

REPORT HIGHLIGHTS PERFORMANCE AUDIT

Our Conclusion

Arizona's prison population has grown significantly in the last 30 years and is expected to continue growing. The State has addressed this growth by constructing new prison facilities and contracting with private prisons, among other things. The State has several options for addressing this growth in the future. The State could continue to build prisons and/or contract for private prisons. The State could also consider diverting more nonviolent, low-risk offenders from prison or reducing their time in prison, and expanding the use of nonprison alternatives for these offenders, such as home arrest. In addition, using more nonprison alternatives for parole violators could also reduce the prison population.



2010

Significant growth in prison population and spending

The State's population has doubled in about the last 30 years, but the State's prison population has increased tenfold, from 3,377 inmates in June 1979 to 40,477 inmates in June 2010. Arizona's prison growth rate exceeded that of every other western state between 2000 and 2008. In 2008, 1 in every 170 Arizonans was in prison, compared to 1 in 749 in 1980.

The growth in prison population has come at a substantial cost. The Legislature has appropriated nearly \$949 million in State General Fund monies to the Department of Corrections (Department) for fiscal year 2011. This represents 11.2 percent of the State General Fund budget and trails only K-12 education and healthcare appropriations.

Expanding the prison system

To address prison population growth, the State has constructed new prison facilities, expanded existing prison facilities by adding new and temporary prison beds, and contracted with private prisons for more beds. However, the Department expects the prison population to continue to increase, growing to nearly 50,000 inmates by 2016. Although under revision as of September 2010, the Department's plan proposes to add another 6,500 private prison beds at an estimated cost of about \$640.7 million through 2017. The plan also calls for more state construction to add another 2,000

beds at an estimated cost of \$334.1 million through 2017.

Private prisons cost slightly more— According to a 2009 department report, the State paid more per inmate in private prisons than for equivalent services in state facilities. After adjusting costs to make the expenditures comparable, the State paid private prisons \$55.89 for each medium-custody inmate per day compared to a daily cost of \$48.13 per medium-custody inmate in state facilities. The State also paid private prisons slightly more for each minimum-custody prisoner.

Alternatives to imprisonment

State laws largely determine how long an offender is imprisoned. Before 1978, judges had broad discretion in sentencing defendants. However, Arizona's presumptive sentencing system requires judges to impose a "presumptive" sentence prescribed by statute for a given offense. The sentence may be increased or decreased based on mitigating and aggravating factors.

Further, Arizona began adopting mandatory sentences in 1978, that require

harsher penalties for certain offenders, such as repeat or violent offenders. Arizona also adopted "truth in sentencing" in 1993, which abolished discretionary parole and requires all inmates to serve at least 85 percent of their sentences in prison. Although truth in sentencing requires inmates to serve more of their sentences, other law changes shortened sentences for some offenders, which has contributed to some inmates serving less time in prison.

Expanding diversion—The Legislature could consider diverting some additional low-risk offenders from prison to nonprison alternatives. Statute requires some drug offenders to be sentenced to probation and treatment instead of prison, and this approach could be considered for other nonviolent, low-risk offenders. According to a 2006 Arizona Supreme Court report, diverting 1,072 offenders to probation and treatment in fiscal year 2005 avoided an estimated \$11.7 million in net costs. Depending on how diversion is expanded, sentencing law changes may be needed.

Expanding early release—Currently, some nonviolent, low-risk offenders who make satisfactory progress on their corrections plans, maintain behavior, and meet other criteria may be released 3 months earlier than their sentences require. During those 3 months, they receive treatment, transitional housing, education, and other services. At the end of the 3 months, they are placed on regular community supervision. Most inmates successfully complete the 3-month supervised release.

The Legislature could consider other alternatives for expanding early release. This could include revising the truth-in-sentencing laws to reduce the amount of time nonviolent, low-risk offenders serve. Mississippi reinstated parole for such offenders and, as a result, has avoided prison costs of about \$37 to \$42 per inmate per day. The Mississippi Department of Corrections also reported that between January 31, 2009 and January 31, 2010, the state's prison population decreased by 1,360 inmates when an increase of 1,000 inmates was expected. The Legislature could also authorize earned time credits for inmates, which reduce inmate sentences. These credits can be earned for completing education, vocational training, and/or treatment.

Nonprison alternatives such as drug treatment, home arrest, and day reporting centers—Another approach would be to expand drug treatment alternatives beyond drug court. Some states, notably Texas, have created secure facilities to provide treatment to drug offenders. As a result, Texas has reduced its prison costs.

Arizona law allows home arrest with electronic monitoring for a small number of nonviolent, first-time offenders. According to a Florida study, home arrest costs a fraction of the cost of imprisonment. Expanding this program in Arizona, which would

require legislative action, could potentially reduce prison costs.

Day reporting centers are nonprison alternatives that blend high supervision levels with intensive services and programming. A 2005 Georgia State University study reported that offenders completing a day reporting center program had a lower recidivism rate than those not completing or not in the program. Georgia Department of Corrections officials reported that its day reporting centers cost \$16.50 daily per inmate as compared to \$48 per inmate, per day in prison. Although a 1999 study showed that Maricopa County's day reporting center program was no more effective at reducing recidivism for repeat DUI offenders than probation, it was more cost-effective. Maricopa County ended its day reporting center program in 2002.

Reducing parole violation revocations—Parolees returned to prison on revocation typically serve about 3 months, which costs about \$1,222, compared to \$774 for one who remains in the community. In some cases, the Department uses graduated sanctions, such as reprimands and increased supervision, before it revokes parole. However, it lacks nonprison facilities to also use as a graduated sanction. Other states use nonprison facilities to house parole violators, including residential treatment facilities, day reporting centers, halfway houses, and assessment centers. Texas uses secure facilities to provide treatment programs and confine parole violators. Such facilities cost about \$35 to \$41 per offender per day compared to \$47.50 per offender per day in a Texas prison.

Options—The Legislature could:

- Continue to expand the prison system. If it decides to expand, the Legislature should consider directing the Department to further study state costs for building and operating new prisons compared to contracting with private prisons.
- Consider diverting more nonviolent, low-risk offenders from prison and/or reducing the time they serve.
- Consider directing the Department and/or the courts to further study the use and costs of nonprison alternatives for nonviolent, low-risk offenders.
- Consider expanding nonprison alternative sanctions for parole violators.