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February 4, 2019

The Honorable Rick Gray, Chair
Joint Legislative Audit Committee

The Honorable Anthony Kern, Vice Chair
Joint Legislative Audit Committee

Dear Senator Gray and Representative Kern:

Our Office has recently completed a 30-month followup of the Performance Audit and Sunset Review of the Arizona Criminal Justice Commission regarding the implementation status of the 13 audit recommendations (including sub-parts of the recommendations) presented in the performance audit report released in June 2016 (Auditor General Report No. 16-105). As the attached grid indicates:

- 3 have been implemented.
- 5 have been partially implemented.
- 5 have not been implemented.

Given the status of the Commission's efforts to implement the report's recommendations, we believe that additional followup would be of limited value. Therefore, unless otherwise directed by the Joint Legislative Audit Committee, this concludes our follow-up work on the Commission's efforts to implement the recommendations from the June 2016 performance audit and sunset review.

Sincerely,
Dale Chapman, Director
Performance Audit Division

cc: Sheila Polk, Chair
Arizona Criminal Justice Commission

Andrew T. LeFevre, Executive Director
Arizona Criminal Justice Commission

Arizona Criminal Justice Commission

Auditor General Report No. 16-105

30-Month Follow-Up Report

Recommendation

Status/Additional Explanation

Finding 1: Commission should develop strategic approach to better use its research center

1.1 The Commission should establish an oversight process for its research center similar to the process it has established for its grant program areas to ensure that its research center can better assist it in fulfilling its mission and that it uses the research center's research to make system-wide improvements. Specifically, the Commission should:

- a. Establish a committee for its research center consisting of a few commission members, and the committee should then work with the research center to develop research priorities and/or a strategy to guide its research activities. The priorities and/or strategy should then be presented to and approved by the entire Commission;
- b. Receive regular updates from its research center on its progress in accomplishing the Commission's approved strategy; and
- c. Use information from its research center, including report recommendations, to recommend policy changes for the State's criminal justice system—whether in statute, rule, agency policies, or general approaches—and coordinate efforts with other state or local criminal justice agencies to pursue implementation of these changes, consistent with its strategic approach.

Partially implemented at 30 months

In July 2017, the Commission's Executive Committee, the committee designated to oversee the research center, presented to the Commission that the research center's priority activity would be to review Arizona's criminal codes to determine how frequently each Arizona criminal statute has been used in the past 15 years. Although a Commission report on the center's review of Arizona's criminal codes was published in February 2018, our review of Commission meeting minutes did not find any indication that the Executive Committee has established or presented to the Commission additional research priorities for the research center.

Not implemented

The Executive Committee has a standing agenda item during Commission meetings to update the Commission, which could be used to report on the research center's activities. However, as indicated in Recommendation 1.1a, our review of Commission meeting minutes did not find any indication that the Executive Committee has established or presented to the Commission additional research priorities for the research center or a strategy to guide its research activities.

Not implemented

Although the Commission's Executive Director indicated that this recommendation was implemented, he did not provide any evidence or documentation to support this claim.

Recommendation

Status/Additional Explanation

1.2 The Commission should take steps to resolve issues with its research center's current reports to help ensure its research center can assist it in fulfilling its mission. Specifically, the Commission should:

a. Work with its research center to determine if all statutorily required reports are useful and based on this determination, propose revising and/or eliminating statutorily required reports that are not useful;

b. Ensure its crime trends report and other reports include recommendations, as required and as appropriate, for enhancing the criminal justice system; and

c. Ensure that the research center focuses its crime trends and other reports on specific trends or problems, the reasons for these problems, and best practices to address them to assess the productivity and effectiveness of the criminal justice system and to help facilitate making meaningful recommendations.

Partially implemented at 30 months

In 2018, the Commission proposed statutory changes to A.R.S. §41-2406 to eliminate some required reporting elements for the sexual assault report, which were adopted through Laws 2018, Ch. 82. The Commission's Executive Director also reported modifying the Gang Threat Assessment report survey to more closely reflect information collected on a national level and to report information that is more useful to Arizona law enforcement agencies. However, the Commission's Executive Director did not provide evidence to demonstrate what changes were made to the report, that the research center recommended these changes, or whether the Commission worked with its research center to examine the usefulness of any other statutorily required reports.

Partially implemented at 30 months

Although the Commission's research center has not published a crime trends report since 2015, our review of the research centers' reports published during calendar year 2018 found that 2 of the 5 reports included recommendations for enhancing the criminal justice system.

Not implemented

According to the Commission's Executive Director, as each statutorily required report is developed, the Commission seeks to focus the report on specific trends or problems, the reasons for those problems, and best practices to address them. However, our review of the 5 reports the Commission's research center published in calendar year 2018 found that none focused on specific trends or problems and best practices to address them.

1.3 As part of its strategic approach for its research center, the Commission should assess the extent that the research center can expand its work to include assessments of emerging trends in the criminal justice system.

Not implemented

According to the Commission's Executive Director, the Commission is in the process of assessing the extent to which the research center can expand its work to include assessments of emerging trends in the criminal justice system. However, the Executive Director did not provide any documentation to demonstrate Commission efforts in this area.

Recommendation**Status/Additional Explanation**

1.4 The Commission should assess the resource needs of its research center. This assessment should include a documented workload analysis that compares the research center's workload, including an estimate of future workload, with staff resources. The Commission should then take appropriate action based on the results of this analysis. For example, the Commission could use the workload analysis to determine how to maximize its allocated resources and/or work with the Legislature to request additional appropriations to hire more staff or contract for additional staff resources as needed to address temporary workload fluctuations, as appropriate.

Not implemented

See explanation for Recommendation 1.3.

Finding 2: Commission has established effective grant-awarding and monitoring processes, but should formalize coordination efforts in one area

2.1 The Commission should develop a formal, written process for its grant program staff to annually review with the DPS' federal victim assistance grant program staff, and other victim assistance stakeholders as appropriate, the estimated amount of state and federal monies available and collaborate on developing coordinated funding priorities to address victim assistance needs state-wide.

Partially implemented at 18 months

The Commission's Executive Director prepared a memo describing the annual process commission staff use to establish program funding levels and priorities for the victim assistance grant program. This process includes steps such as commission staff developing an analysis of grant funding available for victim service activities, obtaining information from stakeholders such as DPS to review the victim assistance grant monies available, and working with the Crime Victim Services Committee to assess funding priorities. Although a review of agendas and meeting minutes found that the Commission is following this process, the Commission's Executive Director does not plan to formalize the process described in the memo into a written commission policy or procedure for its staff.

2.2 The Commission should ensure that this formal process directs staff to continue to work with the Commission's Crime Victim Services committee to assess victim needs state-wide with the DPS and other victim assistance stakeholders and develop funding priorities.

Partially implemented at 18 months

See explanation for Recommendation 2.1.

2.3 The Commission's Crime Victim Services committee should annually share its assessment and propose revisions to its funding priorities, as necessary, with the entire Commission.

Implemented at 18 months

Recommendation**Status/Additional Explanation****Sunset Factor #3: The extent to which the Commission serves the entire State rather than specific interests.**

1. The Commission should, in a public meeting, assess its membership to determine if its membership should be modified to more fully fulfill its mission and to better serve the entire State. The Commission should document its official assessment and, if the assessment determines that the Commission's membership should be modified, it should work with the Legislature to revise the Commission's membership.

Implemented at 6 months

The Commission assessed its membership at its September and November 2016 commission meetings and voted to maintain its current membership structure.

Sunset Factor #9: The extent to which changes are necessary in the laws of the Commission to adequately comply with the factors listed in the sunset law.

2. The Commission should seek the necessary legislative changes regarding the reporting requirements it cannot fulfill for the statutorily required sexual assault report.

Implemented at 18 months

See explanation for Recommendation 1.2a.