

AGENDA MATERIAL

DATE 3-15-22 ITEM NO. RA 20

Amelia Craig Cramer

March 25, 2022

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

I write to express concern about the proposed renewal of a 10-year intergovernmental agreement for Tucson City magistrates to continue to handle Initial Appearances on behalf of the Pima County Superior Court (for felony crimes) and on behalf of the Pima County Consolidated Justice Court (for misdemeanor crimes).

As I discussed with you recently - in connection with your approval of the NAACP's request that the Board support HCR2022, a proposed state constitutional amendment that would impose bail reform - there are serious problems with the bail decisions that are being made at Initial Appearances.

On the one hand, the City Court magistrates handling Initial Appearances here in Pima County have on far too many occasions criminalized poverty by imposing bail amounts they know arrestees will be unable to pay to keep them in jail just to ensure they show up at future court appearances, even though these arrestees are not accused of having committed violent or dangerous crimes. Bail amounts imposed by these City Court magistrates are resulting in the jailing, for weeks on end, of people accused only of low level misdemeanors like shoplifting food or trespassing in parks after hours or possessing small quantities of drugs. These individuals' behavior would not pose any significant risk to physical safety if they were released from jail while awaiting trial. And there are other, far less expensive and far less intrusive ways of getting them to show up for future court hearings other than keeping them behind bars in the Jail. For example, monitoring by the Court's Pretrial Services Division, including electronic monitoring with a GPS tracking device, is a less-expensive and less-intrusive option that would allow these individuals to keep their homes, keep their jobs, and retain custody of their children. Most of these individuals, once convicted of the nonviolent misdemeanors for which they have been arrested, would be sentenced only to probation, allowing them to remain in the community while serving their sentences. It is unconscionable that they are spending time in jail before ever being convicted - in essence punishing them more before they are even tried than they would be punished after conviction. This is not only cruel, it has been shown to increase recidivism and thus to increase the costs to the County of its criminal justice system.

Meanwhile, on the other hand, these same City Court magistrates, whose regular day job is to handle misdemeanors and who do not have day-to-day responsibility to handle felony trials or sentencing for people convicted of felonies, sometimes do not appear to appreciate the dire public safety risks of their bail decisions in violent felony cases. The City Court magistrates have allowed individuals arrested for violent felony crimes, such as aggravated assault with a deadly weapon and felony domestic violence, to buy their way out of jail with low bail amounts the magistrates know or should know these individuals will post quickly. Then, on too many occasions, these individuals have gone out and committed new violent crimes while out on pretrial release. The recent murder-suicide rampage by Brandon Michael Watts is just one example.

Because of this systemic problem at both ends of the spectrum, the Pima County Sheriff, Tucson Police Chief, and Pima County County Attorney have urged reform. Here is a link to their relatively recent guest opinion on this subject in the Arizona Daily Star: <https://>

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tucson.com/tucson-law-enforcement-court-s-actions-on-cash-bail-require-collective-urgent-response/article_14790b42-1275-11ec-96ce-c752af9e3cc1.html.

There is a chance now for you to make significant progress towards addressing this problem and to achieve some bail reform in Pima County by rejecting the proposed renewal of this IGA, thereby requiring the Superior Court to have its own judges handle Initial Appearances for all felony crimes, and requiring the Pima County Consolidated Justice Court to have its own Justices of the Peace handle Initial Appearances for misdemeanor crimes in their jurisdiction.

The Superior Court Judges and Justices of the Peace are accountable to the voters and thereby can be held accountable for their decisions. By removing from them the responsibility for making bail decisions, through the IGA that has City Court magistrates handle all their bail decisions for them, the County has allowed them to avoid accountability. This is, in part, how the system has become broken.

It would be a mistake for the Board of Supervisors to renew this IGA for another decade. Such would allow the Superior Court Judges and Justices of the Peace to continue to evade responsibility and accountability for the bail decisions made for individuals who have cases in their courts. The Board should decline to renew the IGA at this time.

The IGA presumably was first implemented to enhance efficiency and to save money on judges handling Initial Appearances. However, it has been proven to be penny wise and pound foolish, because it has resulted in the expenditure of far too much money on a Jail pretrial population that includes individuals accused of non-violent crimes who do not present a risk to public safety.

There is no reason the Superior Court Judges and Justices of the Peace could not be scheduled on a rotating basis in the same way that Deputy County Attorneys and Assistant Public Defenders are assigned to handle Initial Appearances. So, it certainly is feasible for these courts to take over responsibility for their own Initial Appearances. The Board should reject renewal of the IGA and should require them to do so.

Additionally, the Board should, as part of its annual budget cycle, require data to be provided by the Pima County Courts and the Sheriff reflecting bail amounts imposed, reflecting alternative conditions imposed to encourage attendance at court hearings (such as telephone or text reminders, Pretrial Services Supervision, and electronic monitoring), and reflecting violent crimes committed by individuals out of custody on pretrial release. The Board also should require that they produce data with regards to ongoing disparities and disproportionalities in bail amounts and in Jail detention negatively affecting people of color. With these data, the Board will be able to get a better handle on the ways in which the funding it appropriates is being expended for the Jail and for other criminal justice functions and will be in a better position to make policy decisions to improve outcomes and reduce expenditures in the criminal justice system.

Thank you for your consideration.

Sincerely,

Amelia Craig Cramer
Community Representative on the Pima County Safety + Justice Community Collaborative
Retired Chief Deputy Pima County Attorney