



OFFICE OF THE
STATE AUDITOR

May 18, 2018

Lee Wood,

Dear Mr. Wood:

This letter is in response to your GRAMA request dated May 2, 2018, which we received in our office on May 11, 2018. In your letter, you requested the following record:

The audit report that was done on Central Utah Correctional Facility on violating policy on urine testing here at C.U.C.F. reports from 2000 to 2018.

We have not conducted any audits which deal with your specific request. However, I have enclosed a copy of Performance Audit Report No. 08-46, conducted for the year ended June 30, 2008, which does evaluate a performance measure related to urinalysis testing (see F. Key Performance Measure #5 in the enclosed report). Although this report does not deal specifically with CUCF or the violation of policy on urine testing, I thought you might be interested in reviewing it.

The Utah Office of the Legislative Auditor General conducts performance audits on a broader scale and may have conducted an audit more specific to your request. You may contact them with questions at the following address:

Office of the Legislative Auditor General
W315 State Capitol Complex, Salt Lake City, UT 84114

Please be aware that all GRAMA requests are posted on our website as a matter of office practice (with personal information, such as address, redacted). We do this to provide transparency and accountability to the public at large.

Sincerely,

Linda Siebenhaar
Records Officer
Office of the Utah State Auditor



UTAH DEPARTMENT OF CORRECTIONS

Performance Measures Audit
For the Year Ended June 30, 2008

Report No. 08-46

*Keeping Utah
Financially Strong*

AUSTON G. JOHNSON, CPA
UTAH STATE AUDITOR



Auston G. Johnson, CPA
UTAH STATE AUDITOR

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Office of the State Auditor

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REPORT NO. 08-46

April 14, 2009

To Thomas E. Patterson, Executive Director, Utah Department of Corrections
and
The Honorable Jon M. Huntsman, Jr., Governor, State of Utah
and
The Utah State Legislature

This report contains the findings and recommendations from our completed performance measures audit at the Utah Department of Corrections (UDC). An Executive Summary is located at the front of the report; the objectives, scope, and methodology of the audit are included in Appendix C.

The report includes recommendations for UDC and the Governor's Office of Planning and Budget (GOPB). We would be happy to discuss these recommendations or any other items in the report with appropriate legislative committees, individual legislators, and other State officials to facilitate the implementation of the recommendations.

We commend UDC and GOPB for their impressive efforts thus far to implement, utilize, and report performance measures, all without a statutory requirement. We encourage these entities to continue their efforts to improve performance measures management in the State.

Sincerely,

Auston G. Johnson, CPA
Utah State Auditor

cc: Robyn Williams, Deputy Director, Utah Department of Corrections
Mike D. Haddon, Deputy Director, Utah Department of Corrections
Cliff C. Butter, Director, Bureau of Research and Planning, Utah Department of Corrections
John E. Nixon, CPA, Executive Director, Governor's Office of Planning and Budget
Phillip M. Jeffery, Deputy Director, Governor's Office of Planning and Budget
Jonathan C. Ball, Director, Office of the Legislative Fiscal Analyst
Steven M. Allred, Deputy Director, Office of the Legislative Fiscal Analyst

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UTAH DEPARTMENT OF CORRECTIONS
Performance Measures Audit for Fiscal Year 2008

Executive Summary

Performance measure management provides tools and information to help executive and legislative policy and decision-makers, state employees, and the general public evaluate the results of government services and legislative appropriations. As described in Appendix A, Utah's overall performance measure management is still in the early stages of development and implementation. To date, impressive progress has been made by the Governor's Office of Planning and Budget (GOPB) and various State agencies to implement, utilize, and report performance measures; all without any statutory requirement. Currently, performance measures are required to be reported for the following areas: 1) Balanced Scorecard Program, 2) performance.utah.gov Website, and 3) Budget Preparation. Also, in October 2007, GOPB published the manual *Guidance on Performance Measure Management* ("The Guide"), which contains effective principles to achieve consistent and accurate performance measure management.

For this audit, we obtained the Performance Measurement Plan (the Plan) for the Utah Department of Corrections (UDC) which contains their 18 key performance measures (see Figure 1 on page iii). We audited the Plan against the principles contained in *The Guide* as described in Appendices B and C. The Plan clearly states UDC's mission and its five strategic objectives, which originated from UDC's purpose as defined in statute, and the strategic objectives have both decision-making and accountability implications. The 18 key performance measures are linked to UDC's mission and strategic objectives and there are key performance measures for all of UDC's major objectives. In addition, the key performance measures, in aggregate, appear to provide a reasonable basis for assessing results for UDC's strategic objectives and critical programs and services. The key performance measures are balanced by performance measure type; each key measure is either an outcome or efficiency measure, and there is at least one outcome measure and one efficiency measure for each strategic objective. Finally, the Plan contains policies and procedures that document the performance measure definitions and calculation methodologies for each key performance measure as required by *The Guide*.

UDC's Performance Measurement Plan is inadequate because UDC has not:

- Reported up-to-date data for the key performance measures consistently across each reporting area described in the first paragraph above.
- Documented how the target for each of the key performance measures was determined.
- Established adequate controls to ensure the on-going accuracy and completeness of performance measure data.

The inadequacies in UDC's Performance Measurement Plan are indicative of confusion stemming, at least in part, from the lack of comprehensive policies and procedures governing performance measure management in Utah. Prior to *The Guide* being published, all performance measure management guidance from GOPB was given via verbal presentations; therefore, it was more likely to be miscommunicated, misunderstood, and inconsistently applied by State agencies implementing the guidance. Also, *The Guide*, in its current form, does not adequately provide

UTAH DEPARTMENT OF CORRECTIONS
Performance Measures Audit for Fiscal Year 2008

comprehensive policies and procedures for performance measure management specific to each of the three performance measure reporting areas described in the first paragraph above. This lack of comprehensive policies and procedures results in inconsistencies and inefficiencies with reporting performance measures data at the agency level which, in turn, could result in an inefficient and untimely review by GOPB and the Office of the Legislative Fiscal Analyst (LFA) and ultimately makes it very difficult for the general public and decision-makers in both the Governor's Office and the Utah State Legislature to have an accurate, reliable, and timely view of government performance. GOPB is aware of this issue and is working with LFA and State agencies to further develop *The Guide* to include comprehensive policies and procedures that can be applied across all performance measure reporting areas.

Recommendations for the Utah Department of Corrections:
(Significant Weaknesses)

- We recommend that UDC establish or strengthen existing internal controls over data collection, data calculation, and the reporting of performance measure data to ensure that performance measure data is accurate, complete, and consistent with the critical elements for each key performance measure that are documented in UDC's Performance Measurement Plan.
- We recommend that UDC document how the target for each of the key performance measures was determined and periodically re-evaluate the targets for the key performance measures to ensure that established targets are still the best gauge for assessing and projecting Department performance.
- We recommend that UDC report their key performance measures consistently across all performance measure reporting areas.
- We recommend that UDC implement our other recommendations as delineated on pages 6 through 43.

Recommendations for the Governor's Office of Planning and Budget:
(Significant Weaknesses)

- We recommend that GOPB continue to work with LFA and State agencies to further develop *The Guide* to include comprehensive policies and procedures for performance measure management that can be applied across all performance measure reporting areas. (Repeat Finding)
- We recommend that GOPB work with State agencies to ensure that the agencies report up-to-date data for each of their key performance measures to GOPB and LFA as part of the annual budget submission and to agency clients, customers, and the general public via the performance.utah.gov website.

Executive Summary

Figure 1. Summary of Reported Data for UDC's 18 Key Performance Measures and Audit Results

Key Performance Measure Number	Objective Based on Statute					Key Performance Measure	Measure Type			Target	Amount Reported for February 2008	Actual Amount per Audit	Audit Results				
	1	2	3	4	5		Outcome (Effectiveness)	Efficiency	Output (optional)				Accurate	Accurate with Qualification	Inaccurate	Undeterminable	
1	✓					Percent of maximum prison capacity	✓			96.8%	94.31%	94.31%		✓			
2	✓					Rate of inmate grievances by month	✓			4.0%	5.20%	5.11%		✓			
3	✓					Average number of days from incident date to hearing date for disciplinaries by month		✓		30 days	61 days	30 days			✓		
4	✓					Percent of average daily incarcerated population receiving privilege level advancements	✓			20.0%	30.00%	22.37%			✓		
5	✓					Positive urinalysis rate in prison	✓			0.0%	1.06%	Unable to Determine				✓	
6		✓				Conviction rate of probationers and parolees	✓			1.0%	1.06%	Unable to Determine				✓	
7		✓				Percent of AP&P urinalyses that test positive	✓			10.0%	10.52%	11.77%			✓		
8		✓				Percent of terminations and/or discharges from probation or parole where the LSI risk was reduced		✓		45.0%	46.82%	Unable to Determine				✓	
9		✓				Percent of terminations and/or discharges from probation or parole where the offender is employed at discharge		✓		75.0%	65.00%	64.55%		✓			
10			✓			Rate of return to prison within one year of parole	✓			45.0%	45.14%	41.27%			✓		
11			✓			Rate of re-offending within one year of termination from probation or parole	✓			7.0%	7.35%	5.26%			✓		
12			✓			Percent of paroling offenders who have completed goal 1 and goal 2 of their Offender Management Plan (OMP)		✓		40.0%	64.00%	Unable to Determine				✓	
13			✓			Percent of employed parolees who were employed by UCI while incarcerated	✓			75.0%	74.57%	72.89%		✓			
14				✓		Percent of prison intakes with medical assessment within 24 hours of admission		✓		95.0%	98.59%	98.69%		✓			
15				✓		Average number of days between referral and completion of all pre-sentence investigations during the month	✓			45 days	43 days	Unable to Determine				✓	
16				✓		Percent of pre-sentence investigations completed that were more than 60 days from the court order		✓		5.0%	10.43%	Unable to Determine				✓	
17					✓	Correctional officer turnover rate	✓			0.4% monthly	0.65%	0.79%			✓		
18					✓	Projected budget surplus		✓		1.0%	2.58%	2.58%		✓			
Totals	5	4	4	3	2		Totals	11	7	0			Totals	0	6	6	6

Objectives Based on Statute

1.	Maintain a safe and secure prison system <ul style="list-style-type: none"> Control overcrowding Monitor conditions of confinement Prompt resolution of infractions Enforce rules and regulations Control contraband introduction
2.	Protect the public <ul style="list-style-type: none"> Reduce crimes by supervised offenders Contribute to community protection Guide offenders to become law-abiding
3.	Rehabilitate offenders <ul style="list-style-type: none"> Control recidivism Provide effective programming Provide effective work programs
4.	Provide timely investigative and diagnostic services <ul style="list-style-type: none"> Provide constitutionally-mandated, cost-effective medical care Assist the courts in sentencing
5.	Promote effective management practices <ul style="list-style-type: none"> Improve staff retention Control expenditures

Audit Result Definitions

A measure is Accurate if reported performance is within +/- 5% of actual performance and controls appear adequate to ensure accuracy for collecting and reporting performance measure data
A measure is Accurate with Qualification if reported performance is within +/- 5% of actual performance but controls over data collection and reporting are not adequate to ensure continued accuracy
A measure is Inaccurate if reported performance is not within +/- 5% of actual performance
A measure is Undeterminable if reported performance cannot be determined because of insufficient documentation and inadequate controls or when there is a deviation from the measure definition and the auditor cannot determine the correct result

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UTAH DEPARTMENT OF CORRECTIONS
Performance Measures Audit for Fiscal Year 2008

Table of Contents

	<u>Page</u>
EXECUTIVE SUMMARY	i
AUDIT RESULTS:	
I. ADEQUACY OF UDC’S PERFORMANCE MEASUREMENT PLAN.....	1
A. Key Performance Measures Not Consistently Reported.....	1
B. Inadequate Documentation for Targets.....	4
II. RELIABILITY OF REPORTED DATA FOR KEY PERFORMANCE MEASURES.....	5
A. Controls over Data Collection, Data Calculation, and the Reporting of Performance Measure Data for Key Performance Measures.....	5
B. Key Performance Measure #1.....	6
C. Key Performance Measure #2.....	7
D. Key Performance Measure #3.....	8
E. Key Performance Measure #4.....	14
F. Key Performance Measure #5.....	18
G. Key Performance Measure #6.....	23
H. Key Performance Measure #7.....	24
I. Key Performance Measure #8.....	28
J. Key Performance Measure #9.....	29
K. Key Performance Measure #10.....	30
L. Key Performance Measure #11.....	31
M. Key Performance Measure #12.....	33
N. Key Performance Measure #13.....	36
O. Key Performance Measure #14.....	39
P. Key Performance Measures #15 and #16.....	40
Q. Key Performance Measure #17.....	42
R. Key Performance Measure #18.....	44
APPENDICES:	
Appendix A – Background of Performance Management in Utah.....	A-1
Appendix B – Elements of an Effective Performance Measurement Plan.....	B-1
Appendix C – Audit Objectives, Scope, and Methodology.....	C-1
AGENCY RESPONSES:	
Utah Department of Corrections.....	Attachment 1
Governor’s Office of Planning and Budget.....	Attachment 2

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UTAH DEPARTMENT OF CORRECTIONS
Performance Measures Audit for Fiscal Year 2008

Audit Results

The Utah Department of Corrections (UDC) provided us with their Performance Measurement Plan for fiscal year 2008, which contained their 18 key performance measures. To assess the adequacy of the Performance Measurement Plan, we reviewed the 18 key performance measures and compared them to the elements of effective performance measure management, as outlined in *Guidance on Performance Measure Management* (“*The Guide*”) published by the Governor’s Office of Planning and Budget (GOPB). We also audited UDC’s 18 key performance measures to determine if the data reported to GOPB for the month of February 2008 for each of the key performance measures was accurate and complete and to determine if UDC’s controls are adequate to ensure on-going reliability.

I. ADEQUACY OF UDC’S PERFORMANCE MEASUREMENT PLAN

UDC’s performance measurement plan clearly states UDC’s mission and its five strategic objectives. We determined that UDC’s mission and objectives originated from UDC’s purpose as defined in statute and their objectives have both decision-making and accountability implications. The 18 key performance measures are linked to UDC’s mission and objectives and there are key performance measures for all of UDC’s major objectives as shown in Figure 1 on page iii. In addition, the key performance measures, in aggregate, appear to provide a reasonable basis for assessing results for UDC’s strategic objectives and critical programs and services. The key performance measures are balanced by performance measure type; each key measure is either an outcome or efficiency measure, and there is at least one outcome measure and one efficiency measure for each strategic objective as shown in Figure 1 on page iii. Finally, UDC’s Performance Measurement Plan contains policies and procedures that document the performance measure definitions and calculation methodologies for each key performance measure as required by *The Guide*.

UDC began the process of developing a strategic plan in Fall 2008, but has been unable to move rapidly on the development of strategies to meet their objectives due to state-wide revenue shortfalls which have shifted UDC’s focus to meeting their core responsibilities of protecting the public and providing programming for offenders within various budget reduction scenarios. Due to the outcome of the 2009 Legislative Session, UDC’s methods of achieving many of their objectives have changed as they restructure to meet a decreased budget. UDC’s focus is on the budget process, and strategy development is on hold until they understand the new landscape that is currently emerging.

Our audit identified inadequacies in UDC’s Performance Measurement Plan in the following areas:

A. Key Performance Measures Not Consistently Reported

We compared the 18 key performance measures in UDC’s Performance Measurement Plan to the key performance measures they reported for the three required performance reporting areas (i.e., the Balanced Scorecard, the performance.utah.gov Website, and Budget Preparation). The results of our comparison are shown in Figure 2 on page 2.

UTAH DEPARTMENT OF CORRECTIONS
Performance Measures Audit for Fiscal Year 2008

Figure 2. Areas Where UDC's 18 Key Performance Measures were Reported				
Key Performance Measure		Key Performance Measure Included On:		
		February 2008 Balanced Scorecard	performance. utah.gov Website	UDC Budget Submission for Fiscal Year 2009
1	Percent of maximum prison capacity	✓	✓	
2	Rate of inmate grievances by month	✓		✓
3	Average number of days from incident date to hearing date for disciplinaries by month	✓		✓
4	Percent of average daily incarcerated population receiving privilege level advancements	✓		
5	Positive urinalysis rate in prison			
6	Conviction rate of probationers and parolees	✓		✓
7	Percent of AP&P urinalyses that test positive	✓	✓	✓
8	Percent of terminations and/or discharges from probation or parole where the LSI risk was reduced	✓	✓	✓
9	Percent of terminations and/or discharges from probation or parole where the offender is employed at discharge	✓		
10	Rate of return to prison within one year of parole	✓		✓
11	Rate of re-offending within one year of termination from probation or parole	✓		✓
12	Percent of paroling offenders who have completed goal 1 and goal 2 of their Offender Management Plan (OMP)	✓		✓ [†]
13	Percent of employed parolees who were employed by UCI while incarcerated			
14	Percent of prison intakes with medical assessment within 24 hours of admission	✓		✓
15	Average number of days between referral and completion of all pre-sentence investigations during the month	✓		✓
16	Percent of pre-sentence investigations completed that were more than 60 days from the court order	✓		✓
17	Correctional officer turnover rate	✓		
18	Projected budget surplus			
Totals		15	3	11

[†] Measure was included on Budget Form 361, but no value was provided.

Our comparison found that UDC is not reporting their key performance measures consistently across each of the performance measure reporting areas. We also found that performance measures data reported by UDC was not up-to-date for two of the three performance measure reporting areas, as described below:

UTAH DEPARTMENT OF CORRECTIONS
Performance Measures Audit for Fiscal Year 2008

- Performance measures data reported to GOPB and the Office of the Legislative Fiscal Analyst (LFA) in UDC's Fiscal Year 2009 Budget submission (due in September 2007) was for calendar year 2006.
- Performance measures data reported on the performance.utah.gov Website has not been updated by UDC since July 2007.

Because decision-makers in both the Governor's Office and the Utah State Legislature use performance measure data reported by State agencies to GOPB and LFA when allocating resources and making public policy decisions, it is imperative that State agencies report accurate, up-to-date data for each of their key performance measures to GOPB and LFA as part of their annual budget submission. Additionally, up-to-date performance measures data should be regularly reported by State agencies via the performance.utah.gov website for use by agency clients, customers, and the general public.

UDC's inconsistencies with reporting up-to-date data for each of their key performance measures across all performance measure reporting areas is indicative of confusion at State agencies regarding GOPB's approach to performance measure management. The confusion is due, at least in part, to the lack of comprehensive policies and procedures governing performance measure management. Currently, each performance measure reporting area (Balanced Scorecard Program, performance.utah.gov Website, and Budget Preparation) has inconsistent reporting requirements, methodologies, and terminologies. We believe that these inconsistencies occurred because each of the performance measure reporting areas was developed independently from the other areas, with all but the budget preparation requirements being developed since 2006. Differences also exist because, prior to the October 2007 publication of *The Guide*, all performance measures management guidance was given via verbal presentations; therefore, it was more likely to be miscommunicated, misunderstood, and inconsistently applied by State agencies implementing the guidance.

The Guide was developed by GOPB with input from the Office of the Utah State Auditor in an effort to give consistent and coordinated attention to the reporting of performance measures and includes effective and practical concepts and principles for overall performance measure management. While *The Guide* does contain language indicating that state agencies should report their key performance measures to GOPB on a monthly basis and to GOPB and LFA annually as part of the budget process, *The Guide* does not adequately provide comprehensive policies and procedures for all areas of performance measure management. This deficiency has resulted in inconsistencies and inefficiencies with reporting performance measures data at the agency level which, in turn, could result in an inefficient and untimely review of agencies' performance by GOPB and LFA and ultimately makes it very difficult for the general public and decision-makers in both the Governor's Office and the Utah State Legislature to have an accurate, reliable, and timely view of government performance. GOPB is aware of this issue and GOPB personnel have indicated to us that they are working with LFA and State agencies to further develop *The Guide* to include a common and comprehensive set of policies, procedures, and metrics that can be applied across all performance measure reporting areas.

UTAH DEPARTMENT OF CORRECTIONS
Performance Measures Audit for Fiscal Year 2008

Recommendations:

We recommend that UDC report their key performance measures consistently across all performance measure reporting areas.

We recommend that GOPB continue to work with LFA and State agencies to further develop *The Guide* to include comprehensive policies and procedures for performance measure management that can be applied across all performance measure reporting areas. (Repeat Finding)

We recommend that GOPB work with State agencies to ensure that the agencies report up-to-date data for each of their key performance measures to GOPB and LFA as part of the annual budget submission and to agency clients, customers, and the general public via the performance.utah.gov website.

B. Inadequate Documentation for Targets

As shown on Figure 1 on page iii, UDC has established targets for the key performance measures; however, UDC has not adequately documented how each of the targets was determined. As a result, UDC personnel we interviewed could not recall how the targets were established for some of the 18 key performance measures. We also noted that targets for each of the key performance measures have remained the same since the performance measures were developed at the time the Balanced Scorecard Program began in 2006. Targets and performance projections are important tools that can be used to assess whether programs are achieving desired results on schedule and at appropriate levels, and can also help agencies stay focused on areas of legislative interest. For some measures, having the same target for long periods of time may be appropriate. However, UDC should periodically re-evaluate the key performance measures to ensure that the established targets are still the best gauge for assessing and projecting their performance. As part of the periodic evaluation of targets, UDC should consider department priorities, available resources, efficiencies gained from improved procedures, new technologies, and other internal or external factors that could affect performance. Documenting how the target was determined for each of the key performance measures will assist with this periodic assessment.

Recommendation:

We recommend that UDC document how the target for each of the key performance measures was determined and periodically re-evaluate the targets for the key performance measures to ensure that established targets are still the best gauge for assessing and projecting Department performance.

UTAH DEPARTMENT OF CORRECTIONS
Performance Measures Audit for Fiscal Year 2008

II. RELIABILITY OF REPORTED DATA FOR KEY PERFORMANCE MEASURES

A. Controls over Data Collection, Data Calculation, and the Reporting of Performance Measure Data for Key Performance Measures

Data for 16 of UDC's 18 key performance measures is extracted from UDC's O-TRACK Offender Management System. The O-TRACK system is an operationalized database, which means that UDC personnel interact with O-TRACK to complete their assigned duties of managing and supervising offenders. F-TRACK is a component of O-TRACK which is used primarily by UDC Division of Adult Probation and Parole (AP&P) personnel. UDC has developed a complex management system for ensuring that personnel enter critical data elements onto O-TRACK accurately and in a timely manner. Each major division of UDC has a key data entry manager who usually meets monthly with a tier of information specialists who manage personnel that key-in data. This oversight group periodically receives data reports from the UDC Bureau of Planning and Research to "tease out" data entry errors or database design anomalies. In addition to this management process, field agents are periodically subjected to records audits to determine whether critical data is being managed appropriately. Finally, the O-TRACK system was designed with certain "business rules" embedded in the data structure to make it impossible to enter inappropriate or inaccurate data for specific critical data items. We found, however, that all UDC employees have select, update, insert, and delete permissions to the O-TRACK database tables. The access controls related to these database tables reside exclusively within the O-TRACK system. While most users do not routinely access the O-TRACK database tables with anything other than the O-TRACK system, there are seven UDC employees who access the O-TRACK database tables outside the O-TRACK system by using third-party tools. Since all UDC employees have the ability to change and delete data in the O-TRACK database tables, the risk that data may be manipulated or lost through erroneous or malicious activity increases. To mitigate this risk, all access to the O-TRACK database tables outside of the O-TRACK system should be limited to read only.

As data is extracted from the O-TRACK system for each of UDC's key performance measures, processes have been instituted by UDC to cross-check all data routines with offender specific records to ensure that data being extracted is actually the information displayed in an offender's data file. In addition, UDC Bureau of Research and Planning personnel cross-check data by looking at the data across multiple reported months. If data deviates from prior reporting patterns, procedures are reviewed and data routines are re-run to verify currently reported items. In addition, director-level personnel review data patterns and reported information to look for anomalies that may be the result of data entry or data extraction activities.

We audited UDC's 18 key performance measures to determine if the data reported to GOPB for the month of February 2008 for each of the key performance measures was accurate and complete and to determine if UDC's controls, as described above, are adequate to ensure on-going reliability. Figure 1 on page iii provides a summary of our audit result for each key performance measure. Based on the errors we noted during the

UTAH DEPARTMENT OF CORRECTIONS
Performance Measures Audit for Fiscal Year 2008

course of our audit, as described in detail on pages 7 through 43, we determined that UDC's controls over data collection, data calculation, and the reporting of performance measure data are not adequate to ensure the continued accuracy and completeness of the reported data.

Recommendations:

We recommend that UDC limit access to the O-TRACK database tables, outside of the O-TRACK system, to read only.

We recommend that UDC establish or strengthen existing internal controls over data collection, data calculation, and the reporting of performance measure data to ensure that performance measure data is accurate, complete, and consistent with the critical elements for each key performance measure that are documented in UDC's Performance Measurement Plan.

B. Key Performance Measure #1

Percent of maximum prison capacity

UDC differentiates between "maximum capacity" and "operational capacity." Maximum capacity is the total number of beds available to UDC to house incarcerated offenders. For management purposes, operational capacity is the baseline UDC tries to keep their population below. Running over operational capacity has a cascading effect in that moving one offender from a volatile situation causes UDC to move another offender out of an occupied bed, which can lead to further offender movement. The situation of running over operational capacity also leads to increased safety issues for staff and offenders.

Audit Result for Key Performance Measure #1:

The data reported for the performance measure was accurate and complete; however, without sufficient controls (see Section II.A. on pages 5 through 6), ongoing accuracy and completeness cannot be reasonably expected. Therefore, the reported data for the performance measure is deemed Accurate with Qualification.

UTAH DEPARTMENT OF CORRECTIONS
Performance Measures Audit for Fiscal Year 2008

C. Key Performance Measure #2

Rate of inmate grievances by month

Offenders may file complaints through the prison's grievance process. This process allows offenders to make allegations of personal injury, loss, or harm caused by the application or omission of a policy or practice by a staff member, offender action, or incident.

UDC's intent is to resolve grievances at the lowest possible administrative level. Offenders cannot grieve parole procedures or decisions, disciplinary decisions, or classification decisions; there are other methods to challenge or appeal those decisions.

The performance measure is defined in the Performance Measurement Plan as the "total number of grievances for the month divided by the average daily offender population (Draper, Gunnison, and County Jails)." However, this definition is interpreted by UDC personnel to only include grievances for which UDC has responsibility (i.e., grievances not directly related to any county facility). UDC does not collect data regarding grievances filed by offenders housed at county jail locations through the jail contracting program. Although excluding county facility-related grievances filed by offenders housed at county jail locations will not affect the accuracy of the performance measure, we believe that the performance measure should include all grievances filed by UDC offenders regardless of where they are housed.

This issue was also noted in an audit recently conducted by the Office of the Legislative Auditor General (Report 2008-08). In that audit, the Legislative Auditor General recommended that UDC revise their contracts with counties to "clarify the breadth of information on state offender grievance records to include all grievances filed by state offenders. This will give UDC greater knowledge into the concerns of UDC offenders."

Recommendation:

We repeat the Legislative Auditor General's recommendation that UDC revise their contracts with counties to clarify the jails' reporting responsibilities in regards to grievances filed by UDC offenders. We also recommend that UDC consider including all grievances filed by UDC offenders, regardless of where they are housed, in the calculation of the performance measure.

Audit Result for Key Performance Measure #2:

The data reported for the performance measure was accurate and complete (within +/- 5% of actual performance); however, without sufficient controls (see Section II.A. on pages 5 through 6), ongoing accuracy and completeness cannot be reasonably expected. Therefore, the reported data for the performance measure is deemed Accurate with Qualification.

UTAH DEPARTMENT OF CORRECTIONS
Performance Measures Audit for Fiscal Year 2008

D. Key Performance Measure #3

Average number of days from incident date to hearing date for disciplinaries by month

UDC maintains discipline procedures to reasonably ensure the safety of offenders, staff, and visitors. An offender's expected conduct is spelled out in a document called the Offender Code of Conduct. This code is a list of dos and don'ts for offenders while incarcerated. When an offender violates this code of conduct, an officer may issue a disciplinary report. A hearing is then conducted by an independent Inmate Disciplinary Hearing Officer (IDHO) who, while providing the offender due process, hears the allegation and decides whether the offender is guilty or not. If the decision is guilty, the IDHO dispenses an appropriate sanction, which may include a verbal reprimand, fines/restitution, additional cell confinement, or privilege restrictions. Offenders who have excessive disciplinaries may have their classification level and/or privilege level lowered. It is in everyone's best interest that disciplinary decisions be made as expeditiously as possible so as to minimize uncertainty and maintain a sense of order in the institution.

The average number of days from the incident date to the hearing date for disciplinaries was reported by UDC as 61 days for the month of February 2008. The performance measure was calculated by querying the O-TRACK system for all disciplinary hearings conducted during the month of February and determining the number of days that elapsed between the incident and hearing dates.

During our audit, we requested that UDC personnel re-query O-TRACK for the February 2008 data used to calculate the performance measure. To test the accuracy and completeness of the data queried from O-TRACK, we selected a sample of 32 disciplinary hearings held during the month. We noted the following as we reviewed each of the selected disciplinary hearings and the associated disciplinary incidents.

1. Inaccurate Incident Dates Entered on O-TRACK

Inaccurate incident dates were entered on O-TRACK for 13 of the 32 disciplinary hearings we reviewed. As shown in Figure 3 below, 11 of the 13 errors occurred because an incorrect year (2007) was entered on O-TRACK for incidents which occurred on or shortly after January 1, 2008. The inaccurate incident dates on O-TRACK resulted in UDC calculating an incorrect result when determining the number of days which elapsed between the incident and hearing dates. We also noted that inaccurate data entered on O-TRACK can result in IDHOs being forced to dismiss disciplinary cases, thus negating any consequences to offenders for violating established rules. The review of incident reports by screening supervisors should detect inaccurate incident dates, but it appears that these reviews are not adequate to ensure that disciplinary data entered on O-TRACK is accurate.

UTAH DEPARTMENT OF CORRECTIONS
Performance Measures Audit for Fiscal Year 2008

Figure 3. Inaccurate Incident Dates on O-TRACK

# of Incidents	Incident Date Entered on O-TRACK	Actual Incident Date(s) as Determined by Audit	Disciplinary Hearing Date(s)	Number of Days Elapsed between Incident and Hearing Dates (used by UDC to calculate the performance measure)	Actual Number of Days Elapsed between Incident and Hearing Dates	Charges Dismissed at Hearing due to Inaccurate Incident Date?
2	1/1/2007	1/1/2008	2/6/2008	401	36	No
1	1/3/2007	1/3/2008	2/15/2008	408	43	No
2	1/14/2007	1/14/2008	2/11/2008 2/12/2008	393 394	28 29	No
3	1/14/2007	1/14/2008	2/28/2008	410	45	Yes
1	1/30/2007	1/30/2008	2/5/2008	371	6	No
2	2/1/2007	2/1/2008	2/11/2008 2/21/2008	375 385	10 20	No
2	10/1/2007 to 11/30/2007*	11/8/2007 11/21/2007	2/28/2008 2/11/2008	150 133	112 82	No

*The incident date range entered in O-TRACK spanned 61 days (10/1/2007 to 11/30/2007). The date used by UDC to calculate the number of days elapsing between the incident date and the hearing date is the first date in the range (10/1/2007).

Recommendation:

We recommend that UDC screening supervisors use greater care when reviewing incident reports to ensure that incident dates entered on O-TRACK are accurate so that generated performance measure data is accurate and IDHOs are not forced to dismiss disciplinary cases due to inaccurate data.

2. Disciplinary Hearing Not Conducted Timely

For 14 of the 32 disciplinary hearings we reviewed, offenders involved in incidents for which disciplinary action was initiated either died, were paroled, or had their sentence terminate or expire prior to the disciplinary hearing being held. Hearings were eventually held for each of these offenders, but only 3 of the 14 offenders were actually present at their hearings, and the charges against all but one offender were dismissed as shown in Figure 4 on page 10.

UTAH DEPARTMENT OF CORRECTIONS
Performance Measures Audit for Fiscal Year 2008

Figure 4. Untimely Disciplinary Hearings

Incident Date	Reason and Date Offender Released from Prison	Hearing Date	Charges Dismissed at Hearing due to Lack of Timeliness?	# of Days Elapsed between Incident and Hearing Dates (used by UDC to calculate the performance measure)
7/4/2006	Discharged 9/5/2006	2/28/2008	Yes	604
7/7/2006	Paroled 10/17/2006	2/28/2008	Yes	601
7/19/2006	Offender Died 7/26/2006	2/28/2008	Yes	589
7/29/2006	Paroled 1/9/2007	2/28/2008	Yes	579
8/5/2006	Discharged 9/5/2006	2/28/2008	Yes	572
10/2/2006	Sentence Expired 10/21/2006	2/28/2008	Yes	514
11/23/2006	Discharged 1/23/2007	2/28/2008	Yes	462
11/24/2006	Paroled 11/28/2006	2/28/2008	Yes	461
12/23/2006	Discharged 1/16/2007	2/28/2008	Yes	432
12/29/2006	Discharged 1/9/2007	2/28/2008	Yes	426
6/5/2007	Paroled 6/5/2007*	2/27/2008	No	267
6/6/2007	Paroled to the Custody of ICE [†] on 6/12/2007; Deported on 6/21/2007	2/28/2008	Yes	267
10/12/2007	Paroled 10/16/2007**	2/28/2008	Yes	139
11/6/2007	Paroled 11/6/2007**	2/28/2008	Yes	114

*Offender subsequently returned to prison on 2/7/2008 on a parole violation. The disciplinary hearing was held on 2/27/2008 where the IDHO found the offender guilty and imposed a fine.
[†]U.S. Immigration and Customs Enforcement
**Offenders subsequently returned to prison on parole violations on 1/3/2008 and 1/11/2008, respectively. The disciplinary hearings were both held on 2/28/2008 where the IDHO dismissed the charges "on timeliness issues."

We also noted one incident involving a UDC offender which occurred at a county jail location on 2/10/2008 where the offender was discharged on 3/18/2008, prior to the disciplinary hearing being held. At the time of our audit, this disciplinary incident was still open on O-TRACK (i.e., no hearing date had been entered on O-TRACK).

UDC Policy FDr01/02.03 states, "Discipline should include realistic, acceptable, and understandable expectations and consequences designed to encourage acceptable offender behavior. Prevention is preferable to correction, but when a rule is violated discipline should be prompt and effective." UDC Policy FDr01/04.05 states, "The disciplinary hearing shall be conducted within a reasonable time frame." In addition, the effectiveness of the disciplinary process in encouraging acceptable offender behavior is lessened as time elapses between the incident date and the hearing date. Disciplinary hearings should be conducted prior to offenders' release from prison or incidents should be dismissed without prejudice on the date of the offenders' discharge, parole, or death, or on the date of the offenders' sentence expiration. Dismissing disciplinary cases without prejudice will allow UDC to re-file and hear the cases at their discretion.

UTAH DEPARTMENT OF CORRECTIONS
Performance Measures Audit for Fiscal Year 2008

Recommendation:

We recommend that UDC conduct disciplinary hearings within a reasonable time frame, and most specifically, prior to offenders' release from prison. If this cannot be accomplished, we recommend that UDC dismiss incidents without prejudice on the date of the offenders' discharge, parole, or death, or on the date of the offenders' sentence expiration.

3. Ambiguous Performance Measure Definition

For 1 of the 32 disciplinary hearings we reviewed, the offender was found guilty on two charges at the disciplinary hearing held on 1/11/2008. The offender appealed the IDHO's findings to the UDC Executive Hearing Office. The appeals hearing was held on 2/15/2008 and the findings and sanctions of the IDHO were sustained by the Executive Hearing Officer. When calculating the performance measure, UDC selected the final (appeals) hearing date (2/15/2008) instead of the original hearing date (1/11/2008) to determine the number of days elapsed between the disciplinary incident and the hearing. While the Performance Measurement Plan does not specifically define which hearing date is used when calculating the performance measure, we noted that UDC policy allows officers seven days to write incident reports and have them approved and offenders have 20 *working* days following the receipt of the IDHO's decision to submit an appeal. Thus, when using the final hearing date instead of the original hearing date to calculate the performance measure, the time allowed for the incident report to be written and approved, and the time allowed to submit an appeal exceeds the 30 day target established for the performance measure.

Recommendation:

We recommend that UDC modify the definition for the performance measure in the Performance Measurement Plan to clearly state whether the original hearing date or the final hearing date will be used to calculate the number of days elapsed between the disciplinary incident and the hearing date.

4. Department Policy Not Followed

For 15 of the 32 disciplinary hearings we reviewed, the associated incident reports were not written and approved within seven days of the incident as required by UDC Policy AGr13/06.01 which states, "incident reports shall be written and approved in a timely manner, and in all cases within seven days of the incident." Throughout the course of our audit, various UDC personnel indicated that the seven day requirement for officers to write incident reports and have them approved had been extended to either 10 or 14 days because scheduling, holidays, vacation, etc., can interfere with an officer's ability to complete incident reports within the seven day timeframe. However, we noted that 9 of the 15 reports also exceeded the 14-day "extended" timeframe. Because the effectiveness of the disciplinary process in encouraging acceptable offender behavior is lessened as time elapses between the incident date and the hearing date and the hearing cannot occur until the incident report has been

UTAH DEPARTMENT OF CORRECTIONS
Performance Measures Audit for Fiscal Year 2008

written and approved, UDC should ensure that incident reports are written and approved in a timely manner.

Recommendation:

We recommend that UDC ensure incident reports are written and approved in a timely manner, and in all cases within seven days of the incident, in accordance with UDC policy. If UDC’s practice allows for a timeframe which exceeds seven days for the writing and approving of incident reports, UDC should modify their policy accordingly.

5. Untimely Receipt of Disciplinary Reports from County Jails

Disciplinary incidents involving offenders housed at county jail locations through the jail contracting program are entered on O-TRACK by county jail personnel. However, the disciplinary data entered on O-TRACK by county jail personnel is usually insufficient to provide the evidence necessary for IDHOs to determine offenders’ guilt or innocence. IDHOs we interviewed indicated that it is often difficult to get copies of the applicable disciplinary reports from the county jail locations in a timely manner when the disciplinary hearings are held at a location other than where the incident occurred. We reviewed eight incidents which occurred at a certain county jail location and noted that hearings for five of the incidents occurred at a location other than the county jail, as shown in Figure 5 below, resulting in dismissal of charges in four of the five cases due to insufficient information.

Figure 5. Untimely Receipt of Disciplinary Reports			
Date Incident Occurred at County Jail Location	Hearing Date and Location	Charges Dismissed by IDHO due to Insufficient Information?	Date Incident Report sent from County Jail to UDC
1/29/2008	3/4/2008 Utah State Prison	Yes	3/6/2008
2/10/2008	5/8/2008 Central Utah Correctional Facility	Yes	5/22/2008
2/10/2008	4/1/2008 Utah State Prison	Yes	4/4/2008
2/14/2008	3/24/2008 Utah State Prison	No	3/13/2008
2/14/2008	3/25/2008 Utah State Prison	Yes	3/14/2008

We also noted one incident which occurred on 1/15/2008 where the hearing was conducted (at the county jail location) on 4/29/2008, but the hearing date and disciplinary findings were not entered on O-TRACK by county jail personnel until 6/24/2008. Delay in entering the hearing date on O-TRACK could affect the accuracy and completeness of the performance measure.

UTAH DEPARTMENT OF CORRECTIONS
Performance Measures Audit for Fiscal Year 2008

Similar issues to those described above were also noted in an audit recently conducted by the Office of the Legislative Auditor General (Report 2008-08). In that audit, the Legislative Auditor General recommended that UDC revise their contracts with counties to “clarify in greater detail what disciplinary information, taken by the jail regarding UDC offenders, [UDC] want[s] and when they want to receive it (e.g., receiving information before or after cases are heard).” The Legislative Auditor General further indicated that “this practice will give UDC a better picture of the disciplinary actions taken against UDC offenders. It will also clarify the jails’ reporting responsibilities.”

Delivery of disciplinary reports from county jails to UDC in a timely manner is essential as it affects both the timing of the disciplinary hearing (e.g., the hearing could be delayed while the IDHO tries to obtain a copy of the report) and the effectiveness of the IDHO to encourage acceptable offender behavior since IDHOs cannot impose consequences for behavior if charges are dismissed due to insufficient information.

Recommendation:

We repeat the Legislative Auditor General’s recommendation that UDC revise their contracts with counties to clarify the jails’ reporting responsibilities in regards to disciplinary incidents involving UDC offenders.

Audit Result for Key Performance Measure #3:

We recalculated the average number of days that elapsed between the incident date and the most reasonable hearing date as determined by our audit. We limited our calculation to only include disciplinary hearings that would have been conducted during February 2008, as determined by our audit. Our recalculation resulted in an average of 30 days from the incident date to the hearing date for disciplinaries for the month of February 2008. Because reported performance for the month of February 2008 (61 days) is not within 5% of actual performance, the audit result for the performance measure is deemed Inaccurate.

UTAH DEPARTMENT OF CORRECTIONS
Performance Measures Audit for Fiscal Year 2008

E. Key Performance Measure #4

Percent of average daily incarcerated population receiving privilege level advancements

The privilege level system is a tool which enables UDC to effectively and decisively manage offenders in a manner which optimally provides institution safety, security, management, and control, and enables offenders to demonstrate their ability to govern their behavior in a progressively responsible manner. Privilege levels are successively more permissive, allowing offenders to have increased privileges as positive reinforcement of good behavior. Privileges include, but are not limited to, the following:

- Number of visits and phone calls offenders can have
- Amount of out-of-cell and recreation time allowed
- Time offenders are locked-up each night
- Amount of money offenders are allowed to spend in the commissary
- Type of job offenders can have
- Access to education, programming, and religious volunteers

A three-character code, ranging from Aa1 (lowest) to Kq5 (highest), identifies which privileges have been granted to each offender. The first character of the code indicates the offender's lock down/out-of-cell level, the second character indicates the offender's privilege/activity level, and the third character indicates the offender's advancement/review level. While overall decreases in privilege level may be an indication of discontent among incarcerated populations, overall advancements in privilege level can be viewed as indications of an increasingly manageable population and that UDC is effectively enforcing rules and regulations.

The average daily incarcerated population receiving privilege level advancements was reported by UDC as 30.00% for the month of February 2008. The performance measure was calculated by querying the O-TRACK system for the number of offenders receiving a privilege level advancement in February and for the average daily population at the Utah State Prison (USP) in Draper and the Central Utah Correctional Facility (CUCF) in Gunnison during February. UDC personnel entered the query results onto an Excel spreadsheet which was used to divide the number of offenders receiving advancement by the average daily incarcerated population.

1. Inaccurate Performance Measure Calculation

During our audit, we requested that UDC personnel re-query O-TRACK for the February 2008 data used to calculate the performance measure. As shown in Figure 6 below, this re-query of O-TRACK produced data that differed from the data entered on the Excel spreadsheet which was used to calculate the percentage for the performance measure.

UTAH DEPARTMENT OF CORRECTIONS
Performance Measures Audit for Fiscal Year 2008

Figure 6. Inmates Receiving a Privilege Level Advancement		
	<u>Original UDC Calculation</u>	<u>O-Track Query Results for Audit</u>
# of Inmates Receiving a Privilege Level Advancement in February 2008	1,459	1,161
Average Daily Population (USP & CUCF only) During February 2008	4,853.66	5,190.52
% of Inmates Receiving a Privilege Level Advancement	30.00%	22.37%

We were not able to determine whether the difference in the data obtained from O-TRACK for the performance measure occurred due to an error when O-TRACK was initially queried to obtain the data, or if the data initially obtained by UDC was not entered into the Excel spreadsheet correctly. However, we believe that the data obtained during our audit represents the accurate percentage of offenders receiving a privilege level advancement during February 2008.

Recommendation:

We recommend that UDC establish or strengthen existing internal controls over data collection, data calculation, and the reporting of performance measure data to ensure that performance measure data is accurate, complete, and consistent with the critical elements for the performance measure that are documented in UDC’s Performance Measurement Plan.

2. Inaccurate and Incomplete Performance Measure Data

To test the accuracy and completeness of the data queried from O-TRACK for our audit of the performance measure for the month of February 2008, we selected a sample of 60 offenders who received privilege level advancements during the month, 23 offenders who received a privilege level reduction during the month, and 37 offenders who had the same privilege level during the month. We noted the following as we reviewed each of the selected offenders:

- One offender received a privilege level reduction during February (from Cc5 to Ad5), but was included in the population of offenders who received a privilege level advancement during February when the performance measure was calculated. The error occurred because UDC only measures the privilege/activity component of the three-character privilege level and did not consider the lock down/out-of-cell component when calculating the

UTAH DEPARTMENT OF CORRECTIONS
Performance Measures Audit for Fiscal Year 2008

performance measure. In this instance, the offender's privilege/activity level increased from "c" to "d," but the offender's lock-down/out-of-cell level decreased from "C" to "A," thus resulting in a lower overall privilege level for the offender.

- Twelve offenders received privilege level advancements during February 2008 simply due to a change in the offenders' housing assignments. All but one of these privilege level advancements was for offenders who were moved during February from the reception and orientation unit to housing units within the general prison population. Because all offenders are given the same privilege level upon arrival at prison, the movement of offenders out of the reception and orientation unit almost always results in a privilege level advancement, but does not necessarily mean that the offenders have become more manageable by choosing to govern their behavior in a responsible manner.
- Three offenders housed at county jail locations through the jail contracting program received privilege level advancements even though UDC offenders generally do not receive changes to their privilege levels while housed at county jail locations. Advancements for two of the offenders occurred when they were each temporarily housed at the Utah State Prison for a parole violation hearing and for an eye exam, respectively. The third offender received a privilege level advancement (from Cb4 to Jo2) at an Offender Management Review (OMR) even though the offender was housed at a county jail location from the time he was moved out of the prison's reception and orientation unit until the time he was paroled. The performance measure, as it is currently calculated, essentially excludes all offenders housed at county jail locations because these offenders usually do not receive changes to their privilege levels; however, this fact is not adequately disclosed in the performance measure's title or definition. In addition, UDC should either ensure that privilege levels for offenders housed at county jail locations are not changed by UDC personnel, or that the calculation of the measure excludes offenders housed at county jail locations who inadvertently receive privilege level advancements due to temporary housing or other reasons.
- We noted that a portion of the prison population was at the maximum privilege level for their classification for the entire month of February and were, therefore, unable to receive a privilege level advancement. These offenders are those who have governed their behavior in a responsible manner, have received all privileges available to them in prison, and have maintained those privileges throughout the month. Excluding this portion of the prison population results in an incomplete picture when assessing how effectively UDC is enforcing rules and regulations by measuring the percentage of the incarcerated population that received privilege level advancements during the month.

UTAH DEPARTMENT OF CORRECTIONS
Performance Measures Audit for Fiscal Year 2008

Recommendation:

We recommend that UDC:

- **Modify the calculation of the performance measure to include the lock down/out-of-cell level component when determining which offenders received privilege level advancements during the month so that generated performance measure data is accurate.**
- **Modify the calculation of the performance measure to eliminate offenders who receive a privilege level advancement due to an event (such as a move from the reception and orientation unit to a housing unit within the general prison population) as opposed to demonstrating that they are choosing to govern their behavior in a responsible manner.**
- **Define whether the performance measure includes UDC offenders housed at county jail locations and strengthen or implement internal controls to ensure that privilege levels for offenders housed at county jail locations are not changed by UDC personnel, or that the calculation of the performance measure excludes offenders housed at county jail locations who inadvertently receive privilege level advancements due to temporary housing or other reasons.**
- **Consider modifying the performance measure or the measure's target to account for offenders who have reached the maximum privilege level for their classification and are, therefore, unable to receive a privilege level advancement.**

3. Privilege Level Advancement Not Recorded on O-TRACK

During the course of our audit, we noted one instance which occurred in June 2008 where the decision of the Offender Management Review (OMR) committee was to place a certain offender on the waiting list for a different housing assignment, and advance the offender's privilege level when he moved. The offender was moved seven days later, but his privilege level was not advanced. Because the offender's privilege level advancement was not recorded on O-TRACK, it would not be included in the generated data for the performance measure. While this error did not affect the reported percentage for our selected month of February 2008, it would understate the percentage that was reported for the month of June 2008 for the performance measure.

Recommendation:

We recommend that UDC establish or strengthen existing internal controls to ensure that all privilege level advancements and reductions are entered on O-TRACK so that generated performance measure data is accurate and complete.

UTAH DEPARTMENT OF CORRECTIONS
Performance Measures Audit for Fiscal Year 2008

Audit Result for Key Performance Measure #4:

As shown in Figure 6 on page 15, the difference between the percentage reported by UDC and what should have been reported for this performance measure exceeds 5%. Therefore, the data reported by UDC for the performance measure is deemed Inaccurate.

F. Key Performance Measure #5
Positive urinalysis rate in prison

Contraband includes materials, substances or other items possessed in violation of state or federal law, and which are otherwise known as illegal contraband. It also includes any materials, substances, or other items not approved by UDC.

Controlling contraband is an essential element of safe and effective prison security. UDC policy identifies procedures to keep inmates from getting contraband and methods to search for contraband. Still, contraband does find its way into the possession of inmates at times. It may be received in the mail, visitors may bring it in, or it may be acquired from within the confines of the prison. Drug use in the prison setting is a serious concern not only because the drugs used are illicit, but also because of the risk of spreading blood-borne diseases such as HIV and hepatitis C. Additionally, substance use in prison represents a continuation of the illegal behavior patterns present at the time of offense.

Urinalysis (UA) is the primary method used by UDC for detecting the use of unauthorized substances by inmates. A major goal of testing offenders for unauthorized substances is to break the cycle of violent crimes and UDC policy violation related to substance abuse by identifying and applying sanctions to inmates who violate UDC rules regarding unauthorized substance abuse.

UDC utilizes chemistry-immuno analyzers, located at the Utah State Prison (USP) and at the Central Utah Correctional Facility (CUCF), to test urine collected from inmates for unauthorized substances. These analyzers are linked to WinTOX Laboratory Information Management System software which records each urinalysis conducted and the corresponding result. UA lab personnel at USP and at CUCF periodically enter the urinalysis results on O-TRACK.

The positive urinalysis (UA) rate in prison was determined by UDC to be 1.06% for the month of February 2008. The performance measure was calculated by querying the O-TRACK system for urinalyses performed during the month and then dividing the number of positive urinalyses by the total number of urinalyses performed.

During our audit, we requested that UDC personnel re-query O-TRACK for the February 2008 data used to calculate the performance measure. To test the accuracy and completeness of the data queried from O-TRACK, we reviewed the results for all 22 of the urinalyses collected during February 2008 which tested positive for unauthorized substances. We also reviewed the results for a sample of 60 urinalyses collected during February 2008 which tested negative for unauthorized substances. We noted the

UTAH DEPARTMENT OF CORRECTIONS
Performance Measures Audit for Fiscal Year 2008

following as we reviewed the results for each of the selected urinalyses and the associated disciplinary incidents.

1. Medical Positive Results Incorrectly Classified

For 13 of the 22 “positive” urinalysis results reviewed, UA lab personnel subsequently determined that the offenders with these positive results were prescribed medication at the time the urine sample was collected and the prescription medication was responsible for causing the positive result. Therefore, these 13 urinalyses should not have been included in the population of total positive urinalyses for February 2008. For each of these items, UA lab personnel marked the “medical positive” indicator on O-TRACK, but the criteria used by UDC to query O-TRACK to obtain the data for the performance measure did not exclude the medical positive results from the positive results. The result of this error is that more than half (13 of 22) of the positive urinalyses determined by UDC for the month of February should not have been included as positive results.

Recommendation:

We recommend that UDC modify the calculation of the performance measure to exclude medical positive results from total positive urinalyses so that generated performance measure data is accurate.

2. Urine Samples Not Tested

Five of the 60 “negative” urinalysis results reviewed were instances where the urine sample was not tested and should not have been included in the population of total urinalyses performed during February 2008 when the performance measure was calculated. These errors occurred because the criteria used by UDC to query O-TRACK to obtain the data for the performance measure does not exclude urinalyses where the “tested date” on O-TRACK is null and/or the “sample not tested date” on O-TRACK is not null.

Recommendation:

We recommend that UDC modify the calculation of the performance measure to exclude urine samples collected but not tested so that generated performance measure data is accurate.

3. Offenders Not Inmates When Urine Sample Was Collected

Two of the 60 “negative” urinalysis results reviewed were instances where the offenders were on parole when the urine samples were collected. Therefore, these samples should not have been included in the population of total urinalyses performed for the performance measure. We also determined that these two urine samples were not (but should have been) included in the population of urinalyses performed among the Adult Probation and Parole (AP&P) offender population (Key Performance Measure #7). These errors occurred because the two urine samples were collected from offenders on the same day the offenders were paroled from prison, and the criteria used by UDC to query O-TRACK to obtain the data for the performance

UTAH DEPARTMENT OF CORRECTIONS
Performance Measures Audit for Fiscal Year 2008

measure identified all instances where the offender's legal status was "inmate" at any time on the date when the urine sample was collected.

Recommendation:

We recommend that UDC modify the calculation of the performance measure to exclude urinalyses of urine collected from offenders who are not in prison and to include all urinalyses of urine collected from offenders on parole for Key Performance Measure #7 so that generated performance measure data for both key performance measures is accurate and complete.

4. Performance Measure Definition Not Followed

Two of the 22 "positive" urinalysis results reviewed and 7 of the 60 "negative" urinalysis results reviewed were tested by the UA lab in March 2008, not February 2008. The performance measure is defined in the Performance Measurement Plan as the "number of urinalyses positive divided by total number of urinalyses performed during the month." Although each of these nine urine samples was collected in February 2008, they were all tested in March. Therefore, the urinalyses were not "performed during the month" of February 2008. The error occurred because UDC queries O-TRACK using the "sample collected date" not the "tested date."

One of the 60 "negative" urinalysis results reviewed was an instance where the inmate selected an alternative (saliva) test. Because the performance measure, as currently defined, only includes urinalyses, alternative tests for drug use should not be included in the calculation for the performance measure. Including alternative tests overstates the number of urinalyses performed during the month. We also noted that the results of the alternative test were not entered correctly on O-TRACK. The collecting officer documented that "all tests were negative" but did not enter the "tested date" or indicate which substances were tested on O-TRACK. In this particular instance, the absence of this data did not affect the performance measure, but incomplete data on O-TRACK could result in alternative tests being inappropriately included in the performance measure calculation.

Recommendation:

We recommend that UDC modify the criteria used to query O-TRACK when calculating this performance measure to select the "tested date" instead of the "sample collected date" and to exclude alternative tests so that generated performance measure data is consistent with the definition in the Performance Measurement Plan. We also recommend that collecting officers enter all applicable data on O-TRACK when administering alternative tests.

5. Urinalyses Conducted at County Jails Not Entered on O-TRACK

To ensure that all urinalyses conducted for UDC inmates housed at county jail locations through the jail contracting program are being accurately entered on O-TRACK, we selected a certain county jail location and determined that the county jail conducts urinalyses for UDC inmates once per week. We selected substance

UTAH DEPARTMENT OF CORRECTIONS
Performance Measures Audit for Fiscal Year 2008

testing rosters maintained by the county jail for the urinalyses conducted for UDC inmates during February 2008 (four weeks) and two additional weeks during fiscal year 2008. We traced the results of each of the urine samples collected and tested during these six weeks to O-TRACK to ensure that the collection and test results were entered on O-TRACK accurately and completely. We determined that the urine collection and urinalysis results for each of the four weeks in February 2008 were entered on O-TRACK correctly. However, none of the urine collections and test results were entered on O-TRACK for urinalyses conducted on August 20, 2007 (14 samples, all of which tested negative) and June 16, 2008 (20 samples, all of which tested negative). While these errors did not affect the reported percentage for our selected month of February 2008, they would affect the percentages that were reported for the months of August 2007 and June 2008 for the performance measure.

Recommendation:

We recommend that UDC implement or strengthen existing internal controls to ensure that all urine collections and all urinalysis results obtained by county jail locations for UDC inmates are entered on O-TRACK so that generated performance data is accurate and complete.

6. Positive Results Not Entered on O-TRACK

We reviewed the WinTOX Statistical Reports for the month of February 2008 at the Utah State Prison and at the Central Utah Correctional Facility and noted two urinalyses with a positive result that were not included in the population of positive results when the performance measure was calculated. For one urinalysis, we determined that UA lab personnel did not enter the positive result on O-TRACK. For the other urinalysis, it appears that the positive result was properly recorded on O-TRACK, but UDC's query of O-TRACK to obtain the number of positive urinalyses for the month of February 2008 did not identify this urinalysis and include it in the population of positive results for the month, but we were not able to identify the reason why this occurred.

Recommendation:

We recommend that UA lab personnel at UDC periodically perform a reconciliation between the WinTOX Statistical Reports and O-TRACK to ensure that all urinalysis results are entered on O-TRACK. We also recommend that UDC review the query criteria used to obtain the number of positive urinalyses and the total number of urinalyses performed for the month and modify the criteria if necessary to ensure that generated performance measure data is complete.

7. Inmate's Refusal to Produce a Urine Sample Not Recorded on O-TRACK

We observed UDC personnel request a urine sample from an inmate on August 27, 2008, at the Utah State Prison. The inmate refused to produce a urine sample. The collecting officer properly completed a disciplinary incident report, as required by UDC policy when an inmate refuses to provide a urine sample, but the collecting

UTAH DEPARTMENT OF CORRECTIONS
Performance Measures Audit for Fiscal Year 2008

officer did not enter the urinalysis request or the inmate's refusal to produce a urine sample on O-TRACK. Inmates' refusal to provide a urine sample should be counted as a "positive" result when calculating the performance measure; therefore, not entering the urinalysis request and the inmate's refusal to produce a urine sample excluded what should have been a positive urinalysis result from UDC's query of O-TRACK to obtain the number of positive urinalyses and the total number of urinalyses performed for the month of August 2008.

Recommendation:

We recommend that UDC record on O-TRACK all instances where urine samples are requested, including instances where inmates refuse to produce a urine sample. We further recommend that inmates' refusal to provide a urine sample be counted as a "positive" result when calculating the performance measure.

8. UDC Policies Not Followed

During our observation of the urinalysis processes at the Central Utah Correctional Facility (CUCF), we noted the following two instances where UDC Policy was not followed:

- The UA Lab Technician at CUCF indicated to us that she completes the disciplinary incident reports for all positive urinalysis results because she is the person testing the urine samples. UDC policy FEr21/04.04 states that the "drug lab staff/designee shall return a copy of the completed Urine Screen and Lab Form or Alternative Test Form with both test results to the collecting member..." and that the "...collecting member shall complete a Disciplinary Report under the disciplinary code 'A13' and attach a copy of the completed Urine Screen and Lab Form to the report." This policy further clarifies, "Lab staff shall not complete an Inmate Disciplinary Report on test results."
- We observed an inmate cap the urine collection container, apply cross strips to the collection container, initial the cross strips, and apply the label seal around the outside of the collection container. All of this was done in the presence of the collecting officer. However, this methodology differs from the methodology required by UDC Policy FEr21/02.05, which states, "The inmate shall not be allowed to touch the urine sample container after the urine sample is provided." This policy further provides that after the inmate has produced the urine sample, the collecting officer shall affix the cross strips to the container, affix the label around the container (overlapping the cross strips), and initial across the top of the urine collection container over the seams of the cross strips.

Recommendation:

We recommend that UDC personnel at the Central Utah Correctional Facility complete disciplinary documentation related to positive urinalyses and collect urine samples from offenders in accordance with applicable UDC policies.

UTAH DEPARTMENT OF CORRECTIONS
Performance Measures Audit for Fiscal Year 2008

Audit Result for Key Performance Measure #5:

Due to the numerous errors described above, we were not able to determine the correct result for the performance measure for the month of February 2008. Therefore, the audit result for the performance measure is deemed Undeterminable.

G. Key Performance Measure #6

Conviction rate of probationers and parolees

UDC is continually looking at offender management processes in an attempt to reduce the number of new crimes committed by offenders while under supervision in the community. When the percent of parolees returning to prison for new crimes is reduced, the prevalence of parolee crimes is also assumed to be reduced. Therefore, the reduction of this event is evidence of enhanced community safety.

The conviction rate of probationers and parolees was reported by UDC as 1.06% for the month of February 2008. The performance measure was calculated by querying the O-TRACK system for the number of new convictions for probationers and parolees during February, divided by the total number of probationers and parolees on February 15, 2008.

1. Ambiguous Performance Measure Definition

The Performance Measurement Plan defines the performance measure as the “number of new convictions for probationers plus number of convictions for parolees, divided by total number of probationers and parolees (15th of month)” which measures the new conviction activity (conviction rate) for a particular month’s population of offenders. However, the Performance Measurement Plan does not adequately define how a conviction will be determined. In fact, UDC used different criteria to query O-TRACK to obtain conviction data for probationers versus parolees; the “conviction” date used to calculate the number of parolees with a new conviction was the legal status change date, whereas the “conviction” date used to calculate the number of probationers with new convictions was the case status begin date. We selected a sample of three parolees and eight probationers identified by UDC as having a total of 15 new convictions in February 2008 and noted that the conviction dates recorded on O-TRACK do not always correspond to the dates used by UDC to determine new convictions (legal status change date for parolees and the case status begin date for probationers) as shown in Figure 7 on page 24.

UTAH DEPARTMENT OF CORRECTIONS
Performance Measures Audit for Fiscal Year 2008

Figure 7. New Convictions for Probationers and Parolees			
Offender Type	# of Offenders Sampled	Number of Convictions Reported by UDC for February 2008 (used by UDC to calculate the Performance Measure)	Number of Actual Conviction Date(s) in February 2008 for Sampled Offenders as Determined by Audit
Parolee	3	3	2
Probationer	8	12	7
Totals	11	15	9

We also noted one instance where one of our sampled offenders had three convictions during February 2008; however, two of the three convictions occurred on the same date. The case status begin date in O-TRACK was identical for those two convictions, and the criteria used by UDC to query O-TRACK to obtain the conviction data for the performance measure counted the two convictions as one conviction because the dates in O-TRACK were identical for the convictions. This error understated the new conviction activity for probationers for the month of February 2008.

Recommendation:

We recommend that UDC modify the Performance Measurement Plan to define how new conviction activity will be determined and apply the definition consistently to the population of parolees and probationers when calculating the performance measure. We also recommend that UDC review the query criteria used to obtain the number of convictions which occur on the same date and modify the criteria if necessary to ensure that generated performance measure data is complete.

Audit Result for Key Performance Measure #6:

Because the Performance Measurement Plan does not adequately define how a conviction is determined, as described above, we were not able to determine the correct result for the performance measure for the month of February 2008. Therefore, the audit result for the performance measure is deemed Undeterminable.

H. Key Performance Measure #7

Percent of AP&P urinalyses that test positive

Because a large percentage of the adult offender population have drug and alcohol problems, UDC randomly tests probationers and parolees for these substances. The majority of probationers and parolees have a conditional agreement not to use drugs and alcohol during their supervision experience. Agents monitor compliance with these conditions and report violations to either the court or the Board of Pardons and Parole.

UTAH DEPARTMENT OF CORRECTIONS
Performance Measures Audit for Fiscal Year 2008

The percent of urinalyses conducted by the UDC Division of Adult Probation and Parole (AP&P) that tested positive was determined by UDC to be 10.52% for the month of February 2008. The performance measure was calculated by querying the O-TRACK system for urinalyses performed among the AP&P offender population during the month and then dividing the number of positive urinalyses by the total number of urinalyses performed.

During our audit, we requested that UDC personnel re-query O-TRACK for the February 2008 data used to calculate the performance measure. To test the accuracy and completeness of the data queried from O-TRACK, we selected the results from a sample of 10 urinalyses collected during February 2008 which tested positive for unauthorized substances. We also selected the results from a sample of 50 urinalyses collected during February 2008 which tested negative for unauthorized substances. We noted the following as we reviewed each of the selected urinalyses results.

1. Duplicate Urinalyses In Performance Measure Calculation

Four of the ten offenders with positive urinalysis results had a duplicate urinalysis recorded on F-TRACK for the same day. One additional individual with a positive urinalysis result had two duplicate tests recorded on F-TRACK for the same day. It appears that there are three reasons these duplicate urinalyses were recorded on F-TRACK:

- **Re-test/Challenge.** UDC Policy allows offenders to challenge their urinalysis result by paying to have their urine sample re-tested by an independent lab. It appears that some of the duplicate tests for the offenders we reviewed were re-test results, but a “result challenge date” was not documented on F-TRACK for any of the duplicate tests; therefore, we could not conclusively determine that re-tests/challenges were the reason for the duplication of results. Regardless, counting both the initial urinalysis and a re-test as separate positive results overstates the percentage of positive urinalysis results.
- **Data-Entry Errors.** It appears that at least one offender’s urinalysis result was simply entered on F-TRACK twice, thus overstating the actual number of positive results.
- **Separate Tests to Detect Alcohol and Drug Use.** For one of the offenders we reviewed, the duplicate test was a separate positive test result for alcohol use. It appears that test results for alcohol and illegal drugs are entered separately in F-TRACK. This occurs because UDC uses different methodologies to test the AP&P offender population for illegal drug and alcohol use; illegal drug use is detected using a urine dip test and alcohol use is determined using a breathalyzer. However, positive test results for alcohol use should not be included in the calculation for the performance measure because the definition for the performance measure only includes positive results obtained through urinalyses, not breathalyzer tests. Including positive test results for alcohol overstates the percentage of positive urinalysis results.

UTAH DEPARTMENT OF CORRECTIONS
Performance Measures Audit for Fiscal Year 2008

Recommendation:

We recommend that UDC:

- Document a “result challenge date” on F-TRACK when offenders challenge their urinalysis result by paying to have their urine sample re-tested by an independent lab.
- Implement or strengthen existing internal controls to ensure that urinalysis results are not entered on F-TRACK more than once.
- Modify the calculation of the performance measure to exclude positive test results for alcohol so that the calculation of the performance measure is consistent with the performance measure’s definition.

2. “Admit Use” Data Not Recorded Consistently on F-TRACK

Test results for offenders who admit to using illegal drugs and alcohol are not documented consistently on F-TRACK, as described below.

- For one of the ten offenders with a “positive” urinalysis result, the positive result was determined based on the offender’s admission of illegal drug use rather than through urinalysis. In this instance, the “admit use” indicator on F-TRACK was marked, but the officer also inappropriately marked the “tested” and “positive” indicators on F-TRACK when no urinalysis actually occurred. Because the performance measure definition only includes positive results obtained through urinalysis, not offender admission, this positive result should not have been included in the calculation for the performance measure.
- For one of the 50 offenders with a “negative” urinalysis result, the officer who conducted the urinalysis noted that the amphetamine test line on the urine test strip “was extremely faint.” When questioned by the officer, the offender admitted to using methamphetamine on multiple occasions and signed the admission of use forms. Even though the urine dip test registered a positive result, and the offender admitted to illegal drug use, the urinalysis result was not entered on F-TRACK as “positive.” In addition, the “admit use” indicator on F-TRACK was not marked by the officer.

Recommendation:

We recommend that UDC implement or strengthen internal controls to ensure that:

- “Tested” and “positive” indicators on F-TRACK are marked only when a urinalysis has actually occurred.
- Positive urinalysis results are recorded on F-TRACK and the “admit use” indicator on F-TRACK is marked when offenders admit to using an illegal or prohibited substance.

UTAH DEPARTMENT OF CORRECTIONS
Performance Measures Audit for Fiscal Year 2008

3. Incomplete Performance Measure Data

As described for Key Performance Measure #5 in Section II.F.3. on pages 19 through 20, we noted two instances where offenders were on parole when urine samples were collected from them, but the two urine samples were included in the population of total tests performed for Key Performance Measure #5 and were not (but should have been) included in the population of urinalyses performed among Adult Probation and Parole offender population. These errors occurred because the urine samples selected were collected from the offenders on the same day the offenders paroled from prison, and the criteria used by UDC to query O-TRACK to obtain the data for Key Performance Measure #5 selected all instances where the offender's legal status was "inmate" at any time on the date when the urine sample was collected.

Recommendation:

We recommend that UDC modify the calculation of the performance measure to include all urinalyses of urine collected from offenders on parole so that generated performance measure data for the performance measure is accurate and complete.

Audit Result for Key Performance Measure #7:

We projected the errors noted in the sample of urinalyses we reviewed, as described above, to the population of all AP&P urinalyses for the month February 2008. The percent of AP&P urinalyses that tested positive for the month of February 2008, as determined by our error projection, was 11.77%. Because reported performance for the month of February 2008 is not within 5% of actual performance, as shown in Figure 8 below, the audit result for the performance measure is deemed Inaccurate.

Figure 8. Percent of AP&P Urinalyses that Tested Positive	
Original UDC Calculation	10.52%
Actual Percentage per Audit	<u>11.77%</u>
Difference	-1.25%
Percentage Difference	-10.62%

UTAH DEPARTMENT OF CORRECTIONS
Performance Measures Audit for Fiscal Year 2008

I. Key Performance Measure #8

Percent of terminations and/or discharges from probation or parole where the LSI risk was reduced

When an offender is sentenced to the custody of UDC, a number of evaluation instruments are used to assess the offender's level of risk and their need for treatment and programming. UDC administers the Level of Service Inventory-Revised ("LSI-R" or "LSI"), to each offender referred to UDC. This instrument helps UDC determine the risk of each offender and also provides information about treatment and programming needs. When an offender has a high LSI score they are considered to be higher risk, requiring more need for treatment and programming. UDC re-administers the LSI assessment at key points in an offender's supervision experience. When an offender's total score is reduced, UDC interprets that as a reduction in the risk posed by that offender. When the total percent of offenders with an LSI score reduction goes up, the risk to the community posed by that population goes down.

The percent of terminations and/or discharges from probation or parole where the LSI risk was reduced was reported by UDC as 46.82% for the month of February 2008. The performance measure is defined in the Performance Measurement Plan as the "number of LSI risk reductions at termination/discharge divided by total number of LSIs administered." However, for the month of February 2008, UDC calculated the performance measure by dividing the number of offenders discharged/terminated during the month with an LSI risk reduction by the total number of offenders terminated/discharged during the month (instead of dividing by the total number of LSIs administered). UDC personnel indicated to us that the definition for the performance measure should be changed in the Performance Measurement Plan to mirror the calculation of the measure made for February 2008.

During our audit, we requested that UDC personnel re-query O-Track for the February 2008 data used to calculate the performance measure. When reviewing the total number of offenders who terminated or discharged from probation or parole during the month of February as identified by UDC, we noted that the number of offenders used by UDC to calculate Key Performance Measure #8 was 34 less than the number of offenders used by UDC to calculate Key Performance Measure #9 (percent of terminations and/or discharges from probation or parole where the offender is employed at discharge). UDC personnel indicated to us that a certain portion of the population of offenders was excluded from the calculation for Key Performance Measure #8 because AP&P would not need to conduct an LSI reassessment in order to negotiate a discharge order from the court or the Board of Pardons and Parole for those offenders. We are not aware of a requirement in the AP&P standards of supervision to reassess offenders in order to negotiate a discharge order from the court or the Board of Pardons and Parole, although an LSI reassessment certainly could be administered as part of negotiating an offender's discharge from probation or parole. Therefore, we question whether excluding these offenders from the calculation of the performance measure is appropriate. Regardless, the performance measure definition does not indicate that a certain portion of the population of offenders terminated/discharged from probation or parole will be excluded from the performance measure calculation.

UTAH DEPARTMENT OF CORRECTIONS
Performance Measures Audit for Fiscal Year 2008

Recommendation:

We recommend that UDC modify the measure's definition in the Performance Measurement Plan to be consistent with what UDC intends to measure and to clearly define what portion of the population of offenders terminated and/or discharged from probation or parole are to be excluded from the calculation of the measure, if any. We further recommend that UDC implement or strengthen internal controls to ensure that the calculation of the performance measure is consistent with the performance measure's definition.

Audit Result for Key Performance Measure #8:

Due to the errors described above which indicate significant deviation from the performance measure definition, we cannot determine the correct result for the performance measure for the month of February 2008. Therefore, the audit result for the performance measure is Undeterminable.

J. Key Performance Measure #9

Percent of terminations and/or discharges from probation or parole where the offender is employed at discharge

The re-entry of an offender into the community requires effective supervision that is a balance of monitoring and enforcement of the conditions of probation or parole, coupled with effective case management. A primary goal of supervision is to assist the offender in becoming a law-abiding and productive member of the community. Offender success is the best way to ensure public protection. The UDC Division of Adult Probation and Parole (AP&P) relies on community partners in this effort, including the offender's family and significant other, treatment providers, and employers. Research indicates that offenders with a history of unstable employment are at an elevated risk for re-offending compared to offenders with a history of stable employment. Thus, addressing the employment needs of offenders is an integral component in assisting offenders with their re-integration efforts.

Audit Result for Key Performance Measure #9:

The data reported for the performance measure was accurate and complete (within +/- 5% of actual performance); however, without sufficient controls (see Section II.A. on pages 5 through 6), ongoing accuracy and completeness cannot be reasonably expected. Therefore, the reported data for the performance measure is deemed Accurate with Qualification.

UTAH DEPARTMENT OF CORRECTIONS
Performance Measures Audit for Fiscal Year 2008

K. Key Performance Measure #10

Rate of return to prison within one year of parole

UDC is constantly monitoring the parole release population to determine what percentage of that population returns to prison as a recidivist. There are two primary ways that an offender can return to prison. First, parolees can be returned to the prison for a technical violation of the conditions of their parole, as set by the Board of Pardons and Parole. For example, the Board of Pardons and Parole may require an offender to have a curfew, to not associate with other offenders, to be monitored for drug use, etc. If an offender does not comply with these conditions, the Board of Pardons and Parole may issue a warrant for return to prison. Second, parolees can be returned to prison for committing a new crime. The standard length of parole is approximately 36 months. As parolees move through the 36 month period, some percentage of the original release population will be returned to prison for a technical violation or a new criminal episode.

The rate of return to prison within one year of parole was determined by UDC to be 45.14% for the month of February 2008. The performance measure was calculated by querying the O-TRACK system for the total number of parolees released from prison during February 2007 and determining the number of those released returning to prison before or during February 2008.

During our audit, we requested that UDC personnel re-query O-TRACK for the February 2008 data used to calculate the performance measure. As shown in Figure 9 below, this re-query of O-TRACK produced a percentage that differed from the percentage originally calculated for the performance measure for the month of February 2008.

Figure 9. Rate of Return to Prison for Parolees	
Original UDC Calculation	45.14%
O-Track Query Results for Audit	<u>41.27%</u>
Difference	3.87%
Percentage Difference	9.38%

UDC did not maintain a record of the data used to initially calculate the performance measure for February 2008 as required by *The Guide* which states, "Adequate source and supporting documentation of primary data related to performance measures should be retained to support the reported performance measures data." Therefore, we were unable to compare the data obtained from O-TRACK for February 2008 at the time of our audit to the data initially used to calculate the performance measure to determine the reason(s) for the differences in the data. However, we believe that the data obtained during our

UTAH DEPARTMENT OF CORRECTIONS
Performance Measures Audit for Fiscal Year 2008

audit represents the accurate rate of return to prison within one year of parole for the month of February 2008.

Recommendation:

We recommend that UDC retain adequate source and supporting documentation of primary data related to their key performance measures in accordance with *The Guide*.

Audit Result for Key Performance Measure #10:

As shown in Figure 9 above, the difference between the percentage reported by UDC and what should have been reported for this performance measure exceeds 5%. Therefore, the data reported by UDC for the performance measure is deemed Inaccurate.

L. Key Performance Measure #11

Rate of re-offending within one year of termination from probation or parole

UDC recently created a Division of Programming Services. This new division acts as a central control and management area to coordinate the delivery of limited treatment and programming resources to both the UDC Division of Institutional Operations and the UDC Division of Adult Probation and Parole. Many of the offenders that come into the correctional system will pass through each of these divisions multiple times. By centralizing and coordinating the delivery of treatment and programming resources, UDC hopes to improve the communication of treatment and programming needs between the divisions as offenders are passed back and forth. By improving treatment and programming services, and targeting treatment resources at offenders who will most benefit from them, UDC expects the goal of recidivism reduction will be easier to attain.

The rate of re-offending within one year of termination from probation or parole was determined by UDC to be 7.35% for the month of February 2008. The performance measure was calculated by querying the O-TRACK system for the total number of probationers and parolees whose supervision terminated during February 2007 and determining the number of those terminated who re-offended between the time their supervision terminated through February 2008. UDC personnel entered the query results onto an Excel spreadsheet which was used to divide the number of inmates who re-offended by the total number of probationers and parolees whose supervision terminated during February 2007.

During our audit, we requested that UDC personnel re-query O-TRACK for the data used to calculate the performance measure for February 2008. As shown in Figure 10 on page 32, this re-query of O-TRACK produced data that differed from the data entered on the Excel spreadsheet which was used to calculate the percentage for the performance measure. The differences in the data used by UDC to calculate the performance measure and the data queried from O-TRACK during our audit occurred because the data initially

UTAH DEPARTMENT OF CORRECTIONS
Performance Measures Audit for Fiscal Year 2008

obtained by UDC from O-TRACK was not entered onto the Excel spreadsheet correctly. Instead of entering the total number of probationers and parolees whose supervision terminated during February 2007, UDC personnel mistakenly entered the number of probationers and parolees whose supervision terminated during February 2008.

To test the accuracy and completeness of the data queried from O-TRACK for our audit of the performance measure for the month of February 2008, we selected all 26 probationers and parolees identified by UDC as having a re-offense within one year after their supervision terminated in February 2007. We also selected a sample of 41 probationers and parolees whose supervision terminated during February 2007 who did not re-offend within one year after their supervision terminated. As we reviewed the 26 probationers and parolees identified as having a re-offense within one year after their supervision terminated, we noted 3 of the 26 offenders either had the charges against them dismissed by the court or they were not convicted. Because UDC should only include offenders actually convicted of offenses the court deems recidivistic when calculating the performance measure, these 3 offenders should not have been included in the population of probationers and parolees who re-offended within one year of termination from probation or parole. These 3 offenders were included in the calculation of the performance measure based on the criteria UDC used to query O-TRACK which identifies re-offenses based on the legal status change date rather than actual conviction data.

Figure 10. Rate of Re-offending Within One Year of Termination from Probation or Parole			
	<u>Original UDC Calculation</u>	<u>O-TRACK Query Results for Audit</u>	<u>Actual Audit Result</u>
Number of Probationers and Parolees Identified as Having a Re-offense Within One Year After Supervision Terminated in February 2007	25	26	23
Total Number of Probationers and Parolees whose Supervision Terminated During February 2007	340	437	437
Rate of Re-offending within One Year of Termination from Probation or Parole	7.35%	5.95%	5.26%
Original UDC Calculation	7.35%		
Actual Audit Result	<u>5.26%</u>		
Difference	2.09%		
Percentage Difference	39.71%		

UTAH DEPARTMENT OF CORRECTIONS
Performance Measures Audit for Fiscal Year 2008

Recommendation:

We recommend that UDC establish or strengthen existing internal controls over data collection, data calculation, and the reporting of performance measure data to ensure that performance measure data is accurate, complete, and consistent with the critical elements for the performance measure that are documented in UDC's Performance Measurement Plan. We further recommend that UDC modify the calculation of the performance measure to exclude offenders not actually convicted of offenses the court deems recidivistic.

Audit Result for Key Performance Measure #11:

As shown in Figure 10 above, the difference between the rate of re-offending reported by UDC and the actual rate for the performance measure exceeds 5%. Therefore, the data reported by UDC for the performance measure is deemed Inaccurate.

M. Key Performance Measure #12

Percent of paroling offenders who have completed goal 1 and goal 2 of their Offender Management Plan (OMP)

The Offender Management Plan (OMP) is a written plan developed by UDC Division of Institutional Operations professional staff along with the offenders. It identifies programming and work areas that could potentially benefit offenders in making necessary changes in their lives so they do not reoffend. Preparing offenders to return to the community means focusing on success, programming (substance abuse treatment, anger management, etc.), and a positive behavior rewards system which mirrors community life and rewards good behavior. The OMP is also used as a driving force to determine the offender's classification and privilege level while incarcerated.

The percent of paroling offenders who completed goal 1 and goal 2 of their Offender Management Plan (OMP) while incarcerated was reported by UDC as 64.00% for the month of February 2008. The performance measure was calculated by querying the O-TRACK system for the total number of offenders paroling in February 2008 and determining which of those offenders completed goal 1 and goal 2 of their OMP while incarcerated. UDC personnel entered the query results onto an Excel spreadsheet which was used to divide the number of offenders paroled during the month who completed OMP goal 1 and goal 2 by the total number of offenders paroled during the month.

During our audit, we requested that UDC personnel re-query O-TRACK for the February 2008 data used to calculate the performance measure. As shown in Figure 11 on page 34, this re-query of O-TRACK produced data that differed significantly from the data entered on the Excel spreadsheet which was used to calculate the percentage for the performance measure. The differences in the data used by UDC to calculate the performance measure and the data queried from O-TRACK during our audit occurred because the data initially obtained by UDC from O-TRACK was not entered onto the Excel spreadsheet correctly.

UTAH DEPARTMENT OF CORRECTIONS
Performance Measures Audit for Fiscal Year 2008

Instead of entering the total number of offenders who paroled during February 2008, UDC personnel mistakenly entered the number of offenders who paroled during January 2008 (275 offenders) when calculating the February 2008 result.

Figure 11. Paroling Offenders who have Completed Goal 1 and Goal 2 of their Offender Management Plan (OMP)		
	<u>Original UDC Calculation</u>	<u>O-Track Query Results for Audit</u>
Number of Offenders Paroled during February 2008 who Completed OMP Goals 1 and 2	175	190
Number of Offenders Paroled during February 2008	275	216
% of Paroling Offenders who Completed OMP Goals 1 and 2	64.00%	87.96%

To test the accuracy and completeness of the data queried from O-TRACK for our audit of the performance measure for the month of February 2008, we selected all 190 offenders paroled during February 2008 identified by UDC as having completed goal 1 and goal 2 of their OMP while incarcerated. As we reviewed the data queried from O-TRACK for these 190 offenders, we noted the following:

- Some offenders have multiple OMPs; therefore, the number of unique offenders paroled during February 2008 identified by UDC as having completed OMP goals 1 and 2 is actually 170, not 190.
- Criteria used by UDC to query the O-TRACK system identified all offenders who had any OMP goal exit code entered in O-TRACK for OMP goals 1 and 2. At the time of our audit, there were 11 OMP exit codes:
 - Successful completion
 - Partial completion
 - Unsuccessful completion/failure to perform
 - Unsuccessful completion/failure to attend
 - Unsuccessful completion/housing move interference
 - Unsuccessful completion/program availability
 - Interstate compact
 - Medical
 - Mental health issues
 - Detainer
 - Death

UTAH DEPARTMENT OF CORRECTIONS
Performance Measures Audit for Fiscal Year 2008

UDC's Performance Measurement Plan does not define what constitutes completion of goal 1 and goal 2 of the OMP for purposes of calculating the performance measure. However, we determined that only 22 of the 170 offenders identified by UDC as having completed OMP goals 1 and 2 actually completed both goals with a "successful completion" exit code entered on the O-TRACK system.

- We noted that 46 of the 216 offenders who paroled in February 2008 did not have an OMP exit code entered on the O-TRACK system for both OMP goals 1 and 2. We determined through interviews with various UDC personnel that OMP end dates and exit codes are often not entered on O-TRACK for paroling offenders. We also noted that exit codes entered on O-TRACK are sometimes a "best guess" by UDC personnel because "Unsuccessful/Offender Paroled" is not an available OMP exit code. This issue was also noted in an audit recently conducted by the Office of the Legislative Auditor General (Report 2008-08). The Legislative Auditor General found that "UDC has not been adequately tracking programming outcomes for state inmates in county jails." As a result, the auditors "could not determine if those paroled have completed their programming." The Legislative Auditor General recommended that UDC "start recording and tracking overall completion levels of its inmates' goals to determine its overall effectiveness at providing programming to inmates."

OMP exit dates and exit codes should be entered on O-TRACK in a timely manner, but no later than when an offender leaves prison. We are aware that UDC is working to improve the accuracy and consistency of the data entered on O-TRACK related to the performance measure. We commend UDC for their efforts in this regard and encourage their continued attention to ensure data on O-TRACK is accurate and complete.

Recommendation:

We recommend that UDC establish or strengthen existing internal controls over data collection, data calculation, and the reporting of performance measure data to ensure that performance measure data is accurate, complete, and consistent with the critical elements for the performance measure that are documented in UDC's Performance Measurement Plan. We further recommend that UDC modify their Performance Measurement Plan to define what constitutes completion of goal 1 and goal 2 of the OMP for purposes of calculating the performance measure. Finally, we repeat the Legislative Auditor General's recommendation and further recommend that UDC enter OMP exit dates and exit codes on O-TRACK in a timely manner, but no later than when an offender leaves prison, so that generated performance measure data is accurate and complete.

Audit Result for Performance Measure #12:

Due to an incomplete performance measure definition and errors described above which indicate incomplete data, we cannot determine the correct result for this performance measure for the month of February 2008. Therefore, the audit result for the performance measure is Undeterminable.

UTAH DEPARTMENT OF CORRECTIONS
Performance Measures Audit for Fiscal Year 2008

N. Key Performance Measure #13

Percent of employed parolees who were employed by UCI while incarcerated

Utah Correctional Industries (UCI) is the State of Utah's prison industries program. Its mission is to train inmates in real-time work environments to produce useful products and services for its customers. This reduces idleness and hopelessness in the prison environment for the working inmate, while decreasing management issues and increasing the level of security for prison staff. Further, inmates participating in the UCI program acquire valuable vocational skills under working conditions that prevail in private industry, preparing them for legitimate employment once they are released from prison. Effective work programs develop work skills and attitudes that can enhance an offender's ability to maintain employment upon release as well as to meet financial obligations to his or her family and victims. To accomplish its goal, UCI operates more than 20 businesses, producing products and services such as furniture, seating, construction, printing, scanning, signs, etc.

A Participant Action Form is completed by UCI personnel each time an offender is hired for a UCI job. The Participant Action Form lists the offender's name, job title/description, starting wage, the action (start/begin) date, and other pertinent data. The Participant Action Form is also used by UCI supervisors to report wage changes and employment termination for UCI offender employees. Offender employment data, including start/end dates and wage information, is also entered on the O-TRACK system by UCI personnel.

The percent of employed parolees who were employed by Utah Correctional Industries (UCI) while incarcerated was determined by UDC to be 74.57% for the month of February 2008. The performance measure was calculated by querying the O-TRACK system for the total number of employed parolees and determining the number of those who were employed by UCI while incarcerated.

During our audit, we requested that UDC personnel re-query O-TRACK for the data used to calculate the performance measure for February 2008. To test the accuracy and completeness of the data queried from O-TRACK, we selected a sample of 60 offenders on parole during February 2008 who were identified by UDC as being employed by UCI while they were incarcerated. As we reviewed the 60 selected parolees, we noted the following.

1. Inaccurate and Incomplete UCI Employment Data on O-TRACK

For 30 of the 60 parolees we reviewed, UCI employment data entered on O-TRACK is inaccurate and/or incomplete when compared to data recorded on the offenders' Participant Action Forms. UCI administrators acknowledge that getting employment data entered on O-TRACK for UCI offender employees is a challenge, but feel that the accuracy and completeness of UCI offender employment data on O-TRACK has steadily improved over the past few years compared to previous years, dating back to November 1999 when offender employment data was first entered on O-TRACK. We concur with this assessment, commend UCI for their efforts in this regard, and encourage their continued attention to ensure UCI offender employment data on O-TRACK is accurate and complete.

UTAH DEPARTMENT OF CORRECTIONS
Performance Measures Audit for Fiscal Year 2008

This issue was also noted in an audit recently conducted by the UDC Bureau of Audit (Audit #07-06). The UDC Bureau of Audit found that “inmate work records do not reflect terminations and changes in job assignments” and “...work supervisors are not keeping O’Track (sic) up-to-date...” and recommended that UDC “maintain accurate, timely inmate payroll records.”

Recommendation:

We repeat the UDC Bureau of Audit’s recommendation and further recommend that UDC establish or strengthen existing internal controls to ensure that UCI offender employment data on O-TRACK is accurate and complete and is updated in a timely manner for all new UCI offender employees and for changes in employment (wage changes, termination, parole, etc.).

2. Employment Data Not Available or Not Entered on O-TRACK

For 8 of the 60 parolees we reviewed, we noted that current employment data was not available or, if available, had not been entered on O-TRACK for the following reasons:

- Two of the eight offenders were paroled to the custody of U.S. Immigration and Customs Enforcement (ICE) and were deported to their native countries.
- Two of the eight offenders were paroled to the custody of the U.S. Marshals Service; one of these offenders has since been deported to his native country and the other offender is scheduled to be deported when he is released from federal custody.
- Three of the eight offenders have their parole supervised by another state.
- One of the eight offenders was paroled to the custody of another state to serve a sentence imposed by that state.

It could be extremely difficult, if not impossible, to obtain employment information for offenders who have been deported to their native countries. Offenders incarcerated in federal or other state prisons cannot be employed. Employment data for paroled offenders who are being supervised by another state is likely available, but if UDC has obtained that data, it does not appear to have been entered on O-TRACK. To ensure the accuracy of the performance measure, UDC should obtain employment data for parolees being supervised by other states and enter it on O-TRACK and should consider excluding offenders who cannot be employed and offenders for whom employment data cannot be obtained from the performance measure calculation.

Recommendation:

We recommend that UDC obtain employment data for parolees being supervised by other states and enter it on O-TRACK. We further recommend that UDC consider excluding offenders who cannot be employed and offenders for whom employment data cannot be obtained from the performance measure calculation.

UTAH DEPARTMENT OF CORRECTIONS
Performance Measures Audit for Fiscal Year 2008

3. Student Status Inappropriately Counted as Employment

One of the 60 parolees we reviewed was employed during the month of February, but was also listed as a student attending ITT Technical Institute in the offender employment data on the O-TRACK system. UDC's query of O-TRACK for performance measure data for February 2008 identified both the parolee's job and the parolee's student status as "employment." Because the parolee was employed during February 2008 in addition to being a student, this error will not have an effect on the performance measure for February. However, we noted that the parolee's employment terminated in July 2008, but his student status on O-TRACK continued beyond that date; therefore, this error would have affected the performance measure calculation for the month of July 2008.

Recommendation:

We recommend that UDC exclude parolees listed as students in the offender employment data on O-TRACK from the calculation of the performance measure unless the students are also employed.

4. UCI Employment was Limited and/or Occurred Many Years Ago

For 3 of the 60 parolees we reviewed, the offender's experience working for UCI was very limited and/or occurred many years ago as described below:

- One of the three parolees was initially incarcerated from April 2003 through May 2004. During this period of incarceration, the offender worked for UCI Waste Management for 15 days in May 2004. Since paroling the first time, the offender has returned to prison three additional times, but has not been employed by UCI during any subsequent incarceration.
- One of the three parolees was incarcerated from April 1993 through November 2002. During this period of incarceration, the offender worked for the UCI Plate Plant for approximately 7 months (July 2001 through September 2001 and December 2001 through March 2002). Since paroling the first time, the offender has returned to prison six additional times, but has not been employed by UCI during any subsequent incarceration.
- One of the three parolees was incarcerated from July 1998 through May 2000. The offender returned to prison on new charges in April 2004 and was incarcerated through May 2005. During this period of incarceration, the offender worked for the UCI Road Crew for 30 days in May 2005. The offender returned to prison on a parole violation in April 2007, but was not employed by UCI during the latest period of incarceration.

We do not concur with UDC's conclusion that a relationship exists between a parolee's current employment and situations such as these where parolees' UCI work experience was very limited and/or occurred many years ago. This is especially true when considering that a short period of employment with UCI which occurred many

UTAH DEPARTMENT OF CORRECTIONS
Performance Measures Audit for Fiscal Year 2008

years ago is unlikely to have effectively developed new skills or other positive pro-employment behavior in the offender that would translate into the offender successfully obtaining and maintaining employment upon parole. UDC should consider including only parolees with UCI employment during their most recent incarceration when calculating the performance measure.

Recommendation:

We recommend that UDC consider modifying the Performance Measurement Plan to include only those parolees with UCI employment occurring during their most recent incarceration when calculating the performance measure.

Audit Result for Key Performance Measure #13:

The data reported for the performance measure was accurate and complete (within +/- 5% of actual performance); however, without sufficient controls (see Section II.A. on pages 5 through 6), ongoing accuracy and completeness cannot be reasonably expected. Therefore, the reported data for the performance measure is deemed Accurate with Qualification.

O. Key Performance Measure #14

Percent of prison intakes with medical assessment within 24 hours of admission

The mission of the UDC Clinical Services Bureau is to provide constitutionally mandated offender health care in a competent, caring, and cost-effective fashion within the overall UDC mission. Medical treatment that cannot be provided by Clinical Services staff, due to technical expertise or facility requirements, is provided by contracted care providers. Over several years, UDC has developed and implemented management and oversight tools to ensure that on-site, as well as contracted services, are managed in the most efficient, cost-effective manner possible. Upon arrival at prison, all offenders receive an initial health screening. Later, while in the reception and orientation unit, offenders are given a complete physical examination to identify any pressing or ongoing medical issues that an inmate may be facing. The initial medical screenings are routinely being completed within 24 hours of admission to prison.

Audit Result for Performance Measure #14:

The data reported for the performance measure was accurate and complete (within +/- 5% of actual performance); however, without sufficient controls (see Section II.A. on pages 5 through 6), ongoing accuracy and completeness cannot be reasonably expected. Therefore, the reported data for the performance measure is deemed Accurate with Qualification.

UTAH DEPARTMENT OF CORRECTIONS
Performance Measures Audit for Fiscal Year 2008

P. Key Performance Measure #15

Average number of days between referral and completion of all pre-sentence investigations during the month

Key Performance Measure #16

Percent of pre-sentence investigations completed that were more than 60 days from the court order

The pre-sentence investigation (PSI) report is typically prepared after conviction, but prior to sentencing. PSI reports are frequently required for any felony offense, and are sometimes used in misdemeanor cases as well. PSI reports generally include an evaluation of the offender, the circumstances of the offense, a personal and criminal history of the offender, and a sentencing recommendation. Victims also have an opportunity to provide information regarding what impact the crime has had on their lives, and may express their opinions regarding the appropriate sentence. A primary purpose of the PSI report is to provide the judge with relevant information on which to base an equitable sentence. Judges often rely heavily on the PSI report for pertinent information about both the offense and the offender. Information contained in the pre-sentence report can also be used by prison officials (if the individual is incarcerated), by the Board of Pardons and Parole for consideration in prison release decisions, and by probation and parole officers as a tool for community supervision. It is imperative that each and every pre-sentence investigation be complete, accurate, and timely, so that sentencing may be tailored to the particular circumstances of the case and the offender.

The average number of days between referral and completion of all pre-sentence investigations (PSIs) for the month of February 2008 was determined by UDC to be 43 days. The performance measure was calculated by querying the O-TRACK system for all PSIs completed in February and determining the average number of days between the PSI referral and completion dates. The number of PSIs completed more than 60 days from the court referral date was then divided by the total number of PSIs completed in February to calculate the percent of PSIs completed in February 2008 that were more than 60 days from the court referral date, determined by UDC to be 10.43% for February 2008.

During our audit, we requested that UDC personnel re-query O-TRACK for the February 2008 data used to calculate the performance measure. To test the accuracy and completeness of the data queried from O-TRACK for our audit of the performance measure for the month of February 2008, we selected a sample of 15 PSIs completed during the month of February. We noted the following as we reviewed each of the selected PSIs.

1. Inaccurate PSI Completion Dates on F-TRACK

For 3 of the 15 PSIs we reviewed, the referral (PSI) completion date appears to have been recorded on F-TRACK as the same date the referral completion data was entered on F-TRACK by AP&P personnel, not the actual date the PSI was completed, as shown in Figure 12 below.

UTAH DEPARTMENT OF CORRECTIONS
Performance Measures Audit for Fiscal Year 2008

Figure 12. PSI Completion Dates Recorded on F-TRACK			
Date the Completed PSI was Scanned into UDOCA	Scheduled Sentencing Date for the Offender	Referral (PSI) Completion Date Recorded on F-TRACK	Date Referral Completion Data was Entered on F-TRACK by AP&P Personnel
02/05/2008	02/08/2008	02/13/2008	02/13/2008
02/06/2008	02/11/2008	02/13/2008	02/13/2008
02/19/2008	02/22/2008	02/28/2008	02/28/2008

Since the PSIs would have been completed prior to being scanned into UDOCA (UDC’s electronic document and records system), and would have likely been completed and sent to the court at least three days prior to the scheduled sentencing date for the offenders, the referral (PSI) completion dates, as entered on F-TRACK, appear to be incorrect since they are after the UDOCA scan date and the sentencing date. Entering incorrect referral (PSI) completion data on F-TRACK not only affects the average number of days calculation for Key Performance Measure #15, but also caused two of the three PSIs referenced above to be included in the percentage of PSIs that were completed more than 60 days from the court order (Key Performance Measure #16) when they should not have been included in the calculation of the performance measure (the number of days elapsed between referral and completion for both sample items would have been less than 60 days if the date the completed PSI was scanned into UDOCA had been entered as the referral completion date on F-TRACK).

For 6 of the 15 PSIs we reviewed, the referral (PSI) completion date recorded in F-TRACK was prior to the date the completed PSI was scanned onto UDOCA. However, it appears that the PSI criminal history assessment and the PSI recommendation was recorded on F-TRACK by AP&P personnel on the same date entered as the referral (PSI) completion date; therefore, it is likely that the PSI was complete when the referral completion date was entered on F-TRACK, even though the completed PSI was not scanned until a later date. However, we were unable to determine the exact completion date for these PSIs.

Recommendation:

We recommend that UDC determine which event signifies that the PSI is complete and establish or strengthen existing internal controls to ensure that the date the event occurs is consistently and accurately entered on F-TRACK as the PSI completion date.

2. Performance Measure Definition Not Followed

Two of the 15 PSIs we reviewed were post-sentence investigations, not pre-sentence investigations. In the event that an offender is placed on probation without a PSI being completed, or a PSI is not completed prior to an offender’s commitment to prison as a result of a criminal conviction, AP&P completes a post-sentence investigation or a post-commitment investigation. In UDC’s Performance

UTAH DEPARTMENT OF CORRECTIONS
Performance Measures Audit for Fiscal Year 2008

Measurement Plan, the definitions for Key Performance Measures #15 and #16 refer only to pre-sentence investigations completed in the month; therefore, post-sentence investigations should not have been included in the calculation of the performance measures.

Recommendation:

We recommend that UDC modify the calculation of the performance measure to exclude post-sentence and post-commitment investigations so that the calculation of the performance measure is consistent with the performance measure's definition.

Audit Result for Key Performance Measure #15 and Key Performance Measure #16:
Due to the errors described above which indicate that inaccurate data was entered on F-TRACK and also indicate deviation from the performance measure definitions, we cannot determine the correct result for either of the performance measures for the month of February 2008. Therefore, the audit result for both performance measures is Undeterminable.

Q. Key Performance Measure #17
Correctional officer turnover rate

Correctional officers work under intense conditions and experience work-related stress unlike that found in any other profession. Stress, along with many other factors, including pay, often results in high turnover rates among correctional officers. The costs of excessive turnover are high. These costs include time spent recruiting, testing, hiring, and training new officers. In addition to these quantifiable monetary costs, there are equal, if not more troubling, human costs involved. As the rate of turnover increases, there is likely a corresponding increase in the overall level of staff inexperience and inadequately trained staff. Further, high turnover also increases the likelihood that UDC will be left understaffed, and those remaining will be forced to work increasing amounts of overtime. This often leads to lower morale, increased burnout, and increased risk to both offenders and staff.

The correctional officer turnover rate was determined by UDC to be 0.65% for the month of February 2008. The performance measure was calculated by dividing the number of correctional officers who left UDC during the month by the total number of correctional officer positions.

1. Performance Measure Definition Not Followed

During our audit, we queried the State's Human Resource Enterprise (HRE) system for data to recalculate the performance measure for February 2008. As shown in Figure 13 below, our query of HRE produced data that differed from the data used by UDC to calculate the percentage for the performance measure. We determined that the differences in the data occurred because UDC divided the number of correctional officers who left UDC during the month by the total number of correctional officer

UTAH DEPARTMENT OF CORRECTIONS
Performance Measures Audit for Fiscal Year 2008

positions, rather than dividing by the number of correctional officers. The performance measure is defined in the Performance Measurement Plan as the “number of correctional officers leaving Corrections divided by total number of correctional officers.” Because UDC was experiencing difficulty in recruiting and retaining correctional officers during this period of time, the number of correctional officer positions at UDC in February 2008 significantly exceeded the number of correctional officers as shown in Figure 13.

Figure 13. Correctional Officer Turnover Rate			
<u>Original UDC Calculation</u>		<u>HRE Query Results for Audit</u>	
Number of Correctional Officers who left UDC in February 2008	6	Number of Correctional Officers who left UDC in February 2008	6
Total Number of Correctional Officer Positions (Feb. 2008)	927	Total Number of Correctional Officers (February 2008)	763
Correctional Officer Turnover Rate for February 2008	0.65%	Correctional Officer Turnover Rate for February 2008	0.79%
Original UDC Calculation	0.65%	Turnover Rate per Audit	0.79%
Difference	-0.14%		
Percentage Difference	-17.69%		

Recommendation:

We recommend that UDC modify the calculation of the performance measure to use the number of correctional officers as the divisor so that the calculation of the performance measure is consistent with the performance measure’s definition. If UDC decides to continue calculating the measure using the number of correctional officer *positions* as the divisor, the measure title and measure definition in the Performance Measurement Plan should be modified accordingly.

Audit Result for Key Performance Measure #17:

As shown in Figure 13 above, the difference between the percentage reported by UDC and what should have been reported for this performance measure exceeds 5%. Therefore, the data reported by UDC for the performance measure is deemed Inaccurate.

UTAH DEPARTMENT OF CORRECTIONS
Performance Measures Audit for Fiscal Year 2008

R. Key Performance Measure #18
Projected budget surplus

UDC projects the budget surplus for programs and operations. Budget surplus information is available from approximately October through May of each year, resulting in a gap in the data.

Audit Result for Key Performance Measure #18:

The data reported for the performance measure was accurate and complete; however, without sufficient controls (see Section II.A. on pages 5 through 6), ongoing accuracy and completeness cannot be reasonably expected. Therefore, the reported data for the performance measure is deemed Accurate with Qualification.

UTAH DEPARTMENT OF CORRECTIONS
Performance Measures Audit for Fiscal Year 2008

Background of Performance Management in Utah

Performance management provides tools and information to help executive and legislative policy and decision-makers, state employees, and the general public evaluate the results of government services and legislative appropriations. Performance measurement is an integral part of agency and statewide planning and budgeting structures, evaluation and decision-making processes, and accountability systems. Performance measures should be part of each agency's strategic and operational plan linking legal objectives to performance, agency actions, and funding. Performance measures should also emphasize serving the agency's customers, clients, and/or the general public. The Governor and the Utah State Legislature expect agencies to focus on performance, and agencies will be held accountable for performance.

In 1990, Utah first implemented a performance management system with the legislative initiative Utah Tomorrow. This initiative was charged with setting strategic goals and associated performance metrics for the State of Utah. Utah Tomorrow was ultimately discontinued by the 2004 Utah State Legislature.

In 2006, Governor Huntsman announced a strategic public-private partnership between the Governor's Office of Planning and Budget (GOPB) and the Utah Policy Partnership to improve efficiency in government. This partnership has produced the Utah Performance Elevated Initiative, which includes strategic planning, performance management, collaboration and training, and enterprise innovation.

The performance management portion of Utah Performance Elevated is to serve as a management tool for individual state agencies and a monitoring tool for decision-makers and the general public. Performance management in Utah currently incorporates the following three reporting areas:

- **Balanced Scorecard Program.** A management system that enables agencies to clarify their vision and strategy and continuously improve strategic performance and results. Agencies report performance data on key outcome and efficiency measures to GOPB on a monthly basis.
- **performance.utah.gov Website.** A portal for agencies to communicate relevant data on their operations to the public. In addition, each agency articulates why the measure is important and what the agency does to influence the measure.
- **Budget Preparation.** A requirement for agencies to provide to GOPB and the Legislative Fiscal Analyst on an annual basis the three most important performance measures for each program used to evaluate the effectiveness and efficiency of each program.

UTAH DEPARTMENT OF CORRECTIONS
Performance Measures Audit for Fiscal Year 2008

In fiscal year 2007, the Utah State Legislature appropriated funds to the Office of the Utah State Auditor to hire two auditors to conduct performance audits, including audits of performance measures.

Performance measures audits include a review of 1) the performance measurement process/system within state agencies, 2) the adequacy of internal controls related to performance measures, and 3) the completeness, appropriateness, and accuracy of the performance measures.

In October 2007, GOPB published the manual entitled *Guidance on Performance Measure Management* (“*The Guide*”), effective for performance measures reported after December 31, 2007. *The Guide* includes effective and practical concepts and principles for overall performance measure management.

This report on performance measures at the Utah Department of Corrections (UDC) is the second performance measures audit performed by the Office of the Utah State Auditor.

In fiscal year 2009, the Utah State Legislature reduced funding to the Office of the Utah State Auditor, resulting in the elimination of the performance audit group.

UTAH DEPARTMENT OF CORRECTIONS
Performance Measures Audit for Fiscal Year 2008

Elements of an Effective Performance Measurement Plan

An effective performance measurement plan provides information and data that is meaningful and useful to decision makers. At a minimum, an effective performance measurement plan contains the following elements in accordance with *Guidance on Performance Measure Management* (“*The Guide*”) published by the Governor’s Office of Planning and Budget (GOPB):

- **Objectives.** The performance measurement plan (the plan) clearly states the agency’s mission and its major objectives that have potential decision-making or accountability implications for the agency. The objectives originate from the agency’s purpose as defined in statute.
- **Strategies.** The plan includes strategies and goals for accomplishing each objective with an emphasis on serving the agency’s clients, customers, and/or the general public.
- **Key performance measures.** The plan identifies key performance measures that provide a basis for assessing the results (outcomes and efficiencies) of the agency’s objectives and/or strategies. Key performance measures needed to make public policy decisions are included even though the agency may feel it has no direct control over the measures.
- **Results-oriented measures.** Key performance measures focus primarily on outcomes and efficiencies. The plan contains at least one outcome measure and one efficiency measure for each major objective.
- **Policies and procedures.** The plan contains policies and procedures that document the critical elements for each key performance measure necessary to ensure the completeness and accuracy of the data collected, calculated, and reported. The critical elements include the name and definition for each key measure; the purpose/importance of each measure; the data source(s), data collection and data calculation methods, performance target, and data limitations for each key measure; supervisory reviews of input data, calculations, output data, and reported measures data and performance targets; and input, process, output, data access, and data backup controls.

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UTAH DEPARTMENT OF CORRECTIONS
Performance Measures Audit for Fiscal Year 2008

Audit Objectives, Scope, and Methodology

The mission of the Utah Department of Corrections (UDC) is to ensure public safety by effectively managing offenders while maintaining close collaboration with partner agencies and the community. UDC's dedicated team of professionals is devoted to providing maximum opportunities for offenders to make lasting changes through accountability, treatment, education, and positive reinforcement within a safe environment.

AUDIT OBJECTIVES

Determine if UDC has the following:

- Performance measures that are reasonable, balanced, utilized, communicated, and consistent with their statutory intent.
- Procedures for reporting accurate and complete performance measures to executive management, the Governor's Office of Planning and Budget (GOPB), and the Office of the Legislative Fiscal Analyst.
- Adequate controls in place for collecting, calculating, and reporting performance measure data.

AUDIT SCOPE

Our audit scope included the 18 key performance measures identified by UDC for fiscal year 2008 as described in the UDC Performance Measurement Plan. Juvenile Justice Services, a division of the Utah Department of Human Services, and the Board of Pardons and Parole were excluded from the scope of the audit. We also reviewed internal controls at UDC over the generation and submission of the performance measure data and traced information to original source documentation as considered necessary.

AUDIT METHODOLOGY

Our audit methodology included gaining an understanding of UDC; performing preliminary analytical procedures; interviewing UDC personnel; identifying key performance measures to audit; auditing results for accuracy, completeness, and adherence to the performance measure definitions; evaluating controls over performance measure processes and related information systems; and testing samples of source documentation.

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Thomas E. Patterson, Executive Director

14717 South Minuteman Drive - Draper, Utah 84020 - 801.545.5513

April 7, 2009

Auston G. Johnson, CPA
Office of the State Auditor
Utah State Capitol Complex
East Office Building, Suite E310
PO Box 142310
Salt Lake City, UT 84114-2310

Dear Mr. Johnson:

Thank you for the opportunity to provide this response to the audit findings of the Utah Department of Corrections Performance Measurement Plan. Our department strongly supports the use of performance measurement, and we recognize that performance audits are an important tool in ensuring the accuracy and effectiveness of our performance measures.

We have worked closely with the staff from the State Auditor's Office throughout the process, and they have been diligent in their efforts to understand our often complex data and data systems. We commend the Auditor's staff for being thorough in their work. We concur with the recommendations made, and we are taking appropriate steps to implement the recommendations provided.

In the following pages, please find the department's plans related to the audit findings and recommendations. Action in support of the recommendations is firmly underway, and will continue until all items have been addressed. We would like to reiterate our appreciation for the efforts of your office to increase state government transparency, accountability, and efficiency. We look forward to working together again in the future as we strive to achieve this vision.

Sincerely,

A handwritten signature in black ink, appearing to read 'Thomas E. Patterson', written over a horizontal line.

Thomas E. Patterson, Executive Director
Utah Department of Corrections

The Utah Department of Corrections is the state agency responsible for overseeing adult corrections in Utah. This performance audit raises a number of valid issues regarding the department’s performance measurement processes and procedures, and makes specific recommendations to improve these practices. As part of our ongoing commitment to the highest performance standards, UDC acknowledges there is a need for improvement in the areas outlined by the audit. As a result, UDC has already undertaken steps to improve its data collection and data reporting activities related to performance measurement.

Utah Correctional Facility (CUCF) differs from the methodology that is required under UDC Policy FEr21/02.05.

With regard to inmate disciplinary incidents, the auditors underscored Corrections’ need to clarify what disciplinary information is to be received from county jails under state contract, and how quickly it is to be received. Currently, paperwork on disciplinary issues occurring at the jails is not received in a timely manner by UDC staff. Disciplinary procedures are maintained to assist in ensuring the safety of inmates and staff, as well as visitors to the institutions. Thus, it is imperative that decisions be made as expeditiously as possible to minimize uncertainty, and maintain a sense of order in the institution.

PRIMARY AUDIT RECOMMENDATIONS

The performance audit of the Utah Department of Corrections’ Performance Measurement Plan makes recommendations in several substantive areas:

- ☞ Department policies not followed
- ☞ Performance measure definitions not followed
- ☞ Data collection process errors
- ☞ Data entry and retrieval errors

We will focus on these four overarching areas of concern.

I. DEPARTMENT POLICIES NOT FOLLOWED

The Utah Department of Corrections places, as one of its highest priorities, compliance by staff with all departmental policies and procedures. The performance audit accurately detected two areas in which our policy is not followed consistently. The first relates to inmate disciplinary incidents. It was found that some incident reports are not being written and approved within the seven day time frame required by UDC Policy AGr13/06.01. Secondly, the auditors found that the urine collection methodology at our Central

✓ ACTION STEPS TO BE TAKEN:

1. The Inmate Placement Program (IPP) is in the process of renegotiating contracts with the jails under contract with the department. Corrections has included the reporting requirements relating to inmate disciplinary information within the new contract language.
2. The Division of Institutional Operations (DIO), will work with county jails to ensure the timely completion of all incident reports, and to monitor adherence to all related policies and procedures.
3. DIO will review with the CUCF facility staff related to urine collection procedures to ensure they are conducted in accordance with UDC policy.

II. PERFORMANCE MEASURE DEFINITIONS NOT FOLLOWED

The performance audit identifies several instances in which Corrections' performance measure data collected does not accurately reflect the definition for the corresponding performance measure. In the first example, the auditors found that some of our urinalysis results were based on the sample collection date rather than the date on which the sample was tested.

Second, the auditors found that the department was using an inconsistent definition for "total terminations and/or discharges from probation or parole during the month" within two different scorecard measures.

Third, the auditors found that post-sentence investigations were included in one of our measures that was intended to include only pre-sentence investigations.

Finally, the auditors noted when calculating correctional officer (CO) turnover rate, we were dividing the number of correctional officers who left the department during the month by the total number of CO positions, rather than the actual number of correctional officers employed.

In each of the measures outlined above, UDC Research and Planning staff have adjusted the data extraction processes to ensure the data being collected accurately reflects the performance measures definitions.

✓ ACTION STEPS TAKEN:

- 1. The data extraction process related to urinalysis testing has been adjusted to collect the data based solely on UA testing dates, not UA collection dates.
2. The two data extraction processes using inconsistent definitions have been adjusted to use a standard definition for total terminations and/or discharges.

- 3. Corrections is reviewing the objective related to pre-sentence investigation reports. If it is determined it is reasonable to include post-sentence investigation reports in this measure, the definition will be adjusted appropriately. If it is determined to not be reasonable, adjustments will be made to exclude post-sentence investigations from the measure.
4. The correctional officer turnover rate calculation has been corrected, and we are now using the total number of COs employed by the department as the divisor.

III. DATA COLLECTION PROCESS ERRORS

Data collection is the process of preparing, gathering, and measuring information on variables of interest. If this process is performed in a consistently systematic and replicable way, it enables researchers to answer research questions, and evaluate outcomes. If accurate and complete data collection does not occur, the integrity of any subsequent research and analysis is compromised. In order to reduce the possibility of error, it is just as important to have clearly defined processes and instructions for data collection, as it is to identify the appropriate data for collection. In other words, the data is only as good as the method used to collect it.

Highlighted in this performance audit, is a prior recommendation from the Legislative Auditor General (Report 2008-08) that the department revise its contracts with county jails to "clarify the breadth of information on state offender grievance records to include all grievances filed by state offenders." It is noted that this will give Corrections better insight into the concerns of UDC offenders housed in county jails. Auditors correctly point out that UDC is not currently receiving information on inmate grievances at the county

level, and thus, we are missing a small but significant piece of our inmate grievance data.

It was also found in the audit that some urinalyses results that were being counted as positive UAs in Corrections' data, were actually due to prescribed medications being taken at the time the urine samples were collected. This led to some false positives in Corrections' UA data.

Another example of a data collection process error identified by the auditors relates to the Utah Correctional Industries (UCI) employment data. It was noted that current, accurate, and complete employment data for our UCI inmates was not being entered into our O-TRACK system by staff. A reference was made to a UDC Bureau of Audit report (Audit #07-06) which found that "inmate work records do not reflect terminations and changes in job assignments" and "work supervisors are not keeping O-TRACK up-to-date..."

As was previously mentioned, systematic gaps in our offender data and other errors in our data collection processes, present obstacles in evaluating offender outcomes reliably. The audit findings underscored several areas where Corrections can work on quality assurance in its data collection processes to ensure the integrity and utility of the information.

✓ ACTION STEPS TAKEN:

- 1. The Department's Bureau of Research and Planning has adjusted the data extraction process to exclude positive urinalysis results that have a medical justification.

✓ ACTION STEPS TO BE TAKEN:

- 1. As was noted earlier in the audit response, UDC is making adjustments to contracts related to housing state inmates within county jail facilities. Language is now included in the contract requiring jails to report those inmate grievances outside of the scope of state responsibility to the

department within five days. Additionally, inmate grievances within the scope of state responsibility will now be reported directly to the IPP staff assigned responsibility for the jail in question.

- 2. UCI will work to ensure it is entering complete offender employment data into O-TRACK.

IV. DATA ENTRY AND RETRIEVAL ERRORS

Corrections is dedicated to attaining the highest level of accuracy and completeness of its performance measures data. Quality data is essential to making quality decisions, within every level of the organization. In the draft audit report, a host of data entry and data retrieval errors were brought to light.

On the data entry side, some errors were made by staff entering data into the O-TRACK system, and other errors were made by research staff when entering performance measure data into an Excel spreadsheet. Also, some inconsistencies in data entry were pointed out.

On the data retrieval side, several of the data extraction processes used to retrieve data from O-TRACK were found to be in need of minor adjustments.

Whenever people enter data into an information system, some level of human error will occur. Corrections' goal is to reduce the error rates to a minimum. The first layer of data quality control rests within our policies and procedures. We have strict standards and protocols in place, which serve to reduce the possibility of error. A second layer of quality control is the department's well developed communication structure. Thus, the flow of information following the detection of data error is rapid and fluid. In this way, we are able to swiftly correct errors with our data, and minimize future occurrences of error.

✓ ACTION STEPS TO BE TAKEN:

1. Corrections’ Bureau of Research and Planning is reviewing all of the recommendations from the draft audit report regarding the performance measures data extraction processes. Research staff is working to make all of the adjustments to these processes, as recommended by the auditors.
2. DIO will address concerns with the Inmate Disciplinary Hearing Officers to help ensure that they are entering accurate disciplinary incident dates.
3. IPP will work with the county jails under contract to help ensure they are entering all urinalysis test results into our O-TRACK system in a timely fashion.
4. DIO will work to ensure that OMP exit codes are being entered into O-TRACK.
5. Research and Planning staff will carefully review all other data entry and data retrieval errors identified in the draft audit report, and communicate with division directors as needed to remedy the errors.

UDC’s Bureau of Research and Planning will continue to meet with division directors within the department in order to review the accuracy and completeness of division-level scorecard items. Additionally, executive staff will continue to encourage the regular discussion of performance measures in division staff meetings.

Corrections recently purchased Cognos, a leading business intelligence (BI) and performance management system. In time, Cognos will allow decision-makers throughout the department to identify, manage, and report on performance metrics.

Cognos allows the user to:

- ☞ Align tactics with strategy by creating strategy maps, impact analysis, cause-and-effect diagrams, and other aspects of the balanced scorecard.
 - ☞ Improve accountability by assigning a primary ownership for every metric, receiving alerts when metric status changes, and managing corrective actions directly from the software application.
 - ☞ Increase focus on key issues by easily viewing scorecards by status, owner, and strategy map to ensure emphasis is correctly placed on critical initiatives.
- (<http://www.cognos.com/balanced-scorecard-software.html>)

CONCLUSION

The feedback provided by this performance audit has given the Utah Department of Corrections an opportunity to focus on its performance measurement process. Not only has this allowed us to increase the accuracy and efficiency of our specific measures, but it has also allowed us the opportunity to enhance our accountability in safeguarding public resources. As a state agency, UDC is committed to and values performance measurement as a monitoring tool, a management tool, and a decision-making tool. As such, we strive to achieve the highest performance standards possible.

It is the department’s hope that through Cognos, performance data will be quickly, clearly, and accurately communicated to every level of the organization. In such a system, focus on quality information is imperative. Again, we appreciate the work of the auditors in helping us identify and maintain focus on this important issue.

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State of Utah

JON M. HUNTSMAN, JR.
Governor

GARY R. HERBERT
Lieutenant Governor

Governor's Office of Planning and Budget

JOHN E. NIXON, C.P.A.
Executive Director

PHILLIP JEFFERY
Deputy Director

April 2, 2009

Auston G. Johnson
Utah State Auditor
Re: Report No. 08-46

Dear Mr. Johnson,
We have reviewed the audit of the performance measures used by the Utah Department of Corrections, and appreciate the opportunity to respond to it. The report is valuable to the Governor's Office of Planning and Budget (GOPB) as we are in the process of developing this initiative.

One of the driving concerns with this initiative is to make a lasting cultural impact. To do this, it is important for the agencies to own their performance measures. Therefore, the initiative has thus far been presented in terms of an iterative process.

As we move forward with this initiative, we will look for ways to implement the suggestions contained in the audit.

Sincerely,

A handwritten signature in black ink, appearing to read "John Nixon".

John Nixon
Executive Director, GOPB

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