



**A Report to the
Audit Committee**

Mayor
Freddie O'Connell

**Criminal Justice Planning
Director**
Donna Blackbourne

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Metropolitan
Nashville
Office of
Internal Audit

Audit of Criminal Justice Planning

May 13, 2024

EXECUTIVE SUMMARY

May 13, 2024



Why We Did This Audit

The audit was conducted due to the time in between audits.

What We Recommend

- Ensure system and application access is removed timely and reviewed regularly to ensure appropriate access levels.
- Evaluate and update the departmental mission to serve current needs.
- Leverage technology in report publication.
- Establish quality assurance procedures for reports prior to distribution.
- Annually review and aver internal and external independence.

AUDIT OF CRIMINAL JUSTICE PLANNING

BACKGROUND

In 1987, inmates being held in Davidson County jails filed a class action lawsuit alleging their constitutional rights had been violated by jail conditions including overcrowding, poor sanitation, poor security, and lack of fire safety. To dissolve the injunction, the Metropolitan Nashville Government opened a new jail and filed a Jail Management Plan. The plan established the Criminal Justice Steering Committee to address issues affecting the criminal justice system.

The Criminal Justice Steering Committee created the Criminal Justice Planning department in 2003. The department's main purpose was to improve projections of the future inmate population and persons under correctional supervision. The goal was to assist policy makers to plan better for the expected inmate population of jails, intermediate sanctions, and any other criminal justice services and programs.

OBJECTIVES AND SCOPE

The objectives of this audit are to determine if:

- Stakeholder needs are being met by Criminal Justice Planning.
- Processes and controls are in place to ensure report accuracy, timeliness, and proper distribution.
- Organizational governance is effective and independent.
- Processes and controls are in place to ensure systems and data are protected from unauthorized use.

The audit period includes all operations between July 1, 2021, and August 30, 2023.

WHAT WE FOUND

Stakeholders rated Criminal Justice Planning's customer service highly. Stakeholders stated reports distributed were useful, and the email distribution method was adequate. Reviewed reports were accurate. Departmental policies and procedures were well documented and followed.

However, no internal quality assurance process for distributed reports existed. System access was not removed for a former employee, and current staff did not have least permissions necessary for all applications accessed. Governance through both the Steering Committee and Advisory Board is not occurring regularly or in accordance with applicable legislation.

GOVERNANCE

In March 1987, inmates and pretrial detainees being held at Davidson County jails filed a class action lawsuit under 42 U.S.C. § 1983 against Tennessee Department of Corrections and the Metropolitan Government of the City of Nashville. In May 1995, the parties agreed litigation would end if the Metropolitan Nashville Government could demonstrate its ability to control overcrowding in jails. A new 600-bed facility opened in 1997, and a final jail management plan was filed in 2000. On March 11, 2002, the court dissolved the injunction and dismissed the case.

In May 2000, former Mayor Purcell created the Criminal Justice Steering Committee. The steering committee later created the Criminal Justice Planning department. In 2008, the Criminal Justice Planning Advisory Board was created by Executive Order No. 027. The Chair of the Advisory Board supervises the Criminal Justice Planning Director. The Advisory Board reviews the work performed by Criminal Justice Planning and makes reports and any necessary recommendations to the mayor.

OBJECTIVES AND CONCLUSIONS

1. *Is the department meeting the needs of stakeholders?*

Yes. An anonymous survey was sent to all 88 email recipients on the report distribution lists. Responses were received from 36 individuals out of the 88 surveys sent (41 percent). All respondents noted the service received from the department was great, good, or neutral. Overall, respondents found the reports provided useful, valuable, and relevant. Results of the survey are shown in Exhibit A below.

Exhibit A: Criminal Justice Planning Survey Results

Question	Agreed	Neutral	Disagreed
<i>The reports provided are useful</i>	81.25%	12.50%	6.25%
<i>The reports provided are valuable</i>	84.38%	9.38%	6.25%
<i>The reports provided are relevant</i>	84.38%	9.38%	6.25%
<i>The reports provided are accurate</i>	68.75%	28.13%	3.13%
<i>The reports provided meet my needs</i>	71.88%	21.88%	6.25%
<i>The reports help me do my job better</i>	56.25%	34.38%	9.38%

Source: Survey Monkey survey of Criminal Justice Planning report distribution recipients

Survey recipients also had the option to provide feedback which 14 respondents utilized. Many respondents commended the department for the work done. Comments also included ways to improve reports to provide more relevant information, how the reports could be better distributed, and how the initial mission of the department is no longer applicable. **(See Observations A and E.)**

2. *Are processes and controls in place to ensure report accuracy, timeliness, and proper distribution?*

Generally, yes. Criminal Justice Planning independently created reports from third-party databases. Due to the different stages of a crime and the constant modification of criminal charges, the data is fluid and can change daily as charges change. Criminal Justice Planning reports are point-in-time reports. One person would create the reports, review the reports, and submit them for distribution. No quality assurance to ensure accuracy of the information pulled from the database to the reports occurred. A sample of arrest reports were reviewed and compared to year end data. The report data varied within an acceptable range and appeared accurate. **(See Observation C.)**

Report data was pulled using queries coded by Criminal Justice Planning staff. Many of the queries used had not been updated in years. **(See Observation C.)**

For most reports, the department pulled information from the databases and distributed the report the same or next day. However, reporting could be improved by leveraging technology to allow stakeholders the ability to see real time information. Additionally, periodic review of the distribution list did not occur to ensure appropriate stakeholders were receiving the reports. **(See Observation E.)**

3. *Is organizational governance effective and independent?*

Generally, no. The Criminal Justice Steering Committee was created to meet monthly to discuss current criminal justice policy and procedures and future needs of the Davidson County criminal justice system. The Criminal Justice Advisory Board was created to oversee the Criminal Justice Planning department through quarterly meetings. Neither the Criminal Justice Advisory Board nor the Criminal Justice Steering Committee held meetings per legislative requirements throughout the audit period. **(See Observation D.)**

The creation of the Criminal Justice Planning department was to ensure an independent department to provide reports on jail overcrowding. Overcrowding in jails has not occurred in many years, and the Criminal Justice Planning department has not updated the mission to address other data and reporting needs. Additionally, the department does not evaluate its independence annually to ensure it is meeting the base requirement of creation. A review of both the structure and discussions with staff determined the department was independent. **(See Observations A and F.)**

4. *Are processes and controls in place to ensure systems and data are protected from unauthorized use?*

Generally, no. Criminal Justice Planning utilized three databases to compile report information. The three databases used were from the Criminal Justice Information System, the Automated Records Management System, and the Jail Management System. A review of departmental access to each system was performed. One former employee had access to two systems after her termination date in 2021. Additionally, the department utilized a universal ID for the Jail Management System, which limits capabilities to track work done by individual. Department users also did not have least permissions necessary for the Automated Records Management System. **(See Observation B.)**

AUDIT OBSERVATIONS

Internal control helps entities achieve important objectives and sustain and improve performance. The Committee of Sponsoring Organizations of the Treadway Commission (*COSO*), *Internal Control – Integrated Framework*, enables organizations to effectively and efficiently develop systems of internal control that adapt to changing business and operating environment, mitigate risks to acceptable levels, and support sound decision making and governance of the organization. The audit observations listed are offered to assist management in fulfilling their internal control responsibilities.

Observation A – Department Mission

The Criminal Justice Planning department was created in 2005 to monitor jail populations due to jail overcrowding. The department’s focus continues to be forecasting inmate populations under correctional supervision by using computer modeling. However, jail overcrowding has not been a persistent issue in over 20 years. Monitoring of populations is important to ensure potential overcrowding is identified early; however, establishing other relevant departmental objectives is important to ensuring effective use of dedicated resources.

Additionally, a survey of Criminal Justice Planning stakeholders noted four participants who also identified the department’s original mission, jail overcrowding, is no longer an issue. Surveyed stakeholders would like to see the department make updates to reflect the current state of the criminal justice system.

Focusing on the department’s initial objective even after remediation could mean other opportunities to provide stakeholder services are missed.

Criteria:

- *COSO*, Risk Assessment—Principal 6— the organization specifies objectives with sufficient clarity to enable the identification and assessment of risk relating to objectives.
- *COSO*, Control Activities—Principal 10— the organization selects and develops control activities that contribute to the mitigation of risks to the achievement of objectives to acceptable levels.

Assessed Risk Rating:

Medium

Recommendation for management of Criminal Justice Planning:

Update organizational objectives and mission to reflect the current needs of the criminal justice system.

Observation B – Access to Systems

Criminal Justice Planning used three databases to compile reports – Criminal Justice Information System, Automated Records Management System, and Jail Management System. A review of current Criminal Justice Planning employee access found a former employee still had system access to both the Criminal Justice Information System and Automated Records Management System. The employee left her position in 2021.

The former employee along with two current employees had read and write access to one module within the Automated Records Management System. The Metropolitan Nashville Police Department’s Information Technology contact noted the employees had not signed into the system in seven years. Criminal Justice Planning noted accessing the database is not necessary based on current procedures where the Metropolitan Nashville Police Department provides a table of data to use.

Access to the Jail Management System was under a universal ID. The access was read only access. However, determination of who used the access at any time was not possible.

Excess system access levels increase the risk of inappropriate system usage. Additionally, delayed removal of access after termination could lead to misused access.

Criteria:

- COSO, Control Activities—Principal 10— the organization selects and develops control activities that contribute to the mitigation of risks to the achievement of objectives to acceptable levels.
- COSO, Control Activities—Principle 11—The organization selects and develops general control activities over technology to support the achievement of objectives.

Assessed Risk Rating:

Medium

Recommendations for management of Criminal Justice Planning:

1. Create a process to ensure terminated employees have all system access removed on the termination date.
2. Update current access levels to ensure access is appropriate and necessary. Also ensure all users have unique IDs.
3. Annually review and confirm access levels for all systems used. Ensure access is least permissions required.

Observation C – Quality Assurance Procedures

No internal quality assurance procedures are in place at Criminal Justice Planning. The department distributes over 30 reports daily, weekly, monthly, quarterly, or annually. The analyst creating the report would do a self-check for anomalies, but an independent review of the reports is not performed. Though the department is not responsible for the accuracy of the information input into the third-party databases, the report files used are exported into a manipulatable format where accidental or intentional changes could occur.

On a test basis, the monthly arrest records were reviewed and compared to the year-end report for each year of the audit. The reports are not static and reporting figures can change. Month to month the numbers varied slightly from the reports. However, the variance was within an acceptable range.

Quality assurance of the underlying queries used to pull report data was also not occurring. No procedures were in place to routinely inquire of database owners as to any changes to the databases. Queries had remained the same for years without updates. Test work was performed to determine if changes to underlying databases were made. Two databases had not had any updates. The Criminal Justice Information Systems database may have been updated during the period. Due to the complexities and breadth of queries used by Criminal Justice Planning, potential changes could not be determined in the audit.

Lack of quality assurance procedures for reports increases the risk of presenting incorrect information to stakeholders.

Criteria:

- COSO, Control Activities—Principal 9— the organization identifies and assesses changes that could significantly impact the system of internal control.
- COSO, Control Activities—Principal 13— the organization obtains or generates and uses relevant, quality information to support the functioning of internal control.

Assessed Risk Rating:

Medium

Recommendations for management of Criminal Justice Planning:

1. Establish independent review procedures for reports produced.
2. Work with system database owners to determine any past changes that affect queries and establish ongoing procedures to ensure notification of any future changes to underlying data.

Observation D – Governance

Criminal Justice Planning oversight committees were not meeting in accordance with underlying legislation. The Criminal Justice Steering Committee was created to meet monthly to assist in coordinating criminal justice polices and decision making. The Criminal Justice Advisory Board was created to oversee the Criminal Justice Planning Department by reviewing their work and monitoring the performance of the director. Per the executive order, the Criminal Justice Advisory Board was to meet quarterly.

Meetings held by both the steering committee and advisory board were reviewed for the audit period. The Criminal Justice Steering Committee only met in 1 month out of the 26 months (4 percent) within the audit period. The Criminal Justice Advisory Board met only in 4 quarters out of 9 quarters (44 percent) during the audit period. All meetings held had agendas and minutes.

A lack of involved oversight increases the risk of the department failing to meet the needs of stakeholders.

Criteria:

- COSO, Control Activities—Principal 2— the board of directors demonstrates independence from management and exercises oversight of the development and performance of internal controls.
- COSO, Information and Communication—Principal 15— the organization communicates with external parties regarding matters affecting the functioning of internal controls.
- Executive Order NO. 27
- Ordinance - BL2007-1461

Assessed Risk Rating:

Medium

Recommendations for management of Criminal Justice Planning:

1. Determine reasonable meeting requirements for the Criminal Justice Steering Committee and Criminal Justice Advisory Board and update underlying legislation.
2. Work with committee members to establish routine agenda items and meeting topics to facilitate effective meetings.

Observation E – Leveraging Technology

Report processing and distribution have not been updated to reflect changes in technology. Criminal Justice Planning analysts would manually run queries for reports and submit them for email distribution. Distribution lists were reviewed following elections. However, any other time of year, an interested party would need to request addition to the distribution list or request individual reports.

A survey was sent to 88 individuals on the Criminal Justice Planning distribution lists. Of the 88 individuals surveyed, responses were received from 36 individuals (40.9 percent). The survey included a

question related to preference of receiving reports. Respondents could choose between email, online, or either. Online reporting or either online or email was noted by 20 respondents (55.5 percent).

The Justice Integration Services department recently began using Tableau for reporting purposes. Additionally, the Mayor's Office of Performance Management has begun utilizing Tableau dashboards to give citizens and stakeholders real time or interactive reporting options.

Sending reports daily via email increases the risk of stakeholders missing reports or getting email fatigue. Additionally, lack of routine distribution list monitoring could lead to stakeholders not receiving reports important to performing their jobs. Criminal Justice Planning could utilize dashboards or other repositories to maintain reports so stakeholders can easily access reports without searching for emails.

Criteria:

- COSO, Control Activities—Principle 11—The organization selects and develops general control activities over technology to support the achievement of objectives.

Assessed Risk Rating:

Low

Recommendation for management of Criminal Justice Planning:

Explore alternative ways to publish and distribute reports. Discuss options with the Justice Integration Services department and data owners.

Observation F – Independence

Criminal Justice Planning was created to be an independent department to ensure objectivity and autonomy in reporting. The reporting structure of the department is independent as it reports to the Criminal Justice Advisory Board. The Advisory Board consists of the Davidson County Sheriff, Metropolitan Nashville Public Defender, District Attorney General, Metropolitan Nashville Police Chief, Criminal Court Clerk, one Davidson County Criminal Court Judge, and one Davidson County General Sessions Judge. The Chair of the Advisory Board supervises the Criminal Justice Planning Director. The members of the board are primarily elected officials, and the size alleviates concerns about influence by one member.

However, no process was in place to ensure the Criminal Justice Planning staff were also independent. Criminal Justice Planning staff were surveyed regarding independence. Staff were asked about any relationships to stakeholders or other concerns related to independence. All staff noted no independence conflicts or concerns.

Lack of routine procedures to confirm staff independence increases the risk of undisclosed conflicts. Stakeholder trust could be diminished if undisclosed conflicts exist and later come to light.

Criteria:

- COSO, Control Environment—Principle 5—The organization holds individuals accountable for their internal control responsibilities in pursuit of objectives.
- Lawsuit: Armstrong v. Metropolitan Gov. of Nashville and Davidson County 3:87-cv-00262

Assessed Risk Rating:

Low

Recommendation for management of Criminal Justice Planning:

Create a process that confirms independence of all employees annually.

GOVERNMENT AUDITING STANDARDS COMPLIANCE

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 observations and conclusions based on our audit objectives.

METHODOLOGY

To accomplish our audit objectives, we performed the following steps:

- Interviewed key personnel within Criminal Justice Planning Department
- Conducted an anonymous survey.
- Evaluated internal controls currently in place.
- Reviewed sample selections to determine the effectiveness of internal controls.
- Considered risk of fraud, waste, and abuse.
- Considered information technology risks.

AUDIT TEAM

Elizabeth Andrews, CFE, In-Charge Auditor

Lauren Riley, CPA, CIA, CFE, ACDA, CMFO, Metropolitan Auditor

Freddie O’Connell
Mayor



METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY

Donna Blackbourne Jones
Criminal Justice Planning Director

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May 8, 2024

Lauren Riley, Metropolitan Auditor
Office of Internal Audit
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Nashville, TN 37219-6300

Dear Ms. Riley,

This letter acknowledges Criminal Justice Planning receipt of the audit starting in October 2023. We have reviewed the findings and recommendations. Our responses have been incorporated in Appendix A of your report.

I would like to thank your office, especially Elizabeth Andrews, for her professionalism and diligent effort in learning the mission of our office. It was a pleasure to work with her. The recommendations found in the report will help improve our department’s service to the various departments within Metropolitan Government.

Sincerely,

A handwritten signature in black ink that reads "Donna Blackbourne Jones".

Donna Blackbourne Jones
Director, Criminal Justice Planning

APPENDIX A – MANAGEMENT RESPONSE AND ACTION PLAN

We believe that operational management is in a unique position to best understand their operations and may be able to identify more innovative and effective approaches, and we encourage them to do so when providing their response to our recommendations.

Risk	Recommendations	Concurrence and Corrective Action Plan	Proposed Completion Date
	<i>Recommendations for management of the Criminal Justice Planning Department:</i>		
M	A.1 Update organizational objectives and mission to reflect the current needs of the criminal justice system.	Agree.	May 2024
M	B.1 Create a process to ensure terminated employees have all system access removed on the termination date.	Agree. Form created for termination of system access.	May 2024
M	B.2 Update current access levels to ensure access is appropriate and necessary. Also ensure all users have unique IDs.	Agree. CJP will contact JIS and ITS to try and obtain unique ID's per employee.	December 2024
M	B.3 Annually review and confirm access levels for all systems used. Ensure access is least permissions required.	Agree. Form created; admin will review access annually and confirm access levels for all systems utilized.	May 2024
M	C.1 Establish independent review procedures for reports produced.	Agree. Currently, two other employees review reports prior to distribution. Data is also saved for review prior to an editable format. If more is needed, will ask for an additional employee.	May 2024
M	C.2 Work with system database owners to determine any past changes that affect queries and establish ongoing procedures to ensure notification of any future changes to underlying data.	Agree. Discuss changes during quarterly advisory board meetings.	December 2024
M	D.1 Determine reasonable meeting requirements for the Criminal Justice Steering Committee and Criminal Justice Advisory Board and update underlying legislation.	Agree. Changed Advisory Board to quarterly and informed Mayor on Steering Committee meetings.	Completed.

APPENDIX A – MANAGEMENT RESPONSE AND ACTION PLAN

Risk	Recommendations	Concurrence and Corrective Action Plan	Proposed Completion Date
M	D.2 Work with committee members to establish routine agenda items and meeting topics to facilitate effective meetings.	Agree. Will ask at each meeting for agenda items and prior to the meeting will send out reminders for agenda items.	January 2025
L	E.1 Explore alternative ways to publish and distribute reports. Discuss options with the Justice Integration Services department and data owners.	Agree. Discuss with Advisory Board options for centrally locating reports distributed. Tableau tested previously, determined to not be viable for what is needed.	January 2025
L	F.1 Create a process that confirms independence of all employees annually.	Agree. Confirmation of independence will be done annually per employee by Director. Form created.	July 2025

APPENDIX B – ASSESSED RISK RANKING

Observations identified during the course of the audit are assigned a risk rating, as outlined in the table below. The risk rating is based on the financial, operational, compliance or reputational impact the issue identified has on the Metropolitan Nashville Government. Items deemed “Low Risk” will be considered “Emerging Issues” in the final report and do not require a management response and corrective action plan.

Rating	Financial	Internal Controls	Compliance	Public
HIGH	<p>Large financial impact >\$25,000</p> <p>Remiss in responsibilities of being a custodian of the public trust</p>	<p>Missing, or inadequate key internal controls</p>	<p>Noncompliance with applicable Federal, state, and local laws, or Metro Nashville Government policies</p>	<p>High probability for negative public trust perception</p>
MEDIUM	<p>Moderate financial impact \$25,000 to \$10,000</p>	<p>Partial controls</p> <p>Not adequate to identify noncompliance or misappropriation timely</p>	<p>Inconsistent compliance with Federal, state, and local laws, or Metro Nashville Government policies</p>	<p>The potential for negative public trust perception</p>
LOW/ Emerging Issues	<p>Low financial impact <\$10,000</p>	<p>Internal controls in place but not consistently efficient or effective</p> <p>Implementing / enhancing controls could prevent future problems</p>	<p>Generally, complies with Federal, state, and local laws, or Metro Nashville Government policies, but some minor discrepancies exist</p>	<p>Low probability for negative public trust perception</p>
Efficiency Opportunity	<p>An efficiency opportunity is where controls are functioning as intended; however, a modification would make the process more efficient</p>			