

# ARIZONA STATE SENATE

## RESEARCH STAFF



TO: JOINT LEGISLATIVE AUDIT COMMITTEE

DATE: January 21, 2022

SUBJECT: Sunset Review of the Arizona Department  
of Juvenile Corrections

**ZACK DEAN**

LEGISLATIVE RESEARCH ANALYST  
JUDICIARY

Telephone: (602) 926 -3171

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Attached is the final report of the sunset review of the Arizona Department of Juvenile Corrections, which was conducted by the Senate Judiciary Committee of Reference. A performance audit of the Arizona Department of Juvenile Corrections was conducted by the Arizona Office of the Auditor General ([Report No. 21-122](#)).

This report has been distributed to the following individuals and agencies:

Governor of the State of Arizona  
The Honorable Douglas A. Ducey

President of the Senate  
Senator Karen Fann

Speaker of the House of Representatives  
Representative Russell Bowers

Senate Members

Senator Warren Petersen, Chair  
Senator Nancy Barto  
Senator Sonny Borrelli  
Senator Lupe Contreras  
Senator Vince Leach  
Senator Martin Quezada  
Senator Wendy Rogers  
Senator Stephanie Stahl-Hamilton

Arizona Department of Juvenile Corrections  
Office of the Auditor General  
Arizona State Library, Archives and Public Records

Senate Resource Center  
Senate Republican Staff  
Senate Democratic Staff  
Senate Research Staff

Office of the Chief Clerk  
House Republican Staff  
House Democratic Staff  
House Research Staff

**Senate Judiciary Committee of Reference**  
**Final Report**  
**Arizona Department of Juvenile Corrections**

***Background***

Pursuant to [A.R.S. § 41-2953](#), the Joint Legislative Audit Committee assigned the sunset review of the Arizona Department of Juvenile Corrections (ADJC) to the Senate Judiciary Committee of Reference and the House Judiciary Committee of Reference.

Originally established in 1978 as the Juvenile Institutions Division within the Arizona Department of Corrections, the ADJC is tasked with the supervision, rehabilitation, treatment and education of all committed youth ([A.R.S. § 41-2802](#)). The Director of ADJC (Director) is required to: 1) oversee the operations and policies of ADJC; 2) maintain and administer all secure facilities and programs within ADJC required and established for the custody, control, treatment, education and rehabilitation of all youths committed to ADJC; 3) administer and execute all conditional liberty services for youths released pursuant to rules adopted by the Director in accordance with law; 4) develop policies and programs which shall be recommended to the Governor and the Legislature for the purpose of improving the youth rehabilitative and treatment programs of Arizona; 5) develop and establish a uniform statewide method of reporting statistics; and 6) employ personnel based on prescribed qualifications that require education and practical experience ([A.R.S. § 41-2804](#)).

The ADJC is statutorily set to terminate on July 1, 2022, unless legislation is enacted for its continuation ([A.R.S. § 41-3022.21](#)).

***Committee of Reference Sunset Review Procedure***

Pursuant to [A.R.S. § 41-2954](#), the Senate Judiciary Committee of Reference conducted a public meeting on December 8, 2021, to review the Performance Audits and Sunset Review Report prepared by the Office of the Auditor General, evaluate the agency's response to the sunset factors and receive public testimony.

***Committee Recommendations***

The Senate Judiciary Committee of Reference recommended that the ADJC be continued for eight years until July 1, 2030.

***Attachments***

- A. Meeting Notice
- B. Minutes of the Senate Judiciary Committee of Reference
- C. Chairperson's letter requesting the ADJC's response to sunset factors
- D. ADJC's response to sunset factors
- E. Office of the Auditor General Presentation
- F. ADJC Presentation

## ARIZONA STATE SENATE

### INTERIM MEETING NOTICE OPEN TO THE PUBLIC

#### SENATE JUDICIARY COMMITTEE OF REFERENCE FOR THE SUNSET REVIEW OF THE DEPARTMENT OF JUVENILE CORRECTIONS

**Date:** Wednesday, December 8, 2021

**Time:** 1:00 P.M.

**Place:** SHR 1

This meeting will be held via teleconference software. Members of the public may access a livestream of the meeting here: <https://www.azleg.gov/videoplayer/?clientID=6361162879&eventID=2021121001>

#### AGENDA

1. Call to Order
2. Roll Call
3. Sunset Review of the Department of Juvenile Corrections
  - a. Presentation by the Office of the Auditor General
  - b. Response by the Department of Juvenile Corrections
  - c. Public Testimony
  - d. Discussion
  - e. Recommendation by the Committee of Reference
4. Adjourn

#### Members:

Senator Warren Petersen, Chair  
Senator Nancy Barto  
Senator Sonny Borrelli  
Senator Lupe Contreras  
Senator Vince Leach  
Senator Martin Quezada  
Senator Wendy Rogers  
Senator Stephanie Stahl Hamilton

12/02/2021

LS

For questions regarding this agenda, please contact Senate Research Department.

Persons with a disability may request a reasonable accommodation such as a sign language interpreter, by contacting the Senate Secretary's Office: (602) 926-4231 (voice). Requests should be made as early as possible to allow time to arrange the accommodation.

# ARIZONA STATE SENATE

## SENATE JUDICIARY COMMITTEE OF REFERENCE FOR THE SUNSET REVIEW OF THE DEPARTMENT OF JUVENILE CORRECTIONS

Minutes of the Meeting  
December 8, 2021  
1:00 P.M., SHR 1

This meeting will be held via teleconference software.

Members of the public may access a livestream of the meeting here:

<https://www.azleg.gov/videoplayer/?clientID=6361162879&eventID=2021121001>

### Members Present:

Senator Warren Petersen, Chair  
Senator Nancy Barto  
Senator Sonny Borrelli  
Senator Lupe Contreras\*  
Senator Vince Leach  
Senator Martin Quezada\*  
Senator Stephanie Stahl Hamilton\*

\* Participated remotely via a teleconference platform.

### Members Excused:

Senator Wendy Rogers

### Staff:

Zachary Dean, Senate Research Analyst  
Hannah Willes, Senate Research Assistant Analyst

Chairman Petersen called the meeting to order at 1:03 p.m. and attendance was called.

## SUNSET REVIEW OF THE DEPARTMENT OF JUVENILE CORRECTIONS

### Presentation by the Office of the Auditor General

**Jeff Gove, Deputy Director, Performance Audit Division, Office of the Auditor General**, distributed and provided an overview on a handout entitled "Arizona Department of Juvenile Corrections" (Attachment A).

Mr. Gove answered questions posed by the Committee.

## **Response by the Department of Juvenile Corrections**

**Jeff Hood, Director, Arizona Department of Juvenile Corrections (ADJC)**, distributed and explained a handout entitled "ADJC Overview" (Attachment B).

Mr. Hood distributed and referenced on a handout entitled "ADJC Implementation of 2021 Sunset Factor & Performance Audit Recommendations" (Attachment C).

The Committee discussed and asked questions for the presentation mentioned above.

## **Public Testimony**

Senator Petersen called for public testimony and no one responded.

## **Discussion**

No discussion took place.

## **Recommendation by The Committee of Reference**

Senator Petersen requested a motion on the recommendation by the Committee of Reference.

**Senator Leach moved that the Committee of Reference make the recommendation to continue the Arizona Department of Juvenile Corrections for eight years until July 1, 2030. The motion CARRIED with a roll call vote of 7-0-1 (Attachment 1).**

Senators Leach, Quezada and Petersen explained their vote.

Attached are the forms noting the individuals who submitted a Speaker slip on the agenda items (Attachment D).

There being no further business, the meeting was adjourned at 1:53 p.m.

Respectfully submitted,

Tracey Gardner  
Committee Secretary

(Audio recordings and attachments are on file in the Secretary of the Senate's Office/Resource Center, Room 115. Audio archives are available at <http://www.azleg.gov>)



Arizona House of Representatives  
Phoenix, Arizona 85007

June 17, 2021

Director Jeff Hood  
Arizona Department of Juvenile Corrections  
100 North 15th Avenue, Suite 103  
Phoenix, Arizona 85007

Dear Director Hood:

The sunset review process prescribed in Title 41, Chapter 27, Arizona Revised Statutes, provides a system for the Legislature to evaluate the need to continue the existence of state agencies. During the sunset review process, an agency is reviewed by legislative committees of reference. On completion of the sunset review, the committees of reference recommend to continue, revise, consolidate or terminate the agency.

The Joint Legislative Audit Committee (JLAC) has assigned the sunset review of the Arizona Department of Juvenile Corrections to committees of reference comprised of members of the House of Representatives Judiciary Committee and the Senate Judiciary Committee. JLAC has directed the Auditor General to conduct a performance audit of the Arizona Department of Juvenile Corrections.

Pursuant to A.R.S. § 41-2954, the committee of reference is required to consider certain sunset factors in deciding whether to recommend continuance, modification or termination of an agency. In addition to the 12 sunset factors, which are addressed in the Auditor General performance audit, please provide your agency's written response to the required factors as listed below:

1. An identification of the problem or the needs that the agency is intended to address.
2. A statement, to the extent practicable, in quantitative and qualitative terms, of the objectives of such agency and its anticipated accomplishments.
3. An identification of any other agencies having similar, conflicting or duplicate objectives, and an explanation of the manner in which the agency avoids duplication or conflict with other such agencies.
4. An assessment of the consequences of eliminating the agency or of consolidating it with another agency.

5. The extent to which the agency potentially creates unexpected negative consequences that might require additional review by the committee of reference, including increasing the price of goods, affecting the availability of services, limiting the abilities of individuals and businesses to operate efficiently and increasing the cost of government.
6. The ability of the agency to timely investigate and resolve complaints within its jurisdiction.

Additionally, Laws 2021, Chapter 176 requires the committees of reference to consider certain factors for each agency that administers an *occupational regulation*, which is defined as: 1) a statute, rule, practice, policy or other state law that allows an individual to use an occupational title or work in a lawful occupation; and 2) a government registration, government certification and occupational or professional license. An *occupational regulation* does not include a business license, facility license, building permit or zoning and land use regulation, except to the extent those state laws regulate an individual's personal qualification to perform a lawful occupation. If your agency falls under this category, please provide written responses to the following:

1. The extent to which the occupational regulation meets the requirements of A.R.S. § 41-3502, as amended, transferred and renumbered by Laws 2021, Chapter 176.
2. The extent to which the failure to regulate a profession or occupation will result in:
  - a. the loss of insurance.
  - b. an impact to the ability to practice in other states or as required by federal law.
  - c. an impact to the required licensure or registration with the federal government.
  - d. the loss of constitutionally afforded practices.

Your response should be received by September 1, so we may proceed with the sunset review and schedule the required public hearing. Please submit the requested information to:

Lauren Cook  
Arizona House of Representatives  
1700 West Washington  
Phoenix, Arizona 85007

Thank you for your time and cooperation. If you have any questions, please feel free to contact me at (602) 926-5761 or Lauren Cook, the House Judiciary Research Analyst, at (602) 926-3148.

Sincerely,



Representative Frank Pratt  
House Judiciary Committee, Chair

cc: Senator Warren Petersen, Senate Judiciary Committee, Chair  
Zack Dean, Senate Judiciary Committee, Analyst



DOUGLAS A. DUCEY  
Governor

JEFF HOOD  
Director

September 1, 2021

The Honorable Frank Pratt  
Arizona House of Representatives  
1700 West Washington  
Phoenix, Arizona 85007

Re: ADJC Sunset Factors Audit

Dear Representative Pratt:

The Arizona Department of Juvenile Corrections (ADJC) is pleased to provide the committee of reference the information you requested in your letter of June 17, 2021, as part of the sunset review process for this agency.

Should you require any additional information, please do not hesitate to contact me or Kate Howard, Government and Public Affairs Administrator.

Sincerely,

Jeff Hood  
Director

Enclosures

cc: Lauren Cook





DOUGLAS A. DUCEY  
Governor

JEFF HOOD  
Director

## ADJC Response to Sunset Review Legislative Questions

### **1. An identification of the problem or the needs that the agency is intended to address.**

The Arizona Department of Juvenile Corrections (ADJC) serves the citizens of the state of Arizona by providing supervision, rehabilitation, treatment, and education to committed youth.

ADJC is charged with providing care and supervision to youth who have been adjudicated delinquent for a felony offense, whose delinquency or serious mental illness either cannot be treated appropriately in the community or who pose such a threat to their own safety or the safety of the community that they must be supervised and treated in a long-term, secure facility, and whose behavior does not warrant adult criminal prosecution. These youth are committed to ADJC by the Superior Courts of Arizona. Committed youth spend the in-custody portion of their commitment at Adobe Mountain School, a secure-care facility located in Phoenix. Youth who have completed their treatment can be released from the secure facility and supervised by ADJC on parole.

ADJC's secure care facility also serves as the state's only long-term, secure mental health treatment facility for youth. Delinquent youth who are so seriously mentally ill that they cannot be safely treated in the community are committed to ADJC, even if they have not committed serious felony-level offenses.

### **2. A statement, to the extent practicable, in quantitative and qualitative terms, of the objectives of such agency and its anticipated accomplishments.**

ADJC advances public safety by impeding the ability of committed youth to continue perpetrating delinquent acts that endanger public safety. By housing them in a secure facility, ADJC prevents youth victimizing members of the community while also addressing the root causes of delinquency. ADJC provides robust evidence-based programming, educational, career and vocational training, and pro-social activities to committed youth to prevent the likelihood that they will recidivate after their release. All youth who are committed to ADJC are required to remain in secure care for a court-ordered minimum length of time. In secure care, youth are provided with comprehensive rehabilitative programs that assist them in becoming productive, law-abiding members of society, and ADJC continually evaluates the rehabilitative progress of youth to determine if they have made sufficient progress to be safely released from secure care after completing their minimum length of stay and prior to reaching adulthood.

Youth who are released prior to reaching adulthood are then supervised on parole, where further services provided by ADJC help youth reintegrate back to the community and prevent youth from reverting to delinquency and endangering the public.

Ultimately, ADJC anticipates that committed youth will have increased educational achievement and employability and reduced recidivism as a result of programming provided by ADJC. Although there is currently no agreed-upon nationwide standard measure of rehabilitative success, ADJC has historically tracked recidivism, and has found that, on average, 63% of youth released between 2013 and 2017 did not return to the custody of ADJC or Arizona Department of Corrections, Rehabilitation, and Reentry (ADCRR) for either a new offense or a technical violation of the conditions of their parole within one year of their release from secure care.

**3. An identification of any other agencies having similar, conflicting or duplicate objectives, and an explanation of the manner in which the agency avoids duplication or conflict with other such agencies.**

ADJC is the only agency in the state tasked with providing supervision, rehabilitation, treatment, and education to committed youth in a long-term, secure setting. The Juvenile Court has determined that each youth committed to ADJC cannot be successfully treated in their community. The County Probation departments, who supervise and coordinate community-based services for youth who have committed delinquent offenses, do not have the facilities to house, clothe, feed, educate, and treat seriously delinquent youth, in a long-term, secure setting. The Arizona State Hospital, which previously treated Arizona youth who were seriously mentally ill, no longer serves the youth population. ADCRR, which confines a small number of youth, who have been convicted as adults in the criminal court, does not provide the comprehensive services mandated by Federal law for youth who are under the jurisdiction of the Juvenile Court.

An important part of the Department's relationship with the courts has been and continues to be the free and open communication between the two branches of government, ensuring each entity is aware of which programs are available and effective in each setting. Ongoing collaboration between ADJC and the courts helps to ensure that only youth who are not likely to be safely and successfully rehabilitated in the community are committed to ADJC. Often, youth who are committed to ADJC have exhausted the range of programs available to them in the community, and the courts commit the youth to ADJC as the only remaining option.

Additionally, ADJC has an ongoing collaborative relationship with the Arizona Department of Child Safety (DCS). Approximately 15% of ADJC's youth are involved with DCS. However, ADJC and DCS provide differing services that are neither duplicated nor conflicting. Each agency has identified a liaison to coordinate care for ADJC youth in the facility and on parole in the community.

In September 2020, ADJC entered into a Memorandum of Understanding (MOU) with DCS, ADE, AHCCCS, ADHS, and the AOC. This MOU formed an advisory committee whose purpose is to collaborate and work collectively to address system barriers and support provision of services to children and families in accordance with the Arizona Vision and 12 Principles.

#### **4. An assessment of the consequences of eliminating the agency or of consolidating it with another agency.**

As juvenile delinquency research has shown, there are some youth who cannot be successfully rehabilitated in the community, but who should be treated in the juvenile justice system rather than the adult criminal justice system. This necessitates long-term, secure facilities that ensure public safety while rehabilitating seriously delinquent youth. The operations of such facilities, and the provision of the various educational and treatment programs required to serve the youth committed to them, must comply with state and federal statutes which dictate specific safeguards, services, and staffing. Commonly, these requirements originated from class action lawsuits and various consent decrees.

Prior to 1990, the Arizona Department of Corrections (now ADCRR) supervised youth committed to its custody by the Juvenile Court and had jurisdiction to incarcerate both juvenile commitments and adult offenders, although juvenile commitments were housed in separate facilities. The lack of comprehensive rehabilitative services for incarcerated youth, the conditions of their confinement, and the lack of specially-trained staff capable of properly supervising and treating delinquent offenders led to a federal lawsuit, *Johnson v. Upchurch*, being filed in 1986 by committed youth and their families. In response to *Johnson v. Upchurch*, ADJC was created as a separate, cabinet-level agency based upon the recommendations of the Governor's juvenile justice workgroups and the advice of national juvenile justice experts. In 2003, the United States Department of Justice initiated an investigation into ADJC for civil rights violations, which eventually led to a second federal lawsuit, the *United States v. Arizona*. The settlement of that lawsuit led to a Memorandum of Agreement requiring ADJC to revise and modernize its policies and procedures to ensure that committed youth were being adequately treated in conformity with Constitutional requirements.

In 2009, Arizona closed the secure mental health facility for juveniles at the Arizona State Hospital. Since that time, ADJC has been responsible for the provision of mental health services for youth with acute mental health needs, upon commitment by a county juvenile court, even if they do not have an adjudication for a felony offense in their history.

If ADJC were to be eliminated, educational and treatment services for delinquent youth who cannot be safely and adequately served in a community setting would still be required, and services for youth with acute mental health needs would need to be provided. In order to properly care for the seriously mentally ill youth committed to ADJC who have not committed serious felony offenses, an alternative long-term secure mental health facility for youth would need to be identified.

One potential option for delivering services to delinquent youth would be to require that they be provided at the county level. This potential structure would raise a number of significant challenges.

First, many counties in Arizona do not currently operate detention facilities, because they do not have sufficient numbers of youth requiring these services. Detention services for these counties are being provided under agreements with larger counties who have capacity and infrastructure necessary to detain youth. Similarly, operation of a county-based secure treatment and education system would need to rely upon a series of agreements between various counties, which could lead to inconsistent programs, services, and treatment of committed youth.

Second, existing county facilities throughout the State are not designed or staffed for the delivery of long term programs and services – they are designed, built, staffed and operated to provide short-term detention services, much like county jails do for adult offenders. The average stay in juvenile detention facilities is typically 20 days or less. The provision of necessary services for committed youth requires a variety of trained professional staff, including doctors, nurses, mental health clinicians, and educators. Ensuring adequate access to the professionals in some locations may prove especially challenging.

Lastly, the operation of a county-based system, in addition to the potential for varying service levels and inconsistent programs, would almost certainly increase the cost for such programs and services, given the duplication of structure and administrative oversight and the generally higher compensation scales in county government.

In 2016, a survey found that all 50 states operate a statewide juvenile corrections function. Arizona is one of 16 states in which juvenile corrections services are provided by an independent state agency. The remaining states operate juvenile corrections under another state agency umbrella, including 15 that operate juvenile corrections as part of the state's health and human services agency, 8 that operate juvenile corrections as a part of the state's child and family services agency, and 9 that operate juvenile corrections as a part of the state's adult corrections agency.

Arizona, like most other states, found that consolidating the state's juvenile corrections function with the state's adult corrections function creates a significant risk of failing to properly care for committed youth, which in turn creates substantial exposure to liability for violations of Constitutional rights. Furthermore, combining the adult and juvenile corrections functions potentially exacerbates the public safety risk because youth incarcerated in a system geared toward adult incapacitation and services are less likely to receive appropriate rehabilitative opportunities that reduce their risk to recidivate upon release.

As seen in 23 other states, which operate many of their executive branch functions as divisions within larger agencies, consolidating ADJC under a health and human services or youth and family services umbrella could potentially be more suitable than consolidating with an adult corrections function. ADJC and DCS both serve Arizona's youth population. However, the

overarching missions of ADJC and DCS differ greatly. Additionally, some youth who are committed to ADJC are also adjudicated to DCS who serves as the legal guardian of the youth, which could create a potential conflict. This conflict would not arise if ADJC were consolidated with ADHS, however ADJC and ADHS do not have similarities in their underlying objectives like ADJC and DCS. If consolidation were to be considered, the provision of high-quality rehabilitative services should be the driving force. Finally, if consolidation were to be seriously considered, it is important to note that only marginal cost savings might be realized in support functions like business services and Human Resources, as most ADJC employees are involved in the direct provision of services to youth.

**5. The extent to which the agency potentially creates unexpected negative consequences that might require additional review by the committee of reference, including increasing the price of goods, affecting the availability of services, limiting the abilities of individuals and businesses to operate efficiently and increasing the cost of government.**

ADJC does not have an apparent impact on the price or availability of goods or services nor does it limit the ability of individuals or businesses to operate efficiently. With regard to the cost of government, personnel costs represent the most significant portion of the agency's expenditures. All agencies who supervise youth in a correctional or detention setting are required by law to maintain strict staffing levels to comply with the Prison Rape Elimination Act (PREA). Additionally, ADJC is required to provide adequate professional and educational staff to properly treat, care for, and educate committed youth. However, apart from the cost to operate the agency, ADJC does not otherwise increase the cost of government.

**6. The ability of the agency to timely investigate and resolve complaints within its jurisdiction.**

The Department has two avenues for investigating and resolving complaints: investigation of criminal offenses or other misconduct perpetrated by committed youth or agency staff, and a grievance system for resolving youth complaints. By and large, these complaints do not arise from outside parties, and complaints by members of the public about agency operations are usually handled by outside entities, such as the Ombudsman-Citizens' Aide.

Criminal matters are handled by the Department's sworn, AZPOST-certified officers. Operating primarily within the secure care facility, the Office of the Inspector General investigates allegations of wrongdoing by staff or offenses committed by youth, including alleged violations of the Prison Rape Elimination Act (PREA) in the manner of a traditional police agency. If ADJC criminal investigators determine there is sufficient evidence to criminally charge an individual, the case is referred to the County Attorney's Office for review. The County Attorney's Office then makes a charging decision. Under special circumstances, the Department has requested the services of outside investigators. For misconduct not rising to the level of criminal prosecution, the Inspector General's Office also conducts Administrative Investigations to determine if action is necessary to address employee misconduct.

Complaints by juveniles are handled by the formal grievance process, which was dictated by the Federal Court and is codified in ADJC policies and procedures. Committed youth have unlimited access to file formal grievances against any staff member, other youth, or Department practice. The grievance process is completely removed from the control of security staff to ensure that the youths' right to grieve is not infringed upon. Responses to grievances are coordinated by the Juvenile Ombuds, a specially-created position that serves as an advocate for youth, monitors conditions at the facility for possible rights violations, and coordinates youth access to the courts and attorneys. Every complaint is assigned for follow-up, investigation, and resolution, with tight time frames and guaranteed monitoring by the Ombuds to ensure that all complaints are reviewed appropriately. The Ombuds reports directly to the agency's General Counsel and also works closely with the Legal Systems Bureau and facility staff to assist them in ensuring that youth rights are respected. Complaints of abuse or misconduct made by youth are also referred to the Office of the Inspector General for investigation, but ADJC also ensures that youth have unfettered access to the DCS hotline should they want to report abuse to an outside entity. All ADJC staff are mandatory reporters, and thereby required to report any form of abuse or neglect suffered by committed youth or youth under parole supervision. ADJC provides extensive training to all staff to ensure they are knowledgeable about the expectation that they both uphold the rights of youth and report any potential misconduct.

**Laws 2021, Chapter 176 requires the committees of reference to consider certain factors for each agency that administers an occupational regulation, which is defined as:**

**1) a statute, rule, practice, policy or other state law that allows an individual to use an occupational title or work in a lawful occupation;**

**And**

**2) a government registration, government certification and occupational or professional license. An occupational regulation does not include a business license, facility license, building permit or zoning and land use regulation, except to the extent those state laws regulate an individual's personal qualification to perform a lawful occupation.**

ADJC does not administer occupational regulation.



## Arizona Department of Juvenile Corrections

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Presenter: Jeff Gove

Date: December 8, 2021



## Auditor General reports



- Use of Temporary Stabilization Units
- Youth Treatment Programming Evaluation
- Sunset Factors



## Department responsible for seriously delinquent youth



- Operates secure care correctional facility in Phoenix (Facility) for seriously delinquent youth
- Youth in Facility have committed serious, persistent delinquent offenses and require secure setting
- Department responsible for supervising, rehabilitating, treating, and educating youth in its care



## Use of Temporary Stabilization Units (TSUs)

Is the Department's use of TSUs consistent with Department policy and best practices?





## TSUs used at Facility



- TSUs used to isolate and stabilize youth who are a danger to themselves or others
- 1 TSU for boys, 1 for girls



## TSU use during 14 months we reviewed



- Facility had 2,922 TSU referrals for danger to self or others from January 2019 through February 2020
- 84% of youth in Facility during this period spent time in TSU



## TSU policy consistent with best practices



- TSU should be “last resort” after de-escalation attempted
- Staff must document danger and de-escalation efforts
- Department developed policy after lawsuits and investigations alleged civil rights violations



## Problem identified



- Department did not comply with policy in 12 of 30 referrals we reviewed
- Imminent threat and/or de-escalation efforts were not documented



## Why this matters



- Negative consequences of isolation include psychological, physical, and developmental harm
- Youth referred to TSU are also strip-searched and often transported in handcuffs
- Documentation important for demonstrating civil rights issues have been addressed



## Department lacked review process for de-escalation/referral procedures



- Department procedures include several safeguards to limit long-term exposure to isolation
- Department was not reviewing staffs' decisions to send youth to TSU



## New procedures decreased referrals



- Department implemented new procedures and reported they have decreased TSU referrals
- We recommended Department develop a process to review de-escalation and referral procedures



## Youth treatment programming evaluation



Is the Department's evaluation of its youth treatment programming consistent with recommended practices?



## Department provides treatment programming for youth rehabilitation

- Department uses evidence-based treatment programs designed to address risks that can lead to recidivism
- Example: Reducing aggression and violence



## Problems identified

Has not monitored some aspects of treatment programming delivery that are important for ensuring program success



## Problems identified



Has not ensured some improvements that can help reduce recidivism were implemented



## Problems identified



Has not tracked, measured, or evaluated some important treatment programming outcomes



## Why this matters



- Impacts Department's ability to measure and improve youth rehabilitation and reduce recidivism
- Potentially impacts public safety if youth reoffend



## Recommendations



- Expand treatment delivery monitoring
- Continue efforts to ensure improvements implemented
- Develop plan for measuring and evaluating outcomes



## Processes established related to statutory responsibilities



- Assessing youths' educational needs
- Preparing youth for release on parole
- Revoking youth parole
- Providing care for youths with mental illnesses
- Preventing suicides



## Recommended improvements to Department processes



- Supervising youth on parole
- Paying youth for work incentive program
- Supervising youth grievance process
- Reviewing all uses of TSU over 24 hours
- Determining if RSAC is required to comply with open meeting law







# Arizona Department of Juvenile Corrections

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Presenter: Jeff Gove

Date: December 8, 2021



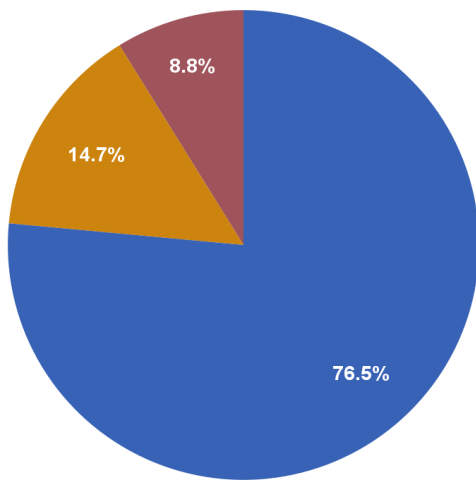


DOUGLAS A. DUCEY  
Governor

JEFF HOOD  
Director

**ADJC Implementation of 2021 Sunset Factor & Performance Audit Recommendations**

December 8, 2021

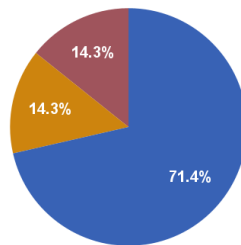


LEGEND	
Implemented	
Implementation In Process	
Pending Implementation	

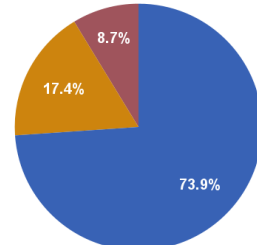
**Status of TSU Recommendations**



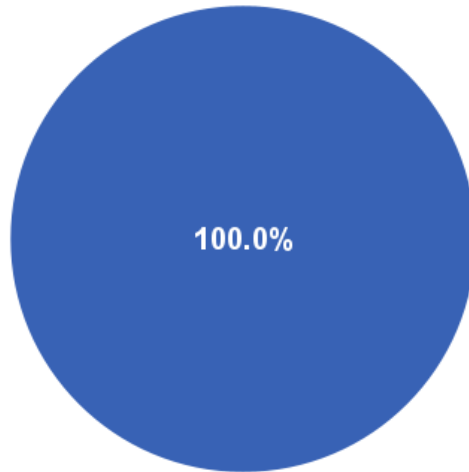
**Status of Treatment Program Recommendations**



**Status of Sunset Factors Recommendations**



## Implementation of TSU Recommendations



Recommendation	Status	Expected Completion Date
1 - TSU Policy/Procedure	Implemented	Complete
2a - TSU Policy/Procedure	Implemented	Complete
2b - TSU Policy/Procedure	Implemented	Complete
2c - TSU Policy/Procedure	Implemented	Complete

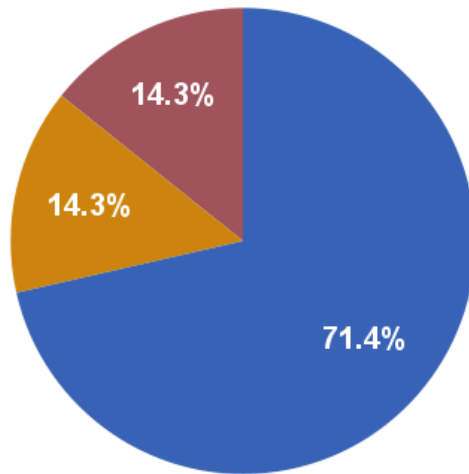
### **Report 21-104 Use of Temporary Stabilization Units**

ADJC has taken the following steps to address the Auditor General Findings and Recommendations:

- Revised TSU policy and procedures and staff training materials;
- Implemented a TSU Incident Report Review Team to review all referrals to TSU for compliance with policy and procedure;
- Created a TSU Data & Policy Review Team to regularly review all TSU referrals to identify issues and recommend policy changes;

These steps have reduced the number of non-compliant referrals to TSU, including an 83% decrease in referrals lacking all appropriate documentation from January 2021 to September 2021.

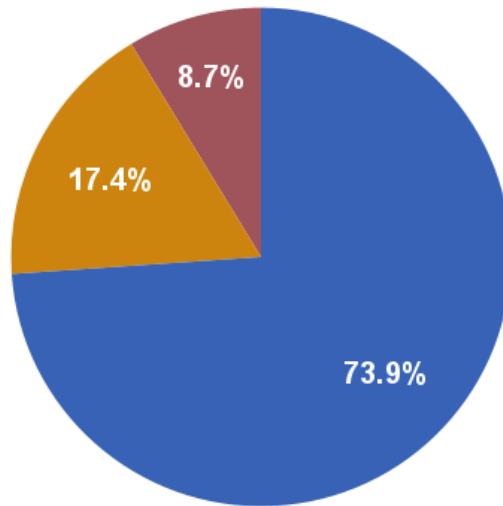
## Implementation of Treatment Program Recommendations



Recommendation	Status	Expected Completion Date
1a - Fidelity of Treatment Programs	Implemented	Complete
1b - Fidelity of Treatment Programs	Implemented	Complete
2 - CPC Evaluations	Implemented	Complete
3 - CPC Evaluations	Implemented	Complete
4 - Outcome Measures	Implemented	Complete
5a - Outcome Measures	Implementation in Process	February 2022
5b - Outcome Evaluations	Implementation Pending	

Report 21-121 Youth Treatment Programming Evaluation		
1	Fidelity of Treatment Programs	ADJC has revised and implemented policy and procedures to monitor and ensure treatment is delivered with fidelity, including procedure for correcting any identified deficiencies.
2 - 3	CPC Evaluations	ADJC has revised and implemented CPC evaluation policy outlining procedures to ensure all actionable evaluation recommendations are addressed, processes for handling non actionable recommendations, and procedures for monitoring, assessing, and documenting corrective action follow-ups.
4 - 5	Outcome Measures & Evaluations	ADJC is exploring opportunities for implementing additional outcome measures and outcome evaluations. We have reviewed our phase data and drafted potential outcome measure algorithms that track youth progress and completion of treatment programming while at the facility. We have drafted a survey to collect information about opportunities, methods, and resources used to conduct outcome measures and evaluations of treatment programming from other juvenile justice agencies.

## Implementation of Sunset Factors Recommendations



Recommendation	Status	Expected Completion Date
1 - Parole Standards	Implemented	Complete
2 - Parole Standards	Implemented	Complete
3 - Parole Standards	Implemented	Complete
4 - Parole Standards	Implemented	Complete
5 - Student Work Program	Implemented	Complete
6a - Travel Policy	Implemented	Complete
6b - Travel Policy	Implemented	Complete
7 - Employee Time Entry	Implemented	Complete
8 - IT Security Policies	Implementation In Process	January 2022
9 - QA Inspections of TSU	Implemented	Complete
10 - Recidivism	Implemented	Complete
11a - Youth Exclusions	Implementation In Process	January 2022
11b - Youth Exclusions	Implementation In Process	January 2022
12a - Conflict of Interest Forms	Implemented	Complete
12b - Conflict of Interest Forms	Implemented	Complete
12c - Conflict of Interest Forms	Implemented	Complete
13 - RSAC	Implementation In Process	January 2022
14a - RSAC	Pending Implementation	
14b - RSAC	Pending Implementation	
15 - RSAC	Implemented	Complete
16 - Youth Grievance	Implemented	Complete
17 - Youth Grievance	Implemented	Complete
18 - Administrative Incident Reporting	Implemented	Complete

**Report 21-122 Sunset Factors Report**

1 - 4	Parole Standards	ADJC has revised the Parole Officer and Parole Supervisor Case Management Standards Manuals, and trained all Parole Officers and Parole Supervisors on the changes; compliance with drug testing and collateral contact requirements are now reviewed monthly.
5	Student Work Program	ADJC has updated the student work program policy and procedures and the work application, added a graduated pay schedule based on skill level, and automated the youth time card system. ADJC is conducting manual program banking audits and working to automate these reports.
6	Travel Policy	ADJC has implemented a revised travel policy and procedures to comply with SAAM requirements and to conduct monthly and annual reviews of Employee Travel Card charges and travel reimbursement documentation.
7	Employee Time Entry	ADJC has updated policies and implemented standard procedures for reviewing employee time entries and addressing non-compliance.
8	IT Security Policies	ADJC has implemented 41 of the 44 action items regarding IT security policies and practices.
9	QA Inspections of TSU	The ADJC Quality Assurance team conducts a monthly inspection of all uses of TSU over 24 hours, in compliance with the updated TSU policy.
10	Recidivism	ADJC evaluated our current measure of recidivism and is working to implement recommendations from the Council of State Governments (CSG). ADJC has submitted requests for data to other law enforcement and correctional agencies to obtain information regarding other variables to be included in recidivism measures.
11	Youth Exclusions	ADJC is piloting a new process on two housing units to electronically record youth exclusions and anticipates expanding the process into all housing units.
12	Conflict of Interest Forms	Conflict of Interest forms have been updated with recommended language and notices to review and update are generated annually to all employees.
13 - 15	RSAC	ADJC is working collaboratively with the Attorney General's Office to obtain the applicability of the Open Meeting Law to the Religious Services Advisory Committee (RSAC).
16 - 17	Youth Grievance	ADJC has revised the youth grievance policy and procedures regarding time frames for resolving youth grievances and implemented a supervisory review process.
18	Administrative Incident Reporting	ADJC has formalized the Administrative Incident Reporting process by implementing policy and procedures, including requirements for documenting a disposition for any employee for whom misconduct is alleged.