MEMORANDUM

Date: June 16, 2017

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

From: C.H. Huckelberry
County Administrator

Re: **Your Request for Additional Information Regarding Justice System Cost Drivers**

Attached is a June 14, 2017 memorandum from Assistant County Administrator Ellen Wheeler regarding justice system cost drivers. The attachments to Ms. Wheeler's memorandum include memoranda from the Presiding Judge of the Superior Court, County Attorney, Sheriff and Public Defense Services Director.

As you know, over 60 percent of the County General Fund is dedicated to funding the criminal justice system. This system has been, by far, the largest consumer of revenue and property tax increases in the last decade. I previously provided you with a 10-year snapshot of increases in criminal justice system agency budgets. The largest increase was in the Sheriff's Department and the smallest increase in the Superior Court.

There are wide variances in funding requests from the departments, entities and agencies in the system. The only reason our collection of departments and agencies involved in criminal justice is called a system is that when one takes an action, it affects another. They are not called a system because they are integrated, optimize use of resources, or coordinate best outcomes. These last two items should be our primary goals in criminal justice system reform. Such will be a long and difficult task. It is only within the last few years that we have had success in having departments and agencies involved in criminal justice attend the Justice Coordinating Council meetings and actually talk with each other.

I suggest our approach and that of the Board of Supervisors be one of encouraging communication and cooperation, identifying key issues that can be resolved locally, and determining the major reforms that require support from the Governor and Legislature when to effect real change. Punitive budget actions should be deferred unless the Board does not receive the cooperation we believe is both allowable and beneficial. Targeted budget actions can be taken next year.

CHH/anc

Attachment

c: The Honorable Members, Pima County Board of Supervisors
The Honorable Kyle Bryson, Presiding Judge, Superior Court
The Honorable Barbara LaWall, Pima County Attorney
The Honorable Mark Napier, Pima County Sheriff
Jan Lesher, Chief Deputy County Administrator
Tom Burke, Deputy County Administrator for Administration
Carmine DeBonis, Jr., Deputy County Administrator for Public Works
Dr. Francisco Garcia, Assistant County Administrator for Community and Health Services
Ellen Wheeler, Assistant County Administrator
Lori Lefferts, Director, Public Defense Services

MEMORANDUM

Date: June 14, 2017

To: Chuck Huckelberry
County Administrator

From: Ellen Wheeler
Assistant County Administrator

Re: Assessment of Justice System Cost Drivers Requested by Chair Bronson

At the tentative budget adoption hearing on May 23, 2017, Board Chair Sharon Bronson asked that justice and law enforcement agencies provide the board with their assessments of cost drivers in the system before the June 20 final budget adoption. Her memo memorializing that request is attached.

Supervisor Bronson had previously received memos from County Attorney Barbara LaWall and Director of Public Defense Services Lori Lefferts setting forth their views of the system cost drivers. I also sought feedback from Superior Court, Pima County Consolidated Justice Court, Pima County Sheriff Mark Napier, and Tucson Police Chief Chris Magnus.

Felony Caseload. The number of felony cases has increased over the years; for example, in 2009, there were 5,531 felony cases filed, and in 2016, there were 6,277 cases filed, a 13.5% increase. It should be noted, however, that felony filings were down in 2010-11 and also dropped somewhat in 2014 and 2015. A complete report is attached. Despite the upward trend, Superior Court Presiding Judge Kyle Bryson and Court Administrator Ron Overholt noted that Superior Court's costs have not increased in relation to the increase in felony filings. General Fund spending for Superior Court went from $29.1 million in 2009 to $30.9 million in 2016, an increase of only 6% over a seven-year period.

County Attorney Barbara LaWall's memo attributes at least some of the increase in felony cases to an increase in the number of officers across law enforcement agencies working in Pima County. With respect to the Tucson Police Department, that does not appear to be the case. TPD Chief Chris Magnus responded to the request for feedback, saying that for TPD, significant budget cuts over the past several budget years (and continuing into FY2018) have meant fewer officers on patrol. He said TPD has redirected police officers from various special assignments and "inside" jobs back to patrol, but the department is still struggling to keep up with attrition, slowed rates of hiring, and a variety of other factors that influence staffing levels. Chief Magnus said it was a credit to the hard work of officers, more focused and strategic police work, and TPD's reorganization that the number of arrests and criminal cases

has not dropped off. He also said he is pleased that TPD is using citations to deal with many arrests to reduce the rate of incarceration and lower the city's jail board costs.

In her memo to Chair Bronson, PDS Director Lefferts said her office has seen a significant increase in the number of pending felony indigent defense cases, from 2,156 to 2,764 (28%) in just two years. She also reported in January that new felony case assignments to PDS for the first six months of fiscal 2016-17 were up 7.5% over the prior six-month period. Despite such increase, mid-year spending for PDS overall was down $337,461 from the prior year's six-month mark (largely due to more use of in-house attorneys and a drop in dependency case costs). The 2017-18 Recommended Budget for PDS is reduced from 2016-17. Ms. Lefferts has indicated that continuing high felony caseloads will probably require adding more attorneys in the near future.

Ms. Lefferts said in her recent memo to Supervisor Bronson that drug-related cases have seen the greatest increase. It is my understanding that PDS is currently working to track and analyze its drug-related caseload to get a better understanding of trends and case characteristics. That data is not yet available. In addition, the Sheriff's Department is working to develop a period snapshot of jail bookings on new drug arrests.

Jail data developed in connection with the Safety & Justice Challenge (MacArthur Foundation grant project) shows the number of individuals jailed pretrial in 2016 for Felony 4 and 6 charges – which typically are associated with lower level drug cases – increased from 2014 levels, although overall length of stay decreased. The chart below shows numbers of individuals held in jail for Felony 4, 5, and 6 charges and their length of stay in 2016 compared with 2014:

PCADC RELEASE STATISTICS

Crime Classification

YEAR	F-4 Inmates	ALOS = days	F-5 Inmates	ALOS= Days	F-6 Inmates	ALOS = days	TOTAL
2014	3,069	31	1,372	47	436	14	4,877
2016	3,720	22	1,286	33	533	14	5,539
TOTAL Diff	651		-86		97		662
% INCREASE	21%		-6%		22%		14%

Class 4 felonies in Arizona can include theft, possession of narcotics, possession of dangerous drugs, forgery, identity theft, weapons misconduct and Aggravated DUI, some computer crimes, such as tampering and possession of an unauthorized access device, and burglary.

Class 5 felonies (dangerous or non-dangerous) can include theft of a credit card, unlawful flight from law enforcement, criminal damage, theft, aggravated assault on a police officer, public sexual indecency in front of a minor. Higher classifications can often be reduced to Class 5 in a plea agreement.

Class 6 felony can include charges such as possession of drug paraphernalia, resisting arrest, aggravated DUI, theft and possession of marijuana.

One of the Safety & Justice Challenge strategies aims at reducing the Felony 4, 5, and 6 jail population being held prior to trial through screening by Pretrial Services for mental health and substance abuse issues. Pretrial will provide information to the Initial Appearance judge about the availability of treatment alternatives to jail for this population and can provide specialized pretrial supervision services to ensure the defendants return to court. Implementation of this strategy began April 27, 2017, so results are not yet available. We hope this strategy can reduce costly jail bed days significantly.

Diversion. Chair Bronson asked that the topic of diversion be addressed. The County Attorney's Office is planning to institute a diversion program this summer for individuals charged with low-level felony drug possession, as mentioned in Ms. LaWall's memo. The program will be piloted the week of June 26. The diversion program would involve immediate release from jail for the selected defendants with referral to a therapeutic environment in partnership with Community Bridges Inc. In the meantime, the County Attorney's Office is monitoring the Initial Appearance hearings to collect data on the number of individuals whose only charge is possession of dangerous or narcotic drugs (and paraphernalia) for personal use. Such data should become available in the near future.

Chief Magnus has expressed his support for increased use of diversion, particularly for those with mental illness or addiction issues who can best be dealt with in another setting. He said the MacArthur grant project "is a valuable catalyst to keep us moving forward with these and other related efforts."

Justice Court Observations. Interim Court Administrator Micci Tilton has raised two areas of concern in controlling Justice Court and jail costs.

The first is the significant failure to appear rate, which has been a major focus of the Safety & Justice Challenge strategies. Seventy percent of 9,498 warrants issued by the Consolidated Justice Court in the last 12 months were due to failure to appear in court. She said the average cost per warrant arrest is estimated at $400 (including court staff, arresting officer's time, and jail booking costs). The Consolidated Justice Court has increased use of hearing reminders via phone and text messaging and also expanded court hours to offer more opportunities to resolve warrants without arrest. Ms. Tilton said one challenge is that many

citations do not include the defendant's telephone number. This issue also was raised at a recent Community Collaborative meeting for the Safety & Justice Challenge, and we hope to discuss with law enforcement leaders the need to collect phone numbers on citations.

Ms. Tilton also suggested that it might be possible to schedule pretrial hearings for in-custody Justice Court defendants more quickly, within approximately 24 hours instead of two days, which would reduce the jail days for these defendants. Such a change would have the most impact on those defendants who are booked after the cutoff time for a Friday pretrial hearing and have to remain in jail over a weekend. Ms. Tilton said almost 95% of in-custody Justice Court defendants are released at their pretrial hearing, so reducing the time they remain in custody prior to that hearing would clearly save jail bed days.

Attached are copies of the memoranda provided to me to assist in responding to Chair Bronson's request, as well as the memos from Ms. LaWall and Ms. Lefferts.

PIMA COUNTY BOARD OF SUPERVISORS
DISTRICT 3
130 WEST CONGRESS STREET, 11TH FLOOR
TUCSON, ARIZONA 85701-1317
(520) 740-8051
district3@pima.gov
www.district3.pima.gov

SHARON BRONSON
SUPERVISOR

May 23, 2017

To: Jan Lesher
Chief Deputy County Administrator

From: Sharon Bronson, SB
Chair, Pima County Board of Supervisors

Re: Clarification of my direction to staff at 5/23/2017 Tentative Budget Adoption Hearing

During the discussion prior to the adoption of the FY2017/18, I requested by way of direction Pima County Justice and Law Enforcement Departments and Agencies provide the Board of Supervisors with an assessment of the major cost drivers for those departments prior to final budget adoption on June 20, 2017. PDS Director Lori Lefferts provided this information in a May 15, 2017 Memorandum to Mr. Huckelberry and me.

In that memorandum, Ms. Lefferts noted that the need for court-appointed counsel has increased over 28% in the last two years due to the pending number of indigent felony cases. She further noted this has strained other agencies in the Justice and Law enforcement system and that felony cases are now taking longer to resolve, require additional court hearings and result in longer jail stays. I question why and wonder what protocols could be put in place to reverse this trend at critical points in the legal process from arrest, charging to disposition.

I also directed that the appropriate agencies provide specific information regarding diversion programs. Such information should include how those using the program are selected, the successful completion rate of those individuals versus the number of people not in the program who are prosecuted for small-scale drug crimes. I asked for a list of drug cases for the past year, the amount (grams, ounces, pounds, kilos) and type of drugs possessed by the arrested individual, the actual charges and whether the cases went to trial or were pled out.

Crime is reported to be at a 40-50 year low as pointed out in op-ed co-authored by County Attorney Barbara LaWall and published in the Arizona Republic in December 2015. If such is the case, I find it perplexing that the costs to support the Justice and Law Enforcement system have risen in the double digits.

CC: Chuck Huckelberry, County Administrator

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

HON. KYLE A. BRYSON
PRESIDING JUDGE
DIVISION 5

Telephone (520) 724-4215
Fax (520) 724-3596

Memorandum

TO: Ellen Wheeler, Assistant County Administrator

FROM: Kyle Bryson, Presiding Judge, Superior Court
Ronald Overholt, Court Administrator

DATE: June 14, 2017

This memorandum follows our meeting of June 5, 2017 at which you shared a memorandum from Sharon Bronson, Chair of the Board of Supervisors, requesting information from justice agencies as to the "cost drivers" for those agencies. We have reviewed various components of the Superior Court filings, workload and budget. Our findings are below, supported by attachments.

First, felony filings have increased over the past 26 years more or less incrementally, with 6,277 felony cases filed in 2016. (Attachment A). Rising felony filings have not, however, resulted in direct increases in the Superior Court budget (attachment B).

Second, as is evidenced in Pretrial Services information (attachment C), "Agreement Rates" (results of Initial Appearance Hearings compared to recommendations by Pretrial Services) have remained fairly steady over time. This shows us we have not seen a spike or sudden increase in defendants being held as opposed to being released prior to trial.

Third, with regard to revenue, we have some decreases in all cases (juvenile, criminal and civil), albeit *de minimis*. Tax intercept revenues have slightly decreased in all cases (attachment D). Note there has been a small reduction in collections in juvenile cases, but an increase in collections for criminal cases. Revenue from all sources is above 2009 levels even though it has declined slightly in recent years (Attachment E). Further, as we reported in our budget presentation, adult probation fee revenue has also declined (Attachment F).

In summary, Superior Court has not experienced increased costs related to the processing of criminal cases. In fact, they have remained static for several years.

Please do not hesitate to contact us if you have additional questions

ATTACHMENT A

Arizona Superior Court in Pima County

1990 through 2016 Yearly Case/Defendant Filings - Dispositions – Pending

Year	Yearly filings	Yearly dispositions	Percent of filings disposed	Pending pretrial and pre-sentence defendants at the end of year
2016	6,277	5,652	95%	3,274
2015	5,634	5,412	96%	2,833
2014	5,822	6,171	106%	2,625
2013	6,097	5,910	97%	3,066
2012	5,455	5,165	95%	2,857
2011	4,939	4,799	97%	2,777
2010	4,651	4,925	106%	2,618
2009	5,531	5,855	106%	2,763
2008	5,714	5,744	101%	2,863
2007	5,540	5,603	101%	2,626
2006	5,346	5,580	104%	2,662
2005	5,705	5,561	98%	2,721
2004	5,413	5,232	97%	2,417
2003	4,630	4,258	92%	2,031
2002	4,127	4,685	114%	1,545
2001	4,402	4,828	110%	1,615
2000	4,624	4,523	98%	1,846
1999	4,647	5,240	113%	1,679
1998	5,118	5,037	98%	1,834
1997	4,754	4,363	92%	1,955
1996	4,113	3,849	94%	1,598
1995	4,088	4,161	102%	1,374
1994	4,155	4,076	98%	1,513
1993	4,115	4,115	100%	1,584
1992	4,214	4,449	106%	1,820
1991	4,037	3,374	84%	2,140
1990	3,777	3,763	100%	1,700

HOW THIS REPORT IS TABULATED:

Yearly/Monthly Filings = All felony defendants filed in the Pima County Superior Court.
Yearly/Monthly Dispositions = All felony defendants disposed by sentencing, dismissal or acquittal.
Pending Pre-Trial and Pre-Sentence = All active pretrial and pre-sentence defendants. 3/17/2017

ARIZONA SUPERIOR COURT IN PIMA COUNTY

Historical Expenditures
FY 09 through FY16

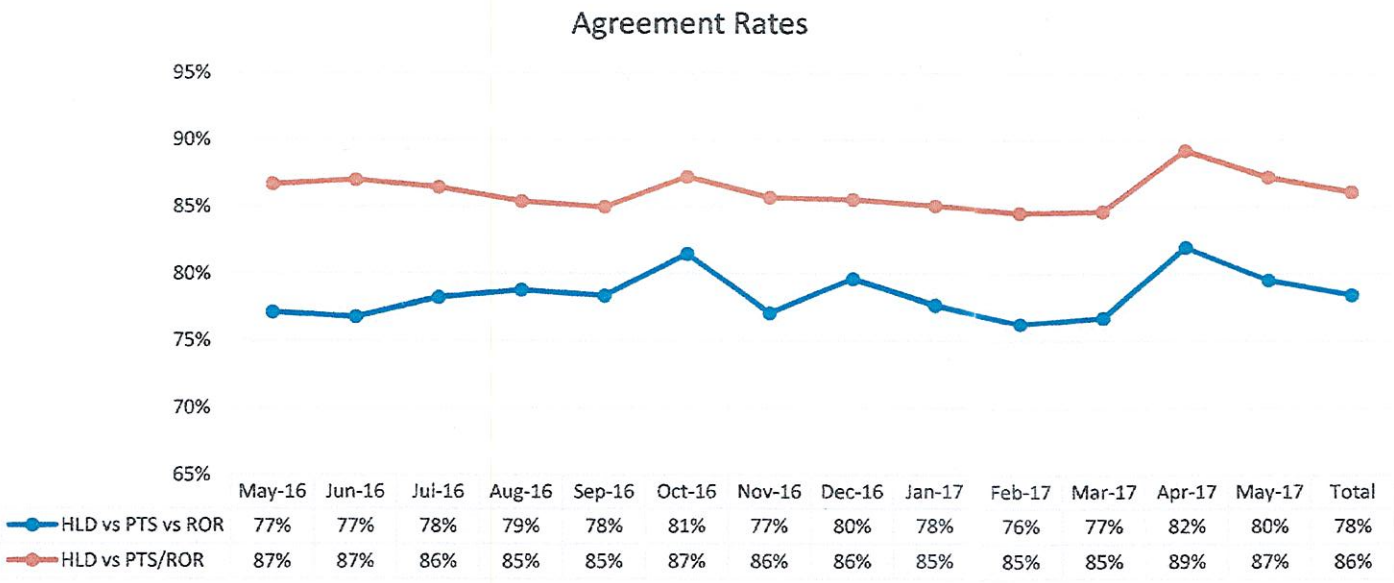
	FY09	FY10	FY11	FY12	FY13	FY14	FY15	FY16	
GENERAL FUND									
Adjudication									
Judicial Divisions	11,059,727	10,795,206	10,434,569	10,705,303	11,067,329	11,426,851	11,256,428	10,953,421	
Family Sup.Receip. Title IV-D	451,869	456,640	470,010	478,610	488,713	512,149	459,664	495,687	
TOTAL ADJUDICATION	**11,511,595**	**11,251,846**	**10,904,579**	**11,183,913**	**11,556,042**	**11,939,000**	**11,716,092**	**11,449,108**	(62,487)
									-1%
TOTAL COURT ADMINISTRATION	**2,690,831**	**3,169,132**	**3,449,169**	**3,232,705**	**3,247,678**	**3,474,977**	**3,512,257**	**3,663,203**	
Trial Services									
Court Interpreter	386,099	384,648	412,296	394,897	411,425	390,703	385,941	404,462	18,363
Court Reporters - Pool			653,113	721,844	582,501	682,262	788,723	768,405	768,405
Jury Commissioner	329,808	298,201	308,666	303,755	307,194	347,470	362,719	365,273	35,465
Case Management Services	704,122	695,341	731,386	761,166	769,092	898,416	921,535	962,232	258,110
Research & Statistics			244,418	248,368	210,658	218,844	214,180	218,731	218,731
TOTAL TRIAL SERVICES	**1,420,029**	**1,378,189**	**2,349,878**	**2,430,030**	**2,280,870**	**2,537,695**	**2,673,099**	**2,719,103**	1,299,074
									91%
Other Divisions									
Conciliation Court	577,612	633,370	602,162	614,930	639,240	629,184	648,359	661,757	
Information Systems	2,181,015	2,464,806	2,477,731	2,163,972	2,272,785	2,321,724	2,300,325	2,325,317	
Law Library	171,115	259,553	180,923	169,403	176,456	200,057	187,984	138,569	
Pre-Trial Services	2,047,140	2,172,072	2,144,591	2,121,921	2,244,075	2,298,234	2,258,281	2,223,287	
TOTAL OTHER DIVISIONS	**4,976,881**	**5,529,800**	**5,405,407**	**5,070,226**	**5,332,555**	**5,449,199**	**5,394,949**	**5,348,931**	
TOTAL ADULT PROBATION	**6,543,544**	**6,129,810**	**5,534,416**	**6,178,366**	**6,195,128**	**6,438,180**	**6,417,289**	**6,120,486**	
TOTAL GENERAL FUND	**27,142,881**	**27,458,777**	**27,643,449**	**28,095,241**	**28,612,273**	**29,839,052**	**29,713,685**	**29,300,831**	
MANDATED SERVICES									
Superior Court Mandated Services	1,726,053	1,557,100	1,478,025	1,587,680	1,594,497	1,530,874	1,484,518	1,610,005	
Parent-Child Visitation	270,822	262,322	260,280	270,565	14,200	25,320	48,350	26,450	
TOTAL MANDATED SERVICES	**1,996,875**	**1,819,422**	**1,738,305**	**1,858,245**	**1,608,697**	**1,556,194**	**1,532,868**	**1,636,455**	(360,420)
									-18%
TOTAL GENERAL FUND & MANDATED SVCS	**29,139,757**	**29,278,200**	**29,381,754**	**29,953,486**	**30,220,970**	**31,395,246**	**31,246,553**	**30,937,286**	

ATTACHMENT B

	FY09	FY10	FY11	FY12	FY13	FY14	FY15	FY16
FEES (Various)								
Local Court Automation & Technology	676,888	66,810	352,445	478,457	285,888	361,898	607,222	554,063
County Law Library	272,566	125,016	251,790	280,260	238,504	248,880	313,310	353,431
Superior Court - Probate				488		220	34	
Fill The Gap - SC	17			463,227	512,420	504,709	581,146	486,053
TOTAL FEES (VARIOUS)	**949,472**	**191,826**	**604,234**	**1,222,431**	**1,036,811**	**1,115,708**	**1,501,712**	**1,393,547**
FEES CONCILIATION COURT								
Conciliation Fees	518,874	421,465	513,083	500,281	521,691	529,639	495,169	388,771
Domestic Mediation-Education	49,858	40,663	29,398	28,574	29,741	17,744	30,260	41,178
Childrens Issues-Education	100,573	129,604	115,650	144,080	104,557	114,046	133,430	124,982
Expedited Child Support	152,212	154,279	118,931	79,652	106,645	170,806	253,599	124,109
TOTAL FEES CONCILIATION COURT	**821,516**	**746,011**	**777,063**	**752,586**	**762,633**	**832,235**	**912,458**	**679,041**
PROBATION & OTHER FEES FOR AP								
Adult Probation Fees	1,117,276	547,108	929,620	964,691	1,023,584	1,087,990	1,317,554	1,341,564
Probation Fees Over $40	839,679	270,310	365,647	534,811	688,373	1,126,684	1,305,162	884,925
Probation Fees Over $50		226,360	370,650	280,260	280,560	337,595	270,603	293,149
Justice Court Probation Fees				10,942	20,737	54,961	62,453	2,434
Drug Court Treatment Fees	147,162	2,599			920	413	312	
ISC Supervision Fees	3,282		48,841	3,506	4,057	3,305	6,082	(1,770)
DES Fees	18,819			120		716	4,945	360
Post Conviction Drug Court								
TOTAL PROBATION & OTHER FEES FOR AP	**2,126,217**	**1,046,376**	**1,714,757**	**1,794,330**	**2,018,231**	**2,611,663**	**2,967,111**	**2,520,662**
GRAND TOTAL FEES	**3,897,205**	**1,984,213**	**3,096,054**	**3,769,347**	**3,817,676**	**4,559,606**	**5,381,282**	**4,593,249**

	FY09	FY10	FY11	FY12	FY13	FY14	FY15	FY16
STATE FUNDS								
AP AOC SAE Funding	3,757,996	3,745,088	3,931,703	3,927,172	4,064,245	4,400,462	4,575,696	4,787,298
AP AOC IPS Funding	3,029,677	2,803,989	2,869,390	2,973,852	3,005,255	3,247,122	3,303,353	3,469,134
AP AOC CPP Funding	244,292	243,304	261,798	257,166	275,559	286,294	288,909	303,448
AP AOC ISC Funding	350,941	371,509	346,239	374,648	386,660	419,215	363,046	368,237
AP AOC TY Funding	41,053	46,006	42,678	43,485	44,786	44,080	42,650	48,464
AP AOC Drug Crt Funding	284,861	273,736	267,483	262,494	220,971	264,015	265,633	170,086
AP AOC GPS Funding	91,574	108,507	124,034	111,188	89,120	94,132	94,667	96,821
AP AOC DTEF Funding	434,424	392,235	357,696	414,247	406,398	404,070	367,729	368,599
AP AOC CJEF Sex Offender Funding	149,511	132,279	142,434	142,434	142,000	142,000	142,000	110,093
AP AOC CJEF Substance Abuse	155,208	142,554	137,252	68,466	143,510	143,510	143,510	151,544
GRAND TOTAL STATE FUNDS	**8,539,537**	**8,259,207**	**8,480,706**	**8,575,153**	**8,778,504**	**9,444,900**	**9,587,194**	**9,873,723**
GRANTS OTHER								
DEA Case Processing			319,245	264,427	203,210	201,828	159,253	157,035
DES Access & Visitation	16,322	35,190	22,336	39,086	36,416	35,404	46,740	23,390
AZTEC Field Trainer	25,000	25,000	25,000	25,001	25,000	25,000	25,000	25,000
E Filing								
Superior Court Admin	44		5,670	18,779				
TOTAL GRANTS OTHER	**41,367**	**60,190**	**372,251**	**347,293**	**264,626**	**262,232**	**230,993**	**205,425**
GRANTS PROBATION								
AP Domestic Violence	153,481	171,224	234,495	266,133	376,869	309,983	322,372	315,950
AP Victims Rights			23,243	23,340	17,886	23,303	28,300	23,948
AP Dept of Education	124,751	120,399	114,987	115,408	124,751	124,751	125,001	124,751
AP HIDTA A-Team Overtime	10,991	9,723	11,056	10,518	21,246	21,278	18,921	12,258
AP Operations								
AP Quickstart Recovery								
TOTAL GRANTS PROBATION	**289,223**	**301,346**	**383,782**	**415,399**	**540,753**	**479,315**	**494,594**	**476,907**
TOTAL GRANTS	**330,590**	**361,536**	**756,033**	**762,692**	**805,379**	**741,548**	**725,587**	**682,332**
GRAND TOTAL ALL FUNDING SOURCES	**41,907,089**	**39,883,156**	**41,714,547**	**43,060,678**	**43,622,528**	**46,141,299**	**46,940,615**	**46,086,590**

	May-16	Jun-16	Jul-16	Aug-16	Sep-16	Oct-16	Nov-16	Dec-16	Jan-17	Feb-17	Mar-17	Apr-17	May-17	Total
HLD vs PTS vs ROR	77%	77%	78%	79%	78%	81%	77%	80%	78%	76%	77%	82%	80%	78%
HLD vs PTS/ROR	87%	87%	86%	85%	85%	87%	86%	86%	85%	85%	85%	89%	87%	86%



ATTACHMENT C

Superior Court
Tax Intercepts
2015 - 2017

	All Cases				Juvenile Cases				Criminal Cases				Civil Cases				Jury Cases		
	2015	2016	2017	FY16-17 Change	2015	2016	2017	FY16-17 Change	2015	2016	2017	FY16-17 Change	2015	2016	2017	FY16-17 Change	2016	2017	Change
Jan	2,226	8,767	2,860	(5,908)	813	5,121	772	(4,349)	1,413	3,525	2,088	(1,437)	-	122	-	(122)		-	-
Feb	1,444	191,072	158,566	(32,506)	915	71,021	77,342	6,321	488	108,930	71,562	(37,368)	41	11,120	9,662	(1,459)		-	-
Mar	209,202	402,179	310,131	(92,047)	92,750	121,299	67,921	(53,378)	70,893	266,989	232,120	(34,868)	45,559	13,891	10,090	(3,801)		-	-
Apr	292,959	239,947	189,658	(50,290)	108,936	63,723	50,674	(13,048)	175,173	164,223	131,731	(32,492)	8,850	12,002	6,946	(5,056)		307	307
May	462,176	135,429	310,350	174,921	111,592	39,733	80,134	40,400	305,257	86,588	220,061	133,474	45,327	9,108	10,155	1,047		-	-
Jun	-	-	-	-				-				-				-		-	-
Jul	-	-	-	-				-				-				-		-	-
Aug	-	-	-	-				-				-				-		-	-
Sep	-	-	-	-				-				-				-		-	-
Oct	-	-	-	-				-				-				-		-	-
Nov	-	-	-	-				-				-				-		-	-
Dec	-	-	-	-				-				-				-		-	-
	968,008	977,394	971,565	(5,829)	315,005	300,897	276,843	(24,054)	553,226	630,254	657,563	27,309	99,778	46,243	36,852	(9,391)	-	307	307
			% of 2016	% Change			% of 2016	% Change			% of 2016	% Change			% of 2016	% Change		% of 2016	% Change
			99%	-0.6%			92%	-8%			104%	4%			80%	-20%		#DIV/0!	#DIV/0!

ATTACHMENT D

C:\Users\roverholt\AppData\Local\Microsoft\Windows\Temporary Internet Files\Content.Outlook\R63X7G82\TIP ALL Cases 2015-2017 Comparison6/7/2017

ARIZONA SUPERIOR COURT IN PIMA COUNTY
Historical Fee Revenue

FY 09 through FY16

			FY09	FY10	FY11	FY12	FY13	FY14	FY15	FY16	FY09 - FY16 $ Change	FY09 - FY16 % Change
CONCILIATION COURT FEES:												
Childrens Issues - Education			109,576.35	118,649.73	127,350.79	125,956.49	116,410.51	108,074.61	126,141.96	123,395.23	13,819	13%
Conciliation Fees			468,565.74	530,274.96	479,261.41	428,037.97	399,514.25	359,719.26	335,603.92	345,588.32	-122,977	-26%
Domestic Mediation - Education			28,261.55	34,077.45	30,645.76	33,404.79	33,656.17	36,854.30	35,889.96	28,812.17	551	2%
TOTAL Conciliation Court Fees	**[2025]**	**Revenue**	**606,403.64**	**683,002.14**	**637,257.96**	**587,399.25**	**549,580.93**	**504,648.17**	**497,635.84**	**497,795.72**	-108,608	-18%
TOTAL Expedited Child Support	**[2080]**	**Revenue**	**119,730.60**	**131,559.31**	**133,732.40**	**148,412.36**	**141,615.71**	**138,559.41**	**130,706.04**	**99,866.17**	-19,864	-17%
ADULT PROBATION FEES:												
Probation Fees <= $40 - Court Services			1,245,940.19	1,334,726.16	1,502,124.85	1,586,569.90	1,603,142.57	-303,066.34	1,817,516.94	1,685,403.58	439,463	35%
Probation Fees >$40 - Field Services			358,714.94	271,397	195,721.93	186,011.15	58,249.05	2,011,144.86	442,362.05	406,601.16	47,886	13%
Probation Fees >$50				95,501.95	225,379.84	223,614.28	336,748	442,845.93				
Sub-Total Adult Probation		**Revenue**	**1,604,655.13**	**1,701,625.11**	**1,923,226.62**	**1,996,195.33**	**1,998,139.62**	**2,150,924.45**	**2,259,878.99**	**2,092,004.74**	487,350	30%
OTHER PROBATION FEES:												
DES Workshop												
Drug Treatment Fees			52,422.13	11,168.46	4,619.45	10,052.08	11,938.42	6,794.80	3,762.69	4,845.70		
Electronic Monitoring Fees			40									
IPS Fees			13,069.66	2,987.50							-13,070	-100%
ISC Supervision Fees Fund			30,977.69	20,824.67	7,167.30	3,778.75	3,483.69	3,682.73	13,645.01	27,098.77	-3,879	-13%
JC Probation Fees Over $40			5,193.81	18.5		61,098	19,554.47	24,494.71	18,822.11	9,117.79	3,924	
Post Conviction Drug Court			17,477.71	5,252.51	4,297.08	2,875.20	4,268.25	1,313.65	1,351.45	1,120.22	-16,357	-94%
Sub-Total Other Probation		**Revenue**	**119,181**	**40,251.64**	**16,083.83**	**77,804.03**	**39,244.83**	**36,285.89**	**37,581.26**	**42,182.48**	-76,999	-65%
TOTAL PROBATION FEES	**[2040]**	**Revenue**	**1,723,836.13**	**1,741,876.75**	**1,939,310.45**	**2,073,999.36**	**2,037,384.45**	**2,187,210.34**	**2,297,460.25**	**2,134,187.22**	410,351	24%

ATTACHMENT E

ARIZONA SUPERIOR COURT IN PIMA COUNTY
Historical Fee Revenue

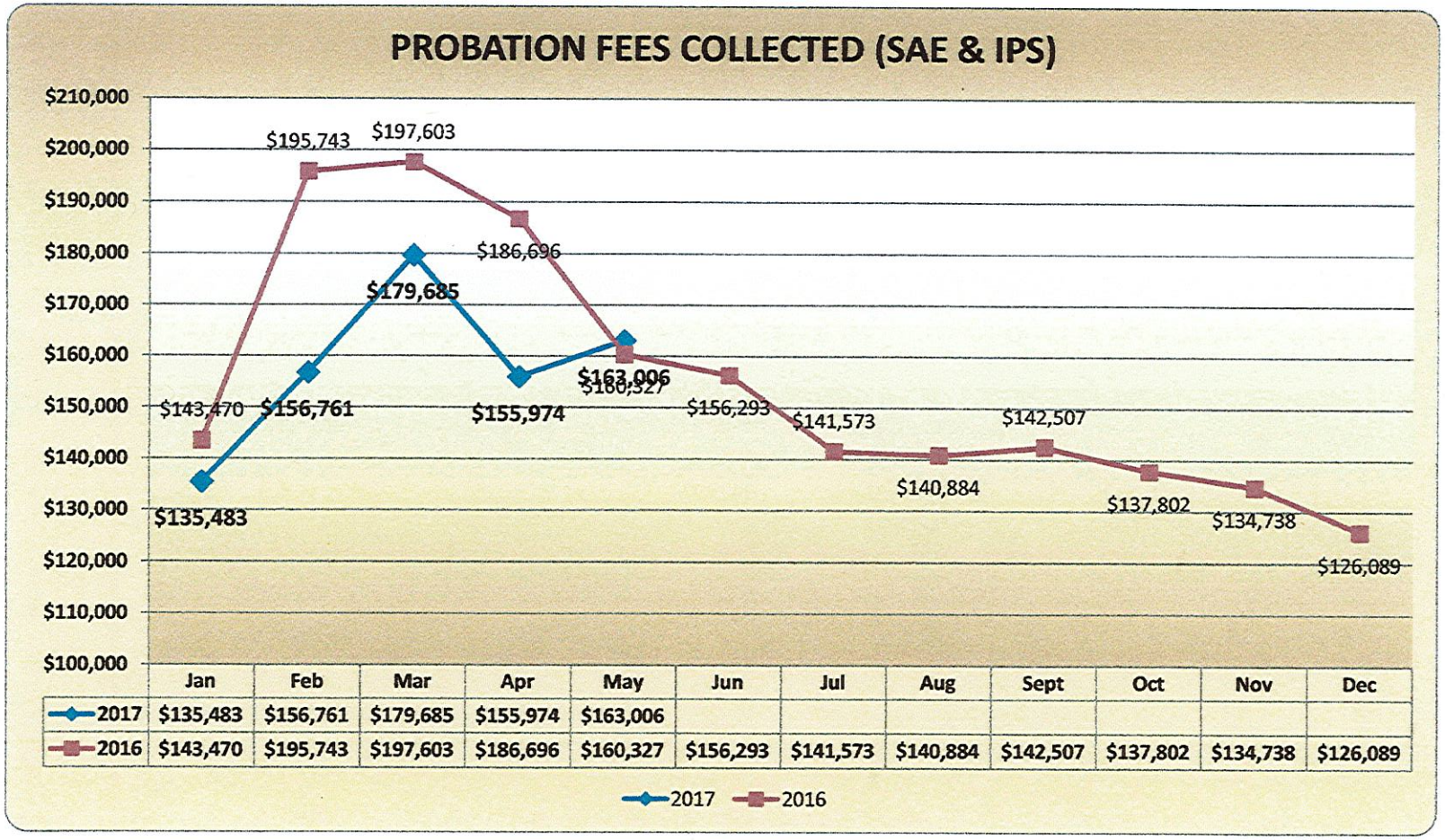
FY 09 through FY16

			FY09	FY10	FY11	FY12	FY13	FY14	FY15	FY16	FY09 - FY16	FY09 - FY16
JUDICIAL FEES:												
Fill the Gap - SC	[2077]	Revenue	946,581.34	1,041,950.07	1,220,263.13	1,172,388.85	1,124,636.96	1,062,020.02	1,044,008.36	1,049,166.19	102,485	11%
Probate Fees	[2079]	Revenue	463.64	1,263.45	127.49	99.62	122.65	96.57	81.87	112.69	-351	-76%
OTHER FEES:												
Automation & Technology Fund	[2078]	Revenue	449,223.04	465,074.44	479,064.51	438,011.18	398,775.62	384,238.57	360,686.11	345,821.37	-103,402	-23%
Law Library Fees	[2035]	Revenue	288,812.97	322,252.74	338,871.64	322,172.82	299,713.13	311,152.30	296,481.03	288,558.10	-255	0%
GRAND TOTAL FEES		**REVENUE**	4,135,151.36	4,386,978.90	4,748,627.58	4,742,483.44	4,551,829.45	4,587,925.38	4,627,059.50	4,415,507.46	280,356	7%

ADULT PROBATION DEPARTMENT

PROBATION FEES COLLECTED (SAE & IPS)

COMPARING CALENDAR YEARS 2016 & 2017



	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sept	Oct	Nov	Dec
2017	$135,483	$156,761	$179,685	$155,974	$163,006							
2016	$143,470	$195,743	$197,603	$186,696	$160,327	$156,293	$141,573	$140,884	$142,507	$137,802	$134,738	$126,089

2017 Year-to-Date Total =	$790,908
2016 Year-to-Date Total =	$883,839
2017 Minus 2016 Difference =	-$92,931

ATTACHMENT F

MEMORANDUM

Date: June 7, 2017

To: Ellen Wheeler, Deputy County Administrator

From: Micci Tilton, Interim Court Administrator

Re: Justice System Cost-Drivers and Recommended Roadmap to Reform

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In response to your request for information as to what may be causing increased costs to run the criminal justice system, I can offer insight to two areas that may worth discussing. First, we continue to realize a significant failure to appear rate which results in warrants being issued. In the last twelve months 9,498 warrants have been issued; 70% as a result of a failure to appear. Approximately 30% of all defendants fail to appear at their initial arraignment. The average cost of a warrant is approximately $400 if the person is arrested.

We continue to try methods to reduce the failure to appear rate by expanding court hours and sending court date reminders through phone and text. There are many citations that are filed without a phone number which means those defendants do not receive a court date reminder. We are currently investigating ways to generate a post card reminder that can be mailed to defendants when a phone number is not provided by law enforcement.

Secondly, when the Initial Appearance (IA) court magistrate determines that a Justice Court defendant should be held in custody, a Pretrial hearing is scheduled to be held at Justice Court within two business days. Pretrial hearings are held each weekday. However, if a defendant is booked after the cutoff time of 6:30pm on a Wednesday, their Pretrial hearing will be the following Monday due to the weekend. During this 2-5 day period, the defendant is being held in the Pima County Jail at an approximate cost of $85 per day.

For Justice Court, the delay in scheduling the Pretrial hearing is a result of accommodating the separate records and operational sites used by Justice Court prior to the opening of the County Public Service Center at 240 North Stone in February of 2015. With all court records and courtrooms in one location, it may be appropriate to reduce the Pretrial hearing delay to a target of 24 hours. This will not entirely resolve the issue of bookings on or adjacent to weekends, but it will reduce the weekend waiting time from 100+ hours (Weds to Mon) to 70+ hours (Fri to Mon).

Many of the defendants released on PCCJC misdemeanor cases are still held in jail due to cases in other courts. Thus, the possibility of a faster release time for PCCJC misdemeanor defendants may not necessarily lead to jail cost savings if the defendant is held on another case. However, if release is accelerated, the number of reasons that the defendant is held at any given time will fall, and for some defendants, this will fall to zero.

Based on a sample conducted in August of 2016, 94.9% of in-custody Justice Court defendants are released at their Pretrial hearing. This suggests that at least 2-5 days of incarceration may not have been necessary.

In a sample of the 52 pre-adjudication defendants at PCCJC Pretrial hearings from August 1, 2016 to August 12, 2016, defendants were incarcerated for an average of 2.77 days before being seen at their Pretrial hearing. With Pretrial hearings shifted to the following business day, the average would have been 1.42 for those same defendants. That is a potential savings of 70 jail bed-days over a two-week period.

Based on a sample of 1,018 Pretrial hearings from January 1, 2016 to June 30, 2016, the largest potential for savings comes from reducing the number of defendants awaiting their Pretrial hearing who are held in the jail over a weekend. By accelerating the IA-to-Pretrial schedule by one day, the Pima County Jail may see significant savings.

Barbara LaWall
Pima County Attorney

Pima County Attorney's Office
32 N. Stone Avenue, #1400
Tucson, AZ 85701

Phone: 520-724-5600
www.pcao.pima.gov

MEMORANDUM

To: **Ellen Wheeler, Deputy County Administrator for Justice and Law Enforcement**

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

Date: **April 26, 2017**

Re: **Justice System Cost-Drivers and Recommended Roadmap to Reform**

You have asked my Office to assist you in gathering information and data to be used in preparing your response to the memorandum presented to you at the March 23, 2017 Justice Coordinating Council meeting from the Chair of the Board of Supervisors, Sharon Bronson. In her memorandum, Chair Bronson expresses interest in analyzing the dramatic increase in the justice system's budget over the past two decades. I am pleased to have this opportunity to contribute to the analysis of this important issue.

Shared Concern Regarding Rising Justice System Costs

Both in my capacity as the civil legal advisor to Pima County, as well as in my capacity as prosecutor on behalf of the State of Arizona (for felony crimes committed by adults throughout Pima County, juvenile crimes committed throughout Pima County, and misdemeanor crimes committed by adults outside the City of Tucson and the other cities and towns in unincorporated areas of Pima County), I am well aware that the costs of the justice system in Pima County have been rising dramatically. I share Chair Bronson's concern in this regard. While public safety is vital to our community and while justice and law enforcement, like the provision of infrastructure, are primary responsibilities of local government, there are ways in which our justice system could be made more efficient and effective.

Responses to Specific Questions

Here are my responses to the specific questions presented by Chair Bronson:

1. **How many felony cases did the Pima County Attorney (CA) file within the last five years? Just in 2016?** Over the years 2012 through 2016, a total of 51,643 defendants arrested or suspected on felony charges were presented to my Office by more than two dozen law enforcement agencies asking us to pursue felony prosecution on behalf of the State of Arizona. Over that same period, my Office pursued felony prosecution against 30,060 defendants, 58% of those presented. In 2016, we pursued felony prosecution against 6,339 defendants, 57% of the total of 11,174 defendants presented to my Office. These data are drawn from our CAPS felony database.

Over the years 2012 through 2016, a total of 105,016 defendants arrested or cited on misdemeanor charges were initiated by the Sheriff's Office and other local law enforcement agencies (including The University of Arizona Police Department, the Pima Community College Police Department, and the Tucson Airport Police Department) in the Consolidated Justice Courts, the Green Valley Justice Court, and the Ajo Justice Court. In 2016, the Sheriff's Office and these other local law enforcement agencies initiated misdemeanor prosecution against 18,585 defendants in these Pima County Justice Courts. My Office handled the diversion or prosecution of defendants in all the cases that were not dismissed by my Office or the Justice Courts.

It should be noted that the cases filed within the various lower jurisdiction courts throughout Pima County in 2016 include not only the 18,585 cases filed in the Justice Courts, but also an additional 43,729 municipal cases filed by the Tucson Police Department and other municipal police departments in the Tucson City Court, as well as the municipal courts for the City of South Tucson and the Towns of Marana, Oro Valley, and Sahuarita. If arrested, these misdemeanor offenders are booked into the Pima County Jail.

The Justice Courts and my Office, as well as the Office of Court Appointed Counsel, handle less than 30% of all misdemeanor cases in Pima County. The city and town prosecutors and their public defense offices handle the remaining more than 70%. The total number of misdemeanor cases filed in the various lower jurisdiction courts throughout Pima County during 2012 through 2016 was 348,926. This includes both the 105,016 cases filed in the Justice Courts and also 243,910 additional cases filed in the municipal courts. These data are drawn from the Arizona Supreme Court's Administrative Office of the Courts.

Over the years 2012 through 2016, a total of 23,812 juveniles arrested or cited on delinquency charges were presented to my Office to pursue adjudication. Over that same period, my Office pursued adjudication against 13,874 juveniles, 58.3% of those presented. In 2016, we pursued adjudication against 2,564 juveniles, 61.4% of the total of 4,176 juvenile delinquency cases presented to our Office. (It should be noted that my Office delegates to the Juvenile Probation Department the authority to divert juveniles into any one of three juvenile diversion programs – my Community Justice Boards, the Pima County Teen Court operated by Pima Prevention Partnership, or the Juvenile Probation Department's own Diversion Program. The foregoing numbers of juveniles presented to my Office to pursue adjudication do not include the large number of juveniles who are offered and accept diversion.) These data are drawn from the Pima County Attorney's CAMMS Juvenile database.

2. **Within the last five years, has there been an increase or decrease in felony filings? Why? Does this suggest a trend? What conclusions, if any, does this information suggest?** Over the past five years, there has been an increase in the numbers of arrests, cases presented, and total filings. This is attributable to the increasing numbers of law enforcement officers on patrol. Following the Great Recession, law enforcement agencies that had reduced their forces significantly, began to hire more law enforcement officers. Additionally, the Tucson Police Department recently underwent a reorganization in which a number of detectives and others were re-assigned to patrol to increase the numbers of boots on the ground. This has resulted in more arrests. Most, if not all, of the more than two dozen law enforcement agencies that make arrests and present cases to my Office for felony prosecution have increased their ranks over the past five years.

3. **How many charges on average were included in one felony case within the last five years? Just in 2016?** The Pima County Attorney's Office and the Arizona Supreme Court's Administrative Office of the Courts do not keep statistics on the number of charges included in individual cases. The number of charges can range from one count to multiple counts, depending on the severity of the offense, the number of different crimes committed, the number of co-defendants, and the number of victims.

4. **What percentage of jury trials resulted in verdicts of guilty on all charges in the indictment within the last five years? Just in 2016?** According to the Administrative Office of the Courts, the Pima County Attorney's Office felony conviction rate at trial in 2016 was 84.7%; in 2015, it was 84.9%; in 2014, it was 83.1%; in 2013, it was 89.8%; and in 2012, it was 89.8%. These data are drawn from the Arizona Supreme Court's Administrative Office of the Courts. Like the Arizona Supreme Court, my Office tracks verdicts of guilty versus not guilty. A guilty verdict on a lesser charge is not an acquittal.

5. **In what percentage of cases within the last five years has the CA recommended someone who had been arrested be held in jail on bond? Just in 2016? Please include the justification for recommended bond.** My Office does not seek to have any misdemeanor defendants held in the jail on bail. Indeed, I do not even have a prosecutor attend Initial Appearances for misdemeanor defendants. My Office policy is to seek the imposition of bail for felony defendants who are violent, dangerous, or repetitive felony offenders. We do not track the specific percentage of felony cases in which bail is sought.

Cost-drivers in the Justice System

It is my understanding that the increasing costs to operate the justice system in Pima County in recent years have resulted primarily from the following factors:

1. A dramatic increase in the jail population and associated costs of incarceration in the jail, including medical and mental health services, with increasing numbers of jail detainees who are non-violent, non-dangerous defendants awaiting disposition of their cases who have been charged only with misdemeanors. The vast majority of these misdemeanor offenders are arrested on city/town misdemeanors and are not Justice Court defendants;

2. A significant increase in the time to disposition of felony cases in Superior Court and misdemeanor cases in all six jurisdictions' courts, particularly for defendants in jail custody;

3. An increase in the number of arrests made and criminal citations issued for state crimes by more than 25 local, state, and federal law enforcement agencies that present cases for felony prosecution and that make both felony and misdemeanor arrests of suspects booked into the jail;

4. The uncoordinated and disparate manner in which misdemeanor cases are processed through the local criminal justice system in six different courts throughout the greater Tucson metropolitan area, and the absence of any misdemeanor drug court; and

5. A dramatic increase in the number of dependency cases filed in Juvenile Court.

Recommendations to Reduce Costs while Maintaining Public Safety

Here are some recommendations to reduce the costs of the justice system in Pima County while maintaining public safety.

1. Safely Reduce the Jail Population and Reduce Recidivism.

   A. Continue participation in the Safety + Justice Challenge funded by the MacArthur Foundation. (I am pleased to have devoted significant resources from my Office to participate in this project.)

   B. Coordinate databases containing medical and mental health information for jail detainees to ensure continuity of care. (I am pleased to have devoted resources from my Office to participate in this project.)

C. Persuade judges to create alternatives to bail for misdemeanors and focus primarily on public safety when making release decisions at Initial Appearances. Poor defendants often are unable to pay any bail amount, and many cannot afford even the 10% they would have to pay a bail bondsman to post bail for them. Alternatives to bail would avoid incarcerating misdemeanor defendants based upon their poverty.

D. Implement a Felony Drug Diversion Program supporting the immediate release from jail to a therapeutic environment for defendants charged with low-level felony drug possession. (I am pleased to have found a partner in Community Bridges, Inc. to work with my Office to implement such a program. My Office is in the process of establishing this new program and is enlisting cooperation from and coordination with the Office of Public Defense Services, Pretrial Services, the Jail, and the Court.)

E. Provide needed domestic violence services both for offenders in the jail and for victims. (My Office is spearheading a task force and grant writing project, supported by all the local law enforcement agencies, indigent defense, and the courts, and funded from anti-racketeering funds, to obtain expanded services for Emerge! Center Against Domestic Abuse and for Southern Arizona Legal Aid.)

2. Expedite Disposition of Cases.

A. Consider ways to reduce lab costs and expedite lab results.

B. Implement a Felony Drug Possession Diversion Program. (As noted above, this is a project my Office is spearheading and that we hope to implement in the coming fiscal year.)

3. Consider Consolidation of the Misdemeanor Courts.

A. Explore misdemeanor court consolidation overall.

B. Implement a Consolidated Misdemeanor Problem-Solving Court. (This is a project my Office is working on spear-heading as part of our leadership in the Behavioral Health Treatment Court Collaborative chaired by Presiding Superior Court Judge Kyle Bryson, funded by a grant obtained by my Office.)

C. Consider establishing a Community Court similar to the Red Hook program in Brooklyn, New York.

4. Expand Non-Crisis Services for those Suffering Chronic Mental Health, Behavioral Health, and Substance Use Disorders.

Conclusion

In conclusion, I share Chair Bronson's concern regarding the rising costs of the justice system in Pima County. I have devoted my personal time and attention, as well as significant resources from my Office, in an ongoing effort to reduce these costs while maintaining public safety. I remain committed to continuing these efforts. I have asked my Chief Deputy, who is my representative on the Justice Coordinating Council, to provide you in a separate memorandum with a much more detailed and thorough analysis regarding the foregoing issues.

Meanwhile, it is my recommendation that each of the participating members of the Justice Coordinating Council be asked to provide to you their understanding of the cost-drivers in the Justice System as a whole in Pima County (as distinct from the cost-drivers just for their individual departments), as well as their recommendations to reduce costs on a system-wide basis and that the Council then discuss all the members' perspectives and come up with a proposed strategic plan reflecting priorities and timelines for consideration by the County Administrator and Board of Supervisors.

cc: Sharon Bronson, Chair, and Members, Pima County Board of Supervisors
C.H. Huckelberry, Pima County Administrator
Amelia Craig Cramer, Chief Deputy Pima County Attorney

PIMA COUNTY SHERIFF'S DEPARTMENT

Mark D. Napier, Sheriff

M E M O R A N D U M

Date: June 13, 2017

To: Sheriff M. Napier

From: Chief K. Woolridge

Subject: Request from Supervisor Bronson

At your direction the following information is provided in response to information requests from Supervisor Bronson via an email from Assistant County Administrator Ellen Wheeler. The following questions were presented:

1) The question of whether more arrests are related to more officers on patrol (or whether there might be other reasons).

The following table is a snapshot of the Department's headcount including authorized and actual staffing for commissioned deputy sheriffs for the years 2012-2017 (based on June/July of each year). The Department's authorized deputy staffing has been steady at 430-432 while actual staffing dipped to a low of 398 last year. The Department has altered the number of deputies assigned to patrol and patrol type activities based on changing priorities (SRO, BCU, etc.) but we have consistently fielded 251-265 deputies in those types of patrol functions.

	Authorized Staffing				Actual Staffing			
	Department	Patrol	Support	Patrol/Supp	Department	Patrol	Support	Patrol/Supp
2012	434	240	53	293	429	215	46	**261**
2013	434	241	48	289	429	226	39	**265**
2014	434	244	41	285	421	224	35	**259**
2015	434	230	39	269	414	203	48	**251**
2016	434	228	45	273	398	218	45	**263**
2017	432	225	45	270	400	221	44	**265**

2) What is driving justice system costs?

Department expenditures have increased approximately $18.6 million over the past five fiscal years as indicated in the following table:

Department Expenditures	
FY 12/13	$131,247,568.00
FY 13/14	$136,466,465.00
FY 14/15	$138,016,020.00
FY 15/16	$143,175,451.00
FY16/17 *projected*	$149,849,231.00
Increase since FY 12/13	**$18,601,663.00**

During that period our benefits costs have increased over $12.5 million. Another $4.6 million can be attributed to salary/wage increases. Additionally, Special Pay (overtime, on call, etc.) contributed over $1.5 million to the increases as indicated below.

	Salaries/Wages	Special Pay	Benefits	Supplies	Services
FY 12/13	$65,150,887.00	$4,842,778.00	$32,830,118.00	$7,227,212.00	$19,266,754.00
FY 13/14	$66,769,205.00	$4,461,917.00	$35,372,993.00	$7,570,627.00	$21,185,566.00
FY 14/15	$68,167,267.00	$4,807,974.00	$37,569,359.00	$7,434,370.00	$19,538,776.00
FY 15/16	$67,702,437.00	$5,319,742.00	$41,519,776.00	$6,843,328.00	$21,519,480.00
FY16/17 *projected*	$69,800,000.00	$6,417,677.00	$45,349,518.00	$5,899,896.00	$22,015,927.00
Increase since FY 12/13	**$4,649,113.00**	**$1,574,899.00**	**$12,519,400.00**	-$1,327,316.00	$2,749,173.00

The major driver in the increased cost of law enforcement for the Department is the higher cost of salaries, benefits, and EREs. Specifically, retirement plan contributions (PSPRS) for deputy sheriffs (and law enforcement officers in general) have increased significantly during this period.

3) Whether you have recommendations on cost savings

The Department has implemented a number of cost saving measures to manage overtime, on-call, and premium pays (Special Pay as listed in previous charts). This effort includes the nearly 70% reduction in overtime hours Department wide during the first ten pay periods of calendar year 2017 when compared with the last ten pay periods of calendar year 2016. Additionally, a General Order was issued which substantially limited the number of Department members eligible to receive on-call pay.

The Department is establishing staffing requirements and maintaining an appropriate number of employees, thus reducing the accordion effect of over hiring then imposing hiring restrictions. Previously this has created challenges in terms of expense and managing budgets, further contributing to over spending by requiring overtime during periods of low staffing.

The selective use of non-sworn, civilian personnel (as possible) to address matters and fill positions that do not require a law enforcement officer is an additional recommendation. The salaries and costs of EREs for commissioned deputy sheriffs (70%+) and corrections officers (30%+) are significantly higher than non-sworn civilian staff (20%). Insuring law enforcement officers are doing law enforcement work, corrections professionals are managing inmates, and civilian personnel are being used in other roles which do not require the specialized skills (and expense) of corrections or commissioned personnel should further contribute to savings.

PIMA COUNTY

PUBLIC DEFENSE SERVICES

MEMORANDUM

Date: 5/15/2017

To: Sharon Bronson
Chair, Pima County Board of Supervisors

C.H. Huckelberry
County Administrator

From: Lori J. Lefferts
PDS Director

Re: Public Defense Cost Drivers

Pima County has seen a tremendous escalation in costs associated with the arrest, prosecution and defense of those accused of crimes in this community. As I mentioned at the budget hearing last week, the number of felony indictments brought against individuals needing court-appointed counsel has significantly increased in the last two years. As a result, the number of pending indigent felony cases in Superior Court has grown from 2,156 to 2,764 in just two years, a 28% increase. Expenditures relating to the defense of felony indictments is the greatest cost driver of the PDS budget. The two-year growth has necessitated the assignment of eight additional trial lawyers in the Public Defender and Legal Defender Offices combined. This growing workload has no doubt strained other agencies in the Justice and Law Enforcement arena. As a consequence of the increase, felony cases are now taking longer to resolve, require additional court hearings, and result in longer jail stays.

While Pima County has seen a rise in indictments in most felony case type, the greatest gain, by far, has been in the category of drug offenses. The Pima County Attorney's Office is developing a diversion program for first-time drug offenders, however, the capacity of this program will be limited, and may be insufficient to adequately relieve the system of the overwhelming burden caused by the prosecution of low-level drug offenders. Currently, offenders indicted for simple possession of narcotic or dangerous drugs are offered plea agreements that mandate lengthy terms of supervised probation, and onerous fines and fees. Studies indicate that over-intervention of low-risk offenders is not only an unnecessary use of resources, but can actually result in increased recidivism. A diversion program for drug arrestees is a start, but more is needed to ensure that low-level offenders, accused of drug crimes or otherwise, receive a disposition that is appropriate to the offense and offender. The Justice Coordinating Council may be the appropriate forum to discuss alternates to how low-risk offenders are handled at critical points of the legal process: arrest, charging, and disposition.

If the current trend of felony prosecution continues, PDS will need resources to hire additional in-house attorneys and support staff. Office space will be needed, as well as furnishings, equipment and supplies. Even with more in-house lawyers, the number of cases assigned to contract lawyers will rise due to ethical conflicts. Without a reversal in the trend, it would be prudent for Pima County to budget for the creation of a third criminal defense office, much like the Legal Advocate's Office in Maricopa County, to combat the high cost of contract counsel.

While expenditures remain a focus of PDS, revenues are also important to reduce the impact to the general fund. Currently, revenues are at a 10-year low. The major revenue source is money received through the assessment and collection of attorneys' fees. Attorneys' fees are assessed by the Courts against individuals

receiving court-appointed representation; the amount of the assessment is based on the individual's ability to pay. The proper assessment of attorneys' fees requires an accurate financial report of the individual. A process to ensure reliable information is needed in order for the Court to make the appropriate assessment. A uniform procedure should be established for use by all Courts tasked with assessing attorneys' fees, including Superior Court, Juvenile Court and Justice Court. Collections are currently the responsibility of the Arizona Administrative Office of the Courts. If Pima County is able to opt out of AOC's collections program, it is worth exploring whether collections might be increased if handled the County.

c: Ellen Wheeler, Assistant County Administrator