



MEMORANDUM

Date: February 19, 2015

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

From: C.H. Huckelberry
County Administrator

A handwritten signature in black ink, appearing to be "CHH", is written over the typed name "C.H. Huckelberry".

Re: **Efforts to Reduce Pima County Adult Detention Center Costs**

Attached please find a February 18, 2015 memorandum from Assistant County Administrator Ellen Wheeler regarding ongoing activities to reduce overcrowding at the Pima County Adult Detention Center (PCADC). The most promising action is the development of an electronic monitoring program that could be implemented by the Sheriff for non-violent misdemeanor offenders. Expanding this electronic monitoring program for other offenses, including certain inmates who are sentenced to jail terms related to felonies, could also reduce PCADC costs.

As you can see from the memorandum, the cost savings are significant; varying from \$1 million to \$3 million. Expanding this program will require the consent of the Sheriff, Justice Courts and Superior Courts and ultimately approval by the Board of Supervisors.

As these proposals mature, I will advise the Board regarding those programs being recommended for approval and action.

CHH/anc

Attachment

c: The Honorable Sally Simmons, Presiding Judge, Superior Court
The Honorable Maria Felix, Presiding Judge, Consolidated Justice Court
The Honorable Barbara Lawall, County Attorney
Ellen Wheeler, Assistant County Administrator
Chris Nanos, Chief Deputy, Sheriff's Department
Byron Gwaltney, Corrections Chief, Sheriff's Department
India Davis, Assistant Corrections Director, Sheriff's Department
Domingo Corona, Director, Pretrial Services
Isabel Garcia, Legal Defender
Kent Batty, Court Administrator, Pima County Superior Court
Doug Kooi, Court Administrator, Consolidated Justice Court
Lori Lefferts, Public Defender
Amelia Cramer, Chief Deputy County Attorney
Kellie Johnson, Chief Criminal Deputy County Attorney



MEMORANDUM

Date: February 18, 2015

To: C. H. Huckelberry
County Administrator

From: Ellen Wheeler
Assistant County Administrator

Re: Cost-Effective Alternatives to Detention in Pima County

The various agencies involved in the criminal justice system in Pima County have been cooperatively exploring alternatives to detention that can reduce crowding at the Adult Detention Complex and save detention costs while maintaining public safety. Among the alternatives being considered or implemented are:

- Electronic monitoring of individuals who would otherwise be detained after conviction or while awaiting trial;
- A possible Intergovernmental Agreement among County and municipal courts located within Pima County that would provide for more efficient disposition of warrants and associated charges to reduce detention of individuals charged with minor violations;
- Improved reminder calls regarding upcoming criminal case hearings to reduce the incidence of failure to appear and resulting arrests that might result in incarceration;
- An Early Case Disposition program for felony cases.

These measures have been discussed by the Pima County Justice Coordinating Council and by its Pretrial Workgroup, chaired by Superior Court Presiding Judge Sally Simmons.

Electronic monitoring

Electronic monitoring may be used in lieu of jail detention under current Arizona law. Two statutes authorize the Sheriff and the courts to establish home detention programs for sentenced offenders in lieu of incarceration, with electronic monitoring an option during home detention. In addition, electronic monitoring can be used as a condition of release for those awaiting trial if ordered by the court.

The Sheriff's Department has investigated the costs and availability of electronic monitoring and has identified a possible vendor. The cost from this vendor would be \$16 per individual per day, which includes a secure ankle cuff featuring live GPS monitoring and voice communication, as well as monitoring service from the vendor. If alcohol monitoring is added, total cost is \$19 a day. Such monitoring costs compare favorably with the cost of incarceration, which is \$80.10 per day.

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The Sheriff's Department estimates that, once the one-time installation fee of \$150 and jail booking costs are taken into consideration, electronic monitoring would become more cost-effective than incarceration after three days of use, and the savings would continue to grow with each additional day of electronic monitoring in lieu of incarceration. For example, \$1,721.90 would be saved by the County for each individual monitored electronically at County expense for 30 days in lieu of incarceration; monitoring for 90 days would save \$5,627.90 per individual over incarceration.

Sheriff's Electronic Monitoring and Home Detention Program Under A.R.S. § 11-459. The Sheriff is authorized by A.R.S. § 11-459 to establish a home detention and electronic monitoring program for jail inmates who are sentenced for misdemeanors and who are not violent. An inmate is ineligible if he or she is classified as a risk to self or others; the inmate was sentenced as a dangerous offender under A.R.S. § 13-704 or repeat offender under A.R.S. §13-703; the judge at sentencing disallows electronic monitoring; or the inmate was convicted of DUI. (Misdemeanor sentenced DUI offenders can become eligible for home detention if the Board of Supervisors adopts a policy to that effect. The Sheriff's Department does not plan to include DUI offenders in its home detention program.) On average, the jail has about 40 non-violent inmates sentenced on misdemeanor charges (non-DUI) per day; if all were eligible for electronic monitoring, the cost per day would be about \$760 (including alcohol monitoring but excluding set-up fees), compared with \$3,204 per day for incarceration. That translates to a savings in incarceration costs of \$73,320 per month or more than \$892,000 per year and also helps relieve jail crowding.

The Sheriff's Department anticipates implementing a home detention and electronic monitoring program in the near future. Officials at the Adult Detention Complex have indicated that the first inmates for whom they would consider electronic monitoring are non-DUI misdemeanor offenders who are sentenced to work release. Such offenders are already released from the jail every day during work hours and have been determined a non-risk to the community. Since these inmates on work release are incarcerated overnight, work release does not reduce the County's detention costs or jail crowding. In November 2014, there were 32 such misdemeanor work release inmates who might have been eligible for home detention and monitoring.

Court/County Home Detention and Electronic Monitoring Program Under A.R.S. § 11-251.15. The County may establish a home detention and electronic monitoring program for inmates who have been sentenced for either misdemeanor or felony offenses and who are not violent, including those arrested on DUI charges. Such a program requires the approval of the presiding justice of the peace of the County, and further approval of the Board of Supervisors if DUI offenders are to be included in the program.

The Pima County Justice Court and Superior Court are currently considering creation of a home detention and electronic monitoring program that would include sentenced DUI offenders (if approved by the Board of Supervisors) and non-violent felony offenders who are not a risk to the community.

The jail reports an average of 330 to 400 inmates per day who are sentenced to jail terms (which includes the non-DUI misdemeanor offenders discussed above) who might qualify for the Sheriff's, Justice Court's or Superior Court's electronic monitoring programs. For example, in November 2014, there were 333 sentenced inmates, of whom 87 were on work release. Of those work release inmates, 55 were

sentenced on felony charges. If the courts used electronic monitoring and home detention for 50 felony-sentenced inmates per day (already on work release), savings would be about \$3,360 per day or \$1,226,400 per year.

These projected cost savings are not certain, as each inmate would be individually evaluated for eligibility for home detention with electronic monitoring. But using home detention and electronic monitoring for inmates who are already on work release, and thus a low risk to the community, could result in significant savings to the County each year, potentially in the range of \$2 million.

Use of electronic monitoring for pretrial defendants. Courts also can order electronic monitoring as a condition of release for criminal defendants awaiting trial, and the Pretrial Workgroup of the Justice Coordinating Council has been exploring this idea. One major concern is that, if electronic monitoring becomes available in the pretrial setting, it might be ordered for individuals who would otherwise be released on their own recognizance or under the supervision of Pretrial Services. Such a trend could add possibly unnecessary costs, such as the cost of the electronic devices and additional personnel at Pretrial Services to supervise these individuals. In addition, more research needs to be done to learn whether electronic monitoring has any benefit in the context of pretrial defendants – for example, whether it reduces the incidence of either re-arrest or failure to appear in court – or is instead an unnecessary added condition.

Proposed Intergovernmental Agreement to Utilize Tucson City Court's Alternative to Jail Program

The Justice Coordinating Council has also considered the potential benefits of an Intergovernmental Agreement among the County and municipalities in the area to utilize Tucson City Court's Alternative to Jail (ATJ) program. The City Court ATJ program was established to reduce the number of arrestees who were booked into the jail and detained, even though their charges usually would not merit detention, until they could appear before a judge at a regularly scheduled Initial Appearance hearing. With the ATJ program, City Court has a magistrate available from 8 a.m. to 9 p.m. on weekdays and from 5 p.m. to 9 p.m. on weekends to handle initial appearances for those arrested on warrants or otherwise for minor charges. In addition to avoiding the cost of booking, City Court can quash outstanding warrants and set new hearing dates or even dispose of the case entirely. An IGA that provides for City Court to process similar arrestees for the County and other local jurisdictions would benefit such jurisdictions by avoiding the costs of booking and detention and subsequent court processes and costs. In many cases, these defendants would otherwise be ordered held until they could be seen at a hearing in the charging jurisdiction, which increases costs to the jurisdiction and adds to the jail crowding problems. While the Pima County Consolidated Justice Court has had a similar ATJ program, it might be more efficient for multiple jurisdictions to use the City Court program.

The presiding judges of various County and municipal courts have met to discuss the details of such an IGA and will also discuss the operational logistics with law enforcement agencies. If these details can be worked out, they expect to draft an IGA for approval by the participating jurisdictions within the next few months.

Improved Reminder Calls for Upcoming Hearings

This step has already been implemented in Pima County Consolidated Justice Court and Superior Court. Reminder calls have been identified by local judges and criminal justice agencies as one of the most effective ways to ensure defendants appear in court when scheduled, which in turn reduces the number of warrants issued for failure to appear in court and resulting arrests and further court procedures, all of which are costly to the system as well as the defendants. For felony defendants, County Pretrial Services provides reminder calls to defendants who have been released and are under Pretrial Services supervision pending trial. In addition, Pretrial Services has begun calling all felony defendants before their arraignment hearings, since that is the hearing that is most often missed. For hearings that are post-arraignment, felony defendants will be represented by attorneys who remind them of court appearances.

Pima County Consolidated Justice Court has an automated system that reminds defendants of upcoming hearings. City Court is developing an automated system as part of a new Case Management System.

Early Case Disposition Program

The Pima County Attorney's Office first proposed an Early Case Disposition (ECD) Program in late 2012. Under this proposed program, the County Attorney hoped to dispose of a number of felony cases within 30 days of the defendant's Initial Appearance (which occurs within 24 hours of arrest). The proposal was for the County Attorney's Office to identify felony cases that it felt were appropriate for early disposition and offer what it considered to be very beneficial plea agreements to defendants within one week of arrest, with the defendants having only a limited time in which to accept the offer. The County Attorney projected that as many as 120 to 150 defendants might be referred for ECD every month, with substantial benefits to the criminal justice system by decreasing caseloads, providing for quicker disposition of cases, and reducing costs. Ultimately, the details of the program couldn't be agreed upon by the County Attorney, defense attorneys and the courts, and the proposal was withdrawn.

The Pretrial Workgroup recently suggested the ECD Program be considered again by the County Attorney, Superior Court, and the Pima County Indigent Defense Offices, all of which participate in a regular Criminal Justice Summit. The County Attorney's Office is reviewing the prior ECD proposal in light of current internal and court practices that the County Attorney's Office says have already expedited offers of plea agreements. These practices include use of a charging unit in the County Attorney's Office to make early plea offers before cases are assigned to trial teams, as well as the court's implementation of case management conferences within 30 days of a case filing. It is expected that ECD will be discussed at a future Criminal Justice Summit meeting.