



## Office of the Pima County Attorney Significant Accomplishments Fiscal Year 2008-2009

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### CRIMINAL PROSECUTION

- 1 The Criminal Division reviewed a total of 10,528 criminal cases presented by law enforcement agencies throughout Pima County during FY 2008. Pima County continues to maintain one of the higher crime rates per 100,000 populations in the nation, with a crime index of 5,504 exceeding both Maricopa County (5,133) and the state of Arizona (4,768). In 2007 there was a 2.8% increase in the number of reported homicides over the 2006 figure. In 2008 there was an additional 4% increase in the number of reported homicides in Pima County over the 2007 figure. Since 1996 there has been a 4.4% increase in the number of reported homicides in Pima County.

The trial of violent offenders continues to be a high priority for the County Attorney. A total of 54.3% of all felony trials involved a defendant charged with a violent crime, including aggravated assault, sexual assault, armed robbery, drive-by shootings, and felony DUI. Maximum sentences are sought to remove violent offenders from the community for as long as possible.

The overall number of reported crimes and arrests has steadily increased due to population growth and additional law enforcement referring cases to this office. Between 1991 and 2008, nine state and local police departments added a total of 924 new officers resulting in a 77.8% increase (excluding federal agencies and Department of Public Safety).

2. The Misdemeanor Unit handled 25,133 misdemeanor cases with 10.5 prosecutors (2,394 cases per prosecutor) compared to the City of Tucson with 30 misdemeanor prosecutors handling 51,729 cases (1,724 cases per prosecutor).
3. The Juvenile Unit was presented 9,469 cases by law enforcement resulting in 5,267 cases filed.
4. The Adult Diversion Unit collected \$714,257.48 in restitution and \$399,709.17 in revenue for the general fund for a total of \$1,113,966.65 since FY 2000/01 through December 2008.
5. The Asset Forfeiture Unit, during calendar year 2008, forfeited 155 bonds resulting in \$1,534,900 in bond forfeiture monies sent to the county general fund.
6. The Investigations Unit received 9,213 requests for investigative services and served 2,633 subpoenas. Investigators assigned to serve bad check warrants disposed of 792 warrants with bonds.

7. Detectives participating with various task forces involved in the drug enforcement effort assisted in making 49 arrests, seized over 18,000 lbs. of marijuana, 110 lbs. of cocaine and 25 lbs. of methamphetamine and seized in excess of \$1.1 million.
8. Victim Witness advocates made 12,986 victim contacts, including 24-hour crisis intervention services, group crisis interventions, court accompaniments, advocacy, assistance with victim compensation, and referrals to community services.
9. Victim Witness trained and utilized 106 community volunteers to provide crisis and advocacy services to crime victims in Pima County. Volunteers donated 12,424 hours calculated at \$18.00 per hour, Victim Witness volunteers gifted Pima County residents with \$223,632 in victim assistance services. Victim Witness successfully recruited 22 new volunteers into the program.
10. The Crime Victim Compensation Program received 349 new claims, approved 288 claims, and paid out \$712,078.48 on a total of 589 requests for medical, mental health, lost wages, and funeral expenses. Available funding sources were enhanced by \$211,678.16 through staff negotiations with medical and mental health providers, restitution and subrogation recovery of \$129,705.05 and donations totaling \$3,145.18. The State of Arizona FY08 budget solution included a sweep of \$2,000,000 from the Victim Compensation and Victim Assistance funds.
11. Through a federal grant from the Office for Victims of Crime (OVC), in October 2007 Victim Witness began a program expansion into the outlying areas of Pima County to better serve victims in these communities. Victim Witness created new satellite offices in three areas: (1) Northwest (Oro Valley and Marana); (2) South (Sahuarita and Green Valley); and (3) West (Ajo and Why).

The advocates have established strong ties with local law enforcement agencies, medical facilities, human service agencies, and other community groups. There are currently 14 active volunteers in Oro Valley and Marana, 20 volunteers in Sahuarita and Green Valley, and volunteer recruitment will begin in Ajo later this year. Although these satellite programs are still in the developmental stage, there has already been a significant increase in calls for service to victims. For example, in the six-month period (Jan-Jun 08) that the Northwest Program has been in operation, the call volume nearly doubled when compared to the same period during the previous fiscal year.

12. Victim Witness collaborated with Jewish Family and Children's Services, Arizona Children's Association, and La Frontera to better serve children in crisis. The Substance Abuse and Mental Health Services Administration (SAMHSA) awarded the group a four-year grant to join the National Child Traumatic Stress Network. As part of the local Child and Adolescent Traumatic Stress Service (CATSS) Center, there is a full-time advocate to help expand access to trauma informed services and enhance the availability of evidence-based trauma

treatment resources for children and adolescents, ages 3-18, and their families in Pima County, Arizona.

13. The Pima County Domestic Violence Task Force, under the direction of the County Attorney's Office, has developed a protocol for Domestic Violence Response. The Multi-Disciplinary Task Force is comprised of law enforcement, prosecutors and selected service agencies. They perform case reviews and make recommendations on system procedures. That group is performing an audit of the cases reviewed and will provide a published report early in 2009.
14. In a related initiative, a Sexual Assault Protocol was developed as required by the Federal Violence Against Women Act. Sixteen agencies in Pima County, including eleven from the Domestic Violence Task Force, participated. This protocol outlines how Pima County provides medical-forensic exams to victims of sexual assault.

### **CIVIL LEGAL SERVICES**

1. The Business & Transaction Unit provides legal advice to most Pima County departments and special taxing districts. In 2008 The Unit reviewed, negotiated, and/or drafted 1,500 contracts, agreements, ordinances, resolutions, real estate acquisitions, subordination agreements, licenses, leases, and other similar legal documents. The Unit met its goal of reviewing and processing all routine contracts, IGAs, ordinances, and resolutions within five business days more than 95% of the time.
2. The Tort, Employment & Eminent Domain (TEED) Unit received 41 new cases in calendar year 2008; 12 of the 41 new cases were closed during the year, and a total of 34 cases closed altogether during the year. The total monetary demands made in the closed cases were \$10,857,312. Sixteen of these cases had no specified demand. Of the total 34 closed cases, 29 resulted either in verdicts in favor of the County or a dismissal of all claims. The demands made in the 34 closed cases totaled \$10,857,312, and had a total pay-out of \$319,700 with a potential savings of \$10,537,612 to Pima County. Five cases settled with demands totaled \$3,825,000 with a total pay-out of \$319,700.

During 2008, The TEED Unit handled 45 active employment related cases, 28 of which were administrative proceedings before the Pima County Merit Commission, Equal Employment Opportunities Commission, Arizona Civil Rights Division, or Arizona Division of Occupational Safety & Health, and six of which were court cases. The Unit closed 23 administrative employment related cases. Nine employment cases currently remain open. Of the 23 employment cases closed by the Unit, 21 (88%) resulted in decisions in favor of Pima County, in whole or in part, or were withdrawn by the employee. In addition to handling this caseload, the employment staff of the TEED Unit provided extensive legal advice and information on a daily basis to Pima County's elected officials and departments. This included analysis, research and assistance with the implementation of the new Meet and Confer Ordinance adopted by the Board of

Supervisors, as well as attending the Meet and Confer Committee by-monthly meetings. The staff also provided over 70 hours of training to County supervisors and managers on a number of topics. Staff also reviewed and revised numerous Administrative Procedures, Merit Rules and Policies, and a Pima County Attorney's Office Investigator Handbook.

The TEED Unit also received four new Eminent Domain cases in 2008. Out of the new and old open cases, the Unit worked handled 16 eminent domain cases during the year and brought six of those cases to final resolution either by trial, dispositive motion, or settlement. The total payout (just compensation) on the eminent domain cases was \$2,304,108.34. The appraised values for Pima County totaled \$2,266,940.00.

3. The Environmental and Land Use Unit enforces County environmental and land use ordinances, provides legal advice and defends claims related to County activities in these areas of law. During calendar year 2008, The Land Use/Environmental Unit managed an active total caseload of 455 environmental and land use cases, combined. Of these, an estimated 41% were administrative proceedings and 59% were court proceedings. The Unit provided extensive assistance and legal advice in drafting an ordinance to protect public health and safety and ensure compatibility with Davis Monthan Air Force Base.
4. The Health Law Unit during the calendar year 2008, reviewed, revised, and drafted approximately 816 health-related contracts and managed approximately 1,895 active cases involving petitions for involuntary commitments to hospitals for mental health treatment; this represents a 3.7% increase over the previous year.
5. The Sheriff's Legal Advisor Unit handled approximately 4,536 public records requests and approximately 3,817 requests for legal advice and assistance during calendar year 2008. In addition, the Unit provided 110.5 hours of training and reviewed 82 contracts and IGAs.
6. The Tax & Bankruptcy Unit (TBU) provides legal advice and representation for the Assessor and the Treasurer and represents the County's interest in bankruptcy proceedings. During the calendar year 2008, the Unit consisted of two attorneys, three paralegals, and two secretaries. The Unit filed 276 claims in new bankruptcy cases seeking a total of \$3,070,048.80. The Unit collected \$2,108,845.47 in real and personal property taxes and \$5,202.97 in bad check claims, for a total collection amount of \$2,114,048.44. The Unit responded to 101 applications for excess proceeds and collected \$1,375 in fees for the Treasurer in these cases. The total amount of funds disbursed by the Treasurer in these cases was \$1,642,957.11. The Unit filed answers in 46 new tax cases and saved the County \$236,849.00 in taxes in 18 tax court judgments. Additionally, the Unit filed Answers in 56 tax lien foreclosure cases and collected \$1,000 in fees for the Treasurer in these cases. The Unit also responded to 15 new eminent domain cases, filed claims in three probate cases, and filed claims in 11 forfeiture cases.

## COMMUNITY SUPPORT

1. The Bad Check Program served approximately 7,500 merchants participating in the program, returning \$1,210,295.00 in restitution to local merchants and the victims of bad checks.
2. The 88-CRIME Program has, since inception, approved more than \$1,191,150 in cash rewards and assisted in the recovery of more than \$99,000,000 in total property and narcotics. Tips received by 88-CRIME have resulted in 4,488 arrests. In the past year, it has responded to more than 10,000 calls for service.
3. The ACT Now Truancy Program conducted four truancy sweeps resulting in 109 truant arrests, seven parent citations, three additional juvenile delinquent arrests and 113 home visits. The Act Now Truancy Program had school referrals of 304 students from the eight participating local school districts.
4. The Community Justice Board Program, in collaboration with community volunteers, held juvenile offenders accountable and provided early intervention strategies. Currently, there are 120 volunteers participating in the program. The 16 Community Justice Boards handled 284 juvenile offender cases. The program reports an 89% compliance rate and 98% parental and juvenile satisfaction rate. Recidivism rates based on year 2006 cases is estimated at 24%.
5. The Community Addressing Responsible Gun Ownership Program (CARGO) attended 18 fairs and distributed 4,068 gunlocks. The “Lock up Your Gun” Campaign distributed 2,060 gunlocks to 40 participating pediatrician offices. CARGO conducted 11 presentations to 750 participants and distributed 180 gunlocks. A total of 6,878 gunlocks distributed to the community.

## ADMINISTRATION

1. PCAO IT extensively modified several PCAO automated document generation systems as well as the Grand Jury/Indictment preparation and data transfer application to comply with the new One-Case-One-Defendant program instituted by the Clerk of Superior Court.
2. PCAO IT completed the first two phases of the new “case management system known as the County Attorney Matter Management System (CAMMS), (for the Victim Witness Program and for the Misdemeanors Unit of the Criminal Division) as well as the overall CAMMS model. Over the next two years, CAMMS will be expanded to include all Felony units of the Criminal Division and the Civil Division.
3. PCAO IT instituted a source control management application to better ensure the integrity and validity of source code (e.g., Visual Basic, SQL, etc.) despite multiple developers working on the same programming project.
4. PCAO IT migrated its Email system from Microsoft Exchange 2003 to Microsoft

- Exchange 2007. This keep us current with Microsoft standards, and provides for increased reliability, functionality, and security (the latter particularly where PDAs are concerned).
5. PCAO IT expanded the internal network of the Legal Services Building to integrate several additional floors to meet the need for increased office space.
  6. PCAO IT received and set up a multi-terabyte Storage Area Network (SAN) system consisting of two units – a primary SAN in the ITD Data Center on the 6<sup>th</sup> Floor of the Health & Welfare Building, and a backup SAN at the Pima County Sherriff's Office Data Center on Benson Highway. Virtually all PCAO data (Email, databases, documents, etc.) is now stored redundantly on the two units thus providing PCAO with reliable and resilient off-site storage of critical data.
  7. PCAO IT moved the bulk of PCAO's servers to independent Hewlett Packard Blade Centers housed in the ITD Data Center. This allows PCAO to take advantage of the secure and reliable ITD facilities and eliminates the need for replacement of the AC unit in the PCAO server room on the 18<sup>th</sup> Floor of the Legal Services Building. A redundant set of servers was installed in the Sherriff's Office Data Center to provide backup services to PCAO in case of an equipment, power, or network failure at the primary site. Additionally, PCAO implemented virtual server technology to significantly reduce hardware costs.
  8. PCAO IT implemented a Help Desk ticketing and tracking application to allow for increased efficiency and accountability for the IT support staff, as well as the ability to identify trends in hardware failures and software issues, to identify and rectify recurrent problems.
  9. PCAO IT continued to work with area law enforcement agencies and courts to increase the opportunities for sharing data electronically between the various elements of the criminal justice system in Pima County. This both reduces costs by eliminating redundant data entry and increases the consistency of data among the involved organizations.
  10. Administration staff trained and utilized 195 volunteers in the Pima County Attorney's Office (not including the Victim Witness Program Volunteers). Volunteers donated 23,620 hours calculated at \$11.66 per hour saving Pima County \$275,409.20 in calendar year 2008. There was a 57% increase in the number of volunteers and a 46% increase in the number of donated hours over the previous year.