



STATE OF WASHINGTON

June 11, 2015

Ms. Jan Jutte
Acting Washington State Auditor
P.O. Box 40021
Olympia WA 98504-0021

Dear Ms. Jutte:

Thank you for the opportunity to respond to the State Auditor's Office (SAO) performance audit report on *Improving the Completeness of Washington's Criminal History Records Database*. Our agencies worked together to provide this joint response.

The Washington State Patrol (WSP) operates the state's repository for criminal history records information. This information is provided by law enforcement agencies, prosecuting attorneys, and courts throughout the state and is used extensively for making decisions that affect public safety. Through processes already in place, the WSP has been informally recognized by the Federal Bureau of Investigation as one of the leading organizations in the country in providing complete criminal history information to the national system.

The enclosed management response addresses the audit recommendations for the six areas of improvement to WSP processes to ensure the completeness of arrest and disposition information reported to and distributed by WSP. The agency already had activities in place in support of recommendations 4 and 5 prior to the audit. Activities in support of recommendation 6 were completed prior to the release of the report.

The report indicates two primary reasons for incomplete information: 1) fingerprints are not taken at the time of arrest, and 2) Process Control Numbers (PCNs) are not included when dispositions are entered in the court system. WSP has long known about, and continually addresses, these two contributors to incomplete criminal history information. We appreciate the report recognizing that WSP relies on hundreds of independent local law enforcement agencies, courts, and county clerks to provide the information needed to keep the state's criminal history records database complete. WSP's Criminal Records Division provides formal and informal training, as well as regular and ongoing feedback, to contributing agencies about the importance of submitting fingerprints at the time of arrest and including the PCN on document submissions.

While WSP has responsibility for complete and accurate criminal history information, the agency has experienced challenges with moving information through local, county, and state agency processes and systems. We strongly believe that other law enforcement agencies, prosecutors, and the courts share a responsibility for ensuring the accuracy and completeness

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of these records. WSP will continue to provide training and information outlining requirements to these entities and rely upon their respective processes to ensure compliance.

WSP will strive to implement the recommendations in the report and continue its efforts to collaborate with the hundreds of Washington law enforcement agencies, prosecutors, and courts to provide complete and accurate criminal history record information.

We thank the State Auditor's Office and the audit team for their work.

Sincerely,



Chief John R. Batiste
Washington State Patrol



David Schumacher, Director
Office of Financial Management

Enclosure

cc: Joby Shimomura, Chief of Staff, Office of the Governor
Kelly Wicker, Deputy Chief of Staff, Office of the Governor
Miguel Pérez-Gibson, Executive Director of Legislative Affairs, Office of the Governor
Matt Steuerwalt, Director, Executive Policy Office, Office of the Governor
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Jim Anderson, Criminal Records Division, Washington State Patrol
Dr. Donald Sorenson, Risk Management Division, Washington State Patrol

OFFICIAL STATE CABINET AGENCY RESPONSE TO THE PERFORMANCE AUDIT ON IMPROVING THE COMPLETENESS OF WASHINGTON'S CRIMINAL HISTORY RECORDS DATABASE

JUNE 11, 2015

This coordinated management response to the State Auditor's Office (SAO) performance audit report received May 28, 2015, is provided by the Washington State Patrol (WSP) and the Office of Financial Management (OFM).

SAO Performance Audit Objectives:

The SAO designed the performance audit to answer the question:

1. Are Washington criminal history records complete, and if not, why not?
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SAO Finding 1: Washington's criminal history record database is incomplete.

SAO Finding 2: Missing fingerprints and Process Control Numbers (PCNs) contribute to incomplete criminal history records.

SAO Finding 3: Patrol could do more to improve the completeness of the criminal history database known as the Washington State Identification System (WASIS).

SAO Finding 4: Several factors make it difficult for the Patrol to take action to improve the completeness of WASIS.

SAO Recommendation 1: Seek changes to state laws and/or administrative rules to require all persons arrested for gross misdemeanors be fingerprinted.

STATE RESPONSE: WSP will explore this recommendation with stakeholders to determine the best course of action about possible legislative changes. Legislative changes requiring all persons arrested for gross misdemeanors to be fingerprinted would have significant workload and fiscal impacts on law enforcement agencies and jails.

Action Steps and Time Frame

- Establish a work group with stakeholders to include the Administrative Office of the Courts (AOC) and Washington Association of Sheriffs & Police Chiefs to determine the best strategy for addressing the recommendation. *By March 15, 2016.*
 - Deliver legislative/rulemaking recommendations to WSP executive staff. *By April 30, 2016.*
 - Discuss potential legislative changes with OFM. *By September 15, 2016.*
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SAO Recommendation 2: Seek changes to state laws and/or administrative rules to require law enforcement agencies and courts use PCNs when entering disposition information.

STATE RESPONSE: WSP will explore this recommendation with stakeholders to determine the best course of action about possible legislative changes. The PCN is already required (WAC 446-16-070) at the time of fingerprinting and for electronic disposition submission from the AOC Judicial Information System (JIS).

Action Steps and Time Frame

- Establish a work group with stakeholders to include AOC and the Washington Association of Sheriffs & Police Chiefs to determine the best strategy for addressing the recommendation. *By March 15, 2016.*
 - Deliver legislative/rulemaking recommendations to WSP executive staff. *By April 30, 2016.*
 - Discuss potential legislative changes with OFM. *By September 15, 2016.*
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SAO Recommendation 3: Clarify guidance provided to law enforcement agencies and courts on the use of the Process Control Number (PCN) by providing more specific directions on its use and how to address known issues when reporting criminal history record information.

STATE RESPONSE: To supplement free PCN training already provided by WSP, the agency will update PCN written materials to include requirements that law enforcement agencies, prosecutors, and courts must follow to submit the most accurate and complete criminal history record information.

Action Steps and Time Frame

- Publish and distribute new PCN directions to law enforcement agencies and courts. *By December 31, 2015.*
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SAO Recommendation 4: Develop a targeted approach for working with local law enforcement agencies and courts to improve the completeness of the state’s criminal history records, including identifying those not performing as well; working with them to identify areas of weaknesses in their processes and procedures; and providing them with targeted guidance and training to address the identified weaknesses.

STATE RESPONSE: WSP will continue efforts that began in 2013, including meeting with staff from county law enforcement agencies, related courts, prosecutor offices and jails, to discuss methods and best practices on submitting arrest cards and dispositions. The objective is to enhance the completeness and accuracy of criminal history records information contained in the criminal history records database.

Action Steps and Time Frame

- Meet with staff from county law enforcement agencies, related courts, prosecutor offices, and jails to discuss requirements for submitting arrest cards and dispositions. *Ongoing.*
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SAO Recommendation 5: Continue current efforts to cooperate with the Administrative Office of the Courts to regularly share information and ideas on how to improve the completeness of criminal history records including how to improve communication and interactions with the state’s courts, and how to ensure that courts use PCNs when entering dispositions in the JIS.

STATE RESPONSE: WSP will continue efforts with AOC to regularly share information and ideas on how to improve the completeness and accuracy of criminal history records. These efforts include exploring electronic methods to transmit and receive data in the criminal history records database. Additionally, WSP continues to accept invitations to attend court clerk conferences to present about criminal history record information requirements and requirements for taking and submitting fingerprints and disposition information.

Action Steps and Time Frame

- Collaborate with AOC on ways to improve the completeness of criminal history information. *Ongoing.*
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SAO Recommendation 6: Develop a process to regularly reconcile the disposition information contained in and received from the Judicial Information System to the disposition information present in the state’s criminal history records database.

STATE RESPONSE: WSP has already developed a process to daily reconcile the disposition information submitted from the JIS. *Completed.*

Action Steps and Time Frame

- Reconcile disposition information received from the courts to the disposition information that is entered into the state’s criminal history records database. *Ongoing.*
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