



A REPORT
TO THE
ARIZONA LEGISLATURE

Performance Audit Division

Performance Audit

Department of Corrections—

Oversight of Security Operations

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REPORT NO. 11-07



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Auditor General

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Transmitted herewith is a report of the Auditor General, *A Performance Audit of the Department of Corrections—Oversight of Security Operations*. This report is in response to a November 3, 2009, resolution of the Joint Legislative Audit Committee. The performance audit was conducted as part of the sunset review process prescribed in Arizona Revised Statutes §41-2951 et seq. 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 Department of Corrections 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.

This report will be released to the public on September 23, 2011.

Sincerely,

Debbie Davenport
Auditor General

Attachment

REPORT HIGHLIGHTS

PERFORMANCE AUDIT

Our Conclusion

The July 2010 Kingman private prison escapes alerted the Department of Corrections (Department) to the need for improved oversight of its private prisons. The Department has implemented a new inspection program, revised its annual audit procedures, revised its Request for Proposals (RFP) for additional private prison beds, and began developing training for contract monitoring staff. The Department should carry out its plans to update its policies and procedures to reflect its revised annual audit approach and implement the contract monitor training. The Department should also improve officer compliance with security policies and procedures at state-run prisons. The Department should implement its plans to identify trends and systemic noncompliance and take appropriate system-wide action and should use this information to identify correctional officer training needs.



2011

Private prison oversight has improved, but additional actions needed to strengthen monitoring

Inmate escapes indicated need to improve oversight—On July 30, 2010, three inmates escaped from the Kingman private prison. The Department's investigation determined that several security deficiencies and policy violations contributed to the escapes. Notably, the prison's perimeter alarm system was not working properly and had not been serviced in 2 years. In addition, private prison staff sometimes ignored the alarms and would reset the alarms without first checking the perimeter. Although the Department had oversight procedures in place, it had not identified the security issues that contributed to the escapes.

Green Amber Red inspection program—In January 2011, to better assess security operations at all prisons, the Department implemented the Green Amber Red (GAR) inspection program. Under the program, various department security policies are tested monthly using a checklist. For example, one checklist question related to key policies asks whether keys are inventoried at the beginning and end of each shift.

Under the GAR, green means compliance, amber means corrective action is needed for minor issues, and red means immediate corrective action is needed to avoid threats to safety. Private prison wardens are responsible for developing corrective action plans to address amber and red findings.

Annual audit procedures—As part of an effort started prior to the escapes, the Department has also revised its annual audit procedures. Prior to the July 2010 escapes, the annual audits did not adequately assess compliance with

department policies. The new annual audit tool measures actual performance against department policies and procedures. Department contract monitoring staff are responsible for ensuring that the private prisons address findings. The Department plans to update its policies and procedures to reflect this process in January 2012.

Other improvements—In January 2011, the Department revised its RFP for 5,000 additional private prison beds to strengthen monitoring and security requirements. New requirements in the RFP include enhanced internal monitoring, performance measures, penalties for noncompliance, and regular testing and annual certification of security systems. The Department is also developing training for contract monitoring staff that is scheduled to begin in September 2011.

Prison services comparison—The Department reported that the new GAR inspections and revised annual audit procedures will help it to compare private and state-run prison services every 2 years as required by statute. Although the Department has not completed this comparison, it plans to do so by January 2012.

Recommendations:

The Department should implement its plans to:

- Revise its policies and procedures to reflect changes to the annual audit.
- Continue developing and implementing training for contract monitors.
- Compare private and state-run prison services every 2 years as required by statute.

Additional actions should be taken to improve compliance with security policies and procedures at state-run prisons

Policies and procedures help ensure security—The Department has adopted policies and procedures related to security operations at both private and state-run prisons, such as procedures for conducting inmate counts and tracking and securing keys and tools. Compliance with these policies and procedures is critical for ensuring prison security. Although written instructions, training, performance reviews, and inspections, such as the GAR inspection and annual audits, help to ensure that the Department's correctional officers comply with security policies and procedures, officers do not always comply. For example:

- Policy requires officers to conduct a daily tool inventory. However, department reviews have disclosed instances where tool inventories were not conducted.
- Personal property of staff and others entering the prisons must be inspected and cleared through metal detectors. However, department and auditors' reviews found several instances of inadequate personal property searches.
- Inmates are generally required to keep their identification cards visible on their chests when outside the housing area. However, auditors witnessed inmates who did not have visible identification when moving to meals or in the yard, and officers did not enforce the policies.

To further improve compliance, the Department should:

Implement plans to analyze monitoring data—The GAR inspections and annual audits provide a significant amount of information that could be analyzed to assess noncompliance trends. For example, department inspectors found that correctional officers failed to properly search employees' personal property, including food, as they reported to work at 12 of 17 prison units inspected. This suggests systemic noncompliance with this policy. By investigating

such trends, the Department may determine the underlying causes and address those throughout the prison system. The Department plans to analyze this data starting in 2012.

Assess training needs better—The Department can also use its GAR inspections and annual audits to assess training needs. The Department has a training bureau that, although informed of annual audit results through discussions, does not actually receive copies of the annual audit reports, which it could use to identify training needs. The training bureau also uses annual exams to test officers' knowledge of policies to assess training needs. However, the exams may not sufficiently cover areas where department audits have found systemic noncompliance.

Continue efforts to ensure adequacy and consistency of post orders—Post orders are written instructions that should describe the responsibilities, duties, and functions of a particular security post or work assignment. However, some post orders do not include instructions regarding department requirements. Further, some post orders are long and provide general instructions, while other post orders contain clear and concise instructions regarding duties. Clear and concise post orders can help officers who are temporarily assigned to an unfamiliar post to quickly understand the duties associated with the post.

The Department has begun efforts to streamline and standardize its post orders.

Recommendations

The Department should:

- Implement its plans to analyze monitoring data trends and take appropriate action throughout the prison system.
- Improve assessment of correctional officer training needs.
- Continue its efforts to improve its post orders.

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INTRODUCTION

Scope and Objectives

The Office of the Auditor General has conducted a performance audit of the Department of Corrections (Department) pursuant to a November 3, 2009, resolution of the Joint Legislative Audit Committee. This audit is the second in a series of audits conducted as part of the sunset review process prescribed in Arizona Revised Statutes (A.R.S.) §41-2951 et seq. This audit addresses (1) changes the Department has made to its processes and practices for monitoring contracted private prisons since the July 2010 escapes from the Kingman private prison, and (2) the Department's enforcement of security policies and procedures at state-run prisons. It also presents other pertinent information regarding how the Department's capital improvement projects, including building renewal projects, are funded. The first audit presented legislative and department options for addressing the State's prison population growth. A third report will address the statutory sunset factors.

Department responsible for securely incarcerating inmates

Department mission and state prison system

The Department's mission is "to serve and protect the people of Arizona by securely incarcerating convicted felons, by providing structured programming designed to support inmate accountability and successful community reintegration, and by providing effective supervision for those offenders conditionally released from prison." The Department's goals and objectives include:

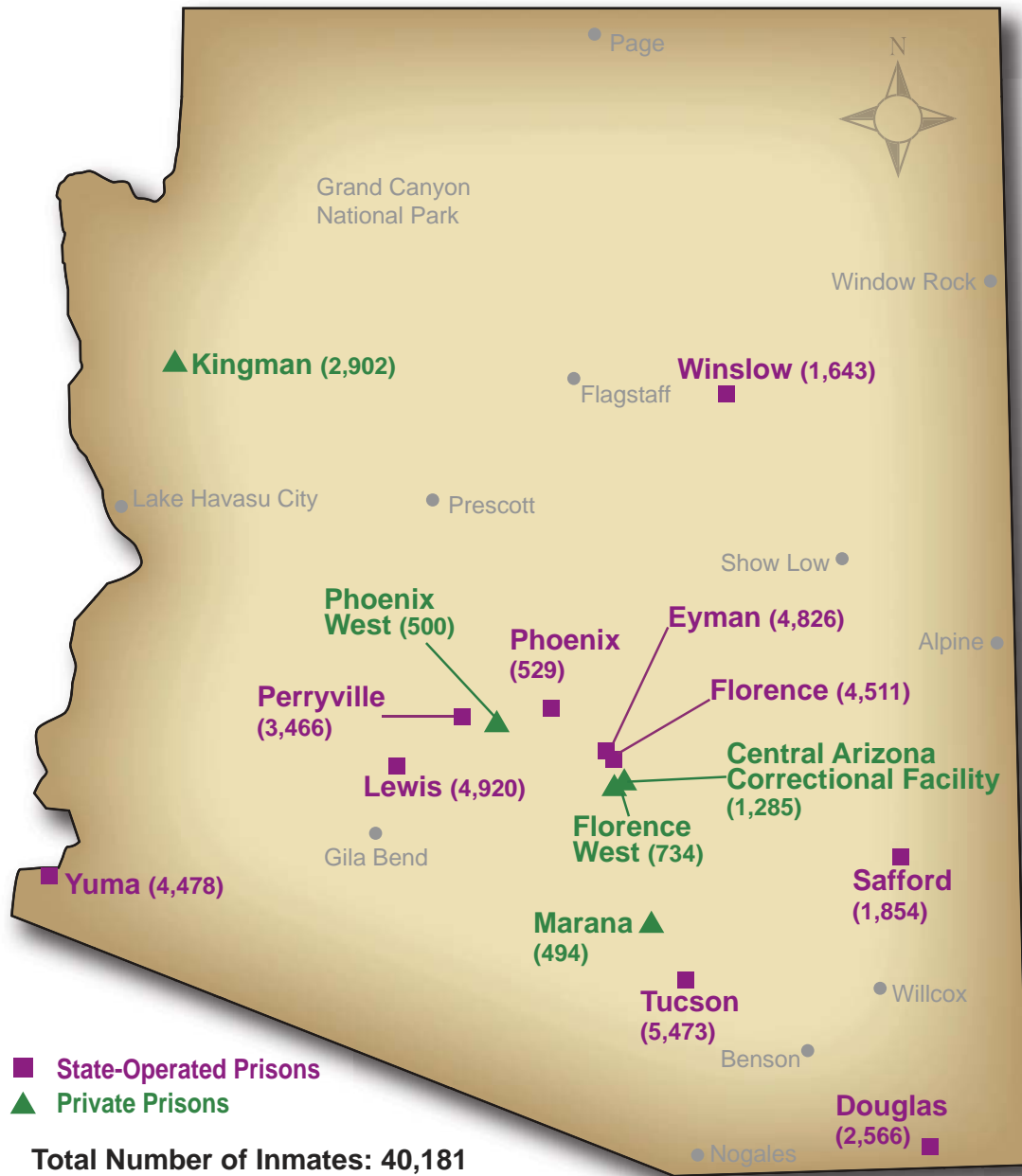
- Maintaining effective custody and control over inmates in an environment that is safe, secure, and humane.
- Promoting department safety and security by conducting administrative, civil, criminal, and gang-related investigations; conducting daily, weekly, monthly, and annual inspections and audits of its prison facilities; and ensuring agency compliance with fire and life safety codes.
- Developing private prison contracts and providing oversight to monitor their safe, secure, and cost-effective operation, while imprisoning inmates according to the Department's mission.

Arizona's prison system consists of ten state-run prisons and five private prisons operated under contract with the Department located throughout the State (see Figure 1, page 2). All of the state-run prisons and two of the private prisons consist of multiple units designed to hold inmates assigned to a specific custody level (see the next section for information on inmate custody levels). As of June 30, 2011, the Department housed nearly 40,200 inmates, including 5,915 inmates housed in private prisons.

Inmate classification

The Department's inmate classification system is one of its most important tools for managing inmates to help ensure prison safety and security. The Department uses this system to assess inmates based on their risk of escaping or committing violence to the public, staff, and other inmates. The assessments are used to determine appropriate inmate custody levels and to make decisions regarding inmate housing, programs, and work assignments (see textbox, page 3, for a description of inmate custody levels). Classification

Figure 1: Arizona Prison Locations and Number of Inmates by Prison
June 30, 2011



Source: Auditor General staff depiction of information from the Department's Web site and analysis of the *ADC Institutional Capacity Committed Population* report for June 30, 2011.

Inmate custody levels

Minimum custody—Inmates who represent a low risk to the public and staff. They may work outside of prison and do not require controlled movement inside prison.

Medium custody—Inmates who represent a moderate risk to the public and staff. They may not work outside of prison and require limited controlled movement inside prison.

Close custody—Inmates who represent a high risk to the public and staff. They may not work outside of prison and require controlled movement inside prison.

Maximum custody—Inmates who represent the highest risk to the public and staff and require housing in a single cell setting or, under certain circumstances for inmates who pose a lower safety risk, a double cell setting. These inmates have limited work opportunities within the secure perimeter, require frequent monitoring, and require escorted movement in full restraints.

Source: Auditor General staff review of department policy.

assessments are based on several factors, including an inmate's most serious current and prior offense(s), history of escapes and institutional violence, gang affiliation status, age, and time remaining to serve. Inmates are initially classified and assigned to a custody level when they are committed to the Department and may not be reassigned to a lower custody level for at least 6 months. After that, an inmate's classification status is reviewed as events occur that would change the inmate's custody level, such as completing inmate programs or assaulting other inmates or prison staff. As of June 30, 2011, approximately 38 percent of inmates were in minimum custody, 40 percent were in medium custody, 10 percent were in close custody, and 9 percent were in maximum custody; the remaining 3 percent were housed in detention cells. By law, the State's private prisons house only minimum- and medium-custody inmates.

Security policies and procedures

The Department has implemented numerous policies and procedures designed to ensure operational security at the State's prisons. These policies and procedures address several operational areas and apply to both the state-run prisons as well as the contracted private prisons (see textbox, page 4). For example:

- **Inmate accountability**—Department policy requires prison staff to count inmates multiple times each day and compare the inmates' physical identification cards to their faces to ensure that all inmates are accounted for.
- **Key control**—Department policy establishes requirements for ensuring that all prison keys are controlled and accounted for.

Operational security areas addressed by department policies and procedures

- Inmate accountability
- Key control
- Security/facility inspections
- Inmate regulations
- Inmate transportation
- Inmate escape prevention/response
- Searches
- Substance abuse detection and control
- Execution procedures¹
- Notification of inmate hospitalization or death
- Tool and restricted product control
- Aircraft intrusion
- Armory procedures
- Service dog program
- Stun and stun-lethal electrified fences

¹ Department procedures for executions apply only to state-run prisons.

Source: Auditor General staff review of department policies and procedures.

- **Security/facility inspections**—Department policy requires prison staff to regularly inspect security devices to ensure they are in good working condition and requires supervisory and other management personnel to conduct regular prison inspections and tours. A security device is any apparatus whose function is to restrict inmate access and includes gates, fences, security doors and windows, locking mechanisms, alarm systems, and video and communication systems.
- **Inmate regulations**—Department policy establishes requirements related to inmate dress and grooming, inmate identification cards, housing regulations, and housing inspections. For example, inmates are required to keep their identification card, which displays the inmate's current color photograph, name and number, height and weight, date of birth, and eye and hair color, with them at all times, except during work or recreational activities where the supervising staff member holds the identification card. In addition, inmates are prohibited from various actions such as placing items on cell walls or covering cell windows; tampering with security devices; doing laundry in the cells and living areas; and altering appliances such as televisions. Correctional officers are required to inspect inmate living areas daily.
- **Searches**—Department policy requires prison staff to conduct searches of inmates, offenders in community corrections, staff and visitors entering the prison units, property, inmate living areas, and common areas in order to control the introduction or possession of prison contraband, such as drugs, weapons, cell phones, or other prohibited items.
- **Tool control**—Department policy establishes requirements for the proper storage, inventory, and supervision of tools and other restricted products to ensure they are accounted for and safely used. Inmates use a variety of tools, including files, knives, rakes, and shovels, for work programs and prison jobs

such as kitchen and landscaping jobs. Department health services staff also use medical tools, including syringes, which must be securely maintained.

The Department's policies and procedures also establish various activities that are designed to help ensure staff comply with and enforce security requirements. These activities include staff training and supervision, daily reporting of security incidents to department officials, routine prison inspections by prison management, and annual audits of prison operations conducted by the Department's Office of the Inspector General staff. See Finding 1 (pages 9 through 19) and Finding 2 (pages 21 through 35) for additional discussion of these activities.

Security staffing

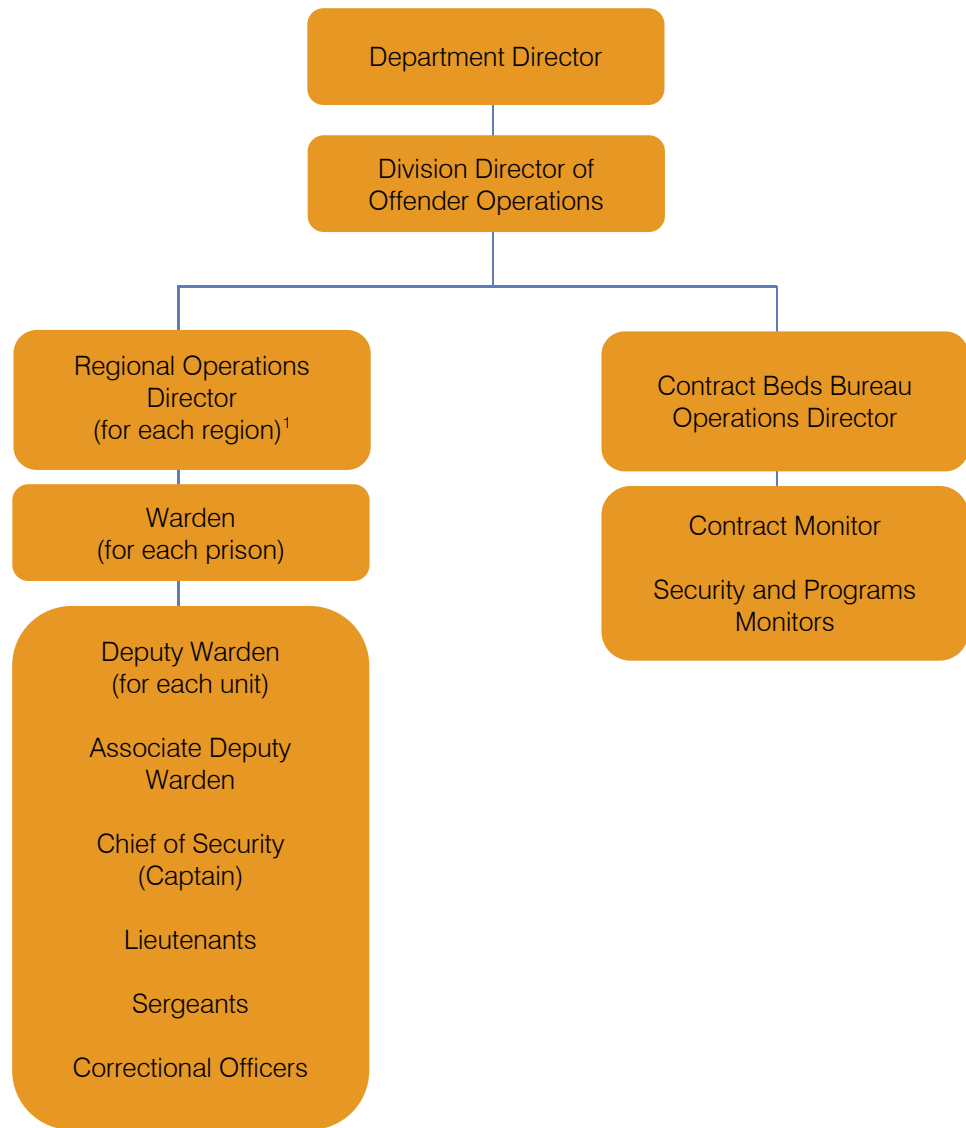
The Department's Offender Operations Division oversees prison operations at both the state-run prisons and the State's contracted private prisons. As of June 30, 2011, the Offender Operations Division had 8,717 full-time equivalent (FTE) positions. However, department officials reported that the prisons are understaffed as a result of staff reductions. Department staff reported that daily staffing levels are also affected by vacancies, employee leave, and other factors, but the Department has developed procedures for addressing daily staffing shortages.

Offender Operations Division oversees prison operations—

The Department's Offender Operations Division oversees prison administration and security operations and monitors the State's contracted private prisons. As shown in Figure 2 (see page 6), the division director of offender operations, who reports directly to the department director, supervises two regional operations directors who each oversee the wardens at five prisons. The wardens are responsible for the overall management and operations of the prison to which they are assigned. Deputy wardens are responsible for the management of the units within each prison. Other security staff assigned to prison units include associate deputy wardens, chiefs of security (captains), lieutenants, sergeants, and correctional officers.

As shown in Figure 2 as well, the division director of offender operations also oversees the Contract Beds Bureau, which is responsible for monitoring private prisons to ensure compliance with all contractual requirements, including applicable department policies and procedures. The Department assigns a contract monitoring team to each private prison to provide onsite monitoring of prison operations. These teams consist of a contract monitor who has overall responsibility for ensuring contract compliance and supervises other monitoring staff; a security monitor who monitors security operations and functions at the private prison; and a programs monitor who monitors inmate program-related operations and functions at the private prison. Contract Beds Bureau staff are also responsible for several functions at the private prisons that, according to the Department, cannot be performed by

Figure 2: Chain of Command at State-Run Prisons and for the Private Prison Monitors



¹ Southern region prisons include Douglas, Perryville, Safford, Tucson, and Yuma. Northern region prisons include Eyman, Florence, Lewis, Phoenix, and Winslow.

Source: Auditor General staff review of department information.

the private prisons. These functions include administering inmate classification actions, inmate grievances, and inmate disciplinary hearings; approving inmate releases; performing background checks on private prison staff and potential visitors of inmates; working with private prisons to develop inmate work contracts and approving inmates to work on outside work crews; and requesting the

Department's Office of the Inspector General to conduct criminal investigations, including alleged sexual assaults.

As of June 30, 2011, the Offender Operations Division had a total of 8,717 FTE positions, including 7,814 positions in the correctional officer series. This series includes 6,196 correctional officer II positions, as well as sergeants, lieutenants, captains, and other positions.¹ However, department officials reported that the prisons remain understaffed, largely due to the elimination of 565 correctional officer positions in fiscal year 2006 after funding for the positions was reallocated to other operating needs. The Department requested an additional 306 correctional officer positions for fiscal year 2012, but did not receive these positions. As of June 30, 2011, approximately 5 percent of the correctional officer series positions were vacant, including 4 percent of the correctional officer II positions.

Department has procedures for addressing daily staffing shortages—Department staff also reported that daily staffing levels at the prisons are affected by vacancies, employee leave, employee absences, and special assignments such as medical transports—department policy requires one or two officers to escort inmates to medical facilities depending on the inmates' custody levels. The Department has developed procedures for addressing daily staffing shortages. Specifically, security posts at each prison are prioritized, and lower-priority posts may be collapsed to ensure higher-priority posts at each prison unit are filled. For example, according to one prison's post priority chart, the highest-priority posts are the main control rooms at each unit, where officers control all movement in and out of the units and monitor perimeter security alarms. Additionally, assigning officers to man housing unit control rooms and patrol the housing units is a higher priority than assigning a second or third officer to patrol the yard. Further, correctional officers normally assigned to one unit may be assigned to work in another unit for the day to help address staffing shortages, a process referred to as cross-leveling. In addition, the Department reported that staff work overtime and accrue compensatory leave to address staffing needs. The Department estimated that it paid nearly \$29 million for overtime, compensatory leave, and associated employee-related expenses in fiscal year 2011. Lastly, prison units may adjust their operations based on staffing levels. For example, if staffing levels are critically low, prison officials may curtail inmate recreation, work detail, programs, and medical/dental appointments and/or may feed the inmates in their cells rather than in the cafeteria.

¹ Correctional officer II positions are responsible for maintaining the security of inmates inside secured perimeters and supervising inmate workers inside or outside of secured perimeters.

FINDING 1

The Department of Corrections (Department) has taken actions to improve its oversight of the State's five contracted private prisons since the July 2010 escapes from the Kingman private prison. The Department's investigation into the escapes identified a need to improve its monitoring practices. As a result, the Department implemented a new inspection program, improved its annual audit procedures, and revised its Request for Proposals for additional private prison beds to require stronger monitoring and security at private prisons. The Department has also taken steps to ensure that department contract monitoring staff effectively perform their duties, including developing a training program for monitoring staff that is scheduled to begin in September 2011. In addition to these steps, the Department should continue its efforts to comply with statutory requirements to compare the services provided by private and state-run prisons.

Department has improved oversight of private prisons, but should take additional actions to strengthen monitoring

Inmate escapes indicated need to improve oversight

On July 30, 2010, three inmates escaped from the Kingman private prison. The Department's investigation into the escapes and assessment of the prison's operations identified several security deficiencies and policy violations that contributed to the escapes. Notably, the prison's perimeter alarm system was not working properly and had not been serviced in 2 years. In addition, the Department's investigation found that private prison staff sometimes ignored the alarms because of the frequency of false alarms and would reset the alarms without first properly checking the perimeter. The Department's investigation also determined that private prison staff were complacent in their perimeter duties, allowing the inmates to better plan their escape. For example, perimeter officers did not vary their routine when checking perimeters and did not use flashlights or spotlights in their vehicles when conducting perimeter checks. Following the escapes, the Department assessed security operations at the State's other four private prisons and found several security deficiencies and noncompliance with department policies and procedures at those prisons as well.

Prior to the escapes, the Department reported that it had begun efforts to improve its monitoring of private prisons. As discussed in the Introduction (see pages 5 through 7), department staff are responsible for conducting onsite monitoring of the private prisons. The Department's Office of the Inspector General also conducts an annual audit of the private prisons. Further, department officials reported that the Director had initiated some steps to enhance monitoring of the private prisons prior to the escapes. For example, the Department issued deficiency notices to the Kingman private prison for incidents that occurred in March 2009 and January 2010. The Department reported that it also stopped inmate movement to the Kingman private prison for 1 month following another incident that occurred in May 2010. In addition, the Director repositioned the Office of the Inspector General under the deputy director to enhance the Office's independence. The Department had also begun to develop recommendations for improvements to its annual audit process, but these improvements were not implemented prior to the escapes (see pages 14 through 15 for more information on improvements to the annual audit process).

Despite these efforts, the Department's monitoring practices prior to the escapes failed to identify the issues at the Kingman private prison and ensure that they were corrected. For example, according to the investigation, the Department was unaware that the Kingman private prison's perimeter alarm system was not working properly. The investigation concluded that the Department's contract monitor assigned to the Kingman private prison and the Department's contract beds bureau operations director at the time both failed to perform their duties as required, and staff in those two positions were replaced following the escapes. Based on interviews conducted during the investigation, this failure appeared to result in part from inadequate training and supervision of department monitoring staff. In addition, the contract beds bureau operations director had suspended reporting requirements for monitoring activities, contrary to department policy. Moreover, the Department's annual audit of the Kingman private prison conducted in March 2010, 4 months prior to the escapes, did not report any of the security issues that contributed to the escapes and were identified during the Department's subsequent investigation.

Department has implemented new monitoring tools

The Department has implemented a new inspection program and revised its annual audit procedures, allowing it to better assess security operations at the private prisons. These new tools are also used at the state-run prisons.

Green Amber Red inspection program—In January 2011, the Department implemented a new inspection program for assessing security operations called the Green Amber Red (GAR) inspection. The GAR is essentially a monitoring checklist that, through June 2011, consisted of 220 performance measures grouped under 16 operational areas called “competencies” (see textbox, page 11). Through June 2011, department monitoring staff were required to assess compliance with each performance measure at least once per month (see pages 5 through 7 for information on department monitoring staff). In July 2011, the Department expanded the GAR tool by adding another 19 competencies, each containing 4 to 5 performance measures. These additional competencies include areas related to security and safety such as security staffing, inmate classification, inmate behavior control, security incident reporting, and additional performance measures related to inmate regulations. With the addition of these 19 competencies to the original 16 competencies, the Department reported that instead of reviewing private prison compliance with the performance measures in each competency monthly, as had been done previously, competency areas and their associated performance measures will be rotated for review. Specifically, according to the Department, the division director of offender operations will select approximately 15 competencies each month for review, with the goal of assessing approximately 230 performance measures monthly.

The Department has implemented the GAR inspection program, which assesses private prison compliance with various department security requirements on a monthly basis.

GAR competencies and example performance measures As of June 2011

Competencies (number of performance measures)	Example performance measures
Administrative (11)	Are required posts and positions filled/posted with appropriately qualified personnel?
Counts/Inmate Movement (6)	Are formal counts of inmates conducted on each shift? At what times?
Detention (8)	Did correctional officers conduct a general sanitation/security inspection of the detention unit during each shift?
Ingress/Egress (6)	Is assigned staff maintaining a log of every person entering/exiting the secure perimeter of the unit?
Inmate Regulations/Inmate Discipline (2)	Are security officer posts located in or immediately adjacent to inmate living areas to permit officers to see or hear and respond promptly to emergency situations?
Key Control (18)	Are keys/key rings inventoried at the beginning and ending of each shift and documented on the appropriate logs by assigned staff? Have keys been inspected for proper function, and repairs and replacement made as needed?
Mail/Property (7)	Are staff scanning or reading 10 percent or more of outgoing inmate mail?
Perimeter (43)	Does the perimeter have an electronic sensing system? Is it tested at the beginning of each shift? At the end of each shift? At other fixed times? At other random times? Is the electronic system covered under a service/repair/maintenance contract? Are nonstaff vehicles permitted on the perimeter?
Radios (6)	Are staff monitoring and appropriately responding to radio transmissions?
Searches (12)	Are housing searches conducted according to policy? Are they conducted at irregular times and logged?
Security Devices (33)	Are security device inspections and deficiencies noted in permanent logs and journals? Are deputy wardens, associate deputy wardens, and chiefs of security spending a minimum of 10 hours per week touring their unit, including inmate living quarters and activity areas? Is the exterior/interior perimeter checked at the beginning of each shift? At the end of each shift? At other fixed times? At other random times?
Tool Control (19)	Does the tool control officer conduct a daily tool inventory? Is the process of tool issuance and return in accordance with policy requirements?
Towers (4)	Do staff follow written instructions for tower operations?
Transportation (9)	Do staff perform strip searches of all inmates prior to and after transport?
Visitation (12)	Are staff requiring and checking identification?
Weapons (24)	Is firearm training and qualification conducted in compliance with policy? Are only authorized persons admitted into the armory?

Source: Auditor General staff review of the GAR inspection tool as of June 2011.

Department monitoring staff complete the GAR assessments through multiple inspections over the course of the month and submit their findings electronically to a department reporting system. The GAR uses a color-coded reporting system designed to ensure that findings result in corrective action and are reported to appropriate prison and department executive staff as follows:

- Green indicates compliance and does not require corrective action.
- Amber indicates minor issues that require corrective action. Amber findings result in notification to the prison warden and deputy warden.
- Red indicates significant threats to life and safety that require immediate corrective action. Red findings result in notification to the prison warden and deputy warden, and to the Department's regional operations director, offender operations division director, and/or director depending on the performance measure.

According to department policy and staff, private prison wardens are responsible for developing corrective action plans to address amber and red findings, which are reviewed by department contract monitors.¹ The Department uses its GAR reporting system to monitor open findings to ensure that corrective action plans are approved and completed.

The GAR inspection tool provides department staff with a systematic approach for assessing compliance with security requirements the Department deems to be critical. This approach is consistent with private prison monitoring practices recommended by the Association of State Correctional Administrators. In a 2000 publication, the Association of State Correctional Administrators recommended that monitoring significant operational areas be given the highest priority and suggested that checklists were the most useful monitoring method.² Further, the GAR program is consistent with monitoring standards promulgated by the U.S. Government Accountability Office, which states that findings should be reported and resolved through corrective action.³ In addition, the GAR helps department monitoring staff monitor areas where the Kingman private prison investigation identified deficiencies. For example, the competency areas with the most performance measures address perimeter operations and security devices—areas where security deficiencies contributed to the Kingman private prison escapes. The GAR also focuses on other critical areas such as the proper control and storage of keys, tools, and weapons.

The GAR inspections are identifying deficiencies, although more time will be needed to assess their effectiveness in bringing about greater compliance. As illustrated in Table 1 (see page 13), for the 2 months of GAR inspection results reviewed for this audit, February and March 2011, the inspections resulted in a total of 157 findings. These findings included the failure to properly search the personal property or verify the identity of persons entering the prison unit, to store

¹ In state-run prisons, unit deputy wardens are responsible for developing corrective action plans, and wardens are responsible for ensuring corrective action has been taken.

² Crane, R. (n.d.). *Monitoring correctional services provided by private firms*. Middleton, CT: Association of State Correctional Administrators.

³ United States General Accounting Office. (1999). *Standards for internal control in the federal government* [GAO/AIMD-00-21.3.1]. Washington, DC: Author.

The GAR inspection focuses on critical areas such as perimeter operations, security devices, and proper control of keys, tools, and weapons.

Table 1: GAR Findings at the State's Private Prisons
February and March 2011

Competency (Number of Performance Measures)	Number of Findings Reported for All 5 Private Prisons		
	February 2011	March 2011	Total
Administrative (11)	3	3	6
Counts/Inmate Movement (6)	3	0	3
Detention (8)	2	5	7
Ingress/Egress (6)	11	5	16
Inmate Regulations/Inmate Discipline (2)	0	0	0
Key Control (18)	14	19	33
Mail/Property (7)	1	1	2
Perimeter (43)	11	4	15
Radios (6)	2	1	3
Searches (12)	4	4	8
Security Devices (33)	10	9	19
Tool Control (19)	16	15	31
Towers (4)	0	0	0
Transportation (9)	2	0	2
Visitation (12)	3	2	5
Weapons (24)	3	4	7
Total (220)	<u>85</u>	<u>72</u>	<u>157</u>

Source: Auditor General staff analysis of February and March 2011 GAR inspection reports provided by department staff.

tools, to inventory keys, to document security device inspections, and to ensure inoperative security devices are repaired in a timely manner. For example, at one private prison, contract monitoring staff reported that the control room panel indicator lights, which indicate whether inmate doors leading to the recreation yard are unsecure or ajar, had been nonfunctional for several months. At another private prison, contract monitoring staff reported that work crew supervisors coming to pick up inmates routinely gained access through gates prior to any staff member checking the identity of the drivers or searching their vehicles. At a third private prison, contract monitoring staff reported that private prison staff were not thoroughly pat searching inmates, a procedure used to detect hidden contraband.

The private prisons appear to have improved in some competencies between the 2 months, while their collective performance remained about the same or grew worse in other competency areas. For example, the total number of findings in the ingress/egress and perimeter competency areas decreased, but remained about the same for the security devices and tool control competency areas and increased for the key control competency area. Further, although some of the private prisons had repeat or similar findings between the 2 months, auditors' review of the reports indicated that department contract monitoring staff were working with private prison staff to resolve these findings through their corrective action plans. (See Finding 2, pages 21 through 35, for additional discussion on the use of GAR inspection data.)

Office of the Inspector General—The Department's Office of the Inspector General (Office) is responsible for policing the prison system through criminal, administrative, and background investigations; intelligence gathering; and prison audits and policy. The Office reports directly to the Department's deputy director.

Source: Department's Web site.

Revised annual audit procedures—The Department has also revised its annual audit procedures. According to department staff, audits conducted prior to the Kingman private prison escapes did not adequately assess compliance with policy, and issues were corrected during the audit rather than reported as findings. In addition, although coordinated by the Department's Office of the Inspector General (see textbox), these audits were performed by correctional officers assigned to other state prisons, referred to as peer reviewers. According to department staff, this led to a "quid pro quo" culture with regard to audit findings, as officers knew they would be reviewed in turn by those they were reviewing. To strengthen the independence of the audits and the staff who perform them, the Department now uses staff from its Office of the Inspector General and Central Office Classification rather than peer reviewers from the state prisons.

The Department has also developed a new audit tool that measures actual performance against department policies and procedures. The tool is similar in design to the GAR, except it does not use color-coded findings. The tool includes more questions than the GAR, although it includes many of the same performance

questions. Additionally, the Department has revised the tool since

piloting it at the Kingman private prison in November 2010. As of July 2011, the annual audit tool included 857 questions in 13 competencies (see Table 2). Department officials reported that they plan to rotate some of the competencies included for review in the audit each year based on the audit results from the previous year. For example, if there were few or no findings in a particular competency, the Department may not review the questions in that competency area again the next year, but review the competency area again in a later year. However, the Department indicated that nine core competencies would be reviewed every year, including tools, keys, security devices, ingress/egress, and inmate classification. In addition to the November 2010 pilot audit at the Kingman private prison, the Department has used the revised audit tool for the March 2011 Marana private prison audit and again to audit the Kingman private prison in August 2011. The audits for the other three private prisons are scheduled for December 2011.

The revised annual audit procedures initiated under the Director are an improvement over the Department's previous audit approach. For example, the March 2010 audit of the Kingman private prison, which occurred 4 months prior to the escapes and was conducted under the Department's previous audit approach, evaluated the prison's compliance with 1,954 requirements listed in the contract

Table 2: Annual Audit Tool Competencies and Number of Questions As of July 2011

Competency	Number of Audit Questions
Classification	67
Counts and Inmate Movement	25
Detention Services	102
Food Service	40
Ingress/Egress	17
Inmate Management	135
Inmate Services	86
Keys and Radios	40
Perimeter and Towers	10
Required Services	133
Security Devices	37
Tools	62
Weapons	103
Total	857

Source: Auditor General staff analysis of the July 2011 annual audit tool.

and department policies and procedures, but resulted in only 24 findings. Few of the findings identified problems related to the prison's security operations, and none of the findings addressed the deficiencies the Department's investigation of the escapes later identified. Although the audit recommended some security improvements based on peer reviewers' observations, these recommendations were included for management's information rather than reported as findings. By contrast, the November 2010 pilot annual audit, which used the revised annual audit tool, reported 135 findings based on an assessment of 1,271 performance questions.¹ Many of these findings related to security operations, such as some officers' failure to properly search personal items as staff reported for work, ensure perimeter systems were functioning properly, and account for missing tools. The March 2011 annual audit at the Marana private prison also resulted in several findings, including failure to report rusted and eroding doors and windows in inmate living areas, inoperative security devices that had not been repaired for several months, and improperly stored ammunition. (See Finding 2, pages 21 through 35, for additional discussion on the use of annual audit data.)

Additionally, the Department has revised its procedures for following up on audit findings. According to department officials, prison wardens are still responsible for developing corrective action plans to address findings within 30 days of receiving the audit report under the revised audit procedures. However, although the Department's Office of the Inspector General was responsible for conducting follow-up inspections under the previous audit system, department officials reported that followup responsibility has been shifted to the Department's contract monitoring staff and contract beds bureau operations director for the private prisons and to the Department's regional operations directors for the state-run prisons. The Department has not yet revised its written policies and procedures to reflect all of the changes to its annual audit process, but reported that it plans to do so in January 2012 at the end of its first year of using the revised audit procedures. To ensure prompt resolution of audit findings, the Department should ensure the revised policies and procedures describe when follow-up actions should occur, who should perform the follow-up activities, and how the results of these follow-up activities should be reported.

The revised annual audits have reported several findings, including failure to properly search personal items as staff reported for work and inoperative security devices.

Department has strengthened contract requirements for future private prison beds

In response to the July 2010 Kingman private prison escapes, the Department canceled its Request for Proposals (RFP) for the 5,000 new private prison beds that was required by Laws 2009, 3rd S.S., Ch. 6. The Department had issued the RFP prior

¹ The Department has revised the audit tool since piloting it at the Kingman private prison in November 2010, and the tool had 857 questions as of July 2011.

to the escapes, but decided to cancel it in order to reevaluate the RFP's contractual terms and conditions, including revising and strengthening the RFP's monitoring and security requirements. The Department issued a revised RFP in January 2011 with proposals due in February 2011. The Department anticipates that the contract will be awarded after September 16, 2011.

The revised RFP included several additional requirements that will strengthen the Department's oversight of the selected contractor(s). For example:

- **Internal monitoring requirements**—Both the original and revised RFPs required the contractor to monitor its delivery of all services—including subcontracted services—and to document deficiencies and require corrective action to ensure that contract requirements are met. However, the Department included additional requirements in the revised RFP that will strengthen its oversight of the contractor's internal monitoring activities. Specifically, the revised RFP requires the following:
 - RFP respondents are required to include internal monitoring plans with their proposals;
 - The contractor awarded the contract is required to submit monthly documentation to department contract monitoring staff showing completion of the contractor's internal monitoring activities and their results; and
 - The contractor is required to report immediately to the Department any serious deficiencies identified through its internal monitoring activities.
- **Financial penalties for contract noncompliance**—The Department revised the RFP to expand the financial penalties it could impose for the contractor's failure to comply with contract terms or conditions. The original RFP allowed the Department to impose financial penalties on the contractor for failure to staff mandatory security positions. The revised RFP includes this penalty and provides for additional penalties under the following circumstances:
 - The contractor's failure to submit timely, accurate, and complete reports, such as required monthly inspection reports, security device deficiency reports, tool inventory reports, and significant incident reports;
 - The contractor's failure to meet corrective action plan requirements; and
 - Noncompliance where corrective action does not mitigate the gravity or severity of the noncompliance, poses a real or potential risk to the public, and represents a blatant disregard for contract requirements or a pattern of noncompliance.

The revised RFP for new private prison beds includes additional monitoring requirements, financial penalties, and performance measures.

- **Performance measures**—The Department added specific performance measures to the RFP that department officials deemed crucial for measuring compliance with its service delivery expectations and that must be met 100 percent of the time. These performance measures are included in the original performance measures that the Department assessed monthly through the GAR, as well as performance measures related to health, dental, and mental health services. The revised RFP stipulates that the contractor's failure to comply with these measures will result in written deficiency notices and require corrective action plans. As described in the preceding bullet, the contractor's failure to comply with corrective actions plans may result in financial penalties.
- **Procedures for reporting problems**—The Department added a requirement to the RFP that the contractor establish an anonymous reporting system for prison employees to report security and safety problems to facility management, facility owners, and the Department. This system is required to include employee suggestion boxes, of which at least one is key-controlled by department contract monitoring staff. This will allow private prison staff to anonymously report security and safety concerns to the Department.
- **Certification of security systems**—The Department added a requirement to the RFP that the contractor annually certify all security systems. In particular, perimeter security—such as perimeter detection systems, fencing, and cameras—must be tested regularly and recertified annually. This will help ensure that these devices function properly.

The Department has implemented one of the additional requirements included in the revised RFP at all five of its existing private prisons and plans to implement other requirements as existing contracts come up for renewal or are rebid. Specifically, the new performance measures included in the revised RFP have been implemented through the GAR inspection at the existing private prisons. However, department officials reported that they have not implemented other revisions, such as the additional financial penalties and reporting requirements, because they could not be enforced under the existing private prison contracts. The Department reported that it intends to review the existing contracts as they come up for renewal to determine whether similar revisions can be incorporated. In addition, department officials indicated that they would include similar revisions in future RFPs when the existing contracts are rebid.

Department is developing training for contract monitoring staff

The Department has taken steps to ensure that department contract monitoring staff effectively perform their duties, including development of a training program scheduled to begin in September 2011. The Department's investigation into the Kingman private

prison escapes indicated that department contract monitoring staff received little if any training regarding their specific job duties. Following the escapes, the Department has taken steps to ensure that monitoring staff have adequate experience and understand their job duties. For example, the Department now requires the supervising contract monitors to be deputy wardens—whereas they were formerly associate deputy wardens—in order to increase the experience level of staff in those positions. Deputy wardens have experience running prison units while associate deputy wardens do not. In addition, the Department now ensures that contract monitoring staff have copies of applicable private prison contracts and department policies and procedures, and requires these staff to sign forms indicating they have received these documents and are responsible for reviewing them. These documents are important for contract monitors because they identify the contract requirements and describe the monitors' job duties. Further, as described previously, the GAR inspection program provides contract monitoring staff with specific guidance on security operations they must monitor monthly.

In addition to these actions, the Department reported during the audit that it was developing a 32-hour training program for contract monitoring staff. The 2000 Association of State Correctional Administrators publication on monitoring private prisons identified training contract monitors as an essential practice.¹ Further, as mentioned earlier, the Department's investigation into the Kingman private prison escapes indicated that a lack of training contributed to the contract monitor's failure to perform his duties as required. As of July 2011, the Department had developed an overview of its contract-monitoring training program. According to the overview, the program will include courses on the role of the monitor, how to read the private prison contract, monitoring tasks, effective communication with contractors, reviewing required reports, and conducting inspections using the GAR inspection program. The Department has scheduled this training to begin in September 2011. The Department should continue to develop and implement this training program as scheduled.

Department's restructuring of inspection program will assist in comparing private and state-run prison services as required by law

The Department's efforts to restructure its inspection program will help to provide the information needed to compare private prison and state-run prison services as required by statute. Arizona Revised Statutes (A.R.S.) §41-1609.01 requires the Department to compare private prison and state-run prison services every 2 years and submit the comparison to the Joint Legislative Budget Committee (JLBC) for its

¹ Crane, R. (n.d.). *Monitoring correctional services provided by private firms*. Middleton, CT: Association of State Correctional Administrators.

The Department's contract monitoring staff training program is scheduled to begin in September 2011.

review. The comparison is to be used for the purpose of determining whether contractors are providing the same quality of services at a lower cost or superior quality services at the same cost as state-run prisons. In comparing services, statute requires the Department to consider several areas including security, inmate management, and personnel training (see textbox). Although the Department has not yet completed or submitted such a comparison to the JLBC, department officials indicated that one reason they implemented the new GAR inspection and revised annual audit procedures was to enable the Department to compare private prison and state-run prison services. The GAR inspections and revised annual audits cover several of the service areas that statute requires the Department to consider in its comparison, including security, inmate management and control, and food services. The Department reported that it plans to incorporate the remaining service areas—inmate programs, administration, and inmate health services—into its inspection program and issue the first comparison report by January 2012.

Areas required by statute for consideration in comparing private prison and state-run prison services

- Security
- Inmate management and control
- Inmate programs and services
- Facility safety and sanitation
- Administration
- Food service
- Personnel practices and training
- Inmate health services
- Inmate discipline
- Other services as determined by the department director

Source: Auditor General staff review of A.R.S. §41-1609.01.

Recommendations:

- 1.1 The Department should carry out its plans to revise its written policies and procedures in January 2012 to reflect changes to the annual audit process. In doing so, the Department should ensure the revised policies and procedures describe when follow-up actions should occur, who should perform follow-up activities, and how the results of these follow-up activities should be reported.
- 1.2 The Department should continue developing and implementing formal training for contract monitoring staff as scheduled for September 2011.
- 1.3 The Department should continue its efforts to compare private and state-run prison services every 2 years and submit the comparisons to the Joint Legislative Budget Committee as required by statute.

FINDING 2

The Department of Corrections (Department) should continue to improve its processes to strengthen compliance with security policies and procedures at state-run prisons.

Department oversight of correctional officer compliance with security policies and procedures helps ensure compliance, but some noncompliance still occurs. Specifically, department and auditors' reviews identified instances of noncompliance ranging from less-than-thorough searches of incoming personal property to failure to follow tool and key procedures. Non-compliance with security policies and procedures, regardless of its extent, may increase the potential for security incidents. To strengthen compliance, the Department should improve:

Monitoring—Implement its plans to analyze data from monitoring activities to identify systemic noncompliance, and further investigate causes of noncompliance to ensure appropriate corrective action is taken.

Training—Provide its training staff with monitoring results to better assess officer training needs and provide additional leadership training for supervisors.

Post orders—Continue its efforts to ensure that post orders clearly and concisely convey critical duties and that completion of these duties is documented.

Department should take additional actions to improve compliance with security policies and procedures at state-run prisons

Department takes steps to oversee compliance with security policies and procedures

As discussed in the Introduction (see pages 1 through 7), the Department has implemented policies and procedures related to security operations at the State's prisons, such as procedures for conducting inmate counts and tracking and securing tools and keys. Compliance with these policies and procedures is critical for ensuring operational security. As part of its oversight of prison operations, the Department has also implemented policies and procedures that are designed to ensure that correctional officers comply with the operational policies and procedures. Many of these policies and procedures are consistent with operational standards for adult correctional institutions promulgated by the American Correctional Association.¹ Examples of the Department's oversight policies and procedures include the following:

- **Training**—The Department provides initial training to correctional officer cadets at its Correctional Officer Training Academy and requires correctional officers to take 40 hours of annual training. The Department assesses officer training needs through annual core competency exams (see page 30 for further discussion of these exams).
- **Written instructions**—The Department relies extensively on written policies and procedures to manage prison operations. These include written instructions called post orders that describe the duties and responsibilities of each security post or work assignment (see pages 31 through 34 for additional discussion of post orders). Correctional officers are required to document completion of their duties and other events that occur at their posts, which supervisors are required to review.
- **Performance reviews**—The Department has written expectations of employee professionalism, ethics, and conduct. Additionally, it requires regular performance evaluations and has established employee disciplinary procedures that include administrative investigations into employee misconduct or failure to perform duties. These investigations

¹ American Correctional Association. (2003). *Standards for adult correctional institutions* (4th ed.). Alexandria, VA: Author. American Correctional Association. (2010). *2010 Standards supplement*. Alexandria, VA: Author.

are conducted by the Department's Office of the Inspector General, which also investigates alleged criminal activity that occurs in the prisons and conducts annual audits of the prisons using a new audit tool that is discussed in Finding 1 (see pages 14 through 15).

- **Inspections**—Supervisors and other prison officials are required to conduct tours and inspections, including the Green Amber Red (GAR) inspections described in Finding 1 (see pages 10 through 13), and report the results of these activities in monthly reports to department management. In addition, correctional officers are required to inspect security devices, such as alarm systems and locking mechanisms, during their shifts and report deficiencies. Policy requires a comprehensive review of security devices to be conducted weekly.
- **Incident reports**—Correctional officers are required to report significant incidents regarding prison safety or security as they occur. According to the Department, wardens, deputy wardens, and other supervisory staff review this information on a daily and weekly basis. The Department also uses this information to prepare a daily incident report for department officials to review. In addition, the Department analyzes trends in the significant incident data.

Despite oversight, some noncompliance with security policies and procedures occurs at state-run prisons

Despite the Department's oversight procedures, reviews of state-run prisons show correctional officers do not always comply with policies and procedures. Noncompliance identified by both the Department and auditors in various areas indicates that the Department should take additional actions to improve compliance.

Both Department and auditors identified noncompliance with security policies and procedures—Despite the Department's oversight procedures, department and auditors' reviews show correctional officers do not always comply with policies and procedures. The Department has identified instances of noncompliance through its own monitoring practices, some of which may increase the potential for security incidents. For example, although annual audits of the state-run Eyman, Lewis, and Yuma prisons conducted between January and March 2011 found that these prisons largely complied with the department policies and procedures reviewed in these audits, the audits also reported several findings of noncompliance. Auditor General staff noted other instances of noncompliance when they visited state-run facilities and reviewed department records. Specifically:

- **Personal property not properly searched upon entry to prison units—** Department policies and procedures require that the personal property, including food items, of all employees, contractors, and visitors be cleared through the metal detector and be inspected prior to the person being permitted entry into the prison unit. This policy is intended to stop the introduction of cellphones, drugs, and other contraband. According to one department official, the introduction of cellphones into prisons is the most prevalent threat to safety and security. For example, according to a March 2010 department investigation, an inmate used a cell phone that had been successfully smuggled in by a correctional officer to make harassing phone calls. Additionally, in an October 2009 investigation, a correctional officer was caught trying to smuggle in two cell phones, a cell phone charger, and drugs that were hidden inside his food when reporting for duty. Further, contraband cell phones could be used to help plan escapes, as happened in the July 2010 escapes of three inmates from the Kingman private prison discussed in Finding 1 (see pages 9 through 10).

Auditors noted poorly conducted searches of incoming correctional officers at one state-run prison unit as they reported for their shift. Although screening officers patted employees' jackets, they did not inspect officers' utility belts. In addition, employees' food items were generally not passed through the metal detector. Department inspectors found similar noncompliance with these requirements at 12 of the 17 units inspected during the January through March 2011 annual audits of the Eyman, Lewis, and Yuma prisons, indicating this is a pervasive issue in the prison system and that the risk for undetected contraband may be significant.

However, subsequent observations by auditors indicated that at least one state-run prison had taken steps to improve these searches. Auditors returned to the same prison less than 2 months after their initial visit and made an unannounced observation of screening practices at a different unit. Auditors found that the warden had implemented new, rigorous screening procedures in line with department policy that included passing food items through the metal detector, emptying contents of officers' bags and backpacks for visual inspection, and passing officers' possessions through the metal detector.

- **Tool policies and procedures not followed—** Department policy establishes requirements for the proper storage, inventory, use, and supervision of tools. Certain tools such as files, knives, saw blades, and grinders present an inherent safety or security risk as they could be used in an escape attempt, as a weapon, or to manufacture a weapon. Officers must directly supervise inmates using these tools. Other tools such as rakes, hoes, and shovels are considered less hazardous, but officers still must maintain accountability for these tools. Policies require that tools, when not in use, be stored in a secured tool room or storage area that is inaccessible to inmates. Tools must be signed out using the appropriate form, and tool officers are required to conduct a daily tool inventory and document the results of the inventory. The chief of security over assigned

Both auditors and department inspectors found that incoming correctional officers were not adequately searched.

Department reviews have identified examples where policies and procedures designed to safeguard and account for tools have not been followed.

tool areas must ensure daily inventories are completed and documented. Finally, missing tools must be immediately reported in writing to the shift commander.

Department reviews have documented examples in which these policies and procedures were not followed. For example, auditors reviewed a June 2010 department investigation into a metal file—a high-risk tool—that went missing and was not found. The investigation could not determine when the file went missing because a tool inventory had not been done in some time, clearly indicating that the tool officer had failed to conduct daily inventories and that the supervisor had failed to ensure they were being done. In addition, when the loss was discovered, officers did not immediately report it to the shift commander as required. Further, the Department reported several findings related to tools that resulted from the three January through March 2011 annual audits. These findings included the following:

- Beginning and ending tool inventories not performed;
 - Inmates in tool rooms without direct supervision and, in one case, with high-risk tools unsecured;
 - A tool room officer using an inmate to help account for the tools, including conducting the initial count of all tools;
 - A unit chief of security who did not have a complete written list of assigned tool areas, and who was unaware of tools in two locations that were in his area of responsibility;
 - A master tool inventory at one prison unit that was not correct for approximately 3 months, indicating that the chief of security was not reconciling the master tool inventory on a monthly basis; and
 - Tools that were not properly signed out.
- **Key policies and procedures not followed**—Department policies and procedures require that correctional officers conduct inventories of all keys and key rings at the beginning and ending of each shift and document the results in the appropriate logs. Supervisors are required to regularly inspect and initial these logs to provide evidence of their review. Correctional officers must keep strict control because keys in inmates' hands increase the risk of escape or can give inmates access to officers, staff, and other inmates for possible assaults. Department policies designate key control violations as major security breaches. According to one prison warden, oversight of keys, as well as tools, is a continual challenge to the prison system.

Department reviews have documented examples in which these policies and procedures were not followed. For example, auditors' review of an April 2010 department administrative investigation disclosed that a correctional officer took a set of prison unit keys home after working the afternoon shift. Officers did not complete an inventory of keys at the end of that shift. This action would have alerted officers that not all keys were accounted for prior to releasing the afternoon shift officers. The night shift officers did not complete a beginning or ending inventory of keys, permitting 8 hours to pass without officers knowing that keys were missing. The supervisors did not ensure that officers maintained control of keys by completing required key inventories and did not sign the service journal that indicated the inventories were conducted. The day shift discovered that keys were missing and a search finally began.

The three January through March 2011 annual audits also reported several key control findings, including:

- Inaccurate master key inventory records and records that did not list the location of the matching locking devices;
 - Missing checkout and return information in key control records; and
 - Inmates in possession of keys without written approval from authorized officials.
- **Poorly executed pat searches during inmate movement**—To help control the spread of contraband and maintain a safe and secure environment, correctional officers perform pat searches (i.e., physically search, or pat down, the exterior of an inmate's body) to locate any contraband that inmates may be hiding in their clothing or on their body. According to the Department, tens of thousands of pat searches are performed daily. For example, officers are required to pat search inmates before they enter visitation areas. Higher-custody-level inmates are pat searched whenever they leave or enter their housing units, such as to go to and from meals. At one close custody state-run prison unit, auditors conducted two separate observations of correctional officers performing approximately 200 to 300 pat searches of inmates going to and from meals. Auditors noted that many of the pat searches conducted by the officers were not as thorough as required by department procedures. For example, officers did not pat all parts of the body required in the procedures, such as the groin area. During the first observation, auditors asked a supervising officer to assess the pat searches conducted by one of the officers, which appeared inadequate. The supervisor described the officer's technique as "weak," explained that the officer was new, and proceeded to instruct the officer on how to do a better pat search. During the second observation, auditors asked a different supervisor to assess the pat searches conducted by another new officer, which also appeared inadequate. This supervisor observed the officer perform a few pat searches and then demonstrated for the officer how to perform more effective pat

Auditors' observations of pat searches found that many were not thoroughly conducted.

searches of the groin area. Another supervising officer auditors spoke with indicated that officers often do not thoroughly pat inmates' groin areas, and inmates will hide contraband in that area.

- **Some inmate regulations not consistently enforced**—Department policy establishes requirements related to inmate dress and grooming, inmate identification cards, housing regulations, and housing inspections. For example, inmates are required to keep their identification card—which displays the inmate's current color photograph, name and number, height and weight, date of birth, and eye and hair color—with them at all times, including recreation, except during work or recreational activities where supervising officers hold the identification card. When outside of their housing units, inmates must prominently display their identification cards on the upper chest area. Regarding housing regulations, inmates are prohibited from placing any item on a cell wall or covering cell windows; tampering with security devices; using clotheslines of any type; possessing homemade weights or exercise equipment; doing laundry in the cells and living areas; and altering appliances such as televisions.

Department officials explained that compliance with these basic regulations is important because it accustoms inmates to comply with other, perhaps more critical, officer instructions such as those that might be given during an inmate fight or other disturbance. Additionally, as indicated by one captain auditors spoke with, in cases of assault, officers need to quickly identify the victim.

However, auditors observed instances where correctional officers did not consistently enforce some of these requirements. For example:

- During observation visits to one state-run prison, auditors noted many inmates outside their housing units who were not wearing their identification cards as required by department policy. For example, during observations at a minimum-custody unit, auditors observed many inmates who were not wearing their identification cards as they milled about the yard preparing for an inmate count. These inmates were not engaged in exercise. At a close-custody unit, auditors observed many inmates who were going from their housing units to meals and were not wearing their identification cards. Additionally, auditors did not observe any attempts to enforce this regulation. During a separate visit to this close-custody unit, auditors observed many inmates walking around or talking in groups on the yard who were not wearing their identification cards. Regarding this observation, one supervisor expressed frustration with officers not enforcing this requirement. Auditors also observed inmates outside their housing units wearing pants well below their waists and untucked shirts, which is contrary to dress requirements.

Auditors' observations noted inmates who were not wearing their identification cards as required.

During visits to another state-run prison, auditors noted that officers at one unit strictly enforced identification card and dress requirements, but still observed that at least one correctional officer failed to do so as he was escorting a group of inmates to a building. The inmates only put on their identification cards after a supervisor asked the correctional officer and the inmates about their identification cards.

- During auditors' observation tour at one state-run prison unit, the escorting officer pointed out that several inmates had covered their exterior cell windows and indicated that correctional officers did not consistently enforce this policy. Auditors also observed covered exterior cell windows at a subsequent visit to this prison unit. In addition, auditors toured a cell with the captain while the inmates were out of the housing unit. The captain quickly identified several violations, suggesting that officers were not properly enforcing regulations. For example, in the cell were an inmate's identification badge propped in the cell window, homemade weights, a plastic spork from the cafeteria, unmarked medication, paper fitted to cover the cell window, and a hanging clothesline.
- While touring another state-run prison unit, auditors observed laundry hanging over a bathroom stall, suggesting inmates had been doing laundry in the bathroom contrary to policy. When questioned as to whether inmates were allowed to do laundry in the units, the control room officer was not sure and had to check policy.

Noncompliance indicates further improvement needed—Noncompliance in these various areas indicates that the Department should take additional actions to improve compliance because noncompliance, however limited, may create opportunities for security incidents to occur. For example, failure to properly search the personal property of persons entering the prison units could provide opportunity for these persons to introduce contraband into the prisons. One possible factor contributing to noncompliance—a factor also suggested by some department officials—is insufficient enforcement of policies and procedures by supervisors. The Department has mechanisms in place designed to hold staff accountable for compliance with policies and procedures, starting with an official policy stating that all employees and supervisors shall be held accountable and responsible for compliance with department policies and procedures. According to department officials, one of the Director's priorities is strict and uniform compliance with department policy. Further, department policy requires regular performance evaluations and has established employee disciplinary procedures that include investigations into employee misconduct, failure to perform duties, and alleged criminal activity. Disciplinary actions the Department may take include written reprimands, suspension without pay, and dismissal.

Although ensuring the appropriate use of these accountability mechanisms may help address noncompliance issues, a more systemic view includes examining

According to department officials, one of the Director's priorities is the strict and uniform compliance with department policy.

whether other weaknesses contribute to the problem. Auditors identified three areas in which the Department should take additional steps to improve compliance. The sections that follow discuss each one in turn.

Department should further improve monitoring practices to enhance oversight of security operations

One area in which oversight improvements can be made is using the information that is gathered to monitor compliance trends. As discussed in Finding 1 (see pages 9 through 19), the GAR inspection and revised annual audit tool appear to be an improvement to the Department's monitoring procedures. However, to further enhance its oversight of security operations, the Department should implement its plan to analyze monitoring data collected through these tools for compliance trends and investigate causes of noncompliance to help ensure they are addressed through corrective action. The Department should also periodically assess correctional officers' enforcement of inmate regulations through its annual audit.

Department should implement its plan to analyze monitoring data for compliance trends and identify and address causes of non-compliance—The Department collects a significant amount of information on compliance with security policies and procedures through the GAR inspection and revised annual audit tool. Department officials reported that this information could be useful for identifying potential training needs or potential revisions to policies and procedures. Although the Department has not yet begun to formally analyze the data, department officials reported that they plan to do so in 2012, after collecting data from the GAR inspections and revised audit tool for a year. Doing so would help the Department identify systemic or repeat noncompliance issues. For example, as mentioned previously (see page 23), department inspectors found that correctional officers failed to comply with department policies related to properly searching/scanning staff's or others' personal property, including food, at 12 of the 17 units inspected during the 2011 annual audits of the Eyman, Lewis, and Yuma prisons. This suggests systemic noncompliance with this department policy.

Additionally, analyzing monitoring data would help the Department identify compliance trends that it should further investigate to determine underlying causes for noncompliance. Although noncompliance may result from isolated incidents of human error or negligence, systemic or repeated noncompliance may indicate underlying issues that should be further investigated. One of the limitations of both the GAR inspection and the annual audit tool is that, although they find and report instances of noncompliance, they generally do not assess the underlying causes for noncompliance. Consequently, corrective action taken to address findings may not address those causes. For example, corrective action reported by various prison units to address the annual audit findings related to employees' or others'

The Department reported that it plans to begin formally analyzing data from its GAR inspections and annual audits in 2012.

personal property not being properly searched or scanned included redirecting officers, developing written instructions for officers assigned to those posts, providing formal training, and increasing supervision. Although these actions may be appropriate, because the annual audits did not determine why officers failed to comply, they may not address underlying issues. Consequently, noncompliance with this policy may continue. The Department reported that the results of its data analysis will be used to direct action to enhance compliance.

Analyzing monitoring data would also be helpful in making corrective action more consistent across prison units. Prison units develop their own corrective actions to address findings, which may lead to inconsistencies in how issues are addressed. For example, corrective action reported by units at one prison to address the food-search findings generally included developing written instructions and increasing supervision. Units at another prison reported similar actions, but also reported that the prison had formed a committee to better address training for these officers. If training deficiencies is indeed one of the underlying causes for noncompliance with this policy and given the prevalence of noncompliance across several prison units, then revised training may need to be provided to correctional officers across the prison system. Without further investigating why officers in 12 units across three state-run prisons failed to comply with this policy, actions taken by individual units or prisons may not adequately ensure that noncompliance with the policy is consistently addressed throughout the entire prison system.

Therefore, to better address noncompliance with security policies and procedures, the Department should implement its plan to analyze its data for repeat or systemic noncompliance trends and investigate those trends to determine the underlying causes for noncompliance. It should then take appropriate action to ensure that those causes are consistently addressed throughout the prison system.

Department should implement its plan to periodically assess compliance with inmate regulations through its annual audit—As discussed earlier, auditors observed several instances of officers not consistently enforcing some inmate regulations, particularly the wearing of identification cards. Although department officials indicated that compliance with these regulations is important, supervisors at one prison expressed frustration about getting officers to enforce them. According to department officials, consistency of compliance with these regulations is indicative of whether officers are maintaining effective control of inmates. However, as of July 2011, the annual audit did not include a review of the inmate regulations for which auditors observed noncompliance.

As discussed in Finding 1 (see page 10), the Department expanded the scope of the GAR inspection in July 2011 to include additional performance measures for inmate regulations. Department officials also reported that they plan to assess inmate regulations in the 2012 annual audit cycle based on auditors' observations of noncompliance with these policies. Although several competencies included in the annual audit will be reviewed each year, the Department plans to rotate some of

Department officials reported that they plan to assess inmate regulations in the 2012 annual audit cycle.

the competencies included in a given year's annual audits based on the previous year's audit results, such as inmate regulations (see Finding 1, page 14). Assessing compliance with these regulations, even periodically, may hold staff more accountable for enforcing them.

Department should better assess training needs in areas of systemic noncompliance

A second area in which oversight improvements can be made is using monitoring data to assess training needs. In investigating underlying causes of noncompliance identified during monitoring activities, the Department should assess whether additional or improved officer training could improve compliance with security policies and procedures. For example, as noted earlier, the Department reported several findings related to tools that resulted from the three January through March 2011 annual audits conducted at the Eyman, Lewis, and Yuma prisons, suggesting additional training in this area may be needed. In assessing training needs, the Department should provide its Staff Development and Training Bureau (Bureau) with the results of its monitoring activities. This Bureau is responsible for developing officer training, and department policy requires that audit data be reported to the Bureau for use in determining training needs. However, although the bureau administrator indicated that she receives annual audit finding information through discussions with prison management, the Bureau does not receive actual copies of the annual audit reports.

Additionally, the Department should revise the core competency exams administered by the Bureau to include additional questions for areas of systemic noncompliance (see textbox). The Department uses annual core competency exams to test officers' knowledge of policies and procedures and assess training needs. However, the current correctional officer exam may not sufficiently assess officers' knowledge of policies and procedures in areas where the Department's 2011 annual audits have found systemic noncompliance. For example, the annual audits had numerous

findings in the areas of keys, radios, and tools; however, at least one of the fiscal year 2011 correctional officer exams included only one question regarding keys, two questions regarding tools, and no questions on radios. Modifying the exams to include additional questions in these or others areas of systemic noncompliance would help the Department better assess officer training needs and could lead to improved compliance.

Core competency exams—Annual exams that test officers' knowledge of department policies and procedures. The Department has different exams for the different staff positions, such as correctional officers, sergeants, lieutenants, etc. The fiscal year 2011 correctional officer exam included 50 multiple choice questions on various policies and procedures.

Source: Auditor General staff review of department information.

Finally, providing annual leadership training for supervisors may also help reinforce accountability for compliance. The Department provides leadership training for newly promoted supervisors, which

includes a course on leading, motivating, coaching, and guiding staff. However, at least in fiscal year 2011, it did not provide any leadership classes in its annual training for supervisors. Reinforcing leadership training for supervisors through their annual training requirements could help supervisors more effectively achieve compliance from correctional officers. Additionally, according to department staff, one prison requested refresher leadership training after its 2011 annual audit, which had reported numerous findings.

Reinforcing leadership training for supervisors could help them more effectively achieve compliance from correctional officers.

Department should continue efforts to ensure adequacy and consistency of post orders

The third area in which oversight improvements can be made is in the quality of written instructions that correctional officers are expected to follow. Specifically, the Department should continue its efforts to improve the adequacy and consistency of its post orders, which are written instructions that describe the responsibilities, duties, and functions of a particular security post or work assignment, to include specific procedures for carrying out activities. Some post orders do not adequately address department policies and procedures correctional officers are expected to enforce, which may contribute to officers' noncompliance with department policy. In addition, some post orders could more clearly and concisely communicate critical post instructions. Finally, the Department should continue its efforts to ensure that correctional officers and supervisors document completion of their duties in correctional service journals as required.

Post orders communicate correctional officers' duties and responsibilities—Post orders are a primary way in which specific job duties are communicated to correctional officers. The division director of offender operations maintains a list of authorized posts for which post orders can be written. Deputy wardens are responsible for the development of post orders for their units, and department policy requires post orders to be reviewed at least annually. Officers are responsible for reading and understanding post orders, and some post orders auditors reviewed required officers to periodically read them and sign an acknowledgement sheet that they have done so. The Department's use of post orders is consistent with standards for adult correctional institutions promulgated by the American Correctional Association.

Post orders do not consistently address department policies and procedures—Auditors found that post orders do not consistently address department policies and procedures that correctional officers are expected to enforce. This may contribute to some officers not complying with department policy. For example, in one state-run prison's annual audit, department inspectors reported that the post orders at all five of the prison's units did not provide any guidelines for the inspection of food items or their need to be carried through the metal detector. Department

Post orders did not consistently include department policy and procedure requirements.

inspectors found that food items were not required to be carried through the metal detector at three of the prison's five units, contrary to department policy. Further, auditors found similar issues with post order content in their review of eight post orders for the posts of housing unit security officers at six medium-custody prison units across five state-run prisons. These post orders had effective dates between November 2010 and April 2011. Specifically, auditors found that the reviewed post orders did not consistently include department policy and procedure requirements. For example:

- Although department policy requires officers to conduct an inventory of keys at the beginning and end of each shift, five of the eight post orders required beginning and ending inventories of keys. One post order required only a beginning key inventory. Another post order required a security device inspection that included keys. The last post order required the arriving security officer to ask the departing officer, "Have you turned in your keys and radios?" No other reference to key inventories is made in this post order.
- Although department policy requires inmates to wear their identification cards on the upper chest when outside the housing unit, only one unit's post order specifically mentioned this requirement. Another post order required officers to ensure inmates were in grooming/dress compliance and also properly wearing inmate identification cards, but did not specifically state that identification cards should be worn on the upper chest. A third post order requires inmates to possess an identification card. Three post orders discuss inmate regulation compliance, but make no mention of wearing photo identification cards. The last two post orders made no mention of inmate regulation compliance requirements at all.

Some post orders are clear and concise; others are not—Auditors found that some post orders reviewed clearly and concisely communicated instructions specific to their posts. For example, these post orders were relatively short, had important duties placed up front, and contained clear instructions for required entries in the correctional service journals (see page 34 for additional information on correctional service journals). However, other post orders were lengthy and included general instructions applicable to multiple posts, such as how to do a pat search and how to handle requests for protective segregation. This may obscure important information unique to a post. Auditors' findings were similar to statements made by some correctional officers that post orders were lengthy and that it was cumbersome to identify the post-specific duties in them or changes when they are revised.

Further, clear and concise post orders could help officers temporarily assigned to unfamiliar posts properly follow security policies and procedures. As discussed in the Introduction (see page 7), the Department addresses daily staffing shortages by assigning staff from one unit to temporarily work in another unit, a process called cross-leveling. According to one warden, cross-leveled officers are

expected to become familiar with the orders for the posts they are temporarily assigned to. Clear and concise post orders would help cross-leveled officers quickly understand these duties, especially if the cross-leveled officer is assigned to a post with higher-custody inmates than the officer is accustomed to staffing as these posts have more stringent security procedures. Failure to comply with the post orders for unfamiliar posts could affect security. For example, in one monthly security report from October 2010, a deputy warden stated that cross-leveled officers assigned to her unit were not familiar with her unit's policies and procedures, which caused issues related to opening and closing inmate housing unit doors. Although this security report did not clarify what those issues were, auditors' review of a January 2010 department investigation illustrated the importance of properly moving inmates in and out of cells. Specifically, according to this investigation, and contrary to department policy, an officer failed to restrain an inmate already in a cell when placing another inmate back into the same cell. As a result the unrestrained inmate assaulted the officer, causing extreme injuries that eventually led to the officer's leaving the Department.

Department should continue with its efforts to improve post orders—

To improve their effectiveness, the Department should continue with its efforts to ensure that all post orders clearly and concisely convey the critical duties and responsibilities required by department policy for each authorized post. Specifically:

- The Department has implemented a general post order, effective September 1, 2011, that defines general duties and responsibilities applicable to all posts. This will allow the Department to remove content that is covered by the general post order from the existing post orders, which will help ensure that post orders are concise. This could also help ensure that post orders clearly convey required post-specific duties to new and cross-leveled correctional officers who may be unfamiliar with the posts. According to the Department, wardens are responsible for removing general post order content from the existing post orders by November 2011.
- The Department next plans to review and standardize post orders for similar posts throughout the prison system. This should ensure greater uniformity in post orders for similar positions. The Department plans to establish one or more working committees to accomplish this task. According to the Department, the committee(s) will include correctional officers as well as supervisory and management staff. Once standardized post order language is developed, wardens will have the flexibility to include additional duties in the post orders according to the needs of their specific facilities or units. The Department estimates that this effort will take approximately 6 months to complete. In implementing this phase, the Department should ensure that the standardized content for each post order addresses the applicable department policy and procedure requirements that correctional officers are expected to enforce.

The Department implemented a general post order, effective September 2011, that defines general duties and responsibilities for all posts.

Department should ensure correctional service journals appropriately used—Post orders not only describe specific procedures for carrying out activities, they also define the activities and events that officers are to record in correctional service journals (see textbox). These journals are an important accountability mechanism for officers and supervisors to document completion of their required duties. As described in one post order, the correctional service journal “is a legal document/record and must contain an accurate record and account of all activities.” However, in the three January through March 2011 annual audits auditors reviewed, department inspectors reported several findings related to correctional service journal entries, including:

- Failure to document required key and tool inventories;
- Inconsistent or incomplete entries for security device problems;
- Failure to document searches of interior and exterior common areas;
- Failure to document the reason for an inmate’s absence during the search of his living area;
- No entries documenting that the shift commander or on-site duty officer toured the visitation area; and
- Failure to document the opening of emergency key boxes or that two officers were present when the box seal was broken.

Correctional service journal—A journal used by correctional officers to document completion of their duties and other events that occur during a shift for a particular post. Entries are required for inmate movement or passes issued, yard closures and emergency announcements, orders and directives, shift activities, events and routine actions such as inmate security and fire checks, beginning and ending inventories of keys or tools, formal and informal inmate counts, identification of cells searched, medical service visits, special observations, security incidents, and other activities. The entries include a brief description of the activity, the time of occurrence, and the officer’s initials. Supervisors are required to regularly inspect and initial service journals and make an entry in the journal to record their post inspections.

Source: Auditor General staff review of department policies and procedures, post orders, and correctional service journals.

The Department reported that it has taken action to ensure compliance with correctional service journal requirements. Specifically, the Department revised the correctional service journal form in late August 2011 to improve supervisory review of journal entries. According to the Department, the revised form will require supervisory reviews by the shift commander, chief of security, and deputy warden, and completed service journal forms will be discussed at each prison unit’s morning meetings. The Department should continue its efforts to ensure that correctional officers and supervisors record entries in correctional service journals as required and that these journals undergo supervisory review.

Recommendations:

- 2.1 The Department should enhance its monitoring of officer compliance with policies and procedures by:
 - a. Implementing its plan to analyze the GAR inspection and annual audit data to identify trends and patterns in noncompliance to identify systemic or repeat compliance issues.
 - b. Further investigating underlying causes of noncompliance trends identified through its analysis and taking appropriate actions to consistently address those causes throughout the prison system.
 - c. Assessing correctional officers' enforcement of inmate regulations through its annual audit as planned for the 2012 audit cycle and periodically thereafter.
- 2.2 The Department should improve its assessment of officer training needs by:
 - a. Providing the Staff Development and Training Bureau with the results of its monitoring activities, including the annual audits, to help determine training needs.
 - b. Revising its core competency exams to include additional questions for areas of systemic noncompliance identified through department monitoring activities.
- 2.3 The Department should develop and implement additional leadership training for supervisors as part of their required annual training.
- 2.4 The Department should implement its plans to revise its post orders by removing content included in the new general post order from the existing post orders and standardizing post order content as appropriate for similar posts across the prison system. In doing so, the Department should ensure that the standardized content for each post order addresses the applicable department policy and procedure requirements that correctional officers are expected to enforce.
- 2.5 The Department should continue its efforts to ensure that correctional officers and supervisors record entries in correctional service journals as required and that these journals undergo required supervisory review.

OTHER PERTINENT INFORMATION

As part of the audit, auditors gathered other pertinent information regarding how the Department of Corrections' (Department) capital improvement projects, including building renewal projects, are funded. Arizona Revised Statutes (A.R.S.) §41-790 defines building renewal as "major activities that involve the repair or reworking of a building and the supporting infrastructure that will result in maintaining a building's expected useful life." The Department identifies its capital improvement needs and requests funding to address those needs as part of the annual budgeting process through its capital improvement plan. Although the Department has received some capital improvement monies, department officials reported that unmet physical facility needs jeopardize its mission to safely and securely incarcerate inmates and protect the public.

How department capital improvement projects are funded

Legislature established dedicated department building renewal fund in 2011—Although the Department received some monies for capital improvement through the Department of Administration, in 2011, the Legislature created a building renewal fund through which it appropriates monies directly to the Department. Specifically, A.R.S. §41-797 establishes a Department of Corrections building renewal fund that consists of monies received from various corrections revenue streams, such as inmate store proceeds and fees for conducting background checks on visitors, and is subject to legislative appropriation. The fund is to be used for projects that repair or rework buildings and supporting infrastructure under the Department's control that maintain a building's expected useful life. The fund may not be used for new building or infrastructure additions, landscaping and area beautification, building demolition and removal, or routine preventative maintenance, but the Department may use up to 8 percent of annual fund expenditures for routine preventative maintenance. Laws 2011, Ch. 25, appropriated about \$4.63 million to the fund for fiscal year 2012.

Department received little capital improvement funding in fiscal years 2008 through 2012—As shown in Table 3, the Department received a small percentage of its capital improvement requests in each of fiscal years 2008 through 2012. To offset this shortfall, the Department reported that it has reallocated general operating funds and delayed general physical plant maintenance, repair, and improvement needs. For example, according to department staff, the Department spent approximately \$290,000 on department-funded capital improvement projects in fiscal year 2011, which included replacing carpet at its central office, replac-

Table 3: Department Capital Improvement Requests and Funding Received
Fiscal Years 2008 through 2012

Fiscal Year	Amount Requested	Amount Received	Percent Received
2008	\$186,926,645	\$6,831,859	3.7%
2009	277,452,579	46,321	0.0
2010	233,809,487	108,503	0.0
2011	253,220,272	480,516	0.2
2012	164,946,218	4,630,500	2.8

Source: Auditor General staff analysis of the Department's fiscal years 2008 through 2012 capital improvement plan transmittal letters, information provided by the Department of Administration, and Laws 2011, Ch. 25.

ing a generator at the Globe unit of the Florence prison, and converting some cells to detention beds at the Cimarron unit of the Tucson prison.

Unmet physical plant needs pose security risks—Department officials reported that ongoing unmet physical plant needs have become a major issue throughout the agency and jeopardize the Department's mission. For example, in its fiscal year 2012 capital improvement plan, dated June 23, 2010, the Department requested \$37.5 million to repair or replace security doors, locking systems, and control systems in all ten state-run prisons. This request included more than \$3.2 million for replacements at one prison where a January 2010 department investigation found that inmates at one unit were able to open their cell doors despite the door control system showing the doors were secured. In its fiscal year 2012 capital improvement plan, the Department also requested \$5.3 million to replace nine electronic perimeter security systems at six state-run prisons because these systems required significant maintenance to keep operational and experienced frequent false alarms. Malfunctioning perimeter security systems not only pose security risks, but place additional burdens on department staff as additional correctional officers are posted at the perimeter until the system is repaired.

APPENDIX A

Methodology

This appendix provides information on the methods auditors used to meet the audit objectives.

This performance audit was conducted 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 appreciation to the Department of Corrections' (Department) Director and his staff for their cooperation and assistance throughout the audit.

Auditors used the following specific methods to meet their objectives:

- To review changes the Department has made to its processes and practices for monitoring contracted private prisons since the July 2010 escapes from the Kingman private prison, auditors interviewed department officials and contract monitoring staff and reviewed various department reports and other documents, including the Department's August 2010 investigation report on the escapes and its August 2010 security assessments of the contracted private prisons following the escapes; department policies and procedures related to private prison oversight; the Department's Green Amber Red (GAR) inspection tool and the February and March 2011 GAR inspection reports for the private prisons; the Department's new annual audit tool, the March and November 2010 department audits of the Kingman private prison, and the March 2011 department audit of the Marana private prison; the Department's original and revised Requests for Proposals for the 5,000 additional private prison beds required by Laws 2009, 3rd S.S., Ch. 6; and the position description for the department contract monitor position. Auditors also reviewed Arizona statutes regarding the use of private prison contracts, private prison monitoring practices recommended by the Association of State Correctional Administrators, and monitoring standards published by the U.S. Government Accountability Office.^{1,2} Finally, auditors toured the Florence West private prison in December 2010 with department contract monitoring staff.
- To assess the Department's enforcement of security policies and procedures at state-run prisons, auditors reviewed applicable department policies and procedures; information provided by department staff on reported significant incidents, including assaults that occurred between December 2009 and December 2010 and contraband detected between July 2009 and January 2011; and other documents related to officer training curricula and officer training needs assessments. Additionally, auditors reviewed:
 - Case files for 17 administrative and 9 criminal investigations conducted by the Department's Office of the Inspector General in calendar years 2009 and 2010 that related to safety or security incidents.

¹ Crane, R. (n.d.). *Monitoring correctional services provided by private firms*. Middleton, CT: Association of State Correctional Administrators.

² United States General Accounting Office. (1999). *Standards for internal control in the federal government* [GAO/ AIMD-00-21.3.1]. Washington, DC: Author.

- Audit reports and other documentation related to three department annual audits conducted at the Lewis state prison in January 2011, the Yuma state prison in February 2011, and the Eyman state prison in March 2011.
- A sample of eight post orders for the posts of housing unit security officers at six medium-custody prison units at five state-run prisons.

In addition, auditors also toured Lewis prison in December 2010; conducted observations with department inspectors during their annual audits of Lewis prison in January 2011 and Eyman prison in March 2011; and conducted additional observations at Lewis prison in March 2011 and at Eyman prison in March and May 2011 to assess compliance with selected policies and procedures. Auditors also interviewed department officials, as well as correctional officers, sergeants, lieutenants, captains, deputy wardens, and wardens at Lewis and Eyman prisons. Finally, auditors reviewed management oversight standards published by the U.S. Government Accountability Office and prison operation standards published by the American Correctional Association.^{1,2}

- To obtain additional information used in the Other Pertinent Information section of the report on how department capital improvement projects are funded, including building renewal projects, auditors reviewed information from the Department's capital improvement plans for fiscal years 2008 through 2012, and information provided by department staff regarding department-funded capital improvement projects. Auditors also reviewed information provided by Department of Administration staff regarding capital improvement monies allocated to the Department for fiscal years 2008 through 2012 and Laws 2011, Ch. 25 and Ch. 33, which established a Department of Corrections building renewal fund.
- To obtain additional information used in the Introduction section, auditors reviewed the Department's 5-year strategic plan for fiscal years 2012 through 2016; the *ADC Institutional Capacity Committed Population* report for June 30, 2011; department policies and procedures related to inmate classification, prison security operations, and procedures for addressing daily staffing shortages; information provided by department staff regarding the number of full-time equivalent positions, staff vacancies, and fiscal year 2011 overtime expenditures; and other information from the Department's Web site.
- Auditors' work on internal controls focused on the Department's policies and procedures related to enforcement of prison security operations and the Department's monitoring of contracted private prisons. Auditors also evaluated

¹ United States General Accounting Office. (1999). *Standards for internal control in the federal government* [GAO/AIMD-00-21.3.1]. Washington, DC: Author.

² American Correctional Association. (2003). *Standards for adult correctional institutions* (4th ed.). Alexandria, VA: Author.
American Correctional Association. (2010). *2010 Standards supplement*. Alexandria, VA: Author.

the Department's implementation of two new controls—the GAR inspections and revised annual audit procedures. Auditors' conclusions on these internal controls are reported in Findings 1 and 2 of this report.

AGENCY RESPONSE

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CHARLES L. RYAN
DIRECTOR

September 19, 2011

Debra K. Davenport, CPA
Auditor General
Office of the Auditor General
2910 North 44th Street, Suite 410
Phoenix, Arizona 85018

Dear Ms. Davenport:

Thank you for the opportunity to respond to the Arizona Department of Corrections (Department) Oversight of Security Operations performance audit.

As noted in the performance audit, the Department is responsible for maintaining effective custody and control of over 40,000 inmates with a correctional series staff of 7,814, which includes 6,196 correctional officers. The results of the audit, which looked at security practices for both private prisons and state-run prisons, show that:

- Despite staffing shortages, largely due to the elimination of 565 correctional officer positions in fiscal year 2006, the Department has effective procedures for addressing daily staffing shortages.
- The Department has implemented new prison monitoring tools, including a new Green Amber Red (GAR) inspection program and a new annual audit process.
- The Department's new GAR inspection program and new annual audit process will assist in comparing private and state-run prison services.
- The Department has strengthened contract requirements for future private prison beds.
- The Department has increased the qualification and experience requirements for contract monitoring staff and has developed new contract monitoring staff training.
- The Department has taken steps to ensure compliance with security policies and procedures, including the:
 - Ongoing development of new processes designed to use data to identify trends and patterns of noncompliance and to correct them, and
 - Revision and improvement of correctional officer post orders and correctional service journals.

Also as noted in the performance audit, one of my priorities is the strict and uniform compliance with Department policy, especially in terms of safety and security practices. Ensuring policy compliance in an agency with 10,000 employees, including 7,814 correctional security staff, is a daunting task, but one to which I am openly and publicly committed. With over 30 years of correctional experience, I recognize that violations will occur and I have worked in the most transparent and forthright way possible to develop mechanisms to identify and confront policy issues and violations in order to mitigate the severity and frequency of future occurrences. These mechanisms include enhancements to the significant incident reporting (SIR) process, collection of assault data and mortality data, improved Contract monitoring, improved Inspector General investigative processes, the new GAR inspection program, the new annual audit process, and increased staff training and development.

The Department does not dispute that some violations of policy occurred as identified in the performance audit. However, as the performance audit shows, these findings of non-compliance are related to violations of regulations governing keys, tools, pat searches, ID cards, inmate dress, and cell housekeeping. Although these violations are taken very seriously by the Department and there is always room for improvement, Department data shows that over 93 percent of the time policies and procedures are followed and no violations are found. This represents thousands of employees effectively and efficiently performing tens of thousands of tasks on a daily basis that contribute to safe and secure prisons.

The Department provides a vital service that increases the public's safety. The mission of the Department is to serve and protect the people of Arizona by securely incarcerating convicted felons, by providing structured programming designed to support inmate accountability and successful community reintegration, and by providing effective supervision for those offenders conditionally released from prison. The Department's highest priority is maintaining effective custody and control over inmates in an environment that is safe and secure for staff and inmates.

As the Department continues to serve and protect the people of Arizona, it will ensure that the performance audit security practice recommendations are implemented. Specifically:

<p>1.1 The Department should carry out its plans to revise written policies and procedures in January 2012 to reflect changes to the annual audit process. In doing so, the Department should ensure the revised policies and procedures describe when follow-up actions should occur, who should perform follow-up activities, and how the results of these follow-up activities should be reported.</p>
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Response: In 2010, when the Department implemented its new annual audit process, the Department identified implementation steps and priorities to maximize the effectiveness of the new process. The Department remains committed to the ongoing

improvement of its annual audit process and to the ongoing revision of departmental policy and procedure to ensure compliance. The finding of the Auditor General is agreed to and the audit recommendation will be implemented.

1.2. The Department should continue developing and implementing formal training for contract monitoring staff as scheduled for September 2011.

Response: The Department actively began analyzing the need for enhanced and targeted Contract Beds Monitor training as early as September 2010. In April 2011, formal development of a 32 hour Contract Monitor Academy began. The first Department Contract Monitor Academy is being held September 19-23, 2011. The finding of the Auditor General is agreed to and the audit recommendation will be implemented.

1.3 The Department should continue its efforts to compare private and state-run prison services every 2 years and submit the comparison to the Joint Legislative Budget Committee as required by statute.

Response: Since January 2009, the Department has been working to create an inspection process capable of meeting this statutory mandate. The first biennial comparison will be completed in October 2011. The finding of the Auditor General is agreed to and the audit recommendation will be implemented.

2.1. The Department should enhance its monitoring of officer compliance with policies and procedures by:

- a. Implementing its plan to analyze the GAR inspection and annual audit data to identify trends and patterns in noncompliance to identify systemic or repeat compliance issues.
- b. Further investigating underlying causes of noncompliance trends identified through its analysis and taking appropriate actions to consistently address those causes throughout the prison system.
- c. Assessing correctional officers' enforcement of inmate regulations through its annual audit as planned for the 2012 audit cycle and periodically thereafter.

Response: In 2010, when developing the GAR inspection and audit process, the Department identified that findings would need to be analyzed annually and that the results of the analysis would be used to direct action to enhance compliance. In 2012, the Department will initiate a comprehensive analysis of all information and data as part of its commitment to the ongoing improvement of its compliance program. The finding of the Auditor General is agreed to and the audit recommendation will be implemented.

- 2.2.** The Department should improve its assessment of officer training needs by:
- a. Providing the Staff Development and Training Bureau with the results of its monitoring activities, including the annual audits, to help determine training needs.
 - b. Revising its core competency exams to include additional questions for areas of systemic noncompliance identified through department monitoring activities.

Response: The Department values this recommendation and agrees that aligning monitoring activities with training is an excellent idea. The finding of the Auditor General is agreed to and the audit recommendation will be implemented.

- 2.3.** The Department should develop and implement additional leadership training for supervisors as part of their required annual training.

Response: The Department agrees that additional leadership training for supervisors is beneficial and has been exploring the expansion of leadership training for supervisors, which may take the form of refresher courses, addition of or enhancement of existing leadership components in annual training courses, or biennial leadership training. The finding of the Auditor General is agreed to and the audit recommendation will be implemented.

- 2.4.** The Department should implement its plans to revise its post orders by removing content included in the new general post order from the existing post orders and standardizing post order content as appropriate for similar posts across the prison system. In doing so, the Department should ensure that the standardized content for each post order addresses the applicable department policy and procedure requirements that correctional officers are expected to enforce.

Response: The Department identified the need to revise post orders in early FY 2011 and began work on revising the post order format in April 2011. This process includes input from the Department's Executive Team, Wardens, senior staff, and correctional officers. The finding of the Auditor General is agreed to and the audit recommendation will be implemented.

- 2.5.** The Department should continue its efforts to ensure that correctional officers and supervisors record entries in correctional service journals as required and that these journals undergo required supervisory review.

Response: The Department identified the need to revise the correctional service journal to ensure its proper use and review by supervisory staff in June 2011, completing the revision in August 2011. The finding of the Auditor General is agreed to and the audit recommendation will be implemented.

On behalf of the Arizona Department of Corrections and its staff, I extend thanks to your audit staff for their professional work throughout the audit process.

Sincerely,

Charles L. Ryan
Director

cc: File

Performance Audit Division reports issued within the last 24 months

09-09	Arizona Department of Juvenile Corrections—Suicide Prevention and Violence and Abuse Reduction Efforts	10-08	Department of Corrections—Prison Population Growth
09-10	Arizona Department of Juvenile Corrections—Sunset Factors	10-L1	Office of Pest Management—Regulation
09-11	Department of Health Services—Sunset Factors	10-09	Arizona Sports and Tourism Authority
10-01	Office of Pest Management—Restructuring	11-01	Department of Public Safety—Followup on Specific Recommendations from Previous Audits and Sunset Factors
10-02	Department of Public Safety—Photo Enforcement Program	11-02	Arizona State Board of Nursing
10-03	Arizona State Lottery Commission and Arizona State Lottery	11-03	Arizona Department of Veterans' Services—Fiduciary Program
10-04	Department of Agriculture—Food Safety and Quality Assurance Inspection Programs	11-04	Arizona Medical Board
10-05	Arizona Department of Housing	11-05	Pinal County Transportation Excise Tax
10-06	Board of Chiropractic Examiners	11-06	Arizona Department of Veterans' Services—Veteran Home
10-07	Arizona Department of Agriculture—Sunset Factors		

Future Performance Audit Division reports

Department of Corrections—Sunset Factors

Arizona Department of Veterans' Services—Veterans' Donations and Military Family Relief Funds

Arizona Department of Veterans' Services and Arizona Veterans' Service Advisory Commission—Sunset Factors