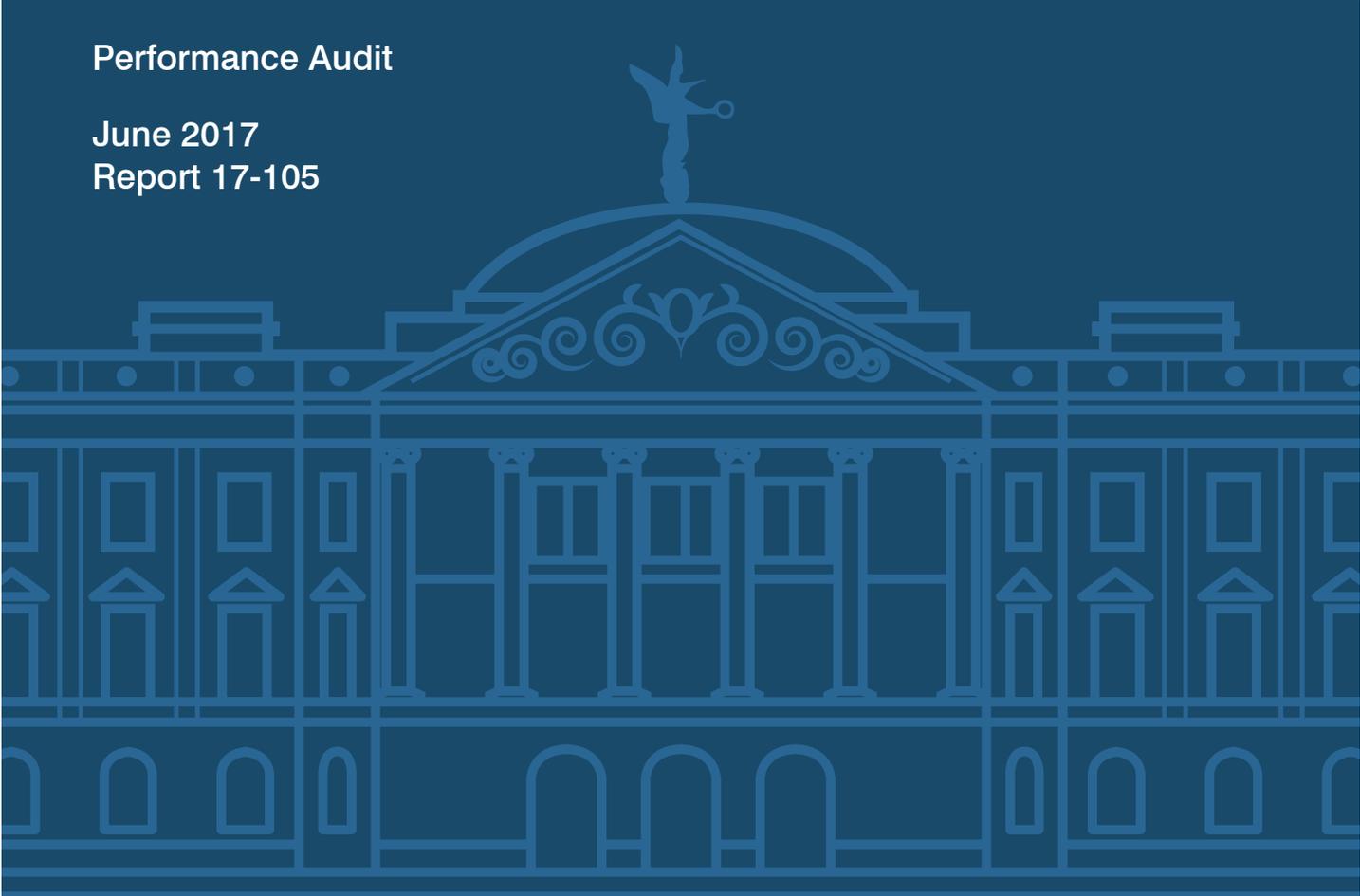


Arizona Supreme Court, Administrative Office of the Courts Adult Probation

AOC has implemented several processes to oversee Arizona’s adult probation system but should strengthen its oversight and further address growing population of probationers released from prison to probation

Performance Audit

June 2017
Report 17-105



A Report to the Arizona Legislature

Debra K. Davenport
Auditor General





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

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June 6, 2017

Members of the Arizona Legislature

The Honorable Doug Ducey, Governor

Mr. David K. Byers, Administrative Director
Administrative Office of the Courts

Transmitted herewith is a report of the Auditor General, *A Performance Audit of the Arizona Supreme Court, Administrative Office of the Courts (AOC)—Adult Probation*. This report is in response to Arizona Revised Statutes (A.R.S.) §41-2958 and was conducted under the authority vested in the Auditor General by A.R.S. §41-1279.03. 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 AOC 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.

Sincerely,

Debbie Davenport
Auditor General

Attachment



Arizona Supreme Court, Administrative Office of the Courts Adult Probation

CONCLUSION: The Arizona Supreme Court, Administrative Office of the Courts (AOC), is responsible for providing state-wide administration and oversight of Arizona's adult probation system. The AOC has implemented processes to help administer and oversee the State's 15 adult probation departments, including implementing evidence-based practices, state-wide standards and guidelines, and conducting operational reviews of adult probation departments. We found that the AOC can strengthen its oversight by more effectively using the data it collects to improve program outcomes and by improving its operational review process. In addition, Arizona's adult probation departments are supervising an increasing number of probationers who have been released from prison to probation and who are at a higher risk for committing new crimes, known as the reentry probationer population. Although efforts to address this population's specific needs have been primarily confined to the adult probation department in Maricopa County, the AOC has begun a series of long-term projects to address this population's needs state-wide. The AOC should complete the development and implementation of these projects and take additional steps to assist adult probation departments in meeting this population's needs.

AOC oversees Arizona's state-wide adult probation system

Probation is a sentencing option in which someone convicted of a crime may have a jail or prison sentence suspended and agrees to comply with certain court conditions, including supervision, rather than going to jail or prison. The AOC is responsible for providing state-wide oversight of Arizona's 15 adult probation departments located in each of Arizona's 15 counties. These adult probation departments supervise and monitor probationers in their counties to help ensure compliance with probation conditions. Standard conditions of probation include actively participating in assigned treatment or rehabilitative services; paying court-ordered restitution, fines, and fees; providing probation officers access to residence; not possessing illegal drugs or controlled substances; and not knowingly associating with any person engaged in criminal behaviors. The AOC provides administrative oversight and ensures state monies are used in accordance with statutory and judicial requirements. For example, the AOC oversees each adult probation department through several activities, including providing technical assistance, guidance, and training to probation department staff; performing research and reporting on various program statistics; and performing periodic evaluations of adult probation department program operations, which are called operational reviews.

AOC has implemented processes to help oversee adult probation departments and can further improve oversight

AOC implemented processes to help oversee adult probation departments—The AOC has implemented processes to help administer and oversee adult probation in the State, including implementing evidence-based practices (strategies that current, scientific research has shown lead to a reduction in recidivism—a relapse into criminal behavior) state-wide, developing and implementing state-wide standards and guidelines for adult probation departments, conducting operational reviews of these departments to assess compliance with the state-wide standards, providing a certification academy for probation officers, and monitoring adult probation departments' expenditures of state monies.

AOC can further improve its oversight—The AOC can further improve its oversight practices in two areas to help improve program outcomes and to further ensure that adult probation departments comply with various requirements. Specifically, the AOC should:

- **Better use its data to improve the State's adult probation system**—Although the AOC has developed some measures to assess adult probation departments' use of evidence-based practices, it has not fully used the data it collects to determine how well probation programs and services have been implemented and whether they yield the desired outcomes. Specifically, the AOC should develop and monitor/track outcome measures that are consistent with American Correctional Association and Pew Center on the States guidance in areas such as reduction in new criminal activity, success in maintaining employment, reduction in the use of illegal drugs, and compliance with

restitution orders; determine baseline levels for the outcome measures; establish benchmarks or goals for future improvement; and adjust them as needed to guide improvement of the adult probation system. In addition, the AOC should evaluate key aspects of the State's adult probation system or partner with others to do so.

- **Strengthen its operational review process**—Although the AOC's operational reviews provide a comprehensive assessment of adult probation departments, it should improve these reviews in several areas. Specifically, the AOC should enforce compliance requirements or revise its compliance policy, develop a formal follow-up process that requires its staff to follow up on corrective actions as well as recommendations listed in operational review reports, and develop a formal process for identifying and addressing common areas of noncompliance.

Recommendations

The AOC should:

- Develop and track outcome measures, determine baseline levels for the outcome measures, establish benchmarks or goals for future improvement, and adjust them as needed to guide improvement of the adult probation system;
- Evaluate key aspects of the State's adult probation system or partner with others to do so; and
- Strengthen its operational review process by consistently enforcing or revising compliance requirements for operational reviews, developing and implementing follow-up policies and procedures that require its staff to follow up on corrective actions as well as recommendations listed in operational review reports, and developing and implementing a formal process for identifying and addressing common areas of noncompliance.

AOC should continue addressing growing reentry probationer population to ensure public safety

State's adult probation departments supervise an increasing number of recently imprisoned, higher-risk probationers—The AOC refers to probationers who are released from prison directly to probation as reentry probationers. Information from the Arizona Department of Corrections indicates that the number of releases from prison to probation each year has increased from more than 2,200 reentry probationers in fiscal year 2012 to approximately 3,400 reentry probationers in fiscal year 2016, an increase of nearly 52 percent. As of February 2017, the AOC estimates that approximately 15,300 persons currently in prison will serve a probation sentence after their release from prison. Various research indicates that reentry probationers are at a higher risk for committing new criminal acts than those who have not been incarcerated and that reentry probationers face several challenges that contribute to their higher risk.

Efforts to address reentry probationer population have been primarily confined to Maricopa County—

The Maricopa County Adult Probation Department (MCAPD) is the State's only adult probation department that has implemented a formal program to address the reentry population's specific needs. As part of its reentry program, MCAPD probation officers begin working with future reentry probationers before they are released from prison to create transition plans that address substance abuse and mental health treatment needs and employment and housing issues; and assist reentry probationers in obtaining basic identification documents.

AOC should further address reentry probationer population needs—The AOC initially was not aware of the growing reentry population and did not separately track the reentry population or know how many reentry probationers each adult probation department supervised. Beginning in 2016, the AOC began a series of long-term projects to help adult probation departments address the reentry probationer population, such as improved information and tracking of reentry probationers within its adult probation database, and creating a reentry workgroup to revise the Arizona Code of Judicial Administration to help adult probation departments address this population's specific needs. In addition to continuing these actions, the AOC should develop long-term projections of reentry probationer releases from prison, as well as develop policies and procedures to help adult probation departments address the reentry probationer population's specific needs, including requiring transition planning.

Recommendations

The AOC should:

- Continue its efforts to develop a state-wide approach for handling reentry probationers;
- Establish a process for developing long-term projections of reentry probationer releases from prison; and
- Develop and implement policies and procedures for how adult probation departments should address reentry probationers' treatment and supervision needs.



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Scope and objectives

The Office of the Auditor General has conducted a performance audit of the Arizona Supreme Court, Administrative Office of the Courts (AOC)—Adult Probation, pursuant to Arizona Revised Statutes (A.R.S.) §41-2958. This audit was conducted under the authority vested in the Auditor General by A.R.S. §41-1279.03. This audit addresses the AOC’s oversight of the State’s adult probation system, including its oversight of a growing probation population that first serves time in prison before being released to probation, referred to as the reentry probationer population.

AOC’s role and responsibilities in state court system

In Arizona, except for federal and tribal courts, all courts are part of a state-wide court system, and the AOC provides support for all state courts’ supervision and administration.

State court system—The Arizona Constitution establishes a state court system that is headed by the Arizona Supreme Court. Except for federal and tribal courts, all courts in the State—regardless of where they are located or what they are called—are part of the state court system. There are three levels of state courts:

- **Appellate courts**—Consists of the Arizona Supreme Court and courts of appeals. These courts review trials and decisions that are appealed to them;
- **General jurisdiction courts**—Consists of the Superior Court of Arizona, which is a single entity that has a court division located in each county, referred to by its county location—for example, the Superior Court in Maricopa County. This court hears the widest variety of cases, including felony criminal cases, matters of probate (wills and estates), and dissolution/annulment of marriages (divorce). The Superior Court of Arizona has a division focused on cases involving juveniles that is referred to as the juvenile court; and
- **Limited jurisdiction courts**—Consists of municipal courts, referred to as either city or magistrate courts, and justice of the peace courts (justice courts). These courts are known as limited jurisdiction courts because their authority is restricted to certain types of cases. For example, the cases these courts hear may be limited by the case subject, such as with homeless, veterans, or mental health courts that hear a specific type of case; the amount of money involved, such as justice courts that hear cases involving \$10,000 or less; or the sentences that can be imposed, such as justice courts that can impose no more than \$2,500 in fines and/or no more than 6 months of imprisonment in the county jail.

AOC’s role in the state court system—The Arizona Constitution endows the Chief Justice of the Supreme Court with responsibility for the administrative supervision of all state courts. To assist with this responsibility, the Constitution requires the Chief Justice of the Supreme Court to appoint an administrative director, who heads the AOC. In addition to providing administrative assistance to all Arizona state courts, the AOC also assists and provides information to the public. Examples of services the AOC provides include:

- **Juvenile justice services**—The AOC oversees juvenile justice programs in coordination with the juvenile court. These juvenile programs include detention, probation, and treatment (or rehabilitative) services.
- **Education services**—The AOC is also responsible for maintaining a state-wide system of judicial education and provides various trainings for judges, probation officers, and court staff. In addition, the AOC provides

training information on its website for the public, such as training information for volunteers in the Court-Appointed Special Advocates (CASA) or Foster Care Review Board (FCRB) programs.¹

- **Information technology services**—The Arizona Code of Judicial Administration (judicial code) requires all courts to automate business functions, such as case management, court financial cash management, and document management.² The AOC provides various information technology services to help support and maintain state-sponsored information systems, including court case management applications and juvenile and adult probation case management systems (see page 7 for more information about the adult probation case management system).
- **Administrative services**—The AOC assists the state court system by preparing budgets and seeking funding from the Legislature, recommending or commenting on legislation that may affect the court system, and handling special projects assigned by the Arizona Supreme Court.

In addition, as part of its duties, the AOC also oversees the state-wide adult probation system. In Arizona, there are 15 adult probation departments, one in each county. The 15 presiding judges of the superior court oversee the adult probation department in their county; however, the AOC administratively oversees all 15 adult probation departments across the State.³ As previously mentioned, this audit focuses on the AOC's oversight of the State's adult probation system, including its oversight of a growing probation population referred to as the reentry probationer population (see pages 5 through 7 for more information regarding the AOC's role in adult probation).

Courts assign the probation sentence and conditions

Probation is a sentencing option in which someone convicted of a crime may have a jail or prison sentence suspended and agrees to comply with certain court conditions, including supervision, rather than going to jail or prison. Arizona's Criminal Code allows probation sentences in lieu of or in addition to a prison sentence for a variety of crimes, such as theft, driving under the influence of drugs or alcohol, and some sex offenses.⁴

Court judge oversees criminal case and assigns probation sentence—Unless a plea bargain agreement is reached, a judge imposes a probation sentence.⁵ The probation sentence includes:

- The length of time to be spent on probation, which generally ranges from 3 to 7 years for a felony conviction and from 1 to 3 years for a misdemeanor;⁶
- Any special conditions assigned to the probation sentence, such as any court-ordered treatment or rehabilitative services that should be provided or additional restitution payments the probationer should make; and
- The type/amount of probation supervision that is needed, such as intensive or standard probation supervision (see more information about these two types of supervision on pages 4 through 5).

¹ CASA volunteers are specially trained citizens who a judge appoints to function as advocates for children who are wards of the court. Statute requires CASA volunteers to meet with the child, gather information to aid the court in making its decision regarding what is in the child's best interest, and ensure that appropriate case planning and services are provided for the child. The FCRB, through its local foster care review boards, advises the juvenile court regarding the permanent placement of children involved in dependency proceedings. Statute requires that local foster care review boards review the cases of children placed in out-of-home care within 6 months of placement and at least once every 6 months thereafter.

² The judicial code is a compilation of policies and procedures for the administration of all Arizona courts.

³ A.R.S. §12-251(A) requires the presiding judge of the superior court division in each county to appoint a chief probation officer, who directs the day-to-day operations of the adult probation department located in that county.

⁴ The Arizona Criminal Code is found in A.R.S. Title 13.

⁵ According to AOC officials, in many court cases, a plea bargain is reached between opposing attorneys first, and the judge overseeing the case can accept, modify, or deny the conditions outlined in the plea bargain agreement.

⁶ In Arizona, the Legislature has established a range of sentences for different crimes, and the judge must impose a sentence within the range outlined by law.

Additionally, court judges may and in some cases are statutorily required to order probationers to pay fees and other monetary payments, such as fees for probation services and supervision, or restitution payments to victims.

Probationers must comply with conditions of probation—While on probation, probationers are required to report to a probation officer and comply with the standard conditions of probation. Specifically, the judicial code outlines several standard conditions of probation supervision, such as remaining law abiding, submitting to searches, and not possessing weapons (see textbox for more examples). Specialized requirements may also be imposed, such as having no contact with a crime victim or completing mandatory substance abuse treatment or community restitution hours.⁷ Failure to adhere to the conditions of the probation sentence may result in:

- More stringent conditions being imposed, such as increasing the amount of contacts probationers should have with their probation officers;
- Revocation of probation in which probationers are sent to jail or prison to complete the terms of their sentences; or
- Under certain circumstances, lengthening the probation term.⁸

Examples of Arizona standard conditions of adult probation supervision

Probationers should:

- Actively participate in any assigned treatment or rehabilitative services;
- Pay all court-ordered restitution, fines, and fees;
- Provide probation officer with safe, unrestricted access to residence; and
- Seek, obtain, and maintain employment and/or attend school.

Probationers should not:

- Possess/use illegal drugs or controlled substances;
- Knowingly and without permission associate with any person engaged in criminal behaviors or with any person known to have a criminal record; and
- Leave the State without permission.

Source: Arizona Code of Judicial Administration §6-207, Appendix A.

Adult probation departments ensure probation conditions are met through different types of assigned supervision

The State has 15 adult probation departments, with one adult probation department located in each of Arizona’s 15 counties. Although each probation department is part of the state adult probation program, these adult probation departments are named after the counties in which they are located. For example, the adult probation department located in Maricopa County is called the Maricopa County Adult Probation Department (MCAPD), and the adult probation department located in Yavapai County is called the Yavapai County Adult Probation Department.

The adult probation departments supervise and monitor probationers in their counties to help ensure compliance with probation conditions. In addition, adult probation departments are required to comply with the different types of supervision requirements outlined by statute, including requirements for intensive and standard probation supervision (see pages 4 through 5 for more information about these two types of probation supervision).

Adult probation officers ensure specific probation conditions are met—Adult probation departments, through its officers and staff, regularly monitor probationers to determine whether they are complying with both the standard conditions of probation and any other specific conditions of their probation sentences. Based on a probationer’s risk and needs assessment scores and his/her behavior, probation officers can make recommendations ranging from early termination of the probation sentence to revoking probation and sending the offender to prison or jail.⁹ The judge who oversees the case receives the probation officer’s recommendation and makes the final decision regarding the probationer’s sentence.

⁷ Community restitution refers to unpaid labor or services provided to a not-for-profit private or governmental agency.

⁸ According to an AOC official, the probation term may be lengthened only under very specific circumstances, such as nonpayment of restitution or multiple violations of probation by driving under the influence of alcohol or drugs.

⁹ Arizona’s adult probation departments use a standardized risk and needs assessment designed to help determine a probationer’s risk of returning to criminal behavior and to help adult probation departments identify and prioritize the probationer’s specific needs to reduce that risk (see Finding 1, page 12, for more information on the standardized risk and needs assessment).

Adult probation departments provide two main types of direct probation supervision—In Arizona, statute requires adult probation departments to provide two main types of direct probation supervision—intensive and standard.^{10,11} The judge overseeing the case has discretion to assign a probationer to either intensive or standard probation supervision based on factors such as evidence presented at the trial or information in the presentence report, which includes the risk and needs assessment. Periodically, probation officers reassess probationers' risk and needs assessment scores and review other factors, including probationers' behaviors, to determine whether the level of supervision within the intensive or standard probation is appropriate and may make changes between the levels of supervision in either type of probation as needed. However, although the probation officer may recommend to the judge overseeing the case a change from intensive to standard probation supervision or vice versa, only the judge may make changes between the two probation supervision types. Specifically:

- **Intensive probation supervision (IPS)**— According to A.R.S. §13-913, IPS is a highly structured and closely supervised probation supervision that emphasizes the payment of restitution. Supervision teams consisting of probation and surveillance officers oversee probationers sentenced to IPS.¹² Pursuant to statute, 14 of the 15 adult probation departments must comply with statutorily established maximum caseloads.¹³ Specifically, supervision teams must include specific numbers of officers who can oversee a maximum number of probationers, as follows:
 - Two-person supervision teams, consisting of either two probation officers or one probation officer and one surveillance officer, may supervise a maximum of 25 IPS probationers; or
 - Three-person supervision teams, consisting of one probation officer and two surveillance officers, may supervise no more than 40 IPS probationers.^{14,15}

As of December 2016, Arizona's adult probation departments employed a total of 176.5 full-time equivalent (FTE) IPS probation and surveillance officers who supervised a total of 2,501 IPS probationers.

In addition to the standard conditions of probation, statute requires that IPS probationers maintain full-time employment or student status, or perform full-time community service; pay restitution to victims and monthly probation fees; live at a residence approved by the supervision team; remain at their residence except when attending probation-approved activities, such as work or treatment services; submit to drug and alcohol tests as requested; perform community restitution; and meet any other conditions the court sets.¹⁶

¹⁰ A.R.S. §§13-913, 13-914, 13-916, and 12-251 et seq. outline the requirements of intensive and standard probation supervision, respectively.

¹¹ In addition, there are two other types of probation supervision known as interstate compact and indirect probation supervision. In general, the interstate compact supervision allows for the monitoring and tracking of probationers who are approved to move either from Arizona to another state or are approved to transfer to Arizona from another state for the duration of the probation supervision sentence. Further, the indirect probation supervision includes probationers who are not directly supervised, such as those who are incarcerated in jail or prison, who abscond or go missing from probation, or who are deported.

¹² According to A.R.S. §§12-253 and 12-259.01, probation officers and surveillance officers share most of the same duties, except that the probation officer is also authorized to perform presentence investigations. Probation officers prepare presentence reports that court judges request. These reports include the circumstances of the offense; the convicted person's criminal and employment history; a risk and needs assessment; and the officer's recommendation for supervision and treatment services.

¹³ The statutorily established maximum caseloads apply to 14 of Arizona's adult probation departments. A.R.S. §12-269(B) authorizes the MCAPD to establish its own officer caseload sizes. The MCAPD requires one probation officer for every 15 IPS probationers.

¹⁴ A.R.S. §13-916(A) and (B).

¹⁵ A.R.S. §13-919 allows an adult probation department to receive a waiver allowing one intensive probation officer to supervise up to 15 probationers if the department's supervision requirements include visual contact with each probationer at least one time a week.

¹⁶ A.R.S. §13-914(E).

IPS includes four different intensity levels of supervision, each requiring supervision teams to follow specific methods and frequencies for contacting the probationers they supervise.¹⁷ For example, at the highest supervision level within intensive probation, the supervision team must:

- Make four visual contacts such as observations or face-to-face interactions with probationers each week, and
- Verify probationers' employment such as through telephone contact or review of pay stubs at least once per week.

Conversely, at the lowest supervision level within intensive probation, the supervision team must make at least one visual contact every 2 weeks at probationers' homes, as well as receive one collateral report—such as a report from friends, family, treatment providers, or others who can supply information about the probationer—every 4 weeks, and also verify probationers' employment at least once every 4 weeks.

- **Standard probation supervision (SPS)**—According to the judicial code, the purpose of SPS is to provide the highest quality service to the court, community, and probationers.¹⁸ Unlike IPS, instead of a team of officers, individual probation officers oversee SPS probationers. Statute states that an adult probation department cannot supervise more than an average of 65 SPS probationers for each SPS probation officer the department employs.^{19,20} As a result, one probation officer in a department may supervise 70 SPS probationers while another probation officer may supervise 60 SPS probationers as long as the average caseload for the entire department's SPS probationer officers does not exceed an average of 65 probationers per each SPS officer.

As of December 2016, Arizona's adult probation departments employed 653 FTE SPS probation officers who supervised a total of 40,585 SPS probationers.

SPS includes three different intensity levels of supervision, each requiring probation officers to contact the probationers they supervise by different methods and at different frequencies. For example, at the highest supervision level, probation officers must make either visual or collateral contact with probationers at least two times per month. Conversely, at the lowest supervision level, probation officers must make one visual contact per month, and other methods of contact (collateral and employer) are made on an as-needed basis according to the probation officer's judgment.

Adult probation departments must hire enough officers to comply with statutorily established maximum caseload ratios for both IPS and SPS probationers. In addition, adult probation departments may hire additional staff to provide indirect supervision as well as deputy chief probation officers and other support staff. Table 1 (see page 6) shows the number of directly supervised probationers and probation officers in each Arizona county. As of December 2016, there were a total of 43,086 directly supervised probationers and 829.5 probation officers in the State.

AOC oversees adult probation at state level

The AOC's Adult Probation Services Division (Division) is responsible for providing state-wide oversight of the 15 adult probation departments.²¹ The Division's mission is to promote and support an effective probation system

¹⁷ According to AOC policy, although there are assigned frequencies for how often and what type of a contact should be made, all contacts made by a probation officer are to be performed randomly and as surprise/unscheduled contacts.

¹⁸ Arizona Code of Judicial Administration §6-201.01(C).

¹⁹ A.R.S. §12-251(A).

²⁰ As previously mentioned, the statutorily established maximum caseloads apply to 14 of Arizona's adult probation departments. A.R.S. §12-269(B) authorizes the MCPD to establish its own officer caseload sizes. The MCPD requires one probation officer for every 60 SPS probationers.

²¹ As previously mentioned, the 15 presiding judges of each county's superior court oversee the adult probation department in their county; however, the AOC administratively oversees all 15 adult probation departments across the State.

Table 1
Number of directly supervised intensive and standard probationers and probation officers
by county
As of December 2016
(Unaudited)

County	Number of directly supervised probationers ¹		Number of probation officers	
	Intensive	Standard	Intensive ²	Standard
Apache	49	339	4	5.5
Cochise	125	667	8	9.5
Coconino	87	836	9	13
Gila	23	333	2	6
Graham	49	416	4	6
Greenlee	25	100	2	1.5
La Paz	6	73	0.5	2
Maricopa	1,229	24,824	72	402
Mohave	35	1,344	3	21.5
Navajo	76	643	6	10
Pima	451	5,432	36	87.5
Pinal	79	2,201	6	34
Santa Cruz	16	191	2	3.5
Yavapai	96	2,215	7	35
Yuma	155	971	15	16
Subtotal	2,501	40,585	176.5	653
Total	43,086 Probationers		829.5 Probation officers	

¹ The number of directly supervised standard probationers also includes probationers transferred to Arizona under interstate compact supervision (see footnote 11, page 4, for information on interstate compact supervision). However, according to an AOC official, the number of directly supervised intensive probationers does not include probationers under interstate compact supervision.

² The number of intensive probation officers includes both probation and surveillance officers.

Source: Auditor General staff summary of the AOC's December 2016 monthly active cases reports.

through the use of evidence-based practices (EBP) that advance the protection of the community, safety of staff, and accountability of offenders.²²

The Division's primary responsibilities are to provide administrative oversight and ensure state monies are used in accordance with statutory and judicial requirements. These oversight activities include:

- Facilitating communications between the 15 adult probation departments;
- Initiating changes to the judicial code when necessary;

²² EBP are practices that research has shown to be successful in helping to reduce probationer recidivism—a relapse into criminal behaviors (see Finding 1, pages 11 through 13, for additional information about EPB).

- Providing technical assistance, guidance, and training to probation department staff; and
- Performing research and reporting on various program statistics.

In addition, division staff perform periodic evaluations of adult probation department program operations, which are called operational reviews. Although the AOC promotes state-wide consistency in adult probation department practices, each department differs in its local policies, procedures, needs, and resources. The AOC uses its operational reviews as an opportunity to review and ensure that the 15 adult probation departments' policies and procedures are consistent with statute and judicial code requirements and to ensure they are followed (see Finding 1, pages 11 through 21, for more information on the AOC's oversight activities).

To perform its oversight activities, as of February 2017, the Division had 21 FTEs, including a division director and staff who perform administrative services, such as operational reviews; provide various training opportunities, such as how to assist populations including the seriously mentally ill or sex offenders; provide support services, such as technical support for the adult probation database (see next paragraph); and perform research and analysis.

In addition to these various oversight and support activities, the AOC also operates the Adult Probation Enterprise Tracking System (APETS) database. The APETS database is the adult probation case management system all 15 adult probation departments use. It stores probationers' information from the time they are sentenced to the time they have completed their probation sentences. APETS includes information such as sentencing, risk and needs assessments, case or treatment plans that outline the specific services that will be used to help rehabilitate probationers, petitions to revoke probation that have been filed, and any warrants that may be issued if probationers do not follow probation's court-ordered conditions.

Reentry probationer population has grown over time

In Arizona, probation has traditionally served as a means of diverting offenders from jail or prison. However, more people in Arizona are being sentenced to both prison and probation, carrying out the prison part of the sentence first.

Probation population includes previously incarcerated individuals—As previously discussed on page 2, probation is a sentencing option in which someone convicted of a crime serves a period of supervision outside of a jail or prison. In addition, some probationers in Arizona serve a probation sentence after first serving a prison sentence. The AOC refers to these probationers as “reentry probationers” (see Finding 2, pages 23 through 25, for more information on reentry probationers). Reentry probationers consist of probationers who serve probation sentences after incarceration in an Arizona Department of Corrections (Corrections) prison, such as certain types of sex offenders and some persons convicted of driving under the influence of drugs or alcohol, and probation tails (see textbox for an explanation of probation tails).

Probation tails population emerged over time and is increasing

—According to AOC officials, the probation tails sentencing practice was first introduced by and through county attorney plea bargains or other sentencing practices. In addition, according to the MCAPD, it began noting an increase of its reentry probationer population around 2009. Since then, the MCAPD began tracking its probation tails population and sought a federal government grant to help address both the increasing number and the higher risk/needs of the reentry probationer population (see Finding 2, pages 25 through 26, for additional information on the MCAPD's efforts to address the reentry probationer population). According to AOC officials, the use of probation tails began to increase in greater numbers in other Arizona counties in early 2015.

Probation tail

The term “probation tail” refers to a court sentencing action where an offender faced with multiple charges is sentenced to prison for at least one charge and to probation for at least one other charge. According to the AOC, in order for a case to be considered a probation tail, the sentencing of one charge to prison and one charge to probation must take place on the same day. According to AOC officials, a probation tail generally occurs as part of a plea agreement between the prosecuting attorney and the defendant's attorney.

Source: Information supplied by the AOC.

According to Corrections' estimates, probation tails have become an increasingly larger proportion of the overall reentry probationer population. Specifically, Corrections' estimates indicate that the number of probation tails in fiscal year 2012 accounted for approximately 61 percent of the reentry probationers released from Corrections to adult probation departments. By fiscal year 2017, Corrections' projections indicate that probation tails will account for 81 percent of all reentry probationers who are released to adult probation departments (see Finding 2, pages 23 through 24, for more information on the growth of probation tails and the reentry probationer population).

AOC adult probation revenues and expenditures

The AOC distributes state-appropriated monies to adult probation departments in Arizona. A portion of these monies are distributed to 14 of the 15 adult probation departments to help pay for the probation and surveillance officers needed to meet statutorily established staffing caseload ratios. However, pursuant to statute, the MCAPD is funded by Maricopa County and has the ability to establish its own staffing caseload ratios.²³

As shown in Table 2 (see page 9), in fiscal years 2015 through 2017, the AOC's expenditures for adult probation fluctuated between approximately \$34.8 million and \$37.7 million. Distributions to adult probation departments accounted for the majority of the AOC's expenditures in those fiscal years. As shown in Table 2, State General Fund appropriations paid for most of the AOC's expenditures during fiscal years 2015 through 2017. Additional revenues that the AOC used to pay for adult probation expenses included charges for goods and services and intergovernmental revenue.²⁴

²³ Although Maricopa County pays for the MCAPD's operations, the AOC retains the authority to administratively supervise all adult probation departments. In addition, the AOC distributes some state monies to the MCAPD to pay for treatment and support services.

²⁴ Charges for goods and services include court fees, such as a \$20 probation surcharge the courts impose for criminal offenses and civil motor vehicle statute violations. In addition, according to an AOC official, intergovernmental revenue comes from the Drug Treatment and Education Fund, established pursuant to A.R.S. §13-901.02(A).

Table 2
Schedule of adult probation revenues and expenditures
Fiscal years 2015 through 2017
(Unaudited)

	2015 ¹ (Actual)	2016 (Actual)	2017 (Estimate)
Revenues²			
State General Fund appropriations	\$25,543,500	\$22,787,400	\$24,518,600
Charges for goods and services	5,722,500	5,937,100	5,473,400
Intergovernmental revenue	4,211,100	3,920,700	3,983,100
Private grants	1,209,700	1,228,100	1,051,700
Fines and forfeits	974,300	873,200	821,100
Interest	26,300	27,400	26,800
Total net revenues	\$37,687,400	\$34,773,900	\$35,874,700
Expenditures			
Payroll and related benefits	\$ 3,573,600	\$ 1,287,400	\$ 1,383,900
Professional and outside services	33,800	46,600	117,500
Travel	181,000	67,100	39,900
Aid to organizations ³	33,100,200	33,139,300	34,183,700
Other operating	798,800	233,500	149,700
Total expenditures	\$37,687,400	\$34,773,900	\$35,874,700

¹ Beginning in fiscal year 2016, the Legislature no longer required the AOC to account for some administrative and centralized payment services costs as part of its adult probation appropriations. As a result, the AOC's fiscal year 2015 adult probation revenues and expenditures included some revenues and expenditures that are not included in fiscal years 2016 or 2017.

² Amounts consist of the portion of the AOC's revenues that were used for adult probation expenditures.

³ Amounts represent monies passed through to the adult probation departments located in each county for their probation programs.

Source: Auditor General staff analysis of financial information the AOC provided for fiscal years 2015 through 2017.



AOC has implemented processes to help oversee adult probation departments and can further improve oversight

The Arizona Supreme Court, Administrative Office of the Courts (AOC), has implemented processes to help oversee adult probation throughout the State and can further improve its oversight of Arizona’s adult probation departments in two areas to help improve performance and program outcomes.²⁵ Specifically, the AOC has implemented various processes to help administer and oversee adult probation in the State, including implementing evidence-based practices (EBP) state-wide, developing and implementing state-wide standards and guidelines for adult probation departments, conducting operational reviews of these departments to assess compliance with the state-wide standards, providing a certification academy for probation officers, and monitoring adult probation departments’ expenditures of state monies. However, the AOC can strengthen its oversight by better using the data it collects to improve program outcomes and by improving its operational review process to provide greater assurance that each adult probation department complies with various requirements.

AOC implemented processes to help oversee adult probation departments

As discussed in the Introduction (see pages 1 through 9), the AOC is responsible for administering and overseeing all state court programs, including adult probation, and has taken several steps to meet its responsibility for administering and overseeing adult probation. These steps include:

- **Implementing EBP state-wide**—Almost a decade ago, the AOC began a state-wide implementation of EBP in adult probation (see textbox, page 12, for more information on EBP for probation) through the following actions:
 - **Requiring the use of EBP through the judicial code**—Starting in 2008, the AOC, with approval from the Arizona Judicial Council, modified the judicial code related to the supervision of adult probationers to include the principles of EBP.²⁶ For example, consistent with EBP, the judicial code requires adult probation departments to develop individual case plans for specified probationers (see page 13 for more information on the requirement to develop individual case plans). Before requiring adult probation departments to use EBP, the AOC required each adult probation department to demonstrate that its policies and procedures complied with the EBP requirements specified in the judicial code and that it had trained staff on their use. This allowed the AOC to help ensure adult probation departments would appropriately implement

²⁵ Arizona’s adult probation system is decentralized, with adult probation departments located in each of Arizona’s 15 counties. The AOC administratively oversees all 15 adult probation departments across the State. The adult probation departments supervise and monitor probationers in their counties to help ensure compliance with probation conditions (see Introduction, pages 3 through 5, for more information).

²⁶ The judicial code is a compilation of policies and procedures for the administration of all Arizona courts. All new and amended code section proposals are reviewed by AOC staff, submitted to the AOC administrative director, and presented to appropriate standing court committees and the Arizona Judicial Council, which assists the Supreme Court and the Chief Justice of the Supreme Court in developing and implementing policies and procedures for the administration of the State’s courts. Arizona Judicial Council membership includes judges, court administrators, attorneys, and public members. If approved, all new and amended code sections are adopted as code sections by administrative order of the Chief Justice of the Supreme Court. The code is published in the Arizona Rules of Court.

EBP. As of January 2011, the AOC determined that all 15 adult probation departments' policies and procedures complied with the EBP judicial codes and began requiring them to use EBP. Finally, the AOC conducts operational reviews of probation departments to ensure continued compliance with judicial code requirements including the use of EBP (see pages 14 through 15 for more information on operational reviews).

- **Requiring the use of a validated risk and needs assessment**—Beginning in 2003, the AOC oversaw the validation and state-wide implementation by adult probation departments of a standardized risk and needs assessment. This assessment is designed to help determine a probationer's risk of recidivating and to assist adult probation departments to identify and prioritize the probationer's specific needs to reduce that risk. Prior to the validated assessment's implementation, adult probation departments used various procedures to assess the risk and needs of probationers resulting in potentially inconsistent risk and needs assessments being conducted across the State. To help provide a more consistent approach for assessing probationers' risks and needs, the AOC contracted with a third party to review two assessments that were used in Arizona and determine which assessment best measured a probationer's likelihood to recidivate. In 2005, the AOC selected a risk and needs assessment and worked with the adult probation departments to provide training and technical assistance to implement the validated risk and needs assessment state-wide.

EBP for probation—According to the Arizona Code of Judicial Administration (judicial code), EBP for adult probation are strategies that have been shown through current, scientific research to lead to a reduction in recidivism.¹ Additionally, according to the Crime and Justice Institute, EBP involve an ongoing, critical review of research literature to determine what policies and practices would be most effective given the best available evidence. Once implemented, EBP also involve rigorous quality assurance and evaluation to ensure that EBP are replicated with fidelity and are evaluated to determine their effectiveness.

¹ Recidivism is defined as a relapse into criminal behavior.

Source: Arizona Code of Judicial Administration §6-105.01; Crime and Justice Institute at Community Resources for Justice. (2009). *Implementing evidence-based policy and practice in community corrections*, 2nd ed. Washington, DC: National Institute of Corrections.

The AOC's risk and needs assessment is intended to identify a probationer's risk to recidivate based on various risk factors, such as use of illegal drugs, attitude toward the law and authority figures, and other factors as identified by research. Probation officers use the assessment for probation-eligible cases to determine an overall score that reflects the probationer's risk to recidivate. The adult probation departments use this score in presentence reports probation officers prepare for the court to recommend an appropriate probation supervision type, such as intensive or standard, and to determine the level of supervision within intensive or standard probation (see Introduction, page 4, footnote 12, for more information on presentence reports and pages 4 through 5 for more information on the types and levels of probation supervision).²⁷ Additionally, probation officers use the assessment to measure changes in the probationer's risk and needs every 12 months or upon discovery of significant changes in the probationer's risk and needs.

The AOC's implementation of a validated risk and needs assessment is consistent with EBP principles. For example, according to the Pew Center on the States (Pew), probation supervision and programs are most effective at reducing future crime when they accurately assess probationer risk and needs to assign appropriate supervision levels, such as increased monitoring for higher-risk probationers.²⁸ Additionally, Pew reports that assigning probationers to the correct supervision levels is crucial because research shows that putting low-risk probationers in intensive supervision increases their recidivism rates instead of lowering them. Further, Pew states that using risk and needs assessments to determine how to supervise probationers allows probation departments to better allocate their resources by focusing supervision efforts on high-risk probationers.

²⁷ In Arizona, although the judge presiding over the probationer's case determines whether the probationer will serve standard or intensive probation, the probation officer makes recommendations to the judge in a presentence report that are based on the probationer's scores on the risk and needs assessment.

²⁸ Pew Center on the States. (2008). *Policy framework to strengthen community corrections*. Washington, DC.

- **Requiring the use of individualized case plans for medium- and high-risk probationers—** Beginning in 2011, the judicial code required probation officers to develop an individualized case plan for each probationer whose overall risk and needs assessment score indicates they are medium or high risk to recidivate or for probationers whose overall risk and needs score indicates that they are low risk to recidivate but have a specific risk and needs area that needs to be addressed. The judicial code requires that the case plan include strategies for behavior change and supervision developed by the supervising probation officer, in collaboration with the probationer, which clearly identify the probationer’s risk factors and needs and how the risk factors and needs will be addressed. The risk and needs assessment provides a framework for developing case plans by assessing a probationer’s needs, such as a need for drug or alcohol treatment or anger management counseling. According to Pew, an individualized case plan is the ideal mechanism with which to ensure that probationers and their supervising officers focus their time, energy, and resources on those activities that are most needed to reduce the likelihood of recidivism, such as attending treatment.²⁹ Pew reports that the use of individualized case plans, when adopted in conjunction with other effective supervision practices, has been shown to reduce probationers’ new arrests and violations of the conditions of probation.

Using EBP can provide several benefits, including rehabilitating probationers, reducing recidivism, and increasing public safety. According to Pew, EBP can lead to a reduction in new crimes and violations of probation conditions probationers commit and result in taxpayer savings by reducing the number of probationers who are later sentenced to prison.³⁰ Additionally, the National Governors Association Center for Best Practices reports that even small reductions in new crimes probationers commit can result in significant cost savings.³¹ For example, in Arizona, during fiscal year 2016, the average daily cost to supervise a probationer ranged from \$2.82 for standard probation to \$17.99 for intensive probation (see Introduction, pages 4 through 5, for more information on the types of probation supervision). In contrast, according to a fiscal year 2016 Arizona Department of Corrections’ report, housing an inmate in a state prison cost more than \$66 per day.³² Based on these average daily costs for probation and the average daily cost of incarceration in a state prison, the State could save between \$17,700 and \$23,200 annually for each probationer that is not incarcerated for a new crime or a violation of the conditions of probation.

- **Providing training and technical assistance—**The AOC provides adult probation departments with a variety of training opportunities, technical assistance, and opportunities to collaborate and share information. For example, the AOC:
 - **Administers the Probation Officer Certification Academy and certifies all probation officers—** The judicial code requires all probation officers to attend the Probation Officer Certification Academy within their first year of employment. The AOC administers the Certification Academy, which includes 2 weeks of basic training in areas such as EBP, understanding and managing probationer behavior, communication skills, and interviewing techniques. The AOC certifies probation officers who pass the certification test, satisfactorily complete a minimum of 1 year of employment as a probation officer, and receive a recommendation from their chief probation officer.³³
 - **Provides officers with training on defensive tactics—**The AOC provides defensive tactics training for all probation and surveillance officers who have direct supervision over probationers. The judicial code requires probation officers to complete an initial defensive tactics training academy prior to providing

²⁹ Pew, 2008.

³⁰ Pew, 2008.

³¹ National Governors Association Center for Best Practices. (2004). *The challenges and impacts of prisoner reentry*. Washington, DC.

³² Arizona Department of Corrections. (2017). *Fiscal Year 2016 operating per capita report*. Phoenix, AZ.

³³ Arizona Revised Statutes (A.R.S.) §12-251(A) requires the presiding judge of the superior court division in each county to appoint a chief probation officer, who directs the daily operations of the adult probation department located in that county.

direct supervision of probationers and to complete 8 hours of refresher defensive tactics training annually on topics such as verbal intervention, office and field safety, use of weapons, and search and seizure.³⁴

- **Provides supplemental and refresher trainings on EBP principles**—The AOC provides supplemental and refresher training opportunities to probation departments on EBP, including training on conducting the risk and needs assessment, developing case plans, and motivational interviewing.³⁵ According to Pew, implementing EBP successfully involves committing to professional development, including training staff on effective supervision techniques, accurately completing risk and needs assessments, developing and using productive case plans, and using effective communication skills such as motivational interviewing in case management.³⁶ The AOC provides training on all of these areas to adult probation departments.
- **Hosts Adult Management Meetings**—The AOC hosts quarterly meetings with the chief probation officers from each of the 15 adult probation departments. At these meetings, AOC officials and staff and the chief probation officers share updates on project initiatives, policy, and budget; and discuss any relevant new guidance or successful practices in adult probation. For example, during the Adult Management Meeting held in April 2016, AOC staff shared information about changes the AOC was making to the Adult Probation Enterprise Tracking System (APETS), which would help adult probation departments more easily identify and track individuals who will serve a probation term after completing their prison term (see Finding 2, pages 23 through 25, for more information on probationers who have served a term in prison, referred to as reentry probationers). AOC staff indicated these changes would allow adult probation departments to better determine future resource needs by tracking when these individuals will be released to probation and aligning supervision and treatment services to address the specific risks and needs of individuals exiting prison. AOC officials and staff informed the chief probation officers of these changes, answered questions, and coordinated next steps with chief probation officers for implementing and training probation officers on these changes.
- **Conducting operational reviews of adult probation departments**—The AOC has established a process to review adult probation departments' operations once every 3 years.³⁷ These operational reviews are designed as a formal, standardized assessment of adult probation departments' compliance with various federal and state requirements in the following areas:
 - **Administration and management**—Assesses whether adult probation departments have established and are following policies and procedures consistent with federal law, state statute, the judicial code, and supreme court administrative orders;
 - **Community protection**—Assesses compliance with judicial code requirements for the minimum number and types of contacts probation officers should have with probationers on standard or intensive probation supervision;
 - **Victims' rights**—Assesses whether adult probation departments have made required notifications to victims who have requested to be notified of any hearings on proposed modifications of the terms of probation, such as transitioning a probationer from intensive to standard probation;
 - **Offender accountability**—Reviews enforcement of court-ordered financial obligations, such as payment of restitution as required by statute and the judicial code;

³⁴ Probation officers may carry a firearm while on duty if they have been authorized by the chief probation officer to do so and have successfully completed all training and testing required by the judicial code.

³⁵ Motivational interviewing techniques are used by probation officers when communicating with probationers to help probationers identify discrepancies between their stated goals and their behavior.

³⁶ Pew, 2008.

³⁷ In 2014, the AOC revised its operational review process and started to transition from reviewing each adult probation department once every 4 years to once every 3 years but did not implement a 3-year review schedule until 2017.

- **Case management activities**—Reviews activities such as timely completion of the risk and needs assessment and case plan as required by the judicial code; and
- **Treatment services**—Assesses the timely referral of probationers to treatment as required by the judicial code.

The AOC’s operational reviews involve both a self-assessment questionnaire completed by the adult probation departments and onsite reviews conducted by AOC staff. While onsite at an adult probation department, AOC staff conduct interviews, observe operations, and review case files. If the reviewer identifies areas of noncompliance, the AOC will make recommendations for improvement and require a corrective action plan from the adult probation department. In addition, the AOC will provide technical assistance to the adult probation department when needed, such as helping the adult probation department revise its policies and procedures to ensure they are consistent with federal and state requirements.

- **Monitoring expenditures of state monies**—The AOC administers and oversees the adult probation departments’ expenditures of state monies through annual program plans and funding agreements. According to the judicial code, adult probation departments must prepare a program plan that outlines how they will use requested state monies in accordance with statutory and judicial requirements. Once the AOC reviews and approves adult probation departments’ program plans, it includes the probation departments’ requested state monies in the Supreme Court’s annual budget request to the Legislature. Based on the state appropriations it receives and other revenues it plans to allocate to the adult probation departments, the AOC then initiates funding agreements to distribute monies to each of the probation departments. The AOC’s funding agreement outlines statutory and judicial code requirements for expending state monies, such as maintaining statutorily established supervisory caseloads (see Introduction, pages 4 through 5, for more information on supervisory caseloads). The AOC monitors compliance with funding agreements throughout the year by requiring adult probation departments to submit monthly, mid-year, and end-of-year expenditure reports, which AOC staff review and approve. These reports include information on adult probation department expenditures, filled and vacant positions, and supervisory caseload sizes.
- **Administering APETS, a state-wide case management system for adult probation services**—The AOC implemented APETS state-wide in 2007, and all 15 adult probation departments use the system. AOC staff support and maintain APETS by providing periodic enhancements to the software and ongoing user training and support services to adult probation departments. APETS provides automated probation case management, including electronic case plans, contact notes, and drug-testing results (see Introduction, page 7, for more information on APETS).
- **Compiling and reporting data**—The AOC regularly compiles and reports probation data. It obtains this data from APETS and annual statistical reports provided by adult probation departments. The AOC uses this information to monitor adult probation departments’ compliance with statutorily established supervisory caseloads, provide information to the public, and fulfill state reporting requirements. The AOC’s reports include:
 - Monthly counts of probationers and probation officers by adult probation department and probation type (standard or intensive probation) to monitor adult probation departments’ compliance with maintaining statutorily established supervisory caseloads;
 - Annual summaries of probation population statistics, such as the total number of standard and intensive probationers and the AOC’s initiatives and accomplishments to provide information to the public;
 - Statutorily required annual reports that are submitted to the Legislature on each adult probation department’s use of state monies for probation services, such as the costs for providing treatment services to probationers; and

- Annual performance measure reports that are required to be submitted to the Joint Legislative Budget Committee. The information in these reports includes performance measures such as the percent of probation departments in compliance with statutorily established supervisory caseloads.

AOC can further improve oversight of adult probation departments

Although the AOC has implemented processes to help oversee adult probation throughout the State, it can further improve its oversight practices. Specifically, the AOC can better use the probation information that it collects to oversee the adult probation system's performance and improve outcomes. In addition, it can improve its operational review process to further ensure that adult probation departments comply with various requirements, such as the judicial code.

AOC should expand its data use to improve the State's adult probation system—As the administrative body for Arizona's adult probation system, the AOC is in a unique position to leverage the data it collects to improve the State's adult probation system. However, the reports the AOC has produced contain limited information regarding outcomes or analyses of emerging trends or issues that potentially impact the State's adult probation system. To more effectively use the probation data that it collects, the AOC should:

- **Develop measures for assessing the implementation and outcomes of EBP**—EBP are strategies shown through current scientific research to lead to a reduction in recidivism (see textbox on page 12 for an explanation of EBP). According to Pew, data collection and analysis is a critical EBP component in probation.³⁸ In addition, according to the Crime and Justice Institute, one of EBP's pillars is developing an evaluation process that ensures all practices are being implemented according to research and are evaluated to determine their effectiveness.³⁹ Although the AOC has developed some measures to assess adult probation departments' EBP use, it has not fully used the data it collects to determine how well probation programs and services have been implemented and whether they yield the desired outcomes. The American Correctional Association (ACA) and Pew make several recommendations regarding the measurement of probation program outcomes, and the AOC already collects the necessary data to develop these measures.^{40,41} Therefore, consistent with ACA and Pew guidance, the AOC should develop and monitor/track the following outcome measures:
 - **Reduction in new criminal activity**—The ACA recommends tracking the percent of probationers who commit new crimes; abscond, meaning fail to report to a probation officer as required; and violate their probation conditions.⁴² Tracking such information would help the AOC determine whether probation programs and services are leading to desired outcomes, such as reducing the number of new crimes probationers commit. The AOC tracks and annually reports the total number of both probationers who commit a new crime and abscond. However, it does not track or report these measures as a percent of the probation population. As a result, the measures lack sufficient context to fully assess the significance of the information or to determine the meaning of any variance found from year to year or between different adult probation departments. In addition, the AOC does not track or report on the percentage of probationers who have violated the standard conditions of supervised probation. Without this information, the AOC cannot determine if probation programs and services are reducing the number of probationers who violate the standard conditions of supervised probation.
 - **Success of probationers in maintaining employment**—The ACA recommends tracking the percent of probationers employed on a specified day in the past year and the percent of probationers who were

³⁸ Pew, 2008.

³⁹ Crime and Justice Institute at Community Resources for Justice. (2009). *Implementing evidence-based policy and practice in community corrections*, 2nd ed. Washington, DC: National Institute of Corrections.

⁴⁰ American Correctional Association. (2008). *Performance based standards for adult probation and parole field services*, (4th ed.). Alexandria, VA.

⁴¹ Pew, 2008.

⁴² ACA, 2008.

employed upon exiting probation.⁴³ Tracking employment would provide the AOC with important information on whether probation programs and services help probationers obtain and maintain employment. Pew research indicates that employment reduces an individual's risk of reoffending and provides the individual with income, which enables them to support themselves and their dependents; pay taxes, restitution, and child support; and generally be a productive member of the community.⁴⁴ In addition, obtaining and maintaining employment is a standard condition of supervised probation for all probationers as required by the judicial code. Although the AOC tracks the percent of intensive probationers maintaining full-time employment, it does not track the employment rates of standard probationers or the number of intensive or standard probationers who are employed upon exiting probation. As a result, the AOC's employment measure lacks important information for standard probationers, who account for more than 90 percent of the supervised probation population, and does not assess the employment outcomes of probationers who have completed probation.

- **Reduction in the use of illegal drugs**—The ACA recommends tracking the percent of probationer substance abuse tests for which the results were negative.⁴⁵ Such information would help the AOC determine whether probation programs and services are leading to a reduction in probationers' use of illegal drugs. Pew research indicates that individuals who use illegal drugs pose a higher risk of committing a new crime.⁴⁶ In addition, all probationers are prohibited from the illegal use of drugs by the standard conditions of supervised probation. The AOC annually reports on the number of probationers who were provided substance abuse tests through the Drug Treatment and Education Fund, but it does not track or report on the results of any probationer substance abuse tests.⁴⁷ As a result, the AOC is not assessing whether probation programs and services are reducing probationers' use of illegal drugs.
- **Compliance with restitution orders**—The ACA recommends tracking the amount of restitution collected, the degree of compliance with restitution orders, and the percent of probationers with total restitution paid upon exiting probation.⁴⁸ Tracking the payment of restitution provides important information on whether probationers are held accountable for their crimes and victims are receiving full restitution. According to Pew, timely and effective enforcement of restitution is essential to maintaining probationer accountability and the integrity of the court's order.⁴⁹ In addition, the standard conditions of supervised probation require payment of all restitution the court imposes. Although the AOC tracks the amount of restitution collected and the degree of compliance with restitution orders, the AOC does not track the percent of probationers with total restitution paid upon completing probation.
- **Successful completion of probation terms**—The ACA recommends tracking the percent of probationers exiting probation who have successfully completed their probation terms.⁵⁰ Individuals who successfully exit probation complete their probation terms without being revoked to jail or prison, whereas individuals who are revoked from probation for new criminal activity or for substantial violations of the conditions of supervised probation are categorized as unsuccessful exits from probation.⁵¹ The AOC tracks the percent of probationers exiting probation who successfully completed their probation term at a state-wide level but does not do so for each adult probation department. As a result, the AOC's measure

⁴³ ACA, 2008.

⁴⁴ Pew, 2008.

⁴⁵ ACA, 2008.

⁴⁶ Pew, 2008.

⁴⁷ A.R.S. §13-901.01 requires probationers who have been convicted of the personal possession or use of a controlled substance or drug paraphernalia to participate in a drug treatment or education program. The Drug Treatment and Education Fund provides monies to adult probation departments to cover the costs of placing persons in drug education and treatment programs.

⁴⁸ ACA, 2008.

⁴⁹ Pew, 2008.

⁵⁰ ACA, 2008.

⁵¹ ACA, 2008.

of successful exits lacks sufficient detail to identify any differences between adult probation departments or to compare to the state-wide rate. Without this information, the AOC cannot determine how well each probation department is performing in comparison to other probation departments or the state-wide rate. This information would enable the AOC to identify probation departments that need additional support, have successful practices that can be expanded, or have practices that are not working that should be revised or eliminated.

Once the AOC has developed these measures, it should take steps to effectively implement them and adjust them as needed to guide improvement of the adult probation system. According to the Crime and Justice Institute, after developing outcome measures, entities responsible for overseeing probation should calculate baseline levels of performance—the measured level of performance at the time the outcome measure is implemented—and develop benchmarks or goals for future improvement.⁵² Additionally, guidance issued by the Crime and Justice Institute recommends developing a plan for achieving, tracking, and regularly communicating progress toward those goals.⁵³ Further, guidance issued by the American Probation and Parole Association recommends establishing formal benchmarks associated with specific practices and measuring results, which can allow successful practices to be identified and expanded and unsuccessful practices to be revised or eliminated.⁵⁴ Therefore, in addition to developing the ACA-recommended measures, in collaboration with the adult probation departments, the AOC should also:

- Determine baseline levels for each outcome measure, establish benchmarks or goals for future improvement, and establish a process for periodically reviewing and revising benchmarks and goals;
 - Develop action plans for meeting the established benchmarks or goals, including revising processes or practices that are not producing the desired outcomes;
 - Develop a plan to track and communicate progress toward those goals. For example, during the AOC's quarterly Adult Management Meetings with the chief probation officers from each of the 15 adult probation departments, it could initiate discussions regarding probation departments' progress toward or challenges in meeting their goals; and
 - Provide training on the outcome measures for those probation department staff who need to interpret data, facilitate data discussions, and apply data to improve adult probation departments' operations.
- **Evaluate key aspects of the State's adult probation system or partner with others to do so—** According to the American Probation and Parole Association, analyzing and reporting results highlights positive outcomes, uncovers ineffective practices, and guides agencies to explore alternative methods for achieving organizational goals.⁵⁵ The AOC's reports primarily include descriptive information and do not include analyses and evaluations of the State's adult probation system. Specifically, the AOC's most recent annual Safer Communities Report does not contain any assessment of emerging issues or assess the productivity or effectiveness of the adult probation system. For example, the report states that the number of people on probation who had a new felony conviction increased 12.3 percent from fiscal year 2015 to fiscal year 2016, but the number of revocations in the same time period decreased 8.3 percent. The report does not include any analysis on why there was an increase of new felony convictions nor does it explore the reasons for the simultaneous decrease in revocations—such as possible reasons for these trends or an evaluation of how Arizona's adult probation system may be contributing to them. Without evaluating these trends, the AOC may not be able to identify potential issues and take steps to address them.

⁵² Crime and Justice Institute and Meghan Guevara et al. (2010). *Putting the pieces together: Practical strategies for implementing evidence based practices*. Washington, DC: National Institute of Corrections.

⁵³ Crime and Justice Institute and Guevara et al, 2010.

⁵⁴ Boone, H. N., Fulton, B., Crowe, A. H., & Markley, G. (1995). *Results-driven management: Implementing performance-based measures in community corrections*. Lexington, KY: American Probation and Parole Association.

⁵⁵ Boone et al., 1995.

Although it may not be feasible to evaluate all aspects of the adult probation system, the AOC should review its outcome data and determine which trends or outcomes should be analyzed further to yield the most valuable information regarding the reasons for such trends or outcomes. Additionally, the AOC should use the information gained from analyses of trends or outcomes to target improvement efforts such as identifying and expanding successful practices or identifying potential issues and taking steps to address them. The AOC should perform this review periodically such as annually or biennially and document both the methods used to determine the most important aspects to evaluate and any steps taken to target improvements. If the AOC determines it does not have the resources or expertise to perform these analyses, the AOC should consider forming partnerships or entering into contracts with institutions of higher education or other qualified organizations, such as the Arizona Criminal Justice Commission, for assistance with data analysis and research.

Operational review process can be improved in several areas—As previously discussed, the AOC conducts operational reviews of adult probation departments to assess whether their programs and services are in compliance with federal and state requirements (see pages 14 through 15). Although the AOC’s operational reviews provide a comprehensive assessment of adult probation departments’ compliance with these requirements, auditors identified some areas for improvement. Specifically, the AOC should:

- **Consistently enforce compliance requirements or revise its compliance policy**—The AOC’s *Operational Review Policies and Procedures Manual* states that 100 percent compliance with statutory and judicial requirements is expected. In addition, it states that the AOC will require an adult probation department to take corrective action when less than 100 percent compliance is observed. However, auditors’ review of all ten operational review reports completed in calendar years 2014 through 2016 found that AOC staff did not enforce 100 percent compliance in at least one instance in each of the operational reviews. In addition, auditors also found that AOC staff did not enforce 100 percent compliance in multiple instances in eight of these ten reviews. For example, for standard probation supervision at the high-risk level, the judicial code requires probation officers to make at least two visual contacts with the probationer each month or contact with collateral sources who have meaningful knowledge of the probationer each month (see Introduction, pages 4 through 5, for more information on the types and levels of probation supervision). One of the operational review reports indicated that the average compliance rate for making required contacts with high-risk probationers was 71 percent, but it did not identify this as an area requiring corrective action to achieve full compliance with the judicial code requirement.

According to AOC officials, there are some instances when less than 100 percent compliance is acceptable. For example, AOC officials explained that in some cases a probation department is not 100 percent compliant because of temporary situations, such as turnover of probation officers. In addition, the AOC reported that because these types of situations may not be systemic issues, they also may not warrant a corrective action. However, as of February 2017, the AOC’s policy did not allow for this type of flexibility. Specifically, the policy did not provide guidance to the AOC’s operational review staff for determining under what circumstances they can and should be flexible when identifying noncompliance and requiring corrective actions in operational review reports. Therefore, the AOC should revise its *Operational Review Policies and Procedures Manual* to allow for some flexibility when appropriate, including providing guidance for staff on specific circumstances that would not require a corrective action plan when 100 percent compliance is not met and how such determinations should be documented. Alternatively, it should require its staff to enforce the 100 percent compliance requirement and require corrective actions as outlined in its *Operational Review Policies and Procedures Manual*.

- **Develop a formal follow-up process**—Prior to calendar year 2014, the AOC required its operational review staff to continuously follow up with each adult probation department until all recommendations from its operational reviews and corrective action plans were completely addressed. In 2014, the AOC revised its operational review process to allow its operational review staff to start transitioning from reviewing each adult probation department once every 4 years to once every 3 years. To facilitate these more frequent reviews, the AOC no longer required its operational review staff to conduct follow-up work if an adult probation department began implementing an AOC-approved corrective action plan prior to the AOC issuing an operational review

report. Specifically, if an adult probation department began implementing an AOC-approved corrective action plan prior to the AOC issuing an operational review report, the AOC's operational review staff noted in the report that any areas of noncompliance related to the corrective action did not require followup. However, the AOC has not developed any policies or procedures for the revised follow-up process to ensure that areas of noncompliance identified in the operational reviews are fully addressed by implementing the corrective action plan.

Without sufficient verification that reported corrective actions have been completed, the AOC has no assurance that areas of noncompliance have been corrected, and public safety concerns may potentially go unresolved. For example, according to statute, a sex offender is required to register with the county sheriff within 10 days of conviction or within 10 days after entering and remaining in any Arizona county. These reporting requirements are specifically in place to alert and protect the public. One operational review report completed after the AOC's 2014 operational review process revisions indicated that sex offenders supervised by one adult probation department had not completed statutorily required sex offender registration within 10 days of a conviction or entering and remaining in any county in more than half of the cases reviewed. The operational review report included the probation department's corrective action, which consisted of reviewing all sex offender case files, revising its checklist of requirements for sex offender cases, and revising its sex offender policy manual to help ensure compliance with all requirements for sex offender cases. The report indicated that no further follow up was needed. However, without further follow up, the AOC did not have assurance that the adult probation department had implemented its corrective action or that the compliance issue had been addressed. Therefore, the AOC should develop and implement follow-up policies and procedures that require its staff to follow up on corrective actions as well as recommendations listed in its operational review reports until compliance issues have been fully addressed. In addition, the AOC's follow-up policies should include procedures for documenting the follow-up work.

- **Develop formal process for identifying and addressing common areas of noncompliance**—Although the AOC conducts regular operational reviews of adult probation departments, it does not have a formal process for identifying common findings from its operational reviews, which could help it improve adult probation departments' performance state-wide. In contrast, the AOC's Court Services Division, which conducts operational reviews of limited jurisdiction courts, has a process to identify common findings from its operational reviews and has developed a resource document that includes recommendations for addressing common findings.⁵⁶ The AOC's Court Services Division distributes this resource document to all limited jurisdiction courts in the State. To reduce the potential for overlooking systemic or shared issues between the 15 adult probation departments and to help ensure that the AOC effectively addresses areas needing corrective action, the AOC should develop and implement a formal process to regularly review its adult probation operational reviews to identify common findings, such as annually or at the end of each 3-year review schedule. This process should include developing a resource document that includes recommendations for addressing common findings and distributing the resource document to the adult probation departments.

Recommendations

- 1.1. The AOC should develop and track outcome measures that are consistent with ACA and Pew guidance. These should include the following outcome measures:
 - The percentages of probationers who commit new crimes, abscond, or violate their conditions of probation;
 - Employment rates of standard and intensive probationers and the employment status of individuals exiting probation;
 - The percentage of substance abuse tests that are negative;

⁵⁶ Limited jurisdiction courts consist of municipal courts, referred to as either city or magistrate courts, and justice of the peace courts. Limited jurisdiction means that their authority is restricted to certain cases. The subject, the amount of money involved, or the sentence that can be imposed may limit the cases these courts decide.

- The percentage of probationers exiting probation with total restitution paid; and
 - The percentage of probationers exiting probation who successfully completed their probation term for each adult probation department for comparison to other adult probation departments and the state-wide rate.
- 1.2 After outcome measures have been developed and in collaboration with adult probation departments, the AOC should:
- a. Determine baseline levels for each outcome measure, establish benchmarks or goals for future improvement, and establish a process for periodically reviewing and revising benchmarks and goals;
 - b. Develop action plans for meeting the established benchmarks or goals, including making revisions to processes or practices that are not producing the desired outcomes;
 - c. Develop a plan to track and communicate progress toward those goals; and
 - d. Provide training on the outcome measures for those probation department staff who need to interpret data, facilitate data discussions, and apply data to improve their departments' operations.
- 1.3 The AOC should evaluate key aspects of the State's adult probation system by:
- a. Reviewing its outcome data and determining which trends or outcomes should be analyzed further to yield the most valuable information regarding the reasons for such trends or outcomes.
 - b. Using the information gained from analyses of trends or outcomes to target improvement efforts such as identifying and expanding successful practices or identifying potential issues and taking steps to address them.
 - c. Performing this review periodically such as annually or biennially and documenting both the methods used to determine the most important aspects to evaluate and the steps taken to target improvements.
- 1.4 If the AOC determines it does not have the resources or expertise to analyze trends and outcomes to determine the reasons for such trends or outcomes, the AOC should consider forming partnerships or entering into contracts with institutions of higher education or other qualified organizations, such as the Arizona Criminal Justice Commission, for assistance with data analysis and research.
- 1.5 To help strengthen its operational review process, the AOC should:
- a. Revise its *Operational Review Policies and Procedures Manual* to allow for some flexibility, including providing guidance for staff on specific circumstances that would not require a corrective action plan when 100 percent compliance is not met and how such determinations should be documented. Alternatively, it should require its staff to enforce the 100 percent compliance requirement and require corrective actions as outlined in its *Operational Review Policies and Procedures Manual*.
 - b. Develop and implement follow-up policies and procedures that require its staff to follow up on corrective actions as well as recommendations listed in its operational review reports until compliance issues have been fully addressed. In addition, the AOC's follow-up policies should include procedures for documenting the follow-up work.
 - c. Develop and implement a formal process to regularly review its adult probation operational reviews to identify common findings, such as annually or at the end of each 3-year review schedule. This process should include developing a resource document that includes recommendations for addressing common findings and distributing the resource document to the adult probation departments.



AOC should continue addressing growing reentry probationer population to ensure public safety

The Arizona Supreme Court, Administrative Office of the Courts (AOC), should continue its efforts to develop a state-wide approach for addressing the specific needs of individuals who serve a prison sentence and then are released to probation, otherwise known as the reentry population. Arizona's adult probation departments are supervising an increasing number of probationers who have been released from prison to probation and are at a higher risk for committing new crimes. Efforts to address this population's specific needs have been primarily confined to the adult probation department in Maricopa County. Beginning in November 2016, the AOC began work on a series of long-term projects to address the reentry probationer population's needs state-wide, and it should complete the development and implementation of these projects and take additional steps to assist adult probation departments in meeting the reentry probationer population's treatment and supervision needs.

State's adult probation departments supervise an increasing number of recently imprisoned, higher-risk probationers

The State's adult probation departments are supervising an increasing number of probationers who are released from prison directly to probation. These probationers are at a higher risk for committing new criminal acts.

Adult probation departments supervising an increasing number of reentry probationers—

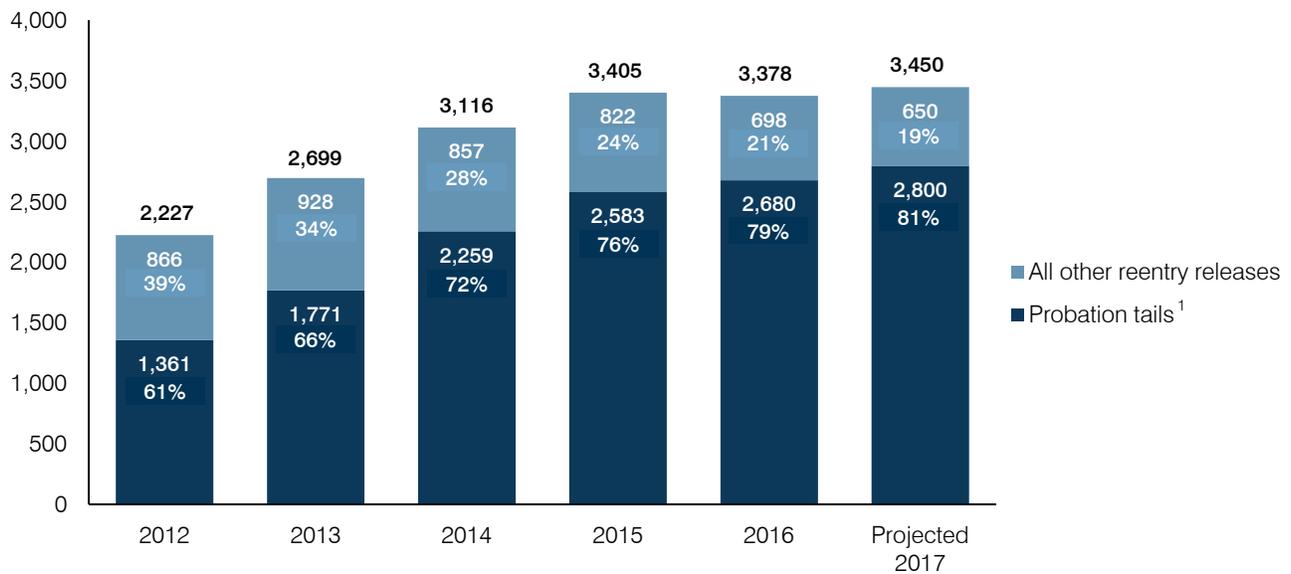
Arizona's 15 adult probation departments are supervising an increasing number of probationers who are released from prison directly to probation, which the AOC refers to as the reentry probationer population or reentry probationers. The reentry probationer population consists of probationers who have been released directly to probation from an Arizona Department of Corrections (Corrections) prison, such as certain types of sex offenders and some persons convicted of driving under the influence of drugs or alcohol. The reentry probationer population also includes probationers who have been sentenced to both prison and probation on the same day for different criminal offenses, a sentence that the AOC refers to as a "probation tail" (see Introduction, pages 7 through 8, for more information on probation tails).

The number of reentry probationers the State's adult probation departments supervise has been increasing in recent years. Specifically, as shown in Figure 1 (see page 24), information Corrections provided indicates that the number of reentry probationers released to probation directly following prison increased from more than 2,200 reentry probationers in fiscal year 2012 to approximately 3,400 reentry probationers in fiscal year 2016, an increase of nearly 52 percent.⁵⁷ According to AOC data, over this same time period, the average number of total probationers the AOC directly supervised increased by approximately 10 percent.⁵⁸ Thus, the reentry probationer population has increased at a greater rate than the total probation population. Additionally, as shown in Figure 1, more of the reentry probationer population are serving a probation tail sentence. As of February 2017, the AOC

⁵⁷ The AOC had limited data on the size of the reentry population prior to November 2016. Therefore, Office of the Auditor General staff used information Corrections provided to illustrate the reentry population's growth.

⁵⁸ According to AOC data, the direct supervision population increased from an average of 38,225 in fiscal year 2012 to an average of 41,965 in fiscal year 2016.

Figure 1
Total reentry releases from Corrections to adult probation supervision and estimated numbers and percentage of probation tails and other reentry releases
Fiscal Years 2012 through 2017
(Unaudited)



¹ Probation tails numbers for fiscal years 2012 through 2016 are estimates Corrections provided. Because Corrections does not directly track probation tails, corrections staff used the number of inmates whose community supervision was waived to estimate the number of probation tails. Community supervision is the portion of an inmate’s sentence that may be served in the community under Corrections’ supervision, and Arizona Revised Statutes (A.R.S.) §13-603(K) allows judges to waive community supervision for individuals who are sentenced to serve a term of probation after incarceration. However, Corrections’ estimates may also include some probationers whose community supervision was waived, but who were not sentenced to probation tails. The total number of reentry releases, including probation tails, are projections for fiscal year 2017.

Source: Auditor General staff analysis of information Corrections provided as of August 2016.

estimated that reentry probationers accounted for approximately 7,200 of the nearly 43,500 directly supervised probationers in the State.

Finally, the number of reentry probationers may continue to increase. Specifically, as of February 2017, the AOC estimated that approximately 15,300 individuals currently serving a prison sentence will serve a probation sentence after their release from prison.⁵⁹

Reentry probationer population is at higher risk for committing new criminal acts—According to various research, reentry probationers are at a higher risk for committing new criminal acts than those who have not been incarcerated. For example, the U.S. Department of Justice (U.S. DOJ) issued a report that estimated that approximately two-thirds of persons released from prison will be back in prison within 3 years, either as a result of new convictions or a violation of the terms of their release.⁶⁰ Further, research indicates that reentry probationers face several challenges that contribute to their higher risk of committing new crimes, such as difficulty finding

⁵⁹ According to information Corrections provided, as of February 2017, more than 42,000 persons were in prison. Thus, according to the AOC’s estimate, approximately 36 percent of inmates will eventually be released to probation.

⁶⁰ Burke, P. (2008). *TPC reentry handbook: Implementing the NIC Transition from Prison to the Community model*. Washington, DC: U.S. Department of Justice, National Institute of Corrections.

housing and employment, and struggles with mental health issues and substance abuse.⁶¹ Additionally, persons who have been imprisoned might lack identification documents, which is an obstacle to receiving certain services. Moreover, identification is required to drive a car, begin employment, and open a bank account.

Information on reentry probationers in Arizona is consistent with these findings. Specifically, as of February 2017, data from risk and needs assessments the AOC conducted during presentencing on the approximately 15,300 individuals serving a prison sentence who will serve a probation sentence after their release from prison indicates that 66 percent of these future probationers were medium-high or high-risk for committing a new crime.⁶² In addition, adult probation department officials reported that reentry probationers may face other challenges that increase their risks of committing new criminal acts that nonreentry probationers may not face. For example, an official with the Maricopa County Adult Probation Department (MCAPD) reported that when inmates are imprisoned, even for several months, they may lose their prior housing arrangements and often lose some, if not all, of their prior belongings, including important identification documents. Further, this official reported that sometimes family and friends may experience strained relationships or sever all ties with the inmate. Finally, according to this official, when reentry probationers apply for employment, they will often be asked why there is a gap in their employment history or may be subject to background checks. The official noted that, in either case, potential employers will discover the probationer is an ex-convict and may be unwilling to hire someone who has been previously convicted.

Efforts to address reentry probationer population have been primarily confined to Maricopa County

According to AOC officials, because of the volume and origins of the probation tail practice in Maricopa County, the MCAPD is the State's only adult probation department that has implemented a formal program to address this reentry probationer population's specific needs. Specifically, in 2009, the MCAPD applied for and received a federal grant to create a unit to work with future reentry probationers while they were still in prison. Probation officers in this unit have reduced caseloads to allow them to provide more intensive supervision for reentry probationers and to allow them to focus on the reentry probationer population's treatment needs, which can be more time-consuming than other probationers. These practices are consistent with research indicating that persons released from prison are generally higher-risk and require increased levels of supervision and treatment to address their specific risks and needs, which can be time-consuming to address.⁶³

Consistent with research and best practices, the MCAPD designed its reentry program to help reentry probationers more effectively transition from prison back into society by doing the following:

- **Working with imprisoned individuals to create transition plans**—The MCAPD reached an agreement with Corrections to allow its probation officers to enter prisons and begin working with future reentry probationers to develop transition plans 6 months before their release to probation in Maricopa County.⁶⁴ As part of transition planning, MCAPD probation officers perform risk and needs assessments and review disciplinary history, assess medical and mental health needs, and identify any employment and housing issues. According to MCAPD officials, transition-planning efforts allow its probation officers to begin providing

⁶¹ American Bar Association. (n.d.). *State policy implementation project criminal justice section*. Washington, DC; Burke, 2008; James, N. (2015) *Offender reentry: Correctional statistics, reintegration into the community, and recidivism*. Washington, DC: Congressional Research Service; La Vigne, N., Davies, E., Palmer, T., & Halberstadt, R. (2008). *Release planning for successful reentry: A guide for corrections, service providers, and community groups*. Washington, DC: The Urban Institute, Justice Policy Center; National Governors Association Center for Best Practices. (2004). *The challenges and impacts of prisoner reentry*. Washington, DC; The Vera Institute of Justice. (2013). *The potential of community corrections to improve safety and reduce incarceration*. New York, NY.

⁶² Arizona's adult probation departments use a standardized risk and needs assessment designed to help determine a probationer's risk of returning to criminal behavior and to assist adult probation departments in identifying and prioritizing the probationer's specific needs to reduce that risk. Probation officers prepare presentence reports that court judges request, and these reports include a risk and needs assessment.

⁶³ Burke, 2008; La Vigne et al., 2008.

⁶⁴ Criminal justice agencies create transition plans to guide an offender's transition from prison back to the community and typically assess needs and risks related to employment, housing, substance abuse, and other needs.

resources and treatment for reentry probationers shortly after and, in some cases, before they are released from prison. For example, MCAPD probation officers may assist probationers by assessing potential housing arrangements for suitability, reviewing probationer employment history, and providing treatment referrals for substance abuse and mental health needs. According to the U.S. DOJ's Transition from Prison to the Community Model, establishing plans for housing, employment, and treatment for substance abuse and mental health needs is a best practice.⁶⁵

- **Assisting reentry probationers in obtaining basic identification documents**—As previously discussed, persons released from prison may not have basic forms of identification. Because of this, an MCAPD official indicated that its reentry unit helps probationers to secure identification as part of its transition planning efforts by identifying these individuals prior to release and attempting to secure identification documents as soon as possible.
- **Gaining access to corrections data**—According to Corrections' staff, the MCAPD worked with Corrections to allow MCAPD officers to access information about future probationers in Corrections' Adult Information Management System (AIMS). For example, MCAPD officers can access inmate medical and treatment information, and information on inmate behavior while imprisoned. Information from the U.S. DOJ, the Collaborative Justice Resource Center, and the Urban Institute indicates that collaboration between agencies and service providers, including the agency responsible for imprisoning offenders and the agency responsible for their supervision upon release, is a best practice for ensuring successful reintegration into the community. Sharing information is one aspect of this collaboration.⁶⁶

In addition to the MCAPD's program, the Yavapai County Adult Probation Department (YCAPD) has implemented a voluntary program to address one of its reentry probationer population's needs. Specifically, since 2011, the YCAPD has worked with a nonprofit organization to provide substance abuse treatment to reentry probationers who volunteer to enter the program. In fiscal year 2016, YCAPD officials estimated that this voluntary program provided services for approximately 35 of the 360 reentry probationers that the YCAPD supervised during that year. YCAPD officials anticipate similar enrollment during fiscal year 2017.

AOC should further address reentry probationer population needs

Although the AOC has not yet developed a state-wide approach to address the reentry probationer population, it has taken some steps to do so. The AOC should further address the reentry probationer population's specific needs.

AOC should continue efforts to address reentry probationer population—According to the AOC, it did not initially work to assist adult probation departments to address the reentry probationer population because it viewed the population as a specific Maricopa County issue. Although the AOC notified adult probation departments of persons released from prison to probation each month, the AOC reported that it was not aware of the growing population until the other adult probation departments reported an increase in probation tails. Further, the AOC did not separately track the reentry probationer population in its Adult Probation Enterprise Tracking System (APETS) database until November 2016 and, thus, did not know how many reentry probationers each adult probation department supervised, the number of future reentry probationers in prison, and when or to which adult probation departments these inmates would be released for probation supervision other than a list of inmates who would be released to probation supervision within 30 to 60 days sent to the AOC by Corrections (for more information about this list of releases, see page 28).

Beginning in April 2015, the AOC conducted several studies to better determine the size and demographics of the State's reentry probationer population. In July 2016, AOC staff began to work with adult probation department staff to identify in APETS all reentry probationers that adult probation departments supervised as well as future

⁶⁵ Burke, 2008.

⁶⁶ Burke, 2008; Collaborative Justice Resource Center website located at <http://www.collaborativejustice.org/> accessed on January 1, 2017; La Vigne et al., 2011.

reentry probationers still in prison. In addition, AOC staff reviewed and addressed any missing or incorrect sentencing information regarding these probationers. This work was completed in November 2016. To identify the reentry probationers in APETS, AOC staff reviewed sentencing data and address information to identify those probationers whose sentences met the AOC's definition of a probation tail or whose current address was an Arizona prison. Once identified in the database, AOC staff created a new field to better identify reentry probationers going forward and trained adult probation department staff to both consistently enter data and clean up existing reentry probationer population data in APETS to allow the AOC to begin tracking this population in the database.

Further, beginning in November 2016, the AOC began to work on a series of long-term projects designed to help adult probation departments address the reentry probationer population's specific needs. These efforts are consistent with literature and best practices. Specifically, research indicates that effective reentry policies can reduce the number of new crimes previous offenders commit, lower prison population rates, and increase taxpayer savings by reducing the number of persons returning to prison.⁶⁷ Additionally, small reductions in the number of persons returning to prison can result in significant cost savings for the State, and reducing the number of persons returning to prison is a goal of evidence-based practices (see Finding 1, pages 11 through 13, for a discussion of evidence-based practices). The AOC's projects include:

- **Creating a reentry workgroup**—According to an AOC official, beginning in November 2016, the AOC created a reentry workgroup to review and recommend changes to the Arizona Code of Judicial Administration (judicial code) that will help adult probation departments to address the specific needs of the reentry probationer population.⁶⁸ As of March 2017, the workgroup was considering revisions to the judicial code descriptions and definitions for active caseloads. Specifically, these revisions would allow adult probation departments to include future probationers who are in prison as part of their active caseload up to 60 days before the inmates' release from prison. This change would allow probation officers to enter prisons and begin working with these probationers before they are released from prison, which is consistent with best practices. The AOC should continue the reentry workgroup's efforts.
- **Updating APETS for improved data entry of reentry probationer population**—The AOC also updated APETS by adding new database fields and various upgrades that will assist the adult probation departments to review the accuracy of the reentry probationers' information. Specifically, the APETS update added an automated feature so that when probation department staff input a probationer with a probation tail into the database, this feature will review the sentencing data to ensure that the offender meets the AOC's definition of a probation tail. If the information does not meet the AOC's definition, an automated alert will instruct adult probation department staff to review and fix missing sentencing information.
- **Addressing geographic dispersion**—Not all future reentry probationers are housed in a prison located in the county to which they will be released. They are instead dispersed in prisons throughout the State. For example, an inmate may be scheduled to be released to probation in Pima County but may be housed in prison in Kingman or Winslow. Similarly, the MCDPD may have a future probationer held in prison in Douglas. In either situation, probation officers would need to travel for several hours to visit a reentry probationer in a prison several counties away prior to their release. According to an AOC official and officials at two adult probation departments, it would not be feasible for officers from every county to travel to prisons throughout the State to work with reentry probationers prior to their release to probation.

As a result, the AOC has started identifying potential strategies to address the geographic dispersion of reentry probationers while incarcerated. To avoid requiring every adult probation department to station officers at each of the prisons to work with inmates ahead of their release, AOC officials indicated that they would like to hire regional probation officers to work on behalf of the adult probation departments. These regional officers would meet with inmates to provide services prior to their release from prison and coordinate with the adult probation department receiving the inmate. However, the AOC indicated that it does not have the statutory authority to directly hire probation officers. If it decides to continue with this option, AOC officials

⁶⁷ American Bar Association, n.d.; Burke, 2008; National Governors Association Center for Best Practices, 2004.

⁶⁸ The judicial code is a compilation of policies and procedures for the administration of all Arizona courts.

said that they will seek the statutory authority needed to hire probation officers. Another option the AOC is exploring is to have adult probation departments located near a prison hire additional probation officers to serve reentry probationers during their last 60 days in prison. In either scenario, the probation officers' goal would be to provide initial transition services and then relay information to the respective adult probation departments in each county that will be supervising the probationers when they are released from prison. The AOC should continue its efforts to address the challenges of providing services to geographically dispersed reentry probationers while they are in prison. In addition, as the AOC explores methods to address geographic dispersion, it should also work with the adult probation departments and Corrections to determine if other communication methods (such as phone calls, letters, or web-based communications, etc.) are a viable alternative for beginning to work with reentry probationers while in prison in addition to face-to-face meetings with inmates.

- **Collaborating with Corrections to obtain information about reentry probationers**—When a judge sentences someone to serve a period of imprisonment immediately followed by probation, A.R.S. §13-603(K) requires Corrections to provide “reasonable notice” to the probation department of his/her scheduled release to probation. Prior to January 2017, Corrections sent a list to the AOC each month detailing inmates who would be released to probation supervision within 30 to 60 days. However, the AOC reported that at its request, beginning in January 2017, Corrections expanded the notification to include probationers who will be released within 30 to 90 days. As a result, the AOC received notice of inmates who would be released to probation supervision up to 90 days before their release. This 90-day notice will assist adult probation departments to begin working with future probationers earlier.

In addition, as discussed earlier, the MCAPD has worked with Corrections to gain access to information in Corrections' AIMS database such as medical and treatment history, and disciplinary history while in prison. The AOC indicated that it has started work on a data-sharing agreement with Corrections to grant all Arizona adult probation departments access to similar information in AIMS and that in April 2017, the Pinal County Adult Probation Department was also granted access to AIMS. As of April 2017, Corrections officials reported that it was not opposed to expanding limited AIMS access to all 15 adult probation departments but that it was in the process of upgrading AIMS into a web-based system, which it reported will make access and navigation easier. Corrections did not provide an estimated date that it would complete its AIMS upgrade. Therefore, the AOC should continue its efforts to establish a data-sharing agreement with Corrections to grant all adult probation departments access to certain information in AIMS. In addition, as part of its efforts, the AOC should work with corrections officials and adult probation departments to determine what information will be most beneficial to adult probation officers.

AOC should take additional steps to address reentry probationer population—In addition to the steps it is already taking to address the reentry probationer population, the AOC should take the following actions:

- **Develop long-term projections of reentry probationer releases from prison**—The AOC should establish a process for developing long-term projections of reentry probationer releases from prison. This information is important for the AOC's and adult probation departments' planning and budgeting. For example, long-term projections of the size of the reentry probationer population will allow the AOC to better assess the resources that will be needed to address the specific needs of this population (see pages 29 through 30 for information on determining the costs for addressing the specific needs of the reentry probationer population). In addition, determining if one or several adult probation departments may have a large increase in reentry probationers will allow those departments to better assess the resources they will need to comply with statutorily established caseload standards while also adequately addressing reentry probationer needs.

As of January 2017, AOC staff reported that APETS can calculate a projected prison release date for each of the approximately 15,300 individuals serving a prison sentence who will be released to probation. However, according to AOC staff, APETS does not have the capability to calculate the total number of inmates who will be released to probation in a specified period of time, such as a month or a year. AOC staff reported that they plan to develop this capability, but stated that further testing of the APETS update, which is intended to improve the accuracy of the reentry probationers' information, is necessary before doing so (see page 27 for more information on the APETS update). AOC staff did not provide an estimated date for completing

this testing. Therefore, the AOC should complete its testing of the APETS update, and once this testing is completed, develop the capability to calculate the total number of inmates who will be released to probation during a specified period of time.

In addition, the AOC reported that its projected release dates are not entirely reliable because an inmate's release date can change over time. Specifically, the AOC's projected release dates for individual inmates are based on sentencing information and, thus, reflect 100 percent of an inmate's sentence. However, statute authorizes Corrections to reduce an inmate's sentence by up to 15 percent based on the inmate's behavior while in prison.⁶⁹ Any reduction in inmates' prison times is not reflected in the AOC's projected release dates. As previously discussed, the MCAPD begins working with reentry probationers 6 months before their release to probation and, thus, is able to identify inmates' potential release dates up to 6 months in advance of their release. Therefore, the AOC should work with Corrections and MCAPD to obtain information to help improve the reliability of its long-term projections, such as requesting that Corrections provide projected release dates for reentry probationers more than 90 days in advance of their release.

- **Develop policies and procedures to address the reentry probationer population's specific needs, including requiring transition planning**—As discussed previously, the AOC has created a reentry workgroup to review and recommend changes to the judicial code that will allow adult probation departments to address the specific needs of the reentry probationer population while they are still in prison. As part of its reentry workgroup, the AOC should develop and implement policies and procedures within the judicial code for how adult probation departments should address the specific needs of the reentry probationer population both in prison and on probation, including requiring transition planning and defining minimum services that will be provided to probationers, such as assistance with housing and employment.

With regard to transition planning, the U.S. DOJ and the Urban Institute both recommend that transition planning for future probationers should begin while they are in prison to guide their transition from prison to the community.⁷⁰ Several states have adopted transition planning as a best practice, and although transition plans may vary from state to state, most assess needs and risks related to housing, employment, identification documents, mental health, and substance abuse as part of the transition-planning process.⁷¹ However, as discussed previously, the MCAPD is the only adult probation department that sends its probation officers into prisons to develop transition plans.⁷² Similar to best practices, as well as the MCAPD's practices, the AOC should develop and implement policies and procedures within the judicial code that require adult probation departments to create transition plans, and these plans should address obtaining basic identification documents, such as driver's licenses or social security cards, reviewing and approving housing arrangements, providing treatment for substance abuse and mental health issues, and assisting probationers to obtain employment, as needed. The AOC should also develop and implement templates or guidance documents to assist adult probation departments to develop their transition plans. Once it has completed developing and/or revising policies and procedures within the judicial code to address the specific needs of the reentry probationer population, consistent with its training practices, the AOC should then provide training to adult probation departments on these policies and procedures.

- **Determine associated costs for addressing reentry probationer population**—Actions the AOC might take to address the reentry probationer population may result in a need for additional funding. For example, AOC and adult probation department officials stated that providing transition planning to future probationers in prison will require additional funding for additional officers. Consequently, as the AOC develops its reentry

⁶⁹ Arizona's Truth in Sentencing Law (Laws 1993, Ch. 255) eliminated parole and replaced it with a system in which inmates may earn up to a 15 percent reduction in their sentence for good behavior at corrections officials' discretion. The 15 percent is to be served in the community under Corrections' supervision. However, A.R.S. §13-603(K) allows judges to waive community supervision and order a person to begin serving a term of probation when released from prison.

⁷⁰ Burke, 2008; La Vigne et al., 2008.

⁷¹ La Vigne et al., 2008.

⁷² In accordance with A.R.S. §12-269, the MCAPD does not receive funding for probation officers from the AOC and instead receives monies from the county to pay its officers' salaries.

population policies and procedures, it should assess the resources and staffing needed to appropriately address the specific needs of the reentry probationer population, which would include the implementation of the recommendations made in this finding. This assessment should include an analysis of the efficiency of the AOC's and the adult probation departments' current use of adult probation monies. It should also include a documented workload analysis that compares the AOC's and the adult probation departments' workload, including long-term projections of reentry probationer releases from prison to estimate future workload, with the AOC's and the adult probation departments' staff resources. The AOC should then take appropriate action based on the results of this analysis. If the AOC determines that additional funding is needed, it should first identify additional resources and/or monies that might be available to help address the specific needs of the reentry probationer population, such as federal grant monies. Then, if necessary, it could work with the Legislature through the appropriation process to secure additional funding, as appropriate.

- **Use operational reviews to monitor adult probation departments' efforts to address reentry probationer population**—As discussed in Finding 1 (see pages 14 through 15), the AOC oversees adult probation departments' compliance with various federal and state requirements, including judicial code requirements, through its operational review process. Once the AOC has implemented the previous recommendations related to developing and implementing policies and procedures within the judicial code for how adult probation departments should address the specific needs of the reentry probationer population both in prison and on probation, the AOC should then review the adult probation departments' compliance with these policies and procedures during its operational review process.

As of May 2017, the AOC had begun developing a reentry plan and reported that the plan would address several of the recommendations in this report. For example, AOC officials indicated that the plan would address geographic dispersion of inmates, employment services for reentry probationers, collaborating with Corrections, and updated caseload ratios for probation officers supervising the reentry probation population.

Recommendations

- 2.1. The AOC should continue its work in the following areas to develop a state-wide approach for handling reentry probationers. Specifically, the AOC should:
 - a. Continue the reentry workgroup's efforts to revise the judicial code.
 - b. Continue its efforts to address the challenges of providing services to geographically dispersed reentry probationers while they are in prison by exploring the possibility of either seeking the statutory authority to hire its own probation officers or reimbursing adult probation departments for hiring additional probation officers to begin working with probationers while in prison. The AOC should also work with adult probation departments and Corrections to determine if other communication methods (such as phone calls, letters, web-based communications, etc.) are a viable alternative for beginning to work with reentry probationers while in prison in addition to face-to-face meetings with inmates.
 - c. Continue its efforts to establish a data sharing agreement with Corrections that would allow all adult probation departments to access relevant information in Correction's AIMS database. In working with Corrections on a data-sharing agreement, the AOC should also work with adult probation departments to determine what information will be most beneficial to adult probation officers.
- 2.2. The AOC should establish a process for developing long-term projections of reentry probationer releases from prison by:
 - a. Completing its testing of the APETS update and, once this testing is completed, developing the capability to calculate the total number of inmates who will be released to probation during a specified period of time.

- b. Working with Corrections and the MCAPD to obtain information to help improve the reliability of its long-term projections, such as requesting that Corrections provide projected release dates for reentry probationers more than 90 days in advance of their release.
- 2.3. The AOC should assist adult probation departments to address the treatment and supervision needs of reentry probationers by:
- a. Developing and implementing policies and procedures within the judicial code for how adult probation departments should address the specific needs of the reentry probationer population both in prison and on probation.
 - b. Requiring adult probation departments to create transition plans for reentry probationers. These plans should address obtaining basic identification documents, reviewing and approving housing arrangements, providing treatment for substance abuse and mental health issues, and assisting probationers to obtain employment as needed. The AOC should also develop templates or guidance documents to help adult probation departments develop their transition plans.
 - c. Consistent with its training practices, providing training to adult probation departments on new and revised policies and procedures.
- 2.4. As the AOC develops its reentry population policies and procedures, it should assess the resources and staffing needed to appropriately address the specific needs of the reentry probationer population, which would include the implementation of the recommendations made in this finding. This assessment should include an analysis of the efficiency of the AOC's and the adult probation departments' current use of adult probation monies. It should also include a documented workload analysis that compares the AOC's and the adult probation departments' workload, including long-term projections of reentry probationer releases from prison to estimate future workload, with the AOC's and the adult probation departments' staff resources. The AOC should then take appropriate action based on the results of this analysis. If the AOC determines that additional funding is needed, it should first identify additional resources and/or monies that might be available to help address the specific needs of the reentry probationer population, such as federal grant monies. Then, if necessary, it could work with the Legislature through the appropriation process to secure additional funding, as appropriate.
- 2.5. Once the AOC has implemented the previous recommendations related to developing and implementing policies and procedures within the judicial code for how adult probation departments should address the specific needs of the reentry probationer population both in prison and on probation, the AOC should then review the adult probation departments' compliance with these policies and procedures during its operational review process.



Methodology

Auditors used various methods to address the audit's objectives, including interviewing Arizona Supreme Court, Administrative Office of the Courts (AOC), management and staff; reviewing applicable state laws and the Arizona Code of Judicial Administration; and reviewing AOC policies and procedures and website information related to adult probation. Auditors also used the following specific methods to address the audit's objectives:

- To assess the AOC's oversight of the State's adult probation system, auditors obtained and reviewed various AOC reports, reviewed the AOC's *Operational Review Policy and Procedures Manual*, reviewed all ten operational review reports completed in calendar years 2014 through 2016, and assessed the AOC's training and guidance provided to adult probation departments. Finally, auditors reviewed literature, reports, and best practices to identify steps the AOC should take to further improve its oversight of the adult probation system, as cited throughout the report.
- To assess how the AOC has assisted adult probation departments to address the growing reentry probationer population's treatment and supervision needs, auditors reviewed various AOC reports; interviewed the chief probation officers and/or other probation staff in Maricopa, Pima, Yavapai, and Cochise Counties; and conducted interviews with and obtained information from both AOC and Arizona Department of Corrections (Corrections) staff. Additionally, auditors reviewed literature and best practices related to reentry to better assist adult probation departments address the reentry probationer population's treatment and supervision needs, as cited throughout the report.
- To obtain information for the Introduction, auditors reviewed information from the Arizona Governor's Office of Strategic Planning and Budgeting's *Fiscal Years 2014-2016 Master List of State Government Programs*, the AOC's December 2016 monthly active cases reports, the AOC's Guide to AZ Courts documents, and the AOC's *Fiscal Year 2016 Arizona Adult Probation Population Annual Report*. Auditors also reviewed financial information the AOC provided for fiscal years 2015 through 2017.
- Auditors' work on internal controls focused on the AOC's controls for monitoring adult probation departments. Auditors reviewed the AOC's policies and procedures for operational reviews of adult probation departments, reviewed all ten operational review reports completed in calendar years 2014 through 2016 and compared them to requirements outlined in policies and procedures, interviewed Adult Probation Services Division administrators and staff, and reviewed a prior AOC internal audit report on the AOC's operational reviews. Auditors' conclusion on these internal controls are reported in Finding 1 of the report. Auditors found that there were no relevant policies and procedures related to the reentry probationer population other than a data entry guide developed during the course of the audit. Thus, auditors performed work in Finding 2 to determine appropriate policies and procedures that the AOC should develop and implement to address the reentry probationer population's treatment and supervision needs.
- To assess the reasonableness of information the AOC provided from its adult probation case management system, known as APETS, auditors conducted interviews with AOC staff regarding controls over APETS, observed demonstrations on how APETS works, and reviewed a data entry guide.

Auditors conducted this performance audit of the AOC in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We

believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

The Auditor General and staff express their appreciation to the AOC's administrative director and staff; the chief probation officers and staff in Maricopa, Pima, Yavapai, and Cochise Counties; and Corrections' director and staff for their cooperation and assistance throughout the audit.

AGENCY RESPONSE



Supreme Court

STATE OF ARIZONA
ADMINISTRATIVE OFFICE OF THE COURTS

Scott Bales
Chief Justice

David K. Byers
Administrative Director
of the Courts

May 23, 2017

Ms. Debbie Davenport, Auditor General
Office of the Auditor General
2910 N. 44th Street, Ste. 410
Phoenix, AZ 85018

Dear Ms. Davenport,

Attached you will find the Administrative Office of the Courts response to the Auditor General's Final Report of the Adult Probation Services Division audit.

The Adult Probation Services Division acknowledges and supports the recommendations to the additional and expanded work to be completed in operational reviews, performance measures and reentry processes to ensure adult probation in Arizona continues to measure the outcomes of evidence based practices, as well as the outcomes and success of the reentry population. We understand the importance of these activities and have already begun several efforts to address the recommendations presented in this report. We appreciate the acknowledgement of the auditors for the accomplishments of the Adult Probation Services Division and the work that adult probation departments have accomplished thus far.

We would like to thank the auditors for their thorough job in learning the Adult Probation Services and adult probation supervision process and understanding the complexities and challenges we face in fulfilling our role within the court's administration of the adult probation system in Arizona. We agree with the recommendations of the audit and will agree to implement the recommendations to the extent funding is available.

Sincerely,

Dave Byers
Director, Administrative Office of the Courts

CC: Kathy Waters, Director, APSD
Cindy Trimble

Attachment

Finding 1: AOC has implemented processes to help oversee adult probation departments and can further improve oversight

Recommendation 1.1: The AOC should develop and track outcome measures that are consistent with ACA and Pew guidance. These should include the following outcome measures:

- The percentages of probationers who commit new crimes, abscond, or violate their conditions of probation;
- Employment rates of standard and intensive probationers and the employment status of individuals exiting probation;
- The percentage of substance abuse tests that are negative;
- The percentage of probationers exiting probation with total restitution paid; and
- The percentage of probationers exiting probation who successfully completed their probation term for each adult probation department for comparison to other adult probation departments and the state-wide rate.

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

Response explanation: Processes will be put in place to achieve additional data and outcomes.

Recommendation 1.2: After outcome measures have been developed and in collaboration with adult probation departments, the AOC should:

Recommendation 1.2a: Determine baseline levels for each outcome measure, establish benchmarks or goals for future improvement, and establish a process for periodically reviewing and revising benchmarks and goals;

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

Response explanation: AOC will begin the process of reviewing and suggesting revised performance measures to begin FY18. Performance measures will have a baseline. In addition we will also review key numbers to align with new performance measures.

Recommendation 1.2b: Develop action plans for meeting the established benchmarks or goals, including making revisions to processes or practices that are not producing the desired outcomes;

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

Response explanation: AOC will work with probation departments to understand new measures and training will be provided in order to ensure information is entered properly in APETS.

Recommendation 1.2c: Develop a plan to track and communicate progress toward those goals; and

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

Response explanation: This will be completed through annual reports that will be shared with probation departments.

Recommendation 1.2d: Provide training on the outcome measures for those probation department staff who need to interpret data, facilitate data discussions, and apply data to improve their departments' operations.

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

Response explanation: AOC will conduct ongoing training as well as share at Adult Management Meetings.

Recommendation 1.3: The AOC should evaluate key aspects of the State's adult probation system by:

Recommendation 1.3a: Reviewing its outcome data and determining which trends or outcomes should be analyzed further to yield the most valuable information regarding the reasons for such trends or outcomes.

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

Response explanation: AOC will review its current studies and data to expand beyond the original reports. As an example, the Recidivism Study, Violation Study and IPS Study which have been written. Additional analysis will be encouraged.

Recommendation 1.3b: Using the information gained from analyses of trends or outcomes to target improvement efforts such as identifying and expanding successful practices or identifying potential issues and taking steps to address them.

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

Response explanation: AOC will continue to review the analyses of trends and outcomes and train and update the probation departments on this information on a regular and ongoing basis.

Recommendation 1.3c: Performing this review periodically such as annually or biennially and document both the methods used to determine the most important aspects to evaluate and the steps taken to target improvements.

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

Response explanation: AOC will share the information in the annual reports and recommend suggested changes in the ACJA and or trainings offered each year.

Recommendation 1.4: If the AOC determines it does not have the resources or expertise to analyze trends and outcomes to determine the reasons for such trends or outcomes, the AOC should consider forming partnerships or entering into contracts with institutions of higher education or other qualified organizations, such as the Arizona Criminal Justice Commission, for assistance with data analysis and research.

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

Response explanation: AOC will continue to develop research methods to include outside analysis using ACJC or universities.

Recommendation 1.5: To help strengthen its operational review process, the AOC should:

Recommendation 1.5a: Revise its *Operational Review Policies and Procedures Manual* to allow for some flexibility, including providing guidance for staff on specific circumstances that would not require a corrective action plan when 100 percent compliance is not met and how such determinations should be documented. Alternatively, it should require its staff enforce the 100 percent compliance requirement and require corrective actions as outlined in its *Operational Review Policies and Procedures Manual*.

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

Response explanation: AOC will develop and implement follow-up policies and procedures that require its staff to follow up on all recommendations and corrective actions listed in its operational review reports. The AOC follow-up policies should include procedures for documenting the follow-up work. This policy revision is underway at this time.

Recommendation 1.5b: Develop and implement follow-up policies and procedures that require its staff to follow up on corrective actions as well as recommendations listed in its operational review reports until compliance issues have been fully addressed. In addition, the AOC's follow-up policies should include procedures for documenting the follow-up work.

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

Response explanation: These revisions are being written and are now in the process of review and will be implemented in the next operational reviews.

Recommendation 1.5c: Develop and implement a formal process to regularly review its adult probation operational reviews to identify common findings, such as annually or at the end of each 3-year review schedule. This process should include developing a resource document that includes recommendations for addressing common findings, and distributing the resource document to the adult probation departments.

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

Response explanation: This is currently an informal process and will be revised to become a formal process that can be shared at the Adult Management meetings at least once a year.

Finding 2: AOC should continue addressing growing reentry probationer population to ensure public safety

Recommendation 2.1: The AOC should continue its work in the following areas to develop a state-wide approach for handling reentry probationers. Specifically, the AOC should:

Recommendation 2.1a: Continue the reentry workgroup's efforts to revise the judicial code.

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

Response explanation: AOC continues to work on a draft reentry plan that is being completed and reviewed as an ongoing draft. The AJCA will be revised upon completion and adoption of the reentry plan.

Recommendation 2.1b: Continue its efforts to address the challenges of providing services to geographically dispersed reentry probationers while they are in prison by exploring the possibility of either seeking the statutory authority to hire its own probation officers or reimbursing adult probation departments for hiring additional probation officers to begin working with probationers while in prison. The AOC should also work with adult probation departments and Corrections to determine if other communication methods (such as phone calls, letters, web-based communications, etc.) are a viable alternative for beginning to work with reentry probationers while in prison in addition to face-to-face meetings with inmates.

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

Response explanation: AOC will continue to develop this plan as the statewide reentry plan become final and will continue to work with the Governors recidivism reduction council as well. AOC will develop a budget request for staffing and resources needed for the FY19 budget.

Recommendation 2.1c: Continue its efforts to establish a data sharing agreement with Corrections that would allow all adult probation departments to access relevant information in Correction's Adult Information Management System database. In working with Corrections on a data-sharing agreement, the AOC should also work with adult probation departments to determine what information will be most beneficial to adult probation officers.

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

Response explanation: Two departments have already achieved this goal and we will continue to work with DOC to obtain the data sharing agreement for all other departments in the state.

Recommendation 2.2: The AOC should establish a process for developing long-term projections of reentry probationer releases from prison by:

Recommendation 2.2a: Completing its testing of the APETS update, and once this testing is completed, developing the capability to calculate the total number of inmates who will be released to probation during a specified period of time.

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

Response explanation: AOC will continue to make projections from APETS as well as gain projections from the DOC.

Recommendation 2.2b: Working with Corrections and the MCAPD to obtain information to help improve the reliability of its long-term projections, such as requesting that Corrections provide projected release dates for reentry probationers more than 90 days in advance of their release.

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

Response explanation: AOC will continue to work with DOC to gain release projections earlier than 90 days of release.

Recommendation 2.3: The AOC should assist adult probation departments to address the treatment and supervision needs of reentry probationers by:

Recommendation 2.3a: Developing and implementing policies and procedures within the judicial code for how adult probation departments should address the specific needs of the reentry probationer population both in prison and on probation.

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

Response explanation: These steps continue to be developed in the draft reentry plan.

Recommendation 2.3b: Requiring adult probation departments to create transition plans for reentry probationers. These plans should address obtaining basic identification documents, reviewing and approving housing arrangements, providing treatment for substance abuse and mental health issues, and assisting probationers to obtain employment as needed. The AOC should also develop templates or guidance documents to help adult probation departments develop their transition plans.

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

Response explanation: These procedures are being developed in the proposed draft reentry plan.

Recommendation 2.3c: Consistent with its training practices, providing training to adult probation departments on new and revised policies and procedures.

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

Response explanation: This process is currently in place for any changes made to the ACJA. This training is conducted statewide for all changes or updates to ACJA; additional training is provided to departments on any ACJA sub-section at their request.

Recommendation 2.4: As the AOC develops its reentry population policies and procedures, it should assess the resources and staffing needed to appropriately address the specific needs of the reentry probationer population, which would include the implementation of the recommendations made in this finding. This assessment should include an analysis of the efficiency of the AOC's and the adult probation departments' current use of adult probation monies. It should also include a documented workload analysis that compares the AOC's and the adult probation departments' workload, including long-term projections of reentry probationer releases from prison to estimate future workload, with the AOC's and the adult probation departments' staff resources. The AOC should then take appropriate action based on the results of this analysis. If the AOC determines that additional funding is needed, it should first identify additional resources and/or monies that might be available to help address the specific needs of the reentry probationer population, such as federal grant monies. Then, if necessary, it could work with the Legislature through the appropriation process to secure additional funding, as appropriate.

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

Response explanation: This will be part of the proposed reentry plan as well as needed resources will be proposed in the FY19 budget request.

Recommendation 2.5: Once the AOC has implemented the previous recommendations related to developing and implementing policies and procedures within the judicial code for how adult probation departments should address the specific needs of the reentry probationer population both in prison and on probation, the AOC should then review the adult probation departments' compliance with these policies and procedures during its operational review process.

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

Response explanation: These procedures will be incorporated into the Operational Review process in the future.

