



Commonwealth of Massachusetts
Office of the State Auditor
Suzanne M. Bump

Making government work better

Bristol County Sheriff's Office

For the period July 1, 2015 through December 31, 2017

This document is a preliminary draft and is made available for discussion purposes only. It is not to be considered a final public document since it is subject to revision by the Office of the State Auditor. It is your responsibility to safeguard this document against unauthorized use. Use of this document for any other purpose is a violation of professional ethics and generally accepted government auditing standards.



TABLE OF CONTENTS

EXECUTIVE SUMMARY	1
OVERVIEW OF AUDITED ENTITY	2
AUDIT OBJECTIVES, SCOPE, AND METHODOLOGY	4
DETAILED AUDIT FINDINGS WITH AUDITEE'S RESPONSE	7
1. The Bristol County Sheriff's Office did not transfer \$348,922 of federal reimbursements to the Office of the State Treasurer or account for them in the state's accounting system.	7
2. BCSO did not ensure that the Commonwealth received appropriate compensation for the services it provides under its service agreement with ICE.	8
3. BCSO did not submit required inmate cost analysis reports.	9
4. BCSO did not have sufficient documentation for some credit card expenditures.	10
OTHER MATTERS	12

LIST OF ABBREVIATIONS

ACA	American Correctional Association
BCSO	Bristol County Sheriff's Office
CFO	chief financial officer
DOC	Department of Correction
ICE	Immigration and Customs Enforcement
MMARS	Massachusetts Management Accounting and Reporting System
MSA	Massachusetts Sheriffs' Association

EXECUTIVE SUMMARY

In accordance with Section 12 of Chapter 11 of the Massachusetts General Laws, the Office of the State Auditor has conducted a performance audit of the Bristol County Sheriff's Office (BCSO) for the period July 1, 2015 through December 31, 2017. In this performance audit, we reviewed BCSO's administrative expenditures, its procurement of goods and services, and its administration of staff overtime.

Below is a summary of our findings and recommendations, with links to each page listed.

Finding 1 Page <u>7</u>	BCSO did not transfer \$348,922 of federal reimbursements to the Office of the State Treasurer or account for them in the state's accounting system.
Recommendations Page <u>7</u>	<ol style="list-style-type: none">1. BCSO management should immediately remit the payment of \$348,922 to the Commonwealth.2. BCSO management should ensure that US Immigration and Customs Enforcement (ICE) has the proper bank account information and that BCSO administers these revenues in accordance with state law.
Finding 2 Page <u>8</u>	BCSO did not ensure that the Commonwealth received appropriate compensation for the services it provides under its service agreement with ICE.
Recommendation Page <u>9</u>	BCSO should establish a policy that requires that the adequacy of this compensation be annually reviewed and, if necessary, adjusted.
Finding 3 Page <u>9</u>	BCSO did not submit required inmate cost analysis reports.
Recommendation Page <u>10</u>	BCSO should work with the Massachusetts Sheriffs' Association to obtain revised report templates in order to prepare and submit fiscal year 2016 and 2017 inmate cost analysis reports as soon as possible.
Finding 4 Page <u>10</u>	BCSO did not have sufficient documentation for some credit card expenditures.
Recommendations Page <u>11</u>	<ol style="list-style-type: none">1. BCSO should require itemized receipts to support all credit card transactions.2. BCSO should establish monitoring controls to ensure that its policies and procedures are adhered to.

Post-Audit Action

[Description of action, if any, taken by agency in response to audit before publication]

OVERVIEW OF AUDITED ENTITY

The Bristol County Sheriff's Office (BCSO) was established as an independent state agency on August 6, 2009, when the Bristol County government was abolished.¹ The Sheriff became an employee of the Commonwealth, but remained an elected official and retained administrative and operational control over BCSO. During our audit period, BCSO had approximately 750 employees. According to its website,

BCSO works in partnership with law enforcement agencies, government entities and community groups, lending resources to train, educate, and respond to the safety concerns of our communities. Three adult correctional facilities, a juvenile alternative lock-up, a regional lock-up, and a host of divisions ranging from Civil Process to Homeland Security comprise the Department.

BCSO operates the Bristol County House of Correction at 400 Faunce Corner Road in North Dartmouth. This multi-building facility was opened in 1990 and is used for the care and custody of people who are sentenced or awaiting trial, as well as federal detainees who are undergoing deportation proceedings with the federal entity Immigration and Customs Enforcement (ICE). As of December 25, 2017, BCSO reported that 751 inmates and 198 ICE detainees (67% of capacity) lived at the House of Correction. BCSO also operates a regional lockup facility at 26 Ash Street in New Bedford, which houses 187 inmates (83% of capacity) who either have been sentenced or are awaiting trial. Finally, BCSO provides police dogs to assist municipalities throughout Bristol County in search and rescue operations.

BCSO received state appropriations of \$43,752,046 in fiscal year 2016 and \$43,314,526 in fiscal year 2017. During our audit period, the Commonwealth was reimbursed for services BCSO provided to house and transport federal immigration detainees, as indicated below.

Federal Immigration and Customs Enforcement Reimbursements

Period	Housing	Transportation	Fiscal Year Total
Fiscal Year 2016	\$ 3,635,506	\$ 646,576	\$ 4,282,082
Fiscal Year 2017	5,742,114	788,532	6,530,646
Fiscal Year 2018 (July 1, 2017–December 31, 2017)	2,207,842	565,189	2,773,031
Total Reimbursements	<u>\$11,585,462</u>	<u>\$ 2,000,297</u>	<u>\$ 13,585,759</u>

1. Chapter 61 of the Acts of 2009, An Act Transferring County Sheriffs to the Commonwealth, which was enacted on August 6, 2009, transfers, except where specified, all functions, duties, and responsibilities of certain Sheriff's Offices. The transition was completed on January 1, 2010.

BCSO received additional revenue from the following federal grants.

Program	2016	2017	Total
Adult Basic Education Distribution	\$ 192,374	\$ 177,231	\$ 369,605
Families First: Improving Outcomes for Youth in Court	89,891	195,532	285,424
Federal Inmate Reimbursement	0	56,657	56,657
Justice Assistance Grant	39,708	194,928	234,636
State Homeland Security	0	5,874	5,874
Adult Education	246,923	245,680	492,603
Urban Areas Security Initiative	0	0	0
Total	<u>\$ 568,896</u>	<u>\$ 875,902</u>	<u>\$ 1,444,799</u>

AUDIT OBJECTIVES, SCOPE, AND METHODOLOGY

In accordance with Section 12 of Chapter 11 of the Massachusetts General Laws, the Office of the State Auditor has conducted a performance audit of certain activities of the Bristol County Sheriff's Office (BCSO) for the period July 1, 2015 through December 31, 2017.

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

Below is a list of our audit objectives, indicating each question we intended our audit to answer; the conclusion we reached regarding each objective; and, if applicable, where each objective is discussed in the audit findings.

Objective	Conclusion
1. Are BCSO's administrative expenses allowable and properly documented?	No; see Finding <u>4</u>
2. Does BCSO properly administer its contracting process for goods and services?	No; see Findings <u>1</u> , <u>2</u> , and <u>3</u>
3. Does BCSO properly administer overtime for its employees to ensure that it is reasonable, allowable, and properly authorized?	Yes

To achieve our objectives, we gained an understanding of the internal controls related to our audit objectives by reviewing applicable laws, agency policies, and procedures, as well as conducting interviews with BCSO management. We evaluated the design and tested the operating effectiveness of controls over the following areas: administrative expenses, contractual procurement of goods and services, and administration of BCSO employee overtime.

We assessed the reliability of BCSO's electronic data by performing a data reliability assessment and testing its computer use policies, security settings, and access controls. We assessed the reliability of BCSO's source documents by performing verification testing. Based on the results of our data reliability assessment and verification procedures, we determined that the information obtained for our audit period was sufficiently reliable for the purposes of our audit work.

Administrative Expenses

We obtained payment information from the Commonwealth's Massachusetts Management Accounting and Reporting System (MMARS)² for all expenses incurred by BCSO during our audit period and compared this information to the expense data in BCSO's accounting records. We selected a random sample of invoices from BCSO's files and determined whether the information on the invoices matched the data in MMARS. Further, we reviewed 30 months of credit card statements, comparing the beginning and ending balances on these statements to determine whether any statements were missing. Finally, we obtained a list of all bank accounts in use at BCSO.

To determine whether certain administrative expenses were appropriate, allowable, and directly applicable to BCSO's mission, we selected a statistical sample of 31 expenses, totaling \$232,105, out of a population of 25,209 transactions, totaling \$57,544,455, with a tolerable error rate of 7.5% and confidence level of 90%. We reviewed each expense and determined whether purchases were related to BCSO activities, payment amounts were properly calculated, purchases had sufficient documentation, invoice amounts matched expenditure amounts, and invoices were properly approved and marked as paid.

Procurement

We requested from BCSO a list of all contracts it executed during our audit period. To test the accuracy of this list, we reviewed the minutes of the Sheriff's Internal Committee meetings held during our audit period, noting any discussions of contracts, and compared those discussed to the list provided. We also reviewed 28 invoices BCSO paid during the audit period to determine whether they corresponded to any contractual agreements that were not on the list provided.

To determine whether BCSO properly administered its contracting process for goods and services, we selected a judgmental sample of 8 out of 35 contracts (such as the inmate telephone, US Immigration and Customs Enforcement (ICE), and medical contracts) that BCSO awarded during our audit period. We reviewed the contract files to determine whether each contract was awarded in accordance with BCSO policies and procedures. In the case of BCSO's contract with ICE, also we determined whether BCSO annually calculated the cost of housing ICE detainees and, if necessary, amended the contract to ensure

2. In 2014, the Office of the State Auditor performed a data reliability assessment of MMARS. As part of this assessment, we tested general information technology controls for system design and effectiveness. We tested for accessibility of programs and data as well as system change management policies and procedures for applications, jobs, and infrastructure.

proper reimbursement. Finally, we determined whether any revenue derived from a contract was properly deposited in the appropriate bank account.

In order to assess whether assets that were procured were properly inventoried, we judgmentally selected 67 items from BCSO's inventory record, located them, and determined whether they had affixed inventory tags.

Overtime

We extracted from MMARS a list of BCSO employees who received overtime payments during our audit period and compared it to BCSO's payroll records. We selected a judgmental sample of the 39 employees who received the highest amount of overtime pay, out of 454 employees, during our audit period. We reviewed roll call matrixes³ and employee punch cards to determine why employees were required to work overtime and whether overtime had supervisory approval. Finally, we reviewed payroll records to determine whether overtime had been approved by senior management.

Credit Card Expenditures

We performed the following audit procedures regarding credit card expenditures:

- We randomly selected a nonstatistical sample of 8 monthly credit card statements out of a period of 30 months.
- We tested 67 credit card purchases (totaling \$39,294) to determine whether purchases were business-related and properly documented.
- We reviewed all transactions in each month to determine whether items listed on the receipts were appropriate for BCSO use, whether transactions were authorized and reviewed, and whether the amounts on the receipts matched those on the credit card statements.
- We compared the credit card payment statements to determine whether the payment amounts they listed reconciled to amounts reported in MMARS.

3. A roll call matrix is a mandatory briefing that correction officers receive when they arrive for their shifts that describes any relevant activities that occurred at the facility before they arrived.

DETAILED AUDIT FINDINGS WITH AUDITEE'S RESPONSE

1. The Bristol County Sheriff's Office did not transfer \$348,922 of federal reimbursements to the Office of the State Treasurer or account for them in the state's accounting system.

During our audit period, the Bristol County Sheriff's Office (BCSO) did not transfer \$348,922 of federal reimbursements that it received from the federal entity Immigration and Customs Enforcement (ICE) to the Commonwealth's General Fund or account for these funds in the Commonwealth's Massachusetts Management Accounting and Reporting System. The Commonwealth should have received these funds from ICE as payment for BCSO housing and transporting federal immigration detainees who are in deportation proceedings. By not transferring them, BCSO has deprived the Commonwealth of the use of these funds.

Authoritative Guidance

Section 27 of Chapter 30 of the Massachusetts General Laws states,

Except as otherwise expressly provided, all fees or other money received on account of the commonwealth shall be paid daily into the treasury thereof, but if in the opinion of the commissioner of administration and the state treasurer the interests of the commonwealth require, payments may be made weekly in accordance with such rules and regulations as the state treasurer may prescribe.

Reasons for Improper Deposits

According to BCSO officials, ICE used the routing number of a BCSO bank account that BCSO does not typically use to receive funds from ICE before depositing them with the Commonwealth. BCSO officials could not explain why these funds were not remitted to the Commonwealth in fiscal year 2016 when they were received.

Recommendations

1. BCSO management should immediately remit the payment of \$348,922 to the Commonwealth.
2. BCSO management should ensure that ICE has the proper bank account information and that BCSO administers these revenues in accordance with state law.

Auditee's Response

Auditor's Reply

[If applicable]

2. BCSO did not ensure that the Commonwealth received appropriate compensation for the services it provides under its service agreement with ICE.

BCSO did not make sure that the amount it charged ICE to house ICE detainees was appropriate. BCSO has entered into an Inter-Governmental Service Agreement with ICE to house and transport federal immigration detainees who are in deportation proceedings and are awaiting trial or deportation for violations of US immigration laws and to transport these detainees for deportation activities, court appearances, and medical emergencies. In return for these services, ICE, in its most recent contract, agreed to pay BCSO a negotiated bed day rate⁴ per detainee; the rate is currently \$98. Although BCSO renegotiated the amount that ICE reimburses the Commonwealth for transporting these detainees in 2017, it has not renegotiated the bed day rate for housing them since 2010. As a result, the Commonwealth may not be receiving equitable compensation for these services under this agreement.

Authoritative Guidance

Section B of Article IX of the Inter-Governmental Service Agreement between ICE and BCSO states,

Basis for Price Adjustment: A firm fixed price with economic adjustment provides for upward and downward revision of the stated Per Diem based upon cost indexes of labor and operating expenses, or based upon the Service Provider's actual cost experience in providing the service.

Regarding calculating adjustments to the bed day rate for detainees, Article XII of the agreement states,

ICE shall reimburse the Service Provider at the fixed detainee day rate. . . . The Parties may adjust the rate twenty-four (24) months after the effective date of the agreement and every twelve (12) months thereafter. The Parties shall base the cost portion of the rate adjustment on the principles of allowability and allocability as set forth in [Office of Management and Budget] Circular A-87, federal procurement laws, regulations, and standards in arriving at the detainee day rate.

To administer this contract properly, BCSO should annually review the compensation it receives under this contract to determine whether it is reasonable.

4. The bed day rate is a daily rate per detainee that, through negotiations, ICE agrees to pay for the temporary housing and detention of ICE detainees awaiting trial or deportation.

Reasons for Insufficient Documentation

According to BCSO's Sheriff, the office was unaware that it had not renegotiated the bed day rate since 2010. The Sheriff further explained that because the ICE reimbursement is transferred into the Commonwealth's General Fund, not retained by BCSO, there is little incentive for his office to determine whether any increases in the bed day rate are necessary. In addition, BCSO does not have controls, i.e., policies and procedures, in place that require it to annually assess the reasonableness of its compensation under this contract.

Recommendation

BCSO should establish a policy that requires that the adequacy of this compensation be annually reviewed and, if necessary, adjusted.

Auditee's Response

Auditor's Reply

[If applicable]

3. BCSO did not submit required inmate cost analysis reports.

BCSO did not prepare, and submit to the appropriate government agencies and legislative committees, an inmate cost analysis report⁵ for fiscal years 2016 and 2017. As a result, these governmental entities may not have had all the information they needed to properly inform any policy, operational, or financial issues they may have been considering regarding BCSO's operations. Further, BCSO lacked detailed information in this area that could have allowed it to more effectively manage this aspect of its operations.

Authoritative Guidance

According to Line Item 8910-7110 in the Commonwealth's fiscal year 2018⁶ budget summary,

Each sheriff's office shall . . . report, in a format designated by the [Massachusetts Sheriffs' Association], in consultation with the executive office for administration and finance, fiscal year

-
5. Inmate cost analysis reports are compiled by each sheriff's office in conjunction with the Massachusetts Sheriffs' Association and detail the costs for the care and custody of inmates for each facility and department.
6. The fiscal year 2017 budget included the same requirement for the previous fiscal year.

2017 total costs per inmate by facility and by department not later than December 1, 2017; provided further, that each sheriff's office shall submit the report directly to the executive office for administration and finance, the house and senate committees on ways and means, the joint committee on public safety and homeland security, the executive office of public safety and security, the Massachusetts Sheriffs' Association and the department of correction.

Reasons for Noncompliance

According to BCSO management, the Massachusetts Sheriffs' Association (MSA) did not provide the inmate cost analysis report template that prescribed the required format of these reports, as it had done in previous years, and therefore BCSO could not prepare them. BCSO does not have any policies and procedures that prescribe how the annual report preparation process is to be conducted.

Recommendation

BCSO should work with MSA to obtain revised report templates in order to prepare and submit fiscal year 2016 and 2017 inmate cost analysis reports as soon as possible.

Auditee's Response

Auditor's Reply

[If applicable]

4. BCSO did not have sufficient documentation for some credit card expenditures.

Some of BCSO's credit card expenditures were insufficiently documented. We examined 67 credit card purchases, totaling \$39,294, that BCSO made during our audit period and found that for 19 (totaling \$1,129), there were no itemized receipts, and for 5 others (totaling \$192), there were no receipts at all. Without proper documentation, including itemized receipts, for all expenses, there is a higher-than-acceptable risk that payments for improper expenses could occur.

Authoritative Guidance

The Commonwealth Procurement Card Program Policy and Procedure guide issued by the Office of the State Comptroller states, "An itemized receipt must be obtained for each transaction." BCSO's Personnel Policy 02.01.00(N1) states that BCSO will follow this policy.

Reasons for Insufficient Documentation

According to BCSO management, the 5 missing receipts were misplaced during the Sheriff's travel. With regard to the 19 receipts that were not itemized, BCSO management stated that they were unaware that itemized receipts were required. BCSO has not established any monitoring controls to ensure that its credit card policies are adhered to.

Recommendations

1. BCSO should require itemized receipts to support all credit card transactions.
2. BCSO should establish monitoring controls to ensure that its policies and procedures are adhered to.

Auditee's Response

Auditor's Reply

[If applicable]

OTHER MATTERS

During our audit, certain concerns were brought to our attention in relation the Bristol County Sheriff's Office's (BCSO's) operations. Although we did not make them part of our audit objectives, the Office of the State Auditor conducted some limited review work related to several of these concerns. Below is a brief description of the concerns we reviewed during our audit, as well as the results of our review.

1. Concern: BCSO has an insufficient number of healthcare workers.

BCSO did not give us any information regarding authoritative requirements or generally accepted standards related to the ratio of healthcare personnel to inmates. We interviewed BCSO's chief financial officer (CFO) to obtain an understanding of the process BCSO uses to calculate the number of healthcare workers needed per inmate. Although we were not given any documentation to substantiate this assertion, the CFO stated that he consults with other prisons across the state and with medical professionals providing services to such prisons to determine the most appropriate number of contracted healthcare workers. During our audit period, BCSO contracted with a vendor, Correctional Psychiatric Services, to provide healthcare services to its inmates; under this contract, BCSO provided 20 healthcare workers: 5 full-time and 3 part-time mental-healthcare workers and 12 full-time non-mental-healthcare workers (1 medical director, 1 health service administrator, 1 director of nursing, 1 nurse practitioner, 6 licensed practical nurses, and 2 floating intake nurses). BCSO also employs 16 full-time social workers, who act as intermediaries between the inmates and contracted healthcare workers. We compared BCSO's healthcare worker staffing level to the level indicated in the American Correctional Association⁷ (ACA) accreditation report on the Suffolk County Sheriff's Department, dated March 1, 2017. We determined the ratio of healthcare personnel to inmates in the Suffolk Sheriff's Department to be similar to BCSO's: approximately 1 healthcare worker per 32 inmates.

2. Concern: BCSO's facilities are overcrowded.

We determined BCSO's inmate count as of December 2017 and also reviewed the Massachusetts Department of Correction's (DOC's) *Quarterly Report on the Status of Prison Capacity, First Quarter*

7. ACA's website states that the organization publishes standards that "address services, programs and operations essential to good correctional management."

2017.⁸ The report indicated that BCSO was at 226% and 173% capacity, respectively, during these two quarters. We contacted DOC to verify these calculations. According to the DOC official with whom we spoke, the calculations that DOC used to determine occupancy for this report were based on the original design capacity of the BCSO facilities and did not include any additions that may have increased the facilities' operational capacities. We then reviewed the October 3, 2016 standards compliance accreditation audit report for BCSO issued by the ACA Commission on Accreditation for Corrections; this report states that BCSO's operational capacity⁹ is 1,386. Based on the information in the ACA report and BCSO's inmate count as of December 25, 2017 (1,136, including ICE detainees), BCSO's facilities were at approximately 82% of operational capacity at this time.

3. Concern: BCSO's suicide rate is high compared to rates for other prisons.

We determined that during our audit period, BCSO experienced five inmate suicides: four in 2016 and one in 2017. In addition, BCSO's inmate population experienced four unsuccessful suicide attempts in 2016, two in 2017, and none in the first half of 2018. As detailed in the table below, there was a downward trend in the number of suicides during our audit period, and the suicide rate (number of suicides as a percentage of the total inmate population) for BCSO was similar to that of the Suffolk County Sheriff's Department.

Sheriff's Department	Fiscal Year 2016 Suicides	Fiscal Year 2016 Suicide Rate	Fiscal Year 2017 Suicides	Fiscal Year 2017 Suicide Rate	July 1, 2017–Dec. 31, 2017 Suicides
Bristol County	4	0.33%	1	0.08%	0
Suffolk County	1	0.06%	2	0.12%	1*

* The medical examiner's determination of the cause of death is pending.

4. Other Issues

Below are other concerns that were brought to our attention during our audit. We did not perform any audit work related to these concerns; rather, we reviewed the sections of the October 2016 ACA audit report for BCSO that were related to the areas of concern to determine the extent of any problems.

-
8. Section 21 of Chapter 799 of the Acts of 1985 authorizes and directs the Commissioner of Correction to report, "by facility, the average daily census for the period of the report and the actual census on the first and last days of the report period. Said report shall also contain such information for the previous twelve months and a comparison to the rated capacity of such facility."
 9. The operational capacity represents all beds that have been designated as general population beds authorized for safe and efficient operation of the facility.

a. Concern: Inmates are given poor-quality food.

During our audit, we toured BCSO's Dartmouth facility twice and its New Bedford facility once. Although the purpose of our tours was not specifically to assess food quality, these tours took us through inmate holding areas and the kitchen and food-preparation areas. We viewed the inmate lunch preparation and noticed that all kitchen personnel exercised proper hygiene in preparing and handling food.

According to the October 2016 ACA audit report,

Members of the visiting committee sampled an inmate meal (Tuesday lunch) during the course of the audit. The food served was hot and palatable, and the portions were ample.

b. Concern: The temperature where inmates are housed is excessive in summer.

We experienced a temperate and comfortable temperature while touring the Dartmouth and New Bedford facilities and all their buildings. Further, we reviewed the October 2016 ACA audit report, which stated,

Members of the audit team spoke with inmates and staff members throughout the facility and received no significant complaints regarding environmental conditions. The audit team did not observe any equipment or building structure in need of repair.