



ARIZONA DEPARTMENT OF PUBLIC SAFETY

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“Courteous Vigilance”

DOUGLAS A. DUCEY
Governor

HESTON SILBERT
Director

September 27, 2021

Lindsey A. Perry, CPA, CFE
Auditor General
Arizona Auditor General’s Office
2910 N. 44th St., Suite 410
Phoenix, AZ 85018-7271

Dear Ms. Perry:

Enclosed is the Arizona Department of Public Safety’s response to the Auditor General’s Sunset Factor Report. We appreciate the Auditor General incorporating some of our recommended changes. We would be remiss if the Department did not restate its concern that some of the headings throughout the report are missing context and could be misleading.

Sincerely,

Heston Silbert, Colonel
Director

Finding 1: For some offenders we reviewed, Department did not publish or update, or should not but did publish their names, photographs, or other information on the sex offender website, and for some others it did not determine whether they should be published, potentially increasing public safety risk

Recommendation 1: The Department should publish on the sex offender website offender information, including names, photographs, and other information of sex offenders, as statutorily required, for those offenders who meet statutory publication requirements.

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

Response explanation: Of the 14,932 registered sex offenders, the Auditor General found two instances where the Department did not publish two offenders, improperly published three offenders and did not update the photographs of two offenders.

Recommendation 2: The Department should update on the sex offender website photographs of sex offenders as required by statute.

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

Response explanation: Of the 14,932 registered sex offenders, the Auditor General found two instances where the Department did not update the photographs of two offenders.

Recommendation 3a: The Department should develop and implement policies and procedures to verify, as part of its quality control review, that offenders' risk levels are correctly recorded in the sex offender database, offenders with convictions from other jurisdictions have been referred for legal review to assess whether the offenders meet sex offender website publication requirements, and that the required information for offenders who meet publication requirements is published on the sex offender website. Also, establish a time frame for conducting these reviews and monitor for compliance with the established time frame.

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

Recommendation 3b: The Department should develop and implement policies and procedures to track and follow up on the requests that it makes to other jurisdictions to obtain conviction documents.

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

Recommendation 3c: The Department should develop and implement policies and procedures to annually publish offenders' updated photographs to the sex offender website.

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

Recommendation 4: The Department should update its policies and procedures for preparing and referring hard copy files for legal review, and ensure its staff comply with them.

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

Recommendation 5: The Department should refer for legal review the files of sex offenders that it did not refer between March 2020 and June 2021.

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

Recommendation 6: The Department should ensure that its staff follow its policy to track offender files referred to legal review and the legal review outcome, including logging the date referred, the outcome of the legal review, and the legal review outcome date.

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

Recommendation 7: The Department should train applicable staff on its existing, updated, and newly implemented policies and procedures for publishing offender information on the sex offender website and quality control review process.

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

Sunset Factor 2: The extent to which the Department has met its statutory objective and purpose and the efficiency with which it has operated.

Recommendation 8: The Department should train staff who use purchasing cards and supervisory staff responsible for reviewing purchasing card purchases to ensure that purchasing card transactions comply with the Department's policies and procedures and with the SAAM.

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

Response explanation: DPS employees must attend the P-Card training before issuance of the cards. Additionally, DPS's Financial Services Bureau (FSB) posts any consistent issues with the P-Card usage on the DPS Portal for all employees to review. FSB also worked with all Divisions to review current P-Card holders in June 2021, reducing open accounts from 295 to 278. FSB and Procurement Bureau conducted training with employees who had compliance issues during GAO's review in 2021. Monthly, FSB reaches out to the employee, employee's supervisor, and the budget coordinator to train them if they are not in compliance. Finally, a DPS-specific P-Card Manual is in its final stage of GAO's review, providing better guidance to DPS employees. Procurement also presented information which included a segment on P-Cards during the Basic Supervisor School in August 2021. FSB will also be training at the Highway Patrol's Professional Staff summit in October 2021 to highlight details on P-Card usage.

Recommendation 9: The Department should review and follow up on the instances of noncompliance with the Minimum Standards for the 13 school districts that we reported to it during calendar years 2019 and 2020.

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

Recommendation 10: The Department should continue to develop and implement written policies and procedures to track, review, and follow up on instances of noncompliance with the Minimum Standards that are reported to it.

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

Sunset Factor 3: The extent to which the Department serves the entire State rather than specific interests.

Recommendation 11: The Department should update its policy and procedures to reflect its conflict-of-interest disclosure process and requirements, and train Department employees on its updated process.

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

Response explanation: The Department has started the process to review General Order 2.1.20, *Conflict of Interest* for amendments. The order will be reviewed to ensure it reflects the conflict-of-interest disclosure process and requirements of the Department. Employees will be notified of the amendments when the new order is signed by the Director and published to the Department, as well as instruction to use the DPS-prescribed form and not the ADOA form.

Recommendation 12: The Department should remind all employees at least annually to complete a new disclosure form when their circumstances change, such as by requiring its employees to complete annual conflict-of-interest disclosure forms that include a statement where its employees can affirm that they do not have any conflict if no conflict exists.

Department response: The finding of the Auditor General is not agreed to and the recommendation will not be implemented.

Response explanation: The Department of Public Safety appreciates the Auditor General's Office recommendation. All employees receive conflict-of-interest training during new employee orientation. The changes to the policy will clarify when a conflict-of-interest disclosure is required. Currently, conflict-of-interest disclosures are signed by all personnel involved in every procurement process, and the current internal processes are determined to be sufficient. The agency notes that the Auditor General's Office did not find a conflict-of-interest incident during the audit process.

Sunset Factor 6: The extent to which the Department has been able to investigate and resolve complaints that are within its jurisdiction and the ability of the Department to timely investigate and resolve complaints within its jurisdiction.

Recommendation 13: The Department should ensure a review of disciplinary history is conducted and documented when applicable, as required by its complaint and discipline policies and procedures.

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

Recommendation 14: The Department should document how complaint inquiries were resolved, as required by its complaint and discipline policies and procedures.

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

Recommendation 15: The Department should notify external complainants of the outcome, as required by its complaint and discipline policies and procedures, and document the complainant notification.

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

Response explanation: Provided the complainant is not anonymous, and the Department has contact information.

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

Recommendation 16: To help ensure that the Department notifies the appropriate fingerprint clearance card sponsoring agencies of clearance card driving restrictions, suspensions, and revocations, the Legislature should consider revising statute to require fingerprint clearance cardholders to notify the Department of changes in fingerprint clearance card sponsoring agencies.

Response explanation: A Department response is not required since the recommendation is to the Legislature.