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STATE COMPTROLLER



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ALBANY, NEW YORK 12236

STATE OF NEW YORK
OFFICE OF THE STATE COMPTROLLER

May 26, 2000

Mr. Brion D. Travis
Chairman
Division of Parole
97 Central Avenue
Albany, New York 12206

Re: Inactive Supervision Program
Report 98-S-51

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 audited certain aspects of the Division of Parole's Inactive Supervision Program for the period January 1, 1995 through December 31, 1998.

A. Background

The Division of Parole (Division), consisting of the Board of Parole and Division staff, determines when, according to court-mandated sentences, an inmate should be released from prison to parole status. Parole offers an opportunity for an offender to become a productive, law-abiding member of the community while limiting public risk. To help ensure an offender's successful reentry into society, the Division supervises the parolee in the community, arranges for services to help the offender progress through parole, investigates alleged violations and revokes parole when warranted. The Division has a central office in Albany and five regional offices throughout the State. Division parole officers and staff, located in the State's 70 correctional facilities and in 35 community-based supervision offices, carry out supervision contacts and activities.

In 1985, the Division developed an initial version of its Differential Supervision model. Before 1991, parole officers always maintained some form of contact with offenders released on parole for the duration of their parole terms. However, in fiscal year 1991-92, the Governor required the Division to implement cost containment measures totaling \$21.9 million. The need to lower costs prompted the Division to reevaluate its parole supervision method and to further refine its Differential Supervision model by creating a new category called Inactive Supervision, where effectively, no supervision is provided. This model, which now provides for four levels of supervision (two levels of Intensive, Regular and Inactive), like its 1985 version, is still based

on the Division's assessment that a newly released parolee presents the highest potential risk of failure and the greatest threat to the community. Similarly, the longer a parolee under supervision remains on good behavior in the community, the greater the Division views his or her likelihood of continued success.

Under the Differential Supervision model, a newly released inmate is placed under either of two levels of Intensive Supervision for 12 months, where supervision is stringent and there are strict reporting and contact requirements. After having completed Intensive Supervision without violating parole, the parolee is moved to Regular Supervision, which requires a lower level of reporting and contact. Similarly, upon successful completion of Regular Supervision, eligible parolees may be moved to Inactive status. A parolee in Inactive Supervision status is not required to report or to have contact with a parole officer.

A parolee, who meets the criteria for potential transfer to Inactive Supervision, must spend two-thirds of a parole sentence in a combination of Intensive and Regular Supervision before being moved to Inactive Supervision. For example, a newly released offender with 24 months left on his sentence must spend 12 months in Intensive and 4 months in Regular Supervision before being eligible for movement to Inactive Supervision. Division officials say the Inactive Supervision status was designed for offenders who have adapted well to the community and have successfully completed two-thirds of their parole supervision time.

For the 1998-99 fiscal year, the Division's appropriations (excluding Aid to Localities) totaled \$138.1 million, including \$2.3 million in Federal funds, to support a workforce of 2,611 employees. Of this number, 2,474 are Division operations staff working in locations throughout the State.

B. Audit Scope, Objective and Methodology

Our audit examined Inactive Supervision status within the Division's Differential Supervision model for the period January 1, 1995 through December 31, 1998. The objective of our statewide performance audit was to determine whether the Division's practices ensure that only eligible parolees enter into Inactive Supervision status. We accomplished this objective by reviewing applicable laws and regulations, and by sample testing parolee files and summary records in the Manhattan, Bronx, Buffalo, Rochester, Niagara Falls and Binghamton regional offices.

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 which are included within the 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 which are 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 consider 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 to select activities for audit. We, therefore, focus 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 finite audit resources to identify where and how improvements can be made. We devote little audit effort 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

According to Division officials, Inactive Supervision status was designed for offenders who have made satisfactory progress over two-thirds of their parole supervision time. By selecting those parolees who are most likely to succeed without supervision for participation in this program, the Division can reduce the costs related to supervising these parolees and still preserve the Division's mandate to protect the community at large. Recognizing the need to ensure the safety of the public, the Division has made a series of progressive changes over the past several years and, ultimately, modified its eligibility requirements for Inactive Supervision to prevent any parolee convicted of a violent felony offense from entering this status. Effective April 1, 1998, violent felony offenders must remain in Intensive or Regular Supervision until their maximum parole sentence expires.

In order to avoid the transfer of an ineligible parolee to Inactive Supervision, it is important that case files be reviewed promptly and that supporting documents be prepared and approved timely. According to Division procedures, two months prior to a parolee's prospective transfer to Inactive Supervision, the Division's central office generates and distributes a report to parole officers throughout the State advising them of all the cases scheduled for automatic transfer to Inactive Supervision unless some action is taken to deny the transfer. Thirty days before the scheduled transfer date, the responsible parole officer must complete a closing chronological report, summarizing the parolee's history, for any parolee judged ineligible for transfer to Inactive Supervision. It is the responsibility of the area supervisor to submit an evaluation memo regarding such parolees to the regional director at least 20 days before the scheduled transfer date. The regional director is required to provide a copy of the decision to the Division's central office by at least five days before the transfer date.

During our site visits to four upstate regional offices (Buffalo, Rochester, Niagara Falls and Binghamton), we reviewed the transfer process to determine if case folders were reviewed and if supporting documents were prepared timely in accordance with Division policies. We reviewed a judgmental sample of 80 case files from the four upstate offices (Buffalo - 28; Rochester - 22; Niagara Falls - 15; and Binghamton - 15), and found many instances in which case reviews were

not conducted until after the transfer date. In 46 of the 80 cases (Buffalo - 16; Rochester - 8; Niagara Falls - 13; and Binghamton - 9), we found that responsible parole officers neither reviewed case files nor signed the closing chronological summaries until after the transfer date. We found similar results in a judgmental sample of 39 case files at the Manhattan and Bronx regional offices, where we also visited. Case reviews were not conducted and closing chronological summaries were not signed until after the transfer date for 7 of the 39 cases. Lack of compliance with Division procedures for authorizing transfers may increase the risk that transfers will be made for parolees who have not made a satisfactory adjustment to supervision.

According to regional office officials, a significant factor that contributes to the delay in completing case file reviews and transferring documentation timely is the considerable amount of time each parole officer must spend doing paperwork. Parole officers complain that they must log identical data about the same parolee in more than one record. In addition, some records maintained by the Rochester Area office travel back and forth, as needed, between offices located anywhere from 20 miles to 90 miles apart. Such an inefficient approach to maintaining parolee data duplicates efforts and wastes valuable file review and supervision time.

Division management acknowledges the need to automate its case management functions and streamline the recording process. Automating this process would give parole officers and management instant electronic access to current parolee activity and reduce or eliminate most of the processing delays we identified. During our audit, managers told us they had contracted with a consultant to assess the Division's computer needs statewide. We encourage Division management to proceed as quickly as possible in implementing an automated case management system.

Recommendations

1. *Complete case reviews and other documentation requirements according to Division policy before transferring parolees to Inactive Supervision.*
2. *Proceed with current efforts to automate and network the case management process statewide.*

A draft copy of this report was provided to Division officials for their review and comment. Their comments have been considered in preparing this final report, and are included as Appendix A. Division officials agreed with our recommendations and indicated that they have been or are in the process of being implemented.

Within 90 days after the final release of this report, as required by Section 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 Frank Russo, Brian Lotz, Donald Wilson, Kenneth Cox, Jorge Vazquez, Mark Wallace and Nancy Varley.

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

Very truly yours,

William P. Challice
Audit Director

cc: Charles Conaway
Theresa Salo



BRION D. TRAVIS
CHAIRMAN

STATE OF NEW YORK
EXECUTIVE DEPARTMENT
DIVISION OF PAROLE
97 CENTRAL AVENUE
ALBANY, NEW YORK 12206

MARTIN CIRINCIONE
EXECUTIVE DIRECTOR

May 3, 2000

Mr. William Challice
Audit Director
Office of the State Comptroller
Division of Management Audit &
State Financial Services
270 Broadway, 19th Floor
New York, NY 10007

Dear Mr. Challice:

Thank you for the opportunity to respond to draft audit report number 98-S-51 detailing findings and recommendations related to inactive supervision status. Specific comments concerning the audit recommendations are included below. These comments represent the Division's response to the draft audit report.

Complete case reviews and other documentation requirements according to Division policy before transferring parolees to Inactive Supervision.

The Division concurs with this recommendation. Division managers will reiterate to field staff the importance of completing case reviews and closing chronological summaries within required timeframes.

Also, as noted in your draft, a factor that contributes to the delay in completing case file reviews is the considerable amount of time each parole officer spends completing paperwork. Redundant logging of data and time lost mailing documents back and forth contributes considerably to the delay. The Division is currently working to implement an automated case management system that should expedite the required case reviews and closing chronological summaries.

Proceed with current efforts to automate and network the case management process statewide.

The Division concurs with this recommendation. As detailed above, the Division, based upon continued availability of funds, will continue to implement an automated case management system.

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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 their respective program areas, identify areas where controls need strengthening and make the necessary improvements.

Sincerely,

A handwritten signature in black ink that reads "Martin Cirincione". The signature is written in a cursive style with a large, prominent initial "M".

Martin Cirincione
Executive Director