

Neil Kelly
Clerk of the Circuit and County Courts
Lake County, Florida

Audit of Probation Services

Division of Inspector General Audit Report

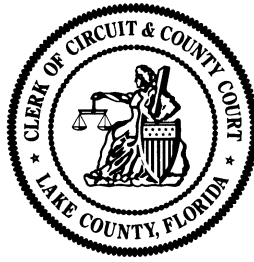
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Clerk of the Circuit Court

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April 25, 2014

Honorable Members of the Board of County Commissioners

We have conducted an audit of the Probation supervision function of the Board of County Commissioners' Probation Services Division, as scheduled per the Clerk's Annual Audit Plan.

We appreciate the cooperation and assistance provided by the Probation Services Division and also other local county and governmental entities contacted during the course of our audit.

Respectfully Submitted,

Bob Melton

Bob Melton
Inspector General

CC: Honorable Neil Kelly, Clerk of Circuit & County Court
David Heath, County Manager
Brian Sheahan, Director of Community Safety and Compliance

Neil Kelly

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EXECUTIVE SUMMARY

We conducted an audit of the Probation Supervision function of the Board of County Commissioners' Probation Services Division, as scheduled per our Annual Audit Plan. We conclude that procedures are adequate regarding the assessment and collection of Probation fees. We conclude that policies, procedures, and employee training programs are not adequate to ensure efficient and reliable management of services. We conclude that cases are managed accurately, consistently and adhere to requirements.

Staffing levels and case distribution should be reviewed. The number of defendants ordered probation has increased by 63.6% since FY 2008-09. Staffing levels however, have not had any significant increases during this time, and staffing levels are not sufficient to provide reasonable caseloads for each probation officer. The average caseload for other counties in the Circuit is 184 per probation officer whereas Lake County is 266 cases per probation officer. In addition, Division management caseloads are excessive. The Division Manager has averaged 187 cases through January 2014, and has handled as many as 259 in June 2013. This is more than the average caseload per probation officer in the other counties. The probation specialists handled an average of about 211 cases through January, 2014, which is also more than the average caseload per probation officer in the other counties. By adding five more probation officers, the Division would achieve normal caseloads and the Division Manager and Probation Specialists could eliminate their caseloads and focus on their supervisory duties. With the increased staff, we project that expected revenues would exceed expenses by \$327,678 for the year.

Risk assessments should be performed for all probationers. We noted 44 cases out of 140 cases reviewed in which a risk assessment should have been performed, but was not. When risk assessments are not performed, there is an increased chance that supervision will not be adequate to reduce risk to the community including the risk of flight, re-offense, or improper treatment.

Controls over community service should be enhanced. Proof of community service worked is not consistent and does not always contain the name of the probationer, dates and hours worked, contact information, or appropriate sign off by agency personnel. Proof of community service hours worked is not always sent directly from the nonprofit agency to Probation Services. Though proof of hours worked is sometimes emailed or faxed from the agency to Probation Services, proof of community service is often hand delivered, mailed, or faxed from probationers to their supervising Probation Officers.

Offenders who are placed in the Pre-Trial Intervention Program (PTI) are usually assigned community service and fines in addition to other conditions. It is common practice in this program for fines and community service to be interchangeably bought down, meaning fines can be bought down with additional community service worked and community service can be bought down with extra fines

paid. Lake County has uniformly adopted the rate of \$10 per one hour of community service. Offenders in the PTI program can also buy community service down with pet food or litter for the shelters and, in some cases, human food for the food banks. The current exchange rate for food buy downs is 10 cans or 10 pounds of food or litter equals one hour of community service. Under the current food exchange guidelines, the amount of food and litter required does not reasonably approximate the required payment of in lieu of community service or fines. Based on our review of market prices, participants can exchange community service or fines for less than 1/5 of the defined rate of \$10 per hour of community service. This system can be perceived as unfair to those who may not qualify for the food exchange program as participants can exchange community service or fines for less than 1/5 of the defined rate of \$10 per hour of community service.

Supervisory review of case files should be performed. There is no documented review of each case. A supervisory review helps ensure that the judge's orders are being properly enforced, laws and regulations are being followed, and the necessary documentation is present. We noted several instances in which supervisory review could have prevented improper enforcement of conditions.

We also noted that case documentation needs improvement, the use of the software used by the Division should be maximized, and other controls should be enhanced. Our report contains a total of 24 recommendations for improvement. Management concurred with all of the recommendations.

INTRODUCTION

Scope and Methodology

We conducted an audit of the Probation Supervision function of the Board of County Commissioners' Probation Services Division, as scheduled per the Clerk's Annual Audit Plan. Our audit objectives were:

1. To determine the adequacy of procedures and processes related to assessment and collection of Probation fees.
2. To determine whether policies, procedures, and employee training programs are adequate to ensure efficient and reliable management of services.
3. To determine whether cases are managed accurately, consistently and adhere to requirements.

To determine the adequacy of procedures and processes related to assessment and collection of Probation fees, we reviewed current policies and procedures, and reviewed a sample of cases to ensure proper assessment, collection and enforcement of probation related fees.

To determine whether policies, procedures, and employee training programs are adequate to ensure efficient and reliable management of services, we reviewed office policies and procedures, laws and regulations, training logs and training budgets, and probation officer caseloads.

To determine whether cases are managed accurately and consistently and adhere to requirements, we reviewed a sample of cases, matched conditions enforced to conditions ordered, reviewed proof of completion documentation, and reviewed policy regarding submittal of proof of completion.

Our audit included such tests of records and other auditing procedures, as we considered necessary in the circumstances. The audit period was October 1, 2012 through September 30, 2013. However, transactions, processes, and situations reviewed were not limited by the audit period.

Overall Conclusion

We conclude that procedures are adequate regarding the assessment and collection of Probation fees. We conclude that policies, procedures, and employee training programs are not adequate to ensure efficient and reliable management of services. We conclude that cases are managed accurately, consistently and adhere to requirements.

Opportunities for Improvement are included in this report.

Background

The Probation Services Division oversees County Probation, Teen Court, Teen Drug Court, and the Work In Lieu of Arrest programs.

The Probation supervision function is primarily responsible for supervising those offenders who are placed on probation for misdemeanor and traffic offenses. Probation officers ensure compliance with the court ordered conditions of probation. There are nine standard conditions of probation which all probationers must adhere to. These conditions include such things as reporting to Probation as directed, payment of monthly probation fees, adherence to laws, and abstaining from unlawful controlled substances.

In addition to the standard conditions, court ordered conditions of probation can include community service hours, payment of fines and restitution, abstinence of drugs and/or alcohol, drug testing, completion of various treatment programs and coursework, and immobilization of vehicles among other things.

The Probation Services Division is also responsible for supervising offenders in the Pre-Trial Intervention (PTI) program. This program, an alternative to regular judicial proceedings, is reserved for first time offenders who meet certain criteria. Requirements of the PTI contract are similar to those of probation and are supervised in much the same way.

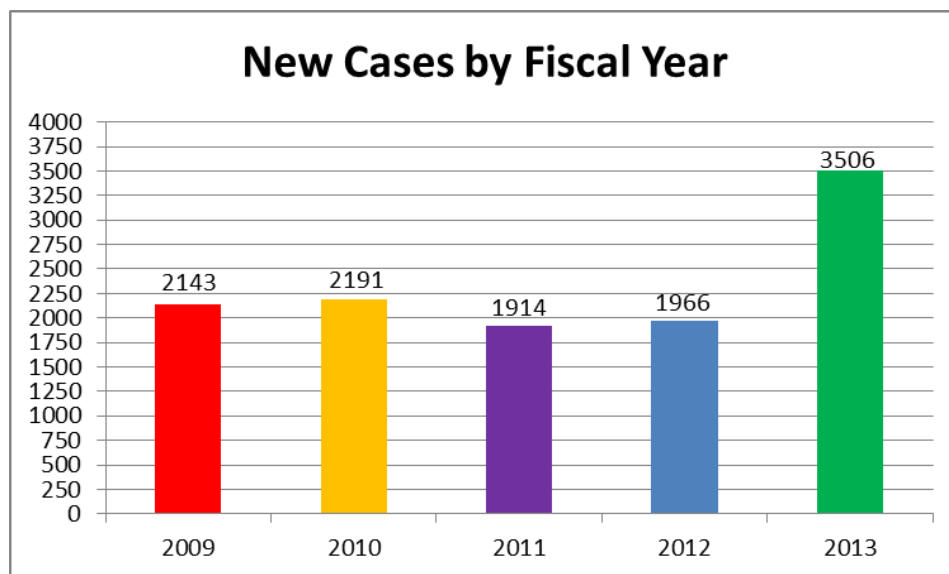
In this report, the terms “probationer” and “offender” will refer to those on probation as well as to those in the PTI program, unless otherwise stated.

OPPORTUNITIES FOR IMPROVEMENT

Our audit disclosed certain policies, procedures and practices that could be improved. Our audit was neither designed nor intended to be a detailed study of every relevant system, procedure or transaction. Accordingly, the Opportunities for Improvement presented in this report may not be all-inclusive of areas where improvement may be needed.

1. Staffing Levels and Case Distribution Should be Reviewed.

With changes in legislation, increased jail populations, and the cost advantage of probation vs. jail time, the placement of defendants on probation has increased significantly over the past several years as shown in the table below.



The number of defendants ordered probation has increased by 63.6% since FY 2008-09. Staffing levels however, have not had any significant increases during this time. Staffing levels included one senior probation officer, six probation officers, two office associates, and the Division manager during FY 2009-10. Since that time, the senior probation officer position was reclassified to a probation specialist. There are currently two probation specialists and seven probation officers; all other positions have remained the same. Two of these probation officers were hired in August 2013.

Probation officers are responsible for supervising offenders placed on probation. This includes scheduling and conducting monthly supervision visits, ensuring compliance with conditions ordered, and proper enforcement of conditions.

Probation specialists are supervisory positions responsible for training and supervising staff, reviewing case files, ensuring office compliance with laws and regulations, and supervising offenders. Probation specialists supervise PTI cases in addition to probation cases. As they are responsible for managing and reviewing probation officers, it would be unreasonable for probation specialists to manage a full case load. For average caseload calculations, we assumed at 50% caseload for each probation specialist.

The table below indicates the active caseload per officer by month for the past year.

	Feb - 2013	Mar- 2013	Apr- 2013	May- 2013	Jun- 2013	Jul- 2013	Aug- 2013	Sep- 2013	Oct- 2013	Nov- 2013	Dec- 2013	Jan- 2014	Average	
Division Manager	165	202	226	252	259	234	211	185	149	122	118	118	187	
Probation Specialist A	202	251	250	224	219	187	191	185	226	243	242	240	222	
Probation Specialist B	164	180	219	228	231	218	200	184	189	168	198	233	201	
Officer A	298	309	323	339	354	379	393	389	397	373	373	347	356	
Officer B*	45	46	45	55	67	72	69	71	79	82	86	85	67	
Officer C	233	259	300	333	359	372	373	371	379	348	357	331	335	
Officer D	229	253	294	332	350	359	348	340	354	308	293	267	311	
Officer E	310	338	332	356	351	342	346	330	331	307	320	293	330	
New Officer A	2	2	2	3	4	7	23	43	86	124	173	206	56	
New Officer B	1	2	5	9	10	13	47	84	115	132	153	167	62	
Total	1649	1842	1996	2131	2204	2183	2201	2182	2305	2207	2313	2287	2125	
* Officer B is transitioning to another position													Average Caseload per officer	236
													Average Caseload per officer not including Division Manager	266

We noted the following concerns with staffing levels and distribution of cases:

- A. Staffing levels are not sufficient to provide reasonable caseloads for each probation officer. Case load per probation officer is in excess of the average of other regional counties. We obtained caseload information provided for other counties in the fifth judicial circuit as follows:

County*	Cases/Officer
County A	127
County B	130
County C	162
County D**	315
Average	184
Lake⁺	266

*This data pertains to Citrus, Hernando, Marion, and Sumter Counties

**County D only staffs one probation officer

+ Lake County average does not include the Division Manager who had an average 187 cases

As noted above, the average caseload for these counties is 184 per probation officer whereas Lake County is 266. These counties are generally comparable to Lake County and are under the jurisdiction of the same Chief Judge. It is essential that staffing be sufficient to provide reasonable caseloads for each probation officer. Otherwise each probation officer may not devote sufficient time for adequate probationer supervision; there may be an increased risk of oversight or other errors, and a high risk of inadequate supervision or follow-up action.

- B. Division management caseloads are excessive. The Division Manager has averaged 187 cases through January 2014, and has handled as many as 259 in June, 2013. This is more than the average caseload per probation officer in the other counties. The probation specialists handled an average of about 211 cases through January, 2014, which is also more than the average caseload per probation officer in the other counties.

The Division Manager and the Probation Specialists represent the management of the Division and, therefore, have oversight, planning, and other management responsibilities. Therefore, by also acting as probation officers with a normal caseload, sufficient time may not be available to perform the necessary management activities. We question whether the Division Manager should be directly handling any cases unless there is exceedingly high risk. Probation Specialists should have a reduced caseload to leave adequate time for their supervisory duties. Without adequate supervision, errors or irregularities (such as preferential treatment) could occur without detection, and changes in laws or regulations could be overlooked.

This situation has contributed to the conditions noted in Opportunities for Improvement Nos. 2, 3, 7, 8, and 9. It is essential that management personnel have adequate time to manage.

Since supervision fees are charged to each probationer, increased revenues will be generated to offset the cost of proper supervision and reasonable caseloads. The table below shows the expected increase in revenues due to the increased number of cases assigned probation.

	FY 2013 (actual)	Pro Forma (with increased staff)
Fees	\$717,036	\$1,199,313
Salaries and Expenses	\$636,634	\$871,635
Revenue over Expenses	\$80,402	\$327,678

*These figures represent direct costs only. They do not include central services or other indirect costs. Additionally, estimated revenues account for dismissed or otherwise unpaid fees assessed.

The estimated salaries and expenses include the addition of five probation officers at a fiscal impact of \$45,000 each. With an increase to 12 Probation Officers, the Division would achieve normal caseloads and the Division Manager and Probation Specialists could eliminate their caseloads and focus on their supervisory duties.

We Recommend management:

- A. Reevaluate Probation Officer staffing levels.
- B. Eliminate caseloads of supervisory staff.

Management Response:

- A. Concur – In progress
- B. Concur – Implementation planned upon allocation of resources. Two positions are being requested for Midyear 2014 and additional positions may be requested for FY2015.

2. Supervisory Review of Case Files Should Be Performed

There is no documented review of each case. A supervisory review helps ensure that the judge's orders are being properly enforced, laws and regulations are being followed, and the necessary documentation is present. We noted several instances in which supervisory review could have prevented improper enforcement of conditions. We noted the following issues:

1. In one instance the terms of probation were not properly enforced. In this instance, community service was ordered but not served. The probationer was released from probation. This file was being managed by a supervisor.
2. A paper copy of a criminal search history, printed in 2012, was located in a case file folder. The Florida Department of Law Enforcement (FDLE) requires that these be destroyed.
3. There were three instances in which the full cost of supervision was not assessed. These ranged from 1 month (\$55) to 2 months (\$110) that were not charged as required and represent lost revenue to the Division.
4. Risk Assessments were not performed for 44 of the cases reviewed. (See Opportunity for Improvement # 3)

According to management, increased case loads and large volumes of cases entering the system at one time, has resulted in occasional suspension of supervisory review in order to keep up with the incoming cases. Review of all files helps to ensure proper enforcement of conditions of probation and adequate assessment of level of supervision as well as proper file management and compliance with regulations.

We Recommend management establish a policy requiring supervisory review of all probationer files. This review should be documented.

Management Response: Concur – Implementation planned upon allocation of resources.

3. Risk Assessments Should be Performed For All Probationers

We noted 44 cases out of 140 cases reviewed in which a risk assessment should have been performed, but was not. Risk assessments should be performed on all probationers; however, according to management, this practice has been suspended at times in order to keep up with the volume of cases entering the system when caseloads are too high.

Formal risk assessments are performed at the beginning of a probation term to help the probation officers determine the level of risk of the probationer. The assessments aide probation officers in determining the type and frequency of visits and may help determine whether the probationer should be supervised by a probation officer with special training.

When risk assessments are not performed, there is an increased chance that supervision will not be adequate to reduce risk to the community including the risk of flight, re-offense, or improper treatment. There is the added risk that as a result of inadequate supervision, all conditions will not be satisfied.

We Recommend management require the performance of a risk assessment for each probationer.

Management Response: Concur – In progress. Probation Officers are required to resume performing a risk assessment on each probationer at the beginning of the probation term using the evidence-based O.R.A.S Community Supervision Screening Tool.

4. Controls over Proof of Community Service Should be Enhanced

Community service is a commonly assigned condition of probation. The probationer is required to work the prescribed number of hours at a nonprofit agency to satisfy requirements. Once complete, probationers must provide their supervising Probation Officers proof of hours worked. We noted the following concerns with the controls over community service:

- A. Proof of community service worked is not consistent and does not always contain the name of the probationer, dates and hours worked, contact information, or appropriate sign off by agency personnel. Currently, proof of community service may be submitted on agency letterhead or a County issued “Community Service Assignment” form. Proof submitted on agency letterhead does not always include all pertinent information and the Community Service Assignment form is not always filled out completely.

Consistency in documentation could save probation officers time by increasing ease of review and making contact information clearly available. Ensuring consistent documentation also reduces the risk that proof of hours worked is inadequate or that necessary information is missing.

- B. Proof of community service hours worked is not always sent directly from the nonprofit agency to Probation Services. Though proof of hours worked is sometimes emailed or faxed from the agency to Probation Services, proof of community service is often hand delivered, mailed, or faxed from probationers to their supervising Probation Officers. Proof of Community Service should be submitted directly from the nonprofit agency to Probation Services. When proof is given to the probationer to pass along to Probation Services, there is an increased risk that documentation could be altered resulting in improperly enforced conditions.
- C. The “Community Service Assignment” form provided by Probation Services does not include verbiage for the nonprofit’s agent to attest that they have no relationship with the probationer that could be construed as a conflict of interest. Proof of Community service should include a conflict of interest statement. A conflict of interest statement can help reduce the risk of a conflict which could lead to altered or incorrect documentation or the perception that hours were signed off on but not worked.
- D. Nonprofit status of agencies for which community service was performed is not always verified. During our review we noted that there was no documented verification of nonprofit status for 27 out of 30 cases in which community service was performed. It is a requirement that community service ordered be performed at a nonprofit agency. As a result, Probation Officers should verify the nonprofit status of agencies served to ensure that this condition of probation is properly enforced. Verification of nonprofit status ensures work was performed for a community purpose and discourages probationers from engaging in required community service hours for for-profit agencies.

We Recommend Management:

- A. Require the use of the Community Service Assignment form for submitting proof of community service performed.
- B. Require proof of community service worked to be transmitted directly from the agency to Probation Services.
- C. Modify the Community Service Assignment form to include a conflict of interest statement.
- D. Create a policy requiring probation officers to document the verification of nonprofit status.

Management Response:

- A. Concur – Implementation in progress. Probation staff is required to resume using the revised Community Service Assignment Form for submitting proof of community service hours performed.
- B. Concur – Implementation in progress. Probation staff is required to resume requiring all proof of community service completion be transmitted directly from the community service agency to Probation Service.
- C. Concur – Implemented. The Community Service Assignment form has been revised to include a conflict of interest statement.

- D. Concur – Implementation in progress. Community Service Assignment form has been revised requiring community service agencies to provide tax status information to Probation Services for verification of non-profit status. Probation officers have been instructed to resume verification of non-profit status of each community service agency submitting proof of community service. Formal policy in development.

5. Controls Over the Food Buy Down Program Should be Enhanced

Offenders who are placed in the Pre-Trial Intervention Program (PTI) are usually assigned community service and fines in addition to other conditions. It is common practice in this program for fines and community service to be interchangeably bought down, meaning fines can be bought down with additional community service worked and community service can be bought down with extra fines paid. Lake County has uniformly adopted the rate of \$10 per one hour of community service.

Offenders in the PTI program can also buy community service down with pet food or litter for the shelters and, in some cases, human food for the food banks. The current exchange rate for food buy downs is 10 cans or 10 pounds of food or litter equals one hour of community service.

We noted the following concerns related to the food buy down program:

- A. Under the current food exchange guidelines, the amount of food and litter required does not reasonably approximate the required payment of in lieu of community service or fines. While neither receipts nor proof of purchase are required at time of food donations, a review of current prices indicates that store brands can be purchased for as little as \$1.74 per 10 pounds. The specified brands can be found for as little as \$5 per 10 pounds. Current market prices are shown in the table below.

	Lowest Price	Highest Price	Average Price
Dry Dog Food (Price/10 lbs.)	\$5	\$15.11	\$8.61
Wet Food (Price/10 cans)	\$3.87	\$7.90	\$5.87
Kitty Litter (Price/10 lbs.)	\$1.74	\$18.10	\$6.24

(Prices based on two major competitive retailers in Lake County)

This system can be perceived as unfair to those who may not qualify for the PTI food exchange program as participants can exchange community service or fines for less than 1/5 of the defined rate of \$10 per hour of community service. Lack of proof of purchase increases the risk that food may have been obtained for free through food banks or may have been obtained through other

discounted programs. Review of receipts can allow the Division to modify food exchanges based on costs.

- B. The animal shelters do not enforce the specified brands for exchange in the PTI Program. Probation Officers distribute informational materials to participants in the PTI program that specify brands of animal food (Purina, Pedigree, and Kibbles and Bits) required in order to receive credit in the buy down program. The Probation Division worked in conjunction with the Lake County Animal Shelter to determine the types of food necessary. Currently, the Lake County Animal Shelter will accept any type of food for the buy down program as long as it is unopened and not expired. We noted that the most commonly donated food is a low cost store brand. Use of inconsistent or poor quality food may be harmful to the animals housed at the shelters.
- C. Proof of animal food and litter dropped off at the animal shelters for exchange in the buy down program is not always submitted directly from the shelter to Probation Services. To ensure the integrity of the program, original documentation should be sent to Probation Services directly by the animal shelters. Often, probationers drop off animal food for the buy down program directly at the animal shelters. The shelter staff then indicates the amount of food or litter donated on a "PTI Community Service Assignment Sheet." The original copy is often handed back to the defendant to hand deliver to Probation Services for proof of donation. This process of allowing defendants to hand deliver the original food donation sheet to Probation Services increases the risk that the sheet may be altered prior to delivery.

We Recommend Management:

- A. Enforce the acceptance of only the required food brands for the PTI program. Additionally, receipts or proof of purchase should be required.
- B. Regularly evaluate the cost of food to ensure that costs reasonably approximate the exchange of \$10 per hour of community service.
- C. Instruct animal shelters to forward original proof of food donations directly to Probation Services.

Management Response:

- A. Concur – In progress. Probation Services staff has been reinstructed to enforce acceptance of designated food brands from PTI Program participants and begin requiring receipts for proof of purchase.
- B. Concur – In progress. Probation Services staff has begun evaluating the cost of food and the amounts of specific donations are being adjusted to reasonably approximate the exchange of \$10 per hour of community service. Formal policy in development requiring regular review as recommended.
- C. Concur – Implemented. Animal shelters have been instructed to forward all original proof of donations directly to Probation Services.

6. Utilization of the CourtView Case Management System Should be Maximized.

The CourtView case management system includes many functions such as the ability to scan images into a case file, enter and track progress of probation conditions, track fees and payment of fees, and generate various types of reports. During our review, we noted the following instances in which the use of CourtView is not being maximized.

- A. Proof of course completion and community service served, written monthly reports, and other documentation received regarding the satisfaction of probation requirements is not being scanned into the CourtView system upon receipt by the probation officers. The CourtView application has the functionality to allow probation officers to scan and store document images such as proof of community service, food buy down logs, and course completion certificates. In most instances, however, this functionality is not being used. We noted that proof of community service documentation was only scanned in for 8 out of 37 cases reviewed, and certificates of course completion were only scanned in for 5 out of 58 cases reviewed.
- B. Progress of conditions is not complete and up to date in the CourtView system. The conditions screen shows all conditions of probation ordered. Probation officers have the ability to enter brief notes, dates of completion, and progress towards fines paid and community service hours worked. Information in this area is not consistently filled out by probation officers. There have been instances in which community service hours worked, coursework completed, and fines paid have not been updated; and location of community service hours worked or coursework taken has not been entered.

Including copies of supporting documentation reduces the risk of errors in early termination of probation or lack thereof. Immediate scanning of documentation and update of conditions progress into the file ensures up to date information for all those who may be accessing the data. It also allows for quick access of files for review by supervisors without having to physically retrieve files from storage.

As caseloads increase, it becomes imperative that case information be maintained as up to date as possible so that cases may be closed in a timely manner. Additionally, maximizing use of CourtView can reduce the amount of physical storage capacity required as some documentation may be destroyed after it is scanned into the system.

We Recommend management:

- A. Implement a policy requiring all documentation to be scanned into the system as it is received.
- B. Require staff to ensure documentation of conditions in CourtView is complete and up to date.

Management Response:

- A. Concur – Implementation planned upon allocation of resources to expand current capabilities. New probation case management system software is being evaluated for implementation.
- B. Concur – Implementation planned upon allocation of personnel resources.

7. Case Documentation Needs Improvement

The Probation and Case Management modules of CourtView are not consistently or simultaneously updated. Case information for probationers is stored in several locations. CourtView is a case management system used by both the Clerk of Courts and Probation Services to manage cases. Within CourtView, file information is maintained in the Case Management module and the Probation Module. The Case Management module is used by the Courts area to docket cases and reflect fines assessed and paid among other things. The Probation module is used by the Probation Services Division to track the progress of probation. This module is where probation conditions and appointments are entered and tracked and cases can be docketed. Probation Services also maintains a physical file folder for each probationer. We noted the following concerns:

- A. Out of 140 cases reviewed, we noted five instances in which the Case Management module did not reflect fee dismissals and four instances in which the Probation module did not reflect payments made towards fees. Progress towards completion of conditions such as payment of fines, completion of community service, and completion of required treatment and coursework must be manually updated in the Probation Module. The Clerk of Courts must be notified by the Probation division of fines or fees that have been dismissed in order to update the Case Management Module.

Payment of fines should be updated in the Probation module at least once every month during office visits or upon receipt of monthly mail in written statement form. Additionally, the courts area should be notified immediately by Probation Services when fines are dismissed. If payment of fees and completion of other conditions are not updated timely, a probationer could inadvertently be required to serve a longer period of probation than necessary or possibly be violated for probation. If fee dismissals are not properly communicated to the Clerk of Courts, a probationer could be charged unnecessary late fees, have their driver's license suspended, or be referred to a collection agency for nonpayment.

- B. The conditions are not updated to reflect completion of required coursework, community service worked, or fines paid in the Probation Module. We noted several instances in which conditions were complete, but the Probation Module shows conditions still due. File information that is not updated can increase time required when performing supervisory review or lead to improper supervision of probationers, including increased time on probation or inadvertent violation of probation. As caseloads are well above norms, Probation Officers should make every effort to reduce caseloads by promptly terminating probationers who have satisfied all conditions of probation.
- C. No evidence exists in case files that criminal search histories have been performed. A criminal search history should be performed for each of the probationers at a minimum once at the start of probation and once again prior to release. Although the FDLE requires these search histories to be

immediately destroyed, each search should be documented in the case files. Documentation should include the date of the review and the initials of the reviewer.

Though the Case Management Summary included in each physical file has a place to document the criminal history search and review, this review is not being documented. Review of criminal history helps determine the risk of a probationer and the adequate level of supervision required. Documenting this review reduces liability to the probation officer in the event that a new crime was committed after the review of a search history.

- D. Probation end dates are not consistently updated in CourtView. Probation officers should update the Probation Module to reflect the actual termination date of probation in the event of early termination or revocation of probation. Knowing actual probation dates for each case is useful for management review and statistics, especially in establishing average length of time probationers serve and estimating future revenues.

We Recommend Management:

- A. Establish a policy for regularly updating the system to reflect payments made towards fines and fees. A procedure should also be developed to require immediate communication to the Clerk of Courts upon dismissal of fees and fines.
- B. Establish a policy for updating the system immediately upon proof of completion of conditions.
- C. Require that review of criminal history be documented.
- D. Establish a process for updating termination date to reflect actual termination date upon early termination or revocation of probation.

Management Response:

- A. Concur – Implementation planned upon allocation of resources.
- B. Concur – Implementation planned upon allocation of resources.
- C. Concur – Probation Services staff is required to resume documenting that a review of criminal history on each probationer has been completed. Formal policy in development.
- D. Concur – Probation officers are required to update the actual termination date upon early termination or revocation. Process improvement in progress.

8. Policies and Procedures Need Improvement

Formal comprehensive policies and procedures are not maintained centrally or updated regularly. Instead, Probation Services policies and procedures are in various locations and formats. Some Division policies and procedures are located in printed form in the Chief Probation Officer's office, while the remaining procedures are located in the Division's shared drive primarily in the form of emails and memos from the Courts or Probation supervision.

Policies and procedures are useful tools for guiding employee actions and behaviors and ensuring that work is performed properly. Policies and procedures should be uniform in format and centrally located in hard copy or electronic format that is easily accessible to staff.

We noted the following concerns related to policies and procedures:

- A. Written policies and procedures are not available for all functions and do not include step by step instructions for staff to follow. There is some indication that officers are not trained consistently. For example, some officers enter supervision fees into the computer system in full. If the probationer is released from probation early, the excess fees are dismissed. Other Probation Officers only enter the fees assessed, and no fees are dismissed. Some officers include name and location of community service worked or coursework taken into the system, while others do not. When information is not consistently entered into the system, it can make supervisory review of files more difficult and time consuming or could lead to probationers not being released on time.

Supervision of probationers and other functions of Probation Services are directly based on a judge's orders and other judiciary requirements; therefore, it is important that certain processes be performed properly to ensure proper supervision of probationers and ultimately protect the safety of Lake County citizens.

- B. Updates or changes to procedures are not consistently updated in a procedures manual. Additionally, many of the procedures are not dated. The various emails and memos, stored electronically, instruct staff of changes to current policies and procedures. Some of the information available is out of date or no longer relevant. If information is not consistently updated, staff may use outdated instructions for guidance. This could lead to violations of laws and regulations, inconsistent supervision of files, and improper management of probationers, which could ultimately lead to safety risks to the public and liability risks to the County.
- C. A standardized procedures manual does not exist. In many functional areas of the Division, emails, memos, on the job training, and standard forms and checklists are used instead of written policies and procedures. Clear procedures are an important tool for employee training. Use of procedures ensures all employees are performing their duties in a consistent manner.

We Recommend management:

- A. Develop comprehensive procedures for all functions.
- B. Develop a process for regularly reviewing and updating policies and procedures. Additionally, policies and procedures should be centrally located.
- C. Create a standardized policies and procedures manual.

Management Response:

- A. Concur
- B. Concur
- C. Concur

9. A Comprehensive Training Program Should be Established

Though the Probation Services Division has a basic training program for new hires, there are no on-going training plans established for probation officers. Additionally, no monies were budgeted for or expended on training for Probation Services for fiscal years 2011-12, 2012-13, and 2013-14.

In previous years, budgetary restrictions may have prevented extensive training; as a result, management has relied solely on free training provided by local and state agencies rather than more in depth training provided by professional agencies. In fiscal year 2013-14, however, the Division experienced a significant surplus of revenues over expenses and is expected to see the same in the next year. (See Opportunity for Improvement No. 1)

While county probation officers may have different requirements and authority than the state probation officers, legislation and regulations provide useful guidelines for probation officers at the County level. Per Section 943.135, Florida Statutes, and Florida Administrative Code 11B-27.00212, continuing education programs are required for state correctional probation officers certified and trained through the FDLE Criminal Justice Standards and Training Commission. Both the Statutes and Administrative Code require 40 hours of continuing education every 4 years. The Florida Administrative Code also specifies types of training required.

Lack of adequate training could lead to outdated methods for case supervision and inefficient practices. Training allows staff to network with other agencies, learn new and improved methods for providing services, and keep up with ever changing laws and regulations.

We Recommend management establish a regular on-going training program for Probation Officers. This training should be planned for in the budget each year.

Management Response: Concur – Training budget request initiated for FY2015.

10. Probationer Files are not Adequately Secured

File cabinets containing probationer files are not locked overnight, nor are the individual offices in which the files are housed. Some of the file cabinets and office doors do not have locks on them, and some have locks but keys are not available for them. While all guests are required to be escorted while in the secure area, maintenance staff and volunteers are regularly in this area unsupervised. After hours, cleaning and maintenance staff and office staff have undetected access to the office using their keys. Probationer files contain personal information including name, address, date of birth, and social security numbers.

Though there are no statutes requiring probation files to be secured in any specific manner, Section 119.071(5), Florida Statutes, states: "Social security numbers held by an agency are confidential ..." It is essential that government agencies maintain security of personal information which could be

misused by others. Leaving the file cabinets unlocked or unattended could lead to a potential undetected removal of files, tampering of files, or identity theft. If this were to occur, Probation Officers or other staff could be held responsible for these actions.

We Recommend management develop procedures for properly securing files containing sensitive information.

Management Response: Concur – In Progress. All unescorted visitors permitted inside secured areas within the probation Services building are currently required to pass fingerprint-based background investigations. All other visitors are escorted by staff. All file cabinets are being checked to ensure they lock properly so all sensitive information can be securely stored. Formal procedure in development.

11. Conflict of Interest Statements Should be Prepared for Each File

There are no written statements in probationer files asserting that there is no conflict of interest that may affect or be perceived to affect the supervision of the case. Probation Officers are assigned hundreds of cases each year. Though the system of assigning cases is unbiased, there is the potential for a conflict of interest to arise between the probation officer and probationer. The current office practice is for probation officers to discuss any conflicts of interest with their supervisor. Upon discussion, cases will be reassigned as necessary.

Lack of a written conflict of interest statement in all files reduces accountability for officers and could lead to unreported conflicts. If a conflict of interest existed, there could be the appearance of preferential treatment to the probationer or conversely, the probationer could perceive their treatment as harsh or unfair. This could create a liability to the Probation Services Division and ultimately to the County.

We Recommend management require the Probation Officers to sign conflict of interest statements for all cases assigned.

Management Response: Concur – In Progress. Probation officers are now required to sign a conflict of interest statement for case assigned to them. The case note form has been revised to include this statement and the assigned officer's signature and date signed.

12. Probationers Should be Provided Proof of Visits

There is no evidence that the probationer is provided written proof of their visits when reporting in person. Some officers are trained to provide written proof of a visit, upon request. On one occasion, we observed a probationer asking their Probation Officer, during a monthly supervision visit, for a letter or other proof of the visit to submit to work as the probationer had to take time from work to

attend the meeting. The Probation Officer stated that she could not provide any such written proof because they do not have a form like that. She then provided the probationer with her card and said that the probationer's work can call and speak with her to confirm the visit.

Generally, probationers report to their assigned Probation Officer once per month. They may report by phone, by mail, or in person. Providing proof of visits gives validation to probationers to provide to work, school or other obligations of their visits. Additionally, provision of proof to the probationer may reduce the likelihood of conflict in the event a probationer is violated for not arriving for scheduled appointments.

We Recommend management develop a form to be given to probationers as proof of their office visits. Additionally, written proof of visits should be distributed for all office visits.

Management Response: Concur – In progress. A verification form has been implemented for use by probation staff to provide to probationers as proof they reported to the Probation Office.