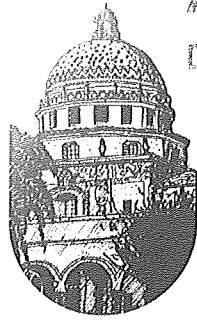


Laura Conover
Pima County Attorney



AGENDA MATERIAL

DATE 6/20/23 ITEM NO. RA 31

(520) 724-5600

pcao.pima.gov

32 N. Stone Avenue, Tucson, AZ 85701

June 19, 2023

Honorable Chair Adelita Grijalva
and Members of the Pima County Board of Supervisors
33 North Stone Avenue
Tucson, Arizona, 85701

Re: Initial Appearance Intergovernmental Agreement (IA IGA)

Dear Honorable Chair and Supervisors:

I am grateful to County Administration for the opportunity to comment on Pretrial Justice Workgroup's recommendations received last Thursday. I thank the Court and the Workgroup for their diligence over the past year in seeking solutions to concerns voiced by this Board, the County Attorney, the Sheriff, the Tucson Chief of Police, and other stakeholders. The Workgroup's recommendations cover four areas related to the Initial Appearance process:

- data and reporting
- electronic monitoring
- Pretrial Services monitoring and supervision
- release conditions matrix and decision trees.

To implement the recommendations, and to evaluate the effectiveness of various actions, the Court has requested a one-year extension of the IA IGA through June 30, 2024. The County Administrator also recommends approving the IA IGA for one year, and adds additional recommendations, here summarized:

- review Workgroup recommendations, approve its continuation, request a 12.29.23 report
- direct County Administrator to review mid-year budget changes to support implementation
- direct County Administrator to work with Tucson City Manager to ensure IGA approval
- approve the IA IGA for a period not to exceed one-year

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I urge the Board to approve the IGA along with the eight recommendations listed above, and three additional recommendations outlined below. I also ask that the Board continue to consider the stated goal shared by myself, Sheriff Nanos, and Chief Kasmar this past January: “a reduced jail population that is more equitably aligned with the population of Pima County.”

While recognizing that there are factors beyond the system’s control (e.g., socioeconomics, mental health challenges, etc.), we highlighted in January two factors that are within the Court’s control: the makeup and qualifications of City Court magistrates (some with limited felony trial experience) who conduct IA hearings; and the scope and level of training provided to the magistrates. It may very well be that the vetting and training processes are above-par, but that information has yet to be provided to us in a meaningful way to assess. We acknowledge that under normal circumstances, the judiciary owes no obligation to share its internal processes with the County Attorney, the Public Defender, the Sheriff, or the Chief of Police. However, in this extraordinary scenario where the County is asked to support an unorthodox but efficient IA hearing process that impacts, and is impacted by, multiple stakeholders, we believe it prudent to seek additional transparency. Such will help ensure that beyond funding institutional reforms to the IA hearing system, the County is also monitoring to ensure funding is being maximized in a manner that aligns with the goals of Pima County and its elected officials responsible for various components of the criminal justice system including myself and Sheriff Nanos.

To that end, our office provides additional recommendations that are aligned with the requests and recommendations made by County Administration:

- request the Court report on its vetting process for magistrates appointed to conduct IA hearings, including minimum and other qualifications
- request the Court report on its IA training process, including training materials¹
- revisit this item in January of 2024 after the Supervisors have had a chance to analyze the December 2023 report recommended by County Administrator Leshner.

The recommendations state that law enforcement will be invited and should contribute to future opportunities to contribute to the discussion now that the framework is in place. While our office participated in the workgroup, this is the first opportunity for me, along with my law enforcement partners Sheriff Nanos and Chief Kasmar, to convey our shared concerns about the June 15th recommendations.

¹ We are aware that the Court provides IA-specific training. As the Board is aware, the Pima County Attorney’s office also conducts regular IA-specific training to a select group of attorneys. We would welcome an opportunity to join with representatives from Public Defense Services in participating and supplementing the Court’s existing training to share values, concerns, and ideas from both the prosecution and defense perspective.

The Court and its Workgroup have made significant progress and we look forward to supporting the next phase of this work to reach our shared goals: reducing the jail population; addressing – to the extent possible – racial and ethnic disparities in our jail population; maximizing the potential for people to succeed while on pretrial release; and minimizing unnecessary pretrial detention by adhering to best practices across all system stakeholders.

A handwritten signature in black ink, appearing to read "Laura Conover". The signature is fluid and cursive, with the first name "Laura" written in a larger, more prominent script than the last name "Conover".

Laura Conover, Pima County Attorney