

June 20, 2018

The Honorable Javan D. Mesnard
Speaker of the House
Arizona State Capitol
1700 W Washington
Phoenix, AZ 85007

Dear Speaker Mesnard:

We write today in strong opposition to the decision to abolish the Study Committee on Criminal Justice Reform in response to racially insensitive remarks recently made by Rep. David Stringer. We do not agree with the sentiments expressed by Rep. Stringer; however, we believe abolishing his committee is an unnecessary and counterproductive response to this controversy. Criminal justice reform enjoys bipartisan support, and its study should not be deferred due to the actions of one individual. Common sense criminal justice reform in Arizona will improve public safety, prevent prison overcrowding and construction, reduce wasteful spending, and increase respect for the justice system, particularly in the communities of color disproportionately impacted by that system. We urge you to reconsider your decision and reinstate the Study Committee on Criminal Justice Reform under a new chair.

Arizona needs a bipartisan, deliberative body to consider and recommend criminal justice reforms that will ensure that the state operates a safe and rehabilitative prison system. Arizona's state prisons are dangerously overcrowded, with a population of 41,469 (107 percent of the Department of Corrections (DOC) bed capacity).¹ Arizona has the dubious honor of having the country's fourth highest incarceration rate.² Part of our prison growth is due to Arizona's reliance on harsh, lengthy, and mandatory minimum prison sentences for a broad spectrum of crimes, including low-level drug offenses. In FY 2017, nearly 32 percent of all DOC admissions were for drug-related offenses, including 314 people admitted for marijuana possession.³ A Study Committee could help lawmakers understand and consider the evidence collected over the last 40 years that shows that overreliance on incarceration is not a sound public safety policy.

A Study Committee could also study policies that make Arizonans safer. The Department of Justice's National Institute of Justice has stated that the length and severity of punishments does not deter crime; rather, it is the certainty of being caught and punished swiftly that deters criminal activity.⁴ Furthermore, studies have shown that mandatory sentencing schemes, such as the ones used in Arizona, do not have a meaningful impact on reducing drug use. A recent 50-state study from the Pew Charitable Trust found *no* statistically significant relationship between drug sentencing and three key indicators of drug problems: illicit drug use, drug overdoses, and

¹ Arizona Department of Corrections, "Two-year Prison Population Trend Report: April 2018," https://corrections.az.gov/sites/default/files/REPORTS/Stats/adc-inmatestats_2yr-pop_apr18.pdf

² Bureau of Justice Statistics, "Prisoners in 2016," <https://www.bjs.gov/content/pub/pdf/p16.pdf>

³ Arizona Department of Corrections, "FY 2017 Population Fact Sheet," https://corrections.az.gov/sites/default/files/REPORTS/Inmate_Population/inmatepopfactsheet_2017.pdf

⁴ National Institute of Justice, "Five Things About Deterrence," <https://nij.gov/five-things/pages/deterrence.aspx>

drug arrests.⁵ Recidivism is a major issue in Arizona. In FY 2017, 50.9% of all prisoners had at least one prior commitment in an Arizona state prison.⁶ The Study Committee could intensively examine what works to reduce recidivism, drug abuse and addiction, and deter crime.

A Study Committee could also continue to explore whether Arizona's costly approach to criminal justice is a good return on investment for taxpayers. Overcrowded prisons and inflexible, lengthy sentencing laws increase correctional budgets. The DOC's FY 2018 budget was \$1.1 billion,⁷ up by 28.4 percent since FY 2007. Incarcerating a single individual for a year in Arizona costs \$25,000.⁸ The current five-year mandatory minimum for possession of 750 mg (less than one-fifth of a packet of sugar) of crack cocaine costs the public \$125,108.60 – nearly five times the cost of tuition for a four-year degree at Arizona State University. A 1997 report from the RAND Corporation found that one million dollars spent sentencing individuals to mandatory minimum sentences for cocaine-related offenses was far less effective than one million dollars spent on treating serious drug users.⁹ Taxpayers and lawmakers need to be well-informed on what criminal justice costs, and what it saves.

Finally, it is ironic and misguided to punish the racially insensitive comments of one lawmaker by abolishing a Study Committee dedicated to addressing a justice system that disparately impacts people of color in Arizona. African Americans represent 4.9 percent of Arizona's population¹⁰ and 14 percent of its prison population.¹¹ Caucasians represent a proportion of the population 25 points higher than that of Latinos,¹² yet Caucasians and Latinos each make up 39 percent of Arizona's prison population.¹³ We appreciate your refusal to tolerate racially insensitive remarks by members of the Arizona House of Representatives. We believe your commitment to racial equality is sincere and urge you not to disband a Study Committee that could help you and other lawmakers work toward the universal goal of a fairer justice system for all.

The work of the Study Committee on Criminal Justice Reform is still in its infancy. Continuing its work with a different chair will educate and benefit lawmakers as they decide whether to join states like Georgia, South Carolina, Iowa, Utah, Louisiana, and Oklahoma in adopting criminal justice reforms that have reduced both spending and crime.

⁵ Adam Gelb, "More Imprisonment Does Not Reduce State Drug Problems," *The Pew Charitable Trust*. March 8, 2018. <http://www.pewtrusts.org/en/research-and-analysis/issue-briefs/2018/03/more-imprisonment-does-not-reduce-state-drug-problems#0-overview>

⁶ Supra Note 3.

⁷ Arizona Department of Corrections, "Appropriations Report: FY 2018," https://corrections.az.gov/sites/default/files/adc-appropriationsreport_fy2018.pdf

⁸ Arizona Department of Corrections, "FY 2017 Operating Per Capita Cost Report," January 18, 2018. https://corrections.az.gov/sites/default/files/REPORTS/Operating_Per_Capita/adc-percapcostreport_fy2017-final-sectvmod.pdf

⁹ Jonathan Caulkins, Peter Rydell, William Schwabe and James Chiesa. Mandatory Minimum Drug Sentences: Throwing Away the Key or the Taxpayers' Money?" RAND Corporation, 1997. https://www.rand.org/pubs/monograph_reports/MR827.html

¹⁰ United States Census Bureau, "Quick Facts: Arizona," <https://www.census.gov/quickfacts/AZ>

¹¹ Arizona Department of Corrections, "Corrections at a Glance: May 2018", June 8, 2018. <https://corrections.az.gov/sites/default/files/REPORTS/CAG/2018/cagmay18.pdf>

¹² Supra Note 10.

¹³ Supra Note 11.

We respectfully oppose the termination of the Study Committee on Criminal Justice Reform and urge you to reinstate the committee under new leadership and allow this important work to continue.

Thank you for your time and consideration of our views. We are happy to assist you further as you continue to deal with this pressing matter.

ACLU of Arizona

American Conservative Union Foundation Center for Criminal Justice Reform

American Friends Service Committee AZ

Americans for Prosperity AZ

Arizona Attorneys for Criminal Justice

Families Against Mandatory Minimums

FWD.us

Law Enforcement Action Partnership

LUCHA

Pima County Office of the Public Defender

Sonoran Prevention Works

The Salvation Army