



State of Louisiana

**OFFICE OF
STATE INSPECTOR GENERAL
ADULT PROBATION AND PAROLE**

Report by

Inspector General Bill Lynch

Prepared for

Governor M.J. "Mike" Foster, Jr.

June 4, 1999

File No. 1-99-0033



State of Louisiana

**OFFICE OF
STATE INSPECTOR GENERAL**

Adult Probation and Parole

June 1, 1999

Report by

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Inspector General Bill Lynch

Approved by

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Governor M.J. "Mike" Foster, Jr.

File No. 1-99-0033

Adult Probation and Parole

The Division of Adult Probation and Parole is failing to properly supervise offenders in need of maximum supervision, including sex offenders, which may have compromised public safety and exposed the state to liability. Probation and Parole officials blame the failure on the excessive workloads of field officers, but that is disputed by a 1996 workload study, with which officials disagree. Our review showed that the rate of failure is too great to be explained by excessive workloads alone.

Background

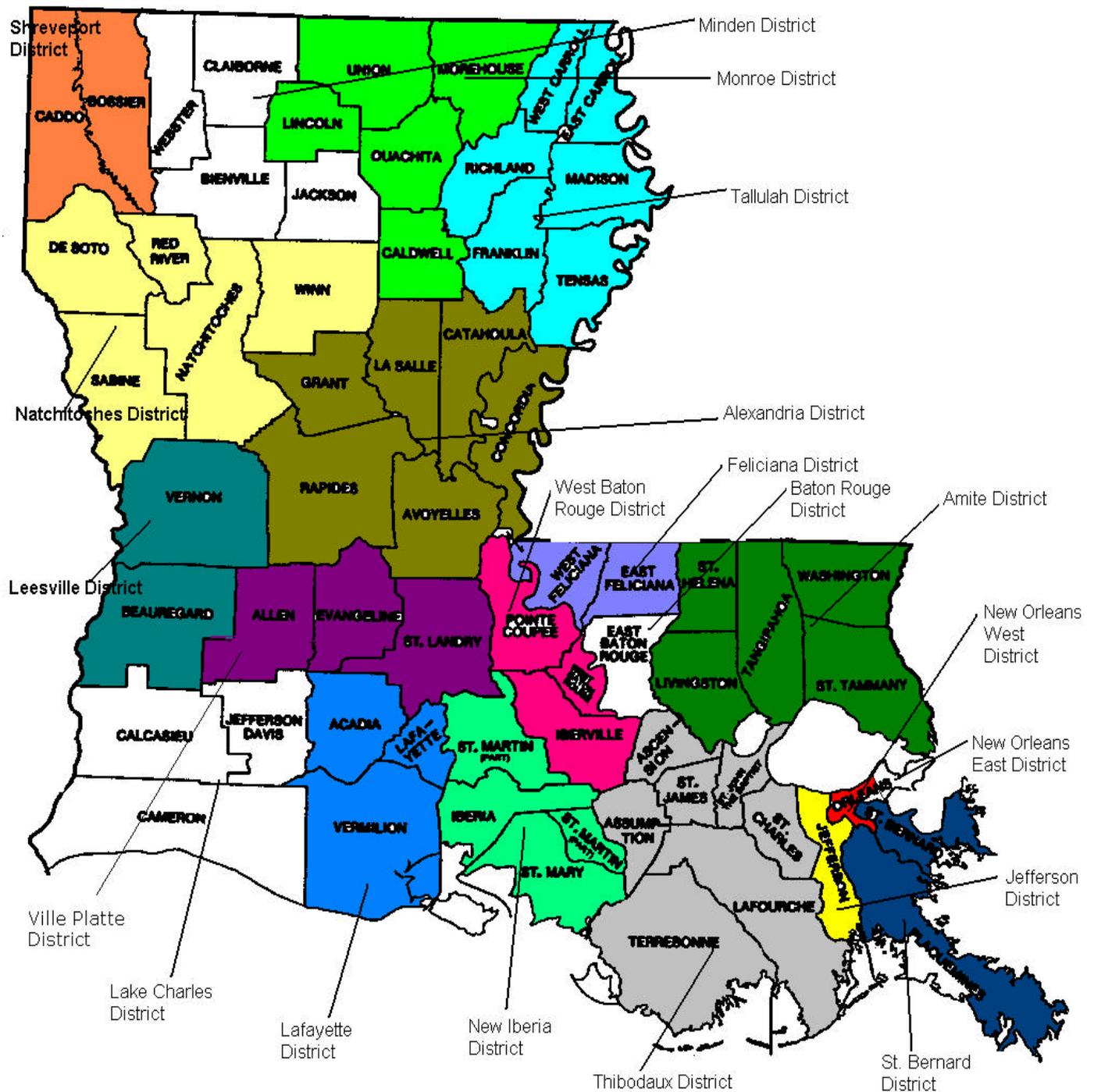
The Department of Public Safety and Corrections, Division of Adult Probation and Parole is responsible for the supervision of about 53,000 offenders either placed on probation by state courts, paroled by the Parole Board or paroled from state prisons under “good time” guidelines. The division also provides supervision of offenders through the Interstate Compact Agreement, a formal agreement between states to supervise offenders who move from state to state. Additionally, the division conducts pre-sentence, post-sentence, pre-parole and clemency investigations and reports its findings to the appropriate court, to the Parole Board or to the Pardon Board.

The division’s primary objective is the protection of the public safety. The division also emphasizes the rehabilitation of the offender.

The director of Probation and Parole is Morris Easley, Jr. The division is divided into four regions and 20 districts. In addition to headquarters staff, regional and district management, the division has 538 funded positions for field Probation and Parole officers. About 96 percent, or 516 of these positions are filled, and efforts constantly are made to fill all the positions, according to Mr. Easley. There are 77 field supervisors, and support staff.

The annual operating budget for Probation and Parole is about \$33.5 million.

PROBATION AND PAROLE DISTRICT OFFICES

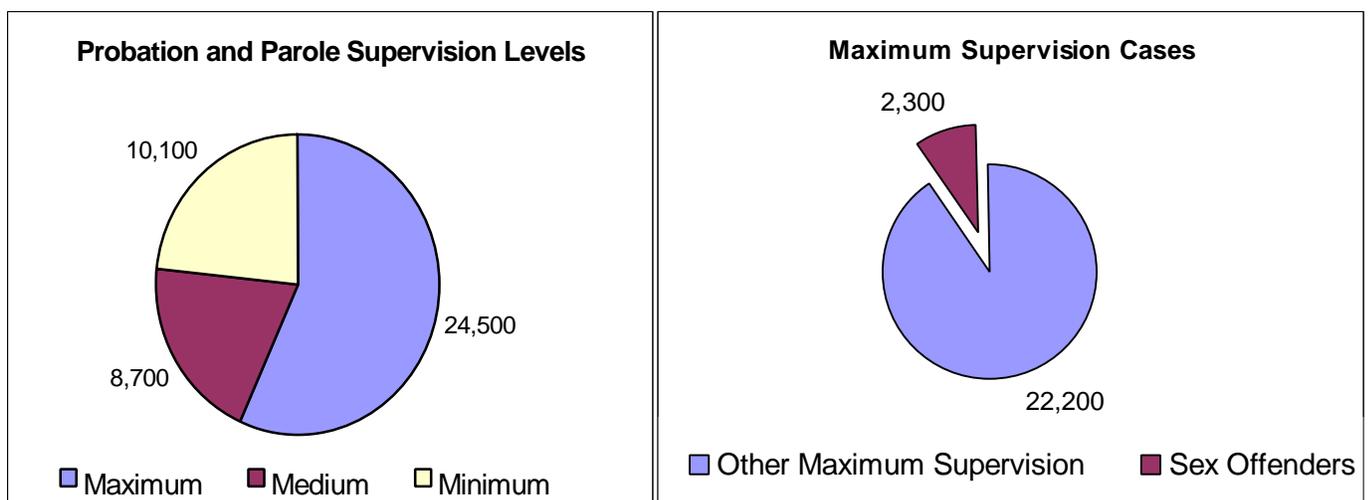


Scope of Review

This office received numerous complaints that Probation and Parole officers were not properly supervising particular offenders. Those particular cases were reviewed, then an expanded review was conducted of the division's operations as related to field supervision. A total of 204 cases, at least ten from each of seventeen district offices and six from each of three, were picked randomly for review with the focus on sex offenders. Probation and Parole considers sex offenders to be high-risk cases generally requiring maximum supervision. Reviewed were 117 sex offender cases and 87 other maximum supervision cases.

Except for the small number under intensive supervision in the IMPACT ("boot-camp") Program, offenders are classified as in need of maximum, medium or minimum supervision, as determined by a Risk/Needs Assessment completed by the Probation and Parole officer. This document assesses both the risk the offender poses to public safety and the needs of the offender. Because they are generally considered high-risk cases, almost all of the 2,300 sex offenders are classified as in need of maximum supervision, and those not classified as maximum are medium. Division policy does not allow classification of a sex offender at less than medium.

Of the 53,000 offenders under supervision, about 24,500 are maximum, about 8,700 medium and about 10,100 minimum. The remaining 9,700 are either IMPACT cases, or are no longer being actively supervised because the offenders have been transferred to another state, are in jail or have absconded.



Division policy states that in maximum supervision cases, the Probation and Parole officer must have a personal, face-to-face contact with the offender at his residence or workplace at least once per month in addition to a personal, face-to-face contact at the office of the Probation and Parole officer at least once per month.

In medium supervision cases, the Probation and Parole officer must have a personal, face-to-face contact with the offender at his residence or workplace at least once every three months in addition to monthly contact in the office.

According to Mr. Easley, field contact with offenders is important in terms of effectively protecting public safety because officers sometimes cannot learn the activities of the offender by just seeing the offender in the Probation and Parole office.

Stogner Case

In April, 1998, Ralph Stogner, 42, on parole for rape, was arrested for the aggravated kidnapping, aggravated rape and first-degree murder of an 11-year-old girl in Slidell. He currently is jailed awaiting trial.

Stogner is accused of abducting the child as she played with her three-year-old brother in the front yard of their home. Stogner, employed by a company contracted with New Orleans International Airport, was driving in the child's neighborhood searching for the address of the owners of luggage that had been lost, but recovered. Several witnesses, activity logs from his employer, and forensic and DNA evidence linked Stogner to the crime, according to police reports and newspaper accounts.

Stogner, sentenced in 1984 in Wyoming to serve 12 to 25 years for the rape of a 27-year-old woman, was paroled in March, 1993, by Wyoming to Louisiana to live with his parents in Arabi. Louisiana officials agreed to provide supervision of Stogner through the Interstate Compact Agreement. The case was assigned to officers in the St. Bernard District Office.

Stogner was classified as a sex offender in need of maximum supervision. During 60 months of supervision, Stogner should have been contacted at his residence at least once

per month or at least 60 times, and at the office another 60 times for a total of at least 120 contacts.

However, officers reported that Stogner was contacted at his residence only four times, none from July, 1995, until his arrest in April, 1998, some 32 months.

It was only after Stogner was arrested that Probation and Parole officers became aware he was employed and often in the course of his employment left the area in which he resided.

Mr. Easley and Regional Administrator J. Alton Daniels admitted officers failed to have the required field contact with Stogner. However, they said that Stogner was given as much supervision as officers had time to provide. The excessive workload of officers can often result in contact less frequent than required by policy, they said.

Our review showed that the workload in the St. Bernard District Office was heavier than average.

Other Cases Reviewed

Active maximum supervision cases, including sex offender cases, were selected randomly for review with the focus on the frequency of field contact between the officer and the offender. Of 204 cases examined, only eight were found in full compliance with the division's field supervision policy.

In the Amite District Office, a sex offender was under maximum supervision for 66 months for forcible rape, aggravated burglary and armed robbery. These offenses were committed during the break-in of the home of an elderly woman. The offender should have been contacted face-to-face by the Probation and Parole officer at the offender's home or work at least 66 times. He was contacted only 8 times, none in the last 30 months.

In the Baton Rouge District Office, a sex offender who was charged with forcing his 8-year-old step-daughter to engage in oral sex with him was under maximum supervision for 36 months for attempted aggravated incest. The offender should have been contacted at his home or work at least 36 times. However, he was contacted in such a manner only three times.

In the Feliciana District Office, a sex offender with a prior conviction of distribution of cocaine was under maximum supervision for 26 months for carnal knowledge of a juvenile. He should have been contacted at home or work at least 26 times. However, the offender never had a single such face-to-face contact, even though the field officer suspected early in the period of supervision that the offender might not be residing where he was supposed to reside, a possible violation of the conditions of supervision.

In the Jefferson District Office, a sex offender under maximum supervision for 18 months for forcible rape, simple robbery and violation of parole should have been contacted at home or work at least 18 times. The offender was contacted only once.

In the Lafayette District Office, a sex offender under maximum supervision for 36 months for sexual battery should have been contacted at home or work at least 36 times. He was never contacted at home or work. Also, two other sex offenders, one under supervision for 30 months for accessory to carnal knowledge of a juvenile, the other under supervision for 73 months for aggravated sexual assault, were each contacted at home or work only once.

In the Natchitoches District Office, a sex offender under maximum supervision for 27 months for aggravated sexual battery should have been contacted at home or work at least 27 times. He was contacted in such a manner only twice.

In the New Iberia District Office, three of the five sex offender cases reviewed showed no personal, face-to-face contact by the Probation and Parole officer with the offender at the offender's home or work. All three were maximum supervision cases.

In the first case, the offender, convicted of molestation of a juvenile and aggravated oral sexual battery, should have been contacted at home or work at least 23 times. In the

second case, the offender, convicted of aggravated rape, should have been so contacted at least 26 times. In the third case, the offender, convicted of aggravated indecent assault, should have been so contacted at least 19 times.

In the New Orleans East District Office, a drug dealer under maximum supervision for 12 months for distribution of cocaine should have been contacted at home or work at least 12 times, but was never contacted other than in the office of the Probation and Parole officer.

In the St. Bernard District Office, a sex offender with a long criminal history was under maximum supervision for 17 months for sexual battery. He should have been contacted at home or work at least 17 times, however, no such contact occurred.

In the Ville Platte District Office, a violent offender with a long criminal history was under maximum supervision after being convicted of aggravated burglary. The charges in this offense actually included the offender's invasion into the home of a young couple, his robbing and beating them, urinating on the man and kidnapping the woman. Although the offender should have been contacted at home or at work at least 26 times, he was contacted only once.

In the West Baton Rouge District Office, a sex offender under maximum supervision for 38 months for attempted sexual battery and unauthorized entry, should have been contacted at least 38 times at his home or work. However, he had not received a single face-to-face contact at his residence or workplace. From October, 1996, to October, 1998, the offender lived in Baton Rouge and Prairieville and was supervised by Baton Rouge and Thibodaux District officers, who also failed to have any such field contact.

Failure to Comply with Policy

This office's review showed that Probation and Parole is failing to comply with its field supervision policy. The review included the examination of 204 cases in which policy required a total of 4,847 personal, face-to-face contacts between Probation and Parole officers and offenders at the home or workplace of the offenders. Only 1,237 such

contacts were made, which means, statewide, that Probation and Parole was in compliance with field supervision policy at a rate of only about 26 percent. The rate of compliance for sex offenders was about 28 percent. For other maximum supervision cases, the rate of compliance was about 22 percent.

As the chart below shows, no district office approached 100 percent compliance with field supervision policy.

PROBATION AND PAROLE COMPLIANCE WITH FIELD SUPERVISION POLICY

District Office	Sex Offenders			Maximum Supervision			Total		
	Required by Policy	Field Contacts Made	Rate of Policy Compliance	Required By Policy	Field Contacts Made	Rate of Policy Compliance	Required by Policy	Field Contacts Made	Rate of Policy Compliance
Alexandria	144	89	62%	119	37	31%	263	126	48%
Amite	198	75	38%	219	68	31%	417	143	34%
Baton Rouge	177	33	19%	*	*	*	177	33	19%
Feliciania	100	4	4%	*	*	*	100	4	4%
Jefferson	117	12	10%	99	1	1%	216	13	6%
Lafayette	378	30	8%	77	6	8%	455	36	8%
Lake Charles	137	96	70%	96	50	52%	233	146	63%
Leesville	100	13	13%	106	32	30%	206	45	22%
Minden	283	70	25%	229	65	28%	512	135	26%
Monroe	83	15	18%	64	4	6%	147	19	13%
Natchitoches	91	31	34%	30	10	33%	121	41	34%
New Iberia	197	11	6%	152	0	0%	349	11	3%
New Orleans (East)	116	42	36%	85	16	19%	201	58	29%
New Orleans (West)	84	61	73%	53	23	43%	137	84	61%
Shreveport	193	122	63%	106	31	29%	299	153	51%
St. Bernard	96	4	4%	91	4	4%	187	8	4%
Tallulah	86	51	59%	58	18	31%	144	69	48%
Thibodaux	202	17	8%	71	4	6%	273	21	8%
Ville Platte	202	73	36%	103	13	13%	305	86	28%
West Baton Rouge	105	6	6%	*	*	*	105	6	6%
STATE TOTALS	3,089	855	28%	1,758	382	22%	4,847	1,237	26%

*Not Sampled

The Lake Charles District Office showed the highest rate of compliance at about 63 percent. The district offices of New Orleans West and Shreveport showed compliance at about 61 percent and about 51 percent respectively. No other district office displayed a rate of compliance of more than 50 percent.

The New Iberia District Office showed the lowest rate of compliance with policy at only about 3 percent. Other district offices at less than 10 percent of compliance were St. Bernard (which supervised the Ralph Stogner case) and Feliciana at about 4 percent, West Baton Rouge and Jefferson at about 6 percent, and Thibodaux and Lafayette at about 8 percent.

Mr. Easley and the district managers interviewed agreed that officers failed to have the required field contact with offenders. Mr. Easley said this problem exists throughout the state, but officers were providing as much supervision in the field as they could due to excessive workloads.

Probation and Parole defines its officers' workloads in terms of work units. One work unit equates to 2.4 hours per month of work. All the duties of an officer, including the supervision of cases, maximum, medium and minimum, have a corresponding work unit value. For example, a maximum supervision case has a work unit value of .74. A medium supervision case has a work unit value of .27. Statewide, the average workload of a Probation and Parole officer is about 58 work units.

However, this office's review showed that workload as defined by work units may not have the effect on field supervision that Mr. Easley claims. For example, in the Monroe District, the workload was one of the division's lightest at about 55 work units per officer, but compliance with field supervision policy was only about 13 percent, well below average. Conversely, in the Lake Charles District where the workload was virtually the same at 52 work units per officer, compliance with this policy was the division's best at 63 percent.

In the West Baton Rouge District the workload was one of the division's lightest at 45 work units per officer. Compliance with supervision policy was only about 6 percent.

In the New Orleans West District, where the workload was the division's second heaviest at about 72 work units per officer, compliance with field supervision policy was also the division's second best at about 61 percent.

In the New Iberia District, compliance with field supervision policy was the division's lowest rate at about 3 percent. But this district office does carry the division's heaviest workload, about 75 work units per officer.

WORK LOAD/POLICY COMPLIANCE

District Office	Average Work Units Per Officer	Policy Compliance
New Iberia	75	3%
New Orleans (West)	72	61%
Amite	70	34%
St. Bernard	68	4%
Baton Rouge	64	19%
Jefferson	63	6%
Tallulah	63	48%
New Orleans (East)	61	29%
Shreveport	61	51%
Thibodaux	61	8%
Feliciana	59	4%
Lafayette	59	8%
Monroe	55	13%
Lake Charles	52	63%
Natchitoches	52	34%
Leesville	50	22%
Ville Platte	50	28%
Alexandria	48	48%
West Baton Rouge	45	6%
Minden	38	26%
STATE AVERAGE	58.3	26%

Workload Study Findings

Mr. Easley, along with district management in general, have asserted that lack of field staff was a primary cause of the division's failure to supervise maximum offenders, including sex offenders, in accordance with policy. However, a 1996 workload study commissioned by Probation and Parole contradicted the assertion that the division is understaffed.

The study, conducted by consultant Greg Markley, took into account all duties of a field officer. It concluded that each field officer could provide 124.5 work hours per month. As a result, the study found 532 field officers would be needed to provide supervision in full compliance with division policy for 57,000 offenders. This converts to about 107 cases per officer.

The division currently supervises about 53,000 offenders with 516 field officers. This converts to about 103 cases per officer. Therefore, the study indicates the division is adequately staffed.

Mr. Easley said he and his staff disagreed with some of the workload study's findings and discarded this study. He said that although the study's analysis of data was correct, the data input by Probation and Parole was incorrect and the findings flawed. Mr. Easley said another workload study will be conducted as soon as possible and may use a small group of officers who have been trained to properly provide accurate data input for the study.

The 1996 study was made at the recommendation of the Legislative Auditor. However, after discarding the study as being flawed, Probation and Parole failed to supplant it with an accurate study.

Mr. Easley said until his agency has the funds to hire more field officers at better pay, it may not be possible for officers to supervise offenders like Ralph Stogner in compliance with policy.

Mr. Easley emphasized the negative impact that high turnover had on his agency's productivity. Losing officers to higher paying jobs places additional burdens on experienced staff, he said.

Mr. Easley also pointed out that, since the 1996 workload study was conducted, new duties assigned to field officers have caused the workloads of officers to increase.

La. R.S. 15:571.20(B) provides that officers shall not be assigned more than 50 work units per month, provided funds are available to reach that goal. Mr. Easley said the actual workload carried by officers averaged about 60 work units per officer per month statewide, and he asserted that this excessive workload was a primary reason that officers have not made the required number of field contacts. Mr. Easley said that if officers were assigned no more than 50 work units as the law provides, officers should be able to perform their duties in near compliance with policy.

But none of the five district offices operating at 50 work units per officer or less approached compliance with field supervision policy. They averaged a rate of compliance of only 26 percent.

Since our review showed that too few field contacts are being made even when measured against a 50 work-unit workload, and while excess workload might have worsened the problem, the shortfall in field visits was too great to be explained by the excess workload alone. Some districts with heavy workloads had the highest percentage of compliance with field supervision policy, and some districts with workloads of less than 50 work units had the lowest percentage of compliance, suggesting that workloads may have less impact on field supervision than does effective management.

Additionally, of the time devoted to working a maximum supervision case, about 60 percent should be attributable to field contact, according to Probation and Parole data and the workload study. Yet, as previously stated, we consistently found an absence of field visits.

Assignment Inequities

Inequities exist in determining the work units credited for the completion of some investigations. State courts in some districts require great detail from Probation and Parole officers in pre- and post-sentence investigations, while other courts require only basic identifying information and a criminal history.

Probation and Parole officials have determined through past workload studies that completion of pre- and post-sentence investigations should take on average 2.5 work units or about six hours. In the West Baton Rouge District, such investigations take about three hours. However, in the Baton Rouge District, due to court requirements, a pre-sentence investigation takes an officer 8 to 12 hours. Yet, in both offices, the investigations count for the same number of work units. According to the district manager in Baton Rouge, these investigations take up about 30 percent of his officers' time, leaving less time to provide supervision. Also, since work units per officer is a primary factor in the allocation of officers to a district office, this inequitable application can result in fewer officers assigned than are needed.

Additionally, in several district offices, some cases were classified in the division's case-tracking computer program as maximum supervision when, in fact, the cases were medium or minimum supervision.

During the review, files from the computer-generated list of maximum supervision cases were randomly pulled for examination. However, in at least a dozen instances, when the actual files were reviewed, it was discovered that the Risk/Need Assessment documents in the files showed the offenders were medium or minimum supervision. This meant that headquarters received data showing the cases were maximum supervision when, in fact, they were not. Thus, the district office and the field officer showed an inflated workload, which could skew the extent of the excessive workloads claimed by Mr. Easley. This could also result in inequitable allocation of staff.

Exposure to Liability

By failing to supervise offenders in compliance with policy, Probation and Parole has exposed the state to liability.

At least three lawsuits have been filed against the state and Probation and Parole alleging the division's failure to properly supervise an offender contributed to damages when the offenders named in the suits committed additional crimes while on probation or parole. One suit recently resulted in a judgment for the plaintiff that Probation and Parole was 60 percent at fault for the plaintiff having been shot by an offender not properly supervised. The jury awarded the plaintiff more than \$140,000. Final disposition is under negotiation.

Surplus Funds

While Probation and Parole officials have repeatedly asserted a need for increased funding, the division has returned surplus funds to the state's general fund every year since 1990. The returned surplus ranged from \$233,055 in the 1991-92 FY to \$856,789 in the 1995-96 FY. While some of this money possibly could have been used to pay for increased manpower, it would not have been sufficient to solve the problem of the division's failure to provide supervision in compliance with policy.

Deceptive Records

During the review, it was determined that one Probation and Parole officer used deceptive language in narrative entries which left the impression that the officer was actually going into the field to contact offenders at home. Nearly all of the contacts were in the office and in the case file the officer entered "OV," the designation for an office visit. However, the officer also frequently entered the phrase "contacted the offender," which was improper. While the officer did not actually claim that a home visit was made as required, the phrasing left that impression. The district manager counseled the officer and reiterated policy.

Conclusions:

1. The Division of Probation and Parole is failing to insure field officers are supervising offenders, including sex offenders, in compliance with policy, possibly compromising public safety and exposing the state to liability.
2. A 1996 workload study, with which Probation and Parole officials disagree, showed the division was adequately staffed.
3. The division's failure to provide field supervision in compliance with policy is far too great to be explained by officers' excessive workloads alone.
4. Inequities exist in the assignment of work units relative to investigations and classification of cases.

Recommendations:

1. The Division of Probation and Parole should insure that all cases are handled in compliance with policy.
2. The division should implement measures to better manage the resources available to it. For example, the division should consider a system of adequately checking the field activity of officers.

3. Probation and Parole officials should make equitable the assignment of work units and staff allocation by adjusting work units as they relate to detailed investigations and classification of cases.

Management Response:

A response from Secretary Richard Stalder is attached.

SUMMARY OF FIELD SUPERVISION IN PROBATION AND PAROLE

District Office	Funded Positions for Officers	Superv.	Average Work Units Per Officer	Cases Reviewed			Sex Offenders			Maximum Supervision			Total		
				Sex Offens.	Max. Superv.	Total	Required by Policy	Field Contacts Made	Rate of Policy Compliance	Required by Policy	Field Contacts Made	Rate of Policy Compliance	Required by Policy	Field Contacts Made	Rate of Policy Compliance
Alexandria	28	4	48	5	6	11	144	89	62%	119	37	31%	263	126	48%
Amite	41	6	70	6	8	14	198	75	38%	219	68	31%	417	143	34%
Baton Rouge	49	7	64	6	0	6	177	33	19%	*	*	*	177	33	19%
Feliciana	3	0	59	6	0	6	100	4	4%	*	*	*	100	4	4%
Jefferson	50	7	63	7	5	12	117	12	10%	99	1	1%	216	13	6%
Lafayette	33	5	59	8	5	13	378	30	8%	77	8	8%	455	36	8%
Lake Charles	33	5	52	5	5	10	137	96	70%	98	50	52%	233	146	63%
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Minden	10	1	38	9	5	14	283	70	25%	229	65	28%	512	135	26%
Monroe	35	5	55	5	5	10	83	15	18%	64	4	6%	147	19	13%
Natchitoches	13	2	52	5	5	10	91	31	34%	30	10	33%	121	41	34%
New Iberia	23	4	75	5	5	10	197	11	6%	152	0	0%	349	11	3%
New Orleans (East)	53	8	61	5	5	10	116	42	36%	85	16	19%	201	58	29%
New Orleans (West)	40	6	72	6	4	10	84	61	73%	53	23	43%	137	84	61%
Shreveport	40	6	61	5	5	10	193	122	63%	106	31	29%	299	153	51%
St. Bernard	7	0	68	5	5	10	96	4	4%	91	4	4%	187	8	4%
Tallulah	12	2	63	5	5	10	86	51	59%	58	18	31%	144	69	48%
Thibodaux	35	5	61	7	5	12	202	17	8%	71	4	6%	273	21	8%
Ville Platte	16	2	50	6	5	11	202	73	36%	103	13	13%	305	86	28%
West Baton Rouge	10	1	45	5	0	5	105	6	6%	*	*	*	105	6	6%
STATE TOTALS	538	77	58	117	88	205	3,089	855	28%	1,758	382	22%	4,847	1,237	26%

*Not Sampled

DEPARTMENT OF
PUBLIC SAFETY AND CORRECTIONS

M. J. "MIKE" FOSTER, JR., GOVERNOR



RICHARD L. STALDER, SECRETARY

June 1, 1999

Mr. Bill Lynch, Inspector General
Office of the State Inspector General
Division of Administration
Post Office Box 94095
Baton Rouge, Louisiana 70804-9095

Dear Mr. Lynch:

Your draft report dated May 18, 1999, examines the narrow scope of whether or not the Division of Probation and Parole followed its own policy relative to officers making field contact with sex offenders and other maximum supervision offenders at home or at work on a monthly basis. The Division acknowledges that the compliance rate with this internal policy was low. However, this limited view does not give a true picture of the degree of supervision that offenders under the authority of Probation and Parole receive.

Relative to sex offenders and other maximum supervision cases, the Division has enhanced its review process to insure officers are supervising offenders as required by the risk assessment and reasonable supervision standards. We are amending our supervision standards to provide a realistic framework for effective and comprehensive supervision consistent with our present staffing. However, your report speaks only of one important, but narrow, aspect of an offender's overall supervision plan. Your office stated that they found all other aspects of supervision satisfactory, but failed to include this in the report. We ask that it be included, as it mitigates your conclusion that our supervision may have compromised public safety and exposed the state to liability. A comprehensive supervision plan includes face-to-face contacts with the offender in places other than his home or workplace. It involves contacts with family members, neighbors, law enforcement agencies, community service agencies, treatment programs and employers. Numerous positive comments were made by the investigator regarding the effective work of our officers in addressing and resolving problems relative to the adjustment of offenders to the conditions of their supervision and in the community in which they live.

As indicated in a previous response, page 4 of your report does not include the full context of our supervision standard for maximum supervision cases. The standard does require a face-to-face contact with the offender at his home or place of employment each month.

Mr. Bill Lynch
June 1, 1999
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An additional contact in the district office is required only if the offender is not employed, in school full-time, in a treatment program (in-patient), or is otherwise exempt. Additionally, your report does not address section (b) of the standard which states, "When a face-to-face contact with the offender cannot be reasonably accomplished, sufficient collateral contacts must be made to allow for complete supervision." Additional collateral contacts were made in these cases (contacts with persons associated with the offender such as spouse, employer, counselors, and family members), as well as contacts in the office, at the courthouse, or in a sheriff's office or police department.

The discounting of community contacts (personal contacts outside the office but not at the residence or workplace), give the illusion that these cases have almost no contact with their probation/parole officers. In several of the cases cited, offenders were being seen regularly, but did not meet the definition of the standard because they were being seen away from their home or workplace.

We accept responsibility for non-compliance with our own policy. This report has made us realize that we need attainable minimum standards that can be met with existing personnel, yet aspire to a higher goal when additional staffing becomes available. Toward this end, we have adopted revised minimum standards for each level of supervision that we believe adequately protect public safety interests.

Realizing that there are additional areas that could be improved, we have requested the assistance of the National Institute of Corrections (NIC) to help us evaluate our present situation and suggest changes as needed. We have received confirmation that a team from NIC will arrive the second week of June to assist us. They will also help us enhance our performance review capability for the field offices.

We have initiated regular meetings of the District Managers for the purpose of strategic planning. We are already implementing some suggested steps such as increasing the number of Officer 3 positions. Other suggestions such as an additional supervisor position to improve the monitoring and case review process in our larger offices has received tentative approval.

Besides the critique on supervision, your report pointed out some disparities between the computer list of maximum level cases compared to what the actual case file indicated as the level of supervision. A review of this process is presently underway which will clear up these discrepancies between the computer list and the case files.

Mr. Bill Lynch
June 1, 1999
Page Three

To support your contention that we are adequately staffed, you mention a time study done in 1996 which showed we had enough staff to do our job. As your report points out, Probation and Parole had problems with the study from the beginning and it was never used by the Division. You go on to criticize us for not following up with another time study immediately after we rejected the one done in 1996. The reason another time study was not immediately done was that our consultant, Mr. Markley, advised us to not do another time study until we had in place a good risk evaluation system with which to classify clients. Following his advice, we contracted with an internationally known expert, Dr. Don Andrews, and began using his instrument to assess risk. We have now gotten all cases assessed and are looking at the methodology for another time study.

As an illustration of the increase in duties since the 1996 time study and what we have been able to accomplish, consider the following:

- ◆ *We have had no increase in staff for the last three years;*
- ◆ *Collection of victims' restitution and supervision fees has increased from \$10,839,000.00 in 95-96 to an estimated \$14,000,000.00 for 98-99; an increase of 33%;*
- ◆ *Felony arrests made by officers increased from 1,902 in 1996 to 3,632 in 1998. More arrests result in more paperwork to effect return of the offender to court or the Parole Board for a final hearing. Obviously, officers must also spend more time looking for and arresting those offenders who pose the greatest threat to public safety;*
- ◆ *New work release facilities are being opened and existing facilities are expanding their capacities. Probation and Parole officers are closely involved with the supervision of halfway house residents. In March 1996, there were 478 halfway house residents; in March 1999, there were 710;*
- ◆ *The electronic monitoring program was started in 1996 and was in its infancy when the 1996 time study was done. This labor intensive method of supervision now has more than 120 offenders on line;*
- ◆ *Since 1996, the Division supervises an additional 5,009 cases of all types. This is done with the same number of officers we had then;*

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- ◆ *A serious concern facing the Division is the problem of our inability to attract new officers or even retain experienced officers due to the non-competitive salary we must offer. We are losing officers to other law enforcement agencies with better pay and more manageable workloads. The result is that we have a young, inexperienced staff, particularly in large urban areas. In the Jefferson District, more than 60% of the officers have less than three years experience. A new officer does not carry a full caseload for up to a year after they are hired, so the excess must be taken up by other officers in the district. With the large percentage of rookie officers not carrying a full caseload, the average of 103 cases per officer is misleading.*

On page 13, you state that the Division has exposed the State to liability by "failing to supervise offenders in compliance with policy..." and goes on to mention a recent judgment and three pending law suits that are still "under negotiation." As a State agency, the Division is frequently named in suits. In only the one case have we been found at fault for not properly supervising a case and, as noted, that judgment is not final. The Office of Risk Management advises that our supervision appeared up to standards in the other cases.

On page 13, the report states that we assert a need for increased funding yet return surplus funds to the State every year. We appreciate this acknowledgment of our good stewardship over public money. The Legislature determines how much money we have to spend in each area. We cannot expend what is not appropriated even if actual revenue exceeds budgeted revenue because of improved collections. If we incur vacancies we are unable to fill because of low salaries, then the excess funds cannot be assumed to be available for us to spend as we deem appropriate without Legislative input.

Relative to your conclusions, we agree that our officers are not meeting policy in the area of personal contacts at the home or place of employment relative to maximum level cases. It is an area of concern and is being corrected. However, the report ignores collateral and other community contacts away from the home or workplace which reflect good supervision practice.

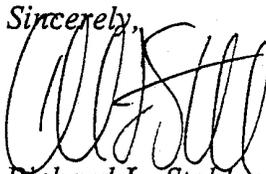
The 1996 workload/time study was invalidated for several reasons including insufficient training in the collection method for agents, a limited data base, wide spread averaging (dividing the total time spent in court by the number of cases that appeared), and lack of a valid risk assessment instrument as pointed out by the consultant. A follow-up study could not be done until we had a valid assessment method in place. Furthermore, the officer's duties have changed greatly since 1996, so even if the study was valid then it would be obsolete today.

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The third conclusion fails to consider that a new agent cannot be handed a full caseload of 105 cases and hit the ground running. The high turnover rate that we are experiencing means that many of our agents are rookies and not yet carrying a full caseload and may not for up to a year. Some districts have a high percentage of new agents - more than 60% in some - which means veteran agents must handle more cases. We presently have 32 officers in the POST Academy which means there are 3,360 offenders who must be assigned to someone else for ten weeks, someone who is already overloaded with cases and assignments.

The fourth conclusion is partially correct in that we need to insure our computer list agrees with what is in the case folder relative to supervision level. We are working on cleaning this up. We have not found any substantial differences in "work units relative to investigations."

Overall, the report has brought some things to our attention that we are addressing. That process has already begun and will continue until completed. We believe that, by looking at only one aspect of supervision (personal contacts at home or work) the report is overly broad relative to its conclusions about the Division.

Sincerely,

Richard L. Stalder
Secretary

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