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**STATE OF ARIZONA**  
OFFICE OF THE  
**AUDITOR GENERAL**

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DEPUTY AUDITOR GENERAL

May 27, 2015

The Honorable Judy Burges, Chair  
Joint Legislative Audit Committee

The Honorable John Allen, Vice Chair  
Joint Legislative Audit Committee

Dear Senator Burges and Representative Allen:

Our Office has recently completed an initial followup of the Arizona Board of Executive Clemency (Board) regarding the implementation status of the 26 audit recommendations (including sub-parts of the recommendations) presented in the performance audit report released in September 2014 (Auditor General Report No. 14-105). As the attached grid indicates:

- 10 have been implemented;
- 1 has been partially implemented;
- 11 are in the process of being implemented;
- 3 are not yet applicable; and
- 1 is not applicable.

Our Office will conduct an 18-month followup with the Board on the status of those recommendations that have not yet been fully implemented.

Sincerely,

Dale Chapman, Director  
Performance Audit Division

DC:ss  
Attachment

cc: Terry Adriance, Executive Director  
Arizona Board of Executive Clemency

Ellen Kirschbaum, Chair  
Arizona Board of Executive Clemency

# Arizona Board of Executive Clemency

## Auditor General Report No. 14-105

### Initial Follow-Up Report

Recommendation	Status/Additional Explanation
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**Finding 1: Board should strengthen efforts to help ensure that its members are free from conflicts of interest**

1.1	The Board should develop its own conflict-of-interest form that covers the policies and procedures it established in 2014 regarding conflicts of interest.	<b>Implemented at 6 months</b>
1.2	The Board should develop a formal process for ensuring board members periodically, such as annually, review and sign its conflict-of-interest form.	<b>Implementation in process</b> In March 2015, the Board developed a formal procedure that requires board members to review and sign the Board's conflict-of-interest form annually. Board members' first annual review is scheduled to take place in March 2016; auditors will follow up at 18 months to assess implementation of the annual review procedure.
1.3	The Board should develop and implement formal training on the Board's policies and procedures for identifying, managing, and resolving conflicts of interest.	<b>Implemented at 6 months</b>
1.4	The Board should periodically review and update its conflict-of-interest policies and procedures and provide training on any changes made.	<b>Implementation in process</b> In March 2015, the Board developed a procedure under which the Executive Director and Board Chair will review and make revisions to the Board's conflict-of-interest policy prior to the annual review and acknowledgement by the board members (see Recommendation 1.2). The first review is scheduled to take place by March 2016; auditors will follow up at 18 months to assess this recommendation's implementation.
1.5	The Board should develop policies and procedures to guide the victim services coordinator's interaction with victims and appropriate provision of victim information to board members.	<b>Implemented at 6 months</b>

**Finding 2: Board should further enhance its decision-making process**

- 2.1 The Board should continue working to develop and implement an SDM model that is appropriate for use in Arizona to guide its decisions and help to ensure transparency, consistency, and accuracy in its decision making. To ensure that it implements an effective and appropriate model that conforms to best practice standards, the Board should ensure that its model incorporates the following components:

## Recommendation

## Status/Additional Explanation

- a. Risk assessment using evidence-based, validated risk-assessment tools appropriate to the type of offender being considered for release;
- b. Consideration of general factors found to be correlated with recidivism, including:
  - o Inmate's criminal and parole history;
  - o Inmate's ability to control his/her behavior;
  - o Inmate's response to treatment programming;
  - o Inmate's institutional and community behavior;
  - o Evidence of change in inmate's attitude or behavior; and
  - o Inmate's plan for successful reintegration into society.
- c. Consideration of case-specific factors;
- d. Inmate interview and reconciliation of discordant information between the interviews and case files; and
- e. Appropriate documentation of board decisions.

### Implementation in process

In August 2014, the Board received training on inmate risk scores provided by the Department of Corrections, and the Board reported that it is considering these scores when making decisions. However, the Department of Corrections' risk-assessment tool has not yet been validated. The Department of Corrections is working with the University of Cincinnati to validate its risk assessment tool and anticipates that it will complete the validation by September 2015.

### Implementation in process

The Board has obtained and plans to accept an offer to participate in a pilot program hosted by the National Institute of Corrections (NIC). As a part of this pilot program, the NIC will help the Board develop and implement a structured decision-making framework (SDMF) to help standardize decision-making criteria and provide a rationale for its decisions. Factors to be considered under the NIC's SDMF include an inmate's criminal and parole history, ability to control his/her behavior, response to treatment programming, institutional and community behavior, change in attitude or behavior, and plan for successful reintegration into society. The NIC's SDMF also calls for consideration of other factors, including community input, interview impressions, and specific factors unique to the offender's case. The Board anticipates that this pilot program will commence in mid-2015 and take 4 to 6 months to complete.

### Implementation in process

See explanation for Recommendation 2.1b.

### Implementation in process

See explanation for Recommendation 2.1b.

### Not yet applicable

Although the Board indicated that developing appropriate documentation will not be part of the NIC's SDMF pilot program (see Recommendation 2.1b), after developing and implementing its SDMF, the Board reported that it will review and revise its process for documenting board decisions to clearly reflect the reasoning behind its decisions.

**Recommendation****Status/Additional Explanation**

2.2 The Board should develop and implement policies and procedures that document and support the Arizona-specific SDM model it adopts.

**Not yet applicable**

The Board has obtained and plans to accept an offer to participate in a pilot project with the NIC to develop and implement a SDMF and anticipates that this pilot project will begin in mid-2015 and take 4 to 6 months to complete (see Recommendation 2.1b). The Board indicated that it will develop policies and procedures once its SDMF is established.

2.3 The Board should ensure that board members receive sufficient initial and ongoing training on the use of its Arizona-specific SDM model that is consistent with best practice standards.

**Not yet applicable**

The Board has obtained and plans to accept an offer to participate in a pilot program with the NIC to develop and implement a SDMF and anticipates that this pilot project will begin in mid-2015 and take 4 to 6 months to complete (see Recommendation 2.1b). This pilot program includes training for board members and staff. Board management also indicated that it will develop in-house initial and ongoing training for board members and staff.

2.4 To help offset the resource cost associated with the development of its Arizona-specific SDM model, the Board should consider pursuing opportunities for assistance in developing its model offered by the National Institute of Corrections, and how it can best make use of the information already available to it.

**Implementation in process**

See explanation for Recommendation 2.1b.

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**Finding 3: Board should continue taking steps to better meet hearing time frame goals and notification requirements**

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3.1 The Board should continue to develop its policies and procedures. It should ensure that its policies and procedures refer to any statutory requirements and provide step-by-step guidance on how to properly schedule hearings, meet notification requirements including time frames, and document pertinent information in the Department of Corrections' data system or the Board's files.

**Implemented at 6 months**

3.2 The Board should develop and implement a supervisory review process for key requirements, such as scheduling revocation hearings and ensuring victims are notified of parole hearings and decisions in a timely manner. This process should be outlined in the Board's policies and procedures.

**Implemented at 6 months**

3.3 The Board should develop and implement staff training, including:

- a. Training on its new policies and procedures;
- b. Continuing with its efforts to cross-train staff; and

**Implemented at 6 months****Implementation in process**

The Board has taken steps to continue cross-training its staff, but has not formalized its training process to ensure that staff are consistently and comprehensively cross-trained on how to perform various duties.

Recommendation	Status/Additional Explanation
<p>c. A process for regularly updating its staff training and for providing refresher training.</p>	<p><b>Implemented at 6 months</b></p>
<p>3.4 The Board should continue to collaborate with the Department of Corrections on addressing data system issues related to victim notification letters.</p>	<p><b>Implementation in process</b>  The Board is working with the Department of Corrections to develop victim services software that will address data system issues related to victim notification letters, which will be part of the Department of Corrections new inmate management data system. However, the Department of Corrections was unable to provide an estimate on when the new data system would be implemented (see Recommendation 3.7). Meanwhile, the Board's newly hired Victim Services Coordinator prepares and sends victim notification letters.</p>
<p>3.5 The Board should continue to collaborate with the Department of Corrections to identify ways to further improve the timeliness of a parole/community supervision revocation hearing.</p>	<p><b>Implementation in process</b>  The Board has continued to engage in discussions regarding ways to improve the timeliness of revocation hearings with the Department of Corrections during monthly collaborative meetings, but has yet to identify any ways to do so.</p>
<p>3.6 The Board should work with the Department of Corrections to establish appropriate management reports from the Department of Corrections' inmate management system that will help it assess whether it is meeting hearing and notification requirements, such as time frame requirements.</p>	<p><b>Partially implemented at 6 months</b>  Although the Board has worked with the Department of Corrections to establish management reports in its current inmate management system, the Department of Corrections has decided to focus its resources on the development of a new inmate management system rather than invest additional resources into its current system. See Recommendation 3.7 below for more information.</p>
<p>3.7 The Board should work with the Department of Corrections as it is developing its new inmate management system to ensure that the new system can produce the management reports the Board needs.</p>	<p><b>Implementation in process</b>  The Board has continued to collaborate with the Department of Corrections as it develops its new inmate management data system to ensure that the new system can produce the management reports the Board needs. However, the Department of Corrections was unable to provide an estimate on when the new data system would be implemented.</p>
<p>3.8 The Board should work with its Assistant Attorney General and the Department of Corrections to develop a form that would allow an individual to waive his/her right to a parole/community supervision revocation hearing if his/her parole or community supervision end date will occur before the next soonest available revocation hearing date.</p>	<p><b>Implemented at 6 months</b></p>

**Recommendation****Status/Additional Explanation****Finding 4: Board should separate the combined board chair and executive director positions to enhance administrative leadership and oversight**

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| 4.1 The Board should develop and implement a plan for separating the board chair/executive director positions. The board-approved transition plan should include various steps such as developing position descriptions, responsibilities, and qualifications for the board chair and executive director positions to ensure the duties are distinct and appropriate for each position, creating a formalized process for selecting the executive director, and establishing time frames for completing the various plan activities. | <b>Implemented at 6 months</b> |
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**Sunset Factor #5: The extent to which the Board has encouraged input from the public before adopting its rules and the extent to which is has informed the public as to its actions and their expected impact on the public.**

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| 1. The Board should ensure it has functioning audio equipment to record and produce minutes for the public within 3 working days. | <b>Implemented at 6 months</b>  |
| 2. The Board should add the required advisory notice regarding its substantive policy statements.                                 | <b>Not applicable</b><br>Upon conducting additional research, the Board's Assistant Attorney General has determined that A.R.S. §41-1005(A)(7) exempts the Board from statutes regarding rule making and substantive policy statements. |
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