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Report Highlights

Department of Public Safety and Corrections - Public Safety Services

Office of State Police

Audit Control # 80140053

Informational Audit • May 2014

Why We Conducted This Audit

We conducted procedures to determine if the Department of Public Safety and Corrections – Public Safety Services, Office of State Police (OSP) collected the background check fees required by Louisiana Revised Statute (R.S.) 40:1300.52.

R.S. 40:1300.52

An employer shall obtain the criminal history record maintained by the office of state police of a non-licensed person or any licensed ambulance personnel offering to provide nursing care, health-related services, or supportive services to any individual and shall pay a fee of twenty-six dollars to the OSP.

R.S. 40:1300.52 was initially enacted in Act 594 of the 1993 legislative session. In that act, the fee for the background check was set at \$10. The statute was amended in Act 118 in the First Extraordinary Session of 2002 to increase the fee to \$26.

What We Found

- Prior to July 1, 2013, OSP did not charge the \$26 fee required by R.S. 40:1300.52 when the requests were submitted through a sheriff's office. Between April 2012 and June 2013, there were 123,549 background checks conducted through sheriffs' offices that were not billed the \$26 fee, resulting in lost revenues of \$3,212,274.
- Based on discussions with management, DPS's interpretation of the statute from 1993 through 2013 was that the fee should be charged by the OSP bureau only when the bureau performed the background check services.
- The number of background checks conducted prior to April 2012 was not obtained because OSP personnel indicated that retrieval of that data from archives would be labor intensive for the department.
- We did not identify any exceptions related to the invoicing and collection of fees for background checks during October 2013, November 2013, and December 2013.
- OSP did not have written procedures for the billing and collection of these background check fees. The absence of formal written policies increases the risk of employees not performing their duties in a consistent manner which may lead to errors or noncompliance with laws and regulations.

View the full report, including management's response, at www.la.gov.