

AGENDA MATERIAL

Bernadette Russell

DATE 5/17/22 ITEM NO. RA19

From: Sarah Price [REDACTED]
Sent: Sunday, May 15, 2022 6:06 PM
To: COB_mail; District1; DIST2; District3; dist4@pima.gov; District5
Subject: Board of Supervisors Meeting - May 17, 2022

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Submitted by Sarah Price
Legal Resident and voter in Pima County
[REDACTED]

Agenda Item 19A and 19B requesting a 10 year extension of Intergovernmental Agreements.

It is ridiculous for the BOS to sign agreement involving commitment involving a commitment of ten years. The BOS is up for reelection in 2024. No agreement should be signed for more than 2024. You need to have a reasonable, common sense discussion on the specifics of this item involving the **Courts and Prosecutor** and the timeframe involved. Ten years is not acceptable for ANY agreement.

VOTE NO

MAY 16 22 AM 08:06 PC CLK OF BD

Bernadette Russell

From: S. Fickes [REDACTED]
Sent: Sunday, May 15, 2022 4:17 PM
To: COB_mail; District1; DIST2; District3; District4; District5

CAUTION: This message and sender come from outside Pima County. If you did not expect this message, proceed with caution. Verify the sender's identity before performing any action, such as clicking on a link or opening an attachment.

I am Sharon Fickes, legal resident of Green Valley, AZ. Contact [REDACTED]
Following are my comments for the Board of Supervisors' meeting May 17, 2022

Agenda Item #19. A & B. A 10 year extension of any agreements is absurd. WHY would the Board of Supervisors approve ANY 10 year extension of anything? You need to have a reasonable, common sense approach to the specifics of this item and the time-frame involved. 10 years is NOT acceptable and you need to understand more of the background issues involved between departments.

MAY 16 22 08:05 PC CLK OF BD CC

Amelia Craig Cramer
1 W. Broadway Blvd.
Tucson, AZ 85701
[REDACTED]

May 14, 2022

Dear Chair Bronson, Vice Chair Grijalva, and Members of the Pima County Board of Supervisors:

I write respectfully to express concern about the request of the Presiding Pima County Superior Court Judge that the Board of Supervisors withdraw from your Agenda for Tuesday May 17, 2022 the item "Intergovernmental Agreement Between the Arizona Superior Court in Pima County, Pima County, Pima County Consolidated Justice Court, and the City of Tucson for The Provision of Twice-A-Day Initial Appearances."

Should the Board remove this item from the Agenda at this next regular meeting following the original vote, it is my understanding that the Board will not have the opportunity later to reconsider its vote at a future meeting. As I understand it, this will leave in place the Board's rejection of the proposed renewal of the 10-year IGA as presented, as well as the Board's approval of an amended version of the intergovernmental agreement (IGA) - which serves as a counter-offer to the Courts and the City. Unless the Presiding Judges of the Superior and City Courts and the City of Tucson Mayor and Council vote to accept that counter-offer and approve the amended version of the IGA the Board has offered, there will be no effective IGA in place.

The Presiding Judge's request to withdraw the item appears to follow and build upon a comment he made at your last regular Board meeting following your vote suggesting that he might have the Superior Court continue its practice of having Tucson City Court magistrates handle Initial Appearances in felony cases in the absence of an IGA approved by the Pima County Board of Supervisors. This does not appear to be authorized by law.

Article VI, Section 14 of the Arizona State Constitution vests authority to hear felony criminal cases in the Superior Court, which has locations in each county. So, only Superior Court judges or Superior Court judges pro tem are eligible to handle felony cases. A.R.S. 12-141, Appointment of judges pro tempore, provides as follows: "Upon request of the presiding judge of the superior court in any county the chief justice of the state supreme court may appoint judges pro tempore of the superior court for such county in the manner provided by this article and *subject to the approval of the board of supervisors of the county.*" (emphasis added).

Accordingly, in the absence of approval by the Pima County Board of Supervisors, the Presiding Judge of the Superior Court in and for Pima County appears to have no legal authority to appoint Tucson City Court magistrates to continue to serve as judges pro tem of the Pima County Superior Court to handle initial appearances in felony criminal cases.

There is also the matter of the City of Tucson magistrates' use of the Pima County courtroom located within the Pima County jail building.

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A.R.S. 11-201(A)(4) provides that the Board of Supervisors may determine how county property is to be used. Accordingly, in the absence of permission from the Board of Supervisors, it would seem that the County's courtroom within the Pima County Jail building may not be used by Tucson City Court magistrates.

Finally, there the matter of the exchange between Pima County and the City of Tucson of their respective resources, including not only judges and other court personnel and use of the County building, but also computer equipment, videoconferencing equipment, and other equipment and supplies.

A.R.S. 11-952(J) authorizes the County and the City to enter into an IGA for the exchange of resources involving court operations, subject to approval by the Courts. However, there does not appear to be any legal authority for such exchange of court resources between the County and the City to take place in the absence of an IGA.

Certainly, the Presiding Judge of the Superior Court has authority to decline to enter into a renewed or new IGA. However, under those circumstances, it would seem that the Presiding Judge could no longer have Tucson City Court magistrates handle felony initial appearances. He would then have to assign only Superior Court judges and Superior Court judges pro tem approved by the Board of Supervisors to handle felony initial appearances.

And, in the absence of a renewed or new IGA, it would appear that the City Court and Superior Court could not lawfully continue to share resources, including personnel, equipment, or supplies.

Moreover, in the absence of a renewed or new IGA, it appears the Board would have discretion whether or not to continue to allow the City of Tucson magistrates to use the County courtroom facility for their own misdemeanor initial appearances.

The Board's withdrawal of the IGA from its May 17, 2022 Agenda would appear to cause more problems for all parties concerned than it might avoid. It would seem to be in the interests of all the parties, and in the interests of the residents of Pima County, for there to be a properly approved IGA entered into between and among the City and the County and the Courts for the handling of Initial Appearances.

For all the foregoing reasons, in order to avoid disruption of court operations, I urge you to retain this item on the May 17, 2022 Agenda.

I urge you to vote first to reconsider.

And then, upon approval of reconsideration, I urge you to vote to renew the IGA without any new conditions or amendments - but only for a term one year, not ten years.

Additionally, apart from the votes to reconsider and to approve renewal of the IGA for one year, I urge you to vote to request of the Presiding Superior Court Judge that he work with the Sheriff to provide the County Administrator and the Board data sufficient to answer the following questions:

1. How many individuals arrested for non-violent crimes each month are required by the judge at their initial appearance to pay money bail or bond as a condition of release?
 2. How many of those individuals remain in jail more than 24 hours following their initial appearance due to their inability to pay bail or bond?
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3. How many of those individuals still remain in jail more than 72 hours following their initial appearance due to their inability to pay bail or bond?
4. How many individuals come for initial appearances each month on charges of violent felony crimes committed while they were on pretrial release for earlier violent felony crimes?
5. What is the racial and ethnic breakdown with respect to the individuals referenced in response to questions 1-4?

Finally, I urge you to vote to request that the Presiding Superior Court Judge provide the County Administrator and the Board of Supervisors as part of next year's budget submittal with an assessment of whether and, if so, how a program of pretrial electronic monitoring might be implemented, along with the budget implications of such a program (including costs of an electronic monitoring program and savings in jail bed days). Presumably, the data generated in response to the foregoing questions could help inform that assessment.

Thank you for your consideration.

Sincerely,

Amelia Craig Cramer
Member, Pima County Safety + Justice Community Collaborative
