

ARIZONA STATE SENATE

RESEARCH STAFF



TO: JOINT LEGISLATIVE AUDIT COMMITTEE

DATE: January 21, 2022

SUBJECT: Sunset Review of the Arizona Department
of Corrections, Rehabilitation and Reentry

ZACK DEAN
LEGISLATIVE RESEARCH ANALYST
JUDICIARY
Telephone: (602) 926 -3171

Attached is the final report of the sunset review of the Arizona Department of Corrections, Rehabilitation and Reentry which was conducted by the Senate Judiciary Committee of Reference. A performance audit of the Arizona Department of Corrections, Rehabilitation and Reentry was conducted by the Arizona Office of the Auditor General ([Report No. 21-119](#)).

This report has been distributed to the following individuals and agencies:

Governor of the State of Arizona
The Honorable Douglas A. Ducey

President of the Senate
Senator Karen Fann

Speaker of the House of Representatives
Representative Russell Bowers

Senate Members
Senator Warren Petersen, Chair
Senator Nancy Barto
Senator Sonny Borrelli
Senator Lupe Contreras
Senator Vince Leach
Senator Martin Quezada
Senator Wendy Rogers
Senator Stephanie Stahl-Hamilton

Arizona Department of Corrections, Rehabilitation and Reentry
Office of the Auditor General
Arizona State Library, Archives and Public Records

Senate Resource Center
Senate Republican Staff
Senate Democratic Staff
Senate Research Staff

Office of the Chief Clerk
House Republican Staff
House Democratic Staff
House Research Staff

Senate Judiciary Committee of Reference
Final Report
Arizona Department of Corrections, Rehabilitation and Reentry

Background

Pursuant to [A.R.S. § 41-2953](#), the Joint Legislative Audit Committee assigned the sunset review of the Arizona Department of Corrections, Rehabilitation and Reentry (ADCRR) to the Senate Judiciary Committee of Reference and the House Judiciary Committee of Reference.

The ADCRR was created in 1968 when the Legislature consolidated independently run prisons into a single department responsible for incarcerating offenders as directed by the courts. In accordance with its statutory purpose, the ADCRR's mission is to provide safer communities by implementing court-imposed sentences, housing inmates in appropriately secured environments, facilitating structured programming, and providing effective supervision of released inmates. The ADCRR operates 10 State prison complexes and contracts for 6 private or privately managed prisons located throughout Arizona to house inmates. It also oversees offenders conditionally released to the community through its community corrections program. As of June 30, 2021, the ADCRR was responsible for 35,954 inmates in Arizona's State and private prisons and 5,047 offenders on community supervision.

The ADCRR's various statutory responsibilities include: 1) maintaining and administering institutions and programs for the custody, control, correction, treatment, and rehabilitation of all adult offenders who are committed to the ADCRR; 2) holding in custody all persons sentenced to the ADCRR and holding such persons for the term directed by the court; 3) providing special education services, alcohol abuse treatment and rehabilitation services, transition programming, and a functional literacy program to qualifying prisoners; 4) providing prisoners medical care and healthcare and, when applicable, providing psychiatric care and treatment by transferring prisoners displaying symptoms of mental disorder to the Arizona State Hospital or a licensed behavioral health treatment facility operated by the ADCRR; and 5) administering and executing all community supervision services, including those for adult offenders who are released in accordance with law ([Report No. 21-119](#)).

The ADCRR is statutorily set to terminate on July 1, 2022, unless legislation is enacted for its continuation ([A.R.S. § 41-3022.15](#)).

Committee of Reference Sunset Review Procedure

Pursuant to [A.R.S. § 41-2954](#), the Senate Judiciary Committee of Reference conducted a public meeting on January 20, 2022, to review the Performance Audits and Sunset Review Report prepared by the Office of the Auditor General, evaluate the agency's response to the sunset factors and receive public testimony.

Committee Recommendations

The Senate Judiciary Committee of Reference recommended that the ADCRR be continued for eight years until July 1, 2030.

Attachments

- A. Meeting Notice
- B. Minutes of the Senate Judiciary Committee of Reference
- C. Chairperson's letter requesting the ADCRR's response to sunset factors
- D. ADCRR's response to sunset factors
- E. Office of the Auditor General Presentation

ARIZONA STATE SENATE

INTERIM MEETING NOTICE OPEN TO THE PUBLIC

SENATE JUDICIARY COMMITTEE OF REFERENCE

Date: Thursday, January 20, 2022

Time: 8:30 A.M.

Place: SHR 1

Members of the public may access a livestream of the meeting here:

<https://www.azleg.gov/videoplayer/?clientID=6361162879&eventID=2022011059>

AGENDA

1. Call to Order
2. Roll Call
3. Sunset Review of the Arizona Department of Corrections, Rehabilitation and Reentry
 - a. Presentation by the Office of the Auditor General
 - b. Response by the Arizona Department of Corrections, Rehabilitation and Reentry
 - c. Public Testimony
 - d. Discussion and Recommendations
4. Adjourn

Members:

Senator Warren Petersen, Chair
Senator Nancy Barto
Senator Sonny Borrelli
Senator Lupe Contreras
Senator Vince Leach
Senator Martin Quezada
Senator Wendy Rogers
Senator Stephanie Stahl Hamilton

01/14/2022

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For questions regarding this agenda, please contact Senate Research Department.

Persons with a disability may request a reasonable accommodation such as a sign language interpreter, by contacting the Senate Secretary's Office: (602) 926-4231 (voice). Requests should be made as early as possible to allow time to arrange the accommodation.

ARIZONA STATE SENATE

SENATE JUDICIARY COMMITTEE OF REFERENCE

Minutes of the Meeting
January 20, 2022
8:30 A.M., SHR 1

Members of the public may access a livestream of the meeting here:
<https://www.azleg.gov/videoplayer/?clientID=6361162879&eventID=2022011059>

Members Present:

Senator Petersen, Chair
Senator Borrelli
Senator Contreras
Senator Leach
Senator Quezada
Senator Rogers
Senator Stahl Hamilton

Members Excused:

Senator Barto

Staff:

Zachary Dean, Senate Research Analyst
Hannah Wiles, Assistant Research Analyst
Hailey King, Research Intern

Chairman Petersen called the meeting to order at 8:31 a.m. and attendance was taken.

SUNSET REVIEW OF THE ARIZONA DEPARTMENT OF CORRECTIONS, REHABILITATION AND REENTRY

Presentation by the Office of the Auditor General

Dale Chapman, Performance Audit Division Director, Office of the Auditor General, distributed and explained a PowerPoint presentation entitled "Arizona Department of Corrections, Rehabilitation and Reentry" (Attachment A). Mr. Chapman answered questions posed by the Committee.

Response by the Arizona Department of Corrections, Rehabilitation and Reentry

David Shinn, Director, Arizona Department of Corrections, Rehabilitation and Reentry, responded to the Auditor General's sunset review and answered questions posed by the Committee.

Public Testimony

Jeff Taylor, Sage Counseling, Inc., testified in support of the Arizona Department of Corrections, Rehabilitation and Reentry.

John Fabricius, representing himself, testified in opposition to the Arizona Department of Corrections, Rehabilitation and Reentry and answered questions posed by the Committee.

Senator Contreras offered comments.

K.M. Bell, representing herself, testified as neutral to the Arizona Department of Corrections, Rehabilitation and Reentry.

Carol Grijalva, representing herself, testified in support of the Arizona Department of Corrections, Rehabilitation and Reentry.

Dan Levey, representing himself, testified in support of the Arizona Department of Corrections, Rehabilitation and Reentry.

Kara Williams, representing herself, testified as neutral to the Arizona Department of Corrections, Rehabilitation and Reentry.

Discussion and Recommendations

Senator Petersen requested a motion on the recommendation.

Senator Rogers moved that the Senate Judiciary Committee of Reference recommend that the Arizona Department of Corrections, Rehabilitation and Reentry be continued for eight years until July 1, 2030. The motion CARRIED by a voice vote.

Attached is a list noting the individuals who registered their position on the agenda items (Attachment B).

There being no further business, the meeting was adjourned at 9:27 a.m.

Respectfully submitted,

Susan Hong
Committee Secretary

(Audio recordings and attachments are on file in the Secretary of the Senate's Office/Resource Center, Room 115. Audio archives are available at <http://www.azleg.gov>)



Arizona House of Representatives
Phoenix, Arizona 85007

June 17, 2021

Director David Shinn
Arizona Department of Corrections
1601 West Jefferson
Phoenix, Arizona 85007

Dear Director Shinn:

The sunset review process prescribed in Title 41, Chapter 27, Arizona Revised Statutes, provides a system for the Legislature to evaluate the need to continue the existence of state agencies. During the sunset review process, an agency is reviewed by legislative committees of reference. On completion of the sunset review, the committees of reference recommend to continue, revise, consolidate or terminate the agency.

The Joint Legislative Audit Committee (JLAC) has assigned the sunset review of the Arizona Department of Corrections to committees of reference comprised of members of the House of Representatives Judiciary Committee and the Senate Judiciary Committee. JLAC has directed the Auditor General to conduct a performance audit of the Arizona Department of Corrections.

Pursuant to A.R.S. § 41-2954, the committee of reference is required to consider certain sunset factors in deciding whether to recommend continuance, modification or termination of an agency. In addition to the 12 sunset factors, which are addressed in the Auditor General performance audit, please provide your agency's written response to the required factors as listed below:

1. An identification of the problem or the needs that the agency is intended to address.
2. A statement, to the extent practicable, in quantitative and qualitative terms, of the objectives of such agency and its anticipated accomplishments.
3. An identification of any other agencies having similar, conflicting or duplicate objectives, and an explanation of the manner in which the agency avoids duplication or conflict with other such agencies.
4. An assessment of the consequences of eliminating the agency or of consolidating it with another agency.

5. The extent to which the agency potentially creates unexpected negative consequences that might require additional review by the committee of reference, including increasing the price of goods, affecting the availability of services, limiting the abilities of individuals and businesses to operate efficiently and increasing the cost of government.
6. The ability of the agency to timely investigate and resolve complaints within its jurisdiction.

Additionally, Laws 2021, Chapter 176 requires the committees of reference to consider certain factors for each agency that administers an *occupational regulation*, which is defined as: 1) a statute, rule, practice, policy or other state law that allows an individual to use an occupational title or work in a lawful occupation; and 2) a government registration, government certification and occupational or professional license. An *occupational regulation* does not include a business license, facility license, building permit or zoning and land use regulation, except to the extent those state laws regulate an individual's personal qualification to perform a lawful occupation. If your agency falls under this category, please provide written responses to the following:

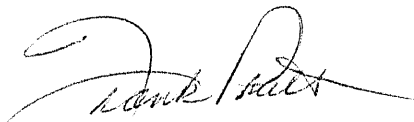
1. The extent to which the occupational regulation meets the requirements of A.R.S. § 41-3502, as amended, transferred and renumbered by Laws 2021, Chapter 176.
2. The extent to which the failure to regulate a profession or occupation will result in:
 - a. the loss of insurance.
 - b. an impact to the ability to practice in other states or as required by federal law.
 - c. an impact to the required licensure or registration with the federal government.
 - d. the loss of constitutionally afforded practices.

Your response should be received by September 1, so we may proceed with the sunset review and schedule the required public hearing. Please submit the requested information to:

Lauren Cook
Arizona House of Representatives
1700 West Washington
Phoenix, Arizona 85007

Thank you for your time and cooperation. If you have any questions, please feel free to contact me at (602) 926-5761 or Lauren Cook, the House Judiciary Research Analyst, at (602) 926-3148.

Sincerely,



Representative Frank Pratt

House Judiciary Committee, Chair

cc: Senator Warren Petersen, Senate Judiciary Committee, Chair
Zack Dean, Senate Judiciary Committee, Analyst



DOUGLAS A. DUCEY
GOVERNOR

Arizona Department of Corrections Rehabilitation & Reentry

1601 WEST JEFFERSON
PHOENIX, ARIZONA 85007
(602) 542-5497
www.azcorrections.gov



DAVID SHINN
DIRECTOR

September 1, 2021

VIA EMAIL

Representative Frank Pratt
House Judiciary Committee, Chair
Arizona House of Representatives
1700 West Washington
Phoenix, Arizona 85007


Dear Representative Pratt,

Thank you for the opportunity to respond to your letter dated June 15, 2021 regarding the Joint Legislative Audit Committee's recommendation to continue, revise, consolidate or terminate the agency.

In addition to the 13 Sunset Factors respectfully submitted to the Office of the Auditor General on November 13, 2020 which were addressed in the Auditor General performance audit, we have provided responses to the additional factors listed in your letter.

I look forward to further discussing the accomplishments of ADCRR.

Sincerely,



David Shinn
Director

cc: Senator Warren Peterson, Senate Judiciary Committee, Chair
Zack Dean, Senate Judiciary Committee, Analyst
Lindsey Perry, Auditor General

1. An identification of the problem or needs that the agency is intended to address.

The Arizona Department of Corrections, Rehabilitation and Reentry (Department) was established pursuant to Laws 1968, [A.R.S. § 41-1601](#), et. seq.) by consolidating independently operated prisons into a single department and authorizing the Department to “provide the supervisory staff and administrative functions at the state level of all matters relating to the institutionalization, rehabilitation and community supervision functions of all adult offenders.”

Since 1968, the Department has served the entire state and operated in the public interest by operating a safe and secure prison system that confines offenders as directed by the courts. Confinement contributes to public safety by removing offenders convicted of crimes from society and preventing them from further victimizing citizens. In addition, the Department maintains effective community supervision of offenders, facilitates their successful transition from prison to the community, and returns offenders to prison when necessary to protect the public.

In 1968, the Department consisted of only three facilities, the Arizona State Prison in Florence, the Arizona State Industrial School for Boys at Fort Grant, and the Arizona Youth Center in Tucson.

Over the years the Department has expanded from the original system of three independently run institutions to a unified correctional system with 10 large prison complexes:

- ASPC-Douglas: A minimum and medium security prison with a total bed capacity of 2,248.
- ASPC-Eyman: A medium, close, and maximum security prison with a total bed capacity of 5,777.
- ASPC-Florence: A minimum, medium, and maximum security prison with a total bed capacity of 3,981; includes the minimum security satellite Globe Unit.
- ASPC-Lewis: A minimum, medium, close, and maximum security prison with a total bed capacity of 5,974; includes the minimum security satellite Sunrise Unit and the minimum security satellite Eagle Point Unit.
- ASPC-Perryville: A minimum, medium, close, and maximum security prison for females with a total bed capacity of 4,355.
- ASPC-Phoenix: A minimum, medium, close, and maximum security prison with a total bed capacity of 720.
- ASPC-Safford: A minimum and medium security prison with a total bed capacity of 1,869; includes the minimum security satellite Fort Grant Unit.
- ASPC-Tucson: A minimum, medium, close security prison with a total bed capacity of 5,109.
- ASPC-Winslow: A minimum and medium security prison with a total bed capacity of 1,842; includes the minimum security satellite Apache Unit.
- ASPC-Yuma: A minimum, medium, and close security prison with a total bed capacity of 4,770.

The Department also currently has six (6) private prison contracts for private prison beds in Arizona:

- ASP-Central Arizona Correctional Facility (GEO Group): A medium security prison with a total bed capacity of 1,280.
- ASP-Florence-West (GEO Group): A minimum security prison with a total bed capacity of 750.
- ASP-Phoenix – West (GEO Group): A minimum security prison with a total bed capacity of 500.
- ASP-Kingman (GEO Group): A minimum and medium security prison with a total bed capacity of 3,508.
- ASP-Marana (Management and Training Corporation): A minimum security prison with a total bed capacity of 500.
- ASP-Red Rock Correctional Center: CoreCivic Inc.: A medium security prison with a total bed capacity of 2,024.

On July 29, 2021 the Department had jurisdiction over a total of 40,882 inmates/offenders:

- 35,799 inmates incarcerated in Department prisons, including 3,354 females and 1 minor;
- 7,419 inmates incarcerated in contracted private prisons; and
- 5,083 offenders on community supervision; inmates who have been paroled or statutorily released from prison before their entire sentence has been served.

With a FY 2022 approved budget of \$1,337,641,300 and 10,801 approved FTE, ADCRR carries out the following duties:

1. Maintains and administers facilities and programs for the custody, control, correction, treatment, and rehabilitation of all adult offenders who are committed to the Department. (A.R.S. § 41-1604(A)(2))
2. Holds in custody all persons sentenced to the Department under the law and shall hold such persons for the term directed by the court, subject to law. (A.R.S. § 31-201.01(A))
3. Has a prisoner labor classification system for able-bodied prisoners to engage in hard labor. (A.R.S. § 31-251)
4. Provides qualifying prisoners:
 - Functional Literacy program, (A.R.S. § 31-229)
 - Special Education services, (A.R.S. § 15-764)
 - Law/Library Services, (1st Amendment Right to the Courts/Lewis v. Casey)
 - Alcohol Abuse Treatment and Rehabilitation Services, (A.R.S. § 31-255)
 - Transition Programming for non-violent drug offenders, (A.R.S. §§ 31-281 through 31-286)
 - Relapse prevention through a “Teaching Offenders to Live” program, and (A.R.S. § 41-1609.06)
 - Moral and religious instruction. (A.R.S. § 31-206)
5. Provides prisoners Medical and Health care. (A.R.S. 31-201.01(D))
6. Provides Psychiatric care and treatment by transferring prisoners displaying symptoms of mental disorder to the state hospital or a licensed behavioral health treatment facility operated by the State Department of Corrections, if the prisoner is a female, to a licensed behavioral health or mental health inpatient treatment facility operated by the State

Department of Corrections if the prisoner is an adult male or to the State Hospital if the prisoner is a minor. (A.R.S. § 31-226(A))

7. Is responsible for the administration and execution of all community supervision services, including those for adult offenders who are released in accordance with law. (A.R.S. § 41-1604(A)(3))
8. Provides victim services. (A.R.S. §§ 13-4411.01, 13-4412, 13-4413, and 31-230))
9. Creation and operations of Arizona Correctional Industries (ACI) [A.R.S. 41-1622](#)

The Arizona Department of Corrections, Rehabilitation & Reentry consists of eleven divisions, as well as three offices that support the Director and Deputy Directors. The Department reported 10,801 full-time equivalent (FTE) positions for fiscal year 2021 including 2,249.25 vacancies as of June 21, 2021. The Director's Office has 5 FTEs to include the Director, Deputy Directors and HR support staff.

The Department's eleven divisions are:

Prison Operations Division: This division is responsible for the operations and security of state-run prisons. Committed offenders referred to the Department are classified into various custody levels and assigned to a prison. The custody level assigned is based on several factors, including an inmate's most serious current and prior offense(s), history of escapes, and institutional violence. The Offender Services Bureau within the Division calculates inmates' sentence length and ensures accurate release date into the community. The Contract Beds Bureau within this Division monitors the performance of the private prisons that the Department contracts with and their adherence to department policies and procedures. It also comprises Emergency Preparedness which ensures the Department has viable emergency operations plans (EOP) and continuity of operations plans (COOP) in place for each correctional complex as well as for each ADCRR office building. The Department recognizes the vital role it has in providing for the safety of the citizens it serves as well as its employees and the incarcerated individuals reprimanded for its care. The purpose of these plans is to enhance our ability to mitigate losses, respond quickly, and resume normal business when a disruption occurs - whether technological, natural or human-caused.

Financial Services Division: This division acts as monitor and enforcer of state, federal and departmental laws, policies and regulations pertaining to financial activity, as well as technical support to all areas of the ADCRR by establishing proper financial procedures. Using factors such as historical inmate population growth and legislative and sentencing policies, the division develops 10-year projections of future prison population growth and makeup and determines whether the State's prison system has sufficient beds at the appropriate custody level based on the projected growth. The Financial Services Bureau provides a variety of mandatory, periodic and ad hoc financial and performance measure reports to federal agencies, Governor's office, State legislature, and to all levels of management at the ADCRR. The division works closely with the Department of Administration's General Accounting Office, the State Procurement Office and the Surplus Property Management Office. The Financial Services Division is divided into nine functional areas made up of the Administrator's Office, Accounting, Payroll, Inmate Trust Accounts, Fixed Assets, Grants, Budget Development, Budget Execution, and Position Control.

Facilities Management Division: This division oversees all new construction and remodel projects as well as various other construction projects for private prisons and the ADCRR prison complexes throughout the state. The bureau also oversees building maintenance and janitorial services for ADCRR facilities statewide as well as safety and environmental services and fleet services. The division also develops the Department's annual building capital renewal budget request, which provides information on the Department's capital improvement needs, including building renewal. An additional component of the Division is the oversight of Fleet Operations. Fleet operations consist of management of approximately 2800 pieces of equipment. Items included in this inventory are a variety of vehicles, transportation vehicles, buses, equipment and heavy equipment. Long range planning for the procurement of vehicles to be utilized in the Department's fleet is the responsibility of Fleet Operations. Ensuring all fleet vehicles meet standards set forth by the Environmental Protection Agency and the Department of Transportation are key in this oversight. Finally the maintenance and required repairs are accomplished through multiple repair facilities' located at each correctional complex.

Inmate Programs & Reentry (IPR) Division: This division comprises Program Systems, Religious Services, Inmate Education, and Counseling and Treatment Services. IPR ensures that inmates are placed in evidence-based programs geared toward their individual needs, commensurate with their risk to recidivate, from the time of their initial assessment at reception, through their incarceration, and upon their transition to release to community supervision. Treatment services include counseling and treatment for sex offenders, substance abusers, and offenders convicted of driving under the influence. Religious Services includes volunteer and chaplain led religious gatherings and expertise in ensuring the legal aspects of the Religious Land Use of Institutionalized Persons Act are met. Educational Services provides educational opportunities such as functional literacy classes to inmates who have not received a minimum 8th-grade equivalency score in reading, language, or math; high school diplomas; general equivalency diplomas; and career and technical education classes. Inmates must have a high school diploma or a general equivalency diploma (GED) before being able to work for Arizona Correctional Industries (ACI) or hold other jobs available in the prisons. The division also provides technical support to and advisory oversight of programs offered by Correctional Officer IIIs.

Community Corrections Division: This division ensures the accurate release, effective re-entry, transition and supervision of offenders released to the community utilizing a continuum of supervision services, strategies, evidence based programs and meaningful incentives and sanctions. Community Corrections facilitates the swift return to custody of those offenders who violate conditions of supervision and who represent a serious threat to the safety of the community. Community Corrections provides meaningful interaction with victims to maintain public protection.

Information and Public Affairs (IPA) Division: This division comprises the Legislative Affairs, Communications, Office of Continuous Improvement and Strategic Planning, and Public Affairs Constituent Services, Ombudsman and Victim Services) Bureaus. The IPA division provides various services to the Department and to the public which includes but is not limited to coordinating and preparing legislation that the Department promotes and monitoring legislation that impacts the agency; handling internal and external communications such as media requests

for information about the Department, and requests to photograph department property as well as coordinating media appearances by the Director and other department employees; deploying the Arizona Management System (AMS) methodologies and processes across the Department to enable employees to reduce waste, improve efficiency, problem solve at every level within the organization and provide sustainable progress; overseeing the agency's strategic planning process and for ensuring that the agency's Strategic Plan and Master List of State Government Programs publications are updated annually and submitted to the Governor's Office of Strategic Planning and Budget; offering a standard process for receiving, reviewing and responding to complaints from the public concerning inmate related issues; offering services to crime victims and survivors such as victim notification and information about offender release, changes in inmate status or custody, and answers about restitution.

Arizona Correctional Industries (ACI) Division: ACI is a self-supporting enterprise that provides opportunities for eligible inmates to develop job skills and good work habits. ACI work activities include call centers, printing, farming, and furniture making. Many of ACI's businesses are located within prison facilities; however, it also partners with the private sector to provide employment Opportunities.

Medical Services Division: Effective July 1, 2012, the privatization of Health Services was established through ARS 2154 which applied to ADCRR state facilities. The Health Services Contract Monitoring Division (HSCMD) was created to ensure compliance in accordance with all contract provisions and applicable Department written instructions, Administrative Rules, guidelines, specifications, Court Orders, and Decrees. The HSCMD completes regular audits for the purpose of ensuring the contractor is delivering mandated comprehensive health care to ADCRR inmates. The monitoring team conducts a comprehensive audit of each housing unit on a monthly basis. Any deficiencies noted are addressed in a progressive manner in a collaborative effort with the contracted health care vendor. In July of 2019 the ADCRR contracted with Centurion to provide full service medical, mental health, and dental care to the inmates housed at all the prison complexes.

Inspector General Division: The Inspector General Division investigates crimes occurring on prison property or in the prisons and investigates administrative allegations of impropriety or misconduct. This office conducts annual audits of each state-run, private prison, and Community Corrections, evaluating compliance with department policies and procedures. The Inspector General Division coordinates the ACA accreditation process. The Office of the Inspector General is comprised of the Criminal Investigations Unit, Administrative Investigations Unit, Security Threat Group (STG), Fugitive Apprehension Unit, Special Operations Unit, Background Investigations Unit, Inspections Unit, Inmate Ombudsman, PREA Coordinator and the AZPOST Compliance Auditor.

Human Resources and Development Group (HRDG) Division: The HRDG division is comprised of HR Administration, Employee Assistance, Employment (Recruitment Unit for Selection and Hiring (RUSH) and Non-Correctional Recruitment), Human Resources Operations, Classification and Compensation, Correctional Officer Retirement Program (CORP), Occupational Health Unit, Staff Development and Training Bureau, and the Correctional Officer Training Academy (COTA). HRDG manages all of the staffing, recruitment, training and

employee assistance for the Department's nearly 10,000 employees. Training for entry-level correctional staff is delivered at the Department's Correctional Officers Training Academy (COTA), located near Tucson. The Department continuously trains staff to meet its needs, with classes starting every 2 weeks at COTA.

Information Technology Division: This division provides technological solutions and support to staff throughout the agency to ensure the delivery of IT services essential to the operation and success of the Department. The IT Bureau is responsible for strategy, planning, and delivery of information technology which includes: end user support, technology training, research computing solutions, services, and storage, Web hosting and development, Software licensing, Application development, Identity management, Infrastructure, including networking and data centers, and the maintenance of the Arizona Criminal Information System (ACIS) which is a vital tool for the management of all inmate movement, time computation, and records.

The Department has three additional offices that report directly to a Deputy Director. These offices are:

Office of the General Counsel: This office provides legal analyses and advice to the Director and Deputy Directors and senior executive management on all aspects of the Department's operations. The Office collaborates closely with the Attorney General's Office, ADOA Risk Management, and outside counsel on all litigation involving the Department. Internally, the Office provides legal guidance on a myriad of issues involving Human Resources, employment law, public records law, federal and state civil rights law, inmate disciplinary and grievance appeals, inmate legal access claims, and publication review for potential contraband determinations. The Public Access Unit within the Office processes hundreds of public records requests each month, redacting the Department's records as required by Arizona law, and ensuring the prompt production of those records to the requester.

Procurement Services: This bureau is the steward for the procurement of all goods and services, including construction, for the Agency. Primary duties include ensuring that all purchases, contracts, agreements, inmate work contracts, leases and expenditures of public monies are made in compliance with the Arizona Procurement Code while delivering the best value and appropriate risk to our Agency customers and the taxpayers. Under authority delegated by the State Procurement Office, provide management oversight, training and monitoring of all sub-delegated procurement staff located at the Central Office and various prison complexes throughout the State.

Policy & Research Unit: Policy staff establishes, reviews, and updates Departmental Policies that are driven by State, Federal and personnel rules with in-depth analyses of content to mitigate risk to the Department and to ensure consistency of the Department's core processes. Research is responsible for extracting, analyzing, organizing, and compiling data used for responding to information requests from inside and outside the agency. Data exports and tabulated reports are prepared for internal customers like the Director and agency executive staff, as well as external stakeholders like the Governor's Office, the Arizona Legislature, and state courts. Offender population, prison capacity, recidivism, and other data are analyzed and trended for inclusion in surveys, ad hoc reports, strategic plans, and other major research projects.

2. A statement, to the extent practicable, in quantitative or qualitative terms, of the objectives of such agency and its anticipated accomplishments

Consistent with its statutory purpose, the Department's purpose, as described in its mission statement, is "Providing safer communities by implementing court imposed sentences and removing those who victimize our citizens to appropriately secured environments. Facilitating structured programming designed to develop inmates' personal responsibility for their successful reintegration to the community through rehabilitative opportunities for change. Upon return of these citizens to our communities, we provide effective supervision designed to result in improved re-entry outcomes which reduce recidivism."

From March 2020 through today, the Department has effectively mitigated the impact of COVID-19 within the prison system. Compartmentalization and containment procedures were immediately implemented. Mass testing and surveillance testing was conducted throughout the pandemic. The Department is one of the few state correctional systems to conduct not only one but two mass testing's of the entire inmate population to identify those requiring quarantine and treatment. Surveillance testing of staff and inmates became standard procedure during identified outbreaks to limit the spread within the system. The Department's challenge of receiving COVID-19 positive inmates from county jails and returning to custody probationers/parolees required the standing up of two additional reception center locations to support quarantine requirements and overflow. A vaccination campaign was completed not only with staff but the entire inmate population. These measures resulted in the following:

- Arizona ranks 16th out of all 50 states and the Federal Bureau of Prisons for the lowest number of COVID-19 deaths in its prison system and 23rd in the country with the lowest number of COVID-19 cases within its prison population (Marshall Project Report: <https://www.themarshallproject.org/2020/05/01/a-state-by-state-look-at-coronavirus-in-prisons#prisoner-state>.)
- As of August 2, 2021, less than 1% of the inmate population was active with positive COVID-19 (0.04% or 15 inmates of a population of 35,718).
- ADCRR COVID-19 Recovery rate as of 08/02/2021 was at 99.36% (Total Positives=12,347; Total Recovered=12,268).
- COVID-19 vaccinations for employees were completed at all 10 prison complexes. ADCRR currently has less than a 1% positive staff rate.
- COVID-19 vaccinations were administered at all 10 complexes. As of 07/30/2021, a total of 24,714 (87.21%) first dose vaccines were administered and 22,036 (77.76%) second dose vaccines were administered to the state prison inmate population. Far exceeding the vaccination rate of the state, nation and most other prison systems.
- Video visitation was implemented at all ADCRR and Contract facilities, providing inmates continuity of visitation services while modified procedures restricted in-person visitation due to COVID-19.

Additional ADCRR successes and achievements:

- Over 56% of the ASPC-Lewis and Yuma Lock Project completed (1,185 of 2,104 cells, shower and pass through doors) as of **July 30, 2021**.
- The first Therapeutic Community program within ADCRR was initiated at ASPC-Tucson. The Medication Assisted Treatment program started June 2021.
- Detention bed utilization is at 72%, 18% below monthly target. A 39% reduction since its highest utilization rate in March 2020.
- Continued progress in preparation to achieve American Correctional Association (ACA) accreditation (71% completion of policy review and revision).
- A continued decrease in 1, 2 and 3 year recidivism rates as noted in the table below:

Recidivism Statistics	FY 2019	FY 2020	FY2021
Recidivism - 1 Year Review	22.4%	21.7%	14.9%
Recidivism - 2 Year Review	32.2%	31.9%	28.3%
Recidivism - 3 Year Review	39%	38.6%	36.3%

3. An identification of any other agencies having similar, conflicting or duplicative objectives, and an explanation of the manner in which the agency avoids duplication or conflict with other such agencies.

As currently structured, Arizona’s criminal justice system does not include agencies with objectives that are in conflict with or duplicate Department objectives. The Department was established to “provide the supervisory staff and administrative functions at the state level of all matters relating to the institutionalization, rehabilitation and community supervision functions of all adult offenders.” A.R.S. §41-1602. The Department provides confinement and community supervision for felony offenders at the state level. No other agencies have the capability to perform this function.

4. An assessment of the consequences of eliminating the agency or of consolidating it with another agency.

The Department is a state agency tasked with the responsibility of providing confinement and community supervision for adult felony offenders at the state level. This includes male adult offenders, female adult offenders, and male and female juveniles adjudicated as adults and sentenced to the Department. In the United States, all 50 states have State Departments of Correction.

Eliminating the Department would significantly affect public safety because confinement and supervision of criminal offenders is vital to the protection of the public. Imprisonment contributes to public safety by removing over 35,000 offenders from society and preventing them from further victimizing citizens. Supervision of offenders conditionally released from prison to

complete their sentence in the community (community supervision/parole) also contributes to public safety by returning to prison offenders who violate conditions of supervision and represent a serious threat to public safety. There are over 5,000 offenders currently on community supervision at this time. Eliminating the Department would leave no agency responsible for the incarceration and supervision of convicted and sentenced adult felons.

The consolidation of the Department with the Arizona Department of Juvenile Corrections would return Arizona to the correctional structure that existed from 1968 through June 1990, when the Department maintained jurisdiction over both adults and juveniles, operating separate adult and juvenile correctional facilities. The creation of the Arizona Department of Juvenile Corrections as a separate agency was in large part a response to *Johnson, et. al. v. Upchurch, et. al.*, a class action lawsuit filed in the United States federal district court in 1987 alleging numerous constitutional violations regarding conditions of confinement. Given the differences in the missions of the two agencies and the differences in the populations, consolidation would not appear to be in the best interest of the state at this time.

The consolidation of state prisons and county jails would be very detrimental to public safety and would not be in the best interest of the state. The nature of offenders confined to jail are those either convicted of misdemeanor offenses, felony offenses carrying no longer than a year of incarceration as a condition of probation, or those awaiting plea, trial and/or sentencing hearings. Clearly, those persons incarcerated for short sentences, or who do not necessarily face prison, necessitate security and confinement arrangements quite different from those who will face prison sentences for serious, violent and dangerous offenses. What is sound correctional policy regarding issues of security, safety, conditions of confinement, rehabilitation, and punishment, necessarily differs greatly from these considerations in the county jail system. Prison facilities are designed to deal with and address all considerations necessitated as a result of long term confinement. County jails are simply not staffed with officers trained to address behavioral and/or safety concerns presented by state prisoners.

- 5. The extent to which the agency potentially creates unexpected negative consequences that might require additional review by the committee of reference, including increasing the price of goods, affecting the availability of services, limiting the abilities of individuals and businesses to operate efficiently and increasing the cost of government.**

The Department is not a regulatory agency. Therefore, there are no unexpected negative consequences that might require additional review by the committee of reference, including increasing the price of goods, affecting the availability of services, limiting the abilities of individuals and business to operate efficiently and increasing the cost of government.

- 6. The ability of the agency to timely investigate and resolve complaints within its jurisdiction.**

The Department responds, investigates and resolves both administrative and criminal complaints/misconduct through the office of the Inspector General. The Department adopted ARS Title 38-1102, Police Officer Bill of Rights as its procedural process for administrative investigations. It expanded this procedure to all employees and not solely for Correctional

Officers. This has been recognized by the Arizona Department of Administration as the state model for conducting investigations and has resulted in the Department being requested to assist other state agencies with administrative investigations. The statute requires investigations to be conducted and completed within a 180 day time frame, the Department reduced this further to not exceed more than 120 days. In FY 21, the average length of time for an ADCRR Administrative Investigation was 69 days.

The Department has additional processes and areas that investigate and resolve complaints, many of which are outlined in departmental policies with specific time frame requirements such as; inmate and employee grievances, Equal Opportunity complaints alleging discrimination or harassment. Additionally, the Department established an Employee Ombudsman as an independent, impartial and neutral point of contact for staff and established the first Inmate Ombudsman in Department history to independently and impartially act on behalf of the inmate population and external stakeholders. To increase communication methods for inmates to use in reporting allegations of sexual abuse/harassment or retaliation, the Department established a Retaliation Hotline and PREA Hotline. Most recently, the Office of Constituent Services acquired case management software to improve responsiveness and provide greater tracking tools for analysis of inquiries and complaints from the Department's constituents.

6.1 The extent to which the occupational regulation meets the requirements of A.R.S. § 41-3502, as amended, transferred and renumbered by Laws 2021, Chapter 176.

For questions 6.1 and 6.2 regarding if the agency administers an occupational regulation, ADCRR does not, therefore both are not applicable.

- 6.2 The extent to which the failure to regulate a profession or occupation will result in:**
- a. the loss of insurance.**
 - b. an impact to the ability to practice in other states or as required by federal law.**
 - c. an impact to the required licensure or registration with the federal government.**
 - d. the loss of constitutionally afforded practices.**

For questions 6.1 and 6.2 regarding if the agency administers an occupational regulation, ADCRR does not, therefore both are not applicable.



Arizona Department of Corrections, Rehabilitation and Reentry

Presenter: Dale Chapman

Date: January 20, 2021



Auditor General reports



- Capital Projects Funding and Department Finances
- Review of Selected Inmate Programs
- Sunset Factors





Inmate programs



Department responsible for rehabilitating inmates



- Offers work, education, self-improvement, addiction treatment, and sex offender treatment programs
- Uses a risk-needs assessment to identify and prioritize inmates' program needs





Were inmates enrolled in and did they complete programs they needed?

- Cognitive restructuring (addresses criminal thinking)
- Moderate and intensive substance abuse (SA) treatment
- Driving-under-the-influence (DUI) treatment



Problem identified

We analyzed data for 35,000 inmates and found:

- Most inmates who needed cognitive restructuring or SA treatment were not enrolled in these programs
- Most inmates who needed DUI treatment were enrolled in this program
- Many enrolled inmates did not complete the programs



Example: SA treatment



- 24,900 inmates needed SA treatment
- 4,300 inmates (17%) were enrolled in moderate or intensive SA treatment
- 2,700 enrolled inmates (63%) completed treatment



Why this matters



- Completing programs can help reduce recidivism and provide other benefits
- Benefits cannot be achieved when programs are not offered or completed



Staffing and other limitations affect program provision



Example:

- Department does not have enough counseling staff to provide SA treatment to all inmates who need it
- It requested and received \$5 million in FY 2022 to contract for additional treatment services



Common reasons why enrolled inmates did not complete programs



- Inmate transfers to a different prison unit
- Administrative discharges from a program



Key recommendations



- Continue to address staffing and other limitations that affect capacity to provide these programs
- Continue efforts to reduce program noncompletions and assess their impact
- Use data to monitor program noncompletions to identify and address contributing factors



Transition program



Department has established a transition program



- Provides eligible inmates with transition services in the community for up to 90 days
- Services provided through a contractor and can include SA treatment, anger management, and job placement
- Statute establishes various eligibility requirements
- Inmates should be released 3 months early



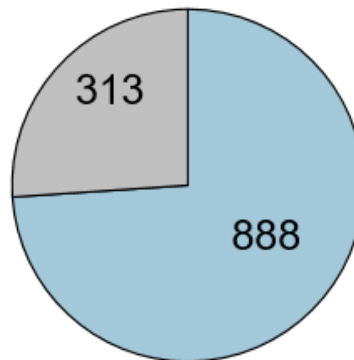
Were inmates released to the transition program 3 months early?



Problem identified



26% of inmates were released less than 3 months early



74% of inmates were released 3 months early



Why this issue matters



- Inmates may remain in prison longer than statute requires, delaying their return to community
- Department incurs higher costs
 - Daily cost of incarceration in FY 2020: \$74.77
 - Daily cost of community supervision in FY 2020: \$11.24



Examples of contributing factors from review of 30 inmates



- Delays in Department staff's review of inmate eligibility
- Changes to inmates' earliest release dates
- Short prison stays



ACIS is not yet programmed with all eligibility requirements



- Programming revisions needed because statutory changes affected eligibility
- ACIS revisions contingent on available funding
- Department relies on manual processes, which takes additional staff time and increases potential for errors
- Department was working to automate these processes by August 2022



Key recommendations



- Establish time frames for transition program eligibility reviews
- Implement procedures to monitor, identify, and address delays that affect transition program releases
- Continue efforts to automate eligibility processes



Was transition program eligibility determined in accordance with statute and Department requirements?



Department denied inmates who did not meet requirements



- We reviewed 45 of approximately 1,060 inmates denied for transition program in 2020
- All 45 denials were based on inmates' not meeting requirements



Capital projects funding



Department received limited capital projects funding



(In millions)	2016	2017	2018	2019	2020
Department request	\$164.5	\$267.3	\$295.2	\$269.7	\$290.1
Amount appropriated	\$5.5	\$5.5	\$6.9	\$5.5	\$6.9
Percent appropriated	3%	2%	2%	2%	2%



Why this issue matters



- Increases safety and security risks
- Resulted in at least \$125 million in deferred maintenance costs

Department was appropriated \$54 million for FY 2022 to address deferred maintenance projects



Facility upgrades at Lewis and Yuma prisons



- Funding approved to replace locking, fire, and evaporative cooler systems at Lewis and Yuma prisons
- Upgrades approved after media reported nonfunctioning cell locks contributed to assaults at Lewis prison
- Department anticipated completing upgrades to Lewis prison in March 2022 and to Yuma prison in July 2022



Management of inmate monies



Inmate trust accounts (ITAs)



- Department manages ITA deposits and deductions
- Deposits include contributions from families/friends and inmate wages
- Deductions include commissary purchases, charitable donations, court-ordered restitution, and utility fees
- Most deductions we reviewed were accurate and supported



Problem identified and why it matters



- Department had not reconciled ITA and bank statement balances for several months
- Department had not resolved approximately 480 items from previous reconciliations
- These issues increased the risk of incorrect ITA balances or unaccounted-for monies



Key recommendations



- Complete the outstanding monthly ITA reconciliations
- Resolve the outstanding items from previous reconciliations and work with ADOA as needed



Other topics addressed in our reports



- Department funds and expenditures
- Arizona Correctional Industries
- Inmate wages
- Prison commissary prices
- Correctional officer staffing
- IT security policies
- Inmate grievance process
- Conflict-of-interest practices



Department response



- Department agreed with findings and planned to address recommendations except those related to conflict-of-interest practices
- Department has implemented or begun implementing ITA recommendations
- Initial follow-up review of remaining recommendations will begin spring 2022



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