



## Office of the Pima County Attorney Significant Accomplishments Fiscal Year 2010-2011

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### CRIMINAL PROSECUTION

1. The Criminal Division reviewed a total of 10,083 criminal cases presented by law enforcement agencies throughout Pima County. Pima County continues to maintain one of the highest crime rates per 100,000 populations in the nation, with a crime index of 4,683 exceeding both Maricopa County (4,079) and Arizona (3,856). The number of reported homicides in Pima County (74) for calendar year 2009 was a 2.8% increase over 2008. The number of reported homicides in Pima County (96) for calendar year 2008 was a 29.7% increase over 2007.

In order to protect public safety, the County Attorney puts a priority on taking violent offenders to trial. This ensures that they receive prison sentences which will hold them fully accountable and remove them from the community for as long as possible. A total of 67.1% of all felony trials involved defendants charged with violent crimes, including aggravated assault, sexual assault, armed robbery, drive-by shootings, and felony DUI.

The overall number of reported crimes and arrests has steadily increased due to population growth and the addition of new law enforcement officers which increases the case referrals to this office. Between 1991 and 2010, nine state and local police departments added a total of 887 new officers resulting in a 77.8% increase (excluding federal agencies) over this time period.

2. The Misdemeanor Unit handled 21,506 cases with 10.5 Full-Time Equivalent prosecutors (2,048 cases per prosecutor) compared to the City of Tucson, which handled 56,388 cases with 30 prosecutors (1,815 cases per prosecutor).
3. The Juvenile Unit was presented 7,745 cases by law enforcement resulting in 4,146 cases filed.
4. The Adult Diversion Unit collected \$118,198.72 in restitution and \$35,908.19 in revenue for the general fund for a total of \$154,106.91 for calendar year 2010.
5. The Asset Forfeiture Unit, during calendar year 2010, forfeited 118 bonds resulting in \$1,048,272.38 in bond forfeiture monies sent to the county's general fund.
6. The Investigations Division received 11,217 requests for investigative services and served 3,310 subpoenas during calendar year 2010.
7. Detectives participating with the various task forces involved in the drug enforcement made 126 arrests, seized over 29,000 lbs. of marijuana, and seized in excess of 2.5 million dollars. Our task force officers took part in the *National*

*Take Back the Day Operation* and collected more than 1,000 lbs. of unwanted, unused, or expired prescription medication from the general public.

8. Victim Services Division advocates made 18,670 contacts with 7,716 crime victims, providing 25,040 services (including 24-hour crisis intervention, group crisis intervention, court accompaniment, advocacy, assistance with victim compensation, and referrals to community services).
9. Victim Services Division trained and utilized 166 community volunteers to provide crisis and advocacy services to crime victims in Pima County. Victim Services Division volunteers donated 33,624 hours last fiscal year. Calculated at \$18.00 per hour, these volunteers gifted Pima County residents with \$605,232 in victim assistance services. The Victim Services Division successfully recruited 56 new volunteers into the program.
10. The Crime Victim Compensation Program received 267 new claims and paid out \$494,240 on a total of 466 requests for medical, mental health, lost wages, crime scene cleanup, and funeral expenses. Available funding sources were enhanced by \$374,198 through staff negotiations with medical, dental, and mental health providers; restitution and subrogation recovery of \$47,437; and donations totaling \$37,295.
11. Since 2007, the Victim Services Division has expanded services for victims of crime into the rural areas of Pima County as a result of a federal grant from the Office for Victims of Crime (OVC). The Victim Services Division was recently awarded a renewal of this grant through 2011. Three satellite offices have been established and staffed in the following areas of Pima County: (1) Northwest (Oro Valley and Marana), (2) Southern (Sahuarita and Green Valley), and (3) Western (Ajo and Why). Three paid staff and 48 volunteer advocates collaborate with local law enforcement, community agencies, and prosecutorial and court staff to serve victims in these outlying areas. During FY 09/10, the satellite staff provided 2,731 services to 1,223 victims in the rural areas of Pima County who otherwise might not have received services. Additionally, 26 community members in these rural areas were trained to provide violence prevention education. During 2009/10, these prevention volunteers provided training to 298 community members.
12. The Pima County Attorney's Office has developed a multifaceted, coordinated community response to address the magnitude and severity of domestic violence (DV). This response includes a specialized prosecutorial team to handle all misdemeanor and felony domestic violence cases and domestic violence court with a dedicated judge, prosecutor, victim advocates, and probation officers. DV Court arraigns all domestic violence misdemeanor cases (1,257 in 2009/10) and channels the most serious cases (961 of the 1,257) for heightened oversight to ensure that perpetrators are held accountable and victims are supported. In 2009/10, victim advocates assisted a total of 2,102 domestic violence victims in court and 360 domestic violence victims on-scene at the request of law enforcement. Additionally, PCAO has implemented a new Domestic Violence

Fatality Review Team and promoted the adoption of a Lethality Assessment Protocol by all law enforcement agencies in Pima County.

13. The Pima County Attorney's Office developed and implemented a new *Kids in Court* program designed to help children who will be testifying in court. Child victims and witnesses are often confused and fearful of testifying in court. The program helps address concerns by answering their questions, teaching them about the court process, and providing them with simple techniques they can use to ameliorate their stress and anxiety. *Kids in Court* also provides information and advice to the children's parents and caregivers.
14. The Pima County Attorney's Office has taken the lead in developing and maintaining several multi-agency protocols for the investigation and prosecution of crimes affecting children and families. They include: the Multidisciplinary Investigation of Child Abuse Protocol (first one developed in this state in 1993, revised in 1996, 2004, 2007, and 2010); the Drug Endangered Children Multidisciplinary Protocol (2005), the Custodial Interference Protocol (1998, 2008), the Sexual Assault Protocol (2008), and the Domestic Violence Response Protocol (2010). The protocols will be available through the Pima County Attorney's Office webpage providing greater and immediate access of these documents.
15. The Pima County Domestic Violence Prevention Task Force, under the leadership of the County Attorney's Office, meets quarterly to address issues related to the prevention, reporting, investigation, prosecution, and treatment of domestic violence. The Prevention & Early Intervention/Response group designed an Offender Treatment Guide for the courts, adult probation, and the offenders so treatment opportunities and their providers can easily be accessed. Production costs for the guide were paid for by a grant from the U.S. Department of Justice, Office of Violence against Women. The guide is being distributed by the Tucson City Courts, the Pima County Superior Court, and Adult Probation. Copies are also available at the Pima County Attorney's Office, the Tucson City Attorney's Office and from domestic violence service agencies throughout the county.
16. A Multidisciplinary Task Force (MDT) to address domestic violence issues in the community has been established. The supervisor of the Pima County Attorney's Domestic Violence Unit chairs the group which is composed of law enforcement, adult probation, and service agencies. The MDT meets monthly to perform case reviews and to coordinate the reporting, investigation, prosecution, and treatment of domestic violence offenders.
17. The Pima County Multidisciplinary Task Force (MDT) for Child Abuse Prevention is co-chaired by the Special Victims Unit Supervisor of the Pima County Attorney's Office and the director of the Southern Arizona Children's Advocacy Center. The Advocacy Center, a non-profit agency serving abused children, began under the leadership of the County Attorney's Office in 1995. In the 2009-2010 FY, the Children's Advocacy Center evaluated 1,139 child victims of alleged abuse. To ensure that the various response agencies are working at the

most efficient level possible, the MDT performs reviews of selected cases. In the 2009-2010 FY, 71 case reviews were performed during 15 MDT meetings.

### **CIVIL LEGAL SERVICES**

1. The Business & Transaction Unit provides legal advice to most Pima County departments and special taxing districts. The BTU attorneys, along with the Health Unit attorneys, reviewed, negotiated, and/or drafted over 3,000 contracts, ordinances, and resolutions involving complex business and legal issues. Legal advice was provided on issues ranging from federal regulation of stimulus fund spending to state constitutional requirements and business risk assessment. The unit worked on significant transactions including \$170 million design/build/operate contract for a new wastewater treatment facility; the foreign trade zone PILOT agreement with Ventana Medical; the IGA with the Arizona Board of Regents regarding integration of the Kino health campus into the U of A educational/clinical medical program; modification of the Swan Southlands development agreement; several cutting-edge transactions for the generation and use of solar power on county property; a number of significant and creative affordable housing and neighborhood conservation projects; issuance by the county of a new form of sewer revenue obligations (a financing mechanism); and the multi-jurisdictional implementation of the PCWIN project. The unit also worked on several large commercial litigation matters; a number of elections-related cases, and lawsuits involving Arizona's immigration laws. The Unit continued to review and process routine contracts, IGAs, ordinances, and resolutions in a timely manner.
2. The Tort Unit received 20 new cases in calendar year 2010, ten of the 22 new cases were closed, and a total of 20 cases were closed altogether. Eight of these cases had no specified demand. Of the 20 closed cases in the Tort Unit, 15 resulted in verdicts in favor of the county or a dismissal of all claims. The demand for the 20 closed cases totaled \$45,209,999 and had a total pay-out of \$1,822,250 with a potential savings of \$43,387,749 to Pima County. Four cases were settled with a total demand of \$35,250,000 and a total pay-out of \$1,810,250.
3. The Employment Unit handled 39 active employment related cases, 27 of which were administrative proceedings before the Pima County Merit System Commission, Pima County Law Enforcement Merit System Council, Arizona Civil Rights Division/Equal Employment Opportunity Commission, and U.S. Department of Labor. Of these, three were court cases. The Unit closed 13 employment cases in 2010; 26 employment cases are currently pending. Of the 13 closed cases, all 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 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 in a variety of disciplinary matters, Americans with Disabilities Act and Family Medical Leave Act issues, and wage and hour complaints filed with the U.S. Department of Labor. The unit provided 19 hours of training to county supervisors and managers on a number of issues including

the Americans with Disabilities Amendments Act of 2008. In addition, the unit reviewed and revised numerous Merit Rules for both the Pima County Merit System Commission and Pima County Law Enforcement Merit System Council.

4. The Land Use and Environmental Unit enforces county environmental and land use ordinances and provides legal advice, defends claims related to county activities in these areas, and prosecutes eminent domain cases for the county and affiliated entities. During calendar year 2010, the unit managed an active caseload of about 330 cases. Approximately 33% of the cases were administrative and an estimated 67% involved litigation in state or federal courts. The Unit prevailed at the Arizona Court of Appeals in a case that established the correct interest rate and whether attorney fees are available in the event of a regulatory taking. The unit provided extensive assistance and advice in preparing zoning regulations related to medical marijuana dispensaries and growing areas so that the Board of Supervisors could adopt zoning code amendments before the effective date of the new state law allowing medical marijuana. The unit also assisted in securing civil penalties and a supplemental environmental project totaling \$450,000 in settlement of ASARCO, LLC's air quality violations caused by its air excessive emissions of dust from tailings in the Green Valley area.

The unit also received two new Eminent Domain cases in 2010. Of the new and old open cases, the unit worked on nine 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 \$124,577.00. The total appraised values for Pima County was \$124,588.00; the total appraised value for the owners was \$200,573.85.

5. The Health Law Unit during the calendar year 2010, reviewed, revised, and drafted approximately 1,013 health related contracts and managed approximately 1,762 active cases involving petitions for involuntary commitments to the hospitals for mental health treatment consistent with the previous year's case volume. The Health Law Unit also provided legal advice and service to the various health-related county departments resulting in the development and execution of an IGA with the Arizona Board of Regents for the funding of graduate medical education programs and continued operation of University Physicians Hospital at Kino Campus; a master agreement for the transition of Pima Health System, a behavioral health clinic, the community services program and the payment of detainee medical claims to Bridgeway Healthcare Solutions, L.L.C; the transition of Title 36 claims administration to the Community Partnership of Southern Arizona; and an agreement for the development of a Health Information Network for Arizona that will establish a state-wide electronic medical record database and qualify the state for federal stimulus funding. The unit also assisted in the successful defense and ultimate dismissal of a \$4,000,000 lawsuit against the county in relation to its inspections of food establishments. In addition to its work for county departments, the unit assisted the office in developing a health ordinance in advance of the implementation of the Medical Marijuana Act that will help limit the use of marijuana to medicinal rather than recreational uses.

6. The Sheriff's Legal Advisor Unit handled approximately 4,293 public records requests and approximately 3,012 requests for legal advice and assistance during calendar year 2010. In addition, the unit provided 44.75 hours of training and reviewed 105 contracts and IGAs.
7. The Tax & Bankruptcy Unit provides legal advice and representation for the Assessor and the Treasurer and represents the county's interest in bankruptcy proceedings. The Unit filed 998 claims in new bankruptcy cases seeking a total of \$4,791,893.40. The unit collected \$6,152,776.75 in real and personal property taxes and \$5,164.96 in bad check claims, for a total collection amount of \$6,157,941.71. The unit responded to 107 applications for excess proceeds and collected fees for the Treasurer in these cases. The unit filed answers in 205 new tax cases. The amount of tax at issue in the newly filed regular tax cases in 2010 (not counting small claims) is \$4,714,602. Twenty-two regular tax cases were settled or taken to judgment (not counting small claims) in 2010 saving the County \$1,194,482 in taxes. Additionally, the unit filed Answers in 81 tax lien foreclosure cases and collected fees for the Treasurer in these cases. The unit also responded to five new eminent domain cases, filed claims in eight probate cases, and filed claims in 17 forfeiture cases (\$21,819.35).

### **COMMUNITY SUPPORT**

1. The Bad Check Program served approximately 8,473 merchants participating in the program, returning \$924,219 in restitution to local merchants and the victims of bad checks. The Bad Check Program was named the *Number One Bad Check Program* in the nation.
2. The 88-CRIME Program has, since inception, approved more than \$1,245,700 in cash rewards and assisted in the recovery of more than \$103,812,873 in total property and narcotics. Tips received by 88-CRIME have resulted in 4,725 felony arrests and 88-CRIME has responded to more than 200,000 calls for service.
3. The Community Justice Board Program, a juvenile diversion program operated by the County Attorney, in collaboration with community volunteers, holds juvenile offenders accountable and provides early intervention strategies. Currently, there are 160 volunteers participating in the program. The 21 Community Justice Boards handled 470 juvenile offender cases. The program had an 86% compliance rate and 98% parental and juvenile satisfaction rate for the year.
4. The Community Addressing Responsible Gun Ownership Program (CARGO) attended nine fairs and distributed 2,482 gunlocks. The "Lock up Your Gun" Campaign distributed 1,584 gunlocks to 40 participating pediatrician offices. CARGO conducted three presentations to 125 participants. A total of 4,066 gunlocks were distributed free to the community. These gunlocks are paid for with funds seized from criminal enterprises.

## ADMINISTRATION

1. IT developed an email-based victim notification sub-system that will allow for more timely notifications to victims as well as significantly reduce the cost of postage and returned-mail notifications.
2. IT developed an electronic discovery (eDiscovery) application and website allowing criminal staff to electronically package and distribute discovery packages to outside counsel. This process has helped in the reduction of paper and copying fees.
3. IT modified all templates and computer-generated pleadings to contain the email address of the applicable Deputy County Attorney in response to an order from the Administrative Office of Court.
4. IT in cooperation with Justice Courts completed the implementation of the citation feed for initializing misdemeanor cases electronically. This includes an alert application allowing staff to accept or review and refuse cases in an efficient manner.
5. IT developed a new eCAMMS for Misdemeanor attorneys. This application provides PCAO attorneys a thin-client application into the misdemeanor data which can be used over wireless connections within the Justice Court building. The application enables the attorney to view case summary information and input calendar events, notes, and file locations from the client reducing the need to write all of this information down and input it at a later time.
6. IT completed the development of the document generation module for CAMMS for Misdemeanors. This component allows staff to generate required forms for the CAMMS application without having to open a word processor. To accomplish this task, all forms were converted from WordPerfect X3 to Word 2010 merge templates.
7. IT, in conjunction with administration, completed the redesign of the internet website. The new site has been improved by reorganizing the presentation of the content and implementing improvements to the site's architecture. The website is now structured to meet the needs of the community and provide service to residents and business rather than a typical government structure. It is organized to deliver customer service while incorporating new technologies and features.
8. IT completed the redesign of the intranet site which replaced a very old outdated design. The new design utilizes technologies that aid in efficient updates and modifications to the site when necessary. It also added functionality enabling the user to perform searches on web pages and documents located within the intranet site. The redesigned site created a more organized approach and significant improvement to the navigation.

9. Administration staff trained and utilized 268 volunteers in the Pima County Attorney's Office (not including the Victim Services Division Volunteers). Volunteers donated 34,657 hours calculated at \$12.94 per hour saving Pima County \$448,461.58 in calendar year 2010. There was a 12% increase in the number of volunteers and an 11% increase in the number of donated hours over the previous year.