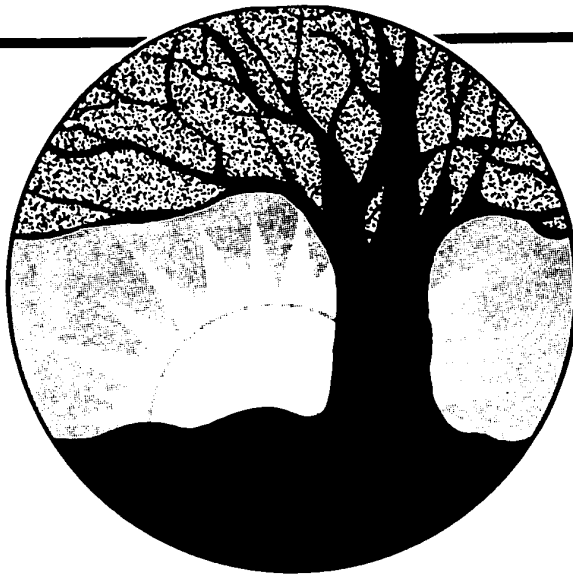


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PERFORMANCE AUDIT

TENNESSEE CORRECTIONS INSTITUTE

JUNE 1994



WILLIAM R. SNODGRASS
COMPTROLLER OF
THE TREASURY



STATE OF TENNESSEE
COMPTROLLER OF THE TREASURY
DEPARTMENT OF AUDIT
DIVISION OF STATE AUDIT



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June 23, 1994

The Honorable John S. Wilder
Speaker of the Senate
The Honorable Jimmy Naifeh
Speaker of the House of Representatives
The Honorable Joe Haynes, Chair
Senate Committee on Government Operations
The Honorable Mike Kernell, Chair
House Committee on Government Operations
and
Members of the General Assembly
State Capitol
Nashville, Tennessee 37243

Ladies and Gentlemen:

Transmitted herewith is the performance audit of the Tennessee Corrections Institute. This audit was conducted pursuant to the requirements of Section 4-29-111, *Tennessee Code Annotated*, the Tennessee Governmental Entity Review Law.

This report is intended to aid the Joint Government Operations Committee in its review to determine whether the institute should be continued, abolished, or restructured.

Very truly yours,

W. R. Snodgrass
Comptroller of the Treasury

WRS/tk

State of Tennessee

Audit Highlights

Comptroller of the Treasury

Division of State Audit

Performance Audit
Tennessee Corrections Institute
June 1994

AUDIT OBJECTIVES

The objectives of the audit were to review the Tennessee Corrections Institute's legislative mandate and the extent to which the institute has met that mandate; to assess the efficiency and effectiveness of management's organization and use of resources to accomplish the institute's mission; and to make recommendations that might result in more efficient and effective operation of the institute.

FINDINGS

All Local Correctional Facilities Are Not Inspected Annually*

Only 31% of local jails were inspected in fiscal year 1992. Ninety-five percent of jails were inspected during the 18-month period from July 1992 through December 1993. Inspections can identify areas in which facilities fail to meet minimum standards or facility staff need additional training or technical assistance (page 7).

Research Activities Have Been Very Limited*

Statutes require the institute to conduct research in corrections and criminal justice in order to make recommendations to the Governor, the Commissioner of Correction, and the General Assembly; however, the institute has conducted very little corrections-related research in recent years. A research analyst was hired in September 1993 and has begun investigating the availability of research grants (page 8).

Field Staff's Activities Are Not Adequately Documented

Management needs documentation of staff activities to report progress and accomplishments to the Board of Control and other state agencies. Documentation also makes staff more accountable and provides management assurance concerning the propriety of staff activities (page 9).

The Board of Control Has No Procedural Rules to Structure Its Activities

The board met irregularly from July 1990 to October 1993, with intervals between meetings as long as 11 months. A board that meets regularly and has written procedural rules could act more timely and would probably better serve institute management and the facilities under the institute's jurisdiction (page 10).

* This issue was also discussed in the 1987 follow-up performance audit of the institute.

The Institute's Policies and Procedures Manual Has Not Been Updated Recently

In the eight or more years since the manual was updated, there have been changes in statute and in the institute's staff and organization. By maintaining and distributing current written policies and procedures, management could ensure that staff are informed of operational changes and therefore held accountable (page 11).

The Board of Control Does Not Have a Representative from Youth Corrections

The institute inspects 33 local youth correctional facilities and trains their staff. A representative from the area of youth corrections would help ensure that the institute's Board of Control is cognizant of and gives proper consideration to issues affecting youth correctional facilities (page 11).

OBSERVATIONS AND COMMENTS

The audit addresses several additional issues which affect the institute and local correctional facilities: (1) the institute's lack of power to directly enforce compliance with its standards; (2) the institute's training of local correctional staff; and (3) comments by the institute's clients regarding its staff and services (pages 5-6).

ISSUES FOR LEGISLATIVE CONSIDERATION

The General Assembly may wish to consider amending Section 41-1-116 (8), *Tennessee Code Annotated*, to allow Department of Correction employees to take basic training and annual refresher courses at the Tennessee Correction Academy, a Department of Correction facility (page 8).

The General Assembly may wish to consider modifying the membership of the Board of Control, as codified in Section 41-7-105, *Tennessee Code Annotated*, to provide for a representative from youth corrections (page 11).

**PERFORMANCE AUDIT
TENNESSEE CORRECTIONS INSTITUTE**

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**PERFORMANCE AUDIT
TENNESSEE CORRECTIONS INSTITUTE**

INTRODUCTION

PURPOSE AND AUTHORITY FOR THE AUDIT

This performance audit of the Tennessee Corrections Institute, Board of Control, was conducted pursuant to the Tennessee Governmental Entity Review Law, *Tennessee Code Annotated*, Title 4, Chapter 29. Under Section 4-29-216, the Tennessee Corrections Institute, Board of Control, is scheduled to terminate June 30, 1995, unless continued by the General Assembly. The Comptroller of the Treasury is authorized under Section 4-29-111, *Tennessee Code Annotated*, to conduct a limited program review audit of the institute and to report to the Joint Government Operations Committee. This performance audit is intended to aid the committee in determining whether the Tennessee Corrections Institute, Board of Control, should be abolished, continued, or restructured.

OBJECTIVES OF THE AUDIT

The audit of the Tennessee Corrections Institute, Board of Control, had the following objectives:

1. To determine the authority and responsibility mandated to the institute by the legislature.
2. To determine the extent to which the institute has met its legislative mandate.
3. To assess the efficiency and effectiveness of management's organization and use of resources to accomplish the institute's mission.
4. To develop recommendations, as needed, for institute or legislative action which might result in more efficient and/or more effective operation of the institute.

SCOPE AND METHODOLOGY OF THE AUDIT

The audit reviewed the institute's current activities and procedures, focusing on procedures and conditions in effect during field work, January to March 1994. The audit was

conducted in accordance with generally accepted government auditing standards. The methods used included the following:

1. Review of applicable statutes, standards, policies, procedures, court cases, and reports of a court-appointed monitor.
2. Examination of institute files, data, board minutes, and reports.
3. Interviews with a court-appointed special master and with staff of the institute, Department of Correction, Select Oversight Committee on Corrections, Tennessee Municipal League, Tennessee Sheriffs Association, Metro-Nashville Legal Department, and county sheriff's departments.

ORGANIZATION AND STATUTORY DUTIES

The Tennessee Corrections Institute was created by the General Assembly under Chapter 733 of the Public Acts of 1974, codified as Section 41-7-101 et seq., *Tennessee Code Annotated*. The institute has a staff of eleven, including an executive director, and is given the following statutory responsibilities:

1. To establish minimum standards for local jails, lock-ups, workhouses, and detention facilities.
2. To inspect all local penal institutions, jails, workhouse detention facilities, or any other local correctional facility at least once a year. (This extends to private facilities in the state that hold prisoners from a Tennessee jurisdiction.)
3. To train correctional personnel in municipal, county, and metropolitan jurisdictions.
4. To evaluate correctional programs in municipal, county, and metropolitan jurisdictions.
5. To conduct research in the areas of corrections and criminal justice to make recommendations to the Governor, the Commissioner of Correction, and the General Assembly.
6. To provide technical assistance, inspections of state facilities, or evaluation of state programs at the request of the Commissioner of Correction.

According to Section 41-7-105, *Tennessee Code Annotated*, the programs of the Tennessee Corrections Institute are under the direction of the Board of Control. This seven-member board consists of the following:

- Governor or his designate
- Commissioner of Correction
- Chairman of the Department of Criminal Justice at Tennessee State University
- Chairman of the Department of Criminal Justice at Middle Tennessee State University
- An employee of the Department of Correction, appointed by the Governor
- One sheriff, appointed by the Governor, from a county with a population of 200,000 or more
- One sheriff, appointed by the Governor, from a county with a population of less than 200,000

The board is authorized by statute to employ personnel; enter into contracts; accept and expend local, federal, or foundation funds, contributions, or grants; promulgate rules and regulations; and call on the Office of the Attorney General and Reporter for necessary legal representation or assistance.

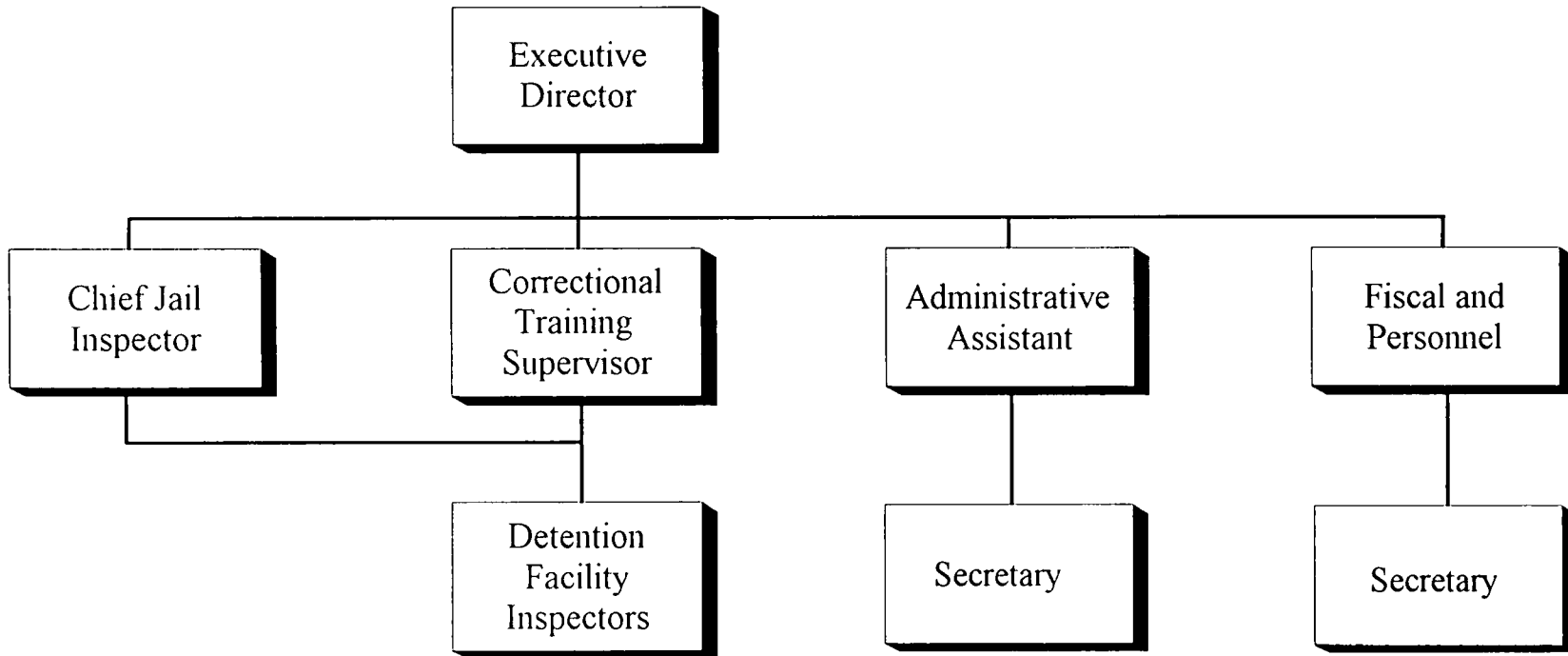
At the end of calendar year 1993, the Tennessee Corrections Institute was responsible for inspecting 163 local facilities, with a capacity of approximately 15,000 inmates.

The organization chart is on the following page.

REVENUES AND EXPENDITURES

The institute spent \$420,362 in fiscal year 1993. All revenues are state appropriations through the general fund.

TENNESSEE CORRECTIONS INSTITUTE
ORGANIZATION CHART



4

Source: Tennessee Corrections Institute.

OBSERVATIONS AND COMMENTS

NO DIRECT ENFORCEMENT POWER

The Tennessee Corrections Institute has no power to directly enforce compliance with its standards. Pursuant to Section 41-4-140, *Tennessee Code Annotated*, the institute annually inspects local correctional facilities to determine compliance with the standards. If deficiencies are found, the facility has up to 60 days to make improvements. Based on the annual inspection and reinspection (if deficiencies were found initially), the institute certifies those facilities that comply with all minimum standards. The other facilities are not certified. However, the statute does not give the institute the power to impose any penalties or other sanctions on these facilities, and the facilities are not directly penalized by the state. As of December 1993, almost 23 percent of local correctional facilities (37 of 164) were not certified.

The institute's ability to ensure compliance with its standards is also limited because of a statutory requirement that a facility's certification status not be changed between annual inspections. As a result, some facilities may make improvements to meet standards during the annual inspection process, then return to substandard conditions as soon as the inspection is complete. Institute staff indicated that these situations would eventually be resolved through lawsuits from inmates. However, in the meantime, substandard conditions could result in harm to inmates, correctional officers, or the public.

Compliance with institute standards can be achieved indirectly because of the advantages certification provides facilities and local governments. Facilities that routinely comply with institute standards may have lower insurance premiums and have a stronger defense in the event of a lawsuit. Institute staff stated that they were satisfied with the current process because it allows them to be an "independent referee" rather than a "player" and "discourages the misuse of power by the inspector or by a sheriff desiring to improve his jail."

TRAINING OF LOCAL CORRECTIONAL STAFF

Staff of local correctional facilities are required by institute standards to have 40 hours of basic training within the first year of employment and 40 hours of in-service training each subsequent year. Institute staff provide all basic training and 16 hours of the in-service training, and jail officials are responsible for ensuring that the other 24 hours of training are provided. In an effort to extend its resources, the institute is training "Facility Training Officers" (FTOs) who will assist local jails in providing in-service training. Two large counties, and Corrections Corporation of America, have instituted programs to perform their own training. All training conducted by non-institute personnel must be approved by the institute. Institute staff stated that

the data on the number of individuals trained by non-institute personnel during 1991-1993 are inconclusive because of reporting problems by the counties that trained their own staff.

According to institute staff, the institute was responsible for providing training for approximately 2,150 local correctional personnel as of December 1993; institute staff trained 1,476 local correctional staff in 1993. Institute staff stated that the institute is usually able to provide training to all facilities that request it; however, occasionally correctional staff must be rescheduled during the next year because a particular class is full. Facility certification would not be affected as long as the facility seeks training in the next available class. Feedback on institute class evaluations reviewed was generally positive.

COMMENTS BY CLIENTS GENERALLY VERY POSITIVE

The Tennessee Corrections Institute provides facilities technical assistance in various methods and situations. To gain an external perspective on the quality and usefulness of this and other services the institute provides, the auditors contacted the court-appointed special master for local jails, the Tennessee Municipal League, the Tennessee Sheriffs Association, the Metro-Nashville Legal Department, and several county sheriff's departments. Most of the persons contacted were very complimentary about the institute's staff and the services. In particular, they found the information and assistance from institute staff very helpful and timely.

FINDINGS AND RECOMMENDATIONS

THE TENNESSEE CORRECTIONS INSTITUTE HAS NOT INSPECTED ALL LOCAL CORRECTIONAL FACILITIES ONCE A YEAR

1. FINDING:

Annual inspections of local correctional facilities, required by Section 41-4-140, *Tennessee Code Annotated*, are not being performed. According to institute records, 54 of 172 jails (31%) were inspected in fiscal year 1992. In fiscal year 1993, the institute began tracking inspections by calendar year instead of fiscal year; 155 of 163 jails (95%) were inspected during the 18-month period from July 1992 through December 1993. Unless the institute inspects all facilities, it cannot determine whether the facilities comply with the minimum standards established to ensure the welfare of persons committed to those facilities. In addition, without inspections, the institute cannot identify areas in which facility staff may need technical assistance or additional training to better comply with the standards. The Chief Jail Inspector stated that all inspections will be performed in calendar year 1994, the first year in several years that began with inspections "caught up." The status of inspections is monitored through periodic update reports.

RECOMMENDATION:

The Tennessee Corrections Institute should ensure that all local correctional facilities are inspected at least once a year as required by *Tennessee Code Annotated*.

MANAGEMENT'S COMMENT:

We concur. Limited staff has exacerbated this problem. Statute requires that TCI not only inspect all facilities annually, but also train all correctional employees. Because of these mandates and the limited staff, staff has had to combine both the inspection and training duties. This has hampered both programs. As in years past, we are again requesting additional staff in our budget to rectify this difficulty.

RESEARCH ACTIVITIES HAVE BEEN VERY LIMITED

2. FINDING:

According to the executive director, the institute has conducted very little (if any) corrections-related research in recent years. Section 41-7-103(3), *Tennessee Code Annotated*, requires the institute to conduct studies and research in corrections and criminal justice in order to make recommendations to the Governor, the Commissioner of Correction, and the General Assembly. Past performance audits also cited the lack of research activity as a weakness.

In September 1993, the institute hired a research analyst. Thus far, he has been gathering information for grant applications for several projects, including programs to assist the incarcerated elderly and rehabilitate rather than incarcerate first-time offenders. The executive director indicated that the analyst will be gathering data on a variety of correctional issues such as the number of juvenile arrests and types of offenses committed.

RECOMMENDATION:

The executive director should consult with the Board of Control to determine areas in which corrections-related research and data are needed. The research analyst's work should then be focused to address those information needs.

MANAGEMENT'S COMMENT:

We concur. Until the later part of 1993, TCI had no research staff with which to do research. Again, our lack of staff has negatively affected our ability to carry out one of our legislative mandates. One person has now been hired for this purpose. Currently, he is investigating the availability of federal grant monies for use in research.

STATE CORRECTIONAL PERSONNEL ARE NOT RECEIVING TRAINING
FROM THE TENNESSEE CORRECTIONS INSTITUTE

3. FINDING:

Section 41-1-116, *Tennessee Code Annotated*, states, "Any person employed as a correctional officer by the department of correction shall . . . Have successfully completed appropriate basic training at the Tennessee correction institute as prescribed by the board

of control of the institute. . . . Such employees shall also complete appropriate refresher courses each year as prescribed by the board of control of the institute."

According to management of the institute and the Department of Correction, state correctional employees do not receive any training from the institute, but are trained at the Tennessee Correction Academy (operated by the department) in Tullahoma.

RECOMMENDATION:

The General Assembly may wish to consider amending Section 41-1-116(8), *Tennessee Code Annotated*, to allow Department of Correction employees to take basic training and annual refresher courses at the Tennessee Correction Academy, a Department of Correction facility.

MANAGEMENT'S COMMENT:

We concur. Since the *Tennessee Code Annotated* provides that the Department of Correction can call upon the Corrections Institute for services, it has been assumed that this requirement was left available in case the Department of Correction decided to revert to the original intent of the legislation and use TCI entirely or in part.

DOCUMENTATION DOES NOT ADEQUATELY SUPPORT
ACTIVITIES OF FIELD PERSONNEL

4. FINDING:

The institute's four field staff have responsibilities that include inspecting jails, training staff, and providing technical assistance. Staff are expected to complete a "Two Week Activity Report" documenting their activities. However, staff do not always complete the form or provide sufficient detail. Overall, according to management, the staff are performing well in each area, but their performance cannot be fully documented. Management needs documentation of staff activities to report progress and accomplishments to the Board of Control and other state agencies. In addition, documentation would serve to hold staff accountable and would provide management assurance concerning the propriety of staff activities.

RECOMMENDATION:

Management should work to ensure that field staff document their activities. The activity report may be simplified to encourage completion.

MANAGEMENT'S COMMENT:

We concur. More enforcement for field staff to turn in current activity reports will be applied.

THE BOARD OF CONTROL HAS NO PROCEDURAL RULES
TO STRUCTURE ITS ACTIVITIES

5. FINDING:

The Tennessee Corrections Institute is governed by a seven-member Board of Control. The board approves the certification or noncertification of facilities, based on the recommendations of institute inspectors, and hears updates regarding activities and accomplishments. Statutes do not address the frequency of meetings, and the board has not promulgated any rules to address this and other issues. The board met irregularly from July 1990 to October 1993, with intervals between meetings as long as 11 months. A board that meets regularly and has written procedural rules could act more timely and would probably better serve institute management, the jails under the institute's jurisdiction, other correction-related agencies, and in turn, the people of Tennessee.

RECOMMENDATION:

The Board of Control should draft and abide by rules to address frequency of meetings, items to be addressed at meetings, requirements of board members, and other appropriate items.

MANAGEMENT'S COMMENT:

We concur. The board has met as needed for purposes of policy approval, facility certification, etc. This practice has been sufficient. The board will discuss this finding at its next meeting.

THE POLICIES AND PROCEDURES MANUAL HAS NOT BEEN UPDATED

6. FINDING:

According to institute staff, the *Policies and Procedures Manual* has not been updated in at least eight years. During that time, there have been changes in statute and in the institute's staff and organization. Verbal or written notice of these changes was given to staff but was not always made a part of the manual. According to management, the four field staff do not have copies of the manual. Although the audit did not identify any problems resulting from the lack of an updated manual, by maintaining and distributing current written policies and procedures, management could ensure that staff are informed of operational changes and therefore held accountable.

RECOMMENDATION:

The *Policies and Procedures Manual* should be updated to reflect current administration, procedures, and policies. The manual should be kept up-to-date and distributed to all staff.

MANAGEMENT'S COMMENT:

We concur. This is the most embarrassing finding, as TCI constantly reminds facilities to keep their manuals updated and distributed. Even though the staff does communicate well and is busy with the day-to-day functions, staff will update and distribute a new manual.

THE BOARD OF CONTROL DOES NOT HAVE
A REPRESENTATIVE FROM YOUTH CORRECTIONS

7. FINDING:

The institute, by statute, inspects local youth correctional facilities and trains the staff of those facilities. The institute has promulgated "Minimum Standards for Non-Secure Juvenile Holding Facilities" and "Minimum Standards for Juvenile Detention Facilities." As of February 1994, there were 33 such facilities statewide with a population of approximately 400 youth. However, the area of youth corrections is not represented on the institute's Board of Control. Without this representation and associated advice, the board may act in a manner that is not beneficial to youth corrections.

RECOMMENDATION:

The General Assembly may wish to consider modifying the membership of the Board of Control, as codified in Section 41-7-105, *Tennessee Code Annotated*, to provide for a representative from youth corrections.

MANAGEMENT'S COMMENT:

We concur. The institute had suggested that the Commissioner of Correction appoint a juvenile corrections person as the second DOC member of the board. This has never occurred, although for a time the most broadly knowledgeable corrections person in the Department of Correction, who had spent 30 years in the juvenile corrections area, was a board member. However, after the creation of the Department of Youth Development, this option was lost.

RECOMMENDATIONS

LEGISLATIVE

This performance audit identified certain areas in which the General Assembly may wish to consider statutory changes to improve the efficiency and effectiveness of the Tennessee Corrections Institute.

1. The General Assembly may wish to consider amending Section 41-1-116 (8), *Tennessee Code Annotated*, to allow Department of Correction employees to take basic training and annual refresher courses at the Tennessee Correction Academy, a Department of Correction facility.
2. The General Assembly may wish to consider modifying the membership of the Board of Control, as codified in Section 41-7-105, *Tennessee Code Annotated*, to provide for a representative from youth corrections.

ADMINISTRATIVE

The Tennessee Corrections Institute should address the following areas to improve the efficiency and effectiveness of its operations.

1. The Tennessee Corrections Institute should ensure that all local correctional facilities are inspected at least once a year as required by *Tennessee Code Annotated*.
2. The executive director should consult with the Board of Control to determine areas in which corrections-related research and data are needed. The research analyst's work should then be focused to address those information needs.
3. Management should work to ensure that field staff document their activities. The activity report may be simplified to encourage completion.
4. The Board of Control should draft and abide by rules to address frequency of meetings, items to be addressed at meetings, requirements of board members, and other appropriate items.
5. The *Policies and Procedures Manual* should be updated to reflect current administration, procedures, and policies. The manual should be kept up-to-date and distributed to all staff.

