

TITLE 78 - NEBRASKA COMMISSION ON LAW ENFORCEMENT AND CRIMINAL JUSTICE

CHAPTER 4 - AUDIT PROCEDURES FOR COMPLIANCE WITH THE SECURITY, PRIVACY, AND DISSEMINATION OF CRIMINAL HISTORY INFORMATION ACT

001 Purpose - To provide procedures for auditing criminal justice agencies, and disposition and appeal of audit findings.

002 Scope - The regulation is applicable to all criminal justice agencies within the State of Nebraska.

003 Authority - This regulation is adopted in accordance with the provisions of Article 9, Chapter 84, R.R.S. 1943, as amended to date, and pursuant to the authority contained in Section 81-1423(13), R.S. Supp., 1978.

003.01 These rules are intended and designed to meet the requirements of Title 28 of the Code of Federal Regulations, Chapter 1, Part 20, as amended December 6, 1977.

004 Effective Date - This regulation shall become effective September 9, 1979.

005 Background - Title 28, Code of Federal Regulations, Part 20.21(e) requires that the state insure that annual audits of a representative sample of state and local criminal justice agencies are conducted to verify adherence with regulations established for handling of criminal justice records. The Commission is authorized to Aconduct random annual audits of criminal justice agencies to verify the accuracy and completeness of criminal history information maintained in such agencies and to determine compliance with the laws and regulations dealing with dissemination, security and privacy of criminal history information.≡ Section 81-1423 (13), R.S. Supp., 1978.

006 Audit Criteria - The following is a list of various criminal justice agency collection, storage, and release activities regarding criminal history records upon which an audit for compliance would be based.

TITLE 78
CHAPTER 4

006.01 Disposition reporting.

006.01A Reporting of case disposition to appropriate authority within 15 days.

006.01B Notification of arrest of all felonies and felony fugitives to Nebraska State Patrol via form 1 (fingerprint card).

006.01C Disposition reports back to arresting agencies on misdemeanor cases.

006.02 Storage and release of criminal history records.

006.02A Policy established for verification of all record entries on criminal history records.

006.02B Agency procedures for dissemination of criminal history information.

006.02C Procedures and facilities for physical security of records.

006.02D Procedures for administrative security.

006.02E Review of fees charged by agency.

006.02F Sampling of records for completeness and accuracy.

007 Audits - Audits of criminal justice agencies will be conducted by the Commission either through staff or through contractors.

007.01 Agencies will be selected through the following format:

TITLE 78
CHAPTER 4

State agencies (manual systems) and	
First class cities -	Four per year
Second class cities -	Four per year
County attorneys/sheriffs	
(Concurrent audit) -	Four per year
County and district courts -	Four per year
Villages -	Four per year
Primary (Lincoln) -	Once every three years
Metropolitan (Omaha) -	Once every three years
State agencies (automated) -	Once every three years

007.02 No agency shall be subjected to more than one audit during any three calendar year period. Exception: A special audit may be conducted with ten day notification if formal complaint of non-compliance is filed with the Commission. It shall not apply toward the three year requirement.

007.03 Agencies shall be notified at least thirty days prior to audit.

007.04 Audits of criminal justice agencies may be contracted for upon authorization by the Data Processing Committee of the Commission.

008 Appeal - Any criminal justice agency may appeal the results of an audit by notifying the Commission within thirty days of the agency's intent to appeal. Commission staff shall schedule an informal hearing before the Data Processing Committee of the Commission within thirty days of receipt of written intent to appeal audit findings. The agency in interest shall be notified at least 20 days prior to the hearing.

009 Disposition - In the event a satisfactory solution cannot be reached between the Committee and the agency in interest, the Data Processing Committee shall forward pertinent information to the office of the Attorney General for disposition.

Effective Date: September 9, 1979