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To:      John Carway, Director of Probation

From:    Bruce G. Kubart, Deputy Field Audit Director

Re:      Operational Audit of Probation Department

Date:    October 24, 2006

In August 2004 my office completed the field work for an audit of the Probation Department (department). We found that improvements needed to be made in areas such as supervision of high risk offenders during nights and weekends, the software systems in place, the use of technology, and staffing of the department. We discussed these issues with the leadership team of the department as we were developing the resulting audit report, and were pleased to find that the department was implementing many of the changes we would have been recommending in the audit. We have since updated our findings and the matters covered in this report were again discussed with the leadership team from the department. On August 18, 2006 we submitted a draft to the department with a request for comments. The department's comments, received on September 7, 2006, and our response to those comments are included within the body of this report.

## Audit Scope, Objective and Methodology

The objective of the audit was to review the operations of the department to ascertain if operations are being conducted in a productive manner. Our purpose was to obtain an understanding of the issues confronting the department including whether:

- staffing levels are adequate to achieve the mission of the department;
- the technology in use effectively supports the functions of the department;
-  the department measures its performance and identifies areas for improvement; and
- officers' assignments are commensurate with their job titles.

We reviewed the department's records, interviewed its personnel, and reviewed relevant laws, regulations, policies and procedures. We also performed a limited review of the department's financial operations. During the audit we met with probation departments in New York City, Suffolk and Westchester County to obtain an understanding of their operations.

This audit was conducted in accordance with generally accepted government auditing standards. These standards require the audit be planned and performed to obtain reasonable assurance that the audited information is free of material misstatements. An audit includes examining documents and other available evidence that would substantiate the accuracy of the information tested, including all relevant records and contracts. It includes testing for compliance with applicable laws and regulations, and any other auditing procedures necessary to complete the examination. We believe that the audit provides a reasonable basis for the audit findings and recommendations.

## Findings

## Monitoring Probationers with a Global Positioning System

Nassau County courts order that some probationers be monitored by a global positioning system (GPS) device. As of October 2006, nine sex offenders had been ordered onto GPS monitoring as a condition of probation. The GPS tracking company transmits and records information about the probationers' activities 24 hours a day, seven days a week. In addition, between 20 - 30 DWI offenders had been subject to court ordered daily GPS monitoring as a condition of probation. The GPS tracking equipment records information about these probationer's activities 24 hours per day, but the DWI probationers are only required to transmit the information to the department once per day.

## Audit Finding (1):

No Probation Officers are regularly assigned to monitor the GPS system after 4:45 p.m. on weekdays or over weekends and holidays. Employees are occasionally placed on overtime duty to electronically monitor probationers on weekends, holidays, or after 4:45 p.m.; but no regular tours cover nights, weekends and holidays. The department did not use flex time or rotating shifts to increase coverage on nights, weekends and holidays. The Department informed us that budgetary constraints limited the use of overtime to monitor the GPS system.

Because no Probation Officers are routinely assigned to night, weekend or holiday tours, the department is generally unable to review the information transmitted or recorded weekday nights until the following morning, or in the case of weekends, until Monday morning. The lack of direct monitoring on a continual basis leaves a period of unresponsiveness over the sex offenders who are supposed to be monitored continuously over a 24 hour period, and, to a lesser extent, over the DWI probationers who are supposed to be monitored daily.

We found that other counties provide GPS supervision over probationers on nights, weekends and holidays. Suffolk and Westchester counties have staff dedicated solely to

GPS monitoring , working in shifts, to provide monitoring 24hours per day, 365 days per year.

**Audit Recommendations:**

We recommend that the department consider:

1. some form of flexible scheduling for its field supervision units, especially those officers that are involved in GPS monitoring;

2. rotating employees on-call during off hours to respond to notifications of violations from the tracking company; and

3. scheduling tours to monitor probationers that include nights, weekends and holidays without the need for overtime payments.

*Department's Response:*

*We would like to run a 7 day operation.  Unfortunately manpower constraints, union issues, and lack of a proper case management system with remote access, makes this impossible.  We are however, evaluating a pilot program to monitor sex offenders on GPS 24/7 through standby, shift changes or a combination of both.  We expect to implement a pilot by the first quarter of '07.*

*Recommendations:*
1. *Evaluating and talking to the employee's bargaining unit, Civil Service Employees Association (CSEA)*
2. *A plan is being developed*
3. *A plan is being developed contingent on a grant*

**Auditor's Follow-up Response:**

We concur with the corrective action taken by the department in evaluating our recommendations.  Additionally, it is our understanding of the CSEA contract that management can change an employee's tour as long as it provides two weeks notification to the employee.

## Case Management System

## Audit Finding (2):

The department uses three separate software systems and a manual record keeping process in order to be able to meet State requirements.[1]  The department developed a data collection database for its Criminal Division, known as the Probe System and a new Microsoft Windows based data collection system for the Family Division.  The department anticipates replacing both the Probe System and the new windows based system with a comprehensive case management system selected by New York State.  A third stand-alone software system, called Tracker, is used to account for restitution and fees.

Suffolk and Westchester counties use a comprehensive case management system. Suffolk developed its own case management system.  Westchester purchased its case management system from an outside vendor.  Nassau County does not have a case management system that includes the entire case history of each probationer to monitor whether probationers are reporting as required under the terms of their probation.  The lack of a case management system limits management's ability to assess the officers' overall performance and makes it harder for the department to apply for and receive grant funding because the department lacks comprehensive statistical information.

The Probe System is used by the Criminal Division.  Some data is recorded such as addresses, levels of supervision, and a history of court dates, but it is not a case management system which would track all aspects of the probationer's case history, including all contacts made with the probationer (home and office visits) and collateral contacts (family, employer, friends).  Manual files are maintained for each probationer in order to include a complete case history.

Manual files are time consuming to maintain and difficult to research.  Officers' time is spent maintaining files on handwritten index cards.  Officers have no automated tools in the field to memorialize information. Daily activities are manually tracked on a calendar, logged into field books and into supervisors' review sheets.

We have concerns regarding the availability of data; supervising officers, including the Assistant Deputy Directors, stated that they can only access the PROBE system in the office.

We also have concerns regarding continuing support for the Tracker and Probe systems. Information technology efforts in the department are fragmented and the department does not receive any programming support from the Department of Information Technology (IT) for the Tracker system, and only limited support for the PROBE system.

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[1]N.Y. Comp. Codes R. & Regs. Tit. 9, § 248.2 (2006)

**Audit Recommendations**:

The department should:

a) make the acquisition of a case management system a high priority;

b) enlist the assistance of IT to help identify its short-term and long-term technology needs to ensure support and network compatibility and take advantage of tools to eliminate paper record keeping; and

c) investigate ways for better supervisory access to the PROBE system from the field.

*Department's Response:*

*Probation has been working with the Comptroller's Office on this audit for some time. Many of the Comptroller's initial observations were corrected prior to release of his first draft. Other changes were made pursuant to his findings. The following has been prepared in response to his final draft.*

*One matter that resurfaces throughout this document is the need for a case management system. Findings 2, 3, and 5 can all be partially or completely resolved with the acquisition of a case management system.*

*We agree with the Comptroller's findings.*

*Recommendations:*

a. *Attempting to comply – we have selected a program and we are exploring funding sources through grants and board transfers. Estimated completion time is one year*
b. *IT is completely onboard*
c. *This system is NOT remotely accessible and cannot be made so.*

**Auditor's Follow-up Response:**

We concur with the corrective actions taken by the department to address our recommendations and realize that some of our findings and related recommendations will only be addressed through acquisition and installation of a case management system. The department should consider remote access a requirement of any new system.

## Tracker System and Internal Control Weaknesses

### Audit Finding (3):

We found that Tracker has operational weaknesses that increase the time and resources required to perform its accounting function. We interviewed the unit supervisor who outlined the following weaknesses in the software:

- The department receives checks from probationers for restitution payment that are dishonored by the bank because of insufficient funds. However, Tracker does not make any allowances for checks deposited to clear before payment is issued to the crime victims. When a check is entered into Tracker, the system generates a prompt disbursement. The system lacks a feature to delay the disbursement of funds until it is confirmed that the checks have cleared. Therefore, the department must physically hold the checks for two weeks, to ensure that restitution payments have cleared.

- The preparation of the monthly outstanding check list is not automated and is a lengthy process. The department disburses approximately 600-800 checks per month. We estimated that it takes a clerk two to three days a month to compile the outstanding check list. To compile this list the department must perform the following steps:

  1. Put the monthly cancelled checks in order;

  2. Compare the canceled check to the bank statement to ensure that all cancelled checks have been returned by the bank and that the account was charged for the correct amount; and

  3. Enter all cancelled checks into the Tracker system in order to determine the checks that are outstanding.

- The system is not able to provide summary reports of monthly activity for disbursements or cash receipts. For example, for a total summary of cash receipts, the report lists all receipts with a total at the end of the report; the system is unable to print the summary only. These reports tend to be lengthy and management would only be interested in reviewing a summary of monthly activity.

- Many of the checks issued are for less than $10, and therefore are not cost effective to issue. While it would be more efficient to issue checks quarterly, the system does not have this ability.

- The Tracker system is maintained on a separate stand-alone computer server, independent of the County mainframe system and data cannot be backed up to the county system. As a result, the department, rather than IT, performs the daily backups of the system.

- The department has not made acceptable provisions for safeguarding the backup tapes. Because there is no safety box or vault, a department employee brings the tapes home. The department should not use employee residences for storing department materials.

We also found that the department has not established an internal control structure to provide an adequate segregation of duties or established written procedures to clearly document the entire cycle of the financial process, including the titles of personnel who perform each function. During our interviews, we were told by the supervisor of the unit that the employees involved in the cash receipt, cash disbursement and recording of the court orders into the system, including the recording of beneficiaries, all have the same level of access to make changes in Tracker system data and instructions. This access provides multiple employees the opportunity to alter data. This could result in restitution not being paid to the proper beneficiary.

**Audit Recommendations**:

The department should:

a) determine if the Tracker system can be enhanced to:

   1. generate disbursements on a delayed basis, allowing time to ensure that checks cleared;

   2. permit the issuance of checks based upon a predetermined threshold, thereby reducing the number of disbursements per month;

b) work with the bank to have the bank generate an electronic list of cleared checks to eliminate the process of manually entering cleared checks into the system;

c) take the appropriate action to segregate the duties in the Restitution Unit to ensure the integrity of the beneficiaries;

d) establish written procedures that document the entire process; and

e) identify a County location to secure its back up tapes.

*Department's Response:*

*All Tracker functions should be incorporated into the complete case management system that the department is looking to obtain. In light of that, only essential programming modifications should be made in the interim and all funds put into the acquisition of a complete case management system. The Tracker system specially designed for Probation departments offers many invaluable features but does have limitations in its design.*

*3 a) 1 Tracker should be enhanced to generate disbursements on a delayed basis to ensure that checks have cleared.*

*Tracker accounts for restitution held in trust by us for the victims and was designed to work on a money in / money out system. To avoid reprogramming Tracker (and the associated cost), the department implemented a system of holding the check payments in the safe a sufficient time to allow the probationer's payment to clear the bank before mailing the victim the restitution. This check holding procedure has been in place since the department began using Tracker.*

*3 a) 2 Tracker should be modified to have checks issued on a predetermined threshold, reducing the number of disbursements per month.*

*The current Tracker version does not perform this function. The department is exploring the purchase and the associated installation of the "Windows version" of Tracker (through Nassau County IT).*

*Probation has instituted a system whereby checks are manually put on hold in the system (when it would generate a check less than $10.) The staff then has to manually release the hold when it reaches $10.*

**Auditor's Follow-up Response:**

The department should ensure that the new comprehensive case management system permits a delay in issuing checks until the probationer's restitution check clears. The department stated ". . . only essential programming modifications should be made in the interim and all funds put into the acquisition of a complete case management system." The department should determine if it is cost effective to purchase a Windows based Tracker System as an interim measure until the comprehensive case management system is obtained. We concur with the interim corrective actions taken by the department.

*Department's Response (continued):*

*3 b) work with the bank to have the bank generate an electronic list of cleared checks to eliminate the process of manually entering cleared checks into the system.*

*All checks now arrive from the bank, imaged in proper numerical order eliminating the aforementioned process. An electronic interface would eliminate the need to have all cleared checks manually entered into Tracker. However, without a programmed interface, each individual check cleared must be entered into the individual account to accurately reflect what payments were made and what is outstanding. Tracker currently generates an electronic outstanding check list when this manual process is complete.*

*The check "clearing" process is a several day procedure because per state law, state regulation, and Nassau County policy on this subject, when a check is outstanding for six months we must contact the victim. If after one year, we still cannot locate the victim, these funds become unclaimed and need to manually transferred into restitution trust where they may be utilized to pay other unpaid victims. This process takes place each month during the bank reconciliation for checks outstanding for six months, and checks outstanding for one year.*

**Auditor's Follow-up Response:**

The department should continue to explore implementing an interface with their financial institution to decrease time spent reconciling their bank account.

***Department's Response (continued):***

*3 c) take the appropriate actions to segregate the duties in the restitution unit to ensure the integrity of the beneficiary.*

*Duties in the unit have been segregated to ensure integrity. It should be noted every entry in Tracker is marked with the ID of that person inputting or performing that entry. As an additional security function, no entry can ever be deleted from the system. Errors are corrected by a modification entry preserving the original entry and providing an audit trail.*

*3 d) establish written procedures that documents the entire process.*

*The department utilizes the Tracker manual that details most functions and the supplemental departmental procedures are in the process of being updated.*

**Auditor's Follow-up Response:**

We concur with the corrective action taken by the department to address our recommendations.

***Department's Response (continued):***

*3 e) identify a County location to secure its back up tapes.*

*The Tracker system contains the complete history of court ordered payments for all courts in Nassau County. This includes the details of payments made by each probationer and every beneficiary disbursement: so it certainly should be adequately backed up daily offsite by the Nassau County Information Technology Department. The Director of IT was previously contacted by the department and he stated the server would have to be moved to Bethpage in order for IT to perform the backup. This IT project is on hold pending the decision on the move of the Department.*

**Auditor's Follow-up Response:**

We stand by our finding that the department needs to make alternate provisions for safeguarding the backup tapes, one that does not involve an employee taking the backup tapes home.

## Underutilization of Senior Staff

## Audit Finding (4):

In several units throughout the department, functions are inappropriately staffed with senior level employees. Although probation officers are trained in the supervision of probationers, we found that probation officers were performing various information technology and clerical functions. This is an inefficient and costly use of their skills and training. We found that:

- the Data Entry Unit uses a Probation Officer (PO) II for its clerical functions; staffing with a Probation Assistant (PA) could result in an annual savings of $41,000;

- the Records Management Unit uses a PO II to manage records, supplies and equipment within the criminal division; staffing it with a PA could result in an annual savings of $41,000;

- family offense petitions are prepared by four PO II's in the Family Division's Adult Intake Unit. In New York City these petitions are prepared by court employees. Alternatively, PA's, under the supervision of the existing Supervising Officer could prepare these petitions. Staffing at the PA level could result in an annual savings of $123,000;

- the Electronically Assisted Reporting System (EARS) Unit had a staff of four PO's, two PA's and one supervisor. Because the probationers in this Unit are low risk, little direct supervision is needed. Home visits are infrequent, with the unit conducting fewer than 10 per month. The department was unable to provide any analysis to show the need for the current staffing level of officers; Replacing two officers with probation assistants would result in yearly savings of $82,000;

- a Probation Officer Supervisor is assigned to head the information technology unit and to supervise data collection for the Family Divisions. The training and skills of a PO are not necessary for data collection. A civilian, at a lower cost, could perform this function; and

- a PO II is designated as the information technology troubleshooter and technician for the department. This includes basic computer repairs and installations. The PO II also serves as the department's Information Technology Help Desk, answering queries from employees regarding software applications. In addition, the employee handles special requests and reports for management. Computer technicians from IT could handle many of this employee's responsibilities.

**Audit Recommendations:**

The department should:

    a) use clerical staff to perform clerical duties such as data input and management of records, supplies and equipment;

    b) obtain the concurrence of the courts for court personnel to prepare petitions, or alternatively, use PA's for this task;

    c) reassess the staffing levels in the EARS unit;

    d) obtain the Administration's commitment to provide adequate support from the County's IT department which might include the department having its own IT manager; and

    e) reassign the two PO's, seven PO II's and a Probation Supervisor from clerical and administrative work to units to alleviate excessive caseloads.

*Department's Response:*

*In general, we would like to replace Probation Officers with Probation Assistants wherever possible. Each time we are approved to hire, we reassess our needs. This year we hired 12 Probation Assistants. We will continue that process, within State guidelines.*

*The data entry Probation Officer II is in the process of training a Probation Assistant to take over her duties.*

*The Probation Officer II in Records Management has been replaced by a Probation Assistant.*

*We would gladly turn over the job of petition preparation to the Court employees. They however are not anxious to accept it. We can explore the use of Probation Assistants when we hire again.*

*The staffing numbers for the EARS unit are now 3 Probation Officers and 4 Probation Assistants. We formerly had 4 Probation Officers and 3 Probation Assistants. It is essential that we have some Probation Officers in this unit.*

*Our Information Technology people are vital. The HELP desk is responsive and we do use it, but many problems need to be addressed immediately. Immediate response can only come from our own people. Furthermore, our people provide other significant services. The Supervisor works closely with County Stat on our monthly performance indicators and that probably occupies 50% of his time. He also knows the PROBE System. It would not pay to train someone new on PROBE.*

*The Probation Officer II does mapping, works on the website plan, creates Power Point presentations and acts as our communications representative to the Office of Emergency Management.*

*Recommendations:*
   a. *Done*
   b. *The court has indicated that they do not have personnel to do this work. The next time we hire we will look into using Probation Assistants.*
   c. *Done*
   d. *Attempting to comply. I am in discussion with Bob Checca, Director of IT*
   e. *Disagree regarding our two IT people*

**Auditor's Follow-up Response:**

We concur with the corrective action taken by the department to address our recommendations a, b, c and d.

We stand by our finding that using a Probation Officer for data collection and using a PO II as information technology troubleshooter and technician is an underutilization of their skills. The department should discuss its needs for immediate response on urgent problems to see if IT can provide the level of service required.

**EARS Supervision**

**Audit Finding (5)**:

The department currently uses a call-in system called EARS (Electronically Assisted Reporting System) to supervise lowest risk probationers. As of May 2006, the EARS unit supervised approximately 1,902 probationers and 55-60% of these probationers are DWI cases. Approximately 272 EARS probationers are assigned to each officer or probation assistant in the unit. The probationers call in monthly from an agreed upon location, using a personal identification number (PIN) and an authorized landline phone number. They leave a message, and may receive a message, but do not need to speak to a probation officer. EARS uses a voice recognition system to identify the probationer. Exception reports are generated for those probationers who do not call, whose voices are not recognized, or when there are system problems.

According to the EARS unit supervisor, voice recognition and telephone monitoring was not consistently effective because:

- approximately 30% of the 1,902 probationers classified as being supervised by EARS do not have a landline telephone;

- of the 70% who have authorized landline numbers, approximately 20% of calls are non-compliant due to the following:
  1. Half of the non-compliant calls are due to the voice recognition system not recognizing the probationer's voice. The probationers whose voices do not match voice prints are informed by the system of the "no match" status when they call. The unit supervisor stated that most "no match" probationers call the unit directly as an alternative and leave a message with the EARS PIN. An officer then has to identify the voice from personal memory.
  2. The other half are non-compliant due to calling in tardy or not calling in at all

To remedy the extensive noncompliance of the monitoring of probationers by telephone, and deficiencies in EARS data, the unit either mails a questionnaire to the probationer or the officer calls the probationer. These alternative methods provide less assurance than EARS concerning the location of the probationer, which is often a condition of probation.

We found that New York City requires low-risk probationers to check in at kiosks at various locations and answer a series of questions by means of computers. These computers use handprint software to recognize the participants in the program. We visited the New York City Department of Probation to evaluate the kiosk system effectiveness and its possible use in Nassau County.

The benefits of the system are that:

- officers' time is not spent contacting these low-risk probationers;

- the department can verify the probationer's location at a specific date and time;

- the probationer can be instructed to participate in random drug or alcohol testing, a helpful tool in assessing whether or not the DWI cases are adhering to the conditions of probation;

- supervising officers can leave notices through the kiosk for the probationer indicating that a meeting is required; and

- the system could also be used to complement supervision efforts at other levels, particularly level III, the second lowest level of supervision.

**Audit Recommendations:**

The department should:

a) evaluate the effectiveness of the EARS technology to determine if it can be upgraded to improve voice recognition; and

b) evaluate the New York City kiosk systems for monitoring low level probationers as an EARS replacement.

*Department's Response:*

*We agree that Kiosks are much more efficient and reliable than our current EARS system. Unfortunately, we can not employ Kiosks without a sufficient case management system. Until we can, we must continue to utilize EARS to avoid caseloads which are unmanageable.*

*It is true that about 30% can't use the automated system, but those are monitored via direct call in and/or mail.*

*About 20% of the required calls are not made. This does not mean that 20% of the Probationers don't call at all. It simply means that 20 out of every 100 required calls are not received. These failures are sporadic, just as some probationers in core supervision fail to make some appointments. These failures are addressed commensurate with the probationer's explanations and history of compliance.*

*Of the 20%, half of these are due to voice recognition failure, but voice recognition failure is not across the board. About 50% of those enrolled at the Probation Office fail voice recognition when they get home. These then have to be re-enrolled using their home phone. This is an inherent problem with the system.*

*It should also be noted that no one gets placed in EARS with out having gone through the risk assessment process.*

*Recommendations:*
   a. *Done, no upgrade is available at this time*
   b. *Pending case management system*

**Auditor's Follow-up Response:**

We recommend the department continue to review enhanced technological solutions to address our recommendations.

**Internet**

**Audit Finding (6):**

The department could put more information on the County's Web site to be helpful to the public. For example, the Web site does not include telephone contact numbers or detailed information regarding specific programs, such as services available through the Family Division.  Both Suffolk and Westchester counties have more detailed Web sites than Nassau County.

**Audit Recommendation:**

The department should review the data provided on other counties' Web sites and consider whether it could make more information available on the County Web site to inform the public regarding services and department contact information.

*Department's Response:*

*We now have the full Department Roster on the internet and 2 of our people being trained as Webmasters.  We will be posting photos of absconders and our website is a big part of our Emergency Operations Plan.*

**Auditor's Follow-up Response:**

We concur with the corrective actions taken by the department to address our recommendations although we urge the Department to have IT personnel perform the webmaster function.

**Records Management**

**Audit Finding (7):**

The department's files are not maintained in a centralized secure area, instead they are scattered in various locations throughout the department where they may be susceptible to loss or tampering. There is no master file or index to identify which records are stored in each location. In order to locate specific files, the department must rely on the institutional memory of the employees managing this function.

The department has a manual file retrieval system for a significant portion of its documents. When the court requests copies of documents the originals must be manually retrieved and copied. The documents that are in image files are more efficiently and easily accessed.

According to the department, they must maintain records going back to inception and have scanned the department's files through 1995. The department is currently working with the County's Department of Information Technology to upgrade its scanning capabilities. The purchase of updated scanning equipment is pending IT's development of a uniform countywide scanner technology.

**Audit Recommendations:**

We recommend that the department:

a. inventory the records by location and keep a written record. Knowledge of the filing system should not depend on the memory of employees; and

b. scan its records. The department and IT should evaluate requirements for the imaging of records to reduce file storage.

*Department's Response:*

*Recommendations:*
a. *Done*
b. *We are part of IT's records management project. A vendor has been selected to image our records and we are moving forward. We have also budgeted for a Scanner necessary for records management efficiency on a daily basis. If approved by OMB, we hope to have it the first quarter of '07.*

**<u>Auditor's Follow-up Response</u>***:*

We concur with the corrective actions taken by the department to address our recommendations.

We would like to express our appreciation to you and the members of your staff who cooperated fully with this office throughout the entire audit process.

cc: Howard S. Weitzman, County Comptroller
    Hon. Thomas R. Suozzi, County Executive
    Hon. Judith Jacobs, County Legislature Presiding Officer
    Hon. Peter Schmitt, County Legislature Minority Officer
    Kathleen Rice, District Attorney
    Lorna Goodman, County Attorney
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    Timothy Driscoll, Deputy County Executive for Public Safety
    Kevin Lowry, Criminal Justice Coordinator
    Robert Checca, Commissioner, Information Technology

Nassau County Department of Probation