



# Supreme Court

STATE OF ARIZONA  
ADMINISTRATIVE OFFICE OF THE COURTS

Ruth V. McGregor  
Chief Justice

David K. Byrns  
Administrative Director  
of the Courts

November 26, 2007

Ms. Debra K. Davenport, Auditor General  
Office of the Auditor General  
2910 N. 44<sup>th</sup> Street, Suite 410  
Phoenix, Arizona 85018

Dear Ms. Davenport,

Enclosed you will find our response to the recommendations found in your juvenile detention performance audit report.

However, before providing our response to the specific recommendations, we believe it is important for the readers of this report to understand the evolution of the conditions and operations of the juvenile detention centers in the last decade. Up until 1997, many of the juvenile detention centers across the state were in deplorable condition. Under the leadership of former Chief Justice Thomas Zlaket, the AOC embarked on a facilities major plan to replace these facilities with newly constructed or renovated centers. The Legislature provided approximately \$20 million to fund this effort over a three year period. The counties matched this funding with over \$150 million in local funding. The AOC oversaw the construction efforts. The end result has been a substantial upgrade to the condition of all juvenile detention centers across the state.

In addition to securing funding for new facilities, AOC worked with the local juvenile courts to implement several other important initiatives, all of which are in place today. These efforts included developing and implementing operational guidelines, establishing training academies, and implementing schools in each detention center.

While the Supreme Court and the AOC helped orchestrate the master plan to upgrade juvenile detention facility conditions as well as implement general guidelines and practices, the detention center governance structure has been and continues to be highly decentralized; funded by local county boards of supervisors and overseen by the presiding juvenile court judge in each county. Aside from the one-time detention construction funding, the Legislature does not provide any ongoing operational funding for the centers. The only state-level statutory mandate related to juvenile detention

centers rests with the Arizona Department of Juvenile Corrections; to conduct inspections.

Although there is always room for improvement, it should be noted the juvenile detention centers are well-run and are not beset with problems. In fact, while over 100,000 juveniles have passed through the detention centers in the past 10 years, there have been no suicides and escapes or other significant health, welfare or security risks are a rare occurrence. This type of track record is one the Arizona Judicial Branch is proud of.

The audit report and recommendations provide an opportunity for the AOC and juvenile courts, subject to the Arizona Judicial Council's direction and approval, to identify those standards and best practices which are appropriate to mandate at a statewide level and which practices are appropriate to leave to local control.

We appreciate the audit work and cooperation of your staff throughout the audit.

David K. Byers, Administrative Director  
Administrative Office of the Courts

Enclosure

**Administrative Office of the Courts  
Juvenile Detention Audit  
Response to Auditor General Recommendations**

**Finding 1**

As the recommendations are directed to the juvenile detention administrators in the counties selected for review, we will not respond directly to the recommendations included in Finding I.

**Finding 2**

1. The AOC should seek the Arizona Judicial Council's direction regarding the need to identify and/or develop mandatory juvenile detention center operational standards.

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

2. If the Arizona Judicial Council approves the need to identify and or develop mandatory juvenile detention center operational standards, the AOC should work with the county juvenile courts to review and improve the current operational guidelines to ensure that they provide adequate direction and detail to juvenile detention centers and identify new standards where appropriate. The standards should include sufficient detail and information to provide juvenile detention centers with the guidance they will need to establish conforming policies, procedures, and practices.
  - a. To assist in developing appropriate operational standards, the AOC and county juvenile courts should consult the American Correctional Association, the National Commission on Correctional Health Care, the National Partnership for Juvenile Services, the Council of Juvenile Correctional Administrators, and the Annie E. Casey Foundation.

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

3. Upon completing the guideline review and standards development, the AOC and county juvenile courts should submit the recommendations to the Arizona Judicial Council for its consideration and approval. The AOC and the county juvenile courts should also seek the Arizona Judicial Council's guidance for the most appropriate method for mandating compliance, such as recommending placing the standards in the Code or recommending that the Code indicate that county juvenile detention centers must comply with the standards.

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

4. Upon the Arizona Judicial council's final approval of the standards, the AOC should take several steps to help juvenile detention centers transition as they implement operational standards, including:
  - a. Providing training and technical assistance to appropriate county juvenile court and juvenile detention center staff on the mandatory standards;
  - b. Assisting county juvenile court staff in obtaining additional resources from their respective boards of supervisors if needed; and
  - c. Identifying additional resources, such as best practices and tools used by some juvenile detention centers, to share with other juvenile detention centers to help comply with the adopted standards.

The finding of the Auditor General is agreed to and the audit recommendation will be implemented, to the extent that resources allow. As previously noted, the primary responsibility for funding juvenile detention centers rests with the local boards of supervisors and local juvenile courts. The AOC, when requested, will provide whatever assistance we can.

5. Once it has instituted mandatory standards, the AOC should seek the Arizona Judicial Council's approval and then work with county juvenile courts to develop and implement performance-based standards and the processes needed to measure progress toward meeting the standards, as appropriate.

The finding of the Auditor General is agreed to and the audit recommendation will be implemented. As the juvenile court committees work to develop the appropriate standards, consideration will be given to which standards would be best suited to include performance-based standards. Again, we will implement whichever standards the Arizona Judicial Council chooses to adopt.

6. If the Arizona Judicial Council authorizes performance-based types of standards as well as the processes needed to measure progress toward meeting the standards, the AOC should establish a time frame or schedule for fully developing and implementing these standards.

The finding of the Auditor General is agreed to and the audit recommendation will be implemented. However, given the pending budget cuts, any time table we develop will be dependent upon available staff time and resources.

### **Finding 3**

1. The AOC should seek the Arizona Judicial Council's direction regarding the need to develop statewide policies, procedures and/or standards for the application of Arizona Juvenile Court Rule 23(D) to appropriately and consistently screen juveniles for

detention, while also recognizing legitimate county-level concerns regarding the safety of the juveniles and the community within their jurisdiction.

The finding of the Auditor General is agreed to, and the audit recommendation will be implemented. Appropriate and consistent screening of juveniles for detention is consistent with best practice and we agree this is an area we should review. As the audit report suggests, any such policies, procedures, or standards will need to have the capability of incorporating local considerations.

2. If the Arizona Judicial Council approves the need to develop juvenile detention screening policies, procedures and/or standards, the AOC should work with the county juvenile courts to develop such policies, procedures and/or standards, including a potential requirement that counties use a validated screening instrument, and then submit its recommendations to the Arizona Judicial Council for its consideration and approval.

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

3. The AOC and counties should continue with their efforts to identify and use detention alternatives.

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

4. The AOC should encourage the use of alternatives to detention by continuing to request funding for the use of effective alternatives to detention and funding projects that help juveniles reintegrate into their communities after a stay in detention.

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

#### **Finding 4**

1. The Legislature should consider revising statute to replace Juvenile Corrections with the AOC as the entity responsible for inspecting juvenile detention centers.

As this recommendation is directed toward the Legislature, our response is not necessary.

2. If given responsibility for inspections, the AOC should develop and implement a comprehensive juvenile detention center inspection program by developing and implementing policies and procedures that require the following:

- a. Conducting a thorough inspection of each juvenile detention center every three years where compliance with all guidelines is assessed, including reviewing juvenile detention center policies and procedure for adherence to each guideline; seeking supporting evidence to determine if the juvenile detention center's policies and procedures are followed; reviewing fire and health inspection reports; conducting facility walk-throughs to inspect for cleanliness, safety, and security issues; and conducting satisfaction interviews with staff and juveniles;
- b. Preparing comprehensive inspection reports that include which documents were reviewed and/or observations were made to determine compliance, and details of all discussions regarding issues and recommendations;
- c. Conducting additional annual inspections of juvenile detention centers to spot-check against a few selected guidelines, follow up on issues found during past inspections, inspect for issues that have surfaced among the juvenile detention centers and for compliance with newly created guidelines, to conduct a facility walk-through to look for safety and security issues, and to provide technical assistance;
- d. Enforcing compliance with inspection recommendations by requiring and approving corrective action plans;
- e. Following up with juvenile detention centers on their efforts to implement corrective action plans through site visits and/or documentation reviews; and
- f. Working with detention centers and enlisting the assistance of the presiding judge in cases where the juvenile detention center has difficulty complying with a finding or recommendation because of a lack of resources and/or funding.

The finding of the Auditor General is agreed to and the audit recommendation will be implemented, provided we are given the responsibility and necessary resources to implement the recommendation. It is our understanding, based on conversations with the Auditor General's Office, the intent of this recommendation is to establish a process to perform comprehensive detention center inspections. While the voluntary guidelines are currently the only benchmark from which we conduct our inspections, the auditors' intent is that we use whatever guidelines are in place at the time we assume responsibility for conducting inspections, if the Legislature so chooses to revise the statute. If the Arizona Judicial Council directs the AOC and the county juvenile courts to develop and implement operational standards, we would then use those standards as the benchmark for conducting our inspections.

3. The AOC should review its staff resources and assess whether it has sufficient staff to properly implement and maintain the improved inspection program or if it needs additional staff to do so. If the AOC determines that it needs additional staff resources, it should review and consider various options for obtaining these resources, including shifting internal staff resources or working with the county juvenile courts and/or the Legislature to obtain additional staff resources.

The finding of the Auditor General is agreed to and the audit recommendation will be implemented. We have no doubt that additional resources will be

needed to fully implement the audit recommendations, as we currently have less than one FTE available to perform the inspection function.

4. If the AOC does not receive sole responsibility to conduct inspections and both the AOC and Juvenile Corrections continue to inspect juvenile detention centers, the AOC should ensure that recommendations resulting from these inspections are implemented.

The finding of the Auditor General is agreed to and the audit recommendation will be implemented. Whatever standards the Arizona Judicial Council adopts or are otherwise in existence in state law, such as fire codes, will be implemented. However, we cannot be responsible for implementing recommendations made by an outside agency, such as Juvenile Corrections.

# PROBATION DEPARTMENT SANTA CRUZ COUNTY

James A. Soto  
Presiding Superior Court Judge



Primitivo Romero III  
Chief Probation Officer

November 26, 2007

Ms. Debra K. Davenport, Auditor General  
State of Arizona Office of the Auditor General  
2910 North 44<sup>th</sup> Street, Suite 410  
Phoenix, Arizona 85018

Dear Ms. Davenport:

I am in receipt of the revised preliminary draft report that was prepared by your office concerning Arizona's juvenile detention centers. The revised report, which contains various recommendations relating to how we should operate our juvenile detention center in Santa Cruz County, was received on November 19, 2007. As requested in your letter dated November 16, 2007, the purpose of this letter is to respond to the various recommendations that were included in said report. I will include the recommendation that was made and respond accordingly based on the instructions provided in your letter.

a. Restrict access to its control room to only necessary control room and supervisory personnel.

The finding of the Auditor General is agreed to and the audit recommendation will be implemented. We are committed to making some significant adjustments in terms of who has access to the control room. A decision has been made to designate a control room officer for each shift, where said officer will be solely responsible for opening exterior doors and observing the monitors that capture activity on the inside and outside the detention center. The control room officer will also be responsible for handling telephones and the radio communications system for the Probation Department. In preparation for this change, we immediately began working on adding a work station in the day room that non-control room officers will use when working with the juveniles under our care. Officers will have access to a telephone and a computer from this work station. It is important to note that several work requests have been submitted to the appropriate county office to ensure that the infrastructure is in place to support the work station. For example, the necessary data ports are being added, we have ordered the computer and the printer, work requests have been submitted to have the appropriate department mark the "officer only" area around the work station, etc. As we indicated in our letter dated October 30, 2007, we will keep whatever logs we need in this work area within the day room. Furthermore, meetings between non-control room officers to share information during shift changes will take place in the intake area. The preceding will eliminate the need for non-control room officers to go into the control room. We commit to making the aforementioned changes involving who can access the control room (to include the necessary changes to our policies and procedures) no later than February 26, 2008.

b. Develop and implement a key control system. In particular, this system should ensure that keys to exterior doors and the control room are not issued to staff who work directly with juveniles. Additionally, this system should include policies and procedures that specify which staff should have access to keys and require keys to be properly issued, tracked, and stored.



The finding of the Auditor General is agreed to and the audit recommendation will be implemented. As of November 16, 2007, detention officers are no longer allowed to take keys to the detention center home with them. In fact, officers are now required to turn in their personal keys upon reporting for work in exchange for the keys that they need while on duty. Furthermore, we are in the process of finalizing a policy that will ensure that keys to exterior doors and the control room are not issued to officers that work directly with juveniles. We anticipate implementing the policy no later than December 26, 2007. It is worth noting that a log will be used and/or maintained by the control room officer on a daily basis to track who is in possession of a set of keys. We cannot emphasize enough that the set of keys that officers will be able to check out will not include a key to exterior doors or the control room.

c. Determine if exterior blind spots at the juvenile detention center pose a potential threat to juvenile detention center security and, if so, take steps to ensure that these blind spots are routinely monitored by either adding or adjusting a camera or doing a daily perimeter walk.

The finding of the Auditor General is agreed to and the audit recommendation will be implemented. As a matter of fact, we are currently doing perimeter walks three times a day and have been doing them since early October 2007. Each shift is responsible for engaging in a perimeter walk to ensure that things on the exterior of the building are safe and secure. In addition, on October 22, 2007, we approved the purchase of four additional cameras that will be placed on the exterior of the facility. A monitor will be added to the control room so that the control room officer will be able to observe what is being captured by these cameras. We are confident that the aforementioned cameras, which we are told will be installed very soon (the wiring is already in place), will eliminate the blind spots that currently exist.

d. Continue its efforts to hire a registered nurse and designate this position as the health services authority.

The finding of the Auditor General is agreed to and the audit recommendation will be implemented. We continue to work with the deputy county manager and the county health services director on obtaining the services of a registered nurse. The preceding is something that we have been requesting for many years now (as has been documented in inspection reports that have been prepared by the Administrative Office of the Courts [AOC] and the Arizona Department of Juvenile Corrections [ADJC]). We are pleased to report that our detention administrator participated in an interview of the sole applicant for the correctional health nurse position on October 25, 2007. The person has quite a bit of experience and appears to be a good candidate. We are waiting for word on whether or not the person will be offered the position. One possible obstacle may be the salary range that is in place, but we will wait to see what happens. If salary becomes an issue, we have communicated to the county health services director that we are willing to join him in approaching the deputy county manager to see if the salary range can be increased to ensure that we are able to hire and retain the services of an experienced and well qualified nurse. It is important to note that we have been requesting status updates on a regular basis from the county health services director on the correctional health nurse position. As a matter of fact, we met with him on November 19, 2007, and he related that the sole applicant is in the process of undergoing a background check. He expressed that if everything goes well with the background check, the person will be offered the position in the very near future.

e. Ensure that only a qualified healthcare provider trains detention personnel on performing health screenings.

The finding of the Auditor General is agreed to and the audit recommendation will be implemented. We expect that once the correctional health nurse is hired, he or she will be solely responsible for doing all health screenings. However, since we do not know when the correctional health nurse will be hired (or how often she will be available if she is hired), we have solicited the assistance of the county health services director in identifying a qualified healthcare provider who could train detention staff on how to perform a health screening. The preceding was first requested on October 26, 2007. I spoke with the

county health services director on November 19, 2007, and inquired on the status of our request. He stated that he had been considering various options but that he would be contacting the Arizona Counties Insurance Pool to see if they can assist us. It is important to note that we have and will continue to be very persistent in arranging for this training to be provided to staff as soon as possible.

f. Develop and implement policies to test all juveniles for tuberculosis within 7 days of admission to lessen the potential health risks for both the juvenile detention center and its community.

The finding of the Auditor General is agreed to and the audit recommendation will be implemented. We have begun working on a policy that will ensure that every juvenile who is ordered detained beyond the detention/advisory hearing (which would take place within forty-eight hours from the time a child is detained) will be tested for tuberculosis. A log will be created to ensure that the preceding is done consistently and without exception. We envision having a day, Wednesday for example, where we take juveniles who need to be tested to the clinic. We would take the juveniles back on Friday to have qualified medical staff determine if they are positive or not. Of course, once the correctional health nurse is hired, our hope is that he or she will conduct these tests without us having to transport juveniles to the clinic. It should be noted that because some juveniles are released from custody within forty-eight hours from the time they are detained (e.g., if the State chooses not to file a petition or a judicial officer decides to release a juvenile after the detention/advisory hearing), these juveniles will not be tested for tuberculosis. Regardless, we plan to finalize and have the new policy in place by December 26, 2007.

g. Ensure that detention personnel receive training from a qualified healthcare provider in medication administration.

The finding of the Auditor General is agreed to and the audit recommendation will be implemented. We expect that once the correctional health nurse is hired, he or she will be solely responsible for medication administration. However, since we do not know when the correctional health nurse will be hired, we have solicited the assistance of the county health services director in identifying a qualified healthcare provider who could train detention staff on how to properly administer medication. The preceding was first requested on October 26, 2007. I spoke with the county health services director on November 19, 2007, and inquired on the status of our request. He stated that he had been considering various options but that he would be contacting the Arizona Counties Insurance Pool to see if they can assist us. It is important to note that we have and will continue to be very persistent in arranging for this training to be provided to staff as soon as possible.

h. Fully secure all medications and limit control room keys to necessary staff.

The finding of the Auditor General is agreed to and the audit recommendation will be implemented. We have ordered two medicine cabinets that can be locked and will be placing them in the office that is adjacent to the control room (where officers have their lockers). One cabinet will be for prescription medication, while the other cabinet will be used to store non-prescription medication, first aid supplies, etc. As for limiting control room keys, the preceding will be done as was stated previously. In fact, no one aside from management staff will have access to a key that opens the control room.

i. Adopt a more objective suicide screening questionnaire such as the MAYSI-II, or a questionnaire similar to the one that the Coconino or Mohave County centers use.

The finding of the Auditor General is agreed to and the audit recommendation will be implemented. We have obtained a copy of the suicide screening questionnaire that is in use in Coconino County as well as its policies and procedures as it relates to the use of said questionnaire. We plan to start making use of the aforementioned questionnaire after we provide detention staff the necessary training and instruction on completing the questionnaire. Our commitment is to do the latter no later than February 26, 2008.

j. Implement a multiple level approach to suicide risk and observation/supervision similar to the approaches in use at the Coconino County, Pima County, and Maricopa County centers to more effectively address a juvenile's needs and direct detention officer actions.

The finding of the Auditor General is agreed to and the audit recommendation will be implemented. We have obtained a copy of the suicide risk and observation/supervision policies that are in place in Coconino County. We plan to start making use of its multiple level approach to suicide risk and observation/supervision after we provide detention staff the necessary training and instruction. Our commitment is to do the latter no later than February 26, 2008.

k. Either place a camera in the cell designated for suicide watch or replace the door with a full-view, shatter proof glass door.

The finding of the Auditor General is agreed to and the audit recommendation will be implemented. Within days after this recommendation was made by the individuals who conducted the on-site portion of this audit, we asked the county to add a camera to the room/cell that is used for suicide watch. The preceding has not been done yet, but we have been assured that the camera will be in place in the next few weeks. We met with the individual who will be responsible for installing the camera on October 22, 2007, and we explained to him exactly what we need. We also emphasized that we need to have the camera in place as soon as possible.

l. Ensure that a qualified medical and/or mental health professional reviews and approves any revisions to the medical and/or mental health policies, procedures, and forms at the Santa Cruz County center.

The finding of the Auditor General is agreed to and the audit recommendation will be implemented. We will make absolutely certain that a qualified medical and/or mental health professional reviews and approves any revisions to any of our medical and/or mental health policies. We will maintain documentation with regard to who, why, and when someone reviews and/or approves changes.

m. Use objective measures, such as points or grades in its behavior management system, which can serve as goals for juveniles to strive toward and decision-making tools for detention personnel, instead of length of stay. The Santa Cruz County center should also continue its efforts begun in September 2007 to explore the use of more meaningful rewards and privileges, and revise its policies and procedures to reflect this change.

The finding of the Auditor General is agreed to and the audit recommendation will be implemented. We requested and received a copy of the policies involving the behavior management system being used in Coconino County and will consider what other counties are using. The important thing is that we have decided to do away with the system that provides rewards or privileges based on length of stay. We continue to have internal discussions with regard to the various changes that we could make to our behavior management system. It is worth noting that said changes will reflect the input that we have received from juveniles in terms of those things that they value the most while in detention (e.g., the ability to take more time when they shower, additional recreational opportunities, longer periods of visitation, more telephone privileges, etc.). Of course, detention staff will receive training and instruction on how to appropriately use whatever behavior management system we decide to adopt. We anticipate having a new behavior management system in place by February 26, 2007.

n. Work with the Chief Probation Officer to formally designate specific probation personnel as backup coverage when the juvenile detention center experiences staffing shortages to ensure that juveniles are not subjected to unnecessary and potentially harmful periods of lockdown, juveniles are adequately supervised, and staff training needs get met. Also, work with the Probation Department of Santa Cruz County to develop and implement policies and procedures to reflect this partnership.

The finding of the Auditor General is agreed to and the audit recommendation will be implemented. The juvenile detention center, which is a part of the Probation Department, will continue to be supported, to the extent possible, by juvenile probation staff whenever there are staff shortages at the detention center. We plan to make use, whenever possible, of those individuals assigned to juvenile probation who used to be assigned to juvenile detention. The preceding will ensure that officers with experience in a detention setting can be made available to assist. However, since these former juvenile detention officers are quite busy, too, our focus will be on making every effort to have the county increase the number of positions that it currently funds so that it will not be necessary for us to rely on probation officers or surveillance officers to provide backup coverage. Nevertheless, we will be creating a policy to have probation personnel provide backup coverage and anticipate having said policy in place by February 26, 2008.

o. Work with the juvenile court's Presiding Judge and the County Board of Supervisors to ensure adequate staffing at its juvenile detention center.

The finding of the Auditor General is agreed to and the audit recommendation will be implemented. We will work closely with our Presiding Juvenile Court Judge, the county Board of Supervisors and county administration to make every effort to have adequate staffing at our juvenile detention center. Our position will be that in order for us to be able to safely and effectively carry out our duties while following detention operational guidelines and best practices, we need to be staffed at a level that follows the National Institute of Corrections Ten-Step Staffing Analysis system (as the AOC has recommended).

For a facility of the size we operate, we should have twenty full time detention officer positions based on the aforementioned system, and we currently only have twelve. Fortunately, county administration has made a verbal commitment to fund two additional full time detention officers commencing July 1, 2008. Based on the fact that we do not want to wait until July 1, 2008, to have additional staff in place, we will be using probation fees to fund the two positions earlier in the year. As a matter of fact, we will be funding one position commencing January 1, 2008, and the other one April 1, 2008. The preceding should help at least to some extent.

I would like to take this opportunity to address a few more things involving the revised draft report.

First, thank you for making the change to reflect that the report (and recommendations) that we received from the AOC concerning our detention operations was provided to us in July 2007 as opposed to April 2007 (as was indicated in the preliminary draft report). The preceding was important to us, because when we met with your staff for the on-site portion of this audit, we had not had much time to make certain changes to our programming and/or policies. Incidentally, I also believe it is important to point out that the assessment of our detention operations was completed by the AOC at our request. The preceding is a testament that we are always open to and/or actively seek recommendations that may be made by the AOC, the ADJC or any other agency or entity that has the expertise to assist us improve our existing practices as it pertains to our detention operations.

Second, I would also like to share my concerns involving the inspections that ADJC staff conducts pursuant to Arizona Revised Statutes §8-306.B. As I stated earlier, we value their opinions and recommendations and look forward to the two inspections they conduct every year of our facility. We see the inspections and their recommendations as an opportunity for us to improve our detention operations. However, I find it interesting that they conducted an inspection of our facility on February 1, 2007, where, among other things, they looked at our suicide prevention and intervention policies and our key control policies. Yet, despite the latter, and considering that the aforementioned statute requires them to make "such recommendations as it deems advisable," they voiced no concerns over either, nor did they make any recommendations. In essence, we received their report and figured that what we were doing was acceptable and/or appropriate. Frankly, I find it perplexing that the direction that we received from two State agencies within a span of eight months concerning two important aspects of our detention operations (i.e., suicide prevention and intervention and key control) can be so incredibly different.

Third, I also believe it is important to note that, with regard to staffing issues, I am disappointed that your office did not make the time to conduct an analysis concerning how many detention officers we should have to safely operate our facility. The preceding would have been helpful as we continue to work with county administration on the latter. In other words, it is something we could have used to further support our argument that we are significantly understaffed and that some of our existing practices, which your office does not approve (e.g., dividing the detention population into two groups where the groups take turns participating in our programming activities), are directly related to the reality that we are understaffed. The fact is, we do not like to make the adjustments that we are forced to make, but we do it out of necessity in order to protect both juveniles and staff. Incidentally, with regard to staffing issues, I would like to point out that we forwarded the AOC report to our deputy county manager one week from the day that we received it (on July 17, 2007, to be exact). We pointed out that the AOC was recommending that we have twenty full time detention officers to operate our facility, and we requested the county's assistance to address the latter issue in order to minimize the liability we currently face as a result of being understaffed.

Fourth, I want to point that it is unfortunate that the report focused exclusively on the negative and/or our perceived shortcomings. Although it can be argued that we have just been extremely fortunate, the fact remains that the only escape that has taken place in our seventeen year old facility occurred in 1991. In addition, assaults on officers are non-existent, juveniles rarely file grievances against staff members, the use of mechanical restraints is extremely uncommon and juveniles have never seriously hurt themselves while in our care. To be clear, the preceding is not to say that we are going to reluctantly make various changes since everything has been functioning reasonably well. On the contrary, we have chosen to embrace the recommendations and will make a concerted effort to implement all of them (particularly those that we have direct control over), but it would have been appropriate, I believe, to acknowledge that we are also doing various things right as is evidenced by the things I mentioned earlier.

In closing, I want to take this opportunity to thank and acknowledge Mr. Michael Nickelsburg and Ms. Kathleen Abbott for their assistance and professionalism throughout the audit process. We have learned a great deal from this process and look forward to improving our detention operations as a result of implementing the various recommendations that they have made. If you have any questions or need to speak with me for whatever reason, I can be reached at (520) 375-7640. I can also be reached by way of electronic mail at [promero@courts.az.gov](mailto:promero@courts.az.gov). Thank you for your time and attention in this matter.

Sincerely,

Primitivo Romero III  
Chief Probation Officer  
Santa Cruz County

c: Hon. James A. Soto, Presiding Superior Court Judge  
Hon. Kimberly A. Corsaro, Presiding Juvenile Court Judge  
Mr. Rob Lubitz, Director of the AOC Juvenile Justice Services Division  
Mr. Fernando A. Matiella, Chief Deputy Probation Officer  
Mr. Omar A. Villa, Juvenile Detention Administrator  
Mr. Dale C. Chapman, Performance Audit Manager  
Mr. Michael Nickelsburg, Senior Performance Auditor  
Ms. Kathleen Abbott, Performance Auditor

## MOHAVE COUNTY PROBATION DEPARTMENT



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November 20, 2007

Ms. Debra K. Davenport, Auditor General  
State of Arizona  
2910 North 44<sup>th</sup> Street  
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Phoenix, AZ 85018

Dear Ms. Davenport:

1. I was pleased to have our Detention Center chosen for an in-depth performance audit by your agency. I was very impressed with the professionalism, objectivity and genuine concern demonstrated by your auditors Michael Nickelsburg, Kathleen Abbott and Heather Weech. You can be proud to have such dedicated individuals on your team.
2. Here are my written comments on their recommendations:
  - a. The finding of the Auditor General is agreed to and the audit recommendation will be implemented. Our control room needs to be enclosed and we will work with the County and other sources to obtain the necessary funding to make the renovations. The control room will be enclosed once funding is secured. We will continue to restrict access to our control room and revise our written policies to reflect this change.
  - b. The finding of the Auditor General is agreed to and the audit recommendation will be implemented. On November 13<sup>th</sup>, 2007 we instituted stricter key control procedures. We will update our written policies to specify which staff will have access to keys and further ensure staff who work directly with juveniles do not have control room and exterior door keys.
  - c. The finding of the Auditor General is agreed to and the audit recommendation will be implemented. We will ensure only a qualified healthcare provider trains detention personnel on performing the initial intake health screening and we will update our written policies to reflect this change.
  - d. The finding of the Auditor General is agreed to and the audit recommendation will be implemented. We will direct all juveniles admitted to our Detention Center be tested for TB within 7 days and inform parents, guardians, and courts that the TB testing will be performed. However, our healthcare provider will not force test any juvenile who refuses testing. We may, under certain circumstances, medically isolate those who refuse testing. Our written policies will be updated to reflect this change.

- e. The finding of the Auditor General is agreed to and the audit recommendation will be implemented. We will continue to store prescription medication in a locked medical box in the control room and store other medications and first aid supplies in a locked cabinet. Our written policies will be updated to reflect this change.
  - f. The finding of the Auditor General is agreed to and the audit recommendation will be implemented. In order to more effectively address a juvenile's needs and direct detention actions, we will implement a multiple-level approach to suicide risk and observation/supervision similar to the approaches used at Coconino, Pima County and Maricopa-Durango centers. Our written policies will be updated to reflect this change.
  - g. The finding of the Auditor General is agreed to and the audit recommendation will be implemented. We will ensure qualified medical and/or mental health professionals review and approve any revisions to our medical and/or mental health policies, procedures and forms at our Detention Center.
  - h. The finding of the Auditor General is agreed to and the audit recommendation will be implemented. We're grateful the Mohave County Board of Supervisors recognized the need and approved funding for six new positions at our Detention Center. The additional staff will now allow us the opportunity to limit isolation and to have juveniles out of their cells more frequently during the day.
  - i. The finding of the Auditor General is agreed to and the audit recommendation will be implemented. Even while any juvenile restrained to a stationary object within our Detention Center was under constant supervision, on October 26, 2007 we directed this practice be stopped immediately. We've removed restraining devices from stationary objects and have asked building maintenance to remove the anchor points for the restraining devices as well.
  - j. The finding of the Auditor General is agreed to and the audit recommendation will be implemented. Again, thanks to the Mohave County Board of Supervisors and their approval of additional staff, we have revised our procedures and will update our written policies to enhance supervision of juveniles who pose an escape risk and only use mechanical restraints in instances where juveniles have a history of trying to evade staff.
3. Thank you for sending your auditors. I'm confident their recommendations as implemented will help make our Detention Center a safer place for the juveniles in our custody and our staff.

Sincerely;

Friend L. Walker, Chief  
Mohave County Probation Department

**SUPERIOR COURT • JUVENILE PROBATION DEPARTMENT**  
**Maricopa County**

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DURANGO FACILITY – 3131 West Durango Phoenix, AZ 85009-6292 – (602) 506-4011 – (602) 506-4143 (TTD)  
SOUTHEAST FACILITY – 1810 South Lewis Street Mesa, AZ 85210-6234 – (602) 506-2619 – (602) 506-2260 (TTD)

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**CAROL L. BOONE – Chief Juvenile Probation Officer**

November 26, 2007

Ms. Debra K. Davenport, CPA  
Auditor General  
2910 North 44<sup>th</sup> Street, Suite 410  
Phoenix, AZ 85018

Dear Ms. Davenport:

We are responding to the revised preliminary report draft from your office, dated November 16, 2007, reference the detention centers.

**RECOMMENDATIONS:**

The Maricopa-Durango center should:

- a. Continue with plans to implement revised policies in early 2008 that will require two perimeter walks per day.**

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

We have established policy that states: “Staff will walk through the exterior grounds for visual monitoring twice daily”. Further, there is a facilities coordinator who does an early morning facilities perimeter check. The facilities coordinator will use the check list established for Detention staff.

- b. Explore options designed to eliminate or minimize juvenile exposure to adult inmates, as required by federal and state sight and sound laws.**

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



The MCJPD Durango Detention Center has referred this matter to the Deputy Court Administrator Facilities Coordinator. He is working with the Office of Management and Budget (OMB) and Facilities Management (FMD) to look at solutions/options designed to minimize juvenile exposure to adult inmates. The option being explored at this time is identifying an alternative entry point to the juvenile court building for adult inmates.

**c. Ensure that only a qualified healthcare provider trains detention personnel on performing health screenings.**

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

Upon admission, juveniles receive a self-report medical profile by detention personnel. This information is reviewed by a registered nurse from the clinic within 8 hours of detainment. In addition to the medical profile, the juveniles receive a face to face medical screening by a registered nurse within 8 hours of admission. Medical concerns are referred to the medical director or nurse practitioner.

An official medical training session on the medical profile has been developed and added to the education curriculum. This will be given by the clinic staff to all new employees who will be administering the medical profile and ongoing training will also be provided as the medical profile is revised.

Sincerely,

Carol Boone  
Chief Juvenile Probation Officer

cc: The Honorable Eileen Willett

# SUPERIOR COURT OF THE STATE OF ARIZONA

## Pima County Juvenile Court

2225 EAST AJO WAY

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**Rik Schmidt**

Director of Juvenile Court Services

**Jesus Diaz**

Deputy Director of Juvenile Court Services

An Organization committed to:

\*Community Protection

\*Restoring Victims

\* Successful Youth and Families

November 26, 2007

Debbie Davenport

Auditor General

2910 North 44<sup>th</sup> Street, Suite 410

Phoenix, Arizona 85018

Dear Ms. Davenport:

Pima County Juvenile Court Center is committed to providing quality services to the youth and families we serve. Consequently, the performance audit that was conducted has been informative and helpful in meeting this goal. We are particularly pleased with the emphasis placed in the report on our efforts to address Disproportionate Minority Contact (DMC) and our engagement in the Juvenile Detention Alternative Initiative (JDAI). As reflected in the data provided during this audit, we have been able to reduce our detention population from an average daily population (ADP) of 173 in 2004 to 127 in 2006. This reduction has occurred while maintaining public safety as a cornerstone to our activities.

We agree with the one finding and recommendation that was offered to Pima County in the audit report. Specifically, we have implemented a policy, effective November 1, 2007, that will require conducting and logging perimeter checks of our detention facility on a daily basis to ensure that any potential safety or security threats are eliminated. While perimeter checks were already being periodically completed, the issuance of our policy will formalize the daily requirement. We appreciate the efforts of the audit team in identifying this issue.

Pima County is experiencing substantial growth (ten percent over five years) in our population of youth between ages eight through seventeen. However, despite this growth we have been able to substantially reduce our detention ADP, while delinquency activity has dropped in nearly all categories, with an overall decrease of 7.6 % in total felonies/misdemeanors from 2002 to 2006. We remain committed to the principle of equal justice for all youth entering our Juvenile Justice system and would like to acknowledge the strong collaborative partnership that is in place in Pima County, particularly in relation to the appropriate and effective use of detention.

Sincerely,

Rik Schmidt

Director of Juvenile Court Services

RS/bcs

Cc: Patricia Escher, Presiding Judge



**SUPERIOR COURT OF ARIZONA**  
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Margaret McCullough  
Presiding Juvenile Court Judge

Bryon Matsuda  
Director

Charles D. Adams  
Superior Court Judge

November 21, 2007

Ms. Debbie Davenport  
Auditor General  
2910 North 44<sup>th</sup> Street, Suite 410  
Phoenix, Arizona 85018

Re: Revised Preliminary Report – Juvenile Detention Centers

Dear Auditor General Davenport

We have received your Revised Preliminary Report. The Audit Information regarding Coconino County Detention's operations is accurate as reported. We have appreciate your staffs' excellent efforts to work with our Detention Administration in order to obtain a more comprehensive understanding of our facility. We also enjoyed your staffs' high levels of professionalism and positive engagement.

As you have learned from your auditing process, implementing quality juvenile detention services is a complicated and a challenging work. Because of many of the aspects you have reported and more, no two detention centers can operate exactly the same. A general standardization or "cookie cutter" approach to operations for all detention centers would not be possible or be correct, but the implementation of correct principles could be possible if sufficient resources permitted. If the Audit has recommendations for the development and implementation of statewide "standards", County Juvenile Detention Administrators and staff should be utilized in the identification and development process. They are clearly some of the business experts. A timeline for completion would be needed, but a sufficient amount of time is also necessary to do a thorough work.

I look forward to our continued effort to improve the services we provide for our most troubled youth.

Sincerely

Bryon Matsuda  
Coconino Juvenile Court Services Director

Cc: Judge Margaret McCullough, Presiding Judge  
Mr. Rob Lubitz, Juvenile Justice Services Director