

Department of Justice
Attorney General's Advisory Committee On
Criminal History Record Improvement
Minutes

California Department of Justice (DOJ)
Folsom Police Department Training Room
46 Natoma Street, Folsom CA 95630

March 15, 2018
9:00 A.M. — 12:00 P.M.

Present: John Carli, California Police Chiefs Association (CPCA)
Juan Gallardo, California State Sheriff's Association (CPOA)
Shelley Curran, Judicial Council of California
Sheryl Wolcott, California District Attorney's Association (CDAA)
Jodi Leveque, California Court Clerk's Association
Mark Pazin, Office of Emergency Services (OES)
Heather Fong, Senate Committee on Rules

Absent: Cathy Anderson, California Peace Officers Association
Mark Bonini, Chief Probation Officers' of California
Ryan Wong, Department of Corrections & Rehabilitation
Jason Bartlett, California Highway Patrol
Gabrielle Zeps, Speaker of Assembly

Assistant Director Keith Dann called the meeting to order at 9:00 a.m.

Attendees were welcome and introduced.

6-Month Update on Criminal History Repository

Assistant Director Marc St. Pierre provided an update regarding the DOJ's efforts over the last 6 months towards resolving the disposition reporting gap.

- Federal National Criminal History Improvement Program (NCHIP) 20 funds were used to conduct an analysis of 5 criminal justice agencies. The goal of the analysis was to determine the differences and similarities of the processes implemented within the various counties to submit disposition information to the DOJ.
- The DOJ desires to eliminate the use of the Adult Disposition of Arrest and Court Action (JUS 8715/8715A) form and require all disposition reporting agencies to submit dispositions electronically. The effective date is to be determined.
 - The DOJ continues to explore methods to allow non-technical agencies to report electronically

- The DOJ is looking to move forward with the National Information Exchange Model (NIEM) Data Exchange Model for all DOJ reporting purposes due to its flexibility with data capturing. Currently, the DOJ is conforming to NIEM 2.0 and will require minimal modifications to upgrade to NIEM 4.0. Plans are also in place to add additional data elements that would allow for Firearm Prohibition reporting, Warrants, Restraining orders and Sex Offender Tiering capabilities.

Discussion arose around a national concern of whether or not California criminal justice partners are connecting the dots by notifying all interested parties of critical pieces of information, such as when an individual is no longer eligible to own a firearm. Agencies would like to adopt a statewide system that gives law enforcement agencies access to obtain information on firearm prohibition, mental health and other pertinent information, enhancing officer and public safety. The DOJ believes that having a more flexible system NIEM format would allow for better exchanges of information to the various stakeholders.

- The DOJ is developing a strategic plan to improve processes over the next 18 months. Details will be provided once the plan is in place; however, some of the areas will include:
 - Receiving juvenile dispositions electronically
 - Error improvement reporting
 - Providing open arrest reports to assist agencies with closing disposition reporting gaps

Criminal History Legislation

Assistant Directors Marc St. Pierre and Keith Dann provided the Committee with a listing and narrative of legislative bills affecting the criminal history repository and local law enforcement agencies. Specifically, the following were discussed (Please refer to attachment for detail):

- SB 384 — Chapter 541, Statutes of 2017 — Sex Offender Tiering
- SB 393 — Chapter 680, Statutes of 2017 — Arrests: Sealing
- SB 54 — Chapter 495, Statutes of 2017 — Immigration Data Sharing
- SB 1298 — The Increasing Access to Employment Act
- SB 1738 & 757 — Sex Offender Registration
- AB 1994 & AB 2080 — Custody Incarceration and Release Information
- AB 1511 — Sentencing Enhancements: Property Loss

Additionally, the DOJ legislative concept to amend the Penal Code to address conflicting sealing and firearm prohibition subsections was presented. Discussion arose how legislation, which limits the way DOJ handles issues, such as record sealing and employment for individuals poses challenges. The DOJ continues to try to educate authors of legislation about processes and its impact to programs, evaluations and research studies.

Offense Code Table Standardization

Since the last meeting, the DOJ established a governance board in order to assist the DOJ with its existing responsibilities of providing an offense code table to all criminal justice agencies. The board is comprised of CPC, CSSA, CDAA, Judicial Council representatives and a DOJ attorney. It was suggested that a California Law Enforcement Association of Records Supervisors (CLEAR) representative be part of the process.

Additionally, the DOJ is in the process of compiling all data contained in the tables, including all potential identified column narrative additions necessary, to address the challenges faced by all California criminal justice agencies. Discussion arose over the high volume of codes that need to be reviewed before the governance board reviews for final utilization and the process that should be taken to ensure efficiency. As such, it was suggested that the California Statewide Data Sharing Task Force be utilized to assist since it is already in the process of deliberations around a state-wide master charge code table.

While the DOJ is in the process acquiring additional resources to assist with the process, the DOJ appears to be on track to provide the Task Force with a proposed table by the end of April.

Schedule Next Meeting

The next official meeting is tentatively scheduled for September 2018 at the California OES Office with a notification forthcoming. Once a date has been determined, notification will be sent to all Committee members.