



Utah Bureau Of Criminal Identification  
Auditing and Training Staff

## BCI Applicant Background Check (ABC) Compliance Audit Findings

Agency Name and Billing  
Code(s):

Red Rock Center for Independence B1519 & B1520

Administrator Name and Email:

Barbara Lefler  
barbara@rrci.org

BCI Auditor Name, Email and  
Phone:

Shanna Durrant  
shannadurrant@utah.gov 801-281-5043

Audit Date:

August 1st, 2018

### AGENCY INFORMATION AND DOCUMENTS

Name and Email of Agency Point of Contact:

Barbara Lefler  
barbara@rrci.org

Qualified Entity Agreement Date:

September 17, 2018

**\*\*\*PLEASE NOTE THAT THE ABBREVIATION CHRI (CRIMINAL HISTORY RECORD INFORMATION) WILL BE USED EXTENSIVELY THROUGH THIS REPORT TO DESCRIBE INFORMATION YOUR AGENCY RECEIVES FROM THE ABC SYSTEM\*\*\***

CATEGORIES ACCESSED BY AGENCY		
NCIC	National Criminal Information Center	TRUE
WIN	Western Identification Network	TRUE
III- FBI	National Criminal History and Arrest Information	TRUE
UCCH	Utah Criminal History	TRUE
SWW	Utah Statewide Warrants	TRUE
JUV	Utah Juvenile Records	FALSE
PO	Utah Protective Orders	FALSE
EXP	Utah Expunged Records	FALSE

RETAINED/ON-FILE DOCUMENTS	Y/N	Compliance Comment
Qualified Entity Application	No	ALL SIGNED QUALIFIED ENTITY AGREEMENTS BOTH PAST AND PRESENT MUST BE KEPT ON FILE INDEFINITELY BY THE AGENCY
Applicant Consent Form(s)	Yes	
Transfer Form(s)	N/A	
Applicant Fingerprint Submission(s)/Background Check Submission(s)	Yes	
ABC User Agreement(s)	Yes	

REQUESTED DOCUMENTS SUBMITTED	Y/N	Compliance Comment
Qualified Entity Agreement	Yes	
ABC User Agreement(s)	Yes	
Transfer Form(s)	N/A	

AUDITING & TRAINING			
What materials are used in initial training for new users? Does this agency provide updated training materials to ABC Users?			
<b>COMPLIANCE</b>	Yes	<b>REASON</b>	PLEASE SEE AUDITOR'S RECOMMENDATIONS
Does this agency notify BCI of users who should no longer have access to ABC?			
<b>COMPLIANCE</b>	Yes	<b>REASON</b>	
Can this agency provide a list of current users and the billing code(s) they have access to?			
<b>COMPLIANCE</b>	Yes	<b>REASON</b>	

SECURITY			
How is terminals restricted to only authorized personnel?			
<b>COMPLIANCE</b>	<b>Yes</b>	<b>REASON</b>	
Are unauthorized personnel allowed in the terminal areas? Are unauthorized personnel able to view CHRI at any point?			
<b>COMPLIANCE</b>	<b>Yes</b>	<b>REASON</b>	
Are printers that are used to print CHRI located in public areas where unauthorized personnel could see it?			
<b>COMPLIANCE</b>	<b>Yes</b>	<b>REASON</b>	
Do users share logons?			
<b>COMPLIANCE</b>	<b>Yes</b>	<b>REASON</b>	

## RESULTS & DISSEMINATION

Does this agency ensure criminal record history information (CHRI) is only used for the official purpose for which it was requested?			
<b>COMPLIANCE</b>	<b>Yes</b>	<b>REASON</b>	
Is CHRI shared only with those individuals within your agency who are a part of the determination of an applicant's eligibility?			
<b>COMPLIANCE</b>	<b>Yes</b>	<b>REASON</b>	
Is CHRI disseminated during a public hearing?			
Is the hearing a formally established requirement?			
Is the applicant made aware prior to the hearing that CHRI will be disclosed/disseminated?			
If an applicant withdraws from the application process entirely, is CHRI still disclosed/disseminated during the hearing?			
<b>COMPLIANCE</b>	<b>Yes</b>	<b>REASON</b>	
Does this agency receive CHRI from another agency or disseminate to another agency (secondary dissemination)?			
<b>COMPLIANCE</b>	<b>Yes</b>	<b>REASON</b>	
Does this agency log secondary dissemination?			
<b>COMPLIANCE</b>	<b>Yes</b>	<b>REASON</b>	
What does this agency record in secondary dissemination logs?			
<b>COMPLIANCE</b>	<b>Yes</b>	<b>REASON</b>	

## RETENTION & DESTRUCTION

Is CHRI maintained by your agency?			
<b>COMPLIANCE</b>	<b>Yes</b>	<b>REASON</b>	
How is CHRI stored by your agency?			
<b>COMPLIANCE</b>	<b>Yes</b>	<b>REASON</b>	
Does your agency outsource or have contact with another agency to perform non-criminal justice administrative functions?			
Fitness & Suitability Determinations- Human Resources			
Shredding or Record Destruction			
Record Retention			
<b>COMPLIANCE</b>	<b>Yes</b>	<b>REASON</b>	

## CONSENT & PRIVACY

<p>Does your agency require applicants to sign a consent form to request their CHRI and other information?</p>			
<b>COMPLIANCE</b>	<b>Yes</b>	<b>REASON</b>	PLEASE SEE THE COMPLIANCE SUMMARY SECTION
<p>Are applicants informed in writing that their fingerprints will be sent to BCI for a search against local, state, and federal criminal records?</p>			
<b>COMPLIANCE</b>	<b>No</b>	<b>REASON</b>	ALL APPLICANTS MUST BE INFORMED IN WRITING BEFORE THEIR FINGERPRINTS ARE SUBMITTED WHAT DATABASES WILL BE CHECKED DURING THE COURSE OF THE BACKGROUND CHECK.
<p>Do applicants acknowledge the use of their fingerprints for a CHRI check?</p>			
<b>COMPLIANCE</b>	<b>Yes</b>	<b>REASON</b>	
<p>Do applicants acknowledge the use of their fingerprints for ongoing monitoring and comparison against future submissions to state, regional, or federal database and latent fingerprint inquiries?</p>			
<b>COMPLIANCE</b>	<b>Yes</b>	<b>REASON</b>	N/A- AGENCY NOT ENABLED WITH RAPBACK NOTIFICATIONS
<p>Does your agency provide the opportunity for the applicant to challenge the accuracy and the completeness of their CHRI or other information?</p>			
<b>COMPLIANCE</b>	<b>No</b>	<b>REASON</b>	CONFLICTING INFORMATION GIVEN BY AGENCY. PLEASE SEE THE COMPLIANCE SUMMARY SECTION.
<p>Are there written procedures for challenging the accuracy and completeness of CHRI or other information?</p>			
<b>COMPLIANCE</b>	<b>No</b>	<b>REASON</b>	AGENCIES MUST PROVIDE THE INSTRUCTIONS TO APPLICANTS ON HOW TO OBTAIN A CHANGE, CORRECTION, OR UPDATE IN CHRI OR OTHER INFORMATION WITH BOTH THE FBI AND THE STATE OF UTAH

## STATUTORY AUTHORITY & SUBMISSIONS

What statutory authority does your agency use to request CHRI?			
<b>COMPLIANCE</b>	<b>Yes</b>	<b>REASON</b>	THE NATIONAL CHILD PROTECTION ACT / VOLUNTEERS FOR CHILDREN ACT (NCPA/VCA). THIS IS NOT A FINDING.
What job titles or populations are your agency allowed to request CHRI under your designated statutory authority?			
<b>COMPLIANCE</b>	<b>No</b>	<b>REASON</b>	PLEASE LIST WHAT JOB TITLES AND THEIR PRIMARY DUTIES THAT RELATE DIRECTLY TO CONTACT WITH VULNERABLE POPULATIONS.
Can this agency provide specific supporting information on all fingerprint submissions upon request? (fingerprint cards, livescan authorization forms, or other documentation to show the correct statutory authority and purpose for the background check was used)			
<b>COMPLIANCE</b>	<b>Yes</b>	<b>REASON</b>	
Are fingerprint submissions maintained in a database or in files by your agency? (fingerprint cards, livescan authorization forms, or other documentation)			
<b>COMPLIANCE</b>	<b>Yes</b>	<b>REASON</b>	
Does your agency update BCI of any changes in statutory authority?			
<b>COMPLIANCE</b>	<b>Yes</b>	<b>REASON</b>	



## RAP BACK MAINTENANCE

What type of RapBack is this agency authorized to use?			
<b>COMPLIANCE</b>	Yes	<b>REASON</b>	YOUR AGENCY IS NOT ENABLED WITH RAPBACK NOTIFICATIONS. PLEASE CONTACT BCI IF YOU WOULD LIKE TO LEARN MORE ABOUT RAPBACK.
Does your agency validate its RapBack enabled applicants as active?			
<b>COMPLIANCE</b>	Yes	<b>REASON</b>	N/A- AGENCY NOT ENABLED WITH RAPBACK NOTIFICATIONS
Does your agency remove applicants from RapBack that are no longer under your agency's purview?			
<b>COMPLIANCE</b>	Yes	<b>REASON</b>	N/A- AGENCY NOT ENABLED WITH RAPBACK NOTIFICATIONS
How soon do you remove applicants from RapBack?			
<b>COMPLIANCE</b>	Yes	<b>REASON</b>	N/A- AGENCY NOT ENABLED WITH RAPBACK NOTIFICATIONS

## COMPLIANCE SUMMARY

### BCI COMPLIANCE AUDIT SUMMARY FOR BILLING CODES B1519 & B1520 , RED ROCK CENTER FOR INDEPENDENCE, AUGUST 1ST, 2018

**BCI COMMENDS THIS AGENCY ON ITS ADHERENCE TO STATE AND FEDERAL POLICIES GOVERNING THE ACCESS AND USE OF THE INFORMATION OBTAINED FROM BCI SYSTEMS.**

**THESE AUDIT FINDINGS ARE BASED ON AREAS EXAMINED DURING THE COURSE OF THIS AUDIT.**

**THE FOLLOWING ITEMS NEED YOUR ATTENTION:**

**RETAINED/ON-FILE DOCUMENTS:** ALL SIGNED QUALIFIED ENTITY AGREEMENTS BOTH PAST AND PRESENT MUST BE KEPT ON FILE INDEFINITELY BY THE AGENCY

**CONSENT & PRIVACY:** APPLICANTS MUST BE GIVEN A COPY OF THE FBI PRIVACY ACT STATEMENT BEFORE THEY SIGN A CONSENT FORM TO ACKNOWLEDGE THEIR RIGHTS BEFORE A BACKGROUND CHECK IS PERFORMED.

**CONSENT & PRIVACY:** ALL APPLICANTS MUST BE INFORMED IN WRITING BEFORE THEIR FINGERPRINTS AND PERSONAL INFORMATION ARE SUBMITTED HOW THEY WILL BE USED AND WHAT DATABASES WILL BE CHECKED.

**CONSENT & PRIVACY:** APPLICANTS MUST BE GIVEN THE OPPORTUNITY TO MAKE A CHANGE, CORRECTION, OR UPDATE TO THEIR INFORMATION (EVEN IF THEY DO NOT HAVE CHRI) WITHIN A REASONABLE AMOUNT OF TIME. IT IS UP TO AGENCY INTERNAL POLICIES TO DETERMINE CRITERIA FOR CHALLENGE PROCEDURES. IT WAS ANSWERED THAT YOUR AGENCY DOES NOT ALLOW APPLICANTS TO CHALLENGE, BUT YOUR CONSENT FORM STATES THAT CHALLENGES ARE ALLOWED.

**CONSENT & PRIVACY:** APPLICANTS MUST BE INFORMED IN WRITING ON HOW TO OBTAIN A CHANGE, CORRECTION, OR UPDATE TO THEIR INFORMATION (EVEN IF THE DO NOT HAVE CHRI.) BCI HAS A CONSENT FORM TEMPLATE THAT HAS THE INSTRUCTIONS FOR OBTAINING A CHANGE FROM BOTH THE FBI AND THE STATE OF UTAH. THIS FORM MAY BE OBTAINED UPON REQUEST.

**CONSENT & PRIVACY:** PER UCA 53-10-108 AN APPLICANT CANNOT BE PROVIDED WITH A COPY OF THEIR BACKGROUND CHECK/CHRI BY YOUR AGENCY. THEY MAY VIEW A COPY OF IT, AND TAKE NOTES FROM IT, BUT THEY MAY NOT TAKE A COPY OF IT. AN APPLICANT MUST OBTAIN A COPY OF THEIR RECORD FROM BCI AND THE FBI. PLEASE MODIFY YOUR CONSENT FORM LANGUAGE.

**CONSENT & PRIVACY:** PER VECHS WAIVER REQUIREMENTS YOUR APPLICANTS MUST DISCLOSE ALL PRIOR CRIMINAL CONVICTIONS WHICH CONTAIN DESCRIPTIONS OF THE CRIMES AND THE PARTICULARS OF THE CONVICTIONS. BCI HAS A CONSENT FORM TEMPLATE THAT INCLUDES THIS LANGUAGE.

**STATUTORY AUTHORITY & SUBMISSIONS:** CLARIFICATION NEEDED. PLEASE LIST APPLICANT JOB TITLES AND PRIMARY DUTIES THAT RELATE DIRECTLY WITH THE CONTACT OF VULNERABLE POPULATIONS. NOT LISTED IN QUESTIONNAIRE RESPONSE.

## AUDITOR'S RECOMMENDATIONS & REMINDERS

**RECOMMENDATION:** UPDATED TRAINING WILL BE PROVIDED TO AGENCIES OVER THE NEXT YEAR FROM BCI FOR THE ABC SYSTEM FOR AGENCIES TO UTILIZE. PLEASE CONTINUE TO UPDATE BCI OF ANY CHANGES IN AGENCY CONTACT INFORMATION. A ROUGH DRAFT OF THE TRAINING MAY BE OBTAINED UPON REQUEST. THIS TRAINING IS RECOMMENDED AS A REFRESHER COURSE TO AGENCIES.