



Task Force on Fair Justice for All

Meeting Agenda

June 9, 2016 - 10:00 a.m. to 4:00 p.m.

June 10, 2016 - 8:30 a.m. to 3:30 p.m.

State Courts Building ♦ 1501 West Washington ♦ Conference Room 101 ♦ Phoenix, Arizona

Fair Justice for All Task Force Webpage

Chair – Dave Byers Vice-Chair – Tom O’Connell

Day 1 – June 9, 2016

10:00 a.m. to 4:00 p.m.

TIME	AGENDA ITEM	PRESENTER
10:00 a.m.	Welcome and opening remarks	<i>Dave Byers, Chair Tom O’Connell, Vice-chair</i>
	Approval of minutes from May 20, 2016	
	☐ Formal action or request	
10:15 a.m.	The effects of fees and fines on probation terms	<i>Barbara Broderick, Chief Probation Officer, Maricopa County</i>
10:40 a.m.	Report on unique problems with various advocacy group populations regarding fines, fees, and bail, and suggestions to alleviate these problems.	<i>Francisca Porchas, Organizing Director, Puente Human Rights Movement</i> <i>Heather Hamel, Executive Director, Justice That Works</i> <i>Norma Jimenez, Project Coordinator, Center for Neighborhood Leadership</i> <i>Adriana Garcia Maximiliano, Board Member, Center for Neighborhood Leadership & Unlimited Potential</i>
11:00 a.m.	Information regarding the use of technology to score a defendant’s ability to pay	<i>Rebecca Steele, Deputy Director, Clerk of Court, Maricopa County</i>
11:30 a.m.	Call to the public	
11:35 a.m.	Review of draft legislation proposals	<i>Jerry Landau, Government Affairs Director</i>

- 12:00 p.m. Report regarding the Western Region Pretrial Summit *Mary Ellen Sheppard, Deputy County Manager, Maricopa*
- 12:30 p.m. LUNCH BREAK
- 1:45 a.m. Review of recommendations
 Formal action or request *Dave Byers, Chair*
Tom O'Connell, Vice-chair
- 3:50 p.m. Wrap up and clarify plans for June 10 task force meeting *Dave Byers*
Tom O'Connell

Day 2 – June 10, 2016
8:30 a.m. to 3:30 p.m.

TIME	AGENDA ITEM	PRESENTER
8:30 a.m.	Welcome and opening remarks	<i>Dave Byers</i> <i>Tom O'Connell</i>
8:40 a.m.	Continue to review recommendations	<i>Dave Byers</i> <i>Tom O'Connell</i>
10:00 a.m.	Review of Task Force future plans <ul style="list-style-type: none"> • Education and training master plan • Review of educational recommendations <input type="checkbox"/> Formal action or request	<i>Dave Byers</i> <i>Jeff Schrade, Education Programs</i> <i>Division Director</i>
12:00 p.m.	Lunch break	
12:30 p.m.	Discuss and review preliminary draft report	<i>Dave Byers</i> <i>Tom O'Connell</i>
12:45 p.m.	Continue to review recommendations	<i>Dave Byers</i> <i>Tom O'Connell</i>
2:30 p.m.	Review proposed project plan and timeline	<i>Dave Byers</i> <i>Tom O'Connell</i>
3:30 p.m.	Adjourn	

Next Meeting – August 5, 2016



Task Force on Fair Justice for All

Draft Minutes

May 20, 2016

State Courts Building ♦ 1501 West Washington St. ♦ Conference Room 101
Phoenix, Arizona

Present: Dave Byers, Chair, Tom O’Connell, Vice Chair, Judge Maria Elena Cruz, India Davis, Jeffrey Fine, Ryan Glover, Judge John Hudson, Robert James, Paul Julien, Doug Kooi, Judge Dorothy Little, Jeremy Mussman, Lisa Martinez (Proxy for Dianne Post), Judge Antonio Riojas, Judge Lisa Roberts, Judge Thomas Robinson, MaryEllen Sheppard, Alessandra Soler, Rebecca Steele, Judge Don Taylor, Kathy Waters

Absent: Kent Batty, Judge Michael Bluff, Michael Kurtenbach, Tony Penn, Leonardo Ruiz

Presenters/Guests: Judge Lilia Alvarez, Paul Thomas, Madeline Carbaja, Dorrie Wiltberger, Paul Ammes, Jessica Swanson, Karla Rodriguez, Elisabeth Rapaez, Leonard Montanaro, Judge Alice Wright (Ret.), Judge Ron Reinstein, Sandra Mendez, Randy Perez, Don Dutton, Judge J. Matias Tafoya, Heather Murphy, Alec Shaffer

Staff: Theresa Barrett, Kathy Sekardi, Jennifer Greene, Patrick Scott, Susan Pickard, Sabrina Nash, Administrative Office of the Courts (AOC)

Call to Order

Dave Byers called the meeting of the *Task Force on Fair Justice for All* to order at 10:34 a.m.

Welcome and Opening Remarks

After thanking members for their enthusiasm during the April 9 and 10 meeting, Mr. Byers welcomed the members back.

Mr. Byers announced the addition of four members to the Task Force; Judge John Hudson, Gilbert Municipal Court; Leonardo Ruiz, Maricopa County Attorney’s Office; Dianne Post, Legal Advocate; and Alessandra Soler, American Civil Liberties Union of Arizona. Judge Hudson and Ms. Post introduced themselves during the April 28th meeting. Mr. Ruiz was not present. Alessandra Soler, Executive Director, discussed her interest in the Task Force, providing abbreviated background and expertise information.

Mr. Byers noted that Lisa Martinez was attending as Dianne Post’s proxy.

Mr. Byers, Judge Don Taylor and MaryEllen Sheppard provided highlights of the recent Western Summit of States where the topic was pretrial reform which inherently includes cash bail, fines,

Task Force on Fair Justice for All: Court-Ordered Fines, Penalties, Fees, and Pretrial Release Policies

and fees. Fifteen state teams, including Maryland and Missouri, and the U.S. territory of Guam led by supreme court justices met in Santa Fe, New Mexico. The enthusiasm at the summit was much like that exhibited in this Task Force's meetings. The Arizona team did not hear any ideas different from the ones discussed by the Task Force and came away with a strong understanding that the money-for-freedom systems used in most jurisdictions must be eliminated. Mr. Byers noted that 15 law suits have been filed against mainly local city jurisdictions. Nine of the cases have settled. A common thread in most of the settlements is the elimination of bond schedules.

Report on unique problems with municipal court population regarding fines, fees, and bail, and suggestions to alleviate these problems.

Judge Lilia Alvarez, Guadalupe Municipal Court Presiding Judge, presented the court's transition to better serve a highly diverse, low-income, high poverty population. The changes range from treating everyone with dignity and respect to adjusted bond card sanction amounts. Guadalupe Municipal Court has experienced an 84% jail cost reduction and reports a 95 – 100% appearance rate. As the Task Force has, Judge Alvarez questioned the propriety of revenue generation for local and state governments.

Report on Rule 11 pilot project in Mesa City Court

Paul Thomas, Mesa Municipal Court Administrator, presented the preliminary outcomes of the Rule 11 Pilot program, and the positive impacts of not issuing warrants for failure to pay offenses, electronic monitoring in lieu of bond, and hearing and payment reminders via autodialer. Mr. Thomas announced a new initiative in collaboration with Maricopa County Adult Probation regarding pretrial supervision, full implementation of the risk assessment tool, conversion of jail court to an initial appearance only court, and establishment of two dedicated arraignment courts.

Multi-voting: Prioritizing recommendations

Mr. Byers and Mr. O'Connell briefly introduced each of the 35 preliminary recommendations developed during the Task Force's April 7th and 8th meetings. Members were asked to prioritize the recommendations by an informal vote. While the actual results were not announced in the meeting, Mr. Byers noted that the members had coalesced around some topic areas.

Mr. Byers laid out a general understanding of report presentation and recommendation approval beginning with the Court Leadership Conference and the Arizona Judicial Council in October.

The Task Force broke for lunch at 12:30 p.m.

Break-out sessions

At 1:30, Task Force members separated into limited jurisdiction and general jurisdiction workgroups to discuss and develop recommendations regarding each workgroup's remaining topic areas. The Limited Jurisdiction Workgroup convened in Conference Room 330, while the General Jurisdiction Workgroup remained in Conference Room 101.

Task Force on Fair Justice for All: Court-Ordered Fines, Penalties, Fees, and Pretrial Release Policies

Task Force Reconvening

Having completed deliberations, the Task Force reconvened in Conference Room 101 at 3:20 p.m.

Call to the Public

The Call to the Public was made shortly after reconvening. No members of the public were present, therefore no comment was made.

Next Meeting: Thursday and Friday, June 9 and 10, 2016 – State Courts Building – Conference Room 101

Ability to Pay Assessment
Maricopa County Clerk of Superior Court
June 3, 2016

Current Picture

- Majority of Court assessments end up in collections
 - Most cases not validated for ability to pay
 - Authority to validate income/dependent data compared to Federal Poverty Guidelines
 - Where validation occurs, methods are inconsistent
 - Request/review of personal financial records (tax returns, credit reports, etc.) constitutes a creditor action
 - Creditors subject to FCRA laws (Willful/Negligent)
 - Legal minefield

Back end, labor intensive, costly process

Dilutes value of amounts collected

> 2% of amounts are collected

Collection fees add 18% - 32% to base amount

Target Goals

Monetary Assessments Based on Ability to Pay

- Compliant with statute
 - Judicial discretion
- Preserving access to Justice
- Consistent tool/method
 - Quick/real time in the courtroom
 - Determine release/no release (and/or) fine/no fine
- Operational goals:
 - Reduce costly back end collection
 - Reallocate those costs to assessment tool fees
 - Options include user, transaction, flat pricing models

Tools available

Charity Estimators

- Provides calculations for determining entitlement according to U.S. poverty guidelines
 - Income and number of household members
- Used by hospitals, healthcare providers and collection agencies
- Real time web service
- Short implementation cycle time
- Customizable to conform with agency historical data
- Bottom Line Benefits
 - Allow agencies to qualify persons for indigent consideration
 - Minimizes cost of collection resources by removing uncollectible debt from future work cycle
 - Unbiased estimations of poverty calculations

Vast Information Resources

Confidential & Proprietary 5

Consumers & Businesses
Addresses & Landline Phones
Mobile Phones & Email Addresses
SSNs & DOBs

Who made the purchase
What they purchased
When they purchased
How much they spent

Data Source

- 45 independent databases
- 300 billion records, 200TB of data
- 99% of U.S. adult consumers
- Individual, household & neighborhood data hierarchies

Multiple Identity Databases

Household composition
Property & Mortgage
Occupation & Income
Lifestyles & Hobbies

Consumer Purchase Data

Zip+4
Public Credit Data
Bankruptcy

Demographic Asset Data

Aggregated Financial Data

Other

Internet Domain Data
IP Address Location

Data Security & Updates

- ISO 17799 compliant for data security
- Data compiled from multiple sources to confirm accuracy
- Updates are daily, monthly, and quarterly depending upon source

eScores: Real-Time Scoring

Confidential & Proprietary 6

Tool combines vast consumer data with a predictive modeling engine to provide a real-time scoring and information service

Consumer Data Aggregation
300 billion records

Pre-Built Modeling Variables
Over 5,000 variables

→

Automated Predictive Modeling
Rapid Custom Model Development

Data Analyzed

2,462 records with a balance of \$775,837 submitted for analysis

- 306 payments (12.4% of accounts) were returned in the population
 - Totaling \$24,210 (3% of balance)
 - Equals an average of \$9 per record.
- 7% of the records contained insufficient information
 - Unable to obtain a result
- Provides verification for each input element
 - Name, Address, Phone, SS#, DOB

% of Poverty Guideline	Qualifying Deferral Tiers	Amount of balance qualified for Tier	% of Balance Analyzed	% of Accounts	Guidelines
225% or More	No Deferral	\$345,080	44%	51.2%	Applicant did not qualify for deferral
175% - 224%	25% Down/25% Per Month	\$120,760	16%	17.1%	Applicant qualified for 25% down and 25% payment per month due
150% - 174%	\$10 Per Month	\$30,899	4%	4.2%	Applicant qualified for \$10 down and \$10 payment per month due
0% - 149%	Full Deferral	\$199,385	26%	27.5%	Applicant qualified for full deferral

Dollar impact

Impact of Analysis on Deferral Debt for previous Fiscal Year

Month	New Accounts	Balance	No Deferral	25% Down 25% Per Month	\$10 Down \$10 Per Month	Full Deferral
Jul-12	2,218	\$577,986	\$254,314	\$92,478	\$23,119	\$150,276
Aug-12	2,386	\$860,991	\$378,836	\$137,759	\$34,440	\$223,858
Sep-12	1,827	\$489,717	\$215,475	\$78,355	\$19,589	\$127,326
Oct-12	2,225	\$577,836	\$254,248	\$92,454	\$23,113	\$150,237
Nov-12	1,692	\$444,246	\$195,468	\$71,079	\$17,770	\$115,504
Dec-12	1,713	\$443,879	\$195,307	\$71,021	\$17,755	\$115,409
Jan-13	1,710	\$449,311	\$197,697	\$71,890	\$17,972	\$116,821
Feb-13	1,652	\$439,649	\$193,446	\$70,344	\$17,586	\$114,309
Mar-13	1,641	\$432,066	\$190,109	\$69,130	\$17,283	\$112,337
Apr-13	1,816	\$485,717	\$213,715	\$77,715	\$19,429	\$126,286
May-13	2,229	\$594,504	\$261,582	\$95,121	\$23,780	\$154,571
Jun-13	2,016	\$519,267	\$228,478	\$83,083	\$20,771	\$135,009
Totals	23,125	\$6,315,166	\$2,778,673	\$1,010,427	\$252,607	\$1,641,943

- Payments of 3% received on deferral debt for the previous fiscal year would be \$189,455
- With the assessment tool, \$3,058,336 potential exists
 - \$2,778,673 (no deferral)
 - \$252,607 (25% initial down payment)
 - \$27,056 (accounts with \$10 initial down payment)

Debtor Example

Filer has \$ 68,000 in filing fees on the books

The screenshot displays the eLookUp web application interface. At the top, there is a blue header with the 'eLookUp' logo and a timestamp '6/8/13 12:56 PM'. Below the header, the environment is identified as 'Test | Product: xtech:estimate:poverty:1'. The main content area is divided into two panels: 'Input:' and 'Results:'. The 'Input:' panel lists various fields: 'Input: data', 'First', 'Last', 'Addr', 'City: phoenix', 'State: AZ', 'Zip: 85008', 'Phone', 'SSN', 'Email', 'Date of Birth', 'Income: 30000', and '# of Records: 1'. Below these fields are 'Edit' and 'New' buttons. The 'Results:' panel shows a 'Poverty' section with the following data: 'Guideline: 11170', 'People: 1', 'Income: 30000', and 'Percent: 268.6'. A text box below the results states: 'Result is based on placement within FPG; can also include aggregate score recommendation based on historical data analyzed'.

D.C. Code § 23-1321

District of Columbia Official Code
Copyright © 2016 The District of Columbia
All rights reserved.

*** Statutes current through April 5, 2016 ***

Division IV. Criminal law and procedure and prisoners.
Title 23. Criminal Procedure.
Chapter 13. Bail Agency [Pretrial Services Agency] and Pretrial Detention.
Subchapter II. Release and Pretrial Detention.

D.C. Code § 23-1321 (2016)

§ 23-1321. Release prior to trial.

(a) Upon the appearance before a judicial officer of a person charged with an offense, other than murder in the first degree, murder in the second degree, or assault with intent to kill while armed, which shall be treated in accordance with the provisions of § 23-1325, the judicial officer shall issue an order that, pending trial, the person be:

(1) Released on personal recognizance or upon execution of an unsecured appearance bond under subsection (b) of this section;

(2) Released on a condition or combination of conditions under subsection (c) of this section;

(3) Temporarily detained to permit revocation of conditional release under § 23-1322; or

(4) Detained under § 23-1322(b).

(b) The judicial officer shall order the pretrial release of the person on personal recognizance, or upon execution of an unsecured appearance bond in an amount specified by the court, subject to the condition that the person not commit a local, state, or federal crime during the period of release, unless the judicial officer determines that the release will not reasonably assure the appearance of the person as required or will endanger the safety of any other person or the community.

(c) (1) If the judicial officer determines that the release described in subsection (b) of this section will not reasonably assure the appearance of the person as required or will endanger the safety of any other person or the community, the judicial officer shall order the pretrial release of the person subject to the:

(A) Condition that the person not commit a local, state, or federal crime during the period of release; and

(B) Least restrictive further condition, or combination of conditions, that the judicial officer determines will reasonably assure the appearance of the person as required and the

safety of any other person and the community, which may include the condition or combination of conditions that the person during the period of release shall:

(i) Remain in the custody of a designated person or organization that agrees to assume supervision and to report any violation of a condition of release to the court, if the designated person or organization is able to reasonably assure the judicial officer that the person will appear as required and will not pose a danger to the safety of any other person or the community;

(ii) Maintain employment, or, if unemployed, actively seek employment;

(iii) Maintain or commence an educational program;

(iv) Abide by specified restrictions on personal associations, place of abode, or travel;

(v) Avoid all contact with an alleged victim of the crime and with a potential witness who may testify concerning the offense;

(vi) Report on a regular basis to a designated law enforcement agency, pretrial services agency, or other agency;

(vii) Comply with a specified curfew;

(viii) Refrain from possessing a firearm, destructive device, or other dangerous weapon;

(ix) Refrain from excessive use of alcohol or marijuana, or any use of a narcotic drug or other controlled substance without a prescription by a licensed medical practitioner; provided, that a positive test for use of marijuana or a violation of § 48-1201 shall not be considered a violation of the conditions of pretrial release, unless the judicial officer expressly prohibits the use or possession of marijuana, as opposed to controlled substances generally, as a condition of pretrial release; the terms "narcotic drug" and "controlled substance" shall have the same meaning as in § 48-901.02;

(x) Undergo medical, psychological, or psychiatric treatment, including treatment for drug or alcohol dependency, if available, and remain in a specified institution if required for that purpose;

(xi) Return to custody for specified hours following release for employment, schooling, or other limited purposes, except that no person may be released directly from the District of Columbia Jail or the Correctional Treatment Facility for these purposes;

(xii) Execute an agreement to forfeit upon failing to appear as required, the designated property, including money, as is reasonably necessary to assure the appearance of the person as required, and post with the court the indicia of ownership of the property, or a percentage of the money as the judicial officer may specify;

(xiii) Execute a bail bond with solvent sureties in whatever amount is reasonably

necessary to assure the appearance of the person as required; or

(xiv) Satisfy any other condition that is reasonably necessary to assure the appearance of the person as required and to assure the safety of any other person and the community.

(2) In considering the conditions of release described in paragraph (1)(B)(xii) or (xiii) of this subsection, the judicial officer may upon his own motion, or shall upon the motion of the government, conduct an inquiry into the source of the property to be designated for potential forfeiture or offered as collateral to secure a bond, and shall decline to accept the designation or the use as collateral of property that, because of its source, will not reasonably assure the appearance of the person as required.

(3) A judicial officer may not impose a financial condition under paragraph (1)(B)(xii) or (xiii) of this subsection to assure the safety of any other person or the community, but may impose such a financial condition to reasonably assure the defendant's presence at all court proceedings that does not result in the preventive detention of the person, except as provided in § 23-1322(b).

(4) A person for whom conditions of release are imposed and who, after 24 hours from the time of the release hearing, continues to be detained as a result of inability to meet the conditions of release, shall upon application be entitled to have the conditions reviewed by the judicial officer who imposed them. Unless the conditions of release are amended and the person is thereupon released, on another condition or conditions, the judicial officer shall set forth in writing the reasons for requiring the conditions imposed. A person who is ordered released on a condition that requires that the person return to custody after specified hours shall, upon application, be entitled to a review by the judicial officer who imposed the condition. Unless the requirement is removed and the person is released on another condition or conditions, the judicial officer shall set forth in writing the reasons for continuing the requirement. In the event that the judicial officer who imposed the conditions of release is not available, any other judicial officer may review the conditions.

(5) The judicial officer may at any time amend the order to impose additional or different conditions of release.

HISTORY: (July 29, 1970, 84 Stat. 642, Pub. L. 91-358, title II, § 210(a); Sept. 17, 1982, D.C. Law 4-152, §§ 2, 5, 29 DCR 3479; July 3, 1992, D.C. Law 9-125, § 2, 39 DCR 2134; Aug. 20, 1994, D.C. Law 10-151, § 601, 41 DCR 2608; June 12, 2001, D.C. Law 13-310, § 2(a), 48 DCR 1648; June 5, 2003, D.C. Law 14-307, § 2102, 49 DCR 11664; July 17, 2014, D.C. Law 20-126, § 403, 61 DCR 3482.)

D.C. Code § 23-1327

District of Columbia Official Code
Copyright © 2016 The District of Columbia
All rights reserved.

*** Statutes current through April 5, 2016 ***

Division IV. Criminal law and procedure and prisoners.
Title 23. Criminal Procedure.
Chapter 13. Bail Agency [Pretrial Services Agency] and Pretrial Detention.
Subchapter II. Release and Pretrial Detention.

D.C. Code § 23-1327 (2016)

§ 23-1327. Penalties for failure to appear.

(a) Whoever, having been released under this title prior to the commencement of his sentence, willfully fails to appear before any court or judicial officer as required, shall, subject to the provisions of the Federal Rules of Criminal Procedure, incur a forfeiture of any security which was given or pledged for his release, and, in addition, shall, (1) if he was released in connection with a charge of felony, or while awaiting sentence or pending appeal or certiorari prior to commencement of his sentence after conviction of any offense, be fined not more than the amount set forth in [§ 22-3571.01] and imprisoned not less than one year and not more than five years, (2) if he was released in connection with a charge of misdemeanor, be fined not more than the amount set forth in [§ 22-3571.01] and imprisoned for not less than ninety days and not more than 180 days, or (3) if he was released for appearance as a material witness, be fined not more than the amount set forth in [§ 22-3571.01] or imprisoned for not more than 180 days, or both.

(b) Any failure to appear after notice of the appearance date shall be prima facie evidence that such failure to appear is wilful. Whether the person was warned when released of the penalties for failure to appear shall be a factor in determining whether such failure to appear was wilful, but the giving of such warning shall not be a prerequisite to conviction under this section.

(c) The trier of facts may convict under this section even if the defendant has not received actual notice of the appearance date if (1) reasonable efforts to notify the defendant have been made, and (2) the defendant, by his own actions, has frustrated the receipt of actual notice.

(d) Any term of imprisonment imposed pursuant to this section shall be consecutive to any other sentence of imprisonment.

D.C. Code § 23-1329

District of Columbia Official Code
Copyright © 2016 The District of Columbia
All rights reserved.

*** Statutes current through April 5, 2016 ***

Division IV. Criminal law and procedure and prisoners.
Title 23. Criminal Procedure.
Chapter 13. Bail Agency [Pretrial Services Agency] and Pretrial Detention.
Subchapter II. Release and Pretrial Detention.

D.C. Code § 23-1329 (2016)

§ 23-1329. Penalties for violation of conditions of release.

(a) A person who has been conditionally released pursuant to section 23-1321 and who has violated a condition of release shall be subject to revocation of release, an order of detention, and prosecution for contempt of court.

(a-1) In addition to any other penalty provided under this section, a person may be fined an amount not more than the amount set forth in [§ 22-3571.01].

(b) (1) Proceedings for revocation of release may be initiated on motion of the United States Attorney or on the court's own motion. A warrant for the arrest of a person charged with violating a condition of release may be issued by a judicial officer and if such person is outside the District of Columbia he shall be brought before a judicial officer in the district where he is arrested and shall then be transferred to the District of Columbia for proceedings in accordance with this section. No order of revocation and detention shall be entered unless, after a hearing, the judicial officer:

(A) Finds that there is:

(i) Probable cause to believe that the person has committed a federal, state, or local crime while on release; or

(ii) Clear and convincing evidence that the person has violated any other condition of his release; and

(B) Finds that:

(i) Based on the factors set out in § 23-1322(e), there is no condition or combination of conditions of release which will reasonably assure that the person will not flee or pose a danger to any other person or the community; or

(ii) The person is unlikely to abide by a condition or conditions of release.

(2) If there is probable cause to believe that while on release, the person committed a dangerous or violent crime, as defined by § 23-1331, or a substantially similar offense

under the laws of any other jurisdiction, a rebuttable presumption arises that no condition or combination of conditions will assure the safety of any other person or the community.

(3) The provisions of § 23-1322(d) and (h) shall apply to this subsection.

(c) Contempt sanctions may be imposed if, upon a hearing and in accordance with principles applicable to proceedings for criminal contempt, it is established that such person has intentionally violated a condition of his release. Such contempt proceedings shall be expedited and heard by the court without a jury. Any person found guilty of criminal contempt for violation of a condition of release shall be imprisoned for not more than six months, or fined not more than the amount set forth in [§ 22-3571.01], or both. A judicial officer or a prosecutor may initiate a proceeding for contempt under this section.

(d) Any warrant issued by a judge of the Superior Court for violation of release conditions or for contempt of court, for failure to appear as required, or pursuant to § 23-1322(d)(7), may be executed at any place within the jurisdiction of the United States. Such warrants shall be executed by a United States marshal or by any other officer authorized by law.

(e) A person who has been conditionally released and who violates a condition of that release by using a controlled substance or by failing to comply with the prescribed treatment for use of a controlled substance, may be ordered by the court, in addition to or in lieu of the penalties and procedures prescribed in subsections (a) through (d) of this section, to temporary placement in custody, when, in the opinion of the court, such action is necessary for treatment or to assure compliance with conditions of release. A person shall not be subject to an order of temporary detention under this subsection, unless before any such violation and order, the person has agreed in writing to the imposition of such an order as a sanction for the person's violation of a condition of release.

(f) (1) Within 180 days of the effective date of this act [June 12, 2001], the Department of Corrections, in consultation with the Federal Bureau of Prisons, the Court Services and Offender Supervision Agency, and the Pretrial Services Agency, shall promulgate regulations, in accordance with [Chapter 5 of Title 2] to establish standards of conduct and discipline for persons released pursuant to § 23-1321(c)(1)(B)(xi). Such regulations shall set forth sanctions for different kinds of violations, up to and including revocation of release and detention.

(2) If a person who has been released pursuant to § 23-1321(c)(1)(B)(xi) violates a standard of conduct for which the sanction is revocation of release, the Department of Corrections may take the person into its custody or, if necessary, apply for a warrant for the person's arrest.

(3) The Department of Corrections shall immediately notify the Superior Court of the District of Columbia ("the Court") of the detention of the person and request an order for the person to be brought before the Court without unnecessary delay. An affidavit stating the basis for the person's remand to the jail shall be filed forthwith with the Court.

(4) If, based on the affidavit described in paragraph (3) of this subsection, the Court finds probable cause to believe that the person violated a standard of conduct for which a sanction is revocation of release, it shall schedule a hearing for revocation of release under

subsection (b) of this section and shall detain the person pending completion of the hearing.

(5) If, based on the affidavit described in paragraph (3) of this subsection, the Court does not find probable cause to believe that the person violated a standard of conduct for which the sanction is revocation of release, it shall order the release of the person with the original or modified conditions of release.

2016 CCJ/COSCA Western Region Pretrial Reform Summit

“Legal and Evidence Based Practices”

AZ Team Priorities:

1. Implement pretrial risk assessment for all felonies in all jurisdictions
2. Reduce the reliance on cash bail and shift to risk based decision making
3. Make pretrial risk assessment a goal for misdemeanants in all jurisdictions

Three priority groups needing better solutions:

1. Persons with mental illnesses/with a mental health diagnosis
2. Repetitive offenders—drug addicted
3. Those that fail to appear

Language for Proposed Rule/Legislative Change(s):

Cash bonds may only be used if specific findings are made that no other alternative will ensure the defendant’s appearance and provide for public safety.

Related suggestions:

- ✓ Define pretrial bail to mean release
- ✓ Define “sufficient sureties” to mean own recognizance, unsecured bonds, supervised release, electronic monitoring based upon risk.
- ✓ Rule to be written to clarify judge’s discretion with respect to credits for time already served
- ✓ Need to give judges’ discretion to mitigate fines based upon ability to pay. Give judges ability not to impose unfair sanctions.

Future focus:

Parallel Tracks:

Task Force → Rule Changes → Non-cash bonds

Consider Rule changes then education under new Rules.

Continue Education → Pushing down to lower courts (limited jurisdictions to also receive training on risk principles)



THE HIDDEN COST OF PRETRIAL DETENTION



May 2016

Ryan Cotter, Ph.D.
Director of Research
Justice System Planning and Information

Justice System Planning and Information (JSPI) provides analytical support to Maricopa County justice system stakeholders to advance the effectiveness and efficiency of the criminal justice system.

Ryan Cotter, Ph.D. is the Director of Research for JSPI.

Email: cotterr@mail.maricopa.gov

JSPI

Maricopa County

301 W Jefferson, Suite 3200

Phoenix, AZ 85003

Phone: 602-506-1642

RISK-NEEDS-RESPONSIVITY MODEL

Three principles of the RNR model:

- **RISK PRINCIPLE:** Identifies *who* should be treated;
- **NEEDS PRINCIPLE:** Identifies *what* should be treated; and
- **RESPONSIVITY PRINCIPLE:** Identifies *how* to provide treatment.

RISK-NEEDS-RESPONSIVITY MODEL			
RISK PRINCIPLE	<p>Intensity of treatment should match offender risk level.</p> <p>Targeting <i>MODERATE-TO-HIGH</i> risk offenders reduces recidivism.¹</p> <p>Targeting <i>LOW RISK</i> offenders can increase recidivism.²</p>		
NEEDS PRINCIPLE	<p>Interventions should target the central eight criminogenic risk/needs factors:</p> <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; vertical-align: top;"> <ul style="list-style-type: none"> ▪ Criminal history ▪ Anti-social personality ▪ Anti-social attitudes and values ▪ Anti-social associates </td> <td style="width: 50%; vertical-align: top;"> <ul style="list-style-type: none"> ▪ Family dysfunction ▪ Poor self-control or problem solving skills ▪ Substance abuse ▪ Lack of employment or employability skills </td> </tr> </table> <p>Recidivism reduction is maximized when multiple criminogenic needs are targeted.</p>	<ul style="list-style-type: none"> ▪ Criminal history ▪ Anti-social personality ▪ Anti-social attitudes and values ▪ Anti-social associates 	<ul style="list-style-type: none"> ▪ Family dysfunction ▪ Poor self-control or problem solving skills ▪ Substance abuse ▪ Lack of employment or employability skills
<ul style="list-style-type: none"> ▪ Criminal history ▪ Anti-social personality ▪ Anti-social attitudes and values ▪ Anti-social associates 	<ul style="list-style-type: none"> ▪ Family dysfunction ▪ Poor self-control or problem solving skills ▪ Substance abuse ▪ Lack of employment or employability skills 		
RESPONSIVITY PRINCIPLE	<p>Treatment is most effective if it:</p> <ul style="list-style-type: none"> ▪ Employs a cognitive-behavioral approach. ▪ Tailors treatment to the specific learning style and attributes of the offender. 		

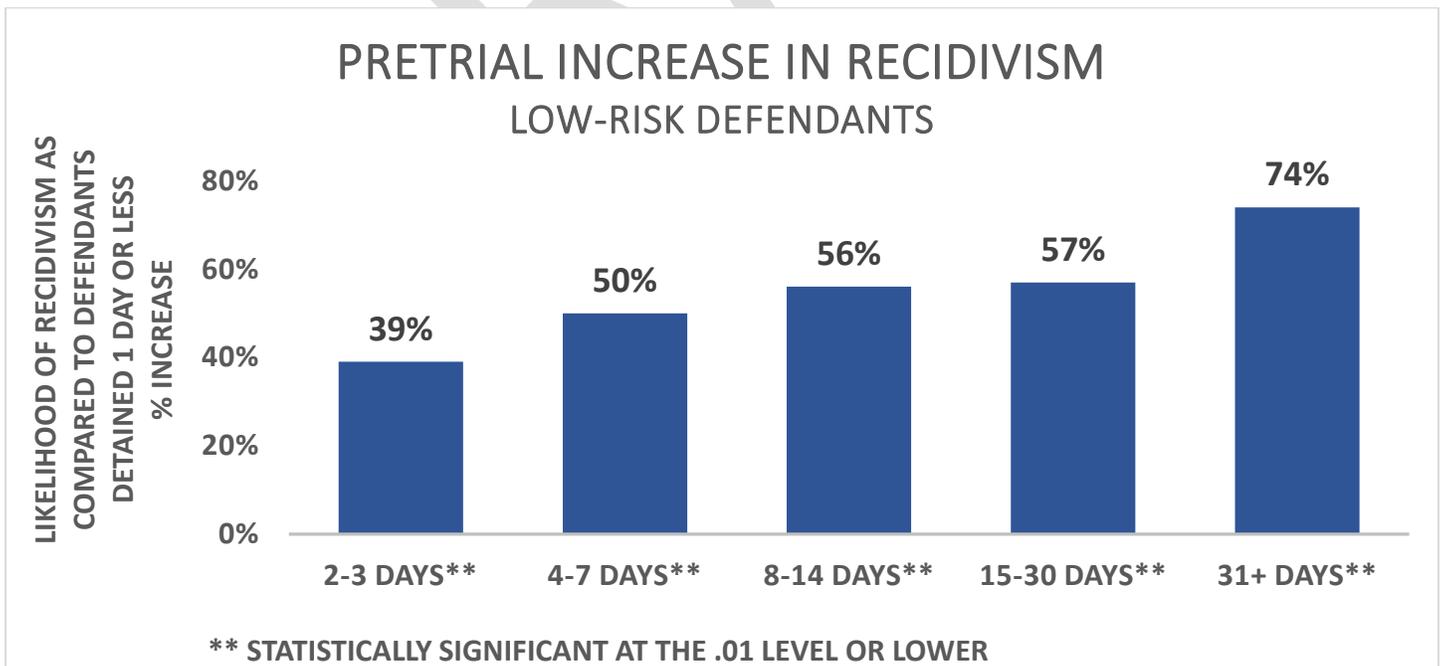
¹ Andrews, 2007; Andrews & Bonta, 2007; Andrews, Bonta, & Wormith, 2006; Andrews & Dowden, 2007; Andrews, Dowden, & Gendreau, 1999; Bonta, 2007; Dowden, 1998; Gendreau, Goggin, & Little, 1996; Lipsey & Cullen, 2007; Smith, Gendreau, & Swartz, 2009.

² Andrews & Bonta, 2007; Bonta, Wallace-Capretta, & Rooney, 2000; Cullen & Gendreau, 2000; Gendreau, Goggin, Cullen, & Andrews, 2001; Lowenkamp & Latessa, 2004; Lowenkamp, Latessa, & Holsinger, 2006.

THE HIDDEN COST OF PRETRIAL DETENTION LOWENKAMP ET AL.,

- ❖ Detaining low risk defendants, even just for a few days, is strongly correlated with higher rates of new criminal activity.
- ❖ Compared to pretrial low risk defendants detained for one day, low risk defendants detained:
 - 2-3 days were 39% more likely to recidivate before trial
 - 4-7 days were 50% more likely to recidivate before trial
 - 8-14 days were 56% more likely to recidivate before trial
 - 15-30 days were 57% more likely to recidivate before trial
 - 31+ days were 74% more likely to recidivate before trial

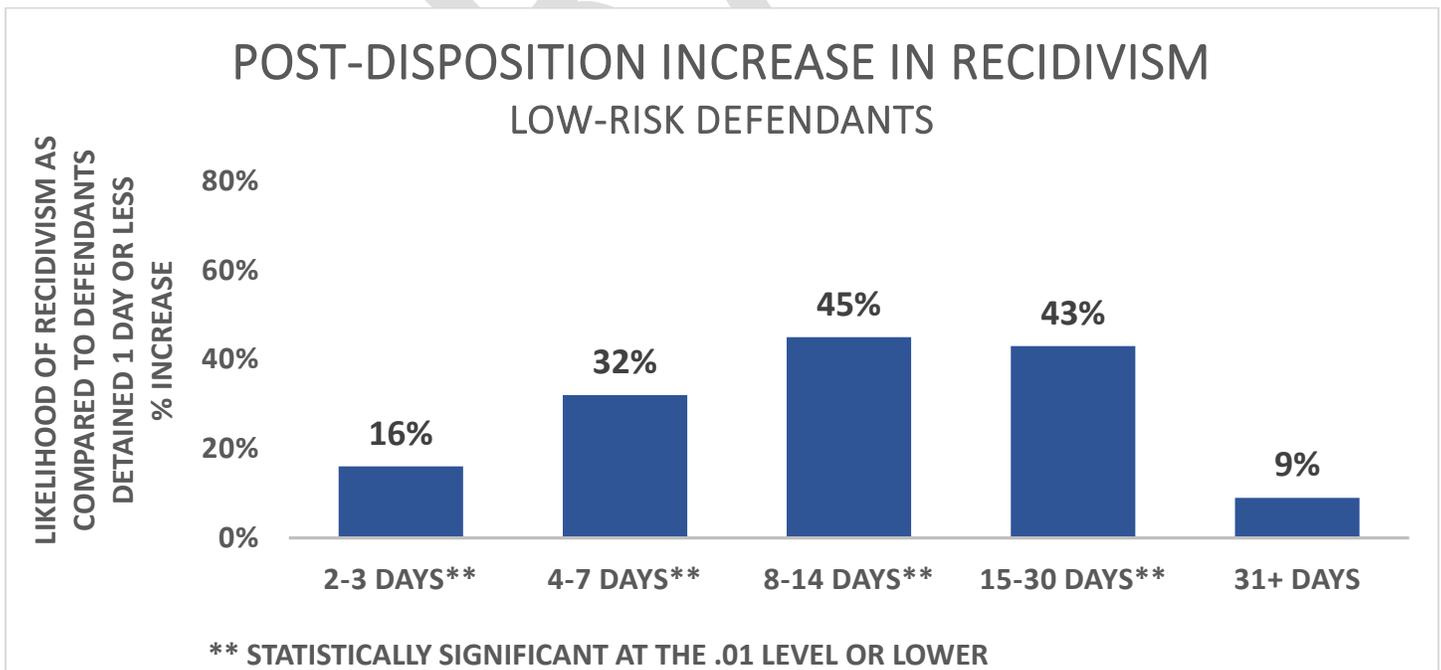
PRETRIAL NCA			
		Exp b (95% CI)	p-value
Low Risk	2 to 3 Days	1.39 (1.27, 1.52)	0.00
	4 to 7 Days	1.50 (1.30, 1.72)	0.00
	8 to 14 Days	1.56 (1.33, 1.85)	0.00
	15 to 30 Days	1.57 (1.26, 1.95)	0.00
	31+ Days	1.74 (1.39, 2.18)	0.00



THE HIDDEN COST OF PRETRIAL DETENTION LOWENKAMP ET AL.,

- ❖ As length of pretrial detention increases up to 30 days, the 12 month post-disposition recidivism rate for low risk defendants also increases.
- ❖ Compared to pretrial low risk defendants detained for one day, low risk defendants detained:
 - 2-3 days were 16% more likely to recidivate within 12 months post-disposition
 - 4-7 days were 32% more likely to recidivate within 12 months post-disposition
 - 8-14 days were 45% more likely to recidivate within 12 months post-disposition
 - 15-30 days were 43% more likely to recidivate within 12 months post-disposition
 - 31+ days = no statistically significant difference ($p = 0.11$)

POST-DISPOSITION NCA			
		Exp b (95% CI)	p-value
Low Risk	2 to 3 Days	1.16 (1.10, 1.23)	0.00
	4 to 7 Days	1.32 (1.21, 1.43)	0.00
	8 to 14 Days	1.45 (1.33, 1.59)	0.00
	15 to 30 Days	1.43 (1.28, 1.61)	0.00
	31+ Days	1.09 (0.98, 1.21)	0.11



MARICOPA COUNTY: THE HIDDEN COST OF PRETRIAL DETENTION

- ❖ Examined pretrial low risk offenders released in 2014.
- ❖ Recidivism was defined as being rebooked in MCSO jail within 365 days of release.
- ❖ There was no statistically significant difference in recidivism between individuals detained for one day vs. 2-3 days ($p = 0.76$).

Rebooked within 365 days				
		B (RSE)	Exp b (95% CI)	p-value
Low Risk	2 to 3 Days	-0.05 (0.15)	0.95 (0.71, 1.29)	0.76
* Reference = 1 day				

MARICOPA COUNTY: THE HIDDEN COST OF PRETRIAL DETENTION

- ❖ Conducted multivariate propensity score matching to develop balanced matched sample.
 - Matched on: proxy score, age, gender, ethnicity, felony charge, drug charge
 - Matched sample: 2,728

MATCHING OUTCOMES					
	Unmatched Data		Matched Data		
	Reference	Comparison	Reference	Comparison	<i>t</i> or <i>x</i>²
	\bar{x} or %	\bar{x} or %	\bar{x} or %	\bar{x} or %	p-value
Proxy Score 0	0.21	0.15	0.21	0.21	0.83
Proxy Score 1	0.35	0.32	0.35	0.33	0.83
Proxy Score 2	0.45	0.53	0.45	0.46	0.83
Age	38	40	38	38	0.65
Male	0.60	0.65	0.60	0.61	0.67
Hispanic	0.23	0.19	0.23	0.24	0.09
African American	0.13	0.16	0.13	0.12	0.09
White	0.57	0.59	0.57	0.59	0.09
Other	0.07	0.06	0.07	0.05	0.09
Target Felony	0.51	0.65	0.51	0.53	0.47
Target Drug	0.16	0.21	0.16	0.15	0.71

MARICOPA COUNTY: THE HIDDEN COST OF PRETRIAL DETENTION

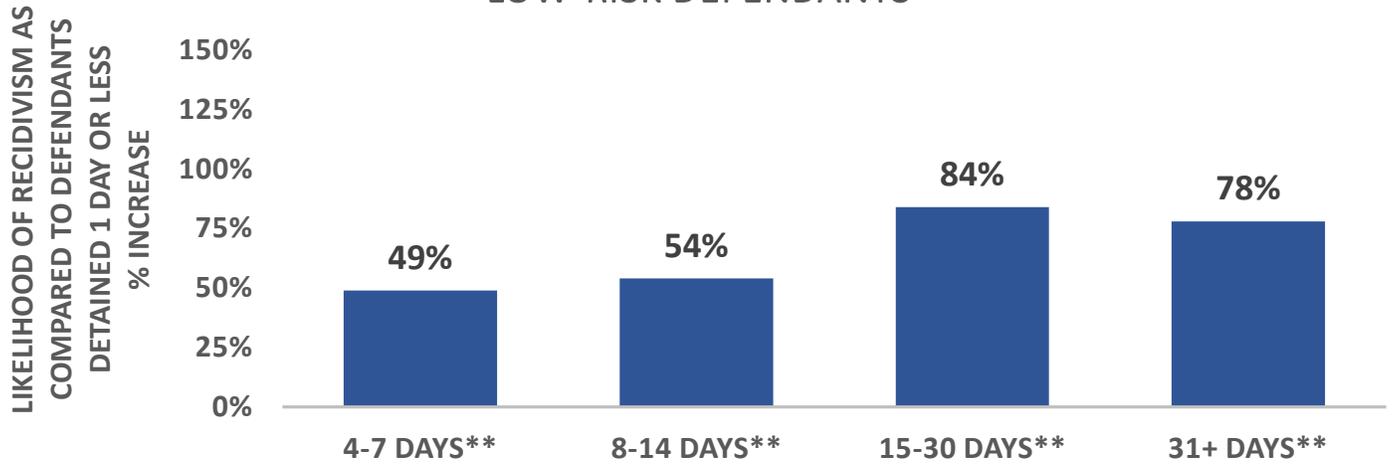
LOW RISK PRETRIAL DEFENDANTS

- ❖ Equivalent pretrial low risk defendants detained four or more days had greater odds of new criminal activity.

- ❖ Compared to pretrial low risk defendants detained 1-3 days, individuals detained:
 - 4-7 days were 49% more likely to recidivate within 12 months of release
 - 8-14 days were 54% more likely to recidivate within 12 months of release
 - 15-30 days were 84% more likely to recidivate within 12 months of release
 - 31+ days were 78% more likely to recidivate within 12 months of release

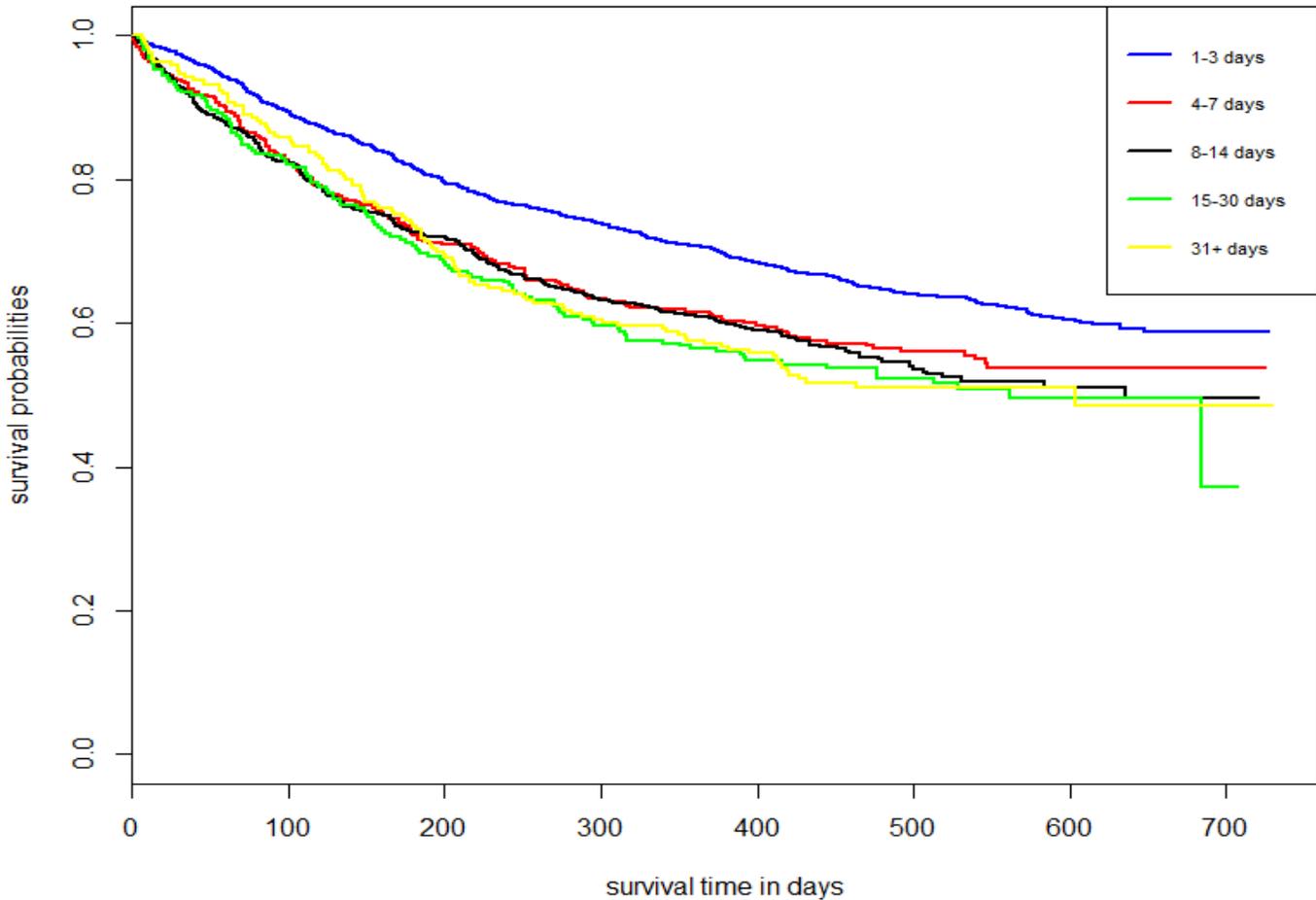
Rebooked within 365 days				
		B (RSE)	Exp b (95% CI)	p-value
Low Risk	4 to 7 Days	0.40 (0.12)	1.49 (1.18, 1.89)	0.00
	8 to 14 Days	0.43 (0.11)	1.54 (1.24, 1.92)	0.00
	15 to 30 Days	0.61 (0.14)	1.84 (1.40, 2.43)	0.00
	31 or more Days	0.58 (0.14)	1.78 (1.35, 2.36)	0.00
	Proxy Score 1	0.33 (0.12)	1.39 (1.10, 1.75)	0.01
	Proxy Score 2	0.48 (0.11)	1.61 (1.30, 2.00)	0.00
* Reference 1-3 days				

INCREASE IN RECIDIVISM LOW-RISK DEFENDANTS



** STATISTICALLY SIGNIFICANT AT THE .01 LEVEL OR LOWER

LOW RISK SURVIVAL



RESULTS

- ❖ Low risk pretrial defendants detained 1-3 days have similar recidivism outcomes.
- ❖ Low risk pretrial defendants detained four or more days have increased odds of recidivism.
 - Individuals detained:
 - 4-7 days were 49% more likely to recidivate within 12 months of release
 - 8-14 days were 54% more likely to recidivate within 12 months of release
 - 15-30 days were 84% more likely to recidivate within 12 months of release
 - 31+ days were 78% more likely to recidivate within 12 months of release
- ❖ As expected, survival curves indicate that individuals detained 1-3 days are significantly less likely to reoffend when compared to individuals detained four or more days.



Recommendations Categorized by Purposes of A.O. 2016-16

Implementation of these individual recommendations may address several of the goals of this task force and although they are presented as a solution to one goal, implementation of a particular recommendation may also satisfy other goals of the task force.

PURPOSE 1. Recommend statutory changes, if needed, court rules, written policies, and processes and procedures for setting, collecting, and reducing or waiving court-imposed payments;

No.	Recommendation	Original recommendation number	Origin
1	Amend bail statutes to update terminology to align with risk-based decision system.	5b.	GJ
2	Request a legislative change to allow judges to mitigate mandatory minimum fines, fees, surcharges, and penalties for those defendants for whom imposing a mandatory fine would cause economic hardship. If it's not possible to amend the statute to provide judicial discretion in all cases, focus the priority on those cases in which just failure to provide proof of insurance is charged.	16.	LJ & GJ
3	Amend A.R.S. § 13-3967 (<i>Release on bailable offenses before trial; definition</i>) to include the consideration of the results of a validated risk assessment.	5c.	GJ
4	Modify Form 6 - <i>Release Order</i> and Form 7 – <i>Appearance Bond</i> to conform to risk-based decision system.	5d.	GJ
5	Recommend amending Rule 7.4(D) of the Rules of Criminal Procedure that currently provides for a 10-day bail review hearing to a.) <u>24 hours</u> , or b.) <u>48 hours</u> .	8.	LJ
6	Recommend notifying defendants that a warrant will be issued unless they come to court within five days after a failure to appear.	11.	GJ
7	Recommend making it clear on the summons and bond card that the defendant can come to court before the designated court date to resolve the case; and tell the defendant how to reschedule the hearing if the defendant can't appear on the scheduled date.	14.	LJ

8	Promote the use of restitution courts, status conferences, or probation review hearings to ensure due process and consider the wish of the victim. If restitution courts are used, standards must be established for willful contempt.	27.	GJ
9	Seek legislation to change the following criminal charges to civil charges: driving on a suspended license; littering; criminal speeding; and expired out-of-state registration.	17.	LJ
10	Amend ARS § 13-824 (<i>Community restitution in lieu of fines, fees, assessments or incarceration costs</i>) to also include general jurisdiction fines, and to allow judicial discretion to determine the rate of credit for each hour of community restitution work performed based on standards established by the court. Additionally, amend ARS § 13-810(E) (<i>Consequences of nonpayment of fines, fees, restitution or incarceration costs</i>) to allow the court or probation to convert fines to community restitution pursuant to ARS 13-824. Clarify that the conversion may be done at the time of sentencing or any time after sentencing once it is determined that the defendant cannot pay despite good faith efforts to comply.	25.	GJ
11	Request legislation that would allow courts to close cases and write-off fines and fees after a certain period of time, such as 10 or 15 years.	26.	LJ
12	Recommend increasing access to the court (i.e., night hours, weekends, longer hours, take the court to them, allow video appearances, FaceTime or Skype to appear remotely. Use “Peer Navigators” to assist the mentally ill and a “warm hand off.”	38.	GJ

PURPOSE II. Develop suggested best practices for allowing citizens unable to pay the full amount of a sanction at the time of sentencing options for reasonable time payment plans or by the performance of community service.

No.	Recommendation	Original recommendation number	Origin
13	Recommend to modify bond cards, reminder letters, and FARE letters to explain that if the defendant plans on pleading guilty or responsible, but cannot afford to pay the full amount of the court sanctions at the time of the hearing, the defendant may request a time payment plan.	12.	LJ

14	Recommend providing judges with the ability to reduce or eliminate non-victim restitution outstanding balances after defendant's successful completion of a program and treatment that helps reduce repetitive criminal activity.	18.	GJ
15	Recommend providing courts with additional tools to determine a defendant's ability or inability to pay financial conditions.	19.	GJ
16	Make use of public database information and aggregate tools that are standardized and applied consistently statewide for judicial officers, pretrial services, and probation.	19a.	GJ
17	Exclude means-tested benefits (SSI, SNAP) from calculation of the defendant's income.	19b.	GJ
18	Waive or reduce fines if defendant qualifies for means assistance programs, much like the fee waiver deferral guidelines.	19c.	GJ
19	Provide focused judicial education on ARS 11-584(D) and ARCrP 6.7(D) about how to determine the amount and method of payment, specifically, taking into account the financial resources and the nature of the burden that the payment will impose on the defendant and make specific findings on the record about the defendant's ability to pay.	19d.	GJ
20	Recommend notifying defendants about the opportunity to come back to the court to start a payment plan before issuing a warrant for failure to pay.	21.	GJ
21	Implement the City of Phoenix Consumer Assistance Program in regard to defendant financial obligation enforcement or similar program statewide.	22.	LJ
22	Recommend the court system test the use of pre-addressed, postage paid envelopes given to defendants for use in making time payments to the court to determine if this method increases the ability for defendants to stay on track with a time payment plan.	24a.	LJ
23	Recommend the court discuss with employers the possibility of allowing, at the employee's request, pay roll deductions to pay fines to the courts.	24b.	LJ

24	Discuss with businesses, like Fry's, to allow individuals to make court payments within their place of business.	24c.	LJ
25	Implement the creation of a victim restitution fund from Victims of Crime Act (VOCA) monies or other sources that would pay modest restitution amounts to a victim, but require the defendant to pay into the fund over time.	28.	LJ
26	Recommend that the Conference of Chief Justices and the Conference of State Court Administrators approach congress about federal tax intercept for restitution only with an exception for those who are eligible for the earned income tax credit (EITC).	29.	LJ
27	Amend statute to allow judges to mitigate mandatory fines and fees so the fines and fees are proportional to the defendant's income.	34.	GJ
28	Request the Committee on Probation through the Adult Probation Services Division review appropriate policies and processes within ACJA 6-201: Standard Probation and ACJA 6-202: Adult Intensive Probation and make specific recommendations for amending these code sections to allow the court to close cases based on a probationer's ability to pay at the end of their probation term.	35.	GJ
29	Create a statewide web-portal that will provide updated financial information and outstanding balances. This information should be made available to defendants and victims.	36.	GJ

PURPOSE III. Recommend best practices for making release decisions that protect the public, but do not keep people in jail solely for the inability to pay bail.

No.	Recommendation	Original recommendation number	Origin
30	Recommend shifting Arizona's current bail structure from a cash bail system to a risk-based decision system.	5.	LJ & GJ
31	Recommend prohibiting the use of a bond schedule in non-traffic criminal cases.	6.	LJ
32	Recommend that the Arnold Foundation conduct further research to determine if the risk assessment tool factors in the	1.	LJ

	predictability of flight risk for those defendants who are in the country illegally.		
33	Expand the use of the public safety assessment to limited jurisdiction courts for use in felony and high level or select misdemeanor cases, i.e., those defendants entitled to counsel with a potential for a jail sentence.	3.	LJ
34	Recommend that at the initial appearance, public defenders and prosecutors be present to resolve cases when possible, assist in determining release conditions, facilitate diversion decisions, transition options, or identify other special circumstances, and advocate for defendant's needed services to include collaboration with local RBHAs for early identification of those defendants previously identified as seriously mentally ill, allowing them to participate in necessary mental health services as soon as possible, which will reduce the need to return to court.	4.	LJ GJ amended
35	Recommend to clarify by rule or best practices that small bonds (\$5-\$100) are not needed to ensure that the defendant gets credit for time served when defendant is also being held on a second more serious charge. Recommend amending Rule 7.4(D) of the Rules of Criminal Procedure that currently provides for a 10-day bail review hearing to a.) <u>24 hours</u> , or b.) <u>48 hours</u> .	7.	LJ
36	Recommend that a defendant be provided an attorney if they haven't posted the financial release condition within 24 hours.	9.	LJ
37	Set chronic offenders to appear in early disposition courts or use specialty courts that target populations i.e., the mentally ill or homeless.	15.	GJ
38	Add script or process checklist to judicial bench books to applicable area for all case types. The same information should be created for probation and pretrial services.	19e.	GJ
39	Promote the use of restitution courts, status conferences, or probation review hearings to ensure due process and consider the wish of the victim. If restitution courts are used, standards must be established for willful contempt.	27.	GJ
40	Recommend studying states (i.e., D.C. and New Mexico) that have already moved away from a cash-based system to	37.	GJ

	determine how they modified authorities such as constitution, statute, court rules or by administrative order.		
--	--	--	--

PURPOSE IV: Review the practice of suspending driver’s licenses and consider alternatives to license suspension.

No.	Recommendation	Original recommendation number	Origin
41	Provide information to law enforcement agencies regarding the importance of gathering updated contact information.	10c.	GJ
42	Conduct an amnesty pilot program that reduces the fines owed along with reinstatement of a driver license.	23.	LJ
43	Recommend the suspension of a driver license as a last resort, not a first step.	30.	LJ
44	Implement the ability to email proof of insurance to the court.	33.	LJ

PURPOSE V: Recommend educational programs for judicial officers, including pro tem judges and court staff who are part of the pretrial decision making process.

No.	Recommendation	Original recommendation number	Origin
45	Provide data to the judicial officers to show the effectiveness of the risk assessment tool in actual operation. The outcome measurements should include information regarding failure to appear data, and the impact that release has on public safety.	2.	GJ
46	Recommend educating judges to consider the following release conditions: the first option is to release on defendants’ own recognizance; second, other non-monetary conditions; and third, unsecured bonds, recognizing that cash bonds should be reserved for the most serious cases.	5a.	LJ & GJ
47	Train staff to verify and update contact information for the defendant at every opportunity.	10b.	LJ & GJ
48	Update the courts “Q&A” document that outlines required separation of courts from city, executive, and legislative branches.	20.	LJ

PURPOSE VI: Identify technological solutions and other best practices that provide defendant notifications of court dates and other court-ordered deadlines using mobile applications to reduce the number of defendants who fail to appear for court and to encourage citizens who receive a citation to come to court.

No.	Recommendation	Original recommendation number	Origin
49	Recommend, at all court levels, the implementation of an Interactive Voice Response (IVR), email, or text messaging system to remind defendants of court date to reduce failures to appear.	10.	LJ & GJ
50	Modify forms to collect cell phone numbers, a secondary phone number, and email addresses. Forms should include a reminder to the defendant to keep contact information up to date with the court.	10a.	GJ
51	Recommend to develop a system that communicates in English and Spanish (such as avatars) to provide explanations of options available to a defendant when a ticket or citation is issued.	13.	LJ
52	Provide limited jurisdiction courts with the ability to provide skip tracing for use prior to issuing a warrant or reminder in cases that have aged. OR Require prosecutors to get an updated address.	31.	LJ
53	Implement an online payment system.	32.	LJ

Recommendations for Education

1. Develop an educational plan and conduct training for all judicial officers that hold initial appearance hearings or make release decisions. (LJ)
2. Create multi-layer training (court personnel and judicial staff) to include practical operational curriculum. (GJ)
3. Develop online training modules for future judicial officers. (LJ)
4. Host a one-day kick-off summit inviting all stakeholders (law enforcement, prosecutors, county attorneys, public defenders, city council and county board members, the League of Towns and Cities, criminal justice commissions, legislature, presiding judges) to educate and inform about recommendations of the Task Force and direction for leadership to initiate culture change. (LJ)
5. Train judicial officers on the methodology behind the risk assessment tool. (GJ)
6. Educate judicial officers to include on the record the risk assessment tool recommendations that are being used. (GJ)
7. Educate judges about community restitution programs that are available and which programs offer meaningful types of service that “fit the crime.”
8. Launch a campaign that educates the public about rights that are afforded to everyone from differing perspectives such as a victim or a defendant’s parent. (GJ)
9. Provide a comprehensive and targeted educational program for all stakeholders (funding authorities, legislators, criminal justice agencies, media and members of the public) that address this culture change. (GJ)
10. Educate judicial offices regarding the use of existing abilities to waive surcharges in cases where there are mandatory minimum fines. (ARS § 12-116.01 (*Surcharges; fund deposits*) and § 12-116.02 (*Additional surcharges; fund deposits*)). (GJ)

11. Request the Chief Justice issue an administrative order that includes a directive for educating all full and part-time judicial officers about alternatives to financial release conditions. Training and educational components should:
 - a. Inform judges that there should only be one option, starting with the least onerous and that release conditions and money should not be “stacked.” (GJ)
 - b. Train limited jurisdiction court judges to more aggressively use ARS §13-810, to convert defendant financial obligation to community service. (GJ)
12. Develop best practices and cultural change education that instills confidence in the process used to make release decisions. (LJ & GJ)
13. Develop a best practice requiring training for probation officers about notifying the judge when the defendant’s ability to pay changes. (GJ)



Task Force on Fair Justice for All

TF-FAIR Proposed Project Plan and Timeline*

Date	Activity	Responsible group
June 9-10, 2016	Vote on final recommendations.	TF- FAIR
June 11- July 15, 2016	Draft report, rule change petitions, and legislation to implement recommendations. Incorporate task force members' comments in the draft report.	TF-FAIR Chair, Vice-chair, staff, Jerry Landau
August 5, 2016	TF-FAIR meeting to finalize and adopt the final draft report for circulation.	TF-FAIR
August 14, 2016	Deadline to submit legislative proposals to Government Affairs Group	TF-FAIR staff
Early October, 2016	TF-FAIR "virtual meeting" (members can participate via WebEx and teleconference call). Review comments and approve final report.	
October 26, 2016 October 27, 2016 October 25, 2016	Submit report to the Leadership Conference Submit report to Arizona Judicial Council Submit report to Presiding Judges <i>NOTE: Task force members invited to attend Leadership Conference, Wednesday, October 26 and AJC on Thursday, October 27.</i>	Dave Byers and Tom O'Connell
August - November 10, 2016	Circulate rules informally to stakeholders for input and feedback. Collect comments made by Supreme Court standing committees. (LJC/COSC/ACAJ/COP and State Bar.)	TF-FAIR staff
Week of November 14, 2016	File rule change petition with Supreme Court	TF-FAIR staff
November __, 2016	Judicial Branch legislative packet vetted to Supreme Court standing committees for review and comment	Government Affairs Group, TF- FAIR staff
As of date of filing with Supreme Court, November __, 2016	Circulate rule change petition link to stakeholders for input and feedback	TF-FAIR staff
January __, 2017	Public comment period ends	

January 10, 2017	Fair Justice for All – Summit State Courts Building, Room 101	TF-FAIR staff, Education Services Division
Spring, 2017	Special Rules Agenda	Supreme Court Justices
June ___, 2017	Present adopted rules and new legislation to Arizona Judicial Council and Presiding Judges.	AJC/PJ – Dave Byers and Tom O’Connell
	Begin judicial branch education plan for new rules taking effect July 1, 2017.	Education Services

* Subject to change based on agency needs.