



Presentation to the Virginia Crime Commission Progress on Automatic Sealing

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Background

- The 2021 Special Session of the Virginia General Assembly directed the Virginia State Police to implement automatic sealing of specific criminal history records as outlined in §19.2-392.6 through §19.2-392.16 of the Code of Virginia, by July 1, 2025.
- Virginia State Police is also mandated to implement *Rapback*, a fingerprint-based subscription service, by July 1, 2025.

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Background

- Virginia State Police received appropriations in 2021 to replace the Department's Computerized Criminal History (CCH) System to implement the automatic sealing legislation and Rapback. A contract was signed with the selected vendor in July 2022.
- This project is called the Criminal and Rapback Information System (CRIS).

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Progress Towards Implementation

In Progress:

- Stakeholder reviews of key features as they are delivered by the vendor.
- Transitioning to the System Integration Testing Phase on 11/14.
- The vendor is identifying test data sets and security exceptions that may be needed for specific interface partners.

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Progress Towards Implementation

Completed:

- VSP ISO review of the vendor's Security Compliance Plan.
- VSP Team Leaders review of the System Integration Testing Plan.
- Stakeholder reviews of Master Name Index, Arrests, Dispositions, and other vital features.
- Rapback Appendix II reviewed by FBI and Compact Council with response to comments submitted.

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Challenges and Concerns: Offenses Eligible For Sealing – Manual Research

Types of Manual Research Required

1. Missing Court Case Number (CCN)
2. Missing Code Cite
3. Code Cite Description "Unknown"
4. Missing Code Cite and Code Cite Description is "Unknown"
5. Out of State Criminal History Record Research
6. Missing Dispositions
7. Missing Offenses

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Challenges and Concerns: Analysis of Out-of-State Record Research

- §19.2-392.6 directs VSP to review out-of-state Criminal History Records for eligibility for automatic sealing.
- VSP can programmatically determine if an individual *may* have a CHR in another state using the Single Source Indicator (SSO) or Multi Source Indicator (MSO) through the FBI/III.
 - An MSO can indicate another state, a federal or military record, or a sex offender record.
- However, manual research by an analyst is required beyond determining the record has an MSO to review the contents of the CHR for eligibility under the statute due to the variability of other state's records.

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Challenges and Concerns: Analysis of Code Cites Before October 1975

- Title 18.1 of the Code of Virginia was repealed on October 1, 1975, and Title 18.2 was enacted.
- The CCRE contains criminal history data in the Computerized Criminal History System (CCH) from 1950-1975 under Title 18.1.
 - Historically, uniform code citations were not captured, only descriptions of the offense, *e.g.*, *Grand Larceny*.
 - These descriptions can vary due to misspellings and free text entries.
 - Descriptions may also be “unknown.”
 - Legacy data was migrated to the “Replacement CCH” System in October 2016.

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Challenges and Concerns: Analysis of Missing Court Case Numbers

- Court Cases Numbers (CCN) will drive the matching process for seal orders between VSP and OES/SCV.
 - CRIS will make this a mandatory field when dispositions are transmitted to CCRE.
- VSP has identified criminal history records with missing CCNs. Historically a CCN was not always required to be transmitted to CCRE.
 - VSP established an automated process with OES/SCV to find CCNs with limited results.
 - Research to locate and format CCNs from case documentation is manual and labor intensive.
 - Training has been developed for CCRE staff to properly format and maintain CCNs as a best practice.

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Challenges and Concerns: Analysis of Records for Deceased Persons

- Criminal History Records (CHR) are marked as deceased when fingerprints of the decedent and proof of death are received.
 - This does not delete or remove the CHR; it merely notates the record, and a deceased response is provided to inquiries for that record.
- Currently, only the Virginia Dept. of Corrections provides fingerprints of incarcerated individuals who die in custody.
 - A name search based on Vital Records information is not feasible due to insufficient positive identity.
- Virginia may receive notification of death through other state's records for the same individual by SID number (FBI III Sync).

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Challenges and Concerns: Staffing and Fiscal Impact

Additional research analysts and fiscal account specialists to manage business accounts for Business Screening Services and Rapback will require further staffing and have a fiscal impact on the department.

- Manual Research
 - Required for out-of-state records, missing CCNs, and other data quality issues.
- Business Screening Services
 - The Code of Virginia requires these businesses to register with VSP; an annual fee can be assessed.
- Rapback
 - There will be a significant start-up effort for Rapback as agencies enroll their employees. Ex. Fairfax County may have 40K+ to enroll over the first year.

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Proposed Solutions and Amendments

- Amend Automatic Sealing legislation to address dispositions before October 1, 1975 (Title 18.1).
- Address VSP staffing challenges related to the intense manual research required for missing code citations, missing CCNs, out-of-state records, and other case disposition data issues that have been encountered.
- Limit any other amendments to the sealing legislation that would change the scope or schedule of the CRIS project.

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Additional questions

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