



MEMORANDUM

Date: December 13, 2018

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

From: C.H. Huckelberry
County Administrator 

Re: **Criminal Justice Reform Advisory Commission**

As indicated in the communications related to budget adoption for this fiscal year, I have formed a Justice Commission comprised of retired and semi-retired professional justice system practitioners. The following is a list of the Commission's members and their areas of expertise:

1. Judge Richard Fields, Pima County Superior Court Judge (retired);
2. Lori Lefferts, Pima County Public Defender and Director of Pima County Public Defense Services (retired);
3. James P. Walsh, former Pinal County Attorney (retired);
4. Kent Batty, Pima County Superior Court Administrator (retired) and current chair of the Arizona Supreme Court's *Committee on Mental Health and the Justice System*;
5. Most Reverend Gerald F. Kicanas, D.D. Bishop Emeritus of the Diocese of Tucson (retired); current Vice Chancellor of the Catholic Extension Society, and, at Pope Francis' request, serving the city of Las Cruces, New Mexico;
6. Jody Sundt, PhD, Criminologist and Associate Professor, IU School of Public and Environmental Affairs;
7. David Neri, Tucson Police Department, Captain, Counter Narcotics Agency, (retired); and
8. Judge Linda Penn, Judge *Pro Tempore*, Pima County Justice Court

There have been two meetings of the Criminal Justice Reform Advisory Commission (CJRAC) to orientate them to the primary task associated with the formation of this Commission. The primary task is to:

Recommend specific modifications or actions to established criminal justice system procedure which will reduce the overall cost associated with operating a criminal justice system as well as improve outcomes for individuals involved in the criminal justice system.

The Honorable Chairman and Members, Pima County Board of Supervisors
Re: **Criminal Justice Reform Advisory Commission**
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It has been my opinion that the professional practitioners of the criminal justice system are best suited to facilitate criminal justice system reforms. It is those practitioners who know the flaws of the system and how best to correct or modify procedures, protocols or policies to reduce costs and improve outcomes.

I have also committed to the CJRAC that any savings resulting from their recommended and implemented actions will be used to invest in further criminal justice system reforms.

Pima County has been instrumental in attracting national attention regarding our reform efforts. Many of the existing leaders in the present system have participated in and assisted in implementing reforms that are now known as national examples of reforming these institutional systems.

Attached are three presentations that were shared at the December 11, 2018 CJRAC meeting:

1. Improving the Paths to Justice for the Mentally Ill, presented by Kent Batty, *Committee on Mental Health and the Justice System*;
2. Pima County Administrator's Criminal Justice Reform Unit, Overview; presented by Terrence Cheung, Director of Reform Initiatives; and
3. Sequential Intercept Model – Overview, presented by Kate Lawson, Director of Specialty Courts, Pima County Attorney's Office.

I am very pleased with the initial two meetings of the CJRAC. The Commission will soon begin to prioritize their efforts and recommended further reforms that they believe a) can be implemented within the existing system, b) be implemented with targeted legislative amendments and, c) strategic long-term reform initiatives.

In many respects, using the phrase "reform" implies a system that may, in the past, have been unjust; this is not only inappropriate but also unfair. It has not been that long ago when the phrase continuous process improvement was invented. I view our "reform" efforts as nothing more than continuously attempting to improve the process of criminal justice.

CHH/anc

Attachments

c: Jan Leshar, Chief Deputy County Administrator
Tom Burke, Deputy County Administrator for Administration
Carmine DeBonis, Jr., Deputy County Administrator for Public Works
Wendy Petersen, Assistant County Administrator for Justice and Law Enforcement
Terrance Cheung, Director of Justice Reform Initiatives, Criminal Justice Reform Unit

Update: Improving the Paths to Justice for the Mentally III



Kent Batty, Chairman

Committee on Mental Health
and the Justice System

December 2018

DECRIMINALIZATION OF MENTAL ILLNESS: FIXING A BROKEN SYSTEM

**Conference of State Court
Administrators
2016-2017 Policy Paper**

Over the course
of a year,
approximately
two million
adults suffering
from serious
mental illnesses
will spend time in
our nation's jails.

"Decriminalization of Mental Illness:
Fixing a Broken System" COSCA





*“Court leaders
can address
the impact of
the broken
mental health*

COSCA Recommendations

- Adopt a standard for court-ordered treatment based on **capacity** and not **conduct**.
- Encourage the use of **Assisted Outpatient Treatment** (AOT).
- Train law enforcement in **Crisis Intervention Training** (CIT).
- Promote the use of the **Sequential Intercept Model** by justice system stakeholders.
- Have judges convene stakeholders to **develop protocols** to address the impact of the mental health crisis on the justice system.
- **Increase funding for mental health treatment** to reduce jail and prison costs.

Sequential Intercept Model

Five interface points between the criminal justice and mental health systems

The Sequential Intercept Model



Adapted from Munetz, M., Griffin, P. "A systemic approach to the de-criminalization of people with serious mental illness: The Sequential Intercept Model." *Psychiatric Services* 57 (2006): 544-549.

Fair Justice for All Task Force



Established by S.Ct. Admin. Order
2016-16

2-year effort to identify ways to improve
justice to the most disadvantaged.

Many Arizonans sit in jail because they
can't afford to post bail.



Fair Justice Task Force

Justice system must take better account of the impact of financial sanctions on the financially vulnerable.

Focus on revenue generation must not impact the overarching principle of “**Fair Justice for All.**”

Task Force creates Subcommittee on Mental Health & the Criminal Justice System



“The handling of cases involving individuals with mental health issues is a challenge for all parts of the criminal justice system.”

“Special needs offenders should be addressed appropriately.”

Source: Report and Recommendations of the Task Force on Fair Justice for All

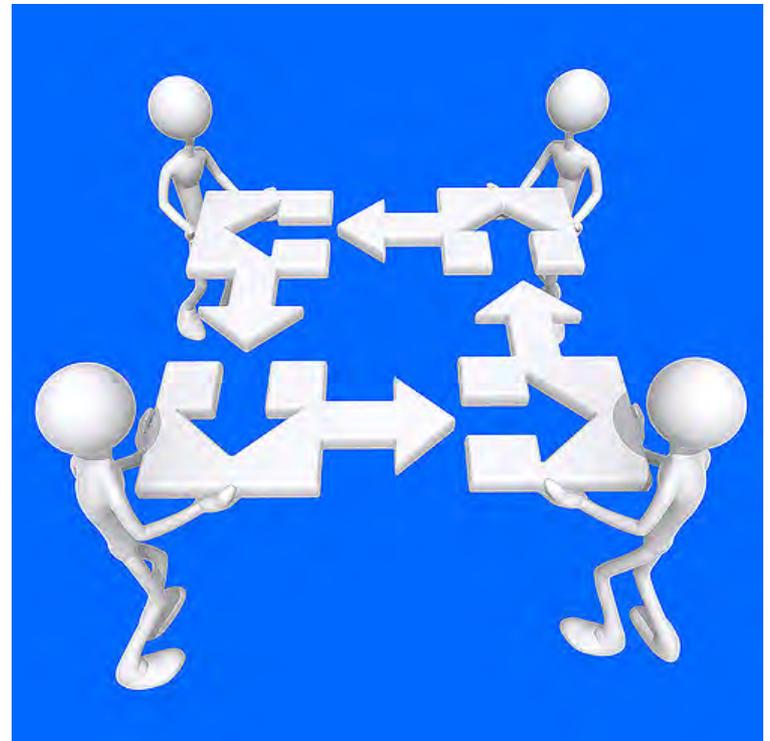
24-Member Subcommittee

Subject matter experts
in the criminal justice
and mental health
arenas.

Prosecutors

Defense attorneys

Judges and court
personnel



Subcommittee Report and Recommendations

May 2018



11

Develop model Administrative Order for PJs to use to authorize local courts to conduct Rule criminal competency hearings.



courts
hearings.

Develop policies and procedures for local courts to follow when conducting Rule 11



Sharing of Rule 11 documents.

Subcommittee Report and Recommendations



Draft a Petition to change Rule 11 to allow local courts to decide whether to order a defendant to undergo competency restoration instead of transferring the case to the superior court.



Notification to NICS of defendant's "prohibited possessor" status.



Conduct competency evaluations at the courthouse to reduce FTA rate.

Subcommittee Report and Recommendations



AOC to develop evidence-based best practices for Rule 11 competency and RTC treatment programs.



AOC to provide information on the Title 36 civil commitment process in web and paper formats

Amend the definition of “mental disorder” to include cognitive disabilities conditions

Subcommittee Report and Recommendations



Develop a “Protocol Guide” for PJs to use to improve the justice system’s response to persons with serious or persistent mental health issues.



Develop training for judges on the Sequential Intercept Model (SIM) and other tools to help identify persons with mental health needs and direct them to appropriate services when possible. (#4)

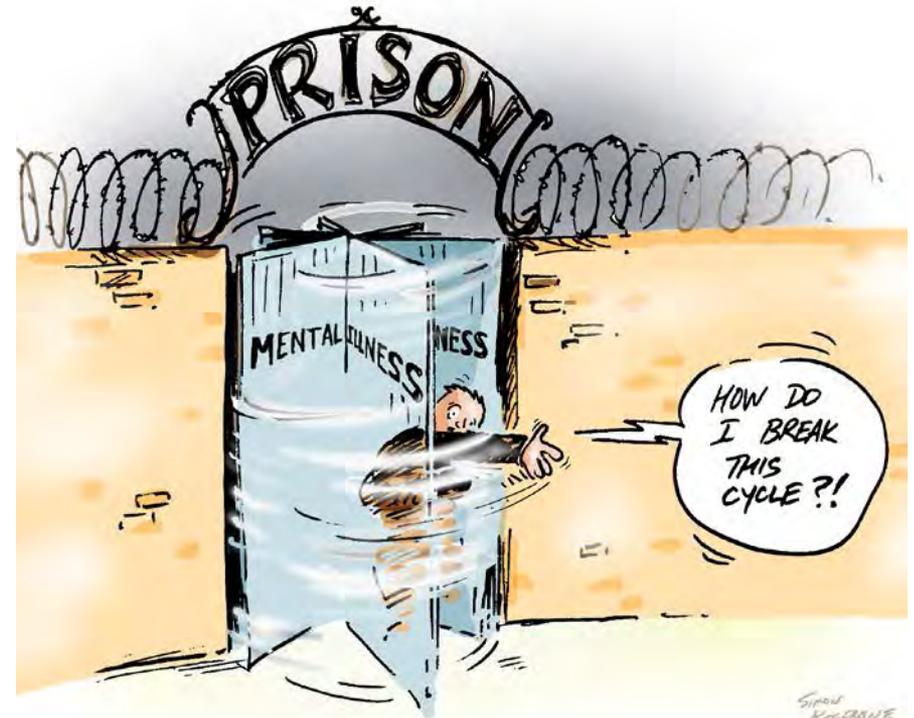
Final Recommendation

-  Create a new committee that builds on and expands the work already done by the Subcommittee.

Committee on Mental Health and the Justice System (SCAO 2018-071)

Overall Goal

To identify all possible solutions to help break the cycle of the mentally ill from coming in and out of the justice system.



Committee on Mental Health and the Justice System

Impact Crimin al



Committee on Mental Health & the Justice System



Impact Criminal Justice

27% of Arizona's prison population is identified as having mental health issues

16% of Arizona's prisoners with mental health issues are also designated as SMI.

Committee on Mental Health and the Justice System

Impact Civil Justice

Arizona has had a **106% increase** in court-ordered mental health treatment filings over the last 10 years.

Mental Health





Committee on Mental Health and the Justice System

Mission Statement

“To develop and recommend comprehensive, evidence-based best practices and cross-agency protocols to improve the administration of civil and criminal justice for persons with mental illness.”



Committee on Mental Health and the Justice System

Membership

- Judges
- Court administrators
- Law enforcement
- Prosecutors
- Defense counsel
- Behavioral healthcare providers
- Mental health advocates
- University/government agency
personnel

Committee on Mental Health and the Justice System

Committee Charge

- Oversee development of a protocol guide to help county PJs create better local collaboration
- Review Mental Health Court standards
- Review rules and statutes to improve processes



Courts should lead on mental health issues

*“Courts are the ideal
organizing force to bring
people together to
develop better protocols
and devise solutions.”*





Pima County Administrator's Criminal Justice Reform Unit Overview

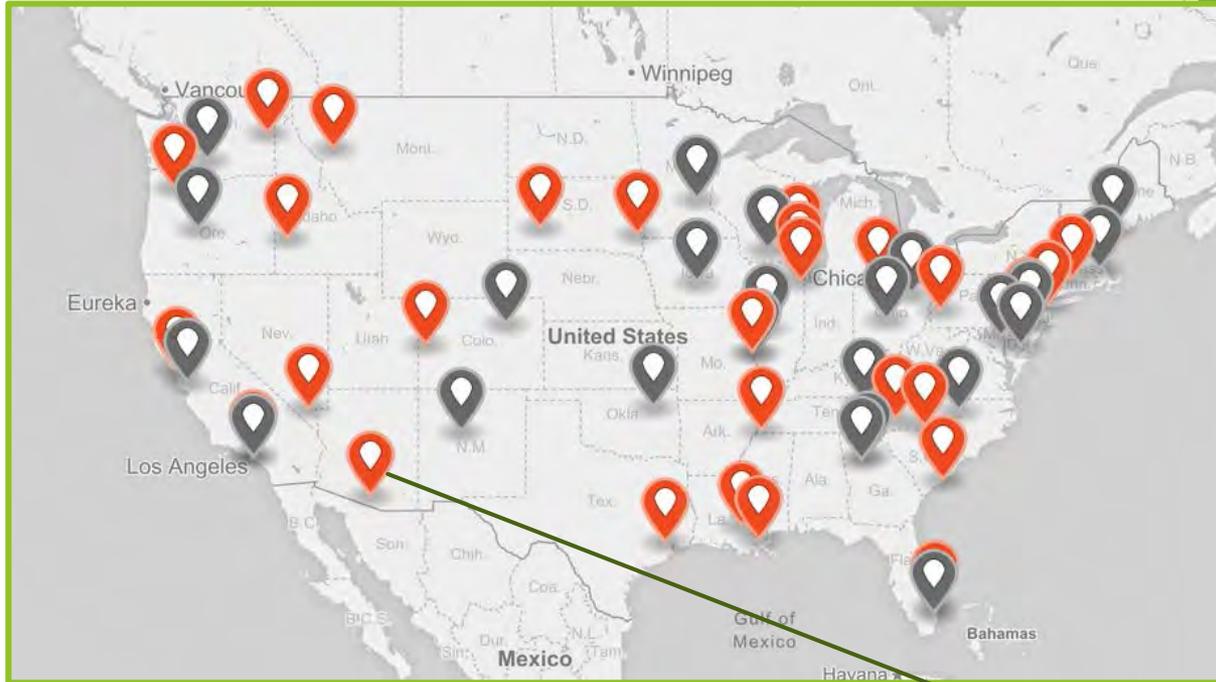
Presented to: Criminal Justice Reform Advisory Commission
Date: December 11, 2018

About the CJRU

- Created in December 2017 by County Administrator Chuck Huckelberry.
- Identifies and supports sustainable reform initiatives across the criminal justice system.
- Engages with key stakeholders and community members to identify strategies that make the justice system more fair to the communities we serve.
- Partners with Pima County Grants Management & Innovation to identify funding, data sharing, and program evaluation opportunities.

Our Projects

Safety + Justice Challenge



All Sites

Ada County, ID
Adams County, CO
Allegheny County, PA
Baltimore City, MD
Bernalillo County, NM
Broward County, FL
Buncombe County, NC
Camden County, NJ
Campbell County, TN
Charleston County, SC
City of Atlanta, GA
City and County of San Francisco, CA
City of Long Beach, CA

City of St. Louis, MO
Clark County, NV
Cook County, IL
Cumberland County, ME
Dane County, WI
Deschutes County, OR
Durham County, NC
East Baton Rouge Parish, LA
Franklin County, OH
Gwinnett County, GA
Harris County, TX
Hennepin County, MN
Lake County, IL

Los Angeles County, CA
Lucas County, OH
Mecklenburg County, NC
Mesa County, CO
Milwaukee County, WI
Minnehaha County, SD
Missoula County, MT
Multnomah County, OR
New Orleans, LA
New York, NY
Norfolk County, MA
Palm Beach County, FL
Pennington County, SD

Philadelphia, PA
Pima County, AZ
Polk County, IA
St. Louis County, MO
Sangamon County, IL
Santa Clara County, CA
Shelby County, TN
Spokane County, WA
The State of Connecticut
State of Delaware
Summit County, OH
Tulsa County, OK
Yakima County, WA



Supported by the John D. and Catherine T.
MacArthur Foundation

- \$148 million, 40 site national investment by the John D. and Catherine T. MacArthur Foundation to safely reduce jail incarceration
- Supports better, fairer, and more effective alternatives to excessive jail incarceration.
- Addresses reducing racial and ethnic disparities

Safety + Justice Challenge

April 2016

- Received \$1.5 million/two-year grant
- ✓ Implemented Universal Risk Screening
- ✓ Created Warrant Resolution Courts to quash outstanding warrants and other court issues
- ✓ Seated a 33-member Community Collaborative
 - 19 Community Members
 - 14 Public Agency Members

Safety + Justice Challenge

October 2018

- \$1.5 million reapplication/two-year support

- Pretrial Services Expanded Enhanced Supervision
- Court Case Processing/Probation Best Practices
- Data Team
- Reducing Racial & Ethnic Disparities
- Continue Community Collaborative

- \$400,000 Community Engagement Supplemental

- Empowerment/Leadership Training
- Education/Workforce Readiness Pathways
- Engagement with Tribal Nations

Housing First/ Permanent Supportive Housing



- Program development - July 2018
- \$2.5 - \$ 3 million/2-year project + Housing Choice Voucher
- Program participant 150
 - ✓ 2+ jail bookings in past 12 months
 - ✓ Mental health or substance use condition
 - ✓ Any form of homelessness
- Reduce jail recidivism by providing 24/7 Housing First resources to Permanent Supportive Housing resources

Housing First/ Permanent Supportive Housing



- Request for Proposal
 - Release Date: December 5, 2018
 - Due Date: January 11, 2019
- Applicants may be single agency or collaborative
- Performance-Based Contracting
- Evaluator - Rand Corporation
- Technical Advisory - Corporation for Supportive Housing

U-MATTER

Unified Medication Assisted Treatment Targeted Engagement Response

- 3-year grant/\$1.475 million from the U.S. Department of Health and Human Services, Substance Abuse and Mental Health Services Administration (SAMHSA) to increase diversion from detention for substance misuse.
- Identifies community members with opioid use disorder (OUD) seeking or receiving MAT (medication assisted treatment).
- 2160 individual engagements
- 376 individuals into MAT Treatment

U-MATTER

- Partners with:
 - Tucson Police Department
 - CODAC to co-locate peer navigators
 - University of Arizona's SIROW
- Provides training and professional development to law enforcement agencies, including the Tucson Police Department, the Sheriff's Department, and program partners

Jail Super User

Population:	Individuals housed multiple times at the Pima County Adult Detention Complex and who are frequent users of justice resources and community services. These individuals' needs are often not being met by typical interventions due to their complex needs.
Goal:	Define and identify this population, then develop a plan to reduce the overutilization of more costly resources such as jail and hospitals, and direct these individuals to interventions that better meet their needs.
Objective:	Create a task force of key decision makers from the authorities represented today to participate in regular multidisciplinary meetings to develop individualized action plans.

Other Projects and Initiatives

Additional Projects & Initiatives

- Criminal Justice Reform Advisory Commission
- Grants Coordination and Management
- Data Sharing Governance
- Mental Health Crisis Response & Alternatives to Jail
- Pretrial/Bridge Housing Construction
- Racial and Ethnic Disparities
- Development of a robust reentry network for returning community residents

2019 Legislative Agenda

Criminal Justice Reform

- Electronic Monitoring and Home Detention
- Pre-Arrest Deflection for Drug Misuse
- Records Expungement
- Expansion of Community Restitution Programs instead of incarceration for misdemeanor & low income defendants
- Appropriate mental health resources to criminal defendants, who cannot be restored to competency

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U-MATTER

Data Analytics

Reentry

Housing First

Special Staff Assistant
Dana Mellors
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Program Manager
(To Be Hired by 1/19)

Program Manager
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Reentry Coordinator
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Program Manager
Matt Pate
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Community Engagement Specialist
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Criminal Justice Reform Unit

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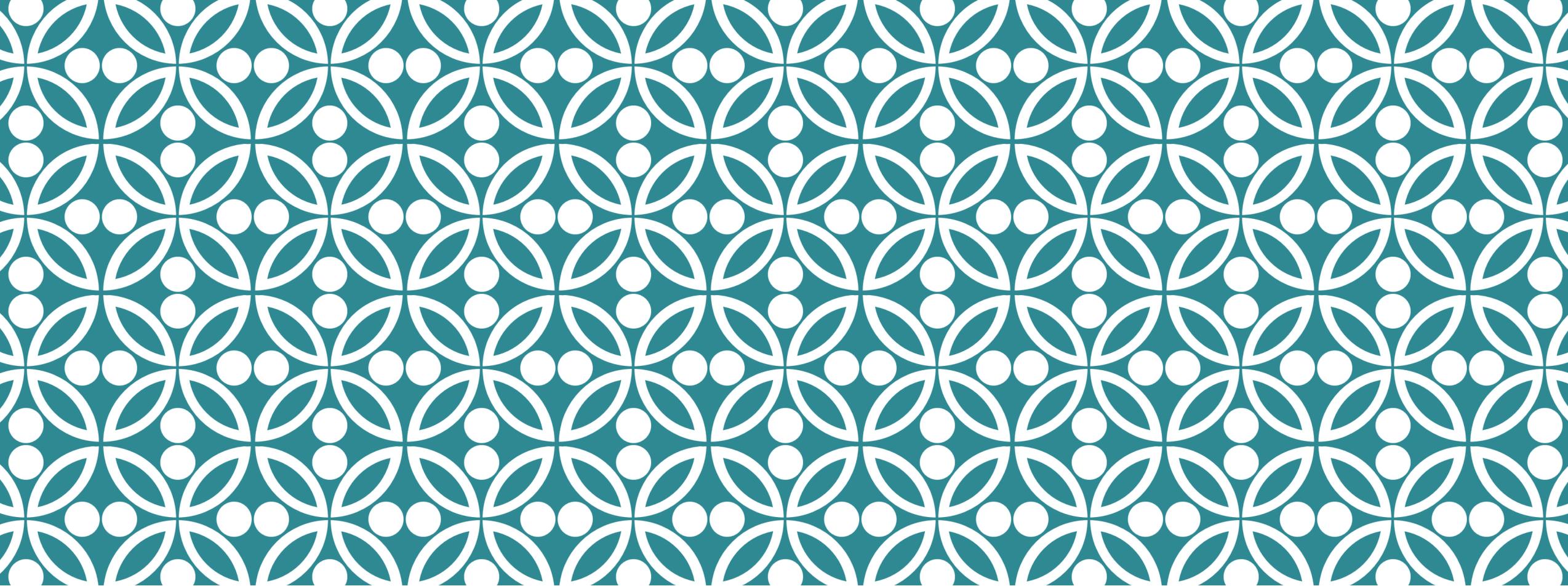
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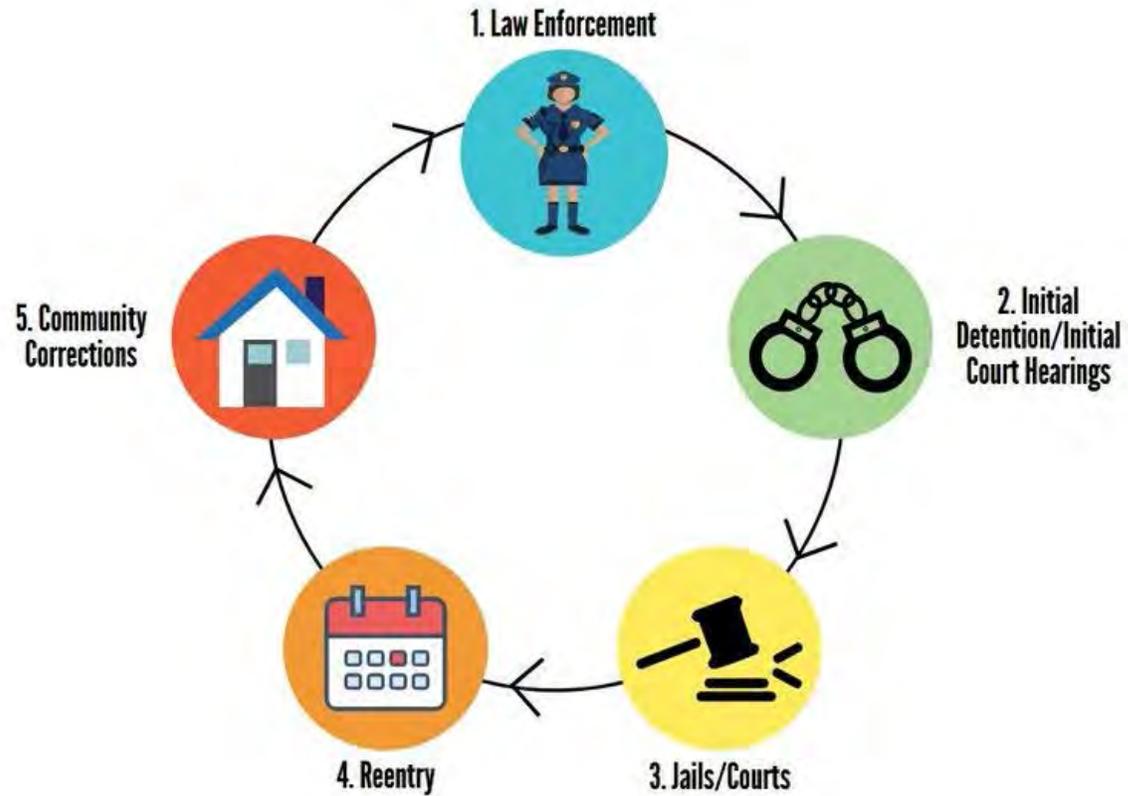
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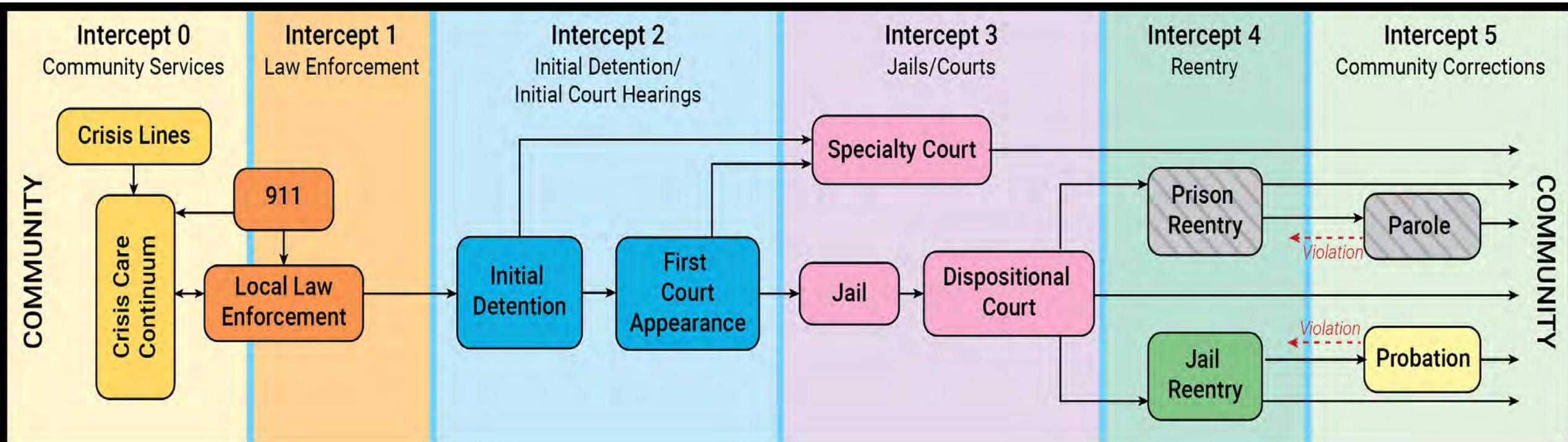
SEQUENTIAL INTERCEPT MODEL

Kate Lawson
Director of Specialty Courts
PCAO

CYCLE OF INCARCERATION



WHAT IS THE SIM?



WHY MAKE A SEQUENTIAL INTERCEPT MAP?

Helps everyone to see where they fit into the big picture

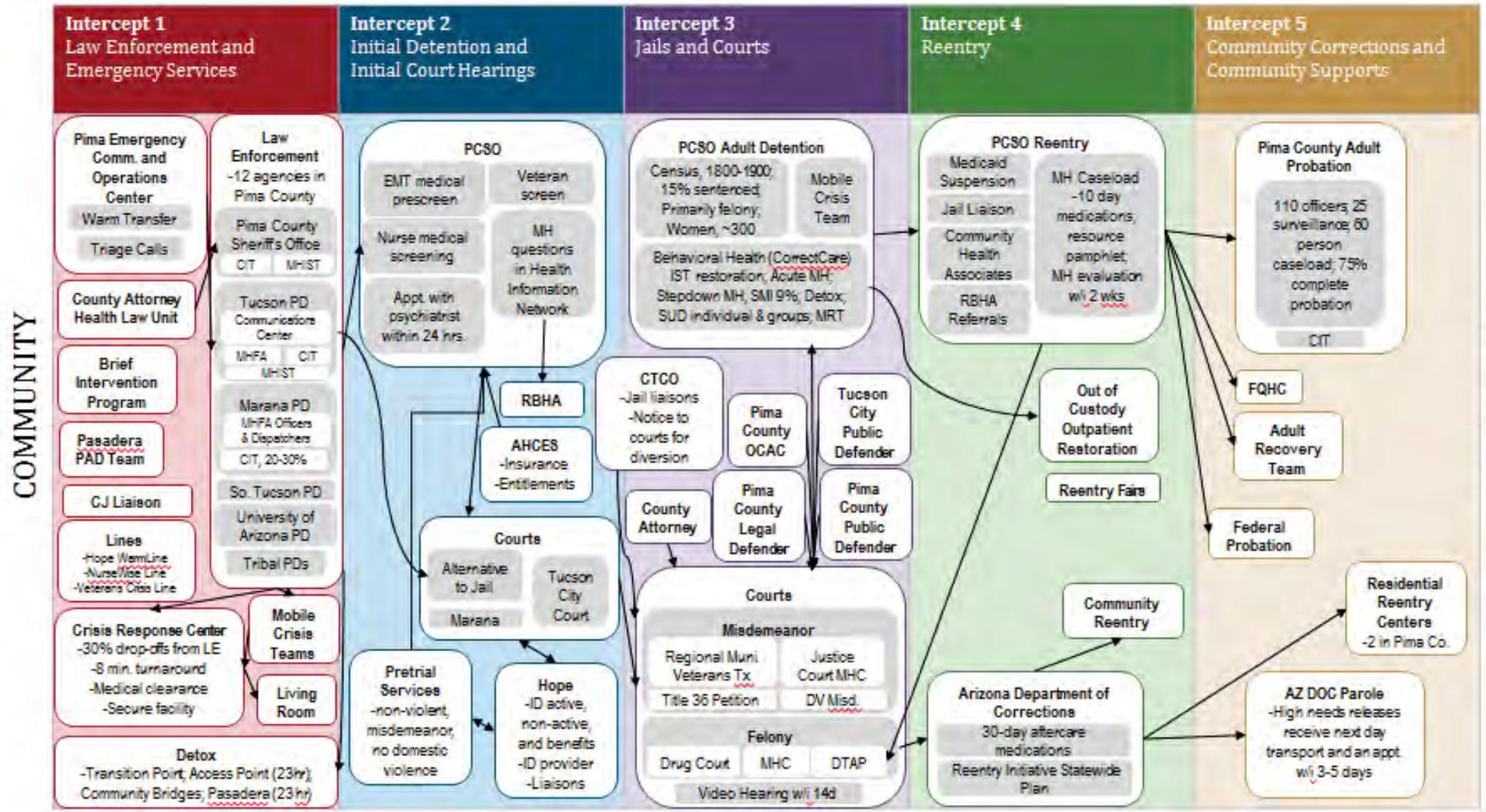
Breaks a large and complicated system down into manageable pieces

Helps each intercept see how actions in one section may affect outcomes in others
(interconnectivity of the justice system)

“Meet you where you’re at” = wherever they are in the system, we have an opportunity to turn things around

Gather information – how we **think** things work, and how they are actually working, might be two very different processes!

Prioritize resources and system change



INTERCEPTS ZERO AND ONE

Intercept Zero:

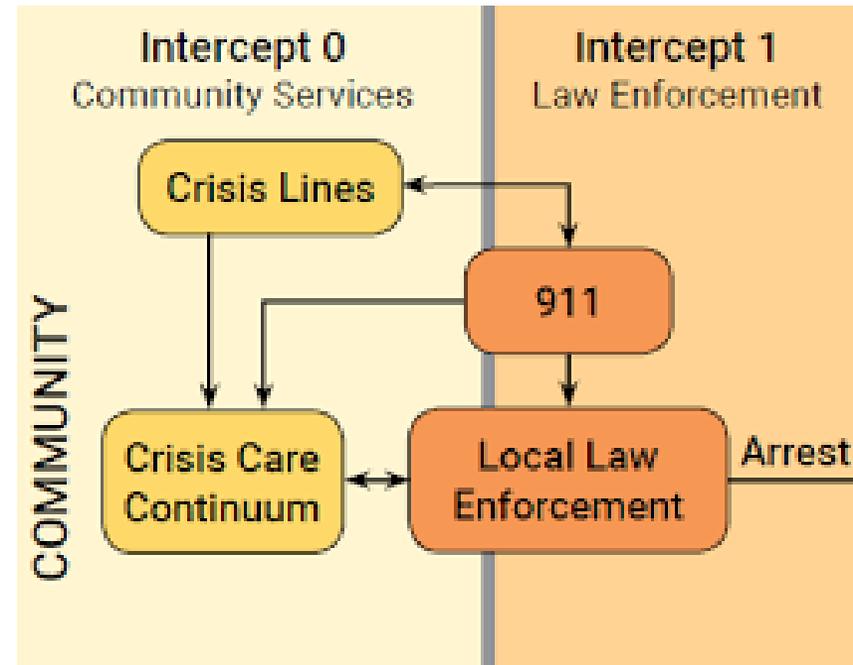
- Diversion / Deflection
- Crisis De-Escalation

Intercept One:

- Arrest

Who is involved?

Police, crisis responders, 911/Dispatch, Crisis Mobile Teams (CMT), Co-Responders, Title 36 System, Detox



INTERCEPT 0/1 IN PIMA COUNTY

Mental Health Support Teams (MHST)

TPD's Deflection Program

Crisis Intervention Team (CIT) training

Crisis Response Center (CRC), CBI

Title 36 Process (Court Ordered Eval)

Crisis Mobile Teams

Co-Responder Team

Crisis Line / Warm Line

911 Direct Transfer

Early Diversion Grant (Pima County)

New Tucson police program will refer opioid addicts to treatment, not jail

By Caitlin Schmidt Arizona Daily Star Jun 30, 2018



Sgt. Ericka Stropka attends a training session for the opioid deflection program. Detectives, sergeants and officers on the mental health support team have undergone the training.

Mamta Popat/Arizona Daily Star

MORE INFORMATION



On a Tuesday in late May, Albert Flores, 63, appeared in Pima County Superior Court for sentencing on his most recent in a decades-long string of drug arrests.



RECOMMENDED



SPORTS

Barnes, Brunson

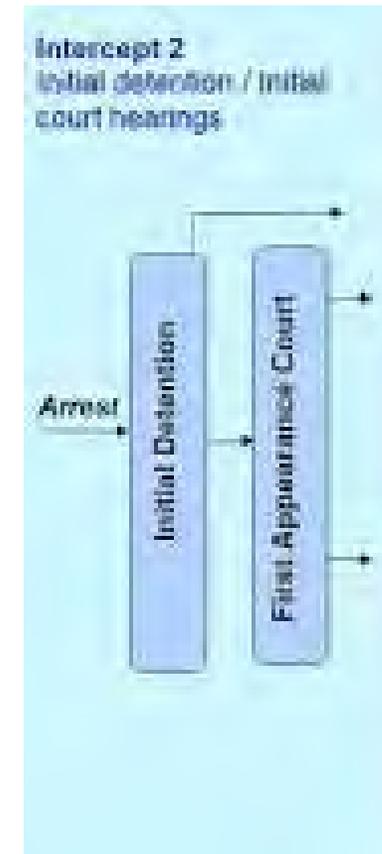
INTERCEPT TWO

Initial Detention / Initial Appearance

- The brief transitional period from arrest to court proceedings
- Bail or release decisions made

In Pima County:

- Pre-Trial Services (Safety & Justice Challenge)
- Justice – Health Data Information Exchange (J-HIDE)
- Title 36
- Correctional healthcare at PCADC



INTERCEPT THREE

Intercept 3:

- Jail Detention
- Court Proceedings (Pre-Sentencing)

In Pima County:

- Mental Health Courts
- Drug Courts
- Drug Treatment Alternative to Prison (DTAP)
- Veteran's Courts
- Re-Entry planning at PCADC/Warm Handoff
- AHCCCS Enrollment
- Behavioral Healthcare at PCADC
- Problem Solving Courts Collaborative
- Consolidated Misdemeanor Problem Solving ("Compass") Court



INTERCEPTS FOUR & FIVE

Intercept 4: Prison & Jail Re-Entry

Intercept 5: Probation & Parole

In Pima County:

- Post-Sentence Specialty Court programs with probation monitoring (DTAP, Drug Court, MHC)
- SMI Caseload at Adult Probation
- Pima County Re-Entry Coalition
- Stepping Up Initiative
- Old Pueblo Community Services Inside Out Recovery Program
- Southern Arizona Region Community Corrections Center (SRCCC)



STRENGTHS AND OPPORTUNITIES

Strengths:

Cross-System Collaboration

Innovative new programs & initiatives

Cultural Shift

Best practice standards

Collaboration throughout Arizona

Opportunities:

Evidence based best practice standard training

- First Responders
- Specialty Courts
- Community Supervision

Parity among all specialty courts

Updated SIM mapping

QUESTIONS & DISCUSSION

