
Coconino County Criminal Justice Coordinating Council

Meeting Minutes

Location: Jury Assembly Room, Coconino County Superior Court (200 N. San Francisco St., Flagstaff, AZ 86001)

Date: March 8, 2023

Time: 3:00-5:00 P.M.

Officers: Superior Court Presiding Judge Dan Slayton
Chief Probation Officer Sarah Douthit

Staff: Mike Jackiewicz, CJCC Director

I. Welcome

II. Council Business

Approval of November 2022 CJCC Minutes

With the CJCC officers not in attendance at the January CJCC meeting, the approval of the minutes was postponed until this CJCC meeting.

A motion was made to approve the January 2022 minutes. County Board of Supervisors Chair Patrice Horstman seconded the motion and, with all in favor, the minutes were approved.

Approval of January 2023 CJCC Minutes

Two amendments were noted from the January 2023 minutes:

- Page 2, under the fourth heading, Sharon Yates' name was misspelled.
- Second sentence of the second paragraph, Maya should be changed to Maia.

With those amendments, Superior Court Administrator Sharon Yates made a motion to approve the minutes, seconded by Clerk of Court Val Wyant. The January 2023 minutes, as amended, were approved.

III. CJCC Committee Updates

- **Indigenous Initiatives Committee** – The committee's chair, Rose Toehe, Coordinator for Indigenous Initiatives at the City Manager's Office, reported that the committee worked on recruitment in January, and distributed flyers seeking members. The committee worked on one of its strategic goals of holding listening sessions. To that end, a listening session workgroup was created and a preliminary outline for the events was created. Listening sessions are to be held in April and a report from JMI is to be submitted to CJCC in June. The Indigenous Initiatives committee met in March and had a presentation by Judith Costello, Interpreter Coordinator for the City of Flagstaff and Coconino County, on language services available at the courts. New members of the committee were also in attendance at the meeting, including Dr. Jocks and Darrell Marks. Also, research is underway on an amnesty strategy for the committee to discuss.

Juvenile Justice Committee – Juvenile Court Services Director Casie Lightfoot was unavailable for the meeting, but CJCC Director Michael Jackiewicz reported that the committee met in February and identified additional strategies to work on after completing all but one of their original strategies.

Behavioral Health Committee – Health and Human Services Director Kim Musselman reported that the committee met in February. Judge Harris was able to join the committee. The committee continues to work with Care1st on written procedures with Title 36. Progress is being made but the changeover takes time. Judge Steinlage and Sydney Ciarniello, Superior Court Clinical Liaison Coordinator, had been working on at restoration to competency case list and the committee continues to work on this effort. The pre-rule 11 diversion team is trying to restart their meetings again. The next step is to talk with the city prosecutor's office and encourage their involvement. Coordinator Ciarniello and Director Jackiewicz are partnering with Care1st to create a justice and behavioral health cross training. Director Musselman met with Coordinator Toehe about collaborating with the Indigenous Initiatives committee as there is relevant cross-over.

CJCC Key Performance Indicators – Chief Deputy County Attorney Ammon Barker reported that the committee recently held its second meeting. The committee first laid the groundwork and then identified data sources and outcomes measures for ARPA. The next step will be identifying key performance indicators for the CJCC. The ultimate goal will be to create a public-facing dashboard that provides key indicators of the criminal justice system.

IV. Criminal Justice Legislative Update

Dr. Gregory Nelson, from the Government Affairs Office, provided a legislative update on bills relevant to criminal justice.

- **HB2055**: The Arizona House of Representatives found support to allow courts to consider work time credit when adjusting for probation time. That has transitioned to the Senate.
- **HB2194**: The House of Representatives pursued reinstating the drug overdose fatality review team.
- **SB1290**: In the Arizona Senate, they voted to give discharged inmates the documentation they need to work.
- **HB2341**: County jails education programs appropriations was advanced by the House of Representatives.
- **HP2333**: Appropriation coordinated reentry planning also passed the House of Representatives.
- There are three bills that the County opposed that limit judicial discretion, which Dr. Nelson reached out to Judge Slayton about (**SB1431**, **SB1429**, and **HB2588**).
 - Judge Slayton made the members aware that this would give the right of a jury trial to a parent in a dependency case for any issue they disagree with. For example, there could be ten issues that a parent disagrees with, and that would mean ten jury trials. This was tried for a year, and it did not work well. The presiding judges for the state oppose it for this reason.
- **SB1588**: A criminal justice data collection system bill that is making its way through the process. They have until March 24th to get it to the House of Representatives and heard in committee. It has received yes votes from the majority and minority caucuses of the Senate. It could die in the next couple of weeks.

- Clerk Wyant noted that the sheriffs were at a conference recently and met about the legislation and changed their position to neutral.

V. Quarterly Trends Report

Municipal Court Administrator Jessica Cortes reported that not a lot has changed since the last report and the Municipal Court continues to do quite well, reaching a clearance rate of 100% or higher. Currently at a clearance rate of 110%.

The Flagstaff Chief Prosecutor was unable to attend and Director Jackiewicz spoke on his behalf. The City Attorney averaged 213 new cases a month in 2022 compared to 264 in 2021 (a 19% decrease). The office closed an average of 224 cases per month in 2022, which was 5% more than 2021 (214 cases). The average monthly caseload in 2022 (2,997 cases) was 4% higher than in 2021 (2,878 cases)

Judge Slayton explained that nothing has changed since the last report for the Justice Courts except that there was a decrease in cases filed. He made a note about potential correlation between case filings in Justice Court and Superior Court. There may have been more cases that were taken to grand jury. A case goes to Superior Court either through Justice Court or through grand jury. The Justice Courts are making progress in terms of disposing cases. The trials here are bench trials. Legal Defender Erika Arlington noted that her office has found the cases to be more serious since COVID and that could be reflected in these data. The number of felony cases filed in 2022 (1,012) decreased by 33% from 2021.

In Superior Court, there was an increase in cases filed and Judge Slayton believes this is because of what is filed in justice courts and comes by indictment. The number of cases disposed in 2022 was 28% higher than in 2021. The Superior Court conducted 13 trials in 2022, the same number as 2021

There are 13 trials but that is calendar year not fiscal year. Fiscal year 2022 was 15. So far, this fiscal year there have been 12. There are 19 scheduled through June and from July 1st through the end of the year there are 23 scheduled.

Judge Slayton explained that they are able to do two trials at once and making progress, but there are still a lot of trials to take care of. Beginning April 3rd, a judge who retired from Maricopa County will be coming up, as a result of AOC funding for senior commissioner, and will begin assisting Judge Coker with criminal settlement conferences.

Chief Deputy Barker noted that 31 trials have been scheduled and two years ago it was 68. This shows there has been a lot of improvement and he is glad to see that what is scheduled for trial are the cases that need to go to trial. Court Administrator Yates noted that number includes civil trials.

There has been an increase in Rule 11 cases, which deal with competency of defendants and Rule 11 examination. Judge Slayton said they have seen a decrease in number of cases going for restoration because of the help of the County Attorney's Office review of cases. Restoration is a very expensive process (\$28,000 a month) and potentially can take 18 months.

Chief Deputy Barker would like to see restoration on this report. It would be nice to see the cost savings over time. Judge Slayton would like to see those numbers over time and compare to pre-pandemic. The category of offenses (or violent/non-violent) would also be helpful. Court Administrator Yates said her office has those number. Director Musselman would also like to know what happens with those who are found not to be restorable.

County Attorney Bill Ring would like to see a connection to mental health service sector to avoid these individuals coming into contact with the criminal justice system. The health sector needs to be built up for this class of individual that needs assistance. Director Musselman noted that restoration to competency only focuses on helping the person work with their attorney for criminal proceedings, but not meant to help with their mental health overall.

Supervisor Lena Fowler talked about the importance of keeping individuals out of the system altogether. County Attorney Ring emphasized that \$28,000 is being spent for each person each month just to improve their mental health to go through the criminal process. He noted that this money could be spent worked to deflect them from the criminal justice system altogether. If we could just divert three of those cases each year, that would be a huge cost savings that could be used for mental health elsewhere.

Director Musselman said there is a concerted effort with Pathways to look at cases that are not being charged and diverted to services. Chief Deputy Barker explained that 13 cases (felony level drug possession) have been diverted already. The County Attorney will connect them with services for a certain amount of time and then drop the charges.

Police Chief Dan Musselman said the Cares Unit also has reduced misdemeanors that would have previously gone to the jail but instead to services. Chief Musselman can give a presentation on the program's impact at a future meeting.

Chief Deputy Barker would like to see the graph broken by criminal case type. The graph shows that they are closing more cases than they are filing. However, he expects they are filing more felonies than are being closed. With trials down and more time in court, he feels they are getting to a good place and targeting the right cases and more efficiently.

Public Defender Sandy Diehl reported their numbers do not look significantly different from last year. However, the numbers do not reflect what is charged. Every time her office is appointed, they open a case. The caseloads are manageable because of help the office is receiving but, in 2020, they really struggled and had to lean on the Legal Defender's office. Now, with the help from the county, their caseloads are more manageable. When asked for clarification, she explained that when her office is appointed at initial appearance and no charges are filed, they might later be appointed again and ideally there is a file with notes and the cases will not be double counted. Chief Deputy Barker said, on average, they charge 65% of cases, not all of which go to the Public Defender. County Attorney Ring clarified that this rate is not the same as the declination rate as cases can come back later.

Public Defender Diehl said her office is concerned with the increase in mental illness over recent years, which adds stress to the caseloads. She is heartened by the Pathways program and deflection and diversion along with increased communication with the County Attorney's office and other system stakeholders has been excellent. Public Defender Diehl noted that Covid actually helped increase communication.

Chief Musselman reported that his office had a similar number of calls in 2022 as in 2021, though 2021 had less severe calls. The arrests and bookings have dropped. Of the arrests made in 2022, 75% were for misdemeanors and 25% were for felonies. In 2022, roughly one out of every nine calls for service resulted in an arrest. They had 408 warrant arrests in 2022, which is about average. The bar for April 2021 shows a huge spike, but Chief Musselman said this is likely a records reporting error.

Juvenile arrests were down in 2021, likely because kids were not at school and getting in trouble. The 2022 numbers are actually a little lower than average, even though it looks like an increase.

Lieutenant Glenn from the Sheriff's Department reported that, prior to pandemic, they had closer to 10,000 bookings per year. Despite a slight decrease in bookings and slight increase in releases, the average daily population did go up in 2021, likely because of the summer months. The requirement to quarantine in booking takes up a lot of space and the justice system partners have been helpful in keeping the jail numbers down to help with this space issue. They are running about seven and a half days for average length of stay in 2022.

Deputy Chief Probation Officer Kevin Manny reported that pretrial supervision averaged 54 new cases per month in 2022, compared to 77 new cases per month in 2021, a decrease of 30%. A lot of their cases were moved to other portions of the program. They averaged 140 active cases per month in 2022, which was 1% fewer active cases, per month, compared to 2021.

Probation received 686 new supervision cases in 2022, an average of 57 new cases per month; in contrast, probation received 481 new cases in 2021 (an average of 40 per month), a 30% increase. Probation closed 462 cases in 2022, an average of 39 cases per month; in 2021, the probation closed 594 cases (an average of 50 per month), a 22% decrease. The average monthly probation caseload was 876 cases in 2022 compared to 794 cases in 2021 (a 10% increase in the average monthly caseload).

Deputy Chief Manny asked group about the reason they are seeing a decrease in PSI reports ordered. Judge Slayton explained that he has asked judges not to order a PSI when there is a stipulation to go to prison.

Director Musselman asked that, for example, if the person is a resident and goes to prison for four years and then comes back, at DOC will those PSIs go with the defendant for decisions about rehabilitation in DOC and at reentry? She is not advocating for more PSIs, but curious about it from the bigger picture of defendants returning to the community. Judge Slayton said those reports will go to DOC if they have a range. He has heard that DOC likes the PSI reports, but if someone is there for five years, a lot can change with the person in five years.

VI. Flagstaff Initiative Against Trafficking

Kate Wyatt, Director of Human Trafficking Services at Northland Family Help Center, gave a presentation on the city's initiative against human trafficking.

- **Sex trafficking:** the recruitment, harboring, transportation, provision, obtaining, patronizing, or soliciting of a person for the purpose of a commercial sex act, in which the commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such act has not attained 18 years of age.
- **Labor trafficking:** the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery.

Commercial sex act means any sex act where something of value is given to or received by any person (food, a place to stay, clothing/jewelry, drugs/alcohol, phone, promises, childcare, transportation).

The Flagstaff Initiative Against Trafficking (FIAT) is a community collective of professional service providers and volunteers who want to end Human Trafficking. There are 40 active members on the coalition.

The goals of FIAT are to:

- Construct a unified response for trafficking victims and survivors to get out of the life safely.
- Educate and to bring awareness to our community on human trafficking in order to drive down demand.
- Collect data to determine the true impact of Human Trafficking in Flagstaff.

Over 5,000 persons in Flagstaff have received training since 2017 for law enforcement, teachers, medical providers, students, behavioral health, and social services.

She discussed the various sting operations conducted since 2017 along with victim identification among adults and youth.

Director Wyatt provided her contact information for any follow-up:

Kate Wyatt
Northland Family Help Center
kmwyatt@northlandfamily.org
928-233-4319

County Attorney Ring expressed his gratitude for this work. He is familiar with sex trafficking prosecution, but labor trafficking is something that does not draw the same attention. A trade union approached him at some point because of trafficking in their industry and he was curious about potential future cases. Director Wyatt said she would be happy to connect the County Attorney who have dealt with these cases in youth and adult.

Special Assistant to the County Manager Corey Ringenberg said that the county is working on a specific training for this area down the road.

Supervisor Fowler is happy about the partnership and noted that Los Angeles has been doing great work in this area.

Coordinator Toehe asked if Northland is networking with the neighboring reservation communities. Director Wyatt said yes, trainings are being held and they are working with Terros on tribal lands.

VII. Comments from the Public

An opportunity for public comment was offered.

VIII. Closing

The next meeting of the CJCC will be held, potentially in-person, on **May 10, 2023**.