

# AGENDA MATERIAL

DATE 2/20/24 ITEM NO. 2A 11

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**DR. MATT HEINZ**  
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District 2



## Pima County Board of Supervisors

To: Melissa Manriquez, Clerk of the Board

From: Matt Heinz, Supervisor, District 2

Date: February 15, 2024

RE: BOS Agenda 2/20/24, Item #11 Blue Ribbon Commission Report – Additional Materials

Please include the enclosed report from Just Communities Arizona as an attachment to this item. The report lays out the history and details of the successful Safety + Justice Challenge implemented by our Justice Services Dept and justice system partners, which resulted in an 18% reduction in the jail population in the first five years of the initiative (2014-2019) from where it otherwise would have been.

The report also outlines the further successful and safe reduction in the jail population in 2020-2021 due to all justice system stakeholders responding accordingly to the COVID public health crisis and its implications for congregate settings; and the efforts of the City of Tucson's new Community Safety Health and Wellness department, TPD's deflection strategies, the Courts' successful diversion strategies, and more.

In light of this fuller picture of the data, the report lays out additional and alternative next steps that the Board of Supervisors should consider.

Thank you.

CC:  
Jan Leshner, County Administrator

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## Executive Summary

This paper was prepared by local advocates to assist members of the Pima County Board of Supervisors in evaluating proposed solutions to the dangerous and inhumane conditions in the county jail. It offers insight into what kinds of charges and decisions lead to bookings in the jail, sheds light on the reality of conditions of confinement and how best to improve them, and makes the case for a comprehensive path to safe and feasible reduction in the jail population.

Given the recommendations County Administrator Jan Lesher provided in her memo to the Board dated 2/13/24, we offer the following as a guide for the proposed new Commission to be formed to study alternatives to incarceration and population reduction strategies.

### Key findings:

- **Any proposed next steps must address the underlying problems in the jail.** How will the PCSO address understaffing and retention issues moving forward—regardless of what facility they are working in? How will the County hold the current for-profit contracted medical care provider for mismanagement, neglect, and deaths? No additional funding should be provided until there is a correction plan in place and meaningful consequences for failure to meet constitutional levels of care.
- The vast majority of people held in the jail are there for *non-violent offenses*. **87% of the jail population is people being held pretrial, meaning that they have not been convicted of a crime.**
- The **leading booking charge in the Pima County Jail is a “miscellaneous” category (30%)—mostly technical violations** including failure to appear, probation violations, prohibited possession of a weapon, disorderly conduct, and sex offender registration violation.
- While much has been made in the Blue Ribbon Commission’s report about the number of people held on felony offenses, a closer look reveals that these are almost all **non-violent crimes** related to theft, drug use, and the aforementioned “miscellaneous” technical violations (warrants and ‘failure to appear’).
- The obstructionist argument that it is “impossible” to safely and intentionally lower jail populations simply doesn’t hold water. **There is precedent here in Pima county of departments and agencies across the criminal justice system working together in a coordinated strategy to keep people out of jail—not once, but twice.** First through the SJC and secondly in response to COVID.
- The strategies developed under the MacArthur Safety and Justice Challenge have shown promise: **a 25% reduction in the jail population between 2014-2021. The project also produced a 35% reduction in jail bookings over the same time period.**
- There are a significant number of programs currently in place or in development on both the County and City level designed to reduce the jail population by strengthening community support services, preventing crime, deflecting/diverting people from jail and

into services, and amending punitive policies and practices at multiple levels of the criminal justice system. To our knowledge, there has not been a comprehensive assessment of the collective impact of these programs.

- Fully funding the evidence-based models that are already underway in our community (listed above) with a complementary investment ensuring that the auxiliary services these programs depend on—behavioral health, counseling, drug treatment, supportive housing, employment assistance, case management—are adequate and accessible to everyone who needs them would be an investment that would yield a very different result.

### **Recommendations**

1. Place the process for expanding or replacing the Pima County Jail indefinitely on hold pending the completion of the other recommendations below.
2. Conduct an independent financial and performance audit of the Pima County Sheriff's office to determine how the physical conditions of the jail were permitted to deteriorate so severely without intervention. Investigate how funding allocated by the Board of Supervisors to correct these problems was spent.
3. As per County Administrator's recommendation, the new commission, directed by Pima County Justice Services, should conduct a comprehensive feasibility study of avenues for jail population reduction based on the information in this paper as well as any other relevant sources. At a minimum, this should address:
  - a. An impact assessment on every existing initiative created through the SJC and projected impacts on future jail population if fully funded and implemented over the next 5 years. Honest assessment of where these programs are not successful and an analysis of how to correct problems.
  - b. An impact assessment on the initiatives the City of Tucson has undertaken through the Community Safety Health and Wellness Department and projected impacts on future jail population if fully funded and implemented over the next 5 years
  - c. A needs/gaps analysis of what supportive services, ancillary services or community-based supports are needed to ensure jail reduction efforts are successful
  - d. Develop clear requirements for all related departments/agencies (including defense, prosecution, judges, court staff, law enforcement, probation) and realistic consequences (i.e. loss of county funding) for failure to cooperate

### **Background**

In 2022, Sheriff Chris Nanos addressed the Pima Board of Supervisors complaining that the jail was in “a full-blown crisis” due to understaffing, overcrowding and deteriorating infrastructure.<sup>1</sup> In the memo Nanos submitted to the Board, he specifically cites:

- Correctional officer staffing decreased by 30% and the attrition rate exceeds every effort to recruit, hire, and train staff
- Overtime exceeds 5,900 hours per pay period with staff and deputies mandated to work 16-hr shifts
- The jail is “literally falling apart” and “is beyond repair.”<sup>2</sup>

Current issues in the Pima County Jail, which have persisted for years and have led to a horrific rate of in-custody deaths and substandard conditions for everyone inside, will not improve with a new building. They will not improve with more space, a reconfiguration of the jail’s supervision model, or more natural light. The issues inside the Pima County Jail are issues of incarceration itself—of services that are impossible to administer on carceral timelines, of a Sheriff’s Department that has destroyed this relatively new facility out of negligence, of nationwide shortages of jail staff—issues that follow from repeated investments into a failing system.

**As we invest in incarceration, expanding space and allowing for the unmitigated growth of jail populations, we dig ourselves deeper into a non-solution.** Jail healthcare will not improve, not in the least because the County’s current provider has consistently failed to provide adequate care and no penalty has changed their behavior. Understaffing and all its consequences—lack of supervision, cutting corners, failure to maintain the space— will persist. Across the country people are fleeing jobs in corrections, regardless of the jail’s condition.

A proposed solution to the conditions inside this jail that does not address any causal factor, and instead only proposes to put more people in harm's way, means only that the harms wrought by this jail will continue at an increasing rate. It means that the rate of jail deaths will increase, that the setbacks suffered by thousands of Pima County residents sent to the jail each year will entrench them in cycles of criminalization. To build a billion-dollar jail to address any issue identified by the County and its residents is a damning mistake; to build it without an honest accounting of the consequences and myriad alternatives is negligence.

People inside the Pima County Jail do not need to be there. We can take steps, as we did quickly and in coordination during the Covid-19 public health emergency, to divert people from the jail and into services. The rate of deaths inside the jail and the evident inadequacy of incarceration, which is plunging our community deeper into crisis, are likewise a public health emergency. The

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<sup>1</sup> *Green Valley News*, “Pima County Sheriff Seeks Solutions for Jail ‘in full blown crisis.’, December 14, 2022 [https://www.gvnews.com/news/pima-county-sheriff-seeks-solutions-for-jail-in-full-blown-crisis/article\\_71ae4fe6-7b2b-11ed-bc38-47e68c8d3047.html](https://www.gvnews.com/news/pima-county-sheriff-seeks-solutions-for-jail-in-full-blown-crisis/article_71ae4fe6-7b2b-11ed-bc38-47e68c8d3047.html)

<sup>2</sup> Pima Co Sheriff Chris Nanos, memo to Pima County Board of Supervisors, December 5, 2022. Accessed 2-13-24 at: <https://pima.legistar.com/View.ashx?M=F&ID=11500373&GUID=5FE57571-8654-4CB7-BEBB-65F60B64D38C>

jail population, 87% of whom are legally innocent, being held before trial, most of whom are being held on nonviolent charges, can and should be examined for opportunities to decarcerate.

The jail population is overwhelmingly experiencing physical and mental illness, as well as addiction. These trends are predicted to worsen. We have every opportunity now to make a speedy, cost-effective intervention in the trajectory of our County's future instead of consigning ourselves to billions of dollars and many years wasted.

## **Jail Population**

Historically, the population inside the Pima County Jail has fluctuated, ranging between 1,330 people at its lowest in 2000 to 2,037 people at its highest in 2013.<sup>3</sup> While the Jail's population now typically sits around 1,800 people daily, it dipped below the average again in 2020-22 when institutional partners made policy decisions to divert people from the Jail due to the Covid-19 pandemic. Over those years, the population of the Jail sat at 1,570 in 2020 and 1,630 in 2021.<sup>4</sup>

In May of 2023, at the request of the Pima County Adult Detention Center (PCADC) Blue Ribbon Commission (BRC), the Operations Working Group produced a jail population projection into the year 2044, reviewing past years' jail population data and Pima County population projections.<sup>5</sup> However, this projection excluded data from the years 2020-22, when the aforementioned Covid-19-related policies resulted in a population reduction.<sup>6</sup> Instead, this projection took into account actual jail population changes between 2000-19, estimating that the jail population would sit at 2,637 by the year 2044.<sup>7</sup> This population would require 3,033 beds to allow for the Jail to remain at the requisite 85% capacity.<sup>8</sup>

While the BRC's charter describes its role as assessing jail operations, the facility's current condition, and funding options available for possible renovations, its production of a population projection in May of 2023 served as the basis for a new conversation about drastically expanding the jail. Indeed, the early public conversation, as well as Pima County Sheriff Nanos' initial proposal to the Board of Supervisors (BOS) for a new jail, centered on improving crumbling infrastructure inside the jail and its impact on staff and people incarcerated.<sup>9</sup>

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<sup>3</sup> Operations Working Group: Report #1 Inmate Populations and Space Criteria PCADC Blue Ribbon Commission (May 15, 2023) at 3-4.

<sup>4</sup> Pima County Sheriff's Department: Additional Data Requested by the Pima County Jail Blue Ribbon Commission (May 1, 2023)

<sup>5</sup> *Id.*

<sup>6</sup> *Id.* at 3.

<sup>7</sup> *Id.* at 4.

<sup>8</sup> *Id.*

<sup>9</sup> Craig Smith, KGUN9, *Pima County Sheriff urges Supervisors to consider sales tax proposal for new jail*, (Dec. 6, 2022),

<https://www.kgun9.com/news/local-news/pima-county-sheriff-urges-supervisors-to-consider-sales-tax-proposal-for-new-jail>.

The BRC’s population assessment offers a high-level overview of jail population by housing security level and felony versus misdemeanor booking charge.<sup>10</sup> By this summary, “92% of those in the PCADC were being held on at least one felony charge [on a sample day in January 2023].”<sup>11</sup> In its final report, the BRC observed that “Commonly, jail population reduction efforts focus on a high volume of individuals charged with low-level misdemeanor crimes, as was the case in Pima County. However, those with low-level charges almost always do not consume many jail beds because of their short length of stay. Inmates charged with more serious crimes consume more jail beds.”<sup>12</sup> *However, the conflation of non-misdemeanor charges with “more serious” crimes is not necessarily born out by PCADC booking data.*

By the Sheriff’s Department survey of a sample day at the jail in 2023, 1,595 people were being held on at least one felony charge, 68 people on a misdemeanor, and 25 people on no underlying offense.<sup>13</sup> **As much as 87% of the jail population at any given time is people being held pretrial, meaning that they have not been convicted of a crime** and may not have even started the adjudicatory process.<sup>14</sup>

A deeper look at booking data reveals that the **leading booking charge in the Pima County Jail is one of a “miscellaneous” category (30%)—mostly technical violations** including failure to appear, probation violations, prohibited possession of a weapon, disorderly conduct, and sex offender registration violation.<sup>15</sup>

Of the felony charges represented in bookings data, a sample reviewed in late 2023 showed the majority are burglary, theft, robbery, or embezzlement, followed by failures to appear in the first degree.<sup>16</sup> 55% of people in the Pima County Jail in a survey of bookings in 2023 had no violent charge, felony or misdemeanor, on their booking.<sup>17</sup>

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<sup>10</sup> Populations and Space Criteria at 2.

<sup>11</sup> *Id.*

<sup>12</sup> Final Report and Recommendations, Pima County Adult Detention Center Blue Ribbon Commission, Feb. 6, 2024, at 6.

<sup>13</sup> Pima County Sheriff’s Department’s Data Requested by the Pima County Jail Blue-Ribbon Commission, (Apr. 11, 2023) at 24, <https://content.civicplus.com/api/assets/2e6a29bc-fe31-487e-8217-e45242dacddd>.

<sup>14</sup> Jail Blue Ribbon Commission Data Request, Sara Lomayesva, Dec. 20, 2023.

<sup>15</sup> District 1 Data Request: PCADC Snapshot, Sarah Lomayesva, Dec. 14, 2023 at 3.

<sup>16</sup> *Id.* at 3.

<sup>17</sup> District 1 Data Request at 1.

**Table 2 – Number of bookings by felony/misdemeanor and leading charge.**

<b>Felony</b>		<b>20</b>
	Burglary/Robbery/Theft/Embezzlement	6
	Miscellaneous	5
	Failure to Appear 1st Degree	4
	Fugitive Warrant	1
	Drugs	4
	DUI	3
	Assault/Kidnapping	1
	Criminal Damage/Property Damage/Arson	1
<b>Misdemeanor</b>		<b>16</b>
	Miscellaneous	7
	Failure to Appear 2nd Degree	3
	Criminal Trespassing 2nd Degree	1
	Disorderly Conduct	1
	Fail to Comply with Court Order	1
	Probation Violation	1
	Assault/Kidnapping	6
	Drugs	3

### **Pima County has proven that coordinated efforts to reduce jail populations can work.**

While the Blue Ribbon Commission has been directed to only study the feasibility of rebuilding or expanding the jail, there is a third option that is more cost effective and will have a greater impact on community safety overall—reducing the jail population.

Two recent efforts have already proven effective in reducing the jail population: The MacArthur Safety + Justice Challenge and the County’s response to COVID.

#### **MacArthur Safety + Justice Challenge**

Launched in 2015, this grant program was directed at reducing racial disparities in jail populations. The model was designed to bring different agencies and departments together to share information and collaborate on specific strategies to reduce incarceration. These departments have historically worked in silos, if not in direct opposition to one another. For example, both the public defender and the County Attorney were at the table, as well as law enforcement, probation, pretrial services, and the courts.

Pima County received a planning grant (\$150,000) in 2015 and was one of 10 sites selected for Implementation (\$1.5 million) in 2016. The county was awarded an additional \$1.8 million in 2018 for a Phase III of the project, and a joint award of \$500,000 for a collaboration with the YWCA for a “Focused Race Equity Cohort” in 2021.

The Safety and Justice Challenge (SJC) approach in Pima County combined the following strategies:

- Pretrial assessment and community supervision (Pretrial Services)
- Prebooking Modular: a facility outside the jail intake which screens certain misdemeanors for release prior to booking (Pretrial Services)
- Adult Probation Modifications to Petitions to Revoke and Other Processes (Adult Probation)
- Law Enforcement Deflection (Tucson Police Department): Created Mental Health Support Team, Substance Use Response Team and Homeless Outreach Team and coordinate with crisis mental health and drug treatment services
- Supportive Treatment and Engagements Program (STEPs) Court: 3-6 mo pre-indictment diversion program. Release at first appearance.
- Jail Population Review (JPR) Committee: Identify individuals (non-violent, non-dangerous, eligible charges) who are likely to be released anyway – and expedite release
- Warrant Resolution (Combined effort of multiple County and City justice agencies)
- Community Engagement (Justice Services, multiple community partners)<sup>18</sup>

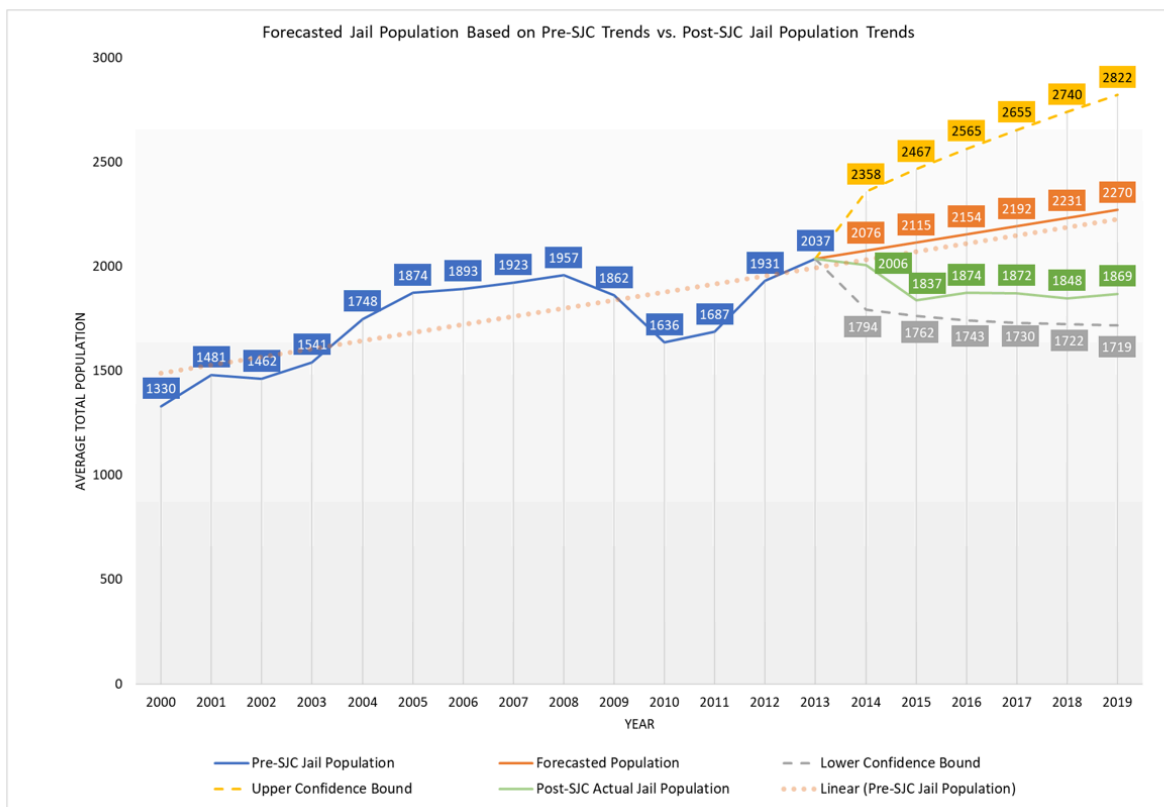
**The combined impact of these interventions was a 25% reduction in the jail population between 2014-2021. The project also produced a 35% reduction in jail bookings over the same time period.**

The chart below was provided by Pima County Justice Services to the Blue Ribbon Commission:

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<sup>18</sup> <https://content.civicplus.com/api/assets/8b40ff64-5c4c-4bfa-a689-cc3496f6602c?cache=1800>





The blue line represents the actual jail population before SJC strategies were implemented in 2014. The green line represents the actual jail population after SJC strategies implementation. The orange and yellow lines represent a range (upper and lower range), of what the jail population would have been without these interventions. The chart deliberately omits 2020 and afterward because the impact of COVID was so outsized.

### Impact of System-Wide Coordinated Changes in Procedure in During COVID

The vulnerability of incarcerated people to COVID outbreaks drove drastic changes in policing. In March of 2020, both Tucson Police and Pima County Sheriff’s deputies were directed to write people detained for minor crimes tickets but not transport them to jail whenever possible. Officers and deputies were also instructed to only arrest or cite people when the offense threatens public safety in order to reduce their face-to-face contact with community members.<sup>19</sup>

Fears about exposure of law enforcement to the virus also resulted in a temporary directive to sheriff’s deputies suggesting that officers “evaluate the necessity of law enforcement on-site

<sup>19</sup> Tucson officers citing minor offenders instead of taking them to jail to reduce coronavirus risk, Arizona Daily Star, March 27, 2020.

[https://tucson.com/news/local/tucson-officers-citing-minor-offenders-instead-of-taking-them-to-jail-to-reduce-coronavirus-risk/article\\_7c4ddcdf-b552-5246-8bee-ff294068d461.html](https://tucson.com/news/local/tucson-officers-citing-minor-offenders-instead-of-taking-them-to-jail-to-reduce-coronavirus-risk/article_7c4ddcdf-b552-5246-8bee-ff294068d461.html)

activity” before conducting a traffic stop or a field interview. The Tucson Police Department made a similar effort to reduce issuing citations, directing officers not to pull people over for speeding unless it’s excessive, reckless or the officer suspects the driver is impaired. TPD also held back on serving arrest warrants for non-violent misdemeanor crimes.<sup>20</sup>

December 2021, Pima County Attorney Laura Conover sent an order to the law enforcement agencies in Southern Arizona to refer low level drug offenders to treatment rather than jail. Conover said, “Effective immediately, the Pima County Attorney’s Office will decline to charge people arrested for simple drug possession, paraphernalia, or related personal-use incidents, in order to prevent transporting them to the Pima County jail and risking their health, the health of jail staff, and the health of the interior jail population.”<sup>21</sup>

Pima County Superior court suspended jury trials for almost a year and did not hold any in-person hearings. Many cases were handled telephonically.

The result was a drastic reduction in the jail population in a relatively short time frame. The Pima County jail went from 1,869 to 1,570 people between 2019-2020. That’s a **15% reduction in a single year**.

The obstructionist argument that it is “impossible” to safely and intentionally lower jail populations simply doesn’t hold water. **There is ample precedent in this very county of departments and agencies across the criminal justice system working together in a coordinated strategy to keep people out of jail—not once, but twice.**

Given the positive outcomes already achieved through the Safety + Justice Challenge, the potential cost savings and cost avoidance of new jail construction, and the fact that a myriad of programs are already under development to achieve this goal, reducing the jail population should be the *top priority* of Pima County leadership.

## **Roadmap to Pima County Jail Population Reduction**

**\*\*NOTE:** Much of the text below is taken directly from the cited source or minimally edited for consistency.

### **Programs Already In Place or In Development:**

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<sup>20</sup> Tucson officers citing minor offenders instead of taking them to jail to reduce coronavirus risk, Arizona Daily Star, March 27, 2020.

[https://tucson.com/news/local/tucson-officers-citing-minor-offenders-instead-of-taking-them-to-jail-to-reduce-coronavirus-risk/article\\_7c4ddcdf-b552-5246-8bee-ff294068d461.html](https://tucson.com/news/local/tucson-officers-citing-minor-offenders-instead-of-taking-them-to-jail-to-reduce-coronavirus-risk/article_7c4ddcdf-b552-5246-8bee-ff294068d461.html)

<sup>21</sup> COVID may result in smaller jail population in Pima County, KOLD, Dec. 27, 2021,

<https://www.kold.com/2021/12/28/covid-may-result-smaller-jail-population-pima-county/>

## **MacArthur Safety + Justice Challenge (SJC)**

As previously noted, the County has been engaged in a MacArthur Foundation Safety +Justice Challenge grant since 2015.

The Safety and Justice Challenge (SJC) approach in Pima County combined the following strategies:

### **Prebooking Modular:**

*A facility outside the jail intake which screens people accused of misdemeanors, those who have mental health or drug issues as well as other factors that could affect the likelihood they will show up for future court. It allows people to be released under pretrial supervision without having to spend the night in jail before getting the screening. Staff review the case, review the warrants and the circumstances for the failure to appear and also provide some direct education on the obligation a defendant has in the court process. This encourages individuals to appear in court without having to be held in jail pending their hearing.<sup>22</sup>*

### **Adult Probation Modifications to Petitions to Revoke and Other Processes**

*The Probation Best Practices Committee developed a set of strategies, including eliminating automatic jail holds, which were previously placed on any probationer arrested for a new crime; expanding efforts to re-engage probationers who have stopped reporting or cooperating; ensuring fewer and shorter cotermious sentences, which is when a person is sent to jail until the end of their probation expiration; and a 10 percent reduction in petitions to revoke probation.<sup>23</sup>*

### **Supportive Treatment and Engagements Program (STEPs) Court:**

*STEPs is a short-term, early intervention program. It is intended to divert nonviolent individuals struggling with drug addiction and mental health challenges away from the criminal justice system by promptly supplying targeted resources and treatment.*

*Immediately following admission to STEP, participants will be screened by Superior Court pretrial diversion specialists. Their assessment results will pair them with focused services provided by approved community-based behavioral health agencies. The agencies will support and manage the individual's rehabilitation and recovery through substance use therapy, physical and mental health treatment, and, if needed, the provision of housing resources.<sup>24</sup>*

### **Warrant Resolution**

*On August 1, 2022, the Adult Probation Department of the Superior Court in Pima County launched Clear My Warrant - an innovative felony warrant resolution plan that will help bring*

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<sup>22</sup>Local Jail Booking Process to Save Money, Keep Those Facing Minor Charges Out of Custody, Arizona Daily Star, [https://tucson.com/news/local/new-jail-booking-process-to-save-money-keep-those-facing-minor-charges-out-of-custody/article\\_5c5d32e6-4e83-52b4-8da1-5f2f79c8e2f8.html](https://tucson.com/news/local/new-jail-booking-process-to-save-money-keep-those-facing-minor-charges-out-of-custody/article_5c5d32e6-4e83-52b4-8da1-5f2f79c8e2f8.html).

<sup>23</sup>Caitlyn Schmidt, Pima County Criminal Justice Agencies Work Toward Reducing Jail Population, Arizona Daily Star, Jan. 12, 2019, [https://oldcms.pima.gov/UserFiles/Servers/Server\\_6/File/Safety%20and%20Justice%20Challenge%20Grant/01.12.19%20AZ%20Daily%20Star%20-%20Pima%20County%20criminal%20justice%20agencies%20work%20toward%20reducing%20jail%20population.pdf](https://oldcms.pima.gov/UserFiles/Servers/Server_6/File/Safety%20and%20Justice%20Challenge%20Grant/01.12.19%20AZ%20Daily%20Star%20-%20Pima%20County%20criminal%20justice%20agencies%20work%20toward%20reducing%20jail%20population.pdf).

<sup>24</sup> Arizona Superior Court in Pima County, Low-level offenders take high "STEPS" to success under Pima County Superior Court's new pre-indictment diversion program, Aug. 11, 2022, <https://www.sc.pima.gov/news/superior-court-launches-steps-pre-indictment-diversion-program/>.

*probation absconders back into compliance without serving time in jail. Clear My Warrant is a no-court, no-jail program that will allow many the ability to clear their felony probation warrant without fear of being arrested and incarcerated. Individuals will contact the adult probation department, and, if eligible, have their warrant quashed and be reinstated to probation supervision without going to court or to jail.*<sup>25</sup>

*During the first few years of the challenge, outstanding warrants at Tucson City and Pima County Consolidated Justice courts plummeted, thanks to after-hours and weekend events funded by the challenge. To date, more than 5,000 people have been served during extended-hour events, including 2,090 who have had their warrants quashed. Almost 60 percent of the warrants that were in place in 2015 ha[d] been eliminated [by 2019].*<sup>26</sup>

### **Jail Population Review Committee**

*The Jail Population Review Committee identifies people with felony charges who pose little risk to public safety and may be safely released from the jail while awaiting appearances before the Court. Thirty members meet weekly and represent county and city agencies, community treatment providers, peer networks, supportive housing providers, and community members. Case management strategies are identified and recommended.*<sup>27</sup>

*From March 2019 to March 2021, over 1,200 individuals awaiting court appearances for felony charges were released through the efforts of the Jail Population Review Committee, either via modified conditions of release and community supervision or to residential housing or treatment. These releases equate to over **42,000 jail days reduced at a cost of \$127.20 per bed day**, adding up to savings in detention costs and a reduced average daily jail population.*<sup>28</sup>

The stated goal of the SJC in Pima County in 2016 was “to reduce the jail population by 18%.”<sup>29</sup>

A progress report from Justice Services Director Kate Vesley submitted to the Pima County Board of Supervisors in 2022 summarizes the progress of the program:

*There has been a 25 percent reduction in jail population from 2014 (average daily population of 2,136) to 2022 (average daily population of 1,616). This reduction is primarily attributed to reducing misdemeanor detention, implementing diversion and deflection programs, reducing the amount of time an individual (both pretrial and while on probation) spends in custody. During this period, Pima County’s overall population increased by approximately six percent.*<sup>30</sup>

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<sup>25</sup> Arizona Superior Court in Pima County, Fresh Approach Allows Eligible Absconders a Second Chance at Probation Success!, Aug. 11, 2022, <https://www.sc.pima.gov/news/adult-probation-introduces-clear-my-warrant-program/>

<sup>26</sup> [https://oldcms.pima.gov/UserFiles/Servers/Server\\_6/File/Safety%20and%20Justice%20Challenge%20Grant/01.12.19%20AZ%20Daily%20Star%20-%20Pima%20County%20criminal%20justice%20agencies%20work%20toward%20reducing%20jail%20population.pdf](https://oldcms.pima.gov/UserFiles/Servers/Server_6/File/Safety%20and%20Justice%20Challenge%20Grant/01.12.19%20AZ%20Daily%20Star%20-%20Pima%20County%20criminal%20justice%20agencies%20work%20toward%20reducing%20jail%20population.pdf).

<sup>27</sup> <https://safetyandjusticechallenge.org/our-network/pima-county-az/>

<sup>28</sup> <https://safetyandjusticechallenge.org/our-network/pima-county-az/>

<sup>29</sup> Pima County 2016 Safety + Justice Challenge Fact Sheet.

<https://www.safetyandjusticechallenge.org/wp-content/uploads/2016/04/Pima-County-Safety-Justice-Challenge-Fact-Sheet.pdf>

<sup>30</sup> Memo from Pima County Administrator Jan Lescher to Board of Supervisors, July 18, 2022, “Update on Pima County’s Safety and Justice Challenge Grant Program.

<https://content.civicplus.com/api/assets/5fb26eb2-745c-48fc-bc09-e77d38a463c4?cache=1800>

## **City of Tucson Community Safety Health and Wellness Program**

*“In 2020, the city of Tucson created the [Community Safety, Health and Wellness program](#) as a pilot program that would provide a civilian response to non-emergency 911 calls and to streamline community efforts to help people with mental health or substance use issues, or who are living in extreme poverty.”<sup>31</sup>*

*“The program has since grown into a 12-person team and serves as an umbrella to help coordinate the city’s four specialty teams, which include Housing First; the police department’s Mental Health Support Team and Community Outreach and Resource Engagement Units; and the fire department’s Tucson Collaborative Community Care team.”<sup>32</sup>*

*In addition to the program, plenty of other changes to the city’s emergency response system have been made, including:*

- *Embedding clinicians in its 911 communications center*
- *Creating a system that allows operators to transfer callers who are experiencing a behavioral health crisis to an appropriate nonprofit provider.*
- *The creation of a real-time alternative response team made up of medical staff and specialists who respond to calls that involve people in public areas who might be experiencing medical issues related to homelessness.*
- *The [launch of a 311 program](#) that connects residents to non-emergency services, including transportation issues, problems with parks and city services, code violations and even social service type needs.<sup>33</sup>*

## **Deflection**

*In 2011, the county opened the Crisis Response Center (CRC), providing police access to emergency psychiatric and substance use services. Specifically, the CRC offers case management, individual and group therapies, peer supports, and medication education and management. The CRC is open 24/7 allowing officers a true alternative to jail as the primary mechanism for treatment and support for these populations any time of day. As such this work focuses on the CRC and its impact on reducing the jail population via police-led deflection.”<sup>34</sup>*

*Tucson Police Department (TPD) implemented a pre-arrest deflection program starting July 1, 2018. TPD’s Deflection Program allows patrol officers the discretion to “deflect” individuals with substance use problems such that officers encourage them to seek treatment and offer immediate transport to a treatment provider instead of arresting them. Under the Deflection Program, community members can approach a TPD facility or officer and request help connecting to a treatment provider without being charged for possession of drugs or paraphernalia – this is TPD’s Angel Program component of the Deflection Program. TPD’s*

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<sup>31</sup>[https://tucsonagenda.substack.com/p/the-daily-agenda-the-right-work-in?utm\\_campaign=email-post&r=1871cn&utm\\_source=substack&utm\\_medium=email](https://tucsonagenda.substack.com/p/the-daily-agenda-the-right-work-in?utm_campaign=email-post&r=1871cn&utm_source=substack&utm_medium=email)

<sup>32</sup>[https://tucsonagenda.substack.com/p/the-daily-agenda-the-right-work-in?utm\\_campaign=email-post&r=1871cn&utm\\_source=substack&utm\\_medium=email](https://tucsonagenda.substack.com/p/the-daily-agenda-the-right-work-in?utm_campaign=email-post&r=1871cn&utm_source=substack&utm_medium=email)

<sup>33</sup>[https://tucsonagenda.substack.com/p/the-daily-agenda-the-right-work-in?utm\\_campaign=email-post&r=1871cn&utm\\_source=substack&utm\\_medium=email](https://tucsonagenda.substack.com/p/the-daily-agenda-the-right-work-in?utm_campaign=email-post&r=1871cn&utm_source=substack&utm_medium=email)

<sup>34</sup> Justice System Partners, “Examining the Impacts of Arrest Deflection Strategies on Jail Reduction Efforts, Pima County, AZ”

*Deflection Program's primary partnering substance misuse treatment provider is CODAC Health, Recovery & Wellness, Inc.<sup>35</sup>*

*An evaluation conducted by the Southwest Center for Research on Women at the University of Arizona reviewed a 3-year period during which patrol officers completed **2,129 deflections** away from arrest and to substance misuse treatment. Of these deflections, 965 additionally included immediate transport to a substance misuse treatment provider. The report concluded that deflection takes less time on average than arrest, resulting in lower personnel cost (salary and ERE) compared to making an arrest. This time difference translates to an average cost savings of \$13.40 per incident related to officer time, **a total saving of \$28,529 across all 2,129 deflection incidents.**<sup>36</sup>*

*The same report calculated cost savings in avoidance of jail time. In Arizona, the average cost to house someone in jail is estimated to be \$114 per day. If 20% (426) of the 2,129 deflection incidents would have resulted in one night in jail if not for the Deflection Program, then **the Deflection Program would have saved the local justice system \$48,564.** Justice system costs per arrest that results in conviction can be more than \$2,824 per event in 2021 dollars. If 10% (213) of the 2,129 deflection would have resulted in conviction of charges if not for the Deflection Program, then the **Deflection Program would have saved the local justice system \$601,512.**<sup>37</sup>*

*Finally, the SIROW report found significant reductions in subsequent substance misuse. "At 6 months post-incident, individuals who were deflected engaged in 6.6 **fewer days of illegal drug use** than those who had been arrested."<sup>38</sup>*

### **Place Network Investigations**

*In 2021, Tucson implemented a new pilot program called Place Network Investigations meant to target violent crime hotspots with long-term crime reduction. Now with just a year and a half of on-the-ground work, three locations are seeing almost an 80 percent reduction in gun violence.*

*The targeted locations are near:*

- *Grant and Alvernon*
- *Campbell and Bilby*
- *22nd and Prudence*

*Of those locations, **gun violence on 6200 S Campbell dropped by 80%, Grant/Alvernon saw a 75% reduction and 22nd/Prudence saw a 77% reduction.**<sup>39</sup>*

### **Tucson Collaborative Community Care (TC-3)**

*The Tucson Collaborative Community Care (TC-3) program, similar to "community para-medicine" initiatives that have been launched in some cities, is housed within the Tucson*

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<sup>35</sup> SIROW, 2022, "Costs, Cost Savings, and Effectiveness of a Police-Led Pre-Arrest Deflection Program"

<sup>36</sup> SIROW, 2022, "Costs, Cost Savings, and Effectiveness of a Police-Led Pre-Arrest Deflection Program"

<sup>37</sup> SIROW, 2022, "Costs, Cost Savings, and Effectiveness of a Police-Led Pre-Arrest Deflection Program"

<sup>38</sup> SIROW, 2022, "Costs, Cost Savings, and Effectiveness of a Police-Led Pre-Arrest Deflection Program"

<sup>39</sup><https://www.azpm.org/p/headlines/2023/9/7/217377-violent-crime-drops-in-tucsons-hotspot-areas-due-to-pilot-program/>



*Fire Department. The program aims to reduce and prevent 911 calls by resolving frequent callers' underlying problems. The program started in 2016 after the fire chief learned that eleven Tucsonans had generated over 1,000 calls to 911 in one year. The chief directed the department to "go figure out what's wrong and help them." The program's philosophy is rooted in a shared understanding that high utilizers of 911 need specialized help and lack access to appropriate resources to address the real source of their problems.<sup>40</sup>*

*TC-3 program navigators with EMS, nursing, and behavioral health expertise try to connect individuals to the resources they need so that they stop calling 911. TC-3 is not a first response model in that navigators do not respond in real-time to 911 calls. The program runs Monday through Thursday during business hours. TC-3 investigates EMS referrals and follows up after the fact. For example, if an EMS professional responds to a 911 call at an address and notices that the individual's medications have run out, there's no food in the cabinets, or the resident is hoarding (which is a frequent issue in Tucson), they can alert TC-3 to conduct a follow up visit later.<sup>41</sup>*

*For example, one gentleman was calling 911 every day with back pain and being transported to the hospital every time he called. When the doctors asked about his home life and the condition of his bed, he always said it was fine. But when TC-3 investigated, they found that he was sleeping on cinder blocks with egg foam over it. TC-3 brought the man a mattress using a grant from Walmart. A follow up visit confirmed that "indeed was doing great. He was no longer taking pain medicine."<sup>42</sup>*

### **Barrios Seguros/Safe Neighborhoods: An Inclusive Approach to Community Based Violence Intervention and Prevention**

*In 2022, the City of Tucson received a \$2million grant from the Federal Bureau of Justice Assistance "to expand and enhance their community violence intervention (CVI) efforts, building a focused deterrence strategy initially led and coordinated by TPD, but eventually run by nonprofit Homicide Survivors, Inc. (HSI), which gives voice to victims of violence and prevents future violence through focused street outreach. TPD will partner with other government agencies and nonprofits to use all available tools to deter potential offenders from committing violent crimes, while at the same time offering social services, such as help finding jobs or housing."<sup>43</sup>*

*"The goal is to implement a focused deterrence model using social network analysis to identify those at highest risk of violent offending. The CVI Board will then coordinate call-in sessions with these individuals, presenting them with a choice: 1) swift and certain justice for future offenses; or 2) opportunities and help turning their life around. Community focus groups will help develop the process and criteria for measuring success and the U of A research partners will evaluate both."<sup>44</sup>*

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<sup>40</sup> Policing Project, December 2023. "Tucson's Community Safety Response and Service Portfolio"

<sup>41</sup> Policing Project, December 2023. "Tucson's Community Safety Response and Service Portfolio"

<sup>42</sup> Policing Project, December 2023. "Tucson's Community Safety Response and Service Portfolio"

<sup>43</sup> <https://bja.ojp.gov/funding/awards/15pbja-22-gg-04713-cvip>

<sup>44</sup> <https://bja.ojp.gov/funding/awards/15pbja-22-gg-04713-cvip>

The information presented here is intended to offer an overview of some of the efforts already being made to reduce Pima County's jail population. As noted above, this information has been drawn from published sources and is far from an exhaustive list or full assessment of the potential impact of these programs over time. Further study is warranted to compile more detailed information and better assess the projected reduction in jail population that could result in the next 5-10 years if these programs were taken to scale, fully implemented, and adequately funded.

### **Bail Reform**

In 2021, the Tucson Community Bail Fund (then the Tucson Second Chance Community Bail Fund) released a report that laid out how Risk Assessment Tools (RAT) are, intentionally or inadvertently, holding poor people in jail longer than necessary or prudent.

*“Judges in Pima County are only following recommendations to release defendants without conditions or money bail 44.4% of the time and instead are recommending supervision conditions and/or detention. Individuals with release recommendations receive more punitive pretrial release conditions than what Pima County Pretrial Services recommends 53.9% of the time. People are being detained or required to submit to increased levels of pretrial supervision because of arbitrary judicial discretion.”<sup>45</sup>*

Legislative efforts, led by the NAACP, are underway to address the problem. *“For the 2023 legislative session, the NAACP drafted bail reform legislation. Unfortunately, although there were Republican co-sponsors, the judiciary chair refused to hear the bill in committee because it did not have a Republican primary sponsor. Efforts are currently underway to resolve this situation and move the bill forward now in 2024. The bill, limited in scope but important nonetheless, proposes the following:”<sup>46</sup>*

- *“Ensure that poverty does not keep parents in jail during the time before their trial when they are presumed innocent if they are only accused of a low-level misdemeanor. Home detention, with permission to leave home during certain hours for work, grocery shopping, and attending treatment and religious services, is an alternative to pretrial incarceration that can allow them to keep their jobs and continue to help support their families.”*
- *“Requiring the magistrate, before imposing money bail as a condition of pretrial release from jail, to assess the person's financial ability to pay, and endeavor to avoid implicit bias by being cognizant of the racial and ethnic disparities that historically have negatively affected communities of color.”<sup>47</sup>*

### **Gaps and Accountability**

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<sup>45</sup> TSCCBF, 2021. Pretrial Injustice: How the Pima County Judiciary is Using Pretrial Risk Assessments to Cage People

<sup>46</sup> NAACP Tucson Branch, Community Safety and Pretrial Justice Forum Report (1-30-2024)

<sup>47</sup> NAACP Tucson Branch, Community Safety and Pretrial Justice Forum Report (1-30-2024)



## **Pima County Sheriff's Department**

Last year, Pima County Sheriff Chris Nanos took to the airwaves to criticize Pima County's jail reduction efforts. In a piece aired on KOLD, he blasted the MacArthur Safety + Justice Challenge, saying "I saw that their efforts were a bit abysmal and said these aren't the promises you made. We are not meeting their expectations."<sup>48</sup>

Despite an initial dramatic decrease in jail population from 2014 to 2016, by 2017, the population had begun to inch higher. And, as noted elsewhere, the most significant decrease in jail population was a result of COVID. While today's jail population would be significantly higher without the intervention of SJC programs, it is still worth asking why the population has not steadily declined year after year as hoped.

The Pima County Sheriff's office has provided data to the Blue Ribbon Commission, but most of it represents the current status of arrests and bookings.

### **PCSD reported 19,681 arrests between April 2022 and March 2023**

**Of those, 19,624 were booked into jail, with the daily average number of bookings at 53.8<sup>49</sup>**

***In other words, 99.7% of the people PCSD arrests end up in jail.***

It would be interesting to see the long-term data and if there has been any indication of the number of arrests or jail bookings going down because of the Department's participation in the Safety and Justice Challenge since 2014.

For example, it does not appear that the Sheriff's department has adopted any of the population reduction strategies championed by Tucson Police Department (TPD), such as deflection.

The new data dashboard TPD has made public offers an interesting contrast to the numbers provided by PCSO.

**Between May 2022 and today, TPD reports there have been 26,025 arrests made.**

***But only 56.9% of those arrestees were sent to jail. 41.2% were cited or given a summons to appear in court.<sup>50</sup>***

## **Judges**

While much is made about the role of law enforcement and prosecutors in driving jail population, there has been less discussion about how judges factor in. Professor Carissa Hessick, Distinguished Professor of Law and as the director of the Prosecutors and Politics Project at UNC Chapel Hill, authored a paper on the role of judges in mass incarceration. She identified numerous examples of how judges, particularly at the Municipal level, drive jail and prison

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<sup>48</sup><https://www.kold.com/2023/08/18/reform-with-few-results-pima-county-cant-prove-criminal-justice-reform-is-working/>

<sup>49</sup> Pima Co Sheriff's Department, Data Requested by the Pima County Jail Blue Ribbon Commission, April 11, 2023. <https://content.civicplus.com/api/assets/2e6a29bc-fe31-487e-8217-e45242dacddd?cache=1800>

<sup>50</sup> Tucson Police Department, Arrest Types, May 22- Current. Accessed on 2/9/24 via: <https://policeanalysis.tucsonaz.gov/>

populations. One such example is their control over decisions to hold people accused of crime in jail, set bail, or release them:

“...judges often defer to prosecutorial recommendations with respect to bail and pretrial detention. Multiple studies confirm that a prosecutor’s recommendation is the most important factor in judicial bail decisions.”<sup>51</sup>

In 2021, the Tucson Community Bail Fund (then the Tucson Second Chance Community Bail Fund) released a report that found this to be a significant problem in Pima County:

*“Judges in Pima County are only following recommendations to release defendants without conditions or money bail 44.4% of the time and instead are recommending supervision conditions and/or detention. Individuals with release recommendations receive more punitive pretrial release conditions than what Pima County Pretrial Services recommends 53.9% of the time. People are being detained or required to submit to increased levels of pretrial supervision because of arbitrary judicial discretion.”*<sup>52</sup>

The MacArthur Foundation’s own documentation would appear to confirm that *Judges’ unwillingness to collaborate with jail population reduction efforts are one significant reason the project has not met its goals:*

“The impact of judicial autonomy and decision-making was not factored in considerations of justice reform. When judges are unwilling to consider release recommendations, the best plans for reform can become stalled. Further, if courts do not collect data on judicial decisions, efforts to reduce racial, ethnic, and even income disparities become even more difficult to address.”<sup>53</sup>

The last sentence refers to the fact that, in addition to a reluctance to change their sentencing practices, the judicial branch in Pima County has also not been open to sharing data regarding cases, decisions, and outcomes. This makes it difficult to pinpoint the problem or hold individuals accountable for their actions or inactions.

The defiance of the judiciary in Pima County was laid bare in a local news segment aired last year critiquing the shortcomings of the MacArthur SJC.

“Presiding magistrate judge Tony Riojas said in one interview judges are accountable to the law not public opinion, but explained the MacArthur Foundation and the reform initiative became the determining factor in release.

“We’re under pressure to release -- to release more people,” said Riojas, “They talk about doing it safely, but everyone’s saying release, release.”

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<sup>51</sup> Carissa Byrne Hessick, Judges and Mass Incarceration, 31 Wm. & Mary Bill Rts. J. 461 (2022), <https://scholarship.law.wm.edu/wmborj/vol31/iss2/5>

<sup>52</sup> TSCCBF, 2021. Pretrial Injustice: How the Pima County Judiciary is Using Pretrial Risk Assessments to Cage People

<sup>53</sup> <https://safetyandjusticechallenge.org/our-network/pima-county-az/>

And when asked whether he still has discretion, he responded, “Oh yeah, no doubt about it.”<sup>54</sup>

One document has come to light that illustrates a shocking level of variation in individual judges’ decision-making—a memo dated April 30, 2018 from then-Pima County Administrator Chuck Huckleberry to the Board of Supervisors. The memo contains a spreadsheet listing the names of Tucson City Court, Pima County Justice Court and Pima County Superior Courts Judges, the number of inmates they sentenced, total jail bed days, the average length of stay and the costs associated with housing those inmates.

**The differences in average length of stay assigned by individual judges is jarring: from one day in jail to 308.**<sup>55</sup>

There may be perfectly reasonable explanations for why some judges are sentencing individuals to sentences that are as much as three hundred times longer than those other judges are imposing. Obviously, cases heard in Superior Court are likely to be more serious than those in Municipal court. The chart does not offer any case information that could indicate seriousness or dangerousness. However, other data related to those sentenced to jail reveals that only a tiny fraction of cases involved physical harm to another person.

Indeed, a surprisingly high proportion of cases—including those with a felony designation—are related to “failure to appear” and “fugitive warrant.” *See chart on pg 6.*

In other words, in many cases, judges are sending people to jail simply to ensure that they appear in court. Surely there are more ethical and economic means to this end.

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<sup>54</sup> KOLD, August 31, 2023. “Reform with Few Results: Another critical gap involving judges revealed in Pima County’s criminal justice reform shortfall”  
<https://www.kold.com/2023/08/18/reform-with-few-results-pima-county-cant-prove-criminal-justice-reform-is-working/>

<sup>55</sup> Chuck Huckleberry, April 30, 2018, memo to Pima County Board of Supervisors, “Criminal Justice System Costs Related to Individuals Sentenced to the Pima County Adult Detention Complex.”



**Summary of Inmates Sentenced to Pima Adult Detention Complex in Custody on 03/16/2018**

Judges	Number of Sentenced Inmates	Total Jail Bed Days to Date	Average Length of Stay	Cost of Jail Bed Days
ABOUD	3	108	36	\$ 10,914.24
AVILEZ	1	136	136	\$ 13,132.08
BACAL	4	56	14	\$ 6,197.60
BEE	1	1	1	\$ 315.18
BERNING	2	5	3	\$ 915.18
BERNINI	25	2188	88	\$ 213,234.72
BOSTWICK	29	2030	70	\$ 199,115.16
BREARCLIFFE	3	547	182	\$ 52,592.90
BROWNING	18	1386	77	\$ 135,551.16
BUTLER	18	1148	64	\$ 112,955.44
CARROL	2	46	23	\$ 4,807.72
CHAYET	1	21	21	\$ 2,213.98
CORNEJO	2	72	36	\$ 7,276.16
CRANSHAW	1	4	4	\$ 600.00
EIKLEBERRY	1	305	305	\$ 29,176.94
FELIX	2	416	208	\$ 39,935.52
FELL	28	2057	73	\$ 201,458.30
FIELDS	8	639	80	\$ 62,428.58
GODOY	53	4346	82	\$ 424,281.96
KETTLEWELL	2	6	3	\$ 1,010.12
LEE	7	757	108	\$ 73,411.26
LIWSKI	8	588	74	\$ 57,586.64
MARNER	17	1569	92	\$ 152,704.94
MCGINLEY	31	2209	71	\$ 216,549.90
MILLION	11	385	35	\$ 38,974.54
PECK	2	218	109	\$ 21,137.40
PESQUIERA	2	40	20	\$ 4,238.08
ROBERTS	1	43	43	\$ 4,302.66
SHETTER	2	102	51	\$ 10,124.36
SKLAR	2	27	14	\$ 3,003.86
WATTERS	2	181	91	\$ 17,624.62
<b>Grand Total</b>	<b>289</b>	<b>21636</b>	<b>75</b>	<b>\$ 2,117,771.20</b>

<sup>56</sup> Chuck Huckleberry, April 30, 2018, memo to Pima County Board of Supervisors, "Criminal Justice System Costs Related to Individuals Sentenced to the Pima County Adult Detention Complex."

## Probation

In 2023, the Urban Institute conducted a study in partnership with the county's Adult Probation Department focused on describing probation pathways to jail incarceration and system-level trends in jail incarceration for people on probation in Pima County. Among their key findings:

- Roughly 10 percent of all jail bookings in Pima County were due to probation violations, representing an overall low share of jail admissions. However, **average length of stay for people in jail for probation violations was considerably longer** at 66 days, nearly three times as long as that for the pretrial population (25 days) and five times as long as that for the sentenced population (13 days).<sup>57</sup>
- Probation violations resulting in jail incarceration represented 16 percent of all terminated probation cases and were **largely driven by technical violations**, which include absconding charges. Forty-eight percent of jail revocations and 59 percent of coterminous terminations were on account of technical violations only.<sup>58</sup>
- There were some **observable racial and ethnic disparities** in jail use as a formal revocation petition outcome. Native American and Hispanic people had higher odds—by 97 percent and 46 percent, respectively—of being revoked to jail compared with white people. Black people were 24 percent more likely to receive coterminous outcomes compared with white people.<sup>59</sup>

The report offers several recommendations to address these issues, chief among them that the County should **continue building on efforts to reduce the jail population**, particularly the population of people on probation in jail only for technical violations and ensure more people on probation engage with probation officers to lessen their risk of absconding. Relatedly, the authors urge Pima County to **strengthen support services**, such as substance use treatment, supportive housing, and employment search support.<sup>60</sup>

## Conclusion and Recommendations

In a recent meeting of the MacArthur Safety and Justice Challenge “Community Dialogue Focused Action Session,” Tucson Police Chief Chad Kasmar addressed those who had assembled in an effort to move the process of jail reform in Pima County forward. He praised the efforts that have been made in this area but acknowledged that “it all boils down to resources.” *“If you want different outcomes,”* he said, *“you need different investments.”*

No statement could more effectively sum up the choice before the Pima County Board of Supervisors. An investment of a billion dollars in a new jail will yield the exact same results that we have seen from every other investment in incarceration: No increase in community safety, no rehabilitation, no improvement in quality of life. Families torn apart, loss of breadwinners for

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<sup>57</sup> Ammar Khalid, et al., “At The Intersection of Probation and Jail Reduction Efforts: Findings on Probation, Jail, and Transitional Housing Trends in Pima County, Arizona.” Urban Institute, July 2023.

<sup>58</sup> *Id.*

<sup>59</sup> *Id.*

<sup>60</sup> *Id.*

already financially fragile families, people saddled with criminal convictions that render them permanent second class citizens, more deaths from medical neglect, more suicides, more drug use, more unhoused people. And all of this tied to a permanent financial burden placed on taxpayers.

It is the textbook definition of ‘throwing good money after bad.’

Social science research has long ago demonstrated what kinds of investments actually do produce better safety outcomes: drug treatment, mental health services, accessible healthcare, safe housing. But these kinds of programs and services are perennially underfunded because the highest proportion of our city and county budgets are devoted to law enforcement, courts, and incarceration.

Fully funding the evidence-based models that are already underway in our community (listed above) with a complementary investment ensuring that the auxiliary services these programs depend on—behavioral health, counseling, drug treatment, supportive housing, employment assistance, case management—are adequate and accessible to everyone who needs them would be an investment that would yield a very different result. One that is ostensibly the thing we all want—less crime, safer communities, services that address people’s needs.

This paper has laid out a different path for Pima County—a roadmap for safe, feasible jail population reduction. The authors made use of what information was publicly available in an effort to provide enough evidence to make the case for a more comprehensive exploration of the avenues for jail population reduction in Pima County.

### **Recommendations:**

1. Place the process for expanding or replacing the Pima County Jail indefinitely on hold pending the completion of the other recommendations below.
2. Conduct an independent financial and performance audit of the Pima County Sheriff’s office to determine how the physical conditions of the jail were permitted to deteriorate so severely without intervention. Investigate how funding allocated by the Board of Supervisors to correct these problems was spent.
3. As per County Administrator’s recommendation, the new commission, directed by Pima County Justice Services, should conduct a comprehensive feasibility study of avenues for jail population reduction based on the information in this paper as well as any other relevant sources. At a minimum, this should address:
  - a. An impact assessment on every existing initiative created through the SJC and projected impacts on future jail population if fully funded and implemented over the next 5 years. Honest assessment of where these programs are not successful and an analysis of how to correct problems. Including, but not limited to:
    - i. Prebooking modular

- ii. Deflection programs
  - iii. Jail Population Review
  - iv. STEPS Court
  - v. Changes in judicial release decisions at Initial Appearance
  - vi. Warrant Resolution
  - vii. Expanded Pretrial Services
  - viii. Improved Probation Practices
- b. An impact assessment on the initiatives the City of Tucson has undertaken through the Community Safety Health and Wellness Department and projected impacts on future jail population if fully funded and implemented over the next 5 years
  - c. A needs/gaps analysis of what supportive services, ancillary services or community-based supports are needed to ensure jail reduction efforts are successful, including but not limited to:
    - i. Availability of drug treatment, both inpatient and outpatient. Length of waiting lists, costs, and any other barriers (staffing shortages). Particular attention should be paid to drug treatment and detox services available to individuals *without* requiring referral or required participation via the criminal legal system.
    - ii. Availability of behavioral and mental health treatment, both inpatient and outpatient. Length of waiting lists, costs, and any other barriers (staffing shortages). Particular attention should be paid to services available to individuals *without* requiring referral or required participation via the criminal legal system.
    - iii. Availability of supportive and transitional housing. Length of waiting lists, costs, and any other barriers (overly strict eligibility criteria, staffing shortages).
    - iv. Availability of training and employment assistance. Length of waiting lists, costs, and any other barriers (overly strict eligibility criteria, staffing shortages).
  - d. Develop clear requirements for all related departments/agencies (including defense, prosecution, judges, court staff, law enforcement, probation) and realistic consequences (i.e. loss of county funding) for failure to cooperate