



**BETTY VILLEGAS**  
COUNTY SUPERVISOR - DISTRICT 5

## PIMA COUNTY BOARD OF SUPERVISORS

130 WEST CONGRESS STREET, 11th FLOOR  
TUCSON, ARIZONA 85701-1317

(520) 724-8126  
district5@pima.gov  
www.district5.pima.gov

# MEMORANDUM

**DATE:** June 3, 2020

**TO:** Julie Castañeda, Clerk of the Board

**FROM:** Betty Villegas, District Five Supervisor *Betty Villegas*

**REGARDING:** Item for the June 9, 2020 agenda addendum

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Please add the following to the June 9, 2020 agenda addendum:

### Resolution

A resolution opposing disparities in the criminal justice system, encouraging a comprehensive reform in the pre-trial legal process, ordering the creation of a Pima County program to fund an organization that will post bond for many of those held in the pre-trial legal process. (District 5)

Thank you

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AFB

**RESOLUTION 2020 - \_\_\_\_\_**

**A RESOLUTION OPPOSING DISPARITIES IN THE CRIMINAL JUSTICE SYSTEM, ENCOURAGING A COMPREHENSIVE REFORM IN THE PRE-TRIAL LEGAL PROCESS, AND ORDERING THE CREATION OF A PIMA COUNTY PROGRAM TO FUND AN ORGANIZATION THAT WILL POST BOND FOR MANY OF THOSE HELD IN THE PRE-TRIAL LEGAL PROCESS**

WHEREAS, money bail, sometimes called cash bail or a secured bond, is a system of pre-trial release in which an individual who has been accused but not yet found guilty of a crime can “temporarily” pay a fee to be released from custody prior to additional legal proceedings or trial, and

WHEREAS, the use of money bail in America has significantly increased over the past two decades, as proponents of the system characterize use of money bail as a way to enhance public safety and ensure prompt and regular appearances in court; however, money bail does neither of these things, and

WHEREAS, a large majority of individuals incarcerated in the Pima County Jail are pre-trial detainees, meaning that they have not been convicted of the alleged crime that led to their confinement and are merely awaiting a court proceeding or trial, and

WHEREAS, individuals who are incarcerated pre-trial often are confined simply because they could not produce the financial resources needed to secure their freedom, and

WHEREAS, an individual’s inability to afford money bail is not an indicator of that individual’s guilt, an accurate predictor of the risk of danger that individual poses to others, or an indicator of whether that individual will show up for a scheduled court proceeding, and

WHEREAS, recent court decisions have ruled that the incarceration of individuals who cannot afford money bail, without meaningful consideration of other alternatives, is a violation of due process and equal protection, and

WHEREAS, judicial decisions about a defendant’s conditions of release before disposition of criminal charges have a significant, and sometimes determinative, impact on the thousands of individuals involved in the criminal justice system, and a negative impact on the community at large, and

WHEREAS, research has shown that individuals who are incarcerated pre-trial are more likely to plead guilty, to be convicted of a felony, receive longer sentences, and to be offered less attractive plea agreements, regardless of charge or criminal history, and

WHEREAS, pre-trial incarceration has a profound effect on the detainees through the loss of freedom during pre-trial incarceration, and can result in the loss of employment, housing, and child custody, and

WHEREAS pre-trial incarceration has a profound budgetary impact, as the cost to taxpayers to detain individuals pre-trial in our jail is \$99.74 per day per detainee, which reflects our capacity to save millions of dollars with a community bond program, and

WHEREAS, race, ethnicity, and gender can influence judges on whether a defendant is released on recognizance, whether a defendant is released to pre-trial services, or the amount of money bail that is set for the release of a defendant, which has long-lasting consequences throughout the justice system, and

WHEREAS, evidence-based pre-trial assessment of a defendant's likelihood to appear in court and remain arrest-free while awaiting legal proceedings can increase successful pre-trial release outcomes and diminish racial disparities without imposing unnecessary financial conditions, impairing the judicial process, or jeopardizing public safety, and

WHEREAS, the National Association of Black County Officials, the National Association of Counties, the American Bar Association, the National District Attorneys Association, and others have condemned the money bail system as one that discriminates against the poor, and

WHEREAS, the International Association of Chiefs of Police has recognized the critical need for bail reform and, in particular, the urgent need for more robust pre-trial services that conduct validated risk assessments for use by the judiciary when considering pre-trial release; and

WHEREAS, the Pima County Board of Supervisors strongly believe that whether individuals remain in jail awaiting trial should not depend on their ability to pay for their freedom, but should instead be determined by whether they pose a threat to public safety or are flight risks,

NOW THEREFORE BE IT RESOLVED that the Pima County Board of Supervisors does hereby strongly oppose racial, gender, and socio-economic disparities in the criminal justice system and specifically encourages comprehensive reforms in the pre-trial process to ensure the fair and equal treatment of all citizens regardless of race, gender, sexual orientation, color, creed, national origin, religion, or socio-economic status,

BE IT FURTHER RESOLVED that the Pima County Board of Supervisors directs County administration to develop a program under the Grants, Management, and Innovation Department that will:

1. In consultation with Public Defense Services, contract with an organization for it to offer to post the bond for any defendant who is assessed by Pre-Trial Services using an evidence-based pre-trial risk assessment tool and then is recommended for release, but in spite of that is held on a bond by a judicial officer—provided however, that the bond must be \$30,000 or less, the defendant is not charged with an offense listed under Chapter 11, 14, or 35.1, and the defendant is not subject to an Extradition Order, an Immigration and Customs Enforcement hold, a Department of Corrections hold, a Probation hold, or another hold that would result in the continued detention of the defendant; and

2. Require each eligible defendant to sign an agreement to adhere to Pre-Trial Services supervision before being bonded out of jail under the program. Supervision conditions should utilize the least restrictive conditions of release that both protect the public safety and increase the likelihood of court appearances; and

3. Include a rigorous program evaluation to determine its effectiveness, including comparing the outcomes of those bonded out of jail under the program with those released directly to Pre-Trial Services by a Judicial Officer.

Passed by the Board of Supervisors of Pima County, this \_\_\_\_ day of \_\_\_\_\_, 2020

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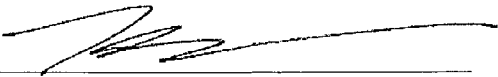
Ramón Valadez, Chairman  
Pima County Board of Supervisors

ATTEST:

APPROVED AS TO FORM:

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Julie Castañeda, Clerk of the Board

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Timothy Medcoff, Farhang & Medcoff, PLLC, Special  
Counsel for Pima County Attorneys' Office