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California Department of Social Services

Its Caregiver Background Check Bureau Lacks Criminal History Information It Needs to Protect Vulnerable Populations in Licensed Care Facilities

Background

Responsible for licensing and overseeing over 70,000 community care facilities, the California Department of Social Services (Social Services) conducts background checks to determine whether an individual should be allowed to be present in a licensed facility. All individuals who wish to have access to a licensed facility—such as employees or volunteers—must obtain a background check and thus, must submit his or her fingerprints to obtain the required criminal record clearance or exemption. The background check process involves a review of the individual's criminal history received from the Department of Justice (Justice).

Our Key Recommendations

To improve the background check process, the Legislature should:

- Require Justice to send all the necessary information to Social Services for making exemption decisions.
- Expand the list of crimes that are considered nonexemptible.
- Require departments to share information about administrative actions they take against individuals.

To ensure Social Services improves and processes background check reviews and legal actions as quickly as possible, it should:

- Ensure interagency agreements with other state departments are current and require timely sharing of administrative action information.
- Evaluate all infraction convictions other than minor traffic violations before granting exemptions and ensure exemption decisions are properly supported and contain required documents.
- Develop and monitor time goals for processing exemption requests and pursuing legal actions.

Justice should make necessary changes by July 2017 to provide Social Services the appropriate criminal history information within the required 14-day time frame.

Key Findings

- Social Services is not receiving all the information it needs to conduct proper background checks to protect community care facilities' clients—children, adults, and elderly—and is not always timely in evaluating administrative actions taken by other departments to determine whether an individual can remain in a facility.
 - » Justice does not provide Social Services with information about certain convictions.
 - » Social Services and four other state departments do not promptly share information with one another about administrative actions they take against individuals as the law intends.
- Social Services does not always obtain or review all appropriate information before allowing individuals access to facilities.
 - » Staff do not always review complete criminal histories before allowing individuals access to facilities—staff ignore convictions for relatively minor crimes.
 - » Of 18 background check case records we reviewed, 17 were granted or denied exemptions without considering all the required information.
 - » Social Services can issue exemptions for convictions of some crimes—including certain convictions for rape—that are similar to other crimes that state law designates as nonexemptible.
- Justice often provides criminal history information to Social Services that is neither timely nor complete.
- Social Services takes too long in processing exemptions, conducting investigations of individuals who have been arrested but not convicted, and pursuing legal actions against individuals. It also did not always ensure that individuals it determined to be a risk to clients left licensed facilities.