

Legislative Audit Division

State of Montana



Report to the Legislature

September 1998

Performance Audit

Department of Corrections

Intensive Supervision Program (ISP) Pre-Release Centers Program (PRC)

This report contains information on community corrections programs. We specifically address the Intensive Supervision Program (ISP) and the Pre-release Center (PRC) Program. We conclude these programs are beneficial components of the corrections system. This report outlines suggested improvements to further strengthen these programs.

Direct comments/inquiries to:
Legislative Audit Division
Room 135, State Capitol
PO Box 201705
Helena MT 59620-1705

98P-05
98P-07

Help eliminate fraud, waste, and abuse in state government. Call the Fraud Hotline at 1-800-222-4446 or 444-4446.

PERFORMANCE AUDITS

Performance audits conducted by the Legislative Audit Division are designed to assess state government operations. From the audit work, a determination is made as to whether agencies and programs are accomplishing their purposes, and whether they can do so with greater efficiency and economy. In performing the audit work, the audit staff uses audit standards set forth by the United States General Accounting Office.

Members of the performance audit staff hold degrees in disciplines appropriate to the audit process. Areas of expertise include business and public administration, statistics, economics, computer science, communications, and engineering.

Performance audits are performed at the request of the Legislative Audit Committee which is a bicameral and bipartisan standing committee of the Montana Legislature. The committee consists of six members of the Senate and six members of the House of Representatives.

MEMBERS OF THE LEGISLATIVE AUDIT COMMITTEE

Senator Linda Nelson, Chair
Senator Sue Bartlett
Senator Reiny Jabs
Senator Tom Keating
Senator Ken Miller
Senator Barry "Spook" Stang

Representative Bruce Simon, Vice Chair
Representative Beverly Barnhart
Representative Ernest Bergsagel
Representative A. R. "Toni" Hagener
Representative Bob Keenan
Representative Robert Pavlovich

LEGISLATIVE AUDIT DIVISION

Scott A. Seecat, Legislative Auditor
John W. Northey, Legal Counsel
Tori Hunthausen, IT & Operations Manager



Deputy Legislative Auditors:
Jim Pellegrini, Performance Audit
James Gillett, Financial-Compliance Audit

September 1998

To the Legislative Audit Committee
of the Montana State Legislature:

We conducted a performance audit of two community corrections programs, the Intensive Supervision Program (ISP) and the Pre-release Centers (PRC) Program. This report contains recommendations for strengthening the administrative controls over these programs.

We wish to express our appreciation to the Department of Corrections staff for their cooperation and assistance.

Respectfully submitted,

Signature on file

Scott A. Seecat
Legislative Auditor

Legislative Audit Division

Performance Audit

Department of Corrections

Intensive Supervision Program (ISP)

Pre-Release Centers Program (PRC)

Members of the audit staff involved in this audit were Ed Caplis, Tom Cooper, Angie Grove, Kent Wilcox, and Mike Wingard.

Table of Contents

	List of Tables and Figures	v
	Appointed and Administrative Officials	vi
	Report Summary	S-1
Chapter I - Introduction	Introduction	1
	Audit Objectives	1
	Audit Scope and Methodologies	1
	Management Information Limitations	4
	Management Memorandum	4
	Report Organization	5
Chapter II - General Background	Introduction	7
	Community Corrections Division Background	7
	Division Organization	7
	CCD Funding	8
	Program Costs	9
	ISP & PRC Populations	9
Chapter III - Intensive Supervision Program	Introduction	11
	Purpose of ISP in Montana	11
	How are Offenders Selected for ISP?	11
	Types of Offenses Committed by ISP Participants	13
	ISP Provides Structure and Accountability	14
	Three Phase Program	14
	Weekly Schedule Provides Basis for Supervision	15
	How do Officers Supervise Offenders?	15
	Electronic Monitoring	16
	Testing for Drugs and Alcohol	17
	Community Service	17
	Treatment Monitoring	17
	Other Monitoring Strategies	17
	Two-Officer Teams Supervise 25 Participants	18
	Length of Time in ISP	19
	Status Upon Release From ISP	19
	Current Supervisory Status of Participants	
	Who Completed ISP	20
	Conclusion: ISP is a Beneficial Component of the	
	Corrections System	21

Table of Contents

	ISP Structure	21
	Conclusion: Basic Structure is Appropriate	22
	Management Flexibility is Needed	22
	Chapters IV and V Address Opportunities for Improvement	23
Chapter IV - ISP Procedures and Documentation	Introduction	25
	Screening and Selection	25
	Local Law Enforcement Involvement	25
	Incomplete Documentation of Screening	26
	Management Emphasis Needed	26
	Documentation of Supervision and Monitoring	26
	Documentation does not Show Required Level of Supervision	27
	Conclusion: Officers are Meeting Supervision Standards	27
	Several Factors Contribute to Lack of Documentation	27
	Documentation Methodology Requires Revision	28
	Case File Documentation Requirements	28
	Files Based on Regular Probation and Parole Methodologies	29
Chapter V - The Potential for ISP Expansion	Introduction	31
	Expansion Options	31
	Adjust Officer Numbers at Existing ISP Locations	31
	Establish Additional ISP Locations	32
	Reduce ISP Officer Workload to Increase Caseload	33
	ISP Expansion Summary	34
	Conclusion	34
	Best Management Practices	34
Chapter VI - PRC Program	Introduction	37
	What are PRCs?	37
	PRC Expansion Plans	37
	DOC's Role with PRC Programs	38

Table of Contents

	How are Prison Inmates Selected for PRC Placement?	38
	How are Other Offenders Referred to PRCs?	39
	How Long do Residents Stay at PRCs?	40
	What Steps are Taken at PRCs to Address Public Safety?	41
Chapter VII - PRC Program Considerations	Introduction	43
	Steps Taken to Address Public Safety	43
	What Type of Rule Violations are Occurring?	43
	How Many Residents Complete the Program?	44
	Program Outcomes	45
	Where are Past PRC Residents Today?	47
	Conclusion: PRC Programs are a Beneficial Component of the Corrections System	48
Chapter VIII - DOC Administration of PRC Contracts	Introduction	49
	Additional DOC Rules are Needed	49
	Contract Clarification Needed	50
	Resident Accounts	50
	Subcontract Approval	51
	DOC Program Reviews	52
	How Can DOC Reviews be Strengthened?	53
	Expand Areas Reviewed	53
	Change Review Team Members	53
	Examine Financial Reviews	53
	Reliance Upon Federal Reviews	54
	Conclusion	54
Chapter IX - Other Corrections-Related Issues	Introduction	55
	Restitution	55
	Collection of Restitution is not Emphasized During ISP and PRC Participation	55
	Reasons for Lack of Restitution Collection Vary	56
	More Restitution Collection Emphasis is Needed	57
	Supervision Fees	58
	Supervision Fee Amounts are not Based on ISP Supervision	58

Table of Contents

	Legislation Could be Enacted to Allow Fee Flexibility	59
	Program Assessment	59
	ISP and PRCs are More Than Just Prison Alternatives	60
	DOC has not Reviewed/Assessed ISP and PRC Program Components	60
	Good Management Practices and Program Expansion Suggest Need for Assessment	61
	Records Processing for DOC Commitments	62
	Increased Lengths of Stay and Supervision Costs Have Occurred	62
	There are Several Reasons for Delays in Establishment of Parole Eligibility Dates	63
	Delays in Moving Offenders from County Jails Should also be Considered	63
	DOC Should Increase Management Oversight of Institutional Populations	64
Agency Response	Department of Corrections	69

List of Figures & Tables

<u>Figure 1</u>	Community Corrections Division Organization	7
<u>Figure 2</u>	Number of Residents Completing PRC Programs in CY 1995	45
<u>Table 1</u>	Community Corrections Divison Appropriations for FY 98 and FY 99	8
<u>Table 2</u>	Average Daily Cost for Offenders in DOC Programs/Facilities Fiscal Year 1996-97	9
<u>Table 3</u>	Actual and Projected Adult Institutional Population and Percentage Served by ISP and PRC Programs	10
<u>Table 4</u>	Referral Source for ISP Participant Sample	12
<u>Table 5</u>	Primary Offense of ISP Sample	13
<u>Table 6</u>	Required ISP Supervision Activities	16
<u>Table 7</u>	ISP Locations and Caseloads Fiscal Year 1996-97	18
<u>Table 8</u>	ISP Sample Completion Rates	20
<u>Table 9</u>	Current Status of Sample Who Completed ISP	21
<u>Table 10</u>	Primary Offense of PRC Residents Calendar Year 1995 Sampled Offender Status Prior to PRC Placement	40
<u>Table 11</u>	Number of Rule Violations Noted in LAD Sample	44
<u>Table 12</u>	Type of Employment 1995 Sampled PRC Population	46
<u>Table 13</u>	Current Status of Sampled PRC Residents As of February 1998	47

Appointed and Administrative Officials

Department of Corrections

Rick Day, Director

Mike Ferriter, Administrator
Community Corrections Division

Mary Fay, Chief
Probation and Parole Bureau

Sam Lemaich, Region I Administrator
Ron Alsbury, Region II, Administrator
Mike Gersack, Region III, Administrator
Pam Bunke, Region IV, Administrator
Gene Gemignani, Region V, Administrator

Board of Pardons and Parole

Craig Thomas, Executive Director
Patrick Fleming, Chairman
Maureen Neihart
Gary Weer

Auxiliary Members

Mark Fournier
Roxanne Wilson

Introduction

Performance audit work at the Department of Corrections (DOC) was requested by the Legislative Audit Committee. The committee selected the Intensive Supervision Program (ISP) and Pre-release Centers (PRC) Program for review. These programs are administered through the Community Corrections Division of DOC. Our audit concentrated on the department's role in operating and overseeing these community corrections programs.

Audit Objectives

Our primary objective was to provide information on ISP and PRC programs for the legislature by examining:

- > Steps taken to address public safety.
- > New convictions while in the programs.
- > Number of offenders completing the programs.
- > Management controls in place to assure program compliance.
- > Program benefits to the Montana corrections system.

In addition to addressing these objectives, other corrections issues which came to our attention through the course of this audit are addressed in Chapter IX.

Intensive Supervision Program

Purpose of ISP in Montana

ISP is designed to supervise and monitor adult felony offenders who would otherwise be sentenced to or returned to prison, and for parole eligible prison inmates who, if not for ISP, would not be granted parole. The department's two main ISP goals are to:

- Provide a cost-effective sentencing/placement option that satisfies punishment, public safety, and treatment objectives.
- Decrease burdens of crime on the criminal justice system.

Report Summary

How are Offenders Selected for ISP

Candidates are referred for ISP placement from three sources:

- 1) Sentenced by a court as a condition of probation (Probationers).
- 2) Placed by the Board of Pardons and Parole (BOPP) as a condition of parole (Parolees). This includes parole violators.
- 3) Placed by the department following court commitment to DOC (Direct Commitments).

ISP Provides Structure and Accountability

The intent of ISP is to provide closer monitoring and supervision than regular probation and parole. The level of supervision is intended to assure public safety by requiring compliance with court, BOPP, and DOC requirements, and by promoting a crime-free lifestyle. ISP supervision focuses on enforcing sanctions for participants' past behavior, holding them accountable for current behavior, and encouraging rehabilitation through a structured lifestyle which includes treatment, and employment.

Montana's ISP has three phases designed to provide different levels of supervision as participants proceed through the program. The program is designed to last nine months. Phase I is the most restrictive phase. Officer supervision and monitoring gradually lessens as participants demonstrate an ability to abide by program requirements and live a crime-free lifestyle. All three phases require the submittal of a weekly schedule of activities. The weekly schedule covers participant activities 24 hours-a-day, seven days-a-week, and lists the type of activity, times, and locations.

Two-Officer Teams Supervise 25 Participants

Since the basic premise of ISP is intense supervision and monitoring of participants, the department established lower caseload requirements for ISP officers than for officers who conduct regular probation and parole supervision. A caseload of 25 participants for a two-officer team is considered optimum by the department.

Conclusion: ISP is a Beneficial Component of the Corrections System

Based on our review, we concluded this program provides a beneficial alternative to incarceration. Several factors contribute to this conclusion:

- Number of revocations for violations and/or new crimes.
- Program completion rate.

- Current status of participants completing the program.
- Lower cost of ISP compared to prison incarceration.

Management Flexibility is Needed

While ISP policy indicates nine months is the maximum length of time offenders will be in the program, we noted most regional ISP caseloads included participants still in the program after 12, 15, or even 18 months. During the audit, we did not find documented evidence of management decisions approving deviation from established ISP criteria. We concluded regional administrators need a formal procedure for deciding to deviate when there are valid reasons. To address the need for program flexibility, the ISP Handbook should include procedures for regional administrators to document deviation from established criteria.

Screening and Selection

To assure community involvement in the selection of ISP participants who will be placed in the community, the department established local screening committees composed of ISP and law enforcement officers. At some locations, screening did not include local law enforcement officials as active members of the screening committee. By not including local law enforcement, screening committee dialogue did not always address risk issues or impose conditions addressing public safety. We also noted screening referral forms which were incomplete and/or which did not address treatment needs or conditions.

We found inconsistency between regions resulted from a lack of management emphasis regarding compliance with department policy in this area. The department should re-emphasize the importance of local committee involvement and comprehensive documentation.

Documentation of Supervision and Monitoring Requires Revision

To reduce the risk to communities, the department established minimum supervision levels for placement of offenders into ISP. Documentation of supervision is the primary method for verifying participants are monitored in accordance with established supervision standards. Without documentation of contacts with offenders, the department cannot verify participants are held accountable and monitored according to standards intended to assure public safety. Case file records did not substantiate officers were documenting participant contacts according to established supervision standards.

Report Summary

To improve documentation of officer supervision activities, we believe the department should refine the methodology for identifying and documenting the required supervision standards.

Case File Requirements Should be Updated

During review of files, we identified variations in the types and number of forms and files used to monitor and document participant activities. Officers were unsure which documents should be retained or placed in the permanent case file, because the department has not specifically identified all documentation officers should use, maintain, or retain. The department needs to update its case file requirements for ISP. Forms and information should address the needs of the supervision and monitoring intent of ISP.

Expansion Options

We examined several ISP expansion possibilities.

One alternative for expansion is to increase the number of officers and associated caseloads at current ISP locations. For example, if a ISP location has three officers now, add a fourth officer and increase caseload from 38 to 50 participants. This alternative may be limited because to qualify for ISP, candidates need community ties such as a residence, job, and support group (family, friends, and treatment resources).

A second alternative is to establish ISP in additional communities. According to staff, communities such as Butte and Helena contribute significant numbers of probation, parole, and DOC commitment offenders to the correctional system. Many of these offenders are potentially eligible for ISP.

A third alternative for program expansion is to decrease existing officer workload. By reducing the workload associated with each offender, officers should be able to increase their caseloads. We identified four workload-related areas which could improve caseload capabilities:

- Improve electronic monitoring capabilities.
- Improve or increase administrative support.
- Increase the current maximum caseload.
- Resolve workload consistency issues.

According to department management, budget priorities for the next legislative session includes seeking additional officers for existing locations, establishment of new locations, increasing caseloads, and expansion of electronic monitoring capabilities. Due to these decisions, we are not making a recommendation. However, the department should carefully consider each of these expansion options prior to implementation to ensure they address the participant availability, cost, and workload issues identified in this chapter.

Pre-release Center Program

What are PRCs?

PRCs are community-based correctional facilities operated by non-profit corporations under contract with DOC. The department contracts with four private, nonprofit corporations to operate pre-release centers in Billings, Missoula, Great Falls, and Butte. Participants must meet PRC established goals and complete various program requirements to successfully move to a lower level of department supervision. Currently there are approximately 270 beds for males and 80 beds for females used by DOC at the centers.

When first established, PRCs provided transitioning services to offenders approaching release from prison. Now, they also provide services in lieu of prison for adult male and female offenders who were:

- > Committed into the custody of the DOC; or,
- > Placed on probation, but require more structured supervision; or,
- > Parole violators requiring less restriction than a prison.

How Long do Residents Stay at PRCs?

Residents who are diverted from incarceration are limited by statute to a PRC stay of one year. We found the median length of stay for residents in calendar year 1995 was approximately seven months.

Report Summary

What Steps are Taken at PRCs to Address Public Safety

To address public safety concerns, PRCs established a system for monitoring and evaluating resident behavior and activities. A high percentage of residents entering the PRC program have been involved in drug-related crimes and have a history of chemical dependency. As a result of the high percentage of chemical abuse, the Pre-release Centers have regular and random on-site drug and alcohol screenings. Generally, a positive finding of alcohol or a controlled substance is cause for removing the resident from a PRC.

Residents are also subject to room, vehicle and personal searches. These searches are a means to control offender property and guard against theft in the facility as well as in the community. Residents are required to develop weekly plans for all money spent in the community. This budget planning is designed to provide a safeguard against misuse of funds. Twenty-four hour agendas are also planned by the resident, with assistance from his/her counselor and monitored by PRC personnel via random "on-the-spot" and telephone checks. This includes random checks with employers and on-site visits of job sites.

The Majority of Sampled Residents Completed the Program

We reviewed 122 offenders who were placed in PRC programs in calendar year 1995. We found seven residents walked away from one of the centers. Thirty-one residents were revoked due to use of drugs or alcohol, violation of PRC rules, or asking to be returned to prison. Overall, the majority of PRC residents we sampled completed the programs.

Program Outcomes

There are several PRC participation outcomes which indicated the PRCs are a beneficial program option. PRC residents are required to be employed during their stay, and must obtain this employment within a set period of time from arrival. If a resident does not actively seek employment, he/she can be returned to the prior level of custody. In reviewing data for the sample population, the median length of employment was five months and they were employed for 75 percent of their PRC stay. The median hourly wage recorded was \$5.25, which is higher than the 1995 minimum wage of \$4.25. While employed, an offender in a PRC is also paying federal, state and local taxes, a portion of their incarceration costs, and spending dollars in the local economy.

These factors reflect positive program outcomes which generally cannot be obtained when offenders are incarcerated in prison. These outcomes also help demonstrate the PRC component of community corrections provides an effective option for managing offenders who would otherwise be in prison.

Where are Past PRC Residents Today?

In addition to examining other program outcomes, we also attempted to determine how many of our sampled PRC residents had returned to prison incarceration or some other highly-supervised corrections program as of February 1998. The status of sampled residents appears to indicate that after two years, the majority of offenders (73%) who entered a PRC in 1995 have stayed out of the highly-supervised portions of the correctional system. Twenty-seven percent are back in the correction system at the same or a higher level of supervision.

Conclusion: PRC Programs are a Beneficial Component of the Corrections System

Based on our audit testing, we concluded this program provides a beneficial component to transition or to divert offenders from incarceration. Several factors contribute to this conclusion:

- PRC residents are not recording new offenses.
- As residents' violate program rules, disciplinary actions are taken.
- The majority of residents are completing the PRC program.
- There are positive program outcomes, such as gainful employment and reimbursement of a portion of placement costs.
- A majority of sampled residents have not returned to the same or a higher level of supervision two years after program completion.

We identified several areas where the department could strengthen their management controls in the area of PRC contract administration.

Additional DOC Rules are Needed

DOC has developed some rules for the community corrections programs they administer; however, these rules do not address all areas designated in statutes. Existing rules primarily discuss the resident reimbursement rates for community correction centers and address **state-operated** centers. Program areas where rules are not formally in place include:

- > Siting, establishment, and expansion of PRCs.
- > Admission, custody, transfer, and release of persons in programs.
- > Eligibility requirements for PRC placement.

Report Summary

The department is not in compliance with current statutory requirements and steps should be taken to address this area.

Resident Accounts

PRC residents are required to turn over all earned income to the PRC for tracking and financial management. These funds are deposited in a centralized account known as a resident account. Residents accounts are handled differently at each center. Neither the department contract, ARMs, nor their policies and procedures address resident accounts. Interviews with department personnel indicated this is an area they have not considered or addressed during their contract oversight process. This lack of control over resident accounts appears inconsistent with other specific contract requirements outlined by the department.

DOC Program Reviews

DOC has historically conducted annual reviews of the PRCs for contract compliance. The reviews consist of a one day, annual on-site visit to a PRC where DOC staff do inspections and ask general questions about various issues which include: financial management, security, case management, food, safety, personnel, and the facility. Based on our review and using information from federal and national organizations, we identified several areas where additional state oversight could help reduce risks to the state. The following illustrates a “shopping list” of potential review areas a review team could examine or examine more thoroughly:

- Background checks conducted of PRC staff.
- Standards/procedures for drug and alcohol testing.
- Control of medications.
- Timeliness of treatment enrollment.
- Length of stay vs. number of days billed.
- Type, format, and outcomes of treatment programs.
- Compliance with all applicable statutes.
- Observation/analysis of resident supervision outside the PRCs.
- Availability of current, up-to-date resident handbooks.

In addition, DOC could change review team members, examine financial reviews, and rely upon federal reviews.

Other Corrections-Related Issues

Other Corrections Issues Were Identified

While conducting the ISP and PRC audits we noted several issues which directly or indirectly impact these programs and/or community corrections in general. These areas included:

- Assessment, monitoring, tracking of restitution.
- Assessment and payment of supervision fees.
- Program assessment.
- Processing of records for DOC commitments.

Our audit recommendations for these issues were:

1. Increase department emphasis on collection of restitution to ensure compliance with court judgments and statutory mandate.
2. Legislation should be enacted to allow for flexibility in establishing supervision fees.
3. The department should establish measures to review and more fully assess ISP and PRC program and treatment success.
4. The department should:
 - A. Evaluate the records handling process for DOC commitments to ensure timely establishment of parole eligibility and discharge dates.
 - B. Establish a dialogue with district courts and to encourage timely processing of sentencing records.
 - C. Initiate a management oversight process for inmate populations to assure timely parole consideration.

We believe modifications or improvements in these areas could increase the efficiency and effectiveness of programs.

Chapter I - Introduction

Introduction

Performance audit work at the Department of Corrections (DOC) was requested by the Legislative Audit Committee. The committee selected the Intensive Supervision Program (ISP) and Pre-release Centers (PRC) Program for review. These programs are administered through the Community Corrections Division of DOC. Although ISP and PRC are separate programs, they serve similar offender populations and complement each other as well as other DOC correctional programs. Our audit concentrated on the department's role in operating and overseeing these community corrections programs.

Audit Objectives

Our primary objective was to provide information on ISP and PRC programs for the legislature by examining:

- > Steps taken to address public safety.
- > New convictions while in the programs.
- > Number of offenders completing the programs.
- > Management controls in place to assure program compliance.
- > Program benefits to the Montana corrections system.

In addition to addressing these objectives, other corrections issues which came to our attention through the course of this audit are addressed in Chapter IX.

Audit Scope and Methodologies

To address our objectives, we:

- Reviewed statutory criteria; program intent and goals; and rules relating to community corrections programs.
- Interviewed community corrections program staff to identify supervision and monitoring criteria.
- Reviewed department policy and procedure manuals and handbooks.
- Interviewed institutional probation and parole officers, Board of Pardons and Parole (BOPP) staff, district court judges, and law enforcement officials to determine their roles.

To determine how offender case file documentation reflects program operations, we reviewed a sample of case files maintained by DOC regional offices, PRC facilities, and the BOPP in the following categories:

- Offender screening and selection.

Chapter I - Introduction

- Offender jobs and treatment, when applicable.
- DOC offender contacts and program monitoring.
- Intervention hearings and revocation proceedings.
- Successful program completion.
- Current offender status.

For ISP audit testing, we compiled available data for the period July 1, 1995 to June 30, 1996 (fiscal year 1995-96). We selected fiscal year 1995-96 to allow for subsequent examination of offender status 18 to 24 months after program completion. We compiled information such as:

- Source of entry or referral.
- Primary offense committed which led to ISP placement.
- Status upon release from ISP.
- Length of time in the program.
- Current status of participants who completed the program.

Using the Adult Correctional Information System (ACIS) and department records, we identified 118 participants who exited ISP during fiscal year 1995-96. We then examined participant data in the categories listed above to gain an understanding of who was placed in ISP and what happened during and following ISP participation.

PRC audit testing focused on reviewing a sample of offenders (122) who resided in PRCs in calendar year 1995. This sample was randomly selected from the entire population of offenders (466) who were placed in the four PRCs during that year. Our sample included both male and female offenders and was stratified between the four centers based on the percent of population each center served. Information was compiled for each offender in our sample using file documentation maintained at the centers, interviews with Department of Corrections (DOC) and PRC staff, and electronic data maintained by DOC.

In the following chapters there are various charts showing the results of our review of offenders selected for analysis. Due to unavailable, duplicate or missing data, the total numbers listed in the charts may not always add up to the sample sizes noted above.

To determine ISP and PRC cost data, we interviewed department fiscal and regional staff and reviewed department financial records. This data was compared to average daily cost of other placement alternatives such as probation/parole and prison.

To help the department improve ISP operations, we compiled a list of best practices used in the five probation and parole regions for participant supervision and case file documentation. We interviewed various DOC staff and reviewed a sample of 59 case files from all five ISP locations and BOPP files to assess ISP procedures and documentation. We also reviewed documentation of offender screening and selection compiled at each region. Other states were contacted to identify alternative procedures, documentation, organization structure, and/or caseload management, which could be used to improve operations and cost-effectiveness.

DOC administrative processes were identified. Procedures for screening offenders for placement in ISP and PRC programs were observed and recorded. Electronic and manual data systems were examined to determine the type and accuracy of management information maintained. Procedures for documenting program activities were highlighted and compared to statutory requirements. Interviews were held with various PRC board members and law enforcement personnel at the community level. Offender services, such as counseling and treatment, were not specifically examined. However, offender interviews conducted by DOC staff were observed to determine participants' perceptions of PRC programs and activities.

Overall audit findings and conclusions were compared to applicable statutory language to determine if legislative intent and public policy were followed. Program issues were identified and discussed with department staff to determine their perceptions and obtain input on possible changes or solutions. These findings were also discussed with department management.

This audit was conducted in accordance with governmental auditing standards for performance audits. These standards require disclosure of any constraints imposed on the audit because of data limitations. The

Chapter I - Introduction

following section outlines audit constraints in relation to the DOC management information systems.

Management Information Limitations

Due to the limitations of the current DOC management information system, department data for these two programs was incomplete. To compile a list of offenders in the ISP program during our audit period it was necessary to examine both computerized records on the ACIS and manual reports prepared and retained by DOC regional offices. We found ACIS information provided less than 50 percent of the needed data. We also found the required monthly reports, compiled manually, had not been retained by all regions and they included multiple inaccuracies. This reduced the size of our sample of ISP participants upon which to gather historical information.

We also attempted to examine various program activities of offenders while in a PRC. ACIS only tracks offender placement into the PRC. There is no DOC maintained program data on activities or treatments completed/attended while in a PRC. As a result, we had to rely upon unaudited data maintained by the private pre-release centers.

Problems with the DOC management information system for the time period reviewed have been addressed previously. The Legislative Audit Division conducted an EDP audit (97DP-07) of ACIS, which was issued in July, 1997. Report recommendations addressed improving data integrity and report accuracy. Audit follow-up on these issues will be conducted prior to January 1999.

Management Memorandum

During the course of the audit, we sent management memorandums on several issues. The issues included:

- ISP and PRC participants should be covered by workers' compensation insurance when performing community service.
- Statutory changes to assure offenders committed to DOC pay a supervision fee while participating in ISP.
- Creation of management controls within the department which assure LAD review of contracts as required by statute.

Report Organization

This report is divided into three main sections. Chapter II provides a general overview of community corrections organization, activities and programs. Chapters III through V outline ISP requirements and address related findings. Chapters VI through VIII describe the PRC program and identify areas needing improvement. The final chapter discusses issues impacting both programs.

Chapter II - General Background

Introduction

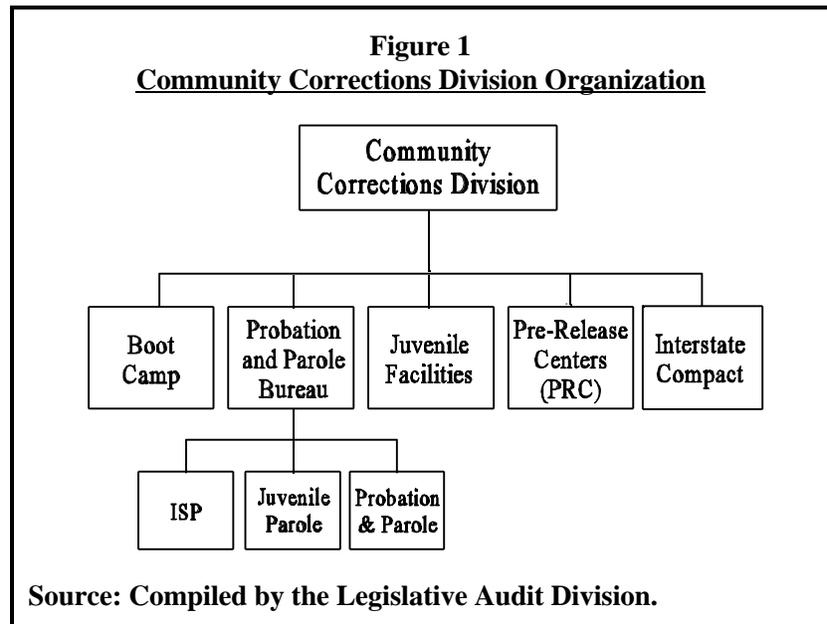
This chapter provides a general overview of the Community Corrections Division (CCD) and its administration of the Intensive Supervision Program (ISP) and the Pre-release Centers (PRCs) programs.

Community Corrections Division Background

The Department of Corrections (DOC) is responsible for public safety and trust by holding adult and juvenile offenders accountable for their criminal actions against victims through custody, supervision, treatment, work, restitution and skill development. The Community Corrections Division within the department supports this mission by providing supervision and alternative programs for juvenile and adult offenders at the community level. CCD administers programs and/or contracts with private vendors to provide services for juvenile and adult offenders, including the ISP and PRC programs.

Division Organization

The following chart illustrates the CCD's organization.



DOC employees are located in five designated geographic regions with satellite offices in outlying areas. Regional offices are located in Kalispell, Missoula, Great Falls, Helena, and Billings. A Probation and Parole Regional Administrator is located in each region, along with

Chapter II - General Background

various officers and administrative support personnel, to perform administrative and oversight duties.

CCD Funding

General Fund money is the primary funding source for CCD, accounting for 98 percent of the division's funding. The other two percent of the division's funding is provided from offender supervision fees and federal grants. In addition to division administration, CCD funding supports six programs. Table 1 shows appropriations for CCD programs for fiscal years 1997-98 and 1998-99.

Table 1
Community Corrections Division
Appropriations for FY 98 and FY 99

Programs	FY 98 Appropriation	FY 99 Appropriation
Youth Placement	\$ 9,061,102	\$ 9,971,329
Probation and Parole**	6,291,303	6,534,345
Pre-release Centers	4,519,276	5,192,823
Aspen Youth Alternatives	2,200,000	2,200,000
Riverside Youth Facility	1,100,000	1,100,000
Boot Camp	1,043,168	1,020,940
Transition Centers	637,577	827,469
Administration	501,286	501,571
Total	\$ 25,353,712	\$ 27,348,477

** Note: ISP and Juvenile Parole funding is included in Probation and Parole programs.

Source: Legislative Fiscal Division

Program Costs

The department, in conjunction with the various legislative agencies, developed a methodology for calculating an average daily cost per

Chapter II - General Background

offender for institutional and community-based placements. Using this methodology, which is based on unaudited expense data, the following chart illustrates average daily costs for correctional system programs.

Table 2
Average Daily Cost for Offenders
in DOC Programs/Facilities
Fiscal Year 1996-97

Placement	Cost
Boot Camp	\$ 109.77
MWP	82.76
Pre-release (female)	54.79
County Jails (male)	49.42
MSP	49.15
Pre-release (male)	39.64
ISP	14.04
Probation/Parole	3.33

Source: Compiled by the Legislative Audit Division from DOC Records.

ISP & PRC Populations

The department's Corrections Population Management Plan represents how the DOC proposes to place/house the projected institutional population which includes offenders placed in ISP or PRCs. The following table is an excerpt from the department's Corrections Population Management Plan which shows the combined percentage of proposed growth in ISP/PRC populations and how that compares to their projected growth in institutional population for adults as of August 1998.

Chapter II - General Background

Table 3
Actual and Projected Adult Institutional Population
and Percentage Served by ISP & PRC Programs

	Actual			Projected				
	FYE 96	FYE 97	FYE 98	FYE 99	FYE 00	FYE 01	FYE 02	FYE 03
MALE								
Total Institutional Beds	2044	2280	2431	2750	3035	3281	3517	3732
ISP Beds	120	153	141	190	245	245	270	270
PRC Beds	260	272	349	349	439	439	439	479
Total Percent Served by ISP/PRC	19%	19%	20%	20%	23%	21%	20%	20%
FEMALE								
Total Institutional Beds	138	152	238	254	289	323	358	392
ISP Beds	22	10	35	40	40	40	40	40
PRC Beds	43	72	95	109	124	124	124	139
Total Percent Served by ISP/PRC	47%	54%	55%	57%	57%	51%	46%	46%

Source: Compiled by Legislative Audit Division from DOC Population Management Plan - August 1998.

Chapter III - Intensive Supervision Program

Introduction

Section 46-18-101, MCA, states sentencing practices should provide for alternatives to imprisonment for non-violent offenders. One alternative is the Intensive Supervision Program (ISP). Following a model used by the state of Georgia, the department implemented ISP in 1987. The program was initially implemented in Billings as a pilot project. Programs were eventually added in each of the five probation and parole regions across the state.

Purpose of ISP in Montana

ISP is designed to supervise and monitor adult felony offenders who would otherwise be sentenced to or returned to prison, and for parole eligible prison inmates who, if not for ISP, would not be granted parole. The department's two main ISP goals are to:

- Provide a cost-effective sentencing/placement option that satisfies punishment, public safety, and treatment objectives.
- Decrease burdens of crime on the criminal justice system.

How are Offenders Selected for ISP?

Candidates are referred for ISP placement from three sources:

- 1) Sentenced by a court as a condition of probation (Probationers).
- 2) Placed by the Board of Pardons and Parole (BOPP) as a condition of parole (Parolees). This includes parole violators.
- 3) Placed by the department following court commitment to DOC (Direct Commitments).

For the fiscal year 1995-96 group we examined, the majority of participants were referred as DOC commitments. DOC commitments are generally housed in jails prior to community placement. The following table identifies the referral sources for the offenders sampled.

Chapter III - Intensive Supervision Program

Table 4
Referral Source for ISP Participant Sample

Referral Source	Participants	Percent
Probationers	18	15%
BOPP/Parolees	47	40%
DOC Commitments	53	45%
Totals	118	100%

Source: Compiled by the Legislative Audit Division from DOC records.

Regardless of whether the source of entry is jail or prison, candidates considered for ISP must be volunteers. If participants are not willing to comply with all program requirements, they are more likely to fail ISP. To facilitate placement of high-risk adult felony offenders into a community, the department implemented a local screening process for potential ISP participants. All ISP participants are to be screened and approved by a local committee consisting of ISP officers and law enforcement officials. The process is intended to assure communities are part of the decision for the selection and placement of ISP participants. Screening committee members review candidate case files and may interview ISP candidates to evaluate program suitability. Screening committees may deny selection for a history of:

- Escape or flight from supervision/facilities.
- Violent or aggressive behavior that threatens community safety.
- Failing to complete required prison programming.
- Failing to accept responsibility for past activities or behavior.

During the screening process, committees may set additional program requirements as a condition of ISP acceptance. For example, an offender with a history of writing bad checks may be prohibited from

Chapter III - Intensive Supervision Program

obtaining a checking account while in ISP. If a candidate is accepted by a screening committee, the ISP officer prepares a contract outlining program requirements and special conditions which the offender must sign. A date is set for entry into the program and transfer from prison or jail is completed.

Types of Offenses Committed by ISP Participants

For our fiscal year 1995-96 review, we found property offenses, followed by drug offenses, made up 66 percent of crimes committed by ISP participants. However, according to department staff, the nature of an offender's crime does not automatically preclude placement into ISP. The following table shows the types of offenses committed by the sampled ISP participants and the percentage relative to all offense categories.

Table 5
Primary Offense of ISP Sample

Type of Offense	Participants	Percent
Property Offense	53	45%
Drug Offense	25	21%
Assault	16	13%
Other Violent Crime	9	8%
Sex Offense	7	6%
Murder/Attempted Murder	4	3%
Other Offenses	3	3%
Felony DUI	1	1%
Totals	118	100%

Source: Compiled by Legislative Audit Division from DOC records.

Chapter III - Intensive Supervision Program

ISP Provides Structure and Accountability

The intent of ISP is to provide closer monitoring and supervision than regular probation and parole. The level of supervision is intended to assure public safety by requiring compliance with court, BOPP, and DOC requirements, and by promoting a crime-free lifestyle. ISP supervision focuses on enforcing sanctions for participants' past behavior, holding them accountable for current behavior, and encouraging rehabilitation through a structured lifestyle which includes treatment, and employment. Participants have to typically comply with the following program requirements:

- Establish a residence.
- Maintain employment or enrollment in an educational or vocational training program.
- Submit to regular/random searches of residences and vehicles.
- Refrain from entry into bars, casinos, or other gambling establishments.
- Remain in the county of jurisdiction.
- Obtain officer approval for residents/visitors.

In addition, participants must comply with all local, state, and federal laws and regulations. Officers may establish other reasonable requirements necessary to assure public and officer safety, and to meet treatment and rehabilitation objectives.

Three Phase Program

Montana's ISP has three phases designed to provide different levels of supervision as participants proceed through the program. Phase I is the most restrictive phase. Officer supervision and monitoring gradually lessens as participants demonstrate an ability to abide by program requirements and live a crime-free lifestyle. Participants are to remain in each phase for a minimum of 90 days and must meet specific requirements before moving to a less supervised phase. An ISP Handbook is provided to eligible candidates to assure they are aware of the intensity and structure of ISP.

Chapter III - Intensive Supervision Program

Weekly Schedule Provides Basis for Supervision

A fundamental element of ISP is the structure associated with day-to-day participant activities. All three phases require the submittal of a weekly schedule of activities. The weekly schedule covers participant activities 24 hours-a-day, seven days-a-week, and lists the type of activity, times, and locations. Activities such as work, school, residence, treatment, shopping, community service, laundry, and travel time to and from approved locations, must be scheduled.

Officers approve or deny activities on the schedule and may amend schedules as needed depending on participant risks, behaviors, and needs. Officers only approve changes to the weekly schedule for work or emergencies. As offenders progress through the program, up to twelve hours of “pass time” per week for recreational activities such as dining, movies, or participating in sports can be approved by officers. Officer supervision focuses on verifying offenders are following the approved weekly schedule and to assure participants are complying with ISP conditions.

How do Officers Supervise Offenders?

To supervise offender activities, officers use scheduled and unscheduled contacts. A scheduled contact might be the participant’s visit to the ISP office for review and approval of the weekly activity schedule. An unscheduled contact might be a random after-hours visit to the participant’s residence. In addition to personal contacts, officers make frequent telephone contact. Officers also make collateral contacts with employers, family members, and/or counselors. Officers can increase these contacts at their discretion, based on the risks and needs of the participant. For example, although officers are only required to make out-of-office contacts during Phase I, they may conduct “home visits” during any phase. The following table identifies the minimum contacts and supervision requirements for each phase.

Chapter III - Intensive Supervision Program

Table 6
Required ISP Supervision Activities

Phase	Activity Schedule	Office Contacts	Home or Work Contacts	Telephone Contacts	Collateral Contacts
Phase I	Weekly	Weekly	Weekly	Weekly	Weekly
Phase II	Weekly	Weekly	Varies	Weekly	Biweekly
Phase III	Weekly	Weekly	Varies	Varies	Varies

Source: Compiled by the Legislative Audit Division from DOC records.

While personal and collateral contacts are the primary supervision methods, officers use other techniques to supplement direct participant contact. For example, Phase I includes electronic monitoring.

Electronic Monitoring

Electronic monitoring systems have historically provided verification participants are at their residence according to the weekly schedule. In ISP, all participants are monitored electronically during Phase I and the requirement is optional during the other phases.

The department currently uses two types of electronic monitoring. The system most widely used by the department indicates whether participants are in their residences. Following a schedule entered into a central computer, random telephone calls are made to the participants's residence. The participant answers and inserts a wristlet transmitter into a telephone unit, to verify schedule compliance. If the call is not answered, the computer telephonically notifies the ISP officer, who is responsible for locating the participant.

The department is also testing an active electronic monitoring system in one region. With an active system, an anklet transmitter automatically sends a signal to a telephone unit indicating the participant is at the residence. If the participants leaves the residence at unscheduled times, the system detects the deviation and notifies the officer of the schedule

Chapter III - Intensive Supervision Program

violation. This system also has remote monitoring capabilities, allowing officers to use a hand-held unit, or wand, to verify a participant location.

Testing for Drugs and Alcohol

Officers also use other methods to monitor participant activities. ISP requires all participants to abstain from the use of drugs and alcohol. Detected use may result in disciplinary actions, including program revocation and placement in prison. To enforce this requirement, officers use urinalysis (UA) to detect use of illicit drugs, and breath analysis (BA) to detect use of alcohol. During the audit, we noted officers test participants regularly and randomly for drugs and alcohol.

Community Service

Officers also monitor community service performed by participants. ISP participation requires a minimum of 70 hours of community service during Phases I and II. Officers verify compliance by observing participants on the job and/or through receipt of attendance sheets.

Treatment Monitoring

By monitoring the treatment activities of ISP participants, officers increase the amount of time they are aware of a participant's location and behavior. During our review of case files, we identified court judgements requiring specific treatment requirements such as anger management and chemical dependency counseling for most offenders selected for ISP. File documentation indicated participants requiring treatment were generally attending or had completed treatment programs. In some cases, we noted alternatives such as Alcoholics Anonymous and/or Narcotics Anonymous were used in lieu of professional chemical dependency treatment. The participants are responsible for the cost of treatment programs.

Other Monitoring Strategies

ISP officers employ a variety of additional strategies to monitor participant program compliance. For example, officers can require documentation such as:

- Earnings (pay stubs).
- Fine, restitution, and supervision fee payments.
- Receipts for rent, telephone service, utilities, and other expenditures.
- Driver's license, vehicle registration, and automobile insurance.

Chapter III - Intensive Supervision Program

Two-Officer Teams Supervise 25 Participants

Since the basic premise of ISP is intense supervision and monitoring of participants, the department established lower caseload requirements for ISP officers than for officers who conduct regular probation and parole supervision. A caseload of 25 participants for a two-officer team is considered optimum by the department. Two officers are necessary to ensure:

- Availability for response to violations 24 hours per day, 7 days a week.
- Coverage during training, vacations, and illnesses.
- Backup for officer safety when warranted.

The following chart reflects officers, optimum caseloads and actual caseloads for each ISP location for fiscal year 1996-97.

Table 7 ISP Locations and Caseloads Fiscal Year 1996-97						
ISP Locations						
	Billings	Bozeman	Great Falls	Kalispell	Missoula	Totals
Officers	4	2	2	2	4	14
Optimum Caseload	50	25	25	25	50	175
FY97 Caseload	44	24	22	22	45	157
Source:	Compiled by the Legislative Audit Division from DOC records.					

Chapter III - Intensive Supervision Program

Length of Time in ISP

To complete ISP, participants typically remain in the program for a minimum of nine months (270 days). Participants who do not comply with all the requirements or who violate program rules or conditions may be extended in a phase, required to restart a phase, or returned to an earlier phase. For our fiscal year 1995-96 sample, participants who completed ISP averaged 304 days in the program.

When participants commit a new crime or if a rule or technical violation is serious, revocation to prison or pre-release is an option. The jurisdiction for revocation approval is determined by the source of entry. For example, if the participant was paroled by the BOPP, then the board has to approve the department's recommendation for return to prison. For our sample, participants who returned to prison averaged 171 days in ISP.

Status Upon Release From ISP

We reviewed the supervision status of our sample of 118 participants at the time they exited ISP during fiscal year 1995-96. Participants could either complete ISP and move to regular probation or parole, or move to a more restrictive supervisory placement, such as prison or pre-release, due to a technical violation or new criminal offense. Our review indicates 53 percent of the 118 participants completed ISP during the 12-month period. The 47 percent who did not complete ISP received a more restrictive placement. We found offenders were generally revoked to prison for technical violations. Following revocation, the data indicates some local jurisdictions also filed new criminal charges. In our review, we did not determine the result of a pending criminal conviction status. The following table identifies the number of offenders completing ISP and indicates the source of their referral to the program.

Chapter III - Intensive Supervision Program

Table 8
ISP Sample Completion Rates

Entry Source	Participants	Completed		Did Not Complete	
Probationers	18	13	72%	5	28%
BOPP/Parolees	46*	24	52%	22	48%
DOC Commitments	53	25	47%	28	53%
Total	117*	62	53%	55	47%

* One participant expired prior to exiting ISP.

Source: Compiled by the Legislative Audit Division from DOC records.

Current Supervisory Status of Participants Who Completed ISP

To further examine the 62 participants who completed ISP during fiscal year 1995-96, we identified whether their current supervisory status was less restrictive than ISP or more restrictive. We found 81 percent, or 50 of 62 participants who completed ISP during the period, were in a less restrictive placement 18 to 24 months later. We determined 8 of 12 participants returned to prison for technical violations. Data for the other four indicates new criminal charges were filed. The following table identifies the current status of participants who completed ISP during fiscal year 1995-96.

Chapter III - Intensive Supervision Program

Table 9
Current Status of Sample Who Completed ISP

Current Status	Participants	Percent
Less Restrictive Placement or Discharged Sentence	50	81%
More Restrictive Placement	12	19%
Total	62	100%

Source: Compiled by Legislative Audit Division from DOC records.

Conclusion: ISP is a Beneficial Component of the Corrections System

Based on our review of fiscal year 1995-96 information, we concluded this program provides a beneficial alternative to incarceration. Several factors contribute to this conclusion:

- Number of revocations for violations and/or new crimes.
- Program completion rate.
- Current status of participants completing the program.
- Lower cost of ISP compared to prison incarceration.

ISP Structure

We examined basic program structure including criteria such as program length. In the view of most officers, current program length allows an appropriate amount of time for participants to understand and adapt to the significant supervision and restriction requirements before moving to a less intense phase with more freedom. Although some states established ISP lengths ranging from six months to two years, our review of national literature corroborated that nine months is reasonable to impact participant behavior.

Chapter III - Intensive Supervision Program

Conclusion: Basic Structure is Appropriate

The basic structure and criteria established by the department for ISP is consistent with programs established by other states.

Management Flexibility is Needed

While ISP policy indicates nine months is the maximum length of time offenders will be in the program, we noted most regional ISP caseloads included participants still in the program after 12, 15, or even 18 months. Reasons for retaining participants in ISP past nine months include:

- Phases repeated due to intervention/disciplinary action.
- Officers attempting to get participants to make restitution payments current before release from ISP.
- Continuing need for a participant to remain in the structure of ISP to reduce the likelihood of a reoffense/violation and placement in prison.

During the audit, we did not find documented evidence of management decisions approving deviation from established ISP criteria. We were concerned about the need for management involvement because:

- Officers with participants assigned for more than nine months could be supervising a caseload representing significantly less work than officers who are assigned offenders under nine months.
- Offenders could be retained in a higher cost ISP placement longer than necessary.

We concluded regional administrators need a formal procedure for deciding to deviate when there are valid reasons. To address the need for program flexibility, the ISP Handbook should include procedures for regional administrators to document deviation from established criteria. Community Corrections Division officials indicate their intent to revise the ISP Handbook to provide these procedures.

Recommendation #1

We recommend the department establish ISP Handbook procedures to document deviation from formal program structure and/or eligibility requirements.

Chapter III - Intensive Supervision Program

Chapters IV and V Address Opportunities for Improvement

In the following ISP chapters, we address procedures and documentation recommendations, which if implemented could improve ISP operations. In addition, we discuss officer workload and caseload issues affecting the department's capability to expand ISP.

Chapter IV - ISP Procedures and Documentation

Introduction

One of the audit objectives was to determine if management controls are in place to assure compliance with ISP supervision and monitoring criteria. Management controls over offender screening, selection, supervision, and monitoring activities are key ISP elements which contribute to program effectiveness.

In the following sections we discuss the results of our assessment of management controls and provide recommendations concerning offender selection, supervision, and monitoring processes.

Screening and Selection

To assure community involvement in the selection of ISP participants who will be placed in the community, the department established local screening committees composed of ISP and law enforcement officers. According to staff, the intent of screening at the local level is to determine community acceptance of offenders requesting acceptance into ISP. The screening process should include documentation reflecting local involvement and identify the reasons for acceptance or denial. We found screening procedures and documentation could be improved among the five regions.

Local Law Enforcement Involvement

During the audit, we observed law enforcement involvement in the screening process varied among regions. At some locations, screening did not include local law enforcement officials as active members of the screening committee. By not including local law enforcement, screening committee dialogue did not always address risk issues or impose conditions addressing public safety. At locations where law enforcement personnel were actively involved in the screening process, their participation added value to the committee's discussions of monitoring requirements and setting of placement conditions for an offender's ISP acceptance.

Chapter IV - ISP Procedures and Documentation

Incomplete Documentation of Screening

The screening referral form used by the regions was designed to record treatment and/or counseling needs, potential ISP conditions, and the final decision reached by screening committee members. During our review of files, we noted referral forms which were incomplete and/or which did not address treatment needs or conditions. Additionally, we found forms with only one ISP officer's initial indicating placement acceptance or denial, instead of all screening committee members, and no other information about the screening process.

Management Emphasis Needed

We found inconsistency between regions resulted from a lack of management emphasis regarding compliance with department policy in this area. Since the screening committee decision is critical for acceptance or denial into ISP, the department should re-emphasize the importance of committee involvement and comprehensive documentation. This information is useful not only as a record of the offender's movement through the criminal justice system, but could be used to examine consistency of placement decisions between regions.

Department officials concur with the findings and indicated their intent to re-emphasize policy and to modify procedures for documenting ISP candidate screening to include verification of compliance through supervisory review.

Recommendation #2

We recommend the department verify regional compliance with DOC policy for ISP screening procedures and documentation.

Documentation of Supervision and Monitoring

To reduce the risk to communities, the department established minimum supervision levels for placement of offenders into ISP. The division's policy and procedure manual and ISP Handbook require officers to document all contacts and alcohol/drug tests in a participant's chronological history file or permanent case file. In addition, the department requires case audits of ISP files by supervisors to assure officers are complying with minimum supervision standards.

Documentation of supervision is the primary method for verifying participants are monitored in accordance with established standards.

Chapter IV - ISP Procedures and Documentation

Without documentation of contacts, the department cannot verify participants are held accountable and monitored according to standards intended to assure public safety. A lack of documentation also increases the risk the DOC could be held liable as a result of offenses committed by ISP participants and could diminish program credibility within a community.

Documentation does not Show Required Level of Supervision

Case file records did not substantiate officers were documenting participant contacts according to supervision standards established in the ISP Handbook. For example, we identified eight of 14 files in one region with up to five weeks of Phase I supervision which did not have documented officer/participant out-of-office contacts. In several regions we found a similar lack of documentation for other supervision activities such as telephone contacts and collateral contacts with relatives or employers. We also noted lack of documentation of UA and BA tests.

Conclusion: Officers are Meeting Supervision Standards

In most cases, officers recalled details of individual case supervision and monitoring not specifically documented in chronological histories. These recollections were supported by inference in related documents such as treatment forms and/or office call logbooks. Further audit work and discussions with officers led us to conclude the concern was a documentation issue rather than lack of supervision and monitoring.

Several Factors Contribute to Lack of Documentation

Several factors contributed to the documentation deficiencies:

- Some ISP officers stated only critical contacts need to be documented.
- Existing forms/methodologies were designed for maintaining a chronological history for regular probation and parole rather than compliance with established ISP standards.
- Case audit forms used by supervisors reflect general file information rather than the type and number of contacts specified in the ISP Handbook.
- Officers stated documenting all contacts reduces the amount of time available for direct supervision.

Chapter IV - ISP Procedures and Documentation

Documentation Methodology Requires Revision

To improve documentation of officer supervision activities, we believe the department should refine the methodology for identifying and documenting the required supervision standards. ISP supervision documentation should reflect whether officers are complying with the minimum standards. Similarly, ISP supervisors should be able to easily assess officer compliance with standards by reviewing file documentation.

Department officials believe all contacts with participants need to be documented to assure the minimum supervision standards are met. Staff indicated their intent to modify existing methodology to improve officer documentation and supervisory case file audits.

Recommendation #3

We recommend the department develop a comprehensive methodology for written chronological entries which ensures compliance with ISP supervision standards.

Case File Documentation Requirements

During review of files, we identified variations in the types and number of forms and files used to monitor and document participant activities. Examples of regional variations include:

- Regional versions of ISP contracts in addition to the department's ISP contract.
- From one to four separate case files including: permanent, chronological, and two working versions.
- Regional determination to use a monthly report form developed for offenders on regular probation and parole.
- Regional versions of forms used for participant budget review.
- Selective use of treatment attendance sheets, community service logs, vehicle registration and insurance, pay stubs, and receipts.

Officers were unsure which documents should be retained or placed in the permanent case file, because the department has not specifically identified all documentation officers should use, maintain, or retain. We also noted officers have difficulty finding information in the various files and risk losing documentation.

Chapter IV - ISP Procedures and Documentation

Files Based on Regular Probation and Parole Methodologies

We found the department's records maintenance and retention process is based on procedures developed for supervision of regular probation and parole participants. Staff indicated there has not been a formal review of ISP operations, including documentation, since program implementation approximately eleven years ago. Consequently, officers have created forms or modified department-approved forms to address regional ISP needs.

The department needs to update its case file requirements for ISP. Forms and information should address the needs of the supervision and monitoring intent of ISP.

Department officials generally agree with the need to establish state-wide consistency in forms and documentation used by ISP officers. Officials indicated their intent to specify forms required to be used, maintained, and retained in ISP case files.

Recommendation #4

We recommend the department formally define the case file documentation ISP officers are to use, maintain, and retain.

Chapter V - Potential for ISP Expansion

Introduction

In this chapter, we address issues which impact ISP supervision and monitoring, workload and officer caseloads. These issues affect the department's operational effectiveness and impact the capability to expand ISP in Montana. The department's population management plan projections indicate the need to increase correctional system capabilities. Since the average daily cost of ISP compared to more restrictive placements is lower, improvements in operations and/or program expansion could reduce overall correctional system costs.

In the following sections, we examine options for program expansion and present a list of best practices identified during the audit which improve operations and impact both average daily cost and correctional system costs.

Expansion Options

During the audit, we considered information collected from other states concerning staffing and caseload levels, as well as information from department staff to focus on improving operations and effectiveness. In this section, we examine the following expansion possibilities:

- Adjust the number of officers and caseloads at existing ISP locations.
- Establish additional ISP locations.
- Reduce ISP officer workload to increase officer caseload capability.

Adjust Officer Numbers at Existing ISP Locations

One alternative for expansion is to increase the number of officers and associated caseloads at current ISP locations. For example, if a ISP location has three officers now, add a fourth officer and increase caseload from 38 to 50 participants. This alternative may be limited because to qualify for ISP, candidates need community ties such as a residence, job, and support group (family, friends, and treatment resources). In addition, candidates must have an attitude conducive to meeting the supervisory structure and restrictions imposed by ISP. Both of these conditions currently limit the number of potentially eligible offenders.

Chapter V - The Potential for ISP Expansion

Through discussion with prison, regional, and BOPP staff, we determined neither the prison, boot camp, nor pre-release centers have an excess of offenders who potentially meet program criteria. In support of this determination, we found many regional caseload averages were less than maximum for the officers assigned, indicating if a qualified candidate was available, a placement could have been made. However, since institutional populations are projected to increase in the future, the pool of available candidates could increase.

If ISP were expanded in current locations without an available pool of candidates, officer caseloads might not be maximized. This situation would increase the average daily cost for ISP because caseloads would not be optimized. Potentially, offenders who would not have been sent to prison (lower risk) would be selected to fill caseload availability. However, this approach to maintaining officer caseloads would also potentially place offenders in a higher cost placement than necessary, thus increasing overall correctional system costs.

Establish Additional ISP Locations

A second alternative is to establish ISP in additional communities. According to staff, communities such as Butte and Helena contribute significant numbers of probation, parole, and DOC commitment offenders to the correctional system. Many of these offenders are potentially eligible for ISP. Since the program requires community ties and support, it is difficult for candidates outside one of the five communities currently offering ISP to participate.

According to department policy on caseload assignment, two officers support 25 ISP participants. Unless a community population can provide qualified participants at this level, establishment of ISP might not be an effective use of officer resources. Department officials and the BOPP staff indicate the number of offenders originating from Butte and Helena should support the assignment of two ISP officers at each location. These two communities are comparable to Bozeman and Kalispell; both currently provide ISP. Since our audit scope did not include an analysis of potential ISP participant populations by community during the audit, we cannot address whether this alternative could apply to other Montana communities besides Butte and Helena.

Chapter V - The Potential for ISP Expansion

Reduce ISP Officer Workload to Increase Caseload

A third alternative for program expansion is to decrease existing officer workload. We define officer workload as supervision-related duties and responsibilities. By reducing the workload associated with each offender, officers should be able to increase their caseloads. We identified four workload-related areas which could improve caseload capabilities:

- Improve electronic monitoring capabilities by using active systems. While there are budget/cost issues which must be resolved before the active system could be implemented state-wide, the active system is less labor intensive.
- Improve or increase administrative support for ISP officers. Administrative workload such as data entry on ACIS, electronic monitoring schedule input, case file maintenance, typing of memos/forms, conducting hearings, and screening calls detract from the officers' capability to perform their primary supervision responsibilities.
- Increase the current maximum caseload (25 participants/2 officers) based on the number of participants retained in the program past nine months. Officers indicate these participants, while still in need of ISP structure, were relatively easy to supervise.
- Resolve workload consistency issues. We identified five ISP officer work-related requirements which varied between the regions, including: intervention hearing usage, drug testing, community service oversight, use of two-person teams and on-call officer responsibilities. We believe these five issues reflect a significant enough difference in workload to justify different officer caseload assignments between the regions. When an officer in one region has fewer duties because of available community resources, potentially the number of cases assigned could be increased.

Following review of workload, we could not recommend a specific officer caseload increase, because there are too many variations associated with resolving these issues. However, we believe a significant caseload increase would reduce the capability to meet existing minimum supervision standards.

Chapter V - The Potential for ISP Expansion

ISP Expansion Summary

The department should consider all three possibilities for ISP expansion, because each influences program cost differently. For example, if more offenders enter the program following a staff increase, the average daily cost stays about the same. However, if the department can reduce current officer workload and increase caseloads per officer, average daily cost could be reduced. Regardless of whether more offenders enter ISP because of a staff or caseload increase, total correctional system costs are reduced compared to more restrictive placements. Following the conclusion, we discuss best management practices which if incorporated by DOC on a statewide basis, may also increase the expansion capability of ISP.

According to department management, budget priorities for the next legislative session includes seeking additional officers for existing locations, establishment of new locations, increasing caseloads, and expansion of electronic monitoring capabilities. Staff anticipate revising formal policy and procedures where appropriate to assure consistency and common workload for ISP officers in each region. Department officials are reluctant to establish different regional caseload levels based on the workload inconsistencies identified.

Conclusion

The department intends to seek funding to increase officers at existing locations, establish additional ISP locations and increase caseloads. Due to these decisions, we are not making a recommendation. However, the department should carefully consider each of these expansion options prior to implementation to ensure they address the participant availability, cost, and workload issues identified in this chapter.

Best Management Practices

During the audit, while noting differences in operations between the five regions, we also observed regional practices which if implemented statewide have the potential for improving operations in other regions. Typically, the best practices noted are already used by one or more, but not all of the regions. The following outlines areas where best practices were observed during the audit:

- Use detailed weekly caseload worksheets, including information such as the number of days in the current phase level and the required contacts for each participant.

Chapter V - The Potential for ISP Expansion

- Use a chronological logbook format identifying minimum contact requirements at the start of each week, as well as documentation indicating a completed activity or the reason for deviating from the requirement.
- Use one page forms to document required restitution, fines, and fees and provide for tracking of all court-ordered requirements.
- Use one page forms to indicate participant wage and budgetary information, including rent, utility payments, clothing, food, etc.
- Consolidate forms such as firearms, supervision fees, electronic monitoring forms into a single document to reduce and simplify paperwork.
- Consolidate various contracts, conditions, and rules documents currently used to identify program restrictions and structure for participants.
- Separate ISP Handbook information on program structure for participants from information on officer supervision and monitoring procedures. We noted the current handbook, used by both officers and participants, combines both program rules for offenders and supervision and monitoring criteria for officers. This approach has resulted in wording which is not specific enough for either audience.
- Use disposable drug testers to lower cost and provide for quick admission of guilt by a participant.
- Compile program management information. For example, one region compiles program data to reflect a status for payment of restitution, court fines, supervision fees, and child support. In addition, community service hours are converted to payments based on the prevailing minimum wage. This region compared the actual cost to the state (about \$38,000 using average daily cost) for nine participants completing ISP to the total amount of their payments (approximately \$29,000). While the cost of ISP operations cannot be directly offset by these payments, this kind of comparison would help the department determine and demonstrate a more comprehensive representation of the cost effectiveness of ISP.

We believe these best practice candidates could improve operations if implemented state-wide. Department officials completed an initial evaluation of this list and indicated both central office and regional staff are receptive to considering them for implementation.

Chapter V - The Potential for ISP Expansion

Chapter VI - PRC Program

Introduction

Another component of community corrections is pre-release centers. Pre-release centers provide supervised educational, treatment, and work opportunities for offenders. Offenders are required to reside in these centers during their placement. The following sections provide background on the Pre-release Centers (PRC) program and the Department of Corrections (DOC) administrative role.

What are PRCs?

PRCs are community-based correctional facilities operated by non-profit corporations under contract with DOC. The department contracts with four private, nonprofit corporations to operate pre-release centers in Billings, Missoula, Great Falls, and Butte. Currently, there are no state-operated facilities. The facilities provide supervision, counseling, assistance in locating employment, life skills training and guidance. Participants must meet PRC established goals and complete various program requirements to successfully move to a lower level of department supervision. PRCs function as a component of the correctional system. Currently there are approximately 270 beds for males and 80 beds for females used by DOC at the centers.

When first established, PRCs provided transitioning services to offenders approaching release from prison. Now, they also provide services in lieu of prison for adult male and female offenders who were:

- > Committed into the custody of the DOC; or,
- > Placed on probation, but require more structured supervision; or,
- > Parole violators requiring less restriction than a prison.

PRC Expansion Plans

Due to projected growth in the corrections population, the DOC has approved facility expansions at all four PRCs. The Missoula center is planning to construct a new facility to house 80 males and 20 females by FY 2000. The Billings PRC is expanding its bed capacity to be 105 males and 17 females in FY 1999. The Butte Pre-release Center is expanding the type of programs offered at their facility to include a pilot program for concentrated chemical dependency treatment and a central boot camp screening site. The Great Falls PRC recently added 20 beds for females to their facility.

Chapter VI - PRC Program

The PRCs have also initiated programs for placement of some soon-to-be released residents outside the PRC. These transitional living programs have also increased the placement capabilities of the PRCs.

In addition to expanding existing centers, the department is exploring new locations for additional PRC programs. A Helena Pre-release Advisory Council has been established and is determining local support for siting a center.

DOC's Role with PRC Programs

The PRC program is primarily administered by two program managers within the Community Corrections Division (CCD). These staff are responsible for numerous administrative duties such as contract liaison, reviewing monthly billings, screening offenders for PRC placement, and conducting on-site reviews of the four contracted centers. In addition to the two program managers, there are designated probation and parole officers who act as liaisons between the centers and department community corrections staff. Other CCD staff, such as the Regional Administrators, are involved in PRC activities as needed. The division also has an institutional probation and parole officer at each of the prisons to coordinate PRC screenings and placements from those facilities.

How are Prison Inmates Selected for PRC Placement?

To be considered for PRC placement, there is a screening process. Inmates must be within twenty-four (24) months of parole eligibility and cannot have medical or psychological problems which require hospitalization or extensive and costly community-based care. Inmates must be free of felony escape convictions for a minimum of three years before being considered for referral and/or placement at a PRC. Factors such as loss of good time, escape history, detention, increase in custody or previous conduct at a PRC may be considered in determining the appropriateness of any inmate placement. The inmates are responsible for designating which PRC or PRCs they would be interested in for placement.

Inmates requesting PRC placement are screened by an institutional screening committee, which includes a representative from the prison, the Board of Pardons and Parole, Probation and Parole Bureau, and the CCD. PRC representatives are also invited to attend these screenings.

This screening process includes personal interviews with eligible inmates by the screening committee, a review of the inmate's criminal history, and his/her conduct at the institution. The intent of the screening is to assess if the inmate's placement in the community will jeopardize public safety, to determine the appropriateness of the inmate for a minimum security setting, and to assist in the determination of their chance of success in a PRC. If rejected, the inmate can return for consideration at a later date. In some cases, the inmate is directed to complete a specific requirement such as alcohol counseling or anger management courses before applying again.

When an inmate is approved by the institutional screening committee for referral to a PRC, a referral packet is prepared for review by a local PRC screening committee. Local screening committees typically include a representative from the PRC, a member of the PRC's Board of Directors, a Probation and Parole Officer, representatives from local law enforcement, and a local citizen. Committee makeup is not statutorily- or department-mandated.

If an applicant is rejected by the PRC they have selected, the referral packet is routed to the other PRCs for placement consideration. If all the PRCs reject the referral, the offender remains in prison. However, they can reapply for placement at a later date.

How are Other Offenders Referred to PRCs?

Offenders committed into the custody of the Department of Corrections may be referred to a PRC in lieu of being incarcerated. These offenders are screened by a Probation and Parole Regional Administrator. If the offender is deemed appropriate for PRC placement, a referral packet is prepared and a paper review, and, possibly a personal interview is conducted by the local screening committee for approval or rejection.

Offenders violating probation conditions may be recommended for placement at a PRC by the offender's judge, in lieu of prison incarceration. Offenders violating parole conditions may also be recommended for PRC placement rather than being returned to prison. The Board of Pardons and Parole makes this determination with input

Chapter VI - PRC Program

provided by the offender's Probation and Parole Officer and the local screening committee. The following charts illustrate type of offenses, and where offenders were prior to placement for most of the PRC residents in our sample.

Table 10
Primary Offense of PRC Residents Calendar Year 1995
and
Sampled Offender Status Prior to PRC Placement

<u>Primary Offense of PRC Residents</u> <u>Calendar year 1995</u>	
<u>Summary of Offenses</u>	<u>Number</u>
Burglary	42
Possession	22
Forgery	11
Assault	8
Fraud	8
Negligent Homicide	5
Criminal Endangerment	5
Domestic Abuse	1
Sex Offense	1

Source: Compiled by the Legislative Audit Division from DOC records.

<u>Sampled Offender Status</u> <u>Prior to PRC Placement</u>		
	<u>Number</u>	<u>Percent</u>
MSP	55	47.41
DOC/Jail	35	30.17
Bootcamp	13	11.21
Probation	7	6.03
MWP	5	4.31
Parole	1	0.86

Source: Compiled by the Legislative Audit Division from DOC records.

How Long do Residents Stay at PRCs?

Residents who are diverted from incarceration are limited by statute to a PRC stay of one year. In addition, section 53-30-321, MCA, states a judge may not order placement to a community corrections facility for a period exceeding a year. Contract language we examined for the PRCs' state DOC's expectation is that residents will move from the PRC residential setting within a four to eight month period. According to department officials, new contract language recommends a six to thirteen month stay. The median length of stay for calendar year 1995 was approximately seven months.

What Steps are Taken at PRCs to Address Public Safety

To address public safety concerns, PRCs established a system for monitoring and evaluating resident behavior and activities. A high percentage of residents entering the PRC program have been involved in drug-related crimes and have a history of chemical dependency. As a result of the high percentage of chemical abuse, the Pre-release Centers have on-site drug and alcohol screenings. Residents are required to provide urine and breath samples upon request. Generally, a positive finding of alcohol or a controlled substance is cause for removing the resident from a PRC.

Residents are also subject to room, vehicle and personal searches. These searches are a means to control offender property and guard against theft in the facility as well as in the community. Residents are required to develop weekly plans for all money spent in the community. This budget planning is designed to provide a safeguard against misuse of funds. Twenty-four hour agendas are also planned by the resident, with assistance from his/her counselor and monitored by PRC personnel via random "on-the-spot" and telephone checks. This includes random checks with employers and on-site visits of job sites.

Residents progress through a pre-established system of decreasing restrictions and increased personal responsibilities. This system is designed to award those residents who follow PRC rules and achieve prescribed goals such as employment, saving a certain dollar amount, and attending treatment services.

Chapter VII - PRC Program Considerations

Introduction

Our primary audit objective was to identify program outcomes for the Pre-release Center (PRC) program. Areas reviewed included:

- > Steps taken to address public safety.
- > New convictions for offenders while in the program.
- > Number of residents who actually complete the program.
- > Whether residents returned to prison within two years of completion.

To review these areas, we selected a random sample of 122 offenders who were in a PRC during calendar year 1995. This chapter describes the testing performed and summarizes our findings.

Steps Taken to Address Public Safety

To examine public safety, we looked at the PRCs disciplinary policies, rule violations of residents, and whether any of the residents had been convicted of new crimes during their PRC residency. Based on our review, any residents who showed inappropriate behavior or lack of rule compliance were dealt with through established PRC disciplinary action. Disciplinary actions were in the form of revoked privileges, such as lack of off-site passes or increased household chores.

If an inmate at a PRC does break the law, they may be revoked back to a prison setting or jail without new court proceedings. However, prior to any revocation for any reason, a disciplinary hearing is held with local DOC representatives and PRC staff.

What Type of Rule Violations are Occurring?

The disciplinary procedures of each PRC appear fairly consistent and are based upon prescribed “house rules.” Each center has prescribed rules for all residents to follow including guidelines for personal belongings in rooms, budgeting money, attending required counseling, and maintaining a daily schedule. All PRCs use a three-tiered system of rule violation to designate the seriousness of a rule infraction. Rule violations can be classified as Class I (serious), Class II (intermediate), and Class III (minor). The following table shows the number of violations by class noted in our sample of residents.

Chapter VII - PRC Program Considerations

Table 11
Number of Rule Violations
Noted in LAD Sample

Class I	4
Class II	114
Class III	290

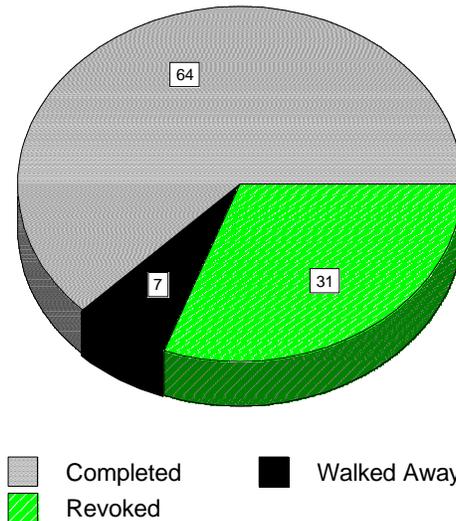
Source: Compiled by the Legislative Audit Division from DOC records.

The four Class I violations resulted in each of the violating residents returning to prison. All four were due to use of drugs or alcohol. Class II violations were generally related to schedule violations or financial mismanagement. Other common violations were lying to staff members or not completing assigned housekeeping duties. Class III rule violations were the most common and ranged from residents not cleaning their room to not participating in a required group session. File documentation indicated the majority of violations occur during the first part of an offender's stay in a PRC.

How Many Residents Complete the Program?

As a final step in evaluating the steps taken to address public safety, we examined the number of residents who completed the program, those who walked away, and the number revoked and placed in prison. The following chart illustrates the outcomes we could identify for 102 of the 122 residents sampled.

Figure 3
Number of Residents Completing
PRC Programs in CY 1995



Source: Compiled by Legislative Audit Division from DOC records.

As noted earlier, residents with Class I violations accounted for four of the documented revocations in the sample. The remaining 27 revocations were caused by either a Class II rule violation or an offender asking to be returned to prison. Some individuals do not adjust to a PRC's rules during the first couple of months in the center and were returned to their prior custody status. Overall, the majority (64) of sampled PRC residents completed the program.

Program Outcomes

There are several PRC participation outcomes which indicated the PRCs are a beneficial program option. PRC residents are required to be employed during their stay, and must obtain this employment within a set period of time from arrival. If a resident does not actively seek employment, he/she can be returned to the prior level of custody. In reviewing data for the sample population, the median length of employment was five months and they were employed for 75 percent of their PRC stay. The median hourly wage recorded was \$5.25, which is

Chapter VII - PRC Program Considerations

higher than the 1995 minimum wage of \$4.25. The table below represents the type of jobs residents held while in PRCs.

Unskilled Labor	27
Food Service	25
Construction	14
Not Employed	11
Sales	11
Mechanic	3
Janitorial	3
Cashier	3
Health Care	2
Meat Packer	1
Delivery	1
Glass Assembler	1
Source: Compiled by Legislative Audit Division from DOC records.	

Residents who worked in construction were the highest paid, and cashiers or food service workers were the lowest paid. The type of employment held varied between communities:

- Great Falls had the largest number of residents working sales.
- Butte had the largest number of residents employed in construction.
- Billings had more residents employed as laborers.
- No employment trends were identified in the Missoula sample.

Chapter VII - PRC Program Considerations

While employed, an offender in a PRC is also paying federal, state and local taxes, a portion of their incarceration costs, and spending dollars in the local economy.

These factors reflect positive program outcomes which generally cannot be obtained when offenders are incarcerated in prison. These outcomes also help demonstrate the PRC component of community corrections provides an effective option for managing offenders who would otherwise be in prison.

Where are Past PRC Residents Today?

In addition to examining other program outcomes, we also attempted to determine how many of our sampled PRC residents had returned to prison incarceration or some other highly-supervised corrections program as of February 1998. The following table summarizes the status of sampled residents we were able to locate using department records.

Table 13
Current Status of Sampled PRC Residents
As of February 1998

Probation/Parole	40
Sentence Expired/Discharged	35
Prison	25
Escaped	9
ISP/PRC	6
Deceased	1
Total	116
Source: Compiled by Legislative Audit Division from DOC records.	

The status of sampled residents appears to indicate that after two years, the majority of offenders (73%) who entered a PRC in 1995 have stayed

Chapter VII - PRC Program Considerations

out of the highly-supervised portions of the correctional system. Twenty-seven percent are back in the correction system at the same or a higher level of supervision.

Conclusion: PRC Programs are a Beneficial Component of the Corrections System

Based on our audit testing, we concluded this program provides a beneficial component to transition or to divert offenders from incarceration. Several factors contribute to this conclusion:

- PRC residents are not recording new offenses.
- As residents' violate program rules, disciplinary actions are taken.
- The majority of residents are completing the PRC program.
- There are positive program outcomes, such as gainful employment and reimbursement of a portion of placement costs.
- A majority of sampled residents have not returned to the same or a higher level of supervision two years after program completion.

Chapter VIII - DOC Administration of PRC Contracts

Introduction

In addition to reviewing issues relating to public safety and program success indicators, we examined DOC procedures and processes for administering PRC contracts. Our audit objective in this area was to determine whether potential improvements or methods could strengthen the DOC oversight process. Audit testing included reviewing: department rules and policies, contract oversight, and general management of PRC processes. During the course of our testing, we identified several areas where contract management and controls could be improved. The following sections outline areas where improvements could strengthen overall contract administration.

Additional DOC Rules are Needed

Currently there are resident charges assessed by the PRCs that have not been formally approved by the DOC. These charges include fees for resident handbooks, linen, and transportation. Although section 53-1-501, MCA, requires reimbursement for room, board, and services be paid at rates established by the department, there is no department approval or formal rules discussing these charges.

In addition, Section 53-1-203, MCA outlines the powers and duties of the department which states the department shall adopt rules for the admission, custody, transfer, and release of persons in department programs. This section also requires the department adopt rules for the siting, establishment, and expansion of PRCs. Draft rules in this area have been developed, but not approved. DOC has developed some other rules for the community corrections programs they administer; however, these rules do not address all areas designated in statutes. Existing rules primarily discuss the resident reimbursement rates for community correction centers and address **state-operated** centers. Program areas where rules are not formally in place include:

- > Siting, establishment, and expansion of PRCs.
- > Admission, custody, transfer, and release of persons in programs.
- > Eligibility requirements for PRC placement.

The department is not in compliance with current statutory requirements and steps should be taken to address this area.

Chapter VIII - DOC Administration of PRC Contracts

Lack of administrative rules for DOC community corrections programs has contributed to procedural inconsistencies which impact residents and caused confusion on the part of program managers. Department management has indicated these areas are addressed primarily through internal policies therefore administrative rules are not necessary.

Recommendation #5

We recommend the department develop ARMs to comply with statutory requirements in sections 53-1-501 and 53-1-203, MCA.

Contract Clarification Needed

We examined the contracts the DOC has with the private, non-profit corporations operating the pre-release centers. During the review we noted several areas where the contracts should be clarified and/or expanded. The following sections outline the specific issues identified.

Resident Accounts

PRC residents are required to turn over all earned income to the PRC for tracking and financial management. These funds are deposited in a centralized account known as a resident account. Residents accounts are handled differently at each center. Some centers have established accounts which accrue interest for each resident; one center established a non-interest bearing account for all residents' monies; and another center uses the interest from residents' accounts to fund a resident recreational fund. Neither the department contract, ARMs, nor their policies and procedures address resident accounts. Interviews with department personnel indicated this is an area they have not considered or addressed during their contract oversight process. This lack of control over resident accounts appears inconsistent with other specific contract requirements outlined by the department such as minimum square footage limits for resident rooms, allowances for personal room decorations, caloric intake and food specifications, security requirements, etc.

PRC residents are ultimately the responsibility of the state, specifically DOC. In the past, the state has accepted responsibility for interest earned on residents accounts. We found examples where the amount of money maintained in a resident account was at a sizeable level. For instance, several residents at one center had balances in excess of

Chapter VIII - DOC Administration of PRC Contracts

\$10,000 in the account. One offender had a balance of \$16,000. An account of this size could expect to earn interest of \$53 a month or \$640 a year with a minimum interest rate of 4 percent. Also, since the amount of savings is a key component in obtaining their release from the PRC, this is an important consideration for program management issues such as length of stay and cost per placement.

Based on our audit findings, we conclude the department should take steps to address consistent accounting and reporting standards for resident accounts. Section 53-1-501, MCA, mandates DOC prescribe rules and procedures for rates and charges to residents. In addition, section 53-30-323, MCA, requires a written contract or agreement which sets forth the terms and conditions for placement. This area should be examined and changes incorporated into the contract language as required.

DOC believes each center should determine how residents accounts are handled. However, should the PRCs wish to continue handling their residents' accounts as they have been, department staff have indicated they shall instruct them to inform offenders of their accounting procedures, comparing them to procedures at the other centers, prior to the offender entering the program.

Recommendation #6

We recommend the department develop contract language to fully address statutory requirements relating to residents accounts.

Subcontract Approval

PRC contract language states: "The contractor shall not assign, sell, transfer subcontract or sublet rights, or delegate responsibilities under this contract, in whole or in part, without the prior approval of the department." This language is based on statutory requirements outlined in section 18-4-141, MCA. Currently all PRCs contract for some portion of their treatment or programming services. Interviews with department and PRC staff noted this is not an area reviewed or formally approved by department staff. Lack of approval by department personnel for contracted services constitutes noncompliance with contract requirements. In some cases, these contracted services are key

Chapter VIII - DOC Administration of PRC Contracts

components of the required programming, such as chemical dependency counseling or mental health evaluations, for the PRCs. Without formal approval or oversight, the department has no basis for gathering program data from these subcontractors or evaluating the quality of service provided. Based on our audit findings, we concluded the current subcontracts are in place without department approval and are therefore, a contract violation.

DOC officials indicated they will discuss this issue with PRC directors and develop mutually agreed upon procedures to ensure subcontracts are reviewed and approved.

Recommendation #7

We recommend the department establish procedures for approval of services subcontracted by the PRCs as required by statute.

DOC Program Reviews

DOC has historically conducted annual reviews of the PRCs for contract compliance. Based on our observations, there are several positive aspects of this review including:

- DOC sends a copy of the review instrument to the PRCs to allow self-evaluations and generally makes them aware of what the review teams will be asking/examining.
- Entrance and exit conferences are held with PRC staff to explain what they will be doing and what they have found.
- Facility inspections allow both staff and residents the opportunity to visually see the DOC is taking an active role in PRC operations.
- Resident interviews afford an opportunity to have input on PRC operations.
- A written report formalizes the review process and is a useful and necessary aspect of the reviews.

How Can DOC Reviews be Strengthened?

The reviews consist of a one day, annual on-site visit to a PRC where DOC staff do inspections and ask general questions about various issues which include: financial management, security, case management, food, safety, personnel, and the facility. The bulk of the review involves interviews with PRC staff. The following sections discuss potential areas where the reviews could be strengthened.

Chapter VIII - DOC Administration of PRC Contracts

Expand Areas Reviewed

Based on our review and using information from federal and national organizations, we identified several areas where additional state oversight could help reduce risks to the state. Testing in these areas could be on a periodic basis or rotated between years due to the limited staff time available for the PRC on-site reviews. The following illustrates a “shopping list” of potential review areas a review team could examine or examine more thoroughly:

- Background checks conducted of PRC staff.
- Standards/procedures for drug and alcohol testing.
- Control of medications.
- Timeliness of treatment enrollment.
- Length of stay vs. number of days billed.
- Type, format, and outcomes of treatment programs.
- Compliance with all applicable statutes.
- Observation/analysis of resident supervision outside the PRCs.
- Availability of current, up-to-date resident handbooks.

Change Review Team Members

Another area where improvement could be addressed is in the use of the local Probation and Parole officers to conduct the security review. By having an officer from another region or perhaps security personnel from one of the prisons do the security reviews, the possibility of a conflict of interest would be reduced and the level of scrutiny of PRC security procedures would be increased.

Examine Financial Reviews

To keep DOC staff informed of PRC operations, the PRCs provide annual financial audits of their accounting procedures. These audits are completed by independent, private CPA firms. Valuable program information could be obtained by utilizing these audits and expanding current program reviews to include an examination of program financial activities.

Reliance Upon Federal Reviews

Federal inmates are also housed at PRCs across the state. Currently there are three centers which contract with the federal Bureau of Prisons to provide a set number of beds for inmates. Bureau of Prisons staff conduct in-depth on-site monitoring and facility inspections at least annually. DOC review of PRCs does not incorporate the federal Bureau of Prison reviews of the PRCs. As a result, there is potential and actual duplication of effort.

Chapter VIII - DOC Administration of PRC Contracts

Conclusion

We believe changes in these areas could improve and strengthen the DOC contract oversight process.

Chapter IX - Other Corrections-Related Issues

Introduction

While conducting the ISP and PRC audits we noted several issues which directly or indirectly impact these programs and/or corrections in general. In this chapter, we discuss statutory issues and operational practices of the DOC which if modified or improved could increase the efficiency or effectiveness of ISP and PRC as well as other community corrections programs. Areas discussed in this chapter include:

- Assessment, monitoring, tracking of restitution.
- Assessment and payment of supervision fees.
- Program assessment.
- Processing of records for DOC commitments.

Restitution

In addition to a sentence such as prison or participation in a community-based alternative, courts often require offenders to pay restitution, fines, fees, court costs, etc. Section 46-18-251, MCA, establishes a hierarchy for allocation of offender payments as follows:

- 50 percent to restitution
- Court charges
- Supervision fees
- Other court charges and fines.

Based on this hierarchy we interpreted legislative intent to be that victims and courts should receive priority in receiving offender remuneration for costs associated with criminal activities. In addition to the above statute, there are statutes which require payment of court-ordered restitution and authorize DOC to adopt rules to use income earned by residents in community correctional facilities.

Collection of Restitution is not Emphasized During ISP and PRC Participation

During audit fieldwork we examined department procedures for establishing restitution payment schedules and for tracking restitution repayment by residents in PRCs and ISP placements. The following summarizes findings noted during the audit.

- During review of ISP we noted limited and varied documentation of participant compliance with court-ordered payments because file documentation was not complete. For example, in 11 of the 25 files containing court judgements for restitution we were unable to identify restitution payment amounts, or determine if the participants were making restitution payments. We also noted

Chapter IX - Other Community Corrections Issues

limited information on participant payment of fines and other court charges.

- At PRCs, we also found resident payment of restitution was not consistently occurring. In our sample of offenders residing in PRCs, the average amount of restitution ordered was \$2,750 per resident. However, the average amount of restitution paid during their stay was \$84.70. The PRC residents we sampled earned an average of \$5.25 per hour for approximately five months of their stay at a PRC. A resident working 30 hours per week, for example, would have pre-tax earnings of \$157.50 a week or \$630 per month. While residents would not be expected to pay all their restitution during their PRC stay, the \$84.70 represents a payment schedule of approximately \$14 per month, assuming a six month length of stay. At this rate of payment, it would take an offender approximately 17 years to make restitution to a victim.
- Although required to enforce conditions established by the courts, the department has not established a formal mechanism for determining program participant payment capabilities, or tracking progress towards meeting imposed financial obligations in any of the community corrections programs. As a result, the department is limited in its ability to:
 - Monitor and enforce court-ordered payment requirements.
 - Verify or assure program participants are held accountable for financial obligations.
 - Make appropriate recommendations to the court when offenders are unable or unwilling to pay court-ordered obligations.

Reasons for Lack of Restitution Collection Vary

Based upon discussions with various department personnel, we believe there are number of reasons for our findings. The DOC's primary mission has historically been to supervise offenders via probation, prison, or parole. This responsibility has not always included a mandate to have offenders pay such obligations as court costs or restitution. This responsibility is outside the traditional job requirements of the supervising officers, and with rising numbers of offenders to supervise neither the department nor the officers have made collection of restitution a priority. An example of this lack of emphasis was noted in one region where officers allowed reduced or delayed payments for restitution, court charges and supervision fees so ISP participants would be able to pay for an alternative form of electronic monitoring.

Chapter IX - Other Community Corrections Issues

With regard to collection of restitution from PRC residents, there is a programming contradiction which inhibits collection efforts. At present, in order for PRC residents to advance through the various programming levels, residents must accumulate an increasing amount of personal savings. Each PRC requires residents to have at least \$500 in savings before leaving the PRC. Achieving this goal receives a higher priority from the PRC and department than making other types of payments, such as restitution.

Additionally, while administrative rule states per diem charges for PRCs are to be assessed after payment of restitution, court charges, child support, etc., we noted the per diem charges are collected from resident earnings before deducting other resident obligations. At present, the department does not enforce this administrative rule and there is no specific language in their contracts with the PRCs which outlines procedures for collecting or recording court-ordered restitution.

Department officials note the focus of ISP and PRC placement is stabilization of the offenders in the community. This is typically done (depending upon the placement) by securing a job, establishing a budget, eventually obtaining housing, etc. Department officials believe these financial requirements limit the participants' ability to make payment of such obligations as restitution.

More Restitution Collection Emphasis is Needed

While we recognize the need to secure job, food, and shelter for parolees just released from prison may be a significant issue, our findings suggest a majority of offenders on ISP and in the PRCs are probationers or DOC commitments who often already reside in the community. Our review of ISP participants exiting ISP during fiscal year 1995-96, showed 60 percent of the participants were either probationers or DOC commitments. Consequently, we believe establishing stability is less of an issue for these offenders than for parolees.

Department officials agree offenders need to be held accountable for court-ordered financial obligations and will work toward this goal. By coordinating formal financial assessment and monitoring tools with increased payment tracking, the department could better verify offender

Chapter IX - Other Community Corrections Issues

compliance with accountability requirements as well as demonstrate their own compliance with statutory and court-ordered responsibilities.

Recommendation #8

We recommend the department increase their emphasis on collection of restitution to ensure compliance with court judgments and statutory mandate.

Supervision Fees

Section 46-23-1031, MCA, mandates a probationer or parolee pay a supervisory fee of \$120 a year, prorated at \$10 per month for the number of months under supervision. Drug offenders placed on probation can statutorily be required to pay a supervision fee of not less than \$50 per month. These fees are collected by the district courts and deposited in a state special revenue account after the administrative cost of collecting and accounting for the fees is deducted. The court or the BOPP may reduce or waive the fee or suspend a payment if it determines payment would cause a significant financial hardship to the probationer or parolee.

The department is authorized to spend supervision fees for training and equipment for probation and parole staff. The department received spending authority of approximately \$269,000 from supervisory fees for the 1998-1999 biennium.

Supervision Fee Amounts are not Based on ISP Supervision

During the course of our audit work we noted the current supervision fee was established in 1993 for offenders on regular probation and parole. Based on the department's methodology the average daily cost per offender for regular supervision was \$3.33 and ISP supervision was \$14.04 per day in fiscal year 1996-97. In addition, a review of supervision fees assessed by other western states indicates Montana's is among the lowest. We found most other states assessed supervision fees ranging from \$20 to \$50 per month.

Chapter IX - Other Community Corrections Issues

Legislation Could be Enacted to Allow Fee Flexibility

Current statute does not allow flexibility to establish a higher fee to cover the higher cost of ISP supervision. Although supervision fees are intended to only pay a small portion of supervision costs, department officials believe increasing the supervision fee would be unrealistic for most offenders, especially those on ISP. Department officials suggest the effort necessary to change the present statute is not warranted because few offenders can afford a higher fee. However, neither offender capability to pay supervision fees nor the potential for maximizing fee collection and usage has ever been formally analyzed by the department.

An increase in supervision fees for all offenders may not be appropriate. However, the department should have the flexibility to assess fees which reflect the needed level of supervision on an offender-by-offender and/or program basis. Additionally, it has been over five years since establishment of the \$10 supervision fee. There have been increased costs in supervision of all probationers and parolees. To acknowledge this increase, current statute should be amended to allow for a change in supervision fees.

Recommendation #9

We recommend legislation be enacted to allow for flexibility to change offender supervision fees to more closely reflect the actual costs of supervision, especially for offenders participating in ISP.

Program Assessment

Section 46-18-101, MCA, requires the courts to use, whenever appropriate, alternatives to imprisonment for non-violent offenders. Section 46-18-201 (11), MCA indicates when sentencing a nonviolent felony offender, the court shall first consider alternatives to imprisonment including placement in a community corrections facility or program. Both in response to these statutes and to help address burgeoning prison populations, the DOC has created imprisonment alternatives. ISP and PRCs are community-based alternatives to placing offenders in prison and these programs have been established in every probation and parole region in Montana. Additionally, the department plans to expand these alternatives.

Chapter IX - Other Community Corrections Issues

ISP and PRCs are More Than Just Prison Alternatives

Despite being prison alternatives, judges have ordered (as a condition/recommendation of placement) the offenders to participate in prison-type programs which have been designed to aid in offender rehabilitation. Both ISP and PRCs include treatment and/or self-improvement elements to assist participants in addressing problems which may have been a cause of their criminal activities. At PRCs there are “criminal thinking errors” and “anger management” programs. There are self-improvement programs which help residents understand how to apply for and obtain jobs, and there are education programs available to expand or improve existing education skills. In ISP there is less emphasis on programs to address issues such as criminal thinking, but there are still expectations/requirements for self-improvement.

Both ISP and PRCs also require participants to address applicable chemical dependency and/or alcohol abuse problems. The PRCs make available group-type counseling programs. Mandatory attendance for some residents is a condition of PRC residence. All ISP participants must also attempt to address any chemical dependency or alcohol abuse issues as part of the program requirements by including some type of counseling into their schedule of activities. ISP officers confirm program participation by verifying attendance and obtaining participant progress reports.

DOC has not Reviewed/Assessed ISP and PRC Program Components

While each of the community-based programs contain self-improvement and/or treatment components, the department has not made a formal assessment of the strengths or value of these components; either as a measure of their short or long-term impact on recidivism or even more simply, to determine whether these components are the most appropriate of the offender programming alternatives. For example, all the Montana prisons and the PRCs have instituted a program called Moral Reconciliation Therapy (MRT) as part of their inmate and resident programming. MRT is a group-type program which attempts to force offenders to self-examine their past and future life decisions. MRT is one of several similar-type programs which attempt to help offenders change their patterns of thinking and/or decision-making. Although MRT has been shown to be an effective aid in changing criminal thinking in various studies, there has been no formal assessment of its effectiveness in Montana.

Chapter IX - Other Community Corrections Issues

At present, the department does not specifically examine any of the programs required of offenders to assess whether existing group sizes or group makeup are appropriate. The department also does not specifically review program availability, program length or placement appropriateness to determine whether the programs could be improved. For example, our observations of PRC resident interviews noted dissatisfaction with several aspects of programming, including:

- alleged cancellation of classes/groups which subsequently required residents to stay longer in a PRC in order to complete the required programming.
- alleged group sizes which were so large that either participants did not believe they received a benefit from attendance, or it caused their program completion to be delayed.
- alleged lack of programming availability relative to resident schedules. A number of residents noted some mandatory programs (for them) were only held at times which conflicted with their work schedules. They noted this dilemma created problems with either their employers or the PRCs, depending upon the situation. Ultimately, these type of scheduling conflicts may have contributed to extending their length of stay.

Good Management Practices and Program Expansion Suggest Need for Assessment

The internal compilation and evaluation of program outcomes is a relatively new emphasis in the area of corrections. While numerous individual studies have been conducted of offender programs throughout the nation, these studies have typically been done by entities which are not part of the administration of corrections. Based upon a review of associated literature as well as discussion with department staff, most corrections professionals have only had time to react to growing offender populations, not be proactive with regard to assessing whether established program or treatment components are effective. In order to better assess the effectiveness of the soon-to-be expanded community-based prison alternatives, the department should begin examining how programs within ISP and PRC are operating as well as determine whether and/or how programmatic and treatment changes could positively impact overall program success.

Chapter IX - Other Community Corrections Issues

Recommendation #10

We recommend the department establish measures to review operating procedures and more fully assess program and treatment success for ISP and PRCs.

Records Processing for DOC Commitments

When a judge sentences an offender to the Department of Corrections for placement, the offenders are called DOC commitments. Regional Administrators and their staff make a placement determination. These offenders are considered prison inmates and like all inmates are given what is called an “AO” number and entered into the ACIS system; and a parole eligibility and sentence discharge date are established. For DOC commitments who are not placed in a prison, various documents (paperwork) must be sent to the prison to update ACIS and to establish an offender’s parole eligibility and discharge dates.

Interviews with numerous people including PRC residents, PRC staff, DOC staff, and BOPP staff suggest there are delays with the processing of the paperwork used in placing an offender who is given a DOC commitment on “inmate” status. As a result of the delays, there have been PRC residents who have been unable to appear before the BOPP at their scheduled times. ISP participants could also be subject to these delays as well.

Increased Lengths of Stay and Supervision Costs Have Occurred

Section 46-23-202, MCA, states the BOPP shall consider parole within two months of an inmate’s official parole eligibility date. This parole consideration includes a hearing in front of the BOPP. If inmates miss their parole consideration because they have not yet received their official parole eligibility date, the inmates, whether they are PRC residents or ISP participants, remain within the program. The impact of this delay not only potentially extends stays in a higher level of supervision longer than necessary, overall supervision costs for each inmate could be increased. Assuming these inmates were to all receive favorable BOPP consideration and be transferred to regular parole supervision if not for the delay, the increased costs of supervision per day would be \$10.71 higher for ISP participants and \$36.31 higher for male PRC residents using the department’s fiscal year 1996-97 cost

Chapter IX - Other Community Corrections Issues

figures. An additional impact of the delays is the lack of openings in ISP or PRCs for other offenders.

There are Several Reasons for Delays in Establishment of Parole Eligibility Dates

When we examined the cause of the delays in obtaining parole eligibility dates we noted multiple reasons. The following summarizes some of the reasons:

- All adult male commitments to prison or to the DOC must have their paperwork processed through MSP. Due to the rising number of commitments, MSP personnel have had to contend with a significant increase in caseload.
- According to MSP personnel there has been no significant increase in records processing and/or inmate reception resources (personnel) at MSP in approximately ten years. MSP is approximately eight to twelve weeks behind in processing the files of DOC commitments placed in corrections programs.
- Probation and Parole officers are responsible for compiling and mailing the DOC commitment packets to MSP. Based upon staff interviews, there have been delays in processing records because of incomplete packets and because of officer oversights in obtaining/sending the material to MSP. Incomplete packets are returned to the officers for completion.
- Files, as well as interviews with ISP officers, indicated there are often one to two month delays between the time an offender is sentenced and when the certified sentencing information is received by the officer from the court. This delay in receiving the documents required to complete a packet contributes to subsequent delays in processing and establishing inmate status.

Delays in Moving Offenders from County Jails Should also be Considered

During examination of the above issue, we were also informed of delays in parole eligibility hearings resulting from another issue. Currently, the DOC has a number of offenders sentenced to the department's supervision who are being held in county jails. The jail holding list fluctuates depending upon the openings in the state and contracted prisons. As of June 30, 1998, the jail holding list was at 108 offenders. Due to the number of offenders and length of time in "jail holding" there is potential for some offenders to become parole eligible during their jail stay.

Chapter IX - Other Community Corrections Issues

The BOPP generally only conducts parole eligibility hearings at the prisons and communities with PRCs because of time and budget limitations. Offenders held in other jails may not have a timely parole hearing, and therefore are not able to be paroled as soon as becoming eligible. While these offenders would not likely be paroled directly from jail, the BOPP could recommend ISP or PRC placement.

Offenders in jail holding must either be transferred to a prison or community with a PRC to be considered for parole. According to BOPP personnel, there have been numerous offenders whose parole eligibility dates passed without board consideration of their parole. Jail holding costs on a per day basis are generally substantially higher (average jail per diem cost per the department for males was \$49.42 in fiscal year 1996-97) than offender supervision in any of the supervised community-based programs.

DOC Should Increase Management Oversight of Institutional Populations

As we have noted there are multiple causes for the delays which are keeping offenders in levels of supervision which may be higher and more costly than warranted. Some of the causes are interrelated and subsequently compound the delays. For example, when one to two month delays in officers receiving certified court documents is combined with other delays noted on page 63, the length of time (according to DOC and BOPP sources) to obtain a parole eligibility date can potentially exceed an offender's PRC stay.

We believe the department should take a more active role in the management of offender populations, specifically those designated as DOC commitments. By addressing the causes listed above and continuing to actively monitor inmate populations, the department may be able to do the following:

- Reduce or eliminate unnecessary stays in ISP or a PRC.
- Improve availability of openings in ISP or PRCs.
- Reduce overall costs of supervising DOC commitments.

Chapter IX - Other Community Corrections Issues

Recommendation #11

We recommend the department:

- A. Evaluate the records handling process for all department commitments to ensure timely establishment of parole eligibility and sentence discharge dates for PRC and ISP participants.
- B. Establish a dialogue with the district courts to encourage timely court processing of all sentencing records needed to develop and distribute parole eligibility and sentence discharge dates.
- C. Initiate a management oversight process for inmate populations to assure timely consideration of parole by the Board of Pardons and Parole.

Agency Response

DEPARTMENT OF CORRECTIONS



MARC RACICOT, GOVERNOR

1539 11TH AVENUE

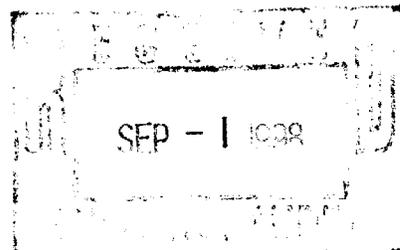
STATE OF MONTANA

(406) 444-3930
FAX: (406) 444-4920

PO BOX 201301
HELENA, MONTANA 59620-1301

August 31, 1998

Mike Wingard, Performance Audit Manager
Legislative Audit Division
State Capitol Building, Room 135
PO Box 201705
Helena, MT 59620-1705



Dear Mike:

Thank you for the opportunity to respond to your findings in the Intensive Supervision and Prerelease Performance Audits.

Attached you will find the Department of Corrections' response to all 11 recommendations. Although the DOC does not concur with all of your findings, I have found your comments and input very valuable.

On behalf of the Community Corrections Division, I would like to thank you, Angie, Tom and Kent for all of your efforts and professionalism during the audit process.

Sincerely,

A handwritten signature in cursive script that reads "Mike Ferriter".

Mike Ferriter
Administrator
Community Corrections Division

Enclosures

DOC AUDIT RESPONSE

RECOMMENDATION #1

We recommend the Department establish ISP handbook procedures to document deviation from formal program structure and/or eligibility requirements.

RESPONSE #1

CONCUR

Presently, the ISP handbook is being revised. The revision will include the implementation of two separate handbooks. One handbook will outline program expectations for offenders. The second handbook will be designed for ISP Officers' and Regional Administrators' use. This handbook will provide limited authority for Regional Administrators to deviate from standard program practices.

The first step in this process has been completed via a statewide ISP meeting on August 5, 1998. The recommendation was discussed and implementation date of December 15, 1998 was agreed upon.

RECOMMENDATION #2

We recommend the Department verify regional compliance with DOC policy for ISP screening procedures and documentation.

RESPONSE #2

CONCUR

The ISP screening procedure includes law enforcement for all ISP candidates. The procedure followed was not consistent with policy and usage statewide. All ISP teams are required to follow the screening policy which includes local law enforcement, regardless of the offenders status and/or whether the Board of Pardons & Parole has given their approval for a parole to ISP.

The ISP officer will maintain one copy of the screening document in the offender's file. The Supervisor of the ISP team will be required to keep a screening log in a separate supervisory file of all offenders screened, that will include:

- the decision,
- the reason for such decision,
- the referral source, and
- the identity of persons on the committee.

This procedure was implemented in July, 1998.

RECOMMENDATION #3

We recommend the Department develop a comprehensive methodology for written chronological entries which ensure compliance with ISP supervision standards.

RESPONSE #3

CONCUR

The Probation & Parole Bureau is presently revising the audit tool for the ISP supervisors. This tool will provide for the effective monitoring and evaluation of ISP officer's compliance with supervision standards. A new policy will include a method by which the Probation & Parole Bureau can assure this procedure is being followed. The new audit tool and policy are expected to be in effect by December 15, 1998.

The Probation & Parole Bureau, during an ISP meeting April 30, 1998, reviewed the format and current procedures presently used to document contacts. It was agreed and decided that all contacts will be documented in the chronologicals to assure standards are being met. In addition, the chronological format for ISP will provide for a format that will allow for effective documentation for both ISP Officers and their supervisors. This new chronological format will be developed and implemented by December 15, 1998.

RECOMMENDATION #4

We recommend the Department formally define the case file documentation ISP officers are to use, maintain, and retain.

RESPONSE #4

CONCUR

As a result of this audit finding, the Probation & Parole Bureau is establishing statewide consistency in forms needed to supervise ISP offenders that will be used and maintained in the file. Specific to ISP, the Probation & Parole Bureau will develop a policy which specifies which records will be maintained in the case file for documentation purposes. Through the Records Retention Board, the Probation & Parole Bureau will determine a retention schedule for Bureau records. The policy outlining this procedure will be developed and implemented by December 15, 1998.

RECOMMENDATION #5

We recommend the Department develop ARMs to comply with statutory requirements in Sections 53-1-501 and 53-1-203, MCA.

RESPONSE #5

DO NOT CONCUR

The Department disagrees with the conclusion that it is not in compliance with current statutory requirements. The Department believes that administrative rules should be developed where necessary. The Department has utilized the administrative rule-making process where appropriate. The Legislature has recognized that the adoption of formal rules is not appropriate in many circumstances in corrections, and has granted the Department an exception to the formalized process of administrative rule-making. Pursuant to Section 2-4-102(2), MCA, the Department is not required to adopt administrative rules for "the supervision and administration of a penal institution with regard to the institutional supervision, custody, control, care, or treatment of youths or prisoners." The rule-making process is designed to ensure that persons who are affected by an administrative rule have some input into the language of the rule. The persons affected by internal operating policies of a penal institution are the inmates in the facility, and the Legislature has recognized that those persons should not have input into the policies which govern their custody. The Department believes that the adoption of internal policies is the most appropriate means to establish procedures to deal with prisoners and incarcerated youths.

The rules addressing siting, establishment and expansion of Prerelease Centers have been reviewed by the Administrative Code Committee. Per the Committee's recommendation, revisions have been made, and the rules will soon be finalized.

The Department has adopted policies concerning admission, custody, transfer and release of persons in program and eligibility requirements for Prerelease Center placement.

RECOMMENDATION #6

We recommend the Department develop contract language to fully address statutory requirements.

RESPONSE #6

DO NOT CONCUR

As the Prerelease Centers are private non-profit corporations governed by a Board of Directors, the Department believes Board members should determine how resident accounts are to be handled at their center. The Department will inform the Prerelease Directors of this recommendation. However, should the Centers wish to continue handling their resident accounts as they have been, the Department will require the Centers to inform offenders of their accounting procedures, comparing them to the accounting procedures at the other centers, before the offenders enter their program. This requirement will be addressed in future contract language.

RECOMMENDATION #7

We recommend the Department establish procedures for approval of services subcontracted by the Prerelease Centers as required by statute.

RESPONSE #7

CONCUR

The Prerelease Purchase of Services contracts stipulate... "The CONTRACTOR shall not assign, sell, transfer, subcontract or sublet rights, or delegate responsibilities under the Contract, in whole or part, without the prior written approval of the DEPARTMENT...".

At the September 22, 1998 Prerelease Center Directors' Meeting, the Department shall review this recommendation with the Directors. After thirty (30) days, an agreed upon policy and procedure shall be developed to ensure subcontracts are submitted to the Department for approval.

RECOMMENDATION #8

We recommend the Department increase their emphasis on collection of restitution to ensure compliance with court judgements and statutory mandate.

RESPONSE #8

CONCUR

Relative to offenders in Prerelease Centers, ARM 20.7.201 stipulates... "(2) Those residents employed on a full time basis will contribute 25% of their earnings, after federal and state taxes and FICA, while in the program - less the following exemptions:

- (a) court ordered restitution
- (b) court ordered fines
- (c) court ordered child support
- (d) medical, dental or pharmaceutical costs paid by the resident...".

The Intensive Supervision Program will continue to concentrate on restitution to the victim. Restitution is a priority, as it focuses on both community restoration and offender accountability.

The Intensive Supervision Program is presently utilizing a recently developed restitution collection form which will assist officers in the collection, payment tracking, and verification of compliance with court-ordered responsibilities.

At the September 22, 1998 Prerelease Center Directors Meeting and the September 16-17, 1998 Community Corrections Division Management Meeting, the Department will review ARM 20.7.201. As a result, the recommendation should be implemented in November, 1998. Current collection efforts and potential changes designed to support a more aggressive collection effort will be addressed.

RECOMMENDATION #9

We recommend legislation be enacted to allow flexibility to increase supervision fees to more closely reflect the higher costs of supervision, especially for offenders participating on ISP.

RESPONSE #9

DO NOT CONCUR

Offenders' placement on ISP is very demanding and officer's focus is generally on stabilizing the offender in the community. The present \$120.00 annual supervision fee assessed is usually a realistic amount. Occasionally, an offender is unable to pay this amount during the initial transition period. Occasionally, an offender is able to pay more. However, for the few offenders who could pay more, it is questionable if the legislative time and effort necessary to change present statute would be a worthwhile endeavor. In addition, any increase in supervision fees may simply create more competition for limited dollars that should be applied to victim restitution. This increased competition could result in the Department's inability to successfully address Recommendation #8 of this report.

RECOMMENDATION #10

We recommend the Department establish measures to review operating procedures and more fully assess program and treatment success for ISP and Prerelease Centers.

RESPONSE #10

CONCUR

At the September 22, 1998 Prerelease Directors Meeting, the Department will review this recommendation with the Prerelease Center Directors. The Directors will be informed subsequent audits of the Centers may include assessment of program and treatment services to determine their effectiveness and any program scheduling conflicts with offender schedules.

The Department agrees with the need to measure outcomes and assess program effectiveness for both Prerelease Centers and ISP. However, definition and agreement regarding what and how we measure and what is an effective outcome is necessary. Valid measuring and assessment is a time consuming process. Poorly structured evaluations merely lead to unreliable and potentially dangerous conclusions.

As a result, the Department plans to pursue a discussion with the Legislative Fiscal Division, Legislative Audit Division, and the Office of Budget and Program Planning to identify desired outcomes and methods. Perhaps Prerelease Centers and ISP is a reasonable place to test such a process.

RECOMMENDATION #11 A, B, C

We recommend the Department:

RECOMMENDATION #11A

Evaluate the records handling process for all department commitments to ensure timely establishment of parole eligibility and sentence discharge dates for PRC and ISP participants.

RESPONSE #11A

CONCUR

On August 17, 1998, the Probation & Parole Bureau submitted a memorandum indicating the Probation & parole Officers will enter ACIS information into the data system for all offenders entering corrections system as inmates. This step will provide Central Records at MSP/MWP up-to-date information to more readily establish offenders' parole eligibility and discharge dates. In the past, this information was not processed until the offender actually entered MSP or MWP. This process was implemented on August 31, 1998.

RECOMMENDATION #11B

Establish a dialogue with the district courts to encourage timely court processing of all sentencing records needed to develop and distribute parole eligibility and sentence discharge dates.

RESPONSE #11B

CONCUR

During the months of August, September and October, 1998, the Administrator of the Professional Services Division is meeting personally with the majority of the district court judges. During these meetings, this topic will be discussed. In addition, at the September Community Corrections Division Management Meeting, Regional Administrators will also be asked to once again request assistance from the courts to help remedy this issue.

RECOMMENDATION #11C

Initiate a management oversight process for inmate populations to assure timely consideration of parole by the Board of Pardons and Parole.

RESPONSE #11C

CONCUR

The Department will inform the Board of Pardons and Parole of this audit issue. The informational letter will be attached to the final audit report. Thus, the letter will be sent at the time the final report is received and will indicate that the Department is open to a discussion with the BOPP relative to the audit recommendation.