STATE OF CONNECTICUT

AUDITORS OF PUBLIC ACCOUNTS
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Acronyms	Definition
AFIS	Automated Fingerprint Identification System
APA	Auditors of Public Accounts
BOE	Board of Education
CDL	Commercial Driver's License
CISS	Connecticut Information Sharing System
CJIS	Criminal Justice Information System
COBOL	Common Business-Oriented Language
COLLECT	Connecticut On-line Law Enforcement Communications Teleprocessing
CRMVS	Criminal Motor Vehicle System
CVSD	Commercial Vehicle Safety Division (DMV)
DAS	Department of Administrative Services
DESPP	Department of Emergency Services and Public Protection
DCF	Department of Children and Families
DMV	Department of Motor Vehicles
DOB	Date of Birth
DOT	Department of Transportation
DPH	Department of Public Health
FBI	Federal Bureau of Investigation
ITSEC	Information and Telecommunications System Executive Steering Board
MNI-CCH	Master Name Index–Computerized Criminal History
NFF	National Fingerprint File (FBI)
NIST	National Institute of Standards and Technology
OBTS	Offender Based Tracking System
OEC	Office of Early Childhood
PERU	Passenger Endorsement Review Unit (DMV)
SFTP	Secure File Transfer Protocol
SID	State Identification Number
SPBI	State Police Bureau of Identification (DESPP)
STV	Student Transportation Vehicle

**The Department of Motor Vehicles Background Check Process
for Student Transportation Employees**

Background

This audit assessed whether the Department of Motor Vehicles (DMV) effectively ensures student safety through its monitoring of background checks for existing and prospective student transportation employees. The audit also examined whether laws and regulations pertaining to background checks for student transportation employees were clear and complete.

There are 3 types of DMV public passenger endorsements that allow a driver to transport school children. Each has separate requirements and restrictions.

During the audited period, there were over 22,000 individuals with DMV license endorsements to transport school children. DMV receives an average of 4,600 applications for these endorsements each year and approves an average of 4,100. Data used in this audit covers calendar years 2015 to 2017. Other years may have been included in certain instances where data may better illuminate trends.

Key Findings

We found that the Department of Motor Vehicles (DMV) and the Department of Emergency Services and Public Protection (DESPP) need to make several improvements to the background check process to better ensure the safety of school children. Specifically, we found:

- DMV post-endorsement criminal history checks are incomplete;
- DMV does not know whether carriers check for disqualified drivers;
- Police departments do not complete required felony arrest notifications to DMV;
- DMV performs redundant background checks;
- DESPP criminal history information systems are inadequate and increase the risk of flawed checks;
- DESPP has processed background checks in a timely manner but its turnaround times have increased;
- Critical fingerprint card assets need to be better protected; and
- DESPP and DMV need to improve management practices pertaining to background checks.

Recommendations

We developed 16 specific recommendations to help strengthen the background check process. In addition to strengthening certain management controls, we broadly recommend:

- DMV should ensure that post-endorsement background checks include periodic updates from national criminal and child abuse databases;

- DMV should create a system that allows the department to reliably know which carriers have checked the disqualified drivers list and develop a method to check carriers to ensure excluded drivers have been denied licensure ;

- The Department of Motor Vehicles should prompt police departments that do not currently report through Connecticut Information Sharing System (CISS) of their statutory requirement to report certain arrests to DMV;

- DMV should cease performing any redundant background check responsibilities after consulting with DESPP to ensure that DMV is receiving a complete criminal record;

- DESPP should expedite the implementation of new fingerprint and criminal history computer systems and ensure that full disaster recovery plans and system testing protocols are in place;

- DESPP and DMV should examine methods to better protect applicant fingerprint cards for school transportation employees, and DMV should use its LiveScan to expedite application processing; and

- DESPP should review recent time increases needed to process DMV criminal background checks, monitor statutorily-required deadlines, and make any necessary changes.

View the full report, including management's responses, by visiting www.cga.ct.gov/apa
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December 12, 2019

AUDITORS' REPORT
THE DEPARTMENT OF MOTOR VEHICLES BACKGROUND CHECK PROCESS
FOR STUDENT TRANSPORTATION EMPLOYEES

Audit Objectives

In accordance with the provisions of Section 2-90 of the Connecticut General Statutes and Generally Accepted Government Auditing Standards, we have conducted a performance audit of certain aspects involving the Department of Motor Vehicles (DMV) background check process for student transportation employees. While several state agencies are involved in the background check process, the audit focused on the functions of the Department of Motor Vehicles and the Department of Emergency Services and Public Protection (DESPP). DMV is the agency primarily responsible for managing the background check process for authorizing individuals to transport school children. DESPP serves as the state's repository for criminal history information. We based this performance audit on the following objectives:

1. Evaluate how effectively DMV protects student safety through monitoring pre-employment background checks for individuals seeking authorization to transport school children

2. Assess how effectively DMV protects student safety through monitoring post-employment background checks for individuals holding or renewing the authority to transport school children

3. Determine whether school transportation background check laws and regulations are clear and complete

Methodology

This audit relied on a variety of sources and methods to assess Connecticut's background check process for school transportation employees. As such, we

A. reviewed relevant literature, including information from state and federal sources;

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B. reviewed relevant Connecticut and federal statutes and regulations to learn about the legal requirements and policies pertaining to student transportation employees;

C. conducted interviews with staff and managers from the departments of Motor Vehicles, Emergency Services and Public Protection, Children and Families, and Transportation to ascertain agency background check processes, practices, limitations, and performance;

D. interviewed officials from the state's largest student transportation association, including representatives from several carriers, to gain provider perspectives;

E. examined DMV applicant case files to determine what processes, controls, and procedures exist, and if DMV exercised consistency in determining applicant suitability for drivers' license endorsements;

F. examined DMV performance data for timeliness of decision making, accuracy of results, and redundancy in processes (e.g., we used the outcomes of the administrative appeal hearing process as one indicator of accuracy and appropriateness in making disqualification decisions);

G. scrutinized the documented results of DMV auditing practices of carrier efforts to ensure disqualified drivers are not allowed to transport school children;

H. examined DESPP data used to monitor performance in relation to the statutorily-required 60-day processing time for DMV background check requests;

I. examined the DESPP storage facility for original hard-copy (pre-1941) fingerprint cards;

J. interviewed agency IT personnel, reviewed agency documents, including a report on the implications of the DESPP obsolete information technology systems used to store, analyze, and retrieve fingerprint and criminal history information;

K. examined the adequacy of the: (1) current statutory and regulatory requirements related to the currently covered types of student transportation; (2) types of criminal convictions and other prohibitions that preclude applicants from obtaining an endorsement; and (3) types of background checks;

L. established through interviews with agency staff whether there are legal loopholes allowing student transportation providers to circumvent background check requirements; and

M. examined best practices and compared them to Connecticut's background check process.

Data used in this audit covers, but is not necessarily limited to, calendar years 2015-2017. Other years may have been included in certain instances where additional data my better illuminate trends.

We also 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 implemented. We tested certain of those controls to obtain evidence regarding the effectiveness of their design and operation. We conducted our audit in accordance with the standards applicable to performance audits contained in Government Auditing Standards, issued by the Comptroller General of the United States. These standards require that we plan and perform our 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 such a basis.

The accompanying background is presented for informational purposes. We obtained the information from DMV management, and it was not subjected to the procedures applied to our audit of the program.

For the areas audited, we determined that:

1. DMV post-endorsement criminal history checks are incomplete;

2. DMV does not know whether carriers check for disqualified drivers;

3. police agencies are not completing required notifications to DMV regarding felony arrests;

4. DMV performs redundant background checks;

5. certain DMV management practices are inadequate;

6. DESPP criminal history information systems are inadequate and increase the risk of flawed checks;

7. although DESPP processed DMV background checks in a timely manner, turnaround times increased while requests declined;

8. critical fingerprint card assets need to be better protected; and

9. DESPP general management practices need improvement.

The State Auditors' Findings and Recommendations in the accompanying report presents any findings arising from our performance audit of certain aspects involving background checks for student transportation employees.

PROGRAM BACKGROUND

Public passenger endorsements authorizing individuals to transport school children are issued by the Department of Motor Vehicles. The Department of Emergency Services and Public Protection and the Department of Children and Families (DCF) provide critical information to DMV in performing its background checks on these individuals. Below is a brief description of the different endorsement types and the roles of the 3 main agencies involved in the background check process. In addition, we summarize the results of our assessment of DMV endorsement applicant case files for compliance with legal and procedural requirements.

Endorsement Types

To legally drive a vehicle that transports school children, a driver must possess 1 of 3 public passenger endorsements issued by DMV. Each has separate requirements and restrictions:

- **"A" endorsement** is required to operate a student transportation vehicle used in connection with school-sponsored events and activities or any vehicle that requires an F endorsement. An A endorsement cannot be used to transport students to and from home and school. This vehicle is often referred to as an "activity vehicle."

- **"V" endorsement** is required to operate a student transportation vehicle transporting students *to and from school*, including transporting special education students, or any vehicle that requires an A or F endorsement. A certificate of safety training is also required prior to the issuance of the V endorsement. This vehicle is often referred to as a "student transportation vehicle."

- **"S" endorsement** is required to operate a school bus and can be used to operate any vehicle that requires a V, A, or F endorsement. In addition to the S endorsement, a commercial driver's license (CDL) with a P (passenger) endorsement is required to drive a school bus. Commercial driver's licenses have 3 different classifications that authorize individuals to drive vehicles of different weights and vehicles that transport a certain number of passengers.

A fourth type of passenger endorsement, an "F" endorsement, is required to operate a taxi, livery vehicle, service bus, motor bus, or motor coach. In addition to the F endorsement, a CDL with a P endorsement is required on vehicles designed to transport sixteen or more passengers, including the driver. However, an F endorsement alone is not legally sufficient to transport school children.

Number of endorsement holders – During the audited period, there were over 22,000 individuals with DMV license endorsements making them eligible to transport school children.

DMV receives an average of approximately 4,600 applications each year for a public passenger endorsement, and approves approximately 4,100. The total number of student transportation endorsement holders decreased by about 1% since 2016, although the number of V endorsement holders increased.

Exhibit 1. Number of Endorsement Holders has Decreased Slightly Since 2016				
Endorsement Type	**2016**	**2017**	**2018**	**% Change 2016- 2018**
School Bus (S)	9,188	8,794	8,749	-5%
Student Transportation Vehicle (V)	5,472	5,735	5,926	8%
Activity Vehicle (A)	8,170	7,992	7,879	-4%
Total	22,830	22,521	22,554	-1%

DMV Background Check Process

The DMV Public Passenger Endorsement Unit (PERU) is responsible for issuing public passenger endorsements authorizing individuals to transport school children and overseeing the required background check process. The unit also performs required post-endorsement background checks for current endorsement holders. The purpose of these background checks is to ensure that applicants and current endorsement holders meet the eligibility criteria.

Eligibility criteria – To be eligible for any passenger endorsement, the applicant must:

- Have a valid driver's license. A school bus applicant must have at least 3 years of consecutive driving experience when applying for an S endorsement.

- Be at least 18 years of age, or 21 if driving a commercial motor vehicle (e.g., school bus).

- Have an acceptable driving record.

- Not be listed on the national sex offender registry or the state child abuse and neglect registry.

- Possess good moral character.

- Pass a state and federal criminal record background check based on a fingerprint card submitted by the applicant.

- Pass a medical review completed by an authorized medical examiner.

- Present a certified driving and criminal history for each state they lived in if they resided in Connecticut for less than 5 years.

As noted earlier, depending on the type of vehicle for which a driver is required to obtain the endorsement (e.g., school bus), they may also need to obtain a commercial driver's license and pass both driving and proficiency tests.

Disqualification criteria – By law, an applicant for, or current holder of, a public passenger endorsement would be disqualified from obtaining or holding that endorsement for any of the following reasons:

1. Four or more moving violations within a 2-year period (e.g., speeding, failing to yield for a right of way). There are over 50 types of moving violations that could disqualify an applicant.

2. Any conviction or administrative license suspension within the previous 5 years for specified violations (e.g., driving under the influence, manslaughter with a motor vehicle).

3. Any conviction within the previous 3 years for reckless driving, driving with a suspended license, or negligent homicide with a motor vehicle.

4. A conviction of a serious criminal offense that adversely reflects on their moral character. or

5. Engaging in any conduct that adversely reflects on their moral character. An arrest of the driver for any felony or a violation of certain other criminal laws (e.g., fourth degree sexual assault, reckless endangerment) are deemed as adversely reflecting on a person's moral character.

In addition, an applicant or a holder of an S or V endorsement could be disqualified for a conviction of a serious criminal offense and having finished serving the sentence within 5 consecutive years prior to the application date or the date the conviction became known to DMV. Specific serious criminal offenses are listed in regulation.

If an applicant or a holder of an S or V endorsement has completed a sentence more than 5 years prior, DMV must assess the individual's current fitness based on the nature of the offense and the entire criminal history. DMV must also determine whether any violations of federal or another state's law are substantially similar to conduct Connecticut deems serious criminal offenses.

Finally, an applicant or holder of an S or V endorsement who has an arrest for any felony or a conviction of any offense other than a serious criminal offense may be denied or have an endorsement withdrawn based on a DMV review and evaluation.

New applicant checks – To verify eligibility for a public passenger endorsement, background checks are required in the initial application process. **Exhibit 2** shows the various types of background checks that are performed.

Exhibit 2. Summary of Background Checks for New Endorsements		
Type of Check	**Performed By**	**Purpose**
Driver License History	DMV	Ensure the license is valid and that the applicant has held it for the required minimum period.
Motor Vehicle Driving History	DMV	Ensure the applicant has an acceptable driving record (i.e., less than 4 moving violations in 2 years) in order to apply for or maintain an endorsement.
Criminal History Checks	DESPP and DMV (based on applicant name and date of birth)	Criminal history check of DESPP database based on the name and date of birth of the applicant, particularly for non-fingerprint supported crimes.
	DESPP and FBI (based on fingerprints)	Criminal history check based on applicant's fingerprints in both state and federal databases. Federal databases contain information about federal crimes and those committed in other states.
	Criminal Information Sharing System (CISS) check performed by DMV	CISS is a comprehensive, statewide criminal justice information technology system that provides the ability to electronically share offender information within Connecticut's criminal justice community. DMV accesses this system to check for any arrests or pending cases in the court system.
National Sex Offender Registry	Applicant submits a copy of the registry check with a date stamp from the printer from which the check was printed within 5 days of the application date.	Check for applicant name on sex offender registry. DMV ultimately relies on the criminal history check for disclosure of such crimes.
Medical Form	DMV	Examination of the medical form to ensure the applicant submitted it on time and meets the medical criteria.
DCF Abuse and Neglect Registry	DCF	Check for applicant name on the abuse and neglect registry.

Checks performed by DMV – PERU staff complete the motor vehicle, driver history, initial criminal history check (based on name and date of birth), and Connecticut Information Sharing System (CISS) check. DMV stores the driver history and license inquiry information on its databases. Staff check to ensure the applicant's license is valid and has been held for the required minimum time.

PERU accesses the records for the state police criminal history and CISS checks through an interface with the various computer systems. Staff initially check the applicant's criminal history based on the information returned from a search of the DESPP criminal history database using the applicant's name and date of birth. This database only contains crimes committed in Connecticut. The PERU staff can deny an endorsement when an applicant triggers any of the disqualifying criteria described above. PERU staff notify applicants if they found a criminal record based on this initial check to give the applicants a quicker response, and possibly allow them to begin the process of appeal. Otherwise, DMV waits for the results of the fingerprint check from DESPP and the Federal Bureau of Investigation (FBI) to process the application further.

Criminal history check through fingerprints performed by DESPP and FBI – The DESPP State Police Bureau of Identification (SPBI) completes a name and date of birth check and the fingerprint-based Connecticut criminal history check. The department also initiates the FBI national criminal history check. SPBI reports the results back to PERU. This check by DESPP and the FBI is considered the definitive source on criminal background checks. We describe this process further below.

Sex offender registry check – The applicant performs the National Sex Offender Registry check and must submit a copy of the registry check with a date stamp from the printer the check was initially printed on within 5 days of the application date. DMV staff also have access to the registry and can check it if necessary.

Medical review check – DMV completes a check of the medical form to ensure the applicant was seen within 90 days of application date by a federally-registered medical professional and passed the required tests for the specific endorsement.

DCF check of registry – The background check process for school transportation employees includes information from the Department of Children and Families. DCF maintains a confidential electronic database (i.e., registry) of persons the department substantiates are responsible for committing child abuse or neglect and pose a risk to the health, safety, or well-being of children. DCF has an agreement with DMV to process registry checks for school transportation driver's license endorsement applicants. Each Friday, DMV electronically sends DCF a list of names, and other identifying information, of endorsement applicants needing a registry check.

Automated check – DCF uses an applicant's DMV information to do an automated comparison with the DCF abuse and neglect registry to determine whether there is a match. This check results in a hit, no hit, or possible hit (i.e., the information appears to match some of the data elements, but not all). The automated search returns a potential hit if the applicant has a similar

name to someone in the registry. The search also identifies anyone with the same social security number or address, but a different name.

After the screening is completed, DCF sends a list of names to DMV highlighting no hits, hits, and potential hits. Potential hits require more investigation by DCF. DMV can act on names with the no hits.

Manual check – Any time a registry search results in a hit or potential hit, DCF conducts a more extensive review of its LINK case management system to verify the applicant's identity. This review may include paper files that are the only case information available prior to the mid-1990s. In addition, cases occurring before 2005 have to go to the department's legal office for review, mainly due to a different legal definition of "substantiation" for cases before and after 2005. Cases resulting in a potential hit from the automated search also go to the DCF legal office for additional research. DCF asks DMV to collect additional information from the applicant, if necessary. A manual record review could take up to 2 months, depending on various factors.

DMV notification – DCF sends a secure email notification to DMV with the registry search results. If there is a hit, DCF sends a form letter to DMV, which includes the LINK case number for DMV to send to the applicant in the event the applicant wants to appeal.

Processing DMV requests – According to DMV, the DCF processing time for DMV-requested abuse/neglect registry searches is generally reasonable. In most cases, DMV requests are batched and sent to DCF each Friday; DMV receives responses by the following Monday. DCF takes somewhat longer to process requests that either have a hit on the registry or require additional information to do a full search. Overall, DMV is satisfied with the time DCF takes to complete its part of the background check process. Our office did not test the DCF processing of background checks within this review.

Notifications to applicants – Once the final review of all the checks and the applications are completed, DMV sends an email or letter to the applicants indicating whether they are approved. The applicants may also have the notification sent to their employer. DMV can deny the application due to criminal record disqualifications, issues with the medical check, serious motor vehicle violations, serious misstatements on the application, or an entry on the DCF abuse and neglect registry or national sex offender registry.

Endorsement added to license – Upon approval by DMV, applicants must take the DMV email and attached approval letter to a DMV branch office within 90 days of the email date to get the endorsement(s) added to their driver's license. If applicants do not adhere to the required deadline, they must reapply for the endorsement. The branch office checks a DMV database to confirm information about the applicant's approved endorsement application.

Applications processed – **Exhibit 3** shows the number of applications processed by DMV for passenger endorsements for the last 3 years. Each year, DMV processed an average of 4,885 applications and approved an average of 4,324. The number of applications and approvals have

decreased since 2015. On average, 96.2% of completed applications are approved and 3.8% are denied.

| Exhibit 3. Number of Applications for Passenger Endorsements Decreased Since 2015					
Applications	**2015**	**2016**	**2017**	**% Change 2015- 2017**	**Average**
Received	5,408	4,663	4,584	-15%	4,885
Approved	4,647	4,356	3,969	-15%	4,324
Denied	218	150	143	-34%	170
Returned as Incomplete	928	631	853	-8%	804
Closed as Incomplete	540	340	283	-48%	388
Note: The number of approved, denied, and closed applications do not add up to the total received due to timing differences. This data includes F endorsements due to the way DMV records it.					

Post-endorsement criminal reviews of current holders – DMV continues to monitor applicants by performing certain reviews on an ongoing basis after they are endorsed and potentially driving students. If an endorsed driver commits certain offenses, DMV must issue a suspension. DMV compares the list of current endorsement holders to its mainframe for motor vehicle offenses every day and to the DESPP criminal history database every other week. DMV staff check matches for accuracy. Once validated, DMV notifies the endorsement holder of the suspension and adds the name to the Public Service Disqualification List. DMV suspends an endorsement immediately if it considers the endorsement holder an imminent threat to public safety (e.g., driving while intoxicated, injury to a minor). The subject of an immediate suspension has a right to an expedited hearing, which is automatically scheduled with a DMV hearing officer. Other suspensions are called Suspensions with Notice. We describe the hearing process further below.

The disqualification list is available in a DMV database that is accessible to all businesses transporting school children. Employers access the database using a log-in username and password, and are required by statute to check the list by logging in at least once during the first and third weeks of each month. DMV tracks access to the system. Companies are responsible for ensuring that any of their employees on the list do not transport children until there is a change in the driver's endorsement status.

DMV monitoring – DMV is also responsible for monitoring companies in the student transportation business and ensuring they are accessing the disqualification list at the appropriate intervals. DMV is supposed to generate a monthly report indicating how frequently each user accessed the list (see related finding below).

Post-endorsement suspension activity – **Exhibit 4** shows the number and type of suspensions imposed by DMV over the last 5 years. After an uptick in 2014, the total number of suspensions generally declined over the time period. Similarly, suspensions as a percent of total endorsement holders declined over the period from .28% to .20%.

Exhibit 4. Number of Suspensions has Decreased
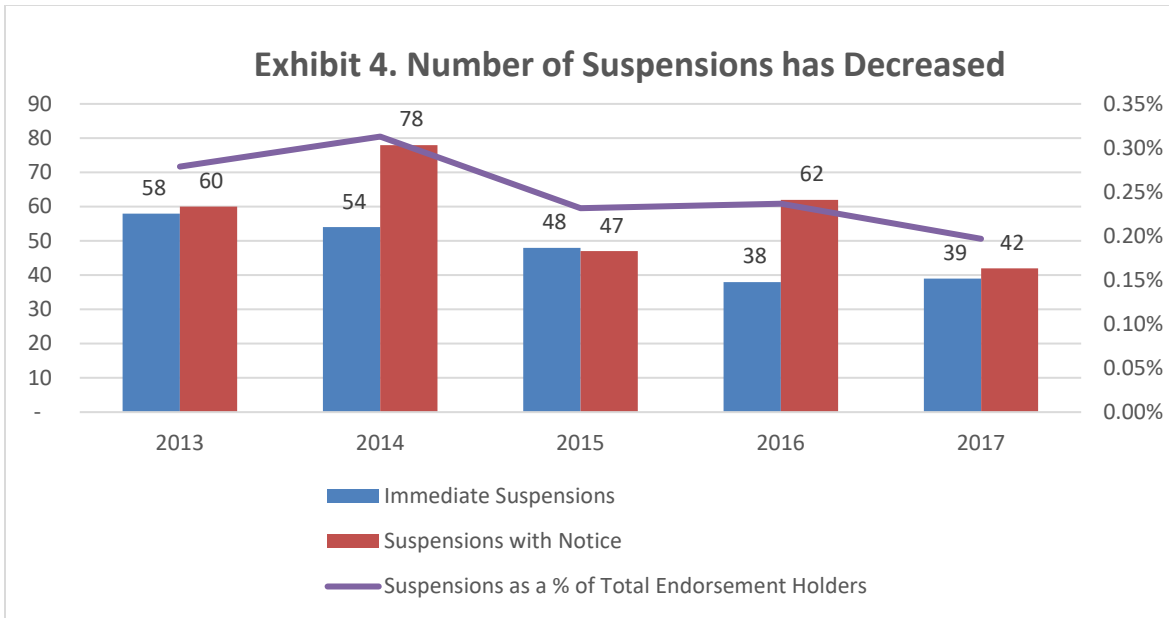
DMV hearing process – If an applicant does not meet the requirements for the public passenger endorsement, PERU sends a denial letter to the applicant. The applicant then has 20 days to file a written request to PERU for an administrative hearing with a DMV hearing officer (and the PERU analyst) to contest the decision. If the denial is due to a pending criminal charge or conviction, the applicant has 20 days to inform PERU that the applicant will be disputing the criminal record with DESPP or the FBI. If the applicant does not request a hearing, the application is considered closed, and the applicant must reapply for any future endorsement. The DMV hearing officer has 90 days following the hearing to decide on the case.

For endorsement withdrawals involving a person with a current S, V, or A endorsement because of certain factors (e.g., engaging in acts or conduct that adversely reflect on the person's moral character and/or that violate a specific statutory prohibition), DMV sends the following documents: (1) Finding and Order, (2) Notice of Immediate Withdrawal, and (3) a Hearing Notice, which is a summons for an administrative hearing at DMV. If the person does not attend the required hearing, the license endorsement disqualification remains indefinitely. If a hearing is held, DMV mails the respondent a Findings of Fact and Conclusions of Law summary outlining the proceeding and any conclusion about the disqualification.

Hearing outcomes – We examined 100 endorsement cases decided in 2017 to determine how many DMV staff hearing officers overturned decisions and the reasons for their conclusions. We found that:
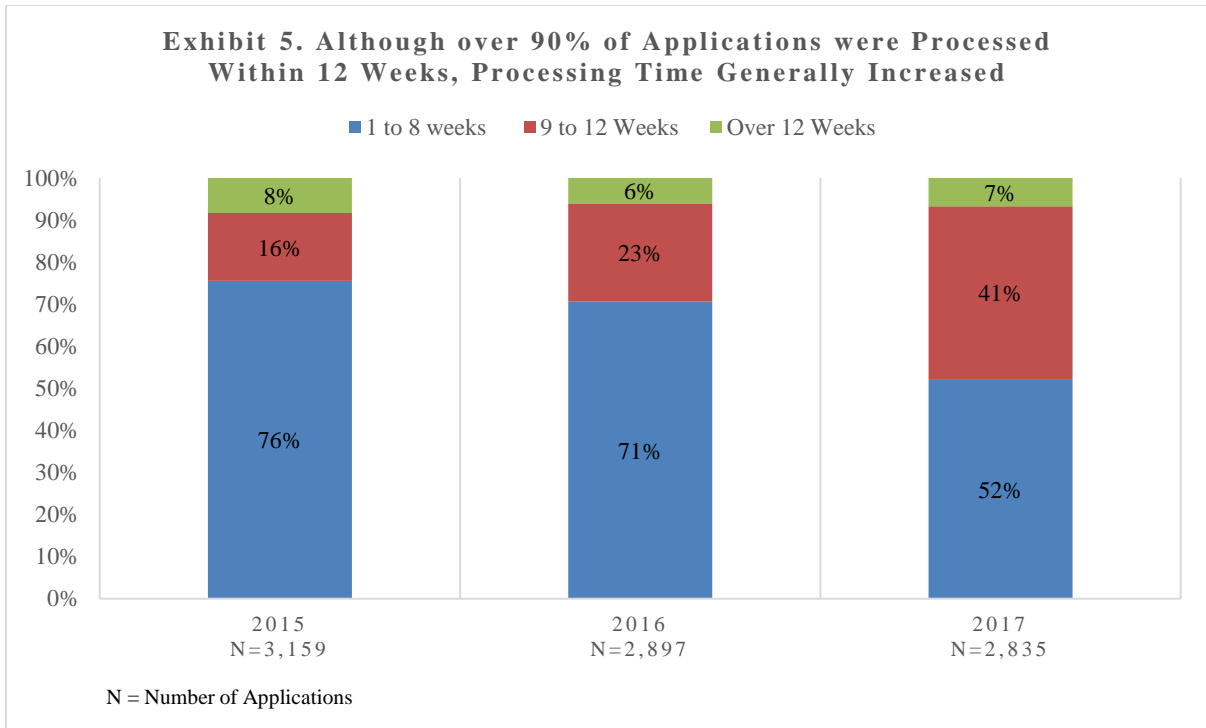
- 20 of the 100 cases (20%) were overturned, though only 12 of these cases (12% of the total) involved an endorsement that permits the transport of school children (i.e., S, V, and A);

- The reasons for the denial or withdrawal appear reasonable. These cases all involved serious criminal offenses that DMV staff thought should disqualify the applicant from obtaining an endorsement or cause the withdrawal of a current endorsement. The offenses included drug possession, drug distribution, and reckless endangerment;

- DMV deemed half of the denials validated on convictions that were more than 5 years old. A few occurred more than a decade ago;

- 4 of the 12 overturned cases (33%) involved convictions that were less than 5 years old; and

- The typical reason hearing officers overturned DMV staff decisions was that the respondents had demonstrated a turnaround in their lives. In addition, respondents offered supporting evidence of apparent successful treatment for substance abuse, letters of recommendation, and acceptance of responsibility for their offenses in these cases.

DMV Endorsement Processing Times

We examined the DMV processing time for S, V, and A endorsement applications between 2015 and 2017, and found that it increased. While DMV has an unofficial goal of 6 to 8 weeks to complete the review of applications, there was a decrease in the percentage of completed applications during that time frame (76% to 52%). DMV completed the bulk of the applications in about double that time (90%). However, 6% to 8% of application decisions exceeded 12 weeks in the selected years. Most of the delay in processing these applications that exceeded 12 weeks was due to unreadable fingerprints cards and the length of time it took to perform criminal checks by DESPP or the FBI. **Exhibit 5** examines these processing times.
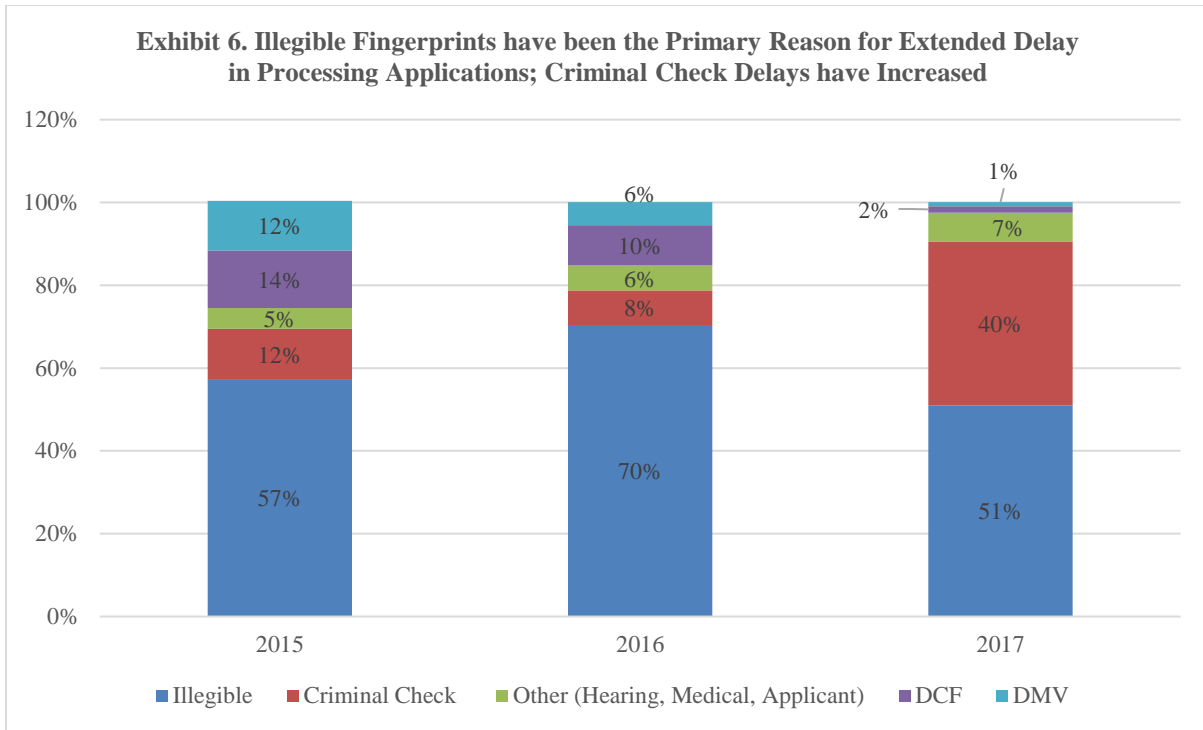
Exhibit 5. Although over 90% of Applications were Processed Within 12 Weeks, Processing Time Generally Increased

■ 1 to 8 weeks   ■ 9 to 12 Weeks   ■ Over 12 Weeks

	2015 N=3,159	2016 N=2,897	2017 N=2,835
Over 12 Weeks	8%	6%	7%
9 to 12 Weeks	16%	23%	41%
1 to 8 weeks	76%	71%	52%

N = Number of Applications

Extended delays – Exhibit 6 shows the reasons for processing delays of 12 or more weeks. Unreadable fingerprints was the main reason for delays longer than 12 weeks, accounting for 57% to 70% and 51% of delayed applications over the three-year time period, respectively. The applicant is responsible for obtaining another set of legible prints. Thus, the process relies on the applicant returning a set of prints in a timely manner.

Extended processing times due to DESPP or FBI criminal checks was the second largest reason for delays in 2017. The percentage of applications delayed more than 12 weeks because of the criminal check process increased tremendously from 12% in 2015 to 40% in 2017. We examine DESPP processing times further below.

Delays caused by DCF and DMV declined over the period. The DCF process changed in 2016, and the new process requires the applicant to provide additional information that allows DCF to perform a more thorough background check. The applicant submits this information at the time of the application, which eliminates the need to request this information from DMV. Additionally, DMV strengthened its process by introducing more accountability measures for delayed applications, such as more stringent management follow-up with staff.

Exhibit 6. Illegible Fingerprints have been the Primary Reason for Extended Delay in Processing Applications; Criminal Check Delays have Increased

We also noted that about 1 out of 7 applications completed between 2010 and 2017 were held up because of illegible fingerprints. This rate peaked at 20% in 2015, but was still double the 2010 rate in 2017. It is not clear why this rate increased.

Exhibit 7. About 1 in 7 Applications Were Held up Because of Illegible Fingerprints; Rate Doubled Since 2010
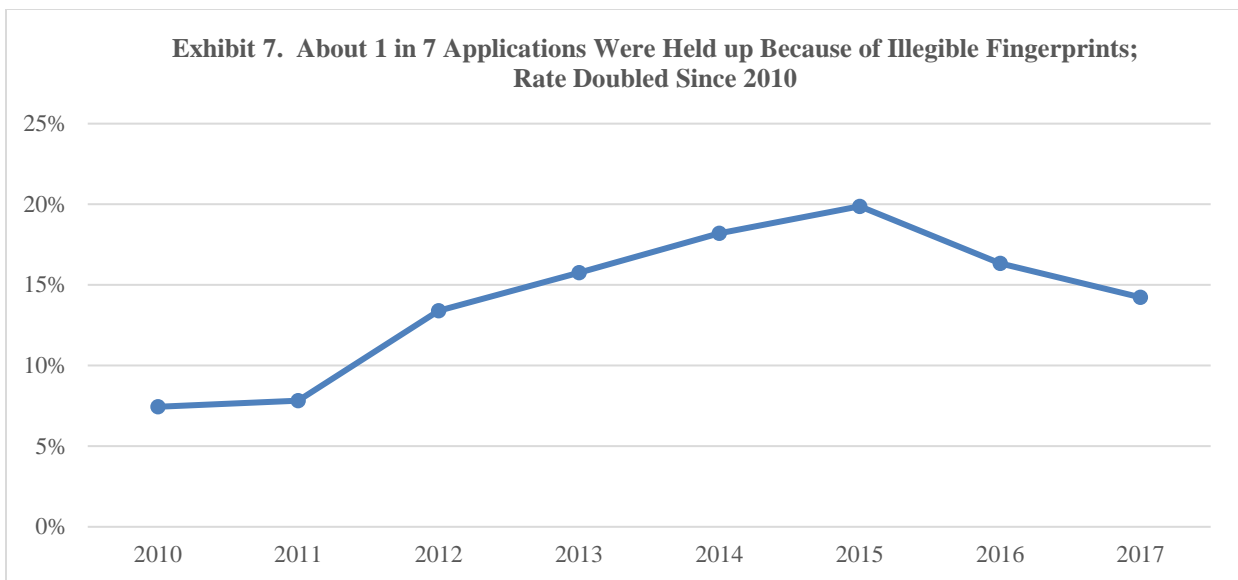
Assessment of DMV Endorsement Application Controls

We examined a selection of DMV case files for S, V, and A endorsement applications granted during the years ended December 30, 2015 through 2017 to determine whether: (1) DMV had proper processes, controls, and procedures in place; (2) DMV appropriately followed those procedures; and (3) DMV exercised consistency in discretionary decision making when determining applicant suitability for driver's license endorsements. We randomly selected 45 files for review. Although we noted a few instances in which actual practice varied from procedural requirements, we found no significant control weaknesses. A summary of our analysis shows the following positive and less-than-positive results.

Positive Results

- The applicants properly signed all applications in the required places.

- Files contained all required driver and criminal history checks for applicants previously living out of state or country.

- Applicants granted S endorsements had the required driving experience.

- The proper DESPP file checks were conducted and recorded for all applicants.

- Initial Connecticut Information Sharing System checks were conducted and recorded for all applicants.

- The required DCF checks for all applicants were completed.

- SPBI provided fingerprint results to PERU in an average of 35 days for the state and FBI search, which was below the 60-day requirement.

- DMV did not deny endorsements to any applicant with a previous motor vehicle or criminal record if they met the required qualification standards.

- The average time to complete the endorsement application process (from DMV receiving the application to sending the endorsement approval notification) was 54 days. This was within the 6 to 8-week DESPP unofficial standard for completion.

Less than Positive Results

- The DMV application receipt date was missing or illegible in 3 of the files.

- DMV followed the timeliness requirements for the completion of the medical certificate, national sex offender registry check, and state fingerprint results in all but a few cases. For example, one applicant's sex offender registry check was done 28 days before the application submission, when the requirement is within 5 days.

- One file was missing from the archive and could not be analyzed.

- Three files did not have hard copy printouts of Connecticut driver history results. While the histories were not in the files, it does not necessarily mean that DMV did not make the required checks.

DESPP Criminal History Check

The DESPP State Police Bureau of Identification conducted 127,390 criminal background checks in 2017 for over 70 statutorily-required purposes. These included checks on applicants for several student transportation drivers' license endorsements through the Department of Motor Vehicles. DESPP processed 4,535 background checks for DMV applicants in 2017, or 3.6% of all the background checks the department processed that year. The bureau consists of two units, Fingerprint Identification and Criminal Records, both overseen by a manager.

Background check process – Background checks in Connecticut for public passenger endorsements are conducted in large part using criminal history information maintained at the state and federal levels. The criminal history checks are based on a state and national repository search utilizing fingerprints with a corresponding name and date of birth search in the state repository.

Candidates for a student transportation endorsement must first submit an application to DMV with their hardcopy fingerprint card. Fingerprint cards are produced through the traditional ink-rolled method or a LiveScan machine to scan fingerprints electronically. DMV processes the applications and delivers the fingerprint cards to SPBI. Once the applicable information is received, SPBI conducts the background checks using statewide criminal history information that it maintains. A search of federal records through the Federal Bureau of Investigation is also completed.

Initial quality control check – Twice a week, DMV batches fingerprint cards received with endorsement applications and hand-delivers the cards to SPBI for processing. Upon receipt, SPBI performs a manual inspection of each card to ensure it is physically acceptable to process, meaning the prints are legible, not bent or otherwise damaged, and the card contains the required information. When SPBI rejects a fingerprint card, it forwards a rejection letter to DMV to send to the applicant. SPBI notes the rejection in its tracking system, and destroys the rejected cards.

Upon receipt of an acceptable fingerprint card, SPBI enters the applicant's pertinent information (e.g., name, date of birth) into its tracking system and assigns a tracking number. The number is written on the hardcopy fingerprint card, allowing SPBI to monitor the progress of the background check. The cards are then separated, depending on whether the bureau is required to process the background check within a statutory deadline. SPBI processes the cards with deadlines first, regardless of whether it received other cards earlier.

Second quality control check – SPBI electronically enters and stores the images from fingerprint cards in the Fingerprint Identification Unit's Automated Fingerprint Identification System (AFIS) via a high-speed scanner. Once a fingerprint card is scanned into AFIS, the system

may reject fingerprints based on image quality or placement. SPBI manually enters pertinent applicant information from the fingerprint cards into AFIS.

Criminal history search – The Fingerprint Identification Unit checks AFIS for a State Identification (SID) number. If a SID exists, the applicant's fingerprints are already in the system. If not, a new SID is generated, entered into the system, and physically written on the fingerprint card. Fingerprints are also sent to the FBI to be matched against the federal fingerprint repository (i.e., Next Generation Identification) to determine whether a federal identification number exists. The FBI usually notifies SPBI with the results within a day or so. At this stage, the FBI may also reject fingerprints and require new ones, if it deems them illegible.

Once the Fingerprint Identification Unit completes the AFIS and FBI fingerprint searches, the Criminal Records Unit processes the fingerprint card. Using the state identification number, this unit determines whether there is a match in the bureau's criminal history database, called the Master Name Index-Computerized Criminal History (MNI-CCH) information system. This database is the state's legally required repository of criminal history records of arrests and dispositions.

The MNI-CCH database is populated using fingerprint-supported arrest information via a uniform arrest record produced at the time of an arrest. The arresting police agency sends it to SPBI electronically or by mail. The Judicial Branch electronically sends the disposition information for all criminal cases to SPBI from its Criminal Motor Vehicle System (CRMVS) database, which is used to search existing fingerprint and arrest data for matches. In instances in which the disposition information sent to SPBI does not automatically match existing data in the MNI-CCH system, the information goes into the SPBI "Suspense" database to await a manual match with an existing SID. Arrests resulting in no fingerprints are also maintained in this file. Disposition information received by SPBI is matched daily against SPBI's current arrest information to update the SPBI criminal history database.

The Criminal Records Unit performs checks of the MNI-CCH, Suspense, and CRMVS databases using an applicant's name, date of birth, and available fingerprints. If a record is found in the Suspense file or CRMVS, it is manually entered into MNI-CCH. If there is a paper file, the unit manually checks it and enters the information into the criminal history database.

If there is a federal ID number, the unit checks the number against the FBI Interstate Information Index, which is the federal database consisting of criminal history records from states. The results of both the state and federal criminal history searches are then entered into the SPBI tracking system, and become the basis of the DESPP criminal background checks for the DMV driver's license endorsement applicants.

Completed background check – SPBI sends DMV a portable document format (PDF) letter via email with the applicant's results once all the required criminal history checks are complete. SPBI sends separate letters for state and federal results. In addition, SPBI destroys all hardcopy fingerprint cards after entering them electronically into AFIS.

DESPP Processing Times of DMV Requests

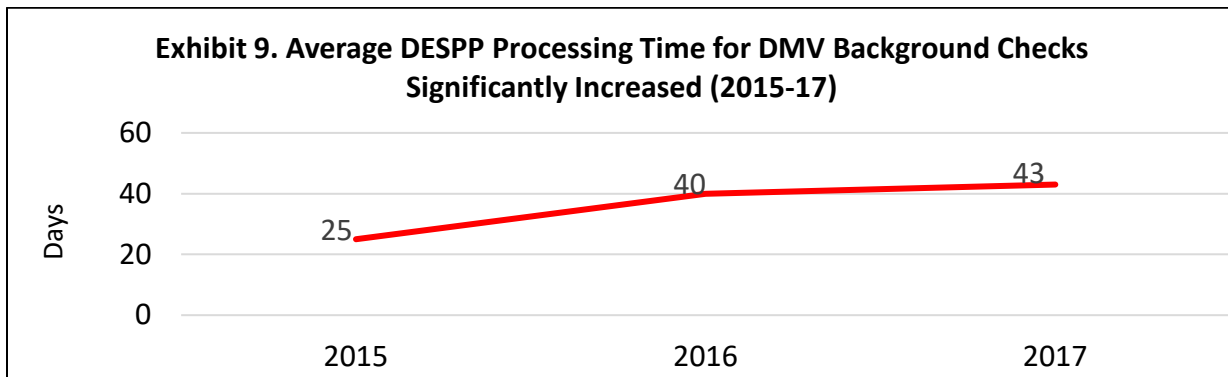As noted earlier, state law requires DESPP to complete state and federal criminal history records checks for DMV school transportation applicants within 60 days of receiving the background check request. DESPP begins counting the 60 days once it deems a set of fingerprints is acceptable for processing. The information below contained in the exhibits and discussion provides our analysis of SPBI data as it relates to processing time for DMV background checks for public passenger endorsements (S, V, A, F) after the submission of legible fingerprints.

Overall number of background check requests from DMV

Exhibit 8. Number of DMV Requests for Criminal Background Checks Steadily Decreased (2015-17)

Background Checks

	2015	2016	2017
Received	5,359	4,910	4,566
Processed	4,873	4,169	4,535
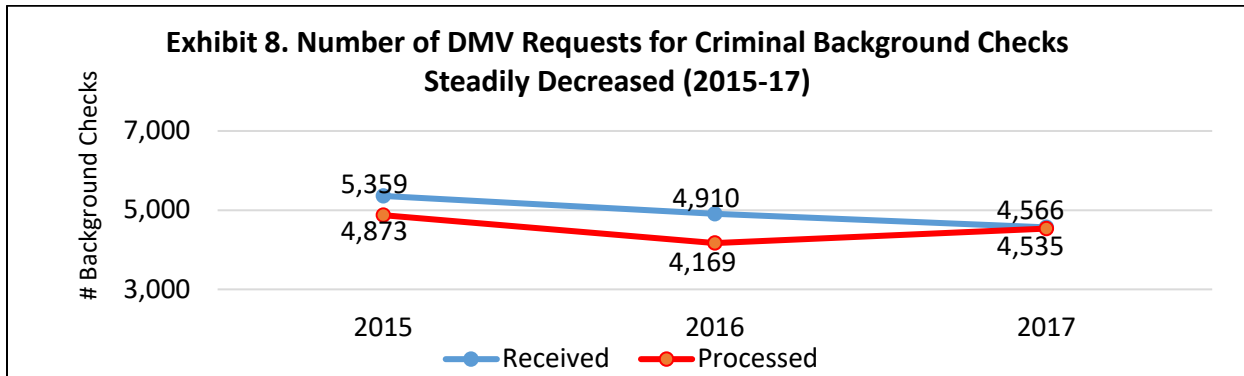
- The DMV criminal background check requests decreased from 5,359 to 4,566 requests (15%) over the three-year period.

- Each year, the number of requests SPBI processes varies. Even though the number processed is different that the number received, it does not necessarily mean that all pending background check requests were considered backlogged and delayed beyond the 60-day requirement; it could simply mean the request was processed the following year, but still within the time limit.

Processing time – average number of days

Exhibit 9. Average DESPP Processing Time for DMV Background Checks Significantly Increased (2015-17)

Days

2015	2016	2017
25	40	43

- Processing time rose from an average of 25 to 43 days, a 72% increase over the 3-year period, but was still within the 60-day window.

- The bulk of the increase occurred between 2015 and 2016, when there was a 60% rise in the average days to process criminal background checks.
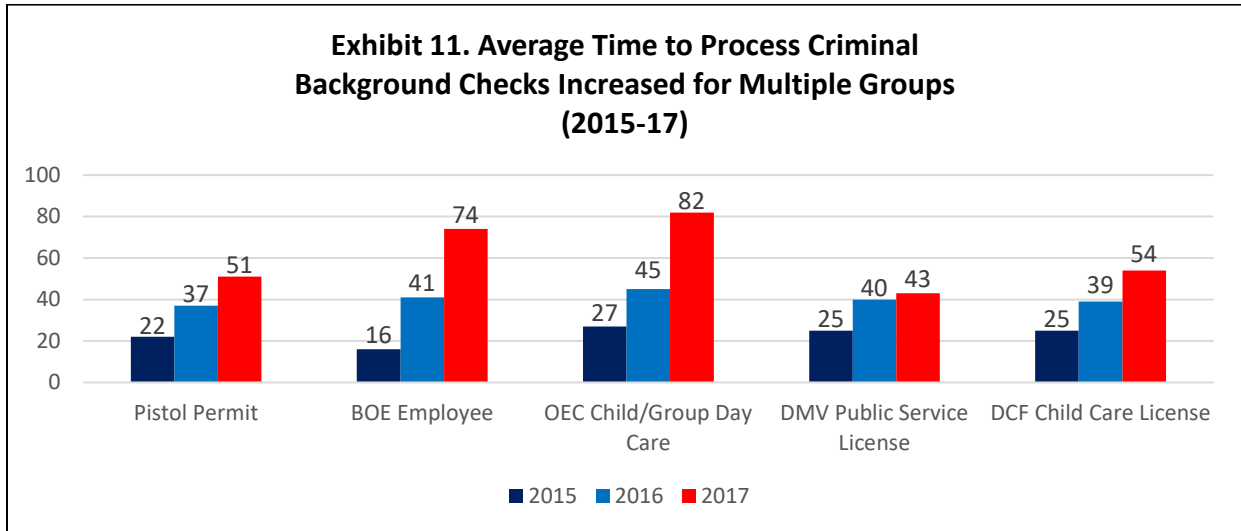
Processing time – 60-day requirement

Exhibit 10. DESPP Processed DMV Background Checks Within 60-Day Requirement In Almost All Cases (2015-17)*

Year	Processed	Processed ≤60 days	Processed >60 days
2015	4,873	4,831	42
2016	4,169	4,114	55
2017	4,535	3,978	557

Background Checks (y-axis: 0 to 5,500)

*From time when fingerprints accepted by SPBI
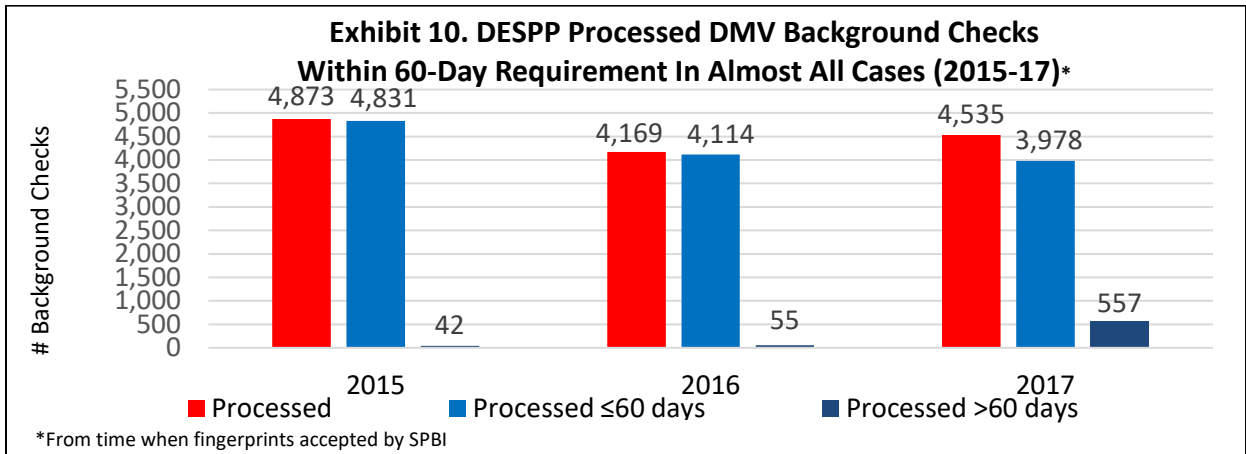
- DESPP met the statutory 60-day background check processing requirement an average of 95% of the time for school transportation applicants.

- In 2 of the 3 years reviewed, DESPP processed approximately 99% of DMV background check requests within the 60-day requirement. However, in 2017 DESPP processed approximately 88% DMV background checks within the 60-day requirement. This was primarily due to the elimination of overtime dedicated to remediating the background check backlog.

Comparative analysis of DESPP background check processing times of other agencies

Exhibit 11. Average Time to Process Criminal Background Checks Increased for Multiple Groups (2015-17)

A bar chart showing average processing times (in days) by group for 2015, 2016, and 2017:

Group	2015	2016	2017
Pistol Permit	22	37	51
BOE Employee	16	41	74
OEC Child/Group Day Care	27	45	82
DMV Public Service License	25	40	43
DCF Child Care License	25	39	54

- Since 2015, there has been an increase in the average time (in days) for DESPP to process background checks. We reviewed requests for 5 types of criminal background checks for groups with 8,000 or more criminal background check requests. We found that all 5 experienced increases in processing times since 2015. The processing time for DMV public passenger endorsement requests was the only type that did not double during the period.

- The shortest average background check processing time was 16 days for BOE Employees in 2015, and the longest was 82 days for child care center workers licensed by the Office of Early Childhood in 2017.

- The average processing time for board of education employee criminal background checks increased from 16 to 74 days (363%). This represents the largest percentage increase among the 5 types.

DESPP Information System Modernization Project

As we will reference later in this report, there are several deficiencies in the DESPP processing of background checks for school transportation employees. Despite these shortcomings, DESPP has fully embraced replacing its current background check information systems.

As we will discuss further, DESPP should have initiated the effort to upgrade and replace these systems earlier. DESPP information technology staff noted that these information systems should generally be updated every 5 years and replaced every 15 years. The MNI-CCH is over 30 years old and has never been substantially upgraded. According to the department, the replacement of

AFIS reached an emergency stage in 2016. In addition, current identification technology allows a much quicker turnaround time. In fact, an initiative between DESPP and the Department of Public Health (DPH) allows for rapid processing of fingerprint-supported criminal background checks for employees and volunteers having direct access to patients in long-term care. The two agencies worked to develop a parallel process in which DESPP would provide results to DPH within 48 hours if the background check returned no criminal activity. This approach has not been applied to other areas because this parallel system cannot handle a larger workload.

DESPP understood that its MNI-CCH and AFIS database hardware and software were out of date and needed substantial upgrades. Over the last 4 years, DESPP developed a strategic plan, secured funding, and identified a vendor to design its automated fingerprint and criminal history data systems. DESPP believes the development of a new and unified system combining the fingerprint and criminal history components will address deficiencies in the current systems. Despite a delay in determining a proper scope of work and developing an appropriate contract with the vendor, DESPP is confident that it will begin the computer modernization project soon. DESPP anticipates that once the contract is in place, the project will be completed, including the necessary system testing, in 20 to 24 months. However, there has been a delay in executing a contract for various reasons.

It is unknown whether a new information system will fully resolve the issues with the current systems and generate the requisite data needed for a complete and efficient background check process. It is clear that DESPP recognizes the current systems' limitations and is working toward correcting those issues.

Subsequent Events

The contract for the upgrade and modernization of the Automatic Fingerprint Identification System and Master Name Index and Computerized Criminal History was signed on December 20, 2018. The project started on February 4, 2019, and should be completed in 21 months from that start date. New policies and procedures have not yet been created by DESPP regarding the new system.

STATE AUDITORS' FINDINGS AND RECOMMENDATIONS

This section of the audit report presents the State Auditors' findings and recommendations. Some of the findings have multiple corresponding recommendations to which each agency may have responded to individually or collectively.

DMV Post-Endorsement Criminal History Checks are Incomplete

Criteria

State statutes and regulations require the DMV commissioner to suspend or withdraw an endorsement of any operator who has been convicted of or, in some cases, arrested for, certain criminal offenses and motor vehicle violations. This requirement includes arrests and convictions under other state laws or federal laws that are substantially similar to Connecticut law.

Condition

While DMV compares current student transportation endorsement holders against the DESPP criminal database and its own driver suspension data on a regular basis, this check is incomplete. DMV does not check with the Department of Children and Families for abuse or neglect substantiations or with the FBI national crime history database for criminal activity subsequent to the initial check during the application process. The FBI compiles and shares criminal history information gathered from fingerprint matches obtained through federal, state, and local law enforcement agencies. Thus, the subsequent DMV checks do not include recent federal or other states' arrests and convictions.

Effect

The current process does not identify federal or out-of-state arrests and convictions or abuse and neglect substantiations subsequent to the initial check during the application process. Consequently, DMV may not be disqualifying inappropriate endorsement holders and prohibiting them from transporting students. This could expose school children to unnecessary risks.

Cause

DMV management stated that it would be time-consuming to conduct subsequent FBI criminal and DCF checks, as it would add to an already overburdened system. However, the FBI offers a Rap Back service to states. This service allows authorized agencies to receive automatic notification of activity on individuals who hold positions of trust (e.g., school teachers, daycare workers) or who are under criminal justice supervision or investigation. This eliminates the need for DMV to conduct repeated background checks. Because of current DESPP information technology system limitations, this Rap Back service is not available in Connecticut.

Recommendations

Recommendation 1. The Department of Motor Vehicles should ensure that post-endorsement background checks include periodic updates from the federal and out-of-state criminal databases and the Department of Children and Families' child abuse and neglect registry.

DMV Agency Response

"As recommended, the agency will be investigating the amount of time involved with DCF to perform post-endorsement checks with them. Currently, by statute we are not authorized to perform periodic checking of national crime databases, CT General Statute 14-44 (e) references the checking of the national criminal database (fingerprint check) at the time of issuance only. Our agency is not allowed to inquire on our current endorsement holders in the national criminal database without approval from FBI. In addition, this will also require a statutory change on which will also need to be approved by the FBI."

Auditors' Concluding Comments

We recognize the need for and encourage the Department of Motor Vehicles to request the necessary state statutory changes and obtain the appropriate authorization from the Federal Bureau of Investigation to allow the department to perform post-endorsement criminal checks of national criminal databases.

Recommendation 2. The Department of Emergency Services and Public Protection information system upgrades should include the capability to subscribe to the FBI Rap Back service.

DESPP Agency Response

"The Department of Emergency Services and Public Protection is moving forward with the modernization and replacement of the state's criminal history repository systems. RAP Back capabilities for both the State and at the national level will be available with the implementation of the modernized systems. Legislation modification will be required for all statutory authorities requiring a state and national criminal history check to enable those agencies to take advantage of the new RAP back capabilities. Appropriate regulatory control will be required to ensure that all agencies comply with state and federal dissemination rules and regulations. Periodic audits of the uses and access to the criminal history record information will be required with specific regulations and policies outlined in every agreement between requesting agencies and the Department of Emergency Services and Public Protection.

DMV Does Not Know Whether Carriers Check for Disqualified Drivers

Criteria

According to Section 14-276(b) of the General Statutes, carriers (or Boards of Education that do not contract with a carrier) that employ individuals to drive school buses or student transportation vehicles (STV) are required view the DMV Public Service Disqualification List at least twice per month. The list displays the names of drivers who have had their operator's license or endorsement to operate withdrawn, suspended, or revoked. Carriers must prohibit their employees on the list from operating a school bus or STV. Carriers who fail to remove drivers as the law requires are subject to civil penalties of $2,500 for a first violation and $5,000 for each subsequent violation.

Recently, the legislature enacted two significant changes to this requirement while DMV upgraded carrier access to the disqualification list.

Public Act 17-68, effective July 1, 2017, required the commissioner to conduct random compliance audits of carriers to determine whether a company is performing the required review of the driver suspension report; maintain a record of each carrier review for the previous two years; and make the record publicly available upon request. Carriers that fail to review the commissioner's report can be subjected to civil penalties.

On August 29, 2017, DMV transitioned from an older file transfer technology platform (Tumbleweed) used to access the Public Service Disqualification List to a new web location using a tool called the Secure File Transport Protocol (SFTP). The department also engaged in email and telephone outreach to inform carriers of the new system and the requirements of Public Act 17-68. DMV informed us that it will audit the new SFTP site and provide guidance to noncompliant carriers. After this education effort, DMV warned the carriers that it would begin imposing civil penalties for noncompliance, starting at $1,000 for the first violation, beginning on December 1, 2017.

In 2018, Public Act 18-164, effective July 1, 2018, modified the time frame during which carriers must check the disqualification list. Under this act, carriers must check the disqualification list twice per month, and at least once during the first and third weeks of each month. In addition, if an employee appears on the list, the act requires carriers to immediately prohibit the employee from driving a school bus or student transportation vehicle. Prior law allowed them up to 48 hours.

Condition

We reviewed the DMV process for developing the disqualified drivers' list and examination procedures to determine whether the department is complying with statutory requirements. Essentially, DMV develops the disqualified drivers list by comparing the current endorsement holders to individuals with applicable motor vehicle offenses in its mainframe each day and to the DESPP criminal databases accessed through the Criminal Information Sharing System twice per

month. If there is a match, DMV staff check it and add it to the Public Service Disqualification List.

Each carrier has a designated employee who receives a username and password to access the disqualification database. DMV can track who accessed the system and when, and generate a monthly report showing how frequently each user accessed the site. We noted the following deficiencies:

1. The department is not confident that it has identified all carriers, due to its indirect identification method. Although the requirement for carriers to check the list has been in place for years, DMV lacks a comprehensive central registry of carriers. The previous requirement relied on each carrier voluntarily registering with the department. It is apparent that DMV never fully vetted that list.

   DMV developed the current list using 3 sources of information (1) operator licenses (2) bus inspection listings, and (3) vehicle registrations. These sources are manually compared to the existing list. This is a time-consuming and potentially error-prone process. DMV also reports that it found many vehicles were not properly registered as student activity vehicles. It is possible that more of these vehicles are not properly registered.

2. Since DMV upgraded the disqualified driver list system in August 2017, it has not been able to reliably check how frequently carriers logged into the system, as required by P.A. 17-68. DMV cites various performance issues with its SFTP site and the associated reporting capabilities. Because of these performance issues, DMV has not been able to receive a complete and accurate report on carrier compliance, which negatively impacts its ability to enforce the law and sanction carriers for lack of compliance.

   We requested data on the number of times carriers checked into the system each month from January through July of 2018. We found that the percentage of registered users who checked at least once rose from 36% in January to 81% in July. However, DMV could only provide data for 5 of the 7 months. It could not provide any accounting of the number of carriers who checked the list in May and June. The department views these months as an educational period for the carriers. It still monitors and sends out emails to help ensure that carriers are aware of the requirements.

3. The username and password to access the disqualified drivers list are assigned to an employee and not the company. DMV states that this is because the larger carriers have multiple people looking at the list, and some are in offices located throughout the state. This practice has caused problems because individuals who leave a company and work for a new carrier maintain their log-in credentials. Since DMV does not know that they work for a new carrier, it appears that the old carriers have logged in. There is no legal requirement that the companies or carriers inform

DMV when employees with log-in credentials leave.

4. DMV does not systematically check carriers, even on a random basis, to ensure excluded drivers have been taken off the road or that drivers have appropriate endorsements. In interviews with carrier representatives, they expressed to us that some carriers may be using operators to drive certain vehicles without the proper endorsements. In addition, they emphasized the difficulty of recruiting drivers for school buses and other school vehicles, especially combined with a lengthy background check process. They told us there is pressure to use improperly endorsed or excluded drivers out of necessity.

For example, a taxi may be used as a student transportation vehicle if the driver has the proper endorsement; however, if the driver only has a taxi endorsement, it would be a violation. DMV performs regular on-site inspections of school buses that typically focus on mechanical aspects. The inspection may include an examination of a driver's qualifications if there is a complaint about the driver or if DMV is investigating an accident. Occasionally, the Bus Inspection Unit conducts spot checks at schools to ensure that bus drivers have proper endorsements. Carriers keep records on the type of runs that each driver has completed. It may be possible to have the Bus Inspection Unit expand the scope of its inspections and take a closer look at operator records to ensure that drivers are being used appropriately.

Effect

Defective or absent post-endorsement controls place the safety and well-being of school children and the public at risk.

Cause

DMV management is responsible for overseeing the integrity of the post-endorsement check process. Recent legislative changes and technical issues with technology upgrades appear to have hampered implementation of improvements to the compliance process.

Recommendation

Recommendation 3. The Department of Motor Vehicles should: (1) make the necessary changes to ensure that it has an accurate list of student transportation carriers; (2) confirm that all carriers have access to the Public Service Disqualification List; (3) create a system that allows it to reliably know which carriers have checked the list through the use of unique log-in credentials or similar procedures; and (4) develop a method to systematically check carriers to ensure excluded drivers are denied licensure and check that drivers have appropriate endorsements.

Agency Response

1. "DMV requested that legislation be introduced in the next General Assembly session that would require all carriers and Boards of Education involved in the transportation of school aged students to register with DMV. Additionally, these entities will be required to notify DMV of any user access changes."

2. Due to the technical issues encountered with the SFTP system, DMV and Connecticut Interactive recently had a project approved through the Information and Telecommunication System Executive Steering Board (ITSEC) that will seek to utilize aspects of the SFTP system but create a front-end which will allow authorized users to access and download the PERU Disqualification List which is stored on the SFTP site. Additionally, CI's system will allow DMV to administratively add users, revise users' accounts, and disable user accounts when needed. Additionally, the CI PERU Disqualification List system will allow for canned reports (documenting users' access, users' downloading the file, monitor compliance with the first and third week check mandate, and will allow ad hoc inquiries for real time data decision support.

3. Part of the legislative proposal cited in Response Number 1 will require carriers and Boards of Education to notify DMV of any changes for user access privileges.

4. DMV disqualifies and/or suspends operator credentials. Law enforcement is provided this information via the COLLECT system. The school bus carriers and Boards of Education are required by federal and state law to check the operators' classification and endorsement to ensure that only appropriately trained operators are driving the vehicles which they are classified for. The use of operators without the proper classification and/or endorsement is a violation of law and has punitive consequences for the carriers. DMV's Commercial Vehicle Safety Division (CVSD), based upon its limited and available resources, will review a carriers' paperwork and documentation on a site visit and will take appropriate administrative action when warranted."

5. Since the audit was completed, "DMV deployed the DMV Connecticut Interactive (CI) PERU Disqualification List Report in March of 2018. The new system replaced accessing the report via DAS/BEST SFTP system. Although the report is still located on the SFTP site, CI's system captures all log in information and records the number of times and the dates that a carrier or school board registered entity views the report. The new system allows DMV the ability to verify compliance with the law. Please note that sections 6 and 7 of PA 19-119, eliminated the requirement that DMV ensure that each carrier is reviewing the agency's report. Specifically, the law requires DMV to: (1) conduct random compliance audits of carriers to determine if they are reviewing the report, (2) maintain a record of each time a carrier reviewed the report in the prior two years, and (3) make the record publically available upon request. Lastly, the law requires carriers to register with DMV as the commissioner prescribes. Such registration must provide the name of the carrier and the employee or agent responsible for checking the suspended and revoked driver list."

Police Agencies are not Completing Required Notifications to DMV Regarding Felony Arrests

Criteria

Section 14-44(d) of the General Statutes and associated regulations require that an arresting officer or department notify DMV within 48 hours of a felony arrest of anyone with a public passenger endorsement.

Condition

Connecticut police departments are not reporting felony arrests to DMV as required under law. Some arrests are reported in the Connecticut Information Sharing System, a comprehensive, statewide criminal justice information technology system that electronically shares offender information within Connecticut's criminal justice community. However, only 12 of Connecticut's 93 municipal police departments share their arrest information in CISS. In addition, CISS does not include arrest information from the state police and 58 other agencies with arrest powers. The Criminal Justice Information System (CJIS) Governing Board, which oversees the development of CISS, anticipates that these additional agencies will be connected to the system within 2 years. DMV informed us that, due to the absence of official notifications, it sometimes relies on news reports to learn of felony arrests involving endorsement holders.

Effect

While all convictions are accessible through CISS, not all police departments are reporting such arrests. Without complete knowledge of felony arrests, DMV cannot assess the criminal history of endorsement holders and suspend the endorsement of any holder who has been arrested on a disqualifying charge. The safety of school children is potentially in jeopardy.

Cause

Most police departments in Connecticut do not comply with legal reporting requirements. This is possibly because there is no manual process to report their arrests, and no statutory enforcement mechanism.

Recommendation

Recommendation 4. The Department of Motor Vehicles should update police departments on their statutory requirement to report certain arrests to DMV. This is especially important for police departments that do not currently report through the Connecticut Information Sharing System. In addition, DMV should develop other strategies to ensure that departments notify it of felony arrests.

Agency Response

"DMV has sent out numerous Law Enforcement bulletins on this law in the past and will continue this practice. Our agency plans to send another reminder with the next scheduled bulletin. In the meantime, staff in PERU continues to monitor the CISS arrest list that we receive. This list was previously the OBTS (Offender Based Tracking System) list which we received only once a month. Since the elimination of OBTS and the transition to CISS we now receive that list twice a month (1st and 3rd Tuesday of the month) allowing us to receive a possible unreported arrest much sooner than in the past. As stated in the recommendation, when all police departments are reporting arrests through CISS this issue will be eliminated. Lastly, DMV requested an early notification email be generated by CISS to PERU when there is an offense cited for a PERU endorsement holder. This notification will virtually replace the A-87 form manual process. This early notification was deployed and is operational for those law enforcement entities that are presently reporting to CISS."

DMV Performs Redundant Background Checks

Criteria

Good business practices require the avoidance of any duplicated or unnecessary processes to ensure an efficient operation.

Condition

During the initial application process for a passenger endorsement, DMV staff perform a number of checks for each applicant against various databases. In particular, the agency enters the name and date of birth (DOB) of each applicant in a state police criminal database (i.e., State Police Record Check). DMV uses this procedure to make an initial determination of whether the applicant has any disqualifying convictions. If DMV staff discover a criminal record, they note it on the applicant's file and await the results from the DESPP and FBI fingerprint-based criminal background checks. If the DMV check returns evidence of a criminal record, DMV sends a letter to the applicant rejecting the application based on this criminal history. In this case, the rejection occurs prior to the completion of the DESPP and FBI fingerprint checks.

DESPP performs the same name and date-of-birth procedure, along with the more extensive and more accurate fingerprint check. Because DESPP is the definitive source on criminal background checks, the DMV name and DOB check is technically not conclusive. When performing the background check, DESPP sometimes must correct the record in the state police database for a number of reasons. Thus, it appears that reliance on the DMV check is redundant and, in some cases, misleading.

DMV asserts that DESPP background checks do not always disclose the extent of an applicant's criminal history. DMV provided an example of this issue when an applicant had a "nolled" charge left off a DESPP criminal history check in 2016. Nolled means that a prosecutor has determined that pursuing the charges is not in the public's interest. According to Section 54-

142a(c) of the General Statutes, once a case is nolled, prosecutors have the right to refile the charges for up to 13 months from the nolle date. After that, the case is automatically dismissed by law, and all arrest records and reports are destroyed, erased, and expunged. Because the prosecutor could still refile the nolled charge during the 13-month period, DMV would want to see all nolled (but not yet dismissed) charges, as it could possibly be a reason for DMV to deny an endorsement.

Effect

Redundant processes are not cost effective and waste limited state resources.

Cause

DMV questions the completeness of the DESPP background check results. Therefore, DMV believes that it is performing an important public safety function that may sometimes overlap with DESPP.

Recommendation

Recommendation 5. The Department of Motor Vehicles should work with the Department of Emergency Services and Public Protection to examine the background check process and determine how to efficiently and effectively produce criminal record history checks for DMV applicants. DMV should cease performing redundant background checks.

DMV Agency Response

"The agency does run a criminal check on the applicant while waiting for the fingerprint results to be returned. While it may appear that we are doing it to double check the work being done, and running the check may seem redundant, our reason for doing it is to benefit the customer. By doing the check it allows the DMV to notify the customer earlier that there may potentially be a problem with the processing of their application due to a hit on their criminal background check. Currently, the DESPP takes approximately 40-50 days to return background checks to us and by performing this check it allows the customer to resolve any possible issues sooner.

Our agency is willing to working with DESPP to explore different options to improve the processing time of background checks for our agency. Back in 2015 our staff did participate in a Kaizen event with DESPP on background checks with hopes that the processing time would improve. We were not involved in the report-out of the event to see what improvements were made but did see a slight decrease in the processing time."

DESPP Agency Response

"The Department of Emergency Services and Public Protection is moving forward with the modernization and replacement of the state's criminal history repository systems. Existing data

discrepancies continue to be corrected in preparation of the conversion to the modernized repository."

Inadequate DMV Management Practices

Criteria

Prudent management practices require that organizations develop strategic plans and associated goals as well as create appropriate operating procedures. Strategic planning encompasses a number of activities that include an organizational self-assessment, strategy development, goal setting, and performance monitoring.

Procedures assist an organization in achieving its goals and objectives. Standard operating procedures detail regular recurring work processes that an organization conducts or follows. The procedures should convey information clearly and explicitly to clarify requirements.

Condition

During the course of our review, we noted a number of management practices that need improvement:

- **Strategic Planning** – The Passenger Endorsement Review Unit (PERU) has no formal strategic plan with quantifiable goals and objectives to help guide its activities and measure its performance. Although there is not a formal plan, the unit manager has or is contemplating a number of initiatives to improve the processing of applications. In addition, DMV has a stated goal on its consumer application materials to process all applications within 6 to 8 weeks of receipt. The unit manager tracks processing times. The unit only reports this performance information to upper management on an ad hoc basis.

- **Procedures Manual** – The unit's operating procedures manual is out-of-date and needs improvement. We noted a number of areas that have not been updated to account for process changes over time (e.g., validation of fingerprint receipts, physical condition of driver).

- **Discretionary Standards for Endorsement Denial or Suspension** – DMV should improve its procedures manual and actual practices related to discretionary standards it uses to deny or suspend an endorsement. Unit staff can deny or suspend endorsements when drivers engage in any act that adversely reflects on their "moral character." Under law, certain criminal offenses are automatically deemed to adversely reflect on a person's moral character (e.g., all felony convictions). In addition, particular motor vehicle offenses, outlined in regulation, may also be used to deny or suspend an endorsement. Generally, unit staff make this determination by comparing the results of criminal background checks to a specific listing of

particular crimes and offenses.

However, the listing of criminal offenses used to make that determination is not considered all-inclusive by DMV. PERU staff informed us that they may consider various offenses that are not listed as grounds for denial or suspension under the morals clause. For example, even though most misdemeanors are not listed (e.g., breach of peace), if an applicant has a record of several recent convictions, DMV may deny the endorsement. There are no formal guidelines, and management often directs staff to use their judgement in issuing or suspending an endorsement.

While no written procedure can anticipate every scenario, the current PERU procedures manual does not adequately guide staff on how to exercise this discretion. PERU staff informed us that differing practices based on individual discretion may cause inconsistent outcomes. Management has not provided guidance to staff with written explanatory materials, principles, or examples. Except for cases that may take an extended time to complete, there is no regular or systematic management review (even on a sample basis) of staff decisions.

Effect

Failure to adequately plan reduces the effectiveness of an organization and can lead to wasted resources, as some workers may duplicate work and overlook essential tasks. If not written correctly, standard operating procedures are of little value and may lead to ambiguity among staff when implementing program requirements. Standardized procedures help to ensure a mutual understanding about operations and responsibilities between staff and management.

Cause

DMV has not made it a priority to address these planning and administrative concerns. DMV cites the absence of up to 2 employees since the beginning of summer for the delay in updating the procedures manual.

Recommendation

Recommendation 6. The Department of Motor Vehicles should develop a strategic plan for the Passenger Endorsement Review Unit with measureable goals and objectives. DMV should update the procedures manual, and develop standards to assist staff when they decide to deny or suspend an endorsement based on the morals clause. Management should sample cases on a regular basis to ensure that staff have followed procedures and ensure that any discretion they exercised is consistent.

Agency Response

"The Passenger Endorsement Review Unit goals are basically tied by statutory requirements which allow state police 60 days to process background checks that is why we have set our processing goals at 6-8 weeks. The unit has numerous plans in place to continue to streamline the process of approving applicants for endorsements, however, the changes involve programming code changes which will take time. Currently, an automated driving check is being worked on and should be developed by the end of 2019. This check will eliminate the need for PERU analysts to do a manual review of each applicant's driving history.

The procedure manual is and was at the time of the audit being updated. Currently, the unit only has 4 analysts assigned to it, 1 analyst position has been vacant due to a promotional opportunity for approximately 6 months now; 3 of the remaining analysts are on FMLA, two of which were out for most of the summer months making it very difficult to keep up with the volume of applications being submitted. Unfortunately, due to the staffing issues, revising our procedure manual was put low on the priority list as it is more imperative for our analysts to process applications during the summer months prior to the school opening.

In response to the standards being developed for making decisions to deny or suspend an endorsement based on the morals clause, it is difficult to write standards or formal guidelines on this since there really is not a statute that defines "moral character". For example, when an individual is arrested for misdemeanor crimes on multiple occasions, it may or may not be indicative of moral character issues. There is judgement involved in this process that is why there are analyst involved in the process."

"Since your audit we have changed the way we process criminal denials. The unit now meets once a week to discuss criminal charges and we decide as a group. This is done in order to have all employees on the same page as far as denials. This way we will not have employees being too conservatives or too liberal with the decision making. In addition, on a monthly basis now 10% of each analysts work is now pulled and audited to ensure errors are not being made."

DESPP Criminal History Information Systems are Inadequate and Increase the Risk of Flawed Background Checks

Background

The Department of Emergency Services and Public Protection maintains two databases to conduct criminal background checks. The Automated Fingerprint Identification System (AFIS) contains digital copies of criminal fingerprints. The system was developed in 2004 by the outside vendor that currently maintains the system. The system receives fingerprints electronically from "LiveScan" fingerprint scanners located at many municipal and all state police locations, or via hardcopy fingerprint cards when electronic submission is not available. When DESPP receives hardcopy fingerprint cards, it uses a high-speed scanner to digitize the cards for entry into AFIS.

The Master Name Index–Computerized Criminal History (MNI-CCH) database stores criminal arrest and disposition information received from the courts. DESPP developed the database in the mid-1980s, and based it on the Common Business-Oriented Language (COBOL) programming language. DESPP said that COBOL is an antiquated programming tool for this use, does not meet the agency's current needs, and requires specific knowledge to operate and maintain.

Criteria

DESPP needs a modern, properly functioning, and supported computer system to adequately retain, protect, and access fingerprint and criminal history information. Section 29-164f of the General Statutes (National Crime Prevention and Privacy Compact) requires the state to participate in the Federal Bureau of Investigation's National Fingerprint File (NFF). States must meet specific standards to be part of NFF. The FBI relies on those states to distribute criminal history information to other states. Connecticut, however, has not implemented a fully functioning and integrated criminal history database to meet the NFF standards, even though it agreed to do so as part of the crime prevention compact 16 years ago. Meeting the NFF criteria is a prerequisite of the state's criminal and fingerprint database modernization project.

The National Institute of Standards and Technology (NIST) (Special Publication 800-34 Rev. 1: Contingency Planning Guide for Federal Information Systems) highlights best practices for information systems and the importance of contingency planning for such systems to an organization's larger risk management, security, and emergency preparedness programs. These best practices can also apply to information systems operated by state agencies, such as the DESPP criminal history databases.

Condition

Both the Automated Fingerprint Identification System and the Master Name Index-Computerized Criminal History data systems used by DESPP to conduct criminal background checks have significant hardware and software deficiencies that pose potential risks to the timeliness and integrity of those background checks. DESPP has not substantially upgraded the systems over time and have experienced operational issues. DESPP described the current AFIS platform as insufficient to handle the necessary workload and produce reliable results. In 2016, a DESPP document summarizing the issues stated, "the replacement of the AFIS application has reached the emergency stage as the current maintenance vendor cannot guarantee the stability of the current AFIS application." Examples of the fingerprint and criminal history data system deficiencies include:

- Outdated technologies that rely on a scanner to process ink-rolled fingerprints lessen the overall quality of scanned prints compared to current technology

- A dated high-speed scanner used to individually scan tens of thousands of hardcopy fingerprint cards yearly, with the cards' demographic information manually entered into the system

- Inadequate hardware maintenance by the AFIS vendor, causing minutiae on scanned fingerprint cards that could alter their integrity

- System outages and bugs interfering with process efficiency and effectiveness

- The inability to use in-house resources to maintain the underlying software programming for the criminal history database requiring the agency to rely on outside consultant services to ensure the system's functionality

These multiple issues compromise the overall quality of fingerprints within the system and add time to processing criminal background checks. In addition, DESPP developed a third database which it uses to track the background check process; however, no DESPP employee is currently responsible for maintaining the system, and no documentation exists for its operation.

There have been performance issues pertaining to the criminal history and fingerprint systems disrupting the efficient processing of background checks and jeopardizing the systems' stability. For example, in 2016, a power surge brought AFIS offline for almost 5 hours, making criminal identification fingerprint-based records unavailable during that time. The vendor was not aware of the outage and learned about it from DESPP. Additional problems with the AFIS vendor have surfaced, including the inability for timely transfer of fingerprint data to a new DESPP information storage facility.

DESPP hired a team of consultants to prepare the MNI-CCH data for conversion to a new system once a contact is in place. Grant applications to the National Criminal History Improvement Program have enabled the agency to fund these resources, although current budget constraints limit hiring permanent staff. The team is correcting any data quality issues it finds, including missing and/or incorrect information. DESPP retained another contractor that understands the COBOL programming language to ensure any issues related to the current system's daily production are addressed. DESPP lacks in-house resources for this function.

The department noted that the MNI-CCH data reside at a location supported by the Department of Administrative Services/Bureau of Enterprise Systems and Technology with a backup location in another state, and is confident that the system can be maintained should a disaster occur. While a back-up system exists for AFIS with the current vendor, the department is not confident that the system is routinely tested to determine its integrity, or that the system can be brought back online should a disaster occur.

Since 2014, DESPP has been planning for a new automated system combining the fingerprint and criminal history functions. DESPP expects that the new system will establish a modern criminal identification function with interoperability across federal, state, and local agencies for developing criminal history profiles. As part of the contract, the new system will use cloud-based technology and will have upgrades to ensure the system remains current (known as "evergreen" software). Various delays, in project development and with the state's contracting process through the Department of Administrative Services (DAS) in developing a contract for approval, have extended the implementation by several years. After DESPP received state

approval to expedite the vendor selection process, the vendor of choice offered at least $250,000 to finalize the contract within a certain time, which was not realized due to contract development delays. While the new system is expected to greatly increase the overall efficiency and effectiveness of housing criminal history information and processing criminal background checks, DESPP estimates its actual implementation to be 24 months after the contract is fully executed. Until that time, the issues plaguing the current systems remain, putting the background check process at additional risk.

Effect

The background check process is at risk due to its reliance on antiquated and unsupported information systems prone to delays and outages, and a lack of proper oversight. Also, the current systems' manual processing of original records increases the chance for errors and delays to occur, potentially resulting in inadequate or erroneous background check information.

Continued delays by the state in implementing the new fingerprint and criminal history database project perpetuate problems with the current systems, increasing the risk of flawed background checks, and may result in unsuitable employees transporting school children. DESPP originally planned to have a contract in place by March 2017, when the vendor's pricing for the project was set to expire. The department has been able to work with the vendor to extend the deadline. The vendor also provided the state financial incentives to settle the contract situation.

Cause

Over the past several decades, this was caused by DESPP development of and reliance on certain in-house data systems, inadequate resources to support the systems, and a piecemeal approach to upgrading its criminal records and fingerprint computer systems. This has led to the need for wholesale replacement of the AFIS and MNI-CCH systems. While an initiative to replace the fingerprint and criminal history information systems is underway, contract approval delays have pushed the project back several years. DESPP anticipates to have a fully operational system approximately 2 years from the execution of the contract.

Recommendations

Recommendation 7. The Department of Emergency Services and Public Protection and all applicable state agencies should expedite the implementation of a new computer system to replace the current Automated Fingerprint Identification System and Master Name Index-Computerized Criminal History systems. The agencies should work in cooperation to ensure the efficient development of the new systems.

Recommendation 8. The Department of Emergency Services and Public Protection should ensure that full disaster recovery plans and system testing protocols are in place for its Master Name Index-Computerized Criminal History and Automated Fingerprint Identification System databases. The department should follow those plans and protocols.

DESPP Agency Response

"The Department of Emergency Services and Public Protection is moving forward with the modernization and replacement of the state's criminal history repository systems. The effort to finalize the contract continues with the goal of ensuring all requirements are represented in the final document."

DAS Agency Response

"We agree with the finding. The project has been delayed for a variety of reasons. It should be noted that the 2017 Standardization Committee and Bonding Committee approval dates had an impact on timing for this contract. The timeline for this contract review was further exacerbated due to the medical related absence of our IT Procurement Attorney in 2017 to assist the Contracting Staff on the necessary legal reviews. She unfortunately passed away later that year. She was the lead on the contract review. We were unable to bring another IT lawyer on board until early 2018.

Since then we have done everything possible to prioritize this project. A rewrite of almost all of the contract exhibits was required as well extensive negotiations with the supplier. To expedite the contracting process, a co-review process was developed on the contract documents with the AG's Office. The DAS Procurement lawyer has been working on certain terms and conditions, while the AG's office has been reviewing exhibits and other parts of the contract to expedite review time. This contract is now in its final stages."

Although DESPP Processed DMV Background Checks in a Timely Manner, Turnaround Times Increased while Requests Declined

Criteria

Section 14-44(e) of the General Statutes requires the Department of Emergency Services and Public Protection to complete state and national criminal history records checks for all DMV endorsement applicants within 60 days of DMV requesting a records check.

Condition

The Department of Emergency Services and Public Protection provided several metrics to the APA regarding its performance against the statutorily required 60-day background check processing time for candidates applying for license endorsements to become student transportation drivers. Specifically, we found that:

- DESPP processed background checks for DMV license endorsement applicants within the statutorily required 60-day time frame during 2015-17;

- the annual number of background check requests from the DMV for public service license applicants declined 14% during the 3-year period examined; and,

- the average number of days for DESPP to process background checks for DMV license endorsement applicants increased from 25 to 43 (72%) during the period.

According to DESPP, the agency is required to meet specific statutory deadlines for processing requests by DMV for background for license endorsement applicants and anyone requesting a pistol permit. While our analysis showed DESPP processed DMV criminal history requests within the statutory requirements, the department did not provide external reporting of its performance in meeting the standard. DMV has its own internal analysis of processing times, as noted earlier in this report.

Although not directly related to the 60-day statutory requirement to process DMV criminal history checks, an initiative between DESPP and the Department of Public Health allows for rapid processing of fingerprint-supported criminal background checks for employees and volunteers having direct access to patients in long-term care facilities (see Section 19a-491c(c) of the General Statutes). While the number of background checks conducted for this initiative significantly increased DESPP's workload, the two agencies worked together to develop a parallel process to the existing process whereby DESPP provides results to DPH within 48 hours if the background check returned no criminal activity.

Effect

While our analysis provided earlier in the report shows the Department of Emergency Services and Public Protection complied with the statutory requirement for DMV background check processing, it has taken DESPP significantly longer since 2015. Delays in processing criminal background checks undoubtedly led to delays in the hiring of needed student transportation drivers. This is particularly the case at the beginning of a school year when drivers are most in demand. Conversely, prospective drivers may lose out on employment opportunities to currently credentialed drivers while they await their background check results.

In addition, several entities outside of DESPP perceive that delays within the background check process for school transportation employees are primarily caused by the department. Given that DESPP does not disseminate its performance data externally, the stakeholders are unaware whether the department is meeting its statutory requirement.

The fact that DESPP is processing background check requests from the Department of Public Health for long-term care staff within 48 hours when no records are found leads us to question why the department cannot achieve a similar standard for the DMV criminal background checks. DESPP noted that the system used to process the DPH background checks was built by the agency's current AFIS vendor as a parallel system to the one used to process criminal background

checks. However, the system is not suitable for handling a larger workload. The department also has said that its new computer system will process "no-hit" criminal background checks within 48-hours. Despite this, and given that implementation of the new system is still at least roughly two years away, DESPP should consider modifying the system to expedite the DMV background check results.

Cause

The background check process for school transportation employees consists of 4 parts, involving a review of: (1) state criminal records; (2) federal criminal records; (3) DCF abuse and neglect registry; and (4) DMV driver history records. DESPP is responsible for conducting the state and federal records review. According to DESPP, it takes a day or two for the federal review to determine whether a federal identification number exists. DMV, which is responsible for initiating the DCF check, noted that delays in checking the abuse and neglect registry rarely occur. As a result, most of the delays for processing criminal background checks occur within DESPP and its review of state criminal history records.

DESPP management cites the removal of overtime within the agency in early 2016 as a key reason for the increase in background check processing times in recent years. Without the use of overtime or an increase in staffing, there are fewer available staff to process DMV background check requests, as well as the other 75 statutory authorizations.

While DESPP anticipates having a modernized criminal history information system in the near future, continued implementation delays perpetuate the current system's inefficiencies. Due to outdated computer system hardware and software, manual processing of important background check information is necessary and takes additional time and resources. This has led to process inefficiencies.

Recommendations

Recommendation 9. The Department of Emergency Services and Public Protection should determine the reasons for recent processing time increases for criminal background checks requested by the Department of Motor Vehicles for school transportation license endorsement applicants. DESPP should monitor whether it is meeting the statutorily-required deadline and make any necessary changes.

Recommendation 10. The Department of Emergency Services and Public Protection should conduct a monthly analysis of its performance against the statutory standard for processing criminal background check requests from the Department of Motor Vehicles for school transportation license endorsement applicants. DESPP should publish the results every six months in a conspicuous place on its website. DESPP should also consider publishing its performance results for all types of background checks.

Recommendation 11. The Department of Emergency Services and Public Protection should examine whether it can modify its current Department of Motor Vehicles background check system for school transportation drivers to the system it uses to process Department of Public Health requests for long-term care staff. The DPH system processes background checks within 48 hours of receiving an acceptable fingerprint card in cases in which no criminal activity is found.

Agency Response

"The Department of Emergency Services and Public Protection is moving forward with the modernization and replacement of the state's criminal history repository systems. The modernization and replacement will not only continue to meet the 60-day time frame statutorily mandated but will achieve an expected improvement in turn-around time through the implementation of an applicant processing system that delivers "no-record" response in less than 24 hours and "record" response with an average turnaround of 48 hours. At this time, the existing systems limit the ability to expand beyond current turnaround capabilities. In addition, system limitations affect the ability to provide ongoing accurate up-to-date reporting."

Critical Fingerprint Card Assets Need to be Better Protected

Criteria

The Department of Emergency Services and Public Protection should fully protect original physical records against irreparable damage and potential fraud.

Condition

The use of fingerprints is a critical way to identify past criminal history. Police departments send fingerprints to DESPP to be entered into the department's automated fingerprint identification system (AFIS). DESPP matches criminal history records with fingerprints on file during the criminal history background check process. The department noted that not all crimes result in fingerprinting. Consequently, any searches of the MNI-CCH database must include name and date of birth, which is less reliable than using fingerprints. We found several deficiencies in DESPP storage and processing of fingerprint cards.

Original fingerprint cards – DESPP stores original fingerprint cards (pre-1941) at its headquarters. The cards are original criminal fingerprints and are not electronically captured in the automated fingerprint database.

The fingerprint cards are in a room that flooded in 2016, causing water damage to an estimated 50,000 cards, or about 15% of the total cards. The agency sent the damaged cards to a Texas company to physically separate the cards stuck together from the water. While the cards have been returned, not all of them were salvable and some need additional work to separate. DESPP estimates approximately 2% of the cards were irreparably damaged by the flood, and is working

to physically separate the estimated 500-1,000 cards still stuck together. DESPP believes most of the damage was done to the demographic information on the fingerprint cards and not the actual fingerprints.

During two recent site visits to DESPP, we observed the pre-1941 cards in multiple-drawer metal file cabinets in the refurbished room that flooded 2 years ago. The cabinets rested on the floor, with the bottom drawer of each cabinet only a few inches off the floor.

The site visits also revealed that DESPP stored additional fingerprint cards in approximately a dozen large cardboard boxes on industrial shelving in the same room. The boxes were on the bottom shelves nearest the floor, which were no more than 6 inches off the ground. We also observed empty shelves several feet off the ground that appeared to be available for storage.

DESPP informed us that the cardboard boxes contained cards from an earlier project to transfer approximately 300,000-400,000 paper files (each containing several documents) to an electronic format. DESPP entered key data (i.e., name, date of birth, and state identification number) from the paper files into the MNI-CCH. DESPP put the remaining information, including arrest and court records, into a PDF format and stored it in a separate database. The department said that corresponding fingerprint cards were electronically scanned into its fingerprint database.

Based on the agency's quick examination of several of the cards in the boxes during our site visit, the agency was confident that most of the cards were subsequent sets of fingerprints (known as "seconds"), while the original sets are in the electronic fingerprint database. Without doing a full analysis, the agency could not confirm that all of the boxed fingerprint cards were saved electronically, or that original fingerprint cards remain in the boxes.

Paper fingerprint cards – The process for driver's license endorsement applicants to submit fingerprint cards is not completely secure. All applicants must submit their fingerprints to DMV on paper cards with their applications for criminal background checks. While LiveScan equipment exists in many locations to scan fingerprints and transmit them directly to DESPP, the police departments provide all DMV applicants their fingerprint cards in a paper format. Applicants then submit the cards to DMV with their applications, and DMV delivers the cards to DESPP twice a week. This creates a situation in which the cards are two-times removed from the agencies that originally fingerprinted the applicant. Moreover, there are no state-implemented controls in place to provide a unique identifier on the card to connect it to a DMV endorsement application. This would ensure the fingerprint cards belong to applicant.

The Department of Motor Vehicles has a LiveScan machine that could be used to scan and transmit applicant fingerprints to DESPP. DESPP and DMV initiated a formal memorandum of understanding to do this in January 2018. While DMV use of the machine could eliminate a portion of applicants handling actual fingerprint cards, DMV informed us that it lacked staffing resources to implement its LiveScan machine.

The Department of Transportation (DOT) licenses operators of (1) taxicab companies, (2) livery vehicles, (3) household movers, and (4) private buses for hire, and requires a criminal

background check that has a stricter fingerprint processing method than DMV. DOT officials told us it requires its applicants to have background check fingerprints taken at the DESPP headquarters. Since applicants do not handle their fingerprint cards and the prints are taken by a single entity, the DOT process is more secure.

Effect

The original fingerprint cards stored in file cabinets and cardboard boxes in the recently flooded location could be damaged again should another flood occur. The fingerprint cards are in the lowest level of the DESPP building, and could still be at risk for water damage. Since the fingerprint cards (at least the pre-1941 cards) are originals and not loaded into the department's electronic database, they are irreplaceable. During the site visit, DESPP noted that part of the new criminal history system automation project includes scanning all the fingerprint cards currently in storage into the new electronic fingerprint database. Until then, the stored fingerprint cards are still at risk.

The use of paper fingerprint cards that have several unsecured touchpoints before being submitted to DESPP, and the lack of a unique identifier to match the card with the DMV endorsement applicant, increases the risk of mishandling or manipulation. This can be greatly reduced by electronically scanning and submitting the fingerprints directly to DESPP. Although no cases of malfeasance were brought to our attention, the process is susceptible to fraud and warrants better quality control measures.

Cause

The Department of Emergency Services and Public Protection claims that it is forced to maintain the original paper cards because it lacks the staffing resources necessary to scan them. DESPP continues to store the fingerprint cards in non-waterproof containers in an area that previously flooded. Given their importance as criminal history assets, DESPP should take additional measures to make the cards more secure until they are put into an electronic format.

While DMV has a LiveScan machine that could scan and transmit fingerprints, the department does not use the machine due to a lack of staffing resources. As a result, applicants continue to handle their paper-based fingerprint cards as part of the school transportation endorsement application process, creating the possibility of fraud. In addition, DMV staff continue to hand-deliver the cards to DESPP for processing.

Recommendations

Recommendation 12. The Department of Emergency Services and Public Protection should better protect the original fingerprint cards from possible water damage. The cards are currently stored in the lower-level of a building with a history of flooding.

Recommendation 13. The Department of Motor Vehicles should use its LiveScan machine to electronically transmit fingerprints for school transportation endorsement applicants.

Recommendation 14. The Departments of Emergency Services and Public Protection and Motor Vehicles should examine methods to better protect student transportation applicant fingerprint cards. DESPP could use a barcode or serial number to match fingerprint cards with their corresponding applications.

DMV Agency Response

"The agency currently does not [have] the capacity to implement this recommendation at this time. DMV does not have enough staff to fingerprint approximately 4,800 applicants on an annual basis. In addition, our agency has only one LiveScan machine which is utilized for employee checks only and is located in a highly secured, law enforcement area. We do not have the space available to give the public access to this machine. Finally, our customers are located all over the state, if we were to start taking fingerprints that would mean all public passenger customers would have to come to Wethersfield to be printed. Our customers are statewide and this would be an inconvenience for many of them to travel to Wethersfield for only prints. Presently, these applicants can go to their local police department to be printed and mail the application into our agency. Local and State police departments are required to ID all applicants at the time of fingerprinting and have the applicant sign the fingerprint card in their presence to ensure they are fingerprinting the correct individual."

DESPP Agency Response

"The Department of Emergency Services and Public Protection is moving forward with the modernization and replacement of the state's criminal history repository systems. The modernization and replacement will improve the ability of obtaining LiveScan electronic submission of fingerprints through the establishment of an applicant processing system that incorporates a third party LiveScan electronic submission process for non-criminal applicants. Additionally, the establishment of LiveScan devices in the States' court system will reduce arrest hard card submissions to less than 3%, currently in the 10% to 12% range. Finally, the modernization project includes the electronic inclusion of all remaining hard cards with birth dates before January 1, 1940, eliminating the risk of loss due to flooding. Ongoing storage of any hard criminal cards will include keeping them above ground by a minimum of two feet."

DESPP General Management Practices Need Improvement

Criteria

Good management practices include oversight of all functions and written documentation of policies and procedures.

Condition

During the course of our review, we noted certain deficient management practices.

1. **Policies and Procedures** – DESPP uses 3 internal automated systems to monitor and complete background checks (MNI-CCH, AFIS, internal tracking of fingerprint cards and background check requests when they are submitted to the bureau for processing). However, DESPP only has detailed written policies and procedures for the criminal history database. DESPP has no formal written policies and procedures in place for AFIS or the in-house case tracking system. The department informed us it will require all policies and procedures to be formally documented when it implements its new computer system.

2. **LiveScan Machines** – At least one school bus carrier has its own LiveScan machine to fingerprint prospective employees for submission to DMV with their endorsement applications. According to the company, the LiveScan vendor provided training to operate the machine. While the company is not authorized to use its LiveScan machine to electronically submit fingerprints directly to DESPP, there is no state oversight of private entities taking fingerprints to ensure the integrity of the fingerprinting process. We question the appropriateness of third-party submission of fingerprints without state oversight.

Public Act 18-161, approved June 14, 2018, allowed the Department of Emergency Services and Public Protection commissioner to enter into agreements with independent contractors to electronically transmit fingerprints to DESPP. Among other things, the contractors are required to "protect and ensure the security, privacy, confidentiality, and value" of the fingerprints. None of these same quality control measures are currently required of school transportation companies with their own digital fingerprinting machines. The companies can still print hardcopy fingerprint cards, which they can give directly to anyone submitting a school transportation endorsement application to DMV.

Effect

Without formal written policies and procedures in place and frequent checks to ensure they are followed, inefficiencies in the process may occur. Standardized procedures help make staff (particularly new staff) fully aware of their responsibilities, and help eliminate any ambiguity in processing criminal background check information. Although DESPP anticipates implementing formal policies and procedures as part of the new criminal history database project, the project is at least 24 months away.

While sworn police personnel take most fingerprints used in student transportation employee background checks, the use of private entities to take fingerprints increases the risk of potential fraud in the process.

Cause

The Department of Emergency Services and Public Protection has not developed written policies and procedures nor implemented quality control measures for certain aspects of the background check process.

Recommendations

Recommendation 15. The Department of Emergency Services and Public Protection should ensure proper oversight of its internal automated background check systems. DESPP management should develop formal written policies and procedures, and frequently check to ensure they remain current and are followed.

Recommendation 16. The Connecticut General Assembly should consider amending Section 29-12(a) of the Connecticut General Statutes to require all school transportation companies to register their digital fingerprint scanning equipment with the Department of Emergency Services and Public Protection.

The company should submit basic information, including the type and serial number of the machine(s). In addition, the company should identify the employees who are trained to take fingerprints, who conducted their training, and when the training was conducted. DESPP also should consider putting this information into a registry to monitor any issues with fingerprints generated by these machines and ensure the machine operators have been formally trained.

Agency Response

"Over the last several years, the agency has been moving forward to a strategic system modernization plan that addresses the aging systems and paper based manual processes that are a result of the legacy criminal history and identification systems. This effort is a complete replacement and modernization of systems, the manual processes in place for many years, and the replacement of existing LiveScan devices throughout the state. This wholesale modernization of systems coupled with reaching National Fingerprint File participation per the ratification of the National Crime Prevention and Privacy Compact is a significant project for the agency and the effort is contingent on the vendor supported development and deployment. The project will deliver fully tested FBI compliant systems with complete system documentation, staff training, and a replacement of all manual workflows with electronic workflows. The effort began in 2014 and was expected to take 3 to 5 years at that time. Upon execution of the vendor contract, the development and implementation of the replacement and modernization of systems will require a minimum of 2 years.

The state repository accepts fingerprints from many federal, state and municipal agencies as well as from individuals seeking a fingerprint supported criminal history search. In order to obtain a search of the federal criminal history systems only authorized state statutes or federal statutes enable submission through the states identification systems. The agencies authorized to submit fingerprints through the state systems have established agreements with the agency that outline the responsibilities required to make these submissions. The Department of Emergency Services and Public Protection does not currently impose regulations or requirements on the origin of the fingerprints submitted for the purpose of criminal history search. The agency is moving forward with the establishment of third party fingerprint submission with the completion of the

modernization project. This effort will require service level agreements that will establish overall policy and procedures for the submission of fingerprints to the system."

RECOMMENDATIONS

Status of Prior Audit Recommendations:

None

Current Audit Recommendations:

1. **The Department of Motor Vehicles should ensure that post-endorsement background checks include periodic updates from the federal and out-of-state criminal databases and the Department of Children and Families' child abuse and neglect registry.**

   Comment:

   While DMV compares current student transportation endorsement holders against the DESPP criminal database and its own driver suspension data on a regular basis, this check is incomplete. DMV does not check with the Department of Children and Families for abuse or neglect substantiations, or with the FBI national crime history database for criminal activity subsequent to the initial check during the application process.

2. **The Department of Emergency Services and Public Protection information system upgrades should include the capability to subscribe to the FBI Rap Back service.**

   Comment:

   The Department of Motor Vehicles management has stated that subsequent FBI criminal and DCF checks would be time-consuming and add to an already overburdened system. The FBI, however, offers a "Rap Back" service to states. This service allows authorized agencies to receive automatic notification of activity on individuals who hold positions of trust, thus eliminating the need for repeated background checks on a person from the same applicant agency. Because of current DESPP information technology system limitations, this Rap Back service is not available in Connecticut.

3. **The Department of Motor Vehicles should: (1) make the necessary changes to ensure that it has an accurate list of student transportation carriers; (2) confirm that all carriers have access to the Public Service Disqualification List; (3) create a system that allows it to reliably know which carriers have checked the list through the use of unique log-in credentials or similar procedures; and (4) develop a method to systematically check carriers to ensure excluded drivers are denied licensure and check that drivers have appropriate endorsements.**

Comment:

The Department of Motor Vehicles cannot reliably ascertain how frequently carriers checked the disqualified drivers list as required by law. DMV does not systematically check whether carriers have been taken of the road.

4. **The Department of Motor Vehicles should update police departments on their statutory requirement to report certain arrests to DMV. This is especially important for police departments that do not currently report through the Connecticut Information Sharing System. In addition, DMV should develop other strategies to ensure that departments notify it of felony arrests.**

Comment:

Most Connecticut police departments do not report felony arrest information to DMV as required by law.

5. **The Department of Motor Vehicles should work with the Department of Emergency Services and Public Protection to examine the background check process and determine how to efficiently and effectively produce criminal record history checks for DMV applicants. DMV should cease performing redundant background checks.**

Comment:

The Department of Motor Vehicles conducts a redundant check of Department of Emergency Services and Public Protection's criminal database, even though DESPP is the definitive source on criminal background checks.

6. **The Department of Motor Vehicles should develop a strategic plan for the Passenger Endorsement Review Unit with measureable goals and objectives. DMV should update the procedures manual and develop standards to assist staff when they decide to deny or suspend an endorsement based on the morals clause. Management should sample cases on a regular basis to ensure that staff have followed procedures and ensure that any discretion they exercised is consistent.**

    Comment:

    Certain management practices performed by the Department of Motor Vehicles are inadequate; including a lack of a strategic plan, measureable performance goals, and an up–to-date procedures manual.

7. **The Department of Emergency Services and Public Protection and all applicable state agencies should expedite the implementation of a new computer system to replace the current Automated Fingerprint Identification System and Master Name Index-Computerized Criminal History systems. The agencies should work in cooperation to ensure the efficient development of the new systems..**

    Comment:

    The Department of Emergency Services and Public Protection's information systems are inadequate and increase the risk that flawed background checks are performed.

8. **The Department of Emergency Services and Public Protection should ensure that full disaster recovery plans and system testing protocols are in place for its Master Name Index-Computerized Criminal History and Automated Fingerprint Identification System databases. The department should follow those plans and protocols.**

    Comment:

    While the current vendor has a back-up system for AFIS, DESPP is not confident the system can be brought back online should a disaster occur, or that the system is routinely tested to determine its integrity

9. **The Department of Emergency Services and Public Protection should determine the reasons for recent processing time increases for criminal background checks requested by the Department of Motor Vehicles for school transportation license endorsement applicants. DESPP should monitor whether it is meeting the statutorily-required deadline and make any necessary changes.**

Comment:

The Department of Emergency Services and Public Protection has been processing background check within statutory deadlines, but the processing times have increased while requests have declined.

10. **The Department of Emergency Services and Public Protection should conduct a monthly analysis of its performance against the statutory standard for processing criminal background check requests from the Department of Motor Vehicles for school transportation endorsement applicants. DESPP should publish the results every 6 months in a conspicuous place on its website. DESPP should also consider publishing its performance results for all types of background checks.**

Comment:

Stakeholders and policy makers are unaware of whether DESPP is meeting its statutory timeliness requirements because the agency does not publicize this information.

11. **The Department of Emergency Services and Public Protection should examine whether it can modify its current Department of Motor Vehicles background check system for student transportation drivers to the system it uses to process Department of Public Health requests for long-term care staff. The DPH system processes background checks within 48 hours of receiving an acceptable fingerprint card in cases in which no criminal activity is found.**

Comment:

DESPP uses a parallel background check system built by the agency's current AFIS vendor to process criminal background checks for DPH long-term care staff that results in a much shorter turn-around time.

12. The Department of Emergency Services and Public Protection should better protect the original fingerprint cards from possible water damage. The cards are currently stored in the lower-level of a building with a history of flooding.

Comment:

DESPP has not protected hardcopy fingerprint cards against irreparable damage or the potential for mishandling or fraud.

13. The Department of Motor Vehicles should use its LiveScan machine to electronically transmit fingerprints for school transportation endorsement applicants.

Comment:

The Department of Motor Vehicles has a LiveScan machine that could be used to scan and transmit applicant fingerprints to DESPP. DMV informed us that it lacked staffing resources to implement its LiveScan machine.

14. The Departments of Emergency Services and Public Protection and Motor Vehicles should examine methods to better protect student transportation applicant fingerprint cards. DESPP could use a barcode or serial number to match fingerprint cards with corresponding applications.

Comment:

There are no state-implemented controls in place to provide a unique identifier on the card to connect it to an actual DMV endorsement application. This would ensure the fingerprint cards belong to applicant.

15. The Department of Emergency Services and Public Protection should ensure proper oversight of its internal automated background check systems. DESPP management should develop formal written policies and procedures, and frequently check to ensure they remain current and are followed.

Comment:

The Department of Emergency Services and Public Protection lacks written documentation for certain policies and procedures.

16. The Connecticut General Assembly should consider amending Section 29-12(a) of the Connecticut General Statutes to require all student transportation companies to register their digital fingerprint scanning equipment with the Department of Emergency Services and Public Protection.

The company should submit basic information, including the type and serial number of the machine(s). In addition, the company should identify the employees who are trained to take fingerprints, who conducted their training, and when the training was conducted. DESPP also should consider putting this information into a registry to monitor any issues with fingerprints generated by these machines and ensure the machine operators have been formally trained.

Comment:

The Department of Emergency Services and Public Protection does not exercise oversight over private entities taking fingerprints, which may increase the risk of fraud.

CONCLUSION

In conclusion, we wish to express our appreciation for the cooperation and courtesies extended to our representatives by personnel of the Department of Motor Vehicles during the course of our examination. We also would like to acknowledge Brian Beisel for his contributions to this audit.

Scott M. Simoneau
Principal Auditor

Approved:

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State Auditor

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