

LEGISLATIVE AUDIT ADVISORY COUNCIL
Minutes of Meeting
November 16, 2017
Senate Committee Room A-B
State Capitol Building

The items listed on the Agenda are incorporated and considered to be part of the minutes herein.

Senator Mike Walsworth called the meeting to order at 1:10 p.m. Ms. Liz Martin called the roll confirming quorum was present.

Members Present: Senator Mike Walsworth, Chairman
Senator Dan Claitor, proxy for Senator John Smith
Senator W. Jay Luneau
Senator Bodi White, proxy for Senator Danny Martiny
Representative Barry Ivey, proxy for Representative Julie Stokes, Vice Chairman
Representative Marcus Hunter
Representative Clay Schexnayder

Members Absent: Senator Wesley Bishop
Representative Jimmy Harris
Representative Blake Miguez

Also Present: Daryl G. Purpera, Louisiana Legislative Auditor (LLA)

Approval of Minutes

Senator Luneau made a motion to approve the minutes for the July 20, 2017, meeting and with no objection, the motion was approved.

Extension Requests

Mr. Bradley Cryer, Director of Local Government Audit Services, presented three lists of entities requesting more time to complete and submit their financial audits to the LLA. The Nonemergency Extension Requests for 90 days or less included three entities: Alabama Water System, Inc.; Sabine Parish Police Jury; Mental Health America of LA. The Nonemergency Extension Request Greater than 90 Days List had only the Lake Charles City Court, and Senator Walsworth offered to allow them until November 30 to submit their audit. The Emergency Extension Request Greater than 90 Days list included the School District Alliance and the Town of Clinton. Representative Schexnayder made the motion to approve all extension requests as presented and discussed. Chairman Walsworth asked if any objections, and all members present approved the extension requests.

Management of Offender Data: Process for Ensuring Accuracy – Department of Corrections – Performance Audit Issued October 25, 2017

Ms. Karen LeBlanc, Director of Performance Audit Services, provided the highlights and recommendations from this audit, as well as mentioned some previous audits and repeated issues noted in those audits.

The Department of Corrections (DOC) purchased a new \$3.6M software program that failed after one month so it was taken offline and DOC resumed use of their prior CAJUN system. Offender locations are not always accurate in CAJUN, particularly for offenders housed in local facilities, because DOC policy did not include a timeframe for when local facilities must notify DOC of a transfer to another local facility. DOC's procedures for monitoring offender data entry, especially for offenders in local facilities, are not sufficient to identify all data errors. DOC only audits state facilities and does not include offenders housed in local facilities in its quality assurance audits.

Ms. LeBlanc stated that DOC's process for calculating offender release dates is inconsistent, which can result in errors. Ms. Kristen Jacobs, Senior Performance Auditor, further explained that DOC does not have any policies, procedures, manuals or standardized guidance that outlines the correct way to calculate release dates. DOC's process is very complicated in many instances and this leads to inconsistent calculation methods. They asked two DOC employees, one who is an expert in time computations and another staff employee, to calculate release dates based on a hypothetical situation and the results showed 186 days difference. Ms. LeBlanc said that there is a review process by supervisors prior to release, using the data in CAJUN and their computations, but the possibility of keeping an offender past their release date can occur which costs the state.

Senator Walsworth said that he has in the past received calls from constituents complaining that their child was supposed to be released but was still imprisoned. He asked if the auditors were able to get a percentage of the errors in computations. Ms. Jacobs responded that they were unable to determine how many errors in calculations because of the complicated manual process for release date computations.

Ms. LeBlanc stated the other issue noted is that former DOC employees still have access to CAJUN and have the ability to change data. The auditors found that 38% of CAJUN user IDs were assigned to former DOC employees, which poses a risk to the security of CAJUN data. Without proper revocation procedures, there is a risk that former DOC employees may be able to make unauthorized changes to offender data. And as previously mentioned, DOC spent \$3.6M on a new data system that was supposed to allow better tracking of offenders. However, the system failed due to inadequate planning and testing. The system went live on June 15, 2015, and it was taken off-line on July 31, 2015, due to system failures.

Senator Claitor asked if a 100 sample size was a true statistical sample. Ms. Jacobs said that they pulled from Hunt Correctional Center as the state facility and nine local facilities ranging from small to large to get a variety. However, with the auditors' limited resources they did what they could to get a good sampling even if not statistical for projecting. Senator Claitor appreciated the auditors for looking into these issues, but important to say that they found no mistakes. But the news media did not explain that the calculation example was only hypothetical.

Senator Luneau asked if the offender management system is not being used. Ms. Jacobs explained that the new system was supposed to help the CAJUN and probation and parole system communicate and share data. Ms. LeBlanc said that DOC can further explain their future plans for the CAJUN and offender management system.

Senator Luneau said he had previously been told that the release date computations were very complicated and resulted in different answers every time. Ms. Jacobs explained that the law changes often which effects those calculations but DOC could do more to standardize the time computations. Mr. Purpera suggested DOC have a step-by-step procedure to simplify this complex process. Ms. Jacobs added that DOC is working on training employees on time computations.

Senator White asked if the 100 sample could be statistically true. Ms. LeBlanc responded that 19 out of 100 files had errors in them put cannot assume that 19% of all files are incorrect. Senator White said he was very concerned with the early release program because of this complicated time computation process, which could allow release of some offenders that should not have been released.

Ms. LeBlanc said that the time comps were not reviewed by the supervisors, and recommended that they do so in the future. But without a documented process and guideline with the steps, the auditors could not determine if errors in release dates were made. Senator White said he understands how complicated it can be with different sentences from judges and only a few people at DOC that understands computing release dates.

Chairman Walsworth suggested that LLA and DOC look at what other states use for their offender data computer system to find one that would also work for Louisiana.

Representative Ivey noted that the CAJUN system was originally from the 70's and updated in 1991 and definitely needed further updating. Mr. Purpera said that DOC spent years creating a new \$3.6M system which went online in June 2015 but had to be taken offline a month later because it did not work. This is not the first report that shows a state agency has spent millions on a program that did not work and was not used. Ms. Jacobs said that DOC is in contract with a third party to see if the new management offender system is salvageable and usable.

Senator Claitor suggested reviewing how private prisons do their files and computations to compare to DOC. Ms. Jacobs said out of 211 offenders in state prisons, DOC found 11% data errors because only checking on state prisons. The auditors also reviewed local prisons to check their data accuracy.

Mr. Thomas Bickham, DOC Undersecretary, testified that DOC's response shows that they agreed with the audit, but needed to provide further clarification on some of the information. He said unequivocally that the existing practice used by DOC did not hamper their ability to meet their mission nor did it cause any increased risk to public safety because DOC knew that the offenders were housed by the sheriffs at the local level based on the agreements with those sheriffs. The audit made the recommendation that DOC needs to provide for a timeline for the local providers to tell when they have a transfer whether it be scheduled or unscheduled, and DOC has implemented that. DOC's policy stated that the local sheriff had to notify DOC, but never had a timeframe so an offender could conceivably be shown in one facility that could be at another facility because DOC was never notified. DOC has put the policy in place effective November 13, 2017, that local sheriffs have one day to notify DOC before a scheduled transfer and they have one day after an unscheduled transfer. The two pieces of leverage that they have in this situation is money and whether or not DOC will continue to house offenders at those locations, and their providers are

aware that if they encounter problems, DOC will withhold payment and will reconsider housing offenders at those locations.

Mr. Bickham said that the audit pointed out that DOC pays the local facilities to house the offenders and the inaccurate offender location resulted in inaccurate reimbursement amounts to local facilities. He admitted that to be an accurate statement and does not skew it, but wanted to assure the council that DOC never double paid for an offender. DOC has procedures in place where they ensure they do not double pay for any offender to two local facilities. For example, Sheriff A pulls out from CAJUN what offenders are at his facility and goes through that invoice and confirms it to be accurate and sends it in. But if Sheriff A did not realize that two offenders were on the invoice for half a month were really being housed by Sheriff B. So Sheriff B gets his invoice and knows he had offenders at his facility for 15 days and should be on his invoice, so he will write it in as a supplemental bill. DOC receives the invoices and supplementals and will investigate and verify where the offenders were housed. DOC will then reduce Sheriff A's invoice and increase Sheriff B's payment. If an error is not found in the original invoice, they have a supplemental process and will adjust payments as their procedures allow to prevent double payments.

Mr. Bickham said that DOC currently audits 15% of the local facilities quarterly and have increased that number to a minimum threshold of 50%. So far DOC has audited 54% for the current quarter exceeding their new threshold.

The finding for monitoring offender data led to 19% error, but DOC takes a more granular look at the 100 files. For just one offender with one sentence for one offense, there are about 100 data points that must be entered for that offender. So for other offenders there could be as many as 10,000 data entry points that could have an error. This is a manual process with manual entry in the system and strive for 0% errors, but DOC calculated about .26% error rate overall. They rely on the manual process because DOC is at the tail end of a very long process dealing with the courts, clerk of courts, district attorneys, sheriffs and they have to gather a lot of information from many sources and divergent groups to start building a record on each offender. DOC does not receive all information at the same time so they will create a partial record of an offender as opposed to no record. They may have to wait for months to get all the information to complete that particular record with the 100 data points. It is better to have a partial record than none for an offender.

From the last legislative session to help this situation, legislators passed the Uniform Commitment Order. Currently, DOC depends on sentencing minutes for entering the offender data as well as time computations and looking for the sentences if split or not split, concurrent or not concurrent and those types of things. With all the different judicial districts, and each one is a little different and each judge also does differently, and some do better than others, but DOC is at the end of the process trying to make sense of what they get. The Uniform Commitment Order is in the process of being approved by the Supreme Court and it will alleviate a lot of the issues. It will be the same format for every judicial district and what they have to report to DOC which will improve the record keeping process.

Mr. Bickham agreed with including local facilities' in files for review. DOC does a good job of reviewing state institutional files, but not so good for local facilities. They will review at least 25 files on a monthly basis. DOC agreed with the fourth recommendation to implement additional edits in CAJUN where

possible and establish procedures for using and monitoring reports to detect errors where edits cannot be applied such as fields with duplicate data entry.

Mr. Bickham said they are always concerned with housing inmates past their release dates. When they consolidated their pre-class groups to headquarters, one of the things DOC focused on is immediate releases. If an offender meets certain criteria, and sent within a certain time of release, they move those offenders to the top of the list and calculate their release dates first. This would include those who have enough credit for time served, or already had credits on the books because it saves money for the state. They do not want to keep anyone incarcerated who should not be incarcerated. When DOC first started that consolidation, their goal was to save \$1M per year on local housing, and have greatly exceeded that to around \$2M in savings by not having these offenders serve a day more than they have to.

The audit states and everyone has noted that this release date computations are a complex, complicated process. It is a mixture of current procedures and policies but believe it is more an issue of the current statutory state because many laws on the books depend on when the crime was committed and so sentencing is computed under one statute but after a certain date it is calculated under another statute. Then if convicted before a certain date, an offender can earn a certain amount of good time. All these variables and laws must be kept in mind when doing time computation. A lot of changes with the criminal justice reform in the last session will go a long way to resolving those issues especially regarding the good time credit as part of an offender's sentencing which will now be standard across the board. That may be the only part of the legislation that was made retroactive, so able to bring everybody under that current statute and treat exactly the same.

For typical offender time calculation, just picture a flow chart with 20 decision points and that is just for the simple person with one offence and one sentence. There are many logic steps to go through. The auditor's finding notes that DOC does not have any policies, procedures, manuals or standardized guidance that outlines the correct way to calculate release dates. DOC's response states that they do have guidelines and policies but not a formal time computation policy that necessarily takes all the different policies into account for calculating the release date of an offender. They provided as part of their response a document called Time Computation Instructions which has regulations regarding sentence computations, good time credits, determination of offender class, and computation of parole eligibility, certified treatment of rehabilitation program earned credits – those are the things used as their guidelines as they go through computing the sentences. Training is always an issue to acquaint people with the old stuff as well as the new stuff, so it is a continual process. DOC is developing a basic pre-class and time calculation as a refresher after every legislative session as well as putting together a guideline as the auditor recommended with a step-by-step process on the computer. Again the changes with the criminal justice reinvestment will help a lot with simplifying this process.

Mr. Bickham reiterated the auditor's statement that every time a computation is reviewed prior to release. But when looking at the amount of time computations that have to be done monthly is more than just when the offender comes initially and when released, because while incarcerated an offender can earn credits and good time or lose credits. Every time an offender completes a course and earn 30 days of CTRP credit, DOC must adjust their release date. So DOC may touch 4,200 files per month for time computation.

Finding number four regarding former DOC employees having access to CAJUN, Mr. Bickham said that access could only happen at a DOC terminal. But regardless that should not happen and was a casualty of the Office of Technology Services (OTS) consolidation into the Division of Administration (DOA). Based on this audit, they have brought this responsibility back in house to DOC and not OTS. OTS still sets up the actual access part but DOC sets up the assignment and cancellation of people who have access.

Lastly, DOC is behind the times for technology. When Mr. Bickham started in 2008 at DOC, the secretary made it clear the need to modernize the information systems both from hardware and application perspectives. They have done well on the hardware system with cameras and security, but on the information side it has a huge price tag. The financial cutbacks and Hurricane Gustav caused a lot of extra work and when they finally received FEMA reimbursement they actually had a surplus. The DOA commissioner at that time agreed for the use of the surplus funds to do the technology improvements. Most money was spent on shaker fences, cameras and security, and the remainder was used on the defender management system. So around 2012 they went out for RFP and compared buying a system off the shelf and changing it to DOC's needs and uses. DOC found two other states with similar operations – Georgia and either Maryland or South Carolina. Those states invested \$9-10M on their computer systems, and frankly DOC only had \$2.7M to spend. They decided to develop in-house with current staff and contracted staff and maintain the system themselves.

After much due diligence, they issued the contract in 2012 and went through mapping out current processes, and how they wanted it to work in the future. The contractor coded what they wanted in the system. DOC had problems with the software as they added more to the system becoming more unstable. IBM admitted there to be a problem with the software on a global scale. They lost 5 ½ months of coding time while IBM was trying to find the problems with their software. Really DOC lost more time because subject matter experts on probation and parole and pre-class staff had to return to doing their normal jobs while waiting on IBM to fix the software. At the same time they lost their project manager as well as the lead code developer which caused delays and DOC had a hard deadline of June 30, 2015, because the contract ended with no ability to expand the contract past that point. Mr. Bickham made the decision to go live on June 15, 2015, and expected to find and fix problems, but unfortunately the problems were insurmountable and more than they could handle so they took the system offline on July 30, 2015. DOC reverted back to CAJUN and case management and by September engaged with OTS to analyze the system and get timelines to fix the problems. The point of OTS consolidation was efficiencies and savings. The previous administration cut \$2.5M out of DOC's IT budget. OTS is a contractor to DOC and is paid through IAT agreements, so in 2016 they could not pay their bills anymore. Every year DOC continues to pay OTS back, so by February 2016 all efforts on DOC's updating their system came to a halt.

As of today, OTS and DOC have contracted with a third party provider to answer three questions: 1) Did we get what we paid for; 2) Is it salvageable; 3) If salvageable, what level of effort will it take to get it back into production. Mr. Bickham stated that DOC realizes that they must modernize their systems and will continue to do so as best as they can.

Senator Luneau asked what company sold the offender management system to DOC. Mr. Bickham said they used IBM software to develop the program. The local company that did the coding is called Methods Technology, and has a long standing reputation in the state. Senator Luneau asked if the coding is the

problem. Mr. Bickham responded that the third party currently hired is trying to determine if the coding is the issue, but believes it is a combination of coding and the product selected was just not a good product. He believes OTS today would not recommend this product. IBM had a certain product married up to another product bought from another company. The previous idoration of the IBM product was a solid product still being used today by Department of Natural Resources (DNR), but when IBM chose the other product called Blueworks, that's where the problems started.

Senator Luneau asked why DOC has not sued to get the over \$2M back from that company. Mr. Bickham said they are waiting for the third party report to determine what to do going forward. Of the \$3.6M, roughly \$1.9M was for hardware, printers and scanners. The actual amount spent with Methods Technology was around \$1.7M, and DOC is considering options. Senator Luneau encouraged DOC to make a decision very quickly.

Senator Luneau asked why locating prisoners with transfers was such a difficult task. Mr. Bickham said he could not answer that because they never had a time constraint on providers in the past but do now and moving forward it will not be an issue. Senator Luneau said it is DOC's responsibility to know where offenders are located between all the facilities throughout the state. Mr. Bickham responded that he did not want to leave the impression that DOC does not know who they have and where they are, because they know the offenders are being housed by a sheriff at the local level and it may take a few minutes to get the exact location but know they are behind the fences. Senator Luneau commented that people have a different opinion of the findings but glad DOC is implementing time limits, and asked about the basic jail guidelines. Mr. Bickham responded that DOC updates their guidelines yearly but already notified the sheriffs regarding the November 13, 2017, effective date and will update the actual verbiage in the policies.

Senator Luneau asked about the timing of payments and audits of quarterly payments to local facilities and if DOC has the resources to do the increased audits. Mr. Bickham said DOC increased their auditing from 15% to 50% per quarter. Senator Luneau asked why release date calculations are so complicated. Mr. Bickham responded that the statutes in place make it more complicated than it needs to be, and DOC does have a staff turnover problem because difficult to keep qualified trained personnel. He agreed that their bits and pieces used to do the time computation is going to be changed into a step-by-step procedure. Senator Luneau said that he and Senator Claitor would help DOC figure out statutorily what needs to be done to simplify the process even more, so that calculations could be done by simple math and computer input.

Mr. Bickham said CAJUN's part of time computation is correct but the human intervention at the front end is part of the issue. Senator Luneau said that Mike Small, a preeminent criminal defense lawyer, cannot calculate sentences because it is so complicated, but the inmates should be able to calculate their release dates. He and other legislators receive calls all the time that inmates should be released but get different answers from the DOC employees and that is problematic. Mr. Bickham agreed. Senator Luneau said he understands all the "what ifs" in the calculations, but the variables need to be simplified. Some was accomplished in the last legislative session but if more is necessary, he wants to help, and not to let people out earlier but just fix the system to determine accurate release dates. The state can be sued for keeping people in jail longer than their sentence requires. Mr. Bickham said he does not believe inmates are held longer. DOC put a second level of oversight over the 1,900 inmates released early on December 1, 2017. The oversight was comprised of their chief of operations, the director of probation and parole, the director

of time compensation staff, as well as the deputy warden of the institutions. Senator Luneau expressed appreciation for the extra effort put into that review.

Senator Walsworth said he has the 198 page supplement explaining the time computation policies, but does not understand how recommendations did not come out of the judicial reform. Mr. Bickham said the felony class system was recommended and is part of the discussion by the task force to simplify the time computation process.

Senator White asked if the CAJUN system holds all the data necessary. Mr. Bickham said only DOC can enter the data and is the holder of all electronic data for DOC offenders, but there may be paper files kept at any of the 128 different locations. Any issues of discipline and good time changes go through DOC.

Senator White said since 2003 he has wanted to see electronic arrest records. The State Police is the repository for the arrest records regardless of what parish or city, but the second part of that is the dispositions. A lot of people do not know that a background check in the State of Louisiana may not be 100% accurate. Some parishes do not put all their information in the electronic system, and different systems do not talk with each other. Mr. Bickham said the integrated criminal justice information system is not in operation. He has the same problem when DOC is trying to get records and dispositions if documented completely. Senator White said he wants to be sure that DOC has all the information so if money is appropriated for DOC to buy a system, then the systems need to talk.

Mr. Bickham said he cannot speak for the judiciary system, but can say whatever information DOC needs to make the records complete, they will make sure they have it in the system. They routinely run into the same issue with dispositions and have to run it down when it comes to release date to be sure no detainer on the inmate somewhere. There may be an arrest with no disposition, so DOC has to verify what happened with that. The concept of having an integrated criminal justice information system has been around for a long time but the implementation fell apart. Senator White asked how other states do it, and Mr. Bickham said he does not know but there are gaps in many locations.

Senator Claitor clarified that the legislation passed in the previous session was about reinvestment not reform. The point is to reinvest money in other ways to fight crime without a sacrifice to public safety. He asked who is checking on the private institutions. Mr. Bickham said that the private institutions are run as state level institutions and DOC handles the files for them. However, Winn went to a sheriff level institution so they are responsible for their offenders just like any other sheriff in the state. Allen Correctional Center has been taken over by the state, so no longer are there any private correctional institutions.

Senator Claitor asked about 4,200 files per month being touched. Mr. Bickham explained that when an inmate completes a course that requires a recalculation of time. He has 42 staff for that whole department and an additional six staff at the David Wade office that handles the northern part of the state. Senator Claitor said that it calculates to 100 touches per month with 46 employees. Mr. Bickham said the number does not include the new people that come in nor the releases which are 1,700 per month. This is not just looking at the files but recalculating and documenting the files. Senator Claitor asked if he has enough

people to do the process. Mr. Bickham said that when they first took over the consolidation there was a significant backlog and now keeping up with the volume.

Senator Claitor said that years ago only Henry Goings at the Bureau of Prisons could tell with certainty the release date. Mr. Bickham said DOC does have some experts on time calculations but not as many as they like. Mr. Claitor suggested rather than waste another \$3.6M on computers that do not work, it may be better to hire more Henrys at DOC. He believes that it may not be the impossibility of doing the time calculations, but not having access to the inmate's records to see if any write-ups for bad behavior, or completed programs that impact their release date. It's a tremendous failure to not have a template to do the time calculations. He agreed that it could be very complicated for a sex offender or violent crime offender, but a decision tree needs to be created.

Senator Walsworth asked for a copy of the contract with Methods Technology and the deadline for filing a lawsuit against them. Mr. Bickham agreed.

Representative Ivey said he has created software previously and knows that it is a complicated process to create. He asked if the two states previously mentioned took an off the shelf software package or developed their own. Mr. Bickham said that Georgia modeled their program off the Federal Bureau of Prisons and amended it to their use. It is impossible to find commercial off the shelf (COTS) offender management systems but may be able to find for jail management system for managing a person in that jail. Representative Ivey said he believes programs are out there and may look into that further. Louisiana is the most incarcerated state in the nation, so he asked Mr. Bickham how he would rate Louisiana. Mr. Bickham said when looking at the efficiency and per diems, DOC has the lowest in the southern states and second lowest in the country for per diems. Looking at the entire process for efficiency from incarcerating - having them serve time, and supervising them under parole - Mr. Bickham rated DOC as best in the region. As far as outcomes, there have been marked decreases in the recidivism rate over the last 10 years. The criminal justice reinvestment changes are going to help continuing in the right direction. He said there is always room for improvement but for the resources they have, DOC runs an efficient system. DOC is audited against the standards put out by a nationwide association, and does very well on those audits.

Representative Ivey asked about IBM's part of the new software. Mr. Bickham responded that IBM provided the Blueworks software and the architecture to define the business rules. Representative Ivey asked if Methods Technology ever used that management platform previously. Mr. Bickham said they had used the previous version of the software and OTS was not involved initially. The implementation date was after the OTS consolidation. They only received two bids for creating the software for DOC - IBM and Methods Technology, but IBM was too expensive. Representative Ivey said he would be interested in seeing copies of their bids, and asked if they could have asked for RFPs again. Mr. Bickham said he was previously DEQ's undersecretary and Methods Technology had performed a contract in 2003 with great results, and had a great reputation also with DNR of creating a new system. When looking at the history of the state and after consulting with attorneys, they do not see good success in such lawsuits.

Representative Ivey asked who is the consultant hired by DOC and OTS to look at the software. Mr. Bickham responded it is a nationwide company called Serious and kicked off on November 23, 2017. Their job is to look at the design documents and look at the system built and determine if salvageable and

what resources are necessary to get it running. Representative Ivey asked the cost of the contract. Mr. Bickham responded \$49,000 to determine if the coding fit the design documents.

Senator Walsworth said he is concerned about the contract and would like to know who has the authority to input data into the calculations. Mr. Bickham said only DOC employees can calculate time, and within 45 days of every offender's release, DOC reviews their time computations.

Oversight of the Foster Care Program – Department of Children and Family Services – Performance Audit Issued August 9, 2017

Senator Walsworth stated that DCFS Secretary Marketa Walters is at the Governor's Mansion where they are having a big meeting about adoptions, but appreciated the other DCFS staff attending.

Ms. LeBlanc presented an overview of the audit using a powerpoint presentation. There are approximately 8,300 children in foster care at any point and most enter because of abuse or neglect. Expenditures totaled \$122M in fiscal year 2016, with approximately 69% from federal funds. DCFS faces significant challenges that affect its ability to ensure the safety and well-being of children. The largest challenge is the low staffing level, as well as high turnover and the high caseloads per caseworker. Foster care caseworkers carried an average of 16 cases, which is higher than the maximum of 10 cases as per DCFS policy. The staff turnover causes an increase on the remaining caseworkers, and it takes about six months to train a new foster care worker. Another challenge is retaining providers and low board rates. DCFS certifies between 700 and 800 regular foster families each year and closes about the same number. Louisiana's average board rate paid to foster parents is \$15.20 per day and has not been increased since 2007 which makes it difficult to recruit and retain foster parents. Other audit findings included: inaccurate and incomplete data on children; lacking criminal background checks; providers with valid cases of abuse or neglect being allowed to care for children; and children not receiving services to address their physical and behavioral health needs. According to LLA's foster parent survey, 23.1% of 632 respondents indicated that they faced challenges in obtaining physical and behavioral health services for the children they care for. Recommendations regarding placement stability and oversight: DCFS should improve the placement stability of children in foster care; and DCFS should use Internal Continuous Quality Improvement (CQI) results to identify statewide trends and regional disparities and develop initiatives and training to improve caseworker performance. Ms. LeBlanc said that all 14 recommendations were agreed to by DCFS.

Senator Luneau asked of the issues identified how many are attributed to DCFS not having adequate staff or funds. Ms. LeBlanc responded that insufficient staffing is the main issue and affects everything from entering data to huge caseloads which in turn causes turnover. Senator Luneau said that his wife is a CIA who believes that shortage of staff is a huge problem for DCFS. Ms. LeBlanc said an audit was done on child protection several years before and found the same issue of insufficient staff and recommended hiring additional staff.

Senator Luneau asked what other large obstacle faces DCFS. Ms. LeBlanc answered that they need a centralized system to evaluate on a continuous basis if backgrounds checks are occurring. DCFS is working on getting such a system.

Senator Luneau asked if funds are available to provide the behavioral health services for the children. Ms. LeBlanc responded that the foster parents complain about the lack of providers who accept Medicaid and since Medicaid has moved under managed care, many providers dropped out.

Senator Walsworth asked if any differences between urban and rural problems. Ms. LeBlanc pointed out in the appendix of the report the CQI by region for many issues such as stability of foster care placement and much more, but no specific results showed a difference between urban and rural.

Ms. Karla Venkataraman, Deputy Assistant Secretary, stated that DCFS agreed with all the findings and was working to improve all areas.

Senator Walsworth asked about finding more providers, and if the seven day requirement to receive an initial medical visit is a state or federal policy. Ms. Venkataraman responded it was from the council on recordation, but after further research, DCFS will extend the timeframe to 30 days which seems to be in line with other states. However any child entering foster care with medical concerns will be taken care of immediately. The seven day limit has been challenging since the implementation of managed care, and DCFS has found two managed care plans that specialize for behavioral health for foster children. So when a child enters the foster care program they are rotated into one of the two managed care plans. The workers then locate providers within that plan and try to get an appointment within seven days which was very challenging. The first 30 days when a child enters foster care are very demanding.

Senator Walsworth asked if children are treated differently when abused and emergency compared to lengthy court cases. Ms. Venkataraman said if an investigation for child abuse is happening, then that child would be taken for a medical visit during the investigation which would count during the seven day timeframe. Likewise if the child was taken to the hospital for medical care that also applies. However, if a child comes in unexpectedly without any needs for immediate medical attention, then the child would still need an initial medical visit within seven days as per DCFS policy which is being changed to 30 days.

Senator Claitor complimented Secretary Walters and all of DCFS for their hard work with not enough resources to do such a gut wrenching, difficult job. He extended the same appreciation to DOC's hard working employees. Of course, everyone is trying to do better within their own constraints.

Senator Walsworth asked about the turn-around for criminal state police background checks. Ms. Venkataraman responded that it is 24-48 hour process but not a state police problem. Senator Walsworth asked about the issue of background checks on noncertified providers. Ms. Venkataraman explained the process of when a child is placed in foster care, DCFS tries to put he/she with a certified provider. The process of becoming a certified provider takes 90 days. On the other side, the noncertified provider which may be family members or others well known to the child may offer to take in the child. When law enforcement accompanies the DCFS caseworker on that placement, they do a local clearance. The next day would be a home visit for safety. The law requires within 15 days that national clearance is done which includes fingerprinting at the DCFS office and the system is linked to the state police. They are relying on the family members to comply with the requirements as timely as possible.

Senator Walsworth asked about children moving three or more times in one year. Ms. Venkataraman said that stems from the low pay for foster care payments for children who have been traumatized, mentally

abused, sexually abused and physically abused. They have a lot more of higher end needs in the foster care system because families are not equipped to handle the foster child for only \$15 a day. The foster parent has to take time off work to bring the child to numerous mental health appointments, physical health appointments, school meetings, and interventions. Foster parents want to do it because of the goodness of their heart and feel it is a calling, and DCFS tries to train them as best as they can with the realistic training. In many cases they get a placement and it is not what they expected and just not equipped. DCFS does not have adequate staff to support the foster parents at the level they need to be.

Senator Walsworth asked if the \$15 per day is a state rate and how that compares to other states. Ms. Venkataraman responded that every year DCFS tries to get the budget to the USDA lowest southern average of \$16.44, and the midrange is \$19.93 and high end is \$29.67 per day. DCFS has been at the same rate of \$15.20 average per day for over 10 years.

Senator Walsworth asked what would be the increase budget cost if raise the average by \$1/day. Mr. Eric Horent, Ph.D., DCFS Undersecretary, responded it would cost approximately \$3M because there are currently 2,100 foster families.

Senator Walsworth said this is the most important thing they could do is protect the children. Every legislator has received calls about DCFS, and he has told the parents that they need to get themselves together for the child. He complimented the workers for doing a very good job with very limited resources, and stressed the need to get the 80 people hired as soon as possible.

Local Government Updates

Senator Walsworth said this agenda item will be moved to the next meeting in December.

Senator Luneau offered the motion to go into Executive Session, and with no objection, the council approved.

Personnel Matter – Evaluation of Auditor – Executive Session

Executive Session was from 3:10 pm until 3:47 pm. Senator Luneau moved to come out of Executive Session, and with no objection, the council resumed the public meeting.

Other Business

No other business was discussed.

Adjournment

Representative Schexnayder offered the motion to adjourn and with no objection, the meeting adjourned at 3:50 p.m.

Approved by LAAC on December 14, 2017