MEMORANDUM

Date: March 23, 2020

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

Re: Measures Taken to Reduce Jail Population in Event of COVID-19 Pandemic Virus Cases within the Pima County Adult Detention Complex

I am enclosing a memorandum I received from the Sheriff regarding this subject after I requested information regarding their preparation measures associated with the COVID-19 pandemic. These measures are as outlined in Items 1-7 of his March 18, 2020 memorandum (Attachment 1).

I am pleased that the Presiding Judge of the Superior Court has already begun to address these issues as indicated in his Administrative Order No. 2020-09 (Attachment 2). As you can see, the Superior Court Criminal Bench Presiding Judge Liwski has taken decisive action to reduce the detention facility population to allow for potential isolation of inmates who may exhibit COVID-19 symptoms.

In addition, the County Attorney has also issued a number of actions designed to limit the individuals taken into custody on certain offenses. These actions should also significantly reduce our detention complex population.

It is unlikely that the transfer of remanded juveniles to the juvenile detention facility will be feasible due to sight and sound separation, constitutional requirements between juvenile and adult offenders. However, we have notified Casa Alitas operated by Catholic Community Services that as their number of asylum seekers decline we may be in a position to ask them to vacate the facility in favor of COVID-19 patients who may be in shelters or who are homeless.

Please keep in mind this is simply a contingency plan and current circumstances to not warrant implementation of such.

c: The Honorable Barbara LaWall, Pima County Attorney
   The Honorable Mark Napier, Pima County Sheriff
   The Honorable Kyle Bryson, Presiding Judge, Superior Court
   The Honorable Danelle Liwski, Criminal Bench Presiding Judge, Superior Court
   The Honorable Kathleen Quigley, Presiding Judge, Juvenile Court
   Jan Lesher, Chief Deputy County Administrator
   Francisco Garcia, MD, MPH, Deputy County Administrator and Chief Medical Officer, Health and Community Services
   Dr. Bob England, Director, Health Department
   Mary Jacobs, Town Manager, Town of Oro Valley
   Jamsheed Mehta, Town Manager, Town of Marana
   Michael Ortega, Manager, City of Tucson
   Kelly Udall, Town Manager, Town of Sahuarita
   John Vidalurri, City Manager, City of South Tucson
Date: March 18th 2020
To: C.H. Huckleberry
From: Sheriff Mark D. Napier
Subject: PCADC Emergency measures for COVID-19 Pandemic

The current headcount of PCADC remains high at 1955 detainees. The headcount has stayed between 1950-2000 detainees for an extended period of time. We are taking strong measures to ensure the spread of the COVID-19 Virus does not take place within the Corrections Facility, but we understand that there is a possibility that the virus does indeed make its way into the PCADC.

In the event of an outbreak within the Corrections Facility, it will be vitally important to isolate those detainees that are suspected carriers of the virus. The number of detainees that may be suspected of having the virus is impossible to predict, but given the close quarters and the crowded conditions of the jail, it’s reasonable to deduce that the actual number may be extremely high. Current medical facilities at the PCADC cannot facilitate a high number of inmates that require quarantine. In order to effectively isolate a large number of those detainees that are suspected carriers of COVID-19, cells designed for two inmates will be converted into a space for a single inmate on quarantine. Commanders at the PCADC are doing what they can in order to appropriately prepare for such a circumstance but are hindered by the high headcount and lack of housing space in the facility.

In order to facilitate the potential need of a large number of isolation cells, I believe it’s critical to take concrete action to substantially reduce the jail population. A reduced headcount will allow for the flexibility needed for Corrections Commanders to utilize space to create isolation cells.

I would like to propose the following actions to reduce the detainee population at the PCADC:

1. Relocate remanded juveniles to the Juvenile Detention Facility. There are currently 43 remanded juveniles detained at the PCADC. We are willing to take all responsibility for the care and control of these inmates during their relocation. This temporary move would release a large housing unit with ready to convert isolation cells.

2. Take action on detainees being held at PCADC on probation violations. There are currently 135 detainees incarcerated in PCADC on a probation violation (no other charges). Either sending these inmates to DOC, or releasing them back on probation into the community would free up a substantial amount of space within PCADC.

3. Suspend the Work Release program at the PCADC. There are currently 26 detainees that are allowed to leave the facility each day to work. These inmates present an inherent risk due to leaving and re-entering PCADC each day.
4. We currently house 24 inmates that are being incarcerated on non-Domestic Violence misdemeanors. These inmates present a low overall risk and the release of at least some of these individuals would help reduce crowded conditions.

5. There are currently 108 Inmates DOC inmates housed at the PCADC that are here on a Writ. If these inmates could be housed at the DOC until their trials begin, it would free up a generous amount of space within PCADC.

6. There are currently 15 inmates that have been ordered by the courts to serve their sentence on the weekends. These inmates pose an inherent risk to safety due to the frequency they come and go into PCADC. I would recommend that either they sentences be suspended, or that these individuals serve their time at once.

7. I would like to appeal to the courts to consider commuting the sentences of all detainees who are incarcerated for a non-violent misdemeanor who have served at least 50% of their sentence.

I have strongly discouraged area agencies, but not yet prohibited, the booking of misdemeanors when allowable by law. This has been effective at curtailing bookings that may not be critical considering current events, but more certainly needs to be done.

Instituting all of these proposed measures will greatly enhance the Sheriff’s Departments ability to effectively deal with a possible outbreak of COVID-19 within the PCADC. The sooner these measures can be instituted, the better prepared the Corrections Bureau will be for a more serious scenario.
ARIZONA SUPERIOR COURT
IN AND FOR THE COUNTY OF PIMA

IN THE MATTER OF:  )  )  )  )  )
Authorizing the Pretrial Release  )  )  )
of Persons Charged with Misdemeanors  )  )
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Attachment A

Criteria for Release

All persons charged with misdemeanors in Pima County Justice of the Peace and Magistrate courts shall be eligible for release consideration according to an approved, evidence-based Risk Assessment tool or other court policy or procedure, except those enumerated hereafter:

1. Failure to appear for sentencing in the Tucson City Court.

2. Failure to serve jail sentence imposed by Tucson City or Pima County Justice Courts.

3. Domestic violence charges filed pursuant to A.R.S. § 13-3601.