

Jail inmates fail to make court

Sheriff's Office cited for missed dates

By Michael Kiefer
THE ARIZONA REPUBLIC

One of the principal responsibilities of a county sheriff under Arizona law is to house criminal defendants and make sure they get to court. But since February, the Maricopa County

Sheriff's Office has not consistently brought jail inmates to court appearances.

On April 30, for example, one Superior Court commissioner complained that 45 of 60 inmates scheduled to appear did not make it to his court.

Sheriff's personnel blame

budget constraints and manpower shortages, especially in light of a recent criminal's escape from the court building. County management officials question that.

The presiding criminal judge at Maricopa County Superior Court tries to put a positive spin on the situation.

"What I'd like to do is not at-

tribute the worst motive to everybody initially," Judge Gary Donahoe said. "That's why we want to work cooperatively with the sheriff and try to resolve the situation."

This month, Donahoe issued an order that cut in half the number of days that the court's 26 criminal judges receive in-custody defendants for their

morning calendars, typically 8:30 to 10:30 a.m., when they hear status conferences and consider motions for defendants who have not pleaded guilty or gone to trial. Instead of four days a week, now judges get them twice a week.

But in e-mails leading up to

See **INMATES** Page B3

Sheriff's Office faulted for missed court dates

INMATES

Continued from B1

the recent order, Donahoe questioned whether Sheriff Joe Arpaio's heavily publicized immigration activities took time away from his mandated duties.

Ironically, Donahoe signed search warrants for the Sheriff's Office raid on Mesa City Hall last October to look for undocumented workers.

Then, in an April 28 e-mail to Maricopa County Sheriff's Capt. Bill VanAunsdal, Donahoe referred to another Sheriff's Office law-enforcement operation and wrote, "It doesn't appear things have improved. 200 deputies and posse members for a crime sweep, but insufficient deputies to carry out the mandated function of transporting defendants to court — something just isn't right here."

Donahoe also threatened to begin releasing inmates if problems persisted. And two weeks ago, at a meeting among judges discussing transport issue, the court's Presiding Judge Barbara Mundell questioned how the Sheriff's Office could be short of manpower when it had deputies staked out at her home, ostensibly monitoring workers renovating her house.

The Sheriff's Office denied the allegation and threatened to file formal complaints against Donahoe, Mundell and one other judge for their public statements and other perceived affronts.

There are about 9,000 prisoners in Maricopa County jails, and on any given day, hundreds are transported from their cells to hearings at the Phoenix, Mesa and Glendale courts.

How many inmates have missed court is uncertain. Donahoe estimated that eight to 10 courts a day were not getting their "chains" of 10 to 15 inmates. And though he admitted that he asked the judges to keep track of numbers, he has not gathered that data.

The Sheriff's Office attributes its lapses to budget restrictions and to a re-evaluation of security procedures after a child rapist escaped from the court house in April.

"We're not saying we're not late to court, because I know we are," Sheriff's Office Lt. Brian Lee said. "We're saying we're not sacrificing safety to get there."

Among the changes, the Sheriff's Office decided to use a higher ratio of deputies to inmates brought to court, with no more than eight inmates per deputy. And for "closed custody" defendants, that is, those who require higher supervision, "Our policy is that if we have one striped shirt, we have two brown shirts," VanAunsdal said.

County management officials question whether there is a manpower short-

Lee Ann Bohn in the county's Office of Management and Budget cited a 2003 study projecting that at levels near the jail's current population, the Sheriff's Office would need 199 staffers to take care of transportation. She said they now have 257.

"I guess they've never shown me any kind of analysis of how we are understaffed," Bohn said. "It seems like a lot of bodies to me."

In November 2007, sheriff's personnel sent a memo to the court saying that because of budget constraints, they would no longer transport prisoners to certain hearings. The next business day, 46 defendants did not make their court appearances, so Presiding Criminal Judge Anna Baca immediately ordered two Sheriff's Office chiefs into court and threatened them with contempt if it happened again. The Sheriff's Office then called the memo a "miscommunication," and transport returned to normal.

But in late February, judges began to send e-mails to Donahoe, the new presiding criminal judge, complaining that their morning defendants had not arrived. And by April 23, the tenor of the Donahoe's missives was tense.

"Obviously your upper management is not willing to allocate the manpower necessary to meet your department's self-imposed requirements," he wrote. Donahoe even threatened to start releasing inmates, writing, "The sheriff can explain to the public why the release of defendants awaiting trial to the community has become necessary."

But instead he ordered that criminal judges rearrange their calendars. Donahoe points out other impending changes that may ease the transport problem.

In mid-June, several new courtrooms and holding cells will open to replace the downtown Phoenix court, from which the sex offender escaped, and a regional court in Glendale. And in July, the court will institute a new scheduling system that will limit where defendants appear for status conferences and other pre-trial hearings.

"That will reduce the number of places the sheriff will have to deliver to," Donahoe said, "which hopefully will help."

And if it doesn't, Donahoe still has the option of re-evaluating who is released from custody and who is taken into custody pending trial, especially those being held on misdemeanors or non-violent, low-level felonies.

"We're not ready to go to that step yet," he said.

Republic reporter *JJ Hensley* contributed to this article.