

Office of
LEGISLATIVE AUDITOR GENERAL
State of Utah

REPORT NUMBER 2008-05
January 2008

**Follow-Up of
A Performance Audit of the
Utah Department of Corrections**

UDC management has taken positive steps to improve department operations.

Some minor issues noted in the previous report continue to be a concern. The department is in the process of correcting these concerns.

Management of the Utah Department of Corrections (UDC) has taken positive steps to improve the department's operations. Department management has worked to reduce the perception of favoritism. Management has also improved oversight with training, vehicles, and discipline information. The internal review functions within the organization have greater independence and are better contributing to the organization.

Some minor issues noted in the previous report continue. Some adjustments are still being worked out with the new training control system and improvements are still needed with the policy compliance of the reserve officer program. However, we believe the department, in most cases, has implemented the recommendations of the audit. In a few cases, the recommendations are still in the process of being implemented.

**Management Has Taken Positive Steps
To Curtail the Appearance of Favoritism**

We are satisfied with the positive steps management has taken to curtail favoritism concerns. Our review of the department's actions in regard to favoritism shows that management has taken positive steps to contain and correct the appearance of favoritism. It appears that management has taken action to reduce the perception of favoritism in the

The process of curtailing favoritism must be ongoing.

department. As a result each of the recommendations from our report dealing with favoritism have been implemented.

It is important to point out that the process of curtailing favoritism must be ongoing. In our discussions with department management, they have agreed that avoiding the appearance of favoritism will be a constant and continued effort.

In Chapter III, “Appearance of Favoritism and Concerns with Management Decisions Exist,” we provided UDC with three recommendations. Figure 1.1 lists these recommendations and their implementation status.

Figure 1.1 Chapter III Recommendations. We believe management has implemented the following recommendations.

Recommendation	Status
“We recommend that UDC management follow the recommendations of the Governor’s Transition Team.”	Implemented
“We recommend that UDC management ensure that employees, inclusive of administrators, are treated equitably in investigations and discipline.”	Implemented
“We recommend that UDC management apply department standards and policies equitably among all employees throughout the organization, inclusive of administrators.”	Implemented

UDC management has taken steps to suppress the appearance of favoritism that exists in the department. Management has taken the following actions:

- Discipline policy was changed to better ensure all staff and administrators are treated equally.
- Investigations of high-level administrators or potentially contested situations are referred to another independent agency for review.
- Periodic employee opinion surveys and focus groups were instituted to obtain feedback and measure success.
- Numerous changes were made in leadership positions.
- Recruitment guidelines were instituted to promote fairness and improve hiring.

To implement the recommendations, management has taken various action including revising the discipline policy and making changes in leadership positions.

We are encouraged by the effort management has taken regarding favoritism. We recommend management continue to make curtailing favoritism a top priority.

Management Oversight and Control Have Improved in Some Key Areas

UDC participated with POST in implementing a statewide tracking system of all law enforcement officers.

Management has improved their oversight and control over formerly overlooked areas, such as, training, vehicle use, and discipline filing. Improvements in tracking of peace officer training were not only achieved at UDC, but also statewide. UDC participated with POST in implementing a statewide tracking system of all law enforcement officers. Consequently, greater accountability with peace officer training has occurred statewide. We found that some minor process improvements are still needed with the tracking of training. UDC and POST are currently working to improve the tracking system.

In Chapter IV, “UDC Needs Improved Management Oversight and Controls,” we provided the UDC with eight recommendations. Figure 1.2 lists these recommendations and their implementation status.

Figure 1.2 Chapter IV Recommendations. We believe management has implemented or has begun implementation of the following recommendations.

Recommendations	Status
“We recommend that the executive director develop a control in which supervisors and officers can track training hours.”	Implemented
“We recommend that employees who do not receive 40 hours of training be prohibited from exercising officer duties, as outlined in the <i>Utah Code</i> .”	Implemented
“We recommend that UDC employees who do not fulfill the training required for certification receive the standard public employees’ retirement instead of public safety retirement.”	In Process
“We recommend that the UDC management implement a tracking mechanism for commute vehicles.”	Implemented
“We recommend that the executive director review the actual need for commute vehicles after the department has begun tracking actual call-out usage.”	Implemented
“We recommend that the department discontinue providing commute vehicles for employees who do not have the need.”	Implemented
“We recommend that the department require each region to follow the approved reserve officer policy in order to limit the state’s liability and facilitate tracking of reserve’s activities.”	In Process
“We recommend that filing of discipline records be brought up to date and maintained in order to restrict incentive awards and promotions in a timely fashion.”	Implemented

For the recommendations listed as implemented above, management has taken the following action:

- Implemented a system that provides advanced notices to employees, supervisors, and executive management for training deficiencies.
- Participated with POST in implementing a statewide tracking system of all law enforcement officer training.
- Instituted a vehicle use and callout log to track vehicle usage.

Management oversight has improved with training and vehicle use.

- Removed vehicles from employees who do not have the documented need.
- Consolidated discipline files and kept them up to date.

The next section details information with recommendations that have not yet been fully implemented.

Some Minor Concern with Training/Reserve Officers Still Exists

We believe that management has taken positive steps to become compliant with training requirements and the reserve officer policy. However, some improvements to the system are still needed. Nevertheless, the 2006 audit of UDC helped spur a statewide overhaul of tracking peace officer training. POST implemented a new accountability tracking system that took effect last fiscal year.

Process Refinement Needed for Suspension of Retirement Benefits. Some minor process refinements are still needed to ensure coordination of certification and retirement benefits. However, significant improvement has been made. POST implemented a more viable state-wide tracking system, which monitors police officers training for delinquency, and notifies POST management when action is needed. Prior to the initial audit of UDC, a coordinated system was not functional.

With the new system in place 12 officers state-wide were reported to the Utah Retirement System (URS) as having delinquent training hours. Five of the officers were from the UDC. However, we found that some process refinements are needed with this system. Two of the five officers reported to URS should not have been reported.

One UDC officer was reported to URS due to some confusion over POST's policy pertaining to disability and administrative leave. POST has stated that they will clarify its administrative rules. The other UDC officer who was reported to URS made up the deficient hours, but the system did not properly correct and adjust. These concerns are in the process of being remedied.

Reserve Officer Program Still Not in Full Compliance with UDC Policy. Our previous report found that the policy overseeing reserve

The prior audit of UDC helped spur a statewide overhaul of tracking peace officer training. We found some minor process improvements are still needed.

Some officers were reported as being training deficient when they were not.

officers was inconsistently followed. Management took some action to correct this concern by informing all regions that either strict adherence to the policy was required or the reserve officer program would be discontinued. Six of the seven Adult Probation and Parole (AP&P) offices decided to discontinue the program, citing limited benefit of the reserve program. However, AP&P Region IV kept the program and now has two reserve officers.

Region IV's reserve officer policy; however, still does not fully adhere to the department's policy. As an example, the reserve officer policy states,

It is the policy of the department that volunteer reserve officers receive a monthly equipment reimbursement. . . . The amount of the monthly reimbursement shall be twenty dollars for all volunteer reserve officers. The reimbursement shall be processed at the regional level.

This is still not occurring. We found that the two reserve officers are not receiving payment. The payment of these reserve officers is important because it serves as a control and tracking mechanism. The issuance of payment requires that an accounting be made of the officers' time, and provides an audit trail indicating the reserve officer was involved with the department.

We continue to question the need for the reserve officer program. Every region but Region IV discontinued the program, citing minimal benefit. It is unclear how much benefit Region IV actually achieves from these two part-time reserve officers. If the department decides to keep the reserve officer program in Region IV, we recommend that the department enforce its controls to ensure Region IV is in compliance with the reserve officer policy.

Internal Review Functions Have Achieved Greater Independence

The internal audit and internal affairs bureaus have both had their status in the organization elevated, and have greater independence now than they did under the prior administration. The directors of these two bureaus now report to the executive director. Further, information from

Reserve officer policy is still not being followed in one AP&P region.

Internal audit and internal affairs bureaus have both achieved greater independence.

the audit bureau is being utilized more often to help improve the organization.

Chapter V, “UDC Needs Improved Management Oversight and Controls,” we provided UDC with three recommendations. Figure 1.3 lists these recommendations and their implementation status.

Figure 1.3 Chapter V Recommendations. We believe management has implemented the following recommendations.

Recommendations	Status
“We recommend the audit director report functionally to an audit committee or the executive director and administratively to the executive director, as required by statute.”	Implemented
“We recommend that management follow up to ensure that audit recommendations are implemented.”	Implemented
“We recommend that the Legislature direct the department to conduct a feasibility study to decide how to best ensure the independence and quality of the internal affairs function. The department should report their findings back to the Legislature. Points that should be considered are: a) Combining the criminal and personnel functions into one bureau. b) Creating greater independence by restructuring the reporting relationship of internal affairs to either the executive director or another independent person or group.”	Implemented

The following steps have been taken by management while implementing the above recommendations:

- The audit director reports functionally and administratively to the executive director
- Agency action on audit recommendations is being tracked and reported quarterly to executive management
- The internal affairs director reports to the executive director
- Criminal and personnel investigative functions have been combined
- Internal affairs does not investigate employees where a potential conflict of interest may be present

To implement the recommendations in Chapter V of our previous report management has bolstered the organizational status of internal audit and internal affairs.

Vertical line

It appears that the department is being better served by the heightened status of the internal audit and internal affairs bureaus. We recommend management continue to utilize the two internal review functions to obtain independent and timely information.

Recommendation

1. We recommend that the department enforce its controls to ensure Region IV is in compliance with the reserve officer policy.

Agency Response

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State of Utah

JON M. HUNTSMAN, JR.
Governor

GARY R. HERBERT
Lieutenant Governor

Department of Corrections Executive Office

THOMAS E. PATTERSON
Executive Director

MIKE HADDON
Deputy Director of Administration

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January 15, 2008

John M. Schaff, CIA
Auditor General
W315 Utah State Capitol Complex
PO Box 145315
Salt Lake City, Utah 84114-5315

Dear Mr. Schaff,

Thank you for the opportunity to review your draft report, "Follow-Up of A Performance Audit of the Utah Department of Corrections." We appreciate the professionalism of your staff in completing this follow-up review, and we offer the following response.

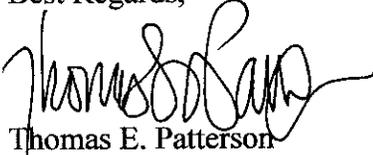
Overall, we are pleased that your report reflects the considerable effort we have made to correct problems you identified in the original audit. We are still early in the process of changing our organizational culture and improving our working environment. However, we are encouraged by your findings that we have reduced perceptions of favoritism; that we have improved our oversight of training, vehicles and discipline information; and that greater independence for our internal review functions has been established. Much of the progress experienced over this past year has stemmed from insights and concerns pointed out in your initial audit. We are appreciative of this assistance and have used the audit as a resource in creating our blueprint for cultural change.

In response to your audit review recommendations, we took immediate action to enforce controls over the Region IV reserve officer program. The two reserve officers who were not paid the required stipend have now been paid, and we have placed Region IV's reserve officer program on a three-month follow-up review schedule. The reserve officer program will continue past March of 2008 in Region IV only if that region clearly demonstrates: 1) need; 2) that it has fully complied with policy; 3) and that the Division of Adult Probation and Parole confirms its ability to monitor and regulate the program.

Additionally, our Training Academy is aware of its errors in accounting for a few officers with training deficiencies. When errors were identified, Academy staff immediately took steps to correct them and to prevent their reoccurrence. The Academy will also reconcile deficiencies they report to POST with that agency's referrals to URS.

In conclusion, we reiterate our appreciation for the professionalism and expertise demonstrated by you and your staff in this extensive audit and audit review process. We feel fortunate to have had the benefit of your assessment of this department's operations and processes and we look forward to continued efforts in enacting and sustaining improvements for the department. Such improvements, while sometimes challenging, are a credit to the value of your office in teaming with UDC to help improve fiscal responsibility, statutory accountability and the quality of life for employees.

Best Regards,

A handwritten signature in black ink, appearing to read "Thomas E. Patterson", with a long, sweeping flourish extending to the right.

Thomas E. Patterson
Executive Director