



# MEMORANDUM

Date: July 26, 2022

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

From: Jan Leshner   
County Administrator

Re: **Board of Supervisors July 5, 2022 Meeting, Consent Agenda Item 2 – NaphCare Inc. Amendment No.1**

Supervisor Grijalva asked staff to provide the rationale for continuing to contract for correctional medical and behavioral services and the approximate costs of moving this work in-house. Attached please find a detailed memorandum from Behavioral Health Director Paula Perrera, which summarizes the history and justification for contracted correctional medical services at Pima County Adult Detention Center.

The delivery of health services to populations in correctional settings is a complicated and expensive endeavor. Pima County's decision to contract for these services beginning in 2002 arose from externally validated concerns about the quality of care that was being provided to in-custody individuals. Since that time, the quality of services has improved tremendously and both the adult and juvenile detention facilities have been accredited by the National Commission on Correctional Health since 2003 and 2004, respectively.

The memorandum provides a conservative estimate of the costs associated with the direct delivery of those services rather than through our contractor. The savings associated with using a third party, even under this conservative scenario, are substantial and further support the Board's rationale for funding this contract.

JKL/dym


Attachment

c: Francisco García, MD, MPH, Deputy County Administrator and Chief Medical Officer  
Paula Perrera, Director, Pima County Behavioral Health

JUL 26 22 PM 03:26 PC CLK OF BD 22

Date: July 25, 2022

To: Jan Leshner  
County Administrator

From: Paula Perrera   
Behavioral Health Director

Re: Contracted Medical Services in PCADC and PCJDC

**Background**

Prior to 2002, Pima County operated health services at both Pima County Adult Detention Complex (PCADC) and Pima County Juvenile Detention Center (PCJDC) using a combination of employees and individual contractors. Historically, the County experienced difficulties with recruiting and retaining essential, qualified personnel to meet the medical, behavioral and dental needs of the individuals detained at these sites.

In July 2000, The Board of Supervisors ("BOS") requested a study to evaluate the operations of the courts and County criminal justice system agencies due to the increasing operational and regulatory challenges as federal, state and local funding for key services were being dramatically reduced. In April of 2001, the County received the final report authored by the Harvey M. Rose Accountancy Corporation, which analyzed and provided recommendations in relation to the County's criminal justice system including adult and juvenile detention health services. ("The Rose Report"). A copy of the Rose Report is included as **Attachment A** to this memorandum. The Rose Report was presented at the May 08, 2001 Board of Supervisors (BOS) meeting where the BOS voted to move forward with the recommendations contained in the Rose Report. This resulted in the creation of the Department of Institutional Health and the execution of the County's first contract, with First Correctional Medical Inc. ("FCM"), for medical services in the jail in January of 2002. Services commenced in March 2002 and the National Commission on Correctional Healthcare (NCCHC) Accreditation process began as a requirement of the medical vendor contract.

In June of 2002, relying, at least in part, on the results of a special report published on June 4, 2002 titled, *Report to the Pima County Administrator on the Operational Review of the Health Services Program in the Pima County Juvenile Detention Center* ("The Operational Review of Health Services in the Pima County Juvenile Detention Center"), which was conducted by University Physicians Inc. in conjunction with the University of Arizona College of Pharmacy, the County entered into an Intergovernmental Agreement with the Arizona Superior Court. A copy of this report is included as **Attachment B** to this memorandum. This was on behalf of the Pima County Juvenile Court for the joint administration of medical and mental health services to juveniles detained at the Juvenile Court's Detention Center.

Shortly thereafter, First Correctional Medical's contract was amended to add medical and mental health services for detained juveniles. The first NCCHC accreditation was obtained in October 2003 with the Juvenile Detention Center receiving accreditation in November of 2004 making Pima County the first county in Arizona to receive NCCHC accreditation for both facilities which it has maintained ever since.

Since 2002, the County has contracted through a Request for Proposals (RFP) process with five different national correctional care companies. FCM operated in the facilities from 2002 to 2006. Due to concerns regarding the management and delivery of correctional health services, specifically medical and behavioral health staffing, external referral care and preparation for upcoming NCCHC surveys, the County decided to proceed with RFP to evaluate the option of a new contract.

c: Dr. Francisco Garcia, Deputy County Administrator

In 2006, Correctional Medical Services (CMS) was awarded the RFP. CMS provided services until 2008 when they provided notice of termination of services and Conmed Healthcare Management (Conmed) was selected through an emergency procurement process. In 2013, Correct Care Solutions (CCS) acquired Conmed and its contract that expired June 30, 2018. Pima County Behavioral Health Department (PCBH) released the required RFP and through this process, Centurion was selected to provide services commencing July 1, 2018.

Centurion provided services until the contract expired in June of 2021. Once again, emergency procurement was utilized and Naphcare was selected to commence services effective 09/15/2021. This contract is set to expire 09/30/2022. Due to the non-competitive process by which the Naphcare contract was issued, PCBH issued a RFP in May 2022. Naphcare was identified as the successful bidder and awarded the contract on June 28, 2022 with an initial term of October 1, 2022 through September 30, 2025 with the option to extend the contract for up to an additional two years. The contract will be presented for BOS approval once the process of finalizing the contract language is complete.

### **Discussion**

The advantages of utilizing a professional national company are multifaceted. First and foremost, they are the experts in their field. Their policies and procedures are designed to align with NCCHC standards of care and to maintain accreditation. The benefits of accreditation include protection of the institution by minimizing the occurrence of adverse events, thus avoiding healthcare-related lawsuits and grievances. The avoidance of lawsuits and indemnification provisions of the contract contribute to the reduction of liability premiums the County pays. The indemnification language also saves the County the cost of providing a legal defense as well as payment of any judgments.

The medical vendor is responsible for the recruitment, retention, continuing education, certifications and special training of the staff, the costs associated with maintaining NCCHC Accreditation as well as the documentation required for submittal, purchasing and maintaining certain equipment in the facilities and contracts with ancillary services such as pharmacy, laboratory, radiology and offsite services.

In addition to the benefits afforded the County, the use of experts helps to protect population health without compromising the County's control over the type of services available or policy on the quality of care expected. The County ensures compliance with its expectations not only from contract language but also through constant auditing of performance and business indicators and imposition of negative monetary consequences in the event the County's standards are not met.

### **Costs Related to Services**

The medical vendor assumes significant risks and absorbs costs associated with licensing, insurance, accreditation, and personnel. Below is a comparison of total costs projected by NaphCare for a three-year program and costs projected by Pima County for the same program if it was to be conducted in-house with County employees. We are not able to provide exact dollar figures for insurance at this time, but have reached out to our insurance broker for more information and received the following response:

"As discussed, correctional medicine is an *extremely* difficult exposure to cover (especially the juvenile exposure). Initial feedback from underwriting is that this would be outside the scope of your current coverage and, most likely, your current carriers would probably non-renew the program if it moves

forward. We will approach the insurers and see if this is possible to have them cover, but I'm expecting we would need to either place the Healthcare Liability Program with new carriers or carve this piece out and place it separately. I would imagine both options may be prohibitively expensive but will of course let you know as I get firmer feedback." (Emphasis in the original).

Accordingly, it is likely County costs will be much higher than projected below.

Expense Category	Contracted Totals 10/1/2022 - 9/30/25	In-House Totals 10/1/2022 - 9/30/25
On Site Personnel. Based on Budgeted Staffing Commitment and Summary Schedule of staffing costs.	\$39,430,096.36	39,430,096.36
Relief Compensation (Contracted)/Benefits (employed)	\$3,237,136.03	\$14,606,908.38
Medications and Pharmaceutical Services	\$5,870,565.69	\$5,870,565.69
Offsite Services (inpatient and outpatient)	\$2,163,630.00	\$2,163,630.00
Laboratory costs	\$496,463.14	\$600,000.00
Other Medical Expenses	\$800,449.44	\$1,500,000.00
Licensing (Facility)	\$0.00	\$60,000.00
Licensing (staff)	\$0.00	\$1,380,278.16
IT Costs	\$492,380.37	\$2,528,911
Insurance Expense	\$1,566,839.03	---
Detoxification Services	\$74,181.60	\$74,181.60
MAT Services	\$154,545.00	154,545.00
<b>Subtotal Health Services Expenses</b>	<b>\$49,070,502.21</b>	<b>\$68,369,115.82</b>
<b>Administrative Expenses</b>	<b>\$8,093,992.05</b>	<b>\$6,836,911.58</b>
<b>Total Basic Services Fee for PCADC</b>	<b>\$57,164,494.26</b>	<b>\$75,206,027.40</b>

### Conclusion

It appears that the cost of providing health care services utilizing County employees is substantially greater than maintaining the existing model of service delivery. We remain prepared to explore the topic further should the Board of Supervisors so direct.

### **Attachments:**

**Attachment A: The Rose Report**

**Attachment B: The Operational Review of Health Services in the Pima County Juvenile Detention Center**

c: Dr. Francisco Garcia, Deputy County Administrator



*C. Huckelberry*

**ATTACHMENT A**

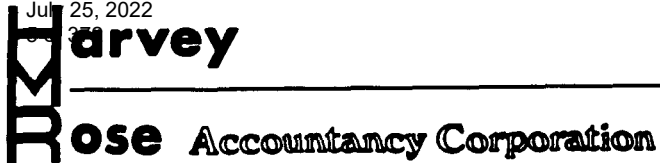
**Management Audit  
Of the  
Pima County  
Criminal Justice System**

**Prepared for the  
Pima County  
Board of Supervisors**

**By the  
Harvey M. Rose Accountancy Corporation**

**April 2001**

July 25, 2022



1390 Market Street, Suite 1025, San Francisco, CA 94102 (415) 552-9292 • FAX (415) 252-0461

North Hollywood, CA  
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April 27, 2001

Honorable Raul Grijalva, Chair  
and Members of the Pima County Board of Supervisors  
Pima County  
130 West Congress Street  
Tucson, Arizona 85701

Honorable Chair Grijalva and Members of the Board of Supervisors:

The Harvey M. Rose Accountancy Corporation is pleased to present this *Management Audit of the Pima County Criminal Justice System*. This study was requested by your Board in July 2000 to evaluate the operations of the courts and County criminal justice system agencies.

This Management Audit report contains 22 findings and over 100 recommendations, which we believe will improve the operations of the Pima County courts and the County's criminal justice agencies. These findings address such diverse issues as reducing criminal case processing delays, improving security and public access to the courts, obtaining jail staffing efficiencies, managing Juvenile Detention Center population, consolidating crime lab services and increasing revenue collection effectiveness.

We estimate that the proper implementation of our recommendations would result in the County realizing at least \$1.7 million in net savings including reduced costs and increased revenues.

Thank you for providing our firm with the opportunity to serve the Pima County Board of Supervisors. At your convenience, we are available to present our findings and recommendations to the Board of Supervisors as well as to respond to any questions you might have.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'H.M. Rose'.

Harvey M. Rose, CPA  
President

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## DEPARTMENTAL RESPONSES

Response from the Presiding Judge of the Superior Court

Response from the Presiding Judge of the Juvenile Court

Response from the County Attorney

Response from the Indigent Defense Services Administrative  
Attorney

## Executive Summary

The Harvey M. Rose Accountancy Corporation (HMR) is pleased to present this *Management Audit of the Pima County Criminal Justice System*. This study was requested by the Pima County Board of Supervisors in July 2000 to evaluate the operations of the courts and County criminal justice system agencies. The Board directive included the following project goals.

1. To determine General Fund cost impacts resulting from criminal justice system operations.
2. To identify revenue enhancement opportunities, such as increased opportunities for federal reimbursement due to the County's "border county" status.
3. To identify cost recovery opportunities, with special emphasis on increasing revenues in the Justice Courts and recovering costs from the Municipal Courts, where possible.
4. To develop recommendations for achieving program and service delivery economies, cost efficiencies and operational improvements.
5. To determine the cost effectiveness of drug court and the reduction of time convicted but unsentenced inmates spend in County jail, pending transfer to the Department of Corrections.
6. To assess existing management controls, and develop recommendations for improvements, with emphasis on the number of conflict cases in the Public Defender and Legal Defender offices, and the use of Joe U. Smith by the Public Defender and Legal Defender offices to withdraw from representation.
7. To assess criminal justice system department performance and compliance with laws and/or regulations set by management, applicable technical standards or norms, expert opinions, prior year performance by similar entities, and other measurements.
8. To identify the costs and resulting benefits from a 10 percent criminal trial rate.

This study was divided into four primary phases. Under Phase I, HMR conducted initial interviews with department management and collected base data in an effort to refine the audit methodology and work plan for the remaining portions of the study. The Phase I report was presented to the County and the courts in November 2000. Phases II through IV have included field work, finding development and report preparation activities by the HMR Project Team. A final report was presented to the Board of Supervisors, after exit conferences with each of the involved departments to ensure factual accuracy.

## Study Scope

The scope of the Performance Audit of the Pima County Criminal Justice System includes a review of the activities of the courts and most County criminal justice departments, including the Superior Court and Adult Probation; the Juvenile Court, Juvenile Probation and Juvenile Detention; the Tucson Justice Courts; the County Attorney; the County's three Indigent Defense service providers; and, the Sheriff's Department. Certain functions and activities have been excluded from the Project, including:

- The Conciliation Court and Law Library within the Superior Court;
- The outlying (non-Tucson) Justice Courts; and,
- The Child Support, Civil and 88-Crime Unit services within the County Attorney's Office.

Nonetheless, HMR was required to evaluate aspects of the operations of some excluded County departments to ascertain the impact each has on the remaining criminal justice system. For example, although the Clerk of the Superior Court's Office was excluded from the study scope, we worked with the department's staff to understand aspects of the Clerk's operations that impact court services, and overall collection effectiveness.

## Methodology

The *Management Audit of the Pima County Criminal Justice System* was conducted in accordance with performance audit standards promulgated by the Comptroller General of the United States.<sup>1</sup> These standards define minimum performance audit requirements for audits of governmental agencies, and relate to the qualifications and independence of professional staff, as well as procedures for ensuring due professional care and quality control throughout the management audit process.

Accordingly, the following audit procedures were followed for this management audit:

- An entrance conference was held with management representatives of the involved departments to describe the audit process, the roles of the auditors and participating department representatives, and to respond to questions.
- The project was planned and monitored to accomplish the primary study objectives.

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<sup>1</sup> *Government Auditing Standards, 1994 Revision*, by the Comptroller General of the United States, United States General Accounting Office (as revised).

- Field work was conducted to obtain an understanding of the programs under review, and to develop competent evidence to support the findings and conclusions developed during the study.
- A draft report was produced to provide responsible managers with the opportunity to review its content prior to release, and to identify any factual errors or inconsistencies.
- The views of the responsible managers were solicited, and written responses to the report have been included with the final document presented to the Board.

The activities necessary to complete this study required approximately six months of professional staff effort. During this period, staff and consultants from the Harvey M. Rose Accountancy Corporation interviewed managers, supervisors and line personnel from each of the affected agencies; obtained and reviewed department generated statistics and reports on operations; collected and analyzed data provided by the departments; observed department and staff activities; and, conducted limited surveys of other comparable jurisdictions. As a result of these activities, we developed 22 findings, which are contained herein.

## **1. Felony Case Processing Standards**

Pima County is not meeting its internal felony case disposition and time to trial standards, as well as those established by the State and the American Bar Association. The responsibility for adjudicating cases in a timely manner belongs to all members of the criminal justice community; the key participants in assuring that felony case time standards are met are the Superior Court, County Attorney, and Public, Legal and Indigent Defender offices.

While external factors clearly play a role in the time to disposition, court actions contribute as well. Several of the felony case processing procedures established by the Court in 1999 are not being appropriately monitored. State and local rules concerning disclosure requirements, conferences between parties, notices that conferences have occurred, preclusion of issues not raised at the appropriate time, and deadlines for acceptance of negotiated pleas and motions to continue are not being enforced. As a result, many events occur later than the scheduled time and/or do not contain the elements that would promote efficient case processing. The number of trial continuances continues to slow case processing. Felony trial divisions are not being used to the fullest extent possible.

In addition, the number of events required for each felony case is excessive, leading to delay as cases wait to proceed. The number of events may also discourage the County Attorney from sending assigned trial attorneys to critical court events.

Finally, several reports that could assist the Court with improving case management are not available because staff does not regularly utilize available entries in CACTIS, the criminal calendar system. The absence of a dedicated case flow coordinator, a select number of agreed-upon performance measures and ongoing training in case flow techniques limits the effectiveness of the steps the Court has taken to improve felony case processing. These management deficits obscure structural problems in criminal case processing and render appropriate remedial action difficult.

The Pima County Superior Court should:

- 1.1 Introduce Differentiated Case Management, where cases are evaluated for trial readiness and complexity, and only those cases most likely to proceed to trial and benefit from intensive judicial supervision are scheduled for a pre-trial conference.
- 1.2 More rigorously enforce existing state and local case processing rules, including those concerning disclosure requirements, conferences between parties, notices that conferences have taken place, preclusion of issues not raised at the appropriate time and deadlines for acceptance of negotiated pleas and motions to continue.
- 1.3 Revise its local rules to include a more precise definition of “good cause” for continuances by detailing what does not constitute good cause. Consider developing a panel of judges to review requests for multiple continuances or for continuances of more than five days.
- 1.4 Hire a Case Flow Coordinator with responsibility for ensuring timely case processing in conformance with Court rules; directing development, implementation and maintenance of automated calendaring functions; recommending changes in rules and procedures; performing case flow analyses; and, in more complex cases, preparing reports concerning individual case progress.
- 1.5 Require Judicial Administrative Assistants to enter information, for example that concerning compliance with document requirements and reason codes for continuances, needed for Court management to manage the felony case flow process.
- 1.6 Develop a select number of performance measures and report them regularly to all judges, Court executive management and the County Administrator.
- 1.7 Provide ongoing training in case processing techniques for all members of the criminal justice community.
- 1.8 Consider developing more discrete calendars (e.g., calendars every half-hour instead of for the entire morning) to permit presence of counsel that will actually handle the case, thus reducing further delays.
- 1.9 Consider rescheduling the time for the plea-on-demand commissioner to allow greater use of that position. It is recommended that the Court work with the legal offices to determine the optimum scheduling for all parties.

There would be no costs to implement the procedural recommendations contained in this report. The cost of the Case Flow Coordinator position will be offset by Fill the Gap funding received from the State on a temporary basis, potentially three years. After that point, the efficacy of the position and the extent of avoided court costs should be examined by the court. Case processing would become more efficient, shortening case disposition times and reducing impacts on participating criminal justice departments. In addition, cost avoidance could be significant. For example, costs of up to \$300,000 annually could be avoided by implementing recommendations



to reduce the current rate of continuances to levels suggested in previous studies and in this report. Similarly, unneeded pre-trial conferences cost the Court at least \$255,000 annually. These resources could be utilized by the courts to hear more cases at an earlier stage of proceedings, leading to further improvements in time to felony case disposition.

The jail population would also be reduced, avoiding significant future costs for the incarceration of pre-sentenced defendants.

## **Section 2: Trial Rate and Early Disposition of Cases**

As in most counties, Pima County criminal cases are primarily disposed of by plea bargain rather than trial. The County Attorney's statistics for FY 1999-2000 shows that 80 percent of all criminal cases were disposed of by plea bargain. The other 20 percent of cases go to trial, diversion, or are dismissed.

The trial rate in Pima County is between 9.9 and 13.3 percent per year depending on how it is counted. In any case, it is significantly higher than the 2.8 percent median rate in other Arizona counties and the 2.7 percent median rate found in more comparably populated counties in Arizona, California and Nevada. The additional cost to Pima County for this higher trial rate is estimated to be between \$2.3 and \$2.9 million per year. The benefits of the higher trial rate, according to the County Attorney, include greater community safety, more public support and confidence in the criminal justice system, and holding more defendants accountable for their actions. The County Attorney does not have a system in place to track and document these benefits and allow County officials to compare them to the costs of taking more cases to trial. Lower crime rates, more severe sentences, or higher conviction rates are possible other benefits that cannot be proven or linked to the number of trials in the County, given currently available management information.

Plea-bargaining provides an opportunity for early disposition of less serious cases without the cost of unnecessary court events. While a high volume of less serious cases are filed through the County Attorney's Early Disposition program, these cases are not settled any earlier, faster or with different outcomes than regular cases. Approximately half of a sample of these Early Disposition cases were disposed of within the plea termination date deadline set by the County Attorney. However, approximately 38.5 percent were not disposed of until between the plea termination date and the trial date, adding to the cost of these cases and worsening court backlogs. Applying this ratio to all case dispositions would mean that 517 cases designated as Early Disposition cases were not disposed until after the plea termination date in FY 1999-00.

While responsibility for early case disposition is shared by the County Attorney, Indigent Defense Services, and the Superior Court, successful early disposition depends on the County Attorney offering credible, consistent plea bargains, monitoring case outcomes and making changes in procedures as necessary to ensure early case disposition. Defense counsel must start work on cases and respond to plea offers as early as possible and the courts must track and manage case timelines.

The County Attorney should:

- 2.1 Begin tracking and regularly reporting to the Board, the County Administrator, and criminal justice department managers, cases filed and disposed by organizational unit and crime category including total case processing time and the point in the process where case disposition occurs, particularly Early Disposition cases;
- 2.2 Regularly report to the Board of Supervisors, the County Administrator, and criminal justice department managers on changes in Pima County's crime rates and other quantifiable benefits of the County's trial rate;
- 2.3 Regularly report to the Board of Supervisors cases that go to trial and their outcomes, by crime category and organizational unit and compared to all cases filed;
- 2.4 Require staff to keep time records to enable better tracking of the costs of trials and non-trial cases; and,
- 2.5 Consolidate plea termination deadlines for cases where pleas are offered at arraignment, to prohibit reducing trial attorneys from initial plea offers after the plea termination date, and to consistently increase the severity of plea offers made after plea termination dates.

The County Attorney, Indigent Defense Services managers and the Superior Court should:

- 2.6 Convene within one month and codify their respective roles in ensuring the early disposition of certain cases and to set goals for when disposition should occur for most plea bargain cases.

Indigent Defense Services managers should:

- 2.7 Begin tracking and report to the Board, the County Administrator, and department managers the point in the case process when staff actually begin working on cases.

The Board of Supervisors should:

- 2.8 Review the codified roles of the County Attorney, Indigent Defense Services, and the Superior Court in disposing of cases as early as possible; and,
- 2.9 Review all new reports and data regularly submitted to monitor the effectiveness of the County trial rate and Early Disposition efforts.

There would be no new direct costs to implement these recommendations. Staff time would be required to compile the recommended management information.

The primary benefits of these recommendations will be better information to assess the impact of the County trial rate and to enable improved management of the County Attorney's Early Disposition programs. The roles and responsibilities of all parties involved in the Early Disposition process will be clarified and accountability for relieving court backlogs will be enhanced.

### **3. Drug Court Operations**

The Superior and Juvenile courts operate two drug court programs for adults and juveniles arrested for drug offenses. A third program is under development in Juvenile Dependency Court.

The two programs operating during the period of this study cost the County approximately \$982,000 per year for Court, County Attorney, Public Defender, Probation and treatment services. Approximately \$448,500 of this cost is funded from the federal and State governments through grants, from other sources, and participant fees. The balance of \$533,500 is a County General Fund cost.

The County spends significantly less on each adult than on each juvenile for drug court and treatment services, even though a greater percentage of adults successfully graduate from the program. These differences most likely relate to differences in eligibility criteria and treatment approaches for each population. Further, comparing the costs and benefits of either program with the costs and outcomes of more traditional court processes cannot be reliably determined at this time, due to data weaknesses and the lack of suitable comparison groups. Most significantly, the courts have not designed data collection methods or routines to measure the long-term effects of drug court or traditional court on criminal recidivism.

Both courts have embarked on major evaluation projects for the adult and juvenile drug court programs during the past 18 months. However, the study designs could be improved to provide more reliable measures of long term program effectiveness. Until such data becomes available and appropriate evaluation methodologies are adopted, drug court effectiveness in relation to more traditional criminal justice processes will remain uncertain.

The Juvenile Probation division director should:

- 3.1 Establish a process to systematically screen juveniles for Juvenile Drug Court program eligibility, so that appropriate juveniles are uniformly evaluated and provided consistent access and opportunity to participate in the program.
- 3.2 Provide recommendations to the Presiding Judge of the Superior Court and the County Attorney regarding potential expansion of the Juvenile Drug Court program, to include juveniles assigned to the JIPS program and juveniles with established drug use patterns who may not have re-offended or violated probation. Ensure that recommendations provide for more stringent eligibility criteria for JIPS candidates, as suggested in this report; and that the characteristics of the JIPS program are protected with the development of a specialized JIPS caseload within drug court.

The Superior Court and the Board of Supervisors should:

- 3.3 Consider the addition of a coordinator position for the Adult Drug Court to provide an enhanced administrative structure, promote documentation completeness and consistency, and organize and plan for meaningful program evaluation.

Under the direction of the Presiding Judge of the Superior Court, departments participating in the two drug court programs should:

- 3.4 Develop a systematic process for measuring program effectiveness, including:
- Preparing clearly stated program goals and valid measurements to determine whether the courts' drug court programs are meeting those goals;
  - Establish valid control or comparison groups for measuring program results against more traditional court processes.
  - Track juvenile drug court participant recidivism beyond the age of 18.
  - Develop systems to compile and compare costs for drug court with traditional court and probation services, as described in this report.

The addition of an Adult Drug Court coordinator position could cost the County up to \$50,000 per year.

The courts and the County would be better able to measure the cost-effectiveness of drug court, and would be provided with better information to decide whether program continuation is warranted, at significant County cost.

## **4. Judicial Facility Security**

Direct observation of facilities and staff interviews revealed security deficiencies in facilities and procedures at the Pima County Superior Court and Pima Consolidated Justice Court. These include: 1) Transport of Justice Court receipts, including large amounts of cash, through crowded public areas in the middle of the business day; 2) Insufficient limits on distributing keys to the Superior Court judges' elevators, and insufficient staff training on elevator security; and, 3) Insufficient monitoring and employee training regarding potential security breaches of the Superior Court building via fire escape stairwells.

As a result of these deficiencies, Court staff and members of the public are unnecessarily exposed to risks from attempted robbery of Justice Court monies, and to risks from improper access of individuals to the Superior Court building. There is a generalized security risk at the Justice Court because of the building's age and design, with multiple entrances limiting the ability to control access.

To reduce these risks, the Justice Court and Superior Courts should implement procedural changes, facility improvements and additional employee training as described in this section. Costs of these steps are estimated to total \$11,500, but would reduce the risks identified and improve protection for Court staff and the public. The Board of Supervisors and Justice Court should also begin planning for alternate facilities to address Court security, including possible joint use of the Tucson City Court or Superior Court, remodeling of the existing Justice Court, or construction of a new court facility.

The Pima County Consolidated Justice Court should:

- 4.1 Replace the existing window that provides viewing access from the public service lobby to the accounting unit with a solid wall, or block off viewing by painting the window or covering it in some manner.
- 4.2 Revise its current policy of transporting receipts between the Treasurer's Office and the Justice Court three times a day, at 8 a.m., 2:30 p.m. and 4:30 p.m., to a policy of transporting receipts twice a day, from the Treasurer's Office to the Court shortly before 8 a.m. each day, and from the Court to the Treasurer's Office after 5 p.m. each day, when the Court is closed. The Court should also direct the armed Sheriff's deputy assigned to the Court building to accompany the receipts.
- 4.3 Consider, as part of joint space planning with the Board of Supervisors, not only physical revisions to the existing Court building, or construction of a new Justice Court facility, but more efficient joint use of other existing Court facilities in downtown Tucson, such as the Superior Court and the Tucson City Court.

The Pima County Superior Court should:

- 4.4 Restrict access to the County office complex via the open-air vestibule between the Justice Court building and the main County complex to County employees, using a thumb print or key card access system.
- 4.5 Restrict access between the public El Presidio Garage and Level B of the County office complex to County employees, using a thumb print or key card access system.
- 4.6 Install security cameras facing entrances to the secure elevators on Level A and Level B of the County complex, with the Judicial Security Unit monitoring these cameras.
- 4.7 Develop written criteria for issuing keys to the secure elevators serving the court building. The goal of these criteria should be to significantly reduce the number of keys issued, now approximately 300. Key recipients should receive copies of the recently developed policy on unauthorized use of the judges' private elevators, if that policy has not already been disseminated, and the policy should also be provided as part of the orientation materials for new employees. Language should also be added to the policy emphasizing the need to take some action to alert security staff when an unknown or suspicious person enters a secure elevator.

- 4.8 End the policy of keeping stairwell doors on the northeast corner of the Superior Court building unlocked in both directions.
- 4.9 Install an alarm system, surveillance cameras, or both on the first floor doors of the four Superior Court building stairwells to monitor unauthorized access from those doors to the outside of the building. The Judicial Security Unit would monitor these cameras.

Changing procedures to deposit Justice Court receipts once a day after 5 p.m. would result in a one-time loss of \$262 due to the loss of one day's allocation of interest to the Court. Installation of four security cameras to monitor secure elevator entrances on Levels A and B of the Superior Court building, and four cameras to monitor first floor stairwells, would cost \$5,200, based on an estimate by the Superior Court Facilities Manager. Installation of alarmed doors on the first floor stairwells would cost \$6,000, according to the Facilities Manager. The other recommendations of this section should have minimal costs, and all recommendations would make court facilities more secure, reducing the risk of robbery at the Justice Court and of unauthorized entry to the Superior Court, thereby reducing the risk of injury or death to court staff and the public. The cost of a long-term space plan for the Justice Court would depend on the option selected, and whether remodeling the existing Court building or constructing a new facility are required.

## **5. Public Access to the Courts**

The current traditional model of providing services only at a single court location during regular business hours does not meet the service needs of many Court users. The Pima County Superior and Justice Courts have not developed a plan for improving public access to the courts.

In any system, court users, especially self-represented litigants, can be inconvenienced, confused, frustrated, and unprepared, resulting in the inefficient use of court time, and loss of trust and confidence in the judicial system.

The courts should explore opportunities to provide services at nontraditional times and places, and develop and provide better access to programs that clarify and ease the use of the court system. Providing improved access to all court customers to reduce barriers to the court system would result in improved public trust and confidence in the courts, and better prepared self-represented litigants, reducing wasted court time.

The Presiding Judge of the Superior Court should:

- 5.1 Require the Superior and Justice Courts to develop a public access plan, identifying resources needed to improve access to the courts and a timeline for implementation, to be provided to the Presiding Judge of the Superior Court within 90 days.
- 5.2 Consider using Justice and Municipal Court locations outside of downtown Tucson for Superior Court proceedings on a regular basis to serve outlying areas, based on an assessment of population and court filings.

- 5.3 Work with the Justice Court and the Clerk of the Superior Court to accept filings for all Superior Court case types at the Ajo and Green Valley justice courts, in addition to the main court location.
- 5.4 Work with the Justice Court and the Clerk of the Superior Court to develop a program to locate drop boxes throughout the county to receive filings and fine payments.
- 5.5 Establish a committee of the bench and local bar to review all legal forms and instructions in use in Pima County courts and work toward standardization of forms with clear, plain-language instructions and understandable and uniform formats to be used countywide. Forms and instructions for actions in the same general area of law, such as family law, should be in sets that relate and refer to one another in a clear fashion. A standard version of the Traffic Violations Information Envelope should be developed with review by this committee, and by representatives of law enforcement agencies.
- 5.6 Mandate the use of standardized forms through local court rule.
- 5.7 Direct Court staff to develop and make available a self-help resource and referral guide that can inform court users about court procedures and related community resources.
- 5.8 Allocate space for a self-service resource center either in the courthouse, a public building such as a library, or any easily accessible location.
- 5.9 Seek funding to establish a Mobile Self-Help Center.
- 5.10 Direct staff to improve the content and organization of the Superior and Justice Courts web site.
- 5.11 Contract with the state Department of Economic Security to establish a Title IV-D funded family law facilitator's office to assist with enforcement of child support orders in a neutral, collaborative, court-based environment.

The Presiding Judge of the Tucson Consolidated Justice Court should:

- 5.12 Schedule expanded night court sessions beginning at least once a month for both traffic and small claims, and publicize the availability of such alternative scheduling via the Court's Internet site, its voicemail system and at its public information counter.
- 5.13 Develop interactive telephone-based systems, in addition to the Internet, to expedite the payment of traffic fines.
- 5.14 Establish Small Claims Legal Advisor programs to educate and assist self-represented litigants with small claims matters.

Specific costs and offsetting resources would need to be actively developed by Court staff as part of the public access planning process. Nonetheless, many of the costs of programs recommended here could be offset by grants or revenues or are largely supported by volunteers. The Family Law Facilitator Program is funded at 66 percent by the federal government; the sale of standardized forms is expected to far exceed the cost of their development; and it is expected that traffic revenues would increase with expansion of evening hours for traffic court. The small claims legal advisor is often a volunteer attorney.

One-time costs to implement the telephone and Internet improvements, to purchase and outfit the mobile self-help center and to create drop boxes at locations outside of central Tucson are estimated at less than \$250,000. Ongoing annual costs would include those associated with additional mediation and traffic court staff to provide evening services and the cost of providing staff to pick up contents at drop boxes at locations outside of the central courthouse.

Providing improved access to all court customers to reduce barriers to the court system would result in improved public trust and confidence in the courts, and better prepared self-represented litigants, reducing wasted court time.

## **6. Improving Justice Court Telephone Operations**

Information on the Pima County Consolidated Justice Court is available to the general public by telephone, with general information provided via voicemail and more detailed queries answered by a four-person information staff. Our review identified additional information that could be provided via voicemail. Furthermore, while the Court recently expanded customer service hours to answer questions by telephone from noon to 1 p.m. weekdays, it has not provided information on the expanded hours as part of the greeting on the voicemail system.

As a result, callers may not be aware of the expanded service that is now available, and continue to call at other times, leading to long waits before questions are answered. Also, the limited use made of the voicemail system means that callers may spend significant time waiting to ask questions that could easily be answered via a voicemail message.

The Court should update its current voicemail greeting to provide the hours when customer service is available by telephone. Also, the Court should experiment with providing additional information using its voicemail system, reallocating voicemail boxes to new uses, and adding additional voicemail boxes as necessary to provide the public with information that meets its needs, thereby reducing the demands on the public information staff.

The Pima County Consolidated Justice Court should:

- 6.1 Use voicemail boxes now used to provide the Court's World Wide Web address to provide other types of information, on a rotating test basis, to determine public response to receiving other types of Court information by voicemail. The Court's web address should be provided as part of the main greeting received by callers to the phone system.



- 6.2 Activate, based on the test results from the first recommendation, existing voicemail boxes that are currently inactive, using them to provide other types of Court information that now must be provided by public information telephone staff.
- 6.3 Update the telephone system voicemail greeting to indicate that staff is now available to answer questions by telephone from noon to 1 p.m. weekdays.

Because Justice Court staff can change messages on existing voicemail boxes itself, the initial pilot project to assess public response to receiving various types of additional information via voicemail should have minimal cost. According to the County's Telephone Coordinator, costs to activate currently inactive voicemail boxes, or to add additional mailboxes, would depend on the time required. However, based on the estimate that initial installation of this system cost the Court \$50,000 to \$60,000, we do not believe the additional cost would be substantial, especially if the changes were to provide mailboxes solely to provide additional recorded messages. Updating the existing voicemail message to reflect expanded customer service hours also would be without cost. Both these changes would improve public service and convenience in getting information from the Court, and should reduce the hourly workload of the public service telephone staff, by eliminating some calls in which they must provide general information, and by shifting some calls which are received at other times of the day to the noon hour.

## **7. Indigent Defense Cost**

Pima County spends approximately \$15.5 million for indigent defense services annually. These services are provided by two County offices, the Public Defender and the Legal Defender, and private attorneys who contract with the County and are used as needed when the two County offices cannot provide representation due to conflicts of interest or insufficient staff. There is no cost tracking or reporting system in place to compare the costs of the different providers and to adjust staffing or use of contractors, as appropriate, to minimize the County's costs.

Analysis of indigent defense service costs reveals that the Public Defender and Legal Defender provide representation at a lower unit cost than contract attorneys for Regular Felonies and Juvenile Delinquency cases. In spite of their higher cost, contract attorneys are assigned a substantial number of both types of cases for which in-house Public Defender/Legal Defender staff could provide representation at lower cost.

This cost analysis reveals that the County's contract attorneys are achieving lower unit costs for more serious felony cases, known as Group B felonies, and Appeals cases. The County could further lower its costs by assigning these cases to contract attorneys rather than the Public Defender and Legal Defender. Savings from using the most economical indigent defense service provider could amount to over \$687,301 annually.

Most contract attorney cases are assigned to prevent the Public Defender and Legal Defender from exceeding their attorney caseload standards. These standards were developed by the two offices based on their interpretation of the *State of Arizona v. Joe U. Smith* Supreme Court case. Though internal mechanisms are in place for assigning cases consistent with the intent of Joe U. Smith, the standards limit external oversight of the offices' productivity due to the absence of

formalized standards for different types of felonies and some other case types. The Indigent Defense Services system as a whole does not have a consistent approach to counting caseload and costs to enable ongoing comparative measurement of costs and productivity.

The Board of Supervisors should:

- 7.1 Direct the Indigent Defense Services staff to assign all non-conflict Regular Felony cases to the Public Defender and Legal Defender;
- 7.2 Direct the Indigent Defense Services staff to make recommendations to the courts for the appointment of contract attorneys for Appeals cases now being assigned to the Legal Defender immediately, and phase in the same changes from the Public Defender's as attrition and other staff changes allow;
- 7.3 Direct the Indigent Defense Services staff to make recommendations to the courts for the appointment of contract attorneys for all Group B Felony cases now being assigned to the Legal Defender, and phase in the same changes from the Public Defender's as attrition and other staff changes allow;
- 7.4 Direct the Public Defender and Legal Defender to require their staffs to keep time records, similar to those used in private law firms, to track their time by cases and to summarize this information quarterly to determine total costs by case type;
- 7.5 Direct representatives of the three Indigent Defense Services providers to collaborate, develop and publish specific Joe U. Smith caseload standards, including standards for each category of felonies, , written definition of "open" and "closed" cases to be used by all staff and establishment of a single and consistent means of measuring the caseloads and costs of the three indigent defense service providers;
- 7.6 Direct the Public Defender and Legal Defender to produce quarterly reports for submission to the County Administrator and Board of Supervisors, cataloging all conflict of interest cases, indicating type of conflicts by case type, actual caseload compared to caseload standards, and key management measures such as case outcomes and number of trial cases, all stratified by service provider and type of case.
- 7.7 Direct Indigent Defense Services staff to track Public Defender and Legal Defender costs by all existing cost centers and each major category of felony case, and to track contract attorney costs by the same categories for the same time periods.
- 7.8 Consider other transfers in indigent defense case assignment practices based on the results of the analysis to be phased in over the next one to two years taking advantage of attrition and future reports on caseloads and costs.

There would be no costs to implement these recommendations.

The recommendations would result in cost savings estimated at \$436,133 per year initially, as a result of assigning more of certain case types to in-house County indigent defense staff and

contract attorneys, based on weighted caseload standards and those areas where each service provider is more cost effective. These savings should grow as the other changes in case assignments are made, up to \$687,301 annually.

Other benefits would include better cost and caseload information for ongoing monitoring of caseload costs, and more clear Joe U. Smith caseload standards, including standards for the different type of felony cases to more accurately reflect required levels of effort. These clarified standards will also result in improved accountability of the Public Defender and Legal Defender staff.

## **8. Corrections Facility Staffing Efficiencies**

The Pima County Sheriff's Office has operated the three Tucson corrections facilities below the department's definition of minimum staffing levels throughout FY 1999–2000, by reducing expenditures for salaries and overtime pay, and holding vacant 23 Corrections Officer positions that are funded in the department's approved budget.

The Corrections Bureau definition of minimum staffing levels reflects optimum staffing levels in some cases, and some amount of staff redeployment would allow the corrections facilities to continue to operate at or below the current minimum staffing definition.

The Corrections Bureau successfully operated the past fiscal year at staffing levels below the department's defined minimum levels, producing a significant reduction in Pima County Sheriff's Office expenditures for overtime. This contributes to the conclusion that the Corrections Bureau definition of minimum staffing requirements may be somewhat inflated and could be redefined to more accurately reflect corrections staffing needs.

During FY 2000-01, corrections officer staffing levels are exceeding minimum staffing levels and could either cause expenditures on overtime to reach the level of previous years or could boost expenditures on personal services and benefits above the level of previous years. However, the PCSO may safely operate the corrections facilities at or below current minimum staffing levels with some minimal amount of overtime, and by gauging corrections officers based on inmate population fluctuations and other housing considerations. By implementing the recommendations in this report, the Sheriff could avoid as much as \$595,000 per year in staffing costs.

The Sheriff should:

- 8.1 Require appropriate Corrections Lieutenants to oversee staffing at corrections facilities and to authorize redeployment of staff between the three facilities when population counts or population characteristics warrant such redeployment. Require Corrections Sergeants to report actual staff versus minimum staff levels for each corrections area to aid this new decision-making responsibility

- 8.2 Establish broader definitions of inmates who may be allowed to attend video court arraignments together. This change would reflect the real threat to staff and inmates and would lower the use of officer time spent transporting inmates to and from video court.
- 8.3 Reassign one corrections officer from Unit 1A of the Main Jail from each of the day and swing shifts. This would leave two COs to monitor this group of male inmates awaiting trial and classification.
- 8.4 Reconsider each unit's minimum staffing requirements on a general basis to positively reassign staff where efficiencies may be gained without a serious loss to corrections staff or inmate safety. The Sheriff should also reconsider each unit's minimum staffing requirements on a periodic basis to ensure the most efficient use of staff possible, especially where past data shows a facility operating with fewer than the minimum requirement for CO positions.

There would be no cost to implement these recommendations.

The Sheriff's Office may avoid as much as \$595,900 in overtime costs by limiting staff levels to the Corrections Bureau definition of minimum staffing levels, by redeploying staff currently assigned to Unit 1A, and by combining groups of inmates transported to and from video court for arraignment and other trial events.

## **9. Correctional Medical Services Improvements**

In the past 18 months, the Adult Detention Center has made changes in both medical services unit structure and procedures to improve delivery of services. They have hired a full-time medical director to oversee administration and delivery of services and begun developing policies and resolving service delivery problems in the medical services unit. The medical services unit has recently revised the intake medical screening questionnaire, and reconfigured clerical and nursing positions to better meet the needs of the unit. However, the medical services unit has continued difficulty in recruiting qualified nurses and maintaining adequate staffing levels, and in providing pharmacy services. The medical services unit also needs to improve the initial health screening of inmates entering the intake and booking unit.

The Juvenile Detention Center has not had the same difficulty in recruiting qualified nurses and delivering services as the Adult Detention Center, but does have deficiencies in pharmacy services. Currently, nursing services are provided by contract with Kino Community Hospital, but existing nursing policies and procedures are designed for an acute inpatient facility and new policies need to be developed for an institutional setting. The Juvenile Detention Center is currently developing an agreement to deliver pharmacy services to its medical services unit.

Health care in detention centers is a public health issue. Screening and tracking of infectious diseases is a major component of jail health care, and inmate populations tend to be high-risk due to their socio-economic or poor health care status prior to incarceration. Pima County could provide better health services to the Detention Center population through its public health system. The County should establish a Department of Institutional Medical Services,

administered by Kino Community Hospital, to increase the pool of available nursing personnel, and improve health service quality in both the adult and juvenile facilities.

Both the Juvenile and Adult Detention Centers need to track service delivery and document the need for additional services prior to the FY 2001-2002 budget review. The Juvenile Detention Center needs to identify the need for additional nursing and psychiatry services, and the Adult Detention Center needs to identify the need for staffing improvements in the intake and booking unit.

The Board of Supervisors should:

- 9.1 Establish a Department of Institutional Medical Services that includes both nursing and pharmacy services, and is administered by Kino Community Hospital to provide health services in the Juvenile and Adult Detention Centers. If this reorganization is not adopted, the County should change the nurse manager's reporting relationship from the medical director to the Sheriff's Support Operations Division Manager..
- 9.2 Direct the Kino Community Hospital Nursing Department to work with the Sheriff and Juvenile Detention Center management to develop comprehensive infection and quality control policies, and incident reporting procedures specific to nursing in a correctional facility
- 9.3 Direct the Kino Community Hospital Nursing Department to work with the Sheriff to establish a more effective medical and psychiatric screening process at ADC intake and booking, which could include 24-hour nursing staff and/or enhanced training with quality assurance monitoring for clerical and correctional staff assigned to intake.
- 9.4 Direct the County Administrative Officer to work with the Sheriff to update nursing staff employment conditions at the Adult Detention Center, so that it is consistent with that offered by the County at Kino Hospital, including: part-time benefited positions, policies regarding scheduled time off on weekends, and intermittent work schedules.
- 9.5 Direct the Kino Community Hospital Pharmacy Department to develop a proposal for implementing a unit dose packaging system at the hospital, which would reduce unit dose drug purchases from pharmaceutical companies for the County's detention facilities, as well as the hospital's inpatient units and community contract health care agencies that purchase pharmaceutical services from the County.
- 9.6 Direct Kino Community Hospital administration to work with the Sheriff to provide routine obstetrical services in-house, using the tele-medicine program that is currently under development with the University of Arizona.
- 9.7 Require systematic tracking of health service deficiencies in the Adult and Juvenile Detention Center, such as the intake and booking unit at the Adult Detention Center and the need for additional nursing and psychiatry services at the Juvenile Detention Center, and document the need for additional staffing prior to the FY 2001-02 budget review.

Establishing a Department of Institutional Medical Services would transfer costs from the Adult and Juvenile Detention Centers to Kino Community Hospital. Staff time would be used in the transition, especially in the development of policies specific to the institutional setting. Improved recruiting of staff would result in better delivery of services but not in cost savings.

Providing pharmacy services through Kino Community Hospital should result in some economies of scale, such as ordering of medications in larger quantities and distributing operating costs, including equipment use and pharmacy staff time, over a larger network. Some specific cost savings would result from improved delivery of medications, especially delivering medications in smaller quantities and reducing the amount of unused medications that are disposed. Implementing unit dose dispensing at the Adult Detention Center would result in increased costs for medications, but would be offset by decreased use of nursing time to deliver medications and decreased medication error rate. Purchasing unit dose medications from a manufacturer would increase annual medication costs for the Adult Detention Center by approximately \$32,500 to \$65,000 annually. Packaging unit dose medications in-house would result in an equal or less cost increase but would require purchase of packaging equipment, for a capital cost of \$250,000 or less. Some cost savings would result from decreased nursing time in delivering medications. If 0.5 registered nurse FTE were saved by improved medication delivery, cost savings would be \$25,000 annually. However, 0.5 FTE would be allocated to other uses within the medical services unit so no budgetary reductions would result.

The Juvenile Detention Center has requested \$200,000 in the proposed FY 2001-2002 budget for additional contractual services for nursing and psychiatric services. By tracking and documenting the actual need for additional services, the actual amount of needed additional contractual services may be less than \$200,000.

By providing some routine clinical services in-house or through tele-medicine, the Adult Detention Center could save up to \$46,000 annually in transportation costs.

## **10. Transport of Prisoners to State Facilities**

The Transportation Division of the Sheriff's Department transports approximately 2,000 inmates annually to State prison and other State facilities following conviction and sentencing. Transports occur four days per week. During the past seven calendar years, the average length of stay in the County jail by inmates awaiting transport to a State facility ranged from a high of 14 days in CY 1996 and CY1998 to a low of seven days in CY 1999.

Based on a sample of 101 inmates transported in January 2001, the average length of stay of inmates awaiting transport to State facilities was 10 days counting the day of sentencing. Approximately 66% of the inmates remained in the County jail for more than one week after sentencing, 14% remained for more than two weeks, and 5% remained longer than three weeks.

Based on this current data, an average of approximately 55 inmates await transport to State prison or other State facilities, and comprise approximately 4.0% of the average daily population. As a result, the Sheriff incurs housing costs for inmates awaiting transportation to State facilities of approximately \$106,000 per day, or \$956,000 annually.

By (1) establishing a goal to transport all prisoners to State facilities within seven days of sentencing; (2) making a concerted effort to identify inmates sentenced to State facilities daily; (3) monitoring the timeliness of receipt of abstracts of judgment from the courts; and (4) transporting inmates on a five-day per week basis as justified by need, the Sheriff could minimize the average daily number of inmates awaiting transportation to State facilities and the related housing costs.

The Sheriff should:

- 10.1 Establish a seven-day goal for transporting all prisoners sentenced to State facilities.
- 10.2 Assign specific programmatic responsibility for monitoring, measuring and reporting transportation timeliness of State prison transports on a monthly basis.

The implementation of this recommendation should result in increased consistency in the on-going timeliness of State prison transports, a reduction in the average daily number of inmates awaiting transportation to State facilities and reduced housing costs related to these inmates.

## **11. Integrating Probation Services and Early Intervention and Prevention Programs**

Changes in the number of delinquency referrals to the Juvenile Court and petitions filed by the County Attorney have contributed to uneven caseload distribution between the Probation Services and Early Intervention and Prevention divisions. Caseload for two units of the Probation Services division, Field Probation and Court Evaluation, has increased over the past year, and caseload for the Community Supervision program of the Early Intervention and Prevention division has decreased.

Because Probation Services and Early Intervention and Prevention are separate divisions, staff resources are not reallocated to accommodate changes in caseload, resulting in inefficient assignment of staff. Additionally, although juveniles and their families access the juvenile justice system at different points, the units providing services to these juveniles and families are not able to function effectively as a team. Consolidating Probation Services and Early Intervention and Prevention into one division and integrating the units within the division into regionally-based teams would facilitate more efficient allocation of staff and improve coordination of services for juveniles and families.

Consolidation of Probation Services and Early Intervention and Prevention into one division would require a re-evaluation of the Community Justice Services Division management and supervisory structures, resulting in cost savings to the Juvenile Court.

The Pima County Juvenile Court should:

- 11.1 Consolidate the Probation Services and Early Intervention and Prevention divisions into one division under the direction of a division manager, to better serve juveniles and their families and to improve allocation of staff.

- 11.2 Integrate the Risk/Needs, Community Supervision, Court Evaluation, and Field Probation units into regionally based teams, to increase communication among staff and to coordinate programs and services for juveniles.
- 11.3 Reorganize the units within the division reporting directly to the division manager and re-evaluate the supervisory structure in the regionally based teams.
- 11.4 Work with the County Attorney's Office to develop a "post-petition diversion" program to refer juveniles to the Community Supervision program, who would otherwise be placed on standard probation.

Consolidating Probation Services and Early Intervention and Prevention into one division would allow the Juvenile Court to more efficiently allocate staff and better coordinate services provided to juveniles and their families. Reducing the number of units reporting directly to the division manager and re-evaluating the number of supervisory staff required for the regionally based teams would result in estimated cost savings of at least \$125,000.

Additionally, working with the County Attorney's Office to develop a post-petition diversion program would divert more juveniles from standard probation, and result in cost savings of \$49,000 annually for every 50 juveniles diverted from probation to community supervision.

## **12. Juvenile Detention Center Population Management**

The Juvenile Detention Center's Detention Risk Assessment Form (DRAF) does not adequately identify juveniles needing to be detained in the Juvenile Detention Center or contain the costs of detention. The purpose of the risk assessment tool is to set objective criteria for determining which juveniles should be detained, reduce the number of juveniles who are detained unnecessarily, and contain detention costs. One study showed that 44 percent of the juveniles detained in the Juvenile Detention Center did not meet the DRAF criteria for detention.

With the opening of the new and larger facility, the Juvenile Detention Center does not have the same space constraints that limit the number of juveniles who are detained. Between 1999 and 2000 the average daily census in the Juvenile Detention Center increased by 17.2 percent, from 122 to 143. This increase of 21 juveniles per day is equal to the population of one housing pod, or approximately \$210,000 annually.

Intake probation officers write exception reports to the DRAF if they believe juveniles who do not meet the DRAF criteria should be detained. The Juvenile Detention Center does not have a written policy regarding exception reports, but does give probation officers criteria for writing exception reports. Much of this criteria duplicates categories in the DRAF, disregarding the criteria and score assigned by the DRAF.



The Juvenile Court should develop and implement a new detention risk assessment tool, setting objective criteria for detention, and minimizing the number and cost of unnecessary detention, and establish written policies for exception reports that are consistent with the criteria set by the detention risk assessment tool.

The Juvenile Court should:

- 12.1 Develop and implement a new detention risk assessment tool, setting objective criteria for detention and minimizing the number and costs of unnecessary detentions.
- 12.2 Establish written policies for exception reports that are consistent with the intent and criteria set by the detention risk assessment tool and minimize the number of exceptions to the risk assessment tool.
- 12.3 Direct JDC management to develop and conform to effective systems for monitoring intake officer compliance with established detention policy.

There would be no additional costs to implement these recommendations.

Currently, the Juvenile Detention Center incurs additional costs for detaining juveniles who do not meet the criteria for detention. Between 1999 and 2000, the average daily census increased by 21 juveniles, equal to the annual cost of staffing one housing pod, or approximately \$210,000 annually. The new facility does not have the same space constraints as the old detention center, limiting the number of detained juveniles. Without implementing objective criteria and reducing the number of exceptions to the risk assessment tool, the Juvenile Detention Center does not have a way to contain costs of a growing Juvenile Detention Center population.

### **13. Enhancing Juvenile Placement Options**

The Arizona Administrative Office of the Courts (AOC) allocated \$3,761,832 to Pima County in FY 2000-2001 for juvenile probation and juvenile intensive probation treatment services. The Juvenile Court projects that these funds will be over-expended by \$186,488 by the end of the fiscal year. If the AOC is unable to reallocate unexpended funds from other counties, the Juvenile Court will freeze placement of juveniles until more funds become available.

An estimated 74 juveniles are detained in the Juvenile Detention Center annually for an average of 39 days while waiting placement in Court-ordered treatment programs. At an estimated cost to the County of \$5,499 per juvenile, the total cost to the County for juveniles who are detained in the Juvenile Detention Center while waiting placement in Court-ordered treatment facilities is \$406,926 annually. These juveniles are not receiving treatment for their behavioral or mental health needs while detained in the Juvenile Detention Center.

State officials are already working to improve children's mental health services and to expand programs eligible for Arizona Health Care Cost Containment System (AHCCCS) reimbursements. Because Pima County incurs additional costs for juveniles who are detained in the Juvenile Detention Center while waiting placement in Court-ordered treatment programs, and juveniles are delayed in receiving needed treatment for behavioral and mental health disorders, Pima County should petition the State to fully fund juvenile probation and intensive probation treatment services estimated to be \$464,444 in FY 2001-2002.

The Board of Supervisors should:

- 13.1 Through local representatives and its lobbyists, petition the State Legislature, the Governor and the Administrative Office of the Courts, to increase funding for residential treatment services for delinquent juveniles by at least \$464,444 in FY 2001-2002.

Currently, the Pima County Juvenile Court Center incurs approximately \$406,926 annually in additional costs for juveniles who are detained in the Juvenile Detention Center while waiting placement in Court-ordered treatment programs. In FY 2000-2001 the State Legislature approved and the AOC allocated \$3,761,832 to Pima County for juvenile probation and juvenile intensive probation treatment services. The Juvenile Court projects that these funds will be over-expended by \$186,488. An increase of \$464,444 in State funding for treatment services would reduce the County's costs for detaining these juveniles in the Juvenile Detention Center while awaiting placement for Court-ordered treatment, and would fund needed behavioral and mental health services for these juveniles.

## **14. Crime Lab Services**

The cost to the Sheriff of contracting with the City of Tucson for crime lab testing needs is rising dramatically. As these costs have increased, the Sheriff has begun to rely on the Arizona Department of Public Safety to provide laboratory analysis of crime evidence.

The Sheriff should consider other methods of performing the majority of its testing needs, which are blood alcohol and illegal drug tests. Other possible methods of accomplishing the tests include constructing and operating a County laboratory, or continuing to pay the Department of Public Safety for supplemental laboratory professionals and equipment to perform these tests on a preferred basis.

The County should also consider consolidating other laboratory testing needs, such as the substantial volume of tests for adults and juveniles on probation, and attempt to combine the outsourcing for these tests into a single contract to negotiate a lower contract cost. As an alternative, a County laboratory could process certain tests more efficiently, including tests used to monitor persons on probation, and certain other County laboratory tests currently performed under separate arrangements.

The Pima County Board of Supervisors should:

- 14.1 Direct the County Administrative Officer to work with the Sheriff, the courts and other County departments to proceed with more refined estimates of the costs to construct and operate a County crime laboratory.
- 14.2 Require County agencies with laboratory testing needs to report back within three months on a description of their testing needs and current methods of completing those tests. These descriptions should list the number of tests by type, cost, and other details about each agency's testing needs.
- 14.3 If the County chooses not to construct its own crime lab facility, direct the County Administrative Officer to work with the Sheriff, the courts and other County departments to seek new contractual arrangements to provide lab analysis on a consolidated basis.
  - a. At a minimum, a new contract for Sheriff testing needs must include provisions that define future allowable cost increases, deliverables expected in exchange for payment, possible discounts for workloads that fall below estimates and for equipment shared with other jurisdictions, and penalties to be paid if performance measures are not met.
  - b. At a minimum, County agencies with testing needs not related to criminal evidence should combine their needs for urinalysis testing and purchase these tests under a single contract, in order to negotiate a lower overall cost per test.

Pima County could lower its cost of performing criminal and non-criminal laboratory tests by constructing its own laboratory. Criminal lab tests currently cost the Sheriff as much as \$207.56 per test. Lab tests for risk management and adult and juvenile probation range in cost from \$2.25 to \$41.93 per test. When the costs of all criminal and non-criminal tests surveyed are combined, the current blended average cost is \$7.51 per test. Constructing a County laboratory for combined uses would lower all test costs to an average of \$5.23 per test in the first year. This would provide the County with an overall cost savings of \$212,520 annually. Constructing a laboratory solely for PCSO criminal testing needs would produce a savings of \$90,446 annually.

## **15. Emergency Response Fee**

Approximately 1,000 persons are arrested by the Sheriff in Pima County annually and convicted of driving under the influence of alcohol or drugs (DUI). These arrests typically require an emergency response by a deputy, often entail a heightened degree of personal risk and property damage, and remove a deputy from service for an extended period of time to transport and book the arrestee and arrange for towing of the arrestee's vehicle.

As a result, the Sheriff's Department incurs substantial costs removing such individuals from the streets and waterways of the County. The Sheriff's Department has no means of obtaining reimbursement for these costs and law enforcement services to the community are diminished while deputies are out of service during such incidences.

By petitioning the State legislature and Governor to amend State law to provide for recovery of emergency response costs by law enforcement agencies, when apprehending persons who negligently operate motor vehicles, boats or aircraft while under the influence of alcohol or drugs, the County could recover an estimated \$250,000 annually.

The Board of Supervisors should:

- 15.1 Through the County's legislative representatives and lobbyists, petitions the State Legislature and Governor to enact legislation to establish a "cost of emergency response" law similar to that enacted in California.

There would be no cost to implement this recommendation.

If such a law were enacted, the implementation of this recommendation would result in increased reimbursement of Sheriff's Department costs of an estimated \$250,000 annually, depending on the collection rate achieved by the County. This reimbursement would be reduced by any related billing and collection costs, which are projected to be nominal.

## **16. False Alarm Ordinance Revisions**

The unincorporated area of Pima County is estimated to have at least 5,000 commercial and residential police alarm systems currently in operation, with hundreds more being installed each year. During CY 2000, the Sheriff received more than 11,800 false alarms that removed deputies from service, thereby reducing the Sheriff's response time to other legitimate law enforcement emergencies.

Most major cities and counties in Arizona, and throughout the United States, have ordinances that permit local police and sheriff's departments to recapture a portion of the costs incurred as a result of responding to false alarms. In 1996, Pima County discontinued enforcement of its false alarm ordinance due to a local justice court ruling that challenged the legality of the ordinance as currently written.

As a result, the lack of an operative false alarm ordinance has resulted in the removal from service of an average of approximately 3.9 full-time equivalent deputies from other law enforcement activities, at an annual cost of about \$200,000.

By amending the current ordinance to ameliorate the legal issues raised by the justice court; or, by adopting an alarm system licensing ordinance which includes a false alarm service fee that reflects current Sheriff's Department response costs, and an annual permit fee to recover ongoing

administrative, communications and dispatching costs, the Sheriff could realize reimbursements ranging from \$27,000 to \$277,000 annually.

The Board of Supervisors should:

- 16.1 Establish a license based false alarm ordinance with annual license fees and a false alarm service fee, so that emergency communications, dispatching and administrative costs of the Sheriff's Department can be recovered.

If the Board chooses not to adopt the licensure approach used in multiple other local jurisdictions, it should:

- 16.2 Amend the false alarm ordinance to remove the legal defects in the existing ordinance, as is currently being considered by the Sheriff's Department.

The implementation of this recommendation would result in increased reimbursement of Sheriff's Department costs estimated to range from \$27,000 to \$277,000 annually. This funding would allow the Sheriff to provide additional deputies in the field to improve deputy response time to legitimate law enforcement emergencies.

## 17. Warrant Service

Approximately 21,000 warrants are issued annually by the County's Courts and the Office of the County Attorney for service by the Sheriff. These warrants include felony, misdemeanor, civil and child support warrants.

Due to staffing limitations, the Sheriff's Fugitive Investigation Strike Team (FIST) Unit is able to serve only a small percentage of the warrants issued and concentrates primarily on felony warrants. Although about 18,000 warrants are served or quashed by the courts annually, as of February 2001, a backlog of 3,223 felony and 21,439 misdemeanor warrants existed. In addition, because of the large volume of warrants received, the Sheriff's Technical Services Division is approximately four to five weeks behind in processing warrants received from the courts.

As a result, most warrants are not served, the Sheriff has a backlog of more than 24,000 open warrants dating back to the 1980s, and the County does not collect hundreds of thousands of dollars of forfeitable bail and fine revenues.

The addition of three positions to the Sheriff's FIST Unit dedicated primarily to serving warrants related to driving under the influence (DUI), driving with a suspended drivers license, failure to appear/pay traffic, and bad check warrants, would significantly reduce the misdemeanor warrant backlog, thereby enhancing the timeliness of law enforcement in the County. Further, the Sheriff would generate sufficient additional projected revenue to fully fund the cost of the additional staff, and provide some additional deputy sheriff hours to assist other FIST Unit deputies in the service of serious criminal, bench and other warrants.

The Sheriff should:

- 17.1 Submit a budget request for a one-year pilot project to the Board of Supervisors for three additional positions, as described in this section, to create a misdemeanor warrants team within the FIST Unit.
- 17.2 If recommendation 17.1 is approved, the Sheriff should establish a misdemeanor warrant tracking system to account for all warrants cleared as a result of the activities of this unit. The Sheriff should report the operational and financial results of the misdemeanor warrants team to the Board of Supervisors on an annual basis.

The implementation of this recommendation should result in increased fine and forfeiture revenue to the County sufficient to pay for the additional cost of the misdemeanor warrants staff. In addition, the misdemeanor warrant backlog would be significantly reduced, and some additional staff resources could be provided to the FIST Unit to assist in serving felony warrants that currently are not served.

## **18. Juvenile Probation Collection Effectiveness**

The Juvenile Court's collection of assessed fines and fees declined between 1998 and 1999. In 1998, 60 percent of all assessed fines and fees were collected; and, in 1999, only 42 percent of all assessed fines and fees were collected. The total amount of assessed fines and fees that were collected decreased by \$135,209 between 1998 and 1999.

The Assessment Unit has requested two new collector positions in the proposed FY 2001-2002 budget, with a total annual salary cost of \$56,700. Justification for the two new collector positions is based on the increase in Court-ordered fees and assessments since 1996 and the need for more intensive collection efforts. If the Assessment Unit is able to increase the percentage of assessed fines and fees that are collected from the 1999 collection rate of 42 percent, to the 1998 collection rate of 60 percent by adding these two collector positions, then the increase in revenue collected would be approximately \$135,000. The net revenue increase would be \$78,300 after deducting the cost of the new personnel.

The Juvenile Court should implement several policies to increase the collection of revenues. These include (a) collection of placement fees for juveniles who have been placed in treatment programs, (b) referral of families with outstanding balances to civil collection, and (c) adding the Court Collection Service Fee, equal to up to 35 percent of the assessed amount, when an account is referred to a collection agency.

The County does not currently have State authority to assess families for the costs of the Juvenile Detention Center. The Pima County Board of Supervisors should pursue legislation at the State level to assess families a fee to offset the costs of juveniles in the Juvenile Detention Center, with support from the Juvenile Court.

The Board of Supervisors should:

- 18.1 Designate one of the two new collector positions requested by the Juvenile Court in the proposed FY 2001-2002 budget as limited tenure.
- 18.2 Petition the Arizona Legislature to enact legislation, authorizing the Juvenile Court to assess and collect fees for juveniles detained in the Juvenile Detention Center.

The Presiding Judge of the Juvenile Court should:

- 18.3 Direct staff to implement County Ordinance 2000-80, authorizing the Juvenile Court to add the cost of collections to an outstanding balance when an account has been referred to a collection agency.
- 18.4 Direct the Assessment Unit to assess and collect placement fees from families when the child has been placed in a Court-ordered treatment program.
- 18.5 Direct the Assessment Unit to refer families with outstanding balances to civil judgment.
- 18.6 Direct the Assessment Unit, by January 2003, to submit an evaluation of its collection efforts to the Board of Supervisors, showing (a) that collection efforts of active accounts with outstanding balances, including follow-up notices and calls to families, have increased, and (b) that the percentage of assessed fines and fees collected has increased to the 1998 level.

The Juvenile Court Assessment Unit has requested two new collector positions in the FY 2001-02 budget for a salary and benefit amount of \$56,700. If the new positions improve the collection effort, increasing the percentage of assessed fines and fees collected from 42 percent of all fines and fees in 1999 to the prior year rate of 60 percent, the increase in revenue collected would be approximately \$135,000. The net increase to the County would be approximately \$78,300.

Additionally, assessing families for placement fees for juveniles placed in Court-ordered treatment programs and collecting these fees would increase placement funding for juveniles under the jurisdiction of the Juvenile Court by approximately \$25,000 or more, based on collection of such fees in 1996.

Lastly, by implementing the Court Collection Service Fee authorized by the Board of Supervisors, the Juvenile Court would be able to recover the 28% service fee, which is presently being charged on amounts collected by the contract collection agency.

## **19. Centralizing Bad Debt Collections**

The Superior Court and the Tucson Consolidated Justice Court have approximately \$70 million in active accounts receivable balances dating back many years. Each year, these receivables increase by approximately \$21.0 million, yet only \$10.4 million is collected from all current and past due accounts. In part, this is due to a general lack of investment by the County and the courts in collections, the dispersed authority and responsibility among participant agencies, and weak functional coordination by departments assigned with collections duties.

While the Pima County justice agencies and the courts have established several processes for the collection and enforcement of fines, fees and restitution payments from individuals convicted of crimes, some aspects of the collection process are stronger than others. Further, despite recent efforts by the Board of Supervisors, the Courts, the County Administrator and the other justice departments, there continues to be no central database of accounts receivable information, processes are not well defined, and some critical collection steps are duplicated or missed.

The Board of Supervisors should direct the County Administrator to work with the Presiding Judge of the Superior Court, the Clerk of the Superior Court and other elected officials, to establish a central collections function and consolidated bad debt collections contract. This collection strategy would strengthen overall justice system collection performance, while protecting the independent role of the judiciary and other elected officials. For each one percent annual improvement in collection performance, victims and taxpayers would realize \$104,000 in currently uncollected revenue.

The Board of Supervisors should:

- 19.1 Direct the County Administrator to work with the Superior Court, the Tucson Consolidated Justice Court, the Clerk of the Superior Court and other affected agencies to develop a centralized collection unit in the County, as described in this report. To focus on justice accounts, this unit should be organizationally located within the office of the Clerk of the Superior Court. After the unit is established, the Board and the Justice Court should consider contracting with the Clerk of the Superior Court to collect delinquent civil traffic accounts.
- 19.2 Direct the County Administrator to work with the criminal justice departments to develop comprehensive and well coordinated policies and procedures for criminal justice system collections.
- 19.3 Fund the purchase of a state-of-the-art accounts receivable system which will provide comprehensive data on receivable balances and collections. Annually fund system maintenance, as described in this report.
- 19.4 Direct the County Administrator to suspend implementation of the data warehouse project, which has proceeded slowly and is still not fully functional.



- 19.5 Provide the County Attorney with sufficient additional staff to enforce the collection of fines and fees that go to civil judgment for both supervised and unsupervised probationers.
- 19.6 Amend County Ordinance 2000-80 to permit the County and the courts to establish service fees for the cost of collection activities performed in-house.

The County would incur approximately \$440,000 per year for the costs of the centralized collection unit (which includes the amortized cost of the collections system and annual maintenance), and approximately \$75,000 per year for the cost of County Attorney staff to enforce collections of delinquent fines and fees on closed supervised and unsupervised probation cases. These costs would be completely offset by additional revenue, if the County and the courts choose to implement collection service fees for in-house delinquent account collections activities. Revenue collections should increase due to improved centralized management and better information.

The County would realize additional net revenue from the collection of delinquent Superior Court, Consolidated Justice Court and Juvenile Court accounts. For each one percent increase in the current collection rate, at least \$104,000 in additional revenue would be received annually.

## **20. Charges for Pretrial Services**

The current contract between Pretrial Services and the City of Tucson requires an annual payment by the City of \$278,730 for intake and processing arrestees brought to the County Jail on City Court charges. This amount does not fully account for the cost of services provided to the City Court, based on workload, and excludes any portion of the County's indirect cost.

The County should modify its contract with the City of Tucson so that it better reflects the cost of providing pretrial screening services, resulting in additional reimbursement of \$64,000 per year.

The Pretrial Services Division of the Superior Court should:

- 20.1 Revise its cost allocation methodology to more accurately apportion workload activity based on historical trending, and account for the full cost of providing services.
- 20.2 Negotiate a new Intergovernmental Agreement with the City of Tucson for FY 2000-01 that more accurately relates to workload activity, and that includes charges for non-personnel costs and indirect costs.

There would be no cost to implement these recommendations.

The County would recover an additional \$64,000 per year of its costs to provide pretrial release services to the City Court. The methodology used to compute these payments would more accurately reflect PTS processing activity, and apportion indirect costs using more appropriate cost accounting concepts.

## **21. Interagency Administrative Coordination**

The Superior, Juvenile and Justice Courts, Adult Probation Office and Clerk of the Court are integrally linked in the provision of court services, for which extensive coordination is required. These agencies have developed a beginning framework for coordinating policy-making and professional and contracted services. However, management of these agencies could be significantly improved through greater coordination of policy making.

In addition, the Superior Court and Adult Probation Office should consolidate and the Superior Court, Juvenile Court and Clerk of the Court further coordinate budget management, collections, automation support, human resources, and facilities management. Coordination of services such as interpreters, court reporters and judicial library collections between the Superior and Juvenile Courts would further streamline operations. Some of these forms of coordination are, in fact, required by the Supreme Court of Arizona.

The Superior Court needs to reduce the number of direct reports to the Court Administrator to allow increased coordination and introduction of other management improvements.

The Pima County Board of Supervisors should:

- 21.1 Require the Superior Court, Adult Probation Office, and court functions of the Juvenile Court to submit an integrated budget under which resources could be transferred between offices to maximize service provision.
- 21.2 Require the budgets of the above agencies to be coordinated with those of the Justice Court and Clerk of the Court.

The Superior Court Presiding Judge should:

- 21.3 Seek clarification from the Administrative Office of the Courts concerning implementation of Administrative Order V-A.
- 21.4 Integrate human resources services from the Superior Court and APO under a single human resources director. Insure that direct court personnel in the Juvenile Court – judicial administrative assistants, court reporters and bailiffs – are managed consistently across the Juvenile and Superior Courts.
- 21.5 Require court facilities staff to develop a plan for integrating services for security, accommodation for those with disabilities, and ergonomics for the Superior, Juvenile and Justice Courts and the APO and Clerk of Court. To the degree that these agencies share facilities, require coordination of facility construction and renovation.
- 21.6 Combine the court reporting, interpreter and law library operations of the Juvenile and Superior Courts.
- 21.7 Examine the use of electronic reporting in departments where court reporters are not mandated.

- 21.8 **Restructure the Superior Court to place court operations, including calendar management, interpreter services, court reporting services and law library services, under the Deputy Court Administrator.**
- 21.9 As the court moves closer to implementation of AZTEC and other integrated applications, evaluate the organization of the various agencies' information technology units for opportunities to consolidate functions.

Undetermined management costs may be incurred with the restructuring of the Superior Court, and assignment of additional functions to the Deputy Court Administrator.

Significant cost savings, operational improvements and streamlining of the administrative functions for these departments would occur. Planning and implementation of strategic initiatives that affect the entire criminal justice system would occur.

## **22. Role of Judicial Administrative Assistants**

While the County Clerk is responsible for the maintenance of Superior and Juvenile Court case files and creating court minute orders, the Clerk's Office plays a minimal role in calendar management. The Judicial Administrative Assistant (JAA) who works for each individual judge instead performs this role. There is little standardization in how JAAs perform this function. JAAs are not provided with consistent training, lack adequate supervision, and have no specific relief staff to replace them when they are absent.

Given the central importance of JAAs in calendar management, the Superior Court should develop standardized hiring procedures and consistent performance expectations for JAAs through an ongoing training program and clarified job description for JAAs. The court should utilize the lead JAA positions in each division to provide direction to regularly employed JAAs and to supervise temporary JAA staff.

If improvements in the selection, training, and oversight of JAAs are not made, the County should also seek statewide legislation to provide that JAAs are employees of the court, not individual judicial officers.

The Superior Court should:

- 22.1 Clarify job expectations for JAAs, including a requirement that Judicial Administrative Assistants follow case procedures and reporting mechanisms needed for court management to direct the felony case flow process. Ensure that parties appearing in court understand that this is a key function of JAAs;
- 22.2 Develop an ongoing training program for JAAs;
- 22.3 Clarify that lead JAA positions in each substantive area of law are to provide ongoing training to JAAs, conformity in practice, and assistance to JAAs when performing their jobs. The lead position should be utilized to oversee the work of temporary staff in divisions when JAAs are absent due to vacation, illness or training.

#### 22.4 Create a more regularized appointment system for JAAs.

In the absence of improvements in the hiring, supervision and training of JAAs, the county should seek statewide legislation to provide that JAAs are employees of the Superior Court, not individual judicial officers.

There would be no cost to implement these recommendations.

The role and function of the JAA would be made more consistent, procedures would be standardized and training would be enhanced, permitting JAA staff to be used more interchangeably between courtroom assignments. Vacation relief could be more readily available from in-house staff, potentially reducing temporary employee costs to the County.

# Introduction

The Harvey M. Rose Accountancy Corporation is pleased to present this *Management Audit of the Pima County Criminal Justice System*. This study was requested by the Pima County Board of Supervisors in July 2000 to evaluate the operations of the courts and County criminal justice system agencies. The Board directive included the following project goals.

1. To determine General Fund cost impacts resulting from criminal justice system operations.
2. To identify revenue enhancement opportunities, such as increased opportunities for federal reimbursement due to the County's "border county" status.
3. To identify cost recovery opportunities, with special emphasis on increasing revenues in the Justice Courts and recovering costs from the Municipal Courts, where possible.
4. To develop recommendations for achieving program and service delivery economies, cost efficiencies and operational improvements.
5. To determine the cost effectiveness of drug court and the reduction of time convicted but unsentenced inmates spend in County jail, pending transfer to the Department of Corrections.
6. To assess existing management controls, and develop recommendations for improvements, with emphasis on the number of conflict cases in the Public Defender and Legal Defender offices, and the use of Joe U. Smith by the Public Defender and Legal Defender offices to withdraw from representation.
7. To assess criminal justice system department performance and compliance with laws and/or regulations set by management, applicable technical standards or norms, expert opinions, prior year performance by similar entities, and other measurements.
8. To identify the costs and resulting benefits from a 10 percent criminal trial rate.

This study was divided into four primary phases. Under Phase I, HMR conducted initial interviews with department management and collected base data in an effort to refine the audit methodology and work plan for the remaining portions of the study. The Phase I report was presented to the County and the courts in November 2000. Phases II through IV have included field work, finding development and report preparation activities by the HMR Project Team. A final report was presented to the Board of Supervisors on April 27, 2001, after exit conferences with each of the involved departments to ensure factual accuracy.

## Study Scope

The scope of the Performance Audit of the Pima County Criminal Justice System includes a review of the activities of the courts and most County criminal justice departments, including the Superior Court and Adult Probation; the Juvenile Court, Juvenile Probation and Juvenile Detention; the Tucson Justice Courts; the County Attorney; the County's three Indigent Defense operations; and, the Sheriff's Department. Certain functions and activities have been excluded from the Project, including:

- The Conciliation Court and Law Library within the Superior Court;
- The outlying (non-Tucson) Justice Courts; and,
- The Child Support, Civil and 88-Crime Unit services within the County Attorney's Office.

Nonetheless, HMR was required to evaluate aspects of the operations of some excluded County departments to ascertain the impact each has on the remaining criminal justice system. For example, although the Clerk of the Superior Court's Office was excluded from the study scope, we worked with the department's staff to understand aspects of the Clerk's operations that impact court services, and overall collection effectiveness.

## Methodology

The *Management Audit of the Pima County Criminal Justice System* was conducted in accordance with performance audit standards promulgated by the Comptroller General of the United States.<sup>1</sup> These standards define minimum performance audit requirements for audits of governmental agencies, and relate to the qualifications and independence of professional staff, as well as procedures for ensuring due professional care and quality control throughout the management audit process.

Accordingly, the following audit procedures were followed for this management audit:

- An entrance conference was held with management representatives of the involved departments to describe the audit process, the roles of the auditors and participating department representatives, and to respond to questions.
- The project was planned and monitored to accomplish the primary study objectives.

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- A draft report was produced to provide responsible managers with the opportunity to review its content prior to release, and to identify any factual errors or inconsistencies.
- The views of the responsible managers were solicited, and written responses to the report have been included with the final document presented to the Board.

The activities necessary to complete this study required approximately six months of professional staff effort. During this period, staff and consultants from the Harvey M. Rose Accountancy Corporation interviewed managers, supervisors and line personnel from each of the affected agencies; obtained and reviewed department generated statistics and reports on operations; collected and analyzed data provided by the departments; observed department and staff activities; and, conducted limited surveys of other comparable jurisdictions. As a result of these activities, we developed 22 findings, which are contained herein.

## **Project Coordinating Committee**

As part of initial project activities, a Project Coordinating Committee was formed to allow direct participation in the study process by the courts and the County departments that were the focus of the Performance Audit. Participating in the Coordinating Committee were representatives of the Superior Court, the Juvenile Court, the Justice Court, the County Administrative Office, the Sheriff's Department, the County Attorney's Office, the Public Defender, the Legal Defender and Indigent Defense.

The purpose of this Coordinating Committee was to provide the departments with a forum to monitor study progress and address cross-departmental issues that were presented by the Performance Audit Team. In addition, the Coordinating Committee was asked to provide feedback on the Phase I report content, survey and sampling activities, and the final report draft.

## **Description of the Pima County Criminal Justice System**

The Departments which were the subject of this study perform all of the major criminal justice functions within the County. Short descriptions of these functions are provided below:

- Sheriff's Department – The Sheriff's Department is responsible for all law enforcement services within the County unincorporated areas, dispersed between five districts and four substations. The Sheriff also operates the County's three jails and correctional facilities, and provides prisoner transportation and security services for the courts.

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- County Attorney – The County Attorney prosecutes misdemeanor complaints originating in the County unincorporated areas, and felony complaints filed by all jurisdictions within the County. The Office also provides general legal services and litigation representation to Pima County through its civil division; provides support counseling and advocacy services to crime victims and witnesses; administers the County's child support enforcement services; and, operates a 24-hour per day anonymous crime telephone hotline.
- Indigent Defense – Indigent Defense includes the offices of the Public Defender and Legal Defender, and private attorneys who contract with the County to provide indigent defense services in matters where the Public Defender and Legal Defender have a conflict of interest. These three offices represent indigent defendants arrested within the County unincorporated areas who have charges filed for misdemeanors, and indigent defendants arrested throughout the County who have charges filed for felonies.
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- Adult Probation – The Adult Probation Department is a division of the Superior Court. The Department provides pre-sentence investigation services for the courts, and supervises individuals who are sentenced to probation.

- Juvenile Probation, Early Intervention and Detention Services – Juvenile Probation, Early Intervention and Detention services are three divisions within the Superior Court. The Juvenile Probation Division is responsible for the review of juvenile petitions and preparation of court reports, the supervision of minors placed on home detention, the supervision of minors placed in private placement facilities and group homes, and the supervision of juveniles released on probation. The Early Intervention Division is responsible for intake and receiving services at the Juvenile Detention Center, as well as the supervision of minors arrested on minor violations and placed into various prevention programs. The Juvenile Detention Services Division is responsible for the secure confinement of minors arrested within the County.

These Pima County criminal justice system departments are funded from a mix of intergovernmental revenues, which includes income from the federal and State governments, as well as municipalities; and other earned revenues, which generally includes fines and fees. In FY 2000-01, the Criminal Justice System programs, which are the subject of this Performance Audit, were budgeted for approximately \$152.8 million in expenditure appropriations. Of this cost, approximately \$41.8 million was budgeted to be offset by intergovernmental revenues, resulting in a budgeted General Fund direct cost of \$111.1 million.<sup>2</sup>

However, these department programs also collect approximately \$14.4 million in other earned income, resulting in a Net General Fund cost of approximately \$96.7 million (funded entirely from discretionary revenues, such as taxes). The table on the following page illustrates the Net General Fund Cost by Program being reviewed for this Performance Audit.

Excluded from this analysis are unallocated costs for administrative services provided directly by each of the departments to these programs. In FY 2000-01, administrative appropriations for the departments that operate these programs were approximately \$24.2 million. Offsetting these budgeted costs is over \$2.2 million in revenue.

It is important to recognize the cost of these administrative services when reviewing this schedule. Included within the administrative programs for these departments are the costs for management, fiscal, human resources, information systems and similar services that support the operating programs. Therefore, the total program costs presented in the table are generally understated since we did not allocate these administrative costs as part of this analysis.

Because of the breadth of services provided by the courts and the departments under review, we were not able to perform a comprehensive management audit in all areas. Instead, we focused our analytical resources on those areas specifically requested by the Board of Supervisors (e.g., evaluating Drug Court, evaluating Joe U. Smith and the cost of indigent defense services, analyzing the cost of a ten percent trial rate, etc.).

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<sup>2</sup> Mathematical imprecision is due to rounding.

**Table 1**

**Analysis of FY 2000-01 Budgeted Net General Fund Cost  
 Direct Cost of Programs Included in Pima County  
 Criminal Justice System Performance Audit**

Program	Direct Program Cost	Inter- Governmental Revenues	Direct General Fund Cost	Earned Revenue	Net General Fund Cost
County Attorney	18,785,151	5,177,673	13,607,478	4,069,815	9,537,663
Public Defender	6,888,138	60,000	6,828,138	-	6,828,138
Legal Defender	1,962,947	30,000	1,932,947	-	1,932,947
Contract Attorneys	4,330,867	41,000	4,289,867	461,000	3,828,867
Total Indigent Defense	13,181,952	131,000	13,050,952	461,000	12,589,952
Tucson Justice Courts	4,076,074	396,546	3,679,528	3,707,150	(27,622)
Juvenile Court Services	1,311,201	-	1,311,201	-	1,311,201
Early Intervention Services	4,115,818	1,759,368	2,356,450	-	2,356,450
Juvenile Probation	7,182,730	5,081,924	2,100,806	10,000	2,090,806
Juvenile Detention	9,799,599	3,537,463	6,262,136	-	6,262,136
Total Juvenile Court	22,409,348	10,378,755	12,030,593	10,000	12,020,593
Sheriff Law Enforcement	39,339,554	14,604,073	24,735,481	4,250	24,731,231
Sheriff Corrections	25,917,480	687,500	25,229,980	4,045,662	21,184,318
Total Sheriff	65,257,034	15,291,573	49,965,461	4,049,912	45,915,549
Superior Court Services	10,510,080	420,218	10,089,862	238,491	9,851,371
Pretrial Services	1,884,169	278,730	1,605,439	-	1,605,439
Adult Probation	16,718,164	9,691,222	7,026,942	1,864,454	5,162,488
Total Superior Court	29,112,413	10,390,170	18,722,243	2,102,945	16,619,298
Total All Programs	152,821,972	41,765,717	111,056,255	14,400,822	96,655,433

In addition, we concentrated on the areas of greatest cost exposure for the County. For example, we reviewed the efficiency of the Superior Court process related to the adjudication of criminal defendants, jail staffing and management, juvenile detention services, in-custody medical services, and others. Many of these issues are the topics of the findings contained in this report.

## Comments and Observations

Often, when we conduct management audits, we make various observations and develop perspectives which are never elevated to finding status. During the *Management Audit of the Pima County Criminal Justice System*, this was no exception. The following discussion describes some of our observations and comments regarding the operations of the County's criminal justice system.

**Core Operational Data** – There is much data and statistical information available from the courts and other criminal justice departments in Pima County. Yet, there is insufficient data collected, or analysis conducted for measuring the ongoing cost effectiveness of justice system processes. In many areas of our study, we were faced with the challenge of assessing the operations without sufficient data or management information to draw firm conclusions on workload, performance or program cost-effectiveness, and this is reflected in many of the report sections contained herein (e.g., when assessing felony case processing, early disposition effectiveness, drug court, indigent defense costs, juvenile detention risks and needs, etc.).

The County Administrator should work with the departments to enrich the amount and quality of data and other management information that is necessary to effectively evaluate the operations of the criminal justice system in key areas that drive costs. In some departments, this may require the appropriation of additional administrative personnel and other resources to ensure that information is available and accessible to the County and the Board of Supervisors. Although some costs may be required to implement effective data management tools in the departments, we believe that such costs should be considered if the County wishes to have access to information which permits it to make informed decisions regarding service levels and budget appropriations in future years.

**Information Systems Development and Coordination** – A related, but separate issue, pertains to the development and coordination of information systems within the County criminal justice system agencies. There has been an effort by the State to encourage the development of uniform information systems within Arizona, and the State has taken the lead with the courts and probation to develop uniform systems of data management at both the adult and juvenile justice levels (the AZTEC and JOLTS systems, respectively). In addition, on several other fronts the State is encouraging greater information systems coordination among the varied justice system participants at the State and local levels (e.g., through the Arizona Criminal Justice Commission systems integration efforts). However, the County lacks the administrative infrastructure to ensure that systems development and operations are well planned and coordinated, and integrated where appropriate and practical.

In Pima County, the courts and the independent criminal justice departments have migrated from a somewhat centralized information systems management structure which existed many years ago, to a decentralized structure which provides significant autonomy to departmental management. Although such autonomy can be beneficial to individual departments as they implement program specific goals, it can be detrimental to systems integration, coordination and planning efforts.

In many medium to large counties with which we are familiar, considerable resources have been directed toward the development of shared information management systems from which a common set of data can be shared, accessed and manipulated locally by departments. To an extent, the AZTEC and JOLTS systems will provide some of this capability. Yet certain justice system players, such as the Sheriff, local police departments, and to a lesser degree the County Attorney and Indigent Defense Services departments, will continue to have significant data and case management needs that extend beyond the functionality of the two State systems.

Currently, the courts and each of the justice departments in Pima County largely operate independent information systems divisions. Based on interviews conducted for this study and a high level review of the courts' and departments' information system inventory, this has resulted in an array of systems which do not communicate well and contribute to many operating inefficiencies. It is therefore incumbent upon central County administration to take a leadership role, and seek resources where appropriate, to work with the justice departments to develop an integrated information systems plan,<sup>3</sup> better position the County to take advantage of State initiatives and funding opportunities, and systematically identify opportunities where integrated systems could improve data integrity and eliminate unnecessary costs, such as duplicate data entry or cumbersome manual processes.

**Budget Management Issues** – On occasion, the courts and the justice departments appear to proceed with program development initiatives without adequately involving central County administration on potential budget impacts. The departments, as part of their efforts to improve and enhance services to the public, often make changes in operating policies and/or practices which have the impact of increasing County costs of services. Sometimes these cost impacts are direct, while other times they may be indirect as the changes in operations affect the operations of other departments in the system of criminal justice services.

We observed several examples of this occurring as we proceeded through our management audit activities. Although in no instance did it appear that the courts or the departments intentionally excluded the County Administrator or the Board of Supervisors from early discussions of program change, such exclusions did appear to occur.

It is clear that the Courts and criminal justice departments managed by elected officials have a significant amount of independent authority to develop programs without Board of Supervisors' approval. Nonetheless, for many of these programs, the County budget consequences are great. It is therefore incumbent on these agencies that processes be established that will ensure that the Board of Supervisors and the County Administrator are more directly involved in decisions that have the potential to impact the County budget. Such involvement should occur as early and as fully as possible.

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<sup>3</sup> The Arizona Administrative Office of the Courts has required the courts and the Clerk of the Superior Court to develop an integrated information systems plan. The first such plan was completed under the leadership of the Pima County Superior Court in 1999.



Overall, we found that the courts and the County criminal justice agencies work well together in many aspects of their operations. Yet there continues to be need for greater coordination and enhanced management oversight of the system as a whole. We hope that this report will be received as a constructive criticism of justice system operations, and will open discussions that will lead to improvements in operations and reductions in costs.

## **Acknowledgements**

We would like to recognize the management and staff from each of the participating departments for their full cooperation and participation during this study. We found all of the individuals we met with to be forthcoming with information, as well as candid and insightful as they provided their perspectives on Criminal Justice System operations.

Paula Perrera, Behavioral Health Director  
Re: Contracted Medical Services in PCADC and PCJDC  
July 25, 2022  
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## 1. Felony Case Processing Standards

- **Pima County is not meeting its internal felony case disposition and time to trial standards, as well as those established by the State and the American Bar Association. The responsibility for adjudicating cases in a timely manner belongs to all members of the criminal justice community; the key participants in assuring that felony case time standards are met are the Superior Court, County Attorney, and Public, Legal and Indigent Defender offices.**
- **While external factors clearly play a role in the time to disposition, court actions contribute as well. Several of the felony case processing procedures established by the Court in 1999 are not being appropriately monitored. State and local rules concerning disclosure requirements, conferences between parties, notices that conferences have occurred, preclusion of issues not raised at the appropriate time, and deadlines for acceptance of negotiated pleas and motions to continue are not being enforced. As a result, many events occur later than the scheduled time and/or do not contain the elements that would promote efficient case processing. The number of trial continuances continues to slow case processing. Felony trial divisions are not being used to the fullest extent possible.**
- **In addition, the number of events required for each felony case is excessive, leading to delay as cases wait to proceed. The number of events may also discourage the County Attorney from sending assigned trial attorneys to critical court events.**
- **Finally, several reports that could assist the Court with improving case management are not available because staff does not regularly utilize available entries in CACTIS, the criminal calendar system. The absence of a dedicated case flow coordinator, a select number of agreed-upon performance measures and ongoing training in caseload techniques limits the effectiveness of the steps the Court has taken to improve felony case processing. These management deficits obscure structural problems in criminal case processing and render appropriate remedial action difficult.**

Delays in case processing, frequent continuances and unproductive case processing events have cost impacts in all parts of the criminal justice system. Most obviously, delay in time to disposition leads to increased costs of incarceration for the County. Delay in case processing and frequent continuances result in costs in the areas of judicial officer and Court staff time; administrative processing by the Courts, Probation and Clerk of the Court's office; and repeated and duplicative preparation by defense and prosecution attorneys that are significant and are often overlooked. Excessive numbers of cases pending on the trial calendar also divert participants' focus away from cases that are more likely to proceed to trial.

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*Harvey M. Rose Accountancy Corporation*

Unproductive case processing events involve their own set of costs. Appearance at the event itself is costly for all participants: the Courts, Clerk, law enforcement, prosecution and defense attorneys, and Probation staff. Preparation for the event is even more time consuming and costly. Administrative costs for the Court and Clerk are incurred in calendaring the event, preparing and delivering the file and preparing computer entries after the event has taken place. Unnecessary preparation time for attorneys is also a major consideration.

Standards promulgated by the Arizona Supreme Court call for 90% of felony cases to be disposed within 100 days and 99% within 180 days of arraignment.<sup>1</sup> The Pima County Superior Court has also, in concert with other County criminal justice agencies, established case processing guidelines calling for the average time from felony arraignment to commencement of trial to be 90 days. For fiscal year 1999-00, only 47% of felony cases were disposed of within 90 days of arraignment and 74% within 180 days. The current average time to commencement of trial is 136 days.

This issue of felony case processing delays has been explored by other consultants and is generally recognized by the Court to be an issue. The Superior Court has tried a number of approaches to reduce felony case processing times with some positive results. Recent examination of this issue began in 1992 under Arizona Chief Justice Feldman, who directed the Pima County Presiding Judge to take immediate steps to eliminate the criminal case backlog.<sup>2</sup> Supreme Court staff presented a workshop on criminal delay reduction to all members of the Pima criminal justice community, which established the following guiding principles for the program known as "Rocket Docket":

- Superior Court administration should prioritize cases for trial;
- Only the Presiding Judge should hear motions to continue trials scheduled for the following week;
- No motions to continue or negotiated changes of plea should be entertained once a case is assigned to a division for trial;
- For cases in the case evaluation system (CES), the prosecutor should provide the plea offer at arraignment; and,
- The trial judge should use the pre-trial conference to explore good faith efforts in plea negotiations, explain the possible consequences of not accepting a plea, and indicate that issues not raised at the pre-trial conference may be precluded at trial.

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<sup>1</sup> American Bar Association standards call for 90% of felony cases to be adjudicated within 120 days and 98% within 180 days.

<sup>2</sup> At that time, only 13% of felony filings were disposed of within 90 days and 54% within 180 days; the average time from arraignment to commencement of trial was 232 days.

The current system of case management and the timing of case events were introduced in early 1999 based on the work of Ernie Friesen of the Justice Management Institute. As shown on the attached flow chart (Attachment 1.1), the process includes:

- Conferences between parties, at which possible pleas are discussed, to be held a maximum of twenty five days after arraignment;
- A new case management conference, during which changes of plea, motions and settlement conferences are scheduled and the pre-trial conference date set, to be held thirty days after arraignment;
- Plea deadlines set by the County Attorney's Office at 30 days and 51 days after arraignment, depending on case type;
- Pre-trial conference statements and pre-trial conferences, requiring attorneys to identify time and date of witness interviews and motions to be heard, now held thirty days before trial; and,
- Trial confirmation conferences to prioritize trials and backup trials for the calendar ten days prior to trial.

Intensive education sessions were held with all parties in the criminal justice system concerning the new process. Friesen recommended that the Court adopt the following performance measures:

1. The percentage of cases scheduled for trial should not be more than twice the actual trial rate;
2. The clearance rate (i.e., the proportion of annual dispositions to annual filings) should be close to 100%; and,
3. Not more than 15% of cases should be continued, since continuances clog the calendar and are costly to all criminal justice agencies.

## **Current Case Processing Performance**

These efforts have led to significant improvements in the time to commencement of trial, the timing of plea acceptance, the number of cases pending trial, the clearance rate and the number of trial continuances.

## **Case Processing Times**

Attachment 1.2 shows that the time for all court events has declined significantly in recent years. Time to commencement of trial, for example, has declined in the last two years from an average in excess of 200 days to a current average of 136 days. This reduction has resulted in significant savings in jail costs as well as in administrative expenses. The length of time that pre-trial defendants have been awaiting trial has fallen so that 58% have been awaiting trial for less than 90 days from arraignment compared with approximately 47% in December 1998. This results in significant savings in jail costs as 40% of pre-trial defendants in Pima County are in custody at a cost of nearly \$53.00 per defendant/per day.

In addition, the average time to disposition has declined so that at present 47% of felony cases are disposed within 90 days. This timing, however, still falls short of the goal set by the Arizona Chief Justice and is significantly below the averages in several comparison counties,<sup>3</sup> where between 72% and 92% of cases are disposed within 90 days (Attachment 1.3).

## **Timing of Plea Offers**

Statistics from Pima County indicate that the number of early pleas (i.e., those within thirty days of arraignment) have increased from approximately 12% of all accepted pleas to 25% between October 1998 and October 1999. While the total number of pleas accepted within 60 days of arraignment and before the pre-trial conference remains essentially unchanged, pleas accepted at the earliest possible point in the process reduce costs to the system and remove cases from the calendar. The average time to plea is now 50 days, representing a 37.5% reduction in the number of days from the nearly 80 days in the period of July through December 1998 (Attachment 1.2). Nonetheless, 40% of pleas are still accepted after the pre-trial conference.

## **Cases Pending/Cases Calendared for Trial**

The Court is also reducing the number of total cases in its inventory. In FY 1998-99, 5,475 felony cases were disposed, compared with felony filings totaling 4,906, for a clearance rate of 112%. In other words, the Court disposed of 12% more felony cases than were filed, reducing the number of cases pending at the beginning of the next year. In FY 1999-00, the clearance rate was 101% (4,600 dispositions to 4,533 filings).

Of the total cases, a subset are scheduled for an actual trial date. The Court continues to struggle with a larger number of cases scheduled for trial than can realistically proceed to trial. However, there have been notable improvements in this area as well. Shortly after introduction of the new system, a large number of pending trials were cleared from the calendar because, after each division notified attorneys that a joint pre-trial statement would be required, many cases settled.

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<sup>3</sup> The larger Arizona counties of Maricopa, Yavapai, and Pinal were utilized whenever data was available. Comparison counties from outside Arizona were selected on the basis of population size. Counties included are: Las Vegas, Nevada; Salt Lake City, Utah; and Fresno, Ventura, San Mateo, Kern and Contra Costa, California. Again, data may not have been available in all cases.

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The number of felony cases on the calendar at any time has declined from 835 in August 1992 to 650-700 throughout 1996, 1997 and 1998, and to 382 in May 2000; subsequent month's data indicate that the number of felony cases on the calendar is remaining at approximately 400.

## **Trial Continuances**

Lastly, trial continuances have decreased. For example, in April through August 1998, in 48% of the cases confirmed for trial, the trial took place only after a continuance. In April through August 1999, only 28% of trials were continued. Even with this substantial improvement, the continuance rate is still twice that recommended by Friesen.

## **Workload Comparisons**

The audit sought to examine whether case processing delays were being caused by severe resource inadequacies. In fact, it was found that case processing delays continue despite comparative workload measurements that indicate overall, on many common bases, taken together the County courts and Clerk of the Court in Pima<sup>4</sup> have adequate resources to perform their functions. For example, the Pima County courts have a reasonable number of filings per judicial position equivalent (JPE) of 1,661, compared with rates of 1,005 to 2,081 filings per JPE in the comparison counties (Attachment 1.4).

Overall staffing and funding levels also appear adequate. In fact, in comparison with other courts of like size, the Court is more generously staffed. For example, while Pima enjoys a ratio of 12.9 FTE to each JPE, the ratios in other counties average 10 FTE per JPE (Attachment 1.5). The Pima County courts expend \$657,485 per JPE compared with \$230,009 per JPE to \$839,205 in comparison counties, many of which are in higher cost California<sup>5</sup> (Attachment 1.6). A better comparison is with Maricopa County, which expends \$61,000 less per JPE than Pima County, although it should be recognized that significantly larger organizations do enjoy an economy of scale.

In part, the Court may be experiencing felony case processing delays because of the relatively larger percentage of cases disposed through jury trial, particularly in felony cases, than in comparable jurisdictions. In 1998-99, Pima disposed 12.0% of its felony dispositions via jury trial compared with a range of 1.2% to 5.2% in the comparison jurisdictions (Attachment 1.7). This places a significant workload burden on the Court.

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4 Workload comparisons include data from the Superior, Justice and Juvenile courts and the Clerk of the Court's Office in each of the comparison counties. Data examined was from fiscal year 1998-99, the last full year for which comparative data was available. Sources of data included The Arizona Courts: Data Report 1998-99; Court Statistics Report, Statewide Caseload Trends, Judicial Council of California; and a survey conducted by the Harvey M. Rose Accountancy Corporation. Data sources are noted on each of the accompanying charts.

5 The top of the range for the annual salary of a courtroom clerk in Contra Costa, California is \$51,530 compared with a top range courtroom clerk salary in Pima County of \$42,640, or a difference of 17%.

## **Opportunities for Further Improvement**

Elements of the Court's case processing system can be streamlined and existing rules concerning plea deadlines and continuances enforced to improve case processing without a reduction in the trial rate. In addition, the number of steps through which all cases are required to proceed could be reduced. Opportunities for improvement in these areas are discussed more fully, below.

### **Efficacy and Timing of Current Case Processing Events**

#### *Setting of Trial Dates by the Court*

In his 1998 report, Friesen pointed out that the Court was generally setting trial dates within 120-150 days of arraignment, making it unlikely the Court can approximate the state's case processing standards. At present, the Court schedules calls for trials to commence 90 days after arraignment.<sup>6</sup> In addition, Court statistics indicate that nearly 50% of cases that are disposed without trial are not disposed until after the pre-conference hearing date, 70 days into the process. Scheduling all trials at 90 days, even those that could be disposed earlier, undercuts the Court's ability to bring felony case processing times closer to the standard. In fact, a case sample conducted for this study indicates that of 109 cases reviewed, the earliest time to commencement of trial was 79 days, with 348 days to trial representing the longest time among cases surveyed.

In contrast, other courts schedule trials to commence before the established goal for felony case disposition. In Los Angeles County, California, for example, the Superior Court sets trials to begin 50 days from arraignment against a goal of an average of 60 days for arraignment to disposition. In this fashion, the Court has more assurance that cases will be disposed in a timely manner.

#### *Rule 15 Disclosure Requirements*

Arizona State Rule 15 requires that the County Attorney's Office provide disclosure to the defense within ten days of arraignment. Without adequate and timely disclosure, the defense cannot judge whether accepting a plea or beginning to prepare for trial is in the client's best interest.

The Court does not systematically confirm compliance with Rule 15 disclosure requirements, although individual judges may require disclosure in conformance with Rule 15 deadlines. In fact, the Court is not aware of whether disclosure requirements have been met unless the defense files a motion compelling prosecutorial disclosure. The Public Defender's and Legal Defender's Office report that they receive initial reports but not generally witness statements, client statements, lab reports, medical reports or reports of follow-up investigations. The County

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<sup>6</sup> The assumption is that trials should commence 90 days after arraignment. Actual trial dates are not set until the pre-trial conference. In turn, the pre-trial conference date is set at the case management conference.



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Attorney's Office indicates that it is providing police reports and witnesses for interviews. According to the County Attorney's Office, the office provides the defense at arraignment with "what we have" and much of the required disclosure information is not being provided by police agencies in a timely manner. The case sample verifies that there is some disclosure in most case files but does not reveal whether disclosure was complete.

Regardless of the reasons that disclosure is not completed in a timely manner, it is incumbent on the County Attorney's Office to provide disclosure in compliance with state rules and on the Superior Court to enforce its provision. This is an area with which criminal justice agencies in Pima County are familiar. The Criminal Justice Oversight Committee has, over the last several months, been examining the reasons for, and possible solutions to, incomplete and/or untimely discovery.

The timeliness and efficacy of the remaining events are summarized in Attachment 1.8.

#### ***Compliance with Rule 16.4***

State Rule 16.4 requires that parties conduct a conference between themselves prior to the case management conference (CMC) with the Court (discussed below) and file a statement concerning acceptance or non-acceptance of plea offers prior to the CMC. This requirement is intended to insure that the parties are aware of issues in the case and to encourage early settlement of cases, where appropriate. The Pima Superior Court's process calls for Rule 16.4 Conferences to take place five days before the CMC, with the Rule 16.4 notification filed two days before the CMC. The minute entry at the CMC provides for the Court, when Rule 16.4 notifications are not filed, to either indicate on the record that there was good cause for failure to file the notification or to impose sanctions.

The current practice is that cases in the County Attorney's Case Evaluation System, which represent 60% of felony cases, are exempt from rule 16.4 requirements because there is not yet a trial team assigned. This vitiates the value of the 16.4 meeting and statement because it is in these very cases that the plea deadline has been set as the CMC. In other words, for the cases for which pleas might be accepted at CMC, the meeting and notice intended to encourage early settlement of cases is not imposed. For non-CES cases, the plea deadline is 51 days. In these cases, for which the 16.4 meeting and notice is required, the plea deadline is far in the future, making it less likely parties will be discussing settlement of the case at the time of the 16.4 meeting and statement.

In any event, the Presiding Judge of the Criminal Division estimates that in only approximately one in ten cases are Rule 16.4 notices received. The case sample indicates that only 34.7 percent of required 16.4 statements are being filed on non-CES cases and that they are filed on average at 28 days after arraignment. The County Attorney's Office confirms that rule 16.4 conferences are not taking place and defense offices agree that either the conferences do not take place or they do not fulfill the desired function. Moreover, Judicial Assistants report that they do not contact the parties or inform the judge if these notifications are not received. All parties confirm that there is no follow up from the Court if the statements are not received.

The Court does not systematically track compliance with this rule because, according to the Court's calendar services manager, the Court's exception report concerning missed case management deadlines would be too voluminous. Thus, Rule 16.4 conference dates and due dates for the conference statements are vacated if they do not take place by the time of the CMC and the fact that they did not occur does not appear on system-produced exception reports. This prevents Court management from judging the degree of compliance with this requirement.

The Superior Court should require that parties hold 16.4 meetings and file notification to the Court in CES cases. In addition, the Court should produce the exception report for notices not filed on a weekly basis and notify parties that sanctions will be imposed for not conforming to this requirement.

### *Case Management Conferences (CMCs): Timing and Efficacy*

The timing and efficacy of CMCs were also examined. CMCs are meant to serve as hearings during which changes of plea, motions and settlement conferences are scheduled and the pre-trial conference date set. The County Attorney's Office has also established the CMC as its deadline for plea acceptance in cases managed by the Case Evaluation System (see Section 2). The felony case processing system calls for CMCs to be held 30 days from arraignment.

According to statistics provided by the Court from its case management system, the average time from arraignment to the CMC in the period of January to June, 2000 was 33 days, a reduction from 41 days eighteen months ago and only three days greater than the Court's guidelines (Attachment 1.1). For the cases included in the recent case sample, the average time to CMC from arraignment was 36 days, with a range of 9 to 85 days.

While the CMC takes place in a relatively timely manner, the effectiveness of the CMC is not evident. Recent Court statistics indicate that only 17% of pleas are accepted before or at CMC even though it is the plea termination deadline for CES cases, which represent approximately 60% of all cases.<sup>7</sup> If accepted, most early offers are accepted at a hearing date scheduled before the trial judge in the week following the CMC, at approximately day 43 after arraignment. As a result, the subsequent week's hearing is the first event at which meaningful activity in the case can take place.

Pima County Local Rule 28 states that the Court "... may, in its sole discretion, participate in settlement negotiations...regarding a non-trial resolution...." Nonetheless, the Court typically does not play an active role in plea discussions nor does it monitor compliance with the plea

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<sup>7</sup> For the cases included in the case sample, 60% of plea offers were accepted before or at CMC. This 60 percent figure only includes plea offers made at arraignment and shortly after and includes plea acceptances up to 6 days after CMC (which is CES policy). Plea offers made at CMC or a later date in the process are not included in the number.

schedule established by the County Attorney's Office.<sup>8</sup> The County Attorney's Office sends a coverage attorney to CMC, not the trial attorney, further reducing meaningful discussion at these hearings.

If there is no plea accepted at the CMC for CES cases, Court staff does not note this in the calendar. Even were the Court to not actively encourage plea discussions, it could monitor whether pleas for CES cases are being accepted at the CMC.

Management representatives of the County Attorney's, the Public Defender's and Legal Defender's offices agree that the CMC is not currently a meaningful event and is used only to set the pre-trial conference date. We do not recommend that the Court eliminate this step in the process since, ideally, it should serve to assist in early settlements and issue discussions between the parties and the Court. However, each court event results in costs to the Court, Clerk of the Court, Probation Department, prosecution, defense and—in the case of in-custody defendants—the Sheriff's Department. Estimates from Court staff indicate that the costs to the Court, Adult Probation and the Sheriff's Department simply for an action to be scheduled, files prepared and a defendant brought before the court for a five minute event is \$182. This does not include the time for preparation by, or presence at the event by prosecuting and defense offices. There were 3,058 CMCs in calendar year 2000; annual costs to conduct these proceedings, excluding those incurred by the defense and prosecution, are estimated at \$560,000.

Given the estimated cost to conduct CMCs, all parties in the system should ensure that this is a meaningful event. This would require the Court to monitor the plea deadline for CES cases, using the CMC as the hearing at which pleas are accepted, rather than scheduling a future event for that purpose, and participating in plea discussions at the CMC, as appropriate.

#### *Use of Plea-on-Demand Commissioner*

As an incentive for earlier plea negotiations, parties can select the sentencing judge if there is a plea agreement within 25 days of arraignment. In addition, a plea-on-demand commissioner is available four afternoons a week (the fifth day is set aside for Attorney General cases). However, the use of this commissioner has not been extensive enough to justify the hours set aside for the function. In one year, from December 1999 through November 2000, 446 pleas were accepted by the plea on demand commissioner; this is equivalent to 2.14 pleas per three-hour session (446 pleas/208 available work days). Alternatively, during this same period, judges accepted 2,894 pleas.

This commissioner is also utilized to issue fugitive warrants and extraditions during the time set aside for pleas on demand. Defense attorneys indicate that the use of the plea on demand commissioner is not greater, in part, because it is scheduled in the afternoons when defense attorneys are typically conducting jail interviews and other out-of-court interviews. (The County

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<sup>8</sup> Until 1992, judges statewide were precluded by law from being involved in plea negotiations. However, Coconino County requested and received a temporary exemption from this preclusion and judicial involvement in plea discussions is now allowed statewide.

Attorney's Office, on the other hand, does not find the plea-on-demand scheduling in the afternoon an impediment because the office sends a coverage, not the trial, attorney to the event). The Public Defender and Legal Defender report that moving this event to the morning when defense attorneys are typically at the courthouse could facilitate the use of this position. The Court should consider changing when the plea-on-demand commissioner is available and track whether the schedule change increased the usage of this position.

### ***Plea Acceptance Deadline***

The County Attorney has established a 51-day plea acceptance deadline for non-CES cases. Court statistics indicate that 43% of pleas are accepted between the deadline for pre-trial statements (scheduled for 56 days after arraignment) and the trial date<sup>9</sup> which, based on our case sample, could be as long as 348 days after arraignment (the average length of time from arraignment to trial is 205 days and median length is 190). The system under which the County Attorney's Office uses coverage attorneys instead of a designated trial attorney up to the time of trial may impede pleas since there is not a single attorney with knowledge of the case until late in the process. For their part, the Public Defender and Legal Defender point out that State mandatory sentencing requirements and the high trial rate render their acceptance of plea agreements early in the process less likely.

The plea deadline is not entered into CACTIS, even though the system allows for its entry, or otherwise monitored by the Court. This reinforces the belief on the part of all parties that the 51-day plea acceptance deadline is not fixed.

### ***Benefit of Pre-trial Statements/Pre-Trial Conferences***

State Rule 16.5 provides that a court may use pre-trial conferences to (a) provide a forum for the disposition of cases without trial, (b) allow parties to engage in disclosure and conduct disposition negotiations, and (c) set a definitive date for trial. In Pima County, the court process requires a pre-trial statement concerning outstanding issues and a schedule of witness interviews to be filed with the Court four days prior to the conference. The witness interview schedule was considered key by the Court in the development of the new case management system because the failure to conduct timely witness interviews was a significant cause of continuances during the period studied by Friesen.

The process for oversight of pre-trial statements and conferences in Pima County was laid out in a memo sent to all criminal divisions by Judge Leonardo on December 18, 1998 (Exhibit 1.1). The process calls for Judicial Administrative Assistants (JAAs) to:

- Enter the joint pre-trial statement and pre-trial conference dates into CACTIS;
- Call parties one week before pre-trial statements are due;

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<sup>9</sup> The case sample found that this figure is closer to 51%.

- Confirm submission of pre-trial statements and, if not submitted, inform the judge; and,
- Check statements for joint witness scheduling and other required information and, if needed, generate an order requiring submission of a completed statement.

Four JAAs in the Criminal Division were interviewed. Understanding of, and compliance with, the above procedures varies greatly, depending on each division. These four staff indicate that they do not contact parties concerning due dates for pre-trial conference statements, two because of their workload<sup>10</sup> and two because they did not know about this procedure. One JAA indicates that she also does not confirm submission of the pre-trial statement but generates an order if the statements that are received are incomplete. Other JAAs report that they contact attorneys if pre-trial statements are not received and that statements are generally received by the Court sometime in the process, although often after the pre-trial conference.

The submission of pre-trial statements cannot easily be verified through CACTIS because, as with the Rule 16.4 requirements, the due dates for these are deleted from CACTIS if statements are not submitted. Summary data from the Court and the case sample indicate that in the period of January through June 2000, pre-trial conferences occurred on average at 70 days from arraignment compared to the target time of 60 days. The case sample indicates that the average length of time from arraignment to submission of pre-trial statements is 70 days, with a range of submission dates of 61 to 195 days from arraignment.

This confirms the view of JAAs that pre-trial statements are generally not being received before the pre-trial conference, precluding their use at the conference as a planning tool for trials. The sample does not indicate whether the pre-trial statements were complete.

Among the penalties available to judges if statements are not submitted are (a) scheduling a case for a status conference, (b) precluding witnesses or evidence, or (c) sanctioning the parties. These penalties are rarely invoked, according to management representatives of the legal offices. These parties report that pre-trial statements are not useful because the Court is not evenly enforcing witness exclusion, there are no sanctions for not submitting the pre-trial conference statement and follow-up depends on the individual judge.

According to statistics from the case management system, the time to pre-trial conference has fallen over the past two years from over 80 days to 70 days, compared with the goal of 60 days (Attachment 1.2). However, the pre-trial conference is largely ineffective. According to the County Attorney's Office, the pre-trial conference is not used for pre-trial negotiations but only to set the trial date. For its part, the County Attorney's Office sends a coverage attorney, not the trial attorney to the pre-trial conference, while the trial attorney from the Public Defender's or

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<sup>10</sup> The orders required by failure to submit a statement or submission of an incomplete statement are generated by JAAs using macros in the word processing system, impacting the workload for JAAs. In civil cases, the automated case management system generates these orders.

Legal Defender's Offices is present. Without the trial attorney from the County Attorney's Office, the Court cannot ask the most informed sources about case issues.

Local Rule 28 indicates that after the pre-trial conference, the Court will not accept negotiated pleas, except upon a written showing of good and sufficient cause. Nonetheless, motions—which can result in court decisions that change plea offers (e.g., to suppress a confession)—are usually heard after the pre-trial conference. Because these motions are scheduled after the pre-trial conference, pleas are often offered and accepted after the conference, defeating one of its primary purposes. Parties report that the bench is not consistent in its views on the acceptability of pleas accepted after the pretrial conference, and that preparing for these motions earlier in the process would represent a workload burden. This suggests, again, that attorneys are waiting until late in the process to prepare cases, in part because of the number of cases scheduled for trial.

While this is a difficult rule to enforce, other jurisdictions such as Los Angeles, successfully enforce rules which require that parties can plea after pre-trial conference only under extraordinary circumstances that (a) occur after the pre-trial conference or (b) could not have been reasonably anticipated.

An additional contribution to this problem is that pre-trial conferences are often continued. From January to June 2000, of 719 scheduled pre-trial conferences: 27% were continued—17% of them once, 5% twice and 5% more than twice. This has improved since the new case processing system was initiated, at which time 34% of 723 pre-trial conferences were continued. Nonetheless, the fact that over one-fourth of these conferences are continued has a deleterious effect on meeting the Court's case processing time standard and further suggests that parties do not view the pre-trial conference date as a critical deadline that will be enforced by the Court.

#### *Efficacy of Weekly Trial Confirmation Conferences (TCC)*

An early version of Trial Confirmation Conferences were established in 1992 under "Rocket Docket", wherein selected cases were prioritized for trial based largely on the age of the case and the custody status of the defendant. Trial Confirmation Conferences in their current form replaced the Rocket Docket system in 1999. These readiness hearings are a common calendar management tool utilized by courts.

The present process calls for Judicial Administrative Assistants (JAAs) to review cases scheduled for two weeks in the future to evaluate readiness. Among the criteria to be used are case age, the defendant's custody status, and witness availability (particularly expert witnesses or those from out of state). JAAs are asked to review whether a motion for change of plea, to dismiss or to continue the trial has been set, indicating that the case may not need or be ready to go to trial. These motions are to be scheduled before the TCC so that the result will be known at TCC. If no future set events dictate otherwise, JAAs are to contact attorneys concerning trial

readiness. If parties do not agree concerning readiness, the matter is scheduled for a settlement conference.<sup>11</sup>

JAA's are also required to summarize information concerning trial readiness on a form sent to the Calendaring Office, which prioritizes cases for trial. All cases not scheduled for trial at the TCC are to return to the calendar for a status conference date/re-trial date.

The County Attorney and Public, Indigent and Legal Defender's Offices report that since Rocket Docket, TCCs have become much shorter (one hour per week for all cases) and the sessions themselves more orderly. In part, this is because there are now many fewer cases on the calendar than at the initiation of Rocket Docket. These parties also report that having the TCC 10 days before trial also allows attorneys adequate time to prepare for trial. The smaller number of cases being scheduled for trial at the TCC rather than the number that had been scheduled under Rocket Docket, obviates attorneys being unnecessarily on call. The Public Defender and Legal Defender also report that the strict preference given to older cases under Rocket Docket meant that some cases prioritized for trial were not ready. The current system allows parties to evaluate the oldest cases without assuming they are ready to proceed. Statistics from the Court demonstrate that in a higher percentage of cases trials are being confirmed and in many fewer cases trials continued than under the Rocket Docket system. For example, in April through August 1998, 48% of the cases confirmed for trial took place only after a continuance. In April through August 1999, only 28% of trials were continued at this stage in the process (Attachment 1.9).

However, some of the benefits of the more intensive Rocket Docket system have been lost and many of the stated goals of the TCC have not been realized. One goal of the TCC was to schedule three trials per division each week, assuming that at least one would settle before the trial date. In actuality, the average number of trials scheduled is one per division and there are weeks with no trials in some divisions.

Interviews with JAAs and calendar office staff confirm that the process is working somewhat differently than envisioned. In some divisions, if attorneys indicate they are not ready and the other side does not object, the JAA advises them to submit a motion to continue, rather than probing further. JAAs report performing different levels of prioritization of remaining cases; some look to age of case, custody status, and judicial preference; some forward all cases within the remaining list to the calendaring office without prioritization.

The County Attorney representative that attends the TCC reports that JAAs simply ask for each case whether it is ready to go and do not try to prioritize them. All JAAs interviewed indicated that they try to list two cases per week for trial. The calendar clerk meets with County

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<sup>11</sup> According to management representatives from the County Attorney, Public Defender and Legal Defender offices, settlement conferences are scheduled in lieu of a trial date for a variety of reasons, including providing time to contact the victim concerning a proposed plea offer, confirm witnesses, allow the defendant to talk to family concerning a plea offer or to close the gap between the prosecution and defense. This can often result in a settlement without trial.

Attorney/defense to make sure their notes match, but does not play an assertive role in ensuring cases are calendared for trial. The County Attorney's Office only discusses particulars with the calendar office in the morning before the TCC. The County Attorney's Office, the Public Defender's Office and the Legal Defender's Office do not send the trial attorney to the Trial Confirmation Conference. Placing the TCC ten, instead of two, days before the trial date may have also removed some of the pressure to settle cases.

As seen below, an analysis of ten weeks of the TCC indicates that while 44% of the 291 cases heard at the TCC were scheduled for trial, 19% were subject to a motion for a change of plea and 14% to a motion to continue:

**Table 1.1**  
**Trial Setting at Trial Confirmation Conference (TCC)**  
**August 2, 2000 through October 8, 2000**

Total Cases at TCC	% Resulting in Scheduled trial	% Subject to Motion to Change Plea	% Subject to Motion for Continuance	% Vacated/Dismissed	% Set for Status Conference	Felony Depts. without Scheduled Trials
291	44%	19%	14%	1.5	7.5	4

Observation of the Trial Confirmation Conference on November 30, 2000 revealed a similar pattern for the 69 matters brought there: 22% of the trials considered at the TCC were subject to motions to continue and 19% to a motion for a change of plea. In addition, the majority of motions related to cases before the TCC (10 of 15 motions to continue, 11 of 13 motions for change of plea) were scheduled for the week after the TCC.

These statistics have several implications. Most importantly, felony trial divisions are not being utilized to the fullest extent. On average, for the ten weeks of statistics available, four felony divisions did not have a trial scheduled for the week following the TCC. In addition, nearly 1/3 of the cases that were scheduled for trial did not proceed in the designated week (some continued, some settled). In light of the county's high trial rate, by not using felony divisions to the maximum extent possible, a large number of cases continue for long periods on the calendar, with the workflow and cost implications discussed above. Moreover, because motions for change of plea, continuances or to dismiss were scheduled in the week after the TCC, important information for scheduling trials was not available to the TCC judge or staff. That these motions are to be heard in the week preceding trial also means that events are occurring too far into the



case process to facilitate needed calendar certainty. The defense and prosecution request dates for hearings for changes of plea and continuance motions<sup>12</sup> but the Court must approve these dates.

Courtroom staff should consistently prioritize cases for trial based on set criteria and more assertively pursue whether cases are ready to proceed to trial. In addition, the Court should disallow motions for continuance that have been scheduled for after the TCC, requiring attorneys to bring these motions earlier in the process (see discussion below).

## **Continuances**

Continuances slow case processing. Critically, the case sample indicates that delays caused by continuances are significant: 36% of the continuances granted resulted in delays of more than 30 days while 24% resulted in delays of between 15 and 29 days per continuance. Approximately 47% of the continuances are for events other than trial, with 23% representing continuances of sentencing hearings.

### ***Continuances After Pre-Trial Conference***

Local Rule 28 indicates that no motion to continue a trial after the pre-trial conference shall be granted except upon written motion and showing of extraordinary circumstances. Stipulated trial continuances are not to be permitted. Nonetheless, statistics from the Court's case processing system indicate that 28% of trials are continued after the pre-trial conference, most of them without objection from the other party.

A sample of recent cases indicates that this number may actually be higher. For August and September 2000, there were 216 motions to continue trials after the pre-trial conference. This represents 37% of the 576 cases set for trial in August and September. As summarized on Attachment 1.10, of the 216 motions to continue, 194 (90%) were either granted or a hearing to consider the request was scheduled for a later date, 2 resulted in other actions (1%), and only 20 were denied (9%).

While the CACTIS system allows for the entry of reason and party codes for requested continuances, court staff are not consistently using these codes, preventing the court from monitoring this issue on an ongoing basis. Thus, a random sample of 65 of these cases was drawn to determine the stated reasons for the request, whether the other party objected and whether or not the court granted the request. The moving party was the defense in 60% of the

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<sup>12</sup> Parties are to submit petitions for shortening time if requesting a hearing in less than five days; a regular notice of hearing date is utilized if a hearing is requested more than five days in the future.

cases. In only five cases did the prosecution object to the requested continuance, and in no case did the defense object. The court granted the request in all but two cases.

The stated reasons for the requested continuances and the requesting party are also shown on Attachment 1.10. The most commonly stated reason for requesting trial continuances was a scheduling conflict; this accounted for 20, or 31% of the requested continuances. Of these, five were due to conflicts with attorney's vacations, an avoidable occurrence. The remaining 15 were requested on the basis of a scheduling conflict with another trial. Because of the large number of pending trials, this conflict is more likely to occur and the court is more likely to accept that requests for continuance made on this basis are reasonable. However, attorneys should know that a trial conflict exists at the time of the pre-trial conference, when trial dates are scheduled, since it is only one month before the time of the trial. In addition, court staff should verify that a scheduling conflict exists by referencing CACTIS, which provides the schedule of all attorneys.

Other commonly stated reasons for continuances included unavailability of government witnesses (10 requests by the prosecution) and unavailability of private witnesses or victims (7 requests from the defense, 3 from the prosecution), for a total of 31%. Witness availability was one of the primary motivations for the court's introduction of pre-trial statements. A management representative of the County Attorney's Office reports that delayed scheduling of the trial date until the pre-trial conference, instead of at the CMC (the previous practice), results in continuances because attorneys can only subpoena witnesses once the trial date has been set. It is contended that, if subpoenaed earlier, witnesses will know that they need to remain ready even if the trial date is moved slightly. However, since the presumptive schedule for the trial is known at the CMC (i.e., it will be scheduled approximately 60 days after the CMC), it is unclear why witnesses cannot be provided with an approximate trial date at the time of the CMC. This would serve to provide witnesses with the general time frame during which they need to be available.

Lastly, 11 continuances were requested because attorneys were not ready or there had been a change in counsel (15%).

Principles of good case management call for requests for continuances to be made in advance, in writing, with notice and opportunity for the other side to oppose and for good cause. The Pima County Superior Court requires that motions be made using these criteria, but the definition of "good cause" for continuances in criminal cases is not defined. For civil cases, Pima County's local court rules indicate that failure to complete discovery or on-going settlement discussions are not sufficient grounds for a continuance. Other court systems provide specific guidance concerning what constitutes good cause. In Los Angeles, for example, Local Rule 6.6 specifies that good cause for a continuance in a criminal case does not include attorney convenience, stipulated continuances, interference with attorney days off, failure to expeditiously prepare for trial, incomplete settlement negotiations, a retained attorney substituting into a case after arraignment, or failure of a client to adhere to a financial agreement. We recommend that Pima County's local rules be revised to specify what is not included in good cause and that requests for continuances that do not meet those criteria be denied.

Other courts have developed methods for reducing continuances. In Maricopa County, for example, the Court has established a uniform method of approving continuances. The trial judge

may rule on a single request to continue a trial by five or fewer days. Requests for continuances of more than five days, or second and subsequent requests, are ruled upon by a group of judges selected by the Presiding Judge to perform this function for the entire Court. This is similar to the concept developed by the Pima County Superior Court in 1992—but no longer in use—that only the Presiding Judge should hear motions to continue trials scheduled for the following week. As in Pima County, attorneys are required to request continuances in writing, indicating the reason for the request. The Court Administrator's Office compiles this information. The Maricopa Superior Court reports that this procedure has reduced the pending caseload since there has been a 10% increase in the pleas as a proportion of case dispositions. The length of time of approved continuances has also declined. The Pima County Superior Court should consider implementing a similar procedure.

There will always be a certain number of trial continuances. However, if through stricter review of trial continuances, approximately 15% of trial dates were continued (the benchmark recommended by Friesen) instead of the current 28%, of the 3,440 trial continuances in calendar year 2000, 1,597 fewer cases would have been continued. Estimates from court staff indicate that the costs to the Court, Adult Probation and the Sheriff's Department simply for an action to be scheduled, files prepared and a defendant brought before the court for a five minute event is \$182 (Exhibit 1.2). This estimate excludes the cost of defense and prosecution, but still represents costs of \$300,000 which could be avoided by reducing the continuance rate.

#### *Motions for Continuances/Changes of Plea Received at Trial*

In early 1999, Friesen found that on the scheduled trial date, only 41% of scheduled trials actually took place, while 36% were continued and 23% pled or were dismissed. Late continuances and pleas have improved considerably since that time. For example, in July, August, and September 2000, motions to continue and pleas were reduced on the day of trial to 9% and 7%, respectively:

**Table 1.2**  
**Motions to Continue and Pleas on Day of Trial**  
**July through September 2000**

Event	# in Period	# Projected Annually	% of Trials
Continuances	15	60	9%
Pleas	11	44	7%

Progress in this area is significant enough to consider this an area that does not warrant further examination.

## **Complexity of the Process**

Each of the steps in the felony case process developed by the Pima County criminal justice community reflects common practice among courts. However, the entire process in Pima County contains more steps applied to each case than is true in many courts. Having all cases proceed through each step slows progress in cases which might not require as much judicial intervention. By setting a pre-trial conference at 60 days in all felony cases, for example, cases cannot proceed to trial before that time and cases that might be expected not to go to trial tend to remain on the calendar for longer periods than required. Interviews with Court staff and the legal offices indicate that the current process is somewhat confusing. Clearly, given that many of the events are not being effectively utilized for their intended purposes, there is a sense that parties are only "going through the motions".

In lieu of using the same process for all felony cases, many courts utilize differentiated case management in which the complexity of cases is evaluated and cases assigned to tracks with a varying number of procedural steps. In some courts, differentiated case management is quite complex, with the tracks determined by a variety of criteria. However, in application, differentiated case management can be as simple as determining which cases would benefit from a pre-trial conference.

For example, in Maricopa County, while all cases are subject to the case management conference, the trial management conference (the equivalent of Pima County's pre-trial conference) is only utilized in the more complex cases. Coconino County holds an initial case management conference 14-28 days from arraignment, with a preference for 14 days, and continues to set them every two to three weeks as they are determined to be of assistance in encouraging settlement.

We recommend that the Pima Superior Court hold pre-trial conferences only in cases deemed likely to proceed to trial, and sufficiently complex to benefit from this event. In consultation with the bench, Court management should develop criteria for assessing complexity – for example, the number of outstanding issues of disagreement between the parties, the number of witnesses in the case, and the number of co-defendants – to be used as a guideline by judicial officers. If a case appears to be likely to settle, the Court could instead hold an additional CMC focused on the settlement question and eliminate the work associated with the pre-trial statement with its different emphasis on issues that will be raised at trial.

Since the number of pre-trial conferences would be significantly reduced, the County Attorney should be encouraged to send the trial attorney to the conferences so that relevant issues can be discussed with the parties most familiar with the case. Pre-trial conferences should become meaningful events where substantive discussion of issues at trial takes place.

The Presiding Judge estimates that pre-trial conferences take a few minutes each (between five and fifteen minutes). In calendar year 2000, there were 1,690 pre-trial conferences. Were the Court to eliminate pre-trial conferences in 85% of cases on the calendar, approximately 1,400 conferences would not be held annually. Court staff in the criminal division estimate that each pre-trial conference lasts approximately five minutes, for a cost to the Court, Clerk of the Court,

Probation and Sheriff's Department for an action to be scheduled, files prepared and a defendant brought before the Court for a five minute event is \$182. Thus, unneeded pre-trial conferences lead the court to incur costs of at least \$255,000 annually; these resources could be utilized instead to hear more cases at an earlier stage of proceedings, which should lead to further improvements in time to felony case disposition.

The remaining court events should be maintained and strengthened as discussed above.

## **Availability and Use of Information for Calendar Management**

The Court generates a plethora of reports concerning overall case flow performance, some at the request of individual bench officers, but has not identified two or three measures that can be used by the Court to judge overall performance. This has led to "information overload." In addition, some of the reports generated by the Court are not widely distributed or used.

Among the existing reports that could be better utilized is the list of outstanding cases by division. This list is presently being provided to each judge, but is not being used by the criminal division or Court management to evaluate case aging, readjust the number of cases assigned to divisions or judge case processing performance. Active comparison across divisions would allow identification of barriers to decreasing felony case disposition times.

The Court also generates exception reports that show individual cases that fall outside of the "time to disposition" norm. This report, organized by division, is provided to individual judges. Again, active consideration of this report by the criminal division as a whole or by Court management does appear to be taking place.

The Yavapai and Maricopa superior courts have created some useful management reports that are understood and utilized by the bench and Court management. Yavapai's aging report provides a percentage of cases in an aging category for each division—not simply raw numbers—and provides a roll-up of the percentage of cases that are pending more than 100 days after arraignment, again by division. Yavapai also prepares a summary report containing the median and mean days to disposition by division. Maricopa County usefully provides reports concerning the change in active pending cases by division. Exhibit 1.3 includes the aging reports from Pima and Yavapai counties and the inventory report from Maricopa County. In Maricopa County, aging and trial rate information by division is shared with other criminal justice agencies and the county administrator.

Many Arizona counties also employ a case flow coordinator whose sole responsibility is to ensure timely case processing in conformance with Court rules; to direct development, implementation and maintenance of automated calendaring functions; recommend changes in rules and procedures; provide training in casflow management; and, in more complex cases, prepare reports concerning individual case progress. In addition, this position could be utilized to train division staff in the use of case management procedures and the automated system (see Section 21). To date, these functions have either not been performed or have been distributed among a variety of Court staff, including the deputy Court administrator, calendar manager and

criminal/civil justice manager, each of whom have a number of other functions and thus cannot devote full time to this effort. The Pima County Superior Court has requested and received funding for a case flow coordinator as part of its fiscal year 2001-02 Fill-the-Gap grant funding request. These funds are available on a temporary basis only, potentially three years. After that point, the court should examine the efficacy of the position and the extent by which felony case processing times have been reduced. If necessary, funding to support the position should be requested from the County.

## Conclusions

Pima County is not meeting its internal felony case disposition and time to trial standards, as well as those established by the State and the American Bar Association. The responsibility for adjudicating cases in a timely manner belongs to all members of the criminal justice community; the key participants in assuring that felony case time standards are met are the Superior Court, County Attorney, and Public, Legal and Indigent Defender offices.

While external factors clearly play a role in the time to disposition, court actions contribute as well. Several of the felony case processing procedures established by the Court in 1999 are not being appropriately monitored. State and local rules concerning disclosure requirements, conferences between parties, notices that conferences have occurred, preclusion of issues not raised at the appropriate time, and deadlines for acceptance of negotiated pleas and motions to continue are not being enforced. As a result, many events occur later than the scheduled time and/or do not contain the elements that would promote efficient case processing. The number of trial continuances continues to slow case processing. Felony trial divisions are not being used to the fullest extent possible.

In addition, the number of events required for each felony case is excessive, leading to delay as cases wait to proceed. The number of events may also discourage the County Attorney from sending assigned trial attorneys to critical court events.

Finally, several reports that could assist the Court with improving case management are not available because staff does not regularly utilize available entries in CACTIS, the criminal calendar system. The absence of a dedicated case flow coordinator, a select number of agreed-upon performance measures and ongoing training in caseflow techniques limits the effectiveness of the steps the Court has taken to improve felony case processing. These management deficits obscure structural problems in criminal case processing and render appropriate remedial action difficult.

## Recommendations

The Pima County Superior Court should:

- 1.1 Introduce Differentiated Case Management, where cases are evaluated for trial readiness and complexity, and only those cases most likely to proceed to trial and benefit from intensive judicial supervision are scheduled for a pre-trial conference.
- 1.2 More rigorously enforce existing state and local case processing rules, including those concerning disclosure requirements, conferences between parties, notices that conferences have taken place, preclusion of issues not raised at the appropriate time and deadlines for acceptance of negotiated pleas and motions to continue.
- 1.3 Revise its local rules to include a more precise definition of “good cause” for continuances by detailing what does not constitute good cause. Consider developing a panel of judges to review requests for multiple continuances or for continuances of more than five days.
- 1.4 Hire a Case Flow Coordinator with responsibility for ensuring timely case processing in conformance with Court rules; directing development, implementation and maintenance of automated calendaring functions; recommending changes in rules and procedures; performing case flow analyses; and, in more complex cases, preparing reports concerning individual case progress.
- 1.5 Require Judicial Administrative Assistants to enter information, for example that concerning compliance with document requirements and reason codes for continuances, needed for Court management to manage the felony case flow process.
- 1.6 Develop a select number of performance measures and report them regularly to all judges, Court executive management and the County Administrator.
- 1.7 Provide ongoing training in case processing techniques for all members of the criminal justice community.
- 1.8 Consider developing more discrete calendars (e.g., calendars every half-hour instead of for the entire morning) to permit presence of counsel that will actually handle the case, thus reducing further delays.
- 1.9 Consider rescheduling the time for the plea-on-demand commissioner to allow greater use of that position. It is recommended that the Court work with the legal offices to determine the optimum scheduling for all parties.

## **Costs and Benefits**

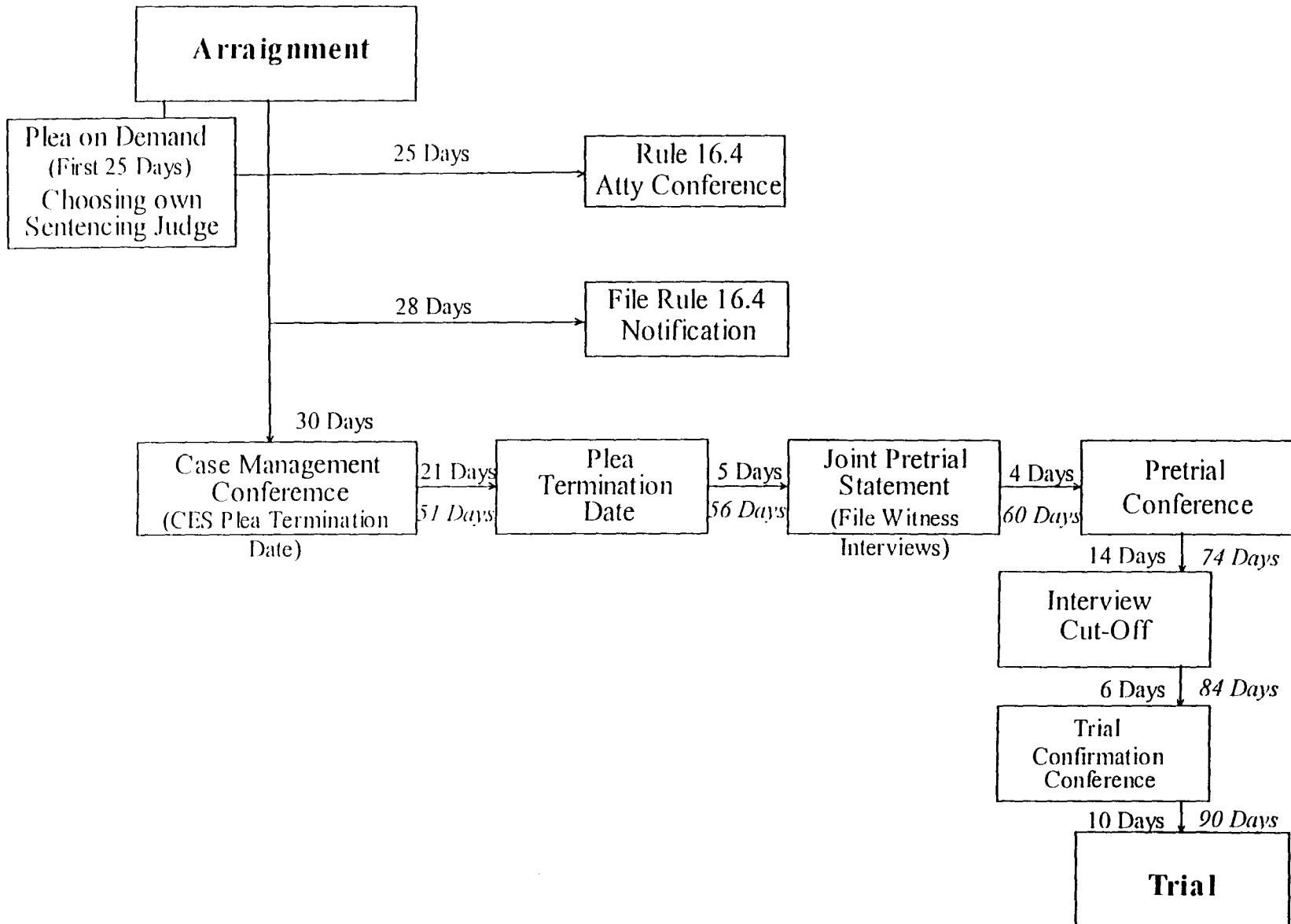
There would be no costs to implement the procedural recommendations contained in this report. The cost of the Case Flow Coordinator position will be offset by Fill the Gap funding received from the State on a temporary basis, potentially three years. After that point, the efficacy of the position and the extent of avoided court costs should be examined by the court. Case processing would become more efficient, shortening case disposition times and reducing impacts on participating criminal justice departments. In addition, cost avoidance could be significant. For example, costs of up to \$300,000 annually could be avoided by implementing recommendations to reduce the current rate of continuances to levels suggested in previous studies and in this report. Similarly, unneeded pre-trial conferences cost the Court at least \$255,000 annually. These resources could be utilized by the courts to hear more cases at an earlier stage of proceedings, leading to further improvements in time to felony case disposition.

The jail population would also be reduced, avoiding significant future costs for the incarceration of pre-sentenced defendants.

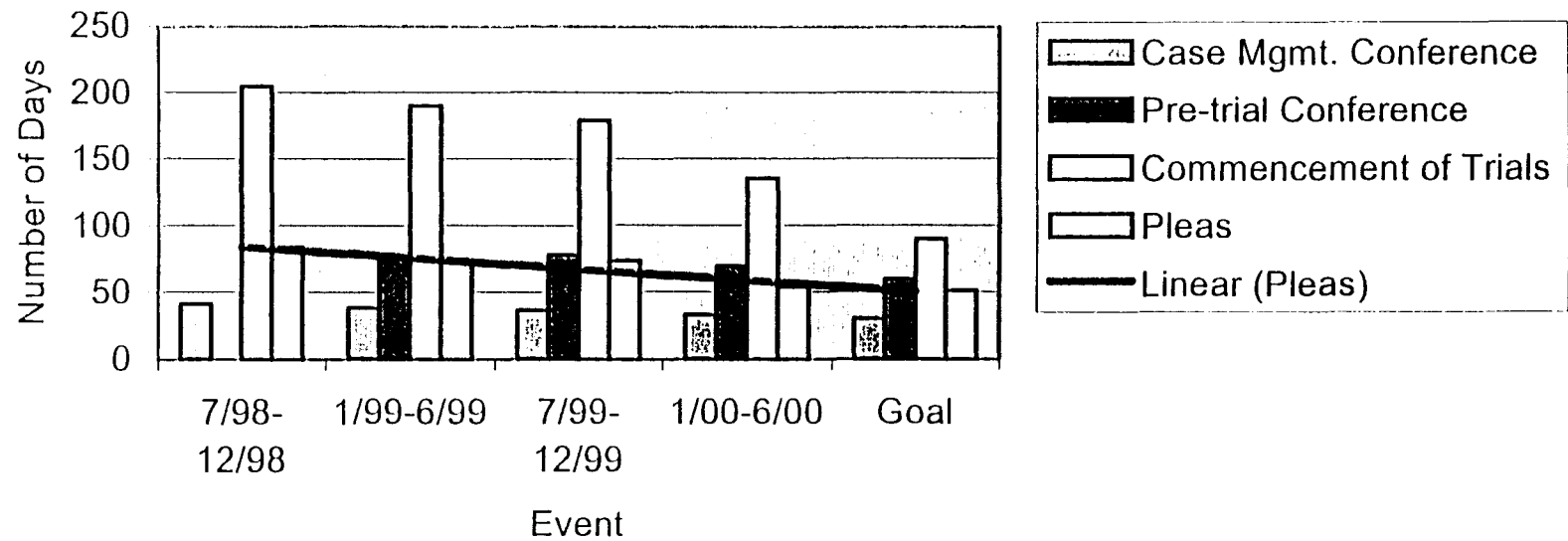


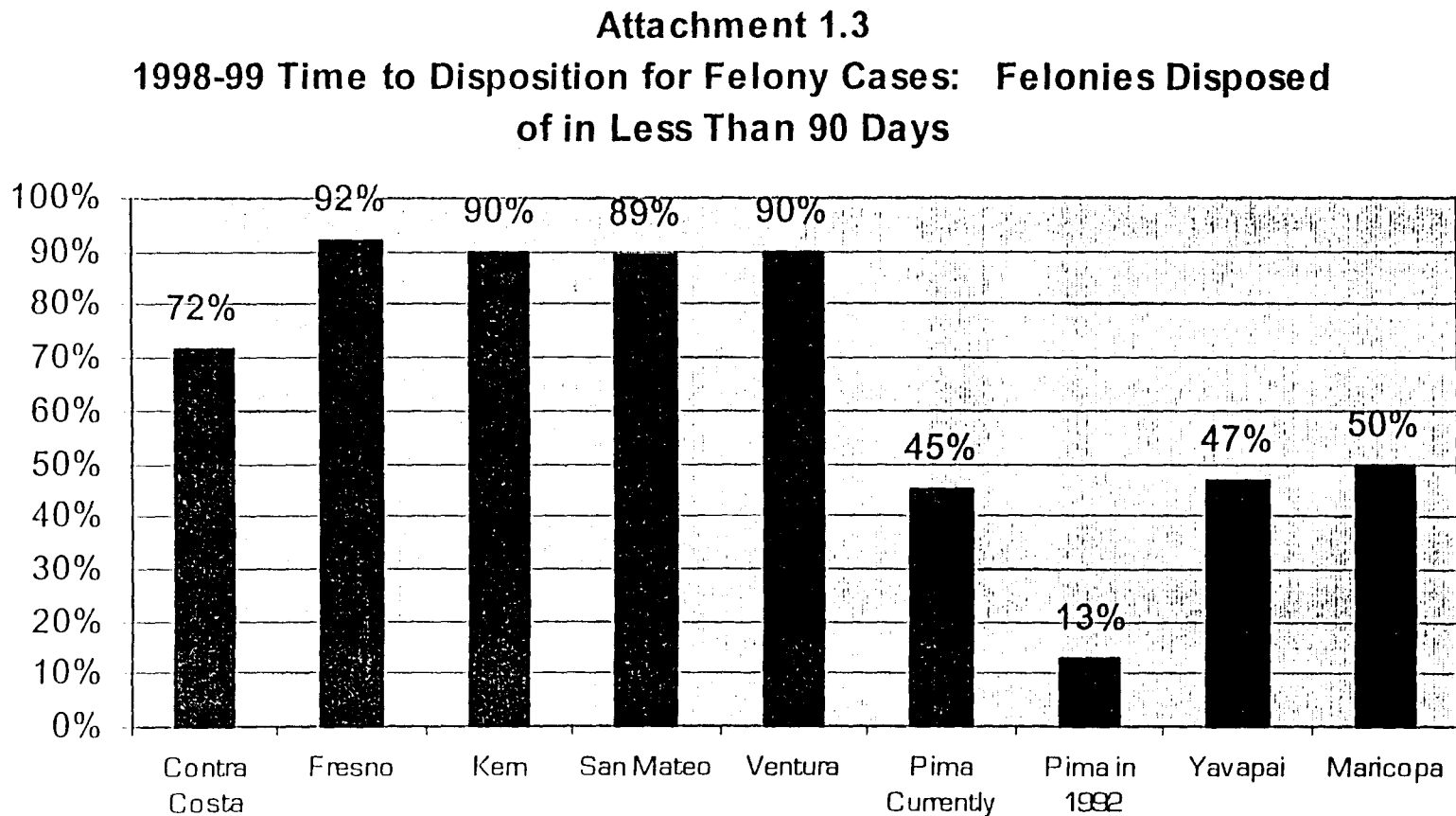
## Attachment 1.1

### Case Flow: Post-Arraignment through Pretrial



### Attachment 1.2 Mean Times for Case Processing Events Occuring During Time Period

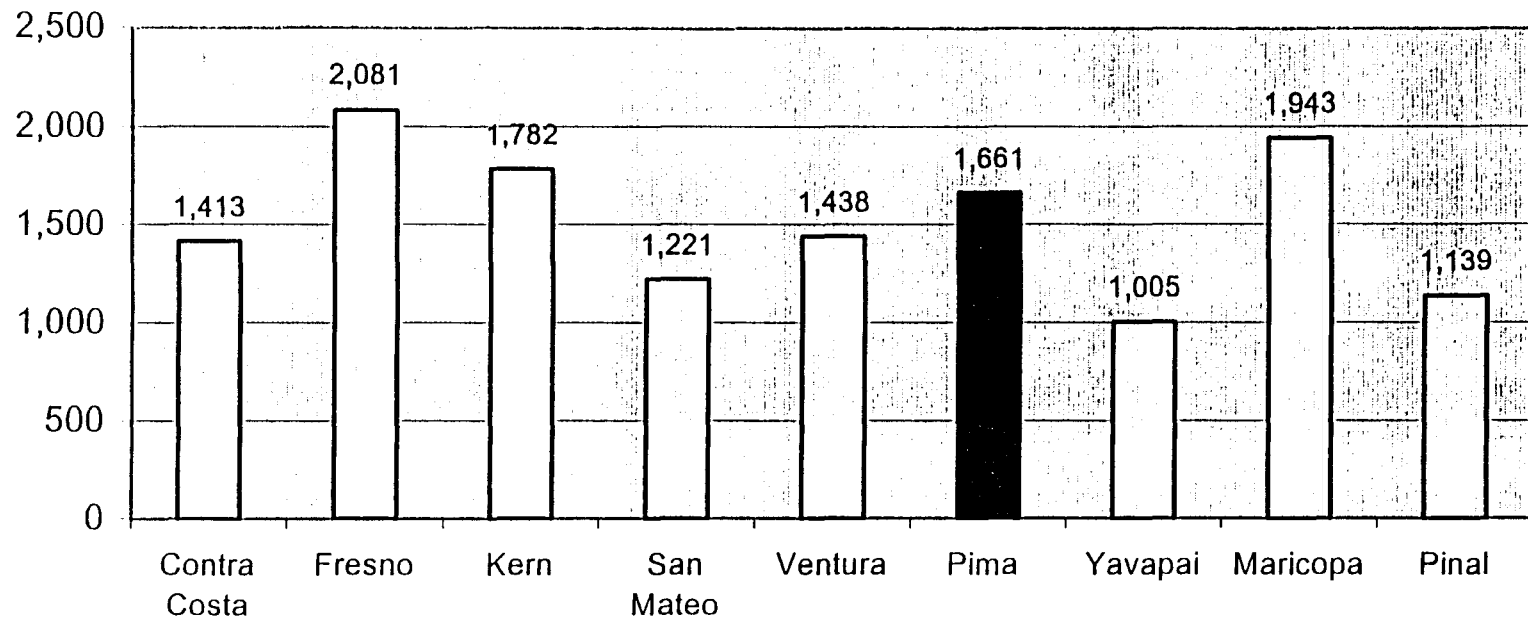




Source of CA Data: Court Statistics Report, Statewide Caseload Trends, 1989-90 through 1998-99, Judicial Council  
California

Source of AZ Data: Arizona Court Data

### Attachment 1.4 1998-99 Filings per Judicial Position Equivalent



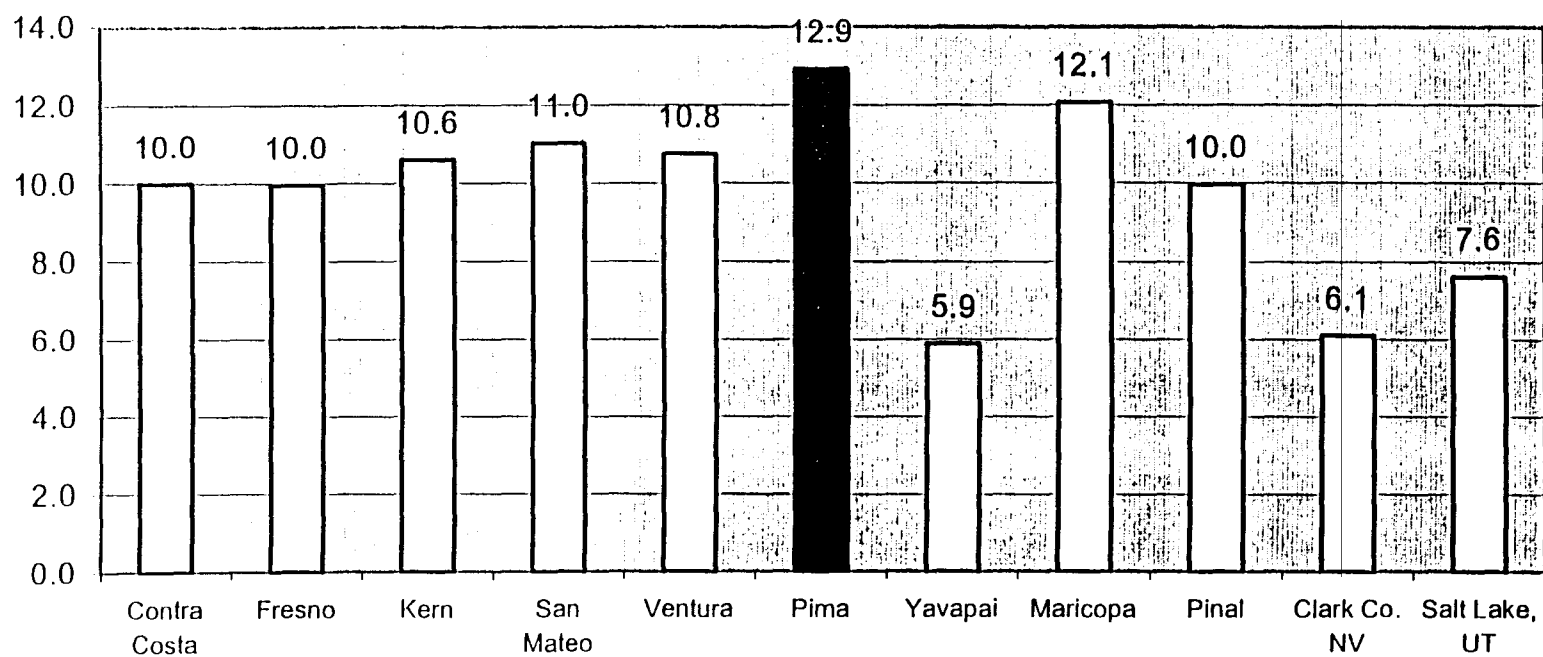
Source of CA Data: Court Statistics Report, Statewide Caseload Trends, 1989-90 through 1998-99, Judicial Council California

Source of AZ Data: The Arizona Courts: Data Report, FY 1998-99

Includes all Superior Court case types; limited jurisdiction case types except civil traffic, misdemeanor and traffic failures to appear, and parking.

## Attachment 1.5

### 1998-99 Full-Time Employees Per Judicial Position Equivalent

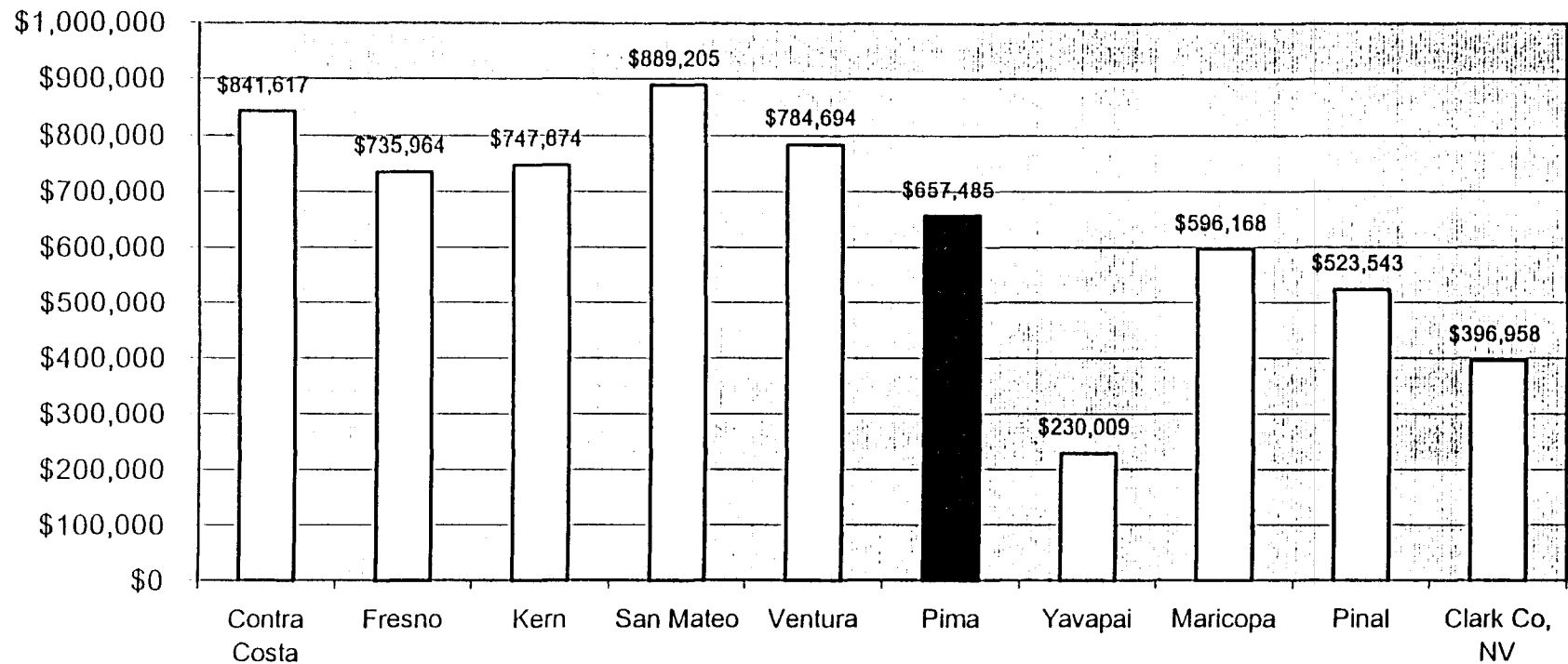


Source of CA Data: Judicial Council of CA, AOC, Trial Court Budget Unit

Source of NV and UT Data: Survey; Source of AZ Data: The Arizona Courts: Data Report, FY 1998-99

Includes staff of the Superior Court, excluding Adult Probation and Pre-trial services; of the Consolidated Justice Court, the Clerk of Superior Court; and of the administrative services and court and calendaring services units of the Juvenile Court.

## Attachment 1.6 1998-99 Expenditures per Judicial Position Equivalent



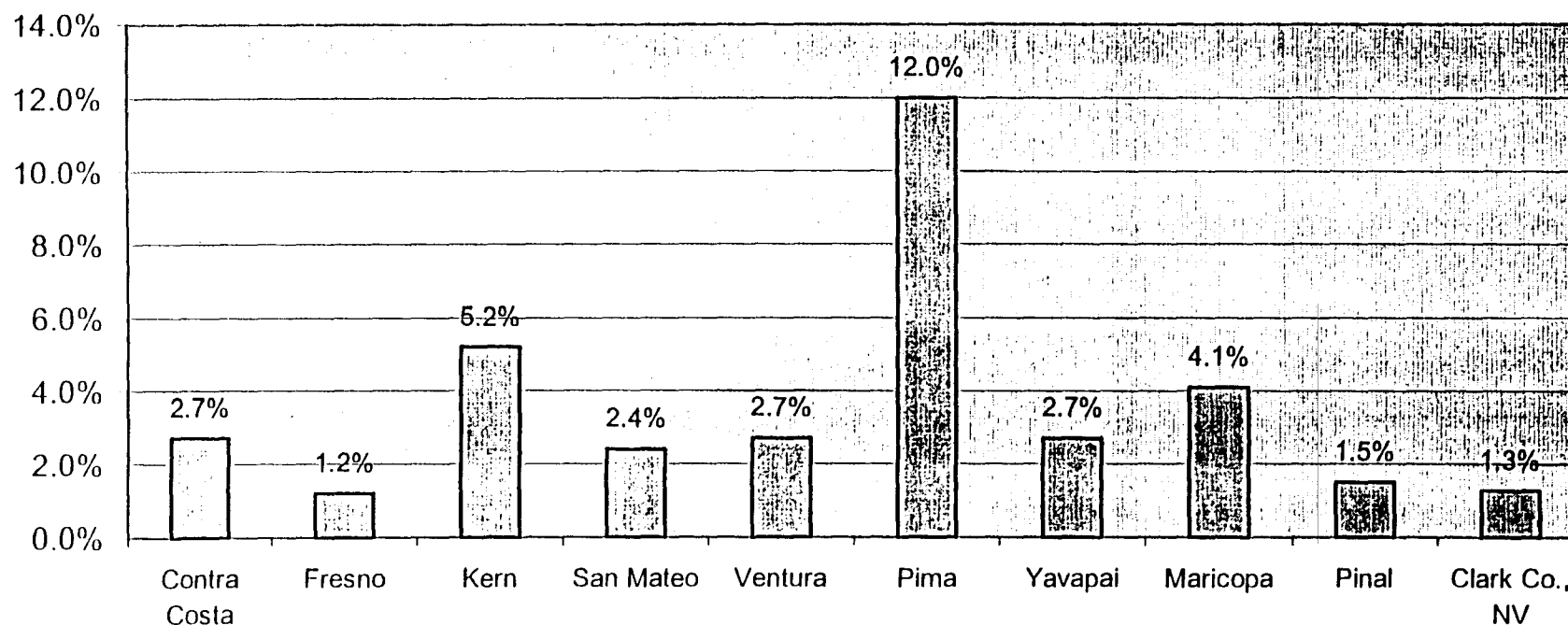
Source of CA Data: Judicial Council of CA, AOC, Trial Court Funding Unit

Source of NV and UT Data: Survey; Source of AZ Data: The Arizona Courts: Data Report, FY 1998-99

Includes expenditures of the Superior Court, excluding Adult Probation and Pre-trial services; of the Consolidated Justice Court, the Clerk of Superior Court; and of the administrative services and court and calendaring services units of the Juvenile Court.

## Attachment 1.7

### 1998-99 Felony Trials as a Percentage of Total Felony Dispositions



Source of CA Data: Court Statistics Report, Statewide Caseload Trends, 1989-90 through 1998-99, Judicial Council California

Source of NV and UT Data: Survey

Source of AZ Data: The Arizona Courts: Data Report, FY 1998-99

## Attachment 1.8 Stages of Felony Case Processing

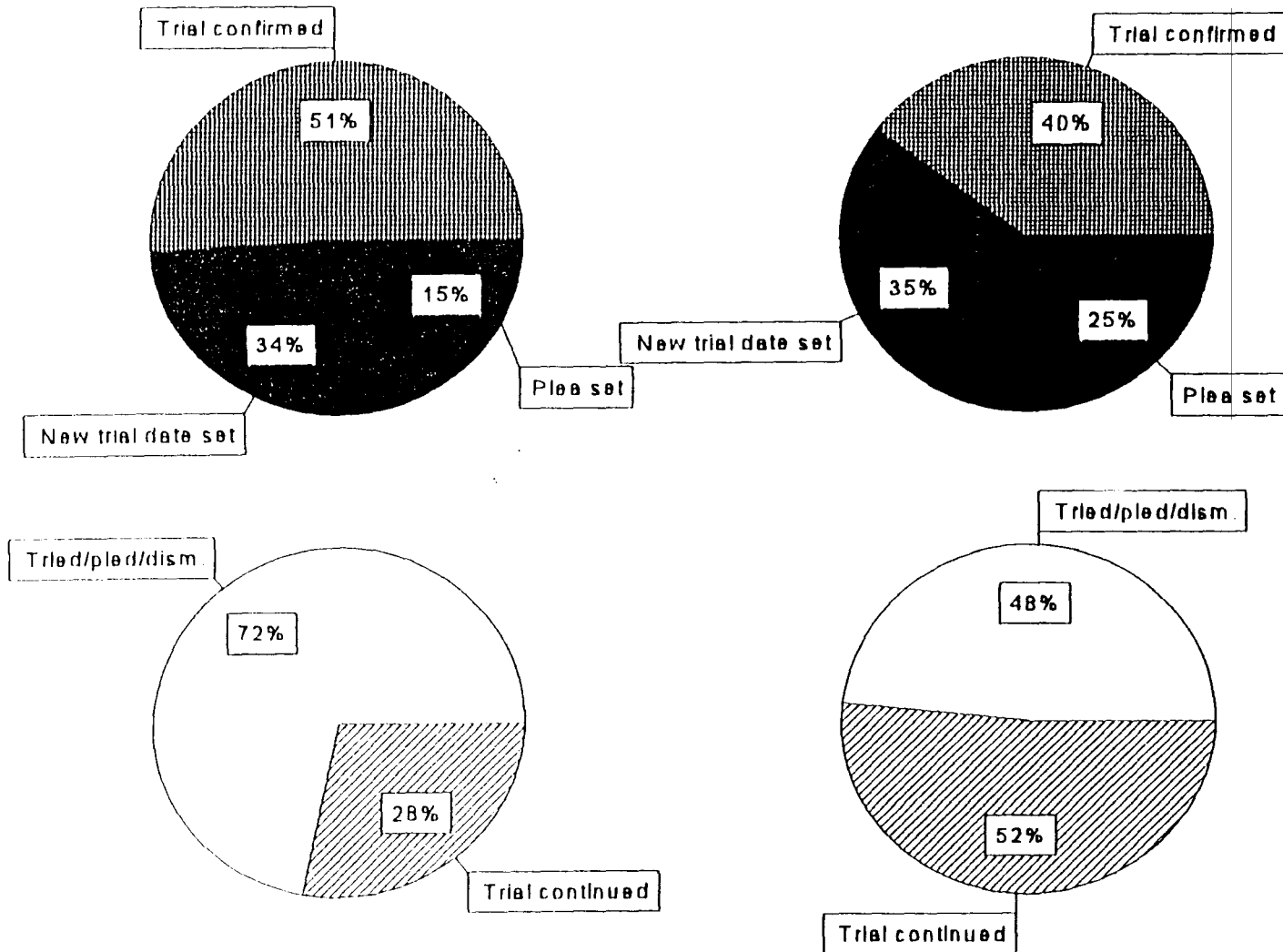
Event	Target Time from Arraignment (days)	Average Actual Time from arraignment(days)	Intended purpose	Reported use
Rule 15 Discovery	10	Various	Insure early discovery	Incomplete
Rule 16.4 Conferences/Notifications	25/28	Often not held/statements usually not filed	Meeting btw. parties to settle as many issues as possible prior to CMC. Required by State Rule 16.4.	Not being utilized
Case management Conference	30	36	Schedule motions and settlement conferences; set pre-trial conference date. Acceptance of CES plea offers to occur.	Pre-trial conference date set. Some settlement conferences scheduled. CES plea offers accepted at separate court proceeding.
Plea Termination - non CES cases	54	59*	Encourage earlier pleas.	Not being adhered to
Pre-trial Statement	56	Often not received	Primary purpose: provide schedule of witness interviews	Submission, completeness and use depends on individual judge and staff.
Pre-trial Conference	60	70	To set date certain for trial (State Rule 16.5). After the pre-trial conference, the court will not accept negotiated pleas, except in exceptional circumstances (Local Rule 28). State Rule 16.4 allows preclusion of issues at trial if not raised here	Trial dates set. In approximately 30% of cases, continuances are requested after that date. 40% of pleas are accepted after the pre-trial conference. Issues not raised generally precluded at trial.
Trial Confirmation Conference	80	90	Establish which cases ready for trial, with goal of three per division	Establish cases ready for trial. Average of one trial scheduled per division; four divisions per week without trials
Trial	90	136	Case disposition	Case disposition

\* Conservatively assuming 1.) 50% of cases are non-CES cases, 2.) CES case pleas are accepted at day 43, 3.) the average time to plea for all cases is 51 days.



Attachment 1.9

**Trial Confirmation Conferences vs. Rocket Docket**  
**April thru August 1999 versus April thru August 1998**



**Attachment 1.10  
 Analysis of Continuances  
 August and September 2000**

Stated Reason for Continuance Request	Requesting Party						Total	
	Defense			Prosecution				
	Number	No objection from other party	Court granted	Number	No objection from other party	Court Granted	Stated reasons	Court granted
Victim/private witness not available	7	5	6	3	3	3	10	9
Government witness not available	0	0	0	10	10	10	10	10
Vacation	2	2	2	3	3	3	5	5
Other trial	10	8	10	5	5	5	15	15
Not ready	6	6	6	2	1	1	8	7
Change of counsel	3	2	2	0	0	0	3	2
Plea pending	4	4	4	1	1	1	5	5
Other	7	7	2	2	2	2	9	4
Total	39	34	32	26	25	25	65	57

**Exhibit 1.1**

# MEMO

**To:** All Criminal Divisions, Judges Pro Tem and Commissioners

**From:** Hon. John Leonardo, Presiding Criminal Judge  
Hon. Lina S. Rodriguez, Chair Subcommittee on Delay Reduction - Post  
Arraignment through Pretrial

**Subject:** Cases Currently Set for Trial February 15, 1999 and Thereafter and/or Cases  
which currently have Pretrial Conferences set between now and February 1, 1999  
wherein you will be setting Trials after February 15, 1999

**Date:** December 18, 1998

As you know from our discussion at the Criminal Judges Meeting last Monday, the Subcommittee anticipates some congestion which will be caused when the "old cases" currently set for trial and/or those which have Pretrials set between now and February 1, 1999 meet up with the "new cases" (those tracking new procedural time line) which will be set for trial after February 1, 1999.

The Subcommittee has recommended sending out minute entries immediately for trials set February 15, 1999 and thereafter directing the attorneys who will try the case to meet and file a Joint Pretrial Statement and Witness Interview Schedule (JPTS/WIS) about 30 days prior to the trial date. For example, if your trial is set for Tuesday, February 16, 1999, the minute entry would direct that the Joint Pretrial Statement (JPTS)/Witness Interview Schedule (WIS) must be filed and a copy lodged with the assigned division no later than January 15, 1999. In other words, your JAA simply looks at a calendar and picks a date approximately 30 days prior to the trial date. NOTE: The due date for the JPTS/WIS is NOT a hearing nor any type of court event. The lawyers who will try the case must meet on their own time, prepare the JPTS/WIS and then file it on or before the due date. Thereafter the judge reviews the JPTS/WIS to be sure it is complete--especially the Witness Interview Schedule. (See the attached forms). A list of your

Page 2

December 18, 1998

cases set for trial February 15, 1999 or after is attached.

We ask that your office send out these minute entries in each of these cases as soon as possible so that the lawyers will have some lead time in view of the holidays.

Additionally, you have currently set Pretrial Conferences between now and February 1, 1999. With regard to any trials you set for February 15, 1999 or thereafter, we ask that you and your clerk also include in your Trial Setting Minute Entry the requirement that the attorneys must file a Joint Pretrial Statement/Witness Interview Schedule 30 days prior to the trial (include the date on the minute entry) and attach a copy of the formats to assist the attorneys until they get familiar with the process.

As we discussed at the Criminal Judges Meeting, it is most beneficial if your JAAs "tickle" the due date for the Joint Pretrial Statement/Witness Interview Schedule so that the JAA and/or bailiff can call the lawyers about a week prior to the due date to remind the lawyers that their Joint Pretrial Statements/Witness Interview Schedule will be due in a week. In this way, as we discussed, many of these cases hopefully will enter plea agreements rather than going through the burden of filing a Comprehensive Joint Pretrial Statement/Witness Interview List. Moreover, it reduces much of the congestion in your courtroom and requires little time to make these phone calls. As we also discussed, it is absolutely critical for all of us to be consistent in enforcement and monitoring of these joint pretrial statements/witness interview lists so that it will result in a reduction of your caseload and firm up your trials.

Finally, as we discussed, the rest of the new procedures outlined in the Flow Chart will be implemented February 1, 1999. We will meet and discuss all these matters in early January, 1999. Judge Rodriguez and members of her Subcommittee will be meeting with you and your staff in early January, 1999 to further discuss these matters and to make this transition as smooth and easy as possible.

If Judge Rodriguez or her staff can be of any assistance, please do not hesitate to call. Judge Rodriguez can be reached during the holidays at her home office - Fax #742-6694. Additionally, Lisa Royal is available to offer assistance and will be in contact with Judge Rodriguez.

cc: Paula Nailon  
Lisa Royal

## Exhibit 1.2

# Arizona Superior Court in Pima County

## Estimated expenditures for a 5 minute Criminal Court Event

Effective 8/1/2000

The following estimate covers expenditures associated with an average 5 minute in-court event, which could be any type of hearing, motion or conference. Included are the costs associated with preparation prior to the event: calendaring the event; pulling, preparing and delivering the case file to the division scheduled to hear the event; review of the file by division or clerk staff prior to the event. The in-court cost for the Judge, Court Reporter, Courtroom Clerk, Law Clerk/Bailiff to attend the event. And the production of a Minute Entry Order (MEO) by the Courtroom Clerk after the in-court event is completed. Overhead expenditures are also included.

**BASE COST 5 MINUTE CRIMINAL COURT EVENT** = \$ 30.75

See Attachment One for details on expenditure calculations.

**COST FOR TRANSPORT AND SECURITY**

**INCARCERATED DEFENDANTS** = \$ 99.39

See Attachment Two for details on expenditure calculations.

**COURT EVENT WITH**

**INCARCERATED DEFENDANT** = \$ 130.14

**ADULT PROBATION COST - REVOCATION HEARING** = \$ 278.19

See Attachment Three for details on expenditure calculations.

*Continued: \$ 51.81*

**COURT EVENT WITH INCARCERATED**

**DEFENDANT - PROBATION REVOCATION** = \$ 408.33

## **ATTACHMENT ONE**

### **Expenditures: Superior Court and Court Clerk's Office**

#### **Calendar Services expenditures:**

Average of 10 minutes for a Data Entry Operator to read, code and enter minute entry data regarding the event into CACTIS (Court Automated Calendar Tracking Information System).

(\$10.22 divided by 60 minutes multiplied by 10 minutes) = \$ 1.70

Average of 6 minutes for Litigation II Clerk to review/verify calendar information in CACTIS.

(\$11.16 divided by 60 minutes multiplied by 6 minutes) = \$ 1.12

#### **Court Clerk's Office expenditures:**

Average of 15 minutes for Fileroom Clerk to locate, update in/out records and deliver the case file to the appropriate division.

(\$14.78 divided by 60 minutes multiplied by 15 minutes) = \$ 3.69

Courtroom Clerk attendance at the in-court event.

(\$19.26 divided by 60 minutes multiplied by 5 minutes) = \$ 1.61

Average of 15 minutes for Courtroom Clerk to produce minute entry for court event held.

(\$19.26 divided by 60 minutes multiplied by 15 minutes) = \$ 4.82

#### **Division expenditures:**

Five minutes of Judge's time for in-court event.

(\$57.28 divided by 60 minutes multiplied by 5 minutes) = \$ 4.77

Average of 5 minutes for the division's J.A.A. or Bailiff to review file for the upcoming event.

(Average for J.A.A./Bailiff=\$18.17 divided by 60 minutes multiplied by 5 minutes) = \$ 1.51

Five minutes of Court Reporter's time for in-court event.

(\$24.09 divided by 60 minutes multiplied by 5 minutes) = \$ 2.01

Five minutes of Law Clerk/Bailiff's time for in-court event.

(\$19.06 divided by 60 minutes multiplied by 5 minutes) = \$ 1.59

In order to account for indirect costs such as: courtroom, computers, office equipment, associated supplies and general administrative overhead, Pima County has adopted a standard of 34.73% of total personnel expenditures.

Indirect overhead (34.73% of personnel costs \$22.82) = \$ 7.93

**TOTAL COST 5 MINUTE CRIMINAL COURT EVENT** = \$ 30.75

Paula Perrera, Behavioral Health Director  
Re: Contracted Medical Services in PCADC and PCJDC

ATTACHMENT TWO

**PIMA COUNTY SHERIFF'S DEPARTMENT**

1750 EAST BENSON HIGHWAY • TUCSON, ARIZONA 85714-1758

PHONE (520) 741-4600 • FAX (520) 741-4622

CLARENCE W. DUPNIK, SHERIFF • STANLEY L. CHESKE, CHIEF DEPUTY

July 18, 2000

Honorable Judge Edgar B. Acuna  
Pima County Superior Court  
110 W. Congress  
Tucson, Arizona

Dear Judge Acuna:

Thank you for your interest in costs associated with the transportation of inmates to and from Superior Court.

As you may know, our Judicial Security/Inmate Transport Section consists of 49 uniformed officers (commissioned and corrections) and a fleet of 8 vehicles that are needed for the more than 20,000 annual inmate transports to the Superior Courts. Based on FY 1999/2000 data for personnel and vehicle costs and number of inmates transported for court appearances, the following costs can be identified:

Average Cost to Transport Each Inmate to Court (Vehicle and personnel costs divided by number of inmate transports)	\$20.54 per Inmate
--	--------------------

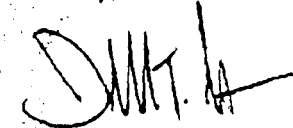
Average Cost to Provide Security for Each Court Appearance (Personnel costs divided by number of inmate court appearances)	\$78.85 per Inmate
---	--------------------

Total Average Cost per Inmate Court Appearance	\$99.39 per Inmate
--	--------------------

These figures do not take into account more costly out-of-town transports, including transports of Sexually Violent Persons (SVP's) to and from the Arizona State Hospital. If you are interested in these costs, they can be provided separately.

If you require further information, please do not hesitate to contact me or our Corrections Director, Assistant Chief George Heaney at 547-8104.

Sincerely,



Captain Shawn Cooper, Commander  
Security Operations Division

Cc: Chief Deputy Cheske  
Assistant Chief Heaney

**Adult Probation Department  
Arizona Superior Court in Pima County  
INTEROFFICE MEMORANDUM**

*Laura K. Pate*

Telephone (520) 740-3895

To: Don R. Stiles  
Chief Probation Officer

From: Laura K. Pate *LKP*

Date: July 10, 2000

Re: Revocation Hearings: Expense to Court

PIMA COUNTY  
ADULT PROBATION  
2000 JUL 13 PM 2:20

The estimated cost to the Court for a Probation Revocation Hearing is \$278.19.

In addition, 11 Revocation Hearings were continued in the month of May and 23 in June. Approximately three hours of Probation Officer time is spent for each continued hearing, resulting in an additional cost of approximately \$51.81 per continuance. (This figure is not included in the above cost.)

Below is a breakdown of research:

**I. Probation Officer Responsibilities:**

Prepare and review/edit required paperwork:

- Probationer Hold Form
- Notification of Arrest Form
- Petition Worksheet
- Addenda to the Presentence Report
- Brief written addendum, after oral addendum submitted to Judge (if oral addendum requested).

Other tasks:

- Staff case with supervisor to decide if PTR should occur.
- Schedule Initial Appearance with Court.
- Request NCIC or ACIC warrant, if appropriate.
- Investigate disposition alternatives and discuss with Judge.
- Attend Initial Appearance, Arraignment, Disposition and Violation hearings.
- Prepare for Violation hearing:
  - Obtain copy of law enforcement report.
  - Meet with County Attorney.
  - Thoroughly review case file.



**Revocation Memorandum**  
**July 10, 2000**

---

Prepare notes for hearing.  
Retrieve seized physical evidence, if required.  
Contact department personnel involved in hearing.

Refer to IPS, DIRECT, or another special program or sanction, if appropriate.  
Prepare and submit oral addendum to the Judge, if requested.  
Pre-disposition conference with Judge.  
Report disposition to the Disposition Desk.  
Chrono entries.

**II. Support Staff Responsibilities:**

Type Addenda to Presentence Report.  
Copy and distribute Addenda and other documents.  
Type, copy and distribute documents.

**III. Unit Supervisor Responsibilities:**

Staff case to decide if PTR should occur.  
Review written report.  
Document violation staffing.

**IV. Misc.:**

Driving/parking time.

**V. Computations:**

Average Probation Officer/Senior Probation Officer Hourly Salary is  $\$17.27 \times 12.00 \text{ hours} = \$207.24$ .  
Average Litigation Support II Hourly Salary is  $\$11.15 \times 5 \text{ hours} = \$55.75$ .  
Average Unit Supervisor Hourly Salary is  $\$22.40 \times .5 \text{ hours} = \$11.20$ .  
Parking =  $\$4.00$ .

LKP:lkp

cc: Diane McGinnis, Executive Director

Number of Active Criminal Cases: 1629

Number of Active Criminal Defendants: 1819

Days from Arraignment to Current Case Event

0 to 90 -- 927 Defendants ( 51%)  
 91 to 120 -- 155 Defendants ( 9%)  
 121 to 150 -- 153 Defendants ( 8%)  
 151 to 180 -- 105 Defendants ( 6%)  
 181 & over -- 479 Defendants ( 26%)

Totals: 1819 Defendants (100%)

Number of Defts - Days from Arraignment to Current Case Event

Division	0-90	91-120	121-150	151-180	181 Plus	Defendants	Cases
SR	88	15	18	7	59	187 10%	162
EZ	68	12	34	13	57	184 10%	169
06	86	26	12	17	37	178 10%	166
18	90	15	8	9	49	171 9%	157
16	77	9	12	10	58	166 9%	137
26	106	11	13	6	27	163 9%	147
14	90	20	11	11	29	161 9%	141
15	76	8	13	8	50	155 9%	138
08	79	13	11	6	39	148 8%	132
22	69	10	11	7	27	124 7%	118
13	87	9	6	7	14	123 7%	115
OTHERS	11	7	4	4	33	59 3%	47
TOTALS	927	155	153	105	479	1819 100%	1629

\* Excludes Rule 11, Adult Diversion and defendants tried in absentia but awaiting sentencing. Time from arraignment to current case event set could include excluded time periods (Rule 8.4) and time expended while an arrest warrant was active.

Judge	0-30 Days	% in Age	31-60 Days	% in Age	61-100 Days	% in Age	101-140 Days	% in Age	141-180 Days	% in Age	181 Days +	% in Age	Judge Total Pending	% < 100 Days	% < 100 Days
1	38	23.31%	51	31.29%	32	19.63%	10	6.13%	10	6.13%	22	13.50%	163	74%	26%
2	0	0.00%	0	0.00%	0	0.00%	1	20.00%	0	0.00%	4	80.00%	5	0%	100%
3	0	0.00%	1	11.11%	2	22.22%	1	11.11%	1	11.11%	4	44.44%	9	33%	67%
4	0	0.00%	0	0.00%	3	27.27%	0	0.00%	1	9.09%	7	63.64%	11	27%	73%
5	24	14.55%	35	21.21%	34	20.61%	22	13.33%	20	12.12%	30	18.18%	165	56%	44%
6	32	20.65%	39	25.16%	39	25.16%	19	12.26%	12	7.74%	14	9.03%	155	71%	29%
Others	3	50.00%	1	16.67%	0	0.00%	0	0.00%	0	0.00%	2	33.33%	6	67%	33%
Totals	97	18.87%	127	24.71%	110	21.40%	53	10.31%	44	8.56%	83	16.15%	514	65%	35%

The above age ranges are calculated from the Superior Court filing date to the date of this report. Standards established by the Arizona Supreme Court: 90% of all felony cases should be adjudicated or otherwise concluded within 100 days; 99% within 180 days and 100% within one year.

Red column indicates % of cases over 100 day standard.

Prepared by J. Hicks, Caseflow Manager,  
Yavapai County, on January 23, 2001  
File Name: XTAB%RPT

ACTIVE CRIMINAL FELONY CASES ASSIGNED TO \_\_\_\_\_ AND PENDING AS OF 1/24/2001

Case No.	Defendant Name	Filing Date	Arraign. Date	Case Type	Party Status	Stat Date	Age of Case from Filing Date *
<u>More than 180 Days from Filing Date</u>							
9990319	EGGERT, ROBERT JOHN JR	11/3/1999	11/15/1999	CRIM - SEXUAL OFFENSES	AWAITING PRETRIAL CONFERENCE	1/9/2001	
9990358	WEISS, DONNA LYNN	11/24/1999	12/6/1999	CRIM - CRIM TRESP & BURGLARY	AWAITING SENTENCE	1/23/2001	
820000174	GONZALEZ, GERALD JUNIOR	5/3/2000	5/15/2000	CRIM - CRIM DAMAGE TO PROPERTY	AWAITING PRETRIAL CONFERENCE	12/22/2000	266
820000266	CONTRERAS, MARIO	7/26/2000	10/2/2000	CRIM - ORGANIZED CRIME	AWAITING SENTENCE	1/10/2001	182
<u>141-180 Days from Filing Date</u>							
820000314	REED, JUSTIN MICHAEL	8/23/2000	9/5/2000	CRIM - CRIM DAMAGE TO PROPERTY	AWAITING PRETRIAL CONFERENCE	12/22/2000	154
<u>101-140 Days from Filing Date</u>							
820000337	GONZALEZ, GUY RENE	9/14/2000	10/2/2000	CRIM - DRUGS & CNTRL'D SUBST	AWAITING SENTENCE	1/9/2001	132
<u>61-100 Days from Filing Date</u>							
820000396	ADCOCK, MERTON WORDEN [III]	10/25/2000	11/20/2000	CRIM - CRIM DAMAGE TO PROPERTY	AWAITING SENTENCE	1/8/2001	91
820000424	GUERRA, GILBERT REGINALD	11/15/2000		CRIM - DRUGS & CNTRL'D SUBST	AWAITING SENTENCE	1/9/2001	70
<u>31-60 Days from Filing Date</u>							
820000436	ALLEN, JOHN HARRY	11/29/2000	12/11/2000	CRIM - SEXUAL OFFENSES	AWAITING CASE MGMT CONF	1/22/2001	56
<b>Total Active Pending Criminal</b>						<b>9</b>	
<b>Percentage of Total Pending Criminal Fel.Cases all Divisions</b>						<b>2%</b>	
<b>Percentage of Cases &lt;= 1 Year</b>						<b>78%</b>	
<b>Percentage of Cases &gt; 100 Days Old Awaiting Sentencing</b>						<b>50%</b>	

Red dates indicate cases in current status in excess of 61 days

\* Age of Case highlighted with grey background reflect those cases over 1 year of age from filing date.

Fuchsia text indicates those cases > 180 days or more in age from filing date to current date.

Prepared by Jeanne Hicks, Casflow  
Manager on: 1/24/2001  
FileName:CMPEND4.RPT

Paula Parreño, Behavioral Health Director  
Re: Continued Medical Services in PCADC and PCJDC  
July 25, 2020  
95 of 376

# CRIMINAL CASE DIVISION INVENTORY REPORT

November, 2000

ACTIVE CASE INVENTORY					MONTHLY CASE and WORKLOAD STATISTICS											
Quad/ Div	JUDGE	ACTIVE PENDING (beginning)	ACTIVE PENDING (ending)	change (+/-)	New Cases Assigned	Case Transfers In (out)		Trials Begun Jury NJ		Trials Completed Jury NJ		Changes of Plea	Dismiss/ Remand	Inactives BW other		Defendants Sentenced
A/F	McVey	267	258	-9	65	7	15	2		3	1	40	9	8	2	58
A/G	Akers	294	267	-27	71	6	13	2		2		40	5	1	3	68
A/M	Schwartz	281	275	-6	71	4	8	2		1		53	5	3	2	62
A/U	Padish	265	275	10	64	6	9	2		2		36	4	2	1	46
	<b>Quad A Totals</b>	<b>1107</b>	<b>1075</b>	<b>-32</b>												
B/H	Gottsfeld	316	311	-5	78	12	17	6		2		44	8	8		69
B/J	Martin	328	304	-24	70	7	6	2	2	1	2	43	7	2	2	94
B/L	Hilliard	313	313	0	71	7	4	5		5		50	8	3	4	71
B/S	McClennen	339	333	-6	74	4	9	4		3		52	5	9	3	69
	<b>Quad B Totals</b>	<b>1296</b>	<b>1261</b>	<b>-35</b>												
C/B	Willrich	400	374	-26	78	6	8	2		1		66	14	7	4	95
C/C	Keppel	418	404	-14	82	2	5	3		2		73	6	3	4	101
C/E	Barker	399	349	-50	79	7	5	2		3		65	9	10	6	108
	<b>Quad C Totals</b>	<b>1217</b>	<b>1127</b>	<b>-90</b>												
D/D	Dougherty	381	320	-61	78	3	16	1	1	1	3	49	5	4		101
D/K	Cole	273	256	-17	74	5	25	2		2		56	7	4		81
D/O	Budoff	317	303	-14	77	12	7	3		3		59	6	2	1	77
D/Q	Gerst	334	328	-6	79	8	8	2		1		40	6	8	4	77
	<b>Quad D Totals</b>	<b>1305</b>	<b>1207</b>	<b>-98</b>												
E/I	Reinstein, P.	363	314	-49	67	8	9	5		2		35	8	5		98
E/N	Hall	348	339	-9	67	2	4	3		5		57	2	6	3	70
E/R	Araneta	355	350	-5	72	3	12	1		1		58	2	2		75
E/V	Jones	339	327	-12	67	4	9	3		1		38	3	3		76
	<b>Quad E Totals</b>	<b>1405</b>	<b>1330</b>	<b>-75</b>												
F/P	Oberbillig	343	346	3	81	1	3	3		2		56	12	4	3	73
F/T	Jarrell	376	370	-6	87	2	1	1				65	12	1	4	90
F/W	Fenzel	363	358	-5	84	3		4		3		56	8	6	3	80
	<b>Quad F Totals</b>	<b>1082</b>	<b>1074</b>	<b>-8</b>												
	<b>TOTALS</b>	<b>7,412</b>	<b>7,074</b>	<b>-338</b>	<b>1,636</b>	<b>119</b>	<b>193</b>	<b>60</b>	<b>3</b>	<b>46</b>	<b>8</b>	<b>1,131</b>	<b>181</b>	<b>97</b>	<b>49</b>	<b>1,717</b>
	<b>Averages</b>	<b>337</b>	<b>322</b>	<b>-15</b>	<b>74</b>	<b>5</b>	<b>9</b>	<b>3</b>	<b>0</b>	<b>2</b>	<b>0</b>	<b>51</b>	<b>7</b>	<b>4</b>	<b>2</b>	<b>78</b>

Paula Perrera, Behavioral Health Director  
 Re: Contracted Medical Services in PCADC and PCJDC  
 July 25, 2022  
 96 of 372

**CRIMINAL CASES DISPOSED OF FROM  
 7/1/1999 - 6/30/2000 \***

Judge	Total Cases Disposed	Median Dispo. Days**	Average Dispo Days
1	394	89	150
2	28	196	380
3	41	118	302
4	53	138	306
5	332	131	220
6	439	103	201
<b>Total Disposed</b>		<b>1287</b>	

Average Dispo. Days 202

Median Dispo. Days 104

Average Cases Disposed of Per Month 107

\*Includes Dispositions from 7/1/1999 - 6/30/2000 .

\*\*ABA Time Standards: 90% of all felony cases shall be adjudicated or otherwise concluded within 100 days of arrest; 98% within 180 days and 100% within 365 days.

## Section 2: Trial Rate and Early Disposition of Cases

- As in most counties, Pima County criminal cases are primarily disposed of by plea bargain rather than trial. The County Attorney's statistics for FY 1999-2000 shows that 80 percent of all criminal cases were disposed of by plea bargain. The other 20 percent of cases go to trial, diversion, or are dismissed.
- The trial rate in Pima County is between 9.9 and 13.3 percent per year depending on how it is counted. In any case, it is significantly higher than the 2.8 percent median rate in other Arizona counties and the 2.7 percent median rate found in more comparably populated counties in Arizona, California and Nevada. The additional cost to Pima County for this higher trial rate is estimated to be between \$2.3 and \$2.9 million per year. The benefits of the higher trial rate, according to the County Attorney, include greater community safety, more public support and confidence in the criminal justice system, and holding more defendants accountable for their actions. The County Attorney does not have a system in place to track and document these benefits and allow County officials to compare them to the costs of taking more cases to trial. Lower crime rates, more severe sentences, or higher conviction rates are possible other benefits that cannot be proven or linked to the number of trials in the County, given currently available management information.
- Plea-bargaining provides an opportunity for early disposition of less serious cases without the cost of unnecessary court events. While a high volume of less serious cases are filed through the County Attorney's Early Disposition program, these cases are not settled any earlier, faster or with different outcomes than regular cases. Approximately half of a sample of these Early Disposition cases were disposed of within the plea termination date deadline set by the County Attorney. However, approximately 38.5 percent were not disposed of until between the plea termination date and the trial date, adding to the cost of these cases and worsening court backlogs. Applying this ratio to all case dispositions would mean that 517 cases designated as Early Disposition cases were not disposed until after the plea termination date in FY 1999-00.
- While responsibility for early case disposition is shared by the County Attorney, Indigent Defense Services, and the Superior Court, successful early disposition depends on the County Attorney offering credible, consistent plea bargains, monitoring case outcomes and making changes in procedures as necessary to ensure early case disposition. Defense counsel must start work on cases and respond to plea offers as early as possible and the courts must track and manage case timelines.

An assessment of the costs and benefits of the County's trial rate was requested as part of this management audit of the criminal justice system. The trial rate has been cited by various County representatives as 10 percent. A review of trial rate statistics for the County revealed different rates reported by different sources. The County Attorney reports a 9.9 percent trial rate for FY 1999-00. The State of Arizona Supreme Court, which collects trial statistics for all counties in Arizona, reports a 12 percent trial rate for FY 1998-99. The County Attorney provided FY 1999-00 Supreme Court data for all Arizona counties which showed a 13.3 percent trial rate for Pima County. A review of a random sample of closed cases from FY 1999-00 found an 11.8 percent trial rate. The primary difference in these rates depends on how trials are defined and to a lesser extent, which cases are included. Table 2.1 shows three trial rates.

The differences in how trials are counted are that only completed trials are counted by the County Attorney; the Supreme Court and the sample cases counts trials commenced. Trials commenced includes trials that are never completed such as cases that are dismissed or settled after the trial starts.

**Table 2.1**  
**Pima County Felony Trial Rates**  
**Reported by the County Attorney and the State Supreme Court and**  
**as Calculated from a Sample of Closed Cases**  
**FY 1998-99 and 1999-00**

Source/Year	Number of Dispositions	Number of Trials	Trial Rate
County Attorney: FY 1999-00	4,316	427 <sup>(1)</sup>	9.9%
State Supreme Court: FY 1998-99	5,433	652 <sup>(2)</sup>	12.0%
State Supreme Court: FY 1999-00	4,600	611 <sup>(2)</sup>	13.3%
Sample Cases: FY 1999-00	127	15	11.8%

(1) Sources: FY 1999-00 Trials Completed: Pima County Attorney; FY 1998-99 and 1999-00: Arizona Supreme Court; Sample Cases: Randomly selected by auditors from all cases closed in FY 1999-00. Trials completed only

(2) Trials commenced

Two other differences between the County Attorney and the State Supreme Court rates are: 1) the State rate includes cases that are filed by the State Attorney General in Pima County; and, 2) the State counts enhancements of prior convictions as separate cases when they occur as part of a current case sentencing. The County Attorney does not include Attorney General cases in their caseload numbers or count prior conviction enhancements as separate cases. Superior Court staff estimate that these cases add about 60 additional dispositions per year to the caseload reported by the State.



While the County's trial rate is subject to variation depending on how it is defined, even the lowest rate, 9.9 percent as reported by the County Attorney, is higher than the median rate in all other Arizona counties and in larger and more comparably populated counties in Arizona, California and Nevada. Table 2.2 displays the trial rates in these selected counties and compares them to the FY 1999-00 rate for Pima County as reported by the County Attorney. As shown the median and average rates in the other jurisdictions are 2.7 and 2.6 percent respectively, compared to 9.9 percent in Pima County.

**Table 2.2**  
**Felony Trial Rates in Selected other Counties**  
**in Arizona, California and Nevada**  
**FY 1999-00: Pima County**  
**FY 1998-99: Other Counties**

	<b>Trials*</b>	<b>Dispositions</b>	<b>Trial Rate</b>
<u><i>Arizona counties:</i></u>			
Maricopa	863	21,162	4.1%
Pinal	21	1,422	1.5%
Yavapai	32	1,174	2.7%
<u><i>California/Nevada:</i></u>			
Contra Costa	132	4,911	2.7%
Clark (Nevada)	116	9,083	1.3%
Fresno	116	9,338	1.2%
Kern	316	6,101	5.2%
San Mateo	68	2,805	2.4%
Ventura	63	2,314	2.7%
Median	116	4,911	2.7%
Average	192	6,479	2.6%
<b><i>Pima</i></b>	<b><i>427</i></b>	<b><i>4,316</i></b>	<b><i>9.9%</i></b>

Sources: Arizona State Supreme Court data; Judicial Council of California data; and, surveys of Nevada counties.

\*Note: Only Pima County data provided by the County Attorney includes bench and jury trials. For comparison with the other Arizona counties presented in Table 2.2, State Supreme Court data for Pima County for FY 1998-99 reports 652 jury trials out of 5,544 dispositions, or a trial rate of 11.8 percent. The lower of the two rates, provided by the County Attorney, was used for cost analysis purposes.

At the request of the County Attorney, the same information in Table 2.2 was reviewed for all Arizona counties for FY 1999-00. That data, counting both jury and bench trials, showed that Pima County's trial rate was 13.3 percent compared to a median rate for all other counties of 2.8 percent. Only one other county, Santa Cruz, had a higher rate at 19.2 percent.<sup>1</sup>

Whichever statistics are used, there is a difference between Pima County's trial rate and those of the other counties because more cases in those counties are disposed through pleas.

To determine Pima County's criminal justice system costs associated with a 9.9 percent trial rate—the lowest of the rates reported above—the costs of the incremental number of trials have been estimated and compared to what the costs of trials would be if Pima County had a trial rate of 2.7 percent (the median rate for the comparison counties). The incremental number of trials was identified as 310 (4,316 dispositions x 9.9 percent trial rate equals = 427 trials less 4,316 dispositions x 2.7 percent trial rate = 117 trials, or a difference of 310 trials). Costs were estimated for the departments most affected by trial work: the Sheriff, the Superior Court, the County Attorney, and Indigent Defense Services. For each department, the number of court days spent on trials was estimated and activity, hourly or daily costs for all departments involved in the trial process were estimated. The results are a range of costs between \$2.3 and \$2.9 million per year, shown in Table 2.3. The costs shown are the estimated incremental costs associated with trials, by department.

These costs represent a mix of fixed and variable costs. For example, jail staffing could not be reduced unless there were a sufficient drop in the number of inmates, so that an entire section of the jail facility could be closed. In other words, if the County's trial rate declined to 2.7 percent, not all of the amounts shown could be reduced from the respective departments' budgets. However, the estimated cost represents County resources that could be used for other purposes if the trial rate were lower, avoiding future costs related to service expansion due to population increases and other factors.

**Table 23**  
**Estimated Range of Additional Costs in Pima County**  
**Associated with 9.9 Percent Trial Rate**

Department	Low Additional Cost	High Additional Cost
Sheriff	\$823,041	\$823,041
Superior Court	372,000	372,000
County Attorney	709,563	1,248,078
Indigent Defense	433,851	433,851
Total	\$2,338,455	\$2,876,970

The basis for each department's estimates are provided in Attachment 2.1.

<sup>1</sup> Santa Cruz County had only 130 total dispositions in FY 1999-00, or 2.8% of the 4,600 dispositions reported for Pima County in that year.

The County Attorney has pointed out that the number of cases filed and taken to trial is by law the prerogative of the County Attorney, an elected official, and that there is no constitutional or statutory right for a defendant to receive a plea bargain. While this is true, the number of cases taken to trial affects the County's criminal justice system costs and allocation of resources. Trials almost always require more court time, more court support staff time, more attorney time (both prosecutors and defense counsel) and more staff time of the other criminal justice system departments than cases settled by plea bargain. This means that Pima County either has higher staffing levels and costs than other counties with lower trial rates, or cannot process cases as quickly as other counties because more staff time is being spent on additional court events and trial preparation.

In Section 1 of this report, it was reported that Pima County is not meeting State or County felony case disposition and time to trial standards. Later in this section, it is reported that over a third of cases designated for early disposition by the County Attorney are not disposed earlier or processed any faster than regular cases. While there are many participants in the court process who can affect case processing time, the number of cases going to trial in most instances is determined by the County Attorney. The exception to this is when defendants reject a plea offer and choose to go to trial believing they will get a better outcome.

The County Attorney has reported that she opposes plea bargaining for certain cases, and that it is her policy to take these cases to trial as a matter of policy. According to the County Attorney, benefits of this policy include improved public safety, greater community confidence in the system, holding criminals accountable for their actions, better outcomes and using the criminal justice system as a deterrent to crime. These benefits and their link to a higher trial rate cannot be demonstrated with readily available data without extensive analysis beyond the scope of this audit. In fact, the crime rate in Pima County has followed national trends with its decline between 1997 and 1999, but still remains higher than the national rate, and higher than Maricopa County's rate. The relationship between a high trial rate and a decline in the crime rate cannot be easily proven. Numerous academic and federal government studies have been conducted providing explanations for the decline in crime, including improved economic conditions, an aging population, enhanced law enforcement, and others.

Other benefits of a higher trial rate might include a higher rate of convictions and more severe sentences. Pima County's conviction rate was slightly below the statewide average in FY 1998-99 according to the State Supreme Court data<sup>2</sup>. Although Pima County sentences more defendants to State prison than the statewide average,<sup>3</sup> demonstrating the relationship between this fact and the high trial rate would require a detailed analysis and comparison of similar cases taken to trial and plead. It should be noted that most of the defendants in Pima County sentenced to State prison in FY 1998-99 were from plead cases, not trials.

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<sup>2</sup> 80.9 percent of all Pima County felony dispositions were sentenced in FY 1998-99 compared to 83.2 percent statewide for the same time period according to the State Supreme Court (4,396 out of 5,433 compared to 29,767 out of 35,780 statewide).

<sup>3</sup> 1,598 of the 4,396 criminal defendants disposed in FY 1998-99 were sentenced to State prison, or 36.4 percent compared to 8,499 out of 29,767 statewide, or 28.6 percent.

While there is no question that there are costs to the community from crimes being committed, the question remains if crimes are prevented to a greater extent in Pima County than in other jurisdictions with lower trial rates. Plea bargaining also results in defendants being incarcerated. The County Attorney also reports that staff attorneys are evaluated in part on the number of cases that they take to trial. For staff attorneys to reach the goal of completing a certain number of trials, they must keep a larger pool of cases in process heading for trial because, inevitably, there are some cases that become poor candidates for trial after filing due to new evidence being presented, new witnesses found or key prosecution witnesses becoming unavailable. Keeping additional cases in the queue to achieve the target trial rate contributes further to court backlogs. It also affects Indigent Defense Services and other County departments that have to spend more time preparing for trial cases and potential trial cases.

While the County Attorney certainly has the right to take as many cases as she chooses to trial, the costs and benefits of this policy are not tracked in a manner that enables management oversight to determine if the benefits are outweighing the costs. The County Attorney does not track staff time which would enable costs per trial and per case to be identified nor does the County financial system track expenditures by functions such as trials. Measuring the stated benefits of the trial rate requires different performance measures than those currently tracked and reported by the County Attorney. Such measures should be tracked and regularly reported to County elected officials and management, including:

- Case processing time (specifying reasons for delays)
- Number of filed cases by initial charge
- Number of filed cases plead, taken to trial, or otherwise disposed by initial charge<sup>4</sup>
- Conviction rates by initial charge
- Quality of convictions (e.g. number of felony classes reduced, number of violent criminals sent to prison, etc.)
- Sentencing outcomes by initial charge and type disposition (plea, trial, other)
- Change in Pima County crime rate

As an elected official, the County Attorney has discretion over the number of cases sent to trial. At the same time, County officials and the public should be kept informed on the benefits of taking a higher proportion of cases to trial than is found in other jurisdictions.

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<sup>4</sup> Data on the number of cases taken to trial by crime charged is tracked by the County Attorney's Office. The number of plead and other cases are not tracked by crime charged.

## **Early Disposition of Lower Level non-Trial Cases**

One method of offsetting the costs associated with the higher trial rate in Pima County is disposing of lower level plea bargain cases more expeditiously and earlier in the process. The County Attorney has a program in place for this purpose which was reviewed as part of this performance audit.

Every criminal case presented to the County Attorney by law enforcement agencies or the Grand Jury is assigned to one of the Criminal Division's units for resolution of two key questions:

- 1) Should the case be filed in court?
- 2) Should the case be taken to trial?

These questions are resolved by County Attorney staff in either the centralized Issuing/Case Evaluation System unit (CES) or one of the Felony Trial Team units.

The Criminal Division was comprised of the following units, as of June, 2000:

- Issuing/Case Evaluation System (CES)

### Felony Trial Teams:

- Appeals
- Family Violence and Sex Crimes
- Forfeitures
- Gangs
- Homicides
- Narcotics (includes HIDTA)
- Property Crimes
- Vehicular Offenses
- Violent Offenses
- Ajo (field office)

### Other Trial Teams:

- Juvenile
- Misdemeanors

### Administrative/Support Units:

- Investigations
- Training
- Extraditions
- Felony Records
- Victim Witness
- Grand Jury
- Initial Appearances
- Victim Notification

The purpose of the CES unit is to prepare plea offers for cases with lower level charges and/or cases in which the defendant is a first time offender. The CES unit was created in 1981 to dispose of lower level cases early in the process, particularly Class 4, 5, and 6 felony cases committed by first time offenders. Subsequently, similar functions were created in the Narcotics and Vehicular Offenses units for those categories of cases, only.

Plea offers prepared by CES are submitted at arraignment. By County Attorney policy, the defense has 30 days to accept or reject the offer. If the defendant has not accepted the plea offer by the deadline, the case is assigned to the Felony Trial Team corresponding to the highest offense charged in the case. Once sent to a Felony Trial Team, it is assumed that the case will either go to trial or the defendant will have to accept a less favorable plea offer than that offered by the CES unit.

Not all new cases are sent to the CES unit. The following categories of cases are instead sent to specialized Felony Trial Units within the Criminal Division:

- 1) Narcotics cases
- 2) Vehicular Offenses
- 3) Sex crimes/domestic violence
- 4) Homicides
- 5) Cases where the defendant is a gang member

For all of these categories, except homicides, the decision to file the case in court and whether to offer a plea is made by the attorneys in the corresponding Felony Trial Team units. Homicide cases are reviewed by a Homicide Panel consisting of the County Attorney and other key staff.

As mentioned above, the Narcotics and Vehicular Offenses Felony Trial Team units have their own CES staff and process. Similar to the centralized CES unit, staff in these units review all new cases, identify those that will be filed and prepare plea offers for lower level cases. The remaining cases are directed to trial attorneys in their units for prosecution and possibly for trial. These CES units submit their plea offers by arraignment and impose the same 30 day deadline as the centralized CES unit. If the defendant has not accepted the offer by the deadline, the case is then assigned to a trial attorney and it is assumed that it will either go to trial or the defendant will have to accept a less favorable plea offer.

All sex crimes/domestic violence, homicides and gang cases are sent directly to a trial attorney without CES review. However, pleas may still be offered in these cases. The difference in these cases is that there is no standardized date or event by which the plea must be offered by the County Attorney's Office, and no deadline for the defendant to accept it. Unlike CES cases, the non-CES cases assigned to trial attorneys may progress as if going to trial, but pleas are negotiated before trial commences.

While the decision to offer a plea to a defendant or to take a case to trial can be made by various staff members in various units of the department, pleas are not to be offered in the following types of cases, according to County Attorney policy:

- 1) Using a firearm during the commission of an armed robbery;
- 2) Residential burglaries.

### 3. Drug Court Operations

- **The Superior and Juvenile courts operate two drug court programs for adults and juveniles arrested for drug offenses. A third program is under development in Juvenile Dependency Court.**
- **The two programs operating during the period of this study cost the County approximately \$982,000 per year for Court, County Attorney, Public Defender, Probation and treatment services. Approximately \$448,500 of this cost is funded from the federal and State governments through grants, from other sources, and participant fees. The balance of \$533,500 is a County General Fund cost.**
- **The County spends significantly less on each adult than on each juvenile for drug court and treatment services, even though a greater percentage of adults successfully graduate from the program. These differences most likely relate to differences in eligibility criteria and treatment approaches for each population. Further, comparing the costs and benefits of either program with the costs and outcomes of more traditional court processes cannot be reliably determined at this time, due to data weaknesses and the lack of suitable comparison groups. Most significantly, the courts have not designed data collection methods or routines to measure the long-term effects of drug court or traditional court on criminal recidivism.**
- **Both courts have embarked on major evaluation projects for the adult and juvenile drug court programs during the past 18 months. However, the study designs could be improved to provide more reliable measures of long term program effectiveness. Until such data becomes available and appropriate evaluation methodologies are adopted, drug court effectiveness in relation to more traditional criminal justice processes will remain uncertain.**

The Superior and the Juvenile courts operate two drug court programs for adults and juveniles arrested for drug offenses. These two programs are wholly independent of one another, and were developed to meet the drug abuse rehabilitation needs of two different populations. A third program was being developed in the juvenile dependency court during the period of this study. By Arizona State Law, drug court programs may be established by the Presiding Judge of the Superior Court in each county (ARS 13-3422.A).

The adult criminal and juvenile delinquency programs have some similarities, but also significant differences in the profile of clients, program duration and treatment approaches that are used. These are summarized in the table below, and discussed more fully in the bullet point narrative which follows.

### Exhibit 3.1

## Comparison Chart of Adult and Juvenile Drug Court Pima County Superior Court FY 2000-01

	Adult	Juvenile
Type of Program	<ul style="list-style-type: none"> <li>Deferred Entry of Judgment: guilty plea set aside or charges reduced with successful program completion</li> </ul>	<ul style="list-style-type: none"> <li>Deferred Entry of Judgment: guilty plea set aside or charges reduced with successful program completion</li> </ul>
Eligibility	<ul style="list-style-type: none"> <li>Probation eligible drug offense</li> <li>No pending felony</li> <li>No prior felony conviction for a sex crime</li> <li>No prior felony conviction for a violent crime</li> <li>No unauthorized immigrants</li> <li>Residence within Pima County</li> <li>Approved by County Attorney</li> </ul>	<ul style="list-style-type: none"> <li>Significant history of drug use</li> <li>Between 12 &amp; 16 years old</li> <li>Previously adjudicated</li> <li>Pending charge of probation violation or new offense</li> <li>No prior sexual offense</li> <li>No prior serious violence</li> <li>Not on JIPS (Juvenile Intensive Probation)</li> <li>Must have adult support unit to attend court and counseling</li> <li>Agrees to participate</li> <li>Physically and mentally stable/ able to participate</li> <li>Approved by County Attorney</li> </ul>
Duration/Phase	<ul style="list-style-type: none"> <li>12 month minimum duration</li> <li>Three phase outpatient treatment program</li> <li>52 week minimum monitoring period</li> <li>Random/frequent urinalysis</li> </ul>	<ul style="list-style-type: none"> <li>7 month minimum duration</li> <li>30 day inpatient treatment program, if determined appropriate<sup>1</sup></li> <li>Four phase outpatient treatment program</li> <li>26 week minimum monitoring period</li> <li>Random/frequent urinalysis</li> </ul>
Treatment Dynamics	<ul style="list-style-type: none"> <li>Group therapy, with frequency of counseling declining with graduation between phases</li> <li>Counseling for relapse prevention</li> <li>Increased treatment for relapse</li> </ul>	<ul style="list-style-type: none"> <li>Individual, group and family counseling with frequency declining with therapist's recommendation</li> <li>Completion of relapse prevention/aftercare plan</li> </ul>

By reviewing Exhibit 3.1, some major similarities and differences in the two programs can be identified:

<sup>1</sup> A 30-day inpatient treatment component was implemented by the Juvenile Court within a unit of the new Juvenile Detention Center in Spring 2001. The Court estimates that the average daily population in this unit will be approximately six juveniles (males). The funding for the treatment component (excluding custody operations), is from the federal Drug Court Implementation Grant.



- Both are deferred entry of judgment programs, requiring defendants to plead guilty to the current charge before being eligible for the program. However, if the defendant satisfactorily completes the program, the charge is dismissed.
- Most persons who participate in the Adult Drug Court program meet eligibility criteria defined by Arizona State Law for mandatory drug treatment and education (ARS 13-901.1, commonly referred to as Proposition 200). Under this law, the Court “shall require participation in an appropriate drug treatment or education program” for any person convicted once or twice of “personal possession or use of a controlled substance.” Accordingly, the Adult Drug Court program tends to include persons who have had limited interaction with the adult criminal justice system for substance abuse related offenses, although some participants have had a history of significant prior convictions or have served prison sentences for substance abuse or other related offenses.
- Juvenile’s who participate in the Juvenile Drug Court program generally have had more contacts with the juvenile justice system, and have exhibited “a significant history of drug use.” Typically, juveniles who participate in Drug Court have been serving a probation sentence for some other offense, and are referred to the program by their probation officers.
- Although transportation to Drug Court hearings and counseling can be problematic for both populations, juvenile participants must also secure agreement from their parents to attend court and counseling sessions with them. This is reportedly difficult in some cases, and as a result, some juveniles who might otherwise be willing to participate are screened from the program.
- While any adult who meets basic eligibility criteria may participate in the Drug Court program, juvenile offenders may not participate if they are (a) younger than 12, for therapeutic reasons, or (b) older than 16, due to jurisdictional limitations of the Juvenile Court. This places additional restrictions on juvenile eligibility for the program. Further, federal regulations regarding drug court eligibility influenced the selection criteria developed for the grants. The conditions of the grant governs the program as long as the County receives federal monies for Drug Court.
- Although criteria were developed by the drug court teams, participation in either program must be approved by the County Attorney. The County Attorney’s criteria and process for reviewing cases differs for each population.
- The minimum program duration is 12 months for adults and 7 months for juveniles. Most program graduates participate in the programs for longer periods than the minimum duration requires, as determined appropriate by the drug court judges and teams.
- The Adult Drug Court utilizes a treatment program which focuses on group counseling and participation in various community based substance abuse support groups (Alcoholics Anonymous, Narcotics Anonymous, etc.). Juvenile Drug Court utilizes a treatment program that combines individual, group, and family counseling, as well as community based substance abuse support groups.

It is likely that the differences in eligibility criteria, the profile of participants, program duration and treatment modality may impact the relative effectiveness of the two programs. Nonetheless, neither program has appropriately defined program effectiveness, established meaningful success measurements or developed effective systems to collect data necessary for measurement.

## **Program Funding, Activity and Cost**

### **Adult Drug Court**

In 1995, the County received a planning grant for an adult drug court. In September 1997, after the initial planning period, the County received an implementation grant for an adult drug court program amounting to approximately \$397,000. The first Adult Drug Court cases were processed in January 1998 and the program has continued intact since that time. The grant terminated in October 2000, and federal drug court funds are no longer available to the County for the support of this program.

According to the Superior Court, the grant was used primarily to fund systems and support costs, drug testing, treatment, and program evaluation, and the County funded staff cost as an in-kind contribution to the program. Since the grant has expired, the County has financed a portion of the program with funding from the State for the treatment of first-time drug offenders (Proposition 200 funds), and has received a \$40,000 appropriation from the City of Tucson from a federal law enforcement block grant, in each of the past two fiscal years. Neither of these current funding sources are stable and could change at any time.

The number of active participants in the Adult Drug Court program ranges between 190 and 230 persons at any one time. As of March 2001, the Adult Drug Court had provided services to 718 participants since inception, of which 155 had graduated from the program. According to research conducted by the County Attorney's Office in October 2000 for participants who had graduated in 1999, none had been rearrested.

### **Juvenile Drug Court**

In 1997, the County received a \$30,000 federal planning grant to begin exploring the potential of establishing a juvenile drug court. Representatives from the Juvenile Court, the County Attorney, the Public Defender, and the Probation Department began a process of reviewing juvenile drug court models from throughout the country, and designing a program for implementation in Pima County.

In June 1998, before receiving confirmation of a federal drug court implementation grant, the Presiding Judge of the Juvenile Court implemented the Juvenile Drug Court in Pima County. In October of that year, the County received a \$399,979 two year implementation grant, which included funding to support the following costs.

**Table 3.1**  
**Federal Grant Award for Juvenile Drug Court**

Salaries and Employee Benefits	\$ 92,042
Treatment, Education and Consulting Services	289,682
Other Miscellaneous Costs	18,255
Total Federal Grant Award	\$ 399,979

Since the initial award, some federal treatment monies have been converted to fund the salaries of the support and surveillance officer positions for the remainder of the grant period, which now extends until March 2002.

In the initial grant proposal, the Court anticipated that approximately \$219,000 would be expended over the two year grant period on a 30 day inpatient treatment component for selected juveniles (residential treatment care or therapeutic group home). However, this portion of the program was not developed or implemented until Spring 2001 due to the lack of a suitable treatment facility in the Tucson area. The grant has been extended to allow implementation of this program component.

The number of active participants in the Juvenile Drug Court program has fluctuated significantly between 25 and 50 juveniles at any one time. The Court reported that this fluctuation has occurred primarily because of a change in the treatment provider, and the need to reduce the number of new program participants during contractor transition. Other issues which may be impacting the level of participation are discussed later in this section.

In January 2001, the Juvenile Drug Court had provided services to 201 juveniles since its inception. Of these, 49 had graduated, 122 had failed and five had active warrants for their arrest. There were 25 active participants at that time.

### **Net County Costs**

In part, the two Pima County drug court programs are funded by the County. As discussed above, the federal grant funds for adults have been exhausted; and the funds for juveniles are used primarily to support treatment and some staffing cost. Other State funds are appropriated to the courts on an annual basis, and are used to support treatment and a portion of probation staffing. A schedule which illustrates the estimated FY 2000-01 staffing, monitoring and treatment costs, and associated funding is presented in Table 3.2 on the following page.

**Table 3.2**  
**Pima County FY 2000-2001 Estimated Cost of**  
**Adult and Juvenile Drug Court**

Cost/Revenue Component	Adult Drug Court		Juvenile Drug Court	
	FTE	Cost	FTE	Cost
<b>Court</b>				
Superior Court Judge	0.7	46,033	0.2	13,152
Law Clerk/Bailiff	0.5	17,807	0.1	3,561
Judicial Administrative Assistant	0.6	21,335	0.2	7,112
Court Reporter	0.1	5,781	0.1	5,781
<b>Subtotal Court</b>	<b>1.9</b>	<b>90,956</b>	<b>0.6</b>	<b>29,606</b>
<b>County Attorney</b>				
Attorney	0.1	5,905	0.2	11,810
Legal Assistant	1.0	28,909	-	-
<b>Subtotal County Attorney</b>	<b>1.1</b>	<b>34,814</b>	<b>0.2</b>	<b>11,810</b>
<b>Public Defender</b>				
Attorney	1.0	59,049	1.0	59,049
Legal Assistant	-	-	-	-
<b>Subtotal Public Defender</b>	<b>1.0</b>	<b>59,049</b>	<b>1.0</b>	<b>59,049</b>
<b>Adult/Juvenile Probation</b>				
Drug Court Supervisor	-	-	0.5	27,372
Drug Court Coordinator	-	-	1.0	45,754
Case Manager/Probation Officer	3.0	135,216	2.0	77,892
Surveillance Officer	-	-	1.0	34,941
Admin Assistant/Lit Support Spec	1.0	26,922	1.0	26,472
Treatment	-	166,830	-	61,601
Drug Testing	-	37,480	-	56,151
<b>Subtotal Probation</b>	<b>4.0</b>	<b>366,448</b>	<b>5.5</b>	<b>330,183</b>
<b>Total Positions and Cost</b>	<b>8.0</b>	<b>551,267</b>	<b>7.3</b>	<b>430,649</b>
<b>Revenue</b>				
Federal Grants		-		61,413
State Grants		108,000		133,003
TPD Grant		40,000		-
Program Fees		106,081		-
<b>Subtotal Revenues</b>		<b>254,081</b>		<b>194,416</b>
<b>Net General Fund Cost</b>		<b>297,186</b>		<b>236,233</b>

As shown, the total program cost for the Adult Drug Court is approximately \$551,267, which is offset by \$254,081 in federal and State grant funds, and program fees. Therefore, the net County cost for Adult Drug Court is approximately \$297,186 per year. Similarly, the total program cost for the Juvenile Drug Court is approximately \$430,649, offset by \$194,416 in federal and State grant funds. Therefore, the net County cost for Juvenile Drug Court is approximately \$236,233. Together, the net cost to the County for these two programs is over \$533,000 per year.<sup>2</sup>

It is important to note that the costs presented in this report are conservative. Although the cost of drug testing and treatment have been recognized, no other services, supplies, or administrative and County-wide indirect costs have been included. Had these other costs been apportioned to the two drug court programs, the total program cost and net County cost would be greater. In addition, program revenues do not include other State funds that are received by the departments to support their general operating costs. For example, the Net County Cost for Juvenile Drug Court does not recognize approximately \$105,000 that is received from the State to support probation officer services in the County (the State allocation is based on overall caseload levels within the Department). Had these revenues been included, the Net County Cost for Juvenile Drug Court would decline from \$236,233 to \$130,968. However, because these revenues are not specifically linked to drug court or drug treatment services, we have treated them in the same manner as County general revenue.

By analyzing the average monthly program participation and dividing it into the cost of each program, a relative measurement of the average monthly cost for each participant can be computed. This is shown in the table, below.

**Table 3.3**  
**Average Gross and Net County Cost Per Participant Month**  
**Pima County Drug Courts – FY 2000-01**

	Average	Annual		Average	FY 2001	Average Net
	Monthly	Drug Court	FY 2001	Monthly	Net County	County Annual
Program	Participants*	Service Months	Annual Cost	Participant Cost	Annual Cost	Participant Cost
Adult	202	2,418	\$ 551,267	\$ 227.98	\$ 297,186	\$ 122.91
Juvenile	30	360	\$ 430,649	\$ 1,196.25	\$ 236,233	\$ 656.20

(A) Based on six months of CY 2000 data for Adult Drug Court and three months of more recent data for the Juvenile Drug Court.

As shown in Table 3.3, the average cost per participant month is dramatically different for the two drug courts. Although the gross annual cost for Adult Drug Court is only 1.28 times the amount for Juvenile Drug Court, the net County cost becomes nearly equal when program

<sup>2</sup> Excludes reimbursement from the State for the cost of probation officer staffing, based on department-wide caseload.

revenues—including participant fees—are factored into the equation. However, when computing the average cost per participant month, the differential becomes dramatic. While the net County cost per participant month for Adult Drug Court is approximately \$123, the net County cost per participant month for Juvenile Drug Court is nearly five and one-half times greater at \$656.20 (534 percent). This estimated amount per participant month does not include the cost for inpatient treatment being provided for some juveniles from the Juvenile Detention Center, which was begun in Spring 2001. If added to the equation, the cost and ratio would be even greater.

While the adult Drug Court is able to generate activity statistics, the juvenile program does not maintain statistics on the average number of months that individuals participate in the program. Often, participants are terminated from the programs at a mid-point in treatment. Also, we were told by representatives from both programs that graduates typically take longer than the established minimum number of months to successfully complete the program. Nonetheless, from discussions with the judges and staff assigned to the programs, a review of statistical information compiled for a University of Arizona (UOA) evaluation of the Adult Drug Court Program,<sup>3</sup> and program statistics generated for this study, we can make the following assumptions.

- An adult will graduate after approximately 15 months in the program;
- A juvenile will graduate after approximately 8 to 10 months in the program.
- An adult will generally be terminated during early treatment phases, anywhere from one to six months into the program. For 1998 enrollees, the average days to termination was 167 days; and, in for 1999 enrollees, the average days to termination was 65 days.<sup>4</sup>
- A juvenile will also be terminated during early treatment phases, after approximately three to four months into the program.

Based on complete data for Adult Drug Court participants since program inception, approximately 35.9% of all enrollees will graduate from the program.<sup>5</sup> Juvenile data since program inception indicates that approximately 27.8% of all enrollees will graduate from the program. Using average monthly enrollment figures from the Courts, that means that an average of 72 of the 202 adults enrolled at any one time will graduate successfully, while only 8 of the 30 juveniles enrolled at any one time will graduate successfully. This analysis is presented in the table, below.

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<sup>3</sup> Polakowski, Michael, University of Arizona School of Public Administration and Policy, "Pima County Drug Court Final Report and Evaluation," Second Draft, June 27, 2000

<sup>4</sup> Ibid

<sup>5</sup> In the first year of the program (1998), the Superior Court reported a termination rate of 55.9%. In 1999, this termination rate declined to 27.1%. The judge assigned to Drug Court estimates that the termination rate is currently 35%, and that 65% of program participants successfully graduate from the program. We used data from the Court which provided a profile of all program participants since program inception.

**Table 3.4**

**Analysis of Graduation Rates for the  
 Adult and Juvenile Drug Court Programs<sup>(a)</sup>**

	Graduated	Terminated	Total	Percent Graduated	Average Enrollment	Average Graduates	Average Terminated
Adults	155	277	432	35.9%	202	72	129
Juvenile	49	127	176	27.8%	30	8	22

<sup>(a)</sup> Graduation rates since program inception through January 2001 for both the Adult and Juvenile drug courts. Does not include currently active participants or individuals for whom the courts have issued warrants. Includes only those individuals who have either graduated or been terminated from the program.

Given this data, and the assumptions on program duration, an average cost per program participant can be determined and segregated by cost per graduate and cost per termination. These are presented in the table, below.

**Table 3.5**

**Average Cost for Adult and Juvenile  
 Drug Court Participants Through Program Duration**

	Graduation Duration (In Months)	Termination Duration (In Months)	Gross Cost			Net County Cost		
			Per Graduate Cost	Per Terminated Cost	Weighted Average Cost	Per Graduate Cost	Per Terminated Cost	Weighted Average Cost
Adult	15.3	4.0	\$ 3,488.17	\$ 911.94	\$ 1,836.28	\$ 1,880.46	\$ 491.62	\$ 989.93
Juvenile	9.0	4.0	\$ 10,766.23	\$ 4,784.99	\$ 6,450.22	\$ 5,905.83	\$ 2,624.81	\$ 3,538.28

As shown, using the program duration assumptions discussed previously, the weighted average net County cost for graduated and terminated program participants is approximately \$990 per adult, and \$3,538 per juvenile.

There are several factors which affect the relative costs of the two programs:

- Juveniles receive a richer package of treatment services than the adults. The average annual cost for a year of drug testing and treatment for a juvenile is \$3,925, while a year of such treatment for an adult costs only \$1,011.
- The average probation officer and surveillance officer caseloads are much lower for juveniles (10 per officer), than for adults (67). With this difference, the juvenile officers are able to make face-to-face field contacts with their clients, while adult officers are restricted primarily to office contacts and telephone monitoring.

- The juvenile program has a greater degree of administration than the adult program, including a drug court coordinator, which can provide critical support for the team, ensure operating consistency, and enhance reporting for purposes of complying with grant requirements and measuring program success. This is discussed more fully, below.
- Due to a major change in treatment approach and provider, the process for evaluating juveniles for drug court eligibility, and certain screening process weaknesses, the number of juveniles participating in the program has been low during the past year. With a lower number of participants, and relatively fixed costs, the average cost per participant is higher.

## **Comparison with Traditional Court Processes**

While comparing the per participant cost for the two programs yields some interesting results, it may be more valuable to measure the cost of the two programs against more traditional court processes and probation services. This comparison is important because the overriding question being asked nationally about drug court is whether such programs are more cost-effective than more traditional court processes and sanctions. This question is similarly important for the County, as it is asked to fund a greater proportion of drug court services each year.

While many studies of drug court programs across the country report significant success, these studies cannot be relied upon for evaluating the Pima County drug courts for a variety of reasons.

- Many drug court programs in other states and counties are diversion programs, where participants are not required to plead guilty prior to program participation. This is the type of program currently operated in Maricopa County. It differs from Pima County, where defendants must plead guilty to the current offense before gaining eligibility for the program, and presents a complete set of different incentives for persons to participate.
- Each program may have different eligibility criteria, and therefore, serve different types of defendant populations. These criteria can dramatically affect typical measures of program success (e.g., treatment duration, effectiveness and cost). Even in Pima County, the adult and juvenile programs differ in this regard. Adults are typically first or second time offenders, while juveniles may have had multiple contacts with the criminal justice system and must demonstrate a "significant history of drug abuse" in order to be eligible for the program.
- Few of the evaluations conducted in other jurisdictions measure either cost, or the long-term impact of drug courts on defendant behavior, criminality or productivity in society. As will be discussed below, neither has Pima County performed such analyses of its programs.

We did not conduct a comprehensive analysis and comparison between the traditional court process and probation services for the adult and juvenile courts, and the drug court programs. This would have required analysis to establish a valid comparison group of defendants to determine the intensity of the court process, the proportion of cases going to trial, the length of incarceration for those persons who are jailed pre- and post-conviction, the duration of probation sentences, and other factors which impact criminal justice costs. However, analysis of the costs related to general felony offenses indicates that the differences between adult court with



probation, and Adult Drug Court could be significant. Accounting for only the direct costs of general felony case processing with a probation sentence, traditional adult court costs appear to be at least 28% greater than Adult Drug Court.<sup>6</sup>

These cost differences are related primarily to: (a) certain traditional court activities that are not performed on drug court cases (e.g., pre-sentence investigation reporting by probation officers); (b) the shorter duration of probation officer monitoring of defendants in drug court, assumed at two years for general felony convictions rather than one; (c) higher average probation officer caseloads in drug court than in standard probation; and, (d) the lack of significant staff support for drug court probation officers.

Because of its significantly higher average cost, it is likely that Juvenile Drug Court is more costly than traditional Juvenile Delinquency Court. However, the comparison of costs between Juvenile Drug Court and regular Juvenile Delinquency Court was not analyzed for this study, due to the same complications discussed for Adult Drug Court and the limited scope of our review.

In addition to cost comparisons, drug court program effectiveness needs to be measured against program goals. Based on a review of the initial grant documents and comments made by judicial officers and staff during the study, major goals of the programs are to (a) effectively reduce drug use so that participants can become productive members of society, and (b) reduce criminal recidivism. No systems have been designed for either the adult or juvenile drug courts to reliably measure these broad program goals.

To enhance the reliability of cost-benefit analysis, the involved criminal justice agencies need to develop enhanced reporting systems to track critical cost and program outcome data for both the traditional court and drug court processes. Recommendations to enhance such systems are discussed more fully, later in this section.

## Program Evaluation

As part of the initial federal grant process, both Courts were required to regularly report certain activity information to a national drug court clearinghouse, and conduct evaluations of their programs. The following program evaluations have been conducted to date.

**Adult Drug Court** – In June 1999, a report entitled, “Treatment transition process evaluation for Drug Court” was conducted by Michael Polanski, a researcher from the University of Arizona Department of Public Administration. This report focused on observations made by the evaluator on the transition from the first treatment provider (Compass) to a second treatment provider

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<sup>6</sup> This was analyzed in Section 2 of our report, which examines the cost of a 10% trial rate in the County. In this analysis, the average cost per case was determined based on a current trial rate of 10%. The analysis contained in this section on drug court assumes a probation sentence averaging two years for each conviction.

(Counseling and Consulting Services). The Superior Court has changed treatment providers a third time since this report was produced.

**Juvenile Drug Court** – In July 1999, a report entitled “Review of the Operations of the Pima County (Tucson), Arizona Juvenile Drug Court” was conducted by Wanda King, a consultant from Tulare County, California, and evaluator with the federal Drug Courts Program Office, Office of Justice Programs. This evaluation focused on treatment aspects of the program, conditions of participation, and the use of sanctions.

Since 1999, both programs have contracted with evaluators to conduct process and outcome analyses of the drug courts. The Adult Drug Court has received a draft evaluation completed by the University of Arizona consultant in July 2000, and is awaiting further analysis and completion of the final report. The Juvenile Drug Court recently contracted with a private sector consultant who has initiated study. The report on the juvenile program is not expected until at least October 2001.

We met with the current evaluators for both courts and reviewed (a) the draft report on the Adult Drug Court and (b) the work program for the Juvenile Drug Court. Based on these discussions and document review, we made the following observations.

- The Adult Drug Court evaluation has not focused on measuring the costs of the program, nor its effectiveness in relation to more traditional court and probation processes. Instead, the report examines the demographic profile of the population, and program success as measured by graduation rate.
- Although a draft report was produced in July 1998 examining “Comparison Group Data from 1996 and 1997,” there is no current analysis of Adult Drug Court participant treatment outcomes or criminal recidivism compared with a non-drug court comparison group.
- The Juvenile Drug Court grant proposal includes a process evaluation plan which purports to measure how effective the program has been with reducing drug use and drug related crimes among participants. The contract evaluator indicates that he intends to establish a comparison group for an assessment of program effectiveness in relation to more traditional court processes. However, the evaluator also indicates that he will not be tracking criminal behavior beyond the age of 18. Neither will he be conducting cost-benefit analysis of the program, except perhaps as it may impact the County’s juvenile detention costs.

These study limitations will not allow the evaluators to answer the basic public policy question currently placed before the Presiding Judge of the Superior Court and the Board of Supervisors:

***“Does drug court represent a sound investment of public resources to achieve reductions in illegal drug use and related criminal behavior in Pima County?”***

Nearly all of the professionals interviewed during this study believe strongly that the County’s drug court programs are effective, and wholly endorse their continuation. However, there is no concrete evidence to support these assertions. Rather, these appear to be opinions based on the observations and perceptions of involved program staff. It would benefit the taxpayers and the

population being served if comprehensive and meaningful cost-effectiveness evaluations were performed as soon as practical.

In some respects, it may be too early to measure the long-term effects of the drug court programs as they have been implemented in the County. Many of the earliest graduates only recently completed the programs, and data related to continued drug use and criminal behavior may be limited. Although criminal history checks on 1999 Adult Drug Court graduates were conducted last year—and none had reportedly re-offended—many of these individuals had only recently exited the program and may not have “had time” to re-offend.

If the Presiding Judge chooses to continue these programs, and the Board decides to fund them, certain changes should be made to improve program effectiveness and establish enhanced performance measurement systems. Our suggestions are discussed below.

## **Improving Program Effectiveness and Measurement Systems**

The following recommendations would improve program cost-effectiveness and enhance the courts’ ability to measure the performance for the drug court programs. The first two discussions would potentially increase the number of juvenile participants assigned to Drug Court, reducing the per unit cost of services. The third and fourth recommendations would enhance the courts’ ability to conduct program evaluation for both the adult and juvenile programs.

### **Systematically screen candidates for eligibility in the juvenile program**

Currently, juveniles are referred to Drug Court by individual probation officers who may believe their probationer is a suitable candidate for drug court. This type of referral may be made after the juvenile commits a new offense, or violates probation with sufficient seriousness to cause the supervision probation officer to consider filing a probation violation with the Court.

If the supervision probation officer believes that drug court might be an effective alternative, he will submit a referral to the County Attorney to determine appropriateness, and the drug court coordinator to determine eligibility. If the probation officer does not consider drug court, cases may be independently identified by the County Attorney or the Public Defender through the petition review process in each office. Others may be missed.

This process does not provide systematic screening for potential Drug Court candidates. Under this process, a large amount of discretion is given to individual supervision probation officers who may (a) not have a sufficient understanding of Drug Court and the services that it offers; (b) have personal or professional biases against the drug court concept; or, (c) through routine or historical practice, generally not use drug court as a case alternative. To the extent any of these factors influence the number or consistency of drug court referrals, juveniles may not be given equal access or opportunity to participate in the program.

Recent downturns in drug court enrollment were partially explained by a conscious decision by management to limit enrollment during treatment provider transition (see previous discussion). However, this factor was disputed by the assigned Juvenile Drug Court judge and others who were unable to satisfactorily explain the phenomenon of declining enrollment. To ensure that all appropriate juvenile referrals are made, the Juvenile Probation Department should establish a centralized process for systematically screening potential Drug Court candidates from its pool of probationers. Implementation of this recommendation would provide a check and balance on the individual supervision probation officer decision-making process, and potentially identify juveniles who otherwise may not have been determined eligible for Drug Court.

### **Broaden the net for juvenile participants**

Currently, juveniles who are referred to Drug Court are identified as being serious drug abusers based on their history in the juvenile justice system. While virtually any juvenile assigned to standard probation may be eligible, others who are assigned to Juvenile Intensive Probation Services (JIPS) are specifically excluded per Drug Court program policy. Based on interviews for this study, we were advised that JIPS exclusion is based on a County Attorney and Probation policy decision that juveniles assigned to JIPS are receiving more intensive supervision than they would if assigned to Drug Court.

While this policy decision may be appropriate for many juvenile offenders, the County Attorney, Juvenile Probation management, and the Presiding Judge of the Juvenile Court should re-evaluate the possibility of placing juveniles who have been assigned to JIPS into the drug court program. However, in addition to the standard eligibility criteria, the following more stringent criteria should be considered for potential JIPS candidates:

- The new offense or probation violation which might trigger consideration for Drug Court would not normally result in a commitment to the State Department of Corrections;
- A strong link between drug use and the progressive nature of the juvenile's criminal behavior would be determined only after a therapeutic assessment by a professional;
- Participation would occur only after approval by the County Attorney and the juvenile's JIPS probation officer; and,
- All JIPS participants would be assigned to a specialized JIPS caseload within Drug Court.

Other criteria may also be appropriate to ensure that potential drug court candidates derived from the JIPS program would not have their supervision and monitoring by probation officers relaxed in any way. It is likely that with more stringent criteria, only those juveniles with the greatest potential for therapeutic success in the Drug Court program would be accepted. We anticipate that the total number of eligible candidates drawn from the JIPS caseload would be small.

The Presiding Judge of the Juvenile Court has suggested that it may be more appropriate to allow juveniles with recognizable patterns of drug use to participate in the Drug Court program, even

though they may not have a charge of probation violation or new offense pending before the Court. The judge believes that by expanding the eligibility criteria in this manner, some with early signs of serious drug use would benefit from the intensive supervision and treatment resources provided by Drug Court. We agree with this perspective and would support the Court with the expansion of the program in this manner.

It is important to note that any change in eligibility criteria would need to be approved by the federal grant agency. Further, significant changes—such as those which we have proposed in this report—could complicate meaningful program evaluation. Nonetheless, we believe that such changes are necessary if the Juvenile Court is to make the Drug Court program more cost effective over time.

### **Add a drug court coordinator function for the Adult Drug Court**

Currently, the Juvenile Drug Court has assigned a coordinator position who is responsible for interviewing and screening potential candidates for eligibility; assisting probation officers with the preparation of progress reports; compiling and reporting statistical data to the program team and federal government; preparing and maintaining policies, procedures and other documents; and, acting as a liaison between team members. No similar position exists for Adult Drug Court.

In Adult Drug Court, these responsibilities are shared between team members. As a result, there is no central reference person within the organization for a number of critical aspects of the program. All candidate screening is performed by a County Attorney legal assistant; probation officers reportedly receive little if any support or oversight by Probation Department administration; administrative support is provided by Superior Court administrative staff, who have multiple other significant responsibilities; and the assigned judge must assume the role of liaison, and various administrative functions in addition to her other responsibilities. Although no serious deficiencies were noted, the lack of a coordinator position within the Adult Drug Court program has some deleterious affects.

- Although documentation is maintained by the judge assigned to Drug Court and central Superior Court administration, a designated position charged with maintaining drug court documentation, including policies, procedures, eligibility criteria, statistical data and other information would strengthen the operation in this area. Administrative decentralization, while less costly, affects a multi-agency organization's ability to function and plan in the most effective manner.
- Because all team members have significant program responsibility, and drug court is only one small responsibility for Court administrative staff, no one has the time or capacity to assume major coordinating and liaison responsibilities. With the addition of a coordinator position, program operations and evaluation responsibilities can become more clearly defined and institutionalized, at minimum additional cost to the County.

By adding a coordinator position, as was done for the juvenile program when it was implemented, the adult program will be better able to establish the administrative structure necessary for effective functioning, promote documentation completeness and consistency, and organize and plan for meaningful program evaluation.

### **Develop a systematic process for measuring program effectiveness**

In order to respond to the public policy question posed earlier in this report, both the adult and the juvenile drug courts need to establish processes for meaningful evaluation and an ongoing performance measurement system. Based on our review of these programs, the two programs should focus on the following.

- While goals were developed and stated in the application for federal funds, that grant has expired and these need to be restated and clearly defined in the a program policy manual.<sup>7</sup> For example, such stated goals may include (a) reduced drug use by drug court participants, and (b) reduced levels of criminal recidivism, as well as other, measurable goals stated in the application for federal funds.
- Develop valid measurements for determining the affects of drug court on substance abuse and criminal recidivism. Such measurements may include (a) self reported relapse, as determined through periodic participant surveys, and (b) criminal record searches showing recidivism rates at six month, one year and five year intervals.
- Establish valid control or comparison groups for measuring program results against more traditional court processes. Ideally, a control group which identifies drug court eligible persons who are not offered drug court as an alternative would provide the most valid comparison. Instead, the courts may wish to establish control groups which would identify persons who would be eligible for drug court, except for some technical variant (e.g., no transportation to drug court, testing or mandatory treatment). Illegal drug use and criminal recidivism should be measured for this group in a manner that is similar to that used for drug court participants.
- For drug use and recidivism measurement, track juvenile records beyond the age of 18.
- Develop systems to compile and compare costs for drug court with traditional court and probation services, as described in this report.

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<sup>7</sup> The Superior Court has been working on such a manual. However, it had not yet been completed and was in draft form during the period of this review.

## Conclusions

The Superior and Juvenile courts operate two drug court programs for adults and juveniles arrested for drug offenses. A third program is under development in Juvenile Dependency Court.

The two programs operating during the period of this study cost the County approximately \$982,000 per year for Court, County Attorney, Public Defender, Probation and treatment services. Approximately \$448,500 of this cost is funded from the federal and State governments through grants, from other sources, and participant fees. The balance of \$533,500 is a County General Fund cost.

The County spends significantly less on each adult than on each juvenile for drug court and treatment services, even though a greater percentage of adults successfully graduate from the program. These differences most likely relate to differences in eligibility criteria and treatment approaches for each population. Further, comparing the costs and benefits of either program with the costs and outcomes of more traditional court processes cannot be reliably determined at this time, due to data weaknesses and the lack of suitable comparison groups. Most significantly, the courts have not designed data collection methods or routines to measure the long-term effects of drug court or traditional court on criminal recidivism.

Both courts have embarked on major evaluation projects for the adult and juvenile drug court programs during the past 18 months. However, the study designs could be improved to provide more reliable measures of long term program effectiveness. Until such data becomes available and appropriate evaluation methodologies are adopted, drug court effectiveness in relation to more traditional criminal justice processes will remain uncertain.

## Recommendations

The Juvenile Probation division director should:

- 3.1 Establish a process to systematically screen juveniles for Juvenile Drug Court program eligibility, so that appropriate juveniles are uniformly evaluated and provided consistent access and opportunity to participate in the program.
- 3.2 Provide recommendations to the Presiding Judge of the Superior Court and the County Attorney regarding potential expansion of the Juvenile Drug Court program, to include juveniles assigned to the JIPS program and juveniles with established drug use patterns who may not have re-offended or violated probation. Ensure that recommendations provide for more stringent eligibility criteria for JIPS candidates, as suggested in this report; and that the characteristics of the JIPS program are protected with the development of a specialized JIPS caseload within drug court.

The Superior Court and the Board of Supervisors should:

- 3.3 Consider the addition of a coordinator position for the Adult Drug Court to provide an enhanced administrative structure, promote documentation completeness and consistency, and organize and plan for meaningful program evaluation.

Under the direction of the Presiding Judge of the Superior Court, departments participating in the two drug court programs should:

- 3.4 Develop a systematic process for measuring program effectiveness, including:
- Preparing clearly stated program goals and valid measurements to determine whether the courts' drug court programs are meeting those goals;
  - Establish valid control or comparison groups for measuring program results against more traditional court processes.
  - Track juvenile drug court participant recidivism beyond the age of 18.
  - Develop systems to compile and compare costs for drug court with traditional court and probation services, as described in this report.

## **Costs and Benefits**

The addition of an Adult drug Court coordinator position could cost the County up to \$50,000 per year.

The courts and the County would be better able to measure the cost-effectiveness of drug court, and would be provided with better information to decide whether program continuation is warranted, at significant County cost.



#### 4. Judicial Facility Security

- Direct observation of facilities and staff interviews revealed security deficiencies in facilities and procedures at the Pima County Superior Court and Pima Consolidated Justice Court. These include: 1) Transport of Justice Court receipts, including large amounts of cash, through crowded public areas in the middle of the business day; 2) Insufficient limits on distributing keys to the Superior Court judges' elevators, and insufficient staff training on elevator security; and, 3) Insufficient monitoring and employee training regarding potential security breaches of the Superior Court building via fire escape stairwells.
- As a result of these deficiencies, Court staff and members of the public are unnecessarily exposed to risks from attempted robbery of Justice Court monies, and to risks from improper access of individuals to the Superior Court building. There is a generalized security risk at the Justice Court because of the building's age and design, with multiple entrances limiting the ability to control access.
- To reduce these risks, the Justice Court and Superior Courts should implement procedural changes, facility improvements and additional employee training as described in this section. Costs of these steps are estimated to total \$11,500, but would reduce the risks identified and improve protection for Court staff and the public. The Board of Supervisors and Justice Court should also begin planning for alternate facilities to address Court security, including possible joint use of the Tucson City Court or Superior Court, remodeling of the existing Justice Court, or construction of a new court facility.

#### Security Responsibilities

The Pima County Superior Court and the Pima County Consolidated Justice Court operate out of separate buildings located in downtown Tucson. In these buildings, security is provided by a combination of limitations on building access, and security staffing by a combination of County law enforcement officers and contract security, as follows:

- Because of its design and age, and its shared location with other County functions, the Pima County Consolidated Justice Court has limited ability to provide security through access controls. The building is the County's original courthouse, once housing all functions, and is included on the National Register of Historic Places. According to the Justice Court Administrator, the building, shared with the County Recorder and County Treasurer, has 23 doors providing access from public to non-public areas, eight of them directly to courtrooms or Court administrative areas. Although access to non-public areas is controlled by push-

button coded door locks, there are no metal detectors or x-ray machines to prevent members of the public from bringing weapons or other contraband into the building. Security is provided by three security guards that are Justice Court employees, and by a single armed Sheriff's deputy employed under a contract between the Court and the Sheriff's Department.

- Access to the Superior Court is controlled through metal detectors and x-ray machines stationed at its two public entrances. Members of the public must use the machines, while law enforcement officers, including District Attorney investigators, may bypass the machines by displaying an identification card and badge. Furthermore, about 300 people may bypass first floor security by using elevators that serve the two underground parking levels beneath the court building. The Superior Court Facilities Manager issues electronic keys controlling these elevators. Security staff for Superior Court is provided by contract security guards who man the metal detectors and x-ray machines, and provide limited patrols; and by the Sheriff's Judicial Security Unit, which stations correction officers in courtrooms and oversees movement of in-custody defendants into and through the building, and monitors access to secure corridors on the fourth through seventh floors via a system of video cameras and remotely controlled locks.

As part of this audit, we interviewed both the Superior Court Facilities Manager and the commander of the Judicial Security Unit, and reviewed security procedures and other documents they supplied. In addition, the fieldwork for this audit required audit staff to spend significant amounts of time in both the Superior Court and Justice Court facilities, permitting us to observe the operation of the various security features. As a result of these observations and interviews, we identified several security deficiencies. These deficiencies, and recommendations to address them, are described in the remainder of this section.

## **Transport of Justice Court Receipts and Justice Court Security**

As part of its function as a limited jurisdiction court, the Pima County Consolidated Justice Court receives payments in person and by mail from individuals under Court jurisdiction, including traffic fine payments, bond payments to guarantee defendant appearances at future court dates, and payments of various court fees. These payments are received by clerks at various windows in the Court's public service lobby. At the end of each day, each clerk goes through a process, in conjunction with the Court's accounting staff, to make sure all monies paid are accounted for. Once monies are received from each clerk, accounting staff goes through a separate process to make sure total receipts are accounted for each day. The receipts are then deposited with the County Treasurer, who in turn deposits them with the County's financial institution and credits the Court with interest paid against the deposits.

Our review identified two security concerns with this process. First, the process to account for all receipts takes place in the accounting staff's office, which is located just off the Court's public service lobby. This office has a clerical window which is no longer used, but which allows members of the public to walk up and view the activity inside. According to the Court's accountant, the daily receipts include up to \$10,000 in cash. Handling large amounts of cash in an area open to public view is not wise, because it could invite individuals who happen to come

According to Office policy, all such cases are to go to trial unless there are extenuating circumstances, such as unusually weak evidence or a key witness who is no longer available to testify.

### **Limitations of County Attorney's Caseload Tracking System**

In an attempt to measure the workload of the Criminal Division, and in particular the effectiveness of the Office's Early Disposition efforts in Fiscal Year 1999-00, we requested caseload information from the County Attorney in the following format:

- Number of cases presented to the County Attorney and reviewed for filing, by initial crime charged;
- Number of cases filed by the County Attorney, by crime charged;
- Disposition of cases, by crime charged, including dropped, dismissed, resolved by plea offer, and taken to trial;
- Court event at which pleas were offered and accepted, by crime charged; and,
- Trial results for cases taken to trial, by crime charged.

The data requested is not tracked by the County Attorney with the exception of trial cases, which are tracked by crime charged. The other requests could not be provided. Instead, the County Attorney provided the summary information on case dispositions that is presented in Table 2.4. and data on FY 1999-00 trials by crime charged.

As the data made available by the County Attorney's Office indicates, the Office does not track cases presented, filed or disposed by crime charged and Felony Trial Team unit, and does not track the timing of case dispositions. Without such information:

- The County Attorney's Office cannot ensure that cases are being disposed timely, particularly CES cases;
- The Office cannot tell how many cases designated for trial by Office policy actually go to trial; and,
- Office management cannot determine how its procedures may need to be revised to improve Early Disposition efforts.

**Table 2.4**  
**Pima County Case Dispositions**  
**FY 1999-00**

	# Cases	% Total Dispos.
Number of Cases Presented	8,773	
Number of Cases Refused	4,078	
Number of Cases Issued	4,695	
Dispositions through CES Pleas	1,344	31%
Dispositions through non-CES Pleas:		
Property	462	
Vehicular Felony	201	
Violent Crimes	289	
Narcotics	718	
Sex Crimes/Domestic Violence	303	
Gangs	137	
Subtotal: Dispositions through Non-CES Pleas	2,110	49%
Dispositions through Dismissals	365	8%
Dispositions through ADP	70	2%
Dispositions through trials:		
Violent Crimes	227	
Non-Violent Crimes	70	
Narcotics	73	
Vehicular Felony	57	
Subtotal: Dispositions through Trials	427	10%
Total Dispositions	4,316	100%

Source: County Attorney

### **Benefits of Early Disposition of Cases**

Disposition of cases as early as possible is key to an efficient criminal justice system. Early disposition of plea bargain cases removes them from the criminal justice system before significant amounts of system resources are expended. It makes scarce resources available for more serious cases or those more deserving of a trial such as homicide cases and cases involving extremely violent crimes. Early disposition saves resources of other non-County parties, such as witnesses and local police agencies, and can also reduce jail length of stay for incarcerated defendants.

For cases disposed by plea bargain, there is greater potential for early disposition, particularly for those that can be identified early as potential plea bargain cases due to certain characteristics such as a non-violent crime or a first time offender. Because of the impact of early disposition on the entire criminal justice system, it is important for the County Attorney's Office to actively manage and monitor the effectiveness of its early disposition programs.

It should be noted that the effectiveness of an early disposition program is not entirely the responsibility of the County Attorney. Its success also depends on the cooperation and coordination of defense counsel and the courts. However, the program's success is highly dependent on the actions of the prosecutor's office.

Early disposition of cases does not necessarily mean that charges against defendants are inappropriately reduced or dropped. Most cases are disposed through plea bargain and not trial, whether they are CES cases or not. Approximately 80 percent of all dispositions in FY 1999-00 were disposed through plea bargain, according to the County Attorney's statistics shown in Table 2.4. Early disposition simply means arriving at the same disposition that is most likely going to occur anyway but faster, with fewer court events, and with fewer County resources consumed.

### **Analysis of Effectiveness of Early Disposition Program through Case Sample Review**

To measure the performance and effectiveness of the County Attorney's early case disposition efforts, a sample of cases closed in FY 1999-00 was analyzed. We selected 127 cases at random and collected the following data for each:

- Criminal Division unit responsible for issuing and disposing the case;
- Point in process when initial plea was offered;
- Point in process when second plea was offered, if at all;
- Point in process when plea offer was accepted by defendant;
- Whether case went to trial;
- Trial outcome;
- Total elapsed time from arraignment to case disposition; and,
- Comparison of initial and final charges and counts.

An overview of case dispositions by unit for the 127 sample cases is presented in Table 2.5. As shown, 111 of the 127 cases, or 87.4 percent, were disposed through a plea. Another 15 cases in the sample, or 11.8 percent of the total, went to trial. One additional Narcotics CES case was dismissed.

As shown in Table 2.5, plea bargains are the most common form of case disposition for all units except Homicide. The number of pled cases was somewhat higher for the CES units, at 87.4 percent, than for non-CES cases, at 77.9 percent of total cases. However, the non-CES rate still represents most cases, indicating the extent to which all types of cases are disposed through plea bargains.

**Table 2.5**  
**Distribution of Case Dispositions by Unit**  
**Sample Cases**

Unit	Total Cases	# Cases Plead	% Total	# Cases to Trial	% Total
CES	22	22	100.0%	0	0.0%
Narcotics CES	24	23	95.8%	0	0.0%
Vehicular Felony CES	13	13	100.0%	0	0.0%
Narcotics (non CES)	11	11	100.0%	0	0.0%
Vehicular Felony (non CES)	6	6	100.0%	0	0.0%
Property Crimes	10	7	70.0%	3	30.0%
Special Prosecution	3	3	100.0%	0	0.0%
Violent Crimes	11	8	72.7%	3	27.3%
Gangs	9	7	77.8%	2	22.2%
Homicide	5	1	20.0%	4	80.0%
Sex Offender	9	6	66.7%	3	33.3%
Domestic Violence	1	1	100.0%	0	0.0%
Drug Court	2	2	100.0%	0	0.0%
Juvenile	1	1	100.0%	0	0.0%
Total	127	111	87.4%	15	11.8%
All CES only	59	58	98.3%	0	0.0%
Non CES	68	53	77.9%	15	22.1%

To assess the effectiveness of the County Attorney's Office at identifying cases and causing them to be disposed early in the process, we analyzed the following data collected from the sample cases. It is presented in Table 2.6 on the next page. For each unit, the table presents:

- The number of pleas offered at arraignment
- The number of plea offers accepted at the Case Management Conference, the court event that occurs simultaneous with the County Attorney –imposed termination of the CES plea offer.
- The number of plea offers accepted after the Case Management Conference.

**Table 2.6**  
**Timing of Disposition of Plea Offers**

Unit	Total Cases	Offer @		Accepted by	%	Accepted after CMC	%
		Arrgnt.	% Total	Arrgnt.	Total		Total
CES	22	22	100.0%	13	59.1%	9	40.9%
Narcotics CES	24	17	70.8%	9	52.9%	6	35.3%
Vehic. Felony CES	13	13	100.0%	6	46.2%	5	38.5%
Narcotics (non CES)	11	6	54.5%	2	33.3%	4	66.7%
Vehic. Felony (non CES)	6	3	50.0%	2	66.7%	1	33.3%
Property Crimes	10	3	30.0%	2	66.7%	1	33.3%
Special Prosecution	3	3	100.0%	2	66.7%	1	33.3%
Violent Crimes	11	3	27.3%	2	66.7%	1	33.3%
Gangs	9	2	22.2%	1	50.0%	1	50.0%
Homicide	5	0	0.0%	0	0.0%	0	0.0%
Sex Offender	9	2	22.2%	2	100.0%	0	0.0%
Domestic Violence	1	0	0.0%	0	0.0%	0	0.0%
Drug Court	2	2	100.0%	2	100.0%	0	0.0%
Juvenile	1	1	100.0%	1	100.0%	0	0.0%
Total	127	77	60.6%	44	57.1%	29	37.7%
All CES only	59	52	88.1%	28	53.8%	20	38.5%
Non CES	68	25	36.8%	16	64.0%	9	36.0%

(1) This definition was expanded to include all cases with pleas accepted within 6 days of CMC

As can be seen on Table 2.6, the County Attorney submits plea offers for a higher proportion of CES cases at arraignment, as expected. However, the post-CMC disposition rate for CES cases is no higher than for non-CES cases where pleas are offered at arraignment. As shown in the table, pleas were offered at arraignment for 88.1 percent of all CES cases compared to 36.8 percent for non-CES cases. As mentioned above, non-CES units are not required to offer pleas at arraignment and are not subject to the same timelines as CES cases. CES case defendants have 30 days from arraignment to accept or reject the offer; non-CES case defendants have 51 days from arraignment.

While there is a difference between the units in terms of when pleas are offered, there is little difference between CES and non-CES cases in terms of when they are accepted. Only 53.8 percent of CES case plea offers were accepted by the 30 day plea deadline, which occurs simultaneous with the Case Management Conference. Consequently, over one third of the CES cases, or 38.5 percent of the total, were not disposed until after the Case Management Conference or plea termination deadline. This mirrors the pattern with non-CES cases, where 64 percent of the cases with pleas offered at arraignment were accepted by the Case Management

Conference and 36 percent were not. Therefore, the proportion of CES cases being disposed early is no greater than the proportion of non-CES cases when pleas are offered at arraignment.

Table 2.7 shows the distribution of case dispositions by court event for cases where a plea was offered at arraignment.

**Table 2.7**  
**Court Event at which Plea Offer Accepted**  
**For Cases where Offer made at Arraignment**

	# Cases		
	CES*	Non-CES	Total
# Pleas Offers Accepted by or at CMC	28	16	44
<u>Plea Offers Accepted after CMC:</u>			
Between CMC and Pre-Trial Conference	7	1	8
At Pre-trial Conference	4	1	5
Between Pre-trial Conference and TCC	4	5	9
At TCC	0	0	0
Between TCC and trial	5	1	6
At trial	0	1	1
Subtotal: Accepted after CMC	20	9	29
# Trial Cases	4	0	4
Total Cases	52	25	77

\*CES refers to all cases initially referred to a CES unit for early disposition regardless of how case was ultimately disposed

As shown in the table, plea offers accepted after the Case Management Conference are not being accepted until very late in the process. There were 13 CES cases with pleas offered at arraignment that were not accepted until the Pre-Trial Conference or after, or 25 percent of all CES cases. This is a high proportion of cases to still be unresolved by the Pre-trial Conference or later, particularly since most CES cases should not be going to trial. For non-CES cases with pleas offered at arraignment, there were 8 cases not resolved until the Pre-Trial Conference or after, or 32 percent of all non-CES cases with pleas offered at arraignment.

Two other means of assessing the County Attorney's early disposition program were derived from the sample cases; case cycle time and case outcomes. The results are shown in Tables 2.8 and 2.9, with the results presented separately for CES and non-CES cases.



**Table 2.8**  
**Number of Days between**  
**Arraignment and Case Disposition**

	CES*	Narcotics CES*	Vehicular Felony CES*	Non- CES
Median	39	58	57	37
Average	75	75	102	66
Minimum	9	23	8	21
Maximum	427	212	348	191

\*CES refers to all cases initially referred to a CES unit for early disposition regardless of how case was ultimately disposed.

As shown in Table 2.8, the number of days between arraignment and case disposition is not any shorter for CES cases than non-CES cases. Narcotics and Vehicular Felony CES cases in the sample actually took longer to dispose than non-CES cases.

Table 2.9 shows the changes in felony classes charged and reductions in the number of counts between case filing and final conviction for the sample cases. As can be seen, there was not a significant difference in the reduction of the number of felony classes between CES and non-CES cases. On the other hand, the non-CES cases had more reductions in counts than the CES cases.

**Table 2.9**  
**Reductions in Felony Class and Counts**  
**Between Initial Charge and Case Dispositions**  
**All Sample Cases**

	Reduction in Felony Classes Charged				Reduction in Counts			
	No change	1 class	2+ classes	Sample Total	No change	1 count	2+ Counts	Sample Total
CES*	13	12	29	54	25	14	14	53
Non-CES	15	15	21	51	14	12	23	49
CES % Total	24%	22%	54%	100%	47%	26%	26%	100%
Non-CES % Total	29%	29%	41%	100%	29%	24%	47%	100%

\*CES refers to all cases initially referred to a CES unit for early disposition regardless of how case was ultimately disposed

Other than the high volume of cases that are processed through the CES units, other measures of the effectiveness of the program at disposing cases earlier, faster, or with better outcomes are not apparent from the case sample data.

To assess reasons why CES cases do not seem to differ from non-CES cases, the current CES programs were assessed against the following principles of successful early disposition programs:

Principles of Successful Early Disposition programs:

- The prosecutor, defense, and the courts cooperate and coordinate their efforts to dispose of cases as early as possible, including monitoring program performance and making improvements as necessary.
- Realistic and consistent pleas are offered by senior level attorneys, respected by all sides.
- Prosecutor office policy discourages trial attorneys from reducing initial offers made by CES.
- The courts take an active role in managing the case process and bringing cases to disposition as early as possible.

Measured against these principles, the following explanations are offered on limitations of the current early disposition efforts.

Possible Reasons for Lower Level Cases not being Disposed Early

1. Many of the pleas offered at arraignment by CES are not realistic, and defense counsel believe they will “get a better deal” for their clients later in the process, after the case is transferred to a Felony Trial Team attorney.
2. Defendants independently refuse to accept pleas offered at arraignment regardless of the advice of their attorneys.
3. Defense counsel is not starting work on cases early enough in the process to be prepared to respond to plea offers before or by the Case Management Conference
4. The Court is not managing the case process sufficiently, through the enforcement of deadlines and State and local court rules, to ensure case disposition as early as possible (see Section 1).

There is not enough documentation in the case files reviewed to determine the extent to which each of these explanations account for the current limits of Early Disposition efforts in Pima County. However, from the information that is available in the case files, combined with interviews with representatives of the three parties in the process (the County Attorney, Indigent Defense Services and the Superior Court), there appears to be merit to all four explanations.

Regarding the offers made by the CES units, Pima County defense counsel have reported that in many instances they believe it is worthwhile to reject the first plea offered by the County Attorney because they will receive a better offer later in the process, as the case nears trial date and/or the case weakens as evidence and/or witnesses disappear. It has also been reported that some defendants refuse to accept first offers as a matter of principle. The extent to which this latter phenomenon occurs is not documented.

There is some evidence from the case sample to support the defense counsel belief that the first offers are not always the best they will get, or at least, they don't get any worse with the passage of time. Offers are usually not undercut by the trial attorneys handling the cases after CES is done with them, but the charges do not worsen either. Of the 20 pleas offered at arraignment and not accepted by the defense, ten remained the same after the plea termination date had expired. Second offers were made for the other ten, of which half were less lenient than the first offers while the offer in the other half of the cases were reduced or the same. In other words, from the defense counsels' perspective, 15 of the 20 offers not accepted by the Plea Termination date were the same or better by disposition.

In terms of timely preparation by defense counsel, it was reported and observed in the course of conducting this audit that in many cases, defense counsel is only becoming familiar with a case and meeting the defendant at the Case Management Conference. Early disposition of cases is less likely if the defense has done little or no preparation for a case by the plea termination date. The County's high trial rate is also a possible explanation of this factor as defense attorneys have to allocate more time to higher priority trial preparation, precluding them from getting started on new cases.

Representatives of the Superior Court and others in the County have indicated that many judges do not take an active role in managing the case process and need to take a more active role in encouraging both sides to reach agreement and dispose of cases as early as possible. Many judges reportedly do not hold either the prosecution or defense accountable for meeting deadlines and fulfilling their obligations necessary to ensure that court events such as Case Management Conferences and Rule 16.4 conferences occur and accomplish their intended purposes.

Finally, no department in the criminal justice system tracks or reports key management information regarding the effectiveness of the Early Disposition program to determine: when CES cases are actually disposed of; how long it takes to dispose of CES cases; why delays are occurring; and, whether initial offers are being undercut by subsequently appointed trial attorneys.

## Conclusions

To ensure that cases are being disposed of as early as possible and that the County Attorney's Early Disposition program (CES) is effective, the roles, accountabilities, and commitments of each party in the process (the prosecutor, defense and the Court) should be clarified and codified.

The County Attorney should be expected to prepare serious, credible plea offers in the majority of cases at or before arraignment. These offers should not be undercut and should be more severe after the plea termination deadline and the case is transferred to a trial attorney in one of the Felony Trial Team units.

Defense counsel should be prepared to respond to plea offers before or at the Case Management Conference. The Superior Court should take a more pro-active role in managing disposition of cases as early as possible by requiring that the intended purpose of each court event is accomplished.

The progress and disposition of cases should be more thoroughly tracked so that management of the County Attorney's Office, other criminal justice system managers, and County managers will know how many cases are being disposed of early, at which court event, from which County Attorney unit, and what type of cases. This type of information will allow the County Attorney and other County managers to assess the effectiveness of their policies regarding early disposition of cases and to make adjustments as needed to improve effectiveness.

## Recommendations

The County Attorney should:

- 2.1 Begin tracking and regularly reporting to the Board, the County Administrator, and criminal justice department managers, cases filed and disposed by organizational unit and crime category including total case processing time and the point in the process where case disposition occurs, particularly Early Disposition cases;
- 2.2 Regularly report to the Board of Supervisors, the County Administrator, and criminal justice department managers on changes in Pima County's crime rates and other quantifiable benefits of the County's trial rate;
- 2.3 Regularly report to the Board of Supervisors cases that go to trial and their outcomes, by crime category and organizational unit and compared to all cases filed;
- 2.4 Require staff to keep time records to enable better tracking of the costs of trials and non-trial cases; and,
- 2.5 Consolidate plea termination deadlines for cases where pleas are offered at arraignment, to prohibit reducing trial attorneys from initial plea offers after the plea termination date, and to consistently increase the severity of plea offers made after plea termination dates.

The County Attorney, Indigent Defense Services managers and the Superior Court should:

- 2.6 Convene within one month and codify their respective roles in ensuring the early disposition of certain cases and to set goals for when disposition should occur for most plea bargain cases.

Indigent Defense Services managers should:

- 2.7 Begin tracking and report to the Board, the County Administrator, and department managers the point in the case process when staff actually begin working on cases.

The Board of Supervisors should:

- 2.8 Review the codified roles of the County Attorney, Indigent Defense Services, and the Superior Court in disposing of cases as early as possible; and,
- 2.9 Review all new reports and data regularly submitted to monitor the effectiveness of the County trial rate and Early Disposition efforts.

## **Costs and Benefits**

There would be no new direct costs to implement these recommendations. Staff time would be required to compile the recommended management information.

The primary benefits of these recommendations will be better information to assess the impact of the County trial rate and to enable improved management of the County Attorney's Early Disposition programs. The roles and responsibilities of all parties involved in the Early Disposition process will be clarified and accountability for relieving court backlogs will be enhanced.

## Attachment 2.1: Details on Trial Rate Costs

The incremental costs associated with a 9.9 percent trial rate were identified as follows in Section 2. Detailed explanations of the basis for each department's costs are as follows.

### Estimated Range of Additional Costs in Pima County Associated with 9.9 Percent Trial Rate

Department	Low Additional Cost	High Additional Cost
Sheriff	\$823,041	\$823,041
Superior Court	372,000	372,000
County Attorney	709,563	1,248,078
Indigent Defense	433,851	433,851
Total	\$2,338,455	\$2,876,970

**Sheriff:** The Sheriff's per diem rate of \$52.91 was applied to an assumed average of 48 days of custody per defendant for 310 defendants, for a total cost of \$787,300. The number of days represents 40 percent of the difference between the average number of days between inmates who go to trial and those that don't (214 days less 94 days = 120 days x 40% = 48 days). Forty percent represents the average rate of defendants in custody at sentencing. The per diem rate of \$52.91 represents the average cost for prisoner housing, such as jail staffing, food, and clothing. It does not include the costs of transporting prisoners to court, which has been separately computed. All prisoner population data and assumptions are based on Sheriff's Department data.

The Sheriff's Department unit transportation cost of \$99.39 was applied to 1.16 incremental inmate trips for 310 defendants to the courthouse provided to inmates who go to trial for a total cost of \$35,741. The number of trips represents 40% of the difference in the average number of trips between inmates who go to trial and those who do not (6.18 trips less 3.28 trips = 2.9 trips x 40% = 1.16 trips). Forty percent represents the average rate of defendants in custody at sentencing. The per trip cost of \$99.39 was developed by the Superior Court, in collaboration with the Sheriff, based on total court transports per year and the costs of the PCSO transportation unit. Added together, the incremental housing and transportation costs associated with a 9.9 percent trial rate are \$823,041 (\$787,300 + \$35,741).

**Superior Court:** These costs are based on an average cost per court determined by the Superior Court of \$198,701 and applied to the 220 court days per year to arrive at an average daily cost of \$903 per day per court. This daily cost was then applied to the average 61.03 court days required for trial activity for a total annual cost per judicial officer of \$55,110 for trials. With a 9.9 percent trial rate, each judicial officer would be responsible for an average of 32.8 trial dispositions per year, resulting in an average cost per case of \$1,680. The same calculations applied to the 158.97 court days dedicated to non-trial activity and 299.13 non-trial dispositions per year results in an average cost per non-trial disposition of \$480, or an incremental cost for trials of \$1,200 (\$1,680 - 480 = \$1,200). This \$1,200 was then multiplied by the the incremental 310 trials associated with the 9.9 percent trial rate for a total cost of \$372,000.

**County Attorney:** The County Attorney's incremental costs are based on the estimated number of hours associated with taking a case to trial as opposed to disposition by plea bargain. The number of additional hours were estimated by major type of crime by staff of the County Attorney's office and applied to a fully loaded average cost for attorney staff of \$79.78 per hour. This hourly cost includes actual FY 1999-00 costs of attorneys, support staff and non personnel costs reported as actual costs in the County's "Line by Center: Program" budget document. This hourly rate was applied to the number of incremental hours associated with trials based on estimates provided by the County Attorney's Office, excluding homicide cases on the basis that most of these would still likely go to trial. The number of incremental hours estimated by the Office ranged from a low of 8,894 to a high of 15,644.

**Indigent Defense:** These costs were determined assuming that the Public Defender and Legal Defender provide representation in approximately 53 percent of all trials and that contract attorneys provide representation for the remaining 47 percent of cases taken to trial. This distribution is based on the actual distribution of a sample of cases disposed in FY 1999-00 and reviewed as part of this audit<sup>5</sup>. Homicide case trials were excluded from the 310 incremental cases based on the assumption that these cases would most likely go to trial even if there were a lower trial rate in Pima County. This leaves 143 trial cases for the Public Defender and Legal Defender (310 trials less 40 homicides x 53 percent = 143). For the cases that go to trial and are represented by Public Defender and Legal Defender, an additional six days of attorney work is assumed based on estimates by representatives of those offices that two days of preparation are required for every one day of trial. Since the average trial is two days according to the Superior Court, this would amount to six additional days of work associated with each trial. At eight hours per day, this adds 48 hours of additional work associated with trials. These hours were multiplied by the average hourly cost of an attorney in the Public Defender and Legal Defender's Office of \$59.10 to reach a total cost of \$405,662. This hourly cost includes not only the attorney's salary and benefits but also proportionate shares of supervisory and support staff and non-personnel costs such as supplies.

Contract attorney costs were calculated in a different manner since they are paid flat fees for up to a certain number of hours per case. Their pay is the same whether cases plead or go to trial. However, their agreements with the County do allow for additional fees for every hour over a certain number of hours worked on a case. Based on actual payments to contract attorneys in FY 1999-00, it was determined that they were paid \$1,267 more than the flat fee allowed by contract for Group B felonies and \$161 more than the flat fee allowed for Regular Felonies. Assuming that these additional costs are more likely to be incurred for trial cases than non-trial, these incremental fees were applied to seven additional Group B felonies and 120 additional regular felonies represented by the contract attorneys as a result of the 9.9 percent trial rate. The total incremental cost is \$28,189. As with Public Defender and Legal Defender cases, homicide cases were excluded from this case count even though some of these are like to be settled rather than go to trial. Added to the incremental costs for the Public Defender and Legal Defender of \$405,662, total costs are \$433,851.

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<sup>5</sup> Data on the actual distribution of cases taken to trial is not tracked by any of the three indigent defense service provider. Tracking this data along with other key performance measures is recommended in Section 7 of this audit report

to the Court to consider the potential gain from robbing the Court of its receipts. This risk is heightened by the inability to secure the Court building, because of its design, against entry by persons carrying weapons. To eliminate public viewing of Court receipt processing, the existing window from the public service lobby into the accounting unit should be replaced by a solid wall, or the window should be painted over or otherwise covered to prevent public viewing.

A second and more serious problem is the current process of transporting the processed receipts from the Justice Court offices on the second floor of the building to the Treasurer's Office on the first floor.

At 4:30 each day, that day's receipts are taken to the Treasurer's Office for overnight storage in its vault. At this point, receipt processing is not fully completed, and storage is for security purposes only. The receipts are retrieved from the vault about 8 a.m. the following morning to complete processing. Final deposit of receipts occurs at approximately 2:30 p.m. In other words, each day's payments from the public are transported three times: (1) to the Treasurer's Office at 4:30 p.m. on the day the payments are made by the public, (2) back to the Court at 8:00 a.m. for processing, and (3) back to the Treasurer's Office at 2:30 p.m. the following day for final deposit.

The route for transporting the receipts between the Court and the Treasurer's Office is as follows: through the door of the accounting unit, through a door separating Court staff areas from the public service lobby, through the middle of the public service lobby and out its entrance, down a public hallway past the Justice Court courtrooms, to a public elevator serving the building, down the elevator and through several public corridors in the Treasurer's Office, and finally to a window at the Treasurer designated for deposits by public agencies. A clerical staff person carries the receipts, accompanied by one of the Justice Court's three security guards. The security guards carry radios, but are not armed.

We believe that transporting these monies during the regular business day poses extreme risk, for the following reasons:

- As noted earlier, the design of the Justice Court building does not permit use of metal detectors to limit access by individuals who may be carrying weapons.
- The route to carry these receipts requires traversing public areas, including a public service lobby often crowded with people waiting to make payments, file documents or conduct other Court business. Even if an armed escort was provided for these monies, a confrontation with a potential robber could lead to injuries or death among innocent bystanders.
- According to the Justice Court accountant, the daily receipts can include as much as \$10,000 cash. As in the case of the viewing access to the accounting unit discussed above, transport of monies through public areas during the regular business day exposes the limited security for these monies to individuals of uncertain background and motivation, especially considering that the Justice Court is a criminal justice facility.



To reduce this risk, we recommend that Justice Court receipts not be transferred to the Treasurer's vault until after 5 p.m. each day, once the Court is closed and no members of the public are present. Under this plan, once the Court closes each day, a single trip would be made to the Treasurer's Office, carrying both that day's receipts, for overnight storage pending complete processing, and the previous day's receipts, processed and ready for final deposit. Partially-processed receipts would still have to be brought back to the Justice Court at 8 a.m. each morning, which is also the time the Justice Court opens in the morning. It would also be advisable to make this transfer prior to opening the public service lobby to the public.

In an interview, the County Treasurer indicated that physically she would have no objection to this approach, since her staff is working after 5 p.m. to complete its own processing of monies received. She also reported that the procedure should not affect deposit of Justice Court receipts with the County's financial institution, because these deposits do not occur until the day after the monies are deposited with the Treasurer, which would be two days after payments from the public are received by the Justice Court.

Based on the Treasurer's comments, initiating this procedural change would produce a one-time loss of interest earnings by the Justice Court. This loss occurs because of the way interest earnings on monies deposited with the Treasurer by public agencies are allocated back to those agencies. The allocation reflects the date on which an agency formally deposits receipts with the Treasurer, memorialized by a Deposit Permit issued to the depositor. Because of the Treasurer's own requirements to accurately account for the monies deposited by other agencies, deposits received after 4:30 p.m. each day are not credited until the next day. Because of this policy, on the day the Court shifted from depositing its monies at 2:30 p.m., to depositing them after 5 p.m., it would not be credited with a deposit, and would lose its interest allocation for that day. The one-time loss amounts to  $1/365^{\text{th}}$  of the interest earned by the Court annually. For FY 1999-2000, total interest earnings were \$95,663, according to the Treasurer's Office. Based on that figure, the estimated one-time revenue loss from this procedural change would be \$262.

In addition to changing the timing when receipts are transported, we also recommend improving the security assigned to the transfer. As described previously, one of the Court's three unarmed security guards now accompanies a clerk carrying the receipts. We recommend that the armed Sheriff's deputy assigned to the Court also accompany the receipts.

In interviews, both the Justice Court Administrator and the commander of the Judicial Security Unit stated they believe the security concern at the Justice Court goes beyond transporting receipts, to the broader concern about the inability to control building access. As noted earlier, this building has numerous entrances. According to the Justice Court Administrator and the County Director of Facilities Management, the building's status on the National Register of Historic Places limits the ability to make physical changes to control public access and improve security. The Court Administrator also reported being advised informally by Facilities Management staff that remodeling the existing building would cost as much as replacing it.

By contrast to the existing facility, the Justice Court Administrator reports that two new courtrooms, serving new Justice of the Peace precincts created due to increased court filings as permitted by State law, are planned at 97 East Commerce Street. This modern facility has a single controlled entrance where a metal detector and x-ray machine could be installed. The Facilities Management Director confirmed that a lease is being sought for this space, and the landlord has agreed to build improvements providing two courtrooms. However, the cost of that work and the final lease terms are not expected to be finalized for at least 60 days. The Justice Court Administrator believes additional security equipment is necessary to improve Justice Court safety, and is best provided by construction a new Court building, and converting the historic courthouse to a museum or other use reflecting its historic status.

We are sympathetic to the problems with the existing Justice Court building. However, we also believe that joint planning between the Board of Supervisors, advised by Facilities Management, and the Justice Court, should look not just at new facilities, but alternatives to provide efficient use of existing facilities, because of the probable high cost of new construction.

For example, a committee of key stakeholders is now reviewing plans for a pilot project in which the Justice Court and the Tucson City Court would jointly conduct twice daily initial appearance sessions by video for new criminal defendants in custody at the county jail, to meet the 24-hour requirement for initial appearances in State law. Both daily sessions are planned for the Tucson City Court, a more modern court building with a single entrance controlled by an x-ray machine and metal detector, located only a few blocks from the Justice Court. Ideally, this pilot project could lead to additional future joint efforts between the two courts, and perhaps ultimately their consolidation. The courts serve different geographic areas within Pima County, and have other differences in jurisdiction, but also provide many similar functions. A potential alternative solution to the Justice Court's security concerns would be to move more serious criminal matters, including video initial appearances by in-custody defendants, felony preliminary hearings and misdemeanor trials and associated hearings, to the City Court. Civil traffic cases and other civil cases would be heard at the existing Justice Court.

Another possible alternative would be greater sharing of facilities between the Justice Court and the Superior Court. The Superior Court already provides courtrooms in some instances for felony preliminary hearings and other Justice Court matters which require transport of inmates from the jail, when the Judicial Security Unit has concerns regarding use of the Justice Court facilities. A future plan for greater shared use of the more-secure Superior Court building by the Justice Court would move some support staff from the Superior Court building to other locations, thereby providing offices for the Justices of the Peace, who could then share courtrooms in some fashion with the Superior Court.

Either of these proposals obviously raises issues of cost sharing, court scheduling, organization of support staff and other issues that would have to be overcome, and are beyond the scope of this study. However, we believe such alternatives should be considered in the facility planning process. The County's Director of Facilities Management reports that space planning for the Justice Court is just beginning, with an analysis of possibly moving the Recorder and Treasurer to other locations, turning over the entire historic courthouse to the Justice Court and possibly

related agencies, such as the Constables now located at 32 North Stone Avenue. An initial review of square footage needed to move the Recorder and Treasurer was expected to be completed for the County Administrator in late April, with a cost analysis of alternatives to provide that space completed subsequently if needed. We recommend that the space planning process review not just alternatives that would require extensive physical changes to the existing Justice Court facility, or a new facility, but alternatives to more efficiently use existing court facilities in downtown Tucson.

## **Security of Judicial Elevators**

As described at the start of this section, most users of the Superior Court building must enter through either of two entrances that are controlled by metal detectors and x-ray machines to prevent weapons or other contraband from being brought into the building.

However, approximately 300 people are able to bypass this system by using two elevators that access the Superior Court building from the underground parking levels beneath it. These elevators open onto the east or west corridors of the building. As a result, they also bypass security cameras and electronically controlled doors operated by the Sheriff's Judicial Security Unit to limit access to these corridors, which are used to access judges' chambers, staff offices and the bench area of each courtroom.

Access and operation of these elevators is controlled by electronic keys the Superior Court Facilities Manager distributes. Each key is coded, and can be remotely disabled by the Facilities Manager from a computer in his office if a key is lost or stolen. The coding also permits use of each key, and thus the elevators, to be monitored by the Facilities Manager.

However, our review identified two weaknesses in this system.

First, there are no written criteria for who should receive elevator keys, and too many keys have been issued. The Facilities Manager reports that keys are issued to judges; to courtroom staff, including Judicial Administrative Assistants, Clerk of the Court clerks, law clerk/bailiffs and court reporters; to Court administrative staff; to County maintenance workers; and to the 70 members of the Judicial Security Unit. The Facilities Manager reports all staff who receive keys are subjected to criminal background checks.

Our concern is that the number of keys issued is so large that any single user would be unlikely to know by sight whether another individual should have access to the secure elevators, and thus may unknowingly permit unauthorized access. This occurred with a member of the audit staff, who was invited aboard the secure elevator by another user, without showing an access key or identification, and ended up in one of the secure corridors in the Court building, bypassing the metal detector and other security checkpoints.

Our second and related concern is the easy public access available to underground parking areas of the County complex, with limited surveillance of these areas. It appears that someone could enter the underground parking areas, gain access to the secured elevators via an authorized employee, using subterfuge or force, and enter the court building undetected, bypassing the existing security features. Access to the parking areas occurs in one of three ways:

- Via a door from an open-air vestibule connecting the building housing the Consolidated Justice Court and other County offices to the main County complex. This vestibule is open to the public walking on Church or Pennington street, and doors to both buildings are unlocked during business hours. As the doors are primarily used by County staff traveling between the two buildings, the commander of the Judicial Security Unit reports that he has recommended that the doors be locked, with access by employees controlled by a thumb print recognition system or a key card system. We agree with this recommendation.
- Via a door connecting the public El Presidio Garage to Level B of the County office complex. Having this access is convenient for employees and members of the public who park there, particularly during inclement weather. However, because it creates a heightened security risk, we recommend that the Board of Supervisors consider closing this access, or limit it to County employees, thereby reducing the opportunity for unauthorized persons to access the County garage that includes the judicial elevators.
- Via use of the public cafeteria, which is located on Level B of the County complex, and has open access to the parking areas and to the nearby judicial elevators serving the Superior Court. Although it would be preferable to eliminate this public access to parking areas that are not public, our observation indicates that this may not be feasible while maintaining the cafeteria facility, and eliminating that facility would be a significant inconvenience.

In addition to the measures recommended above, we recommend that the Court install surveillance cameras facing the entrances to each elevator on both Level A and Level B of the Court building. Information provided by the Superior Court Facilities Manager indicates this could be done for a reasonable cost. In 2000, due to the elimination of an armed security deputy from the first floor of the building, the Facilities Manager installed four new security cameras to serve that floor, connecting them to a video recording system. The Facilities Manager said each camera cost about \$400, and estimated the cost of cabling, monitors and labor to connect the cameras to the existing video surveillance system manned by the Judicial Security Unit was about \$250 per camera. Based on this estimate, the cost of installing four cameras to survey the judicial elevator entrances on Level A and Level B totals \$2,600.

Finally, our initial review of Superior Court security procedures, and security information provided to new employees, did not include written criteria for who should receive keys to the secure elevators, and did not provide specific training on security issues associated with elevator use. One criterion would limit issuance of elevator keys to court staff who work in areas accessed from the secure corridors served by the elevators. This would include judges and Judicial Administrative Assistants, but probably not include court reporters or members of the Clerk of the Court staff, who generally work in offices in non-secure areas of the Court building

when they are not in the courtroom. Another criterion would issue elevator keys to maintenance staff only on a need to use basis, so that only staff that routinely enter secure areas for cleaning would receive them. For scheduled repairs, the Facilities Manager would make arrangements, at the time of issuing a work order for repairs, to provide assigned maintenance staff an elevator key only for the period when they were doing the work, after which the key would be returned. Other criterion also could be developed. The key is to have written standards to determine who is issued keys to access secured areas of the court building.

During the exit conference process for this audit, Superior Court staff reported that a policy to prevent unauthorized elevator use had been developed, subsequent to the start of audit field work. The Court's Security Manager provided a draft version of the policy, which appears to generally address our concerns. While the Security Manager said he believed that this policy had been finalized and issued to employees on approximately January 1, 2001, who could not document this process. Accordingly, we would recommend that the policy be distributed to all employees as soon as possible, if it has not been distributed already. In addition, a copy of the policy should be provided as part of the orientation materials provided to all new employees.

We also would suggest one change in how the information in the policy is presented to employees. The policy includes guidelines for actions employees should take when suspicious or unknown persons are observed near the secure elevators, particularly in the underground parking areas, or when unknown persons enter the secure elevator along with an employee who has accessed using the appropriate key. The suggestions in the latter case include: 1) leaving the elevator before the door closes and advising security of the unauthorized entry; 2) getting off the elevator at the first occupied floor and contacting security; and, 3) having the unknown entrant select the exit floor, which would require that person to produce a key. However, the policy also states: "The above are recommendations only and not meant as a substitute for your own common sense and intuition. There may be times when a simple 'can I help you,' can solve the whole situation, but confronting persons unknown to you, especially when you are alone, is **HIGHLY NOT RECOMMENDED** (original emphasis)." We recommend language be added advising employees that they should use one of the recommended options, and should not simply allow the unknown individual to use the elevator and access secure areas unimpeded. We believe such an addition would make employees more comfortable in taking action in these situations. We also believe increased controls to reduce the number of elevator keys issued should help alleviate this concern, by making it more likely that elevator users will know each other.

## **Security of Court Building Stairwells**

Four sets of stairs provide emergency fire escape for the Superior Court building. The stairs are located in the corners of the building, and are accessed by stairwell doors opening off the north and south corridors of each floor. Access to stairwells on the south corridor on floors four through seven is somewhat controlled by the security cameras in those corridors, operated by the Sheriff's Judicial Security Unit. Access to stairwells elsewhere in the building is not controlled.

Because the stairwells provide fire escape from the building, they are designed with one-way locks, so the doors can be opened in only one direction. On all floors but the first floor, the doors are designed so that someone entering the stairwell cannot reenter operating areas of the

building. On the first floor, stairwell doors lead outside the court building, and anyone exiting those doors cannot reenter through them.

However, our review revealed two areas where security of these facilities should be improved.

First, the Superior Court Facilities Manager reported that stairwell doors in the northeast corner of the building have been left unlocked in both directions, so that an individual could leave one floor via the stairwell, and enter another floor via the stairwell. The Facilities Manager said the doors have been left unlocked at the direction of the Superior Court judges, who wanted staff members to have access via the stairwell as an alternative to using the elevators. Because of the security concern this raises, the Facilities Manager said he has been working with the Presiding Judge and other judges to reverse this policy. We endorse this effort and believe the stairwell doors should be returned to their status as emergency exits only, so that court security is not compromised.

The second problem with the stairwell system is that none of the stairwell doors are alarmed, and only the doors on the south corridor, on floors four to seven, are subject to camera surveillance. Both the Superior Court Facilities Manager and the commander of the Sheriff's Judicial Security Unit reported this problem. As a result, intruders could use the stairwells to gain access to the court building without passing through the metal detectors at the public entrances. Unauthorized access would occur if an individual entered the stairwell on an upper floor of the building, propping open the door, then walked down the stairwell to the first floor and opened the first floor door to accomplices who could be carrying weapons or other contraband. The group could then walk up the stairs to the upper floor door that had been propped open, using it to enter the court building while avoiding the secured entrances.

The Superior Court Facilities Manager reports that he has proposed solving this problem by installing alarms on the first floor stairwell doors, which provide access to the outside of the court building. A silent or audible alarm would sound whenever one of these doors opened, prompting the Facilities Manager, his staff, or the Judicial Security Unit to investigate. The Facilities Manager estimated the cost for an alarm system on the four first floor doors at \$1,500 per door, or \$6,000 total.

As a less costly alternative, or possibly to enhance this system, we recommend that security cameras be installed in the first floor stairwells of the court building. Based on the estimated cost of \$650 each for security cameras and associated costs reported by the Facilities Manager, these cameras save \$850 versus the cost of alarmed doors. As an enhancement to the system, the cameras could be installed in a similar manner as cameras planned for the new courtrooms on the third floor. The courtroom cameras will be installed to activate in the Judicial Security control room whenever a panic button in the courtroom is pressed. It should be possible to install cameras in the first floor stairwells to activate whenever the door is opened and the alarm goes off, allowing Judicial Security staff to identify who is using the door and respond.

In addition to these facility improvements, additional training in use of the stairwells should also be provided to Court staff. Orientation materials provided by the Facilities Manager provided no instruction that stairwell doors should never be propped open, and should only be used in

emergencies. In addition, while the Court's Disaster/Emergency Response Procedures note that the southwest stairwell in emergencies is reserved for use by Judicial Security Unit staff and prisoners they are escorting out of the building, orientation materials did not include this information. In addition to emphasizing the proper use of stairwells in training materials, we also recommend that the Facilities Manager post signs on all stairwell doors reminding personnel that they are to be used only in emergencies, and that the southwest stairwell is limited to use for evacuating prisoners securely in emergencies.

## Conclusions

Interviews with Justice Court and Superior Court personnel, and observations of both court facilities identified security risks related to: 1) transporting Justice Court receipts, including large amounts of cash, through crowded public areas during the regular business day; 2) distribution of electronic keys providing access to secure elevators that serve the Superior Court building, and staff awareness of the need to guard against unauthorized access to be building via those elevators; and, 3) insufficient monitoring and security of fire escape stairwells serving the Superior Court building. There is also a more general concern about Justice Court security, because of the building's numerous entrances and the inability to control access. These deficiencies open the Justice Court to the risk of robbery of its receipts, and open the Superior Court to the risk of unauthorized access to the building by intruders, with commensurate danger of injury to Court staff and the public. A combination of procedural changes and facility improvements would reduce these risks.

## Recommendations

The Pima County Consolidated Justice Court should:

- 4.1 Replace the existing window that provides viewing access from the public service lobby to the accounting unit with a solid wall, or block off viewing by painting the window or covering it in some manner.
- 4.2 Revise its current policy of transporting receipts between the Treasurer's Office and the Justice Court three times a day, at 8 a.m., 2:30 p.m. and 4:30 p.m., to a policy of transporting receipts twice a day, from the Treasurer's Office to the Court shortly before 8 a.m. each day, and from the Court to the Treasurer's Office after 5 p.m. each day, when the Court is closed. The Court should also direct the armed Sheriff's deputy assigned to the Court building to accompany the receipts.
- 4.3 Consider, as part of joint space planning with the Board of Supervisors, not only physical revisions to the existing Court building, or construction of a new Justice Court facility, but more efficient joint use of other existing Court facilities in downtown Tucson, such as the Superior Court and the Tucson City Court.

The Pima County Superior Court should:

- 4.4 Restrict access to the County office complex via the open-air vestibule between the Justice Court building and the main County complex to County employees, using a thumb print or key card access system.
- 4.5 Restrict access between the public El Presidio Garage and Level B of the County office complex to County employees, using a thumb print or key card access system.
- 4.6 Install security cameras facing entrances to the secure elevators on Level A and Level B of the County complex, with the Judicial Security Unit monitoring these cameras.
- 4.7 Develop written criteria for issuing keys to the secure elevators serving the court building. The goal of these criteria should be to significantly reduce the number of keys issued, now approximately 300. Key recipients should receive copies of the recently developed policy on unauthorized use of the judges' private elevators, if that policy has not already been disseminated, and the policy should also be provided as part of the orientation materials for new employees. Language should also be added to the policy emphasizing the need to take some action to alert security staff when an unknown or suspicious person enters a secure elevator.
- 4.8 End the policy of keeping stairwell doors on the northeast corner of the Superior Court building unlocked in both directions.
- 4.9 Install an alarm system, surveillance cameras, or both on the first floor doors of the four Superior Court building stairwells to monitor unauthorized access from those doors to the outside of the building. The Judicial Security Unit would monitor these cameras.

## **Costs and Benefits**

Changing procedures to deposit Justice Court receipts once a day after 5 p.m. would result in a one-time loss of \$262 due to the loss of one day's allocation of interest to the Court. Installation of four security cameras to monitor secure elevator entrances on Levels A and B of the Superior Court building, and four cameras to monitor first floor stairwells, would cost \$5,200, based on an estimate by the Superior Court Facilities Manager. Installation of alarmed doors on the first floor stairwells would cost \$6,000, according to the Facilities Manager. The other recommendations of this section should have minimal costs, and all recommendations would make court facilities more secure, reducing the risk of robbery at the Justice Court and of unauthorized entry to the Superior Court, thereby reducing the risk of injury or death to court staff and the public. The cost of a long-term space plan for the Justice Court would depend on the option selected, and whether remodeling the existing Court building or constructing a new facility are required.



## 5. Public Access to the Courts

- **The current traditional model of providing services only at a single court location during regular business hours does not meet the service needs of many Court users. The Pima County Superior and Justice Courts have not developed a plan for improving public access to the courts.**
- **In any system, court users, especially self-represented litigants, can be inconvenienced, confused, frustrated, and unprepared, resulting in the inefficient use of court time, and loss of trust and confidence in the judicial system.**
- **The courts should explore opportunities to provide services at nontraditional times and places, and develop and provide better access to programs that clarify and ease the use of the court system.**
- **Providing improved access to all court customers to reduce barriers to the court system would result in improved public trust and confidence in the courts, and better prepared self-represented litigants, reducing wasted court time.**

The courts of Arizona have been charged to provide better public access to the court system. Chief Justice Zlaket of Arizona, in his *Justice 2002* strategic agenda for the Arizona Judicial Department, cited "Providing Access to Swift, Fair Justice" as one of four main goals. The area of family law is also especially important to the future direction of the Arizona courts, as articulated in another of the goals, "Protecting Children, Families and Communities."

Opportunities to increase public access to the courts in Pima County, particularly in case types with high numbers of self-represented litigants, range from relatively simple efforts directed at the general public to more specialized services for particular groups of court users. These services include:

- Expanded services at nontraditional times and places;
- Improved forms;
- Increased self-help alternatives; and,
- Expanded legal assistance.

## **Providing Services at Nontraditional Times and Places**

### ***Expanded Use of Outlying Courts and Other Locations***

Pima County can take advantage of outlying court locations and locations within the community to provide better access to the Superior Court system for the county's residents. The vast majority of Superior Court proceedings and related casework occurs at the Tucson location. Local Rule 16 requires that a Superior Court judge hold court at the Ajo Justice Court on the last Friday of every month and at any other time at the discretion of the judge. Proceedings at the Ajo courthouse primarily include juvenile matters (including some trials), with some domestic and civil case defaults and probate guardianship proceedings.

The Court's bench officers should exercise their discretion to expand the use of existing Justice and Municipal Court locations for Superior Court matters, based on an analysis of population and filings. This expansion would benefit Court users residing outside of the central area of Tucson, especially for family and juvenile law cases that would otherwise require multiple court visits to the downtown Tucson location. Costs for doing so should be limited to travel costs for judicial officers and staff of the Court. The Superior Court should also work with the County Clerk to accept filings for all Superior Court case types at justice courts in addition to the main court location. Accepting all case type filings can be accomplished with a minimum of staff, by providing drop boxes throughout the county to receive filings where in-person assistance is not needed and to receive drop-off fine payments. Staff would only need to travel to the drop off sites to pick up the box contents. Locating drop boxes also at shopping centers, public libraries, and other sites is a low cost way to increase convenient locations and hours to conduct court business.

### ***Expanded Hours***

The courts in Pima County provide extensive opportunities for the public to file documents outside of normal business hours. The Pima County Clerk's Office is open for payment of fines and filing fees from 8:00 a.m. - 9:00 p.m. Monday - Friday. This is beneficial to the public and to employees who desire alternative work schedules. Justice Court hours are from 8 a.m.- 5 p.m. Monday through Friday, and 8 a.m. to noon on Saturdays. As of spring, 2001, the Justice Court has provided phone service from 12 p.m. to 1 p.m., improving access to the public.

Some court proceedings, such as mediation or hearings, could be expanded upon and made more accessible by providing them during alternative hours. For example, the Justice Court Administrator reports that, starting with the current fiscal year, the Consolidated Justice Court implemented a grant-funded mediation program during alternative hours in various locations. This program is scheduled to operate for two fiscal years, if continued grant funding is approved to support the \$35,000 annual cost of the mediation coordinator.

Family services are similarly court-intensive activities. At present, no family service programs except contracted supervised visitation and mandated parent education programs, operate outside normal business hours or outside of the downtown area of Tucson. Parents engaged in family

mediation must attend sessions during regular working hours. The Conciliation Court would benefit by establishing offices with evening and weekend hours and improved parking facilities for mediation services and specialized programs for high conflict couples.

Night court is another alternative to traditional court service times. Night court is ideal for minor traffic cases and small claims cases. The volume of people who need to appear for these types of cases is high and the cases move relatively swiftly.

Currently, the Consolidated Justice Court provides a session once a week from 5-7 p.m. at the Judicial Service Center, 32 North Stone Avenue. Because this session is conducted by the Presiding Judge and management staff in order to avoid overtime costs, and because there is limited ability to accept payments at this session, it is not available to litigants on a walk-in basis. Instead, the Case Management Unit Manager identifies specific cases that would be amenable to alternative scheduling, and contacts the parties for their permission to schedule the matter at this time. The Justice Court Administrator also reports that in December 2000, the Presiding Justice of the Peace issued an order establishing a Traffic Court Division in the Justice Court, scheduled to be staffed by some combination of justices of the peace, pro tempore justices of the peace, or appointed hearing officers. According to the Justice Court Administrator, the Court's 2000-01 budget proposes providing one full-time Justice of the Peace position and a half-time pro tempore position. Net County cost for this addition is estimated at approximately \$100,000 a year, based on 40 percent of the salary for a full-time Justice of the Peace being reimbursed by the State. Scheduling for this function has not yet been determined, although the Court Administrator indicated that the caseload was sufficient to provide a traffic court running regularly from 9 a.m. to 4:30 p.m. daily.

The Court Administrator also reported that one consideration in establishing a traffic court was the potential to achieve additional revenue through additional fine payments, although the potential benefit is not known, because the Court does not have sufficient management information to relate the volume of case disposition to collections. For now, the availability of the existing evening court sessions is not publicized on the Court's Internet site, or on its voicemail system, and a question at the Court's public service counter about night court scheduling was referred to the Case Management Unit Manager and the Presiding Judge.

By contrast to Pima County's approach, other comparably sized counties make alternative court schedules more widely available and for various case types. Contra Costa County in California is a comparably sized county where night court is available for small claims actions once a week at one of the branch court locations and two nights a month at another two locations. San Mateo County, California, another comparison county, offers small claims night court weekly at the central county court location and weekly at another branch location. San Bernardino County, California Superior Court serves an urban/rural community with widely dispersed court locations. Traffic night court provided at 9 of its 11 branch locations (offered one to two times a month depending on location) effectively disposes of the high volume of traffic infractions this geographically large county court handles each year.

Traffic night court can increase disposition of traffic cases, thereby reducing the number of people who fail to appear in court when traffic matters are only scheduled during the day. Fewer

“failures to pay” and “failures to appear” in turn would reduce the additional administrative costs of processing warrants and tracking the increased penalties associated with failures to appear. Offering small claims hearings in the evenings facilitates use of the court system by those who cannot afford to be present in the court during working hours.

The Justice Court has sources of bench officers for both these programs. Small claims cases are heard by volunteer hearing officers recruited by the Court, while for other matters the Court makes use of part-time pro-tempore judges who are paid by the hour to provide service when regular judges are not available, or workload requires additional assistance.

#### ***Internet and Telephone Access***

Internet and telephone technology allows the public to transact court business at any time of day without having to come to court. Traffic infraction cases account for the vast majority of occasions the public comes to court and encounters the legal system. The Justice Court is currently addressing this need through traffic information posted on its web site, including a schedule of bond and fine amounts, instructions for pay-by-mail, and procedures for requesting a hearing. Plans are also underway for an internet-based traffic payment system. The Justice Court Administrator reports that the Court is now testing software used by the Arizona Court of Appeal to receive payments, filing of interactive court forms and filing of motions via the Internet. The Court also recently conducted its first trial via the Internet, a traffic case with a defendant residing in another state. Other counties are already utilizing internet-based payment systems. For example, the San Bernardino County Superior Court has initiated an internet-based traffic citation payment service at [www.epav-it.com/ePay-it/](http://www.epav-it.com/ePay-it/). However, issues of access and convenience for those who cannot afford the technology or who are not computer literate must be addressed.

Pima County should develop interactive telephone-based systems, in addition to the Internet, to expedite the payment of traffic fines. A series of menus informs telephone callers to enter their courtesy notice or citation numbers for instructions regarding the bail amount, the date and location for a court appearance, and how to pay fines with a credit card. This type of automation provides the public with a quick and easy way to avoid a trip to the courthouse and allows court staff to focus on more complex tasks. Accordingly, this more convenient payment system can result in increased revenues from greater numbers of tickets being paid and lower administrative costs. During the exit conference for this audit, the Justice Court Administrator reported that he had directed his staff to work with County communications staff to review the capabilities of the existing Court phone system, and to activate any capabilities that are not currently being utilized.

The court in Kern County, California, offers a 24-hour telephone payment service for traffic citations that do not require a mandatory appearance. Callers to the system are guided through a series of menus to obtain information about the fine amount, scheduling an appearance and paying via credit card. The vendor offering this service provided a server and connections to the court's system so that the court can retrieve and process ticket information automatically. An additional transaction fee is charged for credit card payments. The system has required no expenditures by the court.

In addition, the Santa Clara, California court is planning installation an upgraded phone and integrated voice response (IVR) system that will allow payment of traffic fines directly to the court, without the use of a payment vendor or additional charges to payees. The total cost to provide the system at Santa Clara's three traffic processing sites is \$200,000; Santa Clara estimates that the system will reduce the number of calls needing a live attendant for citation inquiries and payment processing by 50%.

## **Improved Forms**

There are few prescribed court forms in Arizona and lawyers are free to deviate from forms developed by the court unless the forms' use is mandated by court rule. Greater standardization of legal forms improves the ability of all people to access the court system, including professionals providing assistance and self-represented litigants.

The forms have not been regularly reviewed or revised. The County should encourage a committee of the bench and local bar to review all legal forms and instructions in use in Pima County courts and work toward standardization of forms, with understandable, uniform formats, and clear, plain-language instructions to be used countywide. In addition, forms and instructions for actions in the same general area of law, such as family law, should be in sets that relate and refer to one another clearly (form packets). Moreover, the courts need to mandate the use of standardized forms by local court rule. Bilingual forms and instructions are currently available in Pima County for family law mediation. As other forms and instructions are created or revised, they should also be translated. Translated forms are necessary to increasing access to the courts, especially because those needing self-service assistance often have limited English skills. Maricopa County, for example, recently reviewed all 900 legal forms and redesigned the forms to create user-friendly, do-it-yourself and bilingual legal forms. These forms are primarily related to family court and probate matters. Prior to the revamped legal forms, there were few mandatory forms and most attorneys created their own forms specific to various types of legal action. Applicants can now also seek unbundled legal services. This means that instead of either retaining an attorney to perform all case work or representing him or herself, a person can complete standardized county legal forms and seek an attorney only for review and correction. This reduces legal costs for the individual and reduces the number of unprepared self-represented litigants.

Maricopa County has also found that more user-friendly legal forms have been profitable. Maricopa charges a fee of \$1 per packet requested at the center or \$7 if the form involves a divorce, emergency order or temporary order. These fees are currently returning an average of approximately \$11,000 in revenues per month to Maricopa County.<sup>1</sup>

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<sup>1</sup> Per Arizona State Attorney General Opinion I95-18, December 18, 1995, boards of supervisors have the authority to establish fees for any specific products or services that the county provides and to direct justice courts to collect any established court-related fees. A board may also establish a fee for services provided by the superior court within its county; however, the board may not order the superior court to collect the fee. Fees imposed for superior court processes must be negotiated with the presiding judge of the superior court.

In addition, interviews and a physical inspection identified problems with the January 1, 2000 version of the Traffic Violations Information Envelope prepared by the Consolidated Justice Court. This envelope is provided by citing law enforcement officers along with traffic citations to drivers, who use the information on the envelope to calculate the amount of the fine and remit it to the Court. Problems identified include the following:

- Staff in the Court's Customer Service Unit report that during the year 2000, some citing law enforcement officers continued to give drivers prior-year versions of the Traffic Violations Information Envelope, which included prior and lower bond/fine schedules. Accordingly, the Court staff in these cases accepted fine payments under the previous schedule as payment-in-full, receiving less than the full amount of revenue that should have been received from these payments. The Court should develop a protocol with law enforcement agencies to collect unused envelopes at the end of each calendar and replace them with updated versions.
- Not all traffic statutes where bonds or fines must be paid were included in the schedule on the information envelope. The previous version of this document included 32 statutes, not including speeding and animal control violations, while the 2000 version only included 19 statutes, missing some statutes that should have been included.
- Fines due for violations involving driving without valid registration, without a valid driver's license, or without proof of valid insurance can be substantially reduced or eliminated by providing documents showing the driver met these requirements at the time a citation was received, or took action subsequently to meet them. Copies of these documents can be submitted by mail along with fine payments, but while previous versions of the envelope indicated that copies of documents could be submitted by mail, the 2000 version did not, even though documents were still accepted by mail.
- Although the Justice Court accepts bond and fine payments via credit card in person or by phone, the payment envelope does not provide a means for defendants to pay by credit using the mail. Such means could easily be provided by including on the envelope space for a defendant to provide a credit card name and number, and a signature authorizing payment, as do mail order retailers who accept credit card purchases by mail.

The Justice Court should address these issues involving the design of the Traffic Violations Information Envelope by developing a standard design, and submitting it to law enforcement officers for review, and to the bar-and-bench committee for forms review discussed previously. Once a clear design is approved, that design should only be changed if required by changes in the law, thereby assuring that an understandable version of this key document is always available for public use. Revising the existing traffic courtesy notices should reduce the number of inquiries to the court, saving staff time. This is not, however, the only benefit. By improving public access and understanding of court proceedings, faith and confidence in the judiciary will be enhanced.

## **Self-Help Alternatives**

To expand access the Chief Justice of Arizona has called for courts to provide self-help information and assistance through resources such as legal advice hotlines and general information "Public Access Lines (PALs)." Assistance is critical for self-represented parties that may not understand legal procedures. A key resource for developing self-help in Arizona is the Arizona AOC, which has developed a number of programs for self-help and assistance, particularly in family law. Public access specialists with the state AOC are available to assist in these efforts.

### ***Referral Guide***

A basic, low-cost resource that the court should develop is a referral guide available at the court and at self-service centers (see discussion below). The referral guide should contain basic information to assist the public with their legal issues, specifically information about the court process and listings and contact information for agencies providing free and low-cost legal assistance and other community-service agencies.

San Mateo County Superior Court developed this type of resource guide in response to the public's requests for more information and assistance with legal issues. Easy-to-read information, available in English and Spanish, about each Court Division allows the user to determine whom to contact at the court. The guide also identifies agencies that can assist in areas such as domestic violence/restraining orders; disabilities, health and HIV/AIDS; housing; immigration; and senior citizens. The court reports that the guide has been instrumental in establishing effective collaborations between the court and county service agencies and has been very favorably received by the public. In addition, they have had numerous requests from other courts to use their resource guide as a template.

### ***Self-Service Centers***

Self-service centers provide court users with hands on assistance to navigate the court system. Typically self-service centers have resources and materials to instruct people, in particular self-represented parties, on simple legal procedures, such as filling out forms and how to file, with assistance available from a staff person or volunteer. The staff in the self-service center does not provide legal advice or counsel but usually has some specialized training to provide this type of customer service. Self-service centers serve to better prepare court users and reduce the inefficient use of clerk and courtroom time.

The Maricopa County Self Service Center is illustrative of an effort underway in Arizona. Creation of the Maricopa County Superior Court Self-Service Center has allowed laypersons to perform some of their own filing and legal work and reduced the delays in Maricopa courts in cases involving self-represented litigants. Forms or packets of forms related to some action may be obtained either on-line or in person at the Self-Service Center. Some direction in completing

the forms may then be sought from center employees or completed forms may be submitted to legal counsel for a due diligence review of the forms. Center employees are prohibited from offering legal advice but they can assist with the proper method of completing and filing a legal document. There are also phone tutorials available at 602-506-SELF for self-represented litigants.

Pima County's current plans for a self-service center indicate that it will be incorporated into the law library's operations and placed in, or adjacent to the library. Initially, the plans call for the center to be a distribution point for forms, with sets of instructions and a staff person to answer questions. Expansion plans include soliciting the county bar to provide a volunteer lawyer to assist in filling out forms and perhaps making referrals, although paralegals may be a better resource. For example, law firms near the central courthouse in downtown Minneapolis, Minnesota "loan" their paralegals to the court as volunteers for just this type of assistance. Implementation of the Pima County self-service center is dependent on renovation plans and negotiations over space allocation in the court's law library.

Pima County should proceed expeditiously to introduce a self-help center. One solution to the space allocation problem hampering the development of the self-help center is to move it out of the courthouse. The court in Flagstaff, Arizona rented office space outside the courthouse and has now rented part of the space to Legal Aid who, in return for low-cost rent, assisted in revising county court forms and instructions. The remaining office space was developed into a self-help legal resource center. Because the center offers public information and instruction the court was able to apply to the county library fund to pay for a .75 FTE position to assist at the self-service desk. This collaborative funding approach could easily be adopted in Pima County.

Another space solution that should be adopted in Pima County is employed by the Ventura County, California Superior Court, which developed an innovative mobile self-help center. The mobile center augments the court's existing self-help centers to meet the needs of people living in outlying communities or those who have limited public transportation. Funding limits precluded the Ventura Superior Court from establishing permanent centers in each community and so the court obtained a custom-built 35-foot mobile home and equipped it with tables, chairs, computer equipment, and informational and educational materials. The mobile center provides needed services at a fraction of the cost of renting and staffing multiple facilities.

The mobile center is staffed by a court attorney and a driver, with assistance from volunteer attorneys and law student interns, and targets the elderly, disabled, or victims of domestic violence living in isolated communities. To address the needs of self-represented litigants the center carries extensive information about how people can access legal representation and educational materials from a wide range of agencies and community organizations.

The mobile center start-up costs were \$108,000 with an initial private seed donation of \$40,000. The court provided the balance from its existing budget, with plans to apply for public or private grants to reimburse its budget for these costs. The ongoing costs are contained through the use of existing resources and volunteers. In fact, the Fresno County, California Superior Court, another



comparison county, has received grant funds from the California AOC to purchase a mobile center.

The Pima County Superior Court reports that the mobile center could be used for forms distribution in general jurisdiction cases but would be more adaptable to handling filings and fines in case types handled by the Justice Court, namely traffic and small claims. However, the Ventura Superior Court has found that significant use is made of the mobile self-help center for litigants in family law matters as well.

### ***On-Line Self-Help Resources***

Technology can provide still another avenue to access assistance. Among the online self-help tools the Pima County Justice Court has a tutorial to assist in forms preparation for small claims actions and also offers the capability of filing a small claims action online. In the family law area, the Justice Court web site has links to the statewide domestic violence program and Arizona child support information. The Family Center of the Conciliation Court has posted on the Superior Court web site some basic information about services and Frequently Asked Questions (FAQ). In Spring 2000, the Justice Court's website was named one of the top 10 in the nation by Justice Served, a private consulting firm on court management and technology.

Nonetheless, the courts could improve the content and organization of both web sites. They lack direct links to and information about a range of self-help resources (family law programs in particular) available on the Arizona AOC web site, users are not currently able to fill out forms on-line and there are not answers to frequently asked questions (FAQs). The Justice Court reports that it is currently examining providing the capability to complete forms on-line and will be including answers to a list of frequently asked questions later this month.

An example of a website with these capabilities is the Eighth Judicial District web site in Clark County, Nevada (Las Vegas), [www.co.clark.nv.us/distcrt/courthome.html](http://www.co.clark.nv.us/distcrt/courthome.html). The home page provides direct links to online forms, including family law form packets, referral information for county family service providers, and to Family Law Self Help Center information available on the courts web site. Among the Self Help Center information included is a description of services offered at the Center, hours of service, an FAQ, and information about Family Law Assistance and Education Classes offered through the Center.

For those without personal access to the Internet, online information is available on computers located at public libraries. It is incumbent on the courts to inform the public of the availability of these resources. The expansion of on-line access will not eliminate the need to introduce self-help centers: off-site on-line access will provide users with court information at locations outside of downtown Tucson and at off-hours at the Tucson courthouse. Self-help centers, on the other hand—in addition to having forms available—provide human assistance to parties during working hours.

## **Facilitation/Advisor Programs**

Once self-help resources are in place, the courts should consider establishing programs directed to providing more direct legal assistance in the areas where the most litigants are self-represented: family law matters and small claims. Better preparation and reduced in-court time can result through legal assistance for self-represented litigants.

### ***Family Law Facilitator Program***

As noted above, family law is an area where Arizona's Chief Justice has urged a more intensive concentration of resources to increase public trust and confidence in the Arizona court system. Currently, 50-60% of those appearing in family court generally are self-represented. Although the Pima County courts use Title IV-D commissioners for the enforcement of child support orders, assistance for those who wish to apply for enforcement orders is available from the state Division of Child Support Enforcement (DCSE). In Pima County this service is provided through a private contractor located in the District Attorney's Office. The DCSE Office does not provide assistance for other legal needs that are often related to child support, such as property settlement, visitation and custody, and other family law matters. Most clients appearing before the Title IV-D commissioners are self-represented and so court-based facilitation programs integrated into other court services and providing a wider array of interrelated family court assistance would be ideal.

California employs a mode for assisting clients with Title IV-D child support enforcement matters that Pima County should consider. A Family Law Facilitator's Office at the court assists self-represented parties to prepare documents and guide them through the court system. All 58 California counties have family law facilitators, who, by law, must be attorneys. The family law facilitators assist self-represented clients with a wide array of family law issues, as long as there is an underlying support issue to meet Title IV-D grant fund regulations. In addition, the family law facilitator is neutral, assisting both parties, including noncustodial parents and often assisting in mediation of disputes. This holistic, court-based approach gives greater access to court services to the public and reduces the mistakes and confusion that hinder the flow of family law cases through the court system.

Like the Title IV-D commissioner program, the federal government funds two thirds of the Title IV-D facilitator program and the state provides the remaining third. For example, the Fiscal Year 1999-2000 expenditures for the family law facilitator in Kern County Superior Court were approximately \$300,000, of which the state provided \$100,000. In Kern County, the facilitator's office averages about 1,000 clients a month who are assisted with a variety of support issues and educational programs.

Following two years of statewide implementation, researchers in California identified several advantages of the facilitator program:

- Changes in forms and procedures initiated under the program increased efficiencies in case processing.

- The family law facilitator's assistance significantly increased families' access to the child support process.
- Speed and efficiency in processing child support cases in courts improved as a result of the family law facilitator's assistance.
- Conflict between parties was reduced as a result of family law facilitators' efforts to educate litigants on the child support process and to help parents work out child support agreements.
- Anecdotal evidence from professionals indicated that family law facilitator assistance resulted in fewer continuances and cases taken off calendar.

A court-based family law facilitator option should be explored in Pima County. A contract between the county and the state Department of Economic Security to set up the facilitator program under the existing Title IV-D program, similar to the statewide contract executed in California for the courts, can be accomplished.<sup>2</sup> *Small Claims Advisor Programs*

Small claims legal advisor's offices can also provide advantages for self-represented small claims litigants similar to those obtained from family law facilitators. At least nine California courts employ a Small Claims Advisor Program, including the Contra Costa Superior Court. The advisor need not be housed in the courthouse and is often either a volunteer or contract attorney and not an employee of the court.

Contra Costa's program includes:

- Free two-hour seminars entitled "How to Use the Small Claims Court" held weekly at rotating locations in the county and taught by the court's Small Claims Legal Advisor.
- A 24-hour telephone small claims information line. Callers leave messages and the Small Claims Legal Advisor or an intern returns the call for individual assistance.
- Information about alternative dispute resolution to avoid bringing cases to court.
- Internet information and community resources, ranging from consumer complaint hotlines to instructions on collecting judgements.

## Conclusions

The current means of providing services on Pima County does not optimally meet the needs of many court users. Court users, especially self-represented litigants, can be inconvenienced,

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<sup>2</sup> Pima County is considering withdrawing from child support enforcement and transferring responsibility from the District Attorney's Office to the state Attorney General. If this occurs, the Pima County Superior Court should pursue the establishment of the facilitator program directly with the state to take advantage of Title IV-D federal grant funds, comparable to the Title IV-D commissioner program.

confused, and unprepared. By providing court services at nontraditional times and places and by providing better access to programs that demystify and ease the use of the court system, the county can reduce barriers to access. Providing improved access to all court customers results in improved public trust and confidence in the courts and better-prepared self-represented litigants, reducing wasted court time.

## **Recommendations**

The Presiding Judge of the Superior Court should:

- 5.1 Require the Superior and Justice Courts to develop a public access plan, identifying resources needed to improve access to the courts and a timeline for implementation, to be provided to the Presiding Judge of the Superior Court within 90 days.
- 5.2 Consider using Justice and Municipal Court locations outside of downtown Tucson for Superior Court proceedings on a regular basis to serve outlying areas, based on an assessment of population and court filings.
- 5.3 Work with the Justice Court and the Clerk of the Superior Court to accept filings for all Superior Court case types at the Ajo and Green Valley justice courts, in addition to the main court location.
- 5.4 Work with the Justice Court and the Clerk of the Superior Court to develop a program to locate drop boxes throughout the county to receive filings and fine payments.
- 5.5 Establish a committee of the bench and local bar to review all legal forms and instructions in use in Pima County courts and work toward standardization of forms with clear, plain-language instructions and understandable and uniform formats to be used countywide. Forms and instructions for actions in the same general area of law, such as family law, should be in sets that relate and refer to one another in a clear fashion. A standard version of the Traffic Violations Information Envelope should be developed with review by this committee, and by representatives of law enforcement agencies.
- 5.6 Mandate the use of standardized forms through local court rule.
- 5.7 Direct Court staff to develop and make available a self-help resource and referral guide that can inform court users about court procedures and related community resources.
- 5.8 Allocate space for a self-service resource center either in the courthouse, a public building such as a library, or any easily accessible location.
- 5.9 Seek funding to establish a Mobile Self-Help Center.
- 5.10 Direct staff to improve the content and organization of the Superior and Justice Courts web site.

- 5.11 Contract with the state Department of Economic Security to establish a Title IV-D funded family law facilitator's office to assist with enforcement of child support orders in a neutral, collaborative, court-based environment.

The Presiding Judge of the Tucson Consolidated Justice Court should:

- 5.12 Schedule expanded night court sessions beginning at least once a month for both traffic and small claims, and publicize the availability of such alternative scheduling via the Court's Internet site, its voicemail system and at its public information counter.
- 5.13 Develop interactive telephone-based systems, in addition to the Internet, to expedite the payment of traffic fines.
- 5.14 Establish Small Claims Legal Advisor programs to educate and assist self-represented litigants with small claims matters.

## **Costs and Benefits**

Specific costs and offsetting resources would need to be actively developed by Court staff as part of the public access planning process. Nonetheless, many of the costs of programs recommended here could be offset by grants or revenues or are largely supported by volunteers. The Family Law Facilitator Program is funded at 66percent by the federal government; the sale of standardized forms is expected to far exceed the cost of their development; and it is expected that traffic revenues would increase with expansion of evening hours for traffic court. The small claims legal advisor is often a volunteer attorney.

One-time costs to implement the telephone and Internet improvements, to purchase and outfit the mobile self-help center and to create drop boxes at locations outside of central Tucson are estimated at less than \$250,000. Ongoing annual costs would include those associated with additional mediation and traffic court staff to provide evening services and the cost of providing staff to pick up contents at drop boxes at locations outside of the central courthouse.

Providing improved access to all court customers to reduce barriers to the court system would result in improved public trust and confidence in the courts, and better prepared self-represented litigants, reducing wasted court time.

## 6. Improving Justice Court Telephone Operations

- Information on the Pima County Consolidated Justice Court is available to the general public by telephone, with general information provided via voicemail and more detailed queries answered by a four-person information staff. Our review identified additional information that could be provided via voicemail. Furthermore, while the Court recently expanded customer service hours to answer questions by telephone from noon to 1 p.m. weekdays, it has not provided information on the expanded hours as part of the greeting on the voicemail system.
- As a result, callers may not be aware of the expanded service that is now available, and continue to call at other times, leading to long waits before questions are answered. Also, the limited use made of the voicemail system means that callers may spend significant time waiting to ask questions that could easily be answered via a voicemail message.
- The Court should update its current voicemail greeting to provide the hours when customer service is available by telephone. Also, the Court should experiment with providing additional information using its voicemail system, reallocating voicemail boxes to new uses, and adding additional voicemail boxes as necessary to provide the public with information that meets its needs, thereby reducing the demands on the public information staff.

### The Justice Court Telephone System

A key method for the public to get information regarding the Pima County Consolidated Justice Court is by telephone. The Court has publicized an information number, 882-0044, for the public to use. Callers to that number go through the following process:

Calls to the information number are answered by a voicemail message. This message first tells the caller, in English, to press 1 to hear the greeting in Spanish. The voicemail message then provides the Court's address, its hours and exceptions to the hours. These are that filing fees and fines must be paid with exact amounts after 4:30 p.m. daily, and that public information staff to answer more detailed queries are available only from 8:30 to noon and 1 to 4:30 p.m. Monday through Friday, excluding holidays.

The main greeting provides three additional menu options. Pressing 2 provides a separate voicemail message listing the court's World Wide Web address. Pressing 3 transfers the call to the four-person customer service staff. Pressing 4 permits the caller to directly dial the extensions of specific Justice Court staff, if the caller knows the extension.

## Mailbox Use

Use of the different mailbox options by incoming callers is documented in a report prepared by the Telephone Coordinator in the County's Facilities Management Department, and provided to the Justice Court staff. In turn, Court staff provided reports for telephone usage from June 30 through October 31, 2000 to management audit staff. Missing from the information provided was data for the four days from Sept. 9 through Sept. 12. An analysis of this data is shown in the following table:

**Table X.1**  
**Use of Justice Court Telephone Mailboxes**  
**June 30 to October 31, 2000**

Mailbox Extension	Purpose	Total Calls	Total Days	Average Calls Per Day
3171	Main Menu	62,120	112	537
4171	Spanish menu	2,970	112	29
53171	night message	4,134	112	34
513171	web address	1,857	112	17
514172	Spanish web Address	500	96*	6

\*Reflects data missing on reports.

As the table indicates, a large number of calls come into the main access number, with smaller numbers of calls transferring to other options. We believe it is important for the Court to have both the main greeting message, which provides basic information about the Court, and a Spanish version of that message, to serve the Court's Spanish-speaking customers, the main non-English speaking population served by the Court.

However, we believe the use of two mailbox extensions to provide the Court's World Wide Web address in English and Spanish is not an efficient use of the phone system. First of all, the message that is provided gives only the address itself, and does not describe the types of information available via the Court's web site. Second, it is not clear how many Court users have computer access to use the web site.

As an alternative to devoting a separate mailbox to this address, we recommend that the web address be included at the end of the main greeting callers receive when they call the 882-0044 information number, and to the Spanish-language version of the main greeting. This addition should include a one-sentence description of services available via the website. An appropriate message would state: "The Justice Court Internet site at [www.jp.co.pima.az.us](http://www.jp.co.pima.az.us) provides case history information, a daily court calendar, small claims court documents and instructions, traffic citation instructions, key court forms, and other information."

Making this change provides an additional active mailbox extension that can be used for another purpose by the Court. In addition, the County's Telephone Coordinator reported that there are three additional mailboxes, extensions 3172, 4173 and 5171 that apparently are available to the Court, but are not being used, and that additional mailboxes could be added if desired.

The Telephone Coordinator reports that changing the use of the existing mailbox that now provides the web site address is something that can be done by the Justice Court itself, simply by changing the message on that address, and by changing the message on the main greeting and menu. Activating the other extensions that are not being used would require additional work by the County Communications Department, according to the Telephone Coordinator. The Coordinator indicated that the cost of this work would depend on the time required to make the changes. She also said that changes limiting the extensions to providing recorded information would probably cost less than changes that permit court staff to answer calls using those extensions, or permit callers to use them to connect to other extensions via menus.

The lead staff member of the telephone public information staff reported that there is information requested by callers that the staff believe could be provided using voicemail, rather than by live staff. Examples include:

- A description of the small claims filing process and the fees required.
- A general listing of the fees charged by the Court for specific functions.
- Instructions on how to apply for driving school to get a traffic violation removed.
- Instructions on contesting a traffic citation.
- Instructions on calculating traffic citation amounts using the information sheet provided by the citing law enforcement officer, and how to remit payment.

Such changes should make it easier for public service staff to carry out their duties, by limiting the inquiries they receive to situations where a caller needs information on a specific case, such as court date. In turn, these workload reductions should improve service to the public. According to two reports from the telephone system covering the periods August 1 to August 11 and August 28 to September 7, 2000, on average it required approximately 2 minutes, 40 seconds for a call to be answered by the public service staff. A separate report covering the August 28 to September 7 period also shows that during normal Court operating hours, anywhere from 62 to 141 calls per hour are abandoned by callers, presumably because the calls are not answered promptly.

In order to know which of the additional information options should be pursued, we recommend that the Court use the current web address mailbox extensions, 513171 in English, and 514172 in Spanish, for testing these additional options. Each month, or perhaps every two months, a new message could be placed on the available mailbox, and the response to that message assessed, based on the volume of callers accessing it. The messages that receive the largest response are the ones that should be considered for permanent installation in the existing active mailbox extension, and in the three extensions that have not been activated. At the same time, changes in



wait times and abandoned calls for the public service staff should also be monitored, to assess how making more information available via voicemail affects staff performance. This approach would allow the feasibility and benefit of providing additional information to the public via voicemail to be researched at little additional cost to the Court.

During the exit conference for this audit, the new Justice Courts Administrator reported that he had directed his staff to work with the County communications staff to assess the capabilities of the existing telephone system, and to activate any capabilities that are not being used, in accord with the recommendations of this section.

## **Public Service Telephone Staff Hours**

The Consolidated Justice Court provides four staff positions to answer questions by telephone from the public. This service is provided from 8:30 a.m. to 4:30 p.m. Monday through Friday. At the time when this audit commenced, telephone service was not provided from noon to 1 p.m., because of the scheduled lunch break for the four staff members. Subsequent to the start of the audit, following the arrival of a new Justice Court Administrator, staffing for the telephone function has been reorganized to provide two staff members to answer calls from noon to 1 p.m.

To assess the need for this change, we reviewed two reports provided by the Court's automatic call distribution system. One report provides the volume of calls received, by hour, during a giving period of days or weeks. A second report provides information on the volume of incoming calls abandoned by callers. In reviewing this data, we assumed that the volume of calls received would fall, and the volume of abandoned calls would rise during the noon hour, when staff are not available to answer the phones. Results of the analysis are displayed in the following table.

**Table 6.2**

### **Average Justice Court Telephone Calls Answered and Abandoned By Hour of the Day, August 1 to September 7, 2000**

<b>Hour</b>	<b>Average Calls Answered</b>	<b>Average Calls Abandoned</b>
8-9 a.m.	228	62
9-10 a.m.	373	109
10-11 a.m.	361	119
11 a.m.-noon	357	76
noon-1 p.m.	5	328
1-2 p.m.	372	141
2-3 p.m.	294	102
3-4 p.m.	288	88
4-5 p.m.	148	67

As the table illustrates, the number of calls answered remained relatively steady during the workday, dropping off during the noon hour, when until recently no public information staff was available to answer calls. As the data on abandoned calls shows, public demand to get

information by telephone remained strong during that time period. Assuming callers who are unable to get information by phone during the noon hour end up calling during other periods of the day, an average of about 40 calls per hour during other periods may be accounted for by such calls. While the Justice Court has reconfigured staff schedules to provide noontime telephone service, it has not updated the voicemail greeting all callers receive to reflect this change. The voicemail greeting still indicates that no telephone service is available from noon to 1 p.m. Consequently, it is likely that few members of the public are taking advantage of the expanded service. Updating the voicemail message would inform the public of the expanded service that is now available and increase its use, possibly reducing telephone system backlogs at other times of the day.

## **Conclusions**

The Pima County Consolidated Justice Court provides information to the public via a telephone system that is a combination of voicemail information and public information staff that is available to answer more detailed questions. However, more information could be provided via voicemail than is now being provided, reducing the workload of the public information staff and the time callers must wait to get questions answered. Furthermore, although staffing was recently reconfigured to provide telephone service from public information staff from noon to 1 p.m. on weekdays, the Court's voicemail greeting has not been updated to reflect the new hours, preventing callers from learning of and using the expanded service.

## **Recommendations**

The Pima County Consolidated Justice Court should:

- 6.1 Use voicemail boxes now used to provide the Court's World Wide Web address to provide other types of information, on a rotating test basis, to determine public response to receiving other types of Court information by voicemail. The Court's web address should be provided as part of the main greeting received by callers to the phone system.
- 6.2 Activate, based on the test results from the first recommendation, existing voicemail boxes that are currently inactive, using them to provide other types of Court information that now must be provided by public information telephone staff.
- 6.3 Update the telephone system voicemail greeting to indicate that staff is now available to answer questions by telephone from noon to 1 p.m. weekdays.

## **Costs and Benefits**

Because Justice Court staff can change messages on existing voicemail boxes itself, the initial pilot project to assess public response to receiving various types of additional information via voicemail should have minimal cost. According to the County's Telephone Coordinator, costs to activate currently inactive voicemail boxes, or to add additional mailboxes, would depend on the time required. However, based on the estimate that initial installation of this system cost the Court \$50,000 to \$60,000, we do not believe the additional cost would be substantial, especially if the changes were to provide mailboxes solely to provide additional recorded messages. Updating the existing voicemail message to reflect expanded customer service hours also would be without cost. Both these changes would improve public service and convenience in getting information from the Court, and should reduce the hourly workload of the public service telephone staff, by eliminating some calls in which they must provide general information, and by shifting some calls which are received at other times of the day to the noon hour.

## 7. Indigent Defense Cost

- Pima County spends approximately \$15.5 million for indigent defense services annually. These services are provided by two County offices, the Public Defender and the Legal Defender, and private attorneys who contract with the County and are used as needed when the two County offices cannot provide representation due to conflicts of interest or insufficient staff. There is no cost tracking or reporting system in place to compare the costs of the different providers and to adjust staffing or use of contractors, as appropriate, to minimize the County's costs.
- Analysis of indigent defense service costs reveals that the Public Defender and Legal Defender provide representation at a lower unit cost than contract attorneys for Regular Felonies and Juvenile Delinquency cases. In spite of their higher cost, contract attorneys are assigned a substantial number of both types of cases for which in-house Public Defender/Legal Defender staff could provide representation at lower cost.
- This cost analysis reveals that the County's contract attorneys are achieving lower unit costs for more serious felony cases, known as Group B felonies, and Appeals cases. The County could further lower its costs by assigning these cases to contract attorneys rather than the Public Defender and Legal Defender. Savings from using the most economical indigent defense service provider could amount to over \$687,301 annually.
- Most contract attorney cases are assigned to prevent the Public Defender and Legal Defender from exceeding their attorney caseload standards. These standards were developed by the two offices based on their interpretation of the *State of Arizona v. Joe U. Smith* Supreme Court case. Though internal mechanisms are in place for assigning cases consistent with the intent of Joe U. Smith, the standards limit external oversight of the offices' productivity due to the absence of formalized standards for different types of felonies and some other case types. The Indigent Defense Services system as a whole does not have a consistent approach to counting caseload and costs to enable ongoing comparative measurement of costs and productivity.

The U.S. and Arizona constitutions, and case law, mandate that all citizens are entitled to legal representation regardless of their ability to pay. Consistent with this mandate, Pima County provides representation to indigent defendants who cannot afford private counsel. Pima County delivers indigent defense services through three pools of attorneys: (1) the Office of the Public Defender; (2) the Office of the Legal Defender; and, (3) private attorneys under contract with the County who are appointed to cases by the courts on an as needed basis.

In any county, the primary reason for having more than one indigent defense service provider is that a single office cannot represent all indigent defendants due to conflicts of interest that arise in some cases. Conflicts of interest are established by rules of court, case law and professional standards. Conflicts can occur when there are multiple defendants in a case and a single law office would have a conflict representing more than one defendant, since conflicting legal strategies might be necessary for each of the clients. Conflicts of interest can also occur when a law office is representing a witness for the prosecution, or when the office is already representing a defendant in another open case. When a law office identifies conflicts, case law dictates that it must withdraw from providing representation for more than one defendant in a multiple defendant situation and from providing representation at all in the situation where the office is also representing the defendant or a prosecution witness on another case.

To accommodate conflict cases, counties with public defender offices generally create a second, separate defender's office or maintain a pool of individual private attorneys or firms for assignment to conflict cases by the courts. Some counties, including Pima, use a hybrid system consisting of both a second defender's office (the Legal Defender) and a pool of private attorneys. The current distribution of cases by case type and by indigent defense service provider is shown in Table 7.1 on the following page.

As shown in Table 7.1, the Public Defender's Office provides representation for the greatest number of cases, followed by the contract attorneys and then the Legal Defender's Office. Approximately 74 percent of the total caseload is comprised of four high volume case types: Regular Felonies (19.8 percent), Extraditions/Miscellaneous (20.0 percent), Misdemeanors (10.2 percent), and Juvenile Delinquency (24.0 percent). As shown in Table 7.1, not all indigent defense service providers are responsible for all types of cases. Mental Health and Juvenile Dependency clients are represented entirely by specialist contract attorneys. Misdemeanors and juvenile delinquency clients are represented by the Public Defender's Office and contract attorneys, but not the Legal Defender. All other case types are handled by all three indigent defense service providers.

Created in 1987, the original purpose of the Legal Defender Office was to assume most of the Public Defender's conflict felony and appeals cases, unless the Legal Defender also had a conflict of interest, in which circumstance the case would be assigned to contract attorneys. However, the role of the office has changed since then. Now the Legal Defender takes all new cases at arraignment two days a week and some of the conflict cases from the Public Defender's Office.

The contract attorneys are individual private practitioners or firms that contract with Pima County to provide their services as needed for pre-established fees that vary based on case type. They provide representation in approximately 30 percent of all County indigent defense cases.

**Table 7.1**  
**Distribution of Closed Indigent Defense Cases**  
**Public Defender, Legal Defender, and Contract Attorneys**  
**FY 1999-00**

Case Type	Public Defender	Legal Defender	Contract Attorneys	Total Cases	Percent of Total Cases
Regular Felonies	2,353	957	1,065	4,375	19.8%
Group B Felonies <sup>(1)</sup>	166	53	89	308	1.4%
Homicide <sup>(2)</sup> :					
Death Penalty	1	1	-	-	-
Non-death penalty	7	1	-	-	-
Probation revocations	1,606	125	43	1,774	8.0%
Extraditions, miscellaneous	3,718	715	-	4,433	20.0%
Appeals <sup>(3)</sup>	301	100	57	458	2.1%
Misdemeanors	2,175	-	77	2,252	10.2%
Juvenile delinquency	4,627		682	5,309	24.0%
Juvenile dependency	-		1,966	1,966	8.9%
Mental health commitments	-		1,252	1,252	5.7%
Total	14,954	1,952	5,231	22,137	100.0%

- 1) Group B felonies are higher level (more serious) felonies, including Manslaughter, Negligent Homicide, Arson, Drive-by Shootings, and Sex Crimes.
- 2) Indigent Defense Services administrative staff does not track homicide case closures by year. Instead they maintain rolling case totals. Since 1996, contract attorneys have closed 40 death penalty homicide cases and 102 non-death penalty cases. Although contract attorneys are assigned the majority of homicide cases, no cases are shown in Table 7.1 because they would not be comparable to those presented for the Public Defender and Legal Defender.
- 3) Appeals case closures for the Public Defender and Legal Defender are based on average actual closures for the four year period beginning in FY 1996-96. This approach was used due to variations in closure rates each year attributed to the long timeframe of many appeals cases and administrative practices regarding closing cases in the offices.

## The Impact of Joe U. Smith Standards

Besides taking Public Defender and Legal Defender conflict cases, the more significant role of the contract attorneys, accounting for the majority of their caseload, is to take cases that cannot be worked by the Public Defender or Legal Defender without exceeding their caseload standards. The caseload standards of both offices are based on an interpretation of a 1984 Arizona Supreme Court cases, *State of Arizona v. Joe U. Smith*. That case appealed a lower court conviction and a Court of Appeal affirmation of the conviction of defendant Joe U. Smith. The appellant argued that Joe U. Smith was deprived of due process, equal protection and adequate representation. One of the appellant's arguments was that the indigent defense system in Mohave County, where the defendant was tried, was inadequate because it resulted in excessive attorney caseloads. The Court agreed that Mohave County's contract indigent defense system was inadequate due to the excessive caseloads of the county's contract attorneys and that this militated against adequate assistance.

The Joe U. Smith case did not mandate specific caseload standards or an approach to indigent defense services. However, it did address the indigent defense attorney's excessive caseloads and clearly stated that such caseloads can have an effect on the adequacy of representation that is provided to a defendant. The Court cited the following standards developed by the National Legal Aid and Defender in the Joe U. Smith case as an example of reasonable standards:

- 150 felonies per attorney per year
- 300 misdemeanors per attorney per year
- 200 juvenile cases per attorney per year
- 200 mental commitment cases per attorney per year
- 25 appeals to appellate court case hearings on the record, and briefs per attorney per year

The Pima County Public Defender and Legal Defender have developed caseload standards for their offices in response to the Joe U. Smith case. While the standards of the two Offices do not exactly duplicate those outlined in the Joe U. Smith case, those standards are used as a starting point, and then adjusted based on certain characteristics of the cases in Pima County and available staff.

As mentioned above, Joe U. Smith cases account for more of the contract attorneys' caseload than conflict of interest cases. Table 7.2 shows that 77.8 percent of the contract attorney's total felony appointments in FY 1999-00 were Joe U. Smith cases compared to only 22.2 percent conflict of interest cases. This means that most, if not all of the 1,185 appointments could be potentially handled by either the Public Defender or Legal Defender's offices if they had more staff.<sup>1</sup>

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<sup>1</sup> The actual number would be net of conflict cases—about 10 percent of the total based on current experience.

**Table 7.2**  
**Distribution of Felony Appointments to Contract Attorneys\***  
**FY 1999-00**

Withdrawal by:	Conflict Cases	Joe U. Smith	Total
Public Defender	285	1,114	1,399
Legal Defender	<u>53</u>	<u>71</u>	<u>124</u>
Total	338	1,185	1,523
% Total	22.2%	77.8%	100.0%

\* These cases are appointments, not closed cases as shown in Table 7.1. This explains the difference of 184 total felonies between the two tables.

The Public Defender and Legal Defender control their caseloads by refusing to take cases that exceed their caseload standards. Each week, both Offices review their active cases, estimate how many cases will be closed and determine the number of new cases of each case type they can take without exceeding their caseload standards. New cases that would cause them to exceed their caseload standards are directed to the contract attorneys.

There are three key problems with this process and the caseload standards currently in place:

1. Though the Public Defender and Legal Defender report that staff assigning cases consider the mix of cases and experience of the attorney being assigned new cases, formal definitions or weights have not been developed for each case type to elaborate on the Joe U. Smith standards. Such definitions or weights are particularly needed for felony cases and workload categories not addressed in the Joe U. Smith cases such as extraditions, miscellaneous cases, and pre-indictment dismissals.
2. Formal definitions are not in place for defining when cases are "open" or "closed, though the Public Defender and Legal Defender, to instruct their staffs on what should be included as open.
3. Actual caseloads compared to the caseload standards are not regularly reported to County management.

Appropriate felony caseload standards have not been formalized for use in the offices of the Public Defender and Legal Defender. While an attorney's case mix and experience are reportedly considered in making case assignments, formalized standards would make it possible for the County Administrator and others to assess the productivity of the Offices, the adequacy of Office staffing levels and the appropriateness of sending cases to contract attorneys in lieu of in-house staff. An attorney handling 150 probation revocations per year does not have to expend the same level of effort as an attorney handling 150 Regular and Group B felonies, yet the caseload of both would be counted as 150 felonies under the current standards. Each of the following case types, now categorized as felonies, should have their own standard:



- Homicide (death penalty)
- Homicide (non-death penalty)
- Group B felonies
- Regular felonies
- Probation revocations
- Extraditions/miscellaneous (includes pre-indictment dismissals,

A factor affecting the number of new cases taken by the two Offices each week is the number of cases open and expected to be closed. Open cases are not clearly defined and could include cases for which the attorney is preparing for trial, as well as cases where the trial and sentencing is complete and only paperwork needs to be completed. Both types of cases could be counted as open cases under the current system when, clearly, the second type of case is demanding very little of the attorney's time. The Public Defender and Legal Defender report that their staffs are instructed not to count cases where sentencing has occurred as open cases, but a formalized written policy on this matter should be created.

The third and final problem with the current caseload standards is that actual staff caseloads are not regularly reported to County management to ensure that the Offices are fully productive, that staffing levels are appropriate, and that contract attorneys are not being unnecessarily utilized. Currently, actual staff caseloads are tracked by the Public Defender and Legal Defender and used as the basis for determining how many new cases the Offices will take. But this information is never summarized in a management report for the County Administrator or Board of Supervisors. Such key performance measures should be reported on a regular basis, such as monthly, and should show the standards and actual caseloads for both Offices and explain variances between the two. This same information should be included in the annual budget for the two Offices and used to justify staffing levels.

For improved management of indigent defense services, other information should be regularly collected and reported to the head of each Indigent Defense Service provider and to the County Administrator. These would include measures such as case outcomes, number of trial cases, number of continuances, case processing time, and related measures, stratified by service provider, case type and attorney.

## **Cost Analysis Methods**

Because the three indigent defense service providers can be used almost interchangeably for Joe U. Smith cases, and because most Public Defender conflict cases assigned to contract attorneys could be handled by the Legal Defender's Office if it had more staff, a decision was made to analyze the comparative costs of the three indigent defense service providers as part of this audit.

To conduct this analysis, the key data needed were costs and caseloads for each of the indigent defense service providers. This data was obtained and analyzed despite limitations and inconsistencies in the manner that this information is recorded and tracked by the three providers, as discussed further below.

Table 7.3 shows a breakdown of the approximately \$15.5 million in total costs for FY 1999-00 for each of the indigent defense service providers. Actual FY 1999-00 costs were obtained from County payroll records, Indigent Defense Services administrative records and County finance and budget records. The costs are comprised of actual staff salaries and benefits, services, supplies and other non-personnel costs, Indigent Defense Services administrative and information systems costs, and countywide overhead costs allocated to each indigent defense service provider based on their proportion of staff and/or total costs.

**Table 7.3**  
**Distribution of Indigent Defense Costs**  
**FY 1999-00**

	PD	LD	Contract	Total
Salaries and benefits	\$5,618,407	\$1,645,485	\$215,315	\$7,479,207
Non personnel costs	808,902	220,604	15,661	1,045,167
Countywide overhead <sup>(1)</sup>	507,865	147,211	23,069	678,145
Attorney billings	-	-	\$6,320,527	6,320,527
TOTAL	\$6,935,174	\$2,013,300	\$6,574,572	\$15,523,046
% Total	44.7%	13.0%	42.4%	100.0%

- (1) Countywide overhead includes those components defined as variable; that is those that would increase or decrease depending on the number of employees or level of activity of each indigent defense service provider. Included are Building use, Non-departmental expenses, Facilities management, Human resources; Information systems; Finance-budget; Finance-operations. Procurement, and County Attorney-civil.

As shown in Table 7.3 most of the indigent defense costs (44.7 percent of the total) are attributable to the Public Defender. Contract attorneys account for another 42.4 percent, and the Legal Defender 13.0 percent.

Key to the comparative cost analysis was refining the cost and caseload data to the greatest extent possible to obtain a comparable unit cost, or average cost per case for each case type. Simple comparisons of total costs divided by total cases are of limited value because the three indigent defense service providers have different mixes of case types, and each case type requires a different level of attorney effort to provide appropriate representation to the clients. This is demonstrated in Table 7.4, below.

Dividing the costs in Table 7.3 by total cases reveals a wide range in average costs per case, from \$464 per case for the Public Defender to \$1,386 for contract attorneys. The Legal Defender was also at the high end of the range at \$1,031 per case. The average for the whole system was \$732. These comparisons are presented in Table 7.4.

**Table 7.4**  
**Average Cost per Case for all Cases**  
**Public Defender, Legal Defender, and Contract Attorneys**  
**FY 1999-00**

	<b>Public Defender</b>	<b>Legal Defender</b>	<b>Contract Attorneys</b>	<b>Total</b>
Total Costs	\$6,935,174	\$2,013,300	\$6,574,572	\$15,523,046
Total Cases	14,954	1,952	5,231	22,137
Average cost per case	\$464	\$1,031	\$1,257	\$701

The different mix of cases worked by each indigent service provider is reflected in the average costs per case shown for each in Table 7.4. For example, contract attorneys, with the highest average cost per case of \$1,257, handle most death penalty and non-death penalty homicide cases. The Public Defender, on the other hand, with an average cost per case of only \$464, handled most of the less time consuming cases: 53.8 percent of all Regular Felonies, 90.5 percent of Probation Revocations, 83.9 percent of all Extraditions and Miscellaneous cases, and 96.6 percent of Misdemeanors. Table 7.5, on the following page, shows the caseload mix for each indigent defense service provider.

To account for differences in caseload mix in this analysis, the costs attributable to individual case types had to be identified. Fees for the contract attorneys are based on case type, so billing records maintained by Indigent Defense Services administrative staff lend themselves to identifying their average costs per case by case type for this group. However, not all case types are tracked in the same manner. Homicide cases, for example, are tracked for the life of the case rather than by year. This makes it difficult to compare against Public Defender or Legal Defender costs, since both departments operate on an annual budget cycle, and their assigned homicide cases may overlap multiple years. Further, actual contractor billings of \$6,320,527 as reported in the budget for FY 1999-00 do not represent total costs of contract attorney services as this amount excludes indigent defense services administrative costs and a proportionate share of Countywide administrative costs. The \$6,574,572 shown in Table 7.3 includes appropriate administrative costs for all three components of the indigent defense system. A consistent means of measuring workload and costs is needed for all components of the County's indigent defense system.

**Table 7.5**  
**Distribution of Case Closures by Case Type**  
**For Each Indigent Defense Service Provider:**  
**Public Defender, Legal Defender and Contract Attorneys**  
**FY 1999-00**

	PD	LD	Contract	Total
Regular Felonies	2,353	957	1,065	4,375
% All Cases	53.8%	21.9%	24.3%	100.0%
Group B Felonies	166	53	89	308
% All Cases	53.9%	17.2%	28.9%	100.0%
Homicide: <sup>(1)</sup>				
Death Penalty	1	1	*	*
% All Cases				
Non-death penalty	7	1	*	*
% All Cases				
Probation revocations	1,606	125	43	1,774
% All Cases	90.5%	7.0%	2.4%	100.0%
Extraditions, miscellaneous	3,718	715	-	4,433
% All Cases	83.9%	16.1%	0.0%	100.0%
Appeals <sup>(2)</sup>	301	100	57	458
% All Cases	65.7%	21.8%	12.4%	100.0%
Misdemeanors	2,175	-	77	2,252
% All Cases	96.6%	0.0%	3.4%	100.0%
Juvenile delinquency	4,627	-	682	5,309
% All Cases	87.2%	0.0%	12.8%	100.0%
Juvenile dependency	-	-	1,966	1,966
% All Cases	0.0%	0.0%	100.0%	100.0%
Mental health commitments	-	-	1,252	1,252
% All Cases	0.0%	0.0%	100.0%	100.0%
TOTAL	14,954	1,952	5,231	22,137

- (1) Homicide case closures are not tracked by Indigent Defense Services administrative staff by year so they are omitted from this table as the statistics available would not be comparable to those presented for the Public Defender and Legal Defender. Statistics available from 1996 do show that contract attorneys provide representation for the majority of homicide cases.
- (2) Appeals case closures for the Public Defender and Legal Defender are based on average actual closures for the four year period beginning in FY 1996-96. This approach was used due to variations in closure rates each year attributed to the long time frame of many appeals cases and administrative practices regarding closing cases in the offices.

Neither the Office of the Public Defender nor the Legal Defender track costs by all case types. The Public Defender's Office has five cost centers: Administration, Felonies, Misdemeanors, Juvenile, and Appeals. While costs and total caseloads for each of these cost centers can be determined to arrive at an average cost per case for each, the Felony cost center caseload consists of too broad a mix of case types to allow for meaningful comparison with the contract attorney felony caseload. It includes cases ranging from relatively simple Probation Revocations and motions for early termination of probation (part of the Extradition/Miscellaneous case category) to the most complex death penalty cases. An average cost per case for all Public Defender felonies would not be a fair comparison with the contract attorneys, whose felony caseload is comprised of a higher proportion of homicides, relatively few probation revocation cases, and no Extraditions/Miscellaneous cases.

Unlike the Felony cost center, the costs and caseloads of the Misdemeanor, Juvenile Delinquency, and Appeals cost centers could be used to determine average costs per case in each of those categories since all of the cases handled by these cost centers are all similar in nature. The costs were adjusted to include proportionate shares of Indigent Defense Services administrative costs and Countywide overhead.

To break out felony costs by the various felony case types, a request was made for staff allocations by case type or time records for all Felony Division attorneys to determine how much time they spent on each type of felony case. However, neither the Public Defender nor Legal Defender allocates staff by felony case categories or requires their staffs to keep time records by case or case type. Since felony staff in both offices handle the full range of felony case types, it is not reasonable to divide total felony division costs by total cases to arrive at an average cost per case for comparison with the contract attorneys.

To address the lack of Public Defender and Legal Defender cost data by felony case type, surveys were prepared by the auditors and distributed to attorney staff in the Public Defender and Legal Defender's offices soliciting their estimates of the average number of hours they spend on each case by case type. The Public Defender was also asked to provide estimated average attorney hours per case by case type. These estimates were assessed for their reasonableness by applying them to the number of cases closed in FY 1999-00. This produced total staff hours needed for that year's caseload which were then compared to total staff hours available. Initially, the hours needed were slightly in excess of the number of attorney hours actually available with the staff on board in the Felony Division in FY 1999-00, so the estimates were adjusted somewhat based on input from the Public Defender and staff.

After these adjustments were made, the hours estimated for each case type, multiplied by the number of closed cases accounted for all Felony Division staff hours available in FY 1999-00. Total staff hours available were net of vacation, sick leave, holidays, and non-case administrative time.

To arrive at a unit cost per felony case, average hourly costs were determined for the Felony Division cost center based on actual FY 1999-00 costs, including all non-personnel costs and the Division's allocation of administrative and countywide overhead costs. This hourly rate was applied to the average number of hours per case to arrive at an average cost per case for each felony case type.

Requiring staff in the two Offices to keep time records similar to those kept in private (and many public) law offices would improve the County's ability to compare and control indigent defense costs. They would also improve staff accountability in both offices.

For the Public Defender's Misdemeanor, Appeals, and Juvenile cost centers, proportionate shares of departmental and shared Indigent Defense Services administrative costs and Countywide overhead costs were added to actual total costs for each cost center and divided by the caseload for each unit. No additional refinements were needed for these divisions since their caseloads are comprised of a single type of cases.

The same approach to allocating costs for the Public Defender's office was applied to the Legal Defender's Office. The budget and cost tracking system for the Legal Defender's Office consists of three cost centers: Administration, Felonies and Appeals. The felony caseload was broken down by the various felony case types and costs were allocated to each case type based on an average hourly attorney cost comprised of staff and non-personnel costs, departmental, shared Indigent Defense Services administrative costs, and a proportionate share of Countywide overhead. The actual costs for the Appeals cost center, with its proportionate share of department administration costs, shared Indigent Defense Services administrative costs, and Countywide overhead added, were divided by total Appeals cases to arrive at an average cost per Appeals case for the Office.

## **Average Costs per Case**

Tables 7.6 and 7.7 below show average costs per case by case type for the Public Defender and Legal Defender. Different data is displayed for felonies and non-felonies, reflecting the different methods used to arrive at an average cost per case, as described above.

The average costs per case in Tables 7.6 and 7.7 are compared to average costs per case for the contract attorneys by case type in Table 7.8.

**Table 7.6**  
**Public Defender**  
**Average Cost per Case by Case Type**

Case Type	FY 99-00 Cases Closed	Average Hours per Case	Total Hours	Hourly Cost	Total \$	\$/Case
<b><u>Felonies:</u></b>						
Regular Felonies	2,353	10	23,530	\$ 73.5	\$1,729,690	\$ 735
Group B Felonies	166	60	9,960	\$ 73.5	\$ 732,160	\$ 4,411
Homicide	-	-	-	-	-	-
Death Penalty	1	492	492	\$ 73.5	\$ 36,167	\$ 36,167
Non-death penalty	7	164	1,148	\$ 73.5	\$ 84,389	\$ 12,056
Probation revocations	1,606	3	4,818	\$ 73.5	\$ 354,171	\$ 221
Extraditions, miscellaneous	3,718	1	3,718	\$ 73.5	\$ 273,310	\$ 74
<b><u>Non-felonies</u></b>						
Appeals <sup>(2)</sup>	301	(1)	(1)	-	\$ 974,794	\$3,239
Misdemeanors	2,175	(1)	(1)	-	\$1,142,858	\$ 525
Juvenile delinquency	4,627	(1)	(1)	-	\$1,133,297	\$ 245
Juvenile dependency	0	-	-	-	-	-
Mental health commitments	0	-	-	-	-	-

- (1) Average hours per case did not need to be determined for these case types since they are handled by cost centers with no other assigned case types.
- (2) The number of closed Appeals cases was determined by using the average number of Appeals cases closed over the four fiscal years starting in FY 1996-97. This was done because these cases reportedly can remain open for more than one year and the number of cases closed vary from year to year.

**Table 7.7**  
**Legal Defender**  
**Average Cost per Case by Case Type**

Case Type	FY 99-00 Cases Closed	Average Hours per Case	Total Hours	Hourly Cost	Total \$	\$/Case
<b><u>Felonies:</u></b>						
Regular Felonies	957	10	9,570	\$72.50	\$693,825	\$ 725
Group B Felonies	53	60	3,180	\$72.50	\$230,550	\$ 4,350
<b>Homicide</b>						
Death Penalty	1	492	492	\$72.50	\$35,670	\$ 35,670
Non-death penalty	1	164	164	\$72.50	\$11,890	\$ 11,890
Probation revocations	125	3	375	\$72.50	\$27,188	\$ 218
Extraditions, miscellaneous	715	1	715	\$72.50	\$51,838	\$ 73
<b><u>Non-felonies</u></b>						
Appeals	100	(1)	(1)	(1)	\$478,853	\$ 4,789
Misdemeanors	0	-	-	-	-	-
Juvenile delinquency	0	-	-	-	-	-
Juvenile dependency	0	-	-	-	-	-
Mental health commitments	0	-	-	-	-	-

- (1) Average hours per case did not need to be determined for this case type since these cases are handled by a single cost center with no other case types in its caseload.
- (2) The number of closed Appeals cases was determined by using the average number of Appeals cases closed over the four fiscal years starting in FY 1996-97. This was done because these cases reportedly can remain open for more than one year and the number of cases closed can vary from year to year.

Table 7.8, on the following page, takes the average costs per case for the Public Defender and Legal Defender as shown in Tables 7.6 and 7.7 and displays the differences between those amounts and average costs per case for contract attorneys.

As can be seen in Table 7.8 both the Public Defender and Legal Defender had lower average costs per case for Regular Felonies and Juvenile Delinquency cases than the contract attorneys. Group B Felonies and Appeals cases, on the other hand, were less costly when handled by contract attorneys. The cost differences between the providers for Probation Revocations and Misdemeanors are not material. No comparisons could be made for Extraditions and Miscellaneous, Juvenile Dependency, and Mental Health Commitment cases since they are not handled by all three service providers.



**Table 7.8**  
**Average Costs per Case by Case Type**  
**Contract Attorneys, Public Defender and Legal Defender**  
**FY 1999-00**

	Contract Attorneys	Public Defender	Difference with Contract Attorneys	Legal Defender	Difference with Contract Attorneys
<b><u>Felonies:</u></b>					
Regular Felonies	\$ 961	\$735	\$(226)	\$725	\$ (236)
Group B Felonies	4,267	4,411	144	4,350	\$ 83
Homicide	-	-	-	-	\$ -
Death Penalty <sup>(1)</sup>	55,479	54,250	(1,229)	53,505	\$ (1,977)
Non-death penalty	14,173	12,056	(2,117)	11,890	\$ (2,283)
Probation revocations	232	221	(11)	218	\$ (15)
Extraditions, miscellaneous	-	74	74	73	\$ 73
<b><u>Non-felonies:</u></b>					
Appeals	2,639	3,239	600	4,789	2,150
Misdemeanors	540	525	(15)	-	\$ (540)
Juvenile delinquency	321	245	(76)	-	\$ (321)
Juvenile dependency	805	-	(805)	-	\$ (805)
Mental health commitments	144	-	(144)	-	\$ (144)

(1) Death penalty homicide cases often span more than one fiscal year. Because of this, Indigent Defense Services administrative staff maintain contract attorney costs based on the costs for the life of all death penalty cases closed since 1996. The contract attorney homicide case costs are based on this multi-year data. For comparability, the Public Defender and Legal Defender's costs per case are based on single year time estimates adjusted to reflect attorney time spent over an average 18 month period.

Homicide cases are among the more difficult to analyze. While it appears that the Public Defender and Legal Defender's unit costs are less than those of the contract attorneys, there are several limitations to the data presented in Table 7.8. First, the County's Indigent Defense Services contract administrator tracks contract attorney homicide case costs for the life of the case rather than by year since many homicide cases span multiple years. The Public Defender and Legal Defender both track costs by year and do not keep records indicating the life of a case or the number of staff hours expended on individual cases or case types. Since many homicide cases—particularly death penalty cases—span more than one year, the Public Defender and Legal Defender's estimated attorney hours per case per year have been adjusted to reflect the average eighteen month life of a death penalty homicide case.

Another limitation of the homicide case data in Table 7.8 is the small number of homicide cases worked by the Public Defender and Legal Defender. As reported in Tables 7.6 and 7.7, the Public Defender and Legal Defender closed only two death penalty homicide cases and eight non-death penalty cases in FY 1999-00. With so few cases, the "average" costs could vary widely in a particular year if there were one or two unusual cases. For other case types with higher caseloads, the average cost would not be as dramatically affected if a particular case was substantially higher or lower than the average.

## **Changes That Would Lower Indigent Defense Costs**

As part of this review, we analyzed whether the County should continue operating two public law offices for indigent defense services, as well as continuing to contract for services; or, change to only one public law office, supplemented by contractors. Our initial impression had been that the second public office may be unnecessary if contract attorneys are able to represent clients in conflict matters and Joe U. Smith circumstances as economically as the Legal Defender's Office. However, as discussed above, the Public Defender and the Legal Defender are cost competitive with one another for most case types, and less than contractors in nearly all areas except appeals and, to a lesser extent, Group B felonies.

Therefore, we concluded that continuing both the Public Defender and Legal Defender offices makes operational sense for representation in cases where there may be a single conflict of interest or a Joe U. Smith workload consideration. We also concluded that operating a second public law office has little administrative cost impact, provided caseload is appropriately distributed between the Public Defender and Legal Defender offices, and contract attorneys are used solely for specialized case work, in situations where there may be multiple conflicts of interest, and for appeals. Accordingly, we have not made any recommendations to change the organizational structure of the departments in this report.

However, changes that could be made to lower County indigent defense costs based on this cost analysis, by (a) allocating more Public Defender and Legal Defender staff to Regular Felonies and Juvenile Delinquency cases; and, (b) using contract attorneys for most, if not all Group B Felonies and Appeals cases. No changes are recommended for Homicide cases, Misdemeanors, Juvenile Dependency, or Mental Health cases. Table 7.9 on the next page shows the potential impact of making these changes based on FY 1999-00 caseload data.

As shown in Table 7.9, approximately \$687,301 could be saved annually by making the changes in the indicated case assignments. The major savings would result from redirecting all Regular Felony cases, except conflict cases, from the contract attorneys to the Public Defender and Legal Defender; and, redirecting Appeals cases from the Public Defender and Legal Defender to the contract attorneys. Other changes that would produce savings include assigning all Juvenile Delinquency cases, excluding conflict cases, to the Public Defender and redirecting Group B Felonies from the Public Defender and Legal Defender to the contract attorneys.

**Table 7.9**  
**Impact of Transferring Certain**  
**Indigent Defense Cases To Provider with Lowest Unit Cost**

Case Type	Transfer <sup>(1)</sup>		# Cases	Current Avg. \$	Total Cost	New Avg. \$	Total Cost	Savings
	From:	To:						
Regular Felonies	CA	PD	959	\$961	\$921,599	\$735	\$704,865	\$216,734
Juvenile Delinquency	CA	PD	614	321	197,094	245	150,430	46,664
Appeals	PD	CA	301	3,239	974,939	2,639	794,339	180,600
Group B Felonies	PD	CA	166	4,411	732,226	4,267	708,322	23,904
Appeals	LD	CA	100	4,789	478,900	2,639	263,900	215,000
Group B Felonies	LD	CA		4,350	230,550	4,267	226,151	4,399
<b>Total</b>			<b>2,192</b>		<b>\$3,535,077</b>		<b>\$2,845,368</b>	<b>\$687,301</b>

(1) CA = Contract Attorneys PD = Public Defender LD = Legal Defender

Based on actual FY 1999-00 productivity, it would require 8.3 Attorney FTEs and related support staff in the Public Defender and Legal Defender Offices to handle the estimated increase in Regular Felonies and Juvenile Delinquency cases. This increase would be offset by reductions in staffing for Appeals and Group B Felonies of 20.1 Attorney FTEs and related support staff for a net reduction of 11.8 Attorney FTEs (20.1 – 8.3 = 11.8).

### Phasing Options for Recommended Changes

Rather than making reductions in County staffing all at once, the Board of Supervisors could consider phasing in these changes, starting with selected case types. For example, by assigning all Appeals now assigned to the Legal Defender to contract attorneys and assigning all Regular Felonies (net of conflict cases) now assigned to contract attorneys to the Public Defender, net County Indigent Defense Services staffing would not need to be changed. It would require

approximately 5.3 Attorney FTEs for the additional Regular Felonies and there are currently approximately 6.2 Attorney FTEs assigned to Appeals and Group B Felonies in the Legal Defender's Office. If these attorneys were reassigned to the Public Defender's Office, staffing reductions would not be necessary and the County would still realize annual savings of approximately \$436,133, or 63 percent of the total estimated savings shown in Table 7.9. The same changes from the Public Defender's office could be phased in over time as attrition and other staff changes allow.

The reason most of the savings would be realized with this phased approach is that it incorporates the two areas of greatest savings: Regular Felonies and Legal Defender Appeals. The estimated annual savings of \$216,734 from redirecting Regular Felonies from contract attorneys to the Public Defender is based on the high volume of these cases now being handled by the contract attorneys. The estimated annual savings of \$299,404 from redirecting Appeals cases from the Legal Defender to the contract attorneys is due to the high average cost of the Appeals division in the Legal Defender's Office. The Legal Defender closed an estimated 100 Appeals cases in FY 1999-00 with 4.4 Attorney FTEs, an average of 22.7 cases per attorney. The Public Defender on the other hand, closed an estimated 301 Appeal cases with 8.4 Attorney FTEs, an average of 35.8 cases per Attorney.

Making the other recommended changes in case assignments over time would have the added benefits of allowing for attrition in the Public Defender and Legal Defender's Offices and would also provide time to begin collecting better time and cost data in both Offices for ongoing comparison with the costs of the contract attorneys.

## Conclusions

A detailed analysis of indigent defense services costs and caseloads in Pima County has revealed that the three different indigent defense service providers, the Public Defender, the Legal Defender, and the contract attorneys provide their services at varying average costs per case. However, assignment of cases is not made on the basis of which provider supplies the service at the lowest cost. While some cases have to be assigned to more costly service providers to avoid conflicts of interest by the Public Defender or Legal Defender, most cases are assigned to contract attorneys based on staffing limitations in the Public Defender and Legal Defender Offices.

In general, the Public Defender and Legal Defender are providing services at lower unit costs for the higher volume, less time consuming cases such as Misdemeanors and Regular Felonies where they can achieve economies of scale. The contract attorneys achieve lower unit costs for higher level felony cases (Group B Felonies), Appeals cases, and possibly Homicides. Redirecting non-conflict cases to the providers with the lowest unit costs could save the County up to \$687,301 per year.

The Indigent Defense Services providers and administrators do not have systems and procedures in place to track costs and caseloads to regularly determine comparable unit costs. A single set of

case definitions and a single cost tracking protocol is not in place for the three Indigent Defense Service providers, making comparisons of their costs and productivity difficult. The caseload standards used by the Public Defender and Legal Defender to comply with the provisions of the *State of Arizona v. Joe U. Smith* case need to be formalized and should include different standards for different types of felony cases rather than a single standard for all felony cases. The standards also need clear definitions of open and closed cases. Regular reports should be provided to the County Administrator and Board of Supervisors regarding actual caseloads compared to the Joe U. Smith standards for both Offices.

The Public Defender and Legal Defender Offices need to track their costs by case type on an ongoing basis. Time records should be maintained by staff by case in the same way they are in private and many public law offices. The contract attorney administrator for the County needs to track case billings in a manner that will allow for comparisons with Legal Defender and Public Defender costs.

## **Recommendations**

The Board of Supervisors should:

- 7.1 Direct the Indigent Defense Services staff to assign all non-conflict Regular Felony cases to the Public Defender and Legal Defender;
- 7.2 Direct the Indigent Defense Services staff to make recommendations to the courts for the appointment of contract attorneys for Appeals cases now being assigned to the Legal Defender immediately, and phase in the same changes from the Public Defender's as attrition and other staff changes allow;
- 7.3 Direct the Indigent Defense Services staff to make recommendations to the courts for the appointment of contract attorneys for all Group B Felony cases now being assigned to the Legal Defender, and phase in the same changes from the Public Defender's as attrition and other staff changes allow;
- 7.4 Direct the Public Defender and Legal Defender to require their staffs to keep time records, similar to those used in private law firms, to track their time by cases and to summarize this information quarterly to determine total costs by case type;
- 7.5 Direct representatives of the three Indigent Defense Services providers to collaborate, develop and publish specific Joe U. Smith caseload standards, including standards for each category of felonies, , written definition of "open" and "closed" cases to be used by all staff and establishment of a single and consistent means of measuring the caseloads and costs of the three indigent defense service providers;

- 7.6 Direct the Public Defender and Legal Defender to produce quarterly reports for submission to the County Administrator and Board of Supervisors, cataloging all conflict of interest cases, indicating type of conflicts by case type, actual caseload compared to caseload standards, and key management measures such as case outcomes and number of trial cases, all stratified by service provider and type of case.
- 7.7 Direct Indigent Defense Services staff to track Public Defender and Legal Defender costs by all existing cost centers and each major category of felony case, and to track contract attorney costs by the same categories for the same time periods.
- 7.8 Consider other transfers in indigent defense case assignment practices based on the results of the analysis to be phased in over the next one to two years taking advantage of attrition and future reports on caseloads and costs.

## **Costs and benefits**

There would be no costs to implement these recommendations.

The recommendations would result in cost savings estimated at \$436,133 per year initially, as a result of assigning more of certain case types to in-house County indigent defense staff and contract attorneys, based on weighted caseload standards and those areas where each service provider is more cost effective. These savings should grow as the other changes in case assignments are made, up to \$687,301 annually.

Other benefits would include better cost and caseload information for ongoing monitoring of caseload costs, and more clear Joe U. Smith caseload standards, including standards for the different type of felony cases to more accurately reflect required levels of effort. These clarified standards will also result in improved accountability of the Public Defender and Legal Defender staff.

## 8. Corrections Facility Staffing Efficiencies

- The Pima County Sheriff's Office has operated the three Tucson corrections facilities below the department's definition of minimum staffing levels throughout FY 1999–2000, by reducing expenditures for salaries and overtime pay, and holding vacant 23 Corrections Officer positions that are funded in the department's approved budget.
- The Corrections Bureau definition of minimum staffing levels reflects optimum staffing levels in some cases, and some amount of staff redeployment would allow the corrections facilities to continue to operate at or below the current minimum staffing definition.
- The Corrections Bureau successfully operated the past fiscal year at staffing levels below the department's defined minimum levels, producing a significant reduction in Pima County Sheriff's Office expenditures for overtime. This contributes to the conclusion that the Corrections Bureau definition of minimum staffing requirements may be somewhat inflated and could be redefined to more accurately reflect corrections staffing needs.
- During FY 2000-01, corrections officer staffing levels are exceeding minimum staffing levels and could either cause expenditures on overtime to reach the level of previous years or could boost expenditures on personal services and benefits above the level of previous years. However, the PCSO may safely operate the corrections facilities at or below current minimum staffing levels with some minimal amount of overtime, and by gauging corrections officers based on inmate population fluctuations and other housing considerations. By implementing the recommendations in this report, the Sheriff could avoid as much as \$595,000 per year in staffing costs.

The Pima County Sheriff's Office (PCSO) operates three corrections facilities in Tucson - the Main Jail, Annex to the Main Jail and the Minimum Security Facility - and a small jail facility in Ajo. The three Tucson facilities house male and female inmates held while being screened for possible release prior to trial, inmates awaiting trial, inmates serving time for a sentence of county incarceration and inmates awaiting transfer to the Arizona Department of Corrections prison system.

To evaluate Corrections Bureau operations, audit members toured all three facilities on multiple occasions, speaking with Corrections Officers (COs) and Sergeants, and observing daily work routines. During this time, corrections staff appeared to function with a high level of respect for each other and the inmates held at their facilities.

The Corrections Bureau assigns COs to fixed and rotating positions based upon inmate classification and the changing needs for coverage in the various units. Primary staff can be placed into one of the following position categories:

- Fixed post officers – COs assigned to specific posts within the corrections facility but who may rotate between units during periods of lockdown and minimum staffing.
- Escorts – COs who perform various functions such as the movement of inmates within the facility, covering for fixed post positions when officers require breaks, delivering meals and responding to emergencies.
- Sergeants - The highest ranking officers stationed at each of the three facilities during a portion of the swing or afternoon shift and the evening or midnight shift, sergeants directly supervise the activities of all sworn staff within the facilities.

Fixed post COs and the escort corrections officers perform the primary coverage of the housing units, and these positions constitute the focus of this evaluation. Three shifts of corrections employees are scheduled at each facility, each overlapping the next shift by ½ hour to 1 hour to allow time for members of the departing shift to brief members of the oncoming shift about new events or possible problems. The three corrections officer shifts are defined as follows:

- Shift 1 - Midnight Shift operates from 10 p.m. to 8 a.m., with facilities in lockdown from approximately 10 p.m. to 5 a.m.<sup>1</sup>
- Shift 2 - Day Shift operates from 7 a.m. to 3 p.m.
- Shift 3 - Swing Shift operates from 2:30 p.m. to 10:30 p.m.

## **Minimum Staff Required to Operate Corrections Facilities**

### **Corrections Bureau Requirements and Actual CO Staffing**

Administrative staff of the Corrections Bureau define minimum staff levels required to be filled by fixed CO positions, escort COs and corrections sergeants for every shift at each of the three facilities. The Corrections Bureau defines minimum staffing levels as the absolute lowest number of sworn staff able to safely operate the jails. According to Corrections Bureau staff, operating with fewer than the minimum number of CO positions means jail operations are in a crisis or emergency mode. The PCSO reports that the minimum staff definition has decreased since the construction of the Main Jail, even as the total number of inmates housed at all corrections facilities has increased.

We compared these minimum staffing levels to budget division records of CO leave days taken for vacation, holiday, compensatory, sick or training time for FY 1999-2000. These leave amounts were then used to derive the number of actual full time equivalent (FTE) employees required to fill each shift for the year due to absences for vacation, holiday, compensatory, sick and training leave.

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<sup>1</sup> Lockdown is a term used when inmates are locked into their cells, and are not permitted to occupy the common areas of the housing units (e.g., dayrooms).



For example, when accounting for actual leave amounts taken during FY 1999-2000, a total of 1.86 FTE CO Positions were required to fill a single eight-hour shift for all 365 days in the year; and 2.26 FTE CO Positions were required to fill a single ten-hour shift for 365 days in the year at the Main Jail Facility. Applying leave amounts to all shifts and deriving the number of officers required to fill a shift produced the number of officers required to keep the corrections facilities operating at Corrections Bureau defined minimum staffing levels.

When these minimum staffing levels are compared to actual staff availability, the FY 1999-2000 staffing levels reflected an operating deficit of approximately 23 CO positions. In other words, the Sheriff's Department operated the jails with 23 positions fewer than required by its own minimum standards. Maintaining minimum staffing levels, given the pattern of leave in FY 1999-2000, required approximately 266 COs. However, the Corrections Bureau employed an average of only 243 COs at these facilities during FY 1999-2000. These figures are presented in the table below.

**Table 8.1**

**Comparison of Department-Defined Minimum Staff Levels  
To Actual Staff Levels During FY 1999 – 2000**

	Main Jail	Annex	Minimum Security Facility	Totals
Corrections Officers Required to meet Minimum Staff Levels	146.05	87.17	32.62	265.84
Actual Corrections Officers During FY 99-00	129.00	84.00	30.00	243.00
Number of Officers Above / (Below) Minimum Levels	(17.05)	(3.17)	(2.62)	(22.84)

In FY 1999-2000, the Corrections Bureau supplemented its reduced CO workforce with required and requested forms of overtime. Under Department policy, officers are limited to working no more than 24 hours of overtime per pay period. Therefore, additional hours of work paid as overtime are assigned first to volunteers and then, in the absence of sufficient volunteers, based upon seniority with lower ranking officers being the first required to work overtime.

## Operating with Fewer Staff and Less Overtime in FY 1999-2000

PCSO was able to staff the three corrections facilities during the past fiscal year by making minimal use of overtime. During FY 1999-2000, actual spending for COs' and sergeants' salaries and wages was significantly below budget, while the budgeted amount for overtime was only slightly overspent – and by less than in prior fiscal years. However, this trend was partially offset by greater than budgeted spending in some other corrections areas for salaries and wages.

**Table 8.2**  
**Corrections Bureau Comparison of Budgeted to**  
**Actual Expenditures of Salary and Overtime Monies**  
**During FY 1999 – 2000**

	Unspent / (Overspent) Salaries	Unspent / (Overspent) Overtime	Unspent / (Overspent) Expenditure of Salaries and Overtime
Three Jail Facilities	\$2,574,480	\$(16,802)	\$2,557,678
Entire Corrections Bureau	\$1,138,623	\$(117,646)	\$1,020,977

By the sergeants' and COs' own description, staff at the three corrections facilities is deployed in as efficient a manner as possible, often requiring the bureau to abandon its minimum staffing levels during a given shift. Table 8.1 demonstrates that the actual CO staff at all three corrections facilities during FY 1999-2000 was 23 persons below the amount required to maintain minimum staffing levels. Using overtime to bridge some of the staffing shortfall is one method of meeting minimum staffing levels. Corrections Bureau staff also reported that recent staffing changes allowed deployment of COs in more efficient patterns, requiring fewer overtime hours. Another method of coping with a shortage of staff is to find ways to operate the jails with fewer staff than the number required to meet the minimum staffing definition. This process of adjusting defined staffing needs in accordance with staff resources, and the population size and characteristics at any given time, is one tool that has allowed the PCSO to operate the jails with a workforce below minimum requirements, and with only slight overruns in their spending for overtime compared to budget.

Changes in Corrections Bureau operating procedures allowed reductions in the amount of overtime required to meet annual staffing obligations during FY 1999-2000. Staff at the Main Jail Facility cited two examples of altered procedures. One is the reduction in the amount of time inmates are allowed in the recreation yards. Currently, the corrections staff attempts to provide sufficient staff to allow each pod to use the recreation yards at least once per week. In the past, this recreation time was provided several times per week. In addition, COs and sergeants both mentioned that lockdowns were an increasingly common method of gaining additional staff time for redeployment elsewhere in the facility. When additional COs are required in one area, a pod or pods may go into an unscheduled lockdown mode, allowing one CO to alternate between pods while the other CO leaves his or her assigned post to assist in another part of the facility. Finally,

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some housing areas, such as Unit 1A (the intake and classification area that temporarily houses all inmates prior to identifying inmate characteristics and compatible housing) appear to be in lockdown during much of the day and swing shifts, in addition to the usual lockdown that occurs during most of the midnight work shift. In these ways, the Corrections Bureau has been able to temporarily suspend its own definition of minimum staffing needs and to handle jail operations with fewer CO positions.

Corrections officers and sergeants reported feeling “stretched thin” by current staff deployment and the requirement to regularly fill positions with officers working overtime. This impression may be exacerbated by recent increases in inmate on staff assaults. Table 8.3 displays statistics on inmate assaults in total and per 100 inmates for the three most current calendar years.

**Table 8.3**

**Pima County Correctional Facilities  
Inmate Assaults on Staff  
CY 1997 through CY 2000**

	CY 1997	CY 1998	CY 1999	CY 2000
Total Assaults on Staff	24	54	43	58
Average Monthly Inmate Population	1229	1362	1339	1330
Assaults per 100 Inmates	1.95	3.96	3.21	4.36

One interpretation of these statistics is that inmate on staff assaults have increased due to lower officer to inmate coverage ratios. However, the average monthly inmate population has declined in the past two calendar years, while the number of COs working shifts at the corrections facilities has remained relatively unchanged. Furthermore, staff at the Main Jail facility reported that an officer response team is able to respond to an emergency call in any unit within 10 seconds. This rapid response team provides a strong assurance to officers who might be assigned to a post alone, or to a post with a reduced number of fellow COs. Given this background of a fairly constant number of COs and slightly lower inmate counts, a change in the number of officers to inmates does not appear to explain the rise in inmate assaults on staff.

Another explanation for the growth in inmate assaults on staff may be the increased utilization of lockdowns and decreased time in recreation yards. Staff at the Main Jail Facility appears to increasingly operate housing areas in lockdown mode. This operating procedure is opposite to the original intention for the facility, which is to allow direct supervision of the inmates. Instead of direct supervision, inmates have fewer hours in dayrooms and recreation yards and officers spend more time checking inmates through windows rather than observing them directly in the dayroom. The data studied are not sufficient to prove that more lockdowns and reduced yard time have directly translated into more inmate on staff assaults. Still, the argument may certainly be made that with less time to release energy and more time locked in a small room with others, inmates may be exhibiting more aggressive behavior with corrections staff.

The Corrections Bureau operated during FY 1999-2000 with a staff of COs that was below the number of officers required to meet minimum staffing levels in a year with typical patterns for vacation, holiday, compensatory, sick and training leave. Corrections staff were required to work overtime to meet this workforce shortfall. However, the number of overtime hours worked by all employees at the three Tucson corrections facilities decreased by 30,199 hours - a decrease of (71.8)% - from FY 1998-99 to FY 1999-2000. Corrections Bureau staff attributed much of this decrease in overtime to improved management of corrections personnel and more efficient staff deployment. This improvement explains, in part, how the Corrections Bureau decreased all overtime expenditures from FY 1998-1999 to FY 1999-2000 by \$613,725. The entire Sheriff's Office reflected just a \$481,211 decrease in overtime expenditures over the same period. Thus, Corrections Bureau overtime control has been a key factor in efforts by the Department to manage overall overtime spending.

### **Sustaining Lower Overtime Use May Not Be Feasible**

During FY 2000-01, the Sheriff's Office expects spending for overtime by all divisions to climb, approaching FY 1998-99 expenditure levels. Table 8.4 portrays how expenditures on overtime are tied, in part, to the Corrections Bureau's utilization of overtime pay to fill fixed and escort CO positions. Although, as the expenditure figures indicate, managing overtime at the Corrections Bureau will not fully explain nor control Sheriff's Office overtime expenditures.

**Table 8.4**

#### **Comparison of Corrections Bureau and All Pima County Sheriff's Office Expenditures for Overtime**

	FY 98-99 Overtime	FY 99-00 Overtime	Change from FY 98-99 to FY 99-00	FY 01 Overtime Forecast
Corrections Bureau	\$ 851,852	\$ 238,127	\$(613,725)	<i>Not Available</i>
Entire Pima County Sheriff's Office	\$2,028,899	\$1,547,688	\$(481,211)	\$1,700,000

As shown in Table 8.4, the department-wide overtime expenditures for FY 2000-01 are forecast to be over \$150,000, or nearly 10% greater than FY 1999-00 amounts (approximately \$1.70 million in FY 2000-01, compared with approximately \$1.55 million in FY 1999-00). Based on discussions with Department representatives, and analysis of overtime usage from a sample period discussed below, this increase may be partially attributed to overtime usage in the Corrections Bureau. This sample represents 21 days of actual staffing data from October 6 – October 29, with three days removed due to incomplete shift rosters.

**Table 8.5**

**21 Day Comparison of Actual Corrections Officer Staff Levels to  
 Minimum Staff Requirements**

All Corrections Facilities	Average Actual Staff Above / (Below) Minimum Level	# of Shifts Actual Staff Exceeded Minimum Level	# of Shifts Actual Staff Fell (Below) Minimum Level	Net CO Work Days Above / (Below) Minimum Level
Shift 1 – Midnight	2.92	40	0	61.30
Shift 2 – Day	0.73	21	(12)	15.25
Shift 3 – Swing	0.41	14	(18)	9.06
Totals	4.06	75	(30)	85.61

Table 8.5 presents a slightly different picture from the staffing patterns occurring during the past fiscal year. Instead of operating at or below the Corrections Bureau's definition of minimum staff level, the department has begun meeting and in many cases exceeding minimum staffing requirements. The 21 day staffing analysis shows that the average CO staff for an entire 24 hour cycle of shifts exceeds minimum staffing levels by 4.06 positions. Although not shown here, the average staff at the Main Jail Facility during this period exceeded minimum staffing requirements by an average of 2.05 CO positions. Interestingly, the staffing level of the Midnight Shift, when inmates are locked in cells and staff numbers drop to their lowest level, currently exceeds the minimum staffing level by an average of 2.92 CO positions.

To the extent that this augmented staffing pattern results in increased expenditures for overtime pay at the corrections facilities, this cost should be controlled. None of the daily staffing rosters reviewed showed staff working overtime on days when the number of COs exceeded minimum staffing definitions. However, several of the rosters depicted days when scheduled officers exceeded minimum staffing definitions. On other days, when available staff fell below, COs were required to work overtime shifts. Even with COs working overtime, on some days the total staff at a facility still fell below the department's minimum staffing definition. Certainly, specific circumstances at any of the facilities may warrant greater staffing levels for a shift or for multiple days. Still, the corrections facilities operated during FY 1999-2000 at a staff level approximately 23 officers below that required by the Bureau's own definition of minimum staffing levels. This was achieved by temporarily changing operations to function below minimum staff requirements in some areas and by covering staffing shortfalls with supplementary officers working overtime hours in others. This practice may continue in the future, especially if the Bureau reconsiders current deployment preferences.

## **Avoiding Costs by Modifying Minimum Staffing Requirements**

### **Sharing Staff Between Corrections Facilities**

Corrections Sergeants are the supervisors responsible for staffing each of the three facilities. These are the highest ranking officers at each facility for a portion of the swing shift or Shift 3, and the midnight shift, or Shift 1. Since sergeants are responsible for maintaining efficient and safe staffing levels that do not overtax personnel, an environment exists where the superiors are reluctant to share staff between the three corrections facilities. Believing he or she is chronically understaffed, no individual sergeant has an incentive to share COs with another facility, even when those officers could be more efficiently deployed. Table 8.5 illustrates that during the three week sample period, actual staff exceeded the Bureau's definition of minimum staffing levels during 75 of the 189 shifts worked. Actual staff levels were below minimum staffing levels 30 of the 189 shifts worked during this period. Given that current average staffing at each of the facilities exceeds the Bureau's definition of minimum staffing, and by 2 CO Positions at the Main Jail Facility alone, the PCSO may achieve more efficient deployment through improved scheduling of COs to more closely correspond to the number of staff needed in comparison to the number of officers estimated to require leave. The PCSO already attributes its improved management of overtime to more efficient staff deployment practices. Given this history, the PCSO has room to make further adjustments to minimize the number of days when the corrections facilities are staffed above the minimum staff definition. The PCSO may also achieve more efficient deployment by providing sergeants with the ability to share staff between the three corrections facilities located in Tucson.

Redeploying COs between the facilities is only possible when a higher ranking officer is assigned the duty to monitor staff at each shift and then enforcing policies to redeploy staff into areas of greatest need. Corrections Lieutenants may provide this function, especially during the beginnings of Shift 1 and Shift 2, by assuming the responsibility for redeploying staff. Corrections Sergeants would provide Lieutenants with a report at every shift, listing the number of COs assigned to each area of the corrections facilities compared to assignments defined by minimum staffing levels. The responsible lieutenant would then respond with a written order to maintain staff assignments or to reassign staff to areas in need of greater coverage. The Corrections Captain should review these orders daily to monitor how staff coverage is assigned and to determine whether problem areas exist. This process of considering staff available for each shift, and reassigning staff where appropriate, will only achieve staff savings if sergeants are required to report shift staffing levels to a lieutenant who is given authority to reassign COs.

### **Combining Groups of Inmates Attending Video Court Events**

The Corrections Bureau operates a video courtroom for inmate arraignments and other brief court events. This facility allows the courts to begin processing criminal cases without requiring the transport of inmates to and from the physical location of the courts. This on-site video court room has substantially saved staff time previously lost when COs had to leave the jail facility to transport inmates to and from court for relatively simple court procedures. However, this savings from reassignment is partially wasted when COs are still required to transport inmates individually, or in small subgroups, to and from the on-site video court room.

Currently, inmates are separated into several groups that are not allowed to be present at the same time – either within the video courtroom or in the hallway waiting to attend arraignment. These groups are separated according to identifying characteristics, such as persons assigned to administrative segregation for inmate or staff safety, persons under suicide watch, juveniles and females and then the general population males. Persons in administrative segregation and suicide watch are typically shackled and handcuffed. COs reported that separating such persons is important to ensure the safety of staff and inmates, who may be exposed to attack by others. While these safety concerns are real, they do not justify the degree of separation used when escorting inmates to and from video court, and monitoring them while present in the courtroom. Staff could be more effectively deployed during the day and swing shifts to accompany and monitor inmates attending arraignment within the Main Jail Facility's video court. Increasing the number of inmates collected and transported to and from video court proceedings in a single group would free up additional escort officer time to offset the need for overtime, and should not compromise officer or inmate safety

### **Reduced Staff Coverage in the Main Jail Intake and Classification Unit**

The Corrections Bureau defined minimum staffing level requires three COs to be present at Unit 1A of the Main Jail Facility. This is the intake and classification unit where all new inmates are assigned prior to trial in order to identify housing characteristics before transfer to more permanent housing. Staff informed us that this general population typically reflects a group of new inmates whose level of criminal sophistication and need for housing and protection is largely unknown. While the relative criminal sophistication of the inmates is unknown, several factors suggest that assigning 3 COs to this post for two of the shifts is an unnecessary minimum staffing level that could be reduced. Table 8.6 presents an analysis of the average number of major incidents occurring within the housing pods of each of the two facilities that house pre-sentenced inmates.

**Table 8.6**

### **Major Incidents Occurring Within the Main Jail and Annex Facility Housing Pods, January – June 2000**

Facility or Unit	Major Incidents
Total Housing Unit 1A Incidents	75
Average Total Incidents/Other Housing Units in the Main Jail	112
Average Total Incidents/Other Housing Units in the Annex	200

When compared to the total number of major incidents in other housing units for the same period, the Unit 1A incidents are clearly lower. During the months of January through June of 2000, COs dealt with 75 major incidents at Unit 1A, which is 33% below the number of major incidents in other housing units at the Main Jail Facility and 62.5% below the number of major incidents in other housing units at the Annex Facility for the same time period. This lower incidence rate may be due in part to the fact that inmates held in Unit 1A are recently incarcerated, sometimes new to the system and often recuperating from a chemical or alcohol induced hangover. Nonetheless, three officers monitor the inmates during the only two shifts when these inmates may have an opportunity to leave their cells. Given the lower major incident rate in Unit 1A compared to other pre-sentence housing pods, and a ten second response time to emergency calls from the housing pods, the redeployment of 1 CO from each of the day and swing shifts is a sensible way to offset overtime costs without endangering staff or inmate safety.

## **Potential Cost Avoidance from Redeploying Corrections Officers**

The PCSO may avoid some corrections costs by requiring the Corrections Bureau to abide by its minimum staff levels and to redistribute staff in two areas of the Main Jail Facility below current minimum staffing levels. The benefits of adhering to the minimum staff level, combining groups of inmates attending video court, and reducing the number of COs assigned to Day and Swing Shifts in Unit 1A, extends beyond the number of posts saved through redeployment. The actual total cost avoided increases when relief factors, defined as the number of persons required to fill a given post when accounting for average CO leave, are applied to the figures for posts filled in excess of minimum staff requirements and posts recommended for redeployment. For purposes of this calculation, the recommended staff redeployment would save 0.5 escort CO positions from each of Shift 1 and Shift 2 and 1.0 CO positions from Unit 1A during each of shifts one and two. That produces a savings of 3 posts total during a twenty-four hour period, or 5.57 persons otherwise required to fill those posts while allowing for leave and other non-productive paid time. Table 8.7 (on the following page) presents the annual costs avoided by operating at the minimum staff level and by adopting the recommendations for alternative staff deployment.

The costs presented in Table 8.7 represent the cost of continuing to staff the corrections facilities at a level above minimum requirements (per the three week sample of actual staffing) and of continuing the current procedures of transporting inmates to video court and of staffing Unit 1A at the Main Jail Facility. Given the current shortfall between actual CO staffing and the number of COs required to meet the minimum staff definition, these costs reflect the practice of filling these positions with officers working overtime. The daily staffing rosters provided by the PCSO did not indicate that days when total COs exceeded minimum staff definitions there were one or more COs working overtime. However, the gap between the number of staff required to operate the jail facilities at minimum staff levels, given various types of leave, and the number of COs actually working at the jail facilities, the PCSO must either utilize overtime or hire more COs as it stems the loss of COs through attrition. Either net CO staff must increase or the department must begin using overtime shifts to meet the minimum staff definition.



**Table 8.7**

**Potential Cost Avoidance Resulting from  
Redeployment of Corrections Officers**

	CO Positions to be Redeployed	Actual COs Required to Fill Posts	Cost if Posts Not Redeployed and Covered with Overtime
CO Positions Above Minimum Staff Levels	4.06	8.38	\$357,985
CO Positions for Redeployment	3.00	5.57	\$237,877
Cost Avoided by Operating at Minimum Staff and Redeployed COs	7.06	13.95	\$595,862

Assuming staff coverage would occur through use of overtime shifts, current staffing procedures can equate to a real but avoidable cost of as much as \$595,862 in overtime pay. Put another way, adhering to the minimum staffing definition and redefining that definition to require fewer officers for video court and Unit 1A supervision responsibilities, would allow the Corrections Bureau to avoid as much as \$595,862 in overtime costs per year. Even if these positions could be filled with staff working regularly scheduled (not overtime) hours, the total cost avoided by making the recommended changes is still considerable at approximately \$508,700.

## Conclusions

The Pima County Sheriff's Office has operated the three Tucson corrections facilities below the department's definition of minimum staffing levels throughout FY 1999–2000, by reducing expenditures for salaries and overtime pay, and holding vacant 23 Corrections Officer positions that are funded in the department's approved budget.

The Corrections Bureau definition of minimum staffing levels reflects optimum staffing levels in some cases, and some amount of staff redeployment would allow the corrections facilities to continue to operate at or below the current minimum staffing definition.

The Corrections Bureau successfully operated the past fiscal year at staffing levels below the department's defined minimum levels, producing a significant reduction in Pima County Sheriff's Office expenditures for overtime. This contributes to the conclusion that the Corrections Bureau definition of minimum staffing requirements may be somewhat inflated and could be redefined to more accurately reflect corrections staffing needs.

During FY 2000-01, corrections officer staffing levels are exceeding minimum staffing levels and could either cause expenditures on overtime to reach the level of previous years or could boost expenditures on personal services and benefits above the level of previous years. However, the PCSO may safely operate the corrections facilities at or below current minimum staffing levels with some minimal amount of overtime, and by gauging corrections officers based on inmate population fluctuations and other housing considerations. By implementing the recommendations in this report, the Sheriff could avoid as much as \$595,000 per year in staffing costs.

## **Recommendations**

The Sheriff should:

- 8.1 Require appropriate Corrections Lieutenants to oversee staffing at corrections facilities and to authorize redeployment of staff between the three facilities when population counts or population characteristics warrant such redeployment. Require Corrections Sergeants to report actual staff versus minimum staff levels for each corrections area to aid this new decision-making responsibility
- 8.2 Establish broader definitions of inmates who may be allowed to attend video court arraignments together. This change would reflect the real threat to staff and inmates and would lower the use of officer time spent transporting inmates to and from video court.
- 8.3 Reassign one corrections officer from Unit 1A of the Main Jail from each of the day and swing shifts. This would leave two COs to monitor this group of male inmates awaiting trial and classification.
- 8.4 Reconsider each unit's minimum staffing requirements on a general basis to positively reassign staff where efficiencies may be gained without a serious loss to corrections staff or inmate safety. The Sheriff should also reconsider each unit's minimum staffing requirements on a periodic basis to ensure the most efficient use of staff possible, especially where past data shows a facility operating with fewer than the minimum requirement for CO positions.

## **Costs and Benefits**

There would be no cost to implement these recommendations.

The Sheriff's Office may avoid as much as \$595,900 in overtime costs by limiting staff levels to the Corrections Bureau definition of minimum staffing levels, by redeploying staff currently assigned to Unit 1A, and by combining groups of inmates transported to and from video court for arraignment and other trial events.

## **9. Correctional Medical Services Improvements**

- In the past 18 months, the Adult Detention Center has made changes in both medical services unit structure and procedures to improve delivery of services. They have hired a full-time medical director to oversee administration and delivery of services and begun developing policies and resolving service delivery problems in the medical services unit. The medical services unit has recently revised the intake medical screening questionnaire, and reconfigured clerical and nursing positions to better meet the needs of the unit. However, the medical services unit has continued difficulty in recruiting qualified nurses and maintaining adequate staffing levels, and in providing pharmacy services. The medical services unit also needs to improve the initial health screening of inmates entering the intake and booking unit.
- The Juvenile Detention Center has not had the same difficulty in recruiting qualified nurses and delivering services as the Adult Detention Center, but does have deficiencies in pharmacy services. Currently, nursing services are provided by contract with Kino Community Hospital, but existing nursing policies and procedures are designed for an acute inpatient facility and new policies need to be developed for an institutional setting. The Juvenile Detention Center is currently developing an agreement to deliver pharmacy services to its medical services unit.
- Health care in detention centers is a public health issue. Screening and tracking of infectious diseases is a major component of jail health care, and inmate populations tend to be high-risk due to their socio-economic or poor health care status prior to incarceration. Pima County could provide better health services to the Detention Center population through its public health system. The County should establish a Department of Institutional Medical Services, administered by Kino Community Hospital, to increase the pool of available nursing personnel, and improve health service quality in both the adult and juvenile facilities.
- Both the Juvenile and Adult Detention Centers need to track service delivery and document the need for additional services prior to the FY 2001-2002 budget review. The Juvenile Detention Center needs to identify the need for additional nursing and psychiatry services, and the Adult Detention Center needs to identify the need for staffing improvements in the intake and booking unit.

The Adult and Juvenile Detention Centers provide medical and mental health services to inmates through the Detention Centers medical services units. The Sheriff's Department directly operates the Adult Detention Center medical services units, and the medical director and nursing staff are Sheriff's Department employees. The Juvenile Court has contracts with Kino Community Hospital to provide nursing services for the Juvenile Detention Center medical services unit and with University Physicians, Incorporated to provide pediatrician services.

## **Adult Detention Center Medical Services Unit**

In the past 18 months, the Adult Detention Center has made changes in both medical services unit structure and procedures to improve delivery of services. In November 1999, the Sheriff's Department hired a full-time medical director to oversee administration and delivery of services. The medical director has been involved in developing policies and resolving service delivery problems in the medical services unit. The medical services unit has recently revised the intake medical screening questionnaire to better detect individuals at risk for tuberculosis exposure and updated the tuberculosis screening policy, developed and implemented an inmate self-medication program, begun meetings to develop a quality assurance protocol, and established a chronic care clinic to serve the needs of inmates with diabetes. The medical services unit has also reconfigured clerical and nursing positions to better meet the needs of the unit and has adjusted pay schedules to be competitive in recruiting and hiring registered staff. Areas of ongoing concern include medical screening of inmates during the intake and booking process, recruitment and retention of nursing staff, and pharmacy services.

### ***Initial Medical Screening***

Inmates receive an initial medical screening when they arrive at the intake and booking unit. Civilian clerical staff perform the initial intake screening, asking questions from the "initial inmate assessment" form about their current health status, use of prescription or street drugs, suicide potential, on-going cough or tuberculosis status, allergies, pregnancy, and other questions. Written policy requires that intake clerical staff notify nursing staff by telephone if the inmate has a current illness, answers yes to any questions about tuberculosis, is taking prescription or street drugs, or has suicide potential. Once the intake and booking staff have notified the nursing staff of a problem, the nursing staff is responsible for follow-up with the inmate.

After inmates have been processed through the intake and booking unit, they are housed for up to 36 hours in the intake housing unit (Unit 1A). Corrections officers in the intake housing unit also screen inmates for medical conditions, following up with the same questions initially asked by the intake and booking staff.

The Adult Detention Center medical services unit has identified the initial screening process as an area of concern. The National Commission on Correctional Health Care (NCCCHC) recommends that jail receiving intake screening be performed by health-trained or qualified health care professionals. The medical services unit nurse manager provides one to two hours of health assessment training to intake clerks and gives a booklet on the questions to be asked during the intake screening about coughs or tuberculosis. In December 2000, 12 intake clerical positions were vacant, indicating that new and less experienced staff will be performing intake during the current year.

Generally, incident reports are not written if an existing medical problem or prescribed medication is not detected during the intake process. The extent to which intake clerical staff fail to identify problems during intake is not documented. Corrections officers follow up with medical questions while the inmate is housed in the intake housing unit, but nursing staff do not evaluate inmates or review intake forms unless notified by the intake clerk or corrections officer. Often, the nursing staff will be first notified of a problem if the inmate submits a sick call slip to receive medical attention. The intake clerical staff does not receive training in taking health histories or performing health assessments, except the one to two hour training provided by the nurse manager.

NCCCHC accreditation standards recommend that inmates receive a comprehensive medical assessment within 14 days of intake. However, this 14-day assessment does not always occur if the medical services unit does not have sufficient staff to perform the assessment. Therefore, if the inmate has a medical problem, that problem may go undetected unless the inmate notifies the staff by submitting a sick call slip.

The Adult Detention Center has acknowledged that improvements are needed in the intake health screening process. They have revised the intake form and implemented training of intake clerical staff to improve the level of health assessment at intake, but they recognize that more steps are needed to improve the process. The inmate population at the Adult Detention Center is a high-risk population. For example, between 1998 and 2000, twenty inmate deaths occurred from suicide or medical causes, and of these twenty deaths, 35 percent occurred within the first 24 hours of intake and an additional 40 percent occurred between 24 and 72 hours of intake. The Adult Detention Center needs to account for this high-risk population when planning the health screening process in the intake and booking unit.

Ideally, the Adult Detention Center should assign nursing staff to the intake and booking unit to take health histories and perform initial health screening. Trained nursing staff would be better able to detect problems that can not be identified by a questionnaire. Nursing staff would have the necessary skills to identify inmates under the influence of drugs or alcohol, and detect inmates who do not understand or answer questions appropriately, or who withhold information. According to the medical services unit nurse manager, the medical services unit can not staff the intake and booking unit with current staff.

Some improvements in nursing procedures, such as medication delivery, may provide some additional nurse staff time that could be allocated to the intake and booking unit. However, vacant nursing positions would need to be fully staffed and other functions fully performed

before existing nursing staff could be allocated to the intake and booking unit. Nursing staffing and recruiting is discussed in the section below. Staffing the intake and booking unit 16 hours per day, 7 days per week, with additional registered nurse positions would require 3.5 FTEs, at an annual cost of \$49,133 per FTE. The total annual cost for these improvements would be \$171,966.

An alternative to assigning nursing staff to the intake and booking unit would be to improve the training of existing staff. Additional hours of training could be provided to clerical staff to improve their ability to take health histories and to detect problems not readily identified by the questionnaire. Corrections officer staff should also be better incorporated into the intake process. Corrections staff in the intake housing unit already perform some health screening functions. Additional training of this staff in taking health histories and detecting health and mental health problems would improve the level of screening when the inmate enters the Adult Detention Center, but would not be ideal.

#### ***Recruitment and retention of nursing staff***

The Adult Detention Center has had difficulty recruiting qualified nursing staff over the past few years. Currently, the medical services unit has 18 budgeted registered nurse positions, including the nurse manager; and, 3 budgeted licensed practical nurse positions, for a total of 21 positions. Five of the 18 budgeted registered nurse positions are vacant (23.8%), and one of these 5 positions has been under-filled with a licensed practical nurse. To recruit nurses and to better utilize nursing staff, the Adult Detention Center has increased nursing rate of pay to the same rate as Kino Community Hospital and has redesigned clerical positions to provide better support for the nursing staff. The Adult Detention Center has also used the usual and available resources to publicize and reach-out to new nurses.

The staff vacancies have created problems with delivering services to the inmate population. Although some vacant shifts are filled with agency nurses or with staff nurses working overtime, other vacant shifts are not filled, resulting in reduced services. The current level of staffing does not always permit the medical services unit to respond to a complaint or sick call slip within their standard of 24 hours, to conduct comprehensive health screenings within 14 days, or to conduct "nurse lines" to see inmates with complaints on a daily basis.

The Adult Detention Center has several barriers to the successful recruitment of nursing staff. The Adult Detention Center does not offer part-time benefited positions, have a policy guaranteeing some scheduled time off on weekends, or permit nurses from Kino Community Hospital to work intermittently if they have worked more than 1,040 hours per year, all of which are offered at Kino Community Hospital. County personnel policy permits both benefited part-time positions and 80-hour work periods. The 80-hour work period is a Fair Labor Standards Act (FLSA) provision for "residential care establishments," allowing the scheduling of nursing shifts over a two-week period, facilitating scheduling of weekends off. The Sheriff's Department should adopt these policies for the medical services unit to improve recruitment of nurses.

***Establishing a long term pharmacy contract with Kino Community Hospital***

Since August, 2000, Kino Community Hospital Pharmacy has been providing pharmacy services to the Adult Detention Center medical services unit on a temporary basis. During this period, Kino Community Hospital Outpatient Pharmacy staff has been working with the medical services unit to improve delivery, storage, and dispensing of medications. The Adult Detention Center and the Outpatient Pharmacy are attempting to resolve problems, such as the packaging of medications, disposal of large quantities of unused medications, and rates charged by the Outpatient Pharmacy to the Adult Detention Center for medications and services.

Currently, Kino Community Hospital Pharmacy does not have the capacity to provide unit dose medications to the Adult Detention Center. Unit dose has been the professional standard for delivery of medication in residential facilities for nearly 20 years. According to the University of California School of Pharmacy, studies have shown that unit dose dispensing reduces the rate of medication errors and decreases the amount of staff time used in delivering medications to patients. Purchasing unit dose medications from a supplier is approximately 10 to 20 percent costlier than purchasing bulk medications. In FY 2000-01, the Adult Detention Center budgeted \$325,000 for medications. Purchasing unit dose medications from a supplier would increase that amount by approximately \$32,500 to \$65,000.

As an alternative, the Pharmacy at Kino Hospital could package unit dose medications for the Adult Detention Center. While packaging unit dose medications in-house requires some labor, (technician staff packages the medications and pharmacy staff monitors quality control), the incremental amount of the involved work is not significant. Further, if the necessary equipment was purchased by Kino Hospital, it could be used to reduce unit dose medication purchase costs for inpatient services at the hospital, and for some community based contractors who receive pharmaceutical services from the hospital.

The Hospital has received a quoted price of \$250,000 for the type of unit dose packaging equipment required to provide this service in-house. However, this equipment is promoted by one vendor, and competitive selection of packaging equipment may result in a lower price. Nonetheless, even at this price, we believe that the cost savings from purchasing and using unit dose equipment for the ADC, the Juvenile Detention Center, the hospital inpatient units and community agencies, would offset the cost of the equipment within one to three years from purchase.

The increased cost of supplying unit dose medications to the Adult Detention Center would also be partially off-set by reductions in other costs. Formerly, the Adult Detention Center hired its own pharmacist and operated an in-house pharmacy. Kino Community Hospital can distribute some operating costs, such as staff time and equipment, including unit dose packaging equipment, across a larger distribution system. Additionally, nursing time now used for delivering medications would be reduced, and nursing staff time could be reallocated to other services. Cost savings of approximately \$5,000 would also result from the decreased disposal of unused medications. Because of the packaging, unit dose medications do not need to be discarded if an inmate is released prior to use of the medication.

### ***Transportation Costs***

In 1999, an average of 39 Adult Detention Center inmates were transported to Kino Hospital each month for routine clinic care, at an estimated annual cost for transportation services of \$36,613. In 2000, this number increased to an average of 49 Adult Detention Center inmates transported to Kino Hospital each month, at an estimated annual cost for transportation services of \$46,408. Twenty-six percent of these transports were for women's obstetrical care, 14 percent were for physical therapy services, and 13 percent were for orthopedic services. Providing these services at the Adult Detention Center would reduce transportation costs.

The Adult Detention Center is establishing a tele-medicine program through the University of Arizona that would provide clinical assessment and diagnosis for inmates via television monitors. The staff physician would participate in the exam and medical specialists would provide assessments via television. The necessary equipment has been purchased, using Federal grant funds. The Adult Detention Center anticipates reduced transportation costs for using these services.

Obstetrical and physical therapy services will not be provided through the tele-medicine program. The estimated annual cost of transporting inmates to Kino Hospital for physical therapy treatment is \$6,798 and for obstetrical services is \$12,125. The present medical services unit does not have physical space to provide physical therapy treatment, although the new facility, which is expected to open within the next three years, is planned to have available space.

Many routine obstetrical services could be performed in-house. Currently, women requiring obstetrical care are transported to Kino Hospital, and receive obstetrical care from University Physicians, Incorporated. The Adult Detention Center pays for the cost of care. The Adult Detention Center would continue to incur costs for obstetrical care if services were provided in-house but would save transportation costs. Initially, transportation cost savings would be reduced by the need to purchase special equipment, such as a fetal heart rate monitor, but in-house obstetrical services may provide longer-term savings.

### **Juvenile Detention Center Medical Services Unit**

Nursing and medical services are provided to the Juvenile Detention Center through professional service contracts. The Juvenile Detention Center has a contract for nursing services with Kino Community Hospital and for pediatrician services with University Physicians, Incorporated.



### ***Nursing Services at the Juvenile Detention Center***

The Juvenile Detention Center has not had the same difficulty recruiting qualified nurses and delivering services as the Adult Detention Center. Nursing staff have identified two areas of concern for Juvenile Detention Center nursing services:

- (a) The Juvenile Detention Center lacks nursing coverage between 10:00 p.m. and 6:00 a.m.
- (b) Kino Community Hospital policies, such as infection and quality control, and incident reporting, are not designed for a corrections setting.

The Juvenile Detention Center does not have nursing staff coverage between 10:00 p.m. and 6:00 a.m. The proposed FY 2001-2002 budget has requested \$104,000 in additional funds for the Kino Community Hospital nursing services contract to pay for 1.6 FTE to provide night shift coverage and for additional medications and supplies. The annual cost of 1.6 registered nurse FTE is approximately \$75,000. The medical services unit has stated that the additional position is needed due to the increased incidence of intoxication and substance abuse admits during the night, the presence of juveniles with illnesses such as diabetes and epilepsy, and the number of emergency transports during the night to Kino Community Hospital. The medical services unit has not documented the number of medical incidences during the night or transports to Kino Community Hospital. Approximately two juveniles are transported to Kino Community Hospital each week, at an annual transport cost of \$6,240. It is not known whether these transports would be unnecessary if nursing staff was provided during the night shift.

Clinical record keeping is performed manually, although the medical services unit has a personal computer for maintaining other records. The computer system used in the medical services unit can be adapted to compile statistics and track trends in the unit, although data would need to be entered manually. For example, the nurse manager has begun tracking the number of psychotropic and non-psychotropic prescription medications and the number of medication passes. To document the need for increased staffing, the medical services unit should also track the number of medical incidents during the night and the number and reason for transports to Kino Community Hospital. The Juvenile Detention Center should document the need for additional nursing positions prior to approval of the FY 2001-02 budget.

### ***Psychiatric Services***

Until recently the Juvenile Detention Center has been receiving 4 hours of psychiatric services each week at no cost from Project Paz for psychiatric medication prescribing and follow-up. Project Paz psychiatric services will no longer be provided and the Juvenile Detention Center is seeking to develop a psychiatric service contract through Kino Hospital. The proposed FY 2001-2002 budget includes a request for \$100,000 to fund a psychiatric services contract for 20 hours each week, an increase from the 4 hours per week of services formerly provided. Because psychiatric services and some psychotropic medications have been provided free of charge by Project Paz, the Juvenile Detention Center has not been able to track prior costs for these services. The medical services unit has begun to track the use of psychotropic medications, and during December 2000, approximately 16 percent of the Juvenile Detention Center population

were receiving some form of psychotropic medication. Juveniles with long-term and stable medication use are generally seen by their private physicians. The Juvenile Detention Center psychiatrist provides assessment, medication prescription, and follow-up to juveniles who are not under the care of a private physician. Prior to approval of the additional psychiatric services in the FY 2001-02 budget, the Juvenile Detention Center should document the number of juveniles needing psychiatric services for medication prescribing and follow-up to determine the amount of services needed.

### ***Pharmacy Services***

Juveniles with prescription medications who are covered under their family's health insurance policy receive pharmacy services through their private insurance carrier. The Juvenile Detention Center is responsible for providing prescription medications to juveniles without private insurance. Until recently, the Juvenile Detention Center purchased prescription medications directly from Walgreen's Drug Stores, but is now developing an agreement with Kino Community Hospital for pharmacy services.

## **Summary of Findings**

Although the Adult and Juvenile Detention Center are responsible for providing health services to inmates, providing such services is not a part of their core mission. Some of the service deficiencies noted in this report result from the Sheriff's Department and the Juvenile Court's lack of expertise in delivering health care services. The Adult Detention Center has had difficulty recruiting and retaining qualified staff, in part because the benefits and work schedules are not comparable to other local hospitals. In addition, the nursing manager reports directly to the medical director rather than to the Support Operations Division Manager, although the standard in health care organizations is to recognize organizationally that nursing is a separate function from medicine. Nursing policies and procedures in both Detention Centers need to be further developed and adapted to an institutional health care setting.

We recommend that health services in the Detention Centers be delivered through Kino Community Hospital. Pima County is responsible for providing health services for inmates in the Adult and Juvenile Detention Centers. Many counties recognize that jail health care is a public health issue, resulting from the poor health care status of many inmates and the incidence of infectious diseases, and deliver health services to detention center inmates through the county public health system.

The County should establish a Department of Institutional Medical Services, administered by Kino Community Hospital, to increase the pool of available nursing personnel, and improve health service quality in both the adult and juvenile facilities. Both nursing and pharmacy services should be part of this department.

- As part of Kino Community Hospital, the Department of Institutional Medical Services could offer comparable working conditions as other area hospitals and could draw on a larger

pool of nurses to meet staffing needs. Pharmacy services, which would be part of the Department of Institutional Medical Services, could be delivered more efficiently as part of a larger, established pharmacy service. In becoming part of the Kino Community Hospital pharmacy system, the Detention Centers need to determine the most cost-effective method of providing unit does medications, as discussed earlier in this report.

- The proposed Department of Institutional Medical Services would need to develop policies and procedures, especially infection and quality control policies and incident reporting systems, specific to the Adult and Juvenile Detention Center.

Some problems identified at the Adult and Juvenile Detention Centers would need to be resolved separately from the implementation of the proposed Department of Institutional Medical Services.

- The Adult Detention Center needs to improve initial health screening in the intake and booking unit, as discussed in this report. We have been told by the Sheriff's Department, after their review of our initial draft report, that the Adult Detention Center began assigning a nurse to the intake and booking unit on March 5, 2001.
- The Juvenile Detention Center also needs to systematically track the need for services. The proposed FY 2001-02 budget contains requests for increased services but the amount of increased service that is needed has not been fully documented. The Juvenile Detention Center is currently researching the number of detained juveniles who have mental or emotional illnesses, the diagnosis, and the charge leading to detention. Additionally, prior to the FY 2001-02 budget review, the Juvenile Detention Center should document the need for additional nursing and psychiatric services.
- The Adult Detention Center should evaluate which services could be provided in-house, rather than transporting inmates to outside clinical services. The medical services unit is already developing a tele-medicine program that will allow orthopedic and other types of services to be delivered in-house. Providing obstetrical services in-house would result in transportation cost savings.

## Conclusions

In the past 18 months, the Adult Detention Center has made changes in both medical services unit structure and procedures to improve delivery of services. They have hired a full-time medical director to oversee administration and delivery of services and begun developing policies and resolving service delivery problems in the medical services unit. The medical services unit has recently revised the intake medical screening questionnaire to better detect individuals at risk for tuberculosis exposure and updated the tuberculosis screening policy, and reconfigured clerical and nursing positions to better meet the needs of the unit. However, the medical services unit has continued difficulty in recruiting qualified nurses and maintaining adequate staffing levels and in providing pharmacy services. The medical services unit also needs to improve the initial health screening of inmates entering the intake and booking unit.

The Juvenile Detention Center has not had the same difficulty in recruiting qualified nurses and delivering services as the Adult Detention Center but does have deficiencies in pharmacy services. Currently, nursing services are provided through a service contract with Kino Community Hospital. However, existing nursing policies and procedures, such as infection and quality control, are designed for an acute inpatient facility and new policies need to be developed for an institutional setting. The Juvenile Detention Center is currently developing an agreement to deliver pharmacy services to its medical services unit.

Health care in detention centers is a public health issue. Screening and tracking of infectious diseases, such as tuberculosis, is a major component of jail health care. Inmate populations tend to be high-risk due to their socio-economic status or poor health care status prior to incarceration. Pima County could provide better health services to the Detention Center population through its public health system. The County should establish a Department of Institutional Medical Services, administered by Kino Community Hospital, to increase the pool of available nursing personnel, and improve health service quality in both the adult and juvenile facilities.

Both the Juvenile and Adult Detention Centers need to track service delivery and document the need for additional services prior to the FY 2001-2002 budget review. The Juvenile Detention Center needs to identify the need for additional nursing and psychiatry services and the Adult Detention Center needs to identify the need for staffing improvements in the intake and booking unit.

## **Recommendations**

The Board of Supervisors should:

- 9.1 Establish a Department of Institutional Medical Services that includes both nursing and pharmacy services, and is administered by Kino Community Hospital to provide health services in the Juvenile and Adult Detention Centers. If this reorganization is not adopted, the County should change the nurse manager's reporting relationship from the medical director to the Sheriff's Support Operations Division Manager..
- 9.2 Direct the Kino Community Hospital Nursing Department to work with the Sheriff and Juvenile Detention Center management to develop comprehensive infection and quality control policies, and incident reporting procedures specific to nursing in a correctional facility

- 9.3 Direct the Kino Community Hospital Nursing Department to work with the Sheriff to establish a more effective medical and psychiatric screening process at ADC intake and booking, which could include 24-hour nursing staff and/or enhanced training with quality assurance monitoring for clerical and correctional staff assigned to intake.
- 9.4 Direct the County Administrative Officer to work with the Sheriff to update nursing staff employment conditions at the Adult Detention Center, so that it is consistent with that offered by the County at Kino Hospital, including: part-time benefited positions, policies regarding scheduled time off on weekends, and intermittent work schedules.
- 9.5 Direct the Kino Community Hospital Pharmacy Department to develop a proposal for implementing a unit dose packaging system at the hospital, which would reduce unit dose drug purchases from pharmaceutical companies for the County's detention facilities, as well as the hospital's inpatient units and community contract health care agencies that purchase pharmaceutical services from the County.
- 9.6 Direct Kino Community Hospital administration to work with the Sheriff to provide routine obstetrical services in-house, using the tele-medicine program that is currently under development with the University of Arizona.
- 9.7 Require systematic tracking of health service deficiencies in the Adult and Juvenile Detention Center, such as the intake and booking unit at the Adult Detention Center and the need for additional nursing and psychiatry services at the Juvenile Detention Center, and document the need for additional staffing prior to the FY 2001-02 budget review.

## **Costs and Benefits**

Establishing a Department of Institutional Medical Services would transfer costs from the Adult and Juvenile Detention Centers to Kino Community Hospital. Staff time would be used in the transition, especially in the development of policies specific to the institutional setting. Improved recruiting of staff would result in better delivery of services but not in cost savings.

Providing pharmacy services through Kino Community Hospital should result in some economies of scale, such as ordering of medications in larger quantities and distributing operating costs, including equipment use and pharmacy staff time, over a larger network. Some specific cost savings would result from improved delivery of medications, especially delivering medications in smaller quantities and reducing the amount of unused medications that are disposed. Implementing unit dose dispensing at the Adult Detention Center would result in increased costs for medications, but would be offset by decreased use of nursing time to deliver medications and decreased medication error rate. Purchasing unit dose medications from a manufacturer would increase annual medication costs for the Adult Detention Center by approximately \$32,500 to \$65,000 annually. Packaging unit dose medications in-house would result in an equal or less cost increase but would require purchase of packaging equipment, for a capital cost of \$250,000 or less. Some cost savings would result from decreased nursing time in

delivering medications. If 0.5 registered nurse FTE were saved by improved medication delivery, cost savings would be \$25,000 annually. However, 0.5 FTE would be allocated to other uses within the medical services unit so no budgetary reductions would result.

The Juvenile Detention Center has requested \$200,000 in the proposed FY 2001-2002 budget for additional contractual services for nursing and psychiatric services. By tracking and documenting the actual need for additional services, the actual amount of needed additional contractual services may be less than \$200,000.

By providing some routine clinical services in-house or through tele-medicine, the Adult Detention Center could save up to \$46,000 annually in transportation costs.

## 10. Transport of Prisoners to State Facilities

- The Transportation Division of the Sheriff's Department transports approximately 2,000 inmates annually to State prison and other State facilities following conviction and sentencing. Transports occur four days per week. During the past seven calendar years, the average length of stay in the County jail by inmates awaiting transport to a State facility ranged from a high of 14 days in CY 1996 and CY1998 to a low of seven days in CY 1999.
- Based on a sample of 101 inmates transported in January 2001, the average length of stay of inmates awaiting transport to State facilities was 10 days counting the day of sentencing. Approximately 66% of the inmates remained in the County jail for more than one week after sentencing, 14% remained for more than two weeks, and 5% remained longer than three weeks.
- Based on this current data, an average of approximately 55 inmates await transport to State prison or other State facilities, and comprise approximately 4.0% of the average daily population. As a result, the Sheriff incurs housing costs for inmates awaiting transportation to State facilities of approximately \$106,000 per day, or \$956,000 annually.
- By (1) establishing a goal to transport all prisoners to State facilities within seven days of sentencing; (2) making a concerted effort to identify inmates sentenced to State facilities daily; (3) monitoring the timeliness of receipt of abstracts of judgment from the courts; and (4) transporting inmates on a five-day per week basis as justified by need, the Sheriff could minimize the average daily number of inmates awaiting transportation to State facilities and the related housing costs.

Expediting the transport of prisoners sentenced to State facilities is an issue the Sheriff's Department has closely watched over the past several years, particularly due to the pressures of jail over-crowding. During CY 2000, the Sheriff performed 25,856 inmate transports to various locations. This number is an increase of 5,602 or 28% from the 20,254 inmate transports performed only four years earlier in CY 1996. An analysis of the purpose of the transports shows that 21,707 (84%) are to and from Superior Court, approximately 1,700 (6.5%) are to and from medical facilities, and most of the remaining 2,449 (9.5%) transports were from the County to State prison facilities. Table 10.1 shows the growth in prisoner transports since 1996.

**Table 10.1**  
**Prisoner Transports**  
**Calendar Year 1996 to Calendar Year 2000**

Purpose of Transport				
Calendar Year	Superior Court	Medical & Other	State Prison	Total
1996	17,495	785	1,974	20,254
1997	19,843	80	2,239	22,162
1998	21,475	83	2,423	24,381
1999	20,654	1,704	2,330	24,688
2000	21,707	1,700	2,449	25,856

Note: State Prison numbers are estimates from 1996 through 1999. CY 2000 numbers are actual.

Although the greatest proportion of prisoner transports relate to trips between the County jail facilities and Superior Court, the trips to State prison facilities are the ones that have a direct impact on jail population. Because most of these trips involve the transportation of a recently sentenced prisoner, the sooner the Sheriff is able to transport such prisoners, the sooner the in-custody jail population can be reduced. Due to the concerns of jail over-crowding, the Sheriff has closely monitored the time required to process inmates from the time of sentencing until actual transported to State prison. Table 10.2 shows the average number of days prisoners remained in custody in the County jail facilities before being transported to the State during the past seven calendar years.

**Table 10.2**  
**Average Days in Custody of Sentenced Prisoners Prior to Transport**  
**Calendar Year 1994 to Calendar Year 2000**

Calendar Year	Average Days in Custody	Average Daily Population
1994	9	1,069
1995	9	1,036
1996	14	1,098
1997	13	1,229
1998	14	1,362
1999	7	1,339
2000	11	1,330
<b>Average</b>	<b>11</b>	



## **State Prison Transport Delays Impacts Jail Population**

The importance of continually monitoring and expediting the transport of prisoners once sentenced, can be seen by analyzing the impact that the variance in the number of days prisoners have remained in custody prior to transport has on average daily jail population. Assuming an annual level of transports to State prisons of about 2,000 prisoners per year, a comparison of the post-sentence prisoner days in 1996 and 1998, versus 1999, and the effect this variance had on average daily population, is as follows:

### CY1996 and CY1998:

2,000 State prison transports

X 14 average days in custody prior to transport

28,000 County jail days

$28,000/365 = 76.7$  average daily population awaiting transport

### CY1999:

2,000 State prison transports

X 7 average days in custody prior to transport

14,000 County jail days

$14,000/365 = 38.4$  average daily population awaiting transport

The above analysis shows that relatively small changes in the timeliness of transporting prisoners to State facilities had an impact on average daily jail population of 38 prisoners per day.

## **FY 2000-01 Transports Have Averaged 10 Days After Sentencing**

In order to obtain a current assessment of the timeliness of prisoner transports, the Sheriff analyzed 101 prisoners transported to State facilities between January 1 and January 25, 2000. The average number of days these prisoners were in custody, including the date of sentencing, was 10.04 days. Of the 101 prisoners, 34 were transported within seven days; 67 prisoners required more than one week to process for transportation; 14 prisoners required more than two weeks; five required more than three weeks, and three prisoners were in custody for more than one month prior to transport. On an annual basis, assuming approximately 2,000 transports, the average daily population during CY 2001 would include 55 sentenced prisoners awaiting transport to State facilities. Based on an estimated average daily cost per prisoner of \$52.91, the cost of housing the State's prisoners amounts to \$106,286 daily or approximately \$956,571 annually, excluding date of sentencing housing costs.

Clearly, diligent efforts by the Sheriff's Department in the past have enabled the Department to complete processing and transport prisoners sentenced to State facilities in an expeditious manner, averaging as little as seven post-sentence days in custody. By (1) establishing a seven-day goal from date of sentence to date of transport; (2) making a concerted effort to identify those inmates sentenced to State facilities every day; (3) monitoring the timeliness of receipt of abstracts of judgment from the courts; and (4) transporting inmates on a five-day per week basis as justified by need, the Sheriff could minimize the average daily number of inmates awaiting transportation to State facilities and the related housing costs. To accomplish this, the Sheriff should assign specific programmatic responsibility for monitoring, measuring and reporting transportation timeliness of State prison transports on a monthly basis. Based on approximately 2,000 transports to State facilities annually, for each day that the average number of days prisoners await transport is reduced, the average daily jail population would decline by about 5.5 prisoners.

## **Conclusions**

The Sheriff transports about 2,000 sentenced prisoners to State facilities annually. During recent years sentenced prisoners have averaged approximately 11 days in custody prior to transport, with individual years averaging from a low of seven to a high of 14 days. For each day this average is reduced, the average daily jail population would decrease by 5.5 prisoners, reducing jail over-crowding and resulting in cost savings to the Sheriff's Department. The Sheriff should assign specific programmatic responsibility for monitoring, measuring and reporting transportation timeliness of State prison transports on a monthly basis.

## **Recommendations**

The Sheriff should:

- 10.1 Establish a seven-day goal for transporting all prisoners sentenced to State facilities.
- 10.2 Assign specific programmatic responsibility for monitoring, measuring and reporting transportation timeliness of State prison transports on a monthly basis.

## **Costs and Benefits**

The implementation of this recommendation should result in increased consistency in the on-going timeliness of State prison transports, a reduction in the average daily number of inmates awaiting transportation to State facilities and reduced housing costs related to these inmates.

## 11. Integrating Probation Services and Early Intervention and Prevention Programs

- **Changes in the number of delinquency referrals to the Juvenile Court and petitions filed by the County Attorney have contributed to uneven caseload distribution between the Probation Services and Early Intervention and Prevention divisions. Caseload for two units of the Probation Services division, Field Probation and Court Evaluation, has increased over the past year, and caseload for the Community Supervision program of the Early Intervention and Prevention division has decreased.**
- **Because Probation Services and Early Intervention and Prevention are separate divisions, staff resources are not reallocated to accommodate changes in caseload, resulting in inefficient assignment of staff. Additionally, although juveniles and their families access the juvenile justice system at different points, the units providing services to these juveniles and families are not able to function effectively as a team. Consolidating Probation Services and Early Intervention and Prevention into one division and integrating the units within the division into regionally-based teams would facilitate more efficient allocation of staff and improve coordination of services for juveniles and families.**
- **Consolidation of Probation Services and Early Intervention and Prevention into one division would require a re-evaluation of the Community Justice Services Division management and supervisory structures, resulting in cost savings to the Juvenile Court.**

The Juvenile Probation Services and the Early Intervention and Prevention programs comprise the Community Justice Services Division of the Juvenile Court. Probation Services is responsible for the evaluation and supervision of delinquent juveniles in the juvenile justice system, including making recommendations to the Court for the disposition of the juvenile and the supervision of the juvenile on probation. Early Intervention and Prevention provides services at the outset of the juveniles' involvement with the juvenile justice system, including Juvenile Detention Center intake, community supervision of juveniles arrested for minor offenses, operation of the Community Renewal Enrichment thru Work (CREW) program, and various other programs.<sup>1</sup>

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<sup>1</sup> These other programs include Victim Services, Family Violence Prevention, and Risk Needs Accountability

The County Attorney's Office determines if a petition will be filed when a juvenile is referred to the Juvenile Court. If the County Attorney files a petition against a juvenile, the juvenile must have a trial review hearing within 15 days if in-custody and within 30 days if out-of-custody. Juveniles admitting to the offenses are scheduled for a disposition hearing, and juveniles denying the offenses are scheduled for an adjudication hearing within 15 to 30 days, depending if the juvenile is in- or out-of-custody.<sup>2</sup> If the juvenile admits to, or is found guilty of the charges, the juvenile probation officer is responsible for preparing a written disposition report to the Court, providing recommendations for placement, treatment and education programs, and consequences for the juvenile. If the Court orders that the juvenile be placed on probation or on intensive probation, the juvenile is assigned to a field probation officer or intensive probation services officer, as appropriate.

Juveniles who have few prior referrals to the Juvenile Court, or who have been arrested for less serious offenses, will be referred to the Early Intervention and Prevention Program prior to the County Attorney's Office filing a petition. These juveniles may be placed in an unsupervised diversion program or a more closely supervised community supervision program.

### **Probation Services Division**

The Probation Services Division is under the supervision of a division manager, who reports to the Juvenile Court Deputy Administrator. Probation Services consists of the following units:

- Court Evaluation, which is responsible for evaluating juveniles charged with an offense, and preparing disposition reports for the Court;
- Field Probation, which supervises juveniles assigned to standard probation;
- Juvenile Intensive Probation Services (JIPS), which supervises juveniles assigned to intensive probation;
- Placement, which is responsible for placing juveniles into appropriate treatment programs;
- School Safety, which places probation officers in the schools; and
- Drug Court
- Sex Offender Team

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<sup>2</sup> As of January 1, 2001, the total timeline for juveniles in custody from the detention hearing to adjudication increased from 30 days to 45 days in accordance with State Supreme Court statutes.

The State fully funds positions in the JIPS and Safe Schools program. Both the County and the State fund positions in the Standard Field Probation, Court Evaluation, and other programs. The County funds the Court Evaluation program and both the County and the State fund positions in the Standard Field Probation and diversion programs.

### ***Field Probation Services Unit***

Field Probation Services is divided regionally among three areas: Field South, Eastside Community Justice Center, and Northwest Community Justice Center. Each region has one supervising probation officer and a team of probation officers. Additionally, one team of probation officers is assigned to the Special Services Team, which primarily works with sex offenders, and one team of probation officers is assigned to the Drug Court. Field Probation Services also has support staff to assist probation officers with creating and maintaining files and other tasks and surveillance officers to assist with making field contacts with juveniles and their families, and other routine functions.

The Field Probation Services probation officer supervises juveniles on standard probation and implements and enforces the conditions of probation approved by the Juvenile Court at the disposition hearing. Standard probation is generally for a period of 12 months. During that period the probation officer is required to meet with the juvenile at least once each month and to monitor the juvenile's compliance with the conditions of probation, including participating in court-ordered educational and treatment programs. The probation field supervisor is responsible for ensuring that the probation officer monitors and enforces his or her caseload correctly. Prior to the eleventh month of standard probation, the probation officer identifies if the juvenile is in compliance with the conditions of probation. Juveniles who are found to be out of compliance with their conditions of probation are referred to the County Attorney's Office for probation violation.

Arizona statutes require that juvenile probation officers performing field supervision supervise no more than an average of thirty-five juveniles on probation at one time (AZ 8-203). Probation Services reports caseload annually to the Arizona Administrative Office of the Courts (AOC) by dividing the total existing caseload by the number of field probation officers, providing an average caseload of 35 juveniles per probation officer. The actual caseload may vary by field probation officer.

### ***Court Evaluation Unit***

Probation officers in the Court Evaluation Unit are responsible for investigating Juvenile Court cases and preparing disposition reports for the Court. If the County Attorney has filed a petition against a juvenile who has been detained in the Juvenile Detention Center, the probation officer conducts an initial investigation of the case and provides a recommendation to detain or release the juvenile at the detention hearing. Once the petition has been filed, the juvenile is scheduled for a trial review within 15 days if the juvenile is detained and within 30 days if the juvenile is out of custody. If the juvenile admits to the offense at the trial review, he or she is scheduled for a disposition hearing. If the juvenile does not admit to the offense, then he or she is scheduled for

adjudication. Prior to trial review and adjudication, the probation officer performs only a brief survey of the juvenile's case. After adjudication, or after the juvenile admits to the offense, the probation officer performs a more thorough investigation.

The probation officer provides a written report to the Court for the disposition hearing, reviewing the juvenile's social history, referral history, and other pertinent details, and making a recommendation to the Court regarding the juvenile's disposition. If the Court orders probation for the juvenile, the conditions of probation are typically based on the probation officer's recommendations.

## **Early Intervention and Prevention Division**

The Early Intervention and Prevention Division is under the supervision of a division manager, who reports to the Deputy Court Administrator. Early Intervention and Prevention consists of the following programs:

- Risk/ Needs Accountability, which provides the initial assessment of juveniles entering the system;
- Community Supervision, which supervises juveniles who have not had petitions filed or who have admitted to minor offenses;
- Intake and Receiving, which provides the initial assessment of juveniles who have been referred to the Juvenile Detention Center;
- Community Renewal Enrichment thru Work (CREW), which is a work-based program for juveniles; and
- Other programs, including Las Artes, Volunteer/ Restorative Justice, Victims' Services, and Family Violence Prevention programs.

### ***Risk/ Needs Unit***

The Risk/ Needs unit evaluates all delinquent cases entering the juvenile justice system. The County Attorney's Office files petitions on approximately one-half of the juveniles referred to the Pima County Juvenile Court for delinquent behavior. For the remaining referrals, the Risk/ Needs unit identifies juveniles with a lower risk of subsequent delinquent behavior and may recommend the juvenile for diversion. Risk/ Needs probation officers gather information about the juvenile, identify problems and link the juvenile and his or her family to available community resources, and develop consequences (i.e., diversion terms) for the juvenile to complete, based on the juvenile's infraction or offense.

### ***Community Supervision Unit***

Risk/ Needs probation officers refer juveniles who have committed more serious offenses or require a greater degree of supervision to the Community Supervision program. The Community Supervision program was established in 1995 to provide more intensive supervision to juveniles when they first enter the juvenile justice system, and to divert juveniles from standard probation. Referrals to the Community Supervision program require County Attorney approval. Although most of the juveniles in the Community Supervision program have not had petitions filed, the County Attorney may approve some juveniles for the program who have already had petitions filed.

Juveniles are supervised in the Community Supervision program for an average of 90 days. The Community Supervision probation officer establishes a diversion contract with the juvenile, including setting consequences, based on the seriousness of the offense. For the first 30 days the probation officer supervises the juvenile closely. After the first 30 days, the juvenile generally receives less supervision.

Community Supervision is divided regionally among the same three areas as Field Probation Services: Field South, Eastside Community Justice Center, and Northwest Community Justice Center. Community Supervision teams are staffed with five probation officers and three surveillance officers. The role of the surveillance officer is to follow-up on juveniles and their families who do not attend appointments and scheduled activities and to assist the probation officer with special assignments or needs.

### **Caseload Distribution**

Discussions with division managers and probation staff indicate that caseload is declining in Community Supervision and increasing in Probation Services. According to the County Attorney's Office, the total number of referrals to the Juvenile Court decreased slightly from 1999 to 2000 but the total number of petitions filed increased. Consequently, in 2000 a greater percentage of juveniles who were referred to the Juvenile Court had petitions filed. Generally, juveniles who have had petitions filed, and have either admitted to the offense or the offense has been adjudicated, would be placed on either standard or intensive probation unless referred to the Department of Juvenile Corrections or some other placement. Increases in the number of petitions would result in increased caseload for both the Court Evaluation unit and Probation Services. Juveniles who have been referred to the Juvenile Court and have not had petitions filed would often be referred to Community Supervision. In a few instances, a juvenile may be referred to the Community Supervision program after a petition has been filed. Because the total number of referrals has not increased, a decrease in Community Supervision caseload would be expected. Table 11.1 shows the number of referrals and petitions filed from 1998 through November 30, 2000.

**Table 11.1**

**Number of Referrals Received and Petitions Filed  
 By the County Attorney from 1998 through 2000**

	Delinquency	Probation Violation	Transfer to Adult Court	Administrative Probation Violation	Total Petitions Filed	Total Referrals	Percent Petitions/Referrals
1998	3,781	491	99	1,274	5,645	12,489	47%
1999	3,639	449	33	1,226	5,347	11,600	46%
2000 <sup>1</sup>	3,705	367	42	1,335	5,449	10,403	52%

<sup>1</sup> Data for 2000 is through November 30, 2000. If numbers are projected through the end of the year, the estimate for total referrals has decreased by approximately 3 percent from the prior year, and total petitions filed would have increased by approximately 14 percent.

This table indicates that:

- The total number of referrals for 2000 will decrease by approximately 3 percent, from 11,600 in 1999, to an estimated 11,269 in 2000, based on projections through December 31, 2000.
- The total number of petitions filed will increase by approximately 10 percent, from 5,347 in 1999, to an estimated 5,903 in 2000, based on projections through December 31, 2000.
- The increase in the number of petitions filed in 2000 resulted from an estimated 18 percent increase in administrative violations of probation, an estimated 10 percent increase in delinquency petitions, and decreases in probation violations, based on projections through December 31, 2000.

Table 11.2 below, shows that average standard probation caseload for the Field Probation Services unit increased between 1998 and 2000.

**Table 11.2**

**Average Standard Probation Caseload from 1997 through 2000<sup>3</sup>**

	1997	1998	1999	2000 <sup>a</sup>
Average Standard Probation Caseload	1,017	980	1,008	1,036

<sup>a</sup> 2000 case load is a projection, based on partial year data.

<sup>3</sup> These figures were obtained from the Pima County Juvenile Court Director's Report, July, 2000.



As noted previously, Arizona statute imposes caseload standards for field probation services and requires the county to annually report caseload to the State. The Juvenile Probation Department reports caseload, by dividing the total existing caseload by the number of field probation officers, providing an average caseload of 35 juveniles per probation officer. The actual caseload may vary among field probation officers and among regional offices. State statute does not regulate probation officer caseload in other parts of the Juvenile Probation system.

The Probation Services and Early Intervention and Prevention divisions are organizationally separate, preventing re-allocation of staff to accommodate shifts in caseload. Division managers have recommended some staffing changes in staff to better utilize resources.

- Reassignment of some Community Supervision surveillance officers to support CREW and Probation Services was recommended. However, because these positions are funded by the State for Community Supervision, the State has imposed restrictions on their use.
- According to the program manager for juvenile justice services at the Arizona State Supreme Court, an alternative to reassignment of State-funded Community Supervision staff would be the increased use of "post-petition diversion". Under post-petition diversion, some juveniles for whom the County Attorney has filed petitions would be referred to Community Supervision at the trial review for a post-petition diversion interview. Criteria for determining which juveniles would be referred to post-petition diversion would include the age of the juvenile, the number of prior referrals, and the extent to which the referral is based on the parents' non-compliance with probation or community supervision requirements. The Juvenile Court would need to work with the County Attorney's Office to develop a post petition diversion program. Diverting an increased number of juveniles to Community Supervision would decrease workload for standard probation and court evaluation probation officers, and may result in cost savings. For every 50 juveniles approved for post-petition diversion annually, resulting in decreases in probation caseload, the Juvenile Court would save \$49,000 in probation officer salary costs.<sup>4</sup>
- Rescheduling of surveillance officer hours was also recommended to provide for more contact with juveniles and their families after school and the juveniles' parents' work hours.

To improve allocation of staff and better serve juveniles and their families, the Juvenile Court should consolidate Probation Services and Early Intervention and Prevention divisions into one division under the direction of a division manager. Juveniles and their families access the juvenile justice system at different points, including risk/needs, community supervision, court evaluation, and probation. By combining Probation Services and Early Intervention and

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<sup>4</sup> Because of the difference in caseload and time in supervision, the estimated number of probation officers for every 50 juveniles is 1.5 FTE for field probation and 0.5 FTE for community supervision. By redistributing caseload, the County would save salary and benefit costs for one position. This assumes that the Juvenile Court would be able to reduce one County-funded position.

Prevention into one division, these different units could function as a team to address cross-program needs of juveniles and their families. Risk/ needs, court evaluation, field probation, and community supervision should be reorganized into regionally based teams, including the south, eastside, and northwest regions. Combining these units into teams would allow the teams to identify the juvenile's needs at different points in the system, and increase the level of communication and coordination among probation officers regarding the juvenile's needs. Additionally, staff resources could be reallocated to meet changing caseload needs. Some specific issues would need to be addressed:

- The consolidated division would be the largest division within the Juvenile Court Center. The Juvenile Court would need to reorganize the supervisory structure, reducing the number of units reporting directly to the division manager and re-evaluating the number of supervisors in the regionally based teams. Currently, Probation Services and the Early Intervention and Prevention divisions each have 9 units reporting directly to the division manager. Under the consolidated division, some of these units would be merged into regionally based teams and others, such as Intake/ Receiving and Placement, would provide central support services. The Juvenile Court would need to restructure the units reporting directly to the division manager and the number of supervisors. Following the example of the Juvenile Detention Center, which has two assistant division managers reporting directly to the division manager, and unit supervisors reporting to the assistant division managers, we recommend creation of two assistant division manager positions, responsible for the regionally based teams and the central support units. In addition, we recommend reduction of three field supervisor positions.<sup>5</sup> Total annual savings in salary costs would be approximately \$125,000<sup>6</sup>.
- Currently, some court evaluation probation officers work in the Northwest Community Justice Center, and the remaining court evaluation probation officers are assigned to the main Juvenile Court Center. According to the division managers, court evaluation probation officers are an important part of the regionally based teams. However, because the court evaluation probation officers frequently appear at Juvenile Court hearings or meet with juveniles in the Juvenile Detention Center, assigning these probation officers to off-site locations will increase travel time between the two sites. Ways to both integrate court evaluation probation officers into the regional teams and minimize travel time would need to be considered.
- Objective workload measures would need to be developed to facilitate allocation of staff among the risk/needs, community supervision, court evaluation, and probation functions of the regional teams.

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<sup>4</sup> This recommendation would maintain a staff to supervisor ration of 15:1.

<sup>6</sup> This estimate assumes that the two new assistant division manager positions would be paid at 10 percent more than supervisors and 10 percent less than the division manager.

Consolidating the Probation Services and Early Intervention and Prevention divisions into one program is intended to improve coordination of services for juveniles and their families and more efficiently allocate caseload among probation officers. Consolidating the divisions should also result in cost savings by restructuring and reducing the need for managers and supervisors.

## Conclusions

Changes in the number of delinquency referrals to the Juvenile Court and petitions filed by the County Attorney have contributed to uneven caseload distribution between the Probation Services and Early Intervention and Prevention divisions. Caseload for the Probation Services division has increased over the past year, and caseload for the Community Supervision program of the Early Intervention and Prevention division has decreased.

Because Probation Services and Early Intervention and Prevention are separate divisions, staff resources can not be reallocated to accommodate changes in caseload, resulting in inefficient assignment of staff. Additionally, although juveniles and their families access the juvenile justice system at different points in the system, the units providing services to these juveniles and families are not able to function effectively as a team. Consolidating Probation Services and Early Intervention and Prevention into one division and integrating the units within the division into regionally-based teams would facilitate efficient allocation of staff and improve coordination of services for juveniles and families.

Consolidation of Probation Services and Early Intervention and Prevention into one division would require re-evaluating management and supervisory structure, resulting in probable cost savings to the Juvenile Court.

## Recommendations

The Pima County Juvenile Court should:

- 11.1 Consolidate the Probation Services and Early Intervention and Prevention divisions into one division under the direction of a division manager, to better serve juveniles and their families and to improve allocation of staff.
- 11.2 Integrate the Risk/ Needs, Community Supervision, Court Evaluation, and Field Probation units into regionally based teams, to increase communication among staff and to coordinate programs and services for juveniles.
- 11.3 Reorganize the units within the division reporting directly to the division manager and re-evaluate the supervisory structure in the regionally based teams.
- 11.4 Work with the County Attorney's Office to develop a "post-petition diversion" program to refer juveniles to the Community Supervision program, who would otherwise be placed on standard probation.

## **Cost and Benefits**

Consolidating Probation Services and Early Intervention and Prevention into one division would allow the Juvenile Court to more efficiently allocate staff and better coordinate services provided to juveniles and their families. Reducing the number of units reporting directly to the division manager and re-evaluating the number of supervisory staff required for the regionally based teams would result in estimated cost savings of at least \$125,000.

Additionally, working with the County Attorney's Office to develop a post-petition diversion program would divert more juveniles from standard probation, and result in cost savings of \$49,000 annually for every 50 juveniles diverted from probation to community supervision.

## 12. Juvenile Detention Center Population Management

- The Juvenile Detention Center's detention risk assessment form (DRAF) does not adequately identify juveniles needing to be detained in the Juvenile Detention Center or contain the costs of detention. The purpose of the risk assessment tool is to set objective criteria for determining which juveniles should be detained, reduce the number of juveniles who are detained unnecessarily, and contain detention costs. One study showed that 44 percent of the juveniles detained in the Juvenile Detention Center did not meet the DRAF criteria for detention.
- With the opening of the new and larger facility, the Juvenile Detention Center does not have the same space constraints that limit the number of juveniles who are detained. Between 1999 and 2000 the average daily census in the Juvenile Detention Center increased by 17.2 percent, from 122 to 143. This increase of 21 juveniles per day is equal to the population of one housing pod, or approximately \$210,000 annually.
- Intake probation officers write exception reports to the DRAF if they believe juveniles who do not meet the DRAF criteria should be detained. The Juvenile Detention Center does not have a written policy regarding exception reports, but does give probation officers criteria for writing exception reports. Much of this criteria duplicates categories in the DRAF, disregarding the criteria and score assigned by the DRAF.
- The Juvenile Court should develop and implement a new detention risk assessment tool, setting objective criteria for detention, and minimizing the number and cost of unnecessary detention, and establish written policies for exception reports that are consistent with the criteria set by the detention risk assessment tool.

### Detention Risk Assessment Form

The Detention Risk Assessment Form (DRAF) was developed in the early 1990s by the Pima County Juvenile Court Center to (a) provide objective criteria for placing juveniles in the Juvenile Detention Center, and (b) contain Juvenile Detention Center costs by more accurately identifying juveniles who require detention. When juveniles are referred to the Juvenile Detention Center intake and receiving unit, the intake probation officer uses the DRAF to determine if the juvenile should be detained.

### ***DRAF Criteria***

The DRAF is designed to identify juveniles who are at risk for continuing delinquent behavior or who are deemed to be flight risks. Juveniles receive points based on objective criteria, and juveniles receiving 12 or more points are detained in the Juvenile Detention Center. DRAF criteria for detaining juveniles in the Juvenile Detention Center include whether the juvenile has a warrant, the seriousness of current and past offenses, the number of prior referrals, and other criteria, as described below.

- Juveniles who have warrants are automatically detained except for those with “juvenile warrants,” who are detained based on the DRAF score.
- Juveniles receive points based on their current and prior offenses, or their risk of failure to appear, depending on which score is higher.
  - Juveniles can receive from 0 to 12 points for the seriousness of the current offense, 1 to 3 points for additional current offenses, and 1 to 5 points for the number and seriousness of prior referrals and offenses; or
  - Juveniles can receive 3 to 12 points if they are deemed at risk for failure to appear.
- Juveniles receive additional points based on their probation or parole status (1 to 2 points), or other aggravating factors, such as making specific threats to victims or witnesses, serious injury to victims, use or possession of weapons in the commission of a crime, use of alcohol or drugs in commission of a crime, or out-of-county residency (1 to 3 points).
- Juveniles have points reduced for available parent or guardian supervision, input from the police or Court-ordered placement facility, or the juvenile’s attitude (1 to 2 point reduction).
- If juveniles are deemed to be a risk to themselves or lack placement or parental supervision, they can be detained with permission from the division manager or court administrator.

The DRAF was developed as an alternative to a more subjective decision-making process for detaining juveniles. The DRAF assigns points based on specifically defined criteria, such as the seriousness of the offense, the number of current offenses or the history of prior offenses or referrals. Some of the mitigating or aggravating factors are more subjective, such as the juvenile’s attitude or police input. However, the DRAF score can only be decreased by 1 to 2 points for mitigating factors or increased by 1 to 3 points for aggravating factors.

Juveniles can be detained regardless of the DRAF score if they are deemed to be a risk to themselves or lack placement. When the DRAF was implemented, detaining juveniles for these reasons required approval by the division manager or court administrator.

### ***Exception Reports***

For the past two years, intake probation officers have been permitted to recommend detention for juveniles with DRAF scores less than 12 without first obtaining division manager or court administrator approval. Intake probation officers write an “exception report”, giving the reason

for detaining the juvenile. Copies of the exception reports are sent to the court administrator and placed into the juvenile's file. These reports are reviewed at a later time by the intake and receiving unit supervisor.

The intake and receiving unit does not have formal written guidelines regarding the criteria for writing exception reports. Probation officers are told that exception reports are to be based on:

- (a) A determination of whether the juvenile is a threat to community, himself/herself, or others;
- (b) The number or seriousness of prior referrals;
- (c) Prior warrants or likelihood of not appearing for scheduled hearings; and,
- (d) Current probation status or recommendation for detention from the field probation officer.

A review of the exception reports written by intake probation officers between March 2000 and September 2000 show an average of 39 exception reports per month. The table below summarizes the primary reasons provided by intake probation officers in the exception reports for detaining juveniles with DRAF scores less than 12. Most of the exception reports contained more than one reason for detaining the juvenile, and the percentages in the table below represent the percentage of all reasons given.

**Table 12.1**  
**Primary Reasons for Detaining Juveniles**  
**With DRAF Scores Less than 12**

Reason for Detaining Juvenile	Percentage
Juvenile has made threats to harm or assault others	29.8%
Juvenile is non-compliant with terms of probation	17.2%
Juvenile has other hearings/ dispositions pending	12.2%
No outside placement available for juvenile	8.8%
Juvenile indicates suicidal tendencies or mental health problems.	7.1%
Juvenile is a runaway	6.3%
Probation officer requests detention	5.9%
Juvenile has a weapon, or has threatened to use a weapon	5.5%
Juvenile is a flight risk	4.2%
Supervisor or administrator has recommended/ approved detention	1.7%
Juvenile has made threats against the school or school staff	0.8%
Juvenile is at risk from threats by others	0.4%
<b>Total</b>	<b>100%</b>

Many of the reasons provided in the exception report for detaining a juvenile are already contained in the DRAF and assigned a set number of points.

- The DRAF assigns 1 to 3 points for aggravating factors, including but not limited to making specific threats to a victim or witness or use of a weapon. By limiting the assigned points to three, the DRAF determines what weight aggravating factors should bear in recommending detention. In more than half the cases reviewed, the intake probation officer wrote an exception report and recommended detention for aggravating factors, such as threats to harm or assault others, possession of a weapon, or pending hearings and disposition. These exception reports alter the criteria of the DRAF, which limits the number of assigned points.
- According to the DRAF, if a field probation officer has initiated a petition to revoke probation, the intake probation officer should detain the juvenile based on the field probation officers' justification for revoking probation and on the DRAF score. In 23 percent of the cases, the intake officer wrote an exception report and recommended detention for juveniles with DRAF scores less than 12 for non-compliance with the terms of probation or probation officer request, although a petition to revoke probation had not necessarily been filed.
- The DRAF assigns 3 to 12 points cumulatively if juveniles are deemed a flight risk. For example, a juvenile would receive three points for a prior warrant for "failure to appear" and eight points for running away from a Court-ordered placement facility, totaling 11 points. Yet, in 6.3 percent of the cases the exception report recommended detention because the juvenile was a runaway or at risk of not appearing, although they did not meet the criteria set by the DRAF.
- In two reports, the intake probation officers recommended detaining the juveniles because of the serious nature of the felony offenses, but in each case the seriousness of the DRAF score was considered, and the score totaled only 11 points.

A large number of juveniles detained in the Juvenile Detention Center have DRAF scores less than 12, indicating that the DRAF is frequently not used to determine which juveniles should be detained. A 1998 evaluation of the DRAF found that 44.4 percent of the juveniles detained in the Juvenile Detention Center did not meet the current guidelines for detainment.<sup>1</sup> The Juvenile Detention Center tracked the number of juveniles in the Detention Center with DRAF scores less than 12 in 1998 and 1999. The percentage of juveniles in the Detention Center with DRAF scores less than 12 ranged from approximately 57 percent to 72 percent daily in 1998, and from approximately 57 percent to 80 percent in 1999. Some of these juveniles were detained while awaiting placement in Court-ordered treatment facilities, transfer to the Department of Juvenile Corrections, or warrants.

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<sup>1</sup> "Pima County Juvenile Court Detention Risk Assessment Evaluation", prepared by Steve Ballance, George Knecht, Greg Sidebotham, Scott Rosenberg, Gabe Gutierrez, and Samantha Harrell, page 53.



Between 1999 and 2000 the average daily census in the Juvenile Detention Center increased from 122 to 143, or 17.2 percent. The increase in average daily census represents a cost increase to Pima County. The additional 21 juveniles detained per day in the Juvenile Detention Center equals the cost of staffing one housing pod annually, or approximately \$210,000. A majority of juveniles in the Juvenile Detention Center have DRAF scores less than 12, indicating that the DRAF score plays a minimal role when determining which juveniles are detained in the Juvenile Detention Center, and is not useful in controlling population in the facility.

The Juvenile Court needs to develop and implement a new risk assessment tool to better identify those juveniles who need to be detained, setting objective criteria for detaining juveniles and reducing the number of juveniles detained without meeting the criteria. This is especially important with the new and larger facility. In the old facility, space constraints limited the number of juveniles detained, but the new facility can house a much greater number of juveniles. Without carefully defined and objective criteria for detention, Pima County will incur increased costs for juveniles who are detained unnecessarily.

In conjunction with developing and implementing the detention risk assessment tool, the Juvenile Court needs to review its policy regarding exception reports. Currently, the Juvenile Detention Center does not have a written policy for exception reports. Probation officers are told that exception reports are based on (a) a determination that the juvenile is a threat to the community, to himself or herself, or to others, (b) the number or seriousness of prior referrals, prior warrants, or the likelihood of not appearing for scheduled hearings, and (c) current probation status or recommendation for detention from the field probation officer. All of these points are included in the DRAF with a set number of points assigned to each category. By including these points in the exception report, the DRAF criteria and the weight assigned to the criteria are essentially disregarded.

The Juvenile Court needs to develop a written policy regarding exception reports, specifying which circumstances warrant an exception. Currently, the DRAF permits juveniles to be detained if they have warrants, if they present a danger to themselves, or if they have no custodial protection or available placement. Exception reports that identify and explain these factors are consistent with the intent of the report. With the development and implementation of a new risk assessment tool, exception reports for other categories, such as aggravating factors, non-compliance with the terms of probation, and risk of failure to appear, should be minimal. If the new tool appropriately defines these categories and the number of points assigned to the categories, juveniles needing to be detained should be more accurately identified.

Lastly, management needs to strengthen its review of the DRAF score for each juvenile presented by law enforcement for detention. We were advised during this study that the intake supervisor reviews the exception report at a later date and discusses any decisions that are inconsistent with management policy with the intake officer. This review of the exception report and discussion with the intake officer can occur at a much later date. According to the intake supervisor, management only infrequently determines that the intake officer made a decision that was inconsistent with policy and does not take corrective action when staff diverts from the established risk assessment tool. However, the results of our sample and our review of the

department's practice disagrees with this assertion. By Arizona statute, juveniles who are detained receive a detention hearing before a Juvenile Court judge within 24 hours. The DRAF does not seem to play a role in this hearing. Juvenile Detention Center management needs to establish and conform to quality assurance procedures which will ensure that staff are complying with established policy regarding detention decisions.

## **Conclusions**

The Juvenile Detention Center's detention risk assessment form (DRAF) does not adequately identify juveniles needing to be detained in the Juvenile Detention Center, or contain the costs of detention. The purpose of the risk assessment tool is to set objective criteria for determining which juveniles should be detained, reduce the number of juveniles who are detained unnecessarily, and contain detention costs. One study showed that 44 percent of the juveniles detained in the Juvenile Detention Center did not meet the DRAF criteria for detention.

With the opening of the new and larger facility, the Juvenile Detention Center does not have the same space constraints, which limited the number of juveniles who were detained. Between 1999 and 2000, the average daily census in the Juvenile Detention Center increased by 17.2 percent, from 122 to 143. This increase of 21 juveniles per day is equal to the annual cost of one housing unit, or approximately \$210,000 annually.

Intake probation officers write exception reports to the DRAF if they believe juveniles who do not meet the DRAF criteria should be detained. The Juvenile Detention Center does not have a written policy regarding exception reports, but does give probation officers criteria for writing exception reports. Much of this criteria duplicates categories in the DRAF, disregarding the criteria and score assigned by the DRAF.

## **Recommendations**

The Juvenile Court should:

- 12.1 Develop and implement a new detention risk assessment tool, setting objective criteria for detention and minimizing the number and costs of unnecessary detentions.
- 12.2 Establish written policies for exception reports that are consistent with the intent and criteria set by the detention risk assessment tool and minimize the number of exceptions to the risk assessment tool.
- 12.3 Direct JDC management to develop and conform to effective systems for monitoring intake officer compliance with established detention policy.

## **Costs and Benefits**

There would be no additional costs to implement these recommendations.

Currently, the Juvenile Detention Center incurs additional costs for detaining juveniles who do not meet the criteria for detention. Between 1999 and 2000, the average daily census increased by 21 juveniles, equal to the annual cost of staffing one housing pod, or approximately \$210,000 annually. The new facility does not have the same space constraints as the old detention center, limiting the number of detained juveniles. Without implementing objective criteria and reducing the number of exceptions to the risk assessment tool, the Juvenile Detention Center does not have a way to contain costs of a growing Juvenile Detention Center population.

### 13. Enhancing Juvenile Placement Options

- The Arizona Administrative Office of the Courts (AOC) allocated \$3,761,832 to Pima County in FY 2000-2001 for juvenile probation and juvenile intensive probation treatment services. The Juvenile Court projects that these funds will be over-expended by \$186,488 by the end of the fiscal year. If the AOC is unable to reallocate unexpended funds from other counties, the Juvenile Court will freeze placement of juveniles until more funds become available.
- An estimated 74 juveniles are detained in the Juvenile Detention Center annually for an average of 39 days while waiting placement in Court-ordered treatment programs. At an estimated cost to the County of \$5,499 per juvenile, the total cost to the County for juveniles who are detained in the Juvenile Detention Center while waiting placement in Court-ordered treatment facilities is \$406,926 annually. These juveniles are not receiving treatment for their behavioral or mental health needs while detained in the Juvenile Detention Center.
- State officials are already working to improve children's mental health services and to expand programs eligible for Arizona Health Care Cost Containment System (AHCCCS) reimbursements. Because Pima County incurs additional costs for juveniles who are detained in the Juvenile Detention Center while waiting placement in Court-ordered treatment programs, and juveniles are delayed in receiving needed treatment for behavioral and mental health disorders, Pima County should petition the State to fully fund juvenile probation and intensive probation treatment services estimated to be \$464,444 in FY 2001-2002.

The Arizona Supreme Court provides funding to Pima County for juvenile treatment services and enters into contracts with providers for treatment services. The State provides more than \$4,000,000 annually for placement and treatment of juveniles under the supervision of the Juvenile Court Center. The State monies are allocated among four programs: (a) \$3,379,832 for Juvenile Treatment Services, providing placement and treatment programs for juveniles on probation; (b) \$382,000 for Juvenile Intensive Probation Services (JIPS); (c) \$742,689 for juveniles in the Early Intervention and Prevention Program, and (d) \$114,507 for family counseling services. The allocation of funds is governed by State statute and can only be used for juveniles in the designated programs. Unexpended Juvenile Treatment Services funds designated for juveniles on probation can be used for juveniles under the supervision of JIPS, but treatment funds designated for JIPS can only be expended on juveniles in the JIPS program. Unexpended JIPS funds are returned to the State General Fund. Funds allocated to the Early Intervention and Prevention Programs and Family Counseling Programs are specific to those programs.

In FY 2000-01, the Juvenile Court projects that the JIPS treatment funds will be over-expended by approximately \$577,705 and the Juvenile Treatment Services fund will be under-expended by approximately \$391,217, for a net over-expenditure of \$186,488. As noted above, the Juvenile Court may use Juvenile Treatment Services funds for the JIPS program. In the event of insufficient funds, the State can re-allocate funds from other counties with surplus treatment monies or the Juvenile Court can hold juveniles in detention pending available funds for alternative placement or treatment.

**Table 13.1**  
**FY 2000-01 Juvenile Probation Treatment Services Budget**  
**and Projected Expenditures**

	FY 2000-01 Adopted Budget	Expenditures through November 2000	Projected Expenditures through June 2000	Projected Surplus/ (Deficit)
Standard Probation Services	\$3,379,832	\$1,303,511	\$2,988,615	\$391,217
Intensive Probation Services	382,000	351,533	959,705	(577,705)
<b>Subtotal</b>	<b>\$3,761,832</b>	<b>\$1,655,044</b>	<b>\$3,948,320</b>	<b>(\$186,488)</b>
Early Intervention and Prevention	742,689	265,706	602,977	139,712
Family Counseling	114,507	38,916	71,448	43,059
<b>Total</b>	<b>\$4,619,028</b>	<b>\$1,959,666</b>	<b>\$4,622,745</b>	<b>(\$3,717)</b>

The Arizona Administrative Office of the Courts (AOC) manages treatment funds allocated to the Pima County Juvenile Court Center, and contracts with treatment and placement service providers. The contracts include sex offender, behavioral and mental health, and chemical dependency residential treatment programs and therapeutic group homes. AOC reimburses providers on a monthly basis who are providing services to Pima County juveniles and deducts such reimbursements from the Pima County allocation.

## Placement Unit

The Probation Services division of the Juvenile Court Center has established a Placement Unit with responsibility for allocating funds for treatment services and residential treatment center, group home, or other placements for juveniles on probation. The Placement Unit is staffed with one support staff, two probation officers, responsible for family counseling services and detention alternatives, and a supervisor, reporting to the division manager. Field probation officers, requiring treatment or placement services for juveniles on probation, request funds from the Placement Unit. Placement and funding decisions are approved by the Placement Committee,

which meets twice weekly. One weekly Placement Committee meeting is an internal committee meeting, consisting of Placement Unit staff, a staff psychologist, and the Juvenile Intensive Probation Services supervisor. The second Placement Committee meeting includes representatives from Child Protective Services and Community Partnership of Southern Arizona (CPSA), a regional organization representing mental health providers. Placement decisions are based on available funds and resources, and waiting lists.

Many juveniles who have been ordered by the Juvenile Court to enter treatment programs must wait for available space in the designated program. Approximately one-half of the juveniles who are awaiting placement in a Court-ordered treatment program are detained in the Juvenile Detention Center while awaiting placement.

The Juvenile Court budgets for residential treatment beds throughout the year. It allocates funds to pay for a set number of beds in each type of facility. For example, the Juvenile Court allocates funds to pay for 4 beds per month at Vision Quest, a 120-day program. If the demand for beds exceeds the number of budgeted beds, the juveniles are placed on a waiting list.

In FY 2000-2001 the State allocated \$3,379,832 in treatment funds for standard probation services and \$382,000 for intensive probation services, totaling \$3,761,832. The Juvenile Court projects over-expenditures in FY 2000-2001 for these two categories of approximately \$186,488. As noted previously, the State AOC can re-allocate funds from other counties to cover the additional expenditures, or the Pima County Juvenile Court Center can freeze placements to reduce over-expenditure of funds.

## **Juveniles in the Juvenile Detention Center Waiting Placement**

The Juvenile Court does not compile statistics on the number of juveniles in the Juvenile Detention Center who are waiting for placement in residential mental health, sexual offender, and chemical dependency programs. The Placement Unit maintains an informal computer-generated waiting list, and names are crossed out or penciled in as juveniles are added or deleted from the list. To obtain a picture of the number of juveniles who are detained while waiting placement, we reviewed waiting lists for five separate months in 2000. The lists were generated on a specific date during the month, but when names were added or removed from the list, no notation was made of the date of adding or removing that name. We obtained length of stay information for the individuals on the list from the JOLTS database. The length of stay data shows when the juvenile was admitted to the Juvenile Detention Center, but does not provide the date the juvenile was added to the waiting list. The table below summarizes the average number of juveniles on the waiting list on a given day, including the number in detention and the average length of stay in detention for these juveniles.

**Table 13.2**

**Summary of Juveniles in the Juvenile Detention Center  
Waiting Court-Ordered Placement<sup>1</sup>**

Average number of juveniles on waiting list for Court-ordered placement at any one time	Average number of juveniles in the Juvenile Detention Center on the waiting list for Court-ordered placement at any one time	Average length of stay in Juvenile Detention Center for juveniles who are placed in Court-ordered placements	Average Juvenile Detention Center daily census in 2000
16	8	69 days	143

<sup>1</sup> Based on the number of juveniles on the computer-generated waiting list on January 18, 2000, March 17, 2000, June 28, 2000, September 1, 2000, and December 4, 2000.

- The median length of stay for juveniles detained in the Juvenile Detention Center and waiting placement was 62 days, ranging from a minimum length of stay of 5 days to a maximum length of stay of 266 days.
- By Arizona statute, juveniles may be detained for a period up to 30 days prior to disposition. Therefore, the time the juvenile spends on the waiting list after disposition at 30 days, in which the Court orders placement, and prior to actual placement is approximately 39 days.

Juveniles are waiting placement in different types of programs, as described below.

- Youth Development Institute (YDI) provides intensive open-ended treatment to sex offenders. The Juvenile Court will often order placement at YDI as an alternative to incarceration at the Department of Juvenile Corrections. According to the Placement Unit, the wait for placement at YDI is two months or longer. However, YDI has recently increased the number of available beds, and no juveniles were waiting YDI placement on the January, 2001 waiting list<sup>1</sup>. Juveniles are often placed at YDI for a period of 12 months or longer.
- Banner Health is a 30-day chemical dependency program.

<sup>1</sup> In addition to the one YDI bed budgeted by the Placement Unit, the AOC reserves 3 beds that are available to Pima County juveniles as needed.

- High level residential treatment programs, defined as “Level One” by the State, provide 24-hour supervision and on-site treatment for juveniles with severe behavioral problems. Juveniles are generally placed in these programs for a period of 60 to 90 days, although some juveniles are placed in these programs for a period of 6 to 9 months.
- Vision Quest Hi Impact (VQHI) is a group home licensed by the Department of Economic Security and has a 120-day adventure camp program.
- Therapeutic group homes provide supervision and onsite treatment for juveniles with behavioral disorders, but juveniles attend school or work programs outside of the treatment facility.

**Table 13.3**

**Average Length of Stay by Program Type for  
 Juveniles Detained in Juvenile Detention Center**

	Sex Offender Programs	Behavioral Health Programs			Chemical Dependency
	YDI	Vision Quest Hi Impact	Residential Treatment Care	Group Home Care	Banner Health
Average number of days in Juvenile Detention Center	116	61	64	76.1	46
Median number of days in Juvenile Detention Center	91	64.5	65	50.5	31
Average number of juveniles detained in the Juvenile Detention Center on the waiting list each month	2.8	2.8	3	2	1.8

- The majority of juveniles who were detained in the Juvenile Detention Center on the Placement Unit waiting lists were awaiting placement at YDI, VQHI, and Banner Health.
- An average of three detained juveniles were on the waiting list each month for all other residential treatment facilities combined and an average of two juveniles were on the waiting list each month for all therapeutic group homes combined.



Juveniles detained in the Juvenile Detention Center are on the waiting list for Court-ordered placement for approximately 60 days for YDI, approximately 30 days for Vision Quest, residential treatment centers, and therapeutic group homes, and 30 days or less for Banner Health. Detaining juveniles in the Juvenile Detention Center while waiting placement in an appropriate treatment program results in additional costs to Pima County. The estimated additional cost for juveniles detained in the Juvenile Detention Center while waiting placement in a Court-ordered treatment program is \$5,499.<sup>2</sup>

Juveniles are not placed more quickly into Court-ordered treatment programs due to budgetary constraints. The AOC provided \$3,761,832 to Pima County in FY 2000-2001 for juvenile probation and juvenile intensive probation treatment services. The Juvenile Court projects that these funds will be over-expended by \$186,488 by the end of the fiscal year. If the AOC is unable to reallocate unexpended funds from other counties, the Juvenile Court will freeze placement of juveniles until more funds become available.

The AOC negotiates reimbursement rates with the individual providers. Daily reimbursement rates range from:

- \$110 per bed per day for the Banner Health chemical dependency program,
- \$130 to \$156 per bed per day for therapeutic group homes,
- \$138 per bed per day for Vision Quest Hi Impact,
- \$150 to \$165 per bed per day for residential treatment programs, and
- \$225 per bed per day for YDI.

According to discussions with providers, providers could increase the number of available beds at the current AOC reimbursement rates if additional funding were available.<sup>3</sup>

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<sup>2</sup> This is based on the difference between the average length of stay in the Juvenile Detention Center for juveniles waiting Court-ordered placement of 69 days and average length of stay of 30 days before the disposition hearing and the Court order for placement, for a difference of 39 days. The daily rate charged by Pima County to other government agencies for holding juveniles in the Pima County Juvenile Detention Center is \$141 per day. 39 days times \$141 per day equals \$5,499.

<sup>3</sup> Discussions with YDI, VQHI, Park Place, a level one residential treatment program, Banner Health, and Mary's Mission, a level two facility, indicate that additional beds would be available at current reimbursement rates if the AOC were to fund additional beds.

**Table 13.4**  
**Estimated Cost of Funding**  
**One Additional Residential Treatment Bed**

	Estimated Annual Cost of One Additional Bed	Estimated Number of Juveniles Served by One Additional Bed	Estimated Juvenile Detention Center Cost for Juveniles Who Would Be Served by One Additional Bed <sup>1</sup>
YDI	\$82,125	1	\$8,460
VQHI	\$50,370	3	\$12,690
Banner Health	\$40,150	12	\$50,760
Residential Treatment Center	\$60,225	3	\$12,690
Therapeutic Group Home	\$56,940	3	\$12,690

<sup>1</sup> Based on an estimated waiting list time of 60 days for juveniles detained in the Juvenile Detention Center while waiting placement at YDI and 30 days for juveniles waiting in the Juvenile Detention Center while waiting placement at other treatment facilities.

- An estimated 74 juveniles are detained annually in the Juvenile Detention Center for an average of 39 days while waiting placement in Court-ordered treatment programs. At an estimated cost to the County of \$5,499 per juvenile, the total cost to the County for juveniles who are detained in the Juvenile Detention Center while waiting placement in Court-ordered treatment facilities is \$406,926 annually.
- To significantly reduce or eliminate the time that juveniles are detained in the Juvenile Detention Center while awaiting placement, the State would need to fund approximately eight additional residential treatment, therapeutic group home, Vision Quest Hi Impact and chemical dependency beds at an estimated annual cost of \$464,444.<sup>4</sup>
- As noted previously, in FY 2000-2001 the Juvenile Court projects \$186,488 in over-expenditures in the juvenile probation and juvenile intensive probation treatment services budgets. If the State AOC is unable to reallocate unused treatment funds from other counties, then Pima County will have to freeze placement of juveniles in treatment programs, increasing the number of juveniles who are detained in the Juvenile Detention Center awaiting placement.

<sup>4</sup> Based on an estimated cost of 7.9 additional beds at a daily cost of \$160.93.

- The Arizona Legislature determines the amount of funding available to Pima County for Court-ordered treatment programs. In FY 2000-2001, Pima County received \$3,761,832 for juvenile probation and juvenile intensive probation treatment services. The AOC does not anticipate any significant increase in funding in FY 2001-2002.
- The Juvenile Court incurs approximately \$406,926 in additional costs annually for juveniles who are detained in the Juvenile Detention Center while waiting placement in Court-ordered treatment programs. Further, these juveniles are not receiving treatment for their behavioral or mental health needs while detained in the Juvenile Detention Center. Reducing the amount of time that these juveniles are detained in the Juvenile Detention Center while waiting placement in Court-ordered treatment programs would reduce costs to the Juvenile Court and provided needed treatment more quickly.
- Estimated treatment costs for juveniles who are detained in the Juvenile Detention Center while waiting Court-ordered placement would only be \$57,517 more than the cost to Pima County for detaining these juveniles (\$464,444 less \$406,926). Because the State has not fully funded the costs of Court-ordered treatment, these costs have been shifted from the State to the County. By shifting the cost in this manner, the State has placed an unreasonable burden on the local taxpayers of Pima County, and has delayed treatment for the most vulnerable segment of the Juvenile Detention Center population.

State agencies are currently looking at various options to increase mental health funding and services in Arizona. The Arizona Department of Health Services (DHS), Arizona Department of Economic Security (DES), and the Arizona Health Care Cost Containment System (AHCCCS) are working together, along with the Office of the Governor, to support additional funding for mental health services statewide. These agencies are looking at ways to provide better services for children who interface more than one system, including child welfare, mental health, and juvenile justice systems.

With the approval of Proposition 204, which increases income eligibility for AHCCCS, the State Medicaid program, and with changes in Kids Care, which increases income eligibility for the Federal Children's Health Insurance Program (CHIP), the State can leverage more Federal dollars to provide mental health services to children. Although under Federal law the State may not spend Medicaid or CHIP funds on services for juveniles in juvenile detention facilities, the State may use Medicaid and CHIP funds to pay for services 30 days after they have entered residential treatment programs. In addition, a State interagency workgroup is working together to determine what additional services, such as therapeutic foster homes, that are not currently funded by Medicaid, could be included in AHCCCS with Federal approval.

Because of the interest at the State level to improve mental health services for children, Pima County has the opportunity to seek additional funding for services for juveniles in the juvenile justice system. Pima County should petition the State to increase funding for treatment services by at least \$464,444 per year through local State representatives, and its own lobbyists.

## **Conclusion**

The Arizona AOC allocated \$3,761,832 to Pima County in FY 2000-2001 for juvenile probation and juvenile intensive probation treatment services. The Juvenile Court projects that these funds will be over-expended by \$186,488 by the end of the fiscal year. If the AOC is unable to reallocate unexpended funds from other counties, the Juvenile Court will freeze placement of juveniles until more funds become available.

An estimated 74 juveniles are detained in the Juvenile Detention Center annually for an average of 39 days while waiting placement in Court-ordered treatment programs. At an estimated cost to the County of \$5,499 per juvenile, the total cost to the County for juveniles who are detained in the Juvenile Detention Center while waiting placement in Court-ordered treatment facilities is \$406,926 annually. These juveniles are not receiving treatment for their behavioral or mental health needs while detained in the Juvenile Detention Center.

State officials are already working to improve children's mental health services and to expand programs eligible for Arizona Health Care Cost Containment System (AHCCCS) reimbursements. Because Pima County incurs additional costs for juveniles who are detained in the Juvenile Detention Center while waiting placement in Court-ordered treatment programs and juveniles are delayed in receiving needed treatment for behavioral and mental health disorders, Pima County should advocate for the State to fully fund juvenile probation and intensive probation treatment services in FY 2001-2002, for an estimated increase in funding of \$464,444

## **Recommendations**

The Board of Supervisors should:

- 13.1 Through local representatives and its lobbyists, petition the State Legislature, the Governor and the Administrative Office of the Courts, to increase funding for residential treatment services for delinquent juveniles by at least \$464,444 in FY 2001-2002.

## **Costs and Benefits**

Currently, the Pima County Juvenile Court Center incurs approximately \$406,926 annually in additional costs for juveniles who are detained in the Juvenile Detention Center while waiting placement in Court-ordered treatment programs. In FY 2000-2001 the State Legislature approved and the AOC allocated \$3,761,832 to Pima County for juvenile probation and juvenile intensive probation treatment services. The Juvenile Court projects that these funds will be over-expended by \$186,488. An increase of \$464,444 in State funding for treatment services would reduce the County's costs for detaining these juveniles in the Juvenile Detention Center while awaiting placement for Court-ordered treatment, and would fund needed behavioral and mental health services for these juveniles.

## 14. Crime Lab Services

- The cost to the Sheriff of contracting with the City of Tucson for crime lab testing needs is rising dramatically. As these costs have increased, the Sheriff has begun to rely on the Arizona Department of Public Safety to provide laboratory analysis of crime evidence.
- The Sheriff should consider other methods of performing the majority of its testing needs, which are blood alcohol and illegal drug tests. Other possible methods of accomplishing the tests include constructing and operating a County laboratory, or continuing to pay the Department of Public Safety for supplemental laboratory professionals and equipment to perform these tests on a preferred basis.
- The County should also consider consolidating other laboratory testing needs, such as the substantial volume of tests for adults and juveniles on probation, and attempt to combine the outsourcing for these tests into a single contract to negotiate a lower contract cost. As an alternative, a County laboratory could process certain tests more efficiently, including tests used to monitor persons on probation, and certain other County laboratory tests currently performed under separate arrangements.

The Pima County Sheriff's Office (PCSO) operates an Identification (ID) Unit for purposes of collecting and analyzing criminal evidence. The ID staff travels to crime scenes to collect and photograph evidence and then perform analysis of this evidence at PCSO facilities. A substantial portion of this work involves comparing latent fingerprints to a database of previously fingerprinted criminals and other persons. In addition, the PCSO contracts with other law enforcement agencies to analyze and process a substantial portion of its criminal evidence. In recent years, this has required the PCSO to establish a contract for criminal laboratory testing needs with the Tucson Police Department (TPD).

### Rising Cost of Tucson Police Department Laboratory Services

Since Calendar Year (CY) 1997, the cost of contracting with the TPD for laboratory analysis of criminal evidence has risen dramatically, while the total volume of laboratory tests required by the PCSO has remained virtually unchanged. From January 1997 through the present, the annual volume of tests performed for the PCSO by the TPD increased by just 2.1%. However, the cost to the PCSO of receiving test results, and later court testimony from TPD lab technicians, has increased by 216% over the same period. TPD has reported to the PCSO that the cost of contracting with the city for performance of crime laboratory testing is based on the number of analytical hours spent on PCSO work versus all hours of analytical work. This factor is then

applied to the total criminal laboratory budget to determine the required contractual payment. As Table 14.1 illustrates, this methodology for calculating the cost of performing County crime lab tests may work to fully cover TPD costs, but it does not relate at all to the number of PCSO tests that TPD performs in a given year. Unfortunately, laboratory tests are tracked on a calendar year basis while payments to TPD for analytical work is required on a fiscal year basis. Still, the lack of any relationship between the number of tests performed for the Sheriff and the amount charged to the Sheriff is readily apparent in this table.

**Table 14.1**  
**Comparison of TPD Charges to Sheriff for Crime Lab Tests**  
**FY 1996-97 through FY 1999-2000**

Period	Cost to PCSO	Percentage Change	Period	Number of Tests Performed	Percentage Change
FY 96-97	\$ 86,700	--	CY 1997	1,500	--
FY 97-98	\$100,240	15.62 %	CY 1998	1,101	(26.6) %
FY 98-99	\$135,694	35.37 %	CY 1999	1,330	20.8 %
FY 99-00	\$213,065	57.02 %	CY 2000	1,532	15.2 %
Average Cost Change Over 3 Fiscal Years		36.00 %	Average Change in the Number of Tests		3.1 %

As Table 14.1 shows, the increase in the cost of contracting with TPD for criminal laboratory testing has far outpaced the increase in the number of tests annually required by the PCSO. The TPD methodology for calculating this annual cost is based upon the number of analytical hours spent on PCSO lab work, not the number of tests performed. Still, this does not explain the dramatic rise in cost to the County when the majority of these tests are among the most common types of tests to perform and should only rarely involve more than the application of standard procedures to produce results. During CY 2000, TPD provided the PCSO with results for 1,532 tests. Of this amount, 1,482 tests, or 96.7% of the total number of tests performed, fall into two categories: blood alcohol (B.A.) testing and illegal drug testing. Neither test category typically represents evidence that requires unique testing procedures for individual cases. Thus, the characteristics of the County crime lab workload do not explain the continued growth in charges to the PCSO for City lab work.

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Per State law, the Arizona Department of Public Safety (DPS) must provide analysis of criminal evidence to all Arizona law enforcement jurisdictions. DPS provides this service at no cost to many jurisdictions throughout the state by testing materials primarily at its Phoenix laboratory location, but also at smaller lab facilities in Flagstaff, and in Tucson at the Southern Arizona Crime Laboratory. This creates a substantial workload for an agency that already has its own sizable need for laboratory testing. According to the PCSO, the result is a backlog of 6 weeks to 3 months for B.A. tests and 3 to 6 months for Illegal drug identification tests. Law enforcement agencies surveyed by the PCSO have only positive comments about their working relationship with DPS, but these personnel also understand that test results could be greatly delayed, depending on the amount of work presented to DPS at a given time of year.

During the past several years, the PCSO has begun to increasingly rely on the DPS to perform supplementary laboratory analysis of criminal evidence, although TPD still performs the majority of laboratory tests.

Table 14.2

**Comparison of Laboratory Tests Performed for PCSO by  
Tucson Police Department and Arizona Department of Public Safety**

Test Type	CY 1997		CY 1998		CY 1999		CY 2000	
	TPD	DPS	TPD	DPS	TPD	DPS	TPD	DPS
Blood Alcohol	672	17	738	4	855	9	860	20
Illegal Drugs	809	1	354	1	467	2	622	3
Urinalysis	0	52	0	47	0	70	0	62
Questioned Documents	10	0	5	0	3	0	3	0
Shoe Print Comparison	0	2	0	1	0	1	1	1
Shell Casings	1	0	1	0	0	1	10	25
Fibers	0	0	1	0	0	0	10	10
Swabs / Knife	2	3	0	0	1	0	10	10
Raised Serial Numbers	1	1	0	0	0	0	0	0
Bullet Fragments	3	0	1	4	2	3	10	25
Explosives	0	0	0	1	0	2	0	10
Vehicle Lamps	0	0	0	0	0	0	0	0
Hair / DNA	2	1	1	0	0	2	5	20
Paint	0	2	0	0	2	1	1	3
Total B.A. & Illegal Drug Tests	1,481	18	1,092	5	1,322	11	1,482	23
Total All Tests	1,500	79	1,101	58	1,330	91	1,532	189

Harvey M. Rose Accountancy Corporation

## Options for Performing Laboratory Tests at Lower Cost

Overall, the number of crime laboratory tests performed by DPS is relatively small, but its share of all PCSO tests has been increasing in recent years. DPS performed 189 tests for the PCSO during 2000, which is a 12.3% share of all tests performed during the year. Having experienced a positive work relationship in the past year, the PCSO has been discussing the possibility of other methods of performing laboratory analysis of criminal evidence. The goal of any such contract would be to maintain the proper chain of custody for crime scene evidence, to receive the test results in a timely manner and to reduce the cost of this lab work, if possible. Two possibilities the PCSO has considered are constructing a County lab adjacent to the new Sheriff Identification Unit facility, and contracting with DPS to perform work currently processed by TPD.

## Paying DPS Personnel Costs for Priority Testing of Crime Evidence

As a solution to the desire to utilize analytical lab services at a lower cost and to maintain the ability to perform most tests locally, the PCSO has recently negotiated and signed an Intergovernmental Agreement (IGA) to directly fund additional DPS laboratory technicians at the Southern Arizona Crime Laboratory. These technicians would be DPS employees, but the funding for their salaries, benefits, and operating costs would be paid by the PCSO. In exchange for this funding, DPS would direct its technicians to provide analytical work for all jurisdictions, but to place a priority on work for the PCSO. DPS also requires the PCSO to fund the purchase of certain lab equipment on an ongoing basis.

Based on figures used in recent discussions, contracting with the DPS could lower the annual cost of crime lab analysis by \$63,300 in the first year and as much as \$118,300 in future years. During the first year of contracting with DPS, the PCSO would agree to fund (2) crime lab analysts for blood and alcohol analysis and (1) crime lab analyst for illegal drug analysis. The PCSO would also be charged for the cost of an automated blood alcohol system in the first year. The staff would work at the Southern Arizona Crime Laboratory and agree to process up to 800 tests on illegal drugs and 1,000 blood alcohol tests per year. This level of service would supplement the number of tests currently performed by DPS without payment. The DPS lab analysts would also provide testimony in court, as necessary.

This arrangement is somewhat unique, as no other law enforcement agency pays DPS for its laboratory analysis services. However, without providing some amount of funding in exchange for increased services, the PCSO believes it will face unpredictable delays and could lose the ability to use some evidence at trial. Recognizing the potential loss of evidence that could result from delays was one reason the PCSO originally contracted with TPD for this service. Another concern then, and now, is the difficulty presented by the need to transport most evidence to the DPS lab Phoenix for analysis. Both the Flagstaff and Tucson divisions of the DPS crime laboratory are smaller facilities with a limited number of technicians operating at the sites and performing analysis.



The IGA signed by representatives of DPS and PCSO states the cost of this agreement for FY 2001-02 and FY 2002-03. The IGA also states that the additional lab technicians funded with these payments shall assign their first priority to work on requested examinations for Pima County, and states that Pima County shall not be responsible for any of the cost of these individuals after the agreement expires (at the end of FY 2002-03), or is cancelled.

The Sheriff states that an informal agreement exists between DPS and PCSO to continue preferred services after the termination of the new agreement, and that the cost of the three additional lab technicians will eventually be absorbed within the DPS budget. However, the IGA recognizes that DPS can only commit to making a request for funding these additional technicians as part of future budget requests to the Arizona Governor and Legislature. No matter how sincerely DPS wishes to provide preferred services to the Sheriff, at no cost to the County, the question of whether costs will be absorbed by DPS after FY 2002-03 is ultimately a question to be answered by the Governor and Legislature.

While the above-mentioned IGA provisions are appropriate, they should be expanded to formalize the workload that will be performed for the Sheriff in exchange for payment. Such contract provisions should include the following:

- **Cost and Benefit Definitions** – The contract defines all costs to be paid for by the PCSO. However, these costs should be tied to the amount of work to be performed by DPS. These definitions should also define a method for billing for the incremental cost of tests performed in excess of the defined workload, or a recognition that DPS will absorb the incremental cost of tests performed in excess of the defined workload. Similarly, the contract should provide PCSO with a discount in cost based on tests performed below the expected workload. The PCSO should also negotiate a discount for lab tests performed by DPS for other jurisdictions using equipment purchased with PCSO funds.
- **Annual Cost Escalator Limit** – The contract should specify that the required payment during the contract term may be adjusted upward, but only to a limit. The PCSO and DPS could negotiate a percentage factor that would define the maximum increase in payment required in a future year, based on expected increases in personnel costs and some amount of operating costs and equipment replacement costs. Charges allowed for new equipment should also relate to the share of time that equipment is used to process PCSO tests. Of course, any such future definitions of acceptable cost are still subject to the Legislature's decisions on appropriations.
- **Performance Requirements** – The contract should clearly define performance expectations and measurements, including such items as (a) expected turn-around time by test category, (b) availability of laboratory technicians for expert testimony and advice, and (c) penalties for failing to meet the performance expectations.

## **Construction of a County Laboratory**

The PCSO has also considered building its own facility for processing the majority of its crime evidence: B.A. tests and illegal drug tests. This facility could be added to the construction of the new Identification Unit. Operating its own laboratory would allow the PCSO to establish its own priorities for performing tests, and assure that PCSO has control of the evidence at every step during the chain of custody. DPS would become the source for all specialized testing needs, such as DNA and ballistics testing, at no additional cost to the PCSO, similar to the arrangement with other jurisdictions.

Presently, the PCSO does not find the construction of a separate County lab for B.A. and illegal drug analysis to be an attractive option. The Sheriff cites a higher cost, based on its estimates, for tests performed at a new County lab, when compared to contracting with DPS for this service. Staff who considered these options also expressed concern about the need to regularly replace expensive equipment used for analysis in a County-owned lab. Staff also cited concerns about the cost of training and hiring lab technicians and the need to get County certification for a new lab as further barriers to constructing and operating its own facility.

However, our analysis of costs and workload measures provided by PCSO and DPS demonstrates that a County laboratory may be more cost effective than any current or other proposed methods of performing criminal evidence analysis. This cost could be lowered even more if the laboratory facility were designed to provide space for additional staff to perform tests for other County departments, such as the Adult and Juvenile Probation departments.

Constructing a new County laboratory would allow the PCSO to maintain greater control over criminal evidence to be presented at trial, to establish its own priorities for completing various tests and to lower the cost of performing laboratory tests. Based on estimates provided by the PCSO, a County laboratory designed to house two or three lab technicians engaged in B.A. and illegal drug tests would cost approximately \$280 per square foot for a facility with 250-300 square feet of space, or \$84,000 at the high end. The PCSO also estimates that new analytical equipment required for the lab would cost an additional \$86,000. Even if this facility were expanded in size to accommodate more technicians and additional types of analysis, the construction and staffing costs of a new lab facility would likely result in a lower cost than either the TPD or DPS contracting options.

Table 14.3 presents a comparison of the cost per test of providing laboratory analysis services to the PCSO under three scenarios: continued contracting with TPD, contracting and paying DPS for lab services and constructing and operating a County lab facility.

**Table 14.3**  
**Options and Related Costs of PCSO Methods of**  
**Contracting for Laboratory Analysis Services**

	TPD Contract FY 00-01	DPS Contract FY 01-02	Construction of New County Lab Facility FY 02-03
Total Annual Cost	\$ 274,400	\$ 211,051	\$ 183,954
Volume of Tests	1,322	1,800	1,800
Cost per Test	\$ 207.56	\$ 117.25	\$ 111.28

Various factors should be considered when viewing the figures in this table. First, the TPD contract cost has been established for only the current fiscal year. Given a 36% average annual cost increase for this contract over the past three fiscal years (Table 14.1), future cost increases cannot be reliably predicted. Tucson reports that this cost may increase, but would depend on the total budgeted costs of the City laboratory, and the volume of work submitted for testing by PCSO. The cost of the DPS contract has been determined for the next two fiscal years. Lastly, the option of constructing a new County lab facility would require a year for design and construction, and thus the cost of that option may only be determined for FY 2002-03.

Despite these factors, the comparison of costs is still useful in determining the range of possible costs for future County laboratory testing needs. Assuming construction of a 300 square foot laboratory facility and purchase of related equipment, the total cost of construction would be \$170,000. Assuming 5.25% financing costs for construction with a building useful life of 20 years, 7.5% financing costs for purchase of lab equipment with an equipment useful life of 15 years, and personnel costs for three lab technicians and associated operating costs, the first year cost of the facility is \$183,954 or \$111.28 per test. Given the uncertainty of future costs under a TPD or DPS contract, the PCSO would be better off constructing its own laboratory for analysis of criminal evidence.

## Other County Laboratory Testing Needs

Several Pima County agencies contract for laboratory testing services at varying rates, despite similar testing needs. Both the juvenile and adult probation departments monitor persons released on probation. Often this monitoring function includes regular testing for the presence of alcohol or drugs among probationers. Each department holds a separate contract with a different private laboratory for analytical testing services, which consist primarily of urinalysis to detect alcohol or drugs. In addition, risk management and human resources divisions of County administration require a number of urinalysis tests to screen prospective employees and to perform random and "for cause" tests of County employees. While the tests performed for each of these different populations are similar, the costs per test differ.

Table 14.4 displays the volume and cost of testing for three County populations. During FY 1999-2000, Adult Probation purchased 79,351 tests at an average cost of \$2.25 per test from a private laboratory. The Juvenile Probation Department only tracks tests on a calendar year basis, and thus the number of tests and the cost of these tests are for slightly different periods. Still, given the volume of 12,906 tests of juveniles during 2000, the average cost per test was \$17.00.<sup>1</sup> Lastly, during FY 1999-2000, 873 County personnel or prospective employees were tested at an average cost of approximately \$41.93.

**Table 14.4**  
**Comparison of Varying Costs of Screening**  
**Persons for Alcohol and Illegal Drug Use**

	Adult Probation	Juvenile Probation	Risk Management
Total FY 99-00 Cost	\$ 178,568	\$ 219,402	\$ 36,603
Number of Tests	79,351	12,906	873
Cost per Test	\$ 2.25	\$ 17.00	\$ 41.93

The wide disparity between the average cost per test performed by the various contractors presents a compelling reason to reconsider how the County purchases these services. There are two options that should allow the County to use its large volume of tests – about 100,000 urinalysis tests annually – to achieve a lower per test cost and to limit the variability of this cost from year to year. The first option would be to consolidate the bidding process for all three of these test functions, and to establish a single contract for laboratory testing needs. The second option would be to consolidate these testing needs at a new County facility that also processes criminal evidence.

Although the tests purchased by the probation and risk management divisions are somewhat different from those purchased by PCSO, the potential exists to lower all testing costs by sharing facility space, materials and some amount of staff time. Given the amount of workload involved, the County would need to hire additional lab technicians to work at the facility. These technicians should be capable of handling both urinalysis testing needs of probation and risk management divisions, as well as B.A. and illegal drug identification testing needs for PCSO. Staff at the PCSO considered this option for combining many areas of County laboratory testing needs. However, PCSO staff were concerned that by taking on several types of tests, including tests of non-criminal evidence, the lab technicians would—over time—become lab technicians who are generalists and not seen as experts who can provide valid court testimony regarding a specified area of tests. This has not been a problem for other jurisdictions or private facilities that provide multiple types of lab tests. In addition, it is very likely that two distinct groups of lab

<sup>1</sup> Includes both urinalysis specimen collection and testing services.

technicians, criminal and non-criminal, could work in the same area and remain occupied with their dedicated workloads.

Table 14.5 updates the options for contracting for laboratory analysis under four scenarios:<sup>2</sup>

- Maintaining the current TPD contract for criminal tests and separate contracts for non-criminal tests
- Utilizing DPS staff for criminal tests and separate contracts for non-criminal tests
- Constructing and operating a County laboratory for criminal tests only, and maintaining the current separate contracts for non-criminal testing needs.
- Constructing a County laboratory to process both criminal and non-criminal tests.

All costs of current and proposed contracts are included in Table 14.5. Similarly, the volume of probation and risk management tests is added to the volume of criminal tests for purposes of deriving the cost per test figures.

**Table 14.5**

**Options and Related Costs of Contracting for Laboratory  
Analysis Services Including Probation and Risk Management Testing Needs**

	Maintain Current Lab Contracts	Contract with DPS for PCSO Tests	Construct County Lab for PCSO Tests Only	Construct County Lab for All Tests
Total Costs	\$708,973	\$645,624	\$618,527	\$496,453
Cost Savings Compared to Current Contracts	--	\$43,400	\$90,446	\$212,520
Total FY 2002-03 Tests	94,452	94,930	94,930	94,930
Cost per Test	\$7.51	\$6.80	\$6.52	\$5.23

The costs associated with the construction of a new laboratory facility include the personnel and operating costs of four additional laboratory technicians to perform tests for adult and juvenile probation and risk management. These costs also include an \$80,000 allocation for the purchase of additional equipment necessary to perform urinalysis testing, with the purchase financed at a cost of 7.5% and assuming a useful life of 15 years.

<sup>2</sup> This analytical presentation assumes that the testing services for the probation departments and other County departments would be continued under the current separate contracts. However, we believe that certain economies could be achieved by consolidating these contracts where possible.

The current contract for testing juvenile probationers provides specimen collection monitoring by the contractor's technicians in some cases. If a new crime lab is constructed, this outsourced service would be lost and the County would need to provide staff to monitor juveniles appearing to provide test samples at the Juvenile Court facility. Recognizing this, the total cost of a new laboratory also includes salary, benefit and operating costs for one additional Juvenile Court FTE to monitor drug samples collected at the Juvenile Court. In addition, field officers may need to perform some specimen collection services for juveniles unable to provide specimens during the department's operating hours. However, we believe the number of such field collections would be minimal.

Contrasting the cost per test of performing all 94,930 tests at a County owned lab with the cost of performing only criminal tests through existing contracts, the benefit of a County owned lab becomes more apparent. When all costs for the contract with TPD and the various contracts for probation and risk management are combined, the County could achieve a cost per laboratory test of just \$5.23. Compared to the current cost per test of \$7.51, this translates into a cost savings of \$2.28 per test, and an annual cost savings of \$212,520. Difficulties arising from a combined criminal and non-criminal laboratory tend to pale in comparison to this considerable cost savings. Even if the County chooses not to construct a laboratory for combined uses, it could earn savings of \$90,446 annually by constructing a facility to provide tests of blood and alcohol, and illegal drugs for the PCSO.

## **Conclusions**

The cost to the Sheriff of contracting with the City of Tucson for crime lab testing needs is rising dramatically. As these costs have increased, the Sheriff has begun to rely on the Arizona Department of Public Safety to provide laboratory analysis of crime evidence.

The Sheriff should consider other methods of performing the majority of its testing needs, which are blood alcohol and illegal drug tests. Other possible methods of accomplishing the tests include constructing and operating a County laboratory, or paying the Department of Public Safety for additional laboratory professionals to perform these tests.

The County should also consider consolidating other laboratory testing needs, such as the substantial volume of tests for adults and juveniles on probation, and attempt to combine the outsourcing for these tests into a single contract to negotiate a lower contract cost. The County should also consider whether a County laboratory would process certain tests more efficiently, including tests used to monitor persons on probation, and certain other County laboratory tests currently performed under separate arrangements.

## Recommendations

The Pima County Board of Supervisors should:

- 14.1 Direct the County Administrative Officer to work with the Sheriff, the courts and other County departments to proceed with more refined estimates of the costs to construct and operate a County crime laboratory.
- 14.2 Require County agencies with laboratory testing needs to report back within three months on a description of their testing needs and current methods of completing those tests. These descriptions should list the number of tests by type, cost, and other details about each agency's testing needs.
- 14.3 If the County chooses not to construct its own crime lab facility, direct the County Administrative Officer to work with the Sheriff, the courts and other County departments to seek new contractual arrangements to provide lab analysis on a consolidated basis.
  - a. At a minimum, a new contract for Sheriff testing needs must include provisions that define future allowable cost increases, deliverables expected in exchange for payment, possible discounts for workloads that fall below estimates and for equipment shared with other jurisdictions, and penalties to be paid if performance measures are not met.
  - b. At a minimum, County agencies with testing needs not related to criminal evidence should combine their needs for urinalysis testing and purchase these tests under a single contract, in order to negotiate a lower overall cost per test.

## Costs and Benefits

Pima County could lower its cost of performing criminal and non-criminal laboratory tests by constructing its own laboratory. Criminal lab tests currently cost the Sheriff as much as \$207.56 per test. Lab tests for risk management and adult and juvenile probation range in cost from \$2.25 to \$41.93 per test. When the costs of all criminal and non-criminal tests surveyed are combined, the current blended average cost is \$7.51 per test. Constructing a County laboratory for combined uses would lower all test costs to an average of \$5.23 per test in the first year. This would provide the County with an overall cost savings of \$212,520 annually. Constructing a laboratory solely for PCSO criminal testing needs would produce a savings of \$90,446 annually.

## 15. Emergency Response Fee

- Approximately 1,000 persons are arrested by the Sheriff in Pima County annually and convicted of driving under the influence of alcohol or drugs (DUI). These arrests typically require an emergency response by a deputy, often entail a heightened degree of personal risk and property damage, and remove a deputy from service for an extended period of time to transport and book the arrestee and arrange for towing of the arrestee's vehicle.
- As a result, the Sheriff's Department incurs substantial costs removing such individuals from the streets and waterways of the County. The Sheriff's Department has no means of obtaining reimbursement for these costs and law enforcement services to the community are diminished while deputies are out of service during such incidences.
- By petitioning the State legislature and Governor to amend State law to provide for recovery of emergency response costs by law enforcement agencies, when apprehending persons who negligently operate motor vehicles, boats or aircraft while under the influence of alcohol or drugs, the County could recover an estimated \$250,000 annually.

During recent fiscal years, the Pima County Sheriff's Department has arrested over 1,000 persons who were subsequently convicted of operating a motor vehicle under the influence of alcohol or drugs (DUI). Although the number of annual DUI arrests is declining, driving under the influence remains a serious problem in Pima County as shown by the data in Table 15.1.

Table 15.1

### DUI Arrests by the Sheriff's Department

Calendar Year	Sheriff's DUI Arrests
2000	9
1999	1,12
1998	1,14
Annual Average	1,09



In addition to the danger that DUI operators of motor vehicles pose to the community, the apprehension of such persons typically requires an emergency response by a deputy and often places a deputy at increased personal risk. Further, both personal and public property are often subject to damage or loss, and the deputy is removed from service for an extended period of time to transport and book the arrestee and arrange for towing of the arrestee's vehicle.

As a result, the Sheriff's Department incurs substantial costs preserving the public safety by removing such individuals from the streets of the County. Similarly, individuals who operate motor boats while under the influence of alcohol or drugs present the same problem, but of a lesser magnitude. In both instances, the Sheriff's Department has no means of obtaining reimbursement for these costs and law enforcement services to the community are diminished while deputies are out of service during such incidences. Further, the State legislature is currently considering legislation that would reduce the blood alcohol level required to constitute driving under the influence from 0.10% to 0.08%. If approved, this new standard would significantly increase the number of DUI arrests and the corresponding amount of deputy sheriff resources required for this enforcement.

## **California's Cost of Emergency Response Law**

To address this same problem, California enacted Senate Bill 735 relating to costs of law enforcement emergency response which added Article eight to Sections 53155 and 53156 of the Government Code (Exhibit 15.1 includes Government Code Sections 53150-53158). This legislation, enacted in 1985, allows law enforcement agencies to recover costs of up to \$1,000 associated with that agency's response to an incident caused by a person driving under the influence (DUI) of alcohol or drugs.

Since its enactment in 1985, many California cities and counties have begun charging persons arrested with driving under the influence of alcohol or drugs. Among cities, San Jose, which is the third largest city in the State with a population of over 800,000, has had an emergency response fee since June of 1988. San Jose's revenue from this fee averages about \$125,000 per year. In addition, a limited sample of cities within the County of Los Angeles identified five ranging in estimated population from 79,900 to 437,800 that have implemented the emergency response fee. These cities include Burbank, Downey, Glendale, Long Beach and Whittier. Each city has had an emergency response fee since approximately 1988. These cities report average collection rates of approximately 50 percent of the fees billed.

The County of Santa Clara also implemented the fee for the sheriff's police functions in the cities of Cupertino, Los Altos Hills, Saratoga, and the unincorporated areas of the County (Exhibit 15.2 includes a copy of the County of Santa Clara Ordinance adding the Emergency Response Cost Recovery Program). During FY 1999-00 the sheriff recovered \$65,209 and achieved a 75% collection rate that was increased to 87% by the subsequent collection efforts of the County's Department of Revenue.

## **Legislative Amendment to Arizona State Law**

Although there is no mechanism in place in Arizona that currently permits the Sheriff to directly recover the costs of emergency responses that are the result of driving under the influence, an amendment to State law similar to that enacted in California could be sought. By requesting the County's legislative representatives to propose an amendment to State law to provide for recovery of emergency response costs by State and local law enforcement agencies when apprehending persons who negligently operate motor vehicles, boats or aircraft while under the influence of alcohol or drugs, the County could recover a substantial portion of these costs. Assuming an average cost of \$500 per incident, and a collection rate of 50%, the County could recover an estimated \$250,000 annually. This reimbursement would be reduced by any related billing and collection costs, which are projected to be nominal.

## **Conclusions**

The Sheriff's Department arrests nearly 1,000 persons annually who are convicted of operating a motor vehicle while under the influence of alcohol or drugs. This level of activity could be significantly increased if the State legislature lowers the blood/alcohol standard for determining driving under the influence. The State of California enacted legislation in 1985 to permit law enforcement agencies to recover the costs of emergency responses related to DUI and thereby fund the additional cost to law enforcement of replacing these staff resources. The County should consider requesting its legislative representatives to enact similar legislation.

## **Recommendations**

The Board of Supervisors should:

- 15.1 Through the County's legislative representatives and lobbyists, petitions the State Legislature and Governor to enact legislation to establish a "cost of emergency response" law similar to that enacted in California.

## **Costs and Benefits**

There would be no cost to implement this recommendation.

If such a law were enacted, the implementation of this recommendation would result in increased reimbursement of Sheriff's Department costs of an estimated \$250,000 annually, depending on the collection rate achieved by the County. This reimbursement would be reduced by any related billing and collection costs, which are projected to be nominal.

## Exhibit 15.1

§ 53150

CITIES, COUNTIES, & OTHER AGENCIES  
Title 5

### Article 8

## COSTS OF EMERGENCY RESPONSE

#### Section

- 53150. Negligent operation of motor vehicle; influence of alcoholic beverage or drug; intentional wrongful conduct; liability.
- 53151. Negligent operation of boat or vessel; influence of alcoholic beverage or drug; intentional wrongful conduct; liability.
- 53152. Negligent operation of civil aircraft; influence of alcoholic beverage or drug; intentional wrongful conduct; liability.
- 53153. Influence of alcoholic beverage or drug; inability to operate motor vehicle, boat or vessel, or aircraft; presumptions.
- 53154. Charge against person liable; collection of debt; insurance.
- 53155. Limit on liability.
- 53156. Definitions.
- 53157. Admissibility of evidence in criminal proceedings.
- 53158. Legislative intent.

*Article 8 was added by Stats.1985, c. 337, § 1.*

#### Cross References

Restitution of costs as condition of probation, see Penal Code § 1203.1.

#### § 53150. Negligent operation of motor vehicle; influence of alcoholic beverage or drug; intentional wrongful conduct; liability

Any person who is under the influence of an alcoholic beverage or any drug, or the combined influence of an alcoholic beverage and any drug, whose negligent operation of a motor vehicle caused by that influence proximately causes any incident resulting in an appropriate emergency response, and any person whose intentionally wrongful conduct proximately causes any incident resulting in an appropriate emergency response, is liable for the expense of an emergency response by a public agency to the incident.

(Added by Stats.1985, c. 337, § 1.)

#### § 53151. Negligent operation of boat or vessel; influence of alcoholic beverage or drug; intentional wrongful conduct; liability

Any person who is under the influence of an alcoholic beverage or any drug, or the combined influence of an alcoholic beverage and any drug, whose negligent operation of any boat or vessel caused by that influence proximately causes any incident resulting in an appropriate emergency response, and any person whose intentionally wrongful conduct proximately causes any incident resulting in an appropriate emergency response, is liable for the expense of an emergency response by a public agency to the incident.

(Added by Stats.1985, c. 337, § 1.)

#### § 53152. Negligent operation of civil aircraft; influence of alcoholic beverage or drug; intentional wrongful conduct; liability

Any person who is under the influence of an alcoholic beverage or any drug, or the combined influence of an alcoholic beverage and any drug, whose

## GENERAL POWERS & DUTIES

§ 53156

### Div. 2

negligent operation of a civil aircraft caused by that influence proximately causes any incident resulting in an appropriate emergency response, and any person whose intentionally wrongful conduct proximately causes an incident resulting in an appropriate emergency response, is liable for the expense of an emergency response by a public agency to the incident.

(Added by Stats.1985, c. 337, § 1.)

### § 53153. Influence of alcoholic beverage or drug; inability to operate motor vehicle, boat or vessel, or aircraft; presumptions

For purposes of this article, a person is under the influence of an alcoholic beverage or any drug, or the combined influence of an alcoholic beverage and any drug, when as a result of drinking an alcoholic beverage or using a drug, or both, his or her physical or mental abilities are impaired to a degree that he or she no longer has the ability to operate a motor vehicle, boat or vessel, or aircraft with the caution characteristic of a sober person of ordinary prudence under the same or similar circumstances. For purposes of this article, the presumptions described in Sections 23152 and 23155 of the Vehicle Code shall apply.

(Added by Stats.1985, c. 337, § 1.)

### § 53154. Charge against person liable; collection of debt; insurance

The expense of an emergency response shall be a charge against the person liable for expenses under this article. The charge constitutes a debt of that person and is collectible by the public agency incurring those costs in the same manner as in the case of an obligation under a contract, expressed or implied, except that liability for the expenses provided for in this article shall not be insurable and no insurance policy shall provide or pay for the expenses.

(Added by Stats.1985, c. 337, § 1.)

### § 53155. Limit on liability

In no event shall a person's liability under this article for the expense of an emergency response exceed one thousand dollars (\$1,000) for a particular incident.

(Added by Stats.1985, c. 337, § 1. Amended by Stats.1986, c. 1112, § 1.)

### § 53156. Definitions

As used in this article:

(a) "Expense of an emergency response" means reasonable costs incurred by a public agency in reasonably making an appropriate emergency response to the incident, but shall only include those costs directly arising because of the response to the particular incident. Reasonable costs shall include the costs of providing police, firefighting, rescue, and emergency medical services at the

## Exhibit 15.2

§ A14-64

### FEES AND CHARGES—MISCELLANEOUS

§ A14-66

Code, Article 7, Section 13322. An individual is authorized to view his own local summary criminal history records pursuant to Penal Code Section 13320 et seq. Fees are to be collected at the time that an application to review records is made and is nonrefundable.

(Ord. No. NS-300.531, 3-10-93)

#### Sec. A14-65. Cost recovery for law enforcement services.

There is hereby established a cost recovery program which authorizes the office of sheriff to recover actual costs not to exceed the actual administrative costs, including applicable overhead costs as permitted by federal Circular A-87 standards for the following services:

- (a) Services provided to others for local summary criminal history background checks pursuant to California Penal Code Section 13300(f);
- (b) Warrant processing services provided to other agencies that do not maintain their own warrants;
- (c) Requests for sealing of certain criminal records authorized under California Penal Code Section 1203.43(g), in an amount not to exceed one hundred twenty dollars (\$120.00);
- (d) Latent fingerprint services including requests from other law enforcement agencies for specialized crime scene processing for fingerprints, examination of latent fingerprints;
- (e) Background investigations, background checks, and site inspections for county permits or other permits requiring a background check be conducted by the sheriff's office; and
- (f) Any other services rendered above and beyond normal law enforcement services.

(Ord. No. NS-300.532, 3-10-93. Ord. No. NS-300.605, 10-21-97)

#### Sec. A14-66. Emergency response cost recovery program.

(a) *Liability for emergency response.* Any person who is under the influence of an alcoholic beverage or any drug, or the

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combined influence of an alcoholic beverage and any drug, whose negligent operation of a motor vehicle, boat or civil aircraft caused by that influence proximately causes any incident resulting in an appropriate emergency response by a county agency, and any person whose intentionally wrongful conduct proximately causes any incident resulting in an appropriate emergency response by a county agency, is liable for the expense of an emergency response by a public agency to the incident. "Emergency response" shall include incidents where emergency lights and sirens are used by sheriff's patrol, medical or fire units responding to the incident.

(b) *Amount of fee.* Operators will be billed for costs directly arising because of the response to the particular incident including the costs of providing police, firefighting, rescue, and emergency medical services at the scene of the incident, as well as the salaries of the personnel responding to the incident. In no event shall a person's liability exceed one thousand dollars (\$1,000.00) for a particular incident.

(Ord. No. NS-300.532, § 1, 8-10-93)

#### Sec. A14-67. Criminal justice fees.

(a) There is hereby established an administrative screening fee of twenty-five dollars (\$25.00) to be collected from each person arrested and released on his or her own recognizance upon conviction of any criminal offense related to the arrest other than an infraction.

(b) There is hereby established a citation processing fee in the amount of ten dollars (\$10.00) to be collected from each person cited and released by any county officer or agent in the field or at a jail facility upon conviction of any criminal offense, other than an infraction, related to the criminal offense cited in the notice to appear.

(c) There is hereby established a criminal justice administration fee which will entitle the county to recover pursuant to Government Code Section 26550(b), costs not to exceed the actual administrative costs, including applicable overhead costs as permitted by the federal Circular A-87 standards, incurred in booking or otherwise processing persons arrested by a county officer or

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scene of the incident, as well as the salaries of the personnel responding to the incident.

(b) "Public agency" means the state and any city, county, municipal corporation, district, or public authority located, in whole or in part, within this state which provides or may provide firefighting, police, ambulance, medical, or other emergency services.

(c) "Intentionally wrongful conduct" means conduct intended to injure another person or property.

(Added by Stats.1985, c. 337, § 1. Amended by Stats.1986, c. 1112, § 2.)

§ 53157. Admissibility of evidence in criminal proceedings

Any testimony, admission, or any other statement made by the defendant in any proceeding brought pursuant to this article, or any evidence derived from the testimony, admission, or other statement, shall not be admitted or otherwise used in any criminal proceeding arising out of the same incident.

(Added by Stats.1985, c. 337, § 1.)

§ 53158. Legislative intent

It is not the intent of the Legislature, in enacting this article, to occupy the field of recovery of the expense of an emergency response by a public agency, nor is it the intent of the Legislature to preempt local regulations or to otherwise limit the remedies available to any public agency to recover the expenses of an emergency response to any incident not involving persons who operate a motor vehicle, a boat or vessel, or a civil aircraft while under the influence of an alcoholic beverage or any drug, or the combined influence of an alcoholic beverage and any drug. It is the intent of the Legislature that the recovery of the expenses of an emergency response under this chapter shall supplement and shall not supplant any other provisions of law relating to the recovery of those expenses.

(Added by Stats.1985, c. 337, § 1. Amended by Stats.1987, c. 897, § 1.)

Chapter 1.5

INTEGRATED FINANCING DISTRICT ACT

Article	Section
1. Definitions and General Provisions	53175
2. Proceedings to Create an Integrated Financing District	53180
3. Purposes and Powers	53185
4. Reimbursement Agreements	53190
5. Confirmation and Collection of Levy	53195

Chapter 1.5 was added by Stats 1986, c. 1512, § 1.

## 16. False Alarm Ordinance Revisions

- The unincorporated area of Pima County is estimated to have at least 5,000 commercial and residential police alarm systems currently in operation, with hundreds more being installed each year. During CY 2000, the Sheriff received more than 11,800 false alarms that removed deputies from service, thereby reducing the Sheriff's response time to other legitimate law enforcement emergencies.
- Most major cities and counties in Arizona, and throughout the United States, have ordinances that permit local police and sheriff's departments to recapture a portion of the costs incurred as a result of responding to false alarms. In 1996, Pima County discontinued enforcement of its false alarm ordinance due to a local justice court ruling that challenged the legality of the ordinance as currently written.
- As a result, the lack of an operative false alarm ordinance has resulted in the removal from service of an average of approximately 3.9 full-time equivalent deputies from other law enforcement activities, at an annual cost of about \$200,000.
- By amending the current ordinance to ameliorate the legal issues raised by the justice court; or, by adopting an alarm system licensing ordinance which includes a false alarm service fee that reflects current Sheriff's Department response costs, and an annual permit fee to recover ongoing administrative, communications and dispatching costs, the Sheriff could realize reimbursements ranging from \$27,000 to \$277,000 annually.

During CY 2000, the Sheriff's Department received more than 11,800 false alarms at its communications center that resulted in the dispatching of deputies to the location of the alarm. This large volume of false alarms has become a significant operational problem for the Patrol Division whose deputies are pulled from service while responding to these calls. The Department estimates that each call consumes approximately 30 minutes from the time of dispatch to the time a deputy clears the false alarm and is again available to take a call. In total, responding to false alarm calls consumes the equivalent of approximately 3.9 full-time deputies each year.



## **Legality of the Current False Alarm Ordinance**

When the County's false alarm ordinance was written, a decision was made to approach the false alarm problem from a law enforcement perspective. Therefore, the County false alarm ordinance makes the fifth false alarm in a 12-month period a citable offense subject to a fine. However, in 1996, a Justice Court ruled that the County's use of a criminal citation form for a civil violation was inappropriate. Further, the Court asserted that enforcement of a civil citation would require the filing of a law suit, which under Arizona State law, is reserved for the County Board of Supervisors. Therefore, the Sheriff does not have the authority under State law to enforce such citations.

Because of this Justice Court ruling, the Sheriff discontinued the enforcement of the false alarm ordinance in 1996. Based on discussions with the Sheriff's legal counsel, the Sheriff's Department is considering the submission of a proposed amendment of the County false alarm ordinance to the Board of Supervisors, that would rectify the Court's concerns with the current ordinance.

Alternatively, the false alarm ordinance could be amended to take a licensure rather than law enforcement approach, which is a model that is used in many other local government jurisdictions. Under the licensure approach, the County false alarm ordinance would be amended to require a permit for the installation of a commercial or residential police alarm system. The purpose of the permit would be to regulate the use of police alarm systems within the County, and to enable the County to recover its related emergency communications, dispatching and administrative costs. In addition, the amended false alarm ordinance could also provide for a false alarm service charge to recover the cost of the emergency response by the Sheriff's Department to false alarms, for false alarms which exceed a threshold limit established by County and Sheriff's Department policy. The number of permissible false alarms without citation in a 12-month period under the current ordinance is four. Other cities and counties typically allow fewer false alarms before charging property owners a false alarm service fee.

## **Analysis of Current False Alarm Data**

Due to the number of false alarms and the negative impact such calls for service have on field services, the Sheriff's department analyzed one of 16 categories of false alarm codes used to track false alarm data during FY 1998-99 and FY 1999-00. The results of this analysis is shown in the table, below.

**Table 16.1**

**Residences with Audible Alarm Systems and  
 Five or More False Alarms During the Fiscal Year**

FY 1998-99 False Alarms			
District	Number of Addresses	Number of Responses	Average Per House
Green Valley	4	22	5.50
San Xavier	24	162	6.75
Foothills	53	347	6.55
Rincon	74	480	6.50
Total	155	1,011	6.52

FY 1999-00 False Alarms			
District	Number of Addresses	Number of Responses	Average Per House
Green Valley	3	19	6.33
San Xavier	33	219	6.64
Foothills	52	351	6.75
Rincon	65	402	6.18
Total	155	991	6.48

Because the above data only relates to one of 16 false alarm categories, it is clear that violators with multiple false alarms account for a significant part of the false alarm problem that severely impacts the Sheriff's workload. The Sheriff estimates that the 11,800 false alarms annually result in deputy sheriff response costs exceeding \$200,000, and fully occupy approximately 3.9 deputies thereby reducing response time to legitimate emergencies that occur simultaneously.

By submitting a proposed amendment to the false alarm ordinance to the Board of Supervisors to remove the legal defects in the existing ordinance, or by creating a license based false alarm ordinance with annual license fees and a false alarm service fee, the Sheriff could resume enforcement activities designed to recover costs and reduce the incidence of false alarms.

The implementation of false alarm enforcement could generate from \$27,000 to \$277,000 annually, or more, depending on the type of ordinance and fee levels that are approved. Because the current ordinance does not recover the substantial annual costs of emergency communications, dispatching and administration of the alarm systems throughout the County, we believe the licensure approach common in other local jurisdictions should be considered. Based on an estimated 5,000 commercial and residential alarm systems serviced by the Sheriff in the unincorporated area of the County, an annual fee of \$50 to \$100 would substantially reimburse the Sheriff's costs related to business and residential police alarm systems.

## Conclusions

Due to a justice court ruling, the Sheriff's Department discontinued enforcement of the County false alarm ordinance. As a result, the number of false alarms continue at very high levels, approaching 12,000 annually, including many locations with five or more false alarms each year. This lack of enforcement adversely impacts the Sheriff's ability to respond to other more legitimate emergencies.

## Recommendations

The Board of Supervisors should:

- 16.1 Establish a license based false alarm ordinance with annual license fees and a false alarm service fee, so that emergency communications, dispatching and administrative costs of the Sheriff's Department can be recovered.

If the Board chooses not to adopt the licensure approach used in multiple other local jurisdictions, it should:

- 16.2 Amend the false alarm ordinance to remove the legal defects in the existing ordinance, as is currently being considered by the Sheriff's Department.

## Costs and Benefits

The implementation of this recommendation would result in increased reimbursement of Sheriff's Department costs estimated to range from \$27,000 to \$277,000 annually. This funding would allow the Sheriff to provide additional deputies in the field to improve deputy response time to legitimate law enforcement emergencies.

## 17. Warrant Service

- Approximately 21,000 warrants are issued annually by the County's Courts and the Office of the County Attorney for service by the Sheriff. These warrants include felony, misdemeanor, civil and child support warrants.
- Due to staffing limitations, the Sheriff's Fugitive Investigation Strike Team (FIST) Unit is able to serve only a small percentage of the warrants issued and concentrates primarily on felony warrants. Although about 18,000 warrants are served or quashed by the courts annually, as of February 2001, a backlog of 3,223 felony and 21,439 misdemeanor warrants existed. In addition, because of the large volume of warrants received, the Sheriff's Technical Services Division is approximately four to five weeks behind in processing warrants received from the courts.
- As a result, most warrants are not served, the Sheriff has a backlog of more than 24,000 open warrants dating back to the 1980s, and the County does not collect hundreds of thousands of dollars of forfeitable bail and fine revenues.
- The addition of three positions to the Sheriff's FIST Unit dedicated primarily to serving warrants related to driving under the influence (DUI), driving with a suspended drivers license, failure to appear/pay traffic, and bad check warrants, would significantly reduce the misdemeanor warrant backlog, thereby enhancing the timeliness of law enforcement in the County. Further, the Sheriff would generate sufficient additional projected revenue to fully fund the cost of the additional staff, and provide some additional deputy sheriff hours to assist other FIST Unit deputies in the service of serious criminal, bench and other warrants.

During CY 2000, the Sheriff's Department received and processed into its computer system 20,974 warrants from the County's Courts and the County Attorney's Office. This includes 2,809 felony warrants, 15,662 misdemeanor warrants (including an estimated 5,000 bad check warrants), and 2,503 civil and child support warrants. During this same period, 18,073 warrants were deleted from the warrant computer system as a result of being served or quashed by the courts. Despite clearing more than 18,000 warrants, as of February 2001, the Sheriff still had a backlog of 24,662 open warrants including 3,223 felony warrants and 21,439 misdemeanor warrants.

The Systems and Programming Manager of the Sheriff's Department reported that the backlog of nearly 25,000 warrants include warrants dating back to the early 1980s. Approximately 67% or 16,630 warrants have been open for more than one year. In addition to these existing open warrants already in the Sheriff's active files, more than 1,500 new warrants are received monthly.

## **Warrant Operations**

Currently the Fugitive Investigation Strike Team (FIST) Unit of the Sheriff's Department has only four deputies and a sergeant who are responsible for serving the County's 3,223 active felony warrants. The Sheriff's Department has no staff assigned to serving the remaining 21,000 misdemeanor, civil, and child support warrants. When these warrants are served, it is generally the result of a traffic stop by a law enforcement officer. The FIST Unit serves an average of two to three felony warrants per day or less than 650 annually. With a backlog of over 3,000 existing warrants and more than 2,800 new felony warrants received annually, it is clear that the limited staff resources devoted to apprehending felons prevents the FIST Unit from serving at least 80% of the felony warrants issued.

Because the staffing resources available for the service of warrants are so limited in relation to the workload, the FIST Unit is unable to properly serve the Court and the County Attorney in enforcing the Court's orders or ensuring that fines due to the County are paid. To improve the cost effectiveness of warrant enforcement, that would be 100% self supporting and potentially provide additional staff resources to supplement existing deputies dedicated to service of felony warrants, one additional deputy sheriff, one public safety support specialist and one public safety data technician should be added to FIST Unit. This additional warrant staffing, devoted primarily to the service of misdemeanor warrants, could improve compliance with payment of fines due the County, and provide some additional staff resource to the FIST Unit to assist in serving felony warrants that currently are not served.

A similar program implemented in the County of Santa Clara, California resulted in the clearing of 672 warrants and court ordered fines of approximately \$231,670. This result was accomplished by two deputies who worked approximately 1,275 productive hours each during CY 2000, serving misdemeanor warrants that had been previously ignored due to similar staffing shortages. Based on California law, the distribution of fine revenue will result in the County receiving approximately 40% to 45% of actual collections. Due to its success, the Santa Clara County Sheriff has requested four additional positions for this program in FY 2001-02.

It should be noted that the implementation of a similar program in Pima County could exacerbate the existing data entry backlog that currently exists in the County's court system related to warrants. However, that issue is one that must be addressed by the State. The Sheriff's Department must continue to strive to operate as efficiently, effectively and economically as possible within its available resources. Accordingly, we recommend that a one-year pilot project for misdemeanor warrant service be implemented to document the projected benefits of the proposed program.

## **Conclusions**

As a result of staffing limitations, the Sheriff Department is unable to serve most of the 21,000 warrants issued annually in the County. Currently, no attempt is made to serve any warrants other than the 2,800 felony warrants issued each year. By creating a warrants team dedicated primarily to serving misdemeanor warrants, the cost the misdemeanor warrants team could be funded from the County's share of additional fine revenues and some additional staff resources could be provide to the FIST Unit to assist in serving felony warrants that currently are not served.

## **Recommendations**

The Sheriff should:

- 17.1 Submit a budget request for a one-year pilot project to the Board of Supervisors for three additional positions, as described in this section, to create a misdemeanor warrants team within the FIST Unit.
- 17.2 If recommendation 17.1 is approved, the Sheriff should establish a misdemeanor warrant tracking system to account for all warrants cleared as a result of the activities of this unit. The Sheriff should report the operational and financial results of the misdemeanor warrants team to the Board of Supervisors on an annual basis.

## **Costs and Benefits**

The implementation of this recommendation should result in increased fine and forfeiture revenue to the County sufficient to pay for the additional cost of the misdemeanor warrants staff. In addition, the misdemeanor warrant backlog would be significantly reduced, and some additional staff resources could be provided to the FIST Unit to assist in serving felony warrants that currently are not served.

Paula Perrera, Behavioral Health Director  
Re: Contracted Medical Services in PCADC and PCJDC  
July 25, 2022  
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## 18. Juvenile Probation Collection Effectiveness

- The Juvenile Court's collection of assessed fines and fees declined between 1998 and 1999. In 1998, 60 percent of all assessed fines and fees were collected; and, in 1999, only 42 percent of all assessed fines and fees were collected. The total amount of assessed fines and fees that were collected decreased by \$135,209 between 1998 and 1999.
- The Assessment Unit has requested two new collector positions in the proposed FY 2001-2002 budget, with a total annual salary cost of \$56,700. Justification for the two new collector positions is based on the increase in Court-ordered fees and assessments since 1996 and the need for more intensive collection efforts. If the Assessment Unit is able to increase the percentage of assessed fines and fees that are collected from the 1999 collection rate of 42 percent, to the 1998 collection rate of 60 percent by adding these two collector positions, then the increase in revenue collected would be approximately \$135,000. The net revenue increase would be \$78,300 after deducting the cost of the new personnel.
- The Juvenile Court should implement several policies to increase the collection of revenues. These policies include (a) collection of placement fees for juveniles who have been placed in Court-ordered treatment programs, (b) referral of families with outstanding balances to civil judgment, and (c) adding the Court Collection Service Fee, equal to up to 35 percent of the outstanding balance, when an account is referred to a collection agency.
- The Juvenile Court does not currently have State authority to assess families for the costs of detaining juveniles in the Juvenile Detention Center. The Pima County Board of Supervisors would have responsibility to pursue legislation at the State level to assess families a fee to offset the costs of detaining juveniles in the Juvenile Detention Center, with support from the Juvenile Court.

The Juvenile Court Center collects fines and fees assessed by the Court to juvenile probationers and their parents or guardians. The Juvenile Court Center has an Assessment Unit with collections staff responsible for notifying families regarding fines and fees, processing appeals and making recommendations to the Court on revised assessment amounts, and collecting fines and fees for juveniles on probation. Families pay fines and fees to the Clerk of the Court.



## **Juvenile Court Center Assessment Unit**

The Juvenile Court Center formed an Assessment Unit in 1992 with responsibility for billing families for assessed fines and fees. The unit has grown since that time to include collections, quality control, and assessment appeals functions. The unit currently has ten staff, including the supervisor, four collections staff, one quality assurance position, one accounts receivable position, one position to interview families regarding income and ability to pay, and two support staff. The Assessment Unit sets up billings for families and determines the allocation of payments made to the Clerk's Office. Many families owe more than one type of fee and the Assessment Unit assigns payments to the appropriate account, whether they are probation fees, attorney's fees or other obligations. Arizona statute gives victim restitution payments priority over other assessments. Therefore, the Assessment Unit credits restitution payments prior to crediting probation or attorney's fees or other obligations. The amount of fees are generally set by State statute or Juvenile Court policy, although the Juvenile Court can reduce the amount based on a family's financial ability to pay. Table 18.1 on the following page outlines the fees for juvenile probationers.

Additionally, Arizona law permits the Court to order juveniles pay restitution to the victim if the juvenile admits to, or has been convicted of victim-related offenses. The Court determines the amount of restitution, which is not subject to appeal. The Court may also order Court fines, as permitted by Arizona statute.

### ***Juvenile Court Center Assessment Unit Functions***

The Assessment Unit sets up billings for families with court-ordered assessments, determines families' ability to pay, makes recommendations to the Court, and notifies families of payments that are due or past due.

- Court-ordered assessments are automatically entered into the financial billing program. Assessment Unit staff check financial billing entries, send billing notices to the family, and follow up late payments or non-payments with phone calls. An Assessment Unit staff person monitors juvenile and family information forms prepared by probation officers, enters necessary information into the computer system, and follows-up on missing information with the family.
- As part of the quality assurance function, approximately 20 percent of Court-ordered assessments are entered manually from a Court distribution list. The quality assurance staff person, under the supervision of the unit supervisor, checks minute-entry orders to determine if assessments were recorded properly, reviews closed cases to determine that payments were made prior to closing the case, and monitors probation officer reports for incomplete information, especially in the diversion program.

**Table 18.1**

**Summary Schedule of Juvenile Probation Fees**

Fee	Amount	Purpose	Governing Statute
Diversion fee	\$40	One time fee assessed for each offense to which the juvenile has admitted. Payment is required within 30 days of the billing notice. Fee proceeds go to the Juvenile Probation Fees Fund.	Arizona State Statute 8-321N
Probation supervision fee	\$40 per month	Monthly fee assessed for juveniles on standard or intensive probation. Fee proceeds go to the Juvenile Probation Fees Fund, of which no less than 70 percent are expended on salaries and benefits.	Arizona State Statute 8-241A
Placement fee	Based on cost of treatment services and family's ability to pay.	Families of juveniles who are placed in court-ordered treatment programs are assessed a portion of the cost of the program, based on the family's ability to pay.	Arizona State Statute 8-235D
Court appointed attorney fee (delinquency cases)	\$350 per case	The Court appoints a public defender or contract attorney to represent a juvenile in delinquency cases if the family can not afford private counsel.	Arizona State Statute 8-225G
Victims' rights fees	\$15	One time only fee, assessed to the parent or guardian for each victim offense for which a minor admits guilt or for each adjudicated offense	Arizona State Statute 8-418
Department of Juvenile Corrections fee	\$40 per month	Monthly fee, assessed to the parent or guardian of a juvenile committed to the Arizona Department of Juvenile Corrections	Arizona State Statute 8-241A and 8-243
Time payment fee	\$20	Assessed on all Court fines and Court-ordered restitution when the penalty is not paid in full on the day the Court imposes the penalty, even if deferred by the judge.	Arizona State Statute 12-116
Curfew fine violation	\$15 first offense \$50 second offense \$75 third and subsequent offenses	Assessed for juveniles who violate curfew.	City of Tucson Ordinance

- Low income families appeal Court-ordered assessments through the Assessment Unit. Court-ordered victim restitution cannot be appealed. Diversion fees can be reduced if the family is receiving government assistance. Attorney's fees and probation fees are reduced if the family proves financial need. Juvenile Court judges must approve assessment reductions recommended by the Assessment Unit and the "conditions of probation" must be revised.
- The Assessment Unit assumed responsibility on February 16, 2001 for determining eligibility for Court-appointed defense attorneys, which was formerly the responsibility of the calendar services unit. Eligibility guidelines have been determined and approved by the Juvenile Court Presiding Judge, and assessment and attorney appointment forms developed. A formal presentation of the new eligibility determination program was planned for February.
- In most cases, if the juvenile has not fully paid Court-ordered restitution by the end of probation, the judge will extend the probationary period. Juveniles in the Early Intervention and Intervention Program will be referred to the County Attorney's Office to determine if a petition should be filed for failure to fully pay Diversion restitution.
- Families with outstanding balances for probation services and other fees are referred to the Arizona Department of Revenue to intercept their state income tax return. Until recently, once each year, the Assessment Unit would manually review payment records in the JOLTS database and enter families with unpaid balances into the state computer software program. Recent changes in state statutes allow the Assessment Unit to enter delinquent accounts into the state system on a monthly basis rather than annually. In 2000, the Juvenile Court received \$39,000 in state income tax reimbursements.
- In September 2000, the Assessment Unit began referring cases to a collection agency, under contract with the State Administrative Office of the Courts to collect outstanding balances from juveniles terminated from probation with outstanding balances. 1,211 cases have been submitted between September 2000, through April 15, 2001. However, the Assessment Unit has not implemented a County ordinance permitting the Court to add the cost of collection to the outstanding balance referred to the collection agency.<sup>1</sup> As a result, the Juvenile Court absorbs the 28 percent fee charged by the collection agency. As of April 15, 2001, the Juvenile Court has received \$5,028 from the collection agency for collection of outstanding balances, which is 28 percent or \$1,400 less, than the amount that would have been received if the collection cost had been added. According to the Assessment Unit, the volume of accounts and insufficient computer capacity limit the ability of the Assessment Unit to notify families that the account are being referred to collections and that the additional fee would be included.

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<sup>1</sup> Ordinance Number 2000-30, approved by the Pima County Board of Supervisors on November 14, 2000.

- Currently, the Juvenile Court does not refer families with outstanding balances to civil judgment. As noted above, the Assessment Unit states that insufficient computer capacity limits their ability to refer families to civil judgment. The State AOC has approved the JOLTS financial module project to expand computer capacity, allowing the Assessment Unit to automate more of its functions.
- Juveniles who are 18 years old with outstanding balances can have a civil judgment filed for the outstanding balance. The Juvenile Court maintains financial records on the juvenile until 18 years old, including original and amended Court orders, financial letters from families, and letters sent to families. Files of juveniles who are 18 years of age are manually reviewed to verify that address, assessment and other information is correct, and appropriate effort has been made to collect outstanding balances. Juveniles who are 18 years of age are referred to the State Department of Revenue for income intercept, and to a collection agency.
- The current JOLTS information management system has not allowed the Assessment Unit to automate many of its collection processes. As stated above, in March of 2001, the Arizona AOC approved a financial module project to rewrite the computer program, allowing for consolidation and streamlining of the JOLTS financial, billing, and collection process on a statewide basis. The AOC project is expected to take approximately 81 weeks to write, develop, implement, and modify, delaying any increase in collection effort.
- The Juvenile Court has not assessed families for placement fees for juveniles placed in Court-ordered treatment programs since 1996. The Assessment Unit only actively seeks an assessment order for placement fees if a family receives social security payments or Court-ordered child support. In 1996, the Juvenile Court ordered \$87,694 in placement fees, of which \$37,419, or 42.7 percent, was collected. That amount was reduced by approximately \$25,000, to \$12,696, in 1999, when only social security payments and Court-ordered child support were collected.

## Juvenile Probation Collections

The Juvenile Court Assessment Unit has expanded its functions to include: (a) quality assurance monitoring, (b) eligibility determination for Court-appointed attorneys, (c) processing appeals from families regarding the amount of the assessed fees or fines and making recommendations to the Court, and (d) notifying families about their obligation to pay and following up with families with past-due balances.

The number of fees ordered and the amount collected has varied between 1997 through 2000. Table 18.2 on the following page shows the number and amount of attorney, diversion, and placement fees ordered by the Court and the amount paid from 1997 through 2000.

In addition to the fees noted in the table, the Assessment Unit also collects attorney fees for dependency cases, victim rights fees, and court-ordered fines and restitution. The percent of fines and restitution collected remained largely unchanged or declined by one to two percentage points during that time period. Juvenile probation officers are responsible for following up with

juveniles who do not pay Court-ordered fines, Court-ordered restitution and Diversion restitution. The Assessment Unit verifies accurate billing and sends out notices for Court-ordered restitution but does not monitor payment. When probation is terminated, the Assessment Unit reviews closed files and refers juveniles who are 18 years old to civil judgment and a collection agency, and refers responsible parents to a collection agency for any outstanding balances or obligations. The Court generally orders extended probation for juveniles with unpaid restitution.

**Table 18.2**

**Assessment and Collection of Juvenile Court Fees  
 from 1997 through 2000**

**Attorney Fees (Delinquency)<sup>1</sup>**

	Number Ordered	Amount Owed	Amount Paid (to date)	Percent Paid (to date)
2000 <sup>1</sup>	2,390	\$506,828	\$146,359	29.6%
1999	1,825	\$412,695	\$163,740	40%
1998	1,599	\$351,040	\$180,616	51%
1997	1,593	\$354,960	\$209,538	59%

<sup>1</sup> According to the Assessment Unit, in calendar years 1999 and 2000, a change in Juvenile Court procedure for appointing attorneys and assessing family eligibility occurred, resulting in duplicate assessments in the JOLTS database. The Assessment Unit has been manually reviewing attorney fees and has been sending reports to the Juvenile Court judges to vacate duplicate orders and correct outstanding accounts receivable balances.

**Diversion Fees**

	Number Ordered	Amount Owed	Amount Paid (to date)	Percent Paid (to date)
2000 <sup>1</sup>	4,122	\$164,720	\$103,539	63%
1999	4,742	\$189,500	\$141,977	75%
1998	4,849	\$193,430	\$151,314	78%
1997	1,808	\$ 71,530	\$ 56,615	79%

**Probation Service Fees**

	Number Ordered	Amount Owed	Amount Paid (to date)	Percent Paid (to date)
2000 <sup>1</sup>	1,260	\$209,695	\$ 66,841	31.9%
1999	1,281	\$355,069	\$153,509	43.2%
1998	1,442	\$387,602	\$208,640	53.8%
1997	1,512	\$350,574	\$198,713	58.3%

<sup>1</sup> Attorney fee, probation service fee, and diversion fee information for 2000 covers the period from January 1, 2000, through December 3, 2000. Because data for 2000 is incomplete, the amount and percentage paid in 2000 may be underestimated.

### ***Collection of unpaid balances***

The Assessment Unit has identified two factors contributing to the lower collection rate.

1. Many of the collection processes are performed manually, such as identifying families with outstanding balances to be referred to the state tax intercept program, and entering attorney fee and diversion fee information into the computer database. The Assessment Unit is currently working with the AOC to streamline the computer-generated billing process. Changes within the computer system are a statewide process coordinated by AOC. Pima County has already allocated \$50,000 to this project. Additionally, the Assessment Unit has requested additional funding of approximately \$5,000 for software to automate some of the processes.
2. Insufficient automation and increases in the amount of fines and fees compared to the available staff, decreases the amount of time available to follow-up with families with outstanding balances. The Assessment Unit currently has 4 collectors on staff, of which one position was vacant from September 1999 through March 2000, and has requested two additional collectors in the proposed FY 2001-2002 budget, for a total salary and benefit cost of \$56,702. Between 1996 and 2000<sup>2</sup>, the total dollar amount of all assessments, including fees, fines and court-ordered restitution, increased by approximately 14 percent, although the Assessment Unit has not increased collector positions since 1995.

A review of 30 closed files, selected randomly from closed cases for FY 1999-00, shows that:

- (a) Nine cases (30% of the 30 cases) had no balance due;
- (b) Of 21 cases closed with unpaid probation service fees, 18 cases ( 86% of the 21 cases), were referred to the State tax intercept program;
- (c) Five of the 21 cases (24%) were also referred to a collection agency;
- (d) One of the 21 cases (5%) was referred to a collection agency only; and,
- (e) Two of the 21 cases (10%) were neither referred to the State tax intercept program, nor to a collection agency. However, notations in one of these files indicated that a review for referral to a collection agency would be made at a later time.

Based on this limited file review, the Assessment Unit's program for referring cases with outstanding balances to the State tax intercept program has been generally effective. However, identifying cases with past due accounts and entering this information into the State software program has been done manually once each year, allowing some cases to be missed. Changes in

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<sup>2</sup> The numbers for 2000 represent the period from January 1, 2000 through December 3, 2000, an 11 month period. The total dollar amount for 2000 will be larger that provided in this report.

Department of Revenue policy, allowing the County to report delinquent accounts monthly rather than annually, should reduce the number of missed cases and facilitate collecting outstanding balances through the tax intercept program. The program to refer closed cases with outstanding balances to a collection agency began in September 2000. Because this is a new program, it is too early to determine its effectiveness, but it should be continued.

According to the Assessment Unit, the existing collection staff does not have adequate time to make follow-up phone calls to families with outstanding balances. The file review shows that:

- (a) Fifty percent of families with outstanding balances received a phone call within 30 days;
- (b) On average, families with outstanding balances received 4 phone calls; and
- (c) The collector spoke to a family member in 24 percent of the calls. Generally, the collector did not make repeated phone calls in a short period of time if he or she was unable to speak to a family member.

Additionally, the file review showed that in all but one case at least one billing notice was sent to the family, and in 80 percent of the cases with outstanding balances at least two notices were sent.

Overall, in 1999 the Assessment Unit collected 42 percent of all assessed fines and fees, compared to 60 percent in 1998. In 1998, \$778,664 was collected, which was \$135,209 greater than the amount of \$643,455 collected in 1999. More intensive efforts to collect outstanding balances from families would help to increase the percentage of fines and fees collected. Adding 2 collectors to the Assessment Unit staff would increase their ability to follow-up with families with past-due balances and to increase collection of placement fees, as noted below.

The number of Court-appointed attorney fees and diversion fees ordered increased between 1997 and 2000. The number of other fees ordered, such as probation service fees and victim rights fees, declined slightly during the same period. The overall increase in the dollar amount of assessed fines and fees was 14 percent between 1996 and 2000 while the number of collector positions in the Assessment Unit did not increase. The Assessment Unit has identified (a) increased number of assessments compared to collector staff, and (b) insufficient automation of collection efforts as two factors contributing to the decline in overall collection of fines and fees. The proposed FY 2001-2002 budget contains requests for \$5,000 for software to improve automation of its processes and \$56,700 for two collector positions. The Assessment Unit expects increased automation and improved staffing to increase the percentage of assessed fines and fees that are collected.

Justification for the two new collector positions is based on the increase in Court-ordered fees and assessments since 1996 and the need for more intensive collection efforts. Based on a 14 percent increase in assessed fines and fees between 1996 and 2000, the Assessment Unit has justification for one new full-time collector position, but justification for the second full-time position is not as clear. If the Assessment Unit is able to increase the percentage of assessed fines and fees that are collected, from the 1999 collection rate of 42 percent to the 1998 collection rate

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of 60 percent by adding two collector positions, then the increase in revenue collected would be approximately \$135,000. The net revenue increase, equal to the total additional revenue collected minus the cost of the additional positions, would be \$78,300.

Therefore, the Board of Supervisors should approve the second position as a limited-tenure position only, subject to review prior to the FY 2002-2003 budget. By January 2003, the Assessment Unit should submit an evaluation of its collection efforts, showing (a) that collection efforts of active accounts with outstanding balances, including follow-up notices and calls to families, have increased, and (b) that the percentage of assessed fines and fees collected has increased to, or surpassed the 1998 level.

#### *Collection of Placement Fees*

The Juvenile Court has not assessed families for placement fees for juveniles placed in Court-ordered treatment programs since 1996. The Assessment Unit only actively seeks an assessment order for placement fees if a family receives social security payments or Court-ordered child support. In 1996, the Juvenile Court ordered \$87,694 in placement fees, of which \$37,419, or 42.7 percent, was collected. That amount was reduced to \$12,696 in 1999, when only social security payments and Court-ordered child support were collected.

The State AOC allocates funds to Pima County to pay the placement costs for juveniles in Court-ordered treatment programs. Any monies collected by Pima County augments funds made available by the State. The State AOC uses monies collected monthly by the County to pay monthly treatment program costs, without reducing the total allocation available to Pima County.

To increase the funds available to the Juvenile Court to pay for treatment services, the Assessment Unit should actively assess and collect placement fees for every juvenile with a Court-ordered placement. The responsible probation officer should notify the Assessment Unit of the type of service ordered by the Court, the length of time for the service, and the cost. The Assessment Unit would then provide a report to the Court, and obtain a Court-ordered assessment of the family. The probation officer would be responsible for informing the family of their obligation to pay placement fees as well as probation service fees. The Assessment Unit would bill families for the placement fees and follow-up unpaid balances.

#### *Referral of Families to Civil Judgment*

The rules and regulations of the Superior Court provide the authority to the Juvenile Court to refer families with outstanding balances to civil judgment. The Juvenile Court should begin referring families with outstanding balances to civil judgment, as a matter of policy.



### ***Implementation of Court Collection Service Fee***

Pima County ordinance authorizes the Juvenile Court to include a Court Collection Service Fee, equal to up to 35 percent of the unpaid balance. Although it is Juvenile Court policy to implement this ordinance, the Assessment Unit has not included this fee in the cost of collection.

The Juvenile court Assessment Unit should begin to implement these three collection programs: collection of placement fees, referral of families to civil judgment, and implementation of the Court Collection Service Fee. The addition of two new collector positions should increase the Assessment Unit's ability to process outstanding accounts. Because the time frame for implementing JOLTS computer system improvements is 81 weeks, the Juvenile Court should also evaluate the cost effectiveness of more immediate computer upgrades that would facilitate processing of accounts.

### ***Legislative Changes***

The Juvenile Court does not currently have State statutory authority to assess families for the costs of detaining juveniles in the Juvenile Detention Center. In some jurisdictions outside of Arizona, counties assess families for some of the costs of detention, such as food, clothing, and medical care. The Pima County Board of Supervisors would have responsibility to pursue legislation to assess families for some of the costs of detaining juveniles in the Juvenile Detention Center, with support from the Juvenile Court. The authority to assess and collect such fees would allow the County to recover some of the costs of detention. The Juvenile Court would be able to waive the fee if the family did not have the ability to pay.

## **Conclusions**

The Juvenile Court's collection of assessed fines and fees declined between 1998 and 1999. In 1998 60 percent of all assessed fines and fees were collected, and in 1999 only 42 percent of all assessed fines and fees were collected. The total amount of assessed fines and fees that were collected decreased by \$135,209 between 1998 and 1999. The Assessment Unit has requested two new collector positions in the proposed FY 2001-2002 budget, with a total annual salary cost of \$56,700. Justification for the two new collector positions is based on the increase in Court-ordered fees and assessments since 1996 and the need for more intensive collection efforts. . If the Assessment Unit is able to increase the percentage of assessed fines and fees that are collected, from the 1999 collection rate of 42 percent to the 1998 collection rate of 60 percent, by adding two collector positions, then the increase in revenue collected would be approximately \$135,000. The net revenue increase would be \$78,300.

The Juvenile Court should implement several policies to increase collection revenues. These policies include (a) collection of placement fees for juveniles who have been placed in Court-ordered treatment programs, (b) referral of families with outstanding balances to civil judgment, and (c) adding the Court Collection Service Fee, equal to up to 35 percent of the outstanding balance, when an account is referred to a collection agency.

The Juvenile Court does not currently have State authority to assess families for the costs of detaining juveniles in the Juvenile Detention Center. The Pima County Board of Supervisors would have responsibility to pursue legislation at the State level to assess families a fee to offset the costs of detaining juveniles in the Juvenile Detention Center, with support from the Juvenile Court.

## Recommendations

The Board of Supervisors should:

- 18.1 Designate one of the two new collector positions requested by the Juvenile Court in the proposed FY 2001-2002 budget as limited tenure.
- 18.2 Petition the Arizona Legislature to enact legislation, authorizing the Juvenile Court to assess and collect fees for juveniles detained in the Juvenile Detention Center.

The Presiding Judge of the Juvenile Court should:

- 18.3 Direct staff to implement County Ordinance 2000-80, authorizing the Juvenile Court to add the cost of collections to an outstanding balance when an account has been referred to a collection agency.
- 18.4 Direct the Assessment Unit to assess and collect placement fees from families when the child has been placed in a Court-ordered treatment program.
- 18.5 Direct the Assessment Unit to refer families with outstanding balances to civil judgment.
- 18.6 Direct the Assessment Unit, by January 2003, to submit an evaluation of its collection efforts to the Board of Supervisors, showing (a) that collection efforts of active accounts with outstanding balances, including follow-up notices and calls to families, have increased, and (b) that the percentage of assessed fines and fees collected has increased to the 1998 level.

## Costs and Benefits

The Juvenile Court Assessment Unit has requested two new collector positions in the FY 2001-02 budget for a salary and benefit amount of \$56,700. If the new positions improve the collection effort, increasing the percentage of assessed fines and fees collected from 42 percent of all fines and fees in 1999 to the prior year rate of 60 percent, the increase in revenue collected would be approximately \$135,000. The net increase to the County would be approximately \$78,300.

Additionally, assessing families for placement fees for juveniles placed in Court-ordered treatment programs and collecting these fees would increase placement funding for juveniles under the jurisdiction of the Juvenile Court by approximately \$25,000 or more, based on collection of such fees in 1996.

Lastly, by implementing the Court Collection Service Fee authorized by the Board of Supervisors, the Juvenile Court would be able to recover the 23% service fee, which is presently being charged on amounts collected by the contract collection agency.

Paula Perrera, Behavioral Health Director  
Re: Contracted Medical Services in PCADC and PCJDC  
July 25, 2022  
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## 19. Centralizing Bad Debt Collections

- The Superior Court and the Tucson Consolidated Justice Court have approximately \$70 million in active accounts receivable balances dating back many years. Each year, these receivables increase by approximately \$21.0 million, yet only \$10.4 million is collected from all current and past due accounts. In part, this is due to a general lack of investment by the County and the courts in collections, the dispersed authority and responsibility among participant agencies, and weak functional coordination by departments assigned with collections duties.
- While the Pima County justice agencies and the courts have established several processes for the collection and enforcement of fines, fees and restitution payments from individuals convicted of crimes, some aspects of the collection process are stronger than others. Further, despite recent efforts by the Board of Supervisors, the Courts, the County Administrator and the other justice departments, there continues to be no central database of accounts receivable information, processes are not well defined, and some critical collection steps are duplicated or missed.
- The Board of Supervisors should direct the County Administrator to work with the Presiding Judge of the Superior Court, the Clerk of the Superior Court and other elected officials, to establish a central collections function and consolidated bad debt collections contract. This collection strategy would strengthen overall justice system collection performance, while protecting the independent role of the judiciary and other elected officials. For each one percent annual improvement in collection performance, victims and taxpayers would realize \$104,000 in currently uncollected revenue.

Victims restitution, fines and fees are collected through one of three principal avenues within the criminal justice system in Pima County. These include:

1. Superior Court Adult Criminal – The Superior Court is the County's general jurisdiction court, and is responsible for the adjudication of all felony criminal matters and some other criminal matters where jurisdiction is not vested in another court.<sup>1</sup> Superior Court judges may order restitution, fines and fees on convictions for felony offenses, which are paid directly to the Clerk of the Superior Court.

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<sup>1</sup> The Superior Court is also responsible for civil matters with damage claims exceeding \$10,000, probate matters, and family law cases (i.e., divorce and annulment).

2. Justice Court Criminal and Civil Traffic – The Tucson Consolidated Justice Court is a limited jurisdiction court in Pima County which adjudicates all criminal misdemeanors, infractions, and other violations of County ordinance; criminal traffic violations; and, civil traffic violations.<sup>2</sup> For both criminal and traffic convictions, judges will typically order that fines and fees be paid to the Justice Court Clerk, either by mail or directly to the court facility in downtown Tucson.
3. Juvenile Court Criminal – The Juvenile Court includes three of the Superior Court's 27 judicial divisions, two pro-tempore judges and five commissioners. The Juvenile Court has jurisdiction over all juveniles under age 18 who are referred on allegations of delinquency or incorrigibility.<sup>3</sup> The Juvenile Court may order fines, restitution and certain fees to be paid by juveniles, and may order fees for attorney and probation services, to be paid by the parents or guardians of the juveniles.

Section 18 of this report discusses the Juvenile Court Criminal system collections function, and makes various recommendations for improvements to the system as it presently exists. This section focuses on the Superior Court and Justice Court criminal and civil traffic collections functions, and the question of consolidating bad debt collections for all three areas, including the Juvenile Court.

## Accounts Receivable Profile and Collection Performance

Neither the Clerk of the Superior Court nor the Consolidated Justice Court maintain, or have the capability, to regularly produce financial data from which to derive a clear profile of their accounts receivables or collection performance. The systems which are currently available to the Clerk and the Justice Court are used primarily for payment management purposes. Very little management information is regularly produced from these systems. Accordingly, we were required to work with both organizations to obtain special reports on accounts receivable balances, aging and collections.

In some instances, we were required to request special reports showing accounts receivable and collection data maintained in the court's account management systems. In other cases, we were able to use some regularly produced financial reports to determine year-end collection amounts by account category. We did not audit any of the financial data provided by the Clerk and the Justice Court. Consequently, our presentation of the accounts receivable profile and collection performance of both organizations should be viewed in the context of these limitations.

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<sup>2</sup> The Justice Court also holds initial appearances proceedings for all felony defendants, as required by Arizona State law. In certain felony matters, where no indictment has been issued by the Grand Jury, the Justice Court will conduct preliminary hearings. The Justice Court also has jurisdiction for non-traffic civil matters involving claims of less than \$10,000.

<sup>3</sup> The court also considers matters where juveniles may be mentally incompetent; and, dependency matters in cases of alleged child abuse or neglect, severance of parental rights, and adoptions.

Both the Clerk and the Justice Court should strive to improve their systems and processes for compiling, auditing and measuring accounts receivable and collection performance information. Without such mechanisms, the revenue potential and collection performance of the courts and the County departments which support the courts, will remain elusive.

### ***Superior Court Financial Orders and Collections***

At the end of calendar year 2000, the Superior Court reported an active accounts receivable balance for criminal restitution, fines and fees of approximately \$43.6 million.<sup>4</sup> The distribution of this receivable balance, and an estimate of the 2001 amounts that will be ordered by Superior Court judges based on CY 2000 activity, is presented by major account in the table below.

**Table 19.1**

### **Estimate of Superior Court Active Accounts Receivable Balances as of 12/31/00 and Estimated New Accounts through CY 2001**

	<b>Restitution</b>	<b>Fines</b>	<b>Attorney Fees</b>	<b>Probation Fees</b>	<b>Miscellaneous</b>	<b>Total</b>
Receivable Balance 12/31/00	\$ 22,368,357	\$ 4,724,308	\$ 1,139,063	\$ 13,640,392	\$ 1,742,314	\$ 43,614,933
Estimated Orders During CY 2001	6,683,329	2,237,688	1,017,621	3,605,122	1,023,304	14,617,064
Amount Due in CY 2001 (a)	\$ 29,052,186	\$ 7,011,996	\$ 2,156,683	\$ 17,245,514	\$ 2,765,618	\$ 58,231,997
Percent of Total Due	49.9%	12.0%	3.7%	29.6%	4.7%	

(a) Estimate based on CY 2000 un-audited account balances and collections reported by the Clerk of the Court.

As shown in the table, the Superior Court will generate an estimated \$14.6 million in new financial orders during CY 2001. This means that during this period, the various criminal justice agencies involved in the collection process will attempt to collect over \$58 million in financial orders made by Superior Court judges in CY 2001 and prior years, of which nearly 50 percent will represent orders for payment of restitution to victims.

The Clerk of the Superior Court indicates that these balances are greater than the actual amounts that may be due on active accounts during this period because:

- Monthly probation service fees come due as probation progresses. However, the Clerk's account management system requires that the full amount of current and future probation fees be entered into the record at the time of the court order, not when such fees become due.

<sup>4</sup> This figure represents active accounts only. Other inactive accounts exist for individuals serving sentences in State prison, or whose probation has terminated. The Clerk of the Superior Court provided an aging summary of all active and inactive accounts in its system, amounting to approximately \$163.8 million. Approximately 8% of this amount is for cases with financial orders that are ten years old, or older. The oldest accounts date back to 1964.

- At the time of sentencing, persons may be ordered to pay a fine, or to serve time in jail or provide a specified number of community service hours in lieu of the fine. However, the fine still gets recorded in the financial order until the obligation is satisfied.
- Judges may decide to vacate certain portions of the financial obligation at a later date, if the probationer satisfies other terms and conditions of probation, is ordered to jail on a probation violation or new offense, or successfully appeals the conviction or fee amounts. There also have been reports that some vacated orders have not been entered into the Clerk's system in a timely manner.

Because of these and other factors, the total amount of the receivable balance and projected orders for CY 2000 are likely overstated. However, the Clerk does not have the capability with current systems to extract data which will allow a more reliable estimate of the accounts receivable balance to be made at this time. As will be discussed below, the Clerk is currently in the process of implementing enhancements to her automated accounts receivable system to correct some of these deficiencies.

To analyze collection performance on Superior Court accounts, we requested information from the Clerk which would show (a) the total amount of restitution, fines and fees ordered by the Superior Court for CY 2000, (b) the total amount collected on Superior Court accounts for CY 2000, (c) the total amount ordered on all active accounts all years, (d) the total amount due on all active accounts for all years; and, (e) the total amount collected on all active accounts for all years. Based on this data, we were able to determine that:

- Collections for Superior Court accounts in CY 2000 was approximately 34% of the total amount ordered in that year. In CY 2000, the Court ordered an estimated \$14.6 million in restitution, fines and fees, and the Clerk collected nearly \$4.9 million.<sup>5</sup>
- For all active accounts, approximately 21.2% of the total obligation had been satisfied. These obligations may have been satisfied if payments were made on the amounts due, or if community service was performed or jail time served in lieu of making payments. The amounts included in the original order also may have been vacated by the Court. The amount that had been ordered on all active accounts was approximately \$55.3 million, of which \$11.7 million had been paid or satisfied in some manner.<sup>6</sup>
- During CY 2000, approximately 10 percent of the total estimated accounts receivable balances were paid (CY 2000 orders and estimated balances due at the beginning of the year). The estimated accounts receivable at the beginning of CY 2000 was approximately \$33.8 million, and judicial orders during the year amounted to approximately \$14.6 million, for a total CY 2000 obligation of approximately \$48.5 million. Approximately \$4.9 million was collected on this obligation.<sup>7</sup>

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<sup>5</sup> Represents current year collections, divided by current year orders (\$4.9M ÷ \$14.6M = 33.6%).

<sup>6</sup> Total debt obligation satisfied, divided by the total amount of the original orders (\$11.7M ÷ \$55.3M = 21.2%).

<sup>7</sup> Amount paid, divided by current and prior year obligations (\$4.9M ÷ \$48.5M = 10.1%).

These computations are displayed in the table below.

**Table 19.2**  
**Pima County Superior Court**  
**Estimated Collection Performance for CY 2000**

	Orders	Collections	Rate
Receivable Balance Beginning of CY 2000	33,864,687		
Plus Additional Orders Made in CY 2000	14,617,064	4,866,818	33%
Total Obligations Due in CY 2000	48,481,751	4,866,818	10%
Less Payments Made During CY 2000	(4,866,818)		
Receivable Balance at End of CY 2000	43,614,933		
Payments Made in CY 2000	(4,866,818)		
Obligations Met in Prior Years	(6,800,984)		
Obligations Met on Active Accounts	(11,667,802)		
Original Orders on Active Accounts	55,282,735	11,667,802	21%

Although approximately 33% of the amount of court ordered restitution, fines and fees made during CY 2000 were collected, this represented only 10% of the amount due, or which became due on all active accounts during the year. Approximately 21% of the original amount ordered on accounts that were active at the end of the year had either been collected or had been satisfied in some other manner. Accordingly, one can argue that the annual collection rate on Superior Court accounts equals approximately 10% of the original order, but will most likely exceed 20% during the life of the account.

In addition to active accounts, the Clerk maintains a record of all active and inactive account receivable balances in its system. Inactive accounts include those for persons serving State prison sentences, and whose probation has terminated with balances due. Many of these accounts are very old, dating back to 1964, and are most likely not collectable.

Based on a report generated by the Clerk at the end of CY 2000, the total of all accounts receivable equaled approximately \$163.8 million. Of this amount, \$13.3 million (approximately 8%) had been ordered during the period prior to 1990. An additional \$112.0 million (approximately 68%) had been ordered between 1990 and 1997. Just \$38.5 million (approximately 24%) had been ordered during the past three years. If annual collections are compared to the amount of total accounts receivable of \$163.8 million, the annual collection rate drops to less than 3%.

Commonly, accounts receivables become more difficult to collect as they age. In addition, much of the restitution, fines and fees that are owed on these accounts have been charged to individuals who may find it difficult or be unable to pay (e.g., serving sentences in State prison), or who may have no intention of paying their obligations to the Court without significant pressure. Therefore, much of the receivable balance in Superior Court accounts is uncollectable. The Clerk advised us that State legislation has recently been enacted which will allow her to write-off this old and



uncollectable debt, after following certain administrative procedures defined in the law. This law (HB 2275, chaptered as ARS Title 12, Chapter 2, Article 8, Section 12-288), is scheduled to go into effect 60 days after the close of the current legislative session.

### *Justice Court Financial Orders*

In February 2001, the Justice Court reported an accounts receivable balance for civil and criminal traffic fines, fees and penalties; and for criminal fines and penalties, of \$25.4 million. The distribution of this receivable balance, based on reports generated by the Court at that time, is provided in the table, below.

**Table 19.3**  
**Estimate of Consolidated Justice Court**  
**Active Accounts Receivable Balances as of February 2001**

Account	Number of Accounts	Balance Due
Civil Traffic	56,780	14,495,203
Criminal Traffic	12,589	4,889,604
Criminal Other	17,910	6,047,864
<b>Total</b>	<b>87,279</b>	<b>25,432,671</b>

As shown in the table, as of February 2001, the Justice Court had 87,279 accounts with outstanding balances of over \$25.4 million. The majority of these accounts were for civil traffic fines, which included 56,780 accounts with outstanding balances of nearly \$14.5 million. Based on discussions with the Court and a review of documentation generated for this study, nearly 63,850 new financial orders were generated for all account types in FY 1999-00, representing total fines and fees of approximately \$6.2 million.

In FY 1999-2000, the Justice Court collected over \$5.5 million, which included traffic and criminal fines and fees, and certain civil fees unrelated to traffic or criminal case processing. Of this amount, over \$5.0 million related directly to traffic and criminal case activity. Table 19.4, on the next page, illustrates the gross Justice Court collections for traffic and criminal cases, and the net collections after certain State mandated adjustments.

As shown in the table, the County received \$3,089,690 from Justice Court collections in that year, which represented approximately 63.8 percent of total collections. The State received an additional \$1,749,798, which represented approximately 36.2 percent of total collections. Of the portion received by the County, nearly 75 percent (74.7%) was received from fines and forfeitures, and an additional 7 percent was received for probation and attorney fees (2.4% + 4.6% = 7%). Approximately 18.3 percent was received for other miscellaneous fees charged by the Court.

**Table 19.4**  
**Justice Court Gross and Net Collections**  
**By Account Grouping and Recipient – FY 1999-00**

Account	Gross Collections	Net After Adjustments	Percent of Total	Percent of County
Fines and Forfeiture	2,407,571	2,307,146	47.7%	74.7%
Probation Fees	77,962	74,630	1.5%	2.4%
Attorney Fees	148,525	142,401	2.9%	4.6%
Miscellaneous	591,594	565,513	11.7%	18.3%
Total County	3,225,652	3,089,690	63.8%	100.0%
Total State	1,821,225	1,749,798	36.2%	
Grand Total	5,046,877	4,839,488	100.0%	

As with the Superior Court, one can infer various collection rates from this data. Table 19.5, below displays estimates of the collection rates for the Pima County Consolidated Justice Courts.

**Table 19.5**  
**Pima County Justice Court**  
**Estimated Collection Performance for CY 2000**

	Ordered	Collections	Rate
Receivable Balance Beginning of CY 2000	24,234,403		
Plus Additional Orders Made in CY 2000	6,245,145	5,046,877	81%
Total Obligations Due in CY 2000	30,479,548	5,046,877	17%
Less Payments Made During CY 2000	(5,046,877)		
Receivable Balance at End of CY 2000	25,432,671	5,046,877	20%

Note: Approximate collection rates based on available Justice Court data.

Although an estimated 81% of the amount of Justice Court ordered fines and fees made during CY 2000 were collected, this represented only 17% of the total amount due, or which became due during the year. Approximately 20% of the original amount ordered on accounts that were active at the end of the year had been collected. Accordingly, one can argue that the annual collection rate on Justice Court accounts equals approximately 17% of the original order, but is most likely 20% over the life of the account. This equates to the Superior Court collection rate of only 3% on all active and inactive accounts in the Clerk's system.

As with Superior Court accounts, many of these Justice Court accounts are very old. Based on reports prepared by the Court in February 2000, approximately \$3.9 million, or 15.4% of the total accounts receivable balance was for accounts that were 10 years old or older. An additional \$8.1 million, or approximately 32.0% of the total accounts receivable balance was for accounts that were between three and ten years old. The balance of \$13.4 million, or 52.6%, was for accounts under three years old.

## Criminal Justice System Collections Structure

The courts and the criminal justice agencies in Pima County share different aspects of the collection process for the Superior Court and Justice Court. The exhibit below illustrates the general alignment of collection responsibilities for each.

### Exhibit 19.1

#### Matrix of Criminal Justice Account Collection Responsibilities By Department and Function

Department	FTE Count	Description of Function
Superior Court	1.0	Researches closed supervised and unsupervised probation cases that are determined to be "collectable." Focuses on cases terminated in past 2-3 years. Refers cases to County collectors for action.
Clerk of the Superior Court	(a)	Performs account management and cashing function only. Notifies probation officers of delinquent payments for follow-up enforcement. Files criminal restitution liens with the County Recorder. Plans to implement invoicing process, and referral to new collections contractor.
Justice Court	(a)	Performs account management and cashing function only. Plans to implement invoicing process and referral to a collections contract. Refers delinquent cases to State Debt Set-Off Program (tax intercept).
Probation Department	(a)	Probation officers monitor collection for supervised probationers, and report to the Court on unsupervised probationers who are delinquent on restitution payments (2-FTEs). Requests civil judgment from the courts for terminated probation cases owing restitution, fines and fees.
	2.0	Oversees collection policies and procedures, acts as liaison with Clerk and other departments, identifies collection issues and resolves problems.
County Attorney	2.5	Enforces civil judgments using standard collection mechanisms (e.g., demand letters, contact) and legal processes (e.g., wage assignments, garnishments) for Superior and Justice court accounts with restitution owed. Will collect outstanding fines and fees on restitution accounts, only.
County Administrator's Office	1.8	Identifies and locates terminated probationers, sends demand letters, contacts individuals by telephone, establishes payment plans and wage assignments, and collects money.
Total Staffing	7.3	Excludes cashiers at the Clerk's Office and the Justice Court, and probation officers who monitor compliance with court orders.

(a) Represents a general function assigned to multiple staff within the department.

As shown in the table, the departments contributing to collections functions for the adult criminal justice system have assigned approximately 7.3 Full Time Equivalent (FTE) positions, excluding cashiers at the offices of the Clerk of the Superior Court and the Consolidated Justice Court, and probation officers assigned to monitor compliance with financial orders from the courts. These 7.3 FTE positions are assigned primarily to activities involving process regulation and quality assurance, researching case files to identify and locate persons who have not satisfied their financial obligations to the court, notifying and sending demand letters to these persons, and enforcing collections.

Based on management audit activities which we performed as part of this study, there are several points in the process where the integrity of the collection function weakens. These are summarized, below.

- Accounts receivable and collection policies and procedures are non-existent, outdated or inconsistent between each of the departments that share collections responsibilities. Although efforts to improve these documents are underway, and many of the current procedures are being revised, there needs to be a concerted effort to make policies and procedures comprehensive and consistent with Court policy on the enforcement of financial orders.
- The accounts receivable systems used by both the Clerk of the Superior Court and the Consolidated Justice Court were locally developed. Although each system provides basic account management capability, neither is effective for collections purposes. Also, there are no established quality assurance procedures in place to ensure that Court orders are being correctly entered or updated when revisions to the Court orders occur. Further, neither system provides suitable or easily accessible management information for the purpose of developing strategies for maximizing collections and ensuring enforcement of Court orders.
- As will be discussed below, the County has yet to complete a data warehouse of account information, and centralized systems for credit reporting and skip tracing. This concept originated in August 1999, through a task force convened for the purpose of improving collection performance, and was included in a Board of Supervisors directive in October of that year. Although Justice Court data can now successfully migrate to the centralized database that has been developed, interfacing with data systems operated by each of the other involved departments (Superior Court, Clerk of the Superior Court, Probation and Juvenile Court) has been more problematic.
- There is no system established for the ongoing assessment of collection enforcement activities performed by probation officers on supervised probation cases. The Probation Department was unable to provide records or ongoing management information which would ensure that financial orders are being carried out, that the courts are being advised of non-compliance in a timely manner, or that delinquent accounts are being referred to collection or to the County Attorney for civil judgment.<sup>8</sup>

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<sup>8</sup> An audit of 138 successfully terminated cases conducted by the Department in September 1999, indicated that 82 percent of probation service fees were collected and 16 percent were converted to civil judgment; and, 77 percent of attorney fees were collected and 20 percent were converted to civil judgment. This audit indicated a high level of probation officer compliance with established procedures on this category of cases.

- There is no active monitoring of payment compliance for unsupervised probationers. Although individual judges may monitor some persons through the hearing process, such monitoring is inconsistently practiced. As a result, collection effectiveness in this area is variable. For example, per judicial order, the Probation Department will monitor collection for unsupervised probationers if an individual owes restitution, but will not monitor collection if a person owes fines and fees only. Similarly, the County Attorney will enforce collection of restitution through the civil judgment process, but not for fines or fees unless they are tied to a restitution order. As will be discussed below, this monitoring situation may soon be improved with billing and reporting enhancements that are being implemented by the Clerk for Superior Court matters.

## Recent Efforts to Improve Collection Performance

All of the departments reviewed for this study have either established an internal collection function for fines and fees charged to their clients, or rely upon the services of the Clerk of the Superior Court for "front-end" collection of amounts that are due. In 1999, the County Administrator's Office and Justice System departments convened a "Task Force to Improve Collection of Fees, Fines and Revenues," and in October of that year a Board of Supervisors policy was adopted to establish a Pima County Office of Revenue and Collections.

The Board policy established three primary functions for the new Office:

1. To review each source of County revenue and report on the appropriateness of the amounts charged by the County and the collection efforts in place, and make recommendations for enhancing County revenue.
2. To conduct operations/management audits of County Departments, Elected Officials Offices, and the Courts as directed by the Board of Supervisors or the County Administrator on the Board's behalf, report on the efficiency of the operations, and recommend measures for reducing costs and/or increasing revenues.
3. To create a central database of all County delinquent accounts. Track all payments and write-offs and report to the County Administrator and the Board. The central database will be set up to include a resource for all departments to use for credit reporting and skip tracing.

The Courts and County departments have been moving toward these goals. Fees have been increased in many areas, special studies of operations have been performed, and a data warehouse has been initiated for certain categories of collections. Some of the more recent efforts for improving collections are described below.

- In 1997, the Justice Court began to participate in the "debt set-off" program (tax intercept), whereby the Justice Court sends an electronic tape of persons owing fines and fees to the State, which is then compared to State income tax refund records. If a person who owes money to the Justice Court is scheduled to receive an income tax refund, that refund is captured and sent to the Justice Court to offset the outstanding balance on the account. In FY 1999-2000, the Justice Court collected approximately \$304,000 from this program.

- In response to the Board's action in 1999, the County Administrator's Office initiated efforts to design and implement a "data warehouse" which would contain all of the active accounts for the criminal justice agencies. This account information could then be referenced by each of the agencies involved in the collection process, so that (a) all of the departments would be working from a common database of information, (b) information which may not have been previously shared by departments would become more widely available, and, (c) where practical, accounts could be consolidated and collection efforts made more focused. Our review of these efforts indicate that progress has been slow, and nearly two years after receiving the directive from the Board, the data warehouse has still not been fully implemented. In part, this has been due to reluctance by some justice system managers to participate in the data warehouse project and use this tool. The Office of Revenue Collections continues to use the tool for Justice Court collections, and Kino Hospital accounts will soon be included in the database.
- The County Attorney implemented a collection enforcement function for Justice Court and Superior Court restitution accounts in early 1999. Based on collections reports provided by the County Attorney, these efforts had yielded \$790,550 through October 2000 (annual collections of \$438,495 in FY 1999-00).
- In FY 1999-2000, the Superior Court received a position to support activities related to the collection of delinquent accounts. This individual has been charged with identifying accounts which are past due, and comparing the Clerk's financial records to ensure that they comply with the court order. Once this information is compiled and verified, it is referred to the Office of Revenue Collections for collection.
- Various steps were taken in 2000 to make judicial assessment of fines and fees more consistent, including adoption of a uniform definition of indigence by the Presiding Judge of the Superior Court.
- In November 2000, the Board of Supervisors approved County Ordinance 2000-80, which authorizes the family of Superior Court criminal justice departments to "engage the services of a collection agency(s)" and "impose a 'Court Collection Service Fee'" of up to 35% of the unpaid balance on any obligation due to the courts or County departments. In December 2000, a contract was executed by the Clerk of the Superior Court, with a private collection agency approved by the State Administrative Office of the Courts, to provide bad debt collection services on all Superior Court accounts.
- The Board also approved County Ordinance 2000-40, which authorizes the Justice Courts to enter into an agreement with an outside collection agency to collect delinquent traffic and criminal assessments. To date, no such agreement has been entered into by the Court.
- Since her election, the Clerk of the Superior Court has been working diligently to improve the revenue collections functions within her department. Significant efforts have been made to enhance the functionality of the collection management system, and procedures are being implemented to bill supervised and unsupervised active probationers for outstanding fines, fees and restitution each month. If unsupervised probationers become delinquent, the Clerk will be referring the matter back to the court for possible probation revocation.

## Opportunities for Improvements

Despite these improvements, there is additional opportunity to improve the collection function for the criminal justice agencies in Pima County. These opportunities include:

1. Centralizing authority and responsibility for all criminal justice system bad debt collections within a single County agency, including the collection of delinquent criminal traffic and misdemeanor cases originating from the justice courts, criminal felony cases originating from the Superior Court, and juvenile delinquency cases originating from the Juvenile Court. Over time, this centralized unit should also be assigned responsibility to collect delinquent civil traffic assessments.
2. Developing comprehensive and well coordinated policies and procedures for criminal justice system collections.
3. Obtaining a state-of-the-art accounts receivable system which will provide comprehensive data on receivable balances and collections. By implementing such a system, the County should suspend implementation of the data warehouse project, which has proceeded slowly and is still not fully functional.
4. Providing the County Attorney with sufficient additional staff to enforce the collection of fines and fees that go to civil judgment for both supervised and unsupervised probationers.

### *Centralized Collections*

Currently, the Pima County criminal justice collections functions are dispersed among various agencies. While this organization can have advantages stemming from local control of the processes, by establishing a centralized system, procedures can be made more consistent, a dedicated group of collection professionals can be maintained, information can be shared or consolidated by participating agencies for the same clientele, and other benefits can be achieved while allowing for jurisdictional control over collection processes and procedures (e.g., systems can be established to ensure that clients have appeal rights through the courts or the agencies which levy the fees).

The Board of Supervisors, other elected officials and criminal justice system management may wish to consider consolidation of a centralized collection function with the following characteristics:

- The centralized collection unit could be organizationally placed under the Clerk of the Superior Court, or placed under the County Administrator's Office or County Finance Department. By placing the unit under the Clerk, the mission of the unit could be focused on the collection of criminal justice accounts receivables. By placing the unit under the CAO or Finance Department, the collection unit's mission could eventually be broadened to include bad debt collections for other members of the family of County departments. We believe that placement under the Clerk would be the preferred alternative at this time.

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- Under this organization, the Consolidated Justice Court would continue with direct responsibility for the collection of civil traffic fines, penalties and fees. However, all criminal traffic and criminal misdemeanor cases with financial orders would be referred to the centralized collections unit, whether the individual is assigned to supervised or unsupervised probation, or jail time with probation or parole. Based on 1998 through 2000 data from the Court, and estimates of payments that would be received without collection activity, as many as 3,350 new accounts would be transferred to the centralized collections unit annually. As stated previously, the collection of delinquent civil traffic accounts should also eventually be transferred to this unit, once collection operations for Clerk accounts has been well established.
- The Superior Court would transfer all criminal cases with a financial order to a centralized collections unit. As with Justice Court cases, this referral would occur whether the individual is assigned to supervised or unsupervised probation, or jail time with probation or parole. Based on data received by the Clerk of the Superior Court, approximately 4,800 new orders would be transferred to the centralized collections unit annually.
- The Juvenile Court would similarly transfer all criminal cases to a centralized collection unit when there is a financial order that the parents pay fees, as well as orders for juveniles to pay fines and fees, if they reach the age of 18 and still have amounts due. We estimate that approximately 1,750 new orders would be transferred to the centralized collection unit annually.
- The departments would continue to be responsible for the cashiering function at the point of service (e.g., the Clerk and the Justice Court). This would ensure the highest level of compliance for persons who decide to pay their obligation immediately after the sentencing order is received from the judge. However, all installments that come due during the term of supervised or unsupervised probation, or delinquent accounts, would be collected at the centralized collection unit in order to expedite bad debt collection efforts.
- Consistent policies, procedures and standards of collection would need to be established for the centralized collection unit to ensure the most effective collection process possible. This would include clear and consistent definitions of delinquency, differentiated case processing for low value vs. high value accounts, processes for communicating payment non-compliance to probation or the courts, and other similar provisions.
- The County would need to invest in the infrastructure to support a centralized collection function. At a minimum, this would require the following.
  - ❑ The purchase of an accounts receivable and collections system. State of the art systems which provide account and workload management information, payment accounting, automatic tickler capability, noticing and letter writing functions, and other similar



characteristics currently cost approximately \$275,000.<sup>9</sup> Annual maintenance and support costs of an additional \$50,000 would also be required.

- ❑ A directive from the Presiding Judge to systems personnel in the courts, and cooperation from the elected Clerk, to work with the County to ensure an appropriate electronic interface between current and planned case management systems, and the accounts management system which would be purchased under this recommendation. Further, a commitment from the Board to secure supplemental information systems support that might be necessary to ensure that the system and all necessary interfaces are developed and implemented in a timely manner.
- ❑ While contracts with collection agencies should be retained, guidelines for internal vs. outside collections activities should be clearly defined. Accounts should be retained by the County until initial efforts to collect the amount due are exhausted (identity and address verification, limited skip tracing and credit bureau reporting, standard billing and delinquency notification using a 60 or 90 day cycle, and attempts at telephone contact). Only after initial collection efforts by staff of the centralized collection unit should the account be transferred to the contract collection agency. In addition, the County and the courts should negotiate variable rate contracts with the collection agencies based on account value and other characteristics affecting the collection potential of the account.
- ❑ Workload standards should be developed for in-house collections personnel. Based on discussions with other jurisdictions which perform this function, approximately one collector would be required for every 1,500 accounts for the most effective utilization of staff. Given the annual workload generated by the courts, approximately 8 collectors would be required for the centralized collections unit (with supervision and support staff). A portion of the cost of these collectors would be offset by reductions in staffing requirements in other agencies currently performing this function in a dispersed manner. With the assumption of responsibilities for delinquent civil traffic accounts, these resources would likely need to be increased.
- ❑ The Board of Supervisors should expand County Ordinance 2000-80, permitting departments to charge up to 35% for private collection agency services, to include recovery of the cost to perform collection-related activities in-house. With the implementation of this ordinance change, we believe that there would be no net cost to implement these recommendations.

Our estimate of the cost to implement a centralized collection unit is provided in the table on the following page. As shown, total costs would be approximately \$440,000 annually.

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<sup>9</sup> Based on reports from California counties which utilize systems designed by Columbia Ultimate Business Systems (CUBS), which is a state-of-the-art system used by local government and private sector collection agencies throughout the west. This is compatible with the system used by the private contract collection agency recently hired by the Clerk and the Consolidated Justice Court.

We estimate that this unit would be required to perform collection activities on approximately 7,750 cases annually. If approximately four percent of the amount owed on these accounts were collected by this unit each year, the total cost of the unit would be recovered. If the cost of this unit was charged directly to each client account through a service fee, any additional payments that are collected would represent new revenue to the County and the courts.

**Table 19.6**  
**Estimated Cost to Implement a**  
**Centralized Collection Unit in Pima County**

1.0	Supervisor	\$ 45,000
8.0	Collectors	226,808
1.0	Support	20,000
1.0	Systems Support	45,000
	Amortized Cost of Collections System	30,591
	Annual System Maintenance	50,000
	Misc Services & Supplies	22,681
11.0	Total Cost	\$ 440,080

In addition, by performing limited collection activities on these accounts in-house, it is likely that the County and the courts would be able to (a) directly collect fees to offset a portion of the cost of collecting delinquent accounts; and, (b) increase total collections through the centralized collection unit. Further, the contractors currently retains 28% of the amount paid on delinquent accounts for their administrative service fee. The effect of this policy is that the County loses a portion of the revenue it might otherwise receive when an individual does not pay the full amount of his obligation plus the collection surcharge. By retaining these accounts in-house until all basic collection activities have been performed, the County would likely receive a greater proportion of the revenue that is paid by individuals.

#### *County Attorney Enforcement Staff*

As discussed previously, the County Attorney currently enforces the collection of court orders on restitution cases for supervised and unsupervised probationers. Currently, this unit processes approximately 200 new cases monthly, based on FY 2000 statistical information provided by the County Attorney. It is not clear, based on information available from the Clerk or the Adult Probation Department, how many additional cases would be assigned to the County Attorney annually if the enforcement function was extended to non-restitution cases also. Assuming the County Attorney was required to double its current effort to assume enforcement of the financial orders on these additional cases, costs could increase by as much as \$75,000 more each year. The County Attorney should work with the Clerk of the Superior Court and the Justice Court to develop more refined estimates of potential workload, and the procedures and staffing required to enforce collections, and submit a request to the Board of Supervisors to receive positions and funding to accomplish this objective.

As discussed previously, the Board of Supervisors should amend County Ordinance 2000-80 to permit the County and the courts to establish service fees for the cost of collection activities performed by these departments. If appropriate cost based fees are established, new costs suggested in this report could be wholly offset by increased fee revenue to the County.

## Conclusions

The Superior Court and the Tucson Consolidated Justice Court have approximately \$70 million in active accounts receivable balances dating back to at least 1964. Each year, these receivables increase by approximately \$21 million, yet only \$10.4 million is collected from all current and past due accounts. In part, this is due to a general lack of investment by the County and the courts in collections, the dispersed authority and responsibility among participant agencies, and weak functional coordination by departments assigned with collections duties.

While the Pima County justice agencies and the courts have established several processes for the collection and enforcement of fines, fees and restitution payments from individuals convicted of crimes, some aspects of the collection process are stronger than others. Further, despite recent efforts by the Board of Supervisors, the Courts, the County Administrator and the other justice departments, there continues to be no central database of accounts receivable information, processes are not well defined, and some critical collection steps are duplicated or missed.

The Board of Supervisors should direct the County Administrator to work with the Presiding Judge of the Superior Court, the Clerk of the Superior Court and other elected officials, to establish a central collections function and consolidated bad debt collections contract. This collection strategy would strengthen overall justice system collection performance, while protecting the independent role of the judiciary and other elected officials. For each one percent annual improvement in collection performance, victims and taxpayers would realize \$104,000 in currently uncollected revenue.

## Recommendations

The Board of Supervisors should:

- 19.1 Direct the County Administrator to work with the Superior Court, the Tucson Consolidated Justice Court, the Clerk of the Superior Court and other affected agencies to develop a centralized collection unit in the County, as described in this report. To focus on justice accounts, this unit should be organizationally located within the office of the Clerk of the Superior Court. After the unit is established, the Board and the Justice Court should consider contracting with the Clerk of the Superior Court to collect delinquent civil traffic accounts.

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- 19.2 Direct the County Administrator to work with the criminal justice departments to develop comprehensive and well coordinated policies and procedures for criminal justice system collections.
- 19.3 Fund the purchase of a state-of-the-art accounts receivable system which will provide comprehensive data on receivable balances and collections. Annually fund system maintenance, as described in this report.
- 19.4 Direct the County Administrator to suspend implementation of the data warehouse project, which has proceeded slowly and is still not fully functional.
- 19.5 Provide the County Attorney with sufficient additional staff to enforce the collection of fines and fees that go to civil judgment for both supervised and unsupervised probationers.
- 19.6 Amend County Ordinance 2000-80 to permit the County and the courts to establish service fees for the cost of collection activities performed in-house.

## Costs and Benefits

The County would incur approximately \$440,000 per year for the costs of the centralized collection unit (which includes the amortized cost of the collections system and annual maintenance), and approximately \$75,000 per year for the cost of County Attorney staff to enforce collections of delinquent fines and fees on closed supervised and unsupervised probation cases. These costs would be completely offset by additional revenue, if the County and the courts choose to implement collection service fees for in-house delinquent account collections activities. Revenue collections should increase due to improved centralized management and better information.

The County would realize additional net revenue from the collection of delinquent Superior Court, Consolidated Justice Court and Juvenile Court accounts. For each one percent increase in the current collection rate, at least \$104,000 in additional revenue would be received annually.

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## 20. Charges for Pretrial Services

- The current contract between Pretrial Services and the City of Tucson requires an annual payment by the City of \$278,730 for intake and processing arrestees brought to the County Jail on City Court charges. This amount does not fully account for the cost of services provided to the City Court, based on workload, and excludes any portion of the County's indirect cost.
- The County should modify its contract with the City of Tucson so that it better reflects the cost of providing pretrial screening services, resulting in additional reimbursement of \$64,000 per year.

Pretrial Services (PTS) is a division of the Pima County Superior Court that advises City and Justice Court officers on whether arrestees present a risk to the community and are likely to appear in court. Pretrial Services also supervises some individuals for whom the court orders release. Pretrial Services is organizationally divided between two programs: (1) The Intake Unit performs assessments for the courts on newly incarcerated inmates, and (2) the Supervision Unit supervises persons released per court order, through case disposition.

### Intake Services

Intake staff evaluate each arrestee to arrive at a recommendation on whether the individual will likely appear in court if released on his or her own recognizance (ROR). The evaluation process involves screening inmates using a common risk assessment tool. Pre-Appearance Release Specialists (PARS), located at the county's Main Jail Facility, interview and complete an assessment for each felony arrestee, which produces a factor that represents the relative risk to the community, and whether the arrestee will appear at court if released from the jail. The assessment tool is based on the following information:

- Age
- Marital Status
- Employment
- Family / Community Ties
- Prior Felony Arrests
- Prior Violent Charges
- Prior Drug Charges
- Prior Property Charges
- Prior Felony Convictions
- Most Serious Current Charge

PARS perform a similar review of misdemeanor arrestees; however, the risk assessment tool is not used for these reviews. PARS review misdemeanor defendants for a history of failing to appear at court, the potential to re-offend, ability to be released to a stable home and other factors, similar to the risk assessment instrument used for felony defendants.

Upon completing the interview and scoring the assessment tool for a felony defendant, the PARS then review county, state and federal criminal databases to determine whether the individual has accurately responded to the assessment questions and whether the arrestee is wanted under any outstanding warrants. For misdemeanor defendants, the PARS check City of Tucson and Pima County Justice Court records. This research is used to prepare written recommendations to the judge presiding over the defendant's initial appearance. The report will recommend whether the defendant should be released from custody and/or monitored by PTS Supervision staff.

Intake Staff is present at the Main Jail Facility 24 hours per day to provide this screening service to the courts. Workload is somewhat unpredictable based on fluctuating arrest patterns by local law enforcement. Since a defendant must be presented for an initial court appearance within 24 hours of arrest, staff is required to respond quickly to collect complete and accurate information prior to the hearing. This problem is compounded when time is lost due to transport and booking delays.

## **Agreement to Evaluate Arrestees Charged with City Offenses**

Intake reports are provided for every felony case that will be arraigned in Pima County Superior Court. PTS also provides screening and risk assessment services for misdemeanor defendants, including those appearing before the Tucson City Court. Persons arrested on city charges, or both city and felony charges, are brought to the Main Jail Facility for booking and intake.

An Intergovernmental Agreement (IGA) between the City of Tucson and the Superior Court defines the scope of services provided to the City Court by PTS. This IGA requires that Tucson pay the Pima County Superior Court \$278,730 in exchange for screening persons arrested for misdemeanor offenses, and providing a report recommending release or detention to the judge at arraignment. The City previously paid the County for supervision services, but supervision is no longer provided under the current IGA.

Our review of the IGA indicates that the Superior Court is not recovering the full cost of providing screening and release services to the City. This occurs because the method of calculating the City's payment assumes a lower level of City Court PTS activity than is actually occurring and ignores indirect County administrative, service and building costs altogether. Our analysis is presented below.

## PTS Services Related to City Court Activity

The number of pretrial reports prepared for persons facing City Court charges has fluctuated over the years, but on average over the past three fiscal years has constituted 38.9% of the total intake report and research workload. This represents the proportion of defendants who face an appearance for misdemeanor offenses in City Court. This computation is shown in the table below.

Table 20.1

### Pretrial Intake Services Activity for City Court Defendants

	FY 97-98	FY 98-99	FY 99-00	Average
City Court Intake Reports	12,769	13,020	12,363	12,717
Total Intake Reports	32,931	31,923	33,257	32,704
City Court as a Percentage of Total Workload	38.8%	40.8%	37.2%	38.9%

However, the city does not pay for, nor receive reports for persons who face both felony and misdemeanor charges. Thus, this percentage of the intake workload must be adjusted to remove arrestees facing both felony and misdemeanor charges. Also, the City does not pay for arrestees in custody on other matters and arrestees on post-adjudicated matters.

The initial IGA between Pima County and the City of Tucson assumed that 10,769 of 11,965 City misdemeanor defendants (90%, of persons arrested on City charges) were facing only City charges. Accordingly, 90% of total PTS workload for the City Court represented additional PTS workload attributable to the City (on the remaining 10% with felony charges also pending, PTS staff would have been required to perform screening and supervision services even if no misdemeanor charges had been filed).

Adjusting the City Court intake volume of 38.9% of total workload, by the 90% factor, to arrive at only those persons facing misdemeanor charges in City Court, the Pretrial Services workload attributable to the City is lowered to 35.0% of the total intake workload. This share of the workload is greater than the current Superior Court billing assumption that intake for persons facing charges only in City Court form 33% of the Pretrial Services workload. Using a three year historical average that shows that arrestees facing only City charges comprise 35.0% of all intake arrestees, the Superior Court can demonstrate a shortfall in current IGA payments and negotiate for a City payment that more accurately pays for the real cost of screening arrestees at the County Jail, based on workload distribution.



The current IGA includes \$12,000 for non-personnel costs (such as printing expenses and office supplies) and indirect County costs supporting PTS. The current payment for non-personnel costs is adequate but should be reviewed and adjusted in future IGAs to fully reflect the City's share of screening and reporting services.

Pima County just recently received an annual cost allocation plan, which apportions County costs that are incurred, but not included in departmental budgets. This indirect cost charge includes items such as building rent, lease or maintenance payments, debt service costs and the cost of funding executive level and elected personnel such as County Finance, Procurement, Administration and the Board of Supervisors. Indirect costs reflect a real consumption of County resources resulting from departmental work. The City has accepted this concept when agreeing to the new per diem cost rates for billing the City for booking and housing arrestees at the County Jail. Further, under federal A-87 guidelines, certain indirect costs are permitted for purposes of charging grants and other forms of reimbursable expenses received from the State and federal governments.

Indirect costs consist of expense items that may be budgeted and paid for centrally, but actually represent the costs of operating departments that directly provide services. Including an apportionment of these costs, for purposes of determining user fees or payments in exchange for services, is appropriate and more accurately reflects the full cost incurred to provide these services, regardless of the budget unit where the expense appears.

If included in the computation, the total cost for PTS services increases from \$836,711 to \$957,260. Applying the modified 35.0% workload allocation estimate to these revised total costs, the City's share of the County's actual cost of services would increase by \$64,319, from \$278,730 to \$343,049 (an increase of 23.0%), as shown in the table below.

**Table 20.2**

**Estimate of Current Cost of Pretrial Services  
Provided to the City of Tucson**

Cost Category	Total Cost	Current IGA	Proposed IGA	Revenue Increase
Personal Services	\$ 836,711	\$ 266,730	\$ 293,033	\$ 26,303
Non-Personnel Costs	\$ 12,000	\$ 12,000	\$ 12,000	\$ 0
Indirect Costs	\$ 108,549	\$ 0	\$ 38,016	\$ 38,016
Total	\$957,260	\$ 278,730	\$ 343,049	\$ 64,319

## Conclusions

The contract that establishes an agreement between the Superior Court and the Tucson City Court to provide pretrial services underestimates City Court activity and does not fully capture costs. Recalculating the required payment by applying the actual proportion of City Court workload to total County costs, will more equitably apportion those costs, and allow the County to recoup greater revenue of an additional \$64,000 per year.

## Recommendations

The Pretrial Services Division of the Superior Court should:

- 20.1 Revise its cost allocation methodology to more accurately apportion workload activity based on historical trending, and account for the full cost of providing services.
- 20.2 Negotiate a new Intergovernmental Agreement with the City of Tucson for FY 2000-01 that more accurately relates to workload activity, and that includes charges for non-personnel costs and indirect costs.

## Costs and Benefits

There would be no cost to implement these recommendations.

The County would recover an additional \$64,000 per year of its costs to provide pretrial release services to the City Court. The methodology used to compute these payments would more accurately reflect PTS processing activity, and apportion indirect costs using more appropriate cost accounting concepts.

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## 21. Interagency Administrative Coordination

- The Superior, Juvenile and Justice Courts, Adult Probation Office and Clerk of the Court are integrally linked in the provision of court services, for which extensive coordination is required. These agencies have developed a beginning framework for coordinating policy-making and professional and contracted services. However, management of these agencies could be significantly improved through greater coordination of policy making.
- In addition, the Superior Court and Adult Probation Office should consolidate and the Superior Court, Juvenile Court and Clerk of the Court further coordinate budget management, collections, automation support, human resources, and facilities management. Coordination of services such as interpreters, court reporters and judicial library collections between the Superior and Juvenile Courts would further streamline operations. Some of these forms of coordination are, in fact, required by the Supreme Court of Arizona.
- The Superior Court needs to reduce the number of direct reports to the Court Administrator to allow increased coordination and introduction of other management improvements.

### State Requirements for Coordination

The county court system at all levels - the Superior Court, Juvenile Court and Justice Court - and its attendant agencies, the Adult Probation Office and the Clerk of the Court, are integrally linked in the provision of services. To be effectively and efficiently delivered, these services need extensive coordination. In recognition of this relationship, in 1993 and 1996, the Presiding Judge of each Superior Court was given the responsibility for coordinating policy-making and services by the Superior, Juvenile and Justice Courts, Adult Probation Office and Clerk of the Court by an order of the Presiding Justice of the Arizona Supreme (Administrative Rule 93-30 and Administrative Rule V-A).

Rule V-A indicates that, in addition to control of the Superior Court, the Presiding Judge of the Superior Court shall be the Chief Judicial Executive Officer in the County, exercising administrative supervision of:

- The Clerk of the Superior Court;
- The justice of the peace courts in the county; and,
- The municipal courts in the county.

Administrative Rule V-A further specifies that administrative supervision of these agencies shall, in addition, include:

- Prescribing the duties of the clerk of court in addition to those prescribed by law;
- Promulgating local rules approved by a majority of the judges of the county;
- Establishing security policies and procedures for all courts;
- Determining the need for, and approving allocation of, space and the construction of new court buildings;
- Meeting regularly with the presiding justices of the peace and in the municipal courts and with justice court and municipal court administrators to discuss separation of powers, resources, use of technology and legal, administrative and other relevant issues;
- Submitting a coordinated budget for the Superior Court, Clerk of Court, Adult Probation, Juvenile Court and Justice Courts to the Board of Supervisors;
- Obtaining compliance with statistical reporting requirements;
- Coordinating uniform bond schedules;
- Coordinating and implementing compatible information systems;
- Approving and coordinating applications for grant funds;
- Certifying compliance with Educational Policies and Standards;
- Approving procedures for implementing sexual harassment policies; and,
- Approving plans to implement policies for access to services by persons with disabilities.

Lastly, the Administrative Order indicates that the Superior Court Presiding Judge may develop and implement judicial branch personnel systems for the courts in their counties.<sup>1</sup>

At the same time, several statutes provide for independent management of all or parts of the Clerk of the Court, Justice Court and Juvenile Court. The Justice Court and elected Clerk of the Court are entirely legally separate entities, although subject to the coordination requirements discussed above, where they do not otherwise conflict with statute.

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<sup>1</sup> Arizona's coordination requirements are not unique. California's rule of court concerning coordination similarly called for coordination of administrative policymaking and responsibility for performance of all administrative and direct court support functions for a court within a county.

For example, the Clerk of the Superior Court is designated under Arizona Revised Statute 12-283 to be responsible for operations of the Clerk's Office and for funds appropriated by the Board to the Clerk. Nonetheless, this statute calls for the Clerk of the Court to coordinate its budget request with the Presiding Judge of the Superior Court.

The Adult Probation Office (APO), on the other hand, is an agency of the Superior Court: Arizona Revised Statute 12-251 provides that the Presiding Judge of the Superior Court appoints the Chief Adult Probation Officer.

The relationship between the Superior Court and the Juvenile Court is more complex. Superior Court judges serve on assignment to the Juvenile Court and the staff that serve with them – a Judicial Administrative Assistant, Court Reporter, and Bailiff or Law Clerk – move between the Superior and Juvenile Courts as judicial assignments change. The judges and staff of all seated judicial divisions are funded in the Superior Court budget in recognition of the fact that all Judges are Superior Court Judges, whether they are assigned at Juvenile or Superior Court. Keeping them in one budget makes them interchangeable and allows the Presiding Judge to place judicial resources wherever they are most needed. The State Constitution (Article 6, section 11) provides that Superior Court presiding judges exercise supervision over the Superior Court judges, regardless of assignment.

However, the Juvenile Court Presiding Judge and Juvenile Court Administrator are provided with some direct statutory authority over their operations. Arizona Revised Statute 8-203 provides that the Juvenile Presiding Judge appoint the director of juvenile court services, who in turn recommends the appointment of juvenile court personnel. More broadly, Arizona Revised Statutes 8-306 and the Arizona Code of Judicial Administration respectively indicate that the Juvenile Presiding Judge supervises the juvenile detention center, with its unique demands and responsibilities, and detail separate personnel practices for Juvenile Probation. This authority needs to be seen in the context that the Juvenile Court Presiding Judge is appointed and can be removed by the Presiding Judge of the Superior Court.

While management of juvenile probation and detention services is seen as falling under the purview of the Juvenile Court by both the Juvenile and Superior Courts, there is considerable disagreement concerning the degree of autonomy of the Juvenile Court in the area of direct court services. This confusion is heightened by the potential liability for the Superior Court that could be caused by actions of Superior Court judges and staff assigned to the Juvenile Court in areas such as risk management or personnel actions. In a recent incident, both Juvenile Court and Superior Court officials investigated a worker's compensation claim filed by a Superior Court employee on assignment at Juvenile Court.

Where a rule of court is not in conflict with statute, it remains in effect. This combination of statutory and rule-making authority leads to complex relationships between these agencies.

There is concern among courts in Arizona that the Supreme Court administrative order does not provide the Superior Court with sufficient authority to carry out the duties it enumerates. It is not clear, for example, if the Superior Court Presiding Judge could combine functions among the courts, submit budgets on his own authority or is intended to be responsible for the performance

of these agencies. We recommend that clarification of the Rule be sought from the AOC or the Supreme Court, particularly with regards to the court functions under the Juvenile Court.

Regardless of State requirements, the courts and the Clerk of the Court should evaluate each area of administrative services, including those of the Adult Probation Office, and develop a strategy for planning and operating these services cooperatively in order to ensure efficacy and efficiency. There are functions and initiatives that are not being pursued due to lack of coordination.

## **Status of Policy and Administrative Coordination in Pima County**

The beginning of a framework for coordinated policy-making exists between the County criminal justice agencies in Pima County. An executive team comprised of the Presiding Judge of the Superior Court, the Presiding Judge of the Juvenile Court, the Superior Court Administrator, the Juvenile Court Administrator, the Clerk of the Court and the Chief Probation Officer meet biweekly to discuss management issues. In addition, the Superior Court Presiding Judge meets with the Presiding Justice of the Peace of the consolidated Justice Court, the Presiding Judges of the Ajo and Green Valley Justice Courts and the Presiding Judge of the Tucson City Court to discuss common concerns, such as twice-a-day initial appearances.

Actual policy coordination varies depending on subject area. The Superior Court, Juvenile Court, APO and Clerk of the Court utilize the same, merit-based personnel rules and system and broadband salary systems.<sup>2</sup> A Human Resources Coordinating Council which includes the Human Resource managers of the Superior Court, Juvenile Court, APO and Clerk of the Court meets regularly, as do the line human resources staff of these agencies. The state Attorney General provides these same agencies with legal advice and defense services and Superior Court, Juvenile Court and APO utilize state procurement rules. In contrast, in the areas of automation and collections, little coordinated planning takes place. (See Introduction and Section 19).

On an operational level, the Superior Court and Adult Probation have shared some services, such as facilities management, information technology, procurement and employee relations. The Presiding Judge and Court Administrator reported at the exit conference that the Superior Court and Adult Probation would be consolidated in the areas of human resources, finance and training. In early April 2000, staff in these departments participated in a planning session with an outside facilitator to make recommendations concerning the structure of a consolidated department. The Superior Court reports that it will review these recommendations and develop a plan for implementation.

Each of the other agencies receives assistance in a variety of areas, as described below. However, in most areas directly affecting daily operations, these agencies operate independently. The Juvenile Court, Adult Probation Office and Clerk of the Court each operate their own Finance and Human Resources Departments; Juvenile Court and the Clerk of the Court manage

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<sup>2</sup> These agencies traditionally had their own employee relations, recruitment and selection and grievance process; in 1994, these agencies developed the court-based merit rules and a broadband salary structure

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**Independent Information Services Departments.** For services directly impacting the judiciary – interpreters, court reporters and law libraries – the Juvenile and Superior Courts operate entirely independently. While there were objective reasons for developing these separate units, largely having to do with the need to insure that adequate services were provided to individual agencies, there are planning, operational and cost implications of this organizational structure.

The policy coordination that does exist between the above agencies grows out of the sense that these are quasi-state agencies. The Justice Court, on the other hand, operates under County policy guidance. For example, the Justice Court utilizes the County's personnel rules.<sup>3</sup> The Justice Court also has its own Human Resources, Finance, and Information Services departments. The Justice Court takes advantage of some services from the Superior Court, such as jury and interpreter services (Justice Court does not utilize court reporters).<sup>4</sup> The Justice Court is also provided jury pre-trial and probation services from the Superior Court, without charge.<sup>5</sup>

Other Arizona counties have moved further along the path to coordination. Coconino County has created a single court administrator overseeing the superior, justice and city courts. The daily management of the justice and city courts are under the direction of Deputy County Court Administrators, who are appointed by the Superior Court Presiding Judge in consultation with the city, county and their respective magistrates and judges. These courts operate under an intergovernmental agreement, which spells out the funding and management responsibilities of each entity (Exhibit 21.1).

## **Coordination of Financial Services**

Financial services are managed independently in each agency under separate finance directors and departments. There are a total of 20 staff in the Finance area at an employee cost of approximately \$1 million annually. Limited financial coordination by the Superior Court, particularly in the areas of procurement for the Superior Court, Juvenile Court and Adult Probation Office and grant applications for the Superior Court, Clerk of Court and Justice Court, does take place.

Administrative Order V-A mandates submission of a coordinated budget for the Superior Court, Adult Probation Department, Juvenile Court, Clerk of Court and Justice Courts to the Board of Supervisors and approval and coordination of grant applications. This requirement has not been superceded by statute. Funding for Adult Probation and staff who provide direct judicial support to Superior Court judges assigned to the Juvenile Court (e.g., Judicial Administrative Assistants,

<sup>3</sup> The Justice Court participated in the merit-based personnel system until 1997 when concerns that the Justice Court's continued use of County risk management and legal services was leading to conflicts between the State and County on risk management issues and differences of opinion between the State and County concerning the application of merit rules and court policies.

<sup>4</sup> One full time interpreter is generally sufficient to cover all consolidated Justice Court needs, except in cases of trials where an additional per diem interpreter is provided. In calendar year 2000, the Superior Court provided interpreters to the consolidated and Green Valley justice courts for 2,930 proceedings; this represented 41% of the 7,119 proceedings for which the Superior Court interpreting office provided interpreters. The Superior Court does not provide interpreters for proceedings in Ajo because of its distance from Tucson. Recent estimates indicate that providing this service to the Justice Court costs the Superior Court approximately \$57,700 per year. The Superior Court is requesting funding for this cost in the FY 01-02 budget.

<sup>5</sup> The lack of a charge-back mechanism may lead to slight inefficiencies in use of jurors, but based on data from a six month period in calendar year 2000, the costs of any inefficiency are minimal and coordination of these efforts generally works well.



Court Reporters, Law Clerks) is included in the Superior Court budget. Other costs to support Superior Court judges on assignment to Juvenile Court, for example, furniture and computers, and the cost for juvenile commissioners and their bailiffs, court reporters and JAAs as well as other support costs are contained in the Juvenile Court budget. These costs and those for other Juvenile Court operations (e.g., juvenile probation, juvenile detention, and administrative costs in support of all juvenile functions) is submitted separately.

Coordinated budgets for the Superior and Justice Courts were not submitted in FY 2000-01 or FY 2001-02, although they were in past years and Clerk of the Court budgets have historically been submitted separately

A coordinated budget in which agencies' major priorities were discussed and developed jointly is a first and necessary step in insuring that resources were efficiently directed where needed to improve the system as a whole. Policy coordination would include insuring that resources are balanced to provide maximum and efficient services to the public. While the agencies involved report varying levels of coordination in preparation and presentation of their budgets, ranging from discussion of initiatives before budget preparation to providing copies of and discussing already submitted budgets, this coordination it is not clear in the budgets presented to the Board. The budget submission should reflect this planning.

On an operational level, integrated financial management of the Superior Court and the Adult Probation Office would improve management of financial operations and provide central responsibility for resource management. The Superior court reports that the Court and APO have been taking steps to integrate their disparate finance offices. The Justice Court could also benefit from receiving expanded financial management services from the Superior Court.

Collections are also not coordinated among the criminal justice agencies in a clear fashion. This issue is discussed at more length in Section 19.

## **Coordination of Human Resources and Training Services**

While the Superior Court, Juvenile Court, Clerk of the Court and APO utilize joint personnel procedures, human resources is managed independently in each agency. Each agency has its own Human Resources director and department. These four agencies employ 25 dedicated Human Resources staff, at an annual staffing cost of \$1,115,00. The Superior Court, Juvenile Court, Adult Probation Office and Clerk of the Court each employ a Human Resources Manager and the Adult Probation Office operates with a Human Resources Director (paid at the same level as the Human Resources Manager), as well. In addition, the Justice Court's Human Resources function, which operates separately, employs two staff. The Superior Court provides some services to all of the other agencies, including technical assistance and continuing education training.

In the case of the APO and the court support functions of Juvenile Court, human resources support services should be integrated under the direction of a single human resources director. Particularly in the case of APO, an agency of the Superior Court, it is unclear why two separate, high-level management positions are required. The Superior Court has recognized its special

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responsibility for legally sensitive areas of human resources in the APO by, for example, managing the APO's Employee Relations support function. The Superior Court reports that it is now in the process of integrating these functions of the Superior Court and APO.

Direct judicial support staff for Superior Court judges, namely Judicial Administrative Assistants, Court Reporters and Law Clerks, who move between the Juvenile and Superior Courts, are in the same classifications and are provided for in the same budget. Human resources direction for similarly classified individuals should be unified under the direction of the Superior Court to insure consistency in personnel practices,, both for reasons of efficiency and avoidance of liability.<sup>6</sup> These agencies, in concert with the Clerk of the Court, are in the midst of developing a joint Human Resources application that can assist them in this coordinated management.

### **Coordination of Automation Services**

The Superior Court, Juvenile Court, Justice Court and Clerk's Office each have separate information technology departments, with that of the Clerk of the Court's Office developed in FY 1999-2000 with the election of the current Clerk. In total, these agencies employ 39 staff in information technology, at a cost of \$2.67 million in FY 2000-01.

As discussed in the introduction, incompatible systems operated by these departments impede coordination and reduce efficiency in operations. Administrative Rule V-A calls for the Superior Court to coordinate and implement compatible information systems and technology. Some joint automation efforts are underway, particularly in the areas of networking and development of an automated system for human resources. Furthermore, at the direction of the AOC, the courts and the Clerk of the Court have developed a consolidated information systems plan.<sup>7</sup> These coordination efforts are to be applauded, but much more planning for integration needs to take place (see introduction).

Given the current number, complexity and incompatibility of the systems maintained by these agencies, it is appropriate that each agency operate its own information technology unit at this time. However, as the court moves closer to implementation of AZTEC, the statewide case management system under development, and other integrated applications, the organization of the various agencies' information technology units should be evaluated for opportunities to consolidate functions.

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<sup>6</sup> The Superior Court already manages payroll and benefits for judges assigned to Juvenile Court.

<sup>7</sup> Other coordinated projects include automating pre-trial reports; preparing year-end statistics for the Justice Court; supporting the Clerk's imaging system (once replaced, the clerk will support its own); upgrading the current video link to the jail and adding the Superior Court to the link; and supporting e-mail applications for judges, JAAs and clerks at Juvenile Court and for the Clerk of the Court.

## **Facilities**

Facility management and construction, security policies and procedures, and plans to implement the policy on access to court services by persons with disabilities are generally not coordinated by the Superior Court, although these responsibilities are specified in Administrative Rule V-A.

The Superior Court does provide some assistance to the Justice Court in the security arena. When preliminary hearings or other actions require an in-custody defendant to appear in person at the Justice Court, attempts are made to use secured Superior Court facilities. The Clerk of the Court largely provides its own facility management services, although the Superior Court assists by serving, for example, as the contact point with the County for the construction of the Clerk of the Court archiving facility on the second floor of the court building.

Integrated services for accommodation for those with disabilities, ergonomics, and security would reduce potential for legal liability, improve facility planning and management and allow compliance with Administrative Rule V-A. To the extent that facilities are shared by these agencies, facility construction and major modifications should be coordinated under the auspices of the Superior Court.

## **Coordination of Direct Judicial Support Services**

In several other areas, the Juvenile and Superior Courts maintain separate departments for services that directly serve the judiciary. For example, the Superior and Juvenile Courts each have their own interpreter department, testing interpreters and scheduling their use.

The Superior and Juvenile Courts also maintain separate court reporting departments, with separate court reporting managers Superior Court reporters, whether at the downtown Tucson courthouse or on assignment with judges at Juvenile Court and the court reporters who assist commissioners and pro tem judges of the Juvenile Court operate largely as separate staffs, although they do assist each other on occasion. This limits opportunities for maximizing the use of resources in this area. In addition to providing a court reporter for each retained judge, the Superior and Juvenile Courts retain separate pools of reporters for commissioners and pro tem reporters. The Superior Court currently has ten pool reporters to support eleven pro tem judges and commissioners; at Juvenile Court there are also five full time reporters to support the commissioners and one pro-tem. Pima Superior Court Local Rule 2.7 indicates that reporters shall be available only for regularly scheduled trials and when requested by counsel 24 hours prior to any other proceeding. Thus, not all divisions require reporters on a daily basis yet the Superior and Juvenile Court are staffed with nearly one reporter per division.

Combining the court reporting operations of the Juvenile and Superior Courts would allow examination of assignment and technological efficiencies that could be realized. The Pima County Superior Court does not avail itself of technology for electronically recording proceedings. The Juvenile Court reports that at one time it did record some hearings in juvenile court but abandoned the practice because of problems with the quality of the recording and disputes concerning on who was responsible for the transcription. While recognizing that

## 22. Role of Judicial Administrative Assistants

- While the County Clerk is responsible for the maintenance of Superior and Juvenile Court case files and creating court minute orders, the Clerk's Office plays a minimal role in calendar management. The Judicial Administrative Assistant (JAA) who works for each individual judge instead performs this role. There is little standardization in how JAAs perform this function. JAAs are not provided with consistent training, lack adequate supervision, and have no specific relief staff to replace them when they are absent.
- Given the central importance of JAAs in calendar management, the Superior Court should develop standardized hiring procedures and consistent performance expectations for JAAs through an ongoing training program and clarified job description for JAAs. The court should utilize the lead JAA positions in each division to provide direction to regularly employed JAAs and to supervise temporary JAA staff.
- If improvements in the selection, training, and oversight of JAAs are not made, the County should also seek statewide legislation to provide that JAAs are employees of the court, not individual judicial officers.

The role of the Judicial Administrative Assistant (JAA) is critical to case processing. The position description for JAAs provides that they are to serve as the judicial liaison for each division, coordinating activities concerning the status of cases and individual proceedings, entering data in the automated calendaring system, and monitoring progress of cases to assess compliance with court rules and published standards.<sup>1</sup> JAAs do not work in the courtroom, but utilize minute entries and meetings with the court clerk to update information on case events.

As discussed in Section 1, the responsibilities of JAAs in overseeing receipt of mandated documents, such as Rule 16 notifications and pre-trial statements, and in entering case data such as reasons for continuances are not uniformly performed by these staff. Nor do the legal offices of the county view JAAs as having the authority to enforce these procedures on behalf of the bench officers for whom they work.

Unless JAAs make required entries in the case management system, the court cannot produce reports and monitor case processing performance. For example, because the stated reasons and party requesting continuances are not identified, court management cannot evaluate the most common reasons for requested continuances and reduce these barriers. Similarly, because the plea deadline is not entered into CACTIS, even though the system allows for its entry, the court

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<sup>1</sup> The function of the county clerk in the courtroom is to take minutes and orders and place into minute orders; send paperwork with appropriate documentation; manage exhibits and juror lists; issue bench warrants and dismissals; quash warrants; file summonses; deal with calls from litigants concerning in-court activities and put matters under advisement in final form.

and other criminal justice agencies cannot judge whether this timeline is being met or is even reasonable. Not entering dates or reason codes into the system also reinforces the belief on the part of all parties that the court's procedures and deadlines are not firm.

Four JAAs in the Criminal Division were interviewed. Based on these interviews, the understanding of, and compliance with case processing procedures varies greatly by individual and depending on division. For example, as discussed in Section 1, these four staff differ in when and how they contact attorneys concerning compliance with pre-trial statement requirements. None of the four JAAs interviewed contact parties in advance concerning due dates for pre-trial conference statements. Two stated this was due to excessive workload<sup>2</sup> and two because they did not know about the procedure.

JAAs also report performing different levels of prioritization of cases scheduled for the Trial Confirmation Conference. Some look to age of case, custody status, and judicial preference while others forward all cases to the calendaring office without prioritization.

Major job functions vary between division as well. Most notably, some JAAs do not perform their own calendar entries, sending documentation to the calendaring office to perform the function. Generally, JAAs and the judges to whom they are assigned determine the JAA role as they see fit. Court management confirms that expectations for JAAs vary widely.

## Organizational Structure

Under State law, JAAs are hired by the individual judge in whose division they work.<sup>3</sup> The Superior Court does not review the minimum qualifications or general suitability of JAAs selected. While remaining within the framework of employment at the discretion of the individual judge, the Court could do more to insure that judges and candidates under consideration as JAAs fully understand the position's role. Other courts with positions directly reporting to the judge have, for example, established hiring committees comprised of judges to assist judges in their selection. In the absence of the Superior Court creating a more regularized appointment system for JAAs, the county could seek statewide legislation to provide that JAAs are employees of the Superior Court, not individual judicial officers.

Traditionally, there has not been consistent or formal training of JAAs, except in computer usage and isolated topics such as jury procedures. The Court's Human Resources Division developed a bench rotation training program for JAAs in 1999, which is provided to staff as they change assignments. The JAAs for each Presiding Judge have also developed a manual concerning procedures to be used by JAAs, although not all JAAs are aware of it.

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<sup>2</sup> The orders required by failure to submit a statement or submission of an incomplete statement are generated by JAAs using macros in the word processing system, impacting the workload for JAAs. In civil cases, the automated case management system generates these orders.

<sup>3</sup> At Juvenile Court, the Presiding Judge of Juvenile Court supervises the Judicial Administrative Assistants who work for commissioners.

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There are no supervising JAAs or consistently scheduled meetings of JAAs. There are also no extra-help JAAs available when a JAA is on vacation or medical leave or leaves court employment. Many JAAs are required to take vacation at the same time as the judge. In other instances, the court utilizes temporary agency help or backup is provided by the law clerk/bailiff. This situation is exacerbated by the lack of clarity of the role of bailiffs when JAAs are not available and the absence of a defined supervisory or lead position.

Lead JAAs, those assigned to the presiding judge of each substantive area of law (e.g., criminal, civil), perform additional duties for the presiding judge and receive additional compensation for doing so. Lead JAAs often undertake training of newly selected JAAs in their area. However, the role of lead JAAs in training JAAs on an ongoing basis and overseeing the work of JAAs has not been well defined. Lead JAAs should be expected to provide a greater role in coordinating the work of JAAs, under the direction of the calendar coordinator position recommended in Section 1.1 of this report. The position description of the lead JAA position should be amended accordingly

## Conclusions

While the County Clerk is responsible for the maintenance of Superior and Juvenile Court case files and creating court minute orders, the Clerk's Office plays a minimal role in calendar management. The Judicial Administrative Assistant (JAA) who works for each individual judge instead performs this role. There is little standardization in how JAAs perform this function. JAAs are not provided with consistent training, lack adequate supervision, and have no specific relief staff to replace them when they are absent.

Given the central importance of JAAs in calendar management, the Superior Court should develop consistent and formalized procedures through an ongoing training program and clarified job expectations for JAAs. The court should require lead JAA positions to provide ongoing training and direction to regularly employed JAAs and to supervise temporary JAA staff.

The Superior Court should also create mechanisms to review the minimum qualifications or general suitability of JAAs selected and to insure that judges and candidates under consideration as JAAs fully understand the positions role. Instituting a hiring committee of judges to advise individual judges in the selection of JAAs would constitute a significant improvement. In the absence of the Superior Court instituting procedures of this type, Pima County should also seek statewide legislation to provide that JAAs are employees of the Court, not individual judicial officers.

## Recommendations

The Superior Court should:

- 22.1 Clarify job expectations for JAAs, including a requirement that Judicial Administrative Assistants follow case procedures and reporting mechanisms needed for court management to direct the felony case flow process. Ensure that parties appearing in court understand that this is a key function of JAAs;
- 22.2 Develop an ongoing training program for JAAs;
- 22.3 Clarify that lead JAA positions in each substantive area of law are to provide ongoing training to JAAs, conformity in practice, and assistance to JAAs when performing their jobs. The lead position should be utilized to oversee the work of temporary staff in divisions when JAAs are absent due to vacation, illness or training.
- 22.4 Create a more regularized appointment system for JAAs.

In the absence of improvements in the hiring, supervision and training of JAAs, the county should seek statewide legislation to provide that JAAs are employees of the Superior Court, not individual judicial officers.

## Costs and Benefits

There would be no cost to implement these recommendations.

The role and function of the JAA would be made more consistent, procedures would be standardized and training would be enhanced, permitting JAA staff to be used more interchangeably between courtroom assignments. Vacation relief could be more readily available from in-house staff, potentially reducing temporary employee costs to the County.

# **SUPERIOR COURT PIMA COUNTY**

110 WEST CONGRESS STREET  
TUCSON, ARIZONA 85701

**JUDGE GORDON T. ALLEY  
PRESIDING JUDGE  
DIVISION 23**

**TELEPHONE (520) 740-3155  
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## **MEMORANDUM**

To: Raul Grijalva, Chair  
Pima County Board of Supervisors  
  
Charles H. Huckleberry, County Administrator

From: Gordon T. Alley, Presiding Judge  
Pima County Superior Court

Date: April 25, 2001

Re: Response to Audit Report by Harvey Rose Accountancy Corporation

The court has reviewed drafts of the sections of this report that were provided to us by the Harvey Rose team. Inasmuch as the drafts were still being revised as of April 20, we have not seen the final, pre-publication version. Therefore, our comments are based on drafts that may have been changed in the final product.

We appreciate the work that the Harvey Rose team (HMR) has accomplished and the objectivity of its analysis. It is also gratifying that HMR has noted the court's successes – for example, improving its case processing, establishing a drug court, improving administrative cooperation among court entities – over the last 2-3 years. Indeed, while we have a ways to go to reach our case processing goals, the report shows that we have made significant progress. We expect that many of the HMR recommendations, especially in the case management area, will serve the court well as we continue improving.

Although we find many recommendations that will be helpful, we have a few general comments of concern and some specific issues that are addressed in the following.



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## **General Concerns**

### Oversimplification of Cost Picture

In at least two areas of the report, HMR attempts to calculate the costs of a court event by estimating the time involved and building the costs from the salaries of those in attendance at the event. We are concerned that this type of analysis might suggest that reducing the number of such events would actually save money, when no salary or other dollars would be saved. Reducing the number of events of a certain type would free those resources for other case dispositive activities, but would not enable the court to save costs.

### Lack of Sufficient Supporting Data

HMR has presented a significant amount of data in tabular or chart form. It then has used these tables to make comparisons between the Pima County Superior Court and other, ostensibly comparable courts. Unfortunately, the report does not include the characteristics of these courts that make them comparable. The report also fails to include the detail to support the data represented in the charts. Although sources are often referenced, how the data was aggregated is not explained. The court needs that foundational data to verify the accuracy of some of the comparisons.

### Inadequate Understanding of Organizational Complexity

A significant portion of the report deals with the interconnectedness of the entities involved in the criminal justice system. The first sections deal with the criminal process itself and a later section deals with the organizations that constitute the Superior Court. In one way or another, HMR recommends greater cooperation, coordination or integration in each of these areas. Although we find it hard to deny the validity of most of HMR's recommendations in a theoretical model, generally the report too easily dismisses or discounts constitutional, statutory, political and historical realities that are strong inhibitors, if not prohibitors, to the improvements they recommend.

## **Specific Issues**

### Section 1: Felony Case Processing Standards

It is in the "Workload Comparison" portion of this section that HMR compares the Superior Court unfavorably with other jurisdictions. It says that, comparatively, we

have more staff and spend more money per judicial position. Although the comparisons are taken from a publication of the Administrative Office of the Courts, the data was compiled from reports by individual courts and we lack confidence that the AOC validated the data it received. Moreover, HMR did not provide the detail to show how it aggregated the data, which prevents the court from performing its own verification.

In the "Costs and Benefits" portion (at least in the early drafts) the report seems to imply that the caseload coordinator position may be only a temporary need, to be re-evaluated when its grant support ends. We believe that the need for this position will be ongoing, given the size of this court and the complexity of case management issues.

### Section 2: Trial Rate and Early Disposition of Cases

Table 2.3 is an example of the court's general concern that supporting data is not shown for most of the tabular information. In this section, even the narrative does not adequately describe how these costs were created.

In the early draft, recommendations 2.8 and 2.9 imply that the Board should exercise some review over the work of the court and other participants in the justice system. Although the court is quite willing to share information about its administrative processes and its caseload data, as the third branch of government, the court alone is responsible for the manner in which it conducts its business and is accountable to the Supreme Court for its performance. We do, of course, understand and support fully the need to be fiscally responsible and to cooperate with county administration and the Board to the extent possible in budgetary matters. Our history demonstrates that cooperation.

### Section 3: Drug Court Cost Effectiveness

The court generally shares the central perspective that HMR expresses regarding the drug court – while the program is having a clear impact on certain types of defendants, it needs to be rigorously evaluated for effectiveness over the long run.

A principal recommendation from HMR is that we establish a control group against which we could compare the outcomes from the drug court program. The report makes one or two suggestions for establishing a control group. Although we agree that a control group would facilitate examination of the drug court's effectiveness, creating such a group is problematic.

This section also concludes that the court needs to prepare "clearly stated program goals." We believe that we have done so in the initial planning grant application. Management and staff are all quite aware of those goals. We are in the process of developing an operations manual, into which we will incorporate a statement of the program's goals.

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#### Section 4: Judicial Facility Security

The court has spent roughly six months examining the whole range of security issues that it faces. It has included in the process representatives from county facilities management, the sheriff's department, TPD, and county security. The result is a document that chronicles security problems and proposes solutions for each. A number of the committee's recommendations in that document correspond to those in the HMR report. Some of those, particularly those that relate to improved security on A and B levels, are in the process of implementation, thanks to the cooperation of county facilities management. The court, since January, has also updated its entire security manual, including the guidelines for use and security of the private elevators.

Section 5: Public Access to the Courts – no specific comments.

#### Section 19: Centralizing Bad Debt Collections

The court shares the County's and HMR's concern for improving significantly the collection of restitution, fees and fines as ordered by the bench. Although day-to-day responsibility for collections lies with the Clerk of the Court, we have taken an active role in encouraging improvement by making it a priority for the probation department and by creating and hiring a collections coordinator.

This section states in its initial paragraph that the Superior and Justice Courts together "have approximately \$70 million in active accounts receivable balances...." While this number may have shock value, it is not an accurate representation of the amounts that are in arrears, as the report itself later acknowledges. It is an overstatement because, among other things: the Clerk enters the full amount of current and future probation fees upon entry of the judge's order, not as they become due; and when community service is ordered, in lieu of a fine, the fine is still recorded as an obligation.

Under "Recent Efforts to Improve..." the report is not quite up to date. Once the Clerk established an agreement with a collections agency, the court stopped referring accounts to the county's Office of Revenue Collections and began referring them directly to the Clerk.

Section 20: Charges for Pretrial Services – no specific comments.

#### Section 21: Interagency Administrative Coordination

In general, HMR's recommendations in the area of "Interagency Administrative Coordination" oversimplify the ability to coordinate and manage a complex system. The Superior Court "system" includes entities with varying degrees of independence from one another. That independence is sometimes a matter of constitutional structure or statute,

sometimes one of court rule, and sometimes one of history or custom. The integration and coordination of activities among such players is a matter of cooperation and suasion, not one that can be easily resolved by any other means, short of statutory or constitutional change.

Under "Status of Policy and Administrative Coordination..." the early drafts of the report fail to note that the Superior Court, including adult probation, the Juvenile Court and the Clerk of Court all operate under the same set of merit rules, the same code of conduct, the same general policies and procedures and the same security procedures.

It takes a great deal of cooperation, facilitated by regular meetings of the Court Management Team and the Human Resources Coordinating Council, to maintain these elements.

Under "Coordination of Financial Services" the report recommends the coordination or integration of budgeting and financial management, but fails to specify the meaning of *coordination* or *integration*. We suspect that the former occurs in significant part already, but cannot be certain that it meets HMR's criteria.

Section 22: Role of Judicial Administrative Assistants – No specific comments, other than to express our support for the suggested statutory change to the extent that we will be guarding HMR's or the County's rear flank when they mount the charge.

**Superior Court of the State of Arizona**  
**Pima County**

2225 E. Ajo Way  
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HON. NANETTE M. WARNER  
Presiding Judge  
Pima County Juvenile Court

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**M E M O R A N D U M**

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To: Steve Foti, Harvey M. Rose Consultants

From: Hon. Nanette Warner, Presiding Judge *NM Warner (sjs)*

Subject: Pima County Audit Report

Date: April 26, 2001

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The Pima County Juvenile Court appreciates the effort, thoroughness, and professionalism of you and the others with whom the Juvenile Court had contact during the audit process.

There is one area, which I would like to have my comments included in the publication of the audit, Section 21, Interagency Administrative Coordination. Although, the Juvenile Court is part of the Superior Court, statutorily and by several Administrative Rules the Juvenile Court is a Court department within the Superior Court. There are specific statutory responsibilities assigned to the Juvenile Court and to the presiding judge of the Juvenile Court. Pima County Juvenile Court is committed to coordination and cooperation among all divisions and departments of the Superior Court in Pima County. However, the recommendation to consolidate some of the Court functions under the Superior Court is a matter that should be approached with caution and consideration. Pima County Juvenile Court's budget and number of staff is approximately equal to the Superior Court. The Juvenile Court is located in separate facilities some distance from the downtown Superior Court facility. Most importantly, the day to day operations of the Juvenile Court, vary quite differently from the day to day operations in other Court departments. Much consideration and review is recommended before steps are taken to consolidate services such as Human Resources, Court Reporters, Bailiffs, Court Security and other functions.

cc: Hon. Gordon Alley, Presiding Judge  
Hon. Deborah Bemini  
Don Shaw

DDH/jcg

July 25, 2022

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recorded proceedings may not be appropriate or feasible in all case types, these are issues that courts using electronic recording have addressed and overcome.

Finally, the Law Library maintains the judicial collections for the Superior Court and orders and maintains some books for the juvenile court, specifically for judges that have moved from Superior Court. The Juvenile Court has a separate budget for books. Books owned by the Superior Court but located at Juvenile Court are inventoried by Superior Court staff when a judge retires or changes chambers; those purchased by Juvenile Court are inventoried by Juvenile Court staff. The Law Library does not order judicial books for the Justice Court. By providing this support service centrally, management efficiencies could be realized.

## Superior Court Span of Control

The Superior Court Administrator currently has thirteen direct reporting managers who in turn manage a total of 630 staff. This is a large span of control. In comparison, like-sized courts typically organize operations through one Assistant Court Administrator and administration and finance through another Assistant. For example, in the Fresno Superior Court, the Executive Officer manages a similarly sized staff with two Associate (operations) and one Assistant (administration and fiscal) Executive Officer. In the Sacramento and Contra Costa Superior Courts, there are also two Assistant Executive Officers.<sup>8</sup>

In Maricopa County, the Chief Deputy Court Administrator oversees court operations in the criminal, juvenile, civil and family court arenas as well as direct court support functions such as court reporting, interpreting and the law library. This position and those of Special Services (facilities, security, procurement), Information Systems, Budget and Management, Jury and Training and Development report to the Court Administrator, for a total of six direct reports. This structure logically groups direct court support functions under the Chief Deputy Court Administrator, allowing the Court Administrator to focus his attentions on policy-making activities across the court.

A similar structure in Pima County would also help clarify the function of the Deputy Court Administrator and provide critical support to in-court functions. The current Deputy Court Administrator serves as executive support to the Administrator across a range of functions, but specific units of the court do not report to this position. Managers interviewed indicated that the Deputy Court Administrator serves largely as a special projects coordinator and as a communication channel to the Court Administrator. For courtroom issues, managers tend to report directly to the Presiding Judge or Presiding Judge of the relevant department. Court

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<sup>8</sup> While in some ways, the administration of the Pima Superior Court is simpler than that of courts in California because the clerk function is not part of the court operation, unlike in California, the Superior Court Administrator in Pima is responsible for the Adult Probation Office as well.

management does not play an adequate role in coordinating operational issues impacting the judiciary. This function needs to be performed by an identified, high-level executive.

The court had experimented with creating a middle layer of Deputy Court Administrators between the Court Executive's Office and the division managers. This structure was disbanded last year on the basis that it was considered unnecessary and costly.

The Court should not replicate this more complex organizational structure at this time. However, the recommended consolidation and reporting to the Court Administrator of finance, human resources, court reporting, interpreter and law library services of the Superior Court, APO and Juvenile Court will increase the court's responsibilities. In combination with the already flat organizational structure, the court needs to create some management layers.

A beginning step to improving the structure of the Superior Court would be to vest definite operational responsibilities in the position of Deputy Court Administrator. The recommended structure would provide the Court Administrator with six direct reports: the Deputy Court Administrator and division heads in the areas of Information Technology and Research (Superior Court, APO), Human Resources (Superior Court, court functions of Juvenile Court, APO), Finance (Superior and court functions of Juvenile Court, APO), Facilities (Superior Court, APO) and Jury Services.

## Conclusions

The Superior, Juvenile and Justice Courts, Adult Probation Office and Clerk of the Court have developed a beginning framework for coordinating policy-making and professional and contracted services. However, management of these agencies could be significantly improved through greater coordination of policy making.

In addition, the Superior Court and Adult Probation Office should continue to consolidate budget management, collections, human resources and facilities management. The Superior Court, Juvenile Court, Adult Probation Office and Clerk of the Court should improve coordination of budget management, collections, automation support, human resources, and facilities management. Consolidation of services such as interpreters, court reporters and judicial library collections between the Superior and Juvenile Courts would further streamline operations. Some of these forms of coordination are required by the Supreme Court of Arizona.

The Superior Court needs to reduce the number of direct reports to the Court Administrator to allow increased coordination and introduction of other management improvements.

## **Recommendations**

The Pima County Board of Supervisors should:

- 21.1 Require the Superior Court, Adult Probation Office, and court functions of the Juvenile Court to submit an integrated budget under which resources could be transferred between offices to maximize service provision.
- 21.2 Require the budgets of the above agencies to be coordinated with those of the Justice Court and Clerk of the Court.

The Superior Court Presiding Judge should:

- 21.3 Seek clarification from the Administrative Office of the Courts concerning implementation of Administrative Order V-A.
- 21.4 Integrate human resources services from the Superior Court and APO under a single human resources director. Insure that direct court personnel in the Juvenile Court – judicial administrative assistants, court reporters and bailiffs – are managed consistently across the Juvenile and Superior Courts.
- 21.5 Require court facilities staff to develop a plan for integrating services for security, accommodation for those with disabilities, and ergonomics for the Superior, Juvenile and Justice Courts and the APO and Clerk of Court. To the degree that these agencies share facilities, require coordination of facility construction and renovation.
- 21.6 Combine the court reporting, interpreter and law library operations of the Juvenile and Superior Courts.
- 21.7 Examine the use of electronic reporting in departments where court reporters are not mandated.
- 21.8 Restructure the Superior Court to place court operations, including calendar management, interpreter services, court reporting services and law library services, under the Deputy Court Administrator.
- 21.9 As the court moves closer to implementation of AZTEC and other integrated applications, evaluate the organization of the various agencies' information technology units for opportunities to consolidate functions.

## **Costs and Benefits**

Undetermined management costs may be incurred with the restructuring of the Superior Court, and assignment of additional functions to the Deputy Court Administrator.

Significant cost savings, operational improvements and streamlining of the administrative functions for these departments would occur. Planning and implementation of strategic initiatives that affect the entire criminal justice system would occur.



## Exhibit 21.1

### INTERGOVERNMENTAL AGREEMENT

by and between

City of Flagstaff and Coconino County

regarding the

### CONSOLIDATED ADMINISTRATION OF LIMITED JURISDICTION COURTS

THIS INTERGOVERNMENTAL AGREEMENT, dated this 5th day of January, 1999, by and between CITY OF FLAGSTAFF, a municipal corporation of the State of Arizona (hereinafter "CITY"), and Coconino County, a political subdivision of the State of Arizona (hereinafter "COUNTY"), witnesses as follows:

#### RECITALS:

WHEREAS, Arizona law, at A.R.S. 11-951, et. seq., authorizes the various political subdivisions of the State to enter into agreements for the purpose of providing for the joint exercise of their respective governmental powers for the public benefit; and

WHEREAS, CITY staffs and operates a limited jurisdiction, non-record Court, to wit: The Flagstaff Municipal Court (hereinafter "Municipal Court"); and

WHEREAS, COUNTY staffs and operates limited jurisdiction, non-record Courts, to wit: The Justice of the Peace Courts, one precinct of which is located within the corporate limits of CITY (hereinafter "Justice Courts"); and

WHEREAS, it is the intent and desire of the parties hereto to provide for the common administration of the Municipal Court and the Justice Courts (hereinafter collectively "the Courts") to the greatest extent possible under the laws of the State of Arizona.

NOW, THEREFORE, in consideration of the mutual promises and obligations set forth, the parties agree as follows:

1. TERM.

A. The initial term of the Agreement shall be from January 5, 1999, until amended or terminated by either party hereto pursuant to the provisions hereof.

B. In recognition of and deference to the budgeting needs and obligations of the parties hereto, any party wishing to terminate the provisions of this Agreement shall provide written notice to the other not later than the first day of February of the calendar year in which such termination shall take effect. No such termination shall take effect until the first day of July following the provision of such notice.

2. UNIFIED ADMINISTRATION OF THE COURTS.

A. COUNTY shall provide a Deputy County Court Administrator - Justice Courts position which shall work with the Justices of the Peace within the COUNTY to provide administration of the Justice Courts, and shall, pursuant to the terms hereof, employ and supervise all non-judicial personnel necessary or expedient for the efficient and effective administration of the Justice Courts.

B. CITY shall provide a Deputy County Court Administrator - Municipal Court position which shall work with the Municipal Court Magistrates within the CITY to provide administration of the Municipal Court, and shall, pursuant to the terms hereof, employ and supervise all non-judicial personnel necessary or expedient for the efficient and effective administration of the Municipal Court.

C. The County Court Administrator shall supervise the operations of the Courts within the COUNTY and CITY as administered by both the Deputy County Court Administrator - Justice Courts, and the Deputy County Court Administrator - Municipal Court.

D. The Presiding Superior Court Judge shall appoint Deputy County Court Administrators in consultation with the CITY and COUNTY and their respective judges and magistrates.

E. This Agreement authorizes the Municipal Court and the Justice Courts to work together in developing cooperative efforts in the administration of justice in Coconino County and to coordinate activities, procedures, policies, schedules, personnel, and other matters for the effective administration of the courts. When any such matter is implemented for the betterment of the courts, court administration shall notify, in writing, the County Manager, City Manager, and Presiding Superior Court Judge of such activity.

3. FUNDING.

A. The CITY is to provide all funding, including all employee related expenses, for the Deputy County Court Administrator - Municipal Court position and shall retain this individual as an employee of the CITY pursuant to all applicable employment requirements of the CITY.

B. The COUNTY is to provide all funding, including all employee related expenses, for the Deputy County Court Administrator - Justice Courts position and shall retain this individual as an employee of the COUNTY pursuant to all applicable employment requirements of the COUNTY.

4. THE COURTS TO RETAIN SEPARATE IDENTITIES.

Notwithstanding the provision of the Agreement, each of the Courts shall, at all times, retain its separate, legal identity. The cases filed in each such Court shall be separately docketed and the revenues of each such Court, whether in the form of filing fees, fines or any other source of revenue whatsoever, shall be separately accounted for and credited. The revenues of the Justice Courts shall be and remain COUNTY revenues; the revenues of the Municipal Court shall be and remain CITY revenues.

5. FUTURE CONSIDERATIONS.

This Agreement shall not limit future considerations of cooperation and consolidation of Courts between the CITY and COUNTY in regards to shared facilities, unified personnel systems, traffic school contracts or any other aspect of administration or Court operations.

6. APPROVAL OF PRESIDING JUDGE REQUIRED.

Notwithstanding any of the provisions of the Agreement, this Agreement shall be of no force and effect until and unless approved by the Presiding Judge of the Superior Court in and for the County of Coconino.

7. AMENDMENTS; INTEGRATION.

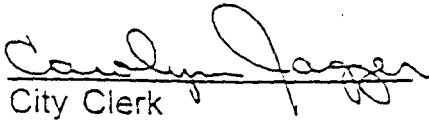
This Agreement constitutes the entire agreement of the parties relating to the subject matter hereof. No amendment or modification of the terms hereof shall be of any force and effect unless approved by the Coconino County Board

of Supervisors, the Flagstaff City Council, legal counsel for both such Board and City Council and the Presiding Judge of the Superior Court of the State of Arizona in and for the County of Coconino and reduced to writing.

IN WITNESS WHEREOF, the parties hereto have set forth their hands, through representatives duly so authorized, the day and date first above written.

ATTEST:

City of Flagstaff

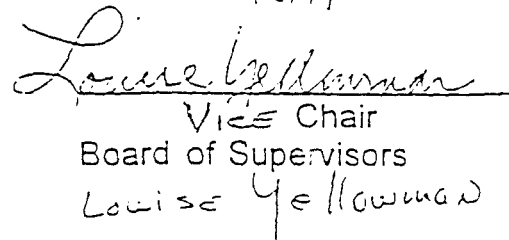
  
City Clerk

  
Christopher Bavasi, Mayor

ATTEST:

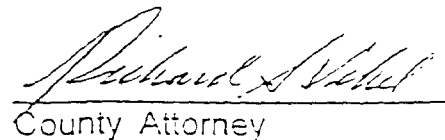
Coconino County  
11/16/99

  
Clerk of the Board

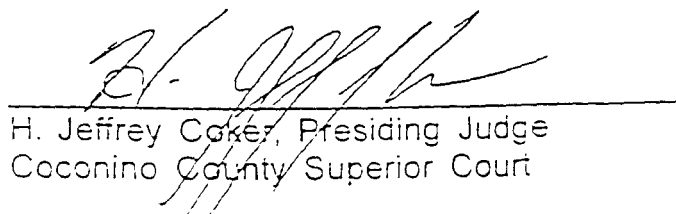
  
Vice Chair  
Board of Supervisors  
Louise Yellowman

APPROVED AS TO FORM:

  
City Attorney

  
County Attorney

APPROVED AS TO FORM AND SUBSTANCE:

  
H. Jeffrey Coker, Presiding Judge  
Coconino County Superior Court

## **Executive Summary**

At the direction of the County Administrator, the Department of Medical Assistance, Division of Institutional Health, in collaboration with the State Superior Court, has prepared this report to communicate the findings and recommendations concerning health care services at the Pima County Juvenile Detention Center (PCJDC). This report provides a context for these findings and recommendations by describing the condition of similar juvenile facilities nationwide, the history of relevant legislation, and some precedent-setting case law. The report concludes with recommendations to the Court and the Pima County Board of Supervisors to address these problems.

### ***Background***

The cornerstone legislation governing the treatment of institutionalized persons, including juveniles in detention, is the 1980 Civil Rights of Institutionalized Persons Act (CRIPA). The Civil Rights Division of the U.S. Department of Justice has investigated more than 140 juvenile correctional facilities throughout the country for compliance with CRIPA requirements. The Justice Department found:

- That as many as 60% of incarcerated juveniles had a diagnosable mental disorder, a third of which were severe;
- A systematic intake process was needed to identify the full range of medical, mental health, educational and other needs;
- Inadequate medical and mental health treatment for juveniles while in custody; and
- A lack of alternatives to detention for youth that did not require a secured facility.

The Justice Department findings mirror those of other experts, such as Joseph Coccozza, Ph.D., who believes “our jails have once again become surrogate mental hospitals”. Many experts believe that “providing specialized services, such as mental health and substance abuse services within the juvenile justice correctional continuum is the most challenging issue facing juvenile corrections”.

The adequacy of health services in juvenile facilities has been increasingly litigated in recent years. A number of these cases, including the Anthony C. vs. Pima County case, have established minimum standards of medical and mental health care. Most recently, the settlement agreement entered in March 2001 in the case of Jason K vs. Arizona emphasized the need for the State to provide appropriate behavioral health services for juveniles to avoid the inappropriate use of the criminal justice system.

### ***Problem***

This history illustrates the prevalence of these problems nationwide. The in-depth review and analysis of the Pima County Juvenile Detention Center by independent consultants, Court personnel, and Pima County staff confirms similar problems locally.

- A study conducted by Rick Wood, Ph.D. in FY2001 estimated 58% of the juveniles in PCJDC need mental health services.
- A study completed by University Physicians, Inc. (UPI) in September 2001, found 15% of all juveniles in detention were receiving one or more psychotropic medications. More recent data indicate this number is between 25 and 35%.
- The Management Audit of the Pima County Criminal Justice System prepared by the Rose Accountancy Corporation (2001) found that Pima County incurred costs of \$406,926 annually for juveniles in detention awaiting placement in residential treatment centers (RTCs). The report further noted the absence of treatment for these youth while in detention, in part, due to the loss of continued AHCCCS funding in detention.
- Surveys by the Arizona Department of Juvenile Corrections (ADJC) in 2000 and 2001 noted the interruption in medical treatment (psychotropic medications) for mental disorders as a result of the absence of a staff psychiatrist. Surveyors further found that juveniles were not receiving required comprehensive medical examinations within 72 hours by a licensed medical practitioner, medical examinations performed were incomplete, and that treatment was not initiated when indicated.
- Pima County clinical staff, knowledgeable in national standards, estimate that PCJDC, as currently operated, would be unlikely to meet more than 13 of 36 essential standards for health care operations in juvenile detention centers established by the National Commission on Correctional Health Care (NCCHC).

### ***Efforts by PCJDC***

Since July 2001, the Court has issued two RFPs to secure 16 hours per week of child psychiatric services for \$150,000 per year, with no satisfactory response to either RFP. The national shortage of child psychiatrists is evident in the local market of Pima County.

### ***Recommendations***

1. **Amend the current contract with First Correctional Medical, Inc. (FCM) to add services at PCJDC effective July 1, 2002.** The RFP# 1222-01 issued in the Fall 2001 included a component for medical services to be provided at PCJDC. FCM's bid for these services was \$1,204,603 per year, not to exceed \$3,747,458 over the 3-year contract assuming an average daily census of 210 or less. Any census at 210 or greater will be paid at the rate of \$5.18 per detainee per day. This price includes the costs of any services from community providers not covered by the juvenile's insurance. As a condition of this contract, FCM will be required to secure NCCHC accreditation of the PCJDC health services program. See **Exhibit 1** "*Health Service Programs at PCJDC – Existing vs. Proposed*" for highlights of the enhancements to health services at PCJDC.

EXHIBIT 1

**Health Services Program in PCJDC  
 Existing vs. Proposed**

<u>Operating Requirements</u>	<u>Existing</u>	<u>Proposed</u>
24 Hr. Nurse Staffing, Pre-booking Health Assessments, Complete Exams & Assessments	16 Hr Nursing Staff	X
Mental Health Diversion Program	Partial	X
Regularly Scheduled Health Training for Security Staff	Informal	X
Health & Wellness Training for Detainees	STD clinic	X
Medical Director Oversight of full operation		X
Coordinated Health Care Policies & Procedures		X
Clinical, Administrative & QA/AC Infrastructure		X
Dedicated Psychiatrist (half time)		X
Regularly Scheduled Mental Health Programming		X
Prenatal Care & Discharge Planning		X
Interdisciplinary Team Coordination		X
Medications Coordination & Oversight		X
Blister-Pack Medications		X
Health Care Contract Administration and Oversight		X
Medical Malpractice Insurance Standard	\$1M/\$3M	\$3M/\$5M

2. **Implement Court procedures requiring parents to show proof of health insurance, or complete applications for AHCCCS, ALTCS, or KidsCare.** This will allow PCJDC to bill appropriate payers and recoup some of the cost of medical and behavioral health care provided at the PCJDC. It will also facilitate discharge planning and effective community services coordination for continuing treatment by enabling FCM to assure community providers of a payer source.

3. **Develop a fee structure and collections protocol to charge parents or guardians for health services provided in detention.** This will enable the County to recoup some portion of these costs.
4. **Expand grant-funded services available from the Pima County Health Department (PCHD) to PCJDC from one half-day to three half-days per week.** This will significantly enhance health services for juveniles as well as health education resources at no cost to the Court or the County.
5. **Allocate space at PCJDC for secured health services.** This space is needed to expand exam rooms, to facilitate grant funded STD clinics and other clinic services from PCHD, and to provide adequate storage of medical records.
6. **Establish an AHCCCS, ALTCS, and KidsCare eligibility assistance center at PCJDC utilizing VISTA volunteers, court volunteers, and State staff.** To assure juveniles continue to have access to necessary health treatment after release the Court and FCM need to know that every resource for payment has been identified. This center will aid parents in completing applications for health care coverage that could be used to offset some of the costs of health care while in detention but more importantly support alternative and post-detention treatment. The VISTA volunteer to assist the Court in designing this program is to be provided free of charge by the Volunteer Center of Tucson.
7. **Pursue additional revenue sources for juveniles in detention.** Although Title XIX funding may be restricted for some youth in detention, state funds and federal block grants available to Community Partnership of Southern Arizona (CPSA), the local Regional Behavioral Health Agency (RBHA), are not so restricted. Approximately \$250,000 per year for the next two years can be re-allocated to provide health services to juveniles in detention. In addition, Title XIX funding may be available during the first 72 hours and for those 20 to 30 adjudicated juveniles who are in detention awaiting Residential Treatment Center (RTC) placement. In fact, two other RHBAs in the state follow their members into detention, conduct assessments, and provide services. Pima County and the Court will continue to collaborate in seeking clarification from AHCCCS on potential eligibility of juveniles prior to booking or adjudication to the extent permissible, billing to third party payers will occur.
8. **Jointly (County and State) pursue funding to establish diversion sites and programs to avoid detention for those juveniles requiring mental health services.** A continuum of diversion services avoids incarceration of juveniles needing mental health treatment or stabilization sources some of which are funded by third party commercial insurance. Diversion sites include inpatient adolescent psychiatric care, residential treatment centers, sub-acute and crisis shelters including substance abuse treatment providing local access to the services rather than sending juveniles to Phoenix, Prescott or out of state as is currently the case would enable juveniles to secure treatment with funding by third-party payers reducing the cost to the County and avoiding inappropriate detention when treatment is the priority.



### ***Cost of Implementation***

Implementation of these recommendations is estimated to increase the Pima County budget approval for PCJDC by an additional \$323,480 annually.

Cost Of Amendment to First Correctional Medical, Inc. Contract for juvi services	\$1,204,603
Less: parental fees collectible at 10%	(120,460)
Less: Est. Project Match and HB2003 funds (RBHA funds)	(250,000)
Less: PCJDC FY2002 (current year) budget for health services	(510,663)
Net budget increase to Pima County to implement FCM services to PCJDC	\$323,480

The majority of the FCM costs relate to staffing. The following table depicts the contractual minimum staffing to be provided by FCM.

<b>EMPLOYEE CLASSIFICATION</b>	<b>FTES</b>
Health Services Administrator (R.N.)	1.0
Quality Assurance Nurse	1.0
RNs (1 psychiatric nurse)	4.1
LPNs	3.2
Medical Records Clerk	1.2
Physician-Medical Director	0.3
Psychiatrist (M.D.)	0.5
Psychologist	1.0
Mental health Clinician	1.0
<b>Total</b>	<b>13.3</b>

Note: Mental Health staff available for assessment, treatment, care coordination and monitoring of psychotropic meds = 3.5 FTE's or 26.3 % of the total staffing commitment.

## ***Services To Enhance Health Service Operations at PCJDC Without a Cost to Pima County***

The Court identified substance abuse treatment services available to juveniles in detention through a grant recently awarded to CODAC. Coordination of these services will occur through the health services vendor. In addition, the vendor (FCM) will be responsible for screening and referring high-risk juveniles to the existing Project PAZ. This will enable the Court to more efficiently utilize the grant funded substance abuse treatment services which, to date, have not been utilized due to the deficiencies in the health system screening process at PCJDC.

In addition, the Court is collaborating with the Volunteer Center of Tucson to secure a dedicated VISTA volunteer. The VISTA volunteer will work full time with the Court's pool of volunteers to establish the infrastructure for those volunteers to be utilized to work with parents to complete applications for programs including AHCCCS, KidsCare and ALTCS.

These two initiatives are worth approximately \$80,000 in services.

### ***Summary***

This report is intended to provide documentation of the research and recommendations for consideration in any strategic plan developed by the County Administrator and presented to the Board of Supervisors along with the proposed budget for health services in PCJDC.

Staff recommend changes to the current system of health services at PDJDC with particular focus on timely health assessments of all juveniles by the health care professionals and implementation of essential health treatment services. The plan developed collaboratively by Pima County and the Superior Court, outlined in this report substantively addresses the critical issues in detention and forms a framework for public policy decisions that need to be made in Pima County regarding diversion of mentally ill juveniles from detention to a full continuum of appropriate treatment programs. The recommendations reflect consideration of:

1. Critical issues identified in the substantial research initiative,
2. The concern by state policy makers evidenced in the litigation introduced in the Arizona legislature this year and
3. The realities of the financial constraints that exist in any system.

***REPORT TO PIMA COUNTY ADMINISTRATOR  
ON THE OPERATIONAL REVIEW OF THE  
HEALTH SERVICES PROGRAM  
IN  
PIMA COUNTY JUVENILE DETENTION CENTER***

***June 04, 2002***

***Prepared by: Pima County Juvenile Court and Department  
of Institutional Health Staff***

**Report to Pima County Administrator**  
**On the Operational Review of the Health Services Program in**  
**Pima County Juvenile Detention Facility**

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***Report to Pima County Administrator  
On the Operational Review of the Health Services Program in  
Pima County Juvenile Detention Facility***

**Listing of Exhibits**

A	Key Findings on PCJDC from Rose Report 2001
B	Graph of Average Daily Census (ADC) at PCJDC 1996 – 2001
C	PCJDC Statistics 1996 – 2001
D	Profile – Distribution of Length of Stay for Juveniles Detained at PCJDC
E	Selected National Statistics on Health of Youth Involved in Juvenile Justice
F	RTC Level One Highest Acuity Placement Profile for Court Ordered PCJDC Placements as of March 2002
G	Summary of NCCHC Standards for Health Services in Juvenile Detention and Confinement Centers (1999)
H	Scope of Services Planned for Correctional Health Vendor at PCJDC
I	Scope of Grant Funded Services Planned by Pima County Health Department for PCJDC
J	Current draft of IGA between Pima County and State Court for Management and Provision of Health Services to Juveniles in Detention
K	Juvenile Detention Staffing Requirements
L	HB 2003 letter from Leslie Schwalbe
M	Judge Bernini letter to Neal Cash

**Report to Pima County Administrator  
On the Operational Review of the Health Services Program in  
Pima County Juvenile Detention Facility**

## **I. Purpose of this Report**

In June 2001, the Pima County Administrator requested that Pima County (County) staff conduct an operational review of the health services operation in juvenile detention. There were three catalysts for this request:

1. The Management Audit of the Pima County Criminal Justice System prepared for the Pima County Board of Supervisors by Harvey M. Rose Accountancy Corporation (Rose Report 2001),
2. The state surveys by the Arizona Department of Juvenile Corrections (ADJC) in 2000 and 2001, and
3. Numerous requests by Pima County Juvenile Detention Center (PCJDC) for County approval of supplemental budget requests related to health services.

This report is a result of that review.

### **Rose Report 2001**

The Rose Report 2001 estimated that the shortage of state funding for appropriate treatment facilities cost Pima County \$406,926 annually for juveniles in detention awaiting placement. *This report also noted the lack of mental health treatment for these juveniles while in detention.*

**Exhibit A** summarizes the full set of key findings from the Rose Report 2001 related to juvenile detention.

### **State Inspections of PCJDC Health Services**

An onsite inspection of PCJDC was conducted in December 2000 by ADJC (**Biblio 1**). The inspectors noted that the *absence of a staff psychiatrist interfered with the ability of juveniles to continue to receive previously prescribed psychotropic medications.* The inspectors also noted the *loss of AHCCCS benefits and services from the Regional Behavioral Health Authority, (RBHA), Community Partnership of Southern Arizona (CPSA) for juveniles placed in detention.*

A subsequent state inspection occurred in October 2001 (**Biblio 2**). The inspectors found that:

**Report to Pima County Administrator  
On the Operational Review of the Health Services Program in  
Pima County Juvenile Detention Facility**

1. *All juveniles were not receiving required comprehensive medical examinations by a licensed medical practitioner within 72 hours;*
2. *Medical examinations conducted were incomplete; and*
3. *Treatment was not initiated when indicated.*

During May 2002, at the request of the County Administrator, a separate report was prepared comparing findings from the two surveys of PCJDC to survey results from 12 other juvenile detention centers in Arizona. This report is included as **(Biblio 3)**. Findings from the comparative analysis show that that:

1. Ten standards were applied to PCJDC versus nine standards for the other 12 detention centers.
2. PCJDC was 70% compliant with the ten standards applied.
3. Approximately half the other detention centers achieved a higher rate of compliance with the nine standards used to rate them and approximately half were rated with a lower level of compliance.
4. The standard requiring an exam within 72 hours has been changed to seven days. As a result PCJDC's compliance is likely greater than 70%.

The approach to the operational review was to work collaboratively with State Superior Court (Court) staff to examine not only the issues from the Rose Report 2001 and the state inspections (previously described) but to study current practices at PCJDC to determine what actions were taken to correct the deficiencies and determine if other issues warranted attention. To determine whether Pima County was unique in these problems and what approaches had been successful in other centers, research was undertaken to examine national trends and outcomes of litigation and/or federal investigations. The research confirmed findings from the reports on PCJDC that the major deficiency in health care for juveniles in detention is the lack of appropriate mental health and substance abuse treatment services.

Once the Pima County and Superior Court staff completed their analysis, identified the critical issues and completed the research, they began a collaborative effort to design a cost effective and programmatically appropriate strategy for delivery of health services in PCJDC. This report contains the fact finding from the research and

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review of PCJDC operations as well as the strategy recommended for health services in PCJDC.

## **II. National, Regional and Local Trends and Statistics**

The problems Pima County is experiencing with the provision of health services to juveniles in detention are not unique to Pima County or Arizona. Reductions in Medicaid funding and the rise of managed care nationally have reduced the availability of mental health treatment and resulted in many children ending up in the juvenile justice system. Mental health beds have been reduced dramatically while the volume of detention beds has escalated dramatically. In 1955, the U. S. had 559,000 mental health beds; in 2000, the number of mental health beds was 60,000. In 1973, the U. S. had 200,000 people incarcerated; by 2000, there were 2,000,000 people incarcerated (**Biblio 4**).

As a result, "correctional healthcare, particularly among juveniles, is a growing national public health problem" (**Biblio 5**). According to Terry Friedman, presiding judge of Los Angeles County Juvenile Court, we are "in essence, ...criminalizing mental illness among young people..." (**Biblio 6**). The National Council of Juvenile and Family Court Judges recognizes "the inadequate and uneven delivery of mental health services to children and families in the juvenile justice system" as "a national crisis" (**Biblio 7**). "Youth often experience serious legal trouble before treatment for co-occurring substance abuse and mental health disorders becomes available" (**Biblio 6**).

The mental health needs of youth in the juvenile justice system have received more attention at the Federal level in the past two years than in the past three decades combined (**Biblio 8**). During the past two years:

1. The Civil Rights Division of the U. S. Department of Justice has documented the consistent inadequacy of mental health services in juvenile correctional facilities in a number of states.
2. The U. S. Department of Health and Human Services Center for Mental Health Services initiated the first national survey of juvenile justice facilities to identify available mental health services.



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3. Congress considered several bills and amendments that mandated comprehensive mental health and substance abuse screening and treatment programs for youth in the juvenile justice system.

Joseph Coccozza Ph.D. is Vice President of Policy Research Associates and Director of the National GAINS Center for People with Co-Occurring Disorders in the Justice System. He is the former Administrator of the Office of Juvenile Justice and Delinquency Prevention and a recognized expert on health care issues of incarcerated youth. He believes "our jails have once again become surrogate mental hospitals" (**Biblio 7**). He further states that "providing specialized services, such as mental health and substance abuse services within the juvenile justice correctional continuum, is the most challenging issue facing juvenile corrections".

Numerous statistics further describe the scope of these problems nationally (**Biblio 7**):

1. Youth in the juvenile justice system experience substantially higher rates of mental health disorders than youth in the general population.
2. It is not uncommon for 80 percent or more of the juvenile justice population to be diagnosed with a conduct disorder.
3. It is estimated that "...one out of every five youth in juvenile justice has serious mental health problems."
4. Many of the youth in the juvenile justice system with mental illnesses also have a co-occurring substance abuse disorder.

Additional statistics for PCJDC and the nation are presented in Section V of this report.

Coccozza identifies major barriers to efforts to address the complex issues surrounding the treatment of youth with serious mental health problems in juvenile detention as:

1. Confusion across multi-service delivery and juvenile justice systems at both the policy and practice levels as to who is responsible for services;
2. Inadequate screening and assessment;

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3. Lack of training, staffing and programs necessary to delivery mental health services; and
4. Lack of funding.

### **Summary**

Numerous publications confirm that, whenever possible, youth with serious mental health disorders should be diverted from the juvenile justice system. Diverting appropriate youth from the juvenile justice process at first contact with law enforcement can reduce the growing number of youth entering juvenile justice and reduce the likelihood that their disorders will go untreated. Diversion requires a multidisciplinary partnership involving the justice and treatment systems and a comprehensive range of services to which youth can be diverted. It is generally recognized by the Courts, law enforcement and the mental health and substance abuse treatment provider community that Pima County lacks the full continuum of services to which youth can be diverted.

### **III. Litigation**

Litigation is often a major catalyst for change. As such, litigation was a critical part of the research on this project.

Litigation in the area of juvenile detention and the resulting decisions or settlement agreements provide guidance as to expectations for standards of care, staffing, and mental health services in particular including placement of youth in appropriate settings – incarceration versus treatment. Two areas of litigation were the focus of research for this report: civil rights cases across the nation and Arizona specific cases.

#### **Civil Rights Cases**

The enforcement of federal rights of incarcerated juveniles has focused on three sources of federal rights:

1. The Constitution;
2. The Americans with Disabilities Act (ADA); and
3. The Individuals with Disabilities Education Act (IDEA).

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With respect to healthcare, these standards are interpreted to mean that ***juveniles are entitled to adequate medical and mental health care as well as reasonable rehabilitative treatment.***

In 1980 Congress enacted the Civil Rights of Institutionalized Persons Act (CRIPA). The Civil Rights Division of the Department of Justice is the agency responsible for enforcing CRIPA. Institutions covered by CRIPA include: nursing homes, mental health facilities, mental retardation facilities, residential schools for children with disabilities, jails, prisons, and juvenile correctional facilities (**Biblio 9, 10 and 11**).

Under CRIPA, the Special Litigation Section (SLS) of the Civil Rights Division of the United States Department of Justice has investigated more than 140 juvenile correctional facilities in more than 20 states and the Commonwealth of Puerto Rico and the Northern Mariana Islands (**Biblio 9, 11, 12 and 13**). The U.S. Department of Justice continues to monitor numerous settlements related to juvenile detention facilities including those in Georgia (32 facilities), Kentucky (13 facilities), Puerto Rico (20 facilities), the Northern Mariana Islands, South Dakota (6 facilities) and Louisiana (4 facilities). This level of CRIPA activity reflects an escalating level of interest, concern and public policy focus regarding the operation of juvenile correctional facilities nationwide.

The Department of Justice has made several observations as a result of CRIPA investigations of juvenile detention facilities. Highlights include:

- ✓ Special needs juveniles, including those with serious chronic health conditions such as diabetes, asthma and sickle cell disease or mental illness, are of particular concern.
- ✓ In order for the detention center to be sure they have identified these special needs juveniles before a health care crisis arises, a systematic intake process that identifies the full range of medical, mental health, educational and other needs and problems of the juveniles placed in its custody and a means to provide adequate care based on the individualized needs of the juvenile must be established.

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- ✓ Decisions to place juveniles in a secure facility often reflect the lack of alternative options rather than a judgement of the true security risk of the juveniles.
- ✓ Juveniles often find their way into secure incarceration because of unusually serious emotional and behavioral problems after traditional alternative attempts to respond to their behavior have failed.
- ✓ Very young teenagers think and act differently than older teenagers. Failure to account for these differences through maintenance of appropriate alternative placements, creation of placements specifically for younger children or through modification of programming and operations in detention can lead to persistent and serious violations of those juveniles' rights.
- ✓ A sizable portion of youths in juvenile facilities has significant mental health needs. As many as 60% of incarcerated juveniles have a diagnosable mental health disorder while 20% have severe psychological disorders.
- ✓ An adequate mental health system in a juvenile facility must:
  1. identify mentally ill youth,
  2. provide treatment to them,
  3. keep them from harming themselves or others,
  4. protect them from abuse and
  5. ensure that they receive necessary accommodations to enable them to benefit from programs offered at the facility.
- ✓ Mental health needs must be systematically evaluated by qualified professionals to:
  1. Facilitate professional treatment and
  2. Ensure that line staff become aware of the special needs of the juveniles and are taught appropriate responses so the behavior is not interpreted as disobedience or threats.
- ✓ Professionals must be involved in providing individualized treatment. It is not sufficient to simply have a psychiatrist who rarely visits the facility to prescribe psychotropic meds.

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- ✓ When adequate mental health care cannot be provided at the facility, the juvenile system should provide alternative placements where it can be provided. System planners should recognize the need to provide a continuum of services to respond to those who cannot receive adequate services in traditional programs.

Recommendations have also evolved from the CRIPA investigations. Highlights include:

- ✓ Alternatives to secure detention are needed for:
  1. low risk youths prior to adjudication,
  2. those with serious mental health needs requiring a range of forensic placements,
  3. paramilitary boot camps for juveniles who are too young, medically fragile or mentally ill to benefit, and
  4. community placements for juveniles who can receive more effective services in their homes and do not require secure incarceration.
- ✓ Development of internal quality assurance mechanisms to improve the information and focus attention on specific areas of concern within the institutions.
- ✓ Implementation of processes for ensuring independent high quality investigations of allegations of staff misconduct, suicides and mass disturbances.

### **Standards of Care**

During FY 2001, the U. S. Justice Department reviewed allegations of unlawful conditions of confinements in public facilities from a number of sources (**Biblio 13**). With regard to juvenile correctional facilities, the U. S. Department of Justice focused on allegations of abuse, adequacy of mental health and medical care and provision of adequate rehabilitation and education, including special education services. In jails and prisons, the U. S. Department of Justice placed emphasis on allegations of abuse, sexual misconduct, adequacy of medical care and psychiatric services and grossly unsanitary and other unsafe conditions.

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Interviews of representatives from the Youth Law Center to determine which cases they considered precedent setting relative to health services in juvenile detention pointed to cases in South Dakota, Louisiana and Georgia. Highlights of those cases include:

1. In a class action suit on behalf of juveniles confined at the South Dakota Training School at Plankinton, the settlement (November 2000) set a standard for the provision of mental health services (exclusive of psychiatric services) at 1.25 hours per week per youth. This case set standards for mental health services to include restricted use of all restraints, required numbers of mental health clinical hours of service, mandatory training for all staff, and required psychiatric services for youth including individual treatment plans (**Biblio 14**).
2. In the case of the U.S. vs. Louisiana, the settlement followed five years of investigation and discovery. The settlement mandated the use of an independent contractor with expertise for the provision of all medical, mental health, and dental care for youth in the State's juvenile facilities. The Louisiana State University School of Medicine is assuming responsibility for provision of medical, dental and mental health services. The settlement also includes requirements for training staff, specialized treatment units, certified staff including psychiatrists, psychologists, and mental health clinicians to provide treatment and assessment and monitoring of medications (**Biblio 15**).
3. In the Georgia case action was taken on 32 juvenile facilities (**Biblio 16**). A highlight of this action was the requirement that appropriate alternative placements be provided including but not limited to forensic units/facilities or placements in private facilities or psych hospitals for at least 100 juveniles per year.

### **Arizona Cases**

- The Stipulation and Agreement in the case of *Anthony C. vs. Pima County* concerning the PCJDC in 1985 set a number of standards including the following requirements (**Biblio 17**):
  - All detainees must be screened at intake for medical and psychological problems,
  - Intake staff must receive medical/psychological training,

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- The immediate transfer of juveniles determined to be a danger to themselves or others, or likely to suffer serious physical harm or illness to Kino hospital,
- Daily visitation by a medical doctor or nurse,
- Immediate transport of emergency cases to Kino Hospital, and
- Written records of all medical complaints.
- A Consent Decree (1993) entered in the case of *Johnson vs. Upchurch* concerning the Catalina Mountain Juvenile Institution established the following standards: **(Biblio 18)**:
  - The development of an individual treatment plan within 30 days of arrival,
  - Supervision of all health care staff by a licensed physician,
  - An initial health screening upon arrival,
  - A health appraisal conducted within 7 days including a review of the initial health screening, health history, vital signs, and lab and diagnostic testing,
  - Dental screening within 7 days and dental exam within one month,
  - On-call health care provider 24/7,
  - Sick call at least 5 days/week by nursing staff,
  - Written agreement with nearby hospitals to provide medical services including 24-hour emergency care,
  - Treatment for diseases or conditions identified including dental care, and
  - Use of a psychiatrist to treat, or assist in treatment of, psychiatric disorders including transfer to mental health facility.

### **Appropriate Placements**

*Johnson vs. Upchurch* also required the State of Arizona to:

- Provide a "continuum of care" including "residential and non-residential community-based programs designed to supervise and rehabilitate youth in the least restrictive environment",
- Annually assess aggregate treatment needs of committed youth and available community-based treatment services and provide or develop treatment services needed,

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- Develop treatment programs, and
- Develop outcome measures to evaluate treatment programs.

Most recently, the settlement agreement entered in March 2001 in the case of *JK vs. Arizona* (**Biblio 19**) established principles for the delivery of Title XIX (Medicaid) behavioral health services in Arizona. These principles emphasized the need to provide appropriate behavioral health services to help children remain in their own home, and avoid the inappropriate use of the criminal justice system.

**Requirement of Commercial Insurers to Fund Essential  
Services**

In the case of *Minnesota vs. Blue Cross Blue Shield (BCBS)* (**Biblio 20**), the Minnesota Attorney General filed a lawsuit against BCBS accusing the company of engaging in a pattern of misconduct of denying medically necessary health care treatment for children suffering from mental illness and chemical dependency. BCBS requested the families to seek assistance with health care through the juvenile justice system rather than through the BCBS policy. BCBS was found guilty and in a settlement agreement was required to pay for all medically necessary treatment based on an evaluation and recommendation by a licensed M.D. or Psychologist.

**Bipartisan Proposal to Arizona Legislature in 2002**

During the 2002 legislative session, a concerned bipartisan group of lawmakers proposed legislation HB 2613 (**Biblio 21**) in an attempt to correct the recognized lack of mental health treatment services to juveniles in detention centers throughout Arizona. There were a number of flaws in the legislation. These concerns are outlined in the draft testimony on the bill included in Biblio 18. No action was taken on this bill due to the legislature's preoccupation with the budget. However, it is possible, if not likely, that a similar piece of legislation will be proposed next session given the bipartisan agreement on sponsoring this bill and continuing concerns about limited mental health services for juveniles in detention throughout the state of Arizona.



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Several factors other than the Rose Report 2001 and the state inspections clearly illustrate the importance of addressing health care at PCJDC:

1. CRIPA investigations nationally,
2. litigation involving Arizona juvenile correctional and detention centers and
3. the bipartisan effort to pass legislation requiring all Counties in Arizona to send funds to the state to distribute to the RBHAs to fund mental health services to juveniles in detention.

#### **IV. Overview of Health Services in PCJDC**

A health screening is done by booking staff on all juveniles entering detention. If there is any question regarding the health status of the juvenile, nursing is immediately contacted. If the juvenile has medical or mental health issues that preclude booking, the health care staff arrange for the youth to be taken to a hospital for medical clearance. All youth are screened using a mental health screening tool for youth with severe mental health issues. This tool has been developed jointly with CPSA during the course of this project. Contact is made with CPSA and if the child is an enrolled member, their caseworker is contacted to locate alternatives to detention.

Nurses who are employees of the Court staff the detention center from 6 a.m. to 10 p.m. Nurses are not on site but can be called between 10 p.m. to 6 a.m. If detention staff determine that juveniles have a serious health problem between 10 p.m. and 6 a.m., they are transported to an emergency room at a local hospital.

When booked into detention each juvenile is screened by booking staff to determine if they are receiving mental health services through the local Regional Behavioral Health Authority (RBHA). If so, contact is made with the RBHA provider to advise them of the booking so they are aware of the location of their client and can notify the juvenile's case manager.

Once the juvenile is booked, RBHA providers discontinue all mental health treatment and medications. It is the position of the local RBHA, CPSA, that the funding for mental health services to children comes

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from Medicaid (Title XIX) funding and the RBHA believes the State of Arizona has indicated that their rules do not allow these funds to be used for services to incarcerated individuals. The RBHA considers all juveniles in detention incarcerated based on guidance from a 1992 memo from Region 9 staff at the Health Care Financing Authority (HCFA) (**Biblio 19**).

If a juvenile in detention appears to be having a mental health crisis during the day, a staff psychologist or psychology associate responds to address the crisis. If the crisis occurs after staff work hours (10 p.m. to 6 a.m.), the contract with Southern Arizona Mental Health Corporation (SAMHC) is activated.

SAMHC staff responds to the detention center to assess the juvenile and recommend action. Only crisis mental health services are provided to juveniles in detention. Neither the Court mental health staff nor SAMHC provides individual or group therapy. SAMHC reports show they respond to between 10 and 20 crisis intervention consults per month between the hours of 10 p.m. and 6 a.m. when no health staff are onsite. It is estimated that there are approximately ten emergency department referrals each month NOT including those juveniles diverted at booking for medical clearance. No records are consistently maintained to record the instances in which juveniles who are medically/mentally unstable are diverted from booking to health care services but estimates range from three to five times per week.

The nurses respond daily to between 30 and 60 health care request slips received from the juveniles. The nurses provide services in the pods as well as in the clinic. Nurses staff the health clinic area in detention and pour/pass medications at least twice (and often three times) a day to all pods within the detention center. The nurses primarily use the medications purchased by the parents/guardians IF the medications have been provided. If the parents/guardians do not make them available, PCJDC purchases medications for the juveniles (at the County's cost).

The Court has a contract with UPI Pediatrics for health services. UPI Pediatrics conducts a clinic daily for approximately one hour where they handle sick call and perform physicals required prior to transfer of the

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juveniles to the Department of Correction facility. Once a week the Pima County Public Health Department provide a half-day communicable disease clinic in the health unit utilizing one of the two exam rooms.

There are no regular programs for health education, such as Alcoholics Anonymous, Narcotics Anonymous, personal hygiene, parenting, life skills, job skills, recreational therapy or group therapy. Tuberculosis screenings are done when a physical exam is required prior to juvenile transfer to the Department of Corrections, when respiratory symptoms exist or when a doctor's order is written for the test. No dental services are available onsite.

## **V. Relevant Statistics and Studies**

Average daily census (ADC) in juvenile detention is 165 although occupancy has been as high as 200. This figure includes remanded female juveniles who for correctional purposes are treated as adults but who are less than 18 years of age and cannot be properly segregated at the adult detention center. The remanded male juveniles are housed at the adult detention center.

Between 1996 and 1999 ADC remained relatively constant. However, as shown in the graph included as **Exhibit B-Graph of Average Daily Census at PCJDC 1996 - 2001**, significant growth at the rate of 16% per year occurred between 1999 and 2001 with the opening of the new facility in February of 2000. During the period of 1996 to 2001, the percentage of youth brought to detention and detained rose from 46% to 68%. **See Exhibit C-PCJDC Statistics.**

The average length of stay in juvenile detention is reported to be 22 days. Approximately 36% of the juveniles are released in less than three days or 72 hours. Approximately 50% of the juveniles are detained nine or fewer days. Slightly more than 80% of the juveniles are detained fewer than 30 days. See **Exhibit D-Profile-Distribution of Length of Stay for Juveniles Detained at PCJDC-2001** for the full distribution of length of stay.

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A study prepared in 2001 by Rick Wood Ph.D. using MAYSI-11 screening tool indicates that **58% of the juveniles in Pima County juvenile detention need mental health services.**

Data now being collected at booking indicates that **approximately 30% of the juveniles in detention are receiving mental health services** through the local RBHA prior to entering detention.

A study completed by University Physicians Inc. in September of 2001 indicates that at the time of the study 15% of all juveniles in detention were receiving one or more psychotropic medications. More recent data indicates that between **25% and 35% of the juveniles are on one or more psychotropic medications.** The most frequently prescribed medication was Depakote (19.5% of all prescriptions). This medication is used for seizures, mania and bipolar disorder. The most frequent therapeutic category of use for psychotropic medications was depression followed by attention deficit hyperactivity disorder. Almost 42% of all prescriptions were antidepressant medications (**Biblio 22**).

An article entitled *"Lack of Options Keeps Mentally Disturbed Youth Locked Up,"* published July 15, 2001 describes the national crisis in juvenile detention. It contains reports on statistics related to these issues for a number of states. The statistics are similar to those for Pima County. The quote by Tammy Seltzer of the Bazelon Center for Mental Health Law in Washington, D.C. that juvenile justice "is where the children go when all other systems fail--the school system, the welfare system, the mental health system" depicts the situation in Pima County.

The primary health challenges presented by youth in PCJDC are consistent with the national statistics on the health status of juveniles in the justice system presented in numerous publications (**Biblios 4, 6, 7, 8, 23, 24 and 25**). The following **Exhibit E** displays key statistics from several of the most recent studies. These statistics confirm the need for Pima County to focus efforts on mental health and substance abuse treatment services both in PCJDC and the community.

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## VI. Current Expenditures for Health Services in PCJDC

Pima County funds the expenses associated with health services to juveniles in detention.

Based on information provided by the Court in April 2002, estimated current year costs are as follows:

**Personnel**

<b><u>Service</u></b>	<b><u>Staff</u></b>	<b><u>Empl or Contr</u></b>	<b><u>Annual \$</u></b>
UPI pediatric	Daily clinic – 1.5 hrs. x 7 days and minimum call	Contract	\$74,000
Southern Arizona Mental Health (SAMHC) for crisis intervention 10 p.m. to 6 a.m.		Contract	20,000
Psychologist	1.0 FTES	Court Employee	70,000
Psych Assoc	1.0 FTEs	Court Employee	37,000
Nurses	5.4 FTEs	Court Employee	248,500
Agency Nurses/ Per Diems		Contract (Note 1)	76,000
Total (Note 2)			\$525,500

*NOTE 1: Figure is estimated; other estimates range as high as \$100,000; actuals are under review.*

*NOTE 2: Two RFPs for psychiatric services onsite 16 hours per week (\$150,000 per year RFP amount) have been issued since July 2001 without success. To date no formal arrangements for a psychiatrist exist.*

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As a short-term solution to the lack of a psychiatrist in detention, Dr. Toff from Project Paz (the transition services program designed with the HB2003 Tobacco Tax settlement funds) is working eight hours per week performing essential functions for juveniles on psychotropic medications (tracking blood levels and assuring prescriptions are written in a timely manner). The transition monies dedicated to Project Paz and administered by the RBHA pay for four of the eight hours per week. The State Treatment Services fund pays for the other four hours per week. However, additional psychiatric time is needed for key functions that are not currently performed including:

1. Evaluation of high risk cases by qualified health personnel;
2. Training and education of staff on critical areas such as identification of possible risks, understanding basic issues associated with mental illness and the effects of psychotropic medications on juveniles;
3. Evaluations of juveniles in crisis as well as juveniles at risk for possible suicide;
4. Case conferencing on juveniles with mental health issues; and
5. Oversight and consultation with the Court for appropriate therapeutic intervention.

In addition, given the needs of the juveniles and the judges' responsibility to make appropriate placement decisions, it is essential to have sufficient psychiatric consult time available for the Court.

The Court's estimate of current year costs for non-personnel expenditures associated with the provision of health services to juveniles in detention are as follows:

**Non-Personnel Costs**

<b><u>Expense</u></b>	<b><u>Annual \$</u></b>
Pharmacy - floor stock and juvenile specific prescriptions	\$59,000
Lab work and medical supplies	20,000
Books, software and phones	2,800
Total	\$81,800
Grand Total Personnel and Non-Personnel	\$607,300

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In addition, correctional officers also transport juveniles into the community for health services. If the juvenile has an appointment scheduled with their physician, dentist, physical therapist or other health care provider, arrangements are often made to transport the juvenile to that appointment so that continuity of care can be maintained. The costs of these health services are the responsibility of the parent or guardian. However, the cost of the officers' time used in transporting the juveniles is a cost to juvenile detention. This cost is estimated to range from \$20,000 to \$40,000 per year.

For the 12-month period of October 1999 through September of 2000, detention records indicate a total of 604 health-related transports distributed as follows:

<b>Type of Transport</b>	<b># of Trips</b>
Medical	288
Psychiatric Medical Review	187
Prescriptions	49
Psychiatric hospital pick up or drop off	49
Dental	31
Total trips	604

Health services in the community are initiated via a phone call from the juvenile's probation officer to nursing advising of a scheduled appointment and the nature of the appointment. The nurse calls the provider and determines if it is essential for the juvenile to be seen. If not, the appointment is rescheduled. If it is essential, the detention officers provide transportation. To ensure continuity of care within the detention center, procedures are being implemented to ensure that the health unit staff is aware of all health related transports.

## **VII. Funding for Court Ordered Treatment**

State treatment service funds in the amount of \$3,500,000 were provided to the Court for FY 2002. The Court traditionally spends this total amount for contracted services for children. Rose Report 2001 stated that the shortage of state funding for appropriate treatment facilities cost Pima County \$406,926 annually for juveniles in detention

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awaiting placement. Although the Rose Report 2001 attributes the problem completely to lack of state funds it is unclear to what degree shortage of a full continuum of appropriate and effective programs in Pima County also contributes to the problem. State treatment funds are used to pay for a variety of Court ordered mental health services to juveniles including residential treatment, group home, family therapy, day support, substance abuse treatment, foster care and shelter care. This funding provides services to the approximately 1,100 children who are on probation at any time during the year as well as Court ordered placements from detention. No clinical evaluation of the programs was identified during the course of this study.

Currently close to one half of the annual State Treatment Fund of \$3,500,000 or approximately \$1,300,000 are used to fund placements of juveniles from Pima County in high acuity, level one residential treatment facilities. As of March 2002, 15 juveniles were in level one placements. Of these, 14 were in Residential Treatment Centers (RTCs) located in Phoenix or Prescott a substantial distance away from family or supportive individuals who could or should participate in their treatment and counseling. About half of the juveniles were in specialized sex offender programs.

Discharge planning and care coordination with community providers for continuing outpatient services is compromised by the inability to use Pima County RTCs for service. The absence of local relationships and knowledge of the local provider community and the compatibility of the treatment program and philosophy hinders the effectiveness of the aftercare. The average daily cost for the 15 juveniles in RTCs in March 2002 averaged \$221 per day with the majority of this funding going to the programs in Phoenix and Prescott since Pima County did not have services. See **EXHIBIT F. The fact that all but one child in the March 2002 profile of Court ordered residential placements was outside Pima County for service highlights the fact that Pima County does not have a full continuum of behavioral health services.**

Review of the state treatment funds was limited during the course of this study. A separate study by the County Administrator of the process and information provided to the Court officials ordering placement may be helpful in identifying strategies to more effectively utilize the existing



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state treatment funds. It may also be useful in lobbying efforts to secure more state treatment funds or at least reimbursement to the County for the cost it pays for adjudicated juveniles awaiting placement in the detention center.

## **VIII. Health Services Facility**

The health unit in PCJDC consists of three exam rooms without any infirmary or isolation rooms. On occasion only two exam rooms are available, as the other exam room must be utilized as an office due to limited office space for health personnel. The unit also has a lab without a sink. The medical records are filed in an open area in the main waiting area behind reception. Juvenile staff indicate they are required to maintain these records until the juvenile reaches the age of 18 and they are required to send copies of the records when the juvenile is transferred. Additional secured space is needed for storage of these records in a confidential manner. There are no staff formally trained in the maintenance and processing of medical records.

## **IX. Comparison to National Accreditation Standards**

There are two national accreditation bodies for correctional health services. They are National Commission on Correctional Health Care (NCCHC) and American Correctional Association (ACA). NCCHC focuses exclusively on health care operations. ACA provides accreditation for the entire correctional facility of which healthcare is one component. NCCHC is generally considered the gold standard for accreditation. **Exhibit G** contains a summary of NCCHC standards for health services in juvenile detention and confinement centers (1999).

County clinical staff knowledgeable as to NCCHC standards for adult and juvenile detention centers estimate that the health services program at PCJDC, as it is currently operated, meets 13 of the 36 NCCHC *essential* standards identified for juvenile detention centers.

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## **X. Maricopa County Juvenile Centers**

In an effort to evaluate operational strategies used for critical areas of concern in the health services program at PCJDC, staff undertook research on other detention centers. Maricopa County was selected for the willingness of the Correctional Health Division leadership, including the Medical Director, to meet repeatedly with County and Court staff, share extensive detailed policies and procedures, and provide consulting expertise on certain matters gratis.

With respect to the continuous demand for capacity not only for juvenile correctional beds but also the full continuum of treatment facilities, construction is planned or in process as follows:

1. Addition of 120 beds at Southeast (existing beds=128)
2. Addition of 220 beds at Durango (existing beds=230); and
3. Construction of a 48-bed residential treatment center – non-secure primarily for substance abuse treatment and assessment center.

This construction is funded through the jail tax. The jail tax in Maricopa is \$900 million or nine years – whichever comes first. The juvenile component for construction is \$60 million. These funds for juvenile are being utilized to expand capacity for both detention and residential treatment center (RTC) beds. None of the jail tax money is currently being used for operations.

Maricopa Correctional Health Department indicates the total annual operating budget in the current year for juvenile detention health services - *excluding pharmacy and lab* is \$710,000. This budget provides for nursing staff at both juvenile detention facilities as follows:

1. Weekdays 7 a.m. to 11 p.m.;
2. Weekends 7 a.m. to 7 p.m.; and
3. Oncall nurse for times not covered.

A psychiatrist goes to each of the two facilities twice a week for eight (8) hours each day primarily to review medications. No formal program of mental health treatment is provided while the juvenile is detained.

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A physician is onsite one day per week at each site. During this past year, the Juvenile Court decided to fund two additional positions separately from the budget of the Maricopa Correctional Health Unit in order to provide mental health treatment services at the two juvenile facilities: The Court added one full time counselor and one full time psychologist. These costs are not reflected in the current year budget figure of \$710,000 per year (exclusive of lab and pharmacy).

No dental services are provided. All pharmacy items are charged to a central pharmacy so those costs are tracked separately and were not available on the day of this interview. No third party billing is done for health services to juveniles. Juvenile Court personnel transport juveniles to their regular health care provider for treatment if services are determined necessary.

### **XI. Collaborative Action Plan**

Based on the work performed to date, County and Court staff recommend certain changes in the operation of the health unit at PCJDC. These recommendations are based on consideration of the:

- ✓ Rose Report 2001,
- ✓ State inspection reports from 2000 and 2001 on PCJDC,
- ✓ State inspection reports on other juvenile detention centers throughout the state,
- ✓ State standards published by the Arizona Supreme Court Juvenile Justice Services Division of the Administrative Offices of the Courts (AOC) used for state inspections of juvenile detention centers,
- ✓ NCCHC standards for health services in juvenile detention and confinement center,
- ✓ Issues defined by federal and state litigation and investigations,
- ✓ Review of legislation proposed to the Arizona legislature in 2002,
- ✓ Identification of potential funding sources and
- ✓ Findings from the operational self-assessment conducted by the County and Court staff.

In developing recommendations for a strategic and operational plan, staff focused on:

1. Identifying the health care service priorities for PCJDC.

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2. Determining the most programmatically appropriate and cost effective structure for assuring, timely, coordinated management and provision of these health services.
3. Identifying strategies for accessing all possible sources of funding for a full continuum of services.
4. Identifying sources of funding and leadership to
  - a. conduct the full scope of feasibility analyses essential to developing the full continuum of diversion programs (RTCs, subacute and inpatient adolescent psychiatry) necessary to provide effective mental health treatment rather than incarceration for mentally ill juveniles,
  - b. design and implement effective information systems on health status and treatment of juveniles in detention, and
  - c. resources to support parents in applying for AHCCCS and/or KidsCare to fund continuing health services.

## **XII. Proposed Health Services System for PCJDC**

In an effort to expedite the implementation of these recommendations, pending approval by the County Administrator and the Pima County Board of Supervisors, the County and Court personnel have mutually identified and agreed to a number of changes to the health services operation at PCJDC.

Included as key elements of the proposed health system redesign are:

1. Retention of an experienced health care authority who can reduce risks and control costs by providing:
  - a. management of the health services unit operations,
  - b. assurance of adequate types and numbers of staff and
  - c. achievement of accreditation for the health services program from the National Commission on Correctional Health Care (NCCHC).

Health services for juveniles in detention were included as part of RFP# 1222-01 issued by Pima County in the fall of 2001 to select a firm with expertise with correctional health units in adult and juvenile detention centers. PCJDC participated in the proposal review and vendor selection. **Exhibit H** contains the scope of services expected of the correctional health vendor for PCJDC.

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2. Retention of a provider that can offer:
  - a. immediate written policies and procedures,
  - b. staff and correctional officer training,
  - c. complete medical records administration,
  - d. quality assurance program, and
  - e. care coordination to assure that each juvenile has a treatment plan with oversight by a Medical Director who has overall responsibility for the clinical management of the program.
3. Assignment of a full time Health Services Administrator with experience managing round-the-clock health care operations.
4. Cost effective staffing to include round-the-clock nursing personnel to respond to crises and complete health assessments at booking to determine whether medical and mental health clearance criteria are met or if diversion is appropriate.
5. Physician experienced with juvenile health care issues who will assume overall management responsibility for health of juveniles, consultation with judges, and communication with the juvenile's existing health care providers to assure continuity of care.
6. Cost effective full continuum of mental health treatment providers including a part-time psychiatrist, a full-time psychologist and at least one full-time mental health counselor with responsibility for assuring continued essential treatment in detention and coordination of preexisting plans of treatment and discharge into the community treatment setting.
7. Controlled prescription practices and use of secure packaging to assure that timely medications are provided without opportunity for tampering.
8. Expansion of grant funded services to PCJDC by Pima County Health Department (**see Exhibit I**).
9. Court orders requiring parents to show proof of health insurance (including mental health) or application for AHCCCS or KidsCare to assure a payer source and optimum access to health care assuring continuity of care for the juvenile post release from detention.
10. Implementation by the Court of a fee structure and collections protocols to collect charges to parents and/or guardian for health services to juveniles in detention.

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11. Reallocation of physical space for the secured health services operation to facilitate storage of medical records, multiple exam room activity and onsite grant funded STD and other clinic services from the Pima County Health Department.
12. Aggressive pursuit of funding sources for health services to juveniles in detention following recommendations for a revenue maximization study by national experts Pacific Health Policy Group to identify and secure funding sources to pay for the full range of health services and care coordination with community providers. (See Section XIII of this report for further discussion on funding.)
13. Aggressive joint pursuit of funding for consulting services to prepare feasibility studies for establishment of diversion sites and programs in which juveniles third party insurance coverage could be utilized for treatment including: inpatient adolescent psych, residential treatment centers, and sub acute services including substance abuse treatment.
14. Aggressive joint pursuit of funding and/or in kind services to establish an AHCCCS and KidsCare eligibility assistance center onsite at the detention center/Court to aid parents in completing applications for health care coverage for juveniles and their siblings.
15. Changes in the statute related to payment for health services to juveniles in detention by the Medicaid program and commercial insurers.

An IGA included as **Exhibit J** has been drafted between Pima County and the State Superior Court to utilize the contractor selected jointly by the state and County through the Pima County RFP process in fall of 2001. At the same time, efforts by the County and the Court will focus on:

1. Implementation of a full set of modified Court procedures to require parents to show proof of health insurance including mental health coverage or apply for state programs including AHCCCS and KidsCare to assure a source of funding for continuing health services for the juvenile,

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2. Collaboration with the mental health community to develop diversion sites appropriate for the high acuity juveniles,
3. Design and implementation of the parental charge system, and
4. Pursuit of Title XIX (Title 19) funds, SSI funds, and special grant funds for substance abuse and mental health treatment, system changes and information systems to collect key data on health status and effectiveness of treatment strategies.

PCJDC has prepared a budget request for costs associated with utilizing the selected vendor to provide health services to juvenile detention. If approved, an amendment must be made to the vendor's contract. The contract amendment would become effective July 1, 2002. The vendor would provide the full complement of staff and services as well as the clinical and administrative infrastructure needed for the health unit in PCJDC (Items 1-7 from the previous listing). The County Department of Medical Assistance, Division of Institutional Health (DIH) would provide the contract administration and health operations oversight similar to that which it provides for the Pima County Sheriff's department for its adult detention center.

Concurrent with the work on the IGA and the vendor contract, the Court and the County have gone forward to apply for technical assistance grants to fund the costs of the various studies (items 12-14 from the previous list). A grant award from the MacArthur Foundation is pending. The Pima County Health Department is convening a study session to examine the feasibility of pursuing a SAMSHA grant specifically targeted for services to divert individuals with co-occurring mental health and substance abuse problems away from detention. The Deputy County Administrator is facilitating discussions with the local RBHA to conduct planning for establishment of a full continuum of services in Pima County to include shelters, group homes, RTCs and acute inpatient beds.

In addition, planning meetings with community stakeholders including the local RBHA, critical community providers of services, school systems, key state agencies, Pima County administration, Pima County

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Health Department and other interested parties are continuing under the leadership of Judges Warner and Bernini. There are two main focuses of these meetings. The *first* is identification of other sources of funding for health services provided to juveniles in detention. The *second* is collaboration with key stakeholders on strategies for establishing financially feasible diversion programs in Pima County to avoid continuing incarceration of juveniles requiring mental health treatment and avoid the continuing forced placement of the highest acuity juveniles in residential treatment centers outside Pima County due to the lack of alternatives within Pima County.

**XIII. Funding Plan for Health Services to Juveniles in  
Detention Budget**

As indicated earlier in the report, a RFP was issued in Fall 2001 by Pima County for a correctional health vendor with requests for pricing for both adult and juvenile detention centers. The vendor selected was First Correctional Medical, Inc. (FCM) a Tucson based, woman owned firm. The vendor began the first phase of the contract for services at the Pima County Adult Detention Center on March 1, 2002. FCM is prepared to transition the PCJDC onto service effective July 1, 2002, to provide health services to the 3,500 to 3,800 juveniles booked each year into the detention center.

The vendor's quote for the first year to provide the scope of work outlined in the RFP and as further specified in **Exhibit H** is \$1,204,603. Three year "not to exceed" pricing is \$3,747,458. This figure includes the costs of any services from community providers, which are not funded by the juveniles insurance. The per diem price to be paid to FCM for all detainees in excess of 210 housed in the existing unit is \$5.18 per day.



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Staffing to be provided by the vendor is as follows:

<u><b>Classification</b></u>	<u><b>FTEs</b></u>
Health Services Administrator RN	1.0
Quality Assurance LPN	1.0
Registered Nurses – including 1.6 with psychiatric experience	4.1
LPNs	3.2
Medical Records Clerk	1.2
Physician-Medical Director	.3
Psychiatrist M.D.	.5
Psychologist	1.0
Mental Health Clinician	1.0
Total	13.3

**Exhibit K** which follows provides a detailed description of the responsibilities of each position. In addition services of a Director of Operations and Director of Education will be provided at no additional cost. The Psychologist and Mental Health Clinician will focus on the provision of individual and group treatment services to those juveniles already in treatment when booked or who are identified as needing treatment once they are booked into detention. This will address the continuing concern that no formal mental health treatment program exists within juvenile detention. It will not compensate for the lack of a continuum of treatment services in the community to which the juveniles can be diverted or ordered for treatment.

The following table provides a comparison of the health services program as it currently operates and as it is proposed in the IGA.

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**Health Services Program in PCJDC  
 Existing vs. Proposed**

<u><b>Operating Requirements</b></u>	<u><b>Existing</b></u>	<u><b>Proposed</b></u>
24 Hr. Nurse Staffing, Pre-booking Health Assessments, Complete Exams & Assessments	<u><b>16 Hr Nursing Staff</b></u>	<b>X</b>
Mental Health Diversion Program	<u><b>Partial</b></u>	<b>X</b>
Regularly Scheduled Health Training for Security Staff	Informal	<u><b>X</b></u>
Health & Wellness Training for Detainees	<b>STD clinic</b>	<b>X</b>
Medical Director Oversight of full operation		<b>X</b>
Coordinated Health Care Policies & Procedures		<b>X</b>
Clinical, Administrative & QA/AC Infrastructure		<b>X</b>
Dedicated Psychiatrist (half time)		<b>X</b>
Regularly Scheduled Mental Health Programming		<u><b>X</b></u>
Prenatal Care & Discharge Planning		<b>X</b>
Interdisciplinary Team Coordination		<u><b>X</b></u>
Medications Coordination & Oversight		<b>X</b>
Blister-Pack Medications		<b>X</b>
Health Care Contract Administration and Oversight		<b>X</b>
Medical Malpractice Insurance Standard	<b>\$1M/\$3M</b>	<b>\$3M/\$5</b>

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## **Funding Sources**

In light of the state's fiscal situation and its related impact of that on the Pima County budget, the County Administrator provided specific direction to staff that proposed strategies at PCJDC were to be developed with a goal of budget neutrality. Development of cost effective and efficient operations and identification of a range of funding sources were identified as priorities.

Early in the self-assessment process Court staff identified sources of funding that could be used for services to juveniles in detention but instead were being used for services to juveniles once they left detention.

Project Match and HB2003 Tobacco Tax Settlement funding governed by a joint agreement between the Court and the local RBHA were being used for services to juveniles *after release* from detention. The RBHA and the Court have revised their agreement so that *approximately \$250,000 in funding will be made available for services to juveniles while incarcerated* and unable, at least under current interpretations, to utilize their AHCCCS or KidsCare benefits as a source of payment for health services. See **Exhibits L and M**.

To generate additional revenues, the Court is implementing the County Administrator's to process a parental charge for health services provided to the juveniles. A flat rate charge structure is under development and targeted for implementation July 1, 2002. Initially, it may involve a manual process while programming is underway to automate the fee. It will be the ninth type of fee charged to parents. As such, it is *estimated that only 10% of the \$1,200,000 in charges (\$120,000) will be collectible*.

To assure that a full range of revenue sources was explored the County Administrator authorized retention of Pacific Health Policy Group (PHPG). This national firm has recognized expertise in revenue maximization and a long history of working with the State of Arizona AHCCCS plan and the RBHAs on funding matters. PHPG provided a report concurring with the pursuit of Project Match, HB2003 and parental charges (**Biblio 26**).

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In addition, PHPG recommended pursuit of SSI payments if the juvenile is expected to be incarcerated more than 30 days so that there is a reasonable time period to process the paperwork to effect the change in payee. PHPG also strongly urged pursuit of Title XIX or XXI funds (including AHCCCS and KidsCare). PHPG estimates there are between 20 and 30 juveniles in PCJDC who are both Title XIX and 21 eligible and receiving, or in need of, behavioral health services. They advise that additional work be done with the state to determine whether services should be covered for juveniles in each of the three cycles of detention:

1. Intake. This is the period of arrival and ends with the petition of charges against him/her,
2. Pre-adjudication, and
3. Post-adjudication.

A memo on this matter, cosigned by the County Administrator and the Presiding Judge of Juvenile Court, has been sent to the Director of the State AHCCCS program. The memo requests a staff meeting to review the types of cases in PCJDC to determine under what circumstances billings to Title XIX are appropriate for medically necessary services. Once this determination is made, the County and Court staff will implement a billing and collections system to process juvenile specific claims to AHCCCS and other payers.

There is the possibility of enrolling the correctional health vendor contemplated for the management and staffing of health services in PCJDC as a state treatment provider through the AOC. This would possibly allow the vendor to provide Court ordered treatments with reimbursement from state treatment funds for the costs of those services.

It also appears as though juveniles with behavioral health issues, in addition to a significant medical disorder that puts them at risk for institutional care are potentially eligible for the state ALTCS program. Efforts to identify juveniles that qualify for this program and funding

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source will begin once the health services vendor is in place to provide an orderly system of health assessment by health care professionals for every juvenile booked into PCJDC.

**Services Without a Cost to Pima County**

The Court identified substance abuse services available through a grant recently awarded to CODAC. Coordination of these services will occur through the health services vendor. In addition, the vendor will be responsible for screening and referring high risk juveniles to Project PAZ to more efficiently utilize those grant funded services.

In addition, the Court is collaborating with the Volunteer Center of Tucson to secure a dedicated VISTA volunteer. The VISTA volunteer will work full time with the Court's pool of volunteers to establish the infrastructure for those volunteers to be utilized to work with parents to complete applications for programs including AHCCCS, KidsCare and ALTCS.

These two initiatives are worth approximately \$80,000 in services.

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**Estimated Net Cost to Pima County for Changes to Health  
Services Operation in PCJDC – Year One**

During the first year, a flat fee to cover the health services program will be charged to the parents. In addition, the grant monies from HB 2003 and Project Match will be redirected to offset the mental health services to juveniles in detention. As a result, the net additional cost to Pima County in year one is expected to be:

***Calculation of Net Cost to Pima County***

Total cost of FCM contract (see note 1)	\$1,204,603
Less: parent fees collectible at 10%	120,460
Less: Estimated Project Match and/or HB2003 funds	250,000
Equals:	835,000
Less: PCJDC Current year FY 2002 budgeted amount for health services	510,663
Equals: Net budget increase to the County	\$323,480

**XIV. Summary**

This report is intended to provide documentation of the research and recommendations for consideration in any strategic plan developed by the County Administrator and presented to the Board of Supervisors along with the proposed budget for health services in PCJDC.

Staff recommend changes to the current system of health services at PDJDC with particular focus on timely health assessments of all juveniles by the health care professionals and implementation of essential health treatment services. The plan developed collaboratively by Pima County and the Superior Court, outlined in this report substantively addresses the critical issues in detention and forms a framework for public policy decisions that need to be made in Pima

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County regarding diversion of mentally ill juveniles from detention to a full continuum of appropriate treatment programs. The recommendations reflect consideration of:

1. critical issues identified in the substantial research initiative,
2. the concern by state policy makers evidenced in the litigation introduced in the Arizona legislature this year and
3. the realities of the financial constraints that exist in any system.

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