

**Performance Audit:
Department of Corrections**

March 2009

**City Auditor's Office
City of Atlanta**

File #07.08



CITY OF ATLANTA

City Auditor's Office
Leslie Ward, City Auditor
404.330.6452

March 2009

Why We Did This Audit

We undertook this audit after the city's Integrity Line received a number of calls alleging that officers were not properly trained and certified and that staffing at the Atlanta Detention Center was inadequate.

Correctional officers and the labor union also expressed concern that inadequate staffing levels at the detention facility threatened officer safety. We focused our review on detention facility staffing, officer certification and training, and the extent to which operational costs are recovered by housing non-city inmates.

What We Recommended

To address operational inefficiencies and lower operating costs, the Chief of Corrections should:

- Redistribute inmates to maximize facility capacity by combining jurisdictions where possible and closing underused pods.
- Adjust the staffing plan to allow for fluctuations in the inmate population.
- Reduce leave usage and departmental overtime.
- Renegotiate the current per diem rate and consider the feasibility of negotiating a separate fee for inmates in special management pods.
- Ensure that all officers become certified and receive the required 40 hours of annual training.

For more information regarding this report, please contact Stephanie Jackson at 404.330.6678 or sjackson@atlantaga.gov.

Performance Audit:

Department of Corrections

What We Found

The Department of Corrections recovers proportionately less in facility operating costs for housing non-city inmates than the amount of space leased, in part because the per diem has not been adjusted in several years, and in part because costs are too high.

The city's per diem rate was last set in 2005, based on 2004 costs. The department's costs have since increased by 19%. However, the 2005 per diem rate was already lower than the department's operating costs, because overtime was not considered in the federal calculation and the calculated rate was outside the range the US Marshals Service was willing to pay, suggesting that operating costs were unreasonably high.

Although the detention facility is designed to operate cost-effectively, the department's practice of separating inmates by jurisdiction (federal, county, and city) results in unused capacity and increased personnel costs. During fiscal year 2008, more than half of the pods averaged below 75% capacity. Neither ACA guidelines nor federal or county housing contracts require inmates to be segregated by jurisdiction.

The department's practice of segregating inmates by jurisdiction requires a staff coverage plan for the facility irrespective of the number of inmates. The department cannot achieve its coverage plan with the number of employees it has, given the level of absences. Corrections officers were absent for leave or training approximately one-fifth of their scheduled shifts in fiscal year 2008. The department compensates for lack of staff with overtime and reduced support post coverage, increasing costs that cannot be recovered through lease revenues and likely contributing to employees' perceptions that the department is understaffed.

Because the department treats most of its costs as fixed – most costs do not vary based on the number of inmates housed – the decision to lease more bed space to Fulton County benefits the city's bottom line. However, cost recovery will still be proportionately less than the amount of space leased unless the department can negotiate a higher per diem rate or reduce costs.

Management Responses to Audit Recommendations

| Summary of Management Responses | | |
|--|--|------------------------|
| Recommendation #1: | Redistribute inmates to maximize facility capacity by combining jurisdictions where possible and closing underused pods. | |
| Response & Proposed Action: | The department is not opposed to closing underutilized pods during periods of reduced intake. However, the agency is not prepared to consolidate offenders from various jurisdictions until the department's classification system is refined and additional procedures are established. | Partially Agree |
| Timeframe: | Ongoing | |
| Recommendation #2: | Adjust the staffing plan to allow for fluctuations in the inmate population. | |
| Response & Proposed Action: | The department plans to conduct an annual staffing review to determine appropriate personnel levels required to operate the facility for the next fiscal year. | Partially Agree |
| Timeframe: | Ongoing annually prior to the beginning of the new fiscal year | |
| Recommendation #3: | Reduce leave usage and departmental overtime. | |
| Response & Proposed Action: | The department recently implemented changes to the sick leave policy. In addition, the department's transition to 12-hour shifts has significantly reduced the use of overtime and improved staff attendance. | Agree |
| Timeframe: | The policy changed in October 2008; the transition to 12-hour shifts occurred in December 2008 | |
| Recommendation #4: | Renegotiate the per diem rate based on current expenditures. The department should also consider the feasibility of negotiating an extra charge for inmates housed in special management pods due to the additional staff cost associated with those inmates. | |
| Response & Proposed Action: | The department requested a rate increase within the last month for housing Federal detainees. Special Management pods are considered a part of normal operations within the correctional or jail setting; additional fees for staffing and managing these areas cannot be charged since the amount is part of the negotiated rate. | Agree |
| Timeframe: | Immediate and ongoing | |
| Recommendation #5: | Ensure that the uncertified officers become certified. | |
| Response & Proposed Action: | The training department has conducted a staff file audit to ensure all employees are in compliance with State and Federal laws related to certification requirements. | Agree |
| Timeframe: | Ongoing with annual reviews | |
| Recommendation #6: | Ensure that sworn officers receive the required 40 hours of annual training. | |
| Response & Proposed Action: | The training department is developing an annual schedule for staff training to ensure all staff receives the required in-service hours mandated by State Law and American Correctional Association accreditation standards. | Agree |
| Timeframe: | Ongoing | |



CITY OF ATLANTA

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March 9, 2009

Honorable Mayor and Members of the City Council:

We undertook this audit of the Department of Corrections after the city's Integrity Line received a number of calls alleging that officers were not properly trained and certified and that staffing at the Atlanta Detention Center was inadequate. Our objectives focused on whether the federal per diem rate covers the cost of housing federal and county inmates; whether the detention center's staffing levels are appropriate, given the facility design and average inmate population; and whether sworn personnel met their mandated certification and training requirements.

We found that the department recovers proportionately less in facility operating costs for housing non-city inmates than the amount of space leased, in part because the per diem has not been adjusted in several years, and in part because costs are too high. Our recommendations are primarily intended to address operational inefficiencies and lower operating costs. Responses to our recommendations are included in Appendix A. The department partially agreed with two of our recommendations and fully agreed with the remaining four.

The Audit Committee has reviewed this report and is releasing it in accordance with Article 2, Chapter 6 of the City Charter. We appreciate the courtesy and cooperation of city staff throughout the audit. The team for this project was Edmund McAfee, Dawn Williams, and Stephanie Jackson.

Leslie Ward
City Auditor

Fred Williams
Audit Committee Chair

Department of Corrections

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Introduction

We conducted this performance audit of the Department of Corrections pursuant to Chapter 6 of the Atlanta City Charter, which establishes the City of Atlanta Audit Committee and the City Auditor's Office and outlines their primary duties. The Audit Committee reviewed our audit scope in June 2008.

A performance audit is an objective analysis of sufficient, appropriate evidence to assess the performance of an organization, program, activity, or function. Performance audits provide assurance or conclusions to help management and those charged with governance improve program performance and operations, reduce costs, facilitate decision-making and contribute to public accountability. Performance audits encompass a wide variety of objectives, including those related to assessing program effectiveness and results; economy and efficiency; internal controls; compliance with legal or other requirements; and objectives related to providing prospective analyses, guidance, or summary information¹.

We undertook this audit after the city's Integrity Line received a number of calls alleging that officers were not properly trained and certified and that staffing at the Atlanta Detention Center was inadequate. Correctional officers and the American Federation of State, County, and Municipal Employees (AFSCME) labor union also expressed concern that inadequate staffing levels at the detention facility threatened officer safety. We focused our review on detention facility staffing, officer certification and training, and the extent to which operational costs are recovered by housing non-city inmates.

Background

The Department of Corrections is responsible for operating the city's three detention facilities: the Atlanta City Detention Center (ACDC); the Court Detention Center, where inmates are temporarily held while awaiting Atlanta Municipal Court proceedings; and the Grady Hospital

¹Comptroller General of the United States, *Government Auditing Standards*, Washington, DC: U.S. Government Accountability Office, 2007, p. 17-18.

Detention Center, where inmates requiring medical treatment are held.

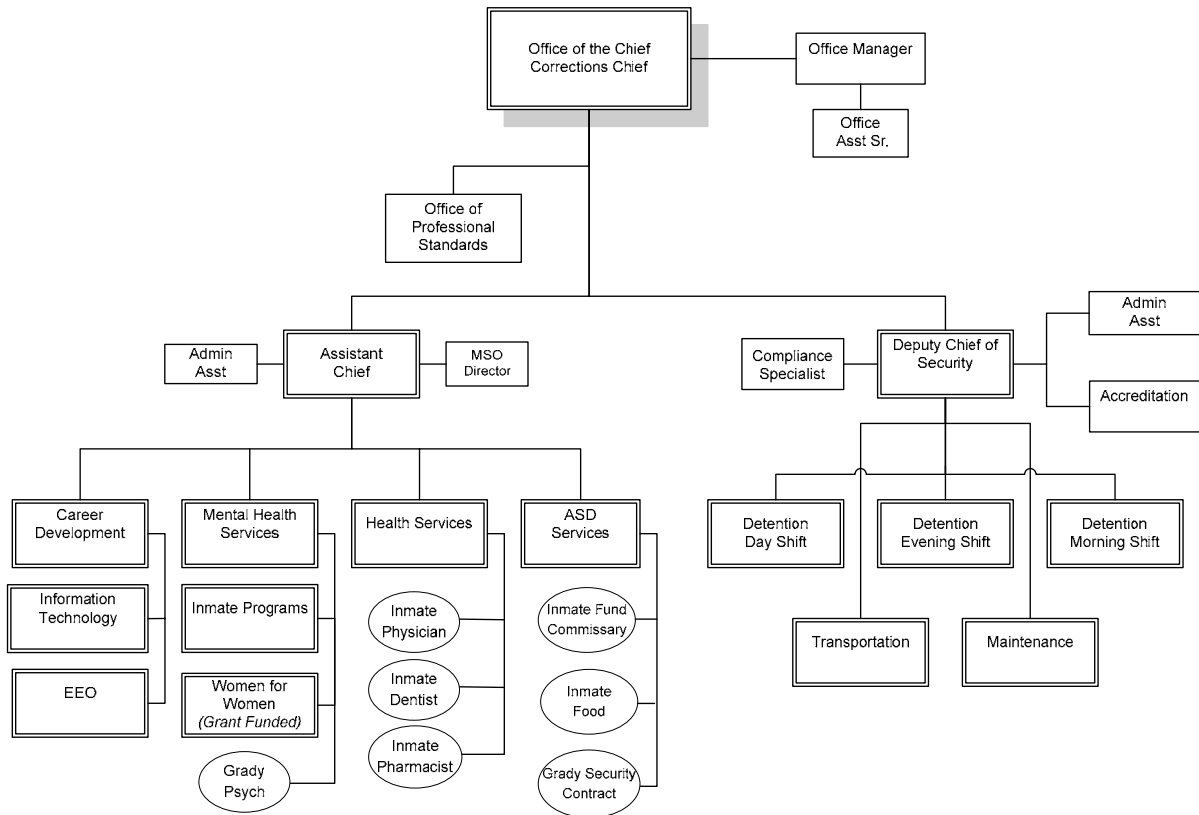
The facilities hold people arrested for crimes in the city who are awaiting pretrial court proceedings or trial, and people convicted of ordinance and misdemeanor offenses who are sentenced to serve time. The detention center also houses, under contract, federal and state inmates who are awaiting pretrial court proceedings, trial, or sentencing in other jurisdictions. The department's mission is to provide "safe, secure, humane and efficiently managed correctional institutions; correctional programs which successfully reintegrate offenders into the community; and delivering the highest level of services to its customers." According to department staff, it is unusual for a city to operate a local jail, typically operated by county sheriffs.

The adopted budget authorized the department 472 positions and budgeted \$38.5 million in fiscal year 2009, a reduction of 84 positions and an increase of \$3.2 million from its fiscal year 2008 budget. The department is organized into three operating divisions:

- **Office of Corrections Chief** – conducts background investigations, agency accreditation, internal investigations, records management, and media/community relations. The office is also responsible for administrative and support services, including procurement, institutional food services, stores management, budget and accounting, payroll and personnel records and inmate accounts.
- **Office of Detention Facilities** – provides security and care of inmates.
- **The Office of Correctional Administration** – manages staff recruitment, development and training. The office also assesses and classifies inmates at intake and provides inmate services such as mental health services, religious programs, substance abuse programs, literacy training, and grievance and complaint system institutional food services, and medical and dental care to inmates. Finally, the office is responsible for information technology.

Exhibit 1 shows the department's most recent organizational chart, updated in fiscal year 2008.

Exhibit 1 Department of Corrections 2009 Organizational Chart



Source: Department of Corrections

Detention Center Designed for Cost-Effective Operations

The Atlanta City Detention Center, opened in 1995, incorporates a podular design to accommodate direct supervision of inmates. Rather than a traditional design with rows of cells intermittently patrolled by corrections officers, the podular/direct supervision design features open areas and dormitory-style rooms and cells surrounding one or more corrections officers. These groups of supervised living units are termed pods. The design is intended to be more economical than a traditional layout because fewer officers can effectively supervise more inmates. Corrections officers have more direct contact and interaction with inmates and can recognize and respond to problems before they escalate. According to industry literature, more humane physical living conditions reduce incentives for vandalism or violence.

The detention center can hold more than 1,300 inmates. The detention center contains 22 pods that can house up to 1,314 inmates. These include 17 pods for general population inmates, 3 special management pods for inmates that require more structure, such as those with mental health or disciplinary problems, and 2 medical pods for inmates requiring medical observation or treatment, but not hospitalization. The general population pods hold between 54 and 84 beds. Two of the pods are dormitory-style; the others are double-bunk cells. The special management pods have single bunk cells.

Staffing levels vary by type of population. General population pods are staffed by at least one correctional officer, located at a security desk in the center of the pod.

According to department staff, the officer can request an additional officer when the number of inmates reaches 72, however, there is no standard policy to assign a second officer. Seven of the 17 general population pods hold more than 72 inmates.



Figure 2
Control Room Connected to Pod

Special management pods are staffed by two correctional officers, one located in an enclosed internal control room with cameras (shown in figure 2), the other roaming. The medical pods are staffed by one correctional officer. In addition, the nearby medical unit has one full-time physician, two registered nurses; one specifically for infectious diseases, one part-time dentist, an x-ray technician, and support staff.

Over Half of Beds Are Leased to Other Jurisdictions

The city entered into an Intergovernmental Service Agreement with the United States Marshals Service (USMS) in 1991 to provide 300 bed spaces each day for federal inmates. The 20-year contract renews annually, unless either party terminates the arrangement in

writing. Under a rider to the agreement, the department also houses up to 150 Immigration and Customs Enforcement (ICE) detainees. ICE is the largest investigative arm of the federal Department of Homeland Security. Most of the ICE inmates have violated immigration laws.

The department also has an agreement with Fulton County to house up to 275 male prisoners to relieve overcrowding at their facility, and for additional prisoners based on bed space availability. In June 2008, Fulton County contracted with the city to increase the number of inmates by 200, for a total of 425 per day.

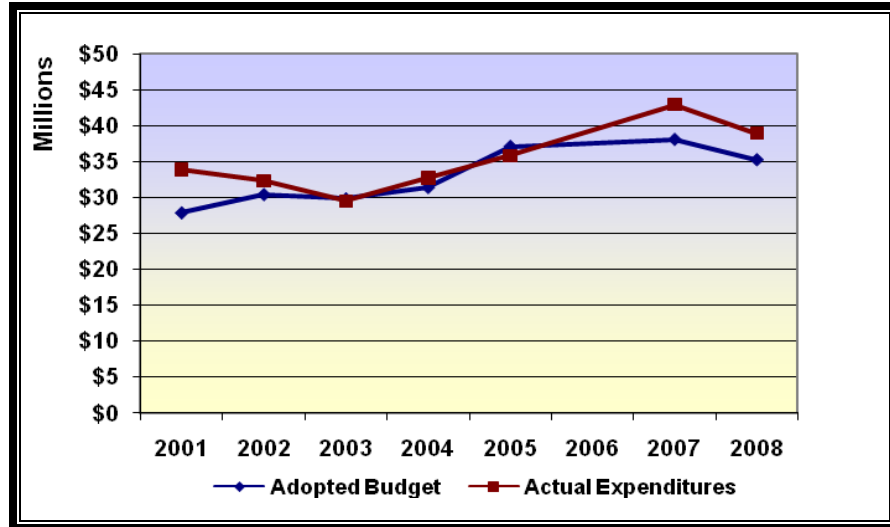
The contracting jurisdictions pay the city \$68 per day per inmate. This per diem rate was established based on a federal government formula that considers actual, allowable expenses. It covers medical expenses provided at the detention center, but not Grady, which are paid separately. Under the federal agreement, the city can renegotiate the per diem rate once a year. Fulton County agrees to pay the federal rate. The initial per diem rate set in 1995 when the facility opened was \$66.53. The city has renegotiated the rate twice, resulting in a decrease to \$53.07 in 2002 and an increase to the current rate of \$68.00 in February 2006.

Corrections Overspent Its Budgets in the Past Several Years

The department spent more than budgeted in the general fund for six of the last seven years, with the biggest gaps in fiscal years 2001 and 2007 (see Exhibit 2). Most of the overspending was on personnel costs, including pension contributions and overtime. About 85% of the department's general fund budget is for personnel. The department overspent its general fund personnel budgets by an average of 9% between fiscal years 2001 and 2008.

The department also receives funding from two other sources, a community development fund and a trust fund. However, the majority of the department's funding, on average about 97%, is from the general fund.

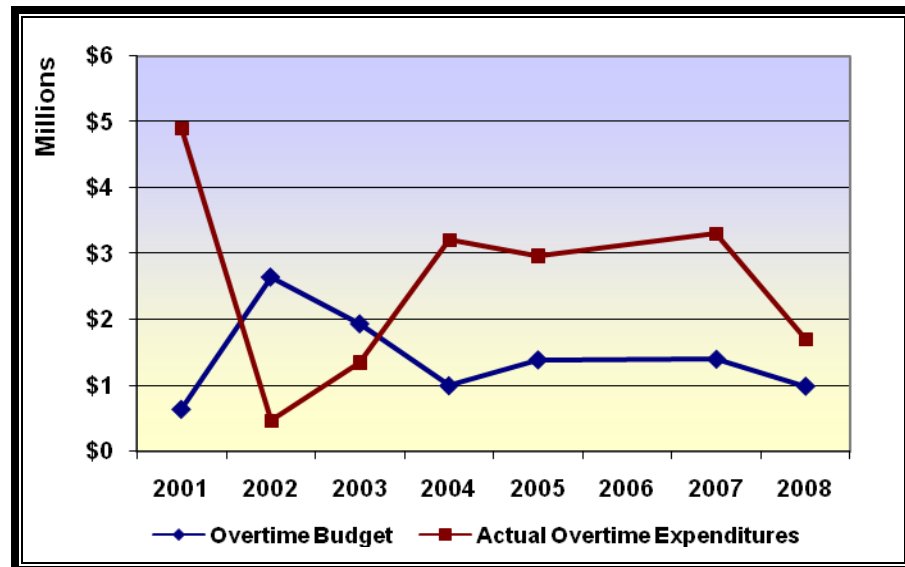
Exhibit 2
Department General Fund Budget Compared
to General Fund Expenditures²



Sources: MARS/G and Oracle

Although the department reduced its overtime spending in fiscal year 2008, overtime was still about \$710,000 higher than the \$1 million budgeted (see Exhibit 3).

Exhibit 3
Department Overtime Budget Compared
to Overtime Expenditures



Sources: MARS/G and Oracle

² We excluded fiscal year 2006 data from this analysis because it lasted only 6 months.

Audit Objectives

This report addresses the following objectives:

- Does the federal per diem rate cover the cost of housing federal and county inmates?
- Is the detention center's staffing level appropriate, considering the facility design and average daily inmate population?
- Have sworn personnel met the mandated certification and training requirements?

Scope and Methodology

We conducted this audit in accordance with generally accepted government auditing standards. We conducted our audit fieldwork from January 2008 through October 2008. Generally accepted government auditing standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

Our audit methods included:

- Interviewing management and line personnel to understand standard operating procedures and departmental practices;
- Observing conditions and procedures at the detention facility;
- Reviewing department Standard Operating Procedures (SOPs);
- Evaluating the reasonableness of the per diem rate by reviewing the accuracy and completeness of the cost worksheets;
- Compiling and analyzing officer leave recorded on watch rosters for fiscal year 2008;
- Compiling and analyzing inmate distribution by pods during fiscal year 2008;

- Reviewing Georgia Peace Officer Standards and Training Council (POST) records to assess whether sworn staff met the state's certification requirements;
- Reviewing the department's training records to evaluate whether sworn staff met the department's 40 hour annual training requirements;
- Reviewing staffing standards and policies; and
- Calculating the numbers of staff by rank needed based on the department's coverage plan and fiscal year 2008 leave, using the National Institute of Corrections (NIC) methodology.

Our analysis of operating data, expenditures and revenues mostly focuses on fiscal year 2008, the most recent full year for which data are available.

Findings and Analysis

Operating Practices Push Costs Above Established Per Diem

The Department of Corrections recovers proportionately less in facility operating costs for housing non-city inmates than the amount of space leased, in part because the per diem has not been adjusted in several years, and in part because costs are too high. Although the detention facility is designed to operate cost-effectively, the department's practice of separating inmates by jurisdiction results in unused capacity and increased personnel costs. The department's staff coverage plan is based on the facility rather than the number of inmates housed. Excessive leave also increases the department's costs and contributes to employees' perceptions that the department is understaffed.

Because the department treats most of its costs as fixed – most costs do not vary based on the number of inmates housed – the decision to lease more bed space to Fulton County benefits the city's bottom line. However, cost recovery will still be proportionately less than the amount of space leased unless the department can negotiate a higher per diem rate or reduce costs. Given the department's experience renegotiating the per diem rate with USMS in 2005, it seems unlikely that a rate increase alone would cover costs. Therefore, the department should take steps to reduce costs, as well as renegotiate the per diem rate.

We recommend the department discontinue the practice of separating inmates by jurisdiction and rely on its classification system to assign inmates to pods, with a secondary goal of maximizing space used in individual pods and closing pods when not needed on a shift. The department should also take steps to better manage and reduce staff absences. These actions should reduce overtime and staff coverage requirements. The department should then reevaluate its staffing needs.

Per Diem Rate Does Not Cover Costs

The department leased 55% of its detention facility bed space in fiscal year 2008, but covered only 42% of its general fund operating costs in lease revenue. The city's per diem rate was last set in 2005, based on 2004 costs. The department's costs have since increased by 19%. However, the per diem rate was lower than the department's operating costs, because overtime was not considered in the federal calculation and the calculated rate was outside the range the US Marshals Service was willing to pay, suggesting that operating costs were unreasonably high.

Over half of detention facility bed space was dedicated to non-city inmates in fiscal year 2008. The city agreed to provide up to 725 detention facility beds per day to federal agencies and Fulton County for most of fiscal year 2008 and increased the leased bed space to 925 in June 2008. The remaining space was available to house city inmates. Fulton County and USMS used the majority of their contracted bed space. ICE used more bed space than its agreement calls for, which department officials can approve as needed. Overall, the city leased 55% of its detention facility bed space in fiscal year 2008 (see Exhibit 4).

**Exhibit 4
Detention Facility Bed Space and Average Daily Population by
Jurisdiction for Fiscal Year 2008**

| Jurisdiction | Facility Bed Space | | FY 2008 | |
|---------------|-----------------------------|---------------|-----------------------|------------------------|
| | Allocated Beds ³ | % of Facility | Ave. Daily Population | % Allocated Space Used |
| City | 601 | 46% | 348 | 58% |
| Fulton County | 263 ⁴ | 20% | 252 | 96% |
| ICE | 150 | 11% | 166 | 111% |
| USMS | 300 | 23% | 279 | 93% |
| Total | 1,314 | 100% | 1,044 | 79% |

Sources: Jurisdiction Contracts; DOC average daily population data

³ Average daily population excludes Grady.

⁴ The allocated bed space for Fulton County changed during the fiscal year and ranged from 175 in October 2007 to 425, effective mid-June 2008. The number shown is a weighted allocation.

Lease revenue covered less than half of Corrections fiscal year 2008 expenses. The city received \$16.5 million for housing inmates from other jurisdictions in fiscal year 2008, while the department's general fund expenditures were \$38.9 million. Lease revenue covered about 42% of the department's general fund operating expenditures. Cost recovery was proportionately less than the amount of space leased, in part because the per diem rate has not been adjusted for several years and in part because costs are too high.

Per Diem rate was last set in 2005, based on 2004 costs. The city last renegotiated its per diem rate with the USMS in fiscal year 2005, and the rate was effective in February 2006. After completing the required cost worksheet, using its 2004 costs, the department proposed a \$73.43 per diem rate. In negotiations, USMS proposed the current rate of \$68.00, which the former Chief of Corrections accepted.

Not all expenditures are allowable under federal formula. Departments calculating or requesting an increase to the per diem rate summarize direct and indirect costs associated with facility operation on a cost worksheet. This information is then used to calculate the allowable total operating expenditures, and the per diem rate. Although most of the department's expenditures were included in the cost worksheet, overtime costs are not allowable under the federal guidelines. Corrections' overtime in fiscal year 2004 was about \$3.2 million, 10% of general fund expenditures. Further, a USMS representative told us that the cost worksheets are the basis for negotiating the per diem rates, but the agency considers other factors for proposing the reimbursement rate. The representative said that the Office of Federal Detention Trustees has a scale of acceptable rates based on operating costs and other factors, but declined to tell us what the range would be for the Atlanta Detention Facility. The top of the range was \$68.00 in 2005, suggesting that the department's costs were higher than comparable facilities with which the USMS contracts for space.

Recalculating the per diem based on fiscal year 2008 allowable costs and average daily population yields a rate of \$87.31, \$19.31 higher than the rate negotiated in 2005. Fiscal year 2008 general fund expenditures were about 19% higher than fiscal year 2004 expenditures, while average daily inmate population increased by about 4%. Given that we received the top of the range in 2005, it

seems unlikely that a rate increase alone would cover costs. In order to improve cost-recovery, the department will need to cut costs.

Inmate Distribution Results in Unused Capacity and Increased Costs

The department's standard operating procedure is to assign inmates to pods based on a classification system consistent with American Correctional Association (ACA) guidelines, and also by jurisdiction. Neither ACA guidelines nor federal or county housing contracts require inmates to be segregated by jurisdiction. This practice, adopted for administrative convenience, results in unused capacity. All open pods are staffed, but most are not full, and pods are seldom closed. During fiscal year 2008, more than half of the pods averaged below 75% capacity. Consolidating populations into fewer pods could reduce the number of staff required on-duty, reducing overall costs.

Department classifies inmates consistent with the American Correctional Association (ACA) standards. ACA standards require the department to adopt a classification system to evaluate an inmate's housing needs based on risk to himself or others. Under ACA guidelines, classification and housing assignment should consider:

- Mental and emotional stability
- Escape history
- History of assaultive behavior
- Medical status
- Age
- Gender
- Special problems and needs, and behavior
- Legal status; and
- Other custody needs

Consistent with ACA standards, a department classification officer reviews information gathered from the arrest warrant, interviews the inmate, and completes a classification questionnaire with 72 hours of intake to assign each inmate a custody level of 1, 2, or 3. The scale is progressive, where non-violent ordinance violators are classified as a 1, while more serious offenders who potentially pose more risk are classified as a 3. Women and men are housed separately. While the department's policy is to allow inmates in custody levels 1 and 2, or 2 and 3 to be housed together, policy precludes housing inmates in

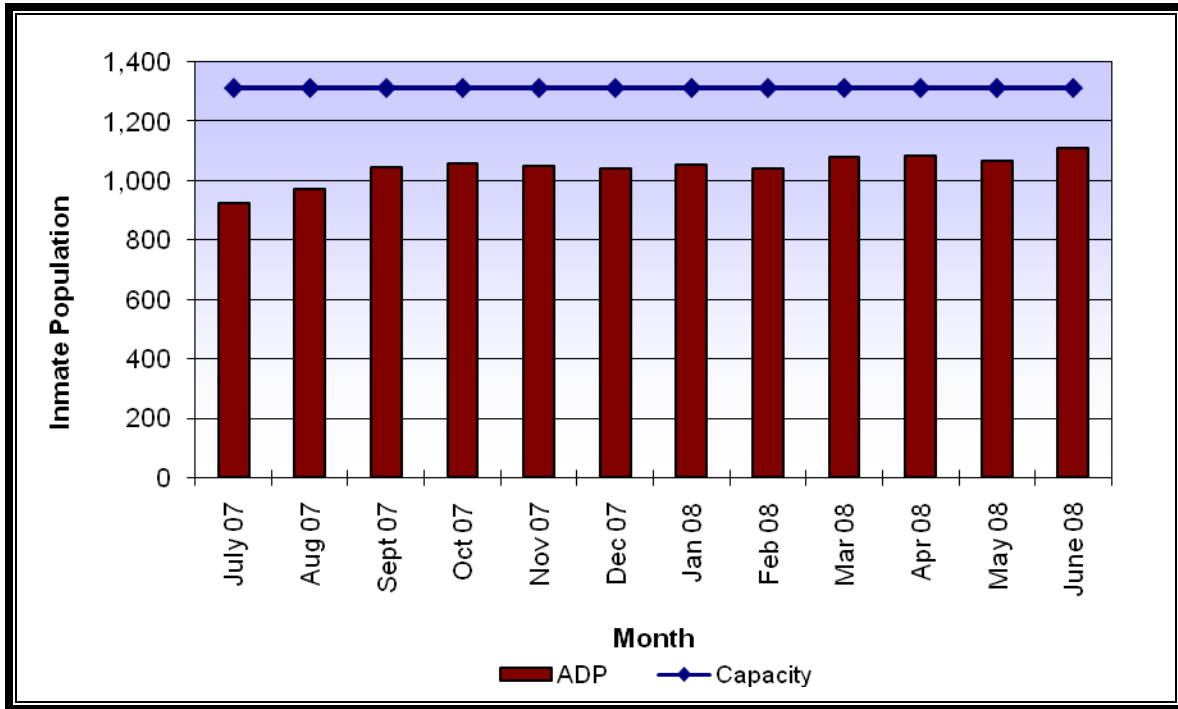
custody levels 1 and 3 together. During a site visit, however, we noted that 15 of the 22 pods contained inmates of all custody levels. Department management said they are still refining the classification system.

According to an October 2007 classification review of the jail conducted by the National Institute of Corrections (NIC), comingling inmates using custody level rather than jurisdiction would allow for optimal use of the housing plan. The NIC report stated that an inmate distribution plan driven primarily by jurisdiction creates “jails within jails.” The report suggested that an option might be to comeingle county and federal inmates, while holding city inmates separate due to their relatively short length of stay in the facility. City inmates stay an average of 16 days, compared to 15 days for an ICE detainee, 58 days for Fulton County inmates and 128 for USMS inmates.

Although not required, the department also distributes inmates by jurisdiction. The department houses inmates from USMS, ICE, Fulton County, and city inmates in separate pods, combining inmates from different jurisdictions only in the special management pods. Department staff said they prefer to separate inmates by jurisdiction for ease of tracking, but acknowledged that most other jurisdictions who house contract inmates do not segregate them by jurisdiction. The ACA does not recommend, nor do the city’s contracts with USMS/ICE and Fulton County require, the department to separate inmates by jurisdiction.

Unused capacity in the detention center averaged 21% in fiscal year 2008. As shown in Exhibit 5, the department’s average daily population each month was below the facility’s maximum throughout fiscal year 2008. On average, the department used 79% of its facility space. One pod (3SW) was closed for part of the year due to inmate vandalism. The department occasionally closes pods if there are no inmates to be placed; this happens primarily with medical pods, which have lower numbers of inmates.

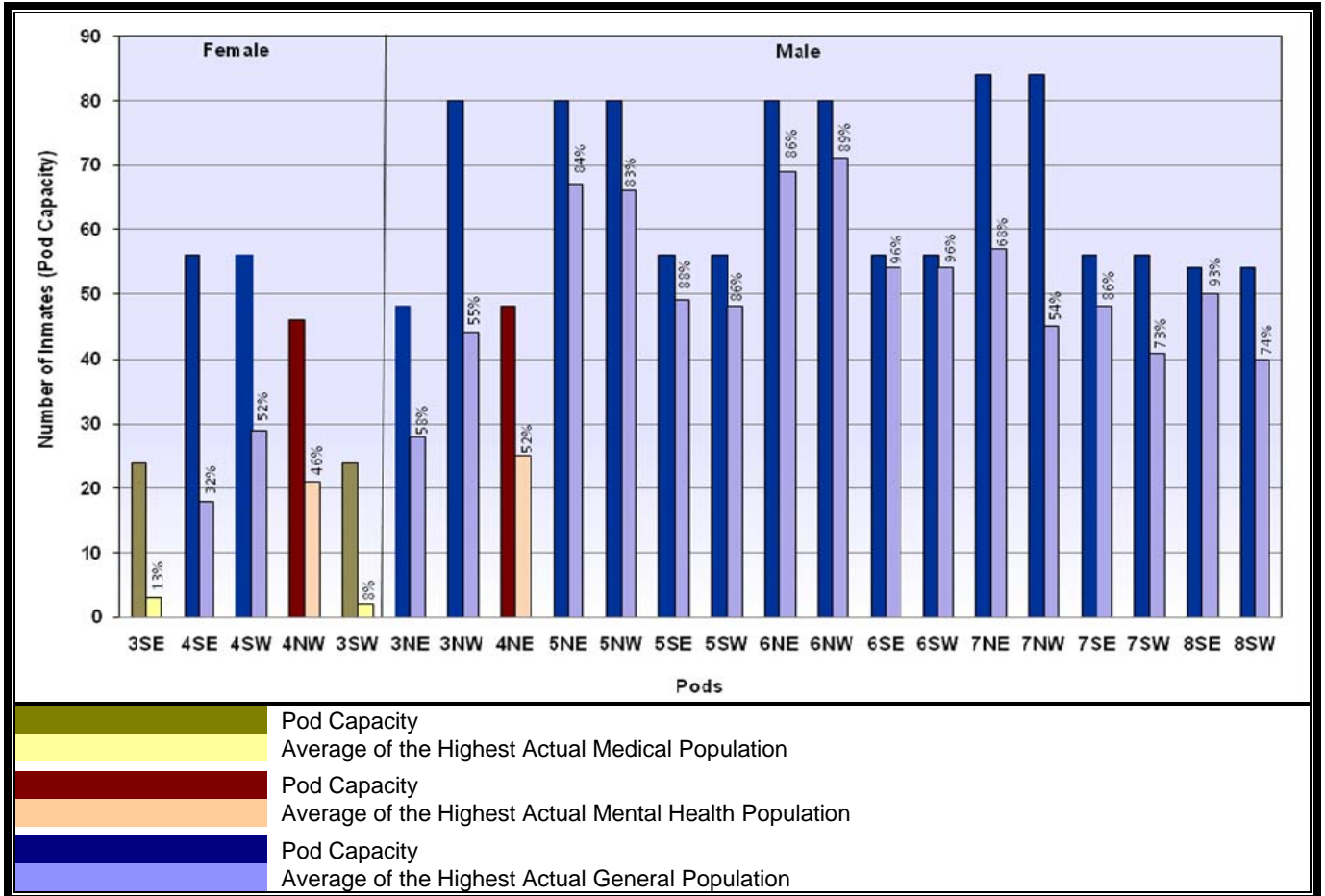
**Exhibit 5
Average Daily Population per Month for Fiscal Year 2008**



Source: Detention Center’s monthly average daily population data, July 2007 through June 2008.

The department’s practice of segregating inmates by jurisdiction left unused capacity in each of the detention facility’s 22 pods. Exhibit 6 compares average daily inmate population in fiscal year 2008 to bed space per pod. More than half of the pods averaged less than 75% capacity during fiscal year 2008. Special management pods and pods for female inmates had the most unused space. Consolidating populations into fewer pods could reduce the number of staff required to be on-duty, reducing overtime. On most days in fiscal year 2008, the department could have eliminated the need to staff one female pod and two to three male pods.

Exhibit 6 Inmate Distribution by Pod in Fiscal Year 2008



Source: Detention Center's daily operational count sheets, July 2007 through June 2008. Shift counts were missing for five of 366 days during the leap year.

Combining inmates from different jurisdictions will better accommodate the additional Fulton County inmates. The department presently dedicates five general population pods to Fulton County inmates: 3NW, 5SW, 5SE, 7SW and 7SE. These pods have a combined capacity of 304 beds. As of June 2008, the city has agreed to provide up to 425 beds for Fulton County inmates. Department management said they have used medical pod 3SE (an additional 25 beds) for Fulton County overflow, although they prefer not to do this. The department could revise the pods designated for Fulton County inmates to increase capacity, but it seems simpler and more consistent with ACA guidelines to discontinue the practice of separating inmates by jurisdiction.

We recommend the department stop separating inmates by jurisdiction and rely on its classification system to assign inmates to pods, with a secondary goal of maximizing pod space used and closing pods when not needed on a shift.

Because special management pods require two correctional officers on duty at all times and have relatively low use, the Department of Corrections should negotiate an extra charge for these inmates from other jurisdictions. Most inmates assigned to special management pods in fiscal year 2008 were city inmates; the city's agreement with Fulton County states that the county will not present inmates with demonstrated behavior problems or whose classification is inappropriate for general population assignment. However, inmates are periodically reassigned as changes in their conditions warrant. Under the agreement, the county will retrieve inmates with 48 hour written notice, but managers told us that this provision isn't enforced for reassignment of inmates to special needs pods. The department should consider revising its agreement with Fulton County to accept some inmates requiring special management and assessing an extra charge. The city's federal agreement does not address inmate classification. The department should negotiate with USMS to assess an additional fee for inmates requiring special management.

Excessive Leave Increases Staff Coverage Costs

Excessive leave drives up staffing costs. The department's practice of segregating inmates by jurisdiction requires a staff coverage plan for the facility irrespective of the number of inmates. Corrections officers were absent for leave or training approximately one-fifth of their scheduled shifts in fiscal year 2008. The department cannot achieve its – arguably overgenerous – coverage plan with the number of employees it has now, given this level of absences. The department compensates for lack of staff with overtime and reduced support post coverage, increasing costs that cannot be recovered through lease revenues and likely contributing to employees' perceptions that the department is understaffed.

Staffing plan does not vary based on inmate population. The department developed a fiscal year 2008 staff coverage plan for the detention facility as recommended by the National Institute of Corrections (NIC). The plan establishes the number of posts – functions such as pod supervision, intake, classification,

transportation, supervision of inmates on work details, and relief officers to cover meals and other breaks – and the number of correctional officers needed to fill each post (see Exhibit 7). The posts are prioritized on a scale of 1 to 4 - where 1 is critical to facility operations and 4 is the least necessary. All housing pods posts are priority 1, meaning that they are never left unstaffed. In effect, the department is staffing the facility for maximum inmate capacity each shift.

**Exhibit 7
Number of Posts by Priority**

| Priority | Day Shift # of Posts | Evening Shift # of Posts | Morning Shift # of Posts | Total Per Day |
|--------------|----------------------|--------------------------|--------------------------|---------------|
| 1 | 64 | 46 | 45 | 155 |
| 2 | 21 | 15 | 13 | 49 |
| 3 | 15 | 06 | 04 | 25 |
| 4 | 17 | 15 | 14 | 46 |
| Total | 117 | 82 | 76 | 275 |

Sources: Audit analysis of Department of Corrections' staff coverage plan and shift schedules.

Absences require overtime or reduced support coverage. Shift lieutenants prepare the shift schedules for each day, using an NIC format. When a correctional officer on the schedule is unavailable to cover a post due to training or leave, the shift major may: ask an officer from the previous shift to cover the absent officer's post by working overtime; move an officer who would normally perform other functions, such as front office duties, to the absent officer's post; or "collapse" that post by leaving it unstaffed if it is priority 2 or lower. Three-quarters of the posts are priorities 1 and 2; priority 1 posts are never collapsed and priority 2 posts are rarely collapsed, according to department staff.

Sworn personnel were unavailable to work 21% of their scheduled shifts in fiscal year 2008. We compiled leave data by rank and type from the department's shift schedules for each shift from July 1, 2007 through June 30, 2008. On average, sworn personnel were unavailable to work 21% of their scheduled shifts in fiscal year 2008. Training, which is a necessary part of fulfilling sworn duties, accounted for about 12% of the absences. Excluding absences for training, personnel were unavailable to work about 19% of their scheduled shifts – the equivalent of about 48 days of leave for the year for each sworn employee (see Exhibit 8). This average

includes a few employees with long-term absences for military leave, but most of the leave was sick leave, annual leave, and compensatory time. According to city policy, these types of leave are granted by the appointing authority, and must be requested before taken.

Shift supervisors record absences and reasons for absences on the shift schedules. The department uses the schedules to track absences covered by the federal Family Medical Leave Act (FMLA), which is not separately recorded in the city's timekeeping system. Department officials expressed concern about the impact of FMLA, stating that Corrections staff uses twice as much Family Medical (FMLA) leave as other city employees. FMLA accounted for about 9% of absences.

**Exhibit 8
Hours Available for Work by Rank in Fiscal Year 2008**

| Net Annual Work Hours Calculation (in hours) | Officer | Sergeant | Lieutenant | Captain | Major |
|--|----------------|-----------------|-------------------|----------------|--------------|
| Total hours contracted per employee per year | 2,091 | 2,091 | 2,091 | 2,091 | 2,091 |
| Minus average training hours per employee | 43 | 92 | 50 | 138 | 46 |
| Subtotal | 2,048 | 1,999 | 2,041 | 1,953 | 2,045 |
| Minus average annual leave hours per employee | 106 | 104 | 109 | 116 | 48 |
| Minus average sick leave hours per employee | 146 | 83 | 102 | 84 | 10 |
| Minus average FMLA leave per employee | 39 | 52 | 21 | 81 | - |
| Minus average other types of leave per employee | 94 | 107 | 70 | 201 | 359 |
| Net Annual Work Hours | 1,663 | 1,654 | 1,740 | 1,472 | 1,627 |
| Leave hours/Non-training work hours | 18.8% | 17.3% | 14.8% | 24.7% | 20.4% |
| % available to cover shift | 80% | 79% | 83% | 70% | 78% |

Sources: Audit analysis of Department of Corrections' shift schedules, July 1, 2007 through June 30, 2008, and payroll records.

The department cannot meet its coverage plan with the number of employees it has now, given the high level of absences. The department is 115 full-time equivalents (FTEs) short of the number of sworn staff needed to meet its coverage plan with employee absences at the level that occurred in fiscal year 2008 (see Exhibit 9). We calculated the number of employees needed to meet the coverage plan using the methodology described in the NIC

workbook.⁵ The department needed 457 full-time equivalents to cover all the posts identified in its staff coverage plan⁶, based on available work hours in 2008, but only had 342 sworn staff as of August 18, 2008. The department only had enough staff to cover priority 1 and 2 posts (see Exhibit 10).

Exhibit 9
Sworn Staff Needed by Rank for Coverage Plan
With Fiscal Year 2008 Absences

| Job Title | FTEs Needed | Actual FTEs | Difference |
|--------------|-------------|-------------|--------------|
| Majors | 4 | 3 | (1) |
| Captains | 8 | 4 | (4) |
| Lieutenants | 13 | 14 | +1 |
| Sergeants | 40 | 34 | (6) |
| Officers | 392 | 287 | (105) |
| Total | 457 | 342 | (115) |

Sources: Department of Corrections Staff Coverage Plan; Shift Schedules for FY 2008; Actual Staff as of August 18, 2008 provided by DOC staff.

Exhibit 10
Sworn Staff Needed by Post Priority for Coverage Plan
With Fiscal Year 2008 Absences

| Post Priority | FTEs Needed | Actual FTEs | Difference |
|----------------|-------------|-------------|------------|
| 1 | 260 | 342 | 82 |
| 1 and 2 | 341 | 342 | 1 |
| 1, 2 and 3 | 378 | 342 | (36) |
| 1, 2, 3, and 4 | 457 | 342 | (115) |

Sources: Department of Corrections Staff Coverage Plan; Shift Schedules for FY 2008; Actual Staff as of August 18, 2008 provided by DOC staff.

Better managing leave and reducing coverage requirements would require fewer sworn staff. Cutting non-training leave in half would reduce the number of FTEs needed to meet the department's staff coverage plan to 413, and would allow the department to cover priority posts 1 through 3 (see Exhibit 11). The chief of corrections should take steps to monitor and reduce excessive absences.

⁵ National Institute of Corrections, *Staffing Analysis: Workbook for Jails – Second Edition*, Washington, DC: United States Department of Justice, March 2003, p. 1-47. See Appendix B for a description of the methodology.

⁶ This figure excludes support and non-sworn personnel.

Exhibit 11
Sworn Staff Needed for Coverage Plan by Post Priority if Absences Are Decreased by Half

| Post Priority | FTEs Needed | Actual FTEs | Difference |
|----------------------|--------------------|--------------------|-------------------|
| 1 | 234 | 342 | 108 |
| 1 and 2 | 307 | 342 | 35 |
| 1, 2 and 3 | 342 | 342 | 0 |
| 1, 2, 3, and 4 | 413 | 342 | (71) |

Sources: Department of Corrections Staff Coverage Plan; Shift Schedules for FY 2008; Actual Staff as of August 18, 2008 provided by DOC staff.

We have argued that the staff coverage plan is generous because it staffs for unused capacity. If the department could further reduce its coverage needs proportionate to the average number of inmates housed – by closing unused pods and reducing priority 4 posts, for example – the department could reduce the number of FTEs needed to 373. The Chief of Corrections should reevaluate the department's staffing needs in light of our other recommendations.

The Majority of Sworn Officers Are Certified and Trained

State law requires all sworn officers to be certified within six months of hire. As of May 2008, 92% of the department's officers were certified, with an additional 2% still within the time allowed by law to complete their certification after hiring. In addition, 94% of the officers met the department's annual training requirement of at least 40 hours per year in calendar year 2007. Industry literature identifies officer training as essential to operating direct supervision facilities because of the lack of physical separation between officers and inmates.

Nearly All Sworn Officers Met Certification Requirements

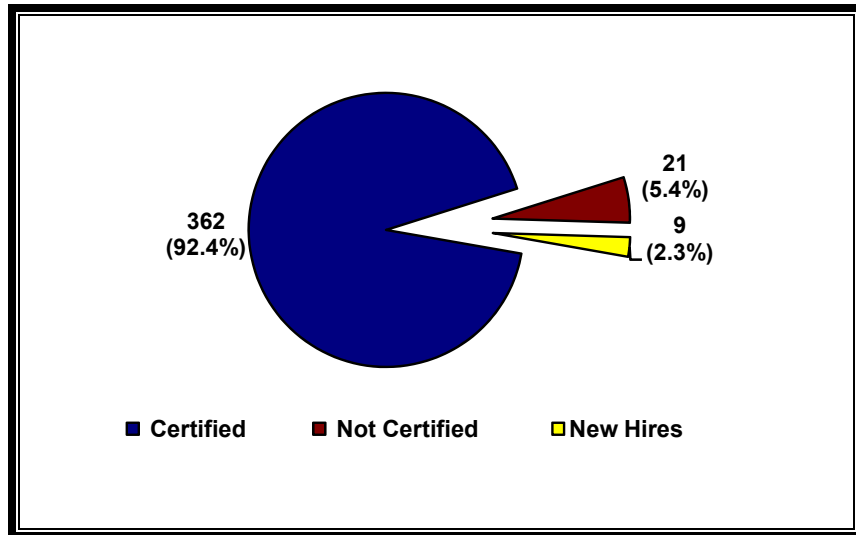
The city's Integrity Line received a number of calls alleging that corrections officers weren't properly certified. State law requires that all correctional officers be certified by the Georgia Peace Officers Standards and Training board (POST). Our review of POST records confirmed that 92 percent of officers were certified.

State law requires correctional officer certification. State law requires a jail officer hired after January 1, 1999, to complete the

required training course to become certified within six months of the initial employment date. Officers who do not fulfill this requirement are precluded from working as a correctional officer. Fulton County and United States Marshal Services/ICE boarding contracts require the department adhere to state and local laws that govern the facility.

Six percent of sworn officers were not certified. As of May 7, 2008, 362 (92%) of 392 officers met the certification requirement. Of the 30 uncertified officers, twenty-one should have been certified by May 7, 2008, and nine were new hires who still had time to complete certification (see Exhibit 12). Uncertified officers were of the following ranks: 13 officers, 3 senior officers, 3 sergeants, 1 lieutenant, and one deputy chief. We provided the list of uncertified officers to the department for follow-up. The department should ensure that these officers meet the state requirements to limit the safety risk to the officers and inmates. Uncertified officers should be prohibited from working as a jail officer until they have obtained certification.

Exhibit 12
Certification Status of Sworn Personnel



Source: Documentation obtained from the Georgia Peace Officer Standards and Training Council as of May 7, 2008.

Most Sworn Officers Received Annual Training

The department's standard operating procedures require all employees in contact with inmates receive at least 40 hours of training per year. Industry literature identifies training as a key

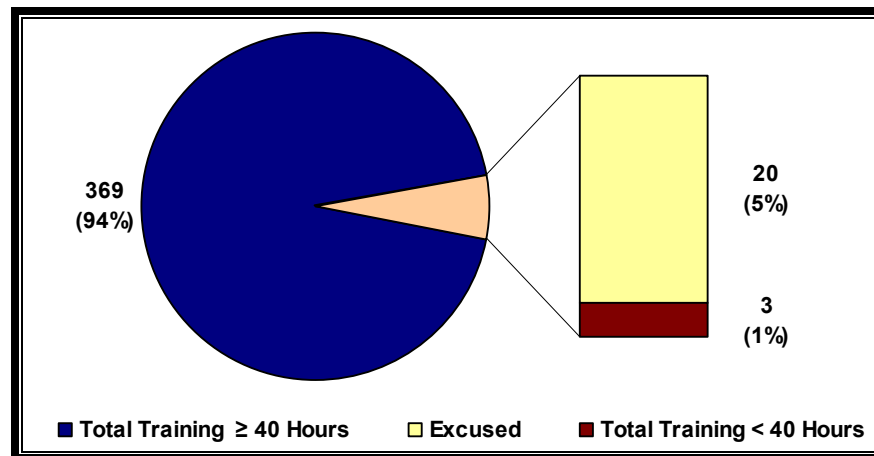
component to successfully operating a direct supervision detention facility. The majority of sworn staff met the training requirement in calendar year 2007.

Departmental standard operating procedures require correctional officers to receive 40 hours of training annually.

The department is seeking American Correctional Association (ACA) accreditation and has incorporated ACA standards into its standard operating procedures. According to department standard operating procedures and ACA standards, new corrections officers (recruits) will receive 120 hours of training prior to entry to duty during their first six months of employment and an additional 40 hours of training each subsequent year of employment.

Less than one percent of sworn officers failed to meet the annual training requirement. The vast majority of sworn officers, 369 of 392, met the department's training requirement in calendar year 2007 (see Exhibit 13). Twenty of the 23 officers who failed to meet the requirement were excused due to sick leave, military leave, or were not on duty for the full year.

**Exhibit 13
Training Status of Sworn Personnel**



Source: Department of Corrections training documentation

The department should ensure that all sworn officers meet the department's annual training requirement of 40 hours.

Recommendations

To address operational inefficiencies and lower operating costs, the Chief of Corrections should:

1. **Redistribute inmates to maximize facility capacity by combining jurisdictions where possible and closing underused pods.** The department should discontinue the practice of separating inmates by jurisdiction and rely on its classification system to assign inmates to pods, with a secondary goal of maximizing space used in individual pods and closing pods when not needed on a shift. This would decrease the number of staff needed in the pods.
2. **Adjust the staffing plan to allow for fluctuations in the inmate population.** The department should modify its staffing plan so that staff coverage can be reduced proportionate to the average number of inmates housed. This would eliminate the need to staff the facility for maximum capacity on each shift.
3. **Reduce leave usage and departmental overtime.** The department should take steps to better manage and reduce staff absences. These actions should reduce overtime and staff coverage requirements. The department should then reevaluate its staffing needs.
4. **Renegotiate the per diem rate based on current expenditures.** In addition to reducing costs, the department should also renegotiate the current \$68 per diem to account for the 19% increase in operational costs. The department should also consider the feasibility of negotiating an extra charge for inmates housed in special management pods due to the additional staff cost associated with those inmates.
5. **Ensure that the uncertified officers become certified.** To comply with state law, all correctional officers should be certified. The department should ensure that these officers meet the state requirements to limit the safety risk to the officers and inmates.

6. **Ensure that sworn officers receive the required 40 hours of annual training.** The department should ensure that all sworn officers meet the department's annual training requirement of 40 hours.

Appendices

Appendix A
Management Review and Response to Audit Recommendations

| | | |
|---|---|------------------------|
| Report # 07.08 | Report Title: Department of Corrections | Date: 12/17/08 |
| Recommendation Responses | | |
| Rec. # 1 | <p>Redistribute inmates to maximize facility capacity by combining jurisdictions where possible and closing underused pods. The department should discontinue the practice of separating inmates by jurisdiction and rely on its classification system to assign inmates to pods, with a secondary goal of maximizing space used in individual pods and closing pods when not needed on a shift. This would decrease the number of staff needed in the pods.</p> | Partially Agree |
| <p><u>Proposed Action:</u> The Department of Corrections is not opposed to closing underutilized pods during periods of reduced intakes and has adhered to this practice in the past. The agency however is not prepared to consolidate offenders from various jurisdictions until a recently implemented classification system is further refined and additional procedural guidelines can be established. A recent decision by the United States Marshals Service to reduce their population at this facility will assist administrators in consolidating space and pursuing in part this recommendation.</p> <p><u>Implementation Timeframe:</u> Ongoing</p> <p><u>Responsible Person:</u> Shift Commanders and the Deputy Chief of Security Operations</p> | | |
| Rec. # 2 | <p>Adjust the staffing plan to allow for fluctuations in the inmate population. The department should modify its staffing plan so that staff coverage can be reduced proportionate to the average number of inmates housed. This would eliminate the need to staff the facility for maximum capacity on each shift.</p> | Partially Agree |
| <p><u>Proposed Action:</u> A staffing review will be conducted annually to determine appropriate personnel levels required to operate a secure facility for the next fiscal year. This review will include assessing detainee population, staff relief factors including entitlements, structural design of the facility, and services provided for detainees that are mandated by law.</p> <p><u>Implementation Timeframe:</u> Ongoing annually prior to the beginning of the new fiscal year</p> <p><u>Responsible Person:</u> Agency Administrators</p> | | |

| | | |
|--|---|-------|
| Rec. # 3 | <p>Reduce leave usage and departmental overtime. The department should take steps to better manage and reduce staff absences. These actions should reduce overtime and staff coverage requirements. The department should then reevaluate its staffing needs.</p> | Agree |
| <p><u>Proposed Action:</u> The agency recently implemented changes to the sick leave policy related to occurrences and abuse which has contributed to a reduction in the number of staff using sick leave. In addition, the transition to the 12 hour shifts has significantly reduced the use of overtime and improved staff attendance.</p> <p><u>Implementation Timeframe:</u> The sick leave policy was changed in October and the transition to 12 hour shifts occurred in December.</p> <p><u>Responsible Person:</u> Shift Commanders</p> | | |
| Rec. # 4 | <p>Renegotiate the per diem rate based on current expenditures. In addition to reducing costs, the department should also renegotiate the current \$68 per diem to account for the 19% increase in operational costs. The department should also consider the feasibility of negotiating an extra charge for inmates housed in special management pods due to the additional staff cost associated with those inmates.</p> | Agree |
| <p><u>Proposed Action:</u> The department requested a rate increase within the last month for housing Federal detainees; however, the recent decision by the United States Marshals Service to reduce the number of offenders housed at the Detention Center will impact income generated from that specific contract. Administrators will pursue negotiating a separate contract with Immigration Custom Service to obtain an increase for their boarded inmates. And the agency will continue to seek additional inmates from Fulton County in an effort to absorb the revenue deduction. Special Management pods are considered a part of normal operations within the correctional or jail setting and additional fees for staffing and managing these areas cannot be charged since the amount is part of the negotiated rate.</p> <p><u>Implementation Timeframe:</u> Immediate and ongoing</p> <p><u>Responsible Person:</u> Agency Administrators</p> | | |
| Rec. # 5 | <p>Ensure that the uncertified officers become certified. To comply with state law, all correctional officers should be certified. The department should ensure that these officers meet the state requirements to limit the safety risk to the officers and inmates.</p> | Agree |
| <p><u>Proposed Action:</u> The Training Department has conducted a staff file audit to ensure all employees are in compliance with State and Federal laws related to certification requirements. This review will be conducted annually to make sure all certifications are maintained. The recent audit indicated all staff with the exception of current new hires that are attending State mandated Basic Jail classes have certifications which are up to date.</p> <p><u>Implementation Timeframe:</u> Ongoing with annual reviews</p> <p><u>Responsible Person:</u> Training Department</p> | | |

| | | |
|---|--|--------------|
| Rec. # 6 | Ensure that sworn officers receive the required 40 hours of annual training. The department should ensure that all sworn officers meet the department's annual training requirement of 40 hours. | Agree |
| <p data-bbox="310 245 548 272"><u>Proposed Action:</u></p> <p data-bbox="149 444 548 472"><u>Implementation Timeframe:</u></p> <p data-bbox="260 496 548 524"><u>Responsible Person:</u></p> | <p data-bbox="575 250 2011 423">The Training Department is developing an annual schedule for staff training that will be managed in conjunction with department heads to ensure all staff receives the required in-service hours mandated by State Law and American Correctional Association accreditation standards. A review of agency training records for calendar year 2008 indicates all staff with the exception of employees on extended medical leave, active military leave, suspensions or pending terminations received the mandated 40 hours of training.</p> <p data-bbox="575 444 680 472">Ongoing</p> <p data-bbox="575 496 842 524">Training Department</p> | |

Appendix B

National Institute of Corrections (NIC) Workbook Methodology

The NIC workbook recommends calculating net annual work hours to determine the number of hours employees are actually available to work. The figure is calculated by subtracting the total amount of time off per employee per year from the total number of hours the employee was hired to work per year. In fiscal year 2008, each employee was hired to work 2,091 hours (40 hours per workweek x 52.28 weeks per year). Fiscal year 2008 was a leap year; therefore, the number of weeks during the year was 52.28 instead of 52.14 to account for the additional day.

Using the methodology outlined in the NIC workbook, we calculated the number of staff needed for the facility at maximum capacity – if all facility bed spaces were occupied. The analysis consisted of:

- reviewing the department's staffing plan to determine the number of posts needed to staff the facility, and the number of officers needed to fill each post;
- calculating the number of hours staff are actually available to work by rank; and
- considering facility activities that influence staffing needs.