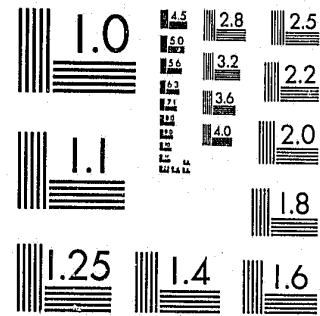


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United States Department of Justice
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ANNUAL PRIVACY AND SECURITY AUDIT REPORT

on the
Procedures, Policies, and Practices
of the
Department of Law Enforcement
for Maintaining
Criminal History Record Information
For the Period Ending June 30, 1979



120 South Riverside Plaza
Chicago, Illinois 60606
312/454-1560

NEWS

NCJRS

OCT 6 1980

Contact: Paul Fields
312/454-1560
Re: PRIVACY AND SECURITY AUDIT FINDINGS

FOR IMMEDIATE RELEASE

ACQUISITIONS

CHICAGO, MARCH 17, 1980

The report of the Illinois Criminal Justice Information Council's first annual privacy and security audit of the Illinois Department of Law Enforcement was sent to the Governor today Chairman William Gould announced.

In announcing the Council's findings Chairman Gould praised the Department of Law Enforcement's efforts to reduce the backlog of non-computerized criminal history records and fingerprint cards, but called the Department's existing systematic audit procedures regarding criminal history record information inadequate.

"The Department is placed under severe budgetary constraints. Nevertheless, the most critical aspect of any record system is the confidence the public and the system's users have in its accuracy, completeness, and reliability," Gould said.

The Council found DLE's existing systematic audit procedures inadequate because the frequency and scope of the audits do not sufficiently detect erroneous or missing information, and called for the establishment of a regularly scheduled systematic audit program.

Another finding notes the generally poor disposition reporting rates of state's attorneys and circuit court clerks throughout the state, citing DLE's procedures for not adequately identifying delinquent dispositions.

The Council recommended that although the Department has no power to enforce compliance with the current disposition reporting law, every effort should be made to assist local officials in meeting their statutory requirements.

The Council singled out also several instances in which the Department of Law Enforcement's procedures excelled: in the recording of disseminations of criminal records to other agencies, correcting errors once they have come to the Department's attention, and in identifying those agencies authorized to access the information.

(more)

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Two additional Council findings drew attention to the complex and often contradictory statutes confronting those who disseminate criminal history record information to non-criminal justice agencies.

"The technical dictates of existing Illinois law makes the practical administration of these statutes virtually impossible," Gould observed.

Gould called the current dissemination policies at the state and local level both "unmanageable and untenable. For this reason the Council recommends that legislation be enacted clarifying the statewide policy for disseminating criminal records to non-criminal justice agencies." The Council already has proposed detailed legislation which would alleviate the problems in this area.

The Council noted another area of legal confusion in its finding with regard to the expungement of criminal records. This finding recommends that the Council, along with the Department, study the expungement of arrest records in Illinois in order to develop new legislation which will clarify both the policy and the procedure for expunging criminal history record information. In support of this finding and recommendation, Chairman Gould stated, "The Council recognizes that there is considerable confusion regarding the law of expungement of arrest records in Illinois, that technical compliance is impossible in many cases, and that the existing expungement statute fosters inconsistent recordkeeping practices at the state and local level."

With the completion of the annual audit, Illinois has fulfilled its responsibilities under federal regulations.

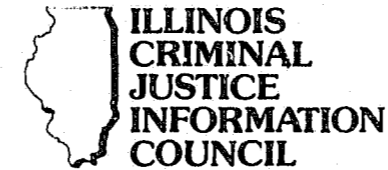
"Illinois is one of the leaders in the country with respect to auditing for compliance with privacy and security laws. Regular audits help establish the level of reliability and confidence which can be placed in the records maintained by the Department. The progress and willingness to cooperate shown by the Department constitutes an impressive record which will be of great benefit to state and local law enforcement officials and to the citizens of Illinois," Gould said.

The Illinois Criminal Justice Information Council was established in 1977 by Executive Order of Governor Thompson, and is composed of seven members appointed by the Governor. It is the single public body responsible for the orderly development of policies relating to criminal justice information systems in Illinois.

The Council is also responsible for establishing policies which ensure the privacy and security of criminal history record information and which protect the constitutional rights and privacy of individuals about whom such information has been collected. The Council is authorized to monitor the operation of existing criminal justice information systems in Illinois.

-30-

For copies of the Audit Report contact Paul Fields



120 South Riverside Plaza
Chicago, Illinois 60606
312/454-1560

William Gould
Chairman

CERTIFICATION

The Illinois Criminal Justice Information Council hereby certifies that the criminal history recordkeeping procedures and practices of the Illinois Department of Law Enforcement have been tested to ensure compliance with Federal and State privacy and security laws and regulations. During the course of examination, consideration has been given to accuracy and completeness procedures, dissemination procedures for consistency with state and federal laws, correction procedures for records found to contain errors, and delinquent dispositions monitoring, auditing, security, and individual access and review procedures. The Council's examination was conducted on a test basis and as such cannot assure discovery of all types of irregularities.

Attached hereto, is the full report of the Council, its findings and recommendations for the period ending June 30, 1979.

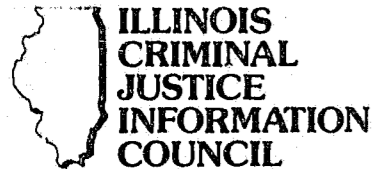
William Gould
William Gould
Chairman

Date 2/15/80

NCJRS

OCT 6 1980

ACQUISITIONS



120 South Riverside Plaza
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ANNUAL PRIVACY AND SECURITY AUDIT REPORT

For the Period Ending June 30, 1979

Council Members

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James Sprowl, Vice Chairman

Charles Gruber, Chief of Police
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Arthur Lindsay, Lieutenant
Chicago Police Department

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ANNUAL PRIVACY AND SECURITY AUDIT REPORT

I. Purpose

This Annual Privacy and Security Audit is not designed to guarantee the accuracy and completeness of each and every criminal history record maintained in Illinois. Its goal is to ensure that a regular means is established for discovering and correcting errors in criminal history recordkeeping practices by the Department of Law Enforcement and for regularly reviewing the Department's procedures and policies.

II. Legal Requirements

In May 1975, the United States Department of Justice, through the Law Enforcement Assistance Administration (LEAA), issued regulations governing the collection, storage, and dissemination of criminal history record information maintained in federally-funded systems. These federal regulations require the State of Illinois to ensure:

"...that annual audits of a representative sample of State and local criminal justice agencies chosen on a random basis shall be conducted by the State to verify adherence to these regulations and that appropriate records shall be retained to facilitate such audits." (28 CFR 20.21(e))

In other words, the federal regulations require the State of Illinois to ensure that two different types of audits (systematic and annual audits applicable to both manual and automated data) are conducted. In order to meet this requirement, Governor Thompson specifically authorized the Illinois Criminal Justice Information Council to "act as the sole official body in the State of Illinois to conduct annual and periodic audits of the procedures, policies, and practices of the state central repositories for criminal history record information."

III. Scope of the Annual Audit

The component parts of the Annual Audit are detailed in the Illinois Privacy and Security Plan, submitted to the federal government and certified as being operational on March 1, 1978. First, the Department of Law Enforcement develops and implements procedures for conducting internal, systematic audits of the accuracy and completeness of its manual and computerized criminal history (CCH) records. The Illinois Criminal Justice Information Council audits the actual implementation of these procedures.

Second, the Department of Law Enforcement develops procedures and conducts random audits of local and other state criminal justice agencies for compliance with federal and state laws. The Criminal Justice Information Council also audits the implementation of these procedures.

Third, the Council audits the Department of Law Enforcement for compliance with federal and state laws regarding the privacy and security of the criminal history record information it maintains.

The Annual Audit encompasses these seven basic concepts associated with the privacy and security of criminal history record information:

1. Accuracy and completeness
2. Dissemination limitations and logging
3. Correction and error notification
4. Delinquent disposition monitoring
5. Audit and quality control
6. Security
7. Individual access and review.

IV. Background and Procedures

In June 1978, the Council established guidelines for conducting the Annual Audit. At the Chairman's direction, an Audit Unit was established and began to develop detailed, step-by-step procedures, questionnaires, and forms for conducting the Annual Audit.

First, the minimum legal requirements governing the scope of the audit were determined. This included examining federal regulations, state and federal laws and regulations, and the Council's Bylaws. In all, the Audit Unit identified thirty-three different legal requirements placed on the Department of Law Enforcement and local criminal justice agencies. (For a list of these requirements, see Appendix A.)

Second, copies of all the Department of Law Enforcement's policies, procedures, and practices regarding the scope of the audit were obtained. Each of the documents was reviewed by the Audit Unit so that procedures of the Department, relevant to the list of legal requirements, could be noted.

The next undertaking was to list all potential exposures and problems that could arise. The Department's procedures were reviewed, again, to identify all the controls which address the potential exposures listed by the Audit Unit.

Then, the actual audit methodology was developed. A detailed audit questionnaire was prepared. (See Appendix B.) The questions, which are based on the legal requirements identified, are organized in five categories: accuracy and completeness, dissemination limitations, security, audit and quality control, and individual access and review. Checklists and forms for recording uniform responses also were designed. (See Appendix C.)

The Audit Unit conducted a "pre-test" after the audit methodology was completed. This was accomplished by simulating an actual audit. The subsequent revisions and clarifications completed the package of audit materials.

The Audit Unit then conducted the actual audit. First, an entrance briefing was held at the Springfield Office of the Department of Law Enforcement. The on-site audit followed. Two days were spent in Springfield monitoring the Department's data processing operations, as well as answering the questionnaire on potential exposures. The Audit Unit then went to the Department of Law Enforcement's Joliet facility where the remainder of the questionnaire was completed and a second on-site inspection conducted.

At Joliet (where the manual records maintained by the Department are housed), the Audit Unit reviewed the Department's actual record files. In all, nine different record reviews were conducted by the Audit Unit in four days.

Once the audits had been conducted, the results were tabulated and analyzed. Each of the responses to the potential exposure questionnaire was reviewed and general findings drafted. Then, each audit record was reviewed and additional findings were noted.

The Audit Unit then prepared its full report, which was first presented to the Department of Law Enforcement at an exit conference and afterwards presented to the Council for review. After examining the recommended findings proposed by the Audit Unit, the Council decided not to adopt them, without first giving the Department of Law Enforcement a full opportunity to comment.

Instead, the Council rewrote one of the Audit Unit's recommended findings. All of the recommended findings were forwarded to the Department of Law Enforcement for a response. After fully considering the Department's response, the Council adopted its formal findings on December 12, 1979. (The findings of the Council can be found in this report beginning at page 13. See also, Appendix D for the Council's Resolution adopting them.)

V. Methodology

The Audit Unit utilized three procedures in conducting the Annual Audit: 1) the audit questionnaire, 2) on-site inspections, and 3) record audits.

1. Audit Questionnaire

The purpose of the audit questionnaire was to establish the Department's actual operating procedures regarding the privacy and security of criminal history record information. The Audit Unit used the questionnaire to elicit information concerning the practices, policies, and procedures of the Department relevant to the legal requirements and potential exposures it had identified. Follow-up questions were asked in order to clarify the Department's response. Each auditor's notes and observations were compiled. The completed questionnaire was then reviewed by the Audit Unit so the Department's response to each requirement could be analyzed, exceptions noted, and general findings prepared.

2. On-Site Inspections

On-site inspections were made to determine whether the Department is actually operating in the manner it says it is. Since the Department maintains data processing operations at both its Springfield and Joliet facilities, the Audit Unit monitored both facilities for compliance with established security procedures and practices. The results of these on-site observations were included in the security section of the audit questionnaire, reviewed, and incorporated into the general findings.

3. Record Audits

Record audits were conducted to determine how adequate the Department's procedures really are. The record audits consist of two different types of reviews of records maintained by the Department. In most cases, records of audits already conducted by the Department were sampled to determine the adequacy of the Department's audit procedures. For example, the Department's systematic audit procedures were reviewed by the Audit Unit. In some instances, however, the Audit Unit conducted its own review of records for compliance with federal and state laws to determine the adequacy of a particular procedure not audited by the Department itself. For example, an audit of the Department's procedures for granting or denying an individual's record challenge was conducted.

Before conducting the record audits, the Audit Unit had to decide how large a record sample it would take. Since the Department's audits all involved a relatively small number of records, the Audit Unit would practically have had to re-conduct the Department's audit to approach a sufficient confidence level. Since this would mean taking a sample larger than the Council's resources would permit, the Audit Unit decided that a statistically valid, quantitative approach would not be possible. Instead, the Audit Unit decided that a qualitative approach would be more workable and would adequately serve the same goal. Therefore, in those instances where the Department had already conducted its own audits, the Audit Unit decided that a 10% random sampling of those audited records would constitute a sufficient number upon which to base qualitative judgments about the adequacy of the Department's audit procedures.

The Audit Unit conducted nine different record audits, a detailed discussion of which follows below.

A. Accuracy and Completeness

1. In June 1978, the Department of Law Enforcement audited its computerized criminal history (CCH) records for accuracy and completeness. The Department selected a simple, random sample of 277 "CCH complete" records (as opposed to "CCH incomplete" or manual records) taken from all the arrest cards coming into the Department during the one month period preceding its audit. This sample was specifically reviewed by the Department to verify that the data elements recorded on the CCH transcript (i.e. arrest, disposition, custodial, release, parole, and identification segments) were as accurate and complete as the information contained in the file jackets.

The Department determined this sample size to be statistically sufficient. (At the time of the Department's audit, a total of 395,000 records were on the CCH system.) The percentage of errors which the Department found as a result of the audit (5.78%) fell into the 95% confidence level range. This means that there were 95 chances in 100 that this sample was drawn from a field of records containing between 2.9% and 8.6% errors. In other words, if repeated samples were drawn, the Department is confident that 95% of the records would fall within this error range.

The June 1978 "systematic" audit is the only audit for accuracy and completeness conducted by the Department. The Department has not audited its "CCH incomplete" or manual records for accuracy and completeness.

A random sample of 45 of the 277 records which the Department certified as being both accurate and complete was examined. In seven records, state's attorney dispositions had been entered onto the CCH system, yet the supporting documentation was missing from the file jacket. Similarly, court dispositions entered on CCH could not be verified in five records, because they, too, were missing from the files.

In four records, information which had been entered onto the CCH system differed from the supporting documentation. For example, two records had differing identification data, and one record did not enter an alias date of birth onto the CCH. Another record had a disposition of "\$50 fine" entered on CCH. The actual disposition was \$30 costs and \$20 fine.

Finally, the CCH transcript, in three records, was not complete. In those instances, dispositions which had been reported to the Department subsequent to March 16, 1976 and found in the jacket file had not been entered.

B. Delinquent Disposition Monitoring Procedures

2. Since March 16, 1976, it has been the procedure of the Department of Law Enforcement to enter all current arrests onto the CCH system and at the same time, to enter the current arrest onto a delinquent disposition monitoring list. Once a disposition for an arrest is posted, the arrest is deleted from the delinquent disposition monitoring list.

This procedure was audited to ascertain whether the delinquent disposition monitoring list contained all current arrests without dispositions. The 45 randomly selected records taken from the Department's audit of June 1978 were reviewed (A1 above). In this sample, all arrests occurring after March 16, 1976 and still without dispositions were recorded. Of the 45 records examined, 42 of the records had at least one such arrest. In all, there were 72 arrests without dispositions. The delinquent disposition monitoring list was then checked to corroborate that each of the arrests was listed. All 72 arrests were recorded on the Department's delinquent disposition monitoring list.

The Department does not add arrests to the monitoring list, occurring before March 16, 1976, which it knows are without dispositions. In addition, the Department is incapable of distinguishing between an arrest which does not have a recorded disposition because no disposition has been reached and an arrest which does not have a recorded disposition because the disposition has not been reported.

C. Dissemination Logging Procedures

Since June 1978, the Department of Law Enforcement has conducted audits, on four different occasions, of its procedures for logging disseminations by mail, teletype and telefacsimile. The Audit Unit reviewed the Department's audit procedures for the audit which it conducted in May 1979.

3. At a 95% confidence level the Department of Law Enforcement took a sample of 624 records randomly drawn from the dissemination log books of the 14,500 disseminations by mail and teletype for the month of March 1979. The errors found by the Department in this sample consisted of two types. The disseminations were either not being logged or the logging cards were missing from the file jacket. The Department stated that it corrected the errors in the sample.

The Audit Unit examined a random sample of 24 of these 624 records to determine if the disseminations by the Department were recorded correctly according to its own procedures. In two of the records, the actual disseminations were not recorded by the Department. Also, the dissemination log was not in the file jacket of one of the records.

4. At a 95% confidence level the Department took a sample of 266 telefacsimile transmission records randomly drawn from the dissemination log sheets of the 2,000 telefacsimile transmissions for the month of March 1979. The errors found by the Department consisted of dissemination logs missing from the file jackets. The Department informed the Audit Unit that it had corrected the errors which were found.

A random sample of 26 of these 266 records was examined to ensure that the disseminations via telefacsimile were also recorded in each file's dissemination log. In three of the records reviewed the telefacsimile dissemination had not been recorded by the Department.

D. Error Correction and Notification Procedures

5. When the Department of Law Enforcement conducted an audit of CCH records for accuracy and completeness, in June 1978 (discussed in A1 above), it found 16 records containing a variety of errors. (Examples of the errors detected are: wrong name entered; misclassification of charges; arrests missing from transcript; erroneous fingerprint classification; charge entered wrong; and dispositions not entered.) The Department proceeded to correct these errors.

The Audit Unit examined 15 of the 16 records (one was missing from the file) to determine if the Department's correction procedures resulted in the corrections being made accurately. In 14 cases, the errors were corrected accurately. In one record, the Department erroneously created a second arrest for the same offense already reported.

6. After the Department of Law Enforcement corrects a transcript, its notification procedure is to send a revised transcript to all the agencies which have received a copy of the transcript in the past three years. This correction notification procedure applies in at least three instances: 1) when the Department discovers an error through one of its auditing procedures; 2) when a record is changed as the result of an individual record challenge; and 3) when a record is expunged.

Since these notifications of corrections are supposed to be logged by the Department, the notification procedure can easily be verified by examining the dissemination logs of a record, after the date the correction is made, to see if the proper agencies have received a revised transcript. The Audit Unit should have examined (but did not) the dissemination logs of the 16 records corrected by the Department (discussed in D5 above) and the nine individual record challenges which were granted by the Department (discussed in F8 below) in order to determine if the Department's correction notification procedures are routinely followed.

The Audit Unit did, however, examine the 16 "CCH complete" records that had been ordered expunged during June 1979 (discussed in E7 below). In 14 of the 16 records, no notification of correction had been disseminated.

E. Expungement Procedures

7. It is the Department's policy to expunge information pursuant to court order. In June 1979, the Department received 220 court-ordered expungements. The Department informed the Audit Unit that it complied with the court orders and expunged all of those records.

The Audit Unit reviewed 22 records drawn at random from the 220 court-ordered expungements for June 1979 to determine if the required expungements were correctly made. The required expungements were made in all 22 of the records examined.

As a matter of policy, the Department does not automatically return all photographs, fingerprints, or other records of identification to the individual when an arrest results in an acquittal or release without conviction.

F. Individual Review and Challenge Procedures

8. The Department of Law Enforcement has established detailed procedures for permitting the access, review, and challenge of an individual's record. For example, the Department's regulations require a response to each stage of the access and challenge process within 30 days. Also, each step of the process is considered to be an event which is supposed to be entered onto the CCH transcript. After three full years of operating under its access and review procedures, the Department reported that 829 requests for access and review, 112 record challenges, and 5 administrative reviews had been filed.

Only the record challenge aspect of the overall access and review procedures was examined, since the invocation of a record challenge would seem to indicate that a problem in the record might already exist. The Audit Unit sampled 15 records taken at random from the 112 record challenges filed. These records were specifically reviewed to determine if:

- a) the response times were exceeded by the Department;
- b) the Department's response to the record challenge could be substantiated by the supporting documentation;
- c) the current CCH transcript accurately reflects any changes made by the Department; and
- d) the current CCH transcript is accurate and complete.

In eight of the records, the 30 day response time had been exceeded in the "request for access and review" stage of the procedures. In seven records, the Department took more than 30 days in which to respond to a record challenge, and of the three records in which an administrative review had been requested, the Department took more than 30 days to respond in one case.

In four of the fifteen records, the Department's response to the challenge could not be supported by documentation in the file. For example, in one record the record challenge was missing, so there was no way of verifying the type of challenge to which the Department was responding. In one case, the Department modified a disposition to read "Returned as parole violator with same sentence" by adding the phrase "with same sentence." There was no documentation to support this conclusion. Another record was updated by the Department to reflect that a sentence of supervision had been discharged even though there was no court document to support that conclusion. In another case, the Department changed a documented one year court supervision by entering a dismissal for the same date, even though there was no documentation to support either the disposition of dismissal or the date given to it.

In three of the records reviewed, the current CCH transcript was incomplete because the record challenge itself was not entered onto CCH as an event.

In all ten cases where the Department did change a record (nine at the record challenge stage and one at the administrative review stage), the changes were entered accurately onto CCH. However, in one case, five previously recorded entries were lost when the change was made.

Also, there were two records where dispositions had been reported to the Department after March 16, 1976 and were not added to the individual's CCH transcript even though the arrest was already on CCH.

G. General Quality Control

9. In order to observe the general quality of the records maintained by the Department of Law Enforcement with respect to accuracy and completeness, the Audit Unit sampled a limited number of manual and automated records. None of the 23 records pulled at random had been previously audited or corrected by the Department. Although the results of this review are not statistically significant (23 records out of 1.3 million), the Audit Unit wanted to observe the general quality of a few records.

Four records were found in which a CCH entry could not be verified because the state's attorney's disposition was missing from the file. Two records had the same problem with respect to missing court dispositions, and at least one record file was missing custodial information which had been entered onto CCH.

In one record, disposition information reported subsequent to March 16, 1976 was in the file jacket but had not been entered onto CCH. In addition, one record of a current active offender with a history of numerous arrests and convictions dating back to 1955 was not completely entered onto CCH. Part of the record was on CCH (both old and recent arrests) and part of the record was still manually maintained.

VI. Findings and Recommendations

FINDING NUMBER 1

The Department of Law Enforcement's procedures for conducting systematic audits are inadequate, in that a) the frequency and scope of the Department's audits do not sufficiently detect erroneous or missing information and b) they do not examine manual records.

DEPARTMENT OF LAW ENFORCEMENT RESPONSE

Due to budgetary constraints, an extensive internal auditing program has not been implemented. The Bureau of Identification has requested additional positions for Fiscal Year 1981 to expand its auditing program. During the remainder of Fiscal Year 1980, the Bureau of Identification will conduct at least one audit of current entries to the Computerized System and one audit of posting current transactions to manual transcripts.

RECOMMENDATION

The Council recognizes that severe budgetary constraints are placed upon the Department of Law Enforcement. Nevertheless, the most critical aspect of any record system is the confidence in its accuracy, completeness, and reliability. Federal regulations and sound management practices compel that systematic audits be conducted in order to monitor the quality of information maintained in an information system the size of the Department of Law Enforcement's.

The Council recommends that the Department of Law Enforcement develop (and report to the Council on an annual basis) a systematic audit program, that will ensure that it conducts systematic audits for accuracy and completeness on a regular schedule and which includes a statistically significant, representative sample of all the types of records maintained in the system.

FINDING NUMBER 2

The Department of Law Enforcement's procedures for identifying delinquent dispositions are inadequate, in that a) arrests that do not have dispositions can be identified but there is no system for identifying delinquent dispositions and b) they do not add arrests prior to March 16, 1976, suspected to have delinquent dispositions, to the monitoring list.

DEPARTMENT OF LAW ENFORCEMENT RESPONSE

There are no effective means to determine if a disposition is delinquent without contacting either the State's Attorney or Circuit Clerk to determine if a disposition has occurred and not reported within 30 days as provided by law. The Department could implement procedures to predict when a disposition is likely to be delinquent. The Department recognizes that substantial numbers of dispositions are delinquent from 1976 to 1979. The Bureau of Identification has sought to collect these dispositions by several methodologies, including direct assistance to Circuit Clerks in reporting. The number of delinquent dispositions currently exceeds the Department's capacity to collect all of them. The Fiscal Year 1981 Budget request includes additional personnel for this function.

As a result, the ability to predict when a disposition is likely to become delinquent or the addition of arrests prior to March 16, 1976 to the monitoring list would not significantly improve dispositional reporting.

Furthermore, the LEAA Privacy and Security Planning Instructions specifically state, "there is no intent to require that agencies go back into old records and obtain dispositions for all arrests occurring before a disposition reporting system is in effect...agencies would not be expected to attempt to reconstruct records, even if the arrest occurred after June 19, 1975." The Department implemented mandatory disposition reporting on March 16, 1976.

RECOMMENDATION

The Council recognizes that the reporting of dispositions to the Department of Law Enforcement is encumbent upon state's attorneys and circuit clerks, and the Department has no power to enforce compliance with the disposition reporting law. (Chapter 38 section 206-2.1, Illinois Revised Statutes.) The Council also recognizes that there are not enough resources to reconstruct dispositions for all the records maintained by the Department. However, every effort should be made to find out a disposition for an arrest when a record is in the process of being converted onto the Computerized Criminal History (CCH) file, and this effort should be made regardless of the specific date of the arrest. The purpose of delinquent disposition monitoring is to improve the reporting of known dispositions in the state and to reduce the number of incomplete records. At this point in time, the Department cannot tell the difference between an arrest which does not have a disposition because there is none and an arrest that should have a disposition posted but it is delinquent. Furthermore, when the Department comes across an arrest prior to March 16, 1976 and no disposition is posted, it can be fairly certain that the disposition is delinquent. At the very least, such information should be added to the computerized monitoring list.

The Council recommends that the Department of Law Enforcement 1) provide regular scheduled reports to the state's attorneys and circuit clerks of all dispositions which are missing and the number of days that the dispositions are outstanding, 2) develop a method for identifying those dispositions which are likely to be delinquent, and 3) make a summary of the disposition information reporting rates available on an annual basis to the Council, the Governor, and the General Assembly so that compliance with the current disposition reporting law may be evaluated.

FINDING NUMBER 3

The Department of Law Enforcement's procedures for logging the dissemination of criminal history record information appear to be adequate.

DEPARTMENT OF LAW ENFORCEMENT RESPONSE

No response necessary.

RECOMMENDATION

None.

FINDING NUMBER 4

The Department of Law Enforcement's procedures for correcting known errors appear to be adequate.

DEPARTMENT OF LAW ENFORCEMENT RESPONSE

No response necessary.

RECOMMENDATION

None.

FINDING NUMBER 5

The Department of Law Enforcement's procedures for notifying recipients of criminal history record information about corrections are not routinely followed.

DEPARTMENT OF LAW ENFORCEMENT RESPONSE

The Audit Unit determined that notifications of corrections pursuant to an expungement were not occurring. Immediately after this was brought to the attention of Bureau of Identification personnel, corrective action was implemented to increase compliance with this requirement. The Department will include expungements in future dissemination log audits.

RECOMMENDATION

None.

FINDING NUMBER 6

In twelve cases, the accuracy of CCH data entries could not be verified due to a lack of supporting documents in the file jackets.

DEPARTMENT OF LAW ENFORCEMENT RESPONSE

A review of the records which the audit team reported as missing supporting documentation reflect several different situations.

- 1) Supporting documentation cited was either in the jacket or on CCH as proper.
- 2) Dispositions reported have either not yet been filed or perhaps have been misfiled. If necessary, the Department could request the Court and/or State's Attorney's Office to resubmit this information. Additionally, the Department will conduct re-training on filing of documents.
- 3) Information has routinely been obtained by telephone and utilized to process current transmissions. It appears that the documents either have not been requested or submitted subsequently. The Department has implemented checks to ensure this information is obtained in document form in the future.
- 4) The Department utilizes sources such as the Chicago Police Department transcript and custodial fingerprint cards in some instances to obtain dispositions. In these situations, these are utilized as source documents.

RECOMMENDATION

The confidence of the public and criminal justice community in the accuracy of the CCH file is essential. Regular audits help establish the level of reliability and confidence which can be placed in these records maintained by the Department of Law Enforcement. In order to corroborate the accuracy of the information maintained in the computerized files, original records and documents must be retained in order to compare them and verify the computer record entries. To the degree that many original documents are missing from the file, the ability to audit is undermined.

The Council recommends that the Department of Law Enforcement obtain, file and maintain, wherever possible, original documents in the file jacket which will corroborate the accuracy of CCH data entries.

FINDING NUMBER 7

Due to a backlog of unprocessed fingerprint cards, many CCH records remain incomplete.

DEPARTMENT OF LAW ENFORCEMENT RESPONSE

Due to insufficient personnel resources in the late 1960's and early 1970's, the Bureau of Identification was unable to process all of the fingerprint cards submitted. Since 1974, all submissions have been routinely processed as they were submitted. The backlog of unprocessed fingerprint cards was approximately 500,000 in 1974. As of January 1, 1980, the Department estimates this backlog at 28,400. Since January of 1978, a total of 154,000 subjects contained in the backlog have been processed. In September 1978, additional fingerprint technicians were hired to complete integration of the backlog.

The Department projects that the backlog will be eliminated completely during 1980. A high priority has been placed by the Department on accomplishing this objective.

RECOMMENDATION

The Council agrees with the Department of Law Enforcement that a high priority should be placed on converting its backlog of unprocessed fingerprint cards to CCH and recommends that sufficient resources be made available to the Department for accomplishing this goal.

FINDING NUMBER 8

The Department of Law Enforcement has not conducted any audits of local criminal justice agencies for compliance with federal and state laws.

DEPARTMENT OF LAW ENFORCEMENT RESPONSE

The Department recognizes the need to ensure complete and accurate information is reported. To accomplish this objective, the Bureau of Identification provides technical assistance upon request, identifies and resolves problems which come to its attention, contacts agencies to resolve possible incorrect information and other tasks. The Bureau of Identification Field Staff has been reduced in Fiscal Year 1980. Current staffing levels are not sufficient to pursue both delinquent disposition collection and external auditing. The Bureau of Identification has requested additional personnel in its 1981 budget for external auditing.

RECOMMENDATION

The State of Illinois is required to conduct audits of a random, representative sample of state and local criminal justice agencies and the state central repository for compliance with federal regulations governing the privacy and security of criminal history record information. On March 1, 1978, the Department of Law Enforcement certified to the Law Enforcement Assistance Administration that its procedures for conducting these audits were operational. The Department of Law Enforcement does, in fact, have detailed written procedures for the conduct of external audits of local agencies. All that remains is for the Department to carry them out. The deadline for conducting the audits is eighteen months after the end of a state's legislative session. At that time, a certificate attesting to the conduct of an audit of both the state central repository and of a random number of other criminal justice agencies must be submitted by the states. (In Illinois that date is July 11, 1980.)

In order to remain in compliance with the federal regulations, the Department of Law Enforcement must implement its audit of local criminal justice agencies before July 11, 1980. The Council recommends that sufficient resources be made available to the Department for accomplishing this goal.

FINDING NUMBER 9

The Department of Law Enforcement's procedures for identifying those agencies authorized access to criminal history record information appear to be adequate.

DEPARTMENT OF LAW ENFORCEMENT RESPONSE

No response necessary.

RECOMMENDATION

None.

FINDING NUMBER 10

The Department of Law Enforcement's procedures for identifying the type of information an authorized non-criminal justice agency may receive are inadequate, in that the Department does not distinguish between categories of offenses and releases information to non-criminal justice agencies that they may not be authorized to receive.

DEPARTMENT OF LAW ENFORCEMENT RESPONSE

State statutes provide for a variety of grounds for rejection of potential employees or license holders. The screening and application of these criteria most appropriately rests with the potential employer or licensing agency. In some instances, further investigation would be required by the agency to determine if a particular conviction is grounds for denying employment or license.

RECOMMENDATION

The Council recognizes that the myriad of complex statutes confronting the Department of Law Enforcement and governing the dissemination of criminal history record information to non-criminal justice agencies makes the administration of these statutes virtually impossible. In order to comply with the technical dictates of existing law, the Department would literally need scores of lists stating what type of offense information one agency may receive but not another. Such a dissemination policy at the state or local level is unmanageable.

It is recommended that the Council and the Department of Law Enforcement develop legislation which will clarify the policy for disseminating criminal history record information to non-criminal justice agencies.

FINDING NUMBER 11

The Department of Law Enforcement has no back-up facilities for its manual record system, other than data also appearing on its computerized criminal history file.

DEPARTMENT OF LAW ENFORCEMENT RESPONSE

The Bureau of Identification requested funds from both the Illinois Law Enforcement Commission and in its budget request for microfilming all of its Criminal History Files in previous years. This request is contained in the Bureau's Fiscal Year 1981 Budget request.

If the request is approved, the Bureau would maintain all of its files on microfilm with secure, off-site storage of a duplicate of the file. Additionally, more timely processing of inquiries could be accomplished as a result of increased efficiencies.

RECOMMENDATION

The Department of Law Enforcement maintains hundreds of thousands of records which are vital to the criminal justice community. In order to protect the criminal justice community's investment in these records, the Department must reduce the potential of devastating loss to its files. The Department of Law Enforcement should continue its efforts to reduce its reliance on paper files by converting active record subjects to the CCH file and by microfilming all essential data.

The Council recommends that in order to provide effective back-up to its manual records the Department of Law Enforcement 1) review its manual files and remove or destroy all records that are not required by law to be maintained, 2) reduce its reliance on manual systems by converting all alphanumeric information, found in the records of persons currently active within the criminal justice system, to CCH and by converting all non-alphanumeric data on active persons to microfilm, 3) microfilm all criminal history record information for secure off-site storage, and 4) develop grant proposals for federal funds for microfilming in light of this recommendation.

FINDING NUMBER 12

In four cases, the Department of Law Enforcement's response to an individual record challenge could not be supported by the documentation in the jacket file.

DEPARTMENT OF LAW ENFORCEMENT RESPONSE

The Department routinely obtains information by telephone to respond to Request for Access and Review and challenge procedures, in order to meet time constraints. Agencies are requested to submit the information in writing or by photocopying appropriate documents. In at least some instances, it appears these documents have not been received.

The Department has initiated new procedures to follow-up on the receipt of this information. Additional attention will also be given to ensure written documents have been received or requested to support transcript entries.

RECOMMENDATION

None.

FINDING NUMBER 13

The Department of Law Enforcement does not expunge records in the manner prescribed by Illinois law.

DEPARTMENT OF LAW ENFORCEMENT RESPONSE

Illinois Revised Statutes, Chapter 38, Section 206-5 has been repeatedly amended since its initial passage in 1931. One of the effects of these amendments has been substantial confusion concerning the interpretation of that portion dealing with return of records. The Department intends to introduce legislation to resolve this confusion. Further, most of the records submitted since 1931 do not contain dispositions. Mandatory disposition reporting did not become effective until March 16, 1976. Current addresses are not available on criminal offenders whose charges resulted in non-conviction. Thus, there is no means to return records to the person.

RECOMMENDATION

The Council recognizes that there is considerable confusion regarding the law of expungement of arrest records in Illinois, that complying with the technical letter of the law is impossible in many cases, and that the existing statute fosters inconsistent recordkeeping practices at the state and local level.

As its recommendation, the Illinois Criminal Justice Information Council shall immediately conduct a study of the state of the art of expungement of arrest records in Illinois and, along with the Department of Law Enforcement, develop legislation which will clarify the policy and procedure for expunging criminal history record information.

FINDING NUMBER 14

The Department of Law Enforcement does not limit the dissemination of pre-July 1, 1973 non-conviction data as required by federal law.

DEPARTMENT OF LAW ENFORCEMENT RESPONSE

LEAA interpretation of 20.21 (b)(2) is that if any agency is authorized by statute, ordinance, executive order or court rule, decision or order, as construed by appropriate State or local officials or agencies, the recipient agency is entitled to the entire record. Thus, the Department of Law Enforcement need not limit the dissemination of Criminal History Record Information to these agencies.

RECOMMENDATION

It is recommended that the Illinois Criminal Justice Information Council and the Department of Law Enforcement develop legislation which will clarify the policy for disseminating criminal history record information to non-criminal justice agencies.

FINDING NUMBER 15

The Department of Law Enforcement's procedures for converting manual records (of persons still active in the criminal justice system) to CCH are inadequate, in that they do not always result in a complete CCH record transcript.

DEPARTMENT OF LAW ENFORCEMENT RESPONSE

In 1976, the Department embarked upon a program to computerize its records to serve three primary functions:

1. To utilize computer technology to produce transcripts.
2. To provide rapid, on-line computer responses to inquiries from criminal justice agencies.
3. To meet the requirements of the LEAA Rules and Regulations on Privacy and Security.

In order to meet these objectives, substantial revisions were made in the reporting of arrests, dispositions and custodial transactions, the internal processing procedures of the Bureau of Identification and in the computerized criminal history system.

The Department began by entering to the computerized criminal history system all current arrests. This was necessary to support delinquent disposition monitoring as required by LEAA. Since that time, increasing numbers of records have been completely entered to CCH.

The Department recognizes the desirability of entering every record completely to CCH. Two factors prevent the Department from accomplishing this objective:

1. The Department does not have sufficient personnel to code and enter all historical information on currently active offenders. The Bureau of Identification has requested in its Fiscal Year 1981 Budget an additional 110 personnel, which in part, would be utilized in furtherance of this objective. Until additional personnel are provided, the Department must utilize manual transcripts to provide responses to inquiries. It also needs to be noted that no agency has access to records on CCH which are flagged as incomplete, except the Bureau of Identification.
2. A systematic problem exists in that frequently custodial fingerprints are received prior to the receipt of court dispositions. The Department is currently evaluating this problem and will develop procedures to reduce or eliminate it in the near future.

RECOMMENDATION

The Council, too, recognizes the desirability of entering every record of current active offenders completely to CCH. Once a person is arrested and the current arrest is placed on the computerized system the entire manual record should ideally be converted at the same time. An individual record which is part manual and part computerized cannot be utilized effectively or efficiently.

The Council recommends that sufficient resources be made available to the Department of Law Enforcement for converting manual records of persons still active in the criminal justice system to CCH so that a complete CCH record transcript will result.

VII. Significance of the Findings

This Annual Audit, conducted by the Council, is a different type of audit. It is an audit of compliance--of compliance with the Department of Law Enforcement's own recordkeeping procedures, practices, and policies regarding the privacy and security of criminal history information, and with the requirements of federal and Illinois laws. Moreover, this type of audit has never before been conducted in Illinois, or for that matter, throughout most of the other states. As a first attempt, this audit has some limitations which the Council has noted and intends to modify next year. Based on the findings of the Council, however, two major concerns are manifest.

First, the statutory requirements regulating criminal history recordkeeping and privacy and security concerns in Illinois are confusing, contradictory, and ambiguous. The lack of a single, coherent statutory policy seriously impedes sound recordkeeping practices. The main focus of the Department of Law Enforcement, the Criminal Justice Information Council, and other interested agencies in the criminal justice community ought to be to clarify the present statutory language and in its place establish statewide policies for the efficient collection and maintenance and equitable dissemination of accurate and complete criminal history record information.

Given the present state of the law, the Department of Law Enforcement must be complimented and commended for its efforts in complying with and attempting to administer statutes which are difficult, if not impossible, to implement. This is especially cogent in an era when the Department has been severely restrained by shrinking resources while the reality and promise of rapidly changing technology has led the criminal justice community and citizens of Illinois to expect swifter and better results than have actually materialized. This audit evidences the resulting frustration on the one hand and documents the gradual, but continued, progress of the Department toward a lofty goal on the other.

Second, the Department of Law Enforcement, despite all its efforts, needs to clarify its own internal procedures in some areas with respect to efficient recordkeeping practices. This need is most prevalent in the area of disposition reporting—an area which goes to the very heart of maintaining accurate and complete information. Both the Department and Council concur that major efforts are needed to improve timely disposition reporting by local law enforcement agencies, state's attorneys, and clerks of the courts throughout the state.

Clarification of the Department's procedures and policies is also especially important because of the direct effect they have on the operation of the hundreds of local criminal justice agencies throughout the state. As the custodian of information collected by local agencies, both the direct support of officers in the field and the quality of justice meted out by local officials is obviously dependent upon the timeliness, accuracy, and completeness of data supplied by the Department of Law Enforcement. Since local criminal justice agencies are reliant upon the Department, as are citizens who are directly affected by the actions of local officials, the Department needs to assure the criminal justice community that its procedures and policies are fully operational and will ultimately lead to the regular and rapid delivery of reliable information. In addition, the criminal justice community must be able to comprehend and support these policies.

It is also apparent from the findings that the Department of Law Enforcement is the only entity capable of providing the complete information and services required by criminal justice agencies. While the Department must streamline its procedures to increase the efficiency of its operation, it is also obvious that the Department is in dire need of more financial support in order to carry out its recordkeeping duties effectively, efficiently, and responsively to the needs of local agencies.

Perhaps the most significant result of this annual audit is the fact that it demonstrates the importance of and need for continued audits of this type. The taxpayers of Illinois have and are continuing to dole out large sums of money for both state and local criminal history recordkeeping systems, and they have a right to expect that their taxes will be spent efficiently on reliable information systems. This first audit of the Council emphasizes the need for improving the quality and availability of criminal justice data at both the state and local levels. It documents the need to establish coherent, uniform policies by revamping the maze of existing legislation. It shows that the reporting of information by local criminal justice agencies must be improved, that local agencies are reliant upon the Department of Law Enforcement, and that the Department needs to be better supported in the services which it provides for the whole criminal justice community. It also informs state and local criminal justice agencies as to the guidelines and standards they can adopt for their own recordkeeping systems.

In sum, this Annual Privacy and Security Audit opens some of the operations of government to the light of public exposure. It provides the citizens of Illinois with the opportunity to gauge the quality of criminal records in Illinois and, for the first time, to scrutinize the way in which this information is being used by the criminal justice community.

APPENDIX A

LEGAL REQUIREMENTS CONCERNING CHRI

1. Signed certificates by peace officers stating that a request for CHRI will be used for the administration of the criminal laws.
2. Clerks of the Circuit Court must report dispositions to DLE within 30 days of the event.
3. States attorneys must report dispositions to DLE within 30 days of the event.
4. Policing agencies must report dispositions to DLE within 90 days of the event.
5. Policing agencies must report arrests to DLE on a daily basis.
6. State-maintained records in cases resulting in non-conviction shall be returned to the defendant (except for probation under Chapter 56½ Section 1410).
7. Dissemination of State-maintained CHRI shall be limited.
8. Update inquiries are mandatory before dissemination.
9. Systematic audits shall be conducted to detect erroneous information.
10. Recipients of CHRI must be notified of material errors.
11. Non-criminal justice agencies desiring access to non-conviction data are required to execute a user's agreement with the disseminating criminal justice agency.
12. Researchers desiring access to non-conviction data are required to execute a non-disclosure agreement with the disseminating agency.
13. DLE shall determine a representative random sample for conducting audits of state and local criminal justice agencies.
14. DLE must retain primary dissemination logs.
15. Local criminal justice agencies must retain secondary dissemination logs of state-maintained CHRI.
16. Software and hardware must be designed to prevent unauthorized access.
17. Only authorized personnel may gain direct access to CHRI.
18. Data may not be altered by non-criminal justice terminals.
19. Criminal justice agencies shall control the destruction of records.
20. All attempts to penetrate the system shall be recorded for output.
21. Knowledge of the actual programs designed to detect unauthorized access shall be restricted.

22. Data shall be maintained in physically secure environments.
23. Criminal justice agencies shall screen personnel having access to CHRI.
24. Persons with direct access to CHRI shall be subject to administrative sanctions by criminal justice agencies.
25. Employees shall be informed of the substance and intent of the federal regulations.
26. Individuals shall be permitted to review challenge, and obtain a copy of their own records.
27. DLE shall provide for administrative review of individuals challenging their records.
28. Individuals may obtain the names of non-criminal justice agencies having access to their records.
29. DLE shall retain records of the audits it conducts.
30. DLE shall notify local criminal justice agencies of audit exceptions and follow-up for corrective action.
31. DLE shall determine a statistically valid random sample of its records for auditing.
32. Dissemination of state-maintained CHRI for employment or licensing purposes must be based upon fingerprint verification.
33. DLE shall audit local criminal justice agencies for compliance with federal regulations.

APPENDIX B

PRIVACY AND SECURITY REQUIREMENTS,
POTENTIAL EXPOSURES, AND DLE PROCEDURES

AUDIT QUESTIONNAIRE

Date:

Auditor:

Respondent:

Legal Requirement

1. Signed certificates by peace officers that a request for CHRI will be used for the administration of the criminal laws.

Exposures

Use of User Agreement list

- . Existence of list of signatories
- . Verify agency has signed
- . Regular update of lists
- . Verify all LEADS agencies have signed
- . Verify inter-agency units have signed

Identification of requesting individual

Verification that request is for use in the administration of the criminal laws.

DLE Written Procedure/Policy - Dissemination Policies Memo 4/11/79.

Actual Questions

1.
 - a) Is this the currently used User Agreement for criminal justice agencies?
 - b) Provide a list of all agencies who have signed agreements on file and also those who have refused to sign why have they refused?
 - c) How often is list updated?
 - d) Is list checked prior to each dissemination?
 - e) Questions B-D for LEADS agencies?
 - f) How are inter-agency groups handled (i.e., MEG)?
 - g) How is it verified that the requesting individual is a criminal justice employee (walk-ins; telephone)?
 - h) How is the purpose of request verified?

Observations/Comments

Legal Requirement

2. Dissemination of state maintained CHRJ shall be limited, including LEADS and Juvenile data.

Exposures

- Use of user agreement list
- Identification of requesting individual (see above)
- Verification that request is authorized by law
- Identification of types of information authorized to be released
- Maintenance of dissemination logs
- Updating of information prior to release
- Limitations on release of non-conviction data to non-criminal justice agencies
- Release of Juvenile data is limited
- Coordination of non-conviction data with delinquent disposition monitoring list.
- Disclaimers of accuracy when not based on fingerprints.

DLE Written Procedure/Policy

- No dissemination of CHRJ w/out users agreement
- 1) Non-criminal justice agencies receive limited information
 - 2) NLETS responses to proper request code will include CHRJ only for criminal justice use.
 - 3) Webb letter to Gould

Actual Questions

2.
 - a) Do you have a user agreement list?
 - b) Is the list regularly up-dated?
 - c) Do you check it before dissemination?
 - d) In what form are dissemination logs maintained?
 - e) How long are they (logs) kept?
 - f) Does DLE have policy to ensure all disseminations are logged?
 - g) How do you up-date information prior to release?
 - h) Do you have a list of non-criminal justice agencies authorized to receive CHRJ?
 - i) What information can they receive?
 - j) Is the list up-dated regularly?
 - k) Do you check before dissemination?
 - l) Do you maintain a delinquent disposition list?
 - m) When releasing CHRJ with no disposition, is this noted and up-dated?

Observations/Comments

Legal Requirement

3. Non-criminal justice agencies deserving access to state maintained non-conviction data must execute a valid user's agreement with the disseminating criminal justice agency.

Exposures

- Use of user agreement list
 - . Existence of list of signatories
 - . Verify agency has signed
 - . Regular update of lists
- Identification of requesting individual
- Verification that request is authorized by law
- Coordination of non-conviction data with delinquent disposition monitoring.
- Method to ensure local agencies have valid user agreement with local non-criminal justice agencies.

DLE Written Procedure/Policy - Dissemination Policies Memo 4/11/79.

Actual Questions

3.
 - a) Is this the currently used Agreement for non-criminal justice agencies?
 - b) Provide a list of all agencies who have signed agreements on file.
 - c) How often is list updated?
 - d) Is list checked prior to each dissemination?
 - e) By what procedure does the non-criminal justice agency actually and physically obtain information?
 - f) How is it verified that requesting individual is a member of the non-criminal justice agency?
 - g) How is the legality of the request determined and verified?
 - h) What is the method for identifying types of information which may be released?
 - i) How is the "limited" information actually provided to the non-criminal justice agency?
 - j) What procedures exist to guarantee that non-conviction data appearing on a rap sheet is noted on the delinquent disposition list?
 - k) What method does DLE use to ensure that local agencies have valid user agreements with local non-criminal justice agencies. (External Audit)

Observations/Comments

Legal Requirement

4. Update inquiries are mandatory before dissemination

Exposures

Coordination of missing dispositions with delinquent disposition monitoring.

DLE Written Procedure/Policy

Computer generated transcripts contain message saying "Query before Dissemination" on each page.

Actual Questions

4. a) During local audits, do you ask if they query before dissemination?

Observations/Comments

Legal Requirement

5. DLE must maintain primary dissemination logs.

Exposures

Information stored in retrievable format.

Maintain currency of logs

All items of information entered on logs

DLE Written Procedure/Policy - None

Actual Questions

5. a) Provide copies of any primary dissemination logs. Is information stored in retrievable format? (Note format)
b) How soon after dissemination is the act noted in the log?
c) Examine random sample of log entries for completeness.

Observations/Comments

Legal Requirement

6. Dissemination of state-maintained CHRJ for employment or licensing purposes must be based upon fingerprint verification.

Exposures

LEADS used for non-criminal justice purposes.

Non-conviction data released to non-criminal justice agencies.

LEADS CCH logs monitored for applicant checks.

DLE ensures reasonable response time to request.

DLE Written Procedure/Policy - Dissemination Policies Memo 4/11/79.
Applicant Processing Memo 6/5/78.

Actual Questions

6. a) Do you monitor LEADS/CCH logs for applicant checks?
b) Do you remove non-conviction data from CHRJ released to non-criminal justice agencies?
c) Do you have a priority for responding to applicant checks?
d) What is the maximum allowable time period?

Observations/Comments

Legal Requirement

7. Clerks of the circuit Court must report final dispositions to DLE within 30 days of the event.

Exposures

Maintenance of system for identifying unreported dispositions

Reporting time constraints met

Identify and flag special dispositions (e.g. supervision)

Coordination with expungent procedures.

DLE Written Procedure/Policy - None

Actual Questions

7. a) What is the method for identifying dispositions not reported by circuit clerk within 30 days of the event?
b) Is there a list of special dispositions?
c) Are special dispositions flagged (supervision, etc) for update?

- d) What procedures exist to guarantee that these special dispositions that are flagged for update are noted on the delinquent disposition list?
- e) Are non-conviction dispositions flagged for expungement purposes?

Observations/Comments

Legal Requirement

- 8. State's Attorneys must report dispositions to DLE within 30 days of the event.

Exposures

(Same as 7 above)

DLE Written Procedure/Policy - None

Actual Questions

- 8. a) Do you have a system to determine which charges are more than 30 days old without dispositions?
- b) How do you "Flag" on the record?
- c) What follow-up procedures are used?
- d) Are dispositions such as Nolle Pros, etc. coordinated with expungement routines?

Observations/Comments

Legal Requirement

- 9. Policing agencies must report dispositions to DLE within 90 days of the event

Exposures

Maintenance of system for identifying unreported dispositions.
Reporting time constraints met
Coordination with expungement procedures.

DLE Written Procedure/Policy - None

Actual Questions

- 9. a) What is the method for identifying dispositions not reported by police agencies within 90 days of the event?

- b) Is there a disposition for cases not referred for prosecution?

Observations/Comments

Legal Requirement

- 10. Policing agencies must report arrests to DLE on daily basis.

Exposures

Maintenance of system for identifying unreported arrests.
Reporting time constraints met.
Known rejected arrest fingerprint cards listed to see if resubmitted by arresting agency.

DLE Written Procedure/Policy - CJIS Policy 0021, general instructions for Illinois Arrest Fingerprint Card.

Actual Questions

- 10. a) Do you have a method of identifying unreported arrests, such as disposition without prior arrest?
- b) Do you keep a list of rejected arrest FP cards to see if resubmitted by arresting agency?
If resubmitted, how many are classifiable?

Observations/Comments

Legal Requirement

- 11. State-maintained records in cases resulting in non-convictions shall be returned to the defendant (except for probation under Chapter 56½ Sec. 1410)

Exposures

Maintenance of system to identify non-convictions.
Method of expunging CCH files.
Management record of expungement actions (See 20 below).
Expungement of Section 710 cases.

DLE Written Procedure/Policy - Landers Memo to McAlvey 8/18/77.

Actual Questions

11. a) Are non-conviction dispositions flagged?
If so, how?
- b) Are all non-conviction arrest records returned to the defendant?
- c) Are these also removed from CCH. (Automatically)
- d) Is a record of expungements maintained?
- e) Is the record maintained alphabetically or otherwise?
- f) What is the method for expungement for records under Chapt. 56½, Chapt. 710?

Observations/Comments

Legal Requirement

12. Systematic audits shall be conducted to detect erroneous information.

Exposures

Determine representative random sample size of records

- . Manual (see 15 below)
- . Automated

Develop methods for recording audit exceptions in a retrievable format.

Source documents (random) are available for comparison and inspection.

CCH records reflect complete (not partial) history.

Incomplete CCH records flagged for completion.

Method to correct errors.

Chicago P.D. arrest cards screened for clarity and completeness.

Known aliases check for duplicate fingerprint cards.

DLE Written Procedure/Policy

BCI number and description of errors recorded.

Actual Questions

12. a) What procedure is used to determine representative random sample for internal audits?
- b) How are descriptions of errors recorded?
- c) Are source documents available for inspection?
How are they maintained?
- d) Are records checked for complete history?
- e) Do you check for "Flags" on records?
- f) What quality control procedures are used on Arrest Fingerprint Cards upon submission?
- g) Do you check for duplicate fingerprint cards under known aliases?

- h) What are your error correction procedures?
- i) How do you update records with corrected information?

Observations/Comments

Legal Requirement

13. Recipients of CHRJ must be notified of material errors.

Exposures

Maintenance of dissemination logs.

Procedure for notification.

DLE Written Procedure/Policy - Procedures in handling Dups Memo 5/22/78.

Actual Questions

13. a) What is the procedure for notifying prior recipients of CHRJ of material errors.

Observations/Comments

Legal Requirement

14. DLE shall determine a representative random sample for conducting audits of state and local criminal justice agencies.

Exposures

Representative

- . geographic location of agency
- . type of agency
- . size of agency

Size of sample determined

Random

Priorities/frequencies written.

DLE Written Procedure/Policy - None

Actual Questions

14. a) How do you determine representative sample for external audits?
- b) Do these procedures take into account: geographic location, type, size of agency?

- c) Do you have written procedures for setting priorities and frequencies for these audits?

Observations/Comments

Legal Requirements

15. DLE shall determine a statistically valid random sample of its records for auditing.

Exposures

Supply to manual and automated records.
Determination of sample size.
Random

DLE Written Procedure/Policy - None

Actual Questions

15. a) What is the method used to determine the sample size for internal audit?
b) Does the sample include both manual and automated records?
c) What is the size of both samples? (metric)
d) How is randomness assured?

Observations/Comments

Legal Requirement

16. Researchers desiring access to state-maintained non-conviction data are required to execute a non-disclosure agreement with the disseminating agency.

Exposures

Verify researcher has signed non-disclosure agreement.
Method to ensure that local agencies have valid non-disclosure agreements with researchers.

DLE Written Procedure/Policy - None

Actual Questions

16. a) What are your policies regarding researchers' access to:
conviction data?
non-conviction data?

- b) How do you verify that a researcher has a bonafide non-disclosure agreement?
c) When conducting audits of local agencies, how do you ensure that agencies have valid non-disclosure agreements?

Observations/Comments

Legal Requirement

17. Local criminal justice agencies must retain secondary dissemination logs of state-maintained CHRI.

Exposures

Method for ensuring local secondary dissemination logs are maintained.

DLE Written Procedure/Policy - CHRI Criminal Justice Agreement.

Actual Questions

17. a) What is the method for ensuring that local criminal justice agency are maintaining secondary dissemination logs.

Observations/Comments

Legal Requirement

18. Software and hardware must be designed to prevent unauthorized access.

Exposures

Access to terminals limited
Access to computer areas limited
Access to information limited
All system activity recorded
Programs for detecting penetration attempts (See 22 below)
Method for monitoring security of telephone lines.

DLE Written Procedure/Policy

Visitor badges and logs will be used. Also temporary badges.

Actual Questions

18. a) How are attempts to penetrate the system detected and recorded?
Includes lines?

- b) How is this information retrieved and reviewed?

Observations/Comments

Legal Requirement

19. Only authorized personnel may gain direct access to CHRI

Exposures

Method for determining authorized persons, including LEADS terminal.
Currency of authorization.
Method for determining authorized areas.
Method for monitoring security of telephone lines.

DLE Written Procedure/Policy

No CHRI given out by phone with two exceptions. Responses given to phone requests given over teletype when possible

Actual Questions

19. a) How are DLE employees authorized to access CHRI?
b) How often is that authorization updated?
c) How does DLE verify that only authorized persons use local LEADS terminals to access CCH.
d) Are certain areas designated as requiring special clearance?
e) How do you ensure that only authorized persons gain access to these areas?
f) How do you monitor the security of telephone lines? (wiretapping, eavsdropping, entegrety of data)

Observations/Comments

Legal Requirement

20. Data may not be altered by non-criminal justice terminals.

Exposures

Access to systems limited.
No entry of data by non-DLE agency or personnel.

DLE Written Procedure/Policy - None

Actual Questions

20. a) Can data be altered from non-criminal justice terminals?

Observations/Comments

Legal Requirement

21. Criminal Justice agencies shall control the destruction of records.

Exposures

Access to the system is limited
Ensure destruction of the correct record.
Management record of destroyed information (See 11 above.)

DLE Written Procedure/Policy - None

Actual Questions

21. a) How are persons designated as authorized to order and/or actually perform the destruction of records?
b) How is the ability to destroy limited to these people?
c) What are the procedures to guarantee that the correct records are destroyed?
d) Is a list kept of destroyed records? If so, how is it maintained? (alpha, numeric)

Observations/Comments

Legal Requirement

22. All attempts to penetrate the system shall be recorded for output.

Exposures

Log all attempts to access the system.
Maintenance of logs for reference and retrievable format.
Management review and check of log for detection of penetration attempts.

DLE Written Procedure/Policy - None

Actual Questions

22. a) (See #18 above)

Observations/Comments

Legal Requirement

23. Knowledge of the actual programs designed to detect unauthorized access shall be restricted.

Exposures

Knowledge of system design limited to only authorized persons.

Access to system documentation limited.

System documentation kept in secure location.

DLE Written Procedure/Policy - None

Actual Questions

23. a) What persons have or can obtain knowledge of the actual system programs including those designed to detect unauthorized access and system documentation?
b) What is the criteria for authorizing these persons?
c) Is the system documentation kept in a secure place?

Observations/Comments

Legal Requirement

24. Data shall be maintained in physically secure environments.

Exposures

Off-site storage of software and data file.

Physical security

- . fire
- . theft
- . electrical shoratge
- . earthquake
- . tornado
- . flood
- . terrorism
- . bombing

DLE Written Procedure/Policy

Two backup files of computerized records maintained off site.

Cabinets and/or safes containing backup tapes will be locked except when new tapes are received and old tapes are being returned.

Tapes logged in and out.

Actual Questions

24. a) How are data and backup files protected from:

Fire
Theft,
Natural disaster,
Vandalism or other acts of destruction?

Observations/Comments

Legal Requirement

25. Criminal Justice agencies shall screen personnel having access to CHRI.

Exposures

Screening procedure

Hiring after screening procedure is completed.

DLE Written Procedure/Policy - Authorization for Release of Personal Information.

Actual Questions

25. a) What is the screening procedure for employees?
b) When are employees hired in relation to screening program.

Observations/Comments

Legal Requirements

26. Persons with direct access to CHRI shall be subject to administrative sanctions by criminal justice agencies.

Exposures

Procedures to initiate transfer or removal.

DLE Written Procedure/Policy

Personnel Code Union contract

Actual Questions

26. a) What sanctions do you have for violating policies and procedures regarding CHRI?

- b) How do you determine local agency administrative sanctions?

Observations/Comments

Legal Requirements

27. Employees shall be informed of the substance and intent of the federal regulations.

Exposures

Procedures to initiate transfer or removal.

DLE Written Procedure/Policy - None

Actual Questions

27. a) Provide copies of training documentation pertaining to substance and intent of federal regulations. Does this material provide sufficient coverage?
b) Is this information given to all new employees?
c) What kind of training is provided in this area to employees?

Observations/Comments

Legal Requirements

28. Individuals shall be permitted to review, challenge and obtain a copy of their own CHRI.

Exposure

Availability of forms to local agencies.
Awareness of local criminal justice agencies.
Procedures for review and challenge.
Procedures for giving individual a copy.
Procedures to ensure reasonable response times.
Coordination of files with expungement of records.
Coordination of return of non-conviction records to the individual.
Indication on rap sheet that challenge is in process.

DLE Written Procedure/Policy

Specification of Review Officer in Challenges and personnel to handle A&R requests.

Rules and regulations detailing

- 1) Definitions
- 2) Applicability of Rules
- 3) Reviewing Agency
- 4) Legal Counsel
- 5) Forms and procedures

Actual Questions

28. a) How do you: (See Exposure list)
b) How do you audit local agencies for: (See exposure list)

Observations/Comments

Legal Requirement

29. DLE shall provide for administrative review of individuals challenging their records.

Exposures

Documentation to corroborate changes made to records providing an audit trail.

Procedures to audit changes made including comparison of authorizing documents Procedures to ensure reasonable response time.

DLE Written Procedure/Policy

Regulations Governing Individual Access and Review of Criminal History Record Information

Actual Questions

29. a) What is the procedure for administrative review of individuals challenging their records.
b) Is the fact that a record has been challenged noted on the rap sheet for the duration of the challenge? (Procedure)
c) Are change to records recorded?
d) Are official documents documenting these changes available for inspection?
e) What are the procedures used to ensure reasonable response time to a challenge?

Observations/Comments

Legal Requirement

30. Individuals may obtain the names of non-criminal justice agencies having access to their records.

Exposures

Procedures providing list of non-criminal justice agencies.
Ensure reasonable response time.

DLE Written Procedure/Policy

Regulations Governing Individual Access and Review of Criminal History
Record Information

Actual Questions

30. a) What procedures do you have for providing individuals with a list of non-criminal justice agencies having access to their records within a reasonable time period?

Observations/Comments

Legal Requirement

31. DLE shall retain records of the audits it conducts

Exposures

Records conform to ICJIC requirements.

DLE Written Procedure/Policy - None

Actual Questions

31. a) Provide copies of audit forms.
b) Provide copies of local agency audits.

Observations/Comments

Legal Requirement

32. DLE shall notify local criminal justice agencies of audit exceptions and follow-up for corrective action.

Exposures

Follow-up procedures should ensure satisfactory conclusion.

DLE Written Procedure/Policy - None

Actual Questions

32. a) What procedures do you have for follow-up and corrective action for audit exceptions from local agency audits?
b) What sanctions are available for non-compliance when corrective action is indicated?

Observations/Comments

Legal Requirement

33. DLE shall audit local criminal justice agencies for compliance with federal regulations.

Exposures

DLE must have audit procedures to ensure that all relevant federal regulations applying to local agencies are monitored and adhered to:

- . Access and Review
- . Dissemination Logs
- . Juvenile Data Limitations
- . Security
- . Accuracy and Completeness

DLE Written Procedure/Policy

CHRI/UCR - Audit/Study Device to assess:

- 1) Authorized Personnel
- 2) Physical Facilities
- 3) Security Procedures
- 4) Access by outside agencies/persons
- 5) Logging procedures
- 6) Completeness and Accuracy of arrest and custodial CHRI
- 7) Compliance with "query before dissemination" and "logging" requirements.

Actual Questions

33. a) Provide 1 list of questions asked of local agencies to determine their compliance with federal regulations in the following areas:

- 1) Access and Review
- 2) Dissemination logs
- 3) Dissemination limitations
- 4) Juvenile Data limitations
- 5) Security
- 6) Accuracy and Completeness

Observations/Comments

ILLINOIS CRIMINAL JUSTICE INFORMATION COUNCIL

RECORD AUDIT FORM

Record # _____

Auditor: _____

Date: _____

Purpose of Audit: DLE systematic audit _____
Delinquent disposition monitoring _____
Individual review & challenge _____
Dissemination procedures _____
Other (describe): _____

Type of Record/Description: (Check as many as are applicable)

Manual _____
CCH complete _____
CCH incomplete _____
Telefax _____
Random selection _____
Other (describe): _____

Completeness: (Check original documents missing from file jacket)

Arrest card _____
S.A. disposition _____
Court disposition _____
Custodial _____
Other (describe): _____

Accuracy: Yes _____
No _____ (Describe): _____

Delinquent Dispositions:

Date of Arrest	DCN
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

APPENDIX C

Resolution #8
Annual Audit Findings for the Period Ending June 30, 1979

WHEREAS the Illinois Criminal Justice Information Council is responsible for conducting annual and periodic audits of the procedures, policies, and practices of the state central repositories for criminal history record information, and

WHEREAS the criminal history record keeping procedures of the Illinois Department of Law Enforcement have been examined by the Council for compliance with federal and state laws with respect to accuracy and completeness, dissemination limitations, correction of records, delinquent disposition monitoring, audit conduct, security, and the individual right to access and review,

Be it RESOLVED that the findings attached hereto are hereby adopted by the Council.

Be it FURTHER RESOLVED that the Chairman is authorized to release the Annual Audit Report according to the Bylaws of the Council, after providing the Department of Law Enforcement an opportunity to respond to these findings by January 15, 1980.

Adopted: December 12, 1979

APPENDIX D

Annual Audit Findings of the Illinois Criminal Justice Information Council

For the Period Ending June 30, 1979

December 12, 1979

1. The Department of Law Enforcement's procedures for conducting systematic audits are inadequate, in that a) the frequency and scope of the Department's audits do not sufficiently detect erroneous or missing information and b) they do not examine manual records.
2. The Department of Law Enforcement's procedures for identifying delinquent dispositions are inadequate, in that a) arrests that do not have dispositions can be identified but there is no system for identifying delinquent dispositions and b) they do not add arrests prior to March 16, 1976, suspected to have delinquent dispositions, to the monitoring list.
3. The Department of Law Enforcement's procedures for logging the dissemination of criminal history record information appear to be adequate.
4. The Department of Law Enforcement's procedures for correcting known errors appear to be adequate.
5. The Department of Law Enforcement's procedures for notifying recipients of criminal history record information about corrections are not routinely followed.
6. In twelve cases, the accuracy of CCH data entries could not be verified due to a lack of supporting documents in the file jackets.
7. Due to a backlog of unprocessed fingerprint cards many CCH records remain incomplete.
8. The Department of Law Enforcement has not conducted any audits of local criminal justice agencies for compliance with federal and state laws.
9. The Department of Law Enforcement's procedures for identifying those agencies authorized access to criminal history record information appear to be adequate.
10. The Department of Law Enforcement's procedures for identifying the type of information an authorized non-criminal justice agency may receive are inadequate, in that the Department does not distinguish between categories of offenses and releases information to non-criminal justice agencies that they may not be authorized to receive.
11. The Department of Law Enforcement has no back-up facilities for its manual record system, other than data also appearing on its computerized criminal history file.
12. In four cases, the Department of Law Enforcement's response to an individual record challenge could not be supported by the documentation in the jacket file.

13. The Department of Law Enforcement does not expunge records in the manner prescribed by Illinois law.
14. The Department of Law Enforcement does not limit the dissemination of pre-July 1, 1973 non-conviction data as required by federal law.
15. The Department of Law Enforcement's procedures for converting manual records (of persons still active in the criminal justice system) to CCH are inadequate, in that they do not always result in a complete CCH record transcript.

END