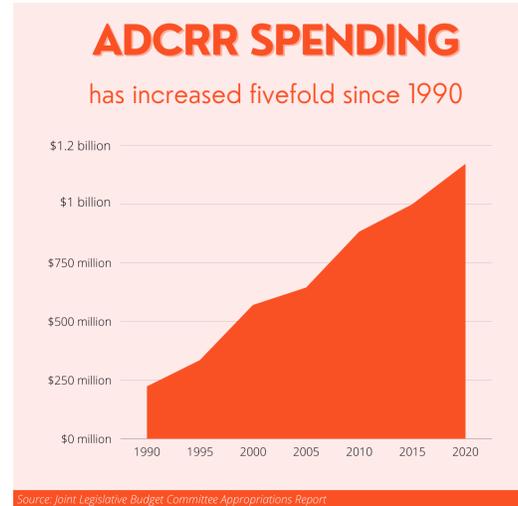


**SUMMARY**

The Arizona Department of Corrections, Rehabilitation & Reentry (ADCRR) has the 3rd largest state agency budget in Arizona. Every year since 2012 its annual budget has exceeded \$1 billion as spending for K-12 education, public universities and economic security has been regularly slashed. Arizona’s incarceration rate is among the top five highest in the nation, while the public school system remains in the bottom three.<sup>1</sup> The state has consistently prioritized punishment and social control over community, healing, and real public safety. Overall, the spending on prisons in Arizona has increased fivefold since 1990.



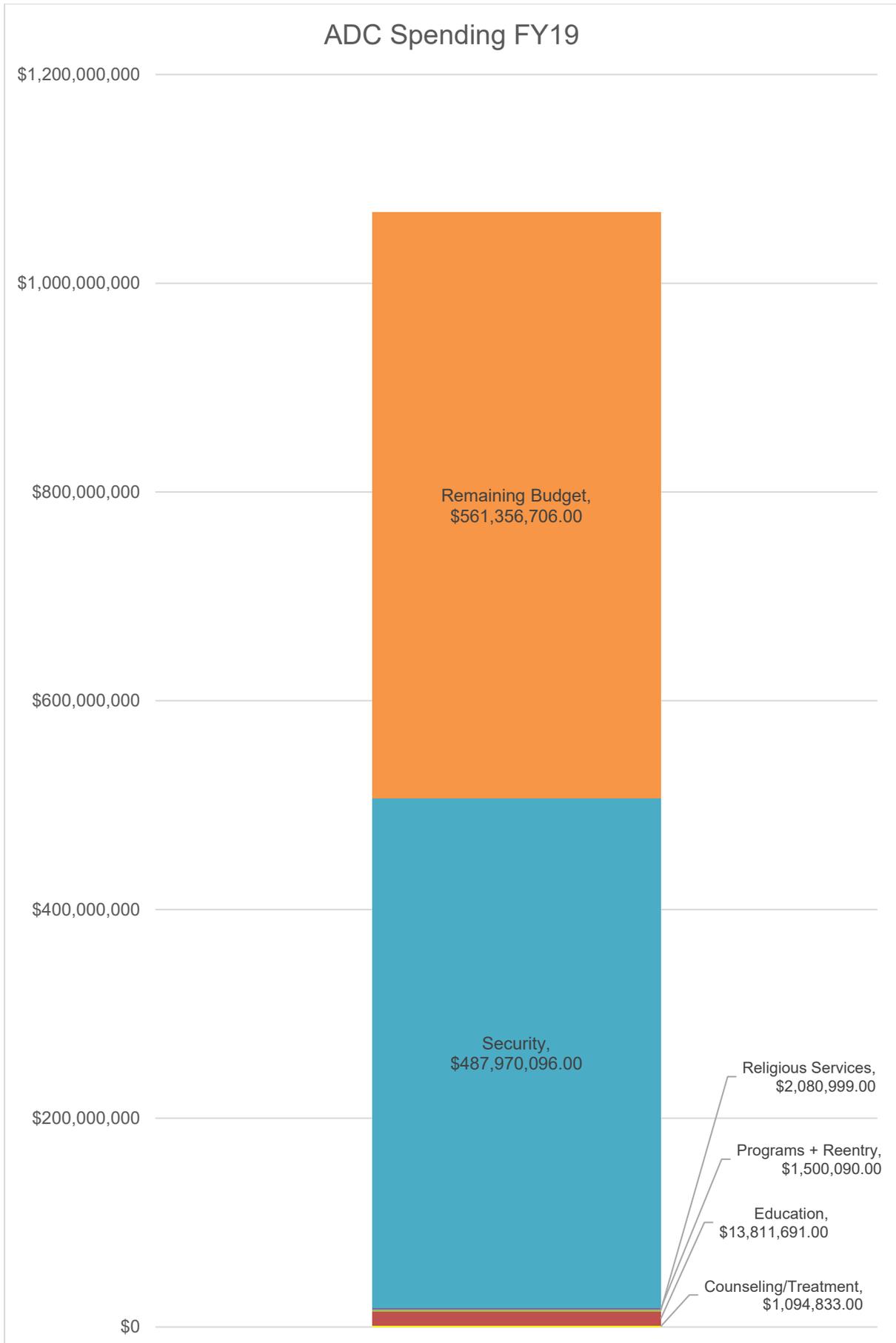
ADCRR has grossly mismanaged these billions in taxpayer dollars with no consequences from lawmakers or the Governor’s office. Distribution of funds within the department are out of alignment with the values of Arizonans and the goals of “rehabilitation” and “reentry” which were performatively added to the agency’s name in 2020.<sup>2</sup> Areas of rehabilitation and reentry support such as counseling, education, religious services and reentry make up less than 2% of the entire \$1.2 billion budget.<sup>3</sup>

Area of Spending	Total Spent FY19	Percent of total
Counseling/Treatment	\$1,094,883	0.10%
Education	\$13,811,691	1.30%
Religious Services	\$2,080,999	0.20%
Programs & Reentry Support	\$1,500,090	0.14%
<b>TOTAL</b>	<b>\$18,487,633</b>	<b>1.74%</b>

Reflecting on these numbers it is not surprising that the recidivism rate is regularly hovering at 50%, and that just 2% of people are receiving treatment for substance abuse disorder at any time.<sup>4</sup> Conversely, the broad, undetailed category of Complex and Unit Security makes up the largest portion, with 45.8% of the total budget.

Yet this huge investment is stands in stark contrast to many recent incidents indicating a fundamental breakdown in the security and safety of prisons. In April 2019, videos released by ABC15 revealed that the prison door locks in one state facility had been malfunctioning, resulting in assaults on both staff and incarcerated people. This triggered multiple investigations ADCRR which found additional infrastructure problems. Door locks at multiple facilities had been broken since 2017, fire alarms were deemed “inoperable” for over a decade, and the lack of air conditioning systems in Yuma (where temperatures regularly reach 105°) were causing damage to the buildings.

<sup>1</sup> [States with the Best & Worst School Systems](#)  
<sup>2</sup> [Governor Doug Ducey Executive Order 2020.03. January 13th, 2020.](#)  
<sup>3</sup> [FY 2019 Operating Per Capita Cost Report](#)  
<sup>4</sup> [ADCRR Corrections at a Glance March 2021](#)



Over \$54 million was appropriated to repairing these systems in 2019,<sup>5</sup> as well as \$17.7 million approved by the Joint Committee on Capital Review (JCCR) to be transferred from the general fund.<sup>6</sup> There is virtually no attempt on the part of the legislature, the Department, or any other government body to monitor and report on how these funds were spent, what improvements have been made, or what the outcomes have been.

In 2021, the escape of two men from the Florence complex and the arrest of two correctional officers for bringing contraband into prisons indicate that these huge investments have not adequately addressed the security lapses in ADCRR. Yet there is no attempt to hold the department accountable for these serious lapses in security.

The second largest portion of the ADCRR budget is for contracts with privatized healthcare providers which makes up 15.6% of the budget. Spending in this area has increased significantly due to the ongoing *Parsons v. Shinn* lawsuit and court mandated increases in payments. Originally, ADCRR projected that privatizing the prison healthcare system would save the state \$5 million dollars. In 2011, state-run prison healthcare costs were \$117 million. The total in 2021 after outsourcing medical services was \$198 million - **an \$80 million dollar increase.**<sup>7</sup>

Problems associated with delivery of prison healthcare have only increased since the COVID-19 pandemic was declared in March 2020. Lack of proper prevention techniques and indifference from staff members made the disease spread quickly in the congregate settings.

**Infection rates in ADCRR are three times higher than the general Arizona population.** COVID-19 death rates inside are largely unknown as the ADCRR dashboard regularly removes data on people who have “confirmed death” without explanation, making it impossible to monitor the total number of COVID-19 deaths.<sup>8</sup> No one should be sentenced to death by COVID-19 in Arizona prisons, but between the improper healthcare and poor COVID-19 management, that is exactly what is happening.

In recent years, one of the department’s biggest investments has been updating the Arizona Inmate Management System (AIMS), which was called “archaic and of limited value”. Since 2014, the legislature allocated nearly \$31 million to ADCRR to update this system. In November 2019, ADCRR went live with the replacement system, now called Arizona Corrections Information System (ACIS). Although frontline staff had asked hold off because there were 14,000 known issues with the software, ADCRR administrators moved forward.

This reckless decision by leadership has caused a myriad of issues for people in prison:

- Inability to track health care resulting in prescriptions running out or not being distributed
- Incorrect head count numbers posing serious security risks
- Property of incarcerated individuals not being tracked
- Commissary and financial accounts failing to be kept up to date
- Religious affiliations improperly categorized, preventing some people from receiving special meals, attending services, or otherwise being able to practice their faith
- Inaccurate security classifications or gang affiliations, which can keep people in unsafe housing conditions or solitary confinement
- Inability to calculate changes to sentence length resulting from recent legislation (SB1310), which kept people past their release date

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<sup>5</sup> [FY 2021 Appropriations Report](#)

<sup>6</sup> [JCCR Minutes - June 18, 2019](#)

<sup>7</sup> [JLBC State Department of Corrections Appropriation reports](#)

<sup>8</sup> [Twitter post, Jimmy Jenkins, March 15, 2021](#)

Currently, the ADCRR population is at the lowest recorded level in nearly a decade, yet spending has remained extremely high. The current population stands at 36,704 people<sup>9</sup> with a \$1.2 billion budget. The last time ADCRR had a lower population was in 2006, with 35,892 people, and funding was just \$707.7 million.<sup>10</sup>

### **ACCOUNTABILITY IS NEEDED**

These are only the latest in a long-standing pattern of high-profile problems in ADCRR over the last year. Other, ongoing issues include lack of proper meals for religious beliefs<sup>11</sup> and the forced serving of expired food,<sup>12</sup> negligent healthcare for pregnant women,<sup>13</sup> contaminated water in multiple facilities,<sup>14</sup> and deficient mental health services resulting in self harm incidents and suicides.<sup>15</sup> Incarcerated people are told to follow the ADCRR grievance procedure<sup>16</sup> to address these issues, but it has proven ineffective. Grievances are often lost or thrown out due to impossibly narrow timelines and system barriers.<sup>17</sup> Frustration with the lack of accountability and oversight has resulted in incarcerated people holding peaceful protests such as the hunger strike at the Eyman facility in March 2021.<sup>18</sup>

Many of these issues would not be known without intensive legal intervention, such as with the *Parsons v. Shinn* medical class action lawsuit, or the efforts of ADCRR employee whistleblowers who reached out to the media to expose these systemic failures. These workers took action at great risk to themselves and their careers, and explicitly stated that they did so because their pleas to prison administration were being ignored. There have been reports of retribution against prison staff who smuggled video evidence of the malfunctioning locks at the Lewis prison. In one heartbreaking case, one of the Lewis prison whistleblowers tragically took her own life.<sup>19</sup>

Oversight and accountability of ADCRR is essential. The power to literally deprive 40,000 people of their freedom is a grave government responsibility that demands the highest level of accountability. The Department literally assumes life and death power over individuals in its custody. It is fundamentally responsible for their health and wellbeing, not to mention fulfilling the stated purpose of the agency, which is rehabilitation and 'correcting' behavior. Add to this the expenditure of the third largest share of the state budget, and it is far past time for Arizona to institute a greater level of accountability over ADCRR.

As a state agency, the Department falls under the Executive Branch, and is accountable to the office of the Governor. Unfortunately, Governor Doug Ducey has taken a hands-off approach when it comes to ADCRR. There is currently no statute that affords the legislative branch any level of access or authority over this department. Legislators may request meetings, information, and even prison tours from ADCRR, but the agency regularly delays or dismisses these requests.

Since 2019, Democratic law makers have submitted fourteen requests to ADCRR requesting information, policies, and data on media policies, phone call costs and COVID-19 protocols. **Only**

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<sup>9</sup> [ADCRR Corrections at a Glance March 2021](#)

<sup>10</sup> [Bureau of Justice Statistics Prisoners in 2007, FY 2007 Appropriations Report - Budget Highlights FY 2007](#)

<sup>11</sup> [Jewish Inmates Sue Arizona Prisons Over Kosher Meal Change.](#)

<sup>12</sup> [Inmate Kitchen Workers Say They Were Forced To Serve Expired Meat In Arizona Prisons](#)

<sup>13</sup> [Arizona prisons have a history of women giving birth in cells](#)

<sup>14</sup> [Another Arizona state prison complex facing water shortage issues.](#)

<sup>15</sup> ['A Silent Epidemic,' Self-Harm Incidents Surging In Arizona Prisons](#)

<sup>16</sup> [DO 802 - Inmate Grievance Procedure](#)

<sup>17</sup> [DIGGING DEEPER: COVID-19 death toll rises inside Arizona prisons](#)

<sup>18</sup> [Inmates On Hunger Strike Protesting Arizona Prison Conditions](#)

<sup>19</sup> [Prison whistleblower who exposed unsafe conditions in Arizona facility found dead](#)

**65% of these requests were fulfilled.**<sup>20</sup> Those that did receive a response were often lacking crucial information. Tours of prison facilities have been requested by lawmakers from both sides of the aisle, but none have been permitted.<sup>21</sup> Corrections staff have also largely been absent from legislative committee hearings this session, even when the bills have a direct bearing on the operations of ADCRR.

A bill (HB2167) was introduced this session to establish an oversight committee and ombudsman office to oversee the ADCRR, but the bill stalled in the Senate when Judiciary Chair Warren Petersen refused to put it on the agenda. It is hard to fathom an equivalent situation in which any entity with a budget this large, a responsibility this important, and a track record this terrible would be allowed to operate in total secrecy with no accountability for its failures, its wide-reaching impact on Arizona's budget, collective safety, and the lives of so many individuals.

ADCRR continues to get a pass in the name of "public safety," but there is no evidence that increased incarceration and punishment does anything to make Arizonans safer. This ineffective and harmful narrative which only exacerbates problems as opposed to solving them.

#### **SOLUTION:**

- 1) **Immediately conduct a fiscal and performance audit of ADCRR and its contractors.**  
An impartial body should review the millions of dollars allocated to ADCRR and present a detailed report on exactly how this funding was spent and what the outcomes have been.
- 2) **Institute an immediate spending cap on the ADCRR.**  
Funding levels should be reduced to in proportion to the decrease in population. Adjusted for inflation, this means that no more than \$950 million should be allocated to ADCRR.
- 3) **Develop and staff an Independent Corrections Ombudsman's Office.**  
This office would oversee every aspect of the ADCRR and ensure accountability on the issues outlined in this report. The cost of this office has been estimated at \$1.5 million.<sup>22</sup> The monies saved through reducing the corrections budget (per #2 above) should be reallocated to establish, staff, and maintain this office.
- 4) **Require fiscal notes for all legislation that would increase the prison population, beginning January 1, 2022.**  
When any legislation is introduced which would result in individuals being incarcerated or increase sentencing lengths for an existing felony, a fiscal note must be included. This shall be prepared by the Joint Legislative Budget Committee and attached to the bill at time of its first hearing. The fiscal note shall be made available on the Arizona State Legislature's website.
- 5) **Immediately and permanently rescind the Request for Information (RFI) released by ADCRR on December 24th, 2020 for the addition of over 2,700 private prison beds.**  
Given the reduction in the prison population by over 5,000 people, this contract is unnecessary. Based on the current private prison per diem of \$54.59, rescinding the RFI would result in a cost avoidance of at least \$54 million.

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<sup>20</sup> Personal Communication with Democratic House and Senate Staff, completed April 16<sup>th</sup>, 2021.

<sup>21</sup> [Twitter post, Rep. Diego Rodriguez, November 9th, 2019](#)

<sup>22</sup> [Fiscal Note, JLBC, BILL # HB 2167, January 21<sup>st</sup>, 2021.](#)

## **ROLE OF THE AMERICAN RESCUE PLAN**

### **SUMMARY**

Under President Joe Biden's American Rescue Plan, Arizona is being given at least \$12.3 billion dollars - more than the entire state budget in FY2021.<sup>23</sup> Some of this money is required to attend to certain needs, including prisons. According to the release plan by the White House, prisons with congregate settings should be prioritized for services.<sup>24</sup> This aligns with the current infection rate in Arizona prisons, which is three times higher than the general population.<sup>25</sup> Areas specifically outlined in this report for prisons include:

- Ensuring high-quality COVID-19 data is available, including testing, treatment, and infection rates for people in prisons, and demographic data should be included.
- Distribute vaccines to facility staff and incarcerated individuals in jails, prisons and detention centers, as well as ensuring adequate mitigation measures are in place to prevent further spread.
- Ensure prisons are following sound public health guidance. The President will issue an Executive Order to require the Bureau of Prisons and ICE detention facilities to evaluate their COVID-19 protocols, release data on the spread of COVID-19 in facilities and use federal grant programs to create incentives for state and local facilities to adhere to sound public health guidance.

Additionally, there are areas which could be used to reduce the prison population, address root causes of harm, reduce the potential for recidivism, and build safety outside of the carceral state.

Funding allocations to the areas of Human Services and Housing include:

- Expanding eligibility for SNAP benefits and increasing the monthly allowance.
- Funding that targets prevention programs of domestic violence and child abuse prevention
- Increasing housing options for Veterans who are homeless via the State Veteran's Homes one-time funding
- Multiple areas of rental, mortgage and utility assistance to keep people in their homes
- Expansion of homeless services, affordable housing development and emergency voucher monies to promote a housing-first model to build stability and safety.

### **SOLUTION**

Funds from the American Rescue Plan should be used to mitigate COVID-19 spread inside prison, as well as aid in reentry services such as access to food/SNAP support, transitional housing placement, and Veteran-specific care upon release. Instead of adding to the already bloated Corrections budget, these funds should be leveraged to divert individuals from prison and to invest in the wellbeing and success of returning citizens to break the cycle of incarceration. Such expenditures should prioritize investment in community-based programs where people can obtain support and healing through substance abuse treatment, trauma counseling, and poverty reduction efforts.

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<sup>23</sup> FY2021 general fund budget was \$11.6 Billion via [FY 2021 Appropriations Report](#)

<sup>24</sup> [National Strategy for the COVID-19 Response and Pandemic Preparedness](#)

<sup>25</sup> [ADCRR COVID-19 Dashboard | Arizona Department of Corrections, Rehabilitation and Reentry](#)