
February 2, 2017

Performance Audit
Recommendations and Corrective
Actions for Audit: 14-3

SEX OFFENDER REGISTRY

Questionable Reliability Warrants
Additional Improvements

Dated: 07/14/2014

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 one and three years after the calendar year in which the audit report is issued. Our annual performance reports summarize whether we are meeting our recommendation implementation targets.

<http://auditor.vermont.gov/about-us/strategic-plans-and-performance-reports>

This report addresses the requirements of Act 155 (2012) 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 current contract for this work requires the contractor to provide the results of its recommendation follow-up.

Audit No., Name	Rec #	Recommendation	Follow-Up Date	Status & Date	Review Comments
14-3 Sex Offender Registry: Questionable Reliability Warrants Additional Improvements	1	The Commissioner of the Department of Public Safety (DPS), Commissioner of the Department of Corrections (DOC), and the Court Administrator reconvene the working group to reassess and possibly redesign the processes related to the Sex Offender Registry (SOR) to include possible system solutions to more effectively and efficiently transmit information to the SOR and to periodically report on their progress to the applicable legislative committees.	2015	Partially Implemented	The Director of Vermont Criminal Information Center (VCIC) reported that collaborative efforts between DOC, the courts, and VCIC, resulted in the 2015 enactment of Act 1 which outlines DOC's role for requiring an inmate to report to the SOR prior to release from a correctional facility and Act 31 which addresses the court's role in determining registration requirements. Effective July 1, 2015, Act 31 also requires that the Vermont Superior Courts notify the SOR directly by electronic court order submissions which details the qualifying offense, whether the defendant is required to register and the length of registration. On October 9, 2015, VCIC renewed the contract with OffenderWatch for support and maintenance of the SOR which includes booking alerts, an automatic notification to VCIC of offenders who were booked or released from jails nationwide.
			2017		The three-year recommendation follow-up for this audit will be conducted in 2017
	2	The DPS' VCIC should develop performance standards for the timely entry of data into the SOR and periodically assess whether these standards are being met.	2015	Not Implemented	The Director of VCIC reported that performance standards for the timely entry of data into the SOR have not been implemented due to staffing issues. Currently, there is only one full time staff member for over 1,300 active offenders in the registry which has made this recommendation difficult to implement.
			2017		The three-year recommendation follow-up for this audit will be conducted in 2017.
	3	The DPS' VCIC should modify SOR procedures to include all SOR functions and documentation retention standards, including requirements to retain the results of the "sweeps" conducted by law enforcement when they physically check the residencies of sex offenders.	2015	Partially Implemented	The Director of VCIC reported that new procedures for submitting electronic court orders to the SOR were adopted on September 3, 2015. Additionally, a template was created on September 24, 2014 in order to review offender's information in the SOR. Procedures continue to be developed to address this recommendation.
			2017		The three-year recommendation follow-up for this audit will be conducted in 2017.
	4	The DPS' VCIC should develop a process to identify and track the treatment progress of offenders who are no longer under DOC supervision.	2015	Not Implemented	The Director of VCIC reported that this recommendation has not been implemented because VCIC has not determined an appropriate mechanism to collect and maintain mental health records within the SOR. Current obstacles include the ability to maintain records compliant with HIPAA standards and authority to request records from health care providers.
			2017		<i>The three-year recommendation follow-up for this audit will be conducted in 2016</i>
	5	The DPS should establish mechanisms to track noncompliant high-risk offenders as defined by 13 V.S.A. 5411d and ensure all statutorily required information regarding such offenders is collected and all verification processes are timely performed.		Partially Implemented	The Director of VCIC reported that SOR has the capability to track noncompliant high-risk offenders including vehicle information. However, VCIC continues to develop processes to collect all the mandatory data and perform all necessary verifications as required by 13 V.S.A. 5411d.
		2017		<i>The three-year recommendation/follow-up for this audit will be conducted in 2017</i>	
6	The DOC should explore, in conjunction with the VCIC, system solutions to submit SOR forms electronically.	2015	Partially Implemented	Per DOC, since the implementation of the new Offender Management System (OMS) about 6 months ago, an OMS steering committee was created in July 2015 to address changes and updates to the system. It is expected that the OMS will allow electronic information sharing between DOC and VCIC. DOC is also piloting new electronic forms that would allow the department to streamline information submission processes to VCIC. In the interim, DOC continues to use paper forms to update changes for offenders in the VCIC's registry.	
		2017		The three-year recommendation follow-up for this audit will be conducted in 2017.	
7	The 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 SOR and prompts DOC personnel to submit required information to the VCIC as necessary (e.g. the submission of a change of address form when a registered sex offender is sent to a DOC facility.)	2015	Partially Implemented	Per DOC, the department is beginning to address the lack of system notifications. The OMS steering committee has been tasked with looking at notifications in the system and how to better "flag" things in the system for Probation Officers and Caseworkers. Until that time, the process to identify these offenders is handled by reviewing sex offender lists and manually updating the forms as necessary.	
		2017		The three-year recommendation follow-up for this audit will be conducted in 2017.	

Audit No., Name	Rec #	Recommendation	Follow-Up Date	Status & Date	Review Comments
14-3 Sex Offender Registry: Questionable Reliability Warrants Additional Improvements	8	The DOC should review, and if necessary design, a process to identify and report to VCIC, offenders meeting criteria for being designated as noncompliant high-risk offenders as defined by 13 V.S.A. §5411d.	2015	Partially Implemented	According to directive 255.01 and an interim memo dated February 25, 2015, DOC has implemented the following protocol; (1) 30 days prior to release from the facility, the caseworker will ask the offender to provide their anticipated address and complete the Vermont SOR Notification of Requirement to Register form; (2) Five days prior to release, the caseworker will ask the offender to affirm their previously provided address. If an offender refuses to submit or affirm their address, the caseworker is required to file an affidavit describing the refusal with the State's Attorney with a copy to the VCIC; (3) At least 24 hours prior to release, the caseworker must file the Vermont SOR Notification of Requirement to Register form with VCIC. The OMS steering committee is exploring the use of system alerts to flag high-risk noncompliant offenders for increased registry requirements.
			2017		The three-year recommendation follow-up for this audit will be conducted in 2017.