



Janice K. Brewer
Governor

Michael Branham
Director

September 22, 2009

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 Sunset Review of the Department. The Department concurs with your ultimate conclusion that it performs a vital public safety function, the termination of which would surely harm the public health, safety, and welfare.

For employees and stakeholders, ADJC reflects its mandate and defines its purpose through its mission and vision statements:

ADJC Mission Statement:

The Arizona Department of Juvenile Corrections enhances public protection by changing the delinquent thinking and behaviors of juvenile offenders committed to its care.

ADJC Vision Statement:

Safer Communities through Successful Youth

ADJC appreciates your Review's affirmation that the Department is satisfying its statutory mandate to provide supervision, rehabilitation, treatment and education to all youth committed to it by the juvenile courts.¹ This Sunset Review, together with your offices' performance audits, shows that ADJC has transformed itself since 2003 and continues to improve.

Finally, the Department greatly appreciates your Review's emphasis on the importance of Community Corrections to the accomplishment of ADJC's mandate. Transforming the lives of the troubled juveniles committed to ADJC requires more than effective secure care facilities. A juvenile's transition back to the community must be planned and executed equally well.

¹ ARS §§ 41-2802 and 41-2831.

ADJC's Past

ADJC's tumultuous history is discussed in some detail in the two ADJC performance audit reports you issued in 2009. Nonetheless, ADJC is a relatively young agency. Over the past decade it has experienced serious problems and great success. An overview of its history therefore bears mention here.

ADJC was created in 1989 when the State Legislature separated it from the Arizona Department of Corrections and elevated it to the status of a freestanding cabinet level agency. Establishing a stand-alone juvenile corrections agency demonstrated this State's recognition that the needs of juveniles in the corrections system are substantially different from those of adult inmates, both because of the developmental differences between the two populations and as a matter of constitutional law. The juvenile justice system rests upon the foundational notion that juveniles who commit crimes are capable of change. The Legislature codified that principle at ARS §§ 41-2801, *et. seq.*, the Departments enabling statutes.

ADJC's creation was precipitated in large part by *Johnson, et. al. v. Upchurch, et. al.*², a federal court class action lawsuit filed against the Department of Corrections in 1986. The plaintiffs in that case were incarcerated in Catalina Mountain School (then called Catalina Mountain Juvenile Institution) in Tucson and contended that Arizona was violating their constitutional rights by failing to provide adequate treatment, rehabilitation, and education; by isolating them without due process of law; and by subjecting them to physical and emotional mistreatment. The case was resolved by a consent decree signed by the parties in 1993, which required federal court monitoring to ensure implementation of the agreement. The case was dismissed in 1998 after ADJC was found to have successfully redressed its legal deficiencies.

Unfortunately, despite millions of dollars spent and long years of work during *Johnson v. Upchurch*, sustaining change proved even more difficult than creating it. Five years after *Johnson v. Upchurch* was dismissed, ADJC again found itself subject to federal monitoring. When three juveniles housed at Adobe Mountain School in Phoenix committed suicide in the space of a year (2002-2003), the United States Department of Justice (USDOJ) intervened. The USDOJ inspected ADJC facilities in 2002-2003, and filed *United States v. State of Arizona, et. al.*², in September, 2004, pursuant to the Civil Rights of Institutionalized Persons Act (CRIPA).

The USDOJ's January 2004 investigative report detailed numerous serious deficiencies at ADJC. Issues included the physical condition of the Department's secure care facilities, suicide prevention, and protection of juveniles from physical harm and sexual abuse. The report also addressed treatment issues including special education programming, treatment programming, and medical and mental health services.

² No. CV-04-01926-PHX-EHC, D. Ariz.

On September 15, 2004, the State and the USDOJ entered into a Memorandum of Agreement requiring ADJC to correct its deficiencies by enacting over 120 specific provisions. On September 15, 2007, the USDOJ dismissed the CRIPA lawsuit on schedule. In the federal monitors' 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.

When we approached CRIPA agreement implementation in 2004, the administration of this Department set out to design and execute a plan of action *not* focused on complying with the CRIPA agreement, the necessity of which was a given. Instead, ADJC conceived a strategy for substantially transforming the organizational culture so as to sustain gains made *during* the implementation period *after* the Department of Justice concluded its work here. Every Department action between 2003 and 2007 was formulated in order to avoid repeating the Department's post-*Johnson v. Upchurch* regression.

The Auditor General's two year examination of ADJC began a few months after federal monitoring terminated -- a critical time for ADJC. The Department welcomed the assessment. We believed that ADJC had not only avoided backsliding, but that it had made significant progress in improving programs for juveniles while further enhancing safety. The Department is pleased that the audit team examined ADJC using the standards of the federal monitors in CRIPA and confirmed our beliefs. This is all the more gratifying in light of the State's historic economic crisis and resulting reductions to the Department's budget.

Fulfilling ADJC's Purpose and Objectives (ADJC's Present)

In discussing this sunset factor, the Review restates the findings of both performance audits. However, the audit on Rehabilitation and Community Re-entry Programs (Auditor General Report No. 09-02) was published in March, 2009 and rests upon data collected and observations made mostly in 2008. ADJC recently submitted its first Six Month Follow-Up Report to the Auditor General. Therein, the Department reports and documents that it has implemented or is in the process of implementing each recommendation made in Audit 09-02. Unfortunately, the timing of your Sunset Review precluded your referencing any updated information.

The Department's actions over the past six months to address the findings and recommendations in Performance Audit 09-02 are detailed in ADJC's Six Month Follow-Up Report. They include:

- ✓ The Department revised its specialty program manuals for: 1) Triumph Crisis Stabilization Mental Health Program; 2) Recovery Substance Abuse Treatment Program; and 3) Sex Offender Treatment Services.
- ✓ The Department revised its Substance Use Classification procedure to more clearly

define the treatment services for each classification. Additionally, the procedure outlines the extent of "outpatient services" provided juveniles in secure facilities who are not housed in a specialized substance abuse unit. Consultant, Dr. David Stewart, Associate Professor and Director of Clinical Training at Seattle Pacific University, assisted the Department.

- ✓ The Department revised its chemical dependency treatment to include a strong emphasis on youth with mental health issues.
- ✓ The Department created program model templates for New Freedom, its core treatment program for all youth, and also for specialty treatment units. These provide for a standard delivery of programming.
- ✓ Consultant Allen Mitchell, D N A Consultants, assisted the Department in the development and implementation of its gang intervention program.
- ✓ The Department revised its sex offender program manual to define additional services to meet the individual needs of sex offenders, including trauma, grief and loss issues. There are now four sex offender integrated treatment groups occurring per week, and additional treatment modalities have been implemented for sex offenders.
- ✓ The Department revised its sex offender treatment to include services for youth (1) adjudicated for sex crimes; (2) recommended by the court for sex offender treatment; or (3) who are sexually aggressive, though they have neither an adjudicated sex offense nor a court recommendation for sex offender treatment.
- ✓ The Department instituted protocols to ensure youth with individualized needs receive services in both individual and group modalities throughout their treatment stages.
- ✓ Treatment and specialty groups are now held for a minimum of 45 minutes per session. The duration of groups is monitored by the clinical leaders on a monthly basis throughout the Department and reported to the clinical director on a monthly basis. Quality Assurance now monitors the duration of groups.
- ✓ The New Freedom procedure specifies program expectations for staff and youth. Group leaders are evaluated on their ability to set up and manage the group. They are directed to address inappropriate remarks or gestures, immediately stop threats to group safety, and recognize isolative behavior or statements of hopelessness. Quality Assurance (QA) monitors juveniles' behavior and juvenile and staff adherence to expectations in group sessions.

- ✓ The Department has developed two new curricula to present at the pre-service Academy, "Accommodating the Needs of Juvenile Mental Health Disorders," and "Introduction to Working with Sex Offenders: A Line Level Perspective."
- ✓ The Department developed a Behavioral Health Services Comprehensive Review to determine whether individual treatment needs of youth are addressed. Psychology Associates complete the Mental Health Statistical Report, which records the number of individual sessions, family sessions, groups, crisis interventions, and other mental health services provided to juveniles. The form is submitted monthly to the facility psychologist, and facility psychologists and clinical leaders complete New Freedom Program Fidelity Checklists.
- ✓ The Research and Development Unit (R & D) uses the Correctional Program Checklist (CPC), to monitor internal and external programs in which ADJC juveniles participate. Specialty programs continue to be evaluated. R & D is also currently evaluating the Agency's core treatment program and will be completing evaluations of two of the agency's community alternative programs this fiscal year.
- ✓ To address inconsistencies in youth treatment records, the Department has designed data controls in its primary database (Youthbase) and is in the process of developing others.
- ✓ QA now monitors the Multidisciplinary Team (MDT) process. An automated QA system facilitates follow-up on QA findings.
- ✓ The Department continues to meet with Department of Economic Security (DES) to define roles and responsibilities of both agencies' staff when working with youth who are both delinquent and dependent. However, formalizing an agreement has been problematic due to changes in DES leadership and budget cuts DES has sustained.
- ✓ The Department hired a Community Transition Liaison, who is actively identifying community resources and developing partnerships. Several such partnerships are now in place. The Community Transition Liaison also identifies resources relevant to job training, programs and events for youth and staff. ADJC Transition Specialists assist juveniles in accessing the designated programs.
- ✓ Transition Specialists in the parole offices work with the MDT and parole officer to facilitate educational placement, job training, and employment for youth upon return to the community.
- ✓ The Department's new Day and Evening Support Center provides treatment, education and other services previously unavailable to some community youth. ADJC now operates one such Center, which serves juveniles from Central, South and West Phoenix. Establishing additional Centers in other areas is being planned

Conclusion: ADJC's Future

ADJC remains a work in progress. With the aftermath of *Johnson v. Upchurch* always in mind, the Department is not satisfied with the improvements it has made, nor complacent about the continuous planning and effort necessary to avoid reverting to unsafe conditions. Our challenge is only heightened by the State's unprecedented economic challenges, the substantial budget reduction the Department has already borne and the near certainty of further cuts. I am proud of all this Department has achieved. All of us are dedicated to cementing an organizational culture that will never allow ADJC to return to the practices that endangered youth, staff and the public, while costing the taxpayers of this State millions to remediate.

Just five years ago, ADJC garnered notoriety in Arizona and in the national juvenile corrections community. Some juvenile court judges publicly expressed reluctance to commit offenders to the Department, fearing for their safety. Today, this Department has regained the trust of the judiciary, and it serves as a resource, fielding inquiries from sister agencies around the country, often at the suggestion of DOJ attorneys or the nationally recognized experts who monitored us.

The Department is gratified by your team's conclusion that ADJC's secure facilities are now safer places, and that juveniles both in secure care and on parole in the community are receiving more effective services. Only by providing well administered, research based programs both in safe facilities and upon community reintegration can the Department successfully accomplish its statutory mission. Your findings reflect the hard work and determination of well over 1000 Department employees for the past five years.

Despite 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 remain dedicated to consolidating the gains made under the CRIPA agreement and building on them.

ADJC appreciates the contributions to that effort made by the audit team as well as their professionalism and cooperation throughout the audit process.

Sincerely

Michael Branham
Director