PERFORMANCE AUDIT
OF THE

INTAKE TO PAROLE PROCESS

DEPARTMENT OF CORRECTIONS

September 1998

47-121-98

EXECUTIVE DIGEST

INTAKE TO PAROLE PROCESS

INTRODUCTION	This report, issued in September 1998, contains the results of our performance audit* of the Intake to Parole Process, Department of Corrections (DOC).
AUDIT PURPOSE	This performance audit was conducted as part of the constitutional responsibility of the Office of the Auditor General. Performance audits are conducted on a priority basis related to the potential for improving effectiveness* and efficiency*.
BACKGROUND	The overall mission* of the Department of Corrections' parole consideration process is to provide the Parole Board* with accurate, reliable, and timely information about a prisoner so that the Parole Board can make a factual and realistic decision to grant or deny a parole. Section 791.233 of the *Michigan Compiled Laws* states that a parole may not be granted unless the Parole Board has reasonable assurance that the prisoner will not become a menace to society or to the public safety. In 1996, the Parole Board processed 17,523 parole cases.

* *See glossary on page 19 for definition*

AUDIT OBJECTIVES, CONCLUSIONS, AND NOTEWORTHY ACCOMPLISHMENTS

Audit Objective: To determine if DOC's methods for accumulating information for the parole review process effectively provided information that is accurate, reliable, and timely.

Conclusion: We concluded that information provided to the Parole Board generally was accurate, reliable, and timely. However, our assessment disclosed reportable conditions* related to minimum sentence* calculation and to Parole Board data (Findings 1 and 2).

Noteworthy Accomplishments: DOC is required to obtain and process a large amount of data and related documentation as part of the parole process. The importance of the completeness and accuracy of this information cannot be overemphasized to ensure that only those prisoners who have earned the right to parole are considered for parole. We found that DOC did a good job accumulating this data and related documentation. Although DOC management strived to ensure that complete and accurate information was obtained for all prisoners, errors did occur in the process. However, we found that DOC kept those errors to a minimum and thereby maintained the integrity of its mission to provide the Parole Board with accurate, reliable, and timely prisoner information that allowed the Parole Board to make proper parole decisions.

Audit Objective: To determine if DOC's methods for accumulating information for the parole review process complied with the applicable statutes, rules, policies, and procedures.

** See glossary on page 19 for definition*

Conclusion: We concluded that DOC generally complied with the applicable statutes, rules, policies, and procedures governing the parole review process. However, our review disclosed a reportable condition related to parole eligibility reports* (Finding 3).

AUDIT SCOPE AND METHODOLOGY

Our audit scope was to examine the accuracy of the information provided to the Parole Board during the parole process. Our audit was conducted in accordance with *Government Auditing Standards* issued by the Comptroller General of the United States and, accordingly, included such tests of the records and such other auditing procedures as we considered necessary in the circumstances.

Our audit procedures included examination of prisoners' records and activities during the periods of their sentences.

We performed a preliminary survey to obtain an understanding of DOC's intake to parole process. We selected for review a sample of prisoners considered for parole by the Parole Board from April through June 1997. We recalculated the minimum sentence for the prisoners in our sample and verified the information presented to the Parole Board in the parole eligibility reports. Also, we verified the information used by the Parole Board in preparing the parole guideline score sheets*. We recalculated the scores on the score sheets to determine the effect of any errors on the prisoners' probability of parole* .

** See glossary on page 19 for definition.*

AGENCY RESPONSES	Our audit report includes 3 findings and 4 corresponding recommendations. DOC agreed with 2 of the recommendations and partially agreed with the other 2 recommendations.

Mr. Kenneth L. McGinnis, Director
Department of Corrections
Grandview Plaza
Lansing, Michigan

Dear Mr. McGinnis:

This is our report on the performance audit of the Intake to Parole Process, Department of Corrections.

This report contains our executive digest; description of parole process; audit objectives, scope, and methodology and agency responses; comments, findings, recommendations, and agency preliminary responses; and a glossary of acronyms and terms.

Our comments, findings, and recommendations are organized by audit objective. The agency preliminary responses were taken from the agency's responses subsequent to our audit fieldwork. The *Michigan Compiled Laws* and administrative procedures require that the audited agency develop a formal response within 60 days after release of the audit report.

We appreciate the courtesy and cooperation extended to us during this audit.

Sincerely,

Thomas H. McTavish, C.P.A.
Auditor General

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DEPARTMENT OF CORRECTIONS

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Description of Parole Process

The overall mission of the Department of Corrections' parole consideration process is to provide the Parole Board with accurate, reliable, and timely information about a prisoner so that the Parole Board can make a factual and realistic decision to grant or deny a parole. Section 791.233 of the *Michigan Compiled Laws* states that a parole may not be granted unless the Parole Board has reasonable assurance that the prisoner will not become a menace to society or to the public safety.

Sections 791.231a and 791.235 of the *Michigan Compiled Laws* and *Michigan Administrative Code* R 791.7715 and R 791.7716 provide the basis by which the 10-member Parole Board is authorized to grant paroles. Based on statute and rule, the Parole Board developed and uses a parole guideline score sheet that classifies prisoners' probability of parole into three categories: high, average, and low.

The Parole Board generates scores for prisoners within these categories by examining each prisoner's current offense, prior criminal history, conduct in prison, assaultive and property risk, age, programs successfully completed while in prison, and past or present mental health. The information relating to these factors comes from various sources, including the pre-sentence investigation reports*, parole eligibility reports, the Corrections Management Information System* , and prisoner files.

In accordance with statute, the Parole Board, in most instances, is not required to interview those prisoners classified as having a high probability of parole before granting a parole. Also, the Parole Board is not required to interview those prisoners with a low probability of parole who the Board intends to deny parole. An interview is required for all other prisoners. The score sheet is used by the Parole Board to support its final decision. Of the 17,523 parole cases considered for parole in 1996, the Board paroled 10,306 prisoners.

* *See glossary on page 19 for definition.*

Audit Objectives, Scope, and Methodology and Agency Responses

Audit Objectives

Our performance audit of the Intake to Parole Process, Department of Corrections (DOC), had the following objectives:

1. To determine if DOC's methods for accumulating information for the parole review process effectively provided information that is accurate, reliable, and timely.

2. To determine if DOC's methods for accumulating information for the parole review process complied with the applicable statutes, rules, policies, and procedures.

Audit Scope

Our audit scope was to examine the accuracy of the information provided to the Parole Board during the parole process. Our audit was conducted in accordance with *Government Auditing Standards* issued by the Comptroller General of the United States and, accordingly, included such tests of the records and such other auditing procedures as we considered necessary in the circumstances.

Audit Methodology

Our audit procedures were conducted during the months of September 1997 through March 1998 and included examination of prisoners' records and activities during the periods of their sentences.

We performed a preliminary survey to obtain an understanding of DOC's intake to parole process. We selected for review a sample of prisoners considered for parole by the Parole Board from April through June 1997. We recalculated the minimum sentences of the prisoners in our sample and verified the information presented to the Parole Board in the parole eligibility reports. Also, we verified the information used by the Parole Board in preparing the parole guideline score sheets. We recalculated the scores on the score sheets to determine the effect of any errors on the prisoners' probability of parole.

Agency Responses

Our audit report includes 3 findings and 4 corresponding recommendations. DOC agreed with 2 of the recommendations and partially agreed with the other 2 recommendations.

The agency preliminary response which follows each recommendation in our report was taken from the agency's written comments and oral discussion subsequent to our audit fieldwork. Section 18.1462 of the *Michigan Compiled Laws* and Department of Management and Budget Administrative Guide procedure 1280.02 require DOC to develop a formal response to our audit findings and recommendations within 60 days after release of the audit report.

COMMENTS, FINDINGS, RECOMMENDATIONS, AND AGENCY PRELIMINARY RESPONSES

ACCURACY, RELIABILITY, AND TIMELINESS OF INFORMATION

COMMENT

Audit Objective: To determine if the Department of Corrections' (DOC's) methods for accumulating information for the parole review process effectively provided information that is accurate, reliable, and timely.

Conclusion: We concluded that information provided to the Parole Board generally was accurate, reliable, and timely. However, our assessment disclosed reportable conditions related to minimum sentence calculation and to Parole Board data.

Noteworthy Accomplishments: DOC is required to obtain and process a large amount of data and related documentation as part of the parole process. The importance of the completeness and accuracy of this information cannot be overemphasized to ensure that only those prisoners who have earned the right to parole are considered for parole. We found that DOC did a good job accumulating this data and related documentation. Although DOC management strived to ensure that complete and accurate information was obtained for all prisoners, errors did occur in the process. However, we found that DOC kept those errors to a minimum and thereby maintained the integrity of its mission to provide the Parole Board with accurate, reliable, and timely prisoner information that allowed the Parole Board to make proper parole decisions.

FINDING

1. Minimum Sentence Calculation

DOC did not take care to accurately calculate the minimum sentences of all prisoners before considering them for parole.

Section 791.233(1)(b) of the *Michigan Compiled Laws* requires that prisoners serve the minimum terms* imposed by the court, less disciplinary credit* , before the Parole Board can grant them parole. Section 791.235(1) of the *Michigan Compiled Laws* requires that the Parole Board consider prisoners for parole at least one month prior to the expiration of their minimum sentences. The accurate calculation of a prisoner's minimum sentence is of vital importance in the parole process because it determines when the prisoner can be considered for parole and legally be released on parole.

We reviewed 80 case files and found DOC had not properly calculated the minimum sentences of some prisoners:

a. DOC improperly reduced the minimum term of prisoners 21 additional days for each of the 90 days granted under the Emergency Powers Act* (EPA). Because of prison overcrowding in the early 1980's, from May 1981 through August 1984, the Governor ordered 11 EPA sentence reductions of 90 days each to all qualified prisoners. The programming used to calculate a prisoner's minimum sentence was not designed to allow for EPA related days. Therefore, instead of 90 days, DOC gave prisoners included in EPA reductions a total of 111 days credit. Section 800.33 of the *Michigan Compiled Laws* states that disciplinary credit is only available for time served. The 90 EPA related days do not represent days served; therefore, the 21 days of disciplinary credit that normally would be earned for 90 days served should not have been granted. We were informed that, although granting these additional days of credit was contrary to statute, DOC thought it was necessary to comply with EPA.

   Our review of 80 case files for sentence reductions under EPA found 2 prisoners whose minimum terms had been inappropriately reduced using unearned disciplinary days. The prisoners' minimum terms had been improperly reduced by 187 days and 126 days, respectively. In both cases, the prisoners were not released prior to serving their minimum sentences. However, the Parole Board considered them for parole and potentially could

* *See glossary on page 19 for definition.*

have paroled them before they served their minimum sentences. DOC informed us that, at the beginning of 1996, it still had over 650 prisoners whose sentences were affected by EPA related days.

b. DOC did not use a two-year felony* firearm conviction in the calculation of one prisoner's minimum sentence. After one part of this prisoner's conviction had been reduced on appeal, DOC assumed, based on the new court order, that the court had dismissed the two-year felony firearm conviction. However, this part of the conviction had not been appealed and was still in effect. The prisoner was not released prior to serving the minimum sentence. However, the Parole Board considered the prisoner for parole, and the prisoner could have been granted parole two years earlier than allowed by the minimum term.

c. DOC did not restore a credit of 30 days of disciplinary time to a prisoner when calculating the prisoner's minimum sentence. As a result, the prisoner was considered for parole 30 days later than allowed by his minimum sentence.

The accurate calculation of a prisoner's minimum sentence in prison is necessary to ensure that the prisoner serves the minimum term imposed by the court and is considered for parole at the appropriate time.

RECOMMENDATION

We recommend that DOC accurately calculate the minimum sentences of all prisoners before considering them for parole.

AGENCY PRELIMINARY RESPONSE

DOC concurs and will comply with the recommendation with respect to items b. and c.

Regarding item a., DOC disagrees with the auditor's conclusion that DOC improperly reduced the minimum term of prisoners under EPA. DOC believes that EPA required DOC to grant prisoners disciplinary credits for time served pursuant

** See glossary on page 19 for definition.*

to EPA. However, DOC will seek advice from the Department of Attorney General regarding the issue.

Regarding item b., while resentenced or amended judgment of sentences* should address the disposition of all charges that were originally addressed in the case, DOC will instruct Records Office staff to seek clarification from the sentencing court when a previously imposed sentence is omitted from resentenced or amended judgment of sentences.

Regarding item c., DOC will remind staff to compare all time computation actions against a computer-generated audit report to ensure that all time transactions were applied.

FINDING

2. Parole Board Data

DOC had not taken sufficient action to ensure the correctness of data provided to the Parole Board.

Michigan Administrative Code R 791.7716 requires the Parole Board to use parole guideline score sheets to assist it in making parole decisions that minimize the risk to public safety. The Parole Board uses the score sheet to classify eligible prisoners into three categories of probability of parole: high, average, and low. A prisoner's score is derived from a number of different records originating from various sources within DOC. Therefore, correct data are critical for the proper operation of the parole decision process.

We selected a random sample of 80 cases from 4,214 cases processed by the Parole Board in April, May, and June 1997. We conducted tests to verify the accuracy of the data used by the Parole Board to process these 80 cases. We tested 37 attributes for each of the 80 cases:

a. Data used in the parole guideline data entry process were not correct in 61 (5%) of the 1,280 instances. Agents from the Field Operations Administration

** See glossary on page 19 for definition.*

complete most of the parole guideline data entry sheets* and Reception Center staff enter the data into the Corrections Management Information System (CMIS). On occasion, the Parole Board completes the sheets and enters the data into CMIS when it is not done by agents from the Field Operations Administration. The Parole Board uses these data in the parole guideline score sheet to evaluate a prisoner's current sentence and his/her prior criminal history. Together, depending on sentence length, these two categories can account for 20% to 34% of the total possible points on the parole guideline score sheet.

b. Data involving misconducts*, statistical risk, age, and special designation categories were not correct in 57 (10%) of 560 instances. The Parole Board uses these components to evaluate a prisoner's behavior while in the prison system and to assess the prisoner's inherent risk to society. These data are automatically inserted by CMIS into the parole guideline score sheet. We determined that 11 of the 57 errors resulted from the failure of CMIS to recognize fighting misconducts as nonbondable misconducts. Nonbondable misconducts are recognized on the parole guideline score sheet as a separate component used to assess prisoner behavior. Together, depending on sentence length, these categories can account for 48% to 59% of the total possible points on the score sheet.

c. Data involving security classifications* , programming, and mental health categories were not correct in 38 (10%) of 400 instances. This information is entered by the parole guideline score sheet technician. Together, depending on sentence length, these categories can account for 18% to 22% of the total possible points on the score sheet.

We determined that only one of the prisoners in our sample was improperly classified as having a high probability of parole. The prisoner was released without an interview. This prisoner should have been classified as having an average probability of parole and should have been interviewed as required by Section 791.235(1) of the *Michigan Compiled Laws.*

** See glossary on page 19 for definition.*

RECOMMENDATION

We recommend that DOC take sufficient action to ensure the correctness of data provided to the Parole Board.

AGENCY PRELIMINARY RESPONSE

DOC concurs and will comply with this recommendation. DOC will revise the parole guideline data entry sheets and instructions to increase clarity and reduce errors. Also, DOC will correct CMIS to recognize fighting misconducts as nonbondable misconducts. In addition, DOC will delete special designations from the parole guideline score sheet as they are not considered in the parole guideline calculation. Further, DOC will provide additional training for staff.

COMPLIANCE WITH STATUTES, RULES, POLICIES, AND PROCEDURES

COMMENT

Audit Objective: To determine if DOC's methods for accumulating information for the parole review process complied with the applicable statutes, rules, policies, and procedures.

Conclusion: We concluded that DOC generally complied with the applicable statutes, rules, policies, and procedures governing the parole review process. However, our review disclosed a reportable condition related to parole eligibility reports.

FINDING

3. Parole Eligibility Reports (PERs)

DOC did not always comply with the statutes and policies for preparing PERs. Also, the statutes and policies governing the PER process did not always meet the needs of the Parole Board.

We reviewed 80 PERs for various attributes to determine if the PERs were prepared in compliance with the governing statutes and policies:

a. In 6 (7.5%) instances, the PERs did not address or accurately reflect the prior parole history of the prisoners.

b. In 5 (6.3%) instances, the PERs did not show or accurately reflect the major misconducts incurred by the prisoners.

c. In 4 (5.0%) instances, the PERs did not address the physical health of the prisoners.

d. In 7 (8.8%) instances, the PERs did not address the prisoners' parole plans for working.

This information is critical because it allows the Parole Board to assess a prisoner's character and background and helps in determining if the prisoner is ready for a parole.

We also reviewed the PER process and determined that it does not meet the needs of the Parole Board. For instance, our review found that supplemental PERs were frequently incomplete. This caused Parole Board members to search through prisoner files to find information that should have been summarized on the PERs. There was no policy that addressed the number of supplemental PERs which could be issued. For instance, of the 80 case files we reviewed, 8 had 3 or more supplemental PERs spanning a period of 5 or more years. One of these case files included 8 supplemental PERs spanning a period of 11 years. To complete the PER process in this instance, the Parole Board would be required to spend time reviewing the prisoner's files, the initial PER, and all 8 supplemental PERs and then summarize the information.

Further, a PER includes prisoner information that is already available on a pre-sentence investigation (PSI) report. For instance, the description of a prisoner's current offense and prior criminal history is on a PSI report. Therefore, the PER duplicates information already available to the Parole Board on the PSI report. We

also noted that PERs list all prisoner misconducts. This duplicates the misconduct information that is already available to Parole Board members on CMIS.

We were informed that it takes one or more hours to prepare a PER. Thus, the revision of the PER process to provide only the information needed by the Parole Board could result in time savings for the Bureau of Correctional Facilities Administration* and the Parole Board.

RECOMMENDATIONS

We recommend that DOC comply with the statutes and policies for preparing PERs.

We also recommend that DOC change the PER process to better meet the needs of the Parole Board.

AGENCY PRELIMINARY RESPONSE

DOC concurs with the first recommendation and will comply. DOC will provide additional training to staff who prepare PERs. In addition, the Parole Board will monitor compliance with statutes and policies and refer errors to the appropriate administrators for appropriate remedial action.

DOC partially agrees with the second recommendation. DOC will consider establishing a policy that limits the number of supplemental PERs that can be issued. However, DOC will continue to include all information currently included in the PER as users other than the Parole Board need the information. In addition, Section 791.235 of the *Michigan Compiled Laws* specifies that all major misconduct guilty findings and punishments must be included in the PER.

** See glossary on page 19 for definition.*

Glossary of Acronyms and Terms

Bureau of Correctional Facilities Administration	Bureau personnel at each facility who are responsible for preparing PERs for the Parole Board.
Corrections Management Information System (CMIS)	The computer system used by DOC to record and maintain prisoner data.
disciplinary credit	The total amount of time a prisoner's sentence is reduced for good behavior. A system that was originally created to award good behavior automatically awards five days off a prisoner's sentence per month. An additional two days per month can be awarded for exceptionally good behavior.
DOC	Department of Corrections.
effectiveness	Program success in achieving mission and goals.
efficiency	Achieving the most outputs and outcomes practical for the amount of resources applied or minimizing the amount of resources required to attain a certain level of outputs or outcomes.
Emergency Powers Act (EPA)	An act which allowed the Governor to reduce the sentences of prisoners because of prison overcrowding.
felony	An offense punishable by more than one year of incarceration.
judgment of sentence	The minimum and maximum term imposed by the judge.

minimum sentence	The least amount of time a prisoner can serve less applicable disciplinary credit.
minimum term	The minimum sentence imposed by the court unadjusted by disciplinary credit.
misconduct	A violation by a prisoner of DOC prisoner rules.
mission	The agency's main purpose or the reason the agency was established.
Parole Board	A board made up of 10 members who are authorized by statute to grant paroles.
parole eligibility report (PER)	A report prepared by the Bureau of Correctional Facilities Administration for the Parole Board that includes the prisoner's current offense, prior criminal history, conduct in prison, assaultive and property risk, age, programs successfully completed while in prison, and past or present mental health.
parole guideline data entry sheet	The form used to input data into CMIS on a prisoner's current offense and past offenses.
payroll guideline score sheet	The form used by the Parole Board to classify prisoners, based on statute and rule, into three categories of probability of parole: high, average, and low.
performance audit	An economy and efficiency audit or a program audit that is designed to provide an independent assessment of the performance of a governmental entity, program, activity, or function to improve public accountability and to facilitate decision making by parties responsible for overseeing or initiating corrective action.

pre-sentence investigation (PSI) report	A report into the background, character, and circumstances of a person charged with a felony. The report is produced by DOC and is required before the court can sentence an offender convicted of a felony.
probability of parole	A ranking of high, average, or low. Each prisoner is assigned a probability of parole based on the Parole Board's assessment in the score sheet of a prisoner's current offense, prior criminal history, conduct in prison, assaultive and property risk, age, programs successfully completed while in prison, and past or present mental health.
reportable condition	A matter coming to the auditor's attention that, in his/her judgment, should be communicated because it represents a significant deficiency in management's ability to operate a program in an effective and efficient manner.
security classification	The system used by DOC to determine level of physical security necessary to control a prisoner within the prison environment. Levels range from I (minimum) to VI (super maximum).