
January 30, 2018

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

SEX OFFENDER REGISTRY

Questionable Reliability
Warrants Additional
Improvements

Dated: July 14, 2015

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 Number & Name	Rec #	Recommendation	Follow-Up Date	Status	Review Comments
14-3 Sex Offender Registry: Questionable Reliability Warrants Additional Improvements	1	<p>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.</p>	2015	Partially Implemented	<p>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.</p>
			2017	Partially Implemented	<p>The Director of the VCIC reported the working group met on 3/28/17 and 9/27/17. According to the Director of VCIC, the Sex Offender Registry (SOR) continues to work in concert with the Department of Corrections (DOC) and the Court Administrator on issues relating to both individual offenders and longer-term collaboration. One primary example is the implementation of daily workflow concerning orders to register as generated by the court. Currently the process is partially automated with email submissions to the Sex Offender Registry by most courts. However, VCIC hopes to leverage the pending upgrade to the court records management system to further enhance this system.</p>
	2	<p>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.</p>	2015	Not Implemented	<p>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.</p>
			2017	Implemented	<p>The Director of VCIC provided updated internal procedures requiring data entry into the SOR within one business day of receiving a completed court order. In addition, weekly meetings are held with the SOR staff to review operations and determine if operational goals are being met.</p>
	3	<p>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.</p>	2015	Partially Implemented	<p>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, 2015 in order to review offender's information in the SOR. Procedures continue to be developed to address this recommendation.</p>
			2017	Partially Implemented	<p>The Director of VCIC reported that procedures continue to be developed and updated due to changes relating to both staffing and continued evolution of Act 31 implementation. According to the Director of VCIC, "sweeps" are now being retained in the SOR which lists the police officer's name and the date/time the offender's residence was checked.</p>
	4	<p>The DPS' VCIC should develop a process to identify and track the treatment progress of offenders who are no longer under DOC supervision.</p>	2015	Not Implemented	<p>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.</p>
			2017	Not Implemented	<p>VCIC is continuing to review whether they can update their operations to address this recommendation.</p>

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14-3 Sex Offender Registry: Questionable Reliability Warrants Additional Improvements	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.	2015	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	Implemented	The Director of VCIC reported that SOR management system now has the capability to track noncompliant high-risk offenders and provided documentation related to one of the nineteen non-compliant high-risk offenders currently being tracked. Documentation included (1) DOC's letter to the offender regarding compliance requirements, (2) offender's SOR record with current vehicle information, and (3) investigative notes detailing monthly check-ins and updates by the offender to the SOR. The requirement for updated photos is also verified and, after notifying the offenders three times, they are marked noncompliant with registry requirements.
	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 six 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	Partially Implemented	DOC provided a copy of Directive #255.01-Sex Offender Registry and Internet Registry Determinations which was updated on 6/15/2017. DOC reported that testing the new electronic forms and notifications in the OMS was to have begun in early November 2017, but the testing has not started. However, DOC did provide a spreadsheet showing the notifications they are working on. For example, on a daily basis, notifications will be sent to DOC's Community Services Specialists (CSS) when an offender is discharged, maxes out, or when an address, phone number, work, or secondary education information is updated in the OMS for non-compliant high-risk sex offenders. In response to these notifications, CSS's will be required to complete the required paperwork and email them to the registry. Notifications will also be sent to CSS's six months prior to the release of non-compliant high-risk sex offenders reminding them that additional paperwork is to be completed and sent to the VCIC prior to the offender's release date.
	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 prompt 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	Partially Implemented	According to DOC, staff are currently working on notifications in the OMS that will notify staff when paperwork needs to be sent to the VCIC. The notifications have been created and will be tested soon.

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14-3 Sex Offender Registry: Questionable Reliability Warrants Additional Improvements	8	The DOC should review, or 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 the offender's 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; and (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	Partially Implemented	According to DOC, the OMS is being updated to provide "notification"/"flags" to alert staff that an offender has been designated high risk and non-compliant and that additional steps need to be taken prior to release.