

# AG Advisory Committee

The AG's Advisory Committee on Criminal History Record Improvement will address the continued legislative and technological changes influencing criminal history record identification and information management. With the increased use of enabling technologies at the statewide and national levels to improve accuracy and timeliness of data sharing, the DOJ is looking for input from user agencies, via the members of the AG's Advisory Committee, to assist with realizing its mandate as the state criminal history repository.



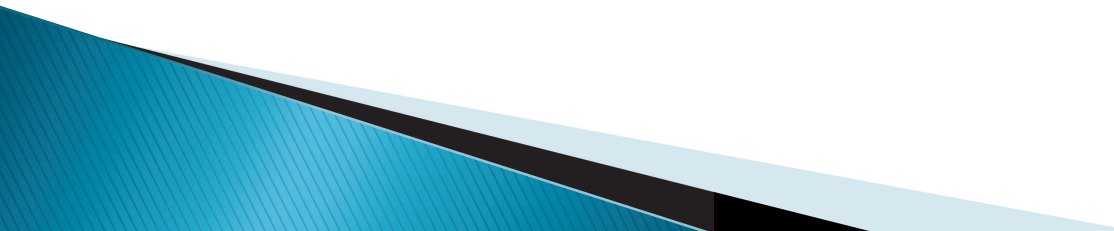
September 18, 2019

Marc St.Pierre, Assistant Director  
Record Management Branch

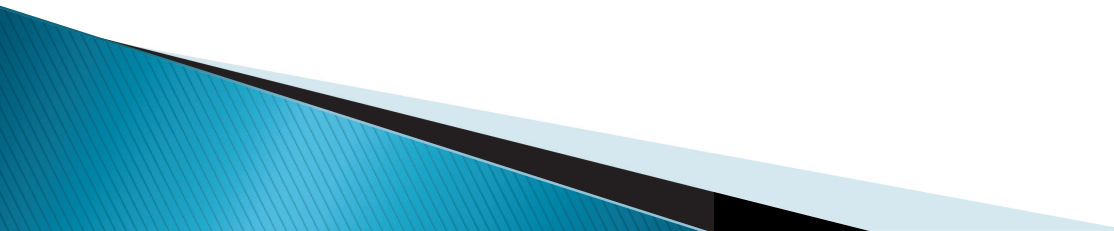
# Role

The role of the AG's Advisory Committee on Criminal History Record Improvement is to assist the AG in developing policies and procedures relevant to state summary criminal information, otherwise known as criminal offender record information (CORI). CORI is maintained in databases hosted by the California Department of Justice's (DOJ) California Justice Information Services Division and this committee will ensure criminal justice stakeholders have the opportunity to provide input on strategies to attain the most accurate and complete criminal history summary information.


Association and State Agency representatives' expertise, assistance, and insight will be instrumental in determining the DOJ's approach to and decisions on automation efforts to meet stakeholder needs. Automation efforts include improving the accuracy and submission of all arrest events and increasing the number of subsequent dispositions. In addition, identifying and supporting legislation to further the goals of the committee, seeking funding opportunities for such improvements, and sharing critical information with represented associations and agencies are key responsibilities for each representative.



# Objectives

- ▶ Improve communication, collaboration, and decision-making between criminal justice community stakeholders to address state and local record keeping practices, challenges, and opportunities.
  - ▶ Formulate policy and promote legislative changes to ensure complete and accurate criminal history information in an effort to reduce the instances where the DOJ has a record of an arrest without the subsequent disposition, improve law enforcement's investigative capacity, promote officer safety, and improve background checks.
  - ▶ Assess how we are delivering on our mission to support criminal justice and regulatory agencies by maintaining, analyzing, and providing access to California's CORI through continued technological innovation and collaborative partnerships.
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# Agenda

- ▶ Introductions
  - ▶ State of the Criminal History Repository
  - ▶ Update on Statewide Tables Standardization
  - ▶ Legislation Updates
    - 2019–2020 Session
    - Update on AB 1793: Cannabis Convictions
    - Update on SB 384: Sex Offender Tiering
    - Discussion about Supervised Release File (SRF)
  - ▶ Open Discussion
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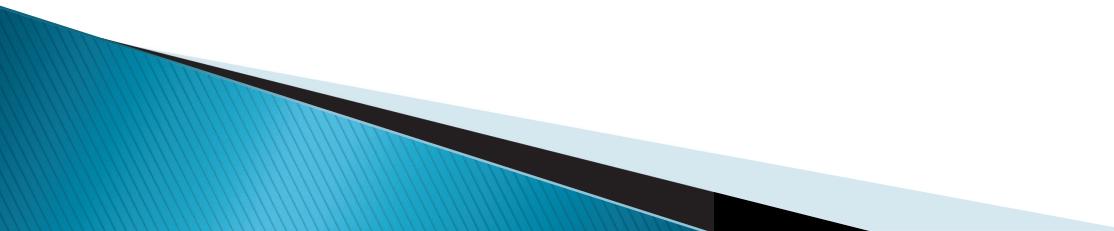


# State of State Summary Criminal History Information

## ► Dispositions Reported FY 18/19

- Total 1,443,625
- Electronic Submissions 1,139,385
- Paper Submissions 304,240
- Percentage Electronic 79%

## ► Arrests Reported FY 18/19

- Total 1,173,794
  - Electronic Submissions 1,172,764
  - Fingerprint Cards 1,030
  - Percentage Electronic 99.9%
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# California Law Enforcement Web



State of California Department of Justice



California Law Enforcement Web

Hello



<https://clew.doj.ca.gov>

Need Account Assistance?  
[CLEW@doj.ca.gov](mailto:CLEW@doj.ca.gov)

## Use of Force Incident Reporting

[Information Bulletin and Instructions](#)

[DOJ & BSCC Use of Force Comparison](#)

[URSUS Enrollment](#)

[URSUS Enrollment Survey](#)

## OpenJustice

[OpenJustice Update - Winter 2016](#)

## Citizens' Complaints Against Peace Officers - Revision

[DLE-2015-06 - Information Bulletin](#)

[BCIA 724 - Revised](#)

## CJIS Programs

## ATTENTION: Federal Court Temporarily Enjoins Implementation of Large Capacity Magazine Ban

### IMPORTANT MESSAGE for all Law Enforcement Agencies

On June 29, 2017, a federal court preliminarily enjoined the Attorney General and law enforcement agencies from implementing or enforcing California Penal Code sections 32310 (c) & (d), as enacted by Proposition 63, which, with some exceptions, established a state-wide ban on the possession of large capacity magazines able to hold more than 10 rounds of ammunition. Lawfully possessed large capacity magazines may therefore be retained while this injunction is in effect and until the lawsuit challenging these provisions of Proposition 63, the Safety for All Act of 2016, is decided (Virginia Duncan, et al. v. Xavier Becerra, et al., United States District Court, Southern District of California case No. 3:17-cv-1017-BEN).

## Electronic Search Warrant Notification

### IMPORTANT MESSAGE for all Law Enforcement Agencies

California law requires any government entity that executes a warrant, or obtains information in an emergency from an electronic communication service provider or from an electronic device shall notify the identified targets of the warrant or emergency request that information about them has been compelled or obtained.

The law requires that the government entity provide specific information about the investigation under which the information is sought and provide a copy of the warrant or a written statement setting forth facts giving rise to the emergency. (California Penal Code s. 1546.2)

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## JUSTICEMOBILE

JusticeMobile is an exciting new technology solution for our Law Enforcement Agencies (LEAPs) from the California Department of Justice providing anywhere, anytime and on any device access to Criminal Justice Information.



**Xavier Becerra, Attorney General**

<div>California Department of Justice CALIFORNIA JUSTICE INFORMATION SERVICES DIVISION Joe Dominic, Chief</div> <div></div>		<div>INFORMATION BULLETIN</div>	
<div>Subject:</div>  Disposition Reporting to the California Department of Justice (DOJ)	<div>No.</div> 18-08-CJIS	<div>Contact for information:</div>  <a href="mailto:ElectronicDispositionReporting@doj.ca.gov">ElectronicDispositionReporting@doj.ca.gov</a>	
	<div>Date:</div> 08-10-18		

**TO: All CHIEFS OF POLICE, SHERIFFS, DISTRICT ATTORNEYS, CHIEF JUSTICES, AND RECORD SUPERVISORS**

Data in the state criminal history repository helps law enforcement's investigative capacity and promotes officer safety. It is used by prosecuting agencies and courts, and allows for employment, licensing, and certification background checks. Criminal justice agencies report data to the state criminal history repository. To assist with data quality and ease of reporting, the DOJ is focusing on improvements to electronic reporting.

**Effective July 1, 2020**, all arrest corrections and dispositions must be submitted electronically to the DOJ. Any arrest corrections or dispositions submitted after that time by mail or fax will be returned to the submitting agency. Means of submitting arrest corrections and dispositions electronically to the DOJ already exist and will be enhanced to support agency transition away from paper.

**Effective July 1, 2020**, the DOJ will no longer accept dispositions via the legacy electronic submission format: Automated Transaction Disposition Reporting. This method of reporting to the DOJ is no longer able to support the growing needs and complex changes to support California's criminal justice system.

# Complete Criminal History

## ▶ California Criminal History Improvement Program

- Improve data quality
- Improve timeliness
- Improve completeness
- Reusable data exchanges/interfaces
- Cost savings and Cost avoidance
- Open Arrest Reports
- Decommission older reporting methods
  - JUS 8715/8715A/8716/8717 Forms
  - Automated Tape Disposition Reports (ATDR)

## Complete Criminal History Information

### Arrest

99% Electronic

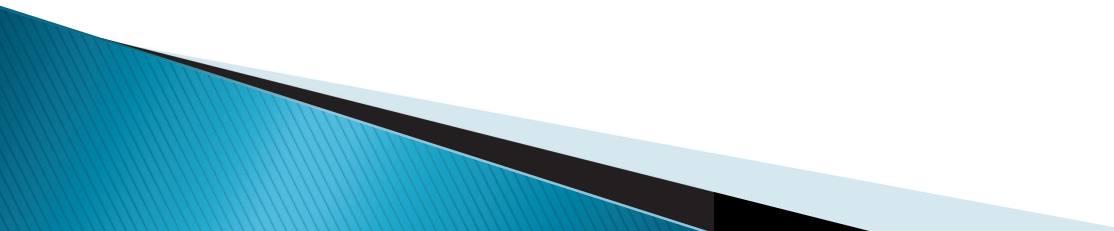
### Disposition

80% Electronic

### Custody

99% Electronic

# California Criminal History Improvement Program

- ▶ Criminal Justice Data Exchange
  - ▶ 18-08-CJIS Information Bulletin
  - ▶ Sex Offender Registration and Notification Act (SORNA) grant funding with JCC for court electronic disposition reporting
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# Information Bulletin 18-08-CJIS

- ▶ Information Bulletin 18-08-CJIS
  - Electronic Reporting by July 1, 2020
  - Decommission Manual Disposition Reporting
  - Methods of Electronic Reporting
  - Justice Automated Data Exchange (JADE)
  
- ▶ Open Arrest Reports



# Update on Statewide Tables Standardization

## ▶ Offense table

- Completed initial review
- Review of over 3,800 offenses have been completed
- Over 1,700 identified to be kept
- Over 450 new offenses identified to be added
- Approximately 1,500 identified as candidates to be marked as repealed or removed
- Currently reviewing PC 290 variants

## ▶ Allegations table

- Completed initial review
- Approximately 130 identified as candidates to be removed

## ▶ Qualifier table

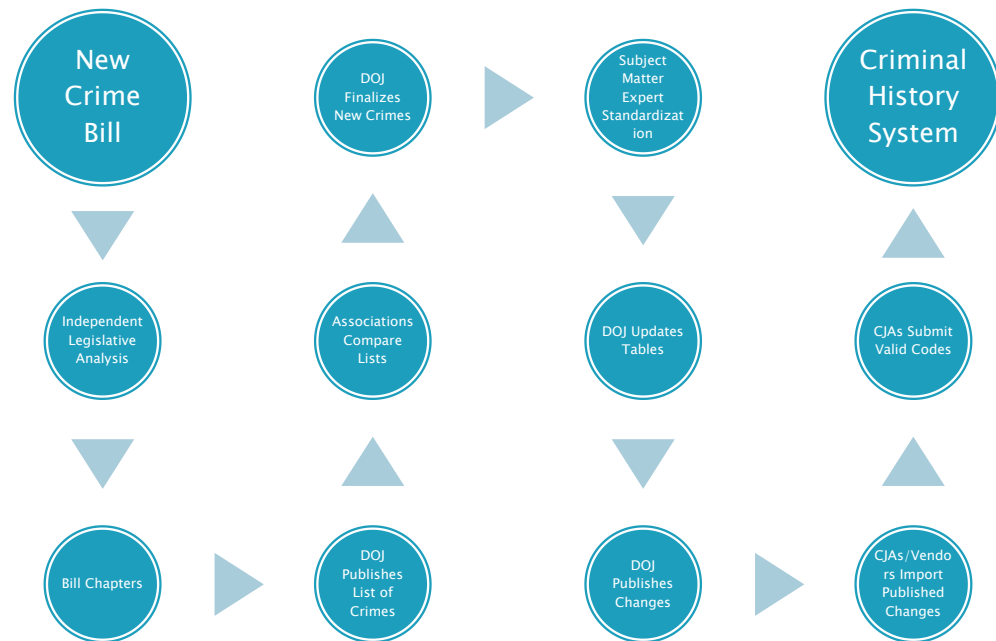
- Completed initial review
- Preparing for working group review and discussion

## ▶ Working Group Team



# Coordinating Legislative Processes

- ▶ California Peace Officers Association, California Highway Patrol, And Department of Justice
  - Legislative Update Roadshow
- ▶ California District Attorneys Association
  - New Laws for Prosecutors Webinar
- ▶ California Court Association
  - New Law Workshop



Not Actual Process – Conceptualization of Potential Process

# Legislation Session Highlights

## ▶ **AB 1076 – Criminal Records: Automatic Relief**

- Status – Enrolled September 13<sup>th</sup>
- AB 1076 would require the DOJ to review the records in its statewide criminal justice databases and for employment purposes, withhold from disclosure eligible arrests and convictions that occurred on or after January 1, 2021. Currently, persons can file a petition with the court to obtain relief.
- AB 1076 would also require the DOJ to inform the superior court having jurisdiction over the criminal case which records were granted relief. The bill would prohibit the court from disclosing information concerning an arrest or conviction that is granted relief, with exceptions such as to criminal justice agencies.
- The bill would authorize the prosecuting attorney or probation department to file a motion to prohibit the DOJ from granting automatic relief for criminal conviction records as described above.

## ▶ **AB 1331 – Criminal Justice Data**

- Status – Ordered to Engrossing and Enrolling September 11<sup>th</sup>.
- AB 1331 would, beginning July 1, 2020, require a reporting agency to include a CII number and incident report number in the arrest data, and a superior court to include a CII number and court docket number in a disposition report, submitted to the DOJ.
- AB 1331 would stipulate that the criminal offender record information provided to a specified public agency or bona fide research body under authorized circumstances may include criminal court records.

# Legislation Session Highlights

## ▶ **AB 879 – Firearms**

- Status – Awaiting Governor’s signature.
- AB 879 would define a “firearm precursor part” as a component of a firearm that is generally necessary to build or assemble a firearm, and would require any person purchasing firearms precursor parts to undergo a background check. The bill would require the sale of firearms precursor parts be conducted through a licensed firearms precursor part vendor commencing July 1, 2024.
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- Beginning July 1, 2025, AB 879 would require the Department of Justice (DOJ) to electronically approve the purchase or transfer of firearm precursor parts pursuant to a limited background check of the purchaser prior to release of the parts to the purchaser.

## ▶ **AB 1261 – Controlled Substances: Narcotics Registry**

- Status – Awaiting Governor’s signature
- AB 1261 would delete the current requirement that a person who is convicted of specified drug offenses register with the chief of police or sheriff, and would delete existing law requiring the chief of police or sheriff to forward to the DOJ specified registration requirements including the fingerprints and photograph of that person.

## ▶ **AB 1747 – Law Enforcement: Immigration**

- Status – Ordered to Engrossing and Enrolling September 14th.
- AB 1747 would prohibit subscribers to the California Law Enforcement Telecommunications System (CLETS) from using information other than criminal history for immigration enforcement purposes, and from using the system for purposes of investigating violations of a specified federal law if a violation of that federal law is the only criminal history in an individual’s record, beginning January 1, 2020.
- Commencing July 1, 2021, AB 1747 would require any inquiry submitted through CLETS for information other than criminal history information to include a reason for the inquiry and would authorize the Attorney General to conduct investigations to monitor compliance with these provisions.

# Legislation Session Highlights

- ▶ Tracking Crime Related Bills
  - ~50 Assembly Bills
  - ~20 Senate Bills
- ▶ AB 1793: Cannabis Convictions
  - Posted information to the AG's Website
  - Provided RAP Sheets to DAs for all potentially eligible individuals identified using state summary criminal history information
  - Assisting local agencies



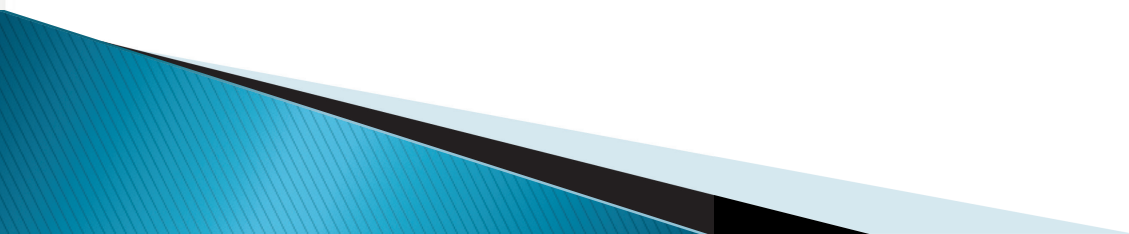
# Open Arrest Reports by County

Criminal justice agencies may now access an open arrest report for their county. Arrests that are missing disposition information on the DOJ's state summary criminal history repository are referred to as open arrests. The goal is to assist agencies in identifying missing dispositions for arrests within their county, so that disposition information can be returned to the DOJ to close out open arrests and decrease the disposition gap within their county.

Criminal justice agencies are encouraged to submit any missing disposition information to the DOJ, utilizing existing agency reporting processes. For more information about alternatives for submitting disposition information to the DOJ, please refer to the [Disposition Reporting](#) page.

**Three Years:** This report contains detailed arrest cycle information, with charges, for arrests that are missing disposition information for the last three calendar years plus the current year. This report will be updated quarterly by the DOJ.

**All Years:** This report contains arrest cycle information, without charges, for arrests that are missing disposition information for all years. This report will be updated annually by the DOJ.





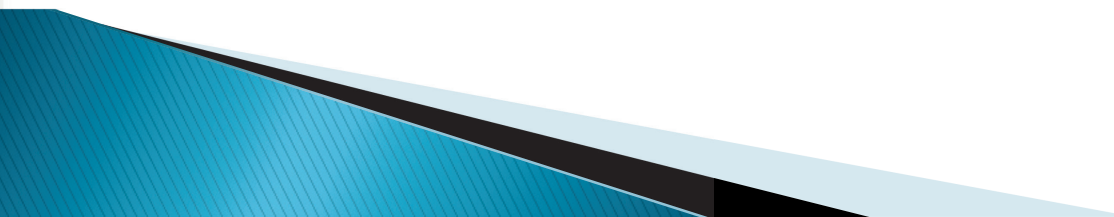


# Sex Offender Tiering (SB 384)

Senate Bill (SB) 384 has chaptered into law and mandates that California transition from a lifetime-based sex offender registration system to a tier-based system. Tiers authorize adult registration for 10 years, 20 years, and lifetime, with opportunities for exclusion from the Megan's Law website and termination from registration, as specified. Separate registration criteria applies specifically to juvenile registrants who would register for five (tier one) or 10 years (tier two) and select juvenile registrants would register for life. Petitions for termination would be served on both the registering law enforcement agency (LEA) and the LEA in the county of conviction. The registering law enforcement agency shall report to the court on whether the registrant meets the mandatory minimum registration requirements for termination. Based on specified criteria, courts will either grant or deny petitions for termination and notify the California Department of Justice (CA DOJ).

The new tier-based sex offender registration system takes effect on January 1, 2021.

At that time, the CA DOJ will be determining the tier statuses of new and existing sex offender registrants based on statutory criteria. Tier statuses will be reflected in the California Sex and Arson Registry (CSAR) on January 1, 2021. On or before January 1, 2022, the CA DOJ shall make information available to the public via the Megan's Law Website in accordance with SB 384. The current lifetime sex offender registration laws will remain in effect until December 31, 2020.



# Senate Bill (SB) 384 – Effective January 1, 2021

## Juvenile Tiers

Tier 1 – 5 Years  
Tier 2 – 10 Years



Lifetime  
Registry

## Adult Tiers

Tier 1 – 10 Years  
Tier 2 – 20 Years  
Tier 3 – Lifetime



Tier-TBD  
(24 Months)



FOR LAW ENFORCEMENT ONLY

# SB 384 – Effective Dates

**Tier Assessments** January 1, 2021

**Termination Petitions** July 1, 2021

**Public Megan's Law Revised  
Exclusions/Inclusions** January 1, 2022

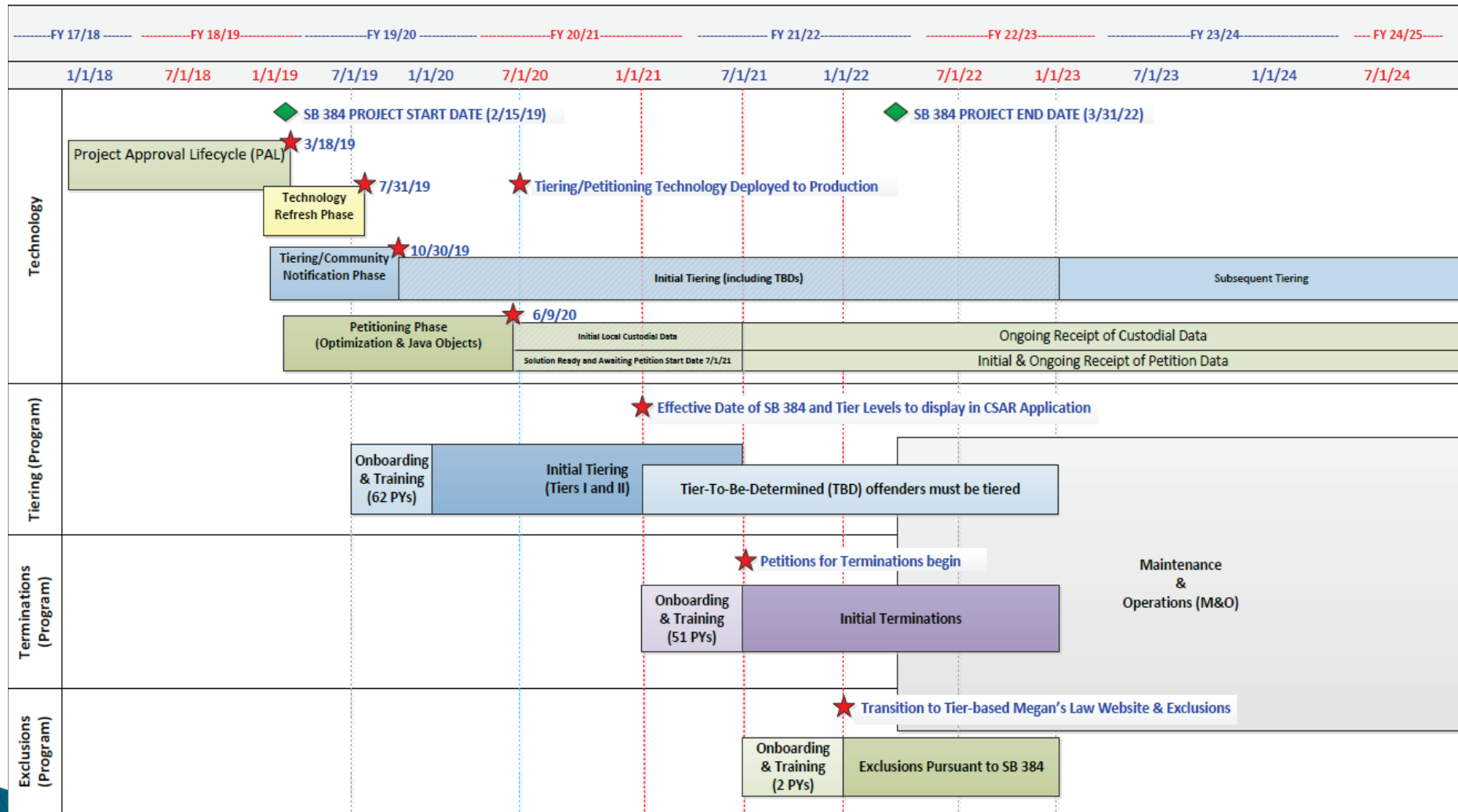


# DOJ: SB 384 Implementation

- ▶ **DOJ to build technology infrastructure to support criminal justice business partners to meet SB 384 requirements**
- ▶ **Enhancements to existing technologies:**
  - CSAR and multiple interfaces
  - ACHS
  - AFIS
- ▶ **Collect and maintain new data:**
  - Disposition (open arrests and non-California)
  - Court-ordered tier
  - Petition data
  - County-level incarceration data



# SB 384 Timeline



# SB 384 Implementation

- ▶ **Project Approval Lifecycle (PAL)**
  - Received approval March 28<sup>th</sup> from CDT
- ▶ **Funding**
  - July 2019 – Legislature approved years 2– 4
- ▶ **Conducting quarterly meetings with SB 384 Key Stakeholder group**
  - Develop system requirements and statewide best practices and models, and revisions to policies and procedures





# SB 384 Implementation

- ▶ CA DOJ initiated efforts to obtain the required data needed from the various criminal justice entities in a standardized format needed to perform tier assessments and complete petition for terminations including courts and custodial facilities.
- ▶ DOJ working with Judicial Council of California to develop Petitions for Termination (seven developed)



# SB 384 Statewide Implementation Training

- **Who:** Police, Sheriff's, District Attorney's Offices, and Superior & Juvenile Courts
- **When:** January 2020 – December 2020
- **Where:** Strategic locations throughout California
- **How:** Training Teams
  - Legal
  - Technical
  - Business



# SB 384 Information and FAQs

- ▶ <https://clew.doj.ca.gov>
- ▶ <https://oag.ca.gov>
- ▶ [SB384@doj.ca.gov](mailto:SB384@doj.ca.gov)



# SB 384 Contact Information

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# Discussion about Supervised Release File (SRF)

- ▶ No Cash Bail
  - Pre-Trial Risk Assessments
- ▶ Terms and Conditions of Supervision

# Open Discussion





# Objectives

- ▶ Improve communication, collaboration, and decision-making between criminal justice community stakeholders to address state and local record keeping practices, challenges, and opportunities.
  - ▶ Formulate policy and promote legislative changes to ensure complete and accurate criminal history information in an effort to reduce the instances where the DOJ has a record of an arrest without the subsequent disposition, improve law enforcement's investigative capacity, promote officer safety, and improve background checks.
  - ▶ Assess how we are delivering on our mission to support criminal justice and regulatory agencies by maintaining, analyzing, and providing access to California's CORI through continued technological innovation and collaborative partnerships.
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