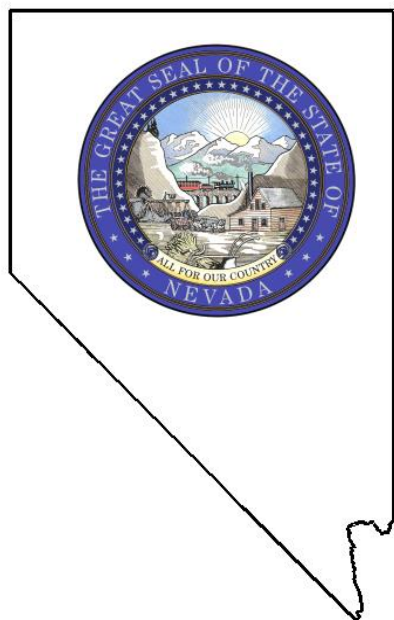


STATE OF NEVADA

Performance Audit

Department of Public Safety
Division of Parole and Probation

2016



Legislative Auditor
Carson City, Nevada

Audit Highlights



Highlights of performance audit report on the Division of Parole and Probation issued on May 24, 2016. Legislative Auditor report # LA16-10.

Background

The primary mission of the Division of Parole and Probation (Division) is to protect the community and to reduce crime by supervising individuals who have been convicted of crimes but are living in the community. Offenders include individuals convicted of murder, kidnapping, crimes against a child, sex offenses, street gang activities, and other violent and non-violent crimes. In February 2015, the Division reported a total caseload of 18,500, of which, about 12,400 were actively supervised by sworn officers.

The Division operates supervision activities from the Northern urban, Northern rural, and Southern commands with ten offices located throughout the State. The Division's headquarters are located in Carson City. The Division is largely supported by a general fund appropriation although the Division collects some fees.

The Legislature has provided 51 additional positions to the Division since the 2014-2015 biennium. For fiscal year 2016, the Division had 499 approved positions of which 415 were directly related to offender management. The Division presented information attesting to vacancy and turnover rates of roughly 8% and 13% respectively, in positions directly related to offender management.

Purpose of Audit

The purpose of this audit was to evaluate if the Division complied with its directives regarding 1) personal home contacts for high-risk offenders, and 2) the intake process for offenders entering parole and probation. Our audit focused on specific offender supervision activities from July 2013 to March 2015.

Audit Recommendations

This audit report contains eight recommendations to improve the supervision of offenders on parole and probation. The Division of Parole and Probation accepted the eight recommendations.

Recommendation Status

The Division of Parole and Probation's 60-day plan for corrective action is due on August 18, 2016. In addition, the six-month report on the status of audit recommendations is due on February 20, 2017.

Division of Parole and Probation

Department of Public Safety

Summary

The Division of Parole and Probation did not always conduct home contacts with high-risk offenders in accordance with stated directives. For these offenders, home contacts are an important element of their supervision because they provide insight into an offender's living situation and can identify non-compliance with supervision requirements. Additionally, rural high-risk offenders are not supervised under the same home contact directive as those living in urban areas. Even though the Division has issues with hiring and retaining parole and probation officers, which can affect home contact timeliness, additional measures can be instituted to assist officers and management in ensuring home contact directives are met.

The Division had problems completing key intake steps that help ensure the proper foundation for new offenders on parole and probation. For example, initial home contacts were not always completed within the first 30 days of supervision. In addition, supervisory reviews, completed to ensure intake processes are done in accordance with directives, were not always performed. Furthermore, probationary offenders do not always report to the Division within the first 5 days of supervision, and the Division does not have procedures to identify and follow-up with these offenders. Better monitoring by Division management and clear written policies and procedures can help ensure the Division complies with its own directives established to protect the public.

Key Findings

Ongoing home contacts with high-risk offenders, classified as intensive supervision, house arrest, or sex offenders, were not always completed within the time frames detailed in Division directives. Of 50 high-risk offenders tested, 14 (28%) had one or more untimely ongoing home contact(s) between July 1, 2013, and March 31, 2015. Of 141 ongoing home contacts that were required during this period, 19 (13%) were late. On average, ongoing home contacts were late by 32 days. Some were late by a few days, but others were late by months. (page 5)

The Division has less stringent requirements for ongoing home contacts with high-risk offenders residing in rural areas than for their urban counterparts. For example, home contacts are required every 60 to 90 days for sex offenders living in Las Vegas and Reno; however, caseload directives do not require home contacts for sex offenders living in Carson City and other less populated areas. This occurs because the Division uses general caseload directives to supervise high-risk offenders in rural areas. General caseload directives do not require periodic home contacts. Other western states we contacted indicated home contact requirements are the same for all high-risk offenders regardless of geographical location. Although home contact requirements are less stringent for high-risk rural offenders, rural management indicated officers try to conduct contacts according to the 60- or 90-day directive. (page 8)

Initial home contacts were untimely for 23 of 94 (24%) offenders tested. The Division's directive requires new offenders to have an initial home contact within 30 days of beginning supervision. This requirement follows best practices by focusing on the early period of supervision when offenders are at the greatest risk of reoffending. We found initial home contacts were often late for offenders regardless of risk classification. Some home contacts were only late by a few days while others were more than 3 months late. (page 12)

Intake reviews, in which sergeants perform a review of all of the processes associated with supervising a new offender, were not always performed as required. Specifically, 10 of 50 (20%) files either did not have an intake review or it was untimely. Division directives require intake reviews to be performed within 90 days, yet one file was reviewed after a full year had passed. Intake reviews provide necessary oversight of officer duties and can identify problem areas where the Division can improve. (page 13)

Offenders did not always have contact with the Division in the first 5 days as detailed in Division directives. Specifically, 7 of 40 (18%) offenders on probation did not have timely initial contacts. Of these, two offenders did not have contact with the Division for several weeks. (page 14)

The Southern Command did not always charge offender supervision fees of \$30 per month. Specifically, 6 of 30 (20%) southern offenders on probation were not properly charged supervision fees in the month(s) their probation began. Based upon the results of testing, we estimate initial supervision fees totaling \$38,000 went uncharged. (page 15)

The Division did not have procedures to ensure only active users had proper access to the Division's offender database. We found 53 (10%) users should not have had access to the database out of 515 active user accounts. (page 16)

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This report contains the findings, conclusions, and recommendations from our performance audit of the Department of Public Safety, Division of Parole and Probation. 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 eight recommendations to improve the supervision of offenders on parole and probation. 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 "Rocky Cooper".

Rocky Cooper, CPA
Legislative Auditor

March 9, 2016
Carson City, Nevada

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Introduction

Background

The primary mission of the Division of Parole and Probation (Division) is to protect the community and to reduce crime by supervising individuals who have been convicted of crimes but are living in the community. Offenders include individuals convicted of murder, kidnapping, crimes against a child, sex offenses, street gang activities, and other violent and non-violent crimes. The Division uses traditional law enforcement techniques and community correctional services to achieve its mission. Generally, individuals under the Division's supervision have been placed on probation by a District Court or released from prison by the Parole Board. The Division also supervises individuals who have committed crimes in other states and move to Nevada under the Adult Interstate Compact Agreement.

The Division employs sworn peace officers to directly supervise offenders regarding their compliance with conditions of community supervision. Typically staff are assigned a caseload of offenders based on a classification as follows:

Intensive – Offenders assessed at the highest risk considering such factors as the crime, employment, emotional and financial stability, relationships, and substance abuse history. The caseload ratio per officer is 30 to 1.

Residential Confinement – Those confined to a place of residence, except for: employment, community service, or other authorized activity, under terms established by the court or the Division. The caseload ratio per officer is 30 to 1.

Sex Offender – Individuals who have been convicted of a sexual offense for which they are under supervision. Other offenders may be supervised as a sex offender if deemed appropriate by the Division. The caseload ratio per officer is 45 to 1.

General – Offenders not classified in any of the other categories mentioned. The caseload ratio per officer is 80 to 1.

Low-Risk – Offenders qualifying as reduced risk based on the Division’s risk and needs assessment. The caseload ratio per officer is 160 to 1.

In February 2015, the Division reported a total caseload of 18,500, of which, about 12,400 were actively supervised by sworn officers. Remaining offenders are assigned to headquarters personnel that process prison releases, coordinate the apprehension of fugitives, and monitor out-of-state offenders on interstate compact agreements. Exhibit 1 shows the Division’s active supervision caseload statistics by location and supervision level as of February 2015.

**Active Supervision Caseload
As of February 2015**

Exhibit 1

Classification	Southern Command	Northern Command	Rural Command	Totals⁽¹⁾
Intensive Supervision	643	94	41	778
House Arrest	203	53	23	279
Sex Offenders	942	330	168	1,440
General Supervision	6,504	1,612	1,341	9,457
Low-Risk Supervision Unit	493	-	-	493
Totals	8,785	2,089	1,573	12,447

Source: Offender Tracking Information System and auditor analysis.

⁽¹⁾ Numbers reported here do not agree exactly to the population totals shown in the methodology section of this report. Sample populations were filtered for offenders entering supervision between July 2013 and December 2014.

The Division conducts supervision activities from the Northern urban, Northern rural, and Southern commands with ten offices located throughout the State. The Division’s headquarters are located in Carson City. The Division is largely supported by a general fund appropriation. Other revenues include supervision fees from offenders and an assessment fee from counties for conducting pre-sentence investigations. For fiscal year 2015, the Division operated with almost \$35 million from the General Fund and \$7 million in other revenue. The Division’s largest expenditure is for personnel which accounted for nearly 81% of expenditures during fiscal year 2015.

The Legislature has provided 51 additional positions to the Division since the 2014-2015 biennium. This is 30 positions more than during the previous biennium. Twenty-one temporary positions, approved by the Interim Finance Committee in February 2014, were also made permanent during the 2015 Legislative Session. Sworn and non-sworn positions were added to address caseload projections and staffing ratios, as well as to address the backlog of pre-sentence investigation reports.

For fiscal years 2016 and 2017, the Division was approved for 499 and 505 positions. The Division presented information attesting to vacancy and turnover rates of roughly 8% and 13% respectively, in positions directly related to offender management. Exhibit 2 shows the number of filled positions related to offender management on June 30 for fiscal years 2012 to 2015 and the number of positions authorized for fiscal year 2016.

Offender Management Positions Filled and Authorized Fiscal Years 2012 to 2016 **Exhibit 2**

Title	Filled				Authorized 2016
	2012	2013	2014	2015	
Parole and Probation Specialist	94	92	112	106	120
DPS Officer	162	174	178	200	230
DPS Sergeant	29	34	35	35	37
DPS Lieutenant	18	18	17	18	19
DPS Captain	6	6	6	6	6
DPS Major	2	2	2	2	2
Administrator	1	1	1	1	1
Totals	312	327	351	368	415

Source: Human Resource Data Warehouse (HRDW).

Scope and Objectives

This audit focused on certain offender supervision activities from July 2013 to March 2015. The objectives of our audit were to evaluate whether the Division complied with its stated directives regarding:

- Personal home contacts for high-risk offenders classified as intensive supervision, sex offender, and house arrest.

- The intake process for offenders entering parole and probation.

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.

Better Monitoring Can Help Improve Supervision of High-Risk Offenders

The Division of Parole and Probation (Division) did not always conduct home contacts with high-risk offenders in accordance with stated directives. For these offenders, home contacts are an important element of their supervision because they provide insight into an offender's living situation and can identify non-compliance with supervision requirements. Additionally, rural high-risk offenders are not supervised under the same home contact directive as those living in urban areas. Even though the Division has issues with hiring and retaining parole and probation officers, which can affect home contact timeliness, additional measures can be instituted to assist officers and management in ensuring home contact directives are met.

Ongoing Home Contacts Not Always Timely

Ongoing home contacts with high-risk offenders, classified as intensive supervision, house arrest, or sex offenders, were not always completed within the time frames detailed in Division directives. Of 50 high-risk offenders tested, 14 (28%) had one or more untimely ongoing home contact(s) between July 1, 2013, and March 31, 2015. Of 141 ongoing home contacts that were required during this period, 19 (13%) were late. On average, ongoing home contacts were late by 32 days. Some were late by a few days, but others were late by months.

Discussions with management indicated home contacts are a priority and the Division makes every attempt to see offenders in compliance with its directives. However, we found some home contacts were very late and few attempts, if any, were made to get in contact with the offender in a timely manner. Following are a few examples of the untimely home contacts from our sample:

- An intensive supervision offender had a home contact on September 30, 2014. The next home contact, due 60 days later on November 29, 2014, was not completed until May 21, 2015. Prior to this, there was one documented home attempt in April 2015. The offender was convicted of a violent crime.
- A sex offender in Las Vegas had a home contact on October 8, 2014. The next home contact, due 90 days later on January 6, 2015, was not completed until June 24, 2015. There was one documented home attempt in January 2015, but the next documented attempt to see the offender at home was not until April 20, 2015.
- A lifetime sex offender, also classified as needing intensive supervision, had seven ongoing home contacts during our scope period. Of those, 4 were not within 60 days and ranged from 3 to 32 days late.

The Division requires officers with caseloads that include high-risk offenders to perform ongoing home contacts. Specifically, directives require a personal contact at the home every 60 days for each person on intensive supervision, and a home contact every 90 days for sex offenders and those on house arrest. Home contact requirements conform to nationally recognized best practices that indicate expanded home contacts with higher risk offenders are a critical tool for effective supervision. Home contacts offer a rare opportunity for officers to observe offenders in their living environments, how they interact with people in their support systems, and provide insight into needs that can be met through social services or treatment. Furthermore, home contacts can identify inappropriate, high-risk behavior and can also provide an opportunity for community members to express concerns about an offender's behavior.

The importance of home contacts in identifying inappropriate behavior was evidenced throughout our sample. We found numerous instances of offenders being arrested during a home contact, and for many of those, the home contact was late. Additionally, a Tier 3 lifetime sex offender was found to be in

violation of his supervision agreement after a home contact attempt found the offender had moved without obtaining permission from the Division. Tier 3 sex offenders pose a substantial risk of recidivism and threat to public safety. Discussions between community members and Division staff during the home attempt identified the offender was living with children. The subject was eventually arrested. While the home attempt was not late, this further demonstrates the value of the home contact.

Division management indicated home contacts are often missed due to officer turnover and staffing difficulties. In certain instances, notations and other information in the Offender Tracking Information System (OTIS) inferred home contacts were missed due to staffing issues. However, in most instances information was not available to explain why the home contacts were missed.

Home contact timeliness was an issue noted in our prior audit. While the Division's performance of home contacts has improved since the 2008 audit, which reported 31% of contacts were not performed, management also modified the home contact requirement for intensive supervision from once per month to once every 60 days. Furthermore, in an effort to utilize resources more efficiently, the Division instituted new processes regarding offender management. Specifically, supervision activities are largely driven by monthly caseload assessments between officers and sergeants that prioritize where officer time should be targeted during the month.

Caseload assessment meetings require sergeants to manually review each officer's caseload to determine when contacts and other activities are due because OTIS does not automatically calculate or notify staff of impending offender management activities needing attention. Because assessment meetings typically occur at the beginning of the month, ongoing notification of activities needing immediate attention would be beneficial for busy officers. Division management indicated an officer notification system is currently being considered with the approved upgrade to the OTIS system. However, management also

indicated that not all desired system design changes may be feasible. Consequently, the Division needs to implement a system to identify, monitor, and provide notifications of home contacts that are immediately due.

In addition, administration does not actively monitor its compliance with home contact requirements through performance statistics or other reports to evaluate the Division's success at reaching stated home contact directives. Ongoing monitoring of home contact timeliness can assist Division management in identifying areas for improvement by region, offender type, and personnel. In identifying areas for improvement, Division management can target oversight and training to help ensure home contacts are performed in accordance with directives.

Supervision Requirements Not as Stringent for Rural Offenders

The Division has less stringent requirements for ongoing home contacts with high-risk offenders residing in rural areas than for their urban counterparts. For example, home contacts are required every 60 to 90 days for sex offenders living in Las Vegas and Reno; however, caseload directives do not require home contacts for sex offenders living in Carson City and other less populated areas. This occurs because the Division uses general caseload directives to supervise high-risk offenders in rural areas. General caseload directives do not require periodic home contacts. Other western states we contacted indicated home contact requirements are the same for all high-risk offenders regardless of geographical location. Although home contact requirements are less stringent for high-risk rural offenders, rural management indicated officers try to conduct home contacts according to the 60- or 90-day directive.

Our review of home contacts for high-risk offenders found 2 of 3 rural offenders, from our sample of 50 statewide, did not have home contacts within 60 or 90 days, as applicable. However, Division management indicated these contacts were not late because rural offices have mixed caseloads in which higher risk and general supervision offenders are combined in an officer's caseload. Conversely, urban offices group higher risk offenders into specialized caseloads with offender to officer ratios nearly half of that for general caseloads.

The contact directive for general supervision caseloads does not require ongoing home contacts. Instead, the officer must conduct a minimum of 15 personal contacts per month with any of the 80 offenders on the caseload. In addition, personal contacts need not be conducted at an offender's home (see Appendix A). Furthermore, officers and sergeants prioritize caseloads each month and decide which offenders need a personal contact and where the contact will occur. As a result, some rural high-risk offenders on mixed caseloads may not have contact with an officer on a routine, ongoing basis.

Other western states we contacted indicated home contact requirements are the same for all high-risk offenders regardless of geographic location. We contacted five western states with comparable demographics to determine if they have less stringent requirements for home contacts with high-risk offenders in rural areas than for offenders in urban areas. We spoke with parole and probation employees in New Mexico, Colorado, Wyoming, Idaho, and Montana. All five of these states mixed offenders of varying classifications on rural caseloads. Our discussions were limited to home contact requirements for high-risk offenders in rural areas. However, these states cited difficulties in meeting contact requirements similar to those found in Nevada such as more travel in remote areas, harsh seasonal weather, and safety concerns for officers traveling alone.

Rural management indicated that officers try to conduct home contacts for high-risk offenders according to the 60 or 90-day directive. However, management added that rural officers face problems not found in urban areas. First, rural officers may have greater distances to travel to complete a home contact than their urban counterparts. Second, management stated that vacancies in rural offices may require officers from other offices to assist in providing coverage. Finally, sergeants in rural offices may carry caseloads in addition to officer oversight duties in order to provide appropriate offender coverage.

We understand the difficulties the Division faces regarding rural offender management; however, based on the Division's population report as of February 2015, there were 232 offenders

classified as high-risk that were assigned to rural offices. Exhibit 3 details the rural high-risk offenders by assigned office and classification.

High-Risk Offenders by Rural Office and Classification **Exhibit 3**
As of February 2015

Office	Intensive Supervision	Sex Offender	House Arrest	Totals
Carson City	36	60	9	105
Elko	1	17	1	19
Ely	-	12	2	14
Fallon	2	30	4	36
Pahrump	-	32	3	35
Tonopah	-	7	-	7
Winnemucca	2	10	4	16
Totals	41	168	23	232

Source: Auditor analysis of data provided by Division.

As shown above, nearly half of rural high-risk offenders were assigned to the Carson City office. While the Division may not be able to use exactly the same supervision practices in rural and urban areas, best practices indicate home contacts are beneficial for many reasons. Classifying offenders as high-risk, but supervising them under the general supervision standards negates the offender’s risk status when supervising offenders in rural areas.

Recommendations

1. Develop additional monitoring processes to help ensure ongoing home contacts with high-risk offenders are performed timely.
2. Revise the contacts directive for rural offenders classified as intensive supervision, sex offenders, and house arrest to provide for consistent home contact requirements based on risk.

Intake Process for New Offenders Needs Stronger Controls

The Division had problems completing key intake steps that help ensure the proper foundation for new offenders on parole and probation. For example, initial home contacts were not always completed within the first 30 days of supervision. In addition, supervisory reviews, completed to ensure intake processes are done in accordance with directives, were not always performed. Furthermore, probationary offenders do not always report to the Division within the first 5 days of supervision, and the Division does not have procedures to identify and follow-up with these offenders. Better monitoring by Division management and clear written policies and procedures can help ensure the Division complies with its own directives established to protect the public.

Intake Processes Are Important

The intake function includes procedures done by sworn and administrative staff over the first 30 days of each new offender's supervision. Intake procedures are important for establishing a mutual understanding regarding supervision expectations between offenders, the Division, and the public. Procedures include providing information to the offender including parole and probation rules, establishing the offender's schedule for reporting, registration requirements (if any), and restitution and financial conditions. The intake process also includes setting the offender up in databases used in law enforcement, taking photographs, DNA, and drug tests, if appropriate.

The Division also completes a risk and needs assessment on the offender, including determining the level of supervision required, warning specific third parties of the offender's release, and identifying and providing the offender referrals to community

resources. Finally, sworn staff initiate contact with the offender for monthly reporting, verify the offender’s place of employment, and perform a home visit.

Initial Home Contacts Often Late

Initial home contacts were untimely for 23 of 94 (24%) offenders tested. The Division’s directive requires new offenders to have an initial home contact within 30 days of beginning supervision. This requirement follows best practices by focusing on the early period of supervision when offenders are at the greatest risk of reoffending. We found initial home contacts were often late for offenders regardless of risk classification. Some home contacts were only late by a few days while others were more than 3 months late.

We tested 94 offenders from a population of 6,600 offenders placed on supervision between July 2013 and December 2014. Exhibits 4 and 5 show the exception rates by location and by offender classification.

Initial Home Contacts – Exceptions by Location General Supervision and High-Risk Offenders Exhibit 4

	Southern	Northern	Rural	Total
Untimely Initial Home Contacts	16	6	1	23
Number Tested	68	20	6	94
Exception Rate	24%	30%	17%	24%

Source: Auditor testing.

Initial Home Contacts – Exceptions by Classification Type General Supervision and High-Risk Offenders Exhibit 5

	General Supervision	Intensive Supervision	House Arrest	Sex Offender
Untimely Initial Home Contacts	9	6	2	6
Number Tested	37	28	5	24
Exception Rate	24%	21%	40%	25%

Source: Auditor testing.

The Urban Institute’s Justice Policy Center states that research clearly identifies the first days, weeks, and months after release to be a particularly high-risk period for offenders. Specifically, one

analysis indicated that the probability of rearrests and violations during the first month was nearly double that of the 15th month. Further, it is recommended that supervision resources and strategies be concentrated in the first few days and weeks after release to provide resources at the time they are needed most and to help identify cases that warrant enhanced supervision over the longer term.

In most instances, Division documentation did not contain an explanation as to why officers did not complete initial home contacts timely; however, delays for two offenders were caused by case transfers between Division offices. The Division has implemented oversight of the intake process, which is to be performed by sergeants within 90 days of the start of supervision. However, as noted later in this report, these reviews were not always performed or done in a timely manner. As a result, the Division missed opportunities to identify areas of improvement and better train officers. Furthermore, Division management is not monitoring initial home contacts through reports or other activities and relies solely on sergeants to ensure home contacts are performed.

Untimely Supervisory Reviews of the Intake Process

Intake reviews, in which sergeants perform a review of all of the processes associated with supervising a new offender, were not always performed as required. Specifically, 10 of 50 (20%) cases either did not have an intake review or it was untimely. Division directives require intake reviews to be performed within 90 days, yet one file was reviewed after a full year had passed. Intake reviews provide necessary oversight of officer duties and can identify problem areas where the Division can improve.

The Division implemented the intake review process in response to our prior audit that identified officer activities did not have enough oversight. The intake review process verifies all 15 intake steps were properly performed by Division staff and approves the initial level of supervision assigned by the officer. By policy, an offender's case may not be transferred or placed under any other level of supervision until an intake review has been completed.

Although the sergeant's intake review is required for all new offenders, Division management indicated staffing issues hinder the process. Furthermore, sometimes offenders absconded, were arrested, or had other incidents that affected the offender's ongoing supervision. Division management indicated intake reviews may not have been performed in these instances because supervision had been halted and sergeants may have thought it unnecessary to complete the task. However, intake reviews are important for proper oversight and should be completed for all new offenders regardless of their supervision status. Additionally, intake reviews on offenders who are not compliant with supervision terms may identify trends in offender non-compliance that can be used for officer training and to enhance the quality of supervision.

Intake reviews were not performed, or were untimely, because the Division needs greater oversight of the intake review process. Although information is entered into OTIS regarding this process, Division management does not consistently run reports that identify delinquent intake reviews. Furthermore, management does not actively use other processes to monitor whether these activities are performed.

Controls to Identify Nonresponsive Offenders Are Necessary

Offenders did not always have contact with the Division in the first 5 days as detailed in Division directives. Specifically, 7 of 40 (18%) offenders on probation did not have timely initial contacts. Of these, two offenders did not have contact with the Division for several weeks. Even though the Division cannot realistically develop controls to ensure all offenders report within this window of time, it also did not have a system to identify and monitor when offenders fail to report.

The initial contact, a process implemented in response to our prior audit report, is for new offenders to receive orientation with staff. This includes certain terms of supervision that must be complied with and instructions for making contact with the supervising officer. The Division's policy aligns with research which identifies the period immediately following release as particularly vulnerable for offenders.

Two offenders who did not report to the Division timely were sentenced to DUI diversion court. Generally, the county supervises these offenders for the first few months. Division staff indicated reporting requirements are waived during this time period except for the initial contact. However, Division directives related to DUI diversion offenders are not clear regarding which supervision requirements are required and those that are waived. As a result, it was not clear whether these offenders were required to report to the Division for an initial contact, although both offenders eventually did.

The Division has not implemented a process to detect offenders and contact those who fail to report. Although management indicated other processes would eventually detect no shows, immediate detection is not likely. In all seven instances, the offenders eventually reported for an orientation meeting but they did so without intervention from the Division.

Enhancements to Certain Fee and Database Controls Are Needed

Certain weaknesses in controls over other practices were noted during our audit. First, new offenders in southern Nevada were not always charged for supervision fees in the initial month(s) of supervision. Second, Division administration did not properly review and update user access to the database. Enhanced controls will ensure all offenders are charged fees appropriately and electronic data is properly safeguarded.

Initial Supervision Fees Not Always Charged

The Southern Command did not always charge offender supervision fees of \$30 per month. Specifically, 6 of 30 (20%) southern offenders on probation were not properly charged supervision fees in the month(s) their probation began. Uncharged fees were generally limited to the initial month of supervision, but in several cases offenders went uncharged for two months. Based upon the results of testing, we estimate initial supervision fees totaling \$38,000 went uncharged.

Amounts went uncharged due to limitations in OTIS and how offenders sentenced to probation are processed in the south. This was a known problem to the Division and procedures were in place to identify and bill these amounts. However, Division staff indicated procedures were not sustained due to position turnover.

Database Access Improper

The Division did not have procedures to ensure only active users had access to the Division's offender database. We found 53 (10%) users should not have had access to the database out of 515 active user accounts. However, test results show improvement since the prior audit in which 350 users should not have had access. Additionally, privilege levels are not actively reviewed. In one instance, a user had an assigned privilege level capable of modifying all system functions.

State Information Technology Security Standards require periodic review of user accounts to ensure the continued need for system access and user rights. After our prior audit, the Division implemented a periodic review to ensure user access was appropriate; however, the Division did not sustain its implementation of this process, which resulted in continued user access problems.

Recommendations

3. Develop procedures to ensure an initial home contact is made within 30 days of the start of supervision.
4. Develop controls to ensure intake reviews are performed timely.
5. Implement a process to help identify and contact offenders that fail to report within the initial contact period.
6. Revise directives to clarify Division supervision requirements for DUI diversion court participants during the period offenders are supervised by another agency.
7. Develop controls to ensure timely billing of initial supervision fees.
8. Develop written policies and procedures regarding periodically updating access to information systems. This includes monitoring for the proper removal of users and ensuring access levels are appropriate.

Appendix A

Monthly Contact Requirements

Supervision Level	Caseload Ratio	Required Home Contacts Per Offender	Other Contact Requirements Per Caseload
Intensive	30:1	1-PCH every 60 days	30 personal contacts of any kind, and 20-CC and 5-SV
Sex Offenders ⁽¹⁾ and House Arrest	45:1	1 PCH every 90 days	15 personal contacts of any kind, and 15-CC and 5-SV
General Supervision ⁽²⁾	80:1	--	15 personal contacts of any kind, and 15-CC

⁽¹⁾ Sex Offenders other than those assigned to Intensive Supervision.

⁽²⁾ Rural offices have mixed caseloads that operate under general supervision contact guidelines.

Description of Personal Contacts:

Personal Contact Home (PCH)	A personal contact by an officer in the offender's residence.
Personal Contact Field (PCF)	A personal contact by an officer with the offender in the field, other than the offender's residence.
Personal Contact Employment (PCE)	A personal contact by an officer with the offender at their employment premises.
Collateral Contact (CC)	Information or evidence received from another law enforcement officer/agency, counselor/treatment facility, or other reliable third party.
Surveillance (SV)	The gathering of information while observing the offender's residence, employment, recreational activity, or events. Any review or search of social media websites, computer files, telephone files or any other type of electronic device, maintained as an offender's personal equipment, is considered surveillance.

Source: Division Directive 6.2.101 Contact Guidelines

Appendix B

Audit Methodology

To gain an understanding of offender supervision activities at the Division of Parole and Probation, we interviewed staff and reviewed statutes, regulations, policies, and guidelines significant to the Division's operations. We reviewed financial information, budgets, legislative committee minutes, and other information addressing Division activities. Further, we reviewed significant processes and controls related to the assessment of supervision fees, offender intake and offender monitoring functions.

To determine if controls over data in OTIS relative to our audit objectives were sufficient to prevent data from being changed, deleted or otherwise manipulated after entry, we made inquiries of information technology personnel, identified relevant controls and performed observations of system users. We tested the reliability of information in the system by tracing significant, available data to case documentation for 50 offenders. To assess controls over system access, we reviewed the listing of users with current system access and matched it to employee position information in the State's Human Resource Data Warehouse.

We obtained a population report from the Division dated February 26, 2015. Total active supervision cases for that period totaled 12,580. We analyzed this report to determine its accuracy by comparing the report to other published documentation or supporting information. To select our samples, we eliminated cases with effective dates before July 1, 2013 or after December 31, 2014. Next, we isolated the remaining parole and probation case population to specialized cases, identified as intensive supervision, sex offender, and house arrest. The specialized cases totaled 1,370 of which 1,035 were in the Southern Command, 245 were in the Northern Command – Reno, and 90 were in the Northern Command – Rural. To obtain a representative sample, we randomly selected 37 cases from the

Southern Command, 10 cases from the Northern Command – Reno, and 3 cases from the Northern Command – Rural.

To determine the timeliness of required periodic home contacts for offenders on intensive supervision, sex-offender and house arrest caseloads, we reviewed supervision activities and dates documented in the chronological notes in OTIS. First, we tested that all offenders in the sample were seen by an officer at their residence within 30 days of the effective date of supervision. We calculated the number of days between the effective date and the first home contact.

Next, we identified the periodic requirement for a home contact. Offenders classified as intensive supervision are required to have a home contact every 60 days, or, if they are a sex offender or on house arrest they are required to have a home contact every 90 days. We calculated the number of days between each home contact. At times, offenders are not actively supervised by the Division because they may be in custody or seeking treatment for substance abuse. We did not incorporate these periods as times the Division would be required to perform supervision activities.

To determine if the Division complied with its absconder directives, we tested the seven times offenders were placed in absconder status from our sample of 50 noted above. We reviewed documentation to determine if violation reports were submitted to the court or Parole Board timely. We also reviewed the timeliness for processing approved warrants from the regional commands to the Fugitive Apprehension Unit. Because the Division does not have formal time standards for this action to occur within, we determined reasonable timeliness based on the 20-day guideline verbally provided from Fugitive Apprehension Unit personnel. We computed the number of days that elapsed from the approval of violation reports and warrant issuance to the processing of those documents.

To determine if the Division is complying with directives related to the intake process, we randomly selected 50 cases for review from the population report dated February 26, 2015. Our sample was selected using the same regional distribution (37 from the

Southern Command, 10 from the Northern Command – Reno, and 3 from the Northern Command – Rural). The number of parole and probation cases on active supervision totaled 12,580. Cases were filtered for those with effective dates between July 1, 2013, and December 31, 2014. Next, we excluded the population of cases designated as Low Risk Supervision, Outbound Interstate Compact, and Deportee. The remaining total of 6,604 cases included 4,460 in the Southern Command, 1,240 in the Northern Command – Reno, and 904 in the Northern Command – Rural.

We combined the results of our testing for initial home contacts. Our total sample equaled 100, of which 94 were required to have an initial home contact. Six offenders from our general population sample were not required to have an initial home contact because they remained in custody, were transferred to other states, or were subject to DUI diversion court.

We reviewed chronological entries in OTIS, system screen displays, supporting documentation, and hard-copy files at regional commands. The information was examined to determine if intake processes such as the initial contact, risk and needs assessment, home contact, and intake review were performed within timeframes stated based on Division directives.

To test whether supervision fees were properly assessed in the offender's initial month of supervision we accessed the accounting records in OTIS for each of the 50 offenders in this sample, and compared the month supervision was effective to the month the Division charged supervision fees. When necessary, we reviewed information from OTIS, including chronological entries, supervision fee billing history, and other records to determine why fees may not have been billed properly.

For our sample design, we used non-statistical audit sampling, which was the most appropriate and cost-effective method for concluding on our audit objectives. Based on our professional judgment, review of authoritative sampling guidance, and careful consideration of underlying statistical concepts, we believe that non-statistical sampling provides sufficient appropriate audit

evidence to support the conclusions in our report. We have not projected the errors related to offender supervision.

Our audit work was conducted from January 2015 to November 2015. 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 Chief of the Division of Parole and Probation. On February 25, 2016, 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 C which begins on page 22.

Contributors to this report included:

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Appendix C

Response From the Division of Parole and Probation

Brian Sandoval
Governor



James M. Wright
Director

Natalie Wood
Chief

DIVISION OF PAROLE AND PROBATION

OFFICE OF THE CHIEF

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March 4, 2016

Rocky Cooper, CPA
Legislative Counsel Bureau
Legislative Building, 401 S. Carson Street
Carson City, NV 89701-4747

RE: Audit Response

Dear Mr. Cooper,

The Division has examined the findings reported in the performance audit report as presented by the Legislative Counsel Bureau on February 25, 2016. The Division has reviewed and accepted all 8 recommendations contained in the report. Attached you will find acceptance of the recommendations on the form provided by your office.

The Division will be creating or modifying directives and procedures in order to implement the recommendations of the audit. The Division will provide a detailed plan of action as to how the Division intends to implement or has implemented its solutions to the recommendations.

We appreciate your office bringing these matters to our attention and the professionalism displayed by your staff.

Respectfully,

A handwritten signature in black ink, appearing to read "N. Wood", is written over a white background.

Natalie Wood, Chief
Nevada Parole and Probation
Department of Public Safety

Division of Parole and Probation's Response to Audit Recommendations

<u>Recommendations</u>	<u>Accepted</u>	<u>Rejected</u>
1. Develop additional monitoring processes to help ensure ongoing home contacts with high-risk offenders are performed timely.....	<u> X </u>	<u> </u>
2. Revise the contacts directive for rural offenders classified as intensive supervision, sex offenders, and house arrest to provide for consistent home contact requirements based on risk	<u> X </u>	<u> </u>
3. Develop procedures to ensure an initial home contact is made within 30 days of the start of supervision	<u> X </u>	<u> </u>
4. Develop controls to ensure intake reviews are performed timely.....	<u> X </u>	<u> </u>
5. Implement a process to help identify and contact offenders that fail to report within the initial contact period	<u> X </u>	<u> </u>
6. Revise directives to clarify Division supervision requirements for DUI diversion court participants during the period offenders are supervised by another agency	<u> X </u>	<u> </u>
7. Develop controls to ensure timely billing of initial supervision fees	<u> X </u>	<u> </u>
8. Develop written policies and procedures regarding periodically updating access to information systems. This includes monitoring for the proper removal of users and ensuring access levels are appropriate	<u> X </u>	<u> </u>
TOTALS	<u> 8 </u>	<u> </u>