State Auditor's Office

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State Auditor

An Audit Report on

Selected Parole Functions at the Department of Criminal Justice and the Board of Pardons and Paroles

June 2008
Report No. 08-036

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Overall Conclusion

The Department of Criminal Justice (Department) addresses identified parole violations in compliance with laws and Department policies; however, the Department should improve compliance with some of its existing processes for identifying potential parole violations.

The Department supervised 77,526 offenders on parole and mandatory supervision during fiscal year 2007. During this same time period, 31,904 allegations of parole violations were presented by the Department to the Board of Pardons and Paroles (Board) for administrative decisions, which resulted in 10,251 revocations of parole.

> **Background**
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> Paroled offenders must abide by the conditions of their parole, which are stipulated by the Board of Pardons and Paroles (Board). The Department of Criminal Justice's Parole Division is responsible for monitoring offenders on parole and mandatory supervision, identifying parole violations, and addressing these violations.

The Department could improve compliance with its existing processes for monitoring of offenders and identification of potential parole violations. Specifically:

➢ The Department did not always test offenders for drug use as frequently as required by Department policy and the conditions of parole. For 55 percent of the offenders' records tested, the offender received a drug test from one to three months later than the required frequency interval.

➢ The Department did not always resolve active and passive global positioning system (GPS) alerts or electronic monitoring alerts within the required timeframes; however, auditors noted significant improvement in this area in fiscal year 2008.

➢ The Department did not always contact offenders as frequently as required by Department policy. Parole officers had regular contact with the offender, however they did not complete all the specified contacts required for each month.

The Department adequately provided oversight of violations reported by halfway house staff and monitored the payment of offender fees. Also, the Department appropriately processed parole violations according to Department policies.

This audit was conducted in accordance with Texas Government Code, Sections 321.0132 and 321.0134.

For more information regarding this report, please contact Michael Apperley, Assistant State Auditor, or John Keel, State Auditor, at (512) 936-9500.

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However, the Department did not always ensure that parole officers consistently entered offender-related interactions into the Offender Information Management System (OIMS). For example, only 67 percent of the imposed interventions tested were recorded in OIMS, limiting the availability of offenders' parole history to other parole officers and Department supervisors.

The Board complied with applicable laws and Board policies in addressing identified violations of conditions of parole. Specifically:

➢ The parole violation hearing process proceeded in a timely manner in all files reviewed.

➢ The Board complied with the requirements to provide offenders with due process.

➢ The Board imposed penalties for parole violations by at least a two-thirds vote in all files reviewed.

➢ The Board scheduled revocation hearings and completed the revocation process within 40 days. The Board also accurately entered the information in its Clemency and Parole System (CAPS).

The Department's Parole Division's utilization of the completed portion of OIMS has improved some administrative processes, reduced the duplication of work, and provided the Parole Division more accountability and supervision over parole officers and offenders. However, some users of OIMS stated they have experienced problems, including slow system performance. Inadequate equipment limits the usability of OIMS and contributes to the system's poor performance. The Department has not documented the system's performance targets and has not fully determined the extent of performance problems.

The Department estimates that the $31 million OIMS project will be completed in July 2008, seven years behind schedule. One of the three OIMS parole modules, parole supervision, was implemented in September 2004 and is now in use. A second module was implemented in September 2006, but it was taken off-line in March 2007 to address user needs recognized during implementation. The third module is not yet implemented. The Department has submitted monthly reports to the State's Quality Assurance Team (QAT) since December 2006 indicating that the OIMS project was 99 percent complete, however project documentation does not support how this figure was determined.

Summary of Management's Response

The Department agrees with the recommendations in this report, and its responses are included in the Detailed Results section of this report. This report does not include recommendations for the Board; however, a response from the Board is presented in Appendix 2.

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Summary of Objectives, Scope, and Methodology

The objectives of this audit were (1) to determine whether the Department and the Board comply with applicable laws and agency policies in identifying and addressing violations of conditions of parole or mandatory supervision and (2) to review the implementation and performance of OIMS and the Department's and the Board's utilization of the system.

The scope of this audit covered selected parole functions at the Department and the Board for fiscal year 2007.

The audit methodology included visiting a parole office in each region; interviewing Department and Board staff; reviewing Department and Board documentation; reviewing electronic data; reviewing the project management and implementation of OIMS; analyzing hardware, software, and PC usage; and surveying Department and Board employees.

Contents

Detailed Results

The Department Addressed Parole Violations in Compliance with Laws and Policies, But It Could Improve Compliance with Its Existing Processes for Identifying Potential Parole Violations

The Department of Criminal Justice (Department) complied with laws and Department policies in addressing identified parole violations. Parole officers address parole violations through various interventions or by initiating revocation proceedings in accordance with Department policies. The Department may also issue an emergency arrest warrant to address violations of parole.

Paroled offenders are responsible for abiding by the conditions of parole stipulated by the Board of Pardons and Paroles (Board). The Department's Parole Division is responsible for monitoring the offender, identifying violations, and addressing violations of parole. The Department supervised 77,526 offenders on parole and mandatory supervision during fiscal year 2007. Its Parole Division includes five geographical regions throughout the state and employs approximately 1,250 parole officers. Table 1 lists the 10 counties with the most parolees.

Table 1

Ten Counties in Texas with Most Offenders on Parole or Mandatory Supervision	
County	Number of Offenders on Parole or Mandatory Supervision
Harris	15,228
Dallas	10,445
Tarrant	6,025
Bexar	4,633
Travis	2,992
El Paso	1,776
Hidalgo	1,047
Collin	562
Denton	741
Fort Bend	682
All Other Counties and Offenders Supervised Out of State	33,395
Total	77,526

Source: Board of Pardons and Paroles 2007 Annual Report.

The Department's Parole Division consistently followed its policies for reviewing and submitting violation reports. Department policy requires violation reports be reviewed by supervisors and have two concurring signatures. Violation reports are also required to be submitted within five workdays from the date on which the violation was made known to the parole officer. Forty-nine of 50 (98 percent) violation reports reviewed had the appropriate concurring recommendations, and 48 of 50 (96 percent) violation reports reviewed were submitted within the required timeframes.

The Department had controls in place to ensure that emergency warrants were accurate. In cases in which a parole violation is a viable threat to public safety, the Department can issue an emergency arrest warrant. Department policies require the supporting facts for these emergency warrants be documented in a violation report issued the next business day after the emergency warrant is issued or in previous reports regarding the same violation. The Department adequately supported the emergency warrants issued, but it did not always comply with Department policy to issue a violation report the next business day. Specifically:

- 1,939 of 1,960 (99 percent) emergency warrants reviewed had information in the Offender Information Management System (OIMS) indicating that a violation report was submitted or was issued subsequent to a Board hearing or panel action.

- 57 of 165 (35 percent) emergency warrants reviewed had a supporting violation report submitted from 2 to 127 days after the warrant was issued, (the average for those 57 warrants was 12 days). This is later than the Department's desired time frame of having the report filed by the next business day.

The Department could improve compliance with its existing monitoring of offenders and identification of potential parole violations.

The Department monitors offenders for parole violation through frequent contacts with the offender, drug testing, and the use of global positioning systems (GPS) or electronic monitoring. However, the Department did not always comply with the requirements for offender contacts, offender drug testing, and reviews of GPS and electronic monitoring alerts.

Upon offenders' release, the Department's Parole Division assigns a supervision level to each offender based upon individual assessments performed by the parole officer. Based on this supervision level, parole officers make a specific number and type of contacts with the offender on a recurring basis. The Department uses electronic monitoring and GPS systems to more closely monitor some offenders and track the offenders' movements or compliance with curfews. The Department receives a notification of potential noncompliance in the form of curfew alerts, device tamper alerts, and equipment status alerts. Department policies requires parole officers to

resolve GPS and electronic monitoring alerts, which indicates an offender may be in violation of his or her parole restrictions, within one business day. Also, depending on the offender's record and history of drug use, the Department may require parole officers to administer drug tests at specific intervals.

However, the Department's Parole Division did not always comply with these supervision requirements during fiscal year 2007. Specifically:

- In 65 of 74 (88 percent) offender files reviewed, parole officers contacted the offender as required by the assessed level of supervision.

  ◆ In the remaining 9 (12 percent) offender files, parole officers had contact with the offender, however they did not complete all the specified contacts required for each month.

- In 27 of 49 (55 percent) offender files reviewed, the offender received a drug test from one to three months later than the required frequency interval. Four of the offender files indicated these tests were reportedly late due to the Department's lack of testing supplies

- For 33 of 40 (82 percent) GPS alerts from fiscal year 2007 reviewed, parole officers resolved the alerts by the next business day, as required. Some unresolved alerts may be attributed to parole officers' failure to promptly resolve equipment malfunctions. However, auditors performed follow-up testing of GPS alerts that occurred in January 2008 and noted a marked improvement: 10,838 of 10,857 (99 percent) of the GPS alerts were reviewed and resolved by the next business day due to enhanced monitoring efforts the Department implemented in fiscal year 2007 to address this issue.

- In 9 of 40 (22 percent) electronic monitoring alerts reviewed, parole officers did not resolve the alerts within the required time frame.

The Department does not always ensure that parole officers consistently enter the required offender-related information into OIMS.

The Department developed OIMS in part to automate parole-related functions, including some aspects of supervising offenders. OIMS provides a central repository for documentation of parole officers' offender-related contacts and interactions, which allows parole officers throughout the state to access an offender's case management information.

OIMS' Parole Supervision module is used by parole officers to document their interactions with offenders on parole and is considered the substantive record of monitoring activities and communications with offenders. Some technical violations of parole require the parole officer to impose an intervention, rather than initiate a revocation hearing. Department policies

require parole officers to impose appropriate interventions within five workdays from the date on which the parole officer becomes aware of the violation. The Department did not always record interventions in OIMS or impose the intervention within five workdays. Seven of 21 (33 percent) imposed interventions reviewed were not recorded in OIMS and only 5 of 21 (24 percent) interventions were processed within the specified time requirements.

Documentation of interventions within OIMS is inconsistent because of either missing or vague entries by parole officers. Auditors were unable to determine whether some of the interventions were imposed or whether there was an escalation of interventions by the parole officer because parole officers' entries were either vague or there was a lack of follow-up entries. In addition, documentation in OIMS of arrest warrants issued subsequent to halfway house notifications of violations was inconsistent. Some records noted that a violation occurred and an arrest warrant was issued, while other records did not have any reference to a violation or the arrest warrant.

The Department complied with laws and policies for monitoring halfway houses and payment of offender fees.

> **Halfway Houses**
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> A halfway house is a residential center that provides increased monitoring and support to convicted felons immediately after their release from incarceration. In fiscal year 2007, there were eight halfway house facilities throughout the state with a total contract population of 1,159 offenders. Offenders stayed at a halfway house for an average of 132 days. The estimated average cost per bed day for these facilities in fiscal year 2008 is $36 dollars per day.

Some offenders transition from incarceration to parole through a halfway house. An offender in a halfway house will continue to be monitored by parole officers; however, halfway house staff may also report violations of the offender's parole conditions or facility rules (see text box). These reports are sent directly to the Department, which subsequently notifies the offender's parole officer. The Department provided adequate oversight of halfway houses' reports of offender violations. The Department adequately documented 81 of 83 (98 percent) halfway houses' reported violations reviewed in the Department's warrant database.

Offenders are required to pay fees while on parole as part of restitution or post-secondary education reimbursement. The parole officer assigned to the offender is responsible for monitoring the collection of these fees. The Department complied with its requirement to monitor the payment of offender fees. In all 59 files reviewed, the offenders either paid their fees on time or the parole officers identified that the offenders paid the fees late. When the offenders paid their fees late, the parole officers implemented the appropriate intervention in 19 of 22 (86 percent) files reviewed.

Recommendations

The Department should:

- Establish minimum documentation standards for recording violations and interventions in OIMS. These standards should ensure significant events, such as the issuance of arrest warrants and parole officer interventions, are clearly documented in OIMS.

- Ensure parole officers' compliance with required contacts and drug testing is tracked and reported to management on a regular basis.

Management's Response

Recommendation: Establish minimum documentation standards for recording violations and interventions in OIMS. These standards should ensure significant events, such as the issuance of arrest warrants and parole officer interventions, are clearly documented in OIMS.

TDCJ agrees to review and, as necessary, revise policies and procedures to ensure minimum documentation standards of violations are established and maintained in OIMS. Completion and implementation of the Parole Violation and Revocation (PAVR) module in OIMS will establish a uniform platform to document pertinent information and significant events, such as in the issuance of warrants and parole officer interventions.

Recommendation: Ensure parole officers' compliance with required contacts and drug testing is tracked and reported to management on a regular basis.

TDCJ will continue development and revision of management oversight reports regarding contacts and drug testing. Of note was a significant change to drug testing protocol which was initiated in FY'08. The Department shifted from a stationary laboratory testing protocol to cup testing which provides real time results. This change not only provides for rapid detection of abuse, but also reduces time delays or omissions related to entry of testing data into OIMS.

Alternative Sanctions

In addition to revoking an offender's parole, the Board has several options for addressing violations of parole. These include continuing supervision or placing the offender in an intermediate sanction facility or a substance abuse felony punishment facility.

The Board of Pardons and Paroles (Board) provided adequate due process to offenders and completed the revocation hearing process within 40 days, as required by state laws and Board policies. The Board is responsible for granting parole and stipulating the parole conditions for offenders. The Board is also responsible for imposing the appropriate sanction in response to identified parole violations. The Board has several options for imposing sanctions, which may include revocation of an offender's parole following a hearing process (see text box).

Prior to revoking an offender's parole, pursuant to Texas Government Code, Chapter 508, and adopted legal precedents, the Board is required to provide the offender due process of law and meet specific time requirements in the revocation process. The revocation process may include a preliminary hearing, a revocation hearing, and a final disposition decided by the Board panel. Auditors reviewed separate files associated with the various stages of the Board's revocation process and the Board complied with state statutes and Board requirements. Specifically:

- All 50 preliminary hearing files tested contained a determination of probable cause to hold the offender. Of these determinations, 96 percent (48 of 50) concluded that probable cause existed to hold the offender and the remaining 4 percent (2 of 50) authorized the offenders' release with continued supervision. Also, all 50 files complied with the Board's timeliness requirements.

- In 44 of 45 (98 percent) preliminary hearing files tested that required the Board to document a valid determination of the offenders' conditional right to counsel, the files contained such documentation.

- In all 45 revocation hearing files tested, the offender received a hearing packet in advance of the revocation hearing. Also, the Department obtained the signatures of the offender and parole officer/counsel on required documentation, and the Board scheduled and convened the revocation hearing within the required time frames.

- In all 42 revocation hearing files tested that were subject to a "40 day rule," the Board completed the revocation hearing process within 40 days as required.

- In all 38 revocation hearing files tested in which the offender had made a statement during the hearing, the Board documented the offender's statement as required.

- In all 29 Board panel analyst files tested, the panel analyst included complete and accurate information in the Board panel hearing packet, and the panel analyst completed his or her duties within the required time limits.

- In all 45 Board panel review files tested, the Board approved all determinations and sanctions by at least a two-thirds vote, and the information in all 45 files matched the information entered in the Board's Clemency and Parole System (CAPS).

The Department's Utilization of OIMS Has Improved Some Processes, But the Department Should Improve Its Management, Tracking, and Reporting of the OIMS Project

The Department's utilization of the completed portions of OIMS has improved some parole supervision and monitoring processes. The Department developed OIMS in part to automate the manual processes and reduce paperwork associated with the monitoring and revocation of offenders' parole. Surveys and interviews of Department and Board staff indicate that OIMS has improved some processes. Specifically:

- Parole officers and supervisors reported that OIMS has improved their turnaround time and reduced duplication of work. For example, an offender's request to change his or her legal county of residence had previously taken up to 30 days to process a transmittal to and receive approval from the Board. This process now can take fewer than 10 days.

- Supervisors reported that OIMS enables the Department's Parole Division to provide more effective supervision over and increased accountability for parole officers and offenders. For example, a review of an offender's file formerly took 3 days, but now it takes 30 minutes.

- The Department stated that OIMS reduced the time required to complete an investigation and take action after the arrest of an offender on parole.

- The Department reported that the use of OIMS reduced travel time and expenditures.

The Department continues to implement OIMS, but it is seven years behind schedule.

Implementation of OIMS
The Department has implemented one of three planned OIMS modules. Implementation of the parole supervision module began in 2000 and was originally scheduled to be completed in 2001. The Department is now scheduled to complete the implementation of the parole modules in July 2008 at a total project cost of $31 million. The project encountered a number of problems that contributed to its extended implementation, including: • The vendor that was originally contracted was terminated in 2003. • Changes to the system design were not successfully managed to control the size and duration of the project.

The parole modules of OIMS were originally scheduled to be implemented in 2001. Currently, they are scheduled to be fully implemented in July 2008 (see text box). The first of three OIMS parole modules, parole supervision, was implemented in September 2004 and is in use by the Department's Parole Division. The second module, pre-release to parole, is designed to automate the process used by the Board to release offenders to parole. This module was implemented in September 2006, but it was taken off-line in March 2007 to address Board user needs recognized during implementation. The Board continues to use the module for those cases processed between September 2006 and March 2007, which represents about 1 percent of the expected caseload volume. The third module, parole violations and revocations, has not been implemented.

The Department did not use industry-standard methodologies for information technology project management.

The Department lacked a documented process to guide completion of the OIMS project, including documented procedures for controlling changes to the system design and for user acceptance. Ongoing changes and additions to the system design have contributed to the project's expansion and likely have delayed its implementation.

In addition, the Department did not use a documented acceptance and sign-off process for Board and Department users to evaluate the business functions of OIMS as these functions were developed, tested, and implemented. A documented user acceptance process throughout an information technology project can help ensure that a computer system will be implemented as planned and as scheduled, and that it meets user expectations.

Tracking and reporting of the OIMS project needs to be improved.

The State's Quality Assurance Team monitors the OIMS project by reviewing mandated status reports submitted by the Department. The Department submitted these reports as required; however, some information in these reports has not been fully documented.

Since December 2006, the Department has submitted monthly reports to the Quality Assurance Team indicating that the OIMS project was 99 percent complete. However, project documentation does not support how this figure was determined. The reports indicate that OIMS business functions and features have been implemented, but the Department was not able to provide documented acceptance and sign-off by Board and Department users.

The Department began submitting reports to the Quality Assurance Team in fiscal year 2000; however, these reports did not adequately describe the problems that the Department had encountered. For example, the reports did not adequately explain the consequences of significant events, such as when the Department was unable to resolve disagreements with its key vendor Sapient. Sapient provided 150 project staff and was contracted for $25 million of the original $28 million project. Due to unresolved contractual performance issues, the Department did not continue its contract with Sapient. The OIMS project was left with fewer than 20 Department employees. This reduction in staffing—from more than 150 people to fewer than 20— and the inability to complete the project via the contract were likely the primary factors in the project's delay.

Future funding for OIMS

Rider 32, page v-21, the General Appropriations Act (80th Legislature) requires the Department and Board to certify the completion of the OIMS project to the Governor and the Legislative Budget Board before the Department can authorize expenditures for the next major addition to OIMS, which will automate incarceration processes.

Quality Assurance Team

The State's Quality Assurance Team provides oversight of large information system projects at state agencies. The Quality Assurance Team is comprised of representatives from the Department of Information Resources, the Legislative Budget Board, and the State Auditor's Office. The Quality Assurance Team is responsible for monitoring the development and implementation of projects that cost more than $1 million and take more than one year to develop.

The Department monitors OIMS performance; however, users experience poor performance.

The Department uses a number of industry-standard software tools to monitor the technical performance of the OIMS application, database, hardware, and network. However, OIMS users have experienced performance problems, such as synchronizing files between their personal computers (PCs) and OIMS while parole officers are in the field. Some officers are required to access high-speed data lines while working in the field to work on-line, rather than connecting periodically to upload information into OIMS. The Department's initial minimum PC requirements did not adequately support the use of OIMS. Parole officers with those PCs have experienced poor performance. In addition, the Department's laptop replacement program is on a six-year schedule, as opposed to the industry standard three-year schedule recommended by the Department of Information Resources. Furthermore, the Department is not meeting its six-year replacement schedule.

The Department was not able to provide auditors information about the PCs used to access OIMS, including processor speed, memory, operating system, and service date. Not knowing this information limits the Department's ability to effectively troubleshoot OIMS performance problems and manage the replacement of poorly performing equipment. Other weaknesses identified include:

- The Department lacks documented OIMS performance targets, such as targets for the expected response times for a user query or for scrolling through a report. As a result, the Department may be unable to fully report the extent of any performance problems.

- The Department is not collecting historical monitoring data, which could be used for solving OIMS performance problems.

- Although the Department tracks OIMS problems reported by users, the Department does not extract and analyze help desk data to manage OIMS problems experienced by users.

- The Department has not documented that it has fully implemented all technical changes that a third-party analysis of the OIMS mainframe database recommended.

- OIMS users are required to save data frequently to ensure that they do not have to re-enter data when OIMS automatically logs them off. Users also experience slow OIMS performance during periods of heavy usage around the beginning of each month.

As required, the Department transferred the responsibility for managing some OIMS hardware to IBM and its Team for Texas organization (see text box) as part of the statewide hardware consolidation project. However, the scope of IBM's management of its monitoring responsibilities is not clearly documented.

Recommendations

The Department should:

- Use industry-standard processes and methodologies for information technology project management, in particular to obtain documented user acceptance by the Board and Department to complete the OIMS project by the target date of July 2008.

- Work with the State's Quality Assurance Team to clarify the reporting for the OIMS project.

- Determine and use optimal PC configurations for OIMS.

- Maintain and use information to improve OIMS performance, including:

  - Performance targets.

  - Historical performance monitoring data.

  - Help desk calls of user problems.

- Complete any Department-approved technical changes suggested by third-party analyses.

- Help users avoid having to re-enter data when OIMS automatically logs them off the system.

- Work with Board and Department users to improve OIMS performance during periods of heavy usage.

- Coordinate with IBM and Team for Texas to document the responsibility for performance monitoring.

Management's Response

Recommendation: Use industry-standard processes and methodologies for information technology project management, in particular to obtain documented user acceptance by the Board and Department to complete the OIMS project by the target date of July 2008.

TDCJ agrees to continue efforts to obtain user acceptance and complete the OIMS project. The user signoff on the Pre-Release module and the Parole Revocation and Violations module is currently being managed by the Deputy Executive Director.

Recommendation: Work with the State's Quality Assurance Team to clarify the reporting for the OIMS project.

TDCJ agrees to work with the QAT team to clarify the reporting for the OIMS project.

Recommendation: Determine and use optimal PC configurations for OIMS.

TDCJ agrees to continue our efforts to obtain appropriate computer equipment. The standard PC configuration that has been purchased in the last four years and the used computers that were obtained from the Department of Family Protective Services all meet the criteria to be attached to the wide area network and process the OIMS modules quickly and efficiently. The 400 new laptops, and the 100 used laptops that were recently obtained from another state agency, deployed this year can process the offline application very well. These laptops are the only PCs the offline application is going to be loaded on. The remaining 1,097 PCs that have been identified for replacement will be replaced as funds are available.

Recommendation: Maintain and use information to improve OIMS performance, including:

- *Performance targets.*

- *Historical performance monitoring data.*

- *Help desk calls of user problems.*

TDCJ agrees to continue efforts to improve OIMS performance. The Department strives for sub-second response time. The original design standard called for 5 second response time. The Department will prepare a document listing the performance targets for OIMS. The performance will be tracked by sampling parole offices and a history of the performance will be established. Calls to the help desk that are OIMS related will be recorded and provided to OIMS maintenance staff for analysis.

Recommendation: Complete any Department-approved technical changes suggested by third-party analyses.

TDCJ agrees. As of March 2008 all third party recommendations have been implemented.

Recommendation: Help users avoid having to re-enter data when OIMS automatically logs them off the system.

TDCJ agrees to continue efforts to avoid unnecessary re-entry of data. The problem occurs when a parole officer is entering text in a text box and the screen doesn't get refreshed in the thirty minute window and the system logs the user off. They lose the text they were entering and have to sign back on the system and reenter their data. The user is given a warning at 27 minutes but they feel that is inadequate. The development team will research ways to reset the timer while in the text entry boxes so this doesn't occur. However no change will be made to the automatic shut down of the user session if the session is inactive for 30 minutes. This is vital resource issue to keep users from leaving their PCs logged on and preventing another user from accessing the database.

Recommendation: Work with users to improve OIMS performance during periods of heavy usage.

TDCJ agrees to continue to work with users to improve OIMS performance. The OIMS maintenance staff will work with a revolving sample of parole officers to test the user response time of the OIMS system. They will use the input to pinpoint what the problem is and find a solution.

Recommendation: Coordinate with IBM and Team for Texas to determine responsibility for performance monitoring.

TDCJ agrees to review this issue with DIR. It is the Department's position that IBM is responsible for monitoring the performance of the two IBM mainframe computers the 200 servers and the DB2 database the agency uses. The Department believes this is well documented in the outsourcing contract between DIR and IBM. It is also well documented in Production and Procedures Manual available on the IBM portal to all the agencies included in the outsourcing contract.

Appendices

Objectives, Scope, and Methodology

Objectives

The objectives of this audit were:

▪ To determine whether the Department of Criminal Justice (Department) and the Board of Pardons and Paroles (Board) comply with applicable laws and agency policies in identifying and addressing violations of conditions of parole or mandatory supervision, including the use of progressive sanctions and the revocations of offenders' parole and mandatory supervision.

▪ To review the implementation and performance of the Department's Offender Information Management System (OIMS) and the Department's and Board's utilization of the system.

Scope

The scope of this audit included selected parole functions at the Department and the Board for fiscal year 2007.

Methodology

The audit methodology included visiting parole offices in each region. Auditors visited parole offices in Houston, Dallas, San Antonio and Lubbock/Amarillo and the State Office for Board of Pardons and Paroles. Auditors selected sites to visit based on the number of parole violations by region and individual office.

Information collected and reviewed included the following:

Department policies and procedures for monitoring offenders and addressing violations of parole:

▪ Electronic data for global positioning systems (GPS) and electronic monitoring alerts and for emergency warrants issued.

▪ Preliminary and revocation hearing packets.

▪ Offender hard copy files and corresponding offender case management information in OIMS.

Procedures and tests conducted:

- Interviews of key staff at the Department and Board, parole officers, and various staff at individual parole offices regarding the revocation process and the monitoring of offenders on parole.

- Tests of electronic monitoring and GPS violation alerts.

- Tests of halfway house violation reports with corresponding Department electronic data.

- Tests of administrative violations' (drug tests, interventions, and supervision contacts) electronic documentation in OIMS and corresponding hard copy information in offender files.

- Tests of the preliminary hearing and revocation hearing process using hard copy information in hearing packets on file with the Board.

- Tests of the hearing analysis review process using information in offenders' files and the Board's Clemency and Parole System (CAPS) for accuracy and timeliness.

- Reviews of the Department's support documentation for the project management, implementation, performance, and utilization of OIMS.

- Analysis of hardware, software, and PC usage.

- Survey of Department and Board employees.

Criteria used included the following:

- Texas Government Code, Chapter 508.

- Texas Administrative Code, Title 37, Chapter 146.

- Department internal policies and procedures.

- Board of Pardons and Parole directives, policies, and procedures.

- Texas Government Code, Sections 2054.118, 2054.158, 2054.097, 2054.1181, 2054.1182, and 2054.1183.

- General Appropriations Act (79th Legislature), Article IX, Sections 9.01 and 9.02.

Project Information

Audit fieldwork was conducted from January 2008 through April 2008. We conducted this performance audit in accordance with generally accepted government auditing standards. Those standards require that we plan and

perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

The following members of the State Auditor's staff performed the audit:

- Bruce Dempsey, MBA, CIA (Project Manager)

- David Dowden (Assistant Project Manager)

- Darrell Edgar, CFE

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June 6, 2008

Bruce W. Dempsey, Managing Senior Auditor
1501 N. Congress Avenue
Austin, TX 78701

Dear Mr. Dempsey

The Board of Pardons and Paroles and all the staff responsible for scheduling and conducting hearings for the revocation process have always strived to comply with the constitutional due process and statutory deadline required by the Texas Government Code Section 508 concerning the hearing process. We are pleased to know that your audit confirms our commitment to fulfill the constitutional and statutory requirements in this process.

The Board has a cooperative relationship with the Department to ensure the integrity of this process is maintained. We would like to note that the Department and the Board utilize graduated sanctions throughout this process. We understand that the Department has policies and procedures in place to utilize graduated sanctions prior to referring an offender to the Board for a revocation decision and the Board utilizes graduated sanctions when reviewing and making disposition on these cases. As further evidence of the Board's utilization of graduated sanctions, the Legislative Budget Board recently reported that the parole revocation rate has declined and this statistical information is one of the contributing factors for their recommendation to the legislature that they not increase prison capacity.

Sincerely,

Rissie Owens

Rissie Owens
Presiding Officer

Cc: Bettie Wells, General Counsel, Board of Pardons and Paroles, Austin
      Troy Fox, Board Administrator, Board of Pardons and Paroles, Austin

Copies of this report have been distributed to the following:

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