PERFORMANCE AUDIT

DEPARTMENT OF CORRECTIONS

BED SPACE IMPACTS

Report to the Arizona Legislature
By the Auditor General
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December 28, 1990

Members of the Legislaure
State of Arizona

The Honorable Rose Mofford
Governor of the State of Arizona

Mr. Samuel L. Lewis, Director
Department of Corrections

Transmitted herewith is a report of the Auditor General, A Performance Audit of the Department of Corrections, Bed Space Impacts. This report is in response to a September 22, 1989, resolution of the Joint Legislative Oversight Committee and was conducted as part of the Sunset Review set forth in Arizona Revised Statutes §§41-2351 through 41-2379.

This report is the first in a series of four reports to be issued on the Department of Corrections. The report addresses those factors within the control of the Department of Corrections that impact prison population and resulting bed space needs. We found that the Department can take some steps to reduce overcrowding and free bed space; however, overcrowding will continue. In addition, we found that the large number of release types utilized in Arizona has resulted in a complicated system that may actually work against reducing the prison population. The report also contains greater detail about specific areas which impact bed space, including disciplinary penalties, revocation of releases, calculation of inmate release dates, and processing of inmates out of DOC institutions.

A response from the Department of Corrections is contained on the yellow pages following the body of this report. My staff and I will be pleased to discuss or clarify items in the report.

This report will be released to the public on January 2, 1991.

Sincerely,

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SUMMARY

The Office of the Auditor General has conducted a performance audit of those factors within the control of the Department of Corrections (DOC) and the Board of Pardons and Paroles (BPP) that impact prison population and resulting bed space needs. This audit was conducted in response to a September 22, 1989, resolution of the Joint Legislative Oversight Committee, and as part of the Sunset Review set forth in Arizona Revised Statutes (A.R.S.) §§41-2351 through 41-2379.

Efforts By DOC Could Free Needed Bed Space; However, Overcrowding Will Continue **(see pages 5 through 21)**

DOC can take some steps to reduce overcrowding and free bed space; however, overcrowding will continue. The Joint Legislative Oversight Committee directed us to examine how DOC's and BPP's actions impact the size of the inmate population. The resolution specified that we examine the different inmate releases outlined in statutes, as well as the effects of the disciplinary system, parole revocations, and time computation. Therefore, we analyzed how each of these factors affects the need for prison beds. However, there is a difference between the bed impact of a factor and the number of beds DOC could actually save. For example, although disciplinary penalties impact up to 214 beds, DOC can not be expected to save all of these beds, because it can not eliminate all disciplinary penalties. Disciplinary penalties are an important factor in prison control. DOC can, however, save some beds by changing some aspects of the way it operates its disciplinary system. Exactly how many beds can be saved will depend on the policies DOC adopts. However, when comparing potential savings to the magnitude of Arizona's prison overcrowding, it is helpful to know that even if all penalties were eliminated, it would save only 214 beds.

Our analyses indicate that the greatest impacts on bed space are the result of the imposition of disciplinary penalties (up to 214 beds), the revocation of early releases for technical violations (up to 285 beds), and DOC decision making regarding Temporary Release (up to 90 beds)

and Provisional Release (up to 170 beds). Although problems exist, DOC's calculation of release dates and timeliness in processing inmates for release, appear to have only a minimal impact on bed space. Finally, although release approval rates have fluctuated greatly, we could not determine the impact of the Board of Pardons and Paroles' decisions on bed space.

Because changes to the system can be expected to free only some of the beds identified previously, and the inmate population is expected to continue growing, we concluded that overcrowded prison conditions will continue. Even if DOC were able to save all beds we identified, DOC would still be substantially short of meeting its bed needs during the next two years.

Therefore, the Legislature should consider some of the following options to address the problem of prison overcrowding:

- reducing the number of offenders sent to prison, by encouraging the increased use of alternatives to incarceration;
- reducing sentence lengths, through a review of the criminal code and development of sentencing guidelines;
- expanding existing release types, by modifying the conditions and eligibility criteria, thereby increasing the number of inmates that qualify for release; and
- increasing prison capacity.

In September 1989, the Legislature commissioned a corrections and criminal code revision study, which should provide additional information about these options.

Arizona's Multiple Release Types Can Be Counterproductive To Reducing Prison Overcrowding
(see pages 23 through 33)

The large number of release types utilized in Arizona has resulted in a complicated system that may actually work against reducing the prison population. Arizona has more release types than any other

state prison system in the nation. While Arizona has nine early releases, most other states have four or fewer.

While the release types currently in place appear to have been implemented in an effort to reduce bed space needs, the addition of early release types does not necessarily translate into an increase in releases or ensure inmates are released as early as possible. Many releases can overlap during an inmate's sentence. Consequently, many inmates choose to stay in prison longer to take advantage of a more desirable release, thus taking up much needed bed space. For example, approximately 25 percent of the inmates scheduled for Parole hearings, waive their hearings to wait for another release which may require less supervision than Parole. Further, because some releases target the same inmates, the pool of inmates eligible for release is not extended.

The sheer number of releases can also create administrative difficulties for DOC's Time Computation Unit, beause the unit must manually calculate all projected release dates.

Based on these findings, we believe the State's present system of release types needs simplification. We recommend the Legislature consider the following changes:

- replace Early Parole with a DOC-authorized "emergency" release;
- eliminate Temporary Release, which lacks a clear purpose;
- modify Provisional Release by establishing valid criteria for release decisions;
- allow Parole eligibility earlier in an inmate's sentence, and eliminate Work Furlough, which would then be unnecessary;
- modify the use of Home Arrest so it can be used as a condition of release for high-risk releasees who require intensive supervision; and
- eliminate Discretionary Release which is used very infrequently, and generally applies only to inmates ineligible for any other type of early release.

If the above changes were implemented, Arizona would still be left with four release types -- Provisional, Earned Release Credit Date, an

emergency release, and Parole. While some changes could be easily implemented, others should be postponed until certain areas of the criminal justice system are reviewed by the corrections and criminal code revision study.

Other Finding Areas

Other Findings in this report address, in greater detail, the information about bed impact in Finding I, and include the following:

- Although the disciplinary system as a whole appears to be functioning well, the effects of disciplinary penalties on some inmate releases may be overly severe, and even unintended. Additionally, DOC's authority to revoke inmates' release credits (forfeiture of good time) as a disciplinary penalty, is greater than that of many other states. (See pages 35 through 44)

- Arizona needs to develop alternatives to revoking inmate releases. Nationally, there is a trend toward the increased use of intermediate sanctions, such as changing supervision requirements, before initiating revocation. Another trend is the increased use of home detention, intensive supervision, and the use of halfway houses with drug and/or alcohol treatment programs. (See pages 45 through 52)

- DOC needs a more adequate system for calculating accurate inmate release dates. Currently, due to factors such as different sentencing laws, multiple release types, and a cumbersome, time-consuming manual system, time computation is a complicated and difficult function. In order to provide a more efficient means of calculating release dates, DOC needs to establish a reliable, automated time computation system. (See pages 53 through 61)

- While most DOC-authorized releases are processed on time, some Board-approved releases are not. Changes in the release process, additional placement options, and the use of an inmate tracking system may help reduce delays. (See pages 63 through 70)

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INTRODUCTION AND BACKGROUND

The Office of the Auditor General has conducted a performance audit of those factors within the control of the Department of Corrections (DOC) and the Board of Pardons and Paroles (BPP) that impact prison population and resulting bed space needs. This audit was conducted in response to a September 22, 1989, resolution of the Joint Legislative Oversight Committee, and as part of the Sunset Review set forth in Arizona Revised Statutes (A.R.S.) §§41-2351 through 41-2379.

Various Factors Within The Criminal Justice And Corrections Systems Impact Prison Population And Bed Space

Prison populations, and thus prison bed space requirements, are the result of State laws as well as DOC and BPP policies and practices. For example, criminal statutes determine which offenders will be sentenced to prison and the length of their sentence. In addition, statutory provisions, coupled with DOC and BPP policies and decisions, determine the number of inmates released before the end of their sentences. For example, the BPP has the authority to approve inmates for release to **Parole**, **Early Parole**, **Work Furlough**, and **Home Arrest**. Therefore, DOC has discretion to approve **Provisional**, **Discretionary**, **Earned Release Credit Date**, and **Temporary** releases. Only two releases, **Mandatory** and Sentence Expiration, are dictated solely by statutory provisions.(1) Therefore, DOC policies and procedures contribute to the size of the prison population and the number of beds that are needed.

Some of the major processes within DOC's control that impact inmate numbers and bed space requirements include the following:

- **The calculation of an inmate's release date(s).** Shortly after entering the State prison system, DOC's Time Computation Unit calculates an inmate's projected release date(s). In order to determine the earliest possible release date, dates are calculated for each type of release for which the inmate may be eligible. Frequently, inmates are eligible for more than one type of early release.

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(1) Words appearing in bold are defined in the Glossary.

- **Disciplinary actions against an inmate.** Discipline may result in the forfeiture of earned good time, placement in a status that does not allow the inmate to accumulate good time credits, and/or a delay in the date when the inmate can be heard by the BPP for a Parole release.

- **Timeliness of release processing.** Before actually releasing an inmate, DOC completes the necessary processing. Part of the processing involves investigating the inmate's proposed release environment.

- **Handling of inmates who violate release conditions.** Some inmates released to supervision, violate the conditions of their release and have their release revoked. These violators are brought back into custody and remain in prison until their sentence expires or they qualify and are approved for another early release.

Scope And Methodology

The primary focus of this audit was based on a September 22, 1989, resolution by the Joint Legislative Oversight Committee, which directed us to conduct a study of:

> ". . . Provisional Release as provided by A.R.S. §31-411, Earned Release Credits as provided in A.R.S. §41-1605.07, the Parole Certification System, Temporary Release as provided by A.R.S. §31-233B, Discretionary Release as provided by A.R.S. §31-233J, Actual Release as provided by A.R.S. §41-1604.07D, the inmate disciplinary system as it affects inmate release, the Time Computation Unit, and the performance of Parole officers with respect to revocation of Parole; and the Board of Pardons and Paroles and its impact upon the inmate population numbers; and all other actions of these two agencies which affect inmate population numbers . . ."

Our study addressed the adult institutions -- both male and female inmates. Findings I and II summarize the results of this study. The report's remaining Findings address individual programs mentioned in the resolution. Furthermore, we attempted to evaluate the effectiveness of two alternatives to incarceration -- Shock Incarceration and Home Arrest. Our preliminary research concluded that because these two programs have been in operation only a short period of time, it would not be possible to accurately and reasonably assess their impact.

This report also contains other pertinent information regarding DOC's lack of adequate and reliable management information. (See page 71)

Due to time constraints, we were unable to fully address two potential issues identified during the audit. (For additional information about these issues, see Areas for Further Audit Work, page 75.)

This audit was conducted in accordance with generally accepted government auditing standards.

The Auditor General and staff express appreciation to the Director and staff of the Department of Corrections for their cooperation and assistance during the audit.

FINDING I

EFFORTS BY DOC COULD FREE NEEDED BED SPACE; HOWEVER, OVERCROWDING WILL CONTINUE

Although DOC's actions affect prison bed space, the anticipated growth of the prison population will more than offset potential bed savings. Therefore, the State will need to consider other options to adequately address prison capacity problems.

DOC And Board Actions Impact Bed Space Requirements

Actions taken by both the DOC and the Board of Pardons and Paroles have had varying bed impacts. The imposition of disciplinary penalties, the revocation of releases, and the decision-making processes used in granting inmate releases have had the greatest impact on bed space. However, DOC's timeliness in processing approved releases and its time computation function appear to have had only a minimal effect on bed space. Although savings on bed space could be realized through efforts in these areas, the potential is limited.

Disciplinary penalties impact bed space requirements - Disciplinary actions can affect an inmate's length of incarceration, and thus the use of prison beds. DOC has the authority to impose penalties when an inmate is convicted of violating a disciplinary rule. Two types of penalties can directly affect an inmate's length of incarceration:

- **Forfeiture of Earned Release Credits** - A number of release credit days an inmate has accumulated toward completion of his or her sentence[1] are taken away or "forfeited."
- **Placement in a nonearning status** - **Parole Class III** and **Parole Class IX** are penalty designations which, during that period, the inmate does not earn release credits.

To determine the actual effect of disciplinary penalties on an inmate's length of incarceration, we quantified the impact of time-loss penalties imposed upon the 5,750 inmates released in 1989. We used this group for

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(1) By statutory provisions, in addition to the number of days they actually serve, most inmates are able to earn day credits toward their release.

our study (rather than the current population) because the number of days imposed through Forfeiture and Class III placement do not always translate into extra days of incarceration. Instead, the impact of the penalties depends on factors such as the eventual type of release, any restoration of good time previously forfeited, and the ability of the inmate to earn good time. For example, if an inmate loses 100 days through Forfeiture, it may have no effect on time served if the inmate is granted release on Parole. Therefore, by studying releasees, we were able to determine whether the disciplinary penalties received during the inmate's incarceration actually delayed release. As shown in Table 1, in all, Forfeiture and Class III placement resulted in a total of 56,179 days of additional incarceration for our study population, a figure equating to 153 inmates remaining incarcerated one additional year.

TABLE 1

IMPACT ON BED SPACE OF DISCIPLINARY PENALTIES IMPOSED AGAINST INMATES RELEASED IN 1989

	Release Credit Forfeiture	Parole Class III
Total number of inmates	5,750	5,750
Number inmates receiving penalty	538 (9.4%)	1,080 (18.8%)
Number of penalties imposed	740	2,127
Number of days imposed	70,149	134,486
Bed impact in days(a)	30,259	25,920
One year bed equivalent	82	71

(a) For the impact on bed space, our figures are conservative due to instances in which computer program logic design was unable to process the effects of certain disciplinary actions on released inmates who were exceptional cases.

Source: Office of the Auditor General staff analysis of the impact of DOC disciplinary penalties on bed space for inmates released in 1989.

Although disciplinary penalties affect bed space, the ability to discipline is a vital element of prison control. Further, DOC does not appear to have used Forfeiture and Class III penalties on a large number of inmates. As shown in Table 1, of the 5,750 inmates released in 1989, 9.4 percent had earned release credits forfeited, while 18.8 percent received a Class III placement. Further, 80 percent of all inmates

received no time-loss penalties.[1] Since similar information was unavailable from other states, we were not able to compare the frequency of DOC's use of time-loss penalties. While the frequency with which DOC imposes disciplinary penalties seems reasonable, the amount of earned good time DOC is able to take away for individual penalties appears high. We compared DOC's forfeiture limits with those of other states, and found that DOC's limits were generally higher. Thus by reducing these limits, DOC could reduce the number of days forfeited by inmates.

The imposition of penalties can also affect an inmate's release in other ways. For example, a Class III placement renders an inmate ineligible for Parole during placement, and can delay the inmate's release on Parole. We were unable to determine the number of inmates that would actually have been granted Parole if their hearings had not been delayed by this placement. However, we reviewed a nonstatistical sample of 40 cases in which an inmate received a Class III penalty and was later released on regular Parole. We found that in 87 percent of these cases, the inmate's release date was affected. If we assume these cases are representative and we apply the 87 percent to all 1989 regular Parole releasees with Class III penalties, we estimate the impact of the Class III penalty would be over 22,000 days, or 61 additional beds per year. The Legislature should consider amending A.R.S. §41-1604.06 to allow DOC to change Class III to a parole eligible class. (For more information on this recommendation, see Finding III, page 35.)[2]

Another indirect result of the Class III and Forfeiture penalties is that they may render inmates ineligible for Provisional Release.[3] (For the

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(1) Of the 5,750 releasees, 1,147 (19.9 percent) received at least one penalty of either Forfeiture, Class III, or Class IX.

(2) In addition to evaluating the Class III placement, we also analyzed the impact of another Parole classification -- Class II. Like the Class III disciplinary penalty, the Class II designation renders an inmate ineligible to earn release credits. Class II is used as a sanction for inmates who are performing ineffectively in programs intended for their betterment such as educational, vocational, or counseling. While its use is currently minimal, it has been used more frequently in the past, and DOC has suggested they would like to renew its use in the future. Against our study population of 5,750 inmates released in 1989, use of Class II resulted in 2,276 days of prison beds being occupied longer.

(3) In addition, in June 1990, DOC established a Temporary Release (TR) policy in which disciplinary actions may also render an inmate ineligible for TR.

impact on bed space of inmates not released due to ineligibility for Provisional Release, see page 9 of this Finding.)

Impact of revocation on bed space - Prison bed space is also influenced by the revocation of inmate releases. Inmates discharged from the State's prisons under a supervised release must adhere to a set of conditions imposed by DOC, the BPP, or both. When a releasee violates these conditions, he or she may be returned to a DOC medium security facility to await a revocation hearing. As a result of a revocation hearing, a violator's release may be revoked. If this occurs, the violator will likely remain in prison until the end of his or her sentence, or until released on another early release.

Release violators returned to DOC as a result of revocation proceedings have a considerable impact on prison bed space. We reviewed all inmates released in 1989 (948) who, prior to this release, had been returned to DOC as a result of a release violation. We selected this group for review in order to quantify the amount of time violators remain in prison once returned to DOC. We found, as indicated in Table 2, a total of 237,436 days of additional bed space. When calculated over a one year period of time, this equates to the use of 650 prison beds to accommodate these release violators.

TABLE 2

IMPACT ON BED SPACE OF RELEASE VIOLATORS SUBSEQUENTLY RELEASED IN 1989

	BPP	DOC	Total Days	One Year Bed Equivalent
Revoked Violators				
Technical violations	68,095	36,032	104,127	285
New offense	104,212	25,349	129,561	355
Subtotal	172,307	61,381	233,688	640
Nonrevoked Violators	3,495	253	3,748	10
TOTAL	175,802	61,634	237,436	650

Source: Prepared by the Office of the Auditor General staff from data obtained from DOC's AIMS.

Through use of alternative methods, DOC may be able to reduce the number of beds required for release violators. Over one-half of the bed days utilized for release violators were due to **new offenses**, thus the decision to recommit the releasee to prison was outside DOC's control. However, for those revoked as a result of a **technical violation**, DOC should consider taking additional actions to avoid revocation, thus diverting violators from prison. For example, if DOC had resources available, the use of halfway house beds, substance abuse programs, electronic monitoring, or home detention could not only reduce the number of beds used annually for technical violators, but could also be less expensive. (For more information about revocations, see Finding IV, page 45.)

Impact on bed space of DOC and Parole Board release decisions - Both DOC's and BPP's release decisions impact prison bed space. DOC has four release types within its control -- Temporary, Provisional, Discretionary, and Earned Release Credit Date. In addition, the Board's decision making impacts four releases -- Parole, Work Furlough, Home Arrest, and Early Parole. The frequency with which these release types have been utilized over time has varied, thus their impact on bed space has fluctuated.

As shown below, DOC's decisions regarding release impact prison bed space.

- **Temporary Release (TR)** - TR is a period of release up to 90 days in advance of another release type. DOC has been inconsistent in its use of TR; for example, according to statistics compiled by DOC between January 1987 and March 1990, the monthly percentage of releasees granted TR fluctuated from a low of 10.8 percent to a high of 35 percent. Because the Department has granted TR inconsistently, the impact of its decisions was difficult to assess, and we were unable to determine which inmates could have been eligible for TR. Until June 1990, as DOC had no eligibility criteria, the decision to grant TR was left solely to the discretion of designated staff within the Adult Parole Services Division. However, in June 1990, DOC established a policy outlining eligibility requirements for TR. Preliminary review by the Department indicates that this policy should result in a one-time savings of 50 to 90 beds during 1990.

- **Provisional Release (PR)** - To allow the Director the discretion to identify suitable inmates for early release, Provisional Release replaced Mandatory Release in 1985. The Department uses two criteria to determine eligibility for PR: that the current incarceration was

not the result of a revocation within a specified time period, and that the inmate's internal classification risk scores meet certain levels. As DOC lacked accurate information on the number of inmates denied Provisional Release, we were unable to obtain any information on the number of inmates not released on PR due to a prior revocation. However, we were able to estimate the number of inmates denied PR due to high risk scores. Based on our review of inmate risk scores for January, February, and March 1990, we determined that 420 inmates annually were denied this release. By remaining in prison until either their Earned Release Credit Date or sentence expiration (which occurs four months after PR eligibility), the inmates denied PR required the equivalent of 140 additional beds per year. In June 1990, DOC revised its policy for PR by relaxing its eligibility requirements. Preliminary review by the Department indicates that the change which relaxed the risk score requirements should result in a one-time savings of 140 to 170 beds during 1990.

- **Discretionary Release (DR)** - DR is a release granted solely at the discretion of the Director to inmates who exhibit positive behavior, participate in work, treatment, and/or training programs, are a minimal risk to public safety and who, by virtue of their offense, are not eligible for any other early release. To be considered for DR, inmates must request this release from the DOC Director. Very few such requests are received by the Director; in 1989 only two Discretionary Releases were granted. Because DR applies to only a few inmates, there is very little potential to impact bed space in this release area.

- **Earned Release Credit Date (ERCD)** - ERCD is a discretionary release granted by the Director to inmates who have earned release credits which, when added to the time already served, equal the length of the sentence imposed by the court. Although this is called a discretionary release, according to a DOC official, inmates are automatically approved for this release once they reach their ERCD. Therefore, if DOC continues to automatically approve inmates for this release, there is no potential for impacting bed space in this release area.

The Board's decisions involving release also impact bed space. According to information received from DOC, the Board's release-approval rates have fluctuated on a monthly as well as a yearly basis. On a monthly basis for example, Paroles (including Paroles under A.R.S. §§31-412.A, 31-412.B and 31-233.I) ranged from a high approval rate of 60.8 percent in May 1987, to a low of 30.4 percent in December 1988. For Work Furlough releases the variance was greater, ranging from no approvals to 52.9 percent approval. Table 3 (page 11) shows the number of hearings annually, the releases granted, and the calculated approval rates.

Although the Board's approval rates have fluctuated substantially, we did not attempt to second-guess the appropriateness of Board decisions, or determine their relationship to bed space. Doing so would have been an extremely difficult and subjective task because, as we reported earlier this year in our audit of the Board (Report 90-2), the Board has no guidelines to govern its decision making.

TABLE 3

BOARD OF PARDONS AND PAROLES
PAROLE, WORK FURLOUGH, AND HOME ARREST
HEARING AND DECISION STATISTICS
CALENDAR YEARS 1987, 1988, AND 1989

	Hearings	Releases Granted	Approval Rate
Paroles:			
1987	4,076	2,043	50.1%
1988	4,994	1,864	37.3%
1989	5,385	2,268	42.1%
WorK Furlough:			
1987	145	30	20.7%
1988	262	75	28.6%
1989	774	276	35.7%
Home Arrest:			
1988(a)	226	63	27.9%
1989	468	216	46.2%
All Releases:			
1987	4,221	2,073	49.1%
1988	5,482	2,002	36.5%
1989	6,627	2,760	41.6%

(a) Inmates were initially approved for placement in the Home Arrest program in November 1988.

Source: Prepared by the Office of the Auditor General staff from information provided by the Department of Corrections.

Impact of time computation on bed space - Errors made by the Time Computation Unit can affect the availability of bed space by causing either early or late releases. The following errors in time computation most often impact bed space:

- releasing an inmate who was not eligible for release, or not releasing an inmate who was eligible for a particular release; and
- inaccurately calculating release dates, causing an inmate to be released too early or too late.

We could not objectively determine the rate at which time computation errors occur or their actual impacts on bed space. We were unable to use DOC's data on errors because we found it was incomplete and unreliable. We were unable to prepare our own data because time computation is complex, and DOC has never developed comprehensive written procedures for time computations (see Finding V, page 56). Therefore, there was inadequate information to guide us in our analysis. In addition, we attempted to use consultants, but found the only qualified consultants we could identify had previously worked for DOC, and therefore could not meet the auditing standards' requirements for independence.

Although we were unable to statistically analyze the time computations prepared by DOC, several factors lead us to conclude that the impact of time computation errors on bed space is limited. When errors are made and inmates are released late, the errors generally involve a relatively low number of days. For example, a Phoenix time computation consultant indicated in a September 1989 report to the Legislature, that he had discovered hundreds of errors made by DOC on release date calculations. However, all of those errors resulted in a bed impact of only eleven beds annually. In addition, of the late releases reported by DOC's Time Computation Unit for 1989, the average delay was 11.8 days. Errors are also made in releasing inmates too early, which would lessen the impact of the late releases. For example, in December 1989, 28 inmates were found to have been temporarily released on Home Arrest, although they were not eligible for release. In another recent case, an inmate was found to have been released four and one-half years too early.

Impact of release processing on bed space - The processing of inmates approaching a release appears to have a limited effect on bed space. Inmates are released from DOC institutions on either a DOC administrative release, or a Board-approved release. DOC is able to process most administrative releases (about 65 percent of all releases) out of institutions by the inmate's eligibility date. In fact, of the 224 administrative releases we reviewed, only four (1.8 percent) were released after their eligibility date. DOC is able to release these inmates in a timely manner because the Department begins processing the release well in advance of the inmate's eligibility date.

Board releases, however, are not processed prior to Board approval. Inmates released on Parole as a result of an initial hearing, represent approximately 22 percent of all releases. Most of these Parolees are being released by their Parole Eligibility Date; 62 of the 75 such Parolees we reviewed were released on time, while 13 were released after their eligibility date. Further, these 13 releases were delayed due to factors outside of the Department's control: in eight cases the inmates were not heard by the Board until shortly before their Parole Eligibility Date; in four cases there was a lack of bed space in either DOC's Correctional Release Centers or private release facilities; and one case involved an inmate's violation of a major disciplinary rule.

The Board also approves releases for Early Parole, Home Arrest, Work Furlough, and Paroles resulting from more than one hearing. Eligibility for release under these programs occurs on the date the Board approves the release and takes place when DOC completes its processing. These releases (about 13 percent of all releases) require an average of 44 days to process out of institutions. Although DOC has taken actions to reduce the time required to process these releases, some further efficiencies could be realized (see Finding VI, page 63). However, the potential for impacting bed space is limited. For every five days reduction in the average processing time, DOC would save an estimated ten beds annually.

Greater savings on bed space could be realized by developing adequate placement options. Although most administrative and Parole releases were being processed by the release eligibility dates, many of these inmates

could have been released even earlier on a Temporary Release had a placement option been available. At the present time, DOC has two Correctional Release Centers (similar to halfway houses). However, due to limited bed space during the months of March and April 1990, approximately 227 inmates a day were waiting for admission. Therefore, the addition of halfway houses could also reduce the time necessary to release inmates from other DOC institutions.

While Recommended Changes Will Help, Overcrowded Conditions Will Continue In The Future

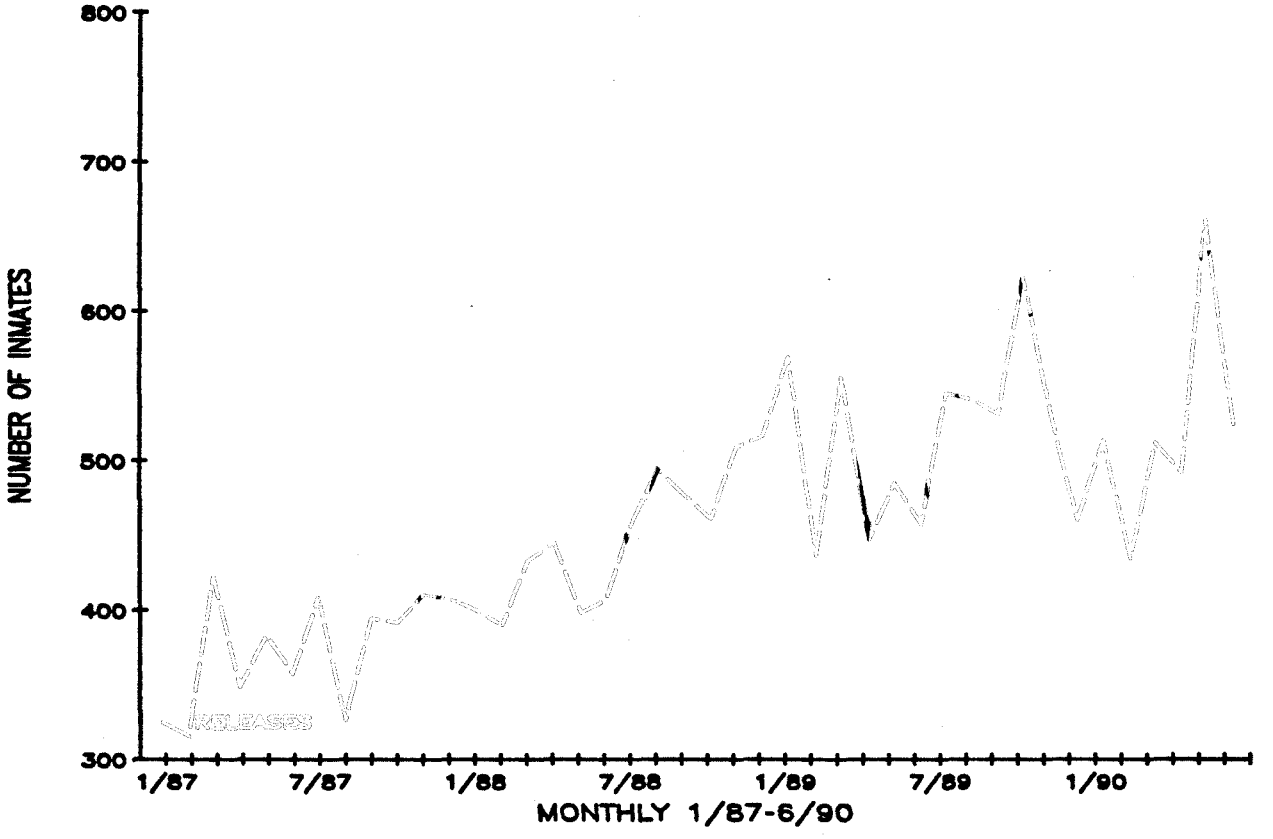
Although some savings could be realized in the system as a result of recommended changes, overcrowding will persist. In recent years, the State's prisons have operated most of the time above emergency capacity limits. Although additional bed space is expected to be built over the next few years, crowded conditions are likely to continue.

Prisons operated above capacity - In recent years, as considerably more offenders have entered DOC's facilities than have left, the State's prisons have operated overcrowded. From January 1987 through June 1990, this trend has resulted in a total of 4,343 more offenders entering than leaving the system. The number of those admitted exceeded the number of those released in 37 of 42 months (see Figure 1, page 15), and DOC's inmate population grew at an average rate of approximately 103 inmates per month.

As a result, the prison system has been overcrowded and generally forced to operate under emergency conditions. In analyzing DOC's bed capacity and inmate count (population) statistics from January 1987 through June 1990, we found that the number of inmates was generally greater than the number of beds in DOC's nine prison complexes. For example, in comparing the actual number of inmates housed in DOC facilities to operating bed capacity, in only 12 of 42 months (29 percent of the time) were there fewer inmates than available beds. In comparing what has been defined as "emergency capacity" (98 percent operating capacity) with the total number of offenders (those inside DOC institutions and those committed to DOC but awaiting transfer from a jail to a DOC facility), there were no excess beds in any month. (See Figure 2, page 16).

FIGURE 1

DEPARTMENT OF CORRECTIONS ADMISSIONS AND RELEASES[a] JANUARY 1987 THROUGH JUNE 1990

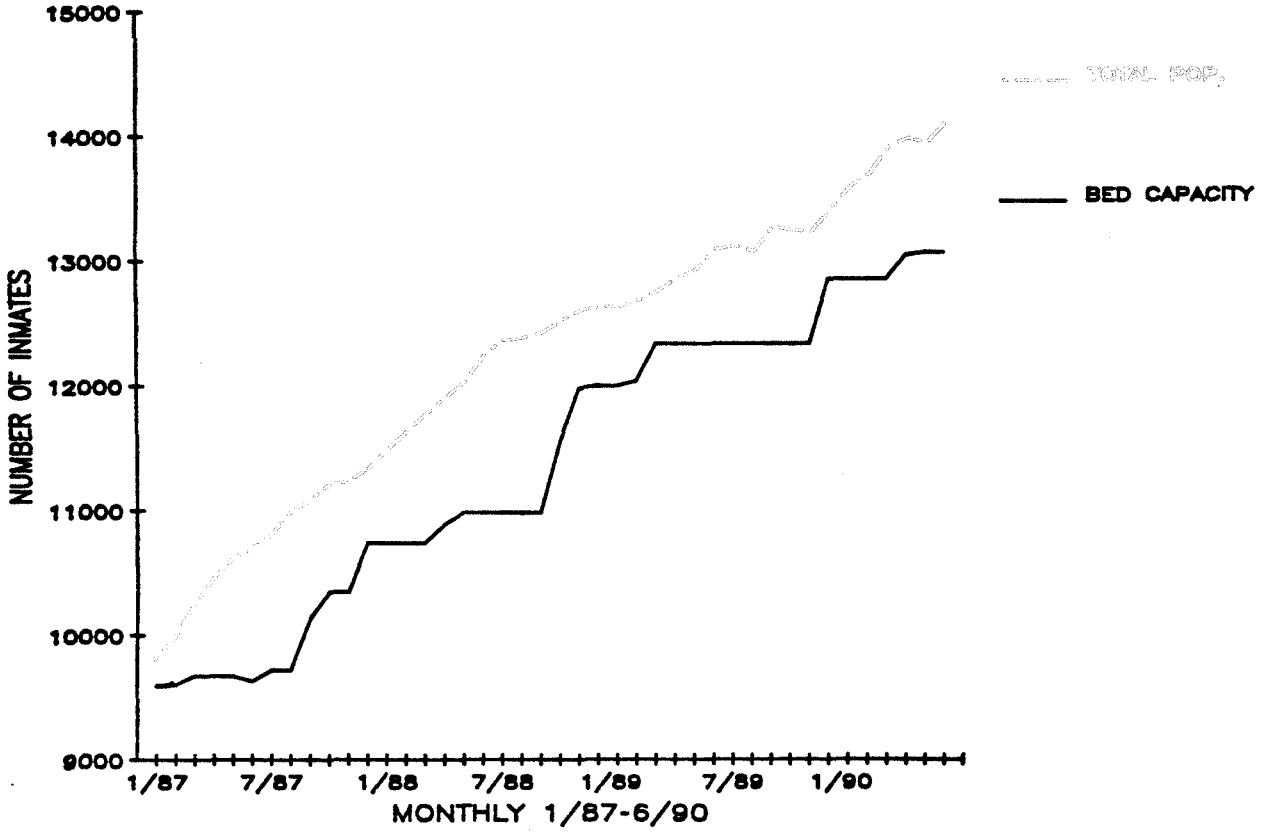


(a) Includes all actual physical admissions into and releases from the prison system, with the exception of Shock Incarceration inmates. Admissions include, for example, not only new commitments, but also releasees who have had their releases revoked and have been returned to prison. Releases include, for example, those offenders (still on "inmate" status) who have been released on Home Arrest and Work Furlough, as well as those who have left the system as a result of escape, death, etc.

Source: Prepared by Office of the Auditor General staff using information obtained from the Department of Corrections.

FIGURE 2

DEPARTMENT OF CORRECTIONS
BED CAPACITY Vs. INMATE POPULATION[a]
JANUARY 1987 THROUGH JUNE 1990



(a) Two different inmate population groupings are illustrated in this graph.
- The "inside pop." (inside population) includes those inmates who actually resided within DOC institutions.
- "Total pop." (total committed population), includes all offenders committed to DOC, including jail offenders who would have occupied a DOC bed if beds were readily available, as well as those inmates who normally resided in a DOC institution, but were temporarily removed from the institutions for reasons such as hospitalization or court appearances.

(b) "Bed Capacity" illustrated in this graph refers to the operating bed capacity at emergency levels (98 percent of operating capacity).

Source: Prepared by Office of the Auditor General staff using information provided by the Department of Corrections.

Overcrowding will continue - Although some changes, as recommended in other Findings in this report, have the potential to ease overcrowding, overcrowded prison conditions are likely to continue. We analyzed projected inmate populations and anticipated bed capacity increases for the period July 1990 through December 1992 (30 months), and found that although the number of beds will increase by approximately 2,044 (from 13,484 to 15,528) during this time, there will generally be more inmates than available beds. Comparing the most recent DOC inmate population projections(1) (prepared in October 1990), to expected bed capacity at emergency levels, shows that DOC will have bed shortages in each month during 1991 and 1992. (See Figure 3, page 18.) Further, during this same period, using the adjusted population figures, there will be an average monthly shortage of 725 beds, and for unadjusted population figures the average monthly shortage will be 980.(2)

Changes in the current system could free some beds, but not enough to overcome these projected shortages. The following are two such examples of changes that could impact future bed space requirements.

- DOC recently created a Temporary Release policy, and revised its Provisional Release policy to loosen eligibility criteria. These changes were made to allow more inmates to be released. Based on DOC estimates, these changes should result in a one-time savings of 190 to 260 beds (most occurring during 1990).

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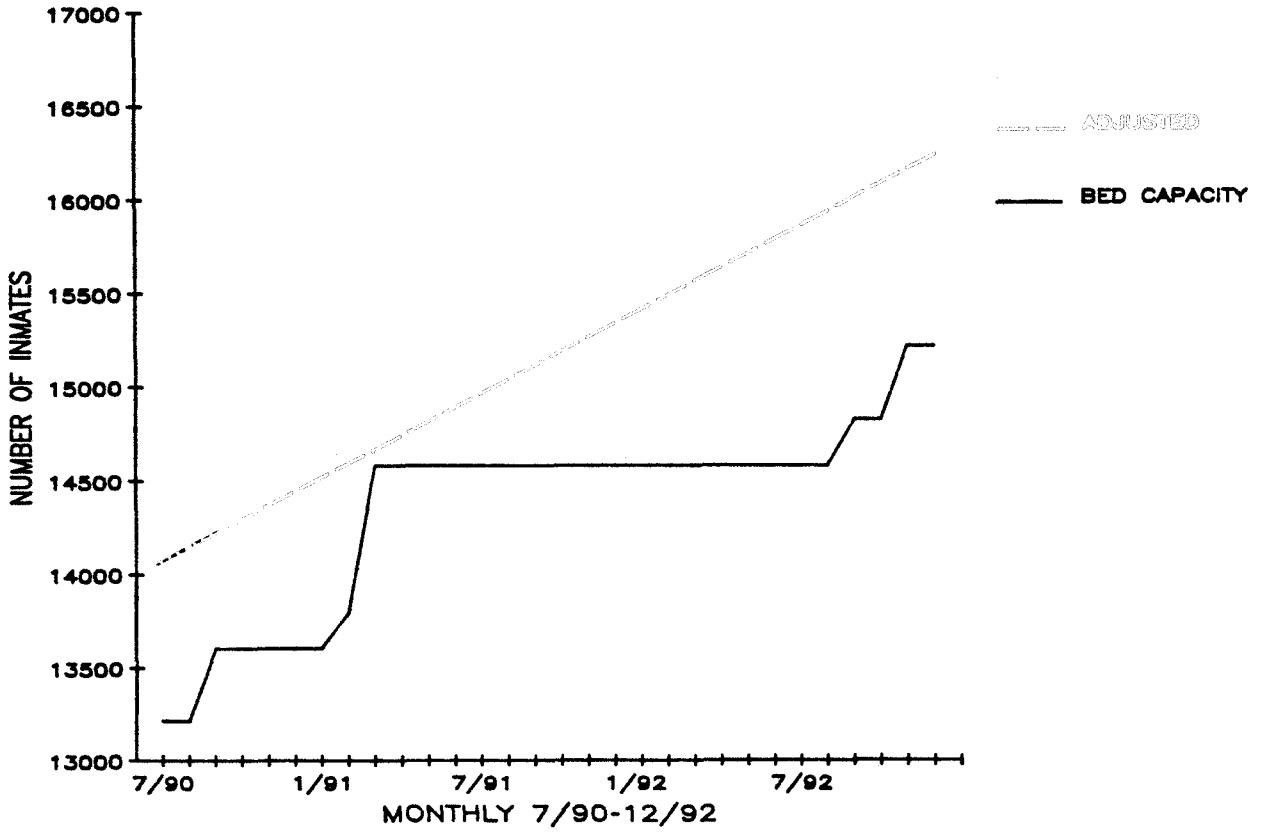
(1) DOC population forecasts (projections) consider all offenders committed to the Department. The underlying forecast figure (base projection) represents gross expected increases in population and is, for this Finding, referred to as the unadjusted projection. The "adjusted projection" is the unadjusted figure modified to include assumptions about various factors that could influence the gross forecast figure. For example, the impact of expected changes in the law and the expected impact of alternatives to incarceration are taken into account. Both types of forecasts are presented in this Finding, because for the first 6 months of 1990, actual growth (117 inmates/month) has been closer to the unadjusted figure (89.0 inmates/month) rather than the adjusted figure (75.1 inmates/month).

(2) One impact of House Bill 2350 -- the elimination of earned release credits for inmates serving mandatory minimum sentences -- is not included in the October 1990 projection figures. According to DOC's Research Unit Supervisor, the projections were not adjusted for this because most of the impact of this change should occur only in the long-term (after 1995) as the inmates to which this applies typically service longer than average sentences.

FIGURE 3

DEPARTMENT OF CORRECTIONS
BED CAPACITY Vs. PROJECTED POPULATIONS[a]
JULY 1990 THROUGH DECEMBER 1992



(a) This graph contains population projections based on DOC's October 1990 forecasts (considering actual growth and the impact of various factors for July to September 1990). Projections were adjusted to include only inside-count-type inmates and those committed to DOC but still held in county jails.

(b) The bed capacity figures used to create this graph are the expected, future operating bed capacity figures multiplied by 98 percent, to derive the emergency operating capacity. These figures were determined by using as a base, the actual operating capacity as of July 1990, and were then adjusted based on expected future construction and other facility modifications detailed as follows:

Facility	No. of Beds	Expected Occupancy Date
Winslow	400	September 1990
Perryville	194	February 1991
Florence	800	March 1991
Safford	250	September 1992
Florence	400	November 1992

Source: Prepared by Office of the Auditor General staff using information obtained from the Department of Corrections and the Department of Administration.

- Alternatives to revocation could also save prison beds. Based on our analysis, we found that approximately 285 beds were required to accommodate technical release violators who were re-released in 1989. Through alternatives to revocation, DOC should be able to reduce the number of beds needed for these violators.

Although we could not determine the exact number of beds that could be saved by making changes in the current system, even if DOC were able to save every bed we identify in this report, DOC would still need a substantial number of additional beds during the next two years. In addition, DOC will need both time and resources to obtain the maximum savings on bed space. Many potential savings are not "free," but involve developing and implementing less expensive alternatives to incarceration, such as halfway houses or electronic monitoring. At the present time these alternatives are very limited. In fact, although statutes were changed to broaden the scope of inmates eligible for electric monitoring through Home Arrest, funding for the program was recently reduced. Similarly, DOC currently has few resources for alternatives to incarceration. In the 1988 Legislative Session, DOC requested legislation to allow it to contract for return-to-custody bed space through private facilities. However, the attempt was unsuccessful. To save beds, Arizona may first have to spend on alternatives.

Other Options To Address Overcrowding Should Be Considered

Because prison overcrowding will continue, the Legislature should consider possible options to address the problem. The options to address overcrowding can either come at the "front-end" of the system (i.e., prior to incarceration) or at the "back-end," after the inmate has been incarcerated. These options include the following:

- **Reducing the number of offenders sent to prison** - As a means of reducing the number of offenders sent to prison, the Legislature could consider encouraging the increased use of alternatives to incarceration. This would include emphasizing present alternatives as well as considering new programs. Legislators could assume an important role in this process by specifying, in very narrow, precise terms, which type of offender is to be sent to prison. The remaining offenders could then be placed in programs designed as alternatives

to incarceration. In fact, at least 12 states (including Colorado, Minnesota, Iowa, and New Mexico) have enacted "Community Corrections Acts" to encourage the use of community-based corrections.

- **Shorten sentence lengths** - Another option to reduce bed space needs is to shorten sentence lengths. Such an option would require a review of the criminal code, and the development of sentencing guidelines that would reduce the amount of time served for specific offenses.

- **Modifying the conditions and criteria for release** - A third option to reduce bed space needs is to expand or modify current release types. At the present time, Arizona has numerous release types that allow inmates to leave prison before the expiration of their sentences. These releases include Parole, Early Parole, Work Furlough, Home Arrest, Mandatory Release, Provisional Release, Temporary Release, and Earned Release Credit Date. Many of these releases are restricted through eligibility criteria which, if modified, could allow additional inmates to qualify for release. For example, until recently Home Arrest targeted felony Class 4, 5, and 6 inmates, but was modified (effective September 1990) to include felony Class 2 and 3 inmates who have already met eligibility for other types of release.

- **Increasing prison capacity** - A final option to alleviating overcrowding is to expand prison capacity either through increasing the number of State prison beds, or through contracting with the private sector.

We anticipate these options will be among the subjects of a forthcoming study on the criminal code. In September 1989, the Legislature commissioned a "corrections and criminal code revision study" that would encompass a review of the code, the need for sentencing guidelines, and the operations of the Department of Corrections.[1]

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(1) This study is to report on such areas as a profile of offenders currently in the State prison system; the suitability of any category of inmates for commitment to alternative programs other than prison; the projections of prison population growth over the next ten years, based on existing sentencing practices and statutory guidelines; an examination of the current sentencing practices mandated by the criminal code; the impact a permanent sentencing guidelines commission would have on protecting the public; economical use of State resources; promoting respect for the law by providing for just punishment for a criminal offense in proportion to the severity of the offense and the offender's criminal history; and ensuring that the punishment imposed is commensurate with the punishment imposed on others committing similar offenses.

RECOMMENDATIONS

Our other Findings address specific changes in DOC's operations that could be made to reduce bed space requirements. However, changes in DOC's operations alone will not address the overcrowding problem. Therefore, the Legislature should consider other options to address prison overcrowding, including more emphasis on alternatives to prison, reducing sentence lengths, modifying the conditions and criteria for releases, and/or increasing prison capacity.

FINDING II

ARIZONA'S MULTIPLE RELEASE TYPES CAN BE COUNTERPRODUCTIVE TO REDUCING PRISON OVERCROWDING

The implementation of various release types over the years has resulted in a complicated system that may actually be counterproductive to reducing prison population. Arizona has more release types than any other state in the nation. The sheer number of releases can result in the system "working against itself." Further, the number of release types complicates calculation of projected release dates. Changes in the current types of release are needed to achieve a simplified, more efficient release system.

Arizona Has An Excessive Number Of Release Types

There are a variety of ways an inmate can obtain release from prison prior to sentence expiration and, in fact, only a small percentage of inmates actually serve their entire sentence. Of the 6,465 inmates released in 1989, only 679 (10.5 percent) remained in prison until the end of their sentence.

A 50-state survey revealed Arizona has the largest number of release types of any state prison system in the nation. In addition to sentence expiration, there are nine other types of releases that can be authorized by either DOC or the Board of Pardons and Paroles to release prisoners.(1) Most states have considerably fewer release types. Thirty-five of the 50 state corrections agencies we contacted had four or fewer. Only one state, Missouri, with seven types of releases, is close to Arizona. Generally, most states define Parole as release granted by a Parole board. Some use Parole in addition to such programs as early release, house arrest, or intensive supervision.(2) Most states also use

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(1) For a detailed description of the nine release types, including eligibility criteria, date of inception, and history, see Appendix.

(2) Twenty-seven states use Parole as the only form of board release.

two or three forms of administrative release (work release, or a release based on "good time" or release credits earned) authorized by the department of corrections.

Arizona's Release System Is Illogical And Uncoordinated

While the release types currently in place appear to have been implemented in an effort to reduce bed space needs, the addition of early release types does not necessarily translate into an increase in releases, or ensure inmates are released as early as possible. Many releases can overlap within an inmate's sentence. Consequently, many inmates choose to stay in prison longer to take advantage of a more desirable release, thus taking up much needed bed space. Further, because some releases target the same inmates, the pool of inmates eligible for release is not expanded.

Release types overlap - With so many release types available, inmates often have several different potential release dates at the same time or close to one another. As the following examples illustrate, this is especially true for inmates with shorter sentences.[1]

- **Example 1** - An offender sentenced to two years is eligible for Parole at one-half of the sentence served. Thus, this inmate is eligible for Parole, Provisional Release, or Mandatory Release in 12 months,[2] Early Parole, Home Arrest, and Work Furlough in six months, and Earned Release Credit date in 16 months. A Temporary Release can also be added to any of these releases that will allow the inmate to get out up to an additional 90 days earlier. (See Figure 4, page 26.)

- **Example 2** - An offender sentenced to five years is eligible for Parole at one-half of the sentence served. Therefore, Early Parole and Home Arrest eligibility fall at six months; Work Furlough

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(1) We chose a two-year sentence to illustrate how close release dates are on short sentences. In addition, we selected a five-year sentence because, according to 1989 DOC statistics, it is the most common length imposed. In fact, approximately 50 percent of the total prison population in 1989 had sentences of five years or less. The examples illustrated assume a single sentence is imposed, the inmate earns release credits from the beginning of the sentence, and there are no interruptions in release credit earning status during the course of the sentence.

(2) Inmates are eligible for either Provisional or Mandatory Release, but not both. The date of the offense determines the eligibility for each type of release.

eligibility at 18 months; Parole eligibility at 30 months; Provisional or Mandatory Release at 34 months; and Earned Release Credit Date at 40 months. A Temporary Release to any of these releases will also allow the inmate to get out up to an additional 90 days earlier. (See Figure 4, page 26.)

The number of releases available can have a negative bed impact - Because multiple release types overlap, inmates often relinquish one type of release type for another, and choose to stay in prison longer, taking up much needed bed space. For instance, in a recent audit of the Board of Pardons and Paroles (Report No. 90-2), we noted that approximately 25 percent of those eligible to be heard for Parole, waived their right to a hearing, and most (69 percent) did so because of an upcoming DOC administrative release. During our audit, this finding was further documented in a review of the waivers for the February 1990 Parole Board hearings. Although not all inmates indicated why they waived a hearing, nearly 70 percent of the 229 waivers stated the reason as an upcoming DOC release.

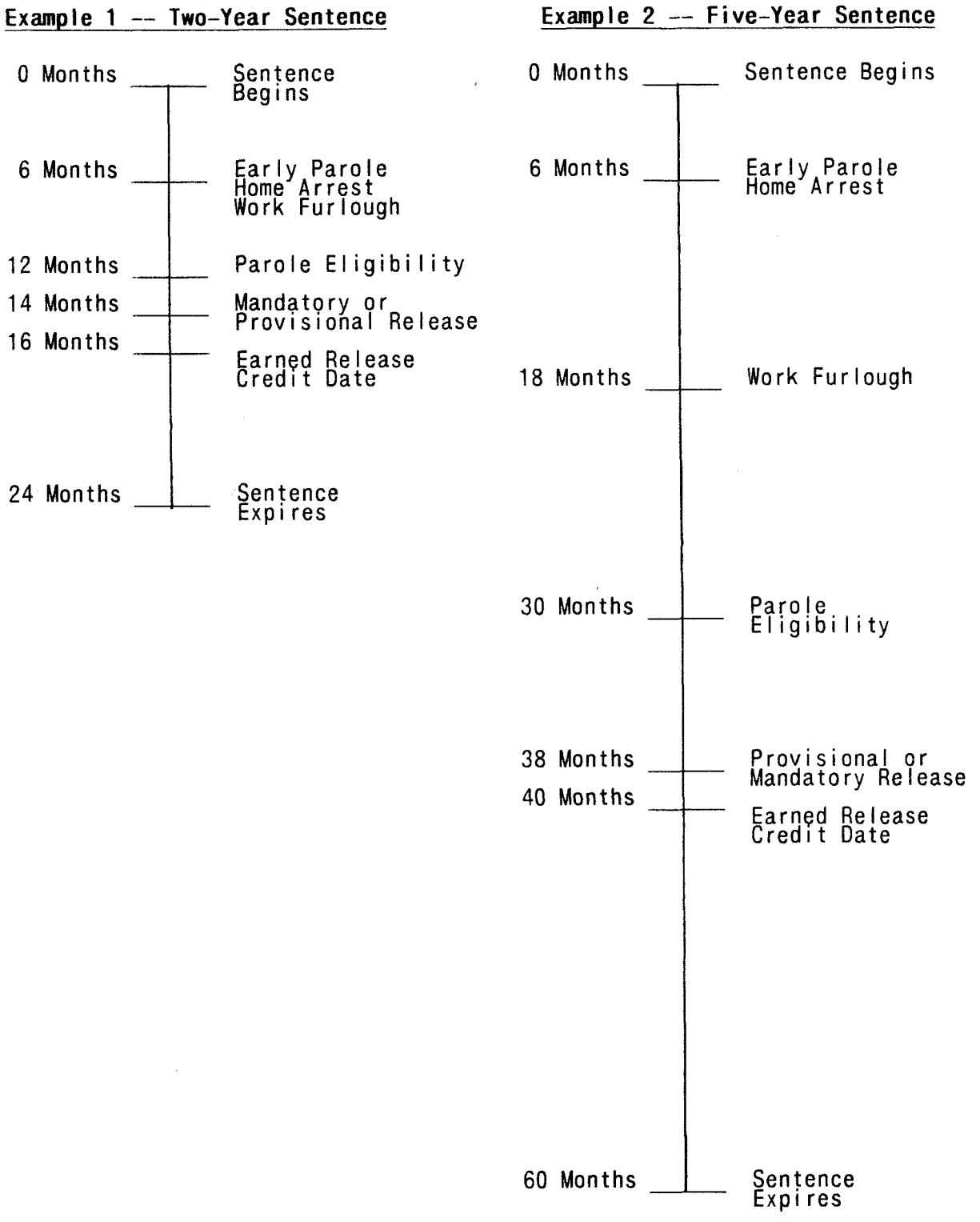
A DOC release may be more attractive than a Board release because most release choices appear to center on the amount of supervision after release.

- **Parole may require a longer period of supervision** - Some inmates may not want Parole because they know if they take a DOC release, they will have a shorter period of supervision. By statute, an inmate released on Parole must remain on Parole supervision until sentence expiration or an absolute discharge by the Board. For example, if an inmate with a two-year sentence is paroled at one year, then Parole supervision would continue for another year. However, the length of supervision required by DOC releases can be considerably less. Both Mandatory and Provisional Release require only up to six months' supervision. And, as shown in Figure 4, (see page 26), on a short sentence (such as two years), a Mandatory or Provisional Release can occur at the same time as Parole eligibility. Thus, an inmate does not necessarily have to stay in prison longer to get out with a shorter period of supervision.

- **Board may impose more conditions of supervision** - Inmates may also choose to forego a Board release because more conditions of supervision could be imposed. There are both standard and additional special conditions that can be imposed by either the Parole officer

FIGURE 4

ILLUSTRATION OF RELEASE OVERLAP



Source: Prepared by the Office of the Auditor General staff, based on release eligibility criteria and input from the Department of Corrections staff.

or the Board.[1] We found the Board tends to impose more special conditions on inmates than does DOC. This can best be illustrated by an example of an inmate who was originally approved for Parole, but later refused to accept it. The Board had approved the release with special conditions: no alcohol or illegal drugs; chemical testing for drugs and alcohol; payment of restitution, fines, fees, and court costs; payment of a $30 monthly fee; full-time employment and/or school; and counseling. However, after refusing to accept Parole, three months later the inmate was released by DOC on a Provisional Release with no special conditions.

Because Parolees are generally supervised for a longer period and may have more conditions of supervision imposed on their release, the likelihood of Parole revocation increases and, therefore, may also be a deterrent in considering Parole. (For more information on revocations, see Finding IV, page 45).

- **Parole Board releases require a supervision fee** - In considering Parole, the requirement to pay supervision fees for Parole Board releases can also be a deterrent. Inmates currently pay supervision fees on Board releases, but not on DOC administrative releases. By statute, the Board can, depending on the inmates ability to pay, "...require as a condition of parole that the prisoner pay a monthly supervision fee of not less than thirty dollars." In addition, inmates released on Home Arrest are assessed an additional daily fee of at least $1, for the use of electronic monitoring equipment. Thus, the prospect of having to pay a fee is a deterrent for some inmates in considering a Parole release.

Of those inmates who waived the February 1990 Parole hearing, and indicated the date and type of release they anticipated, the average waiting period was 1.7 months. However, one inmate was willing to wait as long as eight months for another type of release.

Targeting of same inmates limits pool of inmates eligible for release - Because some releases favor the same inmate, the large number of releases does not increase the pool of eligible inmates. Early Parole and Home Arrest have, until recently, specifically targeted the same low-risk inmates (Class 4, 5, and 6 felons). Although legislation passed last session now expands Home Arrest to include some Class 2 and 3 felons, many inmates are still certified eligible for two or more releases (dually certified) at the same time. In December 1989, for example, 283 inmates were dually certified for Home Arrest and Early Parole. This dual certification appears to put the two releases "in competition."

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(1) Standard conditions of Parole supervision include notifying the Parole officer of changes in residence, making earnest efforts in securing and maintaining employment, and obeying all laws.

As a result, many inmates certified for both releases, choose to be heard for Early Parole instead of Home Arrest, because of the less intensive supervision requirements.[1] In addition, although not specifically set aside by statute, Work Furlough also tends to target low-risk offenders. Thus, there are three release types that generally favor the same inmate. The final result, however, is that the pool of inmates eligible for release is not expanded simply because there are more types of releases.

Multiple Releases Complicate Time Computation

The sheer number of release types can create administrative difficulties for DOC's Time Computation Unit which must manually calculate all projected release dates. Having nine releases means the Time Computation technicians responsible for calculating release dates must be knowledgeable in all laws for the nine types of releases affecting the calculations, including the effective dates and the eligibility criteria. (For example, knowledge of the effective date for each type of release is crucial because calculations for the same type of release can differ, depending on when the offense was committed.) In addition, because inmates are frequently eligible for more than one type of release, Time Computation technicians must calculate a separate release date for each type of release an inmate is eligible for. The number and complexity of release types coupled with an inadequate manual system of calculation, the absence of a comprehensive procedure manual, and high staff turnover has resulted in errors in the calculation of release dates. (For more information on Time Computation of Release Dates, see Finding V, page 53.)

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(1) Home Arrest has several supervision requirements: a) except for occasions authorized by the Home Arrest officer, the inmate must remain in his or her residence at all times; b) the inmate is monitored 24 hours a day by the Parole office through a tamper-proof anklet that emits a signal to an in-home receiver connected by telephone; c) the inmate receives the intensive supervision of a Home Arrest officer and; d) the inmate is required to pay an electronic monitoring fee. In contrast, an inmate released on Early Parole requires no electronic monitoring, and may have less contact with a Parole officer than a Home Arrestee.

Current System Needs
Simplification

Based on our findings, we believe Arizona's present system of release types needs to simplified. Additionally, comments made by various State officials, including the Director and staff of DOC, and the Attorney General's Office, also identify the current system as too complex and in need of simplification. The Legislature could consider the following options in working toward a more efficient, simplified system.

- **Replace Early Parole with a DOC-authorized Emergency Release** - The function of Early Parole could be more effectively accomplished with a different type of emergency release.

  Early Parole, Arizona's emergency release type, has not had a significant impact on overcrowding. Early parole was established in 1982 to allow the Director to certify certain inmates as eligible for Parole when the inmate population exceeds 98 percent operating capacity. The Board of Pardons and Paroles then holds hearings for the certified inmates and decides whether or not to grant release. However, during the last three years (1987 to 1989), the number of inmates in the system exceeded 98 percent operating capacity in all but two months, yet only 183 (one percent) of the 16,500 inmates released were let out on Early Parole.

  Because Early Parole has not been effective as an emergency release. the Director has increasingly resorted to the use of other DOC-authorized releases in an attempt to alleviate overcrowding. According to a DOC official, the original purpose of Temporary Release was to allow prisoners periods of time in the community to find housing and employment prior to their scheduled release date. However, in an effort to free needed bed space, the Director recently created a Temporary Release policy to increase the number of inmates eligible for this release. As a further means to reduce overcrowding, the Director has also recently relaxed criteria for release on Provisional Release.

  If the Legislature intends to provide an effective means of emergency release, it should consider replacing Early Parole, a Board-controlled release, with a DOC-authorized release. Placement of Early Parole under the authority of the Board of Pardons and Paroles has shown that it limits DOC's ability to adequately control prison population as DOC has no control over the number of inmates approved for the release. Further, if an emergency capacity situation occurs, Early Parole is ineffective as an emergency release due to the amount of time needed to certify inmates as eligible, hold hearings, and then process those that were approved for release. In order to provide control of prison population, other states with an emergency release type generally place it under the authority of the corrections agency. In seven of the ten states with an emergency release, the DOC is the authorizing agency.

If a DOC-authorized release is established, controls should be developed to ensure that it is used only as an emergency measure, and that low risk offenders who have served most of their sentences are the first targeted for emergency release. The current Director opposes the placement of an emergency release under the Department's control due to his concern that pressure could be placed on the Director to release inmates. However, controls could be established for determining when the measure would be put into effect and which inmates should be considered. For example, in South Carolina, emergency release occurs following the Governor's declaration of an emergency. In Oklahoma, emergency release occurs if the prison population exceeds 95 percent capacity for 60 days. Further, the inmates eligible for release under emergency release could also be defined. Arizona's Early Parole requires that inmates only need to serve six months of their sentence before being considered eligible. Other states, on the other hand, use emergency release for those inmates that have served most of their sentence and are considered good risks.

- **Modify the use of Provisional Release as an early release** - If the Legislature eliminated Early Parole for a DOC-authorized emergency release, but still favored having an additional early release (other than Parole or ERCD) then the Legislature should consider retaining Provisional Release, but require DOC to modify the use of this release. Provisional Release allows the Director to have discretion in determining inmates suitable for a six-month, supervised early release. Currently the discretion used for Provisional Release is based on internal classification scores that are used to determine the security level and facility in which to house an inmate. However, based on our analysis, use of these scores for release decisions is not necessarily appropriate, as they may not accurately reflect potential public risk. For instance, a higher institutional risk score can automatically result from disciplinary action for an infraction such as "horseplay." (See Finding III, page 35.) Therefore, the Legislature should ensure that DOC more specifically assessed potential risk when making such release decisions.

- **Eliminate Temporary Release** - If the Legislature provides DOC with a DOC-authorized emergency release mechanism, then the Legislature should consider eliminating Temporary Release as a separate release type. As indicated earlier, the original purpose of Temporary Release was to allow prisoners periods of time in the community to find housing and employment prior to their scheduled release date on another release. However, Temporary Release has never been implemented with a clear purpose. According to DOC officials, since its inception, there has never been any formal objective criteria on which to base its approval. As a result, Temporary Release has been used inconsistently and has varied, based on the different DOC staff reviewing and approving these releases. Currently, it is frequently used as a means of releasing inmates up to 90 days prior to their scheduled release date in order to reduce overcrowded conditions.

  If the Legislature does eliminate Temporary Release as a separate release type, it should consider building into the remaining DOC release types a short-term "cushion" period (two weeks or less). Temporary Release provides DOC flexibility so it can release an

inmate during the regular work week when the release date falls on a weekend, or arrange a release to coincide with available transportation from the releasing institution. Several of the other state's corrections agencies we contacted use such a cushion period for flexibility in arranging release.

- **Allow earlier Parole eligibility and eliminate Work Furlough** - The Legislature should consider allowing Parole eligibility earlier in an inmate's sentence. If Parole eligibility was available earlier, Work Furlough may not be needed as a separate release type.

  Many states allow Parole eligibility earlier than Arizona. Twenty-one states have at least one type of Parole eligibility sooner (ranging from one-eighth to one-half of sentence imposed) than Arizona's one-half of sentence imposed, which is the earliest point for Parole eligibility. An additional eleven states allow Parole eligibility after the minimum sentence is served, which may also be earlier than the one-half sentence imposed.

  There are several benefits from allowing earlier Parole eligibility. First, if Parole were much earlier than other release types, inmates might be more likely to want Parole. As previously mentioned, many inmates waive Parole because an administrative release with less supervision is imminent. Second, although earlier Parole would allow earlier release for some inmates, there would also be a longer period of supervision.

  If Parole eligibility were to occur earlier in an inmate's sentence, the need for Work Furlough would be questionable. Currently, Work Furlough is basically a form of early Parole (i.e., 12 months prior to Parole eligibility). Although certification requirements for Work Furlough are slightly tighter than those for Parole, once released, both Work Furloughees and Parolees have similar supervision requirements. Additionally, the same types of inmates generally are eligible for both.

- **Modify the use of Home Arrest** - The Legislature should consider modifying Home Arrest so it can be used as a condition of release, rather than as a separate release type, for those inmates determined to require intensive supervision. It appears logical that inmates considered higher risks would require more intensive supervision than lower risk offenders to whom Home Arrest currently applies.

  Additionally, due to the manner in which Home Arrest is currently implemented, an inmate's stay in the program is limited. Most inmates approved for Home Arrest are not placed in the program until later in their sentence (even though they can be eligible at six months). As a result, inmates generally spend an average of only four months in the program, before reverting to another type of release type with less intensive supervision.

  A few states currently use intensive supervision (which may include house arrest and/or electronic surveillance) as a condition of

eligibility for another type of release.[1] For example, South Carolina uses home detention with electronic monitoring as a condition of either Probation or Parole, and as an added sanction for Parole violators. Additionally, New Jersey uses Home Arrest with electronic monitoring for inmates already granted Parole or for Parole violators. Moreover, New Mexico applies intensive supervision (i.e. home arrest with electronic monitoring) for high-risk offenders released on Parole, who would otherwise remain incarcerated.

- **Eliminate Discretionary Release** - The Legislature should consider eliminating Discretionary Release. Discretionary Release basically allows inmates ineligible for any other type of early release (such as those inmates required to serve all or at least a portion of the sentence imposed by the court) to be released by the Director of DOC six months early. We found no other state that had a release type similar to Arizona's Discretionary Release. In addition, the Director of DOC told us that because inmates applying for Discretionary Release are not eligible for anything else, he does not feel he should have the sole discretion for release.

In conclusion, if the Legislature were to consider and implement all of the changes recommended in this Finding, DOC would be left with three release types -- Provisional Release, Earned Release Credit Date, and an emergency release. The Board would be responsible only for Parole. While some changes, such as the elimination of Discretionary Release, modification of Home Arrest, modification of Provisional Release, elimination of Temporary Release and replacement of Early Parole with a DOC-authorized emergency release, could be easily implemented, the Legislature should postpone implementation of the revision to Parole eligibility and the elimination of Work Furlough, until other areas of the criminal justice system (such as the criminal code, sentencing guidelines, and alternatives to incarceration) are reviewed.

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(1) In addition to Arizona, 18 of the 50 states we contacted had some form of intensive supervision or used Home Arrest/electronic monitoring as a separate release program or as a condition of a release. Four states specifically mentioned that intensive supervision is used as a condition of Parole supervision.

RECOMMENDATIONS

The Legislature should consider the following options:

1. Replace Early Parole with an emergency release type under the control of the Department of Corrections. Additionally, criteria for such an emergency release should be developed, possibly with some objective risk screening, to allow early release for inmates who have served a substantial portion of their sentence.

2. Eliminate Temporary Release, but provide a short "cushion" period as part of all other releases, to allow DOC some flexibility in releasing inmates as close as possible to their projected release date.

3. Modify Provisional Release by establishing valid criteria for release decisions.

4. Revise Parole eligibility to allow eligibility earlier. The Legislature should also consider eliminating Work Furlough.

5. Modify Home Arrest so it is implemented as a condition of release supervision, rather than as a separate release type.

6. Eliminate Discretionary Release.

FINDING III

ALTHOUGH THE DOC DISCIPLINARY SYSTEM APPEARS TO BE FUNCTIONING WELL OVERALL, THERE ARE SEVERAL FACTORS THAT CAUSE EXCESSIVE DELAYS IN INMATE RELEASE

While the DOC disciplinary system appears to be functioning well overall, the effects of disciplinary penalties on inmate release may be overly severe. The DOC disciplinary system is structured to meet due process requirements, and DOC appears to adequately document disciplinary actions. However, a disciplinary penalty can significantly delay release in a variety of ways. Additionally, DOC's ability to revoke inmates' release credits (forfeiture of good time) as a disciplinary penalty is greater than that of other states.

Disciplinary Process

When an inmate violates a disciplinary rule, a DOC staff member (usually a correctional services officer) writes a notice of rule violation or ticket, and presents it to both the inmate and the institutional unit's discipline coordinator. The discipline coordinator investigates the charge and determines whether the violation will be handled as a major or minor infraction.(1)

Major violations are defined by the penalty imposed: 1) loss of release credits, 2) placement in Parole Class III, a length of time in which an inmate can not earn release credits and is not eligible for Parole, or 3) disciplinary isolation. Major violations are adjudicated by a three-member disciplinary committee, and the inmate may appeal the committee's decision to an appeals officer in the DOC central office.

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(1) There are five groups of disciplinary violations. Group I and II violations (including rioting, assault, escape, and arson) are the most severe and always result in major penalties. Group III and IV violations range from committing three minor violations in a 90-day period and not being present at a count, to drug possession and the use and the manufacture of weapons, and are considered either major or minor violations at the discretion of the discipline coordinator. Group V violations are defined as minor, and include using obscene language, exchanging property without permission, and failure to obey institutional rules.

Minor offenses are resolved at the coordinator level, and outcomes include dismissing the charges, or imposing less stringent penalties such as a reprimand or a loss of privileges.

Disciplinary System Design Adequate Overall

In general, the DOC disciplinary system appears to be adequately designed to meet due process requirements, and there are indications it is meeting those requirements. Additionally, we found that when disciplinary actions are taken, they are well documented.

Disciplinary system generally well designed - DOC's disciplinary system is designed to provide for due process. The Department's disciplinary process generally meets the standards set by the American Correctional Association (ACA) for inmate disciplinary systems in adult correctional institutions. These standards specify the time frames for due process, the procedures for handling violations, and the process for hearings, inmate rights, and appeals. The DOC system, as published in its Rules of Discipline, fulfills all 23 ACA standards in part, and 21 in full.

DOC also has a disciplinary appeals group, independent of institutional management, which serves to ensure due process requirements are met. This group also contributes to consistency between institutions by training and certifying disciplinary staff, and developing and updating the eight-hour block of disciplinary training for correctional service officers.

System appears to be used appropriately - DOC does not appear to be using time-loss penalties excessively.(1) As detailed previously in Finding I, (see page 5) less than ten percent of the 5,750 inmates released in 1989 had received penalties of good time forfeiture, and the average penalty

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(1) Although we examined the application of penalties for the entire inmate population, we did not review the appropriateness of DOC's actions in individual cases. The scope of the audit did not allow for statistical review of individual disciplinary actions. Consequently, we cannot comment on the extent to which the penalties imposed by DOC fit the violation, or whether the violation code under which the inmate was charged was appropriate for the actual behavior.

was 95 days. Less than 19 percent of our study population of 1989 releasees had received a Class III placement, and the average time imposed was 63 days. (In the study population, a 60-day placement in Class III could cause an inmate to remain incarcerated 20 additional days.) Statistics published by the disciplinary appeals group indicate the system is functioning appropriately. According to DOC records, in 1989, of the almost 41,000 violations addressed by discipline coordinators or committees, 4,800 resulted in verdicts of guilty of major violations, and only 24 lawsuits were filed.

Also, in over 22 percent of the 7,407 cases heard by discipline committees in 1989, the committees found inmates "not guilty," or dismissed the charges due to procedural error -- an indication that the committees are conscious of due process issues. Finally, the number of cases brought before the disciplinary appeals group has remained consistent from 1988 to 1989, and does not appear excessive.

The documentation of disciplinary data appears to be accurate and thorough - In addition to having a well-designed system of disciplinary policies and procedures, DOC also appears to adequately document disciplinary actions. We cross-checked the disciplinary paperwork in the central office master files with that on DOC's Automated Inmate Management System (AIMS) for 20 inmates. In all 20 cases there was consistency between AIMS data and the disciplinary paperwork. A 1987 study conducted by the DOC Planning Bureau with assistance from the Bureau of Justice also found a reliability level of over 99 percent for AIMS disciplinary data.

Although DOC's Disciplinary Process Appears Reasonable Overall, Several Facets Of The System Can Cause Excessive Delays In Release

A disciplinary conviction can affect an inmate's release date in a variety of ways, sometimes resulting in excessive and unintended delays. For example, disciplinary action can significantly delay an inmate's Parole eligibility through use of the Class III penalty. Some disciplinary actions also render an inmate ineligible for DOC discretionary releases. The time lost due to a disciplinary penalty coupled with delays in Parole and other DOC releases, may prolong release more than is reasonable or intended.

Class III placement can delay Parole eligibility - Currently a single Class III penalty can delay an inmate's Parole eligibility. Since the automatic delay in parole that results from the Class III penalty appears unwarranted, the Legislature should consider amending statutes to allow DOC the ability to establish Class III as a Parole-eligible classification.

A.R.S. §41-1604.06 requires DOC to maintain a Parole classification system comprised of at least two Parole eligible classes and one noneligible class, and also allows as many other classes of noneligibility to be established as DOC deems necessary. Given this authority, DOC has created nine Parole classes. One of these, Class III, is used solely as a disciplinary penalty. Class III placement impacts an inmate three ways: 1) the inmate becomes ineligible for Parole, 2) the inmate's initial Parole Eligibility Date (PED) advances, and 3) the inmate does not earn release credits.

Placement in Class III delays an inmate's Parole eligibility. A.R.S. §41-1604.04.F requires that the earliest PED be advanced one day for every day spent in an ineligible class.(1) For example, if an inmate is initially eligible for Parole in 100 days, and receives a 90-day Class III penalty, the inmate would then not be eligible for Parole for 190 days.

Preventing an inmate from being heard by the Parole Board because of a Class III placement does not appear warranted for several reasons:

- The strong effect on Parole is inconsistent with the less serious nature of the Class III penalty. A Class III penalty is less severe than a forfeiture of good time. However, Class III can delay an inmate's Parole up to eight months, while Forfeiture does not.
- DOC disciplinary staff using Class III may not intend it to postpone the inmate's Parole hearing date. According to a DOC disciplinary appeals officer, few disciplinary staff understand the way in which a Class III disciplinary action affects PED. In addition, both disciplinary appeals group management and staff stated that the Class III penalty should not affect an inmate's Parole eligibility.

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(1) The postponement of the PED one day for each day in a noneligible class occurs only prior to the inmate reaching his first PED. Thus, an inmate becoming eligible for Parole but denied, is no longer affected by the day-for-day provision (A.R.S. §41-1604.06.F).

- Other states do not allow disciplinary penalties to keep inmates from parole hearings. In our survey of eleven states, none of the eight with Parole placed an inmate in a Parole-ineligible classification as a result of a disciplinary violation.[1] The Parole board in most of these states, like the Board in Arizona, considers the inmate's disciplinary history when deciding whether to grant Parole.

Disciplinary actions can limit release options - In addition to preventing a Board release, disciplinary actions can render an inmate ineligible for DOC discretionary releases. DOC's practice of automatically increasing an inmate's **Institutional Risk score** (I score) as a result of certain disciplinary actions, may unnecessarily delay an inmate's release. As in other states, when considering an increase in an inmate's I score, DOC should review the nature of the disciplinary violation and the inmate's disciplinary history.

DOC's practice of automatically increasing an inmate's I score may unnecessarily delay an inmate's release. DOC utilizes an inmate's I score as a criterion for two major types of DOC discretionary releases -- Provisional and Temporary Release. We reviewed the I scores of all inmates considered for Provisional Release in the first quarter of 1990, and found an average of 24 inmates per month were ineligible, based solely on their disciplinary-related score.

DOC raises an inmate's I score one point each time the inmate receives a Forfeiture, a Class III placement, or disciplinary isolation. Since an inmate usually enters DOC with an I score of three, and a score of four can render the inmate ineligible for both Temporary and Provisional Release, only one disciplinary action can cause the inmate to lose a 180-day Provisional Release and a 60- to 90-day Temporary Release.

Inmates who have not committed dangerous offenses may also be labeled as high institutional risks. By policy, DOC automatically raises the score for each conviction that includes a major penalty. These penalties may be imposed for violations such as disobeying an order, being absent for a

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(1) We contacted eleven states to investigate a variety of discipline-related issues including the effect of discipline on Parole eligibility. These jurisdictions were selected if they had a similarly designed classification system (six states), were very large systems with overcrowding, or had been identified as using innovative approaches in the 50-state survey conducted on release.

count, and other nondangerous charges. In addition, major penalties may be imposed for committing three minor offenses in a 90-day period. Thus, as a result of violating institutional grooming rules three times in 90 days, an inmate could receive one of the major penalties and have his I score automatically increased.

Most other states are not automatically increasing I scores, based on disciplinary actions. Only one of the six states identified as having similar inmate classification systems allows disciplines to automatically affect I scores. However, that state does not use the I score as a release criterion. Most of these states consider the inmate's disciplinary history during a regularly scheduled review, and at that time consider whether the violation(s), or the pattern of violations, pose an increased risk.

The multiple effects of discipline, in combination, can cause excessive release delays - Since disciplinary actions can affect release dates in several ways, one violation can have a domino effect, causing excessive and probably unintended delays in obtaining release. A time-loss penalty (Forfeiture or Class III) coupled with a delay in Parole eligibility can have an overly severe and unintentional effect on release. The following case, obtained during our analysis of first quarter, 1990 Provisional Release eligibility, is such an example:

> A young inmate serving a one and one-half year sentence for theft was penalized with Forfeiture of 50 days good time credit, 60 days of Class III, as well as other penalties not involving time loss. The write-up of the violation in his file indicated that he had another inmate in a choke hold and the officer noted that the inmate "had been warned before about horseplay." As a result of this one disciplinary action (the inmate had none before, none after), his Parole eligibility was postponed two months, and, his I score increased to four, which caused him to lose a Provisional Release. The combined effect of Forfeiture and Class III on his Earned Release Credit Date was 70 days. When the inmate entered DOC he could have been released on Parole after serving only nine months, or 12 months on Provisional Release. As a result of one violation, his next scheduled DOC release became an Earned Credit Release Date, at which time he would have served 15 months. The appropriateness of the 50-day penalty is not at issue here, but rather the way

in which a single disciplinary action can snowball and cause excessive, and probably unintended, delays in release.[1]

Forfeiture Penalty Limits Are High

DOC's ability to revoke inmates' earned good time is greater than that of other states. Although DOC does not impose Forfeiture penalties on a large number of inmates, a significant number of days are taken away annually. Because its policy allows high Forfeiture limits, DOC can take away substantial amounts of good time for a single conviction. These limits are often higher than those in other states. Due to the impact Forfeitures can have on prison bed space, some states are reviewing their penalty policies.

Significant number of days taken away through Forfeiture - While DOC does not impose Forfeiture penalties on a large number of inmates, the number of days relinquished annually are significant. As previously mentioned, less than ten percent of the 5,750 inmates in our study population of 1989 released inmates had received the Forfeiture penalty, and only four of the 740 penalties imposed were greater than one year. However, according to DOC reports, the Department revoked a total of 281,653 earned release credit days during 1988 and 1989. Although the Department did restore 38,434 days during this period, the net Forfeiture was 243,219 days -- a figure equivalent to retaining approximately 666 inmates in prison one additional year. While not all days relinquished impact bed space, this figure is, nevertheless, high.

DOC forfeiture limits are high - DOC can take a substantial amount of inmates' good time because its policy allows high Forfeiture limits. Although DOC does not usually revoke as much good time as its limits allow, current policy permits the Director to take away all or a significant portion of an inmate's earned release credits (days) as a penalty for certain disciplinary violations. For example, the Director

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(1) Although the disciplinary violation affected the inmate's administrative releases and his eligibility for regular Parole, it did not affect his eligibility for Home Arrest, for which he was approved by the Parole Board and released during May 1990.

has the authority to take away up to one year of good time for "disobeying an order", and up to eight months for drug use -- the two most common violations for which Forfeiture is imposed.[1]

Other states' limits are lower - DOC's Forfeiture penalty limits are often considerably higher than those used by corrections agencies in other states.[2] As shown in Table 4 (see page 43), Forfeiture limits for the same violations are often less in other states. For example, for disobeying an order, 16 of the 24 states we surveyed cited a Forfeiture limit of 60 days or less. In Arizona's system, up to 305 days more can be taken away for the same violation. Even for the most severe violations -- homicide, rioting, and taking a hostage -- DOC's limits are greater than those of at least one-half of the 24 states with the Forfeiture penalty.

Some states are examining existing Forfeiture policies - During our survey, some states commented that they have been or will be reassessing their discipline structure with particular emphasis on Forfeiture penalties, in part, as a result of overcrowding in their prison systems. As an example, an official in the Washington system stated that, "we really had to take a hard look, when we have such overcrowding problems, whether we wanted to lengthen an inmate's stay for the bad-boy type of behavior, like refusing to obey an order. Of course, there are times when refusing to obey an order is a security threat, and in those cases they are charged with a different violation." A year and a half ago Washington redefined many violation charges, making them more specific, and reduced or eliminated prior Forfeiture penalties for many of the less serious charges.

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(1) In our study population of 5,750 releasees, 40 percent of all Forfeiture penalties were imposed for these two violations.

(2) We surveyed all states with prison populations of 5,000 or more as of January 1989. In total, 30 states met this criteria and were surveyed.

TABLE 4

MAXIMUM GOOD TIME FORFEITURE PENALTY FOR TWO VIOLATION TYPES BY STATE[a]

Disobeying An Order		Drug Use	
State	Penalty	State	Penalty
Alabama	Unlimited	Alabama	Unlimited
New York	Unlimited	New York	Unlimited
Texas	Unlimited	Texas	Unlimited
Arizona	**12 Months**	Michigan	2 Years
Arkansas	12 Months	Arkansas	12 Months
Michigan	6 Months	New Jersey	12 Months
Kansas	6 Months	Oklahoma	12 Months
Mississippi	100 Days	**Arizona**	**8 Months**
Oklahoma	90 Days	Florida	6 Months
Connecticut	60 Days	Illinois	6 Months
Florida	60 Days	Kansas	6 Months
Kentucky	60 Days	South Carolina	6 Months
New Jersey	60 Days	Tennessee	6 Months
Maryland	40 Days	California	150 Days
California	30 Days	Mississippi	100 Days
Indiana	30 Days	Connecticut	90 Days
Louisiana	30 Days	Indiana	90 Days
North Carolina	30 Days	Virginia	90 Days
South Carolina	30 Days	Kentucky	60 Days
Tennessee	30 Days	Maryland	60 Days
Virginia	30 Days	Wisconsin	40 Days
Colorado	20 Days	Colorado	30 Days
Wisconsin	20 Days	Louisiana	30 Days
Illinois	15 Days	North Carolina	30 Days
Washington	0 Days	Washington	30 Days

(a) We also contacted Georgia, Missouri, Ohio, Pennsylvania, and Washington, D.C. which are not presented above because they either do not have good time provisions, do not use Forfeiture as a penalty, or Forfeiture has little or no impact on release. We were unable to obtain a response from Massachusetts, which also met survey selection criteria.

Source: Prepared by Office of the Auditor General staff from Auditor General discipline penalty survey of states with inmate populations of 5,000 or greater as of January 1989. The survey was conducted in June 1990.

RECOMMENDATIONS

1. The Legislature should consider revising A.R.S. §41-1604.06 to allow DOC to establish Class III as a Parole-eligible classification.

2. DOC should not automatically increase an inmate's Institutional Risk score due to disciplinary convictions.

3. DOC should begin to assess its penalty structure from the standpoint of a long-term goal of decreasing reliance on penalties of time-loss. In the short-term, DOC should reduce Forfeiture limits for less serious violations.

FINDING IV

ARIZONA SHOULD INVESTIGATE THE USE OF VARIOUS INTERMEDIATE STEPS AND OTHER ALTERNATIVES TO REVOCATION

Because the revocation of releases has a sizeable impact on prison bed space, Arizona should explore alternatives to revocation. Many releases granted by the DOC and the BPP are later revoked, and releasees are returned to prison. Other states are considering various options to minimize the impact of revocations on bed space. Arizona should consider using various intermediate steps prior to revocation as well as options for placement other than prison, when revocation occurs.

With the overall increase in prison populations nationally, and resulting effect on bed space, greater attention has been focused on the impact of revocation on bed usage. A National Institute of Corrections (NIC) specialist told us the manner in which states choose to respond to violators can help to relieve overcrowding problems. He pointed out that nationally, during the period 1977 through 1987, the rate of Parole violation admissions to prison increased significantly more (284 percent) than the increase in court admissions (97 percent).

Revocation Process

Most inmates discharged from the State's prisons, with the exception of those released on ERCD and sentence expiration, will be under the supervision of the Department's Parole Division for a certain period of time. For these supervised releases, the inmate must comply with a set of conditions imposed by DOC, the BPP, or both. These conditions outline acceptable conduct during supervision, and may also specify additional special requirements such as counseling, employment, and frequency of contacts with a Parole officer.[1] When the releasee fails to adhere to

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(1) A standard set of conditions apply to all releasees. For example, these conditions include notifying the Parole officer before a residence change, securing a written travel permit before leaving the State, participating in any program of assistance as directed by the Parole officer, and obeying all city, county, State, and Federal laws. In addition, special conditions can be imposed, including no illegal drug or alcohol usage, chemical testing for drugs and alcohol, substance abuse counseling, and monthly fees for supervision.

these conditions, he or she violates the conditions of his or her release. Violations are classified as either "technical violations" or as a "new offense". Once a violation has occurred, the Parole officer can request that a warrant be served on the releasee. The releasee is then transported to the county jail or a DOC reception center, and is eventually housed in a DOC medium security facility to await a revocation hearing. DOC and BPP hold hearings to determine if a violation has occurred and whether the release should be revoked (nullified). If the release is revoked, the violator remains in prison until sentence expiration or until he or she is approved for another early release.(1)

Number Of Revocations Large

Many releases are revoked -- approximately 1,000 annually in recent years. Although violating the conditions of release and being returned to DOC does not automatically result in a revocation, revocation is by far the most frequent outcome. In 1989, 90 percent of the 1,121 releasees who violated the conditions of their release had their release revoked. Statistics for 1988 showed similar results in that 85 percent of the violators had their releases revoked.(2) Thus the impact of revocation on prison bed space is considerable. Offenders revoked on technical violations spent 104,127 days in prison, while new offenses accounted for an additional 129,561 days.(3) Because one-half of the bed days utilized for release violators were due to new offenses, the decision to recommit the releasee was outside of DOC's control. However, this still means a large number of beds are used annually to house inmates whose releases are revoked for technical violations.

Not only are there a large number of revocations, but most occurred as a result of technical violations. As shown in Table 5 (page 47), in 1989

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(1) At the time of revocation, the Board may choose to place revoked violators into the Home Arrest program.

(2) We compared the number of supervised releases in 1988 and 1989, to the number of revocations during the same period. In 1988, the percentage of releases revoked equaled 29 percent of those released to supervision. In 1989, the figure totaled 27 percent. However, some of these revocations could have been for inmates released prior to either of these years.

(3) We studied all inmates released in 1989 who, prior to their 1989 release, were returned to DOC due to a release violation.

for example, 89 percent of all revocations were the result of technical violations, while new offenses accounted for only eleven percent of all revocations issued. According to a DOC Parole official, most technical violations resulting in revocation are due to absconding supervision, and drug and alcohol usage. Our analysis of warrant requests, which specify the circumstances that are considered violations, supported this information. In reviewing all March 1990 warrant logs, we found that absconding supervision and drug usage were among the most common violations.

TABLE 5

DEPARTMENT OF CORRECTIONS AND BOARD OF PARDONS AND PAROLES VIOLATION AND REVOCATION STATISTICS CALENDAR YEAR 1989

Type of Violation	DOC Releasees	BPP Releasees	Total
New Offenses:			
Total Revoked	47	63	110
Total Not Revoked	0	0	0
	47	63	110
Technical:			
Total Revoked	436	464	900
Total Not Revoked	24	83	107
Pending Disposition	0	4	4
	460	551	1,011
Total Violators	507	614	1,121

Source: Office of the Auditor General staff analysis based on information obtained from the Department of Corrections Alhambra facility, Perryville - San Juan Unit and Santa Maria Unit, and ASPC - Tucson.

Some States Are Increasing Efforts To Reduce The Effects Of Revocation

Some states are changing the way in which they handle release violators. We spoke to national experts from the American Probation and Parole Association, the National Institute of Corrections, and the Rand Corporation. They told us revocation is now an area receiving significant attention nationwide due, in large part, to the impact revocations have on prison populations.(1) They also told us there is a trend toward the increased use of intermediate sanctions before initiating revocation, such as issuing written warnings and/or changing required conditions. Another trend is toward the increased use of alternatives (rather than incarceration) such as home detention, intensive supervision, electronic monitoring, and halfway houses. A key element of this trend is the use of residential settings with treatment programs for substance abuse.

We also contacted 13 states to review their efforts toward reducing the number of violators returned to prison.(2) We found that while programs varied from state to state, and some programs had only recently been implemented, many states use a combination of options that include requiring Parole officers to consider intermediate steps prior to revocation; using alternative placement options that are less expensive than prison, such as electronic monitoring and halfway houses, to keep violators in the community; and placing some who violate the conditions of their release by using alcohol or drugs in treatment programs, either in the community or in lower security prisons, only for the length of the program. Some programs being used by other states are described below.

- In **Florida**, about one-half of all violators held for revocation hearings have their release conditions restructured and are then released.

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(1) Although little formal research has been completed on this area to date, the Rand Corporation is currently conducting a study for Texas on the diversion of technical Parole violators from prison confinement. The National Institute of Corrections is also in the process of studying Parole violation and revocation systems in five states -- New York, South Dakota, Tennessee, Georgia, and South Carolina.

(2) These states were selected for study through conversations with national corrections professionals, DOC staff, or in our review of corrections literature and various studies of prison systems in other states.

Approximately 50 percent of those violators heard for revocation are actually revoked, and an estimated 30 percent of those revoked are placed into a Home Arrest-type program (with electronic monitoring). This program, referred to as the Community Control Program, is available only for Parole violators. The length of the program is six months, after which the violator is reviewed again for Parole. The program is very inexpensive, with the cost averaging approximately $4 per day as compared to $35 per day for incarceration.

Florida also places violators in "in-house programming" either prior to initiating revocation, or as a result of revocation hearing. The program lasts 90 to 120 days, depending on the type of violation (such as using drugs or alcohol). The facilities are operated by private vendors, and cost from $10 to $50 per week, as opposed to $245 per week for incarceration.

- **South Carolina** has developed detailed revocation guidelines for its Parole officers, hearing officers, and Parole board. These guidelines list a range of options including, for example, counseling the releasee, restructuring the release plan, placement in a contracted private facility for specialized substance abuse programming, a 45- to 90-day placement in a halfway house, community service, and issuing a warrant for arrest for revocation. If revocation occurs, the board can require the revokee to attend a 60-day drug treatment program in the institutions, after which he or she will be reheard for release.

  The implementation of these guidelines has reduced the number of revocations. The Deputy Executive Director of the Department of Probation, Parole, and Pardon Services stated that before developing these guidelines, 95 percent of those violators seen by the hearing officer for a preliminary hearing were referred to the board for revocation. Since implementing these guidelines, 55 percent of the violators remain on release status.

- **Minnesota** established "revocation guidelines" in 1986. Parole officers must refer to these guidelines to determine the appropriate action and options, if any. For example, for certain minor violations, the guidelines provide the options of taking no action, restructuring the conditions of supervision without higher approval, or proceeding toward revocation. Minnesota's Director of Adult Release told us that about one-half of all violators have the conditions of their release restructured, rather than being placed into the revocation process.

  Minnesota also developed a Home Arrest program (with electronic monitoring) for violators. About 20 percent of violators are placed in this program either before revocation proceedings are initiated, or as a result of revocation hearings. The Director of Adult Release stated that only a few of the violators who are placed on Home Arrest prior to initiating revocation proceedings are subsequently heard for revocation. He also noted that, based on the average length of time on Home Arrest of 60 days, at a cost of about one-fourth that of prison, Minnesota saves about $2,100 per violator. Minnesota also uses halfway houses either before initiating revocation, or as a result of revocation proceedings.

- **Wisconsin** requires Parole officers, when appropriate, to consider certain intermediate steps prior to initiating revocation. Some of these steps include reviewing and modifying conditions, conducting formal or informal counseling sessions with releasees to reemphasize the necessity of compliance with the conditions, and issuing formal or informal warnings.

  In addition, Wisconsin also developed a program specifically designed for violators. The Alternative to Revocation Program (ATR), adopted in 1980, offers certain violators, prior to their revocation hearing, the option of taking a three- to four-month stay in an adult minimum security institution (halfway house) as an alternative to possible revocation.

- **Iowa** has several substance abuse treatment options for violators such as placement in Community Treatment Centers (halfway house settings) before initiating revocation or as a result of revocation. In addition, these treatment programs are open to the violator's co-dependents. Treatment programs are for 30 to 60 days, and cost from zero to $400 per program. Another program, the Substance Relapse Program, is exclusively for those releasees who have violated and is essentially the final step before revocation. According to the Senior Administrator for the Parole board, the cost of the relapse program is definitely less than the cost of reinstitutionalizing the violator, because the length of the program (a minimum of 45 days) is much shorter than that of incarceration.

Arizona Needs To Pursue Revocation Options

In an effort to reduce revocations and their impact on prison beds, DOC should place greater emphasis on various options. First, DOC should ensure that intermediate steps as an alternative to revocation, will be considered before initiating the revocation process. Second, special placement options, once the revocation process has been initiated, should also be investigated.

Other options should be used before initiating revocation - DOC should utilize various intermediate options in lieu of initiating revocation on technical violators (or potential violators), and should formally organize these options in written guidelines. As discussed in the previous section, several actions could be taken. However, Arizona has no clear policies or guidelines on the appropriate actions to be taken by Parole officers when various release violations occur. For example, although DOC's Parole officers have the authority to revise conditions (or request that the BPP consider doing so), there are no guidelines

encouraging and governing this authority. According to several Parole supervisors we spoke with, when deciding whether to initiate revocation, Parole officers vary in their degree of leniency. Therefore, actions available to Parole officers may not be fully utilized, or the actions taken may be inconsistent among officers.

Another intermediate step that may be beneficial would be the use of special meetings between DOC, the BPP, and releasees. According to some Parole officers and the BPP chairman, these meetings, referred to as "administrative" and "case" hearings, can be very beneficial in helping to stabilize a releasee. However, these meetings are held very infrequently, if at all.(1) Some reasons given for this included the heavy workload of Parole officers, concerns over liability if the Parole officer doesn't immediately initiate revocation, and a lack of directive to conduct these meetings, when appropriate.

However, some options used by other states are not currently available to DOC, e.g., placing releasees and some technical violators on electronic monitoring and/or Home Arrest status. As discussed in Finding II (page 23), the resources necessary for Home Arrest with electronic monitoring are currently utilized as a separate program (Home Arrest) in Arizona, rather than as a condition of supervision.

Special placement alternatives, such as halfway house facilities with special programming, are also not available for violators. Although DOC officials agree there is a need for such options, the Department lacks the facilities and resources to implement them. At the present time, the only options that are generally available in these cases, are the use of a few Correctional Release Center (CRC) beds. When space is available, DOC occasionally places violators in the two CRCs. However, a DOC administrator commented that due in part to a lack of CRC beds, the Department is able to utilize only about two to three beds each month for this purpose. (See Finding VI, page 68.)

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(1) In June 1990, we contacted the BPP Chairman, who stated that the BPP is beginning to use administrative hearings again, having held several in recent months.

Options during the revocation process - Even after the revocation process has been initiated, or after revocation has occurred, many of the placement options previously described could still be utilized in lieu of regular prison beds. For example, some offenders, particularly lower-risk offenders, could be placed in halfway houses or return-to-custody facilities while awaiting their revocation hearing. (At the present time, most violators are returned to DOC and placed in medium security units until their revocation hearing.) Similarly, once revocation has occurred, reimprisonment for all revokees may not always be necessary. Again, placement in special facilities (if available), or on a Home Arrest status, could be utilized as alternatives to prison for revoked offenders.

In the 1988 Legislative Session, the Department previously explored these options by introducing legislation that would have strengthened its ability to contract for return-to-custody bed space through private facilities. These return-to-custody beds were to be used to house some violators prior to their revocation hearings, and also serve as optional housing for those revokees with less than one year remaining on their sentence. This legislation was eventually vetoed by the Governor.(1) Using potentially less costly facilities would ease the burden of reliance on regular prison beds.

RECOMMENDATIONS

1. DOC should continue to study various alternatives to revocation, and present for consideration by the Legislature, those options that may require legislative approval or funding.

2. DOC should implement revocation guidelines to assist Parole officers in evaluating the need for revocation and appropriate intermediate actions.

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(1) According to a DOC official, as this legislation had been changed during the Session and was no longer deemed implementable by the Department, the Director requested the Governor to veto it.

FINDING V

DOC DOES NOT HAVE AN ADEQUATE SYSTEM FOR ACCURATELY CALCULATING INMATE RELEASE DATES

DOC does not have an adequate system for the accurate calculation of inmate release dates. Different sentencing laws and multiple release types complicate the calculation of correct release dates. The process for calculating thousands of release dates annually is made even more difficult by DOC's use of a cumbersome, time-consuming manual system. As a result, errors are made in the process. In order to provide an efficient means for the calculation of release dates, DOC needs to commit to establishing a reliable automated system.

The Calculation Of Release Dates Is A Complex Process

Calculating an inmate's release date can be more difficult than it initially appears. Over the years, changes in the laws related to the time computations have further complicated this process. Policies as well as policy amendments also complicate time calculations. In addition, a release date may require recalculation due to factors occurring during incarceration. Lastly, before an inmate is released, a final time computation is made to ensure the release date is still valid.

Changes in laws and the addition of release types have increased the complexity of calculations - Over the years, as laws have been added and modified, the process of determining an inmate's release date has become increasingly more complex. Inmate release dates are based on the laws in effect at the time an offense is committed. Major changes in the criminal code over the years have created groups of inmates sentenced under different laws. One such change in October 1978 divided inmate population into two groups: "Old Code" offenders (those who committed crimes before October 1, 1978) and "New Code" offenders (those who committed crimes after October 1, 1978). This legislation eliminated some early release opportunities, changed Parole eligibility, and significantly reduced an inmate's ability to earn release credits.

In addition to changes in the criminal code, laws have been modified by the addition of release types. Seven of the nine current release types have been added in the last 20 years, and the remaining two have been modified during the same period. Inmates are also frequently eligible for more than one type of release; for example, an inmate may be eligible for Parole, Work Furlough, Home Arrest, Provisional Release, and Earned Release Credit Date. Because each release type has its own eligibility requirements, the qualifications of each inmate for each type of release have to be carefully reviewed, and a separate release date for each inmate for each type of release must then be calculated.

Policies also complicate time computation - Policies related to time computation also add to the complexity of calculating both eligibility and release dates. Temporary Release is one example. Both statute and DOC policy state that provided an acceptable residence is available, inmates within 90 days of release eligibility may be released on Temporary Release. However, as a result of the need to incorporate future release credits into projected release dates, instead of a 90-day release period the actual Temporary Release period may be for only 45, 60, or 67 days.

In addition, amendments to policies complicate the time computation task. For example, during our audit, DOC amended the Provisional Release policy. One of the changes allowed previously ineligible inmates, those with Institutional Risk scores of four, the opportunity to be reviewed for Provisional Release eligibility. (See Finding III, page 39 for additional information regarding I scores.) As a result, Time Computation staff have had to become familiar with a new procedure for identifying inmates eligible for Provisional Release.

Recalculation may be required due to changes during incarceration - Once the initial calculation is completed, changes in an inmate's status during incarceration may necessitate the recalculation of both eligibility and projected release dates. For instance, once an inmate is sentenced, the inmate may return to the courts and receive adjustments to the original sentence, i.e., dismissal of counts, reduction of sentence, or dismissal of allegations of prior felonies. Changes in an inmate's status as a result of the DOC system of discipline and reclassification

may also affect both eligibility and release dates. For example, eligibility for Parole is based on the inmate avoiding discipline, thereby remaining in a Parole-eligible status. However, if this inmate is reclassified as a result of disciplinary action, the projected Parole date will have to be advanced. Further, if an inmate's earned release credits are forfeited as a result of disciplinary action, release dates will have to be advanced to reflect this action.

The Current System Is Cumbersome

Although required to generate and monitor thousands of release dates annually, the Department still relies on a cumbersome, time-consuming manual system. In addition, DOC has failed to develop adequate procedures for training staff in performing all types of manual computations. Finally, the high turnover rate in the Time Computation Unit has resulted in a shortage of experienced personnel.

Manual system is cumbersome - DOC currently relies on a manual system for calculating inmate release dates. DOC has an automated system available to generate release dates, but it is not relied on by the Time Computation Unit due to its high rate of inaccuracy. (DOC officials have stated that 80 percent of the release dates generated by the system are correct; thus 20 percent of those generated are erroneous.) Because DOC lacks a reliable automated system, it utilizes time computation technicians to manually perform release date calculations.

The Time Computation Unit employs 18 technicians to generate time computations. Once the initial time computations are performed, they are recorded on 5" x 8" Time Computation Record cards (TCR cards) and filed based on the year the inmate is first eligible for release. The cards are grouped by year of release, i.e., those to be released within five years, five to ten years, and after ten years. These cards contain the inmate's projected release date and list the factors critical to the date's calculation. If a change occurs requiring revision of the release date, the inmate's card is pulled, updated, and refiled.

Each month, Time Computation technicians review files for the inmate group which has release dates within the next five years and identify those inmates approaching their release eligibility date. Their cards are then pulled and their names listed on release eligibility lists. Because of the large number of inmates (about 9,000), this is a tedious, time-consuming process.

The tremendous volume of TCR cards to be monitored causes errors in the generation of the release lists. As a result of the monthly review of TCR cards, an out-of-place card may result in an inmate not being included on a release list. In addition, changes such as class changes may not have been recorded on the card. Thus an inmate who appears eligible for an upcoming release, may not be.

No procedures manual - Although DOC uses Time Computation technicians to generate release dates, it has not provided technicians with adequate written procedures to assist them in performing all types of time computations. We found that Time Computation technicians do not have a comprehensive procedures manual, but work instead from an assortment of folders containing inconsistent, fragmentary documents, usually cannibalized from their training manual. When asked specifically about one of the most difficult calculations, a mixed ruling, most technicians responded that they did not have a procedure to handle the calculation, and would have to consult their supervisor if they needed to perform one of the calculations.

Although management has stated that establishing a comprehensive written procedures manual is a priority, this has not been done. During our audit we learned of numerous attempts to provide Time Computation technicians with a procedures manual. In fact, a 1987 DOC Inspection Report noted that the lack of adequate procedures was a critical problem, and the administrator of the unit was in the process of developing formal procedures. For several years this process has continued under different supervisors. In February 1990, DOC began work once again to produce a comprehensive procedures manual for the Time Computation staff. As of the end of our audit, the manual was still in progress.

Staff turnover is high - The Time Computation Unit has a high rate of staff turnover which has lead to a shortage of qualified, experienced staff to perform calculations. According to the manager of the unit, supervisory staff turnover was 100 percent, and technical staff turnover almost 50 percent during 1989. One of the reasons cited by management for this is the stress accompanying the job. Despite inadequate procedures and an awkward system, technical staff are expected to function free of error.

The high rate of staff turnover has created a lack of experienced technicians and supervisors. Although the training of technical staff was revised during our audit, most staff members as well as Time Computation supervisors indicated that it may take up to a year to fully train a new Time Computation technician. As of June 1990, the Time Computation Unit had 18 technicians, only eight of whom have been with DOC for more than one year; however, according to the administrator of the unit, the staff has stabilized recently.

Complexity Of Time Computation Creates Errors

The complexity of the time computation process coupled with an inadequate manual system has lead to errors in the calculation of release dates. Instances have occurred in which inmates were released both early and late. In addition, inmates have been let out on some types of releases for which they were not eligible. Such errors may result in lawsuits against the State of Arizona.

As explained earlier in our finding on bed impact, we were unable to identify the extent of the errors in the time computations. However, DOC records indicate that during 1988, 64 inmates were released erroneously. In fact, one inmate released in 1988 was let out 468 days late, and another was released 67 days early. Additionally, during 1989, DOC records also indicate that due to errors reported in time computation, 21 inmates were released beyond their legal expiration date.

Some inmates have also been let out on releases for which they were not eligible. For example,the Board of Pardons and Paroles approved releases for a number of inmates who had been certified by DOC as eligible for

Home Arrest. However, the Board discovered errors in eligibility for several of the releasees, and notified DOC of the errors. DOC then reviewed all 1989 Home Arrest releases and found that 28 of the releasees did not meet eligibility requirements, and had been erroneously certified for the Board's consideration. The Board subsequently held rehearings for the inmates, and in many cases approved another type of Board release.

Time computation errors can result in lawsuits against the State of Arizona. During fiscal year 1988-89, DOC records indicate that as many as 76 cases were filed against DOC concerning errors in the calculation of release dates. At least one of these lawsuits involves harm caused by an inmate who may have been released on a release for which he was not eligible.

DOC Lacks An Automated System

DOC lacks a reliable automated system for generating release dates. DOC has partially implemented an automated system; however, the system is not functioning as intended, and several obstacles prevent the system from being operational. DOC needs to make a committed effort to complete the automation of the time computation function.

DOC has partially automated the time computation function - Even though the Automated Inmate Management System (AIMS) was installed five years ago, it is still not fully capable of calculating release dates and generating tentative release lists. AIMS is the third computer system DOC has developed, and is essential to inmate population management functions within the Department. Currently, AIMS is used for offender tracking, community services, and inmate banking.

Obstacles to automation exist - Although DOC's stated goal is to complete total automation of the Time Computation Unit, there are still some major obstacles to overcome. The system still requires additional programming to meet the needs of the unit. Some calculations, such as accounting for good time credits earned when a judge orders a sentence count to be set aside and other counts remain, are not programmed. However, such programming cannot be completed unless DOC is able to instruct

programmers in how to perform the calculations. Lacking a comprehensive procedures manual, DOC has been unable to formally define all the calculations needed.

In addition to needing more programming, the system has a problem with "bugs" that may cause unexplained changes in inmate release dates. Many Time Computation staff report such phenomenon -- particularly following a new program modification to the system. Most staff report they are aware of changes on the AIMS after a program modification, but report "bugs" still occur even when system changes have not been made.

Even if all programming problems and unexplained "bugs" are resolved satisfactorily, AIMS would still not be able to calculate accurate release dates due to reliability problems in the AIMS data base. Because the information on the AIMS data base was transferred from the old computer system, there was a need to verify all information when it was installed, however, this was not done. Records which have been reviewed are termed "audited." In the AIMS data base there were, at the time of our review, approximately 3,000 "unaudited" inmate records (about 23 percent of the active inmates in the DOC system.) The need to audit these records was previously discussed in the 1987 study of AIMS reliability.

We attempted to determine the overall reliability of the time computation function within the AIMS data base, but were unsuccessful. DOC Telecommunications and the Offender Services Department identified 18 AIMS data fields which they told us were critical to the accurate computation of an inmate's initial release date(s). The DOC Time Computation manager confirmed this information. However, after we found that a large percentage of the files contained what appeared to be errors, such as fields containing missing data or data which did not match master file documentation, Time Computation officials provided a number of explanations which were new or differed from the information previously provided.

In some instances, DOC officials indicated that certain data was purposefully revised from what was reflected in the inmate's file in

order to cause a correct calculation. However, written procedures did not specify which of several data fields should be revised to produce the accurate release date.

Faced with conflicting information and a lack of specific written procedures, we could not verify the extent of errors nor the errors' impact on the ability of the system to generate accurate release dates.

DOC should commit to fully automate - Although two separate studies several years ago identified the need to automate the time computation function completely, DOC has failed to make a commitment and develop a comprehensive plan to accomplish this.

A report published in June 1987 by the Department of Corrections, and funded, in part, by a grant from the Bureau of Justice Assistance, underscored the need to complete the automation, and criticized the Time Computation Unit's failure to produce a procedures manual. It stated that DOC needed to make hard decisions about how to best manage the tasks necessary to support the maintenance of a reliable automated system.

In 1987, an internal investigation clearly stated that no formal plans or time frames existed for achieving full automation of the time computation function. This study reported that automation should be accelerated in order to ensure that inmates received consistent, equal treatment with respect to time computation. Finally, the report stated that because the function had not been fully automated, DOC was supporting a half-manual, half-automated system which had at least doubled the unit's workload.

DOC still does not have a plan to convert the Time Computation Unit to full automation. There is no evidence of planning to accomplish the Department's stated goal of automating the Time Computation Unit. Although each of the previously mentioned studies underscored the urgency to adequately plan for the automated system, there is no indication, either from records or interviews with top DOC administrators, that such planning has occurred. Furthermore, many of the problems addressed in previous studies remain uncorrected.

At least 23 other states use an automated system to generate release dates. The experience of one, Florida, may be particularly pertinent to Arizona. The calculation of release dates and earned release credits were managed by a combination of manual and automated systems. This continued for several years until 1979, when the Secretary (equivalent to our Director) mandated that the function be fully automated to end overlapping recordkeeping. To accomplish this, the Department had to audit all active inmates' files for accuracy within nine months, and then design a method to ensure that the accuracy would be maintained. Florida is currently fully automated, and staff have confidence in the computer-generated release dates. Arizona could reasonably be expected to fully automate, as its automated information system is modeled after the Florida system.

RECOMMENDATIONS

1. DOC should consider developing a formal plan, including resource allocation, time frames, and assigned responsibilities, to completely automate the Time Computation Unit. This plan should identify resources to audit the unaudited records, and establish data quality oversight as well as appropriate EDP testing procedures for new applications.

2. DOC should also require that the manager of Offender Information develop formal procedures for the Time Computation Unit within a reasonable time frame. This should be the responsibility of the manager because she is the only employee with the authority and knowledge to interpret policy and the statutes.

FINDING VI

ALTHOUGH MOST DOC RELEASES ARE PROCESSED IN A TIMELY MANNER, MODIFICATIONS COULD FURTHER ACCELERATE INMATE RELEASE

Changes in DOC's release process as well as additional placement options could further accelerate inmate release. In most cases DOC processes administrative releases by the inmate's eligibility date. However, the time required to process Board-approved releases could be reduced through modifications in the release process. Further, the addition of placement options as well as an inmate release tracking system, may help reduce delays for both DOC and Board-approved releases.[1]

DOC is responsible for processing inmate releases. Inmates are released from correctional facilities on DOC administrative releases or Board-approved releases. If the inmate will be supervised by a Parole officer following release, the process involves preparation of a release packet. The release packet is compiled at the institutions and sent to DOC Parole offices for investigation of the suitability of the inmate's release plan (i.e., adequacy of the proposed residence, availability of treatment programs, etc.). Once a suitable placement location has been approved, to ensure the inmate is eligible for release and that the proposed release date is valid, DOC's Time Computation Unit prepares a final time calculation. Following the unit's approval, the institution is notified to release the inmate.

DOC Administrative Releases Almost Always Occur On Or Before An Inmate's Eligibility Date

It appears most administrative releases occur in a timely manner. DOC has the authority to approve inmates for release under several programs, including Provisional Release, Discretionary Release, and Earned Release Credit Date. DOC also calculates release dates for, and processes, other types of release, including Mandatory Release and sentence expiration.

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(1) This finding focused only on DOC's processing of inmates for release. We did not attempt to ascertain whether the release dates were accurate, or whether the type of release utilized for discharging each inmate was appropriate.

Our review of administrative releases (which represent approximately 65 percent of all releases) disclosed that most inmates were released by their eligibility date. A sample of 224 administrative releases, selected at random, for the period October 1 through December 31, 1989, contained only four late releases, or 1.8 percent of the administrative releases sampled.[1] The Department is able to release inmates in a timely manner due to its ability to begin processing the release well in advance of the inmate's eligibility date.

Although DOC has been able to release most inmates by their eligibility date, if the processing of Temporary Releases had occurred earlier, inmates could have been released even sooner. DOC is authorized to grant qualified inmates a Temporary Release to another release mechanism. Depending on the sentence served, the maximum number of days that can be granted for a Temporary Release is 60, 67, or 90. Of the 224 administrative releases previously discussed, only 85 (38 percent) were Temporary Releases, ranging in length from two to 90 days with an average length of 41 days. The limited extent to which Temporary Release was utilized was a result of the nature and timing of the decision-making process. Most of those granted Temporary Release were not identified until after their release packets were processed. Postponing the decision until the end of the process meant there was often insufficient time to take full advantage of the total time allowable for Temporary Release.

DOC's Time To Process Board Releases Could Be Reduced

DOC may be able to reduce the amount of time inmates released on Board-authorized releases remain in prison. Some inmates granted Parole as a result of an initial Parole hearing are released after their eligibility date. Furthermore, others granted Early Parole, Home Arrest, Work Furlough, and some Paroles remain in prison an average of 44 days after Board approval. Although DOC has taken steps to shorten the release processing time frame, it may be able to further reduce the time required to process these releases.

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(1) DOC made some changes to its procedures for processing releases during the first nine months of 1989. To ensure that current practices encompassing the recent changes would be studied, we selected the last quarter of 1989 for analysis.

Some Parolees are released after eligibility - Although most inmates granted Parole as a result of their first Parole hearing are released by their eligibility dates, some are not. Sixty-two of the 75 Paroles we sampled were released on time, 13 were released beyond their eligibility dates. The late releases were due to inmates not being heard by the Board until shortly before their Parole Eligibility Date (eight cases), lack of bed space in either DOC's Correctional Release Centers or private release facilities (four cases), and inmate violation of a major disciplinary rule (one case).(1)

Modifications in the release process may reduce the time spent in institutions for other Board releases - Other Board-authorized releases require an average of approximately 44 days to process. In addition to Parole, the Board approves inmates for release on Early Parole, Work Furlough, and Home Arrest. Eligibility for release under these programs occurs on the date the Board approves the release, and takes place when DOC completes processing. In addition to these releases, inmates heard for Parole more than once, are also eligible for release on the date of Board approval. In these cases, the hearing takes place after an inmate has already reached his or her Parole Eligibility Date; therefore, this inmate is eligible for release on the date of Board approval. Our sample of these Board releases revealed that it took DOC an average of 44 days to process inmates out of the system with a range of 22 to 219 days.(2) Table 6 (see page 66) illustrates the processing time information for these release types.

Although DOC averages 44 days to process these types of releases, some of the longer processing times were due to several reasons, which varied from case to case (i.e., lack of placement options, disciplinary actions,

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(1) Statutes were recently changed to allow the Board to hold Parole hearings five months in advance of inmates' Parole Eligibility Dates (PED). This will allow DOC both greater cushion in releasing inmates by their PED, and more opportunity to utilize a 90 day Temporary Release.

(2) These figures include the 15-day victim notification period.

TABLE 6

AVERAGE, MEDIAN AND RANGE OF DAYS TAKEN TO PROCESS BOARD-APPROVED RELEASES

Release Type	Number	Mean (avg.)	Median	Range
Regular Parole	17	40 days	37 days	28 to 65 days
Early Parole	14	48 days	45 days	24 to 148 days
Work Furlough	17	46 days	43 days	28 to 87 days
Home Arrest	23	44 days	33 days	22 to 219 days

Source: Prepared by the Office of the Auditor General staff, from a random sample of inmates released during the period October 1 through December 31, 1989.

paperwork delays, lack of communication, etc.). In some cases, long delays were the result of a combination of short delays. In many cases, data was insufficient to determine the specific reason for a delay and at what point in the process the delay occurred.

In the last year, DOC has made changes in its release process to reduce processing time. Recognizing the need to expedite inmate release, the Department developed a "fast-track" plan to get inmates out within 32 days after the date of Board approval (at that time, a 30-day victim notification was required). In January 1989, DOC requested the Legislature to provide $500,000 for the equipment and staffing necessary to "fast-track" release for those granted Parole; however, the bill was not passed. Since then, the Department has modified its release process in several ways, including: 1) requesting the Board to leave its hearing dispositions with the institution on the day of the hearing; 2) clarifying and refining the documents needed for release packets; and 3) faxing some packet items directly from institutions to the individual Parole offices, rather than through the central office using courier or regular mail.

Some changes can still be made to reduce processing time. For example, for low-risk offenders with a high probability of Board approval, DOC

should consider completing processing before Board hearings.[1] By compiling and investigating the release packet before a Board hearing, the only steps remaining after approval would be the 15-day victim notification requirement and a final time computation verification. Nine of the eleven states we contacted that grant Parole, use this method for at least some of their releases. The former Administrator of the Community Services Bureau proposed this concept in a March 1989 memorandum; but it was not implemented as funding was not provided. DOC should also consider the following suggestions which could expedite processing for Board releases in general.

- **Preparation of release packet** - DOC could shorten the process by assembling most release packet information for all inmates prior to the Board hearing. Current policy allows institution personnel five days to prepare a release packet after receiving notification from the Board that a release has been approved. Some of this information, such as a presentence investigation and criminal history record, is usually available upon admission to DOC. Preparation of the release packet could begin at that time. Other information, such as the prerelease information sheet requesting a proposed release location, could be obtained after the institution had been notified of the inmate's scheduled hearing date, but before the hearing.

  We contacted a number of states about their Parole release process. They were selected, in part, because of their ability to release inmates quickly. In ten of eleven states, release packets are prepared prior to the Board hearing and, in some cases, are initiated at the time of admission to the institution.

- **Packet investigation** - Changes to the current system of procedures for investigating release packets might shorten the time necessary to complete this phase of the release process. DOC should consider eliminating the requirement to conduct on-site inspections of proposed release locations prior to inmate release. Presently, Parole officers conduct on-site inspections of inmates' proposed release locations and, if applicable, interview residents to determine the suitability of the location. DOC is considering the feasibility of eliminating the on-site investigation, and instead relying on a telephone inquiry and/or correspondence. One state we contacted, Texas, relies on a telephone contact as its preliminary investigation, and follows up with an on-site inspection of the residence within five days after the inmate's release.

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(1) At the present time, according to the Board, it hears over 6,400 cases (Paroles, Work Furlough, and Home Arrest) annually, and has an approval rate of about 35 to 40 percent. Therefore, due to the high volume of hearings and the low approval rate, it would not be feasible for DOC to process all releases in advance of a Board hearing.

If DOC continues to require on-site inspections prior to release, the Department should consider requiring institution staff to prescreen a proposed release location before forwarding the release packet to a Parole office for on-site inspection. Presently, no verification of the validity of the release location is made until the packet has been investigated by the Parole officer. A delay may occur if the release location is deemed inappropriate by the Parole officer. The packet may have to be returned to the institution for development of an alternative release plan or, if one already exists, it may have to be forwarded to another Parole office for investigation. Institution staff, as well as the Administrator of Adult Parole, recognize the potential time that could be saved if some preliminary work or prescreening was conducted at the institution concerning the validity of the proposed release location (i.e., Is the address legitimate? Will the resident accept the inmate upon release?).

Other Improvements Could Facilitate Inmate Release

Improvements in other areas could result in a more efficient release process. Since DOC requires that an inmate be released to an approved residence, the lack of suitable placement alternatives can delay releases. Additionally, DOC's inability to track an inmate through the release process can also cause some inmates to be overlooked.

Lack of suitable placement alternatives delays release - The lack of an appropriate residence is the reason for many delays. The inmate's proposed release location is an integral part of the release packet. If, by the Parole officer's investigation, the proposed residence is determined to be unsatisfactory, the release packet will be denied, and the release process delayed. Inmates unable to find acceptable housing in the community, must either remain in prison or be placed in DOC's Correctional Release Centers (CRCs), or in private residential centers.

However, limited bed space in DOC's CRCs hampers releases. DOC currently has two CRCs to house male inmates -- the Northern Arizona Correctional Release Center (NACRC) in Phoenix, and the Southern Arizona Correctional Release Center (SACRC) in Tucson. NACRC's stated capacity is 126, and SACRC's stated capacity is 116.[1] Both institutions have waiting lists of inmates who could be released if bed space were available. For

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(1) DOC officials have stated SACRC's capacity figure was influenced by staffing and budgetary constraints, and could be expanded to 144.

example, during March and April 1990, a daily average of 227 inmates (either granted or pending release) were awaiting admittance to the two CRCs (NACRC - 141, SACRC - 86).

In addition to the backlogged CRCs, limited alternatives exist in the private sector. There are several private release centers available in the Phoenix area, but they are rarely used because of strict admission or minimum stay requirements, or because DOC considers them too costly.

Furthermore, DOC lacks adequate bed space for female releasees. Until recently, the Department relied on two private residential centers to house female releasees. In order to address the shortage of bed space for females, DOC is considering utilizing a portion of its 40-bed, New Dawn DUI facility to house these releasees.

During our analysis, the lack of suitable placement alternatives was frequently identified as a reason for late release, as illustrated by the following examples.

- On August 17, 1989, an inmate was approved for release on Parole with an eligibility date of October 13, 1989. A release packet was assembled and assigned to a Parole office for a placement investigation. The proposed housing was denied by the Parole office, and the inmate was placed on NACRC's waiting list. While on the NACRC waiting list, the inmate was able to locate another proposed residence. The release packet was again reassigned and subsequently approved on November 21. On November 24, approximately six weeks after the Parole Eligibility Date, the inmate was released.

- On May 23, 1989, the Board approved an inmate for Early Parole. DOC began investigating the proposed release placement on June 9, 1989. After several unsuccessful attempts to place the inmate with family members, DOC eventually approved placement at the Phoenix Community Center (PCC) on August 2, 1989, based on "bed space availability". The inmate was released to PCC on October 12, 1989, nearly five months after Early Parole approval by the Board.

No inmate tracking system - Responsibility for processing inmate releases is fragmented. Processing involves institution staff, Parole officers, Time Computation technicians, central office administrative staff, and Parole Board staff. At the present time, DOC does not track an inmate's progress through the release process. Therefore, DOC does not have readily available information on the number of inmates being processed,

or where they are in the process. Furthermore, DOC does not know the length of time required, on an ongoing basis, to take an inmate through each phase of the release process. For example, although institutions are allowed five days to process release packets, the Department has no information about how long this process actually takes. To monitor placement investigations, DOC is currently considering developing a tracking system to track pending releases. DOC should ensure the system tracks all phases of the release process, from packet preparation to final release.

RECOMMENDATIONS

1. The Legislature should consider increasing funding to expand placement alternatives for inmates unable to secure acceptable housing in the community.

    - Consider expanding the number of male Correctional Release Center beds.
    - Develop other residential placement alternatives, such as halfway houses.
    - Develop Correctional Release Center bed space for female inmates.

2. DOC could consider a number of changes which would result in more efficient processing of release packets for Board-approved releases.

    - Initiate the release packet process prior to Board approval, possibly as early as admission into the system.
    - After identifying an inmate's proposed release location, consider having staff at the institutions perform some type of verification to ensure its legitimacy (i.e., Does the address exist? Will the resident agree to accept the inmate as a resident?, etc.)
    - For low-risk inmates with a greater likelihood of release approval, consider investigating and approving the release packet prior to the Board hearing.
    - Study the feasibility of eliminating the requirement to conduct on-site inspections of proposed placement locations prior to an inmate's release.

3. DOC should develop an automated tracking system to monitor inmates through the various stages of the release process.

OTHER PERTINENT INFORMATION

During our audit, we compiled data on DOC's lack of adequate and reliable management information.

DOC lacks basic management information - DOC's ability to manage its operations may be hindered by a lack of basic information. During our audit when we attempted to obtain basic management information from DOC, we found this information was not available in a usable format. For example, DOC could not readily provide our staff with the following information:

- the number of inmates admitted and released (by type of release) within the last three years;
- the time required to process inmates out of institutions;
- the number of inmates receiving a Class III disciplinary placement, and the amount of good time lost as a result of this placement; and
- the number of releases revoked.

Because DOC lacked this information, we spent hundreds of hours compiling data in each of these areas. For example, to obtain accurate figures on inmate admission and release for 1987, 1988, and 1989, with the assistance of DOC's research manager, we had to manually compile the data by analyzing several, thick computer printouts. This task alone required several weeks. In addition, in attempting to determine the frequency and effect of the disciplinary action of the Class III placement on the inmate population, we had to contract with the consultant who designed the AIMS system, to write a program for extracting and analyzing this information.

The problems we encountered in obtaining the necessary information had several causes. In some instances, the data necessary for our analysis did not exist. When the data fields we needed did exist and were already on the AIMS system, the programming necessary to generate the information

was not available. In other instances, although the data was automated, due to problems with the method of coding, the data was unusable.

DOC's automated data is unreliable - In addition to difficulties in compiling information, our work was also impeded by the unreliability of DOC's automated information system. In almost every area studied, we encountered data problems, as shown in the following examples.

- **Unreliable data fields for Time Computation**. In reviewing DOC's time computation operations, we performed test work on automated data fields, and found that although errors do exist, we could not conclude as to the extent of errors. With the Department's assistance, we identified 18 data fields critical for performing an initial time computation. However, after we found that a large percentage of the files contained what appeared to be errors, such as fields containing missing data or data which did not match master file documentation, DOC provided a number of explanations which were new or differed from information previously provided. Thus, faced with conflicting information and a lack of specific written procedures, we could not verify the extent of errors. (For additional information, see Finding V, page 59.)

- **Miscoding of release types**. We reviewed 424 automated inmate release records to determine the length of time required to process inmates out of institutions. (See Finding VI, page 63) In analyzing this information, we noted that in 26 cases the release type appeared inaccurate. In these instances, we followed up to verify the accuracy of the type of release coded on the automated system, and found that in 24 of the 26 cases, the automated records had been incorrectly coded as to the type of release granted.

  In a separate analysis of the discretionary releases granted by DOC, we also found problems with miscoding. DOC's records indicated that six Discretionary Releases were granted in 1989; however, upon verification of the information, we found that only two of the six were actually Discretionary Releases, the remaining four releases were Home Arrest, Provisional Release, Earned Release Credit, and a Discharge to Probation.

Contributing to DOC's data accuracy problems is the lack of staff training for those who input data and the lack of quality control procedures to ensure the integrity of automated data.

DOC is aware automated system needs improvement - Because of the Director's concern with the need to plan a reasonable and complete Departmental automation strategy, DOC recently contracted with a

consulting firm to review the adequacy of its Long-Term Automation Plan. The consultant group issued a management report in April 1990, which noted several deficiencies in the present system (including problems similar to those we encountered), and provided recommendations.

The report also indicated that DOC would need to spend $3.35 million to $4.6 million for fiscal years 1990-91 through 1992-93 to address the major recommendations made by the group. The Director feels that further study should be made of the DOC Telecommunications Bureau, because he believes the Bureau is understaffed and underfunded, resulting in the lack of an adequate, up-to-date automated information system.

AREAS FOR FURTHER AUDIT WORK

During the audit, we identified two potential issues we were unable to pursue because of insufficient time.

Is release supervision adequate?

By statute, DOC is required to supervise inmates released on eight different early release types, including Parole, Home Arrest, and Provisional Release. This supervision requires DOC Parole officers to assist the releasee in adjusting to community living, and ensure that he or she abides by the conditions of release established by the BPP or DOC. However, the ultimate goal of the Parole officer, according to the Administrator of Parole, is to protect the public. Supervision can include visiting the releasee at home, at work, or in a Parole office, and monitoring the releasee's participation in required counseling. In addition to supervising and monitoring the releasee, Parole officers have other responsibilities, including investigating prerelease information such as verifying the proposed place of residence (to ensure that it exists and is suitable) and employment. However, some DOC officials and Parole officers have questioned the Parole staff's ability to provide adequate supervision, or have stated outright that the Parole officers can't provide adequate supervision for several reasons.

- **The workload of Parole officers may be too heavy.** As of August 31, 1990, 52 regular Parole officers were responsible for supervising approximately 3,500 releasees. Based on these figures, each regular Parole officer manages an average caseload of approximately 68 releasees, each requiring a different level of supervision. Some Parole officers we spoke with stated that their caseloads, coupled with other assignments, were too heavy to allow them to make all the required contacts. In addition, one supervisor felt that large caseloads may be affecting the number of warrants Parole officers issue to releasees who have violated the conditions of their supervision.

- **Budget constraints may impede the officers' abilities to monitor releasees.** Some Parole officers told us they would like to perform more drug and alcohol testing, but cannot do so because of budget constraints.

- **Parole officer discretion considerable, and lack of guidelines on release conditions can result in inconsistent releasee supervision.** For example, DOC Parole officers have sole authority (if a DOC release) or partial authority (if a BPP release) to determine the manner in which a releasee should be supervised. Some Parole supervisors commented that this may result in releasees of similar risk having different levels of supervision and release conditions. Furthermore, as noted in Finding IV (see page 50), because Parole officers also lack revocation guidelines, they exercise varying degrees of leniency in initiating a revocation action against a release violator.

- **Parole officer education requirements may be too minimal, and, training appears to be lacking.** At least two Parole supervisors felt strongly that the level of education required for Parole officers is insufficient, and Parole officers are not adequately trained by DOC to perform their duties.

Further audit work is needed to assess the adequacy of releasee supervision provided by DOC.

Do court documents contain complete, accurate information on offenders sentenced to State prison?

It appears that the court documents received at DOC were not always adequate for use by the Time Computation Unit. Such documents define the laws violated by each offender and order incarceration. Time Computation staff need this information to determine eligibility for certain types of releases and also to properly calculate inmate release dates. However, we found numerous instances in which the sentencing documents submitted to DOC were inaccurate, incomplete, and even illegible. DOC staff spend a great deal of time with court personnel, clarifying ambiguities in these documents.

In addition, there is no standardization of the forms sent to DOC from courts in the different jurisdictions. Again, this results in more work for Time Computation staff who must then search through pages of different court documents to determine an inmate's sentencing structure, prior felony convictions, and other pertinent information.

Further audit work is necessary to determine the magnitude of the problems created by inadequate court documentation, and to recommend ways to improve the quality and standardization of the information received by DOC from the courts.

GLOSSARY

Abscond	A releasee is considered to have absconded if he or she fails to contact his or her assigned Parole officer and/or if DOC Parole officers are unable to contact or locate the releasee.
Bed Capacity	Bed capacity in this analysis refers to the capacity DOC considers "operating capacity". Operating capacity includes those general population and restricted-use beds, including, for example, those in the Shock Incarceration Program, in DUI centers, and those used for protective custody. It does not include special-use beds such as those for disciplinary isolation, investigative detention, mental health, or medical observation and care.
Discretionary Release	A supervised release granted at the sole discretion of the Director to inmates who exhibit positive behavior, participate in work, treatment, and/or training programs, are considered a minimal risk to public safety, and who, by virtue of their offense, are not eligible for any other early release. Inmates sentenced for crimes committed prior to October 1, 1978, may be granted a discretionary release 360 calendar days before sentence expiration. Those sentenced for crimes committed on or after the October date, and who are not eligible for Mandatory or Provisional Release, may be released 180 days early.
Early Parole	A supervised release granted by the Board of Pardons and Paroles to inmates who after meeting certain criteria and have served at least six months of their sentence, are certified eligible by DOC. Early Parole is an emergency release that allows the Director to suspend normal Parole eligibility procedures when the inmate population exceeds 98 percent operational capacity.
Earned Release Credit Date	A discretionary release granted by the Director to inmates who have earned release credits, which, when added to the time served, equal the sentence imposed by the court.

Home Arrest	A conditional, discretionary release granted by the Board of Pardons and Paroles to eligible inmates who have served at least six months of their sentence. Inmates on Home Arrest are placed under electronic surveillance and the supervision of a Home Arrest officer until they are eligible for Parole or a DOC administrative release.
Institutional Risk Score	The Institutional Risk score (I score) administered by the DOC classification staff, is used to indicate the appropriate security level for the housing of inmates. The I score is designed to reflect the likelihood an inmate will be disruptive to the safe, secure, and orderly operation of the institution.
Mandatory Release	An automatic, supervised release by DOC for those serving time for crimes committed before August 7, 1985. Mandatory Release occurs 180 days before sentence expiration.
Parole	A conditional, discretionary, supervised release granted by the Board of Pardons and Paroles to eligible inmates. Based on the present criminal code, some inmates are eligible to be considered for Parole after serving either one-half or two-thirds of the sentence imposed.
Parole Class III	DOC is, by statute, required to maintain a Parole classification system. One of these classes, Parole Class III, is used solely as a disciplinary penalty. Class III placement impacts an inmate in three ways: 1) the inmate becomes ineligible for Parole, 2) the inmate's initial Parole Eligibility Date (PED) advances, and 3) the inmate does not earn release credits.
Parole Class IX	Class IX is the nonearning penalty designation for inmates sentenced prior to October 1, 1978.
Provisional Release	A discretionary, supervised release granted by the Director to those inmates who committed offenses on or after August 7, 1985, who are within 180 days of sentence completion or Earned Release Credit Date, and who have served at least one calendar year of the sentence imposed.

Technical Violation	Violations of a releasees conditions of supervision that do not result in a new court conviction.
Temporary Release	A discretionary, supervised release granted by the Director to allow the temporary release of any inmate for compassionate leave, medical treatment not available at the institution, preparation for return to the community within 90 days of an inmate's release date, or for disaster aid, including local mutual aid and State emergencies.
Work Furlough	A conditional, supervised release granted by the Board of Pardons and Paroles to eligible inmates who have served six months of their sentence, and who are within 12 months of parole eligibility.

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GOVERNOR

SAMUEL A. LEWIS
DIRECTOR

December 21, 1990

Mr. Douglas R. Norton
Auditor General
State of Arizona
2700 N. Central Avenue
Phoenix, Arizona 85004

Dear Mr. Norton:

Please find attached, the Department of Corrections' response to your most recent audit report concerning this agency's operations. As noted in the body of that response, my position with regard to many of the findings and recommendations of that document is one of ardent dissension. While I welcome independent review of operations and value the feedback that such audits can provide, in this instance I am troubled as to the assumptions on which the report is based, and the definitude with which relevant data was recorded and evaluated.

Of greatest concern in my review of the audit report, was a perilous lack of concern given to matters of public safety in evaluating issues of offender sentencing and inmate releases from prison. Certainly, the economic burden of an expanding prison population merits the earnest attention of government and citizenry. However, this attention must be appropriately divided among the many factors that make up our criminal justice system and reflect the ultimate goal of protecting the public. Such balanced attention is hopefully underway in the corrections criminal code revision study on sentencing under the Arizona Criminal Code. I strongly urge that there be a moratorium on recommendations for legislative modifications of statutory provisions concerned with sentencing and releases, pending the outcome of such a comprehensive study. There have been too many "band aid" type fixes to the system already.

There is one other point I would make in regard to releases, that being on the matter of "emergency release mechanisms" under the authority of the Director of Corrections. Note, that I am sternly opposed to this notion on philosophical grounds. Such provisions circumvent the judicial intent of sentences legally imposed through the courts. Worst perhaps, is that such circumvention comes about not by exemplary effort on an offender's part to improve, but simply on the basis of bed availability within a correctional system. At such a point, the concept of qualifying criteria has been transferred from the individual offender onto the system, and an inmate's potential for release is given over to bed limitations rather than behavioral accountability.

Douglas R. Norton
12/21/90

Finally, I must raise objection to the manner in which information repeatedly provided to audit staff was either misinterpreted or ignored in the body of the audit document. On the matters of automation and time computation issues, I would say in dissent with the audit report, that this Department's commitments have been continuous and long standing. Significant financial and staff resources have been devoted to the automation objective over the past six years. Additionally, time computation unit staff have developed a comprehensive manual and contributed greatly to the completion of a fully automated time computation system projected for early 1991. I will point out that these efforts have been made over a time period which has been marked by a near doubling of the adult prison population and a records data entry requirement that has increased in geometric proportions. To state that these efforts have demonstrated less than a full commitment by this Department, discredits the efforts of many devoted staff who have worked diligently over this span of time to improve technical operations.

Doug, quite frankly, I believe that you have relied upon amateurs to do a study of what is a highly complex area of government, with the net result being a study that is unusable. Most serious in this matter is the failure of the product document to recognize that the first function of government is to protect the public which it is designed to serve.

Sincerely,

Samuel A. Lewis
Director

SAL:sam

Attachment

AUDITOR GENERAL'S REPORT

FACTORS AFFECTING BED SPACE NEEDS

Department of Corrections Response

Samuel A. Lewis, Director

The focus of the Arizona Department of Corrections response to the Auditor Generals report on "Release Mechanisms" and bed impact will be twofold. The Department will address areas which discuss department policies, procedure and operations that are felt to be in error, inaccurate or misleading. Additionally, the department finds it necessary to comment on those issues and/or recommendations that are of a subjective nature and place economics above public safety. Many of the issues presented are of grave Public Policy and require an indepth review of the Pro's and Con's of the decisions prior to promulgation. The analysts from the Auditor General's group have made recommendations on alternatives to incarceration, and on increased release mechanisms to alleviate the serious prison overcrowding that is on-going and continually projected for the State of Arizona. The method of finding out what some states are doing across the nation for specific instances is problematic in that the suggestions do not have an understanding of the total system within that particular state to deal with the serious social problem of crime. To conduct a study on corrections releases without professional expertise is irresponsible. To make wholesale recommendations on increasing release mechanisms without a significant criminal justice system understanding is dangerously irresponsible.

For the purpose of this report, each issue will be presented giving the page number and text cited followed by our response.

PAGE 2 OF SUMMARY: Reducing the number of offenders sent to prison by encouraging the use of alternatives to incarceration:

> Department Response: Although this issue has merit for further review, it is felt that any action on the part of Arizona Department of Corrections on the legislature would be premature in light of the fact that the criminal code is currently being analyzed and scheduled for completion in 1991.

PAGE 2 OF SUMMARY; Reducing sentence lengths through a review of the criminal code and development of sentencing guidelines.

> Department Response: The issue of reducing sentence lengths to deal with the issue of overcrowding is a matter of grave Public Policy. It appears that to reduce crime and overcrowding simultaneously, we, meaning the criminal justice system, the legislature and Citizenry, will have to generate support for increasing the resources devoted to correctional institutions, develop less expensive ways of incarcerating felons and find methods for closely supervising and monitoring released inmates. Using additional resources to apprehend and convict serious offenders makes sense only if we can incarcerate them or discover other ways of slowing their criminal activities. The primary theme of the Auditor General's report speaks of increased means of release. The issue of the millions of dollars spent to investigate,

prosecute and incarcerate offenders only to spend millions of dollars in finding new and innovative ways to release offenders early presents a dichotomy that requires the closest scrutiny.

PAGE 2 OF SUMMARY: Expanding release types by modifying the conditions and eligibility criteria thereby increasing the number of inmates that qualify for release.

Department Response: Throughout the text of the Auditor General's report, it is cited that current law and regulations are so complex that maintaining a time calculation system is problematic. The recommendation for additional changes only compounds this process and contradicts findings in other sections of the report.

PAGE 2 OF SUMMARY: In September 1989, the Legislature commissioned a corrections and criminal code revision study which should provide additional information about these options.

Department Response: The Department agrees that the criminal code study may have a significant impact on the criminal justice system. It is felt that any recommendations for major change are premature until this study is completed as it addresses issues from a systems perspective.

PAGE 3 OF SUMMARY - Manual Calculation of Inmate Release Dates. "The sheer number of releases can also create administrative difficulties for DOC's Time Computation Unit because the unit must manually calculate all projected release dates.

Department Response: While it is true that the sheer number of releases requires a lot of work for the Time Computation Unit since each inmate record is thoroughly audited for accuracy prior to an inmate's release authorization, the statement that the unit must manually calculate all projected release dates is ABSOLUTELY NOT TRUE. Upon initial intake of an inmate, all of the commitment data is entered on the automated inmate record, referred to as AIMS. After all of the information is entered, the computer system calculates the inmate's release dates. A manual calculation is not required and is not done unless it appears that the calculation is not correct. This is determined by a review of the Inmate Time Computation Screen. The AIMS system was accurately calculating approximately 80% of all initial calculations at the time this audit was conducted. The Auditor General's staff was provided this information. The Department has been diligently working on correcting the remaining program problems and rehired the original consultant that designed and programmed the AIMS system. As a result of the recent correction of several program problems, 95% of all the AIMS initial calculations are now accurate.

PAGE 3 OF SUMMARY - "Based on these findings, we believe the State's present system of release types needs simplification."

Department Response: The Auditor General has recommended several statutory modifications affecting an inmate's release from prison. Although many of the recommended changes would "appear" to simplify the determination of an inmate's release eligibility by eliminating overlapping release eligibility options and increasing the Department's authority to release more inmates, there needs to be a word of caution. Such issues include:

1. Public safety

2. Effectiveness of early releases and taxpayer cost for those who re-offend

3. Many of the current release mechanisms would still be in effect for all offenders who commit offenses prior to effective date of new legislation. This could further complicate the time computation processes.

Due to the complexity of the current release mechanisms, it is important to understand the total impact of any recommended change to insure congruity and to analyze the effect to the community as well as to the "prison population." It may be less costly to build more prisons than it is to prematurely release offenders who have a high propensity to reoffend again. The Department believes this is more than a "bed space" issue. In November 1990, the citizens of Arizona passed Proposition 104, the "Victims Bill of Rights." This was a clear dictate by the citizens of Arizona that Public Safety is a priority and should not be taken lightly.

PAGE 3 OF SUMMARY: Eliminate Temporary Release by establishing valid criteria for release.

Department Response: The elimination of the Temporary Release would have a negative impact on bedspace. The policy adopted by Arizona Department of Corrections in June of 1990 defines the criteria established in an objective manner.

PAGE 1 INTRODUCTION AND BACKGROUND - "Only two releases, Mandatory and Sentence Expiration, are dictated solely by statutory provisions."

Department Response: The above statement is incorrect. All releases are dictated by statutory provisions. In addition, Mandatory and Sentence Expiration are affected by the statutory provisions regarding the earning of good time or release credits and time forfeitures.

PAGE 2 INTRODUCTION AND BACKGROUND - Handling of inmates who violate release conditions. "These violators are brought back into custody and remain in prison until their sentence expires or they qualify and are approved for another early release.... placing releasees and some technical violators on electronic monitoring and/or Home Arrest status."

Department Response: There are two categories of release violators. There are Parole Board releases and Department controlled releases. The Department controlled releases are usually within 180 days of an inmate's sentence expiration date or their Earned Release Credit Date. Violators of Department controlled releases do not require the lengthy due process that Parole Board revocations require. Technical violators usually begin earning release credits immediately upon return to custody and are released within three to four months. The Parole Board currently has statutory authority to place any technical parole violator on home arrest in lieu of reincarceration. In addition, these violators are eligible to be reheard for parole in four months (new code) or six months if an old code violator.

PAGE 7 OF TEXT: .....Thus by reducing these [limits], Department of Corrections could reduce the number of days forfeited by inmates.

Department Response: The current system provides an excellent management tool in terms of the control of negative behavior, involving both major and minor infractions. The goal is to deter negative behavior, not increase the length of incarceration.

PAGE 7 OF TEXT - "The Legislature should consider amending A.R.S. 41-1604.06 to allow DOC to change Class III to a parole eligible class."

Department Response: The Department believes that this recommendation circumvents legislative intent. Placement in a noneligible Parole Class III is due to an inmate's failure to adhere to the rules and regulations of the Department. This placement does extend the parole eligibility date. It is the only noneligible parole class used for new code inmates who are convicted of disciplinary rule infractions. Old code inmates are not a part of the parole classification system. Under the old code, regardless of an inmate's behavior, the inmate could be heard for parole after serving a specified amount of time. The legislature changed "automatic parole eligibility" by enacting A.R.S. 41-1604.06, which requires an inmate to meet certain criteria in order to be certified for parole.

PAGE 7, FOOTNOTE #2: "Class II is used as a sanction for inmates

who are performing ineffectively in programs intended for their betterment such as educational, vocational, or counseling. While its use is currently minimal, it has been used more frequently in the past and the Department of Corrections has suggested they would like to renew its use in the future."

Department Response: In relation to Class II, it should be noted that this is a statutory authorized Parole Classification which has been in constant use since the Legislature passed the statute (A.R.S. 41-1604.06). The only modification in its application with the Department of Corrections is in relation to the interpreted requirements of an inmate's compliance with Departmental rules and participation in therapeutic, vocational and educational programs. The Department of Corrections' suggestion to "renew its use", refers only to a stricter interpretation of inmate program participation requirements to better reflect Legislative intent of the statute. The application of Class II as a sanction is intended to motivate inmates to participate in appropriate programming that is designed to remediate areas that are determined to contribute to patterns of continued criminality after release.

PAGE 9 TEXT - "The Department uses two criteria to determine eligibility for PR: that the current incarceration was not the result of a revocation within a specified time period and that the inmate's internal classification risk scores meet certain levels."

Department Response: There is more than two criteria used to determine Provisional Release eligibility. There is statutory criteria and in addition, the Department excludes sex offenders from being eligible due to the serious nature of the offense.

PAGE 12 TEXT - "We were unable to use DOC's data on errors because we found it was incomplete and unreliable. We were unable to prepare our own data because time computation is complex, and DOC has never developed comprehensive written procedures for time computations (see Finding V, page 56)."

PAGE 12 OF TEXT - "For example, a Phoenix time computation consultant indicated in a September 1989 report to the legislature, that he had discovered hundreds of errors made by DOC on release date calculations. However, all of those errors resulted in a bed impact of only eleven beds annually."

PAGE 12 OF TEXT - "In another recent case, an inmate was found to have been released four and one half years too early."

Department Response: The above references to the Department's errors in inmate releases is true. However, the Auditor General's report does not reference the fact that in 1987, it

created a special audit unit to thoroughly audit inmate release dates prior to authorizing an inmate's release. The "Phoenix time computation consultant" was a part of the audit unit and did, in fact, discover many errors as a part of his job. Errors are still being discovered and systems reviewed on a continual basis. However, since this special audit unit was created, the reported release errors have been significantly reduced from 64 in 1988 to 11 in 1990.

The release of the inmate four and one-half years too early was not the result of a time computation error. The inmate had been approved for release and received an additional sentence one week prior to his release. By the time the information was input into the automated system and verified, he had already been released. It was discovered one working day after his release. He was apprehended 11 days later. This is not a common occurrence. However, a new procedure was immediately written and implemented for the processing of additional sentences for incarcerated inmates. It has been included in the TCU procedures manual.

PAGE 13 OF TEXT: Delays in Processing of Board of Pardons and Paroles (BOPP) Releases

Department Response: ADC processes release packets on the basis of the most expeditious means of completing the process. Inmates who are granted parole at their first hearing can be processed in the shortest timeframe for two reasons. First, and primarily, because the first hearing grantee is typically more stable, less of a public risk and more likely to have a stronger and more extensive personal support system from which to develop an acceptable program plan. The first hearing grantee's packet is more likely to be transmitted by FAX than by mail and is more likely to have an acceptable first option program plan. This grantee is more likely to receive a temporary release. Inmates whose parole is granted from a hearing other than the first cannot receive temporary release, are generally harder to place because they have fewer acceptable placement resources and are more likely to be held on a waiting list for a bed at a community correctional center or contract placement.

Other delays which can occur include:

1. Placements through the Interstate Compact which require the acceptance of the receiving state can take from one to five months depending on the process and the priorities of the receiving state.

2. Institutions can delay a parole release if a major disciplinary action is pending which may result in a request for recision.

3. Inmates who are eligible for Home Arrest and parole are released immediately only when the parole is of the type granted under A.R.S. 41-233.J. Those whose paroles fall under A.R.S. 41-412 remain in confinement until they have reached either their temporary release or parole eligibility date (PED).

4. ADC cannot initiate the release process until the disposition of a Board hearing is received and, if parole is granted, the inmate cannot be released until the proclamation of parole is received.

The Auditor General's report fails to fully recognize the role of the Board of Pardons and Paroles and the interdependence between the Board and ADC on one another's activities. If the Board attaches conditions of supervision that the Arizona Department of Corrections cannot meet, the release will be delayed until resources are found.

PAGE 19 OF TEXT: "Reducing the number of offenders sent to prison".

Department Response: The Department of Corrections strongly endorses the Auditor General's report recommendation that alternatives to incarceration be pursued. However, it is incumbent upon this Department to qualify such recommendation in the sense of our primary mission to protect the public. Alternatives to incarceration must be approached from a perspective that upholds public safety as the primary concern in reviewing options and should not be driven by an unilateral concern for reducing the Department's bed liability for the incarceration of inmates.

PAGE 24 OF TEXT: "Many inmates choose to stay in prison longer to take advantage of a more desirable release."

PAGE 25 OF TEXT: "Approximately 25 percent of inmates scheduled for parole hearings waive their hearings to wait for another release which may require less supervision than Parole".

Department Response: The inference of the Auditor General's report in relation to "inmates waiving parole hearings to wait for another release which may require less supervision" understates a complex set of circumstances. First, their analysis fails to consider inmate's expectations of success before the Board. A considerable number of inmates waiving Parole Hearings have appeared before the Board on at least one and often multiple occasions with negative results. In these cases, inmate decisions to waive hearing and await administrative release opportunities are not concerned with supervision requirements, but rather are based on not anticipating success in obtaining release through the avenue

of Parole. Second, the compression of release dates, particularly on short sentences, for Parole and administrative releases is factual. However, the fact that certain inmates have multiple release avenues available does not logically restrict the number of inmates pursuing one (and usually the earliest) of those release potentials. The factor of conditions of supervision for release exists but the Auditor Generals's reliance on this one issue in explaining inmate waivers of Parole and staying in prison longer lacks empirical support and creates a mis-impression of this complex set of circumstances.

It is also noted that the Auditor General's report does not consider that inmate success and/or failure to obtain parole or administrative release is correlated on the basis of public risk. Not acknowledging this fact, and treating each release avenue independently, ignores the primary reason that certain inmates do not achieve earlier releases, that being the threat such releases may pose to the community at large. This fact must be considered in reviewing suggestions for Legislative action and policy decisions made by the Department of Corrections and the Board of Pardons and Paroles.

PAGE 28 TEXT - "...The absence of a comprehensive procedures manual, and high staff turnover has resulted in errors in the calculation of release dates." (See text page 56)

PAGE 28 OF TEXT (Also referenced on Page 57 of Text) - "...And high staff turnover has resulted in errors in the calculation of release dates."

Department Response: Staff turnover stabilized significantly in 1990, compared to the three previous years. However, it may continue to be a problem if the positions are not upgraded. The Department requested a review of the Correctional Records Technician positions in 1988. In early 1990, a review was conducted by DOA. To date, this review and possible upgrade of positions is pending appropriate funding.

PAGE 30 AND 33 OF TEXT - "Modify the use of Provisional Release as an early release." "Modify Provisional Release by establishing valid criteria for release decisions."

Department Response: The 180 day temporary release was originally intended to provide inmates with a supervised transition into the community. The legislation was drafted by the Department and proposed to the legislature in 1974. After ten years of experience with this release mechanism, the Department had encountered several problems with the mandatory 180 day release, such as:

(1) On a regular basis, parole violators who have had their parole revoked were immediately eligible for mandatory release, and had to be re-released. They were usually difficult to supervise and their mandatory release would be revoked.

(2) On several occasions, inmates who were behavior problems while incarcerated were equally difficult to supervise in the community and had their 180 day mandatory release revoked. They were subsequently released without supervision upon expiration of their sentence.

In 1985, the Director requested an amendment to the 180 day temporary release to allow the Department discretion in releasing inmates, thereby protecting the public by preventing the release of certain inmates. It is the Department's position that the legislature's amendment to this release mechanism clearly changed the original intent of the 1974 law to include public safety as a consideration in the early release of inmates. Although the Department recently reduced its criteria to allow consideration of inmates with a "4" Institutional risk score, these cases are carefully reviewed on an individual basis and many are still denied.

PAGE 44 OF TEXT: Department of Corrections should not automatically increase an inmate's institutional risk due to a disciplinary conviction.

Department Response: In response to items referencing classification, it must be noted that Institutional Risk scores are not automatically raised due to disciplinary convictions. Institutional and Public Risk scores are raised only for convictions of major disciplinary infractions. The report references that the disciplinary system appears to be utilized in a fair and just manner. It is felt that structure and control of institutions must depend upon the orderly operation of a facility. The ability to enforce the rules of the institution is paramount to maintaining a safe and orderly institution.

Inmates are not determined ineligible for Provisional Release due to a Class III placement but upon review of their Public and Institutional Risk as it relates to the danger the inmate presents to the welfare and safety of the general public.

The Department views major disciplinary infractions as a serious threat to orderly operation of the facility. The penalties imposed for major infractions should be strict.

PAGE 44 TEXT - "DOC should begin to assess its penalty structure from the standpoint of a long term goal of decreasing reliance on

penalties of time loss.

Department Response: The Auditor General's report fails to compare the success of the Arizona Department of Corrections Discipline system with other referenced states in terms of the volume and cost of litigation over discipline actions. While other states have lower forfeiture limits, they may impose them more often. This issue was not addressed by the Auditor General. The report states that the State of Washington redefined many violation charges and reduced or eliminated forfeiture penalties. The report does not indicate what effect, if any, this had on their inmate population. According to table 4, Washington appears to be the most permissive of all the states responding. If we use Table 4, page 39 as a reference point, (which is stated to represent 40% of all forfeiture penalties) and reduced the penalty to "0" for these violations (drugs and disobeying an order), we could save 86 beds. The inmate management impact for eliminating the forfeiture penalty for disobeying an order would be counter productive and the penalty elimination for drug violations would be contrary to fostering a drug free environment.

PAGE 46 OF TEXT: "Offenders revoked on technical violations spent 104,127 days in prison..."

PAGE 47 OF TEXT: "89 percent of all revocations were the result of technical violations, while new offenses accounted for only eleven percent of all revocations issued".

Department Response: The statement of the Auditor General's report that reflects a large majority of revocations being on technical violations is factual but misleading. Their method of analysis was limited to a review of warrants issued by the Department of Corrections. However, this method fails to detect a significant number of technical violations which involve new criminal activities on the part of the releasee's revocation, which are not yet adjudicated at the time a revocation warrant was issued. In such situations, a warrant may reflect only the technical violation issue while, in fact, the revocation decision will ultimately involve new charges pending against an inmate (both misdemeanors and felonies), following that inmate's return to institutional custody. Public safety concerns are tantamount in this percentage of releasee revocations and deserve a more in depth analysis prior to utilizing the warrant review statistics in formulating legislative action and/or Department policy modifications.

PAGE 54 OF TEXT - "Policies also complicate time computation. In addition, amendments to policies complicate the time computation task."

Department Response: Policy changes are an on-going process in all agencies. It is no different with ADC. Whenever changes are made which affect release mechanisms, staff throughout the agency must be retrained, not just the time computation staff. In many instances, policy changes have simplified processes for the Time Computation Unit. The amendment to the Provisional Release policy referenced in the text required retraining of staff throughout the agency. However, after initial implementation, the change in policy did not add to the complexity of determining eligibility.

PAGE 55 OF TEXT - The Current System is Cumbersome. "DOC currently relies on a manual system for calculating inmate release dates. DOC has an automated system available to generate release dates, but it is not relied on by the Time Computation Unit due to its high rate of inaccuracy. (DOC officials have stated that 80 percent of the release dates generated by the system are correct; thus 20 percent of those generated are erroneous.) Because DOC lacks a reliable automated system, it utilizes time computation technicians to manually perform release date calculations."

Department Response: The above statement is very misleading. As referenced on page 3 of this report, 95% of all new commitments are now being correctly calculated. The TCU staff use the AIMS system extensively. While it is true that some of the complex cases are still not calculated correctly, the majority of the inmate release dates do not change after the initial time projection. This is confirmed by the Auditor General's report, in that only 20% of the inmates receive forfeitures or disciplinary writeups.

PAGE 56 TEXT (Also Cited Page 61, Recommendations - No Procedures Manual. "DOC should also require the manager of Offender Information to develop formal procedures for the Time Computation Unit within a reasonable time frame."

Department Response: The Department has had a Time Computation Manual since 1978, including specific methodology for all time computations. In addition, in 1985 a current, comprehensive procedures manual was provided to the consultant that was hired to program the AIMS system. As changes occurred, MIS was provided the required information and examples to update, modify or change the AIMS programs. This has been an ongoing process due to legislative changes, court decisions and attorney general opinions that change the methodologies in calculation, release types and ADC internal procedures. The 1987 ADC Inspection report was correct. At that time, the internal procedures for processing work to be completed needed updating. In addition, the Department did not have comprehensive procedures for using the automated system.

When the Auditor General's Office began its audit, the Department was in the process of rewriting the procedures manual. The Auditor General's office was provided a copy of the TCU procedures manual and its training manual. Several procedures were being formalized in to ADC Policy or Unit Post Orders. The information contained in the manual is comprehensive but requires formal training in order to understand all facets relating to this complex area.

All TCU technicians are provided manuals. However, in the past, technicians who work in "specialized" areas of calculating release dates, dissected their manual in order to quickly access the areas they frequently reference.

As of September 1990, the TCU procedures manual was finalized and new manuals were distributed to all appropriate staff. In addition, an AIMS coding manual for sentencing data and an AIMS Audit/Lockdown Training Manual has been written. The TCU Manual includes current procedures for all manual and automated processes.

PAGE 56 OF TEXT - Manual System is Cumbersome "The tremendous volume of TCR cards to be monitored causes errors in the generation of the release lists. In addition, changes such as class changes may not have been recorded on the card. Thus an inmate who appears eligible for an upcoming release, may not be."

Department Response: The Department agrees that the manual system of identifying those inmates approaching their release eligibility dates is cumbersome. It is anticipated that by early next year, automated release eligibility lists will be provided by AIMS. The first automated release list was generated and tested for accuracy during the first week of December, 1990.

The Auditor General's report fails to mention that the TCU staff currently use AIMS to review an inmate's release eligibility in conjunction with the TCR card. This makes a significant difference, because the class changes, etc. are on AIMS. If the TCR card is not accurate, it is updated prior to determination of the inmate's eligibility. This process was in effect when their audit was being conducted.

PAGE 59 OF TEXT - "We attempted to determine the overall reliability of the time computation function within the AIMS data base, but were unsuccessful. DOC Telecommunications and the Offender Services Department identified 18 AIMS data fields which they told us were critical to the accurate computation of an inmate's initial release date(s). The ADC Time Computation Manager confirmed this information. However, after we found that a large percentage of the files contained what appeared to be errors, such as fields containing missing data or data which did not match

master file documentation, Time Computation Officials provided a number of explanations which were new or differed from the information previously provided."

Department Response: The Time Computation officials referenced in this section have indicated that the explanations provided were not new or different. In fact, on several occasions, during the audit the references to exceptions and special entries due to overcrowding were explained in detail to the auditors by several TCU staff. In addition, the information was contained in the TCU procedures manual originally provided to the auditors. As previously stated, this is a very complex area and does require formal training. Due to the brief time that TCU had to explain many factors and answer numerous questions, it is believed the auditor's office misinterpreted the information provided.

PAGE 60 OF TEXT - DOC should commit to fully automate.

PAGE 61 OF TEXT - DOC should consider developing a formal plan, including resource allocation, time frames, and assigned responsibilities, to completely automate the Time Computation Unit. This plan should identify resources to audit the unaudited records, and establish data quality oversight as well as appropriate EDP testing procedures for new applications.

Department Response: The Department is committed to full automation of the Time Computation Unit. In August 1990, a formal plan was developed for complete automation of inmate time computations. A Project Director was appointed and the final completion date for all aspects of the plan is February 26, 1991. The audit of unaudited records is a part of this plan. Since the initial implementation of the plan, 1,400 records have been audited. A special code was created to identify records with program problems. To date, there are 581 records to be audited. The Implementation Plan includes appropriate EDP testing procedures for all applications. A special test data base was created which is being used for testing and has accelerated the testing process.

In addition, the Implementation Plan includes automated outputs and AIMS documentation of all program changes. Several committees have been established to oversee the total issue of quality assurance of data input and quality control procedures. One of these committees will oversee all aspects of AIMS data quality and future developments. In addition, an ADC Policy on the Inmate Records System, effective August 3, 1990, specifies time lines and responsibility for data input. This policy is one of the major steps toward ADC's commitment to quality assurance and quality control.

PAGE 67 OF TEXT - Preparation of release packet - "DOC could shorten the process by assembling most release packet information for all inmates prior to the Board hearing."

Department Response: In responding to the Auditor General's recommendation concerning the creation of release packets for all inmates prior to Board hearings, it must be remembered that the compilation of these packets is labor intensive for ADC Records and program personnel. Citing statistics provided in the Auditor General's report, page 10, their study found that "On a monthly basis for example, Paroles ranged from a high approval rate of 60 percent in May, 1987, to a low of 30.4 percent in December, 1988." Interpreted in relation to the compilation of release packets for each inmate appearing before the Board (prior to hearing), these very statistics would reflect a range of 39.2 percent to 69.6 percent of such packets being prepared needlessly. This does not appear cost effective or an efficient use of ADC material and staff resources considering the budget limitations and current workloads with which the Department is faced. In addition with the implementation of recent legislation, effective September 27, 1990, inmates can be heard for parole up to five months prior to their parole eligibility date. Prior to this legislative amendment, inmates could be heard up to two months prior to the parole eligibility date. The purpose of this legislative amendment was to allow the Department ample time to process release packets.

SUMMARY

The Department objects to the thrust of this report. If this report were implemented in its entirety, it would pose a serious threat to public safety.

My advice to you is that you quit tampering with the release procedures and the criminal code until the corrections commission study has been completed.

I would like to reiterate that I am sternly opposed to placement of the emergency release mechanisms under the authority of the Department of Corrections. Such provisions circumvent the judicial intent of sentences legally imposed through the courts. Worst perhaps, is that such circumvention comes about not by exemplary effort on an offender's part to improve, but simply on the basis of bed availability within a correctional system. At such a point, the concept of qualifying criteria has been transferred from the individual offender onto the system, and an inmate's potential for release is given over to bed limitations rather than behavioral accountability.

Finally, I must raise objection to the manner in which

information repeatedly provided to audit staff was either misinterpreted or ignored in the body of the audit document. On the matters of automation and time computation issues, I would say in dissent with the audit report, that this Department's commitments have been continuous and long standing. Significant financial and staff resources have been devoted to the automation objective over the past six years. Additionally, Time Computation Unit staff have developed a comprehensive manual and contributed greatly to the completion of a fully automated time computation system projected for early 1991. I will point out that these efforts have been made over a time period which has been marked by a near doubling of the adult prison population and a records data entry requirement that has increased in geometric proportions. In addition, the numerous legislative amendments that have been made to the release mechanisms and the criminal code since 1985, have further exacerbated this endeavor. To state that these efforts have demonstrated less than a full commitment by this Department, discredits the efforts of many devoted staff who have worked diligently over this span of time to improve technical operations.

The economic burden of an expanding prison population merits the earnest attention of government and citizenry. However, this attention must be appropriately divided among the many factors that make up our criminal justice system and reflect the ultimate goal of protecting the public.

APPENDIX

ARIZONA RELEASE MECHANISMS

Effective Date	Type of Release	Description of Release
1901	Parole	A conditional, discretionary release granted by the Board of Pardons and Paroles to eligible inmates. Based on the present criminal code, inmates are eligible to be considered for Parole after serving either one-half or two-thirds of the sentence imposed. Some inmates may not be eligible for Parole because they are required to serve all or at least a specified portion of the sentence imposed by the court. Inmates approved for Parole are supervised by DOC until completion of sentence or absolute discharge by the Board.
1901	Earned Release Credit Date	A discretionary release granted by the Director to inmates who have earned release credits, which, when added to the time served, equal the sentence imposed by the court. A prisoner released on ERCD is not under control of DOC (i.e., no supervision) for the remainder of the sentence. (Note: Although ERCD, by statute, is a discretionary release, according to a DOC official, it is considered to be automatic by DOC.) The use of earned release credits has changed over the years. Originally, inmates who performed labor as required by the Board of Pardons and Paroles, and conformed to rules, would be allowed deductions from their sentence. In 1922, double-time credits were established allowing each inmate who worked and earned a position of confidence or trust to accumulate one day for each day served. The 1977 criminal code eliminated early release opportunities through the earning of good time. However, an independent study conducted then, recommended that the earned release credit system be reinstated. Although release credits were reinstated in 1978, they were significantly less than those previously allowed. Finally, in 1986 the Legislature amended the earned release credit statute to its present form, providing that release credits earned could no longer reduce the term imposed.
1970	Temporary	A discretionary release granted by the Director to allow the temporary release of an inmate for compassionate leave, medical treatment not available at the institution, preparation for return to the community within 90 days of an inmate's release date, or for disaster aid, including local mutual aid and State emergencies. While a prisoner is on temporary release, he/she is supervised by a Parole officer, and is still considered to be on inmate status.
1974	Mandatory	An automatic release by DOC for those serving time for crimes committed before August 7, 1985. (Note: Based on the offense committed, some inmates are not eligible.) Mandatory Release occurs 180 days before sentence expiration. Inmates must serve one calendar year before being eligible for Mandatory Release. Mandatory Release was established to allow a period of supervision prior to sentence completion.

1978	Discretionary	A release granted at the sole discretion of the Director to inmates who exhibit positive behavior, participate in work, treatment, and/or training programs, are considered a minimal risk to public safety, and who, by virtue of their offense, are not eligible for any other early release. Provisions for Discretionary Release vary depending on whether the inmate was sentenced to a crime committed prior to October 1, 1978. Those sentenced for crimes committed prior to the October date, may be granted a Discretionary Release 360 calendar days before sentence expiration. Those sentenced for crimes committed on or after the October date, and who are not eligible for Mandatory or Provisional Release, may be released 180 days early.
1978	Work Furlough	A conditional discretionary release granted by the Board of Pardons and Paroles to eligible inmates who have served six months of their sentence, and who are within 12 months of Parole eligibility. Work Furloughees are still considered to be on inmate status. (Note: When Work Furlough was originally established, it was a DOC release. However, in 1984, in response to a murder case involving a Work Furloughee, and the desire to tighten the eligibility criteria for Work Furloughee release, this responsibility was transferred to the Board.)
1982	Early Parole	A release granted by the Board of Pardons and Paroles to inmates who after meeting certain criteria, and have served at least six months of their sentence, are certified eligible by DOC. Early Parole is an emergency release that allows the Director to suspend normal parole eligibility procedures when the inmate population exceeds 98 percent operational capacity.
1985	Provisional	A discretionary release granted by the Director to those inmates who committed offenses on or after August 7, 1985, who are within 180 days of sentence completion or Earned Release Credit Date, and who have served at least one calendar year of the sentence imposed. Provisional Release replaced Mandatory Release to allow the Director the discretion to select suitable inmates for early release. Supervision on Provisional Release lasts approximately six months or until the inmate reaches their Earned Release Credit Date.
1988	Home Arrest	A conditional, discretionary release granted by the Board of Pardons and Paroles to eligible inmates who have served at least six months of their sentence. Inmates on Home Arrest are placed under electronic surveillance and the supervision of a Home Arrest officer until they are eligible for Parole or an administrative release by DOC. Home Arrestees are still considered to be on inmate status, and continue to earn applicable time release credits.