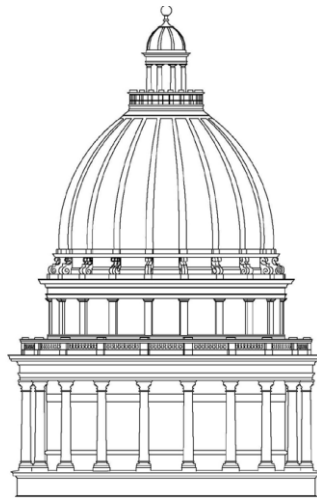


REPORT TO THE
UTAH LEGISLATURE

Number 2022-13



**A Performance Audit of the Oversight and Effectiveness
of Adult Probation and Parole**

November 2022

Office of the
LEGISLATIVE AUDITOR GENERAL
State of Utah



Office of the Legislative Auditor General

Kade R. Minchey, Legislative Auditor General

W315 House Building State Capitol Complex | Salt Lake City, UT 84114 | Phone: 801.538.1033

November 15, 2022

The Utah State Legislature:

Transmitted herewith is our report, *A Performance Audit of the Oversight and Effectiveness of Adult Probation and Parole* (Report #2022-13). An audit summary is found at the front of the report. The objectives and scope of the audit are explained in the Introduction.

This audit was requested by Representative Karianne Lisonbee, Representative Brady Brammer, Senator Kirk Cullimore, Representative Jon Hawkins, and Senator Ann Millner as part of an audit request which also resulted in two companion reports, released alongside this report – *A Performance Audit of the Board of Pardons and Parole* (Report #2022-14) and *A Limited Review of the Coordination Between Public Safety Entities* (Report #2022-15).

We will be happy to meet with appropriate legislative committees, individual legislators, and other state officials to discuss any items contained in the report in order to facilitate the implementation of the recommendations.

Sincerely,

Kade R. Minchey, CIA, CFE
Auditor General
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PERFORMANCE AUDIT

► AUDIT REQUEST

In response to several high-profile cases of offenders in Adult Probation and Parole's (AP&P) supervision committing serious crimes, we were asked to conduct a performance audit of AP&P to determine if their oversight of offenders in the community is effective in enhancing public safety. We reviewed AP&P's standards of supervision to determine if they are using best practices and ensure agents are following procedures. We also reviewed their management and supervision tools to investigate their effectiveness.

► BACKGROUND

Adult Probation and Parole is a division of Utah Department of Corrections, and is responsible for supervising criminal offenders in the community who were sentenced to probation by the Courts, or released early (paroled) from prison to serve their remaining sentence in the community. AP&P supervises about 16,000 offenders. This audit is one of three criminal justice-related audits released in 2022, all focusing on the oversight and effectiveness of offender release and supervision in Utah. Its two companion audits in 2022 are: *A Performance Audit of the Board of Pardons and Parole* (Report #2022-14) and *A Limited Review of the Coordination Between Public Safety Entities* (Report #2022-15).

Adult Probation and Parole



KEY FINDINGS

- ✓ AP&P must improve its management and oversight of agent retention across the state. This problem is most pronounced in Region 3, which has the largest volume of high-risk offenders and the least experienced staff.
- ✓ All sex offenders in their first year of supervision are treated with the same high-level of supervision, which is not in compliance with evidence-based practice, wasting resources and may negatively impact offenders.
- ✓ Effective screening of mentally ill offenders for placement with specialized agents is lacking, and the number of these specialized agents does not match the potential need.
- ✓ O-Track, AP&P's offender management software, has functionality concerns that waste agent time and limits the ability to evaluate offender treatment effectiveness.



RECOMMENDATIONS

- ✓ AP&P should implement retention strategies to ensure that the Division is adequately staffed and retaining experienced agents.
- ✓ AP&P should fully implement a risk assessment tool for sex offenders and use it in determining their level of supervision.
- ✓ AP&P should develop and implement a strategy to identify those who should be screened and who should be served by agents who specialize in supervising mentally ill offenders.
- ✓ AP&P should develop a strategic business plan for a new offender information system and require that all future development projects be aligned with that plan.



REPORT SUMMARY

Agent Retention and Supervision Can Be Improved

AP&P can better manage turnover and improve monitoring of agent work to ensure quality supervision and public safety. We found some noncompliance concerns with supervision guidelines, and found that agent supervisors lack effective tools to monitor agent performance and identify problem areas, which means noncompliance concerns may go unnoticed.

Evidence-Based Practices Can Reduce Waste and Improve Supervision

Studies show treating all sex offenders with the same high risk level, as AP&P currently does, wastes resources and may negatively impact offenders. Rather, AP&P should fully implement a sex offender risk assessment tool to determine their level of supervi-

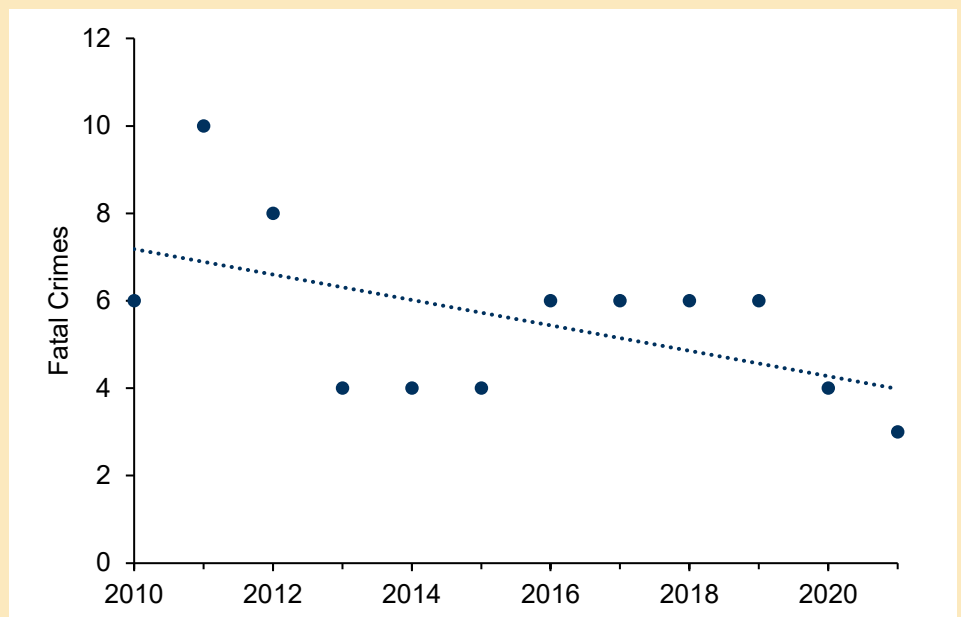
sion. Additionally, AP&P should increase screening of mentally ill offenders and place them with specialized agents to improve their supervision outcomes.

AP&P's Offender Management Software Can Be Made More Efficient and Effective

Agents and supervisors complained that O-Track, AP&P's offender management software, is slow, unreliable, tedious, and lacks effective analysis capabilities that can save staff time. We found that a state-of-the-art supervision management system can prioritize, highlight, and organize needed actions by agents, and summarize information for supervisors and managers. We recommend that AP&P develop a strategic business plan for a new offender management system and require that all future development projects be aligned with that plan.

Figure 1.5 Fatal Crimes Committed by Those in Supervision

This audit was tasked with examining high profile cases. When looking specifically at crimes that resulted in a fatality committed by an individual under the supervision of AP&P, we found that these tragic events have not been increasing.



Source: Auditor generated using data from Utah Department of Corrections.

REPORT TO THE UTAH LEGISLATURE

Report No. 2022-13

A Performance Audit of the Oversight and Effectiveness of Adult Probation and Parole

November 2022

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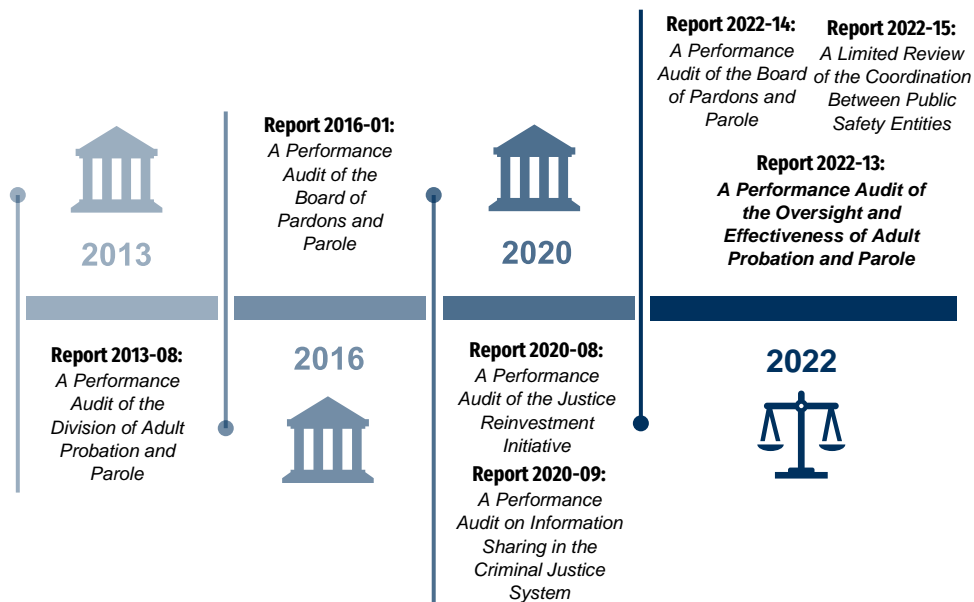
Chapter I

Introduction

Community supervision plays a critical role in maintaining public safety in Utah. As a result of several recent serious crimes committed by individuals supervised by Utah Department of Correction's Division of Adult Probation and Parole (AP&P), legislators requested a performance audit be conducted to determine if AP&P is safely and effectively managing those on supervision to enhance public safety.

This audit is one of three justice-related audits released in 2022, all focusing on the oversight and effectiveness of offender release and supervision in Utah. Figure 1.1 lists related audits from the past decade, along with this audit's two companion audits for 2022: *A Performance Audit of the Board of Pardons and Parole* (Report #2022-14) and *A Limited Review of the Coordination Between Public Safety Entities* (Report #2022-15).

Figure 1.1 Timeline of Related Audits. We have released several audits over the years that address needed improvements within the criminal justice system. This audit is a companion to two other audits in 2022, as shown in the figure below.



Due to recent serious crimes committed by criminal offenders supervised by AP&P, legislators requested an audit of the oversight and effectiveness of offender supervision.

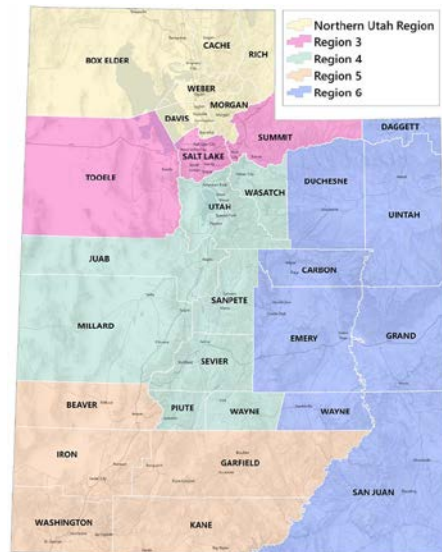
This audit is one of three criminal justice-related audits released in 2022, all focusing on the oversight and effectiveness of offender release and supervision in Utah.

AP&P is a division within the Utah Department of Corrections and is tasked with supervising criminal offenders in the community.

AP&P Supervises Offenders In the Community

AP&P is a division within the Utah Department of Corrections (UDC) and is tasked with supervising criminal offenders in the community. It does so in five regions throughout the state. The Division prepares presentence investigations, oversees five community correctional centers (also known as halfway houses), multiple treatment resource centers, Utah's offender registry programs, and the interstate compact program regarding parole and probation. Figure 1.2 shows the five regions of AP&P.

Figure 1.2 Map of AP&P's Five Regions. Region 3 manages the largest population, with 48 percent of the state's offenders.



Source: Utah Department of Corrections.

The path to community supervision begins with an offender's conviction and sentencing in court.

- An offender may be referred to AP&P for a presentence investigation and recommendation prior to sentencing in court.
- An offender sentenced to probation may report directly to AP&P; the district court in which sentencing occurs will have authority over the case.
- If offenders are sentenced to prison, they can be released prior to expiration and placed on parole supervision for their remaining sentence; the Board of Pardons and Parole (Board) has authority over such cases.

AP&P receives offenders through presentence recommendations, Court-sentenced probation, or Board-released parole.

Throughout supervision, AP&P recommends actions to the Court or Board depending on the offender's compliance with their supervision terms and guidelines established by the Utah Sentencing Commission. If an offender violates their terms, AP&P follows response guidelines and may recommend sanctions to the Court or Board and they will determine what action to take, up to and including incarceration.

AP&P's responsibility to enforce supervision standards and protect the public is substantial. Because many offenders violate the terms of their supervision, the task of protecting public safety, while also providing opportunities to change behavior, and appropriately use prison resources, can be a challenging balance to strike. Chapter II of this report looks at 15 cases where serious crimes were committed by those on supervision and discusses how AP&P can direct its resources to minimize potential contributing factors.

Justice Reinvestment Initiative Increased the Use of Community Supervision

In 2015, the State of Utah launched the Justice Reinvestment Initiative (JRI), a criminal justice reform to curb the growing cost of the state correctional system by moving low-risk, non-violent offenders out of prison and into community supervision. A portion of the reduced prison costs was to be reinvested in programs and treatments proven to help offenders avoid committing new crimes.

Our 2020 audit of JRI found that (1) improvement and expansion of reentry and treatment services, and (2) strengthening of probation and parole supervision had only been partially implemented. More specifically, audit findings revealed that offender treatment is not always available and is poorly monitored. Furthermore, higher levels of offenders on supervision increased the workload of AP&P agents, which had a potentially negative impact on their ability to supervise. This audit does not review the impacts of JRI on AP&P; however, Chapters III and IV of this report discuss ways to strengthen supervision by implementing evidence-based practices and by rethinking their offender management system.

Because offenders violate the terms of their supervision, the task of protecting public safety, while also providing opportunities to change behavior, and appropriately use prison resources, can be a challenging balance to strike.

JRI was introduced in 2015 to curb the growing cost of the state correctional system by moving low-risk, non-violent offenders out of prison and into community supervision.

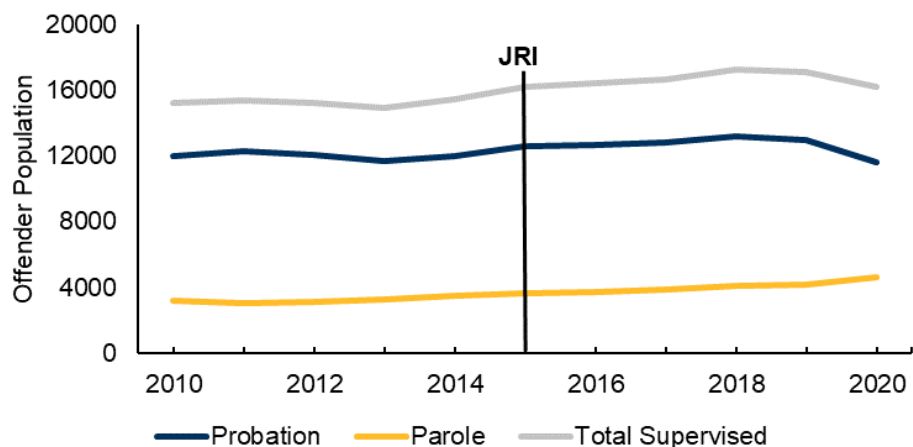
Our 2020 audit of JRI found that its intended enhancements to AP&P supervision had only been partially implemented.

Probationers, on average, make up 76 percent of those on supervision, about 12,000 people, and parolees make up 24 percent, or about 4,000 people.

New crime rates of those on probation have been constant over the past ten years; conversely, new crimes committed by parolees rose dramatically in 2017 and 2018 but have since returned to average levels.

The Total Supervised Population Is Up Slightly Since 2015. Figure 1.3 shows the population of those on supervision. The grey line represents all those supervised, the blue line probationers, and the yellow line parolees. Probationers, on average, make up 76 percent of those on supervision, about 12,000 people, and parolees make up 24 percent, or about 4,000 people. Since 2015, the number of parolees has steadily risen. The number of probationers followed a similar pattern but started to dip in 2018. Impacts of these increases are further discussed in Chapter II of this Audit and in the companion audit: *A Limited Review of the Coordination Between Public Safety Entities* (2022-15).

Figure 1.3 Probationers Make Up Three Quarters of Those on Adult Supervision. Parolees make up one quarter of those on supervision.



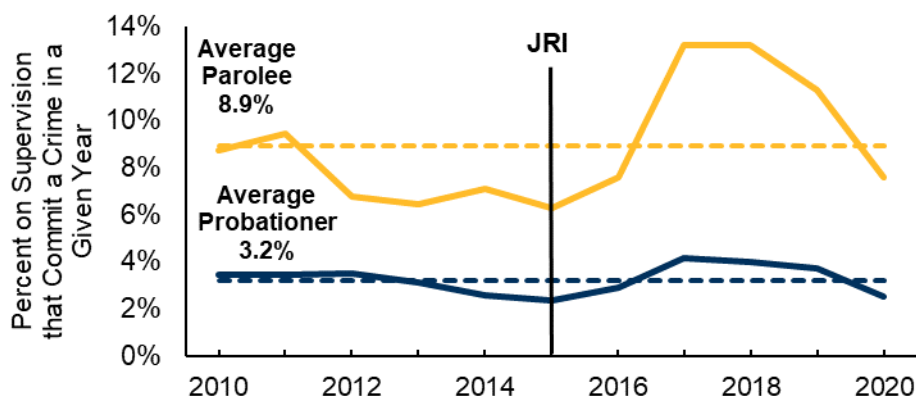
Source: Auditor generated using data from Utah Department of Corrections.
Note: This is the average annual count of offenders, calculated by summing the number of offenders each day over the year, and dividing by 365.
Note: AP&P supervises parolees who are granted release from prison by the Board of Pardons and Parole, as well as probationers who are sentenced to probation by the Courts.

New Crimes Committed by Those on Supervision Mostly Constant, with Parolees More Likely to Recommit

New crime rates of those on probation have been constant over the past ten years; conversely, new crimes committed by parolees rose dramatically in 2017 and 2018 but have since returned to average levels. The implementation of JRI increased the likelihood of an offender being paroled, which may have contributed to the sharp rise in parolee crime. Again, as discussed in Chapter II of this Audit and in the companion audit: *A Limited Review of the Coordination Between Public Safety Entities* (2022-15), increases in the number of intensive-

and high-risk offenders have strained AP&P's workload. Figure 1.4¹ shows that on average, 3.2 percent of probationers commit a new crime during a given year (blue line), compared with 8.9 percent for parolees (yellow line).

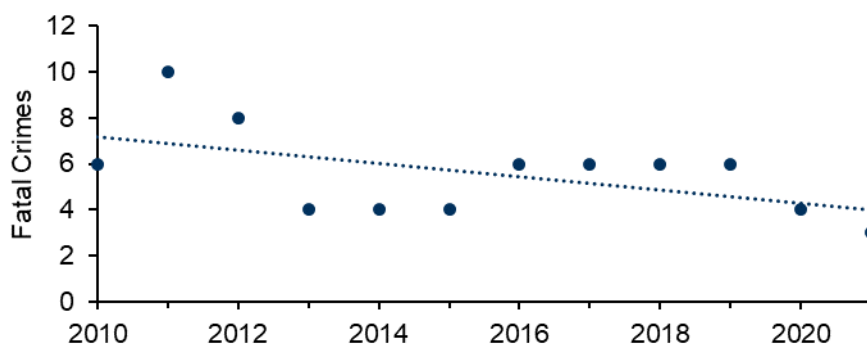
Figure 1.4 Percentage on Supervision Who Commit a Crime in a Given Year. Parolees are more likely than probationers to commit new crimes.



Source: Auditor generated using data from Utah Department of Corrections.

This audit was tasked with examining high-profile cases. When looking specifically at crimes that resulted in a fatality committed by an individual under the supervision of AP&P, we found that these tragic events have not been increasing, as shown in Figure 1.5.

Figure 1.5: Fatal Crimes Committed by Those on Supervision. Fatal crimes committed by offenders supervised by AP&P have not increased in recent years.



Source: Auditor generated using data from Utah Department of Corrections.

¹ Data in Figure 1.4 was calculated by dividing “new crimes committed by offenders” by the “total offender population” for given years.

The implementation of JRI increased the likelihood of an offender being paroled, which may have contributed to the sharp rise in parolee crime.

When looking specifically at crimes that resulted in a fatality committed by an individual under the supervision of AP&P, we found that these tragic events have not been increasing.

It is uncertain whether new trends in data have emerged as a direct result of JRI, as the actions of judges, prosecutors, administrative leaders, and policy makers can all affect change.

We evaluated AP&P to determine if its standards of supervision are being followed and if its standards are informed by best practices. We also looked for ways AP&P can improve the quality of its supervision.

Although some new trends have developed in the data presented on AP&P's supervised population and crimes committed by those on supervision, it is uncertain whether they have emerged as a direct result of JRI. The actions of judges, prosecutors, administrative leaders, and policy makers can affect trends in data. Furthermore, shifts in criminal behavior, public opinion, and impacts from COVID-19 make conclusions more elusive.

Audit Scope and Objectives

In response to the Legislature's concern over AP&P's supervision of individuals on parole and probation, we evaluated AP&P to determine if its standards of supervision are being followed and if its standards are informed by best practices. We also reviewed past audit recommendations and looked to other states and the literature for ways AP&P can improve the quality of its supervision. The remaining chapters and accompanying recommendations focus on the following topics.

- **Chapter II** examines how turnover concerns in AP&P may negatively impact public safety. It also assesses the supervision of agents across AP&P and recommends creating new tools for AP&P supervisors.
- **Chapter III** investigates AP&P's use of evidence-based practices and recommends remodeling its risk assessment for sex offenders and expanding the use of specialized agents for mentally ill offenders.
- **Chapter IV** explores UDC's offender management system and recommends that critical security measures be added and that a plan be made to redevelop its applications.

Chapter II

Inadequate Management of Turnover and Agent Monitoring Resulted in Negative Impacts

Adult Probation and Parole (AP&P) needs to better manage turnover and improve its monitoring of agent work to promote quality supervision and public safety. High turnover, especially in Region 3 (Salt Lake, Tooele, and Summit Counties), leads to decreases in the overall experience level of agents, while increasing workloads and the potential for supervision errors in the region that has the most intensive offenders. Also, our review of high-profile cases found several noncompliance concerns with supervision guidelines. These concerns pointed to examples where inadequate monitoring of agents has negative consequences on the quality of supervision. We found that agent supervisors lack effective tools to monitor performance and identify problem areas, which means noncompliance issues may go unnoticed. In this chapter, we make recommendations for AP&P to better manage retention across the state and to improve the supervision of agents.

AP&P Retention Can Be Better Managed

AP&P must improve its management and oversight of agent retention across the state. This problem is most pronounced in Region 3, which has the largest volume of high-risk offenders and the least experienced staff. The loss of experienced agents from Region 3 to other regions through internal transfers was acknowledged by a 2015 internal audit² of the Utah Department of Corrections (UDC). However, since 2018, increases in turnover from pay competition among local police departments in Salt Lake County have exacerbated this issue, causing Region 3 to experience:

- Decreased levels of experience among agents and supervisors
- High rates of agent vacancy, increasing workload for agents

² Utah Department of Corrections Audit Bureau. *A Performance Audit of AP&P Resource Allocation*. Audit # 15-02.

AP&P needs to better manage turnover and improve its monitoring of agent work to promote quality supervision and public safety.

AP&P must improve its retention across the state. This problem is most pronounced in Region 3, which has the largest volume of high-risk offenders and the least experienced staff.

- Possible negative impacts on supervision quality

Recent agent pay increases should help alleviate turnover; however, AP&P needs a plan to better manage retention in Region 3 to avoid future loss of agent resources, which can negatively impact the quality of supervision.

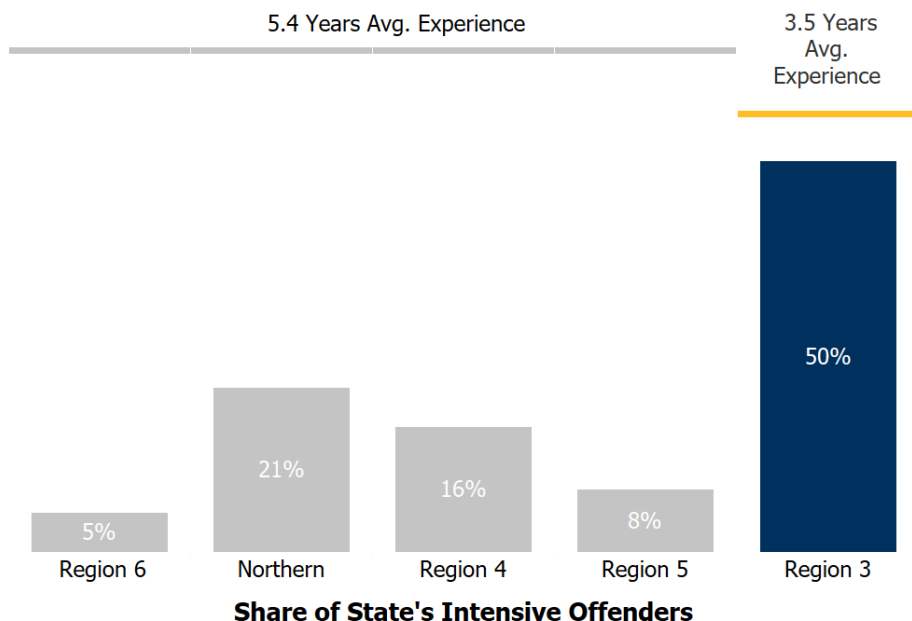
Turnover, Transfers, and Vacancy Has More Negative Impact on Region 3, Where Most Intensive Offenders Are Supervised

Region 3 is AP&P's largest region in terms of staffing and offenders—43 percent of agents work in Region 3, supervising half of the state's intensive-risk offenders. Compared with other regions, Region 3 has the highest levels of turnover, vacancies, and losses to internal agent transfers. Turnover rates for Region 3 (see Appendix C), peaked at 20 percent in 2019. Region 3 frequently loses agents to other AP&P regions. At the time of sampling, 59 percent of AP&P vacancies were in Region 3, 32 percent in the Northern Region and 9 percent in all other regions. Some rural offices have waiting lists of agents who would like to transfer in and some experienced agents have turned down promotions to avoid working in Region 3. Twelve of the 15 high-profile cases we reviewed took place in Region 3.

Figure 2.1 shows the percentage of intensive-risk offenders in each region and the average experience level of frontline agents in that region. According to our sample, agents in Region 3 typically have two years less experience than agents in other regions but supervise the highest volume of intensive-risk offenders.

Compared with other regions, Region 3 has the highest levels of turnover, vacancies, and losses to internal agent transfers.

Figure 2.1 Percentage of Utah’s Intensive-Risk Offenders, by Region, with Average Experience Level of Agents. Region 3 agents have two years less experience than agents in other regions, yet supervise most of the state’s intensive-risk offenders.



Source: Auditor generated
 Note: Data for years of experience were randomly sampled.

One of the major costs of turnover and vacancies is high caseloads. From 2019 to 2021, agents in Region 3 had a median caseload of 56 offenders, while the median in all other regions was 51 or less (see Appendix C). This issue was raised in 2015 in UDC’s internal audit on resource allocation. When other regions have a vacant position, they hire agents from Region 3, which leads them to be short-staffed and forces them to train new agents. Because new agents carry reduced caseloads, experienced agents in Region 3 then must manage higher caseloads.

The same internal audit mentioned that UDC had imposed a transfer rule to prevent recent hires from moving to other regions until after an 18-month period. However, several agents reported that it takes two to five years to understand the job and become a “good” agent. Region 3 will continue to lose agents unless more robust retention strategies are implemented.

Region 3’s high turnover, transfer, and vacancy rates, combined with its significantly larger volume of offenders on supervision, create a disparity in public safety, where short-staffed offices are overworked

One of the major costs of turnover and vacancies is high caseloads.

High turnover can create a disparity in public safety, where short-staffed offices and inexperienced agents are responsible for supervising dangerous offenders.

Pay is the most common reason AP&P agents leave.

High turnover negatively impacts supervision quality due to increased workload, frequent agent changes, and limited agent experience.

One Region 3 supervisor said they were “shocked” by the amount of turnover they have and feel like they are a “training ground for everyone else.”

and less-experienced agents are responsible for supervising the greatest volume of dangerous offenders.

Aside from retirement, AP&P loses the most agents to police departments (see Appendix C). Discussions with human resources and police departments in Salt Lake County revealed that pay is the most common reason AP&P agents leave. AP&P’s 2022 pay increases have made AP&P more competitive with other agencies which should help alleviate future turnover related to pay.

Turnover Increases Workload and Can Negatively Impact Offender Supervision

Significant agent turnover can have negative impacts on supervision quality due to increased workload, frequent agent changes, and limited agent experience. During our review of high-profile case, we identified several turnover-driven issues that may have negatively impacted supervision quality. In three of the high-profile cases, offenders were transferred between three to four agents in less than a year. In another case, the transfer of an offender to a different agent may have contributed to a late reporting of an impaired driving charge, with the offender being reported to the Board of Pardons and Parole (the Board) six weeks late, rather than within the required 72 hours. In our audit interviews, two agents said that continuity in the agent-offender relationship is critical for building trust and were concerned that turnover is disrupting this continuity.

In four of the high-profile cases we reviewed, the offender’s agent was new and still learning the job, potentially contributing to the following noncompliance concerns:

- Late reporting of a crime
- Missing field visits and successful field visits
- Late in seeking warrants
- Late in conducting initial field visits
- Incorrectly administering an LS/RNR assessment

Beyond the high-profile cases, many supervisors and agents in Region 3 asserted that turnover is driving workload issues and agent burnout, which can decrease the quality of supervision. One Region 3 supervisor said they were “shocked” by the amount of turnover they have and feel like they are a “training ground for everyone else.” Region 3 supervisors said high workloads are one of the primary

reasons agents burnout and leave. Several agents and supervisors said that high workloads limit supervision scope. As one agent said, “you’re just putting a band-aid on,” implying that they are unable to proactively address all position duties. We recommend that Adult Probation and Parole create and implement retention strategies to ensure that the Division is adequately staffed and retaining experienced agents.

High turnover creates workload issues and agent burnout, which can decrease the quality of supervision.

High-Profile Cases Highlight the Need for Improved Agent Monitoring

Our review of high-profile cases under the supervision of AP&P revealed compliance concerns that should have been identified by more effective agent monitoring. We looked at the records of 15 offenders, many of whom committed serious crimes such as murder and rape while under AP&P’s jurisdiction, to determine if standards of supervision and policy were followed in those cases. These 15 high-profile cases were supervised mostly in Salt Lake County. Our review revealed issues that need to be corrected and the need for a more formal review process of high-profile cases. However, we cannot determine if different or improved standards of supervision would have prevented these crimes from occurring.

Our review revealed issues that need to be corrected; however, we cannot determine if different or improved standards of supervision would have prevented these crimes from occurring.

More Effective Agent Monitoring Should Identify Noncompliance Concerns Earlier

Our review identified instances of noncompliance with standards of supervision and department policy, many of which should have been identified and corrected by agent monitoring. While these standards of supervision are important, we cannot be confident that the outcomes would have changed if different or improved standards of supervision were followed. As part of our review, we looked at public sources, court records, and the Utah Department of Correction’s information systems. Cases were reviewed for agent compliance with the standards of supervision and other department policies from the time of the major crime committed to the previous incarceration in prison or jail. In all cases, the available criminal and supervision histories of the offender were reviewed for greater understanding. Experienced agents were also asked to review each case separately and give their perspectives, on whether supervision standards and department policies were followed.

Our review identified instances of noncompliance which should have been identified and corrected by agent monitoring.

The standards of supervision require that agents conduct monthly office visits and field visits with each offender, and the frequency of these visits depends on the risk level of the offender. Offenders with the highest risk require two office visits and two residential/field visits a month (see Appendix D). As Figure 2.2 shows, in eight of the 15 cases we reviewed, agents had one or more noncompliance issue with the standards of supervision and department policy.

Figure 2.2 Instances of Agent Noncompliance with Standards of Supervision and Department Policy. In four of 15 high-profile cases we reviewed, we found five or more instances of noncompliance.

Case	Crime Committed on Supervision	Fugitive at Time of Crime?	Agents Fully Complied with Standards of Supervision and Policy?	Instances of Non-compliance	Months on Supervision Reviewed
1	Rape	No	No	1	61.6
2	Manslaughter by vehicle	Yes	Yes	0	2.4
3	Murder	Yes	No	7	8.6
4	Murder	No	No	1	4.9
5	Murder	Yes	No	1	0.8
6	Murder	Yes	No	2	1.8
7	Rape	No	Yes	0	5.1
8	Murder	No	No	5	6.3
9	Homicide	Yes	Yes	0	6.5
10	Assault	No	Yes	0	0.1
11	Assault and kidnapping	No	Yes	0	1.7
12	Discharging a weapon in city limits	No	Yes	0	2.4
13	Aggravated robbery	Yes	No	7	10.8
14	Aggravated assault	No	Yes	0	1.7
15	Burglary	No	No	7	11.0

Source: Auditor generated using information from O-Track.

In four cases we found that agents had five or more instances of noncompliance with the standards of supervision. These noncompliance concerns are mostly missed visits with offenders and

In eight of the 15 cases we reviewed, agents had one or more noncompliance issue with the standards of supervision and department policy.

In four of the 15 cases, we found that agents had five or more instances of noncompliance with the standards of supervision.

occurred over several months. Regular monitoring of agents by their supervisors should have identified these noncompliance concerns early before the number of missed visits increased. Supervision contacts, such as office visits and field visits, are important for offender management. However, studies show that addressing criminogenic needs of offenders through case action plans leads to reduced recidivism. We address the challenges of evaluating case action plans in Chapter IV and include a detailed summary of our findings for each case in Appendix B of this report.

More Formal Process for Reviewing High-Profile Cases Is Needed to Improve Operations

AP&P needs to develop a more formal process to review and document high-profile cases so that lessons learned are documented and implemented. AP&P conducts and records an initial assessment of high-profile cases or critical incidents, but these assessments do not contain the following:

- Recommendations for systems improvement
- Final actions taken to potentially remedy future problems

These follow-up actions may have been implemented by regional or division administration but were not documented. Eventually AP&P management provided the recommendations and outcomes. AP&P management has regional administrators review high-profile incidents immediately after the event, but these reviews include only basic information about the crime and recent agent reporting.

By comparison, AP&P police has a formal Administrative Review process to review incidents where an alleged policy violation by staff has occurred. This process results in a synopsis of the alleged violation, actions taken, findings, and recommendations. We also reviewed the Root Cause Analysis process at the Utah State Hospital where events such as a death of a patient are thoroughly reviewed and recorded so that any shortcomings in the system can be identified and fixed to prevent future failures. The hospital's approach seeks to make system processes tight enough so that human errors cause fewer problems.

We believe that a more thorough review and documentation of these high-profile events will provide the following:

- Better documentation for increased transparency

Regular monitoring of agents by their supervisors should have identified these noncompliance concerns early before the number of missed visits increased.

AP&P needs to develop a more formal process to review and document high-profile cases so that lessons learned are documented and implemented.

AP&P's high-profile review process should seek to make system processes tight enough that human errors can create few problems.

- More consistent and thorough review of events
- Recommendations for improved processes and policies to potentially reduce future criminal events

We recommend that AP&P establish a more formal process, in policy, that will provide a more thorough review of high-profile events, make recommendations for improvements, and document the results of recommendations to provide better documentation for greater transparency.

More Focus on Agent Supervision Is Needed

Effective agent supervision is more essential as AP&P deals with increased turnover. Increased turnover leads to having more agents who have less experience, and may be prone to miss important procedural elements that affect public safety. Given the necessary role AP&P supervisors play, they lack effective electronic methods to easily identify noncompliance by field agents. We also found that supervisors are using employee performance plans less frequently with staff and that these plans are individualized less than half the time. This means supervisors are not effectively using performance plans to encourage employee improvement. We therefore recommend that AP&P develop better methods for reviewing agent noncompliance, increase the quality and use of performance plans by supervisors, and establish training specifically for supervisors.

Many Supervisors Find the AP&P Agent Audit Tool Insufficient

Supervisors are required to conduct a monthly audit of their agents' caseloads to identify deficiencies. The relevant policy states:

“Supervisors shall audit 10 percent of each caseload each month, or a minimum of five cases.”

We find this process to be insufficient because by reviewing 10 percent of cases each month, some cases may not be reviewed by a supervisor for ten months. Given the constant turnover of cases from agent to agent, it is possible that some offenders' records may never be audited by a supervisor. In fact, a department review of supervisor case audits found that only 34.5 percent of cases were audited in the past year

Effective agent supervision is more essential as AP&P deals with increased turnover.

Given the constant turnover of cases from agent to agent, it is possible that some offenders' records may never be audited by a supervisor.

using the O-Track (Offender Tracking System used by the Utah Department of Corrections) supervisor audit. This indicates that the current audit system is resulting in only one-third of cases being reviewed in the past year.

This audit process needs to be more consistent and effective. In our discussions with supervisors and management, many noted that the current supervisor desktop audit process is lacking. One AP&P manager said the current audit process is task-oriented and requires checking off boxes and covers areas of less importance. Other supervisors and managers said the desktop audit doesn't tell them the things they need to know. We agree with many of these concerns because we had similar difficulty identifying noncompliance concerns in the system. While the audit needs improvement, it can highlight some areas where supervisors need to work with agents. However, the fact that supervisors feel compelled to develop workarounds clearly demonstrates the ineffectiveness of the current supervisor desktop audit to identify noncompliance concerns.

In addition to conducting the required supervisor audits, supervisors we interviewed spend hours, if not several days each month trying to identify supervision deficiencies by agents. This is not a productive use of time since many of these tasks can be performed more efficiently and effectively when properly automated. It is currently difficult to get accurate cumulative data on agent supervision deficiencies without spending excessive time reviewing each individual case in O-Track for the many exceptions that can occur. These kinds of difficulties may have contributed to supervisors missing multiple cases of noncompliance as evidenced in our sample of high-profile cases. We therefore recommend that AP&P upgrade O-Track to provide supervisors with an accurate status of each agent's deficiencies on supervision. O-Track's functionality concerns are further discussed in Chapter IV of this report.

Use of Performance Plans by Supervisors Is Decreasing and Not Sufficiently Individualized

Another important tool for monitoring and managing agent performance, especially for newer and poor performing employees, is the yearly performance plan. Our review of supervisor use of performance plans shows that since 2017, fewer agents have been receiving their required yearly performance plan, and less than half of those plans have been sufficiently individualized. Required yearly

Supervisors developed workarounds because of the ineffectiveness of the current supervisor desktop audit to identify noncompliance concerns.

Supervisors must review agents' cases individually in O-Track. This is not a productive use of time since many of these tasks can be performed more efficiently and effectively when properly automated.

Fewer agents have been receiving their required yearly performance plan, and less than half of those plans have been sufficiently individualized.

Without this annual review process, supervisors are missing an opportunity to address poor performance.

performance plans are important tools for supervisors to monitor and motivate staff. A proper performance plan will review an employee's individual performance and document goals for future improvement. Without this annual review process, supervisors are missing an opportunity to address poor performance. As Figure 2.3 shows, the percentage of agents and supervisors with performance plans has been decreasing since 2017.

Figure 2.3 AP&P's Use of Performance Plans Has Been Declining. Almost one-quarter of agents and supervisors lacked a yearly performance plan in 2021.



Source: Auditor generated using data from Department of Human Resource Management.

The percentage of agents and supervisors with a yearly performance plan decreased from 87 percent to 77 percent between 2017 and 2021. It is possible that, this is a minor setback perhaps compounded by COVID-19 and recent turnover. What is most concerning is the quality of the performance plans. *Administrative Rule R477-10-1* requires that management:

- Write performance standards and expectations for **each** employee in a performance plan.
- Provide an employee with regular verbal and written feedback based on the standards of performance and behavior outlined in **their** performance plans.

We sampled more than 60 agents, viewed 150 yearly performance plans. We found that nearly half of those plans did not contain sufficient individualized recommendations for improvement but were mostly the standard template. This means that only 38 percent of our random sample of agent plans were crafted to each agent's individual needs. In contrast when we looked at a sample of performance plans created by managers for supervisors, we found that 77 percent contained individualized feedback. Employee performance plans provide a mechanism for supervisors to evaluate and improve

Nearly half of the performance plans we reviewed did not contain sufficient individualized recommendations.

employee performance. However, to be effective, these plans must be applicable and specific to the individual.

When used effectively, yearly performance plans provide supervisors with a tool to address agent performance issues like the noncompliance concerns we identified in our sample high-profile cases. AP&P is currently revising its performance plan template. We recommend that AP&P improve and monitor the frequency and quality of yearly performance reviews by supervisors.

Supervisor-Specific Training Not Offered; Case Review Examples Suggests Supervisor Training is Needed

Except for the required Human Resources training and agent in-service training, there is no supervisor-specific training offered by AP&P. Supervisors are the second line in defense to check the work of front-line agents and identify concerns before they become serious problems. Our audit process identified several cases where supervisors were not effective in reviewing agent work. In one high-profile case the supervisor failed to properly review an agent's report, which was missing important details the Board members needed for their review. In other cases, supervisors missed incidences when agents failed to follow supervision guidelines for many months by not making successful field visits to verify the living conditions of the offenders. Furthermore, increased turnover results in having newer supervisors who lack the experience of more senior personnel. AP&P management reported to us that they are looking at creating a separate in-service or field training for supervisors. We therefore recommend that AP&P develop training for supervisors that include best methods for monitoring agent performance and the effective use of performance plans.

For performance plans to be effective, they must be applicable and specific to the individual.

Our audit process identified several cases where supervisors were not effective in reviewing agent work.

We recommend that AP&P develop training for supervisors that include best methods for monitoring agent performance and the effective use of performance plans.

Recommendations

1. We recommend that Adult Probation and Parole create and implement retention strategies to ensure that the Division is adequately staffed and retaining experienced agents.
2. We recommend that Adult Probation and Parole establish a more formal process in policy that will provide a more thorough review of high-profile events, make recommendations for improvements, and document the results of

recommendations to provide better documentation for greater transparency.

3. We recommend that Adult Probation and Parole upgrade O-Track to provide supervisors with an accurate status of each agent's deficiencies on supervision.
4. We recommend that Adult Probation and Parole improve and monitor the frequency and quality of yearly performance reviews by supervisors.
5. We recommend that Adult Probation and Parole develop training for supervisors that include best methods for monitoring agent performance and the effective use of performance plans.

Chapter III

AP&P's Lack of Evidence-Based Practices in Specialized Caseloads Is Inefficient and Ineffective

Closer adherence to evidence-based practices and expanding specialized caseload services would reduce waste and increase effectiveness of supervision for Adult Parole and Probation (AP&P). Our audit found that all sex offenders, during their first year of supervision, are treated with the same high level of supervision, which is not in alignment with evidence-based practice. This means that some sex offenders may be over-supervised, wasting resources and potentially making some offenders worse. Our audit also found that many mentally ill offenders may not be getting the most effective supervision offered by AP&P. This is because the thousands who may have a mental health diagnosis are not screened to be served by mentally ill offender (MIO) agents, and the number and capacity of MIO agents do not meet the potential need. We recommend that AP&P address these issues by supervising sex offenders according to their assessed risk level, increasing mental health screening, and training more of its current agents as MIO agents to better match existing needs.

Sex Offender Supervision Is Not in Alignment with Evidence-Based Practice

Statute requires that the Utah Department of Corrections use the results of an assessment as one factor to establish supervision standards. However, our review found that all sex offenders are treated with the same level of supervision for the first year. This is contrary to evidence-based practices, which require different amounts, or dosage, of treatment for different risk levels of offenders. Studies show that treating all sex offenders with the same high intensity leads to wasted resources and potentially makes offenders worse. We recommend that AP&P fully implement the validated risk assessment tool for sex offenders and use it in determining the level of supervision for each sex offender.

Closer adherence to evidence-based practices and expanding specialized caseload services would reduce waste and increase effectiveness of AP&P supervision.

AP&P supervises all sex offenders with the same level of supervision during their first year. This is contrary to evidence-based practices.

Research shows that using more resources than needed on low-risk offenders is not only inefficient, but may also make them worse.

Evidence-based practice shows that offenders should be supervised based on a validated risk level assessment.

Sex offenders should be assessed with a tool designed specifically for their characteristics, in conjunction with a general risk and need assessment to inform their level of supervision.

Treating All Sex Offenders the Same Is Not Aligned With Evidence-Based Practice and May Negatively Impact Offenders

After release from prison, all sex offender parolees are assigned the same high-risk level for their first year of supervision. This means that all sex offenders have one required office visit and one field visit each month during their first year of supervision. Management says this is done because of the high stakes involved with this group of offenders. However, it could be that some of these offenders would be assessed as moderate- or low-risk. Research shows that using more resources than needed on low-risk offenders is not only inefficient but may also make them worse. For example, three separate scientific studies³ conclude that recidivism can increase when treatment intensity is greater than what is required to address the rehabilitative needs of sex offenders.

The most current evidence-based practice for the treatment of criminal offenders is the risk-need-responsivity model. The risk principle of this model requires that higher-risk offenders should receive more intensive intervention. This requires that a risk assessment be used to determine if the offender is a high-, moderate-, or low-risk, and that the supervision level should match the assessed risk level. This is how AP&P sets the supervision level for all other offenders except sex offenders. (See Appendix D of this report for AP&P's levels of supervision.)

Evidence-Based Practice Requires AP&P Adopt a Sex Offender Risk Tool to Determine Supervision Levels

AP&P's current risk assessment tool, the LS/RNR, is validated as a general risk and need assessment tool but does not predict sex offender specific risk and needs. To better align with evidence-based practices, sex offenders should be assessed with a tool designed specifically for their characteristics, and used with a general risk and need assessment for a comprehensive method to inform the level of supervision. Agents who work with sex offender populations have been trained on the use of risk assessment tools for sex offenders such as the SOTIPS (Sex Offender Treatment Intervention and Progress Scale) and VASOR-2

³ Andrews & Bonta, 2010; Lowenkamp, & Latessa, 2002; Lowenkamp, et al., 2006

(Vermont Assessment of Sex Offender Risk). However, these tools have not yet been incorporated into AP&P standards.

A 2015 Department of Corrections internal audit on resource allocation⁴ recommended that AP&P adopt a sex offender assessment tool and use it to determine accurate supervision levels, but has only been partially implemented. We again recommend that AP&P fully implement the validated risk assessment tool for sex offenders and use it in determining the level of supervision for each sex offender.

Many Mentally Ill Offenders May Not Have The Most Effective Supervision

Many of the thousands of offenders with mental illness are not currently screened to determine if supervision by a mentally ill offender (MIO) agent would be in the best interest of public safety. Agents who have specialized caseloads like gangs or MIO have better outcomes on recidivism and improved mental health. Unfortunately, many offenders with a mental health diagnosis are not screened to determine if they would be better served by an MIO agent. Also, our analysis shows that the few MIO agents available can supervise only a small proportion of the mentally ill offenders who could benefit from their supervision. We recommend that Adult Probation and Parole develop and implement a strategy to identify those who should be screened and who should be served by agents who specialize in supervising mentally ill offenders.

Specialized Caseloads Help Reduce Recidivism

Specialized agent caseloads typically result in fewer arrests, improved mental health outcomes, and reduced recidivism. AP&P has agents who handle specialized caseloads that include gangs, sex offenders, mentally ill offenders, and women. Agents with specialized caseloads can give more attention to offenders and can design treatment strategies to meet the specific needs of the groups they supervise.

Many offenders with mental illness are not currently screened to determine if supervision by a mentally ill offender (MIO) agent would be in the best interest of public safety.

Agents with specialized caseloads can give more attention to offenders and can design treatment strategies to meet the specific needs of the groups they supervise.

⁴ Utah Department of Corrections Audit Bureau. *A Performance Audit of AP&P Resource Allocation*. Audit #15-02.

MIO agents communicate frequently with offenders' therapists to understand the individuals' needs and medications, and have better connections with mental health treatment facilities.

AP&P's MIO agents ideally supervise a smaller group of 40 or fewer mentally ill offenders. They interact and communicate frequently with their offenders and are trained specifically to deal with this population. Offenders with mental illness often have a dual diagnosis of a substance abuse disorder, making supervision of these individuals more challenging. MIO agents meet and communicate frequently with offenders' therapists to understand each offender's individual needs and medications, and have better connections with mental health treatment facilities.

Unfortunately, not all providers maintain frequent and timely communication with AP&P agents. While we did not specifically audit for examples of failed agent-provider communication, in a recent case we examined, a mental health provider did not inform the agent in a timely manner that the offender had failed a drug test. Within weeks, the offender had killed two children while driving under the influence. Though there is no guarantee that timely communication between the provider and agent would have prevented this tragedy, frequent and timely communication can improve outcomes. Studies show that when agents have regular communication with treatment providers, offenders have significantly fewer arrests and better outcomes. Other agents have also expressed communication concerns with providers. We therefore recommend that AP&P work with providers to establish better communication on reporting drug test results and other behavioral concerns.

Many Offenders Are Not Screened For Supervision by MIO Agents

MIO agents who have specialized caseloads of mentally ill offenders report that they are able to screen parolees who were receiving mental health treatment in prison but are not screening many others from prison who may have a mental health diagnosis. In one of the high-profile cases we reviewed, an offender had a mental health diagnosis that may have contributed to his criminal actions. Unfortunately, since he was not in treatment while in prison, he was not screened for supervision by MIO agents but should have been supervised by them.

Of even greater concern is that of the 12,000 probationers on supervision with AP&P, it is unknown how many have a mental health diagnosis. While those on parole are released by the Board of Pardons and Parole from prison to community supervision, those on

Of the 12,000 probationers on supervision with AP&P, it is unknown how many have a mental health diagnosis.

probation are ordered by judges to be supervised in the community. These probationers should also be screened to determine if they need the kind of supervision an MIO officer can provide. We therefore recommend that AP&P develop and implement a strategy to identify those who should be screened and who should be served by MIO agents.

MIO Agents Manage Less Than Ten Percent of the Potential Number of Mentally Ill Offenders Who May Need Their Services

Only a small percentage of those who may have mental illness are supervised by AP&P's MIO agents. There are ten MIO agents throughout the state, who supervise a total of 340 offenders. They typically deal with the most severe cases of mental illness and often attend mental health courts. Unfortunately, there may be as many as 5,000 on supervision with a mental health diagnosis, and current agents are supervising less than ten percent of this population. Effective screening would provide an indication of the extent of offenders who could benefit from supervision by trained MIO agents.

There may be as many as 5,000 on supervision with a mental health diagnosis, and current agents are supervising less than ten percent of this population.

As of May 2022, the number of parolees on community supervision with a mental health diagnosis was 1,363— 33 percent of all parolees. It is not known how many of the roughly 12,000 AP&P probationers have a mental health diagnosis. If the proportion of mentally ill is also 33 percent for probationers, there could be another 4,000 mentally ill offenders. This would mean that roughly 5,000 offenders on supervision would need to be screened to determine if they could benefit from MIO supervision. However, AP&P's current capacity for MIO supervision is limited. MIO supervision will need to expand to better address offender needs and the subsequent impact on public safety. We recommend that Adult Probation and Parole increase the number of current agents trained to supervise offenders with a mental health diagnosis.

Recommendations

1. We recommend that Adult Probation and Parole fully implement the validated risk assessment tool for sex offenders and use it in determining the level of supervision for each sex offender.

2. We recommend that Adult Probation and Parole work with providers to establish better communication on reporting drug test results and other behavioral concerns.
3. We recommend that Adult Probation and Parole develop and implement a strategy to identify those who should be screened and who should be served by agents who specialize in supervising mentally ill offenders.
4. We recommend that Adult Probation and Parole increase the number of current agents trained to supervise offenders with a mental health diagnosis.

Chapter IV

AP&P Needs an Updated Software Program to More Effectively and Efficiently Manage Its Caseload

Developed originally in the 1990s, Adult Probation and Parole's (AP&P) O-Track information system has been improved over the years, but still has a number of deficiencies that negatively impact agent efficiency and effectiveness. Agents expressed the following concerns about O-Track:

- Slow response time
- System down time
- Unreliability of entering data
- Double entry of data
- Inability to edit some reports
- Lack of an effective supervisor audit function

Not only do these problems impact agent efficiency, but we also identified shortcomings in the information system that may impact public safety. The lack of a direct connection to Court databases means O-Track lags behind in having crucial information. Also, the system design makes it difficult to evaluate data on treatment and case action plans (CAP), making it nearly impossible to determine the effectiveness of treatments. Finally, the system's lack of data history means changes to the database are not tracked internally, which can create concerns of data integrity. To address these concerns, we recommend that AP&P develop a strategic business plan to guide the future development of their information system and include database history tables for its information system.

AP&P Management Software Is Negatively Impacting Agent Productivity

O-Track, AP&P's software for offender management, has functionality concerns that create inefficiencies, reliability issues, and limitations for evaluating the effectiveness of treatment. The latest upgrade to O-Track began in 2009, and some fixes have been made to the system since then. However, the current status of Utah

AP&P's O-Track offender information system has several deficiencies that negatively impact agent efficiency and effectiveness.

We recommend that AP&P develop a strategic business plan to guide the future development of their information system

Rather than automatically updating in O-Track, agents must check the Court database for updates on their offenders and then manually enter them into O-Track.

In one such case, an agent arrested an offender who was no longer under their legal jurisdiction because the offender's status changed in the Court database, but was not yet updated in O-Track.

Department of Corrections (UDC) and the Division of Technology Services (DTS) project development is not adequate to address our concerns with the system. We recommend that AP&P develop a strategic business plan for a new information system and require that all future development projects be aligned with that plan.

O-Track Functionality Concerns Create Reliability Issues with Court Records

Although O-Track is critical to the proper functioning of AP&P, its shortcomings can create reliability issues. For example, O-Track is integrated with the Board of Pardons and Parole (Board) database, and thus Board updates are automatic. However, automatic updates from the Court's electronic system are limited to jail sanction and pre-sentence investigations. This means that agents must spend time checking the Court database for updates on their offenders, which then must be manually entered into O-Track. Therefore, some court changes in an offender's status may not get into O-Track in a timely manner.

In one such case, an agent arrested an offender who was no longer under their legal jurisdiction because the offender's status changed in the Court database but was not yet updated in O-Track. One supervisor expressed frustration that in some situations, they only have access to O-Track at night and do not have access to the Court database. Our audit team was told that the Courts can close a case, and it can be five days before this change is reflected in O-Track. These delays compromise the reliability of court data in O-Track.

O-Track Functionality Concerns Create Inefficiencies

Other deficiencies in the system can lead to wasting agent time and resources. Agents we talked with noted the following about O-Track:

- **Slow Response Time:** An agent exclaimed, "it's like molasses in winter."
- **System Downtime:** An agent reported that O-Track was down twice a week, from 15 minutes to an hour, requiring them to make notes.
- **Unreliability of Entering Data:** An agent said that they are held liable for updating O-Track, but the

system frequently fails to process what the agent has modified.

- **Double Entry of Data:** An agent explained that you place CAP updates in the notes section, but then you must copy and paste it into several other places in the case action plan section of O-Track.
- **Inability to Edit Some Reports:** Reports are automatically populated, but the auto-generated portions cannot be edited, and reports sometimes cannot be amended.
- **Lack of Effective Supervisor Audit Function:** As mentioned in Chapter II of this report, O-Track lacks an effective supervisor audit function that would allow supervisors to review subordinate caseloads for quick and easy identification of agent non-compliance with supervision guidelines.

As part of our audit process, the Georgia Department of Community Supervision demonstrated how its state-of-the-art supervision management system would prioritize, highlight, and organize actions that needed to be taken by the agents. This information is placed on one screen for each agent, with additional aggregated information for supervisors and managers. An effective caseload management system like Georgia's would greatly reduce the time AP&P agents spend trying to identify tasks that need to be completed.

In our companion audit, *A Limited Review of the Coordination Between Public Safety Entities* (2022-15), we recommend that a workload study be conducted to estimate the time agents spend updating and reviewing O-Track. Even without the verification of that study, agents frequently expressed frustration that they spend excessive time reviewing and updating the system. One agent said they spend one to two days a week going through O-Track to make sure nothing is outdated. One supervisor told us, "This job can't be done in front of a computer, but agents spend a lot of time in front of computers."

State-of-the-art supervision management systems prioritize, highlight, and organize actions that need to be taken by the agents.

One agent said they spend one to two days a week going through O-Track to make sure nothing is outdated.

O-Track's design makes it difficult to evaluate data for treatment and case action plans, making it nearly impossible to determine the effectiveness of treatments.

UDC should develop their strategy and DTS should provide the necessary skill set to ensure the project is completed.

O-Track Functionality Concerns Limit Treatment Evaluation

O-Track's design and data that is not consistently updated makes it difficult to evaluate data for treatment and case action plans, making it nearly impossible to determine the effectiveness of treatments. Discussions with UDC's O-Track manager revealed that because of the way treatment categories are programmed into the system, using O-Track to understand treatment effectiveness would be unreliable. Also, our discussions with agents revealed that data from case action plans are also unreliable for analysis purposes.

CAPs are used by agents to address the offender's criminogenic needs through treatment, classes, and other programs. Agents often make status updates to CAPs in their note sections, which must be entered again into separate CAPs screens. This redundant step may or may not happen. Therefore, determining whether CAPs are conducted properly would require a time-intensive review of all case notes and CAPs data. These issues pose serious limitations to evaluating treatment effectiveness. Without major upgrades to the current system, many of these inefficiencies are unavoidable.

AP&P Needs to Develop a Strategic Business Plan for Its Information System

System enhancements are needed to address many of the inefficiencies we identified. UDC should develop their strategy and DTS should provide the necessary skill set to ensure the project is completed. The original development of the O-Track system began in the 1990s. The most recent major upgrade began in 2009, with other improvements occurring since then. A list of future desired fixes has been maintained over the years and prioritized by AP&P to make small improvements and system enhancements when funding is available. This slow evolution of O-Track may have contributed to many of its current deficiencies.

In interviews with other western-state community supervision managers, we found that information systems not much older than Utah's 2009 upgrade are now being replaced.



Arizona: The current system is from 2006; a request for proposal is underway to replace it.



Colorado: The current system is from the 1980s; a new system is now being worked on.



Idaho: The previous system may have been based on O-Track; the state is currently finishing a four-year plan for a new system.



Nevada: The current system is from 2000; the state is now under contract for a new system.



Washington: The current system is from 2007; a replacement is currently being pursued.

Management from DTS gave assurances that O-Track is completely upgradable. However, the current slow evolution of development is not adequate at addressing these problems. AP&P needs to examine its procedures and processes, consider simplification, then develop a strategic business plan articulating the future state of the information system. This plan needs to consider the desired technology, such as cloud basing and mobility. A tactical plan should then be created to achieve the desired system. At that point, AP&P can determine whether it needs more resources. All future projects to upgrade the information system will need to be closely aligned with the strategic business plan. We recommend that AP&P develop a strategic business plan for a new information system and require that all future development projects be aligned with that plan.

Better Tracking of Database Changes Is Needed to Ensure Database Integrity

In our review of high-profile cases, we did not identify any falsified documentation from the data sources we inspected. Although individuals authorized to amend O-Track keep some record of changes, we found that O-Track does not maintain an auditable history of changes to the database, which is recommended by the U.S. Government Accountability Office (GAO) for information systems. We recommend that UDC create database history tables to store the change log data and further assist in database security and integrity.

O-Track is completely upgradable; however, the current slow evolution of development is not adequate at addressing these problems.

O-Track does not maintain an auditable history of changes to the database, which is recommended by the GAO for information systems.

We did not identify any false documentation of field visits or changing of documentation after a criminal event.

Our Review Did Not Identify Any Illegal Changes to Data

We did not identify any false documentation of field visits or changing of documentation after a criminal event. In reviewing the 15 high-profile cases, we investigated reports of potential fraudulent reporting by agents making false reports of field visits and changing records to look more favorable after a criminal event.

Using GPS data that tracks agency vehicles, we traced the field visits of several agents who failed to have successful field visits over several months. In our samples, we found that agency vehicles stopped at the addresses of the offenders on the day reported for the field visits, indicating that an attempt to make a field contact with the offender occurred. Unfortunately, due to functionality concerns with the GPS system, AP&P no longer has GPS in agency cars. Given the requirement for two agents to conduct field visits together, along with the requirement to call dispatch before and after each visit, existing controls appear to be sufficient to verify field visits.

To determine if any agents requested changes to the database after a criminal event by an offender they supervised, we reviewed chat messages, emails, and data change logs and interviewed those authorized to make corrections to the database. Our review found that requests for changes to O-Track data are common; however, we did not identify any written requests to change data related to that particular offender. Based on these sample reviews, we did not identify fraud, but we cannot say none occurred due to lack of documentation.

Database Does Not Track Data Changes

O-Track's database does not maintain records of changes to data. Consequently, once data are edited or deleted from the database, there is no way for the database to determine what was changed, and by whom. This is a separate issue from agents' ability to edit reports as previously mentioned. Because of this lack of historical tracking, only a limited number of people are authorized to make changes to the database. These employees use various methods to track these changes, such as spreadsheet logs and logs of emails requesting changes. However, human tracking systems are more subject to error than electronic-based tracking systems.

The GAO's Federal Information Systems Controls Audit Manual (FISCAM) recommends software to maintain an audit trail.

GAO Federal Information System Controls

"Access control software should be used to maintain an audit trail of security access containing appropriate information for effective review to determine, how, when and by whom specific actions were taken... Typically audit trails may include user ID, resource accessed, date, time, terminal location, and specific data modified."

Source: U.S. Government Accountability Office. Federal Information System Controls Audit Manual (FISCAM). GAO-09-232G (2009).

O-Track's current database does not maintain an audit trail of what changes were made, when, and by whom. We recommend that UDC create database history tables to store the change log data and further assist in database security and integrity. Until UDC can make effective improvements to O-Track, standard logs should be required.

We recommend that UDC create database history tables to store the change log data and further assist in database security and integrity in O-Track.

Recommendations

1. We recommend that Adult Probation and Parole develop a strategic business plan for a new information system and require that all future development projects be aligned with that plan.
2. We recommend that the Utah Department of Corrections create database history tables to store the change log data and further assist in database security and integrity. Until these database improvements can be made, standard logs should be required.

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Appendices

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Appendix A: Complete List of Audit Recommendations

This report made the following eleven recommendations. The numbering convention assigned to each recommendation consists of its chapter followed by a period and recommendation number within that chapter.

Recommendation 2.1

We recommend that Adult Probation and Parole create and implement retention strategies to ensure that the Division is adequately staffed and retaining experienced agents.

Recommendation 2.2

We recommend that Adult Probation and Parole establish a more formal process in policy that will provide a more thorough review of high-profile events, make recommendations for improvements, and document the results of recommendations to provide better documentation for greater transparency.

Recommendation 2.3

We recommend that Adult Probation and Parole upgrade O-Track to provide supervisors with an accurate status of each agent's deficiencies on supervision.

Recommendation 2.4

We recommend that Adult Probation and Parole improve and monitor the frequency and quality of yearly performance reviews by supervisors.

Recommendation 2.5

We recommend that Adult Probation and Parole develop training for supervisors that include best methods for monitoring agent performance and the effective use of performance plans.

Recommendation 3.1

We recommend that Adult Probation and Parole fully implement the validated risk assessment tool for sex offenders and use it in determining the level of supervision for each sex offender.

Recommendation 3.2

We recommend that Adult Probation and Parole work with providers to establish better communication on reporting drug test results and other behavioral concerns.

Recommendation 3.3

We recommend that Adult Probation and Parole develop and implement a strategy to identify those who should be screened and who should be served by agents who specialize in supervising mentally ill offenders.

Recommendation 3.4

We recommend that Adult Probation and Parole increase the number of current agents trained to supervise offenders with a mental health diagnosis.

Recommendation 4.1

We recommend that Adult Probation and Parole develop a strategic business plan for a new information system and require that all future development projects be aligned with that plan.

Recommendation 4.2

We recommend that the Utah Department of Corrections create database history tables to store the change log data and further assist in database security and integrity. Until these database improvements can be made, standard logs should be required.

Appendix B: Review of High-Profile Cases

Case #1
Crime: Rape, 1/2020
Agent Non-compliance with Standards of Supervision and Policy, during Most Recent Supervision:
<ul style="list-style-type: none"> • Late reporting of impaired driving charge to the Board of Pardons and Parole (BOPP). An agent was informed on 8/9/2019 of the offenders impaired driving offence and the charge was finally reported to the Board of Pardons and Parole on 9/24/2019. The BOPP acknowledges they received the 9/24/2019 report from AP&P mentioning the impaired driving/DUI. However, they are unclear what happened to the report following the receipt. They did not find a paper copy of the report in the hard file. They were unaware there was a 9/24/2019 report until January 2020. The offender pleaded guilty to impaired driving on 11/9/2020 and was fined by the Court.
Areas Where Agents Could Have Been More Thorough:
<ul style="list-style-type: none"> • The supervisor had to sign off on the 9/24/2019 update to the Board and should have rejected it due to the lack of probable cause and recommendation. • Last agent the offender had while on supervision tried to verify prescriptions for the offender's mental illness; however, review of his prescriptions should have been conducted earlier and tested to see if he was taking them as prescribed. • Case Action Plan (CAPs) were talked about in office visits, but these discussions are not documented where they are supposed to be in the CAPs area of O-Track.
Possible Contributing Factors:
<ul style="list-style-type: none"> • Offender had few recorded violations while on supervision since 2017, prior to most recent offenses. • The offender was assessed as low risk on 7/10/2019 which is consistent with previous assessments. The low risk assessment required only one face-to-face office or field visit every 180 days, but he was often treated as a moderate risk, with more office and field visits than required. • The agent who did the late reporting to the BOPP had just over a year of experience and had little experience with the Board. • Four agents supervised the case from the time of the DUI on 7/26/2019 to the rape on 1/27/20. One agent supervised him for less than a month.
Contacts Made with Offender the Last 30 Days before Crime:
<ul style="list-style-type: none"> • One office visit and one successful field visit.

Case #2

Crime: Manslaughter by Vehicle, 6/2020; offender was a fugitive from 12/15/2017 to crime.

Agent Non-compliance with Standards of Supervision and Policy, during Most Recent Supervision:

- None identified.

Areas Where Agents Could Have Been More Thorough:

- None identified.

Possible Contributing Factors:

- The DEA was tracking him closely while a fugitive and asked AP&P not to actively pursue him.

Contacts Made with Offender the Last 30 Days before Crime:

- Offender was a fugitive at the time of the crime.

Case #3

Crime: Murder, 5/2021

Agent Non-compliance with Standards of Supervision and Policy, during Most Recent Supervision:

- Missing two office visits, one field visit, and four successful field visits over an 8-month period of supervision.

Areas Where Agents Could Have Been More Thorough:

- No follow through on treatment or entries in offender's Case Action Plan.
- Could have been reassessed earlier in supervision.

Possible Contributing Factors:

- Agent had a high caseload, with as many as 52 high and intensive-risk offenders.

Contacts Made with Offender the Last 30 Days before Crime:

- Offender was a fugitive at the time of the crime.

Case #4

Crime: Murder, 5/2020

Agent Non-compliance with Standards of Supervision and Policy, during Most Recent Supervision:

- Missing one field visit in February 2020.

Areas Where Agents Could Have Been More Thorough:

- None noted.

Possible Contributing Factors:

- The offender was seriously and persistently mentally ill.
- COVID-19 isolation began in March 2020.
- Offender's family member kept firearm used in crime in their personal vehicle. Searching a family member's vehicle is not allowed by statute or policy unless the family member gives consent or search warrant is granted.

Contacts Made with Offender the Last 30 Days before Crime:

- Three successful field visits and one attempted field visit.

Case #5

Crime: First-Degree Murder, 3/2020

Agent Non-compliance with Standards of Supervision and Policy, during Most Recent Supervision:

- Agents should have begun walkaway procedures earlier in the day after the offender did not report to halfway house.

Areas Where Agents Could Have Been More Thorough:

- With offender's history of multiple abscondments, they should have used GPS at the halfway house.

Possible Contributing Factors:

- Offender absconded multiple times during previous supervision.

Contacts Made with Offender the Last 30 Days before Crime:

- Offender was a fugitive at the time of the crime.

Case #6

Crime: Murder, 3/2020

Agent Non-compliance with Standards of Supervision and Policy, during Most Recent Supervision:

- Late in seeking a warrant.
- Late in conducting first field visit.

Areas Where Agents Could Have Been More Thorough:

- LS/RNR reassessment completed incorrectly.

Possible Contributing Factors:

- Prior criminal record consisted of non-violent offences.
- Offender's agent had only two years of experience.

Contacts Made with Offender the Last 30 Days before Crime:

- Offender was a fugitive at the time of the crime.

Case #7

Crime: Rape, 12/2021

Agent Non-compliance with Standards of Supervision and Policy, during Most Recent Supervision:

- None identified.

Areas Where Agents Could Have Been More Thorough:

- None identified.

Contacts Made with Offender the Last 30 Days before Crime:

- Two office visits and one successful field visit.

Case #8

Crime: Aggravated Murder, 9/2021

Agent Non-compliance with Standards of Supervision and Policy, during Most Recent Supervision:

- Missing one office visit, one field visit, and three successful field visits.

Areas Where Agents Could Have Been More Thorough:

- Agent should have used other methods to successfully see offender at home.
- Follow up more on offender's treatment.

Possible Contributing Factors:

- Five agents supervised the offender from 6/2020 to 9/2020.

Contacts Made with Offender the Last 30 Days before Crime:

- One office visit and two attempted field visits.

Case #9

Crime: Homicide, 10/2021

Agent Non-compliance with Standards of Supervision and Policy, during Most Recent Supervision:

- None identified.

Areas Where Agents Could Have Been More Thorough:

- Greater explanation was needed for offender's lack of treatment.

Contacts Made with Offender the Last 30 Days before Crime:

- One successful field visit and one office visit.

Case #10

Crime: Aggravated Robbery and Kidnapping, 3/2020

Agent Non-compliance with Standards of Supervision and Policy, during Most Recent Supervision:

- None identified.

Areas Where Agents Could Have Been More Thorough:

- None identified.

Contacts Made with Offender the Last 30 Days before Crime:

- Offender was in a community correction center for two days when crime was committed.

Case #11

Crime: Assault and Kidnapping, 7/2020

Agent Non-compliance with Standards of Supervision and Policy, during Most Recent Supervision:

- None identified.

Areas Where Agents Could Have Been More Thorough:

- None identified.

Contacts Made with Offender the Last 30 Days before Crime:

- One office visit, one attempted office visit, and three successful field visits.

Case #12

Crime: Discharging a Weapon in City Limits, 9/2021

Agent Non-compliance with Standards of Supervision and Policy, during Most Recent Supervision:

- None identified.

Areas Where Agents Could Have Been More Thorough:

- None identified.

Contacts Made with Offender the Last 30 Days before Crime:

- Two successful field visits and three office visits.

Case #13

Crime: Aggravated Robbery, 10/2021

Agent Non-compliance with Standards of Supervision and Policy, during Most Recent Supervision:

- Missing three office visits and four successful field visits.

Areas Where Agents Could Have Been More Thorough:

- Documentation could have been better on treatment in Case Action Plan.

Contacts Made with Offender the Last 30 Days before Crime:

- One substance abuse test, one office visit, and two attempted field visits.

Case #14

Crime: Aggravated Assault, 4/2021

Agent Non-compliance with Standards of Supervision and Policy, during Most Recent Supervision:

- None Identified.

Areas Where Agents Could Have Been More Thorough:

- None Identified.

Contacts Made with Offender the Last 30 Days before Crime:

- Two office visits, one successful field visit, and one attempted field visit.

Case #15

Crime: Burglary, 10/2020

Agent Non-compliance with Standards of Supervision and Policy, during Most Recent Supervision:

- No field visit within 15 days of release from prison.
- Three missing field visits, two missing successful field visits, and one missing office visit.

Areas Where Agents Could Have Been More Thorough:

- LS/RNR assessment lacks documentation.

Possible Contributing Factors:

- Agent had less than a year of experience.

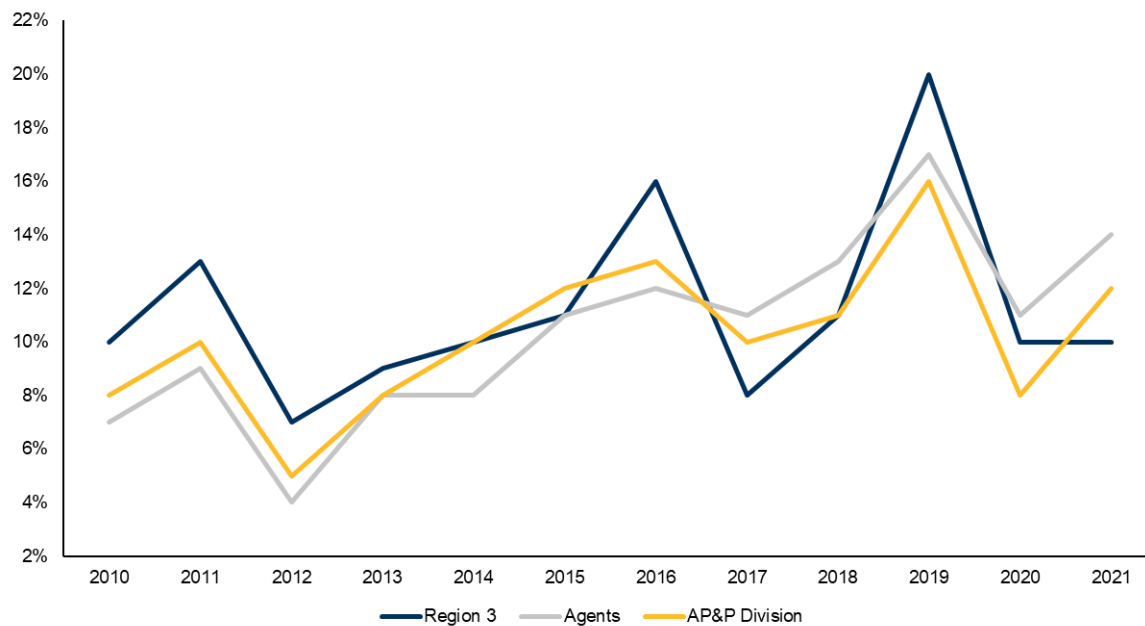
Contacts Made with Offender the Last 30 Days before Crime:

- Two attempted field visits, one successful field visit, and one office visit.

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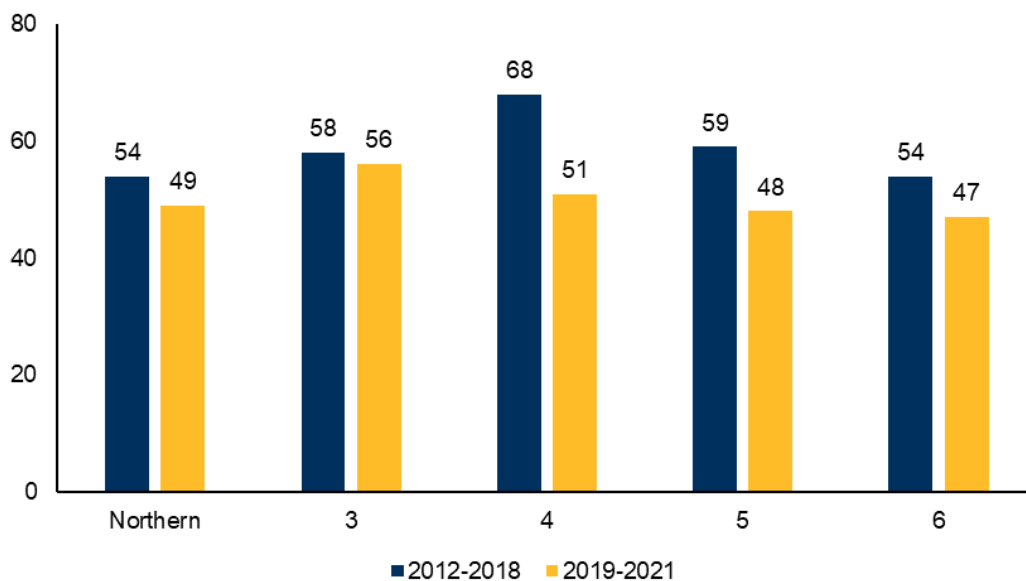
Appendix C: AP&P Turnover Information

Figure C.1 AP&P Annual Turnover Rates for Region 3, Agents, and Division. Turnover in Region 3 is typically above average.



Source: Auditor generated using data from Utah Department of Corrections
Note: Turnover does not include internal transfers between regions.

Figure C.2 Median Caseload Size by Region, Past and Present. Agents in Region 3 currently have the highest caseloads and have seen the least decline in recent years.



Source: Auditor generated using data from Utah Department of Corrections

Figure C.3 AP&P Causes of Termination, 2018 to 2021. Retirement is the most common reason agents leave AP&P, followed by employment with police departments.

Cause of Termination	Percent
Retire	40%
Employment with Police Department	26%
Fired/Decertified	10%
Unknown/Relocate	8%
Criminal Justice-related Employment	7%
Other Employment	7%
School	2%

Source: Auditor generated using data from Utah Department of Corrections

Appendix D: Adult Probation and Parole Standards of Supervision

Supervision Level	Office Visit Requirements	Field Visit Requirements	Reassessment Requirements
Low LS/RNR = 0-10	Face-to-face office or field contact every 180 days		12 months from the start of supervision, and each year thereafter. Upon being committed to prison, revocation, or a new conviction. 90 days prior to consideration for termination or completion of supervision. When events or circumstances occur that significantly impact risk factors and will likely change the offender's score: changes in employment status; alcohol or drug use; program or treatment completion; family or marital changes; exhibiting behaviors which reflect a pro-social attitude; infractions, violations or criminal convictions; positive or negative associations; significant involvement in community activities, and other events which may increase/decrease risk levels.
Moderate LS/RNR = 11-19	Once a month	Once every other month with a successful face-to-face residential contact with the offender every 90 days	
High LS/RNR = 20-29	Once a month	Once a month with a successful face-to-face residential contact with the offender every 60 days	
Intensive LS/RNR = 30+	Two per month	Two field contacts per month, one of which must be a successful face-to-face at the offender's residence	After 120 days of supervision

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Agency Response

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State of Utah

SPENCER J. COX
Governor

DEIDRE M. HENDERSON
Lieutenant Governor

Utah Department of Corrections Executive Office

BRIAN NIELSON
Executive Director

Audit Response

November 07, 2022

Kade R. Minchey CIA, CFE, Auditor General
Office of the Legislative Auditor General Utah State Capitol Complex
Rebecca Lockhart House Building, Suite W315
P.O. Box 145315
Salt Lake City, UT 84114-5315

Dear Mr. Minchey,

Thank you for the opportunity to respond to the recommendations in *A Performance Audit of the Oversight and Effectiveness of Adult Probation and Parole* (Report #2022-13). We appreciate the effort and professionalism of you and your staff in this review and the collaboration needed from our staff to provide requested information, answer questions, and plan changes to improve the effectiveness of probation and parole operations in our state. We believe that the results of our combined efforts will increase operational practices and public safety.

We concur with all recommendations in this report and have outlined our actions and timelines to demonstrate our agreement. Our teams in Adult Probation and Parole, as well as other divisions and bureaus, are mobilized to partner on actions to assist the Legislature in their decisions on behalf of those we serve. The Department of Corrections is committed to efficient operational processes, effective use of taxpayer funds, and public safety. We value the insight this report provides on areas that can be improved.

Sincerely,

A handwritten signature in black ink, appearing to read "Brian Nielson".

Brian Nielson, Executive Director

A Performance Audit of the Oversight and Effectiveness of Adult Probation and Parole

CHAPTER II

Recommendation 2.1. We recommend that Adult Probation and Parole create and implement retention strategies to ensure that the Division is adequately staffed and retaining experienced agents.

Department Response: The Department concurs.

What: AP&P will establish and implement agent retention strategies to improve staffing and retention of experienced agents.

How: AP&P will work with UDC leadership and DHRM to identify the strategies, implementation plans, and outcome measures.

When: With the assistance of the Governor's Office and the Legislature, UDC was able to implement two separate salary increases to agent pay ranges during 2022. The first adjustment was implemented in March and the second was implemented in August. These salary increases were in addition to the 3.5% COLA all state employees received in July. AP&P will establish a retention strategy by March 2023, and implement the strategy and establish outcome measures by July 2023.

Contact: James Hudspeth, Deputy Executive Director, jhudspeth@utah.gov, 801-557-6172

Recommendation 2.2. We recommend that Adult Probation and Parole establish a more formal process in policy that will provide a more thorough review of high-profile events, make recommendations for improvements, and document the results of recommendations to provide better documentation for greater transparency.

Department Response: The Department concurs.

What: AP&P will establish a more formal process in policy to provide a thorough review of critical events, including recommendations for improvements, and document the results to improve documentation and transparency.

How: AP&P will revise policy to include a thorough review of critical events and supervision, along with any final actions and recommendations for improvement.

When: Draft revision of critical incident review is already in use. Final policy revisions will be completed by February 2023.

Contact: Dan Blanchard, Division Director, danblanchard@utah.gov, 801-545-5901

Recommendation 2.3. We recommend that Adult Probation and Parole upgrade O-Track to provide supervisors with an accurate status of each agent's deficiencies on supervision.

Department Response: The Department concurs.

What: AP&P will upgrade the agent audit module for supervisors to accurately reflect deficiencies in supervision.

How: AP&P will identify improvements for the agent audit module with assistance from field supervisors and the Planning & Research Bureau. A project charter will be developed and prioritized through the UDC IT Governance Committee for DTS development.

When: Project charter will be completed February 2023. UDC will then prioritize the project and collaborate with DTS on an estimated timeline and completion.

Contact: Glenn Ercanbrack, Deputy Division Director, glennercanbrack@utah.gov, 801-545-5909

Recommendation 2.4. We recommend that Adult Probation and Parole improve and monitor the frequency and quality of yearly performance reviews by supervisors.

Department Response: The Department concurs.

What: AP&P will improve and monitor the quality and frequency of yearly performance reviews by supervisors.

How: AP&P will work with DHRM to update performance plans and generate reports from the UPM system to ensure plans are active, updated regularly, evaluated, and finalized according to DHRM rules.

When: AP&P is currently reviewing UPM plans for appropriate expectations, goals, and performance measures. DHRM reports will be provided to supervisors bi-annually with plan completions by June 2023, ongoing annually.

Contact: Dan Blanchard, Division Director, danblanchard@utah.gov, 801-545-5901

Recommendation 2.5. We recommend that Adult Probation and Parole develop training for supervisors that includes best methods for monitoring agent performance and the effective use of performance plans.

Department Response: The Department concurs.

What: AP&P will develop training for supervisors to improve monitoring agent performance, including effective use of performance plans.

How: AP&P will work with our Training Division to develop specific training for all supervisors consisting of a field training program for new supervisors and yearly supervisor training. The curriculum will include DHRM required training.

When: Field training subjects for new supervisors are being identified and will be completed by January 2023. Supervisor specific training will be provided by June 2023, and each fiscal year thereafter.

Contact: Wade Allinson, Region Chief, wallinson@utah.gov, 435-636-2800

CHAPTER III

Recommendation 3.1. We recommend that Adult Probation and Parole fully implement the validated risk assessment tool for sex offenders and use it in determining the level of supervision for each sex offender.

Department Response: The Department concurs.

What: AP&P will use the appropriate validated risk assessment tools in determining the supervision level for each sex offender.

How: AP&P will use a general risk and need assessment and appropriate sex offender risk assessment tools to help determine appropriate standards of supervision. AP&P will update the standards of supervision policy and integrate the assessments into our offender management system. Supervision agents will be trained in the proper use of the sex offender assessments.

When: Policy updates to the standards of supervision will be finalized by March 2023. AP&P will expand the use of these assessments with additional training by July 2023.

Contact: Aimee Griffiths, Region Chief, agriffiths@utah.gov, 801-633-9351

Recommendation 3.2. We recommend that Adult Probation and Parole work with providers to establish better communication on reporting drug test results and other behavioral concerns.

Department Response: The Department concurs.

What: AP&P will work with treatment providers to establish better communication on reporting drug test results and other behavioral concerns.

How: AP&P will collaborate with the Office of Substance Use and Mental Health and USAAV+ to improve communication of drug test results and other behavioral concerns to agents. AP&P will engage with local criminal justice coordinating councils to improve communication at the local level.

When: AP&P is currently communicating with stakeholders. AP&P will engage with local criminal justice coordinating councils by June 2023.

Contact: Andrew McCain, Region Chief, amccain@utah.gov, 801-627-7845

Recommendation 3.3. We recommend that Adult Probation and Parole develop and implement a strategy to identify those who should be screened and who should be served by agents who specialize in supervising mentally ill offenders.

Department Response: The Department concurs.

What: AP&P will develop a strategy and process to determine who and how to screen individuals with a mental health diagnosis for potential supervision through a specialized mental health caseload.

How: AP&P will collaborate with the Clinical Services Bureau, Programming Division, and external stakeholders to identify an appropriate tool or process to screen individuals and help determine who should be served by an MIO specialized caseload.

When: AP&P will identify the strategy and mental health screening tool or process by July 2023, and use this process to determine caseload placement.

Contact: Irvin Hale, Region Chief, ihale@utah.gov, 801-374-7643

Recommendation 3.4. We recommend that Adult Probation and Parole increase the number of current agents trained to supervise offenders with a mental health diagnosis.

Department Response: The Department concurs.

What: AP&P will train additional agents in mental health recognition and intervention topics to increase the capacity for specialized supervision of those with a mental health diagnosis.

How: AP&P will work with the Training Division to identify and expand training in mental health topics, including Crisis Intervention Training, to additional agents through in-service and dedicated training courses.

When: AP&P is currently expanding its participation in the CIT program. Collaboration with the Training Division on additional courses will be identified by July 2023.

Contact: Tony Garrett, Region Chief, tkgarrett@utah.gov, 435-634-2801

CHAPTER IV

Recommendation 4.1. We recommend that Adult Probation and Parole develop a strategic business plan for a new information system and require that all future development projects be aligned with that plan.

Department Response: The Department concurs.

What: AP&P will work with DTS to develop a strategic business plan for a new information system and align all future development projects with the plan.

How: AP&P will work with UDC leadership, Planning & Research Bureau, and DTS to establish a strategic business plan for a community supervision information system. This will include an assessment of the current system and other potential sources to assist in meeting division needs.

When: AP&P will complete the strategic business plan by June 2023.

Contact: Dan Blanchard, Division Director, danblanchard@utah.gov, 801-545-5901

Recommendation 4.2. We recommend that the Utah Department of Corrections create database history tables to store the change log data and further assist in database security and integrity. Until these database improvements can be made, standard logs should be required.

Department Response: The Department concurs.

What: UDC will create database history tables to store change log data and assist in database security and integrity. Standard documentation logs will be required until these database improvements are made.

How: UDC divisional leadership will identify essential records where database storage of changes is needed. UDC will work with Planning and Research, DTS, and the department's IT Governance Committee to identify what changes are needed to the database.

When: Partially implemented. Divisions are currently tracking database changes they make in a change log. Project charter will be completed by June 30, 2023.

Contact: Jim Hudspeth, Executive Deputy Director, jhudspeth@utah.gov,