

STATE OF FLORIDA
OFFICE OF THE AUDITOR GENERAL



151514

PERFORMANCE AUDIT
OF THE
PROBATION SUPERVISION PROGRAM
ADMINISTERED BY THE
DEPARTMENT OF CORRECTIONS
DECEMBER 30, 1991

151514

**U.S. Department of Justice
National Institute of Justice**

This document has been reproduced exactly as received from the person or organization originating it. Points of view or opinions stated in this document are those of the authors and do not necessarily represent the official position or policies of the National Institute of Justice.

Permission to reproduce this copyrighted material has been granted by

Florida Office of the Auditor
General

to the National Criminal Justice Reference Service (NCJRS).

Further reproduction outside of the NCJRS system requires permission of the copyright owner.

**Requests for copies of this report should
be addressed to:**

**Office of the Auditor General
Post Office Box 1735
Tallahassee, Florida 32302**

Please request by report name and number.

Permission is granted to reproduce this report.



CHARLES L. LESTER, C.P.A.
AUDITOR GENERAL

STATE OF FLORIDA
OFFICE OF THE AUDITOR GENERAL



TELEPHONE:
904/488-5534
S/C 278-5534

December 30, 1991

NCJRS

DEC 2 1994

The President of the Senate, the Speaker of the
House of Representatives, and the
Legislative Auditing Committee

ACQUISITIONS

I have directed that a performance audit be made of the Probation Supervision Program administered by the Department of Corrections. The results of the audit are presented to you in this report. This audit was made as a part of an ongoing program of performance auditing by the Office of the Auditor General as mandated by Section 11.45(3)(a), Florida Statutes.

Respectfully yours,

Charles L. Lester
Auditor General

Audit supervised by:

D. Byron Brown

Audit made by:

Sandra L. Lipner

PERFORMANCE AUDIT
OF THE
PROBATION SUPERVISION PROGRAM
ADMINISTERED BY THE
DEPARTMENT OF CORRECTIONS

Table of Contents

<u>Chapter</u>	<u>Page</u>
Executive Summary	i
I. Introduction: Purpose and Scope, Methodology	1
Purpose and Scope	1
Methodology	1
II. Background: Program Design and Organization	5
Program Design	5
DOC Community Supervision Programs	6
Program Organization	8
Program Resources	10
III. Findings and Recommendations	11

Section 1
Overview of Probation Supervision

Finding 1.1	
Of the 289 files of probationers who had completed probation, 75 (26%) files did not contain documentation of offender compliance with one or more conditions of the probation order. Furthermore, 69 of the 75 files did not contain any documentation to indicate the Department had notified the court of the offender's failure to comply.	16

Table of Contents
(Continued)

Chapter

Page

Finding 1.2
Department Correctional Probation Officers do not routinely document the status of monetary probation conditions at the time an offender's probation is revoked. Because revocation actions frequently result in the offender's continued supervision in the community, such information would assist the court in establishing the amount of restitution and other monetary obligations the offender owes. 25

Finding 1.3
Although the Department's probation case files did not contain complete information on the employment status and income of probationers, preliminary data suggests that probationers who are unemployed at the beginning of the probation term are less likely to complete probation. As a result, the Department should collect information to determine whether additional procedures and programs are necessary to improve the supervision of unemployed probationers. 29

Appendices 33

A. File Review Methodology 34

B. Response From the Department of Corrections 37

PROBATION SUPERVISION PROGRAM

Purpose and Scope

The Department of Corrections is responsible for supervising felony offenders placed on probation by state courts. As the supervising entity, the Department is charged with ensuring that probationers comply with the terms and conditions set by the sentencing court. Accordingly, our audit objective was to determine whether the Department's offender records in 5 of the Department's 20 Probation and Parole Circuit Offices indicate that probationers fulfill monetary and other special conditions of their probation prior to completion of the probation term. Our audit did not review the documentation of cost of supervision payments, since this issue was covered in Office of the Auditor General report No. 11477 issued July 18, 1990.

This audit was conducted as part of the Auditor General's 10-year schedule of performance audits, as directed by Ch. 90-110, Laws of Florida.

Background

The probation sanction has a number of advantages over other sentencing alternatives. These include:

- Providing state courts with a less costly alternative to incarceration when sentencing certain felony offenders; according to the Department, in fiscal year 1990-91, the average cost of probation supervision was \$3.11 per offender per day. In comparison, the average

EXECUTIVE SUMMARY

cost to incarcerate an inmate in a major correctional institution was \$41.17 per day;

- Providing for establishment of monetary probation conditions; monetary obligations such as court fees, restitution, and cost of supervision fees help defray state and taxpayer costs associated with the probationer's offense; and
- Providing for establishment of special conditions of probation, such as requiring that probationers participate in rehabilitative programs.

The sentencing court places offenders on probation for a set term of months or years. The probationer who fulfills the court-ordered conditions of probation during that term "completes" the probation. As part of its probation supervision responsibilities, the Department is required to notify the sentencing court of the probationer's failure to meet court-ordered obligations. Upon notification of a violation of the conditions of probation, the court may choose to allow the probation term to expire, to extend the period of probation supervision, or to revoke probation and place the offender in a more restrictive form of supervision, such as community control or incarceration.

Although failure to pay court-ordered monetary obligations does not represent an immediate threat to public safety, such noncompliance constitutes a violation of probation conditions. Consequently, when probationers fail to meet their monetary obligations, the state stands to lose the financial benefits it would normally have derived, and could also incur the additional expense of a longer period of probation supervision or more costly form of supervision.

EXECUTIVE SUMMARY

According to the Department, approximately \$86,767,000 was expended for probation services in fiscal year 1990-91. The Department was authorized 3,742 positions for its community supervision programs in fiscal year 1990-91. On January 1, 1991, 100 of the authorized correctional probation officer positions were deleted as a result of state budget cuts. As of June 30, 1991, the Department was supervising 79,454 felony probationers.

Results in Brief

Our review of probation case files led us to conclude that the Department's official offender case files did not include adequate documentation to assure that probationers who completed probation had complied with all court-ordered probation conditions. Of the 487 probation cases we reviewed, 289 (59%) offenders had completed the probation term. Our review showed that in 75 (26%) of these cases, the files did not contain documentation that the offender had completed all monetary obligations and special probation conditions.

We also concluded that correctional probation officers are not routinely completing special progress reports on probationers whose terms of probation are revoked. As a result, the status of monetary obligations at the time of revocation is not clearly documented. Of the 487 cases we reviewed, 185 (38%) cases involved offenders whose probation had been revoked. In five cases, a progress report had been included in the offender's file. In addition, seven files contained documentation that the probationer had paid all of his monetary obligations prior to revocation. In 173 (94%) of these 185 cases, the files did not contain

documentation of the outstanding balance of monetary obligations at revocation.

Findings

26% of Files of Probationers Who Completed Probation Did Not Contain Documentation of Compliance With All Conditions

Files of probationers who completed probation did not always contain documentation of the offender's compliance with probation conditions. Our review of the 289 files of probationers who had completed probation showed that 75 (26%) files did not contain documentation of the offender's compliance with one or more conditions of the probation order. Furthermore, 69 of the 75 files did not contain documentation indicating the Department had notified the court of the offender's failure to comply.

Incomplete Documentation Limits the Department's Ability to Collect Monies Still Owed By Offenders

In cases in which probation was revoked, correctional probation officers did not follow Department procedures for documenting the status of compliance with monetary conditions at the time of revocation. Incomplete documentation of the status of these payments limits the Department's ability to determine the exact amount of restitution and court costs still owed by the offender if he is subsequently placed on probation or some other type of supervision in the community.

Unemployment Reduces Chances of Probation Success

We also reviewed the employment status of the probationers in our sample to determine the extent to which unemployment was a factor in probationer compliance with probation conditions. Although the case files did not contain complete information on employment status and income, preliminary data suggests that probationers who are unemployed at the beginning of the probation term are less likely to complete probation

than those who are employed. Of the 118 probationers whose terms were eventually revoked and for whom data on income at intake was available, 52, or 44%, were unemployed.

Factors Affecting Documentation of Compliance With Probation Conditions

We identified three factors that may have contributed to the Department's failure to document offenders' compliance with probation conditions. First, correctional probation officers are required to carry out numerous administrative tasks in order to monitor and document the status of probationers' payments. For example, probationers are generally required to make a separate monthly payment for each cost the court has assessed. As a result, correctional probation officers maintain multiple account records for each probationer, leading to a greater possibility for documentation errors. Second, probation officers must balance their efforts to document and report the failure to pay monetary obligations with efforts to assist and encourage the offender's behavior change. Third, supervising officers were not conducting supervisory case reviews, as required by Department procedures.

Recommendations

Recommendations to the Department

We recommend the Department ensure that its correctional probation officers adhere to existing procedures for documenting completion of monetary and other special conditions of probation. We also recommend that the Department simplify and automate record-keeping procedures to reduce the likelihood of documentation errors. The Department should also establish procedures to document the final disposition of

EXECUTIVE SUMMARY

monetary obligations and other court-ordered conditions in cases where the court permits completion of the probation term with outstanding costs or other obligations. We also recommend that supervisory caseload reviews be documented, as required by Department procedures, to ensure that correctional probation officers have followed standards and procedures for case supervision.

To provide more complete documentation of the status of compliance with monetary conditions when the offender's probation is revoked, we recommend the Department revise the progress report form and require staff to report payments for monetary terms and obligations that were made prior to probation revocation. We also recommend that correctional probation officers complete a final supervision report for all probationers, including those whose probation is revoked.

In addition, we recommend that the Department revise its data collection procedures to provide more complete and accurate information on the level of unemployment among felony probationers. Such information would enable the Department to determine whether additional procedures and programs should be developed to assist unemployed offenders in obtaining employment.

Agency Response

The Secretary of the Department of Corrections, in his written response to our preliminary and tentative findings and recommendations, did not take issue with our first two finding areas. He indicated that field staff has been instructed to be diligent in documenting

EXECUTIVE SUMMARY

conditions of probation compliance, emphasizing again the Department's newly implemented case review procedure (January 14, 1991). He also indicated that the Department is pilot testing an automated system for monitoring court-ordered payment compliance.

In response to our third finding area, the Secretary indicated that the Department does not plan to expend any more resources to collect additional information on employment trends of probationers, but that with increased staffing needs addressed and with implementation of a risk/needs assessment on probationers planned for the future, more employment data should become available.

CHAPTER I

Introduction: Purpose and Scope, Methodology

Purpose and Scope

Performance audits are conducted by the Auditor General as a part of the Legislature's oversight responsibility for public programs. The primary objective of performance audits is to provide information the Legislature can use to improve programs and allocate limited resources. This audit was conducted as part of the Auditor General's 10-year schedule of performance audits, as directed by Ch. 90-110, Laws of Florida.

The Department of Corrections is responsible for supervising felony offenders who are placed on probation by state courts. As the supervising entity, the Department is responsible for ensuring that probationers comply with monetary and other special conditions of probation established by the sentencing court. Accordingly, our audit objective was to determine whether Department files indicated that probationers had complied with these conditions prior to completion of their probation terms. Our audit did not examine whether probationers made cost of supervision payments, since this issue was covered in Office of the Auditor General report No. 11477, issued July 18, 1990, but focused on court-ordered costs and restitution. In a related audit of the Collection of Court Fines and Fees, we reviewed the extent to which fines and fees assessed by the courts against all criminal offenders, including probationers, were collected.

Methodology

This audit was made in accordance with generally accepted government auditing standards and accordingly included appropriate performance auditing and evaluation methods. Audit fieldwork was conducted from August 1990 to February 1991.

To gain an understanding of the probation function, we reviewed general literature on probation and other forms of community supervision. We reviewed Florida Statutes concerning the role of state courts with respect to probation. We also reviewed those Statutes that provide for the assessment of monetary obligations.

To gain an understanding of the Department's role and responsibility in supervising felony probationers we interviewed staff of the Probation and Parole Program Services Office. We also reviewed Department procedures manuals, reports and publications, and other Department documents. Further, we visited Probation and Parole Offices in six judicial circuits to interview staff in these offices concerning probation supervision.

To determine whether the records of probationers supervised by the Department indicate that offenders complied with monetary and special conditions of probation, we reviewed case files from each of the Department's five geographical regions. Circuits were selected based on geographic location within the state (north, central, south); number of counties included within the circuit's geographical bounds (range included one to seven counties); and relative number of probationers under supervision as of June 1989 (low, medium, high). We reviewed a total of 487 offender files for information on completion of court-ordered monetary obligations, as well as probationers' compliance with other special conditions of probation, such as completion of treatment programs. The files we reviewed were of probation cases that were closed in August 1990 either by completion of the probation term, or by revocation of probation. Our file review methodology is discussed in more detail in Appendix A, page 34.

We reviewed case files to determine whether court-ordered conditions were fulfilled prior to completion or revocation of probation. We also reviewed file documentation of actions the Department took in response to violations of court-ordered conditions. Further, we interviewed staff of ten Probation and Parole Offices in eight circuits concerning procedures used to collect and monitor probationers' payments. To

identify factors that may have affected completion of the probationary term, we analyzed data on employment status and on incomes of the felony probationers in our file review sample population.

CHAPTER II

Background: Program Design and Organization

Program Design

Probation as a Function of the Judicial System. Section 921.187, F.S., provides that probation is one of a number of options available to state courts for the disposition of criminal cases. The probation sanction thus provides an alternative to the incarceration of certain felony offenders. Section 948.01, F.S., provides that when placing an offender on probation, the court may either find the defendant guilty or withhold the adjudication of guilt. Upon completion of the probationary term, the offender is no longer liable for sentencing for the offense for which probation was allowed.

Probation Supervision. Probation is defined by the Department of Corrections (DOC) as a court-ordered term of community supervision in which a felony offender is placed under specific conditions of probation for a specified period of time that cannot exceed the maximum sentence for the offense. The Legislature's intent with respect to probation supervision, as stated in s. 944.012, F.S., is to provide intensive and meaningful supervision for offenders so that the condition or situation which caused the person to commit the crime is corrected. Consistent with this intent, the Department has established a number of objectives for community supervision, including:

- To formulate individual programs of intensive and meaningful community supervision as acceptable alternatives to imprisonment which will reduce the probability of continued criminal behavior; and
- To provide surveillance, behavioral guidelines and control which are consistent with the safety and protection of the community.

As provided in s. 948.03, F.S., the terms and conditions of probation are set by the sentencing court. These terms and conditions may include requirements that the probationer report regularly to a Department correctional probation officer, maintain suitable employment, submit to random testing for drug or alcohol use, or pay restitution and court costs.

DOC Community Supervision Programs

Felony probation is only one of a number of community supervision programs operated by the Department. As shown in Exhibit 1, felony probationers comprised 78% of the 101,665 offenders who were under the Department's supervision as of June 30, 1991. Other community supervision programs include community control, parole, pre-trial intervention, provisional release supervision, and supervised community release. Brief descriptions of these programs are presented in Exhibit 2, page 7.

Exhibit 1

Department of Corrections Community Supervision Caseload As of June 30, 1991		
	Number	Percent
Felony Probation	79,454	78.2%
Community Control	11,645	11.5%
Pre-Trial Intervention	4,216	4.1%
Early Prison Release Programs:		
Supervised Community Release	120	
Provisional Release	464	
Conditional Release	267	
Control Release	3,259	
Parole	<u>2,193</u>	6.2%
Other	47	< 1%
Total	<u>101,665</u>	<u>100.0%</u>

Source: June 1991 Supervision Statistics, Parole and Probation Management Information Report, Department of Corrections.

Exhibit 2

Department of Corrections Community Supervision Programs

Program Type	Description
<i>Probation</i>	A Community supervision program in which convicted offenders are sentenced by the circuit court to comply with certain specified conditions for a specified period of time. The probationer is required to regularly report to the probation officer. Failure to comply with the probation conditions may result in the probationer being resentenced by the court to a term of incarceration.
<i>Community Control</i>	An intensive supervision program, sometimes called "house arrest," in which the offender's freedom of movement is highly restricted. The program serves as an alternative to the incarceration of convicted offenders whom the courts have found to be unsuitable candidates for probation supervision. The Department's Community Control Officers are required to contact the offenders each week, and the courts may also order DOC to use electronic systems, such as wrist bracelets, to monitor selected offenders, for a specified period of time.
<i>Pre-Trial Intervention</i>	A supervision program whereby selected first-time, third-degree felony offenders are diverted from the judicial process prior to a determination of guilt by the court. For those defendants who complete the program's requirements, prosecution is canceled and a criminal record avoided.
<i>Early Prison Release Programs</i> <i>Supervised Community Release</i> <i>Provisional Release Supervision</i> <i>Conditional Release Supervision</i> <i>Control Release</i> <i>Parole</i>	The first four release programs listed here have been established by the Legislature since 1985 to provide for the early release of inmates in order to avoid prison overcrowding. Each program involves a period of community supervision after release from prison. Parole is an older form of early release that applies primarily to inmates sentenced prior to October 1, 1983.

Source: Compiled by the Office of the Auditor General from Department program documents.

Program Organization

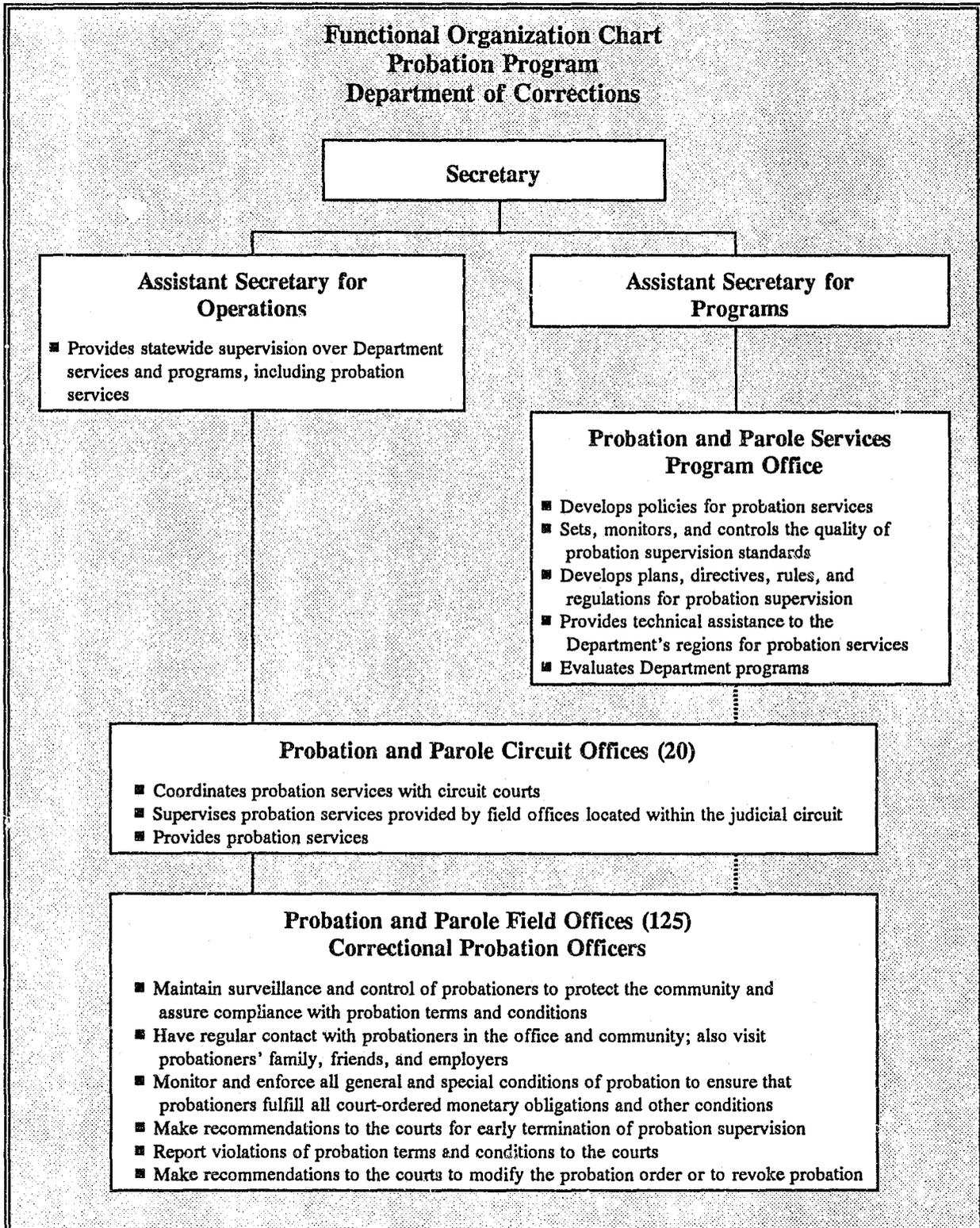
The chief administrative officer of the Department of Corrections is the Secretary, who is appointed by the Governor and confirmed by the Senate. Richard L. Dugger served as Secretary of the Department of Corrections from January 1987 through April 1991. Harry Singletary was appointed Secretary of the Department by Governor Lawton B. Chiles on April 12, 1991, and confirmed by the Senate on April 26, 1991.

Program responsibilities are assigned to the Assistant Secretary for Programs and the Assistant Secretary for Operations. The Probation and Parole Services Program Office, directed by the Assistant Secretary for Programs, is responsible for developing program policies, plans, rules, and regulations; setting, monitoring, and controlling the quality of probation supervision standards; providing staff development and technical assistance services; and evaluating Department programs.

As provided in s. 20.315, F.S., the Assistant Secretary for Operations is responsible for coordinating and providing statewide probation supervision services through five service regions. Within each region, services are provided in service areas that conform to the geographical boundaries of the state's 20 judicial circuits. The staff in the 20 Probation and Parole Circuit Offices coordinate probation services with the circuit courts, meeting with offenders after they are placed on probation by the court and notifying the courts of violations of probation.

The Department provides probation services through satellite field offices located within the circuit's geographical bounds. In fiscal year 1989-90, 125 Probation and Parole Field Offices were located throughout the state. Probationers are supervised by Department correctional probation officers, who have regular contact with offenders, both in the Probation and Parole Office and in the community. (See Exhibit 3, page 9.)

Exhibit 3



Source: Compiled by Office of the Auditor General from relevant Florida Statutes, Florida Administrative Code, and other Department documents.

Program Resources

The Legislature appropriated \$131,082,741 from the General Revenue Fund and authorized a total of 3,742 positions for the Department's community supervision programs in fiscal year 1990-91. A Department financial report shows \$118,251,000 was expended by its Community Supervision Programs in fiscal year 1990-91, including approximately \$86,767,000 for probation and parole supervision costs. On January 1, 1991, 100 of the authorized correctional probation officer positions were deleted as a result of state budget cuts.

During fiscal year 1990-91, the Department collected approximately \$20.6 million in cost of supervision fees from offenders in the Department's various community supervision programs to help defray supervision costs. Monies collected for the cost of supervision are deposited into the General Revenue Fund. According to data provided by the Probation and Parole Program Services Office, the Department also collected approximately \$18.2 million in restitution payments for remittance to the victims of crime, and approximately \$8 million in court fines and fees during the 1990-91 fiscal year.

CHAPTER III

Findings and Recommendations

Section 1

Overview of Probation Supervision

Background

Section 948.03, F.S., authorizes the court to set the conditions of an offender's probation, and to rescind or modify these conditions at any time during the probation period. Conditions of probation typically include requirements to report to a probation officer, maintain employment, and submit to random drug or alcohol testing. Conditions may also require the payment of certain costs, such as restitution, court costs, and contributions toward the cost of supervision.

Monetary conditions are imposed for a number of purposes. A variety of court costs are assessed to help pay for the cost of operating the judicial system and thus lessen the financial burden placed on the state's taxpayers. For example, s. 27.3455, F.S., provides for the imposition of a \$200 fee for county expenses to any person who pleads guilty or no contest to, or is found guilty of any felony. This fee is in addition to any other costs required to be imposed by law. Proceeds from other court fees are used to help improve the judicial system. For example, revenues from some fees are directed to the Crimes Compensation Trust Fund or the Criminal Justice Training Trust Fund. The Statutes also authorize the courts to impose a variety of other fees, including payment of public defender costs and additional assessments for drug-related offenses (see Exhibit 4, page 12).¹

¹ In a related audit of the Assessment of Required Criminal Fees, Administered by the State Courts System of Florida, we reviewed the fee assessment practices of circuit, county, and traffic courts. In that audit, we reported that for the nine counties included in our sample of 2,637 cases sentenced in fiscal year 1988-89, circuit court judges assessed all required fees in approximately 31% of the 578 circuit court cases we reviewed.

Exhibit 4

**Selected Statutory Provisions Authorizing Court-Ordered Fees
That May Be Imposed on Felony Probationers**

Fines	s. 948.011, F.S.	When an offense is punishable by both a fine and by imprisonment, this section authorizes the court to both place the defendant on probation and to impose a fine.
	s. 960.25, F.S.	Provides for a 5% surcharge on any fine imposed for a criminal offense, with collections deposited into the Crimes Compensation Trust Fund.
Court Costs	s. 27.3455, F.S.	Provides for imposition of a \$200 court cost in all felony cases to reimburse the county for expenses of providing state attorney and public defender services.
	s. 943.25, F.S.	Provides for assessment of a \$3 court cost against anyone convicted of violating a state penal or criminal statute; this assessment is in addition to any fine or other penalty, and is deposited into trust funds established to provide assistance to state and local governments in meeting criminal justice needs and to provide criminal justice training.
	s. 960.20, F.S.	Provides for imposition of a \$20 cost in cases in which a person pleads guilty or nolo contendere to any felony, or is convicted of a felony offense. This additional cost is imposed in addition, and prior to any other cost the law requires the courts to impose.
Other Costs	s. 27.56, F.S.	Permits the court to order payment of public defender fees and costs; the court may order these costs as a condition of probation.
	s. 939.01, F.S.	Permits the court to order payment of documented costs of prosecuting convicted offenders; if a defendant is placed on probation, any costs ordered under this section shall be a condition of probation.
Restitution	s. 775.089, F.S.	Directs the court to order the defendant to make restitution to the victim for damage or loss caused by the defendant's offense. The court shall make restitution a condition of probation in accordance with s. 948.03, F.S., and may require restitution within a specified period or in specified installments. Complete satisfaction of any restitution ordered is a condition of probation. This section further states that the court may order the Department to collect and dispense restitution and other payments from persons remanded to its supervision.

Source: Compiled by the Office of the Auditor General.

The court may also order defendants to make financial restitution to crime victims to offset losses sustained as a result of the offense. Section 775.089, F.S., requires the court to order a defendant to make restitution to the victim for damage or loss caused by an offense unless the court finds clear and compelling reasons not to order such restitution.

Probationers are also required to help defray the cost of their supervision. Section 945.30, F.S., requires a probationer to contribute no less than \$30 nor more than \$50 per month to a court-approved public or private entity providing him with supervision and rehabilitation, with the amount of the contribution decided by the sentencing court.² Section 945.30, F.S., also provides that a number of factors, such as the inability to obtain employment, may exempt a person from the payment of the amount subject to collection.

In addition to providing a financial benefit to the state through the collection of court fees and cost of supervision fees, the probation sanction is also less costly than incarceration. According to the Department, the average cost of probation supervision as of June 1991 was \$3.11 per offender per day. In comparison, the average cost to incarcerate inmates in a major correctional institution was \$41.17 per day (see Exhibit 5).

Exhibit 5

Daily Costs of Probation Supervision and Incarceration Fiscal Years 1988-89 through 1990-91			
	<u>1988-89¹</u>	<u>1989-90</u>	<u>1990-91</u>
Probation	\$ 2.19	\$ 2.90	\$ 3.11
Incarceration in Major Institution	39.05	38.84	41.17

¹ As of December 14, 1988.

Source: Department of Corrections.

² Chapter 91-225, Laws of Florida, effective July 1, 1991, revised the amount of the required contribution to no less than \$40 per month nor more than \$50 per month as decided by the sentencing court.

Although a probationer's failure to pay court-ordered costs does not represent an immediate threat to public safety, nonpayment constitutes a violation of probation conditions. Department procedures require the probation officer to notify the sentencing court of the probationer's failure to pay court-ordered financial obligations. Depending on the particular case, the court may take any of a number of actions in response. For example, the court may extend the probation term to give the probationer more time to fulfill his monetary obligations. The court may also reduce the amount owed, or delete the cost as a condition of the offender's probation. In some cases, failure to comply may result in the revocation of probation and placement in a more costly form of supervision, such as community control or incarceration. Thus, when probationers fail to pay court-ordered fees, the state stands to lose the financial benefits it would normally have derived, and may incur the additional expense of extended supervision or more costly supervision alternatives.

In addition to monetary probation conditions, the courts may also impose any number of special conditions. For example, an offender may be required to perform community service work for a specified number of hours, to submit to urinalysis or other drug testing procedures, to receive mental health evaluation and/or treatment, to participate in a substance abuse program, or to obtain a General Equivalency Diploma. These conditions may be intended to assist the rehabilitation of the offender. Failure to comply with any of these conditions may result in the revocation of probation.

The Department's Probation and Parole Manual of Procedures sets forth supervision procedures and activities to be carried out by correctional probation officers employed by the Department. As promulgated in the Department's procedures manual, correctional probation officers are directed to make regular personal contact with the probationer and with the offender's family and employer; to prepare final progress reports summarizing the probationer's progress; and to report violations of probation conditions to the court.

To determine whether Department files indicated that probationers had complied with certain probation conditions, we reviewed the case files of a sample of 487 probationers in five judicial circuits. Our sample included 289 (59%) cases in which the probationer had completed probation, and 185 (38%) cases in which probation had been revoked.³ The sample also included 13 cases (3%) which were neither completed nor revoked, but in which Department supervision had been terminated for some other reason such as the deportation or death of the offender.

For probationers who had completed probation, we reviewed the files to determine whether the probationer had fulfilled all conditions as required by the court. For probationers whose probation terms were revoked, we reviewed the files to determine whether the Department had adequately documented the status of probationer compliance with monetary conditions at the time of revocation. We also reviewed the employment status of the probationers in our sample to evaluate the relationship between unemployment and the completion of probation. We found:

- Of the 289 files of probationers who had completed probation, 75 (26%) files did not contain documentation of offender compliance with one or more conditions of the probation order. Furthermore, 69 of the 75 files also did not contain any documentation to indicate the Department had notified the court of the offender's failure to comply.
- In cases in which probation was revoked, probation officers did not follow Department procedures for documenting the status of monetary conditions at the time of revocation. The incomplete documentation of the status of these payments limits the Department's ability to determine the exact amount of restitution and court costs still owed by the offender if the offender is subsequently placed on probation or other type of supervision in the community.
- Although the Department's probationer case files did not contain complete information of the employment status and income of probationers, preliminary data suggests that probationers who are unemployed at the beginning of the probation term are less likely to complete probation. As a result, the Department should collect

³ Our sample was not selected to determine the frequency of probation completions. See Appendix A, page 34, for a discussion of our sample selection methodology. According to statewide data received from the Department, of the 39,826 probationers who either completed probation or whose probation had been revoked in fiscal year 1989-90, 55% of the probationers completed probation.

information to determine whether additional procedures and programs are necessary to improve the supervision of unemployed probationers.

Finding 1.1

Of the 289 files of probationers who had completed probation, 75 (26%) files did not contain documentation of offender compliance with one or more conditions of the probation order. Furthermore, 69 of the 75 files did not contain any documentation to indicate the Department had notified the court of the offender's failure to comply.

The primary document in a probationer's case file is a copy of the court's probation order, which specifies the conditions of the offender's probation established by the court, including the type and amount of monetary obligations owed by the offender, and the rehabilitative programs in which the offender is required to participate. When offenders complete a special condition of probation, such as payment of restitution or court fees or participation in a rehabilitation program, Department procedures require the correctional probation officer to indicate completion of that condition by initialing and dating the probation order.

Other documents such as progress reports, payment logs and certificates are generally included in the case file and are useful in verifying the probationer's compliance with probation conditions. Periodic Progress Reviews and Final Progress Reports often indicate whether the probationer has or has not complied with each condition. For monetary obligations, a payment log is frequently included, along with receipts for all payments of court costs or restitution made to entities outside the Department. For participation in rehabilitative programs, certificates or letters of completion may also be included in the case file.

To determine whether offenders who completed their probation terms had paid restitution and court costs in full and had participated in rehabilitative programs, we reviewed the case files of the 289 offenders in our sample who had completed their probation term in August 1990. After determining which special conditions had been ordered, we

examined the probation order to determine whether the order had been initialed and dated by the correctional probation officer, signifying fulfillment of those terms. If the probation order was not initialed and dated, we reviewed the file to determine if it contained other documentation of compliance with the terms and conditions of probation.

Payment of Restitution

Of the 289 probationers who had completed their probation terms, 76 of these 289 offenders (26%) had been ordered to pay a specific amount of restitution by the sentencing court. The total amount of restitution owed by these 76 probationers was \$138,752, or an average of approximately \$1,826 per case.⁴

Our review of case file documentation showed that completion of restitution payments was documented on the probation order as required by Department procedures in 30 of the 76 case files (39%). In 38 (50%) additional case files, we found other evidence in the file that the offender had fulfilled the requirement to pay restitution. For example, in some cases, the file contained a receipt indicating that the final payment had been made. Thus, in half of the cases in which restitution had been paid, Department probation officers had not followed Department procedures for documenting the payment of restitution on the probation order.

The remaining eight case files (11%) did not include documentation indicating that the restitution requirement had been fulfilled. (See Exhibit 6, page 19.) In three of these eight cases, the correctional probation officer had filed a violation report notifying the court of the offender's failure to pay restitution. However, the judge did not take any further action on these cases, thus permitting the probationers to complete probation with outstanding monetary obligations. In another case, the file contained evidence that some restitution payments had been made, but no indication that the probationer had completed payment. In

⁴ One probationer in our sample had been ordered to pay a restitution amount of \$64,527, which accounted for 47% of the total charges. Exclusion of this case would decrease the average to approximately \$990 per case.

the remaining four cases, we did not find any evidence of the payment of restitution or that the probation officer had notified the court of the offender's failure to pay restitution prior to the completion of probation. The total amounts of restitution owed in these eight cases was \$2,879.

Payment of Court Fines and Fees

Of the 289 probationers in our sample who had completed probation, the court had imposed court and/or other related fees in 230 cases. The sentencing court subsequently deleted the fees for 7 (3%) of these probationers. The total amount of the fees deleted were \$2,408. The fees owed by the remaining 223 offenders totaled \$74,808, or an average of approximately \$335 per case.

In 89 (40%) of these 223 case files, probation orders had been initialed and dated by a probation officer, indicating the completion of court cost payments as required by Department procedures. In 114 (51%) of these 223 case files, we found other evidence in the file that the offender had fulfilled the requirement to pay court costs. Therefore, we concluded that of the probationers in our sample that completed probation, 91% of the probationers required by the court to pay fees did pay those fees.

The remaining 20 (9%) case files did not contain documentation indicating that all court costs had been paid. (See Exhibit 6, page 19.) Five case files contained violation of probation reports or modification orders indicating the correctional probation officers had notified the courts of the probationer's failure to pay. In six additional cases, the file contained evidence that some court cost payments had been made, such as receipts for one or more payments, but did not indicate that the probationer had paid the total amount. In nine cases, we did not find any documentation of the payment of court fees. The total amount of court costs owed in these 20 cases was \$4,868.

Exhibit 6

**Was the Fulfillment of Probation Conditions
Documented in the Case File?**

	<u>Restitution</u>		<u>Court Fees</u>		<u>Special Conditions</u>	
Yes	68	89%	203	91%	108	64%
No	8	11%	20	9%	62	36%
Total	<u>76</u>	<u>100%</u>	<u>223</u>	<u>100%</u>	<u>170</u>	<u>100%</u>

Source: From Office of the Auditor General review of a sample of case files of offenders who completed probation in August 1990.

Completion of Special Conditions

Simultaneous with our review of the completion of court-ordered monetary obligations, we collected data concerning whether Department case files contained documentation of probationers' compliance with other probation conditions. Among the 289 probationers who completed probation, 170 offenders had been ordered to complete a total of 247 special nonmonetary conditions. Among the conditions imposed by the courts were requirements that probationers perform community service work (working a specified number of hours for some public service agency); undergo substance abuse testing and/or evaluation; participate in various mental health, substance abuse or other types of treatment programs; or obtain a General Equivalency Diploma.

Our review determined that correctional probation officers were not routinely documenting completion of nonmonetary terms and conditions as required by Department procedures. Of the 247 special conditions ordered, probation officers had properly documented the completion of only 58 (23%) conditions by initialing and dating the probation order. Other evidence of completion was included in the file for 100 (41%) conditions. For 89 (36%) conditions, we did not find documentation in the case file that

indicated the probationer had complied with the special condition prior to the completion of the probation term. Of the 170 case files of offenders with special conditions, 62 (36%) case files did not include evidence of compliance for at least one of the court-ordered special conditions. (See Exhibit 6, page 19.)

In 4 of the 62 cases in which compliance with all special conditions had not been documented, the correctional probation officer had filed a violation report to notify the court of the probationer's noncompliance. In 11 of the 62 cases, the files included some evidence indicating that the probationer had complied with at least a portion of the special conditions. For example, the file may have included copies of one or two results of urine tests conducted on the probationer, but did not indicate that the probationer had fully complied with the special condition. In the remaining 47 cases, the files contained no evidence to indicate whether the probationer had complied with the special condition. Therefore, 58 of the 62 case files did not contain evidence of the probationer's full compliance with special conditions, or of Department action to notify the court of the offender's failure to comply.

Factors Affecting Officer Performance

Although 289 probationers in our sample completed probation, the Department's official records did not contain adequate documentation to assure that all of the offenders had complied with all probation conditions prior to completion of their probation terms. According to our review of 289 probation case files, the Department did not assure the compliance of 75 (26%) probationers with one or more court requirements prior to the completion of probation. (See Exhibit 7, page 21.) Our interviews with probation officers and our review of case files identified three factors that may have contributed to the failure of officers to routinely comply with the Department's documentation procedures. These are:

- Multiple administrative task procedures required to monitor compliance with monetary obligations;

- The need to balance efforts to assist and encourage behavior changes in the offender with efforts to document and report violations of conditions; and
- Inadequate internal controls provided through supervisory review of case files.

Exhibit 7

	Cases	Percent of Cases
Compliance with All Probation Conditions Documented in File	194	67%
One or More Conditions Not Documented in Case File	75	26%
Total Cases With Conditions Ordered	269	93%
No Monetary or Special Conditions Ordered	20	7%
Total Cases Probation Completed	<u>289</u>	<u>100%</u>

Source: Office of the Auditor General review of Department probationer case files.

The Department's procedures for monitoring payment of monetary obligations require that officers perform multiple administrative tasks, including:

- Establish a regular monthly payment schedule for the probationer to follow to ensure that the total monetary obligation will be paid prior to completion of the probationary period;
- Maintain a permanent record of payments made for each assessment;
- Maintain an up-to-date account balance for all court-ordered costs; and
- Obtain information on the offender's income status in order to determine whether the offender qualifies for a wavier of cost of supervision fees or whether the offender's circumstances warrant a reduction or deletion of the amount of restitution or court fees owed.

Probation officers are thus required to perform these tasks for each probationer on the officer's caseload. Furthermore, probationers may be required to remit payments to more than one entity. For example, cost of supervision payments are made to the Department, restitution payments are usually made to the victim of the crime, and court fines and fees are frequently paid to the Clerk of the Circuit Court. In one case we reviewed, the conditions of probation included seven separate monetary obligations (including five different types of court-related costs). As the number of administrative tasks associated with monitoring probationer compliance increases, the possibility of documentation errors also increases.

The monitoring process is further complicated by the fact that while the Department's statewide information system is used to maintain records on cost of supervision payments, correctional probation officers must record monthly payments for restitution and court costs and update account balances manually. According to the Director of the Probation and Parole Services Program Office, the Department is currently testing increased automation of payment records to determine the benefits of automated record-keeping.

In addition to the administrative tasks required to monitor compliance with monetary terms and conditions, the probation officer must balance efforts to document and report violations with efforts to assist and encourage behavior change. The Legislature intended that felony probationers receive intensive and meaningful supervision to correct the condition or situation which caused the person to commit a crime. The Department's responsibilities with respect to probation supervision, as set forth in s. 944.09(4), F.S., thus include:

- Keeping informed of the probationer's conduct, habits, associates, and employment, through visits and through requiring written monthly reports from probationers;
- Using all practicable and proper methods to aid and encourage the probationer in bringing about behavior changes in the probationer; and
- Aiding probationers in securing employment.

Because the failure to pay the monetary obligations could lead to the revocation of probation, the officer must evaluate whether the offender has the ability to pay or is genuinely unable to pay those obligations with existing resources. Probationers may have unexpected expenses, or lower incomes than anticipated, or they may do a poor job of managing their money. One Probation Office Supervisor said that some offenders need to be reminded frequently to pay monetary obligations. On the one hand, the officer is to help the offender plan his finances, while on the other hand, the officer may file a violation report if the offender does not pay. If after 90 days' delinquency the offender fails to pay without sufficient reason, Department procedures require the officer to file a Violation Report. However, the Director of Probation Services and other corrections' staff reported that an understanding exists with some judges not to initiate enforcement action for failure to pay fines and fees because the cost of bringing the offender back to court would exceed anticipated collections.

The third factor that appears to have contributed to the inadequate documentation of probationers' compliance with probation conditions is the inadequate documentation of the supervisor's caseload reviews. Department procedures require each officer's immediate supervisor to conduct an officer caseload review every six months. The purpose of these reviews is to ensure that offenders are complying with both monetary and non-monetary probation conditions as set forth by the court, and that officers are following the Department's standards and procedures for supervising probation cases. In Office of the Auditor General audit report No. 11477, dated July 18, 1990, we reported that officer caseload reviews were not always sufficient to disclose and timely correct errors and omissions, and that the Department could not document whether certain of the reviews had been performed. We reported that "Absent documentation of the supervisors' case load review, Department management lacks reasonable assurance that the required case load reviews are properly conducted to ensure that the offenders' conditions of supervision are met and that the procedures outlined in the Probation and Parole Manual of Procedures, Supervision, are followed." We recommended that the Department should document the performance of supervisors' caseload reviews. Since the probation terms of the cases in our

file review in this audit would have been substantially completed prior to the issuance of report No. 11477, we did not conduct further tests as to the use of supervisory reviews.

Conclusions and Recommendations

We concluded that the Department's correctional probation officers are not routinely documenting probationers' compliance with probation conditions in accordance with Department procedures. Of the 289 case files of probationers who successfully completed probation, 75 (26%) files did not include documentation of the offender's compliance with one or more of the conditions of probation. As a result, the Department's official offender case files did not include adequate documentation to provide assurance that 26% of the probationers had complied with probation conditions and successfully completed the terms of their probation.

We therefore recommend the Department ensure that staff adhere to existing procedures for documenting completion of monetary and other special conditions of probation. As provided in the Department's procedures, correctional probationer officers should initial and date each special condition of the court order, including court-ordered monetary obligations, to signify that the probationer has complied with the requirements of his probation.

We further recommend the Department simplify procedures for monitoring the status of offender payments. For example, the Department could initiate action to establish single, as opposed to multiple, monthly payments for court-ordered costs. We also recommend that the Department establish an automated system to replace manual record-keeping of offender payments for restitution and court fees. Such changes in procedures would result in increases in the accuracy of offender records, and decreases in the number of tasks correctional probation officers perform to monitor each offender's payment status.

We also recommend the Department establish procedures to document the final disposition of monetary obligations and other court-ordered conditions in cases where offenders complete probation without fulfilling all probation conditions. These procedures should include providing notice to the courts that all probation conditions have not been fulfilled. This notice would provide an official record of those circumstances in which the Department notifies the court of delinquencies or of the failure to comply with special conditions, and the court permits completion of the probation term with outstanding costs or other obligations.

We also recommend that the Department use the supervisor's caseload review, as provided in Department procedures, to ensure that officers have followed standards and procedures for case supervision.

Finding 1.2

Department Correctional Probation Officers do not routinely document the status of monetary probation conditions at the time an offender's probation is revoked. Because revocation actions frequently result in the offender's continued supervision in the community, such information would assist the court in establishing the amount of restitution and other monetary obligations the offender owes.

One of the Department's supervision responsibilities is to report violations of probation terms and conditions to the sentencing court. Violation Reports are submitted to the court by the correctional probation officer with the officer's recommendation for disposition of the case. The court may respond to the Violation Report by continuing the offender's probation, either with or without modifying probation conditions, or by revoking probation and placing the offender on a new term of probation or a term of community control, or by revoking probation and sentencing the offender to a term of incarceration.

The American Correctional Association's Standards for Adult Probation and Parole Field Services recommends preparation of a final report at termination of probation

supervision that summarizes the offender's performance during the period of supervision. These standards further recommend that to provide guidance for the conduct of future cases, final reports should indicate reasons for the offender's success or failure. The Department uses a progress report form to record whether an offender has complied with probation conditions. Department procedures require correctional probation officers to prepare a final progress report on offenders at termination of probation supervision, and to prepare a special progress report on offenders who violate their probation conditions. Although the Department's report form, which is used for recording the final progress report as well as any special reports, provides space to indicate whether the probationer has or has not complied with monetary obligations, the form is not used to record the dollar amount assessed by the court, or the amount paid by the probationer to date. Department procedures require that, for each probation case, officers maintain a permanent record of payments or a payment log for each court-ordered assessment. Payments for court fees or restitution should be entered onto these logs as they are made, with the outstanding balance updated. If a probationer does not make a payment, then no entry is made. A payment log with an outstanding balance could represent either the probationer's failure to meet his obligations, or the correctional probation officer's failure to document payments. Payment logs should be supplemented by a final report that discloses court-ordered amounts and outstanding balances, if any.

To determine whether the Department was documenting the status of offender compliance with monetary probation conditions in cases in which probation was revoked, we reviewed the files of the 185 offenders within our sample whose probation had been revoked. Of these 185 probationers, 154 had been assessed a specific amount of restitution and/or court fees. We found documentation in seven files that the probationer had paid all of his restitution and/or court fee obligations prior to revocation. In the remaining 147 cases files, the outstanding balance owed by the probationer at the time of revocation was not adequately documented.

Although the Department's procedures direct correctional probation officers to complete a special progress report on offenders whose probation is revoked, we found only 5 of 185 cases (3%) in which such a progress report had been included in the case files. One reason that correctional probation officers may not be completing these reports is because the violation reports used to notify the court when an offender has violated the terms and conditions of his probation usually provide a detailed description of the circumstances of each violation, and generally include information on any unpaid monetary obligations. However, the violation reports are filed prior to the final revocation action, and therefore do not provide a final accounting of the status of payments at the time probation was revoked. For example, an offender may have made payments between the time the Violation Report was filed and the probation was revoked.

In cases where probation is revoked, adequate documentation on the status of payments for court-ordered costs is needed for several reasons. First, documenting total payments made prior to revocation would give the Department better information for evaluating how effectively it ensures that probationers meet their monetary obligations. Such documentation would also enable the Department to calculate the loss to crime victims from unpaid restitution, and the loss to the state from unpaid court and other statutory fees. For example, among the 185 offenders in our sample whose probation was revoked, the courts had assessed a total of \$76,396 in restitution, and \$43,287 in court and other costs. Our review of the offender files found documentation of completed payments totalling \$19,108 in restitution and \$1,615 for court and other assessed costs.

Second, many offenders whose probation is revoked will eventually return to one of the Department's community supervision programs. In cases where the offender returns to community supervision, the court may order the offender to complete the terms and conditions of the prior (revoked) probation. Our review of the 185 revocation orders issued by the courts for probationers in our sample showed that in 65 cases (35%), the offenders whose probation was revoked were returned to probation or placed on community control. In 116 cases, the probationers were sentenced to prison or jail. (See Exhibit 8.)

Some of the 116 probationers who were sentenced to prison or jail may return to community supervision as part of a post-prison release program. Documentation of the offender's prior payment history could be used by the supervising officer to determine the amount of remaining monetary obligations.

Exhibit 8

Court Disposition for Probationers Whose Probation Was Revoked		
Disposition	Number of Cases	Percent of Cases
Community Control	45	24%
Probation	12	7%
Community Control Then Probation	8	4%
Prison or Jail	111	60%
Prison Then Probation or Community Control	5	3%
Other	4	2%
Totals	<u>185</u>	<u>100%</u>

Source: Office of the Auditor General analysis of data from Department probation case files.

Conclusions

We concluded that Department correctional probation officers are not routinely completing special progress reports on probationers whose probation has been revoked. As a result, the status of restitution and court cost payments at the time of revocation is not clearly documented. In its current format, however, the Department's progress report form cannot be used to collect information on amounts of restitution and court costs assessed by the court

and paid by the probationer. Such information would be useful to the courts in setting conditions for a new term of probation or of community control, as well as to probation officers assigned to supervise offenders whose probation has been revoked and who serve subsequent probation terms. Information on payments made by offenders whose probation has been revoked would also give the Department better information for evaluating the effectiveness of its supervision. Payment data could be used by the Department to assist in calculating costs incurred as a result of revocation actions. Such costs include use of more expensive supervision alternatives, and revenues that might otherwise have been paid to crime victims and to the state.

We therefore recommend that the Department revise the progress report form and require staff to document the status of payments for monetary terms and obligations that were made by the offender prior to probation revocation. We also recommend that the Department's correctional probation officers complete a final supervision report for all probationers, including those whose probation has been revoked.

Finding 1.3

Although the Department's probation case files did not contain complete information on the employment status and income of probationers, preliminary data suggests that probationers who are unemployed at the beginning of the probation term are less likely to complete probation. As a result, the Department should collect information to determine whether additional procedures and programs are necessary to improve the supervision of unemployed probationers.

The proportion of felony probationers who are unemployed has increased over the past ten years. According to the Department's annual reports, unemployment increased from 19% of the probation population in fiscal year 1980-81 to 56% in 1989-90. Part of this increase may be explained by the use of probation for post-incarceration supervision. Offenders who are placed on probation upon completion of a period of incarceration (split sentence) are generally not employed at the time of their release from prison.

Section 944.09, F.S., provides that the Department shall aid probationers in securing employment. Consistent with this mandate, the Department's procedures manual directs correctional probation officers to maintain current listings of possible employment opportunities, and to use services available through the local Job Services of Florida office. American Correctional Association (ACA) standards state that field offices should devote specific resources to assist employable offenders in finding suitable employment. ACA standards also state that it is essential for the probation supervision agency to periodically assess the collective needs of the probation population to ensure that the agency is maximizing the delivery of services.

The Department records information on the income and employment status of probationers on two documents in the case file: (1) the intake sheet, which is completed at the time a probationer begins supervision; and (2) the final progress report, which is completed at the end of the probation term. Data from these two source documents are entered into the Department's management information system. However, our review of case files showed that income and employment information were frequently not available on these forms. An intake sheet was not on file in 85 cases (17%) of the 487 cases we reviewed, and information on the offender's income was not entered on the intake sheet in 116 (24%) additional cases. If the income data was missing on the intake form, we reviewed other file documents that might contain information on the offender's income, such as pre- and post-sentence investigations. Even with these additional information sources, 37% of the case files we reviewed did not have documentation of the offender's income at intake.

Our review of probation case files for whom income and employment status information were available showed that the probationers in our sample who were unemployed at intake were less likely than those who were employed to successfully complete probation. (See Exhibit 9, page 31.) Of the 118 probationers whose terms were eventually revoked and for whom data on income at intake was available, 52, or 44%, were unemployed. Of the 191 probationers who completed the term of supervision, only 39, or 20%, were unemployed at the beginning of their terms of probation.

Exhibit 9

Income Status of Probationers at Time of Intake

Income Status Amount Per Month	Probation Completion Status					
	Completed Term	Percent	Revoked or Other Unsuccessful Completion	Percent	Total Sample	Percent
Unemployed	39	20%	52	44%	91	29%
\$400 and Under	22	12%	16	14%	38	12%
\$401 through \$1,000	77	40%	26	22%	103	33%
\$1,001 and Above	53	28%	24	20%	77	25%
Total Cases	<u>191</u>	<u>100%</u>	<u>118</u>	<u>100%</u>	<u>309</u> ¹	<u>100%</u>

¹ Of the 487 cases in our sample, data was available on income at intake for 309 cases.

Source: Office of the Auditor General file review.

According to the information contained on final progress reports, it appears that those offenders who completed probation also had a 20% rate of unemployment at the end of their probation terms. Of the 203 cases for which information on employment at completion of probation was available, our review showed that 49 offenders, or 24% were reported to be unemployed at termination. Because final progress reports were not generally completed for offenders with revoked probation, we were unable to compare the income and employment status at the time of revocation, with the incomes and employment at termination of those offenders who completed probation. Such information would have assisted us in evaluating the incidence of unemployment at revocation.

Methodologies for classifying offenders according to risk generally list unemployment as a primary factor for evaluating the supervision level a probationer needs. Although the preliminary data collected in our audit suggests that employed probationers are more likely than unemployed probationers to complete probation, further study is necessary to determine the extent to which unemployment is related to probation failure. Because

completion of probation is less costly to the state than the continued supervision or incarceration of offenders whose probation has been revoked, a more accurate assessment would permit the Department to determine whether additional procedures and programs should be developed to assist unemployed offenders in obtaining employment. We therefore recommend that the Department revise existing data collection procedures to provide more complete and accurate information on the level of unemployment among felony probationers.

Appendices

<u>Appendix</u>	<u>Page</u>
A. File Review Methodology	34
B. Response From the Department of Corrections	37

Appendix A

File Review Methodology

Selection of File Review Locations

With 125 Probation and Parole Field Offices located throughout the state, the Department's 5 service regions are divided into 20 judicial circuits. To obtain a representative sample of probation cases, we elected to review case files from each of the Department's five regions and from one judicial circuit within each region. Each of the following characteristics was included in at least one of the circuits we selected: small, medium, and large probation populations relative to the state's total probation population; single-county and multi-county jurisdictions; geographic locations in northern, central, and southern Florida; and urban and rural populations. The demographic configuration of the locations used in our file review is shown in Table A-1, page 35.

Availability of Documented Case Files

Department procedures prior to August 1990 authorized each Probation and Parole Office to purge offender files of certain documents upon case closure. As a result, certain documentation of probation supervision was not available in the Department's case files. To accomplish our audit objectives we thus limited the sample of cases we reviewed to those in which the probation term had been completed or revoked in August 1990, at which time probation supervision documentation was no longer being removed from the case files.

Selection of Files

To focus our review on the supervision of felony probationers, we selected only those cases in which the offender's term of probation had not been combined with other forms of sentence or community supervision, including jail or prison sentences, terms of community control, or placement in a Probation and Restitution Center or any other facility

which would provide more intensive supervision than regular probation. We also selected cases that did not involve interstate transfers (for example, sentenced in Alabama and supervised in Florida). We thus selected 487 of the 948 case files in our sample of probationers whose terms were completed, revoked, or otherwise terminated in August 1990. (See Table A-2, page 36.)

Table A-1

Region	Judicial Circuit	Number of Counties	Circuit Office Location	Relative Size of Probation Population	
				Number of Probationers (As of June 30, 1989)	Percent of Total Probation Population ¹
1	1	4	Pensacola	3,872	5.0%
2	3	7	Lake City	1,040	1.0%
3	9	2	Orlando	4,796	7.0%
4	17	1	Fort Lauderdale	11,087	16.0%
5	6	2	Clearwater	7,479	11.0%
Total:				<u>28,274</u>	41.0%
¹ Probation Status Population as of June 30, 1989:				69,207	100.0%

Source: Department Probation Services documents; Probation population data from the Department's Annual Report, Fiscal Year 1988-89.

Table A-2

Selection of Files for Review

Circuit Number	Estimated Number of Completions/Revocations As of August 1990	Number	Files Reviewed Percent of Closed Cases	Number	Files Selected Percent of Files Reviewed
1	200	168	84%	92	55%
3	50	41	82%	20	49%
9	244	180	74%	83	46%
17	544	276	51%	203	74%
6	353	283 ¹	80%	89	31%
Total	<u>1,391</u>	<u>948</u>	68%	<u>487</u>	51%

¹ Files of probation revocation were not included in the cases made available for our review; we subsequently reviewed an additional 25 revocation cases from this circuit.

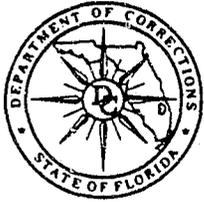
Source: Office of the Auditor General summary analysis of completions/revocations.

Appendix B

Response From the Department of Corrections

In accordance with the provisions of s. 11.45(7)(d), F.S., a list of preliminary and tentative audit findings was submitted to the Secretary of the Department of Corrections for his review and response.

The Secretary's written response is reprinted herein beginning on page 38.



FLORIDA
DEPARTMENT of
CORRECTIONS

Governor
LAWTON CHILES
Secretary
HARRY K. SINGLETARY, JR.

2601 Blairstone Road • Tallahassee, Florida 32399-2500 • (904) 488-5021

December 20, 1991

Charles L. Lester
Auditor General
111 West Madison Street
Post Office Box 1735
Tallahassee, FL 32302

**RE: Preliminary/Tentative Audit Report - Probation
Supervision Program administered by the Department
of Corrections**

Dear Mr. Lester:

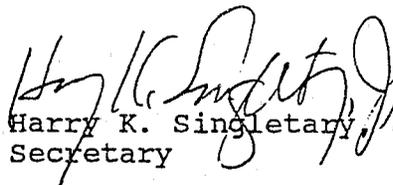
This is in response to your preliminary and tentative audit report regarding completion of P&P Services performance in enforcing and documenting the conditions of probation.

We do not take issue with the findings 1.1 and 1.2 of the report. We have given instruction to our field staff to be diligent in documenting conditions of probation compliance, emphasizing again our newly implemented case review procedure (1-14-91), which has already fostered improvement in the area. Also, we are currently pilot testing an automated system for monitoring court ordered payment compliance. After refinements are made, other Circuits with prerequisite computer equipment will be added. As funds are appropriated for additional equipment, other Circuits will be added.

In regards to finding 1.3, although we would agree that unemployment is a critical factor in successful completion of probation, due to high demand for existing officer resources (because of no increased staffing for increased workload), we do not plan to expend any more resources to collect additional information on employment trends of probationers. With increased staffing needs addressed and with implementation of a risk/needs assessment on probationers planned for the future, more employment data should become available.

We appreciate the opportunity to respond.

Sincerely,


Harry K. Singletary, Jr.
Secretary

HKSJr/HD/p

