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Tim Smith

Three months after a critical legislative audit, officials of the state's probation agency say they have accounted for how they spent \$3.8 million in sentencing reform funds.

But their explanation is at odds with the findings of the Legislative Audit Council, and some lawmakers remain unconvinced the agency spent the money as intended.

At the crux of the issue is whether the state Department of Probation, Parole and Pardon Services used much of the money to expand its ranks of probation agents as the Legislature expected, or whether, as some lawmakers and the director of the LAC contend, the department used the money to replace staff.

The LAC concluded in June that the money was spent on building up cash reserves and to replace lost federal stimulus funds.

In an accounting for The Greenville News, the agency says it spent \$2.5 million on salaries and employer contributions and \$1.2 million on operating expenses, such as cars, phones, GPS and supplies.

The agency had 329 probation agents in 2010 and 343 now, said agency spokesman Pete O'Boyle, an increase of 14 agents. Another 47 are in the "pipeline," O'Boyle said, for deployment early next year.

The LAC in June reported that while the agency said it had used about \$2 million of the \$3.8 million to hire 47 additional staffers, it found that personnel expenditures at the agency only increased by \$366,361 between July 1, 2010 and June 30, 2012.

Kela Thomas, director of the agency, said the agency hired 92 staffers over the time period examined but saw 86 staffers leave the agency during that time.

"The issue is a retention issue," she told The News. "We can hire staff all day long. But this is not unlike any other issue that other law enforcement agencies are dealing with and that's retaining our staff."

LAC Director Perry Simpson said that "when all you're doing is replacing people, you aren't really hiring additional staff and that was our point."

"From what we could sort of tell, it looked like some of these funds went to increase their cash reserve, basically their carry-forward money. And I think it may have been used to replace the loss of stimulus funds."

The LAC reported that the agency's cash reserve went from \$3.4 million in fiscal year 2009-10 to \$15.1 million in 2011-12.

Sen. Mike Fair of Greenville, chairman of the Senate Corrections Committee and the Senate's budget subcommittee that oversees the agency, said he has heard the argument before about retention. But he said the issue is how the money was spent, not whether the agency has problems keeping personnel.

He and other lawmakers say if money was spent on staffers who replaced departing employees, even if the intention was to expand the staff, that money should have come out of the department's operating budget.

The need for additional probation agents is great, Fair said, because to enact sentencing reform measures

passed by the Legislature in recent years, judges under the reforms must hand out more alternative sentences requiring more community supervision. Also under the law, fewer offenders are being sent back to prison for violating probation rules, officials said.

Thomas said the agency's offender population has grown by about 5 percent a year.

She said she understands the need for added probation agents and is moving to improve both recruiting and retention at the agency, which oversees 32,671 offenders.

"They have to be smart," she said of agents. "They have to have integrity."

Fair said the agency asked for money this year for more staff but didn't get it because it couldn't adequately explain what happened to the \$3.8 million.

He said a solution may be merging the agency with the state prisons agency, an effort he has tried unsuccessfully before.

Thomas said she has no reluctance to hire staff.

"As an agency head, who doesn't want to hire?" she asked.

"Are you kidding me? Does anybody think I enjoy talking to agents who have 200 offenders on their caseload? Or averaging one to 93? Nationally, that's embarrassing. That's not my desire. I want my staff to have the best working conditions. I have nothing to gain as an agency director with monies provided and I don't hire staff. "

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