

ARIZONA

The verdict on COVID-19: Virus brings added stress to criminal justice system

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Many businesses came to a screeching halt in the COVID-19 pandemic, but the criminal legal system keeps moving.

People are still being arrested, charged with crimes, placed in custody and attending court proceedings and sentencing. Those working in this system are expected to continue with their responsibilities to support the public, including people needing immediate services such as orders of protection and legal representation.

The legal field continuously ranks as one of the most stressful fields under normal circumstances. People work to serve the public — victims, defendants, incarcerated individuals and their loved ones — who may be grieving and facing trauma.

Now, those working in the system are dealing with the additional stress of the pandemic. Some are trying to juggle their job demands with their anxiety and the grief of losing loved ones.

According to the American Bar Association, there are many reasons lawyer "well-being" is important: Including organizational success, it is good for clients and it is the right thing to do.

Patricia Lee Refo, the association's president and a Phoenix-based attorney, said those working in the criminal justice system face extra challenges.

"Ensuring that justice is done while also keeping everyone safe in our courthouses is their highest priority, and they are doing a terrific job," Refo said. "But the increased strain needs to be proactively managed to keep everyone healthy and well."

Court employees, who help keep these facilities running, are missing in-person connections with each other and trying to not feel alone.

Victim advocate agencies are wondering how forced delays in the courts are affecting their clients.

Prosecutors and staff inside county attorney agencies are trying to have the courage to speak up about their wellness concerns instead of pushing their self-care needs aside.

Many defense lawyers fear having clients contract COVID-19 while in custody and getting the virus themselves while providing support to the public at demonstrations.

Louis Fidel, president of the Arizona Attorneys for Criminal Justice, said many in the legal field are frustrated about their usual work routines being disrupted by the pandemic.

"The reason why it's been so stressful is because there's a combination of wanting to do the best you can for your clients and that being difficult because of the various court systems being up in the air in a lot of different ways," he said.

Even though more of the public and incarcerated individuals are being vaccinated, it is unclear when operations will look like they did before COVID-19 in Arizona's courtrooms.

Defense attorneys: COVID-19 anxiety

Before COVID-19, the daily schedule of private practices revolved around the courts. Public defenders saw many of their clients in courtrooms. Lawyers regularly visited clients in custody. Now, everything has changed for the defense community.

Jails and prison facilities across the state have experienced COVID-19 outbreaks. Throughout the pandemic, public defenders and private defense attorneys have tried to help their clients who are in custody.

Armando Nava, the president-elect of the Arizona Attorneys for Criminal Justice, said many of its members are stressed out about the safety of their clients who are in custody. Lawyers are concerned about how defendants are being taken to court and if they were exposed to the virus beforehand.

"There were concerns about how the jail was taking care of COVID and what methods they were doing to protect people," he said.

Nava said it is stressful that prosecutors have requested jail and prison time for defendants when they are able to work from home and stay safe.

Robert Campos, a private defense attorney, warned county officials about the potential risk of the virus in Maricopa County jails at the beginning of the pandemic.

He feared for his 20-year-old client's safety. The court refused to grant a modification of release conditions solely based on COVID-19 concerns. Ultimately, Campos' client contracted the virus in June.

County jails and state prison facilities changed their visiting procedures when COVID-19 hit. Many defense attorneys were no longer able to see their clients in person. Outbreaks of the virus have caused lockdowns, which caused attorneys to reschedule video conferences with clients and delays in court proceedings.

In-person visits allow lawyers to improve their relationships with their clients and increase trust, Fidel said.

Jails and prisons in Arizona have started providing vaccines to those who are incarcerated. Maricopa County jails paused giving inmates the Johnson and Johnson vaccine as a caution because of safety concerns raised by the U.S. Centers for Disease Control and Prevention, Food and Drug Administration and the Maricopa County Department of Public Health.

Maricopa County provides all of its employees with many services through human resources to help with mental health.

Fields Moseley, a spokesperson for the county, said Public Defense Services supervisors and managers are in constant contact with employees to lend support. Employees have participated in online discussions and meetings hosted by the human resources department for "COVID anxiety."

The meetings focus on anxiety and allow employees to share their thoughts, fears and experiences about the virus. Moseley said Public Defense Services employees have discussed fear of the unknown, not being able to see family and friends, losing loved ones to the virus, and the public's view of COVID-19 precautions.

Private firms have worked to make sure their staff have the things needed to work from home. Nava said employers can help their staff with certain things like energy expenses.

Nava said setting boundaries as much as possible has helped him with stress.

"I wake up and I start working right away, and it is kind of hard to not work throughout the day when you have clients who are depending on you," he said.

'You are sentenced to COVID-19': Arizona inmates claim prisons, state not doing enough to protect them

Victim advocates: Delays in justice

Law firms that represent victims regularly encounter people who are in pain and grieving the loss of their family members or friends. The pandemic did not stop that grief.

The lawyers and their staff help families and loved ones going through the court process and vocalize their concerns, all the while handling their own stress.

Colleen Clase, chief counsel for Arizona Voice for Crime Victims, said its staff has adjusted to virtual court appearances and meetings.

"The concerns our attorneys and social workers have voiced over the last year generally have not been for their own well being, but more for the well being of our clients because of the additional delays COVID has brought to the criminal justice process, an already difficult process for victims of crime," Clase said.

Clase represents a woman whose sister was killed by a man who is now on Arizona's death row. COVID-19 is among the concerns some have on Arizona resuming executions.

Arizona Voice for Crime Victims' employees include lawyers, social workers and administrative staff. Clase said the team worked to support staff alleviate child care concerns to those with children participating in remote learning.

In March, Gov. Doug Ducey signed an executive order stating public and charter schools must go back to in-person learning by the Monday after spring break, or March 15.

Some defense attorneys in Maricopa County also represent families with loved ones who died or were injured by police use of force. Community advocates have been inspired by their clients to call for the need for criminal justice reform.

The attorneys help the families understand the investigation process, handle the communication with law enforcement agencies and coordinate news conferences to share the families' concerns.

Benjamin Taylor's firm represents defendants and victims. He said his law firm has seen positive results during the pandemic by giving its staff support.

"Virtual and telephone court hearings have been helpful in reducing stress for our attorneys and staff at Taylor & Gomez Law Firm," he said. "Allowing everyone to work from home during the pandemic has eliminated the stress of rush hour traffic and transportation issues."

Prosecutors: It's not healthy to try to be invincible

Right before the pandemic began, staff at the Maricopa County Attorney's Office moved into a new building. The former Madison Street Jail was transformed into an office space allowing employees to work all under the same roof. However, the pandemic has prevented the entire staff to become acclimated to the new space.

Maricopa County Attorney Allister Adel said the health and safety of all of the office's employees is important.

"I value mental health for everyone, especially when you're seeing some horrible things, pain and suffering in society," Adel said.

The county attorney said the pandemic has made the job challenging. Before the pandemic, employees were able to talk about their stressors with each other in person.

Many staff are still adjusting to working from home like others. She said they are trying to be aware that working from home needs to have flexibility for staff.

"Many people, myself included, when you are working from home you have other priorities, such as children who are learning virtually," she said.

Derek Debus, a prosecutor for the Maricopa County Attorney's Office, said he is adjusting to the new procedures at work and the court.

"I've not only been worried about catching the virus, but also been concerned about the possibility of transmitting it on to the people I interact with," he said. "I would hate to be the one to introduce it somebody, especially an incarcerated individual."

Some attorneys have used hobbies and activities to help with stress. Debus has managed his stress by using his personal time to train his dog, staying active and practicing chess.

The Pima County Attorney's Office is starting its transition back into the office. But balance is important, Tamara Mulembo, chief deputy for the office, said.

"We have to balance all of these factors. We have to balance, first of all, the safety of our workforce. Second, the mission that we have to serve the public and protect public safety," Mulembo said. "But also and equally critical, the mental and psychological capacity for our employees to function through the stress of that."

Mulembo said one of the barriers to wellness is lawyers not wanting to be vulnerable and pushing their self-care concerns aside.

"That is also a barrier to people wanting to come forward and be candid about needing resources," Mulembo said.

The county attorney's office has focused on improving its support for staff even before the pandemic. Mulembo said the office believes this is also an ethical issue.

"We knew that secondary and vicarious trauma were problems for people in the legal profession," Mulembo said.

Not only can lawyers face trauma, but so can paralegals and other staff members handling evidence or addressing victims' concerns.

The office created a working group consisting of six people who are developing specific wellness training and resources for staff. The group is also conducting interviews with outgoing employees to understand their experience.

Mulembo said the office is focused on being intentional and responsible.

"We are specifically looking for ways to integrate mental health professionals into our onsite programming and resources."

The working group is also working with others in Pima County and test driving a wellness app that helps with mindfulness and mental health.

"We are trying to create different resources for people to engage in the ways that they are comfortable," she said.

Community services: Plans for new Tempe Human Services facility, victim advocacy center move forward

Court employees: Missing the connection

Normal for employees in the local and state courts across Arizona was seeing countless people come in and out of the faculties each day for court proceedings and services.

For example, the Maricopa County Northwest Regional Court Center in Surprise saw 700 visitors each day before the pandemic.

Now, employees in Arizona's courts either see each other virtually or in person if needed.

Stress among employees inside the courts can impact anyone, including judges.

The American Bar Association surveyed judges across the country shortly before the pandemic started on stressors in their job. The top two things causing stress for judges related to the impact of decisions, at 79.7%, and having a heavy docket of cases, at 73.2%, according to the report which was released in December.

The Arizona Supreme Court has recognized the importance of providing mental health support to court employees. It is offering education sessions for court leaders. They will include reminders for leaders to check on the staff and their own well-being.

Aaron Nash, an Arizona Supreme Court spokesperson, said the administrative office is also exploring various options to provide mental wellness assistance.

According to the National Center for State Courts, leaders in Arizona, Indiana and Illinois are learning about what resources are available through One Mind at Work. The company helps courts determine strengths and gaps through a workplace mental health assessment tool.

Scott Davis, a spokesperson for the Maricopa County Justice Court, said it recognized healthy employees make a healthy organization. Staff have been able to express their concerns in order for adjustments to work schedules and assignments.

"Overwhelming stress causes disruption not only in the workplace but also in life at home," Davis said. "When that happens, employees become distracted, less productive, and less fulfilled in their careers."

The justice courts are working to assess employees' productivity, safety at work and at home. Court managers have the most direct contact with staff. They talk with each clerk to check in on their status.

"If one is suffering, we all suffer," Davis told The Republic. "If we can lessen someone's stress level in some way, it lifts us all."

Like many, staff at the Maricopa County Justice Court has worked to stay connected virtually by hosting events over video. Virtual social events are not for everyone, but many employees at the justice courts have found relief through them.

Staff threw a virtual housewarming party for one clerk by dropping off signs, food and gifts at her new home one day before working hours. They watched over video as she opened the gifts.

At least two employees had virtual retirement parties. A sibling who lives in Brooklyn, N.Y., was able to attend the virtual party for her sister who was retiring after 24 years with the justice court.

"We feel strongly that it is these personal experiences that connect us and lift our spirits," Davis said. "Reaching out to one another can make all the difference in the world."

Court operations: By video, by phone

Arizona Supreme Court Justice Robert Brutinel issued numerous administrative orders providing guidance on how lower courts should operate during the pandemic.

Courts across the state have held proceedings by video or over the phone.

Requests for modifications to release conditions and trial continuances are filling dockets due to COVID-19 outbreaks. Jury trials were placed on hold and, later, limited.

Many courts are not allowing people into their facilities unless they are involved in the proceeding, a juror, staff or seeking an order of protection.

Arizona's courts do more than provide a space for civil and criminal proceedings. Before the pandemic, law library resource centers were a popular place for the public to get help with filling out legal documents and finding information about cases.

Times have changed.

The Maricopa County Superior Court's law library resource center created a live online chat during the pandemic and is offering services virtually.

Some people have seen benefits to the changes in the courts during the pandemic.

Manistee Justice Court Judge Donald Watts told The Republic in July that he has noticed more people are appearing for their eviction hearings that are telephonic than when they

were in person.

Telephonic hearings can be more convenient for someone with a demanding work schedule or if they do not live close to the courthouse.

"I think you are providing better access to justice on something like that, that can be handled over the phone," Watts said.

Fidel said the pandemic has caused a complicated process for everyone on all sides. Lawyers want to make sure their clients have due process and speedy trials, but courts have the obligation to make sure proceedings are safe.

Many lawyers, defendants, victims and plaintiffs had to transition from having in-person hearings to telephonic proceedings.

"The usual routines have been totally disrupted and that's significant to the criminal defense forum," Fidel said. "You get used to the structure and the way the court functions. That dictates a lot of how your practice operates."

Vaccines have been on lawyers' minds and how they would play a role in when courts would go back to normal with proceedings.

Protests raised levels of passion, stress

Demonstrations over police use of force, the treatment of people of color, elections and society's view of COVID-19 precautions have caused stress for lawyers, but also motivated their passion for helping people.

On Memorial Day, Dion Johnson, a Phoenix resident, and George Floyd, a Minnesota man, died from the use of force by law enforcement. Both men were Black.

Adel sent staff an email in June over the death of Floyd in Minnesota and stated she recognized his death may have impacted staff.

"I encourage you to talk to each other about how you are feeling and, maybe most importantly, listen to each other – particularly to those who have a different idea or view," she wrote. "Above all, everyone should feel comfortable expressing their thoughts and ideas with their coworkers in a professional manner."

Adel wrote she was aware some employees wanted to attend demonstrations and post thoughts on social media. She said staff could attend peaceful demonstrations but need to

make clear that they do not represent the views of the office.

In Maricopa County, many participants in the demonstrations were arrested and charged for a series of crimes. Phoenix police made 358 arrests at demonstrations from May 28-31. The county attorney's office dismissed criminal street gang charges against some protesters in February.

Nava said there are days that feel like "it is a never-ending uphill battle" with making people understand the importance of change.

"I think this year has been eye-opening for a lot of people because they have seen how the system actually works," he said. "COVID did a really good job at showing the flaws in our system."

But some people don't want criminal justice reform or don't want to understand the reasons behind it, he said.

Members of the Arizona Attorneys for Criminal Justice have been inspired to do more because of the calls for reform and wanting to protect their clients from COVID-19, according to Nava.

He said defense attorneys don't have the luxury to stay home. Attorneys frequently attend demonstrations to help assist members of the public who need immediate legal assistance.

Many public defenders pushed their safety concerns over COVID-19 aside, along with multiple private attorneys, to attend the initial appearance hearings of their clients.

"I rather stand up for these people, stand up for our Constitution and risk getting sick than let this injustice stand," Nava said. "It was beautiful to see other attorneys, in AACJ and in the public defender's office, and across Arizona make that same decision."

State Bar supports attorneys

The State Bar of Arizona provides year-round resources on mental health for lawyers and has offered support services related to the pandemic. Its membership assistance program offers free services for lawyers, law students and their families. The program also has a peer support network available.

Have thoughts about Arizona's legal system? Reach criminal justice reporter Lauren Castle at Lauren.Castle@gannett.com. Follow her on Twitter @Lauren_Castle.

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