

**Department of Justice**  
**ATTORNEY GENERAL'S ADVISORY COMMITTEE**  
**ON CRIMINAL HISTORY RECORD IMPROVEMENT**  
**Minutes**

California Office of Emergency Services  
10390 Peter A McCuen Blvd  
Mather Annex, California Room  
Mather, CA 95655

September 18, 2019  
10:00 a.m. – 12:00 p.m.

Present: John Carli, California Police Chiefs Association (CPCA)  
Shelley Curran, Judicial Council of California  
Sheryl Wolcott, California District Attorneys Association (CDAA)  
Jodi Leveque, California Court Clerk's Association (Cal CCA)  
Mark Pazin, Office of Emergency Services (OES)  
Mark Bonini, Chief Probation Officers of California (CPOC)  
Jaeson White, California Highway Patrol (CHP)  
Heather Fong, Senate Committee on Rules  
Suzanne Schleder, Judicial Council of California

Absent: Juan Gallardo, California State Sheriff's Association (CSSA)  
Carol Leveroni, California Peace Officers Association (CPOA)  
Shaun Rundle, California Peace Officers Association (CPOA)  
Ryan Wong, Department of Corrections & Rehabilitation (CDCR)  
Gabrielle Zeps, Speaker of Assembly

Assistant Director Marc St. Pierre called the meeting to order at 10:00 a.m.

Attendees were welcomed and introduced.

**6-Month Update on Criminal History Repository**

Assistant Director Marc St. Pierre provided an update regarding the current state of the Department of Justice's (DOJ) criminal history repository.

- **State of the Criminal History Repository** – DOJ continues to see a 35% gap, statewide, in disposition reporting. DOJ continues to make improvements in the disposition reporting process. At the National Repository level, the Fix National Instant Criminal Background System (NICS) Record Act was passed last year asking each state for an individual implementation plan to reduce the number of arrests without dispositions; DOJ submitted its plan emphasizing a focus on areas we can improve electronic disposition reporting.

**Status of Resolving Open Arrests** – DOJ generates and publishes to the California Law Enforcement Web (CLEW) two different open-arrest reports: an All-Years Report that is updated every January; and a Three-Years Report that is updated quarterly. The reports communicate specific details to county agencies on all open arrests needing to be closed.

- DOJ's intent in providing the open arrest reports is to educate county criminal justice agencies about the status of their state summary criminal history information records, so that they can take action to report missing data.

Discussion arose from all board-members requesting that a letter be sent to all counties/agencies as a call for action to assist in the resolution of open arrests.

- **Update on Electronic Disposition Reporting with NIEM** – DOJ currently has one county reporting electronically, two counties working with Judicial Council to begin reporting electronically, and a number of agencies interested but still waiting for vendors to be in place. The DOJ and JCC have entered into an agreement to use grant funds from the Sex Offender Registration and Notification Act (SORNA) to assist courts efforts to have their vendors provide implement the DOJ NIEM data exchange for disposition data.

DOJ's goal is to have all courts on a new disposition exchange within the next couple of years.

- **Data Exchange** – Criminal Justice Data Exchange (CJDE) will deliver error messages back to agencies. Future releases to CJDE will become an alternative reporting method for how we collect data. DOJ is asking for help to promote and share the CJDE to criminal justice agencies.
- **Update on 18-08-CJIS Information Bulletin** – Many agencies have expressed concerns meeting the electronic reporting by July 1, 2020 requirement. The DOJ has agreed to continue to accept legacy and paper submissions, until alternatives can be implemented. DOJ will help to assist court electronic disposition reporting efforts with grant funds from the SORNA.

Discussions arose suggesting the DOJ send a letter from the Attorney General to agencies with 4 bullet points focusing on: agencies to review current practices and procedures, discuss county open arrest reports, how to improve gaps, and identify point of contact.

- **Update on Resentencing of Cannabis Convictions per AB 1793** – DOJ has posted information to the California Attorney General's (AG) website about AB 1793. DOJ provided RAP Sheets to prosecuting agencies for all potentially eligible individuals identified using state summary criminal history information.
- **Update on Statewide Reference Tables Standardization** – The Statewide Reference Tables - Offense table - was discussed. Since review of the Master Offense table has begun with the working group, over 1,500 individual codes have been reviewed. Review with the working group is still ongoing with issues being resolved on a weekly basis.

By January 2020, DOJ will publish the updated statewide offense table with over 400 new offenses additions.

Discussions arose requesting more visibility into mental health diversion cases. The DOJ is working on adding mental health diversion codes to the statewide reference tables for dispositions.

## **Update on Sex Registration Tiering per SB 384**

Assistant Director Linda Schweig provided an update on SB 384 – Sex Offender Tiering.

With the passage of AB 1994 and AB 2080, which amend criminal offender reporting information and requirements, detention agencies now need to provide admission and release data to DOJ.

Effective January 2021 there will be three tiers for adults that are required to register. Tier one would require registration for 10 years, Tier two would require registration for 20 years, Tier three would require registration for lifetime. There will be two tiers for juveniles. Tier one would require registration for 5 years and Tier two would require registration for 10 years.

DOJ's goal is to know if a sex registrant is amongst the public, and if any further enforcement is required once released from custody.

## **New Legislation affecting Criminal History**

Assistant Director Marc St. Pierre provided an update on new legislation that would affect criminal history information.

- **AB 1076 Introduced by Assembly Member Ting** – This bill would add new Penal Code sections 851.93 and 1203.425. It seeks to aid individuals with a criminal history struggling to get jobs, housing, and education by programmatically granting relief that limits dissemination of qualifying criminal history records. This new process requires DOJ to programmatically make these determinations based on data in DOJ repositories and bypasses prosecuting agencies and courts review of these cases, unless a petition is granted to prevent DOJ from the automatic relief.

DOJ is working with the author's office to educate them on the role the DOJ plays in the law enforcement community, as well as reiterating DOJ's role to maintain a summary of criminal history information at the local level. The position of making judgments and interpretations is not DOJ's role.

The law would systemically change the role of DOJ, and per an internal review, we have concluded that the bill as currently written would not hit the target audience it is intending to assist. If passed, AB 1076 would introduce a significant workload if DOJ is mandated to assume a different role. Legal review is underway.

## **Open Discussion**

### **Schedule of Next Meeting**

The next official meeting is tentatively scheduled for March 18th or 25th, 2020, at California Office of Emergency Services with a notification forthcoming. Once a date and time have been determined, notification will be sent to all Committee members.

Meeting ended at 12:00 p.m.