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# Coconino County Criminal Justice Coordinating Council

## Executive Committee Meeting Minutes

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**Location:** Video Conference (Zoom) and Phone  
**Date:** February 9, 2022  
**Time:** 3:00-5:00 P.M.  
**Chair:** Superior Court Presiding Judge Dan Slayton and  
Flagstaff Municipal Court Presiding Judge Thomas Chotena  
**Facilitators:** The Justice Management Institute (JMI)

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### I. Welcome

### II. Council Business and Updates

#### *Coconino County Jail/Covid Update*

Sheriff Jim Driscoll reported that, since the beginning of the COVID-19 pandemic, the jail has had 351 positive cases and 108 staff have been positive. Currently, there are five positive cases. The jail has vaccinated 238 inmates, and currently 80% of jail the population has been vaccinated.

With the most recent outbreak, between December 29, 2021, and February 8, 2022, the jail has had 44 inmates and 11 staff test positive for COVID. During the outbreak, 80% of housing units had COVID-positive inmates and the jail stopped accepting certain inmates during the outbreak. Over the last few weeks, the jail population has dropped as low as 268.

Sheriff Driscoll is hopeful things are improving and noted that 95% of units today have no known positive cases. The jail is now reviewing current restrictions in place because of the outbreak and, as they move forward, hope to keep the population at or less than 330 to maintain ability to quarantine, isolate, and distance.

He reported that resuming jail programs will depend on the ability to reduce the need to quarantine and will be an incremental process. Sheriff Driscoll and Commander Matt Figueroa are in the midst of discussing the ability to accept self-reporting defendants into jail, and that is anticipated to begin in the next few weeks.

#### *CJCC Director Recruitment*

County Manager Steve Peru and City Manager Greg Clifton recently met about co-funding the new CJCC Director position. The biggest challenge has been where to house this position. It was decided to make this a predominantly remote position, which alleviates the challenge to some extent and gives an additional advantage to the position.

Special Assistant to the County Manager, Corey Ringenberg, reported that recruitment is set to close on Friday and that they have already received roughly 25% more applications than projected. Interviews have been scheduled with panelists to be conducted in February and March. The expectation is to make an offer by March 4<sup>th</sup> and have the director start by March 21<sup>st</sup> or 28<sup>th</sup>. After screening, the final candidates will be presented as early as February 24<sup>th</sup>.

### *SJC Committees Update*

Tom Eberly, of the [Justice Management Institute](#) (JMI) team reported that the three standing committees have been meeting and provided a brief update on each:

- **Behavioral Health Committee** – this group is meeting monthly and in the process of pursuing initiatives from the revised plan that was approved last month. Specifically, they are focusing on creating a pre-Rule 11 review team for felony cases, exploring how to better serve the Indigenous population, and looking to expand the committee’s membership.
- **Juvenile Justice Committee** – the committee dove into strategic plan and is making fantastic progress. The JMI team is talking with them about viewing the committee as a mini CJCC dedicated to juvenile justice, which would remain under the CJCC but adopt more of a structure similar to the larger CJCC.
- **Indigenous Initiatives Committee** – the committee is meeting on Friday and one of the major agenda items is to discuss the wording of the data collection strategy brought up at the CJCC meeting in January. The committee will also discuss how to engage tribal communities and recruit additional members.

The **Virtual Hearings Workgroup** has also met recently, and the takeaway was that the CJCC should move forward with this initiative and create a subgroup of IT representatives to discuss resource needs.

Corey Ringenberg is in the process of creating a Zoom setup similar to the Board of Supervisors’ meetings which will simplify public access to the CJCC Executive Committee meetings. He is also updating the CJCC website and will add the meeting dates for the next year with links for the meeting to decrease reliance on mass emails.

City Councilmember Adam Shimoni asked if there could be a parallel effort on the City’s website. County Manager Peru offered to work with IT on that suggestion.

### III. Restoration to Competency

County Manager Peru explained that of continued concern is the financial cost of restoration of competency. He is looking to work with court administration to identify additional providers for in-house treatment. Ashe County is exorbitantly priced, there are contracting roadblocks with Pima County, and, because of COVID, Yavapai County is restricted. For local out-of-custody providers, all the stakeholders are at the table.

This is being raised today because it is a major investment and County Manager Peru and Judge Slayton want to raise awareness about the cost. Judge Slayton recalled a prediction of \$1.8 million for this fiscal year for restoration services. He hopes to address this rising cost by having in-county outpatient restoration services. Besides the cost, there is the impact of sending people around the state where they develop these relationships but then return and no longer have those supportive relationships to rely on.

Chief Deputy County Attorney Ammon Barker reported his office is aware of the cost and made an internal decision that no defendant will be sent to restoration without consulting with him first. Within the last month, they had to dismiss at least a few cases. While a case may not be serious enough to move forward, this still leaves someone who is mentally ill that may likely return to the system. Chief Deputy County Attorney Barker is glad to serve on the committee and Pre-Rule 11 team to help connect people with local services. He would like to review cases currently at Ashe to ensure seriousness of the case. He noted they have to make better decisions about who is being sent there. Judge Slayton shared his appreciation for the support of the County Attorney’s Office and the efforts of the Behavioral Health Committee and Pre-Rule 11 team.

Judge Slayton reported they are working to establish two Mental Health Courts (in Justice Court and Superior Court) and feels positive about how that effort is proceeding. He spoke with Judge Steinlage (who was not in attendance) about rearranging her caseload to be involved in the creation of a Mental Health Court. The court has received two outstanding applications for the Mental Health Coordinator position. He added his appreciation for the City's contribution to this work as well.

Sheriff Driscoll shared his support for enhancing local services and noted that his office talks about this need frequently.

#### IV. Felony Case Backlog Review

Tom Eberly provided a presentation on felony caseload data over the last five-years and made the following observations:

- New filings and case dispositions were gradually increasing from 2017 to 2019 and then declined after the pandemic.
- In 2021, the number of new filings was similar to 2017, but the number of dispositions dropped significantly last year.
- Because the number of case dispositions have generally lagged behind the number of new cases filed, the Superior Court's case clearance rate has been below 100% four of the past five years.
- During the past two years, it is taking roughly a month and a half longer to dispose of felony cases (on average).
- Due to the number of new filings outpacing the number of case dispositions, the active pending caseload is increasing (17% over the past five years).
- The backlog (i.e., cases older than one year) of felony cases is steadily increasing over the past five years.

JMI's findings reveal the following:

- Historically, felony filings outpace dispositions.
- The number of active pending felony cases is increasing.
- Active pending felony cases are getting older.
- The felony case backlog appears to be increasing each year.

Tom Eberly noted the following as additional considerations for addressing case processing and backlog:

- The analysis only includes felony cases;
- ARPA funding may not be sustainable;
- Possible changes in the crime rate;
- Maximize/prioritize existing resources; and
- The capacity of facilities

After the question was raised by Supervisor Patrice Horstman, Tom Eberly noted JMI had not yet looked to other jurisdictions in Arizona to see how they are handling case backlog. He offered to reach out to Pima and Maricopa Counties. Judge Slayton explained that, at the last presiding judges meeting, the Administrative Office of the Courts offered a full evaluation of courts around the state, similar to a study conducted once in Coconino County.

Chief Deputy County Attorney Barker expressed gratitude for the presentation and noted some of the reasons for the backlog are beyond anyone's control (e.g., continuances due to COVID, lack of staff, etc.). He offered to serve on a subcommittee and suggested possible solutions could include tackling the oldest cases and diversion, which is at the top of his list but requires time for consideration and preparation.

Judge Slayton was asked if it may be possible to refuse continuances. He responded that continuances were an issue a while ago and led to the study mentioned earlier. This requires buy-in from everyone regarding how to handle continuances. It is difficult for a judge to refuse a request for continuance when a defense attorney is saying they only recently received evidence or when a county attorney is waiting for a counteroffer. The study that was done recommended the third continuance must be a plea or trial. Because of this, the court resolved a lot of cases. Judge Slayton is not sure how to get more buy-in today and is open to suggestions.

Judge Slayton supports the workgroup idea and is hopeful for the Administrative Office of the Court's study. He volunteered Probation Director Sarah Douthit to serve on the workgroup and Public Defender Sandy Diehl also volunteered. Public Defender Diehl recalled the previous study and is hopeful that diversion and the Mental Health Courts and potential Domestic Violence Court may be helpful. She also cautioned that, when comparing jurisdictions, Coconino defense attorneys have higher caseloads than attorneys in Pima and Maricopa Counties.

Chief Deputy County Attorney Barker explained that his office would like to be involved in the treatment courts but only have one attorney dedicated to those and the difficulty in putting resources toward the up-front costs when they are not fully staffed. He would ultimately like to get drug possession cases out of his office altogether but will need someone assigned to make that happen.

Councilmember Shimoni thanked everyone for the discussion and the presentation. He questioned the root of the issue and wants to understand where the pressure points are and how he, as a council member, can be most helpful through a policy lens. While Judge Slayton felt the issue is more procedural than policy-related, City Prosecutor Brent Harris believes it is in fact a policy discussion especially in considering whether the criminal justice system should be used for offenses like trespassing, consuming alcohol, and other minor victimless offenses. He argued the City and County Attorney's offices cannot control which offenses come to them, and that this needs to be addressed at the policy level. Councilmember Shimoni suggested the workgroup come up with policy recommendations for the city and county to consider and provide an opportunity to dive into those policies.

#### V. Justice System Data

*(This agenda item was withdrawn until a future date.)*

#### VI. Agenda Items for March CJCC Meeting

Councilmember Shimoni suggested the sharing of a recent report which focused on the care center being established by the city. City Manager Clifton agreed and suggested an update about the alternate response model and recruitment effort.

It was also noted that the approval of the minutes from the December 2021 Executive Committee meeting was not on today's agenda and will need to be added to April's agenda.

#### VII. Adjournment

The meeting of the CJCC Executive Committee adjourned at 5:00pm.

**Next Full CJCC Meeting Date: March 9, 2022 (3:00-5:00)**

**Next Executive Committee Date: April 13, 2022 (3:00-5:00)**