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OFFICE OF THE STATE COMPTROLLER

December 27, 2018

Mr. Anthony J. Annucci
Acting Commissioner
Department of Corrections and Community Supervision
W.A. Harriman State Campus, Bldg. 2
1220 Washington Avenue
Albany, NY 12226-2050

Re: Oversight of Sex Offenders Subject to
Strict and Intensive Supervision and
Treatment
Report 2018-F-21

Dear Mr. Annucci:

Pursuant to the State Comptroller's authority as set forth in Article V, Section 1 of the State Constitution and Article II, Section 8 of the State Finance Law, we have followed up on the actions taken by officials of the Department of Corrections and Community Supervision (Department) to implement the recommendations contained in our audit report, *Oversight of Sex Offenders Subject to Strict and Intensive Supervision and Treatment* (Report 2014-S-50), issued December 17, 2015.

Background, Scope, and Objective

The Sex Offender Management and Treatment Act (Act) took effect in 2007 and authorized placement of the most dangerous sex offenders in a secure treatment facility operated by the Office of Mental Health, and placement of less dangerous sex offenders in the community, subject to the Department's Strict and Intensive Supervision and Treatment (SIST) regimen. The Act applies to offenders who have been legally determined to suffer from a mental abnormality that predisposes them to committing a sex offense and that results in their difficulty controlling this behavior. Prior to the Act, a detained sex offender who met the mental abnormality criteria would often be released to the community under standard parole conditions or with no supervision at all.

The Act requires SIST Parole Officers (Officers) to have a minimum number of monthly contacts with offenders (referred to as respondents) in their caseload. The Department establishes additional requirements, which often include electronic monitoring with GPS technology. Department policy requires Officers to record all relevant supervision activities, including

contacts with respondents and responses to electronic monitoring alerts, in its electronic Case Management System (CMS). There were 127 respondents subject to SIST during the period January 1, 2016 to October 30, 2018.

Our initial audit report, which covered the period April 1, 2012 through June 16, 2015, sought to determine whether the Department was adequately monitoring and enforcing SIST conditions for sex offenders placed in the community. The report, issued in December 2015, identified weaknesses in Officers' meeting contact requirements and significant differences in compliance among the locations we tested. The report also found that Officers didn't adequately document their responses to certain electronic monitoring alerts. The objective of our follow-up was to assess the extent of implementation, as of December 5, 2018, of the five recommendations included in our initial audit report.

Summary Conclusions and Status of Audit Recommendations

We found that the Department has addressed the issues identified in our initial audit. Of the five prior audit recommendations, all five were implemented.

Follow-Up Observations

Recommendation 1

Evaluate the reasons for Area Offices' variations in compliance with Act and Department requirements in order to identify potential best practices.

Status – Implemented

Agency Action – Subsequent to our audit, the Department developed monthly reports that identify SIST-specific performance measures and allow Regional Directors and Bureau Chiefs to evaluate SIST results by region. For example, the SIST ParoleSTAT report captures regions' performance in fulfilling monthly contact requirements. The Department also instituted the SIST Home Visit Report, which is generated twice per month to monitor progress in Officers' meeting monthly home visit and curfew check requirements. Finally, the SISCON report provides performance data by respondent.

Department officials stated that, in January 2016, monthly phone conferences among the Regional Directors, Bureau Chiefs, and the Acting Commissioner began to include discussion of the SIST ParoleSTAT report and other SIST performance measures.

Recommendation 2

Based on the results of the evaluation, identify and implement strategies to improve Area Offices' compliance rates.

Status – Implemented

Agency Action – The Department implemented various strategies to improve Area Offices’ compliance rates. For example, in September 2016, the Department began requiring Senior Officers to visit Area Offices quarterly and to meet with Officers to verify their compliance with key SIST requirements and Department Directives. Beginning in July 2018, Senior Officers were required to document the visit results by completing a checklist that identifies – for each respondent – whether SIST requirements and Department Directives were met, and to submit a report of their findings to the Regional Directors. According to Department officials, Senior Officers also verify Officers’ documentation to ensure CMS entries are complete, accurate, and entered timely.

Recommendation 3

Monitor compliance rates among the Area Offices and assess the effectiveness of steps taken to improve compliance.

Status – Implemented

Agency Action – The Department uses the monthly SIST performance reports and conference calls, the periodic meetings to discuss SIST issues, and information from Senior Officers’ site visit checklists to monitor compliance rates among Area Offices. Selected reports from September 2018 indicated that Area Offices were generally meeting monthly visit requirements.

Recommendation 4

Take steps to improve documentation of supervision activities, among them reminders to staff about the importance of maintaining complete and accurate records, including the nature and extent of their responses to electronic monitoring alerts. Periodically assess the effectiveness of the steps taken.

Status – Implemented

Agency Action – Since our audit, the Department has taken steps to improve documentation of SIST supervision activities, including issuing new or revised Directives to staff about maintaining complete and accurate records. One example is a March 2017 Directive that provides guidelines for recording and maintaining documentation in CMS and includes guidance about electronic monitoring alerts. Another Directive, issued April 2018, instructs Officers in documenting arrival reports and conducting the first in-depth interview with respondents released to SIST.

The Department periodically assesses the effectiveness of steps taken to improve documentation through Senior Officers’ review of CMS entries during site visits at Area Offices. We reviewed a sample of 48 records of priority electronic monitoring GPS alerts from September 2018 and verified that the Department documented responses in CMS to 46 of the 48 alerts (96 percent).

Recommendation 5

Improve SIST training procedures by developing written Article 10 training requirements and retaining documentation of training attendance.

Status – Implemented

Agency Action – The Department developed written Article 10 training requirements and incorporated them in September 2018 into a Frequency Training Chart (Chart). The Chart includes required SIST trainings and indicates who must complete them and when. In addition, the Department retained documentation of training attendance through its Report of Training Forms that shows the course name and number, training date, location, and attendees' names and New York State Employee Identification numbers.

Major contributors to this report were Ann Marsh, Christi Martin, Brindetta Cook, and Jacqueline Keeys-Holston.

We thank Department management and staff for the courtesies and cooperation extended to our auditors during this review.

Very truly yours,

Sharon L. Salembier, CPA, CFE
Audit Manager