



A REPORT  
TO THE  
ARIZONA LEGISLATURE

Performance Audit Division

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Performance Audit and Sunset Review

# Arizona Department of Public Safety

—Followup on  
Specific Recommendations from  
Previous Audits and Sunset Factors

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March • 2011  
REPORT NO. 11-01



**Debra K. Davenport**  
Auditor General

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March 7, 2011

Members of the Arizona Legislature

The Honorable Janice K. Brewer, Governor

Colonel Robert Halliday, Director  
Arizona Department of Public Safety

Transmitted herewith is a report of the Auditor General, a Performance Audit and Sunset Review of the Arizona Department of Public Safety (Department). This report is in response to a November 3, 2009, resolution of the Joint Legislative Audit Committee. The performance audit was conducted as part of the sunset review process prescribed in Arizona Revised Statutes §41-2951 et seq. I am also transmitting within this report a copy of the report highlights for this audit to provide a quick summary for your convenience.

As outlined in its response, the Department agrees with all of the findings and plans to implement all of the recommendations.

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

This report will be released to the public on March 8, 2011.

Sincerely,

Debbie Davenport  
Auditor General

Attachment

## REPORT HIGHLIGHTS PERFORMANCE AUDIT

### Our Conclusion

The Department of Public Safety (Department) should implement its goal to clear traffic accidents quickly, and consistent with the Auditor General's performance audit recommendations made in 2000 and 2001, it should assess the need for its current level of aviation resources, improve case management information, and document decisions on whether to participate in investigations and on task forces.



# 2011

## Most prior audit recommendations implemented

The Department was established as a state law enforcement agency in 1969. It patrols state highways, investigates highway accidents, and enforces state laws. The Department administers the State's sex offender registration and community notification compliance programs, and regulates private investigators and security guards. Its Crime Lab conducts deoxyribonucleic acid (DNA) and other forensic evidence testing. The Department performs its functions through its divisions—Highway Patrol, Technical Services, and Criminal Investigations—and the Director's Office.

**Highway Patrol**—The Department reported that because of budget reductions and a self-imposed hiring freeze implemented to promote fiscal responsibility, it has not hired Highway Patrol officers since October 2008. Although the Highway Patrol had a shortage of 60 officers as of October 2010, it was working to minimize the public safety impact by patrolling primarily the highway segments with the highest traffic volumes and most calls for service. It has been aided in this effort by a decline in fatal traffic accidents from 319 in fiscal year 2008 to 237 in fiscal year 2010.

The Department also intends to adopt a goal in 2011 to clear traffic incidents within 90 minutes. This follows the time frame established by California, Florida, and Washington.

**Aviation Resources**—The Department implemented all of the Auditor General's June 2000 performance audit recommendations (Report No. 00-7),

except the recommendation to formally assess whether it could dispose of fixed-wing aircraft because it believed that all of its aircraft were needed to fulfill its mission. The Department flies five helicopters and four fixed-wing aircraft for various missions in the State. However, because of budget reductions that have prevented the Department from hiring pilots to fly its aircraft, the number of missions has declined by more than half for helicopters and by almost a quarter for fixed-wing aircraft.

Helicopter and Fixed-Wing  
Air Transport Missions  
Fiscal Years 2008 through 2010  
(Unaudited)

Helicopter Missions	2008	2009	2010
Law Enforcement	915	438	343
Maintenance & Logistics	382	316	259
Medical	231	146	98
Search & Rescue	489	332	310
Training	293	250	174
Other	194	50	32
Total	<u>2,504</u>	<u>1,532</u>	<u>1,216</u>

  

Air Transport Missions	2008	2009	2010
Law Enforcement	157	123	91
Governor	38	40	55
Maintenance	24	26	19
Meetings <sup>1</sup>	88	23	30
Search and Rescue	0	0	10
Training	63	43	91
Other	17	8	6
Total	<u>387</u>	<u>263</u>	<u>302</u>

<sup>1</sup> Meeting missions include flights taken by the Secretary of State and staff from the Department's Director's Office.

Although aviation functions are common for large law enforcement agencies, because aircraft are expensive to own, operate, and maintain, the Department should assess the need for its current level of aviation resources.

**Criminal investigations**—To maintain its effectiveness in response to budget reductions and to help ensure that the Department’s law enforcement goals and priorities are met, the Department should implement the recommendations from the Auditor General’s September 2001 performance audit (Report No. 01-22).

Specifically, the Department should:

- Adopt a formal process to decide whether to participate on multi-agency task forces.
- Develop specific criteria for guiding whether to accept investigative requests from local, county, and state agencies.
- Improve criminal case management information in order to determine outcomes and effectiveness, and to ensure that priorities are met.

**Crime Lab**—The Crime Lab performs forensic testing of DNA, firearms, and traces of fibers, hair, glass, paint, and soil. The Crime Lab also compares latent prints to known fingerprints, palm prints, and footprints. The Department implemented all of the recommendations from the Auditor General’s September 2000 performance audit (Report No. 00-12). However, because of reduced staff, increased demand for forensic testing, and outdated equipment, the Crime Lab is behind in its work. To help address the backlog, the Crime Lab prioritized the analyses needed. It first addresses the most serious violent crime cases, then ensures that it is meeting court discovery deadlines, followed by cases involving felonies, and finally cases involving misdemeanors.

**Telecommunications**—Consistent with the recommendations in the Auditor General’s March 2001 performance audit (Report No. 01-05), the Department has been upgrading its telecommunications system from an analog to a digital system. However, because of budget

Crime Lab Backlogged Cases<sup>1</sup>  
October 2008, 2009, and 2010  
(Unaudited)

Analysis Type	2008	2009	2010
DNA/Serology	2,016	2,326	2,694
Drug	200	180	241
Latent Prints	423	1,213	854
Other <sup>2</sup>	419	236	183
Toxicology:			
Alcohol	0	0	74
Drug	<u>692</u>	<u>935</u>	<u>1,474</u>
Total	<u>3,750</u>	<u>4,890</u>	<u>5,520</u>
DNA Database <sup>3</sup>	59,567	25,913	39,518

<sup>1</sup> Backlog is defined as an analysis request not completed within 30 days or more from the date the request was received.

<sup>2</sup> Other includes firearms; trace evidence such as fibers, hairs, and soil; and questioned documents.

<sup>3</sup> Represents DNA samples collected from convicted offenders and arrestees. The samples are analyzed and the DNA profiles are entered into the DNA database and matched against DNA evidence from unsolved cases.

reductions, it will take several years longer than originally anticipated to complete the project.

**Recommendations:**

The Department should:

- Implement its 90-minute highway incident clearance goal.
- Assess the need for its current level of aviation resources.
- Implement the criminal investigations recommendations regarding task forces, investigative requests, and case management information.

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# INTRODUCTION & BACKGROUND

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The Office of the Auditor General has conducted a performance audit and sunset review of the Arizona Department of Public Safety (Department) pursuant to a November 3, 2009, resolution of the Joint Legislative Audit Committee. This audit was conducted as part of the sunset review process prescribed in Arizona Revised Statutes (A.R.S.) §41-2951 et seq.

This performance audit and sunset review is the second of two reports on the Department. The first report was a questions-and-answers document on the Department's photo enforcement program.

## History and purpose

The Department was established as a state-level law enforcement entity on July 1, 1969. According to A.R.S. §41-1711(A), the Department is responsible for creating and coordinating services for use by local law enforcement agencies in protecting the public safety. Its statutory responsibilities include patrolling the State's highways and investigating highway accidents, enforcing narcotics laws and investigating crimes, providing scientific analysis services for many criminal justice agencies, administering the State's sex offender registration and community notification compliance programs, and regulating the State's private investigator and security guard industry.

**Department's mission**—To protect human life and property by enforcing state laws, deterring criminal activity, ensuring highway and public safety, and providing vital scientific, technical, and operational support to other criminal justice agencies.

Source: *The master list of state government programs, fiscal years 2008–2010.*

## Organization and staffing

The Department reported 2,469.5 full-time equivalent (FTE) positions as of November 30, 2010; however, as shown in Table 1 (see page 2), 559 of these FTE positions (281 sworn and 278 civilian positions) were vacant. The Department's staff are allocated among the following four divisions:

Table 1: Sworn and Civilian Filled and Vacant FTE Positions As of November 30, 2010<sup>1</sup> (Unaudited)

Division	Sworn Filled	Sworn Vacant	Civilian Filled	Civilian Vacant	Total
Director's Office	29	8	101.5	47	185.5
Highway Patrol	824	195	64	31	1,114
Criminal Investigations	277	78	104.5	46	505.5
Technical Services	<u>6</u>	<u>0</u>	<u>504.5</u>	<u>154</u>	<u>664.5</u>
Total	<u>1,136</u>	<u>281</u>	<u>774.5</u>	<u>278</u>	<u>2,469.5</u>

<sup>1</sup> The Department also makes use of intermittent employees.

Source: Auditor General staff analysis of FTE information as of November 30, 2010, provided by the Department.

- Director's Office (130.5 filled FTEs, 55 vacancies)**—The Director's Office establishes department directives and oversees the Department's government liaison, community outreach and education program, budget office, and professional standards unit, which investigates complaints against department employees. In conjunction with the Department of Administration's Capitol Police, the Department also helps provide security for the State's legislative members and facilities. In addition, the Director's Office administratively supports the Governor's Office of Highway Safety, the Arizona Peace Officer Standards and Training Board, and the Law Enforcement Merit System Council by providing services such as human resources, clerical and administrative assistance, and personnel, and in some cases operating monies.<sup>1</sup>
- Highway Patrol Division (888 filled FTEs, 226 vacancies)**—The Highway Patrol Division, often referred to as the Department's flagship division, has a history dating back to 1931, when Arizona's highway patrol function was first created. This division's mission is to ensure the safe and expeditious use of the highway transportation system for the public, and provide assistance to local and county law enforcement agencies. In addition, it enforces commercial

<sup>1</sup> The Governor's Office of Highway Safety's responsibilities include acting on behalf of the Governor to administer federal highway safety funds and executing highway safety contracts with federal and state government entities. The Arizona Peace Officer Standards and Training Board's responsibilities include prescribing minimum qualifications, recommending advanced training courses, and ensuring training standards are met for state law enforcement officers. The Law Enforcement Merit System Council's responsibilities include adopting rules for department employee compensation, administration, and performance appraisals, and holding hearings on administrative decisions such as employee suspensions or demotions.

motor vehicle regulations, regulates the design and operation of tow trucks, registers tow truck drivers, issues school bus driver certifications, and inspects school buses to enforce school bus regulations. Finally, this division also provides air rescue and ambulance services and air transport services (see textbox).

- **Technical Services Division (510.5 filled FTEs, 154 vacancies)**—This division develops and coordinates scientific, technical, regulatory, and support services to promote public safety in Arizona. These services include the following:

- Providing state-of-the-art scientific examination and evaluation of evidence including deoxyribonucleic acid (DNA), fingerprints, blood, and controlled substances for the Arizona criminal justice community to aid in the investigation and adjudication of criminal cases.
- Regulating the private investigator and security guard industry through various activities, including licensing and registering qualified applicants and agencies, approving uniforms and patches worn by security guards, and investigating violations of the statutes and rules governing these industries.
- Operating Arizona's Emergency Medical Services Communications System, which provides a communication link between field emergency medical services personnel and state-wide medical facilities.
- Processing criminal history background checks and fingerprint records received from all Arizona law enforcement agencies. This division also maintains and manages the Arizona Automated Fingerprint Identification System, which is Arizona's central repository of fingerprint records.

- **Criminal Investigations Division (381.5 filled FTEs, 124 vacancies)**—The Criminal Investigations Division provides investigative, specialized enforcement, and high-risk response support to federal, state, tribal, and local criminal justice agencies. The Division includes multiple specialty units that provide operational and investigative support in response to unique incidents, such as providing support for or responding to chemical, biological or explosive incidents;

### Highway Patrol Division Bureaus

- **Highway Patrol**—Ensures the safe use of the State's highway transportation system through its patrol function and specialty units such as the Canine, Motorcycle, and DUI Enforcement.
- **Commercial Vehicle**—Ensures the safety of the motoring public by enforcing the Federal Motor Carrier Safety Regulations with primary functions, including inspections and traffic enforcement.
- **Aviation**—Using rotary and fixed-wing aircraft, primarily conducts law enforcement and search and rescue operations. In addition, Aviation performs a smaller number of air transport missions for the Governor and personnel from other state agencies, such as the Secretary of State's or State Attorney General's Offices.

Source: Auditor General staff observation and analysis of the Department's Web site information and *Fiscal Year 2009 Annual Report*.

providing crisis negotiations personnel; and tracking down violent felons with outstanding warrants. In addition, the Division participates in the Arizona Counter Terrorism Information Center along with the Federal Bureau of Investigation and other law enforcement agencies to form a collective intelligence agency dedicated to interdicting and preventing terrorism activities in the State. The Division also partners with various federal, state, county, and municipal agencies to form multi-agency task forces. For example, the Division's Gang and Immigration Intelligence Team Enforcement Mission (GIITEM) task force provides gang and illegal immigration enforcement and intelligence services. Further, the Division's High Intensity Drug Trafficking Area Program is comprised of many state-wide task force initiatives that target narcotics, weapons, and bulk cash movements throughout Arizona. Finally, the Division also participates in the Rocky Mountain Information Network, a project administered by the U.S. Department of Justice, which provides support to law enforcement agencies in the detection, enforcement, and prosecution of multi-jurisdictional criminal activities crossing local, state, and national boundaries within a region.

## Budget

As illustrated in Table 2 (see page 5), the Department received more than \$300 million in net revenues in fiscal year 2010 and estimates receiving approximately \$291 million in revenues in fiscal year 2011. It receives revenue from many sources, but the primary sources are Arizona Department of Transportation (ADOT)-managed Highway User Revenue and State Highway Funds, and State General Fund appropriations. The Department also receives intergovernmental revenues that are primarily from federal grants, contracts, and reimbursements. The Department's expenditures for fiscal year 2010 totaled approximately \$271 million and are estimated to total nearly \$280 million for fiscal year 2011. However, according to the Department, fiscal year 2011 estimates assume most federal monies received during the year will also be expended during the year; however, actual total expenditures will likely be less than fiscal 2010 expenditures and unused federal monies will be carried forward to fiscal year 2012. Personal services and employee-related benefits represent the Department's largest expenditures accounting for approximately 70 percent of total expenditures.

Similar to other state agencies, the Department has incurred State General Fund reductions in addition to legislatively required transfers to the State General Fund from many of its funds. Specifically, as shown in Table 2, the Department's State General Fund appropriation has been reduced from more than \$60 million in fiscal year 2009 to approximately \$43.2 million in fiscal year 2011. In addition, in fiscal years 2009 and 2010, the Department was required to transfer to the State General Fund more than \$13 million and nearly \$26 million, respectively, and more than \$19 million is required to be transferred for fiscal year 2011.

Table 2: Schedule of Revenues, Expenditures, and Changes in Fund Balance  
Fiscal Years 2009 through 2011  
(In Thousands)  
(Unaudited)

	2009 (Actual)	2010 (Actual)	2011 (Estimate)
Revenues:			
State General Fund appropriations	\$ 60,580	\$ 43,658	\$ 43,212
Arizona Department of Transportation (ADOT): <sup>1</sup>			
Highway User Revenue Fund appropriation	84,851	76,663	79,216
State Highway Fund appropriation	40,537	40,308	41,521
Revenue collections and other appropriated funds	3,576	4,544	4,629
Court-collected fines and penalties <sup>2</sup>			
Photo enforcement	22,478	42,991	12,000
Other	27,128	39,791	38,821
Highway Patrol Fund appropriation <sup>3</sup>	24,076	20,951	18,906
Intergovernmental	38,964	42,866	49,312
Other	20,260	22,704	20,538
Gross revenues	322,450	334,476	308,155
Remittances to the State General Fund <sup>4</sup>	(7,716)	(26,878)	(13,410)
Joint Fund reversions <sup>5</sup>	(1,903)	(4,462)	(3,183)
Net revenues	312,831	303,136	291,562
Expenditures and operating transfers: <sup>6</sup>			
Personal services and related benefits	205,211	193,178	194,205
Aid to organizations and individuals	17,826	16,769	17,553
Professional and outside services, travel, and other operating	48,822	49,843	48,348
Equipment and capital outlay	27,778	11,219	19,682
Total expenditures	299,637	271,009	279,788
Legislative transfers to the State General Fund <sup>7</sup>	13,348	25,996	19,027
Operating transfers out	6,534	4,031	7,961
Total expenditures and operating transfers out	319,519	301,036	306,776
Net change in fund balance	(6,688)	2,100	(15,214)
Fund balance, beginning of year	40,785	34,097	36,197
Fund balance, end of year <sup>8</sup>	\$ 34,097	\$ 36,197	\$ 20,983

<sup>1</sup> The Department was appropriated a portion of monies from ADOT-managed funds. Revenues in the ADOT funds primarily come from highway-related taxes such as motor fuel taxes. In addition, ADOT collects various revenues that are distributed to the Department in accordance with statute.

<sup>2</sup> The photo enforcement program was discontinued on July 16, 2010; consequently, the fiscal year 2011 revenues are projected to substantially decline. Other revenues collected primarily consist of fines and forfeits deposited in the Criminal Justice Enhancement Fund (CJEF) that are distributed to various department funds according to statute. For example, a portion of CJEF monies are deposited into the Department's Crime Laboratory Operations Fund that is used to fund crime lab operations. In addition, beginning in fiscal year 2010, A.R.S. §28-3396(C) requires the first \$10.4 million of defensive driving school fees be deposited into the Department's Crime Laboratory Operations Fund and used to pay for crime lab operations; therefore, other court-collected fines and penalties increased significantly in fiscal year 2010.

<sup>3</sup> Statute requires the deposit of certain revenues, including highway-related taxes, into this fund, and the monies are subject to legislative appropriation.

<sup>4</sup> Primarily consists of photo enforcement monies. Beginning in fiscal year 2011, Laws 2010, Ch. 266, §11, requires 60 percent of photo enforcement net proceeds to be deposited to the State General Fund and the remaining monies to be deposited in other funds as directed by the law. Previously, all of the net proceeds were deposited into the State General Fund.

<sup>5</sup> As authorized in the annual general appropriations acts, the Department uses a clearing account for its operations. The operating appropriations are deposited to and expended from this clearing account. At the end of the authorized period, the remaining monies in the account are reverted back proportionally to the appropriated funds providing the initial contributions.

<sup>6</sup> According to the Department, fiscal year 2011 estimates assume most federal monies received during the year will also be expended during the year; however, actual expenditures will likely be less than fiscal year 2010 expenditures, and unused federal monies will be carried forward to fiscal year 2012.

<sup>7</sup> Consists of monies transferred to the State General Fund in accordance with Laws 2008, Ch. 285, §§24 and 46; Laws 2009, Ch. 1, §4; Ch. 12 §44; 1st S.S., Ch. 1, §§4 and 7; 3rd S.S., Ch. 6, §21; 5th S.S., Ch. 1, §2; and Laws 2010, 7th S.S., Ch. 1 §§112, 113, and 148.

<sup>8</sup> According to the Department, end-of-year balances consist of revenues from several dedicated funding sources such as federal grants. The balances are generally needed for cash flow at the beginning of the next fiscal year and are restricted for specific purposes. For example, a substantial portion of the June 30, 2010, balance is from asset seizures that are awaiting court distribution and is not available for expenditure.

Source: Auditor General staff analysis of department-provided financial information for fiscal years 2009 through 2011, as of November 15, 2010.

As discussed above, personnel services and related benefits comprise the majority of the Department's expenditures. Consequently, reductions in personnel were necessary because of budget cuts, and according to the Department, these reductions have affected its ability to perform its public safety functions. As noted in Table 2 (see page 5), these expenditures totaled more than \$193 million in fiscal year 2010, a decrease of approximately \$12 million from the more than \$205 million in personnel expenditures in fiscal year 2009. Personnel expenditures are estimated to total more than \$194 million in fiscal year 2011. To address budget cuts, the Department self-imposed a hiring freeze beginning in October 2008 and has sought to reduce its personnel expenses primarily through attrition, including retirements.<sup>1</sup> Since October 2008, 190 department positions have been vacated. This includes 83 sworn officer positions vacated through attrition, 88 civilian positions reduced through attrition, and 19 civilian positions reduced through department layoffs. According to the Department, this reduction has impacted its ability to perform its public safety functions, including providing proactive highway patrol coverage, processing crime scene evidence and fingerprint cards in a timely manner, and effectively maintaining the State's criminal history database. For more specific information on budget cuts, see Finding I (pages 9 through 21).

In addition to personnel reductions, according to the Department, most of the funding for equipment, such as replacing patrol cars and crime lab equipment, has been eliminated. Additionally, one building has been closed and others that were rented were vacated, and funding for immigration enforcement grants to local agencies has been substantially reduced. Finally, the Department further reduced personnel compensation costs by implementing furloughs, eliminating performance pay, reducing overtime, and shifting some positions to grant funding.

## Scope, objectives, and methodology

This performance audit and sunset review focused on following up on all of the unimplemented recommendations from our previous performance audits and sunset review of the Department conducted in 2000 and 2001 (see textbox, page 7); conducting limited audit work related to the Department's traffic incident clearance time frames; and obtaining information about the effects of the Department's budget cuts as well as the steps the Department is taking to reduce the impact of those cuts. This audit also includes responses to the 12 sunset factors required by A.R.S. §41-2954.

Auditors used various methods to study the issues addressed in this report, including interviewing department management and staff; reviewing statutes and rules; analyzing information from internal documents, including department directives, management reports, and planning documents; reviewing database information; observing officers performing their duties; and reviewing information related to traffic

<sup>1</sup> The Department is allowed to hire officers, dispatchers, and criminalists, but has imposed a hiring freeze to ensure it is being fiscally responsible.

incident management clearance time frames and standards related to law enforcement investigations (see citations in report). Auditors' work on internal controls was limited to following up on the implementation status of any internal control recommendations from the 2000 and 2001 performance audits and sunset review. In addition, since information system data was not significant to auditors' objectives, auditors did not conduct test work on information system controls. However, auditors conducted data validation test work on the Department's complaint-handling information, including comparing hard copy or system file information from 25 randomly selected files against the Department's electronic data. Auditors determined that the Department's data was generally complete and accurate for the purposes of determining the number of complaints and complaint-processing timelines, and describing outcomes.

We conducted this performance audit 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 the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

The Auditor General and staff express appreciation to the Department of Public Safety's Director and staff for their cooperation and assistance throughout the audit.

### **2000 and 2001 Auditor General performance audits of the Department with unimplemented recommendations<sup>1</sup>**

- Aviation Section (Report No. 00-7)
- Telecommunications Bureau (Report No. 01-05)
- Licensing Bureau (Report No. 01-10)
- Highway Patrol (Report No. 01-20)
- Criminal Investigations (Report No. 01-22)
- Criminal Information Services Bureau, Access Integrity Unit, and Fingerprint Identification Bureau (Report No. 01-28)

<sup>1</sup> Two of the audits had no unimplemented recommendations: Scientific Analysis Bureau (Report No. 00-12) because all recommendations were implemented at 6 months and Drug Abuse Resistance Education Program (Report No. 01-03) because the Department concluded its participation in the program.

Source: Auditor General staff analysis of Auditor General 2000 and 2001 audit reports and subsequent follow-up reports.



# Finding 1

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## Department Implemented Most Prior Audit Recommendations and Is Working to Minimize Public Safety Impact of State's Budget Crisis

This audit focused on following up on unimplemented recommendations from prior Auditor General performance audits of the Department of Public Safety (Department) published in 2000 and 2001, and on how the Department is working to minimize the impact of the State's budget crisis on public safety. The Department has implemented many of the recommendations from the prior audits, but the Department can further improve its efficiency and effectiveness if unimplemented recommendations are addressed. Additionally, the Department is using a variety of methods to cope with budget reductions, including a self-imposed hiring freeze, but it can do more to effectively use its resources.<sup>1</sup> Auditors specifically reviewed the following areas:

- The Department's Highway Patrol Division, which includes its Aviation Section, is operating with fewer officers but is using special programs to reduce public safety impacts. The Highway Patrol Division should continue its efforts to gather information on how long it takes to clear traffic incidents as it works to implement a 90-minute traffic incident clearance time frame goal. In addition, consistent with an unimplemented recommendation from the Auditor General's June 2000 performance audit report (see Report No. 00-7), the Department should formally assess the need for its current level of aviation resources. Aircraft are expensive to own, operate, and maintain, and budget constraints have prevented the Department from hiring pilots for its aircraft and caused it to reduce its available hours of service by about 50 percent.
- The Department's Criminal Investigations Division has also experienced a decrease in officers. Implementing recommendations from the Auditor General's September 2001 performance audit (see Report No. 01-22) regarding documenting its decision making for committing resources to multi-agency task forces or to investigations for other law enforcement agencies can help to ensure the most effective use of its reduced resources. In addition, the Department should enhance its criminal investigation data, and once more complete management information is available, the Department should use it

The Department should continue its efforts to implement a 90-minute traffic clearance goal.

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<sup>1</sup> The Department is allowed to hire officers, dispatchers, and criminalists, but has imposed a hiring freeze to ensure it is being fiscally responsible.

To help address its case backlog, the Crime Lab has applied for federal grant monies to process cases.

when assessing its investigation activities and outcomes to ensure its goals and priorities are being met.

- The Department's Scientific Analysis Bureau (Crime Lab) and Wireless Systems Bureau, both part of its Technical Services Division, have implemented recommendations from prior audit reports (see Report Nos. 00-12 and 01-05). However, the Crime Lab is experiencing a backlog of cases because of increased demand for its services, decreased resources, and outdated equipment. In response, the Crime Lab has applied for federal grant monies to retain analyst positions and outsource some deoxyribonucleic acid (DNA) testing, prioritized its cases, and used more automation. In addition, the Department's Wireless Systems Bureau is progressing on its upgrade of the State's microwave communications system from analog to digital. However, budget cuts have required it to make some changes to the project and will delay completion of the project.

## Highway Patrol should continue efforts to improve public safety

The Department's Highway Patrol Division (Highway Patrol) should continue its efforts to minimize the public safety impact of the budget reductions the Department has experienced. Although operating with 60 fewer officers, Highway Patrol is working to lessen the public safety impact of fewer officers by using such efforts as special programs to curb speeding. Additionally, the Department has taken steps to enhance its traffic incident management practices by gathering additional data and planning to implement a goal in 2011 to clear traffic incidents within 90 minutes.

Consistent with the Auditor General's recommendation from its June 2000 performance audit, the Department should also assess the need for its current level of aviation resources.

The Highway Patrol Division is responsible for patrolling the State's highways, enforcing traffic and criminal laws, and investigating accidents that occur upon the highway. This Division, among other things, also conducts commercial vehicle and school bus inspections, and provides aviation services for the Department and in support of other law enforcement agencies state-wide.

Source: Auditor General staff analysis of information found on the Department's Web site at <http://www.azdps.gov/>

Department working to lessen impact of officer reduction on highway safety—Highway Patrol, which is responsible for patrolling the State's highways (see textbox), is operating with fewer officers, but is working to lessen the public safety impact of this officer shortage. To address budget cuts, the Department self-imposed a hiring freeze beginning in October 2008, which has prevented it from hiring new officers.<sup>1</sup> As of October 2010, the Department reported a shortage of 60 officers. This officer shortage has affected its ability to patrol state highways. For example, according to the Department, although there have always been some portions of state highways that the Department cannot regularly patrol, since October 2008, there are some highway segments that have been patrolled even less. However, the Department still responds to calls for service on these roads and

<sup>1</sup> The Department is allowed to hire officers, dispatchers, and criminalists, but has imposed a hiring freeze to ensure it is being fiscally responsible.

continues to focus its patrol efforts on the highway segments with the highest traffic volumes and calls for service. Additionally, according to the Department, having fewer officers has yet to have a significant impact because traffic volumes and fatal crashes have also declined. For example, according to department information, the number of fatal collisions on Arizona's highways fell from 319 in fiscal year 2008 to 237 in fiscal year 2010. However, in October 2010, the Department estimated that the Department's presence on Arizona's highways will further deteriorate within the next 3 years if it loses more officers and continues to have a hiring freeze. The Department has also taken various actions to cope with the officer shortage. These actions include employing special programs to curb speeding through greater visibility such as "Operation Safe Passage," which placed department officers every 10 miles along two highways in Arizona to monitor motorist activity, including traffic violations, and obtaining some federal grant monies for specific safety programs, such as one to encourage safety belt use.

### Department taking steps to more quickly clear traffic incidents—The

Department has begun to gather more information about how quickly it clears traffic incidents. Traffic incidents may be any nonrecurring event that reduces highway capacity such as collisions, disabled vehicles, or spilled cargo. At the time of the audit, the Department could not provide information on the time it required to investigate traffic incidents and clear roadways. However, to improve its ability to do so, in July 2010, the Department improved its traffic incident tracking form and database to document, among other things, the times officers arrive on the scene, and when the traffic incidents are cleared. A department official reported that by improving its data collection, the Department will be able to better determine how to more quickly clear traffic incidents and avoid traffic buildup, which results in secondary incidents.

Similar to other states, the Department plans to adopt a 90-minute time frame goal for clearing traffic incidents in 2011. The National Traffic Incident Management Coalition (NTIMC), a multi-disciplinary partnership forum spanning the public safety and transportation communities, has developed a national unified goal for traffic incident management.<sup>1</sup> Although not mandatory, NTIMC intended that the goal encourage state and local transportation and public safety agencies to adopt policies, procedures, and practices that would improve their management of traffic incidents. One of the goal's objectives focuses on safe, quick clearance of traffic incidents. Although the national unified goal does not establish a specific time frame for clearing roadways, according to the NTIMC, California, Florida, and Washington have established a 90-minute traffic incident clearance time frame in response to the goal.<sup>2</sup> The Department also plans to adopt the same time frame goal in 2011 to reduce secondary traffic incidents resulting from traffic buildup. To

Like some other states, the Department is adopting a 90-minute traffic clearance goal.

<sup>1</sup> National Traffic Incident Management Coalition. (2010). *National unified goal for traffic incident management*. Washington, DC: American Association of State Highway and Transportation Officials. Retrieved October 5, 2010, from [http://www.transportation.org/sites/ntimc/docs/NUG-4pp\\_11-14-07.pdf](http://www.transportation.org/sites/ntimc/docs/NUG-4pp_11-14-07.pdf)

<sup>2</sup> National Traffic Incident Management Coalition. (2010). *Example strategies for building stronger state traffic incident management programs*. Washington, DC: American Association of State Highway and Transportation Officials. Retrieved November 2, 2010, from <http://www.transportation.org/sites/ntimc/docs/Institutional%20Models.pdf>

further help meet its proposed traffic incident clearance time frame goal, according to the Department, in November 2010, it conducted a workshop that brought together first responders such as Metropolitan Phoenix-area fire departments and the Arizona Department of Transportation (ADOT) to plan a collaborative effort to better manage traffic incidents such as collisions. At the workshop, the Department and other first responders discussed strategies to improve responder safety and communication between responders at traffic incidents, and the safe/quick clearance of traffic incidents.

## Recommendation:

- 1.1 To ensure it can clear highways as quickly as possible, the Department should continue with its plans to establish a 90-minute clearance goal, and use its new traffic incident tracking form information to analyze the times officers arrive on the scene and when the traffic incidents are cleared. The Department should then use the data it collects to make appropriate and necessary changes to its traffic incident management procedures so it can meet the 90-minute clearance goal.

Department should determine the level of aviation resources needed—Although aviation functions are common for large law enforcement agencies, because aircraft are expensive to own, operate, and maintain, the Department should assess the need for its current level of aviation resources. As shown in Table 3 (see page 13), from fiscal years 2008 to 2010, the Department's overall number of missions flown has declined. The Department has attributed the decline in aircraft missions to budget reductions for fiscal years 2008, 2009, and 2010, which have prevented it from hiring pilots and in turn caused it to reduce the number of hours its aircraft are available. The Department further reported that this reduction in service availability has resulted in decreased calls for service. The Department's overall aviation expenditures, which cover costs for five helicopters and four fixed-wing aircraft, have decreased from \$8.8 million in fiscal year 2008 to \$6.6 million in fiscal year 2010. As a result, the Department indicated that its available hours of service have been reduced by about 50 percent. According to the Department, although the medical missions are being flown by other providers, if department pilots are not available because of budget reductions, law enforcement missions are not being flown. For example, according to the Department, in 2010, the New Mexico State Police requested air helicopter assistance from the Department to help them pursue a homicide suspect who was fleeing on foot on the Arizona-New Mexico border, near Interstate 40. However, the Department did not have a pilot available to fly that mission, and the suspect was not apprehended.

The number of aircraft missions the Department flew decreased from fiscal years 2008 to 2010.

The Department implemented all of the recommendations from the Auditor General's June 2000 performance audit of the Department's aviation function (see Report No. 00-7), except for the recommendation related to formally assessing whether it could dispose of any fixed-wing aircraft. The Department did not implement this recommendation because it believed that all of its aircraft are needed to fulfill its mission. However, given the reduced operations and pilot availability, and because aircraft are expensive to own, operate, and maintain, the Department should formally assess the need for its current level of aviation resources. In conducting its assessment, the Department should consider factors such as whether the service is statutorily required, demand for its various aviation services, the costs versus benefits of providing such services, whether the service can be provided by another entity, and how many flight hours each aircraft is flown.

A North Carolina evaluation of aviation services provided in that state identified opportunities for cost savings. Specifically, a North Carolina General Assembly Program Evaluation Division April 2010 report evaluated eight state aviation programs in seven agencies.<sup>1</sup> The evaluation found that 36 of 72 aircraft were flown fewer than 100 hours per year and that 25 aircraft could be eliminated at an annual savings of \$1.5 million. In addition, it found that five facilities could be closed at a savings of over \$26,000 annually.

## Recommendation:

- 1.2 Given its reduced operations and pilot availability and because aircraft are expensive to own, operate, and maintain, the Department should formally assess the need for its current level of aviation resources, both helicopters and fixed-wing air transport aircraft.

**Table 3: Helicopter and Fixed-Wing Air Transport Missions Fiscal Years 2008 through 2010 (Unaudited)**

<b>Helicopter Missions</b>	<b>2008</b>	<b>2009</b>	<b>2010</b>
Law Enforcement	915	438	343
Maintenance & Logistics	382	316	259
Medical	231	146	98
Search & Rescue	489	332	310
Training	293	250	174
Other	<u>194</u>	<u>50</u>	<u>32</u>
<b>Total</b>	<b><u>2,504</u></b>	<b><u>1,532</u></b>	<b><u>1,216</u></b>

  

<b>Air Transport Missions</b>	<b>2008</b>	<b>2009</b>	<b>2010</b>
Law Enforcement	157	123	91
Governor	38	40	55
Maintenance	24	26	19
Meetings <sup>1</sup>	88	23	30
Search and Rescue	0	0	10
Training	63	43	91
Other	<u>17</u>	<u>8</u>	<u>6</u>
<b>Total</b>	<b><u>387</u></b>	<b><u>263</u></b>	<b><u>302</u></b>

<sup>1</sup> Meeting missions include flights taken by the Secretary of State and staff from the Department's Director's Office.

Source: Auditor General staff analysis of department-provided mission data for fiscal years 2008 through 2010.

<sup>1</sup> Program Evaluation Division, North Carolina General Assembly. (2010). *Selling 25 underutilized aircraft may yield up to \$8.1 million and save \$1.5 million annually* [Report Number 2010-04]. Raleigh, NC: Author.

## Criminal Investigations should take additional steps to ensure goals and priorities being met

To maintain its effectiveness in response to budget reductions and to help ensure that the Department's law enforcement goals and priorities are met, the Department's Criminal Investigations Division (Division) should implement the unimplemented recommendations from the Auditor General's September 2001 performance audit (Report No. 01-22). The Criminal Investigations Division investigates narcotics law violations, gangs, and vehicle theft among other things, and provides support to local law enforcement agencies for other crime investigations such as those involving aggravated assault and homicide. According to a department official, although it has not had to lay off any officers from this Division, because of the Department's hiring freeze, it cannot replace officers lost through attrition. As of November 30, 2010, the Division had 78 sworn officer and 46 civilian vacancies. According to a department official, if further budget reductions occur, it will impact the Division's effectiveness and ability to provide service. Additionally, in response to budget reductions, the Department has streamlined the Criminal Investigations Division by increasing the size of squads that supervisors manage from two to three investigators, to nine or ten. Given the reduction in staff and reorganization of the Criminal Investigations Division, implementing the unimplemented Auditor General's recommendations from the September 2001 report can help ensure the most effective use of the Department's limited resources. These recommendations include:

- **Documenting its decisions for department participation on task forces—**

The September 2001 performance audit report found that the Department should adopt a formal process for deciding when to participate on a multi-agency task force. According to *Standards for Law Enforcement Agencies (Standards)* produced by the Commission on Accreditation for Law Enforcement Agencies (CALEA<sup>®</sup>), a task force is any combination of resources assembled to support a specific mission or operational need.<sup>1</sup> According to the Department, as of November 2010, it was participating on 27 task forces, and dedicating 163 department personnel to these efforts. These include task forces such as the Gang and Immigration Intelligence Enforcement Mission, the Yuma County Narcotics Task Force, and the Vehicle Theft Task Force. However, because the Department has experienced a reduction in investigation resources, a formal decision-making process can help ensure the most appropriate and effective use of its more limited resources on these task forces.

According to department officials, although it has not developed and implemented a written process for determining task force participation, it does informally consider factors such as whether the task force's purpose benefits Arizona and supports the Department's statutory mission; whether there is a possibility of conflicting with other law enforcement agency efforts; whether the task force can

<sup>1</sup> Commission on Accreditation for Law Enforcement Agencies, Inc. (2006). *Standards for law enforcement agencies*. (5th ed.). Fairfax, VA: Author. The purpose of CALEA's *Standards* is to offer useful and relevant standards that are representative of the "best professional practices" for law enforcement agencies.

The Department is participating on 27 task forces, including a vehicle theft task force.

be funded without department monies; and whether the Division has a suitable investigator available. The Department should formalize the process it uses to decide whether or not it should participate in a task force. Department officials have indicated a willingness to adopt a formal process for determining and documenting its task force participation.

- **Documenting decisions on whether to accept investigations from other law enforcement agencies**—The September 2001 performance audit report found that the Department should develop specific criteria for accepting cases to help it balance the requests of local jurisdictions with state-wide law enforcement needs and priorities. According to a department official, it receives about 5 or 6 investigative requests each month from local, state, or county agencies to assist with special investigations. As of November 2010, the Department had dedicated 55 detectives to assist with 74 investigative requests from other agencies during calendar year 2010. These investigations include theft of several thousand dollars of seized bulk cash missing from a law enforcement agency's evidence locker, the use of deadly force by a county sheriff's deputy, and the death of a juvenile at a correctional facility. As recommended by the Auditor General's September 2001 performance audit report, to ensure that it is balancing these requests with state-wide law enforcement needs and priorities and available investigative resources, the Department should document its case-screening criteria. In addition, it should document its decisions on whether or not to fulfill a local jurisdiction's request for assistance.

According to the *Standards*, case screening is necessary to ensure personnel are assigned to investigations that have the best chance of being successful.<sup>1</sup> In addition, the *Standards* suggest that agencies should have written directives specifying how case screening is to be conducted. According to the Department, because its mandate is to ensure public safety, it accepts all investigative case requests unless it determines the case is better addressed by a different agency. However, department officials have indicated a willingness to document its decision making on whether to take on investigations.

- **Improving criminal investigations case management information**—To better ensure the completeness of investigative case information captured in its case management system, the Auditor General's September 2001 performance audit report recommended that the Department make the necessary programming changes to its case management system to allow nondepartment cases (task forces that department criminal investigators participate on, but do not lead) the same internal tracking capability as department-led cases. The Department has not implemented this recommendation. However, the Department indicated that its long-term goal is to develop a case management system that would allow it to track nondepartment-led cases and address other data management and tracking issues. The Department has begun some initial planning and evaluation of records management systems based on its needs and system affordability. The Department should continue developing a system that will allow

As of November 2010, the Department was assisting on 74 investigations for other law enforcement agencies.

<sup>1</sup> See footnote 1, page 14.

Some of the Department's case outcome codes in its case management system do not adequately describe the outcome of case investigations.

nondepartment-led cases the same tracking capability as department-led cases.

In addition, the September 2001 performance audit report recommended that the Department develop case outcome codes for its case management system that better reflect actual case outcomes. Some of the Department's case outcome codes do not adequately describe the outcome of case investigations. For example, during the current audit, auditors observed that on one case, a supervisor used an administrative closure code to close a case where officers had recovered a stolen vehicle with no suspect because there is no specific code to report recovery of a stolen vehicle. However, according to the Department, the "administrative closed" code is defined in the system as one of three things: (1) lack of further leads or solvability factors, (2) unavailable resources, or (3) insufficient seriousness. Because these possible definitions describe very different outcomes, additional, more descriptive codes would help the Department better define case outcomes. Department officials have indicated that the Department is working to develop new case outcome codes for its case management system to better describe the investigative work completed and the case outcomes achieved. The Department should continue to expand the case outcome codes in its case management system or, in a new system, to more accurately reflect the criminal investigation activities it conducts and case outcomes.

- **Assessing activities and outcomes to ensure priorities are being met—** Finally, the September 2001 performance audit report found that the Department did not have complete and accurate management information to assess whether it was using its resources effectively. Although it appears that the Department has a process for assessing its criminal investigation activities and outcomes to ensure its priorities are being met, the Department lacks complete management information. According to the *Standards*, an agency should have a system for evaluating the progress it has made toward attaining its goals and objectives.<sup>1</sup> By creating new, more specific codes for its case management system and documenting information on the cases it works on but does not lead, the Department will have more complete information to assess its investigative activities and outcomes. Given the importance of effectively managing its more limited resources, once more complete management information is available, the Department should use this information to assess its investigation activities and outcomes to ensure its goals and priorities are being met.

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<sup>1</sup> See footnote 1, page 14.

## Recommendations:

- 1.3 The Department should formalize the process it uses to decide whether or not to participate on a task force.
- 1.4 The Department should develop specific criteria for accepting investigative cases from other law enforcement agencies and document its decisions for accepting investigative cases to help it balance the requests of local jurisdictions with state-wide law enforcement needs and priorities.
- 1.5 The Department should continue developing a case management system that will allow nondepartment-led investigative cases the same tracking capability as department-led investigative cases.
- 1.6 The Department should continue to expand the case outcome codes in its case management system or, in a new system, to more accurately reflect the criminal investigation activities it conducts and case outcomes.
- 1.7 Once more complete management information is available, the Department should use it when assessing its investigation activities and outcomes to ensure its goals and priorities are being met.

## Technical Services is taking steps to reduce budget cut impacts

Although the Department has implemented the recommendations from the Auditor General's September 2000 and March 2001 performance audits for two key areas within its Technical Services Division—the Scientific Analysis Bureau (Crime Lab) and the Wireless Systems Bureau (Report Nos. 00-12 and 01-05)—budget reductions have affected the Department's ability to analyze crime scene data and enhance its telecommunications system. For example, the Crime Lab continues to experience processing backlogs because of increased forensic testing demand and budget reductions, which affect its ability to upgrade or replace equipment and fill analyst vacancies. Similarly, although the Wireless Systems Bureau is making progress on its digital microwave upgrade project, budget reductions will cause implementation delays.

**Crime Lab continues to experience backlogs**—Similar to crime labs in other states, the Department's Crime Lab continues to struggle with a backlog of cases requiring scientific analysis of evidence, but is working to address the situation.<sup>1</sup> The Crime Lab consists of four regional labs that provide essential forensic laboratory services to 272 criminal justice agencies in Arizona, including

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<sup>1</sup> Backlog is defined as an analysis request not completed 30 days or more from the date the request was received.

municipal, county, state, tribal, and federal users. The four labs perform analysis on various types of evidence such as deoxyribonucleic acid (DNA); blood sample testing for the presence of drugs or alcohol; firearms testing, including scene recreation; handwriting analysis; comparison of latent prints to known fingerprints, palm prints, and footprints; and examinations of trace evidence such as fibers, hairs, glass, paint, and soil to determine if a suspect was present at a crime scene.

The Auditor General's September 2000 performance audit found that the Crime Lab was behind in entering convicted offender DNA samples into its database. These samples are used to help match convicted offenders with unsolved cases in Arizona and other states. At the time of the September 2000 audit report, the Crime Lab had entered only about one-quarter of the samples it had received into its database. In addition, the Crime Lab had a large backlog of blood and urine samples awaiting drug and alcohol analysis. Despite implementing the September 2000 performance audit report's recommendations within 6 months, the Crime Lab continues to experience a backlog in processing criminal evidence. Table 4 illustrates the type and number of backlogged cases.

**Table 4:** Crime Lab Backlogged Cases<sup>1</sup>  
October 2008, 2009, and 2010  
(Unaudited)

<b>Analysis Type</b>	<b>2008</b>	<b>2009</b>	<b>2010</b>
DNA/Serology	2,016	2,326	2,694
Drug	200	180	241
Latent Prints	423	1,213	854
Other <sup>2</sup>	419	236	183
Toxicology:			
Alcohol	0	0	74
Drug	<u>692</u>	<u>935</u>	<u>1,474</u>
Total	<u>3,750</u>	<u>4,890</u>	<u>5,520</u>
DNA Database <sup>3</sup>	59,567	25,913	39,518

<sup>1</sup> Backlog is defined as an analysis request not completed within 30 days or more from the date the request was received.

<sup>2</sup> Other includes firearms; trace evidence such as fibers, hairs, and soil; and questioned documents.

<sup>3</sup> Represents DNA samples collected from convicted offenders and arrestees. The samples are analyzed, and the DNA profiles are entered into the DNA database and matched against DNA evidence from unsolved cases.

Source: Auditor General staff analysis of 30 Day Backlog Status reports provided by the Department.

According to a department official, its increased backlog results from (1) an overall increase in demand for forensic testing, (2) reduced staffing, and (3) some outdated equipment. According to department data, requests for DNA testing of convicted offenders and arrestees increased dramatically, from 6,155 cases in fiscal year 2002 to 29,348 cases in fiscal year 2003.<sup>1</sup> In fiscal year 2010, law enforcement agencies submitted 40,969 convicted offender and arrestee DNA cases to the Crime Lab for analysis. In addition, as shown in Table 5 (see page 19), overall since 2008, other types of cases submitted to the Crime Lab for analysis have also increased. For example, the number of alcohol toxicology submissions increased from 10,837 in fiscal year 2009 to 11,335 in fiscal year 2010. In addition, the number of latent print submissions increased from 5,961 in fiscal year 2008 to 6,217 in fiscal year 2010.

According to the Department, the inability to fill vacant positions due to state budget reductions has also contributed to case analysis backlogs. As indicated in Table 6 (see page 19), as of September 30, 2010, 4 Crime Lab positions were eliminated and 20 vacant positions could not be filled because of budget reductions.<sup>2</sup> According to a department

<sup>1</sup> Mandatory DNA testing was first required of convicted sex offenders in 1993, and convicted juvenile sex offenders were added in 1995 (Arizona Revised Statute (A.R.S.) §13-4438). Convicted murder and burglary offenders were added to mandatory testing in 2002, and convicted drug and other felony offenders were phased in over the next 2 years (A.R.S. §13-610). In 2008, mandatory DNA testing of all persons arrested for homicide, sex offenses, burglary, and dangerous felonies was added (A.R.S. §13-610).

<sup>2</sup> According to the Department, the four positions were eliminated late in fiscal year 2009 and began to affect the backlog in fiscal year 2010.

official, the vacancies and eliminated positions occurred through attrition because analysts have moved to city crime labs that pay higher salaries. In addition, 21.5 crime lab positions are being funded temporarily by federal stimulus grants, which expire on June 30, 2011, and cannot be renewed. According to the Department, if no additional funding is identified, these employees will have to be laid off, which will greatly increase the backlogs.

Additionally, some Crime Lab equipment is becoming outdated. For example, according to a department official, the Crime Lab's scanning electron microscope, which is used to analyze trace evidence such as paint or explosives, is obsolete and needs to be replaced with newer, updated equipment that will improve analysis times by eliminating some steps that currently must be taken in the process.

**Table 5: Cases Submitted to Crime Lab Fiscal Years 2008 through 2010 (Unaudited)**

<b>Analysis Type</b>	<b>2008</b>	<b>2009</b>	<b>2010</b>
DNA/Serology	4,942	5,545	6,364
Drug	20,609	21,086	22,477
Latent Prints	5,961	6,074	6,217
Other <sup>1</sup>	1,834	1,851	1,807
Toxicology:			
Alcohol	10,087	10,837	11,335
Drug	<u>14,149</u>	<u>14,714</u>	<u>14,920</u>
Total	<u>57,582</u>	<u>60,107</u>	<u>63,120</u>
DNA Database <sup>2</sup>	44,299	42,638	40,969

<sup>1</sup> Other includes firearms; trace evidence such as fibers, hairs, and soil; and questioned documents.

<sup>2</sup> Represents DNA samples collected from convicted offenders and arrestees. The samples are analyzed, and the DNA profiles are entered into the DNA database and matched against DNA evidence from unsolved cases.

Source: Auditor General staff analysis of the Department's crime lab caseload information for fiscal years 2008 through 2010.

**Table 6: Crime Lab Full-Time Equivalent (FTE) Positions June 30, 2008 and 2009, and September 30, 2010 (Unaudited)**

<b>Date</b>	<b>Authorized</b>	<b>Filled</b>	<b>Vacant</b>	<b>Eliminated</b>	<b>Temporary Grant Funding<sup>1</sup></b>
June 30, 2008	160.5	150.5	10	0	0
June 30, 2009	160.5	142.5	18	0	0
September 30, 2010	156.5	115	20	4	21.5

<sup>1</sup> The 21.5 FTE under Temporary Grant Funding were part of the filled positions. To meet budget reductions, federal stimulus grant monies were used. However, these grants end June 30, 2011, and cannot be renewed.

Source: Auditor General staff analysis of FTE data provided by the Department for June 30, 2008 and 2009, and September 30, 2010.

However, Arizona is not alone in experiencing backlogs. According to a June 2010 National Institute of Justice report, although states and local governments have increased crime lab capacity, increasing demand for crime lab services has outstripped these gains.<sup>1</sup> In addition, the Federal Bureau of Investigation has a backlog in its DNA analysis work, according to an August 2010 U.S. Department of Justice report.<sup>2</sup>

<sup>1</sup> Nelson, M. (2010). *Making sense of DNA backlogs—myths vs. reality: NIJ special report*. Washington, DC: U.S. Department of Justice, Office of Justice Programs, National Institute of Justice.

<sup>2</sup> U.S. Department of Justice, Office of the Inspector General. (2010). *Review of the Federal Bureau of Investigation laboratory's forensic DNA case backlog* [Report 10-39]. Washington, DC: Author.

To help address its criminal evidence processing backlogs, the Department has taken the following steps:

- Obtained federal grant monies to help it retain analysts or process cases. For example, in addition to the federal stimulus grant monies previously mentioned, from October 2009 to March 2011, the Department is using a \$1.6 million Department of Justice grant to hire a private contractor to test 55,000 convicted felon and arrestee DNA samples.
- Prioritizing cases so that analysis related to violent crimes is completed first (see textbox).

### Crime Lab Case Prioritization

1. Violent crimes where analysis is needed to identify a suspect to prevent additional violence
2. Violent crimes with suspect arrested requiring analysis for adjudication
3. Trial and court discovery deadlines
4. Felony crimes
5. Misdemeanor crimes

Source: Auditor General staff analysis of department information on Crime Lab case prioritization.

- Using automation where possible to increase the number of analyses performed at one time. For example, through grant funding, the Department purchased new genetic analyzers that are used to locate, extract, and purify DNA and analyze 192 samples in 6 hours versus 96 samples in 11 hours.
- Training local law enforcement to perform drug field testing for certain cases so these cases are not sent to the Crime Lab for analysis. The Department estimates that, for more than 10 years, it has trained 5,750 officers to do this testing, which has prevented from 7,000 to 10,000 cases from being submitted to the Crime Lab for analysis.

Telecommunication system enhancements progressing despite budget reductions—The Department's Wireless Systems Bureau has made progress on its digital microwave upgrade project and is adjusting this project to accommodate budget reductions. The Auditor General's March 2001 performance audit report addressed the Department's outdated analog telecommunications system and recommended that the Department develop a plan for converting its analog telecommunications system to a digital system as soon as possible. The Department and more than 20 other state, county, and federal agencies, such as the Army National Guard, the Department of Corrections, the Game and Fish Department, and the Yavapai Fire District, depend on this communication system to maintain radio communications with mobile and hand-held units used by

More than 20 other state, county, and federal agencies depend on the Department's communication system.

administrators, officers, and other first responders. Although the Department has yet to complete the digital microwave upgrade project, it has implemented all of the recommendations from the March 2001 performance audit report, including developing a project plan and seeking grant funding to help pay for the project.

The Department has used a combination of state-appropriated funds and Federal Homeland Security grants to pay for the project. As illustrated in Table 7, the total cost of this project as of October 2010 is more than \$7.2 million. According to a department official, as of October 2010, the southern loop of the system, which consists of 25 microwave paths in Phoenix and Cochise, Gila, Graham, Pima, and Pinal Counties, is basically complete and in use. In addition, 14 of the 25 microwave paths in the western loop of the system, which encompasses part of Phoenix, over to Yuma and the western part of the State, are up and running.

As of October 2010, the digital microwave upgrade project cost more than \$7.2 million.

**Table 7: Digital Microwave Upgrade Project Expenditures by Source**  
As of October 2010  
Fiscal Years 2007 through 2011  
(Unaudited)

Source of Expenditure	2007	2008	2009	2010	2011 <sup>1</sup>	Total
State appropriations <sup>2</sup>	\$ 337,074	\$ 521,384	\$ 1,249,494	\$ 965,598	\$ 97,030	\$ 3,170,580
Federal Homeland Security grants	-	1,329,419	2,016,803	164,034	558,124	4,068,380
Total	<u>\$ 337,074</u>	<u>\$ 1,850,803</u>	<u>\$ 3,266,297</u>	<u>\$ 1,129,632</u>	<u>\$ 655,154</u>	<u>\$ 7,238,960</u>

<sup>1</sup> Expenditures reported for fiscal year 2011 are only through October 12, 2010.

<sup>2</sup> Expenditures from appropriations consist of nonlapsing appropriations made in fiscal years 2007, 2008, and 2009 from the State General Fund, the State Highway Fund, and the Game and Fish Fund.

Source: Auditor General staff analyses of department expenditures for fiscal years 2007 through 2011.

The Department indicated that because of state budget reductions, some changes were made to the project plan and it has sought collaborations with system users to help finish the project. Project changes included temporarily eliminating a new tower site planned for Casa Grande Mountain near Casa Grande until funding is secured, and entering into a partnership with the City of Phoenix to fund a new building scheduled to be built on a site they will share. According to a department official, this building will house two-way radio equipment for Phoenix and some state agencies and other equipment such as the Department's digital microwave equipment. In addition, a department official indicated that the western loop will take longer to build than originally planned. Specifically, the Department planned for the western loop to be completed in 2012, but now expects it will take several years longer to build because of reduced funding.



# 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 Public Safety (Department) should be continued or terminated

## 1. The objective and purpose in establishing the Department.

The Department was established as a state-level law enforcement entity on July 1, 1969. According to A.R.S. §41-1711(A), the Department is responsible for creating and coordinating services for use by local law enforcement agencies in protecting the public safety. Its statutory responsibilities include patrolling the State's highways and investigating accidents, enforcing narcotics laws and investigating crimes, providing scientific analysis services for many criminal justice agencies, administering the State's sex offender registration and community notification compliance programs, and regulating the State's private investigator and security guard industry

**Department's mission**—To protect human life and property by enforcing state laws, deterring criminal activity, ensuring highway and public safety, and providing vital scientific, technical, and operational support to other criminal justice agencies.

Source: The Master List of State Government Programs, Fiscal Years 2008–2010.

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

The Department has effectively met some of its prescribed objectives and purpose. Specifically, this performance audit and sunset review primarily focused on following up on the unimplemented recommendations from the Auditor General's previous performance audits and sunset review conducted in 2000 and 2001 (see textbox). At the conclusion of auditors' follow-up work in November 2003 regarding the Department's efforts to

### 2000 and 2001 Auditor General performance audits of the Department with unimplemented recommendations<sup>1</sup>

- Aviation Section (Report No. 00-7)
- Telecommunications Bureau (Report No. 01-05)
- Licensing Bureau (Report No. 01-10)
- Highway Patrol (Report No. 01-20)
- Criminal Investigations (Report No. 01-22)
- Criminal Information Services Bureau, Access Integrity Unit, and Fingerprint Identification Bureau (Report No. 01-28)

<sup>1</sup> Two of the audits had no unimplemented recommendations: Scientific Analysis Bureau (Report No. 00-12) because all recommendations were implemented at 6 months and Drug Abuse Resistance Education Program (Report No. 01-03) because the Department concluded its participation in the program.

Source: Auditor General staff analysis of Auditor General 2000 and 2001 audit reports and subsequent follow-up reports.

implement the recommendations from these audits, the Department had yet to implement or was in the process of implementing 23 recommendations. However, the Department has since implemented most of the recommendations. For example, the Department:

- **Expanded its cost recovery model and established new rates**—As recommended in the Auditor General's June 2000 performance audit of the Department's Aviation Section, the Department modified its cost recovery model and established new reimbursement rates for providing air transport services to other state agencies that better reflect the cost of providing the service.
- **Developed a plan for converting its telecommunication system from analog to digital**—Consistent with the recommendations from the Auditor General's March 2001 performance audit, the Department developed a plan for converting its telecommunications system from analog to digital and has obtained both grants and legislative appropriations to help cover the conversion costs. The changes have allowed the Department to continue to enhance its telecommunication system. This system is used by the Department and more than 20 other state, county, and federal agencies, such as the Army National Guard, the Department of Corrections, the Game and Fish Department, and the Yavapai Fire District to maintain radio communications with mobile and hand-held units used by administrators, officers, and other first responders (see Finding 1, pages 20 and 21).
- **Conducts regular site visits/compliance checks of security guard agencies**—Finally, consistent with the recommendations from the Auditor General's May 2001 performance audit of the Department's Licensing Bureau, the Department has enhanced its regulation of security guard agencies, including conducting regular site compliance visits. According to the Department, the licensing unit began conducting routine audits in October 2007. These audits help ensure security guard agencies comply with statute and administrative rule requirements, including license posting, uniform color and patch or badge, vehicle marking, and training requirements.

The Department has also improved its incident management data collection and analysis practices to help it better determine how to more quickly clear traffic incidents and avoid traffic buildup. With this information and associated improvements, the Department plans to adopt a goal in 2011 to clear traffic incidents within 90 minutes, a goal that has been established by other states (see Finding 1, page 11). The Department also processes in a timely manner both security guard and private investigator complaints, and complaints against its personnel (see Sunset Factor 6, pages 27 through 29).

However, the Department should take some steps to help improve its efficiency and effectiveness. For example, consistent with recommendations from the Auditor General's June 2000 performance audit of the Department's aviation function (see Report No. 00-7), the Department should formally assess the need for its current level of aviation resources. Overall, from fiscal years 2008 to 2010, the number of aviation missions has declined. The Department has attributed the decline in aircraft missions to budget reductions for fiscal years 2008, 2009, and 2010, which have prevented it from hiring pilots and in turn caused it to reduce the number of hours its aircraft are available. In addition, consistent with recommendations from the Auditor General's September 2001 performance audit of the Department's Criminal Investigations Division (Report No. 01-22), the Department should implement processes for determining whether it should join a multi-agency task force or accept requests for investigation assistance from local jurisdictions. This will help ensure that the Department is balancing requests for criminal investigation services with state-wide enforcement needs and priorities, which becomes more critical given its reduced resources (see Finding 1, pages 9 through 21).

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

For the areas reviewed during this audit, the Department generally operates in the public interest. For example, the Department operates within the public interest by helping to ensure public safety on Arizona's highways state-wide through such efforts as speed enforcement, commercial vehicle inspections, and safe driving tips. As illustrated in Table 8, the Department's officers patrolled nearly 21.3 million highway miles in fiscal year 2010 watching for traffic violations, assisted more than 138,600 motorists, and responded to and investigated nearly 24,600 vehicle collisions. The Department also employs highway service patrols to provide services to stranded motorists, direct traffic at traffic incidents, and remove hazardous debris from roadways. These service patrols allow regular patrol officers to focus on more serious incidents, such as those involving multiple vehicles. In addition, to help prevent truck and bus accidents, the Department conducts commercial vehicle inspections to ensure compliance with Federal Motor Carrier Safety Administration standards. Table 8 shows that the Department conducted more than 39,600 such inspections in fiscal year 2010. The Department also includes public safety press releases on its Web site. For example, in June 2010, it posted a press release that provided driving safety tips related to rapid air loss in a vehicle tire or mechanical failure.

**Table 8: Highway Patrol Activity  
Fiscal Year 2010  
(Unaudited)**

<b>Activity</b>	<b>Amount</b>
Miles patrolled	21,275,292
Collisions investigated	24,580
Citations issued	158,000
Motorist assists	138,613
Arrests	23,955
Motor carrier inspections	32,014
School bus inspections	7,613

Source: Auditor General staff analysis of information from the Department's personnel deployment system for fiscal year 2010.

The Department also operates in the public interest by providing various services to or working directly with the law enforcement community. For example, it provides state-of-the art scientific examination and evaluation of evidence including DNA, fingerprints, blood, and controlled substances, to 272 criminal justice agencies in Arizona, including municipal, county, state, tribal, and federal users, to aid in investigating and adjudicating criminal cases. During fiscal year 2010, more than 104,000 cases were submitted to the Department for scientific analysis, and the Department processed more than 88,600 cases. The Department's Crime Lab is experiencing a backlog of cases awaiting processing because of the demand for its services, its inability to fill some vacant positions due to budget reductions, and outdated equipment. However, it is taking steps to limit this impact through efforts such as prioritizing cases, obtaining grant funding to temporarily retain positions, and hiring a contractor to process some cases (see Finding 1, pages 17 through 20).

Finally, the public also benefits from the Department's criminal investigation services in areas such as narcotics, gangs, and organized crime enforcement. For example, according to the Department, in 2008, it established the Violent Criminal Apprehension Team (VCAT), a collaborative effort of 24 state-wide law enforcement entities, to pursue wanted felons. Since establishing VCAT, this team has arrested 925 and 602 fugitives in fiscal years 2009 and 2010, respectively, as compared to the 262 fugitives the Department arrested in fiscal year 2008.

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

General Counsel for the Auditor General has analyzed the Department's rule-making statutes and believes that the Department has established the required rules for all but one area. According to department information, Arizona laws regulate the sale of defined precursor and regulated chemicals to prevent the unlawful manufacture of methamphetamine and other dangerous and narcotic drugs. Specifically, A.R.S. §13-3404(A) requires that manufacturers, wholesalers, retailers, or other persons who sell, transfer, or otherwise furnish any precursor or regulated chemicals must submit a report of the transactions to the Department. In addition, A.R.S. §13-3404(D) requires that manufacturers, wholesalers, retailers, or other persons who receive any precursor or regulated chemicals must submit a report of the transactions to the Department according to rules adopted by the Department. This provision at least implies that there should be rules prescribing the criteria for such reports. However, A.R.S. §13-3404(K) gives the Director discretionary authority to adopt rules to carry out this statute's provisions. Consequently, the Department plans to form a committee to review these statutory requirements and determine, among other things, if administrative rules are necessary. The Department should continue with its

plans, and if the committee determines that administrative rules are necessary, the Department should ensure that they are promulgated.

**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.**

The public is informed of the Department's proposed rules through the Notices of Proposed Rule Making filed with the Secretary of State's Office and published in the *Arizona Administrative Record*. For example, in October 2008, the Department filed a Notice of Proposed Rule Making for its Criminal Identification Section Rules. These include rules such as those pertaining to the submission and retention of criminal justice information, and procedures for challenging the accuracy and completeness of criminal history records. In addition, according to the Department, in some cases, industry input is sought through letters, group meetings, and other forms of interaction. The Department indicated that it has developed numerous private-public partnerships, including with the Arizona Trucking Association, the Security Guard Licensing/Private Investigator's Group, and the Traffic Stop Advisory Council/American Civil Liberties Union, to discuss proposed department rules and procedures that affect the public and specialty groups. According to the Department, these partnerships provide an opportunity beyond the public hearing for the public and members of the regulated industries to provide input on proposed changes to the Department's rules.

The Department also holds press conferences and posts press releases and other information on its Web site to inform the public of its actions. For example, on September 21, 2010, the Department issued a press release informing the public that it would hold a press conference to provide detailed information on "Operation Take Back," a program aimed at collecting potentially dangerous expired, unused, and unwanted prescription drugs for destruction.

Finally, the Department complies with the open meeting law requirement to post on its Web site a statement indicating where it will post notices of public meetings for the Private Investigator and Security Guard Hearing Board. According to its statement, the Department posts these notices on its Web site, in the department lobby, and at the Arizona State Capitol.

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

The Department investigates and resolves complaints both as part of its regulatory duties and related to its personnel. Specifically, according to A.R.S. §§32-2456 and 32-2639, the Department has statutory authority to investigate complaints against registered security guards, private investigators, and their

licensed agencies. In fiscal year 2010, the Department registered approximately 2,200 private investigators and 31,000 security guards in the State. The Department may initiate an investigation of private investigators, security guards, and their employing agencies on its own initiative or based on any person submitting a written complaint.

According to A.R.S. §§32-2457 and 32-2636, after the Department completes its investigation, the Department Director may take various actions, including dismissing the case, issuing a letter of concern, or forwarding the Department's findings to the Private Investigator and Security Guard Hearing Board (Board) for review and possible disciplinary action. Based on the information the Board receives during a hearing and as provided in A.R.S. §§32-2405, 32-2457(F), and 32-2636(H), the Board may recommend that the Director dismiss the complaint, establish a probation period, or suspend or revoke the license or registration. During calendar year 2010 (as of November 29, 2010), the Department received 101 security guard complaints and 62 private investigator complaints. As of November 29, 2010, 138 of the complaints had been investigated and resolved. The Department determined that several complaints (47) were unfounded. However, the Department also took action on several complaints, including issuing 31 suspension letters and 7 letters of concern. According to the Department's strategic plan, it seeks to have no more than 2 complaints per year that exceed 120 days from receipt to final disposition. During calendar year 2010 (as of November 29, 2010), the Department had 3 complaints that exceeded this time frame.

The Department also investigates and resolves written and verbal complaints concerning the actions and performance of its personnel. The Department has established complaint-handling procedures, including timelines, investigation steps, and steps for responding to complainants. During calendar year 2010, as of October 20, 2010, the Department had received 265 complaints against its personnel. These complaints involved a total of 323 allegations, mostly related to inefficiencies (141 allegations), discourtesy (69 allegations), or improper procedures (38 allegations).<sup>1</sup> Some of the complaints involved allegations of a more serious nature such as racial profiling (20 allegations) or excessive use of force (4 allegations). As of October 20, 2010, the Department had resolved 217 complaints, and about half of the time, the Department's investigation determined that no further action was needed. However, the remaining half of the resolved complaints resulted in some type of disciplinary action, including letters of instruction or reprimand, oral and written corrective action guidance, and loss of pay. The Department has a 120-day time frame for handling complaints, and as illustrated in Table 9 (see page 29), most of the complaints were resolved within that time frame. Specifically, of the 217 complaints resolved as of October 20, 2010, 198 complaints met the time frame and 19 did not. Of the 48 complaints still open as of October 20, 2010, 7 had been open longer than 120 days.

<sup>1</sup> According to the Department, inefficiencies generally involve damage to or loss of state property, such as an officer losing his or her badge; backing into another vehicle, post, or sign; or being involved in a collision. Improper procedures complaints can involve not following procedures for conducting a traffic stop, searching a vehicle or submitting evidence, or using a state credit card for personal use.

**Table 9: Complaint-Handling Time Frames**  
 As of January 1, 2010 through October 20, 2010  
 (Unaudited)

<b>Complaint status</b>	<b>Number</b>
Closed ≤ 120 days	198
Closed > 120 days	19
Open < 120 days	41
Open > 120 days	<u>7</u>
<b>Total</b>	<b><u>265</u></b>

Source: Auditor General staff analysis of department complaint data for the period January 1, 2010 through October 20, 2010.

**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**

According to A.R.S. §§41-193(A)(2) and 11-532(A)(2), the Attorney General and county attorneys have the authority to prosecute criminal violations charged by and civil violations issued by the Department. The Department enforces traffic laws along Arizona’s highways, and conducts investigations involving narcotics trafficking, organized crime, vehicle theft, illegal gang activity, human smuggling, and computer and financial crimes, among other things. The Department forwards its cases to the Attorney General or appropriate county attorneys for prosecution when warranted. In addition, the Attorney General represents the Department in legal issues facing the Department as prescribed in A.R.S. §41-192(A)(1).

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

The Department indicated that, at this time, it has not identified any significant statutory changes it needs to accomplish its mission. However, the Department proposed or was impacted by legislation that was enacted in calendar years 2008 through 2010. Specifically:

- **Laws 2008, Ch. 142**—This law amended several statutes relating to motor carrier safety, including safety equipment on trucks and buses. According to the Department, these changes moved Arizona’s statutes into compliance with federal motor carrier safety regulations. For example, the changes included a requirement that vehicles exceeding 30 feet in length must have a reflector mounted at the midpoint between the front and rear reflectors. According to the Department, compliance with these federal regulations was necessary to ensure the continued receipt of some federal funding.

- **Laws 2008, Ch. 276**—This law added and amended statutes relating to DNA testing. According to the Department, this statutory change eliminates occasions when a defendant has to submit DNA several times relating to the same offense or arrest. This law also established the requirement for DNA testing for juveniles arrested for specific crimes. According to the Department, changes made by this law should positively impact the Department's Crime Lab work by reducing duplication of DNA samples.
- **Laws 2009, Ch. 125, §3**—This provision established the Federal Sex Offender Registration Notification Act Study Committee (Study Committee), which includes the Department's Director or designee, to examine the effectiveness of the State's sex offender laws and the impact of adopting the federal standards of the Adam Walsh Child Protection and Safety Act of 2006. According to information from the National Conference of State Legislatures, the purpose of the Adam Walsh Act is to protect the public, particularly children, from violent sex offenders through a more comprehensive, nationalized system for sex offender registration. The Adam Walsh Act calls for state conformity in various aspects of sex offender registration, including offender classification, timing of registration, and type of registry information each sex offender must provide. The Act also states that failure to comply with the federal requirements within 3 years will result in a 10 percent reduction of federal Byrne law enforcement assistance grant monies that a state receives. According to Arizona Criminal Justice Commission information, a 10 percent reduction would have been about \$3 million for Arizona in federal fiscal year 2009, and approximately \$600,000 in federal fiscal year 2010. States had until July 27, 2009, to comply with the federal act, but Arizona has received two 1-year extensions and has until July 2011 to comply.

The Study Committee last met in December 2009 and ended on December 31, 2010. Because the Department is responsible for administering the sex offender registration and community notification compliance programs, the Department is developing draft legislative changes, identifying implementation costs, and researching funding sources to address system upgrades that will be needed to comply with the federal requirements.

- **Laws 2010, Ch. 59**—This law amended various statutes related to concealed weapons. Specifically, this law eliminated the need to obtain a concealed weapons permit in many instances if the person is 21 years of age or older. However, according to the Department, there are circumstances when a permit may still be desired by a gun owner or is still needed, such as to carry a concealed weapon into another state. Therefore, the Department will continue many of its responsibilities for issuing concealed weapons permits.

- **Laws 2010, Ch. 87**—This law amended A.R.S. §28-984 by changing the requirement that the Department of Public Safety annually inspect all school buses to a requirement that the inspections occur according to rules. However, according to the Department, because rules have not been amended, the Department is still responsible for annually conducting these inspections.

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

This audit did not identify any needed changes to the Department's statutes.

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

Consistent with its mission, the Department is responsible for protecting human life and property by enforcing state laws; deterring criminal activity; ensuring highway and public safety; and providing scientific, technical, and operational support to other criminal justice agencies. Therefore, its elimination would significantly harm the public. According to the Department, while some alternatives are available for providing department services, these alternatives would likely be less efficient and possibly less effective. Specifically, the Department indicated that, as a state-wide agency, the Department can achieve economies of scale and reduce redundancy for the services it provides. For example, if criminal history information were maintained at the county or city level, it would be more costly to maintain and less uniform. Similarly, if the State's highway system were patrolled by county sheriffs, there would be less of an ability to shift resources state-wide, and enforcement policies and practices could vary from jurisdiction to jurisdiction.

**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.**

This audit did not identify the need for any changes to the level of regulation exercised by the Department.

**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.**

As a law enforcement agency, the Department cannot outsource some of its key functions, such as highway patrol and criminal investigations. However, it has contracted with private contractors for services such as aviation fuel and aircraft maintenance, including helicopter engine overhauls for its aviation bureau,

communications tower equipment and supporting personnel for department-maintained communication sites state-wide, and tow truck services. The Department contracts with tow truck companies to establish maximum service rates that they may charge stranded motorists when it initiates the calls for towing services. In addition, the Department uses contract custodial and landscape services and contract fingerprint technology services, and also has a contract to perform convicted felon and arrestee DNA testing to reduce the backlog of DNA samples awaiting testing at its crime lab.<sup>1</sup>

Although the Department has allowed contracts to expire in some areas, it is planning to rely even more on outsourced services in others. For example, in July 2008, the Department contracted with a vendor to construct and operate a state-wide speed photo enforcement system. However, in July 2010, the Department allowed the contract to expire, which resulted in eliminating the Department's speed photo enforcement system. In that same month, according to a department official, because of the State's budget reductions, it reduced its wireless systems bureau by 11 positions and, when necessary, plans to use contracted services in that area. This bureau provides telecommunications systems support for the Department and governmental agencies state-wide.

This audit did not identify any additional uses for contractors.

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<sup>1</sup> According to the Department, it has multiple locations throughout the State that require custodial and landscaping services, and most of this is performed by contractors. However, it does have some locations, such as the State Headquarters, where inmate labor is used for landscaping.

# AGENCY RESPONSE



# ARIZONA DEPARTMENT OF PUBLIC SAFETY

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*"Courteous Vigilance"*

JANICE K. BREWER ROBERT C. HALLIDAY  
Governor Director

February 28, 2011

Ms. Debra K. Davenport  
Auditor General  
Office of the Auditor General  
2910 North 44<sup>th</sup> Street, Suite 410  
Phoenix, AZ 85018

Dear Ms. Davenport:

I am enclosing our agency's response to the preliminary report draft of the performance audit of the Arizona Department of Public Safety. As requested, the Department has responded to each of the report's recommendations and has included narrative describing how we intend to begin implementing each of the recommendations.

On behalf of the Arizona Department of Public Safety I wish to thank you for the work of your staff in preparing the report and the opportunity it has provided for agency improvement.

Sincerely,

Robert C. Halliday, Colonel  
Director

Enclosure

**Arizona Department of Public Safety  
Response to the Performance Audit and Sunset Review**

**RESPONSE TO RECOMMENDATIONS**

**Finding 1**

**Department Implemented Most Prior Audit Recommendations and Is Working to Minimize Public Safety Impact of State's Budget Crisis**

*Highway Patrol should continue efforts to improve public safety*

*Recommendation:*

- 1.1 *To ensure it can clear highways as quickly as possible, the Department should continue with its plans to establish a 90-minute clearance goal, and use its new traffic incident tracking form information to analyze the times officers arrive on the scene and when the traffic incidents are cleared. The Department should then use the data it collects to make appropriate and necessary changes to its traffic incident management procedures so it can meet the 90-minute clearance goal.*

**Response:**

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

The new traffic incident tracking form was implemented in July of 2010 and the data collection recommended is now occurring. The 90 minute goal is part of a comprehensive traffic incident management program the agency is currently developing and will implement in 2011. The Department will also continue to monitor the data collected and implement any necessary adjustments or changes to the traffic incident management program accordingly as recommended.

*Recommendation:*

- 1.2 *Given its reduced operations and pilot availability and because aircraft are expensive to own, operate, and maintain, the Department should formally assess whether the current level of aviation resources, both helicopters and fixed-wing air transport aircraft, are needed and whether it can further reduce its aviation expenses.*

**Response:**

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

It is the position of the Department that the need for aviation service has not decreased. The Aviation section has flown a decreasing number of missions over the last three fiscal years; however, we believe this decrease is based on pilot unavailability due to the inability to hire and diminished expectations of aircraft availability by requestors. Budget conditions over the last three fiscal years have severely impacted aircraft availability and as such, agencies which would routinely call for DPS aviation assets in the past, either forego making the request or are

frequently advised the aircraft is not available. The Department will implement a system which attempts to capture the data described in the audit report. While we agree this system should be implemented and will be useful, the data collected may not necessarily represent an accurate picture of the Aviation service need statewide. Many requestors are now very familiar with the Department's situation regarding reduced Aviation resources and have adjusted their calls for service accordingly. We strongly emphasize our belief that conditioned expectations of decreased aircraft availability, by those who would request air support, has resulted in diminished calls for service which would have been made under different circumstances. A call for service which is not made is impossible to track and will be inaccurately displayed as a diminished need in statistical data.

***Criminal Investigations should take additional steps to ensure goals and priorities being met***

*Recommendation*

1.3 *The Department should formalize the process it uses to decide whether or not to participate on a task force.*

Response:

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

The Department's presence on task forces furthers the goals and objectives of participating criminal justice agencies at a local, county and federal level. The Department agrees that specific criteria should be met prior to the Department committing resources to any task force. The Criminal Investigation Division will implement a process which establishes the benefits of participation on each task force in which the Department is currently a member and for all future considerations.

*Recommendation*

1.4 *The Department should develop specific criteria for accepting investigative cases from other law enforcement agencies and document its decisions for accepting investigative cases to help it balance the requests of local jurisdictions with state wide enforcement needs and priorities.*

Response:

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

The Department's reputation for investigative excellence, statewide presence, and perceived independence from the influence of local politics, makes the Department a sought after resource for sensitive or complex investigations from numerous agencies and political subdivisions. The Department agrees the volume of requests and the personnel commitments associated with acceptance of cases necessitate a critical review to determine which investigations will be accepted. The Department will implement a process to establish criteria through which informed decisions can be reached.

*Recommendation*

*1.5 The Department should continue to pursue developing a case management system that will allow non-Department led investigative cases the same tracking capability as Department-led investigative cases.*

Response:

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

The Department has established a committee that is actively researching the capabilities and cost of available case management systems. The Department's intent is to utilize available funding sources, both internally and through grants, to procure a case management system capable of tracking both Department led and non-Department led cases. The initial phase of this process will involve a Request for Information, followed by a Request for Proposal, and then final procurement of a selected system, contingent on funding.

*Recommendation*

*1.6 The Department should continue to expand the case outcome codes in its case management system, or in a new system, to more accurately reflect the criminal investigation activities it conducts and case outcomes.*

Response:

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

The Criminal Investigations Division has established a committee for the purpose of adding or modifying case outcome codes to improve accuracy. The new codes will be utilized by the current case management system and will be readily available to be migrated to a new case management system when implemented.

*Recommendation*

*1.7 Once more complete management information is available, The Department should use it when assessing its investigation activities and outcomes to ensure its goals and priorities are being met.*

Response:

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

This recommendation is directly tied to *Recommendation 1.5 and 1.6*. The implementation of additional outcome codes will enhance the Department's ability to ascertain investigative outcomes and should be realized in a relatively short time frame. The eventual implementation of a modern case management system will provide the information managers need to ensure goals and priorities are met. The Department recognizes case management systems are expensive to procure and identifying adequate funding sources will challenge the Department during these difficult budget times.

*Recommendation*

Sunset Factor 4

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

General Counsel for the Auditor General has analyzed the Department's rule-making statutes and believes that the Department has established the required rules for all but one area. According to department information, Arizona laws regulate the sale of defined precursor and regulated chemicals to prevent the unlawful manufacture of methamphetamine and other dangerous and narcotic drugs. Specifically, A.R.S. 13-3404 (A) requires that manufacturers, wholesalers, retailers, or other persons who sell, transfer or otherwise furnish any precursor or regulated chemicals must submit a report of the transactions to the Department. In addition, A.R.S. 13-3404 (D) requires that manufacturers, wholesalers, retailers, or other persons who receive any precursor or regulated chemicals must submit a report of the transactions to the Department according to rules adopted by the Department. This provision at least implies that there should be rules prescribing the criteria for such reports. However, A.R.S. 13-3404 (K) gives the Director discretionary authority to adopt rules to carry out the provisions of this statute. **Consequently, the Department plans to form a committee to review these statutory requirements and determine, among other things, if administrative rules are necessary. The Department should continue with its plans, and if the committee determines that administrative rules are necessary, the Department should ensure that they are promulgated.**

Response:

A committee has been established and has conducted meetings to review the statutory requirements to determine if administrative rules are required. Upon completion of this phase, the results will be submitted to the Arizona Attorney General's Office for a final legal review of the findings. If the Department and legal review determine administrative rules are necessary, the Department will draft the rules and ensure they are processed in accordance with standard rule making provisions.

## Performance Audit Division reports issued within the last 24 months

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<b>09-02</b>	Arizona Department of Juvenile Corrections—Rehabilitation and Community Re-entry Programs	<b>10-01</b>	Office of Pest Management—Restructuring
<b>09-03</b>	Maricopa County Special Health Care District	<b>10-02</b>	Department of Public Safety—Photo Enforcement Program
<b>09-04</b>	Arizona Sports and Tourism Authority	<b>10-03</b>	Arizona State Lottery Commission and Arizona State Lottery
<b>09-05</b>	State Compensation Fund	<b>10-04</b>	Department of Agriculture—Food Safety and Quality Assurance Inspection Programs
<b>09-06</b>	Gila County Transportation Excise Tax	<b>10-05</b>	Arizona Department of Housing
<b>09-07</b>	Department of Health Services, Division of Behavioral Health Services—Substance Abuse Treatment Programs	<b>10-06</b>	Board of Chiropractic Examiners
<b>09-08</b>	Arizona Department of Liquor Licenses and Control	<b>10-07</b>	Arizona Department of Agriculture—Sunset Factors
<b>09-09</b>	Arizona Department of Juvenile Corrections—Suicide Prevention and Violence and Abuse Reduction Efforts	<b>10-08</b>	Department of Corrections—Prison Population Growth
<b>09-10</b>	Arizona Department of Juvenile Corrections—Sunset Factors	<b>10-L1</b>	Office of Pest Management—Regulation
<b>09-11</b>	Department of Health Services—Sunset Factors	<b>10-09</b>	Arizona Sports and Tourism Authority

## Future Performance Audit Division reports

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