



# Enhancing Background Checks in Washington

*A performance audit report from the State Auditor's Office*

## Automatic background checks could improve public safety

In Washington, people applying to work in positions of trust, such as becoming teachers, foster parents and police officers, must undergo background checks to help ensure the public's safety. Last year, the Washington State Patrol provided more than 800,000 background checks to government agencies for criminal justice or applicant screening purposes.

Once a background check is approved and a person is hired, Washington often requires periodic criminal history monitoring. However, as shown in Exhibit 1, these "snapshots in time" may still allow inappropriate individuals to hold positions of trust, as crimes committed between follow-up checks may remain undisclosed until the next periodic check.

A rap back service uses stored fingerprint records to track new criminal information for people subject to background checks. Once an applicant undergoes an initial fingerprint check, a rap back service provides an automated notification to the employer if that person is later fingerprinted as a result of an arrest or conviction, allowing prompt action to protect the public. If both a federal and state rap back were implemented, criminal activity anywhere nationwide would be automatically reported to participating Washington agencies.

### A rap back service would have identified new criminal activity

We reviewed applicants for positions of trust in Washington, such as childcare workers and nursing home aides and found that, if hired, about 500 people would have triggered a rap back notification. On average, these individuals would have remained in their positions of trust for about 20 months before the next follow-up check alerted oversight entities to the potential problem. About half of these applicants were charged with disqualifying offenses such as drug crimes, assault, indecent exposure, child molestation, burglary, and theft. DSHS is currently investigating these results, specifically 366 individuals without an updated background check since the new offense, to determine if they were actually hired, and if so, whether or not the offense disqualifies them from their position. If a rap back service had been in place, the state would have received real-time notifications of the new criminal charges and could have investigated more promptly.

### Washington is not keeping pace with background check improvements

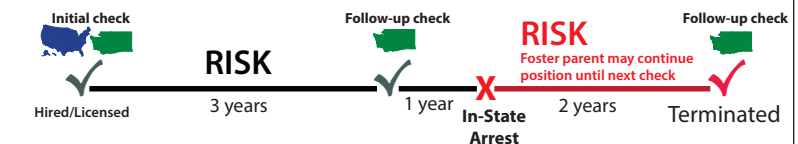
As shown on the map in Exhibit 2, Washington is one of only 10 states that neither operates a rap back service nor retains civil applicant fingerprints. Twenty-nine states operate a rap back service, and eight states and the District of Columbia are developing rap back services. In addition, three states without a rap back service already retain civil fingerprints, a requirement for implementing a well-designed rap back service.

#### Exhibit 1

For many positions of trust, a state and/or federal background check occurs during the application process. Periodic follow-up checks are typically required, but often only at the state level.

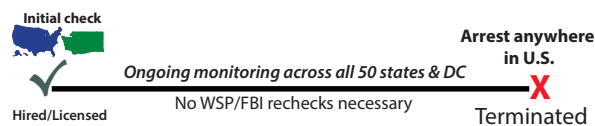
#### Current background check process - Provides periodic monitoring

*Example process: Foster parent license*



Out-of-state arrests are not identified by follow-up checks.

#### Proposed process with a rap back service - Provides ongoing feedback



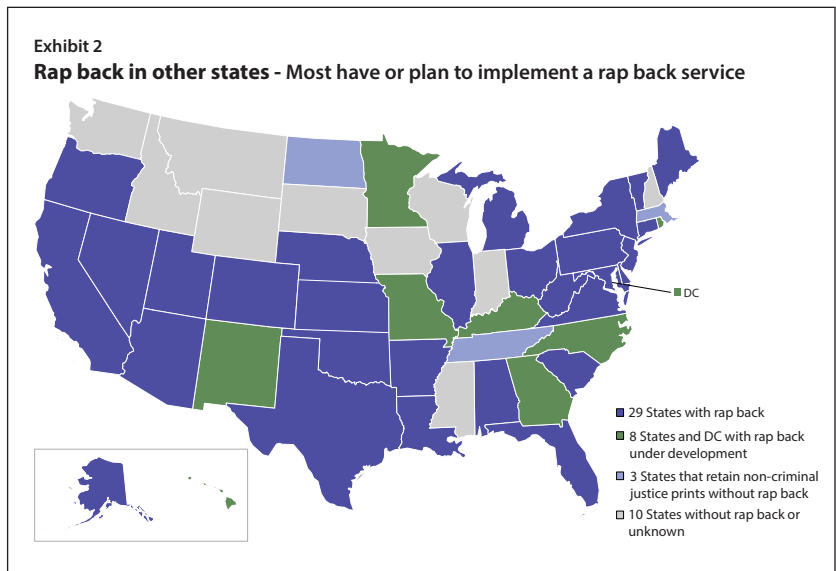
#### This audit also found:

- Both in-state and national rap back services are needed – we estimate over 3,000 people had new offenses occurring outside Washington over seven years.
- Most applicants in our study – over 700,000 people – never did a national check so only had their in-state history reviewed
- About half of background checks in Washington are not fingerprint based, so could not enroll in a rap back service.

## Other states reported rap back benefits

States reported receiving fast, accurate information, saving money by eliminating repetitive fingerprinting, and improving criminal justice monitoring. For example:

- Since implementing rap back, the Michigan Department of Licensing and Regulatory Affairs reported saving about \$1.5 million annually and disqualifying about 3,100 individuals due to rap back.
- As Texas prepared to start fingerprinting individuals for the rap back service, 300 teachers admitted to prior criminal activity that had been undisclosed and not included on a Texas background check.
- The Florida Department of Law Enforcement reported its criminal justice rap back service is helpful for probation and pretrial release purposes because agencies are notified automatically if a supervised individual reoffends.

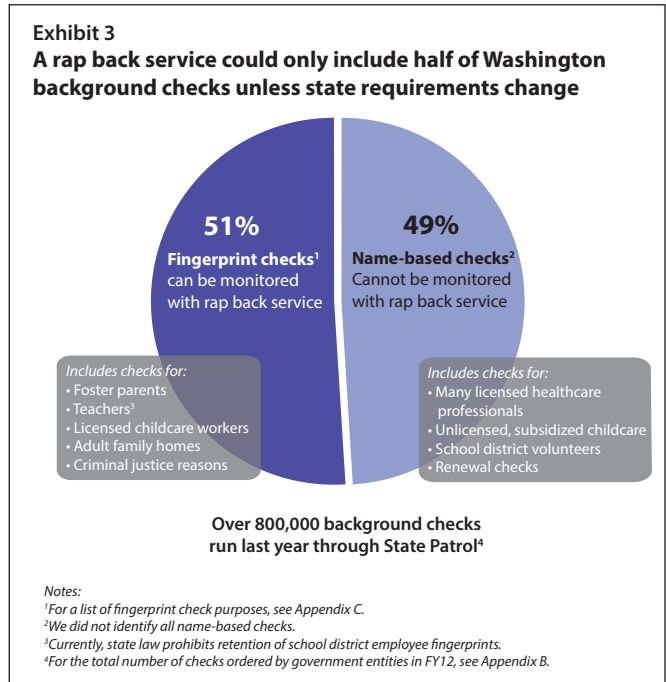


## Washington faces barriers to implementing a rap back service

Washington would need to change state law, invest money to improve information technology systems, and mitigate privacy concerns to implement a rap back service. Further, as shown in Exhibit 3, to maximize rap back service benefits, more background checks would need to be fingerprint-based.

Implementation of a rap back service would require:

- Statutory authority to participate in a state and federal-level rap back service.
- Statutory authority to retain civil fingerprints for a rap back service – including changing current law that prohibits retention of fingerprint records for school employees.
- Funding to upgrade related information systems
  - Other states used special revenue funds related to background checks and/or federal grant money.
- Outreach plan to mitigate privacy concerns.
- Review name-based checks to determine if they should be fingerprint-based.



## Recommendations

### To 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.

### To the State Patrol:

- Implement a state and federal rap back service as part of background check processes if the Legislature authorizes the services and the retention of civil fingerprint records.