

INDICATOR INSIGHT

CRIMINAL JUSTICE ◀▶ AN EXPERT'S INSIGHT ON THE ISSUE IN ARIZONA

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Understanding Crime & Punishment in Arizona

America does not have a single criminal justice system. Instead, it has 50 systems – one in each state that is created and shaped by that state's lawmakers – plus a separate federal system that covers the entire country. Most common crimes, from DUI to murder, are violations of state laws, and so are handled by state systems. Other crimes, such as bank robbery, immigration-related and some drug-related offenses, are violations of federal statutes and dealt with by the federal system. There is a high degree of similarity among state systems, but important differences – in definitions of crimes, types of penalties and other elements – do exist from state to state.

Arizona spends a substantial amount of money on criminal justice, at the state, county and local levels. According to the U.S. Justice Department, Arizona's total expenditure ranked 10th among states in fiscal year 2006 in per-capita justice system spending. Arizona's criminal justice system, like those of other states, has three major sectors: law enforcement, courts, and corrections. Each of these contains important subsectors. Law enforcement, for example, includes city police and county sheriff's deputies. The courts sector includes not only judges, but also prosecutors and probation officers. County jails, which mostly hold suspects awaiting trial, are sometimes grouped with courts and sometimes with corrections.

It All Starts With an Arrest...

A typical criminal case starts with an arrest by a law enforcement officer, usually a police officer or sheriff's deputy. There are more than 80 police departments in Arizona; they usually deal with problems occurring within their city's boundaries.

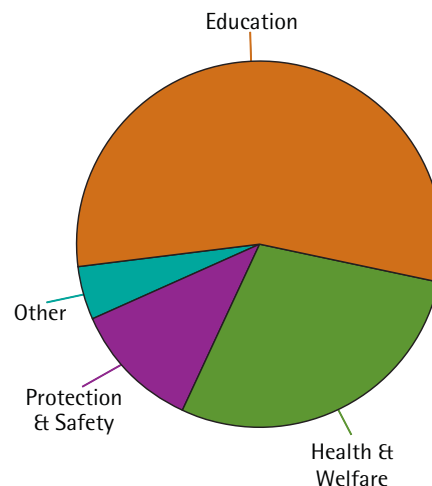
Each of the 15 counties has its own sheriff's office, which supervises the county jail and handles crimes and other issues within the county but outside city limits. When an officer makes an arrest, it's usually for either a felony (a serious offense such as murder, robbery, or a damaging assault) or for a misdemeanor (any of many common yet less serious crimes, from shoplifting to minor assaults and public nuisance offenses).

The officer might then take the suspect to jail, if the alleged crime is serious enough, if the suspect has other outstanding charges, or for other reasons. Jails are county-run institutions usually under the authority of the sheriff's office. Unlike in prisons, most inmates in county jails are awaiting their day in court, have not been proven guilty and thus officially are presumed to be innocent. About 25% of jail inmates, however, have been convicted and are serving sentences of less than one year.

Plea Bargains Are Common

Jailed suspects, by law, must be brought before a judge within 24 hours of arrest to be informed of the charges against them and for bond to be set. The county prosecutor (for felonies) or city

Figure 1. Arizona General Fund Distribution of Expenditures, 2009



Source: Arizona Joint Legislative Budget Council.



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Arizona Indicators is an online information resource and analysis tool that centralizes data about the state and its communities. Arizona Indicators presents data in 11 major topic areas, interactive visualizations, clear data descriptions, and public opinion data.

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prosecutor (for misdemeanors) reviews the arrest data and decides whether to accept the case if it seems strong enough to get a conviction or decline it – at which point the suspect is freed and police officers may have to do extra work to build a stronger case. If he/she accepts the case, the prosecutor decides what charge to issue, then begins conferring with the arresting officer, victims and witnesses, if any, and otherwise prepares the case for trial. In most cases, the prosecutor will at some point offer a plea bargain, typically offering to reduce the charge or drop parts of the charge in exchange for a guilty plea by the defendant. While some view plea bargaining as a regrettable practice, it is a much quicker and thus less expensive process than trial and accounts for more than 90% of court dispositions.

Following a guilty plea, or a conviction at trial, the defendant is sentenced by a judge – although in many cases the sentence is part of the plea bargain since many criminal penalties are set by law, though the judge usually retains some flexibility. Sentences typically consist of probation, fines, a jail or prison sentence, or some combination of those. A sentence of probation, usually lasting a year or more, typically requires the offender to submit to supervision by a probation officer (or check in regularly with one), to restrict his/her movements and associations, and can include orders for restitution, community service, substance-abuse treatment, or other tasks.

Crime by the Numbers

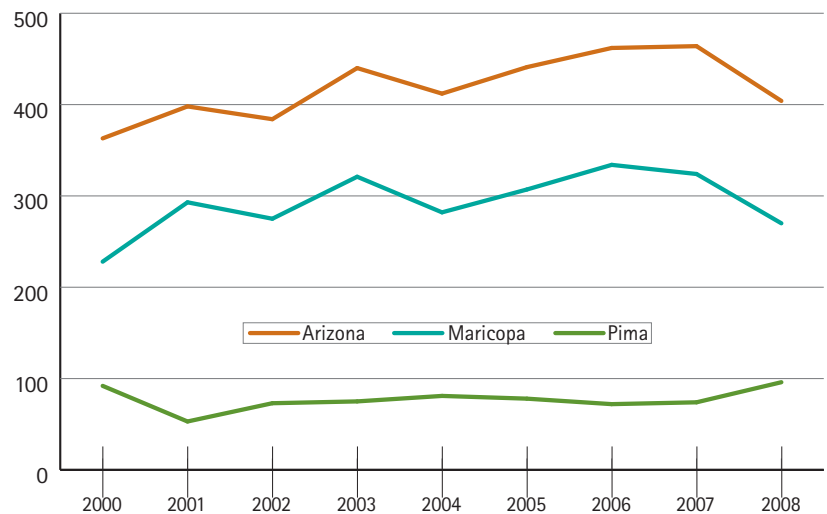
Crimes and Rates. Americans today are living during an extended period of dropping crime rates. Specifically, this means a decline in the number of major or “index” crimes reported to police and then compiled and republished by the FBI. These include violent crimes (murder, forcible—as opposed to statutory—rape, robbery, and aggravated assault) and property crimes (burglary, larceny-theft, and motor vehicle theft). The national crime drop has been dramatic. In 1991, the violent crime rate for the nation as a whole was 758.2 per 100,000 residents; in 2008 it was 454.5.

The national property crime rate in 1991 was 5,140.2, and in 2008 was 3,212.5. FBI figures for 2008 indicate that crime has in general continued to drop. Nationally, the FBI cited a decrease of 1.9% in the number of reported violent crimes in 2008 compared to 2007. The number of reported property crimes in 2008 decreased 0.8% when compared to data from 2007.

Arizona has shared in these declines. For example, all of the state’s 10 major cities showed decreases or only slight increases in violent crimes and property crimes reported to police in 2008, compared to 2007. However, Arizona remains a relatively high-crime state. According to FBI figures, the state ranked 21st in the rate of violent crime. As for the property crime rate, Arizona led all states, ranking just behind the District of Columbia. Most of Arizona’s neighbors scored little better. In terms of the violent crime rate, Nevada ranked 2nd among states, New Mexico was 8th, California was 14th, and Colorado ranked 26th. Concerning the property crime rate, Nevada ranked 17th, New Mexico was 9th, California was 25th, and Colorado was 31st.

Juvenile Arrests. Juvenile crime and arrests have also been declining nationwide and in Arizona. In arrests of juveniles for violent crimes, Arizona ranked 24th among states in 2007, according to the FBI. Nevada was 22nd, California was 6th, New Mexico was 17th, and Colorado was 32nd. For property crime arrests of juveniles in 2007, Arizona ranked 21st; Colorado was 16th, Nevada was 27th, California was 34th, and New Mexico ranked 35th. However, these numbers must be viewed with caution. Experts note that considerable variation exists among states in numerous aspects of their juvenile justice systems. Their reporting procedures can likewise differ in key respects.

Figure 2. Number of Murders Reported



Source: *Crime in Arizona*, Arizona Department of Public Safety, 2008.

Juvenile Arrests in Arizona for Part 1 Crimes

	2002	2003	2004	2005	2006	2007
Murder/Non-negligent Manslaughter	22	16	14	22	26	25
Forcible Rape	17	22	35	37	27	32
Robbery	276	292	265	272	343	423
Aggravated Assault	1,343	1,152	1,255	1,245	1,251	1,124
Burglary	1,720	1,666	1,623	1,407	1,438	1,506
Larceny-Theft	9,281	8,513	8,872	7,799	6,830	8,010
Motor Vehicle Theft	1,209	1,267	1,274	1,133	1,074	954
Arson	175	157	182	202	190	180
Total	14,040	13,085	13,520	12,117	11,179	12,254

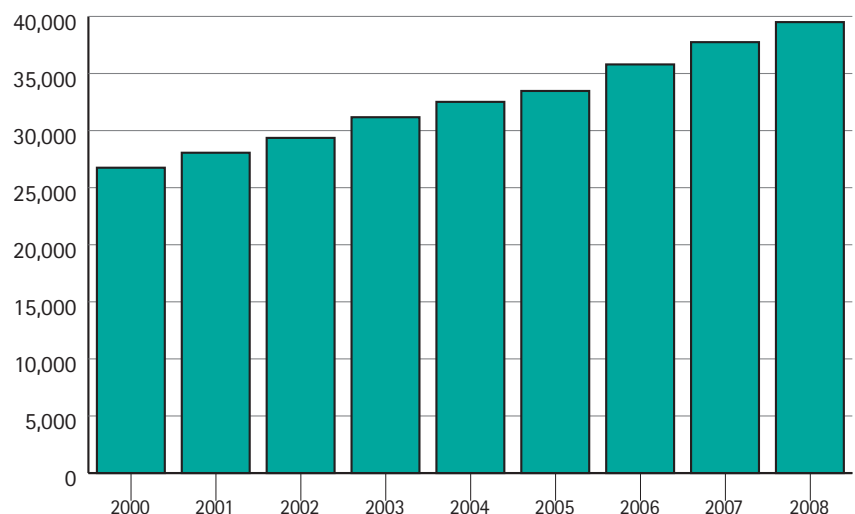
Source: Arizona Department of Public Safety.

Clearances. Law enforcement’s clearance rates, the percentage of reported crimes that result in the arrest of one or more suspects, are much lower than many people think. An offense is considered cleared (solved) when at least one offender is arrested for a crime, even though several may have been involved. Offenses may also be “cleared by exceptional means,” such as when the suspected offender commits suicide; makes a dying declaration; or confesses while serving time for another crime. Nationwide in 2008, law enforcement cleared 45% of adult violent crimes and 17% of property crimes by arrest or exceptional means. In Arizona, law enforcement cleared 39% of adult violent crimes in 2008 and 15% of property crimes. Nationally, murder had the highest percentage – 61% – of offenses cleared; among property crimes, larceny-theft was the offense most often cleared nationally, at 19%. In Arizona in 2007, aggravated assault with a knife had the highest clearance rate among adult index crimes, at 57%, while among property crimes, larceny-theft was highest at 17%.

Prison Population Continues to Grow, Despite Drop in Crime Rate

Prison Population. America has witnessed a massive prison population expansion during the past several decades. The nation locked up 319,598 state prisoners (not including jail inmates or federal prisoners) in 1980; in 2008, there were 1,189,900 state prisoners behind bars. Arizona is no exception. Arizona’s incarceration rate (not including federal inmates or jail inmates) has risen from 515 inmates per 100,000 residents in 2000 to 599 inmates per 100,000 residents in late 2009. This represents a population that is several thousand prisoners over the system’s “rated” bed capacity of 35,987, which counts beds that were designed to be occupied by inmates and does not include temporary beds. Overcrowding does more than merely reduce inmates’ privacy and comfort. Prison officials say that overcrowding increases the danger of assault for both inmates and staff, interferes with opportunities for inmate education, healthcare and other programming, and denies officials the freedom to physically move and place inmates as preferred. Prison officials ideally prefer an inmate count that is slightly less than an institution’s rated capacity. Increases in the state’s prison population have a significant financial impact as well. In 2007 the Arizona Department of Corrections’ annual cost per state prisoner was \$22,794.

Figure 3. Arizona Department of Corrections: Annual Inmate Count on 12/31



Source: Arizona Department of Corrections.

Arizona has long been among the leading states in the use of imprisonment as a criminal sanction – as opposed to probation, fines, community service, short-term jail incarceration, etc. In 2009, its imprisonment rate – measured as the number of prisoners per 100,000 state residents – ranked 6th among states. Arizona’s imprisonment rate, and those of most other states, has risen over decades at the same time that reported crimes have been decreasing. Debate remains over how much the rise in prison population has contributed to the nation’s crime drop. The consensus among experts is that imprisonment has been responsible for some portion of the crime reduction, but opinions differ on how much. Arizona’s current fiscal year General Fund has \$880 million budgeted for corrections, up from \$50 million in 1980, \$240 million in 1990, and \$549 million in 2000.

Do Prisons Have Revolving Doors?

Recidivism. Recidivism, or relapsing into criminal behavior, is a closely watched measure of the effectiveness of various responses to crime, from counseling to long-term imprisonment. As such, it is widely used, but also is measured in different ways; recidivism statistics thus bear careful scrutiny. Some recidivism reports, for example, count the percentage of released prison inmates who end up back in prison within three years (the usual time period). Other reports, however, measure the percentage of released inmates who are *re-arrested* within three years, regardless of what happens to their cases. Other recidivism studies may count only those re-arrested for a felony.

The nation’s largest recidivism study, conducted by the U.S. Justice Department, tracked more than 270,000 prisoners discharged in 1994. Published in 2002, it found that 67% were arrested for at least one serious new crime within three years; 52% of the total was sent back to prison within that period. The Arizona Department of Corrections (ADC) released its own recidivism study in 2005. Among 54,660 Arizona inmates released from 1990 through 1999, the department found that 42.4% returned to prison within three years, 46.5% within four years, and 49.2% within five years. Note that the ADC study measured former inmates returning to prison, not just those re-arrested or re-convicted. The department’s analysis also concluded that prison rehabilitation programs reduce recidivism rates by an average of 25%. Prison industry programs proved to be the most effective; substance abuse programs also showed good results.

Numbers Don’t Quash Arizonans’ Crime Concerns

Crime, and people’s fear of crime, do not always match. Crime and public safety consistently rank among Arizonans’ top two or three public policy concerns. And while most residents seem to consider their own neighborhoods relatively safe, most continue to express concern about crime in general as a significant problem in the state. Concern about crime remains strong even though official reports have recorded a substantial decline in reported offenses for some 15 years. In this regard, it is important to recall that only about half of actual crimes are thought to be reported to authorities, meaning that many offenses, especially minor ones, are never counted.