



MEMORANDUM

Date: June 13, 2013

To: The Honorable Clarence Dupnik
Pima County Sheriff

From: C.H. Huckelberry
County Administrator

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

Re: **Early Case Disposition Pilot Program at the Pima County Adult Detention Center**

I had hoped the Early Case Disposition Pilot Program would prove effective in stabilizing and reducing the jail population and reduce the overall cost of criminal prosecution and defense by the various agencies of the County, including the County Attorney, Public Defender and courts. As you can see from the attached June 12, 2013 memorandum from Superior Court Presiding Judge Sarah Simmons, this program has been withdrawn by the County Attorney.

While the program has been withdrawn, the problem remains. We have too many individuals in pretrial and presentencing detention too long. This phenomenon is not only harmful to the individuals detained, it costs the taxpayers and County an inordinate amount of money that could be spent in other public service areas.

Please provide me with continuous, reliable statistical information regarding the population at the Adult Detention Center (ADC), segregated by a number of factors that would allow active and ongoing monitoring of pretrial and presentencing detention periods, as well as overall population trends in the ADC.

Please have your staff work with Risk Management Claims Manager Ellen Wheeler, who may be reached at 724-4481, to develop a timely and accurate report regarding the key indicators of detention time periods.

CHH/dph

Attachment

c: The Honorable Chairman and Members, Pima County Board of Supervisors
The Honorable Sarah Simmons, Presiding Judge, Pima County Superior Court
The Honorable Barbara LaWall, Pima County Attorney
Tom Burke, Director, Finance and Risk Management
Robert Hirsh, Director, Office of Court Appointed Counsel
Isabel Garcia, Legal Defender
Lori Lefferts, Public Defender
Ellen Wheeler, Claims Manager, Risk Management Division

Superior Court of the State of Arizona
Pima County Superior Court
110 West Congress
Tucson, Arizona 85701

HON. SARAH R. SIMMONS
Presiding Judge

TELEPHONE 520-724-3932
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M E M O R A N D U M

To: Honorable Chairman and Members
Pima County Board of Supervisors and
Chuck Huckelberry, County Administrator

From: Sarah R. Simmons, Presiding Judge 

Subject: Early Case Disposition Pilot Program

Date: June 12, 2013

You recently received a memorandum regarding an Early Case Disposition Pilot Program proposed by County Attorney Barbara LaWall. Unfortunately, at the meeting of our criminal justice committee on June 10, the County Attorney chose to withdraw this program from consideration by the Court. Certainly there were many complex issues which surfaced during our 6 months of discussion about the program among the participants on the committee. These included logistical, jurisdictional and ethical matters. We can understand the frustration of the County Attorney at the slow progress being made. The Presiding Criminal Judge, Court administration team members and I plan, however, to continue to meet with representatives of the County Attorney, the Public Defender, the Legal Defender, and the Office of Court Appointed Counsel to address other ways to improve the criminal justice system even if this particular program is not implemented at this time.

These meetings among the various participants in the criminal justice system were initiated by the Court in February 2012 by then Presiding Criminal Bench Judge, Richard Fields, in order to address the Court's concerns with resolving criminal cases in a timely manner. As noted by the County Administrator in his May 22, 2013 memorandum, timely disposition of criminal cases not only results in greater justice but also may result in cost savings for all concerned. The Court recognized the need for improvement in the efficiency of the court system and the need for all members of the criminal justice system to participate in these efforts. Consequently, the Court and the other members of the criminal justice system began discussions on a variety of ideas to improve processes. The focus of these meetings since November 2012 has been on the County Attorney's program.

The Court remains committed to resolving cases in a more timely manner and to greater efficiencies in the criminal justice system while continuing to assure that the constitutional rights of both defendants and victims are protected. To this end, Judge Paul Tang, the presiding judge for the Criminal Bench, and I have asked two experienced criminal bench judges, Judge Richard Fields and Judge Richard Nichols, to develop a specialized program for non-trial resolution of as many cases as possible.

I also have asked all other participants in the criminal justice committee (the County Attorney, Public Defender, Legal Defender, and OCAC) to present any additional ideas which they may have for improving the criminal justice process. Those ideas may call for changes on the part of any member of our legal and justice community. It also will be incumbent on all participants in the process to assure that time standards for making disclosure, for filing motions and for conducting hearings are observed and enforced.

While Ms. LaWall has formally withdrawn her proposal, I am hopeful that discussions about an early case resolution program will continue. In any case, I believe that the discussions on improvement of our criminal justice processes will be fruitful, and I know that the Court remains committed not just to such discussions but to implementing programs which will assure such improvements. I am more than happy to meet with any of you or all of you to answer any questions you may have.