AUDITORS' REPORT

Office of Governmental Accountability

FISCAL YEARS ENDED JUNE 30, 2022 AND 2023

STATE OF CONNECTICUT
Auditors of Public Accounts

JOHN C. GERAGOSIAN
State Auditor

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AUDITORS OF PUBLIC ACCOUNTS

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INTRODUCTION

We are pleased to submit this audit of the Office of Governmental Accountability (OGA) for the fiscal years ended June 30, 2022 and 2023 in accordance with the provisions of Section 2-90 of the Connecticut General Statutes. Our audit identified internal control deficiencies and instances of noncompliance with laws, regulations, or policies.

The Auditors of Public Accounts wish to express our appreciation for the courtesies and cooperation extended to our representatives by the personnel of the Office of Governmental Accountability during the course of our examination.

The Auditors of Public Accounts also would like to acknowledge the auditors who contributed to this report:

Jenny Banh
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Associate Auditor

Approved:

John C. Geragosian
State Auditor

Craig A Miner
State Auditor

STATE AUDITORS' FINDINGS AND RECOMMENDATIONS

Our examination of the records of the Office of Governmental Accountability disclosed the following two recommendations, of which one was repeated from the previous audit.

Finding 1

Noncompliance with Statutory Reporting Requirements

Criteria

Section 4-60 of the General Statutes requires each budgeted agency to submit an annual administrative report to the Governor on or before September 1st.

Section 46a-13l(a)(12) of the General Statutes requires the Office of the Child Advocate (OCA) to submit a report to the legislature regarding the conditions of confinement for youth detained or incarcerated in the juvenile and adult criminal justice systems every two years beginning March 1, 2017.

Section 51-44a(m) of the General Statutes requires the Judicial Selection Commission (JSC) to submit a report on candidates interviewed by the commission in the prior calendar year to the joint standing committee on judiciary on or before January 15th each year.

Condition

The Board of Firearms Permit Examiners (BFPE) did not submit its annual administrative report for fiscal year 2022.

The Judicial Review Council (JRC) submitted its annual administrative report 13 and 90 days late in fiscal years 2022 and 2023, respectively.

The Judicial Selection Commission (JSC) submitted its annual report to the joint standing committee on the judiciary 43 and 17 days late in fiscal years 2022 and 2023, respectively. We were unable to determine if the commission promptly submitted its annual administrative report for fiscal year 2022.

The Office of the Victim Advocate (OVA) submitted its annual administrative report 34 and 77 days late in fiscal years 2022 and 2023, respectively.

The State Contracting Standards Board (SCSB) submitted its annual administrative report 63 days late in fiscal year 2023. We were unable to determine if the board promptly submitted its report for fiscal year 2022.

The Office of the Child Advocate (OCA) did not submit the biennial report on the conditions of incarcerated youth. OCA last submitted this report on January 16, 2019. Subsequent reports were due March 1, 2021, and 2023, but neither were submitted. OCA submitted its annual administrative report 75 days late in fiscal year 2023.

Context

We reviewed each statutory reporting requirement during the audited period, which included 22 reports.

Effect

Report recipients may not have timely access to information to make informed decisions regarding the office and its operations and activities.

Cause

The failure to promptly submit reports appears to be caused by inadequate administrative oversight and lack of staffing.

Prior Audit Finding

This finding has not been previously reported.

Recommendation

The Office of Governmental Accountability's boards, councils, commissions, and offices should ensure they submit all required reports on time.

Board of Firearms Permit Examiners Response

The BFPE did not provide a response.

Judicial Review Council Response

"I have read your findings would like to say that this year's Annual Report will be on time. Gaining a full understanding of my position will allow us to meet the timetables that are put into place."

Judicial Selection Commission Response

"We agree with the finding. The previous employee who worked for the Commission as Manager left in 2023 and we have no records of when they submitted the report for fiscal year ended June 30, 2022."

Office of the Victim Advocate Response

The OVA did not provide a response.

State Contracting Standards Board Response

"The SCSB agrees with the finding. The SCSB has increased its staffing resources from 4 to 7 full-time employees in FY24. The Executive Director, Chief Procurement Officer, Staff Attorney (new), and Administrative Assistant (new) established internal controls to ensure compliant and timely submission of the SCSB's annual administrative report for Conn. Gen. State Section 4-60. The process will include electronic reminders, staff meetings (as needed), administrative oversight of delegated tasks, and prompt submission of the annual administrative report."

Office of the Child Advocate Response

"We partially agree with the finding. OCA receives administrative oversight through the Advisory Committee's regular review of OCA's goals and projects that are untaken within available appropriations. OCA has requested additional staffing to support the requirement for biannual reports on conditions of confinement as established in 2016 but has not received additional staff to date. Therefore, OCA produces these reports within available appropriations."

Finding 2

Board of Firearms Permit Examiners Backlog

Background

Section 29-28(b) of the General Statutes states that individuals may apply for a state permit to carry a pistol or revolver through their local authorities who may deny or issue a temporary 60-day permit, pending further review by the Department of Emergency Services and Public Protection (DESPP). Decisions to deny a permit at either the local or state level, or the revocation of a permit at the state level, may be appealed to the Board of Firearms Permit Examiners (BFPE).

DESPP or BPFE can overturn state revocations. Local authority denials must be appealed to BFPE. A local authority may also choose to issue a previously denied permit application.

Criteria

Section 29-32b of the General Statutes require the BFPE to schedule a hearing within ten days of receiving an appeal and hold hearings at least every 90 days.

Condition

Our review of Board of Firearms Permit Examiners appeals found significant delays between appeal requests and scheduled hearings. As of March 13, 2024, 1203 cases remained unheard, with hearings scheduled through March 2026. The backlog included 590 denials and 613 revocations.

Context

The board receives several hundred appeals each year. It meets 28 times per year and schedules 28 hearings per meeting. The board hears an average of 12 cases per meeting due to the timing of resolved or withdrawn cases.

Effect

Appellants may be denied their right to a timely hearing.

Cause

BFPE receives more annual appeals than it can reasonably review. Although some cases may be resolved before the board's scheduled meeting, DESPP reports their resolution an average of 13 days prior to the scheduled meeting and sometimes as late as two days before. This does not leave the board adequate time to reschedule other hearings for the upcoming meeting.

Prior Audit Finding

This finding has previously been reported in the last eight audit reports covering the fiscal years 2001 through 2021.

Recommendation

The Board of Firearms Permit Examiners should continue to work toward reducing its hearing backlog to ensure compliance with Section 29-32b of the General Statutes.

Agency Response

"We partially agree. BFPE agrees to the recommendations and is working diligently with both the towns and DESPP to resolve these cases in a timely manner. Special Licensing and Firearms Unit and BFPE are doing an information session on issuing and denying permits. We have reached out to all the towns we have appeals for and are getting positive feedback on towns issuing permits. DESPP's new background check system which was implemented last year had a security issue and was down for two months. It's up and running again and we will follow up on new reinstatements."

STATUS OF PRIOR AUDIT RECOMMENDATIONS

Our prior audit report on the Office of Governmental Accountability contained one recommendation. The recommendation has been repeated or restated with modifications during the current audit.

Prior Recommendation	Current Status
The Board of Firearms Permit Examiners should reduce its hearing backlog to ensure compliance with Section 29-32b of the General Statutes. The board should retain copies of its appeal logs to measure its progress in reducing the backlog. The Department of Emergency Services and Public Protection should promptly notify the Board of Firearms Examiners when it resolves revocations, or appellants withdraw their appeal prior to their hearing date to enable the board to schedule other cases.	**REPEATED** **Modified Form** Recommendation 2

OBJECTIVES, SCOPE, AND METHODOLOGY

We have audited certain operations of the Office of Governmental Accountability in fulfillment of our duties under Section 2-90 of the Connecticut General Statutes. The scope of our audit included, but was not necessarily limited to, the fiscal years ended June 30, 2022 and 2023. The objectives of our audit were to evaluate the:

1. Office's internal controls over significant management and financial functions;

2. Office's compliance with policies and procedures internal to the office or promulgated by other state agencies, as well as certain legal provisions; and

3. Effectiveness, economy, and efficiency of certain management practices and operations, including certain financial transactions.

In planning and conducting our audit, we focused on areas of operations based on assessments of risk and significance. We considered the significant internal controls, compliance requirements, or management practices that in our professional judgment would be important to report users. The areas addressed by the audit included reporting systems and the programmatic activities of the Board of Firearms Permit Examiners, the Office of the Child Advocate, the Office of the Victim Advocate, the Judicial Review Council, the Judicial Selection Commission, and the State Contracting Standards Board. We also determined the status of the findings and recommendations in our prior audit report.

Our methodology included reviewing written policies and procedures, financial records, meeting minutes, and other pertinent documents. We interviewed various personnel of the office. We also tested selected transactions. This testing was not designed to project to a population unless specifically stated. We obtained an understanding of internal controls that we deemed significant within the context of the audit objectives and assessed whether such controls have been properly designed and placed in operation. We tested certain of those controls to obtain evidence regarding the effectiveness of their design and operation. We also obtained an understanding of legal provisions that are significant within the context of the audit objectives, and we assessed the risk that illegal acts, including fraud, and violations of contracts, grant agreements, or other legal provisions could occur. Based on that risk assessment, we designed and performed procedures to provide reasonable assurance of detecting instances of noncompliance significant to those provisions.

We conducted this performance audit in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

The accompanying financial information is presented for informational purposes. We obtained this information from various available sources including the office's management and state information systems. It was not subject to our audit procedures. For the areas audited, we:

1. Identified deficiencies in internal controls;

2. Identified apparent noncompliance with laws, regulations, contracts and grant agreements, policies, or procedures; and

3. Did not identify a need for improvement in management practices and procedures that we deemed to be reportable.

The State Auditors' Findings and Recommendations section of this report presents findings arising from our audit of the Office of Governmental Accountability.

ABOUT THE AGENCY

Overview

The Office of Governmental Accountability (OGA) operates under the provisions of Chapter 15a of the General Statutes, Sections 1-300 to 1-301 and includes the Judicial Review Council, Judicial Selection Commission, Board of Firearms Permit Examiners, Office of the Child Advocate, Office of the Victim Advocate, State Contracting Standards Board, and Office of the Correction Ombuds. The Department of Administrative Services' Small Agency Resource Team (SmART) provides OGA's human resources, administrative, business office, and information technology functions.

The **Board of Firearms Permit Examiners** offers an appeal process related to pistol permits issued under Sections 29-28 or 29-36f of the General Statutes. Anyone denied the issuance or renewal of a permit, had their permit revoked, or refused an application, may appeal to BFPE.

The **Judicial Review Council** investigates and resolves complaints alleging misconduct, disability, or substance abuse of state judges, family support magistrates, and administrative law judges. The council promotes public confidence in the courts and the integrity and independence of the judiciary by ensuring high standards of judicial conduct on and off the bench.

The **Judicial Selection Commission** seeks and evaluates candidates for judicial appointments and furnishes the Governor with a list of qualified nominees. In addition, the commission evaluates judges seeking reappointment or advancement. Evaluations are based on legal ability, competence, integrity, character, temperament, and other factors.

The **Office of the Child Advocate** monitors and evaluates public and private entities responsible for the protection of children, advocates for at risk children, addresses relevant public policy issues, and educates the public about laws affecting families and children under state supervision. It reviews policies, procedures, and facilities of state entities and private juvenile placements to ensure they protect children's rights and promote their best interest. The office also investigates related complaints.

The **Office of the Victim Advocate (OVA)** provides oversight and advocacy for crime victims to protect and promote their constitutional rights. OVA monitors and evaluates services provided to crime victims and works to advance statewide policies that ensure their fair and just treatment within the criminal justice system. OVA promotes awareness to Connecticut citizens of the services available to crime victims through outreach, education, and public service events.

The **State Contracting Standards Board** works to ensure that the state's contracting and procurement policies and procedures are understood and carried out in an open, cost-effective, and efficient manner, consistent with state and federal statutes, rules, and regulations.

The **Connecticut Office of the Correction Ombudsman** was established effective July 1, 2022, and was filled and began operations after our audited period. The Correction Ombuds provides services on behalf of persons incarcerated by the Department of Correction (DOC). They include evaluating delivery of services to incarcerated persons, reviewing DOC nonemergency procedures, conducting visits of correctional facilities, recommending policy and procedure revisions to DOC, and receiving communications from incarcerated persons.

Organizational Structure

The Office of Governmental Accountability is an administrative entity comprised of seven agencies who operate independently of each other and retain their own decision-making authority. The office was initially established to provide human resources, administrative, and information technology services to these agencies overseen by an executive director. However, Public Act 16-2 removed funding for the executive director position and transferred those functions to the Department of Administrative Services' Small Agency Resource Team (SmART). The executive director position has been vacant since the passage of Public Act 16-2.

The Board of Firearms Permit Examiners is comprised of nine members appointed by the Governor from nominees provided by state agency commissioners and related professional and recreational organizations. Members serve terms that coincide with the Governor's or until a successor is appointed. Two members must be from the public, one of whom must be an attorney and serve as chairman. Members serve without compensation but are reimbursed for reasonable expenses incurred in performing their duties.

The Judicial Review Council is comprised of 12 regular members and 13 alternate members, all appointed by the Governor with the approval of the General Assembly. Regular members serve four-year terms and cannot serve consecutive terms. Alternate members serve three-year terms and cannot serve consecutive terms as an alternate member. The Governor also appoints the executive director of the council. The council is composed of three Superior Court judges, three Connecticut-licensed attorneys, six citizens who are not attorneys or judges, and thirteen alternate members who include: judges, Connecticut-licensed attorneys, administrative law judges, family support magistrates, and citizens who are not attorneys or judges,

The Judicial Selection Commission is comprised of 12 members, six of whom shall be attorneys and six of whom shall not be attorneys. Six members are appointed by the Governor and six are appointed by various House and Senate leaders.

The Child Advocate is appointed by the Governor, based on the advice of the Office of the Child Advocate (OCA) advisory committee. The committee meets with the Child Advocate throughout the year and issues their annual evaluation. OCA also coordinates the operations of the Child Fatality Review Panel (CFRP), and the Child Advocate serves as its co-chair. CFRP is comprised of 16 members, including: six ex officio members from various state agencies, seven statutorily appointed, and three appointed by the CFRP.

The Victim Advocate is appointed by the Governor from a list of candidates submitted by the Victim Advocate Advisory Council. The advocate is appointed for a four-year term and can be reappointed. They remain in office until a qualified successor is named. The council was inactive during the audited period.

The State Contracting Standards Board is comprised of 14 members appointed by the Governor and other members of the House and Senate, four of whom must be certified in procurement. The chairman is appointed by the Governor. Members serve terms coterminous with their appointing authority. Each member shall have sufficient knowledge by education, training or experience in one of the following areas: 1) procurement; 2) contract negotiation, selection, and drafting; 3) contract risk assessment; 4) competitive bidding and proposal procedures; 5) real estate transactions; 6) building construction and architecture; 7) business insurance and bonding; 8) ethics in public contracting; 9) federal and state statutes, procurement policies, and regulations; 10) outsourcing and privatization analysis; 11) small and minority business enterprise development; 12) engineering and information technologies; 13) human services; and 14) personnel and labor relations.

The Connecticut Office of the Correction Ombudsman is appointed by the Governor based on the recommendation of the Correction Advisory Commission. The Governor appointed an interim Ombudsman to the position in September 2024.

Significant Legislative Changes

Notable legislative changes that took effect during the audited period are presented below:

- Public Act 22-18, effective July 1, 2022, established the Office of the Correction Ombudsman within OGA. The office evaluates the delivery of services to incarcerated persons, reviews DOC policies and procedures and recommends revisions, receives communications from incarcerated persons, and provides public education and legislative advocacy to protect the rights of persons in DOC custody. The office did not operate during the audited period.

Financial Information

General Fund Receipts

A summary of General Fund receipts during the audited period as compared to the preceding fiscal year follows:

	Fiscal Year Ended June 30,		
	2021	2022	2023
Late Fee – Elections/Financial Disclosure	$ 1,177	$ 1,525	$ 1,700
Total	**$ 1,177**	**$ 1,525**	**$ 1,700**

General Fund Expenditures

A summary of General Fund expenditures during the audited period as compared to the preceding fiscal year follows:

	Fiscal Year Ended June 30,		
	2021	2022	2023
Personal Services and Fringe Benefits	$ 1,508,920	$ 1,698,836	$ 2,180,784
Purchased & Other Contracted Services	0	3,093	6,901
Board Member Fees	35,600	28,800	27,800
Other Services	11,751	16,013	43,794
Purchased & Rental Commodities	22,720	18,645	52,663
Premise & Property Expenses	17	0	22,360
Information Technology	31,892	9,501	22,461
Communications	5,569	3,921	8,117
Fixed Charges	16,500	16,500	15,627
Total	**$ 1,632,968**	**$ 1,795,308**	**$ 2,380,508**

The State Contracting Standards Board hired several new staff in fiscal year 2023, increasing personal services expenditures. Purchasing software licenses, equipment, furniture, and setting up new workstations for the new hires also increased expenditures for Other Services, Premise & Property Expenses, Information Technology, and Purchased Commodities.

Capital Equipment Fund Expenditures

	Fiscal Year Ended June 30,		
	2021	2022	2023
Information Technology	$ 0	$ 104	$ 0
Purchased Commodities	6,659	3,900	788
Total	**$ 6,659**	**$ 4,004**	**$ 788**