



Families for Justice Reform

## FAMM: Who we are

Since 2017, FAMM has worked to change Arizona's sentencing and prison policies through engagement, education, and advocacy.

FAMM supports reforms to mandatory minimum sentences and repetitive offender sentencing enhancements; increased earned time credits; increased use of early release for elderly and ill prisoners; more use of executive clemency; prison policies and programs that rehabilitate people in prison and keep families connected; and greater oversight of prison facilities.



### WHY IS FAMM IN ARIZONA?

In Arizona, judges are required to give many people mandatory prison sentences and have very limited discretion to use alternatives like specialty courts or probation, or to fit the punishment to the crime and the individual. Arizona also has exceptionally broad repeat offender laws, which increase sentences dramatically even when people have minor criminal records. FAMM supports reforms to all of these policies in Arizona.

For nearly three decades, **FAMM** has united the voices of affected families, the formerly incarcerated, and a range of stakeholders and advocates to fight for a fairer and more effective justice system. FAMM's focus on ending a one-size-fits-all punishment structure has led to reforms to sentencing and prison policies at the federal level and in multiple states, and has helped establish rehabilitative programs for the 94 percent of all prisoners who will be released one day.

### ARIZONA BY THE NUMBERS

Arizona has the fourth highest incarceration rate in the country and spends \$1.1 billion each year on corrections. The state incarcerates more than 42,000 people, 26 percent of whom are nonviolent, and 21 percent of whom are drug offenders. Arizona is also one of the only states that requires almost all prisoners to serve 85 percent of the sentence imposed, no matter the crime or the prisoner's rehabilitation behind bars.

FAMM seeks to reform costly, counterproductive mandatory minimums and sentencing enhancements and increase prison programming and earned time incentives in Arizona prisons. We support individualized sentencing, more rehabilitative prisons, and alternatives to prison that protect public safety without being hard on families and taxpayers.

### ADVOCATING BETTER SENTENCING LAWS

Under current Arizona law, people can be given longer sentences as a "repetitive offender" if they are sentenced for multiple charges in one indictment – even if those charges happened within hours of each other, are part of the same case, or it is the person's first time ever being charged with any crime. FAMM supported SB 1334, a 2019 bill that would ensure that people are sentenced as repetitive offenders only if they have prior historical felony convictions – i.e., they are true repeat

offenders who were previously convicted of and sentenced for another crime before they committed the offenses in the current indictment. Though SB 1334 passed in the full Senate and House, it was vetoed by Gov. Doug Ducey and did not become a law. FAMM is disappointed that the governor vetoed this bill.

## ADVOCATING MORE OVERSIGHT OF ARIZONA PRISONS AND MORE PRISON PROGRAMMING

FAMM also supports more transparency, oversight, and accountability in Arizona prisons. In 2018 alone, Arizona's prison system had problems with **broken cell locks**, which led to assaults on prisoners and staff; a **salmonella outbreak** at a women's facility; and an ongoing **failure to provide adequate health care**. Arizona's prison system has no email communication system for prisoners and their families, making it more difficult for people in prison to maintain the family ties that are shown to reduce the risk of reoffending. Many Arizona facilities **lack air conditioning**, which subjects both staff and prisoners to extreme heat that can lead to injury, illness, or even death. Twenty percent of correctional staff positions **are vacant**, making it difficult for facilities to provide rehabilitative programming and maintain safety. For example, while 78 percent of people in Arizona

prisons need substance abuse treatment, only **three percent are able to receive drug treatment in prison**.

FAMM supports greater oversight of Arizona prisons through regular and independent performance and financial audits of the Department of Corrections, greater legislative oversight, and the creation of citizen oversight boards, an independent ombudsman's office, or a similar independent office with oversight powers. FAMM also advocates the funding and creation of more rehabilitative, educational, job training, and substance and mental health treatment programs in prisons. FAMM also supports making Arizona prison facilities safer, cooler, and more humane for both staff and incarcerated people.

### OTHER RECENT LEGISLATIVE EFFORTS

The only sentencing and prison reform bill that passed into law in 2019 in Arizona was **SB 1310**, which allows some drug possession offenders in Arizona state prisons to earn additional time off their sentences if they complete a drug treatment program. No other sentencing or prison reform

bills became law in 2019. More ambitious bills, like HB 2270, would have greatly expanded earned time for more people in prison, yet did not receive hearings in the judiciary committees in either house.

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### STORYTELLING FOR CHANGE

FAMM's storytelling team continually shares the stories of currently and formerly incarcerated Arizonans and their families. These stories illustrate the need for reform in ways that statistics never can. Many of the subjects of our stories go on to become powerful advocates for reform in the state.

**Stephanie Troy** received more than five years in prison as an addict who possessed fewer than 10 grams of methamphetamine. Arizona lawmakers thought that their one-size-fits-all prison sentences for drug offenses would only apply to major dealers; instead it sent people like her to prison. Stephanie was released in the fall of 2018. She is working hard at her reentry, bonding with her children and trying to find some stability in her life.

**Amber Carlson** was deep in addiction and mental illness and trying to scrape together enough money for gifts for her kids one Christmas Eve when she agreed to transport methamphetamine for a drug dealer. She had no prior felony convictions, but she got a 10-year sentence.

**Lisa Andrews** wrestled with and was losing to drug addiction when police knocked on her door one day in 2011. That day, police searched Lisa and found 8.2 grams of methamphetamine, several small plastic baggies, and a small amount of marijuana. She was arrested and eventually convicted of three drug crimes: possession of dangerous drugs for sale, possession or use of marijuana, and possession of drug paraphernalia (the plastic baggies). Lisa received a 12-year prison sentence.