



Board of Supervisors Memorandum

March 5, 2019

Acceptance of MacArthur Foundation's Safety and Justice Challenge Grant

Background

The John D. and Catherine T. MacArthur Foundation awarded Pima County a \$1.8 million grant over two years for the next phase of the Safety and Justice Challenge. This funding is the second allotment received by Pima County which will continue to support a plan to safely reduce jail admissions and length of stay, as well as address recidivism and disproportionate impact on low-income, minority and mentally ill adults. This latest award brings the Foundation's total investment in Pima County to \$3.3 million to date. In developing the jail reduction plan, the planning team analyzed extensive data about the demographic makeup of the jail population and the reason that inmates are in jail. The data revealed that as much as 82% percent of the jail population is held pending trial – meaning these individuals have not yet been convicted. The major drivers of the pretrial population include:

- 1) Large number of defendants who are awaiting trial on nonviolent misdemeanor or low-level drug possession charges, many of whom have addiction or mental health issues; and
- 2) Individuals who are charged with failing to appear (FTA) in court, often where the underlying charge is so minor the individual would not be held in jail.

The data also revealed African-Americans, Native Americans and Hispanics are held in jail at higher rates than their representation in the general population would indicate and that strategies targeting the FTA and other pretrial populations would help reduce such disparities.

The MacArthur Foundation funding will be used primarily to support diversion of non-dangerous individuals with substance abuse and/or mental health problems from jail and into community treatment at their first appearance before a judge. This plan will involve additional behavioral health screening of defendants at booking, with that information and treatment alternatives provided to the judge. Pretrial Services will also be available to supervise released defendants as needed. In addition, MacArthur funds will support data sharing software enhancements and data analysis activities.

The Pima County Adult Detention Center (PCADC) has been at or near capacity in recent years. In calendar year 2014, the average daily population was 2136; very close to maximum capacity. At that point, it appeared we would need to begin planning to add new jail capacity, which is an extremely expensive proposition at about \$150,000 to \$200,000 per new bed (up to \$20 million for just 100 additional beds), and which would require bond funding and years of advance planning.

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In addition, at \$324.98 for the first day and \$99.79 for each subsequent day, jail is a very expensive place to house individuals whose primary issues relate to substance abuse and/or mental illness and who are not dangerous to the community. In addition to the cost of a jail bed, in 2018 the PCADC provided medical detoxification treatment (both alcohol and opioid) to 4990 individuals (an average of 13.67 individuals per day); and on average 33% percent of the jail population is part of the mental health caseload. All of these services drive up costs. The MacArthur Foundation funding provides us an opportunity to more effectively address the mental health and substance abuse issues that are the root causes of much incarceration and in doing so to improve the health and safety of our community.

On January 30, 2019, Pima County was one of six jurisdictions selected for additional funding based on the promise and progress of work to date. This new round of funding will provide Pima County and partners with additional support and continued expert technical assistance to strengthen and expand strategies that address the main drivers of local jail incarceration, with the goal of finding appropriate alternatives to incarceration, such as treatment and counseling and further reducing Pima County's average daily jail population from a jail capacity of 2377 to a 1574 average daily population by 2021.

A number of justice system agencies actively participated with the County Administrator's Office in preparing the successful re-application, including the Sheriff (including the jail), the County Attorney, Superior Court (including Pretrial Services and Adult Probation), Pima County Consolidated Justice Courts, the Public Defender and Legal Defender, County Behavioral Health, the Tucson Police Department, Tucson City Court and the Tucson City Prosecutor. All of these offices will continue to be involved in the grant-funded program.

The Safety and Justice Challenge is supporting local leaders in Pima County and across the country determined to tackle one of the greatest drivers of over-incarceration in America – the misuse and overuse of jails. Pima County was first selected to join the collaborative Safety and Justice Challenge Network in 2015 and has since used the resources and funding provided by the Challenge to implement bold reforms, including Warrant Resolution Courts on nights and weekends; pre-trial screenings; an automated call, text and email court-date reminder system; creation of a multi-disciplinary criminal justice jail population review committee and probation jail reduction committee, creation of a "data team" focusing specifically on criminal justice issues; enhanced case processing; increased community engagement including listening sessions with regional tribal nations and improved job training and workforce development for inmates.

In partnership with local law enforcement, the courts, prosecutors and defense attorneys, the treatment community, tribal nations, religious leaders and concerned members of the community, including formerly incarcerated individuals, Pima County has developed a comprehensive plan for additional reform strategies over the next two years. Key strategies and initiatives to achieve this goal and create a safer, more effective system include:

- Improving court processing to increase efficiency

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- Reducing racial and ethnic disparities

Three years after its public launch, the Challenge Network has grown into a collaborative of 52 counties, cities, and states modeling and inspiring reforms to create fairer, more effective local justice systems across the country.

Several of the nation's leading criminal justice organizations will continue to provide technical assistance and counsel to the Pima County Safety and Justice Challenge, Pima County partners, and the other jurisdictions involved in the Challenge: the Center for Court Innovation, the Institute for State and Local Governance at the City University of New York, the Justice Management Institute, Justice System Partners, the Pretrial Justice Institute, the Vera Institute of Justice, Policy Research, Inc., and the W. Haywood Burns Institute.

Recommendation

I recommend the Board of Supervisors accept the \$1.8 million grant from the John D. and Catherine T. MacArthur Foundation.

Sincerely,



C.H. Huckelberry
County Administrator

CHH/mp – February 20, 2019