

OFFICE OF AUDITS & ADVISORY SERVICES



AMERICAN RECOVERY AND REINVESTMENT ACT (ARRA) COMPLIANCE AUDIT OF THE VIOLENCE AGAINST WOMEN - HIGH RISK SEX OFFENDERS GRANT

FINAL AUDIT REPORT

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September 17, 2010

TO: Mack Jenkins, Chief Probation Officer
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FROM: James L. Pelletier
Chief of Audits

**FINAL REPORT: AMERICAN RECOVERY AND REINVESTMENT ACT COMPLIANCE AUDIT
OF THE VIOLENCE AGAINST WOMEN – HIGH RISK SEX OFFENDERS GRANT**

Enclosed is our report on the American Recovery and Reinvestment Act (ARRA) Compliance Audit of the Violence Against Women – High Risk Sex Offenders Grant. We have reviewed your responses to our recommendations and have attached them to the audit report.

The actions taken and/or planned, in general, are responsive to the recommendations in the report. As required under Board Policy B-44, we respectfully request that you provide quarterly status reports on the implementation progress of the recommendations. The Office of Audits & Advisory Services will contact you or your designee near the end of each quarter to request your response.

Also attached is an example of the quarterly report that is required until all actions have been implemented. To obtain an electronic copy of this template, please contact Laura Flores, Project Lead at (858) 495-5654.

If you have any questions, please contact me at (858) 495-5661.

JAMES L. PELLETIER
Chief of Audits

AUD:LEF:aps

Enclosure

- c: Raymond A. Fernandez, Deputy Chief Administrative Officer, Public Safety Group
- Donald F. Steuer, Chief Financial Officer
- Tracy M. Sandoval, Assistant Chief Financial Officer/Auditor and Controller
- Dorothy Y. Thrush, Group Finance Director, Public Safety Group

INTRODUCTION

Audit Objective As part of our effort to provide reasonable assurance that the County of San Diego (the County) is in compliance with the American Recovery and Reinvestment Act of 2009 (ARRA or the Act), the Office of Audits & Advisory Services (OAAS) conducted an audit of the Violence Against Women - High Risk Sex Offenders (HRSO) Program subsidized with ARRA funds.

The objectives of the audit were to establish whether ARRA funds were properly managed and accounted for, determine whether data related to the grant were properly captured and reported as mandated by the Act, and determine whether adequate internal controls for the administration of ARRA funds had been established.

Background The Act was signed into law on February 17, 2009. The purposes of the Act are to preserve and create jobs, promote economic recovery, assist those most affected by the recession, provide investments to increase economic efficiency through technological advances in science and health, and invest in transportation, environmental protection, and other infrastructure.

The Act includes more than \$139 million in Department of Justice (DOJ), Office of Violence Against Women (OVW) grant funding to enhance law enforcement efforts to combat violence against women. The majority of these funds have been awarded to states to develop and strengthen effective law enforcement and court response to violence against women. The California Emergency Management Agency (CalEMA) received \$13.2 million from the OVW. CalEMA allocated \$1.2 million of ARRA funds received to the State Probation Specialized Unit. The goal of this program is to enhance or create specialized units within California probation departments to intensively supervise small caseloads focusing strictly on sexual assaults offenders.

In December 2009, CalEMA officially awarded \$258,590 of ARRA funding to the County's Probation Department (the Department), with a required match of \$86,197. The objectives of the grant are to protect community safety, reduce recidivism by sex offenders, and increase assistance to victims. These funds were provided to hire a Deputy Probation Officer (DPO) to intensively supervise a caseload of HRSO, hire staff to assist the DPO, lease 20 global positioning satellite (GPS) units,¹ provide services to victims, and subsidize training and supplies for the DPO.

¹ U.S. Department of Justice Publication, *Tracking Sex Offenders with Electronic Monitoring Technology*. GPS is an electronic device that can be used to track sex offenders. The offender is fitted with a tamper-resistant transmitter, a small, battery-operated unit worn on the ankle that emits a radio signal to a portable tracking device (PTD). The PTD continuously records location information according to date and time. Location information for an offender may be updated as frequently as every 10 seconds. The radio frequency transmitter is programmed to detect if a transmitter is beyond a predetermined distance away from the PTD.

Audit Scope & Limitations

Audit work focused on grant activities conducted from March to May, 2010.

This audit was conducted in accordance with auditing standards prescribed by the Institute of Internal Auditors, Inc., as required by California Government Code, Section 1236.

Methodology

OAAS performed the audit using the following methods:

- Reviewed Office of Management and Budget (OMB) ARRA guidance, Inspector General (IG) ARRA directives, and related regulations from the Department of Justice (DOJ) and State of California to identify and understand specific ARRA requirements and expectations;
- Examined Government Accountability Office (GAO) reports that discussed significant risks related to ARRA;
- Interviewed Probation staff responsible for grant fiscal administration and project management;
- Examined County policies and procedures governing the administration of grants;
- Reviewed the Department's processes for grant administration, monitoring, and reporting of grant activities; and
- Conducted specific audit procedures such as inspection of documents, reconciliation of records, verification of key transactions, and inquiries regarding fraud prevention controls.

AUDIT RESULTS

Summary

OAAS' audit work determined that, within the scope of our audit, the Department has partially complied with ARRA grant requirements. More specifically, OAAS identified the following exceptions:

Finding I:**Mandatory Contacts with HRSO, Victims, and Treatment Providers Were not Completed**

OAAS found that the Department did not complete all required contacts with probationers, victims, and treatment providers. The grant document outlines mandatory performance measures to ensure that program objectives are accomplished.

OAAS obtained performance reports prepared by the Department to determine whether required activities were conducted. The data provided consisted of excel spreadsheets as well as summary performance reports generated by the Probation Case Management System (PCMS) – the system of record. OAAS reviewed these reports and noted discrepancies between the excel spreadsheets and the PCMS reports. Staff indicated that not all activities may have been recorded

into the PCMS. OAAS utilized both PCMS and the excel spreadsheets data to analyze the Department's performance. Based on our review, the Department has not met certain service levels, as summarized in the table below.

Actual Monthly Performance Data as Reported by the Department			
Grant Performance Requirements	March Performance	April Performance	May Performance
Weekly Contacts with Probationers ²	4 out of 13 (30%)	2 out of 12 (16%)	6 out of 16 (37.5%)
Monthly Contact with Victims ³	1 out of 5 (20%)	1 out of 5 (20%)	8 out of 8 (100%)
Monthly Contacts with Treatment Providers ⁴	6 out of 18 (33%)	14 out of 14 (100%)	14 out of 14 (100%)

According to management, they were unable to meet specific performance requirements for reasons that were not considered when applying for grant funds. For instance, the grant document does not account for DPO absences which could prevent them from meeting weekly contact requirements.

Insufficient contacts with probationers, victims, and treatment providers could prevent the Department from achieving program objectives. It could also prevent the Department from getting future funding and have a negative impact on public perception.

Recommendation: The Department should comply with grant requirements and ensure that required contacts with probationers, victims, and treatment providers are conducted. In addition, management should ensure that performance data is entered into the PCMS on a daily basis in order to maintain adequate performance reports.

Finding II: Additional Services to Victims Have Not Been Provided

OAAS found that the Department has not provided additional services to victims, such as counseling services, transportation, child care, and housing. One of the program objectives is to increase assistance to victims and CalEMA allocated approximately \$20,000 from grant funds for these additional services to be provided.

However, management indicated that after conducting further research, they found that they do not have the capability to establish a victim service program and deliver the additional services to victims in the manner that it was proposed.

Inability to increase assistance to victims prevents the Department from achieving the related program objective. It could also cause the loss of current funding and prevent the Department from getting future funding.

² Compliance is based on all contacts or attempted contacts noted in the excel report, including office visits, field visits, and telephone calls made with active probationer cases only.

³ Compliance is based on contacts made with victims with contact information available.

⁴ Compliance is based on contacts made with treatment providers for cases with a registered treatment provider only (not all probationers have a treatment provider assigned to them).

Recommendation: The Department should make additional efforts to comply with grant requirements to ensure that program objectives are met. In doing so, the Department should also explore other options for the delivery of additional services to victims.

Finding III: Funding Received to Hire Student Workers Has not Been Used

CalEMA awarded funding of \$58,075 to hire graduate student workers (51.3 hours per week or 2.57 full time equivalents) to assist the DPO with data entry and daily reviews required when using the GPS monitoring units.

OAAS found that management has not hired the required staff funded by the grant to conduct these activities. As an alternative solution, they have temporarily assigned a staff member to conduct required activities.

One of the immediate goals of the Act is to create jobs and stimulate the economy. As such, not hiring student workers funded by the grant increases the risk of non-compliance with overall ARRA objectives. In addition, the salary of the staff assigned to conduct required activities is not reimbursable under grant terms resulting in an additional financial burden to the Department.

Recommendation: Management should determine whether hiring student workers is feasible at this time to ensure compliance with the grant and meet ARRA objectives. If this is not a viable option, management should contact CalEMA to modify the terms of the grant and ensure that grant monies can be used to offset salary costs of staff conducting grant activities.

Finding IV: Review and Investigation of GPS Location Points was not Conducted Effectively

The Department has incorporated multiple tools to provide effective supervision of HRSO. These tools include polygraphs, treatment providers, and GPS supervision technology, among others. The grant awarded \$70,000 for the leasing of GPS devices, as well as additional funds to hire staff to assist with the associated data searches required when using GPS devices (see Finding III).

The Department utilizes GPS technology to assist in the supervision of HRSO by identifying the exact location of a probationer at any given time. The GPS devices are programmed with exclusion zones to identify specific areas that the probationer must not enter, such as the victim's residency, schools, parks, day care centers, etc.⁵ Inclusion zones are also programmed to identify specific places within which the probationer must be located at certain times of day, including treatment sessions, probation visits, or employment. GPS systems assist in the enforcement of exclusion and inclusion zones. If a probationer enters an exclusion zone, an automated notification is sent to the DPO and other staff. While

⁵ Exclusion zones are determined on a case by case basis depending on the probationer's offense and other circumstances.

OAAS did not evaluate this process, management indicated that staff has been trained to immediately respond to GPS alerts.

An additional benefit from the use of GPS is the ability to investigate probationers by tracking daily movements, noting specific patterns of behavior, and identifying frequently visited locations, all of which may require further examination. The GPS system places and stores the probationer's current and past location points for staff to review the probationer's movement patterns. For instance, it may be of interest to investigate why a HRSO stops by the same location daily on his or her way home from work. Closely monitoring GPS location points may assist in defining offense patterns and victim preferences.

OAAS reviewed monitoring activities conducted by the Department related to GPS location points stored by the system. OAAS found that in three instances, monitoring and researching of GPS location points was not fully conducted and the majority of GPS tracking data had not been entered into the PCMS. Additionally, the Department could not provide documentation to support that the DPO had been notified in a timely manner of specific GPS tracking concerns that had been identified by the monitor. While staff indicated that verbal communication took place, this could not be confirmed due to the lack of written documentation. As a result, the DPO may not have had quick access to GPS tracking data to identify and evaluate movement patterns and determine whether further action was necessary. For example, according to the GPS tracks on March 13 and March 24, 2010, data points indicated that a probationer was near an exclusion zone. Staff indicated that the DPO was not made aware of this information to perform further analysis until approximately two months later. Upon closer examination of the GPS data, the DPO determined that the actual location of the probationer did not represent a significant risk.

The Department had not implemented adequate procedures to ensure that review of GPS location data is performed, documented, and communicated in a timely manner. As a result, there may have been insufficient review and investigation of GPS location points.

Recommendation: Management should ensure that sufficient training is provided to staff responsible for tracking GPS location points. In addition, management should consider documenting their processes and communicating specific requirements to staff to ensure a clear understanding of roles and responsibilities.

Finding V: Grant Activities not Initiated in a Timely Manner

OAAS found that the Department did not perform activities required by the grant for almost three months after receiving the signed agreement from CalEMA.

While the grant performance period is from October 1, 2009 to September 30, 2010, the confirmation letter awarding the funds from CalEMA was signed on December 22, 2009. Authorization from the

Board of Supervisors to hire the staff required to conduct grant activities was obtained on January 26, 2010. However, the DPO position was not filled until March 12, 2010. In addition, the purchase order for the lease of GPS units was placed on March 20, 2010 delaying the activation and monitoring of the GPS units until March 23, 2010.

Management indicated that the nature of the hiring process and the late arrival of the GPS units resulted in a delay in assigning staff to this program. The Department has contacted CalEMA in an attempt to extend the grant period.

Failure to promptly execute grant activities results in not delivering the extent of services intended by the grant and not effectively using funding awarded to the Department.

Recommendation: Management should implement existing grant processes for adequate planning and coordination of efforts to ensure that grant performance is initiated timely. In addition, management should continue with their efforts to extend the grant period and properly document authorization from CalEMA.

COMMENDATION

The Office of Audits & Advisory Services commends and sincerely appreciates the courteousness and cooperation extended by the officers and staff of the Probation Department throughout this audit.

Office of Audits & Advisory Services

C Compliance

R Reliability

E Effectiveness

A Accountability

T Transparency

E Efficiency



VALUE

DEPARTMENT'S RESPONSE



County of San Diego

Mack Jenkins
CHIEF PROBATION OFFICER

DEPARTMENT OF PROBATION
POST OFFICE BOX 23597, SAN DIEGO, CALIFORNIA, 92193-3597

September 15, 2010

RECEIVED

SEP 16 2010

TO: James L. Pelletier
Chief of Audits

OFFICE OF AUDITS &
ADVISORY SERVICES

FROM: Mack Jenkins, Chief Probation Officer
Probation Department

DEPARTMENT RESPONSE TO AUDIT RECOMMENDATIONS: American Recovery and Reinvestment Act (ARRA) Compliance Audit of the Violence Against Women – High Risk Sex Offenders

Finding I - Mandatory Contacts with HRSO, Victims, and Treatment Providers Were not Completed

OAAS Recommendation: The Department should comply with grant requirements and ensure that required contacts with probationers, victims, and treatment providers are conducted. In addition, management should ensure that performance data is entered into the PCMS on a daily basis in order to maintain adequate performance reports.

Action Plan: The Probation Department agrees with the recommendation and offers the following additional information:

On the topic of mandatory contacts:

- **Contact with Probationers:**
Contacts with the Probationers did not occur as required. The missed contacts were the result of failing to provide coverage for the assigned Deputy Probation Officer during absences. Arrangements were subsequently made to ensure adequate backup coverage. Contact with Probationers has improved to 100 % compliance as of August 2010.
- **Contacts with Victims:**
During the months of March and April, contacts with victims were not adequately monitored. Corrections were subsequently made to ensure the required contacts were made. Contact with victims whose whereabouts are known and who want contact with the probation officer has improved to 100% compliance as of May 2010.

Protect community safety, reduce crime and assist victims through offender accountability and rehabilitation.

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Contacts with Treatment Providers:

Contacts with treatment providers were not effectively monitored during the first month of the grant. Adjustments were subsequently made to ensure the contacts. Contact with treatment providers for those probationers who are attending treatment had improved to 100% as of April 2010.

Planned Completion Date: The Probation Department has taken and completed corrective action to ensure all mandatory contacts are in compliance with grant requirements. Met all contact requirements as of August 2010.

Contact Information for Implementation: Lisa Southwell, Probation Director

Finding II - Additional Services to Victims Have Not Been Provided

OAAS Recommendation: The Department should make additional efforts to comply with grant requirements to ensure that program objectives are met. In doing so, the Department should also explore other options for the delivery of additional services to victims.

Action Plan: The Probation Department agrees with this finding. The Department's original plan was to offer counseling, assistance with childcare, and assistance with transportation (to counseling appointments, court appearances, etc.) services to victims supported by grant funds. The intent in that plan was to obtain the services through agencies which provide services to victims and Community Based Organizations. The Department subsequently learned the plan could not be implemented as outlined.

Upon consultation with Cal EMA representatives the Department submitted a grant modification request on July 26, 2010 to redirect the funds to pay for specialized training for staff on probation staff in victim's issues. The grant modification request is currently pending approval.

Planned Completion Date: Specialized Trainers have been selected, curriculums are being finalized and the training will commence upon approval of the grant modification.

Contact Information for Implementation: Lisa Southwell, Probation Director

Finding III - Funding Received to Hire Student Workers Has not Been Used

OAAS Recommendation: Management should determine whether hiring student workers is feasible at this time to ensure compliance with the grant and meet ARRA objectives. If this is not a viable option, management should contact CalEMA to modify the terms of the grant and ensure that grant monies can be used to offset salary costs of staff conducting grant activities.

Action Plan: The Department agrees with the recommendation and offers the following additional information

Upon applying for the grant, it was the department's intent to hire two student workers as indicated in the application and attempted to begin the hiring process. Subsequent to receiving the award, the County of San Diego was in the midst of implementing a deficit reduction plan which at the time

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precluded the hiring of "temporary workers", a category in which the student workers fell. In order to fulfill the function that was to be performed by the student workers, the department redeployed an officer from another assignment to fulfill the function. Efforts to hire the two student workers continued and they began working July 16, 2010.

Planned Completion Date: Completed. Two Student workers were hired on July 16, 2010.

Contact Information for Implementation: Lisa Southwell, Probation Director

Finding IV – Review and Investigation of GPS Location Points was not Conducted Effectively

OAAS Recommendation: Management should ensure that sufficient training is provided to staff responsible for tracking GPS location points. In addition, management should consider documenting their processes and communicating specific requirements to staff to ensure a clear understanding of roles and responsibilities.

Action Plan: The Department agrees with the recommendation and offers the following additional information:

The three instances where the audit found that monitoring and researching of GPS location points was not fully conducted were the result of poor communication between the staff assigned to monitor location points and the assigned Deputy Probation Officer. Those staff did not follow established policy regarding communication. Upon learning of the problems, corrective steps were taken with the responsible staff. Additionally, a specific procedure was developed outlining requirements for reviewing probationer location points and documenting that information in the probation case management system.

Planned Completion Date: Training has been completed. The Probation Department has taken corrective action to ensure GPS procedures and documentation of activities is in compliance with grant requirements.

Contact Information for Implementation: Lisa Southwell, Probation Director

Finding V- Grant Activities not Initiated in a Timely Manner

OAAS Recommendation: Management should implement existing grant processes for adequate planning and coordination of efforts to ensure that grant performance is initiated timely. In addition, management should continue with their efforts to extend the grant period and properly document authorization from CalEMA.

Action Plan: The Department agrees with the recommendation and offers the following additional information:

The department is revisiting the grant application process to ensure better coordination between the staff writing the grant and those responsible for implementation.

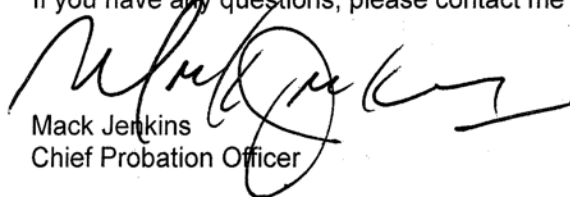
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A modification request, to extend the grant term was submitted on July 26, 2010 to CalEMA to continue the grant through the end of February 2011. CalEMA has stated that it is likely that the grant term extension will be approved.

Planned Completion Date: Management has implemented and is monitoring the use of existing grant processes to insure timely grant performance. Additionally, the request to extend the grant term to February 28, 2011 has been submitted to CalEMA with formal approval of that request currently pending.

Contact Information for Implementation: Lisa Southwell, Probation Director

If you have any questions, please contact me at (619)-514-3200.



Mack Jenkins
Chief Probation Officer