

ARIZONA DEPARTMENT OF CORRECTIONS



REPORT TO THE JOINT SELECT COMMITTEE ON CORRECTIONS

TERRY L. STEWART
Director

October 30, 1997

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INTRODUCTION

The information contained within this report was prepared by the Arizona Department of Corrections (ADC) for the October 30, 1997 meeting of the Joint Select Committee on Corrections (JSCC).

The JSCC was established by Laws 1994, Chapter 195. Pursuant to A.R.S. § 41-1610.04, the JSCC is required to receive testimony from the Department of Corrections regarding prison population and other matters relating to prison construction or prison operations. Consistent with the charge of the JSCC, this report contains pertinent information relating to the operation of the Arizona prison system.

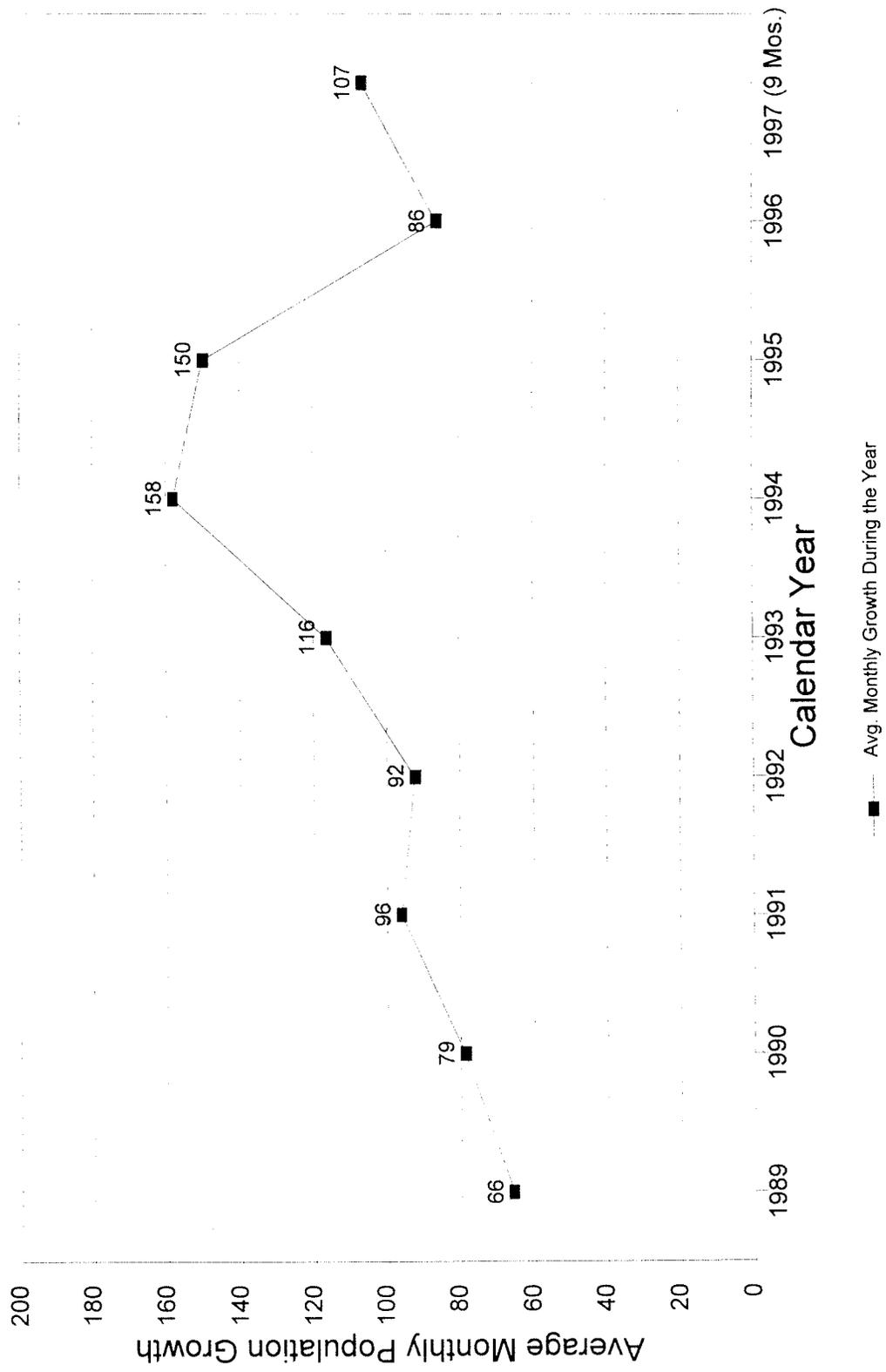
The document reviews information relating to the following subjects: prison population growth and projections; prison construction schedules; private prisons operations; inmate education; inmate work programs; Arizona Correctional Industries; medical, court and utility fees; legal access; Holiday packages; inmate legal access to the courts; the Religious Freedom Restoration Act; and, inmate escapes.

PRISON POPULATION TRENDS AND PROJECTIONS

The information below summarizes the trends and projections of the prison population. The graphs on the following pages detail population trends by growth, admissions and releases, population projection accuracy and population projections.

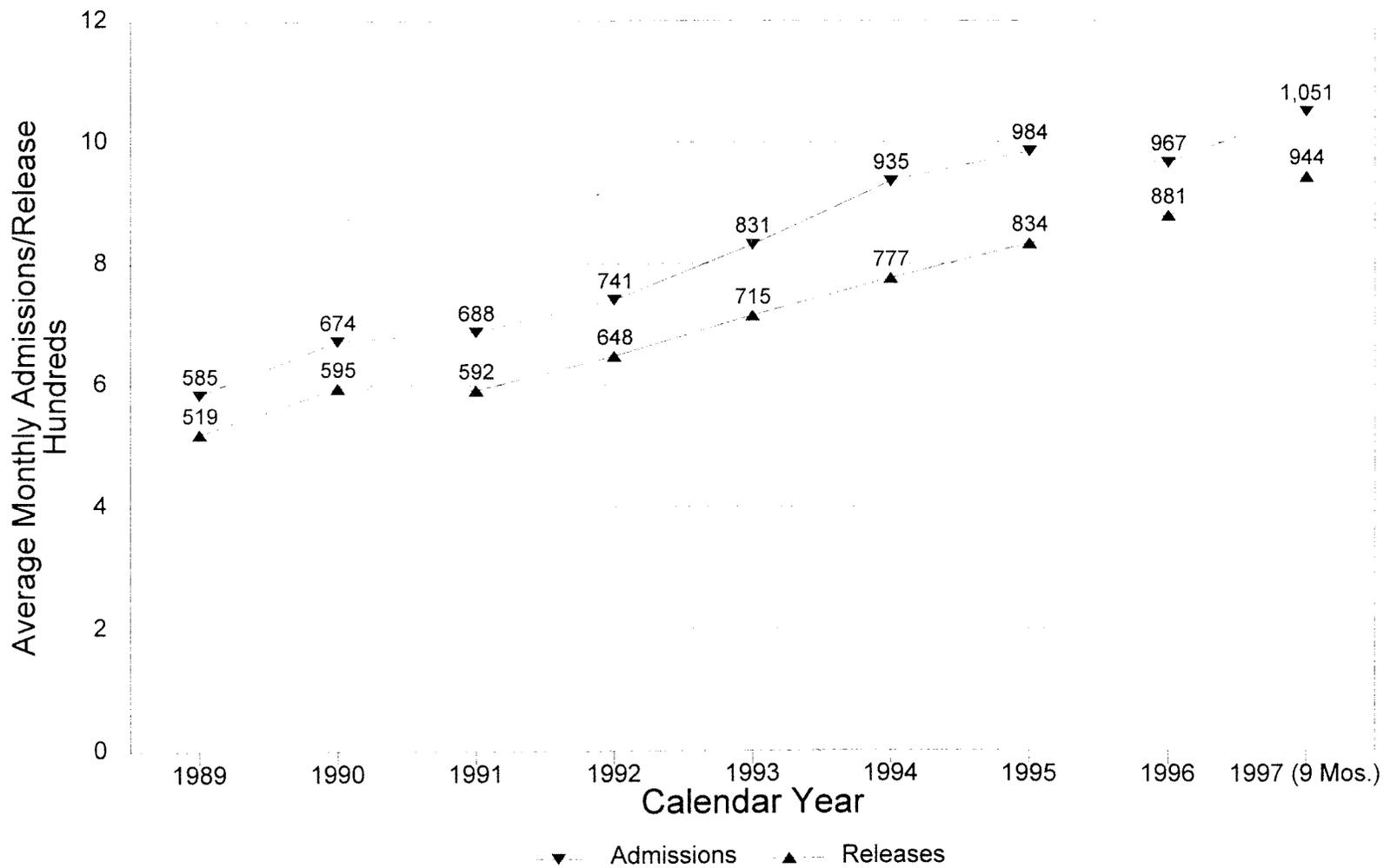
- Over the period January 1989-September 1997, the Arizona prison population grew by an average of 105 inmates per year.
- Peak growth in the prison population came during 1994 (158 per month) and 1995 (150 per month).
- Following the 1994-95 peak, population growth dropped to 86 per month during 1996 and 107 per month during 1997 through September.
- Over the period January 1994-September 1997, actual population growth matched projected population growth at 127 inmates per month.
- The drop in population growth from 1995 to 1996 was fed in part by a 2% drop in prison admissions and in part by an increase in releases of short-term offenders under Truth-in-Sentencing. The Department lost 45+ admissions per month with the closing of the Shock Incarceration Program.
- Admissions were back up by 9% during the first nine months of 1997, however, releases have also continued at a higher level. The Department expects reduced growth in releases beginning in mid-to-late 1997.
- The Department anticipates a significant increase in admissions of juvenile offenders pursuant to Proposition 102/Senate Bill 1446. Proposition 200 is expected to have only a very minor impact on admissions and population, reducing drug possession admissions by 10%.
- The prison population is growing at the rate of 115 per month or 1,380 per year independent of the impact of Propositions 102 and 200. With their impact taken into consideration, the growth rate over the next five fiscal years (FY 1998 and FY 2002) is expected to jump to 158.
- The total impact of the two propositions is expected to grow to 1,912 by June 30, 2000.
- The current minors (juvenile) population in the Department stands at 105. With the impact of Proposition 102/Senate Bill 1446, the minors population is expected to grow to 441 by June 30, 1998; to 1,094 by June 30, 1999; and to 1,269 by June 30, 2000.

POPULATION GROWTH TREND 1989-1997



ADMISSION AND RELEASE TRENDS

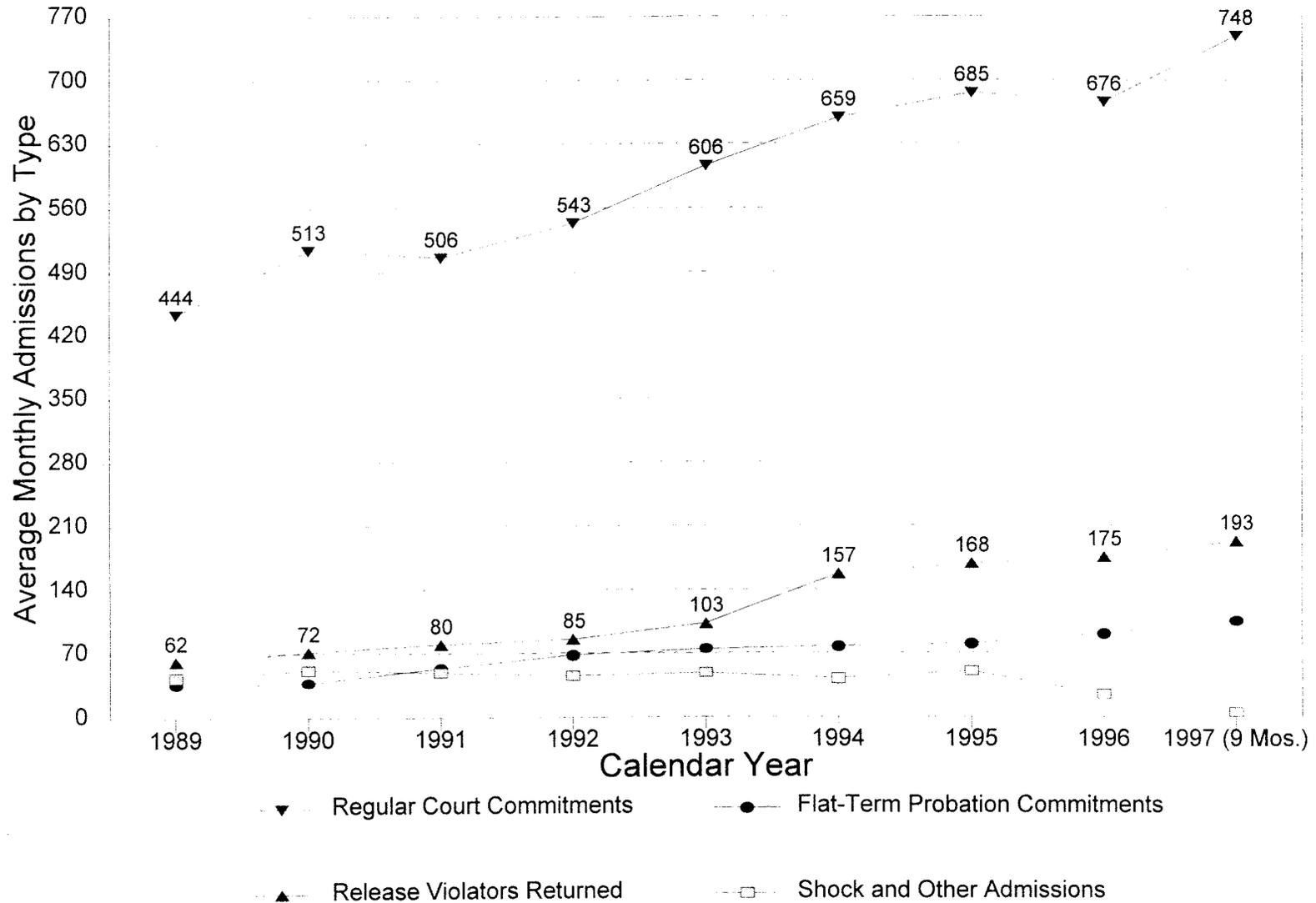
1989-1997



TREND IN ADMISSIONS BY TYPE

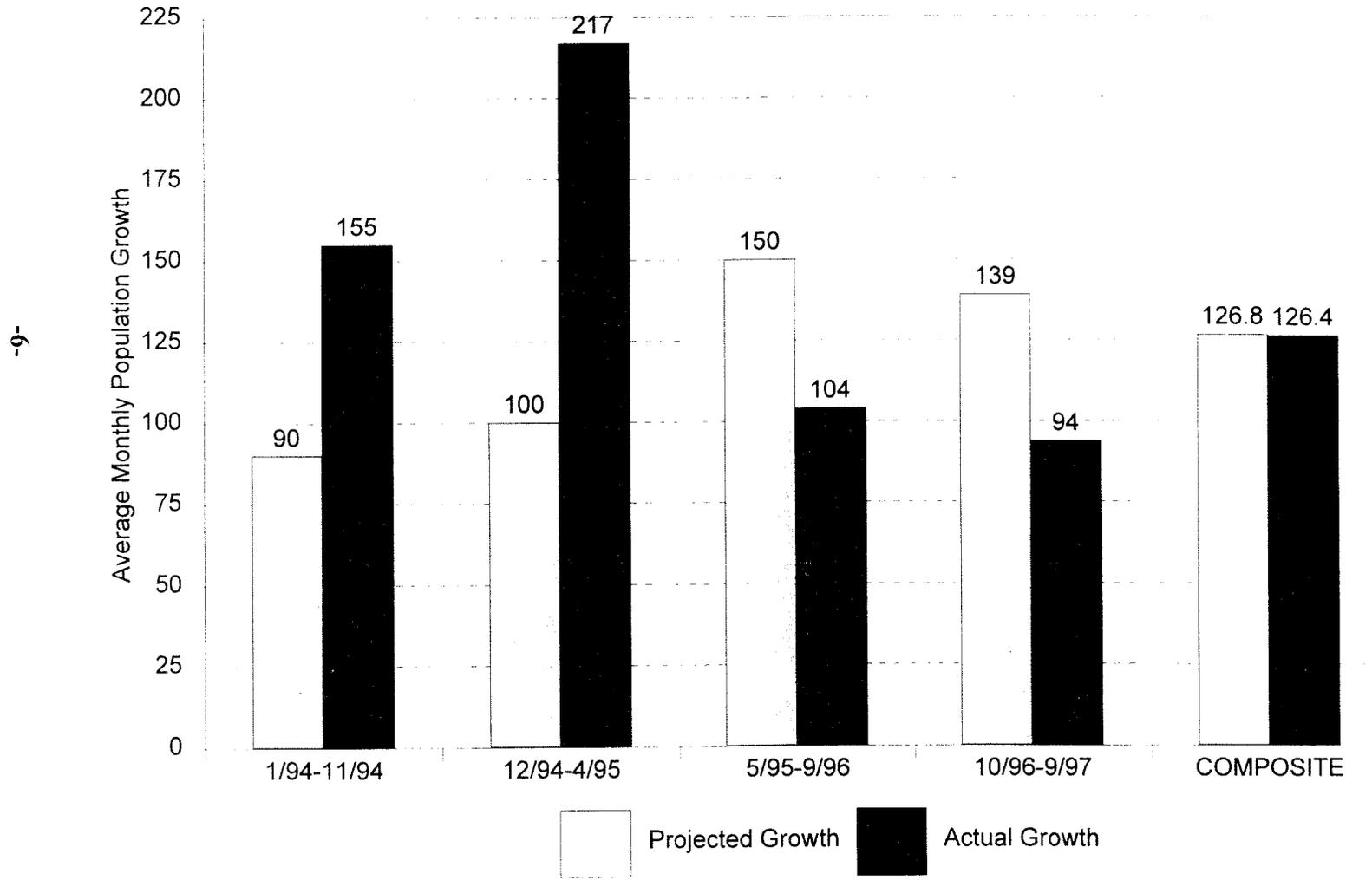
1989-1997

-5-



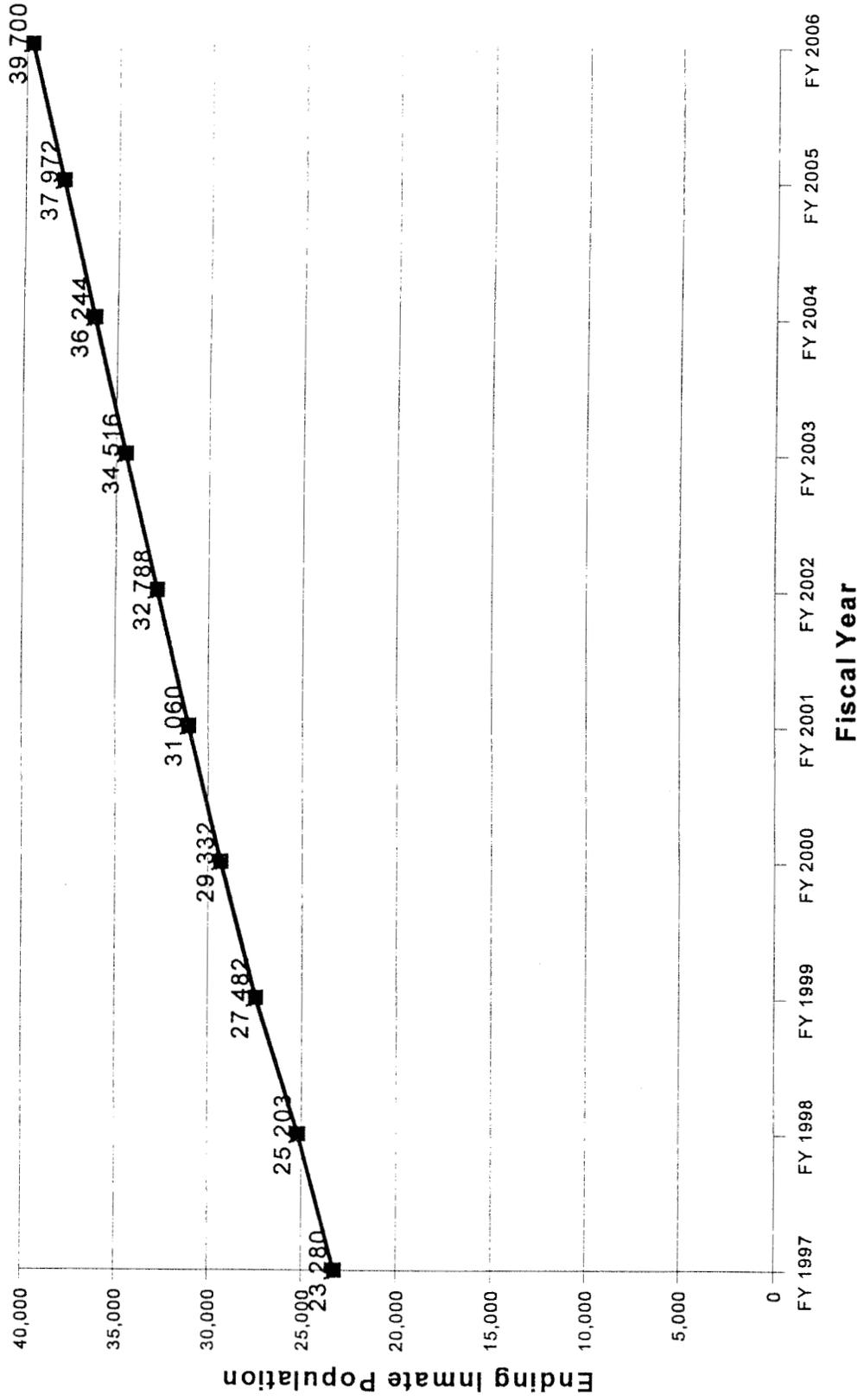
POPULATION PROJECTION ACCURACY

January 1994 to September 1997



PRISON POPULATION PROJECTIONS

FY 1997 - FY2006



PRISON CONSTRUCTION

The following four projects are under construction in the Arizona prison system:

1. The 4,150-bed Arizona State Prison Complex (ASPC) - Lewis;
2. The 400-tent bed, Level 2, expansion of the North Unit at ASPC-Florence;
3. The 800-bed, Level 4, Dakota Unit at the ASPC-Yuma; and,
4. The security improvements at the ASPC-Perryville.

Laws 1995, Chapter 2, First Special Session, appropriated \$2 million from the corrections fund to the Department of Administration (DOA) in Fiscal Year 1996 for a master plan, studies, site acquisition costs and site development costs for a new prison facility. The appropriation was authorized for only non-site specific purposes until the new complex was sited by the Arizona Legislature.

During its July 1995 meeting, the JSCC recommended a site in Buckeye, Arizona, for the location of the new prison facility. Laws 1996, Chapter 337, sited the facility, appropriated \$141.1 million over three fiscal years for its design and construction, and identified the level and number of beds to be built. The facility, named the ASPC-Lewis, is to consist of a 350-bed level five minors unit, a 600-bed level three female unit, two 800-bed male level three units and two 800-bed male level four units.

The current estimate for the project is \$162.7 million, \$19.6 million more than the total appropriated amount. The unexpected cost increase is attributable to an inability to achieve any savings through value engineering because of design efficiency, issues associated with water and the waste water treatment plant, infrastructure modifications for future expansion of the juvenile and female units, and an unfavorable bid climate due to other significant projects including the Bank One Ballpark, the United States Courthouse, and the City of Phoenix Courthouse.

The tentative construction schedule provided by the contractor is delineated below.

First 800-bed level 3 unit	July 1998
First 800-bed level 4 unit	January 1999
Second 800-bed level 3 unit	May 1999
Second 800-bed level 4 unit	September 1999
350-bed Minors unit	February 2000
600-bed Female unit	June 2000

The estimated completion date for the 400-bed tent project at the ASPC-Florence, North Unit, is October 1, 1997. The tent slabs have been poured and the tent frames have been erected. The addition of 21 tents had substantial completion as of August 5, 1997. The water, sewer and electric hook-ups are proceeding. The modular building contract has been awarded and its substantial completion is expected within ninety days. The perimeter fence is 95% complete, and only requires completion of the sallyport and gates installed at the construction access opening.

The construction schedule for the 800-bed, level 4, Dakota Unit at ASPC-Yuma is as follows:

Perimeter Fence	March 5, 1997
Administration/Kitchen/Dining	May 4, 1998
First Housing Unit	May 4, 1998
Second Housing Unit	June 3, 1998
Third Housing Unit	July 3, 1998
Forth Housing Unit	August 3, 1998
Lockup and Medical	August 20, 1998

The Arizona Legislature appropriated \$4,479,400 to DOA in Fiscal Year 1998 for security improvements at the ASPC-Perryville. \$2,673,200 was appropriated from the corrections fund, while the remaining monies were reappropriated from the Fiscal Year 1998 ADC operating budget. The legislation reverts any monies remaining from the operating budget share of the appropriation back to the ADC.

The entire project was divided into two components. The DOA is responsible for the cell and electronic security improvements, while the ADC is responsible for the control room and unit security improvements. The DOA share of the project includes the following:

Replace Cell Locks	Replace Electronic Locking System
Replace Cell Doors and Frames	Install Astragals on Doors
Replace Monitoring System	Install Food Passes
Replace Control Panels	

The ADC segment of the project is limited to control room improvements and unit security improvements. The specific projects are as follows:

Control Rooms

Raise Counters
Install Escape Hatch
Install Slam Lock
Install Speak thru
Install Pass thru

Unit Security

Install Pedestrian Gate
Install Intercom (Between Gate and Control Room)
Install Cameras to Monitor Unit

The construction schedule for the DOA scope of work is summarized below.

Notice to Proceed	May 19, 1997
Construction Begins	June 22, 1997
First Building Complete	Sept. 9, 1997
Estimated Completion Date	March 20, 1997

In regard to the construction schedules for the ADC scope of work, the control room improvements are to be completed by September 9, 1997, while the construction on the unit security improvements is set to begin on September 22, 1997, and be completed by January 5, 1998.

PRIVATE PRISON OPERATIONS

The information in this section provides a synopsis of the private prisons under contract with the Department. The table on the following page details the activation date, capacity, population and per diem rate of each facility.

Marana Community Correctional Treatment Facility

The facility is located in Marana, Arizona, operated by the Management and Training Corporation, and incarcerates offenders convicted of Driving-Under-the-Influence (DUI) and general population male and female inmates with substance abuse problems. In addition to work opportunities, programs, academic classes, recreation and religious programs, the inmate schedule revolves around substance abuse treatment. The facility provides a 14-week intensive substance abuse treatment program. The program begins with an initial evaluation and assessment of each inmate. This is followed by 4½ hours of group counseling and three hours of life skills classes on a weekly basis. The aftercare program includes three hours of weekly group counseling on a weekly basis and bi-weekly individual counseling.

Arizona State Prison (ASP) - Phoenix West

The facility is located in metropolitan Phoenix, operated by Correctional Services Corporation and incarcerates 400 male DUI inmates. In addition to various work opportunities, inmates are assigned to academic classes, religious, and recreational programs. The facility provides an intensive substance abuse program, focusing on the many aspects of alcoholism. This program covers the effects of alcohol on the body, addiction, withdrawal and recovery. Inmates are required to participate in the Stage I and II programs, which total 36 hours of treatment. Stage I programming consist of 12-Step meetings or an alternative, lectures on chemical dependency and life management, family or couples group counseling, and individual sessions with a therapist. Stage II programming provides the natural progression of substance abuse treatment, and includes the 12-Step program or its equivalent and the accompanying counseling programs.

ASP-Florence West

The facility has been located northwest of the ASPC-Florence and will be operated by Correctional Services Corporation. The facility was activated on October 1, 1997. The institution will incarcerate a total of 600 male prisoners, but two distinctive groups of inmates. ASP-Florence West will be divided into three housing units, one unit will house 200 Return-to-Custody (RTC) inmates, while the remaining two units will house 200 DUI inmates respectively. RTC inmates are convicted felons who have been returned to the Department awaiting due process hearings for allegedly violating conditions of release imposed by the Board of Executive Clemency or by the Department.

ARIZONA DEPARTMENT OF CORRECTIONS
PRIVATE PRISONS

Private Prison Facility	Activation Date	Capacity	Current Population		Daily Per Diem 100% Occupancy
			Male	Female	
Marana Community Correctional Treatment Facility	10/07/94	450	350	100	\$39.70
		+6	0	N/A	14.92
ASP-Phoenix West	04/11/96	470	470	N/A	36.00
		DUI	400	N/A	35.40
ASP-Florence West	10/01/97 ¹	RTC	200	N/A	29.35

¹ Activation date for the ASP-Florence West projected by Correctional Services Corporation.

INMATE EDUCATION OVERVIEW

The Department has developed a new Education Plan and is in the first phase of its three-year implementation. This section summarizes the Department's new direction in educational programming.

Adult Literacy is the cornerstone of ADC's education program. The Department estimates that 72% of all new commitments will require mandatory remedial education to meet the Arizona standard of an eighth grade equivalency. This estimate is based on the most recent random sampling of 5,760 inmates tested at reception during the 1997 Fiscal Year.

Beginning this Fiscal Year the Department has established new incentives for inmates to meet this mandate through the Work Incentive Pay Program (WIPP). In addition, the Department has completed the placement of a new common core curriculum to standardize educational programming. This common core curriculum allows inmates to encounter the same textbooks and computer-assisted learning materials at all institutions.

The Department has an ambitious goal to increase GED completions by 5% per year. Again, the Department will establish work opportunity incentives for inmates to encourage enrollment and completion of the High School Equivalency Diploma.

The High School Equivalency will be made mandatory for enrollment in the Vocational Training classes taught by community colleges. In some cases these courses have undergone substantial revisions to prepare inmates for job skills which can be utilized within the prisons and lead to entry-level skills in the workplace upon release. These courses include building maintenance and janitorial maintenance, construction skills, and business/computer skills. The Department will strive to provide every inmate, who is without a High School Diploma or an Equivalency Diploma, with productive job training and real-world work experience.

The Department is focusing training efforts on inmates who show the greatest motivation to reform, and who will be completing their incarceration in the near-term, so they will return to the society as taxpayers and law-abiding citizens. The combination of successful completion of education and acquiring real-world job skills is a critical element in efforts to lower recidivism.

The following information provides a current snapshot of inmate daily involvement in educational programs.

- 12,403 inmates participating in education programs.
- 3,395 inmates participating in the Functional Literacy Program.
- 3,976 inmates participating in the General Equivalency program.
- 2,346 inmate participating in Adult Basic Education.

- 1,785 inmates participating in Vocational Training.
- 548 inmates participating in English as a Second Language.
- 353 inmates participating in Special Education.

The following reviews some of the educational achievements of student inmates during Fiscal Year 1997:

- 779 inmates were awarded General Equivalency Degrees.
- 468 inmates were awarded vocational certificates numbered, and the average program duration was between eight to twelve months. This duration requires inmates to remain in a status that permitted their continuing attendance and enabling their completion of the program.
- The Mandatory Literacy Program included 7,496 inmate students.
- There were 476 inmate students who completed the 300-hour requirement for mandatory literacy but did not meet the sixth grade standard.
- There were 3,250 inmate students who met or exceeded the sixth grade standard.
- There were 10,328 inmate enrollments in vocational classes (there are multiple classes that make up each vocational program and this figure counts each class an inmate enrolled in as a part of the vocational program).
- There were 3,610 inmate students in the post secondary program. This would include developmental, legal research or vocational support programs required as a part of a vocational program.
- There were 63 special education inmate students and 6 disabled (504) special education inmate students.

EDUCATION BUDGET

The Department's Fiscal Year 1998 education budget is \$10,782,500. The budget is allocated for the following programs in the identified amounts.

1. **Functional Literacy:** Program mandated by statute for eligible inmates who fail to score the equivalent of an eighth grade literacy level on a standardized test. **(\$4,109,600)**
2. **Adult Basic Education:** Complimenting the Functional Literacy Program, this instructional effort is on reading, writing and arithmetic. **(\$862,300)**
3. **General Equivalency Diploma:** Program in place for inmates trying to complete requirements needed to obtain a high school equivalency diploma, and includes GED practice tests and study guides. **(\$1,525,900)**
4. **Vocational/Technical:** Program aimed at developing useful trades and skills in inmates, and utilizes relevant textbooks and manuals related to subject matters. **(\$3,460,700)**
5. **Special Education:** Program mandated by federal and state law for inmates under the age of 18 and for inmates with disabilities who are 21 or younger. **(\$824,000)**

It is important to note that there are certain amounts of carryover funds, estimated to be approximately \$50,000, that have not been reflected in the estimated expenditures. However, these monies are dedicated to the education of the minors incarcerated within the prison system.

INMATE WORK PROGRAMS

A.R.S. § 31-251 grants the Department the authority to require that each able-bodied prisoner engage in work for not less than 40-hours per week, except that not more than 20-hours per week of participation in an educational, training or treatment program may be substituted for an equivalent number of hours for work.

The Department is striving to create a natural programming progression for inmates from education to work. Since many inmates lack the basic educational, vocational and social skills necessary to enhance community integration and economic self-sufficiency, this strategy places greater emphasis on education and allows employment opportunities to serve as the reward, thereby optimizing prisoner participation in educational programs and promoting successful completion.

Excluding jobs with Arizona Correctional Industries, the following three types of employment are available to inmates:

1. **Work Incentive Pay Programs (WIPP):** The program allows inmates to utilize experience, training and expertise in meaningful employment while supporting their needs.
2. **Community Betterment Projects (CBP):** Work that assist local governmental and non-profit organizations in meeting goals, while providing the inmate an opportunity to earn a wage and improve the community.
3. **Work Training Programs (Vocational Training):** Instruct the inmate in marketable and employable skills that benefit the prison by providing labor and the inmate by preparing for future employment.

The work programs are designed to meet statutory requirements as well as develop employable skills and a work ethic. All three work components provide inmates with the opportunity to earn a wage that may be utilized by the inmates to procure personal sundries and meet other financial needs. However, it must be noted that there are limits on the number of inmates that can work. These limitations include medical or serious mental health needs, lock down status or out to court. Other limits include selected housing assignments such as protective segregation, a death sentence, special management units, reception center, or county jail.

The following three tables review the WIPP, CBP and vocational training jobs currently employing inmates.

Work Training Programs (Vocational Training)

Institution	Work Training Programs (Vocational Training)	Location	Inmates Employed
ASPC-YUMA	No Vocational Training	N/A	N/A
ASPC -WINSLOW	Building Trades	Coronado Unit	16
	Office Skills	Coronado Unit	10
	Computer Drafting	Kaibab Unit	26
	Small Business	Kaibab Unit	14
ASPC -DOUGLAS	Building Maintenance	On-Site	25
	Masonry	On-Site	22
	Horticulture	On-Site	21
	Fire Science	On-Site	27
	Janitorial Service	On-Site	0 (New Program)
	Business Skills	On-Site	94
ASPC-FLORENCE	Computer	On-Site	29
	Graphic Arts	On-Site	5
	Carpentry	On-Site	6
	Masonry	On-Site	13
	Plumbing	On-Site	16
	Concrete	On-Site	38
ASPC-EYMAN	Computer	Meadows Unit	17
	Drafting	Meadows Unit	13
	Janitorial	Meadows Unit	10
	Upholstery	Rynning Unit	11
	Building Maintenance	Cook Unit	13
	Small Business Management	Cook Unit	17
ASPC -SAFFORD	No Vocational Training	N/A	N/A

Institution	Work Training Programs (Vocational Training)	Location	Inmates Employed
ASP - FORT GRANT	Building Maintenance	On-Site	32
	Sheet Metal	On-Site	23
	Masonry	On-Site	31
	Business Machines	On-Site	18
	Business Tech	On-Site	26
ASPC-TUCSON	Computer Application	On-Site	24
	Graphic Arts	On-Site	16
	Vocational Business	On-Site	4
	Electronics	On-Site	38
	Waste Water Management	On-Site	24
ASPC-PHOENIX	Computer	ACW On-Site	38
	Construction	ACW On-Site	20
ASPC-PERRYVILLE	Computer Application	On-Site	5
TOTAL NUMBER OF INMATES EMPLOYED			742

Community Betterment Projects

Institution	Community Betterment Projects	Location	Inmates Employed
ASPC-YUMA	City of Yuma	City of Yuma	49
	City Crew/Court/ADOT	City of Yuma	12
ASPC-WINSLOW	ADOT	State Highway	36
	Navajo County Labor	County	8
	Navajo Army Depot Crew	Navajo Army Depot	8
	Winslow City Crew	Winslow	9
	Holbrook City Crew	Holbrook	9
	Rim Country Rescue Building Crew	Community	6
	Apache City	Community	9
	St. Johns City	Community	9
	Springerville City	Community	20
	State Parks	Community	9
ASPC- DOUGLAS	Forest Service - Fencing, Dam Building, Trail Improvement	Off-Site	20
	County Crew- Road Work, Brush Control	Off-Site	48
	ADOT	Off-Site	24
	City of Douglas - General Cleaning	Community	47
	City of Bisbee	Community	22
	General Labor Pool	Off-Site	48
	Local Municipalities	Community	19
	Special Projects	Community	8

Institution	Community Betterment Projects	Location	Inmates Employed
ASPC-FLORENCE	Pinal County	County Maintenance Yard	5
	Town of Florence	Community	8
	DOA Construction Crew	Community	89
	Casa Grande Parks	Community	13
	Picacho Peak State Park	Community	5
	Case Grande Land Fill	Community	3
	ADOT	Highways	15
	City of Eloy	Community	6
	Central Arizona College	Community	14
	AZ.. Training Program at Coolidge	Community	8
	Pinal County Land Fill	Community	3
	City of Coolidge	Community	5
ASPC-EYMAN	No Community Betterment Projects	N/A	N/A
ASPC-SAFFORD	ADOT	Safford	12
	Forest Service	Graham County	7
	Greenlee County Fairgrounds	Duncan	5
	Duncan City Crew	Duncan	5
	Graham County Courthouse	Safford	2
	Highway Department	Thatcher	5
	Dan Hinton School	Thatcher	1
	Cluff Ranch	Graham County	3
	Safford Golf Course	Safford	4
	Mount Graham Hospital	Safford	7
	Discovery Park	Safford	10

Institution	Community Betterment Projects	Location	Inmates Employed
ASPC-SAFFORD	Safford Public Works	Safford	16
	Graham County Fairgrounds	Safford	10
	Eastern Arizona College	Thatcher	9
	Clifton Town Crew	Clifton	17
	Greenlee County	Clifton	12
	Pima Town Crew	Pima	12
	Thatcher Town Crew	Thatcher	9
	Duncan Schools	Duncan	12
	Sacred Heart Cemetery	Morenci	11
	Greenlee County Landfill	Clifton	11
	Duncan Cemetery	Duncan	11
	San Jose Cemetery	San Jose	11
	Benefico Propio Hall	Solomon	11
	Solomon Park	Solomon	11
	Solomon Cemetery	Solomon	11
	Lebanon Cemetery	Safford	11
	Graham Cemetery	Safford	11
	National Guard Armory	Safford	11
	Hubbard Cemetery	Thatcher	11
	Rest Haven Cemetery	Safford	11
	Bryce Cemetery	Pima	11
	Eden Cemetery	Eden	11
	Ashurst Cemetery	Eden	11
	Hinton Cemetery	Geronimo	11
Graham County Landfill	Safford	11	
Safe House	Safford	11	

Institution	Community Betterment Projects	Location	Inmates Employed
ASP - FORT GRANT	Wilcox Public Works	Wilcox	13
	ADOT	Safford/Wilcox	24
	BLM	Safford	12
ASPC-TUCSON	ADOT	Off-Site	86
	Graffiti Abatement	Off-Site	10
	Museum Fence Weavers	Off-Site	9
ASPC-PHOENIX	Town of Winkleman	Winkleman	13
	ADOT	Globe	13
	Forest Service	Roosevelt	20
	Gila County Landfill	Globe	4
	City of Globe	Globe	17
	Round Mountain Park Project	Globe	10
	Arizona State Hospital	Phoenix	6
	ADC-Central Office	Phoenix	13
	ADC-Community Services	Phoenix	6
	Department of Health Services	Phoenix	1
	DOA	Phoenix	4
	Motor Vehicle Division	Phoenix	7
	Office of Tourism	Phoenix	4
ASPC-PERRYVILLE	Motor Vehicle Division	On-Site	42
	ADOT	Highways	27

Institution	Community Betterment Projects	Location	Inmates Employed
ASPC-PERRYVILLE	University of Arizona Farms	County	20
	Maricopa Flood Control District	County	32
	City of Buckeye	Buckeye	8
	City of Surprise	Surprise	7
	ADOT	Highways	31
TOTAL NUMBER OF INMATES EMPLOYED			1,389

WIPP

Institution	WIPP	Location	Inmates Employed
ASPC-YUMA	Barbers	On-Site	25
	Carpenters/Building Maintenance	On-Site	40
	Aides & Clerks	On-Site	129
	Concrete Crew	On-Site	4
	DOA Construction	On-Site	14
	Fire Crew	On-Site	3
	Porters	On-Site	257
	Heavy Duty Equipment Operator	On-Site	1
	Kitchen Workers	On-Site	224
	Laundry Workers	On-Site	11
	Motor Pool Workers	On-Site	10
	Painters	On-Site	8
	Recreation Workers	On-Site	45
	General Labor	On-Site	148
	Inmate Store	On-Site	2
	Janitors	On-Site	6
	Education Aides	On-Site	15
	Concrete Crew	On-Site	2
ASPC-WINSLOW	Barbers	On-Site	14
	Carpenters	On-Site	7
	Clerks	On-Site	32
	Construction Crew	On-Site	15
	General Labor Crew	On-Site	102
	Heavy Equipment Operator	On-Site	4

Institution	WIPP	Location	Inmates Employed
ASPC-WINSLOW	Kitchen Workers	On-Site	151
	Laundry Workers	On-Site	40
	Motor Pool	On-Site	23
	Painters	On-Site	23
	Porters	On-Site	165
	Recreation Workers	On-Site	30
	Shoe Shiners	On-Site	4
	Warehouse & Inmate Store	On-Site	23
	Welders	On-Site	7
	Yard Landscapers	On-Site	300
ASPC-DOUGLAS	Barbers	On-Site	21
	Carpenters	On-Site	6
	Clerks	On-Site	88
	Concrete Crew	On-Site	36
	Construction Crew	On-Site	4
	General Labor Crew	On-Site	698
	Heavy Equipment Operator	On-Site	2
	Kitchen Workers	On-Site	197
	Laundry Workers	On-Site	7
	Maintenance Workers	On-Site	116
	Motor Pool Workers	On-Site	14
	Painters	On-Site	53
	Porters	On-Site	172
	Recreation Workers	On-Site	68
	Shoe Shiners	On-Site	9

Institution	WIPP	Location	Inmates Employed
ASPC-DOUGLAS	Warehouse/Inmate Store Workers	On-Site	28
	Welders	On-Site	6
	Special Projects	On-Site	68
ASPC-FLORENCE	Kitchen Workers	On-Site	376
	Barbers	On-Site	28
	General Labor Crew	On-Site	405
	Maintenance Workers	On-Site	132
	Education Clerks	On-Site	91
	Porters	On-Site	295
	Recreation	On-Site	39
	Laundry Workers	On-Site	1
	Motor Pool	On-Site	25
	Fire Crew	On-Site	21
	Fence Crew	On-Site	7
	Clerks	On-Site	43
	Painters	On-Site	12
	Janitors	On-Site	10
Hard Labor Work Crew	On-Site	17	
ASPC-EYMAN	Education Aides	On-Site	61
	Clerks	On-Site	54
	Porters	On-Site	272
	Barbers	On-Site	15
	Recreation Aides	On-Site	46
	Store Workers	On-Site	16
	General Labors	On-Site	461

Institution	WIPP	Location	Inmates Employed
ASPC-EYMAN	Maintenance	On-Site	72
	Kitchen Worker	On-Site	500
	Janitors	On-Site	5
	Laundry	On-Site	50
	Concrete Crew	On-Site	2
ASPC -SAFFORD	Maintenance	On-Site	156
	Concrete Crew	On-Site	55
	Laundry Workers	On-Site	2
	Fire Crew	On-Site	7
	Motor Pool	On-Site	11
	Warehouse Workers	On-Site	4
	Inmate Store Workers	On-Site	7
	Clerks	On-Site	48
	Porters	On-Site	173
	Barber/Shoe Shine	On-Site	8
	General Labors	On-Site	344
	Kitchen Workers	On-Site	134
	Farmers	On-Site	21
	Recreation	On-Site	26
	Education Aides	On-Site	18
Painters	On-Site	3	
ASP - FORT GRANT	Clerks	On-Site	15
	Porters	On-Site	33
	Farmer Workers	On-Site	15
	Barbers	On-Site	7

INSTITUTION	WIPP	Location	Inmates Employed
ASP - FORT GRANT	General Labors	On-Site	125
	Education Aides	On-Site	21
	Maintenance	On-Site	41
	Janitors	On-Site	54
	Kitchen Workers	On-Site	70
	Motor Pool	On-Site	12
	Recreation Workers	On-Site	24
	Shoe Repair	On-Site	5
	Stable Workers	On-Site	4
	Tailors	On-Site	6
	Upholstery Worker	On-Site	1
ASPC-TUCSON	Education Aides	On-Site	78
	Barber/Shoe Shine	On-Site	39
	Recreation	On-Site	73
	General Labors	On-Site	830
	Cement Crew	On-Site	16
	Maintenance Workers	On-Site	77
	Clerks	On-Site	168
	Inmate Store Worker	On-Site	17
	Kitchen Workers	On-Site	436
	Farmer Workers	On-Site	28
	Fire Crew	On-Site	26
	Laundry Workers	On-Site	79
	Motor Pool	On-Site	15
	Porters	On-Site	404
Shuttle Drivers	On-Site	16	

INSTITUTION	WIPP	Location	Inmates Employed
ASPC-TUCSON	Stable Workers	On-Site	4
ASPC-PHOENIX	Education Clerks	On-Site	15
	Clerks	On-Site	78
	Maintenance Workers	On-Site	56
	Kitchen Workers	On-Site	130
	General Labor	On-Site	264
	Laundry Workers	On-Site	19
	Barbers/Shoe Shine	On-Site	13
	Porters	On-Site	115
	Recreation	On-Site	16
	Inmate Store	On-Site	7
	Construction Crew	On-Site	31
ASPC-PERRYVILLE	Education Aides	On-Site	26
	Clerks	On-Site	45
	Barbers/Shoe Shine	On-Site	10
	Inmate Store	On-Site	13
	Kitchen Workers	On-Site	223
	Maintenance Workers	On-Site	26
	Laundry Workers	On-Site	51
	General Labors	On-Site	1000
	Porters	On-Site	186
	Recreation Workers	On-Site	28
	Motor Pool	On-Site	22
TOTAL NUMBER OF INMATES EMPLOYED			13,025

ARIZONA CORRECTIONAL INDUSTRIES

Arizona Correctional Industries (ACI) is often referred to as the Division of the Department with responsibility for inmate work programs; however this may be somewhat misleading. While on any given day the vast majority of workable prisoners in Arizona are employed, most do not work in ACI jobs. Instead the majority of work opportunities are those reviewed in the previous section of this report, specifically, they are WIPP, CBP and vocational training jobs. Only a small percentage of the workable inmate population are engaged in Arizona Correctional Industries work programs.

ACI is legislatively mandated to operate in a fiscally self-sufficient manner without any appropriated funding. In essence, this mandate requires ACI to operate in the highly-regulated and structured environment as state agency, but perform like a private sector business. ACI generates its revenues through the sale of inmate produced goods and services which pay all operational costs, including salaries of staff and inmates, plus all other expenses associated with its operations including the resources necessary for development and expansion.

ACI work programs represent highly sought-after jobs in the Department which most closely reflect the kinds of employment opportunities found in the community. More specifically, ACI's enterprises and activities provide inmates with an opportunity to learn and practice good basic work habits and acquire job-specific skills that will best prepare them for release. Many of these programs also enable participating inmates to take fiscal responsibility for their actions by requiring them to contribute to the cost of their incarceration and/or contribute to family support and victim compensation.

The information contained on the following pages provides an "at a glance" overview of existing Arizona Correctional Industries work programs statewide and is organized into four sections which represent the following categories of ACI work programs: (1) ACI Owned-and-Operated Enterprises and Work Programs; (2) ACI/Private Sector Labor Contracts for Inmate Labor; (3) Intergovernmental Agency Agreements between ACI and other State Agencies; and, (4) Federally Certified Prison Industry Enhancement Work Programs. Each section identifies and provides a brief description individual work programs or enterprises, indicates where the program is or the institutional source of inmate workers, and the monthly average number of inmate workers engaged in the activity over the past 12 months.

**ACI OWNED-AND-OPERATED ENTERPRISES AND ACTIVITIES
AS OF AUGUST 1997**

Enterprise or Work Program Identification/Description	Location of Enterprise or Work Program	Average Number of Inmates Employed Monthly during the past 12 months
ACI Central Business Office Operations. See description at Item 1-1	1918 W. Van Buren, Phoenix	15
ACI Materials Management Center Operations. See description at Item 1-2	Arizona State Prison Complex Florence	30
Coupon Processing Center. See description at Item 1-3	Arizona State Prison Complex Winslow	67
Data Processing Center. See description at Item 1-4	Arizona State Prison Complex Perryville - Santa Maria Unit	86
Graphic Arts Division. See description at Item 1-5	Arizona State Prison Complex Perryville - Santa	77
Copy Service. See description at Item 1-6	1645 W. Jefferson, Phoenix	4
Bedding Division. See description at Item 1-7	Arizona State Prison Complex Florence	18
License Plate Division. See description at Item 1-8	Arizona State Prison Complex Florence	31
Metal Fabrication Division. See description at Item 1-9	Arizona State Prison Complex Florence	79
Tucson Sewing Division. See description at Item 1-10	Arizona State Prison Complex Tucson	79
Douglas Sewing Division. See description at Item 1-11	Arizona State Prison Complex Douglas	132
Sign Division. See Description at Item 1-12	Arizona State Prison Complex Tucson	23
Wood and Metal Refurbishing Division. See description at Item 1-13	Arizona State Prison Complex Florence	26
Agri-Business Division. See description at Item 1-14	Arizona State Prison Complex Florence	33
Installation Support Services. See description at Item 1-15	Arizona State Prison Complex Florence	6
Furniture Division. See description at Item 1-16	Arizona State Prison Complex Eyman - Rynning Unit	62

**ACI OWNED-AND-OPERATED ENTERPRISES AND ACTIVITIES
AS OF AUGUST 1997**

Enterprise or Work Program Identification/Description	Location of Enterprise or Work Program	Average Number of Inmates Employed Monthly during the past 12 months
Upholstery Division. See description at Item 1-17	Arizona State Prison Complex Eyman - Rynning Unit	32
Retail Outlet Store. See description at Item 1-18	Arizona State Prison Complex Florence	2
Bakery Division. See description at Item 1-19	Arizona State Prison Complex Eyman - Meadows Unit	115
ACI Region Operations (Central & Southern Regions). See description at Item 1-20 ²	Arizona State Prison Complex Florence	30
TOTAL NUMBER OF INMATES EMPLOYED		947

² Includes ACI Industrial Yard Maintenance Crew.

**ACI PRIVATE SECTOR LABOR CONTRACTS
AS OF AUGUST 1997**

Identification/Description of Labor Contract	Institutional Source of Inmate Labor	Average Number of Inmates Employed Monthly during the past 12 months
Hickman's Egg Ranch. See description at Item 2-1	Arizona State Prison Complex Perryville - San Pedro Unit	66
Dixon Farms. See description at Item 2-2 ³	Arizona State Prison Complex Florence - North Unit	50
Waddell Farms. See description at Item 2-3 ³	Arizona State Prison Complex Perryville - San Pedro Unit	Inactive during the past 12 months
Pegasus Research Group, Inc., dba TELEVERDE. See description at Item 2-4	Arizona State Prison Complex Phoenix - Arizona Center for Women (ACW)	30
O Bar O Ranch. See description at Item 2-5	Arizona State Prison Ft. Grant	Inactive during the past 12 months
Jerald A. Barney Farms. See description at Item 2-6 ³	Arizona State Prison Complex Safford	36
SODEXHO. See description at Item 2-7	Arizona State Prison Complex Phoenix - ACW	6
CDC Farms. See description at Item 2-8 ³	Arizona State Prison Complex Safford	32
Greater Auto Auction of Phoenix. See description at Item 2-9	Arizona State Prison - Phoenix West [Private Prison]	22
Belloc's Farms. See description at Item 2-10 ³	Arizona State Prison Complex Florence - Picacho Unit	38
White Mountain Farms. See description at Item 2-11 ³	Arizona State Prison Complex Winslow - Apache Unit	20
TOTAL NUMBER OF INMATES EMPLOYED		300

³Denotes Seasonal Inmate Labor Contract. Average number of inmates worked is calculated on the basis of the total number of inmates worked divided by the number of months of operations during the year. Most seasonal contracts are for a period of several months during the year.

ACI INTERGOVERNMENTAL AGENCY AGREEMENTS (IGA) AS OF AUGUST 1997		
Identification/Description of Intergovernmental Agency Agreement for services or work program	Location of Service or Work Program	Average Number of Inmates Employed Monthly during the past 12 months [Programs Only]
Data Entry Services for ADOT- MVD. See description at Item 3-1	Arizona State Prison Complex Perryville - Santa Maria Unit	NA - Service Contract
Refurbishment of Highway Signs for ADOT. See description at Item 3-2	Arizona State Prison Complex Tucson	NA - Service Contract
Printing - ADOE. See description at Item 3-3	Arizona State Prison Complex Perryville	NA - Service Contract
Data Fulfillment - ADEQ. See description at Item 3-4	Arizona State Prison Complex Perryville	NA - Service Contract
MVD Call-In Center - ADOT. See description at Item 3-5	Arizona State Prison Complex Perryville, San Juan Unit	25
MVD Call-In Center - ADOT. See description at Item 3-6	Arizona State Prison Complex Perryville, Santa Maria Unit	23
City of Phoenix. See description at Item 3-7	Arizona State Prison Complex Perryville - San Pedro Unit	12
TOTAL NUMBER OF INMATES EMPLOYED		60

ACI PRISON INDUSTRY ENHANCEMENT PROGRAMS AS OF AUGUST 1997		
Identification/Description of PIE Work Program	Location of Work Program	Average number of inmates Employed Monthly during the past 12 months
Worldwyn Acceptance Company. See description at Item 4-1	Arizona State Prison Complex Perryville - Santa Cruz Unit	25
Natures Partner. See description at Item 4-2	Arizona State Prison Complex Eyman - Cook Unit	9
W.L. Gore. See description at Item 4-3	Arizona State Prison Complex Winslow - Kaibab Unit	8
TOTAL NUMBER OF INMATES EMPLOYED		42

ACI PROGRAM DESCRIPTIONS

- 1-1 **ACI Central Office Operations:** Structured along traditional lines of private industry, ACI functions with three (3) operating bureaus: a Finance and Accounting Bureau; a Marketing and Sales Bureau; and, an Operations Bureau. Inmate labor is used throughout ACI's Central Office to perform a wide variety of the entry-level clerical duties attendant to the overall operations of ACI.
- 1-2 **ACI Materials Management Center:** ACI's Material Management Center consists of a complex of large warehouse facilities and a transportation unit. With resources located at the Arizona State Prison in Florence and the metropolitan area of Phoenix, the Management Center employs inmates in a variety of jobs involving the receipt and delivery of raw materials and finished goods.
- 1-3 **Coupon Processing Center:** This correctional industry operation provides services that have traditionally moved and operated outside the United States. The Coupon Processing Center is representative of an effort by ACI to repatriate a service industry dedicated to processing coupons for U.S. Coupon Clearing Houses. Inmates are utilized in the operation to sort coupons, input data in computers and package coupons for distribution after processing.
- 1-4 **Data Processing Center:** This is an ACI service industry designed to provide computer data entry and fulfillment services. Inmates are employed in the operation as computer operators.
- 1-5 **Graphic Arts Division:** This ACI industry is a full-service printing operation. Inmate jobs include all those positions normally associated with and found in a sophisticated printing operation.
- 1-6 **Copy Service:** The ACI Copy Service is a convenience copy center located within the Capitol Mall Complex. Inmates perform photocopying duties in the operation which is dedicated to supporting the Arizona Department of Corrections and other state agencies.
- 1-7 **Bedding Division:** This is an ACI manufacturing operation dedicated to the producing an assortment of bedding products for the Department of Corrections as well as other state and governmental agencies. Inmates perform all functions associated with manufacturing a variety of different kinds of mattresses, pillows and other associated products.
- 1-8 **License Plate Division:** The ACI License Plate Division produces, warehouses and distributes Arizona State license plates for the Motor Vehicle Division of the Arizona Department of Transportation. The division also manufactures an assortment of other types of license plates. Inmates are engaged in all aspects of this light metal manufacturing operation.
- 1-9 **Metal Fabrication Division:** The Metal Fabrication Division of ACI is a manufacturing industry dedicated to producing detention furniture and a substantial number of other metal products for the Arizona Department of Corrections, other state agencies and customers. Inmates are utilized in all aspects of the operation.

- 1-10 **Tucson Sewing Division:** Located in the Arizona Prison Complex at Tucson, this is a garment manufacturing operation dedicated to light-weight sewing. Inmate workers are trained and employed throughout the operation in the manufacturing of linens and light-weight clothing articles.
- 1-11 **Douglas Sewing Division:** Located in the Arizona State Prison Complex at Douglas, this is a full-line garment manufacturing operation. Inmates are trained and engaged in manufacturing a large variety of different clothing articles ranging in degree of production difficulty.
- 1-12 **Sign Division:** Inmates are trained and employed in this ACI manufacturing operation to produce a full assortment of signs and engraved items from plaques to regulatory signs and decals for emergency vehicles.
- 1-13 **Wood and Metal Refurbishing Division:** This ACI operation provides wood and metal refurbishing services to ACI customers as an economic alternative to purchasing new. Inmates are trained and employed in all aspects of the operation.
- 1-14 **Agri-Business Division:** ACI operates a year-round farm consisting of approximately 1,000 acres located in the Florence, Arizona area. Inmate labor is used exclusively for all operations of the farm including the operation of all farm equipment.
- 1-15 **Installation Support Services:** Comprised of two Support Services Units, this operation of ACI is provides for the installation of furniture, millwork and modular office systems produced in other ACI operations. Inmates are trained, employed and supervised by ACI staff in all functions of the services provided by this ACI operation.
- 1-16 **Furniture Division:** The ACI Furniture Division manufactures a full line of wood products including furniture, millwork, specialized cabinetry and modular office systems. Inmates receive training and an opportunity to work in all functional areas of the operation.
- 1-17 **Upholstery Division:** Inmates assigned to the Upholstery Division are provided training and experience in manufacturing new products as well refurbishing used products.
- 1-18 **Retail Outlet Store:** The ACI Retail Outlet provides inmates with a means of selling hand-crafted items they produced while incarcerated. The store also provides an outlet to the public for certain items produced in correctional industry operations.
- 1-19 **Bakery Division:** The ACI Bakery produces and delivers all bakery goods used by the Department of Corrections. Inmates are trained and work in all aspects of the food service manufacturing operation.

- 1-20 **ACI Region Operations:** Inmates employed in ACI Region Operations provide administrative and maintenance support for all ACI operations statewide. Inmates are engaged in ACI operations within their institutions and will receive training dependent upon their specific duties. Work assignments and training include equipment maintenance and repair as well as specialized training and jobs in the building trades (electrician and plumbing).
- 2-1 **Hickman's Egg Ranch:** This is a year-round work program. Inmates are the labor force utilized to support Hickman's egg operation, feed mill, and feed lot operations (hogs and beef cattle).
- 2-2 **Dixon Farms:** This is a seasonal work program. Inmate labor supports Dixon Farm's agricultural operation, i.e., harvesting water melons and thinning weeds in fields.
- 2-3 **Waddell Farms:** This is a seasonal work program. Inmate labor supports Waddell Farm's agricultural operation, i.e., picking crops, thinning weeds and as general field labor.
- 2-4 **Pegasus Research Group, Inc., dba TELEVERDE:** This is a year-round work program. Inmates perform tasks that support Televerde's telemarketing business operation.
- 2-5 **O Bar O Ranch:** This is a seasonal work program. Inmates are used to sort, brand and work cattle on this ranch operation.
- 2-6 **Jerald A. Barney Farms:** This is a seasonal work program. Inmates support Barney Farms agricultural operation by performing work relative to harvesting crops, i.e., cotton, water melons, cantaloupes, pumpkins, and chilies.
- 2-7 **Sodexho USA, Inc.:** This is a year-round work program. Inmates support Sodexho's hospital services by performing a variety of clerical functions.
- 2-8 **CDC Farms:** This is a seasonal work program. Inmate labor is utilized to support CDC Farm's agricultural operations, i.e., harvesting chili peppers.
- 2-9 **Greater Auto Auction of Phoenix:** This is a year-round work program. Inmates perform work related to automotive detailing, i.e., interior/exterior car cleaning and reconditioning.
- 2-10 **Belloc's Farms, Inc.:** Belloc Farms has contracted inmate labor on a permanent and temporary (seasonal) basis. In both cases inmates perform work to support Belloc's agricultural operations. Work performed includes general farm labor, thinning weeds and harvesting crops, i.e., water melons and cantaloupes.
- 2-11 **White Mountain Farms:** This is a seasonal work program. Inmate labor is utilized to support White Mountain Farms agricultural operations by performing work related to crop harvesting, i.e., potatoes, pumpkins and squash.
- 3-1 **Data Entry Services for ADOT:** This is a service contract. Inmates at ACI perform tasks

relative to data entry of minor motor vehicle citations for the Arizona Department of Transportation.

- 3-2 **Refurbishment of Highway Signs for ADOT:** This is a service contract. Inmates at ACI perform work relative to refurbishing and recycling highway signs for the Arizona Department of Transportation.
- 3-3 **Printing - ADOE:** This is a service contract. Inmates at ACI perform work relative to printing and packaging of materials as requested by the Arizona Department of Education.
- 3-4 **Data Fulfillment - ADEQ:** This is a service contract. Inmates at ACI perform work relative to assembling information packets for the Arizona Department of Environmental Quality.
- 3-5 **MVD Call-In Center - ADOT (ASPC-PV San Juan):** This is a year-round work program. Inmate labor is used to support the Arizona Department of Transportation's Motor Vehicle Division Call-In Center. The MVD Call-In Center is a customer service center which processes telephone calls regarding drivers license requirements, vehicle title and registration information and general questions concerning the Motor Vehicle Division.
- 3-6 **MVD Call-In Center - ADOT (ASPC-PV Santa Maria):** This is a year-round work program. Inmate labor is used to support the Arizona Department of Transportation's Motor Vehicle Division Call-In Center. The MVD Call-In Center is a customer service center which processes telephone calls regarding drivers license requirements, vehicle title and registration information and general questions concerning the Motor Vehicle Division.
- 3-7 **City of Phoenix:** This is a year-round work program. Inmate labor is utilized by the City of Phoenix to separate refuse and process waste products for recycling.
- 4-1 **Worldwyn Acceptance Company:** This is a year-round work program. Inmates perform telemarketing functions for Worldwyn Acceptance Co., a mortgage company dealing in secondary financing.
- 4-2 **Natures Partner:** This is a year-round work program. Inmates are used to perform general labor for Natures Partner in support of their production of simulated natural features made from fiberglass reinforced polyester.
- 4-3 **W.L. Gore and Associates, Inc.:** This is a year-round work program. Inmate labor is used to manufacture, assemble, and package W.L. Gore's bicycle cable systems.

MEDICAL FEES

In response to inmate abuses of the Department's health care delivery system, the Department sought the introduction of legislation to charge inmates for health care. In addition, other benefits of pursuing the legislation included placing a degree of ownership on the inmates for their health care and returning some monies to the state general fund in order to reduce the increasing cost of health care.

The Legislature passed Laws 1994, Chapter 332, which amended A.R.S. § 31-201.01 to require the Department to establish by rule, reasonable medical and health services fees not to exceed \$5, for each inmate-initiated medical visit. The statute allows the Department to charge for prescriptions, medical visits and prosthetic devices. However, the law prohibits the Department from charging a fee for visits or referrals initiated by its own medical or mental health staff. The legislation exempted payment for selected conditions.

In a related issue, due to security reasons, orthopedic injuries to inmates and the corresponding escalating health costs, the Department removed weights from the prison system during Fiscal Year 1995. As expected, the removal of weights has significantly decreased the Department's orthopedic costs.

The following tables detail the impact of charging inmates for health care. The first table reviews the number of Health Need Request (HNR) forms submitted by inmates. The second table address the revenue associated with the HNR process. The third table documents the number of inmate encounters with the Department's health care providers in recent years. The last table defines the percentage of encounters charged and exempted.

Health Need Requests Submitted			
Fiscal Year	Number of Health Need Requests Submitted	Average Daily Population	Health Need Requests Per Inmate Per Year
1997	200,083	22,245 (estimated)	9
1996	205,120	22,869	9
1995	129,122	19,678	6.5

Health Need Requests Revenue		
Fiscal Year	Amount Charges	Amount Collected
1997	\$233,001	\$227,943.51
1996	216,828	195,259.26
1995	137,667	105,733.21

Health Need Requests Revenue		
Total	587,496	528,935.98

Medical Encounters		
Fiscal Year	Number of Encounters	Encounters Per Inmate
1997	333,037	15
1996	326,991	14.3
1995	216,389	11
1994	446,850	25
1993	484,478	30

Percentage of Encounters Charged/Exempt		
Fiscal Year	Percent Charged	Percent Exempted
1997	23.4	76.6
1996	22.1	77.9
1995	21.2	78.8

The table on the following page reveals the orthopedic cost savings achieved by the Department upon removing the weights from the prison system.

ORTHOPEDIC COSTS				
Fiscal Year	Total Cost	Annual Number of Prisoners	Ending Population	Annual Cost Per Inmate
1994	\$1,218,581	210	19,863	\$5,803
1995	1,333,898	363	21,190	3,675
1996	934,160	249	22,697	3,752
1997	655,444	143	23,795	4,584

COURT FEES

Laws 1994, Chapter 358, requires the judiciary to collect from a prisoner upon the filing of a civil action or proceeding a first time payment of 20% of the actual court costs or fees. Thereafter, the statute requires monthly payments totaling 20% of all deposits into the prisoner's trust account until all fees are paid in full.

The Attorney General's Office advises us that they compared the number of lawsuits filed in the year prior to the effective date of this legislation to the number filed after the effective date, and there was a 35% reduction in the number of lawsuits filed. This reduction is attributed to the legislation.

The following table summarizes the filing fees the ADC forwarded to the courts during Calendar Year 1996.

Calendar Year 1996 Filing Fees			
Court	Amount Collected	Refunds	Total Owed
Arizona Supreme Court	\$2,159.20	\$0.00	\$2159.20
Court of Appeals, Division 1	1,587.12	39.94	1547.18
Court of Appeals, Division 2	204.74	0.00	204.74
Cochise County Superior Court	114.44	0.00	114.44
Coconino County Superior Court	32.15	0.00	32.15
Gila County Superior Court	53.40	0.00	53.40
Graham & Safford Justice Court	22.25	0.00	22.25
Maricopa County Superior Court	8,293.10	46.90	8246.20
Maricopa County West Phoenix Justice Court	42.52	0.00	42.52
Mohave County Superior Court	163.39	0.00	163.39
Navajo County Superior Court	160.16	0.00	160.16
Pima County Superior Court	529.47	7.95	521.52
Pima City Tucson Justice Court 03	0.00	0.00	0.00
Pima City Tucson Justice Court 05	7.50	0.00	7.50
Pinal County Superior Court	1,298.11	0.20	1,297.91
Yavapai County Superior Court	73.05	0.00	73.05
Yuma County Superior Court	70.00	0.00	70.00
Total	\$14,810.60	\$94.99	\$14,715.61

UTILITY CHARGES

Following the establishment of A.R.S. § 32-239, the Department undertook a deliberate approach with regard to the structuring and implementation of utility charges. This included the preliminary development of automation to support utility charging, as well as a policy statement to implement the statutory requirements.

The Department began collecting data on all appliances during October 1996. However, at this time the issue of Holiday packages surfaced and the dilemma of whether or not they would be permitted. This issue was resolved with the intervention of the federal courts on behalf of the inmates. As a result, staff attention and focus was directed to handling the Holiday packages and diverted from the utility charge issue.

Following the Holiday season, there were a variety of automation hurdles to overcome in trying to create a report that would permit easy recovery of the information and debiting of inmate accounts on an automatic basis. In addition, the Department implemented a comprehensive policy restricting inmate telephone activities to only those individuals who cleared a background check via the visitation process. These issues have further delayed the implementation of the utility charges.

At present the Department has mastered the automation issues, have forwarded and received feedback on DRAFT policy statements and automation activity from the individual complexes. The Department is currently studying the feedback and will implement the utility charging as soon as reasonably possible.

HOLIDAY PACKAGES

Hook v. State is a 1973 lawsuit that resulted in a consent decree governing the receipt, sending, and processing of inmate mail. One of the provisions of the decree permits each inmate to receive up to three (3) twenty-five (25) pound food packages (i.e. up to 75 pounds of food) between December 10 and December 31 of each year. The decree contains no provision addressing inmate possession and/or use of hotpots.

In October 1992, the Department moved to modify the decree to eliminate the food packages provision. The inmates, in addition to opposing our motion, filed a separate motion seeking to modify the decree to permit them to possess and use hotpots to heat and cook food items received in their holiday food packages. In April 1995, the district court denied the Department's motion and granted the inmates' motion. The Department appealed to the Ninth Circuit Court of Appeals.

In October 1996, the Ninth Circuit issued an opinion reversing the district court's denial of the Department's motion and remanding the case to the district court with instructions to eliminate the provision from the decree. The opinion also reversed and vacated the district court's order granting the inmates' motion regarding hotpots. In November 1996, and in response to the Ninth Circuit's opinion, the inmates filed a petition for rehearing asking the Court to reconsider its decision.

In July 1997, the Ninth Circuit granted the inmates' petition for rehearing, withdrew the October 1996 opinion, and issued a new opinion. In the new opinion, the district court's denial of the Department's motion was again reversed; but this time, instead of remanding the case to the district court with instructions to eliminate the food packages provision, the case was remanded to allow the district court to determine the appropriate extent, up to and including elimination, to which the provision should be modified to alleviate the Department's security concerns. In his concurring opinion, Judge Beezer reminds the district court that Department officials "are in the best position to determine how the holiday package provision should be modified in order to alleviate security concerns." The new opinion also once again reversed and vacated the district court's order granting the inmates' motion regarding hotpots.

The Ninth Circuit's mandate/July 1997 opinion was filed in the district court on August 19, 1997. On August 20, 1997, the Department filed a motion with the district court asserting that elimination of the food packages provision is the only modification that would appropriately alleviate security concerns, and asking the district court to issue an accelerated ruling to this effect. The inmates have filed their opposition to our motion, and we are currently awaiting a decision by the district court.

As the number of adult inmates incarcerated in Arizona prisons has continued to escalate, so have the numbers associated with Holiday food packages. In 1990, the ADC processed 18,281 food packages totaling 157.2 tons at a cost of \$128,220.84 in staff time. In 1993, 25,995 packages totaling 250.9 tons were processed at a cost of \$129,031.71 in staff time. In 1996, 37,101 packages totaling 403.2 tons were processed at a cost of \$343,940.59 in staff time.

RELIGIOUS FREEDOM RESTORATION ACT (RFRA)

RFRA was enacted by the United States Congress in 1993. Its stated purpose was “to restore the compelling interest test as set forth in *Sherbert v. Verner* . . . and to guarantee its application in all cases where free exercise of religion is substantially burdened . . .” Accordingly, RFRA prohibited government from substantially burdening a person’s exercise of religion unless it could demonstrate that the burden “(1) [was] in furtherance of a compelling governmental interest; and (2) [was] the least restrictive means of furthering that compelling governmental interest.” Congress rejected an attempt to exclude prisons from RFRA’s coverage.

RFRA was a direct response to the United States Supreme Court’s decision in *Employment Division v. Smith*, 494 U.S. 872 (1990), a case in which free-world members of the Native American Church, whose religious practices included ingesting peyote for sacramental purposes, were denied unemployment benefits when they lost their jobs because they had used peyote in violation of an Oregon statute of general applicability which made the use of peyote criminal. The *Smith* plaintiffs urged the Supreme Court to decide the case in accordance with the test set forth in *Sherbert v. Verner*, 374 U.S. 398 (1963), under which the Court would have to determine whether the statute substantially burdened a religious practice and, if so, whether the burden was justified by a compelling governmental interest. The Supreme Court declined to apply the *Sherbert* test, stating that:

[G]overnment’s ability to enforce generally applicable prohibitions of socially harmful conduct . . . cannot depend on measuring the effects of a governmental action on a religious objector’s spiritual development. To make an individual’s obligation to obey such a law contingent upon the law’s coincidence with his religious beliefs, except where the State’s interest is ‘compelling’ . . . contradicts both constitutional tradition and common sense.

Accordingly, the Supreme Court in *Smith* held that neutral, generally applicable laws which happen to place a burden on religious exercise do not have to be supported by a compelling governmental interest.

Prior to the enactment of RFRA, inmate claims of religious infringement by prison policies and practices were decided under the test set forth in the Supreme Court cases of *O’Lone v. Shabazz* and *Turner v. Safley*. In essence, this test requires that prison officials show only that the policy or practice in question furthers some legitimate penological interest. Under this test, a number of religious challenges by inmates were defeated prior to RFRA. With the passage of RFRA, some of these previously decided issues were again raised and in the process of being relitigated. For example, prior to RFRA our policy prohibiting inmate beards was upheld against challenges that the policy violated certain religious beliefs and practices. After RFRA, judges in several cases challenging this policy on religious grounds issued temporary injunctions, pending resolution of the case, enjoining the ADC from enforcing the policy against the inmate-plaintiffs.

In June 1997, in the case of *City of Boerne v. Flores*, the Supreme Court held RFRA to be unconstitutional. The Court undertook an analysis of Congress’ constitutional powers and concluded that Congress, in enacting RFRA, had violated the separation of powers doctrine. The Court held

that while Congress is empowered to enact legislation to remedy or prevent constitutional violations, it does not have the power to determine what constitutes a constitutional violation. The Court noted that RFRA was just such an attempt:

RFRA is so out of proportion to a supposed remedial or preventive object that it cannot be understood as responsive to, or designed to prevent, unconstitutional behavior. It appears, instead, to attempt a substantive change in constitutional protections.

As a result of the Supreme Court's ruling in the *Boerne* case, inmate religious claims will again be analyzed under the *Turner/O'Lone* test, and the Department expects that it will be able to successfully defend these religious claims. For example, shortly after the Supreme Court's ruling in *Boerne*, a case that was moving toward trial under RFRA on the issue of the Department's policy prohibiting the wearing of headbands was dismissed by the trial court.

RFRA had little impact upon the manner in which this Department conducted its inmate religious affairs. The Department has always recognized the significance of the inmates' free exercise of their religion, and has sought to insure accommodation of the requirements of the inmates' various faiths to the extent that such accommodation is consistent with sound correctional practices. Because of this approach, there was no need to make significant policy changes after RFRA was enacted. The only change made was to require that RFRA issues be referred to the Department's Administrator of Pastoral Activities.

Inmates, however, apparently believed that RFRA should have had a much greater impact. They continually cited RFRA as the reason for making often outrageous religious requests, and then seeking to litigate when these requests were denied. In their view, RFRA would permit such things as co-habitation, inmate-created religions prohibiting work, and religious protection for all monies earned or received by the inmate. Under RFRA, some of these claims were able to survive dismissal by the courts.

Just as the enactment of RFRA resulted in no significant policy changes, it is anticipated that the recent Supreme Court decision in *Boerne* also will not result in any such changes. The Department will continue to consider inmates' requests for religious accommodation in the light of legitimate concerns about the safe, secure, and orderly operation of Arizona's prisons.

LEGAL ACCESS

Gluth v. Kangas is a 1984 case in which the court, having held that the Department was in violation of the “access to the courts” rights of inmates at the Central Unit in Florence, appointed a special master to recommend the injunctive relief that should be entered to correct the violation. The special master’s recommendation was ultimately adopted by the court and set forth in a 20-page Order. Among other things, the Order:

- Required Extensive Law Libraries;
- Designated the days and hours of operation of the law library;
- Required that inmates be permitted a minimum of 10 hours per week in the law library;
- Required that ADC provide, maintain, and train a “sufficient number” of inmate law clerks, including Spanish speaking, to assist inmates in using the law libraries;
- Required ADC to provide “at least one full-time professionally trained librarian at each law library with adequate secretarial support”;
- Required ADC to provide a detailed 60-hour training program for legal assistants; and
- Required ADC to “minimally [maintain] a one-to-five ratio of electric typewriters-to-law library capacity” and to cover such typewriters “by a service contract or other professional repair system.”

In the 1990 case of *Casey v. Lewis*, inmates sought to expand the *Gluth* injunction to cover all of Arizona’s prison facilities and units. In 1992, following a trial on the issue, the district court judge found against the Department and, having expressed his belief that the appropriate remedy would be to apply the *Gluth* injunction system wide, appointed the *Gluth* special master to determine what modifications, if any, to the *Gluth* injunction were appropriate. Although the injunctive relief recommended by the special master, and ultimately adopted by the district court judge in October 1993, was substantially the same as in *Gluth*, it additionally required, among other things, Pacific Reporters and Digests, self-help manuals, materials on immigration law, and a recent Arizona Bar Directory be included as a part of every prison law library.

On appeal, the Ninth Circuit Court of Appeals affirmed the district court’s ruling. The Department’s Petition for Writ of Certiorari asking the United States Supreme Court to review the case was granted in June of 1995. Oral argument before the Supreme Court was held in November 1995, and in June 1996 the Court issued its opinion reversing the district court’s decision and remanding the case to the district court for further proceedings.

Critical findings/holdings made by the Supreme Court are as follows:

- Any previous court cases “suggest[ing] that the State must enable the prisoner to *discover* grievances, and to *litigate effectively* once in court . . . [are] now disclaim[ed].”
- An inmate’s right of access to the courts is violated only if it is shown that the alleged deficiencies of a prison’s library facilities or legal assistance program caused “actual injury” to the inmate.
- An inmate shows “actual injury” if he can “demonstrate that a nonfrivolous legal claim had been frustrated or was being impeded.”
- The two isolated instances of actual injury identified by the district court “were a patently inadequate basis for a conclusion of system wide violation and imposition of system wide

relief.”

- The district court injunction was “inordinately - indeed, wildly - intrusive” and “is a model of what should not [be done].”
- Inmates are not guaranteed “the wherewithal to transform themselves into litigating engines capable of filing everything from shareholder derivative actions to slip-and-fall claims.” They must be provided only those tools needed “to attack their sentences, directly or collaterally, and in order to challenge the conditions of their confinement. Impairment of any *other* litigating capacity is simply one of the incidental (and perfectly constitutional) consequences of conviction and incarceration.”
- “[T]he Constitution does not require that prisoners (literate or illiterate) be able to conduct generalized research, but only that they be able to present their grievances to the courts.”
- “Local experimentation” with respect to assuring inmate access to the courts should be encouraged and the Courts should defer to the decisions of prison administrators. “One such experiment might replace libraries with some minimal access to legal advice and a system of court-provided forms . . . that ask[] the inmates to provide only the facts and not to attempt any legal analysis.”

The Department, taking the Supreme Court at its word, devised a system that would eliminate the extensive use of law libraries and, instead, would rely on the use of contract paralegals and limited reference materials to assist inmates in preparing factual, plain-English complaints for filing with the courts. The affirmative assistance to be provided under this new system, which went into effective on August 4, 1997, extends only to those actions involving direct appeals from the inmates’ criminal conviction, Rule 32 post-conviction relief actions, habeas corpus actions, and §1983 civil rights and conditions of confinement cases. For any other type of claim, the inmate is on his or her own and may proceed in the matter *pro se* or retain an attorney to assist.

The old system required the Department to provide extensive law libraries and to pay inmates to serve as law library clerks. This system cost the Department millions of dollars to set-up and over \$665,000 per year to maintain. Under this system, the Department was providing affirmative assistance to inmates beyond the filing of a complaint - assistance was available to allow inmates to conduct generalized research and to effectively litigate any and all types of legal claims.

The Department estimates that the new system, which reduces the space needed to operate the program and streamlines the affirmative assistance to be provided in connection with the inmates’ access to the courts rights, will cost approximately \$513,000 per year. The closing of the law libraries on August 4, 1997 has permitted us to use the space for other activities and, in new prisons, to avoid the cost of the space that had been dedicated to this program. Inmates are now offered assistance from trained paralegals, and have access to limited, but adequate references, such as legal forms and self-help books.

The Department is carefully managing and monitoring implementation of the new system. A video tape was produced for use in educating the inmates, staff, and the public about the system. A system wide training program was undertaken, and a presentation about the system was made to a group which included the Presiding Superior Court Judges and at least one Arizona Supreme Court Justice. In addition, each prison unit is required to submit weekly reports about problems encountered and the steps taken to resolve those problems. The inmate requests for paralegal assistance, which are submitted to designated staff, are copied to a Monitor that has been hired specifically to oversee the

system to ensure compliance by staff and the paralegal contractors with the policy and paralegal contract. Corrective action is being taken, as needed, to ensure that the system operates consistent with the Supreme Court's decision in *Lewis*.

The old law books and reference materials were offered in an Invitation For Bid and public sale. The Department sent out invitations to 161 vendors who may have had an interest in bidding on some or all of the materials. Unfortunately, the Department received only 5 responses, and all of them indicated they were not submitting a bid. Currently, the Department is considering the various options that may be undertaken, pursuant to the Procurement Rules. At present, the materials are in storage, protected from the elements. It is the Department's intent that their contents be sold by the end of September 1997. The proceeds from books that are sold will be distributed according to the pro rata share as depicted by the historical records that are available. These records reflect that Inmate Activity and Recreation (A&R) funds were used to purchase less than half of all of the materials (approximately 47%). Funds received from any sale will be deposited in the A&R account and the balance that were purchased with budgeted state funds (approximately 53%) will be deposited in the State's General Fund.

INMATE ESCAPES

The last escape occurred from the private DUI prison, ASP-Phoenix West, on April 28, 1996. The Department has stressed the importance of security in the newly revised Performance Audit System which is used to inspect the Prisons. The table below reviews the escapes from custody since 1980.

ESCAPES FROM THE CUSTODY OF THE ARIZONA DEPARTMENT OF CORRECTIONS			
Calendar Year	Escapes	Ending Population	Escapes Per 1,000 Inmates
1980	74	3,859	19.2
1981	109	4,999	21.8
1982	61	5,991	10.4
1983	73	6,984	10.5
1984	66	7,388	8.3
1985	64	8,623	7.4
1986	50	9,531	5.3
1987	40	11,275	3.6
1988	28	12,580	2.2
1989	29	13,368	2.2
1990	12	14,313	0.8
1991	24	15,464	1.6
1992	20	16,572	1.2
1993	12	17,968	0.7
1994	32	19,863	1.6
1995	9	21,190	0.4
1996	14	22,697	0.6
1997 ⁴	0	23,795	0.0

⁴Year to date inmate population.