

LEGISLATIVE AUDIT ADVISORY COUNCIL

Minutes of Meeting December 17, 2020 House Committee Room 5 State Capitol Building

The items listed on the Agenda are incorporated and considered to be part of the minutes herein.

Representative Barry Ivey called the Legislative Audit Advisory Council (Council) meeting to order at 11:15 a.m. Ms. Liz Martin called the roll confirming quorum was present.

Members Present: Representative Barry Ivey Chairman
Senator Jay Luneau, Vice Chairman
Senator Louie Bernard
Senator Jimmy Harris
Senator Beth Mizell
Representative Edmond Jordan
Representative Rodney Schamerhorn

Members Absent: Senator Fred Mills
Representative Aimee A. Freeman
Representative Stephanie Hilferty

Also Present: Daryl G. Purpera, CPA, CFE, Louisiana Legislative Auditor (LLA)

Approval of Minutes

Representative Schamerhorn offered the motion to approve the minutes of the November 16, 2020 meeting and with no opposition, the motion was approved.

Extension Requests

(Video Archive Time 1:53)

Mr. Bradley Cryer, Director of Local Government Services, presented two extension lists and briefly detailed the reasons for the agencies' extension requests including Hurricanes Laura, Delta and Zeta as well as COVID-19 impact. Council members questioned LLA processes for approval and Mr. Cryer explained the steps taken and contact made to allow the entities ample opportunity to submit their reports and vet their excuses for extensions.

Representative Schamerhorn made the motion to approve the list of Emergency Extensions – Greater than 90 Days and with no objections, the motion was approved.

Representative Schamerhorn made the motion to confirm the list of Emergency Extensions – 90 Days or Less and with no objections, the motion was approved.

Reliability of Data in the Sex Offender and Child Predator Registry (Registry) – Performance Audit Issued September 3, 2020

(Video Archive Time 14:45)

Chris Magee, Performance Audit Data Analytics Manager, and Irina Hampton, Senior Performance Auditor, presented a summary of the audit. Mr. Magee explained the goal of the Registry to protect and inform the community, and detailed what information is provided on the Registry. He listed the many

agencies that are involved in the Registry which makes data entry fragmented and no one responsible for making sure that the Registry is complete and accurate. The five findings from the report were explained with the most important issue being the need for correct data to be entered in the Registry. There are other tools and sources of data should be utilized such as Louisiana Workforce Commission, Office of Vital Records. The main hindrances to maintaining the Registry correctly is lack of funding. He explained the two items for legislative consideration from the report.

Chairman Ivey expressed his appreciation for the report and good recommendations to improve the Registry. Further questions and discussion about the Registry computer system being used by various agencies, some of which utilize the system fully and others do not. Ms. Hampton explained that the offenders are required to appear in person to update their information. Chairman Ivey asked if there is another way for reporting and Ms. Hampton responded they can call in. Chairman Ivey suggested that a portal for offenders to enter and verify data would be useful.

Ms. Hampton explained the registration process for offenders and how they can be removed from the public sex offender Registry but their information will remain in the nonpublic Registry. They discussed tiers that offenders are assigned based on the severity of the sex offense and determines the length of the time on the Registry, and fees paid and required checking in.

Senator Luneau asked which agency should be responsible for this Registry. Mr. Magee said that Louisiana State Police (LSP) is responsible for maintaining the data and involved in enrolling and assigning tier status, and issued guidance to agencies on how to properly use the Registry. However, the Attorney General is the legal hand of the state and different agencies have different expertise, so the decision on which agency should be responsible for ensuring the completeness and accuracy of the Registry must be made by the legislature.

Senator Luneau asked if offenders would also be on probation. Ms. Hampton responded that it depends on their sentencing. Senator Luneau suggested the Probation and Parole might be the best agency for that oversight and responsibility but already overloaded and needs funding. Mr. Magee explained that there is no authority given to enforce compliance. Further discussion continued about the offender's responsibilities to update their information and the penalties for not appearing for verification as required by their sentencing.

Mr. Magee explained that the Attorney General only reviews the offender's record in the last year, so if a mistake is made on which tier placed under, an offender could either be on the register for longer or shorter than appropriate for their conviction – either felony or misdemeanor.

Senator Mizell shared the sexual assault victims have the same issue with no one agency in charge and need the continuity so that the offender is protected and all the information is in one place.

Mr. Magee pointed out the crossovers between other reports issued on elder financial exploitation and human trafficking, where agencies are doing their piece of the puzzle the best that they can, but there is no master puzzle maker who is making sure that all the pieces fit together properly. There are pieces being missed such as documentation or data not entered, tiers not being assigned correctly which can lead to offenders being registered for longer than required. Senator Mizell commented that is also a waste of very limited resources and does not respect the victims. She expressed her appreciation for all the reports being issued and all that the LLA does.

Chairman Ivey noted the serious issues and asked for input on the stakeholders who would be helpful for drafting legislation.

Representative Jordan commented this to be a very important issue and the need for an agency to take ownership for the Registry. He suggested the district attorneys' offices would be good since they have the funding and already process most of the paperwork for sentencing. The Attorney General should be reviewing the tiers in the first year and not wait until the final year to ensure accuracy.

The Council discussed the necessary community notifications that the offenders must pay for, as well as other fees and requirements. They also discussed the process for offender sentencing and documentation including the need for edit checks explaining why changes in tiers are done by the courts. Mr. Magee noted that many other states are using this same software but it needs to be used fully and accurately by all agencies.

(Video Archive Time 1:15:20)

Lieutenant Lance Kennedy introduced himself as one of the commissioned supervisors who oversee the Registry that is housed in the LSP facility.

Senator Luneau asked why the LSP does not want the responsibility for the Registry. Lieutenant Kennedy explained that the State Police Bureau for Identification and Information (Bureau) is where the Sex Offender and Child Predator Registry is housed. That is one of the specialized 13 units that falls under the umbrella of the Bureau. For the Registry we have four noncommissioned personnel of which one is a Criminal Records Analyst Supervisor that handle management, oversight, assistance of the Registry to those managing agencies and outside sources. Personnel are always an issue based on fulfilling all the current laws as well any new laws added. Outside of LSP and the Bureau there are so many needs and factors that affect the actual management and processes that need to be done inside the Registry to have accurate information and checking on the offenders to ensure they are in compliance.

The reason that LSP does not want it is because of how the laws are currently set and the things that need to be done not only in house for the Registry as far as the accuracy of the information and the management of that information. That includes person to person contacts, the checking of individuals' addresses on the offender side of the house as far as enforcement of what the offenders need to do.

It is a complex situation with many players that need to be a part of it, understand it, and manage it to be successful in what they would be trying to accomplish. He believes all parties involved in it now would say that there are always ways to better improve on the training aspect, on the systems and repositories and better communication so that everyone understands the full expectations and needs of the Registry and who is responsible for those needs in the Registry.

Based on the report issued the higher level of LSP has already started to coordinate with Office of Technology Systems (OTS) and Offender Watch Systems, the vendor that manages the program, and LSA higher levels to start the process to say we know there are a lot of issues that need to be address as pointed out in the audit and LSP agrees with.

Senator Luneau said a statewide agency is needed to manage the Registry and either has to be LSP or Probation and Parole. He is in favor of the laws and to protect the public from sexual predators, but understands the need for adequate funding to properly manage this program. We need to figure out how to simplify the processes and the courts need to properly report and document the tiers and sentencing.

Lieutenant Kennedy said he is the only commissioned person that oversees the four noncommissioned personnel handling the registry. Senator Luneau commented that LSP is underfunded to properly manage the Registry and it may be better handled by Probation and Parole but that agency is also horribly underfunded.

Chairman Ivey requested contact information for the vendor so he can make inquiries about the capabilities of the system and possible modifications to improve the processes. Since LSP manages so many other databases and has networks with other states for background checks, etc., so he believes LSP would be the best agency to be responsible for the repository of the data.

Lieutenant Kennedy explained that when sex offenders come into Louisiana from other states, LSP personnel reviews the court documents and do the necessary documentation and proper assignment of tiers. LSP's attorney Ms. Adrienne Aucoin and the Attorney General's office assist when needed on that process. In state offenders have to go through the process of the managing agencies ensuring that they are tiered properly based on the law in the particular jurisdiction and the court documentation pertaining to that conviction. Further discussion continued regarding the processes to ensure out of state sex offenders are being documented in the Registry and tiered properly based on Louisiana law. Ms. Aucoin said that LSP is statutorily tasked with entering out of state sex offenders in the Registry.

Other Business

(Video Archive Time 1:28:10)

There was no other business.

Adjournment

Senator Luneau offered the motion to adjourn and with no objection, the meeting adjourned at 12:42 p.m.

Approved by LAAC on: February 8, 2021

The video recording of this meeting is available in [House Broadcast Archives](#):

https://house.louisiana.gov/H_Video/VideoArchivePlayer?v=house/2020/dec/1217_20_LEGISAUDIT