

PUBLIC TESTIMONY SUMMARY

I-900 STATE AUDITOR'S PERFORMANCE AUDIT:

Enhancing Background Checks in Washington (May 7, 2013)

As Heard by the Joint Legislative Audit & Review Sub-Committee on I-900 Performance Audits
on May 22, 2013

The performance audit being discussed at this hearing was conducted solely and independently by the office of the State Auditor, under the authority of legislation approved by the voters in Initiative 900. The State Auditor is elected directly by the people of the State of Washington and operates independently of the Legislature and the Joint Legislative Audit & Review Committee. Staff to the Joint Legislative Audit & Review Committee prepare a summary of public testimony on State Auditor reports. These summaries are for informational purposes only, and do not serve as an assessment by committee staff of the findings and recommendations issued by the State Auditor nor do they reflect a staff opinion on legislative intent.

Title: Enhancing Background Checks in Washington

Audit Scope and Objectives:

SAO reports that the audit was designed to answer the following question:

Can automatic notification of new criminal events, commonly referred to as a rap back service, enhance Washington's current background check process, and, if it can, what are potential barriers to its implementation?

SAO reports that it undertook the following in this audit:

- Created an inventory of screenings requiring applicant fingerprints by surveying state agencies that ordered civil fingerprint background checks in FY 2012;
- To identify potential safety improvements resulting from a rap back service, compared background check data provided by the Department of Social and Health Services (DSHS) with criminal history records for over 800,000 applicants applying to work in positions of trust from 2005 through 2012; and
- Interviewed FBI staff, officials from selected states with current or planned rap back services, and potential government agency users of a Washington rap back service to identify actual and realized benefits, challenges, and lessons learned.

SAO Findings:

- Washington is not keeping pace with background check improvements;
- A rap back service would improve public safety and enhance Washington's background check processes;
- Barriers exist to implementing a rap back service in Washington.

SAO Recommendations:

To improve public safety and enhance current background check processes, SAO recommends the Legislature:

- Revise state law to expressly allow the Washington State Patrol and Federal Bureau of Investigation to retain civil fingerprints;
- Authorize and appropriate funding for the Washington State Patrol to implement a state and federal rap back service as part of background check processes.

If the Legislature authorizes civil fingerprint retention and participation in a state and federal rap back service, SAO recommends the Washington State Patrol:

- Implement a state and federal rap back service as part of background check processes.

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| Agency Responses in Audit Report? | Yes, beginning on page 13. |
| Legislative Action Requested? | Yes; the first two recommendations above are to the Legislature. |

Agencies Testifying:

The Office of Financial Management (Tracey Guerin, Deputy Director)

The Department of Social and Health Services (Kevin Krueger, Chief Risk Officer)

The Washington State Patrol (Deborah Collinsworth, Identification & Criminal History Section Manager)

Summary of Testimony from Audited Agencies:

Background checks are an important part of the work that we do in the state of Washington to make sure those we serve are safe. We appreciate that the audit acknowledges the decisions about which positions have background checks and how those background checks are conducted are in state law. We would need changes to those laws in order to implement a rap back service. A rap back service is an idea worth looking into, and we are doing that now from a budgetary perspective and also from the perspective of mitigating state risks in different areas of service.

DSHS finds value in the SAO report and recommendations. Over 800,000 people were reviewed in the course of this audit. Of those, the report states there were about 500 people who had possible criminal convictions, about half of which were charged with disqualifying offenses. DSHS requested and received the names of those with possible convictions (actual number was 473) and conducted its own review to see if those persons are still employed by or contracting with the agency. DSHS determined that, of the 473, 60 people are still working as a contracted provider or an employee of the department. DSHS is currently conducting additional review to see if these people are in a position with unsupervised access to children or vulnerable adults; if so, DSHS will terminate payment and contracts to reduce the risk of harm.

Other Parties Testifying:

(No other parties signed in to testify)

Summary of Testimony from Other Parties:

(No other parties signed in to testify)