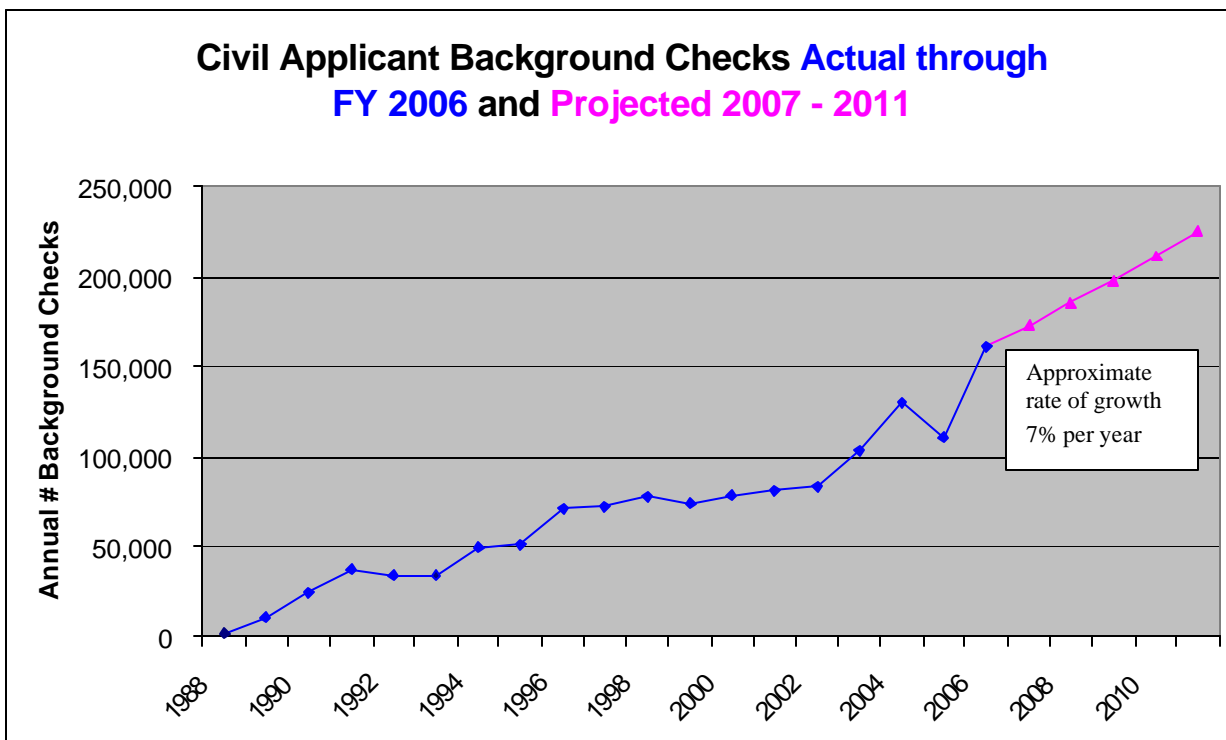
⁵⁰ U.S. Department of Justice, Office of the Attorney General, *The Attorney General's Report on Criminal History Background Checks*, June 2006, page 3.

⁵¹ SEARCH, the National Consortium for Justice Information and Statistics, *Report of the National Task Force on the Commercial Sale of Criminal Justice Record Information*, 2005, page 90, found at <http://www.search.org/files/pdf/RNTFCSCJRI.pdf>

⁵² *Ibid*, page 31.

number of civil applicant background checks, but the Bureau is anticipating additional workload as a result.

To project the number of civil applicant background checks for FYs 2007 – 2011, several regression models were run. Some of the models used total statewide employment as a factor in the projection; however, those models seemed to under-predict. The model that was selected projected the number of civil applicant background checks as a function of the number of background checks the previous year. The results are displayed graphically below.



By 2011, the projected number of *civil applicant* background cards processed is expected to top 225,000. If positions are not added during the 2007 Legislative Session, analysis shows that to keep pace with the growth the Bureau would need to add the 3.0 FTE Fingerprint Technicians requested for the 2007 – 2009 biennial budget plus another 3.0 FTEs by 2011 to keep up with the projected volume of fingerprint cards coming in. Those numbers are somewhat understated because they do not take into account the 2-year training period for fingerprint technicians.

Similarly, on the Fingerprint Support side, in addition to the 5.0 FTEs that are requested in the 2007 – 2009 biennial budget, another 4.0 FTEs would be needed by 2011 to keep pace with the projected volume. Staff would not be able to address projected backlogs until FY 2010. (See Attachment G for

details.) However, in lieu of asking for staff in the out-years, the Bureau will increasingly look to automation as the solution. The automated civil applicant goal described above fits right in with this approach.

5.2.3.4. *Financial Assessment Recap*

The following is a summary of the automated civil applicant project and its projected costs as described in the narrative above. The anticipated current and future impacts of automating the civil applicant process are better customer service, as measured by the percentage of civil responses the Repository is able to send within the 30 days mandated by statute.

If use of the Reserve to automate the civil applicant process is not approved, the Repository will continue to experience backlogs, and its paying customers will continue to have to wait upwards of 60 days in some cases to receive the results.

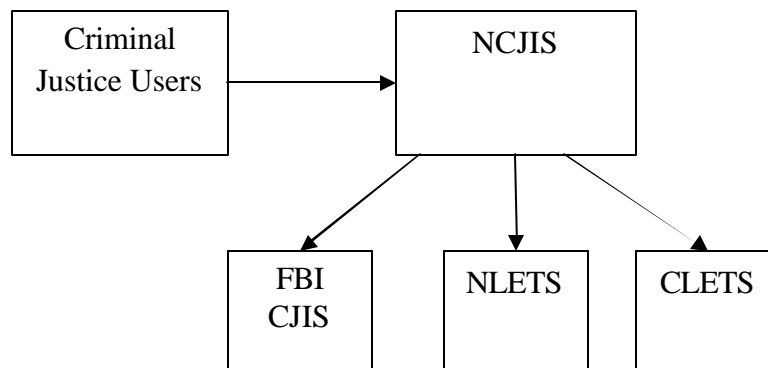
Description	Projected # of Civil App Cards	Milestones	FY 07 Projections	FY 08 Projections	FY 09 Projections
1. Health Division civil applicant	FY 2007: 2,100 cards/month	Health Division Civil Applicant process automated by 10/1/06.	Equipment: \$14,190 T-1 Circuit Installation: \$1,000 (one-time) Monthly Circuit charge: 8 months @ \$600/month = \$4,800	Monthly Circuit Charge: 12 months @ \$600/month = \$7,200	Monthly Circuit Charge: 12 months @ \$600/month = \$7,200
Total			\$19,990	\$7,200	\$7,200
Grant Funding			\$15,190		
Bureau Funding			\$4,800	\$7,200	\$7,200

5.2.4. *Programs, Development and Compliance (PD&C)*

The Programs, Development and Compliance Section's function is threefold. First, personnel train NCJIS users on how to use the system and its ancillary applications (e.g., the Wanted Persons File, DONS, Temporary Protection Orders, etc.). Second, personnel audit system users to ensure authorized access, use, and dissemination of criminal history record information. Lastly, PD&C staff meet with NCJIS system users to discuss the development of new applications and/or

the enhancement of existing applications. The Section has 8.0 FTEs as of July 1, 2006.

Biennial NCJIS certification training and compliance audits are required by the Federal Bureau of Investigation as a condition of accessing the FBI's Criminal Justice Information System through NCJIS, which includes national criminal history record and hot file information. NCJIS also accesses the National Law Enforcement Telecommunications System (NLETS) and the California Law Enforcement Telecommunications System (CLETS).



The FBI conducts audits of each state's CJIS Control System Agency every three years to determine each state's compliance with federal laws, regulations, and procedures regarding criminal history record information, case management, and warrants information. Nevada is due for its triennial FBI audit in January 2007 at which time the extent to which the Records Bureau is complying with FBI policies and procedures will be assessed. If it is found that the Bureau did not conduct the NCJIS user audits as required, the State could face loss of access to the FBI's CJIS until such time as the State is in compliance.

As of June 2006, the PD&C Section is on track for conducting the required number of NCJIS audits, but it's going to be close. The reason is that the number of required audits has increased, but the number of auditors has stayed the same. The change is the result of adding "inquiry/view only" users of NCJIS to the on-site biennial audit rotation schedule rather than only conducting on-site audits of "entry" agencies. This change added 54 additional audits that must be completed within each 2-year audit cycle with only 2 auditors to complete them.

An additional auditor (Program Officer I) was Legislatively Approved to start in the PD&C Section on 7/1/06. The position will be housed in Las Vegas to conduct audits of the Southern Nevada NCJIS users, thereby saving on in-state travel expenses and providing a local resource for system users.

Due to the addition of this auditor position, the PD&C Section is not requesting additional staff in its 2007 – 2009 biennial budget request. Additional staff may

be requested in the 2009 – 2011 biennial budget if federal auditing and/or training requirements change.

The system development functions of the PD&C Section are many and varied. PD&C personnel continually take suggestions from NCJIS users on how to improve the system and on new applications that may be beneficial. Staff also help troubleshoot for the existing modules within NCJIS. Staff then meet with the Technology Bureau to convey user problems/suggestions and determine if any system modifications will be made. If there are changes, PD&C staff will conduct the systems testing of the new/enhanced modules, write the user manuals, and conduct the initial user training. Additional systems development staff have not been requested in the 2007 – 2009 biennial budget; however, additional staff may be requested in the 2009 – 2011 biennial budget depending on the needs of NCJIS users at that time.

5.2.4.1. Civil Name Check Program

The Civil Name Check (CNC) program, within the PD&C Section, allows participants the ability to run name-based criminal history records checks on current or prospective employees in accordance with NRS 179A.100. The program started in 1998 with a pilot program of six Southern Nevada casinos and has since expanded to include employers outside of the gaming industry. The CNC program is attractive to employers because it offers an almost instantaneous and inexpensive (\$20.00/name) means of checking on an individual's identity and criminal history background, as opposed to waiting nearly two months for a fingerprint-based civil applicant background check. Its drawback is that it is not as accurate as a fingerprint-based check.

Program participants must sign a user agreement with the Records Bureau, undergo training on the CNC application, and are subject to yearly audits by the PD&C Section to ensure they are using the information for its intended purposes and that there are no unauthorized users. In exchange, participants are provided a link to the Bureau's Civil Name Check application, currently written in the Mapper (mainframe-based) environment, through a Virtual Private Network connection. From there, the user enters the individual's name they wish to check, along with other identifiers such as the individual's date of birth and Social Security Number, and initiates the background search.

The search consists of the individual's criminal history in NCJIS; local, state, and federal wants/warrants; parole/probation status through the DONS application (Dangerous Offender Notification), and work card status through the Las Vegas Metropolitan Police Department's SCOPE system. Starting on 7/1/06, sex offender conviction status also will be checked in accordance with SB 341 of the 2005 Legislative Session. If there are no "hits" against the individual, the user is notified within minutes and they can choose to begin the hiring process with the individual.

If there is a “hit,” the person’s name is saved in a queue for CNC staff to conduct additional research before a response is generated to the user. Staff validates that the individual in question is the same person for whom a record was found.⁵³ If there are any outstanding wants, warrants, or parole/probation violations, CNC staff will contact the appropriate law enforcement agency to alert them to the individual’s location. CNC staff also research dispositions in an effort to give the users accurate and complete information. After the additional research is conducted, CNC staff report back to the user.

The CNC Program has 33 active employer accounts as of June 2006 and is staffed with 1 FTE Program Officer I position and 1 FTE Administrative Assistant II. The CNC program was originally housed in Carson City. However, starting in July 2006 it will be based in Henderson, closer to its predominately Southern-Nevada customer base.

In FY 2004, the base year for the 2005 – 2007 biennial budget, CNC staff were able to respond to 100% of CNC additional research requests within three working days. This performance indicator is being used again for the 2007 – 2009 biennial budget, and staff anticipates resolving 100% of future CNC research requests within the three working day limit. Therefore, additional personnel are not being requested *at this time*.

5.2.4.2. *Projected Growth of CNC*

Just as the civil applicant program is expected to grow in the future, so too is the CNC Program. Increasingly, employers are looking for quick and easy ways of verifying the identity and criminal history of prospective employees and volunteers as a means to protect their businesses and customers from harm or future loss. The CNC Program offers just such a solution.

In fact, the CNC Program has already shown tremendous growth. From 1999 to 2005, the program has seen a 67.3% increase in the number of yearly inquiries, even after accounting for decreases in calendar years 2001 and 2002 in the aftermath of the September 11, 2001 tragedy.

⁵³ Because names are not unique identifiers, unlike fingerprints, it is possible for the CNC search to return a “hit” even though the individual in question may not have a criminal record. An example may be that John Smith born on 1/25/72 has a record but John Smith born on 3/8/67 does not. Therefore, Bureau staff work with CNC users to get as much personal information on an individual as possible in order to validate the person’s identity.

	CNC Inquiries	Percent Change
1997	N/A	
1998	9,183	
1999	59,243	545.1%
2000	64,188	8.3%
2001	54,103	-15.7%
2002	47,101	-12.9%
2003	52,106	10.6%
2004	63,306	21.5%
2005	99,085	56.5%
2006	69,215	-30.1% ⁵⁴

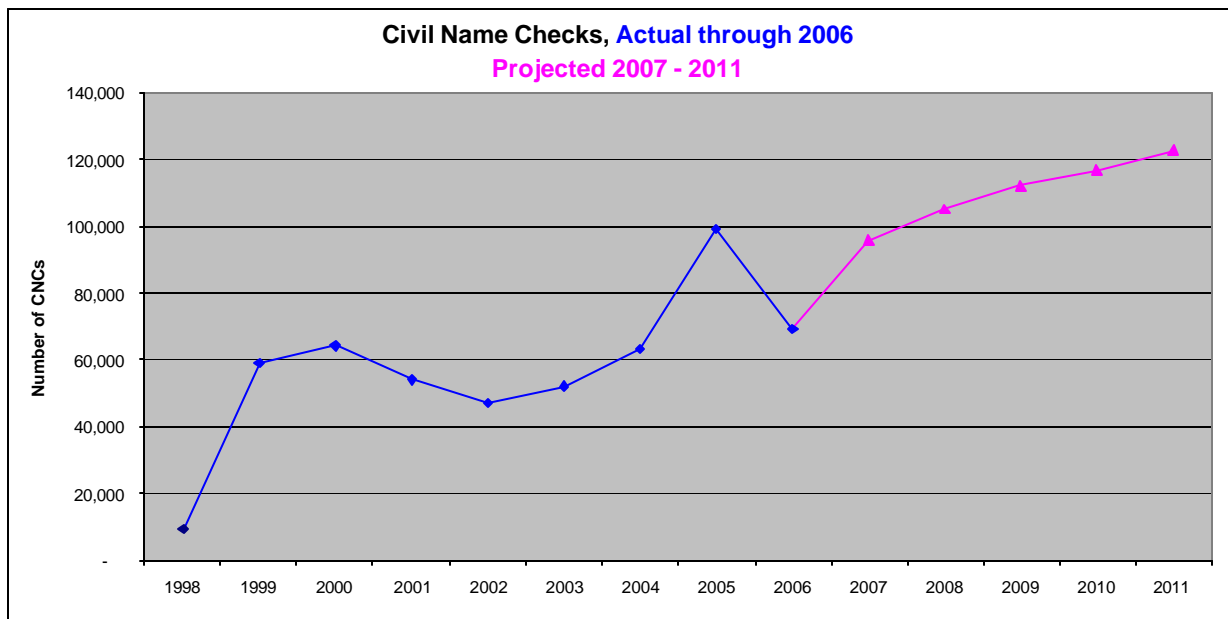
Source: Past budgets and Bureau Service Activity Reports

To project future growth of the CNC program several regression models were run. The chosen model projected CNC growth as a function of Nevada’s Statewide Leisure/Hospitality sector employment. The Leisure/Hospitality employment series was used because the primary participants in the CNC Program are casinos. Therefore it was felt this series might provide better explanatory power than total statewide employment.

Acknowledging the limited number of observations, which can make projecting future changes difficult, the projected number of CNC inquiries for 2006 – 2011 is displayed graphically below and is expected to top 120,000 by 2011. Therefore it is critical that the CNC application migrate from its current mainframe-based environment to a modern client-server environment. The mainframe migration project is described in additional detail in Section 5.3.1.

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⁵⁴ The 30% decrease in FY 2006 is explained by the Wynn Resorts property opening during FY 05, which substantially increased the number of Civil Name Checks performed during FY 05.



5.2.5. *Special Services Section*

The Special Services section of the Records Bureau consists of the Brady Point of Sale, State Point of Contact (POC), and Temporary Protection Order Programs. The Section consists of 8 FTEs: 2.0 FTE Administrative Assistant IVs and 6.0 FTE Administrative Assistant IIs. The Section operates from 8:00 a.m. – 6:00 p.m. 7 days per week. The Section is closed on New Year’s Day, July 4th, Thanksgiving Day, and Christmas Day. Approximately 96% of the Section’s daily responsibilities are devoted to the Brady Point of Sale and State Point of Contact Programs. The other 4% are devoted to updating the Temporary Protection Order Registry. Therefore the analysis of current workload and future needs is presented for the Brady/POC programs only.

5.2.5.1. *Brady Point of Sale Program*

Nevada’s Point of Sale (POS) Program got its start in February 1994 with passage of the federal Brady Handgun Violence Prevention Act of 1993 (Public Law 103-159). The Act used to require a 5-day waiting period before a federal firearms licensee (FFL) was allowed to sell a firearm to an individual. During that time, a criminal background check was conducted to determine if the individual should be allowed to purchase the firearm. When the permanent provisions of the Brady act took effect on November 30, 1998, the 5-day waiting period was replaced with the FBI’s National Instant Check System (NICS). Today, FFLs request a criminal background check through NICS of an individual wishing to purchase or redeem a firearm. The NICS check is intended to keep firearms out of the hands of:

- Convicted Felons;
- Wanted Persons;
- Persons convicted of use/possession of a controlled substance;
- Persons adjudicated as mentally defective;
- Illegal aliens;
- Persons dishonorably discharged from the U.S. armed services;
- Persons renouncing U.S. citizenship;
- Subjects of restraining orders; and
- Persons convicted of misdemeanor domestic violence.⁵⁵

NICS is managed by the FBI's Criminal Justice Information Services Division and interfaces with the Triple I System and the National Crime Information Center database to conduct the background searches. NICS services are provided to FFLs in 27 states via a toll-free telephone number and through the Internet.

Fourteen states, including Nevada, operate their own Brady NICS programs. In these states, rather than contacting the FBI-NICS program directly, the FFLs call a State Point of Contact, and the State POC initiates the background check through NICS and through their state's criminal history database. This type of search is more stringent than just checking the NICS alone. State POCs also are responsible for providing court disposition information on state arrests to the FBI-NICS and to other states. The POC for Nevada is the Brady unit within the Records Bureau.

The process works as follows. Before the (legal) sale or redemption of a firearm in Nevada, the FFL will contact the Brady program in the Records Bureau via a toll-free telephone number or local access number. The calls are routed via a queue system to the next available Brady operator (Administrative Assistant II). The operator will collect personal information about the potential buyer and initiate searches of NICS and NCJIS. If no disqualifying offenses are found, the FFL is given the authorization to proceed with the sale. The process takes a matter of minutes once the FFLs are picked up from the queue. (The waiting in queue is another story, with hour-long waits not unheard of.)

However, if a disqualifying offense is found the purchase/redemption goes into a "delay" status. The FFL is instructed to not release the weapon for three (3) working days. During that time, the Administrative Assistant IV positions conduct additional research on the potential buyer. This typically involves tracking down the court disposition for the disqualifying offense(s) and may take several phone calls and faxes to law enforcement agencies and courts in- or out-of-state to get the needed information. The results of the

⁵⁵ National Instant Criminal Background Check System homepage at <http://www.fbi.gov/hq/cjisd/nics.htm>

additional research are given to the FFL at the end of the three working days. Three scenarios are possible.

- **Proceed:** The additional research shows no conviction for the disqualifying offense. The FFL is authorized to proceed with the sale. Paperwork relating to the potential buyer is shredded in accordance with federal laws and the individual's name is dropped from NICS.
- **Deny:** The additional research shows a conviction for the disqualifying offense. The FFL is instructed to deny the sale. Paperwork relating to the potential buyer is kept by the Records Bureau indefinitely, and NICS is updated.
- **Unresolved:** Investigators were not able to gather the needed information from the source(s) within the 3-day window. The FFL is told that the potential buyer is in an "unresolved" status. It is then up to the individual FFL on whether or not to make the sale, the underlying risk being that the firearm could end up in the wrong hands.

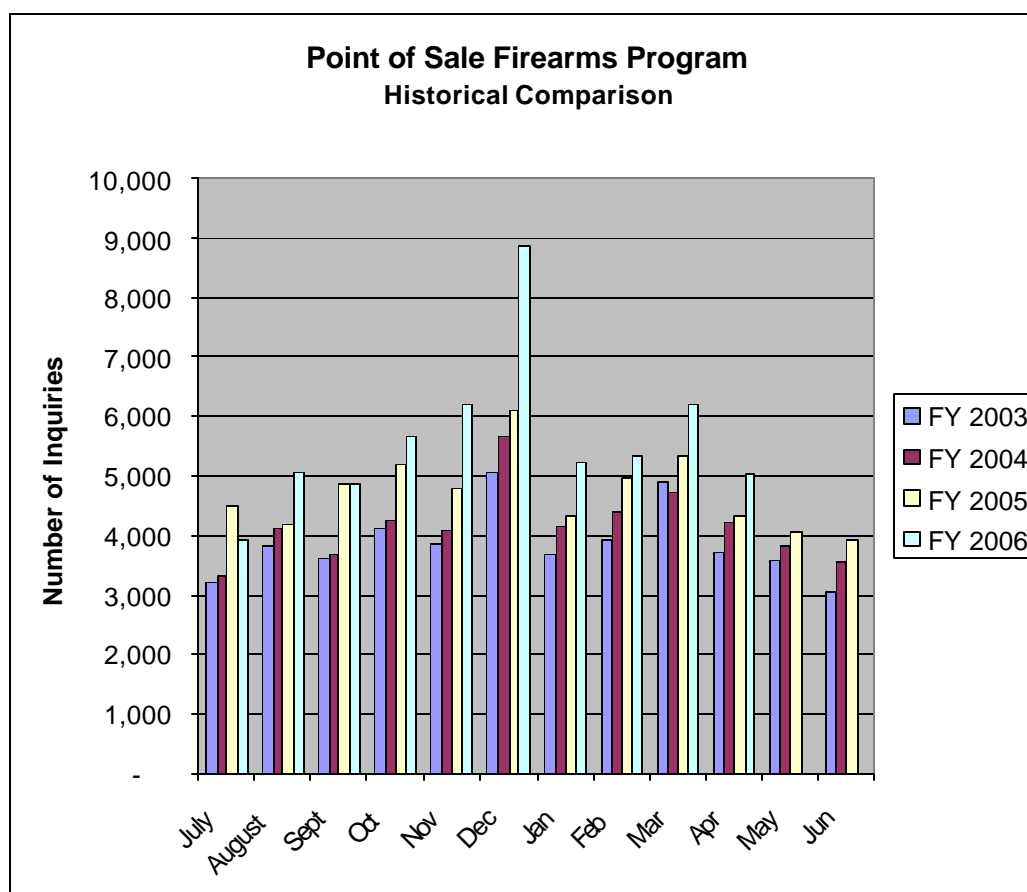
Paperwork relating to the potential buyer is kept for 90 days to allow investigators more time to obtain the needed information. If the investigators are successful, the FFL is notified and the potential buyer becomes either a Proceed or a Deny (if the sale hasn't already been made by this point). If the investigators are not able to obtain the information within this 90 day window, all paperwork relating to the potential buyer is shredded and the transaction is dropped from NICS. This underscores one of the reasons why it is so important to address the court disposition backlog in the Criminal History Repository, as all of the other programs within the Bureau rely on the accuracy and completeness of the criminal history records.

5.2.5.2. Temporary Protection Orders

Per NRS 179A.350 and NRS 33.095, the Records Bureau is required to maintain a registry of all protection orders issued within the state. Protection orders are faxed to the Bureau from the various Nevada courts and are entered into the NCJIS Protection Order Module by Special Services' staff within 8 hours of receipt. This Protection Order Registry was added to the Bureau's responsibilities as a result of Assembly Bill 170 of the 1997 Legislative Session. The centralized registry assists the local, state, and federal criminal justice community and helps state officials track trends in domestic violence.

5.2.5.3. Workload

The number of Brady inquiries has increased by **21%** from FY 2003 to FY 2006 year-to-date (through April 2006). Annual revenue for the same time period has increased by 121.7%.⁵⁶ Yet the **number of staff has stayed constant** during the same time period. Staff indicates workload is cyclical, with inquiries picking up in the Fall with the start of hunting season, continuing through the holiday months of November and December, and then leveling off during the Spring and Summer months. The month-by-month comparison of historical Brady inquiries would seem to support that conclusion.



To keep up with the increasing number of inquiries, the Bureau has taken a two-pronged approach. The first is offering voluntary overtime. For FY 06 year-to-date, Brady personnel have worked a combined total of 599.51 hours of overtime. This is more than was worked in all of FY 05 combined and is expected to continue based upon current trends.⁵⁷

⁵⁶ Source: Data Warehouse of Nevada FYs 2003, 2004, 2005 and 2006 YTD as of 7/1/06

⁵⁷ Source: FY 2006 Bureau SafeStat Reports and HR Data Warehouse. FY 05 overtime (for comp and pay) was 435.38 hours.

The second approach is to re-assign staff to meet the most pressing needs. This approach has been used in the past to address the severe fingerprint backlogs in the Criminal History Repository. Most recently, a reassignment occurred in October 2005 when one of the Administrative Assistant IVs (AAIV) from Brady was moved to the Sex Offender Registry (SOR) program to assist with the Senate Bill 341 implementation, which was deemed more critical than Brady.⁵⁸

While a staff reassignment helps the receiving program, it tends to place a burden on the giving program as remaining staff have to pick up additional duties. This case was no exception. The reassignment of the Brady AAIV to the SOR Program left the remaining AAIV with the entire responsibility of researching the “Unresolved” cases. Because the workload is more than 1 person can handle, one of the Brady Administrative Assistant IIs (AAII) started working as a researcher in October 2005 to help. However, reports from staff indicate that even with the additional staff member, there are hundreds (448 for the quarter ending June 30, 2006) of unresolved cases that cannot be researched within the 90 days and end up being shredded, potentially placing the public at risk.

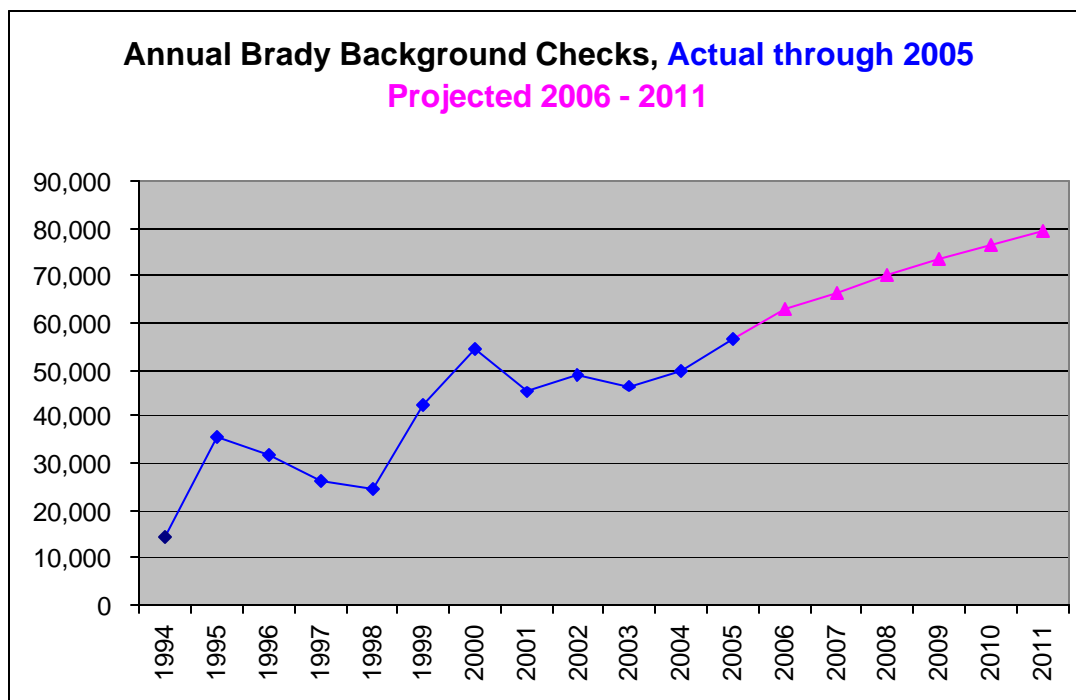
Because the AAII has been working out of class in performing the same duties as the existing AAIV, the Bureau will ask for the position to be upgraded through the NPD-19 process retroactive to October 2005. This will then open up the AAII slot to be filled internally or through an open competitive recruitment.

5.2.5.4. *Future Needs*

To predict the Brady program’s growth, several regression models were run. The chosen model predicted future growth in the Brady program as a function of total statewide non-farm employment. The rationale for using the employment series as an explanatory variable is the assumption that the employment data would capture individuals in the right age group to be able to make firearms purchases.⁵⁹ Furthermore, employed individuals would be more likely to have the disposable income to spend on a firearm. Alternative models of using population and a combination of population and employment were explored, but the first model turned out to have the best fit and overall statistical significance. The projections are displayed graphically below.

⁵⁸ The Sex Offender Registry Program received Legislative Approval for 4.0 additional FTEs in FY 2006, so the AAIV from Brady moved directly into one of those new positions (Decision Unit E250, 2005 – 2007 Leg. Approved budget).

⁵⁹ Statewide population data would capture children and senior citizens. Employment data would only capture those of legal age to hold a job and would not include retirees.



The actual Brady inquiries show a spike in FY 1995 as the program got off the ground. Another spike occurred in FY 1999 when the permanent provisions of the Brady Act took effect, which required background checks for purchases of rifles and shotguns. Since then the growth has been more modest but has nonetheless been increasing. Another factor that will contribute to an increasing number of inquiries going forward is the FBI's ruling that as of October 2005 Nevada Carry Concealed Weapons permit holders must have a Brady check. Previously they were exempt. Due to an outcry from the permit holders and gun dealers when the ruling came out, the Records Bureau asked for, and received, a temporary exemption from the rule. However, it is still in the back of everyone's mind and may add as many as 5,000 inquiries each year if it actually takes effect.⁶⁰ Assuming the national and state economies do not take a sudden downturn and federal laws do not change, Brady inquiries are expected to continue increasing through 2011.

Program growth also will equate to an increase in the number of unresolved cases, which have run about 2% of all Brady inquiries based upon data from FYs 2003 – 2005. To address the unresolved files and help keep up with the ever-increasing number of inquiries, the Bureau will request a 1.0 FTE Administrative Assistant (AA) III position and a 1.0 FTE Administrative Assistant II. The detailed cost analysis is presented in the Bureau's 2007 – 2009 biennial budget request in decision unit E255.

⁶⁰ Based on average number of CCW Permits in NCJIS for FYs 2004, 2005 and 2006.

5.2.5.5. *Potential Legislation*

Currently mental health records are not accessed during the NICS check of potential firearms purchasers due to patient confidentiality issues. Questions have been raised in the past about why Nevada does not check mental health records. In anticipation of potential issues that may arise during the 2007 legislative session, the Bureau has found some model legislation on mental health/NICS checks that interested parties could review upon request. Any legislation that is enacted to require a mental health check for a firearm purchase would require modifications to be made to the Bureau's NICS interface. At this time, it is premature to speculate on the scope of work and cost of such a project.

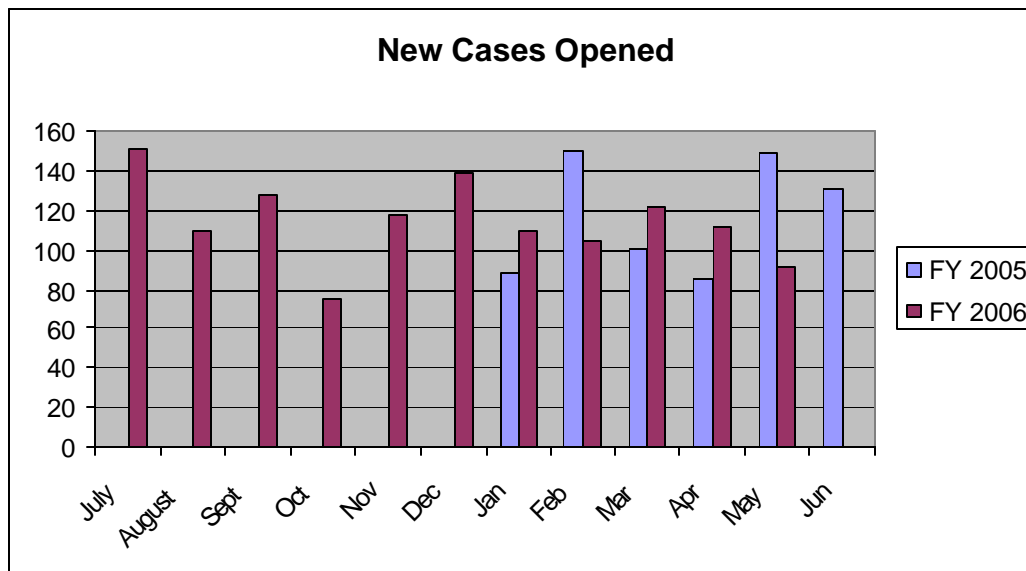
5.2.6. *Sex Offender Registry*

The Sex Offender Registry (SOR) program was transferred from the Division of Parole and Probation to the Records Bureau by the 2001 Nevada Legislature. The program is staffed with 10.0 FTE Administrative Assistant IVs, four of which were new for FY 2006, and 1.0 FTE Management Analyst I, who is the program supervisor. The program's mission is to provide law enforcement and the public with accurate information on registered sex offenders, to increase the public's awareness and prompt safeguards to prevent encounters with sexual offenders, and to share registration information with the National Sex Offender Registry.

Registration requirements are set forth in NRS 179D and are described briefly as follows. When a convicted sex offender is released from prison or jail, he/she is required to register with a local law enforcement agency so that his/her whereabouts can be tracked. The local law enforcement agency will fingerprint and photograph the registrant. The registration information, fingerprints, and photograph are then forwarded to the SOR Program in the Records Bureau and a case file is created. SOR Case Investigators will then analyze the individual's registration information and run a criminal history. The SOR Case Investigator will then assign a "Tier Level" to the registrant based upon the seriousness of the offense for which the registrant was convicted and the likelihood of re-offending based upon existing statutes and criteria established by the Nevada Attorney General's Office. A Tier 1 level means the registrant poses the least danger of violence and re-offending, a Tier 2 level poses a moderate danger, and a Tier 3 designation is reserved for those deemed the most dangerous and most likely to re-offend. Once a case file has been created, the SOR Program sends the registrant an annual verification packet to confirm the information in the registrant's case file is current and to obtain a recent photograph for posting to the State Community Notification website.

The number of new cases opened each month has averaged 115 for FY 2006. A comparison of the number of new cases opened for available data from FY 05 and

FY 06 year-to-date is shown below. For FY 06 year-to-date, staff is spending an average of 20 minutes to data enter each new case. Case analysis takes an average of 1 hour. Once the 4 new Case Investigators are fully trained, the case analysis time is expected to decrease.



The SOR Program’s priorities for FY 2006 have centered on complying with the stricter registration requirements of Senate Bill 341 of the 2005 Legislative Session, which took effect on July 1, 2006. The major provisions of SB 341 require:

- Annual renewal of a registrant’s driver’s license.
- Sharing non-compliance information with the Gaming Control Board (affects those needing a work card to work in the gaming industry).
- Posting of all Tier 2 offenders on the State Community Notification website, including a current photograph and the residential address of each offender. (The previous practice was to post only Tier 3 and selected Tier 2 registrants and to only post the ZIP code of the registrant’s home address.)
- Statutory “Tier 3” designation. The statutory designation takes the subjectiveness of assigning a Tier Level away from the SOR Case Investigators. If the registrant has been convicted of specific sexual offenses as outlined in statute, he/she is automatically assigned a Tier 3 designation.

- Employers/potential employers can now receive registration records of sex offenders.

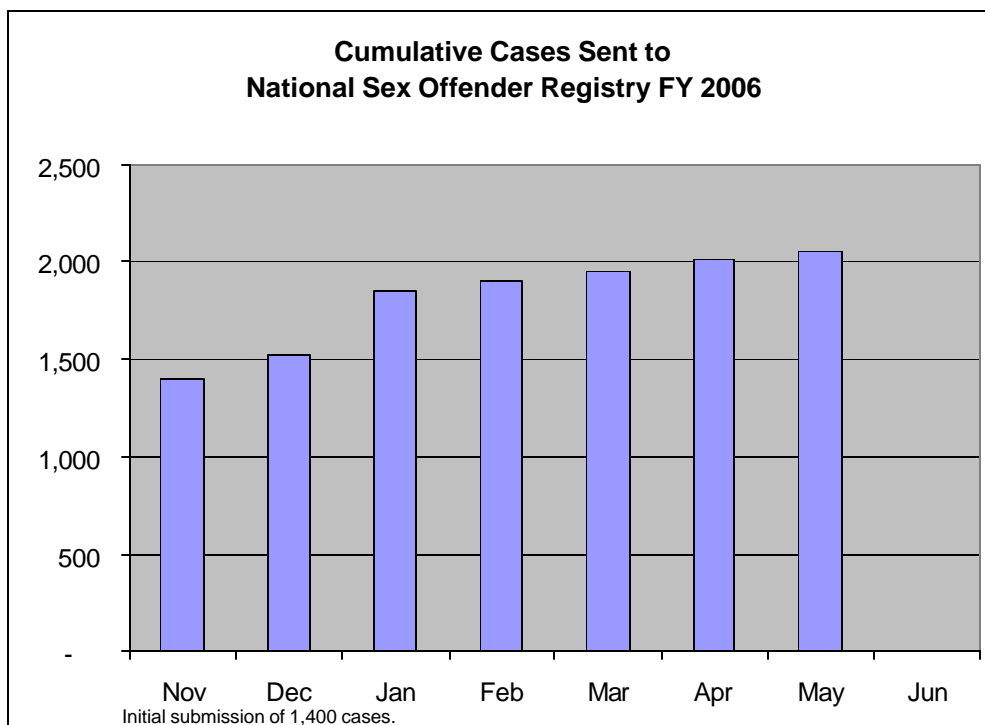
The annual driver's license renewal requirements have meant the Technology Bureau, the Department of Motor Vehicles, and the Gaming Control Board have had to work together to develop computer interfaces that will show a registrant's compliance with the law. Along with that, the State Community Notification website had to be modified to include the photos and residential addresses of all Tiers 2 and 3 registrants. As of July 1, 2006, the Technology Bureau has devoted 1 FTE, 2 – 3 part-time FTEs, and 1,195 design and development hours to the SB 341 changes. The interfaces and modified website went "live" on July 1, 2006 as scheduled and has had 14,326 site visits as of July 5, 2006 at 7:45 a.m. In addition, the Technology Bureau reports roughly 16,000 inquiries from the Department of Motor Vehicles as of noon on July 6, 2006, identifying 22 offenders.

Compliance with the Statutory Tier 3 provision has been a monumental task as it has required a re-run of each registrant's criminal history and a review for the Tier 3 designation as the annual renewal packets are returned by the registrants. As of June 2006, the SOR Program has completed 4,452 criminal history re-runs and Tier 3 reviews, out of 5,688 active cases, and is on track to complete the remainder of the re-runs and reviews by August 2006. To date, 41 registrants have been reclassified to a Tier 3 level as a result of these reviews.

Ongoing issues include completing the assessments for new cases within the 90 day timeframe as prescribed by the Nevada Attorney General's guidelines and submitting files to the National Sex Offender Registry. The SOR Program has had some recent successes⁶¹ in reducing the number of "pending completion" files, but it should be recognized that the Program is dependent on other agencies (courts and law enforcement entities) to share the information with the Program in a timely manner. And the Program continues to submit more and more files to the National Sex Offender Registry as those cases are deemed eligible.

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⁶¹ In December 2005 there were over 50 cases over the 90-day completion mark. As of May 2006 there were less than 10. Source: SOR Program's May 2006 SafeStat report.

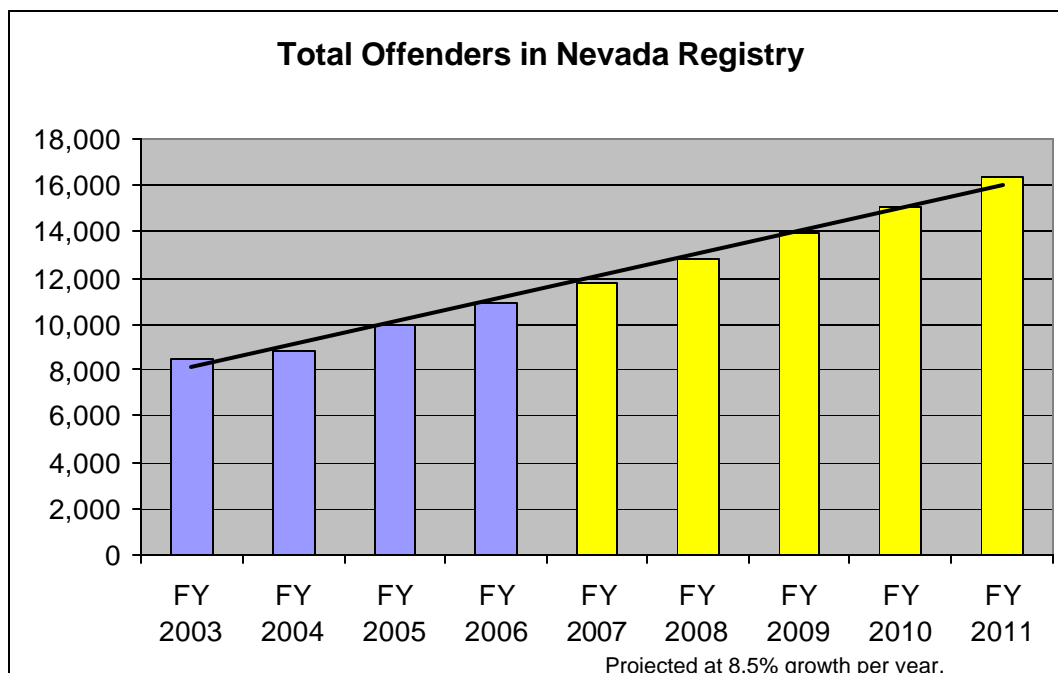


5.2.6.1. *Future Needs*

The number of new cases is difficult to project given the limited amount of data. However, it is generally assumed that as state population increases and as current registrants become more familiar with the requirements of SB 341, the number of registrations will increase. The graph below shows the total number of sex offender registrants in the Bureau's registry over the past four fiscal years. The projections for FYs 07 – 11 are based upon an average 8.5% growth rate from FYs 2004 – 2006.⁶²

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⁶² Source: Bureau Service Activity Reports 2003 – 2005, and SOR Program SafeStat Report for March 2006. Totals are as of June 30 for FYs 2003 – 2005 and as of 5/5/06 for FY 2006.



To keep up with the anticipated growth in caseload, the Bureau is requesting 1.0 FTE Program Officer II and 1.0 FTE Administrative Assistant IV (Case Investigator) in its 2007 – 2009 biennial budget request. Due to the projected increases in the number of cases, the consequences of error, and the political and public attention that continues to be focused on keeping track of sex offenders, these positions are crucial to the Bureau’s ability to keep up with the workload. Additionally, adding the Program Officer II position will enable the supervisory responsibilities for the SOR Program to be split evenly among two individuals and will allow for supervisory review and approval of the Tier Level designations by the Case Investigators. Supervisory review is currently only happening on Tier 3 offenders, which are a very small percentage of overall registrations. However, for the reasons stated previously, the Bureau feels it prudent to allow for supervisory review of all Tier 2 designations also. The only way to do that is to add another supervisor to the Program. Detailed costs may be found in the Bureau’s budget request in decision unit E253.

As the number of sex offender registrations increase, so too will the number of Reconsideration Hearings, which may be requested by the registrant to appeal his/her Tier Level designation (NRS 179D.740). The Reconsideration Hearings are public meetings and as such must be noticed appropriately and have meeting minutes taken to comply with the Open Meeting Law. A Bureau Case Investigator attends all Reconsideration Hearings and is prepared to present evidence to justify the designated Tier Level.

In order to provide adequate staff support to the Reconsideration Hearing meetings and ensure compliance with the Open Meeting Law, the Records Bureau will be requesting 1.0 FTE Administrative Assistant III in its 2007 – 2009 biennial budget. The position was going to be requested in the Parole Board's budget, but it has since been determined by the DPS Director's Office that the position should be requested as part of the Records Bureau's budget. Furthermore, the position will serve as the secretary for the Advisory Committee on Nevada Criminal Justice Information Sharing (NRS 179A.079) and will help ensure compliance with the Open Meeting Law for the Committee's meetings. Detailed costs may be found in the Bureau's budget request in decision unit E253.

5.2.7. Uniform Crime Reporting (UCR) Program

The UCR Program provides crime statistics to local law enforcement, the Federal Bureau of Investigation, the Governor, and to the general public in a uniform format that makes comparisons between local and national jurisdictions possible. Per NRS 179A.075, the UCR Program is mandated to publish and deliver an annual report on crime in Nevada to the Governor by July 1 for crimes reported during the previous calendar year. The statute further mandates an annual report be published and delivered to the director of the Legislative Counsel Bureau on domestic violence in Nevada by July 1. The Crime and Justice in Nevada 2005 report, which includes aggregate statistics on domestic violence, has been finalized and delivered to the Governor and the Legislative Counsel Bureau as required.

The UCR Program used to be staffed with 4.0 FTEs, but staff were reassigned during the fiscal crisis of FYs 2002 – 2004 to take care of the backlogs in the Criminal History Repository. It is currently staffed with 3.0 FTEs: a Statistician II, an Administrative Assistant IV, and an Administrative Assistant II. The Administrative Assistant II position is currently vacant, and recruitment is in progress.

One of the issues facing the UCR Program is the inconsistent method of reporting domestic violence incidents by local law enforcement agencies. Currently, reports of domestic violence are mailed from local law enforcement agencies for data entry by UCR Staff. The reports arrive in a variety of formats, as there is not a statewide domestic violence reporting form. The inconsistent reporting format makes it more time consuming for staff to enter the information, as each form has to be searched for the pertinent information. This is a time and labor-intensive process.

Some of the reports arrive on scantron forms. However, the scantron machine that can read the forms has been broken since December 2005. If it were not broken, the machine could read the forms and then two (outdated) software applications could place the data into the NCJIS Domestic Violence Module.

Because of the broken machine, all scantron data entry has been suspended, and there is a backlog of reports estimated at several thousand. To address the backlog, the Bureau is submitting a Work Program for the September 2006 meeting of the Interim Finance Committee for permission to transfer authority from Reserve to the Equipment category to purchase a scantron machine. The Bureau will then contract with a temporary services agency to have someone scan the backlogged reports. The estimated cost is \$30,818.⁶³

Standardizing the domestic violence incident report among law enforcement jurisdictions would greatly assist UCR staff in collecting information about the scope of domestic violence in Nevada. However, rewriting the Domestic Violence Module in NCJIS to a web-based environment would make it a non-issue altogether. An interactive, web-based environment would allow local law enforcement agencies to enter their own domestic violence reports, thereby providing all NCJIS users with real-time access to the information and allowing for more timely and accurate collection of data. This would free up UCR staff time to provide better statistics on domestic violence trends and statewide comparisons. The estimated cost for the Technology Bureau to rewrite the Domestic Violence Module in FY 08 is \$60,000 with an annual maintenance cost of \$6,000. Contingency is estimated at \$3,300. Funding for the rewrite would come from the Records Bureau's Reserve category. Annual maintenance costs would be funded from the Bureau's Information Services category. See Attachment K for the Technology Investment Project Initiative on this project.

5.2.7.1. Realignment and Expansion

The Bureau would like to realign and expand the Uniform Crime Reporting program and place it under a new section called the Research and Analysis Unit (see Section 5.2.1.1) starting in July 2007. The Unit would be supervised by a new Management Analyst IV position (see budgetary decision unit E252) and would be responsible for various studies, research, policy analysis, and planning. If the Management Analyst IV position is not approved, the UCR program would remain as-is and would strictly collect data for the FBI and for the annual Crime in Nevada publication.

5.3. Behind the Scenes

Now that the needs of each program have been addressed, an examination of the computer systems and equipment that make them all possible must occur. Throughout this document, the need to upgrade and automate business processes and systems has been stressed. These recommendations have not been made lightly or in a vacuum, but rather are the result of careful analysis and planning by staff of the Records and Technology Division. Projects that must be addressed in FY 2007 are presented first, followed by the critical projects for FYs 2008 and 2009. Finally, a description of *known*

⁶³ FY 2007 Work Program C31749, Budget Account 4709

automation projects that will be implemented when and if resources are available is presented. The word “known” is stressed for the obvious reason that technology is constantly changing and user needs and priorities shift over time. With that in mind, the Bureau presents the following.

5.3.1. Mainframe Migration, FY 2007

The Bureau’s most pressing concern in the current biennium is the migration of the remaining applications of the criminal history database (NCJIS) from their current mainframe environment to a client-server environment. The mainframe migration started in FY 2002 with computer hardware upgrades. Every fiscal year since, the Records and Technology Bureaus have worked on migrating the various software applications that collectively make up NCJIS, the most recent of which were approved at the Interim Finance Committee’s April 4, 2006, meeting: the Warrants System rewrite and authority for additional programming and circuit costs.

The Division is now entering the home stretch of the migration effort with four major projects left: the Civil Name Check rewrite; the Civil Applicant, Civil Name Check, and Brady Accounting Module development; the Dangerous Offender Notification System rewrite; and the Carry Concealed Weapons (CCW) rewrite. The first three projects will require the hiring of an independent contractor to assist the Division in its migration efforts.⁶⁴ The CCW rewrite, along with several smaller rewrites, will be done in-house by Technology Bureau staff. The Technology Improvement Requests (TIRs) and Technology Investment Project Initiatives (TIPIs) for each project can be found in Attachments I and J, respectively. A FY 07 Work Program has been prepared for \$512,000 for the three contractor-assisted projects.⁶⁵

To understand why the migration is needed, it is first necessary to re-emphasize that the Bureau is the hub for statewide criminal history data. Everything the Bureau does, and every new program it has undertaken or been mandated to establish, relies upon the quality, accuracy and timeliness of the criminal history records it houses. The Bureau’s customers include other divisions within the Department of Public Safety; local, state, tribal, and federal law enforcement entities; and Nevada governmental agencies, private employers, and non-profit businesses. To date, there are approximately:

⁶⁴ It is anticipated that Norsoft Consulting will be used to develop the remaining mainframe migration applications. Norsoft Consulting developed the software program that supports NCJIS and owns the source code. To use any other vendor likely would require a complete re-vamping of all NCJIS modules at additional cost. As part of the contract, Norsoft Consulting will provide source code training to Technology Bureau staff.

⁶⁵ FY 2007 Work Program C31748, Budget Account 4709

- 278 NCJIS agencies
- 5,087 terminals
- 6,462 operators
- 3,476,131 transactions per month⁶⁶

The problem with the current mainframe, a UNISYS IX5600 model, is that the Technology Bureau, on whom the Records Bureau depends for support of NCJIS, is rapidly finding itself unable to sustain it. The vendor, UNISYS, is phasing out the IX5600 model, and replacement parts are getting harder to come by. In order to continue leasing the current mainframe system, the Division would have to enter into a month-to-month contract with UNISYS at a significant cost. By way of comparison, the Orange County, California, Sheriff's Office, who uses the same mainframe model as the Technology Bureau, recently approached its Board of Supervisors with a similar request to migrate from its mainframe because, "The UNISYS IX5600 model is now obsolete, and replacement parts have been discontinued. In order to continue using this obsolete mainframe computer system, UNISYS would require a custom month-to-month maintenance program at a cost of \$50,000 per month."⁶⁷ Since the Technology Bureau's lease with UNISYS expires on 11/30/2007, Nevada would be placed in a similar situation if it were forced to continue with UNISYS. To allow for a "buffer" in case the mainframe migration doesn't go as smoothly as planned, the Technology Bureau set a date of 6/30/07 to be completely off of the mainframe. This date was set years ago by the previous administrator of the Technology Bureau and has been kept as the target mainframe migration date by the current Division Chief.

In addition, the number of Technology Bureau staff who have the knowledge and expertise to maintain the mainframe has dwindled to 4 FTE out of 45 authorized as staff have turned over through retirement or to pursue other career opportunities. This leaves the Division vulnerable to major system disruptions as only a handful of individuals can "fix" the mainframe if it goes down. Because the system is so old, it is difficult to find individuals in the marketplace with this skill set.

Finally, rewriting the remaining mainframe applications of NCJIS will integrate them with the rest of the applications, thereby improving the ability to share information between jurisdictions, decreasing response times, and incorporating requested module enhancements by system users, all of which support the Bureau's goal to improve customer service. The applications will be rewritten simultaneously in order to meet the Division's goal of being completely off of the mainframe by 6/30/07.

⁶⁶ Source: Technology Bureau presentation to NCJIS Advisory Committee, 5/31/06

⁶⁷ Orange County Board of Supervisors, Agenda Staff Report for meeting on 12/7/04, regarding purchase of UNISYS Dorado 140 Mainframe Computer by Sheriff-Coroner's Office

5.3.1.1. *Civil Name Check (CNC) Rewrite*

As mentioned above, the Civil Name Check program is a standalone application used mainly by the gaming industry, although there are other users, to obtain criminal background information on prospective employees. For a fee of \$20.00 per search, users can enter the name and social security number of an individual and the application will run a criminal history background check through NCJIS to the various federal databases to which Nevada is linked and return the results to the user within a matter of minutes. To date, there are 33 casinos using the CNC system and 34 active accounts. The system is accessible 24 hours per day 7 days per week.

The current CNC program is written in the Unisys Mapper programming language that is no longer supported by the developer. The attached TIR describes the scope of work and software specifications to take the application from Mapper to a client/server environment using a language called Visual Basic.Net. Migration also will have the added benefit of being able to link the CNC application to other applications within NCJIS, potentially allowing users access to additional information. And going to a new operating platform will give the Bureau the ability to be responsive to its customers by enhancing the application based upon user suggestions.

The estimated cost to migrate the CNC program from the mainframe to a client/server environment is \$204,500 for FY 2007, which includes the first year of maintenance (FY 08). Thereafter, maintenance is estimated at \$30,000/year (FY 09 and beyond). FY 07 funding will come from a reduction to the Records Bureau's Reserve. Thereafter, maintenance costs will be charged to the Information Services category in the Records Bureau's budget. Additional details and project milestones may be found in the TIR in Attachment H.

5.3.1.2. *Civil Applicant, Civil Name Check, and Brady Accounting Modules*

The Technology Bureau started rewriting the Civil Applicant program in December 2004 to take it off the mainframe. The rewrite has been conducted in phases. Phase 1 consisted of preparing to accept civil LiveScan fingerprint images electronically. Phase 2 automated the data entry portion after receiving a civil LiveScan image. Phase 3 was the billing portion, which has been absorbed into Phase 4. To date, the Technology Bureau has spent 2,460.5 hours of coding and 1,847.75 hours of maintenance on the Civil Applicant rewrite. The Bureau is now ready to begin Phase 4, which includes development of an accounting module for the Civil Applicant, Civil Name Check, and Brady Programs. Subsequent phases will be developed and implemented in FYs 2008 and 2009.

As the main revenue-producing service for the Bureau, the Civil Applicant program has averaged approximately \$5.9 million in annual revenue since FY 2004, and the Brady and Civil Name Check programs have averaged approximately \$1.2 million.

Records Bureau Revenues – Selected Sources⁶⁸	FY 04	FY 05	FY 06 YTD	Average 2004 - 2006
Court Assessments	4,612,980	4,825,210	4,955,924	4,798,038
Civil Applicant Fees	5,310,315	5,991,446	6,387,515	5,896,425
Brady Fees	766,001	1,177,058	1,678,421	1,207,160
Civil Name Check Fees	669,924	1,742,050	1,275,132	1,229,035

Given that such a large portion of the Bureau’s revenue comes from these three sources, it is critical that the accounting software that tracks these receipts is written in a modern programming language that is supported by the developer, understood by Technology Bureau staff, and capable of automating the process of Accounts Receivable, Accounts Payable, Collections, Invoicing, and Reporting.

The estimated cost to develop the Civil Applicant, CNC, and Brady Accounting Module is \$207,500 in FY 2007, which includes one year of maintenance and training of Technology Bureau staff on the source code. After that, the annual fee is estimated to be \$30,000. The developer indicates the annual maintenance fee may increase by 3% per year after FY 2009. Funding will come from the Records Bureau’s Reserve category. Thereafter, maintenance costs will be charged to the Information Services category in the Bureau’s budget. Additional details and project milestones may be found in the TIR in Attachment H.

Civil SID Assignment Application

Another part of the Civil Applicant rewrite for FY 2007, but one that does not have a TIR or TIPI as of yet, is the State Identification Number (SID) Assignment application. The SID is a tracking number that is assigned to individuals whose records reside in NCJIS and is the means by which the Records Bureau can match fingerprints with individuals.

Teachers and other school personnel, Carry Concealed Weapons (CCW) permit holders, and individuals permitted to have marijuana for medical purposes receive a SID when they are fingerprinted. By assigning them a SID, these individuals can be identified by a fingerprint submission no matter what name they are using. In addition, if the individual should be arrested at a later date, there is a means by which the Records Bureau can notify the

⁶⁸ Source: Data Warehouse of Nevada, FYs 2004 – 2006. FY 06 Year-to-Date as of 8/1/06, 12:20 p.m.

appropriate school district or local law enforcement jurisdiction of the incident so that action can be taken.

Juvenile records also are assigned a SID but for a different purpose. This is because by law the Bureau is not allowed to keep criminal history records of juvenile offenders (except for juvenile sex offenders). However, the Bureau does keep their fingerprints in case they are arrested as an adult or to match against fingerprint databases in other states or nationally. Juvenile SIDs are stored in a separate database.

Up to five (5) different SID numbers can be assigned to an individual depending upon whether or not the individual has a criminal record, is an adult or juvenile, works in a school, carries a concealed weapon, or has a medical marijuana permit. Approximately 20% (or 2,500 per month) of all civil applicant records are retained in the WIN-AFIS database.⁶⁹

Currently, assigning a civil SID number is a time-consuming, manual process because of limitations in the Bureau's WIN-AFIS database that only allow for one SID number per person. This is one component that contributes to the slow turn-around time for civil applicant fingerprints and the backlogs in civil and juvenile cards. And until the SID process is automated, the goal of an automated Civil Applicant Program will not be realized.

The Records and Technology Bureaus are currently holding meetings regarding the civil SID assignment process to determine the scope of work and project milestones. Because the scope of work has not been finalized, it is not known how many hours it will take the Technology Bureau to develop the application in-house. Consequently, the Bureau is unable to determine the approximate cost at this time. When the scope of work and costs are known, a TIR or TIPI will be developed as appropriate. Funding to implement the civil SID application will come from the Records Bureau's Reserve category in FY 07. Annual maintenance costs would be paid for in the Bureau's Information Services category for FY 2008 and beyond. Additional information about this project will be provided by the Records Bureau as it is developed.

5.3.1.3. DONS Rewrite

The Dangerous Offender Notification System (DONS) application is used by law enforcement agencies statewide. Its primary function is to alert the Parole and Probation Division (P&P) when an individual on supervised release status comes into contact with a local law enforcement agency. Its secondary function is to promote officer safety by alerting local law enforcement that an individual that has just been detained is on parole or probation and is

⁶⁹ SID Assignment Overview draft document by the Department of Public Safety, Records and Technology Division, Technology Bureau, July 2006

potentially dangerous. The system will then instruct the officer to hold the individual pending further instructions from P&P.

In 2005, there were 16,678 DONS contacts and 6,853 DONS holds. The application operates 24 x 7 and is accessible to NCJIS users. The system was written and implemented in-house in 1996. Like anything, after years of use it is starting to show its age. And during these 10 years, users have come up with plenty of suggestions on how to make the system better.

Rewriting the system will move it to a modern client/server environment and incorporate users' suggestions for a better product. The estimated cost is \$100,000 in FY 2007, which includes maintenance for the first year. Starting in FY 2009, the annual maintenance fee would be \$15,000. The developer indicates the annual maintenance fee may increase by 3% per year after FY 2009. Funding will come from the Records Bureau's Reserve for FY 2007. Thereafter, maintenance costs will be charged to the Information Services category in the Bureau's budget. Additional details and project milestones may be found in the TIR in Attachment H.

5.3.1.4. Carry Concealed Weapons (CCW) Rewrite

The CCW application is used to track the number of concealed weapons permits being issued by law enforcement statewide. The current CCW application is written in the Unisys Mapper programming language that is no longer supported by the developer. Moving the CCW application to a client-server environment will allow it to interface with the other applications in NCJIS, will allow Technology Bureau staff to service the application, and will incorporate user suggestions for improvement. Like the other projects, the target date for rewriting the CCW application and migrating from the mainframe is June 30, 2007.

Unlike the other three applications, however, this rewrite can be done in-house by Technology Bureau staff. As of July 2006, the Requirements document for the CCW rewrite is near completion with the final design and coding expected to begin in October 2006. The Requirements document and cost estimates can be provided to interested parties when they are developed.

5.3.2. Additional Systems Area Network (SAN) Storage

The Technology Bureau's Storage Area Networks are rapidly running out of storage capacity. Without additional storage capacity, it is anticipated that all of the Department's databases currently in production will run out of space before July 2007. The current storage crisis can be attributed to database applications growing at faster rates than anticipated, adding functionality to existing databases (which uses more storage space), more users than anticipated, and the recent

addition of document imaging capabilities, which was not considered during previous capacity planning sessions.

Failure of the SANs could result in data loss and downtime for the criminal history and computer-aided dispatch databases housed by the Technology Bureau. Downtime of both systems would affect law enforcement statewide and could pose a serious threat to public safety.

The recommended solution to the storage crisis would be to replace the SANs. The Technology Bureau has requested replacement SANs for Carson City and Las Vegas in its 2007 – 2009 biennial budget request in decision unit E586. In the meantime, the Technology Bureau recommends adding 1.1 TB of storage in the Carson City SAN and 272 GB of storage in the Las Vegas SAN to get the Bureau through until such time as its 2007 – 2009 biennial budget is legislatively approved.

The additional storage capacity is estimated to cost \$91,302 and will be paid for through a reduction to the Records Bureau's reserve category. A FY 2007 work program has been prepared for submission to the Interim Finance Committee at its September 2006 meeting to address this need.⁷⁰

5.3.3. Future Years (FYs 2008 – 2011)

Priorities for the 2007 – 2009 biennium center on continued automation of the Bureau's business processes and further investments in technology. Automation is the only way to meet the Bureau's goals of data quality and customer service in the face of a growing customer base. This is consistent with national findings that:

...to achieve the highest possible levels of completeness, accuracy, and timeliness, States should work toward a single-point-of-entry or paperless system in which particular data elements are entered into an automated system once and are subsequently transmitted electronically to other agencies that require the data element.⁷¹

The projects that will move the Bureau forward in that regard are listed in priority order. The priority of these projects was determined as the result of a strategic planning process that involved key personnel from the Records and Technology Bureaus and input from the Department of Public Safety's Director's Office. See Attachment J for a copy of that plan.

⁷⁰ FY 2007 Work Program C31752, Budget Account 4709

⁷¹ Queues Enforth Development, Inc., *Early Experiences with Criminal History Records Improvement*, sponsored by the U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance, May 1997, page 57.

5.3.3.1. *Disaster Recovery*

The first priority for the 2007 – 2009 biennium is to develop and implement a disaster avoidance and recovery plan for NCJIS. Nevada Administrative Code (NAC) 179A.060(3) mandates that, “Duplicate copies of the computerized records of criminal history must be made and placed in a safe storage area located outside the normal confines of the data processing area.”

Although the disaster recovery regulation was placed into the NAC in 1980, the Legislative Auditor noted the Records Bureau’s lack of a disaster avoidance and recovery plan in its 2002 audit and made two recommendations specifically addressing the issue.⁷²

- *Update the disaster recovery plan to include all key components [recommended by the National Institute of Standards and Technology.]*
- *Provide better backup of the criminal history records database by either storing backup cartridges at an off-site location or placing the database on the backup mainframe in Las Vegas.*

The Records Bureau accepted both recommendations and provided periodic updates to the Nevada Legislature indicating these issues had been addressed. The Las Vegas Storage Area Network at the Nevada Highway Patrol’s Southern Command in Las Vegas was used to replicate the Criminal History Repository’s data from the Fall of 2003 to June 2005 using digital microwave T-1 circuits leased from the Department of Information Technology (DoIT), thus providing off-site storage and retrieval capabilities.

However, during FY 2005 the NHP Southern Command moved to a new location. When the Technology Bureau moved its core network equipment to the NHP’s new location, the digital microwave T-1 circuits were no longer available since the microwave terminated at the old location, and DoIT had no plans to relocate the microwave to NHP’s new location. Since that time, the Technology Bureau has been unable replicate the Repository’s data in the Las Vegas office. Although the Bureau has been working with DoIT on this issue since it occurred, there has been no resolution to date.

⁷² Report of the Legislative Auditor on the *Security and Integrity of the State’s Criminal History Repository* (LA02-24), 2002, page 25.

The limited failover capabilities that exist in Carson City consist of tape backups that are located in the same building as the servers that host the criminal history database. This leaves the Bureau vulnerable to data loss and/or complete shut-down of the state's Criminal History Repository in the event of a natural disaster or terrorism event affecting the Carson City office. Such a shut-down would impact the entire NCJIS user community at the local, state, tribal, and federal levels and has the potential to threaten the lives of law enforcement officers and the public.

To address these issues, the Bureau needs to upgrade and install modern disaster recovery equipment in Carson City and in Las Vegas. Because the mainframe migration is in its final stages, the existing disaster recovery equipment would be rendered obsolete and would have to be replaced anyway. The necessary equipment includes:

- Network and telecommunications circuits;
- Servers;
- Disk and tape storage; and
- Database and operating system software licenses.

The estimated costs for the Technology Bureau to develop and implement disaster recovery capabilities are detailed in the Technology Bureau's 2007 – 2009 biennial budget request in decision unit E586 (budget account 4733). The *DPS Disaster Recovery Infrastructure Upgrade TIR* can be found in Attachment H.

5.3.3.2. *Criminal History Arrest and NCJIS Administration System Rewrite*

The second priority is to rewrite the Criminal History Arrest and NCJIS Administration applications, which are currently written in the USoft programming language. The Criminal History Arrest application is used to enter arrest information manually (i.e., information that doesn't come through via LiveScan). It is also the system that is used to make modifications to existing arrest records and to manually enter/modify dispositions on arrest events. The NCJIS Administration application is used to perform maintenance functions on existing records, such as appending new information, correcting Triple I errors, and performing record seals.

Although many components of the criminal history database have migrated from the Mapper mainframe environment to the newer USoft environment, the USoft environment is now 9 years old. The Queues Enforth study of the Bureau of Justice Assistance's Criminal History Records Improvement

Program noted that the “lifetime of any computer system is limited, typically about 5 years.”⁷³

Because of its age, the likelihood of system failure increases with each passing year. Data entry takes more time than it would if a more modern, user-friendly system were in place. Eventually, the USOFT environment will not be able to communicate with the Department’s Oracle database environment. When that happens, the Criminal History Arrest and NCJIS Administration applications will fail, meaning staff will no longer be able to enter/modify criminal history information. The consequences of that happening have been noted above under the Disaster Recovery section.

Finally, the system is reaching its limits in terms of capacity. As the number of criminal history records increases, additional servers and commercial off-the-shelf software packages are needed to maintain it. For example, in January 2003 the Technology Bureau had:

- 4 Oracle databases on 2 servers
- 1 SQL server with 4 databases
- 2 Commercial Off-the-Shelf packages

As of June 2006, the Technology Bureau had:

- 27 Oracle databases on 6 servers
- 2 additional Oracle databases on 2 servers coming in October 2006
- 2 SQL servers with 17 databases
- 4 Commercial Off-the-Shelf packages

The number of records is projected to steadily increase as the state’s population increases. To estimate the number of criminal history records in the future several regression models were run. However, the regression models seemed to under-predict the number of records based upon past history. Therefore, a straight-line projection taking into account the average growth in the number of records over the past three calendar years was used. Based upon that model, by 2011 there could be approximately 1.6 million criminal history records (53% increase from FY 2005).

⁷³ Queues Enforth Development, Inc., *Early Experiences with Criminal History Records Improvement*, sponsored by the U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance, May 1997, page 56.

Calendar Year	Actual # Cumulative Records in NCJIS	# Cumulative Records in NCJIS with average growth of 91,703 records for last 3 years
1993	234,627	
1994	282,358	
1995	333,815	
1996	378,694	
1997	421,053	
1998	478,151	
1999	554,395	
2000	633,793	
2001	697,976	
2002	762,226	
2003	849,883	
2004	940,886	
2005	1,037,335	
2006*		1,129,038
2007		1,220,741
2008		1,312,444
2009		1,404,147
2010		1,495,850
2011		1,587,553

*Actual # 2006 records were 1,079,187 as of 6/6/06, 2:53 p.m.

To address these issues, the Criminal History Arrest and NCJIS Administration applications need to be rewritten at an estimated cost of \$198,000 over the 2007 – 2009 biennium. This includes \$180,000 for the Technology Bureau’s staff to make the necessary programming changes and an annual maintenance cost of \$18,000 thereafter. Funding for the project will come from the Records Bureau’s Reserve category. Annual maintenance costs will be paid from the Records Bureau’s Information Services category. The TIPI for this project is located in Attachment I.

5.3.3.3. Nevada Offense Code (NOC) Rewrite

Priority number three is the NOC Rewrite. The Nevada Offense Code assigns an offense number to felony and gross misdemeanor offenses committed in the State of Nevada. The NOC is used by all Nevada criminal justice agencies and provides a means to standardize the reporting of charges between jurisdictions and to the Records Bureau. Records Bureau staff use the NOC table to enter, modify and query to make sure the appropriate code is used for each charge.

A project is currently underway, spearheaded by the Administrative Office of the Courts, to make each NOC 12-characters and to modify the query and change functions to access the 12-character code table. Until the project moves forward, criminal justice agencies will be unable to use the new NOC table relating to specific charge data. The TIPI for the 12-character NOC project is located in Attachment I. The estimated financial impact is \$66,000, which includes \$60,000 for implementation and an annual maintenance fee of \$6,000. Contingency is estimated at \$3,300. Funding for the project will come from the Records Bureau's Reserve category. Annual maintenance costs will be paid from the Bureau's Information Services category.

5.3.3.4. *Court Dispositions to the FBI*

This project would develop an interface between the Criminal History Repository and the FBI to submit court dispositions electronically for arrests reported to the FBI through the National Crime Information Center. Historically, the number of records for which disposition information exists has been very low in Nevada. This is expected to improve as the number of courts using MC-IJIS increases. As local electronic dispositions gain momentum, it follows that Nevada would want to report in electronic format to the federal government.

The estimated cost for the Technology Bureau to develop the electronic disposition interface to the FBI is \$36,000. An additional \$2,160 is estimated for contingency. Annual maintenance is estimated at \$3,600. Funding for the project will come from the Records Bureau's Reserve category. Annual maintenance costs will be paid from the Bureau's Information Services category. The TIPI for this project is located in Attachment I.

5.3.3.5. *State N-DEx Project*

N-DEx stands for the National Data Exchange and is a joint effort by the U.S. Department of Justice and the FBI's Criminal Justice Information Services Division to promote "a national system to support the investigative process [by] allowing all law enforcement agencies of any size and jurisdiction to share incident related information (not intelligence) to correlate crime information and find suspects."⁷⁴ The N-DEx concept came into being as a result of the terrorist attacks of September 11, 2001. The lack of information sharing between the FBI, the Central Intelligence Agency, and local law enforcement was seen as a contributing factor that allowed the attacks to occur.

⁷⁴ Geller, Adam, "Industry Endorses National Law Enforcement Data Exchange System," GovTech Magazine, April 28, 2006. Available at http://www.govtech.net/magazine/channel_story.php/99332

N-DEx is currently in a pilot stage nationwide, with criminal justice agencies of various sizes participating. The Records and Technology Division is participating in the N-DEx pilot through a program called NV-Share.

In order to start submitting incident information to N-DEx through NV-Share, it is necessary to map each local criminal justice agency's incident information to the federal Global Justice Extensible Markup Language (GJXML) format. The mapping process will ensure that the appropriate data fields are being captured. When the incident information comes into the Repository, the NV-Share system will store it and then forward selected information to N-DEx. N-DEx can then make the information available to participants in a standardized format for ease of analysis and comparison between jurisdictions. The mapping process will take a significant investment and will likely require the hiring of an independent contractor to go between the local criminal justice community and the Records and Technology Division. The Division is currently pursuing grant funding from the Las Vegas Metropolitan Police Department for the hiring of an independent contractor to do the mapping and for additional computer hardware. It is anticipated that the mapping and hardware costs could be as much as \$1,000,000.

Criminal Rap Sheet to XML

In concert with the N-DEx project, criminal history "rap sheets" will have to be standardized among all 50 states to enable the sharing of information between jurisdictions. In order to do this, it will be necessary to convert the criminal history rap sheets used in Nevada to Extensible Markup Language (XML), a standard electronic data format, to submit to the National Telecommunications Law Enforcement Network (NLETS). NLETS will then format each submission into a standardized national rap sheet for ease of comparison and information gathering/sharing.

The estimated cost for the Technology Bureau to convert Nevada's criminal history rap sheets to XML is \$48,000. An additional \$1,140 is estimated for contingency. Annual maintenance is estimated at \$2,400. Funding for the project will come from the Records Bureau's Reserve category. Annual maintenance costs will be paid from the Bureau's Information Services category. The TIPI for this project is located in Attachment I.

5.3.3.6. Civil Applicant Responses

This project would add a component to the Civil Applicant system rewrite project to automate the responses from the FBI. The current process requires Fingerprint Data Support personnel to send a letter to the employer reporting the results of a FBI background check for a prospective or current employee.

Automating the FBI responses would free up staff time by allowing the FBI to respond directly to the employer rather than having those responses going through the Repository first. A savings in postage is also anticipated. With the projected increase in the number of civil applicant background checks as noted previously, it will become more important than ever that existing staff are devoted to “productive time” rather than clerical-related functions.

The estimated cost for the Technology Bureau to automate the FBI responses is \$18,000. An additional \$1,050 is estimated for contingency. Annual maintenance is estimated at \$3,000. Funding for the project will come from the Records Bureau’s Reserve category. Annual maintenance costs will be paid from the Bureau’s Information Services category. The TIPI for this project is located in Attachment I.

5.3.3.7. Sex Offender Registry Statewide Bulletin Dissemination

NRS 179D requires the Records Bureau to notify law enforcement and Parole and Probation of sex offenders’ addresses. The notification process is currently manual and very labor intensive, requiring staff to scan each registrant’s photograph and insert it into the bulletin to be sent through the mail to local law enforcement. Automating this process would allow each Case Investigator to scan and attach case files electronically and send out the notification through e-mail, which will save staff time and provide more timely notification to local law enforcement. The estimated cost for the Technology Bureau to develop this application in FY 08 is \$48,000 with an annual maintenance cost of \$2,400. Contingency is estimated at \$1,440. Funding for the project will come from the Records Bureau’s Reserve category. Annual maintenance costs will be paid from the Bureau’s Information Services category. The TIPI for this project is located in Attachment I.

5.3.3.8. Web-based Brady Front-End

This project involves the development of an interactive website for the federally-licensed firearms (FFLs) dealers to use rather than calling the Bureau’s 800- or local access number to initiate the Brady background check for weapons purchases or redemptions. The interface would allow the FFLs to enter the potential buyer’s personal information online and get a Proceed, Delay, or Deny status within minutes and without the need for personal intervention for the majority of inquiries. Those inquiries that go into Delay status would then be picked up by staff for additional investigation. With the projected growth in Brady transactions over the next few years, automating this process will be the key to providing responsive customer service without continually adding staff. Savings are also anticipated for the Brady 800-number.

The estimated cost for Technology Bureau staff to develop the interface in-house is \$36,000 and \$3,600 in annual maintenance thereafter. Contingency is estimated at \$2,160. Funding for the project will come from the Records Bureau's Reserve category. Annual maintenance costs will be paid from the Bureau's Information Services category. The TIPI for this project is located in Attachment I.

5.3.3.9. *California Law Enforcement Telecommunications System (CLETS) Access*

The Records Bureau provides the portal through which NCJIS users can access DMV and criminal history information from other states. One such source to which the Bureau is linked is the California Law Enforcement Telecommunications System. In June 2006, the Nevada Highway Patrol accessed CLETS approximately 8,684 times. The Las Vegas Metropolitan Police Department is also a large user of CLETS.

However, since 1997 Nevada has been unable to add any new users to CLETS because of changes in CLETS' network security requirements and miscommunications and delays between CLETS and the Bureau. Budgetary closing sheets for the Senate Finance Committee dated 5/14/97 indicate that \$99,090 was recommended to upgrade security for CLETS access. However, it would seem that this information was not shared with CLETS, and access for new users remained unavailable.

In April 2006, the Bureau was able to make some headway with CLETS and is in the process of gaining access for new users. However, CLETS has indicated that there will be annual access and maintenance fees for the system, which were not charged previously. As of July 2006, the Records and Technology Division is in negotiations with CLETS to determine exactly how much those fees will be for the 2007 – 2009 biennium. The fees will be cost allocated through the Technology Bureau's budget. See decision unit E287 in budget account 4733 for additional details.

5.3.3.10. *Gang Net*

The Records Bureau not only has to be responsive to other state law enforcement agencies. It also must meet the needs of the local law enforcement agencies. With that in mind, local law enforcement agencies throughout Nevada are looking for a statewide system to track gang activity and share intelligence on the same. At recent quarterly meetings of the Statewide Gang Task Force, comprised of local and state law enforcement representatives, the recommendation was made that the Criminal History Repository is the logical location to host such an application since the criminal justice community is already tied into it through NCJIS.

A TIPI has not been developed on this project; however, the Technology Bureau estimates that it can develop the GangNet application in-house. Additional details may be found in the Technology Bureau's 2007 – 2009 biennial budget request in decision unit E286 (budget account 4733). The Records and Technology Division will seek funding for development of GangNet from a subgrant through the Office of Criminal Justice Assistance. Additional information can be provided to interested parties as it is developed.

5.3.4. *Staffing*

In order to manage the mainframe migration and to handle the proposed automation projects in the 2007 – 2009 biennium, the Technology Bureau will be requesting a 1.0 FTE Information Systems Specialist III and 2.0 FTE Information Systems Specialists II that are **solely dedicated** to support of the Records Bureau. Detailed costs can be found in the Technology Bureau's agency request budget for the 2007 – 2009 biennium in decision unit E285. These positions are critical because without them, none of the projects listed above will be possible for several years to come as the Technology Bureau would have to ration its time among the various divisions within the Department. Delaying the projects will impact the Bureau's data quality (as measured by the Records Quality Index) and will affect its ability to process criminal and civil fingerprints within 21 days (internal performance indicator) and 30 days of receipt (statutorily mandated), respectively.

5.3.5. *Other Automation Projects on the Horizon*

*In coming years the emphasis is likely to shift to activities that improve the accessibility and utility of criminal history records. Such activities might include the provision of more sophisticated query capabilities to users and development of decision-supported modules that can produce pertinent information for criminal justice officials at both the operating and the administrative levels.*⁷⁵

There's no question that automating the Records Bureau's business processes is the wave of the future. In the face of exploding growth in all program areas, "Business as Usual" is not an option. The following projects recognize the need for continued investments in technology to meet the national data quality standards, minimize the need for additional staff, and provide quality service to the Bureau's customers. The projects are planned for development in-house by Technology Bureau staff during the 2007 – 2009 biennium but may overlap into the 2009 – 2011 biennium. Actual development and implementation will depend on a variety of factors such as Division staffing and monetary resources, priorities at the Governor's Office and Director's Office levels, and the needs of user agencies. A brief description of each project follows. Technology Investment

⁷⁵ Queues Enforth Development, Inc., *Early Experiences with Criminal History Records Improvement*, sponsored by the U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance, May 1997, page 62.

Project Initiatives (TIPIs) for these projects have been developed and are provided in Attachment K.

- 5.3.5.1. Digital Photos/Fingerprints: This project would allow for NCJIS to send digital photographs and fingerprint images to the FBI to aide in identifying persons and property.
- 5.3.5.2. NFF Participation: This project will assist the FBI in eliminating the duplication and storing of criminal history records by allowing each state to manage its own criminal history records. This means that Nevada would no longer send fingerprint cards to the FBI for every arrest. Instead, only the fingerprint cards from the first arrest would be sent. Cards from subsequent arrests would be kept in Nevada, identified, and the criminal history record updated. Other states would then contact the Records Bureau, rather than the FBI, to inquire about an individual's criminal history. Dispositions and record seals also would be performed locally rather than being sent to the FBI.
- 5.3.5.3. Quality Assurance for DMV Vehicle Registration Check: This project would develop an interface with the Nevada Department of Motor Vehicles for verifying the registration of wanted or stolen vehicles and license plates as reported through the NCJIS and NCIC databases.
- 5.3.5.4. Sex Offender System Rewrite: The current SOR module in the NCJIS system is written with the outdated USOFT development tool and is no longer supported by the software developer. The program has multiple data entry screens, which are time consuming for Case Investigators to navigate. Rewriting the system to a web-based environment will make the data entry process more efficient and will allow for the more accurate and timely collection of SOR Program statistics.
- 5.3.5.5. Case Management System for the Sex Offender Registry: This project would develop a standardized system for tracking the cases assigned to each Case Investigator, thereby freeing up staff time to do Tier Assessments and investigations.
- 5.3.5.6. TPO-MC-IJIS Interface: This project would develop an interface between the courts and NCJIS for the entry of Temporary Protection Orders (TPOs). This will eliminate the need for redundant data entry and free up Brady staff time.
- 5.3.5.7. Protection Order System Rewrite: The current TPO module in the NCJIS system is written with the outdated USOFT development tool and is no longer supported by the software developer. Primary users of the system are the courts throughout the state. Development of a web-based interface where the courts could enter their own protection orders, rather than Brady

staff doing it, would free up staff time and make TPO information more readily available to local law enforcement. The rewrite also would allow for an interface to be developed with the National Instant Check System to help keep firearms out of the hands of potentially violent individuals.

- 5.3.5.8. Domestic Violence System Rewrite: Described above under the Uniform Crime Reporting section, this project would automate the reporting of domestic violence incidents by law enforcement by developing a web-based interface.
- 5.3.5.9. Convicted Persons System: This project involves development of a web-based database to track individuals required to register under NRS 179C (ex-felons). Currently there is no centralized database that tracks convicted felon registration with local law enforcement.
- 5.3.5.10. Automated User Request Form Application: This project would automate the setting up of accounts for civil applicant and civil name check clients.
- 5.3.5.11. Data Warehouse Reporting: This project would evaluate all of the databases used Department-wide and determine which of that data could be mined to develop a data warehouse for criminal justice information (similar to the Human Resources Data Warehouse and the Controller's DAWN system).
- 5.3.5.12. Missing Persons/Unidentified Dead System: This project would develop a web-based database for law enforcement agencies to facilitate the entry and retrieval of missing person/unidentified dead information.
- 5.3.5.13. Corrections Module: This module would create a web-based interface between offender data captured by the Nevada Department of Corrections and criminal history records maintained by the Records Bureau. With this module, the Records Bureau would have a completely integrated criminal justice system from arrest through incarceration, parole and probation.
- 5.3.5.14. Contact Notice System: This project would create a web-based notification hot-file to alert local law enforcement when a "flagged" individual comes into contact with another law enforcement agency.
- 5.3.5.15. Citations/Summons in Lieu: This project would create a new module within NCJIS to capture citations and summons in lieu of arrest information. This information currently is not captured and has been identified by the NCJIS Advisory Committee as being beneficial to law enforcement.
- 5.3.5.16. Identity Theft System: This project would create a new module within NCJIS to capture information on identity theft by interfacing with the Nevada Attorney General's identity theft file.

- 5.3.5.17. **Work Card System:** This project would create a statewide work card system for those agencies that do not have a system of their own or who do not have access to the Las Vegas Metropolitan Police Department's SCOPE system.

6. CONCLUSION

This Strategic Business Plan was written with the intent of identifying the history, business processes, current challenges, and future needs of the Records Bureau of the Department of Public Safety, Records and Technology Division. Improving data quality and customer service were identified as the Bureau's two most important goals as it works to address its current and future needs. The projects identified herein will move the Bureau closer to achieving those goals by streamlining manual processes and improving the accuracy, timeliness, and accessibility of the criminal history and ancillary records the Bureau houses.

Provided that the current fee structure stays in place, the Bureau will be able to afford these projects and make the necessary technology upgrades to automate its business processes. The impact of these changes will not only be felt by the Bureau but by all users of Nevada's criminal history information at the local, state and federal levels. The results should show up in the Bureau's performance indicators, and eventually the Bureau will meet the standards of:

- 95% of criminal arrest records will be provided to the FBI within 3 weeks of receipt.
- 90% of civil applicant background checks will be responded to within 30 days of receipt.
- Disposition information will exist on 80% of criminal history records (national standard). (Depends to a large extent on implementation of MC-IJIS.)
- No more than 5% of Brady background checks will remain in an unresolved status at any given time.
- 100% of Civil Name Check inquiries with "hits" will be processed within 3 working days.
- 100% of all mandated CJIS/NCIC training and audits will be conducted annually.
- 100% of all sex offender registration information will be processed within the statutory time frames.
- 100% of all Uniform Crime Reporting information will be completed within the statutory time frames.
- Steady increases will be seen in Nevada's Records Quality Index.
- Nevada will become a participant in the National Fingerprint File.

If funding is not approved for these projects, the Records Bureau will continue to experience the backlogs, errors, and staffing problems that have plagued it in the past. The consequences of an incomplete and inaccurate criminal history database directly affect law enforcement and the general public. With so much at stake, the question is not so much can the Records Bureau afford to do these projects, but can the Records Bureau afford not to do them.