

ARIZONA CORRECTIONS BUDGET UP 40% IN 7 YEARS

On prisons, Arizona stays tough

JUNE 27, 2015 7:23 PM • BY [PATTY MACHELOR](#)

Cheap. Mean. Stuck.

That's how national researchers **Marie Gottschalk** and **Judy Greene** describe the prison system in Arizona — one of the few states that has not adopted substantial reforms despite high rates of imprisonment, recidivism and the cycles of poverty often associated with incarceration.

Arizona locks up more residents per capita than any other Western state, at 589 per 100,000 residents, and trails only five Southern states for people imprisoned nationally. It's one of three states that still requires inmates to serve 85 percent of their sentence — even for nonviolent crimes.

The state's approach is at odds with a recent shift away from tough-on-crime models. In 2013, 35 states passed laws to change their sentencing laws, bolster

alternatives to prison and help keep convicts from reoffending, the Vera Institute reports.

In Arizona, the Department of Corrections' budget for the upcoming fiscal year tops \$1 billion and makes up 11 percent of the state's general fund. That's an increase of 40 percent in seven years.

By comparison, spending on economic security in Arizona dropped 18 percent since the 2009 recession and spending on K-12 education dropped 12 percent, the Joint Legislative Budget Committee's appropriations report says.

And prison growth here promises to continue, with 1,000 medium-security beds to be added by fiscal year 2017 at a cost of \$24.2 million.

These beds will be needed to accommodate the growing number of Arizona inmates, says DOC spokesman **Andrew Wilder**. County jails will compete with private companies for the expansion projects, he says.

The state has 10 prisons and six private-contract facilities, with all but 75 of the current inmates from Arizona.

Prison reform advocates say since so many Arizona prisoners are there because of underlying issues of mental illness and addiction, they'd like to see expanded drug-treatment options, such as the Pima County Attorney's Office Drug Treatment Alternative to Prison, and greater use of specialized courts to address issues like mental illness.

The state has tried some alternatives such as graduated sanctions for parole violations, day reporting centers where people on probation or parole receive training and treatment, and community-based centers where parolees can be temporarily housed instead of being sent back to prison.

But much more could be happening here, says Greene, a prison scholar with New York-based research organization Justice Strategies.

"Both legislators and court officials, over the years, have put better ideas forward," she says, "but Arizona seems to be stuck."

Exactly how — and when — to adopt such changes would need "considerable planning and forethought," says **Daniel Scarpinato**, spokesman for Arizona Gov. **Doug Ducey**. The governor would want to have a "very honest and transparent laying out of facts to Arizonans about exactly which prisoners would be let out of prison," Scarpinato says.

"When we are hearing there is anticipated growth and need for more beds, the governor will not be letting prisoners out," he says. "We view this as a public safety issue."

Recidivism rate

Despite a prevailing belief that the best way to prevent crime is to put — and keep — offenders behind bars, recent studies find no correlation between incarceration and low crime rates.

"There's a pretty strong consensus in criminology that we are well past the point of diminishing returns," says **Adam Gelb**, director of the Public Safety Performance Project for the Pew Charitable Trusts.

In 2013, Arizona averaged 429 violent crimes per 100,000 residents, compared to the national average of 387 per 100,000 people, data from the FBI show. The state also had more property crimes, at 3,540 per 100,000 people compared to the national average of 2,800 per 100,000.

The states with the biggest declines in incarceration rates since 2000 — New Jersey, New York and California — have seen the most significant drops in crime, the Sentencing Project found. With less money going to prisons, those states are doing more to keep people from being sent back behind bars.

That's a critical issue for Arizona, where 49 percent of prisoners have served time in the state before, DOC data show.

"If your recidivism rate is high, you don't have public safety," says **Caroline Isaacs**, program director for the American Friends Services Committee in Arizona, which advocates for criminal justice reform.

Also, putting more people in prison increases the likelihood that the cycle will continue. Children who grow up with an incarcerated parent are five to seven times more likely to end up in prison as adults, says the National Center for Children of Incarcerated Parents.

Predetermined sentences

The United States' highest-in-the-world incarceration rates began with soaring crime in the 1970s and the crack cocaine epidemic of the 1980s.

Lawmakers and politicians responded with mandatory minimum sentences, mostly for drug crimes, and "three strikes" laws that lock up offenders for life after their third conviction.

In 1994, Congress authorized incentive grants to build or expand prisons. To qualify, states had to keep people convicted of certain violent crimes in prison for 85 percent of their sentence. Some states, like Arizona, adopted that standard for all prisoners, not just those convicted of violent crimes — and it remains in place now, regardless of good behavior in prison.

If the idea is to deter would-be offenders and reoffenders, it doesn't appear to have worked, the Vera Institute reports. Predetermined sentences limit judges from considering mitigating factors like an individual's background, likelihood to reoffend and available alternatives.

"For all intents and purposes, we have taken away any incentives inmates might have to cooperate with prison officials" and participate in rehabilitation or educational programs that might have otherwise helped them earn early release, says **Michael Polakowski**, director of the Rombach Institute of Delinquency, Crime and Corrections at the University of Arizona.

Requiring long mandatory sentences also works against Arizona when it comes time for people to return to the community, says **Kathy Waters**, the state's director for Adult Probation Services. Former prisoners whose lives lack structure or support tend to fail more quickly, Waters says, while those on community supervision stand a better chance.

Former Republican legislator **Cecil Ash** of Mesa says Arizona politicians are risk-averse and fearful of looking soft on crime. During his four years in the House, starting in 2009, Ash wrote nine bills attempting to reform Arizona's prison system. None passed, and only one even made it to the floor.

"It was a frustrating experience," says Ash, now a justice of the peace in Mesa. "Everyone always said, 'This is a Democrat cause.' It's really not. Conservatives are all about fiscal responsibility."

But he says prison reform is an easier sell today because so many states are doing it with proven success.

Researcher Greene wonders why Arizona doesn't look at it as more of a fiscal issue.

"One of the things that also puzzles me about Arizona is that, yeah, it's a tough state in a rush to get tougher and vying to be the toughest," she says. "But it's also home to some of the smartest, savviest fiscal conservatives in the country."

Texas, by comparison, has changed its focus and saved money.

In 2007, legislators in that state were asked to spend \$2 billion for up to 17,000 new prison beds. Since 1987, Texas had tripled its prison cells, from 50,000 up to 150,000, and the Legislature decided to look for cheaper and more effective alternatives, says Gelb, of the Pew Charitable Trusts.

The state spent \$241 million to hire more probation officers, boost drug courts, expand residential and outpatient treatment programs, and create pretrial diversion programs for offenders with mental illness and addiction issues.

The savings so far: \$3 billion, Gelb says.

Former Arizona legislator **Ethan Orr**, a longtime advocate for improving prisoner job training and re-entry programs, would like to see Arizona follow some of these same trends.

“The goal is to prevent recidivism, not arbitrarily punish people,” Orr says. “No one wants to delve into this because there’s still the perception here that you want to be tough on crime.”

Success stories

A report from the nonprofit group Arizona Attorneys for Criminal Justice lists the following among states with progressive reforms:

* In 2010, South Carolina began allowing judges to sentence those convicted of non-violent drug crimes to probation instead of prison, enacted harsher penalties for violent crimes and improved parole supervision to reduce recidivism.

* In 2008 Mississippi rolled back its truth-in-sentencing laws, restoring the possibility of parole for those in prison on drug crimes after one-quarter of their sentence, with resulting estimated savings of \$200 million.

* North Carolina replaced most of its mandatory minimum drug laws with structured sentences favoring treatment in the community over prison for cases involving possession or sale of less than an ounce of a controlled substance. The model, implemented in 1994, has helped keep the state's imprisonment rate low — 356 per 100,000 in 2013, compared with 586 in Arizona, according to Bureau of Justice Statistics data.

Who is in our prisons?

- About 55 percent of male inmates and 73 percent of female inmates in state facilities have a mental illness, with even higher percentages in county jails. Depression, bi-polar disorder, personality and anxiety disorders accounted for the most cases, a new Urban Institute report shows.

- At least one in three juveniles arrested has an emotional or learning disability, or both. Between 65 percent and 70 percent of the 2 million adolescents arrested nationwide each year have a mental health disorder, the National Conference of State Legislatures says.
- More than three times as many men and women with mental illnesses are in prison than are in mental health treatment programs, the National Alliance on Mentally Illness reports.
- A study on the prevalence of dyslexia in Texas prisons found that while the learning disability is found in about 20 of the general population, the rate found among prisoners is about 48 percent, says **Kathryn Currier Moody**, formerly with the Department of Neurology at the University of Texas-Galveston.
- Up to 85 percent of the people incarcerated nationwide have histories of substance abuse, were under the influence of alcohol or drugs at the time of their crime, committed their offense to get money to buy drugs, were incarcerated for an alcohol or drug law violation or any combination of these factors, reports the National Center on Addiction and Substance Abuse at Columbia University.

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How violent are our inmates?

The Prisoners in Arizona report, compiled by the Arizona Prosecuting Attorneys' Advisory Council, shows that the concentration of violent inmates here increased 5.3 percent between 2009 and 2013 while non-violent offenders decreased by nearly the same amount.

Spikes like that can scare people into thinking more prisons are needed to keep the public safe.

But that's not an accurate assessment, says **Caroline Isaacs** with the American Friends Service Committee — Arizona. She says the data is based on the Arizona Department of Corrections' internal classification system rather than the crime for which an individual is incarcerated.

The state classifies as 'violent' all inmates who have ever had a violent offense, regardless of how long ago it happened. This, she says, distorts the public's perception and bolsters arguments for more prison funding.

"If you compare the Arizona Department of Corrections' classification of violent offenders with the actual number of people incarcerated for a violent offense, there is a huge discrepancy," Isaacs said. "The Department of Corrections reports that 71.7 percent have a violent history, while just 46 percent are incarcerated for violent offenses."

DOC spokesman **Andrew Wilder** says this isn't about bolstering numbers, but is simply part of the inmate classification process. Taking prior violent history into account is needed to ensure greater safety for both DOC staff and fellow inmates.

Isaacs disagrees.

"Rather than focusing on the past," she said, "we can best serve public safety by focusing on the person's actual risk to the public."