



Commonwealth of Massachusetts
Office of the State Auditor
Suzanne M. Bump

Making government work better

Official Audit Report – Issued October 14, 2015

Hampden Sheriff's Department—Administration of Inmate Transportation

For the period July 1, 2013 through December 31, 2014





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Making government work better

October 14, 2015

Sheriff Michael J. Ashe
Hampden Sheriff's Department
627 Randall Road
Ludlow, MA 01056

Dear Sheriff Ashe:

I am pleased to provide this performance audit of the Hampden Sheriff's Department's administration of inmate transportation. This report details the audit objectives, scope, and methodology for the audit period, July 1, 2013 through December 31, 2014. My audit staff discussed the contents of this report with management of the department, whose comments we considered in drafting this report.

I would also like to express my appreciation to the Hampden Sheriff's Department for the cooperation and assistance provided to my staff during the audit.

Sincerely,

A handwritten signature in blue ink, appearing to read "SMB", written in a cursive style.

Suzanne M. Bump
Auditor of the Commonwealth

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LIST OF ABBREVIATIONS

DOC	Department of Correction
EOTC	Executive Office of the Trial Court
OSA	Office of the State Auditor
SDH	Hampden Sheriff's Department
WCC	Western Massachusetts Regional Women's Correctional Center

EXECUTIVE SUMMARY

The Hampden Sheriff's Department (SDH) became an independent state agency as of July 1, 1998, as a result of the abolition of Hampden County pursuant to Chapter 48 of the Acts of 1997. SDH houses inmates and oversees its own administrative offices, the Hampden County Jail and House of Correction, the Western Massachusetts Regional Women's Correctional Center (WCC), the Pre-Release Center, York Street Industries, the Western Massachusetts Correctional Alcohol Center, and the Community Safety Center. As of the end of our audit period, SDH housed an average of 1,468 inmates.

A major part of operations of SDH's main facility and the WCC requires transportation of inmates to and from offsite programs, medical appointments, and court events. We undertook this audit to determine whether SDH was transporting inmates for court events efficiently while providing a safe and secure environment and to determine whether payroll costs related to inmate transportation were accurate and were properly approved and documented.

Our audit confirmed that, with regard to our audit objectives, SDH effectively transported inmates to court events safely and securely, and it accurately reported inmate transportation payroll costs. We did not identify any significant deficiencies in the areas related to our objectives.

OVERVIEW OF AUDITED ENTITY

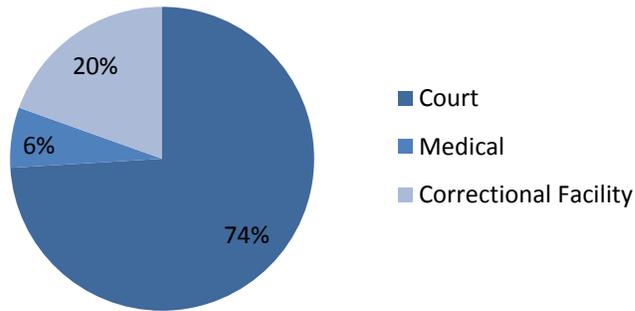
The Hampden Sheriff's Department (SDH) was established as a state agency on July 1, 1998, as a result of the abolition of Hampden County pursuant to Chapter 48 of the Acts of 1997. Chapter 127 of the Acts of 1999 amended the Massachusetts General Laws by adding Chapter 34B, under which the Sheriff became an employee of the Commonwealth, remained an elected official, and retained administrative and operational control over SDH. As presently structured, SDH is responsible for running and overseeing all aspects of its programs and facilities: the SDH administrative offices, the Hampden County Jail and House of Correction, the Western Massachusetts Regional Women's Correctional Center (WCC), the Pre-Release Center, York Street Industries, the Western Massachusetts Correctional Alcohol Center, and the Community Safety Center. It also operates programs for adult education, substance-abuse treatment, volunteering, and other purposes. In addition to its correctional programs, SDH is responsible for the service of legal papers and notices through its Civil Process Division.

SDH houses its inmates in secure facilities; inmates are required to leave SDH grounds for various events, such as medical appointments, court events, and outside correctional services. According to inmate counts provided by SDH, during December 2014, SDH housed an average of 1,468 inmates, which included those housed at the WCC. In addition to housing female Hampden County inmates, SDH has arranged to house female inmates from Berkshire, Hampshire, Franklin, and Worcester Counties at the WCC.

Transportation services are operated from two locations: the main facility (male inmate housing), located at 627 Randall Road in Ludlow, and the WCC, located at 701 Center Street in Chicopee. SDH's transportation vehicles logged 543,200 miles during the audit period. Vehicles from the main facility¹ made 12,803 stops for the following purposes:

1. The WCC did not compile records for the full duration of our audit period. It began compiling this data when its inmate population increased as a result of the addition of out-of-county inmates, which occurred in September 2014.

Main Facility Transportation Stops July 1, 2013–December 31, 2014



Inmate transportation for court events, at 74%, comprises the largest share of inmate transportation. Key elements of SDH's transportation service for the audit period are summarized below.

SDH Inmate Transportation

Location	Main Facility	WCC
Morning Transportation Teams*	5	1
Afternoon Transportation Teams*	3	1
Management Employees	3	1
Transportation Vans	10	3
Mileage Incurred (audit period)†	438,637	104,563
Estimated Payroll (audit period)‡	\$1,955,025	\$306,015

* Additional transportation may be used as needed. Teams consist of transportation management or Special Operations personnel who have been trained to perform inmate transportation.

† Unaudited data provided by SDH.

‡ Transportation Office payroll (auditor-estimated) for audit period from Massachusetts Management Accounting and Reporting System.

AUDIT OBJECTIVES, SCOPE, AND METHODOLOGY

In accordance with Chapter 11, Section 12, of the Massachusetts General Laws, the Office of the State Auditor (OSA) has conducted a performance audit of the Hampden Sheriff's Department's (SDH's) administration and oversight of inmate transportation for the period July 1, 2013 through December 31, 2014.

We conducted this performance audit in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

Below is a list of our audit objectives, indicating each question we intended our audit to answer and the conclusion we reached regarding each objective.

Objective	Conclusion
1. Is the process SDH uses to transport inmates for judicial hearings efficient and in keeping with a safe and secure environment?	Yes
2. Does SDH ensure that inmate transportation payroll costs are accurate and are properly approved and documented?	Yes

To achieve our objectives, we gained an understanding of SDH's internal controls and tested their operating effectiveness with regard to SDH's processing of transportation officers' payroll and inmate transportation. In addition, we performed the following procedures:

- We obtained a copy of 103 Code of Massachusetts Regulations 924.15, which relates to inmate transportation by county correctional facilities, as well as applicable SDH policies and procedures.
- We spoke to Trial Court personnel and obtained and reviewed a copy of the recently completed policies and procedures on inmate videoconferencing. We made inquiries of Trial Court and SDH personnel regarding this policy.
- We asked questions of the captain of transportation at the main facility and the sergeant of intake and transportation at the Western Massachusetts Regional Women's Correctional Center (WCC) to gain an understanding of procedures for transporting inmates across counties and to court and medical appointments.

-
- We obtained and reviewed a representative sample of SDH's daily inmate transportation logs to determine whether trips to and from its main facility and the WCC were accomplished without safety incidents and within a reasonable amount of time and whether transportation officers' time was used efficiently during their scheduled work shifts. We tested a non-statistical sample of 44 daily transportation logs from the main facility and 96 daily transportation logs for the WCC to verify that amount of time and staff resources used to transport inmates on various routes was reasonable and that any safety incidents reported were handled in a manner that proved to be of no consequential threat to the community.

 - We requested transportation rosters, time-clock reports, and employee pay reports for sampled pay periods and employees. We tested a total of 48 biweekly payroll transactions (eight randomly selected transportation officers or managers tested at six randomly selected pay periods during the audit period). We then tested the samples for employees and pay periods to determine the following:
 - Did the reported hours that employees worked reconcile to the time-clock report, monthly schedule, and time sheet?

 - If an employee performed overtime, were overtime requests approved by a supervisor, and did they reconcile to the time clock?

 - Were employee status changes properly completed, documenting the change in rank on the date identified in payroll records?

We also performed a data-reliability assessment of SDH's time-management system. Based on our current audit work and OSA's data-reliability assessment of the information-technology controls of the state's Massachusetts Management Accounting and Reporting System,² through which these payroll costs were processed, we determined that the data obtained for this audit were sufficiently reliable for the purposes of this report. When sampling was used, we applied a non-statistical approach, and as a result, we were not able to project our results to the population.

2. In 2014, OSA performed a data reliability assessment of the Massachusetts Management Accounting and Reporting System. As part of this assessment, we tested general information-technology controls for system design and effectiveness. Our audit tested for accessibility of programs and data as well as system change-management policies and procedures for applications, configurations, jobs, and infrastructure.

OTHER MATTERS

In April 2014, the Executive Office of the Trial Court (EOTC) sent guidance to Chief Justices, Justices, Clerks of Courts, and other judicial officers regarding its videoconferencing policy (Appendix). The policy specified court events for which videoconferencing could be used, as well as staff protocols for the use of videoconferencing equipment. All court events where videoconferencing is considered appropriate are subject to judicial discretion. Therefore, judges are responsible for deciding whether to use videoconferencing for specific court events.

During our audit, we considered measures the Hampden Sheriff's Department (SDH) was taking to reduce its transportation costs, particularly its use of videoconferencing for court events. We determined that SDH's Western Massachusetts Regional Women's Correctional Center (WCC) was equipped with wiring and space, but not equipment, for videoconferencing when it opened in 2007. During our audit, EOTC gave SDH videoconferencing equipment, which was then installed at the WCC. The equipment allowed female inmates housed at the WCC on Worcester County cases to participate in court events remotely. Also during this time, SDH's main facility was being retrofitted with fiber-optic wiring necessary for videoconferencing.

According to SDH officials, videoconferencing could be used more to reduce the department's transportation costs. SDH transports inmates from two locations: its main facility and the WCC. In addition to housing Hampden County's female inmates, the WCC provides secure facilities for female inmates from Berkshire, Franklin, Hampshire, and Worcester Counties and certain Department of Correction (DOC) facilities. All these inmates attend court events in their own counties; this means SDH must coordinate transportation efforts with other sheriffs and DOC, which adds to SDH's significant annual transportation costs. According to EOTC's 2014 annual report, Worcester County and four other counties in Massachusetts held a combined total of approximately 4,000 hearings by videoconference that year, mostly involving petitions for review of bail. We believe that SDH should continue working with personnel at other county sheriffs' departments and EOTC, including judges, on expanding the use of videoconferencing instead of transporting inmates from county sheriffs' departments for all court events for which they are allowed (e.g., status conferences and bail reviews).

Using videoconferencing for these events would reduce not only transportation costs but also any public-safety risks posed by transporting inmates to and from secure facilities.

APPENDIX

Executive Office of the Trial Court Videoconferencing Policy



THE COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE OFFICE OF THE TRIAL COURT
John Adams Courthouse
One Pemberton Square
Boston, Massachusetts 02108

Paula M. Carey
Chief Justice of the Trial Court

Tel: (617) 878-0203
Fax: (617) 788-6199

Executive Office Transmittal 14-4

To: Chief Justices
Justices
Clerks
Registers
Recorder
Jury Commissioner
Commissioner of Probation
DCAs/Directors

From: Paula M. Carey
Chief Justice of the Trial Court

Harry Spence
Court Administrator

Date: April 2, 2014

Re: Trial Court Videoconferencing Policy

Trial Court Videoconferencing Policy

We are pleased to provide you with the attached policy governing the use of videoconferencing equipment in the Trial Court. This policy is intended to provide guidance to judges for the appropriate use of videoconferencing equipment for various court events, and to establish protocols for court staff to ensure the proper use and security for the equipment. We believe that the implementation and use of videoconferencing provides an opportunity to improve the efficiency of case management through technology, while still safeguarding individual access to justice and due process rights.

The use of videoconferencing consistent with this policy will reduce costs, address safety concerns and delays associated with the transportation of prisoners and detainees, and may provide for timeliness and cost savings for out-of-state parties and witnesses.

The Legislature provided funding in FY 14 to purchase additional equipment and that deployment effort is underway.

We thank the members of the videoconferencing committee and the Chief Justices and Deputy Court Administrators for their efforts towards developing this policy.

**TRIAL COURT
POLICY AND PROTOCOLS
FOR VIDEOCONFERENCING**

PURPOSE: *To establish uniform procedures for use of videoconferencing equipment throughout the Trial Court with an emphasis on safeguarding individuals' equal access to justice and due process rights and protections under the law. Consistent with the Massachusetts Trial Court Strategic Plan, June 2013, implementation and use of videoconferencing will reduce costs, address safety concerns and delays associated with transportation of prisoners and detainees; provide for timeliness and cost savings for out of state/county parties, witnesses and experts; thereby, improving the efficiency of case management through technology.*

The Trial Court shall make video conferencing equipment available for use in accordance with the following policies and procedures:

I. CRIMINAL CASES

If a hearing is contemplated, videoconferencing (is) considered appropriate for the following events, but in all instances are subject to judicial discretion:

1. Bail Reviews
2. Status Conferences
3. Non-evidentiary pre-trial motions, dismissals, nolle prosequi
4. Scheduling of court events
5. Recall of default warrants including out of state warrants
6. Speedy Trial Requests
7. Requests to extend time for payment of fines, fees, or remittance
8. Motions to seal or expunge
9. Show cause hearings/ clerk-magistrate hearings

II. CIVIL CASES

Upon motion of any party to a proceeding, the judge or in the case of a magistrate proceeding, the clerk-magistrate, may allow the use of videoconferencing. The motion and affidavit in support should be filed as soon as practicable prior to the court event after consulting and coordinating with opposing counsel and the primary video conferencing coordinator. A judge may at any time during a proceeding order the use of video conferencing in furtherance of judicial efficiency.

Factors the court may consider in ruling on such motion;

1. Efforts to procure physical appearance of party or witness,
2. Due process,
3. Security or health risks,
4. Security at remote site,
5. The cost of producing a witness in relation to the importance of offered testimony,

6. The convenience of parties and or witnesses, and other factors the court may find relevant.

III. VIDEO CONFERENCING IN PROCEEDINGS WHERE NO JUDGE IS AVAILABLE:

In certain ex parte proceedings where relief is sought in a court during normal business hours but where no judge is physically present, a judge from the same court department may use video conferencing.

In particular, a judge may use video conferencing for the following matters:

1. Ex parte 209A proceedings
2. Emergency mental health matters
3. Questions of bail

NB: The above lists do not preclude nor restrict judicial discretion to allow video conferencing in other non-evidentiary court events.

VIDEO CONFERENCING EQUIPMENT USE & PROTOCOL:

In an effort to promote the orderly and appropriate use of video conferencing equipment and to insure its security and value, a primary video conferencing coordinator and backup shall be designated at each Trial Court facility by the Department Head to whom the equipment is assigned. Each of the court departments located in a multi department courthouse shall also assign a video conference coordinator and back up.

Upon installation of the equipment in a courthouse, the Clerks and Registers shall arrange for the designated primary video conferencing coordinator, his or her backup and all other Trial Court video conferencing coordinators and backups in a multi department courthouse to be trained by the Trial Court or their designee in the use of the equipment. Each Trial Court department may designate additional persons as desired, including judges, to be trained on the operation of the equipment.

Upon installation of the equipment the primary video conferencing coordinator shall determine a secure location where the equipment should be located when not in use and in collaboration with the judges in the facility, determine the courtroom or courtrooms where the equipment is to be used.

The primary video conferencing coordinator shall be responsible for the establishment of written protocols governing the scheduling and use of the equipment including the development and maintenance of a master schedule, the development of protocols for the safe transport of the equipment from one location to another and the resolution of any scheduling conflicts which may arise. Child welfare and criminal events shall be prioritized for use of videoconferencing equipment.