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STATE OF NEW YORK  
**OFFICE OF THE STATE COMPTROLLER**

March 27, 2002

Mr. Brion D. Travis  
Chairman  
Division of Parole  
97 Central Ave  
Albany, NY 12206

Re: Supervision of Shock  
Incarceration Program  
Parolees  
Report 2001-S-28

Dear Mr. Travis:

Pursuant to the State Comptroller's authority as set forth in Article V, Section 1 of the State Constitution, and Article II, Section 8 of the State Finance Law, we have audited the supervision of Shock Incarceration Program parolees by the New York State Division of Parole (Division). Our audit covered the period April 1, 1999 through October 26, 2001.

**A. Background**

In 1987, the Department of Correctional Services (DOCS) initiated the Shock Incarceration Program to provide an alternative form of incarceration. There are two distinct phases involved with this program. DOCS is responsible for the correctional phase (shock incarceration) and the Division is responsible for the community supervision phase (shock program) following an individual's release from shock incarceration.

Shock incarceration is a six-month boot camp. DOCS operates four shock incarceration camps. The goal of shock incarceration is to treat and release specially selected State prisoners earlier than the court mandated minimum period of incarceration without compromising community protection rights, while reducing the demand for bed space. When first enacted, shock incarceration was limited to inmates 25 years or younger. Several legislative changes expanded the eligibility age to include inmates who are up to age 39 when they come to DOCS.

The Division created a special supervision program for shock incarceration parolees. Shock program community supervision was tailored to meet the needs of shock incarceration graduates and includes increased contacts between parole officers and parolees and their families. Supervision requirements also include curfew checks and random drug testing. In 1995, the Division implemented new minimum standards for case contacts with increased emphasis on fieldwork. The new standards were designed to allow field staff more flexibility in meeting the supervision needs of each parolee. These standards include six contacts per month of various types and a case ratio of 25 shock incarceration parolees to 1 shock incarceration parole officer.

## **B. Audit Scope, Objective and Methodology**

We audited selected practices of the Division's supervision of Shock Incarceration Program parolees for the period April 1, 1999 through October 26, 2001. The primary objective of our performance audit was to determine the sufficiency of the Division's oversight of the Shock Incarceration Program. To accomplish our objective, we interviewed staff from the Division and from seven local parole offices (Albany, Buffalo, New York City Metro I, New York City Metro II, Rochester, Syracuse and Utica), and we reviewed the Division's policies and procedures pertaining to the shock program. We selected the New York City offices for review because approximately 69 percent of all shock program parole cases are released to New York City; we randomly selected the other five offices. In addition, to assess the level of compliance with Division policies and procedures, we reviewed a total of 125 parolee case files, which we selected randomly from a Division database of 4,231 cases. Of the 125 cases, 75 were from the two New York City parole offices and 50 were from the five upstate offices identified above. In addition, we reviewed the caseload of the 60 parole officers who were responsible for supervision of the parolees in our sample.

We conducted our audit in accordance with generally accepted government auditing standards. Such standards require that we plan and perform our audit to adequately assess those Division operations that are within our audit scope. Further, these standards require that we understand the Division's internal control structure and compliance with those laws, rules and regulations that are relevant to the operations included in our audit scope. An audit includes examining, on a test basis, evidence supporting transactions recorded in the accounting and operating records, and applying such other auditing procedures as we considered necessary in the circumstances. An audit also includes assessing the estimates, judgments and decisions made by management. We believe that our audit provides a reasonable basis for our findings, conclusions and recommendations.

We use a risk-based approach when selecting activities to be audited. This approach focuses our audit efforts on those activities we have identified through a preliminary survey as having the greatest probability for needing improvement. Consequently, by design, we use our finite audit resources to identify where and how improvements can be made. Thus, we devote little effort to reviewing operations that may be relatively efficient or effective. As a result, we prepare our audit reports on an "exception basis." This report, therefore, highlights those areas needing improvement and does not address activities that may be functioning properly.

## **C. Results of Audit**

The Division is generally meeting its requirements for supervision of shock program parolees. Based upon the results of our case file review, the Division is making the required supervision contacts in most instances (87.8 percent). However, improvements can be made to increase the level of compliance with shock program requirements. In addition, the caseload for 52 of the 60 officers we reviewed exceeded the Division's recommended caseload ratios, which could negatively impact the reintegration of parolees into the community.

### **1. Missing Contacts**

The Division developed supervision requirements for the shock program, which are outlined in the Parole Digest. Specifically, all parole officers are required to make six contacts per month for the first six months following the parolee's release from the shock incarceration camp. In New York City (New York City - Metro I and Metro II), parole officers are required to make two office visits, one home visit, one face-to-face contact and two field contacts, an example of which would be a visit to the parolee's employer. They are also required to obtain two drug tests and make one curfew check per month. In contrast, upstate parole officers are required to make one office visit, one home visit, one face-to-face contact and one field contact. The two remaining contacts may be any type, chosen by the parole officer. Upstate parole officers obtain one urine test per month. However, they are not required to make curfew checks. Division officials stated that differences in geographic areas, available facilities, and parolee access to facilities contribute to the differences in the required contact standards.

Parole officers are required to maintain documentation of their parole supervision activities. Parole officers must complete day sheets, which show their activities for a particular day. They must also update chronological notes (chronos), which are used to document, in some detail, the visits and contacts made. In addition, a summary of all contacts (017 reports) is prepared to document all activity by a parole officer for a month. Senior parole officers use the 017 reports in their monthly case conference meetings with the parole officers they supervise.

To determine whether parole officers were meeting the shock program supervision requirements, we selected a sample of 125 shock program cases that were under parole supervision at some point during the period April 1, 1999 through June 30, 2001. Because the majority of shock program cases are released to New York City (69 percent versus 31 percent to the rest of New York State), we selected 75 cases from the New York City region and 50 cases from the five upstate offices (Albany, Buffalo, Rochester, Syracuse and Utica) we visited during the audit. Using the chronos and the 017 reports as the basis for our review, we determined that the Division made most (87.8 percent) of the required contacts for the selected cases. However, we found that an insufficient number of field contacts was made. In the New York City offices, 176 of the 264 missing contacts (66.7 percent) were field contacts. Upstate, 36 of the 209 missing contacts (17.2 percent) were field contacts. Our discussion with Division officials, as well as our analysis of staffing documentation, revealed several factors that contributed to field contacts not being made, namely: caseloads that are

higher than the guidelines recommend; inconsistencies and control weaknesses in the supervision of parole officers; and the preparation of 017 reports, which are a supervision tool, by the parole officers in some offices.

From our analysis of parole officer caseloads, we determined parole officers consistently carried caseloads over the 25 to 1 ratio as dictated by shock program guidelines. Reducing shock program caseloads to a 25 to 1 ratio should enable the parole officers to make an increased number of contacts per month. We discuss this matter in more detail in the next section of this report.

We also determined through discussions with senior parole officers that even though they hold monthly case conferences with the parole officers, they do not routinely review all available documentation to verify the contacts that the parole officers make. Of the seven senior parole officers we interviewed, only one stated that he would occasionally accompany parole officers on their field contacts. These weaknesses in internal control procedures and supervision regarding the completion of 017 reports in New York City offices contributed to the inconsistencies between the 017 reports and the chronos.

We determined that the Division has not established procedures identifying who should prepare the 017 reports. Instead it is left to each office to establish its own procedures. The lack of procedures contributed to the inconsistencies we identified the 017 reports, ranging from officials in the Syracuse office discounting the importance of the 017 reports, to officials in the New York City offices using the 017 reports as evidence of contacts made. In addition, some offices (particularly the New York City offices) allow the parole officers rather than clerks or other administrative staff to create the 017 reports. This does not allow for proper checks and balances to detect errors or discrepancies between the chronos and 017s. It also consumes more of the parole officer's time with administrative duties. In contrast, the Rochester office uses clerical staff to prepare the 017 reports.

Regarding the 017 reports, we also found many cases in which contacts were reported in the 017 reports but not in the chronos, particularly in the New York City offices. Our review of chronos alone showed that parole officers in downstate offices had completed about 79 percent of their required contacts. However, this percentage improved to almost 89 percent when we included contacts listed on the 017 reports. New York City officials told us that a review of contacts is incomplete without considering both of these sources. By contrast, officials from the Syracuse office discounted the importance of the 017 reports, with one official stating he does not use them. In fact, for several upstate cases, we found no 017 reports for any of the periods we reviewed; when we could locate the reports, we found no indication that they were used for case review or analysis.

The above factors contribute to officers not making a sufficient number of field contacts, as well as inconsistencies in the documentation of field contacts. While office and home visits are often easier to make, Division officials modified the standards for the specific purpose of getting the parole officers into the field and to interact with the parolees in the community. However, since the majority of missing contacts were field contacts, it is evident that parole officers are not in the field interacting with the parolees to the extent deemed necessary. In addition, the differences that exist between the chronos and the 017 reports causes confusion as to how many and what types of contacts are made, which makes it difficult to get a clear understanding of what has transpired for each case.

## 2. Parole Officer Caseloads

Recidivism studies have shown that the majority of parolees who violate the conditions of their parole do so within the first 12 months of their release from prison. In response to this situation, the Division has targeted its resources to more intensely supervise parolees within their first year after release. In addition to implementing contact standards, the Division instituted a case ratio of 25 shock program parolees to 1 parole officer to further target the shock program parolee population.

A parole officer's caseload generally includes parolees who are supervised at various levels of intensity. Typically, a parole officer's caseload would not be limited to shock program parolees; instead the caseload would be comprised of parolees who are subject to varying levels of supervision requirements. The Division established minimum contact standards for each level of supervision, with each level having its own designated weight factor. Supervision standards pertaining to the shock program (along with Judicially Sanctioned and Sex Offender cases) require a minimum of six contacts a month and a case ratio of 25 to 1. A weight factor of 1.6 per case is assigned to the supervision of a 25 to 1 shock program caseload, yielding a weighted caseload of 40 to 1. Intensive supervision cases require a minimum of four contacts a month with a case ratio of 40 to 1 and a weight factor of 1.0 per case. Regular supervision cases require a minimum of four contacts every three months with a case ratio of 100 to 1 and a weight factor of .40 per case. For the purpose of our review, we used the standard weighted caseload of 40 to 1 for comparative purposes.

To determine whether the Division was meeting its caseload standards, we reviewed the workload of the 60 parole officers who were responsible for the supervision of the 125 shock program parole cases that we selected for review of contact standards. We reviewed caseload reports for each officer for nine individual months during our test period. We found that 52 of the 60 officers' caseloads exceeded the Division's recommended weighted caseload ratios in at least one of the nine months that we reviewed. All seven parole offices we visited had officers with caseloads that exceeded the 40 to 1 weighted caseload standard. We identified ten officers whose caseload exceeded the 40 to 1 weighted standard in each of the nine months reviewed, ranging from a low of 41 to 1 to a high of 82 to 1.

Division officials stated that staffing is figured on a statewide basis, rather than an individual office basis, and is based on the size of the parole population. Officials also stated that if the parole population shifts, the Division can not simply reassign officers to other parts of the State. According to these officials, the reassignment process takes time, as does filling vacant parole officer positions. They indicated that they hire candidates in classes of around 30, as do police and fire departments. Therefore, while positions may be filled, all these new officers must first be trained before they can assume caseload duties.

Further, officials at the upstate parole offices stated that geographic issues associated with upstate New York have dictated how officers are assigned cases. Upstate is divided into three regions that cover upstate counties and Long Island. Each region covers large geographic areas with several offices in each region. Also, in upstate New York, the population of shock program cases is spread out over these large geographic regions. Division officials stated that as a result, it would be difficult to have dedicated shock program staff in these regions. Therefore, by accommodating the geography and size of the shock program parole population, upstate parole officers have mixed

caseloads (comprised of shock program, intensive and regular supervision cases), which often exceed the 40 to 1 weighted ratio.

Nevertheless, with caseloads that consistently exceed the recommended standards, Division officials cannot be assured that all officers assigned to shock program cases will be able to maintain the minimum contact supervision standards. This could negatively impact a parolee's successful reintegration into the community.

### **Recommendations**

1. *Take steps to improve parole officers' compliance with established field contact standards. At a minimum, these steps should include:*
  - *increasing supervision of parole officers' monthly contacts, particularly in the field contact area.*
  - *managing caseloads with emphasis on adhering to the established 25 to 1 shock program supervision criterion, and*
  - *having senior parole officers use available resources to periodically verify that contacts reported by parole officers are being made.*
2. *Establish formal procedures for preparation of 017 reports, including the level of staff appropriate for preparing the reports.*
3. *Monitor parole officers' caseloads and take appropriate actions when caseloads exceed established guidelines.*

We provided draft copies of this report to Division officials for their review and comment. We considered the Division's comments in preparing this report and included them as Appendix A. Division officials agree with our recommendations and indicated the steps they have taken or will take to implement them.

Within 90 days after the final release of this report, as required by Sections 170 of the Executive Law, the Chairman of the Division of Parole shall report to the Governor, the State Comptroller and the leaders of the Legislature and fiscal committees, advising what steps were taken to implement the recommendations contained herein, and where recommendations were not implemented, the reasons therefor.

Major contributors to this report were Ed Durocher, Todd Seeberger, Brian Krawiecki, Mary Roylance, Vicki Wilkins and Nancy Varley.

We wish to thank the management and staff of the Division for the courtesies and cooperation extended to our auditors during the audit.

Very truly yours,

Kevin M. McClune  
Audit Director

cc: Deirdre A. Taylor



STATE OF NEW YORK  
EXECUTIVE DEPARTMENT  
**DIVISION OF PAROLE**  
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MARTIN CIRINCIONE  
EXECUTIVE DIRECTOR

March 8, 2002

Mr. Kevin McClune  
Audit Director  
Office of the State Comptroller  
110 State Street  
Albany, New York 12236

Dear Mr. McClune:

Thank you for the opportunity to respond to draft audit report number 2001-S-28 covering the supervision of Shock Incarceration Program parolees by the Division of Parole (Division). Specific comments concerning the audit recommendations are addressed below. These comments represent the Division's response to the draft audit report.

**Take steps to improve parole officer's compliance with established field contact standards. At a minimum, these steps should include:**

- **increasing supervision of parole officer's monthly contacts, particularly in the field contact area.**
- **managing caseloads with emphasis on adhering to the established 25 to 1 shock program supervision criterion, and**
- **having senior parole officers use available resources to periodically verify that contacts reported by parole officers are being made.**

The Division concurs with this recommendation. The Division will continue efforts to ensure that parole officers comply with established field contact standards. In addition, Parole Operations has developed a testing plan that includes random verification of parole officer compliance with established field contact standards.

Also, Division managers closely monitor staffing levels. Adjustments to parole officer staffing are made, when warranted, after careful consideration of temporary fluctuations in caseload size and available parole officer resources.

AN EQUAL OPPORTUNITY/AFFIRMATIVE ACTION EMPLOYER



**Appendix A**

**Establish formal procedures for preparation of 017 reports, including the level of staff appropriate for preparing the reports.**

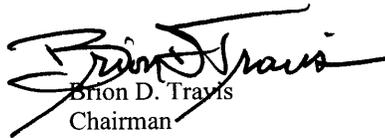
The Division concurs with this recommendation. The Division will prepare and distribute written procedures covering preparation of the 017 report.

**Monitor parole officer's caseloads and take appropriate actions when caseloads exceed established guidelines.**

The Division concurs with this recommendation. As stated above, Division managers will continue to monitor parole officer caseloads to ensure that Division resources are allocated in the most efficient and effective manner possible.

In conclusion, the Division recognizes the importance of strong internal controls and strict accountability over its processes and programs. Division managers will continue to monitor the deployment of parole officer resources and caseload size and identify areas where adjustments are indicated.

Sincerely,

  
Brian D. Travis  
Chairman

cc: M. Cirincione  
C. Cornelius  
M. Flynn  
T. Grant  
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T. Salo  
T. Tracy  
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