



# Criminal Justice

in Yuma County

FINAL REPORT

***The principal goals for Arizona's and Yuma County's adult and juvenile criminal justice system.***

While the adult and juvenile criminal justice systems may have different individualized methods and processes of achieving criminal justice, the principal goals for the Arizona and Yuma County adult and juvenile criminal justice systems should be the same. They should include a balanced approach to the promotion of fair and timely justice, ensuring the safety of the community, prevention and deterrence of future crime, and responsibly utilizing community resources to carry out its objectives. There are many ways to achieve these goals, but the system should illicit community involvement to allow whatever processes are chosen to be most successful.

First, and simply put, the goal of the criminal justice system should be to lessen crime in our community and one of the ways to do so is to ensure that victims, defendants and the community obtain justice in a fair and timely fashion. It is critical that the system guarantees that due process protections are upheld while also holding defendants accountable for their actions and keeping our community safe.

The criminal justice system should place a high priority on public safety out of concern for family and property, with a broad definition of public safety. There is a question, however, of whether removing someone from society means true safety since that person will likely return to the community. The consequences for criminal behavior should, therefore, be meaningful and encourage community involvement.

Thus, it is imperative that our criminal justice systems take a holistic approach in determining how an offender should be held accountable to ensure the safety of the community, which includes intervention and help with basic life needs. Courts should consider what level of punishment is necessary for the specific individual and the specific crime and the effect on the victim. In making this determination, community resources should be utilized to allow offenders to be held accountable and keep the community safe, while also helping to prevent recidivism.

Lastly, the criminal justice system must ensure that all available tools are being used effectively to maximize return on tax payer investment and protecting the welfare of the community. The community relies on the criminal justice system to enact procedures and processes to ensure that these principal goals are achieved for the betterment of the whole community.

***Actions to improve Arizona's and Yuma County's adult and juvenile criminal justice system prior to incarceration.***

There are many opportunities to take action in improving Arizona's and Yuma County's adult and juvenile criminal justice system prior to incarceration. As Benjamin Franklin famously once said, an "ounce of prevention is worth a pound of cure." This maxim applies here, in discussion of reformation to the criminal justice process. Simply put, the best way to improve the criminal justice system is in the prevention of the development of the future offender, and prevention of involvement

in the system itself. So much of the current focus is in addressing the symptoms of the problems, but not the root cause—the prevention of the problems all together. Early intervention has a cost, but that cost has a return on investment that prevents the higher societal costs of later incarceration.

These actions start at their most fundamental—in the home and in the family, whether such families and homes be defined as traditional or non-traditional. Early intervention with at-risk children, such as those within the foster system, help to place children on constructive paths of promise rather than destructive paths of hopelessness. These interventions can range from teaching life skills and offering mentorship, to individualized therapy or specially-designed preventative programs, to placement in jobs and after-school programs that occupy children's time and remove the opportunity for crime. Certain programs like Kids at Hope, Campesinos Sin Fronteras, and Successful Futures, have successful models in place that can be expanded or used by other willing organizations as a roadmap. Exposing children to non-criminal activity early and modelling correct behavior greatly assists in those children rejecting criminal behavior in teenage and adult years. Intervention solely after the criminal act is often too late, as the offender is already in the system and subject to the often life-long implications of the same.

Interventions must also involve the parents, as so often the parental problems are the root cause of the children's, leading to generational cycles of criminality, mental illness, domestic violence, and drug use. Parents who are at-risk, such as those already in the DCS system or offenders themselves, would benefit from training in some of the same areas, including life skills, parenting, reading (and other core educational needs), and finance (e.g., writing checks and budgeting). The goal is to break the cycle of poverty and abuse, such that parents can step off the wheel with their children, leading to better outcomes for both at-risk groups.

It is critical to develop outreach programs to the community so that these at-risk populations are aware of the services available to them. Additionally, such individuals must be educated on what agencies can and cannot do and the limits of discretion available to authority when deciding outcomes.

The goal for approaching both groups once they find themselves in criminal trouble or in crisis due to issues such as domestic violence, mental illness, and drug addiction should shift to one of intervention, diversion, and treatment rather than incarceration. Police officers, once given wide latitude to ignore certain offenses and simply cart juveniles home for discipline by the parent, now often have their hands tied. Mandatory minimums constrict the judiciary. Nevertheless, there are programs for diversion and intervention available rather than arrest, and continued training of law enforcement officers and prosecutors can enable the removal of offenders from the traditional criminal justice system to one of treatment and diversion. However, additional resources for law enforcement officers and criminal justice professionals, such as more programs for mental health and substance abuse, and training in the

use of such programs and handling encounters with at-risk individuals, should be a component of any reform.

Further, for individuals intersecting with the criminal justice system, for both victims and defendants, it is crucial that they have efficient and equal access to the system and fair and timely justice. The red-tape that exists in the system right now, and the, at times, bureaucratic inefficiencies, can be difficult for at-risk populations to understand and successfully function within. These groups often lack basic understanding of how the system works, and an overly complicated process makes it more likely they will never function well within its constraints. Providing education on the how the system works, and assisting individuals to function within it, leads to better outcomes that are not one-sized fits all, as individuals are better able to advocate for themselves. One option would be to use prior offenders who have navigated the system and successfully been rehabilitated to serve as a model for individuals facing the criminal justice system. Such an approach to equitable access leads to lower recidivism, as individuals receive the resources they need.

Community participation is also key to a healthy criminal justice system. Community-led involvement adds a vital component to prevention, including opportunities for employment, mentorship, education, and treatment access. Employment alone is a huge factor in both prevention and recidivism. By collecting and analyzing data on the economic impact of successful rehabilitation and the trends and needs of preventative intervention, the system can support its advocacy for use of diversion of treatment and appeal to the business-minded community.

### ***Actions to improve Arizona's and Yuma County's adult and juvenile criminal justice system after incarceration***

There are several actions that can be taken to improve Arizona's and Yuma County's adult and juvenile criminal justice system after incarceration. Again, similar to the approach with at-risk populations prior to any offense, prevention is the key. Prevention begins during incarceration. Incarceration is a fork in the road; failing to assist during incarceration leads to a singular pathway to recidivism. During incarceration, a key opportunity is presented to screen individuals for issues and treat them. Issues to be assessed include mental health, substance abuse, reading and other educational deficiencies, medical issues such as vision and hearing, and others. While these issues are often symptoms of offenders, they may not be the cause. But regardless, even if these issues were not the cause of the offense, these disabilities or lack of life skills exacerbate recidivism. Additionally, employment and vocational training should be provided to give real-world skills to inmate prior to release. Educational programs during incarceration should focus on being a productive part of the community, including for example curriculum directed to life skills, and job training, and to replace negative influences with positive influences.

Though there are some programs in place now for services during incarceration, much depends on the particular facility. But starting services during

incarceration brings hope for changed behavior. When an inmate is excited about future possibilities and can visualize a pathway to achieve them, the changes for recidivism are reduced.

Certainly, as an individual approaches release from incarceration, recidivism is the main concern, and protecting both the offender and society from re-offense is the primary goal. A lot of repeat offenders do well for a while, then fall back to old behaviors. However, most recidivism tends to occur in the first six months, with the first 2 weeks being particularly critical, so it is important to closely monitor and work with high risk people during this early period.

Offenders sometimes reoffend because of lack of other assistance, such as housing or jobs, or a lack of knowledge to other ways of life. Work on re-entry plans should begin before the individual is released in order to prepare them for their new life and to acquaint them with resources available, particularly given their assessed needs (e.g., mental health, substance abuse, etc.). The reentry plan should include assistance to the individual to obtain identification, find appropriate housing, secure AHCCCS coverage, and explore employment opportunities. Without such planning, the person could end up homeless or in an emergency room. Additionally, inmates should be provided information about what kinds of crimes can be set aside and how to restore of civil rights.

While in jail and after, pairing with mentors can lead to critical support and real-world models for success. Video feeds into the facility for inmates to meet with peers to learn about what life will be like once the individual is released and how to ease the transition provides one such pathway. Mentors can help develop a plan for re-entry based on real, successful experience. Education for families of incarcerated so that they can learn how to help the individual transition from incarceration can also provide needed support. More recently, re-entry simulations are being used for providers to prepare for an inmate's release. These simulations include basic problem-solving strategies, and are based on maneuvering through real-life issues

Indeed, many of these programs in a more abbreviated form should be expanded to low-level offenders. There are very few programs available for those convicted of misdemeanors or those being released from justice and municipal courts. By better addressing the underlying issues of this group (example mental health) it may reduce the chance they will go on to commit felonies.

Intersection between the offender and the community is obviously an eventual consequence of release. While much attention is paid to how to prepare inmate, attention should also be paid to preparing the community for reception of formerly incarcerated individuals. As an educational opportunity, the community should understand the challenges facing an individual who is released from incarceration to change the mindset of the community towards offenders and encourage empathy.

For example, encouraging employers to hire felons through appropriate incentives and training helps reintegration and reduces recidivism. Additionally, "impact panels" or forums that bring victims of crimes together with offenders for interaction and education helps many to understand the consequence of wrongful actions and also prevent re-offense. None of this is meant to diminish the effect on and cost to victims of crimes, and support should be given to them in tandem with assistance to offenders. Lastly, a system of data tracking should be put into place to monitor the efficacy of programs and to identify weak spots in recidivism. Such data helps bolster community support for the cost of assistance and benefits inmates by providing better services.

***There are several critical criminal justice issues facing Yuma County that are both similar and different from those facing Arizona as a whole and that can be addressed and improved.***

As a border town, Yuma is unique. Yuma's uniqueness includes our fluctuating and seasonal populations, high unemployment rate and close proximity to Mexico and California borders. As a result, Yuma faces several critical criminal justice issues including high incidents of drug-related crimes, lack of professional resources to adequately address mental health and substance abuse issues, and high unemployment rates (including higher turnover rates of law enforcement officers to higher paying jobs elsewhere).

Many of these issues can and should be addressed by education. We need education in our schools, communities, local businesses, non-profit organizations, and local and state leaders. A targeted campaign, through social media, television and community outreach presentations should be instituted to educate our community about the cost-benefit analysis of rehabilitative programs versus the incarceration cycle, including ways in which community members can get involved. Such a program should help the community shift the perception that all criminal offenders are bad people to one that understands that a large majority of offenders simply need help with underlying issues like drug addiction, mental health conditions, or poverty issues. The educational campaign should also include information on risk factors, intervention programs, and resources available in the community to promote use of the resources as a preventative measure without shame or stigma. This campaign should also encourage voluntarism and increase the feeling of neighbor helping neighbor.

Additionally, there needs to be a focus on collaboration between law enforcement, the courts and legal system, and businesses and non-profit organizations. Through this collaboration, it could be possible to develop a program to help offenders obtain long term employment upon release to help them become contributing members of the community with purpose and value. There also needs to be collaboration about how to attract and keep good professionals, such as licensed

substance abuse counselors and mental health professionals, educators and law enforcement personnel. This could potentially permit the existence of more specialty courts to focus on drug or mental health issues, thereby decreasing the risk of re-offense and building a safer and stronger community.

Lastly, the court system and legislators should re-exam the appropriateness of existing sentencing structures and the effect of a criminal record on a person's employability. Courts need to utilize, and be given the opportunity to utilize, alternative solutions to issues involving an inability to pay fines and fees associated with a conviction which lead to violations of probation and incarceration. Such alternatives could include community service, release or (extended) probation. Lawmakers should also consider allowing and setting forth guidelines to permit courts to expunge a person's conviction, versus merely setting it aside. This action would permit more offenders to secure employment and take away a cause for recidivism.

***There are three top priorities for reform from the community minds of the Yuma County SAFF.***

The over-arching priority is to make our community safer, which is achieved by better support and intervention for at-risk populations and services and reformation for transitional offenders to avoid recidivism. This can be achieved by:

- 1) Improved and more readily available support services for at-risk children and adults to address the underlying issues that often lead to criminal behavior, such as mental health, substance abuse, poverty, life skills, parenting, career development, and educational disparities. Improved and more readily available support services for the identification and rehabilitation of the issues in inmates and other low-level offenders, along with robust transitional support services prior to and upon release, including job training, mentorship, housing plans, medical care, and concrete, attainable plans for reintegration in society.
- 2) Community education and outreach that fosters community awareness of, funding support for, and engagement in the programs and services identified in goal number 1. Such community education should include people and families close to at-risk populations and inmates but should extend far broader.
- 3) Involvement of the State's rule making bodies (e.g., state legislature) to allocate adequate funds for the support programs needed and identified in goal number 1, as well as to reevaluate the criminal justice system, including mandatory sentencing provisions and the accessibility of the criminal justice system.

The cost of the criminal justice system in Arizona has a price tag of more than \$1 billion annually.

Meanwhile, over 42,000 people are incarcerated in the state prison system, a rate of 596 per 100,000 population, well above the national rate of 385 per 100,000. In addition, nearly 14,000 people are in county jails and 85,000 on probation in Arizona.

Those are among the statistics reported in the research document for the recent South West Arizona Town Hall: Criminal Justice in Yuma County.

Most of those offenders, except for the most violent and dangerous, will be coming back into the community at some point, remarked Honorable David Haws, presiding judge of Yuma County Superior Court who served as a panelist and a participant in the town hall. That raises the challenge of how to help them integrate into society as productive citizens rather than cycle back into the criminal justice system. According to one study, 18 percent of those released return to prison within six months.

In partnership with the Yuma County criminal justice system, the steering committee for SWATH (South West Arizona Town Hall) decided to tackle a variety of issues related to Arizona's and Yuma County's adult and juvenile criminal justice systems, including what should be the principal goals of the system, how to prevent incarceration and how to improve the system after incarceration.

Discussion in five breakout groups – each representing a cross-section of public and private sectors of the community – led to the final report and three priorities:

1. “Improved and more readily available support services for at-risk children and adults to address the underlying issues that often lead to criminal behavior, such as mental health, substance abuse, poverty, life skills, parenting, career development and educational disparities.”
2. “Community education and outreach that fosters community awareness of, funding support for and engagement in the programs and services identified in goal No. 1.”
3. “Involvement in the state's rule-making bodies to allocate adequate funds for the support programs needed and identified in goal No. 1, as well as to reevaluate the criminal justice system, including mandatory sentencing provisions and the accessibility of the criminal justice system.”

This final report will go the Arizona Town Hall when it meets in Phoenix Nov. 8-10 to address the criminal justice statewide. Yuma's report will also include the consensus that came out of the Yuma Youth Town Hall held in mid-October to engage the county's high school students in a similar discussion titled Law and Public Safety.

The final report that comes out of the Arizona Town Hall will be shared with stakeholders in the state and its communities as a basis for policy changes.

"Our voice will be heard from youth and adults," said Shelley Mellon, SWATH chair since 2012 and a member of the Yuma Union High School District Governing Board who was instrumental in organizing both town halls.

She is particularly enthused about this year's town hall, considering it the most successful one so far. "I believe all the participants left enlightened and encouraged by the amazing leaders of our community who impact our judicial system," she said, noting that innovative programs have been developed in Yuma County to provide alternative solutions and preventative measures.

Morning and luncheon panelists described them: mental health court, drug court, a program to keep those in the juvenile system current with their schooling, a one-stop program at the probation center to provide resources for newly released offenders such as health care and housing, and an exciting program called Kids at Hope – versus Kids at Risk – driven by the belief that "all kids are capable of success, no exceptions." Another important component, noted Judge Haws, is the willingness of businesses to provide employment.

Added Machele Headington, co-chair of the SWATH steering committee: "Truly an amazing experience! I have to admit I was a bit ashamed that I was that ignorant about the impressive dedication and collaboration that is occurring right here in our own community. So deeply proud to live in a community where 'collaboration for the betterment of our community' is truly a normal part of who we are. ... I left Friday with such a joy in my heart knowing that the dialogue, relationships and new knowledge that occurred as a result of one day will have a lasting impact on our community."

The networking and education that occur at town hall are a vital part of the process, said Mellon. But so, too, is the coming together of a diverse cross-section of Yuma County from business and government leaders to its citizens, among them students, to engage in civil dialogue on a topic important to the community's future. "We're able to come up with recommendations that will have a positive impact. It gives everybody a voice ... to invest in the community and the direction we want it to grow."

Over the years he has seen a big impact the various town halls have had, said attorney Wayne Benesch, who first got involved in the Arizona Town Hall process in 1979 when the topic was the Indian tribes in the state. "What an education," he reflected. He became "enamored of the process" where he rubbed elbows with key business and government leaders and experienced the flow of ideas that were "hammered" into a final report.

About that time some local leaders came up with the idea of having a Yuma County town hall with sponsorship by the Yuma County Chamber of Commerce. That declined after 15 years, but got a revival in 2005 with reorganization as the Southwest Arizona Futures Forum.

Later the organization became known as SWATH and a new concept was begun of partnering with local stakeholders to address an issue of concern to them. Such examples are the town hall on Joint Technical Education Districts that led to the development of STEDY (Southwest Technical Education District of Yuma), a town hall on wellness in partnership with Yuma Regional Medical and a session on water that was followed by a large contingent of Yuma residents attending the Arizona Town Hall as advocates to protect Yuma's water.

In addition, the local town hall became aligned with the Arizona Town Hall, which decides on the topic, sponsors the research document and crafts the questions to be used first by the local event, then by the state group.

This year, SWATH has decided to hold a second town hall to address a more local concern, that of the concern about mental health, its impact on the criminal justice system and the lack of local treatment options.

As a resource, research documents and final reports of previous Yuma County town halls are posted on the SWATH website at [www.southwestarizonatownhall.com](http://www.southwestarizonatownhall.com).



