



ARIZONA DEPARTMENT OF PUBLIC SAFETY

2102 WEST ENCANTO BLVD. P.O. BOX 6638 PHOENIX, ARIZONA 85005-6638 (602) 223-2000

"Courteous Vigilance"

JANICE K. BREWER ROBERT C. HALLIDAY
Governor Director

February 28, 2011

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

Dear Ms. Davenport:

I am enclosing our agency's response to the preliminary report draft of the performance audit of the Arizona Department of Public Safety. As requested, the Department has responded to each of the report's recommendations and has included narrative describing how we intend to begin implementing each of the recommendations.

On behalf of the Arizona Department of Public Safety I wish to thank you for the work of your staff in preparing the report and the opportunity it has provided for agency improvement.

Sincerely,

Robert C. Halliday, Colonel
Director

Enclosure

**Arizona Department of Public Safety
Response to the Performance Audit and Sunset Review**

RESPONSE TO RECOMMENDATIONS

Finding 1

Department Implemented Most Prior Audit Recommendations and Is Working to Minimize Public Safety Impact of State's Budget Crisis

Highway Patrol should continue efforts to improve public safety

Recommendation:

- 1.1 *To ensure it can clear highways as quickly as possible, the Department should continue with its plans to establish a 90-minute clearance goal, and use its new traffic incident tracking form information to analyze the times officers arrive on the scene and when the traffic incidents are cleared. The Department should then use the data it collects to make appropriate and necessary changes to its traffic incident management procedures so it can meet the 90-minute clearance goal.*

Response:

The finding of the Auditor General is agreed to and the audit recommendation will be implemented.

The new traffic incident tracking form was implemented in July of 2010 and the data collection recommended is now occurring. The 90 minute goal is part of a comprehensive traffic incident management program the agency is currently developing and will implement in 2011. The Department will also continue to monitor the data collected and implement any necessary adjustments or changes to the traffic incident management program accordingly as recommended.

Recommendation:

- 1.2 *Given its reduced operations and pilot availability and because aircraft are expensive to own, operate, and maintain, the Department should formally assess whether the current level of aviation resources, both helicopters and fixed-wing air transport aircraft, are needed and whether it can further reduce its aviation expenses.*

Response:

The finding of the Auditor General is agreed to and the audit recommendation will be implemented.

It is the position of the Department that the need for aviation service has not decreased. The Aviation section has flown a decreasing number of missions over the last three fiscal years; however, we believe this decrease is based on pilot unavailability due to the inability to hire and diminished expectations of aircraft availability by requestors. Budget conditions over the last three fiscal years have severely impacted aircraft availability and as such, agencies which would routinely call for DPS aviation assets in the past, either forego making the request or are

frequently advised the aircraft is not available. The Department will implement a system which attempts to capture the data described in the audit report. While we agree this system should be implemented and will be useful, the data collected may not necessarily represent an accurate picture of the Aviation service need statewide. Many requestors are now very familiar with the Department's situation regarding reduced Aviation resources and have adjusted their calls for service accordingly. We strongly emphasize our belief that conditioned expectations of decreased aircraft availability, by those who would request air support, has resulted in diminished calls for service which would have been made under different circumstances. A call for service which is not made is impossible to track and will be inaccurately displayed as a diminished need in statistical data.

Criminal Investigations should take additional steps to ensure goals and priorities being met

Recommendation

1.3 *The Department should formalize the process it uses to decide whether or not to participate on a task force.*

Response:

The finding of the Auditor General is agreed to and the audit recommendation will be implemented.

The Department's presence on task forces furthers the goals and objectives of participating criminal justice agencies at a local, county and federal level. The Department agrees that specific criteria should be met prior to the Department committing resources to any task force. The Criminal Investigation Division will implement a process which establishes the benefits of participation on each task force in which the Department is currently a member and for all future considerations.

Recommendation

1.4 *The Department should develop specific criteria for accepting investigative cases from other law enforcement agencies and document its decisions for accepting investigative cases to help it balance the requests of local jurisdictions with state wide enforcement needs and priorities.*

Response:

The finding of the Auditor General is agreed to and the audit recommendation will be implemented.

The Department's reputation for investigative excellence, statewide presence, and perceived independence from the influence of local politics, makes the Department a sought after resource for sensitive or complex investigations from numerous agencies and political subdivisions. The Department agrees the volume of requests and the personnel commitments associated with acceptance of cases necessitate a critical review to determine which investigations will be accepted. The Department will implement a process to establish criteria through which informed decisions can be reached.

Recommendation

1.5 The Department should continue to pursue developing a case management system that will allow non-Department led investigative cases the same tracking capability as Department-led investigative cases.

Response:

The finding of the Auditor General is agreed to and the audit recommendation will be implemented.

The Department has established a committee that is actively researching the capabilities and cost of available case management systems. The Department's intent is to utilize available funding sources, both internally and through grants, to procure a case management system capable of tracking both Department led and non-Department led cases. The initial phase of this process will involve a Request for Information, followed by a Request for Proposal, and then final procurement of a selected system, contingent on funding.

Recommendation

1.6 The Department should continue to expand the case outcome codes in its case management system, or in a new system, to more accurately reflect the criminal investigation activities it conducts and case outcomes.

Response:

The finding of the Auditor General is agreed to and the audit recommendation will be implemented.

The Criminal Investigations Division has established a committee for the purpose of adding or modifying case outcome codes to improve accuracy. The new codes will be utilized by the current case management system and will be readily available to be migrated to a new case management system when implemented.

Recommendation

1.7 Once more complete management information is available, The Department should use it when assessing its investigation activities and outcomes to ensure its goals and priorities are being met.

Response:

The finding of the Auditor General is agreed to and the audit recommendation will be implemented.

This recommendation is directly tied to *Recommendation 1.5 and 1.6*. The implementation of additional outcome codes will enhance the Department's ability to ascertain investigative outcomes and should be realized in a relatively short time frame. The eventual implementation of a modern case management system will provide the information managers need to ensure goals and priorities are met. The Department recognizes case management systems are expensive to procure and identifying adequate funding sources will challenge the Department during these difficult budget times.

Recommendation

Sunset Factor 4

The extent to which rules adopted by the Department are consistent with the legislative mandate.

General Counsel for the Auditor General has analyzed the Department's rule-making statutes and believes that the Department has established the required rules for all but one area. According to department information, Arizona laws regulate the sale of defined precursor and regulated chemicals to prevent the unlawful manufacture of methamphetamine and other dangerous and narcotic drugs. Specifically, A.R.S. 13-3404 (A) requires that manufacturers, wholesalers, retailers, or other persons who sell, transfer or otherwise furnish any precursor or regulated chemicals must submit a report of the transactions to the Department. In addition, A.R.S. 13-3404 (D) requires that manufacturers, wholesalers, retailers, or other persons who receive any precursor or regulated chemicals must submit a report of the transactions to the Department according to rules adopted by the Department. This provision at least implies that there should be rules prescribing the criteria for such reports. However, A.R.S. 13-3404 (K) gives the Director discretionary authority to adopt rules to carry out the provisions of this statute. **Consequently, the Department plans to form a committee to review these statutory requirements and determine, among other things, if administrative rules are necessary. The Department should continue with its plans, and if the committee determines that administrative rules are necessary, the Department should ensure that they are promulgated.**

Response:

A committee has been established and has conducted meetings to review the statutory requirements to determine if administrative rules are required. Upon completion of this phase, the results will be submitted to the Arizona Attorney General's Office for a final legal review of the findings. If the Department and legal review determine administrative rules are necessary, the Department will draft the rules and ensure they are processed in accordance with standard rule making provisions.