



**NORTH CAROLINA
DEPARTMENT OF CORRECTION
DIVISION OF COMMUNITY CORRECTIONS**
2020 Yonkers Road, Raleigh, North Carolina 27604
Phone: (919) 716-3100 Fax: (919) 716-3996



Theodis Beck, Secretary

Michael F. Easley, Governor

Robert Lee Guy, Director

To: Robert Lee Guy, Director
From: Glenn Mills, Senior Administrator
Re: 2008 Durham County (District 14) Investigation Status Report
Date: August 1, 2008

CONFIDENTIAL REPORT: Personnel Sensitive Information Contained

Background:

The following report is a status update on personnel, operations, and case management practices in District 14. This report will also give a brief history of circumstances that made this report necessary.

An investigation was ordered by Director Robert Lee Guy as a result of a Serious Crime Report dated March 13, 2008 on probationer Lawrence Lovette. Lovette had been charged with the murder of Abhijit Mahato (Duke University student); date of offense was January 18, 2008. Lovette was also charged with the murder of Eve Carson (UNC-Chapel Hill student); date of offense was March 5, 2008. Lovette was placed on 24 months probation for Larceny (Principal), Misdemeanor B&E (Principal), and Vehicle B&E (Attempted) on January 16, 2008. Lovette was sentenced to a community punishment with the following conditions:

- ✦ Not to go on or about the premises of 3120 Devon Road;
- ✦ To maintain participation in high school equivalency program (if not already done so);
- ✦ TASC Assessment;
- ✦ Pay restitution;
- ✦ Pay supervision fees;
- ✦ Pay court costs;
- ✦ Not to possess or use controlled substances;
- ✦ Submit to drug screenings; and
- ✦ Submit to warrantless searches.

As a result of the serious crime audit, supervision deficiencies were noted on offender Lovette. This audit was then expanded to include the full caseload of Officer Chalita Thomas. The audit was later expanded to include cases that met criteria defined on the following page. The following is a status report on District 14 since March 28, 2008.

Findings:

An analysis of District 14's personnel staffing was conducted and the following was revealed:

- ✦ 87 total positions of which 73 are certified (supervising an offender population of over 4,300);
- ✦ 32 staff had less than 5 years experience;
- ✦ 12 staff had greater than 5 years, but less than 10 years experience;
- ✦ 27 staff had greater than 10 years experience; and
- ✦ There were 16 vacancies (14 were certified positions).

It was evident from the personnel analysis that District 14 was in a crisis situation with its workforce. The concern now was to determine how case management was being carried out to provide effective supervision of offenders in Durham County. A team of supervisors were selected from other areas of the state to conduct case audits. These audits were to review case management practices in District 14. The team was assembled and conducted case audits April 9, 2008 through May 9, 2008. The cases selected for audit met the following criteria:

- ↻ Cases with no OMC (offender management contact), OC (office contact) or FC (field contact)/HC (home contact) within the last 90 days;
- ↻ Cases expired but still open on officers' caseload printout (PP40 screen);
- ↻ Cases due to expire within 120 days;
- ↻ Absconder cases coded as suspended with no warrants on file; and
- ↻ Cases with outstanding warrants but not coded as suspended status.

The case audits revealed case management problems throughout the District. Deficiencies noted were:

- ↻ Case files were not in order;
- ↻ Violation reports completed just before the end of the probation term;
- ↻ Cases were allowed to expire without proper action being taken;
- ↻ Cases that received an intermediate sanction were not immediately assigned to the sanction per policy;
- ↻ Cases were being transferred too often from officer to officer or to vacant caseloads for no apparent reason;
- ↻ Offender photos were not taken;
- ↻ Cases expired owing money;
- ↻ Community Service hours were not being addressed;
- ↻ Curfew checks were not conducted per policy;
- ↻ No attempts made to locate absconders;
- ↻ Appropriate amount of field work was not being done;
- ↻ Narratives needed more detail; and
- ↻ Some case files were not found.

The following chart shows the breakdown of the audits conducted from April 9, 2008 through May 9, 2008.

District 14 Audits					
	OK	Mod Problems	Serious Problems	Admin Followup	Total
4/9/2008-4/10/2008	60	22	92	93	267
4/14/2008-4/15/2008	4	19	21	20	64
4/16/2008-4/18/2008	17	36	153	42	248
4/21/2008-4/25/2008	32	93	278	146	549
4/28/08-05/09/08	147	360	247	292	1046
Total	260	530	791	593	2174
	12%	24%	36%	27%	

During the audit process, I met several times with the audit team to be briefed on the case management problems. These briefings confirmed that District 14 was in a crisis situation. The audit team was concerned with the number of vacancies and the lack of supervision that was being provided to the offender population in District 14.

At this point, a decision was made to reassign the manager based on the results of the case audit and the fact there was no apparent crisis plan in place to deal with the numerous vacancies. The Judicial District Manager for District 14 was temporarily reassigned as acting manager for District 9A effective May 5, 2008.

The current Judicial District Manager of District 9A was temporarily reassigned to District 14, also effective May 5, 2008. This reassignment was necessary to have an outside manager evaluate the District and implement an action plan to address the crisis.

The acting manager has made the following observations about District 14:

- ↻ Judicial Services office was closing down for lunch when court recessed for lunch;
- ↻ Assistant JDM was constantly on the phone, either office phone or cell phone (goes on all day);
- ↻ Missing case files (audit team had trouble locating several files);
- ↻ Expired cases with no action taken prior to expiration;
- ↻ New hires were just sitting around reading manuals;
- ↻ Inexperienced officers were handling violations in court;
- ↻ CPPOs were constantly having to be away for child care issues;
- ↻ CPPOs and some officers use sick leave indiscriminately;
- ↻ TAPs were not being performed in a timely manner;
- ↻ CPPOs have little knowledge of TAP process;
- ↻ TAP performance ratings were not accurately reflective of the employee's performance (ratings appeared to be higher than the job performance warranted);
- ↻ CPPOs do not have a good understanding of how to perform and rate a case review;
- ↻ Cases with problems were not marked for follow-up action;
- ↻ Assistant JDM was performing all the site security updates;
- ↻ CPPO time reports were not being submitted timely (some had not submitted any reports for a month or more);
- ↻ Substantial amount of surplus equipment was on site, taking up needed space;
- ↻ DRC Director was not pleased with the performance of one of the officers assigned to the DRC location; and
- ↻ There did not seem to be much structure or protocol as to how things were done (everything was dealt with in a spontaneous manner).

The following immediate actions were taken or are in the process of being implemented to address management issues:

- ↻ Judicial Services no longer closes down for lunch, someone maintains the office from 8:00am to 5:00pm;
- ↻ Phone calls to Assistant JDM may have slowed a bit but are still frequent. He indicates it is because CPPOs don't know how to deal with certain situations. This is a procedure that has evolved over time and will take some time to resolve;
- ↻ CPPOs have been instructed that any transfer of a case from one officer to another will be done through the CPPO. The sending CPPO is to review the file and then it goes to the receiving CPPO for review and assignment. If there is any dispute or disagreement among the CPPOs, then the matter comes to the Assistant JDM to be resolved;
- ↻ CPPOs have been instructed that only a trained or experienced officer/CPPO will handle a violation in court due to vacancies or assigned officer not available;
- ↻ A batch job of expired cases was given to the CPPOs with a directive to clean it up and bring caseloads current;
- ↻ After the initial day of employment, newly hired officers are now sent to Judicial Services to observe court and to learn and assist with the processing of new cases;
- ↻ JDM has assisted some CPPOs with TAP procedure (training will be scheduled for this);
- ↻ OPUS training will be scheduled for CPPOs to learn more about how to have oversight of what is going on in their unit;
- ↻ New officers or officers with little experience or poor performance will be scheduled for training in OPUS, AOC/FMS, narrative entry, Offender Management Contact requirements, case management and violation reports;
- ↻ The OAIIV has received additional site security training (this duty should be handled by this position once the reorganization is complete);
- ↻ CPPOs have been directed to turn in time reports weekly;
- ↻ Reorganization of units taking place in District 14; and
- ↻ A process is underway to get the surplus equipment removed.

The following is a status update on case management/supervision contacts made by staff from May 9, 2008 (when the audit team completed their work) until June 3, 2008:

District 14 Offender Contacts 05/09/08-06/03/08*		
Furlow	514XA	338
Mardis	514XB	365
Shultz	514XC	242
Kelley	514XD	362
Armston	514XE	330
Morris	514XF	317
Eason	514XG	140
Total		2094

*This shows the number of offenders who were contacted during this timeframe via OMC, home, field, or office.

District 14 Contacts 05/09/08-06/03/08**					
	Home	Field	Office	OMC	
514XA	146	13	69	234	462
514XB	133	18	93	285	529
514XC	179	21	70	186	456
514XD	287	55	186	304	832
514XE	135	61	37	240	473
514XF	177	34	159	223	593
514XG	35	9	29	110	183
Total	1,092	211	643	1,582	3528

*This shows the number of contacts made during this timeframe via OMC, home, field, or office. Some offenders had multiple contacts.

On June 3, 2008 through June 5, 2008, the outside audit teams returned to District 14 to assist with the case audit follow up reviews from the April/May audits and assess the progress District 14 had made regarding corrective action. The audit team's review of the follow ups revealed that District 14 has made little progress and extensive work is still needed.

The following chart shows the status breakdown for the follow up audits for June 3, 2008 to June 5, 2008:

Durham Audit Summary 06/03/08-06/05/08					
Unit	OK	Mod Problems	Serious	Admin Follow up	Total
514XA	19	22	181	84	306
514XB	12	21	31	24	88
514XC	74	6	8	15	103
514XD	6	2	0	1	9
514XE	1	21	2	19	43
514XF	46	6	52	50	154
514XG	7	2	0	0	9
Total	165	80	274	193	712

Under the leadership of acting manager, John Lee, and with assistance from Cynthia Williams, Chief of Support Services and Shanon Phillips, CCA Division II, action plans have been developed and approved.

The new organizational structure, described under the operations plan below, outlines how staff will be moved in judicial services, special operations, and field units to maximize officer resources to provide better supervision of offenders. Also outlined are the personnel transactions, disciplinary issues, TAP evaluations and investigations, caseload management proposal, and recommended training needs.

OPERATION PLANS

District:

- | | <u>Status</u> |
|--------------------------------------------------------------------------------------------------------------------|---------------|
| ↻ Develop courtesy plan to distribute courtesy cases between units | Pending |
| ↻ Request that contact requirements be relaxed until the vacancies are filled and new hires receive basic training | Pending |

Judicial Services:

- | | <u>Status</u> |
|-------------------------------------------------------------------------------------|---------------|
| ↻ Move trained PPOIs out of judicial services to the field; | Completed |
| ↻ New hire PPOIs start out in judicial services; | Completed |
| ↻ Cross train Community Service Coordinators to process probation cases; | Pending |
| ↻ Surveillance Officer in judicial services unit will perform the following duties: | Completed |
| • Investigations; | |
| • Home contacts for PPOIs; and | |
| • Check on non-compliant offenders. | |

Special Operations:

- | | <u>Status</u> |
|-----------------------------------------------------------------------|---------------|
| ↻ EHA: combine 2 caseloads into one, move officer to DV | Pending |
| ↻ DRC: reduce from 3 to 2 officers, move officer to DV | Pending |
| ↻ Sex Offender officers: no change | Completed |
| ↻ CTG: keep 2 officers, move out of special ops to a field unit | Pending |
| ↻ TROSA: keep 2 officers, move out of special ops to a field unit | Pending |
| ↻ School Partnership Officer: move out of special ops to a field unit | Pending |
| ↻ DTC: no change | Completed |

Reorganization:

Unit Reorganizations

Increased from 7 units to 10 units:

- (1) Judicial Services Unit
- (2) Special Ops Units
- (6) Field Units
- (1) Special Enforcement Unit (3 Surveillance Officers)

Status

Approved, Pending
Implementation
Target Date 7/11/08

Reporting Relationships:

- ↻ JDM: 3 Units (Judicial Services, Special Ops)
- ↻ AJDM: 6 Field Units and Special Enforcement Unit

Ratios will be:

<u>Staff to Supervisor</u>	<u>Approximate Offenders – Unit Type</u>	<u>Status</u>
• 7:1	333 – Field	Pending
• 6:1	392 – Field	Pending
• 7:1	346 – Field	Pending
• 7:1	389 – Field	Pending
• 7:1	227 – Field	Pending
• 7:1	448 – Field	Pending
• 8:1	438 – Special Ops	Pending
• 8:1	439 – Special Ops	Pending
• 11:1	466 – Judicial Services Unit	Pending
• 3:1	405 – Special Enforcement Unit*	Pending

* 3 Surveillance Officers as special enforcement unit reports to AJDM. These officers will do work for the 6 Field Units as coordinated by AJDM.

PERSONNEL TRANSACTIONS

Reallocations in Durham:

	<u>Status</u>
↻ SO # 64743 to a POII	Completed
↻ ICO # 64589 to a POII	Completed
↻ SO # 64744 to a POII	Completed
↻ SO # 64781 to a CPPO	Completed
↻ SO # 64783 to a CPPO	Completed
↻ POI # 61436 to a POII	Completed
↻ POI # 64598 to a POII	Completed
↻ POI # 64517 to a POII	Completed
↻ POI # 65704 to a POII	Completed
↻ OAIH # 64719 to a Data Entry Specialist	Pending

Positions transferred into Durham County:

	<u>Status</u>
↻ CSDC # 67173 – transferred from Cumberland County	Completed
↻ SO # 64739 – transferred from Wake County and reallocated to a POII	Completed

As of June 23, 2008, there are 10 vacancies. The chart below shows the status of those vacancies.

Position #	Position	Date Vacated	County	Posting Ends	Applicant	Date Selected	Notes
64598	PPO II	4/7/2008	Durham	6/26/2008			
61436	PPO II	4/11/2008	Durham	7/3/2008			
64589	PPO II	4/11/2008	Durham	7/3/2008			
64743	PPO II	10/1/2007	Durham	4/24/2008	██████████	5/13/2008	██████████ is scheduled to process at the REO 6/9/08. Awaiting final approval, waiting on MMPI screening to be conducted
67173	CSDC	2/29/2008	Durham	posting waived	██████████	6/4/2008	Package to REO 6/20/08 for final approval
64657	PPO I	5/12/2008	Durham				Reall completed by DOC 6/08, try to fill from one of the 3 posted
65704	PPO I	5/12/2008	Durham				Reall completed by DOC 6/08 try to fill from one of the 3 posted
64744	PPO II	4/1/2008	Durham	5/22/2008			██████████ declined 6/20/08, need to review interview pool for another selection
67205	CSDC	5/5/2008	Durham	5/15/2008	██████████	6/4/2008	working on salary, waiting to hear back from DOC Personnel
64649	PPO II	5/9/2008	Durham	5/8/2008	██████████	6/13/2008	Received approved trainee progression 6/23/08, called out to extend COE 6/23/08
* pink - positions that are currently posted			* light green - position at REO, awaiting final			* yellow - positions are ready to be filled.	
* purple - positions out for interviews			* red - waiting on action from DOC personnel.			* peach - waiting for paperwork from JDM	
* light blue - waiting for selection							

PERSONNEL DISCIPLINARY ISSUES

		<u>Management:</u>	<u>Status</u>
↻	Geoffrey Hathaway	Voluntary Demotion	Completed
↻	Theron Dennis	Reassignment	Completed
		<u>Supervisors:</u>	<u>Status</u>
↻	[REDACTED]	Written Warning (serious crime & audit issues)	Completed
↻	[REDACTED]	Demotion (serious crime & audit issues)	Completed
↻	[REDACTED]	Coaching and Action Plan	Pending
↻	[REDACTED]	Coaching and Action Plan (Active written warning, move out of Special Ops to a field unit)	Pending
↻	[REDACTED]	No Action Needed	Completed
↻	[REDACTED]	Coaching and Action Plan	Pending
↻	[REDACTED]	Coaching – Time Management	Pending
<u>Supervisors</u>		<u>Officers:</u>	<u>Status</u>
↻	[REDACTED]	[REDACTED] – Demotion	Completed
		[REDACTED] – Written Warning	Completed
		[REDACTED] – Coaching/Action Plan	Pending
↻	[REDACTED]	[REDACTED] – Coaching/Action Plan	Pending
↻	[REDACTED]	[REDACTED] – Coaching/Action Plan	Pending
		[REDACTED] – Coaching/Action Plan	Pending
		[REDACTED] – Coaching/Action Plan	Pending
↻	[REDACTED]	[REDACTED] – Coaching/Action Plan	Pending
↻	[REDACTED]	NONE	N/A
↻	[REDACTED]	[REDACTED] – Coaching/Action Plan	Pending
↻	[REDACTED]	[REDACTED] – Coaching/Action Plan	Pending
↻	[REDACTED]	NONE	N/A

* indicates an active written warning

TAP Review:

Overall, the TAPs indicated that the Chief Probation/Parole Officers know the basic process of maintaining the proper forms and steps to conduct a performance appraisal according to DOC policy and procedure; however, they require remedial training. Most of the work plans were completed timely. Many interim reviews were from one month late to nearly a year late and several final evaluations were late. All ratings were entered into the system prior to the Cycle 20 deadline of June 13, 2008.

Performance Logs had serious deficiencies. Not only were entries not being made on a monthly basis, but the entries themselves did not accurately depict the performance of the employee. In several instances the notation documented was for a failure to perform work in a satisfactory manner and the supervisor rated the entry “good” rather than “below good”. Other entries are simply repeated month after month and many entries are inadequate.

There are six employees in the district with active written warnings (* as noted above) in their files; one person has two active disciplinary actions. Only two of the six had signed action plans. Four of the six TAPs did not adequately reflect that the employee had active disciplinary action, one of which the TAP entry negated the written warning.

Below are other investigations that were also taking place during this time frame:

		<u>Status</u>
➤ February 1, 2008	██████████ Possession of Counterfeit Instrument charges	Pending
➤ March 14, 2008	██████████ EEO Compliant – ██████████	Completed
➤ March 27, 2008	██████████ DWI, Speeding, License Restriction	Resigned
➤ April 4, 2008	██████████ Failure to report speeding charge of 73/55	Written Warning
➤ April 9, 2008	██████████ Undue Familiarity (offender ██████████)	Charge Unfounded
➤ April 18, 2008	██████████	Resolved
➤ April 18, 2008	Anonymous Compliant Misuse of State Vehicle	Resolved
➤ April 18, 2008	██████████ - (offender Cory Jiggetts)	Demotion
	██████████ - (offender Cory Jiggetts)	Written Warning
	██████████ - (offender Cory Jiggetts)	Written Warning
➤ May 27, 2008	██████████ Undue Familiarity (offender ██████████)	Resolved

CASELOAD MANAGEMENT – BLENDING PROPOSAL

Caseload Management:

An analysis of the intermediate position needs for District 14 was completed March 4, 2008. This analysis compared the field staffing needs between the current traditional supervision plan (PPO II average at 60, PPO II average at 25) and intermediate blending (PPO II and III caseloads redistributed with an equal number of all intermediate level offenders). The below chart reflects those findings.

FIELD BLENDED AVERAGE: (PROPOSAL)	
PO 2 average:	78
Total staff needed for 55 average:	23 (+7 staff)
Total staff needed for 50 average:	25 (+9 staff)
(CURRENT) TRADITIONAL SUPERVISION (on street average):	
PO 2 on street average:	85
Total PO 2 staff needed for 55 average:	17 (+6 staff)
Total PO 2 staff needed for 50 average:	19 (+8 staff)
PO 3 on street average:	41
Total PO 3 staff needed for 25 average (on street):	8 (+3 staff)

As reflected above, the District would need a total of 9 staff positions to obtain a blended intermediate average of 50. To maintain the current traditional supervision plan, the District would need a total of 11 staff positions (8 PPO II and 3 PPO III) to obtain an intermediate PPO II average of 50 and an intensive PPO III average of 25.

With the new organizational plan and the personnel transactions that have taken place since March 28, 2008, the following averages will be achieved when all positions are filled.

	<u>Status</u>
Judicial Services PPO Is – average 40	Approved
Field PPO Is – average 111	Pending implementation with target start date 9/1/08
Intermediate Blending – average 50	
Special Ops – average 39	

Training Recommendations:

Chief Probation/Parole Officer (CPPO):

- | | <u>Status</u> |
|-----------------------------|---------------|
| ↻ TAP evaluation refresher; | Pending |
| ↻ OPUS reports; and | Pending |
| ↻ DCC Policy refresher. | Pending |

New Officers:

- | | <u>Status</u> |
|---------------------------|---------------|
| ↻ OPUS/Narratives; | Pending |
| ↻ AOC/FMS; | Pending |
| ↻ DCC Policy; and | Pending |
| ↻ Case Management/Policy. | Pending |

Existing Officers:

- | | <u>Status</u> |
|------------------------|---------------|
| ↻ DCC Policy refresher | Pending |

Basic Training Needs

- | | <u>Status</u> |
|---------|---------------|
| 6 PPOI | Pending |
| 3 PPOII | Pending |

Intermediate Needs

- | | <u>Status</u> |
|---------|---------------|
| 3 PPOII | Pending |

Miscellaneous issue(s):

- | | <u>Status</u> |
|-----------------------------------------------------------------------------------------|---------------|
| Office location at 3325 Chapel Hill Road, Durham NC to relocate (Durham Academy issues) | Pending |

New staff for Wake and Durham

Case Management training was conducted for new hires at Yonkers Road on May 14, 2008.

District 14 Meeting:

On June 19, 2008, I met with the entire staff of District 14 to address all staff regarding accountability and also that we still had a lot of work left to do. The results of the audits were shared with the District's staff at this time. We presented the plans for reorganization, which included unit/supervisor assignments, and caseload blending.

Conclusion:

As revealed by the report and case audits, there is still a lot of hard work to do in order to get District 14 functioning at an acceptable standard. The problems have been identified and corrective actions are taking place, however this will continue to be a slow process. It will be very important for this District to be under the direction of a very strong manager. This District will need a manager that can face the challenges of holding first-line supervisors accountable for quality supervision of offenders in Durham County. Once the reorganization is in place, vacancies are filled, and caseloads are blended, District 14 will have what it needs to provide quality Probation/Parole service for Durham County. The key to future success will be maintaining a stable workforce that is properly trained and held accountable in performing their professional duties.