



Office of the Pima County Attorney Significant Accomplishments Fiscal Year 2012-2013

CRIMINAL PROSECUTION

1. The Criminal Division reviewed a total of 9,484 criminal cases presented by law enforcement agencies throughout Pima County. Pima County continues to maintain one of the higher crime rates per 100,000 populations in the nation, with a crime index of 4,983 exceeding both Maricopa County (4,147) and the state of Arizona (3,912). The number of reported homicides in Pima County (75) for calendar year 2011 was a 3.8% decrease over the number of reported homicides in Pima County (78) for calendar year 2010. There has been a 36.4% increase in reported homicides in Pima County over 2009.

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 73.9% of all felony trials involved defendants charged with violent crimes, including aggravated assault, sexual assault, armed robbery, drive-by shootings, and felony DUI.

2. The Misdemeanor Unit handled 25,042 cases with 10.5 (FTE) prosecutors (2,385 cases per prosecutor) compared to the City of Tucson which handled 46,823 cases with 30 prosecutors (1,560 cases per prosecutor). Our misdemeanor prosecutors' caseloads are now at the high end of the reasonable range.
3. The Juvenile Unit was presented 6,356 cases by law enforcement resulting in 3,294 cases filed. Our juvenile prosecutors' caseloads are in the reasonable range.
4. The Adult Diversion Unit collected \$178,800.93 in restitution and \$45,478.00 in revenue for the general fund for a total of \$224,278.93 for calendar year 2012.
5. The Asset Forfeiture Unit, during calendar year 2012, forfeited 97.5 bonds resulting in \$672,225.00 in bond forfeiture monies sent to the county general fund.
6. The Investigations Division received 13,092 requests for investigative services and served 2,999 subpoenas during fiscal year 2011-12.
7. DEA Task Force Detectives seized ten residences, four vehicles, two motorcycles, resulting in assets and currency totaling \$5,670,952.00, 2,307 pounds of marijuana seized, .4851 kilos of meth seized, 1,297 oxycodone pills seized, and 36 arrests made. At community events 3,529 pounds of unwanted expired prescription medications were disposed of.

ICE Task Force Detectives seized \$1,292,632.00 in currency; seized 272 pounds of marijuana, recovered a firearm, debit/credit card skimmer device, several hundred stolen bank account/credit account numbers and made 15 arrests.

Detectives assigned to the Domestic Violence Task Force served 349 domestic violence warrants. The Domestic Violence Subpoena Team served 683 subpoenas.

8. The need for specialized victim services to meet the needs of crime victims and survivors from a variety of backgrounds found throughout Pima County continues to exceed our current capacity. As the population of the County continues to grow and the population density continues to expand further into the outlying areas of the County, there is an ever greater need for more paid and volunteer advocates to be able to keep up with the demand for services. In response to this need, four years ago, the Victim Services Division created satellite offices in Oro Valley/Marana, Sahuarita/Green Valley and Ajo. In four short years, we have seen the number of victims served in those communities expand exponentially from 131 victims served in 2007-08 to 1509 served during 2010-11. Unfortunately, the federal grant funding these satellite offices ended in September 2011; the Pima County Attorney's Office has been searching for other funding sources, but to date has been unable to secure other grant funding. Additionally, the need for specialized services for specific crime types, particularly domestic violence, places increasing demands on an already overburdened staff. Domestic violence is both one of the most prevalent interpersonal crimes and also one of the most complex crimes to address due to the nature of the relationship between the defendant and the victim. This magnitude and complexity requires a concerted and multifaceted approach that involves various segments of the community to address prevention, early intervention, arrests, orders of protection, prosecution, victim services, offender accountability, and batterer intervention. Thus, the Pima County Attorney's Office Criminal and Victim Services Division have implemented a variety of coordinated community responses including: the Pima County Domestic Violence Task Force, Domestic Violence Multi-Disciplinary Team, Domestic Violence Fatality Review Team, Domestic Violence Lethality Assessment Program, a specialized domestic violence vertical prosecution team, Domestic Violence Court, and a variety of community domestic violence prevention efforts.
9. Victim Services Division advocates made 35,676 contacts with 9,167 crime victims, providing 53,366 services (including 24-hour crisis intervention, group crisis intervention, court accompaniment, advocacy, assistance with victim compensation, and referrals to community services) during fiscal year 2011-12. Due to loss of grant funding, budget constraints and reductions in advocate positions, we anticipate that we will no longer be able to provide advocacy to certain types and categories of crimes, resulting in a reduction in our services to victims over the coming fiscal year.
10. Victim Services Division trained and utilized 161 community volunteers to provide crisis and advocacy services to crime victims in Pima County. Victim

Services Division volunteers donated 35,676 hours last fiscal year. Calculated at \$18.00 per hour, these volunteers gifted Pima County residents with \$537,066 in victim assistance services.

11. The Crime Victim Compensation Program received 326 new claims and paid out \$734,106 for medical, mental health, lost wages, crime scene cleanup, and funeral expenses. Available funding sources were enhanced by \$1,171,436 through staff negotiations with medical, dental, and mental health providers. The combined total assistance to victims including both the payments from the fund and the savings from the providers equaled \$1,905,542.
12. Since 2007, the Victim Services Division has provided crisis intervention and court advocacy to victims in the outlying and rural areas of Pima County. These efforts were funded for four years by an Office of Violent Crimes (OVC) grant, which ended in September 2011. The loss of funding has made it challenging to maintain services in these 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 56 volunteer advocates collaborated with local law enforcement, community agencies, and prosecutorial and court staff to serve victims in these outlying areas. During fiscal year 2011-12, the satellite staff provided 7,034 services to 1,655 victims in the rural areas of Pima County who otherwise might not have received services. Due to loss of funding and staff reductions, we anticipate that we will have to make difficult staffing decisions that will likely reduce the number of victims served over the next fiscal year.
13. The Victim Services Division coordinated a comprehensive crisis response to the mass shooting that occurred on January 8, 2011, deploying 35 staff and volunteers to the scene and 4 hospitals across Pima County. Subsequently, we have provided on-going support services and advocacy to the over 250 victims, witnesses, and their family members, working hand in hand with the US Attorney's Office and the FBI. The additional work load created by this tragedy would have caused great hardships within the division; however, shortly after the incident we applied for and received a Federal Anti-Terrorism and Emergency Assistance Program Grant. This grant has enabled us to provide continued advocacy services and meet some of the financial needs of the victims, including counseling and travel expenses. The grant will be ending soon now that the Federal case has concluded and the County Attorney has decided not to pursue prosecution.
14. 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 (2069) and channels the most serious cases (1008 of the 2069) for heightened oversight to ensure that perpetrators are held accountable and victims are supported. In 2011-12, victim advocates assisted a total of 2667 domestic violence victims in court and 329 domestic violence victims on-scene at the request of law enforcement.

Additionally, PCAO has continued to support the Domestic Violence Fatality Review Team and promote the adoption of a Lethality Assessment Protocol, which has been fully implemented by our office, three law enforcement agencies, and Adult Probation in Pima County.

15. The Pima County Attorney's Office developed and implemented a new Courthouse Dog Program in Pima County and welcomed Russell, our new Courthouse Dog, to the Pima County Attorney's Office. The program is modeled after a national initiative (www.courhousedogs.com) and reflects a growing trend toward using specially trained facility dogs to assist victims in the criminal justice process. The Pima County Attorney's Office followed the Courthouse Dog standards adopted by the National District Attorney's Association (NDAA) in implementing the program. Russell comes to us from Assistance Dogs of the West (www.assistedogsofthewest.org), a nonprofit organization out of New Mexico that is accredited by Assistance Dogs International (ADI). Russell works primarily with child victims through the Southern Arizona Children's Advocacy Center, assisting during the forensic interview process, and also follows some of the children as their cases move through the criminal justice process. Russell is another important enhancement, along with *Kids and Teens in Court* program, to better meet the unique needs of child victims of crime.
16. The Pima County Attorney's Office developed and maintains 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 2011), the Drug Endangered Children Multidisciplinary Protocol (2005), the Custodial Interference Protocol (1998, 2008), the Sexual Assault Protocol (2008), the Domestic Violence Response Protocol (2010), and the Drug Treatment Alternative to Prison Protocol (2012). To save duplication and distribution costs of printed copies the collected protocols are now available through the Pima County Attorney's Office new web site launched in March of 2012. This also provides greater and immediate access for community agencies and other populations affected by the protocols.
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 leadership from the County Attorney's Office in 1995. In the 2011-2012 fiscal year the Children's Advocacy Center evaluated 1112 child victims of alleged abuse. To insure that the different response agencies are working at the most efficient level possible the MDT performs reviews of selected cases. In the 2011-2012 fiscal year there were 24 case reviews performed during 12 MDT meetings.
18. The Pima County Domestic Violence Task Force, now headed by Emerge, met quarterly in 2012. Two meetings were dedicated to discussion of issues related to the prevention, reporting, investigation, prosecution and treatment of domestic

- violence. Two meetings were educational presentations. A Multidisciplinary Task Force (MDT) to address domestic violence (DV) 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 DV-MDT met nine times in 2012 to coordinate the reporting, investigation, prosecution and treatment of domestic violence offenders. Seven domestic violence cases were reviewed in those meetings.
19. The Pima County Attorney's Office established a Domestic Violence Fatality Review Team (DVFRT) in the 2010-11 fiscal year. The goal of the DVFRT is to analyze incidents of domestic violence related fatalities in Pima County in an effort to better understand the dynamics of such deaths and develop recommendations for associated agencies to help prevent domestic violence and domestic violence related fatalities in the future. The Supervisor of the Pima County Attorney's Domestic Violence Unit and the Pima County Sheriff's Sergeant assigned to the Domestic Violence Unit, co-chair the team. The DVFRT is composed of law enforcement, adult probation, CPS, judiciary, and social service representatives. The team met five times last year and reviewed two domestic violence fatalities. A report on the DVFRT recommendations will be submitted to the Attorney General in January.
 20. The Pima County Drug Treatment Alternative to Prison Program (DTAP) is a three-year program funded by the Bureau of Justice Assistance (BJA) and the Substance Abuse and Mental Health Services Administration (SAMHSA). This funding covers two objectives with regard to reducing drug addiction and drug-related crime in Pima County. The first is Pima County Drug Court Enhancement, which provides additional wraparound services to probationers in drug court. The second is Drug Treatment Alternative to Prison (DTAP) Program. DTAP provides residential drug treatment and needs-based wraparound recovery services in lieu of prison to selected non-violent repeat drug offenders who are motivated to change their behaviors and for which this is at least their third offense. The Pima County Attorney's office coordinates the operations of DTAP with the Drug Court, two residential treatment facilities, the Public Defenders' office, Adult Probation and a community agency, Primavera Center, which oversees the wraparound services. All parties meet monthly to coordinate services. The Chief Deputy County Attorney chairs the meetings. In the first year of operation only 80 clients were accepted into the program. There are still 2 years left to the grant.

CIVIL LEGAL SERVICES

1. The Business & Transaction Unit provides legal advice to most Pima County departments and special taxing districts about all aspects of their operations, and assists in the structuring of the County's many business transactions. The Unit also provides advice and training throughout the County on open meeting and public records laws. Last year the BTU attorneys, along with the Health Unit attorneys, reviewed, negotiated, and/or drafted over 3,000 contracts, contract

amendments, ordinances and resolutions involving complex business and legal issues, and provided legal advice on issues ranging from federal regulation of stimulus fund spending to state constitutional requirements and business risk assessment. Significant transactions the unit worked on last year included affordable housing projects using American Recovery and Reinvestment Act funding for Neighborhood Stabilization Programs; several significant open space acquisitions (including the Diamond M Ranch); implementation of a multi-agency, countywide first responder communications system (including resolution of some significant NEPA compliance issues associated with tower construction); solar farm leases; agreements related to a number of significant roadway and public infrastructure projects; an economic development lease used to attract a bio-technology firm to the County; and new concession agreements for the stadium. In addition, attorneys in the unit actively participated in on-going cases involving the Town of Marana's attempt to take over a portion of the County's wastewater operations, and monitored developments in a significant environmental lawsuit involving the Broadway Pantano QWARF site. Despite all this, the Unit continued to review and process routine contracts, intergovernmental agreements, ordinances, and resolutions in a timely manner.

2. The Tort Unit received 27 new cases in calendar year 2012, two of the 27 new cases were closed, and a total of 10 cases were closed altogether. The total monetary demand for the closed cases was \$2,122,000. Two of these cases had no specified demand. Of the total 10 closed cases in the Tort Unit, all 10 resulted either in verdicts in favor of the County or a dismissal of all claims, resulting in a potential savings of \$2,122,000 to Pima County. No cases were settled.

Pima County also initiated a lawsuit to recover the costs for a Sheriff's Department patrol vehicle that had been totaled. Pima County successfully negotiated \$6,400.33 in damages from the insurance company.

3. The Employment Unit handled 34 active employment related cases, 29 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. A total of 12 employment cases are currently pending. The Unit closed 22 employment cases in 2012. Of those 22 cases, 21 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. In addition, the Unit reviewed and provided advice regarding revisions to the Merit Rules for the Pima County Merit System Commission.
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. The Unit manages an active caseload of both administrative proceedings and matters litigated in state or federal courts. The Unit secured the dismissal of a lawsuit when a third party attacked the grant of a variance that allowed a new auto recycling business to start operations in Pima County and substantially prevailed in the Superior Court case that resulted from the Control Officer's denial of Rosemont Copper Company's Air Quality Permit application. The Unit also provided extensive assistance to County departments in implementing new regulatory reform requirements adopted by the Arizona Legislature in 2011 as SB1598.

The Unit received 6 new Eminent Domain cases in 2012. Out of the new and old open cases, the Unit worked on (or handled) 17 eminent domain cases during the year and brought 5 of those cases to final resolution either by trial, dispositive motion, or settlement. The total payout (just compensation) on the eminent domain cases was \$276,987.65. The total valuation for the owners was \$333,487.65. These amounts include statutory interest.

5. The Health Law Unit during the calendar year 2012, reviewed, revised and drafted health related contracts and managed approximately 2,025 active cases involving petitions for involuntary commitments to the hospitals for mental health treatment which is 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 regarding the County's participation in the state-wide Health Information Exchange which will allow the County to upload and retrieve patient health information (primarily for detainees in the County's detention facilities but the program is anticipated to expand) from a secure cloud, thus providing immediate access to and knowledge of a patient's current health status, prescriptions, etc. with the aim of providing appropriate care and avoiding errors. The unit worked with the Health Department to identify, strategize, and respond to a potential False Claims Act violation. The County is in the process of transitioning its role in the health care community from direct service provider to that of funder of projects and entities whose missions and services are aligned with the County's policy objectives. To that end, the Health Law Unit was called upon to restructure existing financial relationships with community health providers and find creative ways to structure its community relationships in a manner consistent with federal regulation. The Unit also successfully represented the County's interests in the placement and imposition of conditions upon TEP and Rosemont Copper in the siting of the power lines intended to service Rosemont's planned mining operations. The Unit worked to further the safety and protection of the public through the successful prosecution of involuntary TB cases and numerous dangerous dog cases. The Unit worked with other units in the division to analyze and implement SB1598, the regulatory bill of rights. Consistent with prior years the Unit worked with various County departments to review, revise, and draft new and existing ordinances.
6. The Sheriff's Legal Advisor Unit handled approximately 3,875 public records requests and approximately 2,751 requests for legal advice and assistance during calendar year 2012. In addition, the Unit provided 67.5 hours of training and reviewed 84 contracts and IGAs.

7. The Tax, Bankruptcy and Elections Unit provides legal advice and representation for the Assessor, Justice Courts & Justices of the Peace, Recorder, School Superintendent, Treasurer, and the Elections Department. Much of the Unit's efforts are focused on representing the Assessor in property tax appeals and the Treasurer's interest in collecting real and personal property taxes in bankruptcies, forfeitures, eminent domain and probate cases, as well as her interest in tax lien foreclosure and excess proceeds cases.

In the last year, the Unit filed answers in 201 new tax appeals, claims for \$3,672,318 in assessed taxes in bankruptcy cases, claims for assessed taxes in 27 forfeiture cases, claims for assessed taxes in 7 eminent domain cases, answers in 138 tax lien foreclosure cases, and responded to 78 applications for excess proceeds. The Unit collected \$4,780,071.76 in real and personal property taxes and bad check claims. The Tax Bankruptcy and Elections Unit also obtained judgments on behalf of the County in the amount of \$49,082.38.

The Unit represented County defendants in 7 election challenges, 1 election contest, and successfully defended a mandamus action regarding the County's operation of elections.

The Unit is handling 787 open cases.

COMMUNITY SUPPORT

1. The Bad Check Program served approximately 8,986 merchants participating in the program, returning \$809,047.57 in restitution to local merchants and the victims of bad checks for fiscal year 2011-12. The Bad Check Program continues to be the top program in the nation. The Bad Check Warrant Team made 314 physical arrests, resulting in \$150,283.43 total payments and \$615,647.35 bond arrests.
2. The 88-CRIME Program has, since inception, approved more than \$1,326,800 in cash rewards and assisted in the recovery of more than \$121,887,822 in total property and narcotics. Tips received by 88-CRIME have resulted in 4,952 felony arrests. In the past year, 88-CRIME responded to more than 27,000 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 120 volunteers participating in the program. The 19 Community Justice Boards handled 380 juvenile offender cases for calendar year 2012. The program had an 88% compliance rate and 98% parental and juvenile satisfaction rate for the year.
4. The Community Addressing Responsible Gun Ownership Program (CARGO) attended seven fairs and distributed 688 gunlocks. The "Lock up Your Gun" Campaign distributed 2,088 gunlocks to 38 participating pediatrician offices. A

total of 2,776 gunlocks were distributed free to the community for fiscal year 2011-12. These gunlocks are paid for with funds seized from criminal enterprises.

ADMINISTRATION

1. IT continued to develop and implement additional CAMMS modules. CAMMS for Felony and CAMMS for Investigation were developed and released which includes deep integration with the OnBase Document Management System to continue reducing the creation and copying of paper and reducing the overall cost to the office.
2. IT continued the deployment of the OnBase Document Management System for the PCAO Administrative finance division, Investigation Unit and the Criminal Division in the continued effort to reduce paper creation and storage thereby lowering costs for the office.
3. IT continued to extend the use of the electronic discovery (eDiscovery) application and web site to the outside council. This system allows PCAO staff to electronically package and distribute discovery packages to Pima County defense counsel. This process has helped to reduce paper, printing, and copying costs.
4. IT in coordination with the Arizona Criminal Justice Commission (ACJC) has begun to work on a collaborative statewide ARS XML initiative which will bring a consistent process to the use of charging information to various law enforcement agencies throughout the state.
5. IT upgraded essential software applications and systems. The production and development database servers were migrated from MS SQL 2008 R2 to Microsoft SQL Server 2012, email servers from Microsoft Exchange 2007 to MS Exchange 2010, domain controllers, and servers from Microsoft Windows Server 2003 to MS Windows Server 2008 R2. The DSX door key-card entry system was updated from Version 4.7 to Version 4.8. VMware servers were also updated from ESX 4 to ESX5. All desktop and laptop computers were updated from Windows XP to Windows 7 which keeps PCAO current on technology and up-to-date with all improvements and security/productivity enhancements. To assist IT in keeping systems patched and monitored, Microsoft System Center Configuration Manager (SCCM) and Microsoft System Center Operations Manager (SCOM) were implemented.
6. IT Updated and installed critical infrastructure throughout its IT environment. Firewalls were replaced with newer Cisco ASA models at the Legal Services building, Juvenile facility, the primary data center, and the disaster recovery data center. Upgrades to the NetApp Storage Area Networks at both the primary and backup data centers were performed increasing and adding a total of 48 terabytes of additional storage. Cisco enterprise-class WiFi and associated Cisco network switches were installed on each LSB conference room floor for wireless DMZ

connectivity for guest computers. IT procured and deployed 50 Lenovo All-in-One computers for PCAO staff. Biometric software and fingerprint readers were installed on all desktop and laptop computers accomplishing the “Blind Password” initiative of the office.

7. Administration staff trained and utilized 222 volunteers in the Pima County Attorney's Office (not including the Victim Services Division Volunteers). Volunteers donated 25,828 hours calculated at \$12.94 per hour saving Pima County \$334,214.32 in calendar year 2012. There was a .17% decrease in the number of volunteers and a 16% decrease in the number of donated hours over the previous year.