

CITY AUDITOR'S OFFICE

Victim Services

September 6, 2023

AUDIT NO. 2305

CITY COUNCIL

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September 7, 2023

Honorable Mayor and Members of the City Council:

Enclosed is the audit report for *Victim Services*, which was included on the Council-approved FY 2022/23 Audit Plan. This audit was conducted to evaluate Victim Services operations, such as resources, notifications, referrals, and advocacy assistance provided. During audit planning, the scope was further refined to review victim notification processes more specifically. Because communications between the advocate and victim are privileged under state law, we did not evaluate other services that were primarily documented in advocacy logs.

The audit found that, generally, advocates contacted victims to inform them of their legal rights and notified them of court proceedings when requested. Some exceptions were noted where missing information may delay notifications. We recommended improvements to help ensure timely notification. As well, additional system controls and automation could improve data reliability and privacy, and opportunities exist to streamline the notification process.

If you need additional information or have any questions, please contact me at (480) 312-7851.

Sincerely,

Lai Cluff, CIA
Acting City Auditor

Audit Team:

Elizabeth Brandt, CIA, CGAP, CPM – Sr. Auditor
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TABLE OF CONTENTS

AUDIT HIGHLIGHTS.....	1
BACKGROUND.....	3
Figure 1. Victim Services organization chart.....	3
Figure 2. Victim’s Bill of Rights, Arizona Constitution.....	4
Figure 3. Services Offered by Victim Advocates.....	5
OBJECTIVES, SCOPE, AND METHODOLOGY.....	7
FINDINGS AND ANALYSIS.....	9
1. Improvements can be made to ensure victims are timely informed of their rights and notified of court proceedings.....	9
2. Additional system controls and automation could improve data reliability and privacy, and opportunities exist to streamline the notification process.....	11
Figure 4. Steps in Preparing Victim Court Date Notification Letters.....	12
MANAGEMENT ACTION PLAN.....	15



AUDIT HIGHLIGHTS

Victim Services

September 6, 2023

Audit No. 2305

WHY WE DID THIS AUDIT

An audit of *Victim Services* was included on the City Council-approved fiscal year (FY) 2022/23 Audit Plan. The audit's objective was to evaluate Victim Services' operations, such as resources, notifications, referrals and advocacy assistance provided to victims. During audit planning, the audit scope was refined to review victim notification processes specifically. Because state law protects communications between the advocate and victim, we did not evaluate other services that were primarily documented in advocacy logs.

BACKGROUND

Victim Services, a department within the City Attorney's division, provides legally mandated notification services and advocacy to misdemeanor crime victims in Scottsdale. The department works in collaboration with the Police Department, Prosecution and City Court to identify crime victims and provide advocacy services

Once victims of a crime are identified they are assigned to a Victim Advocate who ensures case status and court dates are communicated to the victim and also provides them with additional services, such as help with protective orders, or referrals for community assistance.

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WHAT WE FOUND

Improvements can be made to ensure victims are timely informed of their rights and notified of court proceedings.

The audit found that, generally, advocates contacted victims to inform them of their legal rights and notified them of court proceedings when requested. Some exceptions were noted where missing information may delay these notifications.

- Of the 24 cases reviewed (14 selected judgmentally and 10 randomly), 8 had delays in the initial notifications and files did not contain pre-conviction rights forms from Police.
- Requiring victim signatures on these Police forms could also delay the invocation of rights.
- Incorrect or outdated victim contact information impacted about 20% of cases.
- In 1 case, several notifications for court proceedings were not sent after the victim invoked. Improvements to data captured by the information system could allow for quality review and reporting.

Additional system controls and automation could improve data reliability and privacy, and opportunities exist to streamline the notification process.

- Additional data validation controls and further automation of the notification process could help improve data quality and increase efficiency.
- Technology staff's access to privileged victim communications needs to be evaluated.

WHAT WE RECOMMEND

We recommend the department:

- Work with the Police Department to ensure pre-conviction rights forms are included in reports, and also accept unsigned requests to invoke victim rights.
- Offer web-based options for victims to provide or update contact information and complete other Victim Services forms.
- Work with IT staff to implement system changes that would allow management to routinely verify completion of required services, implement additional data validation controls, and further automate the notification process.
- Evaluate Technology staff's access to privileged victim information.

MANAGEMENT RESPONSE

The department agreed with the recommendations and plans to implement changes by May 2024.

BACKGROUND

Victim Services, a department within the City Attorney’s division, provides legally mandated notification services and advocacy to misdemeanor crime victims in Scottsdale. The department works in collaboration with the Police Department, Prosecution and City Court to identify crime victims and provide advocacy services.

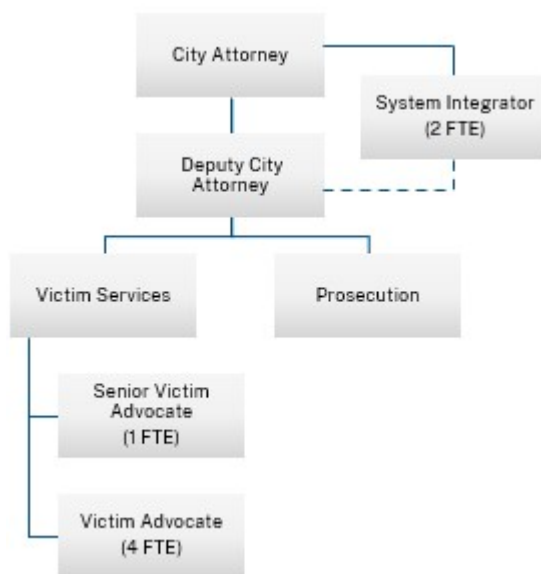
While some victim advocacy is also provided by the Police Department, such as support to victims at the crime scene and during police investigations, only misdemeanor cases are handled through the City’s municipal court system and by Victim Services. This audit focuses on the advocacy program provided by the Victim Services department for victims in the City Court system.

Victim Services Goal:

“To provide court-related information, community referral, and assistance to empower victims to regain stability and fully invoke their rights during the criminal court process”.

SOURCE: Victim Services Brochure

Figure 1. Victim Services organization chart



SOURCE: Auditor analysis of departmental organizational chart.

As shown in Figure 1 above, Victim Services reports to the Deputy City Attorney who also oversees Prosecution. The department is staffed by a Senior Victim Advocate and four Victim Advocates. In FY 2022/23, it had an Adopted Budget of approximately \$540,000, comprised primarily of personnel costs.

(continued on next page)

Victim Advocacy

Notification and Invocation of Victim Rights

State law requires that victims of crime be informed of their Constitutional and statutory rights as shown in Figure 2 below. This is initially done by the Police Department when victims are identified at the crime scene or during police investigations. As required by Arizona Revised Statutes, Police provide informational materials on victim rights and available resources and use a County-approved form to obtain contact information. The form is also used to obtain the victim's signature requesting or declining to invoke victim rights. If a victim is unable to make an election, the officer can note the exception and it will be presumed that the victim invoked their rights until otherwise declined. These forms are sent to Prosecution and Victim Services, along with other police reports.

Prosecutors review all cases and victim information to ensure that there is a legal basis to proceed with the case and that each involved person is properly categorized as a victim. In some instances, a prosecutor may need to review the police reports before a complaint is filed and victims identified. Prosecution enters victim information into the Prosecution Information Network system (PIN) and an advocate is assigned. The advocate sends out an initial notification letter to inform the victim of their legal rights, upcoming court proceeding, and also provide them with an additional opportunity to invoke their rights, if they have not already done so.

Figure 2. Victim's Bill of Rights, Arizona Constitution

A victim has the right to:







1. To be treated with fairness, respect, and dignity and to be free from intimidation, harassment, or abuse, throughout the criminal justice process.
 2. To be informed, upon request, when the accused or convicted person is released from custody or has escaped.
 3. To be present at and, upon request, to be informed of all criminal proceedings where the defendant has the right to be present.
 4. To be heard at any proceeding involving a post-arrest release decision, a negotiated plea, and sentencing.
 5. To refuse an interview, deposition, or other discovery request by the defendant, the defendant's attorney, or other person acting on behalf of the defendant.
 6. To confer with the prosecution, after the crime against the victim has been charged, before trial or before any disposition of the case and to be informed of the disposition.
 7. To read pre-sentence reports relating to the crime against the victim when they are available to the defendant.
 8. To receive prompt restitution from the person or persons convicted of the criminal conduct that caused the victim's loss or injury.
 9. To be heard at any proceeding when any post-conviction release from confinement is being considered.
 10. To a speedy trial or disposition and prompt and final conclusion of the case after the conviction and sentence.
 11. To have all rules governing criminal procedure and the admissibility of evidence in all criminal proceedings protect victims' rights and to have these rules be subject to amendment or repeal by the legislature to ensure the protection of these rights.
 12. To be informed of victims' constitutional rights.
-

SOURCE: Arizona Constitution, Article 2, Section 2.1 Victims' Bill of Rights.

Prosecution Information Network (PIN)

Prosecution and Victim Services use PIN, an internally developed software application, to manage case load and maintain case information and related documents. Court activity, such as hearings, trials, and sentencing, is uploaded to PIN through a nightly data transfer from the Court's information system. Victim advocates use the system to document victim case information, generate notifications, and log advocacy activities. The Information Technology department is working with the department's system integrators to develop a new system that is expected to replace PIN in fiscal year 2023/24.

Figure 3. Services Offered by Victim Advocates.

	Inform victims of their legal rights and guide them through the criminal justice process.
	Provide timely notification of case status and court dates.
	Act as liaison between victim and prosecutor, such as ensuring victim input is heard regarding bond, release conditions, and plea offer terms.
	Assist in filing requests for Orders of Protection, Injunctions Against Harassment, and Restitution.
	Escort victims to court proceedings upon request.
	Provide referrals for community assistance, including counseling services.

SOURCE: Auditor analysis of Victim Services informational brochure and department interviews.

On-going Communications and Support

After providing the initial notification to the victim, Victim Services continues to support those who invoke their rights by providing them services as shown in the Figure 3 above. This includes providing on-going notifications of court proceedings and case status that are typically communicated through standard notification letters but may sometimes be conveyed by phone, email, or text message. Advocates talk with the victims to determine their current circumstance and can provide additional services, ranging from assistance filing for restitution of damages/expenses resulting from the crime to referrals for community assistance and support organizations.

OBJECTIVES, SCOPE, AND METHODOLOGY

An audit of *Victim Services* was included on the City Council-approved fiscal year (FY) 2022/23 Audit Plan. The audit objective was to evaluate Victim Services operations, such as resources, notifications, referrals and advocacy assistance provided. During audit planning, the audit scope was further refined to review victim notification processes specifically. Because state law protects communications between the advocate and victim, we did not evaluate other services that were primarily documented in advocacy logs.

To gain an understanding of relevant laws and regulations impacting victim advocacy, we reviewed:

- Recently issued audits conducted by other local jurisdictions.
- Applicable laws, regulations, policies, including Victim's Bill of Rights in the Arizona Constitution, Arizona Revised Statute (ARS) Title 13 (Criminal Code) Chapter 40, *Crime Victims' Rights*.
- Informational material made available by the Police Department and Victim Services.

We interviewed Victim Services advocates to gain further understanding of these requirements and department policies and procedures. To understand the Police Department's role in victim advocacy, we also interviewed staff from Police Crisis Intervention.

Additionally, we met with the department's System Integrators to gain an understanding of the Prosecution Information Network (PIN) application, which manages prosecution and victim case information and workflow. We gained an understanding of data input controls, user access rights, and basic system workflows, but did not fully evaluate application controls, given that the department is in the process of developing a new system, which is expected to replace PIN in fiscal year 2023/2024.

In working with the Deputy City Attorney, we identified limitations to privileged information and refined the audit scope to focus on victim notification processes. Arizona Revised Statute §13-4430 provides that victim communications with an advocate is privileged information and cannot be disclosed without written consent from the victim. Informal communications with victims regarding many advocacy services are documented in electronic case logs along with other privileged victim communications. Because of the privileged information they contained, we could not view these logs to assess whether certain services had been offered and/or provided. Our review was limited to the available system data and redacted case documents, such as police reports and formal notification letters. As such, our review of advocacy services was limited to victim notifications. In some instances, as noted in the Findings, we relied on the advocates' review of case logs to confirm informal notifications documented within privileged communications.

To analyze electronic case data, we obtained a PIN data extract of all closed victim cases between July 2022 through March 2023. This included 478 cases with 742 victims. We performed data analytical procedures to assess the reliability of the data. However, because of limitations in the information captured by the system, we could not solely rely on system data to evaluate whether required notifications to victims and other advocacy services were offered and/or provided. To evaluate these processes, we also requested a sample of redacted case files from Victim Services.

We selected a sample of 24 victim cases as follows:

- From our analysis of case data, we judgmentally selected 14 cases from those that appeared to contain gaps in notifications or other data inconsistencies.
- An additional 10 cases were selected randomly.

Additionally, to evaluate program effectiveness, we also reviewed:

- Victim satisfaction surveys
- Accessibility of information on victim's rights and assistance through the City website, comparing to other similarly sized or larger local jurisdictions.

The audit found that improvements can be made to ensure victims are timely informed of their rights and notified of court proceedings. Additionally, system controls and automation could be implemented to improve data reliability and privacy, and opportunities exist for streamlining the notification process.

We conducted this performance audit 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. Audit work took place from March to August 2023.

FINDINGS AND ANALYSIS

1. Improvements can be made to ensure victims are timely informed of their rights and notified of court proceedings.

Our audit found that, generally, advocates contacted victims to inform them of their legal rights and notified them of court proceedings when requested. Some exceptions were noted where missing information may delay these notifications. In the 24 cases selected for review, we observed that missing victim forms or other information can impact the department's ability to provide timely notifications. Additionally, as a new software system is developed, the department should evaluate ways to structure case information to allow for routine quality reviews.

- A. Cases with delayed initial notifications did not contain pre-conviction rights request/waiver forms from Police.

For 8 of the 24 cases reviewed, Victim Services sent out the first notification to the victim, informing them of their rights and providing a form to invoke those rights, 2 to 12 weeks after the date of the arrest. We found that for these 8 cases, although victims were identified in police reports, the case file did not contain a victim pre-conviction rights form. The pre-conviction rights form is completed by Police and signed by the victim requesting or declining to invoke victim rights. These forms are typically provided to Prosecution along with other police reports and records. If the form is not received, the victim may not be identified and assigned to an advocate until the case is reviewed by Prosecution.

Delays in sending these initial notifications may impact when the victim requests to invoke their rights, which could result in missed notifications of court proceedings or opportunities to be heard. Specifically in these 8 cases, advocates sent out initial notification letters soon after the victim was identified by Prosecution, which still allowed the victim the opportunity to invoke their rights, seek restitution, and submit a victim statement before the case was closed.

- B. Department practice requiring victim signatures on pre-conviction rights forms can delay the date of invocation.

According to Victim Services, the pre-conviction rights forms provided by Police must be signed by the victim. If the request to invoke is not signed or the signature is not legible, they will send another notice to the victim and obtain written or verbal confirmation before recording the invocation of rights. This practice could cause a delay in providing on-going notifications of case status or court proceedings to those victims that wish to receive them.

Pre-conviction Rights Request/Waiver Form:

1. Indicates how the report was taken and date the form was completed.
2. Includes information such as agency name, phone number and reporting officer.
3. Includes arrest and detention status of a suspect, date of initial appearance and custodial agency.
4. Documents victim request or waiver of their pre-conviction rights.

SOURCE: Auditor summary of Maricopa County Pre-conviction Rights form used by Scottsdale Police Department.

For 6 of the 7 cases we reviewed where the victim had not signed (legibly) the request to invoke victim rights provided by Police, advocates were able to promptly send an initial notification letter and confirm the victim request to invoke, or they did not receive a request to invoke. However, for the remaining case, the victim invoked their rights several months later, which caused them to not receive notifications for earlier court proceedings.

Pre-conviction rights forms provided by Police may be missing signatures if:

- The form was completed electronically and later mailed or emailed to the victim, or
- The officer marked an exception under ARS 13-4405 indicating the victim was physically or emotionally unable to request or decline their rights. Under this ARS provision, it should be presumed that the victim invoked their rights unless they are later waived.

- C. With one exception, case files reviewed generally showed that Victim Services provided on-going notifications once advocates confirmed victim invocation of rights. Of the 24 cases we selected for review, 1 had several missing notifications for court proceedings held in 2019 and 2020. Additional explanation for the missing notifications was not available.

Aside from the advocacy logs, the PIN system currently does not separately capture activity related to victim notifications, making it more difficult to identify whether notices have not been sent for each court proceeding. We reviewed copies of the letters to confirm notice was provided. However, for about 7% of notifications that were made informally, by phone or email, we relied on the advocates' review of case logs to confirm notice was given. Because case logs contain privileged communications, separately recording non-privileged information, such as notices sent, would allow management to routinely verify completion of required advocacy activities. Currently, management does not have access to communication logs and data is not structured in a way that would allow accurate reporting and quality reviews.

- D. Incorrect or outdated contact information prevented some victims from receiving notices; allowing victims to update this information online could improve the department's ability to provide services.

Of the 478 victim cases closed between July 2022 through March 2023, we found that about 20% had at least one Victim Services letter returned as undeliverable, impacting a total of 98 victims. According to the department, undeliverable mail is primarily due to missing or illegible contact information and changes in residence. Without complete and accurate contact information Victim Services is not always able to provide timely notification of hearings and case information to victims. Website enhancements allowing victims to provide or update their contact information would help to ensure victims receive all required notifications.

Other Victim Services forms that could also be made accessible online to help facilitate timely services, include:

- Request to invoke victim rights
- Request for restitution
- Victim statements

Recommendations:

The Deputy City Attorney should:

- A. Work with the Police Department to ensure that pre-conviction rights forms are being consistently completed and/or provided to Victim Services in a timely manner.
- B. By default, also accept unsigned requests to invoke victim rights on forms provided by Police, until otherwise directed by the victim.
- C. Work with Information Technology staff to implement system changes capturing advocacy activities in a manner that would allow management to routinely verify completion of required services, such as hearing notifications.
- D. Offer web-based options for victims to provide or update contact information and complete other victim services forms.

2. Additional system controls and automation could improve data reliability and privacy, and opportunities exist to streamline the notification process.

Victim information and case files are maintained electronically, and advocates rely on technology systems to manage caseload and keep victims informed of case status and court proceedings. We identified several opportunities to strengthen data integrity controls and potentially streamline the victim notification process. Additionally, access to privileged information within the PIN system should be further evaluated.

- A. Additional data validation controls and further automation of the notification process could help improve data quality and increase efficiency.

As the new prosecution information system is being developed, additional controls and process improvements should be evaluated.

1. In our review of victim advocacy data we noted that the following controls could be strengthened:
 - Additional data input controls would reduce errors such as blank or inaccurate dates. Our analysis of victim data within PIN identified instances where the invocation dates were missing or invalid. Adding input controls to these types of fields would prompt the user to enter a valid date. Accurate data is important to allow the department to develop more robust reporting to help manage case load or monitor compliance.
 - Nightly data transfers from the Court's information system to PIN are automated, but validation procedures to identify potential errors or incomplete transfers have not been established. Victim Services relies on this Court data for, among other things, court hearing dates. Our test work did not identify any obvious errors from the data transfer process. However, as this data is critical to the department's ability to provide advocacy services, validation procedures should be implemented to ensure it is complete and accurate. Data Validation procedures may include comparing number of cases or file sizes received to the Court's original data set and identifying potential irregularities.
2. Further automation of the victim notification process could help reduce notification time.

For our sample of 24 cases, PIN records showed victim advocates generated 217 notification letters that included hearing notices and other case status notices. Figure 4 illustrates the advocates' process for generating notification letters. While some information is auto-populated into the template letters, there are some manual processes that could be automated. For example, steps to generate a notification letter could be streamlined. As well, after generating and printing the letter, advocates manually log the activity in the victim advocacy logs, whereas a system generated log entry would be more accurate and efficient.

Figure 4. Steps in Preparing Victim Court Date Notification Letters



SOURCE: Auditor summary based on Victim Services' procedures and interviews with Victim Advocates.

B. Technology staff's access to privileged victim communications needs to be evaluated.

Notes on privileged communications between the advocate and the victim are maintained within the PIN system and are protected through the provisioning of user access rights. Our review of access rights showed that broad system access is granted to Information Technology (IT) personnel, including the application development team, that would allow them to view privileged advocate communications with the victim.

While IT personnel that maintain and support software systems are often granted broad access to data and functions, the state statute does not exempt administrative or other professional staff. To ensure compliance with the law, fields containing privileged victim communications should be identified and further restricted. Also, periodic review of all user access rights should be performed to verify access rights remain appropriate.

ARS 13-4430 Consultation between crime victim advocate and victim; privileged information; exception.

B. Unless the victim consents in writing to the disclosure, a crime victim advocate shall not disclose records, notes, documents, correspondence, reports or memoranda that contain opinions, theories or other information made while advising, counseling or assisting the victim or that are based on communications made by or with the victim, including communications made to or in the presence of others.

F. Notwithstanding subsections A and B, if a crime victim consents either verbally or in writing, a crime victim advocate may disclose information to other professionals and administrative support persons that the advocate works with for the purpose of assisting the advocate in providing services to the victim and to the court in furtherance of any victim's right pursuant to this chapter.

Recommendations:

The Deputy City Attorney should:

- A. Work with technology staff to establish validation procedures to ensure data transfers are complete and data entry errors are minimized. As well, evaluate ways to streamline the notification process through automation.
- B. Identify all data fields containing privileged information, evaluate appropriate access to such data for compliance with statutory requirements, and make changes to user roles and access rights accordingly.

MANAGEMENT ACTION PLAN

A little bit more about Victim Services:

2022/2023 Fast Facts:

Victim Services with only 5 current Victim Advocates reporting up through the Deputy City Attorney, the Victim Services Department accomplished the following:

1. 26,268 Victim Services notifications and victim advocacy actions performed.
2. 3,298 Victims assisted during prosecutions.

VICTIM SERVICES HIGHLIGHTS:

1. Implemented texting capabilities to communicate more effectively with victims, such as when a victim may be unable to use a phone because it is being monitored by a domestic violence offender.
2. Implemented a transportation pilot program to help victims with transportation costs, allowing them to access resources and attend court hearings. To date, the program has assisted five victims at a cost of only \$150.
3. Conducted a successful donation drive for Control-Alt-Delete, a charity that assists victims of domestic violence.
4. Victim Services, in conjunction with the Scottsdale Police Department, prepared an instructional video for victims of domestic violence on how to obtain orders of protection.

MANAGEMENT ACTION PLAN

1. Improvements can be made to ensure victims are timely informed of their rights and notified of court proceedings.

Recommendations:

The Deputy City Attorney should:

- A. Work with the Police Department to ensure that preconviction rights forms are being consistently completed and/or provided to Victim Services in a timely manner.
- B. By default, accept unsigned requests to invoke victim rights on forms provided by Police, until otherwise directed by the victim.
- C. Work with Information Technology staff to implement system changes capturing advocacy activities in a manner that would allow management to routinely verify completion of required services, such as hearing notifications.
- D. Offer web-based options for victims to provide or update contact information and complete other victim services forms.

MANAGEMENT RESPONSE: Agree

PROPOSED RESOLUTION:

A. We will work with the Police Department to better ensure that preconviction rights forms are being consistently completed and/or provided to Victim Services in a timely manner. In

support of this effort, Victim Services will also assist the Police Department in developing training through Scottsdale University or other appropriate venue on the completion and processing of preconviction rights forms and who should receive them.

B. We will work to explore the possibility of accepting unsigned requests as invoked on forms provided by the Police Department but cannot commit to doing so until we identify the possible number of impacted forms and the logistics and effectiveness of this process.

C. We will work with the developers of the new SPARK system to try to implement the suggestions in C.

D. We will explore with IT staff the possibility of web-based options for victims to provide or update contact information and complete other victim services forms. At this time, we do not know whether this could be covered under existing budgets and whether it may require a budget increase request be made to the City Council to cover the cost of web-based options. We will also work with the Police Department to see if there are ways to improve the accuracy of victim addresses when initially reported in a police report.

RESPONSIBLE PARTY: Victim Services Staff in conjunction with the Deputy City Attorney.

COMPLETED BY: 5/1/2024

2. Additional system controls and automation could improve data reliability and privacy, and opportunities exist to streamline the notification process.

Recommendations:

The Deputy City Attorney should:

- A. Work with technology staff to establish validation procedures to ensure data transfers are complete and data entry errors are minimized. As well, evaluate ways to streamline the notification process through automation.
- B. Identify all data fields containing privileged information, evaluate appropriate access to such data for compliance with statutory requirements, and make changes to user roles and access rights accordingly.

MANAGEMENT RESPONSE: Agree

PROPOSED RESOLUTION:

Victim Services staff in conjunction with the Deputy City Attorney will work with IT staff to establish validation procedures to ensure data transfers are complete and data entry errors are minimized. We will explore ways to streamline the notification process through automation within the new SPARKS system. However, limited budget resources may preclude innovations in electronic notification.

Victim Services staff in conjunction with the Deputy City Attorney will work with IT staff to identify all data fields containing privileged information, evaluate appropriate access to such data for compliance with statutory requirements, and make changes to user roles and access

rights accordingly. However, limited budget resources may delay implementing these changes.

RESPONSIBLE PARTY: Victim Services and IT Staff in conjunction with the Deputy City Attorney.

COMPLETED BY: 5/1/2024

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