

Audit Highlights



Records and Technology Division Records Bureau

Highlights of Legislative Auditor report on the Department of Public Safety's Records Bureau within the Records and Technology Division, issued on September 24, 2008. Report # LA08-21.

Department of Public Safety

Background

The mission of the Records Bureau is to provide accurate, timely, and appropriate public safety information to the Department, the law enforcement community, and the citizens of Nevada using state-of-the-art technology. The Bureau serves as the State's clearinghouse for criminal history records information, crime statistics, and information and activities that support a wide variety of public safety interests.

The Bureau manages the statewide Sex Offender Registry Program, established by the Legislature in 1997. The Bureau also operates many other programs, including the Civil Applicant Background Check Program which began in 1988. The Program provides fingerprint-based criminal history background checks for state agencies, licensing entities, and employers.

The Bureau is funded from court assessments and other fees. Bureau expenditures were about \$12.7 million in fiscal year 2007.

Purpose of Audit

The purpose of this audit was to determine whether the Bureau maintained the sex offender registry and community notification website accurately, completely, and in accordance with applicable laws. In addition, we determined whether the Bureau adequately addressed the backlog of criminal and juvenile fingerprint cards and court dispositions. We also determined whether the Bureau processed civil applicant background checks accurately and timely in accordance with applicable laws. We reviewed the sex offender registry as of November 1, 2007, and fingerprint cards, dispositions, and background checks for the 2 ½ -year period ended December 31, 2007.

Audit Recommendations

This report contains nine recommendations to improve the Bureau's sex offender registry, civil applicant background check process, and backlogs of court dispositions and juvenile criminal fingerprint cards. These recommendations include enhancing supervisory controls and policies and procedures over the Sex Offender Registry Program. We also made recommendations to improve management's monitoring of backlogs, issuance of civil applicant responses, and resolution of court disposition and juvenile fingerprint card backlogs.

The Division accepted the nine recommendations.

Status of Recommendations

The Division's 60-day plan for corrective action is due on December 23, 2008. In addition, the six-month report on the status of audit recommendations is due on June 23, 2009.

Results in Brief

The Bureau needs to make improvements to the Sex Offender Registry Program. A significant portion of the offender information we tested in the sex offender registry and on the community notification website was inaccurate or incomplete. Furthermore, information was not always updated in the registry to reflect that offenders had moved out of the State. Finally, the Bureau has not designed the registry to allow law enforcement to search the record of registration of offenders by many of the data fields required by state law. The reliability and accessibility of the registry is important because the Program serves an essential function in providing the public and law enforcement with information about registered sex offenders.

Although the Bureau has successfully reduced the backlog of adult criminal fingerprint cards, backlogs of court dispositions and juvenile criminal fingerprint cards have increased in recent years. The increases were attributable to inaccurate internal reporting of backlog numbers to Bureau management and inadequate allocation of resources to reduce the backlogs. Criminal history records are incomplete when court dispositions and fingerprint cards are not recorded in the central repository for criminal records. Incomplete criminal records adversely affect Bureau programs and law enforcement.

For more than 4 years, the Bureau used incorrect criteria to evaluate criminal histories for certain civil applicant background checks. As a result, the Bureau issued some responses indicating applicants committed certain offenses when they had not. Furthermore, although the Bureau has improved the overall timeliness of completing civil applicant background checks, some responses were not disseminated within statutory timeframes. Inaccurate and untimely responses impact the subjects and recipients of background checks.

Principal Findings

We found that 22% of the registered sex offender information we tested, required by statute to be included in the registry, was inaccurate or incomplete. Many of these errors were reflected on the community notification website. A complete and accurate record assists the public and law enforcement in making informed decisions when dealing with offenders.

The sex offender registry does not have the capability to be searched by law enforcement using many of the search criteria required by state law. The inability to search by all of the required fields limits the usefulness of the registry information to law enforcement when performing investigations. Although this has been a requirement in statute since 1998, the Bureau has never developed this feature.

The backlog of unprocessed court dispositions was more than 306,000 as of December 31, 2007; a significant increase over amounts reported by the Bureau in recent years. The increase occurred because of inaccurate reporting of the backlog to management and resulting insufficient allocation of resources to address the need. Criminal history records are incomplete without dispositions, which indicate whether charges were dismissed or upheld and whether the suspect was found guilty.

The Bureau has not developed a searchable database for the storage and utilization of juvenile fingerprint cards. As a result, the backlog has increased to more than 26,000 cards as of December 31, 2007. Without a database, Nevada law enforcement agencies are unable to perform latent fingerprint searches on juvenile fingerprints when conducting crime scene investigations.

From July 2003 to early October 2007, the Bureau utilized the wrong criteria to evaluate the criminal histories of certain subjects of civil applicant background checks. As a result, the Bureau issued "positive" and "undecided" responses when it should have issued "negative" responses in 13 of the 30 civil applicant background checks we tested. Consequently, some of the recipients of the responses were misled by Bureau responses, which may have negatively impacted employment or volunteer opportunities.

The Bureau did not issue state civil applicant background check responses within the 30-day statutory requirement for 44% of those performed under the authority of NRS 179A.210 during 2007. Untimely processing of background checks may cause delays in putting employees and volunteers to work. The Bureau conducted over 8,000 background checks under the authority of NRS 179A.210 during calendar year 2007.