



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

Making government work better

Official Audit Report – Issued October 19, 2016

Massachusetts Parole Board

For the period July 1, 2013 through June 30, 2015





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October 19, 2016

Mr. Paul Treseler, Chair
Massachusetts Parole Board
12 Mercer Road
Natick, MA 01702

Dear Mr. Treseler:

I am pleased to provide this performance audit of the Massachusetts Parole Board. This report details the audit objectives, scope, methodology, findings, and recommendations for the audit period, July 1, 2013 through June 30, 2015. My audit staff discussed the contents of this report with management of the agency, whose comments are reflected in this report.

I would also like to express my appreciation to the Massachusetts Parole Board for the cooperation and assistance provided to my staff during the audit.

Sincerely,

A handwritten signature in blue ink, appearing to read "SMBump".

Suzanne M. Bump
Auditor of the Commonwealth

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EXECUTIVE SUMMARY

In accordance with Section 12 of Chapter 11 of the Massachusetts General Laws, the Office of the State Auditor has conducted a performance audit of certain activities of the Massachusetts Parole Board for the period July 1, 2013 through June 30, 2015. The objective of our audit was to review certain aspects of the Parole Board's Field Services Division case management practices.

Below is a summary of our findings and recommendations, with links to each page listed.

Finding 1 Page 6	The Parole Board does not properly administer the collection of parole supervision fees.
Recommendation Page 7	The Parole Board should prioritize the collection of parole supervision fees and impose sanctions for nonpayment and late payment. If the board believes that there are times when the collection of the fees will result in undue financial hardship for parolees, it should reduce or waive them when parolees can document the potential hardship.
Finding 2 Page 9	The Parole Board does not perform supervision-level reassessments in the required timeframe.
Recommendations Page 10	<ol style="list-style-type: none">1. The Parole Board should implement controls to ensure that field parole officers are aware of all upcoming supervision-level assessments and reassessments and that these assessments and reassessments are conducted and documented in accordance with board policy. Notification controls could be included in the upgrade of the State Parole Integrated Record and Information Tracking database.2. The Parole Board should implement monitoring procedures to ensure that its policies in this area are adhered to.

OVERVIEW OF AUDITED ENTITY

The Massachusetts Parole Board was established under Section 4 of Chapter 27 of the Massachusetts General Laws. The Parole Board is an agency within the Executive Office of Public Safety and Security that is authorized to supervise parolees and make recommendations to the Governor regarding pardons and commutations of sentences. According to its website, the board “promotes public safety through the responsible reintegration of offenders into the community through supervised conditional release,” a type of release that holds parolees accountable for their behavior and prepares them to be productive citizens.

The board has seven full-time members appointed by the Governor. The chair of the Parole Board directs the strategic planning for its 199 employees; is responsible for operations, funds, expenditures, and supervision of parolees; and is the chief spokesperson for the board. Section 5 of Chapter 27 of the General Laws states that the Parole Board “shall . . . determine which prisoners in the correctional institutions of the Commonwealth or in jails or houses of correction may be released on parole.” The Parole Board operates nine satellite offices throughout the Commonwealth and receives funding through state appropriations, which totaled \$17,937,499 for fiscal year 2014 and \$18,069,188 for fiscal year 2015.

AUDIT OBJECTIVES, SCOPE, AND METHODOLOGY

In accordance with Section 12 of Chapter 11 of the Massachusetts General Laws, the Office of the State Auditor has conducted a performance audit of certain activities of the Massachusetts Parole Board for the period July 1, 2013 through June 30, 2015. During our review of controls over follow-up drug testing and the collection of supervision fees, the audit team determined that it was necessary to expand our review period through December 2015 for the collection of supervision fees and through January 2016 for the follow-up drug testing.

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; the conclusion we reached regarding each objective; and, if applicable, where each objective is discussed in the audit findings.

Objective	Conclusion
1. Does the Parole Board administer polygraph tests to all Sex Offender Registry Board level 1, 2, and 3 sex offenders every six months?	Yes
2. Does the Parole Board collect monthly supervision fees as required by Section 368 of Chapter 26 of the Acts of 2003 and Parole Board policy?	No; see Finding <u>1</u>
3. Does the Parole Board conduct follow-up drug testing within 45 days for parolees who have tested positive while on parole?	Yes
4. Are all field parole officers compliant with board policy regarding reassessing supervision levels for parolees?	No; see Finding <u>2</u>

To achieve our objectives, we gained an understanding of the internal controls we deemed significant to our audit objectives and evaluated the design and effectiveness of those controls. We determined that internal controls over polygraph tests, supervision fees, and drug testing were relevant to our objectives.

To accomplish our audit objectives, we performed the following activities.

- To gain an understanding of the Parole Board's activities and organizational structure, we reviewed its organizational chart and parole process sheet.
- We reviewed the following Parole Board policies: Polygraph Examination (120 PAR 468); Parole Supervision Fees (PAR 434); Drug and Alcohol Testing (120 PAR 605); and Risk/Needs Assessment (120 PAR 112) and Classification and Standard of Supervision (120 PAR 408), both of which discuss reassessment of parolee supervision levels.
- We selected a nonstatistical random sample of 35 parolees designated as sex offenders, from a population of 172, to determine whether polygraph tests were administered and completed within the required timeframe of six months from the previous polygraph test.
- We interviewed the chief of Field Services, the deputy chief parole supervisor, a field parole officer, and the program coordinator for the Fiscal Unit to gain additional understanding of the process of collecting supervision fees. We also interviewed the director of Fiscal Affairs for the Executive Office of Public Safety and Security to obtain information on the recording and reporting of supervision fees.
- We interviewed the chief of Field Services to gain an understanding of the process for reassessing parolee supervision levels.
- We selected a nonstatistical random sample of 70 parolees from a population of 5,630 individuals on parole during the audit period. We determined that 24 parolees from our sample had had their supervision fees waived in their entirety. We then eliminated all those parolees from our population and selected 24 more parolees from a population of 3,909 who had had fees assessed. For our testing sample, we calculated the amount owed and compared it to the amount collected to determine whether any balance was due. For parolees who had overdue balances, we determined whether the field parole officer had taken any follow-up action. For any parolee who had had a supervision fee less than \$80 assessed, we verified that a parole waiver was in place.
- We interviewed the chief of Field Services, the deputy chief parole officer, and a field parole officer to gain an understanding of the process required to retest parolees who failed drug/alcohol tests.
- For parolees who had failed drug tests, we selected a random, nonstatistical sample of 40 from a population of 659 parolees who had positive drug tests during the audit period. We reviewed these 40 to determine whether a follow-up drug test had been performed within the required 30-day period or the required 45-day period for parolees who had tested positive for tetrahydrocannabinol, or THC, the main chemical found in marijuana that is responsible for its psychological effects.
- In examining the Parole Board's reassessing of parolee supervision levels, we selected a random, nonstatistical sample of 35 parolees from a population of 498 parolees who were released to parole during the audit period and were on parole for a minimum of 12 months. (Our population did not include parolees who were sex offenders or had received life sentences. Parolees who

are sex offenders or have life sentences are automatically assessed at the highest level and are not reassessed for a minimum of 24 months.) For our sample selection, we reviewed each parolee file in the State Parole Integrated Record and Information Tracking (SPIRIT) database to determine whether the field parole officer had reassessed the parolee's supervision level after the first 6 months of parole and 12 months later.

- The Parole Board uses SPIRIT to track parolees and manage parole eligibility, hearings, polygraph testing, supervision fees, drug testing, and reassessments of parole supervision level. We assessed the reliability of the SPIRIT data by (1) performing electronic testing of required data elements, (2) reviewing existing information about the data and the system that produced them, and (3) interviewing agency officials who were knowledgeable about the data. In addition, we traced nonstatistical random samples of data to source documents. We determined that the data were sufficiently reliable for the purposes of this report.
- We obtained financial data from the state's Massachusetts Management Accounting and Reporting System (MMARS), which we used in our audit testing. From our current audit work, we determined that the data obtained from MMARS for this audit were sufficiently reliable for the purposes of this report.

Whenever sampling was used, we applied a nonstatistical approach, and as a result, we did not project our results to the entire population.

DETAILED AUDIT FINDINGS WITH AUDITEE'S RESPONSE

1. The Parole Board does not properly administer the collection of parole supervision fees.

The Parole Board does not always enforce the collection of monthly parole supervision fees or impose sanctions on parolees for failing to pay these fees. Specifically, during our audit period, 44 (63%) of the 70 parolees in our sample did not pay \$9,690 (28%) of their total supervision-fee obligation of \$35,195. Of the 44 parolees who owed supervision-fee balances, 19 made partial payments and 25 made no payments at all. For example, one parolee who was on parole for eight months and working full time did not make any payments. Further, we did not find any documentation to substantiate that the Parole Board had imposed a graduated scale of sanctions on any of the 44 parolees in our sample who had supervision-fee balances.

During fiscal year 2015, the Parole Board assessed supervision fees totaling \$794,865 and collected \$601,277. The remaining \$193,588 (24%) was uncollected. The Parole Board uses these monthly supervision fees to supplement its state appropriation and defray operating costs. According to the chair of the Parole Board, the fees are necessary to support its supervision efforts.

Authoritative Guidance

Section 368 of Chapter 26 of the Acts of 2003 established the requirement that every person granted a parole permit pay a monthly supervision fee, to be paid each month during parole.

The Parole Board requires each person granted parole to sign a Certificate of Parole requiring numerous conditions, one of which is the payment of a monthly supervision fee. In addition, each parolee signs a Parole Supervision Fees Acknowledgement Form that stipulates the monthly amount and the due date, which is the last day of the month. For parolees who fail to pay the monthly supervision fee, the board has established the Failure to Pay Supervision Fee Policy, Section 434.08(III) which states,

Failure to make payment of the Parole Supervision Fee will result in Supervisor's conference and a graduated scale of sanctions up to and including revocation [of parole]. . . .

- A. A first failure to make payment as required will result in a Supervisor's conference and the parolee being notified that immediate payment must be made to update the delinquent account. . . .*

- B. A second failure to make payment will result in a Supervisor's conference and, at a minimum, the parolee being placed on curfew and/or community service as deemed appropriate by the Field Parole Officer and Parole Supervisor.*
- C. A third failure to make payment of the Parole Supervision Fee will result in Supervisor's conference and the initiation of the revocation process.*
- D. In addition, the parolee shall be advised that failure to pay the Supervision Fee may have a negative impact on his/her credit report.*

Reasons for Noncompliance

Although the Parole Board had policies and procedures in place requiring follow-up action, it did not have sufficient controls in place to ensure that they were followed. Of the 44 parolees who failed to make their monthly supervision-fee payments, 25 had follow-up delinquent notices sent to them. For the other 19, there was no evidence of follow-up action.

However, Parole Board officials told us that field parole officers were more concerned about the public-safety aspects of supervision than about the timely collection of fees. They stated that it was more important for parolees to obtain employment or counseling or to take care of other matters before paying the monthly fee.

Recommendation

The Parole Board should prioritize the collection of parole supervision fees and impose sanctions for nonpayment and late payment. If the board believes that there are times when the collection of the fees will result in undue financial hardship for parolees, it should reduce or waive them when parolees can document the potential hardship.

Auditee's Response

The Parole Board acknowledges the need to improve the documentation of the supervision fee collection process and that 76% of assessed fees were collected during the fiscal year 2015, cited in the Auditor's report, i.e. 24% "uncollected." The Parole Board attempts to strike a balance between the parolee's reentry needs and the statutory requirement to collect supervision fees. The primary goals of parole supervision are to ensure that the parolee becomes a law-abiding and productive member of society. These goals are best met by pursuing education, employment, positive peer/family relationships, and addressing any criminogenic needs via counseling and/or self-help. The Parole Officer meets regularly with the parolee to assess and verify his/her progress in meeting these objectives. The Parole Officer also discusses any barriers the parolee may be facing with regard to meeting his/her obligations. Financial barriers include difficulty in obtaining employment given criminal history and/or gaps in employment history,

repaying debts incurred prior to incarceration and/or as a result of legal difficulties, restitution, concurrent probation fees, counseling fees, as well as daily living expenses.

In some cases the inability to pay becomes readily apparent at the outset of parole supervision and the Parole Officer will have the parolee complete a Financial Declaration Form (FDF) with a request for reduction or waiver of the fee, pursuant to the Parole Supervision Fee Policy, 120 PAR 434. Reports generated by the Parole Board's Research and Planning Coordinator via the State Parole Board Integrated Record and Information Tracking (SPIRIT) system indicate that waivers or reductions were granted to at least 37% of all parolees under supervision in the most recent fiscal year, FY2016. This figure does not include any fees that were adjusted manually at the time the fee was applied in SPIRIT. In other cases, the inability to pay and/or need to request a reduction may not be immediately apparent to the Parole Officer, as per policy, it is the parolee's obligation to bring forward any claims of hardship. Addressing the non-payment of fees expeditiously is also sometimes complicated in the instance of a short supervision period. The Parole Board lacks the authority to extend terms of supervision in order to effect the collection of fees. In cases where parolees are otherwise compliant with the law and supervision, punishing parolees via incarceration for non-payment of fees would also run contrary to best parole practices and contrary to sound fiscal principles. The Massachusetts Department of Correction estimates annual per person incarceration costs of \$53,040.87 (see DOC website FAQs) or \$4,420.07 per month, far above the \$80/month supervision fee.

The Parole Board's approach to improve the documentation of the fee collection process will be two-fold. First, the Agency's Field Services Division management will emphasize with supervisory staff, pursuant to the Supervision Fee Policy, that a failure to pay shall be addressed in all cases. Submitting Waiver/Reduction requests at the earliest juncture will reduce the unnecessary or unwarranted accrual of supervision fee balances. Second, the Agency will review the current Supervision Fee Policy to see if it would be appropriate to waive the supervision fee for an initial period of time at the inception of supervision. Most parolees are not released to immediate employment and face other financial burdens as outlined above, particularly in the first months of supervision. An initial waiver period would reduce assessment of fees for those in the least optimal position to pay.

Auditor's Reply

We acknowledge that the Parole Board's primary goal of supervision is to ensure that the parolee becomes a law-abiding and productive member of society and that parolees may have other obligations and may face barriers, such as obtaining employment, to paying their parole supervision fees. However, the Parole Board is responsible for establishing a process to ensure that each parolee complies with Section 368 of Chapter 26 of the Acts of 2003 and making sure this process is followed so that, as far as possible, all parole supervision fees can be collected. We found that although the Parole Board had policies and procedures in place requiring follow-up action, it did not have sufficient controls in place to ensure that they were followed and, in many cases, did not take any follow-up action when fees were not paid. For example, one person who was on parole for eight months, working full time, did not make

any monthly supervision-fee payments. Further, we did not find any documentation to substantiate that the Parole Board had imposed a graduated scale of sanctions on any of the 44 parolees in our sample who had supervision-fee balances. Although we agree with the Parole Board that revoking parole for nonpayment of parole supervision fees may not be a cost-effective measure, we believe that the board should follow its own policies and impose reasonable sanctions on parolees who are able to pay their supervision fees but are delinquent.

Based on its response, the Parole Board is taking measures to address our concerns in this area.

2. The Parole Board does not perform supervision-level reassessments in the required timeframe.

Field parole officers do not always perform the required assessments and reassessments of the supervision levels required by parolees while they are on parole. Parolees are assessed to determine the level of supervision they require while on parole, out of four levels: reduced, standard, maximum, and intensive. Our tests of 35 parolees showed that 19 had not been reassessed within the required timeframe. Specifically, we noted the following:

- Seven people who were on parole for 12 months or more were never reassessed after they were released from prison.
- 12 people who were on parole for 12 months or more were not reassessed in a timely manner after their release from prison; their reassessment timeframes ranged from 12 to 272 days beyond the due date.

Thirteen of the 35 parolees tested were required to have a second supervision-level reassessment one year after their first reassessment. Our review of the 13 parolees showed the following:

- One parolee did not have his/her second reassessment performed.
- Seven parolees did not have their second reassessments performed within the required 12-month period from their previous reassessments. These untimely reassessments ranged from 26 to 271 days beyond the due date.

Not reassessing supervision levels in a timely way threatens public safety by increasing the risk of recidivism.

Authoritative Guidance

According to Section 112.05(II) of the Parole Board's Risk/Needs Assessment Policy,

- C. *[For] a parolee with a supervision period of 12 months or more [the supervision level] must be re-assessed six months after release.*
- D. *After the initial field [supervision level] re-assessment at six months, a parolee will be re-assessed at least once every 12 months during the period of supervision.*

Reasons for Noncompliance

The Parole Board tracks parolees and maintains their information using the State Parole Integrated Record and Information Tracking (SPIRIT) database. Field parole officers enter information in SPIRIT and maintain case notes on each parolee under their supervision. However, SPIRIT has no controls, internal or external, that notify field parole officers when supervision-level reassessments are due. Rather, field parole officers must manually track when each parolee has a reassessment due date approaching. During our review of supervision-level reassessments, Parole Board officials told us that SPIRIT was being updated to enable it to provide a notification to field parole officers when due dates for supervision-level reassessments are approaching.

Recommendations

1. The Parole Board should implement controls to ensure that field parole officers are aware of all upcoming supervision-level assessments and reassessments and that these assessments and reassessments are conducted and documented in accordance with board policy. Notification controls could be included in the upgrade of the SPIRIT database.
2. The Parole Board should implement monitoring procedures to ensure that its policies in this area are adhered to.

Auditee's Response

The Parole Board acknowledges the need to develop controls to address the timeliness of Risk/Needs Assessments and has taken steps toward that objective as outlined below.

The standards set out by the Parole Board's Risk/Needs Assessment Policy (i.e., 120 PAR 112) were made effective on October 1, 2013. In order to come into compliance with this new policy, officers were initially trained and certified to conduct the risk/needs assessment, which is the tool used to aid in designating the appropriate supervision level. After the certification process was complete, employees were directed to attempt as best they could to begin administering the assessment in accordance with what their normal schedule would allow. A minimum standard of two completed assessments per week per staff member was set for the rollout of the assessment process. As such, it was expected that during the audit period, which predated the promulgation

of this policy by three months, reassessments would not yet be conducted in accordance with these new standards.

Within the first year of implementing the Risk/Needs Assessment Policy, the Parole Board took several actions to achieve a timely and consistent reassessment process. First, an extract was developed in the agency's database for officers to use in evaluating when each parolee on their caseload would be due for reassessment. Secondly, a chart was created and distributed to officers as an interpretive aid of the Risk/Needs Assessment Policy. Finally, additional officer training was initiated, which included a policy refresher session on the assessment process.

Because the Parole Board is committed to ensuring full policy compliance, additional steps have been recently taken to enhance the completion rate of reassessments. In order to assist staff in identifying cases that warrant reassessment, the Field Services Division and Research and Development Department have been working with the Executive Office of Public Safety and Security's Office of Technology and Information Services to develop new database controls. Over the past two months, parole supervisors have been testing and providing feedback in response to a pilot report that identifies specific offenders that may be in need of reassessment. Once this reassessment report is verified, access will be granted to parole officers across the Commonwealth.

The next stage in increasing database controls is to activate reassessment reminders for parole officers. In doing so, the Parole Board is establishing reminders that are tied to specific circumstances that may trigger a reassessment (e.g., release onto parole supervision, issuance of a graduated sanction, revocation not affirmed). These reminders will be sent to parole officers, with a weekly recurrence until reassessment is completed. It is expected that with the combination of active reminders and a passive report, in addition to ongoing reassessment training, the agency will be able to achieve full compliance with the Risk/Needs Assessment Policy.