



## 70 Million S1 E1 Transcript: Locals Divided Between Diversion and Border Security.

In Pima County, where Tucson is located, formerly incarcerated individuals and local government officials have joined efforts to send fewer people to jail. Meanwhile, a federal program designed to stop drug and human trafficking at the border is also sending people to jail for months over traffic violations and minor drug offenses. Reporter Jesse Alejandro Cottrell explores just how complicated it can be to reform a local criminal justice system.

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Mitzi Miller: 70 million adults in the United States have a criminal record. I'm Mitzi Miller and this is 70 Million, an open-source podcast about people, and communities, taking on the broken criminal justice system. This season, we'll chronicle how local jails compound the problem, and what residents are doing about it.

Montage: "Here I am with the judges and attorneys and police officers..."

"You can have the most beautiful resume and they're still going to label you as a felon."

"I wanted to be able to, to dig in, roll up my sleeves and figure out what could be done about this issue."

"You're not letting us be human, like, you're not letting us be just regular girls."

"For 20 years all I heard was shut up inmate. And now all of a sudden I have a voice."

Mitzi: Today we're visiting Pima County, Arizona. It's one of the [biggest counties in the United States](#), with an area larger than the [state of Connecticut](#). [Much of it is desert](#).

To get the feel of the landscape, picture the saguaro cactus. You know the type, it's probably the first image that comes to mind if someone says "desert". In Pima County, Saguaro cacti stretch as far as you can see over rocky mountains. The sunsets are long and beautiful, with big purple skies hanging above red dirt.

[Tucson is the biggest city in the county. Home to half a million people](#), the desert climate can sometimes turn it into [a ghost town, especially when it's a hundred degrees and no one's outside](#).

But a few years ago, there was one place in the county that was filled with people: the jail was almost at capacity, and getting more crowded by the day, [even though crime in the county was at an all time low](#). This was costing a lot of money. So, local leaders started thinking about how they could incarcerate fewer people. The solutions they came up with have drastically changed who goes to jail and what happens when they get out.

Now we're going to meet some of the people who have started the slow process of unpacking Pima County's jails.

From Tucson, reporter Jesse Alejandro Cottrell has our story.

Jesse: Manny Mejias was trying hard to be a father figure for his stepkids. But one of them, a teenager, kept getting into trouble. The boy got into two fights in two days. He was paper arrested, meaning he didn't have to go to jail, but he did have to meet with a jail diversion officer. Manny went to the meeting.

Manny: So we're sitting in the diversion officer's office and he says, I'm going to give, I'm going to your stepson, I'm going to give your stepson 10 hours of community service.

Jesse: Manny told the officer the punishment was too lenient. He thought they should take his stepson to jail, to scare him straight. The officer said they didn't do that kind of thing anymore.

Manny: The diversion officer looked at me and he says, well, it's not like your son killed a guy. Now he didn't know who he was talking to. He didn't know where I come from or what I had been through. So he didn't know or he didn't appreciate how easy it was for a fist fight to turn into something more.

Jesse: When Manny says 'something more', he's speaking from experience. When he was a teenager himself, he helped murder someone. And it changed the course of his life.

At 15, Manny was already a regular drinker and cocaine user. He says he grew up feeling let down by the adults around him, from his father coming home drunk, to the Cub Scout leader who abandoned his troop when he was a little boy, to the junior air force program where he never even got an ID card. Then one day, two of Manny's friends suggested robbing a drug dealer who they were all supposedly friends with.

Manny: The talks started off as a robbing and just taking his money and whatever. And then later on they started talking into doing away with him, just taking his life.

Jesse: Manny agreed to join in, thinking the plans were just teen bravado. But the talk continued until one night he and his friends tagged along with their supposed friend as he delivered drugs around town. Manny climbed into the front seat of the drug dealer's car, his two friends in the back. They were drinking, sniffing cocaine — Manny smoked crack for the first time. After they'd driven around for a while, Manny says he asked to be let out — he wanted to leave before anything crazy happened.

Manny: And uh, he stopped the car, I turn to open the door and I couldn't find the handle. And when I turned back around to ask somebody to open the door for me, um, that's when the guys that were in the backseat kind of like pushed their way forward, and then everything happened.

Jesse: The two friends in back began punching the dealer. Manny joined in. One of the friends started choking the guy.

Manny: And, uh, next thing I know, you know, there's one guy in a car that's not breathing, and there's three of us there, so.

Jesse: The dealer was dead.

Manny: And, uh, we got arrested the very next day.

Jesse: The other two boys eventually confessed, so it was a quick trial. Manny took a plea deal for 2nd degree murder and was given 20 years flat.

By the time he finished that sentence and walked out, Manny was 35. Readjusting to life outside of prison was tough. He was diagnosed with PTSD. He was so afraid of crowds that he couldn't sit in a restaurant unless his back was up against a wall. He had a hard time finding work. He had to learn how to drive a car, how to pay bills, how to be an adult. Luckily, he had a supportive wife. And for Manny, a big part of being an adult was raising his stepkids, making sure they didn't follow in his footsteps.

That's why he left his stepson's diversion meeting upset. He felt that authorities weren't doing enough to prevent kids from getting tangled up in the system. So he called up a friend of his, a retired judge, and asked if he'd help him make a video, reflecting on his own crime and its aftermath. It actually wasn't the first time he'd done something like this.

Back when he was first incarcerated, two law professors at the University of Arizona had produced a video about his experiences behind bars. Here's Manny, at age 16.

Young Manny: *I miss being able to sit outside looking at the stars. Or look at the lightning when it rains.*

Jesse: Now, 25 years after making that first video, Manny made another one to help save his own stepkid.

Judge: *Manny, thinking back to when you were 15 years old, can you think there's anything that would have kept you out of trouble?*

Manny: *There's only one thing that would have kept me out of trouble. Those are the choices that I made. Those are the decisions that I made.*

Jesse: Manny took his movie to schools around Tucson, showing it to young people in an attempt to deglorify crime and prison life. No one was paying him. He hosted screenings when he could between construction jobs.

Manny: I would go anywhere and everywhere that I could show this video. I was talking to kids from juvenile to junior high, high school, youth groups, wherever.

Jesse: Manny didn't know it, but while he was showing his video around Tucson, the local government was also trying to figure out how to lock up fewer people. With the jail overflowing despite decreasing crime, there was talk about building a new facility to house all the prisoners. And that would cost tens of millions of dollars, money that the county didn't have.

But you can't just release people from jail en masse. Or stop incarcerating people who've committed crimes and might be dangerous. So the county got a grant from the MacArthur Foundation to help figure out how to safely send fewer people to jail. Full disclosure, 70 Million also received a grant from The MacArthur Foundation. The Pima County grant paid for a pretrial screening program to divert people from jail, a fund to support innovation in criminal justice, and overtime at a warrant resolution court, which we'll get into in a little bit. The grant also paid to set up a committee that would figure out how to enact these reforms. It's called the Pima County Community Collaborative. And it includes representatives from the DA's office, the public defender, sitting judges, and local law enforcement.

The Collaborative was also looking to recruit formerly incarcerated people. People like Manny.

Wendy: We're going to have three groups with three facilitators. Manny Mejias can you wave?

Jesse: At a recent community collaborative meeting, about 40 people take shelter from the desert heat in the air conditioning of Tucson's YWCA. Everyone in the room

sort of knows each other because they've been working together for the last year. There's lawyers, judges, people from non-profits. Even a uniformed Tucson Police officer. About 15 people sit down at Manny's table.

Manny: Make yourself comfortable. Come and grab something to eat so we can get started. Please don't be shy, you're more than welcome.

Jesse: In front of a crowd, Manny is a natural. He smiles, looks comfortable in his own skin. His energy puts other people at ease. It's hard to believe that this is the same man who had to have his back against the wall at restaurants.

Manny: So, uh, just to keep in mind, we're talking about racial and ethnic disparities.

Jesse: A lot of the conversation at this meeting is dry, the kind of policy talk that can make your eyes glaze over. Except when Manny or one of the other formerly incarcerated people talk.

Michele: So I got out with no support. And I'm a female, so it's really hard.

Jesse: This is Michele Keller, another member of the Pima committee who was incarcerated. When she speaks, everyone listens intently. People take notes. Michele spent years dodging the law in her former life as a drug addict. She did three stints in prison, was locked up in jail 10 times, and spent a total of just over 11 years behind bars. I asked her what it was like to sit across the table from law enforcement in this very different context.

Michele: Here I am with the judges and attorneys and, you know, police officers and you just don't know what to expect. Like are they gonna look down on me?

Jesse: I asked Pima County Sheriff Mark Napier if these kinds of conversations with returning citizens were common in the policy making world.

Napier: No, I would say in my career life it's relatively new. They used to be perceived as the enemy or these are the bad guys, there are the good guys.

Jesse: But Sheriff Napier says attitudes have been shifting. Law enforcement increasingly considers formerly incarcerated people sources of wisdom on how to make the system better.

Napier: How, how, if we were going to stop you from offending, you know, the minute before you rob that store, what would have had to been different for you to not have committed that crime? And then when you got out, what kept you from re-offending? I can't glean that by talking to a bunch of cops. I've got to talk to people that have been in the system.

Jesse: Michele says she's proud of what this collaboration has been able to achieve. They've created a diversion program to stop low level offenders from going to jail. [People with minor drug offenses can now meet with a behavioral health specialist instead of going to trial.](#)

Another issue the collaborative wanted to address was all the people going to jail simply because they'd missed a court date. Since court was only open during regular business hours, if you worked during the day, you just couldn't make it. Which would cause a judge to issue a warrant for your arrest. So, the collaborative created an off-hour court, which is open on evenings and weekends. [Since 2016, this court has resolved 1,400 warrants.](#)

Partly because of these two initiatives, the daily population at [Pima County Jail has fallen from an average of 2,200 people a few years ago to about 1,800 people now. No one talks about building a new jail anymore.](#)

Michele has been clean and out of jail for over a decade. She raises foster children. She owns two homes. For work, she counsels drug addicts on how to rebuild their lives. But sometimes she still runs into people wary of inviting the formerly incarcerated into their communities. Once, she was at a community meeting in South Tucson when a man who didn't know her stood up to talk.

Michele: And this guy was totally against anybody or anything helping *them*. And he's like, because I don't want *them* people in my community.

Jesse: Michele waited for her turn to speak, then addressed the man.

Michele: I said, but one thing about it is I am one of these people. And he just like, his look was like, what are you talking about? You're not one of those people. And I said, I am a person in recovery after 23 years of addiction. He's like, well, you changed. And I'm like, and that's what we want to do with them. We want to help them.

Jesse: Manny Mejias is also "one of those people." He's someone who changed and has dedicated his life to helping others change. One of Manny's favorite things about the community collaborative is how people recognize his transformation.

Manny: I guess I tell people all the time, you know, for 20 years all I heard was shut up inmate. And now all of a sudden I have a voice. I have an opinion. It's not that I didn't have that before, but the voice and the opinion that I have people actually care to hear.

Jesse: In addition to working with the collaborative, Manny's a re-entry coordinator at Fortaleza, a program that helps young people returning from prison. [Fortaleza serves 18-22 year olds who've just been released from prison.](#) It offers vocational

courses in things like floor buffing and carpet cleaning, and culinary training by a local chef. But job training is only part of it.

Manny: So at Fortaleza we start our day with what's called a check in.

Jesse: The other thing they focus on is character development. After showing me around, Manny sits down across a table from Nigier, a 22 year old who just finished a four-year prison stint for aggravated assault.

Manny: We use the talking stick here, promotes active listening and we basically start with our name how we're feeling. My name is Manny. I'm, uh, very excited about today. Very proud of you, Nigier...

Jesse: Manny passes the feathered talking stick to Nigier.

Nigier: My name is Nigier and I'm feeling pretty positive today.

Jesse: Nigier's a lanky young man with a big friendly smile. After he and Manny talk about their feelings, they do an exercise where they pick a letter and talk about something they feel responsible for that starts with that letter. Today it's 'd'.

Manny: You got a 'd' word yet?

Nigier: Demonstrate. I am responsible for demonstrating because you could have all these intentions of what you want to do or where you want to go with your life, but if you're not demonstrating it...

Jesse: At one point, Manny pulls out a small metal pin, the kind the army uses to designate rank. He gives his students pins when they've accomplished goals. And Nigier has just completed his floor waxing certification.

Manny: So wear that proudly with your uniform, since you passed all the tests, you only have one left to go with Chef, but I'm going to go ahead and give you that anyway.

Jesse: The pin itself is just a little, gold-colored piece of metal. But Nigier's eyes light up as he receives it. And as Manny passes it over, I think back to what he told me about being disillusioned as a child. Joining the Boy Scouts, joining the Civil Air Patrol, but never getting a uniform or any ranks, nothing to show for his hard work. Nothing to prove that he belonged. At Fortaleza, Manny is trying to make sure his students don't feel that way. He wants them to know that no matter where they've been or what they've done, there's still a place for them in the world.

*Musical interlude.*

Criminal justice reform is a complex business, wherever it's undertaken. Here in Pima County, while the Community Collaborative and associated efforts work to lower the jail population, there's another program that some people say is doing the opposite: putting more people in jail. I'll get into the details, but first, let's go out into the desert...

Terry: We have three agents sitting to the south side of the road, two agents in the middle of the road.

Jesse: What you're hearing is from video recorded by a driver as he pulls up to a Border Patrol checkpoint in Pima County, in 2014. You can see from the cameras the driver has installed throughout his vehicle that he barely lowers his window as he stops.

Tacket: US citizenship sir?

[silence]

Tacket: Mr. Dressi?

Terry: Tacket, what's your first name, agent?

Tacket: Sir, I'm asking the questions here. Do you have United States citizenship?

Terry: Actually, I'm asking the questions, too. What's your first name?

Jesse: Terry Bressi, the driver, passes through this Border Patrol checkpoint all the time. So often that the agents know his name. Officially, this checkpoint exists to catch drug and human traffickers, and to catch undocumented people, even though this particular checkpoint is 40 miles from the Mexico border and sits on a secondary road.

After a brief back and forth between Terry and the agent, Tacket calls over his supervisor, who tells Terry he's being detained.

[honking]

Jesse: That's Terry honking his horn.

Terry: You ready to let me go, agent? Or are you going to continue to illegally detain me, agent?

Agent: After the Sheriff's Deputy speaks with you...

Jesse: A few moments later, a uniformed Sheriff's deputy steps into the frame. You can hear him knock on Terry's car window.

[knocking on glass]

Jesse: The Sheriff's Deputy is accusing Terry of blocking traffic, because he's stopping at the Border Patrol checkpoint. Eventually, the deputy lets Terry go -- only to stop him a few miles down the road to give him a ticket for honking his horn at the checkpoint.

[Door opens]

Jesse: Hey, Terry.

Terry: Hi, How are you?

Jesse: I meet Terry at his house, and he explains why he runs into the Border Patrol so often.

Terry: I work at the University of Arizona and for an astronomy research group. So I do a lot of traveling up to the Kitt Peak National Observatory where we have several telescopes up there that we operate on a regular basis.

Jesse: Terry goes up to Kitt Peak once or twice a week. Each time, he has to drive through a permanent Border Patrol checkpoint. He estimates he's been stopped over 400 times. He's recorded a lot of these stops and posted them online. The videos have made him a minor celebrity because he refuses to obey the Border Patrol. For a decade these stops happened more or less the same way, he says. The Border Patrol would ask if he was a citizen. Terry would refuse to answer. After a bit of squabbling, he'd be let go. He knew that beyond making him stop, there wasn't much Border Patrol could legally do to him. That all changed in 2012. That's the year Terry started to notice a new presence at the Border Patrol checkpoints: Pima County Sheriff's deputies.

Terry: So I had an interaction in 2013, another one in 2014. Both of those resulted in citations from the police, you know, not the Border Patrol, but from the police.

Jesse: In both interactions, Terry refused to answer questions from the Border Patrol, the same way he always had. But instead of just getting annoyed and sending him on his way, they called over Sheriff's Deputies. The first time, they gave him a citation for blocking the road while he was stopped at the checkpoint. The second, they cited him for honking his horn. Terry challenged these tickets in court and then they were thrown out.

It turns out the sheriff's deputies were at the checkpoints because of a federal program called Operation Stonegarden. [Stonegarden pays to put more local police on the street in border communities. The idea is that these extra officers can help the Border Patrol stop drug and human trafficking.](#) Or at least that's what's supposed to happen. But as Terry found out, in Pima County, the money was also being used to place Sheriff's Deputies at checkpoints, where they were ticketing people for things that had nothing to do with the border. [The most serious incident happened to Terry In 2017. He was arrested by a deputy for pulling off the highway a few hundred feet past a checkpoint.](#) It was the first time in over a decade of stops that Terry had been actually arrested.

Terry: So, this is what Stonegarden has done. The system that's supposed to be in place to protect us is more and more often used as the mechanism to control and harass and beat us down.

Jesse: Now, [Terry is a white male college professor](#) who reads Supreme Court rulings for fun. What happens when someone without that kind of racial and educational privilege runs into the same situation? Records on Stonegarden stops are hard to get. The closest thing I could find was a [Tucson Police Department case](#). The officers engaged were being paid with Stonegarden money and operating under the same guidelines as the Sheriff's department does throughout Pima County.

Jesse: Can you please tell me your full name?

Francisco: Francisco Flores Juez.

Jesse: Where are you from?

Francisco: I'm from Tucson.

Jesse: And um, have you lived here your whole life?

Francisco: Unfortunately. [laughter]

Jesse: Francisco is skinny, and seems younger than his 42 years, with his boyish smile and easy laugh.

Jesse: And so can you please explain to me what happened during that bike arrest? Explain to me before the stop...

Francisco: I was riding, I ride a lot..

Jesse: One day in 2015, Francisco was out riding his bike when he encountered some road work on the street. He couldn't stay in the lane he was riding in, so he biked to the opposite side of the street to get around the construction.

Francisco: Before I knew, before I even saw the cop, it just kind of like it was gonna ram me. It just boom, like, got in front of me and stopped me.

Jesse: Francisco says a police car drove out in front of him, cutting him off. An officer got out and told him he was riding on the sidewalk illegally. While he waited for a ticket, the policeman did a search on his computer. And he found Francisco had a warrant out for failing to appear in court. The original charges? Two more bike citations. The officer then searched him and found a little bit of marijuana and methamphetamine. So Francisco went to jail. The policeman that arrested him was on a Stonegarden deployment.

Jesse: And then what happened afterwards?

Francisco: Um, I guess I was held until right until, right, til trial, until I was proven innocent.

Jesse: To clarify, a judge found that Francisco was innocent of the alleged traffic violation. He had every right to bike around the construction zone. That made the drug charge inadmissible, since Francisco should have never been stopped in the first place. But by the time all of this was figured out, Francisco had spent 9 months in jail because he couldn't afford the \$5,500 bail. I asked Francisco how this affected his life.

Francisco: It just kinda kills all your dreams, you know, it just shatters you, you know, it kind of breaks, you know, like I would, I would have thought I was strong, but there are certain things in life that you care for that can and will break you, you know. I lose time, more time out of my kid's life. I have four kids. You don't get to recover what you lose with your children, you know.

Jesse: Francisco had been in trouble with the law in his early 20s, but by the time of his arrest, his life was back on track. He had a full-time job, he was taking classes at a junior college. He was especially proud of his relationship with his eldest daughter, who was a standout high school student and athlete.

Francisco: She played volleyball, basketball. She got a scholarship actually to Oregon State. I was actually making progress with her at the time, like I was going to her games at the high school, you know-- Gimme a sec.

Jesse: You're getting emotional.

Francisco: Yeah.

[Francisco cries]

Jesse: He starts to tear up.

Francisco: Yeah. It was cool just to see her play.

Jesse: But after spending nearly a year in jail, Francisco had no job, and no place to live. The hardest part was what happened with his daughter. In jail, he'd missed her high school graduation.

Jesse: What's your relationship with her now?

[Francisco sobs]

Francisco: I haven't talked to her.

Jesse: I'm sorry.

Francisco: I didn't realize how much I was still hurting.

Jesse: Francisco's eldest daughter doesn't return his calls. He hasn't talked to her since the day he went to jail.

Francisco's wrongful arrest and "failure to appear" warrant derailed his life. But nowadays, for people in his situation, things can end up differently. Someone who has a warrant out in Pima County can go to the off-hour court created by the Community Collaborative. There, they can see a judge, handle their warrant, and go home that same day. But some leaders in Pima County are trying to do even more to prevent people from being thrown in jail. They want to get rid of Operation Stonegarden.

*[Musical transition.]*

Ever since the Department of Homeland Security began offering Operation Stonegarden money a decade ago, Pima County has taken it without any controversy. Until this year. [In February of 2018, the Pima County Board of Supervisors voted to reject Stonegarden money](#), arguing that it was putting people in jail without good reason.

Sharon: It's not focusing on the crimes that we need to be focusing on. Violent crime, white collar crime, crime that actually harms people.

Jesse: That's Sharon Bronson, one of the Pima County Supervisors who voted to reject Stonegarden funds. She's a big supporter of the community Collaborative's efforts to lower the jail population. She says that not only does Operation Stonegarden put more people in jail, it ends up costing Pima County a lot of money. Because even though Stonegarden pays for more police, it doesn't pay for the costs of jailing people and the court costs of adjudicating them.

Sharon: For every dollar, Stongarden dollar that the county gets, we invest three dollars. It's costing us money.

Jesse: Supervisor Bronson says Operation Stonegarden, and initiatives like the community collaborative are inherently in conflict.

Sharon: They are exactly antithetical ,and I think I actually said that at a board meeting. They're canceling each other out.

Jesse: But not everyone feels that Stonegarden is a waste of money.

Napier: Our county is 9,200 square miles. Stonegarden money allows us to deploy those resources in there to traditionally underserved areas on overtime.

Jesse: That's Pima County Sheriff Mark Napier.

Napier: And these are also primary drug and human trafficking corridors that otherwise we would not be able to, um, provide law enforcement services to in an effective manner. We have a hundred and 25 mile linear exposure to international border. We know that in many places that border has no security whatsoever, and we also know that public safety threats come through that porous border.

Jesse: When Sheriff Napier talks about Stonegarden's benefits, he's not talking about arresting local drug dealers or users. He's talking about halting international criminal networks passing through Pima County.

Napier: We just ran a load of fentanyl, um, that we tracked that came through the border and went all the way to the Bronx in New York. Several thousand fentanyl pills. How many of those would have lead to overdoses throughout the country?

Jesse: So for him Stonegarden and the Community Collaborative?

Napier: They're really two separate things that I don't think are opposed to one another.

Jesse: [Eventually, the Pima County Board of Supervisors changed their vote and accepted Stonegarden funding for 2018.](#) But they demanded that the program be more closely monitored, something Sheriff Napier agrees with. He's also stopped placing deputies at Border Patrol checkpoints.

The Board also ordered an in depth report to figure out how effective Stonegarden really is. We reached out to the Department of Homeland Security looking for the same info but at the time of recording they hadn't gotten back to us.

For now, it's unclear whether the program is really helping to bring down big-time international drug cartels or is needlessly ensnaring small fish like Francisco Juez, and people who haven't broken any laws, like Terry Bressi. Maybe it's doing both.

In Tucson, I'm Jesse Alejandro Cottrell for 70 Million.

Mitzi: Thanks for listening. Now we want to hear from you. Email us at [hello@70millionpod.com](mailto:hello@70millionpod.com) or call us at 202-670-4912. For more information, visit [70millionpod.com](http://70millionpod.com). We're an open-source podcast, so we invite you to use our episodes anywhere they might be useful. You may rebroadcast parts of or entire episodes without permission. Just please drop us a line so we can keep track.

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