



Safer Communities Through Successful Youth

Janice K. Brewer
Governor

Michael Branham
Director

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Debra K. Davenport, Auditor General
Office of the Auditor General
2910 North 44th Street, Suite 410
Phoenix, Arizona 85018

Dear Ms. Davenport:

This is the Arizona Department of Juvenile Corrections' (ADJC or "the Department") response to your preliminary draft performance audit of ADJC programs. The Department will respond specifically to each of the recommendations you have made, but first offers background information that places both your report and this response in broader context. The Department believes that an understanding of its transformation since 2003 will benefit those who read your report.

As you note, the United States Department of Justice (USDOJ) issued a report in 2004 detailing numerous serious deficiencies at ADJC in broad-ranging areas including the physical conditions of its secure care facilities, suicide prevention, protection of juveniles from harm, special education programming, treatment programming and medical and mental health services. The USDOJ pointed to three juvenile suicides in the Department's Adobe Mountain School in 2002 and 2003. Those dire findings lead to the filing of *United States of America v. the State of Arizona* in federal district court on September 15, 2004. That lawsuit alleged unconstitutional conditions of confinement in three ADJC secure care facilities (Adobe Mountain School, Black Canyon School and Catalina Mountain School). It was filed under the federal Civil Rights of Institutionalized Persons Act, 42 USC §§ 1997, *et. seq* and thus referred to as a "CRIPA" lawsuit.

On September 15, 2004 the State and the USDOJ entered into a Memorandum of Agreement, which required ADJC to correct its deficiencies by enacting over 120 specific provisions. The deadline for doing so was September 15, 2007. The USDOJ appointed a four member "Committee of Consultants," all nationally recognized experts on juvenile corrections practices, to monitor the Department's progress. As your audit report states, on September 15, 2007, the USDOJ dismissed its lawsuit against the Department. In the Committee of Consultants' final report, they found ADJC to have achieved substantial compliance with every provision of the CRIPA agreement in just three years. Department staff and administrators are rightfully proud of that accomplishment.

Achieving compliance with the CRIPA agreement required completely overhauling the operation of all four of ADJC's four secure care correctional facilities between 2003 and 2007. First, all four facilities were retrofitted and remodeled to reduce the opportunity for juvenile suicide, while the Department implemented a comprehensive new suicide prevention program. ADJC opened a new health unit at Adobe Mountain School in Phoenix and implemented 24 hour nursing coverage at all four facilities. Simultaneously, the Department developed and implemented or revamped virtually all of its secure care

operations and programming. A new process for assessing and classifying juveniles was created and implemented; a new overarching classification instrument was developed and implemented; a new vehicle for tracking a youth's individualized program progress was developed and implemented; new core treatment programming was adopted and implemented at all facilities; the Policy and Procedure Unit was revamped and all policies and procedures scrutinized, with most being rewritten; specialized programming for sex offenders and youth with chemical dependency or mental health issues was revamped; a comprehensive new behavior management system was designed and implemented; a new youth grievance process was designed and implemented; a Quality Assurance unit was created and became operational; and the Department's Internal Affairs unit was replaced with a professionalized Investigations and Inspections Unit, which is staffed by experienced law enforcement officers and charged with investigating misconduct by staff and youth and, where applicable, developing internal or criminal cases. To make this massive change possible, the Department's Staff Development Division completely revamped both its Pre-service Academy and the delivery of in-service training.

Each of the Department's initiatives between 2004 and 2007 was a major undertaking that would alone have posed considerable challenges. Making all of them in that short a time period left little time for process improvement.

Released from federal oversight in September, 2007, Department leadership recognized three priorities, which we described to your audit team at the outset of their work: (1) there was great need to revisit the multiple new programs and practices in a systematic manner to improve the quality of their delivery; (2) CRIPA had focused virtually all of our efforts on secure facilities, but a similar reform effort was necessary in the operation of Community Corrections services (parole); and (3) specific effort was required to assure that the organizational culture that bred the conditions USDOJ described in its 2004 report would not reappear in the absence of semi-annual federal monitoring.

To address those post-CRIPA priorities, ADJC's executive team determined that 2008 would be a year for quality improvement in operating and providing programming in secure facilities; the Department would develop a strategic plan to begin restructuring the delivery of Community Corrections services; and that ADJC would continue the organizational culture change efforts begun during the final year of CRIPA oversight. It is this dynamic environment your audit team encountered at ADJC. Institutional programming rested on a solid, new foundation, but much work was necessary to assure that what has been built on that foundation will be equally robust. Community Corrections had been relegated to second priority for far too long and was beginning its journey toward providing the level and quality of services juveniles would need going forward. The Department acknowledged as much at the outset of the audit and welcomed the observations of the audit team over the course of the audit. Clearly, there is much room for improvement, and ADJC has been and remains committed to that effort.

That said, I would be remiss if I did not express my pride in ADJC staff and all we have accomplished together. Just five years ago, ADJC garnered unwanted notoriety in Arizona and in the national juvenile corrections community. Today, this Department has regained the trust of the juvenile judiciary and serves as a resource, fielding inquiries from sister agencies around the country, often at the suggestion of DOJ attorneys or their expert Consultants who monitored us and documented our progress.

Findings and Recommendations

The Department's concurrence in the audit team's three findings does not constitute agreement with all of the specifics in the report. In many instances, the sample sizes were quite small. To a large extent, Black Canyon School's programs were not considered, although the Black Canyon staff has received training in gender specific programming and as a result deliver services very well. Some of the data relied upon in the audit were generated in 2004 or earlier, before the CRIPA reforms were even begun. Rather than belaboring some of the specifics in the audit report, however, the Department believes it is more productive to address the future by responding to your audit team's major findings and its recommendations.

Finding 1: Department's treatment programs modeled after best practices, but delivery needs improvement

The Department agrees with the finding.

Recommendations:

General comment: Like all state agencies, the Department anticipates a substantial reduction in its funding for Fiscal Year 2010. The amount to be cut is unknown at the time this response is being written. All of the Department's plans and objectives, including those reflected below are by necessity subject to the availability of funding. The Department is committed to its core mission of enhancing public safety by changing the delinquent thinking and behaviors of committed youth and to maintaining the safety of all juveniles and staff.

1.1 The Department should develop and implement policies and procedures that specify:

- a. The frequency and duration of core process, treatment focus, and specialty groups and specialty treatment program groups;

The Department will implement the recommendation. It began to address the findings by piloting a Program Fidelity Checklist in January, 2009. This process requires that a psychologist or clinical leader personally observe groups and complete the checklist based on their observations. This process will also be used to certify staff to be group facilitators, with the intention of requiring all facilitators to obtain certification.

- b. Using approved treatment materials;

The Department will implement the recommendation. Department procedure already meets this recommendation. Beginning in November, 2008, Quality Assurance (QA) review of treatment groups, conducted by the ADJC QA unit in conjunction with agency subject matter experts, uses a form that includes checking for the use of approved material.

- c. Customizing treatment to meet the needs of individual juveniles by providing juveniles with specific treatment modules and specialty groups that are based on individual diagnoses;

The Department will implement the recommendation. The Department already individualizes treatment by developing a unique Continuous Case Plan (CCP) for every juvenile and offering specialized groups for juveniles who need them in some housing units. Approximately 30% of ADJC juveniles living in core treatment units require some type of specialized groups. ADJC has begun to provide those groups and will continue to add them.

- d. Providing sex offender treatment for all adjudicated sex offenders and for juveniles who have been identified as at risk for inappropriate sexual behavior;

The Department will implement the recommendation, with the caveat noted below. As noted in the audit, the Department added an additional housing unit for sex offenders in January, 2009 and has initiated a program of providing individual sex offender treatment to appropriate youth who are not housed in the specialized sex offender units, whether for lack of bed space or because a juvenile is otherwise inappropriate for them. The Department prioritizes juveniles for sex offender programming. Adjudicated sex offenders are always identified for those services. For juveniles who have never been adjudicated for a sex offense, an assessment that reflects “risk for inappropriate sexual behavior” – a very broad category – will result in treatment services where it is deemed clinically necessary and resources permit.

- e. Developing and implementing a plan to provide chemical dependency treatment to all juveniles the Department identifies as needing this treatment.

The Department will implement the recommendation. The core treatment program, New Freedom, already provides substance abuse programming to every juvenile. The Department uses validated tools to assess the severity of a juvenile’s chemical dependency, and those classified as the most serious are assigned to the chemical dependency housing units. Currently, there is no waiting list for those specialized units.

- 1.2. If the Department decides that it cannot implement its current treatment programs as designed, it should revise and implement its programs in such a manner as to continue to follow the literature on effective treatment programs.

The Department will implement the recommendation.

- 1.3. The Department should develop and implement treatment program policies and procedures and revise program manuals to clearly guide staff on how to implement the treatment programs. These policies and procedures should specify:

- a. Who should lead different types of treatment groups and what to do in cases where appropriate staff are not available;

The Department will implement the recommendation. Staff who will facilitate groups have already been identified. The Department has developed a training program that will

result in certification of group facilitators, and certification will be required. "Train the Trainer" courses are now being given to begin that process.

- b. Provide clinical staff who work with juveniles who are adjudicated sex offenders with specialized sex offender training. In addition, the Department should provide all staff working with juveniles who are adjudicated sex offenders training on how to interact with and manage sex offenders. The Department should also ensure that staff receive this training prior to working with these juveniles;

The Department will implement the recommendation. However, the Department notes that clinical staff who provide sex offender treatment are already provided specialized training, as are other staff assigned to sex offender units. Several sessions were conducted for that staff in October, 2008. The Department will continue to enhance that training.

- c. Ensure that staff leading core treatment process and specialty groups and sex offender and chemical dependency groups are trained on how to provide group counseling;

The Department will implement the recommendation. See additional comments to 1.3(a), above.

- d. Develop and implement policies and procedures for providing staff with periodic ongoing training for all treatment programs and the behavior management program.

The Department will implement the recommendation. In fact, this has been an ongoing process and planning for it was a key component of the quality improvement efforts the Department implemented in 2008 in its review of all of the programming and processes adopted during CRIPA monitoring. All juvenile contact staff are required to attend a four day in-service annual training block, which now includes philosophy of treatment, program overview, New Freedom (core treatment), System for Change (behavior management), behavioral interventions, and the Continuous Case Plan among its classes. In addition, the Department will continue to provide specialized in-service training as needed, either because a new program is being implemented, a need has been identified through the agency's QA or other review processes, or regular training is appropriate. For example, in November, 2008, the Department trained all Psychology Associates, other mental health staff, Housing Unit managers (Youth Program Supervisors), and caseworkers (Youth Program Officer IIIs) on the core treatment program, New Freedom. Staffs are now required to pass a test to demonstrate competence in administering the program.

- 1.5. The Department should develop and implement comprehensive monitoring procedures to ensure that treatment programming is being provided to juveniles as designed. At a minimum, this should include:

- a. What groups to monitor;

The Department will implement this recommendation. This effort was begun as part of the Department's decision to concentrate on improving the quality of its programs and began in 2008, independent of this audit. As discussed above, program fidelity checklists have been developed for some programs, with others to follow. Monitoring of program fidelity will continue to involve both the Quality Assurance Unit and ADJC's subject matter experts and supervisors. This response is applicable to each of the remaining subsections of Recommendation 1.5.

- b. When and how to monitor;

The Department will implement this recommendation.

- c. Who should monitor;

The Department will implement this recommendation.

- d. Identifying qualified staff to monitor and providing training to this staff;

The Department will implement this recommendation.

- e. Reporting, feedback, and follow-up procedures.

The Department will implement this recommendation.

- 1.6. The Department should implement its current evaluation process and ensure that regular evaluations are conducted and used to assess and improve its treatment programs.

The Department will implement this recommendation. To that end, the ADJC Research and Development unit has created a Correctional Program Checklist (CRC), the annual use of which will be part of the evaluation process for the Department's programs. Use of the CRC began in January, 2009.

Finding 2: Decision-making process for juvenile treatment and release recommendations needs improvement

The Department agrees with the finding.

Recommendations:

- 2.1. Make the following improvements to its assessment and scheduler in Youthbase:

- a. Implement data controls throughout the assessment to minimize the potential for data inconsistencies and eliminate the current practice of allowing staff to save an assessment without changing/updating any data:

The Department will implement the recommendation, noting that the Youthbase applications the auditors discussed in the report are limited to the Criminogenic and Protective Factor Assessment (CAPFA), Continuous Case Plan (CCP) and scheduler. The Department continuously improves its Youthbase database and has already

implemented changes to the scheduler and data controls to the CAPFA application in response to the auditors' observations, which were communicated to the Department over the course of the audit.

- b. Establish controls that limit assessment updates to only those questions that should change and ensure that only authorized staff can complete certain domains;

The Department will implement the recommendation. The Department's Research & Development Unit has statistically validated the CAPFA tool. Phase One was completed in 2007 and Phase Two concluded in 2008. R & D is now in the process of conducting an inter-rater reliability study for CAPFA data entry, the results of which will be used both to identify training needs and potential additional data controls.

- c. Continue efforts to implement the automated scheduler and monitor it to ensure that parole officers do not experience scheduling conflicts for MDT meetings.

The Department will implement the recommendation. See response to Recommendation 2.1(a), above.

- 2.2. Revise its procedures on assessments to require greater clinical or supervisory review of assessments conducted after the initial assessment.

The Department will implement the recommendation.

- 2.3. Monitor the MDT process on a regular basis for staff attendance, attentiveness, and conduct as well as procedural compliance, schedule adherence, and appropriate meeting environments.

The Department will implement the recommendation. ADJC has already conducted training for applicable staff on the MDT meeting process and expectations for MDT etiquette. In addition, as discussed in response to recommendation 1.1(a), above, the Department has developed and is piloting a program fidelity checklist for use in monitoring programs.

- 2.4. Provide all secure care clinical and community corrections staff with refresher assessment training on a regular basis.

The Department will implement the recommendation.

- 2.5. Identify clinically trained and credentialed family services coordinators and use them to update the mental health domain every 90 days for those juveniles in the community who the Department has determined need for ongoing assessment because of high risk and needs in this area. Further, family services coordinators should then provide parole officers with the information needed to help juveniles address problems in this area.

The Department will implement the recommendation and has already initiated the process for doing so.

Finding 3: Department should better support juveniles' transition to the community

The Department agrees with the finding.

Recommendations:

3.1. To better transition juveniles back into the community, the Department should improve and expand working relationships with outside organizations that also work with juveniles by:

- a. Continuing to meet with the Department of Economic Security, Child Protective Services and developing an agreement similar to the formal agreements it has with the RBHAs. The agreement should define the responsibilities of both agencies and the staff responsibilities for various processes, including attendance at key department meetings, establishing time frames for when actions should be taken, and specifying a problem-solving process;

The Department will implement the recommendation, and is appreciative of the auditors' acknowledgement that ADJC was already engaged in this process. ADJC also provides the caveat that the Department cannot control the actions of entities outside ADJC and is dependent on the willingness of its partners for the full implementation of this recommendation.

- b. Ensuring all formal agreements have objective measurements and processes to hold participants accountable for their actions;

The Department will implement the recommendation, and in fact began this effort prior to this audit. The Department adds the caveat that it ultimately lacks the authority to hold any outside entity accountable.

- c. Leveraging its existing resources to create a Community Education Liaison to work with community education programs to help transition juveniles into public schools. The Community Education Liaison should work to identify, document, and access other educational opportunities for juveniles who are struggling to re-integrate into traditional classrooms;

The Department will implement the recommendation and in fact created and filled such a position in January, 2009.

- d. Identifying relevant events, such as conferences and trainings, that the Department could use to communicate with and receive feedback from educators regarding the special needs of its juveniles;

The Department will implement the recommendation, funding permitting. The Department's education staff have attended such conferences and trainings in the past.

- e. Continuing to develop its working relationship with the Department of Economic Security (DES) and ensure that it can track the services the DES provides;

The Department will implement the recommendation, again with the caveat that it cannot accomplish this without DES' cooperation.

- f. Using its vocational rehabilitation liaison position and/or other staff resources to identify and contract for relevant job training and vocational rehabilitation programs for its juveniles. This position should also identify relevant events, such as conferences and trainings, that the Department could use to communicate with and receive feedback from community vocation program directors regarding the needs of its juveniles;

The Department will implement this recommendation. Department staff have attended such trainings and conferences in the past and will continue to do so, funding permitting.

- g. Continuing to use existing committees to share information regarding both educational and vocational rehabilitation programs and opportunities in the community that Department staff identify and/or develop.

The Department will implement the recommendation.

- 3.2. To better support juveniles' transition back into the community, the Department should develop and implement additional policies and procedures that:

- a. Include set timelines and staff responsibilities for obtaining a juvenile's necessary identification, transcripts, and other documentation prior to transitioning to the community;

The Department will implement this recommendation, with the caveat that obtaining documents from other entities requires cooperation on the part of those entities, whose cooperation or lack of cooperation is ultimately beyond ADJC's control.

- b. Require the development of a single, unified parole plan for its juveniles prior to their transition to the community. The plan should define a juvenile's responsibilities while on parole, list needed services, and serve as a guide to department and other agency staff regarding the support that should be provided to the juvenile while he/she is in the community;

The Department will implement the recommendation.

- c. Require the development of goals, objectives, and measures to track juveniles' success in transitioning and the monitoring and tracking of those goals, objectives, and measures. The Department should ensure that those goals include the goals defined in a juvenile's parole plans.

The Department will implement the recommendation.

Additional Issue Examined By Auditor General

The Department takes no position regarding the extension of the age of its jurisdiction or the adoption of a blended sentencing structure for Arizona's juvenile offenders, except to note that either would require considerable additional resources. Until the details of any such major change in Arizona's juvenile justice system were determined, it is not possible to estimate its fiscal impact.

Conclusion

Despite unprecedented fiscal challenges, ADJC is committed to fulfilling its statutory and constitutional responsibilities to the citizens of Arizona and the juveniles and families we serve. We are dedicated to consolidating the gains made under the CRIPA agreement and building on them.

We appreciate the contributions to that effort made by the audit team and their professionalism and cooperation throughout the process.

Sincerely,

Michael Branham
Director

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