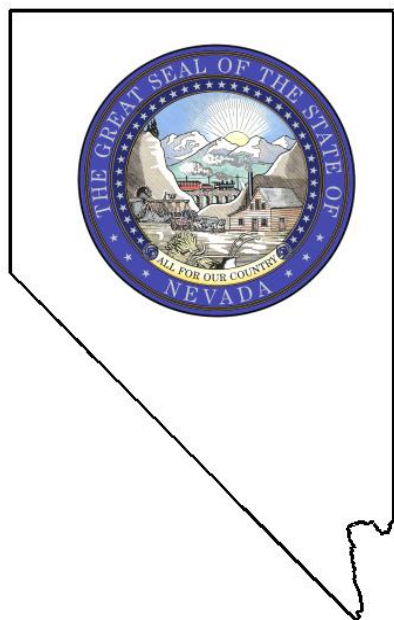


STATE OF NEVADA

Audit Report

Department of Corrections
Accuracy of Criminal History Information

2013



Legislative Auditor
Carson City, Nevada

Audit Highlights



Highlights of Legislative Auditor report on the Department of Corrections, Accuracy of Criminal History Information issued on February 25, 2013. Report # LA14-02

Background

The Department is responsible for confining individuals convicted of felonies in Nevada. At June 30, 2012, it had a total of 12,877 inmates and about 2,600 employees. Total expenditures for fiscal year 2012 were \$250.7 million.

The Nevada Offender Tracking Information System (NOTIS) is used to track and manage inmates. NOTIS has many functions, including recording and maintaining information about inmates' crimes and sentences (referred to as criminal history information in this audit).

Purpose of Audit

The purpose of the audit was to determine whether the Department (1) accurately records and maintains inmates' criminal history information in NOTIS, (2) reports accurate and complete information to the Parole Board about inmates' criminal history, (3) resolves inmate grievances related to the accuracy of criminal history in a fair and appropriate manner, and (4) controls access to its computer network and NOTIS to reduce the risk of unauthorized changes to criminal history information. This included a review of information in NOTIS as of October 17, 2012. It included inmates that were incarcerated between June 2007 (when NOTIS was implemented) and October 17, 2012. It also included a review of the most recent *Parole Progress Report* for each inmate tested. Finally, it included inmate grievances related to the accuracy of criminal history information filed in fiscal year 2012 and access controls over NOTIS and the Department's computer network as of September 2012.

Audit Recommendations

This audit report contains 10 recommendations to improve (1) the accuracy of criminal history information in NOTIS and reported to the Parole Board, (2) the timeliness of its responses to grievances and documentation in its grievance files, and (3) controls that limit access to criminal history information.

The Department accepted the 10 recommendations.

Recommendation Status

The Department's 60-day plan for corrective action is due on May 20, 2013. In addition, the six-month report on the status of audit recommendations is due on November 20, 2013.

Accuracy of Criminal History Information

Department of Corrections

Summary

Although we found errors in inmates' information in NOTIS, few of the errors had any consequences. There were few consequences because most of the errors related to current offense dates, which can only have an impact in a small number of instances. Nevertheless, for 3 of 300 (1%) of the inmates tested, errors in their NOTIS criminal history information affected when the inmates were released. Two of these three inmates were released a few months early and one inmate had his parole hearing delayed by about 10 months. In addition, the Department identified an instance where an inmate was released about 14 months after his eligible release date because of an error in NOTIS. However, the Department promptly took action to identify and correct the problem before it could impact other inmates. The Department can reduce the risk of these errors by improving guidance provided to staff on verifying the accuracy of information in NOTIS and by providing additional oversight of staff to ensure they are performing this verification.

Criminal history information reported by the Department to the Parole Board for making parole decisions was not always accurate. Although 13% of reports tested had errors, the errors did not have any consequences because the Parole Board corrected the information before using it to make its decisions. We also found the Department effectively resolved offenders' grievances related to their criminal history information. Some grievances were not resolved in accordance with time frames and other requirements in Department regulations, but the exceptions were infrequent and did not have any significant consequences on inmates. Finally, controls over access to NOTIS can be improved to reduce the risk of unauthorized changes to the information.

Key Findings

We found errors in about 4.5% of information tested regarding inmates' current offenses. This data includes offenses and sentences for inmates' most recent incarceration. Over 90% of the errors concerned a current offense date, which can potentially impact classification, eligibility for a parole hearing, and data provided to the Parole Board. However, errors in inmates' current offenses only impacted 3 of 300 (1%) inmates tested, resulting in 2 being released early and delaying 1 inmate's parole hearing for about 10 months. (page 6)

Information in NOTIS on inmates' prior offenses was not always complete. About 13% of prior offenses were not in NOTIS. Prior offenses are convictions prior to an inmates' most recent incarceration, which can affect classification and data provided to the Parole Board. However, no errors impacted inmates' classifications or data provided to the Parole Board, primarily because of similar offenses in their history. (page 9)

The Department identified one inmate was released about 14 months after his eligible release date (based on his maximum sentence less credits earned) because of an error resulting from the transfer of sentence information into NOTIS. The Department promptly took action to correct the problem before it could impact other inmates. Our audit procedures confirmed the problem was corrected. (page 10)

In 2012, testimony was provided at meetings of the Advisory Commission on the Administration of Justice that inmates' criminal history information had errors caused by a "computer glitch" in NOTIS. As evidence, a NOTIS report was shown for an inmate where there was an offense on June 5, 2007, that was stated to be in error. We determined this was not a computer error, but rather an intentional choice made by the Department to facilitate implementation of NOTIS. It did not cause offenses to be improperly added to inmates' criminal history or have other consequences. (page 11)

For the 300 randomly selected inmates tested, 27 of 213 (13%) reports provided to the Parole Board had errors related to criminal history. However, none of the errors had any consequences because the errors were corrected by the Parole Board. (page 16)

The Department took appropriate action to resolve inmate grievances related to the accuracy of criminal history. We found all but 1 of the 57 grievances tested were resolved fairly and appropriately, although the Department did not always respond within established timeframes. (page 20)

The Department needs to further restrict persons that can change criminal history in NOTIS. Almost 400 staff had the ability to alter data, including the offenses an inmate has been convicted of and the corresponding sentences. We also found some password and other security weaknesses over the Department's computer network, which NOTIS is within. (page 24)

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This report contains the findings, conclusions, and recommendations from our completed audit of the Department of Corrections, Accuracy of Criminal History Information. This audit was conducted pursuant to the ongoing program of the Legislative Auditor as authorized by the Legislative Commission. The purpose of legislative audits is to improve state government by providing the Legislature, state officials, and Nevada citizens with independent and reliable information about the operations of state agencies, programs, activities, and functions.

This report includes 10 recommendations to improve (1) the accuracy of criminal history information in its information system and reported to the Parole Board, (2) the timeliness of its responses to grievances and documentation in its grievance files, and (3) the controls that limit access to important inmate information. We are available to discuss these recommendations or any other items in the report with any legislative committees, individual legislators, or other state officials.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Paul V. Townsend".

Paul V. Townsend, CPA
Legislative Auditor

February 13, 2013
Carson City, Nevada

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Introduction

Background

The Department of Corrections is responsible for confining individuals convicted of felony charges within the State of Nevada. The Director supervises the administration of Department institutions and facilities and must take proper measures to protect the health and safety of the public, staff, and inmates. The Director also establishes regulations and administers the Department under the direction of the Board of State Prison Commissioners.

Authority over the operations of the prison system is granted to the Board by the Nevada Constitution. The Board is comprised of the Governor, Attorney General, and Secretary of State. The mission of the Department is to protect the public by confining convicted felons according to the law while keeping staff and inmates safe.

Institutions and Inmate Population

During fiscal year 2012, inmates were housed at 18 facilities throughout the State. As of June 30, 2012, the Department had a total inmate population of 12,877. The majority of inmates are housed at the state's maximum, close, and medium custody level institutions. Exhibit 1 provides the average inmate populations for these fenced institutions for the quarter ended June 30, 2012.

**Average Inmate Population
Fenced Institutions
Quarter Ended June 30, 2012**

Exhibit 1

Institution	Population
High Desert State Prison	3,093
Southern Desert Correctional Center	2,029
Lovelock Correctional Center	1,630
Northern Nevada Correctional Center	1,480
Ely State Prison	1,042
Florence McClure Women's Correctional Center	737
Warm Springs Correctional Center	531
Total	10,542

Source: Department of Corrections.

The remaining inmates are housed at camps and the transitional housing and restitution centers. These camps and centers are for minimum custody level inmates. Exhibit 2 provides the inmate population breakdown for camps and the transitional housing and restitution centers.

**Average Inmate Population
Camps, Transitional Housing, and Restitution Center
Quarter Ended June 30, 2012**

Exhibit 2

Facility	Population
Stewart Conservation Camp	342
Casa Grande Transitional Housing Center	282
Three Lakes Valley Conservation Camp	244
Humboldt Conservation Camp	163
Jean Conservation Camp	163
Pioche Conservation Camp	160
Tonopah Conservation Camp	129
Wells Conservation Camp	129
Carlin Conservation Camp	127
Ely Conservation Camp	124
Northern Nevada Restitution Center	94
Total	1,957

Source: Department of Corrections.

Staffing and Expenditures

As of June 2012, the Department had about 2,600 employees. Nearly 1,700 of these positions were for security staff. Total

expenditures for fiscal year 2012 were \$250.7 million. The Department is primarily funded by General Fund appropriations. Other funding sources include federal funds and room, board, and transportation charges paid by inmates.

Nevada Offender Tracking Information System

The Nevada Offender Tracking Information System (NOTIS) is the Department's information system used to manage and track inmates. NOTIS has many functions, including:

- **Booking** – Controls the intake or re-entry of an inmate into the state prison system and includes the criminal history of all inmates.
- **Legal Cases** – Records the legal orders authorizing inmate custody, including the current offenses and sentences they are serving.
- **Classification** – Helps caseworkers determine which custody level and institution to assign to inmates. In doing so, the system has to take into account many types of information, such as an inmate's criminal history, behavior in prison, and length of time until eligible for parole.
- **Release** – Includes tools to manage when an inmate is eligible for parole and when their sentence expires. The system has to take into account many factors specified in numerous laws to determine parole eligibility, including when offenses were committed, the specific offenses committed, and credits earned by an inmate.

The implementation of NOTIS took place in June 2007 when it replaced the Nevada Correctional Information System (NCIS). After the 2011 Legislative Session, concerns were raised that NOTIS potentially had false offenses and other errors regarding inmates' criminal history information. Errors of this nature could result in inmates being placed in a higher level of custody, eligibility for parole being delayed, and erroneous information being provided to the Parole Board.

Recording of Inmates' Criminal History Information

An inmate's criminal history information recorded in NOTIS comes primarily from two documents. First, all inmates confined to a Department facility must be accompanied by a document called a

Judgment of Conviction (JOC). The JOC is prepared by the court that found the person guilty of a felony. It includes the felony or felonies the person was convicted of and the sentence(s) that must be served. The information includes the name of the felony and the category it is considered under state law. Felony categories are considered to be A, B, C, D, or E, in declining order of severity. For offenses committed after July 1, 1995, a sentence must include a minimum and maximum term (excluding category A offenses). Where an inmate is convicted of multiple felonies, the JOC also indicates whether the sentences are to be served concurrently (at the same time) or consecutively (one after the other). The JOC also specifies the number of jail credits the person has accrued. This is the number of days the person spent in jail prior to his conviction. The jail credits are considered time spent serving his sentence. Finally, the JOC includes the order date, which serves as the beginning of the sentence. All of this information on the JOC is entered into NOTIS when the person is admitted to one of the Department's three intake facilities (High Desert State Prison, Northern Nevada Correctional Center, and Florence McClure Women's Correctional Center). For this audit report, all of the above information on the JOC is considered to be part of an inmate's criminal history information.

The second document that an inmate's criminal history information comes from is a Presentence Investigation Report (PSI). It is prepared by the Division of Parole and Probation for the court in determining his sentence. It includes various information about the person's criminal history, including the current and prior offenses and arrests. Information from the PSI about the inmate's prior offenses and arrests is recorded in NOTIS when the person is admitted to a Department intake facility. This information is used for various purposes, including classification (deciding what custody level he should be assigned to). Information about the inmate's current and prior offenses is also provided by the Department to the Parole Board prior to an inmate's parole hearing. For this audit report, the information recorded in NOTIS from the PSI is also considered to be part of an inmate's criminal history information.

Scope and Objectives

This audit is part of the ongoing program of the Legislative Auditor as authorized by the Legislative Commission, and was made pursuant to the provisions of NRS 218G.010 to 218G.350. The Legislative Auditor conducts audits as part of the Legislature's oversight responsibility for public programs. The purpose of legislative audits is to improve state government by providing the Legislature, state officials, and Nevada citizens with independent and reliable information about the operations of state agencies, programs, activities, and functions.

Our audit of the Department of Corrections included a review of criminal history information in NOTIS as of October 17, 2012. It included inmates incarcerated between June 2007 (when NOTIS was implemented) and October 17, 2012. It also included a review of information in the most recent *Parole Progress Report* for each inmate tested. Finally, our review included inmate grievances related to the accuracy of criminal history information filed in fiscal year 2012 and access controls over NOTIS and the Department's computer network as of September 2012. Our audit objectives were to determine whether the Department of Corrections:

- Accurately records and maintains inmates' criminal history information in its information system (NOTIS).
- Reports accurate and complete information to the Parole Board about inmates' criminal history.
- Resolves inmate grievances related to the accuracy of criminal history in a fair and appropriate manner.
- Controls access to its computer network and the NOTIS information system to reduce the risk of unauthorized changes to criminal history information.

Errors Occurred, But Few Had Consequences

Although we found errors in inmates' information in NOTIS, few of the errors had any consequences. There were few consequences because most of the errors related to current offense dates, which can only have an impact in a small number of instances.¹ Nevertheless, for 3 of 300 (1%) of the inmates tested, errors in their NOTIS criminal history information affected when the inmates were released. Two of these three inmates were released a few months early and one inmate had his parole hearing delayed by about 10 months. In addition, the Department identified one instance where an inmate was incarcerated for about 14 months after his sentences expired because of an error in his sentence structure. However, it promptly took action to identify and correct the problem before it could impact other inmates. The Department can reduce the risk of these errors by improving guidance provided to staff on verifying the accuracy of information in NOTIS and by providing additional oversight of staff to ensure they are performing this verification.

Errors in NOTIS Related to Current Offenses

We found errors in about 4.5% of the information tested regarding inmates' current offenses. Current offense information includes various data about the crimes and sentences for the inmates' most recent incarceration. Over 90% of the errors in current offense information concerned an inmate's current offense date. The remaining errors concerned the current offense code, offense severity, and felony categories. This information is important because it potentially impacts inmates' classifications, when they are eligible for a parole hearing, and information provided to the Parole Board. The errors concerning inmates' current offenses only impacted 3 of the 300 (1%) inmates tested. The errors

¹ For example, one inmate's current offense date in NOTIS was December 6, 2007, but the correct date was June 11, 2003. This error did not impact him because the credits he can earn on his sentence fall under the same state law (NRS 209.4465), which applies to offenses committed on or after July 17, 1997.

resulted in two inmates being released early from prison and caused a delay in one inmate's parole hearing.

Our testing of current offenses included 300 randomly selected inmates incarcerated within the Department of Corrections at some time between June 5, 2007, and October 17, 2012. These inmates had a total of 615 current offenses. For each offense, we tested 10 pieces of information for a total of 6,150 items. We found a total of 275 errors in those items for an error rate of 4.5%. All but 20 of the errors were related to the current offense date. (See Appendix A for the complete results of our testing of these 300 inmates).

Errors Related to Current Offense Dates

For 123 (41%) of the 300 inmates included in our test, there was at least one error in their current offense dates. The total number of incorrect offense dates for these 123 inmates was 255. While none of the incorrect offense dates negatively affected the inmates in our sample, we identified one inmate who accrued more statutory good time credit than he was eligible to receive under law due to an incorrect offense date in NOTIS. The number of credits accrued by an inmate is specified under various state laws and depends on when the offense was committed. (See Appendix B for state laws specifying sentence credits earned based on current offense dates.) The following provides a brief description of the offense date error for this inmate:

- The inmate committed a crime in 1996, but had an offense date incorrectly recorded as 2006, which was when he was convicted. This resulted in him being released about 3.5 months early because he received more credits than he was entitled to under state law.

The most common reason for the errors in current offense dates was NOTIS automatically populated the offense date field based on the date entered in the order date field, which were not corrected by staff. Of the 255 errors, 243 resulted from the auto population of the offense date field, while only 12 were the result of human data entry errors. Department management recognized the issue a few years ago and implemented procedures to reduce the risk of this error. Since only 18 of the 255 errors identified

through our testing were for inmates entering the Department's custody after December 31, 2008, this issue has significantly diminished in the last few years.

Errors in Offense Category, Severity, and Code

In addition to testing current offense dates, we also reviewed the accuracy of each offense code, offense category, severity level, sentence date, application of jail credits, minimum and maximum sentences, controlling sentences, and consecutive or concurrent sentences. We tested 5,535 NOTIS data fields for the 300 inmates' current offenses, excluding current offense dates mentioned above. We identified a total of 20 (.36%) errors concerning 14 inmates' information in NOTIS. The errors related to the offense category, severity, and code affected two inmates.

Errors in a current offense category, severity, or code can impact an inmate's custody level classification, parole risk assessment score, and when the inmate is eligible for a parole hearing. Of the 20 errors in NOTIS pertaining to an inmates' current offense category, severity, and code, two errors had an impact. The following explains these two errors and their impact.

- One of the inmates had errors in his offense category. The inmate was convicted of grand theft, which is a category B offense. However, the offense was entered in NOTIS as theft, a category C offense. The category B offense makes him ineligible for receiving credits to his minimum sentence under NRS 209.4465. However, because this offense was recorded as a category C offense, the inmate incorrectly received credits against his minimum sentence, moving up his parole hearing by about 7 months. The inmate was granted parole at his first parole hearing.
- NOTIS had the correct offense for the other inmate, but the offense category was incorrect. The offense was a category C offense, but was entered in NOTIS as a category B. This resulted in the inmate not receiving credits to his minimum sentence per NRS 209.4465. As a result, he was determined to be eligible for a parole board hearing 10 months after he should have been. The inmate was granted parole at his first parole hearing.

Inmates' Prior Offense History in NOTIS Not Always Complete

The information in NOTIS about inmates' prior offenses was not always complete. About 13% of the prior offenses in the 300 inmate' files we examined were not included in NOTIS. Prior offenses are felony convictions prior to an inmates' most recent incarceration. The prior offenses can affect classification decisions and information provided to the Parole Board. However, none of the errors impacted inmates' classifications or information provided to the Board, primarily because they had similar offenses in their criminal history. We also noted about 0.5% of the prior offenses (a total of 2) recorded in NOTIS were not supported by records in inmate files. However, none of these additional prior offenses in NOTIS had any consequences on the inmate.

Prior Offenses Not Recorded In NOTIS

We identified a total of 476 prior felony offenses for the 300 inmates included in our sample. We found 63 (13%) of these offenses were not recorded in NOTIS. The errors affected the information in NOTIS for 33 inmates. For the 300 inmates included in our sample, we compared information from the criminal history found in the inmate's Presentence Investigation Report (PSI) with information in NOTIS. Prior offense information is important as it is used to determine an inmate's custody level (classification) and in calculating an inmate's Parole Risk Assessment provided to the Parole Board. Of the 33 inmates with missing offenses, none had their classification or Parole Risk Assessment affected primarily because they had similar offenses in their criminal history.

Offenses in NOTIS Not Supported by Documents in Inmate File

Of the 300 inmates included in our sample, two had an offense recorded in NOTIS that was not listed on their PSI or other reports from criminal registries. These two offenses that are not supported by documents in inmate files represent 0.5% of the prior offenses recorded in NOTIS for the inmates tested. One inmate's prior history in NOTIS included two counts for an offense that should have only been in there once. The other inmate's prior history in NOTIS had one offense that should not have been there. However, because of other offenses in the inmates' criminal histories, none of these errors impacted their classification. In

Error in Sentence Structure Delayed Inmate's Release

addition, the errors in NOTIS did not affect either inmate's Parole Risk Assessment.

The Department identified one instance where an inmate was released about 14 months after his eligible release date because of an error resulting from the transfer of sentence information into NOTIS. The Department promptly took action to identify and correct the problem before it could impact other inmates. Our audit procedures confirmed the problem was corrected.

We reviewed areas relevant to inmate sentence structure in our test of 300 inmates. Sentence structure includes the length of sentences, whether they are concurrent or consecutive, and the order they must be served. During the course of our testing, we reviewed inmates' Judgments of Conviction (JOCs) and verified their sentence structure was correct. As needed, we also discussed with Department staff sentence structure for the inmates tested, including those transferred from the computer system preceding NOTIS. We learned the prior computer system was not able to identify the controlling sentence. As a result, each time a sentence expired, staff manually updated the controlling sentence to ensure consecutive and concurrent sentences for inmates with multiple sentences were handled appropriately. For inmates with multiple sentences when NOTIS was first implemented, NOTIS automatically selected the longest sentence as the controlling sentence. As a result, some inmate sentence structures needed to be corrected.

To help ensure inmates' sentence structures were correct in NOTIS, caseworker staff were reminded of the need to verify that sentence structures in NOTIS were in accordance with the JOC. However, a problem was found in April 2012 with an inmate's sentence structure when reviewing his information prior to his release. In this instance, Department personnel recognized the inmate was about 14 months past his eligible release date (based on his maximum sentence less credits earned under state laws) because of an error in the sentence structure. The error occurred because when information was transferred into NOTIS, the longest sentence was selected as the controlling sentence rather than the shorter sentence as indicated in the JOC.

In response to this case, the Department performed queries in NOTIS to identify other inmates that may have been similarly affected. The queries identified about 2,600 inmates which potentially had a similar error. For each inmate, Department personnel verified the NOTIS sentence structure agreed to the inmate's JOC sentence structure. Corrections to the NOTIS sentence were made as needed.

We performed procedures to verify the problem identified by the Department was corrected. Specifically, we found 22 of the 300 inmates randomly selected for our testing were included in the Department's list of 2,600 inmates with potential sentence issues. We were able to verify that the sentence structures for all inmates in our sample were correct.

“Computer Glitch” Had No Consequences

In 2012, testimony was provided at meetings of the Advisory Commission on the Administration of Justice that inmates' criminal history information had errors caused by a “computer glitch” in NOTIS. As evidence, a NOTIS report was shown for an inmate where there was an offense on June 5, 2007, that was stated to be in error. However, our audit found offenses were not added to inmates' criminal history, but rather the offense dates were changed for reasons explained further below. This was not a computer error, but rather an intentional choice made by the Department to facilitate implementation of NOTIS. Our audit found there were not any consequences to this decision.

When NOTIS was first implemented in June 2007, information for all inmates had to be transferred from the previous computer system. This included inmates' current offenses and sentences, as well as information about prior offenses and dates the offenses were committed.

All information about inmates' criminal history was transferred over electronically into NOTIS, except for dates of offenses prior to those offenses the inmate is currently in prison for. These dates could not be transferred over electronically due to the manner in which they were set up in the previous system. More specifically, the dates for prior offenses were not identifiable to particular offenses. The only way the prior offense dates could be

recorded into NOTIS would be for staff to review documents in central office files for thousands of inmates to identify when each prior offense was committed and then enter the date into NOTIS. This would have been extremely time-consuming.

Furthermore, although current offense dates are important in determining an inmate's initial parole eligibility, prior offense dates are not used to make decisions at the Department or by the Parole Board. However, because NOTIS required a prior offense date for each prior offense recorded in the system, the Department chose to put the first date that NOTIS was implemented (June 5, 2007) into this field for all prior offenses transferred over electronically into NOTIS.

To verify that recording June 5, 2007, as the prior offense date for all inmates' prior offenses transferred over from the previous information system into NOTIS did not impact inmates, we performed various procedures. This included verifying that NOTIS does not use the prior offense date in generating information for important decisions affecting an inmate. These decisions include what custody level an inmate is assigned to and whether to grant parole.

We also interviewed Parole Board officials, including the Chairman, who indicated they were aware of the Department's decision to record June 5, 2007, for all prior offense dates. Officials indicated recording this date into NOTIS did not affect decisions they made concerning inmates. Finally, we verified there was not any impact on inmates in our testing that had this prior offense date in NOTIS.

Department records indicate about 1,400 current inmates still had prior offense dates of June 5, 2007, in NOTIS as of August 2012. To avoid further confusion about the prior offense dates, the Department should consider correcting the dates when performing reclassifications. At least every 6 months, inmates are seen by classification personnel to determine whether they are in the appropriate custody. The Department indicated to us that during reclassification, personnel are supposed to verify the accuracy of criminal history information in NOTIS by comparing it to

appropriate documents (JOCs, PSIs). Since the prior offense dates are shown on these documents, the dates can be corrected in NOTIS at that time with minimal effort.

Review of Inmate Concerns Found No Impact

During the course of our audit, the concerns of 11 current and former inmates were brought to our attention through public meetings and a private citizen. The 11 inmates' concerns primarily related to the appropriateness of some offenses in NOTIS and how sentences were being carried out in NOTIS. We reviewed their specific concerns about the accuracy of criminal history information and whether the inmates were adversely affected by any errors. We found the inmates were not impacted by the alleged errors. However, we noted three offenses in one inmate's prior offenses listed in NOTIS that were not supported by records in the inmate's paper file. Nevertheless, it did not have any impact on the inmate because the inmate had other similar offenses in his record.

Allegations of False Offenses in NOTIS

Several of the current and former inmates' concerns brought to our attention alleged false or extra felonies in NOTIS. Our review indicated that all of the inmates' criminal histories were correct, with one exception. The one former inmate with incorrect criminal history had two category D felonies and one category C felony that were not on his PSI or other Department records. However, these felonies did not have an impact on the inmate because he had multiple other felonies of the same or greater severity. Furthermore, the inmate's file had other offenses in his record that were not included in NOTIS.

Consecutive and Concurrent Sentences Properly Administered

Inmates with concerns related to the Department's handling of their consecutive and concurrent sentences were not valid based on our review. We found the Department's handling of the inmates' sentences were in accordance with state laws. For example, NRS 213.1213 specifies:

If a prisoner is sentenced pursuant to NRS 176.035 to serve two or more concurrent sentences, whether or not the sentences are identical in length

or other characteristics, eligibility for parole from any of the concurrent sentences must be based on the sentence which requires the longest period before the prisoner is eligible for parole.

One inmate has a sentence structure that includes concurrent and consecutive sentences. One sentence had to run consecutive to the shorter of the initial concurrent sentences. NRS 213.1213 required the shorter sentence to expire without going to the Parole Board. Therefore, we found the Department appropriately handled the administration of his sentences.

Another inmate was paroled to a consecutive sentence. The sentence for which he was paroled was eventually overturned. Our review found that all credit previously applied to the overturned sentence was correctly applied to his consecutive sentence. At the appropriate time, he received a parole hearing on the second sentence. Thus, he was not penalized by the overturning of the originally paroled sentence.

Controls Can Be Improved to Reduce Errors

Since there were many errors in NOTIS regarding inmates' criminal history information, the Department needs to improve controls in this area. Department personnel indicated there are various controls to prevent and detect errors in inmate information. However, our testing results indicate that these controls are not always working as intended. Due to the potential for significant consequences when there are inaccuracies, additional steps are needed to ensure errors are minimized.

Department personnel indicated the accuracy of criminal history information is ensured by staff at four different points. First, intake staff confirm its accuracy with inmates when they enter inmate information into NOTIS upon the inmate's entry into prison. Second, the information in NOTIS is verified by central office staff when they approve each inmate's initial classification. Third, staff responsible for maintaining the central office file for each inmate verify this information in NOTIS when they receive the applicable documents. Fourth, classification staff at the institutions verify the accuracy of information every 6 months when they examine whether the inmate can be reclassified into a different custody level.

We found evidence that these procedures are not working as intended. Many of the errors we noted in NOTIS regarding criminal history information were in the system for several years. Furthermore, in 2009, an e-mail was sent to Department staff indicating errors were being detected in inmates' criminal history information and therefore it was apparent (according to Department personnel) staff were not verifying the accuracy of information as intended by management.

There are two reasons why the Department's controls are not working as intended. First, the Department lacks written procedures instructing staff on the need to verify the accuracy of inmates' information in NOTIS by comparing it to appropriate documents in inmates' files. Second, there is little oversight to ensure staff are performing this verification. Correcting these deficiencies will help ensure controls intended by management to maintain accurate information in NOTIS are being carried out.

Recommendations

1. Develop written procedures for applicable staff on the need to verify the accuracy of inmates' information in NOTIS by comparing it to appropriate documents in inmates' files.
2. Provide additional oversight of staff to ensure written procedures related to ensuring the accuracy of information in NOTIS are being followed.

Information Provided to Parole Board Had Errors, But No Impact

Criminal history information reported by the Department to the Parole Board for use in making parole decisions was not always accurate. Although 13% of reports tested had errors, the errors did not have consequences because the Parole Board corrected the information before using it to make its decisions.

Nevertheless, it is the Department's responsibility to ensure the criminal history information it provides to the Parole Board is correct to help minimize the risk of parole decisions being made based on inaccurate information.

Significance of Information Reported to Board

NRS 213.131 requires the Department to provide the Parole Board, before an inmate's hearing, with information that will assist the Board in determining whether parole should be granted. The information is contained in a *Parole Progress Report*. It includes various information about the inmate's offense that he is eligible for parole on. It also includes what is referred to as the Parole Risk Assessment (Assessment). The Assessment helps the Board determine the risk that an inmate will commit another offense if granted parole. Some of the questions in the Assessment relate to the inmate's criminal history. The answers to the questions in the Assessment lead to a score, which combined with the severity of the offense, guide the Parole Board in making their decision. The maximum number of points that an inmate can accumulate is 19 points. (See Appendix C for the Parole Board's Risk Assessment and Guidelines used in deciding whether to grant parole).

Types of Errors in Reports

For the 300 randomly selected inmates tested, 27 of 213 (13%) reports provided to the Parole Board had errors related to criminal history. The most common error concerned whether an inmate

was ever convicted of a property crime, such as robbery or auto theft. For example, an Assessment prepared by the Department scored the inmate as never having been convicted of a property crime, which is scored as zero points on the Assessment. However, the PSI prepared by the Division of Parole and Probation showed the inmate had previous property crimes in his record. As a result, the inmate should have been scored 2 points higher on the Assessment. This would have changed his total score from 3 to 5 points and therefore changed his risk level from low to moderate. Documentation available from the Parole Board indicated the Board corrected the error and scored the inmate appropriately.

We also found errors for questions about inmates' age of first arrest, and whether they ever had a parole or probation revocation. Almost all of the reports with errors (22 of 27) prepared by the Department scored the inmate lower than he should have been scored. As mentioned previously, we found errors in 13% of Parole Progress Reports tested. However, only 4% of the information tested in the reports had errors because we tested four items of information in each report. Exhibit 3 provides a breakdown of the types of errors found compared to the total number of items tested.

Errors in Parole Progress Reports

Exhibit 3

Type of Error	Errors	Tested	Percent
Property Crime Convictions	15	213	7%
Age of First Arrest	10	213	5%
Parole/Probation Revocations	8	213	4%
Description of Offense Summary	0	213	0%
Total	33	852	4%

Source: Auditor testing results.

Errors Did Not Have Consequences

None of the errors in the Assessment portion of the Parole Progress Reports had any consequence because the errors were corrected by the Parole Board. Prior to each hearing, Parole Board staff review each Assessment for accuracy. In addition, during each parole hearing, the Parole Board discusses the inmate's risk assessment and makes adjustments as needed.

Consequently, based on our review of documentation available from the Parole Board, including video recordings of hearings, the errors we found were corrected by Parole Board personnel before or during the parole hearing.

It is the Department's responsibility to ensure information provided to the Parole Board is accurate. The errors in the information provided to the Parole Board could be reduced by ensuring it is reviewed for accuracy before it is sent. Administrative Regulation 537 requires the Associate Warden or his designee to review and approve the Parole Progress Report before it is sent to the Board. However, this review is not working effectively based on the number of errors found in the reports.

Recommendation

3. Review the accuracy of inmates' criminal history information in reports provided to the Parole Board.

Department Has Effective Process for Resolving Inmates' Grievances

The Department has established a formal process for addressing inmate concerns about the accuracy of criminal history information recorded in NOTIS. We found the Department reached fair and appropriate decisions when inmates filed grievances expressing their concerns. Furthermore, most requirements in the Department's regulations for handling grievances were met, including those requiring appropriate personnel respond to the grievance. However, better oversight is needed to ensure grievances are addressed timely and grievance files contain staff and inmate signatures and dates.

Formal Process for Resolving Inmates' Concerns

The Department has established a formal grievance process to provide an administrative means to resolve inmate problems and concerns. This audit examined the process as it relates to inmate concerns about the accuracy of their criminal history information in the Department's records. Inmates may also file grievances in a variety of areas such as classification (custody level), health care, property, housing, staff behavior, and visitation. The grievance process is governed by Administrative Regulation 740, which is intended to provide a fair and prompt resolution of inmate concerns.

When inmates have concerns, they are expected to resolve grievable issues through discussion with their caseworker prior to initiating the grievance process. If they are not satisfied, the Regulation provides for a multi-tier process. This includes the informal grievance level handled by the inmate's caseworker, the first level handled by the Warden, and the second level handled by a Deputy Director or Chief of the Offender Management Division. If an inmate disagrees with the Department's response,

the inmate may appeal the decision to the next level. The decision reached on a second level grievance is final, before going to the courts.

The Department has developed standard forms for filing grievances that are available in all housing units. Forms provide space for the inmate to state the nature of the grievance and the staff's response. Completed grievance forms and all relevant attachments are then stored at the facility where the grievance issue occurred and retained for 5 years. Throughout the process, information about the grievance is entered into the NOTIS system. The regulation requires various Department personnel (Deputy Directors, Wardens, and Associate Wardens) to review monthly and annual reports generated from NOTIS to evaluate the handling of grievances.

Responses to Grievances Were Appropriate

The Department took appropriate action to resolve inmate grievances related to the accuracy of criminal history information. We found all but one of the 57 grievances tested were resolved fairly and appropriately. We examined all of the grievances received in fiscal year 2012 that we identified related to the accuracy of criminal history information at the four largest facilities and the women's facility. The one grievance that was not handled appropriately was improperly rejected.

The 57 grievances tested were identified from our analysis of grievance information in NOTIS and a review of grievance files at institutions. Since NOTIS does not separately identify grievances related to the accuracy of criminal history information, we performed various procedures to identify such grievances at the five institutions tested. This included reviewing all grievances included in certain categories (sentencing, classification, and housing) that were more likely to have criminal history grievances. We also reviewed grievances identified from electronically searching all other grievance categories using key words that could potentially indicate grievances relating to an inmate's criminal history.

Exhibit 4 shows the number of grievances identified from our procedures at each of the five institutions.

Grievances Related to Criminal History**Exhibit 4**

Institution	Number
High Desert State Prison	24
Southern Desert Correctional Center	12
Northern Nevada Correctional Center	11
Florence McClure Women's Correctional Center	6
Lovelock Correctional Center	4
Total	57

Source: Auditor review of grievances in NOTIS.

The grievance files at the institutions were reviewed to determine the nature of the inmate's complaint and the staff's response at each level in the process. We also reviewed criminal history information in inmate files maintained at the Department's central office and at the institution, as well as other information in NOTIS (such as case notes). As needed, we had discussions with Department personnel. Based on these procedures, we concluded on the reasonableness and appropriateness of the Department's response.

For one of the grievances, we concluded the Department did not respond appropriately. The grievance was improperly rejected for not first using the informal grievance process, even though we found evidence that the inmate used this process. The caseworker also rejected the grievance stating it did not include a remedy. This was also improper since the grievance indicated the inmate wanted to read his parole progress report prepared by the Department to check for errors and to have any errors fixed. Nevertheless, we found the evidence supported denial of the inmate's grievance if it had been investigated. Therefore, there was not negative consequences to the inmate's grievance being improperly rejected.

**Most
Requirements in
Administrative
Regulations
Were Met**

Generally, grievances received in fiscal year 2012 were handled in accordance with key provisions of the Department's regulations, including requirements concerning the submission of grievances and that appropriate Department personnel respond to the grievance. However, the Department did not always respond to grievances within established timeframes. In addition, required staff and inmate signatures and dates were missing from some

grievance forms. Improved oversight will help ensure inmates' concerns are addressed timely and adequately documented.

Grievances Not Always Resolved Timely

The Department did not always respond to grievances within timeframes established in Department regulations. Specifically, in 16 of 57 (28%) grievances, the timeframes were not met. The response was late by an average of 33 days on the late grievances. Exhibit 5 provides additional information on the late responses to grievances by institution.

Grievances Not Resolved Timely

Exhibit 5

Institution	Grievances Tested	Untimely Responses	Percent Untimely	Average Days Untimely
High Desert State Prison	24	8	33%	31
Southern Desert Correctional Center	12	2	17%	39
Northern Nevada Correctional Center	11	4	36%	30
Florence McClure Women's Correctional Center	6	1	17%	11
Lovelock Correctional Center	4	1	25%	75
Total	57	16	28%	33

Source: Auditor review of grievance files.

Department regulations require staff to respond to a grievance at the informal level within 45 days. The timeframe runs from when the grievance form is received from an inmate to the date the inmate receives the Department's response. The requirement for responding to a first level grievance is also 45 days. Finally, staff must respond to a second level grievance within 60 days.

Delays in responding to inmate grievances related to the accuracy of an inmate's criminal history information could result in various consequences if corrective action is needed. Specifically, an error in an inmate's criminal history information could result in a delay in an inmate getting to a lower custody level, having a parole hearing, or being released. In addition to impacting the inmate, this could result in higher incarceration costs. Delays in responding to grievances were reported in our audit of the Department in 2008. However, the Department's performance in this area has improved significantly since that time.

Grievances Not Always Adequately Documented

The Department can improve the documentation maintained in its grievance files. Each institution maintains a separate inmate file containing grievance forms submitted, staff responses, and supporting documentation. In several grievances reviewed, required signatures and dates were not documented in the files.

Grievance forms include signature and date lines for staff responding to the grievance and for the inmate to complete. Signatures and dates are needed to help ensure grievances are addressed timely and responses are provided to inmates. However, in 8 of 57 (14%) grievances tested, required signatures and dates were missing from grievance forms.

By not documenting these signatures and dates, it is unclear if appropriate personnel responded to grievances or if inmates received a copy of the Department's response. Although this concern was reported in our prior audit, the Department's performance has improved slightly. The lack of required signatures and dates on some grievance forms could be detected by increased review of grievance files.

Recommendations

4. Monitor the grievance process to ensure timeframes for responding to grievances are followed.
5. Review grievances to ensure documentation is complete, including required signatures and dates of applicable staff and inmates.

IT Access Controls Can Be Improved

The Department can improve controls that limit access to important inmate information. The Department's primary information system, NOTIS, contains information used to manage an inmate's period of imprisonment, the inmate's risk classification, parole eligibility, medical needs, and other critical information. Overly broad access to this information increases the risk of unintentional or unauthorized changes. In addition, the Department needs to better manage disabling of former employees' network access, strengthen password controls, automatically lockout idle computers, and conduct annual security awareness training.

Ability to Change Criminal History Needs to Be Restricted Further

The Department needs to further restrict the number of persons that can change criminal history information in NOTIS. We identified almost 400 current NOTIS users who have the ability to alter legal order and sentence data. This legal order and sentence data includes the offenses an inmate has been convicted of, the corresponding prison sentences for the offenses, and the date that a sentence starts to run. It also includes prior felony conviction information. The staff's ability to change this information does not include the ability to delete the orders or charges but does include the ability to add or change the data in these fields.

Overly broad ability to change such important inmate information increases the risk it will be unintentionally changed or changed without proper authorization. Changing inmates' legal order or sentence information could impact their time served, eligibility for parole, parole risk assessment, and their classification. Appropriate inmate classification is essential to running a safe and economical prison system. If an inmate is not in the proper institution with the proper supervision, severe consequences such

as violence, escape, property destruction, or a lawsuit can result. On the other hand, if an inmate is placed in too high a security level, resources are not used economically as incarceration costs are higher.

The Department indicated that all insertion, deletion, or updates to these records are recorded by the system, which includes the user, date and time, and what has changed. Although this reduces the risk of unauthorized changes, it does not prevent such changes from occurring. It is best to prevent inappropriate changes by limiting the ability to make changes to as few persons as possible.

Department management indicated most of the 391 users do not need the ability to add or change legal order or sentence data as part of their job responsibilities; however, they do need the ability to view this information and the current system will not allow view only access to the data without causing other problems. The Department is working on a solution to strictly control the ability to add and change legal order information by July 2013.

Password and Other Security Weaknesses Over Network Access

We found password and other security weaknesses over the Department's computer network. Restricting access to the network is important since NOTIS is within the network. Therefore, control weaknesses over access to the Department's network can increase the risk of unauthorized personnel changing criminal history information and sentencing information in NOTIS. When we brought these weaknesses to management's attention, the Department took action to correct them.

Former Employees With Current Network Accounts

During our review of computer user accounts, we identified former employees that had current network access still enabled. We sampled almost 1,200 of the approximate 4,000 network computer accounts and identified 53 retired and otherwise terminated employees with currently enabled network user accounts. Twenty-two of these former employees had been gone for over a year. Most of these employees worked at the Department, but some also worked outside the Department at agencies such as the Division of Parole and Probation.

Department policy indicates terminated or transferred employees should be reported to the appropriate IT staff no later than their resignation date so the computer accounts can be disabled timely. However, according to Department personnel, the problem was caused by a breakdown in communication between human resources staff and IT staff regarding notification of outgoing employees. This problem was also caused by the lack of a policy regarding how long inactive accounts should be kept active.

Department personnel immediately disabled the accounts when we disclosed this information to them. In addition, the Department indicated it was implementing a comprehensive process to better identify and disable these former computer users' accounts. Furthermore, Department management indicated they would implement a backup process to disable computer accounts that have not been used in over 45 days.

Password Settings Did Not Require Complex Passwords

Group policy settings on the network server did not enforce state password complexity standards. State security standards require that passwords include uppercase and lowercase letters, special characters, and numbers. The Department did not enforce these settings because not all of its systems accommodated complex passwords. In addition, systems that did accommodate complex passwords did not have this setting enabled. After we informed management of this issue, they indicated in November 2012 that they planned to enforce this requirement over the next few months.

Session Timeout Function Not Enabled

The automatic session timeout (screen saver auto-lock) was not configured to automatically lock desktop users' computers after a period of inactivity as required by state security standards. Department personnel indicated computers were initially set to time out when originally installed, but users were allowed to change the timeout setting. After being informed of this issue, the Department indicated it planned to implement over the next 30 days an enforced policy timeout of 15 minutes.

By not automatically setting this timeout feature on all computers on the Department's network, there is an increased risk that unauthorized personnel could gain access to a Department computer that is logged into their network.

Annual Information Security Awareness Training Not Conducted

Ongoing security awareness training was not conducted throughout the Department as required by state security standards. The intent of this training is to ensure that all new and existing employees, consultants, and contractors are aware of their responsibilities in protecting the state's information systems and information processed through them. Without such periodic refresher training, there is increased risk that computer users will not take adequate precautions to protect state information resources. When we brought this matter to management's attention, they indicated they plan to require all employees to complete the security training online and will monitor this in the future to ensure continued compliance.

Recommendations

6. Limit the ability to change criminal history and sentencing information in NOTIS to only those users requiring such access to perform their job duties.
7. Implement controls to identify and disable computer network user accounts that are no longer authorized.
8. Set group policy settings to enforce complex user passwords on computers.
9. Enable the automatic session timeout function through group policy settings.
10. Implement a program to provide IT security awareness training at least annually to all employees.

Appendix A

Results of Testing Accuracy of Criminal History Information

Information Tested	Tested	Errors	Percent
<u>Current Offense Information</u>			
Offense Date	615	255	41.5%
Offense Category	615	15	2.4%
Offense Severity	615	2	0.3%
Offense Code	615	3	0.5%
Sentence Date	615	0	0.0%
Jail Credits	615	0	0.0%
Minimum Sentence Length	615	0	0.0%
Maximum Sentence Length	615	0	0.0%
Controlling Sentence	615	0	0.0%
Consecutive/Concurrent Sentence	615	0	0.0%
Subtotals for Current Offense Information	6,150	275	4.5%
Prior Offenses	476	65	13.7%
Current and Prior Offense Totals	6,626	340	5.1%

Source: Auditor testing results of 300 inmates.

Appendix B

State Laws Specifying Sentence Credits Earned Based on Current Offense Date

NRS 209.433 Credits for offender sentenced on or before June 30, 1969.

1. Every offender who was sentenced to prison on or before June 30, 1969, who has no serious infraction of the regulations of the Department, the terms and conditions of his or her residential confinement, or the laws of the State recorded against the offender, and who performs in a faithful, orderly and peaceable manner the duties assigned to the offender, must be allowed for his or her term a deduction of 2 months in each of the first 2 years, 4 months in each of the next 2 years, and 5 months in each of the remaining years of the term, and pro rata for any part of a year where the sentence is for more or less than a year.

2. In addition to the credits for good behavior provided for in subsection 1, the Board shall adopt regulations allowing credits for offenders whose diligence in labor or study merits the credits and for offenders who donate their blood for charitable purposes. The regulations must provide that an offender is entitled to the following credits for educational achievement:

- (a) For earning a general educational development certificate, 30 days.
- (b) For earning a high school diploma, 60 days.
- (c) For earning an associate degree, 90 days.

3. Each offender is entitled to the deductions allowed by this section if the offender has satisfied the conditions of subsection 1 or 2 as determined by the Director.

(Added to NRS by 1977, 851; A 1983, 723; 1985, 686; 1989, 385; 1991, 780; 1993, 134; 1999, 134; 2003, 1366)

NRS 209.443 Credits for offender sentenced after June 30, 1969, for crime committed before July 1, 1985.

1. Every offender who is sentenced to prison after June 30, 1969, for a crime committed before July 1, 1985, who has no serious infraction of the regulations of the Department, the terms and conditions of his or her residential confinement, or the laws of the State recorded against the offender, and who performs in a faithful, orderly and peaceable manner the duties assigned to the offender, must be allowed:

- (a) For the period the offender is actually incarcerated under sentence; and
- (b) For the period the offender is in residential confinement,

↳ a deduction of 2 months for each of the first 2 years, 4 months for each of the next 2 years and 5 months for each of the remaining years of the term, and pro rata for any part of a year where the actual term served is for more or less than a year. Credit must be recorded on a monthly basis as earned for actual time served.

2. The credits earned by an offender must be deducted from the maximum term imposed by the sentence and, except as otherwise provided in subsection 5, must apply to eligibility for parole.

3. In addition to the credits for good behavior provided for in subsection 1, the Board shall adopt regulations allowing credits for offenders whose diligence in labor or study merits such credits and for offenders who donate their blood for charitable purposes. The regulations must provide that an offender is entitled to the following credits for educational achievement:

- (a) For earning a general educational development certificate, 30 days.
- (b) For earning a high school diploma, 60 days.
- (c) For earning an associate degree, 90 days.

Appendix B

State Laws Specifying Sentence Credits Earned Based on Current Offense Date (continued)

4. Each offender is entitled to the deductions allowed by this section if the offender has satisfied the conditions of subsection 1 or 3 as determined by the Director.

5. Credits earned pursuant to this section do not apply to eligibility for parole if a statute specifies a minimum sentence which must be served before a person becomes eligible for parole.

(Added to NRS by 1977, 851; A 1983, 360, 723; 1985, 1925; 1989, 386; 1991, 780; 1993, 135; 1999, 135; 2003, 1366)

NRS 209.446 Credits for offender sentenced for crime committed on or after July 1, 1985, but before July 17, 1997.

1. Every offender who is sentenced to prison for a crime committed on or after July 1, 1985, but before July 17, 1997, who has no serious infraction of the regulations of the Department, the terms and conditions of his or her residential confinement or the laws of the State recorded against the offender, and who performs in a faithful, orderly and peaceable manner the duties assigned to the offender, must be allowed:

(a) For the period the offender is actually incarcerated under sentence;

(b) For the period the offender is in residential confinement; and

(c) For the period the offender is in the custody of the Division of Parole and Probation of the Department of Public Safety pursuant to NRS 209.4886 or 209.4888,

↳ a deduction of 10 days from the offender's sentence for each month the offender serves.

2. In addition to the credit provided for in subsection 1, the Director may allow not more than 10 days of credit each month for an offender whose diligence in labor and study merits such credits. In addition to the credits allowed pursuant to this subsection, an offender is entitled to the following credits for educational achievement:

(a) For earning a general educational development certificate, 30 days.

(b) For earning a high school diploma, 60 days.

(c) For earning an associate degree, 90 days.

3. The Director may allow not more than 10 days of credit each month for an offender who participates in a diligent and responsible manner in a center for the purpose of making restitution, program for reentry of offenders and parolees into the community, conservation camp, program of work release or another program conducted outside of the prison. An offender who earns credit pursuant to this subsection is entitled to the entire 20 days of credit each month which is authorized in subsections 1 and 2.

4. The Director may allow not more than 90 days of credit each year for an offender who engages in exceptional meritorious service.

5. The Board shall adopt regulations governing the award, forfeiture and restoration of credits pursuant to this section.

6. Credits earned pursuant to this section:

(a) Must be deducted from the maximum term imposed by the sentence; and

(b) Apply to eligibility for parole unless the offender was sentenced pursuant to a statute which specifies a minimum sentence which must be served before a person becomes eligible for parole.

Appendix B

State Laws Specifying Sentence Credits Earned Based on Current Offense Date (continued)

(Added to NRS by 1985, 1924; A 1987, 510; 1989, 387; 1991, 217, 782; 1993, 136; 1997, 3182; 1999, 2880; 2001, 1163, 1937; 2001 Special Session, 157; 2003, 26, 28, 1367, 2577; 2007, 3175)

NRS 209.4465 Credits for offender sentenced for crime committed on or after July 17, 1997.

1. An offender who is sentenced to prison for a crime committed on or after July 17, 1997, who has no serious infraction of the regulations of the Department, the terms and conditions of his or her residential confinement or the laws of the State recorded against the offender, and who performs in a faithful, orderly and peaceable manner the duties assigned to the offender, must be allowed:

- (a) For the period the offender is actually incarcerated pursuant to his or her sentence;
- (b) For the period the offender is in residential confinement; and
- (c) For the period the offender is in the custody of the Division of Parole and Probation of the Department of Public Safety pursuant to NRS 209.4886 or 209.4888,

↳ a deduction of 20 days from his or her sentence for each month the offender serves.

2. In addition to the credits allowed pursuant to subsection 1, the Director may allow not more than 10 days of credit each month for an offender whose diligence in labor and study merits such credits. In addition to the credits allowed pursuant to this subsection, an offender is entitled to the following credits for educational achievement:

- (a) For earning a general educational development certificate, 60 days.
- (b) For earning a high school diploma, 90 days.
- (c) For earning his or her first associate degree, 120 days.

3. The Director may, in his or her discretion, authorize an offender to receive a maximum of 90 days of credit for each additional degree of higher education earned by the offender.

4. The Director may allow not more than 10 days of credit each month for an offender who participates in a diligent and responsible manner in a center for the purpose of making restitution, program for reentry of offenders and parolees into the community, conservation camp, program of work release or another program conducted outside of the prison. An offender who earns credit pursuant to this subsection is eligible to earn the entire 30 days of credit each month that is allowed pursuant to subsections 1 and 2.

5. The Director may allow not more than 90 days of credit each year for an offender who engages in exceptional meritorious service.

6. The Board shall adopt regulations governing the award, forfeiture and restoration of credits pursuant to this section.

7. Except as otherwise provided in subsection 8, credits earned pursuant to this section:

- (a) Must be deducted from the maximum term imposed by the sentence; and
- (b) Apply to eligibility for parole unless the offender was sentenced pursuant to a statute which specifies a minimum sentence that must be served before a person becomes eligible for parole.

8. Credits earned pursuant to this section by an offender who has not been convicted of:

- (a) Any crime that is punishable as a felony involving the use or threatened use of force or violence against the victim;

Appendix B

State Laws Specifying Sentence Credits Earned Based on Current Offense Date (continued)

(b) A sexual offense that is punishable as a felony;

(c) A violation of NRS 484C.110, 484C.120, 484C.130 or 484C.430 that is punishable as a felony; or

(d) A category A or B felony,

☛ apply to eligibility for parole and must be deducted from the minimum term imposed by the sentence until the offender becomes eligible for parole and must be deducted from the maximum term imposed by the sentence.

(Added to NRS by 1997, 3175; A 1999, 2881; 2001, 1164, 1937; 2001 Special Session, 157; 2003, 26, 28, 1367, 2577; 2007, 3176; 2009, 1887)

NRS 209.447 Credits for offender sentenced after June 30, 1991, for crime committed before July 1, 1985, and released on parole.

1. An offender who is sentenced after June 30, 1991, for a crime committed before July 1, 1985, and who is released on parole for a term less than life must, if the offender has no serious infraction of the terms and conditions of his or her parole or the laws of this state recorded against the offender, be allowed for the period the offender is actually on parole a deduction of 2 months for each of the first 2 years, 4 months for each of the next 2 years and 5 months for each of the remaining years of the term, and pro rata for any part of a year where the actual term served is for more or less than a year. Credit must be recorded on a monthly basis as earned.

2. An offender who is sentenced after June 30, 1991, for a crime committed on or after July 1, 1985, and who is released on parole for a term less than life must, if the offender has no serious infraction of the terms and conditions of his or her parole or the laws of this state recorded against the offender, be allowed for the period the offender is actually on parole a deduction of 10 days from the offender's sentence for each month the offender serves.

3. An offender is entitled to the deductions authorized by this section only if the offender satisfies the conditions of subsection 1 or 2, as determined by the Director. The Chief Parole and Probation Officer or other person responsible for the supervision of an offender shall report to the Director the failure of an offender to satisfy those conditions.

4. Credits earned pursuant to this section must, in addition to any credits earned pursuant to NRS 209.443, 209.446, 209.4465, 209.4475, 209.448 and 209.449, be deducted from the maximum term imposed by the sentence.

5. The Director shall maintain records of the credits to which each offender is entitled pursuant to this section.

(Added to NRS by 1991, 1409; A 1993, 557; 1997, 3183; 1999, 136; 2003, 408)

NRS 209.4475 Credits for offender on parole as of January 1, 2004, or released on parole on or after January 1, 2004.

1. In addition to any credits earned pursuant to NRS 209.447, an offender who is on parole as of January 1, 2004, or who is released on parole on or after January 1, 2004, for a term less than life must be allowed for the period the offender is actually on parole a deduction of 20 days from the offender's sentence for each month the offender serves if:

(a) The offender is current with any fee to defray the costs of his or her supervision pursuant to NRS 213.1076; and

Appendix B

State Laws Specifying Sentence Credits Earned Based on Current Offense Date (continued)

- (b) The offender is current with any payment of restitution required pursuant to NRS 213.126.
2. In addition to any credits earned pursuant to subsection 1 and NRS 209.447, the Director may allow not more than 10 days of credit each month for an offender:
- (a) Who is on parole as of January 1, 2004, or who is released on parole on or after January 1, 2004, for a term less than life; and
- (b) Whose diligence in labor or study merits such credits.
3. An offender is entitled to the deductions authorized by this section only if the offender satisfies the conditions of subsection 1 or 2, as determined by the Director. The Chief Parole and Probation Officer or other person responsible for the supervision of an offender shall report to the Director the failure of an offender to satisfy those conditions.
4. Credits earned pursuant to this section must, in addition to any credits earned pursuant to NRS 209.443, 209.446, 209.4465, 209.447, 209.448 and 209.449, be deducted from the maximum term imposed by the sentence.
5. The Director shall maintain records of the credits to which each offender is entitled pursuant to this section.
- (Added to NRS by 2003, 407; A 2007, 3177)

NRS 213.120 When prisoner becomes eligible for parole.

1. Except as otherwise provided in NRS 213.1213 and as limited by statute for certain specified offenses, a prisoner who was sentenced to prison for a crime committed before July 1, 1995, may be paroled when the prisoner has served one-third of the definite period of time for which the prisoner has been sentenced pursuant to NRS 176.033, less any credits earned to reduce his or her sentence pursuant to chapter 209 of NRS.
2. Except as otherwise provided in NRS 213.1213 and as limited by statute for certain specified offenses, a prisoner who was sentenced to prison for a crime committed on or after July 1, 1995, may be paroled when the prisoner has served the minimum term of imprisonment imposed by the court. Except as otherwise provided in NRS 209.4465, any credits earned to reduce his or her sentence pursuant to chapter 209 of NRS while the prisoner serves the minimum term of imprisonment may reduce only the maximum term of imprisonment imposed and must not reduce the minimum term of imprisonment.
- [Part 13:149:1933; 1931 NCL § 11581]—(NRS A 1957, 317; 1965, 434; 1967, 527; 1979, 1031; 1991, 1105; 1993, 137; 1995, 1259; 2007, 3182)

Appendix C

Board of Parole Commissioners' Risk Assessment Instrument and Guidelines

NEVADA PAROLE RISK ASSESSMENT

Name	ID Number	Location	Date
Static Risk Factors		Dynamic Risk Factors	
1. Age at First Arrest (juvenile or adult)	Pts	7. Current Age	Pts
25 years or older	0	41 and above	-1
20-24 years	1	31 - 40	0
19 years or younger	2	21 - 30	1
2. Prior Prob/Parole Revocation (juv. or adult)		Under 21	2
No parole or probation revocations	0	8. Active Gang Membership	
One or more (including gross misdemeanors)	2	No	0
3. Employment History (prior to arrest)		Yes	2
Satisfactory full-time employment >1 year	0	9. DOC certified edu/voc/treat program	
Employed less than full-time/full-time < 1 year	1	Yes, or has existing GED/HS Dipl/Degree	-1
Unsatisfact. employment/unemployed /unemployable	2	No	0
4. Offense for Current or Prior Convictions		10. Disciplinary Conduct - Past Year	
All others	0	No Major Disc Violations or Single Minor/Gen	-1
Property Offense, Robbery, Forgery, etc.	2	Multiple Minor/General Violations	0
5. History of Drug/Alcohol Abuse		Major Violation	1
None	0	Multiple Major Violations	2
Some use, no severe disruption of functioning	1	11. Current Custody Level	
Frequent abuse, serious disruption of functioning	2	Minimum	-1
6. Gender		Medium	0
Male	1	Maximum or Disciplinary Segregation	2
Female	0	Total Dynamic Risk Score	
Total Static Risk Score		Total Score (Static+Dynamic Score)	

___ Low Risk = 0-4 points ___ Medium Risk = 5-10 points ___ High Risk = 11+ points or 8 points on Dynamic factors

The risk assessment is based on the static and dynamic factors that are applicable at the time of a parole hearing. A change in status following the hearing that may impact the risk factors shall not be the basis for an appeal for re-computation. A prisoner will only be granted a re-hearing if a factor is misapplied at the time of the hearing, and a correction would cause a deviation from the guideline recommendation.

Appendix C

Board of Parole Commissioners' Risk Assessment Instrument and Guidelines (continued)

DISCRETIONARY RELEASE PAROLE GUIDELINE WORKSHEET

Name: _____ ID#: _____ Location: _____ Date: _____

Offense Severity	Risk Level		
	High (11+ total, or 8 dynamic points)	Mod (5,6,7,8,9,10)	Low (0, 1, 2, 3, 4)
Highest	Deny Parole	Consider Factors	Consider Factors
High	Deny Parole	Consider Factors	Par at 1 st or 2 nd Hearing
Moderate	Deny Parole	Par at 1 st or 2 nd Hearing	Parole at initial Parole Eligibility
Low Moderate	Consider Factors	Par at 1 st or 2 nd Hearing	Parole at initial Parole Eligibility
Low	Consider Factors	Parole at initial Parole Eligibility	Parole at initial Parole Eligibility

Offense Severity (circle): Highest High Moderate Low Moderate Low

Risk points: _____ **Risk (circle):** High Moderate Low

Guideline Recommendation (circle): Deny Par Consider Factors Par at 1st or 2nd Hng Par at initial PED

This is this inmate's (circle one): First Second Third+ **discretionary parole hearing on this sentence.**

Aggravating Factors (check all that apply)

- Prior prison term did not deter future criminal activity.
- Prior sex conviction.
- Prior violent conviction.
- Significant prior criminal history.
- Commission of a crime while incarcerated, on bail, eluding, on escape status or during felony parole or probation supervision.
- Disruptive Institutional Behavior.
- Refuse to participate in or terminated for cause from treatment.
- Repetitive similar criminal conduct.
- Removal from community supervision program (305/184/317) on current period of incarceration.
- Housed in Disciplinary Segregation w/in 24 months.
- Crime was targeted against a child or person at greater vulnerability because of age/disability.
- Three or more parole/probation revocations.
- Nature of criminal record is increasingly more serious.
- Impact on victim(s) and/or community.
- The extreme or abnormal nature of the crime.
- Other: _____

Mitigating Factors (check all that apply)

- No prior/minimal criminal conviction history.
- Infraction free in two years or more to hearing month and not in disciplinary segregation during past two years.
- Lesser involvement in the instant offense.
- Positive adjustment to Halfway house/work release program.
- Participation in programs specific to addressing behavior that led to their incarceration.
- Prior successful completion of parole or probation supervision.
- Community and/or family support.
- Stable release plans.
- Crime was situational without evidence of intent to harm as information derived from pre-sentence investigation.
- Case history demonstrates remorse.
- Consistent in managing their mental illness as recommended by professionals (if applicable).
- Pending CS sentence or detainer lodged by other jurisdiction.
- Other: _____

Discretionary Parole Recommendation (circle action and indicate effective date or denial length):

Grant Parole: at PED or date _____ **Deny Parole:** to MPR to EXP Next hearing date _____

Does this action deviate from the guideline recommendation (circle): YES NO

If the action deviates from the guideline recommendation, indicate any reasons other than those already indicated above:

Appendix D

Audit Methodology

To gain an understanding of the Department of Corrections, we interviewed staff, reviewed state laws and Department regulations, and policies and procedures significant to the Department's operations. We reviewed financial information, budgets, legislative committee minutes, reports and statistical information describing the Department's activities. We also reviewed minutes of the Advisory Commission on the Administration of Justice, the Board of State Prison Commissioners, the Interim Finance Committee, and the Board of Examiners for meetings where the accuracy of criminal history information in NOTIS was discussed. In addition, we assessed controls over the recording of inmates' criminal history information, grievances, and access to NOTIS and the Department's computer network.

To determine if the Department accurately records and maintains inmates' criminal history information in its information system (NOTIS), we obtained Department data for inmates incarcerated between June 5, 2007, and October 17, 2012. We verified the completeness of the inmate data by randomly selecting 50 inmate files from three separate locations where files are stored and traced the inmate information to the data download. There were a total of 36,626 inmates in this download.

Next, from this population we randomly selected 300 inmate files for testing. For each inmate, we obtained the Department's central office file containing documents showing the inmate's criminal history. For each of the current offense(s) shown on the inmate's Judgments of Conviction (JOC), we verified the following current offense information was correctly recorded in NOTIS: the offense code/description, offense category, sentence date, number of jail credits, minimum sentence length, maximum sentence length, and whether sentences were to run consecutively or concurrently (if there was more than one

sentence). We also verified the offense severity was accurate by comparing it to Department guidelines and the correct sentence was identified as the controlling sentence. Further, for inmates with offenses prior to their current offenses, we verified prior offenses on their Presentence Investigation Report (PSI) were accurately recorded in NOTIS and that NOTIS did not include any prior offenses that were not on the PSI. For any discrepancies between the criminal history information in NOTIS and documents in inmates' central office files, we discussed them with Department personnel to confirm the discrepancies. To assess the consequences of errors, we determined whether they had any impact on the inmate's classification, when they were eligible for parole, and the Parole Risk Assessment provided to the Parole Board. We discussed the results of our analysis with appropriate Department personnel and Parole Board officials.

To verify that recording June 5, 2007, as the prior offense date for all inmates' prior offenses transferred over from the previous information system into NOTIS did not impact inmates, we performed various procedures. This included verifying that NOTIS does not use the prior offense date in generating information for important decisions affecting an inmate. These decisions include what custody level an inmate is assigned to and whether to grant parole. We also interviewed Parole Board officials, including the Chairman, to determine if they were aware of the Department's decision to record June 5, 2007, for all prior offense dates. Finally, we verified there was no impact on inmates in our testing that had this prior offense date in NOTIS.

To determine the validity of allegations from current and former inmates brought to our attention through public meetings and a private citizen, we reviewed the information provided to understand their specific concerns. In total, we obtained information on 11 current and former inmates that related to their criminal history information in NOTIS. We then reviewed available institutional and central office files and NOTIS for each of the 11 inmates. Finally, we determined whether the criminal history information was accurate and whether or not it impacted the current or former inmate's sentence.

To determine if the Department reported accurate and complete information to the Parole Board about an inmates' criminal history, we obtained the most recent Parole Progress Report for the randomly selected 300 inmates. To assess the accuracy of the reports, we verified that the current offense description in the report was accurate by comparing it to the PSI. We also verified that information in the Parole Risk Assessment portion of the report was accurate by comparing it to the JOC and PSI. This included the age of first arrest, whether the inmate had parole or probation revocations, and if the inmate was convicted of a property crime. To assess the impact of any errors in the Parole Risk Assessment, we corrected the score to accurately reflect PSI or JOC records and determined whether it affected the inmate's risk level. We also reviewed Parole Board records and identified whether the error was corrected by Parole Board personnel before the inmate's hearing.

To determine if the Department resolves inmate grievances related to the accuracy of criminal history in a fair and appropriate manner, we obtained a download from NOTIS of all grievances with activity during fiscal year 2012. We determined the download was complete by randomly selecting grievance files at institutions and verifying the grievances were included in the download. We then separated the data by the four largest institutions and the women's facility and then by grievance categories (sentencing, classification, and housing) most likely to include grievances related to criminal history. Next, we performed an electronic word search of the data for the four largest institutions and the women's facility for all other grievance categories using key words that could potentially indicate the grievance related to an inmate's criminal history. We then reviewed the "Offender Complaint" section of the database for all grievances identified above. Based on the description documented in the Offender Complaint section of the data, we identified grievances for review at the five correctional institutions. Next, we reviewed the supporting grievance documentation obtained from the inmates' grievance files at the institutions. We then tested all grievances for compliance with key Departmental regulations. This included determining whether appropriate documentation was retained, key

information was recorded in NOTIS, grievance forms were properly completed, grievance responses were addressed by appropriate personnel, and timeframes for the Department's response were met. We also determined whether the Department's response was fair and appropriate by verifying the response with independent sources of information such as the inmate's criminal history documents (Judgment of Conviction and Presentence Investigation Report). Finally, we discussed any concerns we found with Department staff.

To determine if the Department controls access to its computer network and NOTIS to reduce the risk of unauthorized changes to criminal history information, we reviewed information technology controls for compliance with selected State Information Security policies. This included determining if the Department adequately restricts access to criminal history information by examining controls in NOTIS that limit the ability to change criminal history information such as inmates' offenses and sentences. We also determined whether only currently authorized employees had access to the Department's computer network by comparing the Department's current computer user account listing to the State's Human Resources Data Warehouse listings of current employees as well as to Department listings of current contractors. In addition, we reviewed desktop computer controls including those that controlled password criteria such as password length, composition and the frequency of required changes to passwords. We also tested network policy settings to determine if computers were set to automatically lock after a set period of inactivity. Finally, we interviewed appropriate information technology personnel to determine if the Department conducted annual information security awareness training for all staff.

Our audit work was conducted from July 2012 to January 2013. We conducted this performance audit in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

In accordance with NRS 218G.230, we furnished a copy of our preliminary report to the Director of the Department of Corrections. On February 1, 2013, we met with agency officials to discuss the results of the audit and requested a written response to the preliminary report. That response is contained in Appendix E which begins on page 41.

Contributors to this report included:

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Appendix E

Response From the Department of Corrections

Board of State
Prison Commissioners

BRIAN SANDOVAL
Governor
CATHERINE CORTEZ MASTO
Attorney General
ROSS MILLER
Secretary of State



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BRIAN SANDOVAL
Governor

JAMES G. COX
Director

DEBORAH L. REED
Deputy Director,
Support Services

February 11, 2013

Paul V. Townsend, CPA, Legislative Auditor
Legislative Counsel Bureau
Legislative Building
401 S. Carson Street
Carson City, NV 89702-7011

Dear Mr. Townsend:

The Nevada Department of Corrections (NDOC) has accepted all ten of the recommendations of the audit report regarding the Accuracy of the Criminal History Information done in 2013. The following supplemental information is provided for each recommendation.

Recommendation Number 1: Develop written procedures for applicable staff on the need to verify the accuracy of inmates' information in NOTIS by comparing it to appropriate documents in inmates' files.

Response: Operational Procedures are being developed regarding the Intake process and the entry of sentencing information into NOTIS. Along with this procedure, Offender Management staff will be providing hands-on training regarding sentence management and NOTIS entries. Planned completion is June 30, 2013.

Recommendation Number 2: Provide additional oversight of staff to ensure written procedures related to ensuring the accuracy of information in NOTIS are being followed.

Response: The Operational Procedure referred to above will include the chain of oversight which will be formalized for this process of entering sentence information insuring the accuracy. Planned completion is June 30, 2013.

Recommendation Number 3: Review the accuracy of inmates' criminal history information in reports provided to the Parole Board.

Response: This process already has an oversight mechanism, as they are reviewed and signed by the institution's Associate Warden. However, this should have initially been reviewed and checked for accuracy at the caseworker level. Current procedures will be revised to include a second review of the Criminal History prior to being signed by the Associate Warden. This review will involve a comparison of the PSI and the NOTIS entries for criminal history information. Planned completion is June 30, 2013.

Recommendation Number 4: Monitor the grievance process to ensure timeframes for responding to grievances are followed.

Response: NOTIS has a report which reflects timeframes at each level of the process. It has been determined that this process is not calculating time frames in accordance with the intent of AR 740. An MIS work ticket has been submitted for analysis and possible programming changes that may make the timeframes more accurate. Deputy Director Foster has reminded institution Wardens at several Wardens' meetings that staff involved in grievances must adhere to the timeframes set forth in AR 740, and must monitor this at the institutional level. Planned completion is June 30, 2013.

Recommendation Number 5: Review grievances to ensure documentation is complete, including required signatures and dates of applicable staff and inmates.

Response: Deputy Director Foster has also instructed the Wardens to remind staff that all responses must be accurate, and signed and dated appropriately. During 2nd level reviews, she is flagging these errors and sending them back to the institution Wardens so that training can be facilitated at the institution level. Implementation is ongoing.

Recommendation Number 6: Limit the ability to change criminal history and sentencing information in NOTIS on only those users requiring such access to perform their job duties.

Response: NDOC is currently developing a new sentence management system that will stand apart from the Offender Management System. When this system is implemented, all legal order and sentence information in NOTIS will be view only as it will be generated and managed in the new system and simply copied to the NOTIS system. Add/Change access in the new sentence management system will be strictly controlled and only staff with add/change responsibilities will be granted that access.

Recommendation Number 7: Implement controls to identify and disable computer network user accounts that are no longer authorized.

Response: NDOC has disabled all the former staff accounts identified by this audit. We plan to immediately review unused accounts and enforce a lockout of accounts that have been unused for 45 days. Further, a comprehensive account provisioning/de-provisioning process encompassing both MIS and the NDOC human resources, and outside agencies will be implemented over the next 60 days.

Recommendation Number 8: Set group policy settings to enforce complex user passwords on computers.

Response: NDOC plans to roll out password complexity enforcement over the next 60 days on compliant systems. NDOC is also working to bring non-compliant systems into compliance and implement complexity enforcement.

Recommendation Number 9: Enable the automatic session timeout function through group policy settings.

Response: NDOC plans to implement, over the next 30 days, an enforced policy timeout of 15 minutes. There will be exceptions for video monitoring workstations.


Recommendation Number 10: Implement a program to provide IT security awareness training at least annually to all employees.

Response: NDOC plans to require all employees to complete the mandatory

information security training online through the Nevada Office of Information Security website. NDOC will obtain a list of employees who complete the training annually to assure continued compliance.

If I can be of any further assistance, please contact me.

Sincerely,


James G. Cox, Director
Nevada Department of Corrections

JGC/dlbr

Department of Corrections' Response to Audit Recommendations

<u>Recommendations</u>	<u>Accepted</u>	<u>Rejected</u>
1. Develop written procedures for applicable staff on the need to verify the accuracy of inmates' information in NOTIS by comparing it to appropriate documents in inmates' files.....	<u> X </u>	<u> </u>
2. Provide additional oversight of staff to ensure written procedures related to ensuring the accuracy of information in NOTIS are being followed	<u> X </u>	<u> </u>
3. Review the accuracy of inmates' criminal history information in reports provided to the Parole Board	<u> X </u>	<u> </u>
4. Monitor the grievance process to ensure timeframes for responding to grievances are followed	<u> X </u>	<u> </u>
5. Review grievances to ensure documentation is complete, including required signatures and dates of applicable staff and inmates.....	<u> X </u>	<u> </u>
6. Limit the ability to change criminal history and sentencing information in NOTIS to only those users requiring such access to perform their job duties.....	<u> X </u>	<u> </u>
7. Implement controls to identify and disable computer network user accounts that are no longer authorized.....	<u> X </u>	<u> </u>
8. Set group policy settings to enforce complex user passwords on computers	<u> X </u>	<u> </u>
9. Enable the automatic session timeout function through group policy settings.....	<u> X </u>	<u> </u>
10. Implement a program to provide IT security awareness training at least annually to all employees	<u> X </u>	<u> </u>
TOTALS	<u> 10 </u>	<u> 0 </u>