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MEMORANDUM

TO: C.H. Huckelberry
Pima County Administrator

FROM: Barbara LaWall
Pima County Attorney

DATE: January 20, 2015

RE: FY 2015/16 Proposed Budget

I am pleased to submit the FY 2015/16 proposed budget for my Office, which reflects my intended allocation of limited federal, state, and local funds. In developing the proposed FY 2015/16 budget, it was necessary to critically review current operational alignment of staffing and associated expenses relative to the increased stressors placed on my general fund budget. In particular, new budgeting restrictions have resulted in the need to eliminate 18 positions previously funded by the General Fund. Four General Fund positions had to be eliminated in order to absorb the across-the-board compensation increase of fifty cents per hour for my employees. An additional 14 general fund positons have to be eliminated in order to comply with the new budget restriction of no longer being authorized to predict and account for expected attrition. It was necessary to unfund these positions since I have previously reduced my supplies and services budget and completely eliminated my capital budget due to historic budget cuts implemented during the great recession. There is no ability to further reduce these elements of my General Fund budget to absorb the $ 1.1M necessary to stay within the allocated budget for my Office. Under this budget, my Office will not be in a position to absorb any additional expenses or requests to absorb employee pay increases.

As I stated previously, I have carefully reviewed my current operations in light of recent employee retirements and resignations. Where possible, I have combined management responsibilities of various programs under fewer individuals to reduce the number of budgeted positions. In addition, my office is continually evaluating opportunities to streamline our operations to manage our workload with fewer positions. For example, the establishment of our new Felony Charging Unit provides an opportunity to dispose of many cases earlier. Expansion of my diversion programs, including Adult Felony and Misdemeanor Diversion, the Bad Check Program, the Drug Treatment Alternative to Prison Program, and the Community Justice Boards (for juveniles), has result in fewer cases being processed through the criminal justice system. While these programs cost money to operate from my Office, they save even more money for the County budget overall with respect to the

cases presented and have been demonstrated to reduce future recidivism, thus reducing the number of future cases to be presented.

However, the increased efficiencies and monetary savings gained through consolidation of operations, innovation in charging and pleading cases, specialized diversion programs, as well as automation, can be quickly offset when law enforcement presents more cases for review. While we have successfully battled this headwind of limited financial and human resources to date, we are at a critical point where the slightest increase in demand for our civil and criminal services will jeopardize our efficient delivery of services.

All local law enforcement agencies are actively recruiting, training and deploying more officers throughout Pima County. As a result, we anticipate an increase our incoming workload over the next year that will be a challenge for my office to handle with our current allocated General Fund resources. While at this point in time I am not requesting additional funding, I will continue to monitor this situation and will alert you if, at some point, it necessitates a request for additional resources.

My ability to successfully adjust and realign operations based on ever-changing demands is reflected in the many significant accomplishments achieved by my Office. For example, while yearly criminal case filings have increased so have the number of cases disposed. In fact, last year with a smaller staff, my Office disposed of cases involving more than 6,200 felony criminal defendants, the most ever during any one year over the last decade. This represents a 42.2% increase in total dispositions over the last decade. Increased stress, stagnant wages, other prosecutors' offices hiring my talented staff, and having to do more with less contributed to increased employee turnover.

Last year you and the Board of Supervisors took a bold first step in beginning to address the inadequate compensation of our employees. Economic indicators seem to reflect a more positive outlook for our financial future, and we must continue, above all, to focus on employees who have worked hard over the past several years while struggling with their own financial hardships. In their struggle to make ends meet, I continue to observe many employees seeking additional second employment opportunities through their permission requests for outside employment. This is not a healthy situation for these employees. I am deeply concerned about the challenges they face. Unfortunately, many employees desperate for an increase in their income are tempted to leave and then do so in response to the heavy workloads they have been asked to handle under reduced staffing levels associated with the overall loss of funding. Failure to continue to increase compensation for our employees will undoubtedly continue to result in the loss of more of our most talented employees to other jurisdictions.

Similar to most service-oriented operations, the vast majority of funding my Office receives is directly allocated to personnel. The nature of the work we do requires highly-trained and experienced personnel. Talented and experienced men and women are crucial to the success of this Office as we endeavor to protect the community. We cannot continue this work without adequate, appropriately compensated, and well-trained personnel. I urge you and the Board of Supervisors to develop a multi-year compensation plan for all the classifications of employees in my Office during this year's budget process.

The foundation of the budget reflects the amazing contributions and accomplishments attributable to the dedicated and hardworking employees of this Office. Attached is a brief list of significant accomplishments for the past year that demonstrate the judicious use of limited financial resources while emphasizing the revenues and cost savings generated for Pima County.

With the ongoing commitment and support provided to my Office by the Board of Supervisors and County Administration, we continue to be the among the best prosecution and government civil law offices in Arizona and across the country. While we are efficient and provide a variety of quality services, I am concerned about our ability to maintain these services if compensation for our employees is not increased.

I remain committed to fiscal responsibility. I am proud of my record of running an efficient office, and, thanks to the efforts of my hard working staff, to come in under-budget every year. I will do my best to maintain that record.

Attachment

cc: Honorable Chair and Members, Pima County Board of Supervisors

Office of the Pima County Attorney
Significant Accomplishments
2014

FINANCIAL HIGHLIGHTS

1. The Asset Forfeiture Unit, during calendar year 2013, had 54 bonds forfeited and 16 bonds partially forfeited, resulting in $549,630.00 in bond forfeiture monies sent to the county general fund.

2. The Adult Diversion Unit collected $72,128.48 in restitution and $102,810 in revenue for the general fund for a total of $165,731.04 for calendar year 2014.

3. Victim Services Division utilized 154 community volunteers to provide crisis and advocacy services to crime victims. These volunteers contributed 23,032 hours last fiscal year, gifting Pima County with $460,640 in donated victim services. During fiscal year 2013-14, volunteers provided 5,883 services to 2,042 victims (1,255 crisis victims on-scene and 787 victims through court or in the office).

4. The Crime Victim Compensation Program processed 396 new claims and paid out $697,564 for medical, mental health, lost wages, crime scene cleanup, transportation, and funeral expenses. Victims also received $429,969 through negotiated discounts with medical and mental health providers, resulting in a combined total assistance of $1,127,533.

5. The Civil Division handled 17 condemnation cases during the year and brought 8 of those cases to final resolution by judgment or settlement. The property owners initially sought compensation awards totaling approximately $4.4 million, but the actual amounts ultimately paid by the County (including statutory interest) totaled only $2.1 million.

6. The Tort Unit received 28 new cases in 2014 through December 5, 2014. In that same time period, the tort unit completely closed 9 cases and has 3 additional cases pending closure. Of the cases that closed and/or are pending closure, two went to trial, three settled prior to trial for low amounts, and the remaining 7 were successfully resolved in our favor by way of pre-trial motions and/or on appeal. Out of the closed and pending closure cases, six involved wrongful death and/or serious physical and permanent injury claims. The total demand in the closed and pending closure cases was $49,011,167. The total payout in those cases was $236,342.00, a savings of $48,774,825.00 (over 48 million). Of the 27 new cases, 4 allege wrongful death or serious bodily injury claims.

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.

During 2014, the Tax, Bankruptcy and Elections Unit filed 357 claims in bankruptcy cases for $3,891,084.41 and collected $3,506,350.42 in real and personal property taxes. The Unit currently has 581 open cases consisting of 250 bankruptcy cases, 78 excess proceeds cases, 61 tax lien foreclosure cases, 55 tax court appeals, and 17 small claims tax court appeals, 24 forfeiture cases, 12 eminent domain cases, and 22 general litigation and miscellaneous tax cases. Additionally, the Unit represented County defendants in 9 election challenges.

8. The Bad Check Prosecution Diversion Program served a total of 9,289 individuals and merchants participating in the program. For fiscal year 2013-14, the Program successfully returned $216,155.61 in restitution to the victims of bad checks and 1,140 individuals were diverted from prosecution. The Bad Check Program continues to be the top program of its kind in the nation.

9. The 88-CRIME Program has, since inception, approved more than $1,474,550 in cash rewards and assisted in the recovery of more than $107,466,427 in total property and narcotics. Tips received by 88-CRIME have resulted in 5,541 felony arrests. For fiscal year 2013-14, 88-CRIME responded to more than 36,264 calls for service.

10. Administration staff trained and utilized 148 volunteers in the Pima County Attorney's Office (not including the Victim Services Division Volunteers). Volunteers donated 16,492 hours calculated at $13.33 per hour saving Pima County $219,838.36 in fiscal year 2013-14.

11. Our detectives, along with the Drug Enforcement Administration (DEA) Task Force detectives, seized 5 residences, 23 vehicles, resulting in assets and currency totaling $1,005,728.00; DEA Task Force detectives seized 5,359.2 pounds of marijuana, seized 28.92 pounds of meth, seized 1.63 pounds of cocaine, 0.07 pounds of crack, 0.06 pounds of heroin and made 11 arrests. Throughout the year, our detectives assigned to the task force attend community events where the public is invited to discard unwanted and outdated prescription medications. Through this program, 2,577 medications were collected and disposed of. Additionally, task force detectives seized an additional 1,300 prescription drugs intended to be illegally sold on the street.

    Homeland Security Investigations (HSI) Task Force detectives seized 1.05 pounds of methamphetamine, seized 200 grams of cocaine, seized 207 pounds of marijuana, seized $224,000.00 in U.S. currency, 3 firearms, 2 vehicles, made 12 felony arrests (narcotics and money laundering), closed 24 money laundering cases (cases closed/prosecuted), and have 12 active money laundering cases (current and on-going cases).

12. Victim Services Division advocates made 36,263 contacts with 8,991 crime victims, providing 69,926 services (including 24-hour crisis intervention, group crisis

intervention, court accompaniment, advocacy, assistance with victim compensation, and referrals to community services) during fiscal year 2013-14.

13. 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 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 successfully defended a case in which a landowner sued Pima County for $490,000.00 in alleged lost value to its property as a result of restrictions placed by the County on peaks and ridges on part of the property; a Maricopa County jury rendered a verdict in favor of the County, finding that the restrictions did not reduce the value of the property. The Unit provided legal advice and representation in the County's challenge to the Sierrita natural gas pipeline in an administrative hearing before the Federal Energy and Regulatory Commission. The challenge facilitated a beneficial settlement with Sierrita that addressed environmental and financial impacts to the County that were raised in the hearing. The Unit also provides representation in defending the County from environmental liability for landfills once owned or operated by the County. This year, the County received a favorable ruling from the Ninth Circuit Court of Appeals requiring the District Court to independently scrutinize the terms of the State's settlement agreements with third-parties that the State deemed to be "de minimis" contributors to groundwater contamination at the former Broadway-Pantano landfill. The Unit also provided extensive assistance to the Regional Flood Control District's recent adoption of administrative code enforcement rules.

14. Information Technology (IT) distributed 65 Dell VDI zero clients as the preferred desktop replacement technology for aging desktop computers. Zero clients require 151% less energy; they are 88% less expensive than standard desktop computers, require less maintenance, provide double refresh cycle, and provide greater data security and higher availability via server redundancy.

CRIMINAL PROSECUTION

1. The Criminal Division reviewed a total of 10,524 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 5,292 exceeding both Maricopa County (3,736) and the state of Arizona (3,653). The number of reported homicides in Pima County (70) for calendar year 2013 was a 25% increase over the number of reported homicides in Pima County (56) for calendar year 2012. 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 2013-14 a total of 73.6% 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 20,984 cases with 10.5 (FTE) prosecutors (1,998 cases per prosecutor) compared to the City of Tucson which handled 39,978 cases with 30 prosecutors (1,332 cases per prosecutor). Our misdemeanor prosecutors' caseloads are now at the high end of the reasonable range.

3. The Juvenile Unit was presented 3,949 cases by law enforcement resulting in 2,560 cases filed. Our juvenile prosecutors' caseloads are in the reasonable range.

4. The Detectives Division received 10,135 requests for investigative services and served 2,890 subpoenas, conducted 614 interviews, located 667 victims, located 772 witnesses, processed 1,730 requests for technical services, and completed 71 special investigations during fiscal year 2013-14. The Detectives Division also made 54 arrests.

5. The Pima County Attorney's Office addresses domestic violence through a specialized prosecution, a dedicated court, and victim advocacy. Domestic Violence Court arraigned 2,074 misdemeanor cases, channeling 1,130 of the most serious cases for heightened oversight. Victim advocates assisted a total of 3,078 domestic violence victims in court (1,461 through Domestic Violence Court) and 234 domestic violence victims on-scene.

6. 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 were used in 90 cases, 25 trials and had over 300 victim contacts to 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.

7. 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 FY 2013-14, a total of 611 victims were screened, of whom about 75% were at high-risk of being murdered. The majority (64%) of those at high-risk were successfully connected with advocacy services.

8. The Pima County Attorney's Office maintains several multi-agency protocols for the investigation and prosecution of crimes affecting children and families. In the 2013-2014 fiscal year the Multidisciplinary Team for Child Abuse Prevention reviewed and updated the Protocol for the Multidisciplinary Investigation of Child Abuse to reflect changes in legislation and service agencies. Training on the revised protocol began in October 2014. A listing of the protocols maintained by the Pima County Attorney's Office includes: the Multidisciplinary Investigation of Child Abuse Protocol (new edition in 2014), the Drug Endangered Children Multidisciplinary Protocol, the Custodial Interference Protocol, the Sexual Assault Protocol, the Domestic Violence Response Protocol, and the Drug Treatment Alternative to Prison

Protocol. The protocols are available through the Pima County Attorney's Office website at http://www.pcao.pima.gov/.

9. 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 that began under leadership from the Pima County Attorney's Office in 1995. In the fiscal year 2013-14, the Children's Advocacy Center evaluated 1,198 child victims of alleged abuse and 820 defendants were presented to the County Attorney's Office for child abuse charges. Additionally 486 (44.1%) of the cases were jointly investigated by the Department of Child Services and law enforcement to ensure the highest level of service coordination across agencies.

10. The Pima County Attorney's Office (PCAO) co-chairs the Domestic Violence Fatality Review Team (DVFRT) which met six times over the year. It completed its second case review. Some of the recommendations from the second Annual Report have been implemented, including the implementation of a Domestic Abuse education program through a local hospital.

    PCAO worked with law enforcement, victim services and Southern Arizona Center Against Sexual Assault to develop a new forensic strangulation exam program. In appropriate cases, victims of strangulation are offered a free forensic exam to ensure the victim is not injured and to aid in prosecution of the case. In connection with the program, Emerge and PCAO Victim Advocates provided training on domestic violence and strangulation to volunteers, staff and forensic nurses working with the program. Emerge and Sexual Assault nurse examiners provided training on Strangulation Forensic Exams to Sheriff's Department detectives and staff.

    PCAO has worked to develop a new coordinated agency response to Domestic Violence. The Domestic Violence Multi Agency Steering Committee was developed to identify and achieve specific goals during the year which address Domestic Violence and victim safety. The Committee – comprised of 10 agency representatives – established sub-committees in the area of lethality assessment and orders of protection to address specific achievable changes to accomplish this goal.

    PCAO continues with the Lethality Assessment Program with law enforcement and non-profit domestic violence agencies to reduce the number of domestic violence murders by assessing victims' danger and connecting them with advocacy services. In 2014, 611 victims were screened, of whom about 75% were at high-risk of being murdered. The majority 64% of those at high-risk were successfully connected with advocacy services.

11. Pima County's Drug Treatment Alternative to Prison (DTAP) program is administered by the Pima County Attorney's Office. DTAP provides drug treatment and needs-based wraparound recovery support services in lieu of prison to selected non-violent, repetitive felony offenders who are addicted to drugs and motivated to change their behaviors. DTAP was initially funded entirely by federal grants, but now operates with AHCCCS funding, federal grants, an Arizona legislative

appropriation and private donations. The program has maintained an average 70% success rate, defined as maintaining sobriety, committing no further crimes, living independently and working as productive tax-paying citizens. Cost benefit studies have proven DTAP reduces recidivism and saves millions of county and state dollars, while saving lives.

CIVIL LEGAL SERVICES

1. The Employment Unit opened 18 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, Federal Court cases, and Superior Court cases. A total of 22 employment cases are currently pending. The Unit closed 13 employment cases in 2014, with one adverse decision 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.

2. The Health Law during the calendar year 2014, reviewed, revised and drafted health related contracts and managed approximately 1,800 active cases involving petitions for involuntary commitments to the hospitals for mental health treatment and successfully defended several appeals of those cases. The unit provided numerous hours of training to law enforcement agencies, hospitals, and adult probation on the civil commitment process as well as several hours of training to various county departments on public records and open meeting laws. The unit also assisted the County with drafting its health insurance benefits plan. This included assessing the implications of the Patient Protection and Affordable Care Act and ERISA on the County's plan. The unit continued to develop innovative and regulatory compliant ways to provide local match funding for local hospitals that provide graduate medical education and a disproportionate share of services to low income and uninsured populations. The unit successfully navigated and drafted an ordinance change allowing the County to implement a Trap, Neuter, Return program and accept a multi-million dollar grant to reduce the feral cat population. In addition to providing legal advice and services allowing the Health Department to implement an Electronic Medical Record program, the unit assisted that department with extensive revisions to both the Food and Pool codes and provided legal representation in a lawsuit alleging the department negligently released medical records. The unit provided the Medical Examiner with legal advice and representation in relation to two public records lawsuits involving the release of autopsy photos to the press. The unit also negotiated a successful resolution to a dispute between the County and other jurisdictions for whom the County provides Restoration to Competency Services which required modification to how the Pima County Superior Court authorizes the involuntary administration of medication in criminal cases. The unit also negotiated and drafted an Intergovernmental Agreement between the County, Sheriff and the Juvenile Court transitioning a portion of the Juvenile Detention Center from the Court's use to the Sheriff for the housing of juveniles being tried as adults and adult female detainee populations. The unit provided County Administration with legal opinions in relation to the regulation of puppy mills and the provision of animal care services to other jurisdictions. The unit worked to

further the safety and protection of the public through the successful prosecution of involuntary TB cases, numerous dangerous dog cases and development and implementation of a public health emergency response plan to the Ebola outbreak and natural disasters.

3. The Sheriff's Legal Advisor Unit responded to approximately 2,974 requests for legal advice and assistance during fiscal year 2014. The Unit provided 93.75 hours of training and reviewed 66 contracts and IGAs. In addition, the Unit provided advice and assistance in responding to the multitude of public records requests received by the Sheriff's Department.

4. The Business & Transaction Unit (BTU) 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. Last year the 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.

ADMINISTRATION

1. Information Technology (IT) continued maintenance and updates to the County Attorney ARSWeb site, Juvenile Web Calendar, eDiscovery 2.0, Employee Security 2.0, the citation data feed from Justice Court, Juvenile Court and the Long Form Submission service to Justice Court which resulted in the creation and electronic delivery of over 1,650 complaints, warrants and summonses to Justice Court.

2. IT implemented the OnBase Document Management System (DMS) for the Pima County Attorney's Office Victim Services, Administrative H/R division and Auto Theft division in the continued effort to reduce paper creation and physical storage. This results in lowering operating costs to the office.

3. IT upgraded 360 desktops and laptops from Microsoft Office 2010 to MS Office 2013. This upgrade process was performed using Microsoft SCCM's deployment capabilities with significant preparation by IT. Upgrades were conducted in the evening hours to minimize the impact during normal operating hours. In addition, IT developed initial transition training to assist staff during the upgrade process and continues to provide ongoing training for all components of Office 2013.

4. IT updated dozens of documents from WordPerfect to Microsoft Word for the County Attorney Matter Management System (CAMMS) for Juvenile, Misdemeanor, Adult Diversion, and Investigation projects including victim notification. IT created and updated training material and conducted training for CAMMS for Misdemeanor, Juvenile and Detectives Division. CAMMS for Misdemeanor was retrofitted to include integration with the OnBase Document Management System to continue the reduction of paper and reducing the overall cost to the office.

5. IT is working with Pima County IT in relocating the existing DR site, located at the Sheriff's office to the PECOC datacenter on 22nd street. The PECOC datacenter is a highly redundant and secure location that offers easier access to resources by PCAO IT staff. PCAO now has two server cabinets for future expansion of DR systems and will work to make this location a warm site in case of failure in the main datacenter.

6. IT upgraded the VMWare ESX environment located in LSB to take advantage of newer HP server blades. The server blades utilized were repurposed from another system being upgraded due to Microsoft licensing changes in SQL server. This resulted in significant savings in SQL server and VMware licenses. All VMWare software was upgraded to the most current version to ensure consistency and security across all VDI and ESX servers.

COMMUNITY SUPPORT

1. 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 90 volunteers participating in the program. The 17 Community Justice Boards handled 379 juvenile offender cases for calendar year 2014. The program had a 94% compliance rate for the year.

2. The Community Addressing Responsible Gun Ownership Program (CARGO) attended twelve fairs and distributed 1,768 gunlocks. The "Lock up Your Gun" campaign distributed 8,313 gunlocks to 59 participating community organizations and individuals. A total of 10,081 gunlocks were distributed free to the community for calendar year 2014. These gunlocks are paid for with funds seized from criminal enterprises.