



Summary Fact Sheet  
August 15, 2024

AUDIT OF THE DEPARTMENT OF CORRECTIONS AND REHABILITATION'S RELEASE DATE CALCULATIONS  
(AUDIT REPORT N<sup>o</sup> 23-01, AUGUST 2024)

Background

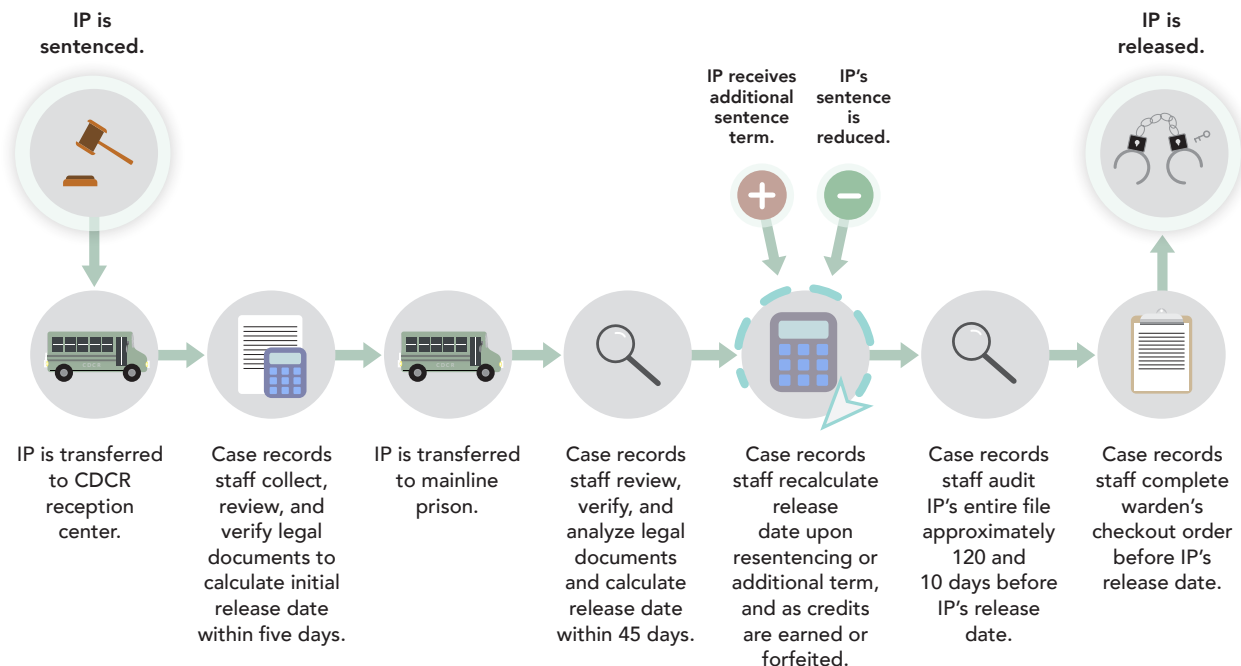
In the figure below, we list key milestones in the department's release date calculation process. After sentencing, incarcerated people and the legal documents needed to calculate release dates are usually transferred by bus from a county jail to one of the department's three reception centers. Reception centers are designated prisons responsible for receiving newly incarcerated people, classifying both their security level and eligibility for educational and work programs, and recommending a mainline prison for their first housing assignment.

Departmental policy requires analysts to complete intake audits and calculate the initial release dates of all incarcerated people within five days of their arrival at a reception center. To complete this process, technicians begin by collecting, date stamping, and scanning all legal documents transferred from the counties with the newly incarcerated people. These documents generally include the abstract of judgment, which is the official record of an incarcerated person's conviction and sentence, the minute order, which is the official record that details what

happened in the court proceeding, and any other judicial orders. Next, analysts are required to review, interpret, and analyze the court documents and verify that the listed crime and sentence, including applicable enhancements, are correct. If analysts identify discrepancies in court documents, such as the imposition of an incorrect term or a sentence enhancement, they refer the case to the Legal Processing Unit at departmental headquarters which works with the courts to resolve the discrepancies.

Following the completion of the reception process, incarcerated people are transferred to a mainline prison for a more permanent housing placement. There, the department requires analysts to complete a second intake audit within 45 days of arrival. In addition to routine recalculations triggered by credits earned or forfeited, mainline prison analysts must also recalculate release dates if an incarcerated person is resentenced by the court or convicted of an additional crime while in prison. Lastly, the department requires analysts to perform several audits as the incarcerated person's earliest possible release date approaches along with numerous other duties.

Figure 1. Key Milestones in the Department's Release Date Calculation Process



Note: IP refers to *incarcerated person*.  
Source: The OIG's analysis of departmental policies.



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## The Department Can Improve Its Processes and Procedures to Reduce Calculation Errors and Early or Late Releases

The department collects erroneous release data by requiring prisons to report incidents of early or late releases. Specifically, since 2004, the department has released approximately 2,300 incarcerated people from custody either early or late, resulting in litigation against the department. To determine if there were similarities among self-reported release date calculation errors, and to better understand how errors were made, we completed an in-depth review of five cases in which incarcerated people were released early, and five cases in which they were released late. Although we found that many of the errors related to the application of credits, the individual circumstances of each case leading to errors were generally unique, and the department did not always use the collected data to prevent mistakes from being repeated. Furthermore, the department does not conduct independent, random audits of release date calculations to identify unreported errors or other weaknesses at individual prisons.

We also reviewed 20 cases of incarcerated people released between July 1, 2022, and June 30, 2023, to determine if they contained unreported calculation errors. We found that while none of the final release date calculations were inaccurate, four cases contained calculation errors that could have led to early or late releases. In addition, the department mistakenly released one incarcerated person from custody without requiring he serve a court-ordered two-year parole period.

Finally, analysts are required to review all the legal documents and other relevant information in an incarcerated person's file for accuracy before completing an initial release date calculation or recalculation. However, we found that analysts duplicated the mistakes made by prior analysts in both sets of cases we reviewed with self-reported errors and those we reviewed with unreported errors.

## Several Factors Contribute to Release Date Calculation Delays and Errors

Sentencing laws and subsequent case law are extremely complex and change frequently, making release date

calculations more difficult. The implementation of revised sentencing laws increases analysts' workloads by triggering complicated release date recalculations for much of the incarcerated population. In addition, since May 2021 analysts have had to perform manual calculations because the numerous revisions in laws and policy caused the department to discontinue using calculation software that could not be modified to accommodate the revisions. These realities, in light of staff shortages, increase the risk that errors in release date calculations will result in incarcerated people being released either before or after completing their sentences.

Furthermore, according to analysts, legal documents were sometimes missing from files preventing analysts in reception centers, and occasionally in mainline prisons, from completing timely release date calculations in compliance with departmental policy. In addition to missing documents, many legal documents sent to reception centers contain discrepancies that analysts must resolve before completing release date calculations. Common discrepancies include inconsistencies between the court's abstract of judgment and the minute order regarding sentencing terms, court orders for testing not being documented in either the abstract of judgment or minute order, recorded sentences that do not match the penal code charged, and errors made because of the improper application of sentence enhancements. Resolving these discrepancies can prevent analysts from timely and accurately calculating release dates.

Vacancy rates for analyst and case records technician positions also negatively affected departmental operations. Excluding managers, we found that the department's statewide vacancy rates for case records staff ranged from 12 percent to 40 percent in September 2023, and from 15 percent to 37 percent in May 2024. Some prisons had more than a 50 percent vacancy rate for individual classifications. The high vacancy rates in most case records departments increase workloads and likely contribute to inaccurate release date calculations.

The negative impact of the shortage of analyst and technicians is magnified by the fact that the department also has a high case records supervisory vacancy rate. When analyst and technicians do not have supervisors to assist with complicated tasks in calculations, the risk that errors will be made but not reviewed or corrected



increases. In addition, supervisors generally are not required by departmental policy to ensure that analyst perform release date calculations accurately. However, without mandated reviews of calculations, supervisors are unable to catch critical release date calculation errors that may not be caught before, or even after, incarcerated people are released from custody.

In addition, analysts are required to perform a multitude of tasks unrelated to release date calculations and consolidating analyst positions may increase efficiency and decrease vacancy rates. For example, analysts are required to review an incarcerated person's file in preparation for their release. In that role, analysts meticulously review records of arrests and prosecutions sheets to determine if other jurisdictions issued warrants or detainers that would prevent the incarcerated person from being released. In addition, analysts determine whether elderly and youthful offenders may be eligible for parole, and respond to inquiries from courts, district attorneys, law enforcement agencies, correctional counselors, and incarcerated individuals.

### **Departmental Policies, Procedures, and Training Are Outdated**

The policies and procedures in the department's operational manual regarding release date calculations have not been updated since 1993, and training regarding how to perform release date calculations is not standardized or centralized. Instead, the department relies on more than 140 memoranda to instruct analysts how to perform release date calculations. This can be confusing and prevents both

analysts and supervisors from relying on a uniform source—the Department Operations Manual—to outline case records policies and procedures. The need to review numerous memoranda to determine which are relevant to an individual case also likely leads to inconsistent application and errors. Furthermore, prisons generally rely on internally developed training methods and materials to instruct analysts, which contributes to the lack of uniform release date calculation policies and procedures.

The department's training materials, like its release date calculation processes and procedures, are neither updated nor consolidated. Much like the memoranda issued to instruct case records staff on how to perform release date calculations, the department's training materials have been released sporadically, are outdated, and are not organized into updated training modules. Because much of the department's standardized training was outdated, we found that managers and supervisors create in-house training materials for staff. These training materials were generally intended to train analysts to perform release date calculations and implement the policies and procedures outlined in the memoranda we discussed above. However, because the department had not developed or approved the training materials, there was no assurance that the training accurately reflected departmental policy. While there is value in utilizing the skills of managers and supervisors to provide supplemental, on-the-job training to case records staff, we believe updated and accurate primary training should be developed by the department. The following page provides a list of the recommendations we offered in our report.



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**Recommendations**

*The Department Can Improve Its Processes and Procedures to Reduce Calculation Errors and Early or Late Releases*

- The department should develop and implement procedures to document that a supervisor reviewed and confirmed recalculations performed to correct errors.
- The department should require case records supervisors and managers to conduct random audits to ensure staff are complying with departmental policy to perform independent work.
- The department should determine what number or percentage of release date calculation errors made at individual prisons will result in additional training for all case records analysts at the prisons.
- The department should continuously monitor the early/late release report and require semiannual training for all case records analysts at prisons demonstrating high error rates.

*Several Factors Contribute to Release Date Calculation Delays and Errors*

- The department should analyze current sentencing laws, identify specific areas where sentencing laws should be clarified and work with stakeholders to clarify those areas to reduce calculation errors.
- The department should work with county courts to obtain access to electronically available legal documents that courts are statutorily required to provide including abstracts of judgment, minute orders, charging documents, plea forms, and transcripts.
- To help ensure initial calculations are performed correctly, the

department should require supervisors and managers to review the release date calculations completed after incarcerated people are transferred to their first mainline prison.

- To help ensure release date recalculations are performed correctly, the department should require supervisors and managers to review the recalculations completed after an incarcerated person is resentenced by a county court.
- To help ensure release date calculations are performed correctly, the department should develop and require supervisors to review the recalculations completed after triggering events at predetermined intervals.
- The department should evaluate the classification specifications and job duties of staff in case records departments to determine how they can be revised to attract and retain a greater number of highly qualified staff. At a minimum, the department should evaluate whether:
  - Case records department functions should be consolidated into regional locations with liaisons at each prison or consolidated into one central location to aid recruitment and improve calculation consistency.
  - Any or all case records functions need to be conducted on-site at each prison or if specific job duties could be performed remotely from headquarters or from more fully staffed prisons.
  - Case records staff at departmental headquarters should include analysts whose job duties include performing release date calculations at prisons where assistance is needed due

to staff shortages or which meet other criteria developed by the department.

- Analysts at departmental headquarters should audit release date calculations performed at prisons on a schedule to be developed and follow up with training focusing on the areas for improvement or weaknesses identified during the audit.
- To offer pay differentials or other incentives to attract and retain case records staff in prisons with high vacancies. The job duties of technicians and analysts should be revised to remove some or all tasks from analysts unrelated to performing release date calculations.

*Departmental Policies, Procedures, and Training Are Outdated*

- The department should update and bring current the sections in its operation manual on the case records policies and procedures.
- The department should update release date calculation trainings to provide comprehensive instruction on performing release date calculations and other case records job duties.
- The department should regularly update release date calculation training with changes in the law, policy or procedures that occur during the year.
  - The department should mandate staff attend regular training on the updates.
- The department should require case records staff to complete the comprehensive training before performing release date calculations.