

Summary of the Arizona Town Hall Report

The criminal justice system (CJS) touches everyone in Arizona. Everyone pays taxes to maintain the system of police officers, courts, and prisons that spans the state - even those who have never been convicted of a crime, been cited for speeding or had a friend or relative in prison. Billions of dollars are spent every year to fund the criminal justice system, so it is worth examining whether citizens are getting good value for their tax dollars.

This summary brief touches on some highlights from the full Arizona Town Hall Report on criminal justice in Arizona. The full report begins with a description of the size and scope of the system, then traces the criminal justice process as it proceeds from arrest through trial and imprisonment and eventual return to society.

Size and Scope

- The number of crimes committed has been declining for years, even as the population has increased.
- This has led to a decrease in the crime rate of over one-third since 2006.
- At the same time, incarceration rates have gone up.
- Court cases are heard by 435 judges throughout the judicial system.
- The vast majority of cases heard by the courts are relatively minor traffic and civil cases.
- Total costs of the municipal, county, and statewide criminal justice system vary according to location, but average approximately \$525 for every man, woman and child every year.



Police

- Arizona has over 140 different police agencies at all levels of government, employing about 15,000 sworn officers, including federal officers.
- Although the number of officers per 1,000 residents in Phoenix has gone down since 2008, crime rates have also gone down.

The connection, if any, between these statistics is unclear.

- Research suggests that when citizens view police actions as legitimate and procedurally just, they are more likely to obey the law and cooperate with police.
- The public has shown increased interest in policing practices in recent years.
- Use of body-worn cameras by police may lead to reduced number of complaints from citizens.

Law Enforcement Employee Totals - 2016			
	Officers	Civilians	Total
Municipal Police	8,672	3,460	12,132
Universities and Colleges	218	163	381
County Sheriff's Departments	2,003	4,988	6,991
Arizona Department of Public Safety	1,159	906	2,065
Tribal Police	401	259	660
Other	21	20	41
Total	12,474	9,796	22,270

Figure 1: Non-Federal Law Enforcement Employees in Arizona - 2016
Source: FBI 2016 Uniform Crime Report, Police Employee Data



Bail, Jail, Fines and Fees

- Low-income people often have difficulty paying bail forcing them to await trial in jail.
- Research indicates that bail does little to ensure that defendants return for trial.
- Fees imposed upon those convicted in court support programs such as domestic violence shelters, but they may face lower funding as the crime rate continues to drop.
- Reforms are being implemented to make the imposition of bail more equitable and to reduce the population awaiting trial in jail.



Charging

- Prosecutors have wide discretion in deciding what charges to press against a defendant.
- The decision not to charge may be the most powerful tool of the prosecutor.
- Although the initial charges filed may not be the ones that are eventually brought to trial, they influence key decisions on bail, plea bargains and sentencing.
- The development of charging guidelines could reduce seemingly arbitrary charges.

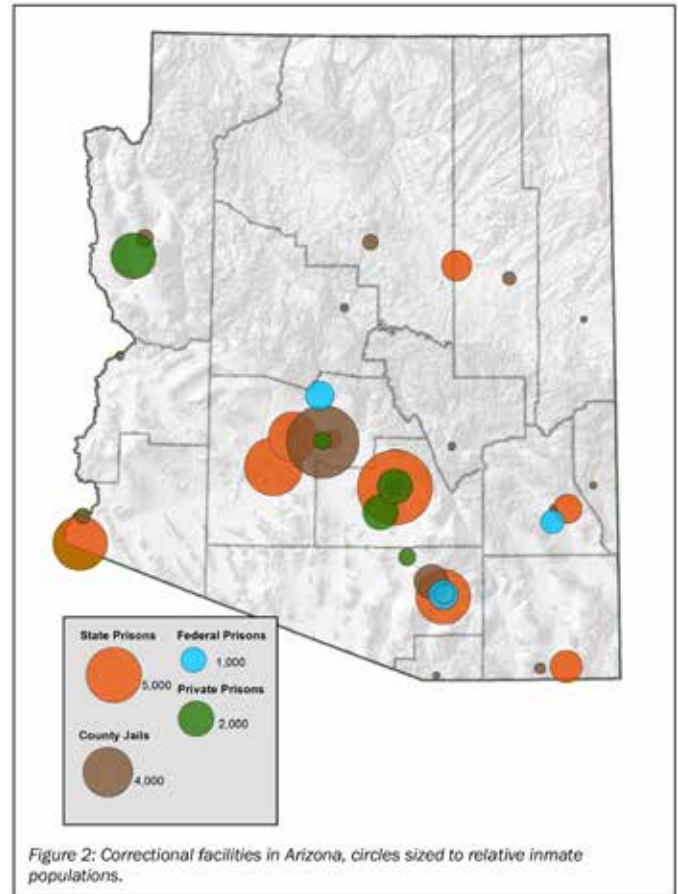


Sentencing and Incarceration

- Most jurisdictions now have some sort of “determinate sentencing,” including mandatory minimum sentences and “three-strikes-and-you’re-out” rules.
- This has resulted in a transfer of power from judges to prosecutors, as the charges filed by the prosecutor now largely determine the sentence.
- Sentencing guidelines are based on whether the conviction is for a dangerous or non-dangerous felony and the offender’s prior criminal record.
- The rate of imprisonment in the U.S. has increased from 96 per 100,000 population in 1975 to 500 per 100,000 today.
- This increase is the result of changes in sentencing policy, not changes in crime.
- Arizona has the 4th highest incarceration rate in the country at 585 per 100,000 population.
- Minimum sentencing laws have modified in some states recently, indicating a shift away from determinate sentencing.

Vulnerable Populations

- 1 in 10 prisoners in Arizona is over age 54.
- Prisoners are considered elderly at age 55 and above, due to their poor health condition.
- More than a quarter of inmates suffer from mental illness.
- Treating mentally ill inmates is often a strain on a prison’s staff and resources.
- Ninety percent of female inmates experienced physical or sexual violence prior to prison.
- Offenders with developmental disabilities, chronic illnesses, and substance abuse issues present special difficulties both while in prison and when making the transition back to society upon release.



Re-entry & Recidivism

- Eighteen percent of those released return to prison within six months.
- Arizona’s three-year recidivism rate of 39 percent is lower than the national average of 50 percent.
- Those returning to society after prison often lack the resources to establish themselves in the outside world.
- Access to transportation, employment and health care may help reduce recidivism.

Native American Issues

- Crime on tribal lands involves a complex web of overlapping jurisdictions that changes with the severity of the crime and the ethnicity of both victim and offender.
- In recent years, the Tribal Law and Order Act (TLOA) and the Violence Against Women Act (VAWA) have given tribes increased sentencing and jurisdiction over domestic violence.

Questions

Examination of the criminal justice system raises many questions:

- Has our crime rate decreased due to the increase in imprisonments, or is something more complex at work?
- When does the use of force by police officers cross the line from legitimate authority to abuse of power?
- Does imposing bail really ensure that defendants return for trial?
- How much discretion should prosecutors exercise when filing charges?
- Do mandatory sentencing rules reduce crime or are they unnecessarily inflexible?

Clear and definitive answers to these, and the many other questions surrounding the criminal justice system, are not likely to be found. Justice is a balancing act. Society must constantly rethink the values that are expressed in its justice system and occasionally.