



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.