National Sex Offender Registry (NSOR) Audit Overview for TAP Agencies

National Sex Offender Registry (NSOR) Audit Overview

- Audit purpose is to ensure:

    - Record integrity of sex offender entries

    - Training and certification of users

    - Proper Interstate Identification Index (III) and Criminal Justice Information (CJI) storage/disposal

- Audit requirement continues as long as the agency has access and will occur at least once in every three year audit cycle

- Tribe's Point-Of-Contact (POC), SORNA Officer, and agency Terminal Agency Coordinator (TAC) are necessary to assist in the audit process

    - Individual users may be requested to participate as needed

- DOJ will walk agency through audit process by providing training and answering DOJ specific questions

What does the NSOR Audit Cover?

- Audit covers the following areas:

    1. Record Integrity

        A. Record Maintenance

        B. Second-Party Check

        C. Record Removal

        D. Criteria for Entry

        E. Record Modification

        F. Validation

    2. Training and Certification compliance

- Focus on record maintenance and that **entries are kept accurate and up to date** by ensuring:

  - **Accuracy** - CJIS audit will ensure that key searchable fields and other significant fields are accurate

  - **Timely Entry –** Must be entered immediately, not to exceed 3 days upon receipt

    - Audit will review records from the last 3 years or the start date of the Tribe's participation in TAP and will only look at it based on when the Tribe began participating in TAP.

    - 3 day period begins when Tribe has received all the information needed for minimum mandatory fields.

  - **Completeness** - Complete records include all critical information that was available on the person or property at the time of entry. Critical information is defined as data fields that will:

    - increase the likelihood of a positive hit on the subject or property and aid in the identification of a subject or property; or

    - assist in compliance with applicable laws and requirements

- Does the agency's policy require NSOR records to be kept accurate and up-to-date?

- Does the agency enter NSOR records **as soon as possible** upon receipt of information required to complete the minimum mandatory fields for entry (within 3 days after receipt) ?

- Does the agency enter all available information into the NSOR programmed fields?

- Focus on ensuring **entries are checked by a second-party**

  - NSOR entries must be checked by a second party to ensure accuracy of information. The second party:

    - Cannot be the same person that entered the original record

    - Must run a Sex Offender Query (QXS) to view the NSOR File and use the modify function to correct any errors in original entry

  - Entered fields should be verified against original *source documents* to ensure that the data in the NSOR record match the data in the case report

    - Source documents are the physical and electronic files that the SORNA officer maintains such as: criminal history report, drivers license, vehicle registrations, professional licenses, proof of residency, registration forms, etc.

    - Copies of some of these documents may be in the Tribal sex offender registry such as TTSORS or Offender Watch

- Does the agency perform second-party checks?

  - **What Auditors look for:**

    - Records that don't match source documents (may indicate no second party check)

    - Second-party checks are not documented (can use MISC field)

- Is there ever an instance when the person who entered the record is the same person conducting the second-party check?

- Focus on ensuring **entries are removed once no longer valid**

  - Records must be removed within 3 days of notification by the entering agency

- Cleared and canceled records need to use the appropriate transaction

  - **Clear – *does not delete*** the record from NSOR but indicates that the offender no longer has a nexus to the Tribal jurisdiction and used when:

    - an offender has relocated and another jurisdiction has registered the offender;

    - a previously valid record is removed from the jurisdiction's registry; or

    - as otherwise defined by jurisdiction policy/procedures

  - **Cancel – *deletes*** the record from NSOR and used when:

    - it is determined that the record is invalid (erroneously entered); or

    - as defined by policy/procedures

- Important to develop policies and procedures for various scenarios (deported, deceased, absconded, pardoned; based on jurisdiction's policy)

- When an NSOR record needs to be removed from NCIC, does the agency remove the record **as soon as the agency is aware (*within 3 days)** that the record is no longer valid?

- After removing an NSOR record from NCIC, does the agency query the NIC number to ensure the record was removed?

- How does the agency remove or maintain the following registrants/offenders from NSOR?

REGISTRANTS/OFFENDERS	CLEAR	CANCEL	MODIFY *KEEP IN NSOR*
Move out-of-state/off tribal reservation to another state/tribal reservation – agency should clear or can leave in NSOR with status change	✔		✔
Previously valid – removed from tribal registry (i.e., previous laws required registration, but due to new legislation/laws, offense/conviction no longer meets current registration requirement) – agency should clear; if agency cancels, must have law/statute supporting/tribal procedures requiring cancel	✔		
Relocated from one jurisdiction to another jurisdiction within tribal reservation – should modify address			✔

- How does the agency remove or maintain the following registrants/offenders from NSOR?

REGISTRANTS/OFFENDERS	CLEAR	CANCEL	MODIFY *KEEP IN NSOR*
Determined record to be invalid (erroneously entered) - agency should cancel		✔	
Registering offense is pardoned - agency should clear*	✔		
Registering offense is expunged - agency should cancel*		✔	
Deceased – agency can keep in NSOR w/appropriate notation in the MIS/OFS Field; if no notation made, record will be marked out of compliance under Criteria for Entry. If removed, agency should clear. If cancelled, it must be supported by tribal law or SOR policy/procedure	✔		✔ Deceased
Absconded – agency must modify the "Offender Status" to "Absconder"			✔ Absconder

*Note: If Pardon was based on innocence of the underlying offense then agency may Clear. If pardon not based on innocence of underlying offence, then offenders are still required to register.

- Focus on ensuring all **entries meet NCIC entry criteria** which include registering:

  - All applicable sex offenders who live, work, or attend school in Tribal jurisdiction

  - International Travelers - Offenders who have moved internationally should be included in NSOR even if jurisdiction no longer maintains individual in their registry (e.g. in TTSORS or appropriate registry system)*

  - Non-compliant Offenders - Offenders who have failed to register or are noncompliant should be entered into NSOR with appropriate status/comments

  - Tribes should not enter into NCIC NSOR:

    - Offenders from other registration programs, e.g.

      - Arson

      - Violent Felons

Change OFFENDER STATUS to "Out of Country" and the STATE field to the NCIC-assigned country code (see NCIC Code Manual)

- Are sex offenders entered into the NSOR as defined by registry laws and/or in accordance with the SORNA?

- Are non sex offenders (i.e., arson/violent felon offenders) entered into the NSOR?

- Are NSOR records maintained by the agency for offenders who travel internationally?

- Focus on ensuring all **required fields are entered and that missing data is entered at a later date**

  - Required fields marked with an asterisk must be entered

  - Critical data should be entered (if available)

  - Missing data should be promptly added through the use of a modify message or supplemental message within 3 business days of receipt

- Does the agency's policy require modification of NSOR records **as soon as possible** upon receipt (within 3 business days) of the information?

- Focus on ensuring the **record is complete, accurate and still either outstanding or active on a periodic basis**

  - Validation is accomplished by reviewing the entry and current supporting documents, and by recent consultation with any appropriate personnel

    - DOJ sends Agency TACs monthly list of NCIC entries due for validation

    - Validation procedures must be formally documented

    - A validation will provide a date stamp that indicates last time a modification was made to record as well as who performed the update

  - Records need to be validated within:

    - 90 days after the Offender Registration Date (ORD) and then every year after

    - Records that have been validated within the last 11 months, based on the Date of Last Validation (VLD) field, will not be selected for validation

  - You do not need to receive a notification from DOJ to validate offenders. When offenders come in for in-person checks, perform and document a validation of the record at that time. See *NCIC Validation Procedures* Job Aid for additional information

    - *https://nextest.just.jmd.usdoj.gov/cjin/courses.php?id=ncic*

- What is the agency's policy for documenting the completion of validated record(s)?

- Has the agency developed formalized procedures for "how to validate" or does the agency follow DOJ procedures?

- Does the agency validate NSOR records at the same time as part of the offender's annual check in?

NSOR Audit 2: Training and Certification

- Focus on ensuring users **complete all required training**
  - CJIS Security Awareness Training and Certification
  - NCIC Training and Certification

Typical NSOR Audit Findings

- **NSOR records are not:**

  - accurately maintained

  - entered in a timely manner

  - entered with all available information

  - modified in a timely manner

  - removed from the NCIC in a timely manner

  - checked by a second party

NSOR Best Practices

- A $.Q. Sex Offender Notification notifies the ORI of the NSOR record that another sex offender record has been entered or modified to include matching identifiers. A match is determined by: 1) FBI No., 2) SOC, or 3) NAM [or AKA] and DOB. Upon receipt of the notification, the first ORI should ensure their NSOR record is still valid and update as appropriate.

    - DO have a process in place for handling $.Q notifications

- Incarcerated and Transient Offenders

    - DO know if your agency is maintaining these records and what address is listed correctly in NSOR for each type

- DO verify their jurisdiction's required duration periods for registration (may be longer that standard durations)

- DO verify if their jurisdiction requires an offender to petition to be removed from the SOR when the conviction does not require lifetime registration

NSOR Audit Resources

- DOJ Audit portal is located at: https://onas.justice.gov/launchpad/index.pl and contains the following NSOR audit materials:

  - NSOR Policy Reference Guide

  - NSOR Local Agency Questionnaire

- DOJ JCIS Training and Learning Center is located at:

  https://nextest.just.jmd.usdoj.gov/cjin/index.php

  - CJIS Manuals

  - CJIS Security Policy V5.7

  - Terminal Agency Coordinator (TAC) & User Resources

DOJ TAP - Audit Support

- **TAP team support and engagement continues beyond today's training:**

    - Contact the Tribe's assigned Business Relationship Manager and cc: tribalaccess@usdoj.gov

    - Please place the Tribal name in the subject line of the email

- **TAP team will continue to host additional audit webinars**

    - IT – CJA and NCJA

    - NICS

    - N-DEx

    - NCIC

    - NIS (civil fingerprint)

Resources

- Training and reference materials can be found in the JCIS Training and Learning Portal
  - https://nextest.just.jmd.usdoj.gov/cjin/index.php

- Contact your Tribe's assigned Business Relationship Manager (BRM) by email with questions
  - Cc: tribalaccess@usdoj.gov
  - Please include your Tribe's name in the subject line of the email

- Technical questions and inquiries should be sent to the Idemia Help Desk
  - For urgent requests, please call 800-734-6241
  - Routine requests can be sent by email to CSCenter@idemia.com
    - Cc: tribalaccess@usdoj.gov
    - Please include your Tribe's Name in the subject line of the email