



INTERNAL AUDIT DEPARTMENT

Audit Report
on

EXECUTIVE MANAGEMENT

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Parole

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**TEXAS YOUTH
COMMISSION**
INTERNAL AUDIT DEPARTMENT

TO: Ed Owens, Conservator
Dimitria Pope, Acting Executive Director

FROM: Karin Hill, Director of Internal Audit

DATE: June 18, 2007

RE: Audit of Parole

Attached is our report on the audit of the Texas Youth Commission's (TYC's) Parole Department. The mission of Parole is to protect the public by promoting the successful reintegration of youth into society through surveillance, sanctions, provision of services and collaboration with the community. This audit began in July 2006 and the majority of the analyses accomplished prior to recent changes in the agency. As a result, some of the processes and concerns discussed in this report were addressed prior to the completion of the audit. Management continues to make improvements in this area.

The objectives of this audit were to determine: the impact of early releases for institutional population control on Parole; whether youth released at Phase 4 of Resocialization[©] are more successful than other youth; and whether youth are being discharged from Parole in accordance with policy.

While most youth are discharged from Parole in accordance with policy, instances were noted where release criteria were not met, application of the policies was not consistent, and youth were on Parole significantly beyond their discharge eligibility date. While occurrence was low, that these things happened demonstrates inconsistent treatment of youth and could be a violation of the youth's rights. By streamlining the discharge process youth could be released more timely, the process could be made more consistent across the agency and controls could be established to ensure discharges are appropriate.

There are many circumstances where youth can be release to Parole during their adjudication to TYC. Comparison of youth demographics, progress made prior to parole, and disciplinary actions on Parole, to recidivism identified that the youth's progress in the agency's programs does not determine their success on Parole. This could indicate that Parole staff are meeting youth at their individual levels of need upon release.

With approximately one-third of the youth paroled during fiscal years 2005 and 2006 being released prior to completing established programs, there was a question as to whether these youth were more difficult to manage while on parole. Analysis of activities such as filing incident reports, preparing for hearings and filing directives to apprehend for youth who have absconded identified that while these releases cause increased caseload sizes, the youth do not require more effort on the Parole Officer's part.

Management concurs with the results of our work and has provided responses to the recommendations, which are included in the report. We appreciate the cooperation and assistance provided to us during our work.

This report presents the results of our audit of the Texas Youth Commission's (TYC) Parole Department. The objectives of this audit were to determine:

- the impact of early releases for institutional population control on Parole;
- whether youth released at Phase 4 of Resocialization[®] are more successful than other youth; and
- whether youth are being discharged from Parole in accordance with policy.

To accomplish these objectives, a number of activities were conducted including reviewing relevant policies and procedures, interviewing Central Office and field Parole staff, surveying Parole Officers, and analyzing data on youth both on and discharged from Parole. To determine the impact of early releases and whether youth are being discharged from Parole in accordance with policy, statistical samples of youth on, and discharged from, Parole during fiscal years 2005 and 2006 were compared to the established criteria. To determine if the youth released at Phase 4 in Resocialization[®] are more successful than other youth, the youth's phase at release was compared to whether or not they recidivated. For this analysis, only the first year on Parole for youth released was included.

This audit was conducted in accordance with the *International Standards for the Professional Practice of Internal Auditing* and *Government Auditing Standards*.

Parole is the final phase of a youth's association with the Texas Youth Commission. Its mission is to protect the public by promoting the successful resocialization and reintegration of youth into society through surveillance, sanctions, the provision of Parole services and collaboration with the community. To help perform these services, the TYC has a number of Parole supervision contracts. By contracting for Parole services in rural counties TYC can utilize its resources in the more populated areas of the state. The term Parole encompasses both TYC and contract Parole operations.

TYC has six key performance measures related to Parole, four of which are related to recidivism, one for Parole average daily population (ADP) and one for Parole cost per day. Performance measures are established to give the Legislative Budget Board a means to gauge how well the agency is meeting its goals. One of the primary goals of TYC's rehabilitation efforts is to establish law-abiding youth when released to the community. The recidivism measures are indications of the extent to which this goal is met. Parole ADP and cost per day measure how efficiently TYC uses its resources.

In addition to the agency performance measures, Parole has established departmental goals. They are to have:

- 75 percent of youth on Parole engaged in constructive activity on a monthly basis;
- 75 percent of youth complete their assigned community service within 180 days;
- an abscond status of less than 5 percent; and
- 65 percent of the youth discharged successfully complete the Parole program.

All except the one concerning community service are reported to management and monitored monthly. Community service requirements are discussed further, later in this report.

While most youth are discharged from Parole in accordance with policy, implementing a statewide discharge process could increase consistency and improve timeliness in this area.

With an average daily population of over 3,200 youth on Parole, a systematic process to track progress towards meeting criteria for discharge is necessary. A systematic process, with appropriate controls, monitoring and reporting capabilities, would give assurance that the youths' rights are protected and that risk to the agency is mitigated.

Criteria have been established for discharging youth from Parole. The agency has established specific criteria that must be met for youth to be discharged from Parole and has outlined the criteria in the General Administrative Policy (GAP).85.95 - Parole Completion and Discharge. The time required of youth to serve varies based on the youth's classification and ranges from nine months for General Offenders to the last working day before their 21st birthday for Type A Violent Offenders. Additionally, non-violent offenders can be discharged after serving six months on Parole, referred to as "fast track", if they meet the other criteria. These criteria are:

- no delinquency adjudications or criminal charges;
- no pending delinquency petitions or criminal charges;
- has been on minimum surveillance for 30 days;
- completed the Parole Phase of Resocialization[®]; and
- complete required constructive activities.

Youth are not always discharged in accordance with policy. Review of a statistical sample of youth discharged during fiscal year 2006 identified that 37 percent of the youth were not discharged according to policy. While a few of these did not meet minimum discharge criteria, the majority were not discharged in a timely manner.

- ***Some youth did not meet minimum requirements for discharge.*** Some of the youth in our sample were discharged without meeting the requirements of Parole as established in policy. Specifically, five youth had not served the required time on Parole and others had not been on the minimum level of surveillance as required. While the occurrence of this was low, that it can and does occur demonstrates inconsistent treatment of youth.
- ***Youth are not discharged timely.*** As discussed above, GAP.85.95 has a provision where General Offenders, Chronic Serious Offenders, Controlled Substances Dealers, and Firearms Offenders can be discharged at six months if they meet established criteria. This "fast track" discharge process is considered a motivational tool by the

Parole Officers; youth who follow the rules and complete the criteria can see tangible proof of positive results from good behavior through early discharge.

A review of youth discharged in fiscal year 2006 identified that approximately 30 percent of them were discharged as “fast track”. However further review identified that 75 percent of the youth discharged on “fast track” were discharged more than 14 days after their eligibility date with 25 percent of them taking more than 30 days. There were also youth in our sample who were eligible for “fast track” discharge; however, were not discharged until they had met the criteria to be discharged for successful completion of the program, thus extending their time on Parole by at least 90 days depending on their classification. Keeping youth past the required 180 days can negate the positive reinforcement of good behavior equating to positive results as well as violate the youth’s rights.

For youth not discharged “fast track”, GAP.85.95 - Parole Completion and Discharge, does not establish any timeframe for when youth should be discharged once they have met the criteria. However, Case Management Standard 12.21 – Discharge, states that the CCF-190 - Discharge Report Form, must be completed by the Parole Officer within one working day of youth meeting requirements for discharge, with the youth discharged on a Friday at least 15 days after the signature date on the form for TYC Parole. If implemented as written, youth on TYC Parole remain on Parole at least 14 and potentially as many as 22 days past their discharge eligibility date. Upon follow up as to why youth on TYC parole are only discharged on Fridays, it was reported that this was a method of keeping the ADP performance measure up and the cost per Parole day measure down.

For contract Parole, a standardized packet, including the CCF-190, must be completed within ten working days of eligibility with discharge any day of the week, at least 15 days after the signature date on the form. This results in youth supervised by contract Parole who have met all of the requirements of the parole program, remaining on Parole between 5 and 25 days past their eligible discharge date, depending on when the Parole Officer signs the CCF-190 and gets the packet to the Quality Assurance Supervisor.

Delays such as these result in youth who have met the requirements of the program remaining on Parole past their discharge date; as well as having a fiscal impact to the agency. Even if youth have completed the parole program, as long as they remain on a caseload they are included in Parole’s Average Daily Population (ADP), keeping this performance measure up. Additionally, the agency continues to pay for these youth on contract Parole while the documentation is in-route between the Parole Officer, the vendor and Quality Assurance. Requiring the Parole Officers to be more proactive in planning for discharging youth and streamlining the discharge process would result in more timely discharge of youth and have a cost savings for contract Parole.

Parole has established requirements for discharge that exceed policy. One of the requirements of youth on Parole is to be engaged in constructive activity. However, what is considered constructive activity differs within the agency. To help measure successful community reintegration for youth under Parole supervision, TYC has a non-key performance measure that reports on the percent of youth involved in work and/or education activities. While the performance measure specifies work and education, policy does not define constructive activity, stopping at “complete the required constructive activities”. In addition to the activities included in the performance measure, Parole includes treatment and community service as constructive activities. Parole assigns a number of hours of community service to each youth based on their classification that must be completed before they are eligible for discharge. This criterion is not included in policy.

Including community service as a requirement of Parole gives Parole Officers tools to keep youth who are not in school and/or employed busy as well as reinforces the importance of giving back to their community. While this is a requirement applied consistently across the State, a specific method to track the hours worked or document that the youth has met the requirement has not been established. Incorporating this into the Correctional Care System has been a goal of the Administrator of Parole and a request for automation was made a number of years ago. Although a significant portion of this application has been developed, other priorities keep it from being completed.

In addition to there not being a consistent process to document and track community service hours, GAP.99.19 - Youth Records Disposition, requires this type of documentation to be purged upon discharge, thereby destroying documentation that the requirement for discharge was met. While TYC Parole was able to provide the dates discharged youth completed community service requirements from spreadsheets they maintain, contract Parole does not retain this information after youth are discharged.

Youth on Parole were eligible for discharge. Review of a sample of youth paroled during fiscal year 2006 identified that approximately five percent of them were eligible for discharge. While this is a small percentage, it indicates that there were potentially as many as 170 youth on parole that met the requirements for discharge. Further discussion with Parole indicated that often times when youth are not discharged when first meeting eligibility, it is because they “fall out” of constructive activity. However, the youth identified as eligible for discharge during this audit were all reported as meeting the constructive activity requirements. As of April 13, 2007, two of the youth in the sample had not been discharged.

A youth's success on Parole is not related to their Phase of Resocialization® at release.

Youth can be released to Parole from the institutions and contract care facilities under several different policies: GAP.85.55 – Program Completion for Other Than Sentenced Offenders, contains release criteria for youth that have reached Phase 4 of Resocialization®; GAP.85.45 – Movement Without Program Completion, contains criteria for releasing youth that have reached Phase 3 of Resocialization® in institutions where population control releases are in effect; and GAP.85.41 – Maximum Length of Stay, contains criteria for releasing youth to Parole at Phase 1 and above of Resocialization® when they have not completed the program and the length of institutional stay for those youth becomes disproportionate relative to the severity of their committing offense and level of risk to the community.

No significant relationship was found between phase at release and recidivism.

Resocialization®, the agency's treatment program to rehabilitate youth, consists of four phases ideally completed in an institution and the Parole Phase to help reintegrate youth into the community. Phases are designed to help youth understand themselves and the changes they need to make to stop the cycle of behavior that resulted in them being adjudicated to TYC. Youth progress from Phase 1 where they are able to define the behaviors and concepts needed to complete the program, to Phase 4 at which the youth applies those behaviors and concepts to their everyday life, becomes a model for lower phase youth and develops a Success Plan for when he is released from the institution. Since youth can be released from institutions at any phase the Parole Phase expectations of the Parole Officers are designed to meet a youth at any level of the Resocialization® program.

Correlation analysis of youth's phase at release during fiscal year 2005 and 2006 compared to whether they were rearrested or reincarcerated within one year of release to Parole identified that while there is some variance between phases, they are not significant.

The Transition Individual Case Plan is a type of success plan which is developed for every youth upon release to Parole. At Phase 4 of Resocialization® youth develop a formal Success Plan that identifies pro-social goals and an individualized plan of action to meet the goals. The Success Plan anticipates barriers the youth may encounter in the community for each goal and develops a plan to either avoid the barriers or cope with those that cannot be avoided. In addition to completing the Success Plan, youth are expected to demonstrate they have internalized the components of values, empathy and thinking errors through changes in their day-to-day behavior.

While only youth that reach Phase 4 of Resocialization® develop a Success Plan, every youth released to Parole has a Transition Individual Case Plan (ICP). The Transition ICP is a comprehensive plan that addresses the youth's individual treatment needs and plan to support his success. It outlines the youth's current status, goals, barriers, and

plans relative to the Academic, Behavior and Correctional Therapy elements of Resocialization[®] much like the Success Plan with additional information on special conditions and family participation and transition planning. The Transition ICP is completed in collaboration between the Case Manager and the youth and in coordination with the Parole Officer. This helps the Parole Officer get to know the youth and meet them at their level of need immediately upon release.

While releases from institutions for population control cause increased caseload sizes, the youth do not require more effort on the Parole Officer's part.

As discussed earlier, youth can be released to Parole for population control on Phase 3 of Resocialization[®]. With the exception of the Marlin Orientation and Assessment Unit, every facility released youth for population control at some point in fiscal years 2005 and 2006, with some locations releasing for population control almost every month of the two year period. Approximately one-third of the youth released to Parole in fiscal years 2005 and 2006 were released for population control. When this occurs, more youth are released at one time, which increases Parole caseload sizes and hence the Parole Officer's workload.

Parole Officers do not spend more time addressing behavior issues with youth released prior to achieving Phase 4 of Resocialization[®]. Activities such as completing and filing incident reports, preparing for and participating in hearings, and filing directives to apprehend for youth who have absconded can be time consuming.

To determine whether Parole Officers needed to address youth behavior more or less often based on youth characteristics, we analyzed a sample of youth and the actions the Parole Officers had taken. The number of incidents as well as the abscond rate for youth released for population control compared to those successfully completing the program were comparable.

Another tool available to Parole Officers to address behavior problems are hearings. There are two levels of hearings; Level I, the more serious, is used for Parole revocations and Level III hearings are used to change behavior so that the youth can remain in the community and to determine minor disciplinary consequences for youth. Analysis of hearings for youth released for successful completion of program versus those released for population control identified that while more time from release passes before youth that successfully complete the program received a hearing, they had more hearings and were twice as likely to have a Level I hearing as their first.

Parole could benefit from using a risk score that is calculated by the Research Department.

Risk levels dictate the controls and monitoring efforts needed in processes and are currently factored in to many decisions concerning TYC Youth. As an example, each youth's risk score for violence is developed at the Marlin Orientation Unit and considered by the Centralized Placement Unit when making placement decisions.

The Research Department has developed a methodology to determine a youth's risk of recidivating. This score was developed to help determine the effectiveness of specialized treatment programs and has been used in the annual Treatment Effectiveness Study for a number of years. The score is arrived at using a variety of demographic factors, as well as behavioral information and criminal history. While this risk score is used by the Research Department, it is not made available for use by Parole.

Just as the Parole Officers meet youth at their level in Resocialization[®] to determine how to best work with them, they could also use knowledge of a youth's risk of recidivating to tailor Parole expectations and individualize the program to each youth. Some areas where a risk score could be used by Parole include determining surveillance level, understanding the urgency needed to follow-up on a youth who fails to report, and establishing to what extent the Parole Officer should follow-up with youth about school, specialized treatment, work, or other activities in the Parole program.

Calculation of the Parole average daily population performance measure should be reviewed.

Results of all performance measures are reported periodically to the Legislative Budget Board and reviewed by the State Auditor's Office. TYC has a non-key performance measure that reports the ADP of youth on Parole to measure the utilization of Parole resources.

A review of youth on Parole and discussion with management identified that youth who have been deported since their release to Parole are included in the Parole ADP until discharged – usually shortly before their 21st birthday. These youth are no longer in the country and therefore do not require Parole resources. By including foreign nationals in the population count, the ADP measure is being over reported and as a result measures that use ADP as part of their calculation are being under reported.

Audit of Parole

RECOMMENDATION	MGT RESPONSE CURRENT STATUS PROJ. COMPLETION DATE
<p>1. To ensure that youth are discharged in a consistent and timely manner, the Director of Juvenile Corrections over Parole should establish a work group to streamline the discharge process so that youth are discharged closer to the day they become eligible.</p>	<p>CONCUR Planned August 31, 2007</p> <p>A workgroup consisting of parole and quality assurance staff will be developed to streamline the discharge process so that youth are discharged closer to the day they become eligible.</p>
<p>2. To align the Parole program expectations and policy, the Administrator of Parole should coordinate a team to develop the agency's definition of constructive activity.</p>	<p>CONCUR Planned August 31, 2007</p> <p>A cross-sectional group of parole, quality assurance, and research staff will be charged with defining constructive activity for youth on parole.</p>
<p>3. To improve the agency's ability to track community service hours completed by the youth on Parole, the Director of Production Applications should complete its automation in the Correctional Care System and provide trainings.</p>	<p>CONCUR Underway August 31, 2007</p> <p>The application to track community service hours has been programmed and is in code review at this time. Once this is complete it will need to be tested and then rolled out, with appropriate training, to the field. This is currently on track to be completed by August 31, 2007; however, program changes as a result of SB 103 may result in delay of its completion.</p>
<p>4. To ensure complete discharge documentation is in the youth master files, the Administrator of Parole should work with the Chief of Policy Administration and the Records Manager to revise policy to require all documentation that supports eligibility for discharge to be maintained.</p>	<p>CONCUR Underway August 1, 2007</p> <p>Changes have been made to the applicable policy requiring documentation relating to youth meeting agency requirements and are awaiting executive approval.</p>

PLANNED: Management concurs with the recommendation but actual implementation of the recommendation has not begun.

UNDERWAY: The implementation process of the recommendation has been started.

IMPLEMENTED: All new procedures, policies, systems, processes, related documents, and other elements relevant to the audit recommendation have been prepared, approved, and put into operation.

UNABLE TO IMPLEMENT: Management concurs with the recommendation; however, due to resource constraints and competing priorities is not able to implement or can only partially implement the recommendation.

RECOMMENDATION	MGT RESPONSE CURRENT STATUS PROJ. COMPLETION DATE
<p>5. To help provide youth with Parole services that meet their needs and address their level of risk, the Director of Juvenile Corrections over Parole should work with the Director of Research to incorporate the use of the recidivism risk scores in developing youths' Parole programs.</p>	<p style="text-align: center;">CONCUR Planned August 31, 2007</p> <p>Management will work with the Research Department to obtain the recidivism risk scores of youth and take this factor into consideration when developing individual youths' parole programs.</p>
<p>6. To improve the accuracy of agency performance measures, the Director of Research should review the calculation of the Parole ADP performance measure as well as any other performance measure that uses Parole ADP in the calculation, and coordinate necessary corrections with the Legislative Budget Board.</p>	<p style="text-align: center;">CONCUR Underway June 30, 2007</p> <p>The Research Director will contact LBB staff by June 12, 2007 to initiate discussions on determining the feasibility of changing the Parole ADP definition as soon as possible.</p>

PLANNED: Management concurs with the recommendation but actual implementation of the recommendation has not begun.

UNDERWAY: The implementation process of the recommendation has been started.

IMPLEMENTED: All new procedures, policies, systems, processes, related documents, and other elements relevant to the audit recommendation have been prepared, approved, and put into operation.

UNABLE TO IMPLEMENT: Management concurs with the recommendation; however, due to resource constraints and competing priorities is not able to implement or can only partially implement the recommendation.