

Follow-up Review of Audit of Probation Services

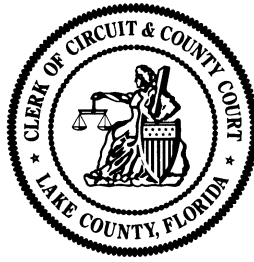
Division of Inspector General **Neil Kelly, Clerk of the Circuit and County Courts** **Audit Report**

Bob Melton, CPA, CIA, CFE, CIG
Inspector General

Audit Conducted by:
Sheena Patel, CIA
Inspector General Auditor II

Report No. BCC-135
September 14, 2015

*Division of Inspector General
Phone (352) 253-1644
Fax (352) 253-1645*



Clerk of the Circuit Court

*Post Office Box 7800
Tavares, Florida 32778-7800*

September 14, 2015

Honorable Members of the Board of County Commissioners

We have conducted a follow-up review of our audit of Probation Services, as scheduled per the Clerk's Annual Inspector General Audit plan. The objectives of our review were to determine the implementation status of our previous recommendations.

We commend management for implementation of our recommendations. Of the 24 recommendations in the report, we determined that 14 were implemented, 9 were partially implemented, and 1 was not applicable. The status of each of our recommendations is presented in the following report.

We appreciate the cooperation and assistance provided by the Probation Services Division during the course of our review.

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

*Clerk of the Circuit Court • County Court • Board of County Commissioners
550 West Main Street • Post Office Box 7800 • Tavares, Florida • 32778-7800
(352) 742-4100 • www.lakecountyclerk.org*

TABLE OF CONTENTS

INTRODUCTION.....	1
Scope and Methodology	1
Overall Conclusion.....	1
Background.....	1
STATUS OF RECOMMENDATIONS.....	3
1. Staffing Levels and Case Distribution Should be Reviewed.	3
2. Supervisory Review of Case Files Should Be Performed	4
3. Risk Assessments Should be Performed For All Probationers	5
4. Controls over Proof of Community Service Should be Enhanced	5
5. Controls Over the Food Buy Down Program Should be Enhanced	6
6. Utilization of the CourtView Case Management System Should be Maximized.	7
7. Case Documentation Needs Improvement	8
8. Policies and Procedures Need Improvement.....	9
9. A Comprehensive Training Program Should be Established.....	10
10. Probationer Files are not Adequately Secured	11
11. Conflict of Interest Statements Should be Prepared for Each File.....	11
12. Probationers Should be Provided Proof of Visits.....	11

INTRODUCTION

Scope and Methodology

We conducted a follow-up review of our audit of the Probation Supervision function of the Board of County Commissioners' Probation Services Division (Report No. BCC-117). The objective of our review was to determine the implementation status of our previous recommendations.

The objectives of the original audit were to:

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 current status of our previous recommendations, we interviewed management and performed selected tests and procedures for those recommendations which management stated were implemented or partially implemented.

Our follow-up review included such tests of records and other auditing procedures, as we considered necessary in the circumstances. Our follow up review was performed during April 2015. The original audit period was October 1, 2012 through September 30, 2013. Transactions, processes, and situations reviewed were not limited by the audit period.

Overall Conclusion

We commend management for implementation of our recommendations. Of the 24 recommendations in the report, we determined that 14 were implemented, 9 were partially implemented, and 1 was not applicable. We continue to encourage the Probation Services Division to fully implement the remaining recommendations.

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.

STATUS OF RECOMMENDATIONS

This section reports our follow-up on actions taken by management on the Opportunities for Improvement in our original audit of the Probation Supervision function of the Board of County Commissioners' Probation Services Division. The issues and recommendations contained herein are those of the original audit, followed by the current status of the recommendations.

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.

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.

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.
- 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.

We Recommend management:

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

Status:

- A. **Implemented.** Management has re-evaluated Probation Officer staffing levels and additional staff was hired.
- B. **Partially Implemented.** Management has reduced caseloads of supervisory staff and is in the process of further reducing those caseloads. The Chief Probation officer has eliminated all low risk cases from his caseload and is only managing high risk cases.

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.

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.

Status:

Implemented. Written policy has been established requiring supervisory review of all probationer files. Supervisory reviews are documented in the CourtView system.

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.

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

Status:

Implemented. Written policy has been established requiring a risk assessment for each incoming probationer as well as documentation of the risk assessment. We randomly selected 5 cases from 5 different officers for review. Risk assessments were completed and documented in all cases reviewed.

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.
- 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.
- 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.
- 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.

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.

Status:

- A. **Implemented.** Written procedures have been established requiring the Community Service Assignment (CSA) form to be used for submitting proof of community services, unless otherwise approved.
- B. **Implemented.** Written procedures have been established requiring the CSA to be transmitted directly from the community service agency to the Probation Services Division.
- C. **Implemented.** The CSA form includes a conflict of interest statement to be acknowledged by the agency.
- D. **Implemented.** Written procedure has been established requiring probation officers to document the verification of nonprofit status of community service agencies.

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.

- 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 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
- 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.

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.

Status:

- A. **Partially Implemented.** Written procedures have been established requiring that only the required food brands be accepted for the PTI program. No proof of purchase is required.
- B. **Partially Implemented.** Written procedure has been established requiring an annual review of the food donation program. According to management, a program review was performed; however there is no documentation of this review.
- C. **Not Applicable.** According to both Probation Services staff and shelter staff, food donations are now made directly to Probation Services. Probation Services then directs the food to the shelters.

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

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.
- 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.

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.

Status:

- A. **Partially Implemented.** The Division is transitioning to new software. Scanners have been purchased which are compatible with this new software. According to management, scanning of documentation into the system will occur when the new software is running.
- B. **Implemented.** Written procedures have been developed requiring that the “conditions maintenance” screen, in CourtView, is updated as proof of completion of conditions is received.

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. 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

- 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.
- 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.

- 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.

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.

Status:

- A. **Partially Implemented.** While no written procedure has been implemented, probation officers are required to update the payment screen during each monthly probationer visit. Additionally, when a case is closed, the probation officer and probation supervisor perform a final review of the case to ensure all payments are made.
- B. **Implemented.** A policy has been established requiring all incoming documents showing proof of completion of requirement to be logged upon receipt by the office.
- C. **Implemented.** A policy has been established requiring documentation of the criminal history. We randomly selected five cases for review and the criminal history check was documented in all five cases.
- D. **Partially Implemented.** While no written procedure has been established, probation officers have been trained to update the termination date to reflect the actual termination date upon early termination or revocation of probation. We randomly selected five cases that were terminated early and noted that all five cases showed updated termination dates.

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.

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.
- 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.

- 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.

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.

Status:

- A. **Partially Implemented.** Management has developed a significant number of policies and procedures for the Division. They are in the process of developing more procedures as time is available.
- B. **Partially Implemented.** The policies and procedures are located in a central area on their shared drive; however there is no written policy for regularly reviewing and updating policies and procedures.
- C. **Partially Implemented.** A standardized policies and procedures manual has been outlined and is in progress of being completed.

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)

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

Status:

Implemented. Management has established a regular on-going training program for Probation Officers. Management has worked with other agencies to provide free training to the staff. Additionally, there is money in the budget for limited off site training for staff.

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.

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

Status:

Implemented. Written procedure was established requiring files to be securely maintained. We observed that all probation officers were provided locking file cabinets for storage of case files.

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.

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

Status:

Implemented. A written procedure was established requiring probation officers to sign a conflict of interest statement for every case they are assigned to. We selected a sample of five cases from five different officers for review. All five case files reviewed contained a signed conflict of interest statement.

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.

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.

Status:

Implemented. A form for proof of visit has been developed. Probationers are advised to request proof of visit, if needed. Probation officers have been instructed to provide proof of visit when requested.