

GOAL: A SUCCESSFUL TRANSITION

Recidivism remedies: What works in Pima County



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Arizona's former prisoners have a lot working against them.

They can't get food stamps, federal cash assistance for needy families or Section 8 housing assistance. Jobs are hard to come by for anyone whose name is linked to a felony conviction.

Each year, about 13,000 Arizona prisoners are released, not including those held in immigration detention, and roughly 2,000 of them return to Pima County.

Nearly 50 percent will reoffend.

Danny Howe knows it can be difficult to stay out of that group.

Howe grew up in a Tucson home beset by addiction and chaos and, by 18, had dropped out of school and was experimenting with drugs. Late one night he fired a gun out of a friend's car window to scare people in another vehicle. No one was injured, but for that dangerous act he faced 68 years in prison. Instead of going to trial, however, he took a plea and spent four years in the Arizona Department of Corrections before being released in 2006.

In prison, he earned his GED and, even though he wasn't a father yet, took parenting classes. He vowed never to go back.

He reconnected with and eventually married his former girlfriend, a Tucson kindergarten teacher, and tried to get a job. Time and again, he was turned down.

About two years ago, he started working for Old Pueblo Community Services, which provides transitional living programs to former inmates and others reentering the community after homelessness, military service or substance-abuse problems.

For the last six months he has been teaching job development to former prisoners and taking classes at Pima Community College with plans to earn a master's degree in social work through Arizona State University.

He stays focused, he says, and sober.

“I have a wife and kids now,” says Howe, 31, who credits his wife’s steadfast support with helping him along. “I don’t take any risks.”

To help more former inmates like Howe, **Nancy Jones**, development director with Old Pueblo Community Services, has been working with Tucson Mayor **Jonathan Rothschild** and U.S. District Court Magistrate **Charles Pyle** to extend more support through the Second Chance Coalition.

As part of that effort, a job fair for former inmates will be held from 1:30 to 4:30 p.m. on Aug. 19 at the Tucson Convention Center. Volunteers will provide workshops and help with résumés, life skills and financial planning. (To learn more, visit www.secondchancetucson.org online.)

“One of the biggest obstacles is that there are very few jobs available to them,” says Jones. “We can provide all sorts of re-entry services, but until the community becomes more aware and more open-minded in terms of housing and employment, there are always going to be issues for our folks that could mean they are going to, again, be destined for prison.”

Here are some other ideas for reducing Arizona’s prison population:

TREATING ADDICTION

Since 2011, a program offered through the Pima County Attorney’s Office has given second chances to offenders whose crimes were rooted in addiction.

A few years ago, **Michael Sidebottom** had lost hope. He figured that if AIDS didn’t kill him, his growing meth addiction would, but he couldn’t bring himself to care.

He tried meth with a friend and got hooked. Facing deepening depression, he stopped taking his AIDS maintenance medications in 2006. He also stopped seeing his doctor and taking calls from worried family members.

“I was tired of not eating, not sleeping, never having money,” he says. “I was just tired of it, but I didn’t know how to get out.”

After an arrest for felony meth possession in 2009, he was sentenced to a year of probation. His second arrest two years later could have given him up to seven years in prison, but instead he was offered an alternative through the County Attorney’s Drug Treatment Alternative to Prison.

The program lets nonviolent drug offenders plead guilty and complete the program to avoid prison time. It includes three months of residential treatment followed by three months of transitional housing support and three years of intensive probation, says **Melissa Rueschhoff**, program director. Wraparound services help support participants’ recoveries, pay for their medical needs and offer literacy and life-skills training.

“I’m in better health than I have been in 20 years. I just started caring again,” says Sidebottom, who is sober and works as a house painter. “Had I gone to prison, I’d still be where I was in the beginning, or I’d be dead already. Prison doesn’t solve any of the problems for addicts.”

The program, now serving up to 60 people a year in Pima County, is one of only two of its kind in the country. It has a 70 percent success rate and the estimated savings from the program are \$1 million since January 2011, Rueschhoff says.

“We’re starting to see a difference between someone who is a criminal and committing crimes, and someone who is an addict and committing crimes because of their addiction,” she says. “It’s a whole different way of thinking.”

Other states are making similar moves. Between 2006 and 2010, Colorado reclassified certain substance use and possession offenses, and reduced sentence lengths. The first year, the state saved \$1.4 million, which it reinvested in mental health and substance-abuse treatment programs.

Lawmakers also reduced the amount of some sentences for violating parole. That saved more than \$4.5 million, which also was invested in mental health, substance-abuse treatment and other services.

With an average of 80,565 people on probation statewide — and over 8,200 in Pima County — keeping this group out of a locked cell is critical to reducing the prison population.

ASSESSING RISK

A program through Arizona’s Adult Probation Services and the 2008 Safe Communities Act assesses each person’s risk to re-offend and what services might help him or her. Family history, childhood exposure to violence, community support, juvenile offenses and other factors are considered.

The program has saved the state millions, says **Kathy Waters**, state director of the Arizona Supreme Court’s Adult Probation Services Division. Revocations are down by 31 percent since 2008.

But state support has faded. When the program launched, counties were promised that 40 percent of any savings would be reinvested to continue and improve the program. Instead, none of the \$36 million saved between 2008 and 2011 was shared with any of the counties. The requirement to reinvest was repealed in 2011.

DEFERRED PROSECUTION

Through deferred prosecution, people who successfully complete a set of requirements can have charges against them dismissed.

During fiscal year 2012, Arizona counties and cities deferred more than 2,500 misdemeanors and 4,500 felonies, data provided by the American Friends Service Committee in Arizona show.

Caroline Isaacs, the group’s program director, says it has been difficult to make counties aware of the new legislation. Previously, anyone with a prior felony conviction or a past deferred prosecution was ineligible. Now, a prior felony is disqualifying only if it was serious or dangerous, and individuals may participate in deferred prosecution more than once.

TRANSITION ASSISTANCE

Defendants become ineligible after three convictions for possession of a controlled substance or possession of drug paraphernalia — something Isaacs would like to see changed.

“Relapse is understood by behavioral health experts to be part and parcel of addiction,” she says. “But in the legal world, the clinical problem of relapse becomes the criminal problem of ‘priors.’ ”

This year’s House Bill 2306, introduced by House Judiciary Chairman **Eddie Farnsworth**, would have expanded deferred prosecutions to people with mental-health challenges. The measure failed.

A 2003 Arizona law puts qualifying inmates to be released 90 days early in a structured transition program that offers substance-abuse counseling, family counseling and job-training services.

The Department of Corrections released more than 19,000 prisoners in fiscal 2014, but fewer than 1,000 went through the transition program last year, says **Jeff Taylor**, a lobbyist for the Salvation Army who created the program and wrote most of Arizona’s prison reform legislation.

He wrote a failed bill last session to compel the state to put at least 3,500 prisoners through the program annually.

“Find the 3,500 that are the least risk to the community and give them the transitional program,” Taylor says. “We want men and women released from prison to be responsible members of society, good parents, good employees.”

Corrections spokesman **Andrew Wilder** says the department “firmly supports the program and hopes to see the number expand.” But to qualify, inmates must be in medium- or minimum-security custody, be considered a low risk in the community and not be convicted of a violent crime or crime against children, domestic violence or arson, or a sexual offense or DUI.

Specialized courts — including drug court, mental-health court and veterans courts — let judges base sentences on individual circumstances and give participants intensive support from a team of case managers, treatment specialists and their assigned judge.

But those courts need more funding and more community-based treatment options for participants, says **Cynthia Duhon**, coordinator for Pima County’s drug court.

While 77 percent of men and 90 percent of women in prison need addiction treatment services, just 2 percent of Arizona inmates are enrolled in those programs, says the Corrections Department’s monthly “Corrections at a Glance.”

Department spokesman Wilder says the report reflects only prisoners enrolled at one point, not those who have graduated. In Arizona and nationwide, “the demand for substance-abuse services is greater than the resources available to provide these services and this is why we target our services at the highest risk and need inmates,” he said in an email.

LEsson FROM JUVenile COURT

In 2004, Pima County Juvenile Court held an average of 176 children in detention daily. Today, after a decade of diverting low-risk youth to detention alternatives, there are just 39, says **John Schow**, director of juvenile court services.

Diversion programs are cheaper than detention, and avoid retraumatizing vulnerable youth with handcuffs and pat-downs. They have not resulted in an increase in juvenile crime, he says.

A youth who is detained has a higher risk of not completing high school and of ending up in the adult criminal-justice system, says the Annie E. Casey Foundation, which piloted the Juvenile Detention Alternative Initiative that is a model for Pima County Juvenile Court.

The court developed a risk assessment to determine which children are a danger to themselves or others and warrant detention, and which are low-risk and would likely be harmed by detention, Schow says. Children involved in domestic violence misdemeanors can go to a new overnight respite center instead of being put in detention for the night and ending up on probation for a year. Other alternatives for a child who is initially detained include using a GPS monitor upon release, at a cost of \$18 per day versus \$408 for detention.

“Most low-risk youth will self-correct, but if we drag them into the system” they become more likely to reoffend, Schow says.

Prison also has negative affects on adults, says Taylor, the advocate with the Salvation Army. It’s a lesson he learned firsthand. After a college football injury, he developed an addiction to narcotic painkillers that led him to other drugs. He spent 22 months in Arizona’s prison system, where he says he learned to cook meth in the prison yard and interacted daily with violent criminals.

“That got my attention,” he says. “But I also needed help on the way back out to be successful.”