

Performance Audit Report

**Managing for Results
Performance Measures**

Public Safety and Safer Neighborhoods

March 2009



OFFICE OF LEGISLATIVE AUDITS
DEPARTMENT OF LEGISLATIVE SERVICES
MARYLAND GENERAL ASSEMBLY

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Karl S. Aro
Executive Director

DEPARTMENT OF LEGISLATIVE SERVICES
OFFICE OF LEGISLATIVE AUDITS
MARYLAND GENERAL ASSEMBLY

Bruce A. Myers, CPA
Legislative Auditor

March 19, 2009

Delegate Steven J. DeBoy, Sr., Co-Chair, Joint Audit Committee
Senator Verna L. Jones, Co-Chair, Joint Audit Committee
Members of Joint Audit Committee
Annapolis, Maryland

Ladies and Gentlemen:

We conducted a performance audit to determine the accuracy of selected Managing for Results (MFR) performance measure data reported in the Maryland fiscal year 2009 operating budget request. We also determined whether adequate control systems were in place for collecting, summarizing, and reporting the performance measure data.

As requested by the chairmen of the legislative budget committees, we are systematically auditing the results of the 62 MFR measures contained in the *Managing for Results - State Comprehensive Plan*, which was produced by the Department of Budget and Management (DBM). This audit is the first to be conducted and focuses on the data reported for 13 measures contained within the Public Safety and Safer Neighborhoods portion of the *State Comprehensive Plan*. The agencies responsible for reporting these results are the Department of State Police (DSP), the Department of Public Safety and Correctional Services (DPSCS), the Governor's Office for Children (GOC), the Department of Human Resources (DHR), and the Department of Juvenile Services (DJS).

As a result of our audit, we have categorized each measure as either Certified, Certified with Qualification, Inaccurate, or Factors Prevented Certification as noted in the following chart. These designations are further described in Exhibit 2.

Level of Certification				Performance Measures Audited
Certified	Certified with Qualification	Inaccurate	Factors Prevented Certification	
2	4	2	5	13

The following primary factors contributed to our inability to certify seven measures: (1) the reported results were not always consistent with the performance measure descriptions and definitions, (2) documentation was not always available to support the reported results, and (3) adequate procedures and controls were not established to provide reasonable assurance that internal agency and third party data used for the measure results were reliable.

An Executive Summary of our findings can be found on page 3, immediately following this cover letter, and our audit scope, objectives, and methodology are explained on page 9. The agencies' responses to this audit are included as an appendix to this report. We wish to acknowledge the cooperation extended to us by DSP, DPSCS, GOC, DHR, and DJS during the audit.

Respectfully submitted,

Bruce A. Myers, CPA
Legislative Auditor

Executive Summary

Background Information

In July 1997, the Governor implemented the Managing for Results (MFR) initiative, which is a strategic planning process used by department leaders and others to establish direction and priorities for State programs to achieve meaningful results. MFR requires State agencies to submit missions, goals, objectives, and performance measures for each program as part of the annual budget request. This information may then be considered in determining Statewide spending priorities and the allocation of resources in agency budgets. Effective July 1, 2004, the MFR process was established in State law, with DBM as the lead agency for developing a State comprehensive plan for MFR. The resultant *Managing for Results - State Comprehensive Plan* categorizes MFR goals into five functional areas, referred to as pillars, which contain a total of 62 measures. As requested by the chairmen of the legislative budget committees, we are systematically auditing these measures. This audit is the first to be conducted on this basis and focuses on the data reported by five agencies in the Maryland fiscal year 2009 operating budget request for the 13 measures contained within the Public Safety and Safer Neighborhoods portion of the Plan (See Exhibit 1).

Conclusions

We concluded that, for the 13 measures tested, 2 were Certified, 4 were considered Certified with Qualification, 2 were deemed Inaccurate, and 5 were designated as Factors Prevented Certification. We determined that the reported results were not always consistent with the performance measure descriptions, and documentation was not always available to support the reported results. We also determined that, although the various agencies had certain quality control processes in place, adequate procedures and controls did not exist for certain measures to provide reasonable assurance that applicable agency internal data and third party data used for the measure results were reliable. These results are further described in the Findings section of this report.

Recommendations

The following detailed recommendations are among those we made to the five agencies to help strengthen the quality control processes and to improve reporting for the measures we audited.

- Submit reported results that are prepared in a manner that is consistent with the performance measure descriptions in the MFR budget documents.
- Retain documentation supporting the reported measure results.
- Establish appropriate procedures and internal controls to verify that data obtained from agency internal records and third parties are reasonably accurate.

Findings

Certification Results				
Agency, Program Name, and Budget Reference ¹	Performance Measure (See Exhibit 1 for Definitions)	Results Reported	Level of Certification (See Exhibit 2)	Comments / Causes
DSP Homeland Security and Investigation Bureau Book 3, Page 813	Firearm homicide rate (per 100,000 population)	Calendar Year 2006 7.27	Certified	
DSP Field Operations Bureau Book 3, Page 806	Traffic fatality rate (per 100 million vehicle miles traveled)	Calendar Year 2006 1.14985	Factors Prevented Certification	The methodology used to calculate the measure result was not consistent with the measure definition. Although the definition provides that fatalities occurring within 90 days of the traffic accident be used in the calculation, DSP only used fatalities occurring within 30 days of the accident. Also, the system used to collect data for the measure did not capture the date of death (when death occurred subsequent to the accident date) to enable a determination of whether all appropriate traffic fatalities were included in the measure result.
DPSCS Agency-wide Book 2, Page 585	Percent of offenders returned to Department supervision for a new offense within one year of their release from the Division of Correction (DOC)	Fiscal Year 2006 21.2%	Factors Prevented Certification	Certain data (that is, female offenders released from the Baltimore City Detention Center) were excluded from the calculation of the measure. Although tracked for male offenders, DPSCS did not maintain data of the number of female offenders released from the Center who were under DOC supervision. Also, the methodology used to calculate the measure was not consistent with the measure description. Although the definition provides that offenders returned to supervision within one year be considered, DPSCS included offenders that had been returned to supervision up to one year and one month after release. Finally, the release dates were not always accurately recorded in the system used to obtain the measure data. For example, our test of 49 offenders found that the release dates for 17 individuals did not agree with the related release documentation.

¹ Reference cited is the Maryland fiscal year 2009 operating budget request.

Certification Results

Agency, Program Name, and Budget Reference ¹	Performance Measure (See Exhibit 1 for Definitions)	Results Reported	Level of Certification (See Exhibit 2)	Comments / Causes
DPSCS Division of Correction (DOC) Headquarters Book 2, Pages 617, 618	Total number of inmates who escape	Fiscal Year 2007 0	Certified with Qualification	Certain quality control processes were not in place to resolve differences between two internal records used to record serious incidents, including escape incidents, involving inmates under DOC custody. Nevertheless, we were able to determine that the reported result was accurate.
	Total number of inmates who walk off	Fiscal Year 2007 123	Certified with Qualification	Certain quality control processes were not in place to resolve differences between two internal records used to record serious incidents, including walk-off incidents, involving inmates under DOC custody. Nevertheless, we were able to determine that the reported result was reasonably accurate.
DPSCS Division of Parole and Probation – General Administration Book 2, Page 700	Percent of Proactive Community Supervision (PCS) cases closed where the offender had satisfactorily completed substance abuse treatment programs	Fiscal Year 2007 42%	Inaccurate	There were a significant number of errors in the underlying data. Specifically, we tested 35 of the 1,237 PCS closed cases for which the offenders were identified as having satisfactorily completed treatment during fiscal year 2007. For 24 of the cases, there was no documentation to establish satisfactory completion of a substance abuse treatment program by the offender. Furthermore, for 16 of the aforementioned 24 cases, the offenders had not been enrolled in a substance abuse treatment program.

¹ Reference cited is the Maryland fiscal year 2009 operating budget request.

Certification Results

Agency, Program Name, and Budget Reference ¹	Performance Measure (See Exhibit 1 for Definitions)	Results Reported	Level of Certification (See Exhibit 2)	Comments / Causes
Governor's Office for Children – Children's Cabinet Interagency Fund Book 3, Pages 102, 104	Violent offense arrest rate for youths between ages 15 and 17	Calendar Year 2006 1,018	Inaccurate	The measure was incorrectly stated since the “per 100,000 youths” basis used to calculate the measure was not disclosed in the budget book. Also, the Office did not verify the reliability of data received from third parties, such as the number of violent youth arrests per the Maryland State Police.
	Percent of public school children who report using alcohol within the last 30 days – 12 th grade	Academic Year 2004 44.1%	Certified with Qualification	Certain quality control processes were not in place to verify the reliability of data received from third parties, such as student survey results from the State Department of Education. Nevertheless, we were able to determine that the reported result was reasonably accurate.
	Percent of public school children who report using heroin within the last 30 days – 10 th grade	Academic Year 2004 1.1%	Certified with Qualification	Certain quality control processes were not in place to verify the reliability of data received from third parties, such as student survey results from the State Department of Education. Nevertheless, we were able to determine that the reported result was reasonably accurate.

¹ Reference cited is the Maryland fiscal year 2009 operating budget request.

Certification Results

Agency, Program Name, and Budget Reference ¹	Performance Measure (See Exhibit 1 for Definitions)	Results Reported	Level of Certification (See Exhibit 2)	Comments / Causes
Governor's Office for Children – Children's Cabinet Interagency Fund Book 3, Page 104	Rate of injury-related deaths due to accidents to children and youth between ages 0 and 19 (per 100,000 children)	Calendar Year 2005 9.3	Factors Prevented Certification	The methodology used to calculate the measure result was not consistent with the performance measure description. Population data of children from ages 1 to 19 was used to calculate the measure instead of population data of children from ages 0 to 19 as specified in the measure's description. Also, quality control processes were not in place to verify the reliability of data received from third parties (such as death certificate data from the Department of Health and Mental Hygiene).
DHR Child Welfare Services Book 2, Page 450	Percent of children with recurrence of maltreatment within 6 months of a first occurrence	Fiscal Year 2007 7.1%	Factors Prevented Certification	Documentation of the data used to calculate the performance measure results was not retained nor could it be replicated. Also, the computer system (Children's Electronic Social Services Information Exchange – CHESSIE) that was the source for underlying data had problems known to DHR with data completeness and accuracy.
DHR Local Child Support Enforcement Administration Book 2, Page 456	Percent of current support paid	Federal Fiscal Year 2007 63.77%	Certified	

¹ Reference cited is the Maryland fiscal year 2009 operating budget request.

Certification Results

Agency, Program Name, and Budget Reference ¹	Performance Measure (See Exhibit 1 for Definitions)	Results Reported	Level of Certification (See Exhibit 2)	Comments / Causes
DJS Office of the Secretary Book 3, Page 715	Percent of youth re- adjudicated and re- convicted within one year after release (all residential programs)	Fiscal Year 2006 20%	Factors Prevented Certification	The methodology used to calculate the measure result was not consistent with the performance measure description or definitions. Specifically, for 14 of the 29 cases tested, DJS used various hearing dates instead of the adjudication dates in the calculation. For example, the difference in the hearing dates used for 12 of these cases ranged from 41 days before, to 31 days after, the adjudication dates. Also, supporting documentation of release dates was not maintained in the case files for 12 of the 29 cases. Finally, quality control processes were not in place to verify the reliability of data received from third parties (such as, certain conviction data obtained from the Department of Public Safety and Correctional Services).

¹ Reference cited is the Maryland fiscal year 2009 operating budget request.

Scope, Objectives, and Methodology

Scope

Under the authority of the State Government Article, Section 2-1221 of the Annotated Code of Maryland, we conducted an audit of selected performance measure results reported in the Maryland fiscal year 2009 operating budget request. The audit was performed in accordance with generally accepted government auditing standards. As requested by the chairmen of the legislative budget committees, we are systematically auditing the performance measures from the *Managing for Results - State Comprehensive Plan* produced by the Department of Budget and Management (DBM). This Plan includes 62 performance measures categorized into five functional areas referred to as pillars. This audit is the first to be conducted on this basis and focuses on the 13 performance measures from Public Safety and Safer Neighborhoods functional area as reported by the applicable five agencies in the Maryland fiscal year 2009 operating budget request.

Objectives

The objectives of our audit were (1) to determine whether the most recent actual measurement results for the selected performance measures were accurately reported in the agencies' Maryland fiscal year 2009 operating budget requests, and (2) to determine whether adequate control systems existed over the collection and reporting of the data related to the measurement results. Our performance audit did not include an assessment of whether the performance measures reviewed were consistent with the goals and objectives of the related programs, or were meaningful indicators of program performance.

Methodology

To accomplish our objectives, we interviewed personnel of the agencies responsible for collecting and reporting the measure data, reviewed performance measure calculations for accuracy, and determined whether these calculations were consistent with the definitions of the performance measures as noted in Exhibit 1. We used sampling techniques or other methods as deemed appropriate to test the related source documents. We also analyzed the applicable agency's performance measurement data collection and reporting activities to evaluate whether proper controls existed to ensure data integrity.

We developed a system to categorize the results of our audit of performance measures. The four categories represent varying levels of certification of the accuracy of the performance reported by the agencies. The categories of performance certification are defined in Exhibit 2. If during the course of our

audit of a measure we found circumstances that would require us to conclude that the measure was either inaccurate or factors prevented certification, we did not perform additional audit work that may have disclosed other factors.

Our fieldwork, which included site visits to various DSP, DPSCS, GOC, DHR, and DJS sites, was conducted during the period from February 2008 to October 2008. The responses from the agencies to our findings and recommendations appear as an appendix in this report. As prescribed in State Government Article, Section 2-1224 of the Annotated Code of Maryland, we will advise the agencies regarding the results of our review of their responses.

Exhibit 1

Definitions of the Public Safety and Safer Neighborhoods Performance Measures Audited

Page 1 of 4

Performance Measure	Definition ²
Firearm homicide rate (per 100,000 population)	Criminal homicides committed in Maryland divided by the Maryland population data as reported by the United States Census Bureau.
Traffic fatality rate (per 100 million vehicle miles traveled)	The number of fatalities related to a traffic collision when the injured person dies within 90 days after the collision occurred divided by the number of vehicle miles traveled annually on Maryland roads as calculated by the State Highway Administration.
Percent of offenders returned to Department supervision for a new offense within one year of their release from the Division of Correction (all releases)	This recidivism measure presents the number of individuals released during a year who are convicted of a new offense within one year of their release date, expressed as a percentage. The recidivism rate is calculated from data in the Offender-Based State Correctional Information Systems (OBSCIS) maintained by the Division of Correction and Division of Parole and Probation.

² The definitions are substantially derived from those provided to DBM in the State agencies' Managing for Results budget submissions and from DBM's Managing for Results Annual Performance Report. Additional information, such as data sources, was included in certain definitions in this exhibit for informational purposes.

Exhibit 1

Definitions of the Public Safety and Safer Neighborhoods Performance Measures Audited

Page 2 of 4

Performance Measure	Definition
Total number of inmates who escape	“Escape” means an unauthorized inmate departure from within the secure perimeter of any administrative, maximum, medium, or minimum security level facility in the Division of Correction and all inmate departures (regardless of security classification) while being escorted or transported in restraints.
Total number of inmates who walk off	“Walk-off” means the unauthorized inmate departure from a pre-release security level facility and includes an inmate, classified minimum or pre-release security, who departs while in the community, without restraints, with or without supervision.
Percent of Proactive Community Supervision (PCS) cases closed where the offender had satisfactorily completed substance abuse treatment programs	<p>The total number of cases closed with satisfactory completion of a substance abuse treatment program is divided by the total number of cases closed where the offender was required to complete a substance abuse treatment program to determine the percentage of offenders in that office who have satisfactorily completed treatment.</p> <p><i>Auditor’s Note: “Proactive Community Supervision” (PCS) means a supervision strategy currently being used by the Division in five specific offices (Hyattsville, Denton, Silver Spring, Mondawmin, and Guilford Avenue-Baltimore). As practiced in these offices, this strategy fosters cognitive behavioral changes in offenders through a combination of reduced caseloads, enhanced supervision skills, and the use of effective community partnerships.</i></p>
Violent offense arrest rate for youths between ages 15 and 17	The rate per 100,000 of arrests of youth ages 15 to 17 for violent criminal offenses: murder, forcible rape, robbery, and aggravated assault. The total of such arrests per the Maryland State Police Uniform Crime Reports are divided by the estimates of the population of all youths ages 15 to 17 in Maryland as prepared by the United States Census Bureau in conjunction with the National Center for Health Statistics.

Exhibit 1

Definitions of the Public Safety and Safer Neighborhoods Performance Measures Audited

Page 3 of 4

Performance Measure	Definition
Percent of public school children who report using alcohol within the last 30 days – 12th grade	Percent of public school students (grade 12) who reported using alcohol within the last 30 days based on a survey administered by the Maryland State Department of Education. The survey had a confidence level of 95% with a confidence interval of +/- 5%.
Percent of public school children who report using heroin within the last 30 days – 10th grade	Percent of public school students (grade 10) who report using heroin within the last 30 days based on a survey administered by the Maryland State Department of Education. The survey had a confidence level of 95% with a confidence interval of +/- 5%.
Rate of injury-related deaths due to accidents to children and youth between ages 0 and 19 (per 100,000 children)	Rate per 100,000 of injury-related deaths to children ages 0-19 due to accidents. Accidental deaths reported by the Department of Health and Mental Hygiene's Vital Statistics Administration are divided by the youth population estimates prepared by the United States Census Bureau in conjunction with the National Center for Health Statistics.
Percent of children with recurrence of maltreatment within 6 months of a first occurrence	<p>Maltreatment means physical abuse, neglect, sexual abuse, mental injury abuse or mental injury neglect investigation that has a finding of either indicated or unsubstantiated and a child with a role of victim entered into MD CHESSIE*. The denominator is the number of children with a victim code (victim codes can only be placed on investigations which close as indicated or unsubstantiated) whose investigation starts in the first 6 months of the report period. The numerator is the number of the same children with a victim code whose investigation started within 6 months of the previous investigation. The computation is the numerator divided by the denominator times 100%.</p> <p>*MD CHESSIE (Maryland Children's Electronic Social Services Information Exchange) is an automated system designed to capture and track child welfare data.</p>

Exhibit 1

Definitions of the Public Safety and Safer Neighborhoods Performance Measures Audited

Page 4 of 4

Performance Measure	Definition
Percent of current support paid	This measure was based on activity in DHR's Child Support Enforcement System that occurred during a single federal fiscal year (October 1 st through September 30 th) that was reported to the federal government. The reported "Total Amount of Support Distributed as Current Support During the Fiscal Year" is divided by the reported "Total Amount of Current Support Due for the Fiscal Year" to determine the percent paid.
Percent of youth re-adjudicated and re-convicted within one year after release (all residential programs)	The measure is calculated based on the percentage of youths released from residential programs during a fiscal year that were either re-adjudicated as a juvenile delinquent, or convicted as an adult within one year after release. DJS counts recidivists only once, even if a youth has offended in both systems. The data for the measure is obtained from DJS' ASSIST (Automate Statewide Support and Information System) database.

Exhibit 2

Categories of Performance Certification

Category	Definition
Certified	Reported performance was reasonably accurate.
Certified with Qualification	Reported performance was reasonably accurate even though minor deficiencies were noted with the supporting documentation, controls were not sufficient, or the methodology used to calculate reported performance was not consistent with the measure definition.
Inaccurate	Reported performance differed significantly from actual performance; the calculation process was wrong, such as excluding data relevant to the calculation; or, as reported, the measure was misleading, such as failing to disclose the measure as a rate when applicable.
Factors Prevented Certification	Reported performance could not be verified, as documentation was unavailable, controls were not adequate to ensure the accuracy of the results, or results were not presented in a manner consistent with the performance measure description.

APPENDIX



MARTIN O'MALLEY
GOVERNOR

ANTHONY G. BROWN
LT. GOVERNOR

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COLONEL
TERRENCE B. SHERIDAN
SUPERINTENDENT

March 13, 2009

Bruce A. Myers, CPA
Legislative Auditor
State of Maryland
Office of Legislative Audits
301 West Preston Street, Room 1202
Baltimore, MD 21201-2305

Dear Mr. Myers:

In accordance with State Government Article, Section 2-1224, Joint Audit Committee's Policy on Agency Responses to Legislative Audit Reports, the Department of State Police response to the draft audit of the Department's Managing for Results (MFR) Plan is enclosed. The response addresses the issue of the methodology used to calculate the measure result of the traffic fatality rate which was not consistent with the measure definition. The MFR definition has been changed and is now consistent with the methodology used.

If your office needs any additional information in regards to this matter, please contact Captain James Martyn, Commander of the Inspections and Compliance Division at 410-653-8230.

Sincerely,

Terrence B. Sheridan
Superintendent

TBS:JD:tb

Attachment

cc: Captain J. Martyn, Commander, Inspection and Compliance Division

Audit Progress Report -- Department of State Police

Performance Audit Report Managing for Results Performance Measures Public Safety and Safer Neighborhoods February 2009

DSP Field Operations Bureau, Book 3, Page 806

Performance Measure: Traffic fatality rate (per 100 million vehicle miles traveled) 2006

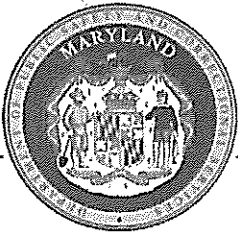
Level of Certification: Factors Prevented Certification

Comments/Causes

The methodology used to calculate the measure result was not consistent with the measure definition. Although the definition provides that fatalities occurring within 90 days of the traffic accident be used in the calculation, DSP only used fatalities occurring within 30 days of the accident. Also, the system used to collect data for the measure did not capture the date of death (when death occurred subsequent to the accident date) to enable a determination of whether all appropriate traffic fatalities were included in the measure result.

Department Response

The Department agrees with the certification results. The Department has changed its MFR definition to reflect the 30 day measurement. The MFR for FY2010 reflects this change. In addition, the Department currently captures the date of death (when death occurred subsequent to the accident date) to ensure the accuracy of the measure result. The Department currently uses data from FAARS as well as its Central Records Division to ensure it can accurately determine the traffic fatality rate. The FAARS Unit receives information on traffic fatalities from multiple sources. The Department uses data from both systems in order to ensure that all fatal crashes are reported and in determining specific time frames for occurrence.



Department of Public Safety and Correctional Services

Office of the Secretary

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STATE OF MARYLAND

MARTIN O'MALLEY
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SECRETARY

G. LAWRENCE FRANKLIN
DEPUTY SECRETARY

March 12, 2009

DIVISION OF CORRECTION

DIVISION OF PAROLE AND
PROBATION

DIVISION OF PRETRIAL
DETENTION AND SERVICES

PATUXENT INSTITUTION

MARYLAND COMMISSION ON
CORRECTIONAL STANDARDS

CORRECTIONAL TRAINING
COMMISSION

POLICE TRAINING
COMMISSION

MARYLAND PAROLE
COMMISSION

CRIMINAL INJURIES
COMPENSATION BOARD

EMERGENCY NUMBER
SYSTEMS BOARD

SUNDRY CLAIMS BOARD

INMATE GRIEVANCE OFFICE

Mr. Bruce A. Myers, CPA
Legislative Auditor
Office of Legislative Audits
Room 1202
301 West Preston Street
Baltimore, Maryland 21201

Dear Mr. Myers:

The Department of Public Safety and Correctional Services has reviewed the February 26, 2009, draft audit report on the Public Safety and Safer Neighborhoods Performance Measures, which includes the certification results pertaining to the Department's reported measures. The Department acknowledges the importance of each finding and appreciates the constructive recommendations made as a result of this audit. The Department is in agreement with all the recommendations made by the Legislative Auditor and has taken the following course of action to implement them.

Performance Measure – Percent of offenders returned to Department supervision for a new offense within one year of their release from the Division of Correction (all releases)

Level of Certification – Factors Prevented Certification

The Department has established procedures to ensure that all relevant data is included in its recidivism measure calculation and that the data is accurate. In addition, the Department will present results that are consistent with this measure's description, specifically:

- Effective June 1, 2008, the Division of Pretrial Detention and Services (DPDS) began to open and maintain Offender-Based State Correctional Information System (OBSCIS) records on all Division of Correction (DOC) sentenced female offenders housed at the Baltimore City Detention Center (BCDC). This change allows the Department to include sentenced female offenders released from BCDC in the recidivism data on female DOC offenders.
- To clarify how the Department tracks recidivism in the year following release, the following definition has been documented in the Fiscal Year 2010 Budget Book: "A 'return to Department supervision ... within one year of ... release' is counted from the month of release to the

month of return. An inmate released in June and returned the following June is counted as returning 'within a year of release,' even if (for example) the release was June 1 and the return was June 30."

- The DPDS, DOC, and the Central Home Detention Unit completed a thorough investigation of the cases identified with inaccurate release dates in the Department's computer system (OBSCIS). Inaccurate dates have been corrected where they were determined to exist. Because certain releases can be delayed due to transfer of custody situations over which the DOC had no control, the Department has documented in the Fiscal Year 2010 Budget Book the following clarification: "A 'release' is counted from the date recorded in the Department's Offender-Based State Correctional Information System (OBSCIS I), which is when an inmate is physically released from custody. In cases where an inmate can be released only to another jurisdiction's detainer (for a court appearance, to serve another sentence, etc.), this date may be later than the date documented by the commitment office if the detaining jurisdiction fails to take the inmate into its custody on the scheduled release date."

Performance Measure – Total number of inmates who escape

Level of Certification – Certified with Qualification

In July 2008, the Division began ensuring that the reconciliation procedure between the source documents (OBSCIS and Serious Incident Reports) is documented and completed timely and that the results support the measure as reported.

Performance Measure – Total number of inmates who walk off

Level of Certification – Certified with Qualification

In July 2008, the Division began ensuring that the reconciliation procedure between the source documents (OBSCIS and Serious Incident Reports) is documented and completed timely and that the results support the measure as reported.

Performance Measure – Percent of Proactive Community Supervision (PCS) cases closed where the offender had satisfactorily completed substance abuse treatment programs


Level of Certification – Inaccurate

The Division will ensure that its data collection is accurate and report results that are consistent with the performance measure description and definitions. In February 2009, the Division's Quality Assurance Unit (QAU) completed a review of a significant number of closed cases for which the Division's computer data indicated satisfactory completion of the special condition for substance abuse treatment. The QAU reviewed cases from every Division office to determine if the computer data

was consistent with the documentation in the case files. The Division will review these findings as well as the policies and procedures for all case closing performance measures to ensure that the case closing processes result in accurate data reporting. The Division will complete this review and make any necessary changes to policies and procedures by July 31, 2009. Management will reinforce with field supervisors the importance of certifying the accuracy of data entered in the Division's hard copy and electronic case records. The QAU will conduct periodic reviews to ensure that the data collection and reported results are accurate and consistent with the performance measure description and definition.

I trust that this responds to your request. If you have any questions concerning this correspondence, please contact me.

Sincerely,



Gary D. Maynard
Secretary

- c: G. Lawrence Franklin, Deputy Secretary, DPSCS
J. Michael Stouffer, Commissioner, Division of Corrections, DPSCS
Howard Ray, Jr., Commissioner, Division of Pretrial Detention and Services, DPSCS
Patrick G. McGee, Director, Division of Parole and Probation, DPSCS
Susan D. Dooley, Director, Office of Financial Services, DPSCS
Shannon Avery, Executive Director, Office of Planning, Policy, Regulations and Statistics, DPSCS
Rebecca P. Gowen, Chief of Planning, Office of Planning, Policy, Regulations and Statistics, DPSCS
Joseph M. Perry, Inspector General, Office of the Inspector General, DPSCS



State of Maryland Executive Department

Martin O'Malley
Governor

Anthony Brown
Lieutenant Governor

Rosemary King Johnston
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March 16, 2009

Mr. Bruce A. Meyers, CPA
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301 West Preston Street, Room 1202
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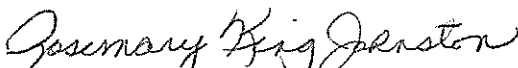
Dear Mr. Meyers:

Enclosed please find our responses to the draft report dated February 2009 titled: *Performance Audit Report, Managing for Results, Performance Measures, Public Safety and Safer Neighborhoods*. The responses address the following four (4), Managing for Results (MFR) performance measures found on page 102 and 103 of book three (3) of the *Maryland Fiscal Year 2009 Operating Budget*:

1. Violent offense arrest rate for youths between ages 15 and 17;
2. Percent of public school children who report using alcohol within the last 30 days – 12th grade;
3. Percent of public school children who report using heroin within the last 30 days – 10th grade; and
4. Rate of injury-related deaths due to accidents to children and youth between ages 0 and 19 (per 100,000 children).

Thank you for the opportunity to respond to the section of the draft performance audit report relating to the Governor's Office for Children, Children's Cabinet Interagency Fund. Please contact Scott Finkelsen, Chief of Finance and Operation at 410-767-6243 if you have any questions.

Sincerely,


Rosemary King Johnston
Executive Director

Response to Performance Audit Report
Managing for Results Performance Measures
Public Safety and Safer Neighborhoods
By the Governor's Officer for Children,
On behalf of the Children's Cabinet
3/16/09

Performance Measure:

Violent offense arrest rate for youths between ages 15 and 17

Results Reported:

Calendar Year 2006 Actual Reported Results – 1,108

Level of Certification:

Inaccurate

Comments / Causes:

The measure was incorrectly stated since the “per 100,000 youths” basis used to calculate the measure was not disclosed in the budget book. Also, the Office did not verify the reliability of data received from third parties, such as the number of violent youth arrests per the Maryland State Police.

Response

The Governor's Office for Children and the Children's Cabinet concur with Comments and/or Causes. The FY11 MFR will be changed to include the designation “per 100,000 youth” to ensure proper interpretation of the data.

Additionally, to enable GOC to verify the reliability of third-party data used in measurements and calculations for the MFR, GOC will collect and maintain records of each third-party's data definitions and control procedures, where possible (recognizing that such documentation may not be available from some federal agencies).

Response to Performance Audit Report
Managing for Results Performance Measures
Public Safety and Safer Neighborhoods
By the Governor's Officer for Children,
On behalf of the Children's Cabinet
3/16/09

Performance Measure:

Percent of public school children who report using alcohol within the last 30 days – 12th grade

Results Reported:

Academic Year 2004 Actual Reported Results – 44.1%

Level of Certification

Certified with Qualification

Comments / Causes:

Certain quality control processes were not in place to verify the reliability of data received from third parties, such as student survey results from the State Department of Education. Nevertheless, we were able to determine that the reported result was reasonably accurate.

Response

The Governor's Office for Children and the Children's Cabinet concur with Comments and/or Causes. To enable GOC to verify the reliability of third-party data used in measurements and calculations for the MFR, GOC will collect and maintain records of each third-party's data definitions and control procedures, where possible (recognizing that such documentation may not be available from some federal agencies).

Response to Performance Audit Report
Managing for Results Performance Measures
Public Safety and Safer Neighborhoods
By the Governor's Officer for Children,
On behalf of the Children's Cabinet
3/16/09

Performance Measure:

Percent of 10th grade public school children who report using heroin within the last 30 days

Results Reported:

Academic Year 2004 Actual Reported Results – 1.1%

Level of Certification

Certified with Qualification

Comments / Causes:

Certain quality control processes were not in place to verify the reliability of data received from third parties, such as student survey results from the State Department of Education. Nevertheless, we were able to determine that the reported result was reasonably accurate.

Response

The Governor's Office for Children and the Children's Cabinet concur with Comments and/or Causes. To enable GOC to verify the reliability of third-party data used in measurements and calculations for the MFR, GOC will collect and maintain records of each third-party's data definitions and control procedures, where possible (recognizing that such documentation may not be available from some federal agencies).

Response to Performance Audit Report
Managing for Results Performance Measures
Public Safety and Safer Neighborhoods
By the Governor's Officer for Children,
On behalf of the Children's Cabinet
3/16/09

Performance Measure:

**Rate of injury-related deaths due to accidents to children and youth between ages 0 and 19
(per 100,000 children)**

Results Reported:

Calendar Year 2005 – 9.3

Level of Certification:

Factors Prevented Certification

Comments / Causes:

The methodology used to calculate the measure result was not consistent with the performance measure description. Population data of children from ages 1 to 19 was used to calculate the measure instead of population data of children from ages 0 to 19 as specified in the measure's description. Also, quality control processes were not in place to verify the reliability of data received from third parties (such as death certificate data from the Department of Health and Mental Hygiene).

Response

The Governor's Office for Children and the Children's Cabinet concur with the comments and/or Causes. The FY10 MFR calculations were checked by our Director of Research and Evaluation and the Calendar Year 2005 data represent data on ages 0 to 19 for deaths of children due to accident. Subsequent years' data will also match the related measure description.

Additionally, to enable GOC to verify the reliability of third-party data used in measurements and calculations for the MFR, GOC will collect and maintain records of each third-party's data definitions and control procedures, where possible (recognizing that such documentation may not be available from some federal agencies).

Martin O'Malley
Governor

Anthony Brown
Lt. Governor

Brenda Donald
Secretary

March 11, 2009

Bruce A. Myers, CPA
Legislative Auditor
Office of Legislative Audits
State Office Building, Room 1202
301 West Preston Street
Baltimore, Maryland 21201

Dear Mr. Myers:

Enclosed is the response from the Department of Human Resources on the draft audit report on Managing for Results. The report evaluated performance measures for the Social Service Administration (SSA) and Child Support Enforcement Administration (CSEA). I am pleased that the CSEA performance is certified. As to factors preventing certification on the SSA performance measure, corrective action plans are in progress to enhance and improve SSA's Children's Electronic Social Services Information Exchange (CHESSIE) system. The enhancements and improvements will provide the complete and accurate data needed for future certification.

I hope the information provided will prove satisfactory. I assure you that prompt resolution of this finding is being given priority and attention. If you have any additional questions or require additional information, please contact Mr. William E. Johnson, Jr., Inspector General, at 443-378-4060 or wjohnson@dhr.state.md.us.

Sincerely,



Brenda Donald
Secretary

Enclosures:

Cc: Brian Wilbon, Deputy Secretary, Operation, DHR
Stacy Rodgers, Deputy Secretary, Program, DHR
William E. Johnson, Jr., Inspector General, DHR
Joseph A. Jackins, Jr., Executive Director, CSEA
Carnitra White, Acting Executive Director, SSA

DEPARTMENT OF HUMAN RESOURCES
SOCIAL SERVICE ADMINISTRATION (SSA)
RESPONSE TO
DRAFT MANAGING FOR RESULT AUDIT REPORT

OLA's COMMENTS / CAUSES

Documentation of the data used to calculate the performance measure results was not retained nor could it be replicated. Also, the computer system (Children's Electronic Social Services Information Exchange - CHESSIE) that was the sources for underlying data had problems known to DHR with data completeness and accuracy.

DHR/SSA RESPONSE:

The Department is continuing to enhance and improve the reliability and accuracy of the MD CHESSIE. These enhancements will align MD CHESSIE more closely to Maryland's child welfare business practice, and will significantly improve the Department's federal AFCARS and NCANDS data quality and reporting, and incorporate Child and Family Services Reviews' Onsite Review Instrument.

The Department has created new MD CHESSIE reports designed to improve the accuracy and reliability of reporting in MD CHESSIE. Local jurisdictions have been producing hand counts to meet the monthly State Stat requirements. These hand counts are then compared to the new MD CHESSIE State Stat reports to help determine whether the LDSS hand counts match the State Stat reports generated from MD CHESSIE. Once 100% accuracy is obtained, MD CHESSIE will begin to generate the new Monthly Accountability Reports, the replacement of legacy system Monthly Management Reports.



Maryland Department of
Juvenile Services
Treating • Supporting • Protecting

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Anthony G. Brown
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Donald W. DeVore
Secretary

March 13, 2009

Bruce A. Myers, CPA
Legislative Auditor
Department of Legislative Services
Maryland General Assembly
301 W. Preston Street Room 1202
Baltimore, Maryland 21201

Dear Mr. Myers,

Please find enclosed our response to the performance audit conducted by your office to determine the accuracy of selected Managing for Results (MFR) performance measure data reported in the Maryland fiscal year 2009 operating budget request. The audit also referenced whether adequate control systems were in place for collecting, summarizing, and reporting the performance measure data.

We understand that the results of your audit resulted in a finding that "Factors Prevented Certification." We agree with this finding.

Subsequently, we have included with this communication our representation of how we arrived at the conclusions referenced through this audit and remedies that I believe will help us to resolve these issues going forward. Our timeline for accomplishing this task is six months. I will be submitting a follow-up report to you by September 30, 2009.

Thank you for your assistance. I look forward to working with you in the future.

Sincerely,


Donald W. DeVore
Secretary

C: Francis Mendez, Deputy Secretary, Departmental Support
Mary Abraham, Senior Manager, Departmental Support
John Irvine, Director of Strategic Analysis
Alan Small, Director, Office of Internal Audit



DEPARTMENT OF JUVENILE SERVICES RESPONSE TO OLA AUDIT OF DJS MFR MEASURE

March 13, 2009

On April 11, 2008, the Office of Legislative Audits (OLA) began an audit of the Department of Juvenile Services (DJS) recidivism in compliance with the state Managing For Results (MFR) requirements. The OLA auditors indicated they would be evaluating internal controls, input-output mechanisms, third party data, the calculation of recidivism, and the validity of the data. Conclusions drawn from the audit were based upon audit findings on 29 out of 60 cases. Four areas of concern that may have prevented certification of the DJS MFR recidivism measure were presented.

1.) The first concern revolves around the date the Department has used to determine whether a youth has returned to the system. DJS has been using the following definition for re-adjudication: Re-adjudication refers to any juvenile, who is re-referred, has a judiciary hearing and is adjudicated delinquent. During DJS staff meetings with the OLA auditor, the process and methodology used to determine recidivism was explained. A step-by-step guide and the definition used by DJS to qualify the data from ASSIST to determine recidivism was offered. The methodology used in calculating the rate of recidivism the Department used from ASSIST data was also presented for review.

DJS Staff explained that the disposition date is used for calculating DJS recidivism. Data in the disposition field is more often filled in by case workers than is the field for the adjudication date. The adjudication date field may reflect hearings that did not result in a delinquency result, either through postponement or through a result other than delinquency. DJS staff believe that using the disposition field gives more reliable data, and is only entered for youth with a final delinquency status. Additionally, due to the structure of the ASSIST database, the linkage between the individual case and the disposition date is far stronger than that of the adjudication date. As this measure uses a large data set with thousands of records, an automated process must be used. In the opinion of DJS staff, The ASSIST disposition date is the most reliable field to use.

It would seem reasonable to audit the accuracy of the ASSIST data stored in the disposition date field to ensure that it comports with the actual date of disposition as recorded in the case files, as this is the field used in the MFR recidivism measure. The audit that was performed on the sample of the 29 youths was done comparing the adjudication date for 21 of the sampled youth to the case file documents not the disposition date. The remaining 8 youth had adult charges following their release from DJS placement and are considered adult recidivism, not juvenile recidivism. In many cases, especially in certain jurisdictions, the adjudicatory hearings and disposition decision actually occur on the same date. In all such cases the difference between using the adjudication date and disposition date appears to be insignificant. From a review of the data, it appears that the result of the overall performance measure (percent of youth re-adjudicated within one year) would not change, even if the adjudication date as verified in case files was used.

OLA auditors pointed out, however, that the definition used for DJS recidivism did not comport with the actual methods used to determine recidivism. To that end, DJS has updated the Recidivism measure for youth who have been re-adjudicated. The updated definition is as follows.

Re-adjudication refers to any juvenile, who is re-referred, has a judiciary hearing and is adjudicated delinquent. It should be noted that the term 'adjudicated' mentioned in the definition does not imply that the Department used the adjudication date in ASSIST to count the adjudicated delinquent youths. The Department used the court disposition date and the court finding of 'delinquent' to determine that the youth has been adjudicated delinquent. All recidivism related data variables are retrieved from the Department's computerized system known as ASSIST. The procedure used to calculate the re-adjudication court of youth is based on several variables and conditions. These are:

- the alleged offense date has to be greater than or equal to the release date from the committed program.
- the complaint date has to be greater than or equal to the offense date.
- the court disposition date has to be greater than or equal to the complaint date and
- the court finding should be “delinquent.”

2.) The second area of concern was the lack of supporting documentation for the “released from a committed placement.” The auditors required documentation to support the release dates that prove recidivism. We believe that they excluded narrative from ASSIST citing it as unacceptable evidence/supporting documentation of release. After some discussion with the OLA auditor, DJS decided to obtain the Certificate of Placement (COP), the document which reflects a youth’s location, services, and authorized payment for services, to prove release from a committed placement. A COP is only completed for youth released from privately-operated residential facilities and not for youth released from state-operated facilities. Following the conversation between DJS staff and the OLA auditor, DJS decided to obtain court orders to also confirm release dates. Unfortunately DJS was unable to locate the COP for all youth released from privately operated facilities either at DJS Headquarter or in the field for the cases under review. DJS is undertaking an intensive reform of its community case management system currently in place. To better understand the level of case management services, the Department is conducting state-wide case reviews. The Department is taking aggressive steps to implement corrective action plans that include training, increased resources, and best practices in case management. To address the failure to regularly complete the COP, the Department will develop a corrective action plan to ensure the accurate completion of COP according to DJS policy. The corrective action plan will also include efforts to improve the regular completion of the COP for youth upon their admission and release from residential placement and will be completed within the next six months.

3.) The third issue of concern was the reliability and validity of the date DJS had received from the Department of Public Safety and Correctional Services (DPSCS), also referred to as the adult data or third party data. OLA determined that DJS does not audit or review the date to ensure data reliability or validity. In response to the final result of the OLA analysis of the DJS recidivism, the DJS Office of Internal Audit (OIA) determined that it must document and validate third (3rd) party data received from outside sources used for critical decision making. Accordingly, OIA will establish a regular audit procedure to conduct internal audits semi-annually of the reported data from DPSCS for the DJS recidivism measures. The OIA also will work with the Maryland State Administrative Office of the Courts in Annapolis, Judicial Information Systems, to obtain sufficient information relevant to this analysis, for verification and validation procedures of data associated with this review, to ensure Internal Audit compliance with Section 3-1002 (d) of the Maryland State Finance and Procurement Article.

4.) The fourth and last issue is the duplication of four cases that were in the data set given to the OLA auditor for review. These four cases were identified by the Department before the OLA auditor commenced the work. The auditors were then informed how the duplicate numbers occurred. On 4/14/2008 DJS identified the duplicated four youth IDs to the OLA auditor, and provided the auditor with the corrected 133 convictions file and the corrected FY 2006 DJS/CJIS adjudications/convictions recidivism rate. DJS staff also reviewed the SPSS analysis process with the OLA Auditor and pointed out how the four duplicated youths were picked up by mistake in the original report. The error occurred by not checking a box in the SPSS program after the matching process was done. This error picked up the four youth who recidivated in both systems within one year after release. Duplicated data is now deleted from the performance measure results prior to the reporting of recidivism data.

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