

The Impact of Arizona's Probation Reforms

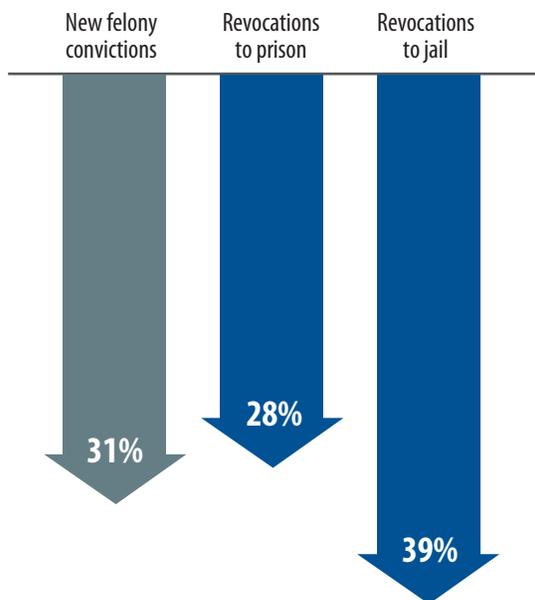
An analysis of trends in Arizona's prison system in 2008 estimated that the inmate population would increase by 50 percent in a decade and result in the need to construct and operate 17,000 new prison beds at a cost of \$2 billion to \$3 billion.¹ Facing such an ominous forecast, Arizona policy makers, with support from the Pew Center on the States and the Bureau of

Justice Assistance, invited the Council of State Governments Justice Center and Pew to examine the drivers of the state's prison growth and institute a justice reinvestment approach that would recommend evidence-based reforms to protect public safety, hold offenders accountable and control corrections costs.

The analysis identified high rates of probation failures as an important contributor to the growth in the prison population. Arizona was spending about \$100 million a year sending more than 4,000 probationers to prison for violations of the terms of their supervision.² Nearly 8 in 10 were property or drug offenders, and substance use was a factor in almost half of the cases.³

Arizona Probation Outcomes 2008-2010

A wide array of reforms has reduced new crimes by probationers and saved taxpayers up to \$36 million.



SOURCE: Arizona Administrative Office of the Courts, Adult Probation Services Division.

Safe Communities Act of 2008

In response to the analysis and recommendations, the Arizona legislature passed the Safe Communities Act, a bipartisan measure sponsored by State Senator John Huppenthal (R).⁴ The Act helped focus probation supervision on high-risk offenders and created incentives for county probation agencies to reduce crime and violations rather than revoke offenders into state custody.

The bill was passed in June 2008 and went into effect on December 31, 2008.

Earned Time Credits

Focusing supervision on high-risk offenders was accomplished by creating earned time credits for most probationers who comply with the terms of their supervision. Under the law, offenders earn 20 days off of their probation term for every month that they meet all of their obligations, including payment of victim restitution if it was ordered.⁵ The earned credits are lost if a probationer is arrested.⁶ This policy not only permits probation officers to concentrate their efforts on the most difficult probationers, but it also encourages probationers to comply with the terms of their supervision.

Performance Incentive Funding

The second component of the legislation, performance incentive funding, awards

counties that reduce their probation revocations up to 40 percent of the savings that the state achieves by not having to incarcerate revoked offenders.⁷ The counties are required to reinvest the incentive funds back into community supervision, substance abuse treatment and services for victims of crime.⁸ Counties are not eligible for the incentive funding if there is an increase in their rate of new felony convictions.⁹ Due to the state's budget shortfall, no performance incentive funding has been awarded.

Trends in Probation Outcomes

The Safe Communities Act called on the Arizona Administrative Office of the Courts and the state Department of Corrections to report probation revocation and crime reduction data on an annual basis. These data are used to monitor county performance and help determine the amount of the award due to each county.

“Our office supports the Safe Communities Act, as we are seeing excellent results here in Coconino County from the evidence based reforms that it recommends. Through collaboration with our Adult Probation Department and Courts, probation revocations are down significantly and we are seeing fewer new crimes committed by probationers as well as an overall reduction in our crime rate. Treatment alternatives are being expanded and crime victims are receiving restitution and other services. Undoubtedly, the new approaches taken by Adult Probation in conjunction with the Safe Communities Act are making a huge difference.”—David Rozema, Coconino County Attorney

New data released by Arizona in November 2010 show a significant decline in the number of probationers being convicted for new crimes.¹⁰ Since FY 2008, the number of new felony convictions has declined by 31.1 percent.

The overall number of probation revocations also dropped substantially. Since passage of the Act, statewide revocations declined by 29.3 percent. The two-year trend reveals sharp declines in revocations to prison (27.8 percent), jail (38.7 percent) and non-custody (48 percent).¹¹ If the number of revocations to the Department of Corrections had remained at 2008 levels, the state would have had to spend \$36 million to house the additional prisoners.¹²

These sharp declines occurred despite an increase in the state's overall probation population, from 82,576 to 85,144 during this period, and a reduction from 43,403 to 41,176 in the number of probationers under direct supervision¹³. There also was an increase in the ratio of probation officers' caseloads from 60-to-1 to 65-to-1.

Declines Linked to Broad Reforms

These early trends suggest that Arizona has been able to reduce the rate of prison growth while also decreasing crime by probationers. Arizona court and probation officials have been working for several years to implement a wide range of policies and practices consistent with what research shows will reduce the rate of probationers reoffending. State officials indicate these measures include more effective screening and assessing of offenders' risk levels and better matching of case supervision strategies to the risks and needs of individual probationers.

Additional research is needed to assess the impact of these reforms and the 2008 legislative initiatives on Arizona's probation system. The Pew Center on the States, in conjunction with researchers at the Arizona State University School of Criminology and Criminal Justice, has just begun a two-year evaluation of the earned time credit component of the Safe Communities Act. Initial results are expected by the summer of 2011.

Endnotes

1 Council of State Governments Justice Center, *Reducing Crime & Generating Savings: Options for Arizona Policymakers*, February 2008. Available at <http://www.justicereinvestment.org/states/arizona/pubmaps-az>

2 Ibid.

3 Ibid.

4 Arizona Senate Bill 1476, Forty-Eighth Legislature, Second Regular Session, 2008. Available at <http://www.azleg.gov/legtext/48leg/2r/bills/sb1476h.pdf>

5 Ibid.

6 Ibid.

7 Ibid.

8 Ibid.

9 Ibid.

10 Arizona Administrative Office of the Courts, Adult Probation Services Division, *Arizona Adult Probation:*

Probation Revocation & Crime Reduction Report Fiscal Year 2010, November 2010. All subsequent outcome figures are from this report.

11 A non-custody revocation occurs when an individual has already served some time while awaiting adjudication of a probation violation and is given credit for time served or ordered to pay a fine, but is not returned to jail or prison custody.

12 Savings based on daily cost of \$57.29 per inmate, the rate at which Arizona contracts for private prison beds. The source for the daily rate is the 2010 report by the Arizona Administrative Office of the Court. Probationers revoked to state prison serve an average of 333 days according to the Arizona Department of Corrections.

13 Data for 2008 from Arizona Administrative Office of the Courts, Adult Probation Services Division, *SB 1476 Baseline Report Fiscal Year 2008*, November 2008.

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Launched in 2006, the Public Safety Performance Project seeks to help states advance fiscally sound, data-driven policies and practices in sentencing and corrections that protect public safety, hold offenders accountable and control corrections costs.

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