

NAACP
Tucson Branch

March 31, 2022

Pima County Board of Supervisors
130 W. Congress Street, 5th Floor
Tucson, AZ 85701
Sharon.Bronson@pima.gov
Melissa.Manriquez@pima.gov

re: *Objection to Intergovernmental Agreement for Initial Appearances*

Dear Chair Bronson, Vice Chair Grijalva, and Members of the Board of Supervisors:

NAACP Tucson objects to the Pima County Board of Supervisors renewing a 10-year Intergovernmental Agreement (IGA) between the Arizona Superior Court in Pima County, Pima County, Pima County Consolidated Justice Court, and the City of Tucson for the Provision of Twice-A-Day Initial Appearances (IAs). This was listed as item 20 on your March 15, 2022 agenda, though we understand it was tabled to an upcoming meeting.

We are concerned that renewal of this IGA will impede much-needed bail reform.

We are tremendously grateful that the Board of Supervisors recently voted to support the NAACP's proposed bail reform legislation in the form of HCR2022. We appreciate the Board's recognition of the need for bail reform at the state and local levels. As you recall, our proposed legislation would eliminate money bail. This would prevent pretrial detention of individuals arrested for non-violent, non-dangerous crimes and thereby would go a long way to decriminalize poverty. Additionally, the proposed legislation would strengthen judges' ability to order pretrial detention of individuals arrested for violent felony crimes, such as first-degree murder, and thereby would enhance public safety.

Unfortunately, although the proposed bail reform legislation received a hearing in the House Judiciary Committee, it does not appear likely to make further progress this legislative session. So, there will not be a statewide solution forthcoming soon.

However, there is still an opportunity for bail reform at the local level here in Pima County. In large part, this chance for local reform rests in the hands of the judges who make bail determinations at IAs.

Unfortunately, a significant percentage of these IA judges, who for the past decade have all been Tucson City magistrates pursuant to the IGA, have been resistant to the necessary and

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recommended reform. This is despite the fact that reform has been strongly urged by the Arizona Supreme Court.

Here is a link to a report adopted and issued by the Arizona Supreme Court in 2016 upon the recommendation of its Task Force on Fair Justice for All. See especially Part 2, principles 8-11: [https://www.azcourts.gov/Portals/74/TFFAIR/Reports/FINAL%20FairJustice%20Aug%2012-final%20formatted%20versionRED%20\(002\).pdf?ver=9pLeF4I9Bwm-V5BSVeB1vQ==](https://www.azcourts.gov/Portals/74/TFFAIR/Reports/FINAL%20FairJustice%20Aug%2012-final%20formatted%20versionRED%20(002).pdf?ver=9pLeF4I9Bwm-V5BSVeB1vQ==)

Additionally, here is a link to additional materials on the need for a reform of bail decisions made by judges, published and circulated to members of the Arizona judiciary: <https://www.azcourts.gov/Justice-for-All>.

Many of the Tucson City Court magistrates who have been contracted to hear IAs in felony cases for the Pima County Superior Court and to hear IAs in misdemeanor cases for the Consolidated Pima County Justice Court appear to have defied the Supreme Court's recommendations for bail reform.

We have heard on repeated occasions that the judges handling IAs continue to impose bail amounts for individuals arrested on non-violent crimes in amounts that they simply are unable to pay. This has a disproportionate impact on people of color. It has resulted in disparities and disproportionalities within the Pima County Jail population. The percentage of African American people held in jail custody pretrial is far higher than the percentage of African Americans in the general population in Pima County. This is unacceptable.

At the same time, the judges handling IAs on too many occasions do not seem to appreciate serious risks to public safety. They have made decisions that allow the release of individuals who have committed extremely violent crimes on repeated occasions. And these individuals go out and commit even more violent crimes after being released. A recent example that was covered extensively in the news illustrates this problem. On September 7, 2021, Brandon Michael Watts shot and killed his girlfriend, fled to a hotel where he held another woman and her four children hostage and injured that woman, and then ultimately shot himself after an hours-long standoff. Watts was out of jail on pretrial release at the time of this rampage, having paid a very low amount of bail on a domestic violence assault charge last March following previous arrests for assault.

A recent guest opinion in the Arizona Daily Star by the Pima County Attorney, Pima County Sheriff, and Tucson Police Chief called upon the community to address this systemic problem. Here is a link to that opinion: https://tucson.com/tucson-law-enforcement-court-s-actions-on-cash-bail-require-collective-urgent-response/article_14790b42-1275-11ec-96ce-c752af9e3cc1.html

The NAACP urges the Board of Supervisors to vote against renewing the IGA between the Arizona Superior Court in Pima County, Pima County, Pima County Consolidated Justice Court, and the City of Tucson for the Provision of Twice-A-Day IAs. We would like to see Pima County's Superior Court and Consolidated Justice Court use their own judges to handle

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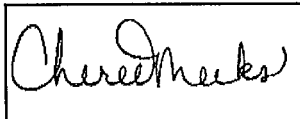
IAs for their own cases. We believe this way there could be more accountability for the aggregate of bail decisions made in felony cases in the Superior Court and in misdemeanor cases in the Consolidated Justice Court.

NAACP is mindful of the fact that total non-renewal of the IGA at this time might cause an abrupt disruption to operations. Therefore, if the Board of Supervisors determines that it must renew the IGA to ensure continuity of operations, we respectfully request that the renewal be for only one year, not 10 years.

During the coming year, we urge the Board of Supervisors to direct the Courts and the Sheriff's Department to gather and report data reflecting the number of arrestees held in custody due to their inability to pay bail within 24 hours following their IA, including the race and ethnicity of those arrestees, as well as the crimes for which they were arrested and whether they have any prior arrests or convictions for violent crimes. Additionally, we urge the Board to direct that data be gathered and reported back showing the number of arrestees charged with a crime of domestic violence or with any violent felony crime who are released pretrial following their IA and are later arrested for committing a new violent crime while on pretrial release.

Thank you for your consideration.

Sincerely,



Cheree Meeks, EdD
President
NAACP Tucson
Unit #1013