

STATE OF CONNECTICUT



FY 21 PERFORMANCE AUDIT COMPLIANCE REPORT

**The Department of Motor Vehicles Background Check
Process for Student Transportation Employees
(Follow-up Report)**

AUDITORS OF PUBLIC ACCOUNTS

JOHN C. GERAGOSIAN ❖ CLARK J. CHAPIN

Introduction.....1
 Background.....1
 Highlighted Agency Accomplishments.....1
Performance Audit Highlights.....2
Agency Updates.....3

December 1, 2021

Introduction

Background

On December 12, 2019, our office published a [performance audit](#), the Department of Motor Vehicles Background Check Process for Student Transportation Employees for the period ended December 31, 2018. On July 22, 2021, we requested an update from the departments of Motor Vehicles (DMV) and Emergency Services and Public Protection (DESPP) on how they addressed the report's 16 recommendations. The recommendations focused on several improvements to the background check process and strengthening certain management controls to better ensure the safety of school children.

Highlighted Agency Accomplishments

Since the December 12, 2019 release of the performance audit, DESPP initiated the implementation of a complete overhaul of its identification and criminal history repository. This new system automates and streamlines many manual functions, improves interoperability between federal, state, and municipal agencies, and establishes a modern criminal identification system that is intended to comply with current federal standards. As a result of these changes, DESPP appears to have partially or fully implemented 70% of our audit recommendations, and DMV appears to have partially or fully implemented 67%. In total, these agencies partially or fully implemented 69% of our recommendations. This information is based only upon the agencies' responses to our update request and may be verified during our next departmental audits of these agencies.



The Department of Motor Vehicles Background Check Process for Student Transportation Employees (From Report Issued December 12, 2019)

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
165 Capitol Avenue ■ Hartford, CT 06106 ■ ctauditors@cga.ct.gov

Agency Updates

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.

Status: Not Implemented – DMV maintains that it does not have the statutory authority to perform subsequent checks of national crime databases. DCF is not able to provide further checks due to staffing shortages. DMV will consider legislative proposals to allow its staff to check national databases.

DMV Update: “Currently, DMV compares student transportation endorsement holders against the DESPP criminal database and our driver suspension data on a regular basis. DMV, by statute is 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. DMV will discuss proposals for legislation that will allow periodic checking of national crime databases.

DMV has reached out to DCF and proposed a staggered monthly check of endorsement holders. Due to a shortage of staffing and resources they are unable to accommodate DMV with further information beyond the initial inquiry.”

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.

Status: Not Implemented – DESPP has not sought legislative and operational changes to allow the agencies that require background checks to have the Rap Back capabilities.

DESPP Update: “Federal RAP Back enrollment capability exists at a single applicant level, however, at this time each agency looking to implement this functionality will have to go through a process to modify existing legislation and meet federal participation guidelines. A modification of the new applicant portal will be required to incorporate rap back

participation at the applicant level for subscription and expiration management for authorized agencies.”

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.

Status: Partially Implemented – DMV made changes to its electronic disqualification list that should ensure that it is accurate and can verify compliance with the law. DMV is investigating reporting tools that would help determine if carriers are accessing the list on a monthly basis as required by law.

DMV Update: “All carriers and Boards of Education involved in the transportation of school aged students are required to register with DMV. There is an access and /or change request form that must be completed to allow users access to the PERU disqualification list.

DMV deployed the DMV Connecticut Interactive (CI) PERU Disqualification List Report in March 2020. 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. The DMV will investigate the system for reporting tools to monitor monthly user access.”

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 (CISS). In addition, DMV should develop other strategies to ensure that departments notify it of felony arrests.

Status: Fully Implemented – DMV sends law enforcement bulletins to police departments informing them of their requirement to report certain arrests to DMV. The department noted other upgrades to CISS that allow earlier notifications about arrests.

DMV Update:

“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 DMV 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 early notification was deployed and is operational for those law enforcement entities that are presently reporting to CISS.”

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.

Status: Fully Implemented – DESPP is implementing a new fingerprinting and background check system which should reduce the turnaround time from about 40 to 50 days to one to two days.

DMV Update:

“A new fingerprinting and background check process was implemented by DESPP on July 26, 2021 and will provide results electronically within 24-48 hours.”

Recommendation 6: The Department of Motor Vehicles should develop a strategic plan for the Passenger Endorsement Review Unit with measurable 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.

Status: Partially Implemented – DMV will reassess its goals once DESPP fully implements the new background check system. The department revised its process for criminal denials to ensure greater consistency and updated its procedures manual.

DMV Update: “The Passenger Endorsement Review Unit goals are tied to statutory requirements which allow state police 60 days to process background checks. Subsequently, we had set our processing goals at 6-8 weeks. The new process of pre-enrollment should significantly decrease this time. Most background check results will be available in 24-48 hours according to DESPP. Once this new system is up and running smoothly these goals will be reassessed.

The unit has updated the process for criminal denials. The unit now meets as necessary to discuss criminal charges and the decisions for approval/denial are made by the group. In addition, on a monthly basis, 10% of each analysts’ work is now audited to ensure completeness, accuracy, and consistency.

The procedures manual is current and is updated consistently as processes change.”

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.

Status: Partially Implemented – DESPP will soon replace its legacy systems with next-generation criminal identification systems. While the

new system has gone live, the department is working through connectivity and other issues.

DESPP Update:

“On December 20th, 2018 the State of Connecticut entered into an agreement with Idemia Identity and Security USA LLC to deliver a replacement of the state’s Identification and Criminal history repository. The solution replaces the Automatic Fingerprint Identification System (AFIS) with an Automatic Biometric Identification System (ABIS) introducing new identification capabilities including facial and rap back, replaces the Master Name Index – Computerized Criminal History system (MNI-CCH) and introduces a new system that automates the fingerprint and name-based searches for criminal history. All electronic records from the systems are being migrated into the new systems and any criminal arrest cards with birthdates before 1940 are to be scanned into the system.

The planned and approved solution provides a scalable cloud-based system with ongoing software and hardware updates including 24/7 maintenance and help desk availability through-out the life of the contract. In addition, a complete state-wide replacement of LiveScan devices will integrate with the ABIS and CCH repository replacements delivering the primary goals and objectives of the project.”

The purpose of this modernization project is to establish next generation criminal identification systems and interoperability between federal, state and municipal government agencies, automate arrest and disposition linkage, streamline and automate criminal record maintenance, automate receipt, payment and typical processing of civil requests for criminal history checks, modernize interfaces with external systems, provide work-flow tracking and reporting, transaction auditing, and enable the agency to become National Fingerprint File (NFF) compliant per C.G.S Sec. 29-164f National Crime Prevention and Privacy Compact.

On July 26, 2021, the Department of Emergency Services and Public Protection went live with the replacement of the AFIS and MNI-CCH systems and are in the process of working through connectivity issues and software updates throughout the state. We do expect to be dealing with a number of bugs and issues through the first several weeks post go-live. There were multiple issues that delayed the implementation 10 months including the COVID-19 pandemic and issues related to subject matter expert availability due to illness and remote working adjustments. While the teams met regularly utilizing virtual methods these methods did hinder a full understanding of some requirements implemented resulting in some changes that will take place after systems are stable. In addition, the scanning of older cards was pushed

to after go-live to place focus on primary operating systems implementation. The late delivery of the required applicant portal to handle all criminal history requests for non-criminal purposes has created a number of post go-live operational issues that are still being resolved. However, we are beginning to work through the connectivity issues and are seeing criminal history requests processed through the portal system with expected “no-record” responses returned in less than 24 hours.

The Department of Motor Vehicles has begun enrolling public service license applicants for fingerprinting and it is expected results will return quickly once fingerprints are submitted. The portal system provides corresponding fingerprint transaction information with every result returned linking the applicant to the transaction within the system. In addition, each applicant has a specific tracking number which is tied to the applicant and fingerprint transaction. DESPP is utilizing barcode technology to scan hard cards into the system which reduces manual input and improves turn-around once scanned to the electronic applicant work-flow that returns results to the portal.”

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.

Status: Fully Implemented – The new upgraded DESPP fingerprint system has a disaster recovery process.

DESPP Update: “The system has a complete disaster recovery process that maintains active availability throughout the system in its primary cloud site in Virginia and is available in the Disaster Recovery (DR) site in Texas should fail-over be required. The state’s network has been set-up with fail-over capability from the Groton, CT datacenter to the Springfield, MA datacenter to ensure connectivity with the cloud environment. In the event of disaster, it is expected that the DR site can resume processing within 15 minutes of the switchover.”

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.

Status: Fully Implemented – DESPP indicated it has a process to regularly monitor how many days background check requests are outstanding. The department reduced the time to process DMV requests from an average of 43 days to 16 days for the oldest request.

DESPP Update: “The SPBI Criminal Records Unit modified the tracking of back-logged requests in 2019 to provide more detail of the days outstanding for the completion of various applicant categories including the Department of Motor Vehicles (DMV). DESPP management has been receiving this information on a weekly basis and monitoring the number of days requests are outstanding by category. Currently the DMV’s oldest outstanding request is 16 days. The agency has not moved forward a process to share this information publicly on a regular basis. As we move forward the new portal process, we expect to see most responses returned in less than a week with a few that take longer.”

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.

Status: Partially Implemented – DESPP conducts weekly monitoring of outstanding background check requests, but it does not publish performance results regarding the timeliness of conducting the checks.

DESPP Update: See response in Recommendation 9.

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.

Status: Fully Implemented – DESPP implemented a new background check system that will greatly improve turnaround time.

DESPP Update: See response in Recommendation 7.

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.

Status: Partially Implemented – DESPP plans to have these fingerprint cards scanned and migrated to the new system.

DESPP Update: “All electronic records from the systems are being migrated into the new systems and any criminal arrest cards with birthdates before 1940 are to be scanned into the system.”

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

Status: Not Implemented – DMV informed us it does not have the capacity to implement this recommendation.

DMV Update: “The agency currently does not have the capacity to implement this recommendation at this time. 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. As our customers

are located all over the state, they appreciate the flexibility of finding a location closer to their home.”

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.

Status: Fully Implemented – DESPP is fully implementing the new background check system which uses an applicant tracking number and barcode system to electronically track the application and match it to the fingerprint.

DMV Update: “DESPP implemented a new system on July 26, 2021, requiring all applicants to pre-enroll prior to fingerprinting and a criminal background check. All applicants will receive a service code from DMV and will enroll online. The applicant will be issued an authorization code which will be submitted with the prints hard card or live scan. This authorization code will be used to electronically track the applicant. The goal is to utilize live scan as much as possible and eliminate the hard cards entirely. This should reduce the number of rejections for illegible or damaged cards.”

DESPP Update: See response to Recommendation 7.

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.

Status: Not Implemented – Due to the implementation of a new background check system, DESPP has not developed new standard operating procedures.

DESPP Update: “With the implementation of the new system the agency will be changing many of its internal processes for both criminal and applicant purposes. The changes will result in new standard operating procedures

which will be incorporated and approved through management as they are developed.”

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.

Status: Not Implemented – DESPP has not proposed legislation regarding the use of digital fingerprint scanning by transportation companies or any other entities.

DESPP Update: “At this time the agency has not recommended any legislation surrounding transportation company use of digital fingerprint scanning equipment. The agency is looking at a number of options to adequately address electronic fingerprinting concerns for all authorized criminal history search purposes. These options include; continued fingerprinting by the State Police and other federal, state and municipal agencies, and will recommend legislation for the next session that would enable any government agency or private organization to submit fingerprints electronically as long as they meet requirements to be established to submit electronically.”