



**Restoring Public Trust in the Arizona Department of
Corrections, Rehabilitation, and Reentry**

A Bipartisan Solution to a Non-Partisan Issue

I. Background

Arizona has the fifth (5th) largest prison population in the country¹ while ranking fourteenth (14th) in general population.² The Arizona Department of Corrections, Rehabilitation, and Reentry (“ADCRR”) houses approximately 40,000 inmates³ and employs approximately 9,500 staff with additional contractors and volunteers. The agency has an annual budget appropriation in excess of \$1.2 billion⁴, the third largest budget appropriation in the state.

The ADCRR is led by a political appointee that serves as director. Empowered by statute, the director of the ADCRR enjoys unilateral control over prison policy, operations, and budget expenditures^{5,6}. For the last 40 years, ADCRR history has demonstrated that the concentration of power vested in one man or woman as director of such a large and expensive agency, without public oversight, is not only fraught with complications but has had devastating results for the state and public safety.

In the last decade alone there have been a series of operational failures resulting in citizen and inmate deaths, staff assaults, security-management failures, escapes, riots, class-action lawsuits, federal-court interventions and enormous contempt fines, allegations of fiscal-resource irregularities, unsustainable staff attrition, and security-infrastructure deterioration.

The newly appointed director, David Shinn, in office for less than a year, has set an agenda of obfuscation, lack of accountability, and secrecy in the ADCRR. The ADCRR approach and response to the COVID-19 pandemic is nothing short of abject failure and has resulted in the deaths of inmates and staff. The director’s handling of this event shocks the conscious and is a blueprint for future systemic failure. Accordingly, staff and inmate morale is at an all-time low.

This enormous agency has been in crisis mode for decades. Every year Arizona families and taxpayers are confronted with new department failures and the horrific consequences that follow as a result of the mismanagement of the department. Research and analysis into these events indicate there are simple cause and effect relationships at work which if left unchanged will continue to render catastrophic results. At its core, here are the causes of the continued failures:

¹ <https://www.sentencingproject.org/the-facts/#rankings>

² https://simple.wikipedia.org/wiki/List_of_U.S._states_by_population

³ <https://corrections.az.gov/sites/default/files/REPORTS/CAG/2020/cagjuly-20.pdf>

⁴ https://corrections.az.gov/sites/default/files/documents/PDFs/adc-appropriationsreport_fy2020.pdf

⁵ <https://www.azleg.gov/viewdocument/?docName=https://www.azleg.gov/ars/31/00201-01.htm>

⁶ <https://www.azleg.gov/viewdocument/?docName=https://www.azleg.gov/ars/41/01604.htm>



- **Absence of Transparency:**

The ADCRR is opaque, autonomous, and self-regulated. Access is completely controlled by the Director and his staff. Press are excluded, lawmakers are misled, doors are closed, books are sealed. The ADCRR is the most impenetrable and closed government agency in Arizona.

- **Absence of Accountability**

There is no external oversight of the Arizona Department of Corrections. Unlike other state agencies that operate with public oversight from independent councils and boards, the head of ADCRR operates autonomously. The absence of external oversight in ADCRR has allowed a culture of obfuscation, manufactured plausible deniability, and the loss of life and property at the expense of the Arizona taxpayer.

- **Administrative Model Fails to Meet the Needs of Bloated Corrections System**

The current ADCRR administrative model may have been sufficient in the old world, when the legislative will to incarcerate was much lower and prison populations and operating budgets were a small fraction of what they are today, but in the new world of mass incarceration and “tough on crime” statutes, the model has failed and continues to fail to meet the needs of the public, staff, and inmates.

Beginning in 1993, the ADCRR population ballooned from approximately 18,000 inmates with a budget of approximately \$270⁷ million to a peak of over 43,000 inmates. The current ADCRR population is in excess of 39,000 men and women. The annual appropriation exceeds \$1.2 billion. Accordingly, the ADCRR has had a 130% increase in population with an approximate 450% increase in budget appropriations. In 1993, Arizonan taxpayers spent approximately \$15,000/yr. on average to incarcerate a person in the ADCRR. In 2021, the ADCRR has estimated a budget need in excess of \$32,000/yr. per person⁸. This is roughly a 219% increase in cost to incarcerate where the rate of inflation across that period is 78.4%⁹

The rapid and massive expansion of ADCRR has rendered the corrections system too large, too complex, and too expensive to operate effectively and safely under the autonomy of a sole director without public oversight. The agency is bleeding the state budget with no signs of improvement.

- **Enormous Expansion Under Only Five Political Appointees**

Since 1984 there have been only five (5) ADCRR directors appointed: Sam Lewis, Terry

⁷ <https://azmemory.azlibrary.gov/digital/collection/statepubs/id/36009/>

⁸ <https://www.azleg.gov/jlbc/21baseline/21BaselineSingleFile.pdf>

⁹ <https://www.usinflationcalculator.com/> 8/12/2020



Stewart, Dora Schriro, Charles Ryan, and David Shinn. It has been common that these appointed officials remain in power through multiple election cycles and beyond the period of service of their primary nominating elected official.

II. Solution: Form an ADCRR Citizen’s Advisory and Oversight Board in the State Legislature and an Ombuds in the Executive Branch

There are numerous public-oversight models in Arizona which ensure the public is being best served by the large and complex administrative institutions operating in our state government. Moreover, there are well established, community and government organizations throughout the country that are solely focused on corrections oversight. Based upon these models, and evidence-based best practices, ATAC have developed a structural framework to create transparency and accountability through public oversight of the ADCRR.

To restore and ensure future trust in the operations of the Arizona Department of Corrections, Arizonans for Transparency and Accountability in Corrections (“ATAC”) formally calls for the establishment of a Citizen’s Advisory and Oversight Board (“CAOB”) with Ombuds. ATAC calls for bipartisan legislative action to amend various relevant sections of the Arizona Revised Statutes to create the COAB and Ombuds.

During the interim period, until such legislative action can commence, we continue to call for Governor Ducey to create an ad hoc citizens advisory and oversight board as detailed in our proposed framework.

The proposed ADCRR citizen’s advisory and oversight board and ombuds will increase internal and public safety, and restore public trust in the ADCRR by affecting the following:

1. Creating a robust independent system of problem reporting, tracking, and disclosure.
2. Creating public oversight of ADCRR budget appropriations and fiscal practices.
3. Creating a process to inform the public and three branches of state government of serious issues that require attention.
4. Overseeing the implementation of solutions and problem fixes.



III. The Way Forward

A citizen's advisory and oversight board with ombuds vested with a clear mandate and the substantive, autonomous authority to monitor the ADCRR, address problems in real time, and create objective, fact-based reports and is crucial to the restoration of public trust in the ADCRR and our state government. Now is the time to implement changes that make ADCRR more transparent, accountable, and safer for the public, the incarcerated, and for staff.

