

Racial and Ethnic Disparity in Arizona's Maximum-Security Prisons



American Friends
Service Committee

American Friends Service Committee – Arizona

June 2013

The purpose of this document is to critically analyze the ethnic distribution in maximum-security units within the Arizona Department of Corrections (ADC). As Arizona is poised to build 500 new maximum-security prison beds, it is vital to understand who exactly is placed in such damaging conditions. This paper specifically addresses ethnicity and race in the state's maximum-security units, to compliment previous critiques of the use of supermax prisons and long-term isolation. For a more detailed discussion, see:

[*The Prison Inside the Prison; Control Units, Supermax Prisons, and Devices of Torture \(2003\)*](#),
[*Buried Alive: Solitary Confinement in Arizona's Prisons and Jails \(2007\)*](#), and
[*Lifetime Lockdown: How Isolation Conditions Impact Prisoner Reentry \(2012\)*](#).

BACKGROUND

The Arizona Legislature should soon reach an agreement on the 2014 budget for the state and with it, another funding increase for the ADC. Weighing in just under \$1 billion dollars, the corrections budget is one of the very few state agencies that consistently receives an increase in funds each year – even in the midst of the financial crisis.

Arizona now spends 11% of the general operating budget for the state each year on prisons. It is the third largest state agency budget – ahead of the Department of Economic Security and State Colleges and Universities.

Maximum security units are by far the most expensive. According to ADC's Per Capita Cost Report (2012), maximum-security beds cost an average of \$76.47 per prisoner per day. Contrast that with medium-security beds, which cost \$64.32 per capita. With an average daily population of 3,322, these units already cost taxpayers \$103,740,677 per year. The addition of 500 more such beds could bring the price tag up to **\$118,231,177 per year**. And that's just operating costs, not counting the original investment of \$50 million.

The use of long-term isolation in maximum-security is one of ADC's favored "management tools." Generally in correctional settings, there are two types of segregation: disciplinary and administrative. Disciplinary segregation, referred to by prisoners as "the hole," is applied as a short-term punishment for breaking prison rules. Most prison units have a "Complex Detention Unit" or CDU which is reserved for this purpose. By contrast, administrative segregation is based on *administrative* rationale. The Department of Corrections has almost total discretion over these administrative decisions, most importantly a prisoner's security classification or "score." Prisoners are assessed as to their threat to the public and to the institution and assigned a score of 1-5, 1 being minimum security and 5 maximum.

But *which prisoners* receive a high enough classification, resulting in placement into Arizona's maximum-security prison facilities? There are a number of answers this

question, many of which have been reported on by AFSC in the past. Here, the specific focus is on ethnicity¹ and by association race.

ANALYSIS OF ADC ETHNIC DISTRIBUTION REPORTS

One very helpful tool is the ADC's monthly report, "[Ethnic Distribution by Unit](#)" which are available on the Department's website.² This regular ADC report offers a fairly in-depth view into the ethnic composition of specific prison units.

The new 500 maximum-security prison beds will be modeled after existing ADC facilities such as SMU I and Browning Units, which are among the harshest and most restrictive of conditions in Arizona. Though there are other male facilities such as Central Unit in the Florence complex where long-term isolation is regularly practiced, SMU I and Browning Units are the two facilities that can properly be considered Arizona's supermax prisons. The women's facility with equivalent conditions is Lumley SMA in the Perryville complex. These facilities are the primary focus of the following ethnic distribution analysis.

[The Sentencing Project](#) has long pointed out the role that racial bias plays at every point of contact with the criminal justice system on the path towards incarceration. From first contact with law enforcement, through booking, filing of charges, prosecution, conviction, and sentencing to prison, people of color are overwhelmingly more represented at higher levels at every stage along the path to prison. This contributes to the gross over-representation of African Americans, Latinos, and Native Americans throughout the entire carceral system compared to their white counterparts. This trend is demonstrated not only in Arizona's general prison population, but through ADC's hyper-concentrated maximum-security prisons.

¹ This paper will use the terms "ethnic" and "ethnicity" mostly to remain consistent with the available ADC statistics. Clearly there is an important discussion that must be had regarding how prison institutions identify and label individuals and their ethnicity. In the opinion of AFSC Arizona, it is extremely likely that the methodology of ADC in assigning prisoners an "ethnicity" is deeply problematic and flawed. Similarly, "ethnicity" cannot replace the concept of "race" even as it seems apparent that ADC is more accurately describing the perception of race and/or ethnicity, rather than actually self-identified ethnicity. However we cannot confirm this. Never-the-less, this is what is available to work with at the moment. And as the racial and ethnic disparities that incarceration preys upon, exacerbates, and neglects to confront, are critical to providing a better analysis of the prison industrial complex and the on-going violence of cages, we will work with that which we have – for now.

² Of course the breaking down of prisoners' ethnicity by units is extremely helpful, but can *also* be completely meaningless without the proper context. First of all, the numbers are aggregated over a full month, which means that they are a broad snapshot of what the units looked like throughout the month. However prisoner movement between units and facilities is always taking place throughout the entirety of the 16 ADC facilities. Secondly, the numbers are *so* divided up that in order to see what the ethnicity make-up for all maximum-security units in a specific prison complex such as Eyman looks like, it requires some math. Without going into great detail here, suffice it to say that the statistics, mathematical breakdown, and methodology are available upon request and have all been done with great diligence and attention.

ADC Male Prisoners: Supermax (SMU I and Browning Unit)

Ethnic Distribution Breakdown in Arizona Prisons – April 2013

Based on Arizona Department of Corrections report: "Ethnic Distribution by Unit"

http://www.azcorrections.gov/adc/reports/stats_ethnic.aspx

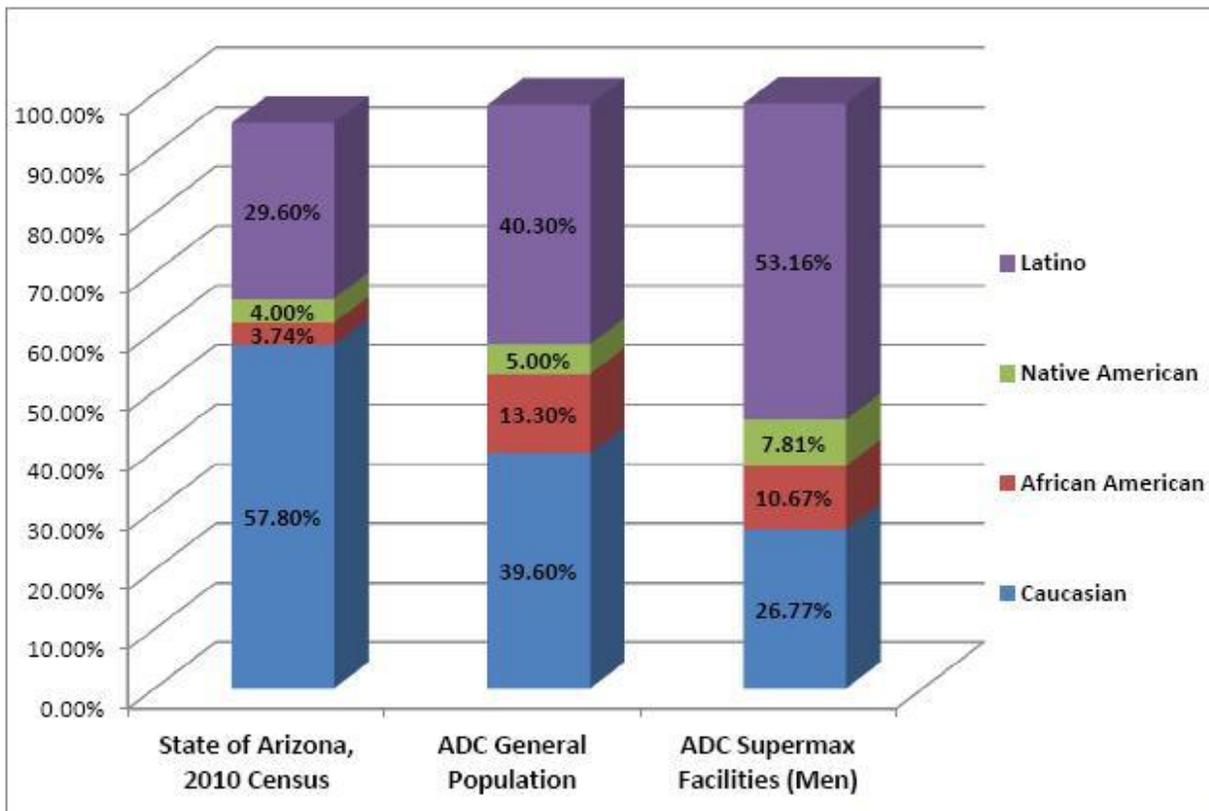


Figure 1 - Incarceration Trends by Ethnicity. COMPARISON: Between the State of Arizona, Arizona Department of Corrections (ADC) General Population, and ADC Supermax Facilities (Men)

Figure 1 demonstrates the fundamental over-representation of people of color in Arizona's prisons and, to an even greater extent, in maximum-security units. In Arizona, Latinos, African Americans and Native Americans are incarcerated at rates disproportionately higher than their percent of the state's population. About 40 percent of state prisoners are Latino, compared to only about 30 percent of the state population. African Americans are even more likely to be incarcerated. The state's population is only about 4 percent African American, but the prison population is 13 percent African-American. While African Americans are still over-represented in supermax, the concentration of Latinos is truly startling: 53% of the people in these units are Latino, the largest of any racial group.

The focus on people held in the maximum-security units is important, and the comparison is particularly instructive for the following reason: the decision to place people in these units is an *administrative* one, and therefore one that is discretionary. What does it mean that nearly **three-quarters of the men subjected to long-term isolation in Arizona prisons are people of color?**

ADC Female Prisoners: Lumley SMA

Ethnic Distribution Breakdown in Arizona Prisons – April 2013

Based on Arizona Department of Corrections report: "Ethnic Distribution by Unit"

http://www.azcorrections.gov/adc/reports/stats_ethnic.aspx

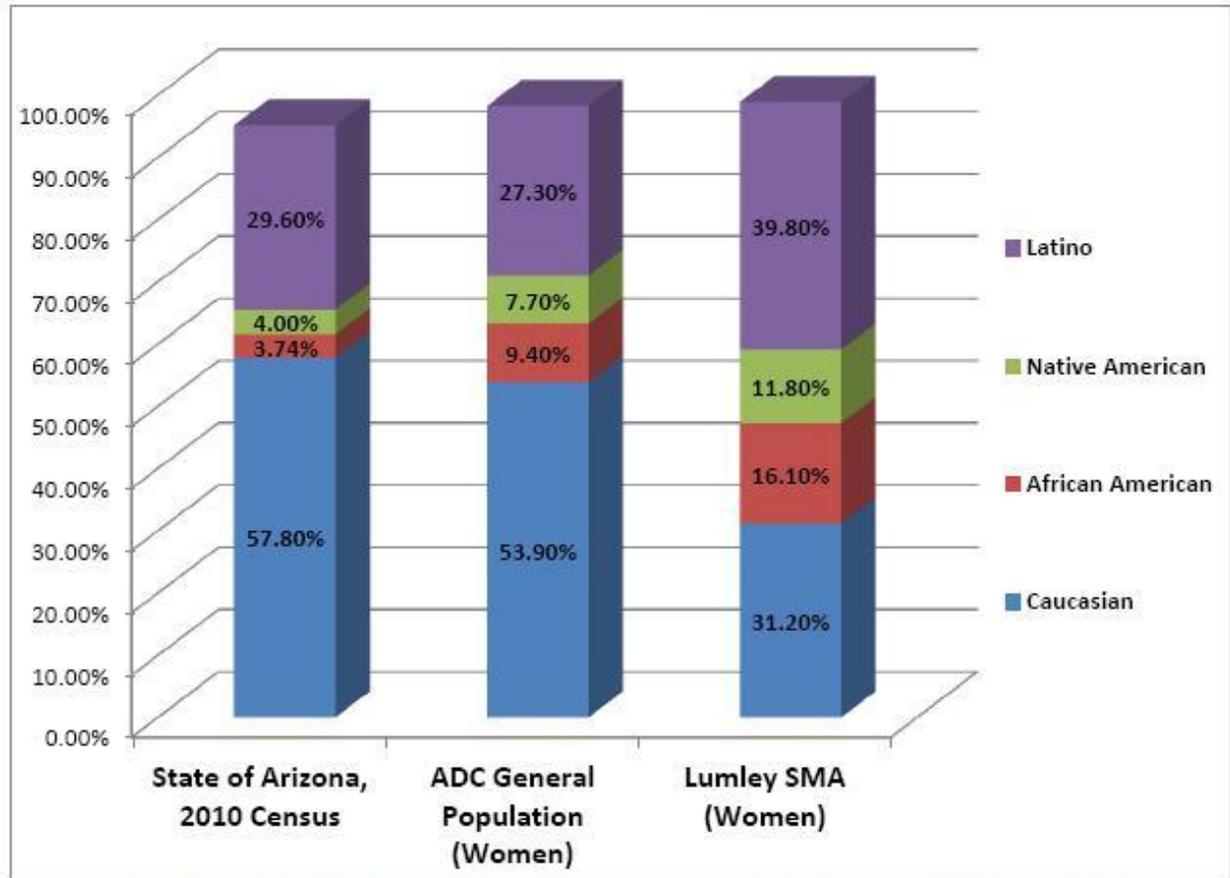


Figure 2 - Incarceration Trends by Ethnicity. COMPARISON: Between the State of Arizona, Arizona Department of Corrections (ADC) General Population, and ASPC Perryville, Lumley SMA Unit (Women).

For female prisoners the over-representation trend continues. The jump between the overall percentage of women of color in ADC and the percentage in ADC's maximum-security unit, Lumley SMA is dramatic. Less than half (44.4%) of the overall female population are Latino, Native American, and African American, but in Lumley SMA these ethnic groups make up 67.7% of the prisoner population, with each specific ethnic group making notable increases.

Focus: Browning Unit

Located in the Eyman prison complex, Browning Unit is largely used by ADC administration to hold “suspected” and “validated” Security Threat Group (STG) members. STG is how ADC designates prison gangs and their members. With such a high number of validated STG members held in the Browning Unit, it means that looking at the ethnic distribution of that Unit allows a window into who and how ADC is identifying gangs in Arizona prisons.

Ethnic Distribution Breakdown in Arizona Prisons – April 2013

Based on Arizona Department of Corrections report: “Ethnic Distribution by Unit”

http://www.azcorrections.gov/adc/reports/stats_ethnic.aspx

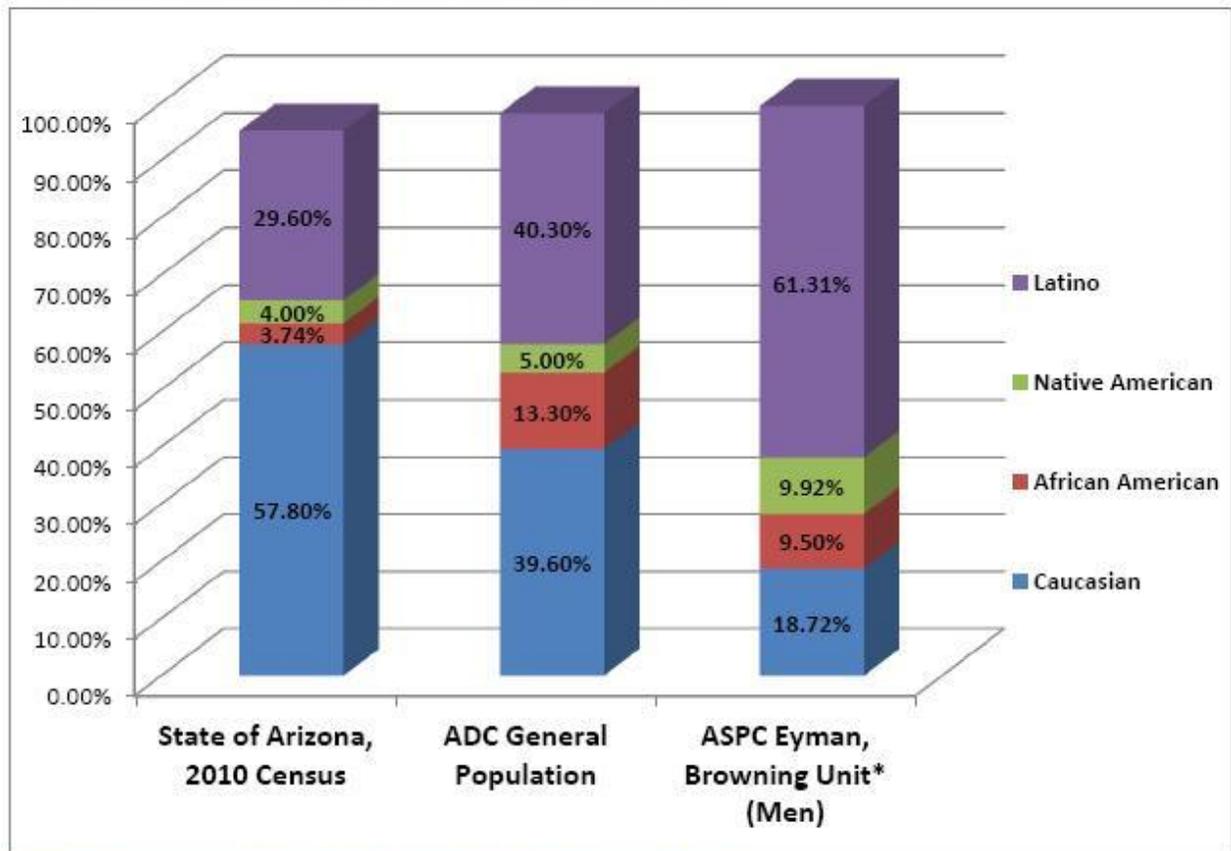


Figure 3 - Incarceration Trends by Ethnicity. FOCUS: Browning Unit.

Four out of five prisoners in the Browning Unit are people of color. Latino prisoners make up 61.31 percent of this unit – which is a 50 percent increase from ADC general population and over twice that of the outside population. Meanwhile Caucasian prisoners are represented in Browning Unit at half the rate in ADC general population and only one-third the rate of the outside.

Such dramatic disparity in a Unit that has been largely reserved for gang associated prisoners, raises many important questions about the STG validation process and bias in ADC. What is the process for deciding that a group of individuals is a gang? What does ADC

look for when determining prisoners are members of gangs? Both in and out of prison, the gang or STG label is a racialized and problematic framework for labeling groups.

Security Threat Groups in SMU

A Security Threat Group (STG) is the title the ADC uses to describe what is generally considered a prison gang. The ADC has a specific policy and procedure regarding the process of certifying a group as an official STG and for validating an individual as a member of a Security Threat Group. According to the ADC webpage, there are eight certified STG's in Arizona, and five groups being monitored to determine whether they are a security threat.

The validation process utilizes a point system to evaluate such indicators as tattoos, use of symbolism, and associations or contacts with others who are believed to be members of an STG. The ADC website also states that the system relies on the perceptions of outside agencies, including media reports and court documents.

While such organizations have been a fixture of prison society for decades, the STG label can be misleading for a variety of reasons. Magnani and Wray state that often the evidence used to identify a person as a member of a STG inappropriately relies on cultural, social, and racial identifiers as a basis for official STG validation. For example, being a Mexican-American from a particular town in Southern California is sometimes enough for the Department of Corrections to label someone as a suspected STG member.

The African American Council is one group pending certification, identified by its "Black Muslim/Islamic influence," though the ADC website admits it "may be difficult to certify due to religious base." For the certified STG named the Warrior Society the ADC website explains that this group may have originally formed because Native Americans "were often victimized by other [prisoners]."

In the ADC, 91 percent (205 out of 225) of all validated STG members are held in SMU I or II. Prisoners who are *suspected* STG members are almost twice as likely as other prisoners to be placed in SMU I or II. Overall, in SMU I and II, 49.7 percent of all the prisoners held there were either validated or suspected members of a STG as of October 31, 2006.

Do these overwhelming statistics indicate that Arizona has an exceptionally high incidence of prison gangs? A closer look reveals a much murkier, chicken-and-egg approach to gang management. Both SMU I and II were built during the nineties, when state correctional departments across the country were adopting strict management rules from the Federal Bureau of Prisons for STGs. In many cases, there was federal money available for state systems to build new high-security prison beds.

Despite a complete lack of evidence that the solitary confinement of STG members is necessary or effective, Magnani and Wray note that the trend continues today in the ADC. Sullivan's 2006 segment on NPR calls into question the justification for such policies: "officials say most inmates in the units are members of gangs that are making their prisons too risky for the officers and the other inmates. But over the years, the violence rates in the U.S. prisons have not decreased, nor has the strength of the gangs."³

³ Excerpted from: American Friends Service Committee, Arizona. *Buried Alive: Solitary Confinement in Arizona's Prisons and Jails* (2007), <https://afsc.org/document/buried-alive-solitary-confinement-arizona%E2%80%99s-prisons-and-jails>

CONCLUDING CONCERNS

AFSC Arizona has been monitoring ADC's ethnic distribution statistics since 2010. Though the overall population distribution has been constant, within maximum-security units there has been a gradual increase in the number of prisoners of color. From May 2010 to April 2013, the percent of Latino prisoners in ADC supermax facilities (SMU I and Browning Unit) rose from 47.6 percent to 53.16 percent. The corresponding percentage for Caucasian prisoners fell from 32.4 percent to 25.77 percent.

Ethnic Distribution Comparison in AZ Supermax Facilities, May 2010 - April 2013

Based on Arizona Department of Corrections report: "Ethnic Distribution by Unit"

http://www.azcorrections.gov/adc/reports/stats_ethnic.aspx

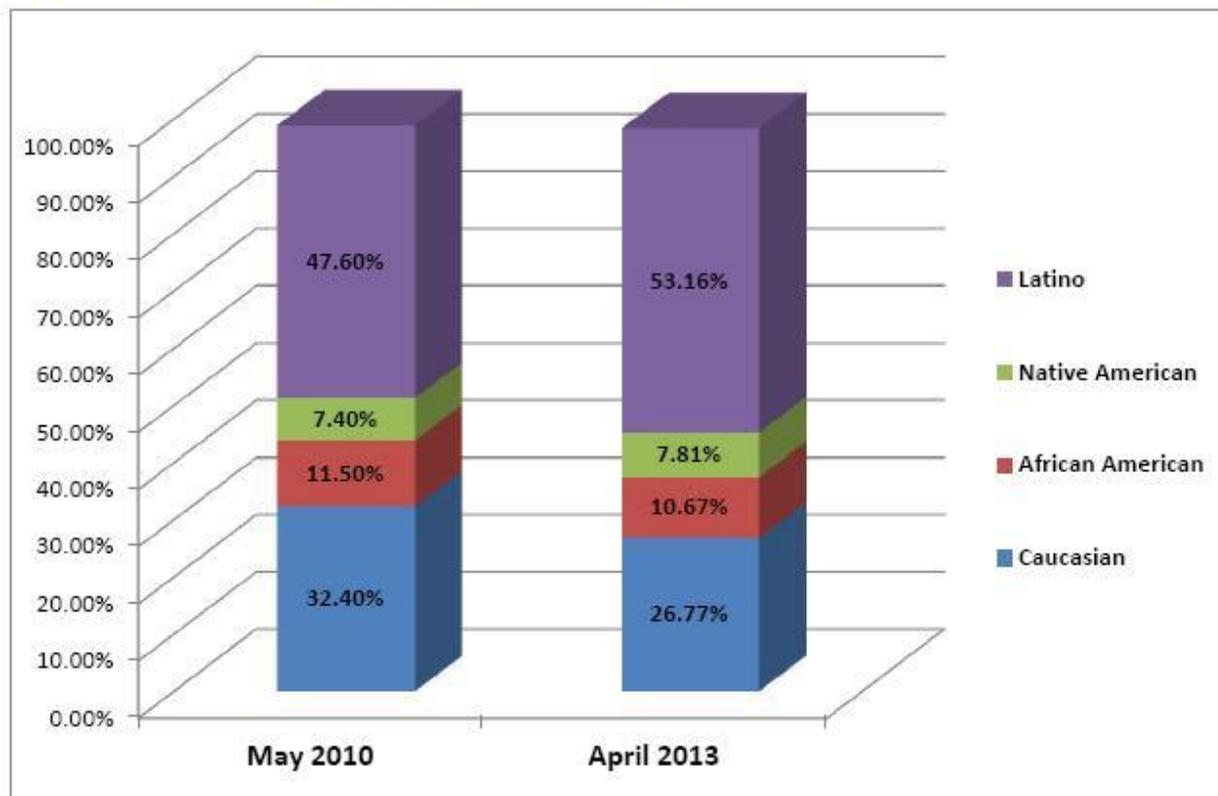


Figure 4 - ADC Male Supermax Comparison over the years (SMU I and Browning Unit)

These maximum-security units are among the most dangerous and harmful conditions found throughout the ADC prison facilities. The extreme nature of the conditions, the devastating long-term impacts upon prisoners' health, and the documented increases in mental illness, suicide, and violence has been documented in detail elsewhere. The conditions of these units critically bear on this conversation of ethnic distribution in ADC facilities. The simple fact is that the harshest ADC prison conditions are largely experienced by people of color. ADC has the discretion and ability to immediately alter its policies and practices regarding classification, STG management, and provision of adequate medical and mental health care, and should do so without hesitation.

In the meantime, the construction of 500 maximum-security beds should be immediately halted, and the \$50 million dollars should be diverted away from the corrections budget.