



MEMORANDUM

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



MEMORANDUM

Criminal Justice Reform Unit

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

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 23rd), 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 3rd hearings to Cindy by Monday, March 30th. 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

Memo to W. Petersen re: Update on COVID19 Jail Releases & Housing Coordination
April 8, 2020

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