



DEBRA K. DAVENPORT, CPA
AUDITOR GENERAL

STATE OF ARIZONA
OFFICE OF THE
AUDITOR GENERAL

MELANIE M. CHESNEY
DEPUTY AUDITOR GENERAL

June 10, 2016

The Honorable John Allen, Chair
Joint Legislative Audit Committee

The Honorable Judy Burges, Vice Chair
Joint Legislative Audit Committee

Dear Representative Allen and Senator Burges:

Our Office has recently completed an 18-month 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:

- 12 have been implemented;
- 1 has been partially implemented;
- 10 are in the process of being implemented;
- 2 are not yet applicable; and
- 1 is not applicable:

Our Office will conduct a 30-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:ka
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

18-Month Follow-Up Report

Recommendation	Status/Additional Explanation
----------------	-------------------------------

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.	Implemented at 6 months
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.	Implementation in process Board members reviewed and signed the Board's conflict-of-interest policies and procedures after making changes to the <i>Board Member Decorum</i> policy in May 2015. The Board's Executive Director stated that board members will review and sign the policies and procedures again by the end of June 2016.
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.	Implemented at 6 months
1.4	The Board should periodically review and update its conflict-of-interest policies and procedures and provide training on any changes made.	Implemented at 18 months
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.	Implemented at 6 months

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:	
a.	Risk assessment using evidence-based, validated risk-assessment tools appropriate to the type of offender being considered for release;	Implementation in process The Department of Corrections has developed a risk assessment tool called the "Arizona Community Corrections Assessment Tool." According to the Board, the University of Cincinnati validated this tool in November 2015. However, the tool has not yet been implemented because of the additional automation and Department of Corrections training that needs to be completed.

Recommendation

Status/Additional Explanation

- 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

As indicated in the 6-month followup, the Board has accepted 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 an Arizona-specific structured decision-making framework to help standardize decision-making criteria and provide a rationale for its decisions. However, the Board reported that the NIC pilot program is on hold. In the meantime, the Board was selected to receive technical assistance on structured decision making from the National Parole Resource Center (NPRC). The Board completed its first training with the NPRC in May 2016.

Implementation in process

See explanation for Recommendation 2.1b.

Implementation in process

See explanation for Recommendation 2.1b.

Implementation in process

See explanation for Recommendation 2.1b.

-
- 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

Because an Arizona-specific SDM model has not yet been developed, this recommendation is not yet applicable. The NIC pilot program that will help develop Arizona's model is on hold, but the Board is receiving technical assistance regarding structured decision making from the NPRC. See Recommendation 2.1b for more information.

-
- 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

Because an Arizona-specific SDM model has not yet been developed, this recommendation is not yet applicable. The NIC pilot program that will help develop Arizona's model is on hold; however, the Board indicated that it will develop in-house and ongoing training for board members and staff once its model is established.

-
- 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.

Recommendation**Status/Additional Explanation****Finding 3: Board should continue taking steps to better meeting hearing time frame goals and notification requirements**

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 c. A process for regularly updating its staff training and for providing refresher training.	a. Implemented at 6 months b. Implemented at 18 months c. Implemented at 6 months
3.4 The Board should continue to collaborate with the Department of Corrections on addressing data system issues related to victim notification letters.	Implementation in process As of June 2016, the Department of Corrections is still in the process of developing its new inmate management system, and the Board continues to work with it to communicate its various requirements, including those related to victim notification letters.
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.	Implementation in process The Board has continued to work with the Department of Corrections to improve the timeliness of revocation hearings. The Board began a LEAN project partnership with the Department of Corrections in September 2015 with the goal of improving the timeliness of revocation hearings. According to the project plan, this LEAN project is expected to be completed by October 2016.
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.	Partially implemented at 6 months 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 for more information.

Recommendation**Status/Additional Explanation**

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.

Implementation in process

As of June 2016, the Department of Corrections is in the process of developing its new inmate management system. The Board has continued to collaborate with the Department as it develops its new inmate management system to ensure that the new system can produce the management reports the Board needs.

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.

Implemented at 6 months**Finding 4: Board should separate the combined board chair and executive director positions to enhance administrative leadership and oversight**

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.

Implemented at 6 months**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.**

1. The Board should ensure it has functioning audio equipment to record and produce minutes for the public within 3 working days.

Implemented at 6 months

2. The Board should add to its substantive policy statements the required notice about them being advisory only.

Not applicable

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.