



## Office of the Pima County Attorney Significant Accomplishments 2013

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### CRIMINAL PROSECUTION

1. The Criminal Division reviewed a total of 10,403 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 5,456 exceeding both Maricopa County (3,926) and the state of Arizona (3,861). The number of reported homicides in Pima County (56) for calendar year 2012 was a 25.3% decrease over the number of reported homicides in Pima County (75) for calendar year 2011. The Felony Unit prosecutors' caseloads are above the reasonable range.

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 that will hold them fully accountable and remove them from the community for as long as possible. For fiscal year 2012-13 a total of 70.4% of all felony trials involved defendants charged with violent crimes, including aggravated assaults, sexual assaults, armed robberies, drive-by shootings, and felony DUIs.

2. The Misdemeanor Unit handled 23,285 cases with 10.5 (FTE) prosecutors (2,218 cases per prosecutor) compared to the City of Tucson which handled 41,384 cases with 30 prosecutors (1,379 cases per prosecutor). Our misdemeanor prosecutors' caseloads are now at the high end of the reasonable range.
3. The Juvenile Unit was presented 5,710 cases by law enforcement resulting in 2,986 cases filed. Our juvenile prosecutors' caseloads are in the reasonable range.
4. The Adult Diversion Unit collected \$138,116.24 in restitution and \$61,090.00 in revenue for the general fund for a total of \$199,206.24 for calendar year 2013.
5. The Asset Forfeiture Unit, during calendar year 2013, had 65 bonds forfeited and 7 bonds partially forfeited, resulting in \$477,150.00 in bond forfeiture monies sent to the county general fund.
6. The Detectives Division received 11,329 requests for investigative services and served 2,891 subpoenas, conducted 532 interviews, located 729 victims, located 934 witnesses, processed 2,534 requests for technical services, and completed 125 special investigations during fiscal year 2012-13. The Detectives Division also made 232 arrests.
7. Our detectives, along with the Drug Enforcement Administration (DEA) Task Force detectives, seized 6 residences, 11 vehicles, and 2 motorcycles, resulting in assets and currency totaling \$4,659,591.00; DEA Task Force detectives seized 1,244 pounds of

marijuana, seized 40 pounds of meth, and made 36 arrests. At community events, 2,693 pounds of unwanted expired prescription medications were disposed of.

Homeland Security Investigations (HSI) Task Force detectives seized 3.25 pounds of methamphetamine, seized 240.7 pounds of marijuana, seized \$158,300.00 in U.S. currency, 3 firearms, 2 vehicles, made 17 felony arrests (narcotics and money laundering), made 6 felony arrests (human trafficking and kidnapping), rescued 3 hostages (undocumented persons), closed 12 money laundering cases (cases closed/prosecuted), and have 19 active money laundering cases (current and on-going cases).

Detectives assigned to the Domestic Violence Task Force served 448 domestic violence arrest warrants. The Domestic Violence Subpoena Team served 752 subpoenas.

8. Victim Services Division advocates made 34,427 contacts with 8,929 crime victims, providing 60,259 services (including 24-hour crisis intervention, group crisis intervention, court accompaniment, advocacy, assistance with victim compensation, and referrals to community services) during fiscal year 2012-13.
9. Victim Services Division utilized 170 community volunteers to provide crisis and advocacy services to crime victims. These volunteers contributed 25,533 hours last fiscal year, gifting Pima County with \$459,594 in donated victim services. During fiscal year 2012-13, volunteers provided 5,196 services to 2,115 victims (1,175 crisis victims on-scene and 940 victims through court or in the office).
10. The Crime Victim Compensation Program processed 335 new claims and paid out \$678,242 for medical, mental health, lost wages, crime scene cleanup, and funeral expenses. Victims also received \$986,194 through negotiated discounts with medical and mental health providers, resulting in a combined total assistance of \$1,664,436.
11. The Pima County Attorney's Office addresses domestic violence through a specialized prosecution, a dedicated court, and victim advocacy. Domestic Violence Court arraigned 2,479 misdemeanor cases, channeling 1,023 of the most serious cases for heightened oversight. Victim advocates assisted a total of 2,751 domestic violence victims in court (1,293 through Domestic Violence Court) and 282 domestic violence victims on-scene.
12. In 2012, the Pima County Attorney's Office initiated a Courthouse Dog program with the addition of Russell, a Golden Retriever and fully trained service dog. Russell quickly demonstrated his value and the demand was so great that in 2013 we added a second dog, Blake, a Black Labrador with the same training. Both dogs help victims cope better with their past trauma while reducing the stress they face in the criminal justice system. Russell and Blake complement other efforts such as our *Kids and Teens in Court* program.
13. The Pima County Attorney's Office implemented the Lethality Assessment Program with law enforcement and nonprofit domestic violence agencies to reduce the number

of domestic violence murders by assessing victims' danger and connecting them with advocacy services. In 2013, 500 victims were screened, of whom about 75% were at high-risk of being murdered. The majority (68%) of those at high-risk were successfully connected with advocacy services.

14. The Pima County Attorney's Office maintains several multi-agency protocols for the investigation and prosecution of crimes affecting children and families: the Multidisciplinary Investigation of Child Abuse Protocol (first one developed in Arizona in 1993 and undergoing latest revision in 2014), 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). The protocols are available through the Pima County Attorney's Office website at <http://www.pcao.pima.gov/>.
15. The Pima County Multidisciplinary Task Force (MDT) for Child Abuse Prevention is run by the Pima County Attorney's Office Special Victims Unit and the Southern Arizona Children's Advocacy Center, a non-profit agency began under leadership from the Pima County Attorney's Office in 1995. In the fiscal year 2012-13, the Children's Advocacy Center evaluated 1,366 child victims of alleged abuse. In the fiscal year 2012-13, the MDT reviewed 20 cases to ensure the highest level of service coordination across agencies.
16. The Pima County Attorney's Office co-chairs the Domestic Violence Fatality Review Team (DVFRT) which seeks to reduce domestic violence fatalities through in-depth reviews of past homicides. Some of the recommendations from the first Annual Report (2013) have been implemented this year, such as the *Safety is Beautiful* campaign for salon professionals. The multi-agency DVFRT met five times in 2013 to review one case and will submit its second Annual Report in 2014.
17. Pima County's Drug Treatment Alternative to Prison (DTAP) program is administered by the Pima County Attorney's Office. DTAP provides residential drug treatment and needs-based wraparound recovery support services in lieu of prison to selected non-violent, repeat felony drug offenders who are addicted to drugs and motivated to change their behaviors. The Pima County Attorney's Office coordinates the operations of DTAP with the Superior Court, the Adult Probation Department, the Public Defender's Office, residential treatment facilities including The Haven and Compass Behavioral Health, the Primavera Foundation, Old Pueblo Community Services, and the Community Partnership for Southern Arizona. DTAP initially was funded entirely by grants obtained from the federal Department of Justice's Bureau of Justice Assistance (BJA) and the federal Department of Health and Human Services' Substance Abuse and Mental Health Services Administration (SAMHSA) under two separate three-year grants totaling approximately \$1.2 million, both of which expired September 30, 2013. The DTAP program is ongoing using carry-over funds to serve existing participants through September 30, 2014. Service for existing participants beyond that date and for new participants taken into DTAP beginning in 2014 will be reduced and the program's continued viability is potentially in jeopardy unless additional funding can be obtained. A great deal of new funding already has been

secured by the Pima County Attorney's Office to ensure the continuation of this important program, which has been proven through two cost-benefit studies to reduce recidivism and to save money at the same time. The City of Tucson has allocated funding for the DTAP Resource Manager who works at the Primavera Foundation. Additionally, each of the county-funded departments has committed to absorb its personnel expenditures beginning September 30, 2014 into its budget without seeking supplemental general fund monies. Beginning January 1, 2014, the Community Partnership of Southern Arizona began allocating personnel to assist with the DTAP program and to facilitating funding via the federal Affordable Care Act for some of the most expensive services afforded to DTAP participants, including residential treatment and other medical and mental health services. Old Pueblo Community Services has donated some transitional housing and other services for a few new DTAP participants. However, there are still gaps in funding that must be filled for the DTAP program to continue. The Adult Probation Department, which is funded by the State, does not yet have dedicated funding for its DTAP-assigned personnel after September 30, 2014. Moreover, some of the necessary services, such as transitional housing, transportation, food, dental services, and eye care will not be available unless a source of funding can be secured. These types of services are not covered under the Affordable Care Act. The Pima County Attorney's Office has sought funding from the State to fill these gaps and awaits word from the Governor as to whether her 2014 budget will include such funding as well as whether a special supplemental allocation will be made during the State's current funding cycle. Additionally, the Pima County Attorney's Office is contacting State legislators seeking their support to include funding to fill these gaps in the 2014 state budget.

## **CIVIL LEGAL SERVICES**

1. The Business & Transaction Unit (BTU) attorneys, along with the Health Law Unit attorneys, reviewed, negotiated, and/or drafted several thousand contracts, contract amendments, ordinances, and resolutions involving complex business and legal issues, and provided legal advice on issues ranging from environmental compliance and liability to state constitutional requirements and business-risk assessment. Significant transactions the unit worked on last year included:
  - Privatization of County Solid Waste (Landfill) services
  - Lease proposal for a new racetrack to promote economic development
  - New affordable housing projects, including Dragonfly Village (transitional housing), and Las Abuelitas Apartments (affordable housing designed to meet the needs of grandparents raising their grandchildren)
  - HUD compliance issues on a previously-funded project (Sunnyside Pointe); and a work-out on an existing multi-family affordable housing development (Sahuarita Ridge Apartments)
  - Revised computer use and circulation policies for Pima County Public Library
  - Settlement of Marana wastewater facility litigation and closing of the facility transfer
  - Settlement of Robson sewer connection fee litigation
  - Negotiation and litigation in connection with environmental-cleanup-action threats by the State

- Use of stadium for soccer events
  - Formulation of economic development strategies and priorities
  - Development of a Flood Control District mitigation bank program
  - Funding for the new Courts complex
  - Amendment of a development agreement to facilitate development of a retail outlet center
  - Assistance in the development and processing of the Pima County Regional Flood Control District's In Lieu Fee Mitigation Program
2. The Tort Unit received 10 new cases and closed 19 cases. Of the 10 new cases, 4 alleged either wrongful death or a serious permanent injury. Two of the new cases closed without any payout. Of the 19 cases closed, 1 case ended with a jury verdict in favor of the Sheriff/County, 13 cases were resolved in favor of County client representative by way of motions, and 4 cases settled. The total payout on the 4 cases settled by the Tort Unit in 2013 was \$104,000. The original demands by the Plaintiffs in those 4 cases totaled \$8,506,136.23. The resulting savings amounts to \$8,402,136.23. The total of the original demands by Plaintiffs on all 19 cases that closed in 2013 was \$19,039,337,431.63, an even bigger savings to taxpayers.

The Tort Unit also initiated two lawsuits to recover property damages claims to county vehicles. Additionally, the Tort Unit has closely assisted Risk Management in responding to significant claims and obtaining expert witness services at an earlier stage. The Tort Unit's denial of claims related to the Buffet Bar incident was successful in that those claims never resulted in lawsuits.

3. The Employment Unit opened 10 employment related cases. These cases 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/or U.S. Department of Labor. A total of 17 employment cases are currently pending. The Unit closed 19 employment cases in 2013, with no adverse decisions to the County. In addition to handling this caseload, the Employment Unit provided 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 and Americans with Disabilities Act and Family Medical Leave Act issues. In addition, the Unit reviewed and provided advice regarding revisions to the Merit Rules for the Pima County Merit System Commission and the Pima County Administrative Procedures.
4. The Land Use and Environmental Unit manages an active caseload of both administrative proceedings and matters litigated in state or federal courts. The Unit secured dismissal of a case in which the Plaintiff alleged that a land use interpretation substantially burdened their religious exercise and claimed not less than \$750,000.00 as damages. The Unit also secured dismissal in a case filed against the County by the Metropolitan Domestic Water Improvement District in which the District claimed that the County caused it to incur \$1,012,189.00 in excessive utility relocation costs as a result of a County road improvement project. The Unit also provided extensive assistance to County departments in implementing new regulatory reform

requirements initially adopted by the Arizona Legislature in 2011, as SB 1598, and amended in 2013 by HB 2443. The Unit also initiated 85 code enforcement matters.

The Unit received 7 new Eminent Domain cases in 2013. Out of the new and old open cases, the Unit handled 19 eminent domain cases during the year and brought 4 of those cases to final resolution either by trial, dispositive motion, or settlement. The total payout (just compensation) on the eminent domain cases was \$164,642.35. The total valuation for the owners was \$1,620,902.35. These amounts include statutory interest.

5. The Health Law Unit during the calendar year 2013, reviewed, revised, and drafted health-related contracts and managed approximately 2,067 active cases involving petitions for involuntary commitments to hospitals for mental health treatment which is consistent with the previous year's case volume. The Unit finalized the close-out of Pima Health System, the County's Medicaid plan, including the favorable resolution of a lawsuit against the Arizona Health Care Cost Containment System relating to reinsurance saving the County in excess of \$500,000. The Unit worked with the Health Department to identify, strategize, and settle a False Claims Act violation with a potential penalty of \$50,000,000 for less than \$200,000. The Unit also assisted the County with its transition from a fully-insured model of employee health benefits to a self-insured model. This included assessing the implications of the Patient Protection and Affordable Care Act on the County's plan. The Unit also worked to further the safety and protection of the public through the successful prosecution of involuntary tuberculosis cases and numerous dangerous dog cases.
6. The Sheriff's Legal Advisor Unit handled approximately 3,992 public records requests and approximately 2,833 requests for legal advice and assistance during calendar year 2013. In addition, the Unit provided 23.5 hours of training and reviewed 67 contracts and IGAs.
7. The Tax, Bankruptcy and Elections Unit during calendar year 2013 filed: answers in 97 new tax appeals, claims for \$2,367,133 in assessed taxes in bankruptcy cases, claims for \$128,832 in assessed taxes in 29 forfeiture cases, claims for \$292,313 in assessed taxes in 10 eminent domain cases, claims for \$3,379 in 5 probate cases, answers in 136 tax lien foreclosure cases, and 99 responses to applications for excess proceeds. The Unit collected at least \$1,305,768 in real and personal property taxes and bad check claims. The Unit also assisted in a non-litigation resolution of the nearly \$2,000,000 prisoner housing debt owed by the City of South Tucson to Pima County.

Additionally, the Unit represented County defendants in 2 election challenges and obtained a judgment for \$2,900 in campaign finance penalties.

The Unit is handling 851 open cases.

## **COMMUNITY SUPPORT**

1. The Bad Check Program has served a total of 9,178 individuals and merchants participating in the program. For fiscal year 2012-13, the Program returned \$389,814.54 in restitution to the victims of bad checks. The Bad Check Program continues to be the top program of its kind in the nation. The Bad Check Warrant Team made 207 physical arrests, resulting in \$29,410.34 total payments and \$319,770.71 bond arrests.
2. The 88-CRIME Program has, since inception, approved more than \$1,412,250 in cash rewards and assisted in the recovery of more than \$122,687,361 in total property and narcotics. Tips received by 88-CRIME have resulted in 5,329 felony arrests. For fiscal year 2012-13, 88-CRIME responded to more than 34,538 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 110 volunteers participating in the program. The 18 Community Justice Boards handled 347 juvenile offender cases for calendar year 2013. The program had a 93% compliance rate for the year.
4. The Community Addressing Responsible Gun Ownership Program (CARGO) attended eleven fairs and distributed 981 gunlocks. The "Lock up Your Gun" campaign distributed 4,209 gunlocks to 55 participating community organizations and individuals. A total of 5,190 gunlocks were distributed free to the community for fiscal year 2012-13. These gunlocks are paid for with funds seized from criminal enterprises.

## **ADMINISTRATION**

1. Information Technology (IT) updated and modified over 150 Juvenile Division documents from WordPerfect to Microsoft Word for the County Attorney Matter Management System (CAMMS) for Juvenile, Adult Diversion, and Felony projects. IT created and updated training material and conducted training for CAMMS for Felony Misdemeanor and Juvenile Divisions, and Detectives Division. CAMMS for Felony Division and CAMMS for Detectives Division were developed and released which include 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 implemented the OnBase Document Management System (DMS) for the Pima County Attorney's Office Administrative Finance Division, Detectives Division and the Criminal Division in the continued effort to reduce paper creation and storage thereby lowering costs for the office. IT configured and brought online the Juvenile Division into OnBase DMS resulting in the electronic storage and retrieval of over 13,500 documents. IT configured and brought online the Administrative Human Resources Division into OnBase DMS resulting in the electronic storage and retrieval

of applicant documents. IT trained and certified an additional staff person as an OnBase Certified System Administrator for backup.

3. IT continued maintenance and updates to the County Attorney ARSWeb site, the Juvenile Web Calendar, eDiscovery 2.0, Employee Security 2.0, the citation data feed from Justice Court, and the Long Form Submission to Justice Court (which resulted in the creation and electronic delivery of over 1,500 warrants and summonses to Justice Court).
4. IT is working on a collaborative statewide ARS XML initiative in coordination with the Arizona Criminal Justice Commission (ACJC), which will result in a consistent process in the use of charging information with various law enforcement agencies throughout the state.
5. IT upgraded essential software applications and systems; created and deployed over 40 new SQL Server Reporting Services reports for current active applications; completed the migration of all production databases and Reporting Services to SQL Server 2012; deployed a new clustered SQL 2012 system that fits better within our licensing needs.
6. IT updated and installed critical infrastructure throughout its IT environment; began development of administrative dashboards; implemented the Microsoft team Foundation Server to provide improved software development project management and tracking; implemented the courtroom technology project allowing attorneys to present case evidence electronically; deployed the DR/secondary IronPort anti-spam system allowing full incoming/outgoing mail delivery with a data center failure; upgraded Active Directory run level from 2008 R2 to 2010 R2; upgraded domain controllers from 2008 R2 to 2012 R2 to allow use of advanced management features for Windows 8 and Server 2012; implemented a VDI external access portal that will allow virtual machine access from outside the office for mobile users or an emergency situation where users should not enter the downtown area; deployed Microsoft security certificates to the Pima County Attorney's Office laptops for secure authentication to PCAO Cisco VPN network based on group membership; created a smarter rule to filter Central IT based email and allow other Pima County announcements through, reducing delayed or missing announcements for Pima County and reducing staff overhead.
7. IT completed the upgrade from Access 97 to Access 2010 for Victim Compensation and Finance databases; updated the Victim Notification Batch process, which resulted in the creation of over 38,000 victim notification letters.
8. 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. Firewall at DR upgraded with more memory for new OS. Upgraded Firewall operating systems at primary and DR site. 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 the Pima County Attorney's Office staff. Biometric software and fingerprint readers were installed on all desktop and laptop computers accomplishing the "Blind Password" initiative of the office.

9. Administration staff trained and utilized 197 volunteers in the Pima County Attorney's Office (not including the Victim Services Division Volunteers). Volunteers donated 26,062 hours calculated at \$13.07 per hour saving Pima County \$340,630.34 in fiscal year 2012-13. There was a 7% decrease in the number of volunteers and a .9% increase in the number of donated hours over the previous year.