



WASHOE COUNTY

Integrity Communication Service
www.washoecounty.us

STAFF REPORT

BOARD MEETING DATE: September 24, 2019

DATE: Friday, September 20, 2019

TO: Board of County Commissioners

FROM: Kerri Heward, Crime Lab Director
775-321-2851, KHeward@washoecounty.us

THROUGH: Darin Balaam, Sheriff

SUBJECT: Recommendation to designate the Forensic Science Division of the Washoe County Sheriff's Office as the forensic laboratory to conduct tests and other duties as required by Assembly Bill 272. The Forensic Science Division of the Washoe County Sheriff's Office is one of two forensic laboratories within the State of Nevada that is currently utilizing the United States Department of Justice, Bureau of Alcohol, Tobacco, Firearms and Explosives, National Integrated Ballistic Information Network Program (NIBIN). (All Commission Districts)

SUMMARY

Assembly Bill 272 requires law enforcement agencies in a county whose population is 100,000 or more (currently Clark and Washoe Counties) to participate in the National Integrated Ballistic Information Network (NIBIN) program of the Bureau of Alcohol, Tobacco, Firearms and Explosives of the United States Department of Justice.

Section 1 of this bill: (1) requires the board of county commissioners of such a county to designate a forensic laboratory or laboratories to conduct tests and perform other duties set forth in Section 1.

The Washoe County Board of County Commissioners is requested to designate the Forensic Science Division of the Washoe County Sheriff's Office to conduct the tests and perform the other duties set forth in Section 1 of Assembly Bill 272.

The Forensic Science Division of the Washoe County Sheriff's Office is currently conducting the test described in Section 1 of Assembly Bill 272 and is currently one of two laboratories within the State of Nevada that can perform such tasks; the other laboratory being the Forensic Laboratory of the Las Vegas Metropolitan Police Department.

Washoe County Strategic Objective supported by this item: Safe, secure and healthy communities.

AGENDA ITEM # _____

PREVIOUS ACTION

None

BACKGROUND

Assembly Bill 272 requires law enforcement agencies in a county whose population is 100,000 or more (currently Clark and Washoe Counties) to participate in the National Integrated Ballistic Information Network (NIBIN) program of the Bureau of Alcohol, Tobacco, Firearms and Explosives of the United States Department of Justice.

Section 1 of this bill: (1) requires the board of county commissioners of such a county to designate a forensic laboratory or laboratories to conduct tests and perform other duties set forth in Section 1.

The Washoe County Board of County Commissioners is requested to designate the Forensic Science Division of the Washoe County Sheriff's Office to conduct the tests and perform the other duties set forth in Section 1 of Assembly Bill 272.

Section 1 of Assembly Bill 272 requires any law enforcement agency in the county that seizes or recovers a semiautomatic pistol or shell casing from a semiautomatic pistol which was unlawfully possessed, used for an unlawful purpose, recovered from a crime scene or reasonably believed to have been used in or associated with the commission of a crime to deliver the semiautomatic pistol or shell casing to a designated forensic laboratory for the purpose of testing; and (3) requires a designated forensic laboratory to conduct tests on the semiautomatic pistol or shell casing and to input the resulting data from the tests into the National Integrated Ballistic Information Network of the Bureau of Alcohol, Tobacco, Firearms and Explosives of the United States Department of Justice. Section 1 also requires a designated forensic laboratory: (1) to coordinate with all participating law enforcement agencies when investigations require the use of the National Integrated Ballistic Information Network; and (2) as feasible, to provide expert witness testimony during criminal cases.

The National Integrated Ballistics Information Network program is designed to link shooting scenes to other shooting scenes or to firearms by comparing markings on fired shell casings within a national database. The NIBIN program has been used to provide investigative information on numerous cases within Washoe County, which has led to the identification of suspects and arrests.

The Forensic Science Division of the Washoe County Sheriff's Office currently provides firearms forensic testing to include the participation in the NIBIN program. The Forensic Science Division has participated in this program since 1998. The technical portion of this program is run by two part time intermittent employees whose combined time is equivalent to one half time employee.

In July, 2018, the United States Department of Justice, Bureau of Alcohol, Tobacco, Firearms and Explosives, released new *Minimum Required Operating Standards for National Integrated Ballistics Information Network (NIBIN) Sites*. NIBIN sites are

required to be in compliance with these standards by December, 2020 and must stay in compliance in order to participate in the NIBIN program. The Forensic Science Division of the Washoe County Sheriff's Office went through an initial onsite assessment to these standards in July, 2019 and the results of this assessment have not yet been reported from the United States Department of Justice, Bureau of Alcohol, Tobacco, Firearms and Explosives.

The three largest law enforcement agencies in Washoe County, the Reno Police Department, the Sparks Police Department, and the Washoe County Sheriff's Office, are currently participating in the NIBIN program as described in Assembly Bill 272 and account for approximately 85% of all items submitted for the NIBIN program. In 2018, the Forensic Science Division received 955 items eligible for the NIBIN program from law enforcement agencies within Washoe County. The division could only examine and entered 495 (52%) of those items for the NIBIN program. The Forensic Science Division anticipates a slight increase in items submitted for the NIBIN program from the smaller local and state agencies within Washoe County due to Assembly Bill 272.

The Forensic Science Division of the Washoe County Sheriff's Office is under a Memorandum of Understanding with United States Department of Justice, Bureau of Alcohol, Tobacco, Firearms and Explosives that prohibits the Forensic Science Division from charging law enforcement agencies for the NIBIN program. The NIBIN Minimum Required Operating Standards also prohibits NIBIN sites from restricting submissions of eligible items for the NIBIN program from law enforcement agencies.

FISCAL IMPACT

The Minimum Required Operating Standards for the NIBIN program requires all NIBIN sites to have all submitted firearms and shell casings entered into the NIBIN system within 2 business days being submitted to the laboratory, reviewed in the system within 2 business days of being entered, and report all hits to the submitting agencies within 24 hours. The Forensic Science Division of the Washoe County Sheriff's Office currently operates the NIBIN program with two intermittent employees and cannot meet these standards with this staffing level. Anticipated future fiscal impact is roughly \$80,000.00 to fund a permanent, trained full time with benefits Laboratory Assistant.

The Forensic Science Division of the Washoe County Sheriff's Office will need one full time Laboratory Assistant position with an annual cost of roughly \$80,000.00 to meet all of the requirements outlined in Assembly Bill 272 and comply with the United States Department of Justice, Bureau of Alcohol, Tobacco, Firearms and Explosives Minimum Required Operating Standards for National Integrated Ballistics Information Network (NIBIN) Sites. The Forensic Science Division will be requesting one full-time Laboratory Assistant position during the FY21 budget process.

RECOMMENDATION

It is recommended that the Board of County Commissioners designate the Forensic Science Division of the Washoe County Sheriff's Office as the forensic laboratory to conduct tests and other duties as required by Assembly Bill 272. The Forensic Science Division of the Washoe County Sheriff's Office is one of two forensic laboratories within the State of Nevada that is currently utilizing the United States Department of Justice, Bureau of Alcohol, Tobacco, Firearms and Explosives, National Integrated Ballistic Information Network Program (NIBIN).

POSSIBLE MOTION

Should the Board agree with staff's recommendation, a possible motion would be: "Move to designate the Forensic Science Division of the Washoe County Sheriff's Office as the forensic laboratory to conduct tests and other duties as required by Assembly Bill 272. The Forensic Science Division of the Washoe County Sheriff's Office is one of two forensic laboratories within the State of Nevada that is currently utilizing the United States Department of Justice, Bureau of Alcohol, Tobacco, Firearms and Explosives, National Integrated Ballistic Information Network Program (NIBIN)."