



A REPORT
TO THE
ARIZONA LEGISLATURE

Performance Audit Division

Sunset Review

Arizona Department of Juvenile Corrections— Sunset Factors

September • 2009
REPORT NO. 09-10



Debra K. Davenport
Auditor General

The **Auditor General** is appointed by the Joint Legislative Audit Committee, a bipartisan committee composed of five senators and five representatives. Her mission is to provide independent and impartial information and specific recommendations to improve the operations of state and local government entities. To this end, she provides financial audits and accounting services to the State and political subdivisions, investigates possible misuse of public monies, and conducts performance audits of school districts, state agencies, and the programs they administer.

The Joint Legislative Audit Committee

Senator **Thayer Verschoor**, Chair

Representative **Judy Burges**, Vice-Chair

Senator **Pamela Gorman**

Representative **Tom Boone**

Senator **John Huppenthal**

Representative **Cloves Campbell, Jr.**

Senator **Richard Miranda**

Representative **Rich Crandall**

Senator **Rebecca Rios**

Representative **Kyrsten Sinema**

Senator **Bob Burns** (*ex-officio*)

Representative **Kirk Adams** (*ex-officio*)

Audit Staff

Melanie M. Chesney, Director

Dale Chapman, Manager and Contact Person

Michael Nickelsburg, Team Leader

Pamela Niesl

Shannon Strumpfer

Copies of the Auditor General's reports are free.

You may request them by contacting us at:

Office of the Auditor General

2910 N. 44th Street, Suite 410 • Phoenix, AZ 85018 • (602) 553-0333

Additionally, many of our reports can be found in electronic format at:

www.azauditor.gov



DEBRA K. DAVENPORT, CPA
AUDITOR GENERAL

STATE OF ARIZONA
OFFICE OF THE
AUDITOR GENERAL

WILLIAM THOMSON
DEPUTY AUDITOR GENERAL

September 28, 2009

Members of the Arizona Legislature

The Honorable Janice K. Brewer, Governor

Michael Branham, Director
Arizona Department of Juvenile Corrections

Transmitted herewith is a report of the Auditor General, A Sunset Review of the Arizona Department of Juvenile Corrections (Department). This report is in response to an October 5, 2006, resolution of the Joint Legislative Audit Committee and was conducted as part of the sunset review process prescribed in Arizona Revised Statutes §41-2951 et seq.

Included with this report is a written response from the Department.

My staff and I will be pleased to discuss or clarify items in the report.

This report will be released to the public on September 29, 2009.

Sincerely,

Debbie Davenport
Auditor General

Attachment

TABLE OF CONTENTS



Introduction & Background	1
Sunset Factors	7
Table:	
1 Schedule of Revenues, Expenditures, and Changes in Fund Balances Fiscal Years 2007 through 2009 (Unaudited)	5
Agency Response	

INTRODUCTION & BACKGROUND

The Office of the Auditor General has conducted a review of the Arizona Department of Juvenile Corrections (Department) using the 12 criteria in Arizona's sunset law. The analysis of the 12 sunset factors was conducted pursuant to an October 5, 2006, resolution of the Joint Legislative Audit Committee and prepared as part of the sunset review set forth in Arizona Revised Statutes (A.R.S.) §41-2951 et seq.

This sunset review is the last in a series of three reports on the Department. The other two reports were performance audits of the Department's Rehabilitation and Community Re-entry Programs and the Department's Suicide Prevention and Violence and Abuse Reduction Efforts.

Department's purpose is juvenile rehabilitation

The Department's mission is to enhance public protection by changing the delinquent thinking and behaviors of juvenile offenders under its jurisdiction. To help accomplish this mission, the Department operates four correctional facilities (also called secure care facilities) and supervises juveniles on parole in the community. The Department's secure care facilities are located in Phoenix, Tucson, and Buckeye and as of July 30, 2009, the Department reported housing 506 juveniles. The Department provides various services to juveniles in these facilities, including rehabilitation and treatment programming, education and vocational rehabilitation, and medical care.

The Department's services to juveniles who are on parole include assistance with education, jobs, out-of-home placement, and counseling. As of July 30, 2009, the Department reported supervising 488 juveniles on parole and 138 juveniles from other states in Arizona under the Interstate Compact on Juveniles.¹ The Department operates three parole offices in Maricopa County, including a Day and Evening Support Center where it provides services to juveniles, and one parole office in Pima County. The Department also employs parole officers located throughout the State to cover the remaining 13 counties.

¹ A.R.S. §8-363 requires the Department to supervise juveniles who have been placed on probation or parole by another state, but who reside in Arizona, according to the Interstate Compact on Juveniles. Likewise, other states supervise Arizona juveniles who have been placed on probation or parole, but do not reside in the State. According to the Department, most of the out-of-state juveniles it supervises are on probation.

Under Arizona's juvenile court process, a relatively small portion of juveniles who are found delinquent are actually placed under the Department's jurisdiction. In fact, most juveniles who are 8 years old and older who have not reached their 18th birthday and are found to be delinquent by the juvenile court are placed on probation. According to department data for juveniles committed to the Department for the first time in fiscal year 2008, over half of these juveniles had been adjudicated as delinquent four or more times. The most common offenses committed by these juveniles were class six felonies (34.1 percent) or misdemeanors (22.9 percent). Class six felonies include indecent exposure to a person under 15 and possession of less than 2 pounds of marijuana not intended for sale. Misdemeanors include offenses such as criminal trespass in the second degree and shoplifting property with a value less than \$1,000. Some juveniles are committed to the Department for more serious offenses such as homicide, robbery, and motor vehicle theft.

Organization

The Department is divided into five units and reported 1,050.7 authorized FTE (full-time equivalent) positions as of August 21, 2009, including 23.5 vacancies. The Department is organized as follows:

- **Executive Staff (14 FTE, 0 vacancies)**—Provides leadership to the Department through the Director's Office and daily operations oversight through the Deputy Director's Office, creates and communicates to the public the annual legislative agenda through the Communications and Legislative Policy Division, and conducts research and development.
- **Inspections and Investigations (19 FTE, 0 vacancies)**—Uses both law enforcement and administrative authority to conduct investigations of department staff or juveniles concerning any allegation of criminal action, misconduct, and noncompliance with state and department rules and regulations.
- **Operations**—Conducts the Department's day-to-day functions within the following five areas:
 - **Safe Schools (683 FTE, 9.5 vacancies)**—Manages the day-to-day operations at each of the Department's four correctional facilities (also called secure care facilities), including the juveniles who are housed in, and the staff who work in, these facilities. At these facilities, the Department provides supervised, secure housing that includes management of the juveniles' behavior, secured building perimeters, and the safe and secure transportation of juveniles to appointments outside of the facilities. Additionally, the Department provides rehabilitation programming to all

juveniles at its secure care facilities to try to change their delinquent thinking and actions. Further, the Department has specialty treatment units that provide mental health, chemical dependency, and sex offender treatment.

- **Medical Services (62.5 FTE, 5 vacancies)**—Provides medical and mental health services, nursing, pharmacy, and dental services; and refers committed juveniles to off-site hospitals and specialty healthcare providers when necessary.
- **Behavioral Health (10 FTE, 2 vacancies)**—Provides treatment services and mental health services to juveniles in secure care.
- **Education (96 FTE, 6 vacancies)**—Operates schools at each of the four secure care facilities. These schools are accredited through the North Central Association Commission on Accreditation and School Improvement (NCA CASI). The accreditation allows credits earned while attending one of the secure care schools to be transferred to other schools upon a juvenile's release from secure care, and juveniles can earn an eighth-grade certificate or a high school diploma from the Department's schools. The Department is also a designated GED test site, providing GED testing to juveniles throughout the year. Additionally, it provides special education services in accordance with federal requirements. Juveniles can also enroll in community college and earn credit online. Finally, the Department offers vocational services to juveniles to teach them practical job skills such as building trades, automotive, cosmetology, medical transcription, computer-aided drafting, fire science, and culinary arts.
- **Community Corrections (67.5 FTE, 1 vacancy)**—Operates a system of community-based programs to supervise and rehabilitate juveniles in the least restrictive environment once released from secure care on parole, consistent with public safety and the juvenile's needs. The Department also operates a Day and Evening Support Center in Phoenix where it provides services to juveniles in the community and reported that it is planning to open additional centers around the State. Services provided to juveniles while on parole through the Department's contracts with community providers include individual and family counseling, residential services, and drug testing.
- **Quality Assurance (10 FTE, 0 vacancies)**—Conducts inspections and audits (including formal comprehensive audits at each secure care facility every 6 months, as well as follow-up audits), performs data analysis, develops policy recommendations, and conducts training evaluations. Quality Assurance reports directly to the Department's Director.

- **Support Services (88.7 FTE, 0 vacancies)**—Oversees fiscal management, procurement, human resources, information systems, staff development, and facilities administration. Support Services also includes the Legal Systems Division, which provides legal expertise to the Department, including a liaison to the Attorney General’s Office; due process hearing officers; policy and procedure specialists; victim’s rights advocates; and four juvenile ombudsmen—one at each secure care facility.

Budget

As illustrated in Table 1 (see page 5), the Department relies largely on State General Fund appropriations to pay for its operations, but these appropriations decreased significantly in fiscal year 2009. Specifically, department revenues totaled nearly \$89.5 million in fiscal year 2007, more than \$87.6 million in fiscal year 2008 and more than \$81.5 million in fiscal year 2009. State General Fund appropriations accounted for 89 to 91 percent of these revenues annually. However, the Department’s State General Fund appropriation decreased from more than \$80 million in fiscal year 2008 to approximately \$72.4 million in fiscal year 2009, a decrease of 9.5 percent. Additionally, the Department receives other revenues. These include a share of earnings from the sale or lease of state trust lands and interest earned on these monies as required by A.R.S. §37-525, state and federal monies for education, and federal grants. In fiscal year 2009, these revenues totaled more than \$2.5 million, nearly \$4.9 million, and nearly \$300,000, respectively. Finally, in accordance with A.R.S. §§41-2812 and 41-2826, the Department receives limited monies collected from parents for the maintenance of juveniles committed to the Department, which the Department uses to pay juveniles for community work, and which the juveniles then use for victim restitution. According to a department official, the Department receives an average of \$51.75 a month from those parents who are ordered by the court to pay and actually do so.

For fiscal years 2007 and 2008, department expenditures totaled more than \$87.9 million and \$87.65 million, respectively, and its fiscal year 2009 expenditures decreased to nearly \$82.1 million. The majority of the expenditures were for salaries and employee-related expenditures, which totaled more than \$66 million in fiscal year 2007, \$68.8 million in fiscal year 2008, and \$66.1 million in fiscal year 2009. The Department also had other operating expenditures of more than \$9.6 million in fiscal year 2007 and more than \$9.5 million in both fiscal years 2008 and 2009, which consisted of operating costs associated with its secure care facilities, such as utilities, maintenance and repair, and supplies.

The Legislature has appropriated nearly \$70.8 million to the Department for fiscal year 2010. This appropriation consists of more than \$66.6 million in State General Fund monies as well as appropriations of education and state trust land monies.

Table 1: Schedule of Revenues, Expenditures, and Changes in Fund Balances
Fiscal Years 2007 through 2009
(Unaudited)

	2007	2008	2009
Revenues:			
State General Fund appropriations	\$79,923,370	\$80,019,516	\$72,403,682
Intergovernmental	6,420,748	5,173,384	5,684,770
Land earnings ¹	2,221,724	1,498,728	2,531,939
Fines, forfeits, and penalties	739,318	765,562	770,929
Other	<u>166,499</u>	<u>161,161</u>	<u>136,805</u>
Total revenues	<u>89,471,659</u>	<u>87,618,351</u>	<u>81,528,125</u>
Expenditures:²			
Personal services and related benefits	66,047,986	68,823,023	66,144,217
Professional and outside services	6,031,461	4,380,358	3,365,806
Travel	1,008,690	915,707	801,493
Food	1,041,135	1,184,921	1,284,764
Other operating	9,653,739	9,547,772	9,529,111
Equipment	<u>4,148,455</u>	<u>2,798,261</u>	<u>964,639</u>
Total expenditures	<u>87,931,466</u>	<u>87,650,042</u>	<u>82,090,030</u>
Excess (deficiency) of revenues over expenditures	<u>1,540,193</u>	<u>(31,691)</u>	<u>(561,905)</u>
Other financing uses:			
Remittances to the State General Fund	126,754	135,432	95,973
Net operating transfers out ³	<u>175,034</u>	<u>300,257</u>	<u>612,464</u>
Total other financing uses	<u>301,788</u>	<u>435,689</u>	<u>708,437</u>
Net change in fund balances	1,238,405	(467,380)	(1,270,342)
Fund balance, beginning of year	<u>2,620,772</u>	<u>3,859,177</u>	<u>3,391,797</u>
Fund balance, end of year	<u>\$ 3,859,177</u>	<u>\$ 3,391,797</u>	<u>\$ 2,121,455</u>

1 Consists of the Department's share of revenues from certain state lands, including the sale and lease of state trust lands and interest earned on these monies, as established by A.R.S. §37-525.

2 Includes administrative adjustments from the prior year.

3 Operating transfers out for fiscal years 2008 and 2009 include \$300,000 and \$365,000, respectively, transferred to the State General Fund as required by Laws 2008, Ch. 53, §2; Laws 2008, Ch. 285, §24; and Laws 2009, 1st S. S., Ch. 1, §§4, 5, and 7.

Source: Auditor General staff analysis of the Arizona Financial Information System (AFIS) *Accounting Event Transaction File* for fiscal years 2007 through 2009; and for fund balances, the AFIS Management Information System *Status of General Ledger—Trial Balance* screen for fiscal years 2007 through 2009.

However, the \$70.8 million appropriation represents nearly an \$11.6 million decrease from its original \$82.4 million appropriation for fiscal year 2009. According to a department official, the Department has taken various actions to respond to this reduced funding. These steps include the following:

- Closing 5 of its 25 housing units at its secure care facilities;
- Eliminating 150 positions by not filling some vacant positions and laying off employees;
- Eliminating all employee stipends, including stipends for special education teachers, uniform allowances, and travel costs for department staff who work at the Eagle Point facility located in Buckeye;
- Reducing pay for uncovered employees grade 21 and above by 5 percent;
- Reducing monies budgeted for overtime; and
- Reducing operating expenses in connection with the reduced number of juveniles in secure care.

Scope and methodology

The Department's performance was analyzed in accordance with the 12 statutory sunset factors. Audit work in the following areas provided a basis for response to the sunset factors:

- Rehabilitation and Community Re-entry Programs (Auditor General Report No. 09-02).
- Suicide Prevention and Violence and Abuse Reduction Efforts (Auditor General Report No. 09-09).

Auditors also relied on information obtained from department officials, reports, and policies and procedures; Arizona statutes; the Governor's Office; the Department's Web site; the AFIS *Accounting Event Transaction File* for fiscal years 2007 through 2009; and the AFIS Management Information System *Status of General Ledger—Trial Balance* screen for fiscal years 2007 through 2009.

This audit was conducted in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

The Auditor General and staff express their appreciation to the Department's Director and staff for their cooperation and assistance throughout the review.

SUNSET FACTORS

In accordance with Arizona Revised Statutes (A.R.S.) §41-2954, the Legislature should consider the following 12 factors in determining whether the Arizona Department of Juvenile Corrections (Department) should be continued or terminated.

1. The objective and purpose in establishing the Department.

A.R.S. §41-2802 established the Department in 1990 by separating it from the Department of Corrections after a lawsuit was filed over the treatment of juveniles. A.R.S. §41-2802 charges the Department with “the supervision, rehabilitation, treatment, and education of all committed youth,” and A.R.S. §41-2831 also requires the Department to establish a state education system for committed youth. The Department characterizes its education system as similar to a school district and, in accordance with statute, receives equalization assistance to help cover the costs of providing education to committed juveniles.

In 1986, a lawsuit was filed against the Department of Corrections alleging various civil rights violations, including lack of rehabilitative treatment, confinement of juveniles in violation of the Fourteenth Amendment to the United States Constitution, and not providing special education according to state and federal requirements.¹ Following its separation from the Department of Corrections, the Department entered into a consent decree with the plaintiffs in 1993 in which it agreed to: develop programs to address juveniles’ individual treatment needs, assess juveniles’ special education needs, maintain appropriate services for special education students, and meet several other programmatic requirements. The lawsuit was dismissed in 1998 based on the Department’s compliance with the decree.

The Department defines its role as promoting public safety through managing juvenile correctional facilities, and by developing and providing a continuum of services to juvenile offenders, including rehabilitation, treatment, and education. Its mission is to enhance public protection by changing the delinquent thinking and behaviors of juvenile offenders committed to the Department.

¹ *Johnson v. Upchurch*, CIV-86-195, U.S. Dist. Ct. for Dist. of Ariz.

2. **The effectiveness with which the Department has met its objective and purpose and the efficiency with which it has operated.**

A basic measure of the Department's effectiveness in meeting its mission to change the delinquent thinking and behavior of juveniles committed to its care is the rate at which these juveniles re-offend or the rate of recidivism. The Department defines recidivism as a juvenile's return to custody with either the Department or the Department of Corrections and measures it at two points—return to custody within 12 months and within 36 months of release. Between 2002 and 2005, approximately 33 percent of juveniles released from the Department had returned to custody within 12 months of their release.¹ Further, for juveniles released in 2004, 54 percent of them had returned to custody within 36 months of their release. For those juveniles released in 2005 who returned to secure care, according to department data, 59 percent returned because they committed a new delinquent offense and 41 percent returned for violating the terms of their parole.

The Department also uses various other measures to determine its effectiveness. For example, the Department measures educational success through the number of high school diplomas, GEDs, eighth-grade certificates, and other certificates, such as culinary or cosmetology, earned by juveniles, and through improvements in educational assessment test scores. For example, in the 2008 academic year, the Department issued 40 high school diplomas. The Department also tracks measures of the safety at its facilities by tracking the number of juvenile-on-juvenile assaults, fights, and the number of self-injurious behaviors and suicide attempts. The number of department-reported juvenile-on-juvenile fights and assaults declined in 2008 (See Sunset Factor No. 3, page 14 for more information).

One factor that potentially affects the Department's ability to effectively rehabilitate the juveniles committed to its care is that it must discharge juveniles when they turn 18 in accordance with A.R.S. §8-246(B). In fact, the majority of juveniles committed to the Department are discharged from its jurisdiction not because they complete rehabilitative treatment, but because they turn 18 and must be discharged. According to department data, 86 percent of its juvenile population was released from 2002 through 2005 because they turned 18. Only 4.6 percent of its juvenile population earned an absolute discharge during this time, meaning the juvenile completed his/her treatment and rehabilitation and showed a reasonable probability that he/she would obey the law. Department data shows that juveniles who complete their treatment and receive an absolute discharge from the Department are less likely to re-offend than those who "age out" of the Department's jurisdiction.

1 Although it is difficult to compare the Department's recidivism rates with those reported by other states because of state differences in determining these rates, the Department compares its recidivism rate to the rates reported by five other states that measure recidivism in a similar way: Delaware, Kansas, Louisiana, Ohio, and Virginia. These states reported 12-month recidivism rates ranging from 23 to 45 percent.

One contributing factor to the high percentage of age-related discharges is that the Department receives many adjudicated juveniles 2 years or less before their 18th birthday. In fiscal year 2008, 64 percent of juveniles were 16 or older when committed to the Department for the first time. In some cases, this does not provide sufficient time for these juveniles to complete treatment programming.

Although many factors outside of the Department's control can influence recidivism, the Department attempts to address those factors it can potentially affect by assessing the rehabilitative treatment and educational needs of its juveniles and providing education. Specifically:

- **Department assessments determine juvenile treatment and educational needs**—The Department has instituted an intensive initial assessment process to determine a juvenile's treatment and educational needs and then place juveniles in appropriate treatment programs and school classes. For example, the Department uses the Criminogenic and Protective Factors Assessment (CAPFA), a tool to assess and classify juveniles for treatment. Using the CAPFA, the Department assesses juveniles in 12 areas that research has shown to be effective in reducing recidivism, such as aggression; alcohol and drug use; social influences; behavioral and mental health; skills, attitudes and behaviors; family; risk of re-offense; and sexual offending. The CAPFA is also designed to assess a juvenile's progress toward reaching specific goals and as such, requires department personnel to update specific domains at specified times to track a juvenile's progress. Based on the CAPFA's results, the Department then develops a juvenile's individual case plan, which specifies necessary treatment. The juvenile's case plan allows staff to track a juvenile's treatment progress and readiness for release. The Department also uses a statistically validated risk assessment to identify a juvenile's risk to re-offend. This risk assessment can change as the juvenile progresses through treatment and is reassessed.

Additionally, juveniles attend a 10-day Reception, Assessment and Classification (RAC) education program upon commitment to the Department. The Department assesses juveniles for academic and vocational skills, and they complete a career exploration and development portfolio identifying needs, interests, and skill requirements for identified career fields. In addition, juveniles complete the Test for Adult Basic Education for class placement purposes. The Department uses this information to develop educational plans that outline the educational and vocational training the juveniles receive.

- **Department operates schools at all four secure care facilities**—Through schools at each of its secure care facilities, the Department provides a core educational curriculum that allows juveniles to continue and, in some cases, complete their primary education. Since the Department's academic programs are accredited through the North Central Association

The Department's assessment process determines juveniles' treatment and educational needs and where they will be placed.

During the 2007-2008 school year, the Department reported a 72 percent GED passing rate, which exceeded the State's passing rate of 67 percent.

Commission on Accreditation and School Improvement, department classes apply toward a regular high school diploma or eighth-grade certificate. According to the Department's 2008 Annual Report, juveniles committed to the Department typically achieve more than a year's worth of education in a single year. In the 2007-2008 academic year, 72 percent of juveniles made gains in reading and 78 percent made gains in math. The average gain in these subjects was approximately 1½ years. In addition, the Department offers youth an opportunity to obtain a General Education Diploma (GED). The Department reported that during the 2007-2008 school year, 325 juveniles tested for the GED, 283 juveniles completed all five GED testing areas, and 203 juveniles passed the GED. This 72 percent passing rate exceeded the State's passing rate of 67 percent.

In fiscal year 2008, the Department's Special Education unit was recognized as the best program for the Transition of Students with Disabilities in Special Education by the Arizona Department of Education. According to the Department, approximately one-third of all juveniles committed to the Department qualify as special education students. As such, the Department has established processes for identifying juveniles with special education needs and developing required Individual Education Plans. Additionally, according to a department official, the Department does not isolate special education students. Instead, it provides specialized instruction in class and has a special education teacher work directly with these students.

Finally, juveniles can also enroll in community college courses online and earn credit, and the Department offers vocational services to juveniles to teach them practical job skills. This includes training in building trades, automotive, cosmetology, medical transcription, computer-aided drafting, fire science, and culinary arts.

Additionally, the Office of the Auditor General's March 2009 performance audit of the Department's Rehabilitation and Community Re-entry Programs (see Auditor General Report No. 09-02) found that although the Department has developed some well-designed treatment programs and various processes to help juveniles prepare for reintroduction into the community, it can improve in some critical areas that could potentially impact recidivism rates. The Department reported that it has addressed each of the recommendations from the March 2009 report, and the Office of the Auditor General will be conducting follow-up work in September and October 2009 to verify these efforts. The March 2009 report noted:

- **Department has framework for effective treatment programs, but treatment delivery needs improvement**—The Department provides a core treatment program and a behavioral management program to all juveniles in its

housing units, and also provides specialized sex offender, mental health, and chemical dependence treatment programs in special housing units. Although the Department modeled its treatment programs after methods that research indicates can be effective, it is not implementing these programs as designed. Specifically:

- Based on auditors' review of 9 of the Department's 25 housing units, some program sessions are not offered frequently enough, the sessions are too short in length, and many of the department staff need additional training in how to conduct them.
- According to department officials and the treatment program manual, juveniles should receive a customized core treatment program based upon individual diagnoses, risk factors, and problem areas such as anger, depression, and self-injury. However, according to housing unit staff, none of the housing units auditors visited provided the customized core treatment as required. Also, inconsistent behavior management in many housing units undermines the therapeutic environment needed for effective treatment.
- The Department did not provide chemical dependence and sex offender treatment to all juveniles who should be receiving it. Generally, only juveniles housed in specialty units received this treatment. However, many juveniles housed in other units have also been identified as having chemical dependency diagnoses or needing sex offender treatment. Although the Department's core treatment program, which should be provided to all juveniles, includes substance abuse treatment, the Department's chemical dependency treatment program manual indicates that juveniles with a diagnosed chemical dependency should receive additional treatment through the chemical dependency treatment program.

The Department reported that it has taken steps to ensure that all treatment programs are implemented as designed, including developing and revising treatment program procedures, providing additional training to staff, and designating a new sex offender treatment unit to provide sex offender treatment to a greater number of juveniles.

- **Decision-making process for juveniles' treatment and release needs improvement**—The Department should improve the process it uses to plan a juvenile's treatment program and make recommendations about a juvenile's release into the community. The Department has established multidisciplinary teams (MDTs), which develop treatment plans, review progress, and make recommendations about release. Auditors identified several issues that impede the effectiveness of the MDTs:

The Department reported that it has taken steps to ensure that all treatment programs are implemented as designed.

- The MDTs rely on an assessment instrument that contains unreliable information, mainly because data controls are weak. For example, 76 of 90 juvenile records auditors examined contained contradictory information related to alcohol and drug use. Contradictory information could lead to faulty decisions about treatment plans and juveniles' readiness for release.
- MDT meetings observed by auditors were often characterized by distractions, interruptions, and limited attendance. In some cases, staff acted unprofessionally and/or the surrounding environment was extremely disruptive.

Steps needed to address these issues include improving data controls, improving oversight and monitoring of juveniles' assessments, enhancing the monitoring of MDT meetings, clarifying procedures, and providing ongoing training.

- **Transitioning to the community**—Planning for and supporting a juvenile's transition into the community is important because it may reduce the likelihood of a juvenile re-offending. Although the Department cannot eliminate the chance that a juvenile may violate parole, connecting juveniles to education, jobs, or needed services is one way to reduce the risk of re-offending. However, when auditors reviewed a random sample of 58 case records of male juveniles released to parole in 2007, they found that 9 juveniles did not receive any of the support services specified in their parole plans, and another 33 juveniles received only some of these services. However, for 32 of the 58 juveniles who made a connection to a job, auditors found that they were significantly less likely to violate their parole.

The Department can improve how effectively it transitions juveniles to the community by further developing its relationships with schools and agencies involved in serving youth, by implementing certain procedures (such as ensuring juveniles have transcripts, proof of citizenship, and other important documents when they return to the community), and by improving how it tracks its success in helping juveniles.

3. The extent to which the Department has operated within the public interest.

The Department has operated in the public interest by better safeguarding the health and safety of juveniles committed to its care and ultimately the public since a 2004 federal report noting serious deficiencies was issued, but it can still make some minor improvements. Between April 2002 and March 2003, three juveniles committed suicide at the Department's Adobe Mountain secure care facility. In June 2002, the United States Department of Justice notified the State

For 32 of the 58 juveniles who found a job during parole, they were significantly less likely to violate parole.

of its intent to begin an investigation under the Civil Rights of Institutionalized Persons Act (CRIPA) into whether the constitutional and federal statutory rights of juveniles in the Department's custody were being violated. In January 2004, the Department of Justice issued a report noting serious deficiencies, including inadequate suicide prevention policies and practices, failure to protect juveniles from physical and sexual abuse, inadequate medical and mental healthcare services, and a failure to provide special education. In September 2004, the U.S. Department of Justice filed a lawsuit in federal court, which resulted in a memorandum of agreement between the State and the U.S. Department of Justice to address the deficiencies. In September 2007, the Department had substantially complied with all of the more than 120 mandatory provisions in the memorandum of agreement and was released from federal monitoring. Additionally, the lawsuit was dismissed.

The Office of the Auditor General's September 2009 performance audit (see Auditor General Report No. 09-09) follows up on the Department's continued efforts to improve suicide prevention and reduce violence and abuse at its secure care facilities and found that, overall, the Department is performing well in these areas. Specifically:

- **Suicide prevention**—The Department has instituted suicide prevention policies and procedures that are consistent with national standards and identified best practices. These improvements include training staff to identify and respond to suicidal behavior, appropriately monitoring juveniles with suicidal behaviors, improving communication among staff regarding juveniles with suicidal behaviors, and modifying its physical facilities to be suicide resistant. These revised policies and practices better safeguard the health and well-being of juveniles who are at risk for suicide and/or self-injurious behavior. Since 2003, no suicide attempt has resulted in death, and since January 2007, the number of serious suicide attempts has averaged less than one per month.

During the audit, the Department made some further improvements. For example, it revised its suicide prevention procedures to help ensure that treatment plans for suicidal and self-injurious juveniles specify the treatment that will be provided to address the suicidal behavior. Further, department officials met with facility mental health staff to reinforce appropriate practices for using suicide-proof smocks and preparing incident reports for all juveniles who exhibit suicidal and/or self-injurious behavior.

Additionally, the Department should expand its assessments of its separation practices to include a review of unnecessary and/or inappropriate referrals for juveniles exhibiting suicidal and/or self-injurious behavior. Because of staff shortages and the unavailability of mental health staff who were either with other juveniles or not scheduled to be physically present at a secure care facility, some juveniles who have exhibited suicidal

The Department has instituted suicide prevention policies and procedures that are consistent with national standards and best practices.

Department data shows that juvenile assaults decreased by approximately 53 percent between the second and fourth quarters of 2008 and fights decreased by approximately 66 percent during 2008.

or self-injurious behavior have been immediately sent to separation prior to an assessment by a mental health staff member. Department officials also reported that they have trained staff to err on the side of caution when preventing suicide. Although these practices help to ensure these juveniles' safety, they are inconsistent with department procedures and contrary to best practices for referring juveniles to separation.

- **Reducing juvenile violence**—The Department has taken several steps to improve the safety of juveniles entrusted to its care, and beginning in 2008, the Department reported a decrease in violence at its secure care facilities. In particular, department data shows that the number of juvenile-on-juvenile assaults decreased from 152 to 71 (approximately 53 percent) between the second and fourth quarters of 2008, and the number of juvenile-on-juvenile fights decreased from 339 to 116 (approximately 66 percent) during 2008.¹

Steps the Department took include using a community policing model to help it better identify and address violent activity at its secure care facilities, increased staffing, increased gang intelligence efforts, and implementation of treatment programming designed to help juveniles address anger and violence issues. To help guide staff actions when assaults and fights occur, the Department has developed policies and procedures modeled after national standards. The Department also provides training on crisis intervention, behavior management, and restraint techniques to provide staff with the necessary skills to successfully restore order and keep juveniles safe. Auditors' analysis of seven incidents involving juvenile assaults and fights at the Department's four secure care facilities between February and April 2009 found that staff and supervisors reported responding properly. Finally, although the Department has greatly improved its staff-to-juvenile ratios, it should review whether it has sufficient staff to meet staffing standards agreed to during CRIPA monitoring.

- **Addressing abuse**—The Department has taken action to address the abuses resulting from staff-juvenile boundary violations identified in the 2004 CRIPA investigation, but opportunities exist to further strengthen staff awareness of appropriate boundaries. In response to abuses identified during the CRIPA investigation, the Department has revised its juvenile grievance process, enhanced its investigation of these types of abuses, and disciplined and/or taken action against department staff and juveniles for misconduct or misbehavior, including staff-juvenile boundary violations. The Department also initiated a change in its organizational culture that includes zero tolerance for abuse of any kind, conducted vulnerability assessments of its secure care facilities, and assesses all juveniles for potential victimization when they are committed to a secure care facility. Despite these actions, subtle, less obvious staff-juvenile boundary issues continue

¹ For department data cited in this report, auditors reviewed the Department's internal controls over data collection and management review and concluded that the Department has sufficient controls to ensure the data's reliability. Auditors did not assess the Department's data processing and reporting internal controls.

to pose challenges. Inappropriate staff-juvenile interactions, such as the use of pet names, verbal sparring and joking, and undue familiarity, still take place, potentially unnoticed by department supervisors and management, creating the potential for more serious abuses. However, as previously mentioned, the Department has taken action to address boundary violations when it is aware of these violations.

As a result, the Department should launch an awareness campaign that continually reinforces appropriate staff-juvenile boundaries and use information provided by new staff as they receive on-the-job training to identify and respond to potential staff-juvenile boundary issues.

4. The extent to which rules adopted by the Department are consistent with the legislative mandate.

Statutes require the Department to adopt rules in some instances. For example, A.R.S. §41-2804(A)(3) requires the Department to adopt rules regarding conditional liberty (parole) services for juveniles. According to the Department, it has established various policies and procedures that address the statutory requirements for adopting rules. Although A.R.S. §41-1005(A)(7) exempts the Department from rulemaking procedures, A.R.S. §41-1005(C) requires that an agency file the rules, created pursuant to the exemption, with the Secretary of State. Although the Department could classify its policies and procedures as rules by filing them with the Secretary of State, according to the Department, the Attorney General's Office has advised that this is not necessary under the exemption.

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.

Although the Department is exempt from rulemaking procedures, it establishes policies and procedures and publishes them on its Web site. Additionally, department policy allows any employee or interested person to forward policy and/or procedural requests or modification suggestions to its Policy and Procedure Unit for consideration in policy and procedure development and revision. According to the Department, various stakeholders, including families of committed juveniles, victims of juvenile crime, contract service providers, the Governor's Office, and various state agencies have provided input and feedback on numerous department policies. Policy and procedure drafts are then distributed through the Department's intranet and/or the Internet for employee and stakeholder review and comment. Finally, the Department uses its Web site to inform the public of its actions by posting its quarterly newsletters and other department documents, including annual reports, audit results, fact

sheets containing the demographics and number of juveniles committed to the Department, and handbooks for juveniles and their parents.

6. The extent to which the Department has been able to investigate and resolve complaints that are within its jurisdiction.

Although the Department does not receive and process complaints, it has established a grievance system whereby juveniles can file grievances against any inappropriate or infringing conditions, behavior, or action by department employees, volunteers, or other juveniles. A 2004 CRIPA investigation report noted that the Department failed to protect juveniles from physical and sexual abuse and that the Department's juvenile grievance and abuse investigation processes did not adequately address such abuse.

In response, the Department revised its juvenile grievance process, enhanced its investigation of these types of abuses, and initiated a change in its organizational culture that includes zero tolerance for abuse of any kind. Specifically, department policy requires that juveniles have access to a system for identifying and promptly resolving grievances. Department staff are required to inform juveniles of their right to grieve any condition, circumstance, or action they deem unjust. Juveniles may obtain a grievance form from the Juvenile Grievance Coordinator in his/her housing unit and submit it to the Juvenile Ombudsman or place it in one of the secure "Grievance Boxes."

The Department processes multiple types of grievances and has different procedures for resolving them depending on the nature of the grievance. Grievances may involve: (1) basic issues regarding clothing or grooming; (2) general issues related to treatment, programming, and living conditions; (3) violations of basic rights, which include issues of discrimination, due process and searches; and (4) abuse, including physical, sexual, mental, and verbal. In cases where a juvenile has been a victim of neglect, abuse, physical injury, or serious physical injury, the grievance is immediately forwarded to the Department's Investigation and Inspections Division. In 2009 a department administrator reported that the Department had substantially reduced the number of grievances that were overdue for resolution and reported a 98 percent satisfaction rate for department actions in response to grievances.

In addition, through its Project Zero Tolerance program, the Department publicly declares that sexual, physical, and verbal abuse is inappropriate and unacceptable. Further, the Department has provided the Director's cell phone number and established an e-mail address where reports of suspected abuse can be made by department staff, families and guardians of committed juveniles, and members of the public. These reports go directly to the Department's Director for review and then to the Inspections and Investigations Division for investigation.

The Department's Project Zero Tolerance declares sexual, physical, and verbal abuse inappropriate and unacceptable.

Finally, new department staff and juveniles receive training on the Prison Rape Elimination Act, a federal law aimed at addressing the problem of sexual abuse of incarcerated persons through prevention and detection. In particular, this training teaches juveniles how to recognize sexual abuse and their rights not to be victims of it. The Department also hangs posters throughout its facilities to reinforce this message.

7. The extent to which the Attorney General or any other applicable agency of state government has the authority to prosecute actions under the enabling legislation.

The Department is not a regulatory agency and does not have authority to prosecute actions. However, the Department does refer some legal matters to the Attorney General. For example, the Attorney General has represented the Department when juveniles have suffered an injury and filed complaints against the Department.

The Department also refers alleged criminal acts that are committed by juveniles or its staff to the appropriate county attorney for prosecution. These cases include offenses that juveniles commit while in the Department's custody and offenses committed in the secure care facilities by staff and volunteers. The Department's Criminal Investigations Unit investigates all allegations of criminal activity by juveniles and staff and determines whether to submit allegations for prosecution. Department procedure requires a criminal investigation in response to allegations of criminal misconduct. In 2008, of the 1,450 criminal investigations that were completed by the unit, 260 were submitted to the county attorney for prosecution, 104 were closed because of arrest, 543 were closed without the suspect being charged (which may happen when a victim does not desire prosecution, when the case does not meet the filing criteria for the county attorney, or when the case involves a misdemeanor offense), and another 543 were closed as informational only.

The Department's Criminal Investigations Unit completed 1,450 criminal investigations in 2008, including 260 that were submitted to the county attorney for prosecution.

8. The extent to which the Department has addressed deficiencies in its enabling statutes, which prevent it from fulfilling its statutory mandate.

The Department has supported various law changes affecting some of its programs. Examples of these changes include:

- **A 2006 amendment to A.R.S. §41-2812**—Authorizes the court to deposit monies collected from parents for the maintenance of juveniles committed to the Department into the Department's Restitution Fund. The Department uses monies from the Restitution Fund to pay juveniles for community work, which the juveniles then use to pay restitution to victims.
- **A 2007 amendment to A.R.S. §§8-341 and 41-2804**—Authorizes the department director to approve the temporary escort of a juvenile by

department staff for compassionate leave (to attend a funeral, for example), treatment, education, and rehabilitation purposes.

- **A 2007 amendment adding A.R.S. §§41-2827 and 41-2828**—Establishes the Department's Career Technical Education Fund to pay for the Department's educational, vocational, treatment, training, or work program expenses. These laws also establish that all products made by juveniles in the Department's custody are the Department's property and requires that the monies from selling those products are deposited into the Career Technical Education Fund, which can be used to pay expenses for any department educational, vocational, treatment, training, or work program. However, according to a department official, juveniles committed to the Department do not produce products for sale.

9. The extent to which changes are necessary in the laws of the Department to adequately comply with the factors in the sunset law.

The performance audits did not identify any needed changes to department statutes.

10. The extent to which the termination of the Department would significantly harm the public's health, safety, or welfare.

Terminating the Department and not transferring its responsibilities to another agency could harm the public health, safety, or welfare because it is the Department's responsibility to incarcerate and provide oversight and treatment services to delinquent juveniles committed to its jurisdiction by the county courts. All 50 states have facilities to house delinquent juveniles. As of July 30, 2009, the Department reported that its four secure care facilities held 506 juveniles, and that it supervised 488 juveniles on parole and another 138 juveniles from other states in Arizona under the Interstate Compact on Juveniles. If the Legislature were to terminate the Department, appropriate jurisdictional authority would have to be established with another agency, which would then be required to provide rehabilitation and treatment, education and vocational rehabilitation, and medical care to committed juveniles.

11. The extent to which the level of regulation exercised by the Department is appropriate and whether less or more stringent levels of regulation would be appropriate.

Because the Department is not a regulatory agency, this factor does not apply.

Terminating the Department and not transferring its responsibilities to another agency could harm the public health, safety, and welfare.

12. The extent to which the Department has used private contractors in the performance of its duties and how effective use of private contractors could be accomplished.

The Department uses private contractors to assist in performing some of its duties. For example, the Department primarily uses private contractors for community-based treatment services that are provided to juveniles on parole in the community, but also uses a private contractor for some other services. Specifically, the Department uses contracts executed by other agencies such as the Administrative Office of the Courts and the Department of Economic Security for treatment services such as therapeutic group homes and residential treatment centers. Although it operates its own secure juvenile corrections facilities, the Department uses a private contractor under contract with the Department of Corrections to provide food services at its Eagle Point secure care facility. The Department reports that it has found little research comparing the effectiveness and cost-effectiveness of privately operated secure juvenile corrections facilities over publically operated facilities, and that it has focused instead on privatization of community-based services, as this has been found to be cost-effective. Finally, the Department has also used private contractors to help develop treatment programs used for juveniles in secure care.

Audit work did not identify any additional opportunities for the Department to contract for services.

AGENCY RESPONSE

AGENCY RESPONSE



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

Performance Audit Division reports issued within the last 24 months

07-10	Department of Economic Security—Division of Child Support Enforcement	09-01	Department of Health Services, Division of Licensing Services—Healthcare and Child Care Facility Licensing Fees
07-11	Arizona Supreme Court, Administrative Office of the Courts—Juvenile Detention Centers	09-02	Arizona Department of Juvenile Corrections—Rehabilitation and Community Re-entry Programs
07-12	Department of Environmental Quality—Vehicle Emissions Inspection Programs	09-03	Maricopa County Special Health Care District
07-13	Arizona Supreme Court, Administrative Office of the Courts—Juvenile Treatment Programs	09-04	Arizona Sports and Tourism Authority
08-01	Electric Competition	09-05	State Compensation Fund
08-02	Arizona's Universities—Technology Transfer Programs	09-06	Gila County Transportation Excise Tax
08-03	Arizona's Universities—Capital Project Financing	09-07	Department of Health Services, Division of Behavioral Health Services—Substance Abuse Treatment Programs
08-04	Arizona's Universities—Information Technology Security	09-08	Arizona Department of Liquor Licenses and Control
08-05	Arizona Biomedical Research Commission	09-09	Arizona Department of Juvenile Corrections—Suicide Prevention and Violence and Abuse Reduction Efforts
08-06	Board of Podiatry Examiners		

Future Performance Audit Division reports

Department of Health Services—Sunset Factors

