



BOARD OF SUPERVISORS AGENDA ITEM REPORT

Requested Board Meeting Date: September 1, 2015

Title: Home Detention and Continuous Alcohol Monitoring Program

Introduction/Background:

Pima County seeks to establish a home detention program for eligible sentenced prisoners which shall be treated the same as confinement in jail. Home detention is a viable alternative to jail and is intended to reduce overcrowding of the Pima County Jail, and the concomitant costs associated with the incarceration of low-risk individuals.

Discussion:

Arizona Revised Statutes ARS §11-251 and ARS §11-459 requires Board of Supervisor approval to allow Pima County Justice Court and the Pima County Sheriff to create and manage a home detention electronic monitoring program for defendants sentenced to County jail terms for convictions under ARS §28-1381. Both the County Court and the Sheriff's Department are utilizing this program with success in other non-DUI misdemeanor sentences. Each defendant is reviewed individually based on criminal history and behavior for eligibility into the program to increase successful outcomes. Inmates participating in the program would continue to be under the supervision and management of the Pima County Sheriff's Department. All defendants would be tracked by GPS and alcohol monitoring devices. Violations or deviations from the program guidelines would result in the inmate being returned to the Pima County Adult Detention Complex to serve the remainder of the sentence term. Law enforcement action would be provided by the Pima County Sheriff's Department.

Conclusion:

Pima County Consolidated Courts and the Pima County Sheriff's Department are requesting approval from the Board to create and manage jail inmates sentenced on misdemeanor DUI under the existing Home Detention and Electronic Monitoring program.

Recommendation:

Pima County Consolidated Courts and the Pima County Sheriff's Department recommend the Board's approval to create and manage low level misdemeanor and DUI defendants on Home Detention Electronic Monitoring with continuous alcohol monitoring as provided in ARS §11-459 and ARS §11-251.

Fiscal Impact:

Services and equipment will be provided by an outside vendor. These Arizona Revised Statutes allow for cost recovery for the GPS and alcohol monitoring from the eligible prisoners who have agreed to participate. Some costs may be absorbed by the Departments for defendants who are unable to pay, based on employment and jail census. The daily costs of monitoring services is \$15 (per day) versus the \$85.15 costs to incarcerate someone in the Pima County Adult Detention Complex. Utilizing Home Detention Electronic Monitoring in lieu of jail incarceration would, in the long-term, be a cost savings for the County, and perhaps alleviating or delaying the need for future costly jail expansions.

Board of Supervisor District:

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Telephone: (520) 724-8048

Draft Ko

8.7-15

Deputy County Administrator Signature/Date:

County Administrator Signature/Date:

C. R. Deibelberg 8/10/15

ORDINANCE NUMBER 2015-____

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF PIMA COUNTY, ARIZONA RELATING TO PRISONER HOME DETENTION AND CONTINUOUS ALCOHOL MONITORING; ESTABLISHING HOME DETENTION PROGRAMS AUTHORIZED BY A.R.S. § 11-251.15 AND § 11-459, AND A CONTINUOUS ALCOHOL MONITORING PROGRAM AUTHORIZED BY A.R.S. § 11-251.15(I), FOR CERTAIN PERSONS WHO ARE SENTENCED TO JAIL CONFINEMENT PURSUANT TO A.R.S. § 28-1381 OR § 28-1382; AUTHORIZING THE SHERIFF AND PRESIDING JUSTICE OF THE PEACE TO IMPLEMENT AND ADMINISTER THE HOME DETENTION AND CONTINUOUS ALCOHOL MONITORING PROGRAMS; AUTHORIZING THE PRESIDING JUSTICE OF THE PEACE OR SHERIFF TO COLLECT COSTS ASSESSED AGAINST DEFENDANTS IN THE HOME DETENTION AND CONTINUOUS ALCOHOL MONITORING PROGRAMS AND TO DEPOSIT COLLECTED COSTS WITH THE PIMA COUNTY TREASURER; AND RESTRICTING THE USE OF COLLECTED COSTS TO OFFSETTING OPERATIONAL COSTS OF THE HOME DETENTION AND CONTINUOUS ALCOHOL MONITORING PROGRAMS.

The Board of Supervisors of Pima County, Arizona finds that:

1. Under A.R.S. § 11-251.15, Pima County may establish a Home Detention Program for eligible persons who are sentenced to jail confinement pursuant to A.R.S. § 28-1381 or § 28-1382 if, after a public hearing and a finding of necessity, a majority of the full membership of the Pima County Board of Supervisors ("Board") votes to establish a Home Detention Program.
2. Under A.R.S. § 11-459, Pima County may authorize the Pima County Sheriff ("Sheriff") to establish a Home Detention Program for eligible persons who are sentenced to jail confinement pursuant to A.R.S. § 28-1381 or § 28-1382 if, after a public hearing and a finding of necessity, a majority of the full membership of the Board votes to authorize the Sheriff to establish a Home Detention Program.
3. Under A.R.S. § 11-251.15(I), Pima County may establish a Continuous Alcohol Monitoring Program for eligible persons who are sentenced to jail confinement pursuant to A.R.S. § 28-1381 or § 28-1382.

4. As required by § 11-251.15(H) and 11-459(K), a public hearing regarding the establishment of a Home Detention Program was held August 8, 2015.
5. Because a Home Detention Program cooperatively implemented and administered by the Presiding Justice of the Peace and Sheriff will provide a secure and cost-effective alternative for certain eligible offenders to serve their sentences, the Board finds it necessary to establish, and authorize the Sheriff to establish, a Home Detention Program.
6. A Continuous Alcohol Monitoring Program established, implemented, and administered in coordination with a Home Detention Program, will provide an additional, cost-effective monitoring and enforcement option for certain eligible offenders.

**BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF PIMA COUNTY,
ARIZONA:**

Section 1. A Home Detention Program authorized by A.R.S. § 11-251.15 is hereby established for eligible persons who are sentenced to jail confinement pursuant to A.R.S. § 28-1381 or § 28-1382.

Section 2. The Sheriff is hereby authorized to establish a Home Detention Program under A.R.S. § 11-459 for eligible persons who are sentenced to jail confinement pursuant to A.R.S. § 28-1381 or § 28-1382.

Section 3. A Continuous Alcohol Monitoring Program authorized by A.R.S. §§ 11-251.15(I) is hereby established for eligible persons who are sentenced to jail confinement pursuant to A.R.S. § 28-1381 or § 28-1382.

Section 4. The Presiding Justice of the Peace, under the supervision of the Presiding Judge of the Pima County Superior Court, and the Sheriff, are authorized to cooperatively implement the programs authorized in Sections 1 and 2 of this Ordinance as one Home Detention Program and to do all acts necessary to cooperatively direct, control, and administer it as one program.

Section 5. The Presiding Justice of the Peace, under the supervision of the Presiding Judge of the Pima County Superior Court, is authorized to implement the Continuous Alcohol Monitoring Program authorized by Section 3 of this Ordinance and to do all acts necessary to direct, control, and administer that program. If the Sheriff establishes a Continuous Alcohol Monitoring Program as authorized by A.R.S. § 11-459(L), the programs shall be directed, controlled, and administered cooperatively and in coordination with one another as one Continuous Alcohol Monitoring Program.

Section 6. After the Home Detention Program and Continuous Alcohol Monitoring Program are implemented, Justices of the Peace may, in the exercise of their discretion, order that an eligible person sentenced to jail confinement pursuant to A.R.S. § 28-1381 or § 28-1382 be placed in the Home Detention Program, Continuous Alcohol Monitoring Program, or both. Eligibility for the Home Detention Program or Continuous Alcohol Monitoring Program is limited to those eligible under A.R.S. § 11-251.15 and § 11-459, and participation in the Home Detention Program or

Continuous Alcohol Monitoring Program is subject to the conditions and restrictions provided by statute, including § 11-251.15 and § 11-459.

Section 7. Any person placed in the Home Detention Program or Continuous Alcohol Monitoring Program must bear the cost of all testing, monitoring, and enrollment in alcohol or substance abuse programs unless, after determining the inability of the person to pay the cost, the Justice of the Peace assesses a lesser amount. Any person placed in the Continuous Alcohol Monitoring Program must additionally pay thirty dollars per month while in the program, unless, after determining the inability of the prisoner to pay the cost, the court assesses a lesser amount. All costs assessed under this section shall be collected by the Court or the Sheriff, as directed by the Presiding Justice of the Peace, and deposited with the Pima County Treasurer. The County must use funds collected from those placed in the Home Detention Program only to offset the operational costs of that program, and must use funds collected from those placed on the Continuous Alcohol Monitoring Program only to offset the operational costs of that program.

Section 8. The various County officers and employees are authorized and directed to perform all acts necessary or desirable to give effect to this Ordinance.

Section 9. This Ordinance is effective 30 days after the date it is adopted.

PASSED AND ADOPTED by the Board of Supervisors, Pima County, Arizona, this


_____ day of _____, 2015

Chair, Pima County Board of Supervisors

ATTEST:

Clerk of Board

APPROVED AS TO FORM:



Deputy County Attorney
ANDREW FLAGG