
CHAPTER 5

Central registry heavily relies upon personal verification

Chapter Summary

Businesses involved with vulnerable populations use the central registry for potential employee background checks.

A registry check is in fact a records search of the DFS electronic data management system.

The process also relies heavily upon verbal verification with field office staff.

W.S. 14-3-213 requires DFS to maintain a central registry of child protection reports that are either substantiated or under investigation. Intended as a safeguard for vulnerable child and adult populations, the central registry is an employment screening tool for businesses and agencies working with such populations.

In effect, the registry is part of the DFS electronic data management system, WYCAPS, which enables DFS to search for individual names. Once a person is substantiated, meaning a DFS supervisor has determined there is a preponderance of evidence indicating that person committed CA/N, a caseworker enters the finding into the system. Thereafter, if that individual is the subject of a central registry check, DFS reports the substantiated status.

However, we found that the identification of individuals who are under investigation is not as straightforward as it could be, and that DFS relies upon a personal verification process to ensure that this category is accurately reported. Given the seriousness of central registry listing, we recommend that DFS continue its vigilance in this process and look for ways to strengthen it. Further, we learned that sometimes, DFS cannot report individuals who should be on the registry; these are persons for whom required notifications were not made, or persons whose notification could not be verified at the time of the check. Thus, we recommend DFS redouble its efforts to ensure caseworkers follow notification policies.

Statute sets central registry requirements

The Legislature made changes to registry statutes in 2005.

Statute requires that names and incidents listed on the registry be classified in one of two ways, as “under investigation” or “substantiated.” DFS must reach a substantiation finding in an incident under investigation within six months, or remove the report from the registry. The Legislature made significant amendments to central registry statutes (W.S. 14-3-213 through 214) in 2005. Educational and mental health professionals received access to central registry information, and a provision was repealed that had limited registry reports to only those substantiated offenders who had exhausted all avenues for appeal under the Wyoming Administrative Procedure Act. =

Statute limits access to the registry; DFS releases central registry information appropriately.

By statute, central registry information is available only to employers whose businesses are involved in serving the vulnerable populations envisioned in statute. Statute does not allow for casual inquiries or public release of central registry information. Our review of the organizations requesting registry checks showed that DFS releases information appropriately.

To check on a prospective employee, an employer submits a written and identifiable request with a waiver signed by the applicant, allowing DFS to release information to the employer. DFS charges \$8.00 for performing the search. The DFS response must also be in writing; it goes to the employer by certified mail if reporting a central registry listing, or by regular mail if not.

The central registry continues to grow

Most individuals came on to the central registry prior to 2000.

According to WYCAPS data, the central registry lists about 11,000 names, counting only those individuals with at least one substantiated finding for at least one allegation. Figure 5.1 shows the annual count of individuals added to the registry based on their first substantiated findings. Most of the offenders were listed prior to 2000. There is not a way to use WYCAPS data to count the number of individuals who may be on the registry while “under investigation.”

Figure 5.1

Number of persons with substantiated allegations

There is not a way to count those on the registry while in the “under investigation” status.

Year	Number of New Offenders	Total Offenders
2000	825	7,551
2001	610	8,161
2002	410	8,571
2003	461	9,032
2004	474	9,506
2005	511	10,017
2006	482	10,499
2007	488	10,987
Before 2000	6,726	6,726
Since 2000	4,261	10,987

Source: LSO analysis of DFS-WYCAPS data.

Wyoming employers request thousands of checks annually, but very few checks reveal a substantiated perpetrator.

Employer requests for central registry checks have remained level since 2001 (see Appendix G for other central registry statistics). In fiscal year 2007, state office staff processed nearly 18,000 screening requests from potential employers, an average of about 1,500 per month. DFS tracks the number of requests submitted and the businesses or state agencies that submit requests for billing purposes. The agency also records the number of positive “hits,” that is, searches that identify individuals who have substantiated findings of CA/N. The total number of “hits” in FY 2007 was minimal, only 186, or approximately one percent of all requests.

In addition to checking WYCAPS and case files, state office staff access Division of Criminal Investigation records on the individuals in question. In the same time period, DCI hits numbered 371, or 2 percent of requests. DFS provided no information showing that it similarly tracks “under investigation” or “no record” results returned to employers.

Systematic monitoring and purges of the registry do not occur

Statute requires DFS to continuously monitor and analyze central registry data. However, staff have no mechanism to review whether names are appropriately on the registry, except through an individual request to expunge, remove, or amend a listing. DFS will modify the records for persons if supervisors or caseworkers

discover that DFS failed to properly notify them of allegations or findings. There is not a regularly scheduled or systematic review of incidents and files to verify adherence to notification procedures, so it is possible the registry contains names in error.

DFS performed two major purges to remove persons of low risk.

However, DFS made two concerted efforts in the 1990's to remove the names of those who had been substantiated for "low risk" complaints. Before introduction of the current track system, rules designated those types of complaints and field personnel evaluated records for possible removal of low risk substantiations. According to DFS officials, the purges took place after the adoption of rules in 1992, and again with conversion of records to WYCAPS in 1998.

The central registry is intended to contain the names of only the most serious offenders.

People who request to be removed from the central registry are usually successful

Statute authorizes DFS to amend, remove or expunge persons' records from the central registry upon a showing of good cause, and agency rules set forth the process and considerations for doing so. High-level DFS administrators consult with local managers to determine whether to remove individuals from the central registry. This occurs when listed individuals request removal, usually because they believe they can demonstrate rehabilitation.

These requests are infrequent, about 60 per year, but they often result in removal. According to agency data, of the 69 requests for review received in 2007, DFS denied 11, leaving these individuals' listings on the registry intact. DFS officials favorably responded to most of the requests (58, or 84 percent) by amending their findings to unsubstantiated, effectively removing them from the central registry.

State staff conduct registry checks

The process is not as simple as checking a list.

Two Juvenile Services Division staff at the state office, one full-time and another part-time, perform central registry checks. Although statutory language implies that the central registry is a separate databank or list, in practice it is not separate; instead it is the product of a records search.

There are three possible responses to an employer's inquiry: that an individual is a substantiated CA/N offender, is under investigation in an open CPS incident, or that the state has no record of either for the individual. The first and last categories are relatively straightforward; the second, where WYCAPS matches a name in an open incident and DFS reports that individual as being under investigation, is problematic.

If evidence of notification is lacking in files, substantiated persons are not reported as "hits."

Identifying substantiated individuals involves both the data system and confirmation with CPS field personnel

When WYCAPS links an individual's name to a substantiated finding, staff review other WYCAPS data and request that the appropriate field office pull hard copy case files to confirm the individual's status. If this process reveals discrepancies or if hard copy files do not show that proper notification procedures were followed, state office staff do not report the name as a substantiated perpetrator. In 2007, there were 60 such incidents, 5 due to lack of proper notification and 55 for lack of supporting documentation.

With the track system, there are many open incidents, but few are open investigations.

Confirmation is critical in "under-investigation" reports

When WYCAPS does not show an individual as a substantiated perpetrator, yet shows involvement in a currently open incident, the central registry staff preliminarily assume the individual is "under investigation." They then contact the appropriate field office to verify that individual's status.

DFS does personal checks with field offices to confirm "under investigation" listings.

Since the implementation of the track system, there are many open incidents that are not in fact, "under investigation." These include the assessment and prevention track incidents, and possibly many of the "other" incidents that supervisors have not assigned to tracks. Some of these, especially in the latter category, could have allegations attached to them through the WYCAPS system.

Consequently, there is the potential for central registry "under investigation" reports to include individuals who are involved in lower track or untracked incidents. However, this occurrence is avoided by state office staff contacting field office supervisors, requesting confirmatory documentation.

Recommendations:

- **DFS staff should be vigilant in “under investigation” central registry checks.**
- **DFS should ensure notification of substantiated persons takes place and is properly documented.**

Even though the personal contact component of the central registry check likely averts possible over-reporting in the “under-investigation” category, we again see problems relating to the large percentage of incidents that are not being tracked. If nothing else, the tendency not to track incidents creates the need for manual and personal verification in open incidents where individuals would never rise to central registry listing. Until this tracking issue is addressed, as recommended in Chapter 2, central registry staff must be particularly vigilant in their checks.

Complete and accurate records are necessary to ensure individuals are appropriately listed on the central registry.

We recognize that DFS is trying to use its WYCAPS system for many processes, some of which were not in place when it was built. However, since central registry checks stand to affect people in such a profound way, it is incumbent upon DFS to ensure that the system can unequivocally report what the central registry requires: individuals who have been substantiated and those who are under investigation. This could be accomplished by including a field to plainly designate those incidents that are in the investigation track.

We are also concerned that in FY 2007, nearly one-third more names would have been reported to those seeking central registry checks had DFS records been in order. Because local CPS staff did not properly document notices sent to persons substantiated for CA/N, or did not make the notification at all, DFS could not provide employers the assurances they need in making hiring decisions for positions working with vulnerable populations. Although DFS has policies requiring this documentation be done, caseworkers have not been reliably following them. The agency must take steps to ensure this documentation is done.