

**Post Audit
Meeting Summary
Angela King, Adult Drug Court Probation Officer
Stephanie Bond, Probation Services Director
April 27, 2018**

Meeting Attendees:

Justin Robinson, Audit Manager, Post Audit Division
Adam Fridley, Audit Manager, Post Audit Division
Melissa Bishop, Assistant Director, Post Audit Division
Judith Strawderman, Auditor, Post Audit Division
Christian Baumgarner, Auditor, Post Audit Division
Sarah Warden Auditor, Post Audit Division

Angela King, Adult Drug Court Probation Office, Kanawha County Drug Court
Stephanie Bond, Probation Services Director, Probation Services Division West Virginia
Supreme Court of Appeals
Sue Racer-Troy, Director of Division of Financial Management, WV Supreme Court of Appeals
Lori Paletta-Davis, Administrative Counsel, WV Supreme Court of Appeals

Background:

Angela King has worked as an Adult Probation Officer for the past 7 years. She started her current position with the Adult Drug Court 3 years ago. She coordinates the drug court program in Kanawha County which included screening, budgeting, supervision of offenders, and monitoring case management. She answers to Judge Jennifer Bailey. In her position, she is on call 24 hours a day, 365 days a year.

Stephanie Bond has been employed by the Probation Services Division of the WV Supreme Court of Appeals, since July 24, 2017. She oversees the Drug Court Program for the State of West Virginia.

Kanawha County Drug Court Program:

- The program started in 2009 and has had approximately 120 participants graduate.
- There are currently 27 participants with a capacity of 50. The normal range is between 20-45 participants.
- Ms. King and Ms. Bond were unable to provide an estimate of the total number of participants over the years.
- The use of gift cards was part of the Kanawha County Program when Ms. King started with the court.
- Ms. King is on state time when she acquires or purchases incentive items for Kanawha County.
- The use of gift cards, especially the large denomination Visa/ MC cards is for convenience and planning.

- Due to the \$1000 per month limitation on fund availability, the purchasing of the gift cards allows for setting aside funds for months when a high expenditure is anticipated: graduations, outings, Christmas, etc.
- The maximum dollar amount for VISA/MC or fuel cards that go directly to the participants is typically \$100. Any amount over \$100 is being used to purchase incentives, food for programs, other items necessary for the drug court outside of the purview of regular supplies.
- Higher denomination VISA/MC are seen as a convenience because the secretaries do not have time to go out and purchase everything and reimbursement process is more complicated

State Drug Court Program:

- The Drug Court Program is a diversion program designed to give people a reason to stay clean. The incentive portion of the program is based on the principle of rewarding good behavior. The incentive program for each drug court varies. All counties have access to a drug court, but not all counties have an individual court. Some counties are under a regional court.
- The funds for the Adult Drug Court incentives are provided from the drug court entry fees. Each court sets its own fees with the maximum fee being \$800. Each participant within a given jurisdiction pays the same fee.
- The fees are collected by the appropriate circuit clerk's office, which then forwards them to the West Virginia Supreme Court of Appeals at the end of the month.
- If a participant is unable to pay the actual cash to participate in the program they can work off their fee through things such as community service or volunteer service. The purpose of the fee is so the participant has a vested interest in participating in the program.
- Each court used to maintain control over their funds. In July or August 2015 all funds were moved to central accounting through the WV Supreme Court of Appeals.
- These are special funds and are deposited in Oasis by county. Each jurisdiction continues to have its own specific funding.
- Each month, each county gets a running balance of what is in their accounts.
- When the Drug Court fees were centralized, some counties had grant money commingled with the entrance fees. It has not been possible to separate out these funds.
- There was a build up of funds prior to 2015. Some individual counties, such as Hampshire had accrued a balance of approximately \$63,000. When the funds for the Drug Courts were centralized with the WV Supreme Court of Appeals, the beginning fund was about \$300,000. Entrance fees have been sufficient to maintain the incentive programs, so there has been a consistent excess of \$300,000.
- The WV Supreme Court of Appeals would like to get something into Code which would allow for the spending down of the account surpluses.
- The West Virginia State Treasurer manages the actual accounts. It is not known if they are interest bearing.
- The incentive program is not set up to reward the individual with the exact dollar amount of goods which was paid as an entry fee into the program. Fees go "in one pot" and are shared amongst participants.

- The only state (general fund) monies used are for the Juvenile Drug Court system.
- Phase-progressions are equitable (i.e., reaching a certain goal = \$20 gift card), but there are discretionary incentives as well, which may be more specific to the participant's needs (diapers, car battery, clothing, etc.)
- It is possible to be terminated from the program. All participants will not graduate.
- Termination from the program occurs when all means to aid the participant have been exhausted, they participant decides they no longer wish to participate, or the participant commits another crime of a serious nature (felony). Judicial discretion dictates whether the commission of an additional crime warrants termination from the program.

P-Cards/Gift Card Policy:

- There is a monthly spending limit of \$1000 per month, per county on the p-card for incentives.
- Ms. Racer-Troy indicated it is possible to request a one-time or temporary spending increase for a month when a certain need arises.
- Gift card purchases were supposed to have been preapproved according to the WV Auditor's Office Purchasing Card Policies and Procedures. This was not taking place with the Drug Court incentive Program.
- Judge Gary Johnson sent out a memo to cease using p-cards for the purchase of gift cards in February.
- Since then, there has been a meeting with Mr. Wright, from the State Auditor's office, examining potential solutions to the issue of purchasing gift cards. The outcome is still pending, but the Court has not ruled out the possibility of continuing to use P-cards to purchase gift cards; including large denomination gift cards.
- Ms. Bond is awaiting the approval of drafted policies from the Justices, but the topic has not been discussed in Administrative Conference to date.
- In the past there was no formal policy for tracking gift card use through the Drug Court.
- There is discussion of tracking the cards by who they go to, either by name or by unique participant number given to each individual in the program.
- Although receipts are kept for purchases made with a gift card which has been purchased with a p-card, they are typically not reconcilable. There has been no formal policy to match the receipts to the actual gift card.
- Gift cards have been tracked in Court data bases, but not by serial number. It was suggested by the audit managers this would be a necessary level of accountability. This was well-received by Ms. Bond and Ms. King.
- With the hold on the use of gift cards another avenue which is being pursued is the use of purchase orders.