

IN THE SUPREME COURT OF THE STATE OF NEVADA

THE STATE OF NEVADA,

Petitioner,

No. 79792/80008/80009
Electronically Filed
Feb 18 2020 05:57 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

v.

THE SECOND JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
WASHOE; AND THE HONORABLE
KATHLEEN DRAKULICH, DISTRICT JUDGE,

Respondents.

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PETITIONER'S REPLY APPENDIX

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**MINUTES OF THE 2017-2018 INTERIM
ADVISORY COMMISSION ON THE ADMINISTRATION OF JUSTICE'S
SUBCOMMITTEE ON CRIMINAL JUSTICE INFORMATION SHARING**

April 13, 2018

The meeting of the Advisory Commission on the Administration of Justice's Subcommittee on Criminal Justice Information Sharing was called to order by Chair Julie Butler at 9:01 a.m. at the Legislative Building, Room 3137, 401 South Carson Street, Carson City, Nevada, and via videoconference at the Grant Sawyer Building, Room 4401, 555 East Washington Avenue, Las Vegas, Nevada.

Exhibit A is the Agenda, and Exhibit B is the Attendance Roster. All exhibits are available and on file in the Research Library of the Legislative Counsel Bureau.

COMMITTEE MEMBERS PRESENT (CARSON CITY):

Julie Butler, Division Administrator, Central Repository for Nevada Records of Criminal History, Chair
Jackie Bryant, Clerk of Court, Second Judicial District Court
Pam Del Porto, Inspector General, Nevada Department of Corrections
Jennifer Noble, Deputy District Attorney, Washoe County District Attorney
Fred Olmstead, General Counsel, Nevada State Board of Nursing
Sergeant Corey Solferino, Washoe County Sheriff's Office
Rick Stefani, Deputy Director-IT, Administrative Office of the Courts

COMMITTEE MEMBERS PRESENT (LAS VEGAS):

Steve Grierson, Court Executive Officer, Eighth Judicial District Court
Brian Kochevar, Chief Deputy District Attorney, Clark County District Attorney

COMMITTEE MEMBERS EXCUSED:

Captain Tom Lawson, Parole and Probation
Undersheriff Robert Quick, Lander County Sheriff's Office
Carmen Tarrats, CJIS Manager, Las Vegas Metro

STAFF MEMBERS

Bryan Fernley, Commission Counsel, Senior Principal Deputy Legislative Counsel, Legal Division, Legislative Counsel Bureau
Victoria Gonzalez, Deputy Legislative Counsel, Legal Division, Legislative Counsel Bureau
Angela Hartzler, Secretary, Legal Division, Legislative Counsel Bureau
Jordan Haas, Secretary, Legal Division, Legislative Counsel Bureau

OTHERS PRESENT:

Ronald Soderblom, Washoe County Sheriff's Office
Craig Franden, Chief Information Officer, Second Judicial District Court
Shannon Kimberlin, Terminal Agency Coordinator, Second Judicial District Court
Alan Peto, CJIS Supervisor, Las Vegas Metro
Mindy McKay, Records Bureau Chief, Records, Communications and Compliance
Division of the Nevada Department of Public Safety
Judy Christenson, Nevada Offense Code Unit Supervisor, Records, Communications
and Compliance Division of the Nevada Department of Public Safety
Wiselet Rouzard, Field Director, Americans for Prosperity
Cornelia Shepperd, Terminal Agency Coordinator, Sparks Police Department

**Julie Butler (Division Administrator, Central Repository for Nevada Records of
Criminal History, Chair):**

I will now open the second meeting of the Advisory Commission on the Administration
of Justice's Subcommittee on Criminal Justice Information Sharing.

I will now open public comment. Seeing none, I will open agenda item IV, approval of
the minutes from our meeting on March 22, 2018 (Agenda Item IV). Has everybody had
an opportunity to review the minutes? I did have a few changes or corrections noted, if
we could go through those. On page six, starting with the paragraph that says "The slide
gives you a visual," and then if you count in, counting that sentence, fourth sentence in,
"Our point of contact, firearms background check program file, civil name check files,
civil applicant, that conducts the" fingerprint-based background checks, rather than
"fingerprint piece background checks." Then looking at page seven, under the
comments from Greg Fisicaro, second paragraph in, last sentence, it should state,
instead of "toward the fed" at the last sentence, I think he meant to say "toward the
Feds" as in the Federal Bureau of Investigations (FBI), so I think that should be "Feds."
On page 12, that first big block of text, the very last sentence that reads, "So, then the
FBI makes the final decision on any changes," it's really the FBI Director makes the final
decision on any changes. That was it for my corrections. Does anybody else have any?
Seeing none, I'll take a motion to approve the minutes as corrected.

SERGEANT SOLFERINO MOVED TO APPROVE THE MINUTES FROM THE
MARCH 22 MEETING OF THE SUBCOMMITTEE AS CORRECTED.

MS. DEL PORTO SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

Chair Butler:

Moving on, at our last meeting, we talked about the need for bylaws for the Subcommittee and the working groups, so I went ahead and drafted those up and sent them over to Mr. Fernley at the Legislative Counsel Bureau (LCB) and had him take a look (Agenda Item V). Those have been included with the meeting materials today. Has everybody had a chance to take a look at those? Do we have any questions or comments on them?

Fred Olmstead (General Counsel, Nevada State Board of Nursing):

This would be a good time for me to introduce myself. I'm here by statute. I'm the General Counsel for the Nevada State Board of Nursing, which means we're not a criminal justice agency under that definition. The Board of Nursing submits fingerprints for a criminal history background check. We don't have access to the system, so I guess I'm here on behalf of all boards and commissions and anybody that submits fingerprints to the Department of Public Safety (DPS) and the FBI to receive criminal history record information.

The bylaws are great, but under the definition as provided in the Criminal Justice Information Services Security Policy, I think the Board of Nursing and all boards and commissions are non-criminal justice agencies. If we are, then all the references in the bylaws to criminal justice agencies would exclude all the boards and commissions. I talked with our people at the Board, and Nursing submits about 10,000 requests for fingerprint criminal history record checks a year. I don't know if that's a lot or just a little, or that's a daily request on behalf of law enforcement, but if we had other boards or commissions, then you probably have 20,000, 30,000-ish requests a year. I don't know if that's a lot or a little, because the Board of Nursing submits fingerprints either online or by card, and we get the criminal history record information back. We get visited every 3 years by the FBI and DPS for a security audit or a technology audit, so we have to comply because we have the criminal history record information, which is sensitive. We don't share it with anybody. We destroy it. We safeguard it. But we don't have access to the actual system. If you want a representative like myself to be part of the working groups, I just noticed towards the end there on the working groups that it really talks about criminal justice agencies and the Nevada criminal justice community. On a board or commission, I'm neither. I'm none of that. If you want and it's your desire to have non-criminal justice agencies partake in these discussions, then we should probably talk about whether that term should be added. If you can look at the boards and commissions and go, "20,000, 30,000 a year, eh, let us handle the system and we'll let you know how it goes," then that's fine too. We'll do what we've been doing all along. We have some suggestions that we'll talk about later in the working group probably, about rap back (record of arrest and prosecution background) and all that kind of stuff, but if you want the non-criminal justice agencies to be part of that discussion, we might

want to add that term, or just say under Nevada's definition of criminal justice agency, "You guys are in," then we're cool.

Chair Butler:

Thank you, Mr. Olmstead, and great catch. That was just an oversight, honestly. We do definitely value your opinion, and remember, a member of a board or commission is on this panel for a reason. The Nursing Board is in our top three of applicant fingerprint submissions. The Gaming Control Board submits a large percentage, and then of course the school districts submit a large percentage of the applicant fingerprint cards. Between those three, that comprises a lot of the volume of the applicant fingerprint cards that we get, and we do about 200,000 of those a year. That is significant, and just because you're not a direct system user, I think you should have a say in the Repository's operation, and particularly, as we talk about rap back and whether or not we do want that capability going forward, because it will require legislation and we do need to get an idea of what the volume might be, who might be interested, etc. So, great catch, and I definitely want to include the non-criminal justice agencies as part of the working groups and part of the by-laws, so thank you very much. Any other comments or suggestions on the bylaws?

Steve Grierson (Court Executive Officer, Eighth Judicial District Court):

I'd also like to talk about the working group membership section of the bylaws (Agenda Item V) and maybe suggest that it give you a lot more flexibility and latitude to appoint particular people, because it says here in 9.1.1 that they have to be an authorized user and proficiently trained. I may suggest that you open that up a little bit so that you can appoint people that might not specifically have that minimum training but would be of great value to a working group.

Chair Butler:

I think that's a great suggestion. Can you expand on that a little bit, please? Do you have any specifics, like non-criminal justice agencies as Mr. Olmstead suggested, but do you have any suggestions beyond that?

Mr. Grierson:

Well, you may have information technology (IT) people you want on a working group that aren't specifically trained in the criminal records as an authorized user, but they may provide a great value to your working groups.

Chair Butler:

Thank you very much, Mr. Grierson, and I agree with that. Are there additional comments, discussion, suggestions? Hearing none, what I'll do is take these suggestions back and format another draft and get it back out to the Subcommittee at our next meeting. Thank you very much for these. These are very helpful.

At this time, I'm going to move to agenda item VI, which is presentations on information system use by courts and law enforcement agencies in Nevada and data obtained by those courts and agencies. At our meeting in March, we started out with an overview of the information that was contained within the Central Repository and the various files that exist at the state level, and as part of this Subcommittee's mandate to look at obstacles to data sharing, I thought it would be good then to open it up to what goes on at some of the agencies at the local law enforcement agency and court level and see what is contained within those systems. To that, I would like to invite the Washoe County Sheriff's Office to make a presentation on their systems.

Sergeant Corey Solferino (Washoe County Sheriff's Office):

Thank you for having us here this morning. We did have a presentation (Agenda Item VI-A). I will upload it when Ron Soderblom from the Washoe County Sheriff's Office Research and Development Unit gives his presentation. I apologize for not getting it out earlier. We did have some proprietary information in there from our vendor, so we had to go through a vetting process before we could release that. While Mr. Soderblom is giving that presentation, I will go through the slides.

With that being said, our current platform is the Tiburon-based system. We've been utilizing that system for approximately 18 years now. We went live with it in early 2000. We are one of seven agencies currently using that system in Northern Nevada: ourselves, the Washoe County Sheriff's Office, the Reno Police Department, the Sparks Police Department, the University of Nevada Reno Police Services, the Reno-Sparks Indian Colony, Pyramid Lake Tribal Police Department and the Reno Marshal's Service are all using this platform. It is an all-encompassing platform that begins with our computer-assisted dispatch and continues on through our automated reporting system for our Operations Bureau to input data and write reports. It also goes over to our Corrections Management System for entry for all the inmates through the booking process, classification and inventory when they come into the correctional center, and then also any disciplinary information that happens in that correctional setting, and then obviously on the backend of it, our records management system.

With that being said, I wanted to turn it over briefly to Mr. Soderblom to discuss about the future. Unbeknownst to me, I just recently found out that Tiburon was purchased by another vendor, TriTech, so our future's going to look a lot different. I think we'll be stable, absolutely, but our platform may change over the course of the next 5 to 10

years, and I'm excited about some of the information based upon a presentation that they went to just recently about what our future looks like for this new platform.

Ronald Soderblom (Washoe County Sheriff's Office):

I recently within the last 2 weeks had the opportunity to attend the TriTech conference, and that's where they get together the users of their systems. In 2015, TriTech purchased the Tiburon product. There were some questions as to whether or not they would continue to support our current software, and the answer is yes, they are going to. They have a program called Enhance in place whereby they get the users together of the Tiburon products and they say, "Okay, what would you like to see in the system?" and then those committees kind of vote on it, and those enhancements are then given to the agencies if they choose to participate in it. We went through the first one. We've accepted those changes. The second one was rolled out recently. We haven't chosen to do that, but there's a third one on the horizon. When I specifically asked the management team whether they were going to continue to support the Tiburon product, they said yes. They said they were. At the same time, they were trying to sell their community data platform. Basically, whether you're a TriTech customer or a Tiburon customer, you can choose to participate in this program, at a cost, of course, but it's web-based data sharing of the information that is in your current system. It also has a public-facing component if you choose to use it. Currently, what we're doing with the sharing of our software is we're doing it with something called Web Query where we share it with criminal justice agencies. It's not really a good tool to use, because it's a look at all of our data. Some people don't want to see the jail stuff, and some of it's not relevant to what the mission is that the people are trying to complete. As part of the go-live in 2015 for our enhancement, we had to submit data to N-DEx (National Data Exchange), and that is the national system where, if you go to the FBI and you get a log in, you can go see our data, as well as Reno and Sparks. That information is shared nationally, so people all across the country, if they have a log in, could come view our data. That's about it for the updates on our current system.

Chair Butler:

Thank you very much. I think one of the things that I would be interested in, since you're going to a new platform, I think this presents an opportunity for us to look at, this Subcommittee generally, are there particular items of data that you want to share with the state system, or are there particular items that we want to pull that we're not capturing now? Those sorts of things. Maybe this is an opportunity for future discussions along those lines. Particularly as we look to replace our Message Switch which, if you're going to a new platform, we're going to need to have a lot of discussions along those lines of what does that interface look like?

Sergeant Solferino:

I absolutely agree with you. It's the perfect opportunity. I don't know what that platform is going to look like, if they're going to stand alone and keep the Tiburon-based system for the Tiburon customers that purchased under that, or if they're going to try to ultimately move us over to that, but we've got some challenging times ahead of us. Going through the legislative sessions, we know how important it is for public safety to share criminal justice data, have that data out there available for all users, especially in this state, and not hoard that information. We'll be willing and able and at the table to make sure that that happens.

Chair Butler:

Thank you very much. Does anybody have any questions of Mr. Soderblom or Sergeant Solferino? Seeing none, thank you very much. We'll now go to the Second Judicial District Court.

Jackie Bryant (Clerk of Court, Second Judicial District Court):

I am the Second Judicial District Court Administrator and Clerk of Court. With me is our Chief Information Officer, Craig Franden, and our Terminal Agency Coordinator (TAC), Shannon Kimberlin.

Our presentation is very simple (Agenda Item VI-B). These are the various systems that we use. Primarily, we access Tiburon, as you heard, the Washoe County Sheriff's Office's system. We have two departments within the court that access that. One is our Pretrial Services Department. That entity exists both in the jail and in the court. In the jail, they operate 21 hours a day and they perform assessments of people who are arrested. As part of that assessment, there's a determination based upon the Nevada Pretrial Risk Assessment as to whether that individual will be held for review by a judge or whether they will be OR'd (own recognizance) immediately out of the jail. Those staff regularly access Tiburon directly as they are in the jail. The other staff from Pretrial Services that access Tiburon are those who do supervision of the defendants that have been released. Those supervision staff will also regularly need to access Tiburon. Ms. Kimberlin is our TAC. She makes sure that everyone is compliant with their knowledge skillset and that we are utilizing the system correctly. Additionally, we have specialty courts, and the specialty courts' officers access Tiburon to check in on the status of the people that they are supervising. Those individuals have been through the court system and are on the backend utilizing some type of diversion program. They are regularly reviewed through the Tiburon system just to make sure that they haven't been arrested or any other situation has come up. Additionally, we regularly access USoft for entering in temporary protective orders. Our staff in the courthouse does that on regular business hours. The Pretrial Services staff at the jail will perform that task on non-business hours so that we are regularly updating the USoft system with that information.

We also use JLink (Justice Link) to access the National Crime Information Center (NCIC) and the Nevada Criminal Justice Information System (NCJIS), also through Pretrial Services. Finally, we access through these systems of the Washoe County Sheriff's Office their NCIC, NCJIS and Tiburon for employee and volunteer background checks. That's a service that they perform for us, but that is the access that they utilize, so I wanted to mention that as well since that's an important feature, as we are rather stringent, especially for those individuals who work at the jail and their backgrounds. We're available for questions.

Chair Butler:

Thank you, I appreciate that information. I should have asked Washoe County this too, but are there any things that you would like to report up to the state system or that you feel that you could better utilize in polling the state system and pulling information down from those systems? Any gaps, I guess, that you see today?

Ms. Bryant:

Yes. Off the top of my head, one of the things that we have not done a terrific job of is calculating the recidivism statistics, especially for our specialty courts. We have not had access to a statewide or national system in order to do that comparison through a vendor or through an alternative individual who's not housed in specialty courts. We don't have the statistical ability to do that task, so we've been working for the last 1 1/2 years with Health and Human Services and DPS, and they've been coordinating on giving Health and Human Services that access so that they can run not only their own statistics for the users of the Northern Nevada Adult Mental Health Services (NNAMHS), but also our statistics to see whether the individuals that we are providing so many services to actually have a reduced level of recidivism. If not, what can we do to change that? It's been an endeavor to get us there. We're not there yet, but it's something that I think is critical in order to justify the dollars that we spend on that program. We need to be able to provide the statistics. Given the various challenges associated with getting that type of access, it's really been difficult for us to provide the data that we need to provide to justify it. So, that's one, off the top of my head. I think we're working through that. I can't imagine that other entities wouldn't like the same thing also, so that's something that I think would be helpful from a data sharing standpoint so that we can develop a system statewide for that type of access and analysis.

Chair Butler:

Thank you very much for that. I want to just comment on that. Actually, we have been working for several months with the State Health Division on providing arrest and conviction information to the State Health Division, particularly in support of the specialty courts so that we can assist in helping you guys do that analysis. I know

Parole and Probation is separately providing that information to the Department of Health and Human Services in support of the specialty courts. But you're correct, it's not like you can easily pull the stats down. It's kind of a data extract. We had to work through some operational things with respect to CJIS security policy for that. To my understanding, I think that we have overcome those challenges and started reporting that information to the State Health and Human Services, so I'm hoping that that particular thing has been corrected, but let me know.

Ms. Bryant:

We very much appreciate it. It will be very exciting to see those numbers. Mr. Franden or Ms. Kimberlin, do you have any suggestions or things that you see from an IT perspective or a TAC perspective?

Craig Franden (Chief Information Officer, Second Judicial District Court):

I just think better flexibility in pushing data to DPS in the criminal disposition arena. Whether that's through the Administrative Office of the Courts' (AOC) Multi-Court Integrated Justice Information System (MCIJIS) or directly to DPS, it would be very helpful. Those are some of the main hurdles that I see.

Shannon Kimberlin (Terminal Agency Coordinator, Second Judicial District Court):

I concur with Mr. Franden. The ability to share data with other entities is a huge hurdle, and we want to make sure that we're doing it correctly and appropriately and being respectful to people's criminal histories. I think our hurdle right now is trying to reach out to all these entities. We are one community, but we are lots of little pieces trying to connect.

Mr. Franden:

Just to follow up, communication for downtime. We really struggled with being notified in all areas of notification to the department heads for various things, USoft, LiveScan, and we've had some issues as of late. If we can improve the communication between these agencies and entities, that would be very helpful.

Chair Butler:

Thank you for that. I will just say, as the Central Repository, we have also struggled with that. When we rolled out JLink in May of 2017, we, I think mistakenly, made the assumption that the TACs were notifying the IT people and were notifying the—because as far as what we do, we use our TAC list and assume that all of them are then communicating to the IT people and to their command staff. We found that that has not

always been the case. We have struggled as well with trying to find the right people. Do we bother the sheriff with this? Do we bother the IT person with this? Do we just leave it at the TAC level? I think it's kind of a two-way street as well to make sure that we are getting the information too from the local levels of who do you want to be notified, because we can create a master email list pretty easily, but making sure that we are also notified is important as well, so thank you. Any other questions or comments? Seeing none, thank you very much.

Before I invite Alan Peto up from Las Vegas Metro, I want to circle back around to Washoe County and just ask Sergeant Solferino or Mr. Soderblom if they see any gaps or any suggestions based upon the systems that they have in going forward, because it's going to be important as we move forward as a Subcommittee to come up with some recommendations, so I'll circle back and ask you two the same questions.

Sergeant Solferino:

Selfishly speaking from last legislative session and speaking on the public safety front, one of the things that I would like is that balancing act between the Health Insurance Portability and Accountability Act (HIPAA) and public safety with some of the mental health sharing and the prohibitive persons, so I would like to be a part of that conversation in making sure that that data is shared. We do have a host of Northern Nevada agencies, seven in total, so we have a lot of data to share. We want to make sure that some of our regional partners have access to that as well. To my knowledge, the two larger agencies in Northern Nevada that are not using the Tiburon system would be the Nevada Highway Patrol, obviously using the state system, and the Washoe County School District Police Department. Outside of that, most of us are utilizing this system. Everybody has different access points, but I do believe that this Subcommittee will help. As we look at what the future's going to hold for our Tiburon system with TriTech that we want to be part of that conversation and make sure that we're getting more regional partners.

Chair Butler:

Thank you. Mr. Soderblom, did you have any comments?

Mr. Soderblom:

A set of analytical tools would be nice for all of these systems. In addition to sharing, analytical tools.

Ms. Bryant:

That caused me to think of additional needs that we may have. In our specialty courts in particular, we utilize a program called the Drug Court Case Management (DCCM)

system. In that program, we allow sharing for the attorneys who participate, as well as for the medical community that participates. One of the things that has come up quite frequently is whether that information and notes that are put into that system may be utilized outside of the purpose for which it was developed. As we're moving forward, one thing to consider might be parameters around use. The more that you share, the more opportunity there is for misuse, so some of that information may need to be protected. For example, if one of the individuals in mental health court subsequently commits an act, there might be a subpoena for the records that would otherwise have been protected, so that's something that we might want to take a look at.

Chair Butler:

Thank you very much. At this time, I would like to invite Alan Peto with the Las Vegas Metropolitan Police Department (Metro) for his presentations on SCOPE (Shared Computer Operation for Protection and Enforcement) and on the Las Vegas Metro systems overview.

Alan Peto (CJIS Supervisor, Las Vegas Metro):

I'm the CJIS Supervisor and Assistant Terminal Agency Coordinator (ATAC) with Las Vegas Metro. I'll be giving you presentations today. One's going to be on Clark County SCOPE and the other will be on systems from our department.

I'll start off with SCOPE (Agenda Item VI-C A-1). Las Vegas Metro is also the SCOPE Administrator for the system. It is actually owned by Clark County. Like I said before, SCOPE is owned by Clark County. However, Metro administers it as a criminal justice entity. It originally went live in 1968, so it's a long-term criminal justice information system. Other agencies in Nevada did use it as well, up until the Repository came online in 1987. We had an upgrade project in 2009, so we were looking to go from the system we had since the 1960s to a new modern system. That took a couple years, and we went live in 2012.

There are quite a number of agencies that actually use SCOPE. The majority will be down here in Clark County. However, throughout the state, there are different entities. Everyone from the Airforce Office of Special Investigations to the public defenders to even the State Brady Unit use SCOPE.

The types of information we have inside SCOPE, it's going to be different types of information. There's criminal history information and non-criminal history information. So, we will have criminal history information such as arrest and conviction. Citation summons will be inside there. We'll have person-based record information. This is going to be everything from the scars, marks and tattoos, dates of birth, AKA (also known as) names. Juvenile warrants and writs will be inside here, work card application, work card information, images that get pulled from different booking systems, alerts and cautions,

convicted persons and sex offender registration information will be put inside there. Incident information is basically event reports, if you will. Missing persons, protection orders and weapons such as CCW (carry concealed weapons) applications will be put inside there.

Some information that we have that's entered inside SCOPE but is not inside the state NCJIS system, stalking and harassment orders are entered inside SCOPE because they're not able to be put inside the NCJIS system. Traffic citations are also inside SCOPE for the same reason, and also remands because the Repository doesn't accept that. Those are some items that are inside SCOPE that are not inside our state system.

As far as the connections and entry, there are a few agencies that actually enter it. The majority of agencies are doing queries of the system. However, manual entry will be the big agencies such as Metro. The Henderson Police Department and the North Las Vegas Police Department are among the heavy-entry users of the system. As far as data connections, how we're actually getting information inside there, as I mentioned before, we're doing a lot of manual entry, but we are looking at ways to make it automated. So, in development right now, Las Vegas Municipal Court is working on a disposition interface to put arrest disposition information inside SCOPE. If there's an existing arrest in there and you want to update the disposition, working on that particular connection. Clark County's Department of Juvenile Justice Services, any type of probation information that they have, they're looking to have it put into the SCOPE II Probation Module. These are some data connections that are actively being worked on with Clark County right now.

Before I go onto Metro's presentation, does anybody have any questions regarding SCOPE?

Chair Butler:

I don't see any.

Mr. Peto:

This presentation will be for my agency, Las Vegas Metro (Agenda Item VI-C A-2). A very brief history, Metro is a combination of two different entities per Nevada Revised Statutes (NRS). We are a combination of the Clark County Sheriff's Office and the Las Vegas Police Department. We were merged per NRS, so we're basically a sheriff's department and a police department. As we talk about the different systems we use and data collected, that's the reason why.

As far as the data captured, as mentioned, we are a sheriff's office and a police department, so we capture a variety of different information. Of course, we have a booking facility, an incarcerative facility, so we have the Clark County Detention Center

and our whole Detention Services Division. Booking information we will collect. Images that come from that booking process, mugshots, scars, marks and tattoos, we collect. Incident information, this is going to be event reports, any type of case information, we will collect there. Service call, or basically CAD (Computer-Aided Dispatch System) information we will have because we run our communication center for 911. For work cards and business licensing, as part of being the Sheriff and the Police Department, we have county and city ordinances that we enforce, so we will issue work cards and also business licensing as part of that process, the investigation. With person-based information, as with most law enforcement agencies, we collect a lot of different person-based information, so that would be like case reports or, for example, inside our SCOPE system. For the CCW, as the Sheriff, we will issue CCW permits. Then, offenses, maybe we're entering NCIC so we understand, for this arrest warrant, this is the type of offense this person if wanted for so we'll have offense information.

The systems we use are numerous. Actually, one thing I forgot to include on this slide is our Motorola suite of products. I'll talk about that quickly. We have Motorola as our vendor for Premier and PremierOne, so we have our PremierOne records and management system, our case information system. We are upgrading our existing Premier suite of CAD and mobile data computer up to PremierOne as well, so that's an ongoing project right now. We do use JLink. We use that to connect to the state and a variety of things on the NCJIS network for submitting prints through LiveScan and everything else. So, the NCJIS network, JLink, we use. The FBI Law Enforcement Enterprise Portal (LEEP), we use that primarily to access the next circle on the presentation (Agenda Item VI-C A-2), the FBI National Data Exchange, which is the nationwide criminal justice information sharing system. We use that for our investigations that we also submit, as I'll talk about in a minute. We use OffenderWatch. This is a nationwide system also used here in Nevada by different agencies. So, when people come in to do sex offender registration with us, we actually enter directly into that system. We have ELITE and LV-SINS (Las Vegas Sheriff's Identification Network System). These are our Detention Services Division systems. Basically, ELITE is our inmate management system, and LV-SINS is kind of our frontend interface to enter into that system and others. We have C-Track, a Clark County system. The District Attorney (DA) uses it, the courts use it, so basically we get our calendar information there, case information and process control numbers are all from that C-Track system. StacsDNA (Sample Tracking and Control Software for DNA Labs) is used by detention as well. That's to see if somebody already has DNA on file or if we need to do a buccal swab. Detention Services Division (DSD) reports for all these different reports, it's very similar, if you will, to other reports, for those who use those. It allows them to do different types of reports to see what's going on inside our jail facilities. GangNet is the system used with California as well. We use that to look up information on gang members. The ImageWare system, that's going to be for our mug shots, scars, marks and tattoos, mainly used by our detention facility. We do use the district courts' and justice courts' Odyssey systems for case information, so we'll look it up that way. We talked about SCOPE in my prior presentation, but we are a heavy user query-wise on SCOPE, in

addition to being the administrator and entering inside it. We also use the CopLink system by IBM (International Business Machines) as one of our information sharing systems.

I'll talk about those systems that we share to. We do to the FBI National Data Exchange. That's the nationwide criminal justice information sharing system. We share through CopLink to the N-DEx system by the FBI. Clark County SCOPE, that's regional or for other agencies in the state. We share information that way as well too, however, that's manually entered. We do to the NCJIS system, and also to the State Criminal History Repository. Of course, any prints or criminal history we send out, but also for anything like manual warrants or anything else, we enter inside NCJIS, CCW, etc. OffenderWatch I talked about just a second ago. We enter inside that system, so any agency across the country who has OffenderWatch, they're able to pull up any information regarding anybody we've entered regarding sex offenders. Then CopLink, which I also talked about a second ago, any agency that we have an agreement with through what's called nodes, they're able to access our information, and also we can access theirs. That's the presentation for both SCOPE and Las Vegas Metro. I'll take any questions.

Chair Butler:

Any questions from the Subcommittee members? Seeing none, thank you very much, Mr. Peto, for those two presentations. I'll ask you the same questions that I've asked of the other presenters. Are there any sort of gaps or suggestions that you might have to improve the data that we do share back and forth?

Mr. Peto:

I think as far as criminal history, it's probably a known quality. We'd like to see traffic information at the Repository, remands. So, there are a few different things that we'd like to see at the Repository level as far as criminal history. That way, we'd be able to share more information that way. I was told when I was getting information for this presentation, OffenderWatch might be a good thing as well for the state. Right now, of course, we have NCJIS, which is great, but if we could also have more support with OffenderWatch by different agencies and the state level as well too, this can be something that's a nationwide and also a state level. Beyond that, personally, I'd like to see more kind of what we can do with N-DEx as a nationwide criminal justice information sharing system. It is managed by the FBI. However, it's part of the NCJIS advisory process, so we may not be able to get all the changes we can with that system, but we can submit improvements as we request through the advisory process. That's a good way to get our information nationwide to help law enforcement throughout the country. I can say that, as far as other agencies, California, throughout the country and also ourselves, we found success with that system as well.

Chair Butler:

Thank you, Mr. Peto. I just want to address a couple of those. As far as traffic, statute does not define traffic offenses as criminal history, so we have not taken those traffic citations and things on at the State Repository. I think for us to do so would be a pretty monumental change. I'm definitely, though, interested in remands, just because particularly we find that if those individuals were never actually taken over and fingerprinted, then we've got a gap in criminal history, and as far as our records go, they don't exist. We've run into situations where we know somebody has committed a criminal offense, and they go to prosecute, and lo and behold there's no criminal history because the person was never actually taken in and booked. I think that's a huge gap and something that we do need to look at addressing. We have actually tried to implement OffenderWatch at the state level. We did so, and we tried to work with them for 3 years, and we were not able to successfully do that. That's something that we now have gone with a tool called the Sex Offender Registering and Tracking System (SORT), which we're trying to roll out to give the local law enforcement agencies access to that. As far as OffenderWatch, they are a terrific tool for local government agencies. We just found it just wasn't maybe as compatible as it could be on a statewide basis. That's just to give you some history on that. But I definitely agree with you on more sharing with N-DEx, and I was particularly interested if you could tell me a little bit more about the disposition interface with Las Vegas Municipal Court, because, going forward, just with the volume of information that the Repository receives, we've got to look at systems to move our data and not be sending paper dispositions up and prosecutorial decisions on charges up to the Repository. It's got to be systems to move this information. Can you tell me a little bit more about your disposition interface at the Las Vegas Municipal Court, please?

Mr. Peto:

Absolutely. I don't have all the technical details on it, but from what I basically understand, we're kind of the final steps on that. We're doing kind of the quality control checks to make sure it actually works. But from what I understand, they're looking at, in the existing criminal history that exists inside SCOPE, if there's a process control number, they're seeing if there's a matchup on that. If there's a matchup with that and some other data, they're able to update the disposition. I may be leaving some parts out here. I wasn't actually expecting to answer more on that, so I will get you some more details if you'd like them. But as far as I understand, it's looking for some data elements. When it matches those up, it will be able to update that disposition. If it can't, I believe it goes to an exception report so it can be looked at that way as well too. So, I think they're looking at different ways where we can get that disposition updated, which has always been what we want in criminal history, of course.

Chair Butler:

Fantastic. Thank you very much. At this point, I would like to invite a representative from the Eighth Judicial District Court to talk about the systems that they house.

Mr. Grierson:

The Eighth Judicial District Court uses the case management system Odyssey (Agenda Item VI-D). It's a large, multi-state, somewhat-international case management system that we purchased, I think, in 2005. We have focused our efforts when we originally implemented the system to really become a paperless court. We had a large expansion and growth opportunity, and this case management system allowed us to move in that direction much quicker and much more robustly than our previous case management system. With respect to the state system and the Criminal Repository's, we're much like our peers in the north and across the state. In our Family Court Clerk's Office, we enter temporary protection orders (TPO). We use the e-VINE (Victim Information and Notification Everyday) with Appriss sending executed orders to our detention center. We use our TPOs with USoft. We enter party information and generate orders out of that system. With respect to JLink, we obviously use JLink quite frequently and often, as well as SCOPE in our local jurisdiction. We're a little bit more unique, possibly, than our peers in the north in that we actually have a Marshals Division. We're specifically responsible for the security of our facilities. In that effort, our Marshals Division have to write police reports and at times arrest folks as they come into the building for various reasons that are non-courtroom related activities. Similar to our courts across the state, our specialty courts use the system to screen and understand folks that are eligible for our specialty courts. Administratively, we run our criminal history for the purposes of our criminal justice employment conditions. Predominantly, we're very, very similar to the Second Judicial District, one difference being the fact that we have a Marshals Division. As Ms. Bryant eloquently discussed the fact that specialty courts and demonstrating value in specialty courts is essential, now more than ever, each session we present to our legislative body the value of specialty courts and the need for specialty courts. One of our greatest barriers is the ability to efficiently measure recidivism and how well these programs are working. I echo my peer's suggestion that we refocus our efforts on trying to make recidivism a focus of one of our partnerships across the state. If you have any questions, I will try to answer them.

Chair Butler:

Thank you very much, Mr. Grierson. I appreciate that. Any comments or questions from any of the members of the Subcommittee? Hearing none, thank you very much.

Undersheriff Quick can't be here, so we'll roll that presentation to the next meeting. Rick Stefani is going to present on behalf of the Administrative Office of the Courts.

Rick Stefani (Deputy Director-IT, Administrative Office of the Courts):

I'm just going to do a real quick presentation on the MCIJIS system. I'm going to put up a little chart that has quite a few arrows and colors and kind of read off what we do for everybody (Agenda Item VI-F). Currently, there are 74 trial courts in the State of Nevada, which consists of 11 judicial districts, includes 17 district courts, 40 justice courts and 17 municipal courts. We support 28 of those trial courts directly with a state-sponsored case management system that resides at the Supreme Court. We're currently in the process of bringing up 2 more of those courts to add that to 30. There are 44 other courts that use various case management systems, and that's where the real problem comes is nobody can really talk to one another through different court case management systems. We also maintain the Multi-County Integrated Justice Information System. We call it MCIJIS. This system is represented in the presentation. It moves various types of documents between DPS, the courts, the district attorneys. We interface with the Carson City Sheriff's Office. The eCitation data is a big thing that goes back and forth. We currently have 26 law enforcement agencies submitting citations through MCIJIS to 25 different courts. One court is currently submitting warrants, which is the Las Vegas Justice Court. It's going through their Clark County Integrated Justice Information System (CCIJIS). One law enforcement agency is submitting bookings through MCIJIS and one district attorney's office. That's the Carson City Sheriff's Office and District Attorney. There are 21 courts currently submitting electronic Department of Motor Vehicles (DMV) convictions that flow directly from the case management system to the DMV system for driver records. In the next biennium, we are hoping to add an interface for the TPO modules to interface directly into the backend of the TPO system. We want to upgrade our warrant interface to handle multiple partners at the same time instead of just one.

That's all I have. I can answer any questions or get information for anybody who needs something.

Chair Butler:

Any questions for Mr. Stefani? I have some observations. So, you said 44 courts use various case management systems. Has there ever been—would it take legislation, would it take—what would it take to have one sort of super, centralized court case management system? The reason I ask that is, obviously, in my previous statement about getting the information on dispositions and sentencing electronically, it's much easier if you've only got to write one interface as opposed to 44. How would we move that along and what would that look like?

Mr. Stefani:

Currently in the State of Nevada, we are a non-unified court system, which essentially means all of the county courts are funded and directed by each county or municipality or

whatever. The AOC does not have the authority to say, "You will use this one specific system." There would have to be legislative changes. All the courts would have to be brought under one umbrella, which would probably be extremely difficult to do.

Chair Butler:

When you say "extremely difficult to do," financially, operationally? I guess I'm trying to get more of a handle on the barriers.

Mr. Stefani:

All of the above. The counties and the judges and each of the different courts are not going to allow or give up their jurisdiction to have one central body dictate down to them.

Chair Butler:

Alright then. I've been with the Central Repository now for a little over 12 years, and I really see this as one of the big obstacles to really sharing data efficiently is the lack of a centralized court system or one system that we could use to write interfaces. It's not that the system we have, which is namely the locals sending in paper dispositions. I guess we could continue to do that, but it's very labor intensive on the courts to send that information to us, and then on my staff's end. We continue to employ a cadre of temporary positions funded by grant every single year to update criminal history records, and that just increases the time it takes to update these records, as well as the human error factor versus having systems move this data. That would be, I think, even though, yes, it would be very challenging to do so, I still think it might be a recommendation that might have some merit out of this Subcommittee. Whether or not it would go anywhere would be another question, but I think it might be a valid recommendation.

Thank you very much for that. That concludes agenda item VI, so we will move onto agenda item VII, a presentation on the Nevada Offense Codes used in many criminal justice information systems.

Mindy McKay (Records Bureau Chief, Records, Communications and Compliance Division of the Nevada Department of Public Safety):

I have with me today Judy Christenson. She is our Nevada Offense Code Unit Supervisor, and she is going to be conducting the presentation today.

Judy Christenson (Nevada Offense Code Unit Supervisor, Records, Communications and Compliance Division of the Nevada Department of Public Safety):

I'm going to provide you with a short overview of Nevada Offense Codes and our unit (Agenda Item VII). The Criminal History Repository has been using Nevada Offense Codes (NOCs) since the inception of the Repository, and the current NOC model has been in place since 2009. The AOC took on the task of creating NOCs prior to 2009. After 2009, the Department of Public Safety's Criminal Record Unit began creating NOCs. The 2015 Legislative Session added two positions within the Central Repository for Nevada Records of Criminal History, providing for the creation of what is known as the Nevada Offense Code Unit, which began operation in March of 2016. Prior to the 2015 Session, we had a position doing NOCs as an "other duties as assigned" situation, but we realized it was its own program that needed dedicated staff. The Nevada Offense Code Unit is responsible for the creation of NOCs which are used by Nevada criminal justice agencies to share information in disparate criminal justice systems statewide.

The duties of the Nevada Offense Code Unit are to research NOC requests submitted by the criminal justice community and create NOCs if needed; perform maintenance on NOCs as dictated by repealed and/or replaced Nevada statute or city and county ordinances; changes to reporting codes, for example, the NCIC, the National Incident-Based Reporting System (NIBRS), Uniform Crime Reporting (UCR) codes and DMV codes; and disseminate NOC information to members of the Nevada criminal justice community.

The purpose of a NOC is to provide a single, comprehensive code to be used by the Nevada criminal justice community. The intent of the NOC is to provide electronic sharing of information between all criminal justice agencies. The people who use NOCs are law enforcement agencies, Parole and Probation, courts, prosecution, Nevada Highway Patrol, the Sex Offender Registry, the Central Repository, the AOC, etc.

The NOC model allows for the creation of what is commonly referred to as a Smart NOC, which is an 11-character code that is eventually mapped to a 5-character code simply known as a NOC. The Smart NOC is where the comprehensive information of a code is found. The following information is included with every Smart NOC, so it's going to have the literal crime description, the crime severity, the jurisdiction, multiple NRS or city or county ordinances, the NCIC code, the UCR code, the NIBRS code, the Uniform System for Judicial Records (USJR) code, the DMV codes if it's a traffic offense, and if not it will not have the DMV code, and whether or not a NOC is retainable on criminal history. I've provided you with a component of a Smart NOC. The example that I provided is A01002A00NV, and I've broken it down where you can see the different components: "A" being a crime against a person, "01" representing homicide. The next three characters just designate the placement within the series. The "A" would

designate the severity of the crime. The "00" portion would—in this case, it's "00," which is the enhancement. The "NV" would dictate the jurisdiction being a Nevada NOC. I have provided two examples of the same crime with enhancements attached to it, so everything is the same except for where the "00" was in the first example, we've changed it to "45," which would indicate that this is murder, first degree, and the victim is an older person. That would be the enhancement. The same with the second one, where the "81" is going to dictate that this is also a murder, first degree, but an enhancement—this is actually called a stacked enhancement. It's with the use of a deadly weapon or tear gas, and the victim is an older person. The NOCs that these would actually represent—for example, murder, first degree, would be "50005," the 5-digit code, whereas the murder, first degree, victim is an older person would be "50007" and "58054" for the stacked one.

The Nevada Offense Code Working Group was created to make decisions for the implementation of the NOC program and to set in place policies and procedures for the creation of Nevada Offense Codes. Some of the types of decisions made by the group were whether or not to use the crime description or the penalty as the primary statute for each NOC and how the NOC program would handle repealed and replaced statutes. The NOC Working Group no longer meets and was replaced by the Nevada Offense Code Team in 2016. The Nevada Offense Code Team meets at least two times per year, or more as needed. The types of issues that the Nevada Offense Code Team discusses and makes decisions on are as follows: how to handle new laws that are created by the Legislature, voter initiative and by local ordinances and their effects on NOCs, language format to be used in the creation of literal crime descriptions and interpretation of a statute or ordinance. This concludes my presentation and I'm happy to answer any questions.

Chair Butler:

Thank you very much, Ms. Christenson. Any questions or comments by the Subcommittee members?

Ms. Bryant:

Thank you very much for your presentation. Are you aware, are NOCs required to be used to find information, or is it permissive?

Ms. Christenson:

Nevada Offense Codes are required to be used.

Ms. Bryant:

And that's across the state for all agencies?

Ms. Christenson:

Yes.

Ms. Bryant:

All right, thank you.

Chair Butler:

Thank you again for your presentation. It was very thorough. I wanted to bring this to the Subcommittee's attention because, moving onto agenda item VIII, I wanted to make a recommendation that this body appoint a working group specifically related to the Nevada Offense Codes. Since the new bills that passed in the 2017 Session allow for the creation of working groups, I do think it's appropriate since it touches all criminal justice agencies in Nevada that this be a standing working group for the Subcommittee. Any comments, questions, discussions on that? Seeing none, could I have a motion, please, to create a NOC working group?

SERGEANT SOLFERINO MOVED TO CREATE A WORKING GROUP ON NEVADA OFFENSE CODES OF THE SUBCOMMITTEE.

MS. DEL PORTO SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

I'm envisioning appointing the members that are currently part of the standing committee, and we'll be getting letters out to those individuals soon. As far as status of the Northern and Southern Working Groups, staff sent out an email to the existing terminal agency coordinators and assistant terminal agency coordinators within the Nevada criminal justice agencies, and we were asking for volunteers and got exactly zero. At this point, I will be reaching out individually to certain individuals that have been involved in the process historically and see if I can gauge their willingness to serve on the working groups and get it started that way. We'll send another email and probably request additional volunteers as well. We'll just report to you at the next Subcommittee meeting.

Mr. Olmstead:

I would volunteer to be part of a working group, as long as I'm able to serve. That's where the process starts with recommending changes, and that's what I'm here to do, so I would volunteer.

Chair Butler:

Excellent. Thank you very much. We have our first volunteer and I'm so excited.

Pam Del Porto (Inspector General, Nevada Department of Corrections):

He just tapped my elbow, so I volunteer as well.

Chair Butler:

Awesome. Thank you.

Sergeant Solferino:

I have been added to this group by proxy, so thank you.

Chair Butler:

That's excellent. Good, we at least have three members for the Northern Nevada Working Group, so that's fantastic. Thank you.

We need to talk about agenda item IX, discussion of topics, dates and locations for future meetings. I would note that we do have an Advisory Commission meeting on April 30. You should be getting information on that, if you haven't already. Mr. Fernley reminded me that Chair Yeager would like to have a work session for the Advisory Commission on the Administration of Justice (ACAJ) somewhere around the September-October 2018 timeframe, at which time he would like our Subcommittee to have any recommendations to him about improving criminal justice information sharing within the state. We're going to start tackling that within our Subcommittee and within the working groups, so I just wanted to put that in everybody's minds. As far as future potential topics, there were a couple of things that I had intended to have on this agenda for this meeting and didn't yet. I think we want to talk about that MTG study from a few years ago that talked about regional data sharing, and we were going to have a presentation from DPS on the Spillman system, and then I'd like to have Undersheriff Quick provide information, just a perspective from a smaller law enforcement agency on what system they use and the types of information they collect. Are there any other suggestions from the Subcommittee? It might be helpful to hear from you, Mr.

Olmstead, from a non-criminal justice perspective on the types of information you seek from the Repository and how you use that, if you're willing.

Mr. Olmstead:

Absolutely. I would love to present. The common theme of today was information sharing, which is exactly the opposite of what we can do as a Board. We submit the fingerprints, we get the criminal history record information back and we don't share with anybody. We're prohibited from sharing it. So, today's information sharing was totally an alien concept to me. I'll present at the next meeting on everything we do and any recommendations we can make.

Chair Butler:

Thank you. Any other suggestions from the Subcommittee members on potential topics for the next meeting?

Ms. Del Porto:

I'm wondering if you would like a presentation on what information we capture, what we share, with whom we share and how we share?

Chair Butler:

Absolutely, thank you. Would anybody be interested in hearing from the Parole and Probation Division on this, on what the Offender Tracking Information System (OTIS) collects? Yes? Okay.

Ms. Bryant:

Perhaps on the update for OTIS 2.0 and the status of it?

Chair Butler:

Okay, very good. I think so far what I'm hearing looks like we've got a good start. I will confer with Mr. Fernley and see if we can firm up the agenda, and then he will be reaching out to Subcommittee members for potential dates and times.

We'll move now to public comment.

Wiselet Rouzard (Field Director, Americans for Prosperity):

I just wanted to follow up with Steve Grierson in regards to you said your focus is to reduce recidivism. Is that in terms of cases, or what were you meaning by reducing the recidivism?

Mr. Grierson:

Chair Butler, how would you like to handle the question and answer?

Chair Butler:

I don't think the focus of this particular Subcommittee is to reduce recidivism. I think the comment was made in terms of, "How can we better share data to study the effectiveness of various programs on reducing recidivism?"

Mr. Grierson:

Maybe I can just talk to you after the meeting?

Mr. Rouzard:

Perfect, thank you.

Cornelia Shepperd (Terminal Agency Coordinator, Sparks Police Department):

I just wanted to comment that, in regards to the email for possible involvement in the working groups, my agency did not receive that. However, I would like it to be noted that I am interested in being a part of the working group, and I did submit a letter of interest to Chair Butler, as well as Vice Chair Quick. Thank you.

Chair Butler:

Fantastic. I really appreciate that, Ms. Shepperd. I will look for that email, and also we will resend since it sounds like maybe it didn't get to everybody. We'll definitely resend that as well asking for volunteers. Thank you.

Advisory Commission on the Administration of Justice's
Subcommittee on Criminal Justice Information Sharing
April 13, 2018
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Seeing no further public comment, I will adjourn this meeting at 10:19 a.m.

RESPECTFULLY SUBMITTED:

Jordan Haas, Secretary

APPROVED BY:

Julie Butler, Chair

Date: _____

Agenda Item	Witness/Agency	Description
A		Agenda
B		Attendance Roster
<u>Agenda Item IV</u>	Jordan Haas, Committee Secretary	Draft Minutes from the March 22 Meeting of the Subcommittee
<u>Agenda Item V</u>	Julie Butler, Division Administrator, Central Repository for Nevada Records of Criminal History	Proposed Bylaws for the Subcommittee
<u>Agenda Item VI-A</u>	Sergeant Corey Solferino, Washoe County Sheriff's Office	Update from the Washoe County Sheriff's Office
<u>Agenda Item VI-B</u>	Jackie Bryant, Clerk of the Court, Second Judicial District Court	Presentation by the Second Judicial District Court
<u>Agenda Item VI-C A-1</u>	Alan Peto, CJIS Coordinator, Las Vegas Metro	Overview of SCOPE
<u>Agenda Item VI-C A-2</u>	Alan Peto, CJIS Coordinator, Las Vegas Metro	Overview of LVMPD Systems
<u>Agenda Item VI-D</u>	Steve Grierson, Court Executive Officer, Eighth Judicial District Court	Presentation by the Eighth Judicial District Court
<u>Agenda Item VI-F</u>	Rick Stefani, Deputy Director of IT, AOC	Overview of the MCIJIS System
<u>Agenda Item VII</u>	Judy Christenson, Records, Communications and Compliance Division	Presentation on Nevada Offense Codes

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IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
IN AND FOR THE COUNTY OF WASHOE

In the Matter of the Application
of MAILYN DEPOSOY KANG,
for an Order to Seal Records.

Case No. CV19-01896

Dept. No. 10

ORDER DIRECTING RESPONSE

Presently before the Court is the PETITION TO SEAL RECORDS (“the Petition”) filed by
Petitioner MAILYN DEPOSOY KANG (“the Petitioner”) on September 27, 2019. The Petitioner
seeks to seal records relating to six criminal offenses. The Petitioner was prosecuted by the CITY
OF RENO (“Reno”) and the STATE OF NEVADA (“the State”), for these offenses. Reno
stipulated to the sealing of the records for the four offenses it prosecuted or dismissed. *See*
STIPULATION TO SEAL RECORDS (Oct. 11, 2019). The State has not filed a response, despite
being served with the Petition on September 27, 2019, and September 30, 2019. The matter was
submitted for the Court’s consideration on October 16, 2019.

NRS 179.245 allows an individual to petition a court to seal criminal records following a
conviction, provided certain criteria are satisfied.¹ The criteria vary based on whether the
conviction the petitioner seeks to seal is for a felony or a misdemeanor. NRS 179.245(4) provides:

¹ This statute was amended during the 2019 Legislative Session; however, a majority of the substantive amendments are not effective until July 1, 2020.

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If the prosecuting attorney who prosecuted the petitioner for the crime stipulates to the sealing of the records after receiving notification pursuant to subsection 3 and the court makes the findings set forth in subsection 5, the court may order the sealing of the records in accordance with subsection 5 without a hearing. If the prosecuting attorney does not stipulate to the sealing of the records, a hearing on the petition must be conducted.

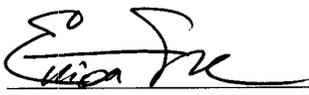
NRS 179.255 similarly permits an individual to petition a court to seal criminal records of charges which were dismissed or declined for prosecution. NRS 179.255(6) provides:

If the prosecuting attorney stipulates to the sealing of the records after receiving notification pursuant to subsection 4 or 5 and the court makes the findings set forth in subsection 7 or 8, as applicable, the court may order the sealing of the records in accordance with subsection 7 or 8, as applicable, without a hearing. If the prosecuting attorney does not stipulate to the sealing of the records, a hearing on the petition must be conducted.

The Court requires a response from the State in order to determine whether it will stipulate to sealing the records and whether a hearing on the Petition will be necessary.

IT IS ORDERED the State will respond to the Petition within fourteen (14) days. The Petitioner may file a reply brief within seven (7) days. The Petitioner is directed to re-submit the matter for the Court's consideration.

DATED this 17 day of October, 2019.



ELLIOTT A. SATTLER
District Judge

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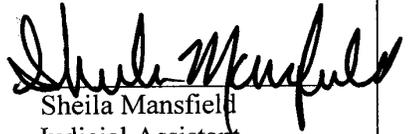
CERTIFICATE OF MAILING

Pursuant to NRCP 5(b), I certify that I am an employee of the Second Judicial District Court of the State of Nevada, County of Washoe; that on this ____ day of October, 2019, I deposited in the County mailing system for postage and mailing with the United States Postal Service in Reno, Nevada, a true copy of the attached document addressed to:

CERTIFICATE OF ELECTRONIC SERVICE

I hereby certify that I am an employee of the Second Judicial District Court of the State of Nevada, in and for the County of Washoe; that on the 17 day of October, 2019, I electronically filed the foregoing with the Clerk of the Court by using the ECF system which will send a notice of electronic filing to the following:

MATTHEW LEE, ESQ.
MAILYN DEPOSOY KANG


Sheila Mansfield
Judicial Assistant

1 CODE: 3370
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5 IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
6 IN AND FOR THE COUNTY OF WASHOE

7
8 STEPHEN CHARLES AUGSBERGER,
9 Petitioner,

Case No.: CV19-01480
Dept. No.: 9

10 v.

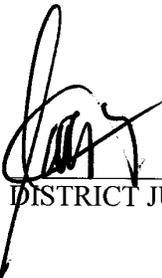
11 THE STATE OF NEVADA,
12 Respondent.
13

14 **ORDER SETTING HEARING**

15 The Court is in receipt of Petitioner STEPHEN CHARLES AUGSBERGER's *Petition to*
16 *Seal Records* filed July 29, 2019. No opposition was filed. Upon review of the record, a hearing is
17 required pursuant to NRS 179.245.¹ Thus, the Court orders a hearing.

18 THEREFORE, and good cause appearing, IT IS HEREBY ORDERED Counsel for parties
19 shall physically appear before Department 9 in the Second Judicial District Court of Washoe Court,
20 Nevada and present oral argument on the above petition on December 4, 2019 at 9:30 a.m.

21
22 DATED this 5 day of November, 2019.

23
24 
25 _____
26 DISTRICT JUDGE
27

28 ¹ Pursuant to NRS 179.245(4), effective October 1, 2017, "[i]f the prosecuting attorney who prosecuting the petitioner for the crime stipulates to the sealing of records after receiving notification pursuant to subsection 3 and the court makes the findings set forth in subsection 5, the court may order the sealing of the records in accordance with subsection 5 without a hearing. *If the prosecuting attorney does not stipulate to the sealing of the records, a hearing on the petition must be conducted.*"

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CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I certify that I am an employee of the Second Judicial District Court of the State of Nevada, County of Washoe; that on this _____ day of _____, 2019, I deposited in the County mailing system for postage and mailing with the United States Postal Service in Reno, Nevada, a true copy of the attached document addressed to:

[NONE]

Further, I certify that on the 5th day of November, 2019, I electronically filed the foregoing with the Clerk of the Court electronic filing system, which will send notice of electronic filing to the following:

STEPHEN AUGSBERGER (TN)
MATTHEW LEE, ESQ. for STATE OF NEVADA



Judicial Assistant

1 CODE: 3370
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5 IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
6 IN AND FOR THE COUNTY OF WASHOE
7

8 In the Matter of the Application of,

Case No.: CV18-02094

9 Gilbert Joseph Gomez,

Dept. No.: 9

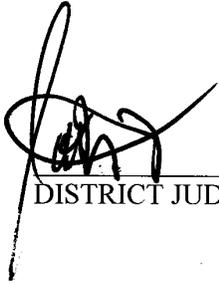
10 For An Order to Seal Records.
11

12 **ORDER SETTING HEARING**
13

14 The Court is in receipt of Petitioner GILBERT JOSEPH GOMEZ's *Petition to Seal Records*
15 filed October 17, 2018. The *Petition* was submitted to this Court for review on August 26, 2019. No
16 opposition was filed. Upon review of the record, a hearing is required pursuant to NRS 179.245.¹
17 Thus, the Court orders a hearing.

18 THEREFORE, and good cause appearing, IT IS HEREBY ORDERED Counsel for parties
19 shall physically appear before Department 9 in the Second Judicial District Court of Washoe Court,
20 Nevada and present oral argument on the above petition on December 4, 2019 at 9:30 a.m.

21 DATED this 5 day of November, 2019.

22
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25 _____
26 DISTRICT JUDGE
27

28 ¹ Pursuant to NRS 179.245(4), effective October 1, 2017, "[i]f the prosecuting attorney who prosecuting the petitioner for the crime stipulates to the sealing of records after receiving notification pursuant to subsection 3 and the court makes the findings set forth in subsection 5, the court may order the sealing of the records in accordance with subsection 5 without a hearing. *If the prosecuting attorney does not stipulate to the sealing of the records, a hearing on the petition must be conducted.*"

CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I certify that I am an employee of the Second Judicial District Court of the State of Nevada, County of Washoe; that on this day of , 2019, I deposited in the County mailing system for postage and mailing with the United States Postal Service in Reno, Nevada, a true copy of the attached document addressed to:

[NONE]

Further, I certify that on the 5th day of November, 2019, I electronically filed the foregoing with the Clerk of the Court electronic filing system, which will send notice of electronic filing to the following:

MATHEW HIGBEE, ESQ. for GILBERT JOSEPH GOMEZ
MATTHEW LEE, ESQ. for STATE OF NEVADA


Judicial Assistant

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IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
IN AND FOR THE COUNTY OF WASHOE

In the Matter of the Application
of MAILYN DEPOSOY KANG,
for an Order to Seal Records.

Case No. CV19-01896

Dept. No. 10

ORDER SETTING HEARING

Presently before the Court is the PETITION TO SEAL RECORDS (“the Petition”) filed by
Petitioner MAILYN DEPOSOY KANG (“the Petitioner”) on September 27, 2019. The Petitioner
seeks to seal records relating to six criminal offenses. The Petitioner was prosecuted by the CITY
OF RENO (“Reno”) and the STATE OF NEVADA (“the State”), for these offenses. Reno
stipulated to the sealing of the records for the four offenses it prosecuted and/or dismissed. *See*
STIPULATION TO SEAL RECORDS (Oct. 11, 2019). The Court entered the ORDER
DIRECTING RESPONSE on October 17, 2019, directing the State to respond to the Petition. The
State filed the STATE’S RESPONSE (“the Response”) on October 24, 2019.¹ In the Response, the
State indicated it would neither stipulate to nor oppose the Petition and would waive its right to

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¹ For reasons unknown to the Court, the State filed an identical response on November 22, 2019.

1 participate in any subsequent hearings on the Petition. The Response 3:1-8. The Petitioner filed
2 PETITIONER'S REPLY BRIEF TO SUPPLEMENT RECORD on October 27, 2019. The matter
3 was submitted for the Court's consideration on November 22, 2019.

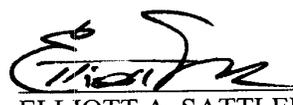
4
5 NRS 179.245 allows an individual to petition a court to seal criminal records following a
6 conviction, provided certain criteria are satisfied.² The criteria vary based on whether the
7 conviction the petitioner seeks to seal is for a felony or a misdemeanor. NRS 179.245(4) provides:

8 If the prosecuting attorney who prosecuted the petitioner for the crime stipulates to the
9 sealing of the records after receiving notification pursuant to subsection 3 and the court
10 makes the findings set forth in subsection 5, the court may order the sealing of the records
11 in accordance with subsection 5 without a hearing. If the prosecuting attorney does not
12 stipulate to the sealing of the records, a hearing on the petition must be conducted.

12 Given the content of the Response, the Court must hold a hearing on the Petition.

13 **IT IS ORDERED** a hearing will be held on **December 19, 2019 at 9:00 a.m.**

14 **DATED** this 6 day of December, 2019.

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17 ELLIOTT A. SATTLER
18 District Judge

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28 ² This statute was amended during the 2019 Legislative Session; however, a majority of the substantive amendments are not effective until July 1, 2020.

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CERTIFICATE OF MAILING

Pursuant to NRCP 5(b), I certify that I am an employee of the Second Judicial District Court of the State of Nevada, County of Washoe; that on this ____ day of December, 2019, I deposited in the County mailing system for postage and mailing with the United States Postal Service in Reno, Nevada, a true copy of the attached document addressed to:

CERTIFICATE OF ELECTRONIC SERVICE

I hereby certify that I am an employee of the Second Judicial District Court of the State of Nevada, in and for the County of Washoe; that on the 6 day of December, 2019, I electronically filed the foregoing with the Clerk of the Court by using the ECF system which will send a notice of electronic filing to the following:

MATTHEW LEE, ESQ.
MAILYN DEPOSOY KANG


Sheila Mansfield
Judicial Assistant

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3 IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
4 IN AND FOR THE COUNTY OF WASHOE

5 ***

6
7 In the Matter of the Application
8 of Lilla Alvarado aka Lilla Ramirez, for an
9 Order to Seal Records.

Case No. CV19-02261

Dept. No. 7

10 ORDER SETTING HEARING

11 Presently before the Court is the PETITION TO SEAL RECORDS (“the Petition”) filed by
12 Petitioner LILLA ALVARADO, a.k.a LILLA RAMIREZ, a.k.a. LILLA G. RAMIREZ, a.k.a.
13 LILLA RAMIREZ, a.k.a. GREEN EYES LA (“the Petitioner”) on November 20, 2019. The
14 Petitioner seeks to seal records relating to criminal convictions prosecuted by the STATE OF
15 NEVADA (“the State”) for DRIVING UNDER THE INFLUENCE OF ALCOHOL in 2009 and
16 CONSPIRACY TO COMMIT BATTERY WITH A DEADLY WEAPON in 1996. Petitioner also
17 seeks to seal records relating to an arrest for ASSAULT in 1996.
18

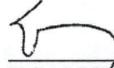
19
20 On November 21, 2019, a *Notice of Filing of Petition to Seal Records* was issued. On
21 November 25, 2019 the State filed a *Response* indicating the Washoe County District Attorney’s
22 office neither stipulated to, nor opposed Petitioner’s *Petition*, and notified this Court that it waived
23 its participation in any hearing scheduled for this matter as it has no oral argument to offer. On
24 December 13, 2019, Petitioner submitted the matter for this Court’s consideration.
25

26 Having reviewed the pleading and all related documents, the Court finds that a hearing
27 would be of assistance in deciding the merits of the instant *Petition*. Thus, the Court sets this matter
28

1 for hearing on **Thursday, January 9, 2020 at 3:00 p.m.**, when the Court will resolve the pending
2 matter.

3 **IT IS ORDERED.**

4 **DATED** this 18 day of December, 2019.

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9 EGAN K. WALKER
10 District Judge

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CERTIFICATE OF ELECTRONIC SERVICE

I hereby certify that I am an employee of the Second Judicial District Court of the State of Nevada, in and for the County of Washoe; that on the 18 day of December, 2019, I electronically filed the foregoing with the Clerk of the Court by using the ECF system which will send a notice of electronic filing to the following:

Jennifer Noble, Esq.

Ashley Cummins, Esq.



Judicial Assistant

CERTIFICATE OF SERVICE

I hereby certify that this document was filed electronically with the Nevada Supreme Court on February 18, 2020. Electronic Service of the foregoing document shall be made in accordance with the Master Service List as follows:

Greg D. Ott, Chief Deputy Attorney General

Peter P. Handy, Deputy Attorney General

/s/ Jennifer P. Noble
JENNIFER P. NOBLE