



**DOUGLAS A. DUCEY**  
Governor

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Director

June 15, 2021

Ms. Lindsey Perry, Auditor General  
Arizona Office of the Auditor General  
2910 N. 44th Street  
Suite 410  
Phoenix, AZ 85018

Re: Temporary Stabilization Unit Performance Audit

Dear Ms. Perry:

Attached please find our response to the audit report regarding the Arizona Department of Juvenile Corrections' (ADJC) use of its Temporary Stabilization Unit (TSU) to de-escalate and stabilize youth who pose an imminent danger to themselves or to other youth and staff. We appreciate the critical role that the Office of the Auditor General (OAG) plays in ensuring state agencies are performing at the highest level and in accordance with statutory requirements and national standards. ADJC especially appreciates the OAG's emphasis on ongoing communication throughout the course of the audit and the auditors' openness to learning about the challenges of operating a juvenile correctional facility to provide care and treatment to youth with serious behavioral and emotional needs who require access to the rehabilitative programming ADJC provides.

ADJC is committed to promoting public safety and rehabilitating Arizona's most seriously delinquent youth by prioritizing the use of evidence-based practices and ongoing quality assurance monitoring to ensure our efforts are aligned with nationally recognized best practices. ADJC strives to optimize the safety of youth and staff while ensuring that programming opportunities promote youth rehabilitation consistent with each youth's individual developmental and criminogenic needs. Consistent with the objectives of the Arizona Management System, ADJC is continuously engaged in efforts to improve the administration of the TSU program. ADJC appreciates the work the OAG has done and has already proactively implemented many of the recommendations in the report in addition to other initiatives beyond those recommended by the Auditor General.

As the report makes clear, ADJC's TSU program and the policies and procedures associated with it are consistent with nationally-recognized best practices. Research indicates that youth who are in crisis and creating a danger to themselves or others may need to be separated from other youth for a short time until they become calm. Many procedural safeguards are in place to ensure that any potential negative consequences are minimized to the greatest extent possible, including limiting the amount of time youth spend in TSU after they are referred. In fact, the

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comprehensive TSU admission process exists specifically to ensure that only youth who pose an imminent danger to themselves or others are admitted to TSU. Once admitted, youth are provided with therapeutic interventions delivered by qualified mental health professionals and overseen by a psychologist. ADJC closely monitors admissions to TSU to ensure they comply with policy and provides robust protections and due process safeguards that enable youth to challenge their admission.

Throughout the audit process, the OAG made note of opportunities for ADJC to improve its processes to ensure compliance with policy, and ADJC has already undertaken many of the suggested changes, as noted in the report. The report correctly points out that, while ADJC has a process to review admissions, a similar review process did not exist to review referrals. ADJC recognizes the importance of reviewing whether referrals to TSU are consistent with policy and procedure and properly documented in order to ensure that the agency continues to operate TSU in accordance with national best practices. In January 2021, the Department began piloting a monthly review of all non-admitted referrals to TSU to determine whether the referring incident report contains documentation of behavior that meets referral criteria and documentation of interventions attempted to prevent the referral or an explanation why interventions were not possible. The team reviewing these incident reports assigns and tracks follow-up actions to correct staff non-compliance with policy and also recommends any policy changes necessary to facilitate prompt, accurate, well-documented referrals to a separate TSU Policy and Data Review Team.

While ADJC agrees with the audit finding and will implement all of the OAG's recommendations, we remain concerned that the finding and other elements of the report have the potential to mislead readers who may not have extensive knowledge of juvenile corrections or a thorough understanding of the sampling methods used by the OAG. As a result, the report may leave readers with an inaccurate impression of ADJC's use of TSU.

Specifically, although the TSU program is thoroughly explained in the Introduction, the report identifies TSU as a "form of isolation" without fully distinguishing TSU from the other various types of isolation. As described by the research cited in the report, the term "isolation" encompasses a broad spectrum of interventions which differ in terms of purpose, location, and duration, ranging from the use of lengthy solitary confinement, during which youth do not have access to programming opportunities, to short-term therapeutic de-escalation strategies like TSU. Including the term "isolation" in the finding and throughout the report without providing that context may lead readers to believe that TSU is comparable to solitary confinement, which it is not. It is also important to note that the cited research regarding the potential negative consequences of isolation is not specific to the use of TSU. The report identifies the potential negative consequences of improper use of isolation but fails to distinguish between the best practices exemplified by TSU and the other types of isolation, which differ greatly from the therapeutic model used by ADJC.

Additionally, as previously discussed, the Department has a robust process for reviewing admissions to TSU to ensure compliance with ADJC's court-approved, evidence-based processes and policies. The OAG, therefore, focused their attention on ADJC's compliance with policy during the referral process, which was not subject to the same robust review process as admissions until recently. The OAG expressed concern that referrals resulting in non-admission

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reflected an “increased risk of noncompliance,” and oversampled non-admissions by more than double their actual occurrence, as explained in footnotes 31 and 53 and Appendix C of the report. The audit finding focuses on this very narrow, non-representative sample of TSU referrals, and the OAG categorized 12 of the 30 referrals they reviewed as being inconsistent with policy. This may inadvertently lead readers to an incorrect assumption about the overall frequency of noncompliant referrals. As the footnotes acknowledge, non-admissions do not, in fact, represent 50% of all referrals, and the sample was not designed to be representative of all referrals to TSU or projected to the entire population. Referrals resulting in non-admission comprise only 24% of the referrals. However, ADJC agrees that referrals should be regularly reviewed, and ADJC has already instituted a process for doing so.

Finally, ADJC had the opportunity to review the 12 referrals to TSU that the report categorized as non-compliant with policy and procedures. For some of the referrals, ADJC agrees that the incident reports lack some of the necessary documentation. However, for several of the incident reports, ADJC believes that the referrals were actually made consistent with policy and procedure and include all of the necessary documentation. Our differing conclusions do not detract from the importance of ensuring consistent compliance with policies and procedures but reflect our concern that the report overstates the actual incidence of noncompliance.

We would like to once again thank you for conducting this performance audit. ADJC remains committed to continuous improvement. We appreciate your partnership as we work to rehabilitate the youth in our care by providing evidence-based treatment, prosocial activities, education, and career training that will lead them to become productive, healthy, law-abiding members of society.

Sincerely,



Jeff Hood  
Director

**Finding 1:** Department has referred some youth to TSU contrary to its TSU policy and procedures, and youth isolation can potentially have negative consequences

**Recommendation 1:** The Department should follow its policy and procedure requirements for referring youth to TSU.

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

Response explanation: As outlined in our cover letter, ADJC is concerned that the use of the word “isolation,” without further explanation, may lead readers to incorrectly believe that TSU is comparable to other types of isolation, like solitary confinement. Additionally, the report’s sampling methodology was not designed to be representative of all TSU referrals and therefore overstates the frequency of non-compliance with policy and procedure. ADJC also believes that some of the referrals the OAG categorized as non-compliant were actually compliant with policy and procedure. Nevertheless, ADJC has implemented improvements, which include policy changes reinforced with updated training and piloting a process to review TSU referrals and take corrective action, to ensure all TSU referrals are made in compliance with policy and procedure.

**Recommendation 2:** The Department should ensure that TSU referrals comply with its policy and procedure requirements by:

**Recommendation 2a:** Developing and implementing policies and procedures for reviewing housing unit and security staffs’ compliance with the Department’s de-escalation and TSU referral procedures to identify, track, and reduce noncompliant TSU referrals. These policies and procedures should include procedures for:

- Reviewing incident reports and other documentation associated with TSU referrals, including specifying the staff responsible and time frames for conducting these reviews. These procedures could include a risk-based approach and sampling methods for reviewing TSU referrals, as appropriate.
- Addressing individual staff members’ noncompliance with the de-escalation and TSU referral procedures, including outlining potential remedies and consequences for noncompliance, such as additional training, more frequent supervision and coaching, and disciplinary actions.
- Identifying and addressing systemic causes of noncompliance, such as the need for additional staff training, additional methods and/or tools for de-escalating and managing youth behavior, consultations and assistance from clinical staff and/or supervisors, and policy and procedure changes.

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

Response explanation: As previously stated, ADJC believes that some of the referrals that the OAG categorized as non-compliant actually did comply with policy and procedure. However, ADJC recognizes the importance of reviewing referrals to TSU and is currently piloting a process to examine TSU referrals for compliance with policy and procedures. The review team analyzes TSU referrals that did not result in TSU admission to determine whether each referring incident report contains documentation of

behavior meeting TSU admission criteria and interventions taken to prevent referral or the reasons why such interventions were not possible. If it is determined that an incident report does not comply with policy, the individual or systemic causes for noncompliance are examined and necessary follow-up actions are identified accordingly. As a result, staff have received individualized coaching, training needs have been identified, and additional policy changes have been implemented. The review team has conducted 5 monthly reviews and plans to formalize this process in policy.

**Recommendation 2b:** Revising and implementing its TSU policy and procedures to address any differences between policy and standard practice as needed, including clarifying procedures for handling TSU referrals for fighting and high-risk youth.

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

Response explanation: ADJC has made several changes to the policy to address differences between the policy and standard practice. For example, the TSU policy has been updated to further clarify the purpose of TSU. The definitions of “danger to self” and “danger to others,” and examples of behaviors that may meet these criteria have been further clarified. The policy has been updated to include a continuum of possible interventions staff can utilize to de-escalate youth behavior prior to referring the youth to TSU. Updates were also made to policy to emphasize the requirement that staff include specific details describing the youth’s behavior, how the behavior poses an imminent threat, what interventions were attempted prior to referring a youth to TSU, and why other interventions were not appropriate or practical in all referrals to TSU, including referrals for fighting and high-risk youth.

**Recommendation 2c:** Ensuring any TSU policy and procedure revisions are included in staff training materials and provide staff with training on any changes.

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

Response explanation: ADJC agrees that revisions to policy and procedure should be included in future and recurrent training materials and has already incorporated recent policy changes into training materials. ADJC uses a multi-front training strategy, using both formalized training for new recruits and current staff, written communication through traditional channels such as email and flyers, and individualized training provided by supervisors and during regular huddle board meetings. In addition to incorporating policy changes into training materials, ADJC has provided staff with written correspondence explaining the policy changes that have already been implemented and will continue doing so as additional policy changes are adopted.