

OVERSIGHT OF TRUSTY PROGRAMS

DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONS



PERFORMANCE AUDIT SERVICES
ISSUED DECEMBER 7, 2016

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LOUISIANA LEGISLATIVE AUDITOR
DARYL G. PURPERA, CPA, CFE

December 7, 2016

The Honorable John A. Alario, Jr.,
President of the Senate
The Honorable Taylor F. Barras,
Speaker of the House of Representatives

Dear Senator Alario and Representative Barras:

This report provides the results of our review to evaluate the Department of Public Safety and Corrections' oversight of trusty programs at state correctional institutions and the Louisiana State Police Barracks. The report contains our findings, conclusions, and recommendations. Appendix A contains Department of Corrections' response to this report. Appendix B contains the Louisiana State Police's response to this report. I hope this report will benefit you in your legislative decision-making process.

We would like to express our appreciation to the management and staff of the Department of Public Safety and Corrections - Corrections Services, all nine state correctional institutions, and the Louisiana State Police Barracks for their assistance during this audit.

Sincerely,

Daryl G. Purpera, CPA, CFE
Legislative Auditor

DGP/aa

DPSC TRUSTY OVERSIGHT

Louisiana Legislative Auditor

Daryl G. Purpera, CPA, CFE

Department of Public Safety and Corrections Oversight of Trusty Programs

December 2016



Audit Control # 40150030

Introduction

The purpose of this report was to evaluate the Department of Public Safety and Corrections' (DPSC)¹ oversight of trusty programs at state correctional institutions and the Louisiana State Police (LSP) Barracks. Trustees are offenders classified² as minimum security who are assigned to one of three levels, with Level 1 being the least restrictive and Level 3 being the most. Trustees are given privileges that are not available to the general prison population and provided with a job assignment depending on their trusty status level. For example, a Level 1 trusty may work outside the secure perimeter of a state correctional institution without constant, direct supervision by a correctional officer.

Louisiana Revised Statute (R.S.) 15:832 requires DPSC to provide employment opportunities and compensation for all offenders consistent with their classification level. This law also allows DPSC to enter into contractual agreements for the use of offender labor by any department, board, commission, or agency of this state, subject to certain restrictions. In fiscal year 2016, eight of the state's nine correctional institutions had 24 contracts with state and local governments for outside work crews staffed with approximately 347 offenders worth at least \$3.9 million.³

LSP also has trustees and houses them at the LSP Barracks. LSP staff selects their trustees from eligible offenders incarcerated in state correctional institutions. LSP trustees are assigned to the Governor's Mansion, State Capitol, and LSP facilities. Trustees at all state correctional institutions and LSP Barracks can either be compensated for their work or can select to earn Good Time⁴ in lieu of compensation if they qualify per R.S. 15:571.3. Exhibit 1 shows the number of trustees in each of the nine state correctional institutions and in the LSP Barracks.

¹ DPSC includes both Corrections Services and Public Safety Services. For the purpose of this report, DOC is used to refer to Corrections Services, and LSP is used to refer to Public Safety Services.

² **Classification** is a process for determining the needs and requirements of offenders and for assigning them to housing units, work assignments, and programs according to their needs and existing resources.

³ Four of the 24 contracts do not specify the exact amount of compensation to DOC.

⁴ **Good Time** is a reduction of sentence by good behavior and performance of work or self-improvement activities, or both.

| Exhibit 1 Number of Trustees by Level in Each State Correctional Institution and the LSP Barracks | | | | |
|---|----------------|----------------|----------------|--------------|
| State Correctional Institution | Level 1 | Level 2 | Level 3 | Total |
| Allen Correctional Center (ALC) | 37 | None | None | 37 |
| Avoyelles Correctional Center (AVC) | 118 | 33 | 40 | 191 |
| Dixon Correctional Institution (DCI) | 209 | 158 | 34 | 401 |
| David Wade Correctional Center (DWCC) | 25 | 16 | 18 | 59 |
| Elayn Hunt Correctional Center (EHCC) | 0 | 62 | 168 | 230 |
| Louisiana Correctional Institute for Women (LCIW) | 14 | 158 | 112 | 284 |
| Louisiana State Penitentiary (Angola) | 988 | 402 | 315 | 1,705* |
| Rayburn Correctional Center (RCC) | 61 | 32 | 4 | 97 |
| Winn Correctional Center (WNC) | 26 | 2 | None | 28 |
| Louisiana State Police (LSP) Barracks | 142 | N/A | N/A | 142 |
| Total | 1,620 | 863 | 691 | 3,174 |
| *In May 2016, Angola changed its policy to state that all trustees are Level 3 trustees. Source: Prepared by legislative auditor’s staff using unaudited information provided by DOC and LSP. | | | | |

The objective of this audit was:

To evaluate DPSC’s oversight of trusty programs at state correctional institutions and the LSP Barracks

Overall, we found that DPSC needs to improve its oversight of trusty programs at state correctional institutions to better ensure that only eligible offenders become trustees. The issues we identified are summarized on the following pages. Appendix A contains DOC’s response to the report; Appendix B contains LSP’s response to the report; and Appendix C contains our scope and methodology.

Objective: To evaluate DPSC's oversight of trusty programs at state correctional institutions and the LSP Barracks

Overall, we found that DOC needs to improve its oversight of trusty programs by ensuring that all correctional facilities comply with regulations. We found that while some correctional institutions complied with DOC policy for certain trusty levels, none of them fully complied with all requirements, resulting in some trusties not being eligible. In addition, DOC needs to collect centralized or electronic information on trusties to better monitor eligibility, including when trusties are removed from trusty status or have their trusty status downgraded due to rule violations. We also found that LSP needs to establish department-specific regulations for LSP Barracks trusties that specify what eligibility requirements can be waived. These issues are summarized below.

DOC needs to ensure that all correctional facilities comply with regulations. While some correctional institutions complied with DOC policy for certain trusty levels, none of them fully complied with all requirements. As a result, some trusties were not eligible.

In 2011, DOC developed regulations regarding trusty eligibility to ensure that offenders are classified to appropriate custody and security levels. All state correctional institutions using trusties are required to follow these regulations, which outline specific eligibility requirements for three trusty levels. For example, Level 1 trusties cannot have a crime of violence within the past 10 years, and Level 3 trusties cannot have a major rule violation within the past year. Appendix D summarizes the eligibility requirements for each trusty level.

Although institutions are allowed to have their own trusty policies, these policies must meet the minimum requirements in DOC regulations. We reviewed trusty policies for all nine state correctional institutions and found that none of the institutions fully complied with departmental regulations. However, some correctional institutions (i.e., DWCC, EHCC, and LCIW) complied with DOC policy for Levels 2 and 3 but did not comply with requirements for Level 1 trusties. Appendix E shows whether institutions' policies complied with each of the requirements. Furthermore, Angola's policies did not have any eligibility requirements for trusties, and the remaining eight state correctional institutions had at least one eligibility requirement that did not comply with DOC regulations. According to DOC, the agency began reviewing policies regarding trusties for two state correctional institutions (Angola and ALC⁵) in April 2016, and the reviews confirmed that Angola had not established any eligibility requirements for trusties in its policies.

⁵ Even though DOC found ALC compliant during its review, we found that ALC's policies did not include three eligibility requirements stated in DOC regulations.

Because Angola's trusty policy did not contain eligibility requirements, we found that a total of 1,547 (91%) trusties at Angola were not eligible, according to DOC regulations. To determine whether trusties were compliant with DOC's regulations, we requested a list of trusties by trusty level as of a certain date from the four institutions with the highest number of trusties. We had to rely on institutions for this information because DOC's data system (CAJUN) does not include information on which inmates are trusties. Angola provided us with a list of trusties by trusty level. This list showed that 988 trusties were Level 1, 402 were Level 2, and 315 were Level 3. Using this list, we originally found that approximately 91% of trusties at Angola were not eligible.

However, after presenting the results of our analysis to DOC on May 6, 2016, the agency told us that they consider all Angola trusties to be Level 3 trusties, even though this information was not in Angola or DOC's policies, nor did any Angola or DOC staff tell us this during our audit work. In addition, this contradicts the trusty list DOC staff provided us with earlier, which categorized Angola's trusties into Levels 1, 2, and 3. According to DOC, the agency revised Angola's policies on May 12, 2016, to state that all Angola trusties were considered to be Level 3.

Using Angola's new policy, we re-analyzed the same list of Angola's trusties using only Level 3 eligibility requirements and found that a total of 400 (24%) out of 1,705 trusties were not eligible because they were either serving their time for a sex offense or they did not meet the requirements for serving at least 10 years of their sentence. Although policies allow the warden to grant a waiver for these two eligibility requirements, we were unable to tell if a waiver was granted because this information is not in CAJUN, nor is it documented in the institution's files. According to DOC officials, decisions on trusty status are subject to approval by the warden, so if an inmate is a trusty and does not meet all the eligibility requirements, then DOC considers this to be an undocumented, implicit waiver of eligibility requirements. According to DOC, Angola has since created a waiver form that the warden must sign to document waivers.

The three other institutions we reviewed also had some trusties who were not eligible. We used CAJUN to determine if the three correctional institutions with the highest number of trusties after Angola granted trusty status to offenders in accordance with departmental regulations. We found that 47 (5%) out of 915 trusties at the selected institutions were not eligible for their assigned level because of having violent offense convictions, escape convictions, sex offense convictions, or for exceeding their earliest release date requirement. Of the 868 eligible trusties, 100 trusties were considered by DOC to be eligible due to having an undocumented, implicit waiver for a sex offense or time served less than 10 years. According to DOC, these institutions are now using a form to document waivers. Exhibit 2 below shows the number and percentage of ineligible trusties at the correctional institutions we reviewed.

| Exhibit 2 | | | | |
|--|----------------------------------|--|--------------------------------|-----------------------|
| Number and Percentage of Trusties, by Status, at Selected Correctional Institutions | | | | |
| Institution | Total Ineligible Trusties | Total Eligible with Implicit Waivers Trusties | Total Eligible Trusties | Total Trusties |
| DCI | 37 | 18 | 346 | 401* |
| LCIW | 5 | 6 | 273 | 284 |
| EHCC | 5 | 76 | 149 | 230 |
| Total | 47 | 100 | 768 | 915 |
| Percentage | 5% | 11% | 84% | 100% |

*Includes 151 trusties from Baton Rouge crew.
Source: Prepared by the legislative auditor's staff using CAJUN database and unaudited list of trusties provided by DOC, DCI, LCIW, and EHCC.

DCI’s policies allow trusties who are assigned to work in state buildings in Baton Rouge to have less stringent requirements regarding crimes of violence. We found that 14 (9%) of 151 Level 1 trusties at DCI assigned to Baton Rouge state buildings were not eligible. Of these, 10 were convicted of one of the violent offenses that would make them ineligible. Trusties who work in Baton Rouge cannot have convictions for first- or second-degree murder, aggravated kidnapping, armed robbery, or aggravated arson, whereas other Level 1 trusties cannot have *any* crime of violence within the past 10 years. If all 151 of the Baton Rouge trusties had to comply with the same requirements as other Level 1 trusties, 49 (33%) would not be eligible because they had crimes of violence such as aggravated battery, manslaughter, and aggravated assault with a firearm. DOC said that these trusties have less stringent eligibility requirements because they have difficulty finding eligible trusties to fulfill its contracts for labor crews. According to DOC, they are planning to align its policy for Level 1 trusties and Baton Rouge State Buildings crew in the future.

Recommendation 1: DOC should ensure that all correctional facilities develop trusty policies that are in compliance with DOC regulations.

Summary of Management’s Response: DOC agrees with this recommendation. DOC has reviewed all institutional policies and made necessary changes that both ensure compliance and reduce confusion relative to interpretations. See Appendix A for DOC’s full response.

Recommendation 2: DOC should periodically verify that state correctional institutions assign trusties to appropriate trusty levels.

Summary of Management’s Response: DOC agrees with this recommendation. DOC has incorporated this review into its annual audit of correctional facilities. In addition, the qualifications for both Level 1 trusty status and Baton Rouge work crews were modified and are now the same. See Appendix A for DOC’s full response.

Recommendation 3: DOC should ensure that correctional institutions use waiver forms when waiving eligibility requirements for trusties.

Summary of Management's Response: DOC agrees with this recommendation. DOC has created this form and states that it will verify that correctional facilities are using the form during its annual audit process. See Appendix A for DOC's full response.

DOC needs to collect centralized and electronic information on trusties, including when and why their trusty status is downgraded or removed due to rule violations. This would help DOC monitor the eligibility of trusties at correctional institutions.

As mentioned previously, DOC does not collect any information on trusties in CAJUN. Since trusties are afforded privileges not given to other inmates and because it is DOC's ultimate responsibility to ensure trusties are eligible and pose no public safety risks, it is important that DOC management collect centralized information on them. Since trusty information is not in CAJUN, each institution tracks it differently. As a result, DOC cannot easily access information on trusties at the individual institutions.

Tracking information on trusty status and violations would also help DOC monitor whether trusties continue to meet eligibility requirements. DOC regulations require institutions take into consideration major rule violations or infractions when determining initial and continuing eligibility of offenders for a trusty status. Major violations, which are described in Exhibit 3 below, can include general prohibited behavior, aggravated sex offense, possession of contraband, and intoxication. These violations can lead to an offender's trusty status being reduced to a lower level or removed entirely. However, DOC does not currently collect centralized or department-wide data related to trusty status and rule violations, including when they occur, what rule was violated, and the action taken by the institution. According to DOC, correctional institutions internally track such information. Because this information is not in CAJUN, we had to rely on the institutions to provide a complete and accurate list of rule violations.⁶ According to these lists, 309 trusties lost or had their trusty status reduced in fiscal year 2016. Exhibit 3 below shows a summary of violations committed by these trusties for the selected institutions.

⁶ Due to time constraints, we were unable to test the accuracy and completeness of this information.

| Exhibit 3 Summary of Violations Committed by Trustees at Selected Institutions July 1, 2015 through June 30, 2016 | | | | | | | |
|---|---|------------|------------|-----------|------------|-------------|-------------|
| Violations | Examples of Violations | Angola | DCI | EHCC | LCIW | Total | % |
| Contraband | Any item not permitted by Departmental regulation or institutional policy (e.g., drugs, alcohol, extra pair of shoes). | 31 | 42 | 3 | 12 | 88 | 28% |
| General Prohibited Behavior | Behaviors that impair or threaten the security or wellbeing of an employee, visitor, offender (e.g., threatening, planning, or committing a violation of the rules, etc.) | 13 | 33 | 3 | 5 | 54 | 17% |
| Defiance | Prohibited conduct (e.g., obstruct, resist, distract, or attempt to elude staff in the performance of their duties). | 6 | 38 | 1 | 4 | 49 | 15% |
| Intoxication | Being under the influence of any intoxicating substance. | 9 | 31 | 1 | 0 | 41 | 13% |
| Aggravated Sex Offense | Nonconsensual and/or consensual sexual acts involving offender-on-offender, offender-on-staff or non-incarcerated person. | 10 | 10 | 3 | 2 | 25 | 8% |
| Other violations | Theft, escape, aggravated fighting, etc. | 12 | 33 | 2 | 14 | 61 | 19% |
| Total | | 81 | 187 | 13 | 37 | 318 | 100% |
| Percentage | | 25% | 59% | 4% | 12% | 100% | |

Source: Prepared by the legislative auditor's staff using unaudited information provided by DOC, Angola, DCI, LCIW, and EHCC.

We reviewed the 318 violations committed by these 309 trustees and found that not all trustees had their trusty status reduced or removed due to these violations, including major rule violations. Specifically, we identified 19 trustees (6%) who had the same status level after committing violations ranging from general prohibited behavior and defiance to aggravated sex offense and intoxication.

Recommendation 4: DOC should ensure that correctional institutions periodically report the number of trustees and the number of rule violations committed by trustees, including when they occur, what rule was violated, and the action taken by the institution.

Summary of Management's Response: DOC disagrees with this recommendation. According to DOC, due to the subjective nature of the information, collecting this information would have very little intrinsic value to DOC administrative staff. Each individual case may have very different circumstances and, thereby, very different outcomes. See Appendix A for DOC's full response.

LLA Additional Comments: Collecting information on trusty violations would enable DOC to identify what violations (offender-employee relationships, intoxication, etc.) are predominant at each particular correctional institution; to ensure that responses to these violations are consistent, objective, and fair across all institutions; and to help protect offenders, state agency staff, and the public since trustees are authorized to work outside correctional institutions.

LSP needs to establish departmental specific regulations for LSP Barracks trusties, including what eligibility requirements can be waived.

DOC regulations require that LSP implement policies and procedures for the approval and supervision of offenders classified as trusties who are assigned to the LSP Barracks. In 2011, LSP established a departmental policy for selecting trusties for LSP Troops⁷ but not for the LSP Barracks. As a result, staff at the LSP Barracks used its internal inmate transfer screening process, which differs from the LSP departmental policy. Exhibit 4 on the following page shows the differences in the eligibility requirements between LSP departmental policy and the LSP Barracks Screening Process. Appendix F summarizes this screening process.

| Exhibit 4 Summary of Differences in Trusty Eligibility Requirements between LSP Departmental Policy and LSP Barracks Screening Process | |
|---|---|
| LSP Departmental Policy | LSP Barracks Transfer Screening Process |
| No drug convictions with distribution/sale | No drug convictions within the last 10 years |
| Offenders discharge date must not exceed 10 years | A minimum of approximately three years remaining time to serve prior to release |
| | At least three years in a state prison for accurate medical and disciplinary history tracking |
| Source: Prepared by the legislative auditor’s staff using information provided by LSP. | |

Staff relies on CAJUN data and prison records when screening offenders for the LSP Barracks. We determined whether LSP accepted offenders to its trusty program in accordance with the following eligibility requirements:

- No prior escapes;
- No sex crime convictions, as outlined in Appendix F;
- No kidnapping convictions;
- No drug convictions within the last 10 years;
- At least three years incarceration in a state prison;
- No death sentence convictions; and
- No murder or attempted murder of a police officer.

⁷ LSP is divided into nine regional Troops, with each covering multiple parishes. For example, Troop A covers Ascension, East Baton Rouge, East Feliciana, Iberville, Livingston, Pointe Coupee, St. James, West Baton Rouge, and West Feliciana parishes.

Based on the previously mentioned requirements, we found that eight of 142 (6%) LSP trusties were not eligible. Of these, seven⁸ were not eligible because they had drug offense convictions. According to LSP Barracks staff, they waived these eligibility requirements for these offenders because they met other requirements. One of eight offenders was ineligible because they were incarcerated less than three years in a state prison. According to LSP Barracks staff, they also waived this requirement for this offender because he met other eligibility requirements. However, the LSP Barracks internal screening process does not allow for granting any waivers.

Recommendation 5: LSP should establish departmental policy for screening offenders for the LSP Barracks. This policy should specify which eligibility requirements can be waived and develop a method to document when waivers are used.

Summary of Management's Response: LSP agrees with this recommendation. LSP has incorporated the LSP Barracks' internal policy into the departmental policy and revised both of them to include specific verbiage to separate the two processes and identify any applicable exceptions. See Appendix B for LSP's full response.

⁸ For two of the trusties, eligibility cannot be determined because they have a drug offense conviction, but CAJUN does not list an offense date. For the purposes of our analysis, we considered them not eligible.

APPENDIX A: DOC'S RESPONSE

Department of Public Safety & Corrections
State of Louisiana

JOHN BEL EDWARDS
Governor



JAMES M. LE BLANC
Secretary

November 17, 2016

Daryl G. Purpera, CPA, CFE, Legislative Auditor
Louisiana Legislative Auditor's Office
P.O. Box 94397
Baton Rouge, LA 70804-9397

Dear Mr. Purpera:

On behalf of the Louisiana Department of Public Safety and Corrections (DPS&C), I express my appreciation for the insight and recommendations offered by the Legislative Auditor through the Performance Audit relative to the oversight of trusty programs. As always, we welcome external review of our processes and policies and are always eager to improve our operations where opportunities exist to make them more efficient or improve upon outcomes that support our mission.

In the final report, there is a recommendation that the DPS&C ensure that all correctional facilities develop trusty policies that are in compliance with DPS&C regulations. While we agree with this recommendation and have reviewed all institutional policies and made necessary changes that both ensure compliance and reduce confusion relative to interpretations, we disagree with some of the data in Appendix E. Appendix E shows that only one of nine institution's (AVC, now referred to as RLCC) was in complete compliance with the Department Regulation for Level 1 trusties. Four others were deemed out of compliance simply because the Institutional Policy did not mention a requirement for evaluation of the offenders "Work Ethic and Skills." Of the nine qualifiers, this is the only subjective requirement, and as such, need not be explicit in institutional policy as any Trusty Board would certainly gauge that subjective quality along with many others when considering trusty status for any offender. Appendix E also reflects that Louisiana State Penitentiary's (LSP) policy for Level 1 and Level 2 trusties meets none of the 9 requirements. This is erroneous in the fact that LSP does not house a population that would qualify for either Level 1 or Level 2 trusty status and the Institutional Policy has been revised to ensure clarification on this matter.

In regard to adherence to Department Regulations by institutions, we also take issue with your finding that 91% of LSP's trusties were ineligible. The report erroneously equates Level 1, 2 and 3 trusties per Department Regulation to Class A, B and C trusties as dictated in LSP policy. As we previously explained to your audit team, all trusties at LSP are and have always been level 3 trusties. LSP has since clarified their policy to specifically state that all Angola trusties are considered to be Level 3 with exact language from the Department Regulation. After taking this into account, the audit report still states that 24% of LSP's trusties are not eligible due to lack of required waivers. The report also states that this conclusion is based on the finding that waivers were not found in CAJUN and not documented in the offenders' records. There was no requirement of our staff to document this information in CAJUN and, as explained to the team previously, any waivers required by Department Regulation were implicitly given by the third and final approval signature of the Warden or his designee in the Trusty Board process. However, based on the recommendation of this report, we have implemented the use of a paper waiver form that will now be required so that the waiver will be explicit and in the offender's record. In addition, LSP staff had reviewed their trusty designations based on the team's initial visit and completed the new waiver form on each LSP trusty who required them and made them available in the offenders' records at the time of your team's second review. As such, to state that the waivers were not in the offenders' records is inaccurate. LSP is and always has been in 100% compliance with the Department Regulation. We understand that the Institutional Policy may have caused some confusion for the team and have since put in place revisions that clarify our practice. It is also important to note that there have been no inmate job changes or changes in custody status as a result of LSP's revised policy and subsequent review, which is important in supporting the fact that our staff were following the spirit and intent of the Department Regulation.

The report also recommends that the DPS&C periodically verify that all institutions have assigned trusties to appropriate levels. We agree with this recommendation and have incorporated such a review into our annual audit of our correctional facilities (Reference Department Regulation C-05-001). Upon receipt of this report, we also conducted a review of compliance at all state institutions. We found that only 21 of 2,620 (0.8%) trusties required some change in their trusty classification. These 21 offenders were reclassified and are now in compliance with Institutional Policies and Department Regulations.

Your report also states that "IF" all 151 of the Baton Rouge Work Crew out of Dixon Correctional Institute (DCI) had to comply with the same requirements as other Level 1 trusties, 33% would not be eligible for various reasons. This statement leads the reader to believe that those that make up this 33% are not good candidates for this trustee status, which is not accurate. In fact, during our most recent review of the Department Regulation, the qualifications for both Level 1 trusty status and Baton Rouge work crews were modified and are now the same.

The third recommendation states that DPS&C should insure that institutions use waiver forms when waiving eligibility requirements for trusties. As previously noted, we agree with your recommendation and have created this form and incorporated verification of form usage into our annual audit process. It is also important to note again that prior to creating an official documented waiver, any waivers required by Department Regulation were implicitly given by the third and final approval signature of the Warden or his designee in the Trusty Board process.

The final report recommendation is was that DPS&C should ensure that correctional institutions periodically report the number of trusties and the number of rule violations committed by trusties, including when they occur, what ruled was violated, and the action taken by the institution. The DPS&C certainly appreciates the value of information and has made every effort to capture as much data as possible even in light of current budget restraints. However, due to the subjective nature of the information described above, it would have very little intrinsic value to DPS&C administrative staff. Each individual case may have very different circumstances and thereby, very different outcomes. It is our contention that data capturing resources could be better used to track more relevant information such as programming statistics that prove beneficial to an offender's successful return to society, as this has a direct impact on public safety. We have the ability to look at rule violations by individual offender and based on our goal of preparing offenders for return to our communities as productive citizens, it is more important that we evaluate them based on individual behavior than by job series while incarcerated.

Again, I would like to thank you and your team for your hard work, valuable insight and constructive recommendations. DPS&C looks forward to a continued relationship with the Legislative Auditor that is mutually beneficial and continues to aid in the progress and improvement of the Great State of Louisiana.

Sincerely,



James M. Le Blanc
Secretary

APPENDIX B: LSP'S RESPONSE

JOHN BEL EDWARDS
GOVERNOR



MICHAEL D. EDMONSON, COLONEL
DEPUTY SECRETARY

State of Louisiana
Department of Public Safety and Corrections
Public Safety Services

November 14, 2016
HQ-1-2096

Mr. Daryl G. Purpera, CPA, CFE
Louisiana Legislative Auditor
1600 North Third Street
Baton Rouge, LA 70804

Dear Mr. Purpera:

My staff and I have reviewed your office's findings and recommendations in the performance audit report on the Louisiana State Police-Oversight of Trusty Programs. During the audit there was some confusion on our department's processes in the selection of offenders as trustees for our barracks versus our troop locations around the state.

Our departmental policy and procedure manual contains policies that are applicable to all statewide operations. There are also policies implemented by section commanders which govern the unique operations of their specific section within the department. The selection of offenders to serve as trustees at our troop locations is outlined in our departmental policy and procedure manual. The selection of offenders to participate in our trustee work program at the State Police Barracks was outlined in an internal section policy.

When conducting their audit, your staff applied our departmental policy that addresses the selection of offenders for our troop operations to the selection process for our barracks. The selection process for the barracks is a separate process from the troops.

The internal section policy that outlines the selection process for our barracks was supplied to the auditors for review and clarification. In response to recommendation 5 from your staff, I have incorporated this internal policy into our departmental policy and procedure to avoid any confusion. The two policies have also been revised to include specific verbiage to separate the two processes and identify any applicable exceptions.

November 14, 2016

HQ-1-2096

Page 2

I would like to express my appreciation to your staff for their courtesy and patience during this process. The Louisiana State Police looks forward to working with you and your staff in the future to improve all aspects of public safety for the citizens of Louisiana. Please feel free to contact me directly at (225) 925-6118 if you have any questions regarding our response.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael Edmonson", with a stylized flourish at the end.

Colonel Michael Edmonson
Deputy Secretary, Public Safety Services
Superintendent, Louisiana State Police

APPENDIX C: SCOPE AND METHODOLOGY

We conducted this audit under the provisions of Title 24 of the Louisiana Revised Statutes of 1950, as amended. Our audit covered the time period of July 1, 2015, through June 30, 2016. The audit objective was to evaluate the Louisiana Department of Public Safety and Corrections' (DPSC) oversight of trusty programs at state correctional facilities and the Louisiana State Police Barracks. We conducted this performance audit in accordance with generally-accepted *Government Auditing Standards* issued by the Comptroller General of the United States. These 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 objective. We believe the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objective. To answer our objective, we reviewed internal controls relevant to the audit objective and performed the following audit steps:

- Researched and reviewed relevant provisions in Revised Statutes, Administrative Code, and Executive Budget supporting documents to understand the Department of Public Safety and Corrections - Corrections Services' (DOC) and State Police's (LSP) legal authority, responsibilities, mission, and goals.
- Interviewed personnel at DOC headquarters, state correctional institutions personnel, and LSP personnel to obtain an understanding of trusty classification policies and procedures.
- Obtained and analyzed DOC departmental regulations, individual state correctional institutions' policies, and LSP policies regarding trusties.
- Observed classification board meetings to gain a better understanding of the classification process of offenders to trusties at the following selected state correctional institutions:
 - Louisiana State Penitentiary (Angola)
 - Dixon Correctional Institute (DCI)
 - Elayn Hunt Correctional Center (EHCC)
 - Louisiana Correctional Institute for Women (LCIW)
- Observed LSP offender screening process to gain a better understanding of how LSP selects offenders for the LSP Barracks.

- Obtained trusty counts from all nine state correctional institutions and the LSP Barracks by trusty level. Dates for trusty counts are as follows:

| Dates for Trusty Counts Received from State Correctional Institutions and State Police | |
|---|-------------|
| State Correctional Institution | Date |
| Allen Correctional Center (ALC) | 12/21/15 |
| Avoyelles Correctional Center (AVC) | 12/21/15 |
| Dixon Correctional Institution (DCI) | 2/16/16 |
| David Wade Correctional Center (DWCC) | 12/1/15 |
| Elayn Hunt Correctional Center (EHCC) | 3/2/16 |
| Louisiana Correctional Institute for Women (LCIW) | 3/2/16 |
| Louisiana State Penitentiary (Angola) | 2/16/16 |
| Rayburn Correctional Center (RCC) | 12/21/15 |
| Winn Correctional Center (WNC) | 12/21/15 |
| Louisiana State Police (LSP) Barracks | 4/14/16 |

- Obtained a list of trusties from four state correctional institutions and the LSP Barracks, including their names, DOC Number, trusty level, and job assignment.
- Obtained and analyzed data from the Corrections and Justice Unified Network (CAJUN) on offenders classified as trusties in the four selected state correctional institutions (Angola, DCI, EHCC, and LCIW) and LSP as of April 11, 2016. This data was used to determine the trusty status eligibility of the offenders. We performed limited data reliability testing of the CAJUN data; specifically data-set verification and electronic testing of key data elements.
- Used DOC trusty eligibility requirements that are contained in CAJUN for our analysis, specifically:

| DOC Eligibility Requirements for Trusties by Level | | | | |
|---|--|---|--|--|
| Eligibility Requirements | Level 1 | Level 1 (BR State Buildings Crew) | Level 2 | Level 3 |
| Sex Offense Conviction | No conviction* | No conviction | No conviction* | No conviction** |
| Crime of Violence Conviction | No conviction for any crime of violence within the past 10 years | No conviction for first- and second-degree murder, aggravated kidnapping, armed robbery, aggravated arson | | |
| Earliest Release Date | Less than eight years | Less than eight years | Less than 11 years | |
| History of Escape | No history of escape in the last seven years | No history of escape in the last seven years | No history of escape in the last seven years | No history of escape in the last seven years |
| Time Served | | | | At least 10 years of sentence*** |
| * The warden or designee can grant a waiver to female offenders with a conviction for prostitution or crime against nature. ** The warden or designee can grant waiver to allow offender to work on facility grounds, not including staff housing areas. *** The warden or designee can grant a waiver. | | | | |

- Obtained and analyzed contracts for trusty work crews for all nine state correctional institutions.
- Obtained and analyzed violations committed by trusties at four selected correctional institutions during the period of July 1, 2015, through June 15, 2016.

APPENDIX D: DOC ELIGIBILITY REQUIREMENTS AND WORK ASSIGNMENTS FOR TRUSTIES

In 2011, DOC established *Departmental Regulation No. B-02-017* and *No. B-02-001*, which outlines eligibility requirements and work assignments for each of the three levels of trusties and Baton Rouge State Building trusties, as outlined in the exhibit below. The policy also states that wardens may include additional restrictions other than those listed below.

| Summary of Eligibility Requirements and Work Assignments for Trusties | | | |
|---|--|---|---|
| Level 1 Trusty | Baton Rouge State Building Trusty | Level 2 Trusty | Level 3 Trusty |
| Eligibility Requirements | | | |
| <ul style="list-style-type: none"> • No conviction of sex offense;* • No conviction for a crime of violence with the past 10 years; • Eight years to earliest release date; • No felony detainers, unless the detainer is for a concurrent sentence which is shorter than the sentence which the offender is currently serving; • No history of escape in the last seven years; • No major rule violations in the last 90 days; • No significant mental or medical issues; • No intoxication or positive drug test in the past two years. | <ul style="list-style-type: none"> • No conviction of sex offense; • No conviction of first- or second-degree murder, aggravated kidnaping, armed robbery, or aggravated arson; • Eight years to earliest release date; • No felony detainers, unless the detainer is for a concurrent sentence that is shorter than the sentence that the offender is currently serving; • No history of escape in the last seven years; • No records, either arrest or institutional, which reveal compulsive or habitual use of violence against the person; • No significant mental or medical issues; • Must qualify for minimum custody status; • No demonstration of an overt-aggressive pattern of homosexual behavior or a pattern of aggressive sex offense violations to the extent that it would disrupt the smooth daily operation of the institution; | <ul style="list-style-type: none"> • No conviction of sex offense;* • Eleven years to earliest release date; • No felony detainers, unless the detainer is for a concurrent sentence that is shorter than the sentence the offender is currently serving; • No history of escape in the last seven years; • No major rule violations in the last 30 days; • No significant mental or medical issues; • No intoxication or positive drug test in the past year. | <ul style="list-style-type: none"> • Must have served at least 10 years of sentence;*** • No history of sex offense convictions;*** • No active detainers other than misdemeanor charges; • No major rule infractions for the past year; • No history of escape within the last seven years. |

| Summary of Eligibility Requirements and Work Assignments for Trusties | | | |
|--|--|---|--|
| Level 1 Trusty | Baton Rouge State Building Trusty | Level 2 Trusty | Level 3 Trusty |
| | <ul style="list-style-type: none"> No records reflecting habitual and compulsive violent behavior, consistent signs of bad work habits, lack of cooperation or good faith or other undesirable behavior; No offenders whose presence in the community may or does evoke adverse public reaction; No intoxication or positive drug test within the previous 24-month period, including offenders who refused to be tested or to cooperate in testing as well as an offender who alters his urine specimen; In accordance with R.S. 15:827(A)(4), no offenders who have been found under the influence or in possession of a controlled dangerous substance upon returning to a DPSC facility from an escorted absence, outside work detail or job, or any other program, work, or recreational activity outside of the institution within the previous 12-month period. | | |
| Work Assignments | | | |
| <ul style="list-style-type: none"> Offender can work outside the secure perimeter, including community projects. Direct supervision is not required at all times; however, institutional policy shall provide for offender accountability indicating frequency and duration of direct offender supervision. | <ul style="list-style-type: none"> AVC and DCI offenders are assigned to the National Guard and the Baton Rouge Maintenance/Janitorial crews; Assignment of offenders to these institutions who have been convicted of manslaughter, attempted first- or second-degree murder, and attempted manslaughter shall be subject to an extensive classification profile relative to the nature and circumstances of the crime. | <ul style="list-style-type: none"> Offender can work outside the secure perimeter on institutional grounds. When taken off facility grounds, offenders shall be under constant staff supervision, and institutional policy shall provide for offender accountability. | <ul style="list-style-type: none"> The warden or designee shall approve the offender to work off facility grounds; such approval shall include the number of staff providing offenders with direct supervision. |
| <p>*Waiver can be granted by the warden or designee to female offenders with a conviction for prostitution or crime against nature. **Waiver may be granted by the warden or designee. ***Waiver can be granted by the warden or designee to allow the offender to work on facility grounds, not including staff housing areas. Source: Prepared by legislative auditor’s staff using information contained in the DOC Departmental Regulation No. B-020017 “Classification Plan.”</p> | | | |

APPENDIX E: COMPARISON OF DOC'S REGULATIONS TO INSTITUTIONAL POLICIES FOR TRUSTIES

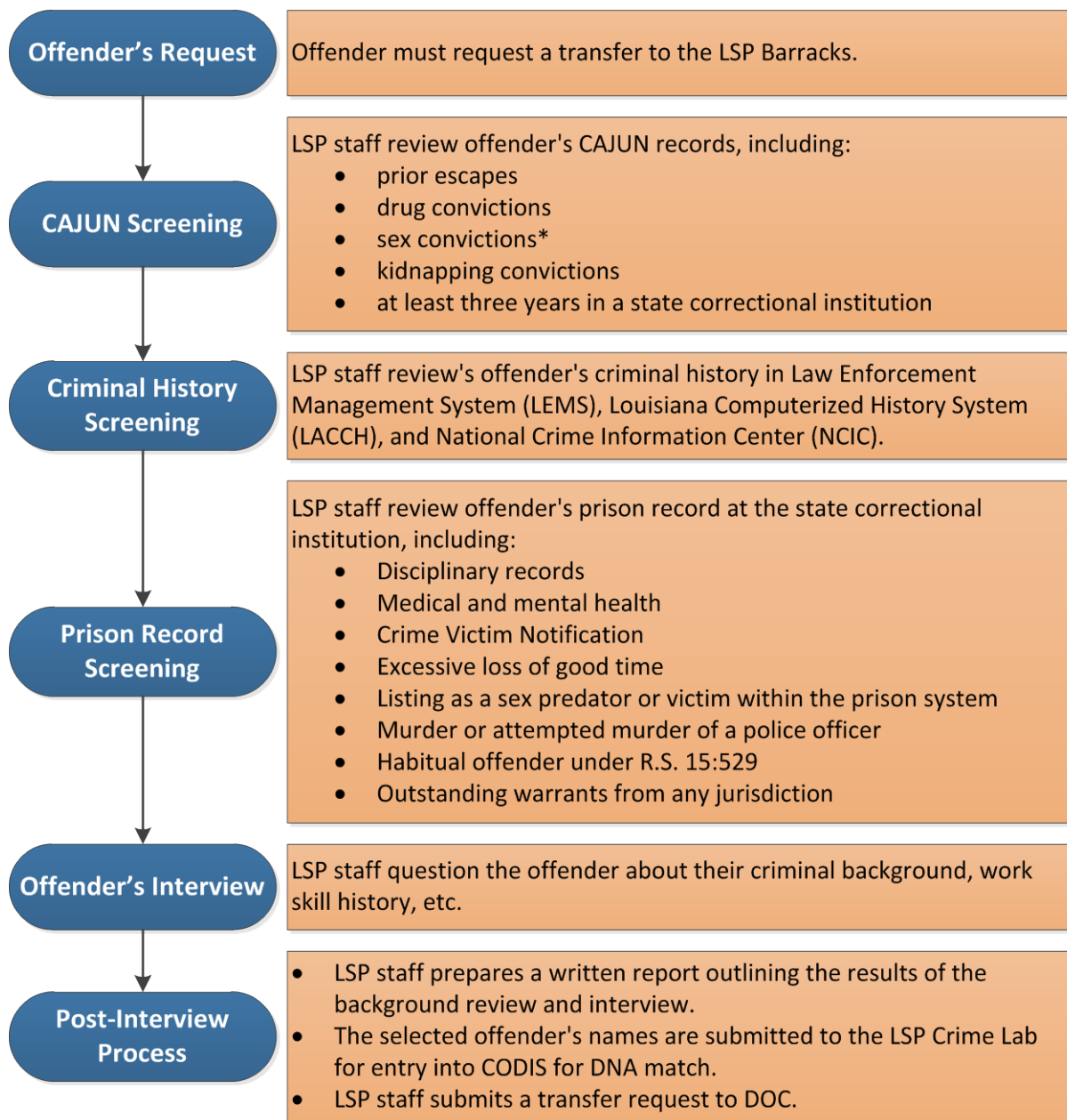
| Trusty Status | DOC Requirements | ALC | AVC | DCI | DWCC | EHCC | LCIW | Angola | RCC | WNC |
|---------------|---|-----|-----|-------|------|-------|------|--------|-------|-----|
| Level 1 | Eight years to earliest release date; | ✓* | ✓ | ✓* | ✓ | ✓* | ✓ | No | ✓ | ✓* |
| | No conviction for a crime of violence within the past 10 years; | No | ✓ | ✓** | ✓ | ✓**** | ✓ | No | No | ✓** |
| | No conviction for a sex offence; | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | No | ✓ | ✓ |
| | No felony detainees; | ✓* | ✓ | ✓ | ✓ | ✓ | ✓ | No | ✓ | ✓ |
| | No history of escape in the last seven years; | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | No | ✓ | ✓* |
| | No intoxication or positive drug test in the last two years; | No | ✓ | ✓**** | ✓ | ✓* | ✓ | No | No | No |
| | No major rule violations in the last 90 days; | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | No | ✓**** | ✓ |
| | No significant mental or medical issues; | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | No | ✓ | No |
| | Work ethic and skills. | No | ✓ | No | No | No | No | No | ✓ | No |
| Level 2 | Eleven years to earliest release date; | N/A | ✓ | ✓* | ✓ | ✓* | ✓ | No | ✓ | N/A |
| | No conviction for a sex offence; | N/A | ✓ | ✓ | ✓ | ✓ | ✓ | No | ✓ | N/A |
| | No felony detainees; | N/A | No | ✓ | ✓ | ✓ | ✓ | No | ✓ | N/A |
| | No history of escape in the last seven years; | N/A | ✓ | No | ✓ | ✓ | ✓ | No | ✓ | N/A |
| | No intoxication or positive drug test in the past year; | N/A | ✓ | ✓* | ✓ | ✓* | ✓ | No | No | N/A |
| | No major rule violations in the last 30 days; | N/A | ✓ | ✓* | ✓ | ✓ | ✓ | No | ✓**** | N/A |
| | No significant mental or medical issues. | N/A | ✓ | ✓ | ✓ | ✓ | ✓ | No | ✓ | N/A |

| Trusty Status | DOC Requirements | ALC | AVC | DCI | DWCC | EHCC | LCIW | Angola | RCC | WNC |
|---------------|---|-----|-----|------|------|------|------|--------|------|-----|
| Level 3 | Must have served at least 10 years of sentence; | N/A | ✓ | ✓ | ✓ | ✓ | ✓ | No | ✓ | N/A |
| | No active detainees other than misdemeanor charges; | N/A | ✓ | ✓ | ✓ | ✓ | ✓ | No | ✓ | N/A |
| | No history of escape within the last seven years; | N/A | ✓ | ✓ | ✓ | ✓ | ✓ | No | ✓ | N/A |
| | No history of sex offense convictions; | N/A | ✓ | ✓ | ✓ | ✓ | ✓ | No | ✓ | N/A |
| | No major rule infractions for the past year. | N/A | ✓ | ✓*** | ✓ | ✓ | ✓ | No | ✓*** | N/A |

*State correctional institutions established stricter restrictions as compared to DOC regulations.
 **State correctional institutions did not prohibit all violent offenses and did not establish timeframes even though DOC regulation has.
 *** State correctional institutions did not establish timeframes or established less strict timeframes in comparison to DOC regulations.
Source: Prepared by the legislative auditor's staff using DOC and state correctional institutions' regulations.

APPENDIX F: LSP BARRACKS INMATE TRANSFER SCREENING PROCESS

In 2008, LSP revised its screening process for offenders assigned to the LSP Barracks:



Source: Prepared by legislative auditor's staff using information provided by LSP.

*No sex crime convictions as outlined below:

- 14:42 Aggravated Rape

- 14:42.1 Forcible Rape
- 14:43 Simple Rape
- 14:43.1 Sexual Battery
- 14:43.2 2nd Degree Sexual Battery
- 14:43.3 Oral Sexual Battery
- 14:43.5 Intentional Exposure to AIDS Virus
- 14:78 Incest
- 14:78.1 Aggravated Incest
- 14:80 Felony Carnal Knowledge of a Juvenile
- 14:81 Indecent Behavior with Juveniles
- 14:81.1 Pornography Involving Juveniles
- 14:81.2 Molestation of a Juvenile
- 14:81.3 Computer-Aided Solicitation of a Minor
- 14:81.4 Prohibited Sexual Conduct Between Educator and Student
- 14:82.1 Prostitution
- 14:83.2 Promoting Prostitution
- 14:84 Pandering
- 14:86 Enticing Persons into Prostitution
- 14:89 Crime Against Nature
- 14:89.1 Aggravated Crime Against Nature
- 14:92(A)(7) Contributing to the Delinquency of Juveniles
- 14:93.5 Sexual Battery of the Infirm
- 14:106(A)(5) Obscenity
- 14:283 Video Voyeurism
- 14:283.1 Voyeurism