

**STATE OF NEW HAMPSHIRE
DEPARTMENT OF CORRECTIONS
SECURITY STAFFING**

**PERFORMANCE AUDIT
NOVEMBER 2012**



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To The Fiscal Committee Of The General Court:

We conducted a performance audit of the Department of Corrections (DOC) security staffing to address the recommendation made to you by the joint Legislative Performance Audit and Oversight Committee. We conducted the audit in accordance with generally accepted government auditing standards. Those standards require we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions. The evidence we obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

The purpose of the audit was to determine if the DOC efficiently and effectively employed security staff during the audit period, State fiscal years 2010 and 2011.

Office of Legislative Budget Assistant

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November 2012

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ABBREVIATIONS

CBA	Collective Bargaining Agreement
CO	Corrections Officer
DOC	Department Of Corrections
FLSA	Fair Labor Standards Act
FTE	Full-time Equivalent
GHRS	Government Human Resource System
LBA	Office Of Legislative Budget Assistant
NCF	Northern New Hampshire Correctional Facility, Berlin
NH FIRST	New Hampshire Fundamental Improvements To Revitalize Systems/Services And Technology
NHSP/M	New Hampshire State Prison For Men, Concord
NHSP/W	New Hampshire State Prison For Women, Goffstown
PPD	Policy And Procedure Directive
PSTC	Police Standards And Training Council
RSA	Revised Statutes Annotated
RTU	Residential Treatment Unit
SFY	State Fiscal Year
SHU	Special Housing Unit
SPU	Secure Psychiatric Unit
SRF	Shift Relief Factor

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EXECUTIVE SUMMARY

During the audit period, the Department of Corrections (DOC) staffed so-called minimum security posts, which are the posts DOC management believed were the minimum necessary to ensure the safety and security of the community, staff, and inmates at its prison facilities. However, several factors have combined to create a staffing environment which may become unsustainable. Over the last three fiscal years, the DOC operated its prisons with fewer uniformed employees, while increasing the percentage of total hours worked using overtime.

The DOC has not recently completed a system-wide staffing analysis to determine which posts are required, how many staff are needed for each post, and what type and rank of staff are most efficient for each post. The Department decreased staff due to budget reductions. Although key to facility safety and security, post decisions have been the result of budget reductions as much as an analysis of system risks, needs, and safety. As a result, management has accepted, but not quantified, the risk of some security activities not being done or not being done as well as they should be.

Security posts should also have an associated shift relief factor, which is the number of full-time equivalent employees required to fully staff each post while accounting for absences and without resorting to overtime. The DOC has not determined the appropriate shift relief factors for any of its prison facilities. Management instead regularly relies on overtime and a daily process of filling the staffing gaps caused by position vacancies and absences due to vacations, illnesses, and other causes.

The DOC lacks a recruitment and retention strategy to ensure vacancies are filled quickly to minimize the effects of uniformed employee attrition. Between January 2009 and May 2012, the DOC lost more uniformed employees than were hired, further increasing the reliance on overtime. The DOC has not comprehensively assessed the monetary and non-monetary impacts of its increasing reliance on overtime and hiring only full-time uniformed employees. While overtime can be less expensive than hiring a new employee for short-term, temporary vacancies, the DOC has not considered other staffing options, such as part-time employees, or determined the most efficient, effective, and economical mix of staff. Neither has the DOC quantified the effects its heavy reliance on overtime has on employee morale, turnover rates, injury, leave, and overall risks. Administrative practices could be more efficient, as the DOC inconsistently followed the collective bargaining agreement and its own policies.

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RECOMMENDATION SUMMARY

Observation Number	Page	Legislative Action Required?	Recommendation	Agency Response
1	11	No	Develop a staffing policy, complete a formal, documented staffing analysis, and determine the most economical and effective mix of full-time and part-time uniformed employees and overtime.	Concur In Part
2	13	No	Issue updated policy for developing, implementing, and reviewing post plans and post orders; ensure post plans contain all posts; ensure post orders detail all required duties, are consistent, and can successfully guide a uniformed employee unfamiliar with the post; and centrally conduct regular post evaluations.	Concur In Part
3	16	No	<p>Create policies and procedures to routinely analyze the costs of overtime versus the costs of new full-time and part-time hires, analyze the impact of excessive overtime on staff, expand analysis to include part-time uniformed employees, update its analysis regularly, and ensure updated analyses are available for decision-makers.</p> <p>Provide the Legislature breakeven analyses to help inform decision-making and to consider requesting part-time uniformed employee positions for each prison facility.</p>	Concur In Part
4	19	No	Assign overtime posts to uniformed employees with the same rank as the overtime post when possible or compensate higher-ranking employees volunteering for overtime in lower-paying posts at the lower rate, develop and implement policy and procedure to identify opportunities for offsetting, and limit the total amount of overtime any uniformed employee can work in a given pay period.	Concur In Part

Recommendation Summary

Observation Number	Page	Legislative Action Required?	Recommendation	Agency Response
4 (Continued)	19	No	Develop and implement an overtime policy which ensures all uniformed employees have equal likelihood of forced overtime.	Concur In Part
5	22	No	Develop and implement a structured, strategic workforce plan; review the efficiency, effectiveness, and timeliness of the recruitment process; consider potential recruiting process improvements; monitor recruiting efforts; establish recruitment and retention goals and objectives; determine why uniformed employees leave the Department's employ; and design tools to meet retention goals and objectives.	Concur
6	25	No	Review knowledge, skills, and abilities required for each position to determine the best distribution of uniformed employees versus civilian staff and ensure uniformed employees are only utilized in positions which require a certified, uniformed employee.	Concur In Part
7	27	No	Review spans-of-control and management layers, and set goals to widen spans-of-control and reduce management layers.	Concur
8	28	No	Evaluate whether the corporal rank is needed within the supervisory structure and, if the rank is needed, clearly delineate the corporal's role and responsibilities.	Concur In Part
9	31	No	Limit the use of compensatory time in lieu of overtime pay for uniformed employees.	Concur
10	32	No	Work with the Department of Administrative Services and the Department of Justice to determine how to best address shift differential overpayments, comply with federal shift differential requirements, and ensure all uniformed employees who are eligible for shift differential are paid the same shift differential for working the same shifts.	DOC Response: Concur In Part DAS Response: Concur

Observation Number	Page	Legislative Action Required?	Recommendation	Agency Response
11	34	Yes	The Legislature consider reviewing the implementation of longevity and hazardous duty statutes to ensure legislative intent is being met.	Concur In Part
12	35	No	Rotate uniformed employees in and out of the Special Housing Unit on a regular basis, seek to amend the Collective Bargaining Agreement to remove restrictions on management prerogatives on employee work assignments, and promulgate written policy and procedure.	Concur In Part
13	36	Yes	Ensure all decisions for non-monetary settlements include a full cost-benefit analysis. The Legislature consider whether legislative oversight of similar settlements is needed and how to effect such oversight.	Concur
14	37	No	Timely resolve audit findings; codify policy and procedure directives to establish accountability for resolving findings; implement adequate controls over payroll processes and establish a formal fraud assessment, prevention, deterrence, and detection policy; review personnel resources devoted to compliance and audit-like functions; ensure uniformed employees are paid from the accounting units where they are assigned; and conduct a formal staffing risk assessment.	Concur In Part
15	39	No	Improve the quality and use of available information and data to measure performance, set benchmarks, identify trends, identify anomalies, ensure compliance, and improve the facility safety and security.	Concur
16	41	No	Evaluate in-service, Field Training Officer, and supervisor training curricula and the number of hours needed to effectively deliver training.	Concur

Recommendation Summary

Observation Number	Page	Legislative Action Required?	Recommendation	Agency Response
17	43	No	Assess electronic security equipment needs, request funding for needed equipment from the Legislature, and leverage the use of available electronic monitoring technology in future staffing analyses.	Concur

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BACKGROUND

The Department of Corrections (DOC) was established on July 1, 1983 by RSA 21-H, bringing together what had previously been separate State agencies for prisons and parole. The DOC strives to provide a safe, secure, and humane correctional system through effective supervision and appropriate treatment of offenders. During the audit period, State fiscal years (SFY) 2010 and 2011, the DOC operated three prisons: the New Hampshire State Prison for Men (NHSP/M) in Concord, the New Hampshire State Prison for Women (NHSP/W) in Goffstown, and the Northern New Hampshire Correctional Facility (NCF) in Berlin. Additionally, the DOC maintained the secure psychiatric unit (SPU) and residential treatment unit (RTU) which were operationally separate from, but physically located within, the NHSP/M. The scope of our audit included the utilization of the uniformed employees at these facilities. We did not examine the utilization of uniformed employees in other DOC facilities.

Uniformed Employees

Uniformed employees provide day-to-day supervision of inmates and are organized along paramilitary lines, including a rank structure ranging from corrections officer through corrections major. Uniformed employees are considered law enforcement personnel and must be certified by the State's Police Standards and Training Council (PSTC). Before certification, the DOC can employ candidates as corrections officer trainees but trainees must complete a Corrections Academy and other training before serving as a corrections officer. Uniformed employees must receive 24 hours of in-service training each year to retain PSTC certification.

From SFY 2001 through 2012, the DOC reported a 26 percent (644 to 475) reduction in authorized uniformed employee positions due to lay-offs and the abolition of unfunded, vacant positions. Approximately \$39.4 million (38 percent) of DOC's \$103.6 million in expenditures were for uniformed employee wages and benefits in SFY 2010, and \$38.1 million (37 percent) of DOC's \$103.5 million were for those expenditures in SFY 2011. Table 1 illustrates authorized uniformed employee positions as of June 30, 2010, 2011, and 2012.

Table 1

Authorized Uniformed Employee Positions, SFYs 2010, 2011, And 2012

As of June 30:	Filled	Vacant	Total
2010	468 (95.3%)	23 (4.7%)	491
2011	433 (88.0%)	59 (12.0%)	492
2012	416 (87.6%)	59 (12.4%)	475

Source: LBA analysis of DOC Government Human Resource System (GHRIS) data.

As Table 2 details, during the audit period, the regular uniformed employee hours decreased while overtime hours increased. Overall, there was a decrease in the total number of uniformed employee hours worked equivalent to 14 full-time positions.

Table 2

Total Uniformed Employee Hours Worked, SFYs 2010 And 2011

Type of Hours Worked:	SFY 2010	SFY 2011	Percent Change
Regular	1,001,576	920,151	-8.1%
Holiday	19,944	19,036	-4.6
Overtime	62,842	111,433	77.3
Compensatory Time	8,860	13,273	49.8
Total	1,093,222	1,063,893	-2.7%

Source: LBA analysis of DOC GHRS data.

Between January 2009 and May 2012, the DOC lost 157 uniformed employees to lay-offs, retirements, resignations, and terminations, and gained 65 uniformed employees by re-hiring laid-off uniformed employees and new hires. This equates to a net reduction of 92 uniformed employees across the DOC since 2009, explaining some of the decrease in regular hours and increased reliance on overtime hours noted in Table 2. Table 3 summarizes the DOC's overtime costs and hours for SFYs 2010 through 2012.

Table 3

Uniformed Employee Overtime Costs And Hours, SFYs 2010 Through 2012

SFY	Cost		Hours	
	Amount	Percent Increase	Number Of Hours	Percent Increase
2010	\$ 2,086,312	-	62,842	-
2011	3,795,381	81.9%	111,433	77.3%
2012	\$ 4,587,324	20.9%	134,562	20.8%

Source: LBA analysis of DOC GHRS data.

The distribution in overtime hours worked and overtime compensation changed during the audit period. Over 93 percent of uniformed employees worked overtime in SFY 2010 and nearly 88 percent of uniformed employees worked overtime in SFY 2011. In SFY 2010, uniformed employees who worked overtime worked an average of 126 hours and earned an average of \$4,181. In SFY 2011, uniformed employees who worked overtime worked an average of 263 hours and earned on average \$8,951. Table 4 illustrates the change in the percent of uniformed employees earning overtime within seven ranges and the change in the percent of uniformed employees working overtime hours within six ranges during the audit period.

Table 4

**Change In Number Of Uniformed Employees Working Overtime Within Pay
And Hours Strata, SFYs 2010 And 2011**

Overtime	2010	2011	Change 2010-2011
	Number Of Uniformed Employees		
Wages Per Year			
>\$50,000	0	1	1
40,000 - 49,999	0	3	3
30,000 - 39,999	1	10	9
20,000 - 29,999	6	24	18
10,000 - 19,999	58	117	59
5,000 - 9,999	85	99	14
< \$5,000	349	168	-181
Hours Per Year			
>1,000	1	8	7
800-999	0	4	4
600-899	9	23	14
400-599	24	71	47
200-399	83	103	20
1-199	382	213	-169
Total	499	422	-77

Source: LBA analysis of DOC GHRS data, SFYs 2010 and 2011.

During the audit period, all uniformed employees were covered by the terms and conditions of the collective bargaining agreement (CBA) between the State and the State Employees Association, Service Employees International Union Local 1984. Corrections officers and corporals left the State Employees Association for the New England Police Benevolent Association, Local 250 during the audit period, but did not sign a unit-specific CBA until October 2011.

Prison Facilities And Inmate Population

As uniformed employee staffing levels declined by 26 percent between SFY 2001 to 2012, the inmate population increased by 18 percent (2,336 to 2,757) over the same period. However, the inmate population decreased by 14 percent (3,063 to 2,644) from June 30, 2010 to June 30, 2011. The decrease followed the DOC's implementation of legislatively-directed programs to reduce inmate populations. Inmate populations again increased by the end of SFY 2012 by more than four percent over SFY 2011, to 2,757.

Uniformed employee-to-inmate ratios are not considered an accurate measure of security staffing adequacy; however, they should be considered during a staffing analysis when analyzing activity levels and facility design. Based on the reported minimum staffing and inmate populations, the

ratio of uniformed employees on duty to inmates at any given facility or housing unit ranged from 1:4 in the SPU to 1:100 in NHSP/M industrial shops where inmates do automotive repair, woodworking, and other industrial work.

In certain housing units at the NHSP/M, three uniformed employees supervise up to 288 medium-custody inmates in open, dormitory-style units where inmates can move in and out of their cells and around the unit's confines during the day. Another NHSP/M unit has between five and eight uniformed employees supervising 500 medium-custody inmates and up to 96 inmates can move in and out of their cells within a locked block. At the NCF, housing blocks rely on a roving patrol of four uniformed employees to monitor eight housing blocks. Housing blocks have up to 68 mostly medium-custody inmates who can move about the block during the day and may have no uniformed employee presence for an hour or more in between patrols. The NHSP/W relies on three or four uniformed employees to supervise over 100 inmates with inmates generally moving between dayrooms, dining halls, and recreation or programming areas on timed movements.

Inmate Supervision Models

The direct supervision model requires a uniformed employee be continually assigned to the living area of a specific unit, interact regularly with the unit's inmates, and know the behaviors and interactions of the inmates. Conversely, indirect supervision isolates an officer from inmates by placing them in a control room or separating them with bars or glass. The officer is expected to operate security controls and observe inmates remotely. The NCF and certain units within the NHSP/M were designed for direct supervision. However, reportedly because of staffing reductions, the DOC uses 1) a hybrid of direct and indirect supervision or 2) indirect supervision, even in those facilities and units designed for direct supervision.

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Security staffing must strike a balance between what is necessary to ensure the safety of inmates, employees, and the public, while ensuring the most cost-effective use of State funds. Over the audit period, the Department of Corrections (DOC) did not complete formal staffing analyses, conduct formal post evaluations, or document security staffing risks. DOC recruitment and hiring lagged behind the number of uniformed employees leaving annually, creating an increasing gap between the required security posts and uniformed employees available to staff them. This, paired with budget cuts and staff reductions, led to lower staffing levels and an increased reliance on overtime without quantification of its impact on uniformed employees, prison operations, or costs to the State.

Observation No. 1

Complete Staffing Analyses

The DOC did not complete a formal staffing analysis to determine required staffing needs for each facility and ensure efficient, effective, and economical deployment of uniformed employees.

Staffing Analyses

DOC staffing policy did not assign responsibility or establish requirements for completing full staffing analyses, and the minimal review requirements documented in policy were not completed. While DOC management expressed an effort to move towards centralized management of staffing, there was no clear guidance and some practices seemed in conflict with a centralized model.

Staffing analyses help determine appropriate budget requests, support staffing decisions, and allow facilities to respond to changing environments such as budget cuts, court orders, or planned reductions in force. Staffing analyses determine the shift relief factor (SRF), (the ratio used to determine the number of full-time equivalent (FTE) employees necessary to continually staff required security posts); evaluate posts and the overall post plan; and calculate staffing needs based on the posts and SRF. The DOC conducted, but did not implement, a staffing analysis for the New Hampshire State Prison for Men (NHSP/M) and the Secure Psychiatric Unit (SPU) in 2004. Since 2004, the DOC closed the Lakes Region Facility, reduced staff, migrated from direct to indirect supervision, opened the Residential Treatment Unit, and experienced budget reductions, but no further formal, system-wide analyses have been completed.

The Shift Relief Factor

An SRF accounts for how often posts are filled (i.e., number of days per week and hours per day) and leave and absences such as training, sick leave, and military service. Leave and absence patterns may vary based on facility and rank and should be calculated separately. DOC's 2004

staffing analysis used an SRF of 1.8 for seven-day relief posts and 1.3 for five-day relief posts. In 2008, the DOC adopted a Department-wide SRF of 1.6 for seven-day relief posts based not on an analysis of DOC facilities, but rather on a national average.

In practice, DOC prison facilities were not equally allocated staff for their required minimum posts and allocations did not align with the reported SRF.

Based on available staff and overtime hours actually worked in the fourth quarter of State fiscal year (SFY) 2012, we estimate the DOC will require about 145,000 hours of overtime in 2013, costing approximately \$4.9 million, a seven percent increase in overtime cost over SFY 2012 and a 135 percent increase in overtime cost since SFY 2010. On average, each uniformed employee will be required to work 7.3 hours of overtime per week, 52 weeks of the year, to cover anticipated overtime.

Our analysis indicates the staffing levels at the Northern New Hampshire Correctional Facility (NCF), the New Hampshire State Prison for Women (NHSP/W), and the SPU may allow for elimination of overtime if all vacancies are filled and facility management proactively offsets staff overtime hours.

The NHSP/M cannot eliminate overtime with the current staffing levels, assuming no changes in the methods of operation. With existing vacancies, the NHSP/M requires approximately 52 FTE or 109,200 hours of overtime per year. This equates to 9.4 hours of required overtime per week for every uniformed employee assigned to the facility. With all vacancies filled, the NHSP/M would still be short approximately 31 FTE, or 65,200 hours of overtime per year, equating to 5.6 overtime hours per week, for every uniformed employee assigned.

While efficient and economical staffing may still rely on some overtime, the DOC has not defined reasonable overtime requirements. Also, staffing shortage estimates were based on current minimum post requirements and a formal post evaluation might identify different security post needs. Increases or decreases in posts would affect the number of required staff for a facility.

Recommendations:

We recommend DOC management develop a staffing policy establishing:

- **the personnel responsible for day-to-day staffing decisions, conducting post evaluations, and developing shift relief factors;**
- **review and analysis processes necessary for making and documenting staffing decisions;**
- **procedures for implementing staffing decisions; and**
- **training required for those conducting staffing analyses.**

We also recommend DOC management complete a formal, documented staffing analysis, which includes post evaluations for all posts, developing shift relief factors for each facility,

and ensuring their staffing patterns are sustainable without excessively relying on overtime.

We further recommend the DOC determine the most economical and effective mix of full-time uniformed employees, part-time uniformed employees, and overtime to staff State prisons.

Auditee Response:

Concur In Part.

We concur with the recommendation to develop a staffing policy or amend current policies establishing the recommendations.

We concur in part to the recommendation to complete an updated staffing analysis. The last formal staffing analysis was conducted in 2004 and was based upon the standards and training of the National Institute of Corrections. It concluded that the NHSP-M Concord required 371 staff to operate at a normal activity level and a minimum of 277 staff to maintain critical operations. Currently, the NHSP-M has 241 uniform staff assigned to it. Achieving staffing levels identified by the analysis was and is not attainable under current budget constraints.

We believe that another formal staffing analysis based upon the NIC standards would be costly and result in staffing numbers that again would be unattainable. However, we believe we can conduct a modified staffing analysis that includes post evaluations to identify and justify the posts needed to operate the facility in a safe and secure manner; and determine the Shift Relief Factor using the Net Annual Work Hours formula developed in the 2004 NIC analysis (Hours/year post is staffed ÷ NAWH).

We also concur that the DOC determine the most economical and effective mix of full-time uniform staff, part-time uniform staff and overtime. We maintain that we have been constantly reviewing our staffing needs, while adapting to the budget reductions, to minimally staff the facilities in a safe and secure manner.

Observation No. 2

Implement A Post Planning And Evaluation Process

Neither the DOC headquarters nor individual prison facilities documented post plans, maintained thorough and consistent post orders for all posts, or completed post evaluations to ensure available staff were deployed in the most efficient and effective manner.

Post Plan

A post plan is integral to adequate staffing and summarizes each security post's days and hours of operations, relief factor, and importance (i.e., mandatory, which must always be staffed; pull,

which can be unmanned briefly; or shutdown, which can be unmanned for longer periods). Security post planning helps ensure efficient staffing and can enhance facility safety and security. No correctional facility maintained a documented list of all its security posts and their status as either mandatory, pull, or shutdown.

Post Orders

Every post should have a written post order specifying the duties and procedures necessary to complete those duties. Post orders should provide enough detail to guide new staff and include: 1) specific duties listed chronologically, 2) clearly defined responsibilities, 3) special instructions, 4) references to relevant policies and procedures, 5) general orders applicable to all posts, and 6) a signature form demonstrating employee review of the post order.

The DOC lacked policies and procedures for developing, implementing, or reviewing post orders and for establishing post order format, required content, storage location, review or revision requirements, or confidentiality. Neither DOC headquarters nor any facility maintained post orders for all security posts. Documented post orders were inconsistent, inaccurate, lacked specific duty requirements, and did not follow generally accepted post order standards. Few post orders listed all required documentation, identified a chronological breakdown of required activities, specified requirements for different shifts, or identified minimum shift requirements.

Post Evaluation

The DOC did not conduct a formal post evaluation in any facility. Post evaluations should be conducted regularly and require stakeholder input. Post evaluations assess the efficiency and effectiveness of the post plan and individual post orders in ensuring facility safety and security. When conducting a post evaluation, the duties of each post, interactions between posts, and activity levels must be considered to ensure proper backup, effective facility operations, and avoid redundancies. A post evaluation includes:

- a review of the post order;
- an interview with the person holding the post;
- the schedule for each shift by hour;
- the overall workload;
- the physical environment including aspects such as sightlines;
- the nature of the inmate population;
- the post's relationship with other posts;
- understanding of the relief factor; and
- other contingencies such as cross-gender staffing, ratio of security to inmates, and labor agreement requirements.

Risk Analysis

Adequate management control requires formal risk identification and analysis, including determining acceptable risk levels and tolerances. Due to past decentralization, reduced staffing levels, and budget cuts, the DOC focused on deploying available resources and did not conduct

formal security post or risk analyses. By not completing post planning or evaluations and relying instead on minimum staffing requirements, the DOC accepted that all required security activities would not be completed but did not proactively quantify or formalize the assessment of the risk associated with these decisions. The DOC's lack of overall post plans and inadequate post orders, paired with the informal post evaluation process, may leave the facilities vulnerable to safety and security issues.

Recommendations:

We recommend DOC management improve post planning, to include:

- **reviewing and updating the policy and procedure for developing, implementing, and reviewing post plans and post orders Department-wide;**
- **ensuring post plans include all posts;**
- **ensuring post orders detail all required duties, are consistent, and are sufficient to successfully guide a uniformed employee unfamiliar with the post; and**
- **conducting regular post evaluations centrally to help ensure facility safety and security is maintained within defined and accepted risk tolerances.**

Auditee Response:

Concur In Part.

We concur with the recommendation of reviewing and updating our policy and procedures for developing, implementing, and reviewing post plans and post orders Department-wide. We do currently list all security posts on the shift commander's schedule/staffing document and the pull posts are shaded gray. This plan is used to identify posts which may be pulled or shut down as available staffing dictates. However, a written plan should be developed to support the post planning process.

We concur in part that each security post should contain post orders. However, some positions that were identified in the audit were task functions and are not considered security posts. But, these tasks should be included into an existing post plan. Also, some positions identified in the audit should have been designated as administrative positions and not security posts.

We concur with the recommendation that post orders detail all required duties, are consistent, and are sufficient to successfully guide a uniformed employee unfamiliar with the post.

We concur with the recommendation that regular post evaluations should be conducted to ensure facility safety and security.

Observation No. 3

Ensure Current Cost-Benefit Analyses Are Available And Expand Analyses To Assess Cost-Effectiveness Of Part-Time Staff

The DOC has become increasingly reliant on overtime to meet minimum prison staffing requirements but did not evaluate whether overtime was the most cost-effective or efficient method to provide minimum security staffing coverage in its prison facilities until June 2011. This analysis, requested by the Executive Council, assessed when new full-time employees would be more cost-effective than paying existing employees overtime, and excluded any analysis of part-time employees. Without a comprehensive cost-benefit analysis that includes part-time personnel, decision-makers cannot be certain they are using the most efficient and effective mix of overtime, new full-time hires, and part-time employees.

Overtime Usage

Uniformed employee overtime hours worked, overtime earnings, and compensatory time awarded increased from SFY 2010 through SFY 2012. Overtime was approximately seven percent of total hours worked in SFY 2010, 12 percent in SFY 2011, and 14 percent in SFY 2012.

The DOC staffed prison facilities with the uniformed employees necessary to fill minimum required posts. Overtime coverage was required whenever regularly scheduled uniformed employees could not fill all minimum required posts due to absences or an insufficient number of uniformed employees assigned to the shift or unit. DOC officials reported a certain number of authorized uniformed employee positions had to remain vacant for unbudgeted overtime expenditures and to accommodate approximately \$15 million in general fund budget reductions during SFYs 2010 through 2012. Holding positions vacant created an increased need for overtime. However, DOC's June 2011 analysis established a break-even point where it was more cost effective to hire new employees than pay overtime. It concluded overtime cost \$5.26 more per hour than a new employee when keeping a single position vacant for more than 1,846 hours and filling the post with uniformed employees working overtime.

Overtime Costs

The DOC used approximately 309,000 hours of overtime and spent approximately \$10.5 million for overtime wages alone in SFYs 2010 through 2012. However, costs for new full-time or part-time uniformed employees versus overtime vary and should be compared to determine the most effective and cost-efficient mix of personnel. For example, costs for part-time employees may be less than either overtime or new full-time employees; however, part-time employees were not included in DOC's June 2011 analysis. Also, research correlates overtime with multiple health-related complaints and mortality, potentially increasing healthcare costs, sick leave, worker's compensation, or disability retirement. High dependence on overtime may lead to fatigue and complacency among staff, reduce the quality of corrections work, and uniformed employees may not be as familiar or confident with the requirements for posts they cover on overtime. Table 5 lists some of the considerations between full-time, part-time, and overtime costs.

Table 5

Potential Cost Considerations For Full-Time, Part-Time, And Overtime

Full-time	Part-time	Overtime
<ul style="list-style-type: none"> • Recruitment • Training • Salary • Health benefits • Paid leave • Pensions • Retiree health benefits 	<ul style="list-style-type: none"> • Recruitment • Training • Salary • Partial health and leave benefits 	<ul style="list-style-type: none"> • Wages at time and one half • Enhancements to longevity, shift differentials, and hazard pay • Long-term impact on pension payments

Source: LBA analysis of State law and DOC practice.

It is unclear from DOC's June 2011 analysis whether each of these factors were fully incorporated into its June 2011 analysis. Some costs, such as recruiting and pre-service training, are not accounted for in the DOC model and it excluded part-time employees altogether.

Part-Time Uniformed Employees

If the DOC had employed 25 part-time personnel for 24 hours per week in lieu of using overtime, the DOC could have saved approximately \$884,000 over the audit period in wages alone. The DOC had no authorized part-time positions and used few part-time uniformed employees in vacant full-time positions. The DOC primarily used retirees as part-time uniformed employees. The DOC never recruited new-hire part-time employees, and further, Department of Administrative Services (DAS) Administrative Rule Per 1101.02(d) required part-time employees be laid-off first in a force reduction.

Recommendations:

We recommend DOC management analyze the costs of overtime versus the costs of new full-time and part-time hires, analyze the impact of excessive overtime on staff performance, update its analysis regularly to reflect increases in wages and benefits, and ensure updated analyses are available for decision-makers to help ensure the most efficient and effective use of State funds.

We also recommend the DOC provide the Legislature with breakeven analyses to help inform decision-making and consider requesting the creation and funding of part-time uniformed employee positions for each prison facility based, in part, on that analysis.

Auditee Response:

Concur In Part.

We concur in part with the recommendation to analyze the costs of overtime versus the costs of new full-time hires. We have conducted a study which analyzed the cost-effectiveness of paying overtime versus the hiring of a new employee which was submitted to the Executive Council in June 2011. We did not include using part-time, new, uncertified uniformed employees in this analysis. Corrections Officers must be certified under the Administrative Rules of the Police Standards and Training Council authorized under RSA 188-F:27. While the PSTC Administrative Rules do not anticipate newly hired part-time uncertified corrections officers, they do require newly hired part-time uncertified police officers to attend a part-time officer training academy to receive part-time police officer certification. It is reasonable to expect that the PSTC would also impose a similar requirement of certification on part-time corrections officers. Given that assumption, we do not believe that the use of new, uncertified, part-time uniformed employees would be cost effective or useful to the Agency in general. However, we do hire former corrections officers, who are certified, to work part-time and we do encourage them to stay on with the agency in that capacity when they leave. While the numbers are low, there are some that do stay on in a part-time capacity to help fill positions. To even consider hiring new uncertified part-time uniformed employees, a totally new system would have to be put in place that would involve a new certification academy program approved by Police Standards and Training Council. Additional costs for training would be assessed to the DOC and to PSTC for conducting an additional academy for certifying part-time uniformed employees. Scheduling part-time uniformed employees would be extremely challenging as most would have other employment or school commitments that would prevent scheduling at certain times of the day. Further, the state personnel rules require all part-time employees be laid-off first during a force reduction in that classification. We have been through two personnel reduction processes in the past three years. Overall, we believe that the additional costs and the challenges would outweigh any benefits especially with the potentially small amount of applicants who would be successful in completing the hiring process and academy requirements for certification.

We do not concur with the recommendation that the DOC provide the Legislature with breakeven analyses to help inform decision-making and for the Legislature to consider creating and funding part-time uniformed employee positions for each prison facility based, in part, on that analysis. We stand by our response to the previous recommendation and have no intentions of seeking the ability to create or fund part-time uncertified uniformed employee positions based on the reasons already cited.

For all the reasons stated above, we do not concur with this recommendation.

Observation No. 4

Improve Management Of Overtime

Voluntary and forced overtime was used to fill required posts when uniformed employees could not fill all minimum required posts. There was no limit on the amount of overtime hours a uniformed employee could work per fiscal year. Higher-paid supervisors, uniformed employees with seniority and higher steps, and those close to retirement could volunteer for as much overtime as they chose, increasing overtime costs. The DOC neither used offsetting to reduce overtime costs nor its recall authority to minimize the burden of forced overtime. Over 93 percent of uniformed employees worked overtime in SFY 2010, while nearly 88 percent of uniformed employees worked overtime in SFY 2011. However, 32 percent of the DOC's uniformed employees worked 75 percent of the overtime in SFYs 2010 and 2011, increasing the risk of potential burnout, fatigue, or injury among this portion of the staff.

Seniority Costs

Overtime posts, which are usually corrections officer or corporal posts, were filled with uniformed employees, regardless of rank or seniority. However, overtime earnings were based on normal wage rates, not the rate of pay for the post filled. Supervisors cannot be prevented from working overtime and with current staffing demands, it may not be possible to entirely discontinue overtime for supervisors, as it might place too great a burden on non-supervisory uniformed employees. However, this practice increased DOC's overtime costs. For example, a sergeant at step four earned \$62 more per eight-hour shift and a captain at step eight earned \$182 more per eight-hour shift than a new corrections officer. Additionally, senior employees also earn longevity pay, which is compounded into overtime, leading to additional wages of up to \$1.08 per hour for employees earning longevity.

Retirement Costs

During the audit period, State law provided that retirement benefits be calculated based on earnings of the highest three years of service. Government Human Resource System data indicate some uniformed employees significantly increased overtime hours prior to retirement. DOC-wide, the average amount of overtime wages per uniformed employee doubled from SFYs 2009 through 2012. Some senior and supervisory uniformed employees, who were among the top overtime wage earners during the audit period and nearing retirement eligibility, increased their amounts of overtime over the same period from 12 to as much as 724 percent. There were no formal or informal DOC policies and limited State policies discouraging uniformed employees from working significant amounts of overtime, thereby increasing future retirement benefits. Due to rank and seniority, these uniformed employees also earn more per overtime hour than the average uniformed employee, further increasing costs.

Offsetting

The DOC did not effectively use offsetting to minimize overtime costs. The collective bargaining agreement (CBA) and DOC policy state uniformed employees may be relieved of duty during

regular shifts in order to offset or compensate for potential overtime shifts; however, the DOC did not consistently enforce this policy or use a scheduling tool to identify potential offsetting opportunities. One DOC manager stated offsetting was impractical with the current staffing shortages. However, we noted offsetting opportunities existed with supervisory uniformed employees, between shift commanders and assistant shift commanders, on holidays when all staff were present, and when uniformed employees scheduled for duty arrived and the staffing levels exceeded the minimum required in any pay period where overtime was also required.

Forced Overtime

DOC policy inequitably distributed forced overtime. The CBA in effect during the audit period provided uniformed employees an extra ten percent to their salary “in recognition of their off-duty availability,” and uniformed employees were expected to be available for return to duty during off-duty hours when notified. The DOC did not use this authority to recall uniformed employees, instead forcing uniformed employees already at the facility to work additional shifts. The burden of forced overtime was repeatedly placed on the same shifts, with increased job stress and potentially negative effects on morale.

This was further exacerbated by the DOC practice of exhausting the volunteer overtime list before requiring forced overtime, but permitting uniformed employees who had volunteered for overtime to refuse a voluntary overtime shift. Allowing volunteers to choose whether they will work when they have volunteered for overtime may create more forced shifts than would otherwise be required.

Recommendations:

We recommend DOC management:

- **assign overtime posts to uniformed employees with the same rank as the overtime post when possible or compensate higher-ranking employees volunteering for overtime in lower-paying posts at the lower rate and negotiate this flexibility into the CBA, if necessary;**
- **develop and implement policy and procedure to identify opportunities for offsetting, and enforce requirements to offset; and**
- **limit the total amount of overtime any uniformed employee can work in a given pay period.**

We further recommend DOC management develop and implement an overtime policy which ensures all uniformed employees have equal likelihood of forced overtime by subjecting all uniformed employees to recall and requiring volunteers to work the shifts for which they volunteer when their refusal would result in forced overtime.

Auditee Response:

Concur In Part.

We concur with this recommendation to assign employees with the same rank as the overtime post or compensating higher-ranking employees volunteering for overtime in lower-paying posts at a lower rate. We have attempted to establish both recommendations in the past. In the first case, an arbitrator ruled against us when we tried to assign employees of the same rank to the overtime post. Secondly, the Union has refused to negotiate a lower wage for high-ranking employees working overtime in lower-paying posts. Currently, all ranking uniform corrections officers have the ability to sign up for overtime work and work it at their current wages. There is also no legal way for the DOC to restrict a uniformed employee from working overtime as they are nearing retirement. The definition of earnable compensation under the retirement laws includes overtime. This issue will need to be addressed during collective bargaining sessions between the State and the Unions.

We do not concur with the recommendation to employ the use of offsetting in lieu of paid overtime. Offsetting in the current environment does not work. Offsetting is not cost-effective if it results in creating more overtime or puts the shift into a position of being one vacancy away from having to fill with overtime. It also results in a workforce that is less likely to volunteer for an overtime shift for fear that they would be offset which would further exacerbate the forced overtime problem. It also creates an unfair situation between the uniformed employees working in different facilities. Some facilities may at times be able to utilize some offsetting where other facilities cannot without triggering the use of overtime.

We concur and believe we already substantially comply with the recommendation of limiting the total amount of overtime any uniform employee can work in a given pay period. We currently have a policy that requires that no employee can work more than 16 hours in a row without an 8 hour break in time. Also volunteer overtime is handed out based on the last day worked. So if an employee has just recently worked an overtime shift, they go to the bottom of the list.

We concur in part with the development of a policy that would create a fair process of assigning out forced overtime to the uniformed employees. Use of the recall process for forced overtime does not work. Forced overtime is needed when a uniformed employee calls in sick contemporaneous to the start of the shift. There is no time to try to contact employees at home and have them respond on time. We have worked with the Unions on the issue of overtime and forced overtime for the past couple of years. There is also a "Forced Overtime Committee" that was developed as a result of the collective bargaining process that has been meeting with the State negotiators. We are hopeful that a fair process will result from the future meetings.

LBA Rejoinder:

If it is impractical to implement recall status for uniformed employees outside of their scheduled shifts, then the CBA should be amended to exempt DOC uniformed employees from that requirement, and those employees should not benefit from the X208 pay scale which includes a ten percent salary enhancement for recall status.

Further, we do not suggest DOC use offsetting when it would incur additional costs. We noted certain instances where offsetting could have been used to reduce costs and stand by the recommendation to enforce its use in such cases.

Observation No. 5

Improve Recruitment Processes And Retention Planning

DOC recruitment and retention efforts have not kept pace with attrition rates. From January 2009 through May 2012, the DOC lost 157 uniformed employees to lay-offs, resignations, terminations, and retirements while adding 65 uniformed employees via re-hire and new hires, for a net loss of 92 uniformed employees. This contributed to a growing reliance on overtime to staff prison facilities.

Agency workforce plans should include structured retention and recruitment programs and plans and take a strategic approach. The DOC lacked structured, strategic recruitment and retention plans. Each prison facility we examined had too few uniformed employees to avoid significant overtime. At the NCF, the NHSP/W, and the SPU, filling vacant positions could have eliminated the need for overtime. Filling vacant positions at the NHSP/M could have eliminated some overtime. According to DOC's June 2011 overtime breakeven analysis, overtime cost \$5.26 per hour more than a new full-time employee. The DOC reported 59 vacancies in SFYs 2011 and 2012, used approximately 309,000 hours of overtime in SFYs 2010 through 2012, and, as a result, may have incurred \$1.6 million in unnecessary personnel costs.

Recruiting

While DOC added 65 uniformed employees between January 2009 and May 2012, only 34 (52 percent) were new hires. Some DOC managers reported too few applicants made it through the hiring process. The process was primarily paper-based, including the Law Enforcement Applicant Inventory, a tool used to assess an applicant's integrity and attitudes necessary for a law enforcement career. Applicants who passed this step and subsequent background checks were invited to an interview board. Applicants successfully completing the interview process were eligible for polygraph, medical, and physical fitness tests. Reportedly, delays within this process included forming interview boards and allocating space for interviews. DOC managers also reported difficulties finding qualified candidates with many being lost as a result of polygraph testing. During calendar year 2011, Concord human resources hired nine new uniformed employees from a pool of 577 applicants (less than two percent), while the NCF hired four of 59 applicants (seven percent).

Hiring should be completed quickly and leverage technology to expedite the process, increase competitiveness, and reduce redundancies. DOC human resources reported it took, on average, more than eight months to hire uniformed employees during 2011. This time-to-hire reportedly affected the DOC's ability to recruit candidates, with candidates receiving and accepting offers from other employers before the DOC could move them through the process.

Retention

DOC data demonstrate 37 of the 114 separations from service during the audit period (32 percent) were resignations and were potentially controllable. These losses contributed to the growing reliance on overtime to staff prison facilities. Excess overtime may lead to increased turnover and low morale. Stress, burnout, overload, and demanding hours and shift work can all lead to retention issues and increase long-term costs by increasing health care costs, sick leave, worker's compensation, or injuries. Our survey of uniformed employees indicated 14 percent of the respondents planned to leave DOC service before retirement, citing better paying job opportunities, low morale, and too much overtime among their reasons. Another 19 percent indicated they planned to retire, citing low morale as a contributing factor. Without retention planning, uniformed employees may continue to leave the DOC over the next several years through potentially controllable attrition.

Information

The DOC did not track data or maintain statistics or benchmarks related to recruiting and hiring, such as the number of applicants, how long each step in the process took, or how long each step should take. Agencies should establish and review performance measures and indicators to assess data trends and align activities with goals. Adequate management controls ensure necessary information is: 1) available, 2) shared timely, 3) used to ensure effective monitoring of activities, and 4) used to determine whether goals and objectives are being met.

Recommendations:

We recommend DOC management develop and implement a structured, strategic workforce plan, including recruitment and retention programs with quantifiable goals and objectives.

We further recommend DOC management review the efficiency, effectiveness, and timeliness of each step within the recruitment process, and consider potential process improvements, such as:

- **ensuring space for interviews and testing is routinely available;**
- **ensuring uniformed employees are available when requested by human resources for applicant interviews;**
- **migrating to an electronic Law Enforcement Applicant Inventory, either via the internet or a computer terminal;**
- **using technology for online application processes with prescreening questions which could automatically pre-screen candidates and schedule their Law Enforcement Applicant Inventory; and**
- **reviewing the efficiency and effectiveness of polygraph testing.**

We also recommend DOC management:

- **monitor recruiting efforts by collecting and reporting recruiting and hiring data and by comparing recruiting and hiring results to established goals and objectives, and**
- **determine the reasons uniformed employees leave the DOC and design tools to meet retention goals and objectives.**

Auditee Response:

Concur.

We concur with the recommendation to develop and implement a structured, strategic workplace plan, including recruitment and retention programs with quantifiable goals and objectives. We currently have an active recruitment program which includes participation in job fairs, speaking engagements at colleges, etc. The recruitment process is intended to identify the best qualified candidate to perform the specific job duties and responsibilities in a correctional environment. This program is reviewed on a regular basis and the current procedures outlined in our policy meet the requirements under the NH Division of Personnel Rules, collective bargaining agreements and the Police Standards and Training Council's Administrative Rules.

We concur with the recommendation to review the efficiency, effectiveness, and timeliness of each step of the recruitment process. Our recruitment office staff has been reduced to one employee due to budget cuts. Due to the lack of staff and the volume of recruitment activity, delays may be experienced in the various stages of the recruitment process. Ensuring space for interviews and testing is always a challenge with the overall lack of space that is available. Also, ensuring uniformed employees are available when requested for applicant interviews is difficult at times and leads to the use of more overtime. An online application process would be beneficial and we anticipate that will be available with the implementation of the new electronic NH First Human Resource Management system in January 2013. We will examine the ability and feasibility of migrating to an electronic Law Enforcement Applicant Inventory testing process. We consistently review the use of polygraph testing and the results of this process and have determined that it is very effective tool and an invaluable part of the hiring process.

We concur with the recommendation to continue to monitor recruiting efforts by collecting and reporting recruiting and hiring data and by comparing recruiting and hiring results to established goals and objectives. We also agree that we should continue to determine the reasons uniform employees leave the DOC and to design tools to meet the goals and objectives. The retention tools that we currently have in place are a compensation package with Group II retirement, lateral transfer opportunities, promotional opportunities, and cross-training opportunities. We also have an out-processing policy that utilizes exit survey forms to obtain information about the reasons for leaving the DOC. However, completion of these forms is voluntary and they are rarely returned. The LBA auditor cited excess overtime as a problem for retention and interpreted the survey they developed and distributed as evidence of retention issues that are controllable. However, the reasons most often cited by employees leaving in the last several years included legislative changes to the retirement system, budget cuts and lay-offs,

and the threat of privatizing the prison system. These reasons were not listed in the survey or considered in the auditor's report. These areas are very difficult for us to control. We are constantly attempting to answer questions that the employees have about the future and trying to put them at ease over these issues.

Observation No. 6

Employ Non-Uniformed Employees In Administrative Assignments

The DOC used uniformed employees in at least six functions which could have been performed by non-uniformed employees at less cost. Post orders and related policies for these functions mostly outlined administrative work better suited to non-uniformed employees. Every DOC employee retains inherent responsibility for security and not every position within the prisons needs to be staffed with uniformed employees. Uniformed employees earn more than civilian personnel would likely earn for the same administrative work, including an extra ten percent of their base wages in lieu of other compensation for recall status, \$25 per week in hazardous duty pay, and Group II retirement system benefits. The six functions are listed below.

- Five corrections officers (CO) assigned to canteen posts to compare counts and inventory, check on inmates' daily schedules, restock the interior canteen, ensure inmates order no more than 25 items, and ring in orders. A civilian cashier I earns \$12,000 less than a corrections officer annually in wages.
- Three lieutenants and four sergeants were assigned to the Training Bureau to develop training programs and schedules, record training, conduct weapons inventories and maintenance, assist the Police Standards and Training Council (PSTC) Academy, and correct exams, among other duties. While instructors for firearms training must be PSTC certified as a firearms instructor, PSTC rules permit all other training to be taught by "an instructor deemed qualified by their department," and administrative oversight of training could be done by non-uniformed employees. No requirement exists for any instructor to be a PSTC certified uniformed employee. A civilian training specialist earns \$7,000 less than a sergeant and \$13,000 less than a lieutenant annually in wages.
- Between two and six uniformed employees assigned to the mailroom daily on first and second shifts at the NHSP/M. A civilian mail clerk II earns \$12,000 less than a CO annually in wages.
- One corporal assigned as a locksmith in the maintenance unit at the NHSP/M. The locksmith did not wear a uniform, work directly with inmates, or report to a uniformed supervisor. A civilian maintenance mechanic I earns \$16,000 less than a corporal annually in wages.
- One corporal assigned to the warehouse at the NCF to search for contraband, count tools, inspect the warehouse and grounds for cleanliness, and order custodial supplies. A civilian stock clerk II earns \$12,000 less than a CO annually in wages.
- One CO assigned to the property room at the NHSP/M to issue, recover, and inventory inmate property. A civilian stock clerk II earns \$12,000 less than a CO annually in wages.

Effective workforce management is essential to achieving results and managers are responsible for ensuring public funds are expended efficiently. However, each facility has developed different staffing patterns, in some cases allowing the same function performed by uniformed employees in one facility to be performed by civilians in another facility. For example, although the mailroom at the NHSP/M was staffed mostly with uniformed employees, civilians handle mail at the NCF. Also, because DOC facilities were minimally staffed, when uniformed employees assigned to administrative posts were absent, these posts may have been filled by uniformed employees working overtime and earning time and a half. Assigning non-uniformed employees to these posts could also make resources available to help fill some uniformed employee vacancies.

Further, uniformed employees should closely observe inmate behavior to maintain good order and discipline. Performing these six functions with non-uniformed employees could make more uniformed employees available to supervise inmates.

Recommendations:

We recommend DOC management:

- **review the job description and knowledge, skills, and abilities required for each position to determine the best distribution of uniformed employees versus civilian staff; and**
- **ensure uniformed employees are only utilized in positions which require a certified, uniformed employee.**

Auditee Response:

Concur In Part.

We concur with the recommendation that some of the uniform positions in Canteen could be converted to non-uniform positions. All staff positions assigned to the Canteen are now paid by the Canteen fund and are not paid out of the General Fund.

We concur with the recommendation that the locksmith position could be converted to a non-uniform position. We are changing these positions through attrition. One of the two locksmith positions has already been converted with the retirement of the employee in that position. The second will also be converted when the current employee leaves the position.

We concur in part with the recommendation that the property officer could be a non-uniformed employee. However, we believe that it is necessary to have one uniformed officer present for security purposes when dealing with the inmates, their families and for assistance with the searching and examination of the property brought into the facility.

We concur with the recommendation that the employees assigned to the mailroom could be non-uniformed employees.

The NCF corporal position at the warehouse is wrongfully referred to as the “Warehouse Corporal.” While this uniformed employee does provide security to the warehouse and does search items coming into the warehouse, the Corporal’s primary role is to supervise the inmates assigned to work outside of the perimeter of the prison. These inmate work crews are assigned to work the grounds from the prison to the roadway throughout the year.

We do not concur with the recommendation that the employees assigned to the Training Bureau be converted to non-uniform employees. The training courses are designed for recruit-level employees (Academy, Field Training) and in-service training, and involve primarily uniformed employees. Most of the training is focused on firearms, weapons training, and use of force which are requirements for maintaining the certification of the correctional officers. These areas of training are more effectively taught by subject matter experts who are uniformed employees. It is also most effective when that uniformed employee is a higher ranked corrections officer to maintain proper discipline for achieving the highest level of attention to instruction and compliance to the requirements of the course. While we do make use of non-uniform employees for subject appropriate courses such as suicide prevention, other training programs need to be taught by the subject matter experts to properly address liability issues within those particular areas. These subject matter experts also design the training courses that are taught to meet all liability concerns.

LBA Rejoinder:

We question the cost-effectiveness of the premium paid to maintain high-ranking uniformed employees in the Training Bureau to provide instruction less than one-third of their time and perform administrative tasks for the remainder of their time. Currently, Training Bureau employees are not available to the shift commanders for facility posts when not delivering training.

Observation No. 7

Broaden Span Of Control And Reduce Management Layers

The DOC’s command structure included narrow spans-of-control and excessive management layers. Span-of-control ratios are the ratio of supervisors to supervised employees. There is no universally applicable span-of-control ratio and the appropriate ratio is affected by the size, design, age, and mission of each facility. The DOC’s 2004 staffing analysis identified an appropriate span of control as one supervisor for five to seven uniformed employees. Narrow spans-of-control can result in excessive supervisory costs, complicate communications up and down the chain-of-command, cause morale problems, and reduce efficiency. Spans-of-control ranged from 1:1 in the SPU to 1:5 at the NHSP/W with an overall ratio for the prison facilities of 1:2.

Management layers refer to the number of managers between a line employee and the chief executive of the organization. Another state found five layers is a recommended maximum for

organizations with over 150 employees. There were six or seven management layers between COs in the facilities and the Commissioner.

Recommendation:

We recommend DOC management continually review spans-of-control among uniformed employees and set goals to widen spans-of-control and reduce management layers when conducting staffing analyses.

Auditee Response:

Concur.

We concur and believe we already substantially comply with the recommendation that we continually review spans of control among uniform employees. We continue to review the staffing patterns of each facility to determine the need for ranked uniform positions. We just recently completed an analysis of the span of control for the Northern NH Correctional Facility. In the past two years we have converted 34 corporal positions to correctional officer positions. We continue to review each position that becomes vacant and generate discussion about the need for the position and the rank that it currently holds. All positions are reviewed including the high management positions that become vacant.

Observation No. 8

Evaluate The Need For, And The Use Of, The Corporal Rank

The DOC inconsistently utilized the rank of corporal and did not clearly identify its role within the organization. Management should identify the tasks associated with each activity and the level of judgment and supervision required to complete those tasks. Further, management should clearly delegate authority and assign responsibility. Training must be provided to improve employee competence and specifically ensure supervisors have necessary management skills.

DOC management stated there is some question as to whether the rank of corporal was needed, and reported regularly reviewing any corporal vacancy and downgrading it when appropriate. However, no analysis has been completed regarding the role of corporal, generally. Corporals were used interchangeably as a CO or in a supervisory role in lieu of sergeants at all facilities, as the highest ranking officer on third shift at the SPU and in units at the NHSP/M, and as the shift commander at the NHSP/W. Although corporals were expected to serve in supervisory roles, there were no formal training programs for corporals. At the end of the audit period, the DOC had 86 corporal positions out of 492 uniformed employees (17 percent).

Using corporals interchangeably with sergeants or COs is not economical. Lack of role clarity may result in compensating personnel at supervisory rates who perform corrections officer-level work. If a sergeant's job can be effectively performed by a corporal, having it done by a corporal promotes economy. If a corporal's job can effectively be done by a CO, having it done by a CO

also realizes cost savings. Having corporals perform these various functions creates a scenario where uniformed employees may not be compensated equally for equal work.

Recommendation:

We recommend DOC management continually evaluate the corporal rank to determine if it is needed within the DOC's supervisory structure. If the rank is needed, DOC management should clearly delineate the corporal's roles and responsibilities and ensure corporals do not serve as sergeants without appropriate training.

Auditee Response:

Concur In Part.

We concur in part with the recommendation to continually evaluate the corporal rank to determine if it is needed within the DOC's supervisory structure. We have been doing this evaluation for the past couple of years. During that time, we have re-classified 34 corporal positions to corrections officer positions. We believe that the rank is clearly delineated while it may differ between certain facilities. We concur that corporals should receive training for their role as supervisors and a plan is being formulated to achieve this goal. The costs will be high for this type of training and we will have to determine whether that training will be accomplished under the current budget constraints or at a later date under a new budget. However, they do receive training from the sergeants and lieutenants who supervise those corporal positions.

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**STATE OF NEW HAMPSHIRE
DEPARTMENT OF CORRECTIONS
SECURITY STAFFING**

INEFFICIENT PRACTICES

Management is responsible for implementing controls to provide reasonable assurance agency operations are efficient and effective. Management controls are the plans, policies, methods, and procedures adopted by management to meet its missions, goals, and objectives. Controls also help to safeguard assets and prevent and detect errors or fraud; noncompliance with laws, regulations, contracts or grant agreements; or abuse. While the Department of Corrections (DOC) has been under stress related to staffing levels driven by fiscal constraints, we found its operations have not been efficient or cost-effective in several areas, resulting in unnecessary expenditures and limited control over certain staff assignments.

Observation No. 9

Limit The Use Of Compensatory Time As Compensation To Uniformed Employees In Lieu Of Overtime Payments

During the audit period, the DOC's use of compensatory (comp) time was inefficient, did not conform to policy, and created a future liability.

If all comp leave taken was covered with overtime, the DOC potentially incurred as much as \$334,000 in additional salary costs by allowing uniformed employees to choose comp time in lieu of receiving overtime pay for excess hours worked. Each hour of overtime worked was awarded as 1.5 hours of comp time. Due to staffing shortages, absences were regularly covered with overtime; therefore, the original hour of overtime worked became 1.5 hours of overtime when comp time was taken as leave. During State fiscal years (SFY) 2010 and 2011, uniformed employees used over 29,000 hours of comp time as leave equating to over 3,600 days off. Uniformed employees usually requiring backfill (filling a post when the regularly scheduled employee is absent) accounted for 94 percent of the comp leave taken. Comp time taken as leave increased 47 percent between SFY 2010 and SFY 2011. DOC management incorrectly applied a clause in the collective bargaining agreement (CBA) to uniformed employees by allowing uniformed employees to *choose* to accrue comp time or receive overtime payments.

The DOC also allowed uniformed employees to accrue more than 40 hours of comp time, contrary to policy. Of the 439 uniformed employees the DOC employed at the end of SFY 2011, 342 (78 percent) maintained comp leave balances. Seventy (16 percent) maintained balances exceeding 40 hours. Those exceeding the allowed 40 hours ranged from just over 40 to just over 194 hours, and included 11 uniformed employees (three percent) who maintained balances exceeding 100 hours.

In addition to creating an additional cost during the audit period, at the end of SFY 2011, DOC uniformed employees maintained comp time balances totaling approximately 8,029 hours. This balance created a future liability of approximately \$179,400 in salary costs if all employees

receive a payout on their comp leave balances or a potential liability of approximately \$271,000 in salary costs if the comp leave is taken and covered by other employees working overtime.

Recommendation:

We recommend DOC management limit the use of compensatory time as compensation in lieu of overtime pay for uniformed employees to instances where overtime funding is not available.

Auditee Response:

Concur.

We concur and believe we already substantially comply with the recommendation that we limit the use of compensatory time in lieu of overtime payment for uniform employees. The Wardens have already been instructed to not approve the use of compensatory time in lieu of overtime pay for uniformed employees.

Observation No. 10

Improve Management Of Shift Differential Payments

During the audit period, \$1.2 million was unnecessarily expended on salaries for evening and night shift differential payments for uniformed employees. Uniformed employees were listed as law enforcement personnel in the CBA and law enforcement personnel were ineligible for shift differentials. DOC and Department of Administrative Services (DAS) officials reported uniformed employees were never intended to be excluded from shift differentials, but there is no documentation to support this assertion. The DAS is responsible for administering the State's personnel system, including payroll, while agencies like DOC carry-out DAS policy on a day-to-day basis. Uniformed employees were overpaid since at least 2005. The current New England Police Benevolent Association CBA requires shift differential payments for corrections officers with a rank of corporal or below.

During the audit period, weekend shift differentials were excluded from uniformed employee overtime calculations contrary to federal Fair Labor Standards Act (FLSA) requirements. The CBA excludes weekend shift differentials from overtime calculations; however, according to the U.S. Department of Labor, under the FLSA, all pay enhancements, including shift differentials, must be included in base wages and compounded in overtime calculations even if the CBA specifies otherwise.

The DOC also incorrectly applied shift differential pay rates when uniformed employees worked overtime on shifts other than their regularly assigned shift. These practices lead to inequitably paid shift differentials.

Recommendations:

We recommend DOC management work with the DAS and the Department of Justice to determine how to:

- **best address overpayments;**
- **apply the provisions of collective bargaining agreements and properly safeguard State funds by ensuring only those uniformed employees eligible to receive shift differentials receive them; and**
- **comply with federal requirements by including weekend differentials in overtime calculations.**

We also recommend DOC management ensure all uniformed employees who are eligible for shift differential are paid the same shift differential for working the same shifts.

Auditee Response:

Concur In Part.

We concur with the recommendation that we work with the Department of Administrative Services and the Department of Justice to address the issues of shift differential payments. We disagree with the language that implies that the DOC was incorrect in applying shift differential payments. Memos shared with the LBA and discussions with the State's Labor Relations Manager confirm that we were applying the payments according to the direction from those who negotiated the collective bargaining agreements. Those agreements were made back in the 1990's and have been paid accordingly since that time.

DAS Response:

Concur.

We concur that the language in the Collective Bargaining Agreement article 19.12.5 Institutional Weekend Differential does conflict with the Fair Labor Standards Act (FLSA) in that the weekend differential should be included as part of base hourly wages when calculating overtime. And we concur that shift differential pay, where applicable, shall be applied to base hourly wages prior to calculating overtime in accordance with the FLSA. As such, we have addressed the shift differential issue via the issuance of Employee Relations Memorandum 13-03 on September 26, 2012. The memorandum addresses the equal application of the shift differentials on a statewide basis

We concur that we needed to improve management of shift differential payments. As such, we have addressed the shift differential issue via the issuance of Employee Relations Memorandum 13-03 on September 26, 2012. The memorandum addresses the equal application of the shift differentials on a statewide basis.

We concur that uniformed employees are not eligible for differentials. The plain reading of the contract states that “law enforcement employees” are not eligible for differentials in accordance with the Collective Bargaining Agreement 2011 – 2013 between the State of N.H. and the State Employees Association of N.H., Inc. This issue was addressed in the September 26, 2012 Employee Relations Memorandum. These payments have stopped.

Observation No. 11

Assess Impact Of Wage Enhancements On Overtime Payments

The DOC included longevity and hazardous duty pay rates in overtime and holiday wage calculations as required by federal law. This led to payments exceeding statutory allowances by more than \$203,000 for DOC uniformed employees during the audit period.

State laws authorize longevity payments of one \$300 annual payment after ten years of service, with an additional \$300 added for every five years of service thereafter. State law also authorizes hazardous duty pay in the amount of \$25 per week. Federal law requires an employer include established bonuses such as these in regular or base wages. Both State statutes were codified before the federal FLSA was upheld as applicable to states as employers.

Including longevity pay and hazardous duty pay in overtime and holiday pay calculations appears to conflict with the original intent of State law, which established specific dollar amounts for these enhancements. With the application of federal law requiring these enhancements be included in overtime calculations, the statutorily intended amounts are exceeded. Other State agencies with employees working overtime and similarly eligible for hazardous duty and longevity payments may also exceed statutorily established limits for these salary enhancements.

Recommendation:

We recommend the Legislature consider reviewing the implementation of longevity and hazardous duty statutes to ensure legislative intent is being met.

Auditee Response:

Concur In part.

The DOC has been calculating wages to include longevity and hazardous duty pay since being directed to do so back in the 1990's. Memos shared with the LBA and discussions with the State's Labor Relations Manager confirm that we have been applying these payments according to the direction from those who negotiated the collective bargaining agreements.

Observation No. 12

Post Assignments Should Be Determined By Department Of Corrections Management

The DOC did not adhere to accreditation standards regarding staff rotation in and out of the Special Housing Unit (SHU) annually. Existing DOC policy required uniformed employees be rotated off SHU assignments after one year, but this policy was not followed and DOC management reported the policy should have been rescinded. The SHU houses the highest risk inmates.

Written policy and procedure should govern the rotation of staff who regularly work directly with inmates in segregated units. However, the DOC does not have in effect a written policy and procedure directive (PPD) for rotating uniformed employees assigned to the SHU. To allow the DOC to rotate uniformed employees in and out of SHU, SHU posts were reportedly reorganized into the NHSP/M's interior relief, which permitted rotation as often as daily. However, shift commander reports from SFY 2010 and 2011 we sampled indicated at least seven uniformed employees were not rotated on a regular basis.

Additionally, the DOC has been unable to rotate staff among other housing units due to conflicting lateral transfer language in the CBA. Reportedly, past management actions regarding post assignments led the union to call for greater post restrictions on transfers. The CBA requires any posting for a *lateral* transfer to include the facility, shift, days off, post or assignment, specific location, and assigned duties. Therefore, the uniformed employee's assigned post is tied to a specific housing unit and the uniformed employee cannot be moved from that unit unless the uniformed employee voluntarily applies for a transfer to another vacant post. This may constrain management's prerogatives and rights established in Article II of the CBA, including the right to assign or transfer employees or to determine the "personnel by which ... operations are to be conducted."

Recommendation:

We recommend DOC management rotate uniformed employees in and out of the SHU and other housing units on a regular basis, seek to amend the CBA to remove restrictions on management prerogatives such as employee work assignments, and promulgate written policy and procedures regulating uniformed employee rotations.

Auditee Response:

Concur In Part.

We concur in part with the recommendation that we rotate uniformed employees in and out of the SHU on a regular basis in compliance with accreditation standards and the DOC policy. Two years ago, we changed the policy on rotating uniformed employees in and out of SHU. We changed the posts assigned to the SHU to be assigned to the Interior Squad. With that change, we were free to rotate each uniformed officer in and out as often as daily. We do not want to revert back to the old policy as it did not work according to the time lines that were intended to

be maintained. It was not because of conflict with the Lateral Transfer Policy but because it included the Lateral Transfer Policy in the procedures for rotating out of the unit. The use of both policies made it extremely cumbersome to manage and led to violations of the timelines. A grievance is still pending and will probably be heading for arbitration due to the changes that were made.

We concur with the recommendation that we seek to amend the CBA to remove any restrictions on employee work assignments and will recommend those changes to the State Negotiation Team during the collective bargaining process.

Observation No. 13

Complete Cost-Benefit Analyses For All Settlements

During the audit period, supervisory uniformed employees were awarded 7,854 hours of special leave beyond that identified in the CBA, leading to additional paid time-off and potentially \$175,000 in additional salary costs when absences were covered with overtime. Special leave was the result of an arbitrated settlement involving the Departments of Justice and Administrative Services, where the DOC lost and negotiated to issue leave in lieu of the arbitrator's decision of a cash settlement and to settle four other labor disputes to compensate claimants for damages. Additionally, one sergeant was awarded 60 hours of special leave, but was paid in cash due to retirement.

While the CBA requires steps for the grievance process, including arbitration, the CBA does not allow an arbitrator to make a decision changing the terms of the agreement or requiring appropriations of additional funds, or else the decision is only advisory. We found no statutory authority permitting DOC management to award special leave to employees or make cash payments over \$500 to settle claims, and it is unclear whether they were required to adhere to a decision by the arbitrator which may have required the appropriation of additional funds. No cost-benefit analysis was completed to determine if leave was indeed less expensive than a cash settlement. Further, appropriated funds may not be used for any other purpose than what they were appropriated for, and officials may not expend any money or make any contract or bargain, or in any way bind the state in excess of the amount voted by the Legislature. We found no mechanism for legislative oversight of negotiated agreements with cost implications.

Recommendations:

We recommend DOC management ensure all decisions for non-monetary settlement include a full cost-benefit analysis.

We also recommend the Legislature consider whether legislative oversight of similar settlements is needed, and how to implement such oversight.

Auditee Response:

Concur.

We concur with the recommendation that all decisions for non-monetary settlement include a full cost-benefit analysis. We do cost-benefit analyses when involved in negotiations over settlements on labor issues. This particular issue was the result of an arbitrator's decision on the grievance over our refusal to allow ranking officers to work overtime in non-ranking positions. The arbitrator found that a past practice had been established for many years and we were not allowed to unilaterally change it without negotiating with the impacted Union. He ordered the two parties to work out a settlement and report back to him. He ordered that failure to come to an agreement on a settlement would require him to craft a final settlement. The discussions/negotiations with the Union attorney involved the DOC, Attorney General's Office, and the Department of Administrative Services Labor Relations Manager. An agreement was reached and implemented. This agreement, which avoided a potentially large cash settlement, involved leave time granted to each supervisor. The leave time is a DOC budget item.

Observation No. 14

Strengthen The Control Environment

The DOC's control environment needed improvement to ensure efficient and effective operations. The DOC had not effectively addressed previous audit findings, resolved serious payroll deficiencies, or formalized staffing-related risk assessments. The DOC also eliminated its general internal audit function.

Unaddressed Audit Findings

Longstanding weaknesses identified in our previous audits remained unresolved. We reviewed 28 prior audit observations related to staffing and the DOC's management control environment dating back to 1992 and found:

- of 27 control-related observations, seven were fully resolved, two were partially resolved, and 18 were unresolved; and
- of nine staffing-related observations, one was resolved and eight were unresolved.

Unresolved Payroll Deficiencies

Despite finding significant payroll deficiencies in prior audits, the DOC had not established effective policies and procedures, sufficiently addressed segregation of duties issues, or implemented other necessary time and attendance controls. During SFY 2010, allegations of payroll irregularities were investigated by the Department of Justice, with no criminal charges filed. The DOC reportedly imposed personnel sanctions on the employees involved and began changes to payroll policy. However, the DOC is reportedly still waiting for the NH Fundamental Improvements to Revitalize Systems/Services and Technology (NH FIRST) time management

system implementation to improve payroll controls. The system will not resolve all control deficiencies identified in our 2010 audit, and structural concerns with DOC's payroll processes remain. The Department had no method to definitively document when an employee started and ended their duties. NH FIRST still relies on honest and accurate reporting by the employee of time worked and leave taken. An electronic time clock or swipe cards could be used to authenticate when an employee arrives and departs, increasing controls and mitigating some risks identified in the 2010 audit.

Position Control

Uniformed employee positions were inadequately controlled within DOC accounting units. Each position is budgeted and paid for within a single accounting unit in the State accounting system, and the DOC maintains separate accounting units for each prison. We found the DOC paid for positions budgeted in accounting units even though the person assigned to the position was working at another facility represented by a different accounting unit. This led to posting expenditures to inappropriate accounting units which can distort the reported cost of operations.

Internal Audit Staffing

During the audit period the Department lacked a dedicated internal auditor and general internal audit function. Without a robust internal audit function, inefficient or ineffective practices are less likely to be detected by the DOC and ongoing management control weaknesses are likely to continue.

Risk Assessment

The DOC had not conducted a formal staffing-related risk assessment. Risk assessment is one step within an overall risk management program which includes risk identification, analysis, and evaluation; risk control development and implementation; monitoring of controls; and implementation of ongoing system improvements. The DOC's reported activities were focused only on monitoring and improving existing controls. Without a risk assessment process, analysis of risks is ad hoc and management may not implement the controls necessary to mitigate risks.

Recommendations:

We recommend DOC management:

- **timely resolve audit findings and codify policy and procedure directives to establish accountability for resolving findings;**
- **implement adequate controls over its payroll process, including the use of electronic time clocks to record dates and hours worked;**
- **implement a formal fraud assessment, prevention, deterrence, and detection policy, as we recommended in our 2010 financial audit;**
- **ensure uniformed employee positions are budgeted and paid from the accounting units in the facilities to which they are assigned;**
- **review personnel resources and reinstate the internal auditor position; and**

- **formalize and document its risk assessment processes.**

Auditee Response:

Concur In Part.

We concur in part to the recommendation of resolving prior audit findings. Some of the previous audit findings are being reviewed for possible implementation. However, we believed that the new Lawson payroll system would address some of the audit concerns. We have not fully implemented this new system. Once we are fully up and running, we will be able to determine whether the system will resolve those audit findings.

We concur in part with the recommendation to implement adequate controls over its payroll process with the use of electronic time clocks. We have included the costs to purchase scheduling software as part of the DOC's SFY 2014-2015 Capital Budget. We believe that this system would interact with the Lawson system and aid in the discovery of discrepancies within the payroll process. We maintain that this would be a far more effective and efficient solution than the use of time clocks.

We concur with the recommendation of a formal fraud assessment, prevention, deterrence, and detection policy.

We concur with the recommendation to ensure uniformed employee positions are budgeted and paid from the accounting units they are assigned under. We maintain that flexibility to move positions from one accounting unit to another as needs and circumstances dictate instead of doing it as part of the biennial budget process is important to the effective management of the DOC. However, the Department of Administrative Services will have to change the GHRS system to allow for the changes to be made at any time throughout the year. Currently, we can only make those changes at budget time. We have been making those corrections during each budget process and will continue to do so until the system is changed.

We concur with the recommendation to reinstate the internal auditor position. We will consider presenting it through the next budget process.

We concur with the recommendation to formalize and document our risk assessment processes.

Observation No. 15

Increase The Efficiency And Effectiveness Of Staffing Practices By Assessing Information And Data

The DOC could improve the use of available data to establish benchmarks and measure performance, complete trend analyses, ensure compliance with policies and procedures, and assess appropriate staffing levels. Insufficient use of information can inhibit decision-making, lead to reduced efficiency and effectiveness, and limit risk identification and management.

The DOC collected volumes of information on a daily, weekly, and monthly basis; however, the DOC did not systematically use these data to inform staffing-related decisions. Data were not collected in an easily accessible and useable format, or trended over time to identify changes in the security environment. The DOC did not use data to:

- assess staff performance by setting benchmarks or identifying changes in data;
- manage basic staffing controls such as leave time;
- assess whether overtime costs were less than potentially hiring additional staff;
- identify if staffing changes led to increases in inmate incidents and drug-related incidents;
- compare the relative performance of facilities; or
- present an overall assessment of the prison environment.

Also, some data the DOC provided contained errors and apparent discrepancies or inaccuracies, limiting their reliability.

Properly implemented management controls identify pertinent information and ensure the information is presented timely and in a useable format. Information should be used to ensure compliance with regulations, ensure effective monitoring of activities, identify if goals and objectives are being met, and understand budgetary implications.

Recommendations:

We recommend DOC management continually improve the quality and use of available information and data to:

- **measure performance and set benchmarks ensuring goals, objectives, and requirements are met;**
- **identify trends in areas such as inmate incidents and staffing;**
- **identify and address data anomalies;**
- **ensure compliance with policies, procedures, and regulations; and**
- **improve the overall safety and security of the facility.**

Auditee Response:

Concur.

We concur with the recommendation to continue to improve the quality and use of available information and data to measure performance and set benchmarks to show that goals, objectives, and requirements are met; identify trends anomalies; ensure compliance with policies, procedures, and regulations; to continue to maintain a safe and secure prison environment.

Observation No. 16

Improve Training

Interviews with management and our survey of uniformed employees identified dissatisfaction with the breakdown of the Field Training Officer Program and the number of hours available for annual in-service training. Our survey revealed:

- 50 percent of respondents found the field training officer program was either good or very good, 29 percent were neutral, and 21 percent found the program either poor or very poor; and
- 32 percent of respondents found the number of in-service training hours were good or very good, 21 percent were neutral, and 47 percent found the hours were either poor or very poor.

Ongoing in-service training enables employees to maintain skills and keep informed of changes in operational procedures. Management should identify appropriate knowledge and skills needed for various jobs and provide needed training so all personnel possess and maintain a level of competence that allows them to accomplish their assigned duties. DOC policy requires a minimum of 32 hours of annual in-service training but accreditation standards require 40 hours of annual training. The DOC has since reduced its training requirements to 24 hours to accommodate budget cuts. However, reduced training diminishes the opportunities for the DOC to communicate required policies and procedures to uniformed employees.

Interviews and survey results also illustrated concerns with supervisor training. In our survey of uniformed employees, corporals and above indicated:

- 20 percent of respondents found the quality of supervisor training either good or very good, 20 percent were neutral, and 60 percent found the quality either poor or very poor;
- 22 percent found the subject matter either good or very good, 18 percent were neutral, and 60 percent found the subject matter either poor or very poor; and
- 12 percent found the amount of hours available were either good or very good, 10 percent were neutral, and 78 percent found the hours available either poor or very poor.

Supervisors should have the necessary management skills and training to provide effective oversight and guidance to assigned staff. However, training for supervisors was last held prior to the audit period and new supervisors receive no training at the time of their promotions. Also, the DOC reportedly provides no formal supervisory training for corporals.

Recommendation:

We recommend DOC management evaluate its annual in-service, Field Training Officer, and supervisor training curricula, as well as the number of hours needed to effectively deliver the trainings.

Auditee Response:

Concur.

We concur with the recommendation for management to evaluate its annual in-service, Field Training Officer and supervisor training curricula, as well as the number of hours needed to effectively deliver the trainings. We evaluate our training programs for all our employees, uniform and non-uniform, every year to keep the training curricula current and to develop training that increases the knowledge, skills, and abilities of all our employees. The programs have been re-designed to fit within the confines of the DOC budget which for past several years has been greatly reduced.

The in-service training program was reduced from 40 hours per year to 32 hours due to budget reductions. The 32 hours is the minimum needed to maintain correctional certification, compliance with court orders and liability mitigation. We have begun to develop computerized training programs that can be completed on duty and not require overtime. We do recognize the need for training and would agree that additional training would be beneficial. However, we must work within the constraints of our budget.

The Field Officer Training program was redesigned in 2009 and meets the training needs of our new recruits. This program became stagnant with the lay-offs we experienced and the following period of time when the laid-off employees were re-hired. Since that time, some of the FTO's were lost to promotion or resignation. The current number of available FTO's is under review. However, the FTO program is currently up and running.

The Supervisor Training Program was designed and developed by the DOC Training Staff and the NH Bureau of Education and Training in 2009. It was intended to be the basic supervisory training program for all new supervisors. In 2010, a large scale effort was made to train all uniform (sergeants and above) and non-uniform supervisors. Also in 2010, the DOC was accepted to participate in the National Institute of Corrections Management Development for the Future program. This program was planned to be facilitated in 2011 as a succession planning initiative. However, we withdrew our application due to mandated budget cuts which eliminated all supervisory training in 2011.

Supervisor training for 2012 is computer based and includes the following: Classification Process Overview; The Pending Administrative Review (PAR) Process; Claims Made Against the NHDOC; Instant Urine Testing; Stress; and Time and Attendance Procedures which was cancelled with the announcement of the Lawson System coming on-line. The plan for 2013 is currently being discussed with the NH Bureau of Education and Training. We are hoping to schedule another basic supervisory training program for all who did not attend the last program and to develop a two-day supervisory training program that builds on the basic program curriculum.

Observation No. 17

Assess Electronic Security Equipment Needs

Uniformed employees could not maintain visual and auditory contact with inmates and other uniformed employee at all times, potentially risking the safety of inmates and staff. The DOC improved the quantity and quality of some of its security-related equipment, but could use additional electronic monitoring equipment to compensate for reduced numbers of uniformed employees.

Audio/Visual Equipment

The DOC Commissioner and personnel in each facility reported more cameras with improved audio and video quality were needed. Video and audio recordings help in investigating and prosecuting crimes committed in prison and assist uniformed employees in monitoring inmates in locations without a uniformed employee's physical presence. Accreditation standards noted one factor in determining the size of a single management unit is the staff's ability to maintain visual and auditory contact and security equipment needs should be dictated by physical characteristics of the prison and the inmate population.

Metal Detectors And Imaging Technology

Uniformed employees reported strip searches were not conducted as often as they should be. Metal detectors and full-body imaging technology were requested to help detect contraband and weapons concealed on or inside an inmate. Full-body imaging, using low dose x-rays similar to those employed at airports, reportedly have advantages over other methods, such as showing the precise location of metal and organic material, and taking as much as 15 minutes less than a strip search. Accreditation standards also recommend searches for contraband using noninvasive means where feasible rather than body searches.

Numerous DOC personnel identified budgetary issues, or the difficult purchasing process, for the lack of needed equipment. The net loss of 92 uniformed employees between January 2009 and May 2012 due to layoffs, retirements, and other separations also drives the need for more equipment to maintain an acceptable level of inmate monitoring.

Recommendations:

We recommend the DOC formally assess its electronic security equipment needs to leverage available technology including, but not limited to, video cameras and digital recording devices, metal detectors, and full-body imaging equipment. The DOC should request funding for needed equipment from the Legislature.

We also recommend the DOC further leverage the use of available electronic monitoring technology in future staffing analyses.

Auditee Response:

Concur.

We concur with the recommendation to formally assess our electronic security equipment needs to leverage available technology. We continue to do assessments of the need for electronic security equipment and have installed security cameras at the following facilities in the last two years: NHSP-M – 117 new cameras, 6 PTZ (pan-tilt-zoom) cameras replaced and 12 fixed position cameras replaced; NHSP-W – 31 fixed point cameras and 3 PTZ cameras; NCF – 9 new PTZ cameras. We have also installed and replaced much of the video equipment used to support the electronic security system. Electronic security equipment can be costly and the maintenance of the equipment must be maintained at all times once installed. We will continue to evaluate the use of this technology within the constraints of our budget.

We concur with the recommendation to leverage the use of available electronic monitoring technology in future staffing analyses. This technology is always considered when analyzing the security of our facilities.

**STATE OF NEW HAMPSHIRE
DEPARTMENT OF CORRECTIONS
SECURITY STAFFING**

**APPENDIX A
SCOPE, OBJECTIVES, AND METHODOLOGY**

In January 2012, the Fiscal Committee of the General Court adopted a recommendation by the joint Legislative Performance Audit and Oversight Committee to conduct a performance audit of Department of Corrections (DOC) security staffing. We held an entrance conference with the DOC on January 30, 2012. In February 2012, the joint Legislative Performance Audit and Oversight Committee approved our proposed scope statement.

Scope And Objectives

This performance audit was designed to answer the following question:

Did the Department of Corrections efficiently and effectively manage security staff at its three principle prison facilities during SFYs 2010 and 2011?

The audit focused on 1) the utilization of security-related staff within the confines of each prison, 2) the reliability of tools used to assess security staffing needs, 3) whether DOC security staffing tools conformed to industry standards, and 4) whether assessment tools were consistently utilized. It did not include transitional housing units or field service staff, even those located on prison grounds. The audit period encompassed State fiscal years (SFY) 2010 and 2011, although in certain cases data for years before and after the audit period were evaluated to assess longitudinal trends.

Methodology

To obtain sufficient information to draw reasonable conclusions about how efficient and effective the DOC's security staffing practices were, we reviewed:

- State and federal laws affecting the DOC;
- DOC administrative rules, policy and procedure directives, policy memoranda, annual reports, organizational charts, statements of appropriations, budget documents, manning documents, staffing analyses, and employee turn-over data;
- third-party evaluations of the DOC;
- monthly wardens' reports, prison incident logs, a sample of shift commander logs, disciplinary reports, and inmate population data;
- class specifications, supplemental job descriptions, duty descriptions, and each facility's post orders;
- Department of Administrative Services, Division of Personnel, and Police Standards and Training Council administrative rules;
- collective bargaining agreements, personnel-related settlements, Personnel Appeals Board actions related to the DOC, and Public Employee Labor Relations Board actions related to the DOC;
- settlement agreements, consent decrees, and court orders affecting the DOC;

- industry literature related to staffing, security post management, span-of-control, absenteeism, and overtime;
- recruiting, retention, and succession planning; and
- other states' audits of their jurisdiction's corrections agency.

To obtain the views of responsible managers and others in positions to provide valuable insights, we interviewed:

- DOC management;
- prison wardens;
- prison managers and supervisors;
- other key staff; and
- representatives of the unions serving corrections supervisors and staff.

We also:

- surveyed uniformed employees at each prison;
- visited each prison, examining uniformed employee manning levels, security posts, and facility operation;
- analyzed DOC leave taken and accrued, earnings, and hours worked from the Government Human Resource System;
- reviewed Police Standards and Training Council curricula and certification requirements;
- reviewed inmate suicide rates; and
- compared uniformed employee leave usage data to a sample of other State agencies' employee leave usage data.

To assess the Department's resolution of prior LBA Audit findings, we:

- reviewed prior LBA audits;
- obtained from DOC management assertions on the status of prior observations; and
- obtained and reviewed documentation supporting the DOC's resolution of findings.

Due to limited data availability and inconsistency, changes in DOC's operating environment, and the need to assess staffing trends for longer than a two-year period to draw conclusions, we analyzed data outside of the audit period in order to assess the efficiency and effectiveness of DOC security staffing. This included:

- staffing schedules from the Spring of calendar year 2012 to illustrate current manning practices and the DOC's staffing environment;
- SFY 2012 post orders to assess adequacy;
- overtime data from SFY 2012 to demonstrate trends;
- hiring and turnover data from calendar year 2009 through 2012 to demonstrate a continuing increase in the gap between recruitment and turnover;
- interviews we conducted during SFY 2012 which provided longitudinal information covering periods before, during, and after the audit period; and
- direct observations we made while visiting the facilities during SFY 2012.

**STATE OF NEW HAMPSHIRE
DEPARTMENT OF CORRECTIONS
SECURITY STAFFING**

**APPENDIX B
UNIFORMED EMPLOYEE SURVEY**

We conducted a survey of Department of Corrections (DOC) uniformed employees at the New Hampshire State Prison for Men (NHSP/M), the New Hampshire State Prison for Women (NHSP/W), the Northern New Hampshire Correctional Facility (NCF), and the Secure Psychiatric Unit/Residential Treatment Unit (SPU/RTU). Paper surveys and a locked submission box were provided at each of the facilities and uniformed employees were given approximately one week to respond. We received 119 surveys from approximately 383 uniformed employees at the DOC's prison facilities for a 31 percent response rate. The responses cannot be generalized to the population of all uniformed employees.

The following summarizes survey results. Questions with multiple responses to a question requiring only one answer are excluded.

Note: Some totals in the following tables may not add up to 100 percent due to rounding.

1. What is your rank?		
<i>Count</i>	<i>Percent</i>	<i>Response</i>
65	57%	Officer/Trainee
20	18%	Corporal
18	16%	Sergeant
8	7%	Lieutenant
3	3%	Captain
0	0%	Major
		114 Respondents

2. Which facility are you normally assigned to?		
<i>Count</i>	<i>Percent</i>	<i>Response</i>
22	19%	NCF
17	15%	SPU/RTU
67	57%	NHSP/M
10	9%	NHSP/W
1	1%	Other (Training, etc.)
		117 Respondents

3. How familiar are you with the Department's PPDs?		
<i>Count</i>	<i>Percent</i>	<i>Response</i>
24	21%	Very familiar
61	52%	Familiar
21	18%	Neutral
9	8%	Not very familiar
2	2%	Not at all familiar
117 Respondents		

4. How sure are you of the requirements for:				
Regular Post		Any Other Posts You Work		Response
<i>Count</i>	<i>Percent</i>	<i>Count</i>	<i>Percent</i>	
1	1%	0	0%	Not very sure
4	3%	11	10%	Pretty sure of some requirements
28	24%	63	56%	Pretty sure of most requirements
85	72%	38	34%	Very sure
118 Respondents		112 Respondents		

5. If you answered "Not very sure" or "Pretty sure of some requirements," are any of the following affected: (check all that apply)		
<i>Count</i>	<i>Percent</i>	<i>Response</i>
17	38%	My safety
11	24%	Inmate safety
17	38%	My effectiveness
14	31%	Institutional security
16	36%	There is no notable effect
8	18%	Other effects not on this list
45 Respondents		

6. Based on your understanding of DOC requirements, are these activities usually done: (check all that apply)										
Cell shakes		Property inventories		Strip searches		Rounds		Suicide watch		
<i>Count</i>	<i>Percent</i>	<i>Count</i>	<i>Percent</i>	<i>Count</i>	<i>Percent</i>	<i>Count</i>	<i>Percent</i>	<i>Count</i>	<i>Percent</i>	<i>Response</i>
53	45%	60	51%	59	51%	83	72%	82	73%	As often as they should be
54	46%	27	23%	39	34%	18	16%	5	4%	Not as often as they should be
26	22%	33	28%	35	30%	38	33%	46	41%	As thoroughly as they should be
25	21%	25	21%	14	12%	11	9%	3	3%	Not as thoroughly as they should be
1	1%	4	3%	2	2%	1	1%	6	5%	I'm not sure
118 Respondents		117 Respondents		116 Respondents		116 Respondents		113 Respondents		

7. Based on your answer to the previous question, what contributes to activities not being done according to DOC requirements? (check all that apply)		
<i>Count</i>	<i>Percent</i>	<i>Response</i>
96	89%	Too few staff
43	40%	Too few resources (equipment)
9	8%	Staff don't know requirements
8	7%	Lack of training
20	19%	Other
6	6%	I don't know
108 Respondents		

8. How many hours of overtime did you work in the last month?				
<i>Voluntary</i>		<i>Forced</i>		
<i>Count</i>	<i>Percent</i>	<i>Count</i>	<i>Percent</i>	<i>Response</i>
44	51%	58	91%	0-16 hours
34	40%	5	8%	17-32 hours
7	8%	1	2%	33-64 hours
1	1%	0	0%	65-80 hours
0	0%	0	0%	More than 80 hours
86 Respondents		64 Respondents		

9. Are you asked or expected to work an unreasonable amount of overtime?		
<i>Count</i>	<i>Percent</i>	<i>Response</i>
29	25%	Yes
77	66%	No
10	9%	Unsure
116 Respondents		

10. In the last month, when you worked forced overtime were you: (check all that apply)		
<i>Count</i>	<i>Percent</i>	<i>Response</i>
75	96%	already at the prison and required to remain at the start of the next shift?
7	9%	called in from home?
78 Respondents		

11. If you were hired in the last 5 years, please rate the following:				
<i>Field Training Officer Program</i>		<i>9 Week Corrections Academy</i>		<i>Response</i>
<i>Count</i>	<i>Percent</i>	<i>Count</i>	<i>Percent</i>	
5	21%	7	29%	Very Good
7	29%	14	58%	Good
7	29%	2	8%	Neutral
3	13%	1	4%	Poor
2	8%	0	0%	Very Poor
0	0%	0	0%	No training
24 Respondents		24 Respondents		

12. Please rate the following aspects of annual in-service training:						
<i>Quality of training</i>		<i>Subject matter of training</i>		<i>Enough hours available</i>		<i>Response</i>
<i>Count</i>	<i>Percent</i>	<i>Count</i>	<i>Percent</i>	<i>Count</i>	<i>Percent</i>	
26	23%	19	17%	12	10%	Very Good
60	52%	56	49%	25	22%	Good
22	19%	29	25%	24	21%	Neutral
7	6%	8	7%	26	23%	Poor
0	0%	3	3%	28	24%	Very Poor
115 Respondents						

13. If you are a Corporal or higher rank, please rate the supervisor training you received:						
<i>Quality of training</i>		<i>Subject matter of training</i>		<i>Enough hours available</i>		
<i>Count</i>	<i>Percent</i>	<i>Count</i>	<i>Percent</i>	<i>Count</i>	<i>Percent</i>	<i>Response</i>
1	2%	1	2%	1	2%	Very Good
9	18%	10	20%	5	10%	Good
10	20%	9	18%	5	10%	Neutral
16	32%	17	34%	16	33%	Poor
14	28%	13	26%	22	45%	Very Poor
50 Respondents		50 Respondents		49 Respondents		

14. When do you expect to stop working at the DOC?		
<i>Count</i>	<i>Percent</i>	<i>Response</i>
18	16%	In the next two years
13	11%	In 3 or 4 years
50	43%	In 5 to 10 years
34	30%	In more than 10 years
		115 Respondents

15. What will be your primary reasons for leaving at that time? (check all that apply)		
<i>Count</i>	<i>Percent</i>	<i>Response</i>
102	86%	Eligible for retirement
14	12%	Get a job with better pay
34	29%	Low morale
8	7%	DOC requires too much overtime
19	16%	Work here feels unsafe
13	11%	Other
18	15%	Work here can cause injury/illness
		118 Respondents

16. Aside from the general risks associated with being in a prison environment do you feel the prison is safe for DOC employees?

<i>Count</i>	<i>Percent</i>	<i>Response</i>
6	5%	Yes, completely safe with no unnecessary risks
43	37%	Yes, generally safe with few unnecessary risks
36	31%	Not safe, but not particularly unsafe either
24	21%	No, generally unsafe with some unnecessary risks
6	5%	No, completely unsafe with many unnecessary risks
1	1%	I'm not sure
		116 Respondents

17. How would you rate your morale as an employee of the DOC?

<i>Count</i>	<i>Percent</i>	<i>Response</i>
13	11%	Very Good
32	28%	Good
32	28%	Neutral
23	20%	Poor
16	14%	Very Poor
		116 Respondents

**STATE OF NEW HAMPSHIRE
DEPARTMENT OF CORRECTIONS
SECURITY STAFFING**

**APPENDIX C
STATUS OF PRIOR AUDIT FINDINGS**

The following is a summary of the status of observations applicable to this performance audit found in prior financial and performance audit reports of the Department of Corrections, including the:

- Prison Expansion Performance Audit Report (April 1992);
- Financial Audit Report (Excluding Correctional Industries And Department Trust And Agency Funds) For The Nine Months Ended March 31, 1995;
- Sexual Harassment and Misconduct Performance Audit Report (October 2002);
- Inmate Health Care Performance Audit Report (January 2003);
- Division Of Field Services Performance Audit Report (December 2003);
- Correctional Industries Account And Vocational Training Account Financial And Compliance Audit Report For The Fiscal Year Ended June 30, 2006; and
- Financial Audit Report For The Nine Months Ended March 31, 2010.

Copies of audits issued prior to 1999 may be obtained from the Office of Legislative Budget Assistant Audit Division, 107 North Main Street, State House, Room 102, Concord, NH 03301-4906. Audit reports issued after 1999 may be obtained online at our website <http://www.gencourt.state.nh.us/LBA/audit.aspx>

Status Key

Fully Resolved	● ● ●	7
Substantially Resolved	● ● ○	0
Partially Resolved	● ○ ○	4
Unresolved	○ ○ ○	17

Prison Expansion Performance Audit Report (April 1992)

<u>No.</u>	<u>Title</u>	<u>Status</u>
2.	State Prison Manning Level	○ ○ ○
13.	Policy And Procedure Directives	○ ○ ○

Department Of Corrections (Excluding Correctional Industries And Department Trust And Agency Funds) Audit Report For The Nine Months Ended March 31, 1995

<u>No.</u>	<u>Title</u>	<u>Status</u>		
5.	Internal Controls Over The Payroll Process	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Department Of Corrections Sexual Harassment And Misconduct Performance Audit Report (October 2002)

<u>No.</u>	<u>Title</u>	<u>Status</u>		
1.	Prison Facility Professional Culture Needs Additional Improvement	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
2.	DOC Record Keeping Needs Improvement	<input checked="" type="radio"/>	<input checked="" type="radio"/>	<input checked="" type="radio"/>
3.	DOC Staffing Issues May Increase Risks Of Staff Misconduct Allegations	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
4.	Organizational Structure Not According To Statute	<input checked="" type="radio"/>	<input checked="" type="radio"/>	<input checked="" type="radio"/>
5.	Employee Performance Evaluation Process Needs Improvement	<input checked="" type="radio"/>	<input checked="" type="radio"/>	<input checked="" type="radio"/>
6.	The DOC Should Improve Guidelines Regarding Responsibility For Investigating Allegations Of Employee Misconduct	<input checked="" type="radio"/>	<input checked="" type="radio"/>	<input checked="" type="radio"/>
OIC.	Some Supplemental Job Descriptions Not Current	<input checked="" type="radio"/>	<input checked="" type="radio"/>	<input checked="" type="radio"/>

Department Of Corrections Inmate Health Care Performance Audit Report (January 2003)

<u>No.</u>	<u>Title</u>	<u>Status</u>		
9.	Re-establish Quality Improvement Program	<input checked="" type="radio"/>	<input checked="" type="radio"/>	<input checked="" type="radio"/>

Department Of Corrections Division Of Field Services Performance Audit Report (December 2003)

<u>No.</u>	<u>Title</u>	<u>Status</u>		
13.	Develop A Continuity And Contingency Plan	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
14.	Develop And Implement Software Development And Change Control Procedures	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
15.	Ensure Former Employees' Network Access Is Disabled	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Department Of Corrections Correctional Industries Account And Vocational Training Account Financial And Compliance Audit Report For The Fiscal Year Ended June 30, 2006

<u>No.</u>	<u>Title</u>	<u>Status</u>		
1.	Control Environment Should Be Strengthened	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
2.	Department's Organizational Structure Should Be Formalized	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
3.	Internal Auditor Findings Should Be Integrated Into Control Structure	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
6.	Formal Fraud Risk Mitigation Efforts Should Be Developed And Implemented	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Department Of Corrections Financial Audit Report For The Nine Months Ended March 31, 2010

<u>No.</u>	<u>Title</u>	<u>Status</u>		
1.	Payroll Process Should Be More Efficient And Controlled	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
2.	Payroll Controls Should Be Made More Effective	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
5.	Policies And Procedures For Correctional Information System Account Maintenance Should Be Established	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
6.	Change And User Access Controls In The Correctional Information System Should Be Strengthened	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
8.	Reporting From The Correctional Information System Should Be Improved	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
9.	Controls Over Offender Information In The Correctional Information System Should Be Improved	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
16.	Fraud Policies Should Be Established	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
17.	Disaster Recovery And Business Continuity Plans Should Be Established	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
21.	Expenditures Should Be Charged To Correct Accounting Units	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
30.	Information Technology Plan Should Be Prepared	<input checked="" type="radio"/>	<input checked="" type="radio"/>	<input checked="" type="radio"/>

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