REPORT TO

THE ARIZONA LEGISLATURE

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PROPOSED STRUCTURAL REORGANIZATION OF CORRECTIONAL PROGRAMS IN ARIZONA

Joint Study Committee on Juvenile Institutions
Room 324, State Capitol
Phoenix, Arizona
January 1968

PROPOSED STRUCTURAL REORGANIZATION OF CORRECTIONAL PROGRAMS IN ARIZONA

Report of

Juvenile Institutions

Joint Study Committee

Room 324, State Capitol
Phoenix, Arizona
January 1968

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STATE SENATOR
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JOINT LEGISLATIVE BUDGET COMMITTEE

Arizona State Senate

Phoenix, Arizona

January 19, 1968

Honorable Marshall Humphrey
President of the Senate

Honorable Stan Turley
Speaker of the House of Representatives

Gentlemen:

In compliance with your appointment on March 13, 1967, of a joint interim committee to study state institutions for juveniles, we herewith submit our report and recommendations. The members of the committee are:

Senators:	Jacquin, Chrm.	Representatives:	Adams, Vice Chrm.
	Wilcox		Stone
	Stump		Sawyer

Your interim committee, in its first meeting, agreed on a two-pronged approach to our task:

1. To work with the Board of Directors of State Institutions for Juveniles in regard to any problems, structurally or financially, that might be prevalent, in an attempt to resolve to give the necessary assistance in this field.

2. To approach the total problem with a thorough over-all look at the whole correctional field.

In view of the latter, we appointed a professional Advisory Committee on Corrections to work independently and make such recommendations as they felt necessary. Their report and recommendations have been attached and made part of this report of your interim committee, along with your interim committee's review of that report and its correlating recommendations. Your interim committee wishes to again thank its advisory committee and acknowledge the hours of work and effort that were provided the state of Arizona.

Your interim committee met on several occasions with the Board of Directors of State Institutions for Juveniles to provide the necessary help as outlined above. In regard to this, below are outlined those subjects covered by your interim committee and the

Juvenile Board, as also recorded in the minutes of your interim committee's meetings.

The Juvenile Board pointed out the following concerns they felt should be brought to the attention of the Legislature:

1. Commitment of juvenile offenders

   a. The Board of Directors expressed the opinion that commitments should be made directly to the Board so they could be properly funneled through the correctional process.

   b. The Board also expressed concern in regard to the release of the juvenile offender and, again, such should be made by the Board.

   c. In this area, it was agreed the Board would submit the necessary legislation to clarify and up-date our statutes to the Legislature for their consideration.

2. The state has no statutory provisions for the using of federal funds in regard to certain areas of corrections. The Board pointed out there were certain funds available, but they did not have the authorization to commit this money to be used.

3. There was general discussion as to the need for a juvenile code revision, and particular mention was made of recommending keeping authority over juveniles until the age of 21 rather than 18.

4. The accounting procedures of the Juvenile Board and the Auditor's office were discussed at some length.

   a. In this respect, the Board had contacted the Department of Finance. The interim committee urged the continuing use of the Department of Finance to work out a satisfactory accounting system agreeable to both the Auditor and the Juvenile Board.

   b. It was also felt that a full-time business manager was necessary for the handling of the Board's administrative office; and these functions should not rest solely with the Executive Secretary as part of his duties, but should be delegated.

5. Central parole system

   a. It was stated that presently there are parolees released without supervision, and even those with

supervision do not have the proper and necessary supervision given to them. This is due to the lack of a coordinated system and, secondly, enough qualified personnel to do this job.

6. Concern was expressed that a greater cooperative effort should be made by all related agencies of state government, and an effort should be made by all concerned parties, including the Legislature, to see that the related field of governmental service is providing the proper cooperation to the benefit of the people of the state of Arizona.

7. Your interim committee, in discussion with the Board and its Executive Secretary, also expressed a hope for a more uniform contractual approach to foster homes and other institutions, both in the nature of the contract and the costs of placements.

8. The Board was urged to delve further into the researching of the different correctional systems, with continual analysis of our own system for improvement.

Your interim committee also reviewed two other areas with the Juvenile Board, the first being that of their appropriations requests for the coming fiscal year and their presentation and justifications for such. It was felt that the Board was adequately prepared and had done the necessary research at that time in regard to their budget and analysis thereof.

Secondly, we discussed the site for a new institution for seriously delinquent girls, and your committee felt the Juvenile Board has been taking the necessary steps to thoroughly research the availability and potential of all possible sites.

The balance of this report contains the work of our advisory committee and your interim committee's review of its recommendations with necessary legislation attached.

Respectfully submitted,

William C. Jacquin, Chairman

Ruth Adams, Vice Chairman

WCJ:la

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REPORT OF JUVENILE INSTITUTIONS JOINT STUDY COMMITTEE

Juveniles represent a major segment of today's society. Their numbers, combined with their living in an increasingly complex world having greater demands on their minds, skills, and emotions, have resulted in correspondingly greater demands on various governmental programs and institutions. How well the state has responded to the changes brought about by a more complex and highly mobile society with respect to the juvenile institutions board and its program in Arizona was a question to which the members of the First Regular Session of the 28th Legislature felt answers were needed. As a means of developing the answers to this question, the members established a joint legislative study committee composed of three members from the Senate and three members from the House of Representatives.

Committee Procedure

At their initial meeting on April 24, 1967, the members of the joint committee agreed that their assignment consisted of two major parts:

1. Problems of the Board of Directors of State Institutions for Juveniles, including organizational structure and program finances.
2. An over-all review of the various correctional programs in Arizona.

The members further agreed that they themselves should explore the problems of the juvenile institutions board, but that the over-all

review of the state's correctional program would require professional assistance. The joint committee therefore appointed a six-member advisory committee consisting of citizens representing the judiciary, adult probation, juvenile probation, corrections (penology and administration), and adult parole to assist in the study of correctional programs in Arizona.

Committee Recommendations -- Correctional Programs

The greater part of the joint committee's work during 1967 was spent in meetings with members and staff of the juvenile institutions board, including a tour of the Arizona Youth Center located in Tucson.

The remainder of the joint committee's time was devoted to reviewing the report and recommendations submitted by its advisory citizens committee on corrections and to developing the joint committee's recommendations, including preparing a draft of a bill thereon. In this connection, we would refer the members of the Legislature and other interested persons to the full report of the citizens advisory committee which is appended hereto.

In brief, with respect to the problems of our correctional programs in Arizona, the members of the advisory committee point out that "realistic solutions to these problems will not be obtained until the state changes its approach from a piecemeal basis to a comprehensive one commanding a high priority in the list of program accomplishments by our state government." Furthermore, "the objectives

and achievements of the state's present correctional system are adversely limited by the duplication and overlapping of authority that exists within this system among governmental units at the state level, among various units at the local level, and between units at the state and local levels." The advisory committee therefore recommended that "the legislature establish a unified correctional system in Arizona in order that each of the related stages of arrest, detention, trial, probation or incarceration, and parole can function smoothly and efficiently based on a uniform set of personnel standards and program goals."

The members of the joint committee concur with this general recommendation of the advisory committee, and, in keeping therewith, recommend the adoption of the accompanying bill by the members of the 28th Legislature during their second regular session.

As may be noted from a review of the full report of the citizens advisory committee, this group outlined in some detail the various parts of its proposal to reorganize and consolidate programs at the state level dealing with the institutionalization, rehabilitation, and probation and parole of adult and juvenile offenders. The following summary of the joint committee's proposed bill includes our comments where differences exist with the general outline proposed by the advisory committee.

Role of the Governor. Under the proposed bill, the Governor would be the appointing authority for the director of the State Department of Corrections and the reconstituted Board of Pardons and Paroles, with the consent of the Senate. These officials, who

would be appointed on a professional basis for a specific term in office, would be subject to removal only for cause by the Governor.

Board of Pardons and Paroles. The proposed board of pardons and paroles would differ in composition as well as function from the existing board. As proposed, the new board would consist of three full-time salaried members who would serve solely in a quasi-judicial capacity in deciding on the granting of paroles, pardons, and commutations for inmates confined in the various correctional institutions of the state. No more than one member from the same professional discipline could be a member of the board at the same time.

A small clerical staff would be needed to assist the board members, but the preparation of pre-parole reports and the administration of parole and probation services would ultimately be the responsibility of personnel assigned to the department of corrections. The board as such would be a unit of government separate from the department of corrections and would be responsible for the preparation and submission of its own budget, although there would exist a close working relationship between the two agencies.

Board members would be appointed by the Governor for three-year terms, with the consent of the Senate, and could be removed by the Governor only for cause. The advisory committee suggested six-year terms for board members, but the joint committee believes that three-year terms would be sufficient, there being no reason to anticipate that board members performing their duties satisfactorily would not be reappointed, regardless of who might be occupying

the Governor's chair, since these appointments are to be made on the basis of professional and educational qualifications and experience.

Citizens Advisory Inspection Board. The advisory committee recommended the creation of a citizens advisory inspection board to serve in an advisory capacity to the Governor and to make inspections of the institutions within the department of corrections. However, the joint committee believes that it would not be necessary to provide by statute for such a board. A governor could appoint such a group at any time as an advisory body without this being authorized by law. The joint committee's proposed bill therefore does not include the creation of a citizens advisory inspection board.

Director of Corrections. The responsibility for the day-to-day administration and supervision of the department of corrections would be vested in the director who would be appointed on the basis of professional qualifications by the Governor, with the consent of the Senate, for a term of six years. His major responsibilities would include:

1. The maintenance and administration of all institutions within the department.
2. The administration and execution of parole services for those released in accordance with decisions of the Board of Pardons and Paroles.
3. The development of recommendations for a uniform, statewide probation program.

4. The development of policies and programs for consideration by the Governor and the Legislature to improve the various correctional programs of the state.

Part of the specific authority of the director would be the power to appoint or to remove the heads of the various divisions within the department. However, all employees below the level of a division head would be employed under a personnel system, with the bill containing a directive for the director to retain those employees of existing correctional agencies as employees of the new department.

The joint committee's proposed bill limits the number of divisions that could be established within the department to no more than five. In order to provide the director with necessary administrative flexibility, the bill would allow the director to shift duties between divisions, to consolidate divisions, and to take other administrative action to improve the efficiency of the department.

In this respect, the proposed bill does not spell out the specific divisions to be established within the department; instead, broad authorization is granted the director to establish no more than five divisions relating to treatment services, custodial services, administrative services, research and training services, and parole and probation services. The advisory committee members' report included comments concerning five divisions along the following lines:

Division of Treatment Services. A division of treatment services could be responsible for the educational and training programs

within the department, including academic, vocational, and industrial training and correctional treatment and rehabilitation. The prison industries program and programs of partial release involving work or school could also be the responsibility of this division.

Division of Custodial Services. A division of custodial services could be assigned the responsibility for the custody, control, safekeeping, protection, and discipline of inmates housed in the department's various institutions.

Division of Administrative Services. A division of administrative services could be charged with the responsibility for preparing the department's budget, implementing budgetary controls, establishing and maintaining an accounting and internal auditing system, and establishing personnel and purchasing systems and controls.

Division of Research and Training Services. A division of research and training services could be responsible, on a continuing basis, for conducting training programs designed to improve the performance levels of departmental personnel and to collect, develop, and analyze statistical and other information necessary for the evaluation and re-evaluation of the various correctional programs.

Division of Parole and Probation Services. When established and fully put into operation, a division of parole and probation services could be responsible for the preparation of pre-sentence and pre-parole reports for use by the courts and the members of the pardons and paroles board and for the supervision of those

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offenders released on probation by the courts or on parole by the board, or under provisions of the interstate compact on probation and parole. This division could also assist in developing a program for a statewide system of probation, including uniform qualifying standards for probation services as well as standards for probation officers, together with a uniform salary system.

Time Schedule for Implementing Proposal. The joint committee agrees with the members of the advisory committee that it would be preferable if the proposed consolidation and revisions in the state's correctional program could be implemented all at once. However, such a step does not appear feasible nor altogether necessary to achieve the long-range benefits from the committee's proposal. Consequently, the joint committee's bill includes the following time schedule for full implementation:

1. As of the effective date of the bill, which would be ninety days following its adoption and approval by the Governor, a state department of corrections would be created and all property and personnel presently under the Superintendent of the State Prison and the Board of Directors of State Institutions for Juveniles would be transferred to the department, with the juvenile institutions board being abolished. The Governor would need to appoint the director who would, in turn, appoint his deputy directors to head the divisions established at that time. There would be no need for the head of a parole and probation services division to be appointed until some time prior to July 1, 1969, if such a division

is established.

2. As of July 1, 1969, the State Board of Pardons and Paroles would be reconstituted in accordance with the recommendations reviewed previously herein. This date would also serve as the deadline for the activation of parole services within the corrections department.

3. As of July 1, 1971, parole services could be expanded to include probation services as well, including the establishment of statewide standards for the probation program.

Other Committee Recommendations

In addition to the foregoing proposal for the establishment of a state department of corrections, the members of the joint legislative committee also developed recommendations concerning three other matters:

1. A facility for seriously delinquent juvenile females is urgently needed in Arizona. At the same time, however, the committee believes that, if the department of corrections is created, all existing facilities should undergo immediate review by the director of corrections and that the director's recommendations should merit consideration when final decisions are reached concerning the construction of any new or additional facilities. In this manner the state could expect to obtain maximum efficiency and benefits as part of the results to be gained from consolidating the various correctional programs within one department of state government.

2. The committee also believes that, in view of the over-all emphasis to reduce the rising crime rates and the problem of crime in our streets, plus the impact of recent U.S. Supreme Court decisions in the area of criminal law, the Legislature should establish a committee composed of legislators and interested citizens to begin a general revision and clarification of the state's criminal code.

3. In the process of making its study, the committee also noted a substantial need for greater cooperation in providing

services between agencies at the state level as well as between state and local agencies. The committee suggests that the Joint Budget Committee take particular note of interrelated services provided by the various state agencies and explore with them how better cooperation can be achieved that would result in greater efficiency by reducing the overlapping of functions and in closer working relationships. The committee also urges that the state agencies strive to provide, whenever possible, the greatest amount of assistance when requested by local agencies.

Further Study Needed

The foregoing recommendations of the joint committee are by no means intended to represent a cure-all to the numerous problems found in correctional processes and programs in Arizona. Other problem areas are known to exist, and there are undoubtedly some problems that are unknown to the members of the joint committee at this time. Thus, the joint committee believes that it would benefit the state in general and the Legislature in particular if further interim study could be given to correctional problems in Arizona. Among other things, particular attention should be devoted to the question of indeterminate sentencing; removing criminal procedures and sanctions from the traffic code; changing the statutory age limits of youthful offenders in conjunction with the establishment and implementation of a specific program for these offenders; the state's role in the maintenance and operation of correctional facilities by cities and counties; a treatment and rehabilitation program for the criminally-committed alcoholic or other drug-dependent person; and the addition of facilities especially designed for the criminally insane. In addition, such an interim legislative committee could review the preliminary activity of the department of corrections if the committee's recommended bill becomes a law.

APPENDIX A

BILL DRAFT TO ESTABLISH A STATE CORRECTIONS DEPARTMENT

State of Arizona
Senate
Twenty-eighth Legislature
Second Regular Session

S. B. _____

Introduced by _____

AN ACT

RELATING TO STATE GOVERNMENT; PROVIDING FOR THE ESTABLISHMENT OF A STATE DEPARTMENT OF CORRECTIONS; PROVIDING FOR THE REORGANIZATION OF THE BOARD OF PARDONS AND PAROLES EFFECTIVE JULY 1, 1969; PROVIDING THAT THE STATE DEPARTMENT OF CORRECTIONS SHALL RECOMMEND A PROGRAM TO PROVIDE UNIFORM STATEWIDE PROBATION SERVICES; PROVIDING FOR THE TRANSFER OF RECORDS, PROPERTY, EQUIPMENT AND FUNDS TO THE DEPARTMENT; PRESCRIBING CERTAIN EFFECTIVE DATES; AMENDING TITLE 41, ARIZONA REVISED STATUTES, BY ADDING CHAPTER 11, ARTICLES 1 AND 2; AMENDING §§31-401, 31-412 AND 31-413, ARIZONA REVISED STATUTES; REPEALING §31-201, ARIZONA REVISED STATUTES; ADDING A NEW §31-201, AND REPEALING TITLE 8, CHAPTER 3, ARTICLES 1 AND 2, ARIZONA REVISED STATUTES, AND §31-403, ARIZONA REVISED STATUTES.

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 41, Arizona Revised Statutes, is amended

3 by adding chapter 11, articles 1 and 2, to read:

New Ch. 4 CHAPTER 11

5 STATE DEPARTMENT OF CORRECTIONS

New Art. 6 ARTICLE 1. ORGANIZATION OF STATE

7 DEPARTMENT OF CORRECTIONS

New Sec. 8 41-1601. Definitions

9 In this chapter, unless the context otherwise requires:

10 1. "Department" means the state department of corrections.

1 2. "Director" means the director of the state department
2 of corrections.

New Sec. 3 41-1602. State department of corrections; purpose

4 A. There shall be a state department of corrections.
5 B. The department shall have as its purpose the objective
6 of encompassing the supervisory staff and administrative
7 functions at the state level of all matters relating to the
8 institutionalization, rehabilitation and probation and limited
9 parole functions of all adult and juvenile offenders.

New Sec. 10 41-1603. Director; appointment; qualifications;
11 compensation; removal for cause

12 A. The director of the department shall be appointed
13 by the governor with the consent of the senate. The term of
14 the director first appointed shall expire on February 1, 1974.
15 Thereafter the director shall serve a term of six years.
16 B. The director, as minimum qualifications, shall have an
17 academic degree from an accredited college or university and at
18 least ten years of experience in working in a correctional pro-
19 gram, including five years of progressively increasing respon-
20 sibilities in an administrative capacity.
21 C. The compensation of the director shall be determined
22 by legislative appropriation.
23 D. The director may be removed for cause by the governor
24 prior to the expiration of the term of the director.

New Sec. 25 41-1604. Duties and powers of the director

26 A. The director shall:
27 1. Be responsible for the over-all operations and policies
28 of the department.

1 2. Maintain and administer all institutions within the
2 department, including prisons, reformatories, the Arizona state
3 industrial school at Fort Grant, reception and diagnostic centers,
4 halfway houses, and such other facilities as may be required
5 for the custody, control, correction, treatment and rehabilitation
6 of all offenders committed thereto.
7 3. Be responsible for the administration and execution
8 of parole services for those offenders released in accordance
9 with decisions of the board of pardons and paroles.
10 4. Develop and recommend a program to provide uniform state-
11 wide probation field services in Arizona. The recommendations
12 shall be submitted to the legislature within the first ten days
13 of the thirtieth legislature, first regular session.
14 5. Be responsible for the development of policies and pro-
15 grams which shall be recommended to the governor and the legis-
16 lature for the purpose of improving the various correctional
17 programs of the state.
18 6. Employ division chiefs based on qualifications pre-
19 scribed by him which require education and practical experience.
20 7. Formulate a personnel system.
21 8. Retain in the employ of the department all employees
22 below the status of a division chief who prior to the effective
23 date of this chapter were employed by an agency which was made
24 a part of the department.
25 B. The director may:
26 1. Promulgate rules and regulations.

1 2. Shift duties between divisions, consolidate divisions
2 or take any administrative action to improve the efficiency of
3 the department.

New Art. 4 ARTICLE 2. DIVISIONS OF THE DEPARTMENT

5 41-1611. Number of divisions; compensation of

New Sec. 6 division chief

7 The department shall consist of not more than five divisions
8 each of which shall be in charge of, a division chief appointed by
9 the director. The compensation of each chief shall be determined
10 by the director subject to legislative appropriation.

New Sec. 11 41-1612. Divisions

12 The director shall establish divisions of the department
13 relating to treatment services, custodial services, adminis-
14 trative services, research and training services and parole
15 and probation services. The director may assign such func-
16 tions to each division which are compatible with the major
17 function of the division.

18 Sec. 2. Repeal

19 Section 31-201, Arizona Revised Statutes, is repealed.

20 Sec. 3. Title 31, chapter 2, article 1, Arizona Revised
21 Statutes, is amended by adding a new §31-201, to read:

New Sec. 22 31-201. Definition of superintendent and superin-

23 tendent of the state prison

24 As used in this chapter, the terms "superintendent" or
25 "superintendent of the state prison" means the state department
26 of corrections.

1 Sec. 4. Sec. 31-401, Arizona Revised Statutes, is amended
2 to read:
3 31-401. Board of pardons and paroles; qualifications;
4 appointment; reimbursement for travel;
5 officers
6 A. There shall be a board of pardons and paroles which
7 shall consist of ~~five~~ THREE members to be appointed by the
8 governor by and with the advice and consent of the senate.
9 ~~B. Not more than three appointed members of the board~~
10 ~~shall belong to the same political party, and not more than two~~
11 ~~appointed members of the board shall be residents of the same~~
12 ~~county.~~
13 B. THE MEMBERS OF THE BOARD SHALL SERVE ON A FULL-TIME
14 BASIS AND THE COMPENSATION OF MEMBERS SHALL BE DETERMINED BY
15 LEGISLATIVE APPROPRIATION. EACH MEMBER SHALL BE APPOINTED ON
16 THE BASIS OF BROAD PROFESSIONAL OR EDUCATIONAL QUALIFICATIONS
17 AND EXPERIENCE AND SHALL HAVE DEMONSTRATED AN INTEREST IN THE
18 STATE'S CORRECTIONAL PROGRAM. NO MORE THAN ONE MEMBER FROM THE
19 SAME PROFESSIONAL DISCIPLINE SHALL BE A MEMBER OF THE BOARD AT
20 THE SAME TIME.
21 C. Of the members of the board first appointed, one shall
22 be appointed for a term expiring January 1, ~~1967,~~ 1970, and one
23 each for terms expiring one, AND two, ~~three and four~~ years
24 thereafter. Upon the expiration of any of the terms, the ap-
25 pointee or successor shall be appointed for a term of ~~five~~ THREE
26 years. Appointment to fill a vacancy caused other than by ex-
27 piration of term shall be for the unexpired portion of the term.

1 D. ~~Each appointed member of the board shall receive as~~
2 ~~compensation twenty dollars per day while in attendance at~~
3 ~~meetings of the board.~~ Reimbursement for necessary travel ex-
4 penses and subsistence actually incurred in the performance of
5 his duties as a member of the board shall be as provided by law
6 for public officers and state employees.
7 E. A MEMBER OF THE BOARD MAY BE REMOVED BY THE GOVERNOR
8 FOR CAUSE.
9 ~~E.~~ F. Members of the board shall select from among its
10 members a chairman and such other officers as it deems advisable.
11 The board may make rules and regulations, not inconsistent with
12 law, as it deems proper for the conduct of its business. The
13 board may from time to time amend or change the rules and regu-
14 lations and may cause them to be published and distributed.
15 Sec. 5. Sec. 31-412, Arizona Revised Statutes, is amended
16 to read:
17 31-412. Criterion for release on parole; release;
18 custody of parolee
19 If it appears to the board of pardons and paroles, from a
20 report by the ~~superintendent~~ DEPARTMENT OF CORRECTIONS, or upon
21 the application by the prisoner for a release on parole, that
22 there is reasonable probability that the applicant will live
23 and remain at liberty without violating the law, then the board
24 may authorize the release of the applicant upon parole. The
25 applicant shall thereupon be allowed to go upon parole in the
26 legal custody and under control of the ~~parole clerk and super-~~
27 ~~intendent~~ DEPARTMENT OF CORRECTIONS, until expiration of the

1 maximum term specified in his sentence or until his absolute
2 discharge.
3 Sec. 6. Sec. 31-413, Arizona Revised Statutes, is amended
4 to read:
5 31-413. Duty of department of corrections to
6 assist in securing employment for
7 parolee
8 The ~~parole clerk~~ DEPARTMENT OF CORRECTIONS shall assist
9 in securing employment for paroled prisoners and for those dis-
10 charged before the maximum time for which they were sentenced.
11 The ~~clerk~~ DEPARTMENT OF CORRECTIONS shall ~~keep the superintendent~~
12 ~~informed of~~ MAINTAIN A REPORT ON the conduct of the prisoners
13 when upon parole. ~~and make a monthly report of each prisoner~~
14 ~~so discharged.~~
15 Sec. 7. Transfer of records, property, equipment
16 and funds
17 All records, property, equipment and unencumbered and
18 unexpended funds shall be placed under the jurisdiction of the
19 state department of corrections on the effective date each
20 agency is transferred and becomes a part of the state depart-
21 ment of corrections as prescribed by this act.
22 Sec. 8. Effective dates
23 Sections 31-401, 31-412, and 31-413, Arizona Revised
24 Statutes, as amended by the provisions of this act, shall
25 become effective on July 1, 1969.

1 Sec. 9. Repeal

2 A. Title 8, chapter 3, articles 1 and 2, Arizona Revised

3 Statutes, are repealed.

4 B. Section 31-403, Arizona Revised Statutes, is repealed

5 effective July 1, 1969.

APPENDIX B

REPORT OF ADVISORY CITIZENS COMMITTEE

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY
PHOENIX, ARIZONA 85003

JACK D. H. HAYS
JUDGE

GOLDIE C. WETTER
COURT REPORTER

October 4, 1967

Honorable William Jacquin, Senator
Chairman, Interim Legislative Committee
on Corrections
Arizona Senate Building
Phoenix, Arizona

Dear Senator Jacquin:

Enclosed herewith is the Report of your Advisory Committee on Corrections. The Committee was assigned the task of studying the corrections situation in Arizona and making recommendations to the legislature as to changes which might be needed.

This Committee is composed of the following persons:

Dr. June Morrison of the University of Arizona, who has specialized in the penology and Public Administration fields;

Dr. Peter Garabedian of the Arizona State University, who has specialized in the penology and criminology fields;

Mr. Robert Long, who is a Pima County Adult Probation Officer;

Mr. James McLaughlin, who is the Chief Juvenile Probation Officer of Maricopa County;

Mr. Allen Hanshaw, who is a practicing attorney and member of the present Pardon and Parole Board; and

Hon. Jack D. H. Hays, Judge of the Superior Court of Maricopa County.

The Committee first met on May 6th, 1967, at Tucson, Arizona, and since that time we have individually and as a group spent many hours in studying the problems of corrections. We have met regularly on a monthly basis in either Tucson, Phoenix or Casa Grande. Each of us is appreciative of this opportunity to serve our State and to call the attention of the legislature and of the people of the State to the dire need for changes in the corrections field in Arizona.

This Report has been unanimously approved by your Committee, and we stand ready to meet with legislative committees or interested citizens to explain and support the proposals which we have made.

Very truly yours,

Jack D. H. Hays

Jack D. H. Hays, Chairman

JDHH/gw
Encl.

REPORT OF ADVISORY CITIZENS COMMITTEE ON CORRECTIONS

The condition of correctional programs and institutions in Arizona has been in the past and continues to be a matter of primary importance and concern to every citizen in the state. This concern is evidenced by various studies that have been conducted in recent years and by the creation of a joint legislative committee in the 1967 session to study juvenile institutions in the state.

To assist the joint legislative committee, the members created an advisory citizens committee whose members represent areas of professional and related interests that are vitally concerned with all aspects of the correctional programs and institutions in Arizona. Members of this advisory committee include representatives of the judiciary, adult probation, juvenile probation, corrections (penology and administration), and adult parole.

ADVISORY COMMITTEE FINDINGS

In undertaking the assignment from the joint legislative committee, the members of the advisory committee started with a review of current conditions in the total field of corrections, including the report and recommendations submitted in 1958 by the National Probation and Parole Association in collaboration with the Osborne Association, Inc., and the United States Children's Bureau, and the changes that had been instituted since that time. The members concluded that no substantive improvements had been achieved with respect to correctional

services in Arizona and that many of the problems reported in 1958 remained much the same in 1967. Furthermore, the members believe that realistic solutions to these problems will not be obtained until the state changes its approach from a piecemeal basis to a comprehensive one commanding a high priority in the list of program accomplishments by our state government.

Based on the studies and first-hand experiences of the members, we find that the objectives and achievements of the state's present correctional system are adversely limited by the duplication and overlapping of authority that exists within this system among governmental units at the state level, among various units at the local level, and between units at the state and local levels. Moreover, this situation has resulted in a lack of coordinated efforts to the detriment of the correctional program as a whole. The committee would hasten to point out, however, that these remarks are directed at the organizational structure of the system itself and not at the persons in charge of the system's operation. In fact, under the present disorganized system, where no one person or group is in charge, correctional services in many respects are being provided as well as can be expected.

The advisory committee's finding concerning the disorganized state of affairs under the present system by no means is intended to imply that other problems of importance do not exist. They do exist, but attempts to correct these problems should be postponed until defects in the over-all organizational structure have been eliminated.

ADVISORY COMMITTEE RECOMMENDATIONS

Three separate units operate independently to provide correctional services at the state level in Arizona: (1) the Superintendent of the State Prison and Institute of Rehabilitation at Florence, who is appointed by the Governor, with the advice and consent of the Senate, for a six-year term; (2) the Board of Pardons and Paroles whose part-time members are primarily responsible for directing the state's adult parole program and the program under the interstate compact on probation and parole; and (3) the Board of Directors of State Institutions for Juveniles whose members are responsible for the operation of the Arizona State Industrial School at Fort Grant, the Arizona Youth Center at Tucson, temporary forestry camps, the placement of emotionally-distrubed juveniles and juvenile female offenders, and juvenile parole.

Probation services in Arizona, on the other hand, are provided through the superior courts on a county-by-county basis. In Maricopa County, each superior court judge has his own adult probation officer, while in Pima County five adult probation officers working under central supervision serve the ten superior court judges in that county, and a separate juvenile probation program is provided in both of these counties. Contrastingly, in the other 12 counties in the state the probation officer acts both as a juvenile and an adult officer and, in some instances, has subsidiary jobs such as bailiff, librarian, and custodian of records.

The advisory committee recommends that the legislature establish a unified correctional system in Arizona in order that each of the related stages of arrest, detention, trial, probation or incarceration, and parole can function smoothly and efficiently based on a uniform set of personnel standards and program goals. The members believe that this can best be accomplished through the establishment of one individual department at the state level as outlined in the accompanying organizational chart and discussed in more detail in the following text.

Proposed State Department of Corrections

The proposed state department of corrections is designed to encompass the supervisory staff and administrative line functions at the state level dealing with the institutionalization, rehabilitation, and probation and parole of all adult and juvenile offenders.

The members of the advisory committee recognize that the component parts of a state department of corrections are essential to the future success of the corrections program in Arizona. In reviewing these component parts, however, the members are not necessarily suggesting that any law implementing the recommendations in this report be written in such detail as to restrict the director in the administration of the program.

Role of the Governor

The governor appears at the top of the organizational chart of the committee's proposal. Under this proposal, the

governor would be the appointing authority for the director of corrections as well as for those board members whose terms expire or who resign during the governor's term of office.

Board of Pardons and Parole

The proposed board of pardons and parole would differ in composition as well as funtion from the existing board. The advisory committee recommends that the new board should be composed of three full-time salaried members who would be selected on the basis of broad professional or educational qualifications and experience and who have a demonstrated interest in the state's correctional program. Members would be appointed by the governor for staggered six-year terms.

The role of the board would be to serve solely as a quasi-judicial body and to decide on the granting or disallowing of paroles, pardons, and commutations for inmates confined in the various correctional institutions of the state, both male and female, adult and juvenile. A small clerical staff would be needed to assist the board, but the preparation of pre-parole reports and the administration of parole and probation services would be the responsibility of personnel assigned to the department of corrections. Moreover, the board as such would be a unit of government separate from the department of corrections.

Citizens Advisory and Inspection Board of Corrections

Serving in somewhat of a dual capacity, a proposed citizens advisory and inspection board of corrections would be composed of seven citizens who would be appointed by the

governor to serve on a part-time basis for staggered six-year terms. The board would serve in an advisory capacity to the governor and, after making physical inspections of the institutions within the department of corrections, would report the results of these inspections to the governor. In addition, the board members would also closely observe the operations of the total corrections program, including its strong points as well as the weak points of the program, and would report their conclusions and recommendations thereon to the governor.

Director of Corrections

The director of corrections, who would be an appointee of the governor on the basis of professional qualifications, would be charged with the responsibility for the over-all operations and policies of the department of corrections. His major responsibilities would include:

1. The maintenance and administration of all institutions within the department, including prisons, reformatories, reception and diagnostic centers, halfway houses, and such other facilities as may be required for the custody, control, correction, treatment, and rehabilitation of all offenders committed thereto.

2. The administration and execution of parole services for those offenders released in accordance with decisions of the Board of Pardons and Parole.

3. The development and direction of a program to provide uniform, statewide probation field services in Arizona.

4. The development of policies and programs for consideration by the governor and the legislature to improve

the various correctional programs of the state. The director would also be responsible for the hiring of the staff within the department of corrections and the preparation and submission of a budget for all activities within the department. In this former connection, the committee firmly recommends that all personnel below the division head level be employed under a merit system, with those personnel transferred to the department from existing agencies being allowed to continue in their employment.

So far as qualifications for the director are concerned, the committee recommends that, as a minimum, he should have an academic degree from an accredited college or university and at least ten years of experience in working in a correctional program, including five years of progressively increasing responsibilities in an administrative capacity.

Division of Treatment Services

The division of treatment services would be charged with the supervision and administration of educational and training programs within the department of corrections. These programs would include academic, vocational, and industrial training and correctional treatment and rehabilitation. Programs of partial release, involving work or school, and prison industries would also be the responsibility of this division.

Division of Custodial Services

The division of custodial services would be assigned the responsibility for the custody, control, safekeeping, protection, and discipline of prisoners housed in the department's various institutions.

Division of Administrative Services

The division of administrative services would be responsible for the preparation of the budget for the department, the implementation of budgetary controls, the establishment and maintenance of an accounting and internal auditing system, and the establishment of personnel and purchasing systems and controls.

Division of Research and Training Services

The division of research and training services would be charged with the responsibility of conducting training programs designed to improve the performance levels of departmental personnel and to collect, develop, and analyze statistical and other information necessary for the evaluation and reevaluation of the various correctional programs on a continuing basis.

Division of Parole and Probation Services

The division of parole and probation services would be responsible for the preparation of pre-sentence and pre-parole reports for use by the courts and the members of the pardons and parole board and for the supervision of those offenders released on probation by the courts or on parole by the board or under provisions of the interstate compact on probation and parole.

The division would be further responsible for the development of a state-wide system of probation, including uniform qualifying standards of probation services as well as standards for probation officers, together with a uniform salary system.

Time Schedule for Implementing Proposal

As mentioned previously, the advisory committee believes quite strongly that, in order for the state and its citizens to receive full value from the dollars being spent on the various correctional programs in Arizona, it is essential for the legislature to provide the framework necessary to bring order to the present chaotic situation. As a practical matter, however, the members of the advisory committee realize that it may not be possible to establish its proposed unified program overnight either because of limited funds, for example, or simply because it may not be possible to activate a proposal of such magnitude all at once. Consequently, if the legislature decides to implement the advisory committee's proposed department of corrections on the basis of a series of stages, the members suggest the following:

First, create the department of corrections by law, including its duties and responsibilities, and transfer all property and personnel presently under the Superintendent of the State Prison and the Board of Directors of State Institutions for Juveniles to the department; also, establish the citizens advisory and inspection board of corrections as recommended and leave the existing State Board of Pardons and Paroles as it is presently constituted and operating. Under this first stage, the governor would appoint the director of corrections and the members of the advisory corrections board. In turn, the director

would need to appoint his deputy directors to head four of the five divisional areas--treatment, custody, administration, and research and training--leaving parole and probation for subsequent activation.

Second, not more than two years following the beginning of the department's operation, revise the State Board of Pardons and Paroles in line with the advisory committee's recommendation, including the transfer of staff to the department for the division of parole services, but withhold implementation of a state-wide probation system.

Third, within two or three years after the second stage, revise the division of parole to include probation services as well and establish state-wide standards for the probation program.

The advisory committee has included the foregoing timetable with some reluctance since the members feel that the importance of fully implementing their recommendations as a package far outweighs any difficulties that might be encountered in such an undertaking.

Areas of Future Consideration

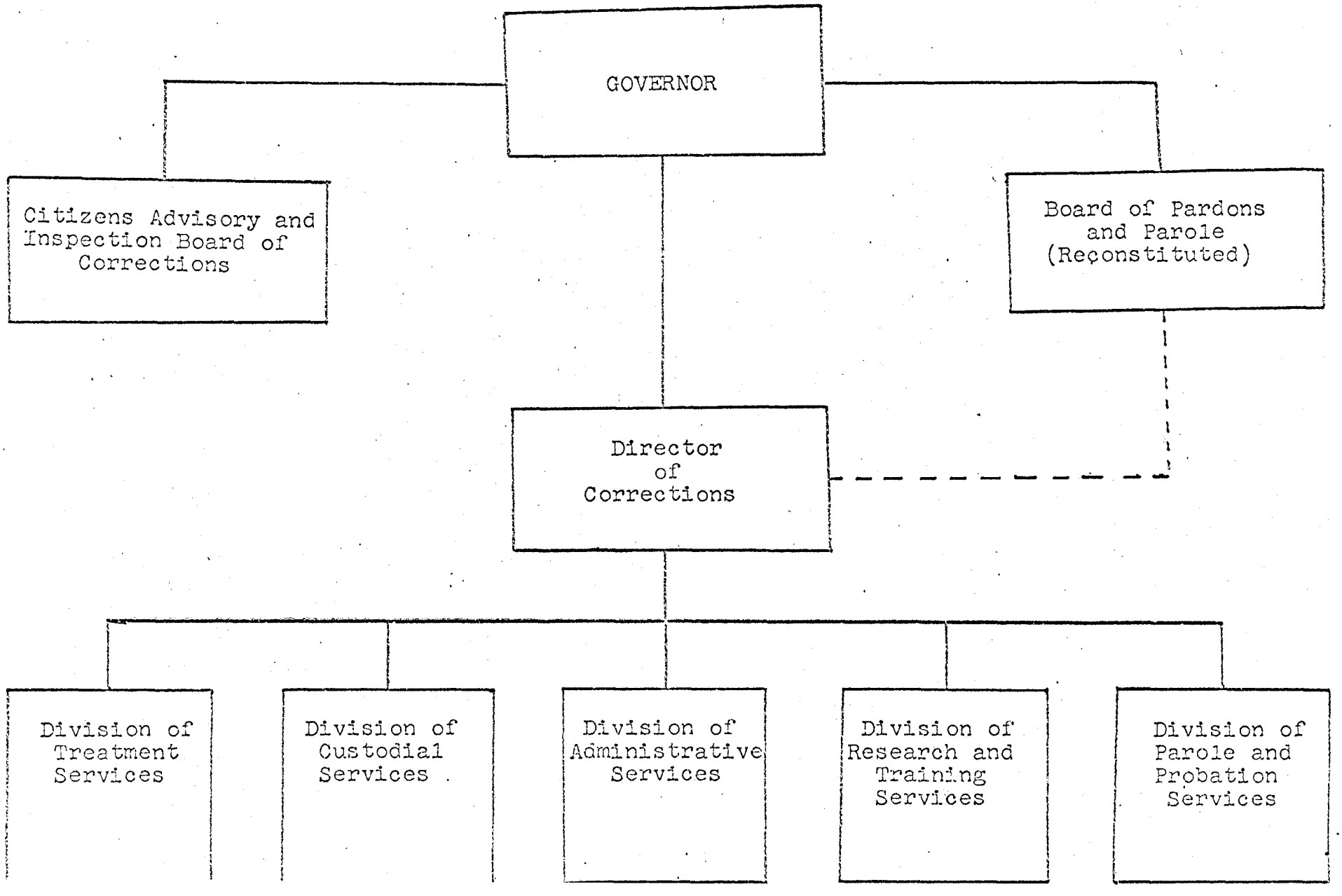
During the various meetings held by the advisory committee, the members also discussed a number of specific problems where additional consideration in the future could be of benefit to the state. These subjects included the question of indeterminate sentencing; removing criminal procedures and sanctions from the traffic code; a general revision of the state's criminal code; changing the statutory age limits of youthful offenders

in conjunction with the establishment and implementation of a specific program for these offenders; the state's role in the maintenance and operation of correctional facilities by cities and counties; a treatment and rehabilitation program for the criminally-committed alcoholic or other drug-dependent person; and the addition of facilities specially designed for female juvenile offenders, the criminally insane, etc.

Details for Legislative Decisions

The advisory committee has attempted to provide the joint legislative committee with a broad outline of its recommendations, and it has not prepared a draft of a bill going into the details of these recommendations in the belief that the joint legislative committee should make the decisions on these details, especially where matters of policy are involved. The advisory committee therefore takes no particular position with respect to such matters as Senate confirmation of appointments by the Governor; the length of terms to which appointed; the per diem of board members; salary ranges for the top level of staff (except they should be high enough to attract and retain qualified applicants); and whether residence in the state should be a qualification.

ORGANIZATIONAL CHART OF PROPOSED STATE DEPARTMENT OF CORRECTIONS AND RELATED BOARDS



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