
January 2014

Performance Audit
Recommendations and Corrective
Actions for Audit: 10-5

Sex Offender Registry:
Reliability Could Be Significantly
Improved

Dated: 06/25/2010

Overview

The SAO makes recommendations designed to improve the operations of state government. For our work to produce benefits, auditees or the General Assembly must implement these recommendations although we cannot require them to do so. Nevertheless, a measure of the quality and persuasiveness of our performance audits is the extent to which these recommendations are accepted and acted upon. The greater the number of recommendations that are implemented, the more benefit will be derived from our audit work.

In 2010, the SAO began to follow-up on the recommendations issued in our performance audits. Experience has shown that it takes time for some recommendations to be implemented. For this reason, we perform our follow-up activities two and four years after the calendar year in which the audit report is issued (e.g., we followed up on recommendations contained in audit reports issued in calendar year 2008 in 2010 and 2012). Our annual performance reports summarize whether we are meeting our recommendation implementation targets.

Act 155 (2012) required that we post on our website “a summary of significant recommendations arising out of the...audit reports... and the dates on which corrective actions were taken related to these recommendations. Recommendation follow-up shall be conducted at least biennially and for at least four years from the date of the audit report.”

This report addresses the requirements of Act 155 to post the results of our recommendation follow-up work on our website. The report does not include follow-up on recommendations issued as part of the state’s financial statement audit and the federally mandated Single Audit, which are performed by a contractor. However, our new contract for this work requires the contractor to provide the results of its recommendation follow-up in the future. Accordingly, we expect that future reports will contain this data.

Audit No., Name & Date	Rec #	Recommendation	Follow- Up Date	Status & Date	Review Comments
10-5 Sex Offender Registry: Reliability Could Be Significantly Improved 6/25/2010	1	<p>The Department of Public Safety (DPS), the Department of Corrections (DOC), and Court Administrator's Office should form a working group to reassess and possibly redesign the processes related to the Vermont Sex Offender Registry (SOR) to include possible system solutions to more effectively and efficiently submit information to the SOR.</p>	No Date Given	Partially Implemented	<p>Per DPS, the working group of DPS, DOC and Court Administration representatives has been convened on multiple occasions on an as-needed basis to discuss technical and operational issues relating to the SOR and VCIC/DOC interface. Although SAO was not provided the exact dates of the meetings, the Director of VCIC recalled two specific meetings - one in late 2010 and another in the spring of 2011. No agendas or minutes of the meetings have been provided.</p>
	2	<p>The Department of Public Safety's (DPS) Vermont Criminal Information Center (VCIC) should review all discharge dates, end registration dates, internet status, and risk assessment and lifetime registrant flags to confirm that the sex offender registry (SOR) accurately reflects supporting documentation and applies the statutory standard. This review should initially focus on those offenders whose records are posted on the Internet and may have their residential addresses added to the site.</p>	11/5/2012	Partially Implemented	<p>Per DPS, the initial review of the data contained within the SOR involved the review of over 2,200 records in full or part as the following data fields were reviewed: Discharge Dates, End Registration Dates, Lifetime Registration Status, Internet Status and Risk Assessment. As part of that review additional data elements were reviewed including (but not limited to) Age of Victim and Compliance with Treatment. Also, the Date of Photograph was added as part of a technical upgrade to the publically available website. The SAO plans to perform additional work to confirm the implementation of this recommendation during an anticipated reaudit of the SOR after the new SOR system implementation.</p>
	3	<p>The Department of Public Safety's (DPS) Vermont Criminal Information Center (VCIC) should work with the sex offender registry (SOR) system vendor to identify and correct the records of offenders that are shown on the Internet SOR as erroneously having been convicted of more counts than are factual.</p>	11/5/2012	Partially Implemented	<p>Per DPS, the Department reviewed conviction counts, working with the current SOR management system, and took additional programming steps to minimize the potential for future duplication. The SAO plans to perform additional work to confirm the implementation of this recommendation during an anticipated reaudit of the SOR after the new SOR system implementation.</p>

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10-5 Sex Offender Registry: Reliability Could Be Significantly Improved 6/25/2010	4	<p>The Department of Public Safety's (DPS) Vermont Criminal Information Center (VCIC) should perform a requirements analysis for the acquisition or development of a new sex offender registry (SOR) system or redesign that includes, at a minimum, (1) improved electronic communication with DOC and the Courts, (2) a more robust set of edits, (3) an audit trail, (4) features in which the system automatically performs or prompts the user to take actions that are currently performed manually, such as the calculation of the end registration date, and (5) improved security features.</p>	11/5/2012	Partially Implemented	<p>Per DPS, the Department performed a review of the offender management database prior to issuing RFP. Based on the review of the DPS's RFP for a new system, we noted that: (1) RFP Technical Requirements Section 3.11 contains a request to maintain status-quo custom interfaces (Sec. 3.11.10) with NCIC, Internet SOR and VT Criminal History. No enhancements were requested for a Court (Criminal History) interface. An interface with DOC was not requested either. (2) RFP Functional Requirements Sections 3.10.12 and 3.10.14 contain provisions regarding duplicate entries for some identifiers, such as FBI or SSN numbers, and name duplication. In addition, section 3.10.4 includes use of reference tasks for validation purposes. (3) RFP Technical Requirement Section 3.11.8 contains Transaction Logging and Dissemination Logging requirement for maintenance of an audit log for at least three years. (4) RFP Functional Requirements Sections 3.10.15 contained requirements for "calculated fields" with the example of a registration expiration date. Confirmation that these requirements were included in the new SOR will be performed in our anticipated audit in early 2013. (5) Secondary controls are required: 3.10.7 -- backups; 3.10.8 and 3.11.5 - access controls and 3.11.6 - encryption.</p>
	5	<p>The Department of Public Safety's (DPS) Vermont Criminal Information Center (VCIC) should develop performance standards for the timely entry of data into the sex offender registry (SOR) and periodically assess whether these standards are being met.</p>	11/5/2012	Not Implemented	<p>Per DPS response, VCIC has not yet implemented the updated SOR management system and thus have not yet developed a specific goal concerning timely entry of data into the system. VCIC plans to establish timely data entry targets, once the system is brought online.</p>
	6	<p>The Department of Public Safety's (DPS) Vermont Criminal Information Center (VCIC) should modify the sex offender registry's (SOR) procedures to include all SOR functions and documentation retention standards, including requirements to retain the results of the "sweeps" conducted by law endorsement when they physically check the residencies of sex offenders.</p>	11/5/2012	Not Implemented	<p>DPS indicated that VCIC procedures are still being reviewed to reflect all changes in relation with the new system implementation. A copy of the most recent procedures provided to SAO did not reflect any changes. No other documentation was provided by VCIC to evidence any procedural changes.</p>

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10-5 Sex Offender Registry: Reliability Could Be Significantly Improved 6/25/2010	7	The Department of Public Safety's (DPS) Vermont Criminal Information Center (VCIC) should develop a process to identify and track the treatment progress of offenders that are no longer under Department of Corrections (DOC) supervision.	11/5/2012	Not Implemented	Based on the documentation provided by DPS, no processes or procedures have been developed to identify and track treatment progress for those sex offenders who are no longer under DOC supervision.
	8	The Department of Public Safety's (DPS) Vermont Criminal Information Center (VCIC) should add the date the offender's photograph was last updated to the Internet sex offender registry (SOR) records.	11/5/2012	Partially Implemented	SAO reviewed 30 records of sex offenders posted on the SOR website and identified 28 records with the dates of the last update posted, one record with no date posted and one record containing a date that varied from the date printed on the photo itself. The SAO plans to perform additional work to confirm the implementation of this recommendation during an anticipated reaudit of the SOR after the new SOR system implementation.
	9	The Department of Public Safety's (DPS) Vermont Criminal Information Center (VCIC) should add the date last verified to the residential addresses posted to the Internet sex offender registry (SOR).	11/5/2012	Partially Implemented	RFP Section 3.10.11 addresses this requirement. The SAO plans to perform additional work to confirm the implementation of this recommendation during an anticipated reaudit of the SOR after the new SOR system implementation.
	10	The Department of Corrections (DOC) should explore, in conjunction with the Vermont Criminal Information Center (VCIC), system solutions to submit sex offender registry (SOR) forms electronically.	11/5/2012	Partially Implemented	Per DOC, there were conversations between DOC and VCIC about the possibility of electronic submission. The result was a decision to send the SOR paperwork via email with read-receipts. DOC's instructions were sent out to the offices and according to the DOC internal review all DOC field offices except one have been sending paperwork to VCIC via read-receipt email.

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10-5 Sex Offender Registry: Reliability Could Be Significantly Improved 6/25/2010	11	<p>The Department of Corrections (DOC) should develop a mechanism to identify, and flag in its system sex offenders in DOC custody who are registered, or required to register, with the sex offender registry (SOR) and prompts DOC personnel to submit required information to the Vermont Criminal Information Center (VCIC) as necessary (e.g. the submission of a change of address form when a registered sex offender is sent to a DOC facility.)</p>	11/5/2012	Not Implemented	<p>DOC reiterated that its current system is not amendable to any automation to identify and flag sex offender in the DOC custody. Subsequent to the audit DOC filed a Capital Request for an IT Upgrade. Per DOC, the RFP contained specific requirements for flagging and tracking sex offenders. As of October 24, 2012, the project is on hold pending a review from the Department of Information and Innovation.</p>
	12	<p>The Department of Corrections (DOC) should monitor the effectiveness of the department's new sex offender registry (SOR) directive, particularly whether it results in more accurate and timely data submissions to the Vermont Criminal Information Center (VCIC) and, if not, implement additional mechanisms to achieve this end, such as specialized training in areas of noncompliance.</p>	11/5/2012	Partially Implemented	<p>DOC provided the latest versions of DOC Directives #255.01 and #430.10 and security and compliance audit instrument for SOR and Risk Management compliance monthly form for the correctional facilities and for the field offices. DOC performed the audits and summarized data from these two instruments on a quarterly basis to measure a percent of offenders registered with SOR. Per DOC, the Department also conducted two SOR trainings in 2010-2011 with over 180 staff attended. SAO plans to perform further analysis of DOC's monitoring of the Department's data accuracy and timeliness submission to VCIC during the upcoming audit of the Sex Offender Registry.</p>
	13	<p>The Department of Corrections (DOC) should develop a process to perform a risk assessment for women sex offenders that would meet the requirements of 13 VSA § 5411b.</p>	11/5/2012	Partially Implemented	<p>Per DOC, the Department created a process to refer female offenders to the High Risk Review Committee. Specifically, there is a section on the "Sex Offender Review Committee Form High Risk Checklist" for the consideration of female offenders. Per DOC, no female offenders have been referred to the High Risk Review Committee in recent years. As part of the upcoming sex offender registry (SOR) audit SAO will perform a review of the DOC high risk referral process for female offenders.</p>