



Arizona's Imprisonment Crisis:

PART 2

THE COST TO COMMUNITIES



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Introduction

After decades of sustained prison growth, today Arizona has the fourth highest imprisonment rate in the country and the prison system costs taxpayers over \$1 billion each year. This prison growth cannot be explained by more crime or a larger resident population — instead it was driven by policy and practitioner decisions to send more people to prison for first-time and non-violent offenses, and to keep people in prison far beyond the national average.

This imprisonment crisis is not felt equally across the state — some communities bear the burden far more than others. This second report in a three-part series will examine Arizona's geographical and racial disparities in prison use. It will also take a close look at Maricopa County, and why Arizona's largest urban area is not following the lead of other similar cities that are safely reducing their reliance on prison.

These disparities come at a high cost. Research has shown that communities with high incarceration rates suffer from lower-than-average wages and diminished labor markets, poor mental and physical health, and weakened family networks.

All three reports in this series were created using individual-level data on people admitted to Arizona prisons. The first part of this series closely examines the choices that led Arizona to this crisis point, and how it has come with a high price to the state's economy. The third report will explore the dire consequences for Arizona's women and families. Experts on corrections data cleaned and analyzed prison data in accordance with national standards. See the methodology section for a description of our process and definitions.

County disparities

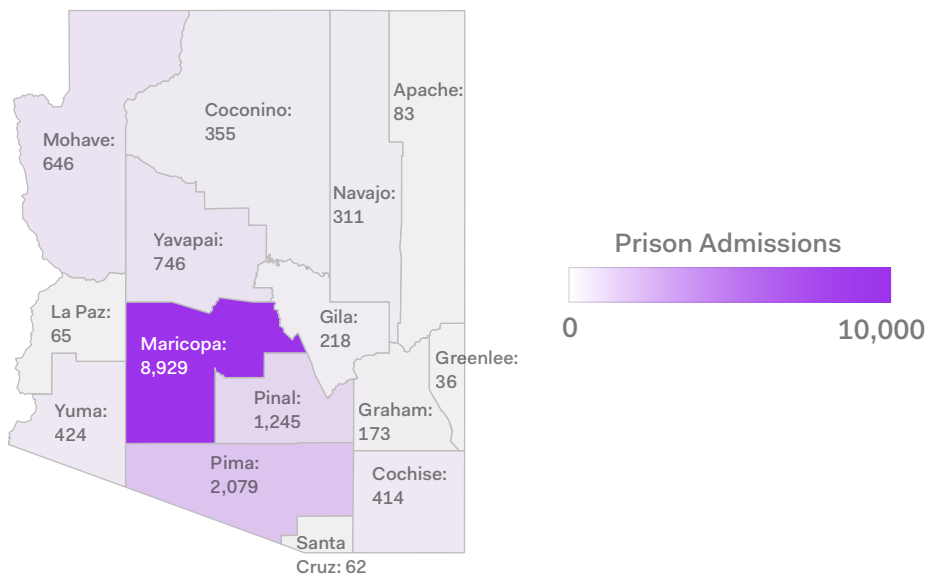
Arizona's criminal laws are set at the state level. However, each county in Arizona has local practitioners — police, sheriffs, county attorneys, defense attorneys, judges, and others — who collectively make decisions about how those laws are implemented. These actors decide who is arrested and convicted of crimes and, ultimately, who goes to prison and how long they stay. These county-level decisions lead to tremendous variation in the use of prison across counties in Arizona.

These county-level choices also have significant consequences. Incarceration not only affects individuals and their families — it also impacts their community. Studies have shown that communities with high incarceration rates have lower incomes, higher rates of disease, and less stable family networks.¹ A recent study found that simply living in a community with a high incarceration rate makes residents more likely to suffer from serious mental health problems, even if they have not had personal contact with the criminal justice system.² For these reasons, some researchers have argued that high levels of incarceration destabilize communities to the point of creating more — not less — crime.³

Arizona's largest counties, Maricopa County, Pima County, and Pinal County, send the greatest number of people to prison.⁴ In 2017, Maricopa sent 8,929 people to prison, Pima sent 2,079 people to prison, and Pinal sent 1,245 people to prison. Together, these three counties accounted for more than two-thirds of all the people sent to prison in that year.

The most populous counties in Arizona send the most people to prison.

Prison Admissions by County, FY2017

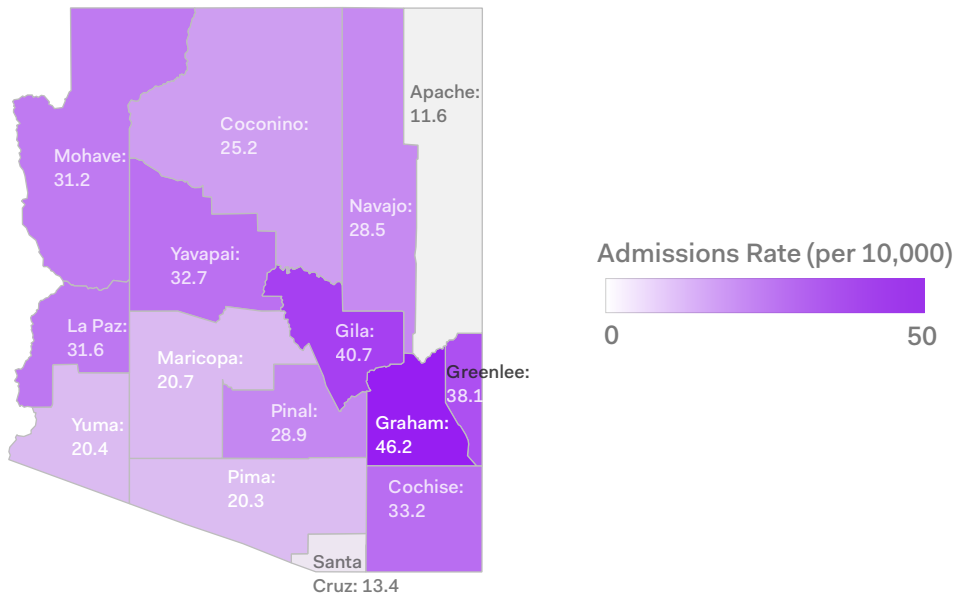


However, when looking at these numbers on a per-capita basis — or how many people are admitted to prison for every 10,000 county residents — rural counties rise to the top.⁵ Graham County, a small county with fewer than 40,000 residents, has the state's highest prison admissions rate, followed by Gila County, Greenlee County, Cochise County, and Yavapai County.

This is true even when looking solely at admissions rates for non-violent offenses — or the number of people sent to prison for non-violent offenses for every 10,000 people in the county. In 2017, Graham sent 37 people convicted of non-violent crimes to prison for every 10,000 residents, compared to only 14 people in urban Pima.⁶

Rural counties admit people to prison at a higher rate than urban counties in Arizona.

Admissions Rate by County, FY2017 (per 10,000)



Source: Census Bureau, Population Estimates July 1, 2017

The Role of Prison Alternatives

Whether someone is sent to prison is not only a function of local decision-makers — it is also determined in part by what options are available in lieu of prison. Eight of the state's 15 counties have deferred prosecution programs that allow adults charged with a felony to maintain a clean record if they participate in programming.⁷ Many counties have adult drug courts for people charged with drug or drug-related crimes.⁸ In other areas there are few alternatives beyond probation, which is available in every county.

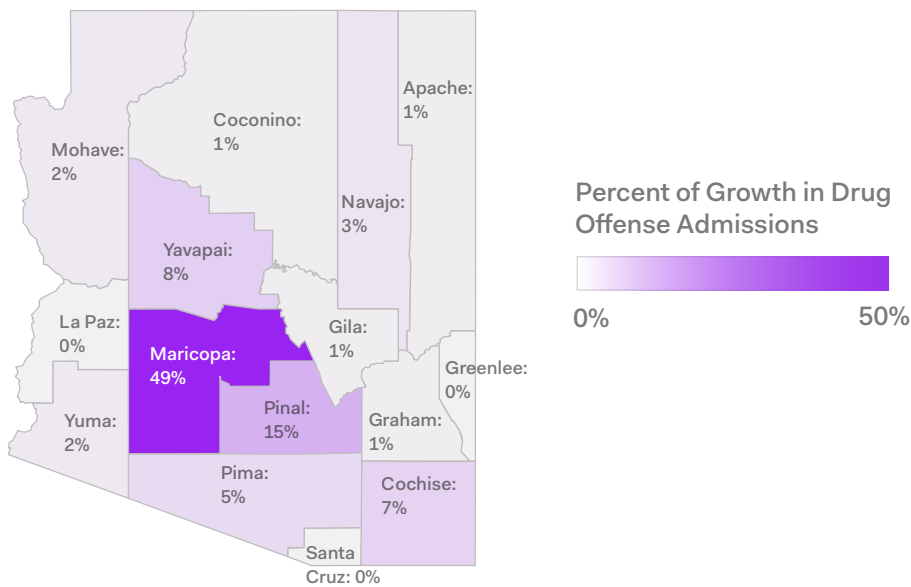
However, the available data indicates that whether a given county has a high prison admissions rate is not closely connected to the number of prison alternatives. For example, of the five counties with the highest non-violent admissions rates, three (Cochise, Gila, and Graham) have both deferred prosecution programs and drug courts. This is likely due to the fact that many of these alternatives divert a relatively small share of convictions. For example, in Maricopa, where the largest number of convictions occur, 3,641 people were referred to the county's two adult felony deferred prosecution programs in the last three years while almost 30,000 people were admitted to prison over that period.⁹

These county variations are even more acute when looking only at drug offenses.¹⁰ Five counties — Cochise, Graham, Gila, Yavapai, and Pinal — make up 22 percent of drug admissions to state prison but only 12 percent of the state population. Since 2000, admissions to prison for drug offenses from these five counties have quadrupled, from 258 in 2000 to 1,078 in 2017. A significant portion of the growth was people admitted to state prison for marijuana-related offenses (from 78 people in 2000 to 276 in 2017). In 2017, Cochise alone sent 157 people to prison for marijuana crimes.

However, because of its size, Maricopa still drove the overall growth in the number of people entering prison for drug crimes in Arizona. As noted in the first report in this series, *Arizona's Imprisonment Crisis: The High Price of Prison Growth*, the number of people sent to prison in Arizona for drug crimes has nearly doubled since 2000.¹¹ Almost half of this increase came from Maricopa alone.

Maricopa County drove overall growth in the number of people admitted to prison for drug crimes in Arizona.

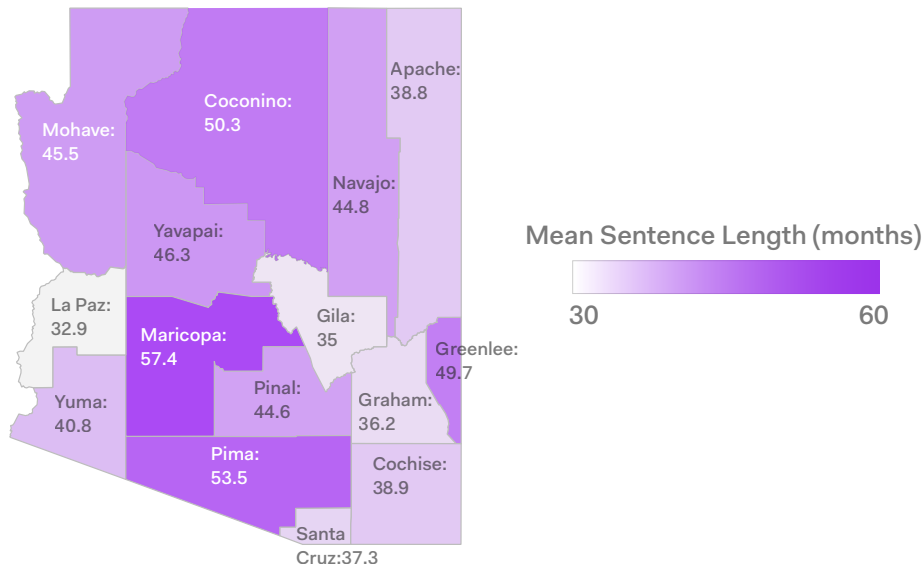
Percent of Growth in Drug Offense Admissions Due to County, FY2000 vs. FY2017



Average sentence lengths also differ widely from county to county. Maricopa, for example, sends people to prison with the longest average sentence — 57.4 months, or nearly 5 years. La Paz County, on the other hand, sends people to prison with an average sentence of only 32.9 months, or 2.7 years. As noted in the first report in this series, research shows that long sentences are ineffective as a crime control measure, and that additional weeks or months of prison time do not lead to less crime or lower recidivism rates.¹²

Sentence lengths also vary widely, with some counties in Arizona sending people to prison for much longer terms.

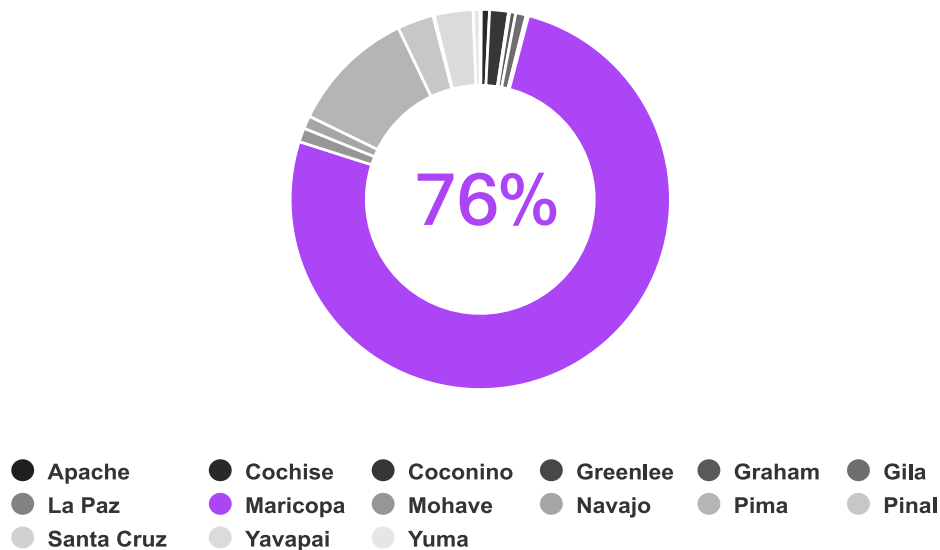
Mean Sentence Length, Arizona New Prison Sentences, FY2017



Longer sentences in some counties could be driven in part by whether local decision-makers are using sentencing enhancements, including the “repetitive offender” enhancement.¹³ For example, as noted in the map above, Maricopa sends people to prison with the longest average sentence. Maricopa also uses the “repetitive offender” enhancement far more than the rest of the state. Maricopa alone accounted for nearly 76 percent of all the people sent to prison in Arizona with the enhancement, while it only accounted for 61 percent of the state population, and 62 percent of all people sent to prison.

Maricopa disproportionately uses the repetitive offender enhancement to increase sentence lengths.

Prison Admissions with a Repetitive Offender Enhancement, FY2013-FY2017

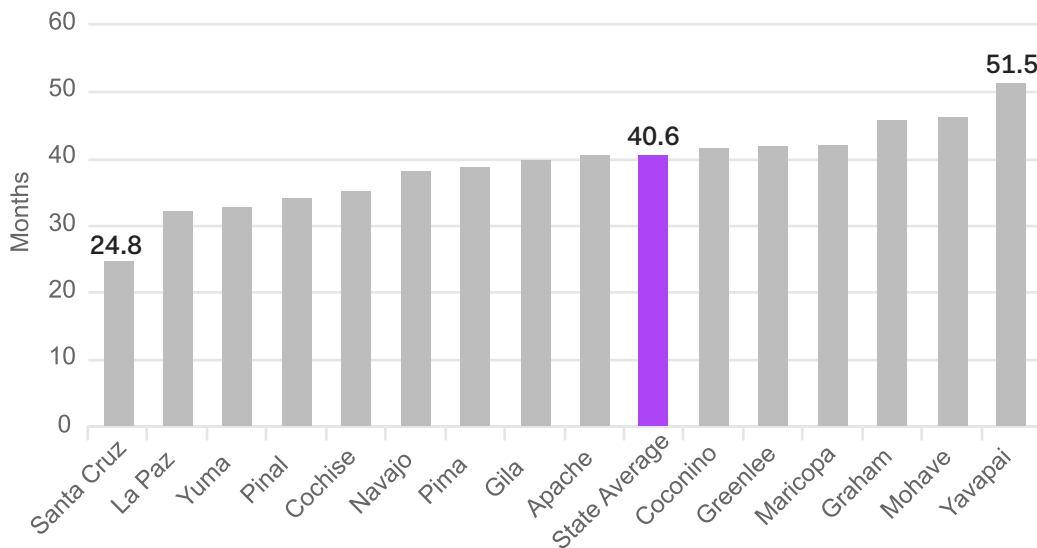


Disparities in sentence length can also be driven by differences in who is charged with a crime and sent to prison in each county (e.g., counties that do not sentence as many people to prison for low-level crimes could have longer sentence lengths due to the composition of their prison admissions). But we still see significant differences when looking at non-violent crimes only. In Maricopa, people sentenced to prison for non-violent crimes receive an average sentence of 43 months, compared to 25 months in La Paz.

The difference is even starker looking only at drug offenses. People sentenced for these offenses in Yavapai, Graham, or Mohave will serve close to four years in prison, compared to two years for those sentenced in Santa Cruz or La Paz.

Average sentences for drug crimes fluctuate between counties; people sentenced to prison for drug crimes in Yavapai receive sentences twice as long as people sentenced in Santa Cruz.

Mean Sentence Length for Drug Offenses, Arizona New Prison Sentences, FY2013-2017



Tale of Two Counties: Maricopa and Miami-Dade

With 4.3 million people, Maricopa is home to 61 percent of all Arizona residents. It is over four times the size of Pima, the next largest county in the state. Because of its size, comparing Maricopa to other counties in Arizona or statewide averages may be misleading since the county disproportionately drives the state numbers.

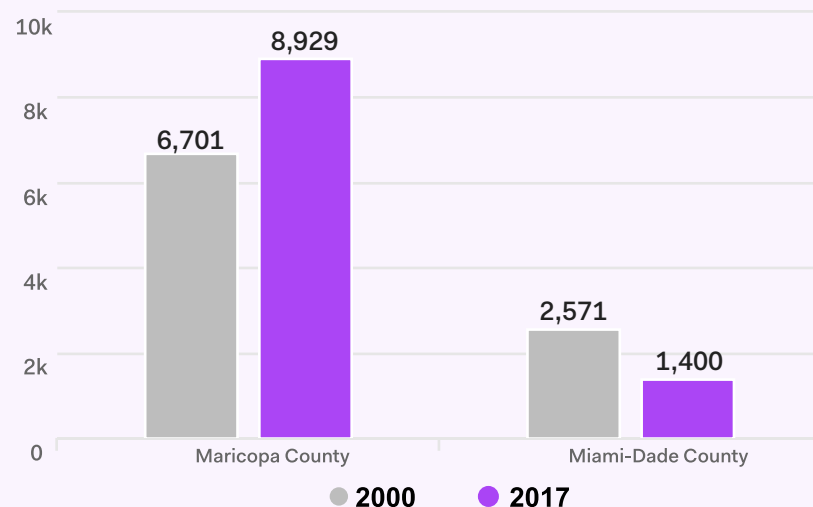
Other large urban counties with similar crime rates and demographics may provide better comparisons. Miami-Dade County has 2.75 million residents and, like Maricopa, encompasses multiple municipalities.¹⁴ The two Metropolitan Statistical Areas have a similar crime rate (approximately 3,500 reported crimes per 100,000 people in Miami-Dade compared to 3,300 for Maricopa). The counties also have a similar age distribution (20 percent under age 18 and 16 percent over age 65 compared to 24 percent and 15 percent respectively) and poverty level (18 percent living under the poverty line compared to 15 percent).¹⁵ Miami-Dade has a higher foreign-born population and a higher Hispanic population than Maricopa but both are well over the national average.

As importantly for the purposes of this report, Florida and Arizona have similar sentencing and corrections systems. They are two of only three states in the country where nearly every person sentenced to prison has to serve at least 85 percent of their sentence behind bars.¹⁶

Even though Miami-Dade and Maricopa are similar in many ways, they are very different in how they use state prison and how that use has changed over time. Since 2000, Maricopa has increased the number of people it sends to prison by 33 percent, while Miami-Dade has decreased the number of people it sends to prison by 46 percent.¹⁷ Today, Miami-Dade, a county almost two-thirds the size of Maricopa, sends only 16 percent as many people to state prison (1,400 compared to 8,929).

Maricopa sends six times as many people to prison as Miami-Dade and increased admissions to state prison by 33 percent while prison admissions from Miami-Dade have fallen 46 percent.

Prison Admissions, Maricopa and Miami-Dade Counties, FY2000 vs. FY2017



Source: Florida Department of Corrections Annual Statistical Report

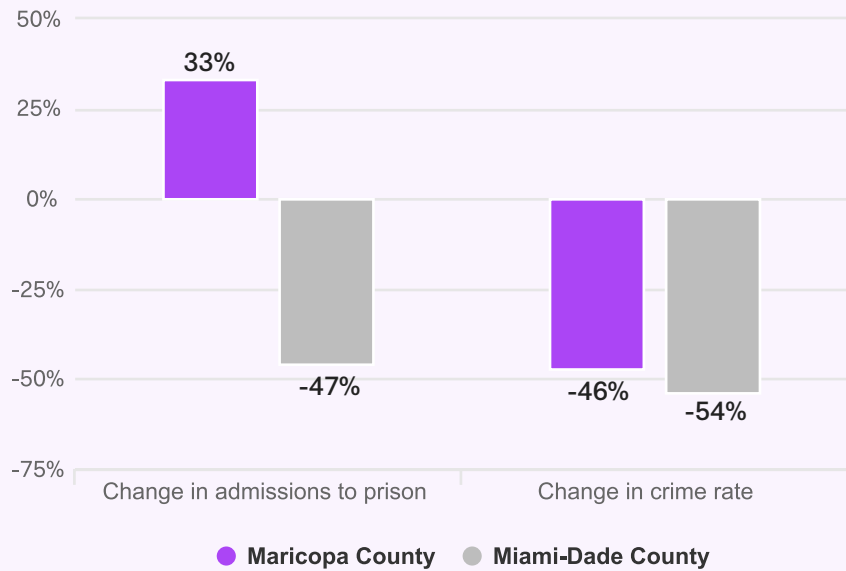
Another way to examine prison use in Maricopa and Miami-Dade is through the admissions rate. In 2017, Maricopa sent 20.7 people to state prison for every 10,000 residents, compared to only 5.1 in Miami-Dade, or more than 4 times as many people per capita.

While both counties have seen substantial reductions in crime, Miami-Dade did it without sending more people to prison. In fact, Miami-Dade experienced a greater reduction in crime from 2000 to 2016 — 54 percent — compared to a 47 percent decline in Maricopa.¹⁸

Miami-Dade is not unique in this way. As shown in the first report in this series, 32 states across the country have experienced major declines in both crime and imprisonment in the last 10 years, while Arizona lags behind.¹⁹ Within these states, many large metropolitan areas are taking the lead in rethinking their use of prison and jails, including Harris County, Texas, New Orleans, Louisiana and Charleston County, South Carolina.²⁰

Rising prison admissions did not result in better public safety for Maricopa; crime has fallen more in Miami-Dade.

Change in Prison Admissions, FY2000 vs. FY2017; Change in Reported Index Crime Rate, 2000 vs. 2016

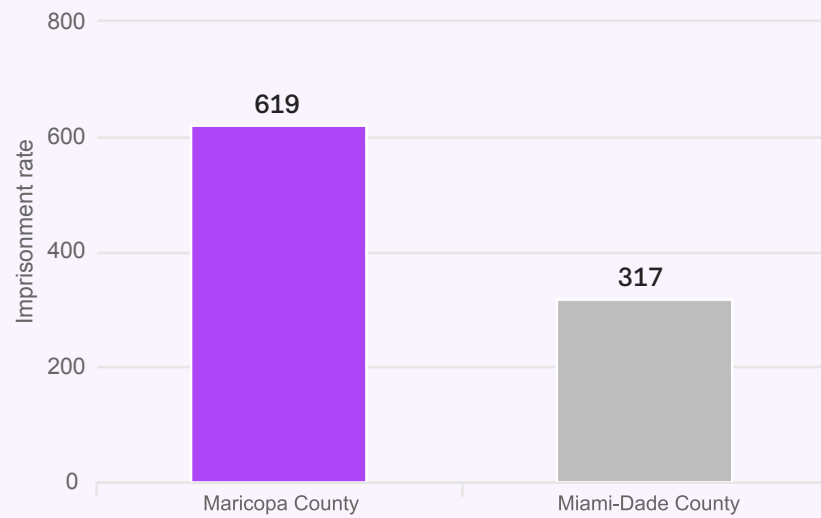


Source: Florida Department of Corrections Annual Statistical Report; Uniform Crime Reporting Program

The number of people in state prison per 100,000 residents is a measure of how much a jurisdiction uses prison compared to other sentencing options. Unlike admissions figures, it includes many people serving long sentences who may have been sentenced in the past. Even using this more stable measure, Maricopa imprisons almost twice as many people per capita as Miami-Dade.²¹

Overall, Maricopa has twice as many people in state prison per capita as Miami-Dade.

Imprisonment Rate (State Prisoners per 100,000), Maricopa vs. Miami-Dade, 2017



Source: Florida Department of Corrections Annual Report

Racial and ethnic disparities

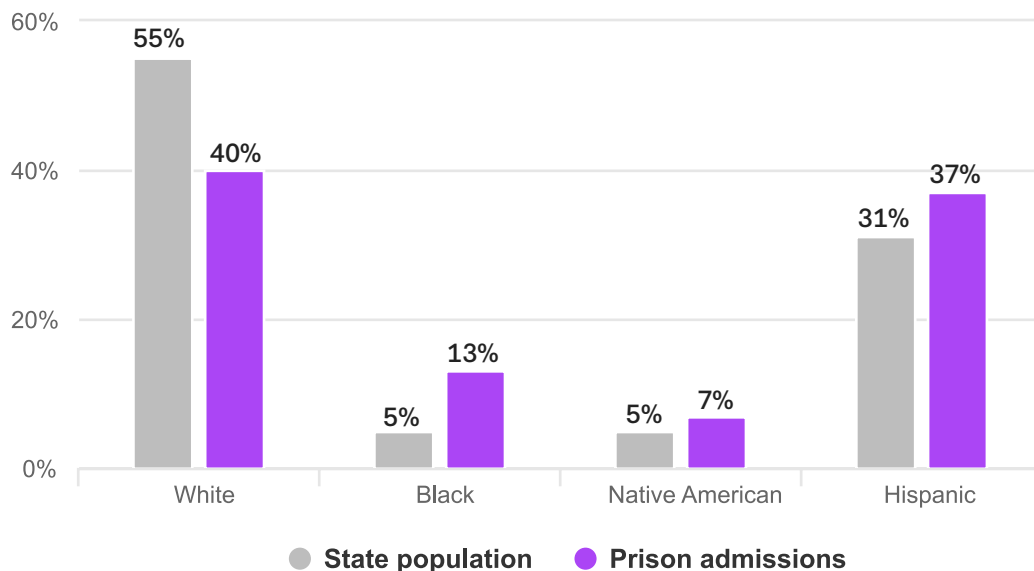
Communities of color experience imprisonment at higher rates than white people in Arizona. This is a problem for Arizona — and a problem nationally.²² In Arizona, communities of color are both disproportionately sentenced to prison, and, in some circumstances, spend longer periods behind bars. These disparities cannot be justified by differences in offense rates. Nationally, criminologists have studied this question for decades, and the most recent study found that a large portion — 45 percent — of racial disparities in imprisonment are not the result of racial disparities in arrest rates.²³ Instead, at numerous points within the criminal justice system, from prosecution to conviction, researchers have identified instances of biased policies, practices, and decision-making.²⁴ Disparities in who is sent to prison for drug crimes are particularly concerning. Drug use is similar across races, but communities of color are imprisoned at far higher rates.²⁵

While these racial and ethnic disparities exist statewide, the scale of disparity often varies depending on where people live. The second half of this section will examine how racial disparities operate at the county level.

In 2017, Hispanic people comprised 31 percent of Arizona's state population but 37 percent of people admitted to prison. Black people were over-represented at an even higher rate, comprising five percent of the state population but 13 percent of prison admissions. According to these state prison figures, the percentage of Native Americans admitted to prison is roughly equivalent with the number of Native Americans in the state general population. However, these numbers likely do not represent the full range of Native American incarceration in Arizona since crimes committed on reservation land would likely be prosecuted and incarcerated under tribal or federal jurisdiction.

Hispanic and black people are disproportionately represented in Arizona's prison admissions.

Arizona Prison Admissions vs. Arizona State Population, by Race and Ethnicity, FY2017

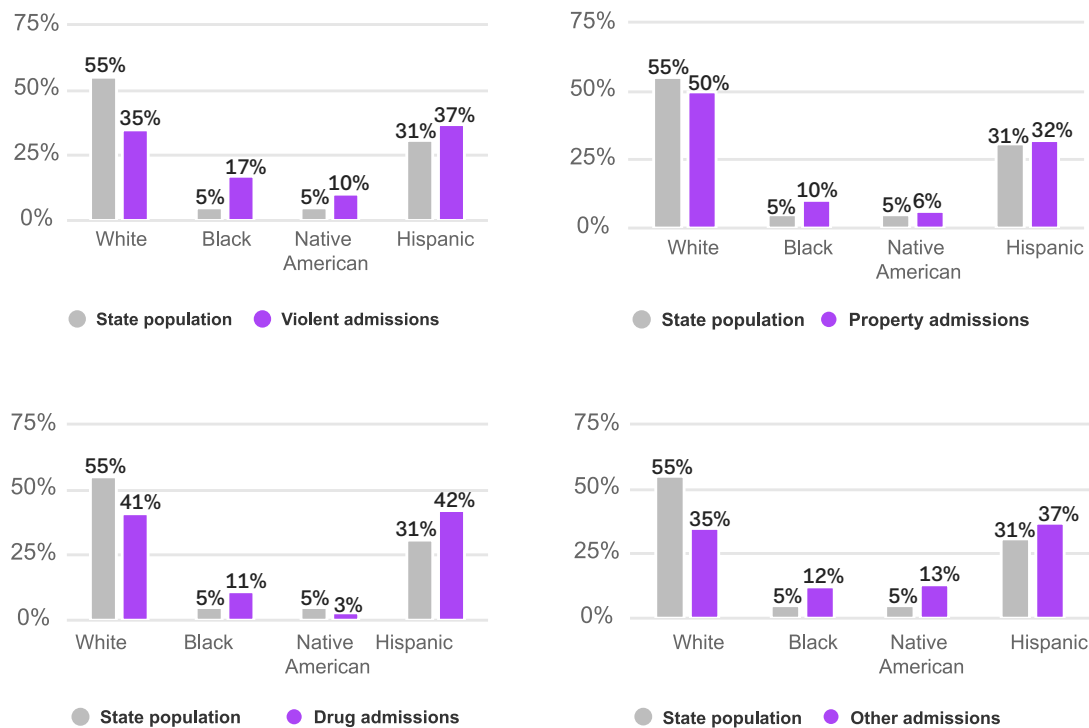


Source: Census Bureau, Population Estimates July 1, 2017

These racial disparities exist across most offense types, though to varying degrees. White people are much less likely to be admitted to prison for drug offenses or violent offenses than their share of the population, while Hispanic people are much more likely to be admitted to prison for drug offenses. Native Americans are disproportionately admitted to prison for offenses in the “Other” category, primarily for driving under the influence (DUI). In 2017, Native Americans made up 19.5 percent of prison admissions for DUI although they make up only five percent of the state’s population. Black people make up five percent of the state’s population but 17 percent of the state’s prison admissions for violent crime, driven largely by aggravated assault and armed robbery.

Racial and ethnic disparities exist across all offense types in Arizona prison admissions.

Arizona Prison Admissions by Offense Type vs. Arizona State Population, by Race and Ethnicity, FY2017



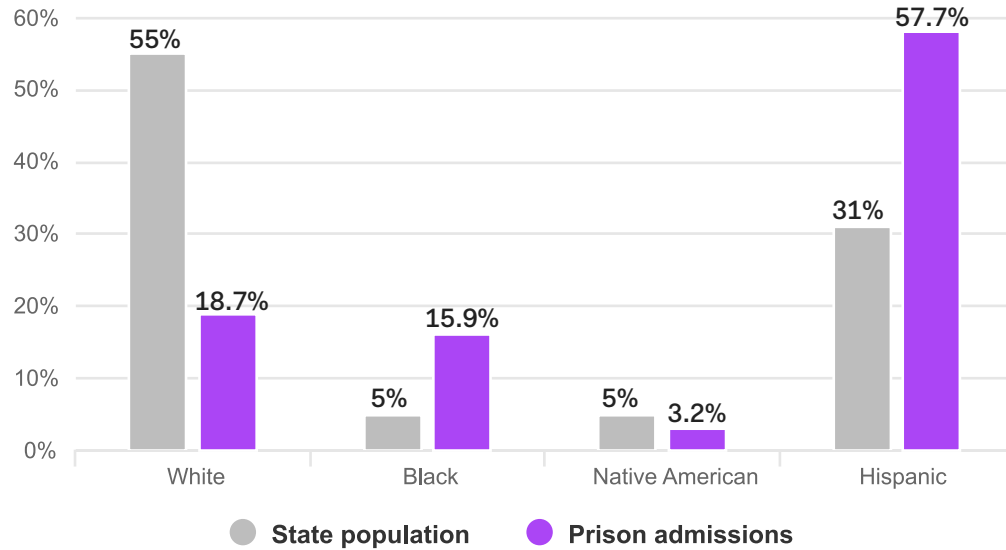
Source: Census Bureau, Population Estimates July 1, 2017

Hispanic and black people are most overrepresented among those in prison for one of the least serious crimes – simple possession of marijuana. Hispanic people comprise 31 percent of Arizona’s resident population and 32 percent of arrests for marijuana possession, but almost 60 percent of the people admitted to prison for that crime.²⁶ Black people are five percent of the general population, but three times that share – 16 percent – of the people sent to prison for marijuana possession.

This is particularly concerning since research has consistently shown that marijuana use is similar among white people and people of color.²⁷

Fifty-eight percent of people admitted to prison in Arizona for marijuana possession are Hispanic, almost double the share of the general population.

Prison Admissions for Marijuana Possession vs. Arizona State Population, by Race and Ethnicity, FY2013-FY2017

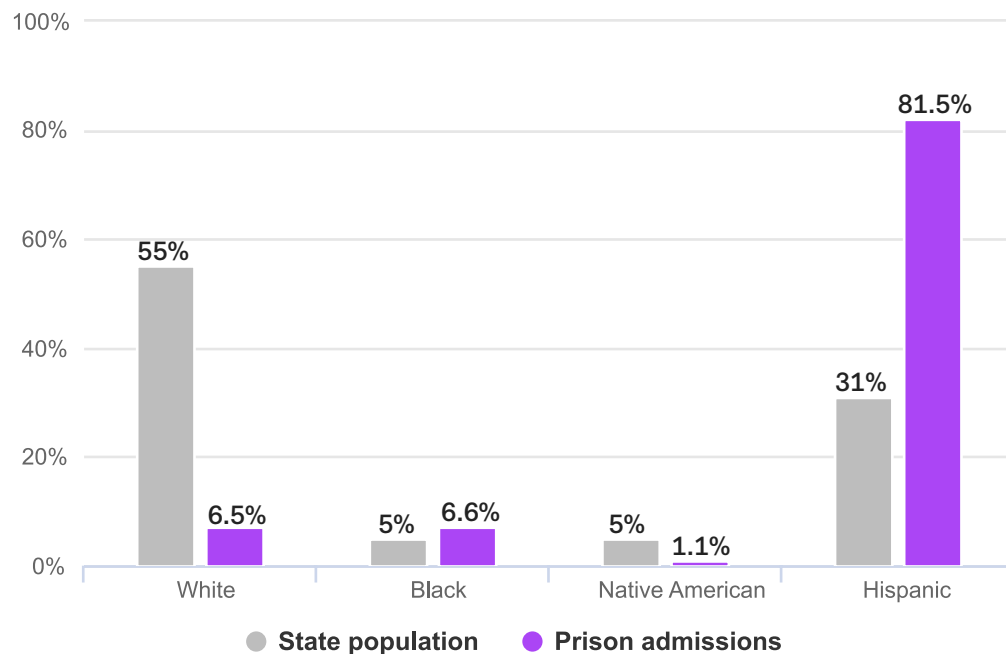


Source: Census Bureau, Population Estimates July 1, 2017

There are also significant racial and ethnic disparities for marijuana distribution offenses. Hispanic people comprise just under one-third of the general population and 42 percent of arrests for marijuana distribution, but over 80 percent of people sent to prison for marijuana distribution.²⁸

Hispanic people are severely overrepresented among people admitted to prison for marijuana distribution in Arizona.

Prison Admissions for Marijuana Distribution vs. Arizona State Population, by Race and Ethnicity, FY2013-FY2017

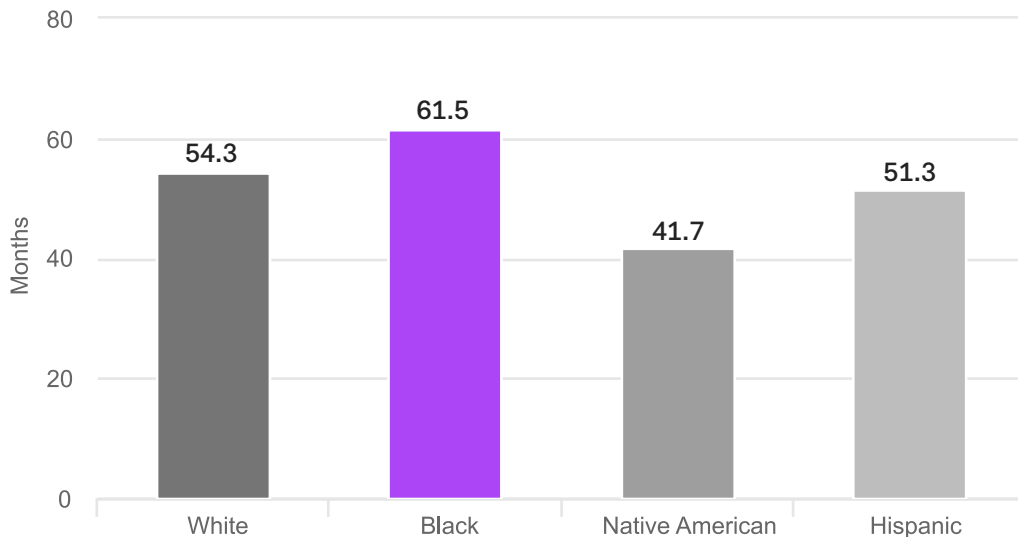


Source: Census Bureau, Population Estimates July 1, 2017

In addition to stark disparities in terms of who is sent to prison, there are also differences in how long people spend in prison by race and ethnicity. On average, black people sentenced to prison in Arizona receive the longest sentences (62 months compared to 54 months for white people and 51 months for Hispanics). Even when controlling for gender, offense type, and the number of prior felonies, black people still receive the longest average sentences.

Black people receive the longest average prison sentences in Arizona.

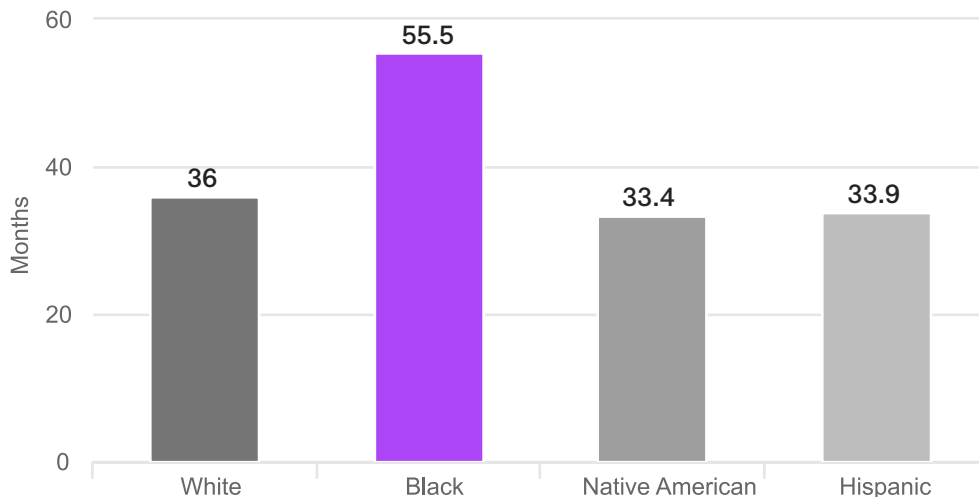
Mean Sentence Length by Race and Ethnicity, Arizona New Prison Sentences, FY2017



Sentence length disparities are particularly acute for some offenses. The average prison sentence for people convicted of simple possession was 36 months. For black people sentenced to prison for simple drug possession, the average sentence was 56 months, or more than a year and a half longer.

Black people receive prison sentences that are more than 50 percent longer than white people for drug possession in Arizona.

Mean Sentence Length for Drug Possession by Race and Ethnicity, Arizona New Prison Sentences, FY2017

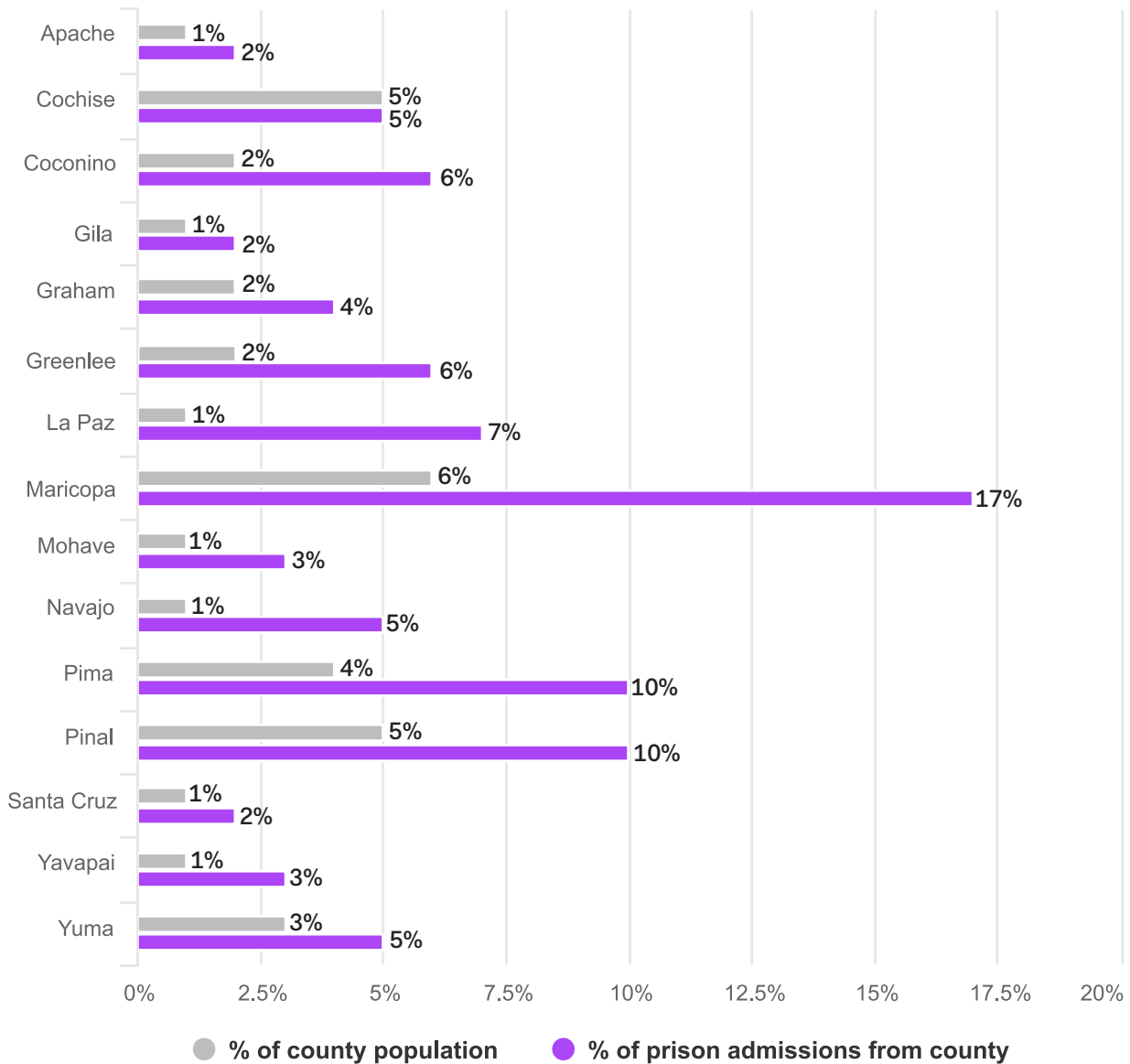


This is almost certainly driven by differences in the use of sentencing enhancements. In 2017, 28 percent of eligible black people sentenced to prison for drug possession received a “repetitive offender” enhancement versus 18 percent of white people. This comports with research showing that black people are more likely than white people to be prosecuted under habitual offender statutes, controlling for criminal history and crime type.²⁹

Across all but one county in Arizona, black people are disproportionately admitted to prison, though the issue is greater in some counties than others (Cochise County is the exception). In five of the 15 counties, black people make up more than three times as high a share of prison admissions as they do of the general population. In La Paz, black people account for seven percent of prison admissions but only one percent of the county population. Even in the state's largest county, Maricopa, black people make up 17 percent of prison admissions from the county but only six percent of the county population.

Almost all Arizona counties disproportionately send black people to prison.

Percent of Black New Court Commitments to Prison vs. County Population, FY2017

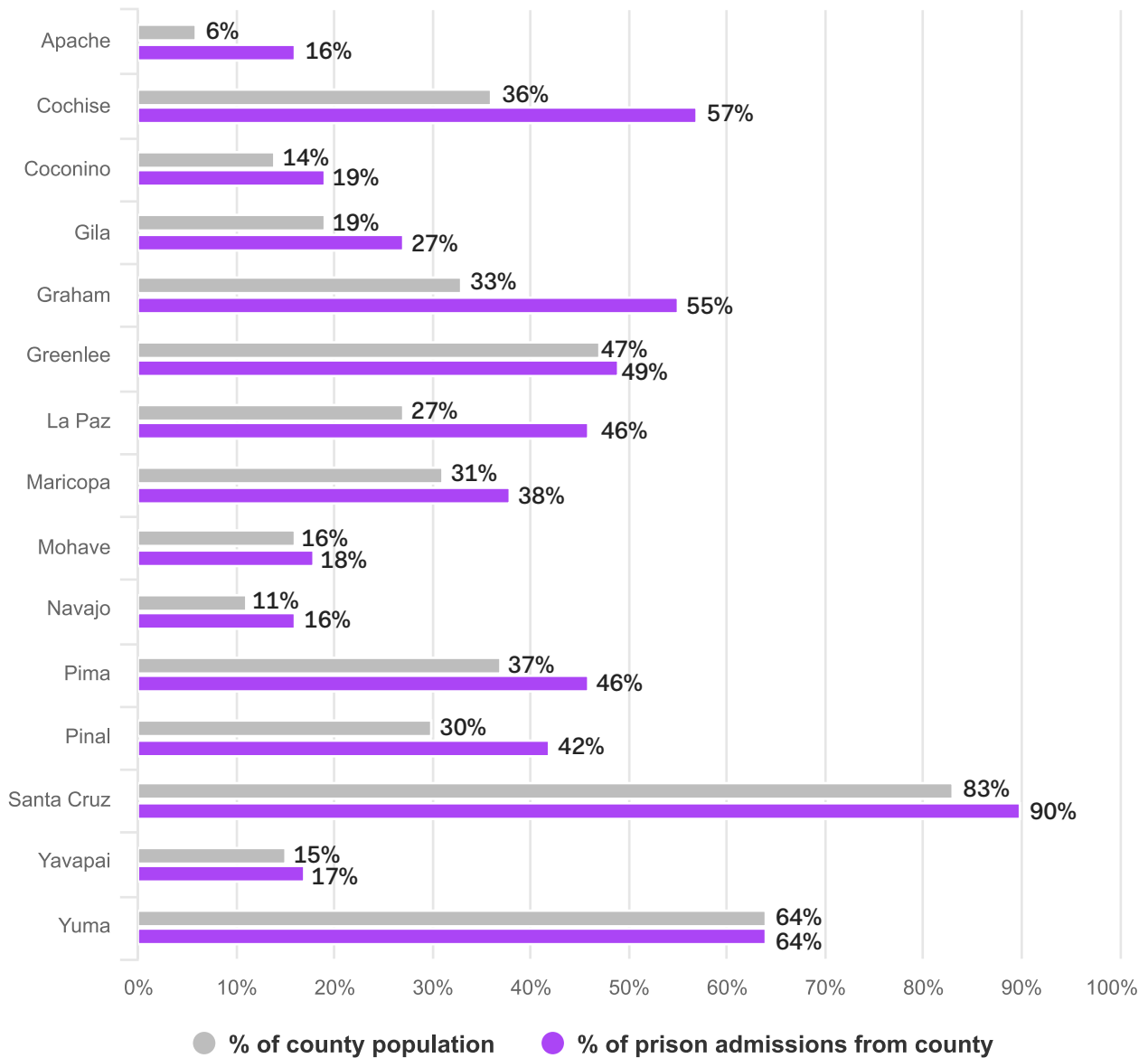


Source: Census Bureau, Population Estimates July 1, 2017

Hispanic people are disproportionately sent to prison in all but one Arizona counties — Yuma. The largest disparities are in the predominantly rural Apache, Cochise, Graham, La Paz, and Navajo county.

Rural counties in Arizona are more likely to disproportionately send Hispanic people to prison.

Percent of Hispanic New Court Commitments to Prison in Arizona vs. County Population, FY2017



Source: Census Bureau, Population Estimates July 1, 2017

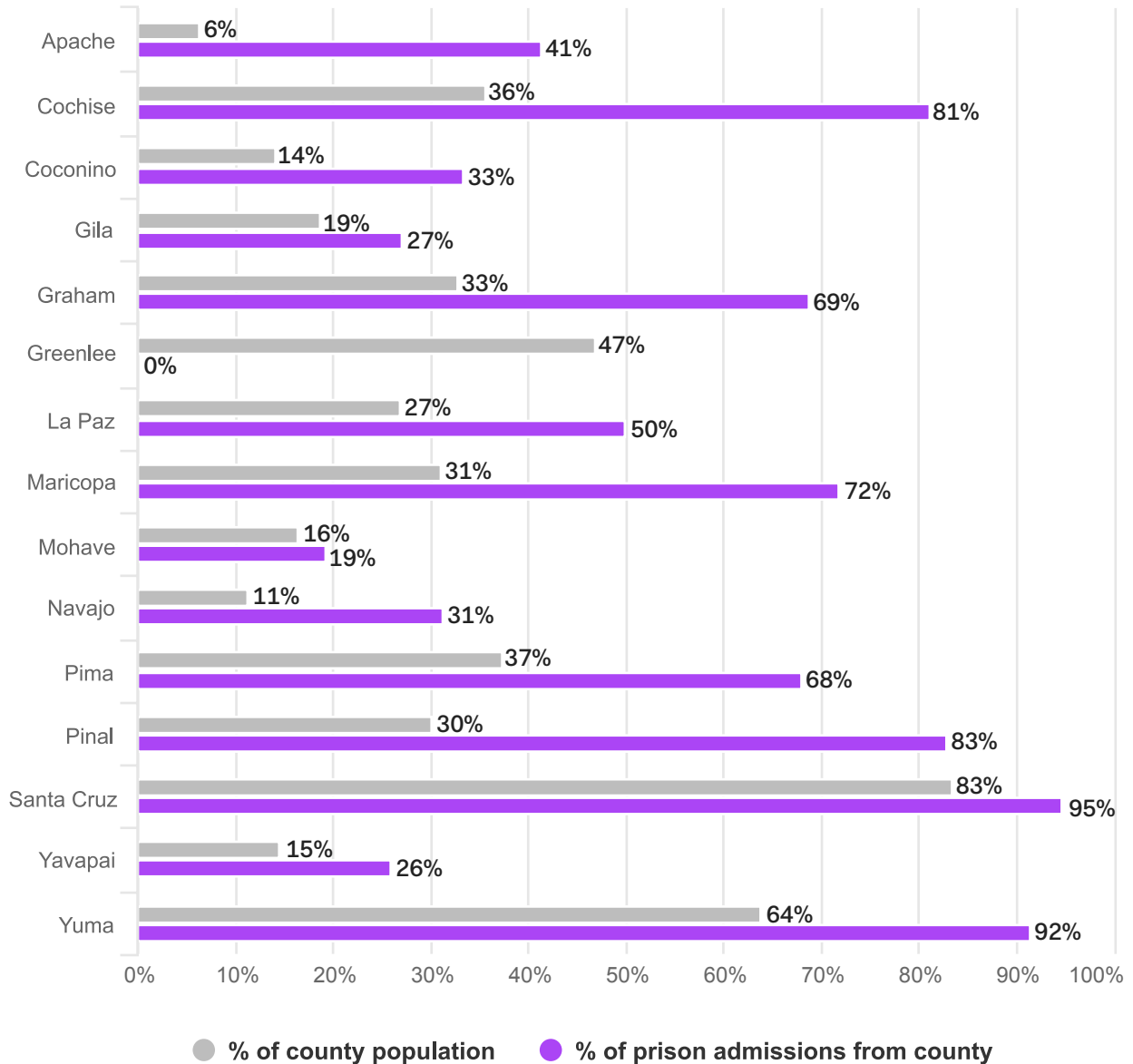
While Hispanic people across Arizona are overrepresented among those sent to prison for drug distribution, there are particularly significant disparities in a handful of counties. In Apache, Cochise, Coconino, Graham, Maricopa, Navajo, and Pinal counties, Hispanic people are more than twice as likely to go to prison for drug distribution. For instance in Apache, Hispanic people make up six percent of the population but 41 percent of people sentenced to prison for drug distribution. In some small counties, disparities may be driven by one-time events or enforcement actions. However, in Maricopa, where the size of the population makes this

unlikely, Hispanic people make up 72 percent of people sentenced to prison for drug distribution and only 31 percent of the county population.

This is despite the fact that Hispanic people are overall no more likely to be arrested for distribution in Arizona than any other group (making up 33 percent of distribution arrests but 31 percent of the population).³⁰

There are particularly large disparities in the number of Hispanic people sent to prison for drug distribution in Arizona.

Percent of People Sentenced to Prison for Drug Distribution Who Are Hispanic vs. County Population, FY2013-FY2017



Source: Census Bureau, Population Estimates July 1, 2017

Conclusion

Arizona has an imprisonment crisis — but it is not experienced uniformly. The problem is concentrated in some communities far more than others. This includes many rural communities that send people to prison at a high rate, as well as Maricopa, which sends people to prison with the longest average sentence of any county in the state. Communities of color are particularly impacted by this crisis. Black and Hispanic people are disproportionately sent to prison across most crime types, and black people receive the longest average sentences in Arizona.

These findings highlight the need to begin a conversation in Arizona around reforming the state's prison population and, importantly, to ensure that all communities can engage in that discussion. Imprisonment is not only a function of statewide choices and statewide policies — much of it is determined by local practitioners. For Arizona to make meaningful reductions to its prison population, all of its diverse communities need to be consulted.

Methodology

Unless otherwise cited, the analyses in this report were conducted by FWD.us using individual-level data acquired from the Arizona Department of Corrections (ADC) covering over 30 years and nearly half a million records. Data was cleaned and coded for analysis by researchers and statisticians with extensive experience working with federal, state, and local corrections agencies across the country.

Data Used

The analysis relied on two primary datasets:

- Records of all prison admissions from July 1985–June 2017 (or FY86-FY17) (N=464,641)
- A snapshot of the prison population on June 30, 2017 (N=49,848)

An ADC codebook was provided for these datasets. Whenever possible, the label or definition provided in the codebook was used in this report. A few exceptions where labels were changed or consolidated for clarity are noted below.

Unless otherwise specified, all analysis is based on fiscal years running from July 1–June 30.

Cleaning and Data Definitions

Twenty cases were dropped from the admissions file because of key missing or incomprehensible information, including birth dates indicating that an individual was younger than 14 at admission and or missing/incorrectly coded movement types. This left 464,426 records for analysis.

These records were coded into four admission categories using the variables ADMIT_MOVETYP and ADMIT_REASON:

1. **New prison sentence**, comprising all admission movements labeled as “first commitment” or “recommitment” except for those with a reason code of “technical violation,” as well as admission movements labeled as “sentenced to prison as a condition of probation” for admission reason “new felony conviction.”
2. **Probation revocation**, comprising all admission movements labeled as “first commitment — probation revocation” or “recommitment — probation revocation” for all reason codes.
3. **Community supervision revocation**, comprising all admission movements labeled “absconder from community supervision,” “return from community supervision,” or “community supervision revocation” for all reason codes.
4. **Other**, comprising admission movements labeled as “temporary placement-community supervision violation,” “sentenced to prison as a condition of probation” for reasons other than new conviction, “return from escape,” “transfer from another institution,” “violation of Drug Transition Program supervision,” “released in error return,” and “return from deportation.”

All admissions in the “other” category were excluded from admission counts in this report because these were not considered to be new admissions to prison. According to this rule, 51,813 records were excluded or approximately 1,500 per year of data. The vast majority of these records (47,347) were for temporary placement for community supervision violations. These were excluded because they could be duplicative of community supervision revocations which were included in the counts, for instance if someone was temporarily placed in DOC custody pending a revocation hearing and then later revoked. The median time spent in prison for this group was 3.5 months.

County-level information is based on an ADC variable ("ADMIT_FROMLOC") identifying the jurisdiction an individual "came from" according to the codebook provided. The codebook further notes that this generally means the county of conviction. Individuals coming from jurisdictions outside of Arizona were excluded from this analysis.

Information on the race and ethnicity of individuals admitted to ADC custody comes from the ADC variable "RACE." The values in this variable included both racial and ethnic groups and does not distinguish by race within ethnic groups (that is, it does not distinguish between "white/Hispanic" and "black/Hispanic" for example). The names of the groups were re-coded to match general population data more closely ("Caucasian" in the ADC variable was coded as "white," "African-American," as black, etc.). This variable does not include information on people with multiple ethnicities.

Offense Hierarchy

Every record in the admissions cohort could have up to 10 offenses listed related to a current or prior admission. If there were multiple offenses associated with a single admission these offenses were compared and ranked using the following rules in order to define a most serious offense for each record.

If the admission lists a murder offense with an unexpired sentence, the murder offense was always counted as most serious and overrode any other selection rules. Otherwise, the most serious offense was identified based on the following rules:

- Any offense listed that had an expired sentence (the sentence ended before the prison admission date) was excluded for new prison sentence admissions and probation revocation admissions. Expired sentences were included for community supervision revocations and other irregular admissions where the governing offense may otherwise appear expired, given the possibility a sentence may have been extended.
- 'Violent offense' and 'dangerous offense' flags were generated for all offenses
 - The 'violent offense' flag indicates offenses committed against a person
 - The 'dangerous offense' flag indicates individuals sentenced as 'dangerous' under A.R.S. § 13-704
- Offenses were coded into "offense groupings" using National Crime Information Center (NCIC) offense codes and input from in-state stakeholders. For instance, all assault crimes were included in one group, all burglary crimes were included in one group, and so forth.
- The offense related to a person's current admission with the highest offense type using National Crime Information Center codes was initially selected as the most serious.
- If the admission had two or more offenses with the same offense grouping, the offense with the most flags (indicating dangerous or violent) was selected as the most serious offense. For example, an offense with two flags was selected as more serious than an offense with one flag.
- Because of the use of the "violent" flag, at this point any violent offense would have been selected above any non-violent offense.
- If the admission had two or more offenses with the same offense grouping and an equal number of flags, and the offenses were non-violent, the offense with the highest felony class was selected.
- If the admission had two or more offenses with the same offense grouping, an equal number of flags, and the same felony class, and the offenses were non-violent, the offense with the longest sentence was selected.

Using this offense hierarchy, any individual with a violent, unexpired crime related to their current admission would have that violent crime listed as their most serious offense.

For non-violent offenses, ranking is largely driven by felony class. For instance, an individual with a drug possession offense (class 4) and a drug paraphernalia crime (class 6) would have the drug possession offense listed as their most serious.

However someone who had a drug possession offense (class 4) and an aggravated assault offense (class 5) would be listed under aggravated assault because of the use of the offense groupings and violent flags.

The same offense hierarchy was used in the snapshot population file, although each record contained up to three offenses instead of up to 10.

In cases where an individual had an enhancement related to one offense but not all offenses on the individual's record, this enhancement was reported even if it was related to an offense other than the most serious offense. In particular, a flag was created to note when an individual had any conviction for a "repetitive offender" enhancement related to the current admission, whether or not that enhancement was on the individual's most serious crime.

Definition of Violence

Arizona does not have an official, statutory definition of crimes of violence. It does have a "dangerous offense" enhancement, but this enhancement is used irregularly, even among crimes that are commonly defined as violent such as aggravated assault. Offenses were therefore coded as violent if they ever were associated with a "dangerous" enhancement, if they fit into one of the [NCIC](#) codes defined as "violent", or if partners in state identified them as violent crimes.

Crimes defined as violent include murder, kidnapping, sexual assault, assault, any sexual conduct with a minor, sex trafficking, robbery, endangerment, threatening or intimidating, discharge of weapons or explosives, arson, racketeering or assisting a criminal syndicate or street gang, extortion, first degree burglary, first degree escape, riot, terrorism, domestic violence, traffic offenses resulting in injury or death, and other related offenses.

Criminal History

FELONY1, FELONY2, and FELONY3 are identified in the file codebook ("CODEBOOKAPAAC") as the "number of prior adult felony convictions." There is no indication of which variable (1, 2, or 3) represents the most recent data for each observation. In some cases, this felony history variable indicates the individual admitted has zero prior felony convictions, despite having prior admissions to ADC since 1985. To overcome these deficiencies, a measure was constructed combining prior ADC admissions, expired sentences related to an individual ADC number, and prior felonies reported in these variables.

An individual is counted as having no prior felony convictions if he or she has not been admitted to ADC custody previous to the current admission, has 0 reported in FELONY1, FELONY2, and FELONY3, and has no offenses listed on their current record that expired before the current admission. If a record was missing data in FELONY1, FELONY2, or FELONY3, that individual was counted as having a felony record. These prior felony records may not include felonies committed in other states.

Sentence Length

The admissions file did not include full sentence length related to an individual's prison admission. It did

include sentence length related to each offense on that admission record and an indicator of whether sentences were served consecutively or concurrently. Full sentence length was calculated for each record using the following rules:

- For admissions with only one current offense, the full sentence is equal to the sentence for that offense.
- For admissions with multiple current offenses to be served concurrently, the full sentence is equal to the longest sentence related to any offense on their current record.
- For admissions with two offenses, to be served consecutively, the full sentence is equal to the sum of the two offense-related sentences.
- For records with more than two consecutive sentences, sentence length was excluded from summary statistics.

Using these assumptions, full sentence length was calculated for approximately 458,000 out of 464,000 records. Leaving out sentences with more than two sentences to be served consecutively (approximately 6,000 records) makes these estimates slightly downwardly biased, but this was determined to be the most conservative approach.

Life and death sentences were included in summary statistics with values of 40 and 50 years respectively.

Researchers

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ENDNOTES

1. Jeffrey Fagan and Valerie West, "Incarceration and the Economic Fortunes of Urban Neighborhoods," Columbia Public Law Research Paper No. 11-266 (2014), https://papers.ssrn.com/sol3/papers.cfm?abstract_id=1772190; Vera Institute of Justice, *On Life Support: Public Health in the Age of Mass Incarceration* (2014), https://storage.googleapis.com/vera-web-assets/downloads/Publications/on-life-support-public-health-in-the-age-of-mass-incarceration/legacy_downloads/on-life-support-public-health-mass-incarceration-report.pdf; Mindy Herman-Stahl, Marni L. Kan, and Tasseli McKay, "Incarceration and the Family: A Review of Research and Promising Approaches for Serving Fathers and Families," report submitted to the U.S. Department of Health and Human Services (2008), <https://aspe.hhs.gov/report/incarceration-and-family-review-research-and-promising-approaches-serving-fathers-and-families>.
2. Mark L. Hatzenbuehler, Katherine Keyes, Ava Hamilton, Monica Uddin, and Sandro Galea, "The Collateral Damage of Mass Incarceration: Risk of Psychiatric Morbidity Among Nonincarcerated Residents of High-Incarceration Neighborhoods," *American Journal of Public Health* 105 (2015): 138 - 143, <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4265900/>.
3. Sarah Childress, "Clear: Why America's Mass Incarceration Experiment Failed," *Frontline*, April 29, 2014, <https://www.pbs.org/wgbh/frontline/article/todd-clear-why-americas-mass-incarceration-experiment-failed/>.
4. Unless otherwise noted, all Arizona prison figures cited in this report use data from the Arizona Department of Corrections according to the standards set forth in the methodology section.
5. Unless otherwise noted, all Arizona county population figures cited in this report use data from the United States Census Bureau, available at <https://www.census.gov/>. Rural counties include Apache, Gila, Graham, Greenlee, La Paz, Navajo, and Santa Cruz. Rural designations based on U.S. Office of Management and Budget definitions.
6. For a full breakdown of non-violent admissions rates by county, please see the web report, available at fwd.us/AtWhatCost.
7. Arizona Prosecuting Attorneys' Advisory Council, "Annual Report of Deferred Prosecution Programs per A.R.S. §11-362," (2018), <https://www.apaac.az.gov/resource-files/category/364-deferred-prosecution-programs-2017-2018>.
8. Arizona Judicial Branch, "Drug Courts," <https://www.azcourts.gov/apsd/Drug-Courts>.
9. Arizona Prosecuting Attorneys' Advisory Council, "Annual Report of Deferred Prosecution Programs per A.R.S. §11-362" (2017-2018).
10. For breakdowns of number of admissions, admissions rate, and percent of admissions growth due to county across all four offense types (violent, drug, property, and other), please see the web report, available at fwd.us/AtWhatCost.
11. To see the first report, *Arizona's Imprisonment Crisis: The High Price of Prison Growth*, please visit <https://www.fwd.us/news/arizona-imprisonment-crisis-part-1/>.
12. The Pew Charitable Trusts, *Time Served: The High Cost, Low Return of Longer Prison Terms*

- (2012), https://www.pewtrusts.org/~media/legacy/uploadedfiles/wwwpewtrustsorg/reports/sentencing_and_corrections/prisontimeservedpdf.
13. A.R.S. § 13-703(A).
 14. United States Census Bureau, *U.S. Census Bureau QuickFacts: Miami-Dade County, Florida* series, <https://www.census.gov/quickfacts/fact/table/miamidadecountyflorida/POP060210>; United States Census Bureau, *U.S. Census Bureau QuickFacts: Maricopa County, Arizona* series, <https://www.census.gov/quickfacts/fact/table/maricopacountyarizona/PST045217>.
 15. Federal Bureau of Investigation, "Crime in the United States 2017," <https://ucr.fbi.gov/crime-in-the-u.s/2017/crime-in-the-u.s.-2017>; United States Census Bureau, *U.S. Census Bureau QuickFacts: Miami-Dade County, Florida* series; United States Census Bureau, *U.S. Census Bureau QuickFacts: Maricopa County, Arizona*.
 16. American Friends Service Committee, *A New Public Safety Framework for Arizona: Charting a Path Forward* (2017), <https://afscarizona.files.wordpress.com/2014/03/a-new-public-safety-framework-for-arizona-december-2016.pdf>
 17. Florida Department of Corrections, Annual Statistical Reports, <http://www.dc.state.fl.us/pub/index.html>
 18. Florida Department of Corrections, Annual Statistical Reports; Federal Bureau of Investigation, *Uniform Crime Reporting program*, <https://ucr.fbi.gov>
 19. To see the first report, *Arizona's Imprisonment Crisis: The High Price of Prison Growth*, please visit <https://www.fwd.us/news/arizona-imprisonment-crisis-part-1/>.
 20. Ted Gest, "How much can Houston cut its jail population?" *The Crime Report*, July 23, 2018, <https://thecrimereport.org/2018/07/23/how-much-can-houston-cut-its-jail-population/>; Matt Sledge, "New Orleans jail population cut in half: Here's how trend can continue, Landrieu's office says," *The New Orleans Advocate*, April 24, 2018; https://www.theadvocate.com/new_orleans/news/courts/article_0f3d3c3c-4755-11e8-b58d-5f5a2ece5825.html; Arthur Rizer and Alyse Ullery, "Commentary: How Charleston County is using data to cut jail populations," *The Post and Courier*, September 4, 2018, https://www.postandcourier.com/opinion/commentary/commentary-how-charleston-county-is-using-data-to-cut-jail/article_9ffd8966-b073-11e8-a6ff-a7d897c0d081.html.
 21. Florida Department of Corrections, Annual Statistical Reports.
 22. The Sentencing Project, *The Color of Justice: Racial and Ethnic Disparities in State Prisons* (2016), <https://www.sentencingproject.org/wp-content/uploads/2016/06/The-Color-of-Justice-Racial-and-Ethnic-Disparity-in-State-Prisons.pdf>.
 23. National Research Council, *The Growth of Incarceration in the United States: Exploring Causes and Consequences* (2014), <https://www.nap.edu/read/18613/chapter/5#93>.
 24. Ibid.
 25. Substance Abuse and Mental Health Services Administration, *Results from the 2013 National Survey on Drug Use and Health: Summary of National Findings* (2014), <https://www.samhsa.gov/data/sites/default/files/NSDUHresultsPDFWHTML2013/Web/NSDUHresults2013.pdf>.

26. Arizona Department of Public Safety, *Crime in Arizona 2017* (2018), http://www.azdps.gov/sites/default/files/media/FINAL_Crime_in_Arizona_2017.pdf.
27. American Civil Liberties Union, *The War on Marijuana in Black and White* (2013), https://www.aclu.org/sites/default/files/field_document/1114413-mj-report-rfs-rel1.pdf.
28. Arizona Department of Public Safety, *Crime in Arizona 2017* (2018).
29. Charles Crawford, Ted Chiricos, and Gary Kleck, "Race, Racial Threat, and the Sentencing of Habitual Offenders," *Criminology* 36 (1998): 481-512, <https://onlinelibrary.wiley.com/doi/abs/10.1111/j.1745-9125.1998.tb01256.x>.
30. Arizona Department of Public Safety, *Crime in Arizona 2017* (2018).



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