



DOUGLAS A. DUCEY
Governor

JEFF HOOD
Director

September 28, 2021

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

Re: Sunset Factors Audit

Dear Ms. Perry:

Attached please find our response to the statutory sunset factors audit report. 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.

The Arizona Department of Juvenile Corrections (ADJC) plays a critical role in advancing the safety of the citizens of Arizona and rehabilitating seriously delinquent youth. ADJC prioritizes the use of evidence-based programs and works to consistently align ourselves with nationally recognized best practices.

ADJC regularly engages with other juvenile justice leaders across the nation and remains apprised of the prevailing research and identified best practices to ensure we provide youth with the necessary care and rehabilitative programming they need to become productive, healthy, law-abiding members of society. Over the past several years, ADJC has implemented a number of leading best practices and our own innovative improvements specifically tailored to produce the best possible outcomes for the youth in our care. For example, ADJC has expanded individual treatment sessions for youth at Adobe, implemented a self-paced credit recovery tool for students to make up missing educational credits, developed custom programming to integrate the Positive Behavior Interventions and Supports (PBIS) system into our portable scanning technology, implemented Eye Movement Desensitization Reprocessing (a leading therapy designed to

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treat trauma), and launched an initiative to help youth obtain state-issued photo ID cards prior to their release from secure care to assist with their transition into the community.

ADJC is committed to continuous improvement. We thank you for the work you performed in reviewing our agency. Many of your recommendations have already been implemented and others are in the process of being implemented.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jeff Hood". The signature is stylized with a large initial "J" and "H".

Jeff Hood

Director

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 1: The Department should ensure that parole officers are following parole supervision requirements.

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

Response explanation: ADJC has revised its parole officer manual to clarify parole supervision requirements.

Recommendation 2: The Department should revise and implement its parole supervisor manual to include a process for reviewing parole officers' compliance with requirements for supervising youth, including outlining procedures and time frames for conducting reviews, documentation requirements, and how noncompliance should be addressed.

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

Response explanation: ADJC has revised the parole supervisor manual and GAR inspection process to outline procedures for reviewing parole officer compliance, the timeframes for conducting these reviews, documentation requirements, and addressing any non-compliance. These updates have already been implemented.

Recommendation 3: The Department should revise and implement its parole officer manual to explain the intent and expectations for requirements for supervising youth, including how parole officers should handle any extenuating circumstances that would prevent them from meeting any youth supervision requirements.

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

Response explanation: ADJC strives to promote youth success in the community by providing youth with the necessary support to become law-abiding citizens. To this end, parole case plans sometimes require flexibility. ADJC has revised the parole officer manual to explain the intent and expectations for supervising youth and to provide guidance as to how parole officers can address extenuating circumstances.

Recommendation 4: The Department should provide training to parole supervisors and parole officers on any revisions to the parole supervisor and parole officer manuals.

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

Response explanation: ADJC parole officers and parole supervisors have been trained on all revisions to the parole manuals.

Recommendation 5: The Department should continue to implement its revised youth work experience policy and procedures.

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

Response explanation: As the audit pointed out, 186 hours were incorrectly coded when inputting hard copy timesheets into ADJC's IT system as a result of human error. ADJC acknowledges the importance of ensuring youth are always paid for all hours worked and that a portion of these payments are to be used to offset the cost of room and board and to pay restitution to victims, if there are any, as noted in the report. We would like to note that the total value of these 186 hours was \$47.64, \$30.64 should have been used to offset the cost of room and board and \$1.12 should have been used to pay restitution. ADJC has already updated and implemented its revised youth work experience policy and procedures to address this error.

Recommendation 6: The Department should revise and implement policies and procedures for reimbursing employees' travel expenses, including:

Recommendation 6a: Conducting monthly and annual reviews of ETC charges and payments as required by SAAM.

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

Response explanation: ADJC's travel policy and procedures have been revised and implemented and include a process for conducting monthly and annual reviews of ETC charges.

Recommendation 6b: Conducting reviews of ETC and CTA travel reimbursement documentation to help ensure all required documents are obtained and requested reimbursement amounts comply with SAAM requirements.

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

Response explanation: ADJC's travel policy and procedures have been revised and implemented and include a process for conducting reviews of ETC and CTA travel reimbursement documentation to ensure all required documents are obtained and retained and requested reimbursement amounts comply with SAAM requirements.

Recommendation 7: The Department should revise and continue to implement its policies and procedures related to its new process for monitoring employee time entries to include detailed steps for completing this process.

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

Response explanation: Policy and procedures related to ADJC's new process for monitoring employee time entries, including detailed steps for monitoring employee time entries, have been revised and implemented.

ADJC would like to emphasize that, prior to the initiation of this audit, ADJC discovered that two now former employees had an agreed-upon arrangement that was not authorized but resulted in the payment to an employee for being "on call." ADJC identified, investigated, and had appropriately and effectively addressed this personnel matter before the audit began.

Recommendation 8: The Department should continue to implement its written plan for implementing its newly developed IT security policies and regularly review and update the plan, as appropriate, based on progress.

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

Response explanation: ADJC has completed 93% of the action items in the IT security action plan. The remaining action items are on track to be completed by December, 2021.

Recommendation 9: The Department should revise and implement its QA policies and procedures to ensure its quality assurance team reviews all uses of TSU over 24 hours.

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

Response explanation: In addition to the due process measures already in place, ADJC has updated QA policies and procedures to ensure quality assurance staff review all uses of TSU over 24 hours.

Recommendation 10: Evaluate and revise its method for measuring and reporting recidivism to further align it with additional practices recommended by literature, such as reporting youth recidivism defined as adjudication/conviction for a new crime and other recidivating events and reporting recidivism data by youth demographics, recidivism risk, and/or other factors that may provide important context.

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

Response explanation: ADJC regularly reports recidivism rates because we recognize recidivism as a fundamental performance measure, as the report points out. ADJC has evaluated our recidivism measures in response to this recommendation and has already completed the preliminary steps for adopting suggestions from national organizations in order to expand our recidivism measures. Once the expanded measures and breakouts are drafted, they will be reviewed, and we will consider incorporating data into our recidivism report. However, due to the possibility of small sample sizes that may be encountered when creating demographic breakouts, some breakouts may not be valid and will therefore be excluded from any reports. Additionally, the ability to produce rates on differing recidivating events relies upon a variety of interagency data sharing agreements and collaboration, data availability, and accurate data matching with multiple outside agencies. Efforts to establish these agreements are already underway.

Recommendation 11: The Department should modify and implement its policies and procedures to:

Recommendation 11a: Require Department staff to electronically record youth movement as an exclusion when youth are placed in their rooms for exclusion.

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

Response explanation: ADJC agrees that recording exclusions electronically could provide valuable information. We will pilot a new process on select units that will require staff working in these units to electronically record exclusions using a scanner. After completing this pilot, ADJC will evaluate the use of the scanners to electronically record exclusions and determine whether it is feasible to employ this approach agency-wide and whether there are any obstacles that need to be resolved in order to effectively record exclusions electronically without creating a safety risk or other unmanageable operational burdens.

Recommendation 11b: Use the electronic exclusion data to follow up on any discrepancies between the electronic exclusion data and paper exclusion time sheets and to track information on the use of exclusion in the Facility, as needed.

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: ADJC will pilot a process on select units that will require staff to electronically record exclusions using a scanner. During the pilot, ADJC will use the electronic data to auto-populate exclusion timesheets and logbook entries and determine whether it is feasible to employ this approach agency-wide. The use of scanners to electronically record exclusions may eliminate the need to record exclusions on paper timesheets in which case, continuing to record exclusions using both tools would be duplicative and could be operationally burdensome.

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

Recommendation 12: The Department should enhance its conflict-of-interest process to help ensure compliance with State conflict-of-interest requirements by revising and implementing its policies and procedures to:

Recommendation 12a: Remind its employees/public officers at least annually to complete a new disclosure form when their circumstances change, such as by requiring its employees and RSAC members to complete an annual conflict-of-interest disclosure form.

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

Response explanation: Although ADJC has complied with all of the state's conflict-of-interest requirements, ADJC has revised and implemented policies and procedures related to

conflict-of-interest disclosure. Although not required by law, ADJC has implemented a requirement that the Human Resource Bureau formally remind employees annually about the need to disclose conflicts of interest and the requirement to submit a new conflict-of-interest disclosure if a conflict arises.

Recommendation 12b: Require RSAC members to complete a disclosure form when they are appointed to the committee by the Department Director that includes an “affirmative no” attestation and requires disclosure of substantial decision-making interests.

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

Response explanation: ADJC revised its policy and procedures to require RSAC members to complete a disclosure form that includes an “affirmative no” when they are appointed to the committee and requires disclosure of substantial decision-making interest. ADJC has collected disclosure forms from all current RSAC members consistent with this requirement.

Recommendation 12c: Establish a process for remediating any disclosed conflicts of interest.

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

Response explanation: ADJC has revised its policy and procedures to make clear the process by which disclosed conflicts are remediated.

Sunset Factor 5: The extent to which the Department has encouraged input from the public before adopting its rules and the extent to which it has informed the public as to its actions and their expected impact on the public.

Recommendation 13: The Department should Consult with the Solicitor General’s Office within the Attorney General’s Office to determine if RSAC is required to comply with open meeting law.

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

Response explanation: As the report notes, ADJC conducted a legal analysis of the Religious Services Advisory Committee and determined that the committee was not subject to open meeting law, and public postings indicating otherwise have since been removed. Per the recommendation, ADJC will consult with the Office of the Attorney General.

Recommendation 14: The Department should do the following if it determines RSAC is required to comply with open meeting law:

Recommendation 14a: Include a disclosure on its website stating where all public meeting notices will be posted.

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

Response explanation: ADJC's legal analysis indicates that RSAC is not subject to open meeting law requirements; if it is determined that RSAC is required to comply with open meeting law, ADJC will ensure it complies with all aspects of the law, including publishing a disclosure on the website stating where all public meeting notices will be posted.

Recommendation 14b: Develop and implement policies and procedures for complying with open meeting law, including posting meeting notices at least 24 hours prior to meetings, ensuring meeting agendas and meeting minutes contain all necessary elements, and making public meeting minutes or meeting recordings available for public inspection within 3 working days after the meeting, as required by statute.

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

Response explanation: ADJC will consult with the Office of the Attorney General to determine whether RSAC is required to comply with open meeting law. If it is determined that RSAC is required to comply with open meeting law, ADJC will develop and implement policies and procedures for complying with open meeting law.

Recommendation 15: The Department should discontinue actions that could lead the public to believe it is legally permitted to attend RSAC meetings, such as citing open meeting law in RSAC meeting notices, if it determines RSAC is not required to comply with open meeting law.

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

Response explanation: ADJC does not believe RSAC is required to comply with open meeting law and has removed meeting notices citing open meeting law. ADJC will consult formally with the Office of the Attorney General to determine whether RSAC is required to comply with open meeting law. If it is determined that RSAC is not required to comply with open meeting law, ADJC will continue to not cite open meeting law in RSAC meeting notices.

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 16: The Department should follow the time frames for reviewing and resolving youth grievances outlined in its youth grievance policy and procedures.

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

Response explanation: ADJC has revised its policy and procedures to ensure time frames for reviewing and resolving youth grievances are followed.

Recommendation 17: The Department should develop and implement a youth grievance supervisory review policy and procedures that outlines roles and responsibilities for reviewing grievances for compliance with the Department's policy and procedures and time frames for these reviews.

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

Response explanation: ADJC has updated its policies and procedures, and implemented a youth grievance supervisory review process that outlines roles and responsibilities for reviewing grievances for compliance with policy and procedures and the time frames for these supervisory reviews.

Recommendation 18: The Department should continue to implement its revised AIR policy and procedures.

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

Response explanation: The report incorrectly concludes “failure to document disposition and corrective actions may limit the Department’s ability to to appropriately consider these dispositions and corrective actions when determining progressive discipline...” (p. 28). Although ADJC agrees that the development of AIR policy and procedures is necessary, ADJC uses the performance management system, not the AIR system, when determining progressive discipline. ADJC has already implemented policy and procedures formalizing the AIR process and has incorporated suggestions from the OAG that the policy and procedures include a process for documenting a disposition for all employees for whom an allegation of misconduct was made or for whom misconduct was discovered during the course of an investigation.