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February 2015

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

Four Year Review

Sex Offender Registry:  
Reliability Could Be Significantly  
Improved

Dated: 06/25/2010

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# Overview

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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. ([http://auditor.vermont.gov/audits/recommendation\\_follow-up](http://auditor.vermont.gov/audits/recommendation_follow-up))

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.

|   | Rec # | Recommendation   | Follow-Up Date | Status & Date         | Review Comments  |
|---|-------|--|----------------|-----------------------|--|
| <a href="#">10-5 Sex Offender Registry: Reliability Could Be Significantly Improved 6/25/2010</a> | 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>  |
|   |       |  | 7/1/2014       | Partially Implemented | <p>The working group of DPS, DOC, and Office of the Court Administrator representatives convened on at least two occasions (once in late 2010 and another time in the spring of 2011) to discuss technical and operational issues relating to the SOR and VCIC/DOC interface. No agendas or minutes of the meetings were kept. In addition, DOC provided records of other conference calls and meetings with VCIC officials regarding SOR processes, updates, and legal issues. Such discussions are particularly important now when DOC is in the process of implementing a new information technology system. According to VCIC's grant proposal to the U.S. Department of Justice in support of a new SOR system, an electronic exchange of data with DOC would be extremely beneficial for ensuring that information was accurate and up-to-date between the two organizations. Without close cooperation of DPS, DOC, and the Court Administrator regarding changes in existing processes and the addition of more automation to the process, the SOR will likely remain prone to errors.</p> |

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| <a href="#">10-5 Sex Offender Registry: Reliability Could Be Significantly Improved 6/25/2010</a> | 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 | 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. |
|   |       |   | 7/1/2014       | Partially Implemented | DPS performed system-wide data reviews of the SOR at least twice after our 2010 audit. According to the VCIC Director, after the last audit VCIC reviewed discharge dates (now called end-of-sentence dates), end registration dates, lifetime registration status, Internet status and risk assessment for over 2,200 records. More recently, as part of the transition to OffenderWatch®, VCIC staff reviewed the accuracy of the data transfer and checked for data consistency with VCIC's Computerized Criminal History System. We categorized this recommendation as "partially implemented" because while the reviews were performed, our current audit found numerous errors in the fields reviewed.            |
|   | 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 | 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.   |
|   |       |   | 7/1/2014       | Implemented           | Our recommendation was applicable to the prior SOR system and it was addressed by the implementation of OffenderWatch®.   |

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| <a href="#">10-5 Sex Offender Registry: Reliability Could Be Significantly Improved 6/25/2010</a> | 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> |
|   |       | <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> | 7/1/2014       | Partially Implemented | <p>VCIC launched OffenderWatch® on February 1, 2013. Per VCIC, features of the new system include data edits, a researchable audit trail, and improved user management and security. We agree that the current automated system is a major improvement over the prior system. For example, the new system allows the data to be searched and summarized easily. In addition, there are new features, such as Geocoding. Geocoding is the OffenderWatch® function that searches for offender's reported address against a database of valid addresses, locates the address on a map, and notifies VCIC if the address may be invalid. Nonetheless, there are still key processes that are performed manually and then recorded in the system, such as the calculation of 10-year registration periods or the decision to publish an offender's information on the Internet SOR. Without greater automation of the key SOR processes, the system remains susceptible to errors.</p>  |

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| <a href="#">10-5 Sex Offender Registry: Reliability Could Be Significantly Improved 6/25/2010</a> | 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       | Per DPS response, VCIC has not yet implemented the updated SOR management system has 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.  |
|   |       |   | 7/1/2014       | Not Implemented       | Neither the VCIC SOR rule nor its procedures include performance standards for the timely entry of data into the SOR once received by VCIC. For example, while the rule contains time requirements for others to submit data to the SOR (e.g., DOC), it does not include a timeframe for how long it should take for this data to be entered into OffenderWatch®. Instead, for some types of entries (e.g., removal of an offender from the SOR or Internet SOR), the rule requires VCIC to make changes "as soon as practicable." This is not a standard that can be used to measure the timeliness of VCIC's data entry. |
|   | 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       | 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.   |
|   |       |   | 7/1/2014       | Partially Implemented | Current VCIC procedures do not address documentation retention or other key processes, such as determining whether the offender should be a lifetime registrant. However, VCIC has worked with its system contractor to develop a report to record the results of law enforcement checks of offenders' residences. The report was implemented for the first quarter of 2014. In addition, per the SOR Coordinator, VCIC plans to review and expand its procedures regarding SOR functions, including sweeps.   |

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| <a href="#">10-5 Sex Offender Registry: Reliability Could Be Significantly Improved 6/25/2010</a> | 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.  |
|   |       |   | 7/1/2014       | Not Implemented | VCIC has not established a process to track the treatment progress of offenders who are no longer under DOC supervision. 13 V.S.A. §5411a(a)(5)(B) requires unsupervised sex offenders who have not completed treatment to submit proof to VCIC of continuing treatment every three months. According to the statute, failure to provide proof shall result in the offender being posted to the Internet SOR. For example, as DOC reported to VCIC, one offender maxed out his sentence in February, 2013, but was still required to continue sex offender treatment. As of December 31, 2013, this offender had not submitted the required "Certification of Compliance with Treatment" forms. As VCIC was not monitoring the offender's treatment compliance, he was listed as compliant in the SOR and on the Internet SOR. After we brought the case to the attention of the SOR Coordinator, the treatment compliance status was changed to non-compliant. By not establishing a tracking process, VCIC is not in a position to know whether offenders are following the statutory requirements and, if not, ensure that the offender is timely flagged as non-compliant with sex offender treatment and is posted to the Internet SOR. As a result, the SOR might be failing to provide the public and law enforcement with complete, accurate, and timely information about offenders' treatment status. |

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| <a href="#">10-5 Sex Offender Registry: Reliability Could Be Significantly Improved 6/25/2010</a> | 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.   |
|   |       |  | 7/1/2014       | Implemented           | The Internet SOR includes the dates of offenders' photographs.  |
|   | 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.   |
|   |       |  | 7/1/2014       | Open Item             | Not Yet Applicable ---- Per the VCIC Director, as addresses are not yet being posted on the Internet SOR, the functionality to display the last date the address was verified has not been engaged. He asserted that OffenderWatch® contains the ability to track and display the date the address was last verified on the public internet site.   |
|   | 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.  |
|   |       |  | 7/1/2014       | Partially Implemented | A DOC system solution to submit SOR forms electronically has not been designed. The data from the SOR forms continues to be manually entered into OffenderWatch®, thereby increasing the risk of errors. However, DOC improved its processes for sending the SOR paperwork to VCIC by requiring forms to be sent by email with read-receipts. In addition, DOC is in the process of developing a new Offender Management System that is expected to allow electronic information sharing between DOC and VCIC, as well as assisting staff with filling out the SOR forms. DOC is also piloting new electronic forms that would allow the department to streamline information submission processes to VCIC. |



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| <a href="#">10-5 Sex Offender Registry: Reliability Could Be Significantly Improved 6/25/2010</a> | 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       | 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.  |
|   |       |  | 7/1/2014       | Not Implemented       | DOC is planning to implement a new Offender Management System. The expected go-live date is in early 2015. Until that time, the process to identify these offenders is handled by reviewing sex offender lists and manually updating the forms as necessary.   |
|   | 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 | In accordance with DOC Directives #255.01 and #430.10, DOC developed a security and compliance audit instrument to monitor the effectiveness of its new SOR directive. DOC used this instrument to perform the required audits and summarized data on a quarterly basis to measure a percent of offenders registered with SOR. According to DOC, it also conducted two SOR trainings in 2010-2011 with over 180 staff in attendance. SAO plans to perform further analysis of DOC's monitoring of the accuracy and timeliness its submission to VCIC during the upcoming audit of the Sex Offender Registry. |
|   |       |  | 7/1/2014       |                       | DOC has implemented various reviews to monitor whether actions required by the SOR directive have been taken. For example, a monthly (as of mid-May 2014 -- quarterly) audit process was established at the district probation and parole offices to assess whether the SOR paperwork was current. However, the monthly audits were not performed at each of the offices every month. Per a DOC official, DOC central office staff meets with the sex offender supervisors to review processes and directives. The last meeting took place in December, 2013; the next one was scheduled for June, 2014.     |

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| <a href="#">10-5 Sex Offender Registry: Reliability Could Be Significantly Improved 6/25/2010</a> | 13    | 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. | 11/5/2012      | Partially Implemented | 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. |
|   |       |   | 7/1/2014       | Implemented           | 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. As of mid-May 2014, one female sex offender was submitted for review but was not designated high-risk.   |