



MEMORANDUM

Date: August 1, 2025

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

From: Jan Leshner [Signature]
County Administrator

Re: Federal and State Update – Executive Order 14321 ‘Ending Crime and Disorder on America’s Streets’

On July 24, 2025, the President Trump issued Executive Order (EO) 14321 ‘Ending Crime and Disorder on America’s Streets.’ This EO targets homelessness through various proposals and with varying impacts on states and localities that implement these solutions.

This EO directs federal agencies (Department of Health and Human Services, Department of Housing and Urban Development, Department of Justice, and Department of Transportation), to provide implementation guidelines, direction, and action on the following:

Civil Commitment – the EO specifically directs the Department of Health and Human Services (HHS) and the Attorney General (DOJ) to take action to implement the United State’s policy of pursuing Civil Commitment for individuals with mental illness who pose a risk to themselves or others or who are living on the streets and are unable to secure appropriate shelter or care. The EO also directs HHS and DOJ to provide assistance to State and local governments to implement “maximally flexible” civil commitment, institutional treatment and “step-down” treatment standards consistent with the federal policy. With the exception of individuals undergoing a federal prosecution, Civil Commitment is governed by State statute as are treatment standards. Nothing in the EO removes the requirement that a person have a primary mental health diagnosis to qualify for the civil commitment process.

The County complies with Arizona Revised Statute (A.R.S.) Title 36 Chapter 5 for civil commitment. Under the existing statutory scheme, a person must be evaluated within 72 hours to determine whether they meet the statutory criteria. Possible dispositions of a Title 36 petition include: dismissal if the patient is voluntary; dismissal if the patient does not meet statutory requirements or the imposition of a court order for treatment after a hearing.

Crisis Care and Level 1 Capacity – The Crisis Response Center (CRC) expanded acute crisis care in Pima County, expanding crisis services, law enforcement drop offs, and triage into appropriate treatment – acute medical, behavioral health, civil commitment – reducing demand on Emergency Rooms and law enforcement agencies. Law enforcement currently utilizes the CRC to bring individuals in crisis (often co-occurring mental health and substance use disorders) for assistance. On average, our CRC has just under ~700 adult visits monthly, and just over ~150 youth visits monthly. About half of the adult visits to the CRC are brought by law enforcement voluntarily or involuntarily.

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Currently, in Pima County there are 3 contracted Level-1 providers, with 272 licensed beds for civil commitment, along with the Crisis Response Center (CRC) providing civil commitment examinations within the first 24-hours where applicable and evaluations if there is no available Level 1 bed. The Pima County Adult Detention Center also provides involuntary commitment evaluation and treatment. On average, there are ~300 individuals, monthly in the civil commitment process. Step-down treatment is often facilitated through mental health treatment providers – many funded through the Arizona Medicaid Health Plans. Recent budget cuts to Medicaid are anticipated to have a negative effect on in community treatment programs.

Per State statute, the fiscal responsibility for civil commitment falls to counties for the Evaluation time period and Arizona Medicaid agencies (if not enrolled in private insurance) for the time after the Evaluation. Expanding the civil commitment process would require legislation.

The County anticipates direction from DOJ and HHS pertaining to enhancements to civil commitment proceedings and the fiscal or programmatic impact for the County – such as legal support, programmatic and financial oversight, or area hospitals and system capacity.

Federal Funding Implications for Jurisdictions – the EO directs the Attorney General, DHHS, Department of Housing and Urban Development (HUD) and Department of Transportation (DOT) to assess all discretionary grant funding and prioritize grant funds to states and jurisdictions that enforce laws against open drug use, unauthorized camping / squatting, and restrict funds for harm-reduction programs.

In terms of federal grants awarded to the County that address and serve individuals experiencing homelessness, primarily administered by HUD include the Continuum of Care (CoC), Emergency Solutions Grants (ESG), and Community Development Block Grants (CDBG). The County is awaiting guidance and rulemaking from HUD, with the expectation that any forthcoming distribution or competition for funding through annual Notice of Funding Opportunity renewals to be informed by this order. There is notice within the EO that there could be anticipated funding to expand law enforcement capacity

Public Health and Substance Use Disorder Initiatives – the Pima County Health Department receives funding from the federal agencies pertaining to mental health and substance use public health initiatives – such as grant funding dedicated to opioid misuse disorders and other substance use / mental health public health priorities. The EO indicates that there will be stipulations to activities under federal funds received by counties for substance use and mental health treatment / activities – but counties are able use other funds – such as local dollars or opioid settlement funds to do activities that might now be restricted. The County will determine how it affects its current grant agreements upon conditions set forth by HHS.

There is anticipated release of substantial guidance and rulemaking from the DOJ, HUD, and HHS pertaining to stipulations, and obligations of states and localities in all the

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aforementioned areas. With this guidance, there is suggestion of certain funding that could be made available, although new terms have been proposed for substance use and mental health treatment funds – such as harm reduction initiatives.

There is also some direction in the EO to dedicate some funding to treatment courts and other diversion programming but it is unclear what directly would come to counties or be provided as expanded grant opportunities. Often these programs work closely with community mental health and substance use treatment providers who are funded through Medicaid dollars.

The Pima County Attorney’s Office, affected County departments, and the County Administrator’s Office will be reviewing the expected rulemaking following this EO and subsequent implementation requirements.

JKL/anc

c: Carmine DeBonis, Jr., Deputy County Administrator
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Dr. Theresa Cullen, Director, Pima County Health Department
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