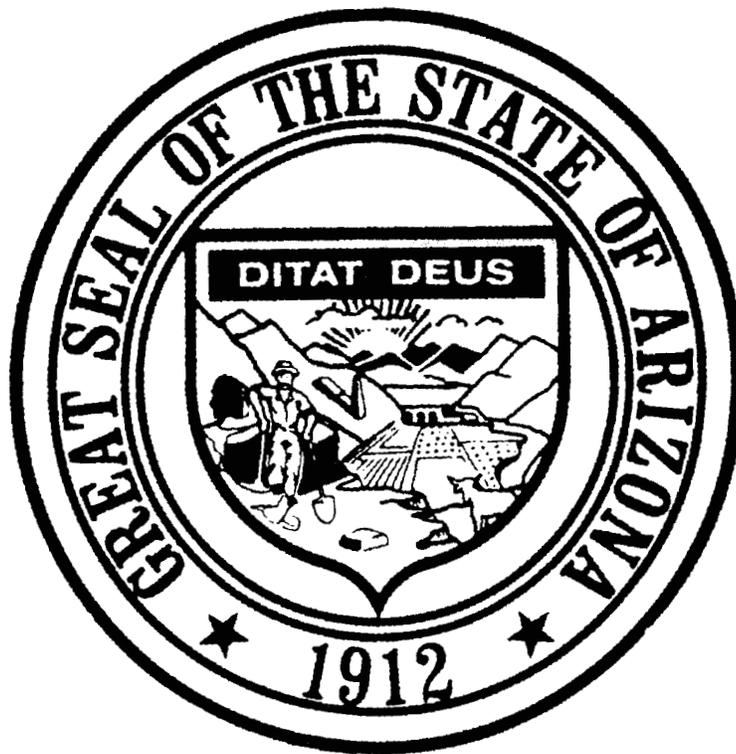


ARIZONA
TRUTH-IN-SENTENCING
COMMUNITY SUPERVISION
AD HOC COMMITTEE REPORT
DECEMBER 1994



**REPORT ON TRUTH-IN-SENTENCING
COMMUNITY SUPERVISION**

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Arizona Department of Corrections

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FIFE SYMINGTON
GOVERNOR



SAMUEL A. LEWIS
DIRECTOR

December 15, 1994

The Honorable Fife Symington
Governor of Arizona
State Capitol
1700 West Washington, West Wing, Ninth Floor
Phoenix, Arizona 85007

Dear Governor Symington:

In compliance with Truth-In-Sentencing, Chapter 255, Section 97, the Arizona Department of Corrections (ADC) met with the Administrative Offices of the Court and the Board of Executive Clemency to "devise a plan for and implement the transition of community supervision services from the department to the court."

The following proposals and agency responses presuppose that the Truth-In-Sentencing community supervision will be transferred to the Court January 1, 1996. The Arizona Department of Corrections is not in agreement with this transfer and is pursuing a Legislative initiative for the Department to retain the supervision function for Truth-In-Sentencing offenders and not transfer that function to the Courts.

Given adequate funding, the Department of Corrections can provide effective and efficient Community Supervision. The comparative projected costs indicate that ADC can provide Community Supervision at a lower cost. This is due in part to the systems currently in place within the Department, which would need to be duplicated by the Courts. The Department, since its inception, has provided effective public protection through managing the supervision of offenders released from prison under any form of Community Supervision.

In the spirit of cooperation and with the clear intention of working with other criminal justice professionals with the purpose of planning, devising and implementing the most effective and efficient supervision process for the State of Arizona, Departmental staff served on the Adhoc Truth-In-Sentencing Committee. The Committee identified key components necessary to provide sound Community Supervision to offenders. Proposals were developed which are included in the following report.

The Honorable Fife Symington
December 15, 1994
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I believe the Adhoc Truth-In-Sentencing Committee report does not clearly represent the complexities of the system and the ramifications that will occur if the transfer is implemented as currently written in the law. The Arizona Department of Corrections has completed a position paper which I believe more accurately reflects the concerns associated with the portion of the Truth-In-Sentencing law dealing with Community Supervision. A copy of this paper is being forwarded to you under separate correspondence. Should any of your staff desire a copy of the report, please contact Mr. Ron Mayes, Legislative Liaison, at 542-3133.

Sincerely,



Samuel A. Lewis
Director

SAL/asd

Enclosure

cc: Members of the Legislature
Administrative Office of the Courts
Board of Executive Clemency

FIFE SYMINGTON
GOVERNOR



DUANE BELCHER, SR.
CHAIRMAN

MICHAEL D. GARVEY
EXECUTIVE DIRECTOR

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December 16, 1994

Fife Symington, Governor
State of Arizona
1700 W. Washington St., 9th Floor
Phoenix, AZ 85007

Dear Governor Symington:

The 43rd Legislature recommended that involved organizations form a committee to discuss the various options for the responsibility for inmates released on Community Supervision.

As Chairman of the Board of Executive Clemency, I have participated with that committee. I am in agreement with the proposals submitted by that committee to you and to the Legislature with the exception of Proposal #1. This proposal recommends that the same agency responsible for supervising offenders upon release from prison, also be responsible for imposing conditions of supervision and the revocation process.

Attached to this letter is the position paper that will be submitted to the Truth in Sentencing Ad Hoc Committee which contains my complete response on Proposal #1. In summary, it states my belief that assigning revocation responsibilities to another agency would be duplicative, not cost effective and could raise what are, perhaps, valid issues of due process.

Sincerely,

A handwritten signature in cursive script that reads "Duane Belcher Sr.".

Duane Belcher, Sr.
Chairman

DB/ck

attachments

cc: Kurt Davis, Executive Assistant to Governor
Sen. Patricia Noland, Chair, Senate Judiciary Comm.
Rep. Tom Smith, Chair, House Judiciary Comm.

FIFE SYMINGTON
GOVERNOR

MICHAEL D. GARVEY
EXECUTIVE DIRECTOR



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POSITION PAPER

ON

TRUTH IN SENTENCING AD HOC COMMITTEE REPORT

I am in agreement with the proposals of this committee with the exception of Proposal #1. My reasons for disagreement are as follows:

1) Proposal #1 as it presently stands is duplicative if revocations are to be heard by either the Court or the Department of Corrections. The Board and its Hearing Officers presently hear rescission and revocation cases. They will continue to have this responsibility for all inmates that do not fall under Truth in Sentencing; therefore, to duplicate this operation in another agency is neither fiscally nor administratively sound.

2) Utilizing the Department of Corrections to hold revocation and rescission hearings is not sound correctional policy. The issue of due process becomes cloudy under that type of an arrangement, particularly when *Morrissey v. Brewer* (a benchmark U.S. Supreme Court case) directs that one of the minimum due process requirements is that revocation hearings must be conducted by "a 'neutral and detached' hearing body such as a traditional parole board." Further, a recent opinion by the Arizona Court of Appeals (*Long v. Arizona Board of Pardons and Paroles and Charles Ryan*) ruled that the Department of Corrections was constitutionally deficient in their process of returning appellant to custody by not providing a hearing consistent with the requirements set forth in *Morrissey*. (See attached court decisions.)

Duane Belcher Sr.

Duane Belcher, Sr.
Chairman



Supreme Court

STATE OF ARIZONA

ADMINISTRATIVE OFFICE OF THE COURTS

Stanley G. Feldman
Chief Justice

David K. Byers
Administrative Director
of the Courts

POSITION STATEMENT

The following statement is meant to clarify the Arizona Judicial Council (AJC) and Administrative Office of the Courts (AOC) position on assuming responsibility for community supervision, and to provide comments concerning some issues noted in the community supervision committee proposal.

With legislative support over the past decade, the AOC has developed with the 15 county adult probation departments a viable and highly respected decentralized system of probation programs and services. Probation officers, who must meet required educational and training standards, are stationed in communities throughout Arizona. Their primary mission is to effectively supervise offenders in the community with an emphasis on public protection. To support this effort, and in addition to standard probation services, each department offers a continuum of sanctions, such as intensive probation, specialized caseloads, treatment, literacy education, community service and restitution. Probation emphasizes supervision, assistance to the offender, recognition of victims rights, and collection of restitution.

An overwhelming majority of the criminal code ad hoc committee members, including prosecutors, law enforcement, and legislators, endorsed the transition of community supervision to the courts and probation system. The legislature agreed with the ad hoc committee and passed session law that provided for the transfer of community supervision to the probation system on or before January 1996. Though the probation departments did not pursue this assignment, they understand and agree with the logic and benefits of the change the legislature made.

The AJC supports the legislative decision to have community supervision administered by the AOC. The AJC understands the benefits of having only one agency supervise offenders in the community through the adult probation departments. The AJC appreciates the work of the community supervision committee in devising a transition plan for implementation.

The probation departments propose a model of supervision that will afford the highest degree of public protection and potential for success for the former inmates. In order to do so the AJC emphasizes adequate funding needs to be available to provide the correct level of supervision. If the appropriate level of supervision is not available, the AJC suggests that the transfer of responsibility should not occur.

The community supervision committee raised various issues for consideration and response by the agencies represented. The AOC's positions are contained within that

REPORT ON TRUTH-IN-SENTENCING
COMMUNITY SUPERVISION FUNCTION

INTRODUCTION

As established by the Forty-First Arizona Legislature (1993), community supervision is that portion of a felony prison sentence imposed by the Court that is to be served in the community after completing a period of imprisonment [A.R.S. §13-105 (4)]. The term of community supervision shall be served consecutively to the period of imprisonment and shall be equal to one day for every seven days of the sentence or sentences imposed (A.R.S. §13-603 I). The conditions of community supervision shall be established and modified by the Board of Executive Clemency [A.R.S. §31-402 (C)(5)].

As part of these conditions, the Board of Executive Clemency shall require the prisoner to pay a monthly supervision fee of \$30. Additionally the Board may impose any conditions it deems appropriate to ensure that the best interest of the prisoner and citizens of the state are served. These conditions may include:

- 1) participation in a rehabilitation program or counseling.
- 2) performance of community service work (A.R.S. §31-418).

Except for those who are sentenced to serve the full period of imprisonment, prisoners are eligible to earn release credits of one day for every six days served towards the starting date of their periods of community supervision [A.R.S. §41-1604.07 (A)]. The Arizona Department of Corrections is required to supervise community supervision offenders until the period of supervision expires. The department may bring violating offenders before the Board of Executive Clemency [A.R.S. §41-1604.07 (D)]. If a prisoner absconds from community supervision, any time spent before the prisoner is returned to custody is excluded in calculating the remaining period of community supervision [A.R.S. §41-1604.07 (F)]. The Truth-in-Sentencing Statute, Chapter 255, Section 97 further states "Transition of community supervision duties On or before January 1, 1996 the Administrative Office of the Courts (AOC), the Department of Corrections (ADC) and the Board of Executive Clemency (BOEC) shall devise a plan for and implement the transition of community supervision services from the Department of Corrections to the Court."

To that end, representatives have worked together in a cooperative relationship toward the successful implementation of the Truth-In-Sentencing legislation. Staff from AOC, ADC and BOEC have met on a regular basis to discuss this legislation and identify areas needing clarification. The working group has examined the areas which they believe will be unnecessarily difficult to implement and they plan to present several recommendations for modifications of the law, which are included in this report. This legislation is very complex since it affects many agencies, thus the coordination of extensive details is both laborious and crucial. The group has worked very diligently to develop this summary report which includes: (1) Assumptions; (2) Necessary Components of Supervision Programs; (3) Issues Needing Further Attention; and (4) Recommendations. The group will continue to work for the smooth execution of the legislation before and after January 1, 1996.

The intent of this report is to:

- Describe the critical components the committee believes are essential in a Community Supervision program.
- Identify projected caseloads of Truth-In-Sentencing offenders for the next ten years.
- Determine what objectives can be agreed upon by working group/agency members and identify areas of disagreement.
- Identify the Community Supervision areas of the Truth-In-Sentencing legislation which require either clarification or further action by the Legislature.
- Identify an agency person who may be contacted to acquire a position paper on Truth-In-Sentencing proposed modifications from each agency.

BASIC ASSUMPTIONS

- The goal of community supervision is the successful integration of the offender back into the community while maintaining the community's safety.
- Community supervision refers to those offenders whose committing offense occurred on or after January 1, 1994 and who are subsequently released from prison and supervised in the community. On or after January 1, 1996 all community supervision offenders will be supervised by a program administered by the Supreme Court and implemented by the probation departments.
- The Legislature's intent of community supervision was to assist released offenders to successfully reintegrate into the community by providing them appropriate services and supervision.
- The Legislature will adequately fund the agencies responsible for pre-release and community supervision in order for these agencies to monitor, supervise and provide resources to the released offender while safe guarding the community.
- Pre Truth-in-Sentencing releasees (under BOEC, statutory or Administrative Release) will continue to be supervised by ADC. Offenders sentenced under Truth-In-Sentencing statutes who are released to community supervision between January 1, 1994 and December 31, 1995 will continue to be supervised by ADC, unless they have more than 6 months of supervision as of January 1, 1996.
- Offenders serving overlapping sentences (Pre and Post Truth-in-Sentencing) will be supervised by the community supervision agency.
- Supervision of Interstate Compact probationers will be assumed by the probation departments.

- Once the Truth-In-Sentencing inmate is released from imprisonment on any type of release (sentence expiration, Earned Release Credit, Temporary Release), the term of Community Supervision will begin.
- The supervising agency will assume all aspects of the community supervision program to include establishing the conditions of community supervision and revocation proceedings.
- The periods of community supervision will be of sufficient length to provide meaningful service to the offender and motivate the offender to successfully participate in the supervision plan.
- A continuum of intermediate sanctions will be developed to address administrative violations of community supervision.
- Funds designated for community supervision will be used specifically for community supervision.

NECESSARY COMPONENTS OF A RELEASE/SUPERVISION PROGRAM

The following components are necessary in order for a Community Supervision program to work effectively, by protecting the public and positively impacting the offender, thereby increasing the likelihood of a successful transition into a crime free community life:

- **A pre-release class should be available in every prison as mandatory programming for each offender prior to release.**

The curriculum should be standardized and include but not be limited to the following information:

- Overview of Truth-In-Sentencing law
- Release process
- Release dates
- Placement information
- Employment
- Level of supervision
- Counseling/transitional referrals
- Standard and special conditions
- Cost of supervision fees
- Restitution
- Child Support
- Substance abuse monitoring
- Length of supervision calculation
- Violation/sanctions
- Due Process/return to custody
- Supervising officer assignments
- Life skills class

- **A release packet of information should be compiled by ADC staff and forwarded to the supervising agency/area 5 months prior to release. The information should include at a minimum:**
 - Current inmate photo - two copies.
 - Pre-Release Information Sheet, ADC Form #705011115.
 - Summary Admission Report, ADC Form #40500001 (Computer generated).
 - Board of Executive Clemency conditions, if available, one copy.
 - Conditions of Supervision, ADC Form #70501071 - one signed copy.
 - Pre-Sentence investigation report which includes the sentencing document - one copy.
 - Criminal History record information.
 - Warrant and attached information on any type of release revocation within the past two years - one copy.
 - Authorization to Release Medical Information, ADC Form #70400088.
 - Information related to whether a packet has been initiated and sent to another state from an institution, requesting transfer out of state under the Interstate Compact for the Supervision of Parolees and Probationers.
- **Conditions of Supervision (standard and special) be imposed prior to release, which are specific to the offender, to enhance reintegration and community safety.**
- **A central coordinated system is essential in order to track all release packets sent from varying prison localities around the state, to the supervising agency. These release packets should be logged, assigned to the appropriate district office with due dates established. The results of the pre-home investigations and proposed release paperwork should be returned to the central area upon completion, in order for the central coordinating facility to inform ADC who will authorize a release. ADC will then inform the prison records staff of the authorized release. The prison staff will notify the supervising agency of the release date.**
- **It is necessary to establish a system for rerouting the pre-release packets, on placements recommended for denial, to the central coordinating area to be sent to another jurisdiction.**

- **Those offenders with no placement or no pre-approved placement should be identified and monitored so that appropriate special conditions can be imposed prior to release. The offender will be instructed to sign those special conditions prior to exiting prison to insure that the offender is aware of reporting instructions and what behavior constitutes violations. If the offender does not agree to follow and sign conditions of supervision, the offender will not be released from imprisonment until the offender's Community Supervision End Date (CSED), which equals 15% of the sentence imposed. The Truth-In-Sentencing community supervision release (either TR, ERCD or SED) is a conditional release.**

- **Pre-home investigations should occur prior to release from prison to the community for the purpose of protecting the public, reducing obvious liability to the state and increasing the likelihood of a successful transition for the offender.**

Pre-home investigations assure that "special relationships" are not allowed or created in residential and employment placement. Without pre-home investigations, offenders, for example, may be living with past victims and/or child/sex abusers may be living with children. Further, by completing pre-home investigations and criminal history checks of the sponsor and other residents, sound correctional judgement is utilized to disallow involvement with people who possess criminal backgrounds or the return of an offender to an inappropriate environment. Special conditions of supervision should be imposed on offenders released with no pre-approved placement to reduce potentially dangerous situations from occurring which may increase risk to the public and liability to the state.

- **Substantive supervision programs have, as standard operation, the completion of some type of risk and needs assessment instrument which identifies high risk, high need offenders and establishes minimum levels of contact and supervision standards for all offenders. This allows officers to utilize their time most effectively by spending more time with higher risk offenders. This risk assessment should be completed during the initial contact, and on a regular basis thereafter.**
- **The prison staff shall notify the agency responsible for supervision in every instance the day an offender is to be released to the community. This notification allows the field officers to pursue a Warrant of Arrest if needed, should the offender abscond.**

- **Any effective supervision model includes utilizing and applying a variety of sanctions prior to completing a warrant of arrest for violations of conditions of supervision, revoking the offender's release and returning the offender to prison. In spite of budgetary constraints, a comprehensive list of intermediate sanctions must be developed, if not already in place, prior to any agency assuming supervision responsibilities.**
- **A comprehensive, sound community supervision system should include pre-release/half-way house utilization for both initial transition into the community, particularly for those offenders who do not have pre-approved placements, and for those who violate conditions of supervision and require placement in a half-way back program. These facilities would allow offenders greater support in programming, detoxification, and a general time out from the mainstream, which diminishes the number of offenders needing to be returned to prison. Lack of appropriate community facilities require most agencies to return the offender to prison since public protection is always a top priority. However, most individuals change in incremental ways and transitioning is more successful, if given one or more opportunities to remain law abiding. Utilizing half-way houses in this manner allows for the optimum use of scarce prison beds.**
- **A warrant system must be developed to assure that offenders are served a warrant when necessary.**
- **A system to complete and coordinate due process and revocation hearings must be developed.**
- **A courier/mail service system must be established to route release packets from each institution to the supervision agency's central coordinating facility for distribution to the field supervision offices.**
- **The supervising agent should have access to the information available in the Adult Information Management System (AIMS) within the Arizona Department of Corrections. Although release packets will be sent to the county(ies) when an offender is released to a placement in that County, some current information which is available on AIMS is not currently in the release packets. Officers must have access to a system whereby, on a need to know basis, they can access inmate information such as prison discipline, movement history, medical issues, intelligence etc.**

- **A system needs to be established to manage/transport absconders and other violators to jail or prison who are arrested in Arizona or out of state on an Administrative warrant.**
- **A system must be established to track offenders released to detainers to insure the completion of their community supervision term.**

ISSUES NEEDING FURTHER ATTENTION

- The Interstate Compact (ISC) for the Supervision of Parolees and Probationers, ARS 31-461 is not addressed in the Truth-In-Sentencing legislation. During FY 1993-1994 ADC supervised a total of 1711 offenders from other states under ISC supervision of which 1206 were probationers. The end of July 1994, 1276 ISC probationers were being supervised by ADC. Further, approximately 2648 Arizona probationers were being supervised in other states. During FY 1993-1994, 922 ISC probation and parole cases were denied for supervision in Arizona. **A determination must be made as to which agency will be responsible to investigate, accept/deny and supervise offenders coming from other states to Arizona under ISC.** That identified agency will also be responsible to coordinate the application process and paperwork submitted by offenders desiring to leave Arizona under community supervision to be supervised in another state. **ADC has opened discussions, through this committee, with the Administrative Office of the Courts and the Counties to propose the transfer of the Interstate Probation function from ADC to the Counties. ADC would retain Interstate parole, and Interstate Agreements on Detainers (IAD).** Additionally, a new ISC rule was adopted September 10, 1994 which clarifies the number of Deputy Administrators a state may utilize. The rule as enacted defines that there may be one Administrator per state and two Deputy Administrators, one for parole and one for probation.
- Currently, ADC is responsible for the community supervision of offenders under Truth-In-Sentencing, once they are released from imprisonment, until the offenders reach a community supervision end date (CSED). This function transfers to the Administrative Office of the Courts on January 1, 1996. The Director of the Department of Corrections may grant a Temporary Release (TR) up to 90 days prior to an inmate's release date, Earned Release Credit Date (ERCD) or, in some cases, a Sentence Expiration Date (SED). The Department is responsible to supervise offenders on Temporary Release. It appears to be both inconsistent and impractical for the supervision of these offenders to be split between two agencies and, as such, this issue warrants further review by the Legislature.
- ADC received the following Attorney General's opinion in response to a question they asked, "If an offender receives multiple sentences, can the court impose a term of community supervision equal to the sum of all sentences imposed or to the longest sentence imposed?"

"Pursuant to A.R.S. § 13-708, multiple sentences imposed by the court must run consecutively, unless the court directs that they run concurrently and sets forth on the record its reason for doing so. When the court orders multiple sentences to run consecutively, the term of community supervision will equal fifteen percent of sum

of all sentences imposed. When the court orders multiple sentences to run concurrently, the term of community supervision will equal fifteen percent of the longest sentence imposed."

There are still questions related to detainers and the community supervision term. If an offender completes a term of imprisonment and has a detainer lodged by another jurisdiction, that holds the offender in custody, does the community supervision term attached to the offender's Arizona sentence run concurrent to the prison or jail time being served by the offender in the other jurisdiction? Based on the opinion of the Attorney General, it appears that the community supervision term would run concurrently to the jail or prison term imposed by the other jurisdiction. The only instance when the offender would serve the community supervision term in Arizona, would be if the term of imprisonment and any community supervision imposed by the other jurisdiction was shorter in length than the community supervision term imposed by Arizona. In that case, the offender would return to Arizona under supervision until the offender met a Community Supervision End Date. This situation needs to be clarified as there will be many cases similar to this example.

- An ombudsmen group should be established to resolve any problems which may arise between the courts, various counties, ADC and BOEC.
- The supervising agency should implement a 24-hour central communication system to respond to law enforcement inquiries i.e. warrant information, extradition matters, placement of jail holds, etc.
- The Legislature considered legislation to limit the State's exposure to liability related to Community Supervision (Senate Bill 1305).

There are several possible solutions to the escalating problem of lawsuits against the state. One consideration may involve using an existing victims board and system that could be authorized to make determinations regarding the payment of damages in appropriate cases.

PROPOSALS

1. The same agency responsible for supervising offenders upon release from prison shall also impose Conditions of Supervision and complete the revocation process utilized for those offenders.

	Agree	Disagree	Neutral
Arizona Department of Corrections	<u> X </u>	_____	_____
Administrative Office of the Courts	<u> X </u>	_____	_____
Board of Executive Clemency	_____	<u> X </u>	_____

2. Those offenders being supervised by the Arizona Department of Corrections prior to January 1, 1996 will remain under supervision with ADC until their supervision expires unless an offender in this category has more than six months of supervision left to serve. Those cases will be transferred to the Court for Community Supervision.

	Agree	Disagree	Neutral
Arizona Department of Corrections	<u> X </u>	_____	_____
Administrative Office of the Courts	<u> X </u>	_____	_____
Board of Executive Clemency	<u> X </u>	_____	_____

PROPOSALS (continued)

3. The 90 day Temporary Release (TR) as defined by statute is an important tool utilized by the Arizona Department of Corrections to manage the behavior of inmates. If an offender is released on an Earned Release Credit Date (ERCD) or a Sentence Expiration Date (SED) (for those who do not earn good time credits) and is granted a TR by the Director of ADC, it will extend the term of any Community Supervision by up to 90 days.

	Agree	Disagree	Neutral
Arizona Department of Corrections	<u> X </u>	<u> </u>	<u> </u>
Administrative Office of the Courts	<u> </u>	<u> X </u>	<u> </u>
Board of Executive Clemency	<u> X </u>	<u> </u>	<u> </u>

4. If an offender under Community Supervision (TIS) violates Conditions of Supervision, the revocation agent may impose a continuum of intermediate sanctions including revocation and the return of the offender to serve a term of imprisonment equal to the term of Community Supervision.

	Agree	Disagree	Neutral
Arizona Department of Corrections	<u> X </u>	<u> </u>	<u> </u>
Administrative Office of the Courts	<u> </u>	<u> </u>	<u> X </u>
Board of Executive Clemency	<u> X </u>	<u> </u>	<u> </u>

PROPOSALS (continued)

5. **Modify Truth-In-Sentencing Statute to allow the term of Community Supervision to be adjusted to reflect a more easily calculated Community Supervision term as follows:**

§ 13-603(I)

1. If a person is convicted of a felony offense and the court sentences the person to a term of imprisonment, the court at the time of sentencing shall impose on the convicted person a term of community supervision. The term of community supervision shall be served consecutively to the period of imprisonment. ~~The term of community supervision imposed by the court shall be for a period equal to one day for every seven days of the sentence or sentences imposed the following periods:~~ In the event the person is sentenced to more than one period of community supervision, the offender will serve the period of community supervision that is the longest. Periods of community supervision will not be served consecutively.
2. If the offender has been sentenced to prison for a nondangerous felony, the court shall impose the accompanying period of community supervision:
 - a. For a class 2 felony, 12 months
 - b. For a class 3 or 4 felony, 9 months
 - c. For a class 5 or 6 felony, 6 months

If the court imposed on aggravated prison sentence, the court may increase the term of community supervision up to six months.

3. If the offender sentenced to prison for multiple nondangerous felonies or one nondangerous felony with one or more historical prior convictions, the court shall impose the accompanying period of community supervision:
 - a. For a class 2 felony, 18 months
 - b. For a class 3 or 4 felony, 12 months
 - c. For a class 5 or 6 felony, 9 months

If the court imposed an aggravated sentence or the offender was convicted of three or more felonies or one or more historical priors, the court may increase the period of community supervision up to 12 months.

PROPOSALS (continued)

4. If the offender has been sentenced to prison for a dangerous offense or multiple dangerous offenses or a dangerous offense with one or more historical prior convictions, the court shall impose the accompanying period of community supervision:
- a. For a class 2 felony, 24 months
 - b. For a class 3 or 4 felony, 15 months
 - c. For a class 5 or 6 felony, 10 months

If the court imposed an aggravated sentence or the defendant was convicted of one or more historical dangerous prior convictions, the court shall increase the period of community supervision up to 12 months.

5. If the offender has been convicted of a dangerous crime against children in the first or second degree or murder, the court shall impose a lifetime period of community supervision. If at any time, the offender's community supervision is revoked, the offender may be returned to the prison for a period of an additional imprisonment of 5 years, followed by the remainder of the offender's lifetime period of community supervision. Each subsequent revocation may result in an additional 5 year period of imprisonment followed by the remainder of the life time period of community supervision. A 5 year period of imprisonment may be levied in addition to a term imposed as a result of a new criminal conviction.

	Agree	Disagree	Neutral
Arizona Department of Corrections	_____	___ X ___	_____
Administrative Office of the Courts	___ X ___	_____	_____
Board of Executive Clemency	___ X ___	_____	_____

PROPOSALS (continued)

6. Propose legislation to limit the amount of liability for criminal justice officers when they are carrying out their Community Supervision duties so that they have qualified immunity.

	Agree	Disagree	Neutral
Arizona Department of Corrections	<u> X </u>	_____	_____
Administrative Office of the Courts	<u>NO POSITION</u>		
Board of Executive Clemency	_____	<u> X </u>	_____

7. Transfer the responsibility of Interstate Compact Probation Supervision from the Department of Corrections to the Court.

ADC will continue to supervise post-prison offenders from other states accepted under the Interstate Compact for the supervision of Parolees and Probationers and coordinate the process for post-prison offenders requesting transfer of their supervision from Arizona to other states. Further, ADC will administer the Interstate Agreement on Detainers. The court will supervise probationers accepted under the Interstate Compact for the supervision of Parolees and Probationers coming from other states to Arizona and coordinate the process for probationers requesting transfer of their probation from Arizona to other states. This separation allows each agency to manage the population with whom they are most familiar and most prepared to effectively impact.

	Agree	Disagree	Neutral
Arizona Department of Corrections	<u> X </u>	_____	_____
Administrative Office of the Courts	_____	_____	<u> X </u>
Board of Executive Clemency	<u> X </u>	_____	_____

PROPOSALS (continued)

8. Funds appropriated for Community Supervision can only be utilized for the administration of supervision or treatment activities and may not be transferred or spent for any other purpose.

	Agree	Disagree	Neutral
Arizona Department of Corrections	_____	_____ <u>X</u> _____	_____
Administrative Office of the Courts	_____ <u>X</u> _____	_____	_____
Board of Executive Clemency	_____ <u>X</u> _____	_____	_____

9. The Legislature fund a pre-release prison program that will enable ADC to implement policy requiring all inmates to participate, prior to being released under community supervision.

	Agree	Disagree	Neutral
Arizona Department of Corrections	_____ <u>X</u> _____	_____	_____
Administrative Office of the Courts	_____	_____	_____ <u>X</u> _____
Board of Executive Clemency	_____ <u>X</u> _____	_____	_____

10. Pass legislation and allocate funds for the supervising agency to utilize community transitional programs for the reintegration of offenders into the community upon release, and for offenders who violate conditions of supervision and require placement in a more structured program.

	Agree	Disagree	Neutral
Arizona Department of Corrections	_____ <u>X</u> _____	_____	_____
Administrative Office of the Courts	_____ <u>X</u> _____	_____	_____
Board of Executive Clemency	_____ <u>X</u> _____	_____	_____

PROJECTED CASELOAD POPULATION

	TOTAL CASES AZ//ISC	TOTAL ISC PAROLE	TOTAL ISC PROBATION	TOTAL OLD CODE CASES	TOTAL T.I.S. CASES
1-1-95	5570	503	1021	3965	81
1-1-96	5838	543	1052	3480	763
1-1-97	6050	583	1083	2755	1629
1-1-98	6169	623	1114	1631	2801
1-1-99	6405	664	1138	1039	3564
1-1-00	6730	704	1169	797	4060
1-1-01	7061	744	1200	590	4527
1-1-02	7398	785	1230	406	4977
1-1-03	7744	825	1261	255	5403

REPORT SOURCE: ADC - JULY 1994

COMMUNITY SUPERVISION CASE LOAD PROJECTIONS

PREPARED BY:

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PLANNING BUREAU

DIVISION OF HUMAN RESOURCES & DEVELOPMENT

***REQUESTS FOR FURTHER
INFORMATION OR AGENCY POSITION
PAPERS ON
TRUTH-IN-SENTENCING***

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***BOARD OF EXECUTIVE CLEMENCY:
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