

***A People's Report on the Pima
County Jail:
Why the Jail is Killing Our Community
and What We Can Do About it***

***No New Jail Coalition
Winter 2023***

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CO-SIGNERS

Thank you to the following organizations that have supported our cause:

- No Jail Deaths
- Death Penalty Alternatives for Arizona
- Community Care Tucson
- Community On Wheels
- Tucson Bail Fund
- Radio Cachimbona
- Sonoran Prevention Works
- Eloy Visitation Accompaniment
- Tucson Tenants Union
- People's Defensive Initiative
- MECHA de University of Arizona
- Cup O' Sugar Community Organization
- Unhoused Neighbors
- Stand Up, Fight Back
- COBA -Coalition of Black Students and Allies at UArizona
- No Mas Muertes
- The Lot on 22nd
- TASC -Tucson Abortion Support Collective

I. INTRODUCTION

A. Those Who Have Died in the Pima County Jail

Sylvestre “Fatty” Miguel Inzunza, 18



Sylvestre, known lovingly to his family as “Fatty,” was a vibrant, outgoing, and driven high school student.¹ Sylvestre was athletic and committed to boxing, a sport he chose after being deemed too short for basketball or football.² Sylvestre is remembered by family as being able to start a conversation with anybody -a true “people’s person” who would “give his last dollar to anyone he saw in need.”³ Sylvestre’s mother remembers her son and “the way he brought joy, making you smile when you were sad.”⁴ Sylvestre would have done anything for his sisters and continually motivated them to “be better than he was, to never quit, to get an education, and be successful”, which is all his family wanted for him as well.⁵

Sylvestre was arrested and booked into PCADC on 27 January 2022 on various charges including aggravated assault and theft of a means of transportation.⁶ Sylvestre was found overdosing in his cell within 24 hours of being booked by a guard, and nine doses of naloxone were reportedly given by PCADC staff before Sylvestre gained consciousness.⁷ Sylvestre was then transported to the hospital where correctional officers found that he had more deadly fentanyl pills on him.⁸ After being stabilized for only a single day in the hospital, Sylvestre spent only two more days in the PCADC infirmary before being returned to a jail cell without a roommate or adequate supervision by staff considering his high-risk status.⁹ While Sylvestre was alone in his cell, likely taking another dose of fentanyl, jail staff were responding to an inmate in another cell who had overdosed.¹⁰ Shockingly, it did not occur to corrections officers to check nearby cells in the detox unit to ensure others did not also have access to fentanyl.¹¹ Sylvestre died of an overdose the morning of 2 February 2022, his second in only several days in PCADC.¹² Sylvestre was never treated with the care or concern that his mental health condition required, a duty entrusted to PCADC when he was taken into custody.

¹Vandell, P. (2022, November 12). “He didn’t deserve to die”: *Family sues Pima County after late teen overdoses twice on Fentanyl within week in jail*. Arizona Republic.

²Vandell, 2022.

³ Vandell, 2022.

⁴Ludden, N. (2022, November 11). *Family of man who died at Pima County jail files federal lawsuit*. Arizona Daily Star. https://tucson.com/news/local/family-of-man-who-died-at-pima-county-jail-files-federal-lawsuit/article_10857ebe-61ff-11ed-9e6c-3bb390b27f66.html

⁵ *Obituary for Sylvestre Miguel Inzunza IV at Carrillo’s Tucson Mortuary, Inc.* (n.d.). Carrillo’s Tucson Mortuary, Inc. Retrieved September 15, 2023, from <https://www.carrillostucsonmortuary.com/obituary/sylvestre-inzunza-iv>

⁶ Vandell, 2022.

⁷ Vandell, 2022.

⁸ Vandell, 2022.

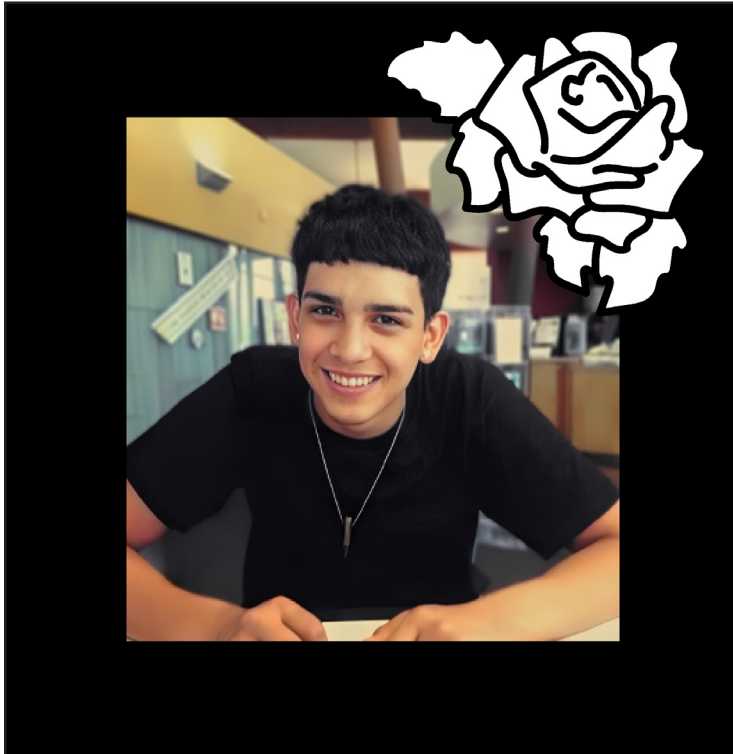
⁹ Vandell, 2022; Ludden 2022.

¹⁰ Ludden, 2022.

¹¹ Ludden, 2022.

¹² Washington, 2023a.

Jacob Miranda, 22



Jacob met the love of his life, Julissa, in kindergarten and told her then that they were going to be together.¹³ Jacob did not have the easiest life, starting when he and his siblings were removed from their parents by the Department of Child Safety when he was very young.¹⁴ As a result, he built a family with Julissa, her mom and aunt, his younger siblings and eventually his daughters.¹⁵ Jacob was thrilled when he and Julissa had their daughters Lenay and Nyla, and strived to give them everything he did not have growing up.¹⁶ Jacob also made sure his younger siblings were taken care of and served in more of a father and caretaker role than that of a brother.¹⁷ Jacob's family describes him as the

¹³ Madero-Piña, S. (2023, September 5). *Remembering Jacob Miranda* (M. Braun Yoon, Interviewer) [Personal communication].

¹⁴ Madero-Piña, 2023.

¹⁵ Madero-Piña, 2023.

¹⁶ Madero-Piña, 2023.

¹⁷ Madero-Piña, 2023.

¹⁸ Madero-Piña, 2023.

most loving person ever, an incredible father, outgoing and free-spirited.¹⁸ Jacob wanted to make better choices for himself and his family, regularly asking “please don’t give up on me.”¹⁹

Jacob died in October of 2021 after being incarcerated in PCADC for 10 months.²⁰ Jacob was booked on armed robbery charges and was awaiting trial.²¹ Jacob’s family stated that due to Jacob’s history of substance use, they chose not to bail him out of jail as they felt “at least in there he would be safe.”²² Jacob had been clean for 10 months and

¹⁹ Madero-Piña, 2023.

²⁰ The Associated Press. (2021, October 14). 22-year-old inmate at Pima County jail found dead in cell. *Associated Press*. <https://www.azcentral.com/story/news/local/arizona/2021/10/14/22-year-old-inmate-pima-county-jail-found-dead-ce-11/8457578002/>

²¹ AP, 2021.

²² Madero-Piña, 2023.

²³ Madero-Piña, 2023.

²⁴ Waddell, E. N., Baker, R., Hartung, D. M., Hildebran, C. J., Nguyen, T., Collins, D. M., Larsen, J. E., Stack, E., & ROAR Protocol Development Team. (2020). Reducing overdose after release from incarceration (ROAR): Study protocol for an intervention to reduce risk of fatal and non-fatal opioid overdose among women after release from prison. *Health & Justice*, 8(1), 18. <https://doi.org/10.1186/s40352-020-00113-7>

²⁵ AP, 2021.

²⁶ AP, 2021.

Cruz Junior Patiño III, 22



Cruz, known as Cee Jay by his loved ones, was caring, loving and more than anything, protective of his loved ones.²⁷ Cruz was a beloved son, brother and uncle.²⁸ In high school, Cruz was heavily engaged in sports and had joined the Reserve Officers Training Corps.²⁹ He had goals of enlisting in the Air Force to serve and protect his community.³⁰ Pictures of Cruz show his love of family and friends, vivacious spirit, captivating smile and that he was an avid Raiders fan.³¹

²⁷ Fatica, R. (2021a, October 15). *'It was a nightmare': Pima County Jail Deaths Reach Decade High*. Perilous. <https://perilouschronicle.com/2021/10/15/it-was-a-nightmare-pima-county-jail-deaths-reach-decade-high/>

²⁸ Fatica, 2021a.

²⁹ *Memorial- Cruz Junior Patiño III*. (2022, September 4). NO JAIL DEATHS. <https://nojaildeaths.com/memorial/> 30 *Memorial- Cruz Junior Patiño III*, 2022.

³¹ Chapels, M. F. (2021, August 3). *Cruz Junior Patino III obituary 2021*. Martinez Funeral Chapels. <https://www.martinezfuneralchapel.com/obituaries/cruz-patino-iii>

Cruz was arrested and booked into PCADC in July of 2021 after being arrested for several outstanding misdemeanor warrants.³² According to Cruz's family, after an accident in high school, Cruz became addicted to pain pills, struggling with chronic pain for the rest of his life.³³ When Cruz was booked he was placed on a detox protocol, however, nothing was recorded about Cruz presenting with any other illness or symptoms.³⁴ Within days, Cruz was rushed to the hospital after being found unresponsive in his cell where he died an hour later.³⁵ His cause of death was determined to be necrotic pneumonia, a rare complication of bacterial pneumonia.³⁶ The night before his death, Cruz was found unresponsive in his cell, and taken to the medical unit in a wheelchair, where a nurse determined he was responsive and oriented before returning him to his cell.³⁷ According to his family, Cruz was not sick on the day of his arrest.³⁸

³² Fatica, 2021a.

³³ Fatica, 2021a.

³⁴ Fatica, 2021a.

³⁵ Ingram, P. (2022, February 14). *Dozens protest at Pima County Jail over deaths of inmates*. TucsonSentinel.Com. https://www.tucsonsentinel.com/local/report/021422_pima_jail_protest/dozens-protest-pima-county-jail-over-deaths-inmates/

³⁶ Ingram, 2022.

³⁷ Fatica, 2021a.

³⁸ Fatica, 2021a.

Wade William Welch, 37



According to his family, Wade was loved by many and showed consistent deep commitment to his family.³⁹ Wade loved his son, fishing and growing strawberries and watermelon in his mother's yard.⁴⁰ Even months after his death, Wade's best friend and sister Melissa stated that random strangers were sharing how much they loved Wade with her, citing being stopped in stores multiple times.⁴¹ Photos of Wade show joy and an infectious smile.

³⁹ Washington, J. (2022a, November 28). 'Unconstitutional hole': How Pima County jail deaths — one recently ruled a homicide — are part of a grim pattern. *AZ Luminaria*. <https://azluminaria.org/2022/11/28/how-pima-county-jail-deaths-are-part-of-a-grim-pattern/>

⁴⁰ Washington, 2022a.

⁴¹ Washington, 2022a.

⁴² Gomez, G. R. (2022, August 17). *Man incarcerated at Pima County Adult Detention Complex in Tucson dies*. Arizona Republic. <https://www.azcentral.com/story/news/local/arizona-breaking/2022/08/17/wade-welch-dies-custody-pima-county-adult-detention-center/10349909002/>

⁴³ Washington, 2022a; Pima County Sheriff's Department. (2022). General Policies, Procedures, and Regulations. In PIMA COUNTY SHERIFF'S DEPARTMENT GENERAL ORDER 2022-036 . https://pimasheriff.org/application/files/1816/9153/2254/Chapter_4_080823_Redacted.pdf; Pima County Sheriff's Department. (2022a). Major Policies. In *PIMA COUNTY SHERIFF'S DEPARTMENT GENERAL ORDER 2022-042*. https://pimasheriff.org/application/files/7916/5895/3256/Chapter_3-_Major_Policies.pdf

Wade was arrested and booked into PCADC on 15 August 2022.⁴² One day later he was killed by correctional officers after they used force against Wade that violated PCADC's protocols.⁴³ Prior to his arrest for alleged domestic-violence related charges, Wade's family reported that he was "hearing voices and becoming increasingly paranoid" for months and "needed help."⁴⁴ While Wade was being transported from one cell to another within the facility, officers determined that he was resisting them and used deadly force to subdue him.⁴⁵ Wade was tased and then tackled by multiple corrections officers, who continued to tase Wade once he was restrained.⁴⁶ Wade can be heard in publicly released body-cam footage saying "Why are you guys doing this to me?", "I need to go to the hospital. I can't breathe. Help!" and "Help me! Help me! Please, I have a heart condition!"⁴⁷ Guards continued to swarm and use tasers on Wade even after he was handcuffed, placed in a spit hood, and in a restraint chair.⁴⁸ When Wade lost consciousness, a corrections officer could be heard saying "he's faking his ass off" while others searched for a pulse or became concerned with removing taser darts from Wade's limp body.⁴⁹ Minutes later, CPR was administered but Wade was soon pronounced dead.⁵⁰ The Pima County Medical Examiner determined Wade's cause of death as homicide, however, no one has been charged with his death and a thorough investigation has not been completed by the county.⁵¹

⁴⁴ Washington, 2022a.

⁴⁵ Washington, 2022a.

⁴⁶ QQQ, C. B. (2022). Body cam death of inmate Wade Welch at Pima Detention Center [Video]. In *YouTube*. <https://www.youtube.com/watch?v=5XZB-Wpe0V0>

⁴⁷ QQQ, 2022.

⁴⁸ QQQ, 2022.

⁴⁹ QQQ, 2022.

⁵⁰ QQQ, 2022.

⁵¹ Washington, 2022a.

Richard D. Piña, 51



Richard was a beloved father, grandfather, husband and friend.⁵² Richard is remembered as outgoing, lovable, full of life, and high-spirited.⁵³ When asked about him, his wife still exclaims “Oh, my sweet Richard!” before continuing to tell story after story about the love of her life.⁵⁴ Richard’s wife and life partner of 23 years has so much joy in her voice when she speaks of his love of lowriders, when he proposed to her on the Art Laboe radio show in 1999 and the times they spent as a family surrounded by many children, nieces, nephews, and grandchildren.⁵⁵ Richard was known for being meticulously dressed and stopping to wipe down his white wall tires every few blocks when going for a cruise.⁵⁶ He always made his family and friends laugh and was known for being the life of any party he was at.⁵⁷

⁵² Madero-Piña, S. (2023a, September 5). Remembering Richard D. Piña (M. Braun Yoon, Interviewer) [Personal communication]; Memorial- Richard D. Piña. (2022, September 4). NO JAIL DEATHS. <https://nojaildeaths.com/memorial/>

⁵³ Madero-Piña, 2023a.

⁵⁴ Madero-Piña, 2023a.

⁵⁵ Madero-Piña, 2023a.

⁵⁶ Madero-Piña, 2023a.

⁵⁷ Madero-Piña, 2023a.

Richard was in jail awaiting sentencing for petty theft after accepting a plea for probation with time served.⁵⁸ While in PCADC, Richard began feeling ill and requested to be seen by medical staff.⁵⁹ Reportedly, several corrections officers told Richard he was looking unwell and asked him if he had requested medical services, offering to help expedite his visit if needed.⁶⁰ Three weeks later, still without having received any medical help, Richard was found unconscious in his cell and taken to the hospital.⁶¹ Richard's family was not notified until days later after he had already been declared brain dead.⁶² Richard's family went to see him in the hospital where he was handcuffed and bound to the hospital bed under the watch of multiple guards despite being completely unresponsive.⁶³ These are his family's last memories of him.⁶⁴

⁵⁸ Madero-Piña, 2023a.

⁵⁹ Madero-Piña, 2023a.

⁶⁰ Madero-Piña, 2023a.

⁶¹ Madero-Piña, 2023a.

⁶² Madero-Piña, 2023a.

⁶³ Madero-Piña, 2023a.

⁶⁴ Madero-Piña, 2023a.

Justin Crook, 29



Justin's twin sister recalls her brother by sharing "I personally think he was too good for this Earth... I feel like God took him because he was way too good to walk this Earth."⁶⁵ Justin was a loving father, brother, son and friend.⁶⁶ Justin was diagnosed with several serious mental health issues in early adolescence in addition to epilepsy, but that never hindered his creativity, passion or ambition.⁶⁷ No matter what, Justin's family and friends said he never stopped reading and rapping, he could be found regularly with his head buried deep in a book when he wasn't writing lyrics.⁶⁸ Justin was a local musician loved by many, who had been working tirelessly to support his daughter.⁶⁹ The night he died, Justin messaged his mom to say he was having a hard day, to which she responded

⁶⁵ Fatica, R. (2021b, December 24). *The Death of Justin Crook, aka J-Mac Tha Coldest, in the Pima County Jail*. UNICORN RIOT. <https://unicornriot.ninja/2021/the-death-of-justin-crook-aka-j-mac-tha-coldest-in-the-pima-county-jail/>

⁶⁶ Chapels, M. F. (2021a, May 31). Justin Crook obituary 2021. *Martinez Funeral Chapels*. <http://martinezfuneralchapels.com/obituaries/justin-crook>

⁶⁷ Fatica, 2021b.

⁶⁸ Fatica, 2021b.

⁶⁹ Fatica, 2021b.

“[S]on, tomorrow could also be a better day...”⁷⁰ This was the last thing she ever said to her son.⁷¹

The morning before his death, Justin called a ride-share to travel home from work.⁷² During the ride, Justin had a seizure leading his driver to call 911.⁷³ Family members report that following seizures, Justin would be disoriented and upset, a common post-seizure presentation.⁷⁴ Tucson Police Department (TPD) responded, and after finding Justin had warrants for a probation violation and several misdemeanors, arrested him.⁷⁵ Police used a full-body restraint system, known to be deadly, to transport Justin to PCADC.⁷⁶ Justin was booked into PCADC, where upon arrival he had a black eye, was severely bruised, bleeding from his face and wrists, was covered in abrasions and was possibly tased twice prior to arrival.⁷⁷ Less than 24 hours later, Justin was found dead in his cell, his body already in rigor mortis, despite corrections officers reporting rounds conducted every 20 minutes.⁷⁸ While Justin’s cause of death is listed as an overdose caused by methamphetamine, Justin was in the facility for over 30 hours at the time of his death, and there is footage showing him calm and alert while in the jail, contraindicating a methamphetamine overdose.⁷⁹ The autopsy report shows multiple “blunt force injuries” supporting Justin’s assertion that he was assaulted by TPD.⁸⁰

⁷⁰ Fatica, 2021b.

⁷¹ Fatica, 2021b.

⁷² Fatica, 2021b.

⁷³ Fatica, 2021b.

⁷⁴ Fatica, 2021b; Ito, M., Okazaki, M., Takahashi, S., Muramatsu, R., Kato, M., & Onuma, T. (2007). Subacute postictal aggression in patients with epilepsy. *Epilepsy & Behavior*, 10(4), 611–614. <https://doi.org/10.1016/j.yebeh.2007.02.016>.

⁷⁵ Fatica, 2021b.

⁷⁶ Fatica, 2021b; Albaladejo, A. (2022, February 3). Safety claims for body restraint used by US authorities based on disputed study. *The Guardian*. <https://www.theguardian.com/us-news/2022/feb/03/us-full-body-restraint-wrap-disputed-study-investigation>.

⁷⁷ Fatica, 2021b.

⁷⁸ Fatica, 2021b.

⁷⁹ Fatica, 2021b.

⁸⁰ Fatica, 2021b.

Far too many lives have been lost at PCADC, each with a life and story as complex and important as those explored above. The following list is far from comprehensive but is meant to hold space for those who died as a result of being incarcerated. It is important to acknowledge that the Pima County Medical Examiner's office did not start a detailed tracking system for justice system-related deaths until 2022, and that this list represents a current snapshot.⁸¹

2023

Jennifer Valenzuela, 24
Louis Williams, 38
Jose Flores, 61
Yunan Tutu, 26
Joseph Zarate, 29
Caleb Kenowski, 22
Unknown, 42
Unknown, 40
Unknown, 33
Unknown, 27
Unknown, 38
Unknown, 40
Aaron Moore, 36

2022

Robert Tsalabounis, 38
Amin Shaheed Muhammad Ali, 40
Hugh (Tobie) Gillespie Burford, 50
Benjamin Willhite, 41
Terrance Salazar, 30
Wade William Welch, 37
Jonathan Leary, 33
Alejandro "Alex" Romo, 42
Sylvestre "Fatty" Miguel Inzunza IV, 18
Pedro Xavier Martinez Palacios, 24
Unknown, 21
Unknown, 33
Unknown, 28
Unknown, 41
Unknown, 41
Unknown, 39
Unknown, 24
Unknown, 67
Unknown, 55

2021

Cruz Junior Patiño III, 22
William Omegar, 37
Jacob Miranda, 22
Sandra Judson, 71
Zachariah Farrington, 42
Weldon Ellis, 55

2021 cont.

Jack Dixon, 29
Justin Crook, 29
Norberto Medican Beltran, 47
Jesus Aguilar Figueroa, 70

2020

Erik Cruz, 40
Derek Razo, 45
Ricardo Pasqual, 76
Hector Medrano, 27
Evan Hizer, 38
Ricardo Duran, 32
Daniel Sellers
Gregory Noriega, 58
Todd Ash, 50

2019

Francisco Ruiz, 39
David Maxwell, 53

2018

Adam Godoy
Richard D. Piña, 51

2017

Branden Geoffrey Roth, 24

2016

Danny Lee Redmon

2015

Todd Allen Murray, 54

2014

Brandon Binion, 26

2010

Paul Anthony Castedeoro, 31

2002

Eugenio Fraijo, 35

⁸¹ PCOME, 2023.

B. No New Jail Coalition

The Pima County Jail sprawls on the outskirts of Downtown Tucson, tucked away along the scrubby, rocky end of Silverlake Road. It's silent, outwardly undisturbed—a facade that melts easily into the low hills that roll into the distance. The building is made to be forgotten, to subsume its inhabitants into a convenient public ignorance of their situation.

We cannot forget. For those of us who have been inside, for those with family, friends, loved ones, colleagues in the jail, it looms at the edges of every day, an open wound. Many of us, whether we realize it or not, know someone who has spent time in the jail. People who have been criminalized for mental illness, addiction, for not having a house, for falling behind, are indiscriminately swept into the jail to await trial, which will likely result in further incarceration, fines, fees and state supervision.

The Pima County Jail, a stop along the continuum of the criminal system, is one of the deadliest in the country. Gross abuses of people in its custody, medical neglect, overcrowding, ill-equipped and apathetic staff and a general disinterest in the dignity of the lives in its care have resulted in the jail killing at least 33 people since 2022. Seemingly weekly, the number climbs. Over the County's attempts to undercount the number of people it has killed in its custody by quickly removing dying people from the jail to the emergency room, a recent investigation has revealed that the number of custodial deaths were nearly double what the County reported in 2022 and 2023.⁸²

These deaths have torn a hole through our community and echo through families and friends, through every missed milestone, through every moment when a person should be here and is not. We are writing this report because, when confronted with the shameful reality of the jail that Pima County has failed time and time again to address, the County has proposed the construction of additional carceral space. Despite its inability to keep those in its custody safe and its determination to needlessly lock an increasing

⁸² "Recent Jail Related Deaths are More Than Twice as High as Reported According to Medical Examiner," John Washington, Arizona Luminaria, May 2023, <https://azluminaria.org/2023/05/19/recent-jail-related-deaths-are-more-than-twice-as-high-as-reported-according-to-medical-examiner/>.

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number of community members away, the County is asking taxpayers to fund an entirely new building to house an increasing jail population pursuant to their projection to the year 2044.

Every life lost in the Pima County Jail is an irreparable tragedy. The conditions that led to these deaths are not remedied by the funding and construction of more carceral space. They are remedied by removing people from the carceral system and diverting them to needed services--services which lose out on funding continually to police and jails and prisons. The jail is extrajudicially killing our community. Building a new, bigger jail means we're either lying to ourselves about this reality, or we don't care.

The Pima County Jail continues to house and to kill our community members because of decisions that a specific group of people are actively making to maintain the status quo. Despite their talk of reform, and despite a multi-million dollar grant from the MacArthur Foundation to fund decarceration initiatives, City and County leaders have repeatedly failed to implement life-saving measures to immediately reduce the population of the jail. Pima County has the opportunity to be at the forefront of the national effort to implement alternatives to the harm of incarceration, but that will only happen if the people of Pima County demand it and directly involve ourselves in creating alternatives.

The County's response to the crisis of the jail was forming a "Blue Ribbon Commission" to make recommendations about a new jail. When community members disrupted a Blue Ribbon Commission meeting, commission members fled, leaving behind an empty room with tables, beverages and granola bars. Those present used the space provided to form a People's Commission and shared experiences of incarceration, violent policing, and hopes for a different future.

C. Report Limitations and Future Additions

It is important to note that this report is only the beginning. As a single document created by a group of volunteers, it necessarily has limitations. In the future, we hope to create documentation that includes first-hand accounts of life inside the Pima County Jail by those who have lived and suffered behind its walls, as well as political analysis, needs, and ideas for alternatives for incarceration directly reported from those individuals. We regret that the current report lacks these accounts.

Further, one of the major drivers of the County's soaring jail population is the city and county judges who sit comfortably on high and order our community members to a jail they know is killing people. In the future, we hope to produce additional documentation on judges and their role in what we believe is a form of state-sanctioned, extra-legal (but not extra-judicial) execution.

Despite the many recommendations shared throughout this report, we continue to assert one core demand. There is one way to stop jail deaths in our community: remove our community members from the Pima County Jail.

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Louis was a warm-hearted man. He would do anything for anyone. He would give his last dollar to someone who was hungry instead of feeding himself. He was the father of 9 children, ages 4-19. His unexpected passing left his children at a loss and with many questions as to how and why their father was torn from them. Here in this picture, he is holding his youngest daughter who is now 4 years old. Every day she asks "when is her daddy going to come play with her?" We are so heartbroken that something like this could happen.

Family of Louis Williams, 38



D. Background

PCADC is the largest and most populated jail facility in Pima County, with a total of 2,030 beds and an average daily population of 1,812 in 2023.⁸³ PCADC consists of three large buildings, each built to address a growing number of incarcerated people and the need to segregate different groups of incarcerated people according to federal regulations.⁸⁴

In 1981, the Arizona State Justice Planning Agency (ASJPA) created a series of reports to address many problems related to the criminal justice system including overcrowding within many of the state’s county jails.⁸⁵ At the time, Maricopa and Pima counties had the most overcrowded facilities in the state, jeopardizing the safety of incarcerated people and staff, as well as leading to a series of lawsuits against the facilities alleging maltreatment, neglect, and abuse.⁸⁶ In addition to overcrowding, increasing numbers of attempted and completed suicides inside the jail, “poor staff training,” and outdated and underregulated facilities led to proposals to reform the system.⁸⁷

A major component of these reforms included the proposal of building new modern and expanded facilities utilizing the innovative “direct supervision model.”⁸⁸ Pima County passed a \$25 million bond issue to construct a new jail to adapt to growing safety concerns, an increasing jail population, and changes in federal regulation of corrections facilities.⁸⁹

⁸³ Pima County Sheriff Department. (2023). *Pima County Adult Detention Complex: Historic and Projected Inmate Populations*; Nanos, C. (2023). *Pima County Adult Detention Complex Overview and Operational Requirements*.

⁸⁴ American Correctional Association. (2010, June). *Classification and Separation*. CORE JAIL STANDARDS. <https://content.civicplus.com/api/assets/cb74e24e-bbd2-4ffd-b5d6-81a06d2d6133>

⁸⁵ Arizona State Justice Planning Agency. (1981). Arizona criminal justice improvements plan, 1981 Volume 1. In *Arizona Memory Project* (pp. 56-57; 81). <https://azmemory.azlibrary.gov/nodes/view/164367?keywords=pima%20country%20jail%20construction&type=all &highlights=Wy-JwaW1hliwiY29uc3RydWN0aW9uIiwiamFpbCJd&lsk=749a2ded5c800fccc0a9e58f7bd58261>

⁸⁶ Department of Public Safety, Statistics Analysis Center. (1982). Jails in Arizona. In *Arizona Memory Project* (pp. 142–143). <https://azmemory.azlibrary.gov/nodes/view/108664?keywords=pima%20country%20jail&type=all&highlights=eyIwIjoiamFpbCIsIjEiOiJwaW1hliwiMy16ImNvdW50cnkifQ==&lsk=8f802fafecd837d9ded30b6be8c6dfcd>

⁸⁷ Arizona State Justice Planning Agency, 1981 p. 124, 150, Executive Summary.

⁸⁸ Arizona State Justice Planning Agency, 1981 p. 81; Washington, J. (2023b, April 14). Pima County considers building a new jail as the 1980s-era facility crumbles and bookings increase. *AZ Luminaria*. <https://azluminaria.org/2023/04/14/pima-county-considers-building-a-new-jail-as-the-1980s-era-facility-crumbles-an-d-bookings-increase/>

⁸⁹ Arizona State Justice Planning Agency, 1981 p. 56.

⁹⁰ Arizona State Justice Planning Agency, 1981 p. 56; Nanos, 2023 p. 11.

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In 1984, construction of the Main Tower of PCADC was completed, increasing the total number of beds available by almost 150%.⁹⁰ In addition, the direct supervision model utilized to build PCADC's Main Tower was expected to increase the safety of staff and incarcerated people, reduce suicides, and change the overall philosophy, culture, and management style of the jail.⁹¹ However, the completed construction of the West Tower in 1988 and East Tower in 2004, while adding additional beds, kitchens, and medical facilities needed to address overcrowding, prevented continued implementation of the direct supervision model which was supposed to solve many of the problems related to ever-present poor conditions for incarcerated people at PCADC.⁹²

⁹¹ American Jail Association. (2016). Principles and Dynamics of Direct Supervision (pp. 9–15). <https://content.civicplus.com/api/assets/fb253ae-667d-4e14-b59a-3e978408df74>

⁹² Nanos, 2023 p. 11; Washington, 2023b.

E. Current Issues

Currently, incarcerated people at PCADC are living in deplorable conditions which include an in-custody death rate over 4 times the national average, reported overcrowding in various populations of the jail, rampant illicit drug use and overdose rates without access to safe use supplies, low staff recruiting and retention resulting in regular lockdowns, poor maintenance of the facilities, horrendously inadequate medical and mental health care, and poor budgeting resulting in food and medical supply insecurity.⁹³

According to a report published by the US Department of Justice in 2021, between 2000 and 2019 an average of 81% of jail jurisdictions reported no deaths within a given year, while an average of 13% reported one death and an average of 6% reported two or more.⁹⁵ In 2019, the state of Arizona reported a mortality rate of 196 per 100,000 local jail inmates, 17% higher than the national rate of 167 per 100,000 local jail inmates.⁹⁶ However, by the same methods, PCADC had a mortality rate of almost 619 per 100,000 inmates in 2019 which rose to 667 per 100,000 in 2022.⁹⁷

When asked why PCADC's inmate mortality rate is almost 4 times the national average, Pima County Sheriff Chris Nanos has wavered between claiming adamantly that it is not and stating "what nobody seems to understand is that you could go back 20 years, 30 years, 40 years, and the average number of deaths in that jail is eight per year... so, in two years, can I have 17?"⁹⁸ A Reuters report published in 2020 showed that the average number of deaths in Pima County jail was 3.2 per year between 2009 and 2019, with zero deaths reported each year from 2010-2012 and 2018 as the only year with 8 deaths reported.⁹⁹

⁹³ Fatica, 2021a; Fatica, 2021b; Gomez, 2022; Ingram, 2022; Khmara, 2018; Ludden, 2022; Murillo, 2023; Nanos, 2023; PCOME, 2023; PCSD, 2023a; PCSD, 2023b; Press, 2022; QQQ, 2022; Robbins, 2023; Smith, 2023; AP, 2021; Vandell, 2022; Vera, 2022; Vera, 2023; Washington, 2022a; Washington, J. (2022b, December 22). Pima County approves raise for guards at deadly jail. *AZ Luminaria*. <https://azluminaria.org/2022/12/21/pima-county-approves-raise-for-guards-at-deadly-jail/>; Washington, 2023a; Washington, 2023b; Washington, J. (2023c, May 20). Recent Pima County jail-related deaths are more than twice as high as reported according to medical examiner. *AZ Luminaria*. <https://azluminaria.org/2023/05/19/recent-pima-county-jail-related-deaths-are-more-than-twice-as-high-as-reported/>; Washington, J. (2023d, August 9). Pima County has docked NaphCare \$3.1 million for jail medical care deficiencies. *AZ Luminaria*. <https://azluminaria.org/2023/08/09/jail-deaths-pima-county-docking-naphcare/>

⁹⁵ Carson, E. A. (2021, December). *Mortality in local jails, 2000–2019 – statistical tables*. U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Statistics.

<https://bjs.ojp.gov/content/pub/pdf/mlj0019st.pdf>

⁹⁶ Carson, 2021, p. 26, Table 20.

⁹⁷ Washington, 2022a; Washington, 2023c; Carson, 2021, pp. 32-37.

⁹⁸ Washington, 2023d.

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In addition to the astronomically high death rate, allegations of staff abuse and neglect are rampant within PCADC.¹⁰⁰ In 2022, a publicly released video documented guards' horrific and deadly use of force against Wade Welch despite his pleas to spare his life.¹⁰¹ Justin Crook was in PCADC a year before his death on a separate charge when he was brutally assaulted by guards after being provoked.¹⁰² A recording of the 2020 assault of Justin Crook was released publicly.¹⁰³ While the actual assault of Crook takes place just off camera, guards can be seen rushing Crook into his cell while others stand by, watching for a prolonged period of time.¹⁰⁴ Countless more have been assaulted and killed by guards, including the murders of Francisco Ruiz and David Maxwell in 2019.¹⁰⁵

Chris Nanos has stated multiple times that PCADC is not equipped to handle the “increasingly” medically fragile jail population, citing additionally that mental illness and substance use disorders should not be handled in the jail.¹⁰⁶ Medical neglect is illustrated by the deaths of Richard Piña, Evan Hizer, Erik Cruz, Cruz Junior Patiño III, Norberto Medican Beltran, Jesus Aguilar Figueroa, and Joseph Zarate, among others.¹⁰⁷ It is important to acknowledge that medical neglect resulting in death has to be reported, however medical neglect in the jail that does not result in death is nearly invisible to the public. Neglect and inability to care for mental health disorders have led to rampantly increasing suicides and overdose-related deaths at PCADC, although drawing a line between the two causes of death can be difficult to impossible. In 2022, 80% of custody-related deaths at PCADC were related to neglected mental health, including overdoses, completed suicides and other deaths caused by neglected mental health.¹⁰⁸

⁹⁹ Smith, G., Eisler, P., So, L., Parker, N., Heath, B., & Szep, J. (2020). *Dying Inside: The data behind jail deaths in America, focus on Arizona* (p. 6). Reuters.

<https://graphics.thomsonreuters.com/data/jails/Arizona.pdf#page=6>

¹⁰⁰ Fatica, 2021a; Fatica, 2021b; Gomez, 2022; Ingram, 2022; Khmara, 2018; Ludden, 2022; Murillo, 2023; Nanos, 2023; PCOME, 2023; PCSD, 2023a; PCSD, 2023b; Press, 2022; QQQ, 2022; Robbins, 2023; Smith, 2023; AP, 2021; Vandell, 2022; Vera, 2022; Vera, 2023; Washington, 2022a; Washington, 2022b; Washington, 2023a; Washington, 2023b; Washington, 2023c; Washington, 2023d.

¹⁰¹ QQQ, 2022.

¹⁰² Fatica, 2021a.

¹⁰³ Unicorn Riot. (2021). Justin Crook punches guard: Pima County jail footage and audio interview [Video]. In *Vimeo*.

<https://vimeo.com/658911301>.

¹⁰⁴ Unicorn Riot, 2021.

¹⁰⁵ Rainey, L. (2020, September 30). *For Immediate Release*. Tucson Bail Fund. <https://tucsonbailfund.org/for-immediate-release/>

¹⁰⁶ Cree, H. (2023, September 7). *Pima County jail transition center opens*. AZPM.

<https://news.azpm.org/s/97279-pima-county-jail-transition-center-opens/>; Larned, S. (2023, March 23). Judge says Arizona's prisons need better medical and mental health care. Now. *AZ Luminaria*.

<https://azluminaria.org/2023/03/23/judge-says-arizonas-prisons-need-better-medical-and-mental-health-care-now/>; Marries, D. (2016,

March 31). Inmates with mental health issues inundate Pima County Jail. *KOLD*.

<https://www.kold.com/story/31605461/inmates-with-mental-health-issues-inundate-pima-county-jail/>; Shearer, D. (2020, July 5).

From the Editor: Democratic Sheriff candidates: Nanos: I'm not done serving Pima County. Green Valley News & Sahuarita Sun.

https://www.gvnews.com/opinion/editorials/from-the-editor-democratic-sheriff-candidates-nanos-i-m-not-done-serving-pima-county/article_f179dd78-bd71-11ea-8338-27ed753a73f2.html; Fatica, 2021; Washington, 2023c.

¹⁰⁷ PCOME, 2023; Madero-Piña, 2023b; Washington, 2023c; Ingram, 2021; Fatica, 2021a; Arey, M. (2020, August 8). Inmate dies after medical emergency at Pima County Adult Detention Complex. *KGUN 9 Tucson News*.

<https://www.kgun9.com/news/local-news/inmate-dies-after-medical-emergency-at-pima-county-adult-detention-com-plex>.

Caleb Kenowski died in PCADC in May of 2023. His family spent months extensively looking for him. They posted tirelessly online, and attempted to file a missing person's report but were told they couldn't due to Caleb being an adult. His family reported him missing to TPD, the Pima County Sheriff's Department and hospitals throughout Pima County. Caleb's family was notified of his death by a reporter early on 8 August 2023, after the reporter learned Caleb's identity and was able to locate his family in "less than a minute of online research." By the time Caleb's family contacted the county, Caleb's body had already been cremated.



F. Sheriff's Diagnosis and Proposed "Solutions"

The Sheriff's Department has explained shortcomings at PCADC in several ways, however, most offer a new, larger and more modern facility as the ultimate solution.¹⁰⁹ First, the Sheriff's Department insisted low pay and poor working conditions were responsible for the abuse and neglect within the jail. Nanos began asking the Board of Supervisors (BOS) for pay increases for his staff in June of 2021 after pay increases were approved for City of Tucson staff, claiming "potential" for staffing shortages if the funding wasn't approved.¹¹⁰ One year later, staffing shortages were reported to be so dire at PCADC that Nanos claimed the only possible remedy was significant raises for staff as a short-term answer and a new facility as a long-term solution.¹¹¹

In December of 2022, staffing issues were addressed with a 7.5% pay increase approved by BOS to be implemented the next month.¹¹² The \$11 million expenditure put Pima County corrections officers among the highest paid in the state, raising both the annual salary in addition to creating hiring bonuses and \$10,000 retention bonuses.¹¹³ So far this fiscal year, a short 7 months after the raise and staffing expense approval was implemented, the Pima County Sheriff's Department is already over budget by \$4.8 million for "personnel, supplies, and services."¹¹⁴ This includes going \$400,000 over the budget just to afford food for incarcerated people.¹¹⁵ Last year, Nanos was over budget by \$3 million which he claimed was due to the County's failure to properly address inflation.¹¹⁶

Regarding the substantial increase in the Sheriff's Department budget, Nanos referred to the approval as a band-aid, adamant that a long-term resolution requires a

¹⁰⁹ Nanos, 2023 p. 17; Leshar, 2022a; Leshar, 2022b; PCSD, 2023c.

¹¹⁰ Nanos, C. (2021). *June 18, 2021 Memorandum from Sheriff Nanos regarding deputy sheriff increases.*

¹¹¹ Kilty, B. L. (2022, September 20). *Pima County OKs raises, retention payments for jail guards.* Tucson Sentinel. https://www.tucsonsentinel.com/local/report/122022_pima_jail_funding/pima-county-oks-raises-retention-payments-jail-guards/; Leshar, J. (2022a). *Request for 7.5 Percent Increase for Corrections Officer and Corrections Sergeants Positions.*

¹¹² Pima County Board of Supervisors. (2022). *Meeting Summary Report.* p. 4.

¹¹³ KOLD 13 News. (2022, December 20). *Pima County raises pay for corrections officers.* KOLD. <https://www.kold.com/2022/12/20/pima-county-raises-pay-corrections-officers/>; Washington, 2022b.

¹¹⁴ Leshar, J. (2023, July 5). *Sheriff's Department – Over Budget for Fiscal Year 2022/23 Update.* <https://content.civicplus.com/api/assets/517227d1-4852-4622-acab-82094ee7c1b4?cache=1800>.

¹¹⁵ Leshar, 2023.

¹¹⁶ Foster, B. (2023, August 22). *Progress is hard to come by as sheriff and supervisors spar about law enforcement budget.* KOLD. <https://www.kold.com/2023/08/22/progress-is-hard-come-by-sheriff-supervisors-spar-about-law-enforcement-budget/>.

¹¹⁷ Leshar, 2022a.

new jail facility that would cost up to \$380 million.¹¹⁷ Nanos primarily cites staffing and capacity issues as well as the age and structural integrity of the facility to prove the need for the new facility.¹¹⁸ A new facility will supposedly address capacity and overcrowding, as well as staff retention and recruiting issues, which are reported to be the cause of abuse and neglect of incarcerated people.¹¹⁹

Nanos has repeated many times lack of space and beds, structural issues and the inability to implement the direct supervision model effectively will be solved by a new facility. Further, Nanos specifies the following are daily issues for staff and incarcerated people:

- “A livable 24/7 facility to a population of which are unsettled and can demonstrate destructive behaviors.”¹²⁰
 - There is no clarification as to what this means in any published report. The jail’s inability to properly manage incarcerated people with mental health concerns is regularly cited as an issue, which may be what this statement is referring to. A new facility will most likely not change the destructive behaviors currently being exhibited by people who are incarcerated.
- Limited access to outdoor recreation for people residing in “the Tower.”¹²¹
 - Currently “the Tower” and the medical unit do not have easy access to outdoor recreation.
- “Inadequate Housing: Beds on floors and overcrowding.”¹²²
 - To further explain, the Sheriff’s Department stated: “Facility options and space is not available to properly house the most volatile populations, at-risk, medical observation unit, and observation.”¹²³
 - When referencing many individuals who died in the jail, including Branden Roth, Justin Crook, Jacob Miranda, David Maxwell, Wade Welch and more,

¹¹⁸ Leshner, J. (2022b, December 28). *Preliminary Overview on the December 6th Board Discussion on the County’s Jail Facilities*. <https://content.civicplus.com/api/assets/c2b30bf0-5ffb-47ed-b5d8-af7d095d0191?cache=1800>.

¹¹⁹ Leshner, 2022b.

¹²⁰ Nanos, 2023 p. 17.

¹²¹ Nanos, 2023 p. 17.

¹²² Nanos, 2023 p. 17.

¹²³ Pima County Sheriff’s Department. (2022c). *Pima County Adult Detention Complex Conditions, Operational and Capacity Challenges/Campus Design Inefficiencies* (p. 14).

¹²⁴ Cree, 2023; Larned, 2023; Marries, 2016; Shearer, 2020; Fatica, 2021; Washington, 2023c.

¹²⁵ Arizona State Justice Planning Agency, 1981 p. 81; PCSD, 2022; Washington, 2023b.

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Nanos has claimed these individuals should not have been in the facility due to their mental health status regardless.¹²⁴

- Ineffective facility design.
 - The jail was designed to incorporate the direct supervision model, addressed above.¹²⁵ A current concern being addressed is the need for a direct supervision model, which is not being utilized at this time due to staffing issues.¹²⁶
- Other reported issues include:
 - Inability to access areas that require maintenance;
 - Poor air balancing in various areas;
 - Water leaks with rust and potential mold, including structure deterioration;
 - Water temperature for showers;
 - Clogged drains and toilets;
 - All vents and ductwork have never been cleaned and most are out of reach, requiring a scissor lift;
 - Cleanable sound dampening;
 - Bird infestations;
 - Anti-ligature (tie) furniture;
 - Additional securable access points for maintenance repairs; and
 - Lack of knowledge/documentation of past wiring and electrical project plans.¹²⁷

According to the Sheriff's Department, these problems are beyond repair and require a new facility. Claims have been made that it will not be cost-effective to repair the issues, despite many of them being caused by lack of or ineffective maintenance.¹²⁸ Reducing the jail population significantly as was done in the previous few years would appropriately address overpopulation concerns. The Sheriff's Department regularly cites being near 85% capacity, claiming that despite being under capacity, federal regulations about mixing various populations be separated which is difficult to achieve due to the current layout.¹²⁹

Another argument the Sheriff's Department often uses to justify keeping so many people locked behind bars is that most of the people in the jail are charged with felonies.

¹²⁶ Washington, 2023b.

¹²⁷ Nanos, 2023; PCSD, 2022.

¹²⁸ Nanos, 2023.

¹²⁹ Nanos, 2023.

The implication of this statement is that if a person is charged with a felony, it is necessary to community safety to keep them locked in jail. We disagree. In fact, we believe that keeping keeping our community members locked in a violent, traumatizing, dysfunctional jail makes us less safe. No matter what someone is charged with, holding them in the Pima County Jail is likely to make the problems they are experiencing, and thereby the harm they are likely to cause to others, worse.

To address overcrowding, reducing the population as was done without consequence during COVID, instead of increasing it and building a new facility, would adequately address overcrowding, “beds on the floor,” and concerns about mixing populations that cannot be mixed.¹³⁰

The parallels between the reasoning behind the need for the current facility and the need for a new facility now are remarkable. The direct supervision model has been cited each time, with the explanation being it cannot be effectively implemented in the current facility. Increasing population and increasing mental health needs (specifically the ability to better supervise and prevent suicides) are being used to justify a new facility both times. Poor maintenance and deteriorating facilities have been referenced both times. Numerous lawsuits against the county for abuse and neglect in the jail existed when the need for a new facility was identified both times. Each time a larger, more modern and exponentially more expensive facility is the only solution considered seriously.

¹³⁰ PCSD, 2023c; Nanos, 2023.

II. THE BLUE RIBBON COMMISSION

A. Overview

The Pima County Adult Detention Center Blue Ribbon Commission (“the Commission”) was empanelled in 2022 following a public request by Pima County Sheriff Nanos to levy a half-cent sales tax to fund the construction of a new jail campus.¹³¹ Sheriff Nanos premised the need for a new facility on the “infrastructure and capacity issues” of the current Pima County Jail complex, built in 1984.¹³² The Pima County Administration assembled a Blue Ribbon Commission to evaluate the request, empanelling Daniel Sharp, David Ollanik, Roberto Villasenor, India Davis, Jack O’Brien, Frank Hecht, Wendy Petersen, Paul Wilson, Grady Scott and Chris Sheafe.¹³³ Though members of the Commission have expressed concern that the Commission’s process will conclude before an independent contractor has rendered an assessment of the facility, the County Administrator has expressed confidence in the legitimacy and utility of the process.¹³⁴

Of the 10 board members, five are current or former police and corrections officers.¹³⁵ This count includes Danny Sharp, the chair of the committee and former Oro Valley Police Chief. David Ollanik of Sundt Construction and Chris Sheafe of the Rio Nuevo board, which administers the special tax district directed toward downtown Tucson business development, also sit on the commission.¹³⁶ Wendy Peterson is the former director of Pima County Justice Services, the office tasked with administering the County’s Safety + Justice MacArthur grant, awarded to governments to encourage alternatives to incarceration.¹³⁷ Jack O’Brien is a member of the Pima County Public Defender’s Office, and Grady Scott is a pastor at Grace Temple and Missionary Baptist Church.¹³⁸

¹³¹<https://www.pima.gov/2960/Pima-County-Adult-Detention-Center-Blue-#:~:text=The%20PCADC%20Blue%20Ribbon%20Commission,improvements%2C%20including%20feasible%20funding%20options>.

¹³² *Id.*

¹³³ *Id.*

¹³⁴ <https://content.civicplus.com/api/assets/az-pimacounty/e1fcbbd7-9453-4691-b883-2ab41bb6422c>. pg. 3.

¹³⁵ Danny Sharp, former Oro Valley Police Chief, India Davis, former corrections chief, Frank Hecht, former corrections captain, Paul Wilson, former Pima County Sheriff’s Department Bureau Chief, and Roberto Villasenor, former Tucson police chief; <https://azluminaria.org/2023/04/14/pima-county-considers-building-a-new-jail-as-the-1980s-era-facility-crumbles-and-bookings-increase/>

¹³⁶ *Id.*; <https://rionuevo.org/about/what-is-rio-neuvo/>.

¹³⁷ <https://www.pima.gov/239/Justice-Services>.

¹³⁸

<https://azluminaria.org/2023/04/14/pima-county-considers-building-a-new-jail-as-the-1980s-era-facility-crumbles-and-bookings-increase/>

At the Commission’s inception, County Administrator Lescher provided a December 28, 2022 memorandum outlining potential funding mechanisms for the construction of a new jail and an overview of the Pima County Jail’s current issues. Funding options included levying a general sales tax or a jail district excise tax.¹³⁹ Where a general sales tax requires only unanimous Board of Supervisors approval, the creation of a jail district excise tax would require voter approval.¹⁴⁰

Administrator Lescher’s appraisal of the current jail’s facilities was based on an assessment by the Pima County Facilities Management Department of the jail’s historic renovations and current state of repair.¹⁴¹ This review, which was conducted over a quarter of a year, “found the identified areas of concern were not structural in nature, but either a lack of maintenance, improper maintenance, operational deficiencies or issues specific to an area of the facility, such as flooding that occurred and an improperly installed truss.”¹⁴² Further, the Administrator’s assessment highlights the consequential need for more staffing with the expansion of the facility—a key difficulty identified during the County’s bid for a MacArthur grant.¹⁴³

When the Commission was approved on January 24, 2023, it was chartered with the purpose of assessing the need for a new jail and proposing avenues for funding. According to its charter, the Commission, split up between three working groups, is responsible for assessing “the current condition of the Pima County Adult Detention facility..., best practices and standards and other factors impacting operations given industry changes since the county facility was built..., [and] funding options available to the County for facility improvements and/or construction of a new facility and related services.”¹⁴⁴

When the Commission met for the first time on March 17, 2023, Sheriff Nanos presented his assessment of the jail’s current infrastructural condition, which included evidence of damaged walls, floors and pipes that necessitate shutting incarcerated people into pods or in the yard.¹⁴⁵ Further, the Sheriff presented statistics outlining the trajectory of the jail’s population—which has risen from 1,350 on average to today’s number hovering around 1,700.¹⁴⁶ Following this argument for increased capacity, the Sheriff acknowledged

¹³⁹ <https://content.civicplus.com/api/assets/c2b30bf0-5ffb-47ed-b5d8-af7d095d0191>

¹⁴⁰ <https://content.civicplus.com/api/assets/c2b30bf0-5ffb-47ed-b5d8-af7d095d0191>

¹⁴¹ *Id.*

¹⁴² *Id.*

¹⁴³ *Id.*

¹⁴⁴ <https://content.civicplus.com/api/assets/e83f6a5d-b9d2-473b-b03d-e8d16480a9a3>

¹⁴⁵ <https://content.civicplus.com/api/assets/69b788b3-955f-4574-bb08-8c21c7b1cc13>

¹⁴⁶ *Id.*

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that a large portion of the jail's population are people experiencing mental health or drug addiction crises, as well as people committed to jail awaiting return to competency hearings.¹⁴⁷ The Sheriff acknowledged in his remarks that people in these situations are not receiving the care they need in the carceral setting, and made particular mention of the jail's detox unit, which is a 30-bed facility often housing over 80 people.¹⁴⁸

At the Commission's meeting on April 13, 2023, it assessed the impact of supervision models on its assessment of whether a new facility is necessary, or whether the current facility can be renovated.¹⁴⁹ Commission Member Hesch presented an argument for a new facility to accommodate a new supervision model.¹⁵⁰ "Direct supervision," which requires a specific spatial design to facilitate, allows corrections officers to "be more proactive" in their management of incarcerated people by placing officers in the middle of the unit.¹⁵¹ According to Hesch's report, the current Pima County Jail was not constructed to accommodate this "podular" model, but rather to support intermittent supervision.¹⁵² Further, the Commission discussed the need for a new facility to be scalable to a fluctuating jail population.¹⁵³

On May 18, 2023, the Commission discussed a pivot toward more public meetings, during which time the Commission's inquiries could be communicated plainly to the public.¹⁵⁴ Working groups reported the progress of their proposals. The Facilities working group announced that it would explore repurposing already-existing county property to house the new jail.¹⁵⁵ The operations working group outlined its set of tasks and described a projection of the jail population over the next 20 years, using historical data and change rates—according to this assessment, 3,000 beds would be necessary in any new campus.¹⁵⁶ The Commission was presented with information regarding the Cochise County Jail District Excise Tax, passed in May of 2023, which the County has established to fund the construction of a new jail.¹⁵⁷

¹⁴⁷ *Id.*

¹⁴⁸ *Id.*

¹⁴⁹ <https://content.civicplus.com/api/assets/4cb1096f-3076-4ba3-bdc1-408311e68e28>

¹⁵⁰ *Id.*

¹⁵¹ *Id.*

¹⁵² *Id.*

¹⁵³ *Id.*

¹⁵⁴ <https://content.civicplus.com/api/assets/az-pimacounty/a7016bf4-4d71-41da-9ad3-be1b3375396a/5.18.23-pcad-meeting-summary.pdf>

¹⁵⁵ <https://content.civicplus.com/api/assets/az-pimacounty/a7016bf4-4d71-41da-9ad3-be1b3375396a/5.18.23-pcad-meeting-summary.pdf>

¹⁵⁶ <https://content.civicplus.com/api/assets/az-pimacounty/a7016bf4-4d71-41da-9ad3-be1b3375396a/5.18.23-pcad-meeting-summary.pdf>

¹⁵⁷ <https://content.civicplus.com/api/assets/az-pimacounty/a7016bf4-4d71-41da-9ad3-be1b3375396a/5.18.23-pcad-meeting-summary.pdf>

Over the final three months of the Commission’s tenure, members of the public attended meetings with increased interest. On July 27, 2023 the Commission held its final substantive meeting, splitting into subcommittee breakout sessions attended by members of the public.¹⁵⁸

On August 10, 2023 the Commission held a “public input” session, nominally inviting community members to comment on the Commission’s mandate, within their narrowly defined scope. The County did not confirm details of this session’s location, nor post their previous meeting’s notes to the public website until the day before this meeting, nor did they conduct outreach or advertising to potentially interested stakeholders. In a meeting on July 24, 2023 with representatives from the No New Jail Coalition, Commission Chair Danny Sharp and County Administrator Lesher declined to offer any areas where public input would be helpful and to ask pertinent questions of the group.

Though the Commission made little effort to solicit public input during this period, the community attended the session on August 10, 2023, holding a press conference outside the Commission meeting room and eventually filing in.¹⁵⁹ As members of the public entered, over the sound of a protest band, the commissioners fled the room.¹⁶⁰ The public proceeded to discuss non-carceral possibilities for their community in the first iteration of “The People’s Commission.” Following this interruption, the Commission held a second public input session online on August 21, 2023 where members of the public confronted commissioners with statistics and questions surrounding the death rate inside the facility. In response, Commissioner Petersen encouraged the public to read Commission materials and speak with the Sheriff’s Department Civilian Advisory Review Board.¹⁶¹ A final Commission meeting scheduled for September 21st was canceled, preceding what will likely be an extended “period of public input.”¹⁶²

Following concerns by the Board of Supervisors over the Commission’s limited scope, the County Administrator offered that, “...it is within the Board’s purview to establish a separate group with subject matter experts from the courts, corrections, behavioral health and others that wish to speak about jail operations, as well services and other actions that could reduce growth of the jail population.”¹⁶³

¹⁵⁸ <https://content.civicplus.com/api/assets/az-pimacounty/beadd109-12db-4569-8997-20f6bcbbba3da>.

¹⁵⁹ https://www.tucsonsentinel.com.webpkgcache.com/doc/-/s/www.tucsonsentinel.com/local/report/081723_jail_commission/.

¹⁶⁰ https://www.tucsonsentinel.com.webpkgcache.com/doc/-/s/www.tucsonsentinel.com/local/report/081723_jail_commission/.

¹⁶¹ <https://content.civicplus.com/api/assets/az-pimacounty/e1fcbbd7-9453-4691-b883-2ab41bb6422c>. pg. 3.

¹⁶² <https://content.civicplus.com/api/assets/9f076c52-6f90-42d4-94a8-21acb7ddd657>. pg. 2.

¹⁶³ <https://content.civicplus.com/api/assets/9f076c52-6f90-42d4-94a8-21acb7ddd657>. pg. 1.

B. Proposals Before the Commission

1. Funding

The Commission is considering two main funding avenues for the new jail building, and has been advised on a range of others by the County Administrator's Office.¹⁶⁴ At the beginning of the Commission's tenure, Administrator Lesher described two tax-based funding options—levying a general sales tax or a jail district excise tax.¹⁶⁵ In a June 14, 2023 memo, the Administrator's office described an overview of funding options, including a general fund property tax, general obligation bonds, a pay-as-you-go model, the general sales tax and the jail district tax.¹⁶⁶

As discussed above, the general sales tax would require a unanimous vote by the Board of Supervisors.¹⁶⁷ This tax could produce as much as \$109 million a year in revenues for the project. A jail district tax, unlike a general sales tax, requires voter approval.¹⁶⁸ Were voters to approve this proposal, the County could structure a property tax, which could generate around \$20 million a year, or a quarter-cent excise tax, which could produce around \$54 million a year.¹⁶⁹ Per case studies in the Administrator's memo, these jail district taxes are often insufficient on their own, and must be combined with other revenue sources.¹⁷⁰

A general fund property tax increase of less than 15% of the prior year's tax revenue less contributions to new construction requires a majority vote by the Board of Supervisors, and an increase by more than that rate requires a unanimous Board vote.¹⁷¹ Were the Board to approve a one-cent increase in the property tax rate, the Administrator expects a return of \$1 million to the General Fund.

¹⁶⁴ <https://content.civicplus.com/api/assets/az-pimacounty/51299138-31d8-4837-a799-37a5f50cfe91>

¹⁶⁵ <https://content.civicplus.com/api/assets/c2b30bf0-5ffb-47ed-b5d8-af7d095d0191>

¹⁶⁶ <https://content.civicplus.com/api/assets/az-pimacounty/51299138-31d8-4837-a799-37a5f50cfe91>

¹⁶⁷ <https://content.civicplus.com/api/assets/az-pimacounty/51299138-31d8-4837-a799-37a5f50cfe91>

¹⁶⁸ <https://content.civicplus.com/api/assets/az-pimacounty/51299138-31d8-4837-a799-37a5f50cfe91>

¹⁶⁹ <https://content.civicplus.com/api/assets/az-pimacounty/51299138-31d8-4837-a799-37a5f50cfe91>

¹⁷⁰ <https://content.civicplus.com/api/assets/az-pimacounty/51299138-31d8-4837-a799-37a5f50cfe91>

¹⁷¹ <https://content.civicplus.com/api/assets/az-pimacounty/51299138-31d8-4837-a799-37a5f50cfe91>

¹⁷² <https://content.civicplus.com/api/assets/az-pimacounty/51299138-31d8-4837-a799-37a5f50cfe91>

General obligations bonds would require the Board of Supervisors to pass a resolution forming a General Obligation Bond Election to finance the new jail, identified as such.¹⁷² Voters would then have to approve of the proposal, funding the project for a period of 15 years.¹⁷³ This could result in around \$1 million in revenue for jail construction.

Lastly before the Commission is the pay-as-you-go (PAYGO) model, which draws from property tax revenues set aside for capital programs.¹⁷⁴ The program is capped at \$50 million, but the Administrator’s memo suggests that the Board of Supervisors may choose to increase the amount allocated for capital projects. The Administrator’s memo cautions that the use of these funds to improve the current facility or construct a new facility would divert capital funds from other needed County projects.¹⁷⁵

2. Justification

Sheriff Nanos premised his proposal for a new jail facility on the infrastructure issues in the current facility and the facility’s incompatibility with the direct supervision model, both because of building additions and an increase in population.¹⁷⁶ The Sheriff also premised his proposal on the jail’s overwhelming population of mentally ill individuals, individuals detoxing from drugs, and those awaiting trial with needs the jail is expected to provide.¹⁷⁷ Further, the Sheriff cited staffing issues, which he argued were made even more dire because of the current facility’s structural defects.¹⁷⁸

All of these justifications were undercut by the County Administrator’s December 28th memo to the Commission, in which she outlined the current condition of the jail and historical renovations and repairs.¹⁷⁹ First, she identified that all but one structural improvement to the jail recommended in a 2021 audit of the facility have been completed.¹⁸⁰ These audits found that “identified areas of concern were not structural in nature, but either a lack of maintenance, improper maintenance, operational deficiencies or issues specific to an area of the facility, such as flooding that occurred and an improperly installed truss.”¹⁸¹

¹⁷³ <https://content.civicplus.com/api/assets/az-pimacounty/51299138-31d8-4837-a799-37a5f50cfe91>

¹⁷⁴ <https://content.civicplus.com/api/assets/az-pimacounty/51299138-31d8-4837-a799-37a5f50cfe91>

¹⁷⁵ <https://content.civicplus.com/api/assets/az-pimacounty/51299138-31d8-4837-a799-37a5f50cfe91>

¹⁷⁶ <https://content.civicplus.com/api/assets/69b788b3-955f-4574-bb08-8c21c7b1cc13>

¹⁷⁷ <https://content.civicplus.com/api/assets/69b788b3-955f-4574-bb08-8c21c7b1cc13>

¹⁷⁸ <https://content.civicplus.com/api/assets/69b788b3-955f-4574-bb08-8c21c7b1cc13>

¹⁷⁹ <https://content.civicplus.com/api/assets/c2b30bf0-5ffb-47ed-b5d8-af7d095d0191?cache=1800>

¹⁸⁰ <https://content.civicplus.com/api/assets/c2b30bf0-5ffb-47ed-b5d8-af7d095d0191?cache=1800>

¹⁸¹ <https://content.civicplus.com/api/assets/c2b30bf0-5ffb-47ed-b5d8-af7d095d0191?cache=1800>

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Further, her memo discusses the nexus of proper staffing levels and a projected increase in jail population.¹⁸² Because, by the Sheriff's own avowal, the jail has been difficult to staff and staff properly, the County now faces a similar issue to that of nearly 10 years ago, when it decided to apply for a MacArthur grant to assist in lowering jail population.¹⁸³ At that time, instead of increasing space, requiring higher staffing levels, the County focused its efforts on reducing population.¹⁸⁴ These efforts have stalled for years, and the population in the jail now remains consistent with serious staffing shortages and overcrowding.

¹⁸² <https://content.civicplus.com/api/assets/c2b30bf0-5ffb-47ed-b5d8-af7d095d0191?cache=1800>

¹⁸³ <https://content.civicplus.com/api/assets/c2b30bf0-5ffb-47ed-b5d8-af7d095d0191?cache=1800>

¹⁸⁴ <https://content.civicplus.com/api/assets/c2b30bf0-5ffb-47ed-b5d8-af7d095d0191?cache=1800>

Yunan Tutu died in the Pima County Adult Detention Center (PCADC) on 10 January 2023, after being held pre-trial for six months. Yunan had a documented history of mental health issues, as well as barriers to getting support which included language and cultural barriers. Yunan was detained following a failure to appear violation for burglary and trespassing charges, and was being held on a \$1200 bond his family was unable to pay. In addition, Yunan's trial was delayed as the court had difficulty finding interpreters. While he was in jail, the court determined Yunan was incompetent to stand trial, which meant the jail was to care for him until he was "returned to competency." This does not appear to have occurred, as Yunan was reportedly identified as "the man who died was mentally ill and was smearing and eating feces for a couple of months." A doctor checked on Yunan shortly before his death and he was reported to be "refusing food and eating his own feces." Further, jail staff had apparently not "had much contact with [Yunan] because of his mental state and hygiene." Yunan's cause of death is reported as "nonspecific natural causes."

III. INCARCERATION IS KILLING OUR COMMUNITY

A. Who is in the Jail?

The average person in the jail looks like Yunan Tutu, Cruz Junior Patiño III, Justin Crook, Jacob Miranda, Wade Welch, Joseph Zarate, and Sylvestre Inzunza. They are mostly young men of color, who have not been convicted of a crime.

In 2023, PCADC houses an average daily population of about 1,800 incarcerated people.¹⁸⁵ Between 2005 and 2018 (the most recent year data is available) an average of 87% of people incarcerated in PCADC were pretrial, meaning they had not been convicted of a crime.¹⁸⁶ Limited information is available for the average age, most common charges, or prevalence of repeat offenders. Multiple attempts were made to gather further public data from PCADC Records. Despite initially agreeing to provide this information, ultimately the jail denied all requests submitted and shared extremely limited demographic information for the past three years.¹⁸⁷

People of color are disproportionately represented within the jail population.¹⁸⁸ While white people are 48% of the population of Pima County, only 31% of the PCADC population is white. Meanwhile, Native Americans represent 2% of the Pima County population and 6% of the PCADC population.¹⁸⁹ Black/African American people are 4% of the Pima County population, while they represent 16% of PCADC inmates, and individuals are 40% of the Pima County population and 44% of the jail population.¹⁹⁰ The overrepresentation of people of color in the facility is problematic in itself. However, people

¹⁸⁵ Pima County Sheriff's Department. (2023a). *Pima County Sheriff's Department's Data Requested by the Pima County Jail Blue-Ribbon Commission* (p. 27). <https://content.civicplus.com/api/assets/2e6a29bc-fe31-487e-8217-e45242dacddd>; Pima County Sheriff's Department. (2023b). Operations Working Group - Inmate Population Projections (Corrected - 7/10/2023). In <https://content.civicplus.com/api/assets/az-pima-county/1d288413-db47-4b1b-ba30-9dff994a43b>; Vera Institute of Justice. (2023, August 21). *Pima County, Arizona Incarceration Trends*. Vera Institute of Justice. https://trends.vera.org/state/AZ/county/pima_county.

¹⁸⁶ Vera Institute for Justice. (2022, March 10). *Incarceration Trends Dataset*. GitHub. <https://github.com/vera-institute/incarceration-trends>

¹⁸⁷ See Appendix A.

¹⁸⁸ Appendix A; Vera, 2022.

¹⁸⁹ Vera, 2022.

¹⁹⁰ Vera, 2022.

¹⁹¹ PCOME, 2023.

of color are also disproportionately dying within the jail at drastic rates.¹⁹¹ In 2022, Latiné individuals represented 45% of jail deaths, black/African American people represented 10% of jail deaths, native Americans represented 10% of jail deaths and white people were slightly underrepresented at 45%.¹⁹²

B. What is the Outcome of Incarceration?

1. Health Effects of Incarceration

As discussed above, the Pima County Jail has one of the highest death rates in the country. Death is only one of the symptoms of being incarcerated and affects people beyond those on the inside. In the past few years, we experienced the public health risk that jails pose with COVID-19. People were, and continue to be, unable to appropriately quarantine and this had led to larger outbreaks that would, and will, spread to surrounding communities.¹⁹³ Additionally, jails and prisons were even associated with earlier reported cases of COVID-19 during the first wave in the summer of 2020 with larger incarcerated populations associated with the earliest cases.¹⁹⁴ In summary, jails are public health risks and the bigger they are the higher the risk they pose to the communities they surround.

Sheriff Nanos has publicly commented on the high levels of people with mental health disorders in the Pima County Jail. He failed to mention that most aspects of being incarcerated exacerbate and worsen mental health. In 2016 the Bureau of Justice Statistics conducted the Survey of Prison Inmates with 24,848 people surveyed and found that 16% felt nervousness all or most of the time, 12% felt hopeless all or most of the time, 11% said they felt depressed all or most of the time and 23% felt like everything was an effort.¹⁹⁵¹⁹⁶ The violence, lack of privacy, social isolation and inadequate healthcare experiencing in jail increases the risk of suicide.¹⁹⁷¹⁹⁸ Also, according to a report by Prison Policy, a person does not have to be a victim of violence in order to develop post-traumatic stress disorders (PTSD) symptoms. More recently, a new disorder has been theorized called

¹⁹² PCOME, 2023.

¹⁹³ <https://www.prisonpolicy.org/reports/covidspread.html>

¹⁹⁴ <https://www.prisonpolicy.org/reports/covidspread.html>

¹⁹⁵ <https://bjs.ojp.gov/data-collection/survey-prison-inmates-spi#methodology-0>

¹⁹⁶ <https://www.prisonpolicy.org/reports/chronicpunishment.html>

¹⁹⁷ https://static.prisonpolicy.org/scans/mh_in_prison.pdf

¹⁹⁸ <https://pubmed.ncbi.nlm.nih.gov/23197484/>

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Post-Incarceration Syndrome that has similar symptoms to PTSD such as hypervigilance, suicidality, emotional dysregulation, depression, anxiety and flashbacks and the syndrome is noted to persist after a person is released from jail.¹⁹⁹²⁰⁰ So, not only does jail worsen mental health that was present prior to incarceration, it is also a source of potentially life long mental health issues.

The stress that jail causes in people can impact the rest of a person's health as well. Chronic stress will lead to increased levels of cortisol. This increase can cause the previously mentioned mental health disorders along with high blood pressure, diabetes, strokes, and heart attacks. All of these are long term diseases that can, and likely will, cause significant health, social, and financial burdens for them. The negative impact of incarceration and this chronic stress is so extreme that a study in 2016 found that each year a person is incarcerated their life expectancy is reduced by 2 years.²⁰¹ These burdens will extend to families, friends, and caretakers and even cause those same long term diseases; even the shortened life expectancy. If a person has ever had one immediate family member incarcerated their life expectancy drops 2.6 years.²⁰³ The reduction in life expectancy goes up in relation to the number of family members who have been incarcerated.²⁰⁴ With nearly half of the population in the US having had a family member incarcerated it is not surprising that estimations indicate that the overall life expectancy for the entire country has been reduced by 2 years because of incarceration alone.²⁰⁵

If our goal is to protect and improve the lives of people in Pima County then the evidence supports reducing Pima County's incarceration rate and decreasing the overall population of people in jail rather than increasing it because of the catastrophic impact jail has on peoples' health and inadequacy to appropriately treat these health problems.

¹⁹⁹ https://static.prisonpolicy.org/scans/mh_in_prison.pdf

²⁰⁰ <https://www.prisonpolicy.org/blog/2021/05/13/mentalhealthimpacts/>

²⁰¹ https://www.researchgate.net/publication/301705366_INCARCERATION_AND_POPULATION_HEALTH_IN_WEALTHY_DEMOCRACIES_INCARCERATION_AND_POPULATION_HEALTH

²⁰³ https://www.researchgate.net/publication/301705366_INCARCERATION_AND_POPULATION_HEALTH_IN_WEALTHY_DEMOCRACIES_INCARCERATION_AND_POPULATION_HEALTH

²⁰⁴ <https://www.prisonpolicy.org/blog/2021/07/12/family-incarceration/>

²⁰⁵ https://www.researchgate.net/publication/301705366_INCARCERATION_AND_POPULATION_HEALTH_IN_WEALTHY_DEMOCRACIES_INCARCERATION_AND_POPULATION_HEALTH

2. Cost of Incarceration

In the Pima County Jail, it costs \$127.20 to incarcerate a person for a single day.²⁰⁶ This cost varies amongst populations, with elderly populations posing a significantly higher cost due to their medical needs, which cannot be adequately addressed in a carceral setting.²⁰⁷ In some jurisdictions, the cost of incarcerating an elderly person is three times the cost of the average population.²⁰⁸ In a memo to the Blue Ribbon Commission in June of 2023, the Pima County Behavioral Health Department projected that the jail population will be “older[,] increasingly disabled and chronically ill,” necessitating capacity for “CPAP machines; more open space for people with wheelchairs and crutches; more housing for people on oxygen.”²⁰⁹

Outside of the cost to incarcerate a person for a single day, the Sheriff’s Department spends a significant amount of its budget on repair and maintenance, cleaning supplies, and law enforcement supplies. In FY 2022/23, the Sheriff’s Department reported a \$3,000,000.00 overage—running \$283,000.00 over-budget on repairs and maintenance, \$125,000 over-budget on medical and lab supplies and \$400,000.00 over-budget on law enforcement supplies, to name a few areas.²¹⁰ Following this overage, the Sheriff was granted up to \$1,800,000.00 in surplus funding from the Board of Supervisors.²¹¹ The Sheriff’s Department estimates that a new jail project could cost as much as \$380,000,000 in addition to the administrative cost of running the facility.²¹²

Costs to counties and municipalities are offset by their contracts with private service providers, which offer kickbacks to the county at the expense of exorbitant costs to incarcerated people.²¹³ Under Pima County’s contract with GTL, a carceral technology

²⁰⁶ https://www.naco.org/sites/default/files/documents/Population-Review-Teams_0.pdf. pg. 5.

²⁰⁷ <https://www.prisonpolicy.org/blog/2023/08/02/aging/>.

²⁰⁸ <https://www.prisonpolicy.org/blog/2023/08/02/aging/>.

²⁰⁹ <https://content.civicplus.com/api/assets/az-pimacounty/3e1a1465-2a80-4bec-b7b5-e9c123ff5d8a>. pg. 2.

²¹⁰ <https://content.civicplus.com/api/assets/517227d1-4852-4622-acab-82094ee7c1b4?cache=1800>.

²¹¹ https://www.kvoa.com/news/pima-county-sheriffs-department-budget-under-scrutiny/article_c9431f42-1ffa-11ee-b210-dbf1-2f67565e.html.

²¹² <https://content.civicplus.com/api/assets/920a7b7b-342a-4d71-a3e5-c4b206ce2d67?cache=1800>. pg. 1.

²¹³ https://www.prisonpolicy.org/phones/state_of_phone_justice_2022.html.

²¹⁴ https://www.prisonpolicy.org/phones/appendices2022_3.html; <https://pimasheriff.org/jail-info/inmate-voice-mail>.

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provider, people held in the jail pay \$0.16 per minute to talk on the phone and people outside pay \$2.00 to leave a voicemail for an incarcerated person.²¹⁴ A slew of other services provided by GTL—such as virtual visits in excess of one a week,²¹⁵ messages and photos received to an incarcerated person's tablet, and music streaming—cost money to access.²¹⁶ The County's five-year contract with GTL, which it entered into in 2020, estimates a revenue of \$5,000,000.00.²¹⁷

²¹⁵ Video visits cost \$0.25 per minute:
<https://www.pimasheriff.org/jail-info/visitation-schedules>.

²¹⁶ [pimasheriff.org/jail-info/tablet-services](https://www.pimasheriff.org/jail-info/tablet-services).

²¹⁷ For a full list of charges to incarcerated people and visitors, see Sheriff's Department 2020 contract with GTL (formerly Global Tel*Link) and 2021 amendment:
https://onbase.pima.gov/publicaccess/PO_NextGen_Single/api/Document/AZ%C3%895SmcL04wule8rcYKqrM7fcEZtSL%C3%89So4l%C3%815AOCEbLvGFUzIjZr1x5wQOcTbXXTdmrE8EZ4Sh39mHNSUqD4XCQ%3D/, https://onbase.pima.gov/publicaccess/PO_NextGen_Single/api/Document/AQlaXWSAb80OpyN4VBPo%C3%898MX2TAm3bOGXd4KtOuEQL5YBbGKt%C3%81tGkK4iM1znUtAMkn7%C3%89ByU1rDFUTsM0AVVbjiM%3D/.

IV. ALTERNATIVES AND RECOMMENDATIONS

Incarceration perpetuates cycles of trauma, harm, and crime. The American Civil Liberties Union has noted, “Problems like mental illness, substance use disorders, and homelessness are more appropriately addressed outside of the criminal justice system altogether;” “Services like drug treatment and affordable housing cost less and can have a better record of success. Public safety could be better achieved by spending less money incarcerating people and spending more money on health care, education housing and jobs programs.”²¹⁸

The County has an opportunity to incorporate creative solutions to solve the problems of increasing homelessness, housing insecurity, mental illness and drug use by using non-carceral solutions. Choosing to invest hundreds of millions of dollars into the jail will mean fewer resources to invest in evidence-based solutions to the social problems that lead to crime. A Vera Institute of Justice report notes, “Can counties both build more jail beds and invest in policy changes to reduce jail populations over time? Many try, but find that their motivation to do so is reduced with increased capacity now existing for decades to come,” “By pushing back against the cycle of construction, these counties can save money, hold fewer of their community members behind bars, and dedicate more resources to evidence-based practices that more effectively ensure community safety.”²¹⁹

A. Community Needs

The Pima County 2021 Community Health Needs Assessments reported that 13.5% of Pima County residents live in poverty.²²⁰ Lack of access to care was cited in the report as an issue in Pima County, exacerbated by transportation, income, insurance status and lack of culturally and linguistically appropriate care. The report also noted “the lack of behavioral and mental health specialists in Pima County. Specialists are underfunded and overworked. There is also a lack of continuous treatment for mental and behavioral health

²¹⁸ <https://www.aclu.org/issues/smart-justice/sentencing-reform/alternatives-incarceration>

²¹⁹ <https://www.vera.org/downloads/publications/broken-ground-jail-construction.pdf>

²²⁰ <https://www.tmcaz.com/assets/documents/community/2021-pima-county-community-health-needs-assessment.pdf>

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issues,” and a decrease in mental health status and care has contributed to increased substance use disorder.”²²¹ Even when folks are offered services they often are unable to access them or have long wait times. The City of Tucson 2023 Needs Assessment of Adults Experiencing Homelessness reported that of the homeless participants in the study, 58% of those who received a housing assessment were still waiting to hear back about services, 13% were offered services but were not able to access them and only 13% had received services they required.²²²

The 2023 Pima County Point in Time Count of Persons Experiencing Homelessness notes that the number of persons experiencing chronic homelessness has tripled since 2018.²²³ The number of emergency shelter beds, transitional housing and affordable housing units is significantly lacking to address the needs of the current homeless population and those at risk of losing their homes in the future. The recent 2023 Tucson Pima Collaboration to End Homelessness (TPCH) Five Year System Modeling and Gaps Analysis Report notes a huge gap in current housing and total system demand. The total system demand of shelter beds, transitional housing units, rapid rehousing units, permanent supportive housing units and other permanent housing units to achieve functional zero homelessness is 9663 while the current inventory is only 3395, meaning the current unit gap is 6268.²²⁴ Specifically for transitional housing, which has been offered as a solution for individuals coming out of the Pima County Jail, the report notes that the total system demand is 577, the current inventory is 344 and the current gap is 344.

Most notably, the TPCH report notes that Pima County spends an estimated \$50 to \$70 million dollars annually to address homelessness but, in order to achieve functional zero, would need to spend an additional \$104.3 million annually, in addition to the cost of the construction of new units of affordable housing in order to support increased voucher demand.

However, investing in construction of new housing units, rental assistance, and supportive services is still more cost effective than incarceration, and would address the

²²¹ <https://www.tmcas.com/assets/documents/community/2021-pima-county-community-health-needs-assessment.pdf>

²²² <https://tpch.net/wp-content/uploads/2023-Homeless-Needs-Assessment-Tucson-AZ.pdf>

²²³ <https://tpch.net/wp-content/uploads/2023-Homeless-Needs-Assessment-Tucson-AZ.pdf>

²²⁴ <https://tpch.net/wp-content/uploads/TPCH-2023-System-Modeling-and-Gaps-Analysis-Report.pdf>

root causes of crime. As noted above, it costs about \$127.20 per bed per day to house someone at the Pima County Jail, totaling an estimated \$46,428 per person per year. It was also recently noted that the jail is holding an increasingly aging population which will likely increase daily costs. The TPCJ gap analysis report estimated the cost of rental assistance per year at \$12,000, the average operating cost per constructed unit at \$4,000 per year, and the average services costs at \$8,760 per year. The total of housing someone would total \$24,760 per unit per year, more than \$20,000 less.

While Justice Services has developed a transition center to connect people with services and housing the recent reports and gap analysis has demonstrated that there are simply not enough emergency shelter beds, transitional housing units, affordable housing or available services to successfully meet the high need demands of this jail population or to successfully reduce recidivism. Additionally, the City of Tucson 2023 Needs Assessment of Adults Experiencing Homelessness noted that a barrier to services was referring clients to services (the primary function of the transition center) without longer term assistance or more supportive efforts in navigating services.²²⁵ Without a greater investment in alternatives to incarceration the number of our community members in jail and the budget required to incarcerate them will continue to increase and there will not be resources available to actually address the root causes of poverty and harm.

²²⁵ <https://tpch.net/wp-content/uploads/2023-Homeless-Needs-Assessment-Tucson-AZ.pdf>

B. Invest in Community Care

According to the Tucson Pima Collaboration to End Homelessness, in January 2023, 2,209 people were homeless, with 1,501 people experiencing unsheltered homelessness.²²⁶ Adverse childhood experiences, substance use, symptoms of mental illness and incarceration are all strongly associated with homelessness.²²⁷ It is important to recognize the diverse makeup of the population of unhoused people: veterans, young people, BIPOC, LGBTQ+, all of whom need individualized, responsive approaches in the services and spaces they access.

1. Accessible Housing

Affordable Housing Units. The National Low Income Housing Coalition reports that there are only 24 accessible and available units in the Tucson metro area for every 100 extremely low-income households.²²⁸ We must invest in accessible and affordable housing at the scale needed.

Tucson has an abundance of unoccupied space, with 15% of office space sitting vacant in 2022. That space can be converted into affordable housing units.²²⁹ “Tiny Homes” require fewer resources to build and can provide an accessible option for dignified, permanent housing that is tailored to the environment in which the homes are built. In Syracuse, NY, the community “A Tiny Home For Good” estimated a \$28,500 per-unit cost.²³⁰

Housing First Model. Drastically expanding Tucson’s Housing First Model is an evidence-based method for effectively reducing homelessness.²³¹ In this model, people entering permanent, supportive housing with active symptoms of mental illness and drug

²²⁶ <https://tpch.net/data/hic-pit/>

²²⁷ <https://psycnet.apa.org/fulltext/2017-19411-001.html>

²²⁸ No State Has an Adequate Supply of Affordable Rental Housing for the Lowest Income Renters, pg. 33

<https://nlihc.org/gap>

²²⁹ “With continued shift to remote work, many Tucson offices sit empty,” Arizona Daily Star, December 13, 2022

https://tucson.com/news/local/subscriber/with-continued-shift-to-remote-work-many-tucson-offices-sit-empty/article_4ae3531c-0c58-11ed-82ac-e7bd238d57e6.html

²³⁰ Tiny Homes for the Homeless Oct 2022

<https://thetinylife.com/tiny-homes-for-homeless/>

²³¹ Tsai, J., O’Toole, T., & Kearney, L. K. (2017). Homelessness as a public mental health and social problem: New knowledge and solutions. *Psychological Services*, 14(2), 113–117.

<https://psycnet.apa.org/fulltext/2017-19411-001.html>

²³² Aubrey, T., et al. (2015). One-Year Outcomes of a Randomized Controlled Trial of Housing First With ACT in Five Canadian Cities. *Psychiatric Services*, 66(5), 463-469.

<https://ps.psychiatryonline.org/doi/10.1176/appi.ps.201400167>

use remain stably housed and experience improvements in community functioning and adaptive coping skills.²³² Key features of this model are that people can enter permanent housing without having to be drug-free or currently receiving treatment, but while housed, they have access to social supports that help them maintain stability. Often, having access to stable, dignified housing and true self-determination enables the improvement of mental health and substance use.

The model is comprised of the following tenets: “few to no programmatic prerequisites to permanent housing entry; low barrier admission policies; rapid and streamlined entry into housing; supportive services are voluntary, but can and should be used to persistently engage tenants to ensure housing stability; tenants have full rights, responsibilities, and legal protections; practices and policies to prevent lease violations and evictions; applicable in a variety of housing models.”²³³

Low-Barrier Shelter. Expand shelters with lower barriers to entry. Many unhoused people cannot access shelters because of substance use, mental health issues, or pets they are caring for. Often, shelters are not safe spaces for femme, LGBTQ+ people, or survivors of domestic violence and trauma.

Transitional Housing. Expand transitional housing with case management and wrap-around services.

2. Accessible, Comprehensive Services

Recuperation Sites. A navigation and recuperative care site was formed in 2020 in Fullerton County. This site provides beds for “high utilizers of local emergency rooms with a safe and restful place to recover after hospital discharge and/or illness.” “The facility offers clients diversion assistance, crisis evaluation, trauma-informed case management, housing navigation, behavioral health and substance use therapy, transportation services, group and individual enrichment activities led by local partners, accommodations for up to 20 pets, employment services, meals, laundry, security, and storage.”²³⁴

²³³ Housing First in Permanent Supportive Housing Brief, HUD Exchange, 2014
<https://files.hudexchange.info/resources/documents/Housing-First-Permanent-Supportive-Housing-Brief.pdf>

²³⁴ <https://www.ifhomeless.org/shelters-navigation-centers>

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Navigation Sites. Navigation sites are necessary to assist unsheltered individuals navigate medical and mental health care, employment, government benefits they qualify for, housing, and more.

Although Pima County funds some navigation sites, such as the Kino Service Center, through Community & Workforce Development, significantly more sites, located throughout the county, are needed to address the increasing number of individuals who need assistance. Navigation sites also need to increase the number of social workers, navigators, case workers, and peer support specialists.

CAHOOTS. CAHOOTS (Crisis Assistance Helping Out On The Streets) is a mobile crisis intervention that provides crisis counseling and transportation for non-emergency medical care for social service type calls to the police department. CAHOOTS works with “people who are intoxicated, mentally ill, or disoriented.” CAHOOTS “diverts 3-8% of calls from police” and “remains a primary responder for many calls providing a valuable and needed resource to the community.”²³⁵

While Tucson and Pima County have a mobile response team, many times the police department is still the primary responder to mental health and drug use calls. Additionally, the mobile crisis team may take several hours to respond to calls and sometimes does not have culturally or linguistically appropriate services.

Community-Based Mental Health Services. More, and expanded, mental health clinics and more social workers, advocates, and peer support specialists are needed. Maintaining sustainable caseloads and equitable compensation for social workers are critical for

²³⁵ <https://www.eugene-or.gov/4508/CAHOOTS>

²³⁶ https://aims.uw.edu/sites/default/files/Behavioral%20Health%20Care%20Manager%20Caseload%20Guidelines_072120%20Final.pdf

²³⁷ <https://www.aafp.org/pubs/afp/issues/2022/0500/p454.html>

burnout prevention. For example, providing collaborative mental health services to the estimated 2,200 people in Pima County experiencing homelessness could reasonably be accomplished with a staff of 35 social workers and nurses, each having a caseload between 50 and 75 clients.²³⁶

Overdose Prevention Sites. Overdose prevention sites have proved effective in improving health outcomes of people who use drugs and increasing public safety in the community. “These facilities are overseen by healthcare personnel who provide sterile injection supplies, counseling on safe injection techniques, emergency care in the event of an overdose, primary medical care, and referrals to appropriate social and addiction services.”

“Several modeling studies predict that legally sanctioning supervised injection sites in the United States would reduce health care costs by preventing HIV, hepatitis C, hospitalizations for skin and soft-tissue infections, overdose deaths, ambulance calls, and emergency department visits and by increasing uptake of addiction treatment.” Overdose prevention sites have also increased public safety by reducing overall public nuisance crimes.²³⁷

Naloxone Vending Machines. Naloxone vending machines are an initiative to distribute Naloxone to more individuals, especially those coming out of correctional facilities, who are at a higher risk of dying from overdoses than the general population. These vending machines provide free Naloxone and other supplies 24/7 to those in need. This is “an approach that offers compassion and practical services to drug users with the goal of keeping them alive rather than pushing sobriety or punishing them.” “Data shows us that time and time again, individuals who are released from a correctional facility who have a history of using opioids are considerably more at risk for overdosing than any other population.”²³⁸ Naloxone vending machines could make Naloxone and other harm reduction supplies, such as hygiene kits, first aid supplies, xylazine and fentanyl test strips more widely accessible.

²³⁸ https://www.curbed.com/2023/07/vending-machine-narcan-brownsville-opioid-overdose.html?utm_campaign=curbed&utm_medium=s1&utm_source=insta

²³⁹ <https://www.wasatch.org/irt-has-moved/>

Intensive Residential Treatment. Intensive Residential Treatment in Provo, UT helps men and women with chronic mental illnesses, many of whom are released from the county jail and/or state hospital after Restoration to Competency Proceedings. The facility provides individual rooms to guests with 24/7 staff with a nurse, assessments, individual therapy, group therapy, skills development, case management, day treatment, help with employment and help with permanent housing.²³⁹

Community Health Workers. Community Health Workers (CHWs) are members of local communities who work inside of their communities to promote health and education. CHWs are different from social workers, psychologists and other professionals and work more as advocates for people within their own communities. “CHWs offer interpretation and translation services, provide culturally appropriate health education and information, help people get the care they need, give informal counseling and guidance on health behaviors, advocate for individual and community health needs and provide some direct services such as first aid and blood pressure screening.²⁴⁰

²⁴⁰ <https://www.nhlbi.nih.gov/health/educational/healthdisp/role-of-community-health-workers.htm>

C. Invest in Structural Alternatives

Stop Prosecuting and Arresting Low Level Drug Offenses and Public Nuisance.

As implemented in 2021 during COVID-19, the Pima County Attorney’s Office stopped charging simple drug possession. The collaboration between the county, city, law enforcement, and the county attorney’s office resulted in fewer low-level offenders being imprisoned and lowered the jail population. Despite the public statements of Pima County Attorney, there is no specific and valid reason why this collaboration ended. When it ended the jail population increased.

End Cash Bail. Cash bail creates a two-tiered system of justice, operating in violation of multiple constitutional rights and the presumption of innocence, to perpetuate racially, economically and socially disparate cycles of poverty and carcerality - all at a significant fiscal cost to the state and taxpayers. The American Bar Association estimated that “taxpayers spend \$14 billion each year to incarcerate legally innocent people. When factoring in the impact of pretrial detention on families, communities, and society, the true economic cost of this crisis has been estimated to approach \$140 billion annually.”²⁴¹ Pima County has a significant opportunity to deliver on its promise of bail reform, which would resolve many of the issues canvassed in this report and those raised by the Pima County Sheriff and Attorney-General about the operational issues at the PCADC.

Current bail practices violate constitutional rights to due process and equal protection under the Fourteenth Amendment, the prohibition against excessive bail under the Eighth Amendment, and the right to a speedy trial guaranteed by the Sixth Amendment.²⁴² Norma V. Cantú, Chair of the U.S. Commission on Civil Rights noted that the “presumption of innocence is the bedrock of our criminal justice system, with liberty the rule and pre-trial detention intended to be a ‘carefully limited exception’. Under the current bail system, it has become the norm.”²⁴³ A staggering 62% of people in jails

²⁴⁰ <https://www.nhlbi.nih.gov/health/educational/healthdisp/role-of-community-health-workers.htm>

²⁴¹ https://www.americanbar.org/groups/crsj/publications/human_rights_magazine_home/economic-issues-in-criminal-justice/the-high-price-of-cash-bail/ ²⁴²<https://www.aclu.org/issues/smart-justice/bail-reform#:~:text=Current%20bail%20practices%20are%20unconstitu%20tional,guaranteed%20by%20the%20Sixth%20Amendment.>

²⁴³ *United States v. Salerno*, 481 U.S. 739, 755 (1987).

²⁴⁴ <https://www.aclupa.org/en/smart-justice-ending-cash-bail>

²⁴⁵ <https://tucsonbailfund.org/mission/>

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nationwide are currently held under pretrial detention because they are unable to afford cash bail, a statistic which has risen 433% between 1970 and 2011.²⁴⁴ Even more alarming is that 70%-80% of those being incarcerated at the Pima County jail are there on pretrial status.²⁴⁵

Evidence demonstrates that the cash bail system does not have a significant impact on incentivizing defendants to return to trial, which is one of the original justifications for cash bail.²⁴⁶ The Bail Project reported that 92% of court dates were still met for the 23,745 people they have supported in release from pretrial detention since 2018.²⁴⁷ Experts argue that current bail systems fail to address the root causes of defendants missing their court dates, by undermining their safety during incarceration, draining resources from their families and communities and further entrenching marginalized groups in cycles of poverty.²⁴⁸ This is worsened by the predatory \$2.4 billion commercial bail industry, accounting for nearly 80 percent of cash bail releases in 2009, which trap people in predatory contracts with unreasonable fees and interest rates, ultimately reproducing conditions of economic stress and proliferating cycles of poverty.²⁴⁹

All this works to create a two-tiered system of justice that delivers grossly unequal processes based on race, class and gender, noting that nearly 80% of people involved with the criminal legal system are legally indigent.²⁵⁰ Not only does this have a disproportionate impact on communities already entrenched in poverty as a result of systemic racism, ableism, sexism and classism, but “research consistently shows Black and Latinx individuals have higher rates of pretrial detention, are more likely to have financial conditions imposed and set at higher amounts, and lower rates of being released on recognizance bonds or other non-financial conditions compared to white defendants.”²⁵¹ The Bail Fund reported that the “number of incarcerated women in the U.S. has increased by more than 700% in the past 40 years. Cash bail plays a big factor. The pre-incarceration incomes of women are far lower than those of men, making it even harder to afford bail.”²⁵² Even short sentences in jail are proven to have devastating impacts on individuals, with

²⁴⁶ <https://bailproject.org/model/#annualreports>

²⁴⁷ Ibid.

²⁴⁸ <https://www.americanprogress.org/article/profit-over-people-primer-on-u-s-cash-bail-systems/>

²⁴⁹ <https://www.americanprogress.org/article/fact-sheet-profit-over-people/>

²⁵⁰ Ibid.

²⁵¹ <https://www.usccr.gov/news/2022/us-commission-civil-rights-releases-report-civil-rights-implications-cash-bail>

²⁵² chrome-extension://efaidnbmninnbpcjpeglclefindmkaj/https://bailproject.org/wp-content/uploads/2023/01/the_ba_il_project_annual_report_2022_web-1.pdf

²⁵³ <https://azluminaria.org/2023/01/26/people-continue-to-die-in-pima-countys-jail-could-bail-reform-make-it-less-deadly/>

²⁵⁴ <https://www.usccr.gov/news/2022/us-commission-civil-rights-releases-report-civil-rights-implications-cash-bail>

a third of reported sexual assaults experienced by people in jail occurring in the first 24 hours and 40% of jail deaths happening in the first week of detention.²⁵³ In addition to the prolific and major health effects of incarceration explored in section III(B1), the US Commission of Civil Rights observed that the collateral consequences of pretrial detention include an “increased likelihood of being convicted, an increased likelihood of housing insecurity, detrimental effects on employment, and an increased likelihood to engage in criminal conduct in the future.”²⁵⁴

Evidence from states who have implemented varying degrees of bail reform, including Illinois, California, New York, Nebraska, Indiana, New Mexico, Kentucky and Texas, demonstrate marked improvements in lowering recidivism, jail populations and even a reduction in violent crimes in the case of New Jersey County.²⁵⁵ Data from the Vera Institute revealed a reduction in failures-to-appear in the city of New York from 15% in 2019 to 9% in 2021, potentially due to an element of their bail reform package which included reminders of upcoming court dates.²⁵⁶ A key takeaway from the report was that eliminating cash bail for minor and low-level offenses has significantly reduced the jail population while maintaining public safety.²⁵⁷ Similarly, a study on Texas’ Harris County found overall positive effects for individuals and the community upon eliminating cash bail for misdemeanors, including a 9% reduction of conviction rates, 15% reduction in average sentence length and a 15% reduction in guilty plea rates.²⁵⁸ Each set of reforms touched on above have different conditions and impacts, but overall the benefits of eliminating cash bail are well established. It is essential that any bail reform strategies are coupled with wrap-around pretrial services that act as an alternative to cash and commercial bail, as set out in section IV(1).

End ICE Detainers. The Pima County Jail still honors Immigration and Customs Enforcement (ICE) detainers, meaning individuals can be held in the jail past their release date, contributing to overcrowding. The Pima County Jail can end their voluntary ICE holds.

²⁵⁵ <https://azluminaria.org/2023/01/26/people-continue-to-die-in-pima-countys-jail-could-bail-reform-make-it-less-deadly/>

²⁵⁶ chrome-extension://efaidnbmnnnibpcajpcglclefindmkaj/https://vera-advocacy-and-partnerships.s3.amazonaws.com/GJNY_DCJS+-Explainer_01_05_23.pdf

²⁵⁷ Ibid.

²⁵⁸ <https://www.law.upenn.edu/institutes/quattronecenter/reports/bailreform/#/lessons/298QqaqYgFhhsKx7ei9zGKvT8ILGEVt>

D. Accountability to the Public

Accessible avenues for accountability are particularly critical in times when such conditions at the Pima County Jail persist. However, there is limited space for the efforts that would hold responsible people to account. Seeking accountability does not seek punishment, but instead seeks betterment of behavior by individuals and improvement of culture and policy that governs the systems on whose behalf these individuals act.

1. Investigate Naphcare's Administration of Health-care in the Jail

NaphCare has been consistently penalized monetarily because of neglectful and inadequate provision of care. Because the penalties have not been an impetus for change in these chronic deficiencies, it is unreasonable to expect that the quality of care provided will improve. NaphCare has a documented history of failures to meet contractual standards of care across the country.²⁵⁹ The for-profit corporation is not accountable to the people of Pima County.

Wade can be heard in publicly released body-cam footage saying "Why are you guys doing this to me?", "I need to go to the hospital. I can't breathe. Help!" and "Help me! Help me! Please, I have a heart condition!" ...The Pima County Medical Examiner determined Wade's cause of death as homicide, however, no one has been charged with his death and a thorough investigation has not been completed by the county.

²⁵⁹ John Washington. *Pima County has docked NaphCare \$3.1 million for jail medical care deficiencies* (Arizona Luminaria, Aug 9 2023).

2. The Pima County Sheriff's Department Evades Oversight

A number of structural factors allow the Pima County Jail to operate outside the public eye and provide a veneer of accountability. We approach each one in turn:

Pima Critical Incident Review Board. The scope of PCIRT includes in-custody deaths.²⁶⁰ However, with little transparency, these investigations may lead to further stagnation. The Board has been conducting a homicide investigation into the death of Wade Welch since August of 2022. In December of 2022, the Board had mostly completed its investigation and returned preliminary findings to the County Attorney.²⁶¹ Since that date, there has been no action taken by the County Attorney's office on behalf of Mr. Welch.

Jail Death Review Board. The JDRB is convened at the discretion of the Sheriff or someone designated by the Sheriff. At the recommendation of the bureau chief, a single person may review a death in the jail instead of the JDRB. That single person would be a Corrections Bureau division commander, who would otherwise act as chairperson of the JDRB.

Usually, the JDRB is comprised of 3 voting members (a division commander, a section commander, and a person of equal rank to the involved officer) and 3 non-voting members (the corrections training supervisor, as an advisor; the homicide unit supervisor, as the lead investigator; and an internal affairs corrections supervisor, as a scribe). The purpose of administrative review is to identify whether standard operating procedures were followed, and whether a change in policy and/or training is necessitated.

Civilian Advisory Review Board. The CARB does not have disciplinary power; all recommendations go to the Sheriff.²⁶² The board's scope includes law enforcement training and criminal justice reform.²⁶³ The first and only community forum was held in May 2022. There is no publicly posted way for a member of the public to contact CARB

²⁶⁰ Pima County Sheriff's Department General Order, *Review Boards, Disciplinary Actions, and Grievance Procedures*, effective 06/01/2022

²⁶¹ Julia Leon, "In Custody Death of Tucson Man Remains Under Investigation," News4Tucson (Dec. 20, 2022), https://www.kvoa.com/news/local/in-custody-death-of-tucson-man-remains-under-investigation/article_2207e99c-809f-11ed-ad4c-4745c2d8dca6.html.

²⁶² Shaley Kidwell. *PCSD Civilian Advisory Review Board aims to hold department accountable* (KOLD, April 19 2022).

²⁶³ Pima County Sheriff's Department: Reform, *Civilian Advisory Review Board*

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with concerns. There have been no publications shared with the public about meetings, recommendations made to the Sheriff, or details about how CARB is effecting reform at PCSD.

Internal Affairs. Grievances can be submitted to PCSD Internal Affairs telephonically and in writing. In this vein, PCSD investigators are exclusively responsible for determining wrongdoing within PCSD. The investigators are unaccountable to the public beyond standards of law and regulation; the only investigatory results published are those relating to sexual misconduct.

Limitations and Solutions. The present options for pursuing change and holding PCSD and its members to account are limited in various respects. First, while civilians are involved in the CARB, there is no real connection with the community nor a means for members of the public to express concerns or share information about wrongdoing within PCSD.

The Pima County Sheriff's Department, responsible for administration of the jail, is able to evade oversight because the County's oversight actors are not equipped to monitor jail operations and all oversight bodies ultimately report back to the Sheriff himself.

Another limitation is that the review processes are focused on individual workers within PCSD and their potential failures to comply with administrative, regulatory, or legal expectations. If problems in policy, training, or culture are the root causes of a pattern of abuse or neglect, then an investigation targeting a specific person will not yield useful results, nor will it transform the unsustainable conditions.

Professionals from a wide range of disciplines, including but not limited to nursing, social work, applied behavior analysis, and education; and informed, invested members of the community are vital to a collaborative analysis of the systems in place and what

is needed to transform – not simply reform – them. The specific places that require examination and transformation are where correctional officers are trained, the jail itself, and PCSD as an institution at large.

The current oversight bodies accomplish nothing more than rubber-stamping the Sheriff's brutality and placing him beyond reproach by providing a cover of accountability. All current oversight bodies should be abolished and replaced with community-led alternatives.

True oversight mechanisms would create an opportunity for the people of Pima County to reduce the power of the jail or the Sheriff's Department if those entities prove themselves to be deadly, unaccountable, dysfunctional, and expensive. Such a body would have the power to directly enforce a reduction in jail population, cut the Sheriff's budget, recall unaccountable elected Sheriffs, and even close the jail if it proved continually dysfunctional.

The Board of Supervisors, importantly, has the power and the responsibility to hold PCSD accountable in response to our reports of pervasive neglect and abuse at the Pima County Jail. If they continue, as they have until this point, to turn a blind eye to the mass casualty incident occurring within the jail, they should be considered equally responsible, both morally and legally, for the continued loss of life.

V. CONCLUSION

The Pima County Jail is killing our community, and doing so at an exorbitant expense to residents of Pima County and city and county governments. Attempting to incarcerate away dire realities—a critical shortage of affordable housing, a serious lack of accessible mental health care, cycles of addiction and poverty—has never worked and has, in fact, only worsened the situation. Instead of committing to investing our time and resources in proven solutions for our community, we are sending people to one of the deadliest jails in the country where they are subject to woefully inadequate healthcare, deteriorating physical conditions, and abusive staff.

The Commission's project, to ascertain how best to warehouse a jail population that is increasing in number and advancing in age and medical need, concedes the failure of the county's well-funded reform efforts. It commits our community's resources to hiding people away, consigning them to deadly conditions and engaging in tried-and-failed methods of addressing serious needs.

We don't have to engage in repetitive, hopeless, and archaic answers to our community's problems. We can imagine a better world, closer than the logic of carcerality might encourage us to believe. We can open pathways of conversation and commit to seeking solutions from those most impacted; we can achieve the community Pima County residents are asking for. Foremost, we can—and we must—remove people from the Pima County Jail.