

DEPARTMENT OF CORRECTIONS

Community Supervision,
Selected Administrative Activities,
and Prior Audit Follow-Up



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Secretary of the Department of Corrections

The Department of Corrections is established by Section 20.315, Florida Statutes. The head of the Department is the Secretary who is appointed by the Governor and subject to confirmation by the Senate. Julie L. Jones served as Department Secretary during the period of our audit.

The team leader was Ryan Marlar, CPA, and the audit was supervised by Barry Bell, CPA. Please address inquiries regarding this report to Barry Bell, CPA, Audit Manager, by e-mail at barrybell@aud.state.fl.us or by telephone at (850) 412-2752.

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SUMMARY

This operational audit of the Department of Corrections (Department) focused on community supervision and selected administrative activities. The audit also included a follow-up on the finding noted in our report No. 2017-038 and applicable findings in our report No. 2016-179. Our audit disclosed the following:

Community Supervision

Finding 1: Department controls for administering drug and alcohol tests at probation offices need enhancement to better ensure the prompt disposal of expired on-site tests, correctional probation officers complete and pass the manufacturer's training program for utilizing on-site tests prior to performing tests, offenders wash their hands prior to the specimen collection process, all probation offices have a properly functioning refrigerator to securely store specimens, and Department records evidence an appropriate chain of custody, from the collection of specimens through the delivery of specimens to the laboratory for confirmation testing.

Finding 2: Department records did not always evidence that Florida Crime Information Center (FCIC) and National Crime Information Center (NCIC) records checks were completed on correctional probation officers or their firearms.

Finding 3: Department controls need enhancement to ensure that all correctional probation officer field safety equipment is accounted for during annual physical inventories.

Finding 4: The Department did not always ensure that records were maintained for all offenders released on community supervision or that the records maintained included the information specified by State law.

Finding 5: Department controls over the intake, orientation, and initial 30-day case review of offenders released on community supervision need improvement.

Finding 6: Department records did not always include accurate information regarding the early termination of offenders' periods of probation and the Department did not always timely perform FCIC and NCIC records checks on offenders recommended for early termination of probation.

Finding 7: Department controls for offender supervision need improvement.

Finding 8: Department controls for the electronic monitoring of offenders released on community supervision need improvement.

Selected Administrative Activities

Finding 9: The Department utilized an internal budgetary redistribution process that sometimes bypassed the statutory approval process for budget transfers.

Finding 10: The Department did not always obtain and adequately document prior authorization and justification for overtime worked by correctional officers. Also, certain overtime hours paid exceeded the overtime hours authorized and justified in Department records.

Finding 11: As similarly noted in prior audit reports, most recently in our report No. 2016-179, Department records did not always accurately reflect motor vehicle usage and fuel cost information.

BACKGROUND

State law¹ specifies that the purpose of the Department of Corrections (Department) is to protect the public through the incarceration and supervision of offenders and to rehabilitate offenders through the application of work, programs, and services. According to Department records, the Department operates the third largest state prison system in the United States and, as of July 2018, housed 97,387 inmates and supervised 156,041 offenders released on supervision. For the 2017-18 fiscal year, the Legislature appropriated approximately \$2.4 billion to the Department and authorized 24,238 positions.

FINDINGS AND RECOMMENDATIONS

COMMUNITY SUPERVISION

Pursuant to State law,² probation³ and community control⁴ are among the sentencing alternatives available to State courts for the disposition of criminal cases. State law⁵ provides standard terms and conditions of probation and community control that may be imposed by the court, including random drug and alcohol testing and electronic monitoring. In addition to the standard terms and conditions set forth in State law, the sentencing court may add other terms and conditions of probation or community control.

The Department, Office of Community Corrections (Office), is responsible for supervising offenders released on probation or community control (community supervision).⁶ The Assistant Secretary of Community Corrections is responsible for directing Statewide community corrections' operations and, as of August 2018, the Office had established 126 probation offices in 4 regions comprising the State's 20 judicial circuits. A map showing the Office regions and State judicial circuits is included as **EXHIBIT A** to this report. A Regional Director for Community Corrections is responsible for directing community corrections' operations within each region, a Circuit Administrator is responsible for directing community corrections' operations within each judicial circuit, and a Correctional Probation Senior Supervisor or Correctional Probation Supervisor is responsible for the operations of probation offices.

¹ Section 20.315(1), Florida Statutes.

² Section 921.187, Florida Statutes.

³ Section 948.001(8), Florida Statutes, defines probation as a form of community supervision requiring specified contacts with probation officers and other terms and conditions as provided in Section 948.03, Florida Statutes.

⁴ Section 948.001(3), Florida Statutes, defines community control as a form of intensive, supervised custody in the community, including surveillance on weekends and holidays, administered by Department officers with restricted caseloads.

⁵ Chapter 948, Florida Statutes.

⁶ The Office also supervises offenders released from prison on parole, conditional release, or conditional medical release.

Pursuant to State law,⁷ the Department utilizes the Offender Based Information System (OBIS) as the primary system and official data repository to manage information on active inmates and offenders released on community supervision. The Department, Office of Information Technology, maintains OBIS.

Finding 1: Drug and Alcohol Testing Controls

State law⁸ requires that, as a standard condition of probation, most offenders⁹ submit to random testing as directed by the correctional probation officer to determine the presence or use of drugs or alcohol. The Department contracted with a vendor to provide all necessary drug tests, transportation, reporting, and confirmation laboratory drug testing¹⁰ services for offenders released on community supervision and established procedures¹¹ for offender drug testing. Department procedures required that:

- Each probation office Drug Coordinator ensure that adequate on-site screening materials and supplies were available and that no drug tests had expired.
- Each correctional probation officer administering urine drug tests to offenders complete and pass the manufacturer's training program for utilizing the on-site test.
- The correctional probation officer collecting the specimen instruct and observe the offender wash their hands thoroughly with soap and water and, after the offender washed their hands, provide the offender an unused specimen container.
- Each probation office location have a locking refrigerator for storing urine specimens and access to the refrigerator be limited to authorized personnel. Urine specimens that tested presumptive positive on-site and were required to be sent to a designated laboratory for confirmation testing were to remain in the refrigerator until the designated courier arrived to pick up and deliver the specimens to the laboratory. According to the Department's vendor guidelines,¹² urine specimens could be stored at room temperature up to 7 days before confirmation testing. However, the guidelines strongly recommended that specimens be tested as soon as possible after collection and, if testing was delayed, the specimens should be refrigerated.
- In the event a positive on-site screening result required laboratory confirmation, the correctional probation officer complete a chain of custody form documenting the persons who possessed the specimen from the time of collection until the specimen was prepared for shipment to the laboratory.
- The courier sign and date the *Specimen Collection Control Log* (Control Log) when picking up specimens from the probation office.

As part of our audit, we inspected drug testing rooms, equipment, and supplies at 12 Department probation offices (3 in each region)¹³ to determine whether, in accordance with Department procedures and vendor guidelines, the probation office facilities were adequate to conduct drug testing, collection

⁷ Section 20.315(10), Florida Statutes.

⁸ Sections 948.03(1)(l)1. and 948.09(5), Florida Statutes.

⁹ Some offenders, such as offenders on administrative probation and pre-trial intervention, are not required to submit to random drug and alcohol testing as a standard term of probation.

¹⁰ Urine confirmation testing is required to confirm presumptive positive test results obtained utilizing on-site drug tests when an offender refuses to sign a *Positive Drug Usage Statement*, to verify the validity of a prescription, or when the sentencing or releasing authority requires confirmation testing.

¹¹ Department Procedure 302.601, *Substance Abuse Testing of Supervised Offenders*.

¹² *Laboratory Testing Reference Guide*.

¹³ The probation offices inspected included Biscayne, Daytona Beach – Main, Daytona Beach – Central, Deland, Miami East, Miami Northwest, Quincy, Tallahassee Main/Intake, Tallahassee North, Tampa Central, Tampa Hilldale, and Tampa North.

sites and storage rooms were secured, specimens were appropriately stored, and sufficient supplies were on hand to collect specimens. We also observed the collection and on-site screening of 60 offender specimens (including 6 specimens with presumptive positive test results requiring laboratory confirmation) at the 12 probation offices and examined related Department records to determine whether the Department had established effective controls for conducting tests to determine the presence or use of illicit drugs, controlled substances, or alcohol. Our audit procedures disclosed that:

- Some on-site drug tests at 2 probation offices had expired. For example, at the Tallahassee Main/Intake probation office, we noted 24 expired opiate tests stored in the drug testing room and 275 expired drug tests in the storage room. Additionally, at the Miami Northwest probation office, we noted, for example, 75 expired methamphetamine tests.

In response to our audit inquiry, Department management indicated that the expired on-site tests were not removed from the Tallahassee Main/Intake probation office due to staff oversight and from the Miami Northwest probation office because the tests had not expired as of the previous quarterly inventory. Although we did not observe any correctional probation officers using expired on-site drug tests, prompt disposal of expired on-site tests helps ensure specimens are appropriately tested in accordance with Department procedures and vendor guidelines. Additionally, the use of expired drug tests may result in unreliable and inaccurate test results.

- Prior to our observations, the 25 correctional probation officers who conducted 32 of the 60 on-site screenings had not completed and passed the manufacturer's training program for utilizing on-site drug tests. Subsequent to our observations, 16 of the 25 correctional probation officers completed and passed the manufacturer's training program.

According to Department management, the Department had not established a process to track whether correctional probation officers completed and passed the manufacturer's training program for utilizing on-site drug tests. Proper training for correctional probation officers performing on-site drug tests better ensures that the officers understand the testing technology and appropriately administer and interpret the results of on-site tests.

- For 21 of the 60 on-site screenings, the correctional probation officers did not instruct, and offenders did not wash their hands prior to the beginning of the specimen collection process. In response to our audit inquiry, region and circuit management indicated that insufficient training and staff turnover contributed to the officers not always instructing offenders to wash their hands. Ensuring offenders wash their hands prior to the beginning of the specimen collection process reduces the risk that adulterating or contaminating substances from an offender's hands transfer to the specimen, which may lead to false positive or false negative test results.
- Specimens were not always properly stored at 2 probation offices. Specifically, we noted that:
 - At the Quincy probation office, the air in the refrigerator was room temperature and ice covered the cooling coil. In response to our audit inquiry, circuit management indicated that it had not checked or periodically defrosted the specimen storage refrigerator.
 - At the Tampa North probation office, the refrigerator did not function. Additionally, we noted that, for the 1 presumptive positive test result requiring laboratory confirmation, the testing correctional probation officer sent the specimen to the probation office reception desk for storage until the designated courier arrived to pick up the specimen. In response to our audit inquiry, circuit management indicated that a replacement refrigerator had been ordered approximately 2 months before our observation and the correctional probation officer indicated that the reception desk was generally cool enough to store specimens.

Notwithstanding the Department's responses, storing specimens for testing in properly functioning and locked refrigerators helps ensure accurate test results and better preserves chain of custody.

- For the 6 presumptive positive test results requiring laboratory confirmation, the courier did not sign the Control Log documenting that custody of the specimen had been transferred to the courier. Also, for 1 of the 6 presumptive positive test results, the offender's supervising correctional probation officer completed the chain of custody form instead of the correctional probation officer who collected and tested the specimen.

According to region and circuit management, insufficient training and staff turnover contributed to the probation offices not obtaining the couriers' signatures on the Control Log or always properly completing the chain of custody form. Accurate chain of custody records, including documentation of all persons who have possession of specimens, ensures the Department can account for the integrity of specimens from collection through delivery to the laboratory for confirmation testing.

Recommendation: We recommend that Department management take steps to ensure:

- **The prompt disposal of expired on-site drug tests.**
- **Correctional probation officers complete and pass the manufacturer's training program for utilizing on-site drug tests prior to performing tests.**
- **Offenders thoroughly wash their hands prior to beginning the specimen collection process.**
- **All probation offices have a properly functioning refrigerator to securely store specimens.**
- **Department records evidence an appropriate chain of custody, from the collection of specimens through the delivery of specimens to the laboratory for confirmation testing.**

Finding 2: Authorization for Correctional Probation Officers to Carry a Firearm

Department rules¹⁴ set forth procedures for authorizing correctional probation officers to carry a firearm for defensive purposes while on duty. Department procedures¹⁵ required correctional probation officers electing to carry a firearm while on duty to complete required firearms training and submit a *Request for Authorization to Carry a Firearm on Duty* (DC3-226 form) to the Circuit Administrator. Prior to approving an officer's request to carry a firearm, the Circuit Administrator was to complete a Florida Crime Information Center (FCIC) and National Crime Information Center (NCIC) check on the correctional probation officer and their firearm to determine whether either had any disqualifying criminal history. Correctional probation officers must annually qualify to carry a firearm.

As part of our audit, we examined Department records for 25 of the 1,129 correctional probation officers authorized to carry a firearm as of January 2018 to determine whether the officers were appropriately authorized to carry a firearm in accordance with Department rules and procedures. Our examination disclosed that Department records did not evidence that NCIC records checks had been completed for 20 of the correctional probation officers or their firearms. Additionally, Department records did not evidence for 5 of the 20 correctional probation officers that a complete FCIC records check had been performed or recently performed. Specifically:

¹⁴ Department Rule 33-302.104, Florida Administrative Code.

¹⁵ Department Procedure 302.313, *Use of Force in Community Corrections*.

- No documentation was available evidencing that 2 correctional probation officers had been subject to an FCIC records check. In addition, the firearm for 1 of these officers had not been subject to an FCIC records check.
- Department records also did not demonstrate that an FCIC records check had been completed on another officer's firearm.
- The most recent FCIC records checks for the other 2 officers and their firearms were completed in 2007 and 2009, respectively.

According to Department management, a space to document the completion of NCIC records checks was inadvertently omitted from the DC3-226 form. Department management also indicated that complete FCIC records checks were not performed for the 5 correctional probation officers due to employee oversights; however, Department management noted that employee fingerprints are retained by the Department of Law Enforcement (DLE), which is to notify the Department if an employee is arrested in the State.

Documentation evidencing the completion of FCIC and NCIC records checks on all correctional probation officers and their firearms prior to approving officers' requests to carry a firearm better ensures and demonstrates that officers and their firearms do not have disqualifying criminal histories.

Recommendation: We recommend that Department management enhance controls, including revising the DC3-226 form, to ensure that Department records evidence the completion of FCIC and NCIC records checks on all correctional probation officers and their firearms prior to approving an officer's request to carry a firearm while on duty.

Finding 3: Field Safety Equipment Inventories

Pursuant to Department rules¹⁶ and procedures,¹⁷ Circuit Administrators are to maintain control of, and inventory, correctional probation officer field safety equipment within their circuit, including badges, chemical agents, handcuffs, flashlights, soft body armor, cellular telephones, two-way radios, laptop computers, tablets, and air cards. Each Circuit Administrator or designee was to conduct annual field safety equipment inventories and submit the results of the inventories to the Regional Director. Each Regional Director or designee was to compile the circuit inventory results and submit the region's inventory results to the Assistant Secretary of Community Corrections each April.

As part of our audit, we examined Department records related to the four April 2017 regional field safety equipment inventories to determine whether the inventories accounted for all field safety equipment in each circuit and the inventory records included all required data elements. Our examination disclosed that Department records did not evidence that all field safety equipment had been accounted for in the April 2017 inventories. Specifically, Region 1 did not inventory soft body armor, Region 4 did not inventory laptop computers, tablets, or air cards, and circuits 11 and 19 within Region 4 also did not inventory cellular telephones. In response to our audit inquiry, Department management indicated that inconsistencies in field safety equipment inventory tools and processes led to some regions and circuits not inventorying all field safety equipment.

¹⁶ Department Rule 33-302.115(1), Florida Administrative Code.

¹⁷ Department Procedure 302.040, *Field Safety Equipment*.

Periodic physical inventories of all field safety equipment are necessary to ensure proper accountability for and safeguarding of correctional probation officer field safety equipment.

Recommendation: We recommend that Department management enhance inventory tools and processes to ensure that annual physical inventories of all correctional probation officer field safety equipment are conducted in accordance with Department rules and procedures.

Finding 4: Offender Records

State law¹⁸ requires the Department to keep records on each probationer referred to the Department. State law¹⁹ also requires the Department to obtain and place in its records information as complete as practicable on every person who may be sentenced to supervision under the jurisdiction of the Department. Such information is to be obtained as soon as possible after imposition of sentence and, in the discretion of the Department, is to include, among other things, a copy of the indictment or information,²⁰ a complete statement of the facts of the crime for which the offender was sentenced, and the name of the presiding judge, the prosecuting officers, the investigating officers, and the attorneys for the offender.

As part of our audit, we examined Department records for 40 offenders whose community supervision terminated during the period July 2016 through January 2018 to determine whether Department records for the offenders included the information specified by State law and the information accurately reflected the conditions of supervision. Our examination disclosed that:

- The Department did not maintain records for 1 offender's supervision period.
- Department records for 6 offenders did not include a copy of the indictment or information.
- Department records for 5 offenders did not include the names of the presiding judge, the prosecuting officers, the investigating officers, or the attorneys for the offenders.

In response to our audit inquiry, Department management indicated that the missing offender's records had been overwritten after being inadvertently marked as inactive. For the other offenders, Department management indicated that records were not complete due to employee record scanning errors.

Complete offender records ensure that pertinent offender information is available to facilitate the Department's supervision of offenders on community supervision and demonstrates compliance with State law.

Recommendation: We recommend that Department management ensure that records including the information specified by State law are maintained for all offenders on community supervision.

¹⁸ Section 944.09(4)(f), Florida Statutes.

¹⁹ Section 945.25, Florida Statutes.

²⁰ Rule 3.140, Florida Rules of Criminal Procedure: *Indictments; Informations*, provides that an indictment or information is a plain, concise, and definite written statement of the essential facts constituting the offense charged. Indictments are to state that the defendant is charged by a grand jury and informations are to state that the appropriate prosecuting attorney makes the charge.

Finding 5: Intake, Orientation, and Case Review Records

As previously noted, State law²¹ requires the Department to maintain a record of each offender released on community supervision. The Department has promulgated rules and established procedures for the intake and orientation of offenders released on community supervision and for the initial review of case files to ensure continuous and proper monitoring of offenders while on community supervision. For example:

- Department rules²² require correctional probation officers to hold an orientation meeting with each offender within 2 working days of offender assignment or the onset of supervision and document that the offender was provided information regarding the conditions of supervision and instructions regarding supervision.
- Department procedures²³ required all offenders to have 24-hour access to their correctional probation officer or a representative of the Department. Emergency 24-hour access was to be discussed during offender orientation and the correctional probation officer was to provide the offender an emergency contact telephone number.
- Department procedures²⁴ required correctional probation officers to instruct career offenders during initial orientation on the responsibility to register with the DLE, the local sheriff's office, and the Department of Highway Safety and Motor Vehicles (DHSMV) in accordance with State law.²⁵ Department procedures also required correctional probation officers instruct offenders to obtain a driver's license or identification card as a career offender from the DHSMV within 2 working days and bring the officer a copy of the driver's license or identification card within 72 hours. Alternatively, the officer could verify the offender's registration with the DHSMV.
- The Department conducts initial 30-day reviews of offenders released on community supervision to confirm that the preliminary information used to manage offender cases, and recorded in OBIS and other Department records, is accurate and complete. The Department's ability to provide for the public safety and offender programming needs is dependent on the proper supervision of offender cases. Accordingly, the Department established separate forms to document the conduct of initial 30-day reviews on sexual and non-sexual offenders. Correctional probation officers were to complete and submit the applicable form to their supervisor within 30 days of the beginning of supervision. Supervisors were to review the form and document any exceptions within 45 days of the beginning of supervision. If any exceptions were noted, the supervisor was to assign a re-review and exceptions were to be resolved within 30 days.

As part of our audit, we examined Department records for 60 offenders²⁶ released on community supervision during the period July 2016 through January 2018 to determine whether the Department maintained a record of each offender referred to it for supervision; conducted and documented all intake and orientation activities; and conducted initial 30-day reviews and re-reviews in accordance with State law and Department rules and procedures. Our examination disclosed that Department controls over the

²¹ Sections 944.09(4)(f), and 945.25, Florida Statutes.

²² Department Rule 33-302.109, Florida Administrative Code.

²³ Department Procedure 302.318, *Emergency 24-Hour Access*.

²⁴ Department Procedures 302.301, *Offender Orientation*, and 302.701, *Sexual Offender/Sexual Predator and Career Offender Registration Process and Duty to Uphold*.

²⁵ Sections 775.261 and 944.608, Florida Statutes.

²⁶ Our examination included 17 felony offenders, 15 sexual predators, 15 sexual offenders, 8 career offenders, and 5 absconders. One career offender was also a sexual predator.

intake, orientation, and review of offenders on community supervision need improvement. Specifically, we noted that:

- Department intake, orientation, and case review records for 3 sexual offenders and 2 felony offenders were not complete. Specifically:
 - The file for 1 sexual offender did not include any documentation related to the offender's period of supervision.
 - Department records did not evidence completion of an initial 30-day review for another sexual offender and a felony offender.
 - While Department records included some supervision documentation for the third sexual offender and the other felony offender, the records did not document the intake and orientation activities for the offenders, including instruction regarding supervision, required registration, or the conduct of initial 30-day reviews.

According to Department management, offender intake, orientation, and case review records were not complete due to employee record scanning errors.

- The Department did not provide 3 sexual predators, 3 sexual offenders, 2 career offenders, 1 felony offender, and 1 absconder an emergency contact telephone number. According to Department management, emergency contact telephone numbers were not always provided due to correctional probation officer oversights.
- Department records did not evidence that 4 career offenders received the required registration and driver's license instructions and, for 1 of these offenders, that the correctional probation officer had received a copy of the offender's driver's license or identification card or verified the offender's registration with the DHSMV. In response to our audit inquiry, Department management indicated that career offender instructions were not always provided, and registration was not always verified, due to insufficient employee training.
- The Department did not timely complete the initial 30-day reviews for 40 offenders (11 sexual offenders, 11 sexual predators, 7 career offenders, 7 felony offenders, and 4 absconders). Specifically, the Department completed the initial 30-day reviews 34 to 58 days after the beginning of the offenders' periods of supervision. In addition, we noted that:
 - The initial 30-day review form for 1 of the career offenders did not evidence timely supervisory review.
 - For 3 sexual predators and 1 sexual offender, Department records did not evidence that an assigned re-review had been completed or that documented exceptions had been resolved.

In response to our audit inquiry, Department management indicated that OBIS does not generate a prompt to remind correctional probation officers when an initial 30-day review is due, which may have contributed to the untimely reviews. Management also indicated that timely supervisory review and re-reviews were not always documented due to employee oversight and insufficient training.

Absent complete offender supervision records, the Department's ability to effectively supervise offenders released on community supervision and demonstrate compliance with State law and Department rules and procedures is limited. Providing offenders, as applicable, emergency contact telephone numbers and required registration and driver's license instructions, ensures offenders have 24-hour access to their correctional probation officers, documents the Department's communication of career offender statutory responsibilities, and ensures career offenders comply with statutory registration requirements. Timely and appropriate completion of initial 30-day reviews of offenders, including documented resolution of exceptions, ensures the accuracy of the data entered into OBIS, evidences that each offender is properly

oriented to their supervision requirements and community corrections procedures, and ensures public safety and offender programming needs are provided through proper supervision.

Recommendation: We recommend that Department management enhance controls, including the provision of additional employee training, to ensure that all intake, orientation, and initial 30-day case review activities are timely and appropriately performed, reviewed, and documented. We also recommend that Department management take steps to ensure that Department records evidence the completion of assigned re-reviews, the resolution of documented case review exceptions, the provision of emergency contact telephone numbers to offenders, and compliance with career offender registration notification requirements.

Finding 6: Early Termination of Probation

Pursuant to State law,²⁷ if an offender has performed satisfactorily, has not been found in violation of any terms or conditions of supervision, and has met all financial sanctions imposed by the court, the Department may recommend early termination of probation to the court at any time before the scheduled termination date. Department procedures specified that, when an offender's period of supervision was terminated by the sentencing or releasing authority prior to the scheduled termination date in response to the Department's recommendation, a blank termination reason code was to be entered into OBIS. However, if the offender's period of supervision was terminated prior to the scheduled termination date in response to an action initiated by the offender, the offender's attorney, or by the court upon the successful completion of applicable requirements, a specified termination reason code was to be entered into OBIS. Department procedures provided that use of the correct reason code was important for the accurate reporting of statistical data.

Department rules²⁸ require that, before a correctional probation officer recommends an offender for early termination of probation, the correctional probation officer perform an FCIC and NCIC records check, which must demonstrate that the offender has not been subject to an arrest during supervision of which the sentencing or releasing authority was not already aware.

To determine whether the Department recommended early termination of probation in accordance with State law and Department rules and procedures, we examined Department records for 40 offenders who, according to OBIS, early terminated probation at the Department's recommendation during the period July 2016 through January 2018. We found that:

- OBIS included a blank termination reason code for 22 of the offenders, although the Department had not recommended early termination of probation.
- The Department did not perform FCIC and NCIC records checks for 6 of the offenders before recommending early termination of the offenders' probation. Specifically, the last FCIC and NCIC records checks for 5 of the offenders were performed 205 to 534 days (an average of 397 days) prior to the Department's recommendation and, for the sixth offender, while Department records did not evidence the recommendation date, the last FCIC and NCIC records check was conducted 594 days prior to early termination of the offender's probation.

In response to our audit inquiry, Department management indicated that use of a blank reason code for Department-recommended early terminations of probation and staff oversights contributed to the use of

²⁷ Section 948.04(3), Florida Statutes.

²⁸ Department Rule 33-302.111(1), Florida Administrative Code.

incorrect termination reason codes in OBIS. Department management also indicated that the correctional probation officers had likely performed FCIC and NCIC records checks prior to the early termination recommendations, but that such records checks were not always documented due to correctional probation officer oversights.

Inaccurate OBIS records limit the Department's ability to provide accurate statistical data related to the number of offenders recommended by the Department for early termination of probation. Additionally, ensuring that FCIC and NCIC records checks are performed before recommending an offender for early termination of probation reduces the risk that offenders who remain involved in criminal activity are recommended for early termination of probation.

Recommendation: We recommend that Department management strengthen OBIS data entry controls to ensure that information related to the early termination of offenders' periods of probation is accurately recorded. We also recommend that Department management ensure that Department records evidence the conduct of FCIC and NCIC records checks prior to recommending offenders for early termination of probation.

Finding 7: Offender Supervision

The Department established procedures for supervising offenders released on community supervision, including requirements for minimum contact standards, employment, residence, and school verifications, registration, enforcement of curfews, community control, and documentation of contacts. Our audit procedures disclosed that certain controls related to offender supervision need improvement. We are not disclosing specific details of the issues in this report to avoid the possibility of revealing Department surveillance techniques or procedures. However, we have notified Department management of the specific issues.

Effective controls for offender supervision enable the Department to ensure offender compliance with the terms and conditions of community supervision.

Recommendation: We recommend that Department management improve certain offender supervision controls.

Finding 8: Electronic Monitoring of Offenders

State law²⁹ requires the Department to electronically monitor offenders when the court or Commission on Offender Review imposes electronic monitoring as a condition of community supervision. Pursuant to State law, the Department established procedures to determine, investigate, and report offender noncompliance with the terms and conditions of community supervision 24 hours per day; procured electronic monitoring services; and established a system designed to actively monitor and identify the location of offenders who have current or prior convictions for violent or sexual offenses and timely report and record the offender's presence within a crime scene or in a prohibited area, or the offender's departure from specific geographic locations.

²⁹ Section 948.11, Florida Statutes.

However, our audit procedures disclosed that certain controls related to electronic monitoring of offenders released on community supervision need improvement. We are not disclosing specific details of the issues in this report to avoid the possibility of revealing Department surveillance techniques or procedures. However, we have notified Department management of the specific issues.

Effective controls for electronically monitoring applicable offenders released on community supervision enables the Department to determine, investigate, and report offender noncompliance with the terms and conditions of community supervision.

Recommendation: We recommend that Department management improve certain controls for electronically monitoring applicable offenders released on community supervision.

SELECTED ADMINISTRATIVE ACTIVITIES

As part of our audit, we also evaluated selected Department administrative activities and controls, including those related to budgeting, overtime payments, and the assignment and use of motor vehicles.

Finding 9: Budgetary Controls

State law³⁰ requires that appropriated funds be expended only for the purpose for which the funds were appropriated. However, the head of each State agency is permitted to transfer appropriations from identical funding sources, except fixed capital outlay, between appropriations categories within a budget entity and between budget entities within identical appropriations categories if no appropriations category is increased or decreased by all such transfers more than 5 percent of the original approved budget or \$250,000, whichever is greater.³¹ State law³² specifies that operating appropriations transfers from trust funds that exceed the transfer authority of the State agency head, but less than \$1,000,000, are to be approved by the Executive Office of the Governor and operating appropriations transfers from the General Revenue Fund that exceed the transfer authority of the State agency head, and transfers from trust funds in excess of \$1,000,000, are to be approved by the Legislative Budget Commission.

As part of our audit, we examined Department records to determine whether selected Department expenditures for the 2016-17 fiscal year were appropriately accounted for in accordance with State law. Our examination disclosed that the Department utilized an internal “budgetary redistribution” process that sometimes bypassed the statutory approval process for budget transfers. Specifically, the Department recorded 403 transactions to move previously recorded expenditures from one budget entity or appropriation category to another to ensure sufficient budgetary release was available to pay expenditures when due. The Department’s process was then to reverse the transactions when additional budgetary release became available or an appropriations transfer was approved; however, transactions totaling \$26,260,000 were not reversed for the 2016-17 fiscal year. As shown in Table 1, the cumulative effect of all Department budget transfers made pursuant to State law and the unreversed internal budgetary redistribution transactions increased or decreased 25 appropriations categories, causing the Department to exceed its statutory transfer authority by \$42,825,539.

³⁰ Section 216.292(1)(a), Florida Statutes.

³¹ Section 216.292(2), Florida Statutes.

³² Section 216.292(3) and (4), Florida Statutes.

**Table 1
Department Budget Transfers
and Unreversed Budgetary Redistributions
For the 2016-17 Fiscal Year**

| Budget Entity and Category | Appropriations ^a | Budgetary Transfers ^b | Unreversed Budgetary Redistributions | Net Appropriations Change (Increase/Decrease) | Appropriations Change in Excess of 5% or \$250,000 | Appropriations Percent of Change in Excess of 5% or \$250,000 |
|--|-----------------------------|----------------------------------|--------------------------------------|---|--|---|
| Business Service Centers | | | | | | |
| Salaries and Benefits | \$12,270,779 | \$ - | \$ (760,000) | \$ (760,000) | \$ 146,461 | 24% |
| Executive Direction and Support Services | | | | | | |
| Salaries and Benefits | 8,723,371 | - | 2,360,000 | 2,360,000 | 1,923,841 | 441% |
| Expenses | 1,731,528 | - | 500,000 | 500,000 | 250,000 | 100% |
| Contracted Services | 1,507,104 | 250,000 | 1,800,000 | 2,050,000 | 1,800,000 | 720% |
| Information Technology | | | | | | |
| Expenses | 1,461,941 | - | (430,000) | (430,000) | 180,000 | 72% |
| Adult Male Custody Operations | | | | | | |
| Other Personal Services | 6,952,855 | 347,642 | 50,000 | 397,642 | 49,999 | 14% |
| Expenses | 17,966,978 | (898,348) | 4,220,000 | 3,321,652 | 2,423,303 | 270% |
| Contracted Services | 5,227,696 | 261,384 | 400,000 | 661,384 | 399,999 | 153% |
| Adult and Youthful Offender Female Custody Operations | | | | | | |
| Food Products | 2,406,265 | (235,000) | (60,000) | (295,000) | 45,000 | 18% |
| Contracted Services | 625,305 | (250,000) | (250,000) | (500,000) | 250,000 | 100% |
| Private Prison Operations | 24,664,194 | (1,233,209) | (1,020,000) | (2,253,209) | 1,019,999 | 83% |
| Male Youthful Offender Custody Operations | | | | | | |
| Salaries and Benefits | 15,245,813 | - | 5,600,000 | 5,600,000 | 4,837,709 | 635% |
| Food Products | 1,334,376 | (250,000) | (450,000) | (700,000) | 450,000 | 180% |
| Private Prison Operations | 19,216,164 | (960,808) | (220,000) | (1,180,808) | 220,000 | 23% |
| Specialty Correctional Institution Operations | | | | | | |
| Expenses | 3,772,421 | (250,000) | 1,350,000 | 1,100,000 | 850,000 | 340% |
| Food Service and Production | 1,168,710 | 250,000 | 200,000 | 450,000 | 200,000 | 80% |
| Reception Center Operations | | | | | | |
| Food Products | 6,099,923 | (50,000) | 1,010,000 | 960,000 | 655,004 | 215% |
| Food Service and Production | 363,768 | 250,000 | 190,000 | 440,000 | 190,000 | 76% |
| Public Service Worksquads and Work Release Transition | | | | | | |
| Food Products | 1,104,000 | (250,000) | (360,000) | (610,000) | 360,000 | 144% |
| Contracted Services | 28,362,654 | (1,418,132) | (2,220,000) | (3,638,132) | 2,219,999 | 157% |
| Offender Management and Control | | | | | | |
| Other Personal Services | 304,814 | 40,000 | 220,000 | 260,000 | 10,000 | 4% |
| Correctional Facilities Maintenance and Repair | | | | | | |
| Expenses | 86,069,300 | (1,382,527) | (4,030,000) | (5,412,527) | 1,109,062 | 26% |
| Community Supervision | | | | | | |
| Expenses | 10,267,529 | (479,958) | (750,000) | (1,229,958) | 716,582 | 140% |
| Inmate Health Services | | | | | | |
| Treatment of Inmates - Infectious Disease Drugs | 12,092,256 | - | (11,000,000) | (11,000,000) | 10,395,387 | 1,719% |
| Treatment of Inmates with Infectious Diseases | | | | | | |
| Treatment of Inmates - Infectious Disease Drugs | 21,536,127 | - | 13,200,000 | 13,200,000 | 12,123,194 | 1,126% |
| Total | | | | | \$42,825,539 | |

^a The General Revenue Fund was the funding source for all appropriations affected by the budgetary redistributions.

^b Department budget transfers that did not exceed the transfer authority of the Department Secretary.

Source: Legislative Appropriations Subsystem/Planning and Budgeting Subsystem and Department financial records.

Additionally, our examination of Department records found that, due to insufficient funds, the Department recorded 2016-17 fiscal year obligations totaling \$11,071,090 as 2017-18 fiscal year expenditures. In response to our audit inquiry, Department management indicated that the budgetary redistribution transactions were recorded because the Department sometimes did not have the budgetary release necessary to timely pay invoices and payroll, and that Department expenditures are unpredictable as the Department has no control over what types of inmates it receives.

The use of internal budgetary redistributions to sometimes bypass statutorily required budget transfer authorizations limits the accuracy of Department expenditure records, obscures government transparency in the budget process, and may conceal expenditures in excess of Department budgetary authority.

Recommendation: We recommend that Department management adhere to statutory budget transfer requirements.

Follow-Up to Management's Response

Department management indicated in their written response that 5-day notification budget amendments³³ and the applicable back of bill amendment³⁴ need to be taken into consideration if they provided enough additional authority to cover the budgetary redistributions. However, in response to our audit inquiry, Department management acknowledged that these legally authorized budget amendments did not specifically relate to the 403 budgetary redistribution transactions in question. Consequently, it is not clear how budget amendments that are unrelatable to the budgetary redistribution transactions were to be considered and the finding and related recommendation stand as presented.

Finding 10: Overtime Authorization and Payments

The Fair Labor Standards Act (FLSA)³⁵ requires law enforcement officers, including correctional officers, employed by a public agency to be paid overtime pay at a rate of not less than one and one-half times the regular rate for hours worked in excess of 171 hours per 28-day work period.³⁶ State law³⁷ specifies that State agencies are to keep an accurate record of all hours worked by employees. Department of Management Services (DMS) rules³⁸ provide, in part, that each State agency is to monitor hours worked by employees to ensure proper compensation; monitor overtime to ensure compliance with the FLSA; and maintain accurate records of attendance, leave, and overtime worked and compensated. According to Department payroll records, during the period July 2016 through January 2018, the Department paid employees \$85,004,318 for 3,576,750 hours of overtime, including \$81,063,223 paid to correctional officers for 3,382,114 hours of overtime.

³³ Budget amendments made pursuant to Section 216.292(2)(b), Florida Statutes.

³⁴ Budget amendment enacted by Chapter 2017-70, Laws of Florida, General Appropriations Act, Section 53.

³⁵ Title 29, Section 207(k), United States Code.

³⁶ Title 29, Section 553.230, Code of Federal Regulations.

³⁷ Section 110.219(4), Florida Statutes.

³⁸ DMS Rules, Chapter 60L-34, Florida Administrative Code.

Department procedures³⁹ required employees to obtain approval through their chain of command prior to working overtime. Unless emergency circumstances dictated, correctional officers were not to accrue more than 60 hours of overtime in a 28-day work period. If such additional overtime was necessary, Department procedures specified that the officer's immediate supervisor was to document, in writing, that the overtime was required to accomplish statutory responsibilities. The immediate supervisor was to obtain approval from the Warden and Regional Director⁴⁰ and document in the comments section of the employee's People First⁴¹ time sheet the reason for approving the overtime and the name of the approving supervisor. However, Department management indicated that it was Department practice to document overtime approval and justification in the Department's roster management system.

We examined Department records for 25 overtime payments, totaling \$102,946, made to 25 correctional officers who worked more than 60 hours of overtime in a 28-day work period during the period July 2016 through January 2018 to determine whether overtime was authorized and justified prior to the correctional officers working overtime and whether payments for overtime were properly calculated and adequately supported. Our examination disclosed that the 3,953 overtime hours related to the payments were authorized and justified in the Department's roster management system subsequent to the correctional officers working the overtime. Additionally, our examination disclosed that, for 15 of the overtime payments, totaling \$60,179, the 2,290 hours of overtime recorded in Department payroll records exceeded the hours of overtime authorized and justified in the roster management system by 577 hours, resulting in unauthorized payments totaling \$15,582.

According to Department management, when employees do not report to work, often with little notice, immediate staffing needs compel approvals be made orally and documented in the roster management system after the correctional officer's shift. Department management also indicated that it was working with regional Human Resources staff to determine how to best document overtime approval and justification prior to employees working overtime.

Obtaining and adequately documenting prior authorization and justification for overtime helps ensure that overtime worked by correctional officers is required to accomplish statutory responsibilities and prevents the Department from incurring unnecessary overtime costs. In addition, absent records evidencing that all overtime paid is authorized and justified, Department management cannot demonstrate the propriety of overtime payments.

Recommendation: We recommend that Department management ensure that overtime hours paid are adequately supported and evidenced by prior authorization and justification in Department records in accordance with Department procedures.

³⁹ Department Procedure 208.062, *Overtime*.

⁴⁰ Regional Directors were permitted to delegate approval authority to Wardens.

⁴¹ People First is the State's human resource information system.

Finding 11: Motor Vehicle Record Accuracy

State law⁴² and DMS rules⁴³ provide that State-owned motor vehicles are to be used effectively, efficiently, and for official purposes. The DMS developed the Florida Equipment Electronic Tracking (FLEET) system to manage, report, and maintain information about the condition, utilization, cost, fuel consumption, maintenance, and assignment of motor vehicles and watercraft owned, leased, or operated by State agencies.

As of January 31, 2018, the Department maintained 3,408 State-owned motor vehicles that were available for assignment and use by Department personnel. To ensure the proper management and control of Department motor vehicles in accordance with State law and DMS rules, the Department established procedures⁴⁴ for the procurement, assignment, use, and control of State-owned motor vehicles. Department procedures required drivers to record on a monthly *Vehicle Record* form the following information: departure point, destination, beginning and ending mileage by trip, driver's name, fuel purchases, maintenance and repair expenses, oil and lubricant purchases, and preventive maintenance data. Department procedures specified that the information recorded on *Vehicle Record* forms was to be entered into the FLEET system by the 15th of each month.

In our report No. 2016-179 (Finding 9), we noted that the Department could not always demonstrate that Department records accurately reflected motor vehicle usage and fuel cost information. As part of our follow-up audit procedures, we examined FLEET system records and the supporting *Vehicle Record* forms for 30 Department motor vehicles for the period October 2017 through January 2018 and noted that:

- The *Vehicle Record* forms did not always document authorized vehicle usage. Our examination of the 118 monthly *Vehicle Record* forms for the 30 selected motor vehicles disclosed 31 instances related to 15 vehicles where mileage, ranging from 21 miles to 1,648 miles (an average of 489 miles), was unaccounted for on the forms. In addition, our examination disclosed 3 instances related to 3 motor vehicles where the month's beginning mileage was less than the previous month's ending mileage by 71 to 443 miles (an average of 260 miles).
- Fuel acquisition information on *Vehicle Record* forms did not always agree with fuel acquisition information recorded in the FLEET system. Our comparison of the 120 monthly *Vehicle Record* forms for the 30 selected motor vehicles to the related FLEET system records disclosed 35 instances related to 14 vehicles where the fuel acquisition information on the *Vehicle Record* form did not agree with the fuel acquisition information recorded in the FLEET system for the corresponding month.

In response to our audit inquiry, Department management indicated that the discrepancies in the *Vehicle Record* forms and FLEET system records appeared to be oversights by the personnel assigned the motor vehicles. Additionally, although Department procedures required Department management review monthly exception reports to ensure records for all vehicles were reported in the FLEET system, the procedures did not require periodic reviews of the accuracy of completed *Vehicle Record* forms or Department FLEET system information.

⁴² Section 287.16, Florida Statutes.

⁴³ DMS Rules, Chapter 60B-1, Florida Administrative Code.

⁴⁴ Department Procedure 205.019, *Procurement, Assignment, Use, and Control of State Vehicles*.

The maintenance of accurate and complete documentation enhances the Department's ability to demonstrate that State-owned motor vehicles were used for authorized purposes and that the costs recorded in the FLEET system were accurate and properly supported. Also, accurate and complete motor vehicle information increases Department management's assurance that State-owned motor vehicle usage and operations will be effectively monitored and managed.

Recommendation: To ensure that all required information is accurately recorded on *Vehicle Record* forms and input into the FLEET system, we recommend that Department management establish procedures for periodically reviewing and verifying the accuracy and completeness of the information included in *Vehicle Record* forms and FLEET system records.

PRIOR AUDIT FOLLOW-UP

Except as discussed in the preceding paragraphs, the Department had taken corrective actions for the finding included in our report No. 2017-038 and applicable findings included in our report No. 2016-179.

OBJECTIVES, SCOPE, AND METHODOLOGY

The Auditor General conducts operational audits of governmental entities to provide the Legislature, Florida's citizens, public entity management, and other stakeholders unbiased, timely, and relevant information for use in promoting government accountability and stewardship and improving government operations.

We conducted this operational audit from February 2018 through September 2018 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.

This operational audit of the Department of Corrections (Department) focused on community supervision and selected administrative activities. The overall objectives of the audit were:

- To evaluate management's performance in establishing and maintaining internal controls, including controls designed to prevent and detect fraud, waste, and abuse, and in administering assigned responsibilities in accordance with applicable laws, administrative rules, contracts, grant agreements, and other guidelines.
- To examine internal controls designed and placed in operation to promote and encourage the achievement of management's control objectives in the categories of compliance, economic and efficient operations, the reliability of records and reports, and the safeguarding of assets, and identify weaknesses in those internal controls.
- To identify statutory and fiscal changes that may be recommended to the Legislature pursuant to Section 11.45(7)(h), Florida Statutes.

Our audit also included steps to determine whether management had corrected, or was in the process of correcting, the deficiency noted in our report No. 2017-038 and all applicable deficiencies noted in our report No. 2016-179 (Findings 1, 8, and 9).

This audit was designed to identify, for those programs, activities, or functions included within the scope of the audit, deficiencies in management's internal controls, instances of noncompliance with applicable governing laws, rules, or contracts, and instances of inefficient or ineffective operational policies, procedures, or practices. The focus of this audit was to identify problems so that they may be corrected in such a way as to improve government accountability and efficiency and the stewardship of management. Professional judgment has been used in determining significance and audit risk and in selecting the particular transactions, legal compliance matters, records, and controls considered.

As described in more detail below, for those programs, activities, and functions included within the scope of our audit, our audit work included, but was not limited to, communicating to management and those charged with governance the scope, objectives, timing, overall methodology, and reporting of our audit; obtaining an understanding of the program, activity, or function; exercising professional judgment in considering significance and audit risk in the design and execution of the research, interviews, tests, analyses, and other procedures included in the audit methodology; obtaining reasonable assurance of the overall sufficiency and appropriateness of the evidence gathered in support of our audit's findings and conclusions; and reporting on the results of the audit as required by governing laws and auditing standards.

Our audit included the selection and examination of transactions and records. Unless otherwise indicated in this report, these transactions and records were not selected with the intent of statistically projecting the results, although we have presented for perspective, where practicable, information concerning relevant population value or size and quantifications relative to the items selected for examination.

An audit by its nature, does not include a review of all records and actions of agency management, staff, and vendors, and as a consequence, cannot be relied upon to identify all instances of noncompliance, fraud, abuse, or inefficiency.

In conducting our audit, we:

- Reviewed applicable laws, rules, Department policies and procedures, and other guidelines, and interviewed Department personnel to obtain an understanding of community supervision processes.
- Obtained an understanding of selected Department information technology (IT) controls, assessed the risks related to those controls, evaluated whether selected general and application IT controls for the Offender Based Information System (OBIS) and Interstate Compact Offender Tracking System were in place, and tested the effectiveness of the controls.
- Performed walkthroughs at 12 selected Department probation offices (Biscayne, Daytona Beach – Central, Daytona Beach – Main, Deland, Miami East, Miami Northwest, Quincy, Tallahassee Main/Intake, Tallahassee North, Tampa Central, Tampa Hilldale, and Tampa North), made inquiries of intake personnel, observed intake controls, and reviewed court dockets, orders of probation, offender sign-in logs, and Interstate Compact transfer reports to determine whether the Department established effective controls to account for offenders sentenced or released to community supervision.
- Inspected drug and alcohol testing rooms, equipment, and supplies at the 12 selected Department probation offices to determine whether, in accordance with Department procedures and vendor guidelines, the probation office facilities were adequate to conduct testing, collection sites and storage rooms were secured, specimens were appropriately stored, and sufficient supplies were on hand to collect specimens.

- Performed inquiries of Department management and reviewed Criminal Justice Standards and Training Commission training materials to determine whether correctional probation officer training included instruction for identifying offenders exhibiting physical or mental impairments in accordance with Department procedures and other guidelines.
- Performed inquiries of Department personnel, reviewed electronic monitoring Equipment Summary and Call Tree Detail reports and the results of four circuit 2017 physical inventories of electronic monitoring devices, and visually inspected the reserve electronic monitoring devices at the 12 selected Department probation offices to determine whether the Department appropriately accounted for, maintained, securely stored, and inventoried electronic monitoring devices and established circuit call tree notifications in the vendor system for alarm notification escalation purposes in accordance with Department procedures.
- Inspected offices and storage rooms at the 12 selected Department probation offices to determine whether the Department had established designated, secure storage spaces for chemical agents, firearms, and soft body armor when not in use.
- Observed the collection and on-site screening of 60 offender specimens (including 6 specimens with presumptive positive test results requiring laboratory confirmation) at the 12 selected Department probation offices⁴⁵ and examined related Department records to determine whether the Department had established effective controls for conducting tests to determine the presence or use of illicit drugs, controlled substances, or alcohol in accordance with State law, Department procedures, and other guidelines.
- From the population of 1,129 correctional probation officers authorized to carry a firearm as of January 2018, examined Department records for 25 selected correctional probation officers to determine whether the correctional probation officers were authorized to carry firearms in accordance with Department rules and procedures.
- Examined Department records related to the four April 2017 regional field safety equipment inventories to determine whether the inventories accounted for all field safety equipment in each circuit and the inventory records included required data elements.
- From the population of 131,760 offenders whose community supervision terminated during the period July 2016 through January 2018, examined Department records for 40 selected offenders to determine whether the offenders' records were complete, accurately reflected the conditions of supervision, and contained all required elements in accordance with State law and Department procedures.
- From the population of 131,342 offenders released on community supervision during the period July 2016 through January 2018, examined Department records for 60 selected offenders (15 from each region, including 15 sexual predators, 15 sexual offenders, 15 career offenders, 10 felony offenders, and 5 absconders) to determine whether the Department maintained a record of each offender referred for supervision; conducted and documented all required intake and orientation activities; and conducted initial 30-day reviews in accordance with State law and Department rules and procedures.
- From the population of 8,242 offenders recorded in OBIS as having terminated community supervision during the period July 2016 through January 2018 at the recommendation of the Department, examined Department records for 40 selected offenders to determine whether the Department recommended early termination of supervision in accordance with State law and Department rules and procedures.

⁴⁵ 5 specimens each at the Daytona Beach – Central, Daytona Beach – Main, Deland, Quincy, Tallahassee Main/Intake, Tallahassee North, and Tampa Central offices, 6 specimens each at the Miami Northwest and Tampa North offices, 8 specimens at the Miami East office, 4 specimens at the Tampa Hilldale office, and 1 specimen at the Biscayne office.

- From the population of 131,760 offenders whose community supervision terminated during the period July 2016 through January 2018, examined Department records for 40 selected offenders (10 sexual predators, 9 sexual offenders, 11 career offenders,⁴⁶ and 10 felony offenders) to determine whether the Department:
 - Supervised offenders in accordance with State laws, rules, and Department procedures for minimum contact standards; employment, residence, and school verifications; registration; enforcement of curfews; home confinement; and the documentation of contacts.
 - Processed sexual predator, sexual offender, and career offender registration information and ensured that such information was appropriately forwarded to the Department of Law Enforcement in accordance with State law and Department procedures.
- From the population of 4,925 offenders on electronic monitoring as a condition of community supervision as of January 2018, examined Department records for 40 selected offenders to determine whether the Department had established effective controls for electronic monitoring of offenders on community supervision in accordance with State law and Department procedures.
- From the population of 6,030 out-of-state⁴⁷ and 7,400 other-state⁴⁸ offenders as of January 2018, examined Department records for 25 selected offenders (13 out-of-state and 12 other-state) to determine whether the Department had established effective controls for the transfer and supervision of out-of-state and other-state offenders in accordance with Department procedures.
- From the population of 340 correctional probation officers who began employment with the Department during the period July 2016 through January 2018, examined Department records for 40 selected correctional probation officers (10 from each region) to determine whether the correctional probation officers met the minimum qualifications and training requirements established in State law.
- From the population of 844 offenders transferred to administrative probation during the period July 2016 through January 2018, examined Department records for 40 selected offenders (10 from each region) to determine whether the Department reported violations of the terms of probation or community control and administered the administrative probation program in accordance with State law and Department procedures.
- Performed inquiries of Department personnel and, from the population of 19,301 offenders on drug offender probation as of January 2018, examined Department records for 25 selected offenders to determine whether the Department developed and administered a drug offender probation program in accordance with State law.
- Reviewed Department procedures, performed inquiries of Department management and personnel, and analyzed Department correctional probation officer caseload management records as of January 2018 to determine whether the caseloads of correctional probation officers assigned specialized cases (i.e., drug offender probation, mental health probation, community control, and sex offender probation) were restricted to the caseload maximums established in Sections 948.001 and 948.10, Florida Statutes.
- From the population of 36 circuit operational standards reviews completed during the period July 2016 through January 2018, examined Department records for 5 selected circuit operational standards reviews to determine whether the Department monitored and documented circuit compliance with Department procedures, including procedures regarding early termination reviews, offender file close-out and imaging, intake, officer safety and equipment, sex offenders,

⁴⁶ One career offender was also a sexual predator.

⁴⁷ Out-of-state offenders are Florida offenders transferred to another state pursuant to the Interstate Compact for Adult Offender Supervision. In these instances, responsibility for supervising the Florida offender is transferred to the other state.

⁴⁸ Other state offenders are offenders transferred to Florida from another state pursuant to the Interstate Compact for Adult Offender Supervision. In these instances, responsibility for supervising the offender is transferred to Florida.

and career offenders, and whether circuits took appropriate corrective action to address noted noncompliance in accordance with Department procedures.

- Evaluated Department actions to correct Findings 1, 8, and 9 noted in our report No. 2016-179 and the finding noted in our report No. 2017-038. Specifically, we:
 - Evaluated Department procedures and examined selected Department records to determine whether the Department had established procedures for reviewing inmate trust accounts for suspicious activity. Specifically, we examined the records for the Department's October 2017 review of inmate trust accounts and analyzed Inmate Banking System data for the period December 2016 through January 2018 to determine whether any of the 521 disbursements equal to or greater than \$2,000, and totaling \$2,968,877, were paid to the remitter of any of the 622 deposits equal to or greater than \$2,000, and totaling \$4,559,323.
 - Analyzed Department tangible personal property records as of January 2018 to identify tangible personal property items that had not been inventoried during the period July 2016 through January 2018. Additionally, from the population of 273 tangible personal property items, with acquisition costs totaling \$884,073, that were acquired prior to July 2016 and had not been inventoried on or after July 2016, examined Department records for 25 selected property items, with acquisition costs totaling \$138,239, to determine whether the Department appropriately terminated accountability for the property items.
 - From the population of 3,408 State-owned motor vehicles maintained by the Department as of January 31, 2018, examined Florida Equipment Electronic Tracking System and Department records for 30 selected motor vehicles for the period October 2017 through January 2018 to determine whether Department records accurately reflected motor vehicle usage and fuel cost information.
 - From the population of 82 monthly Department food product and delivery contract Master Product Specification audits conducted at Department institutions during the period May 2017 through January 2018, examined Department records for 9 selected audits to determine whether the Department conducted and adequately documented monthly audits of food product provider compliance with Master Product Specifications.
- Observed, documented, and evaluated the effectiveness of selected Department processes and procedures for:
 - Budgetary activities. Specifically, we examined Department accounting records to determine whether selected Department expenditures had been recorded to the appropriate fiscal year and compared Department budgetary accounting records to Legislative Appropriations Subsystem/Planning and Budgeting Subsystem records by budget entity and appropriation category for the 2016-17 fiscal year to determine whether the Department accurately recorded Legislative appropriations.
 - Overtime payments. Specifically, from the population of 11,539 overtime payments, totaling \$22,170,711, made to correctional officers who worked more than 60 hours of overtime in a 28-day work period during the period July 2016 through January 2018, examined Department records for 25 selected overtime payments, totaling \$102,946, to determine whether overtime was authorized and justified prior to the correctional officers working overtime and whether payments for overtime were properly calculated and adequately supported.
 - Cash management activities.
 - The administration of Department travel in accordance with State law and other applicable guidelines. During the period July 2016 through January 2018, Department travel expenditures totaled \$4,516,958.

- The administration of hurricane-related contracting and purchasing activities. During the period July 2016 through January 2018, the Department expended \$3,609,787 related to hurricane activity impacting the Department for four Governor-declared emergencies.
- Communicated on an interim basis with applicable officials to ensure the timely resolution of issues involving controls and noncompliance.
- Performed various other auditing procedures, including analytical procedures, as necessary, to accomplish the objectives of the audit.
- Prepared and submitted for management response the findings and recommendations that are included in this report and which describe the matters requiring corrective actions. Management's response is included in this report under the heading **MANAGEMENT'S RESPONSE**.

AUTHORITY

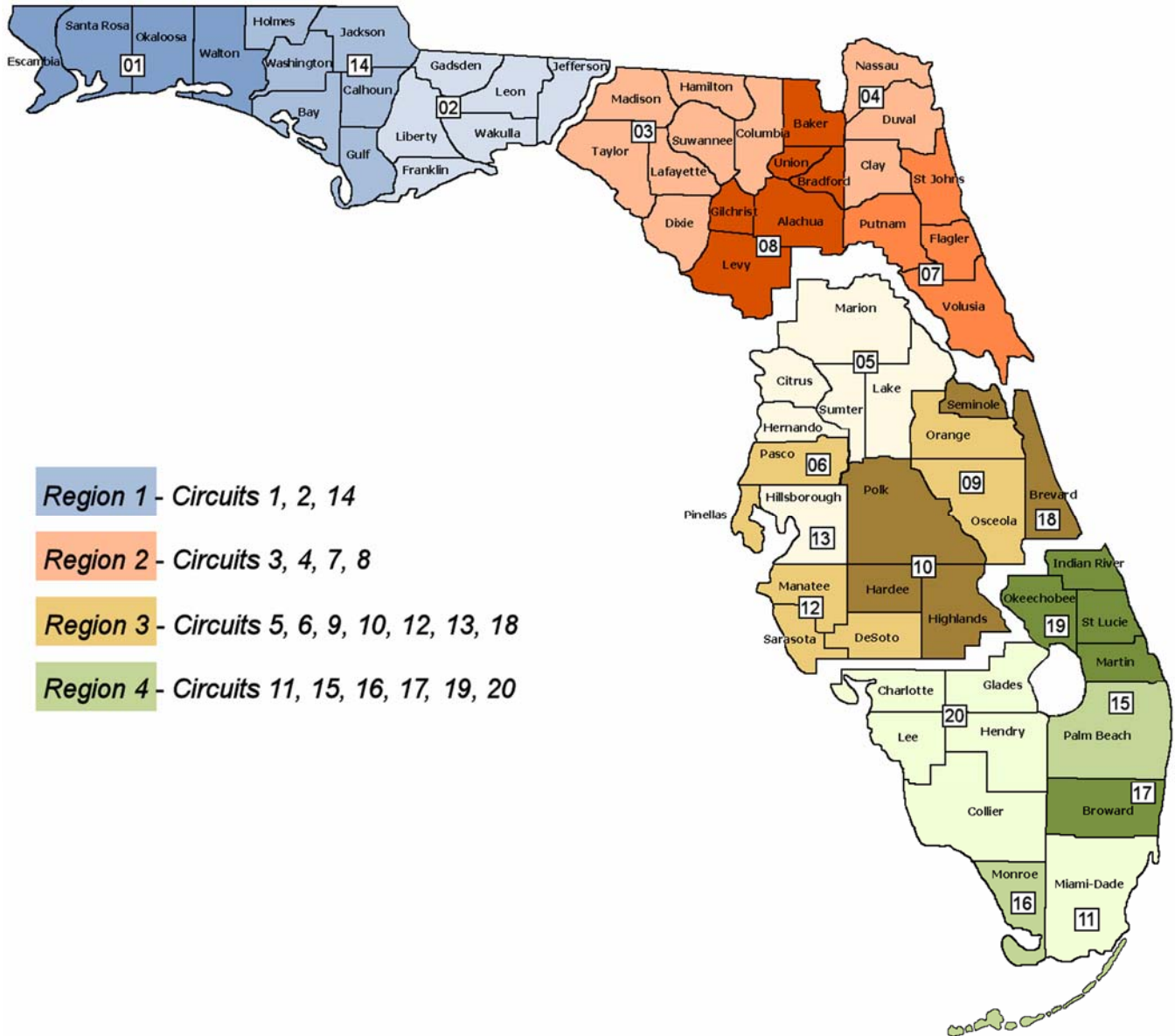
Section 11.45, Florida Statutes, requires that the Auditor General conduct an operational audit of each State agency on a periodic basis. Pursuant to the provisions of Section 11.45, Florida Statutes, I have directed that this report be prepared to present the results of our operational audit.

A handwritten signature in blue ink that reads "Sherrill F. Norman". The signature is written in a cursive style with a large, stylized initial "S".

Sherrill F. Norman, CPA
Auditor General

EXHIBIT A

OFFICE OF COMMUNITY CORRECTIONS REGIONS AND STATE JUDICIAL CIRCUITS



Source: Department records.

MANAGEMENT'S RESPONSE⁴⁹



FLORIDA
DEPARTMENT of
CORRECTIONS

Governor
RON DESANTIS
Secretary
MARK S. INCH

501 South Calhoun Street, Tallahassee, FL 32399-2500

www.dc.state.fl.us

July 17, 2019

Ms. Sherrill F. Norman
Office of the Auditor General
G74 Claude Pepper Building
111 West Madison Street
Tallahassee, Florida 32399-1450

Dear Ms. Norman:

In accordance with Section 11.45(4)(d), Florida Statutes, I am enclosing the Department's response to the preliminary and tentative finding and recommendation contained in the audit of the Department of Corrections, Community Supervision, Selected Administrative Activities, and Prior Audit Follow-Up. This response reflects the specific action taken or contemplated to address the finding cited in your report.

Thank you for the opportunity to review and provide comments. If you have any questions or need additional information, please contact Paul Strickland, Chief Internal Auditor, at (850) 717-3408.

Sincerely,



Mark S. Inch
Secretary

Enclosure

★INSPIRING SUCCESS BY TRANSFORMING ONE LIFE AT A TIME ★

⁴⁹ Management's response refers to attachments that are not included in this report but are public records that may be obtained from the Department.

**RESPONSE TO PRELIMINARY AND TENTATIVE AUDIT FINDINGS
AUDIT OF THE DEPARTMENT OF CORRECTIONS, COMMUNITY
SUPERVISION, SELECTED ADMINISTRATIVE ACTIVITIES, AND PRIOR
AUDIT FOLLOW-UP**

Finding 1: Department controls for administering drug and alcohol tests at probation offices need enhancement to better ensure the prompt disposal of expired on-site tests, correctional probation officers complete and pass the manufacturer's training program for utilizing on-site tests prior to performing tests, offenders wash their hands prior to the specimen collection process, all probation offices have a properly functioning refrigerator to securely store specimens, and Department records evidence an appropriate chain of custody, from the collection of specimens through the delivery of specimens to the laboratory for confirmation testing.

Recommendation: Department management take steps to ensure:

- The prompt disposal of expired on-site drug tests.
- Correctional probation officers complete and pass the manufacturer's training program for utilizing on-site drug tests prior to performing tests.
- Offenders thoroughly wash their hands prior to beginning the specimen collection process.
- All probation offices have a properly functioning refrigerator to securely store specimens.
- Department records evidence an appropriate chain of custody, from the collection of specimens through the delivery of specimens to the laboratory for confirmation testing.

***Agency Response:** The Department will review the drug testing procedure with staff to include the chain of custody process. Drug Coordinators responsible for conducting quarterly drug testing audits will be reminded to properly discard any expired on-site drug tests. Refrigerators used for storing urine specimens will be added to the quarterly drug testing audits, to check for proper functionality. Management will request replacement of refrigerators when found to be inadequate for the required operating standards. Probation Officers will be required to pass the manufacturer's training program for utilizing on-site drug tests during the Field Training Officer (FTO) Program to ensure each officer has the proper training prior to conducting a drug test. Additionally, the Department will review the drug testing procedure with staff to include the requirement for offenders to wash their hands prior to the specimen collection process.*

Finding 2: Department records did not always evidence that Florida Crime Information Center (FCIC) and National Crime Information Center (NCIC) records checks were completed on correctional probation officers or their firearms.

Recommendation: Department management enhance controls, including revising the DC3-226 form, to ensure that Department records evidence the completion of FCIC and NCIC records checks on all correctional probation officers and their firearms prior to approving an officer's request to carry a firearm while on duty.

Agency Response: The Department added NCIC record checks for Correctional Probation Officers and their firearms to the Request for Authorization to Carry a Firearm on Duty form (DC3-226). The Department will also review the requirement with staff to note the FCIC/NCIC results on the Request for Authorization to Carry a Firearm on Duty form (DC3-226).

Finding 3: Department controls need enhancement to ensure that all correctional probation officer field safety equipment is accounted for during annual physical inventories.

Recommendation: Department management enhance inventory tools and processes to ensure that annual physical inventories of all correctional probation officer field safety equipment are conducted in accordance with Department rules and procedures.

Agency Response: The Department's Field Safety Equipment Inventory process has been modified since this audit, which has addressed all of the issues indicated in the audit.

Finding 4: The Department did not always ensure that records were maintained for all offenders released on community supervision or that the records maintained included the information specified by State law.

Recommendation: Department management ensure that records including the information specified by State law are maintained for all offenders on community supervision.

Agency Response: The Department's file imaging process and required scanned documentation will be reviewed with the responsible staff.

Finding 5: Department controls over the intake, orientation, and initial 30-day case review of offenders released on community supervision need improvement.

Recommendation: Department management enhance controls, including the provision of additional employee training, to ensure that all intake, orientation, and initial 30-day case review activities are timely and appropriately performed, reviewed, and documented. Department management take steps to ensure that Department records evidence the completion of assigned re-reviews, the resolution of documented case review exceptions, the provision of emergency contact telephone numbers to offenders, and compliance with career offender registration notification requirements.

***Agency Response:** The Department will review the Intake, Orientation and Case Review Procedures and processes with staff. Staff will be encouraged to enter the Emergency 24-hour number on the Instructions to the Offender form prior to printing and reviewing with offenders, to ensure the phone number is not omitted from the form.*

Finding 6: Department records did not always include accurate information regarding the early termination of offenders' periods of probation and the Department did not always timely perform FCIC and NCIC records checks on offenders recommended for early termination of probation.

Recommendation: Department management strengthen OBIS data entry controls to ensure that information related to the early termination of offenders' periods of probation is accurately recorded. Also, Department management ensure that Department records evidence the conduct of FCIC and NCIC records checks prior to recommending offenders for early termination of probation.

***Agency Response:** The Department will review the Early Termination of Probation process with staff. A reason code will be created for Department recommended early termination requests to the court, so all early termination requests can be succinctly identified and properly reported.*

Finding 7: Department controls for offender supervision need improvement.

Recommendation: Department management improve certain offender supervision controls.

***Agency Response:** The Department will review Offender Supervision procedures with staff and monitor for compliance through management reports. This will include residence verifications, notification of school attendance for sexual offenders, compliance with curfews, and the reviewing of community control schedules.*

Finding 8: Department controls for the electronic monitoring of offenders released on community supervision need improvement.

Recommendation: Department management improve certain controls for electronically monitoring applicable offenders released on community supervision.

***Agency Response:** The Department will review the requirements for monitoring offenders on electronic monitoring with staff and continue to provide periodic training through the contracted vendor. The training will cover vendor related items as well as procedural requirements for dealing with offenders placed on electronic monitoring.*

Finding 9: The Department utilized an internal budgetary redistribution process that sometimes bypassed the statutory approval process for budget transfers.

Recommendation: Department management adhere to statutory budget transfer requirements.

Agency Response: *The backup documentation provided by the Auditor General only takes into consideration any budgetary transfers done utilizing 5% authority. The Department also submitted and received approval for several 5-day notification budget amendments and the big amendment approved in the General Appropriations Act (GAA) back of bill (BOB). These types of budget amendments need to be taken into consideration also if they provided enough additional authority to cover the budgetary expenditure redistributions. As with the 5% transfers, all 5-day and LBC type amendments were submitted and approved under the statutory authority allowed in Chapter 216.292, F.S. These amendments are included on Attachment A*

One example of why amendments other than 5% transfers should be included can be found in the Information Technology budget entity, Expenses category line item (see (1) on Transfer and Redistribution tab of Attachment B). Per the backup documentation, the Department transferred a net of \$430,000 in expenditures into this line item. The 5% authority available was \$250,000. Per the backup provided, the Department exceeded that type of authority by \$180,000. However, in the BOB amendment (FY 17-18 GAA, Section 53), the Department transferred in \$750,000 in additional appropriation. It should also be noted that one of the expenditure transfers included on the backup documentation impacted the FY 15-16 certified accounts, not FY 16-17 (see Info Tech tab on Attachment B). Using the parameters of this audit (transfers in increments of \$10,000), the total expenditure transfer into Information Technology Expenses in FY 16-17 was \$750,000. The additional appropriation of \$750,000 transferred in on the BOB amendment fully covered the \$750,000 expenditure transfer.

Also, the Department loses the ability to transfer appropriation using the budget amendment process prior to the end of the fiscal year. The 5-day transfer deadline is usually two weeks prior to June 30 and the 5% transfer deadline is usually one week prior to June 30. The certified forward process does not begin until after June 30. Without the ability to amend appropriations, the Department transfers expenditures during the certified forward process between budget entities and like categories to ensure the expenditures are covered. For example, the Department transferred expenditures from the Department Administration program, Business Service Center budget entity, Salary and Benefit category to the Department Administration program, Executive Direction and Support Services budget entity, Salary and Benefit category to cover salary payables. These transfers are made using a generic organization code so that the original expenditure is still recorded in the appropriate account for per diem purposes.

Additionally, due to the timing of meetings of the Legislative Budget Commission (LBC), the Department has limited opportunities to pursue certain budgetary transfers that cannot be submitted on a 5% or 5-day type. For example, if the Department merely needed to transfer authority within the contracted services category between two budget entities within a program and the request exceeded the 5% threshold, Chapter 216 does not allow a 5-day amendment to be submitted. Therefore, the Department would have to submit an

amendment for LBC approval. However, if this need arises after Session ends and the LBC does not meet again before the end of the fiscal year, the appropriation cannot be amended.

Also, due to the timing of LBC meetings, the Department normally must submit an amendment which would require LBC approval in February (or earlier depending upon Session dates) to ensure that it can be picked up in GAA BOB language during Session. Given the dynamic nature of factors impacting expenditures, projections between programs, categories and budget entities can change dramatically between February and the end of the year.

For example, the financial impact of unexpected, and untimely, events such as disturbances and natural disasters can greatly change the appropriation required in any program, budget entity or category at any point during the fiscal year. The Department cannot predict when (will the Department have any opportunity to submit an LBC amendment?) or where (which institution and what budget entity is it funded in) these events may occur. Response to natural disasters impact multiple programs, budget entities and categories as the Department takes emergency protective measures during and following the event (mass transfer of inmates, overtime, purchase of supply stock, actions to mitigate damage). Following a natural disaster, the Department must pay for debris removal and begin working on permanent restoration of buildings, infrastructure and contents. This could involve nine budget entities and eight categories in the Security program alone. With limited 5%/5 day/LBC opportunities it is virtually impossible to perfectly align appropriation with expenditures by the end of the fiscal year.

Another example of an unpredictable financial impact is in Health Services. The financial plan and budgetary transfers are based on known variables at the time. If the Department suddenly has inmates who develop catastrophic illnesses, projections can change drastically. If additional costly cancer treatment drugs are required, the projection in the General Drugs category will dramatically increase. Depending upon the timing, the Department may not have an opportunity to submit a budget amendment to cover the additional need from another category. However, the Department must still provide constitutionally adequate health care services and expenditure transfers may be necessary to accomplish this.

To reduce the reliance on expenditure transfers and make the budget entity structure more manageable, the Department has attempted several times to consolidate budget entities through the legislative budget request (LBR) process. In FY 13-14, the Department submitted an LBR to consolidate ten budget entities within the Security and Institutional Operations program to five (see Attachment C). This request was not picked up by the Legislature. In FY 16-17, the Department submitted an LBR to consolidate budget entities within Department Administration, Security and Institutional Operations and Health Services (see Attachment D). This request was not picked up by the Legislature. In FY 17-18, the Department submitted an LBR to consolidate two budget entities each within Department Administration, Security and Institutional Operations and Health Services (see Attachment E). This request was picked up by the Legislature. In FY 18-19, the Department submitted an LBR to consolidate two budget entities with Security and

Institutional Operations (see Attachment F). This request was not picked up by the Legislature.

Finding 10: The Department did not always obtain and adequately document prior authorization and justification for overtime worked by correctional officers. Also, certain overtime hours paid exceeded the overtime hours authorized and justified in Department records.

Recommendation: Department management ensure that overtime hours paid are adequately supported and evidenced by prior authorization and justification in Department records in accordance with Department procedures.

Agency Response: *The Department will reiterate to the Wardens our current requirement to document authorization and justification in the roster management system prior to correctional officers working more than 60-hours of overtime within a 28-day cycle in accordance with FDC procedure 208.062 "Overtime."*

Finding 11: As similarly noted in prior audit reports, most recently in our report No. 2016-179, the Department records did not always accurately reflect motor vehicle usage and fuel cost information.

Recommendation: Department management establish procedures for periodically reviewing and verifying the accuracy and completeness of the information included in Vehicle Record forms and FLEET system records.

Agency Response: *The Department concurs with this recommendation. The Department will establish procedures for periodically reviewing and verify the accuracy and completeness of the information included in the Vehicle Records form and FLEET (currently FIMS) records. The Department currently reviews a random sample of vehicles records each month for accuracy and completeness. In addition, since January 2019, the Department held targeted conference calls with specific program areas to further clarify and provide specific feedback on the importance of accurate and complete Vehicle Records forms.*

The Department will reiterate to Wardens and Regional Directors our current requirement to accurately complete form DC2-524 "Florida Department of Corrections Vehicle Record" in accordance with FDC procedure 205.019 "Procurement, Assignment, Use, and Control of State Vehicles."