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DAVID SHINN
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Lindsey Perry, CPA, CFE
Auditor General
2910 N. 44th Street, Suite 410
Phoenix, AZ 85018-7271

Re: Auditor General Report – Sunset Factors

Dear Ms. Perry:

Attached is the Arizona Department of Corrections, Rehabilitation and Reentry's response to the performance audit report, focusing on the Sunset Factors. Thank you for the opportunity to respond.

If you have any questions, please do not hesitate to contact my office.

Thank you

A handwritten signature in black ink, appearing to be "David Shinn", written over a horizontal line.

David Shinn
Director

Finding 1: In 2020, Department did not release a quarter of inmates approved for transition program the full 3 months early as statutorily required, which may lengthen their prison stays, thereby increasing Department costs

Recommendation 1: To help ensure inmates are timely released 3 months early to the transition program, as statutorily required, the Department should:

Recommendation 1a: Establish time frames in its staff procedures for how quickly the eligibility reviews for the transition program and drug possession release should be initiated and completed and prioritize for review those inmates who are closest to release.

Department response: The finding of the Auditor General is agreed to and a different method of dealing with the finding will be implemented.

Response explanation: As an immediate short-term solution, the Department will establish and ensure specific timeframes for its staff to review any newly eligible inmates for the transition programming. A long-term sustainable solution, the Department will partner with the sentencing courts, Prosecutors and Defense Bar to develop a process to determine eligibility at sentencing with a judicial recommendation and/or order. The Defense Bar will have the opportunity to present evidence of program eligibility with consideration of prosecutors concerns and consideration by the Court. This sustainable process provides the opportunity for full consideration of all known criminal history, offense conduct, and additional factors with the full input of victims, prosecutors, and the defense to codified eligibility in the sentencing order. This will eliminate both the time and need for the Department's eligibility determination and allow the focus on a final sentence calculation based program participation.

Recommendation 1b: Develop and implement a written procedure for monitoring, identifying, and addressing delays in transition program processes that are within the Department's control.

Department response: The finding of the Auditor General is agreed to and a different method of dealing with the finding will be implemented.

Response explanation: Please see the above response to Recommendation 1a.

Recommendation 1c: Continue to work on automating the process for identifying inmates who may qualify for drug possession release and calculating their potential drug possession release dates.

Department response: The finding of the Auditor General is agreed to and a different method of dealing with the finding will be implemented.

Response explanation: The Department is currently working with the ACIS vendor to establish efficiencies in the sentence calculation process as originally funded. Specifically, funding already dedicated to Maintenance and Operation (M&O) improvements is being utilized to modify the system to better comport with legislative changes, post design and programming of ACIS in its current state. The recommended programming changes will exceed available M&O funding/hours and other critical already planned improvements to other ACIS vital functional areas will not occur. Additionally, these changes will delay the other functional improvements and will require

additional funding. However, the Department will identify other collateral programs which perform sentence calculation and permit upload or communication of this information into ACIS which can be implemented with current Department funding. With anticipation of future legislative changes, the Department will identify future funding needs in budget requests.

Sunset Factor 2: The extent to which the Department has met its statutory objective and purpose and the efficiency with which it has operated.

Recommendation 2: The Department should continue to work on automating the processes for identifying inmates who may qualify for or meet the drug transition and September 2021 standard transition program eligibility requirements.

Department response: The finding of the Auditor General is agreed to and a different method of dealing with the finding will be implemented.

Response explanation: Please see the above response to 1c.

Recommendation 3: The Department should evaluate and prioritize developing all ASET-required IT security policies based on its IT environment and mission. The Department should then use this information to guide its efforts to develop and implement written IT security procedures in line with ASET requirements and credible industry standards, focusing on the IT security areas with the highest security risks first.

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

Response explanation: The Department will partner with ASET and other state entities to develop and implement a statewide enterprise solution to its IT security assessment and risk management needs which other Departments can utilize. Ensuring the Department is aligned with industry standards and best practices as it relates to Information Technology, the process will be codified in a written procedure upon completion.

Recommendation 4: The Department should create a written action plan for implementing Recommendation 3 that includes specific tasks, the status of those tasks, and their estimated completion dates, as well as a process for regularly reviewing and updating the plan based on its progress.

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

Response explanation: In addition to the above Recommendation 3 response. The Department will apply the appropriate resources to develop formalized written action plans to monitor and implement recommendations into the necessary policies, which are regularly reviewed and updated.

Sunset Factor 3: The extent to which the Department serves the entire State rather than specific interests.

Recommendation 5: The Department should develop and implement revisions to its conflict-of-interest policy and procedures to help ensure compliance with State conflict-of-interest requirements and better align its policy and procedures with recommended practices, including (1) reminding Department employees at least annually to complete a new conflict-of-interest disclosure form when their circumstances change; (2) maintaining a special disclosure file of all required documentation, such as disclosures of substantial interest; and (3) documenting its process for remediating any disclosed conflicts of interests.

Department response: The finding of the Auditor General is not agreed to and the recommendation will not be implemented.

Response explanation: The Department has already exceeded this recommendation with immediate evaluation of each participant during each individual procurement action throughout the entire year which meets and exceeds the legal requirements for this item as required for disclosures of substantial interest. Given the duties of more than 99 percent of Department employees, they have no involvement or ability to participate in procurement actions. Department Order 501, Employee Professionalism, Ethics and Conduct is specific to the requirements of general conflict of interest statutes, rules and policies and outlines the employee's responsibility and required actions. Department Order 601, Administrative Investigations and Employee Discipline establish procedures for conducting investigations and dispositions for allegations of non-compliance. As part of its procurement process, every participating member of an RFP committee discloses any potential conflicts-of-interest for each and every RFP issued. Initiating a requirement that all ADCRR staff must complete disclosures on an annual basis for contracting services which they have no authorized input into, is not only cumbersome but a misuse of state resources at a time when the Department focus must remain on recruitment and retention of Correctional Officers to meet its Public Safety mission.

Sunset Factor 6: The extent to which the Department has been able to investigate and resolve complaints that are within its jurisdiction and the ability of the Department to timely investigate and resolve complaints within its jurisdiction.

Recommendation 6: The Department should establish a process for ensuring that the Department, including prison units, have complete and accurate formal inmate grievance information.

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

Response explanation: The Department agrees to this finding and has already acquired additional software to track, assess, and manage the vital inmate grievance process.

Recommendation 7: The Department should establish a centralized process to monitor compliance with its time frames for the various steps in its inmate grievance handling process, including the overall 120-day time frame for resolving grievances, to help identify and address potential issues related to processing inmate grievances within required time frames.

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

Response explanation: Please see the above response to recommendation 6.