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# MEMORANDUM

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Date: March 4, 2024

To: The Honorable Chair and Members  
Pima County Board of Supervisors

From: Jan Leshner   
County Administrator

Re: **Establishment of a Commission to Evaluate Impacts and Recommend Improvements to the Criminal Justice System**

At its February 20, 2024 meeting, the Board of Supervisors discussed recommendation to establish a commission to conduct a comprehensive review of past criminal justice reform efforts and an assessment of the current criminal justice system in Pima County. The purpose of such an assessment would be to identify ongoing impacts to the jail population and proven methods of reducing those numbers. In alignment with the Pima County Adult Detention Center Blue Ribbon Commission's recommendation, this would also include possible procedural and policy changes for both criminal justice and community-based services. The goal is to develop pragmatic recommendations that will bring change to the criminal justice system and help inform any improvements needed at the jail facility.

Prior to the pandemic, the County and other stakeholders were actively working in this space under the MacArthur Foundation's Safety and Justice Challenge (SJC) framework, which dates back to 2014. Several initiatives were put in place that impacted, to varying degrees, jail population numbers, recidivism, pretrial services, and related outcomes. These included pre-arrest deflection, expanded pretrial services, improved probation practices, jail population review, Supportive Treatment and Engagement Programs (STEPS) and community engagement through the Community Collaborative. This work was ongoing until the onset of the COVID-19 pandemic. The pandemic stalled much of the collective momentum and had a significant impact on the County's justice system. Today, we still see the pandemic's impact on those incarcerated.

Attached is a compilation of Board memorandums between 2018 and 2022 on efforts related to the Justice Reform Advisory Commission established in 2018, and updates on SJC activities and related committees. As these memorandums show, developing effective and long-lasting changes to the criminal justice system is extremely complex and difficult.

There continues to be a review of these foundational efforts, stakeholder input and representation and outcomes. Much of this context will need to be updated and cross-walked to what we are seeing today in the space of homelessness, the opioid crisis and mental health. We have an opportunity to review lessons learned, emergent challenges and systemic gaps during the SJC efforts, which will be critically important to the refocused effort ahead and

The Honorable Chair and Members, Pima County Board of Supervisors

Re: **Establishment of a Commission to Evaluate Impacts and Recommend Improvements to the Criminal Justice System**

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subsequent criminal justice system improvements. As all of this information will help inform the charter, objectives and goals for this proposed commission, which is why I have requested this item be rescheduled for the April 2, 2024, Board meeting.

JKL/anc

#### Attachments

c: Carmine DeBonis, Jr., Deputy County Administrator  
Francisco García, MD, MPH, Deputy County Administrator and Chief Medical Officer  
Steve Holmes, Deputy County Administrator  
Jenifer Darland, Director, Office of Housing Opportunities and Homeless Solutions  
Kate Vesely, Director, Justice Services  
Diana Durazo, Senior Advisor, Pima County Administrator's Office

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# MEMORANDUM

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Date: May 3, 2018

To: Wendy Petersen  
Assistant County Administrator  
for Justice and Law Enforcement

From: C.H. Huckelberry  
County Administrator

A handwritten signature in black ink, appearing to read "CHH", is written over the printed name "C.H. Huckelberry".

Re: **Supervisor Sharon Bronson's May 1, 2018 Memorandum Regarding Fiscal Year 2018/19 Criminal Justice System Budgets**

Attached is a memorandum from Supervisor Sharon Bronson regarding the Fiscal Year 2018/19 County criminal justice system budgets. In the second paragraph is a discussion regarding the County Attorney's Drug Treatment Alternative to Prison (DTAP) program. It would be appropriate to provide more detail on the number of individuals who participated in DTAP with specific drug charges versus those individuals with similar drug charges that did not participate. If the data provided is accurate, the program only diverts five percent of felony drug cases from prison. This is a relatively insignificant amount and should be evaluated from a cost effective prospective to the County, not the State. The State is the entity avoiding the cost of prison housing, not the County.

One Page 2 of the attached memorandum, there is a request to ask all County departments and agencies of the criminal justice system to identify key issues related to justice reform. Please ask all entities for their top three suggestions that could be implemented to reform the system.

It is also requested that each entity respond to and comment on initiatives of the Philadelphia District Attorney Larry Krasner and if these entities see any parallels or opportunities for similar strategies in Pima County.

Finally, there is a request to review arrest and charging history of criminal defendants, please include both misdemeanor and felony cases in such an analysis.

I would appreciate your follow up the requests contained in Supervisor Bronson's memorandum and the development of an appropriate work plan to address these issues.

CHH/anc

Attachment

c: The Honorable Chairman and Members, Pima County Board of Supervisors  
The Honorable Kyle Bryson, Presiding Judge, Pima County Superior Court  
The Honorable Mark Napier, Pima County Sheriff  
The Honorable Barbara LaWall, Pima County Attorney  
Joel Feinman, Pima County Public Defender  
Dean Brault, Director, Public Defense Services






# MEMORANDUM

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To: Chuck Huckelberry  
Pima County Administrator

Date: May 1, 2018

From: Sharon Bronson   
District 3 Supervisor  
Pima County Board of Supervisors

Re: FY18-19 Pima County Criminal Justice Systems Budgets

In a May 23, 2017 memorandum to Chief Deputy County Administrator, Jan Leshner, I requested that Pima County Justice and Law Enforcement Departments provide the Board of Supervisors with an assessment of their major cost drivers prior to final budget adoption on June 20, 2017. Such was provided. Directly or indirectly, the operations of Pima County's Justice and Law enforcement departments consume more than half of Pima County's general fund budget. Since the beginning of 2008 recession, other Pima County departments saw a decrease in General Fund support, while support for Justice Systems departments has remained steady or increased.

Pima County's participation in the MacArthur Foundation Safety + Justice Challenge produced some cost savings. Warrant Resolution Court is one such example. The Pima County Attorney's Office (PCAO) Drug Treatment Alternative to Prison (DTAP) program is another innovative post-conviction strategy focused on first time offenders that has reduced the jail population and recidivism. However, the capacity of this program is limited and the program has had a negligible effect on reducing costs. According to the Pima County Superior Court, in FY16-17, 2052 felony drug cases were filed in Pima County. This was 36% of all felony cases filed. The most of any type of case of case type this was in stark contrast to the 139 people participating in DTAP since its inception 2010. While innovative strategies have resulted in some decline to our pre-trial incarceration rate, we continue to criminalize poverty with our current bail policies.

Some strategies under current consideration include regional consolidation of misdemeanor courts to include a problem-solving court, expansion of non-crises intervention services for those suffering from behavioral health and substance abuse disorders, and the pending implementation of a pre-arrest felony drug diversion program by the Tucson Police Department (TPD). These should be pursued.

While recognizing that maintaining public safety is paramount, based on provided data and regardless of the possession amount, non-violent misdemeanor and felony drug arrests and prosecutions appear to be on the rise and to be major system cost drivers. Current data seems to suggest that the PCAO continues to have the highest trial rate among Arizona's fifteen counties and often brings multiple charges against individuals not guilty of violent crimes, sexual assault, or felons in possession of a weapon rather than charging lower gradations for non-violent offenses. Some have argued that the high trial rate might be related to the nature and type of plea bargains offered to the accused. I respectfully request that an analysis of both the charging and plea bargain practices of the PCAO be undertaken to determine if such is the case.

Systems are complex. Acknowledging that, I am asking that Pima County Criminal Justice System departments and agencies identify key issues related to justice reform that can be resolved locally and provide direction to the Board of Supervisors as to major reforms to the system that require action from the Governor and Legislature prior to final budget adoption on June 19, 2018.

I am also requesting that all participants in the Justice Coordinating Council review the policy memo dated February 15, 2018 from Philadelphia District Attorney Larry Krasner that was provided at the JCC meeting of April 26, 2018 and provide comments as to whether or not Pima County should pursue a similar strategy in reducing system costs. It would be useful to have responses prior to the next JCC on July 26, 2018.

Criminal Justice is a system and systems should be integrated to optimize the use of resource thus producing the best possible outcomes. Actions by either local enforcement agencies or the PCAO impact the remaining departments and agencies in the system. Both local law enforcement agencies and PCAO have discretion as it relates arrest and charging. For instance, Arizona statutory and case law grants the PCAO almost unlimited discretion over how cases are charged and what plea agreements are offered, Mandatory minimum sentencing also grants the PCAO wide-ranging discretion over whether defendants are sentenced to prison or probation and over the length of their imprisonment.

In your FY18-19 budget proposal, you recommend the formation Justice Commission, comprised of outside respected experts in criminal justice reform. Should the Board act to approve this recommendation upon final budget adoption, I respectfully suggest that this commission be immediately tasked with reviewing the arrest and charging history and policies of local Pima County law enforcement agencies and the PCOA and make recommendations for change that reduce costs and improve community outcomes while ensuring public safety.

C: Wendy Petersen, Assistant County Administrator for Justice and Law Enforcement

Enclosures:1

## **NEW POLICIES ANNOUNCED FEBRUARY 15, 2018**

These policies are an effort to end mass incarceration and bring balance back to sentencing. All policies are presumptive, not mandatory requirements. Where extraordinary circumstances suggest that an exception is appropriate, specific supervisory approval must be obtained. Wherever the term "supervisory approval" is used, it means that:

- (1) An Assistant District Attorney must obtain approval of the unit's supervisor, and
- (2) The supervisor must then obtain approval from the District Attorney, or in his absence, the approval of First Assistant Carolyn Temin or Robert Listenbee
- (3) Bona fide verbal approvals and disapprovals are sufficient and must be noted in the case file, including the date of approval and identity of the requesting Assistant District Attorney and the supervisor who obtained approval or disapproval from the District Attorney.

### **DECLINE CERTAIN CHARGES**

1. Do not charge possession of marijuana (cannabis) regardless of weight.
2. Do not charge any of the offenses relating to paraphernalia or buying from a person (BFP) where the drug involved is marijuana.
3. Do not charge prostitution cases against sex workers where a person who has been arrested has two, one or no prostitution convictions. Withdraw all pending cases in these categories that would be declined for charging under this policy.
4. Individuals who have three or more prostitution convictions will be charged with prostitution and immediately referred to DAWN Court.

### **CHARGE LOWER GRADATIONS FOR CERTAIN OFFENSES**

**Rationale: summary gradation greatly reduces pre-trial incarceration rates as no bail is required and the shorter time required for hearings expedites Municipal Court and Common Pleas dockets.**

1. Charge and dispose of Retail Theft cases as summary offenses unless the value of the item (s) stolen in a particular case exceeds \$500.00 or where the defendant has a very long history of theft and retail theft convictions.
2. You must seek supervisory approval to charge and dispose of retail theft cases at misdemeanor or felony levels.

3. Remember, that a summary conviction permits a sentence of 90 days incarceration, fines of up to \$250, and full restitution. These penalties are sufficient to hold a retail thief accountable.
4. In all cases, seek full restitution.

### **DIVERT MORE**

All attorneys are directed to approach diversion and re-entry with greater flexibility and an eye toward achieving accountability and justice while avoiding convictions where appropriate. For example:

1. An otherwise law-abiding, responsible gun owner who is arrested because he does not have a permit to carry a firearm may apply for individualized consideration for diversion.
2. An otherwise law-abiding, first DUI (driving under the influence) defendant who has no driver's license (regardless of whether or not that defendant's immigration status interferes with obtaining a license under Pa. law) may apply for individualized consideration for diversion with a requirement of efforts to overcome license impediments where possible as an aspect of any diversionary program.
3. A defendant charged with marijuana (cannabis) delivery or PWID (Possession with the Intent to Deliver) may apply for diversion.

This is not a comprehensive list.

### **INCREASE PARTICIPATION IN RE-ENTRY PROGRAMS**

In general, some effective re-entry programs have failed to attract more candidates due to rewards and incentives of the program that are minor compared with the major effort required of re-entering Philadelphians. Effective re-entry programs prevent crime and should apply to more re-entering Philadelphians. ADAs and staff involved in re-entry are directed to discuss and formulate suggestions to improve this situation by May 1, 2018.

### **PLEA OFFERS**

**Note: This policy does not apply to Homicides, Violent Crimes, Sexual Assault Crimes, Felon in Possession of a Weapon (6105), and Economic Crimes with a loss of \$50,000 dollars or more or cases involving attacks on the integrity of the judicial process (e.g. false reports to police, perjury, obstruction of the administration of justice, witness intimidation, etc. All of these cases require supervisor approval as stated above.**

1. Make plea offers below the bottom end of the mitigated range of the PA Sentencing Guidelines for most crimes.
2. Where an Individual ADA believes an offer below the bottom end of the mitigated range is too low due to specific factors, that ADA must seek supervisory approval of a higher offer.
3. Where the applicable sentencing guidelines range is between 0 and 24 months, ADAs should seek more house arrest, probationary, and alternative sentences in appropriate cases.

## **SENTENCING**

### **AT SENTENCING, STATE ON THE RECORD THE BENEFITS AND COSTS OF THE SENTENCE YOU ARE RECOMMENDING**

The United States has the highest rate of incarceration in the world. It has increased 500% over a few decades. Pennsylvania and Philadelphia have been incarcerating at an even higher rate than comparable U.S. states and cities for decades—a 700% increase over the same few decades in Pennsylvania; and Philadelphia in recent years has been the most incarcerated of the 10 largest cities. Yet Pennsylvania and Philadelphia are not safer as a result, due to wasting resources in corrections rather than investing in other measures that reduce crime. Pennsylvania's and Philadelphia's over-incarceration have bankrupted investment in policing, public education, medical treatment of addiction, job training and economic development—which prevent crime more effectively than money invested in corrections. Over-incarceration also tears the fabric of defendants' familial and work relationships that tend to rehabilitate defendants who are open to rehabilitation and thereby prevent crime. As a result, a return to lower rates of incarceration for those defendants who do not require lengthy sentences is necessary in order to shift resources to crime prevention. Ultimately, the highest goal of sentencing must be to seek justice for society as a whole (the Commonwealth includes victims, witnesses, defendants, and those not directly involved in an individual case) while effectively preventing crimes in the future via methods that work. Each case, each defendant, and each sentence is unique and requires your careful consideration.

At sentencing, ADAs must state on the record their reasoning for requesting a particular sentence, and must state the unique benefits and costs of the sentence (e.g. consider where applicable the safety benefits, impact on victims, interruption of defendants' connections to family, employment, needed public benefits, and the actual financial cost of incarceration). In each case, place the financial cost of incarceration on the record as part of your explanation of the sentence recommended.

In talking about the financial cost to the taxpayer, use the following, arguably low, but much-repeated cost of:

\$42,000.00 per year to incarcerate one person (\$3,500 per month or \$115.00 per day).

The actual cost (including pension and other benefits to correctional employees, health care for incarcerated individuals, etc.) arguably is close to \$60,000.00 per year to incarcerate one person in the Philadelphia County prison system.

### **FACTS YOU SHOULD KNOW AND CONSIDER IN MAKING YOUR RECOMMENDATION**

1. The actual cost (including pension and other benefits to correctional employees, health care for incarcerated individuals, etc.) arguably is close to \$60,000 now to incarcerate one person for a year in Philadelphia County prison system. (\$5,000 per month at \$164.00 per day).
2. As of March 1, 2018, Philadelphia County incarcerates approximately 6,000 people at a total annual cost of around \$360 Million per year.
3. The cost of one year of unnecessary incarceration (at \$42,000.00 - \$60,000.00) is in the range of the cost of one year's salary for a beginning teacher, police officer, fire fighter, social worker, Assistant District Attorney, or addiction counselor. You may use these comparisons on the record.
4. The average family's total income in Philadelphia in 2017 was approximately \$41,000.00—which paid their housing, food, utilities, transportation, clothing, educational expense and taxes.

### **EXAMPLES OF HOW THIS INFORMATION CAN BE USED AT SENTENCING**

1. If you are seeking a sentence of 3 years incarceration, state on the record that the cost to the taxpayer will be \$126,000.00 (3 x \$42,000.00) if not more and explain why you believe that cost is justified.
2. In a very serious matter, where for example, 25 years incarceration are sought and is appropriate, state on the record that the cost to the taxpayer is \$1,050,000.00 (25 x \$42,000.00) if not more and explain why you believe that cost is justified.
3. When recommending a sentence of probation, compare the cost of incarceration to the cost of probation [need to insert the cost of probation per year]. Emphasize the positive rehabilitative factors of a probationary sentence such as permitting the defendant to continue working and paying taxes, permitting the continuation of family life, education and community inclusion.



**REQUEST SHORTER PROBATION TAILS (I.E. CONSECUTIVE PERIOD OF PROBATION) OR NO PROBATION TAIL AFTER A SENTENCE OF INCARCERATION.**

Criminological studies show that most violations of probation occur within the first 12 months. Assuming that a defendant is violation free for 12 months, any remaining probation is simply excess baggage requiring unnecessary expenditure of funds for supervision. In addition, County Probation is overwhelmed with more than 44,000 supervisees, which makes supervising people who are more likely to commit serious crimes more difficult. There is no reason to assume a probationary tail must be two years or more in every single case. Carefully evaluate what, if any, probationary tail is appropriate upon completion of a sentence of incarceration.

**REQUEST SHORTER PROBATIONARY SENTENCES WHERE NO SENTENCE OF INCARCERATION IS SOUGHT.**

Criminological studies confirm that longer probationary periods often result in more failures than shorter ones where those studies have controlled for offense and criminal record. In addition, County Probation is overwhelmed with more than 44,000 supervisees, which makes supervising people who are more likely to commit serious crimes more difficult.

**REQUEST NO MORE THAN A 6-MONTH VOP SENTENCE FOR A TECHNICAL VIOLATION WITHOUT SUPERVISORY APPROVAL**

In many technical violation cases, no additional incarceration should be sought and no revocation is necessary. However, where the technical violation(s) calls for a more serious consequence, do not seek more than 6-12 months' incarceration unless you have approval from the District Attorney via your supervisor.

**SUPERVISORY REQUEST NO MORE THAN A 2-YEAR VOP SENTENCE FOR A DIRECT VIOLATION WITHOUT APPROVAL**

Every direct violation presents the opportunity for two sentencings (one on the old matter and one on the new matter) that take into account the fact of the defendant's commission of a new crime while under supervision. Obviously, commission of a new crime while under supervision is a factor tending to increase the sentence on the new matter. Therefore, ordinarily it is not necessary to seek a sentence of longer than 2-4 years for a direct VOP. However, where special factors arise, you may seek approval from the District Attorney via your supervisor to seek a lengthier direct VOP sentence.

**REQUEST THAT THERE BE NO VIOLATION OF PROBATION OR PAROLE DUE TO A POSITIVE DRUG TEST FOR USE OF MARIJUANA (CANNABIS) OR DUE TO POSSESSION OF CANNABIS WITHOUT SUPERVISORY APPROVAL**

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# MEMORANDUM

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Date: June 15, 2018

To: The Honorable Sharon Bronson, Member  
Pima County Board of Supervisors

From: C.H. Huckelberry  
County Administrator

A handwritten signature in black ink, appearing to read "CHH", is written over the printed name "C.H. Huckelberry".

Re: **Your Request Dated May 1, 2018 requesting the Top Three Recommended Criminal Justice Reforms from our Justice System Partners**

On May 1, 2018 your requested information from our Criminal Justice System departments and agencies. Information prior to adoption of this year's budget will occur on June 19, 2018. I requested Assistant County Administrator for Justice and Law Enforcement Wendy Petersen request each individual department or agency respond directly to your request and provide the information requested. We have compiled this information, a memorandum dated June 14, 2018 from Wendy Petersen attached, we have also attached each response from each department or agency for your information.

I am also providing this information to the Board for their information prior to the budget adoption.

CHH/mp

c: Honorable Chairman and Members of the Board  
Wendy Petersen, Assistant County Administrator for Justice and Law Enforcement



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# MEMORANDUM

County Administration  
Justice and Law

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Date: June 14, 2018

To: C. H. Huckelberry  
County Administrator

From: Wendy Petersen  
Assistant County Administrator  
for Justice & Law Enforcement

Re: **Responses from Pima County Justice System Departments to Supervisor Sharon Bronson's May 1, 2018 memorandum**

This will respond to your May 3, 2018 memorandum and Supervisor Bronson's May 1, 2018 memorandum requesting the top three recommended Criminal Justice Reforms from our Justice System partners and provide those recommendations prior to the Board meeting set for **June 19, 2018**.

The memoranda also requested substantive review of the following:

1. The Pima County Attorney's Office's ("PCAO") charging and plea bargaining practices;
2. PCAO's DTAP program;
3. Philadelphia District Attorney Larry Krasner's initiatives;
4. The arrest and charging history of criminal defendants (both misdemeanor and felony); and
5. Develop a work plan to address these issues.

In the interest of time, I am providing the "Top Three" key recommendations in this memorandum prior to the Board meeting of June 19, 2018 and will address the other issues in a separate memorandum.

Having said that, I will note (and am providing attachments here) that County Attorney Barbara LaWall provided a May 21, 2018 memorandum to me addressing the DTAP question and in a May 24, 2018 memorandum discussing charging and plea bargaining practices in the PCAO.

Additionally, Dean Brault, the Director of the Public Defense Services, sent a memorandum directly to Supervisor Bronson on May 24, 2018 memorandum addressing the Larry Krasner's initiatives (copy attached).

## **Recommendations of Criminal Justice Reform**

I have synopsized these recommendations by agency in this document and have attached the full memoranda.

Mr. C.H. Huckelberry

**Re: Responses from Pima County Justice System Departments to Supervisor Sharon Bronson's  
May 1, 2018 memorandum**

June 14, 2018

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There are a few more items to note:

- The agencies in the **Public Defense Service** divided their recommendations between local reforms and state wide reforms (primarily legislative changes);
- The majority of the agencies did not respond to the request to comment on Philadelphia District Attorney Larry Krasner's direction to his lawyers. Most outlined their concerns with commenting on that memorandum;
- Adult Probation also provided additional recommendations.

**Pima County Sheriff's Department:**

1. Enhanced use of Electronic Monitoring  
Currently, 10-20 inmates for sentenced misdemeanor inmates. Expand to include pretrial detainees and for persons sentenced to probation in lieu of jail; however, the claim is: this expansion is outside authority of PCSD.
2. Increase collaboration with behavioral health/substance use agencies  
Place liaison in 9-1-1 communication centers to take calls for mental health and substance use and divert those calls to crisis response teams.
3. Pretrial and Re-Entry Services Facility at the Pima County Adult Detention Complex  
Pretrial outside main jail. Projection is 300-400 fewer bookings per month.

**Pima County Attorney's Office**

1. Expanded use of electronic monitoring in lieu of incarcerations;
2. Consolidation of the Pima County Justice Courts and Tucson City Court;
3. Expedited disposition of felony cases pending in Superior Court;
4. Enhanced treatment and other services for all participants in diversion as well as for probationers;
5. Consideration of bail reform strategies; and
6. Development of Re-Entry and Reintegration Programs.

**Tucson Police Department:**

1. Pre-arrest felony deflection (Pilot begins July 1, 2018);
2. Increased diversion of the mentally ill to treatment rather than incarceration;
3. Enhanced or more robust electronic monitoring release program for felony property crime defendants.

**Pima County Superior Court:**

1. Adult Probation: This agency terminated the SAFE program because when inmates violated they had jail days "banked" and as a result served more jail bed days. Probation has changed its approach: now, if a probationer violates probation he is not automatically held pending initial appearance – thus saving jail bed days;

Mr. C.H. Huckelberry

**Re: Responses from Pima County Justice System Departments to Supervisor Sharon Bronson's  
May 1, 2018 memorandum**

June 14, 2018

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2. Pretrial Services: PTS has experienced a high turnover rate. If PTS' role in diverting individuals from pretrial period increases, it will be vital to improve employee retention;
3. PTS expanded services may include increased behavioral health and substance screening to identify individuals suitable for specialized screening and additional release options

#### **Adult Probation Department**

1. A more robust pretrial diversion program;
2. Abandon or decrease the use of money bond;
3. Reduce the length of stay on coterminous probationers.

#### **Director of Public Defense Services:**

1. The Pima County Attorney should offer meaningful plea agreements in all non-violent/non-serious cases including categories that currently do not get plea offers such as first time residential burglaries, Aggravated DUI cases charged as a 3<sup>rd</sup> offense in 84 months, and Aggravated DUI cases with 2 historical prior felony convictions;
2. The Pima County Attorney should review each case before issuing to determine if seeking the most serious charge of filing every possible sentencing allegation is necessary to achieve a just result and not just automatically seeking the maximum potential sentence in every case; and
3. Programs to deflect drug users into treatment and not into the criminal justice system should be adopted by all law enforcement agencies in Pima County.

#### **Public Defender's Office**

1. Holding preliminary hearings on as many victim involved cases as possible – requires attorneys to be prepared and recognize weaknesses in cases;
2. Making initial appearances the sole responsibility of appointed judges who are held accountable for the county's jail population reduction goals;
3. Encourage the Pima County Attorney to spend RICO dollars on cost effective diversion and DTAP programs.

#### **Legal Defender's Office**

1. Adopt a county-wide evidence based protocol (referring to Maricopa County's Managing for Results program);
2. Discourage wide implementation of "No Plea" Policies (Claim is it forces a guilty plea to indictment or trial);
3. Eliminate Death Penalty prosecutions;
4. Make PCAO Functional

**Legal Advocate's Office**

1. Reasonable Charging Decisions – oftentimes the prosecution charges the most serious crime it can. Overcharging can make for unjust results and waste money. More reasonable charging decisions will result in quicker resolutions of cases and less money spent on unjust incarceration;
2. Pleas to Determinate Sentences in Straightforward Cases – Many first time non-violent cases could be resolved more quickly with less expenditure by including in the pleas itself a determinate sentence. Court and Probation time is spent on sentencing hearings and pre-sentence reports which may not be needed if there is a determinate sentence in the plea;
3. Refrain from Filing Capital Cases - these cases are very expensive for both prosecution and defense.

**Pima County Consolidated Justice Court**

1. Pima County Consolidated Justice Court ("PCCJC") has actively worked to reduce warrants by conducting Saturday court on a quarterly basis and extended evening court on a monthly basis;
2. PCCJC have provided extensive outbound call and text reminders to defendants of future court hearing dates;
3. PCCJC have worked with the Pima County Attorney's office to dismiss hundreds of warrants that have been in the system for five years or more.
4. PCCJC accelerated pretrial hearings for defendants held on bond following their twice-daily initial appearance court ("2XIA") hearing. Revamping the 2XIA process may produce other positive results.

If the justice of the peace conducted their 2XIA hearings, with the presence of a prosecutor or by way of "standing plea" agreements, the majority of defendants would either be released with a new court date or their case would be disposed by plea. This provision went away when PCCJC contracted with the city to hear the 2XIA caseload.

This concept will require further exploration and analysis but should further reduce jail days, eliminate the daily pretrial conference calendar and improve time to disposition.

**Additional recommendations from Adult Probation:**

1. Deflect mentally ill people to treatment services (when feasible) rather than Jail;
2. Eliminate plea agreements that preclude early termination from Probation;
3. Periodically re-evaluate pretrial detainees for release.

Mr. C.H. Huckelberry

**Re: Responses from Pima County Justice System Departments to Supervisor Sharon Bronson's  
May 1, 2018 memorandum**

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**Initiatives already in place from Adult Probation (as part of the Safety + Justice  
Challenge/MacArthur Foundation)**

1. Remove payment of all fines/fees from early termination eligibility;
2. Initiate Petitions to Revoke ("PTR") via summons instead of arrest, when practical;
3. Eliminate automatic holds on probationers;
4. Abandoned Project SAFE (Swift Accountable Fair Enforcement – i.e., use drugs on probation, and go straight to jail) due to lack of efficacy;
5. Require supervisor staffing prior to filing a PTR - previously, Probation Officers would frequently stack up violations before filing a PTR. Now, Probation Officer required to review violations with a supervisor to find out what was done about the violation.

**Additional recommendations at the State Level from the Departments in PDS:**

In addition to recommendations on how to improve Criminal Justice reform measures locally, the Departments in the Public Defense Services also made recommendations for changes at the State Level:

**Dean Brault, Director of Pima County Public Defense Services:**

1. Reduce the classification of possession of personal possession of dangerous or narcotic drugs to class 6 felonies and reduce marijuana possession to a class 1 misdemeanor;
2. Organize and support a voter initiative to make methamphetamine possession charges be subject to mandatory probation again and eliminate the mandatory enhanced sentencing ranges for sales cases;
3. Eliminate A.R.S. §13-703(A) which addresses multiple and non-historical prior convictions. This would make more defendants eligible for probation and give more discretion to the court (a copy of A.R.S. §13-703(A) is attached to Mr. Brault's memorandum).

**Joel Feinman, Pima County Public Defender:**

1. Mandating regular reporting requirements for all state prosecution agencies. Currently, criminal justice reform proposals suffer from an absence of reliable data on who is being incarcerated for what crimes, how long, and for what charges based on what facts;
2. Giving judges more say in plea bargaining. Arizona law does not allow for judges to mandate what plea agreements are offered in what cases. Giving the judiciary more power to compel non-trial dispositions would minimize costly and unnecessary trials and potentially lessen the number of people sent to prison instead of being placed on probation;
3. Rewriting tracking and sales law to mandate that defendants can only be charged with those offenses if the amount trafficked or sold is more than two grams.

Mr. C.H. Huckelberry

**Re: Responses from Pima County Justice System Departments to Supervisor Sharon Bronson's  
May 1, 2018 memorandum**

June 14, 2018

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**James Fullin, Pima County Legal Defender:**

Proposed legislative/policy solutions -

1. Mandate probation availability for first offense non-violent crimes in the same way that Propositions 200 and 302 mandate probation (rather than incarceration) for personal possession of drugs;
2. Removal of legal barriers to exercise of judicial discretion to suspend prison sentences in favor of probation;
3. Change mandatory minimum sentencing laws to make the sentencing schematic advisory rather than mandatory, meaning incarceration on approved violent/serious/repetitive offenses at discretion of trial judge.

**Kevin Burke, Pima County Legal Advocate:**

1. Actual Court Discretion – Mandatory sentencing robs the court of discretion. Aggressive charging combined with mandatory prison time and extended prison ranges for priors can result in defendants serving prison time greatly disproportional to the crime.
2. Approval for 38d <sup>1</sup> Law Student Interns to Appear in Court on Simpler Tasks such as Initial Appearances and Arraignments without a Supervising Attorney Present;
3. Reforming Drug Laws – After defendants have been convicted of two drug offenses they no longer are eligible for probation. Prison rarely works as treatment or deterrence for serious drug abusers. The statutes also treat addicts who sell small quantities to fund their habit or addicts who act as “go between” for an undercover officer the same as people who sell strictly for profit.

Attachments

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<sup>1</sup> This refers to Arizona Rules of Supreme Court 38 (d) which encourages law schools to provide clinical instructions and facilitate volunteer opportunities for students.

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## ATTACHMENT 1



## PIMA COUNTY SHERIFF'S DEPARTMENT

Mark D. Napier, Sheriff

# M E M O R A N D U M

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Date: May 25, 2018  
To: Sheriff Mark D. Napier  
From: Chief Byron Gwaltney, Corrections Bureau Commander *BY*  
Subject: Response to Supervisor Sharon Bronson's Request for Comment

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On May 21, 2018, we received an email request from Ms. Wendy Petersen, Assistant County Administrator for Justice and Law Enforcement to review and provide some feedback on a memorandum from Supervisor Sharon Bronson regarding criminal justice system budgets for FY 18/19.

The memorandum from Supervisor Bronson outlines a request that each criminal justice agency comment on identifying key issues related to criminal justice reform. Additionally, Supervisor Bronson asked for comment on an internal memorandum from the Philadelphia District Attorney to his staff regarding charging practices for specific offences.

### **Identifying key issues related to justice system reform**

As a key partner in the Pima County Safety and Justice Challenge, the Sheriff's Department continues to engage in constructive and thoughtful dialog related to improving our local criminal justice outcomes. We continue to participate in social justice collaborative efforts as well as taking the lead in many innovative partnerships with community providers.

During our participation in various Safety and Justice Challenge working groups, there has been discussion surrounding several programs that could promote reform of our local criminal justice system. I have outlined the following three areas the Sheriff's Department intercepts other criminal justice reform efforts:

#### ***1. Enhanced use of electronic monitoring (EM).***

Currently we manage a limited electronic monitoring program for sentenced misdemeanor inmates. This program typically manages 10-20 inmates serving sentences for misdemeanor convictions to include DUI. State Law limits us in this narrow application of the electronic monitoring. There is on-going discussion between the various Safety and Justice Challenge partners to expand this program to include pre-trial detainees. This expansion could significantly increase our program participants and provide some very limited reduction in our inmate population. Additionally, there is similar on-going discussions focusing on the use of electronic monitoring for persons sentenced to probation in lieu of jail as an enhanced sanction. Both of these expansion projects could, when combined, create a noticeable reduction in our inmate population. However, both expansion programs are outside the authority of the Sheriff's Department to implement and rest entirely with Superior Court and subordinate functions.

## ***2. Increased collaboration with behavioral health/substance use agencies.***

During several discussions at collaborative working groups, the idea of placing a behavioral health liaison at law enforcement communications centers has gained momentum. The concept involves having a liaison, specializing in triaging crisis events, assigned to 911 call centers to aid in triaging in-coming calls for service. In cases where the nature of the emergency is behavioral health or substance use related, and with no criminal activity occurring the liaison can assist by diverting the call to crisis response teams specializing in behavioral health and substance use disorder events. This concept provides enhanced expertise at our 911 call centers and allows for the deflection of some calls to more appropriate resources. Currently we are in discussions with Cenpatico Integrated Care to define a plan going forward. The City of Tucson is also exploring a parallel program.

## ***3. Pre-Trial & Reentry Services facility at the Pima County Adult Detention Center.***

Pima County is currently in the design phase of a new multi-disciplined facility to be located at the Pima County Adult Detention Center (PCADC). The new facility will house Pre-Trial Services functions outside the secured main jail buildings. This will allow for enhanced pre-trial screening of all persons brought to the PCADC. Once this function is operational, we are projecting to see 300-400 fewer bookings per month. We will also relocate all reentry services to work alongside Pre-Trial Services. Having our critical community partners and service providers co-located at the PCADC will provide greater reach-in capacity for those providers that offer needed assistance to those being released from custody. The facility will also provide short-term housing for released inmates who are homeless.

## **Review and comment on Philadelphia District Attorney Memorandum**

The memorandum authored by the Philadelphia District Attorney outlines prosecution guidelines for drug and prostitution charges. While the Pima County Attorney has significant discretion in prosecuting defendants, there is no direct role for law enforcement in these policies; therefore, we offer no opinion or comment.

## ATTACHMENT 2





**Barbara LaWall**  
Pima County Attorney

Pima County Attorney's Office  
32 N. Stone Avenue  
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Phone: 520-724-5600  
[www.pcao.pima.gov](http://www.pcao.pima.gov)

# MEMORANDUM

**To:** The Honorable Richard Elías, Chairman, and Members, Pima County Board of Supervisors

**From:** Barbara LaWall, Pima County Attorney *BL*

**Date:** June 11, 2018

**Re:** Key Issues Related to Justice Reform in Pima County

## INTRODUCTION

Leaders of each of the criminal justice system agencies in Pima County have been asked, once again, to submit suggestions to improve the criminal justice system and to reduce its costs.

The first request for such suggestions came just over a year ago. I was the first agency head to respond to that request when I submitted my memorandum of April 26, 2017 on Justice System Cost-Drivers and Recommended Roadmap to Reform. I appreciate the implementation, to date, of several of the suggestions presented in that memorandum, including: continuation of the MacArthur Foundation-funded Safety + Justice Challenge to reduce the jail population; coordination of databases containing medical and mental health information for jail detainees; encouraging judges to utilize alternatives to bail for misdemeanors and to focus more on public safety when making release decisions at Initial Appearances; implementation of a Felony Drug Diversion Program; exploration of possible consolidation of the misdemeanor courts; and expansion of non-crisis services for those suffering chronic mental health, behavioral health, and substance use disorders.

As discussed in my more recent memorandum of April 25, 2018 on the topic of The Prosecution of Drug Cases in Pima County, there are additional means, not yet implemented, that may be explored as part of an effort to improve the way the criminal justice system handles those suffering from substance use disorders. In particular, we need a means to identify and provide treatment and wraparound recovery support services to those who, though not caught in possession of drugs, are arrested for misdemeanor crimes, such as shoplifting, trespassing, and misdemeanor assault, committed as a result of their drug addictions. These individuals should be given the same opportunities for treatment as those arrested for misdemeanor or minor felony crimes who are found to possess illegal drugs at the time of their arrest.

**The Honorable Richard Elías and Pima County Board of Supervisors**  
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One step in this direction would be to develop a misdemeanor drug court. Another step would be to expand the use of arrest deflection programs, otherwise known as diversion by law enforcement. A third, and critically important, step would be to undertake preventive measures to get those suffering from substance use disorders into treatment and other services before they are arrested, are transported to an emergency room, or die from an overdose.

All of these criminal justice improvement efforts remain necessary. I am pleased that many of them are in the process of being implemented or are being seriously considered for implementation.

Meanwhile, given the most recent request that I identify key issues related to justice reform in advance of the Board's final adoption of the fiscal year 2018/2019 general fund budget, I will focus attention here on providing more detail with respect to several key improvements that I believe would both improve our system of justice and also would provide significant cost savings, both in the short term and in the long run. These are:

- (1) expanded use of electronic monitoring in lieu of incarceration;
- (2) consolidation of the Pima County Justice Courts and Tucson City Court;
- (3) expedited disposition of felony cases pending in Superior Court;
- (4) enhanced treatment and other services for all participants in diversion as well as for probationers;
- (5) consideration of bail reform strategies; and
- (6) development of re-entry and reintegration programs.

Some of these reforms would require changes in state legislation, while others could be implemented locally.

**1. ELECTRONIC MONITORING IN LIEU OF INCARCERATION**

Current technology provides low-cost, workable alternatives to bail that provide much less restrictive means by which to secure the attendance of a defendant in court. Electronic monitoring, for example, could serve as an alternative to pretrial incarceration for a poor, homeless individual who suffers from a substance use disorder and who has multiple prior failures to appear. While a monitoring device might be strapped to the defendant's arm or leg, it need not be activated unless the defendant fails to appear for the hearing. At that point, the monitor could be activated, enabling location of the defendant and deployment of an officer to bring him/her straight to the court hearing, rather than to Jail.

Recent innovations to electronic monitoring technology combined with interlock devices also could be used to shift from incarcerating most felony DUI offenders to monitoring them in the community. This would require a change in state law. Electronic monitoring, as utilized by the Pima County Sheriff's Department for misdemeanor DUI offenders, is highly effective. It employs global positioning satellite location tracking, constant two-way radio communication, and portable breathalyzer testing with a small hand-held device that can be carried by the individual being monitored 24 hours a day. With new technology, it is possible to protect public safety by monitoring the individual to ensure he does not get behind the wheel and drive drunk again.

At the same time, the individual being monitored can be free in the community, maintain a home, maintain employment, and maintain care of his/her children and family. This is a win-win-win situation. The community wins because its safety is protected. The individual wins because he/she remains out of custody in the community, able to receive substance use treatment if needed while on release from custody. And taxpayers win because it is far less expensive than incarceration.

A recent Sheriff's Department study showed its electronic monitoring program costs \$17 per day, compared with the cost of incarceration in the Jail, which was calculated last year at \$100 per day, but likely has become even greater now due to rising costs for medical services for inmates.

Note that electronic monitoring should not be over-used as has been done in some jurisdictions. We have a robust Pretrial Services Division that conducts risk assessments of all arrestees in the Jail and makes recommendations to the Court to be considered by the judge at Initial Appearance in setting the terms and conditions of release. For example, misdemeanor defendants whom judges are currently releasing on their own recognizance, without bail, without Pretrial Services supervision, and without electronic monitoring most likely will not need to have electronic monitoring imposed just because it may become more widely used.

## **2. CONSOLIDATION OF THE JUSTICE COURTS AND TUCSON CITY COURT**

The consolidation of the Pima County Justice Courts in downtown Tucson with the Tucson City Court into one building with joint operations would significantly enhance efficiency, provide more consistent outcomes, and better address defendants who have multiple cases pending in the different courts.

I recommend maintaining and expanding the use of misdemeanor diversion (both prosecutor-led diversion and court-monitored diversion), as well as the established specialty courts, including Domestic Violence Court, Veterans Court, and Mental Health Court. I am hopeful that we will soon be able to implement the proposed Consolidated Misdemeanor Problem-Solving Court ("CMPS" or "Compass"), which will include drug treatment services in addition to mental health services for misdemeanor defendants suffering from substance use disorders. Indeed, this may serve as a pilot court consolidation project.

### **3. EXPEDITED DISPOSITION OF FELONY CASES IN SUPERIOR COURT**

Many felony cases pending in Superior Court should be able to be disposed of far more quickly at each stage, from arrest to disposition, from conviction to sentencing, and from sentencing to release on probation or transfer to state prison. I am pleased that the County is using technical assistance provided by the MacArthur Foundation through the Safety + Justice Challenge to explore various means by which this might be accomplished.

I am hopeful that most types of felony cases (not including homicides, gang cases, child sexual abuse cases, and cases in which the defendant is undergoing restoration to competency) could be resolved at least 30-90 days earlier. For in-custody felony defendants, this would save \$3,000 to \$9,000 per defendant in Jail costs alone, not to mention further savings in other parts of the criminal justice system. Moreover, it would better protect the constitutional rights of victims, as well as defendants, to a speedy trial.

As explained in detail in my Supplemental Budget request, if my Office were able to add three Case Evaluation System (CES) prosecutors with support staff to my Charging Unit (which handles both felony charging and CES plea negotiations), we could significantly reduce caseloads in that Unit, allowing the prosecutors in the Unit the much needed time to negotiate with defense counsel with regard to pending plea offers before cases are referred to my felony trial teams. I continue to believe the cost incurred by adding these personnel would be more than offset by cost savings in other parts of the criminal justice system resulting from expedited plea negotiations.

In addition, I believe a very strong coordinated and concerted effort should be made by Superior Court judges and Public Defense Services, along with the prosecutors in my Office, to greatly reduce the number of continuances and lengths of continuances in felony cases. Too many cases, and too often in-custody cases, get unnecessarily continued or the continuances given are



needlessly long. I have witnessed felony cases continued from one trial date to another a full year later. There is no reason why a case needs a 12-month continuance. Not only does this violate the speedy trial rules of criminal procedure, it violates victims' rights to a speedy disposition as well. I was observing in court recently and when an attorney asked for a sentencing to be continued for "just a day or two" past the 30 days because the attorney would be on vacation, but the judge set the sentencing hearing on an in-custody defendant 60 days out. This cost the county an additional, and wholly unnecessary, \$3,000 in jail costs.

#### **4. ENHANCED SERVICES FOR PROBATIONERS AND PARTICIPANTS IN DIVERSION**

The Drug Treatment Alternative to Prison (DTAP) program serves as a unique model in providing the full spectrum of treatment and wraparound recovery support services needed by those suffering from substance use disorders who are addicted to heroin, methamphetamines, cocaine, and other narcotic and dangerous drugs. The full spectrum of wraparound services includes: residential drug treatment, intensive out-patient drug treatment, medication assisted treatment, trauma-informed treatment, transitional housing, transportation assistance (bus passes and bicycles), case management, counseling, peer support, resume writing assistance, budgeting assistance, job training and job placement, dental care, optometry, tattoo removal, life skills education, medical services, and the full spectrum of psychological and psychiatric services for those with co-occurring mental health conditions. We need to continue the DTAP program with this full panoply of services.

In addition, we need to ensure that all probationers participating in standard felony Drug Court have access to and are provided all the treatment and support services they need. Moreover, we need to ensure that all those on court-monitored diversion and probation in the misdemeanor problem-solving courts – including Mental Health Court, Veterans Court, and Domestic Violence Court – likewise have access to all the treatment and support services they need. Finally, we need to ensure that all participants in prosecutor-led Felony Drug Diversion and misdemeanor diversion programs have the same access to the full panoply of treatment and support services they need, as well.

Evidence-based research demonstrates that providing these much-needed wraparound services reduces recidivism, thereby leading to long-term cost savings in the criminal justice system, as well as the health care system.

## **5. CONSIDERATION OF BAIL REFORM STRATEGIES**

We should explore possible bail reform strategies to decrease the use of jail, increase the fairness of the justice system, and better protect the public safety of the community. Accomplishing this would take both legislative and court rule changes.

Money bail unjustly punishes some people who cannot afford to pay for their pre-trial release. Those who remain in custody pre-trial are overwhelmingly poor, homeless, and are over-represented from racial and ethnic minorities. Money bail often criminalizes poverty and often fails to adequately protect public safety.

Under the current bail system in Arizona, a large number of non-violent pretrial defendants charged only with misdemeanor offenses remain in custody, often for a long time, pending disposition of their cases because they are unable, due to poverty, to put up even a small amount of bail money.

In contrast, a number of serious offenders, dangerous and/or violent pretrial defendants, who pose a serious threat to public safety, who have financial resources are capable of posting high dollar bail amounts to secure their release from custody pending disposition of their cases. There have been numerous instances where these seriously dangerous, violent individuals have committed a subsequent offense while on release.

We should explore reforms whereby the judicial determination with regard to the terms and conditions of a defendant's release from pretrial custody following arrest is made on the basis of protecting public safety. However, any reform of the current system must be a thoughtful and carefully considered reform. It cannot be drawn up in a hasty, thoughtless manner that disregards victims' rights or endangers public safety. We cannot ignore the Constitutional rights of crime victims to be notified, to be informed, and to have the opportunity to be heard before an accused defendant can be released from jail.

Several states have recently enacted bail reform measures. For example, New Mexico and New Jersey adopted forms of bail reform and after the fact discovered significant unintended consequences. In New Mexico, violent and property crimes are on the rise, and New Jersey has discovered its bail reform is financially unsustainable and administratively challenging.

In both of these states, a suspect's risk of re-offending and of returning to court, are largely decided by computer generated algorithms. This experiment has shown that informed judicial decisions require human knowledge and experience, particularly including empathy for crime victims. Bipartisan efforts in both states are now endeavoring to repeal the damage their hasty and ill-formed decisions have caused.

## **6. DEVELOPMENT OF RE-ENTRY AND REINTEGRATION PROGRAMS**

In considering how to reform and improve the criminal justice system, we must develop and implement better programs to help people released from jail or prison transition back into their communities and avoid future contact with the criminal justice system. Re-entry programs are crucial to building safer neighborhoods.

Designing and implementing a Re-Entry Reintegration Court Program, which would make use of a wide range of intensive case management and re-entry community-based services, such as drug and mental health treatment, financial assistance for basic needs such as housing, clothing, food, transportation, and offer long-term support with educational, vocational, and legal services, as well as strict judicial supervision (similar to drug court and DTAP) would assist those re-entering the community from jail and prison to successfully navigate the return to life at home. This could be accomplished utilizing the local faith community and other volunteers to help support program participants. Re-entry courts in other jurisdictions have helped to dramatically reduce recidivism and re-conviction rates.

## **CONCLUSION**

I share the concern of the Board of Supervisors and County Administrator regarding the need for fiscal responsibility, budgetary savings, and improvement of the criminal justice system. Indeed, these types of concerns have always guided my efforts.

I am proud of my achievements over the past two decades as County Attorney in being fiscally responsible and performing my mandated Constitutional duties efficiently and effectively, despite recessionary budget cuts, and a continuing stagnant budget, while also implementing numerous criminal justice reforms that benefit criminal defendants, assist victims, prevent crime, *and* save taxpayer dollars.

As Pima County Attorney my primary mission is to keep this community safe by holding criminals accountable, helping victims of crime, preventing crime, and protecting the community. I pride myself on being an out-of-the-box criminal justice reformer and an elected official willing to take risks in creating new and innovative programs. However, I remain mindful that proposed reforms must not be driven solely by a cost-benefit analysis, but rather primarily by a concern for justice and public safety.

Through a number of wide-ranging innovative programs described below, my Office has cultivated strong community connections, and my outstanding staff and volunteers work closely with local communities to make Pima County a safer place to live and work.

As a by-product, these programs have also provided Pima County with significant savings over the years by diverting defendants from prosecution, by detecting and preventing crime, and by utilizing the volunteer services of hundreds of community volunteers.

In the Juvenile Justice area, I created the School Multi-Agency Response Teams (SMART), which assist 55 middle and high schools in preventing and detecting crime and providing special services to juveniles identified as being at risk of criminal activity or victimization.

The award-winning 22 Community Justice Boards, composed of more than 100 community volunteers, offer a restorative justice diversion alternative to prosecution for more than 400 juveniles annually who are arrested for misdemeanors and low-level, non-violent felony offenses.

The ACT Now Truancy enforcement program has been augmented by the implementation of several community-based Truancy Boards. Local schools identify chronic truants, and the Truancy Boards work with the students and their parents/guardians to address the underlying causes of the truancy. They get the students back in school and thus divert them from becoming involved in the criminal justice system as an offender, or as a victim, and increase their chances for future success.

Through these efforts, as well as additional innovations led by Juvenile Court, including the important Juvenile Detention Alternative Initiative (JDAI) in which my Office actively participated, we have successfully reduced the incidence of juvenile crime in Pima County and dramatically reduced the number of juveniles in local detention. Our Juvenile Detention Center used to house nearly 400 juveniles at any given time, but it now houses fewer than 40.

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Nearly all unintentional shooting deaths involving children occur as a result of unsecured firearms in the home. These become cases which are adjudicated by my Office in the juvenile system. In an effort to decrease accidental shooting injuries and deaths, and to prevent the need for these adjudications, I created two programs: Communities Addressing Responsible Gun Ownership (CARGO), an educational program teaching the importance of safe gun storage, and the Lock-Up-Your-Gun Campaign in conjunction with more than 160 physicians, hospitals, and health clinics to distribute free gunlocks to the community. To date, we have distributed more than 80,000 gunlocks. If only one death has been prevented, and one minor prevented from being criminally charged, this program has been successful.

The number one Bad Check Program in the nation resides in the Pima County Attorney's Office. In the twenty years since I implemented this diversion program, it has successfully diverted from prosecution writers of more than 133,000 bad checks, thus providing untold financial savings to Pima County. Additionally, the Bad Check Program has provided more than \$14 million in restitution to local victim merchants and individuals for losses they incurred from receiving bad checks. Prosecution of these tens of thousands of bad check writers would have been extremely costly to Pima County and a significant burden to the criminal justice system.

In addition to the Bad Check Program, my other Adult Diversion programs have removed many hundreds of cases each year from prosecution, thus saving criminal justice costs throughout the system. The types of misdemeanor cases diverted include underage possession of alcohol (over 18, but under 21), criminal damage, domestic violence, false reporting, falsification of license, shoplifting, threats, tobacco sales to minors, possession of drug paraphernalia, and possession of marijuana. Those charged by law enforcement with these misdemeanor crimes who enroll in my Adult Diversion Program participate in classes and meetings for which they pay a fee or do community service in lieu of payment. Upon successful completion, the charges against them are dropped. My new Felony Drug Diversion Program has also been very successful so far.

As described in detail in my April 25, 2018 memo on The Prosecution of Drug Cases in Pima County, my Office has been leading the way in criminal justice reform with regard to drug prosecution and diversion. As noted in that memorandum, I have done everything within my legal discretion as a prosecutor to ensure that those suffering from addiction who do not pose any public safety threat should have an opportunity to remain in the community and receive treatment through the Drug Court, Drug Treatment Alternative to Prison

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(DTAP), and misdemeanor and felony drug diversion programs. This is a highly unique prosecution effort not replicated in any other Arizona prosecutor's office. My efforts have included obtaining numerous federal and state grants worth millions of dollars brought into Pima County to cover the costs of treatment and wraparound recovery support services for criminal defendants suffering from substance use disorders and mental illness.

I am exceedingly proud to have implemented all these criminal justice improvements and more. And I am pleased to be invited to advise the Board of Supervisors with regard to additional, system-wide efforts that might be undertaken in Pima County to continue to improve our criminal justice system in a fiscally-responsible manner.

cc: C.H. Huckelberry, County Administrator  
The Honorable Kyle Bryson, Presiding Judge, Pima County Superior Court  
The Honorable Mark Napier, Pima County Sheriff  
Wendy Petersen, Assistant County Administrator for Justice and Law  
Enforcement  
Dean Brault, Director, Public Defense Services  
Amelia Craig Cramer, Chief Deputy County Attorney  
Thomas Weaver, Chief Criminal Deputy

## ATTACHMENT 3

Arizona Superior Court  
Pima County  
110 West Congress  
Tucson, Arizona 85701

HON. KYLE A. BRYSON  
PRESIDING JUDGE  
DIVISION 5

JENNIFER THORSON  
LAW CLERK

(520) 724-4215  
FAX 724-3596

MARIANN DAVIDSON  
JUDICIAL ADMINISTRATIVE ASSISTANT

## MEMORANDUM

TO: Wendy Petersen, Assistant County Administrator  
FROM: Hon. Kyle Bryson, Presiding Judge, Superior Court  
RE: Criminal Justice Systems Budgets  
DATE: June 12, 2018

KAB

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In a May 1, 2018 memo to County Administrator Chuck Huckelberry, District 3 Supervisor Sharon Bronson asked that all county departments and agencies involved in the criminal justice system identify key issues related to reform and provide three suggestions to effect changes. In the view of the Court, the main drivers of expenses to the criminal justice system relate to the very activities that bring cases to the courts. The Court cannot comment on either the County Attorney's filing or charging policies, or on Public Defense Services agencies' strategies. Doing so could create the appearance of a lack of impartiality, potentially upsetting the delicate balance the Court must always maintain. Certainly, the Court has a healthy respect for both the County Attorney's office and all agencies associated with Pima County Public Defense Services. Thus, the Court looks inward to address its own participation in the process to determine what it can do, if anything, to lessen overall expenses to the criminal justice system in Pima County.

When looking inward, the analysis begins with the judges who bear the responsibility of making detention-related decisions. Each judicial officer is an independent trier of fact, bound by the Constitution, and by statutes, guidelines and rules. As such, the Court continues to work to afford judges with as much information as possible at all stages of all criminal cases, from beginning to end, so judges may make evidence-based decisions. On a broader level, the Court continues to provide judges with ongoing education and training on topics related to pretrial detention, the sentencing of those convicted of crimes, and victims' rights, along with substantive law and procedural rule updates.

Pretrial Services, a long-standing, robust department of the Court, has been bolstered and supported by MacArthur grant funds, as well as by the County. In fact, some 17 positions have been added to PTS



since the County was awarded the grant. Unfortunately, due to a combination of factors, PTS management has struggled with employee retention during the grant period. As a result, this elevated turnover rate has required the division to place a larger focus on recruitment and training, instead of an expansion of screening services. Should turnover rates remain consistent, the division may be forced to offer limited screening at the new modular facility at the Pima County Adult Detention Center. If PTS's role in diverting individuals from incarceration during the pretrial period increases, it will be vital to improve employee retention and potentially increase the division's scope through the addition of additional staffing. Examples of an expansion of services may include increased behavioral health and substance screening, to identify individuals who may be suitable for specialized supervision, and developing additional release options, which may include evidence-based strategies utilizing supportive technology. As mentioned above, groundwork has been laid to move a portion of PTS operations to an outbuilding on PCAD grounds, which would greatly increase the opportunity for more PTS-involved release strategies pre- and post-booking. To ensure PTS maintains its high level of impact and remains capable of incorporating new programs and services, attracting and retaining a talented and skilled staff will be necessary.

Adult Probation plays an active role in reducing costs related to the criminal justice system, as well. Like PTS, APS has a long-standing tradition of innovation. For example, most recently, Chief Probation Officer David Sanders studied the department's SAFE program, and upon thorough review, recommended it be terminated. Those probationers participating in the SAFE program had jail bed days "banked" and if they violated probation, they automatically served incrementally increasing days in jail for subsequent violations, even technical violations. Now, if a probation officer determines a probationer has violated the terms of probation, the probationer is brought before a judge for disposition, but is not automatically held pending initial appearance. The probationer may be summoned, when appropriate, to appear before an Initial Appearance judge. That judge then has the option of releasing the probationer, pending disposition, when the circumstances warrant release. This saves jail bed days. Many years ago, APS ended automatic revocations of those suspected of violating probation; officers now exercise discretion and manage issues on a case-by-case basis, once again presumably saving jail bed days. They use a two-prong approach to address regressive behavior. They take a hand-on approach, and work to address not just the particular incident that led to the contact, but to work with the probationer to correct the underlying behavior long-term. It should be noted an APS faces the same employee retention dilemma PTS has been experiencing. This is an issue which must also be addressed for APS to be able to maintain its level of excellent service and preservation of public safety.

In sum, the Court does not control the volume of cases that it is asked to process. At most, the Court has the ability to manage the cases that are brought to it, and in doing so is dedicated to the timely, fair and efficient administration of justice under law. To meet this end, the Court will continue to embrace innovative, evidence-based practices to better serve the community as a whole. The Court will continue to provide education and training to its judges, Pretrial Services will continue to provide information to judges so decisions may be made based on the best evidence available at that time, and Adult Probation will continue to work with probationers on a personal level, avoiding automatic incarceration and, when possible, finding alternatives when and where possible and appropriate, while maintaining public safety.

## ATTACHMENT 4

June 8, 2018

Adult Probation Department Initiatives (MacArthur Grant):

Remove payment of all fines/fees from early term eligibility	Done
Initiate PTRs via summons v. arrest, when practical	Done
Eliminate automatic holds on probationers	Done
Abandon Project SAFE as lacking efficacy	Done
Require supervisor staffing prior to filing a PTR	Done

Strategies with Potential for the Future (priorities in bold):

**A more robust pretrial diversion program**

**Abandon or decrease use of money bonds**

**Reduce the length of stay on coterminous probationers**

Deflect the mentally ill when feasible (services rather than jail)

Eliminate plea agreements that preclude early termination from probation

Periodically reevaluate pretrial detainees for release

Prosecutorial Policies in Philadelphia:

Do not charge marijuana crimes, regardless of weight:	No comment
Charge lesser included offenses	No comment
Increase Re-Entry Programs	No Information
More lenient plea offers	Some potential
Costs of incarceration at sentencing	Will become rote
Short probation "tails" or no "tails"	Agree
Shorter probation sentences	Agree
Short sentence, if any, for technical violation(s)	Agree

## ATTACHMENT 5

## ATTACHMENT 5A



PUBLIC DEFENSE SERVICES

## MEMORANDUM

To: The Honorable Chairman and Members  
Pima County Board of Supervisors and  
C.H. Huckelberry, County Administrator

Date: May 24, 2018  
From: Dean Brault  
PDS Director

Re: **Top Three Suggestions for Justice Reform in Pima County**

The Arizona criminal code is full of “get tough on crime” provisions that give an immense amount of power to prosecuting agencies. The County Attorney uses the leverage created by Arizona’s statutes to negotiate pleas in most cases. Sometimes pleas are completely meaningless, sometimes they are phenomenally good deals, but usually they are somewhere in between. The County Attorney does not make plea offers in all cases. It is exceptionally rare for prosecutorial agencies in the United States to have policies to not to offer plea agreements in entire categories of crimes.

While it makes sense not to offer plea agreements in some serious cases, the County Attorney has several categories of non-dangerous cases where pleas are not offered. The County Attorney prominently discusses her policy of not offering pleas in these cases in election years, thus making it appear that politics is driving policy.

The County Attorney’s office justifies doing this in some cases by needing “full accountability” from defendants and for “empowerment” of victims, thus, “transforming them into survivors.” Refusing to offer plea agreements does not make defendants less accountable than those who plead guilty. A person is actually more accountable when admitting guilt. Furthermore, victims are not empowered by the County Attorney forcing cases to trial. The County Attorney alone always holds the power to offer a plea or not, and frequently ignores the wishes of victims, especially when they ask for leniency. Going to trial also has absolutely nothing to do with “transforming” a victim into a “survivor.”

One policy of the County Attorney is to never plead a residential burglary to anything less than a residential burglary. This leads to wildly disparate results. Clients with priors are usually offered plea agreements that meaningfully reduces the sentence. Clients who have never been in trouble before do not get pleas and will have nothing to lose by going to trial. The County Attorney may claim that they offer pleas in these cases, but these pleas are usually to the indictment with the State essentially only agreeing not allege any aggravating circumstances that would permit the court to impose a sentence greater than the presumptive term. The reality is that there often are no real aggravating circumstances, and even if there are, such clients are almost always going to be placed on probation and even if it is revoked, are rarely ever going to get a sentence worse than the presumptive term in prison. This results in many first offense residential burglary charges going to trial unnecessarily.

Aggravated Driving Under the Influence charges when the client has been convicted of 2 prior DUIs within the last 7 years is another such category. These charges may range from first felony offenses, which carry a 4 month term in prison before probation eligibility, all the way up to ones with two or more valid historical prior felony convictions which mandate between 6 and 15 years in prison. Aggravated DUI cases where the defendant's license is suspended carry the exact same punishment, but are routinely resolved with meaningful plea agreements. Most people charged with such DUI cases are willing to take any meaningful plea agreement. The County Attorney continually refuses to deviate from this policy. Plea agreements are also difficult if not impossible to negotiate in DUI cases where the defendant has two historical prior felony convictions and faces a presumptive term of 10 years in prison, even for a first felony DUI conviction.

Unnecessary trials raise costs. They take time and effort to prepare, which means attorneys and staff can handle fewer cases. Testing of evidence, conducting interviews, retaining witnesses that may need transportation and lodging, and funding investigators and transcriptionists all make trials cost more. Both the prosecution and defense incur these costs. Jury trials also increase the demand on the court system. Costs are also incurred by the public. The jury selection process takes all day for from 50 to 150 people per trial. Being selected as a trial juror can take from days to weeks, which not only impacts jurors time, but also entitles them to compensation for their time away from work on longer trials.

The closer a case gets to trial, the more of these expenses are incurred. These costs are compounded when a defendant is being held in jail awaiting trial. On average, it costs over \$95 per day to incarcerate a defendant in the Pima County Jail. Policies that preclude plea agreements in certain categories result in cases taking longer to resolve and often unnecessarily going to trial, both of which increase costs. Cases in these categories are frustrating and lots of time and energy go into attempting to resolve them without a trial.

One area where the County Attorney exercises discretion in aggressively prosecuting is retail theft. Many of these defendants are non-dangerous offenders with mental health and substance abuse problems. When they have any criminal history, they are often charged with felonies and face many years in prison if they are convicted. If a person shoplifts an item from a store, it is a misdemeanor. If that person then pawns that item, it is a class 2 felony. If that person shoplifts multiple times, the third or more shoplifting charge can be charged as a class 4 felony. If instead of stealing an item by walking out of the store, the person changes the price tag, the County Attorney will charge it as organized retail theft, a class 4 felony, computer tampering, a class 3 felony, and fraudulent scheme and artifice, a class 2 felony. Not every person who commits a retail theft will be aggressively prosecuted, but many are. The choice of how cases are charged, what pleas are offered, and which defendants will not be offered a plea and prosecuted to the fullest extent of the law vary widely.

The County Attorney's policies regarding drug cases is another cost driver. Most people charged with personal possession of drug charges get multiple opportunities at probation. While use of recreational drugs is illegal and thus can involve the criminal justice system, the deeper problem is rooted in behavioral health. I applaud the direction law enforcement is headed with drug use in their intent to deflect drug users to treatment in lieu of criminal prosecution.



I believe that such efforts, even if not immediately successful at getting all participants clean, will significantly help reduce drug use and therefore reduce related crimes over time. Many addicts are unsuccessful on their first attempt to get clean, but eventually, many succeed.

Another significant volume of cases and associated costs are drug sales cases. One of the most frustrating policies is the County Attorney's eagerness to prosecute to the fullest extent possible the lowest level "drug dealers." These "drug dealers" are desperate addicts who are often homeless. Undercover police officers canvass poor parts of town asking people to help them find either heroin or methamphetamine. These defendants take the officer to their dealer. Officers give them marked money, they go buy the drugs, and then return to deliver them. The defendant expects to get either a small amount of the drugs, or a few dollars. Despite the fact that these defendants are not the actual dealers, they are treated the same and are thus guilty of a class 2 felony for their role in any such drug deal. What is even more egregious is that officers often do not make an arrest then. They wait a while and go back to the same person to do the same thing again, and again. This has two purposes. First, is that this creates multiple offenses, making the defendant ineligible for probation under Arizona law. Second, is to increase the aggregate weight of the drugs, which often raised the total amount to be over a listed threshold, again making the defendant ineligible for probation. Not only has the County Attorney done nothing to stop the police from waiting to arrest people after multiple offenses, they encourage it by prosecuting every offense and using every sentencing enhancement allegation available to give them immense leverage over people living from dose to dose.

Another cost driver is the voter initiative in 2011 that removed methamphetamine from the statute requiring mandatory probation in drug possession cases and to impose a large amount of mandatory prison time in sales cases. This initiative was endorsed by prosecutors who misled voters by arguing that judges wanted and needed more options in methamphetamine cases. While that initiative did give judges more ability to give jail time to people convicted of meth possession, it also now made any such person with any prior conviction ineligible for probation. This initiative also gave more power to prosecutors by eliminating mandatory probation for first and second time methamphetamine convictions.

Methamphetamine sales cases involving up to a moderate quantity of meth were formerly eligible for probation. That voter initiative made the minimum amount of prison 5 flat years for any sale or transfer of meth, regardless of how small the amount.

This initiative has done nothing to deter people from selling meth. The County Attorney routinely uses this statute as leverage to send some people to prison that need drug treatment.

Another area where prosecutors have wide latitude is in using old prior felony convictions, which, at a minimum, make people ineligible for probation. Arizona statutes provides that most first time offenders are eligible for probation. Exceptions to probation availability exist for all dangerous nature offenses, most sexual offenses, Dangerous Crimes Against Children charges, theft offenses over \$100,000, and methamphetamine sales of any quantity. Felony DUI cases require a minimum of 4 months in prison before probation is available. Arizona Revised Statute §13-703(A) also denies probation for first time offenders if they commit two or more offenses that are consolidated for trial. This means that while probation would be available for their first offense, prison is required for any subsequent offense.



Furthermore, if three or more offenses are consolidated, the person will be treated as if they had a valid historical prior felony conviction, which essentially doubles the prison sentence of the first time offense range. This subsection also states that anyone who has ever been convicted of a felony offense, regardless how minor or how long ago, will be sentenced to prison for any second or subsequent offense.

This does not mean that everyone who commits an offense listed in the exceptions will get sentenced to prison. Many first offenders who face mandatory prison time are offered probation available pleas. Some, however, are not. What is offered, if anything at all, is entirely up to the discretion of the County Attorney or Attorney General.

Arizona has the 7th highest rate of incarceration of all 50 states and the District of Columbia. [https://en.wikipedia.org/wiki/List\\_of\\_U.S.\\_states\\_by\\_incarceration\\_and\\_correctional\\_supervision\\_rate](https://en.wikipedia.org/wiki/List_of_U.S._states_by_incarceration_and_correctional_supervision_rate). Arizona's rate of incarceration is not being caused by higher crime rates. Arizona cities fall well below the median national crime rate for cities. [https://en.wikipedia.org/wiki/List\\_of\\_United\\_States\\_cities\\_by\\_crime\\_rate](https://en.wikipedia.org/wiki/List_of_United_States_cities_by_crime_rate). This illustrates that Arizona's criminal justice system has problems. These problems can be corrected.

This discussion of factors that impact how criminal defendants are treated and how much it costs to prosecute and punish them illustrates my top issues for criminal justice reform at the local and statewide level. The issues that I believe can be locally addressed are:

1. The County Attorney should offer meaningful plea agreements in all non-violent/non-serious cases including categories that currently do not get plea offers such as first time residential burglaries, Aggravated DUI cases charged as a 3<sup>rd</sup> offenses in 84 months, and Aggravated DUI cases with 2 historical prior felony convictions.
2. The County Attorney should review each case before issuing to determine if seeking the most serious charge or filing every possible sentencing allegation is necessary to achieve a just result and not just automatically seeking the maximum potential sentence in every case.
3. Programs to deflect drug users into treatment and not into the criminal justice system should be adopted by all law enforcement agencies in Pima County.

The issues that could be addressed at the State level are:

1. Reduce the classification of possession of personal possession of dangerous or narcotic drugs to class 6 felonies and reduce marijuana possession to a class 1 misdemeanor. There is no reason defendants, regardless of how many prior convictions they have should ever be exposed to a 6-15 year term in prison for personal possession of drugs. A maximum range for drug possession of 2.25 to 5.75 years in prison is more than sufficient punishment.
2. Organize and support a voter initiative to make methamphetamine possession charges be subject to mandatory probation again and eliminate the mandatory enhanced sentencing ranges for sales cases.
3. Eliminate A.R.S. §13-703(A) which addresses multiple and non-historical prior convictions. This would make more defendants eligible for probation and give more discretion to the court. Judges would have an ample range of consequences under the remaining criminal statutes and are not required to grant probation just because it is available. They can also easily make sentences consecutive, if appropriate.

I have attached memos from Joel Feinman, the Pima County Public Defender, James Fullin, the Pima County Legal Defender, and Kevin Burke, the Pima County Legal Advocate that also provide suggested local and state-wide criminal justice reform ideas. I believe that all of these ideas are worthy of discussion.

I look forward to working with the Justice Coordinating Council to develop meaningful criminal justice reform that will continue to protect our community while more efficiently serving the interests of justice.

cc: Wendy Petersen, Assistant County Administrator for Justice and Law Enforcement  
Honorable Kyle Bryson, Presiding Superior Court Judge  
Barbara LaWall, Pima County Attorney  
Amelia Cramer, Chief Deputy County Attorney  
Thomas Weaver, Chief Criminal Deputy

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# VIEW DOCUMENT

## 13-703. Repetitive offenders; sentencing

A. If a person is convicted of multiple felony offenses that were not committed on the same occasion but that either are consolidated for trial purposes or are not historical prior felony convictions, the person shall be sentenced as a first time felony offender pursuant to section 13-702 for the first offense, as a category one repetitive offender for the second offense, and as a category two repetitive offender for the third and subsequent offenses.

B. Except as provided in section 13-704 or 13-705, a person shall be sentenced as a category two repetitive offender if the person is at least eighteen years of age or has been tried as an adult and stands convicted of a felony and has one historical prior felony conviction.

C. Except as provided in section 13-704 or 13-705, a person shall be sentenced as a category three repetitive offender if the person is at least eighteen years of age or has been tried as an adult and stands convicted of a felony and has two or more historical prior felony convictions.

D. The presumptive term set by this section may be aggravated or mitigated within the range under this section pursuant to section 13-701, subsections C, D and E.

E. If a person is sentenced as a category one repetitive offender pursuant to subsection A of this section and if at least two aggravating circumstances listed in section 13-701, subsection D apply or at least two mitigating circumstances listed in section 13-701, subsection E apply, the court may impose a mitigated or aggravated sentence pursuant to subsection H of this section.

F. If a person is sentenced as a category two repetitive offender pursuant to subsection A or B of this section and if at least two aggravating circumstances listed in section 13-701, subsection D apply or at least two mitigating circumstances listed in section 13-701, subsection E apply, the court may impose a mitigated or aggravated sentence pursuant to subsection I of this section.

G. If a person is sentenced as a category three repetitive offender pursuant to subsection C of this section and at least two aggravating circumstances listed in section 13-701, subsection D or at least two mitigating circumstances listed in section 13-701, subsection E apply, the court may impose a mitigated or aggravated sentence pursuant to subsection J of this section.

Class 2 3 years 4 years 5 years 10 years 12.5 years

Class 3 2 years 2.5 years 3.5 years 7 years 8.75 years

Class 4 1 year 1.5 years 2.5 years 3 years 3.75 years

Class 5 .5 years .75 years 1.5 years 2 years 2.5 years

Class 6 .25 years .5 years 1 year 1.5 years 2 years

I. A category two repetitive offender shall be sentenced within the following ranges:

Felony	Mitigated	Minimum	Presumptive Maximum	Aggravated
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Class 2	4.5 years	6 years	9.25 years	18.5 years	23 years
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Class 3	3.25 years	4.5 years	6.5 years	13 years	16.25 years
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Class 4	2.25 years	3 years	4.5 years	6 years	7.5 years
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Class 5	1 year	1.5 years	2.25 years	3 years	3.75 years
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Class 6	.75 years	1 year	1.75 years	2.25 years	2.75 years
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J. A category three repetitive offender shall be sentenced within the following ranges:

Felony	Mitigated	Minimum	Presumptive Maximum	Aggravated
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Class 2	10.5 years	14 years	15.75 years	28 years	35 years
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Class 3	7.5 years	10 years	11.25 years	20 years	25 years
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Class 4	6 years	8 years	10 years	12 years	15 years
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Class 5	3 years	4 years	5 years	6 years	7.5 years
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Class 6	2.25 years	3 years	3.75 years	4.5 years	5.75 years
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subsection D, paragraph 11 shall be found to be true by the court, or in mitigation of the crime are found to be true by the court, on any evidence or information introduced or submitted to the court or the trier of fact before sentencing or any evidence presented at trial, and factual findings and reasons in support of these findings are set forth on the record at the time of sentencing.

L. Convictions for two or more offenses committed on the same occasion shall be counted as only one conviction for the purposes of subsections B and C of this section.

M. A person who has been convicted in any court outside the jurisdiction of this state of an offense that was punishable by that jurisdiction as a felony is subject to this section. A person who has been convicted as an adult of an offense punishable as a felony under the provisions of any prior code in this state or the jurisdiction in which the offense was committed is subject to this section. A person who has been convicted of a felony weapons possession violation in any court outside the jurisdiction of this state that would not be punishable as a felony under the laws of this state is not subject to this section.

N. The penalties prescribed by this section shall be substituted for the penalties otherwise authorized by law if an allegation of prior conviction is charged in the indictment or information and admitted or found by the court. The release provisions prescribed by this section shall not be substituted for any penalties required by the substantive offense or a provision of law that specifies a later release or completion of the sentence imposed before release. The court shall allow the allegation of a prior conviction at any time before the date the case is actually tried unless the allegation is filed fewer than twenty days before the case is actually tried and the court finds on the record that the person was in fact prejudiced by the untimely filing and states the reasons for these findings. If the allegation of a prior conviction is filed, the state must make available to the person a copy of any material or information obtained concerning the prior conviction. The charge of previous conviction shall not be read to the jury. For the purposes of this subsection, "substantive offense" means the felony offense that the trier of fact found beyond a reasonable doubt the person committed. Substantive offense does not include allegations that, if proven, would enhance the sentence of imprisonment or fine to which the person otherwise would be subject.

O. A person who is sentenced pursuant to this section is not eligible for suspension of sentence, probation, pardon or release from confinement on any basis, except as specifically authorized by section 31-233, subsection A or B, until the sentence imposed by the court has been served, the person is eligible for release pursuant to section 41-1604.07 or the sentence is commuted.

P. The court shall inform all of the parties before sentencing occurs of its intent to impose an aggravated or mitigated sentence pursuant to subsection H, I or J of this section. If the court fails to inform the parties, a party waives its right to be informed unless the party timely objects at the time of sentencing.

## ATTACHMENT 5B




## MEMORANDUM

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### OFFICE OF THE PIMA COUNTY PUBLIC DEFENDER

Date: May 17, 2018

To: Dean Brault, Public Defense Services Director

From:  Joel Feinman, Pima County Public Defender

Subject: Proposed criminal justice reform measures

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Dear Mr. Brault:

On May 9, you requested I provide you with three criminal justice reform ideas that can be implemented by Pima County, and three that can be implemented at the state level. Below are those ideas, and a brief justification for each. Please let me know if you have any additional questions or concerns.

I. County-driven criminal justice reform proposals.

- a. Holding preliminary hearings on as many victim-involved cases as possible. This will save money and shorten the time to disposition by requiring prosecutors and defense attorneys to prepare their cases before indictment, and observe in real-time the strengths and weaknesses of their evidence as it is tested under direct and cross-examination.
- b. Making initial appearances the sole responsibility of appointed judges who understand and are held accountable to the county's jail population reduction goals. While it is important to preserve judicial discretion, Pima County can reduce its jail population and save money by ensuring that appointed judges, who serve at the pleasure of the Tucson City Council or the Pima County Board of Supervisors, only set appropriate bond amounts on appropriate cases.
- c. Encouraging the Pima County Attorney to spend RICO dollars on diversion programs and DTAP. The County Attorney's diversion programs help enrollees get sober, and are far more cost-effective than prison. If enrollment in these programs is limited by state funding, the Pima County Attorney can help preserve and expand these programs by investing RICO money in them.

## II. State-driven criminal justice reform proposals.

- a. Mandating regular reporting requirements for all state prosecution agencies. Currently, criminal justice reform proposals suffer from an absence of reliable data on who is being incarcerated for what crimes, for how long, and for what charges based on what facts. A statewide, mandatory, public reporting regime - much like the one recently passed into law in Florida<sup>1</sup> - would allow for better and more cost-effective decision making on criminal justice reform.
- b. Giving judges more say in plea bargaining. Currently, Arizona law does not allow for judges to mandate what plea agreements are offered in what cases. Giving the judiciary more power to compel non-trial dispositions would minimize costly and unnecessary trials, and potentially lessen the number of people sent to prison instead of being placed on probation.
- c. Rewriting tracking & sales law to mandate that defendants can only be charged with those offenses if the amount trafficked or sold is more than two grams. Under the current drug laws, hundreds if not thousands of people are sent to prison for “trafficking” and “selling” *de minimis* amounts of drugs – often less than one gram. By only allowing defendants accused of trafficking or selling more than two grams of illegal drugs to be charged with a more serious offense than personal possession, far fewer people will serve costly prison sentences for very small-scale drug crimes.

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<sup>1</sup> <https://www.bna.com/new-florida-law-n57982090782/>



## ATTACHMENT 5C



PUBLIC DEFENSE SERVICES

# MEMORANDUM

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Date: May 24, 2018

To: Dean Brault, Director  
Public Defense Services

From: James Fullin  
Legal Defender

Subject: Proposed Criminal Justice Reform Measures

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## Introduction

The biggest driver of criminal justice system costs is the cost of incarceration. Other significant cost drivers are the operational budgets for law enforcement, courts, prosecution and defense.

In Arizona, counties cover the costs of jail, which is used for pre-trial detention and jail sentences. The state pays for prison sentences (felony sentences). While this division may provide perverse incentives for a county or state (in an effort to shift rather than reduce costs), this memo will examine limiting all incarceration.

Should we reduce incarceration rates, or would such a move threaten public safety? Do current incarceration rates work to achieve a safer community? The newest and most comprehensive studies are showing that maximizing the number of felony prosecutions, felony convictions, and long prison sentences is not a smart or cost-effective approach to reducing crime and making communities safer:

The Brennan Center's recent report, *What Caused the Crime Decline?*, examines 14 theories for the nation's dramatic crime decline since 1990. After a rigorous empirical analysis, it finds, among other things, that **increased incarceration played a limited role in the crime drop**. Specifically, incarceration accounted for approximately 5 percent (potentially ranging from 0 to 10 percent) of the crime drop in the 1990s, and **accounted for essentially zero percent of the crime decline since 2000**.

(*Emphasis added*). Nicole Fortier, Lauren-Brooke Eisen, *New Findings on Crime and Incarceration: How These Findings Relate to Legislation in Your State* (February 27, 2015); Roeder, Oliver K., Lauren-Brooke Eisen, Julia Bowling, Joseph E. Stiglitz, and Inimai M. Chettiar, *What Caused the Crime Decline?*, Available at SSRN 2566965 (2015); See also, Travis, Jeremy, Bruce Western, and Steve Redburn, eds., *The Growth of Incarceration in the United States: Exploring Causes and Consequences*, National Academies Press, 2014; Chettiar, Inimai M., Lauren-Brooke Eisen, Nicole Fortier, and Timothy Ross, *Reforming Funding to Reduce Mass Incarceration*, Available at SSRN 2370524 (2013).]

There is a growing evidence that convicting more people of felonies and sending more people to prison for longer sentences is actually counter-productive:

- Overuse of incarceration leads to ineffectiveness. Incarceration has diminishing returns as a crime-control policy. When prison is used judiciously, incarceration is reserved for the highest-risk offenders, therefore increased incarceration helps reduce crime. At today's historically high levels of incarceration, correctional facilities are filled with low-level and non-violent prisoners. Further increases in incarceration have steadily decreased crime control benefits, as the individuals imprisoned pose less of a public safety risk. We are now well past the point of diminishing returns of incarceration on crime control.
- Incarceration can cause individuals to commit more crimes upon release. When people who commit less serious crimes enter prison, they are often living in unsafe or unsanitary prison conditions and surrounded by other prisoners who have committed more serious and violent offenses. These factors make re-entry into the community difficult and increase the likelihood that an individual will commit crimes upon release. The trouble many former prisoners have finding employment, and the legal and social stigmas they face, can lead to recidivism and fuel a cycle of incarceration.
- Incarceration does not serve as an effective deterrent to crime. Empirical studies indicate that longer sentences have minimal or no benefit on whether offenders or potential offenders commit crimes.

*(Emphasis added)*. Nicole Fortier, Lauren-Brooke Eisen, New Findings on Crime and Incarceration: How These Findings Relate to Legislation in Your State (February 27, 2015).

Between 2008 and 2013, New York, New Jersey, and California all reduced their prison populations, reduced the number of persons subjected to felony prosecution, felony conviction, and prison, while at the same time reducing their crime rates:

Key findings:

- New York and New Jersey led the nation by reducing their prison populations by 26% between 1999 and 2012, while the nationwide state prison population increased by 10%.
- California downsized its prison population by 23% between 2006 and 2012. During this period, the nationwide state prison population decreased by just 1%.
- **During their periods of decarceration, violent crime rates fell at a greater rate in these three states than they did nationwide.** Between 1999-2012, New York and New Jersey's violent crime rate fell by 31% and 30%, respectively, while the national rate decreased by 26%. Between 2006-2012, California's violent crime rate drop of 21% exceeded the national decline of 19%.

*(Emphasis added)*. Mauer, Marc, Nazgol Ghandnoosh, and Sentencing Project, *Fewer Prisoners, Less Crime: A Tale of Three States* (2014).

## **Suggested statewide changes to incarcerate only those offenders who present a public safety risk**

An alarmingly high number of prison sentences are for non-violent offenses and failure to complete probation. Proposed legislative solutions or prosecutorial policy solutions to this problem include:

1. Mandate probation availability for first offense non-violent crimes in the same way that Propositions 200 and 302 mandate probation (rather than incarceration) for personal possession of drugs.
2. Removal of legal barriers to exercise of judicial discretion to suspend prison sentences in favor of probation; i.e. no such thing as “mandatory prison” except for certain delineated offenses?
3. Change mandatory minimum sentencing laws to make the sentencing schematic advisory rather than mandatory, meaning incarceration on approved violent/serious/repetitive offenses at discretion of trial judge. Just as in the federal system, judges could be mandated to make findings and conclusions to explain when a “deviation” from the sentencing range is appropriate.

These proposals would shift power from the executive branch back to the judicial branch—to judges rather than prosecutors.

## **Suggestions for Pima County**

### **1. Adoption of a county-wide evidence-based protocol**

Maricopa County has implemented an evidence-based protocol called Managing for Results (MFR) that focusses decision making on measurable results for community safety. See, URL <https://www.maricopa.gov/576/Managing-for-Results>. It is described as “...a comprehensive and integrated management system that focuses on achieving results for the customer and makes it possible for departments to demonstrate accountability to the taxpayers of Maricopa County.” The Maricopa County Strategic Plan for 2015-2018 specially includes the following result-oriented goals for the criminal justice system:

Strategic Priority: SAFE COMMUNITIES - Maricopa County will support safe communities and neighborhoods by providing access to a timely, integrated, and cost-effective smart justice system.

Strategic Goal: By end of FY 2018, public safety is enhanced by reducing the number of adult probationers convicted of a new felony offense to 8% or lower.

Strategic Goal: By end of FY 2018, the overall rate of juvenile recidivism is 20% or less.

Strategic Goal: By end of FY 2017, 90% of Cradles to Crayons youth with petitions filed have permanency established within 365 days of the petition filing.  
Strategic Goal: By the end of FY 2016, for moderate to high risk Seriously Mentally Ill (SMI) offenders, decrease the recidivism rate by at least 5 percentage points by providing them with continuity of appropriate treatment and services during and after incarceration. Continue to reduce the recidivism rates for moderate-to-high risk SMI offenders through 2020 in amounts based upon results achieved in 2016.

County Indicators:

Violent Crime Rate • Property Crime Rate • Average length of pre-trial stay in County jail • Number of persons with mental health issues (Rule 11 finding)

Maricopa County Strategic Plan FY 2015-2018, at URL

<https://www.maricopa.gov/DocumentCenter/View/2365/County-Strategic-Plan-Summary-PDF>.

Contrasted with the Managing For Results approach in adopted Maricopa County, the Pima County Attorney has usually justified its long-standing practices by references to rampant crime: “Pima County continues to maintain one of the higher crime rates per 100,000 population in the nation, with a crime index of 5,292 exceeding both Maricopa County (3,736) and the state of Arizona (3,653).” Memorandum From Barbara LaWall, to C.H. Huckelberry, dated January 20, 2015, at p.3, paragraph 1. This year, the County Attorney posited that her office “targets violent and dangerous criminals for aggressive prosecution to protect public safety.”

Rather than accepting the crime rate or anti-crime emotional appeal justifications at face value, Pima County criminal justice stakeholders should try to agree to implement evidence-based best practices to reduce incarceration. Fortunately, Pima County experienced the same national trend in reduced felony arrests:

Total arrests in Pima County **declined** each year from 2009 to 2012, running counter to the trend in felony filings and cases presented for prosecution. There were 57,098 arrests of adults in Pima County in 2009, compared with 39,681 adult arrests in 2012, according to the Arizona Department of Public Safety’s Crime in Arizona reports. *Id.*, at p.5.

Despite the decline in felony arrests, the Pima County Attorney exercised its discretion to prosecute more arrestees on felony charges:

Felony cases filed in Superior Court have increased significantly over the last four years, from 4,860 in 2009-10 to 5,702 in 2012-13, according to court records. See, Memorandum From Barbara LaWall, to C.H. Huckelberry, dated January 20, 2015, at p.5.

In the face of a nationwide drop in felony arrests, many communities have filed fewer felony cases, secured fewer felony convictions, and sent fewer people to prison. Those cost-effective

measures, in turn, have correlated to a reduction in crime rates and increase in community safety. Mauer, Marc, Nazgol Ghandnoosh, and Sentencing Project, *Fewer Prisoners, Less Crime: A Tale of Three States* (2014).

So, a likely explanation for why “Pima County continues to maintain one of the higher crime rates per 100,000 population in the nation” is that the practice of pursuing the highest possible number of felony prosecutions and convictions, along with long prison sentences, has fueled a continuous cycle of recidivism and incarceration.

**MFR could change the culture of the Pima County Attorney’s Office through engagement and adoption of shared, county-wide goals and evidence-based practices, principles, and methods.**

Prosecutors generally believe that their job is to enforce the laws enacted by the legislature—that is, they try to charge and convict people whenever law enforcement agencies bring cases they feel are strong enough to pursue/obtain conviction regardless of broader goals and objectives of a local criminal justice system that is managed for results (MFR). By explicitly adopting a county-wide policy of Managing for Results (MFR), the culture and incentives of the County Attorney could be changed to result in greater efficiency and better results for community safety.

For example, performance measures within the County Attorney’s Office and within local law enforcement agencies should not be based upon number of arrests, number of indictments, number of trials, number of convictions, number of people sentenced to prison terms, the length of those prison sentences, or the amount of restitution ordered against and/or secured from persons convicted. This data is important to collect. However, as noted above, if these are the performance measures that drive the Pima County’s justice system, the end result will be divorced from more desirable results, such as reduction in crime rates, increased community safety, reduction in recidivism, and cost savings.

**MFR could be a framework to agree to further measures to reduce crime, recidivism, and incarceration.**

By investing in youth/children and by expansively providing preventative services such as access to employment and housing assistance programs, health care and behavioral health services (including increased in-patient services for people suffering addiction and/or people in mental health crisis), the criminal justice system is likely to encounter fewer people in crisis. Programs designed and chosen for results should be implemented for the purpose of achieving the desired, measurable result. Actual results would be measured over time. Progress toward results can in turn inform resource allocation decisions. Goals and progress could then be meaningfully communicated to stake holders, employees and the public, who could then assess our progress.

Engaging the PCAO in evidence-based dialogue and work toward restructuring the Pima County criminal justice system to better achieve measurable goals over time in reducing crime rate, increasing public safety, and reducing recidivism.

## **2. Discourage Wide Implementation of No Plea Policies**

Too often, PCAO seeks to get as much incarceration time as possible (also known as “targeting violent and dangerous criminals”). To be sure, this is within the ambit of prosecutorial discretion. And the County Attorney is correct that the way to get as much incarceration time as possible under current law is to not offer plea bargains, thereby forcing the defense to trial or to a “plead (guilty) to the Indictment” where no benefit is conferred as an inducement to plead guilty. That way, the judge is sentencing the defendant under the statutorily highest range possible. However, the prevalence of “no plea” cases in Pima County is a cost driver that may not be producing the desired results.

Taking cases to trial unnecessarily is a cynical tactic because it does not put trust in the judiciary to impose a just sentence under a plea. Pima County Superior Court judges are highly vetted, as we have a merit selection process before appointment by the Governor. But under the current laws, Arizona prosecutors have more power than judges. After all, the prosecutor has influence over what charges to bring or pursue, whether any plea will be offered, and if so, what sentencing range the plea will contemplate. The judge only decides the sentence within the range allowed by the prosecutor.

The prevalence of “No Plea” cases is a longstanding tradition in Pima County. It is also a rarity across the nation. Almost every other jurisdiction in the country offers “plea bargains” in almost every case. Most telling, despite these decades-long practices, there has been no noticeable improvement in the crime rate or living conditions in Pima County.

## **Eliminate Death Penalty Prosecutions**

The death penalty is well known to be a boondoggle.

## **4. Make PCAO functional**

Currently, prosecutors either issue cases or try cases. Regardless of assignment, caseloads are quite high, and many deputy county attorneys and staff appear overwhelmed. Fewer case filings could reduce this strain, as could additional resources. High caseloads affect the ability of the prosecutor to make plea offers, set up pretrial interviews and engage in meaningful negotiation. Currently, completion of Rule 15 pretrial interviews and responses to other discovery demands are not handled efficiently.

For years, office turmoil and mismanagement has led to high rates of turnover.

## **Conclusion**

Going forward, Pima County should follow other parts of the nation that have successfully reduced system costs without risk to community safety. Ideas for reforms in criminal justice should be chosen, implemented, and evaluated over time using principles and methods of evidence-based practices.

## ATTACHMENT 5D





PUBLIC DEFENSE SERVICES

## MEMORANDUM

To: Dean Brault  
Director, Public Defense Services

Date: May 24, 2018

From: Kevin Burke *KB*  
Legal Advocate

Re: **Justice Reform Memorandum**

### INTRODUCTION:

This memorandum is in response to Sharon Bronson's May 1, 2018 request for Pima County Criminal Justice System departments to identify key issues related to justice reform on both the local and State level. The following suggested reforms would both save money for the county and produce more just results.

### LOCAL REFORMS:

#### 1. Reasonable Charging Decisions

Often times the prosecution charges a defendant with the most serious crime it can, even in situations where the class of the felony and the name of the crime suggest something much more serious than the actions of the defendant. Writing a couple of bad checks becomes a lofty class two felony fraudulent scheme; middling a \$40 drug deal for an undercover in the hopes to get a small piece to feed a drug addiction becomes a lofty class two felony drug sales; putting a cellphone in a purse or under a jacket magically transforms a simple shoplifting into a much more serious class four felony organized retail theft. The list goes on.

The irony is that many people will support the passage of these types of broad statutes because they believe that the prosecuting agencies will use their prosecutorial discretion to charge the crime that most fits the defendant's actions rather than the most serious crime that could possibly be charged. Overcharging can make for unjust results as well as waste money. More time and resources are required to resolve serious charges. More reasonable charging decisions will result in quicker resolution of cases and less money spent on unjust incarceration disproportionate to the defendant's actions.

## **2. Pleas to Determinate Sentences in Straightforward Cases**

In Pima County, pleas almost always include a range of options for the judge. For instance, a plea can be to a class 3 felony first time range with probation as an option. This means that the judge can sentence the defendant to as little as 2 years, as much as 8 years, or the judge can suspend the sentence and place the defendant on probation. This makes sense in cases where the issues, aggravation, and mitigation are involved and the judge needs to weigh a lot of information to make a just decision.

But many first-time non-violent cases could be resolved more quickly with less expenditure by including in the plea itself a determinate sentence. It may take time and continuances to convince a client to take a plea in which the likely outcome is probation but the defendant's attorney and judge also tell the client that it is possible that the client will receive 8 years in prison. In addition, court and probation time is spent on sentencing hearings and pre-sentence reports, which may not be needed if there is a determinate sentence in the plea.

## **3. Refrain from Filing Capital Cases**

Capital cases are very expensive for both the prosecution and defense and therefore deplete county funds that can be better spent on more positive programs. Now that the mandated sentence in Arizona for premeditated first degree murder is natural life (life in prison without parole), there is little justification that capital punishment is needed.

## **STATE REFORMS:**

### **1. Actual Court Discretion**

While some judges may complain that my second suggestion of negotiating pleas with determinate sentences in straightforward cases takes away the court's discretion, the real issue that robs the courts of discretion is mandatory sentencing. Aggressive charging (see Local Reform 1 above) combined with mandatory prison time and extended prison ranges for priors can result in a defendant looking at prison time greatly disproportional to the crime (e.g. 10.5-35 years for a drug addict middling a drug deal for the third time). Mandatory consecutive sentences for separate counts can also result in sentences that give the court no real discretion at all. Viewing 10 images of child pornography is subject to 10-24 years per count, mandatory consecutive, so a total of 100-240 years in prison. While the judge has a range of 140 years to choose from, in the end any possible sentence is a life sentence.

Whether to offer a fair plea is completely in the hands of the prosecutor. Therefore, some defendants are forced to go to trial, which both takes up court time and can result in sentences disproportionate to the defendant's actions. Also, because judges have no real discretion in some cases, they are stuck with the sentencing range mandated by the charges, even if the particular facts show that it is disproportionate. This can result in innocent defendants having to choose between risking life in prison and accepting a probation available plea that the prosecution offered because they know their case is weak.

Several other states allow the Court the power to deviate from the sentencing guidelines if the court states on the record the reasons the departure is just. The courts can use this power in Settlement Conferences to help encourage non-trial dispositions in appropriate cases, thereby resolving cases that otherwise may go to trial. Without court discretion, the courts are essentially powerless during Settlement Conferences. Allowing judges real discretion will help resolve cases more quickly and result in more just sentencing by letting a neutral party decide on the appropriate sentence rather than leaving it in the control of the prosecutor.

## **2. Approval for 38d Law Student Interns to Appear in Court on Simpler Tasks such as Initial Appearances and Arraignments without a Supervising Attorney Present**

Some court hearings are important but relatively straightforward. Presently, 38d law student interns can only appear in court if there is a supervising attorney present in the court with them. Perhaps there could be a change that allows law student interns to appear on certain matters without the supervising attorney present in the room if the student has completed an Arizona Bar approved training. This would free up licensed attorneys to spend more time on the more complex aspects of their practice.

## **3. Reforming the drug laws**

Our criminal justice system is bogged down in drug offenses. After defendants have been convicted of two drug offences they no longer are probation eligible. A person with a serious drug addiction can often relapse on their first and second attempt to stop using drugs. And prison rarely works as treatment or deterrence for serious drug abusers. The statutes also treat addicts who sell small quantities to fund their habit or even addicts who middle a deal for an undercover officer the same as people who sell strictly for profit. They are also not eligible for treatment under the current statutes. As stated before, these defendants could be looking at 10.5 to 35 years in prison, which is much more expensive than another chance at treatment. While Proposition 200 was a step in the right direction, there needs to be a much greater move towards treatment and away from the present punitive approach.

cc: Barbara LaWall, Pima County Attorney  
Amelia Cramer, Chief Deputy County Attorney  
Thomas Weaver, Chief Criminal Deputy  
Honorable Kyle Bryson, Presiding Superior Court Judge  
Wendy Peterson, Assistant County Administrator for Justice and Law Enforcement

## ATTACHMENT 6



## MEMORANDUM

To: Wendy Petersen, Deputy County Administrator

From: Lisa Royal, Justice Court Administrator

Date: June 11, 2018

Re: Response to Supervisor Bronson's Request for Comment

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On May 23, 2018, you forwarded Supervisor Bronson's request asking all Pima County criminal justice departments to identify three suggestions to reform the criminal justice system as well to comment on the reform initiatives enacted by the Philadelphia District Attorney.

As you are aware, the justice court has actively worked to reduce warrants by conducting Saturday court on a quarterly basis and extended evening court on a monthly basis. We provide extensive outbound call and text reminders to defendants of future court hearing dates and have worked with the County Attorney's office to dismiss hundreds of warrants that have been in the system for five years or more. Also, we accelerated pretrial hearings for defendants held on bond following their twice-daily initial appearance court (2XIA) hearing. These initiatives have had a positive impact on reducing jail days and reducing costs.

It is difficult for the court to enact additional reform initiatives since we are not the drivers of the system. However, revamping the 2XIA process may produce other positive results. Currently, City Court magistrates perform initial appearance hearings twice daily at the Minimum Security Facility for all defendants booked into the Pima County jail. Magistrates preside over 2XIA hearings under an MOU entered into approximately 15 years ago between Superior, Justice, and City Court. The cost-effectiveness of the 2XIA process has not been reviewed since its inception. Pima County Consolidated Justice Court is financially obligated for approximately \$80,000 per year to cover the cost of the City Court magistrates.

A review of the justice court defendants seen at 2XIA revealed that each week approximately 50-60 defendants are held on bond. These defendants are scheduled for a pretrial conference before a justice of the peace (JP) the following day. At the pretrial hearing about 95% of the defendants are released, and of these defendants approximately 40% enter into a plea agreement.

If the JPs conducted their own 2XIA hearings, with the presence of a prosecutor or by way of "standing plea" agreements, the majority of defendants would either be released from jail immediately with a new court date or their case would be disposed by plea. In 2010, the Pima County Attorney's Office authorized the JP's to offer certain "standing plea" agreements at 2XIA court. Cases that qualified for standing pleas most commonly had charges of Criminal Traffic other than DUI, Title 4 violations, False Reporting, Marijuana Possession, and Possession of Drug Paraphernalia cases. This provision went away when the justice court contracted with the city to hear the 2XIA caseload.

This concept will require further exploration and analysis, as well as coordination with our criminal justice partners, but would further reduce jail days, eliminate the daily pretrial conference calendar and improve time to disposition.

As the third branch of government we have a duty to be neutral and impartial. Consequently, we will abstain from commenting on the reform initiatives enacted by the Philadelphia District Attorney.

PC: Hon. Adam Watters, Presiding Judge

## ATTACHMENT 7





**Barbara LaWall**  
Pima County Attorney

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## MEMORANDUM

**To:** Wendy Petersen, Assistant County Administrator for Justice and Law Enforcement

**From:** Barbara LaWall, Pima County Attorney

**Date:** May 21, 2018

**Re:** The DTAP Program

I write to respond to your May 15, 2018 request for information attaching the May 3, 2018 memorandum to you from the County Administrator and the May 1, 2018 memorandum to him from Supervisor Bronson.

I must begin by noting that the May 1, 2018 memorandum from District 3 Supervisor Bronson to the County Administrator contains inaccurate information regarding the Drug Treatment Alternative to Prison (DTAP) Program:

First, the DTAP Program is not "focused on first-time offenders." On the contrary, as explained at length in my April 25, 2018 memorandum on The Prosecution of Drug Cases in Pima County, DTAP is for those who have been convicted multiple times of drug possession offenses who would, per state law, in the absence of the Program, be mandatorily sentenced to prison upon conviction at trial.

Second, the total number of participants in DTAP since it first accepted enrollment is 295 participants (not 139 as Supervisor Bronson misstated). The program has grown 250% in size since inception in 2010, in terms of the number of new participants accepted each year. It also has been expanded multiple times in terms of the types of crimes serving as the predicate for eligibility. We now accept not only those charged with repeat felony drug possession, but also some small drug sales, and some property offenses as well, which represents a population not reflected in drug case statistics.

Third, enrollment commenced in January 2011 (not 2010 as suggested by Supervisor Bronson) after I obtained two, large federal grants at the end of calendar year 2010 that enabled establishment of DTAP.



Fourth, the cost savings realized by the DTAP Program that inure to the benefit of Pima County taxpayers in several ways are far from “negligible.” Indeed, they have been quantified in the multiple millions of dollars. These savings include the following:

- (1) reduced jail, prosecution, defense, and court costs saved by expediting the disposition of cases;
- (2) reduced costs to local taxpayers that are paid into the state system that runs the Department of Corrections;
- (3) reduced costs to local taxpayers for criminal justice system costs that would result from the higher recidivism rate of those defendants sent to prison. (All DTAP participants have a serious substance addiction, and data reveal that an average of about 95% would relapse on drugs after release if sent to prison, and they are likely to return from prison to Pima County);
- (4) reduced costs that otherwise would be incurred through emergency room visits for overdoses; and
- (5) numerous other social costs to the local community, including but not limited to the secondary effects on participants’ families/children, income lost to the family due to that family member being incarcerated not to mention the psychological impact on the children of having an incarcerated parent.

Participants in the DTAP program also generate revenue because they are employed and are contributing taxes to the city, county, and state (likely a small amount; however these are also individuals who will be less likely to rely on the community resources upon return from prison). Quantification of just the first two of these five types of cost savings has been calculated by independent researchers whose reports are publicly available on my office website. The most recent cost-benefit study shows that the average savings for just these two types of cost savings is more than \$17,000 per participant. Expediting disposition, including combining the plea and sentencing hearings, which saves approximately 30 Pima County Jail bed days for most DTAP participants, represents a significant portion of this savings. Last year, DTAP took in 63 new participants, representing a savings of more than \$1 million for them alone - on just those first two types of cost savings.

We recently undertook a calculation of the number of local misdemeanor and felony arrests and associated Pima County Jail stays that the first 60 successful DTAP Program graduates experienced prior to being arrested on the charges that led to them entering the DTAP Program. We found that the number of Pima County Jail bed days for this population totaled 3,734 for felony arrests and 3,431 for misdemeanor arrests, for a grand total of 7,165 Jail bed days. This is

because, prior to entering the DTAP Program, every single one of these individuals had been serial recidivists. We are informed by the Sheriff's Department that the cost of incarceration in the Jail is approximately \$100 per day. At that rate, the total cost for local incarceration for these individuals was \$716,500 prior to their arrest that led to entry into the DTAP Program. Since these individuals successfully graduated from the three-year DTAP Program and ceased recidivating, they have had zero arrests and zero bed days in the Pima County Jail. This demonstrates a significant savings in Jail bed days alone realized as a result of stopping these individuals who had been serial recidivists from continuing to engage in criminal activity. This does not include any of the other associated local cost savings, including law enforcement call-outs, law enforcement transports to Jail, law enforcement transports to court, costs for detectives, judges, judicial assistants, court reporters, prosecutors and their support staff, defense attorneys and their support staff, and the other direct costs associated with each arrest. (Nor does it include any of the other, indirect savings in emergency room visits, child welfare costs, etc., much less the cost savings to state taxpayers for prison bed days.)

I also note that the DTAP program has brought Pima County positive national attention. We have been listed in a publication by the federal Substance Abuse and Mental Health Services Administration as a model for best practices (<https://store.samhsa.gov/product/Guidelines-for-Successful-Transition-of-People-with-Mental-or-Substance-Use-Disorders-from-Jail-and-Prison-Implementation-Guide/SMA16-4998>).

Other communities around the country are looking to our program as a model for care and reform. Moreover, the U.S. District Court for the District of Arizona recently visited our Pima County DTAP Program and indicated it intends to establish a similar program. Indeed, the MacArthur Foundation noted the DTAP program as one of the reasons it had confidence in the ability of Pima County to succeed with a Safety + Justice Challenge grant.

On behalf of the County Administrator, you ask for the number of individuals with specific drug charges who participated in DTAP as compared to those with similar drug charges who did not participate. Over the six and a half years that the DTAP Program has been in operation, only six defendants have ever rejected the offer to participate in the DTAP Program. All others (98%) have agreed to participate and have accepted the DTAP plea agreement offered to them.

During the first three years of operation of the DTAP Program, there was a cap on the number of participants that could be accepted into the Program due to

grant funding limitations. The first year, federal grant funding allowed for only 20 participants. The second and third years, federal grant funding allowed for only 30 participants. Eligible defendants were offered the DTAP Program on a first-come, first-served basis during those first three years. There has been no such cap in subsequent years.

With the second round of federal grants, combined with the adoption of the federal Affordable Care Act effective in January 2014, and Medicaid expansion in Arizona (which expanded AHCCCS eligibility), as well as two appropriations from the State Legislature since 2014, all eligible defendants have been offered the DTAP Program and have been able to participate. Should current funding be sustained, we will continue to be able to accept all eligible defendants into the DTAP Program.

You also inquire on behalf of the County Administrator whether the suggestion in the County Administrator's memo that the DTAP Program diverts five percent of felony drug cases from prison is accurate. I do not know where this percentage comes from nor how it was calculated.

The DTAP Program is available to divert from prison all defendants who meet the eligibility criteria, as is explained in my April 25, 2018 memorandum.

Those who are not diverted from prison via the DTAP Program are only those who are not eligible for the Program. This includes defendants charged with lesser offenses, including felony drug possession for the first time who receive Felony Drug Diversion through which they have the charges against them dismissed. It also includes defendants charged with felony drug possession for the second and third times who are eligible for and receive Probation upon conviction. They would not have been sentenced to prison, so they are not eligible for DTAP. Moreover, it includes defendants who are ineligible for the DTAP Program because they committed more serious felony offenses who will be sentenced to prison if convicted of the drug charges against them involving international drug trafficking, bulk transportation of drugs, and drug dealing, including to children in schools and parks. Finally, it includes defendants who might have been eligible for the DTAP Program based upon their drug charges, but were rendered ineligible due to their involvement in other, additional criminal activities rendering them unsuitable, including: additional, concurrent felony charges (for homicide, sexual assault, domestic violence, weapons offenses, etc.); prior felony convictions (for violent offenses, sex offenses, or weapons offenses); or, on rare occasions, confidential intelligence provided by law enforcement officers indicating that they are the subject of an ongoing

criminal conspiracy investigation in which they are believed to be playing a significant role in more serious felony crimes, such as narcotics trafficking, weapons trafficking, home invasions, and the like.

Should you have further questions about the DTAP Program, I encourage you to meet with my Chief Deputy, Amelia Cramer, and my Director of Specialty Court Initiatives, Kate Lawson.

Cc: The Honorable Kyle Bryson, Presiding Superior Court Judge  
C.H. Huckelberry, County Administrator  
David Sanders, Chief Probation Officer  
Dean Brault, Public Defense Services Director  
Amelia Cramer, Chief Deputy County Attorney  
Thomas Weaver, Chief Criminal Deputy  
Kate Lawson, Director of Specialty Court Initiatives

## ATTACHMENT 8



**Barbara LaWall**  
Pima County Attorney

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## MEMORANDUM

To: Wendy Petersen, Assistant County Administrator for Justice and Law Enforcement

From: Barbara LaWall, Pima County Attorney

Date: May 24, 2018

Re: Prosecutorial Charging Decisions and Plea Policies on Behalf of the State of Arizona

Supervisor Bronson has asked the County Administrator to have you assist him in analyzing my prosecutorial charging and plea policies. I must, respectfully, decline to participate with this endeavor as presented, because it would conflict with my legal and ethical obligations to the State of Arizona and would violate my oath of office.

### Charging Decisions

Arizona state law sets forth many legal obligations of the County Attorney, the first among them being to serve as the public prosecutor in the county on behalf of the State of Arizona. This state law mandates that the County Attorney *shall* conduct all prosecutions *on behalf of the State* for all public offenses and institute criminal proceedings when the County Attorney has information that the offenses have been committed. A.R.S. § 11-532(A)(1) & (2). In other words, the County Attorney's primary duty is to prosecute crime when evidence shows that a person has committed a crime. The State of Arizona, not Pima County, is the County Attorney's client in criminal cases.

The County Attorney is obligated to be licensed to practice law in the State of Arizona and to be in good standing with the State Bar, which requires adherence to the Ethical Rules for lawyers promulgated by the Arizona Supreme Court. Those Ethical Rules provide that a lawyer must act with reasonable diligence in representing a client. As the prosecutor for the State, the County Attorney is obligated to act with diligence – taking whatever lawful and ethical measures are required to vindicate the State's cause in prosecuting criminal cases to enforce State laws. Rule 42, Arizona Rules of the Arizona Supreme Court, Ethical Rule (ER) 1.3.

The County Attorney must diligently enforce State criminal laws, regardless of her opinion with regard to the propriety of those laws. The Ethical Rules provide

that a lawyer's representation of a client does not constitute an endorsement of the client's political, economic, social, or moral views or activities. ER 1.2(b). Accordingly, whether the County Attorney agrees with Arizona's criminal statutes or not, she is obligated to enforce them diligently in her role as prosecutor for the State.

As explained in my April 25, 2018 memorandum, prosecutorial charging decisions are *legal* decisions made on behalf of the State of Arizona in accordance with the foregoing legal and ethical obligations. My deputies and I have taken an oath to faithfully and impartially uphold and defend the laws of the State of Arizona. When law enforcement officers make an arrest or present evidence to my Office seeking an indictment, we must review the evidence in light of the state law and make a *legal* determination whether to proceed with prosecution. Such legal charging decisions are not policy judgments; they are legal opinions. Charging decisions are subject to judicial review by the Arizona courts; they are not subject to review by the county board of supervisors or county administration or any other county agency.

#### **Plea Policies**

Prosecutors are afforded discretion under state law to offer and enter into plea agreements. Plea agreements are subject – upon acceptance by the defendant – to judicial review. This judicial review is to determine that there is a factual basis demonstrating that the accused committed the crime(s) to which he or she pleads guilty and that after receiving advice of defense counsel the defendant is entering into the plea agreement knowingly and voluntarily, waiving the right to a jury trial.

Prosecutorial discretion with regards to plea agreements is to be exercised by prosecutors *with* input from the victim(s), as well as law enforcement, but *without* undue influence from any outside individual or entity. Neither the judicial nor legislative branches of government may interfere with this executive function that has been delegated by the State to its prosecutors. County government may not interfere with a prosecutor's representation of the State of Arizona in this regard.

For these reasons, it would be inappropriate for a member of the Board of Supervisors or county administration to attempt to interfere with or exert undue influence upon me and my deputies with regard to our representation of the State of Arizona in connection with our prosecutorial function.

**Wendy Petersen, Assistant County Administrator for Justice and Law  
Enforcement  
May 24, 2018  
Page 3**

**Data Regarding Misdemeanor and Felony Arrests and Charges**

Finally, there is a request by a member of the Board of Supervisors for the County Administrator to review arrest and charging data involving misdemeanor and felony defendants. These data are available in public records – both in individual case files and in aggregate reports.

Each law enforcement agency maintains records of all its arrests and misdemeanor citations. There are approximately 30 law enforcement agencies that make arrests and issue citations in Pima County. However, most of the arrests and citations are generated by the Tucson Police Department and the Pima County Sheriff's Department. The Sheriff's Department maintains records not only of its arrests and citations, but also of all law enforcement agencies' arrest bookings into the Adult Detention Center. The Arizona Superior Court in and for Pima County, the various Pima County Justice Courts, and municipal courts, including Tucson City Court, as well as Marana, Oro Valley, and Sahuarita Town Courts and South Tucson City Court, all maintain records of charges filed with them.

My Office maintains records of felony cases we prosecute in Superior Court and misdemeanor cases we prosecute in the Justice Courts. The Arizona Attorney General likewise maintains records of the felony and misdemeanor cases it prosecutes in Superior Court and other courts. In addition, each of the City and Town Attorneys maintains records of the misdemeanor cases they have prosecuted in their municipal courts.

Through my Office's participation in the Safety + Justice Challenge over the past four years, my Office has consistently made available such records as we have regarding the cases we prosecute. Should additional records now be requested, we will, of course, cooperate in making them available.

cc: The Hon. Kyle Bryson, Presiding Judge Pima County Superior Court  
Sheriff Mark Napier  
The Honorable Adam Watters, Presiding Justice of the Peace, Pima  
County Justice Courts  
C.H. Huckelberry, Pima County Administrator  
Amelia Craig Cramer, Chief Deputy County Attorney  
Thomas Weaver, Chief Criminal Deputy



## ATTACHMENT 9



PUBLIC DEFENSE SERVICES

# MEMORANDUM

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To: Sharon Bronson  
District 3 Supervisor  
Pima County Board of Supervisors

Date: May 24, 2018

From: Dean Brault  
PDS Director

Subject: Philadelphia District Attorney Larry Krasner's Policy Changes

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In your May 1, 2018 memorandum to Chuck Huckelberry, you requested that all participants in the Justice Coordinating Council provide input on whether or not Pima County should pursue policies similar to those implemented by Philadelphia District Attorney Larry Krasner in his February 15, 2018 memo. The short answer is that we can and should do the things that do not happen here already. All of the policies outlined in that memo, however, are entirely under the control of the County Attorney and to a far lesser extent, the Arizona Attorney General. I will address each section in Mr. Krasner's memo in order.

The directives in the first section titled, "DECLINE CERTAIN CHARGES" could be adopted in Pima County. Items 1 and 2 dealing with marijuana possession, purchase, and paraphernalia could be adopted by the County Attorney's Office. Marijuana possession and paraphernalia are usually, but not always, charged and resolved as misdemeanors. The County Attorney could do more and elect to not prosecute marijuana charges at all. Numbers 3 and 4 dealing with prostitution are an example of discretionary charging. Just because it is possible to charge a higher-level offense for prostitution cases involving prior convictions, does not mean that it is required. Prostitution charges in Pima County are usually resolved at the misdemeanor level, thus not making this specific example a significant issue. This principle, however, could extend other areas where exercising better discretion in charging could have a significant impact.

The principles in the second section titled, "CHARGE LOWER GRADATIONS FOR CERTAIN OFFENSES" could also be adopted in Pima County. Prosecutors should exercise discretion in how offenses are charged. That discretion should not be to always charge the most serious offense that could fit the facts of the case. Item 1 is a prime example that illustrates different approaches. Philadelphia's approach in this example is to use discretion to charge retail theft offense as what would be a class 2 misdemeanor in Arizona. Retail thefts are routinely charged by the County Attorney as class 4 felonies. Depending on the circumstances, they are often also charged as class 2 fraudulent schemes and/or computer tampering. Shoplifting charges with shoplifting priors are also often charged as class 4 felonies. The County Attorney could easily adopt a similar approach.

The section titled, "DIVERT MORE" contains one policy that is possible. Item one regarding carrying a weapon without a permit is inapplicable because Arizona does not require permits to carry weapons, whether concealed or not. The second item regarding diversion for DUI cases

is precluded by Arizona law. The third item regarding diversion for marijuana distribution is possible. The diversion program recently established by the County Attorney's Office could certainly be expanded to marijuana distribution and related offenses.

The section titled, "INCREASE PARTICIPATION IN RE-ENTRY PROGRAMS" is not an issue. The County Attorney's Office is already an active collaborator in most aspects of the criminal justice system in Pima County. The memo's directive for prosecutors to discuss and formulate suggestions to improve re-entry programs is a task already undertaken as illustrated by the County Attorney's participation in programs like the Safety and Justice Challenge.

The section titled, "PLEA OFFERS" is another area where the general principles could be adopted. Item 1 regarding offers below the mitigated range mirrors my first suggestion for local criminal justice reform in my memorandum of May 24, 2018. That suggestion is for the County Attorney to make meaningful plea agreements in all non-dangerous cases. Item 2 of Mr. Krasner's memo appears to require supervisor approval to offer a plea agreement that contains exposure any harsher than the mitigated sentence. The County Attorney's Office currently takes, if anything, the opposite approach. Permission to offer better plea agreements (or any plea at all in some cases) usually requires supervisor approval. Prosecutors often cite the lack of discretion as a reason for leaving the County Attorney's Office.

The section titled, "SENTENCING" also contains ideas that could be implemented by the County Attorney's Office. The section requiring a statement at sentencing of what the cost of incarceration is for the requested sentence and why that is warranted could be adopted by the County Attorney. The cost of incarceration is already being provided in appropriate cases by defense attorneys in Public Defense Services. Deputy County Attorneys almost always make sentencing recommendations. They usually ask for no less than the presumptive sentence in prison cases. In cases where probation is available, they nonetheless sometimes request prison sentences. In cases where probation is likely, instead of recommending probation, they will state, "if the court is inclined to place the defendant on probation, the state recommends no less than..." followed by a minimum period of probation or certain requested conditions. These are practices could be changed by the County Attorney, should there be any desire for such systemic change.

The only principle mentioned in Mr. Krasner's memo that is out of the control of the County Attorney is noting the cost of incarceration at sentencings. That information is already being provided in select cases by Public Defenders, Legal Defenders, and Legal Advocates. All of the other applicable principles outlined in that memo could be adopted by the Pima County Attorney's Office. All of those policies would result in cost savings. They would also lead to a more fair and reasonable criminal justice system that is equally effective.

cc: The Honorable Chairman and Members, Pima County Board of Supervisors  
C. H. Huckelberry, County Administrator  
Barbara LaWall, Pima County Attorney  
Amelia Cramer, Chief Deputy County Attorney  
Members, Justice Coordinating Council

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# MEMORANDUM

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Date: July 6, 2018

To: The Honorable Chairman and Members  
Pima County Board of Supervisors

From: C.H. Huckelberry  
County Administrator 

Re: **Criminal Justice Reform Unit Review of Pima County Adult Detention Complex High Volume Users**

During the time-period of June 1, 2016 through May 31, 2018 we tracked the arrest and re-arrest rates of individuals in the Pima County Adult Detention Complex (PCADC). There is a significant number of individuals who are multiple, repeat users of the system. We have classified these users into four groups:

1. **Super Users** – There were 18 individuals booked twenty or more times during June 1, 2016 through May 31, 2018. In fact, one individual was booked 41 times. Also of those 18 individuals listed as Super Users, one has passed away and one is currently in a residential treatment facility after a car accident.
2. **High Users** – There are 119 individuals booked and confined to the PCADC ten or more times, but fewer than 20 times during the time-period studied;
3. **Moderate Users** – There are 11,989 individuals who were booked in the PCADC more than once, but fewer than ten times; and
4. **Single Arrests** – 24,041 individuals were booked into the PCADC one time during the time-period studied.

These Super and High Users are also individuals who have significant correlation with mental health disorders and substance abuse, hence the need to increase mental health and substance abuse interventions through the regional behavioral health authority and other providers in these areas.

The Criminal Justice Reform Unit created a Jail Super Users Group bringing together members from the County Attorney's Office, Pima County Behavioral Health, Public Fiduciary, Public Defense Services, Pima County Superior Court, Adult Probation, Pima County Sheriff's Department (PCSD), the PCSD Mental Health Support Team, Tucson Police Department (TPD), TPD Mental Health Support Team, Tucson Fire Department and TFD's

The Honorable Chairman and Members, Pima County Board of Supervisors  
Re: **Criminal Justice Reform Unit Review of Pima County Adult Detention Complex High Volume Users**

July 6, 2018

Page 2

Tucson Collaborative Community (TC3) Team, City of Tucson Prosecutors and Public Defenders, and Judge Susan Shetter, City Court Mental Health Bench.

The following service providers also have attended meetings: ConnectionsAZ, Community Bridges, Inc., AHCCCS, Pima Community Access Program and Cenpatico. The Jail Super Users Group also consulted with Dr. Margie Balfour of Tucson's Crisis Response Center. To date, we have held two Jail Super Users Group meetings on March 23, 2018 and June 12, 2018.

We undertook a very close examination of these 18 individuals and found the majority of the Super Users were charged with relatively low-level nonviolent crimes:

<b>Charges</b>	<b>Number of Arrests</b>
Trespassing	147
Shoplifting	42
Disorderly Conduct	26

This review of the Super Users also revealed that these individuals were typically homeless and resistant to programs and specialized treatment, offending over and over again because they preferred jail to the alternative. A conservative estimate of the cost to house these Super Users for 1,000 jail days was \$125,000.

Representatives from the County prosecutors and defenders met together to discuss solutions. These attorneys were familiar with the majority of these repeat offenders, who met and pledged to put together a very small group of attorneys from their offices who will become familiar with the User groups and provide consistent contacts representing the Jail Super Users.

Ms. Kate Lawson from the PCAO agreed to identify one or more local SSI/SSDI Outreach, Access, and Recovery (SOAR) representatives who can work with the attorneys to assist these Jail Super Users with applications for federal benefits. Ms. Lawson agreed to provide training to the attorneys in the Public Defender's office on best practices for interacting with and helping clients who suffer from the sorts of conditions that this population experiences.

County and City prosecutors agreed to communicate with representatives of the TPD and the PCSD regarding Jail Super Users who might be deflected to providers for nonviolent, non-dangerous charges, in lieu of arrest and booking into the PCADC.

The Honorable Chairman and Members, Pima County Board of Supervisors  
Re: **Criminal Justice Reform Unit Review of Pima County Adult Detention Complex High  
Volume Users**

July 6, 2018

Page 3

Some members of the Super Users Group felt that assisting the next level – the High Users - would be more useful and find a greater return on investment. As a result, at the June 12, 2018 meeting the group decided to include the 119 High Users in our efforts. Here is a breakdown of charges against the 119 High Users:

<b>Charges</b>	<b>Number of Arrests</b>
Criminal Trespass	327
Failure to Appear	248
Drug Charges	182
Shoplifting	110

Additionally, a second smaller group was selected to make up a Jail Super User Task Force. It was felt that a smaller group could have more effective discussions, leading to well thought out recommendations to bring to the larger group. The first Task Force meeting was held June 25, 2018 and the second is scheduled for July 23, 2018. Our next larger group meeting will be held in September. Suggestions from the June 25, 2018 Task Force meeting included, flagging the names of the Super and High Users for the TPD and PCSD Mental Health Support Teams, who can then divert the person to the correct agency, i.e. mental health or substance abuse treatment, and the creation of Multiple Disciplinary Task Force made up of trusted individuals who can convince these Users that stable housing and consistent treatment is the way to go instead of Jail or area emergency rooms.

The undeniable conclusion is that Jail is not an effective sanction or resolution for this population. The fervent hope is if these individuals can be successfully diverted from jail, in the long run the jail population will decrease (a MacArthur/Safety + Justice Challenge goal) and they can therefore experience better lives.

CHH/anc

c: Jan Leshner, Chief Deputy County Administrator  
Wendy Petersen, Assistant County Administrator for Justice and Law  
Jail Super Users Groups

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# MEMORANDUM

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Date: July 20, 2018

To: The Honorable Chairman and Members  
Pima County Board of Supervisors

From: C.H. Huckelberry  
County Administrator *CH*

Re: **Justice Reform Advisory Commission**

As recommended in my April 27, 2018 Recommended Budget Transmittal memorandum, and at Final Budget Adoption on June 19, 2018 the Board of Supervisors approved the formation of a Justice Reform Advisory Commission. This Commission will be an essential component of our efforts in criminal justice reform.

In serious policy, program or project undertakings, effective public review and participation is essential in achieving policy direction for long-term, sustainable change. Traditional efforts divide these policy and program inputs into two broad categories – 1) technical, and 2) views of the community. These efforts are classified as either a "technical advisory committee" or a "citizen's advisory committee".

In our efforts at criminal justice reform, it is appropriate to have input from both of these policy expertise areas. I believe the Commission satisfies the "technical advisory committee" role. The County Administrator nor the Board of Supervisors, as policymakers, have a complete and exhaustive knowledge of the existing criminal justice system sufficient enough to evaluate the many conflicting objectives of individual siloed components of the system. Hence, the need for a Commission that is composed of subject matter experts in every component of the criminal justice system (prosecution, defense, adjudication, law enforcement and criminology academia).

The reform of our criminal justice system is perhaps the most complex and difficult undertaking we have initiated. If we thought the Sonoran Desert Conservation Plan (SDCP) was difficult and complex, reforming the criminal justice system will be dramatically more difficult than implementing the SDCP.

With this memorandum, I am providing the Board with a number of general classifications of expertise that should be included in a commission that evaluates the legal, technical and

The Honorable Chairman and Members, Pima County Board of Supervisors  
Re: **Justice Reform Advisory Commission**  
July 20, 2018  
Page 2

structural interrelationships of the system to recommend long lasting change and reform. With this public policy technical committee, the Justice Reform Advisory Commission, the Board may also wish to appoint a citizen's commission that has a more practical and visceral approach to criminal justice system reform.

I will leave it to the Board as to whether you would like to appoint a parallel citizen committee to help advance the significant policy objective of meaningful, long-term criminal justice reform in Pima County.

I suggest the Board consider the following general categories to include in a Justice Commission:

- 1) A retired Arizona Supreme Court Justice;
- 2) a retired Superior Court Judge with significant Criminal Bench experience;
- 3) a retired Federal Judge or Magistrate;
- 4) a retired elected County Attorney;
- 5) a retired US Attorney;
- 6) a retired command level law enforcement officer from the Sheriff's Department;
- 7) a retired command-level law enforcement officer from the Tucson Police Department;
- 8) a retired Court Administrator;
- 9) a criminologist from a university level institution;
- 10) a retired Public Defender;
- 11) a member of the community who has served on the Arizona Supreme Court and Justice for All Commission;
- 12) a retired attorney in private practice, specializing in criminal defense; and
- 13) a formerly incarcerated person.

Finally, to allow open and frank discussion by the Commission, I will be making the appointments for the Justice Reform Advisory Commission so detailed compliance with the Open Meeting Law will not be required.

CHH/anc

Attachment

## **Pima County Criminal Justice Reform Advisory Commission Purpose Statement**

July 20, 2018

### **Purpose**

The Commission shall:

- a) advise the County Administrator and the County Administrator's Criminal Justice Reform Unit in conducting a comprehensive review of the Pima County existing criminal justice and sentencing structure, sentencing practices, community supervision, the use of alternatives to incarceration, and community engagement including, but not limited to:
  - The lengths of incarceration and community supervision that result from the current sentencing structure, and the incentives or barriers to the appropriate utilization of alternatives to incarceration;
  - The impact of sentencing guidelines upon Pima County's criminal justice system, including county jail capacity, community supervision resources, judicial operations, and law enforcement responsibilities;
  - The relation that a sentence or other criminal sanction has to public safety and the likelihood of recidivism;
  - The existing statutory provisions by which an offender is sentenced to or can be released from incarceration;
  - The existing statutory provisions as to their uniformity, certainty, consistency, and adequacy;
  - The extent to which education, job training, and re-entry preparation programs can both facilitate the readiness of the formerly incarcerated to transition into the community and reduce recidivism;
  - The anticipated future trends in sentencing;
  - The advancement of knowledge of relevant issues, research and best-practices in the fields of reentry, public safety realignment, and justice; and
  - The development of a public outreach, information sharing and community engagement strategy.
- b) make recommendations to the Board of Supervisors regarding policy and budget considerations for each criminal justice system agency or department of the County.
- c) make specific findings and recommendations regarding the organization and structure of County criminal justice system and the operation of any component of the system subject to statutory and constitutional restrictions.

### **Mission Statement**

The Commission exists to advise the Pima County Administrator and the justice community with respect to improving criminal justice system outcomes and access to justice. Consistent with these goals, the Commission seeks to improve the administration of justice and the fairness in delivering criminal justice services in Pima County, Arizona.

## **Core Values of Commission**

**Integrity:** This value represents our commitment to truth in all of its forms and in all of our actions. We value consistency, transparency, and accountability for what we say and what we do, as individuals, as professionals, and as an organization.

**Diversity:** This value represents our commitment to ensuring that the justice system reflect the community it serves in all of its social, economic, and geographical diversity.

**Promoting Justice:** This value represents our commitment to ensuring that everyone has appropriate access to the justice system.

## **Meetings and Members**

The Commission shall meet on a quarterly basis and will be made up of individuals in the community who have a recognized interest, commitment and knowledge of the criminal justice system. Commission members will be appointed by the County Administrator. In the event they are needed, this group may select certain members to form certain committees to address specific problems or issues that the Commission members deem important.

The Commission shall have at least eight (8) and no more than ten (10) members and shall include a cross system of stakeholders, including but not limited to:

- Law Enforcement
- Judges
- Prosecutors
- Defense Attorneys
- Members of Community
- Academic Experts in Criminology

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# MEMORANDUM

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Date: August 2, 2018

To: The Honorable Chairman and Members  
Pima County Board of Supervisors

From: C.H. Huckelberry  
County Administrator 

Re: **Super Users and High Users of the Pima County Adult Detention Complex**

Attached please find two datasets; Attachment 1 is a listing of 19 repeat offenders of the Pima County Adult Detention Complex (PCADC). These individuals are identified as "Super Users" who have been arrested 20 or more times in the last two years; Attachment 2 is a list of "High Users" which are defined as being detained in the PCADC between 10 and 19 times during the same two-year period. A total of 119 individuals fall into this category. Individual names have been substituted with a consecutive number and dates of birth have been removed from the analysis.

The "Super Users" data series in Attachment 1 shows the charges for which those individuals were arrested and placed in the PCADC. The largest number being 175 individuals arrested for Criminal Trespassing; followed by 71 for Shoplifting; 44 for Failure to Appear in Court and 40 for Disorderly Conduct. Serious criminal charges of this group are few. As you can see, one for armed robbery and one for Burglary 2<sup>nd</sup> Degree.

In addition, the "High Users" spreadsheet (Attachment 2) also shows the charges for which those individuals were arrested, the highest number being 311 individuals arrested for Criminal Trespassing, followed by 250 for Failure to Appear, 175 for Drug Charges, 111 for Shoplifting, and 106 for Disorderly Conduct. Again, very serious crimes occur very infrequently with this high user group, hence, it is desirable to evaluate strategies to reduce the frequency with which these individuals are re-admitted to the PCADC and to try to match these individuals with appropriate social services.

Finally, because these individuals have a relatively low frequency of committing serious criminal offenses, they should be considered for release on electronic monitoring, which would also greatly assist in keeping these individuals matched with social services. Hence, I have asked our Criminal Justice Reform Unit to develop a whitepaper on electronic monitoring to determine how it is used throughout the Country and within the State. Electronic monitoring activities vary widely, even in Arizona from county to county. Maricopa County has approximately 830 individuals active on electronic monitoring, Pima County has nine as of July 31, 2018.

The Honorable Chairman and Members, Pima County Board of Supervisors  
**Re: Super and High Users of the Pima County Adult Detention Complex**  
August 2, 2018  
Page 2

Clearly, we can and should make substantial increased use of electronic monitoring. In the case of "High Users" of the jail, electronic monitoring would not only be helpful in keeping track of these individuals who have charges pending, but also if utilized by social service agencies, could prompt those agencies to follow these individuals more closely and to provide necessary services when the individuals choose not to pursue social service agency assistance.

CHH/anc

**Attachments**

- c: The Honorable Kyle Bryson, Presiding Judge, Pima County Superior Court
- The Honorable Barbara LaWall, Pima County Attorney
- The Honorable Mark Napier, Pima County Sheriff
- Wendy Petersen, Assistant County Administrator for Justice and Law
- Terrance Cheung, Director, Justice Reform Initiatives
- Spencer Graves, Program Manager, Criminal Justice Reform Unit
- Ron Overholt, Administrator, Pima County Superior Court
- Domingo Corona, Director, Superior Court Administration & Supervised Release
- David Sanders, Chief Probation Officer, Superior Court Adult Probation
- Chief Byron Gwaltney, Pima County Sheriff's Department

# ATTACHMENT 1



Pima County Sheriff's Department

Repeat Offenders with 20+ charges

7/1/2016 - 6/30/2018

Note: The data below displays individuals booked into the Pima County Adult Detention Complex 20+ times during the listed timeframe and the most serious charge they were booked on.

Inmate Name		DOB	Aggravated Assault Charges	Applying Graffiti to Property	Armed Robbery	Assault Charges	Burglary 2nd Degree	Burglary 3rd Degree	Contempt of Court	Criminal Trespassing	Criminal Damage Charges	Drug Charges	Disobey LWFL Order of Police Off	Disorderly Conduct Charges	Failure to Appear	Indecent Exposure	Interfere w/Judicial Proceeding	Liquor Charges	Loitering Charges	Marijuana Possession/Use	Not Underlying Off-FTC	Obst Hwy/Pub Lic Thoroughfare	Obstr Govt Opertns-Pub Servant	Obstruction-Refuse True Name	Other Misdemeanors	Probation Violation	Public Nuisance	Robbery	Shoplifting Charges	Solicit for Prostitution	Solicit in Street w/o Safety Vest	Theft Charges	Threat-Intim w/Injury-Dmg Prop	Tuberculosis Violations	Urinate/Defecate in Public	Violation Conditions of Release	TOTAL	
1						1		1		3		2		5	5							1				1											20	
2						2				12						2	1			1						1			1								20	
3						1				4				5	2			6	1			1				1											20	
4		1				2				3		1		2	2			1					1			1			7								21	
5										9		3		1	2					1		2		1						3				1			22	
6						4		1		9	1			1	1														5								22	
7		2				2				7		1		6			1														1			1			22	
8										12	1				1		1	1					2		2				2				1					23
9										18					1		1	1																	1	1		23
10		1				2				10				1	3		1						1			1			2				1				23	
11						3		1		5		5		1	2											1			5								23	
12		1				2			1	8				4	5				2				1	1													25	
13						1				14	3			2	6								1														27	
14						3	1			4	1			2	3	1													1	11							27	
15		1				2				6			1	2	1															14							27	
16					1	1				9	1			5	2			2				2					1			1		1			2		29	
17										23		1		1															11								36	
18										6			2	1	6			4	1				7					1		2		7					37	
19			2			1		1		13	7	1		1	2								1							6			2					37
Total			6	2	1	27	1	4	1	175	14	14	3	40	44	3	11	12	2	1	6	14	1	2	1	5	1	1	71	1	8	3	4	1	3	1	484	

# ATTACHMENT 2

## Repeat Offenders with 10-19 charges

**7/1/2016 - 6/30/2018**

Note: The data below displays individuals booked into the Pima County Adult Detention Complex between 10-19 times during the listed timeframe. The charge recorded is the most serious charge they were booked on.

[illegible]

Note: The data below displays individuals booked into the Pima County Adult Detention Complex between 10-19 times during the listed timeframe. The charge recorded is the most serious charge they were booked on.

[illegible]

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# MEMORANDUM

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Date: January 8, 2019

To: The Honorable Chairman and Members  
Pima County Board of Supervisors

From: C.H. Huckelberry  
County Administrator 

Re: **Criminal Justice Expenses and the Pima County Budget**

As we continue to pursue improvement of Pima County's criminal justice system, both for the individuals involved in the system and for the taxpayers funding criminal justice related expenses, an important baseline is the amount Pima County currently spends on the criminal justice system.

At my request, the Finance and Risk Management Department compiled the attached table summarizing all costs related to Pima County departments involved in the County criminal justice system for the current Fiscal Year. Typically, when we sum these costs we tend to focus only in the direct departmental budget costs. As you can see, the direct costs total almost \$350 million for the current fiscal year. The majority of this is General Fund expenses, but also includes special revenues and grants. However, to get a complete picture, it is necessary to add indirect costs, which total an additional \$87 million. Indirect costs include healthcare and mental health services provided primarily to inmates in the County jail and the juvenile detention center, costs to operate and maintain facilities, debt service for previous facility capital improvements constructed primarily with voter approved general obligation bonds, current year facility capital improvement expenses (shown as CIP), and a variety of additional expenses delineated in the footnote to the table.

When these indirect costs are considered, which they should be, the total cost to Pima County departments for criminal justice system expenses for the current fiscal year totals almost \$437 million. To put this into context, this is 33 percent of the total County budget. If we consider just the General Fund expenses related to the criminal justice system, this totals almost \$373 million or 64 percent of the total General Fund budget.

I will provide this information to the Criminal Justice Reform Advisory Commission, along with more detailed costs for each column in the summary table. This level of detail can be made available to the Board upon request. The Commission meets on Friday January 11. This is one of many indicators that may be of assistance to the Commission as they begin to prioritize their efforts and develop further reforms. To be clear, the end goal is not to simply reduce criminal justice system expenses, but to improve performance outcomes. It

The Honorable Chairman and Members, Pima County Board of Supervisors

Re: **Criminal Justice Expenses and the Pima County Budget**

January 8, 2019

Page 2

may be that maintaining the current expenditure amount is preferable if outcomes can be improved for the same cost.

CHH/dr

Attachment

c: Tom Burke, Deputy County Administrator for Administration  
Wendy Petersen, Assistant County Administrator for Justice and Law Enforcement  
Michelle Campagne, Director, Finance and Risk Management  
Terrance Cheung, Director, Justice Reform Initiatives  
Patrick McGee, Budget Manager, Finance and Risk Management

Pima County Criminal Justice System FY 2018/19 Summary- All Costs

Direct Costs within the Criminal Justice System Departments				Indirect Costs Impacting the Criminal Justice System Departments								
Department	Operations		Grant Programs	Medical Services	Facility Costs		Debt Service	CIP	Additional Items*		Total Expenditures	Total Revenue
	General Fund Expenditures	Special Revenue Fund Expenditures (without Grants)	Grant Expenditures	General Fund Expenditures	Expenditures	Expenditures	Expenditures	Expenditures	General Fund Expenditures	Non- General Fund Expenditures		
Clerk of Superior Court	\$ 10,975,029	\$ 1,171,469	\$ -	\$ -	\$ -	\$ 31,331	\$ -	\$ -	\$ 1,154,382	\$ 38,957	\$ 13,371,168	\$ 3,223,738
Constables	1,599,352	-	-	-	32,593	145,820	-	-	159,543	-	1,937,308	388,424
Justice Court Ajo	733,337	21,000	8,450	-	109,015	1,733	-	-	-	-	873,535	168,422
Justice Court Green Valley	576,107	59,740	-	-	101,737	31,433	-	11,806	-	-	780,823	217,526
Justice Court Tucson	7,504,350	1,777,948	-	-	768,625	3,404,180	-	-	2,716,142	68,836	16,240,081	7,866,692
Juvenile Court	24,466,149	8,519,126	1,311,079	1,281,630	109,015	103,227	719,700	719,700	3,257,677	391,651	40,159,254	9,264,217
Superior Court	33,983,678	17,773,919	988,073	-	2,567,238	835,228	927,798	927,798	4,383,173	977,726	62,436,833	18,713,091
County Attorney	23,685,561	12,263,221	4,513,637	-	38,992	284,608	401,561	41,128	4,128,127	966,631	46,272,338	10,519,874
Public Defense Services	32,846,259	583,575	-	-	370,587	51,630	806,572	806,572	2,390,051	8,722	37,057,396	1,676,630
Sheriff	153,783,136	7,052,863	3,684,821	18,758,423	1,520,747	6,359,587	768,900	768,900	10,790,602	424,173	203,143,252	17,396,699
All Criminal Justice System	\$ 290,152,958	\$ 49,222,861	\$ 10,506,060	\$ 30,168,659	\$ 5,739,005	\$ 11,248,777	\$ 3,898,837	\$ 3,898,837	\$ 31,659,950	\$ 4,244,210	\$ 436,841,317	\$ 72,544,506
Total												

Net Expenditures (Expenditures less Revenues)	\$ 364,296,811
Net Property Tax Impact	\$ 4,4910

Note:

\*The Additional Items category includes costs related to the following:

1. County Administrator Criminal Justice Reform program costs.
2. Grants in Community Development & Neighborhood Conservation and Community Services.
3. Non-Departmental Juvenile Corrections Fee Offset and DTAP amounts.
4. General Fund operating transfers to support IT for non-participating Elected Officials in ISF Enterprise Software and Server/Storage programs.
5. Outside agency costs.
6. Central cost allocation amounts for departments within the Criminal Justice System.



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# MEMORANDUM

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Date: April 16, 2019

To: The Honorable Chairman and Members  
Pima County Board of Supervisors

From: C.H. Huckelberry  
County Administrator 

Re: **Criminal Justice Reform Progress in Reducing Detention Bed Days with Appropriate Cost Savings**

Attached is a report from the Jail Population Review Committee (JPRC). This Committee consists of members from all of Pima County's criminal justice agencies. Modeled after successful committees in Lucas County (Toledo) Ohio and St. Louis County Missouri, the goals of the Pima County Jail Population Committee are to foster a just, equitable, efficient, and effective criminal justice system by:

1. Assessing the custody status of individuals in the Pima County Adult Detention Complex;
2. Identifying defendants who may be suitable for release on personal recognizance;
3. Identifying safe and effective release conditions for consideration by the court, and
4. Reducing the use of jail while mitigating failures to appear and protecting public safety.

Defendant/Detainees who may be eligible for review consideration include those who are:

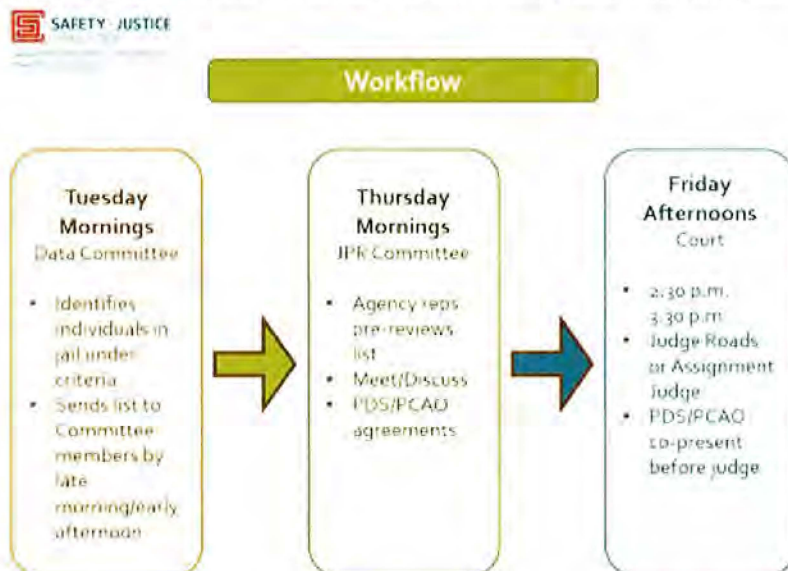
- Charged with non-personal victim cases
- Screened with a Pretrial review flag
- Held on the 10th day in Jail
- Acknowledged to have changes in circumstance such as housing availability or are ready for community rehabilitation
- Probation violators – post disposition

Since the Committee launched in March 2019, the group has met every Thursday with consistent and committed department representation. Below is a membership roster of the Pima County Jail Population Committee:

- Eva Graham – Pima County Public Defender's Office
- Heather Mosher – Pima County Attorney's Office
- Cassandra Urias – Pima County Superior Court
- Domingo Corona – Director, Pima County Pretrial Services
- Michelle Moore – Deputy Director, Pima County Pretrial Services

- Maria Renteria – Pima County Adult Probation
- Wendy Petersen – Assistant County Administrator/Criminal Justice Reform Unit
- Terrance Cheung – Director of Justice Reform Initiatives/Criminal Justice Reform Unit
- Matt Pate – Housing First Program Manager/Criminal Justice Reform Unit
- Mayra Ramos – U-MATTER Program Manager/Criminal Justice Reform Unit
- Manny Mejias – Reentry Coordinator/Criminal Justice Reform Unit
- Lt. Robert Zuniga – Sheriff's Department
- Mike Steber – Jail Population Coordinator/Sheriff's Department

The below chart shows the general workflow for Pima County's Jail Population Review Committee.



Although the initial agreement rate between the Public Defender and the County Attorney's Office has been lower than expected, the Committee is confident that number will increase over time as the group establishes trusting relationships. The Jail Population Review Committees in both St. Louis and Lucas Counties had similar experiences early in their inception and now, a year in, they report successful and seamless meetings where agreements are reached and detainees are safely released from their jails.

Pima County's continuing efforts to safely lower its jail population received a boost in March 2019 with the addition of Michael Steber as the new Jail Population Coordinator. Mr. Steber recently retired from the Pima County Sheriff's Department (PCSD) after serving as a

The Honorable Chairman and Members, Pima County Board of Supervisors

Re: **Criminal Justice Reform Progress in Reducing Detention Bed Days with Appropriate Cost Savings**

April 16, 2019

Page 3

Corrections Officer for Pima County for over 20 years. PCSD created the new post to identify inmates who can be released safely while waiting for their court hearings.

As the Board of Supervisors recall, I funded a Jail Population Coordinator position for the sole purpose of examining the reason every individual is held in the Pima County and Adult Detention Complex (PCADC) and evaluate whether that individual should remain or be released while awaiting outcome of criminal charged disposition. While the position is funded under the Criminal Justice Reform Unit, the position is assigned to the Sheriff and reports to the Sheriff in the management structure.

The Jail Population Coordinator has been instrumental in bringing specific cases to the JPRC for review. To date, 40 individuals have been safely released from jail, either through Adult Probation's referrals to residential treatment facilities instead of incarceration; or released to Pretrial Enhanced Case Supervision for non-violent defendants observed with substance addiction or mental health conditions. Without the implementation of the jail reduction efforts, these individuals would have stayed in the PCADC at additional costs to the County. Instead, estimated savings as a result of deflecting the 40 individuals from jail total 1319<sup>1</sup> in reduced jail bed days or \$131,623.01<sup>2</sup> in costs.

CHH/anc

Attachment

c: The Honorable Mark Napier, Pima County Sheriff  
Wendy Petersen, Assistant County Administrator for Justice and Law Enforcement  
Mike Steber, Jail Population Coordinator, Pima County Sheriff's Department

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<sup>1</sup> Length of days saved is based on the difference of 60 days from arraignment (The fastest the individual would have been released without paying their bond) and the actual day they were released.

<sup>2</sup> The cost savings utilizes this number charged at the current housing rate of \$99.79 per day.

**Total Inmate Days reduced**

1319 Days

Annual ADP reduction of:

**3.61**

**Total Cost Savings**

\$131,623.01

**Change in Recidivism rate**

Jail Population Reduction Strategies	Individuals Affected	Jail Days Reduced	Average prior recidivism	Average post recidivism	Cost savings
Modifying conditions of release (SCXX)	15	757	4.20		\$75,541.03
Releasing individuals to Residential Housing (Adult Probation)	25	562	2.44		\$56,081.98

Jail Population Review Committee Released Individuals  
Updated April 11, 2019

# Jail Population Reduction (Modifications of Conditions of Release Court)

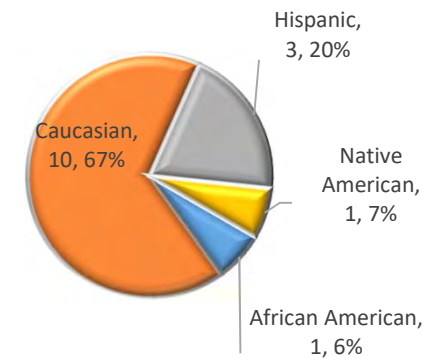
Involved: SCXX,PTS,PCAO,PCPD,PCLD,PCSO

## Overall Savings

Number of sentences modified	Average jail days reduced per individual*	Total jail days reduced*	Cost savings*
15	50.47	757	\$75,541.03

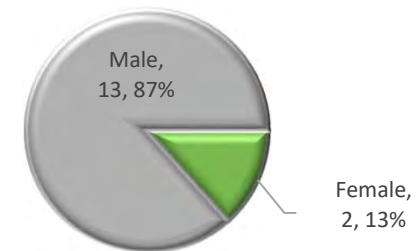
## Race

	Individuals	Reported on Monday	Any Contact with PTS	Homeless	Veteran	Mental Health	Avg bookings prior 12 months
African American	1			1			5.00
Caucasian	10	2	5	5	1		4.00
Hispanic	3	1	1				3.67
Native American	1	1	1				7.00
<b>Grand Total</b>	<b>15</b>	<b>4</b>	<b>7</b>	<b>6</b>	<b>1</b>		<b>4.20</b>



## Sex

	Individuals	Reported on Monday	Any Contact with PTS	Homeless	Veteran	Mental Health	Avg bookings prior 12 months
Female	2		1	1			2.50
Male	13	4	6	5	1		4.46
<b>Grand Total</b>	<b>15</b>	<b>4</b>	<b>7</b>	<b>6</b>	<b>1</b>		<b>4.20</b>



\* Jail days reduced and Cost savings are calculated from the date of release to 60 days past their arraignment (the fastest the individual would be released). This assumes the inmate was not able to bond out prior to this court date.

# Jail Population Reduction (Releases to Community Bedspace)

Involved: **APD**

## Overall Savings

Number of Individuals released to residential housing	Average jail days reduced per Individual	Total jail days reduced	Cost savings
25	22.48	562	\$56,081.98

## Race

	Individuals	Homeless	Veteran	Mental Health	Avg bookings prior 12 months
Native American	1				3.00
Caucasian	11	4			2.00
African American	2	1			4.50
Hispanic	11	5			2.45
<b>Grand Total</b>	<b>25</b>	<b>10</b>			<b>2.44</b>

## Sex

	Individuals	Homeless	Veteran	Mental Health	Avg bookings prior 12 months
Male	17	9			2.47
Female	8	1			2.38
<b>Grand Total</b>	<b>25</b>	<b>10</b>			<b>2.44</b>

\* Jail days reduced and Cost savings are calculated by the scheduled date of release minus the actual release date to Adult Probation.

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# MEMORANDUM

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Date: June 3, 2019

To: The Honorable Chairman and Members  
Pima County Board of Supervisors

From: C.H. Huckelberry  
County Administrator 

Re: **Pre-trial Services Screening Annex**

In our ongoing effort to improve the criminal justice system, the County recently announced the opening of the Pre-trial Services Screening Annex near the Pima County Adult Detention Complex (PCADC) that allows certain misdemeanor defendants to be deflected from booking and released pending disposition of their charges. The actual opening is scheduled for June 12, 2019.

It is estimated that the facility will screen 400 to 500 misdemeanor offenders per month and likely will deflect many of them from booking and jail stays. Today, first day booking costs at PCADC are \$325. The estimated annual savings of this program ranges from \$1.5 million to 1.9 million.

The former Natural Resources, Parks and Recreation building that was taken over by Corrections has been demolished and a permanent Pre-trial screening facility will be constructed. The site will also include re-entry housing space where previously confined individuals will be released into the community with appropriate transition and support services to reduce recidivism. The approximate cost of this permanent facility is \$5.5 million and is expected to be completed by 2022.

CHH/anc

c: Jan Leshar, Chief Deputy County Administrator  
Wendy Petersen, Assistant County Administrator for Justice and Law Enforcement

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# MEMORANDUM

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Date: June 4, 2019

To: The Honorable Chairman and Members  
Pima County Board of Supervisors

From: C.H. Huckelberry  
County Administrator

A handwritten signature in dark ink, appearing to be "CHH", is written over the printed name "C.H. Huckelberry".

Re: **Jail Population Review Committee Activity and Purpose**

In a continuing effort to reduce population, a Jail Population Review Committee (JPRC) has been formed. The Committee consists of representatives from nearly all of the criminal justice agencies and several service providers in Pima County. The main or core Committee meets every Thursday morning in the Superior Court Building and reviews a number of cases concerning individuals who continue to be detained in the Pima County Adult Detention Complex (PCADC), but may be candidates for release, pending resolution of the charges against them.

There are two sub-committees, which are critical to the success of JPRC:

- (1) The Jail Population Review Data Committee meets every Tuesday morning to review, analyze and select the arrestees who may be candidates for release at the Thursday morning JPRC meeting;
- (2) The Jail Population Service Provider Committee meets every other Tuesday morning to discuss issues, problems and solutions, and any necessary follow up from the preceding Friday release date.

The JPRC consists of the following individuals from Pima County, Superior Court, the City of Tucson and agencies who provide residential, addiction and mental health services to this released population:

Public Defense Services:

- Eva Graham, Public Defender's Office; and
- Arielle Hendricks, Special Staff Assistant (data);

Pima County Attorney's Office:

Heather Mosher, Prosecutor;

Criminal Justice Reform Unit:

- Wendy Petersen;
- Terrance Cheung;
- Matt Pate, Housing First – Program Manager;
- Manny Mejias, Re-Entry Coordinator;
- Mayra Ramos, U-MATTER – Program Manager;

Pima County Sheriff's Department

- Corr. Lt. Robert Zuniga;
- Jail Population Coordinator – Michael Steber;
- Hazele "Trish" Bagley, Intake Support Supervisor;

Pima County Superior Court

- Ron Overholt, Court Administrator;
- Cassandra Urias, Deputy Court Administrator;
- Domingo Corona, Director, Pre Trial Services;
- Michelle Moore, Deputy Director, Pre Trial Services;
- Colin Goodman, Pretrial Services Supervisor;
- Cindy Buchler, Pre Trial Services Supervisor;
- Maria Renteria, Adult Probation;

City of Tucson:

- Alan Merritt, Tucson City Prosecutor for the Criminal Division of the Tucson City Attorney's Office;
- M.J. Raciti, City of Tucson Prosecutor
- Mary Trejo, City of Tucson Public Defender's Office, Chief Public Defender

Service Providers:

- Dane Binder, Community Bridges;
- Dan Bardem, CODAC;
- Katlyn Monje, CODAC;
- Diana Lobos, Community Re-Entry Manager, CHA Arizona

The latest statistics from the Committee are attached for your review. The data shows the number of individuals who have had their conditions of release modified where jail days have been reduced or individuals released to residential housing. In the area where conditions of release were modified, 40 individuals have been affected to date, reducing overall jail days by 1,890 days. Of those released to residential housing, 99 individuals have been affected, with 2,723 jail days reduced. A total of 4,613 jail days have been reduced by the actions of the JPRC. Given the average daily cost of housing an inmate in the PCADC is \$99.79 per day, a total of \$460,331.27 is the equivalent monetary value of the jail day reductions.

In addition to the overall reduction, data is being provided regarding demographics on these jail day reduction categories.

CHH/anc

Attachment

c: Jan Leshar, Chief Deputy County Administrator  
Wendy Petersen, Assistant County Administrator for Justice and Law Enforcement

**Total Inmate Days reduced**

4613 Days

Annual ADP reduction of:

**12.63**

**Total Individuals impacted**

139

Date:

5/24/2019

Jail Population Reduction Strategies	Individuals Affected	Jail Days Reduced	Average prior recidivism	Average post recidivism
Modifying conditions of release (SCXX)	40	1890	2.98	
Releasing individuals to Residential Housing (Adult Probation)	99	2723	1.96	

# Jail Population Reduction (Modifications of Conditions of Release Court)

Involved: SCXX,PTS,PCAO,PCPD,PCLD,PCSO

Annual ADP reduction of:

5.17

Date:

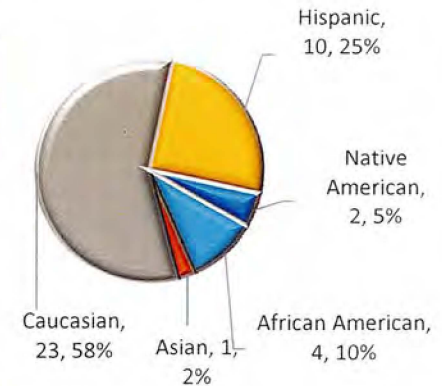
5/24/2019

## Overall Savings

Number of sentences modified	Average jail days reduced per individual*	Total jail days reduced*
40	47.25	1890

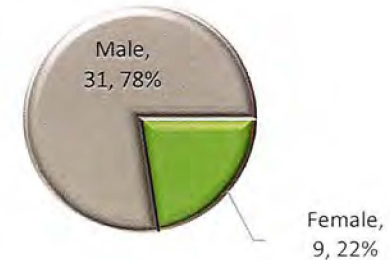
## Race

	Individuals	Reported on Monday	Any Contact with PTS	Homeless	Veteran	Mental Health	Avg bookings prior 12 months
African American	4		2	1			1.75
Asian	1						1.00
Caucasian	23	2	18	11	1	1	3.30
Hispanic	10	1	6	3			2.80
Native American	2	1	1				3.50
<b>Grand Total</b>	<b>40</b>	<b>4</b>	<b>27</b>	<b>15</b>	<b>1</b>	<b>1</b>	<b>2.98</b>



## Sex

	Individuals	Reported on Monday	Any Contact with PTS	Homeless	Veteran	Mental Health	Avg bookings prior 12 months
Female	9		6	2			2.00
Male	31	4	21	13	1	1	3.26
<b>Grand Total</b>	<b>40</b>	<b>4</b>	<b>27</b>	<b>15</b>	<b>1</b>	<b>1</b>	<b>2.98</b>



\* Jail days reduced are calculated from the date of release to 60 days past their arraignment (the fastest the individual would be released). This assumes the inmate was not able to bond out prior to this court date.

# Jail Population Reduction (Releases to Community Bedspace)

Involved: **APD**

Annual ADP reduction of:

**7.46**

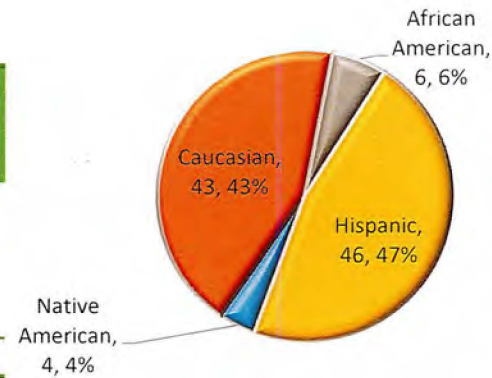
Date: 5/24/2019

## Overall Savings

Number of Individuals released to residential housing	Average jail days reduced per Individual	Total jail days reduced
99	26.44	2723

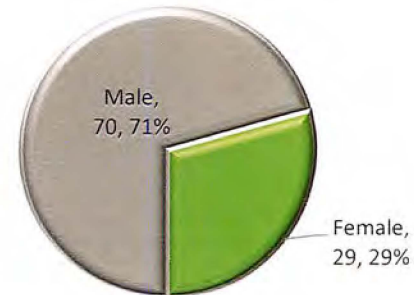
## Race

	Individuals	Homeless	Veteran	Mental Health	Avg bookings prior 12 months
Native American	4				2.00
Caucasian	43	11	1	1	1.62
African American	6	1			2.83
Hispanic	46	17		1	2.15
<b>Grand Total</b>	<b>99</b>	<b>29</b>	<b>1</b>	<b>2</b>	<b>1.96</b>



## Sex

	Individuals	Homeless	Veteran	Mental Health	Avg bookings prior 12 months
Male	70	24	1	2	2.09
Female	29	5			1.64
<b>Grand Total</b>	<b>99</b>	<b>29</b>	<b>1</b>	<b>2</b>	<b>1.96</b>



\* Jail days reduced are calculated by the scheduled date of release minus the actual release date to Adult Probation.

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# MEMORANDUM

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Date: February 3, 2020

To: The Honorable Chairman and Members  
Pima County Board of Supervisors

From: C.H. Huckelberry  
County Administrator

A handwritten signature in black ink, appearing to read "CHH", is written over the printed name "C.H. Huckelberry".

Re: **Pretrial Services Misdemeanor Releases**

To reduce the population at the Pima County Adult Detention Complex (PCADC), we recently constructed a temporary Pretrial Services Annex outside the PCADC boundary. Doing so, allows arrestees to be evaluated for possible release prior to booking.

Please see the attached report from the Superior Court Administrator on the number of pre-booking and post-booking releases. One would expect the post-booking releases to decrease while the pre-booking releases increase as reflected in this data. The report also contains information regarding police agency arrests as well as the type of charge. By vast majority, the charge is Failure to Appear Warrant(s) where an individual is arrested for failure to appear at a scheduled Court hearing. This continues to be a common problem.

In addition, the manner in which our criminal justice system operates makes a large difference as to the number of individuals booked into PCADC. I am encouraged that the Sheriff is now instituting a process to require all persons arrested on misdemeanor charges (except domestic violence) to appear at the Pretrial Services Annex for screening before they are brought in for booking. This one step should significantly increase a number pre-booking releases.

CHH/anc

Attachment

c: The Honorable Kyle Bryson, Presiding Judge, Pima County Superior Court  
The Honorable Jeffrey Bergin, Associate Presiding Judge, Pima County Superior Court  
Ronald Overholt, Administrator, Superior Court  
Cassandra Urias, Deputy Court Administrator, Superior Court  
Domingo Corona, Director, Pretrial Services  
Byron Gwaltney, Chief Deputy, Pima County Sheriff's Department  
Wendy Petersen, Assistant County Administrator for Justice and Law Enforcement



**Arizona Superior Court**  
Pima County  
110 West Congress, 9<sup>th</sup> Floor  
Tucson, Arizona 85701

17031 1:37PM

**Ronald G. Overholt**  
Court Administrator

Telephone (520) 724-3768

Fax (520) 724-8367

**Cassandra R. Urias**  
Deputy Court Administrator

***Memorandum***

TO: C.H. Huckelberry, County Administrator

FROM: Ronald G. Overholt, Superior Court Administrator *AB*

DATE: January 31, 2020

RE: Pretrial Services Misdemeanor Releases

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This memorandum is in response to your request for the number of arrestees released by Pretrial Services from the Pre-Booking Screening function in the newly opened "annex". Attached you will find the statistics with those numbers dating from September 2019 when the annex opened to this month. You will see the numbers are modest but growing. You will also see the significant number of individuals being released post booking.

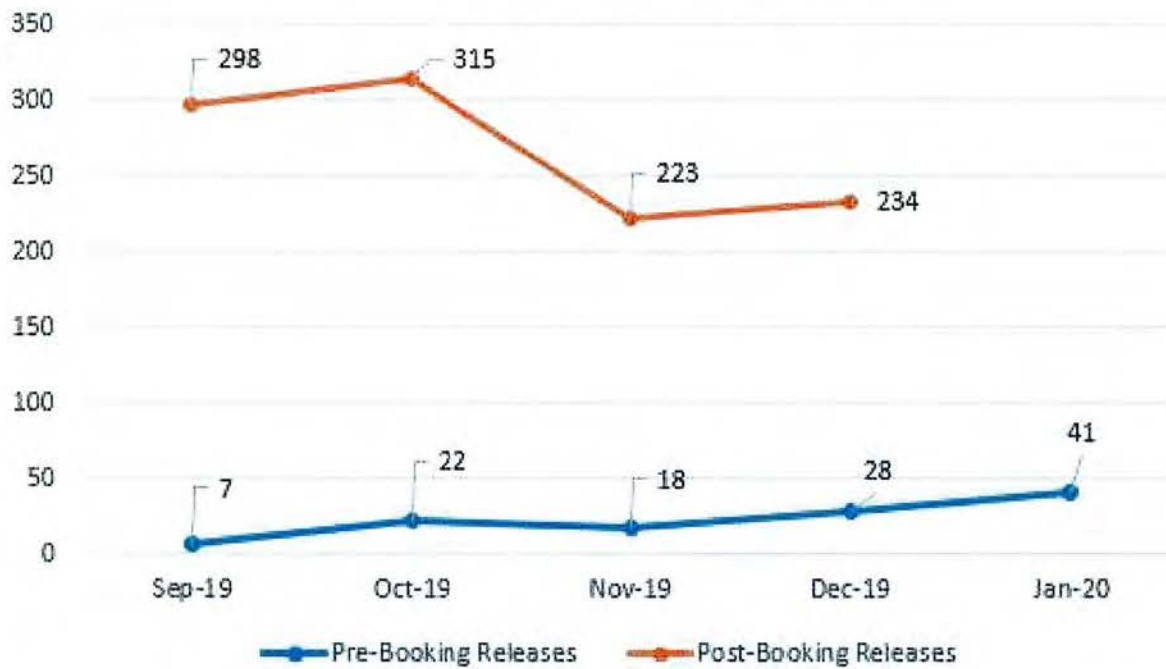
We intentionally started with a "soft" opening to make sure our processes were working and appropriate. We will need to change the culture with law enforcement agencies who have traditionally taken all arrestees to be booked, rather than through the pre-booking screening. We are now ready to increase the screening through the annex rather than booking. I spoke with Chief Byron Gwaltney yesterday who told me he is prepared to institute a process wherein law enforcement is required to take all person arrested on misdemeanor charges except domestic violence, to the annex for screening before they are brought to the booking process if not released. This should dramatically increase the traffic through the annex.

I will keep you informed of these numbers in the coming months. If you have other questions or comments, please do not hesitate to contact me.

RGO/mt

Cc: Kyle A. Bryson, Presiding Judge  
Jeffrey Bergin, Associate Presiding Judge  
Danelle Liwski, Presiding Judge, Criminal  
Cassandra Urias, Deputy Court Administrator  
Domingo Corona, Director, Pretrial Services  
Wendy Peterson, Assistant County Administrator  
Chief Byron Gwaltney, Pima County Sheriff's Department

## Pretrial Services Misdemeanor Releases

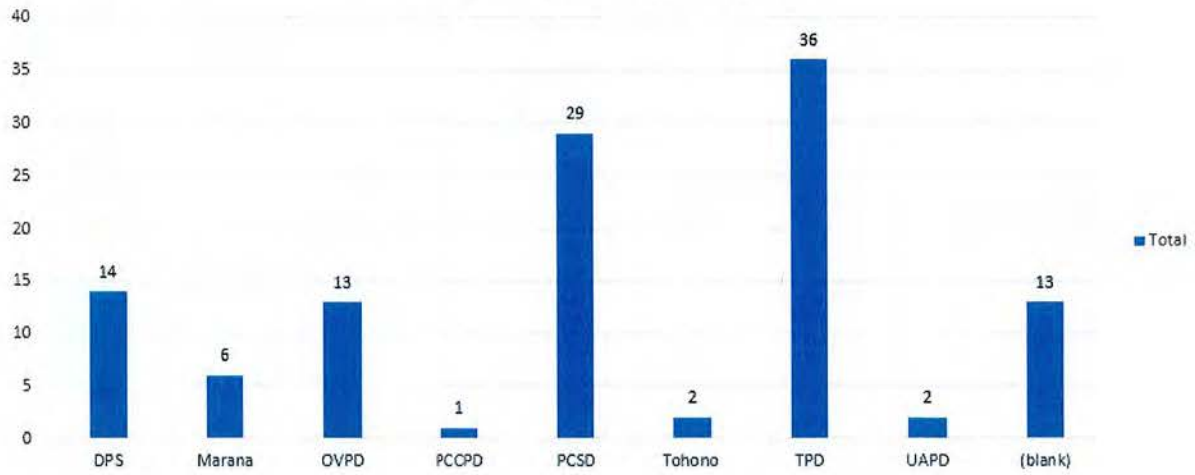


Pre-Booking Release Totals by Month	# defendants
September 2019	7
October 2019	22
November 2019	18
December 2019	28
January 2020 (thru 01/22)	41

Post-Booking Release Totals by Month	# defendants
September 2019	298
October 2019	315
November 2019	223
December 2019	234
January 2020	----

Count of Date

Pre-Releases by Arresting Agency



Arresting Agency ▼

Pre-Booking Release Totals by Arresting Agency	# defendants
Tucson Police Department	36
Pima County Sheriff's Department	29
Department of Public Safety	14
Oro Valley Police Department	13
Marana Police Department	6
University of Arizona Police Department	2
Tohono O'Odham Police Department	2
Pima Community College Police Department	1

Count of Date

Pre-Releases by Month and Arresting Agency

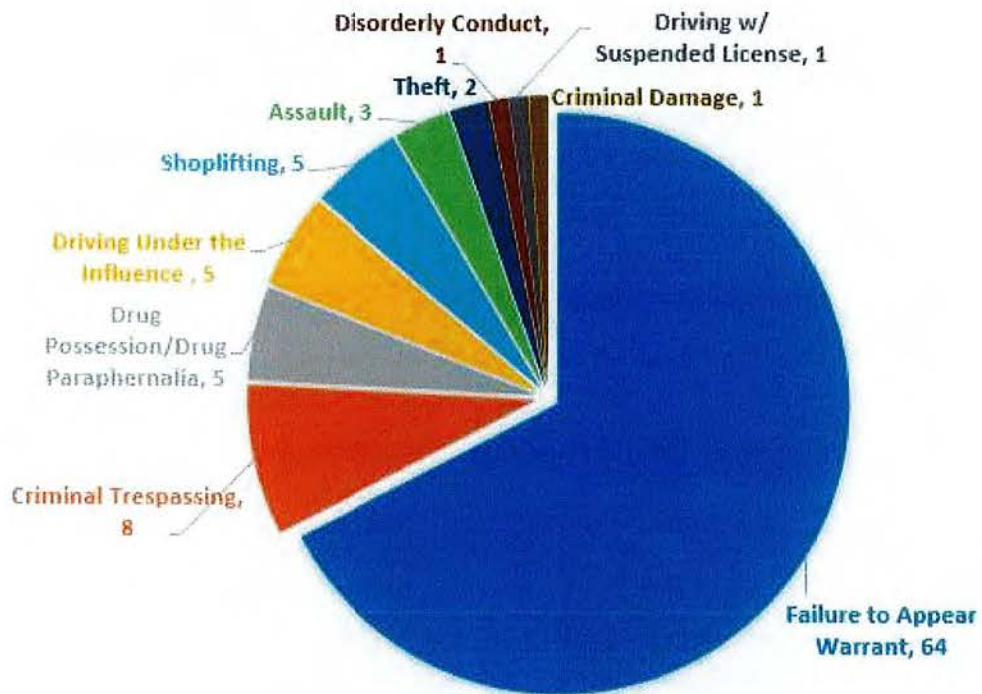


Date ▼ Arresting Agency ▼

+ -



## PRE-RELEASES BY CHARGE TYPE



Pre-Booking Release Totals by Charge Type	#
Failure to Appear Warrant(s)	64
Criminal Trespassing	8
Drug Possession/Drug Paraphernalia	5
Driving Under the Influence	5
Shoplifting	5
Assault	3
Theft	2
Disorderly Conduct	1
Driving on a Suspended License	1
Criminal Damage	1

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# MEMORANDUM

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Date: April 13, 2020

To: The Honorable Chairman and Members  
Pima County Board of Supervisors

From: C.H. Huckelberry  
County Administrator

A handwritten signature in black ink, appearing to read "CHH", is written over the printed name "C.H. Huckelberry".

Re: **Pima County Adult Detention Complex Population Reduction to Accommodate Potential COVID-19 Outbreak**

At the beginning of the COVID-19 pandemic, sometime in early March, the average detention population at the Pima County Adult Detention Complex (PCADC) was nearly 2,000 inmates held as either a pretrial detainee or sentenced detainee.

As of April 12, 2020, the PCADC population was 1,507. This is a significant reduction that allows any inmate housed or who enters into the facility exhibiting COVID-19 symptoms to be quickly isolated from the balance of the population.

The PCADC reduction occurred through a series cooperative interactions in our justice system all documented in the attached April 8, 2020 memorandum from Director of Justice Reform Initiatives Kate Vesely.

I am hopeful that these reductions will continue even after we are past this present wave of the COVID-19 pandemic. The individuals described in the attached memorandum are all non-violent, low-level offenders that, frankly, should not have been in the PCADC in the first place. One of the more critical elements associated with the release of individuals from the PCADC is to ensure they have adequate housing and support services as many were homeless when they entered into the facility. Hence, much of Ms. Vesely's memorandum discusses the efforts to provide housing security to those individuals released from PCADC.

I am very pleased with the cooperative efforts of our justice partners in reducing the PCADC population.

Attachment

c: The Honorable Kyle Bryson, Presiding Judge, Pima County Superior Court  
Amelia Cramer, Chief Deputy County Attorney  
Captain Joshua Arnold, Pima County Adult Detention Complex  
Dean Brault, Director, Public Defense Services  
Domingo Corona, Director, Pretrial Services



Criminal Justice Reform Unit

# MEMORANDUM

Date: April 8, 2020

TO: Wendy Petersen  
Assistant County Administrator  
for Justice & Law Enforcement

From: Kate Vesely   
Director of Justice Reform Initiatives

RE: Update on COVID-19 Jail Releases & Housing Coordination

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The purpose of this memo is to provide you a chronology of events surrounding an expedited release of detainees from the Pima County Adult Detention Complex (PCADC), in order to reduce jail population as a result of the COVID-19 pandemic, as well update you on the efforts made by our unit, Pretrial Services, the Public Defender's office, and Adult Probation to ensure all releases had adequate housing on release.

## Summary

Public Defense Services and the County Attorney's Office has stipulated to a total of 53 detainees who presented low risk to the community and therefore could have the bond lifted for their case. As of today, a total of 29 individuals have been released on to pretrial supervision, with additional detainees likely to be released via individual motions. I am waiting information on the status of the 11 individuals on probation. Additional information on population can be found below.

Of the 29 individuals on pretrial supervision, 10 were in need of housing and were transported to one of two transitional housing providers.

Please note that the cooperative efforts made by our justice system partners in not only identifying the population appropriate for release to community (in light of COVID19), but also coordinating services such as housing and transportation, has been a subject of national interest.

Requested items for action by you: None at this time.

## Update on Efforts by Justice System to Release Appropriate Detainees

On March 23, 2020, we were advised by Amelia Cramer, Chief Deputy County Attorney, that the County Attorney's office was working with Public Defense Services to identify a group of individuals for whom it could be stipulated that release from custody (by having the condition of bail removed from release conditions) would not endanger the public, in response to the COVID19 pandemic. The County Attorney had offered to consider defendants charged with low-level felonies who were not dangerous nor violent, such as those charged with simple drug possession for personal use or for low level property crimes. The Public Defender, Joel Feinman, asked if there might be case-by-case exceptions, such as a residential burglary in which the victims were the parents of the defendant, and it was agreed those could also be considered.



After the Sheriff's Department leadership at the Jail provided a list to the Public Defender on Friday, March 20, approximately a dozen defense attorneys spent the weekend and much of Monday reviewing all the case files of those on the list and then provided a shorter list to the County Attorney's Office. There were 145 individuals on that list. Of those 99 were requests for case-by-case exceptions, and 46 fell into the agreed-upon categories the County Attorney had asked to have submitted for consideration.

The County Attorney's Office late Monday (March 23<sup>rd</sup>), all day Tuesday, and early Wednesday reviewed all 145 defendants' cases (many defendants had more than one pending felony case) and each of the defendants' prior criminal histories. Following that review, the County Attorney's Office identified a total of 53 individuals who might be safely released into the community. Of the 53, 42 were pre-trial detainees divided into two lists: 15 detainees who had victims in their pending charges, and 27 detainees who had no victim in their pending charge(s). The remaining 11 were probationers who have been taken into custody pending hearings on petitions to revoke their probation due to alleged probation violations. [Note: I have submitted a request to Adult Probation for an update on the status of these releases, and will update this memo when a response has been provided.]

By the time this work was completed, it was determined that some of the pretrial detainees had already posted bail and been released from the Jail, and some had been indicted on additional charges. The list was reduced to remove these defendants, and there were 19 remaining among those with non-victim charges.

The Public Defender and the Chief Criminal Deputy County Attorney on Thursday, March 26, 2020 filed a joint consolidated motion with the Presiding Criminal Judge, Hon. Danelle Liwski, asking that a court order be issued removing bail as a condition of release for the pretrial detainees with no-victim cases. They also filed a separate motion asking for a hearing, with five-day notice to victims, to consider removing bail as a condition of release for the pretrial detainees with victim cases. And the County Attorney's Office communicated with Judge Liwski, who in turn communicated with the assigned Superior Court judges, about those pending petitions to revoke probation.

Judge Liwski on Friday March 27, 2020 issued the first requested order calling for the removal of the condition of bail for 19 pretrial detainees in cases with no victims (but leaving in place any other release conditions regarding their pretrial release, such as Pretrial Services supervision). And, the following day (Friday, March 27, 2020), a subsequent order was issued rescinding the removal of the condition of bail for four individuals, who had additional cases that were not caught in the initial review and consequently made them inappropriate for release. It was also discovered that one individual on the list had a federal hold, and therefore could not be released even in the absence of the condition of bail, reducing the list down to 14 total. Per Cindy Buchler, Pretrial Services Supervision Specialist, of those remaining 14:

- Eight individuals were released under pretrial supervision (PTS) to verified housing;
- One person was accidentally released to "self" instead of to PTS and therefore was discharged without being sent to Cindy (Cindy is attempting to contact this person to determine their housing status);
- Two individuals were released from the Mission facility, and therefore were not sent through Pretrial Services either (I have requested more information on this, and Cindy is also reaching out to these individuals as well to offer housing if needed); and

- Three individuals had unverified housing and were therefore placed at the transitional housing facility “Earnest House”.

Judge Liwski heard the second round of “surge releases” for individuals with cases who had victims on Friday, April 3, 2020 at 9:00 a.m. Fifteen pretrial detainees were determined to be low risk and therefore appropriate for removal of the condition of bail. This hearing occurred a week after the first round of releases occurred to allow for the statutorily-mandated time for the County Attorney’s Office to make victim notification and provide victims an opportunity to be heard (I have received no information that any victims objected, nor that any appeared for the hearing). All 15 defendants were approved for release and processed out of custody that day.

The total number of pretrial defendants actually released on March 27 and April 3 were 29 defendants.

### **Housing Coordination for Released Detainees**

At the time Ms. Cramer advised us of the pending “surge” release of detainees, she requested our unit provide assistance in identifying potential housing resources for this population. I also initiated with Grants Managements and Innovation (GMI) an exploration into potential funding resources to assist with housing costs, so that we may avoid having to place any released individuals in a shelter. Our priorities in assisting with housing were to place individuals in facilities that could allow for social distancing and other “stay in place” mandates recommended by federal, state and local health officials.

On Monday, March 23, we began reaching out to transitional housing providers in the community, as well as our Housing First provider, Old Pueblo Community Services (OPCS). Numerous housing providers said they had bed space available, and OPCS was willing to divert other bed space to this cause. We also reached out to our justice system partners to inform them of the releases, including the sergeants at Tucson Police Department who oversee the homeless programs.

At our telephonic Justice Coordinating Council (JCC) meeting on Tuesday, March 24, Mr. Feinman offered the resources of Jennifer Salem-Russo, the Public Defender’s social worker, to assist with housing coordination. Adult Probation offered the resources of Matt Anderson and Maria Renteria, supervisor of the Re-Entry Team, and Pretrial Services provided Cindy Buchler, to assist with housing coordination as well.

The following responsibilities were assigned:

- For individuals who are to be released on probation supervision who is identified as not having appropriate housing, Matt Anderson would coordinate housing;
- For individuals released on pretrial supervision who does not have appropriate housing, Cindy Buchler will coordinate housing;
- Individuals released on their own recognizance but report that they do not have housing, Jennifer Salem-Russo will offer to assist with housing;
- The Criminal Justice Reform Unit will work with housing providers in the community to identify open bed space, seek funding opportunities, relay information community as it becomes available, and relay information and provide support to our justice system partners.

I have been working with Leticia Lujan in GMI to identify potential funding to assist with housing that could be available in time for use on Friday. We determined that a line item under MacArthur funding, approximately \$140,000 that was earmarked for funding housing for individuals released from jail. This line item had been underutilized, and could be used in its current form without budget modification. I am, however, continuing to explore requesting modification anyways to permit housing individuals longer than three weeks (the current funding parameters). I also spoke with Bria Gillum, our program officer with the MacArthur Foundation; she was supportive of our plan.

I have been in communication with Adult Probation on logistically working out funding for housing, and a tentative plan is in place. On Monday, I spoke with Adam Redding in Superior Court's Procurement division, and have tentatively drafted an invoicing and payment plan that we will get approved with Adult Probation's finance department. I will continue to keep you apprised of our progress, and I will also be advising Cindy and Jennifer on ways they may access this resource even for individuals not on probation.

After being advised that all pretrial releases would be placed on Pretrial Services supervision, I remained in close contact with Cindy throughout the day last Friday (the day of release for detainees, without victims in their pending cases). She expressed some frustration that she had not been notified that the court order has been signed and that the detainees had begun being processed out of custody. Fortunately she was able to get to the jail before any of them had been released. I requested feedback from Cindy on how this process could have run smoother, as I'm aware that she remained at the jail until approximately 10 pm on the first Friday of the "surge releases", coordinating housing for these releases. She provided the following recommendations:

1. To receive the list of names ahead of time (the unsigned court order was emailed to Cindy on Thursday; I have requested clarification from her as to how much time is needed);
2. To know if there will be hearings or stipulations (again, I have requested clarification);
3. For Cindy to be advised with more advance notice when the list is sent to the jail (i.e. I believe after Judge Liwski signed the order Friday morning, it was sent over to the jail to begin processing out the defendants, however Cindy was not notified until Friday afternoon that this had been sent into motion); and
4. To prioritize the "out processing" of detainees who are homeless first (I understand that the three who were released homeless were the last to be processed and released, making it very late in the evening for them to be transported to and admitted into Earnest House).

In taking that feedback, I worked with a number of partners to endeavor the April 3, 2020 release could run more smoothly. Working with the prosecutor's office, we were able to get the names of all individuals on the list for the April 3<sup>rd</sup> hearings to Cindy by Monday, March 30<sup>th</sup>. She was able to work with the pretrial staff in the jail to determine that seven individuals did not identify housing; four men and three women. We coordinated with two separate transitional housing providers to secure bed space prior to the hearings.

The jail staff including their records department played a tremendous role in the improved efficiency in processing out the second round of releases. After identifying the seven detainees who were homeless and providing those names to Trish Bazele in records, jail staff were able to process these individuals out of custody first. This enabled Cindy to finish coordinated releases for these individuals by about 1:30 pm on Friday afternoon, and permitting these individuals to be transported to their housing placements in

the afternoon. I wish to reiterate appreciation of the staff at the jail and pretrial, for their efforts in getting these detainees processed out quickly and effectively.

Our efforts now shift to supporting Public Defense Services in identifying housing for individual defendants who are being released during the Governor's ongoing "stay in place" orders, and identify as homeless. Jennifer Salem-Russo reports that many of their clients will not be eligible for release without having housing identified. In an effort to support our community's goal to safely reduce the jail population as much as possible at this time, I will be continuing to explore resources (including approval to continue to utilize MacArthur housing funding) to aid them in locating safe housing placement at facilities that will support social distancing and quarantine protocols.

CC: C. H. Huckelberry, County Administrator  
Hon. Kyle Bryson, Chief Presiding Judge  
Amelia Cramer, Chief Deputy County Attorney  
Capt. Joshua Arnold, Pima County Adult Detention Complex  
Dean Brault, Public Defense Services Director  
Domingo Corona, Pretrial Services Director

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# MEMORANDUM

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Date: May 18, 2020

To: The Honorable Chairman and Members  
Pima County Board of Supervisors

From: C.H. Huckelberry  
County Administrator 

Re: **Pima County Adult Detention Complex Population Summary – May 15, 2020**

I have attached the latest weekly snapshots I received from our Jail Navigator, Michael Steber, regarding population at the Pima County Adult Detention Center (PCADC).

The daily headcount from this weekly snapshot is down to 1,303. As you know, our jail population was as high as 1,950 pre-COVID-19. More importantly, only five percent of the jail's population is confined on a misdemeanor, of those held on a misdemeanor charge, 52 individuals have pending charges and only 9 have been sentenced to PCADC.

Regarding citizenship, previous census on non-citizens was nearly 120 individuals. At this time, this number is at 84 with only two held on misdemeanor charges.

In examining the bookings summary, which is a snapshot of individuals booked in the previous seven days, of the 288 bookings, 56 percent were felonies, 46 percent misdemeanors. Of the misdemeanors, only one percent were booked for drug possession for personal use.

These statistics are encouraging. Obviously, COVID-19 has been a great accelerator in this component of criminal justice reform.

CHH/anc

## Attachments

c: The Honorable Kyle Bryson, Presiding Judge, Pima County Superior Court  
The Honorable Barbara LaWall, Pima County Attorney  
The Honorable Mark Napier, Pima County Sheriff  
Wendy Petersen, Assistant County Administrator for Justice and Law Enforcement  
Dean Brault, Director, Public Defense Services





## Pima County Sheriff's Department

Friday, May 15, 2020

### Simple Summary Snapshot

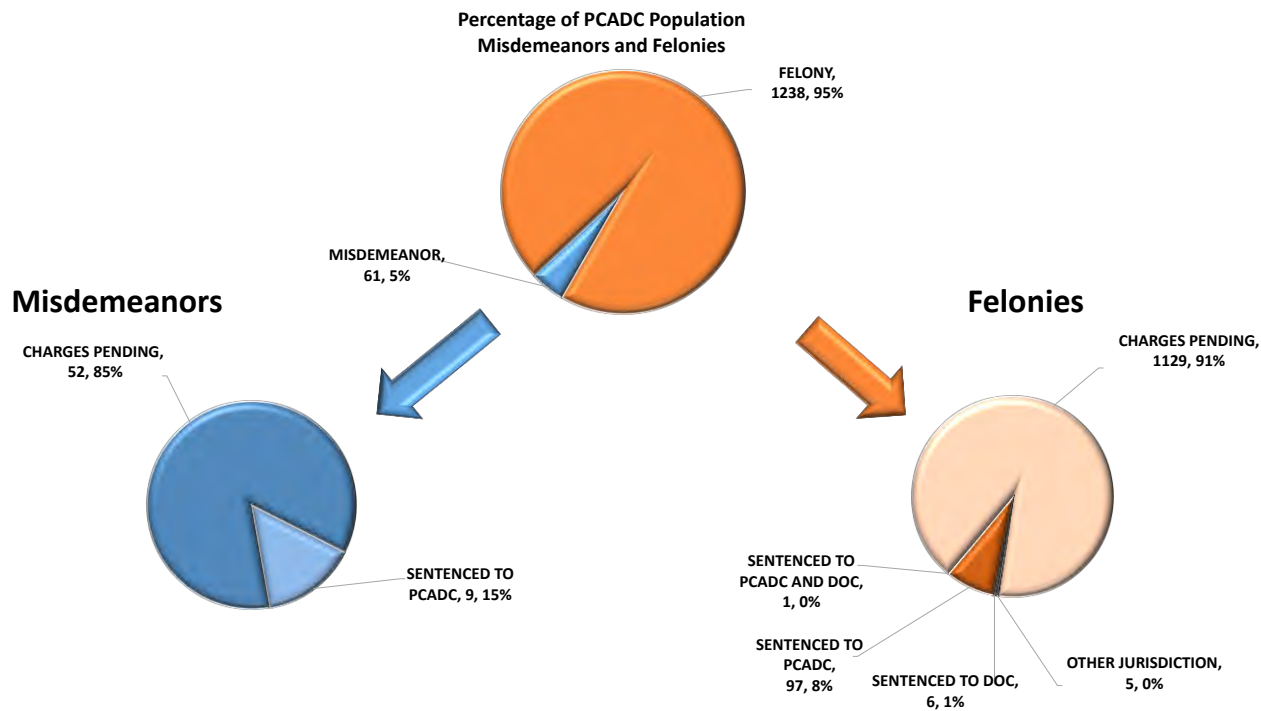
Note: this data is a snapshot of individuals in custody and the charges holding them for the date posted. The highest class holding the inmate is represented.

PCADC HEADCOUNT 1303

Inmates by Statute	Total
NOT UNDERLYING OFF-FTC	4
MISDEMEANOR	61
FELONY	1238
Total PCADC HEADCOUNT	1303

Misdemeanors and Felonies	Total
MISDEMEANOR	61
CHARGES PENDING	52
SENTENCED TO PCADC	9
FELONY	1238
CHARGES PENDING	1129
SENTENCED TO PCADC	97
SENTENCED TO DOC	6
SENTENCED TO PCADC AND DOC	1
OTHER JURISDICTION	5
Grand Total	1299

Misdemeanors and Felonies	Total
MISDEMEANOR	61
JUSTICE COURT	8
CHARGES PENDING AND DOC	1
CHARGES PENDING AND PCADC	1
PRE-TRIAL DETAINEE	5
SENTENCED TO PCADC	1
SAHUARITA COURT	1
PRE-TRIAL DETAINEE	1
TUCSON CITY COURT	51
CHARGES PENDING AND DOC	1
CHARGES PENDING AND PCADC	8
PRE-TRIAL DETAINEE	34
SENTENCED TO PCADC	8
NO COURT LISTED	1
PRE-TRIAL DETAINEE	1
FELONY	1238
ARIZONA STATE COURT	30
PRE-TRIAL DETAINEE	30
JUSTICE COURT	102
PRE-TRIAL DETAINEE	102
OTHER COUNTY WARRANT	20
CHARGES PENDING WITH OTHER HOLDS	15
OTHER JURISDICTION	5
SCAR	11
PRE-TRIAL DETAINEE	11
SUPERIOR COURT	1075
CHARGES PENDING AND DOC	12
CHARGES PENDING AND PCADC	3
PRE-TRIAL DETAINEE	956
SENTENCED TO PCADC	97
SENTENCED TO DOC	6
SENTENCED TO PCADC AND DOC	1
Grand Total	1299



Note: Charges Pending include Pretrial Detainees and Pretrial Detainees that have holds or sentences on other charges.



Note: this data is a snapshot of individuals in custody and the charges holding them for the date posted. The highest class holding the inmate is represented.

## Gender Booking Summary

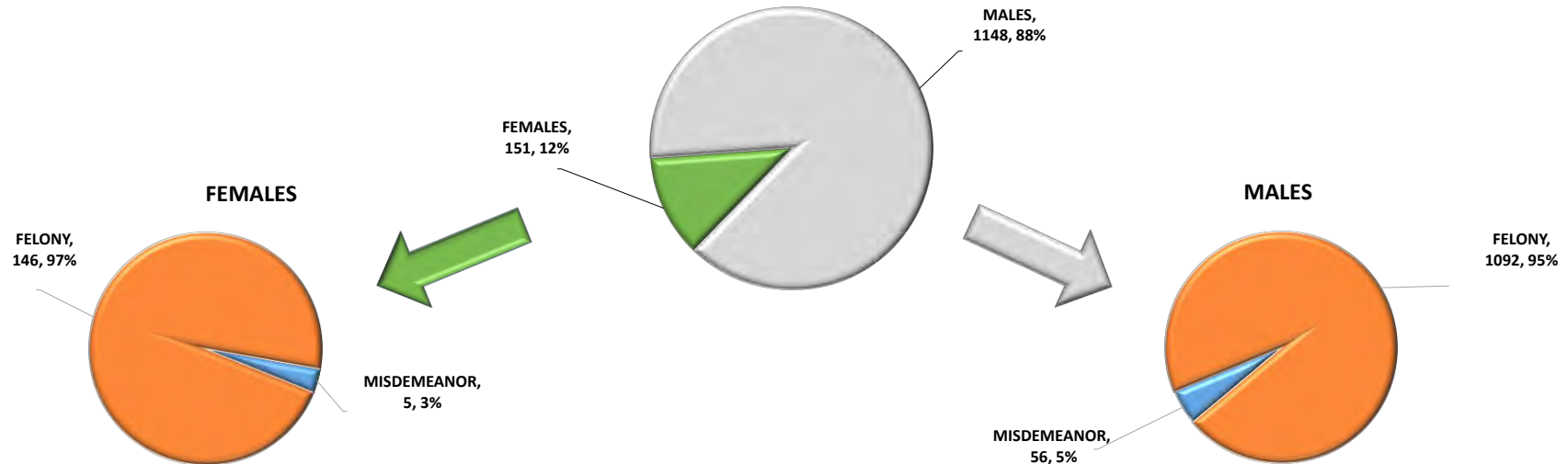
PCADC HEADCOUNT 1303

Inmates by Statute	Total
NOT UNDERLYING OFF-FTC	4
MISDEMEANOR	61
FELONY	1238
Total PCADC HEADCOUNT	1303

Misdemeanors and Felonies	Total
FEMALES	151
MALES	1148
Grand Total	1299

Misdemeanors and Felonies	Total
FEMALES	151
MISDEMEANOR	5
FELONY	146
MALES	1148
MISDEMEANOR	56
FELONY	1092
Grand Total	1299

PCADC Population  
Misdemeanors and Felonies by Sex







### Citizenship snapshot

*Note: this data is a snapshot of individuals in custody and the charges holding them for the date posted. The highest class holding the inmate is represented.*

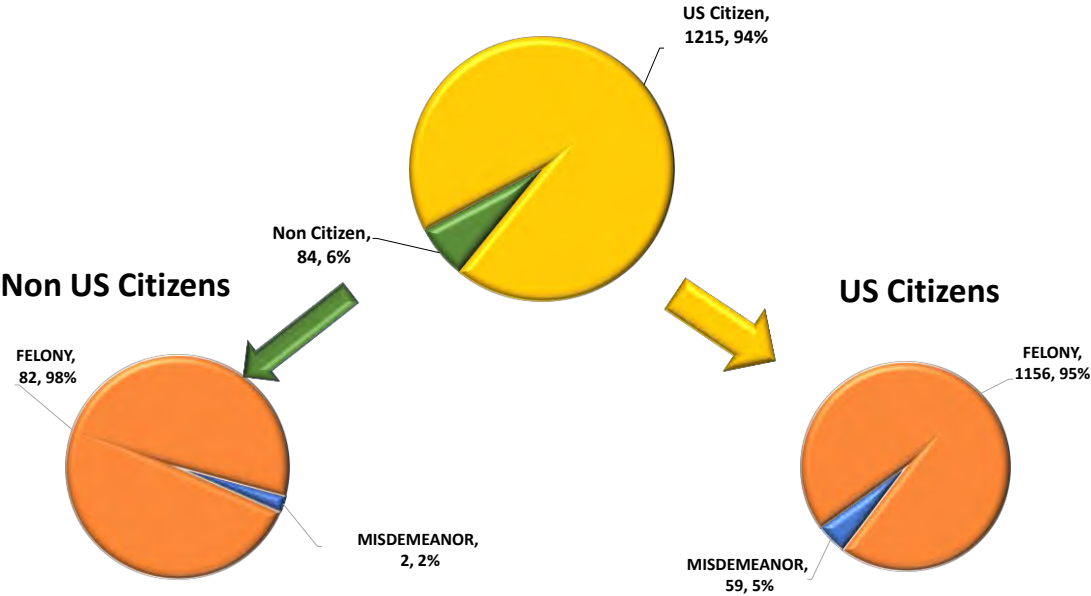
PCADC HEADCOUNT 1303

Inmates by Statute	Total
NOT UNDERLYING OFF-FTC	4
MISDEMEANOR	61
FELONY	1238
Total PCADC HEADCOUNT	1303

Misdemeanors and Felonies	Total
US Citizen	1215
Non Citizen	84
Grand Total	1299

Misdemeanors and Felonies	Total
US Citizen	1215
FELONY	1156
MISDEMEANOR	59
Non Citizen	84
FELONY	82
MISDEMEANOR	2
Grand Total	1299

Percentage of PCADC Population  
Misdemeanors and Felonies by  
Citizenship



Holds and Notifications-Non Citizens	Total
No Holds	26
CHARGES PENDING AND DOC	1
CHARGES PENDING WITH OTHER HOLDS	1
PRE-TRIAL DETAINEE	23
SENTENCED TO DOC	1
Other	3
PRE-TRIAL DETAINEE	3
ICE Notification	55
PRE-TRIAL DETAINEE	55
Grand Total	84



## Pima County Sheriff's Department

Friday, May 15, 2020

### Drug Offense Booking Summary

*Note: This data is a snapshot of individuals booked, in the previous 7 days, into custody and the charges holding them for the date posted. The highest charge holding the inmate is represented and may not include lesser drug offenses.*  
*Example: If an individual is booked in for murder and marijuana possession for use, the drug charge would not be represented.*

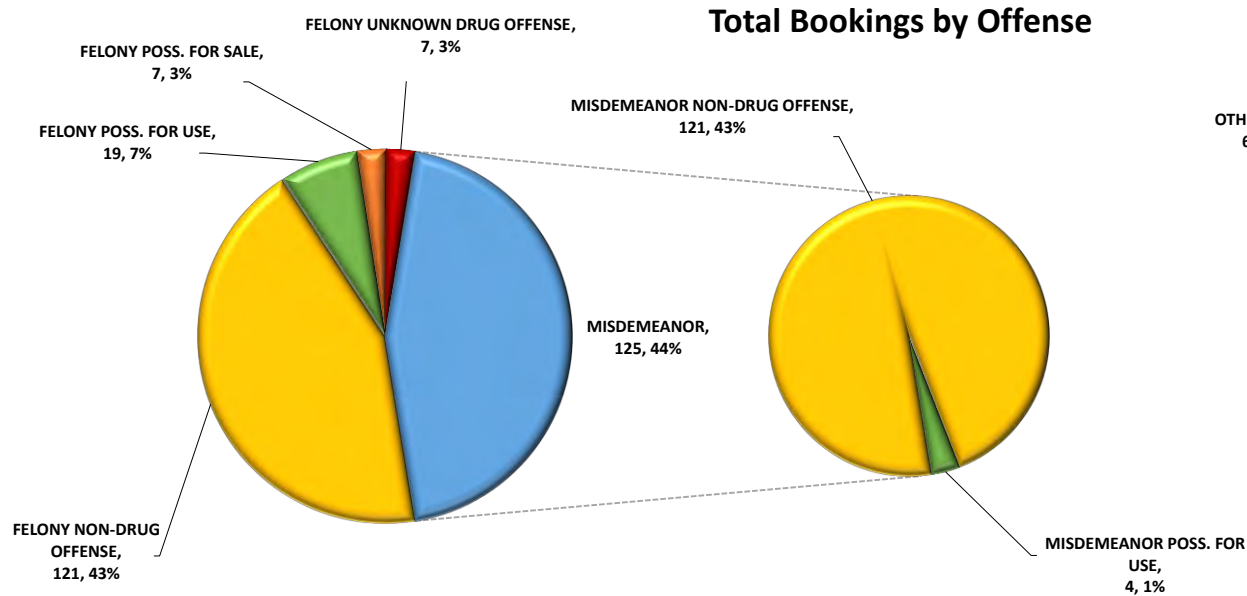
Individuals Booked	Total
FEDERAL HOLD	3
FELONY	154
MISDEMEANOR	125
NOT UNDERLYING OFF-FTC	5
CIVIL COURT	1
Grand Total	288

Drug Offenses by Purpose	Total
FELONY	154
NON-DRUG OFFENSE	121
POSS. FOR USE	19
POSS. FOR SALE	7
UNKNOWN DRUG OFFENSE	7 *
MISDEMEANOR	125
NON-DRUG OFFENSE	121
POSS. FOR USE	4
Grand Total	279

Drug Offense by Type	Total
DANGEROUS	13
NARCOTIC	18
OTHER DRUG	6 **
Grand Total	37

\* Arresting Officer did not specify sub-category of statute at time of booking

\*\* Synthetic, Prescription, and Marijuana



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# MEMORANDUM

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Date: August 5, 2020

To: The Honorable Chairman and Members  
Pima County Board of Supervisors

From: C.H. Huckelberry  
County Administrator 

Re: **Criminal Justice System Reform**

Please see the attached July 30, 2020 memorandum from Assistant County Administrator Wendy Petersen. The memorandum summarizes recommendations related to criminal justice reform from County stakeholders. These recommendations are narrowing in on a group of actions that will likely result in reduced Pima County Adult Detention Complex (PCADC) occupancy.

Since the beginning of the COVID-19 pandemic, the PCADC population has decreased from a nearly 2,000 daily population to as low as 1,300. PCADC's population is slowly beginning to increase and stands at approximately 1,500 today.

A number of these initiatives that will be pursued are designed to reduce PCADC population, particularly for non-violent crimes. These proposals were recently discussed at a Criminal Justice Reform Advisory Commission on July 31, 2020. A summary of the Commission's recommendations will be made available in the near future. Many of these reforms may require legislative action and will be included in the next Legislative Agenda for Board of Supervisors consideration.

CHH/anc

Attachment

c: Wendy Petersen, Assistant County Administrator for Justice and Law Enforcement



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# MEMORANDUM

County Administration  
Justice and Law

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Date: July 30, 2020

To: C.H. Huckelberry  
County Administrator

From: Wendy Petersen   
Assistant County Administrator  
Justice and Law Enforcement

Re: **Recommendations for Criminal Justice Reform from Pima County Stakeholders**

At our January 16, 2020, regular meeting, the County Administrator asked me to gather recommendations from all of our criminal justice reform stakeholders to present to the Criminal Justice Reform Advisory Commission ("CJRAC" or "Advisory Commission"). Our last Advisory Commission took place on January 27, 2020.

At that meeting we had presentations with specific recommendations made by Public Defense Services, Adult Probation and the County Attorney's Office.

Our next CJRAC meeting is scheduled for Friday, July 31, 2020.

**I. Pima County Attorney's Office – Barbara LaWall (January 27, 2020)**

Ms. Barbara LaWall responded promptly to this request and included her memoranda from 2017 and 2018 (Attachments 1, 2 and 3) to similar questions. I am attaching that previous memoranda along with Ms. LaWall's comprehensive January 27, 2020, memo outlining in detail her recommendations.

I will summarize her top three recommendations from January 2020 here:

**A. Improve Treatment Alternatives for Drug Possessors and Drivers Under the Influence of Drugs and Alcohol.**

1. Sequential Intercept mapping (SIM) reveals the need to fill gaps in the continuum with the following:

- a. Expand Law Enforcement Assisted Deflection;
- b. Implement a new Pre-Indictment Drug Diversion;

- c. Coordinate under one Superior Court Judge, all Felony drug possession cases;
2. Establish new specialist DUI Court;
3. Ensure that all clinically necessary treatment for substance use disorder is available immediately;
4. Ensure that all necessary wraparound recovery support services are available immediately for participants in the drug and DUI courts;
5. Reform the manner in which bail is used in Pima County.

**B. Expedite Disposition of Felony Cases in Superior Court**

1. Provide sufficient funding for all positions necessary for the County Attorney's Office to immediately complete redaction for all digital evidence;
2. Provide sufficient funding for all positions necessary for the County Attorney's Office and public defense attorneys to evaluate and negotiate plea agreement within 30 days;
3. Explore legislation to permit disclosure of digital evidence to defense counsel for attorneys' eyes only without redaction.

**C. Expand and Improve Victim Services**

1. Ensure all necessary victim services are available immediately and ongoing as needed for all crime victims;
2. Better coordinated services for all victims of sex assault, sex trafficking and stalking.

**II. Recommendation from Public Defense Services (Jan 27, 2020) - Dean Brault and Joel Feinman:**

**A. Create a comprehensive map of community services available within Pima County:**

There are lots of Federal, State, and local programs and resources available, both public and private. PDS proposes that we get representatives responsible for mapping services in their area of expertise together to create a master map of all services impacting the people of Pima County so that we can get a comprehensive view of all services that will help solve problems before they start and to find solutions to problems with how our criminal justice system currently works. This mapping process would address issues like food, housing, employment, education, transportation, childcare, medical, dental, substance abuse, mental health, and all aspects of the criminal justice system including the jail, prison, probation, pretrial, victims, and restitution. Such a mapping project may

lead to more efficient uses of resources and more comprehensive solutions to problems, both in the public and private sectors.

- B. Provide room for expansion of the STEPS (Supportive Treatment and innovation Programs) and other diversion programs by getting the Arizona Legislature to eliminate the statutory restrictions on when diversion can be offered.
- C. Eliminate the mandatory minimum of four (4) months in the Arizona Department of Corrections as a precondition of being placed on probation.
- D. Expect the Arizona Department of Corrections to live up to their new name that includes rehabilitation by funding and providing real rehabilitative services to inmates in areas such as substance abuse and mental health counseling and services.

### **III. From Adult Probation Office – Chief David Sanders**

- A. Elimination of money bail (No bail or release);
- B. Increase the pace of case flow management (shorten time to disposition);
- C. Release from Arizona Department of Corrections after serving 50% of the time rather than 85%, so long as program goals are accomplished (not necessarily all cases);
- D. Greater judicial discretion in sentencing;
- E. Lower fines;
- F. Probation fees of \$30 per month rather than \$65, to be increased by the court only for noncompliance (incentive for compliance, sanction for noncompliance);
- G. More terminal sentences (e.g., fine) for those who do not need probation, jail or prison.

Chief Sanders recommended the following articles (Attachment 4 and link: <https://files.texaspolicy.com/uploads/2019/05/17151137/Levin-Improving-Probation.pdf>) about which he states, "There are some good ideas in the [attached] articles, many of which we already do."

From May 2019, Center for Effective Justice, **RIGHT On CRIME**, an initiative of Texas Public Policy Probation, *Ten tips for Policymakers for Improving Probation*

1. Reduce criminalization and incentivize and expand use of police and pretrial diversion;

2. Assess risk and criminogenic needs of each person placed on probation. Tie conditions to the assessment, regularly reevaluate based on progress, and account for special populations;
3. Ensure probation conditions are the least restrictive necessary to protect public safety;
4. Adopt performance-based probation terms that allow individuals to earn their way off probation;
5. Change probation funding to frontload resources, avoid incentivizing higher volumes, and consider risk-needs level of caseload;
6. Tie probation funding to performance and outcomes;
7. Curtail probation fees and related fines and court costs, and require ability-to-pay determination up front;
8. Implement a system of graduated sanctions and incentives;
9. Cap or end technical revocations in most cases; and
10. Engage community rather than "fortress probation," including leveraging nonprofits, employers, and peer mentors.

Chief Sanders also suggested reviewing, *Promoting Success on Probation and Parole*, **Arnold Ventures** (Attachment 5 and link:

[https://craftmediabucket.s3.amazonaws.com/uploads/AV\\_Community-Supervision-2-Pager\\_FINAL.pdf](https://craftmediabucket.s3.amazonaws.com/uploads/AV_Community-Supervision-2-Pager_FINAL.pdf))

#### **IV. Recommendations from Pre Trial Services**

Pretrial Services Director, Domingo Corona, focused his recommendations of reform based on his areas of expertise, the pre-adjudication phase of the justice system. He is most familiar with the legal and evidence-based practices surrounding pretrial release and bail conditions, including release mechanisms pre- and post-booking.

Mr. Corona's recommended focus areas for enhancing the justice system follow, with brief descriptions following the general recommendations.

1. Bail Reform
2. Expansion of Diversion Options
3. Exploring the Use of Technology to Improve Pretrial Supervision Outcomes



a. Bail Reform

A review of current state laws and rules regarding bail/release options for judges should be conducted to determine how to best minimize the use of money bail. The National Association of Pretrial Services Agencies National Standards on Pretrial Release and American Bar Association Pretrial Release Standards discuss the prohibition of financial conditions (Standard 1.5) and that a financial condition should not be imposed which “results in the pretrial detention of the defendant solely due to an inability to pay” (Standard 10-5.3), respectively. To move closer to these standards, it is Mr. Corona’s recommendation that judges setting bail conditions should have more release options available which help mitigate risks for nonappearance and re-arrest during the pretrial period. Alongside improved release options, a review of state rules and laws should inform on the use of preventative detention for those limited number of cases which present an unmanageable risk to the safety of the community.

*Example 1:* The Jail Population Review Committee has been utilizing expanded services for high risk and needs cases. Thorough examination of cases through this committee has either revealed or developed strategies for defendants who may pose a greater risk for pretrial failure due to housing issues, substance use issues or behavioral health concerns.

*Example 2:* A potential area of interest may be pre-IA screening for felony cases eligible for diversionary programs (such as the STEPS program described below). With pre-existing agreements on program qualification, delegated release practices may further reduce an individual’s time in detention and also allow initial appearance judges to spend more time reviewing more complex or dangerous cases at the initial appearance hearing.

b. Expansion of Diversion Options

The stakeholder support around the development of the STEPS Drug Diversion program is reflective of wide-ranging support for specialty programming geared at addressing the needs of the pre-adjudicated population. These types of programs have the potential for steering individuals away from the typical court process, which hopefully leads to reductions in recidivism. The STEPS program outcomes should reveal whether this approach is effective. If it is, PTS would recommend utilizing this model with other charge or case types, mainly those of a non-violent nature.

c. Exploring the Use of Technology to Improve Pretrial Supervision Outcomes

Pretrial Services Officers should use the least onerous strategies to help increase court appearance potential or re-arrest (court date reminders, connectivity to services, etc.). However, no-cost-to-defendant technologies may be employed to better increase communication in these areas. An example of technologies which may benefit community supervision are temporarily assigned cellular phones for those individuals

C.H. Huckelberry, County Administrator

Re: **Recommendations for Criminal Justice Reform from Pima County Stakeholders**

July 30, 2020

Page 6

who have no direct contact methods available, smart phone breath analysis devices, and improved supervision software.

### **Conclusion**

These recommendations come from the criminal justice stakeholders in Pima County.

Some of these recommendations, if accepted, would require legislative changes and many would also require an infusion of money.

I am hopeful we can review all of these proposals at our Friday, July 31, 2020, Criminal Justice Reform Advisory Commission meeting.

Attachments

WP/dr

c:     Members, Criminal Justice Reform Advisory Commission  
       Criminal Justice Reform Unit

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# MEMORANDUM

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Date: September 9, 2020

To: The Honorable Chairman and Members  
Pima County Board of Supervisors

From: C.H. Huckelberry  
County Administrator 

Re: **Progress in Criminal Justice Reform**

While the County has been largely dealing with the COVID-19 pandemic since March of 2020, we have also continued to monitor our progress in Criminal Justice Reform. We are now beginning to see positive signs in statistical information regarding jail population, bookings, charges and those held on serious crimes.

We have for some time been monitoring the adult detention center population, its make up ethnicity, gender, age and other socio economic demographics to determine certain factors related to the population charged with the crime.

As I have also reported recently we are now collecting felony monthly case increases in our Public Defense service units. In addition the data coordinator within our Criminal Justice Reform unit continues to provide meaningful statistics that can help inform key players in the criminal justice system regarding progress at reform measures. For the first time we are seeing positive shifts in the metrics associated with our criminal justice system. The following major findings are contained attached September 1, 2020 memorandum from Cara Stevens, Data Coordinator and Wendy Petersen, Assistant County Administrator for the Criminal Justice Reform Unit.

- Jail Population Decreasing

On March 6, 2020 our jail population was 1946 and had a low point of 1303 on May 15, 2020. Which is a drop of 33 percent of the jail population. On Friday, September 4, 2020 the census was 1399.

Part of the reason for the report on September 1, 2020 was my concern over the increasing jail population particularly why it had suddenly began to increase without any specific reason. Research into the matter indicated that quite simply over 130 of the inmates held in the adult detention center were already sentenced to the Arizona Department of Corrections and once these inmates were transferred our population at the adult detention center would remain relatively low.

- Bookings by Law Enforcement have also declined over the months.

In January of 2020 there were 2,447 bookings by a law enforcement entity into the adult detention center. By June 2020 this had dropped to 1,299 a decrease of 47 percent. Law enforcement is arresting and booking fewer individuals than previously.

The Honorable Chairman and Members, Pima County Board of Supervisors  
Re: **Progress in Criminal Justice Reform**  
September 9, 2020  
Page 2

- More importantly bookings for drug possession and use dropped  
Drug use and possession bookings have dropped by 68 percent over the same period. Which simply means fewer and fewer individuals are being arrested for and booked on drug possession and use charges.
- Pretrial detention population  
This pretrial detention population dropped by 47 percent for drug offenses and 42 percent by simple failure to appear charges.
- Booking increased for homicide and aggravated assault charges  
More and more individuals are booked into the adult detention center on dangerous charges such as homicide and aggravated assault. Between March 6, 2020 and July 7, 2020 the number of individuals booked for homicide increased by 23 percent and the population of the adult detention center held on aggravated assault charges rose from 12 percent in on March 6, 2020 to 14 percent on July 7, 2020. Clearly more dangerous individuals are being held on more serious crimes in the adult detention center.

As we continue to monitor the data from the Criminal Justice system we will alert the Board to any significant changes that alter our direction and or reform. However, the current statics are encouraging.

CHH/mp

#### Attachments

c: The Honorable Mark Napier, Pima County Sheriff  
The Honorable Barbara LaWall, Pima County Attorney  
The Honorable Kyle Bryson, Presiding Judge, Superior Court  
Jan Leshner, Chief Deputy County Administrator  
Wendy Petersen, Assistant County Administrator  
Dean Brault, Director, Public Defense Services





# MEMORANDUM

Criminal Justice Reform Unit

Date: September 1, 2020

To: C. H. Huckelberry  
County Administrator

From: Cara Stevens   
Data Coordinator  
via Wendy Petersen   
Assistant County Administrator

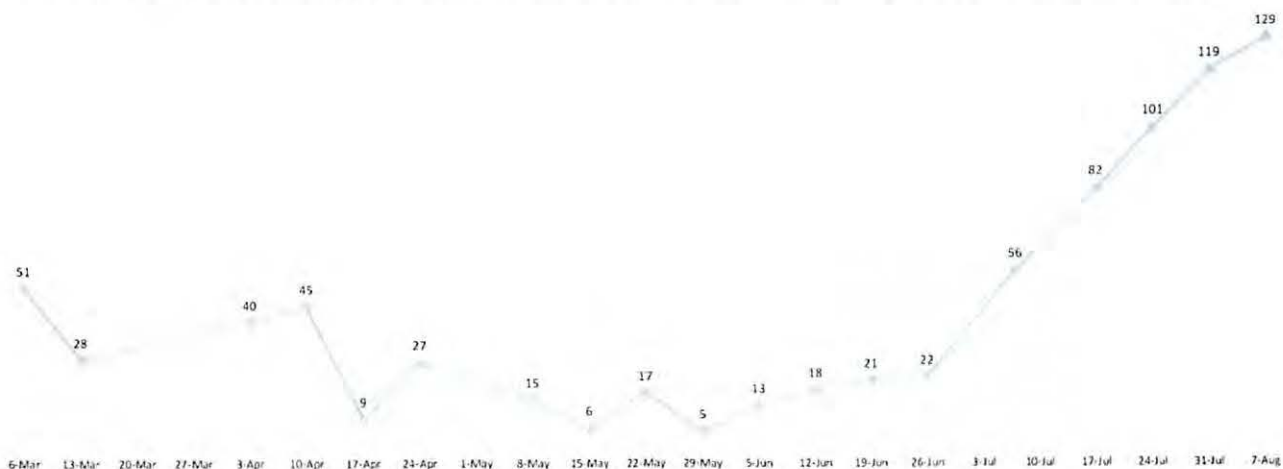
Re: Increase in Pima County Adult Detention Complex Daily Occupation

On July 13, 2020, you sent a memorandum to Assistant County Administrator Wendy Petersen, requesting information pertaining to the increase in the daily inmate count at the Pima County Adult Detention Complex (PCADC) from the low-point of 1,303 on May 15, 2020 to the daily count of 1,504 on August 7, 2020. The purpose of this memorandum is to address the increase in the daily inmate count and to determine if this increase is the result of court proceedings, County Attorney actions, Public Defense Services activities, and/or other reasons.

## Summary

The main increase in the jail population is likely the result of an increase in the number of inmates pending transfer to the Arizona Department of Corrections Rehabilitation and Reentry (ADCRR). Between March 6, 2020, and August 7, 2020, the number of inmates held in PCADC that were sentenced to ADCRR increased by 74%, from 51 to 129.

Figure 1. The Number of Inmates Pending Transfer to ADCRR has increased by 74% since March 6, 2020



Question: Is the increase due to any lack of court proceedings, defense or prosecution activities?

No, as of August 7, 2020, there is no significant increase in the jail population that can be attributed to court proceedings, or defense or prosecution activities. The Criminal Justice Reform Unit (CJRU) staff inquired with the Pima County Superior Court, Pre-trial Services, Pima County Attorney's Office, and Public Defense Services if there

C.H. Huckelberry

Re: Increase in Pima County Adult Detention Complex Daily Occupation

September 1, 2020

were any delays in processes that could account for an increase in the PCADC populations. However, all agencies did not report any substantial issues.

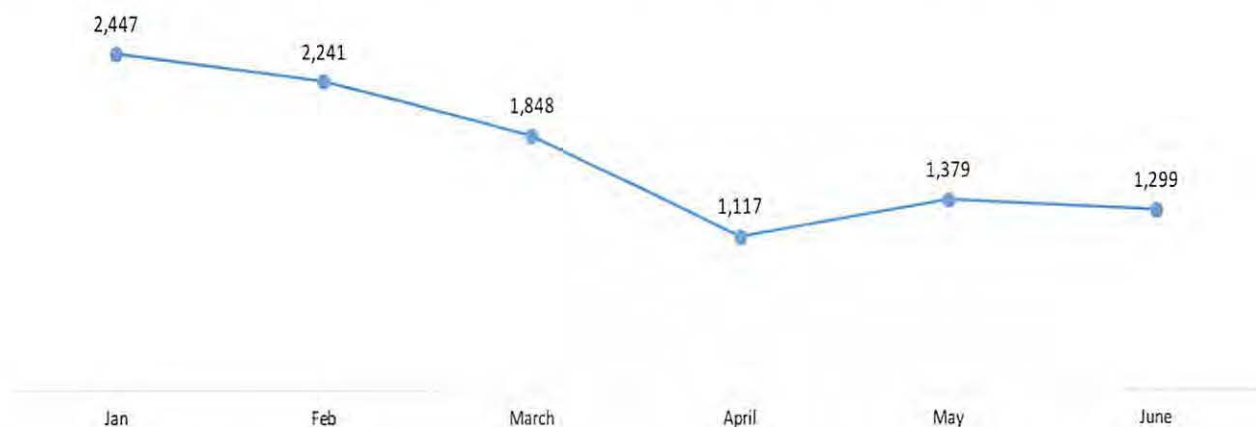
The only significant increase were inmates awaiting transfer to ADCRR. This population typically comprises approximately 3% of the total inmate population. On August 7, 2020, this population comprised 9% of the PCADC population. If the increase in this population was the result of an increase in bookings or delays in other court proceedings, the proportion of the population awaiting transfer would remain constant.

### Background

On March 6, 2020, the jail population headcount total was 1,946. As a result of the steps taken by the Pima County Sheriff's Department, County Attorney's Office and Public Defenses Services, the PCADC population decreased to the lowest post-COVID-19 point to 1,303 on May 15, 2020. Since then, the population has increased slightly (approximately 1%) each week. On August 21, 2020, the jail population headcount was 1,485.

In order to investigate potential causes of the increase in the PCADC population, data from the weekly jail snapshots were transferred into an excel spreadsheet to look for trends in PCADC population. Mike Steber the Jail Population Coordinator, also provided data extracts of PCADC bookings and releases from January 2020 through June 2020. The length of stay by offense for departures from the jail in each month were compared to investigate the effect of COVID-19 on length of stay.

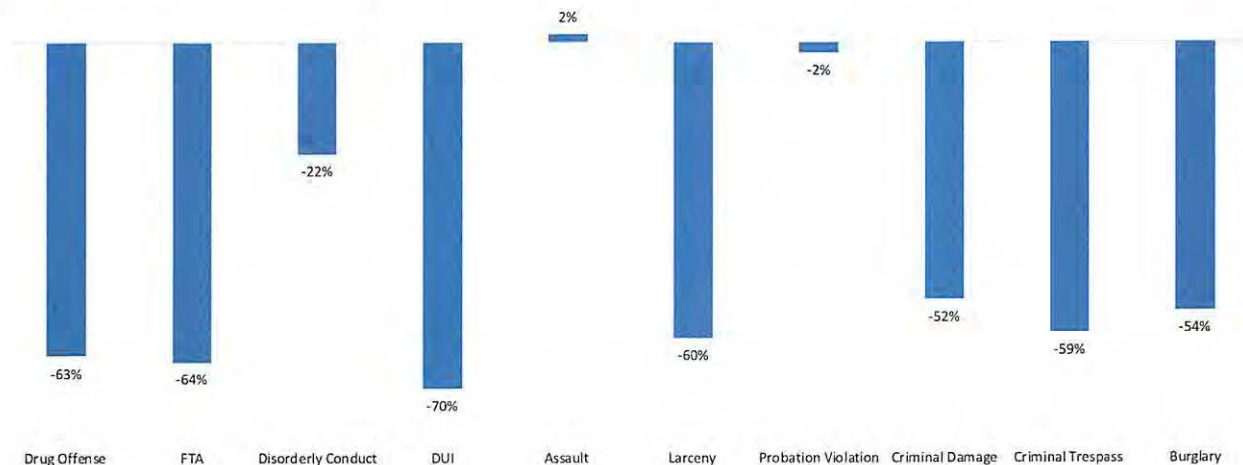
**Figure 2. Jail Bookings have decreased by 47% between January 1, 2020 and June 30, 2020**



Since January 1, 2020, bookings into the PCADC have decreased by 47%. Most substantially, bookings for all drug related offenses have decreased by 63%, from 461 in January to 169 in June (see Figure 3. below). Bookings for "dangerous drug possess or use" decreased by 68%, and "narcotic drug possess or use" decreased by 53%. During this period, bookings for assaults increased slightly (2%). While there was an increase in bookings between April and May (23%), the overall percentage decreased by 43% between January and May.



**Figure 3. Bookings for Drug Offenses have decreased by 63% between January 1, 2020 & June 30, 2020**



Similar to bookings, releases have decreased by 45% (see Figure 4. below). Individuals released from PCADC with a disposition of “dismissed” have increased by 154%, and “bonded out” releases have increased by 14%. “Post booking” (72%), “time served” (69%) and “released to a third party” (66%) have all decreased at a greater rate than total releases (45%), suggesting that these decreases are not attributed to overall decreases in releases, but a change in either prosecutorial or court decision making (see Figure 5. below).

**Figure 4. Overall Releases and Bookings have decreased 45% between January 1, 2020 & June 30, 2020**

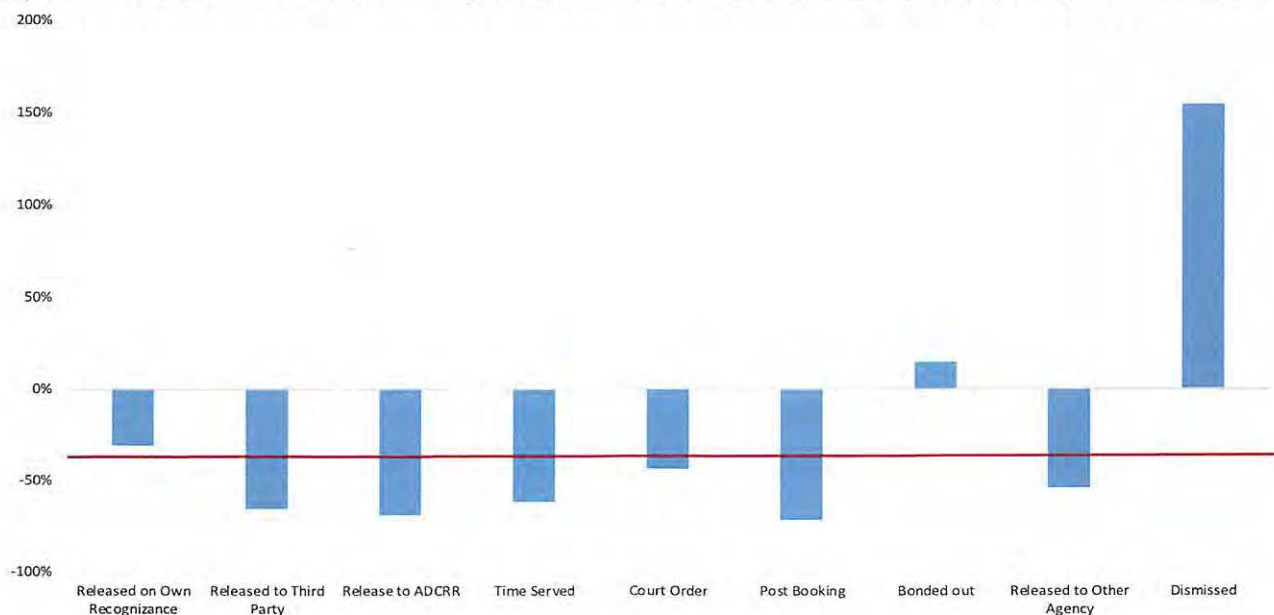
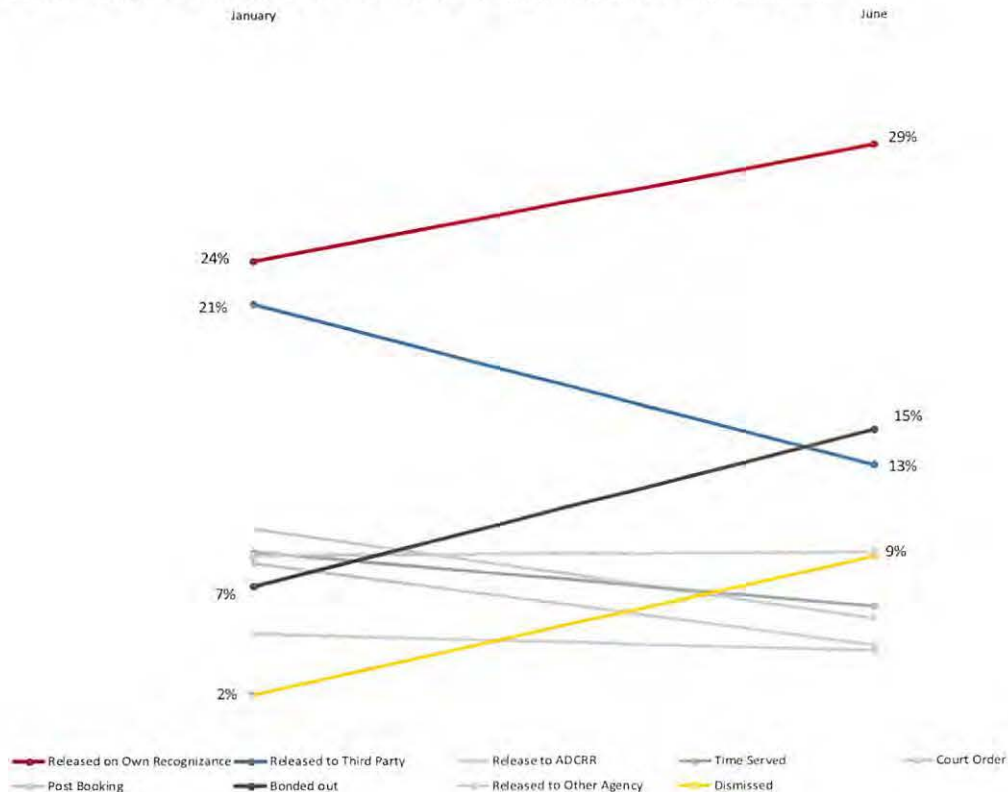




Figure 5. Dismissed and Bonded Out Increased a Proportion of Total Releases



Prior to the start of the pandemic, in January 2020, releases for “dismissed” accounted for 2% of all PCADC releases, whereas in June 2020, this increased to 9%. In addition, “bonded out” accounted for 7% of PCADC releases in January and 15% of all releases in June. “Released to a third party” decreased as a proportion of total releases while “released on own recognizance” increased as a proportion of total releases. A more robust analysis of data was not available to the data coordinator and would be necessary to determine the causes of these changes.

In January 2020, drug related offenses accounted for 18% of “dismissed” releases, which increased to 44% in June. The majority of “released on own recognizance” were for disorderly conduct (29%), domestic violence assault (18%), failure to appear (11%) and criminal damage (9%). The majority of “bonded out” cases were drug offenses (17%), failure to appear (16%), disorderly conduct (9%) and domestic violence assaults (9%).

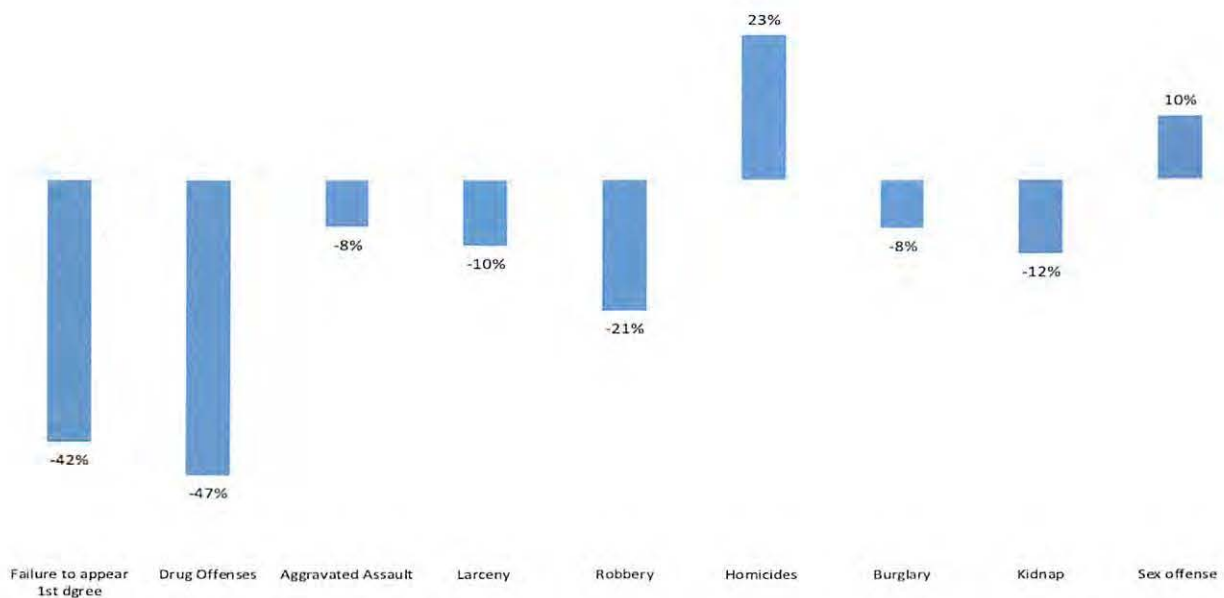
Between March 2, 2020, and July 17, 2020, the total jail population decreased by 27% (from 1,946 to 1,430) (see Figure 6. below). The lowest snapshot population during this time was 1,303 on May 15, 2020; however, a 1% weekly increase in the jail population occurred between May 15, 2020, and June 26, 2020. Moreover, a 3% weekly increase in the jail population was present during the weeks of June 26, 2020, and July 17, 2020.

Figure 6. The Jail Population Has Decreased by 27% Between March 6, 2020, and July 17, 2020



Inmates with felony charges consistently comprised approximately 95% of the jail population. Within the felony population, the inmate status “charges” decreased by 22% (242). Inmates that had a Probation Violation-Pre Disposition hearing consistently comprised 20% of the jail population, and this category had decreased by 17%. Probation Violation-Sentenced to the jail decreased 69% from 182 on March 6, 2020 to 56 on July 7, 2020.

Figure 7. Overview of Pre-Trial Detention Charges



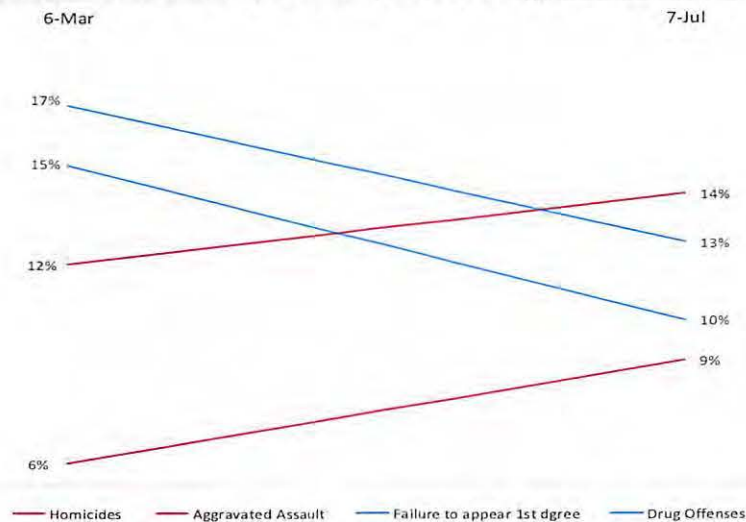
C.H. Huckelberry

Re: Increase in Pima County Adult Detention Complex Daily Occupation

September 1, 2020

Pre-trial detentions for drug offenses comprised 15% of all pre-trial detentions on March 6, 2020. This decreased from 151 on March 6, 2020, to 80 on July 7, 2020, which represents a 47% decline in these detentions. Pre-trial detentions for "Failure to Appear 1st Degree" comprised of 15% of all pre-trial detentions on March 6, 2020, but decreased by 42% between March 6, 2020, and July 7, 2020. Pre-trial detentions for "Homicide" comprised of 6% of the pre-trial detentions on March 6, 2020. This percentage increased by 23% and comprised 9% of the jail population on July 7, 2020. "Aggravated Assaults" comprised 12% of the jail population on March 6, 2020 and 14% of the jail population on July 7, 2020 (see Figure 8. below).

**Figure 8. The Proportion of Inmates Detained for Homicides\* and Aggravated Assaults has Increased**



*\*Homicides include murder first degree, murder second degree, and manslaughter*

### Current Events

The CRJU staff will continue to monitor the jail population using the weekly jail snap shots. In addition, the jail coordinator and data coordinator will work together to monitor jail bookings. Any major changes will be reported to the Assistant County Administrator and the Director of Criminal Justice Reform Initiatives.

c: The Honorable Barbara LaWall, Pima County Attorney  
The Honorable Kyle Bryson, Presiding Judge Pima County Superior Court  
Dean Brault, Director, Public Defense Services  
Domingo Corona, Director of Pre-Trial Services  
Kate Vesely, Director of Criminal Justice Reform Initiatives



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# MEMORANDUM

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Date: July 13, 2020

To: Wendy Petersen  
Assistant County Administrator  
for Justice and Law Enforcement

From: C.H. Huckelberry  
County Administrator *[Signature]*

Re: Increase in Pima County Adult Detention Complex Daily Occupation

I have noticed that the census at the Pima County Adult Detention Complex (PCADC) has increased by approximately 100 individuals.

Please ask the Jail Population Coordinator, Mike Steber, to determine the reason for the increase and what charges are fueling the increase. Is the increase due to any lack of Court proceedings, defense or prosecution activities?

Clearly, much of the Court system and both prosecutor and defender functions have been in a long term hiatus since the beginning of the COVID-19 pandemic. I would like to know if there is any specific information that can determine the reason for the increase at PCADC.

CHH/anc

c: The Honorable Barbara LaWall, Pima County Attorney  
The Honorable Kyle Bryson, Presiding Judge, Pima County Superior Court  
Dean Brault, Director, Public Defense Services

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# MEMORANDUM

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Date: February 8, 2021

To: The Honorable Chair and Members  
Pima County Board of Supervisors

From: C.H. Huckelberry  
County Administrator 

Re: **Criminal Justice Reform**

For the new members of the Board of Supervisors, the County has been engaged in pursuing criminal justice reform strategies for over two years. These strategies were initially started with the formation of a Justice Coordinating Council where all participants in the County's criminal justice system were brought together to have a forum for improved communication.

The Criminal Justice Reform Unit was organized within my office as I believed it was necessary to provide a management and budget emphasis for these efforts. The program has been successful in attracting the Safety and Justice Challenge MacArthur Grant over the previous two years and another \$500,000 award this year. The primary purpose of this grant is to examine actions that can be taken to safely reduce our adult detention population, institute reforms in the various criminal justice system components and to stress different approaches to problem solving since older strategies have been continually applied with little measureable benefit.

Before the COVID-19 pandemic, we were beginning a community program to reduce racial and ethnic disparities and disproportionalities in the system. This meant meeting with a large number of people and strategizing as well as implementing actions to reduce these disparities and disproportionalities. The COVID-19 pandemic essentially stopped the collaborative. This effort is now being restarted as described in the attached memorandum from Assistant County Administrator and Criminal Justice Reform Unit Manager Wendy Petersen.

CHH/anc

Attachment

c: The Honorable Chris Nanos, Pima County Sheriff  
The Honorable Laura Conover, Pima County Attorney  
Jan Leshner, Chief Deputy County Administrator  
Carmine DeBonis, Jr., Deputy County Administrator for Public Works  
Francisco García, MD, MPH, Deputy County Administrator & Chief Medical Officer, Health and Community Services  
Wendy Petersen, Assistant County Administrator for Justice and Law Enforcement  
Kate Vesely, Director of Justice Reform Initiatives, Criminal Justice Reform Unit  
Amanda Bankston, Community Engagement and Equity Specialist, Criminal Justice Reform Unit

# MEMORANDUM

**To:** C.H. Huckelberry  
County Administrator

**Date:** January 28, 2021

**From:** Wendy Petersen  
Assistant County Administrator

**Re:** Pima County – Safety and Justice Challenge Community Collaborative

The purpose of this memorandum is to provide to you an update on the Community Collaborative, which is one of our core strategies as part of the Safety & Justice Challenge (SJC) MacArthur grant. Community engagement and reducing racial and ethnic disparities and disproportionalities (RED&D) in the justice system is a core strategy not only for the SJC, but for our team and community. Like many programs, meetings and activities for the Community Collaborative were affected in 2020 due to the pandemic, as well as staffing reductions and attrition. The Criminal Justice Reform Unit (CJRU) has made it a priority to restart and adapt these activities as soon as reasonably possible; contracting with Amanda Bankston (via MacArthur funding) to oversee these activities has aided our ability to resume these strategies. I am attaching three documents to this memorandum pertaining to the SJC Community Collaborative:

1. January 19, 2021, email to Collaborative members from Kate Vesely updating the Collaborative on the return of Amanda Bankston to the CJRU in her MacArthur funded position as Community Engagement + Equity Specialist and describing our plans to revitalize the group after the hiatus due to the COVID 19 pandemic;
2. January 27, 2021, email to the Collaborative from Ms. Bankston, describing her plan to re-start the conversation on our “national reckoning around racial injustice” and her invitation to the Collaborative to take a survey to assist us in re-shaping hits group; and
3. Ms. Bankston’s Proposed Action Plan: Reengaging the Community

This comes on the heels of the award letter we received on January 26, 2021, from MacArthur Foundation, Justice Reform Program Director, Laurie Garduque, PhD, announcing the award of \$500,000 over the last two years of this grant. In addition to asking grant recipients to safely reduce their jail populations, the Foundation is asking us to view our efforts through a racial and ethnic disparities and disproportionalities lens. This is part of Ms. Bankston’s job and in this effort she is working closely with Jasper Kinsley, Tribal Engagement Specialist and Gerald Williams, HEAT Coordinator.

The activities described above represent only a portion of the work we hope to implement over the next two years. We are seeking to develop a strategic plan to address RED&D, and create a community dialogue and interactivity around justice systems that will be responsive when critical incidents happen on a local or national level.



C. H. Huckelberry

Re: **Pima County – Safety and Justice Challenge Community Collaborative**

January 28, 2021

Page 2

While it is unfortunate our Community Collaborative efforts were somewhat waylaid by the pandemic, we are confident that through Ms. Bankston's efforts the group will revive and thrive under her leadership.

Attachments

WP/dr

c: Jan Leshner, Chief Deputy County Administrator  
Kate Vesely, Director of Justice Reform Initiatives, CJRU  
Amanda Bankston, Community Engagement and Equity Specialist, CJRU



## PROPOSED ACTION PLAN: Reengaging the Community

[September 2020-March 2021]

Amanda Bankston, Community Engagement and Equity Specialist  
Pima County Criminal Justice Reform Unit (CJRU)

### STRATEGIC OVERVIEW

As we strive to implement programs that are effective, equitable and accountable to *all* county residents, Pima County's Criminal Justice Reform Unit ("CJRU") seeks opportunities to partner with diverse community leaders from a broad range of backgrounds, perspectives and relationships with the local criminal justice system. Our programming is driven by our Safety and Justice Challenge Community Collaborative ("Community Collaborative", "the Collaborative"), a 34-member working group that brings together justice system leadership with community representatives from nonprofit, faith, tribal and other partner groups to collectively imagine a more just and equitable criminal justice system.

Amid a global pandemic, extreme political polarization, and widespread civil unrest around racial injustice, CJRU is engaged in an intentional, community-driven process of integrating an antiracist lens across all of its work. The following action plan describes three interrelated areas of work aimed at deepening our connection to the broader Pima County community, particularly those belonging to groups that have been historically overrepresented across our justice system:

- ❖ **Internal Capacity Building** - efforts to build cultural competency and community participation across all CJRU programs, including systems and processes for identifying, monitoring and confronting racial and ethnic disproportionality and disparities
  - Integrating a Racial Equity Lens: CJRU Staff Workshops [November - ?]
  - Establishing an Antiracist Vocabulary: CJRU Language Guide [February]
  - Mapping Inequity: Data Analysis and Sharing and Racial Equity Impact Assessment [June 2021]
- ❖ **Community Collaboration** - programming aimed at bridging CJRU's work with adjacent social equity and justice reform efforts across the community, including deepening the role of the Community Collaborative and creating a communications plan to encourage reciprocal dialogue between county residents and justice system leaders
  - Community Collaborative
  - Community Action Teams (CAT)
  - Digital Engagement and Public Relations
  - H.E.A.T.
  - Tribal Nations Listening Sessions
  - Community Conversation Series
  - Reimagining Reentry Conference
- ❖ **National Advocacy** - initiatives around knowledge building, sharing and advocacy at regional and national levels, including:

- Participating in national conferences and knowledge exchanges with other groups working toward racial justice at the county level;
- Working with the Racial Justice CAT to build a digital repository of case studies and best practices from across the field; and
- Creating a “Knowledge Building Initiative” for building and sharing knowledge around engagement and equity among CJRU partners and allies.

#### IMPLEMENTATION OUTLINE:

The following five-stage process describes work to be completed by CJRU's newly-launched Community Engagement and Racial Equity Team.

- **Stage 1 >> Strategize.** [September-February]  
Clarify the role of community voice in CJRU decision-making and program development, seeking ways to build a safe and accessible community space that is inclusive and responsive to the needs and concerns of Pima County residents.
  - **Educate** > Advocate for the inclusion of community voice and accountability across all of CJRU's work.
  - **Meet** > Develop an understanding of CJRU's workflow and updated community engagement needs by meeting with staff and leadership
  - **Survey** > Develop a brief community engagement survey for distribution to all CJRU stakeholders; findings will inform our three-year strategic plan.
  - **Plan** > Present a comprehensive re-engagement plan to stakeholders and staff with information about how to seek input from and share information with the collaborative and the broader community; include a definition of success, clear goals and a timeline for accountability purposes [January/February].
- **Stage 2 >> Rebuild.** [September-March]  
Bring together a representative body of community voices, including law enforcement representatives, court officials, county and city leadership, justice-involved individuals, nonprofit leaders, educators and community leaders as an advisory body for future justice reform initiatives.
  - **Contact** > Schedule check-ins with members of existing Community Collaborative to see how they've been, update them on our progress and invite them to continue with us on our journey. Send an interest survey designed to help us better understand participant experiences and opportunities for improvement.
  - **Evaluate** > Assess the revised Community Collaborative list with a critical lens, looking for gaps in representation, connections to adjacent movements and a critical mass of individuals from populations that have been overrepresented in our jail and courtrooms.
  - **Clarify** > Collectively reimagine the structure of the group in a community design process during our “Welcome Back” meeting [February].
- **Stage 3 >> Structure.** [October-February]



Decide how we work together by clarifying our systems and processes, defining success, setting a meeting structure and schedule, electing/reintroducing leaders (chairs) and defining roles and responsibilities.

- **Revise** > Revisit existing systems and processes to see what still works and what needs reimagining (as informed by Stage 2 survey).
- **Relaunch** > Reengage appropriate CAT Teams, recruiting new members to fill gaps.
- **Propose** > Develop creative and engaging graphic presentation about what the Community Collaborative is, how it functions and how folks can get involved in our efforts; allow for staff and Collaborative member input before posting to the new CJRU web page [March].
- **Assess** > Build in regular check-ins about how the collaborative is working, making (and documenting) adjustments along the way.

○ **Stage 4 >> Respond.** [February]

The Racial Justice Committee (RJC) was conceived as a community action team (CAT) with the goal of presenting a list of policy recommendations around confronting racial and ethnic disproportionality and disparities to the Board of Directors. It grew to include more than 30 diverse voices interested in applying a racial equity lens to our criminal justice reform efforts. In light of recent national and local conversations about policing reform, this group will work toward an early goal: creating a community space for meaningful dialogue about this issue.

- **Connect** > Contact existing RJC members with an invitation to a special relaunch meeting; distribute an open invitation to a special conversation; call to check in with key partners and voices. [February]
- **Meet** > Attend community meetings (we MUST be visible and engaged); host three Racial Equity Listening Sessions in January; invite participants to join RJC.
  - Building Brighter Futures: A Youth-led Conversation about Racial Equity in Pima County
  - Real Talk: A BIPOC-only conversation about criminal justice reform
  - Power and privilege: What does it mean to be an ally in the struggle for racial justice?
- **Redefine** > Facilitate a visioning session to revisit goals, timeline and process as part of an official "Welcome Back" meeting focused on data [March].

○ **Stage 5 >> Share.** [December-March]

Brand and position the Collaborative as a welcoming and representative forum for community dialogue about justice reform in Pima County.

- **Brand** > Work with Communications to update Facebook, Twitter and the CJRU webpage [January launch] with attractive and accessible information about what we do and how to get involved with our work; ensure all team members have access to assets that they can share with connections as they navigate the world.

- **Include** > Build in Town Halls or Open Spaces as an opportunity for input and participation of the broader community.
- **Attend** > Meetings for groups working within the racial justice space and in adjacent spaces (health, education, etc.) to maintain visibility, knowledge and engagement around issues impacting justice reform in Pima County.
- **Tout** > Establish a digital space (new pima.gov web page [January]) for the public to learn about and engage with our work, including accessible features like virtual office hours or a podcast where SJC leaders highlight our work in plain language; use social media and partnerships to build an audience and distribute content within the community; our brand of creative storytelling should aim to pull back the curtain, inviting Pima County residents to join us on our journey toward a more equitable and effective justice system.



## Wendy Petersen

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**From:** Amanda Bankston  
**Sent:** Wednesday, January 27, 2021 8:35 AM  
**To:** Kate Vesely; annahg@emergecenter.org; billie@justicesystempartners.org; Cassandra Urias; crobidoux@arizonaserve.org; charlesrplye@me.com; Terrance Cheung; Coleen.Thoene@pascuayaqui-nsn.gov; Daniel Howe; Dean Brault; Deanna Johnson; Domingo Corona; pastor@gracetemplembc.com; Jason.Winsky@tucsonaz.gov; Joel Feinman; JUKNIGHT@azcompletehealth.com; Kevin Burke; Kevin.Hall@tucsonaz.gov; Kyle Bryson; Mariann Davidson; Michelle Moore; Paula Perrera; Regina Kelly; ariojas@courts.az.gov; Ronald Overholt; RTrinidad@cbridges.com; Sarah Davis; Theresa Cullen; asilverm@email.arizona.edu; gennabaa@comcast.net; kcaldwell@primavera.org; kjeffreyconsulting@gmail.com; leander.mase@tonation-nsn.gov; mkeller3@email.arizona.edu; oscar.j.flores@pascuayaqui-nsn.gov; Richard Sandoval; Amelia Cramer; nelsonmelbylaw@gmail.com  
**Cc:** Wendy Petersen; Gerald Williams; Gerald Williams Sr. (threekings478@gmail.com); Jasper Kinsley  
**Subject:** RE: SJC Community Collaborative Welcome Back  
**Attachments:** CJRU\_Community Engagement Planning\_2020-21 .pdf

Good morning, SJC Community Collaborative members!

I'm delighted to continue my work with the Criminal Justice Reform Unit. After a long pause, the Community Collaborative is preparing to pick back up in a changed world. Amid a global pandemic, widespread civil unrest, and a national reckoning around racial injustice, the value of our work is more evident than ever. However, the realities of this "new normal" require a careful re-examination of how we work and a renewed focus on facilitating public participation in our justice reform efforts.

To help us get started, I have a simple request for each of you:

Please take our [Community Collaborative Interest Survey](#) by COB on Friday, February 5. This five-minute survey has three primary purposes: 1) to provide feedback and suggestions about the structure and effectiveness of Collaborative programming; 2) to let us know how/if you're interested in continuing as a Collaborative member; and 3) to help us schedule next month's "Welcome Back" meeting.

In the coming weeks, I'll be in touch with updates, a meeting invitation, and opportunities to get involved in several new initiatives. In the meantime, feel free to review the attached planning document that outlines some of our ideas for moving forward. Please note that this is a working draft and a starting place. I encourage your feedback, questions, and suggestions as we strive to create community-centered programming aimed at creating a more just and equitable system.

Thank you for your time. I look forward to working with all of you! Please don't hesitate to contact me at any time by email or phone.

Best regards,

**Amanda Bankston**  
Community Engagement + Equity Specialist  
Pima County Criminal Justice Reform Unit

Office: 520.724.6431 (M,W,F) | Cell: 915.261.5434

Pronouns: she/her

**From:** Kate Vesely <Kate.Vesely@pima.gov>

**Sent:** Tuesday, January 19, 2021 8:40 AM

**To:** annahg@emergecenter.org; billie@justicesystempartners.org; Cassandra Urias <curias@sc.pima.gov>; crobidoux@arizonaserve.org; charlesrpyle@me.com; Terrance Cheung <TCheung@sc.pima.gov>; Coleen.Thoene@pascuayaqui-nsn.gov; Daniel Howe <Daniel.Howe@pima.gov>; Dean Brault <Dean.Brault@pima.gov>; Deanna Johnson <DJohnson@sc.pima.gov>; Domingo Corona <dcorona@sc.pima.gov>; pastor@gracetemplembc.com; Jason.Winsky@tucsonaz.gov; Joel Feinman <Joel.Feinman@pima.gov>; JUKNIGHT@azcompletehealth.com; Kevin Burke <Kevin.Burke@pima.gov>; Kevin.Hall@tucsonaz.gov; Kyle Bryson <kbryson@sc.pima.gov>; Mariann Davidson <mdavidson@sc.pima.gov>; Michelle Moore <mmoore@sc.pima.gov>; Paula Perrera <Paula.Perrera@pima.gov>; Regina Kelly <Regina.Kelly@pima.gov>; ariojas@courts.az.gov; Ronald Overholt <roverholt@sc.pima.gov>; RTrinidad@cbridges.com; Sarah Davis <Sarah.Davis@pima.gov>; Theresa Cullen <Theresa.Cullen@pima.gov>; asilverm@email.arizona.edu; gennabaa@comcast.net; kcaldwell@primavera.org; kjeffreyconsulting@gmail.com; leander.mase@tonation-nsn.gov; mkeller3@email.arizona.edu; oscar.j.flores@pascuayaqui-nsn.gov; Richard Sandoval <RichardSandoval@hopearizona.org>; Amelia Cramer <aamcramer@gmail.com>; nelsonmelbylaw@gmail.com  
**Cc:** Amanda Bankston <Amanda.Bankston@pima.gov>; Wendy Petersen <Wendy.Petersen@pima.gov>; Gerald Williams <Gerald.Williams@pima.gov>; Gerald Williams Sr. (threekings478@gmail.com) <threekings478@gmail.com>; Jasper Kinsley <Jasper.Kinsley@pima.gov>; Mayra Ramos <Mayra.Ramos@pima.gov>; Cara Stevens <Cara.Stevens@pima.gov>; Michael Steber <Michael.Steber@sheriff.pima.gov>; Alejandro Martinez <Alejandro.Martinez@pima.gov>  
**Subject:** SJC Community Collaborative Welcome Back

Greetings SJC Community Collaborative Members,

Hope this email finds you well (at least by 2020-2021 standards)! On this National Day of Service, when we honor the life and legacy of Martin Luther King, Jr., we wanted to thank you all for your work and dedication to our community in justice reform. We wanted to take this time to check in with you all, and share with you some updates and plans for 2021.

Attached is a letter from December which includes some updates from our team – unfortunately, like much of 2020, our best laid plans got derailed by COVID. I hope you can review some of the changes to our team and milestones included in the letter. The most important update is (re-) introducing you to Amanda Bankston! Previously, Amanda served in the role of “CJRU Intern” (which really does not reflect the extraordinary role she played on our team). As the world rapidly changed last spring the University cancelled all internships. The Community Collaborative was previous coordinated by Manny Meijas, Re-Entry Coordinator, who accepted a position last spring with the health department on the new INVEST program. Unfortunately we were unable to fill the his position due to the pandemic. However, we were able to utilize some grant funding to contract with Amanda part-time while she finishes her Master’s degree this semester. We are very excited to welcome Amanda back as our Community Engagement and Equity Specialist!

Amanda ([Amanda.Bankston@pima.gov](mailto:Amanda.Bankston@pima.gov)) will be your new contact for the Community Collaborative, and she will be reaching out to you all soon with some information and a survey.

Despite 2020 disrupting much of our activities for the Community Collaborative, we are hoping we can spring in 2021 with renewed enthusiasm and fresh perspective. As 2020 was not only an impactful year due to the pandemic (and the disparities we saw unfold in healthcare), it also outraged us all with the brutal murder of George Floyd – bringing back into the national discussion the deep disparities the exist in the justice system. As we attempt to adapt the Community Collaborative to these new times, we do so with dedication to reform and the changes that must occur within our systems of justice.

We continue to be very grateful for your role in the Community Collaborative, and hope you will join us once again in 2021 to continue this work.

Warm regards, Kate

"Injustice anywhere, is a threat to justice everywhere" – Martin Luther King, Jr.

**Kate Vesely, MPA**

*Director of Justice Reform Initiatives*

Pima County Administration, Criminal Justice Reform Unit

130 W. Congress, 5<sup>th</sup> Floor

Tucson, AZ 85701

[kate.vesely@pima.gov](mailto:kate.vesely@pima.gov)

Office: (520) 724-3062

Cell: (520) 403-9775

**This message is being sent on a public e-mail system and may be subject to disclosure under the Arizona Public Records Law.**

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# MEMORANDUM

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Date: May 13, 2021

To: The Honorable Chair and Members  
Pima County Board of Supervisors

From: C.H. Huckelberry   
County Administrator

Re: **Criminal Justice Reform**

Please see the attached May 7, 2021 memorandum from Assistant County Administrator Wendy Petersen regarding additional programs we have been invited to participate in with the MacArthur Foundation regarding frequent utilizers of the Jail (Policy Research Associates) as well as probation (Urban Institute).

Clearly, the County is becoming a leader in the entire concept of justice reform. The invitation to participate in these activities indicates our efforts in justice reform over the last five years are beginning to pay off.

Our entry into the justice reform field continues to be the driving force of our program, policy and financial support of a number of justice reform proposals. These proposals are more important now, I will continue to actively support these proposals, including reallocation of resources from assisting criminal justice units to these activities and efforts.

CHH/mp


Attachment

c: The Honorable Kyle Bryson, Presiding Judge, Superior Court  
The Honorable Laura Conover, Pima County Attorney  
Jan Leshner, Chief Deputy County Administrator  
Carmine DeBonis, Jr., Deputy County Administrator for Public Works  
Francisco García, MD, MPH, Deputy County Administrator & Chief Medical Officer,  
Health and Community Services  
Wendy Petersen, Assistant County Administrator for Justice and Law Enforcement  
Dean Brault, Director, Public Defense Services

# MEMORANDUM

Date: May 7, 2021

To: C. H. Huckelberry  
County Administrator

From: Wendy Petersen   
Assistant County Administrator

Re: Two Promising MacArthur Projects

The Criminal Justice Reform Unit has been asked to participate in two projects sponsored by the MacArthur Foundation but administered by other agencies or technical advisors connected with MacArthur. One project targets "Frequent Utilizers of the Jail" and the other is a study of probation trends in outcomes to jail incarceration. In my opinion, both would be valuable; however, I think the Frequent Utilizers may be particularly well suited for our purposes.

As you know, I've been critical of some of the projects and data tasks MacArthur has asked of us in the past. In this third grant cycle in particular, my concern has been that these requests may become onerous since our Safety + Justice Challenge (SJC) award was so low that we would not have the personnel to handle these projects. In the past, some of the projects seemed to me to be more "PR" related, not particularly helpful to our mission and a consuming waste of time.

The two projects that have come up recently seem to be a good use of our time and ultimately helpful in continuing to lower our jail population.

1. **Frequent utilizers (of the Jail): Policy Research Associates (PRA)**

As part of the SJC Research Consortium, PRA is submitting an application in response to a recent Request for Proposal (RFP) to study Understanding the Frequent Utilizer Population in Jails: Examining Intersecting Needs and Strategies to Close the 'Revolving Door.' The twenty- page Request for Work Proposal is attached for more information (Attachment 1)

This RFP specifically states that only communities focusing on frequent utilizers are suitable sites. Pima County has been deemed a "suitable site" and we are being asked if our SJC team would be willing to be a research site for the study.

The study will last approximately 18 months and is organized into three phases. The specific request is straightforward:

Phase 1:

Access to individualized jail data in Pima County. PRA will work with jail staff (i.e., Jail Population Coordinator, Mike Steber) to provide approximately 6 years of electronic data including important variables to inform who the frequent utilizers are in the Pima County jail (e.g. demographic, criminal justice, and behavioral health variables);

Phase 2:

Interviews and/or a Sequential Intercept Mapping (SIM) workshop with key stakeholders. PRA will discuss the findings from Phase 1 and develop a strategic plan to address barriers contributing to frequent utilizers' involvement in the criminal justice system. [ As an FYI, this Spring, SAMHSA's GAINS

C.H. Huckelberry, County Administrator  
Re: May 7, 2021 – Two Promising MacArthur Projects

Center for Behavioral Health and Justice Transformation selected Pima County to receive one of PRA's 2021 Sequential Intercept Mapping (SIM) workshops which will be held in August 2021.]

Phase 3:

Assess the outcomes of the strategies at the individual level and the site level. "Assessing ways that the jail population and racial and ethnic disparities may have been impacted through implementation of the strategies in [Pima County] will be particularly important, given the overarching goals of the SJC." The perspectives and experiences of directly impacted individuals will be developed. The intention is to gain a preliminary sense of strategy effectiveness through outcome tracking, perspectives and insights from those directly impacted.

The expenses assumed by each research site include the staff to generate the electronic data files in Phase 1 and stakeholder time to participate in the SIM in Phase 2. All other research activities are included in PRA's budget. In this respect, we are already providing the electronic data files to MacArthur and because Pima County was awarded one of the SAMHA's GAINS Center for Behavioral Health SIM workshop we will already be getting this information.

We had an initial meeting to discuss this project with PRA on Friday, May 7. In the event we agree to be part of this study (should PRA be awarded the grant), PRA would need a letter of support by May 14, 2021.

I asked Jail Population Coordinator, Mike Steber to take a look at the data needs which are outlined in Appendix A of the RFWP (at p.12) and he gave me an indication of those data elements that are readily available and those that we cannot provide. We discussed this issue with PRA on our May 7 call. They explained that they will work with the data we already have and there will be no need to create any other data elements.

I think participation in this study would be useful: as of April 30, 2021, the Jail had 82 High Users (defined as 10 to 20 jail incarcerations in the previous two years) and three Super Users (those with more than 20 incarcerations in the prior 24 months). I am attaching Mr. Steber's most recent report on the jail's Super and High Users (Attachment 2). Although these numbers have significantly lowered since we first started tracking super and high users, this study will help us understand ways the jail population and racial and ethnic disparities may have been impacted by frequent utilizers. Our participation would be useful and ultimately my hope would be Pima County realizing a significant cost savings on housing those frequent users.

There would not be any additional cost to Pima County in participating in this study since our data is already being collected in a similar manner for our current and contracted obligations with MacArthur. Coming to grips with the underlying reasons for these frequent utilizers makes this study an attractive one.

At this point, PRA has not submitted its response to the RFP; however, if their proposal is accepted and Pima County is selected as a site for the study, I will make sure Sheriff Nanos is aware of the project.

2. Probation (Urban Institute)

We were recently contacted by the Urban Institute asking us to be part of Phase 2 of a study involving Pima County Probation.

For the past year, the Pima County Adult Probation Office has been working with the Urban Institute on a Reducing Revocations Challenge (RRC). Urban is now seeking funding from the MacArthur Foundation for Phase Two that would provide funding of probation services of up to \$100,000. The application for

C.H. Huckelberry, County Administrator  
Re: May 7, 2021 – Two Promising MacArthur Projects

phase two targets technical violators of probation, specifically those with substance use disorders and absconders.

As a bit of background on this project, ISLG (the Institute for State and Local Governments) requested applications to study:

- 1) the trends in probation outcomes to local jail incarceration; and
- 2) the impact of the SJC strategies being employed (as they relate to probation and the jail).

In Urban Institute's application, they proposed a two-phased project including interviews and data collection from Probation's management system.

The first phase would be to analyze the pathways and trends in jail incarceration among the probation population. The second phase would document and evaluate the Safety + Justice Challenge probation strategies being employed to reduce jail incarceration.

One part of this Phase 2 evaluation would be to document the work of Pima County's Jail Population Review Committee. Urban Institute's understanding was that people on probation could receive assistance through the Permanent Supportive Housing program (I believe they are referring to Housing First) and that they could identify who received it. To the extent that it's possible, Urban Institute proposes to evaluate outcomes for people on probation who have received that support. This would be fairly limited and would depend on what is documented in Phase 1 (e.g., whether there are enough people on probation who received housing).

This project is also an attractive one: Probation violators constitute a large number of our jail population. Also, Chief Sanders and Adult Probation have already worked on the first phase of the project. We have a meeting tentatively scheduled with the folks from Urban Institute scheduled for May 18, 2021 at 11 a.m. I think they have some misconceptions about how our Jail Population Review Committee and our Housing First program work; however, I think we can straighten this out in our initial meeting.

I would be happy to discuss these project with you should you want any further information. At this point, nothing has been decided.



**Safety and Justice Challenge Research Consortium**  
**Request for Work Proposals (RFP) 006:**  
**Understanding the Frequent Utilizer Population in Jails: Examining Intersecting Needs and**  
**Strategies to Close the “Revolving Door”**

The Institute for State and Local Governance (ISLG) at the City University of New York (CUNY) is pleased to invite members of the John D. and Catherine T. MacArthur Foundation’s (Foundation) Safety and Justice Challenge (SJC) Research Consortium (Consortium) to submit work proposals that aim to better understand the population of “frequent utilizers” —people who cycle in and out of jail multiple times due to a confluence of intersecting needs and systemic obstacles—and examine the process of implementing strategies intended to mitigate the cycle of admission and its impact on jail populations.

**I. Initiative Context**

In May 2015, the Foundation launched the Safety and Justice Challenge, a nationwide effort to inspire local criminal justice reform and change the way communities think about and use jails. The initiative aims to safely reduce jail populations and racial and ethnic disparities through rigorous data tracking efforts and the implementation of a comprehensive set of jail reduction strategies across different system points. Over the last five years, the SJC has grown to include 51 cities and counties across 32 states engaged in justice system reform.

At this stage in the Challenge, many sites have achieved significant reductions in their jail populations. Stakeholders within and outside of the SJC network are interested in learning more about both the strategies that helped achieve those reductions and the context in which they were achieved. Since its inception, the SJC has relied heavily on data to develop reform strategies and assess progress toward initiative goals. This wealth of site data, covering stages from arrest to case resolution to post-disposition outcomes, also presents a unique opportunity to understand the factors, circumstances, and practices that drive jail populations and the disparities that exist across the criminal justice system.

Frequent utilizers are an understudied driver of jail populations. At a national level, there is currently no standard definition or understanding of what this population is or who comprises it, largely because of variation in local jurisdictional definitions and a lack of systematic data tracking. Notably, however, in many SJC implementation sites, frequent utilizers comprised over 20% of the jail population over a one-year period, and in some sites nearly half, suggesting that they are a significant driver of local incarceration. This population is typically brought into contact with the system through low-level offenses, misdemeanor drug-related offenses, or quality of life crimes, such as petty theft, trespassing, or fare evasion, with average lengths of stay less than 30 days, according to one study.<sup>2</sup>

Existing literature highlights severe resource gaps around basic needs such as poverty, lack of stable housing, and access to appropriate healthcare, among others, as key determinants of contact with the criminal justice system. While there is consensus that conditions of “multisystem cycling” (e.g., emergency room services, homeless shelters) (Harding & Roman, 2017, p. 512) perpetuate criminal system involvement, there are limited evaluations of strategies intended to close the revolving door. This RFP aims to address key gaps in the literature by seeking proposals that: (1) explore and describe the

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<sup>1</sup> Frequent utilizers are variably referred to as “frequent fliers,” “chronic offenders,” “high utilizers,” “chronic consumers,” and “familiar faces.”

<sup>2</sup> MacDonald R, Kaba F, Rosner Z, Vise A, Weiss D, Brittner M, Skerker M, Dickey N, Venters H. The Rikers Island Hot Spotters: Defining the Needs of the Most Frequently Incarcerated. *American Journal of Public Health* 2015; 105(11): 2262-8.



population of frequent utilizers, focusing specifically on the intersecting needs and systemic obstacles that drive repeated criminal justice system involvement and local jail admissions, (2) document strategies enacted by local criminal justice systems to stop the revolving door, particularly in collaboration with community-based service providers, and (3) assess outcomes of these strategies, with particular attention to their impact on frequent utilizers' contact with the criminal justice system, as well as racial and ethnic disparities. This RFWP is a step toward documenting and defining what the frequent utilizer population looks like across SJC sites and offering an in-depth examination of partnerships between community-based service providers and criminal justice systems intended to close the revolving door into incarceration for this population. Findings from this research may be used to develop more targeted Consortium projects in this area in the future.

## **II. Task Order Term and Amount**

Multiple awards may result from this RFWP, depending on the scope of submitted applications. A task order and budget will be negotiated with the selected applicant(s) after the review process is completed (described in Section VI). ISLG anticipates that the task order term will be approximately 18 months, with an anticipated start date in June, 2021. The total amount awarded may be up to \$350,000, with individual award amounts dependent upon approach, design, and selection of SJC sites. Given the exploratory nature of this RFWP, applicants are expected to focus projects on multiple sites; however, given timeline constraints, applicants may consider partnership with other researchers that are either internal or external to the Consortium<sup>3</sup> in order to complete all of the required components of the project as outlined in this RFWP. Additionally, applicants are required to reach out to potential sites to discuss partnership on the proposed project. SJC sites implementing strategies targeting the frequent utilizer population are listed in **Appendix D**—please refer to **Section IV, Site Selection**, for more details, definitions, and considerations.

## **III. Background and Literature Review**

Interaction with the criminal justice system is often the result of a multitude of intersecting failures of public-serving systems to address basic needs, including substance use, mental illness, homelessness, poverty, trauma, and chronic health conditions, among others. In the absence of integrated systems responses to these needs, individuals, disproportionately poor<sup>4</sup> and People of Color<sup>5</sup>, are placed at an increased risk of repeated interaction with the criminal justice system. As a result, jails have come to serve as de facto providers of treatment and shelter. This not only exacerbates existing individual (e.g., substance abuse) and structural (e.g., homelessness, poverty) risk factors, but often creates new ones, as the experience of incarceration is destabilizing and can sever connections to housing, employment, medical coverage, and community support networks. In jurisdictions where there is a lack of coordinated services and/or poor reentry planning, this creates a revolving door, in which individuals with unmet needs cycle through multiple social systems, including jails, homeless shelters, and emergency medical care. System stakeholders have come to refer to this population as frequent utilizers.

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<sup>3</sup> Consortium members are able to sub-contract with other Consortium members or may sub-contract with research organizations or individuals that are external to the Consortium. In the latter instance, the Consortium member should be the main applicant, leading the work and providing funds to the sub-contractor directly.

<sup>4</sup> Lemieux, A, Leclair, M, Roy, L, Nicholls, T, Crocker, A. A Typology of Lifetime Criminal Justice Involvement Among Homeless Individuals With Mental Illness: Identifying Needs to Better Target Intervention. *Criminal Justice and Behavior* 2020; 47(7): 790-807.

<sup>5</sup> Jones, A, Sawyer, W. Arrest, Release, Repeat: How police and jails are misused to respond to social problems. Prison Policy Initiative 2019. <https://www.prisonpolicy.org/reports/repeatarrests.html#slideshows/slideshow1/2>

The relationship between incarceration and other social systems has been well documented. Historically, policies such as the highly punitive U.S. “War on Drugs” and concurrent deinstitutionalization of psychiatric patients, in conjunction with “broken windows” policing strategies, collectively criminalized substance use disorders, mental illness, and homelessness, and contributed to a surge of incarceration in recent decades. Homelessness and incarceration, in particular, mutually perpetuate one another. Researchers estimate that 25 to 50 percent of the U.S. homeless population has been incarcerated at least once previously,<sup>6, 7</sup> and that homelessness is seven to 11 times more prevalent among the U.S. jail population than it is in the general community.<sup>8</sup> Mental illness and substance use are similarly prevalent among those in the system. According to a 2014 report by the Vera Institute of Justice, serious mental illness is two to four times more prevalent in state prisons than among the general population, and over two-thirds of the jail population has a diagnosable substance use disorder, compared to just nine percent of the general population.<sup>9</sup> While lack of stable housing, mental illness, and substance use on their own increase a person’s likelihood of incarceration, together they increase the risk tremendously. Homeless individuals who have a co-occurring mental illness or history of substance use face an even greater risk of criminal justice involvement: according to one study, homeless individuals with one or more mental illnesses had higher rates of arrest compared to those with mental illnesses who were not homeless.<sup>10</sup> Similarly, another study found that 29 percent of homeless individuals with a local arrest record had prior contact with the state mental health system, compared to just 10 percent of homeless individuals without prior arrests.<sup>11</sup> Lastly, researchers from Yale University found that substance use is a strong predictor of both homelessness among people in custody and jail incarceration for both homeless and non-homeless individuals.<sup>12</sup>

For frequent utilizers, the compounding risks of multiple unmet needs can create additional complications upon release from jail. Due partly to limited coordination among public institutions, difficulty securing housing or treatment services can exacerbate existing reentry needs and increase the risk of re-arrest. In general, the majority of this population has been found to pose little threat to public safety despite frequent incarceration, as most charges are misdemeanor offenses with fewer assault charges than the general population.<sup>13</sup> Further, the period of time from release to re-arrest for frequent utilizers is often quite short, with one study finding that over 50 percent of repeat arrests occur within 60 days of the initial

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<sup>6</sup> Metraux S, Culhane DP. Recent incarceration history among a sheltered homeless population. *Crime and Delinquency* 2006;52(3):504-517.

<sup>7</sup> Burt MR, Aron LY, Douglas T, Valente J, Lee E, Iwen B. Homelessness: Programs and the people they serve. Findings of the national survey of homeless assistance providers and clients. Washington, D.C.: Urban Institute; 1999.

<sup>8</sup> Greenberg GA, Rosenheck RA. Jail incarceration, homelessness, and mental health: a national study. *Psychiatric Services* 2008;59(2):170-7.

<sup>9</sup> David Cloud. *On Life Support: Public Health in the Age of Mass Incarceration*. New York, NY: Vera Institute of Justice, 2014.

<sup>10</sup> Martell DA, Rosner R, Harmon RB: Base-Rate Estimates of Criminal Behavior by Homeless Mentally Ill Persons in New York City. *Psychiatric Services* 1995; 46(6): 596–601.

<sup>11</sup> Snow, D., Baker, S., & Anderson, L. Criminality and Homeless Men: An Empirical Assessment. *Social Problems* 1989; 36(5), 532-549.

<sup>12</sup> Greenberg GA, Rosenheck RA. Jail incarceration, homelessness, and mental health: a national study. *Psychiatric Services* 2008;59(2):170-7.

<sup>13</sup> MacDonald R, Kaba F, Rosner Z, Vise A, Weiss D, Brittner M, Skerker M, Dickey N, Venters H. The Rikers Island Hot Spotters: Defining the Needs of the Most Frequently Incarcerated. *American Journal of Public Health* 2015; 105(11): 2262-8.



arrest, and over 25 percent within just 14 days.<sup>14</sup> Research suggests that this revolving door results in high public costs, as a substantial amount of public funding across multiple institutions (e.g. public health, housing) is spent on frequent utilizers. In Miami-Dade County, for example, incarcerating 97 frequent utilizers totaled \$13 million in criminal justice costs over a five-year period—a total that does not include the cost of services delivered by public health or housing providers.<sup>15</sup>

Although practitioners from multiple fields (e.g., public health, criminology) acknowledge that cross institutional cycling overburdens numerous public systems and produces poor client outcomes,<sup>16</sup> the systems themselves operate in silos, with limited coordination or data sharing capacity. In an effort to address systemic silos and better support this vulnerable population, law enforcement, service providers, and human services agencies have adapted strategies at three distinct points of the criminal justice system: arrest/diversion,<sup>17</sup> court/sentencing,<sup>18</sup> and reentry.<sup>19</sup> Since the early 2000s, strategies to address frequent utilizers have ranged from specialized crisis co-response teams<sup>20</sup> and interagency working groups with data sharing agreements, to coordinated service referrals systems and housing-first models<sup>21</sup> that prioritize contingency-free housing. A consistent focus across nearly all frequent utilizer-focused strategies is an emphasis on multi-sector collaboration, as acknowledgement of collective responsibility and strategic coordination between law enforcement, social services, emergency, and healthcare providers across all decision-points is fundamental to supporting the long-term needs of this population.

However, while the current literature articulates the need for multi-sector collaborations as critical towards recognizing and meeting the needs of this population, there is a gap in understanding how these needs and systemic obstacles are experienced by individuals cycling through jails. Additionally, given the important role that community-based organizations play in serving the needs of these individuals and their distinct relationships with individuals and knowledge of community systems of influence,<sup>22</sup> it is critical that research examine their experiences and perspectives on what is needed, and in particular the systemic barriers and challenges that exist in service delivery.

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<sup>14</sup> Akins, S., Burkhardt, B., Lanfear, C. Law Enforcement Response to “Frequent Fliers”: An Examination of High-Frequency Contacts Between Police and Justice-Involved Persons With Mental Illness. Criminal Justice Policy Review 2014.

<sup>15</sup> Fuller, D., Sinclair, E., Snook, J. A Crisis in Search of Data: the Revolving Door of Serious Mental Illness in Super Utilization. Treatment Advocacy Center; A Report from the Office of Research and Public Affairs, 2017.

<sup>16</sup> Frequent Users of Public Services: Ending the institutional circuit. New York, NY: Corporation for Supportive Housing, 2009.

<sup>17</sup> Police-Mental Health Collaborations: A Framework for Implementing Law Enforcement Responses for People Who Have Mental Health Needs. New York: Council of State Governments Justice Center, 2019.

<https://csgjusticecenter.org/wp-content/uploads/2020/02/Police-Mental-Health-Collaborations-Framework.pdf>

<sup>18</sup> Strengthening Partnerships Between Law Enforcement and Homelessness Services Systems. U.S. Interagency Council on Homelessness and Council of State Governments Justice Center, 2019.

<sup>19</sup> Homeless AHC ft. Albuquerque Health Care for the Homeless: Re-Entry Collaborative (REC) Fact Sheet. In. Albuquerque, NM; 2013.

<sup>20</sup> Bailey, K., Paquet, S.R., Ray, B.R. et al. Barriers and facilitators to implementing an urban co-responding police-mental health team. Health Justice 2018; 6(21).

<sup>21</sup> Clifasefi SL, Malone DK, Collins SE. Exposure to project-based Housing First is associated with reduced jail time and bookings. The International Journal on Drug Policy 2013;24(4):291-6.

<sup>22</sup> Sharkey P, Torrats-Espinosa G, Takyar D. Community and the Crime Decline: The Causal Effect of Local Nonprofits on Violent Crime. American Sociological Review. 2017;82(6):1214-1240.

#### **IV. Project Description**

As noted above, this RFWP seeks to solicit proposals that (1) explore and describe the population of frequent utilizers in selected sites, focusing specifically on the intersecting needs and systemic obstacles that drive repeated criminal justice system involvement and local jail admissions, (2) document strategies enacted by local criminal justice systems in SJC sites to mitigate the cycling of frequent utilizers through jails, particularly in collaboration with community-based service providers, and (3) assess the outcomes of these strategies, with particular attention to further contacts with the criminal justice system and racial and ethnic disparities. Given the focus on individuals' unmet needs and the systemic obstacles they face, applicants are required to submit proposals that incorporate the perspectives of community-based service providers and directly impacted individuals in addition to criminal justice and other system stakeholders. In alignment with these goals, this RFWP encourages applicants to consider sites that have pre-established relationships with community member advisory councils to aid in recruitment and provide feedback on research protocols and findings interpretation, as relevant.

Research Questions: To address these interests, work proposals should explore the following research questions in two or more SJC sites. The key research questions to be addressed require an in-depth approach to describe the prevalence and flow of frequent utilizer populations into local jails (Phase I), document strategies that selected sites have implemented to address that flow, including ways that system stakeholders and community-based service providers have coordinated efforts (Phase II), and assess strategy-level outcomes (Phase III).

##### *Phase I*

1. How is a frequent utilizer defined in each of the selected sites and across the different stakeholder groups (e.g. agency, service provider, and directly impacted community members)?
  2. In each selected site, what proportion of the jail population is comprised of frequent utilizers? Applicants should look at multiple measures to understand how frequent utilizers cycle through the jail, including, but not limited to:
    - a) Percentage of jail bookings or releases that involve individuals with a recent history of prior jail incarceration (e.g. three or more bookings in any given year);
    - b) Average length of stay for frequent utilizer populations as compared to non-frequent utilizer populations;
    - c) Percentage of average daily jail population comprised of frequent utilizers
- \*Please note: all measures should be disaggregated by charge type, race, ethnicity, and gender at a minimum.
3. Who are the frequent utilizers in the selected sites? For each of the questions below, how are frequent utilizers different from the general jail population.
    - a) What are the demographic and legal characteristics of this particular population in the selected sites?
    - b) What are the key needs of this population?
    - c) Within the broader population of frequent utilizers in each site, are there distinct subgroups with different characteristics and/or needs?
  4. What are the key pathways into local incarceration for frequent utilizers?

- a) Describe the drivers (e.g., unmet needs, systemic obstacles) by which this particular population continues to cycle in and out of incarceration.

### *Phase II*

5. What strategies have sites implemented to address the revolving door of the local jail? Document and describe the strategies, including the role of community-based service providers and the nature of collaboration between them and system stakeholders. Specific questions that should be explored include the following:

- a) What are the intervention points for the strategies?
  - b) What are the key components and/or parameters (including length of engagement)?
  - c) What are the eligibility criteria, and how is eligibility determined?
  - d) What key system stakeholders are involved in the implementation of the strategies? What are their specific roles?
  - e) What role do community-based service providers play in the strategies?
  - f) What is the level of coordination and collaboration between criminal justice system actors and community-based service providers?
  - g) What do stakeholders and service providers perceive to be the biggest benefits of the strategies?
  - h) What do stakeholders and service providers perceive more generally to be the challenges, gaps, and barriers to creating strategies that address the needs of the frequent utilizer population as well as the challenges associated with implementing the strategies?
6. Who are the strategies reaching?
- a) Of cases/persons eligible for the strategies, what percentage are enrolled/served/benefit from it?
  - b) What are the criminal justice and sociodemographic characteristics, (e.g., across race, gender, socioeconomic status), of those served? How do they compare to those who are eligible, but not served by the policy, program, or practice?

### *Phase III*

7. How do sites define success for their strategies?
8. What are the site-level outcomes of the strategies? Have they reduced the representation of frequent utilizers in the jail or changed outcomes for this population at other system points?
9. What are the individual-level outcomes of those reached by the strategies? Has implementation of the strategies reduced their contacts with the local jail or at other system points?
10. To what extent are positive outcomes equitably distributed across racial and ethnic groups? Across other groups?

### Approach

Project study designs should incorporate some variation of the research questions outlined above, and employ a ***mixed-methods design*** that should include descriptive and/or multivariate statistical analyses of administrative data and analysis of qualitative data (e.g., interview or focus group data, observational data, case file review). For the qualitative analysis, applicants will be required to embed community voices (e.g., directly impacted individuals/their families and community-based organizations that deliver services to this population) in addition to those of system stakeholders. Project proposals should include

three phases of work:

- Phase I: The goal of Phase I is to describe the frequent utilizer population, including what it looks like when disaggregated across sociodemographic characteristics (e.g., race/ethnicity, gender, socioeconomic status) in the selected sites. In addition to using administrative data to document the prevalence of this population in local jails (and the pathways leading to incarceration), applicants should employ qualitative methods to understand the nature and scope of the issue from the perspective of the key stakeholder groups (system-level and community-level) identified in this RFWP.
- Phase II: Using Phase I as a foundational stepping stone, in collaboration with the sites, applicants should describe and document the strategies that selected sites have implemented to address the needs of this population and keep them out of jail. Applicants should unpack the research questions articulated above, learning from the perspectives of system actors, individuals with lived experience, and community-based organizations that service their needs.
- Phase III: The goal in this phase is to assess key outcomes of the strategies, at both the individual level (i.e. among individuals served by the strategies) and the site level (i.e. trends in the jail population and at other system decision points more broadly). For this component of the research, applicants may draw on existing metrics that are being tracked in selected sites, but can also expand upon them or develop their own metrics as needed to operationalize key goals and objectives. Assessing ways that the jail population and racial and ethnic disparities may have been impacted through implementation of the strategies in the selected sites will be particularly important, given the overarching goals of the SJC. To supplement administrative data, applicants should also unpack outcomes of the strategies using qualitative methods that invite the perspectives and experiences of directly impacted individuals. It should be noted that ISLG does not expect a full outcome evaluation (though applicants are free to propose one if they think it is feasible); the intention is to gain a preliminary sense of strategy effectiveness through descriptive outcome tracking and perspectives and insights from those directly impacted.

Findings should be synthesized across sites to draw larger conclusions about the nature and scope of frequent utilizers in local jails and strategies to better serve this population, including but not limited to similarities and differences in strategies taken and their effectiveness, key elements of success, and common challenges. Where possible, applicants should identify promising areas for further analysis.

In describing the study approach, each applicant must address the potential impacts of the COVID-19 pandemic on the proposed research. First, applicants should consider how COVID-19 may have affected ongoing implementation of strategies, compounded the needs already existing within the population of interest, and/or drastically changed the jail population characteristics, which could complicate the ability to draw sweeping conclusions about a particular strategy. Additionally, applicants should take into account any uncertainty regarding the ability to collect data in person and lay out a contingency plan should pandemic-related restrictions remain in place during the course of the grant.

### Site Selection

ISLG recognizes the multiple layers that are implicated in this RFWP with respect to sites and strategy selection. Applicants are expected to include multiple sites in the research, each of which may be implementing more than one strategy to address frequent utilization. The fundamental goal of this RFWP is to understand what frequent utilizer populations look like, the types of strategies that are being implemented to keep them out of jail, critical elements of success, and common challenges and/or barriers. Applicants should communicate with potential site partners to discuss key strategies of focus and

achieve buy-in as part of the application process. Letters of support from all selected sites will be required as part of the proposal. These letters must detail their commitment to the research, including their willingness to provide any administrative data that is needed outside of the data collected by ISLG, facilitate qualitative work, and provide relevant context that will inform that work as it progresses through each phase.

ISLG is particularly interested in expanding the list of sites that are included in Consortium research to ensure a diverse range of perspectives from across the SJC Network. Therefore, we ask Consortium members to consider collaborating with sites that may not have had the opportunity to engage in this type of research work previously. Of course, the jurisdictions included in the proposed project must have strategies in place/already implemented involving policy or programmatic reforms that aim to reduce or limit frequent utilization as a driver of local incarceration. For purposes of this research engagement, ISLG is prioritizing strategies directly aimed at this objective, but may also consider strategies whose impact will indirectly work toward reducing incarceration among this group. Of particular note are strategies that may not be labeled as “frequent utilizer strategies” by the site but that have the potential to address this population (e.g. behavioral health diversion). These types of strategies can and should be considered—ISLG’s interest is in exploring as wide an array of efforts as possible.

Among sites involved in the SJC, relevant policy-based and programmatic strategies implemented to date include but are not limited to:

- a. Forensic mental and behavioral health discharge planning to facilitate reentry for people with mental illnesses, substance use disorders, and other behavioral health concerns,
- b. Specialized mobile crisis response teams with law enforcement and behavioral health clinicians to respond to people in crisis and divert to community-based services in lieu of arrest,
- c. Specialized housing programs for individuals with behavioral health contacts and multiple jail placements, that also provide referrals to services,
- d. Expedited referrals to community-based services by law enforcement and public health, and diversion programs over law enforcement interventions,
- e. Alternative-to-incarceration residential treatment facility for misdemeanor arrestees,
- f. Peer support networks to connect defendants to services and provide interpersonal support from people with lived experience,
- g. Triage centers where law enforcement can drop off people who are experiencing substance use or mental health needs as an alternative to arrest.

A summary of trends on frequent utilizer populations across sites can be found in **Appendix C**, and a list of sites with frequent utilizer strategies appears in **Appendix D**. Applicants may consider additional strategies in SJC sites that do not appear in **Appendix D**, as long as the strategies are part of the SJC plan to reduce jail populations and racial and ethnic disparities. *(Please note that all supporting materials provided in appendices and attachments should be kept confidential and used only to inform site and strategy selection for the proposed study).*

### Deliverables

Following the completion of Phase I, an *interim report* will be required of each grantee. This deliverable should provide an in-depth, picture of the frequent utilizer population and how it flows through the local jail in each of the respective sites. Drawing from the interim report, grantees will be expected to create and release a public-facing product (e.g. infographic or “quick facts” summary brief) that presents a high-level overview of what has been learned about frequent utilizers as a driver of jail incarceration. In an effort to amplify lived experience and underscore the revolving door through the lens of those most



impacted, all deliverables should include perspectives from these individuals, and shared back with them to maximize impact. As noted above, applicants may consider creating or drawing from an existing community advisory board for their projects to inform protocol development, interpretation of results, and deliverables, among other things.

In addition to the interim report, a final public technical report and policy/research brief will be required. Applicants may also propose other deliverables that will help amplify the work to a broad range of audiences—for example, a webinar or other presentation/briefing, infographics, or interactive web pages and dashboards. The findings will be made public, and ISLG will work with each grantee on a specific communications strategy ahead of report release. Grantees should communicate regularly with all partnering sites throughout the project period, and sites will review public materials per the SJC Data Use Agreement (DUA).

### **Data**

Work proposals will include the use of any relevant case-level administrative data that is collected by ISLG across SJC sites at the major decision-making points. For this proposal, relevant data may include elements from the jail and courts, with access to prosecution, pre-trial services, and probation data as needed. Given the explicit focus on understanding the needs and obstacles experienced by the population, as well as the systemic challenges associated with service delivery, proposals should consider ways to incorporate primary data collection efforts, including service delivery and/or other administrative data outside of ISLG's repository, as well (as practical). Proposals are also expected to include qualitative data collection with directly impacted individuals, community-based organizations, and key system stakeholders. A comprehensive list of the data requested by ISLG appears in **Appendix A**, and all Consortium members may access this data under the DUA signed as part of their SJC Consortium Umbrella Agreement (Agreement). In general, available data spans the period from November 2015 through April 2020; some sites have additionally provided data as far back as May 2013 and may soon be providing data through April 2021. As a note, while **Appendix A** outlines the universe of data requested of each SJC site, the availability of specific data elements and time periods varies across sites, depending on data limitations and other capacity issues. Upon award, ISLG representatives will work with grantees to define the specific data universe for selected sites. Applicants may also reach out to ISLG for more information as they craft their proposals.

Work proposals including original data collection should describe data acquisition plan(s) with the partner sites, including DUAs with sites (see Section V of this RFWP) for data that falls outside of ISLG's purview.

### **V. Work Proposal Instructions**

General: SJC Consortium members are invited to submit work proposals for consideration. Work proposal narratives should not exceed ten (10) double-spaced pages, 12-point font with 1-inch margins.

Questions and clarifications should be submitted in writing to Jennifer Ferone, ISLG Associate Research Director and Consortium Manager, [Jennifer.Ferone@islg.cuny.edu](mailto:Jennifer.Ferone@islg.cuny.edu), and Sukhmani Singh, Senior Research Associate, [Sukhmani.singh@islg.cuny.edu](mailto:Sukhmani.singh@islg.cuny.edu), no later than May 3 2021. Responses to questions will be posted on the SJC Exchange Research Consortium Sub-Community no later than May 7, 2021. Final submissions are due via email to Jennifer no later than 5pm (EST) on May 21, 2021. Work proposals submitted after the due date and time will not be considered for an award. The selection will be made by the Consortium Research Review Committee (RRC) in June 2021.

Work proposal narrative components (10 double-spaced pages): Applicants should begin by framing their overall approach to the work and how it aligns with the description set forth above, describing the SJC sites selected for the analysis, and providing detail about data sources, collection, and methods, and address anticipated challenges. Each section is briefly outlined below:

- 1) **Study framework**—Describe the project’s overall goal(s), research objectives, and approach. This section should highlight a unique framing of the work based on the applicant’s capabilities, vision, and prior literature.
- 2) **Site selection**—Briefly describe the sites selected for inclusion in the study and any current relationships that have been established with the sites. While prior relationships are not required, applicants must conduct outreach with sites to establish a partnership and submit affirmation that relevant site stakeholders, including community-based organizations, are willing to move forward with the proposed study.
- 3) **Design and methodology**—Describe in sufficient detail components of the proposed approach, including quantitative and qualitative methods drawn upon to answer the research questions outlined in this RFWP. This section should describe all research activities and work streams that will be undertaken to meet the goals of the project, including data sources and data collection efforts, measures and outcomes, and plans for analysis. In discussing the proposed approach, also include, at a high-level, necessary planning and groundwork that will be required before undertaking the full analysis (e.g., IRB approval, data acquisition, development of tools and protocols). Finally, applicants should address any anticipated challenges in carrying out their proposed design and briefly describe how they might address them or mitigate risks. Please also discuss any potential impacts of the pandemic on research activities and how the work will move forward if current circumstances and restrictions continue to persist early next year.
- 4) **Staffing**—Outline a staffing and management plan for the project, including a brief description of staff roles and responsibilities.
- 5) **Dissemination**—Describe a plan for research publications, including full technical reports, research briefs, and/or products for public dissemination of research findings.

Work proposal attachments: In addition to the main work proposal narrative, include the following attachments (attachments *do not* count towards the ten (10) double-spaced page limit of the narrative):

- 1) **Timeline of activities**. A general timeline of activities, as well as timing of project deliverables, should be included as a separate attachment, but also referenced in the narrative of the application. This attachment should not exceed one (1) page.
- 2) **Letters of support/Statement of site commitment**. Applicants will need to secure letter(s) of support from the key agencies or departments involved in the implementation of the strategies. At minimum, applicants must submit a statement describing outreach to potential sites and discuss site stakeholder commitment to the project. If possible, applicants are strongly encouraged to communicate with the designated SJC Lead Agency for the selected sites, as they are responsible for coordinating SJC activities and data facilitation to ISLG. If an applicant does not know which agency constitutes a lead agency for a particular site, you may feel free to reach out to ISLG for guidance.
- 3) **Budget and budget narrative**. Applicants should provide an itemized budget of up to \$350,000 outlining their proposed use of funding and justification for each budget item and associated rate(s). Please include personnel costs, as well as other costs for equipment, supplies, travel, fringe benefits, indirect costs, or other direct costs necessary for carrying out

the proposed project. Applicants should specify the types of expenses included as indirect costs and describe how they determine whether to charge an expense as an indirect versus a direct cost. See Appendix B for an itemized budget template.

A budget narrative should correspond to the itemized budget and link the outlined costs to the work proposal's components, personnel, and activities. In the narrative, carefully outline the justification and any assumptions on which the budget is based. Work proposal reviews and the final award decision will take into account the degree to which applicants have proposed advantageous budgets that balance costs alongside other factors and criteria set for in the RFWP.

## **VI. Proposal Scoring and Review Process**

Proposals will be reviewed by ISLG and members of the SJC Consortium Research Review Committee (RRC), made up of representatives with expertise across identified priority areas and spanning academic, practitioner, and policy sectors. ISLG and the RRC will evaluate proposals based on all the factors and criteria set forth in the RFWP. The budget and budget narrative will not be assigned a technical score upon review, but will be considered with respect to alignment with proposed activities and tasks in the final award decision. A technical score will also be generated to guide discussion and decision-making for each proposal based on the following elements:

1.	Study framework	<b>10 points</b>
2.	Site selection	<b>20 points</b>
3.	Design and methodology	<b>50 Points</b>
4.	Staffing and dissemination plans	<b>15 points</b>
5.	Timeline	<b>5 points</b>
<b>Total</b>		<b>100 points</b>

***Note on Eligible Applicants:** This solicitation is restricted to applicants that were pre-selected through a competitive RFP through the Safety and Justice Challenge for membership into the Research Consortium. Individuals and organizations that are not currently members of the Research Consortium are not eligible to apply for this work assignment. While all members of the Research Consortium are eligible to submit proposals, ISLG will only enter into task order negotiations with members who have a fully executed Agreement and DUA in place at that time.*



**Appendix A:**  
**Data Elements List Extracted from Consortium's DUA**

The list below contains categories of data elements that the applicant *may request* for the performance of its work under its Task Order(s) issued pursuant to the Contract, and for the purposes outlined in the data use agreement to which this Appendix is attached. The list is organized by criminal justice system points, providing overarching categories of data that ISLG requests from police/law enforcement, prosecutors, public defenders, court systems, probation and parole departments (if applicable to the site context), and the jail. Some sites do provide more comprehensive data depending upon capacity, resources, and data quality, while other sites may have more limited data capacity and may not be able to provide all requested elements. ISLG will work with the applicant upon submission of specific data requests to ensure that ISLG provides the most relevant information available to it to complete the requirements of a Task Order.

**I. Part I: DATA REQUESTED AND RECEIVED BY ISLG ACROSS ALL PARTICIPATING SITES**

**BACKGROUND INFORMATION:**

**For cases/people at each of the system points below (as applicable):**

- Unique Person ID
- Unique Case ID (e.g. arrest ID, summons ID docket number, probation case number, etc.)
- Date of birth
- Gender
- Race
- Ethnicity
- Zip code (of home residence)
- Any other information necessary to identify eligible/target populations for selected strategies

**LAW ENFORCEMENT**

**For each arrest (custodial and non-custodial):**

- Date of arrest
- Zip code of arrest location
- Type of arrest—custodial or non-custodial (i.e. arrested and released with a citation)
- All charges associated with the arrest—including charge code and level (felony, misdemeanor, etc.), flag for top charge
- Offense type (for each charge) (e.g., person, property, drug, public order, sex, violation of probation/parole, other, etc.)

**PROSECUTOR (OR OTHER CHARGING ENTITY):**

**For each case received by the prosecutor (or other charging entity):**

- Date of review and/or receipt of arrest charges
- Charging outcome (e.g., case accepted, declined, deferred/diversion pre-filing, referred back to law enforcement, grand jury outcome, etc.)
- Date of charging outcome

- If not declined:
  - All charges associated with the case—including charge code and level (felony, misdemeanor, etc.)
  - Offense type (for each charge) (e.g., person, property, drug, public order, sex, violation of probation/parole, other), etc.

#### **PUBLIC DEFENDER:**

##### **For each case screened for assigned counsel:**

- If assigned counsel, type assigned (e.g., public defender, assigned counsel, private attorney)—in cases where there is a change in counsel, include all assignments
- If assigned counsel, all assignment dates

#### **PRETRIAL SERVICES:**

##### **For each case screened/assessed:**

- Outcome/recommendation of risk assessment/screening (risk level and score)

#### **COURT:**

##### **For each court case:**

- If bail/bond set:
  - Type (secure, unsecured, full cash, etc.)
  - Amount
  - Date set
  - If paid/posted: date, amount, and type paid/posted
- Release decision at bail/bond hearing/first appearance (e.g., remand, held on money bail, released on money bail, released on bond, RoR, supervised release, ATI, etc.)
- Arraignment outcome (e.g. continued, disposed, dismissed)
- Dates, types, and outcomes of selected court appearances (including bail/bond hearing/initial appearance, arraignment, disposition, sentencing)
- If diverted/deferred at any point during court processing (including problem-solving court):
  - Referral date
- Disposition (e.g. dismissal, guilty plea, conviction)
- Disposition charges (if different from filing or arraignment)
- If sentenced, sentence type and length

#### **PROBATION AND/OR PAROLE:**

##### **For each violation issued:**

- If booked into jail custody: date of booking
- Date of final violation disposition
- Final disposition (revoked, restored, etc.)

#### **JAIL:**

##### **For jail population snapshot:**

- Law enforcement agency admitting person
- Legal status (“current” status—at time of snapshot)
- If held on money bail/bond, amount
- Date/time of admission
- Date/time of booking (if different from admission)
- Risk assessment/classification/custody level (current status)

- Housing unit and cell location (including facility of confinement) (current status)
- All charges associated with jail admission (charge codes, levels, flag for top charge)
- Top/Most Serious Booking/Admission Charge Type (e.g., person, property, drug, public order, sex, violation of probation/parole, other, etc.)
- If sentenced, date, length, type (time served, jail, split) of sentence; sentencing court/jurisdiction
- If probation/parole violator, type of violation (probation/parole; technical/new arrest)
- Flag for individuals who are under the jail's jurisdiction but not confined (some elements in this list will not apply to them)

**For jail admissions:**

- Law enforcement agency admitting person
- Legal status at admission
- If held on money bail/bond, amount
- Date/time of admission
- Date/time of booking (if different from admission)
- Risk assessment/classification status/custody level at admission
- Assigned housing unit and cell location at admission (including facility of confinement)
- All charges associated with jail admission (charge codes, offense levels, flag for top charge)
- Offense Type for each charge associated with booking/admission (e.g., person, property, drug, public order, sex, violation of probation/parole, other, etc.)
- If released:
  - Date/time of release
  - Type of release (e.g., RoR, release on money bail, release to pretrial supervision, ATI, sentence served, transferred, etc.)
  - If sentenced: date, length, type (time served, jail, split) of sentence; and sentencing court/jurisdiction
  - Risk assessment/classification status/custody level at release
  - All charges associated with release (charge codes, levels, flag for top charge)

**II. Part II: SUPPLEMENTAL DATA REQUESTED BY ISLG IN SELECT SITES  
(BASED UPON SJC STRATEGY PORTFOLIO AND DATA AVAILABILITY)**

**LAW ENFORCEMENT**

**For each summons:**

- Date of summons
- Zip code where summons was issued
- Type of summons (e.g. civil, criminal)
- All charges associated with the summons—including charge code and level (misdemeanor, violation, etc.)

**For each police diversion:**

- Date of diversion
- All charges associated with the diversion
- Name and type of diversion program/service (if applicable)
- Date diversion terminated (if applicable)
- Type of termination (successful/unsuccessful) (if applicable)
- Dates and charges of any subsequent arrests that occur during diversion programming (if applicable)

**For each call for service:**

- Date of call
- Type/nature of incident (including information about offense, as relevant)
- Flag for incidents involving behavioral health crisis/disturbance
- Responding unit
- Outcome (e.g. arrest, transport to emergency room, referral to service)
- If referral to service, name/type of program/service

**PROSECUTOR (OR OTHER CHARGING ENTITY):**

**For each case received by the prosecutor (or other charging entity):**

- Information on any risk assessment completed by the prosecutor

**For each prosecutorial diversion:**

- Conditions of diversion/deferral (e.g. restitution payments)
- Date diversion terminated (if applicable)
- Type of termination (successful/unsuccessful)
- Any relevant additional detail on conditions met
- Dates and charges of any subsequent arrests that occur during diversion/deferral period (charge codes and levels)

**PUBLIC DEFENDER:**

**For each case screened for assigned counsel:**

- Date of arrest
- Date of filing (by prosecutor or other charging entity)
- Date of eligibility screening (for public defender/assigned counsel)
- Outcome of eligibility screening

**PRETRIAL SERVICES:**

**For each case screened/assessed:**

- All charges associated with the case (charge code and level—using charges at the point of assessment)
- Date of risk assessment/screening
- Pretrial release recommendation (release, release to supervision, etc.)
- Date of pretrial release recommendation
- Pretrial release decision (by the court)
- Date of pretrial release decision

**For each case released to pretrial supervision:**

- Enrollment and Termination dates
- Any conditions applied
- Termination type (successful/unsuccessful) and specific conditions met (e.g. restitution paid) as applicable
- Date and charges of any subsequent arrests that occur during supervision (charge codes and levels)
- Dates of any failures to appear that occur during supervision (and associated bench warrants)

**COURT:****For each court case:**

- Date of filing (by prosecutor or other charging entity)
- All filing charges (charge codes and levels)
- If bail/bond set:
  - If paid/posted: date of release from custody
  - If bail/bond review: date, outcome (bail/bond lowered, eliminated, etc.), and release status following review
- Any further release decisions made
- All arraignment charges (if different from filing)
- Arraignment plea
- Dates of all failures to appear and bench warrants issued
- Dates, types, and outcomes of selected court appearances
- Dates of all adjournments/continuances
- Custody status at selected court appearances (in custody, out of custody)
- Type of counsel present at selected court appearances (e.g. public defender, court-appointed counsel, private attorney)
- If screened for diversion/deferral at any point during court processing: screening date/outcome
- If diverted/deferred at any point during court processing (including problem-solving court):
  - Name and type of diversion/deferral program
  - Any conditions applied
  - Termination date and type (successful/unsuccessful) and specific conditions met (e.g. restitution paid) as applicable
  - Date and charges of any subsequent arrests that occur during diversion/deferral (charge codes and levels)

**PROBATION AND/OR PAROLE:****For population snapshot:**

- Original charges (code, level, flag for top charge)/sentence (date, type, length)
- Intake date
- Supervision level (if applicable)
- Risk level
- Information on any special supervision conditions (restitution, sex offender registration, etc.)
- Anticipated discharge date

**For each violation issued:**

- Original charges/sentence (date and type)
- Information on any special supervision conditions (restitution, sex offender registration, etc.)
- Date violation filed
- Type of violation (technical, new arrest, etc.)
- Information on conditions violated
- If booked into jail custody: release

- If diverted to program/service: date of diversion, name and type of program, termination type (successful/unsuccessful); dates and charges of any subsequent arrests that occurred during programming (charge codes and levels)

**JAIL:**

**For jail population snapshot:**

- Information on any program participation within jail (name/type of program, date of enrollment, date of termination, type of termination (successful/unsuccessful))
- Flag for mental health

**For jail admissions:**

- Flag for mental health
- If released:
  - Referrals/connections to services/programming upon release (name/type of service/program, date of referral)

## Appendix B: Itemized Budget Template

Applicants should use this template to submit a budget. Please include brief statements regarding the purpose of each item, cost assumptions, and other notes related to justifying the costs. More expanded language can and should be used in the budget narrative, particularly regarding the breakdown of team roles and responsibilities and the justification of direct and indirect expenses.

**Project Lead Organization:**

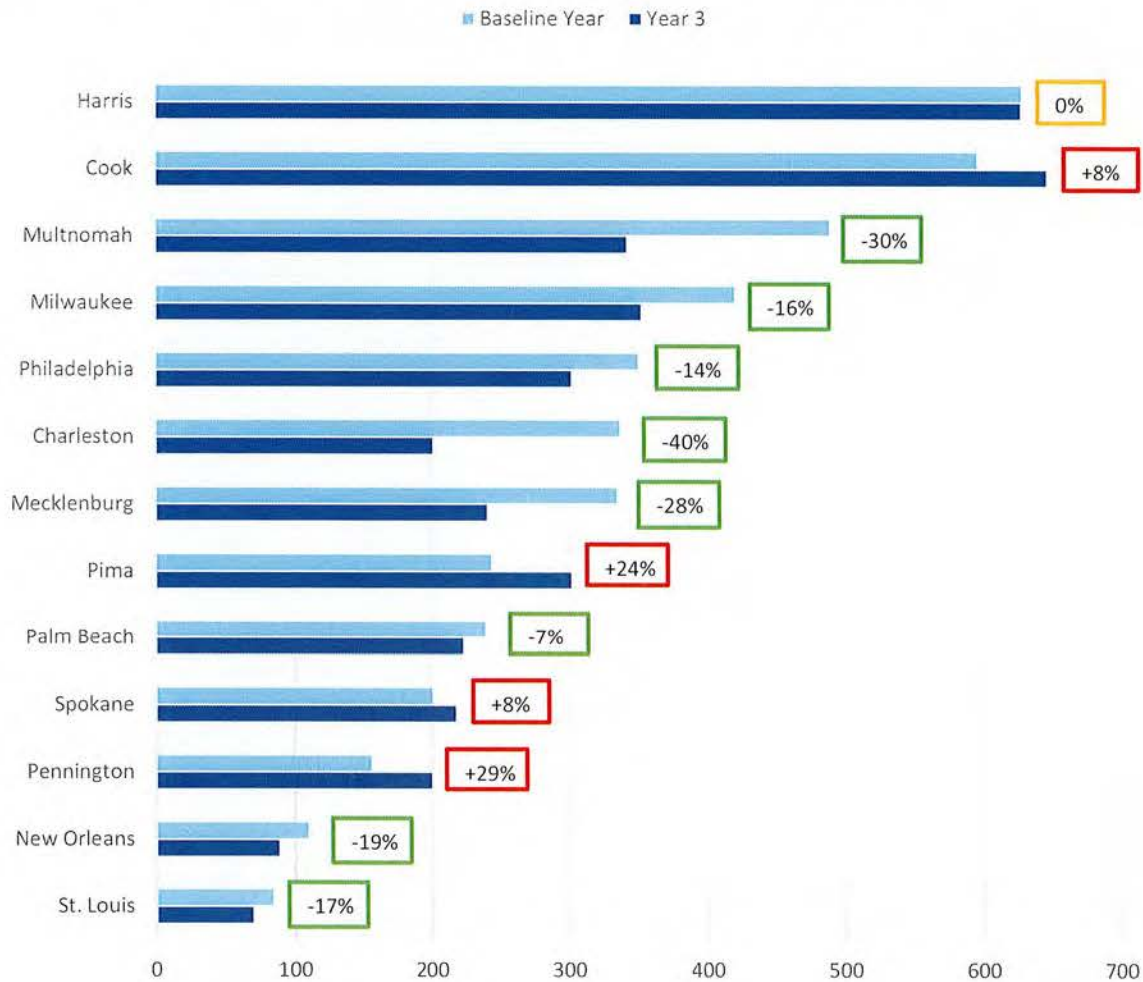
**Project Term:** *(e.g., 12 months)*

**Total Budget:**

Personnel				
Name & Role	Salary	FTE	Actual cost	Total
Person 1				
Person 2				
Person...				
<b>Fringe benefits cost</b>				
<b>Subtotal personnel</b>				
Other Direct Costs				
Item	Purpose and Cost Assumptions	Cost per item	Quantity	Total
Item 1				
Item 2				
Item...				
<b>Subtotal other direct costs</b>				
<b>Subtotal personnel and other direct costs</b>				
<b>Subtotal</b>				
Indirect Costs				
Item	Purpose and Cost Assumptions	Cost per item	Quantity	Total
Item 1				
Item...				
Subcontractors and consultants				
Name	Role and Cost Assumptions	Rate		Total
Subcontractor 1				
Subcontractor...				
<b>Subtotal subcontractors/consultants</b>				
Total Costs				
<b>Total</b>				

**Appendix C:**  
**Frequent Utilization Population Data**  
**CUNY Institute for State and Local Governance Safety and Justice Challenge Interim Report,**  
**February 2021**

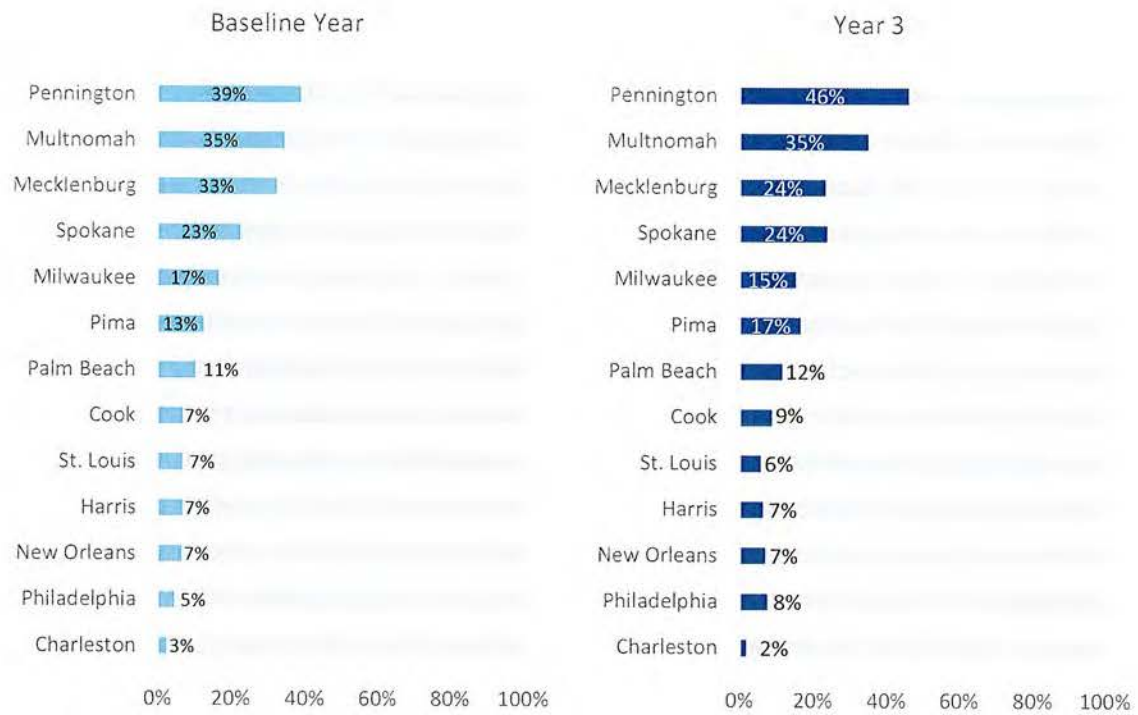
**ADP for Frequent Utilizers (3+ Bookings in One Year), Baseline Year and Year 3**



**Percentage of Overall ADP Attributable to Frequent Utilizers (3+ Bookings in One Year), Baseline Year and Year 3**

**Frequent Utilizers (FRUs):** Individuals who have been booked three or more times in a year. Here we compare FRUs for the period of May 2015-April 2016 and May 2018-April 2019.





## Appendix D: SJC Site Frequent Utilization Strategies

SJC Site	Strategy Name/Type	Strategy Description
	Mental health strategies	Strategy prioritizes hiring a behavioral health liaison to conduct assessments and hiring a forensic discharge coordinator to facilitate reentry planning for people with serious mental health needs.
Milwaukee	Crisis intervention services	(i) Crisis Mobile Teams (CMT) of behavioral health clinicians provide community-based assessment, intervention, and linkage to services in lieu of law enforcement intervention; (ii) Crisis Assessment Response Teams (CART) pair law enforcement officers with behavioral health clinicians in specialized units to respond to people in crisis and offer similar assessment, intervention, and service linkage in the community, via partnerships between BHD and several local criminal justice agencies; and (iii) Crisis Resource Centers (CRC), which provide short-term assessment, stabilization, supportive and recovery services, and may serve as an alternative to arrest.
	Reduce municipal commitments for unpaid fines and fees	Prioritizes debt collection over incarceration to prevent criminalizing poverty.
Palm Beach	Frequent Users Systems Engagement Project (FUSE)	Targeting homeless individuals with a behavioral health contact and three or more bookings within 12 months. This program provides housing and service referrals with the aim of reducing recidivism among this population.
San Francisco	Increase Healthy Connections	Targeting individuals with serious mental illness and/or a history of substance use, including jail bookings identified as "high priority" for housing and public health interventions. Strategy includes building formal partnerships across justice, public health, and housing systems; developing new protocols for clients who touch multiple systems; launching a 24-hour, non-law enforcement behavioral crisis response system; and expediting referrals to community treatment.
Charleston	Familiar Faces	Targeting individuals with the highest number of jail bookings over a 12-month period. Strategy prioritizes case conferencing across the Solicitor's Office, jail, and Criminal Justice Coordinating Council.
Pennington	Care Campus	Targeting individuals with substance use issues arrested for low-level charges. Facility co-locates detox, residential treatment, crisis care, and other social services within a single complex, which acts as an alternative to jail booking.
Cook	"High Utilizers"	Targeting individuals with behavioral health needs and frequent jail placements. Strategy connects frequent utilizations with individuals with lived experience (e.g. in recovery from addiction and with prior criminal justice involvement) to help them navigate criminal justice and treatment systems.



## Super Users

Start Date: 5/1/2019

End Date: 4/30/2021

Name Nbr	Inmate Name	Bookings	Sex	Race
975436	HANDY, MICHAEL DAMON			Black
1001076	CORTEZ, MANUEL EDGARDO JR.			Hispanic
1443841	CUELLAR, RAYMOND RICHARD			Hispanic
	CUELLAR, RAYMOND RICHARD			Native American

## High Users

Name Nbr	Inmate Name	Bookings
6211	ROMERO, MICHAEL DAVID JR.	14
23982	INIGO, ROBERT VINCENT JR.	10
28130	PORTILLO, HENRY ANTONIO SR.	10
42320	PEREZ, RICHARD SALVADOR	12
52552	SMITH, SHELDON DOUGLAS	
66321	FRACCARO, JAMES ANTHONY	16
93862	SUTTON, DAVID MICHAEL	10
118964	BULLOCK, DANIEL ALLEN	10
130385	MARTINEZ, JOSEPH JOHN JR.	14
159774	PAYNE, CHRISTOPHER MICHAEL	12
238552	QUIROZ, CARLOS FRANCISCO	11
258887	LOCUST, ELIJAH DANIEL	11
302208	HOWARD, BRYCE JENNINGS	13
316400	LAFITTE, CARL ALLEN	10
325415	FLORES, MANUEL CARLOS JR.	12
326742	WAHL, LIANE MACHELL	15
350864	CLEVINGER, VALOREE ROSE	13
366331	NELSON, GREGORY JR.	11
371049	SAINZ, MARY ESTHER	11
382559	DUNLAP, KODIE ALLEN	16
421029	ZAJICEK, MICHELE ANN	13
454640	LANE, TIMOTHY JACK	10
462298	VALENZUELA, RICARDO JR.	12
477023	HERRERA, GEORGE JR.	15
500786	ROMERO, JOSHUA RICHARD	11
517157	VALDEZ, AMOS DELERANDRO	10
556457	POLIN, SILAS JORDAN ZACIUS	17
568948	SCHUNK, KIMBERLY ANN	10
591778	KNIGHT, JORMONN ARTREZ	11
600233	RAMIREZ, JOHN PAUL	12
	RAMIREZ, JOHN PAUL	12
622881	SIGGERS, ROBERT MCCULLOCH	10
702458	BORTLE, ANDREW SCOTT	15
710879	MARTIN, WILLIAM TERRELL	10
720119	ELEM, RANDY RAMON	13
764239	WALKER, STEVEN JOHN	13
775034	BRACAMONTE, ANGEL XAVIER	17
825618	SOMOZA, JUAN CARLOS JR.	12
829064	BLOUIN, RYAN JACOB	12
829950	DERRICK, MARY LOUISE SHIDEZHI	11
833664	MARTINEZ, ANDREW ROBERT	12
848682	PALYGA, ANNA	10

875134	ELICK-TESCHNER, THOR ARION	14
891850	TATE, TYWON DELVON	12
900237	MILLER, NICHOLAS DION	10
900807	BELL, TAVARUS LAMONT	18
960511	IBARRA, IVAN	12
997873	COTNER, SAMANTHA JEANE	12
1042384	BELL, BRENDA LEE	11
1068650	WOODBURY, ROBERT MATTHEW	10
1132020	VILLANUEVA, FERNANDO	10
1152122	WOOD, PATRICIA CARDONA-SEGURA	12
1168012	KOWALSKI, NATHANIEL RAY	10
1178472	OMEGAR, WILLIAM JR.	11
1194976	CRAWFORD, JOHANNA MARIE	11
1206012	MABONE, MOSES ANTHONY	16
1217636	ALVAREZ, ANGEL ABRAHAM	15
1262426	BLIZZARD, BRIAN JOSEPH	10
1302918	CANO, MERCEDES ALLINE	12
1351066	ANDREAS, LEXUS MURGUIA	11
	ANDREAS, LEXUS MURGUIA	11
1376299	JUAREZ, HENRY	15
1452307	GONZALEZ, BRIANA ALEXIS	11
1475934	CAPERON, ALBERTO JR.	10
1534715	HERRERA, GABRIEL XAVIER	11
1550358	FISHER, STEPHEN LEROY CHARLES JR.	10
1577686	IACONIS, JOSHUA DAVID	18
1595167	SANCHEZ, CHRISTOPHER JAMES	13
1630412	LOZANO, JASMINE ASHLEY	12
1669109	BUSTAMANTE, HOLIDAY MICHELLE	11
1759451	CILLUFFO, LOUIS ANTHONY	10
1824213	WOODSON, RICHARD TERRY JR.	10
1833161	HOWARD, STEVEN LAWENCE	10
1857586	BLOMMER, SUSAN JO	10
1873914	GLYNN, SHANCE BRYCE	11
1888527	MEDINA-COLON, RAMON ALEXIS	15
1894262	JOHNSON, CHASE HARRINGTON	14
1905254	BANKS, TERRANCE LAMONT	10
1906259	LINNER, CURTIS LAMONT	13
1912785	BOLIVAR, DANIELA RHIANNON	14
1924880	STONEROCK, DAREN ROBERT	16
1928818	CONWAY, CARI ANN	11
1941952	WIESE, KELLIN DEAN	12
1958136	MARQUEZ-VELARADO, RICARDO ALANSO	14
	MARQUEZ, ALANSO RICARDO	14
1977574	LOVE, GARY LELAND	13

Start Date: 5/1/2019

End Date: 4/30/2021

Sex	Race
M	Native American
M	Hispanic
M	Hispanic
M	Hispanic
M	White
M	White
M	White
M	Hispanic
M	White
M	Hispanic
M	Native American
M	White
M	White
M	White
F	White
F	White
M	Black
F	Hispanic
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F		4
M	White	
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F	White	
M	White	
M	Black	
F	Native American	
M	Black	
M	Hispanic	
M	White	
F	Hispanic	
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# MEMORANDUM

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Date: May 17, 2021

To: The Honorable Chair and Members  
Pima County Board of Supervisors

From: C.H. Huckelberry  
County Administrator

A handwritten signature in black ink, appearing to read "CH Huckelberry", is written over the printed name and title.

Re: **Pre-trial Services and How this Function is Integrated into Justice Reform**

In Superior Court's budget presentation, the Presiding Judge mentioned Pre-trial Services. This is a unit of Superior Court that assists in decisions regarding who is held or not held in the Pima County Adult Detention Center (PCADC). It has been in our financial, as well as our justice reform, interest to have as many individuals safely released from detention as possible.

To that end, we have been working with the Superior Court as well as Pre-trial Services to enhance their capabilities associated with pre-trial release programs, including pre-trial arrest programs. There are important distinctions between arrest and booking into PCADC. For this reason, at our own expense, we placed a Pre Booking Modular facility outside of PCADC for the evaluation of potential arrestees for release rather than booking. Booking is a fairly long and tedious process that requires additional compensation in the form of booking fees. The FY20/21 booking fee now stands at \$420.65 as opposed to the daily housing fee of \$127.20.

The attached March 17, 2021 memorandum from Assistant County Administrator Wendy Petersen describes these services as well the increased Pima County general funding for enhanced supervision. (Attachment 1) The County now funds a number of positions in Pre-trial Services for the purpose of pre-booking release for pre-booking release immediately or as soon as practically possible after booking.

Our commitment to provide this additional funding requires a quarterly report from Pre-trial Services. (Attachment 2) In reviewing the April 30, 2021 memorandum from Pre-trial Services Director Domingo Corona, you will notice on the 2<sup>nd</sup> page, there is a graph that depicts a time against Y-axis and misdemeanor releases on a chart, comparing pre-booking to post-booking. It is clear that the number of pre-booking releases has dramatically increased as well as post-booking releases have decreased accordingly.

This is a significant indication that our investment in pre-trial services is providing both financial benefits to the County as well as justice benefits to those involved in the justice system.

The Honorable Chair and Members, Pima County Board of Supervisors  
Re: **Pre-trial Services and How this Function is Integrated into Justice Reform**  
May 17, 2021  
Page 2

This information should provide you with an additional and informed view of the County's investment in Pre-trial Services to improve justice outcomes and reduce public cost associated with detention.

CHH/mp

**Attachments**

c: Jan Leshar, Chief Deputy County Administrator  
Carmine DeBonis, Jr., Deputy County Administrator for Public Works  
Francisco García, MD, MPH, Deputy County Administrator & Chief Medical Officer,  
Health and Community Services  
Wendy Petersen, Assistant County Administrator for Justice and Law Enforcement  
Domingo P. Corona, Director of the Pretrial Services Division, Pima County Superior  
Court

# ATTACHMENT 1




# MEMORANDUM

Criminal Justice Reform Unit

Date: March 17, 2021

To: C. H. Huckelberry  
County Administrator

From: Wendy Petersen,   
Assistant County Administrator

Re: Pre Trial Services Request for Pima County General Funding for Enhanced Supervision Team

On January 10, 2020, I submitted a memorandum to you requesting general funds to cover nine Pretrial Service ("PTS") personnel for their Universal Screening Team for FY 2020-21 (Attachment A). The costs for salary and fringe benefits for these positions was estimated at \$550,000. On behalf of PTS, the Criminal Justice Reform Unit made a similar request the year before. In response to the January 10, 2020, request, you submitted a January 15, 2020, memorandum to Finance and Risk Management Director Michelle Campagne agreeing to the request on the condition that PTS prepare a quarterly report "to determine how many individuals they (PTS) have deflected from booking at the Pima County Adult Detention Complex" (Attachment A).

## Background

The MacArthur Foundation Safety and Justice challenge (SJC) grant required select jurisdictions to identify and implement strategies aimed at reducing jail incarcerations. Fifteen positions within the Pretrial Services Division of the Superior Court were created specifically for strategies aimed at assessing and reducing the incarcerated pretrial population. PTS develops data presented on a regular basis for the purpose of reviewing the efficacy of all of the programs described. The Universal Screening and Enhanced Screening Programs are fundamental to the success of PTS' goals and mission, including Pima County's goals to safely reduce the jail population.

In a January 9, 2018, memorandum to then Deputy County Administrator, Tom Burke, you approved supporting certain Pre-Trial positions for FY 2018/19. (Attachment A).

This support continued to the following fiscal year where we requested general funds to cover the costs of nine (9) staff on the Pretrial Services Universal Screening Team at a cost of \$491,000. This request was submitted and approved on January 15, 2019. (Attachment A)

Pima County applied for a second SJC grant in 2019 and the MacArthur Foundation awarded Pima County awarded \$1.8 million. As noted above, on January 10, 2020, I submitted the memorandum requesting a continuation of this commitment due to some uncertainty on the part of the MacArthur Foundation to fully fund the SJC grant based on what the Foundation described as "stagnant jail numbers". The 2019 Second Grant Cycle covered the costs of six (6) staff on the Pre Trial Services Enhanced Supervision Team. We requested Pima County general funds to cover nine staff on the Universal Screening Team in the amount of \$550,000.

## Updated Request

Pretrial Services Director Domingo Corona submitted the attached March 16, 2021, memorandum providing the information for the first two quarters of FY 2020-2021 and also requesting that funding

C.H. Huckelberry, County Administrator

Re: Pre Trial Services Request for Pima County General Funding for Enhanced Supervision Team

March 17, 2021

Page 2

for the six PTS Personnel on the Enhanced Screening Team transfer to Pima County General Funds. (Attachment B).

As you know, the funding we received in the third grant cycle of the Safety and Justice challenge was substantially less than we expected and MacArthur funds can no longer support the six personnel on the Enhanced Screening Team.

Mr. Corona's memorandum explains the distinction between the Universal Screening Team and the Enhanced Supervision Team. His specific request is:

I request the 15 positions established through the SJC grant be funded through the County General Fund. They are fundamental to the success of PTS's goals and mission, including Pima County's goals to safely reduce the jail population.

Mr. Corona is asking for Pima County general funds to cover the six Enhanced Supervision positions currently being paid by MacArthur Safety and Justice (SJC) grant funds in the amount of \$403,280 per year.

Mr. Corona's March 16, 2021, memo states that in the 1st and 2nd Quarters of FY 2020-2021, "Pretrial Services helped save an estimated 4,633.88 jail bed days through staffing and case management services offered to the Jail Population Review (JPR) Committee via these staff positions."

#### Recommendation

The Universal Screening and Enhance Supervision Teams helped to dramatically reduce the Pima County Adult Detention Complex population. With the launching of the Supportive Treatment and Engagement Programs ("STEPS") Court on February 24, 2021, Mr. Corona estimates that as many 500-700 pretrial defendants will be diverted from criminal case processing per year. An important aspect of that project will be the Universal Screening and Enhanced Supervision Teams. Accordingly, I recommend that Mr. Corona's request to support the six Enhanced Screening personnel with Pima County General Funds.

#### Attachments

WP/dr

c:     The Honorable Kyle Bryson, Presiding Judge, Superior Court  
       Ron Overholt, Court Administrator, Superior Court  
       Michelle Champagne, Director, Finance and Risk Management  
       Domingo Corona, Pretrial Services Director, Superior Court  
       Kate Vesely, Director of Justice Reform Initiatives

## **Attachment A**



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# MEMORANDUM

---

Date: January 15, 2020

To: Michelle Campagne, Director  
Finance and Risk Management

From: C.H. Huckelberry  
County Administrator *CHH*

Re: **January 10, 2020 Memorandum from Assistant County Administrator Wendy Petersen Regarding Fiscal Year 2020/21 Budgeting for Superior Court Pretrial Services Staff and MacArthur Safety + Justice Challenge Grant**

In Assistant County Administrator Wendy Petersen's January 10, 2020 memorandum, she discusses the need to continue funding for the Superior Court Pretrial Services staff related to the MacArthur Safety + Justice Challenge Grant. I agree we should fund, from the General Fund, nine staff members from the Pretrial Services Universal Screening Team in the amount of \$550,000.

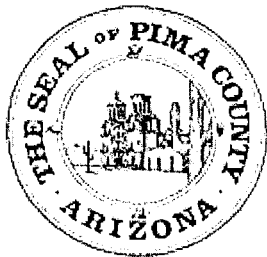
As a condition of this continuing funding, I will request an appropriate quarterly report to determine how many individuals they have deflected from booking at the Pima County Adult Detention Center. I would hope the value of their deflection as well as annual incarceration days after deflection will provide the economic cost benefit analysis to support this program.

CHH/anc

Attachment

c: Jan Leshner, Chief Deputy County Administrator  
Wendy Petersen, Assistant County Administrator for Justice and Law Enforcement





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# MEMORANDUM

---

Date: January 10, 2020

To: C.H. Huckelberry  
County Administrator

From: Wendy Petersen   
Assistant County Administrator  
for Justice & Law Enforcement

**Re: FY 20/21 Budgeting for Superior Court Pretrial Services Staff and the  
MacArthur Safety + Justice Challenge Grant**

Over the last two fiscal years the \$1.5 million Safety + Justice Challenge grant supported by the MacArthur Foundation (the "Foundation") has been paying the salary and fringe benefits for several Pima County Superior Court Pretrial Services staff.

Last year, the Foundation awarded Pima County another \$1.8 million grant; however, initially we were informed by the Foundation that they would only release six months' of funds due to what the Foundation perceived to be stagnant jail numbers. Fortunately, we were informed in June of 2019 that the Foundation was willing to release the remaining funds. The new grant only supported five staff on the Pretrial Services Enhanced Supervision Team.

Last year, Pima County made a commitment to fund certain Pretrial Services positions in the event we did not receive additional grant funds. A copy of the January 15, 2019, memorandum approving that request is attached.

As a result, of the transition from one Foundation grant to the next and in order to maintain the continuity of activity related to Pima County wide criminal justice reform initiatives, I request the following:

For FY 20/21 funding from the general fund to cover nine staff on the Pretrial Services Universal Screening Team. We estimate that total amount needed for salary and fringe for the full fiscal year to be \$550,000.

Mr. Huckelberry

**Re: FY 20/21 Budgeting for Superior Court Pretrial Services Staff and the MacArthur Safety + Justice Challenge Grant Pretrial Services Positions Budget Assurances for Fiscal Year 2019/20**  
January 10, 2020

Page 2



Approved



Not Approved

*C. Huckelberry* 1/15/2020

C.H. Huckelberry

Date

County Administrator

c: The Honorable Kyle Bryson, Presiding Judge, Pima County Superior Court  
Ronald Overholt, Court Administrator, Pima County Superior Court



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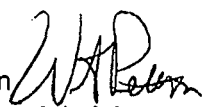
# MEMORANDUM

County Administration  
Justice and Law

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Date: January 15, 2019

To: C. H. Huckelberry  
County Administrator

From: Wendy Petersen   
Assistant County Administrator  
for Justice & Law Enforcement

Re: FY19/20 Budgeting for Superior Court Pretrial Services Staff and the MacArthur  
Safety + Justice Challenge Grant.

Over the last two fiscal years, the \$1.5 million Safety + Justice Challenge grant supported by the MacArthur Foundation (the "Foundation") has been paying the salary and fringe benefits for fifteen (15) Pima County Superior Court Pretrial Services staff at an amount of approximately \$30,000 per pay period. We estimate that the funding from the initial grant can continue to support staff at this level through approximately January 31, 2019.

Pima County has been awarded another \$1.8 million Safety + Justice Challenge grant through the Foundation which will likely begin January 30, 2019. A January 3, 2019 letter from the Foundation informed Pima County that the Foundation will release an initial six month payment. The remaining amount of the award will be released upon submission of an interim progress report reviewing Pima County's jail reduction results to determine if the Foundation will release the remaining grant funds. The new grant as awarded will only support five (5) staff on the Pretrial Services Enhanced Supervision Team plus one additional FTE Program Manager position to be hired by July 2019 (assuming we receive full funding) that will be split between Adult Probation and Superior Court.

Last year, Pima County made a commitment to fund certain Pretrial Services positions in the event we did not receive additional grant funds. A copy of the January 9, 2018 memorandum to Tom Burke, Deputy County Administrator outlining that commitment is attached.

As a result of the transition from one Foundation grant to the next, and in order to maintain the continuity of activity related to Pima County wide criminal justice reform initiatives, I request the following:

For FY19/20, funding from the general fund to cover the nine (9) staff on the Pretrial Services Universal Screening Team. We estimate the

Mr. C.H. Huckelberry

Re: FY19/20 Budgeting for Superior Court Pretrial Services Staff and the MacArthur Safety+ Justice Challenge Grant

January 15, 2019

Page 2

total amount needed for salary and fringe for the full fiscal year to be \$491,000.

☒ Approved

☐ Not Approved

C.H. Huckelberry 1/15/19  
C.H. Huckelberry Date  
County Administrator




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# MEMORANDUM

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Date: January 9, 2018

To: Tom Burke  
Deputy County Administrator  
for Administration

From: C.H. Huckelberry  
County Administrator 

Re: Pre-trial Services Positions Budget Assurances for Fiscal Year 2018/19

As you know, with the MacArthur Grant, the County increased our funding for Pre-trial Service employees to reduce and/or eliminate the detention of misdemeanor offenders at the Pima County Adult Detention Center. The Grant has been successful, but will end April 2018.

Appropriate planning and position control allows existing funding to continue for this function until July 2018. We understand the County is in a good position to receive supplemental funding and/or additional grants from the MacArthur Foundation to continue this function; however, it is likely such a grant extension will not be known until after the Fiscal Year 2018/19 budget is adopted.

Assistant County Administrator Wendy Petersen has been in contact with our Grant Managers, one of which is transitioning employment to the City of Chicago. They indicate, while any grant receipt or extension cannot be guaranteed, the County has been viewed favorably by MacArthur Foundation. Hence, it is unlikely the County would not receive a grant extension.

Given this uncertainty, it is appropriate we fund this unit and/or guarantee its continuation as the Superior Court is hesitant to continue without some funding assurances.

Ms. Petersen is working with Superior Court staff to develop a budget number that will continue to support this program.

Whether we receive the MacArthur Grant in the future, we have not taken the steps to reduce jail population and reform of the criminal justice system to simply retreat because of the lack of grant funding; hence, the program should continue.

CHH/anc

c: The Honorable Kyle Bryson, Presiding Judge, Pima County Superior Court  
Ronald Overholt, Court Administrator, Pima County Superior Court  
Wendy Petersen, Assistant County Administrator

## **Attachment B**



# MEMORANDUM

---

Date: March 16, 2021

To: Wendy Petersen,  
Assistant County Administrator

From: Domingo Corona,  
Pretrial Services Director

Re: **Pretrial Universal Screening and Enhanced Supervision Positions**

---

Pretrial Services (PTS) currently has 15 positions which were previously or are currently funded by the MacArthur Foundation Safety and Justice Challenge (SJC) grant. This grant's purpose was to identify and implement strategies aimed at reducing incarceration. The positions, created within the PTS Division of Superior Court, were specifically created for strategies aimed at assessing and reducing the incarcerated pretrial population. Data around Pretrial Services' programs is being developed and will be presented on a regular basis for the purpose of reviewing the efficacy of all programs described. I request the 15 positions established through the SJC grant be funded through the County General Fund. They are fundamental to the success of PTS's goals and mission, including Pima County's goals to safely reduce the jail population.

***The annualized cost for the six positions currently being paid by MacArthur Safety and Justice (SJC) grant funds is approximately \$403,280 per year. Nine positions previously funded by the SJC grant are currently being paid through County General Funds not in the Superior Court budget. The annualized cost for those positions is \$507,000 per year.***

These current positions are grouped into two focus areas, Universal Screening and Enhanced Supervision, or Supervised Release. Each will be described with what we believe to be outcome-supported impacts on the use of incarceration.

## **Universal Screening**

### *9 Pretrial Services Officers*

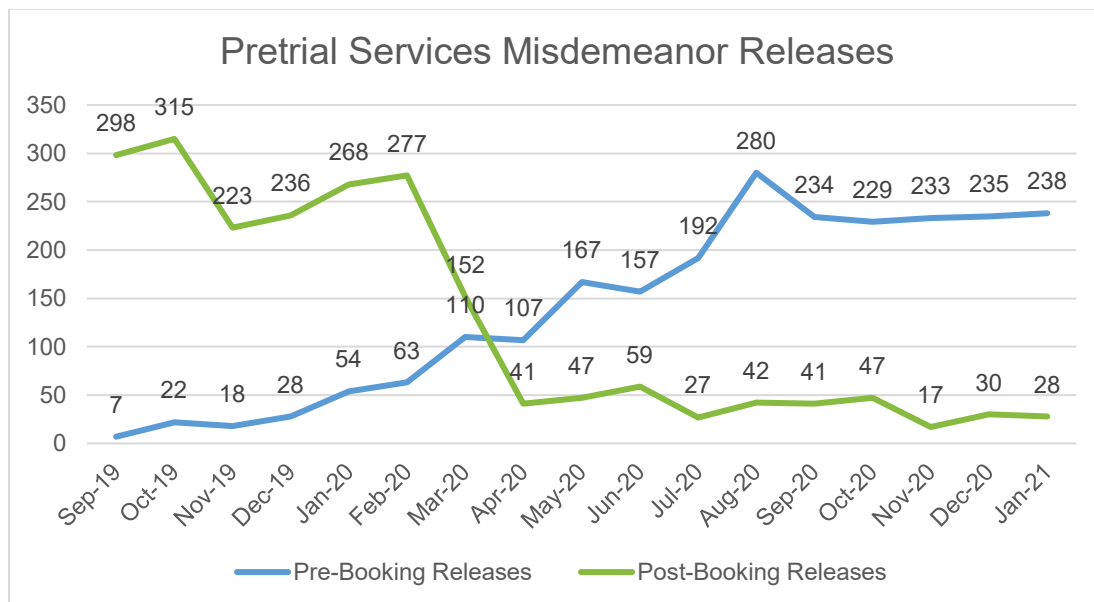
**In the 1<sup>st</sup> and 2<sup>nd</sup> Quarters of Fiscal Year 2020-2021, Pretrial Services Deflected 1,403 individuals from booking at the Pima County Adult Detention Center through this program.**

**Estimated cost avoidance since September 2019 (# of non-Justice Court defendants released x \$420.65-first day booking): \$426,539.10**

PTS Officers in this category work at the Pima County Adult Detention Center and provide one of our core functions, preparing bail/release recommendations for initial appearance (IA) hearings (See Attachment 1). These hearings are held twice per day, seven days a week. Information provided by PTS Officers helps judges at the IA hearing determine release conditions. Reports presented include information which judges are required by statute (ARS13-3967) to consider when setting bail. PTS offers a neutral, data-informed recommendation which is meant to identify release

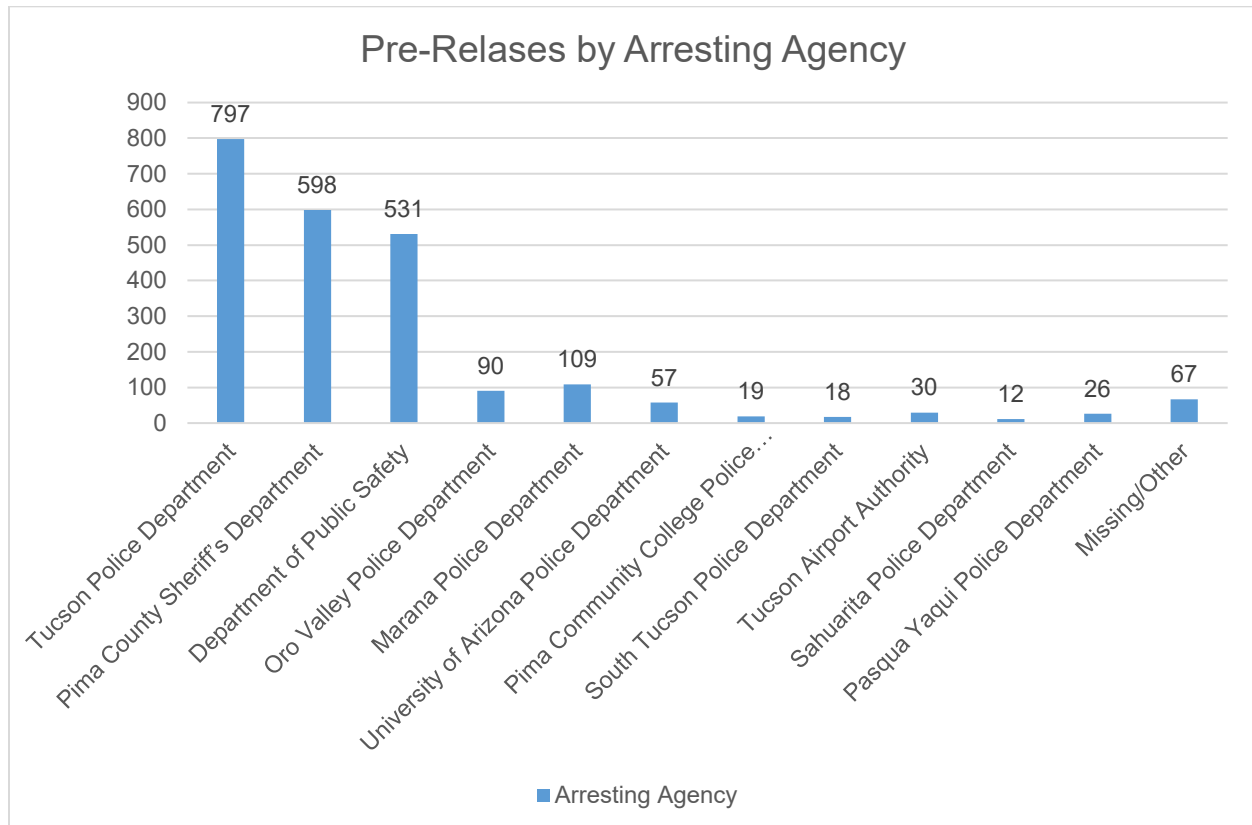
strategies tailored to individuals based on combination of statutory conditions and assessed pretrial success/risk, based on a validated risk assessment (see Attachment 2).

Prior to the SJC funding, county general funds and a relatively small amount of state grant funding was used to provide services for the felony defendant population. Some general fund monies were used to provide limited information for misdemeanor post-booking release screening (Justice Court only) and also included identification of active involvement with a community service provider for behavioral health care (Tucson City Court only). SJC funds helped to establish a universal post-booking, pre-initial appearance release program, which expanded the original misdemeanor release program from Justice Court-only cases to the entire misdemeanor population. In September of 2019, the program moved from post-booking to primarily pre-booking release. Program usage was slow to realize; however, the COVID-19 Pandemic response in March/April of 2020 hastened the use of the pre-booking facility, and since, programmatic elements and rules have been established to institutionalize the desired process flow. The following charts demonstrate program utilization through January 2021. Even with reduced misdemeanor screening numbers during the COVID-19 Pandemic, approximately 230 defendants are being released prior to booking every month.





Prior to SJC funding PTS screened misdemeanor law enforcement cases which were heard by Pima County Justice Court. With current staffing levels, all agencies' cases can be screened (see below).



The most common charge type released by PTS is “Failure to Appear”, which at the onset of the SJC work was one of the primary drivers for pretrial incarceration.

<b>Pre-Booking Release Totals by Charge Type</b>	<b>#</b>
Failure to Appear Warrant(s)	1266
Criminal Trespassing	413
Drug Possession/Drug Paraphernalia	431
Driving Under the Influence	288
Shoplifting	168
Assault	71
Disorderly Conduct	209
Criminal Damage	76
Suspended License	42
Threat	42
Theft	33
Other: False Reporting (29), Obstruct Highway (21), Speeding (22), Loitering (25), Contributing to the Delinquency of a Minor (8), Parks Closed After Hours (3), Disturbing the Peace (8), Fail to Correct Defects (1), Fail to Display License (8), Malicious Mischief (7), Mis Inv Weapon (5), Obstruct Government (2), Obstruct Officer (4), Highway Racing (6), Arson (3), Leave the Scene of Accident (2), Endangerment (4), Conceal Carry Weapon (2), Consume Alcohol in Public (7), Unattended Child in Motor Vehicle (1), Open Container (15), Liquor in Vehicle (5), Aggressive Driving (2), No License (2), Fail to Comply (1), Fail to Stop/Yield (2), False ID (3), Fraudulent Credit Card (1), Ignition Interlock (1), Lew Acts (3), Intentional Vandalism (2), Liquor Laws – Other (1), Altered Plates (1), Carry Deadly Weapon (1), Other Misd (3), Exhibition (1), Contempt (1), Public Urination (8), Indecent Exposure (15), Refuse to Give (True) Name (18), Reckless Driving (12), Resist Arrest (16), Soliciting (5), Possess Stolen Property (1), False Plates (7), Littering (4), Criminal Nuisance (13), Reckless Burning (4), Harassment (2), Motor Vehicle Reg Violation (1), Moving Violation (2), Cruelty to Animals (1), Alcohol > 21 (16)	339

In addition to providing for the pre-booking release program, PTS Universal Screening staff have been utilized to prepare misdemeanor domestic violence reports for IA hearings for all jurisdictions. Previously only Pima County Justice Court was offered this service, due to limited staffing. Also, expanded staffing allows for a first court date reminder call for misdemeanor defendants released by PTS Officers.

One other major function provided by PTS Universal Screening was the implementation of supplemental screening focused on identifying individuals who were suitable for referral for assessment or continued treatment by a behavioral health provider. This strategy was aimed at finding alternative release strategies for defendants who may benefit from active mental health, behavioral health or substance abuse issues. The key change was to implement the use of a validated screening tool, which was accomplished in April of 2017. PTS began using the Brief Jail Mental Health Screen, created by Policy Research Associates (see Attachment 3). In August of 2019, the screening expanded to include substance abuse, and at that time, the agency moved to the AC-OK Screen for Co-Occurring Disorders, which was validated by the University of Oklahoma,

Tulsa Campus (see Attachment 4). As will be described in the next category, this screening helps provide for more focused supervision of individuals with potentially acute needs.

**Enhanced Supervision (ES)**

*1 Administrative Program Coordinator*  
*1 Enhanced Supervision Specialist*  
*4 Pretrial Services Officers*

**In the 1<sup>st</sup> and 2<sup>nd</sup> Quarters of Fiscal Year 2020-2021, Pretrial Services helped save an estimated\* 4,633.88 jail bed days through staffing and case management services offered to the Jail Population Review (JPR) Committee via these staff position. (\* metric developed by Michael Steber: 45.88 jail bed days saved per JPR release/101 individuals released in Q1 & Q2 through JPR).**

**Estimated cost-avoidance for FY20-21 (predicted # of jail bed days saved through JPR Committee due to PTS ES release x\$127.20-estimated per day savings): \$1,180,000 (\$589,429.53 through Q2)**

As mentioned in Universal Screening, SJC funding allowed PTS to create a validated screening process focused on substance use and behavioral health treatment needs. Once individuals are screened as suitable for referral to a service provider, PTS recommends a special condition of release to the initial appearance (IA) judge signaling the defendant will be placed on enhanced supervision. Since the program's start date in April 2017, in approximately 80% of cases or more with this recommendation (non-violent felony cases) judges have released the defendant and the defendant has been placed on the Enhanced Supervision (ES) caseload. In standard PTS supervision cases, due to workload, PTS Officers will typically conduct a needs assessment and offer referrals after the defendant's indictment (approximately 20 days from release). ES PTS Officers are asked to conduct a brief needs assessment and facilitate a referral to services within 1-7 days from the defendant's release. Additionally, the ES team has a grant-funded Supervision Specialist who acts as a liaison with service providers. This ES Specialist will be highlighted in the next section.

Data around the core ES program is complicated by a significant increase in the supervised pretrial population. Around the time of the submission of the original MacArthur grant proposal, the PTS average daily caseload was approximately 800-850 defendants. Before ES implementation, in July 2016, the court moved to the PSA Court Tool risk instrument, as requested by the Arizona Administrative Office of the Courts. Shortly after this move, the average daily caseload increased to approximately 1,200 to 1,300 defendants, and over the course of the COVID-19 pandemic has moved to approximately 1,600 to 1,800 defendants. The original design of the ES supervision program included caseloads of approximately 35-50 defendants per pretrial officer, to allow for PTS Officers to work more closely with these higher-needs individuals. PTS has had to continually modify caseload assignments to accommodate for all the changes mentioned and data analysis for this period requires more review.

Also included in this category is a newly created Administrative Program Coordinator classification. In addition to helping PTS meet data analysis and reporting needs (grants, daily operations, programming analysis), this position will oversee the implementation and provide ongoing programmatic oversight of Superior Court's new STEPs (Supportive Treatment and Engagement

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Programs) diversion program. This program will create a new pre-charging drug court program, aimed at offering participants an opportunity to connect with substance abuse treatment rather than proceed with a criminal case. A validated screening process will be used in this program as well (see Attachment 5). This program will begin on February 24, 2021 and has the potential to divert approximately 500-700 pretrial defendants per year from criminal case processing. The Universal Screening team will also assist with STEPs, as an additional validated screening tool for housing needs will be added to the pre-IA screening process. Moreover, STEPs supervision may require the reassignment of standard and ES PTS officers to oversee participants placed in the diversion program, as no new PTS Officers have been allocated to PTS for the STEPs program. The program is benefiting from a Diversion Specialist through funds provided by the County Attorney; however, this specialist will be responsible primarily for screening, initial referrals and liaison work with service providers.

### **Other Jail Reduction Strategies**

Pima County's Jail Population Review (JPR) Committee has benefitted heavily from both Universal Screening and Enhanced Supervision staff. The in-custody review process begins with a review of the PTS initial appearance report and many times references the screening for participation in the Enhanced Supervision program. Since March of 2019, 467 defendants with high needs who were originally held in custody at the initial appearance hearing were released through the JPR process. The highly-focused release process for JPR-released defendants is very dependent on the work performed by the MacArthur Grant-funded Enhanced Supervision Specialist. The Specialist will conduct pre- and post-release screening, including interviews, with each defendant. And any complications requiring transportation to a service provider are addressed by the Specialist. Given the workflow needs around the JPR process, an ES PTS Officer is assigned to assist the specialist.

The COVID-19 Pandemic Response saw 28 defendants released through an expedited motion process, due to an agreement between the County Attorney and Public Defense. This event was aided by the screening provided by the Universal Screening team in the form of the initial appearance report and the presence of the ES Specialist. Housing needs were identified, and the ES Specialist assisted the County and parties in facilitating the releases that required connectivity with housing resources.

The Community Bond Project initiated by Public Defense will rely on Universal Screening for determining program participation through the IA report, and any defendant released will be placed on pretrial supervision. Defendants will have been screened for ES placement, and some of the defendants may require placement on the ES caseload. Funding has not been provided for new PTS Officers for this program, so current general fund and current SJC-funded positions will support this program.

### **Attachments**

c: The Honorable Kyle Bryson, Presiding Judge, Pima County Superior Court  
Ron Overholt, Court Administrator, Pima County Superior Court  
Michelle Campagne, Director, Finance and Risk Management

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## ATTACHMENT 1



# Pretrial Services

Recommendation submitted at Initial Appearance Court

[REDACTED]

Initial Appearance Date: [REDACTED]

## Demographics

Sex: FEMALE Language: ENGLISH  
Marital Status: SINGLE [REDACTED]  
Employment Status: UNEMPLOYED Occupation:

## Charges

	<u>Offense Date</u>
DANGEROUS DRUG VIOLATION	F4 [REDACTED]
CRIMINAL DAMAGE	F6 [REDACTED]
DRUG PARAPHERNALIA VIOLATION	F6 [REDACTED]

## Status

None Noted

## Holds

None Noted

## Recommendation

Release under the supervision of Pretrial Services

## Recommended Conditions of Release

- Do not initiate contact of any kind with the alleged victim
- Do not return to the incident location
- Participate in the Enhanced Supervision Program



## Pretrial Services

### Narrative (Confidential)

██████████ ██████████

According to the arresting agency, the allegations involve a baggie containing methamphetamine.

The risk assessment places the defendant in the maximum conditions category. Given the defendant meets the criteria for the enhanced supervision program, release under the supervision of this agency is recommended.

#### RESIDENTIAL/OCCUPATIONAL STABILITY

The defendant stated she is a lifelong resident of Tucson, and that she has resided at ██████████ ██████████ for two days. She did not provide any additional residential information, and indicated she is unemployed.

The defendant's friend, ██████████ ██████████, verified the above information; however, he indicated the defendant has been residing with him at ██████████ Drive for three years. He stated the defendant is welcome to continue using his address for residential and mailing purposes. He added he is willing to assume third party custody of the defendant, as well as provide transportation to future court proceedings if necessary.

#### CRIMINAL HISTORY

A search of national, state and local criminal history repositories revealed one previous arrest involving felony charges ██████████.

Criminal history repositories reveal the defendant has been arrested on ██████████ for misdemeanor offenses between ██████████. During this time, ██████████ warrants alleging failure to appear were noted.

#### BEHAVIORAL STABILITY

Screening results indicate the need for a substance abuse and mental health assessment.

The defendant's friend, ██████████ ██████████, indicated he is unaware of any problems related to substance abuse or other behavioral health issues the defendant may be experiencing.



## Pretrial Services

[REDACTED]

Alias(es):

Disparate SSN Identifier(s):

[REDACTED]

ATTACHMENT A  
CONFIDENTIAL  
CRIMINAL HISTORY INFORMATION

---

### Felony Criminal History

A search of local, state and national criminal justice record system reveals the following felony arrest history:

Location	Date of Arrest	Charges
[REDACTED]	[REDACTED]	BURGLARY 3RD DEG DANGEROUS DRUG-POSS/USE DRUG PARAPHERNALIA VIOLATION IA: RELEASED TO PRETRIAL SERVICES
	[REDACTED]	CASE DISMISSED

---

Dissemination of this confidential history information is restricted to criminal justice agencies and authorized non-criminal justice agencies ONLY; secondary dissemination to unauthorized agencies is PROHIBITED by applicable Privacy and Security Laws.

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# Pretrial Services

## Risk Instrument

[Return to Index](#)

[REDACTED]

PSA-Court

New Violent Criminal Activity (NVCA)

NO

New Criminal Activity (NCA) Scale

1	2	3	4	5	6
---	---	---	---	---	---

Failure to Appear (FTA) Scale

1	2	3	4	5	6
---	---	---	---	---	---

- |  |             |
|--|-------------|
| 1. Age at Arrest                                       | 23 OR OLDER |
| 2. Current Violent Offense                             | NO          |
| a. Current Violent Offense and 20 Years Old or Younger |             |
| 3. Pending Charge at the Time of the Offense           | YES         |
| 4. Prior Misdemeanor Conviction                        | YES         |
| 5. Prior Felony Conviction                             | NO          |
| a. Prior Conviction                                    | YES         |
| 6. Prior Violent Conviction                            | 1           |
| 7. Prior Failure to Appear in Past Two Years           | 2 OR MORE   |
| 8. Prior Failure to Appear Older than Two Years        | YES         |
| 9. Prior Sentence to Incarceration                     | NO          |

## ATTACHMENT 2

# Public Safety Assessment: How It Works

The Public Safety Assessment (PSA) is an actuarial assessment that uses nine factors to predict three pretrial outcomes: Failure to Appear (FTA), New Criminal Arrest (NCA), and New Violent Criminal Arrest (NVCA). Use of the PSA, in combination with other pretrial improvements, is associated with improved pretrial outcomes. The PSA does not replace judicial discretion. The PSA provides judicial officers with research-based information that they weigh, along with other information, to make more informed pretrial decisions.

## PSA Factors and Pretrial Outcomes

This table shows the nine factors used by the PSA and which factors are used to predict each outcome.

PSA FACTORS AND PRETRIAL OUTCOMES			
PSA FACTOR	FTA	NCA	NVCA
1. Age at current arrest		✓	
2. Current violent offense			✓
2A. Current violent offense and 20 years old or younger			✓
3. Pending charge at the time of the arrest	✓	✓	✓
4. Prior misdemeanor conviction		✓	
5. Prior felony conviction		✓	
5A. Prior conviction (misdemeanor or felony)	✓		✓
6. Prior violent conviction		✓	✓
7. Prior failure to appear in the past 2 years	✓	✓	
8. Prior failure to appear older than 2 years	✓		
9. Prior sentence to incarceration		✓	

## Factor Weights

To calculate the scores, each PSA factor is weighted and assigned different points according to the strength of its relationship with the specific pretrial outcome. At the end of the assessment, the points for each pretrial outcome are totaled. The total points assigned to FTA and NCA are then converted to two separate scales ranging from 1 to 6. Lower scores indicate a greater likelihood of pretrial success. The points assigned to NVCA are converted to a scaled score and then to the presence or absence of a “violence flag.”

The following series of tables show how the PSA assigns points to the factors for each outcome and then converts them to scaled scores or a violence flag.

### Failure to Appear (FTA)

FTA refers to a person missing a pretrial court hearing and the court, in response, issuing a warrant, capias, or other similar response.

The PSA converts the total number of FTA points to a final, scaled score ranging from 1 to 6.

Failure to Appear Points			Failure to Appear Scaled Score	
PSA FACTOR	RESPONSE	POINTS	TOTAL FTA POINTS	SCALED FTA SCORE
Pending charge at the time of the arrest	No	0	0	1
	Yes	1	1	2
Prior conviction (misdemeanor or felony)			2	3
	No	0	3 or 4	4
	Yes	1	5 or 6	5
Prior failure to appear in the past 2 years	No	0	7	6
	Yes, just 1	2		
	Yes, 2 or more	4		
Prior failure to appear older than 2 years	No	0		
	Yes	1		

The PSA converts the total number of NCA points to a final, scaled score ranging from 1 to 6.

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## New Violent Criminal Arrest (NVCA)

NVCA refers to a person being arrested for a violent offense while on pretrial release. It includes both a custodial arrest and an arrest by citation or summons.

The PSA converts the total number of NVCA points to a scaled score and then to a “violence flag.”

**Table 1: New Violent Criminal Arrest (NVCA) Points**

PSA FACTOR	RESPONSE	POINTS
Current violent offense	No	0
	Yes	2
Current violent offense and 20 years old or younger	No	0
	Yes	1
Pending charge at the time of the arrest	No	0
	Yes	1
Prior conviction (misdemeanor or felony)	No	0
	Yes	1
Prior violent conviction	No	0
	Yes, 1 or 2	1
	Yes, 3 or more	2

**Table 2: Calculation of Scaled Score and Violence Flag**

TOTAL NVCA POINTS	SCALED NVCA SCORE (VIOLENCE FLAG)
0 or 1	1 (NO)
2	2 (NO)
3	3 (NO)
4	4 (YES)
5	5 (YES)
6 or 7	6 (YES)

Advancing Pretrial Policy and Research (APPR) is committed to fair, just, effective pretrial practices, every day throughout the nation. To learn more about APPR, pretrial justice, and the PSA, visit [advancingpretrial.org](http://advancingpretrial.org).

## ATTACHMENT 3

# BRIEF JAIL MENTAL HEALTH SCREEN

## Section 1

Name: _____ <small>First MI Last</small>	Detainee #: _____	Date: ____/____/____	Time: ____ AM ____ PM
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## Section 2

Questions	No	Yes	General Comments
1. Do you <i>currently</i> believe that someone can control your mind by putting thoughts into your head or taking thoughts out of your head?			
2. Do you <i>currently</i> feel that other people know your thoughts and can read your mind?			
3. Have you <i>currently</i> lost or gained as much as two pounds a week for several weeks without even trying?			
4. Have you or your family or friends noticed that you are <i>currently</i> much more active than you usually are?			
5. Do you <i>currently</i> feel like you have to talk or move more slowly than you usually do?			
6. Have there <i>currently</i> been a few weeks when you felt like you were useless or sinful?			
7. Are you <i>currently</i> taking any medication prescribed for you by a physician for any emotional or mental health problems?			
8. Have you <i>ever</i> been in a hospital for emotional or mental health problems?			

## Section 3 (Optional)

Officer's Comments/Impressions (check <i>all</i> that apply):		
<input type="checkbox"/> Language barrier	<input type="checkbox"/> Under the influence of drugs/alcohol	<input type="checkbox"/> Non-cooperative
<input type="checkbox"/> Difficulty understanding questions	<input type="checkbox"/> Other, specify: _____	

**Referral Instructions:** This detainee should be referred for further mental health evaluation if he/she answered:

- YES to item 7; OR
- YES to item 8; OR
- YES to at least 2 of items 1 through 6; OR
- If you feel it is necessary for any other reason

☐ Not Referred

☐ Referred on \_\_\_\_/\_\_\_\_/\_\_\_\_ to \_\_\_\_\_

Person completing screen \_\_\_\_\_



## ATTACHMENT 4

**The AC-OK Screen for Co-Occurring Disorders  
(Mental Health, Trauma Related Mental Health Issues & Substance Abuse):  
What a Difference 5 Minutes can Make**

BY:

Andrew L. Cherry, DSW, ACSW  
Oklahoma Endowed Professor of Mental Health  
University of Oklahoma, School of Social Work, Tulsa Campus,  
OU OK-COSIG Project Evaluator  
4502 E. 41<sup>st</sup> St. Suite 3J08  
Tulsa, OK 74135-2512  
Office 918-660-3363  
ALCHERRY@OU.EDU

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These studies were conducted in conjunction with a SAMHSA COSIG Project. Thanks to the Oklahoma Department of Mental Health and Substance Abuse Services and the nine agencies that participated in piloting the AC-OK Screen. They are: Bill Willis CMHC, Family and Children's Services, Gateway to Prevention and Recovery, Grand Lake M.H.C., Norman Alcohol Center, Norman Alcohol Information Center, OK County Crisis Intervention Center, Tulsa Center for Behavioral Health, and 12 & 12.

A related paper will be presented at the 6<sup>th</sup> annual Hawaii International Conference on System Sciences (HICSS) on May 30 2007.

**Running header:** The AC-OK Screen for Co-Occurring Disorders

## Brief Overview

Screening for the co-occurring disorders of mental health and substance abuse has been recognized as a best practice (SAMHSA, 2005). Universal screening, however, is far from being a reality. The AC-OK Screen for Co-Occurring Disorders is a rapid-response screen instrument designed to identify the co-existing disorders of mental health and trauma related mental health issues, and substance abuse. The findings are based on two studies. The pilot study was based on a sample of 234 respondents. The second study was based on a sample of 3,608 respondents who were screened between February and November of 2006. The participants were seeking treatment from one of four mental health centers, one of three substance abuse treatment providers, or one of two programs that have a residential program for people with a co-occurring disorder. The analysis of the data paints a disturbing picture of the treatment experiences for the 1,250 people who presented with the symptoms associated with a co-occurring disorder of mental health and substance abuse. The findings also illustrate the difference 5 minutes can make when it is used to screen for a co-occurring disorder.

The need for better treatment options for people with a co-occurring disorder received critical support when the 2002 National Survey on Drug Use and Health in the United States reported that over 22% of adults with a serious mental illness and those who abuse alcohol or other drugs have a co-occurring problem of mental health and substance abuse. A recent study of 23,000 people, admitted to a mental health or a substance abuse treatment program in Oklahoma, found that some 35% could be diagnosed with a co-existing mental health and substance abuse disorder (See OK-COSIG Year-End Report, 2006 at: [http://faculty-staff.ou.edu/C/Andrew.L.Cherry-1.Jr/okcosig\\_project.htm](http://faculty-staff.ou.edu/C/Andrew.L.Cherry-1.Jr/okcosig_project.htm)).

One of the major barriers to identifying people with a co-existing disorder has been the cost involved in assessment. This process has typically required two assessments. One assessment focused on mental health disorders. The second focused on substance abuse disorders. To eliminate part of this burden, a rapid-response screen was developed. The AC-OK Screen for Co-Occurring Disorders (Mental Health, Trauma Related Mental Health Issues & Substance Abuse) is intended to help determine if the person requesting help needs to be clinically assessed for a co-existing mental health and substance abuse problem. The process used to determine the psychometric properties of this screen was first to verify that the questions in each of the subscales (mental health and substance abuse items) were conceptually related and if they could be reduced in number. The Factor Analysis Extraction procedure helped answer these questions. The Varimax rotated two factor solution indicates that there are two clearly separate conceptual dimensions and the number of items in the two scales could *not* be reduced. The factor solution also accounted for 57.25% of the variance among those being screened. Second, Cronbach Alpha coefficients were used as a statistical measure of the internal consistency of each of the two subscales. The Cronbach Alpha for the Mental Health screen was very good ( $\alpha = .79$ ). The Cronbach Alpha for the Substance Abuse Screen was excellent ( $\alpha = .89$ ).

Sensitivity and specificity were examined against the Client Assessment Record (CAR) assessment, the Addiction Severity Index (ASI) assessments, and the Axis I primary and secondary diagnoses (see Table 1). In this population, the AC-OK Screen (which takes five minutes to administer) agreed with the CAR\_substance abuse scale in 90.5% of cases that the

individual needed to be fully assessed for a co-occurring disorder. The AC-OK Screen agreement with the ASI\_psychiatric scale was even more impressive. The AC-OK Screen agreed with the ASI\_psychiatric scale in 96% of the cases that the individual needed a full assessment for a co-occurring disorder. Finally, the AC-OK Screen (which takes five minutes to administer) agreed with the DSM-IV diagnosis of a co-occurring disorder in 91% of the cases.

The AC-OK Screen also has a high level of *sensitivity*. As a result, the subscales produce a fair number of false positives. However, because the intent of the screen was to miss very few people who presented with symptomology associated with a co-occurring disorder, a higher number of false positives are considered acceptable. It is far more costly to miss a person needing treatment than it is to assess a few extra people. In practice, the AC-OK Screen will identify about twice as many people that will need a full assessment than will later be found to have a co-occurring disorder. If the AC-OK Screen becomes part of an intake protocol, 70% of those seeking services will need to be fully assessed for a co-existing disorder.

Although many of the barriers to universal screening for a co-occurring disorder are still intact (training, time involved, cost, and an infrastructure where everyone seeking mental health or substance abuse services is screened), the *lack of a rapid response, co-occurring screen* that is accurate, takes little training, and is easy to administer—*has been eliminated*. The statistical analysis of the AC-OK Screen has shown that this screen is highly reliable, valid, very sensitive, and has high levels of specificity.

What difference can 5 minutes make to a person who is seeking help for a co-existing disorder? Determining that a person has a co-existing disorder when he or she first asks for help can save an average of four and a half years of that person's life. In this data there is over a four year (4.4 yrs) difference in the average age of people in this study seeking treatment in a substance abuse treatment program (32.87 yrs) and those seeking help from a program providing treatment for a co-existing disorder (37.31 yrs). People with a co-occurring disorder are also slightly more likely to be involved in the criminal justice system. More people with a co-occurring disorder tend to enter treatment struggling with suicidal ideations. They tend to have more problems with substance abuse than others entering treatment for addiction. Yet, people with a co-occurring disorder are likely to have fewer problems with psychoses and anxiety disorders. They usually have a higher level of education. And, they tend to be more committed to treatment (based on the percentage of voluntary admissions, and the high number who complete treatment) (See: <http://faculty-staff.ou.edu/C/Andrew.L.Cherry-1.Jr/AC-CODScreenPg.htm>).

Using the AC-OK Screen for Co-Occurring Disorders (Mental Health, Trauma Related Mental Health Issues & Substance Abuse) could be the most valuable 5 minutes in the clinical experience of a person seeking help, considering the costs to the individual and the cost to society when a co-existing disorder goes unrecognized.

### Instrument Description & Properties

- Name:** AC-OK Screen for Co-Occurring Disorders (Mental Health, Trauma Related Mental Health Issues & Substance Abuse)
- Purpose:** The AC-OK Screen for Co-Occurring Disorders (Mental Health, Trauma Related Mental Health Issues & Substance Abuse) was designed to determine if a person who asks for help from either a mental health agency or a substance abuse treatment agency needs to be assessed for the possible co-occurring disorders of Mental Health, Trauma Related Mental Health Issues, and Substance Abuse.
- Background:** AC-OK Screen for Co-Occurring Disorders is based on two previous studies designed to test the reliability, validity, sensitivity, and specificity of a screen designed encompass three domains (mental health, substance abuse, and trauma related mental health issues). The pilot study analysis was based on screens completed on 234 people seeking treatment from either a mental health or substance abuse treatment agency. The analysis of the second study was based on responses from 3,608 people seeking treatment from either a mental health or substance abuse treatment agency.
- Scoring:** One (1) "Yes" answer on any of the three (3) domains (Mental Health, Trauma Related Mental Health Issues, and Substance Abuse) indicates that an additional assessment(s) is needed in that domain.
- The items associated with each scale domains are:
- Mental Health Issues: 7 ☐, 8 ☐, 9 ☐, 10 ☐, 11 ☐, 12 ☐, 13 ☐
- Trauma Related Mental Health Issues: 14 ☐, 15 ☐
- Substance Abuse Issues: 1 ☐, 2 ☐, 3 ☐, 4 ☐, 5 ☐, 6 ☐
- Reliability:** Reliability of the Screen scales:  
Mental Health scale ( $\alpha = .79$ ).  
Substance Abuse scale ( $\alpha = .89$ )
- Validity:** The items used in this instrument are similar to items used in familiar assessments instruments such as the CAR, the ASI, ASAM, the BSI, the MMPI, etc.
- Specificity and Sensitivity:**  
To determine specificity, the findings of the screen were compared to the CAR-psy, the ASI-psy, and the DSM-IV diagnosis. In this caparison the screen matched the assessment in over 90% of the cases on which assessment information was available.
- Reading level of Screen:**  
Flesch Reading ease: .61  
Flesch-Kincaid Grade Level: 6.5
- Primary References:**  
Detailed reports are available on each of these studies at [http://faculty-staff.ou.edu/C/Andrew.L.Cherry-1.Jr/AC-OK CODScreenPg.htm](http://faculty-staff.ou.edu/C/Andrew.L.Cherry-1.Jr/AC-OK_CODScreenPg.htm)
- Availability:** This screen is copyrighted. Anyone or any agency can use it without charge or permission from the author. It should not be commercialized or sold by any party under any conditions. A copy of the AC-OK Screen for Co-Occurring Disorders can be downloaded from [http://faculty-staff.ou.edu/C/Andrew.L.Cherry-1.Jr/AC-OK CODScreenPg.htm](http://faculty-staff.ou.edu/C/Andrew.L.Cherry-1.Jr/AC-OK_CODScreenPg.htm)

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**AC-OK Screen for Co-Occurring Disorders**  
**(Mental Health, Trauma Related Mental Health Issues & Substance Abuse)**

First Name: \_\_\_\_\_ Last Name: \_\_\_\_\_

Gender: \_\_\_\_\_ Date of Birth: \_\_\_\_\_ Date of Screening: \_\_\_\_\_

**During the past year:**

1. Have you been preoccupied with drinking alcohol and or using other drugs? ☐ Yes ☐ No
2. Have you experienced problems caused by drinking alcohol and or using other drugs, and you kept using? ☐ Yes ☐ No
3. Do you, at times, drink alcohol and/or used other drugs more than you intended? ☐ Yes ☐ No
4. Have you needed to drink more alcohol and/or use more drugs to get the same effect you used to get with less? ☐ Yes ☐ No
5. Do you, at times, drink alcohol and or used other drugs to alter the way you feel? ☐ Yes ☐ No
6. Have you tried to stop drinking alcohol and/or using other drugs, but couldn't? ☐ Yes ☐ No
7. Have you experienced serious depression (felt sadness, hopelessness, loss of interest, change of appetite or sleep pattern, difficulty going about your daily activities)? ☐ Yes ☐ No
8. Have you experienced thoughts of harming yourself? ☐ Yes ☐ No
9. Have you experienced a period of time when your thinking speeds up and you have trouble keeping up with your thoughts? ☐ Yes ☐ No
10. Have you attempted suicide? ☐ Yes ☐ No
11. Have you had periods of time where you felt that you could not trust family or friends. ☐ Yes ☐ No
12. Have you been prescribed medication for any psychological or emotional problem? ☐ Yes ☐ No
13. Have you experienced hallucinations (heard or seen things others do not hear or see)? ☐ Yes ☐ No
14. Have you ever been hit, slapped, kicked, emotionally or sexually hurt, or threatened by someone? ☐ Yes ☐ No
15. Have you experienced a traumatic event and since had repeated nightmares/dreams and/or anxiety which interferes with you leading a normal life? ☐ Yes ☐ No

**Instructions:** For the **AC-OK Screen for Co-Occurring Disorders (Mental Health, Trauma & Substance Abuse**

"I'm glad you (called **or** came in); let's see how I can help. In your own words, what is going on. OR can you tell me a little about why you called (today)?"

"In order to (find the best services **or** determine the next best steps) for you, I'd like to ask you a few short yes or no questions to see if there is anything we may have missed. There are no 'right' or 'wrong' answers and these questions may or may not apply to your situation. Is this okay with you?"

- This screen should be used when a person first contacts the agency for services.
- This screen is only a tool to help identify potential areas that may need further assessment. Please note: **This is NOT a diagnostic tool and should not be used as an assessment.**
- Please read each question *exactly* as written in the *order* provided.
- If a potential crisis is identified during the screening, please follow your agency protocols immediately to assess for lethality and provide appropriate intervention.
- Positive indicators (one "YES" answers), in any three (3) domains indicates that an assessment(s) is needed in that domain.

**Scoring:** Remember, one (1) "Yes" answer on any of the three (3) domains (Mental Health, Trauma Related Mental Health Issues, and Substance Abuse) indicates that an additional assessment(s) is needed in that domain.

Mental Health Issues:            7 ☐, 8 ☐, 9 ☐, 10 ☐, 11 ☐, 12 ☐, 13 ☐

Trauma Related Mental Health Issues:    14 ☐, 15 ☐

Substance Abuse Issues:            1 ☐, 2 ☐, 3 ☐, 4 ☐, 5 ☐, 6 ☐

**Reliability of the Screen scales:**

Mental Health scale ( $\alpha = .79$ ).

Substance Abuse scale ( $\alpha = .89$ )

**Reading level of Screen:**

Flesch Reading ease: .61

Flesch-Kincaid Grade Level: 6.5



## ATTACHMENT 5



13. How often did you use each type of drug during the last 12 months?	Never	Only a few times	1-3 times per month	1-5 times per week	Daily
a. Alcohol .....	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
b. Cannaboids – Marijuana ( <i>weed</i> ) .....	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
c. Cannaboids – Hashish ( <i>hash</i> ) .....	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
d. Synthetic Marijuana ( <i>K2/Spice</i> ) .....	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
e. Natural Opioids – Heroin ( <i>smack</i> ) .....	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
f. Synthetic Opioids – Fentanyl/Iso .....	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
g. Stimulants – Powder cocaine ( <i>coke</i> ) .....	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
h. Stimulants – Crack Cocaine ( <i>rock</i> ) .....	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
i. Stimulants – Amphetamines ( <i>speed</i> ) .....	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
j. Stimulants – Methamphetamine ( <i>meth</i> ) .....	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
k. Synthetic Cathinones ( <i>Bath Salts</i> ) .....	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
l. Club Drugs – MDMA/GHB/Rohypnol ( <i>Ecstasy</i> ) .....	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
m. Dissociative Drugs – Ketamine/PCP ( <i>Special K</i> ) .....	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
n. Hallucinogens – LSD/Mushrooms ( <i>acid</i> ) .....	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
o. Inhalants – Solvents ( <i>paint thinner</i> ) .....	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
p. Prescription Medications – Depressants .....	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
q. Prescription Medications – Stimulants .....	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
r. Prescription Medications – Opioid Pain Relievers .....	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
s. Other (specify) _____ .....	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

☐ Never      ☐ 1 time      ☐ 2 times      ☐ 3 times      ☐ 4 or more times

☐ *Not at all*      ☐ *Slightly*      ☐ *Moderately*      ☐ *Considerably*      ☐ *Extremely*

☐ *Never*      ☐ *Only a few times*      ☐ *1-3 times/month*      ☐ *1-5 times per week*      ☐ *Daily*

☐ *Not at all*      ☐ *Slightly*      ☐ *Moderately*      ☐ *Considerably*      ☐ *Extremely*

# ATTACHMENT 2



## MEMORANDUM

---

Date: April 30, 2021

To: Michelle Campagne  
Director, Finance and Risk Management

From: Domingo Corona,  
Pretrial Services Director

A handwritten signature in black ink, appearing to read "DRC", located to the right of the "From:" line.

Re: **Quarterly Data Report, Universal Screening and Enhanced Supervision**

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This data report reflects work directly or indirectly supported by 15 positions previously funded by the MacArthur Foundation Safety and Justice Challenge (SJC) grant effort. These positions have been moved to the General Fund as part of the County's commitment to sustain the work set forward by the SJC collaboration.

Please note, the following timeline for quarterly reports moving forward. These reports are organized by Calendar Year (CY).

CY Quarter 1 will be submitted by April 30  
CY Quarter 2 will be submitted by July 31  
CY Quarter 3 will be submitted by November 30  
CY Quarter 4 will be submitted by January 31

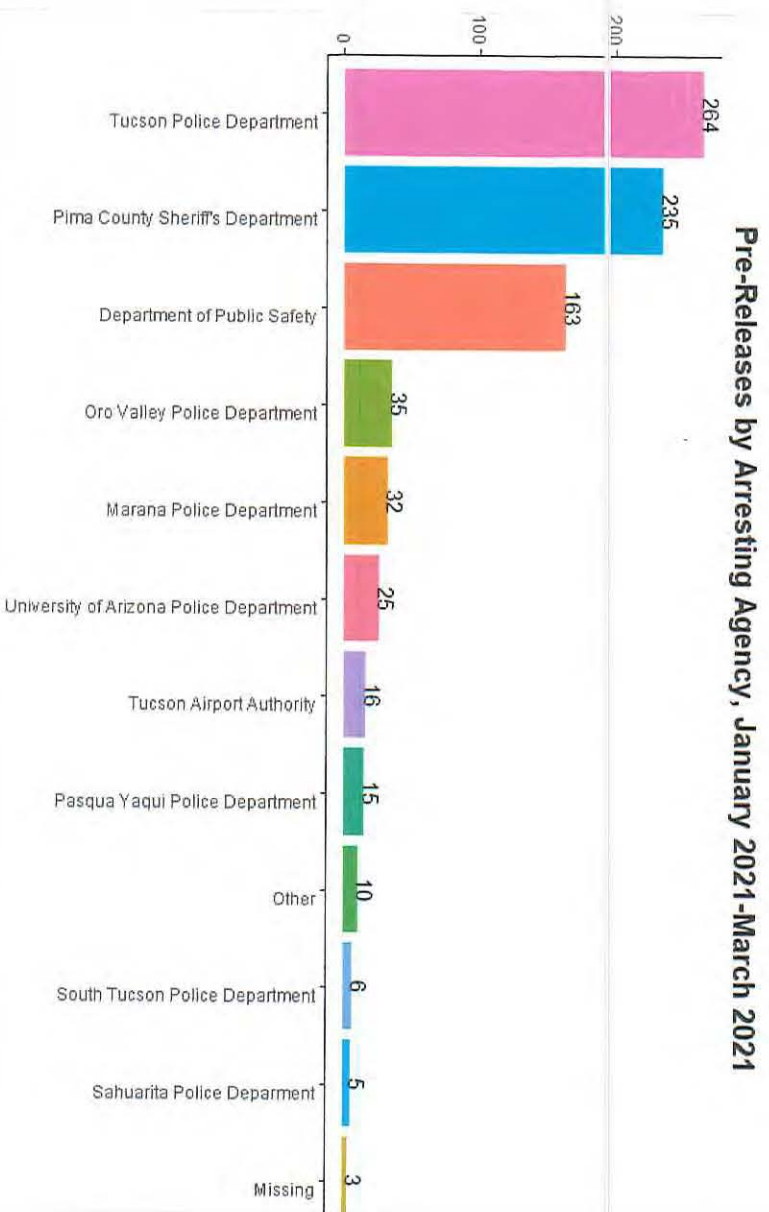
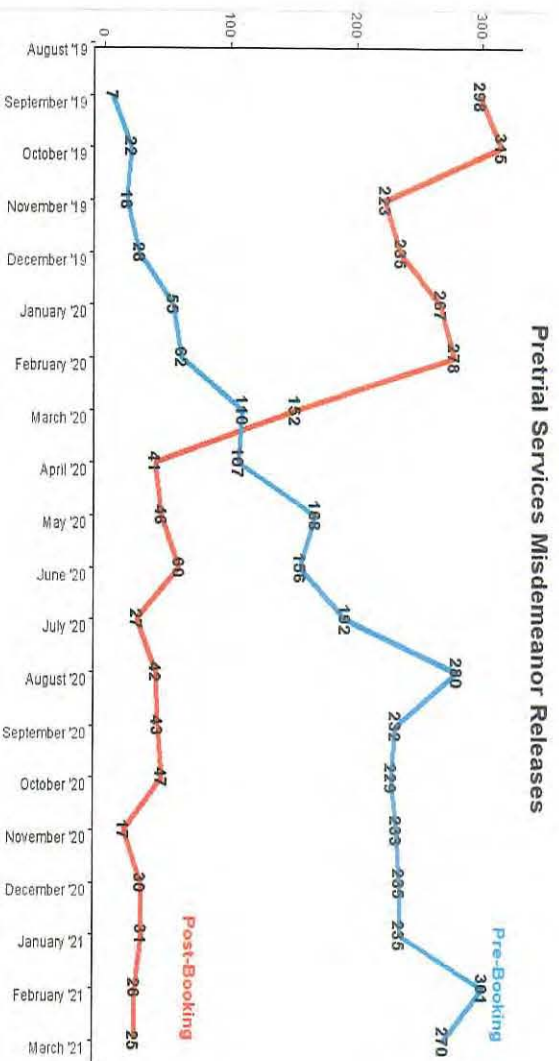
### **UNIVERSAL SCREENING**

#### *9 Pretrial Services Officers*

PTS Officers in this category work at the Pima County Adult Detention Center and provide one of our core functions, preparing bail/release recommendations for initial appearance (IA) hearings. These hearings are held twice per day, seven days a week. Information provided by PTS Officers helps judges at the IA hearing determine release conditions. Reports presented include information which judges are required by statute (*ARS13-3967, see attached*) to consider when setting bail. PTS offers a neutral, data-informed recommendation which is meant to identify release strategies tailored to individuals based on combination of statutory conditions and assessed pretrial success/risk.

SJC funds helped to establish a universal post-booking, pre-initial appearance release program, which expanded the original misdemeanor release program from Justice Court-only cases to the entire misdemeanor population.

The following graphs provide the number of pre-booking releases monthly, to date, and the number of defendants released pre-booking per agency for Q1 of CY 2021.



### **ENHANCED SUPERVISION (ES)**

*1 Enhanced Supervision Specialist  
4 Pretrial Services Officers*

**In Q1 of CY 2021 Pretrial Services helped save an estimated\* 1,926.96 jail bed days through staffing and case management services offered to the Jail Population Review (JPR) Committee via these staff position. (\* metric developed by Michael Steber: 45.88 jail bed days saved per JPR release/42 individuals released in Q1 & Q2 through JPR).**

**Estimated cost-avoidance for Q1 of CY 2021 (predicted # of jail bed days saved through JPR Committee due to PTS ES release x\$127.20-estimated per day savings): \$245,209.31**

Funding of these positions has allowed PTS to create a data-informed screening process focused on substance use and behavioral health treatment needs. Once individuals are screened as suitable for referral to a service provider, PTS recommends a special condition of release to the initial appearance (IA) judge signaling the defendant will be placed on enhanced supervision. Since the program's start date in April 2017, in approximately 80% of cases or more with this recommendation (non-violent felony cases) judges have released the defendant and the defendant has been placed on the Enhanced Supervision (ES) caseload. In standard PTS supervision cases, due to workload, PTS Officers will typically conduct a needs assessment and offer referrals after the defendant's indictment (approximately 20 days from release). ES PTS Officers are asked to conduct a brief needs assessment and facilitate a referral to services within 1-7 days from the defendant's release.

Pima County's Jail Population Review (JPR) Committee has benefitted heavily from both Universal Screening and Enhanced Supervision staff. The in-custody review process begins with a review of the PTS initial appearance report and many times references the screening for participation in the Enhanced Supervision program. Since March of 2019, 467 defendants with high needs who were originally held in custody at the initial appearance hearing were released through the JPR process. In Q1 of CY 2021, 42 individuals were released through the JPR process. This work is dependent on the work performed by an Enhanced Supervision Specialist. The Specialist will conduct pre- and post-release screening, including interviews, with each defendant. And any complications requiring transportation to a service provider are addressed by the Specialist. Given the workflow needs around the JPR process, an ES PTS Officer is assigned to assist the specialist.

### **OTHER SUPPORTED PROGRAMS**

*1 Administrative Program Coordinator*

#### **STEPS Court Diversion**

One position originally funded by SJC was assigned to the Court and County Attorney's STEPs Pre-Indictment Diversion Program. This position, an Administrative Program Coordinator, oversees the programmatic elements of STEPs, which includes program coordination with service



Michelle Campagne, Director, Finance and Risk Management  
Re: **Quarterly Report, Universal Screening and Enhanced Supervision**  
April 30, 2021  
Page 4

providers, attorneys and the court. Data outcomes will be presented in the next report, as the program began operations in March 2021.

Attachments: ARS 13-3967 [Arizona Code of Judicial Administration, see E(2)]

DC/dr

c: The Honorable Kyle Bryson, Presiding Judge, Pima County Superior Court  
Ron Overholt, Court Administrator, Pima County Superior Court  
Wendy Petersen, Assistant County Administrator



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# MEMORANDUM

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Date: July 16, 2021

To: The Honorable Chair and Members  
Pima County Board of Supervisors

From: C.H. Huckelberry  
County Administrator

A handwritten signature in black ink, appearing to be "CHH", is written over the printed name "C.H. Huckelberry".

Re: **Department of Justice Services**

I created the Criminal Justice Reform Unit (CJRU) in December 2017 as a small team within County Administration. The intention in doing so was to explore opportunities to reduce costs and improve outcomes in the criminal justice system. Since that time, CJRU has added worked with justice system partners to significantly lower the Pima County jail population, implement a substance use deflection program with Tucson Police Department, and oversee the implementation of the Pima County Housing First pilot program. These milestones are only the beginning of what Pima County can achieve in justice system improvement.

The team has now grown to add individuals with expertise in behavioral health, research and evaluation, community housing, and broad justice system expertise. Not only have they worked collaboratively with criminal justice agencies to implement new programs locally, but have raised Pima County's profile to a national level as one of the leading communities on justice reform.

Seeing the potential for even greater growth, I have approved the transition of CJRU into the development of a new department, the Department of Justice Services (DJS), and promoted Kate Vesely to Director. Ms. Vesely has worked in Pima County justice systems for almost two decades. She brings experience with law enforcement, corrections, problem-solving court programs, behavioral health treatment, and justice reform. Ms. Vesely is recognized as a subject matter expert by the federal Substance Use and Mental Health Services Administration (SAMHSA) agency on multiple subjects. She is also a Tucson native, graduate of Salpointe High School, and received both her Bachelor's and Master's degree from the University of Arizona.

Creation of this new department signifies Pima County's long term commitment to improving the criminal justice system. DJS has been tasked with continuing to safely reduce the jail population, work with other law enforcement agencies to develop deflection programs, address racial and ethnic disparities and disproportionalities in the justice system, explore opportunities to help youth with justice involvement, and other strategies to make our community safer and reduce the cycle of incarceration.

Justice reform is not an easy task, it must be done carefully and based on fact and data. It should also be remembered that justice reform is only one component of building better

The Honorable Chair and Members, Pima County Board of Supervisors  
**Re: Department of Justice Services**  
July 16, 2021  
Page 2

communities. Our efforts at public health, housing, jobs and economic development are in some way all connected to justice reform.

Finally, I would like to thank Assistant County Administrator Wendy Petersen for her years of service to the County both in the County Attorney's Civil Division as well as in CJRU. Ms. Petersen is retiring effective today. Her leadership in incubating this function within the County Administrator's Office has been exemplary and the successes of CJRU and its movement to the Department of Justice Services is in large part due to her leadership of this Unit over the past few years. I wish her well in retirement.

Please let me know if you have any questions or would like additional information.

Attachment

c: Jan Leshar, Chief Deputy County Administrator  
Carmine DeBonis, Jr., Deputy County Administrator for Public Works  
Francisco García, MD, MPH, Deputy County Administrator & Chief Medical Officer,  
Health and Community Services  
Kate Vesely, Director, Pima County Department of Justice Services

# Kate Vesely

## PROFILE

Experienced professional with Master's Degree in Public Administration, emphasis in criminal justice, and specializing in program development and management, government affairs, public finance, public speaking, and policy. Extensive experience Criminal Justice Reform, Specialty Court Programs, Law Enforcement/Crisis Intervention, Courts, Corrections, Mental Health, Crisis Systems/First Responders, & Behavioral healthcare. Over 18 years experience specializing in the intersection of behavioral health and criminal justice systems.

## EDUCATION

MASTERS OF PUBLIC  
ADMINISTRATION (MPA)  
Eller College of Business  
University of Arizona  
2002 – 2005

BACHELOR OF ARTS  
Political Science  
University of Arizona  
1998 – 2001

## EXPERTISE

Program Administration  
Specialty Court Programs  
Crisis Intervention Teams (CIT)  
Grant Writing & Management  
Cross-System Integration  
Criminal Justice Systems  
Behavioral Healthcare Systems  
Stakeholder Partnerships  
Public Policy  
Training & Public Speaking  
Finance & Fiscal Accountability

## WORK EXPERIENCE

DIRECTOR OF JUSTICE REFORM INITIATIVES // 2020 - PRESENT  
Pima County Administration  
Tucson, Arizona

- Reports to the Assistant County Administrator for Justice and Law Enforcement. Accountable to County Administrator, Board of Supervisors, and other elected officials throughout community. Work with all leadership to form policy agenda for justice reform and establish Pima County as a national leader on justice reform policies and practice.
- Manage and oversee all aspects of the Pima County Criminal Justice Reform Unit (CJRU) including supervision of staff. Purpose of CJRU is to provide a central point of leadership and coordination with all justice systems throughout community on justice reform and public policy, manage several programs, and provide research and public policy recommendations to county administration and elected officials.
- Site Co-Director for the MacArthur Safety and Justice Challenge program in Pima County, working to safely reduce the jail population.
- Frequently create budgets, fiscal and programmatic reports, memorandums, white papers, and policy recommendations. Primary author of multiple successful grant applications.
- Frequently give presentations or training on local and national level.

DIRECTOR OF SPECIALTY COURT INITIATIVES // 2015 - 2020  
Pima County Attorney's Office  
Tucson, Arizona

- Manage and oversee all aspects of the Drug Treatment Alternative to Prison (DTAP) program, a specialty court program that identifies individuals with serious addictions and "prison mandatory" charges and diverts these individuals to residential substance abuse treatment, wrap around services, and a specialized probation caseload.
- Designed and worked with team to launch Consolidated Misdemeanor Problem Solving (CMPS) Court in 2019; wrote two successful federal funding applications to secure \$4 million in funding.
- Manage multiple funding streams: two federal grant programs as well as state and local funding, special revenue and private contributions. Developed and maintain current budget, submit financial and other grant reports to funding agencies (federal and local).
- Developed and implemented a strategic plan for the Specialty Courts Initiatives. Plan and facilitate annual strategic planning retreat.
- Oversee and ensure contract compliance for vendors of Specialty Courts Initiatives; wrote contract for each new vendor.
- Represent the County Attorney's office at public events; frequently presents at local and national level; address public and media information

# Kate Vesely

## AWARDS

"40 UNDER 40", 2018  
Tucson Hispanic Chamber of  
Commerce & AZ Daily Star

OUTSTANDING LEADERSHIP IN PIMA  
COUNTY GOVERNMENT, 2018  
Pima County/Tucson Women's  
Commission

OUTSTANDING COMMUNITY  
SERVICE AWARD, 2017  
Federal Bureau of Investigation

MENTAL HEALTH/CRIMINAL JUSTICE  
COLLABORATION AWARD, 2017  
Step Up Arizona/David's Hope

CITIZENS AWARD, 2015  
Pima County Sheriff Department

## ADDITIONAL INFO

Substance Abuse & Mental Health  
Services Administration (SAMHSA)  
Expert Panel: Medication Assisted  
Treatment in Correctional Settings

GAINS Center/Policy Research  
Associates, Expert Panelist &  
Adjunct Faculty

Policy Research Associates (PRA)  
Contributor, "Introducing Intercept  
Zero" Article

Bureau of Justice Assistance &  
National Center for State Courts,  
Learning Site Co-Facilitator (Law  
Enforcement & Behavioral Health)

NAMI Southern Arizona  
Board of Directors  
2017-2019

## WORK EXPERIENCE (CONTINUED)

CRISIS INTERVENTION TRAINING (CIT) FACILIATOR // 2008 - CURRENT  
Collaboration with Tucson Police Department, Pima County Sheriff's  
Department & Pima County Attorney's Office  
Tucson, Arizona

- Coordinate all aspects of the Southern Arizona CIT training program. Ensure continuous quality improvement and monitor the CIT program for adherence to CIT International standards, aka the "Memphis Model".
- Work with police departments to implement a full training continuum on behavioral health and crisis intervention.
- Founding Member of the Arizona CIT Association (2019) & Program of the Year Award: CIT International, 2016

CRIMINAL JUSTICE MANAGER // 2008 - 2015  
Community Partnership of Southern Arizona  
Tucson, Arizona

- Oversee the Justice Services department/division of the regional behavioral health authority. Supervise staff of 10 individuals managing caseloads of clients in jail, court, on probation, or having frequent interactions with law enforcement. Stakeholder relations to government, public safety agencies.
- Multiple articles published in national professional magazines on utilizing the accountability of the criminal justice system to leverage treatment efficacy and achieve recovery goals (Under name Kate Lawson).
- Chair: Pima County Forensic Task Force – Quarterly meeting averaging approximately 75 participants from criminal justice, behavioral health and community service agencies.

PROGRAM MANAGER // 2006 - 2008  
Pima County Restoration to Competency Program (Promotion)  
Tucson, Arizona

- Oversee all aspects of RTC program operations, including but not limited to: resolution and intergovernmental agreement (for approval by the Pima County Board of Supervisors), develop program budget and projected savings, facilitate numerous stakeholder meetings, and hiring of staff.
- Supervise two Forensic Psychologists, two licensed social workers, and administrative support specialist.

SYSTEM INTEGRATION SPECIALIST & JUSTICE LIAISON // 2004 - 2006  
Pima County Integrated Health System  
Tucson, Arizona

- Liaison between Justice Systems and behavioral healthcare. Specialize in Continuous Quality Improvement (CQI) and correctional healthcare.

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# MEMORANDUM

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Date: July 18, 2022

To: The Honorable Chair and Members  
Pima County Board of Supervisors

From: Jan Lesh   
County Administrator

Re: **Update on Pima County's Safety and Justice Challenge Grant Program**

The attached Memorandum from Justice Services Director Kate Vesely summarizes the status of Pima County's involvement in the MacArthur Foundation's Safety and Justice Challenge (SJC) grant program. It also provides a brief overview of the strategies implemented to date and a jail population analysis comparison from 2014 (pre-SJC application) through 2021.

The MacArthur Foundation has invested \$3.95 million in SJC funding to date in Pima County's jail reduction strategies, of which approximately \$775,000 funding remains. Strategies implemented include increase pretrial assessment and community supervision, pre-booking review of misdemeanors, the Supportive Treatment and engagement Programs (STEPs) Court, Jail Population Review, community engagement, and other efforts. A separate "Race Equity Cohort" grant project recently launched, where Justice Services has partnered with the YWCA to systemically address and reduce racial and ethnic disparities in the justice system. The County's funding for that project is \$125,000.

Ms. Vesely's Memorandum notes that when a coalition of Pima County's justice system partners first applied for the SJC, the Pima County Adult Detention Complex's (PCADC, also known as the jail) average daily population (ADP) was over 2,100 detainees and was frequently at or near max capacity (about 2,300 detainees). The ADP in 2021 was 1,616 – a reduction of almost 25 percent since 2014. While the pandemic created a significant drop in 2020 (low 1,300s in May 2020), analysis of the makeup of the 2021 jail population demonstrates that targeted strategies to change how jail is used have been successful. Today's jail population is predominantly more serious felony charges – indicating a fundamental shift toward utilization of detention for community safety. During this same period (2014 to 2021) there was a 25 percent decrease in violent crime bookings

The attached Memorandum notes the strategies implemented to reduce the target population. And that the SJC program is a partnership between our community's justice system partners.

Pima County's active participation in the SJC is expected to conclude in December 2023 if all funds are expended, however it is expected to remain in the SJC "Network" to provide mentorship and technical assistance to other sites throughout the country.

JKL/anc

Attachment

c: Francisco García, MD, MPH, Deputy County Administrator and Chief Medical Officer  
Steve Holmes, Deputy County Administrator  
Kate Vesely, Director, Justice Services

# MEMORANDUM

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**Date:** July 14, 2022

**TO:** Jan Leshner  
County Administrator

**From:** Kate Vesely  
Director, Justice Services



**RE:** Overview of the Safety & Justice Challenge with Jail Population Analysis

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The MacArthur Foundation, over the course of several funding opportunities, has invested close to \$4 million in Pima County since 2015 through its [Safety and Justice Challenge \(SJC\) grant program](#), with the objective of safely reducing our jail population and addressing racial and ethnic disparities in the justice system. The purpose of this memorandum is to provide an overview of the County's participation in the SJC network, the strategies that implemented to date, and a comparison of the jail population between 2014 (the year before SJC launched) through 2021.

## Summary

When a coalition of Pima County's justice system partners first applied for the SJC, the Pima County Adult Detention Complex's (PCADC, also known as the jail) average daily population (ADP) was over 2,100 detainees and was frequently at or near max capacity (about 2,300 detainees). The majority of detainees were individuals with non-violent/non-dangerous charges like possession of illicit substances, misdemeanor charges, and failures to appear.

Strategies to reduce the target population (misdemeanors, individuals with substance use and/or mental health concerns) have included: pretrial assessment and supervision, electronic monitoring, jail population review, deflection by law enforcement, warrant resolution, reduce failures to appear, improve court accessibility, reduce use of jail for technical violations on probation, case processing efficiencies, and community engagement.

The ADP in 2021 was 1,616 – a reduction of almost 25 percent since 2014. While the pandemic created a significant drop in 2020 (low 1,300s in May 2020), analysis of the makeup of the 2021 jail population demonstrates that targeted strategies to change how jail is used have been successful. Today's jail population is predominantly more serious felony charges – indicating a fundamental shift toward utilization of detention for community safety. During this same period (2014 to 2021) there was a 25 percent decrease in violent crime bookings

Pima County's SJC program is a partnership between our community's justice system partners, though the grant administration and coordination are housed within Pima County Justice Services. We are currently in a sustainability planning stage, identifying resources to continue the most effective SJC strategies. Pima County's participation in the SJC as an Implementation Site is expected to conclude in



**July 14, 2022**

December 2023, but will likely remain part of the SJC network to provide leadership and technical assistance to other sites.

### Overview of the Safety & Justice Challenge

The John D. and Catherine T. [MacArthur Foundation](#), a private foundation perhaps best known for their MacArthur Fellows (the “genius grants”), launched the Safety and Justice Challenge in 2015 with the goal of helping America rethink our use of jails. Pima County was one of ten communities selected to be the first Implementation sites; since then, the SJC network has grown to 57 nationally. Participants in the SJC must commit to identifying drivers of over-incarceration, engage justice and community stakeholders to determine potential solutions, and make a significant investment in data collection and research.

The Foundation seeks not only to implement tangible change in jail populations, but also to change the culture in justice systems regarding the purpose of incarceration – from over-reliance on jail to ensure court appearance, to primarily detaining individuals who present a risk to community safety. Extensive research demonstrates the negative impacts of pretrial incarceration, including loss of employment and housing, challenges with childcare, and increase in overdose fatalities upon release. Over-utilization of jail negatively impacts individuals, family, dependent children, communities, and taxpayer funded resources. Additional information about the SJC and Pima County’s participation in the project is included as **Appendix 1**.

Pima County has received a total of \$3.95 million for the Safety and Justice Challenge:

- \$150,000 Planning Grant (2015)
- \$1.5 million Implementation “Round 1” Funding (2016)
- \$1.5 million Sustainability “Round 2” Funding + \$300,000 for Community Engagement (2018)
- \$500,000 Continued Sustainability “Round 3” Funding (2020)

The majority of funding has primarily gone to Pretrial Services to increase the number of staff conducting community supervision and booking assessments. Other expenditures have included:

- Staff for Superior Court and Tucson Police Department for data, research, and evaluation (no funding has been utilized to support County employees),
- [HEAT](#) (Habilitation, Empowerment, Accountability Therapy; a culturally relevant intervention for young black men with substance use concerns and justice system involvement) training and program operation,
- Amity Foundation to create video series on justice system involvement, and
- Independent contractors to support community engagement and race equity strategies.

***Memo to J. Leshner***

***Re: Overview of the Safety & Justice Challenge with Jail Population Analysis***

***July 14, 2022***

Local strategies, a few of which did not require SJC funding, have included:

- Pretrial assessment and community supervision (Pretrial Services)
- Prebooking Modular: a facility outside the jail intake which screens certain misdemeanors for release prior to booking (Pretrial Services)
- Adult Probation Modifications to Petitions to Revoke and Other Processes (Adult Probation)
- Law Enforcement Deflection (Tucson Police Department)
- Supportive Treatment and Engagements Program (STEPs) Court (Superior Court, Pima County Attorney's Office, and Public Defense Services)
- Jail Population Review (JPR) Committee (Justice Services, Pretrial Services, Pima County Attorney's Office, Public Defenders Office)
- Warrant Resolution (Combined effort of multiple County and City justice agencies)
- Community Engagement (Justice Services, multiple community partners)

Additional details on each of these strategies is also included in **Appendix 2**.

Approximately \$775,000 of SJC funding is remaining and is projected to be fully expended by December 2023. The main priority during this period will be sustaining and identifying alternative funding for strategies that have been effective.

In 2021, Pima County and community partner, [YWCA of Southern Arizona](#), applied jointly for and were awarded a separate MacArthur Foundation grant opportunity that focuses on systemically addressing racial and ethnic disparities in the justice system. Pima was one of four sites selected nationally for the Race Equity Cohort (REC). Total funding for the project is \$500,000, of which Pima County will receive approximately \$175,000, with the remaining balance allocated to YWCA. Pima County voluntarily reduced its portion of funding to support the hiring of additional staff at YWCA, who will launch their new Race Equity Center. Additional information about the REC project is included as **Appendix 3**.

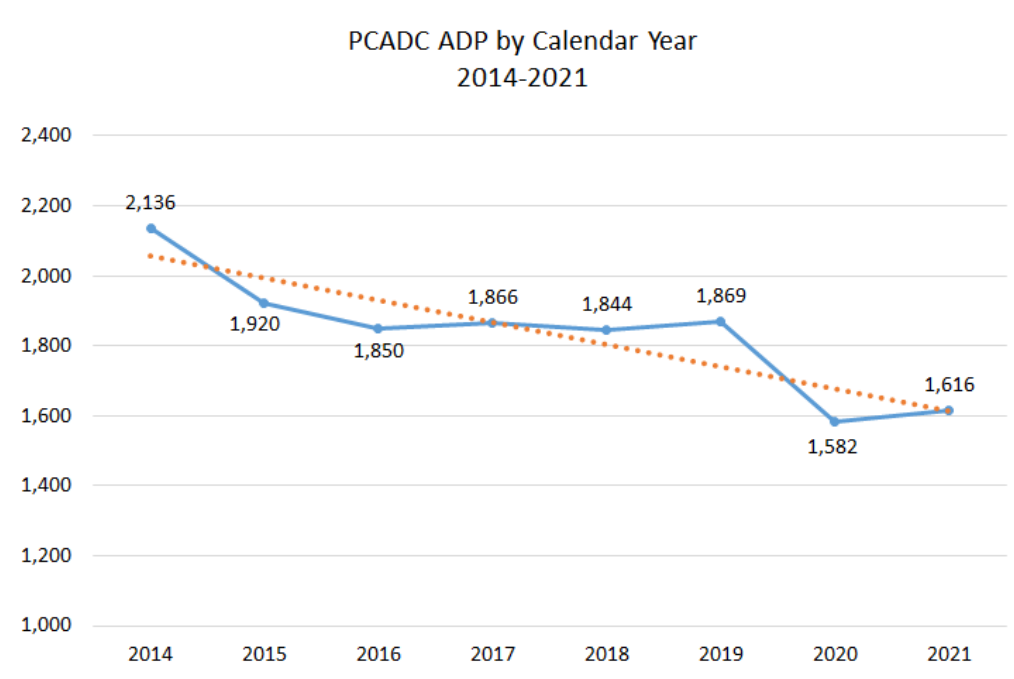
**Jail Population – Data Highlights**

There has been a 25 percent reduction in jail population from 2014 (average daily population of 2,136) to 2022 (average daily population of 1,616). This reduction is primarily attributed to reducing misdemeanor detention, implementing diversion and deflection programs, reducing the amount of time an individual (both pretrial and while on probation) spends in custody. During this period, Pima County's overall population increased by approximately six percent.

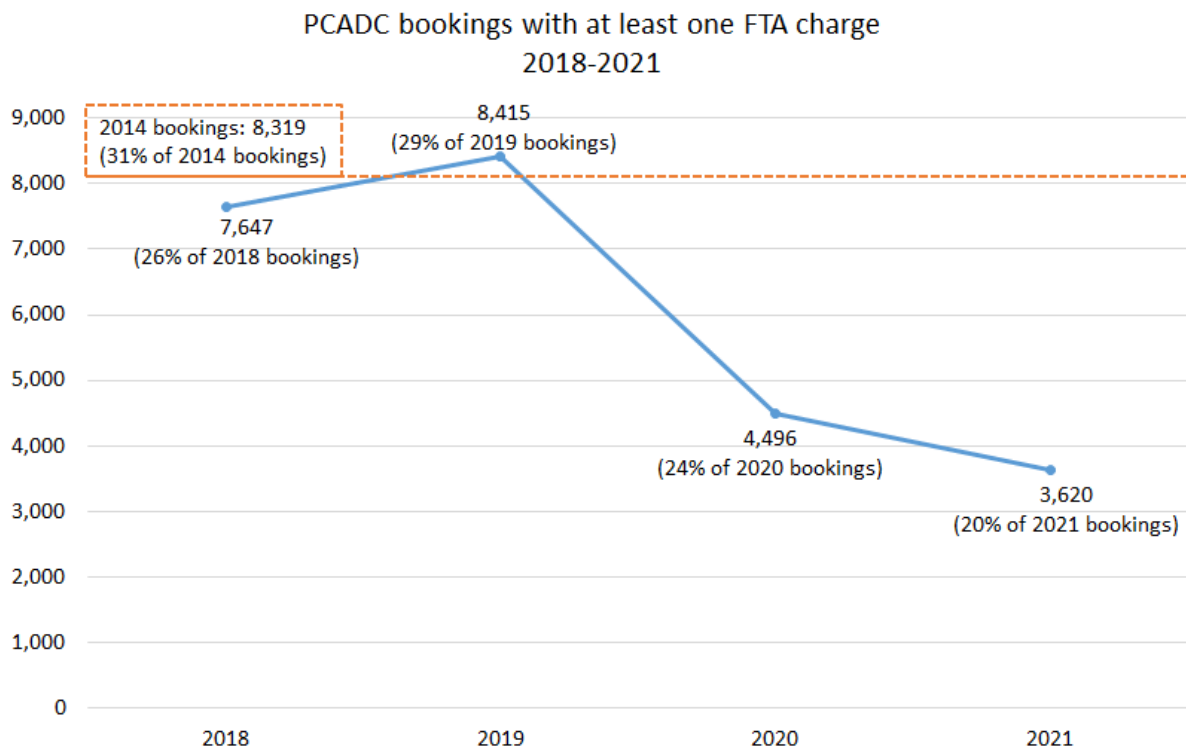
**Memo to J. Lesher**

**Re: Overview of the Safety & Justice Challenge with Jail Population Analysis**

**July 14, 2022**



One of the most significant reductions is among individuals booked on Failure to Appear (FTA). From 2014 to 2021, there was a 56 percent reduction in FTA bookings. Additionally, the percentage of FTA bookings, out of the total PCADC bookings, decreased by 11% from 2014 to 2021.

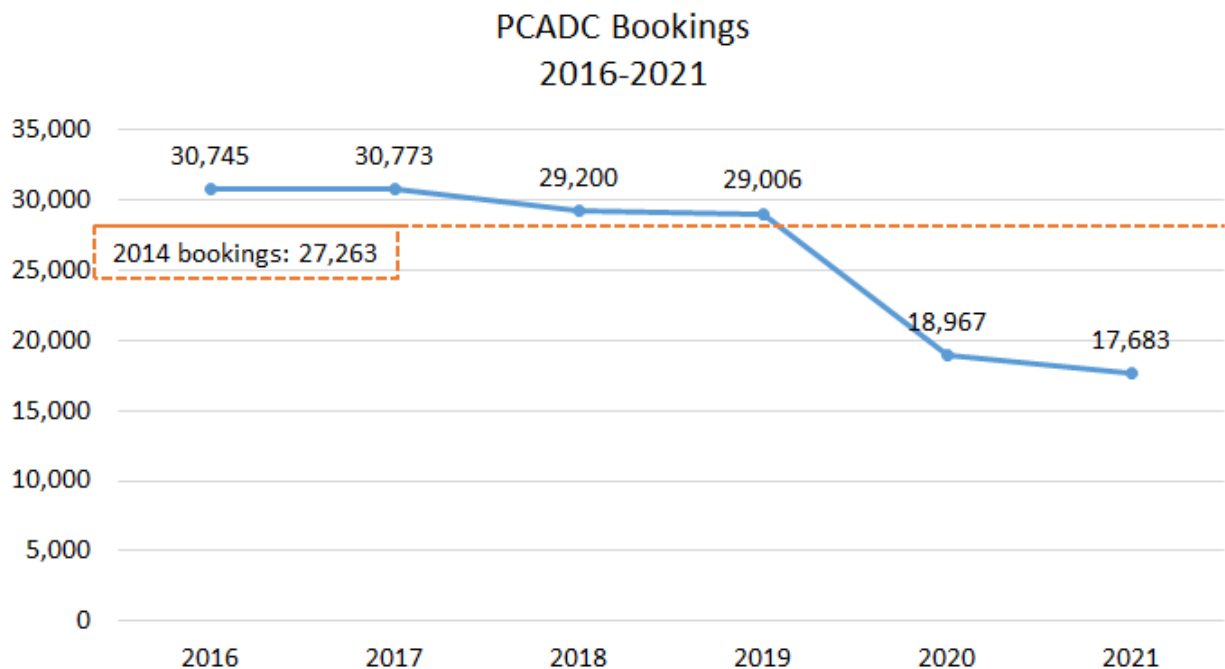


**Memo to J. Leshar**

**Re: Overview of the Safety & Justice Challenge with Jail Population Analysis**

**July 14, 2022**

Overall, the average number of bookings into the jail reduced by 35 percent since 2016 (the first year of the SJC programs). While the greatest reduction was in 2020, bookings continued to drop into 2021 and remained lower – despite arrest rates increasing after COVID-related charging moratoriums were lifted.



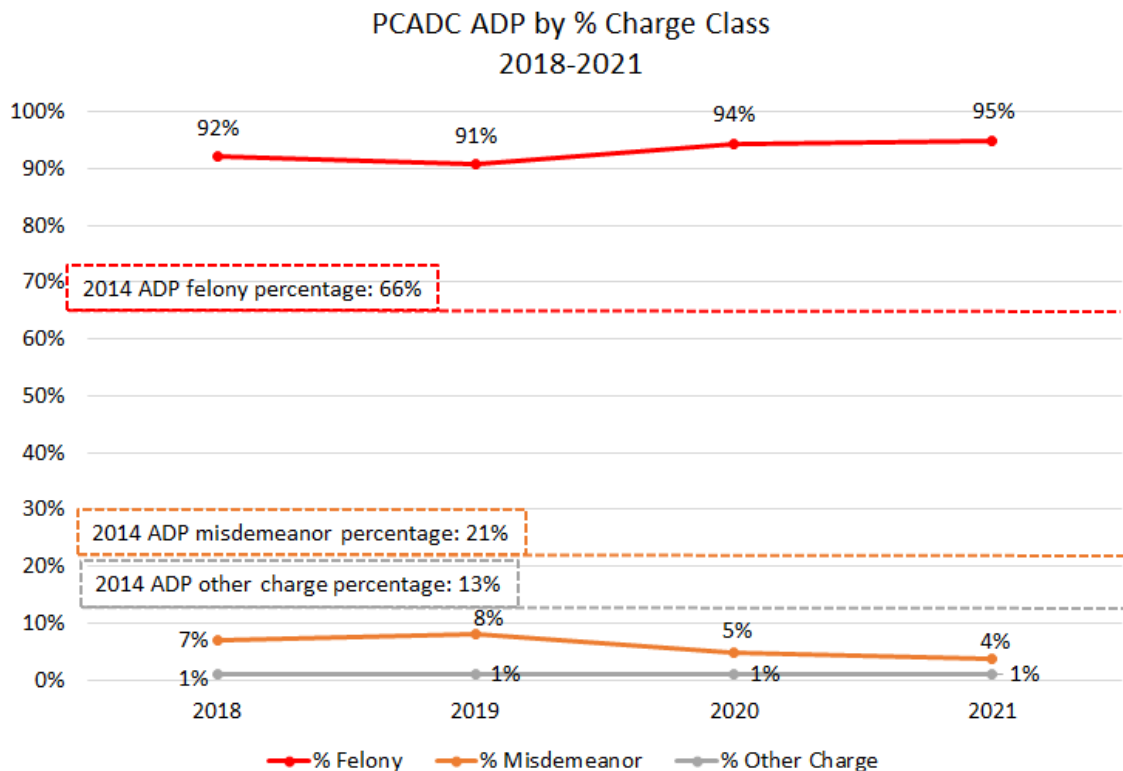
Pima County has reduced the jail's population by targeting individuals who present a limited risk of dangerousness to the community. The most dramatic reductions from 2014 to today have been the number of misdemeanors and individuals charged with personal use drug crimes.

Individuals held in PCADC on misdemeanor-only charges dropped significantly. In 2014, misdemeanors represented 21 percent, whereas felony charges were 66 percent, of the overall jail population. By 2021, misdemeanors constituted only 4 percent of the jail population and felonies 95 percent.

**Memo to J. Lesher**

**Re: Overview of the Safety & Justice Challenge with Jail Population Analysis**

**July 14, 2022**



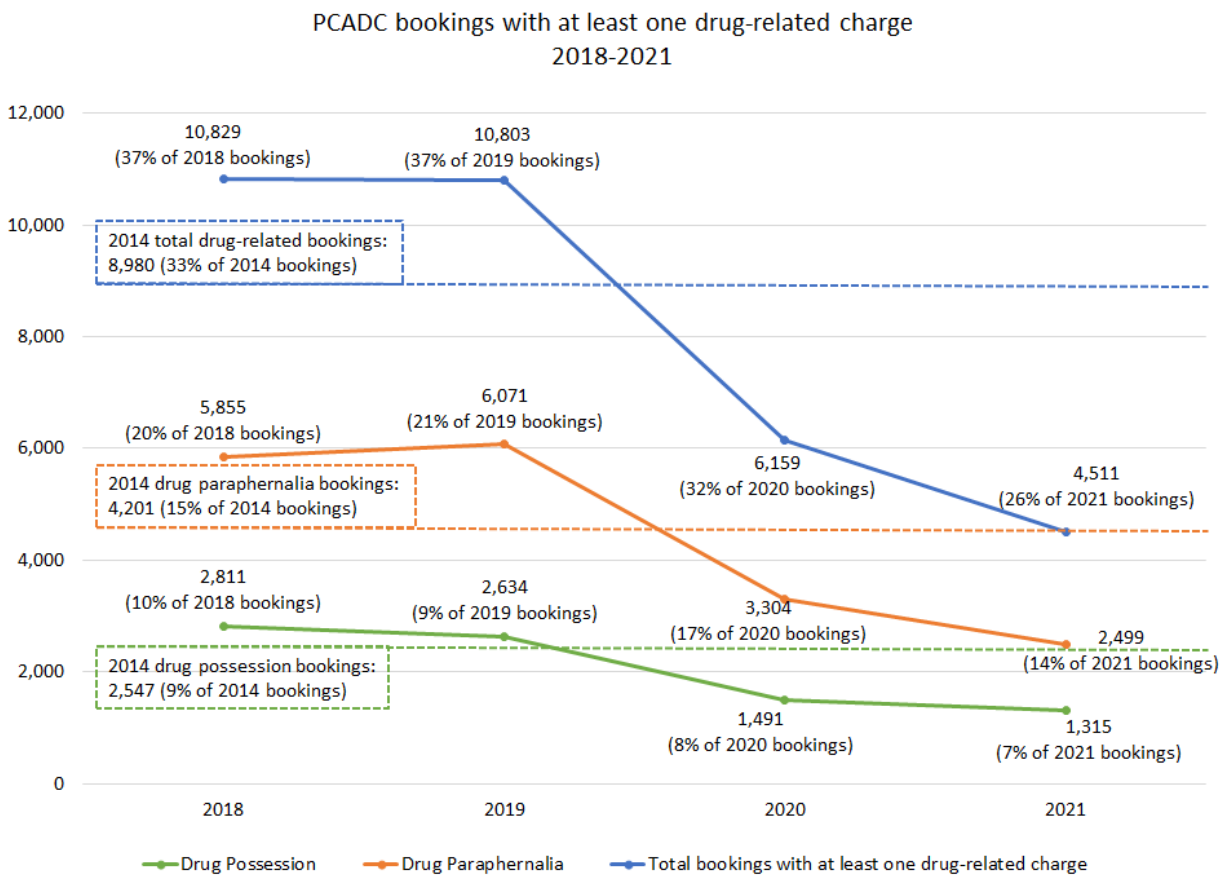
While many of the SJC strategies focused on reducing misdemeanors in custody, including warrant resolution events and implementation of deflection programs, the Pretrial Services Pre-Booking Modular (which is located in the PCADC parking lot just outside the jail's intake entry) misdemeanors from custody. Pretrial Services Director Domingo Corona has provided additional information and data regarding the positions funded by SJC and outcomes of those strategies, included as **Attachment 1**.

The other category of most significant reduction was personal use drug possession and paraphernalia. The percentage of drug bookings out of total bookings per year decreased 12 percent from 2014 to 2021, and the number of overall drug-related bookings per year decreased 55 percent during this period. In 2020, in response to the COVID pandemic, justice system leadership across law enforcement, prosecution, and the courts implemented multiple strategies to reduce non-violent, non-dangerous individuals with non-victim charges from both charging and booking. The most significant decrease in 2020 may largely be attributed to those strategies, however new programming launched with SJC resources, like the [Supportive Treatment and Engagement Program \(STEPs\) Court](#), works to continue to keep these numbers low as we emerge from the pandemic.

**Memo to J. Lesher**

**Re: Overview of the Safety & Justice Challenge with Jail Population Analysis**

**July 14, 2022**

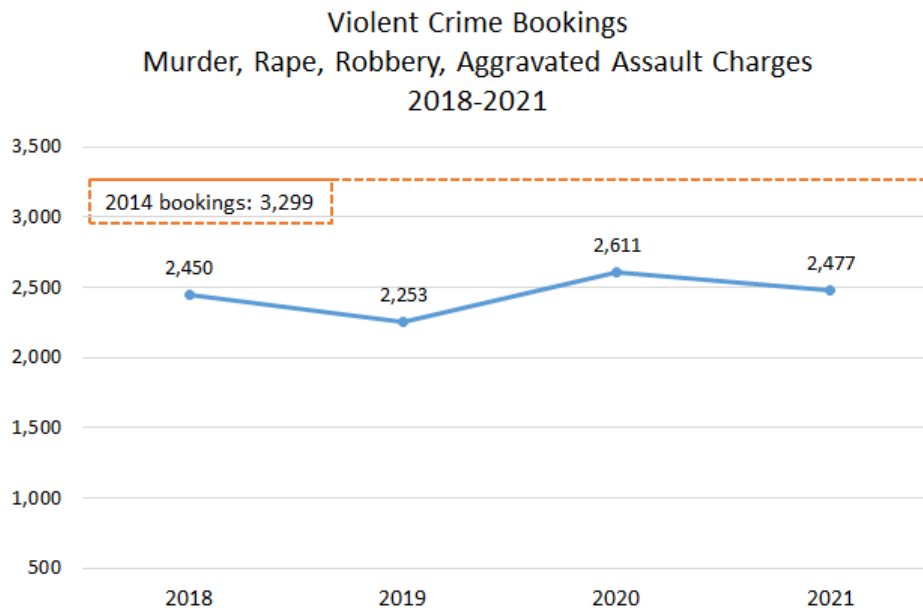


Despite the 25 percent reduction in jail population (and six percent increase in community population), violent crime charges booked into PCADC have remained statistically stable for the last four years (and have dropped overall 25 percent since 2014, from 3,299 bookings to 2,477 bookings). It should be noted that, like all other charges discussed in this report, these statistics reflect only *reported* violent crimes in Pima County.

**Memo to J. Lesher**

**Re: Overview of the Safety & Justice Challenge with Jail Population Analysis**

**July 14, 2022**



*Data and charts prepared by Sara Lomayesva, Research and Evaluation Specialist (Justice Services), with assistance from Amelia Gallardo, Pima County Sheriff's Department.*

Other meaningful outcomes have been cited by system partners. Foremost among this list are the reduction of silos among justice systems, improved information sharing, understanding of how each intercept of our local justice system may have ripple effects elsewhere, and resource sharing to improve economies of scale.

Another mark of progress is community engagement. Our local community has better access to justice system leaders, insight into and influence in various system improvement strategies, and regular interaction with Justice Services and its programs.

### Where Do We Go From Here?

While much has been done to reduce our jail population without increasing violent crime since joining the SJC in 2015, we have the capacity and impetus to do much more.

Justice Services, working in collaboration with our justice system and community partners, have identified several strategies that will serve to further reduce target populations in our jail. This includes:

- Technology to support Virtual Court appearances: The pandemic has shown us how technology can be utilized effectively in the courtroom – virtual appearances have likely contributed to increased appearance for hearings (making it easier for individuals to avoid missing work, requiring transportation, or obtaining childcare). Providing resources to facilitate virtual appearances, to both the courts as well as individuals with justice-system involvement, will

***Memo to J. Lesher***

***Re: Overview of the Safety & Justice Challenge with Jail Population Analysis***

***July 14, 2022***

further reduce FTAs (which, despite significant reductions, still represent 26 percent of the overall jail population as of June 2022).

- **Electronic monitoring (EM):** Electronic monitoring has come a long way in recent years, and this community supervision tool can now include an app on your phone or a device that looks like a watch. Implementing a range of EM options, depending on an individual's compliance with pretrial or probation conditions, can tailor community supervision each person's needs.
- **Data collection & cross-agency reconciliation:** Justice Services, in partnership with Pima County Analytics and Data Governance (ADG) seeks to implement a centralized justice data warehouse. This combined databank will not only receive information from multiple, siloed justice databases (in a de-identified and secure system), but facilitate complex analysis across the justice system – providing the most advanced examination of our local justice system and enabling data-driven decision-making and best practice implementation.
- **Addressing racial and ethnic disparities:** In a five-year analysis of PCADC bookings by race/ethnicity, the percentage of individuals identified Latinx and Black increased three percent, while the percentage of White (non-Hispanic) individuals booked decreased by six percent. Addressing these disparities will require targeted intervention, in multiple areas, over a significant period of time. Justice Services' work to create a justice data warehouse will also better identify areas of disproportionality – enabling more targeted interventions.

**Conclusion**

Pima County, through its work with the Safety and Justice Challenge as well as our many other pioneering strategies to increase community safety, decrease taxpayer costs, and improve outcomes associated with the justice system, has positioned itself nationally to be among the most innovative and successful communities. Tucson and Pima County are frequently cited in articles, receive site visits, are contacted for research and best practice studies, and provide mentorship to other communities working in justice system improvement. While our active participation in SJC will be decreasing over the next year and a half, the trajectory of this work has a very bright future.



**Memo to J. Leshar**

**Re: Overview of the Safety & Justice Challenge with Jail Population Analysis**

**July 14, 2022**

**Appendices**

1. About the MacArthur Foundation Safety & Justice Challenge
  - a. Timeline of Pima County's Safety & Justice Challenge
2. Pima County's Strategies Overview
3. About the 2022 Race Equity Cohort (REC) "RERoot" Project

**Attachment:** Memorandum from Domingo Corona, Director of Pretrial Services

**Linked Websites**

1. MacArthur Foundation's Safety & Justice Challenge: <https://safetyandjusticechallenge.org/>
2. MacArthur Foundation: <https://www.macfound.org/>
3. YWCA of Southern Arizona: <https://ywcatuson.org/>
4. HEAT Program: <http://heattime.org/>
5. Supportive Treatment and Engagement Program (STEPS) Court: <https://www.sc.pima.gov/news/superior-court-launches-steps-pre-indictment-diversion-program/>

CC: Francisco García, Deputy County Administrator  
Monica Perez, Chief of Staff

## APPENDIX 1

### Pima County's MacArthur Foundation Safety & Justice Challenge

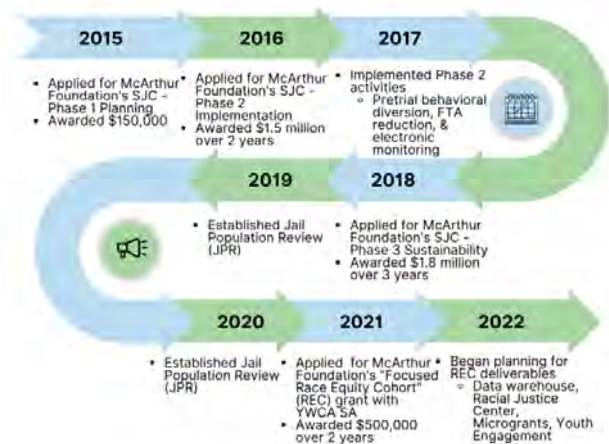
The [Safety & Justice Challenge \(SJC\)](#) Safety & Justice Challenge (SJC) is a collaborative criminal justice reform effort between the [John D. and Catherine T. MacArthur Foundation](#), criminal justice system partners from 57 jurisdictions, and allies ranging from non-profit organizations to research institutes. The main goal of the initiative is to safely reduce the use of incarceration in the United States through strategies targeting systemic change. These strategies are enacted at multiple intercept points in the criminal justice system, from law enforcement deflection to post-conviction alternatives to incarceration. The SJC and the MacArthur Foundation have established a wide support network that invests funding and technical assistance resources into the jurisdictions involved, fostering community and equity-centered innovation.

The Safety and Justice Challenge is a national five-year **\$100 million** investment provided by the MacArthur Foundation. The purpose of the Challenge is to fund initiatives to safely reduce over-incarceration by fostering and supporting dialogue about how Americans think and currently use jails. The Challenge additionally promotes fairer and more effective alternatives to incarceration by examining and addressing racial and ethnic disparities (RED). Additionally, the Challenge emphasizes using data and evidence-based practices to inform policy change. Pima County was awarded **\$3,950,000** between 2015 and 2021, including **4 grants** in **Criminal Justice**. In 2022, a **Racial Equity grant** was awarded for **\$500,000 (split with the YWCA Southern Arizona)**.

Since 2013, criminal justice system agencies in Pima County have focused on reducing recidivism. The agencies are committed to collaborative, data-driven, and evidence-based efforts. For example, Pima County Pretrial

Services make pretrial release recommendations, and Adult Probation conduct needs assessments for sentenced probationers. These efforts are examples of risk assessment practices utilized in Pima County. In addition, in 2013 and 2015, Pima County piloted a Risk-Needs-Responsivity (RNR) tool to establish a needs-based plan for probationers and in-custody defendants. In 2014, the Sheriff and County Administrator obtained technical assistance to develop jail re-entry strategies and programs from the National Institute of Corrections. The momentum of the criminal justice reform laid the groundwork for Pima County to apply for the SJC in 2015.

### Timeline of Pima County's Safety & Justice Challenge



Following a national competition in 2015, Pima County was among twenty jurisdictions selected for inclusion in the Safety and Justice Challenge Network, the centerpiece of the Foundation's strategy to address over-incarceration by reducing jail misuse and overuse. Pima County was initially awarded **\$150,000**. Supporting Pima County's participation in a structured data analysis and planning process, assessing local drivers of jail incarceration, setting reduction targets, and developing a plan to achieve them. Resulting plans were scored by an expert panel

## APPENDIX 1

on the basis of ambition, comprehensiveness, and achievability, and eleven, including Pima County, were selected for implementation funding on the basis of this review. This two-year award enables Pima County to institute changes aimed at reducing local incarceration and disparities in jail usage in accordance with its implementation plan.

In 2016, with the **\$1.5 million award** over two years, Pima County focused on implementing three major strategies identified in the application (pretrial behavioral health diversion, FTA reduction/resolution, and home detention/electronic monitoring). Secondly, address economic and racial disparity issues in the criminal justice system. Thirdly, educate and empower community members. Fourthly, use data and information to drive decision-making and promote lasting system changes.

In 2018, Pima County was awarded **\$1.8 million** over the next three years. Under previous awards, Pima County engaged in a structured, collaborative process to identify local drivers of unnecessary jail incarceration, generated an ambitious plan to address them, and implemented the plan over a two-year period with technical assistance and guidance from a consortium of national experts. This award enables Pima County to sustain and expand its reform work, implementing changes across an array of criminal justice processing and decision points with the goal of safely achieving reductions in local incarceration and reducing racial and ethnic disparities. For example, implementing changes across various criminal justice processing and decision points to safely achieve reductions in local incarceration and reduce racial and ethnic disparities.

In 2021, Pima County collaborated with YWCA Southern Arizona to apply for MacArthur Foundation's "Focused Race Equity Cohort" grant. Pima County and YWCA were awarded a total of **\$500,000** that they split. The two-year

grant focuses on ways to eliminate racial and ethnic inequities in Pima County's local justice system. This funding will provide peer-to-peer support from other cohort members, technical assistance and training focused on racial equity and authentic community engagement, and qualitative and quantitative data and analytical support.

In addition, Pima County received a no-cost extension and will continue the grant funding **until December 2023**. Pima County continues to plan for sustainable opportunities once the McArthur Foundation funds are no longer accessible.

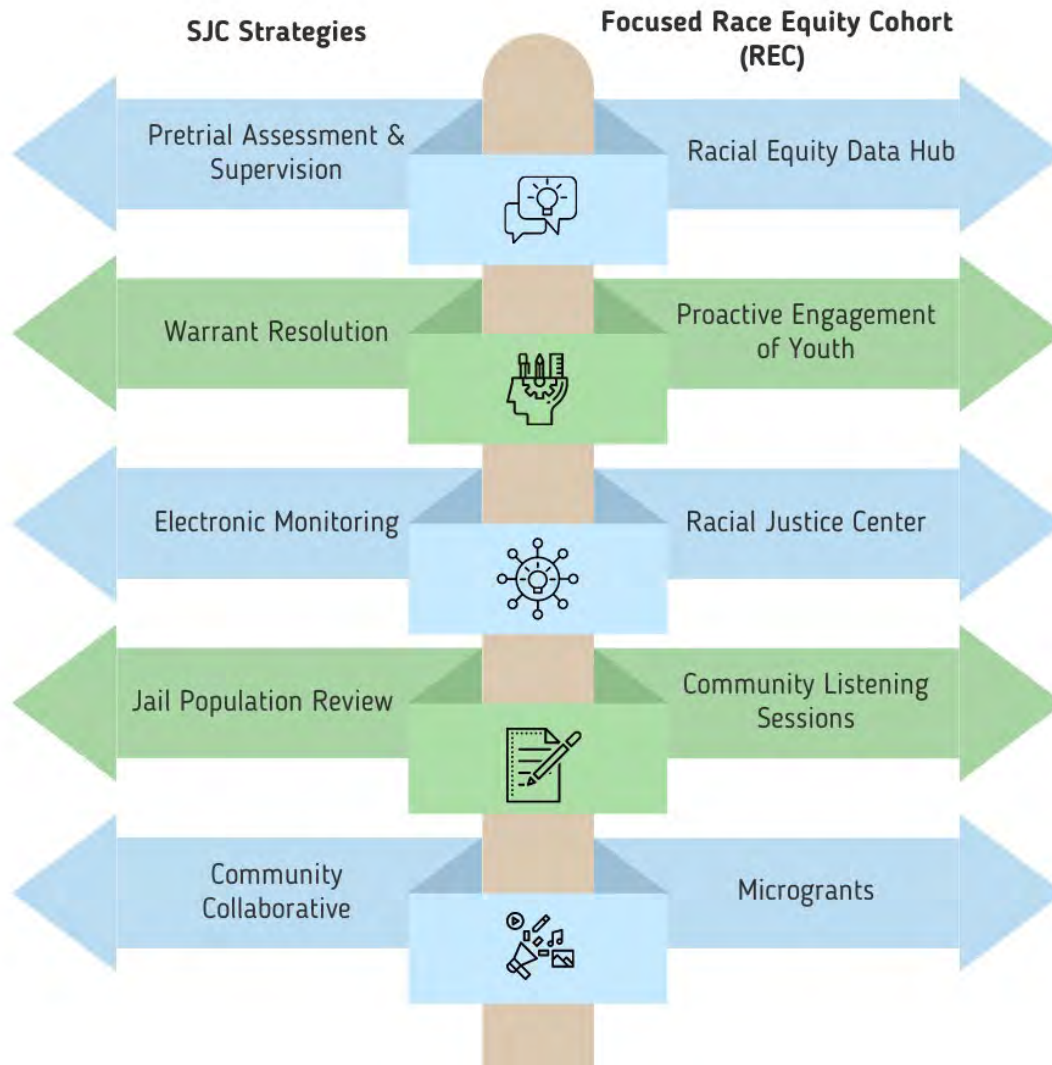
The following entities have been partners in the SJC program. Unless noted, participation in SJC commenced with the initial application in 2015.

- Pima County Administration
- Pima County Superior Court
  - Pima County Pretrial Services
  - Pima County Adult Probation
- Pima County Attorney's Office (PCAO)
- Pima County Sheriff's Department (PCSD)
- City of Tucson
  - Tucson City Court
  - Tucson Police Department (TPD)
  - City Prosecutor
- Pima County Public Defender
- Pima County Legal Defender
- Regional Behavioral Health Authority (RBHA)
- Pima County Behavioral Health Department
- YWCA of Southern Arizona (joined in 2021 as Race Equity Cohort Community Partner)

## APPENDIX 2

### Pima County's Safety & Justice Challenge- Strategies & Activities

Since 2015, Pima County has deployed a multitude of strategies, to reduce jail population; increase community safety, save community cost and most recently (2022) address racial and ethnic disparities and disproportionalities.



*Pima County Safety and Justice Challenge and Racial Equity Cohort Strategies and Activities, 2015- 2022.*

**Jail Population Review:** The conception of the Jail Population Review (JPR) Committee occurred in the concluding months of Round 1 funding (end of 2018); therefore, the formal planning, construction and implementation transpired in Round 2 (first half of 2019). Modeled after Lucas County, JPR was created to safely reduce the jail population and reduce racial and ethnic disparities and disproportionalities, while addressing the underlying causes of crime such as substance use disorders, mental health, and housing instability.

Jail Population Review (JPR) Committee and Support for Released Participants: The JPR Committee (approaching its third year of operation) continues to meet weekly to review charges,

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criminal history, and socio-economic status of recent Pima County Adult Detention Complex (PCADC) detainees and identifies potential releases with low public safety risk. The past year, we saw the most individuals released since the group's inception in 2019, with 264 individuals released in 2021 and 684 total since 2019. We estimate that the program has saved over 50,000 jail days in its less-than three years of operation. Collaboration among Pima County justice system partners ensured transportation and housing were provided to released persons who otherwise would have been homeless. At the beginning of the pandemic, we were given authorization by the MacArthur Foundation to redirect some funding to provide housing for individuals being released homeless. Later, we added the "release bags" component, providing to each individual a durable bag where they could store personal items. The bags include resources like basic toiletries, socks, feminine hygiene supplies, a small blanket, first aid kit, hand sanitizer, soap, a face mask, and other items that support individuals who are homeless and may be going into transitional housing with no resources. Both of these efforts have been highly successful; we have identified significant correlation to housing and appearance in court (and therefore, a reduction in "failure to appear" warrants). It is our intention to continue this resource, and expand our data monitoring strategies to quantify the program's impact.

**Pretrial Assessment and Supervision:** One of the primary strategies to reduce the jail population and racial and ethnic disparities in the justice system revolved around Pretrial Services (PTS) efforts. One of these efforts came to fruition in April of 2017 when PTS launched enhanced community behavioral health treatment options as an alternative to incarceration. Screenings are conducted prior to Initial Appearances (IAs), allowing judges to utilize the findings to refer individuals to treatment and other resources instead of jail. Simultaneously, this increased PTS's capacity to supervise higher-risk individuals.

Another PTS strategy employed was the expansion of the pretrial assessment and evidence-based risk screening (utilizing the SAMHSA Brief Jail Mental Health Screen) to misdemeanor charges, which was successfully implemented in October 2016. With this being operational, all individuals with misdemeanor charges were screened prior to Initial Appearance (IA) and resulted in less pretrial misdemeanors in the jail population.

These two PTS related efforts were estimated to decrease the average daily population of the Pima County Adult Detention Center (PCADC) by 191 individuals, while simultaneously targeting existing racial and ethnic disparities. The costs associated with this strategy mostly revolved around PTS staffing.

Superior Court's Pre Trial Services (PTS) implemented Enhanced Supervision (ES) is a supervision program meant to facilitate expedited referrals to mental health and/or substance use providers for pretrial defendants. The program includes a notification to the Initial Appearance (IA) Judge that an individual is suitable for the expedited referral program, and the IA Judge will release the defendant, many times with a court condition denoting program placement, with the understanding this referral will take place soon after initial release, keeping individuals with mental health issues out of the Pima County jail. The Enhanced Supervision Team is made up of one (1) Administrative Program Coordinator, one (1) Enhanced Supervision Specialist, and four (4) Pretrial Services officers. In Calendar Year 2021, approximately 1,215 individuals were released to ES at their IA hearing; of ES eligible defendants, approximately 89 percent released without financial conditions. This strategy was funding through July 2021, and then transitioned to Pima County General funds funding, ensuring long-term sustainability.



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The Universal Screening Team, comprising of nine (9) Pretrial Services Officers and a non-SJC funded initiative, for the purpose of screening all misdemeanors booked into the jail (or pre-booking modular). The Universal Screening program deflected 2,871 individuals from booking at the Pima County Adult Detention Complex (PCADC) in the first and second quarters of Fiscal Year 2020-2021. Including Pre-Booking releases, a total of 3,114 individuals were released prior to Initial Appearance (IA). Even with reduced misdemeanor screening numbers due to COVID-19, approximately 259.5 defendants are being released prior to booking every month. We know that the pre-booking modular has been a key resource in reducing misdemeanors in jail, and we hope in the coming years we hope to expand this option to felonies. Currently, we are limited by statute, but we are exploring ways that this might be overcome. This strategy was funded through July 2021, and then transitioned to Pima County general funds funding, ensuring long-term sustainability.

Supportive Treatment and Engagement Programs (STEPS) diversion program – this is a program we adapted from a similar RIC Docket in Harris County, Texas. This pre-indictment diversion program launched March 2021. The specialty court started strong, however a moratorium from MacArthur was utilized to support STEPS Program Manager for Pretrial Services and a STEPS Research Analyst for Superior Court; the Program Manager costs have been shifted to General Funds funding but we continue to support the Research and Evaluation Specialist with SJC funds. It is our intention in 2022 to expand financial support to STEPS diversion through peer support and incentives to increase appearance rates and program completion.

**Warrant Resolution:** Data analysis conducted during the initial 2015 planning stage revealed that warrants and Failure-to-Appears (FTAs) were the largest contributing factors of the jail population and disproportionally impacted people of color. In response, the warrant resolution strategy was formulated with the overarching goal of increasing the accessibility of courts and the feasibility of quashing warrants. Some of the strategies that were initially employed, and have evolved since, are: enhanced automated reminders of upcoming court dates (via phone calls, texts, and emails) and Warrant Resolution Court at Justice Court and Tucson City Court to provide extended court hours and make court more accessible for individuals with outstanding warrants (weekend court, weeknight court, weekday walk-in courts, joint weekend/evening courts).

During the initial application, this strategy was estimated to reduce the average daily jail population by 164 individuals, while simultaneously targeting racial and ethnic disparities present in the system. Due to waning attendance over the years, night and weekend Warrant Resolution Court was discontinued at the end of 2019. However, warrant resolution during business hours became a practice adopted by Tucson City Court.

Data Analyst position at Tucson Police Department (TPD); whose efforts resulted in interactive data dashboards on a variety of topics including use of force, reported crimes, arrests, traffic collisions, traffic enforcement, and police activity. The individual filling this position at TPD accepted another position mid-year, and TPD has not yet filled the position. We hope to have this position filled in 2022.

**Community Engagement and Collaborative:** The Community Collaborative, composed of 32 members (determined via an application process), was initiated in September of 2016. 18 community members and 14 government representatives met quarterly to advise on overall Safety and Justice Challenge strategies,

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with an emphasis on Racial Equity Disproportionalities & Disparities (RED&D) work. Collaborative members represented diverse experiences and included persons of color, formerly incarcerated individuals, the faith community, justice reform advocates, law enforcement, and justice system stakeholders, among others.

Tribal Listening Sessions: This strategy launched in 2020, just before the beginning of the pandemic. Our contractor, Jasper Kinsley, struggled significantly to engage with our local tribal communities during the “shut down” period, and it was only in 2021 that he was able to shift to an online format for the Listening Sessions. Unfortunately, the virtual format had very limited attendance and the series was concluded early. Our contractor felt that limited participation likely resulted from limited access to technology on the reservations, that there was distrust of government entities, and that talking about justice system involvement in the local communities was a social taboo that carried a stigma. Unfortunately, the contractor was not able to complete a final report, where we requested these insights be documented to help guide future efforts. In internal assessment, we also felt as though advertising of the listening sessions could have targeted a much broader audience as the contractor was only marketing the events in one tribe’s local newspaper. We intend to revisit tribal engagement strategies in 2022, seeking new technical assistance and guidance on building trust with indigenous communities, and by working with organizations that have experience and history working with our tribal communities.

HEAT Program: The Habilitation Empowerment Accountability Training (HEAT) program focuses on African American males between the ages of 18 and 29, providing leadership and mentorship. Getting this program to Pima County has been several years in the planning, and we are thrilled that the program finally launched in 2021. After a virtual three-day training with the Pinwheel group occurred in early February 2021, Justice Services identified and contracted a local treatment provider that specialized in peer support, [HOPE, Inc.](#), to run the program. The \$90,000 contract is for a two-year period. Placing the program with a treatment provider meant that the group’s facilitator, Gerald Williams, would receive supplemental training and clinical supervision and have the opportunity for program sustainability through Medicaid funding. The program officially went live in fall 2021, and we are currently working to market HEAT to our system partners to increase referrals. We are also exploring expanding the HEAT program to include women (HER) and HEAT for youth.

### **Focused Racial Equity Cohort Strategies & Activities**

In August of 2021, the Pima County Safety + Justice Challenge Community Collaborative (the Collaborative) and YWCA of Southern Arizona (YWCA) proposed partnering to build the capacity for deeper system-wide examination of racial and ethnic disproportionality and disparities (RED&D) in the local criminal justice system and applied for the Racial Equity Cohort Grant. Each partner brought a rich network and experience that has been leveraged to fill critical gaps in the local movement for racial justice. This partnership took shape around shared values, including multi-sector collaboration, evidence-based decision-making, and community ownership.

As co-leads, Justice Services and the YWCA will work to address national and local drivers of racial inequities. Focusing on four distinct strategies. Justice Services aims to create new data management systems to better understand where disparities occur in the justice system and to implement data-driven decision-making and targeted interventions. The YWCA will focus on community engagement, including

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listening-sessions and creating a racial justice center, as well as community investment through youth interventions and microgrants.

**Establishing a Racial Equity Data Hub:** To eliminate racial and ethnic disparities and disproportionalities (RED&D), Pima County must first accurately identify them and understand their root causes. By funding and establishing a centralized data warehouse for information sharing and analysis across the local justice system, this will allow for collecting and storing quantitative and qualitative data from system and community collaborators to provide an evidence-based understanding of where RED&D exist and how it affects community quality of life.

Building upon years of community visioning around data integration, we will establish a public-facing dashboard with accurate and up-to-date information that clearly identifies and tracks RED&D through weekly snapshots and clear data visualization. DJS has hired a Research and Evaluation Specialist to oversee the technical process of creating the dashboard utilizing input gleaned through a 15-month community dialogue series co-facilitated by the YWCA and the Racial Equity Community Action Team (RECAT). DJS prescribes the dashboard homepage will be a digital hub of resources and information for both residents who are navigating the justice system and those who are working to change it.

**Proactive Youth Engagement:** DJS has partnered with Teen Court to develop a community-centered process for examining the school-to-prison pipeline. Teen Court's success is attributed to its unique youth leadership model that uses adolescents as attorneys, bailiffs, clerks, and jurors for youth diverted from Juvenile Court. This partnership shifts the lens to consider approaches to intervention before an arrest ever occurs.

DJS and the YWCA will collaborate toward the facilitation of intergenerational dialogue involving Teen Court participants, area school districts, law enforcement, Collaborative members, and county leadership. Groups will share data, challenges, and ideas during a six-month listening session process, culminating with the development of recommendations for disrupting pathways to incarceration for local youth. Everyday Democracy will support training for a cadre of youth facilitators to guide this process. This cadre will be comprised entirely of formerly justice-involved youth who have successfully completed the Teen Court program; a true mirror of those the program serves. With the goal of youth, standing on equal footing with adults to facilitate all workshops offered through Teen Court. Additional support will go toward expanding Teen Court's capacity through technology upgrades, a professional development fund for youth participants, and expanded staff capacity.

YWCA will continue to make efforts to engage teens who have lived experience and completed the Teen Court program, to create opportunities for mentorship and guidance. These youths will not only be on the front lines of the Teen Court program, but also sitting at the table influencing programs and policies with equal footing to their adult counterparts.

**The groundwork for a Racial Justice Center:** DJS and the YWCA continue to collaborate toward laying the groundwork for a Racial Justice Center housed at the YWCA. Over the past two years, extreme political polarization, a global pandemic, and the national Movement for Black Lives have brought greater attention and intention to local conversations around inequity. As a county leader



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in this space, the YWCA has developed resources to address needs in the regional landscape, including training and support services for organizations engaged in equity processes.

This partnership around Racial Equity Disparities & Disproportionalities (RED&D) in the criminal justice system comes with the opportunity for assessment of regional gaps in knowledge, skills, and expertise around facilitating racial justice work. YWCA will engage an AmeriCorps Vista member in research and planning for the Center, and its Racial Justice Coordinator will manage the launch process. A third-party evaluator will be engaged in the early planning stages to ensure insights gained from this process are used to inform future local efforts.

**Fostering Innovation and Collaboration through Microgrants:** Recognizing that those closest to the problem are often closest to the solution, partners have allocated \$50,000 to developing additional racial equity strategies proposed by system-impacted individuals and grassroots organizations. Microgrants of up to \$10,000 will be awarded in Year 1 of Cohort participation through an equitable re-granting process. This process was designed with input from Racial Equity Community Action Team (RECAT) participants. This strategy is a favorite among Community Collaborative members, who see it as a path to new ideas, increased engagement, and leadership development.

In our upcoming No-Cost Extension (NCE) budget modification request, we intend to focus on the following priorities in 2022:

- Support the Supportive Treatment and Engagement Programs (STEPS) pre-indictment diversion program; specifically, in increasing rate of appearance at their first court hearing;
- Support the development and implementation of a Restorative Justice diversion program;
- Expand deflection beyond Tucson Police Department to other law enforcement agencies throughout Pima County (with the intention of reducing jail bookings);
- Increase referrals to the HEAT program, and exploring opportunities to create other culturally responsive programming to meet our community's unique needs (i.e. programming for Latinx individuals);
- Invest in new community engagement strategies, including growth of the Community Collaborative as well as new approaches as part of our RERoot project (a collaboration with the YWCA of Southern Arizona, in our Race Equity Cohort);
- Invest in new data collection and evaluation opportunities to assess the efficacy of our SJC and other justice reform strategies (including the implementation of a justice data warehouse); and
- Increase our community's awareness of local justice reform efforts, their knowledge of how the justice system operates, and resources available at each intercept (decision point) of justice system proceedings.

## APPENDIX 3

### Pima County's MacArthur Foundation Safety & Justice Challenge - Racial Equity Cohort

Cities and counties participating in the MacArthur Foundation's Safety and Justice Challenge (SJC) significantly reduced their jail populations over the past few years – both prior to and since the start of the COVID-19 pandemic. Despite that progress, racial and ethnic disparities in jails persist. In January 2022, the Challenge deepened its commitment to learning and investing in more intentional and effective strategies to eliminate institutional and systemic racism within the justice system. It selected four jurisdictions to join a new Racial Equity Cohort based on proposals that explicitly focused on racial and ethnic equity in the criminal justice system.

Pima County, was amongst the four selected sites to participate in this initial cohort. Participation in the Racial Equity Cohort provides communities with training and technical assistance focused on racial equity and authentic community engagement, peer-to-peer support from other cohort members, and qualitative and quantitative data and analytic support.

A total of **\$500,000** in award is to be split between Pima County and its community partner, YWCA Southern Arizona. Partners will be co-creating goals, strategies and ways to collaborate to advance racial and ethnic equity in the justice system, center lived experience, and emphasize the SJC Community Engagement Pillars of authenticity, accessibility and transparency, respect for diversity, and commitment to ongoing engagement. Each partner has been granted an independent budget to address these areas, but are working in conjunction to accomplish overarching goals. A majority of the Pima County budget has been dedicated to building a data warehouse.

The partnership aims to establish an infrastructure for equity by addressing three of the most pervasive challenges identified:

1. A dearth of accessible system-wide data analysis to identify, measure, and track racial and ethnic disparities and disproportionalities (REDD).
2. Historical conflict, distrust, and power imbalance between the county government and BIPOC communities.
3. Limited resources, information, and expertise around racial justice facilitation.

Some of the primary goals formulated by this partnership are: to establish a racial equity data hub, proactively engage youth, lay the groundwork for a Racial Justice Center, and foster innovation and collaboration via microgrants. Other desired outcomes include a measurable impact on race and ethnicity in our justice systems (i.e. jail, specialty courts, etc.), creating trust with historically disadvantaged communities, and increasing access to resources for BIPOC individuals involved in the justice system.

*Partnership logo*



# ATTACHMENT 1



# MEMORANDUM

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Date: July 14, 2022

To: Kate Vesely  
Director of Justice Services, Pima County

From: Domingo Corona,  
Pretrial Services Director

Re: **Universal Screening and Enhanced Supervision**

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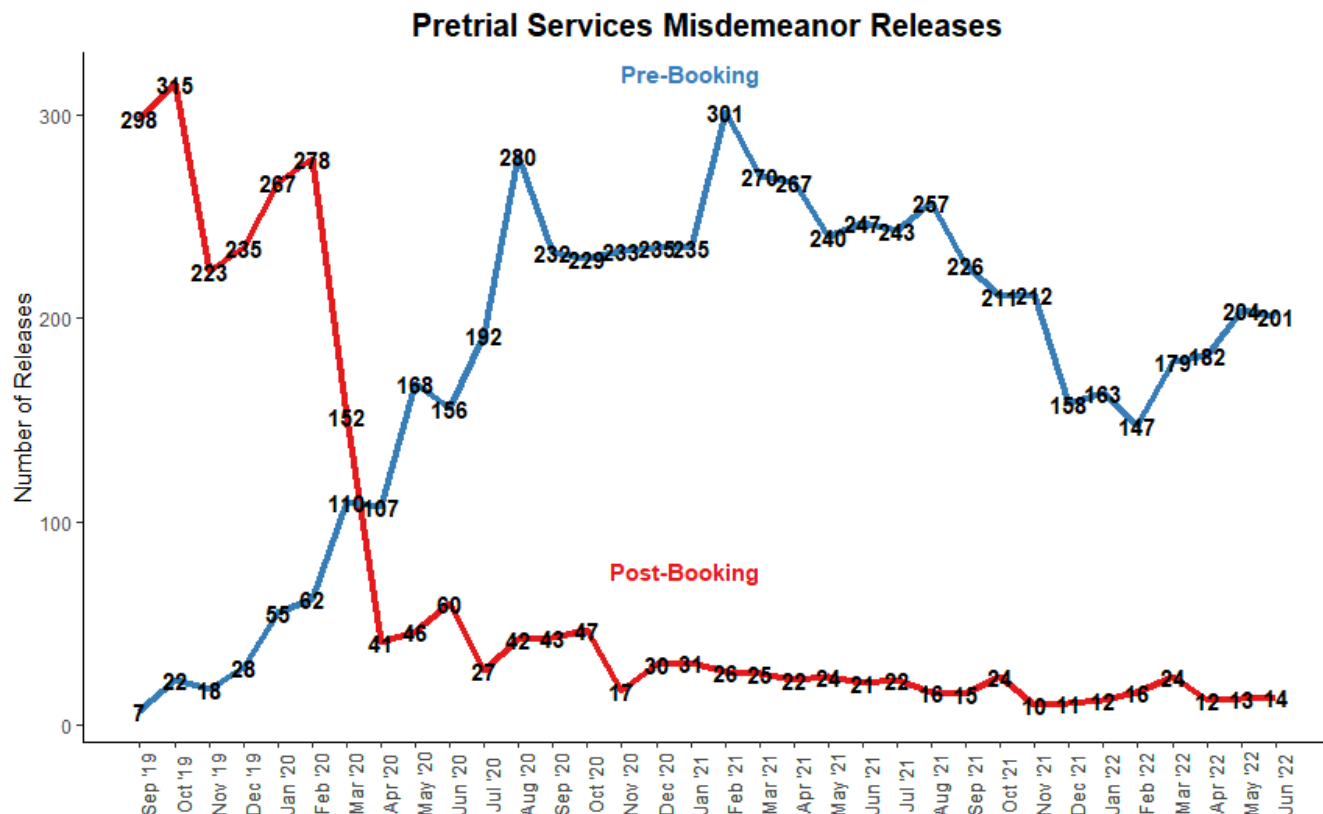
This data report reflects work directly or indirectly supported by 15 positions previously funded by the MacArthur Foundation Safety and Justice Challenge (SJC) grant effort. These positions have been moved to the General Fund as part of the County's commitment to sustain the work set forward by the SJC collaboration.

## **UNIVERSAL SCREENING**

PTS Officers in this category work at the Pima County Adult Detention Center and provide one of our core functions, preparing bail/release recommendations for initial appearance (IA) hearings. These hearings are held twice per day, seven days a week. Information provided by PTS Officers helps judges at the IA hearing determine release conditions. Reports presented include information which judges are required by statute to consider when setting bail. PTS offers a neutral, data-informed recommendation which is meant to identify release strategies tailored to individuals based on combination of statutory conditions and assessed pretrial success/risk.

SJC funds helped to establish a universal **pre-and post-booking, pre-initial appearance release program**, which expanded the original misdemeanor release program from Justice Court-only cases to the entire misdemeanor population.

**The following graphs provide the number of pre-booking releases monthly, to date.**



## **ENHANCED SUPERVISION (ES)**

### **Enhanced Supervision, Initial Appearance Process**

Funding of positions has allowed PTS to create a data-informed screening process focused on substance use and behavioral health treatment needs. Once individuals are screened as suitable for referral to a service provider, PTS recommends a special condition of release to the initial appearance (IA) judge signaling the defendant will be placed on enhanced supervision. Since the program's start date in April 2017, in approximately 80% of cases or more with this recommendation (non-violent felony cases) judges have released the defendant and the defendant has been placed on the Enhanced Supervision (ES) caseload. In standard PTS supervision cases, due to workload, PTS Officers will typically conduct a needs assessment and offer referrals after the defendant's indictment (approximately 20 days from release). ES PTS Officers are asked to conduct a brief needs assessment and facilitate a referral to services within 1-7 days from the defendant's release.

**In Fiscal Year 2021-2022, 1287 defendants were released to the Enhanced Supervision Program through the Initial Hearing process.**

Kate Vesely, Director, Justice Services

Re: **Pretrial Services Pre-Booking Screening and Enhanced Supervision**

July 14, 2022

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Pima County's Jail Population Review (JPR) Committee

The JPR Committee has benefitted heavily from both Universal Screening and Enhanced Supervision staff. The in-custody review process begins with a review of the PTS initial appearance report and many times references the screening for participation in the Enhanced Supervision program.

**Since March of 2019, 826 defendants with high needs who were originally held in custody at the initial appearance hearing were released through the JPR process.**

**OTHER SUPPORTED PROGRAMS**

STEPs Court Diversion

One position originally funded by SJC was assigned to the Court and County Attorney's STEP's Pre-Indictment Diversion Program. This position, an Administrative Program Coordinator, oversees the programmatic elements of STEP's, which includes program coordination with service providers, attorneys and the court. Data outcomes originally planned to be shared in this report instead will be provided in the final report for CY2021. Data collection efforts in this area are ongoing.

c: Ron Overholt, Court Administrator, Pima County Superior Court

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