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AUDITOR GENERAL

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– Article IV, Section 53 of the Michigan Constitution

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AUDITOR GENERAL

March 20, 2012

Colonel Kriste Etue, Director
Michigan Department of State Police
333 South Grand Avenue
Lansing, Michigan

Dear Colonel Etue:

This is our report on our follow-up of the material condition (Finding 1) and corresponding recommendation reported in the performance audit of the Sex Offender Registries, Michigan Department of State Police (MSP). That audit report was issued and distributed in July 2005. Additional copies are available on request or at <http://www.audgen.michigan.gov>.

Our follow-up disclosed that MSP had complied with the recommendation.

If you have any questions, please call me or Scott M. Strong, C.P.A., C.I.A., Deputy Auditor General.

Sincerely,


Thomas H. McTavish, C.P.A.
Auditor General

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SEX OFFENDER REGISTRIES MICHIGAN DEPARTMENT OF STATE POLICE FOLLOW-UP REPORT

INTRODUCTION

This report contains the results of our follow-up of the material condition and corresponding recommendation and the agency's preliminary response as reported in our performance audit of the Sex Offender Registries, Michigan Department of State Police (MSP), 55-595-04, which was issued and distributed in July 2005. That audit report included 1 material condition (Finding 1) and 4 other reportable conditions.

PURPOSE OF FOLLOW-UP

The purpose of this follow-up was to determine whether MSP had taken appropriate corrective measures in response to the material condition and corresponding recommendation.

BACKGROUND

MSP established and maintains the Sex Offender Registry (SOR) and the Public Sex Offender Registry (PSOR). The Michigan sex offender registries were created to better assist law enforcement officers and Michigan residents in preventing and protecting against the commission of future criminal sexual acts by convicted sex offenders.

The SOR contains information on all registered sex offenders living within the State of Michigan and is accessed directly by law enforcement agencies. Sex offenders began registering on October 1, 1995. The law enforcement agencies with jurisdiction over the sex offenders are responsible for ensuring their registration. MSP relies on law enforcement agencies to identify convicted sex offenders who should be included in the SOR and ensure their registration.

The PSOR Internet web site <<http://www.mipsor.state.mi.us/>> was implemented in January 2000. The public can use the PSOR to search for sex offenders by last name, first name, estimated age, city, county, or zip code or by searching a one-mile radius of a specified address. Data available on the PSOR includes offender name, date of birth, race, sex, height, weight, eye color, hair color, reported address, conviction code, photograph, and description of offense.

SCOPE

Our fieldwork was performed between August and October 2011. We interviewed MSP's SOR staff to determine the status of compliance with our audit recommendation. We verified and observed the processes and procedures used by MSP to ensure the accuracy and completeness of data between the SOR and the PSOR. We conducted searches in the PSOR to determine compliance with the audit recommendation.

FOLLOW-UP RESULTS

EFFECTIVENESS IN ENSURING ACCURATE AND COMPLETE DATA

RECOMMENDATION, RESPONSE, AND EPILOGUE AS REPORTED IN JULY 2005:

1. Accuracy and Completeness of Data Within the Sex Offender Registries

RECOMMENDATION

We recommend that MSP ensure the accuracy and completeness of data within the sex offender registries.

AGENCY PRELIMINARY RESPONSE

MSP disagreed with this finding. MSP informed us that the Sex Offenders Registration Act requires convicted sex offenders to register after conviction but prior to sentencing. This initial registration may take place at several different State, county, and local criminal justice agencies. After the initial registration, a convicted sex offender must report address changes and confirm address verifications at one of over 600 agencies. Additionally, MSP informed us that the Sex Offenders Registration Act places a burden upon the convicted offender to provide accurate information to the entering agency. MSP also informed us that offenders routinely provide incorrect data to the entering agency.

MSP informed us that, as a result of the statutorily mandated registration and verification procedures, it has minimal control over the quality of original information entered into the SOR. MSP also informed us that, while it engages in numerous proactive measures to ensure the quality of the entries such as providing frequent training classes and offering guidance to agencies entering data, it cannot be accountable for the actions of other agencies. In addition, MSP informed us that it believes that, if all the factors that may impede an accurate SOR registration are considered, the overall error rate is low. Further, MSP informed us that when errors are discovered, the Sex Offender Registry Unit corrects the errors in a timely manner.

EPILOGUE

The weaknesses identified in this finding are system-related and are the responsibility of MSP, with the exception of item b., which relates to accuracy of data input at local law enforcement agencies.

FOLLOW-UP CONCLUSION

We concluded that MSP had complied with this recommendation. Specifically, our follow-up disclosed:

- a. MSP had complied with the recommendation as it relates to item a. of the finding. MSP, in conjunction with the Department of Technology, Management, and Budget (DTMB), moved the SOR from a mainframe-based system to a server-based system. As a result, the SOR and the PSOR are maintained on the same database platform, which allows for an accurate transfer of data between registries. In addition, MSP implemented rules regarding the types of offenders who are required to be included in the PSOR. The PSOR is linked to the listing of offenders generated in the SOR database and is automatically updated each day with any changes that occur in the SOR database.
- b. MSP had complied with the recommendation as it relates to item b. of the finding. MSP informed us that it ensures the accuracy of sex offenders' names and addresses by using an interface between the SOR database and the Secretary of State driver's license database to obtain the legal name of the offender. Also, MSP, in conjunction with DTMB, installed address validation software to ensure that offender addresses entered into SOR are valid. In addition, SOR interfaces with the MSP Criminal History Records System (CHRS) to obtain the offenders' criminal history records.
- c. MSP had complied with the recommendation as it relates to item c. of the finding. MSP informed us that, immediately after the audit, it began including in the PSOR those sex offenders who are in prison, have a confirmed false address in the PSOR, or have moved out of State. During our follow-up, we confirmed that the PSOR did include sex offenders who are in prison; have a confirmed false address; and have moved out of State, in compliance with July 2011 legislative changes.

- d. MSP had complied with the recommendation as it relates to item d. of the finding. Since our audit, MSP has rewritten the SOR system. The new system interfaces with CHRS and automatically checks CHRS to ensure that all offenders are included in the SOR. In addition, MSP informed us that there are many checks in the process to ensure that an offender is added to the registry, including through probation agents, the courts, and MSP.

