

**Fingerprint Records – Be Prepared for Your District’s Audit**  
**By Mark R. Klumpp, Assistant Superintendent, Mecosta-Osceola ISD**

When you think of February, you often think of Groundhog’s Day, Valentine’s Day and even President’s Day weekend as a nice little break. The Mecosta-Osceola ISD had all of these this year plus an added bonus - - a Michigan State Police, Criminal Justice Information Center informational audit of our fingerprint records. I doubt this will turn into a Hallmark holiday, but stranger things have happened!

The process started when we received an email on February 1, 2011, notifying us that we had been lucky enough to be selected for an audit. The email indicated they would be conducting an on-site ‘Informational Audit’ on February 15, 2011 from 10:30A.M. – 12:30 P.M. Included with the email were three attachments: an agenda for the actual visit, a pre-audit questionnaire and a random sample of ten (10) people we recently had fingerprinted. We had to complete and return the questionnaire by February 9, 2011. The two staff members from the MSP that you will work with on this audit are Louanna Hovorka [hovorkl@michigan.gov](mailto:hovorkl@michigan.gov) and/or Narcisa Morris [morrisn@michigan.gov](mailto:morrisn@michigan.gov). Be nice and remember they are just the messengers. They did not create the regulations; they have just been charged with enforcing them. They are both kind and professional in carrying out these duties.

My first question was why us, and my second question was why the need for an audit in the first place. The driving force behind the audit is the FBI. They conducted an audit of the State of Michigan which found some deficiencies -- hence the MSP setting up informational audits for all sites. For those of you who ask what authority are they operating under, it is MCL 380.1230a. Furthermore, for those who are a little stubborn like me, it just comes down to the fact that they hold the information we need and if we want it (which we do if we want to protect our children and comply with the law) then we must play by their rules. They indicated that this was the first round and then we would be put on a three (3) year cycle. Not all audits are on-site; some will merely be a self-audit conducted through the mail. At this point in time they are not imposing any sanctions for violations; however, the FBI will be conducting their own audits and they will probably not be as nice as our own MSP. Don’t think the FBI is coming? Our auditors indicated that the FBI has already visited Holt Schools and a district in the Upper Peninsula.

These are the questions that were in our Pre-Audit Questionnaire:

Who is responsible for the administrative oversight/management of the agency? Who is responsible for the daily operations of the agency? What is the best method of contact for your agency?

**AGENCY REVIEW**

1. What internal policy, if any, allows the agency to obtain fingerprint-based national criminal history information (CHRI)? Provide a copy.
  - a. Explain the agency’s fingerprint process for employees.
  
2. Explain the agency’s fingerprint process for non-agency employees, if applicable.

3. What fingerprint reason(s) does your agency use and why?
4. What group of applicants is your agency providing fingerprinting services to?
5. What is the Originating Agency Identifier, if applicable, used by the agency to submit fingerprints?
6. What is the average monthly volume of fingerprint submissions for the agency?
7. Do you use an applicant consent form? Please attach. What is your process if a fingerprint submission response is returned as "rejected"? (The response will say, "The FBI has rejected this print due to quality.")
8. Please indicate **ALL** methods that fingerprint submission responses are maintained by your agency: Electronic; E-Mail; Hard Copy Filing; Other-Explain.
9. Explain the agency's process for the storage of CHRI.
10. How are you sharing fingerprint responses with other agencies?
11. Do you have a confidentiality statement regarding sharing of CHRI responses? Please attach.
12. Explain the agency's process for the retention of CHRI.
13. Explain the agency's process for the destruction of CHRI?
14. Does the agency conduct or have access to conduct name-based checks on applicants? (Such as private vendors other than the state CHRI searches)
15. Does the agency outsource or have a contract with another agency to perform the non-criminal justice administrative functions? (Destruction, record retention, fitness/suitability, determinations, etc.)
16. If the answer to question 15 is yes, provide name(s) of the other agency(s) and copy(s) of the contract(s) including agreement between the agency and repository granting permission for outsourcing functions.

So the million dollar question: Just what are they looking for during their audit!?!? This is my take on what they were looking for:

- *What position does this person work in?* They look for a cover letter, a signed application form or an acceptance letter for a position. They are trying to determine if this is an eligible position that should fall under the SE (School Employment) part of the act or if this person should have been fingerprinted under the Child Protection Employment / Child Protection Volunteer portion of the act. Only those people listed on the REP are allowed to be fingerprinted under the SE portion of the Act. We are still debating this topic with them as all of our substitutes are hired by a third party but are listed on the REP report. More to come in this area.
- *Consent form. Do you have a signed consent form?* Forgive me for my lack of reasonableness, but how in the world are we going to get a person fingerprinted without their consent? Cut their hand off and run to the local Livescan location (which would still require us to provide some form of identification) or some other unique way only seen in an episode of CSI... They shared with us a “draft” of a new Livescan fingerprint request form that will be going into production soon. We will be required to have a copy of this form on file. Historically, we would just send the form with the applicant when they went to be fingerprinted.
- *Where are your fingerprint results held? Are they in a secure location (alarmed building, locked office and then locked file)? Who has access to them? Have the employees that have access to the files signed a confidentiality statement?* We hold ours in a separate file and location from our personnel records, much like medical information. The only legal thing I could find in this area was the part about illegal distribution to unauthorized users. Much of the feedback from the auditors was in the form of recommendations, not legal requirements.
- *How do you share the results with others? Who do you share the results with? How do you dispose of your old files?* The criminal history responses you receive have two parts, the state response and the federal response. Michigan law does allow sharing of Michigan criminal history responses between public and non-public (including parochial) schools, with written permission from the employee. Federal law, however, does not allow sharing of federal criminal history responses between public and non-public schools (but public to public is allowed). Public schools can share the Michigan page with public or non-public schools, but can share the FBI page only with public schools. We did not get into the destruction of the records area, as we do not have any immediate plans to destroy them. We are following the ninety-nine (99) year plan. They did share though that any destruction of paper must be burned or shredded in the presence of approved school personnel. So if you have an outside agency doing this, it must be done in your parking lot or you have to send an employee to monitor at the off-site location. Computer files are to be completely erased per Department of Defense level three (3) specifications (7 swipes).

All in all, it was a friendly visit. Although in these difficult times I personally believe staff time could be spent on more important things than this topic, I do understand the reason the Michigan State Police are conducting these audits. They shared the following statement for me to pass along:

*“We at the Michigan State Police are here to help you. If you or your article's readers have any questions, we would be happy to answer them. We understand that previous guidance from various sources may have been vague or inconsistent, or the law may have changed on you. We are providing a round of informational audits so that schools and other agencies can have their affairs in order and be in compliance with the law.”*

Since the audit just took place, I have not received the formal written document from their visit. I have been informed that I will need to respond to that document in writing with an action plan for any deficiencies noted. I will be happy to share that document with other districts after we have received it. I know the audit team will be busy as I recall they told me they had 6,000 sites to audit (not just schools). Hopefully, with the information that I shared in this article you will be better prepared for the day when you get that wonderful letter/email. If you have any further questions, I can be reached at [mklumpp@moisd.org](mailto:mklumpp@moisd.org) or (231) 796-3543.