Office of the Pima County Attorney
Significant Accomplishments
2019

FINANCIAL HIGHLIGHTS

1. The Victim Services Division in FY 2018/19 utilized 120 trained community volunteers to provide crisis and court advocacy services to 1,331 crime victims on scene and 1,000+ victims in court and in the office. These trained volunteers, working along with our Victim Advocates, contributed 21,101 hours last fiscal year, gifting Pima County with $410,836.00 in donated victim services.

2. The Crime Victim Compensation Program processed 264 new victim claims and paid out $430,029 from the Compensation Fund and monies received from restitution awards, assisting victims' payments for medical, mental health, lost wages, crime-scene cleanup, transportation, and funeral expenses. Victims also received $167,095 worth of services that did not have to be paid for because staff successfully negotiated discounts with medical and mental health providers, resulting in a combined total assistance of $597,125.

3. The Adult Diversion Program collected $15,570 in restitution and $128,257 in revenue sent directly to the general fund for a total of $143,827 for FY 2018-19.

4. The Bad Check Diversion Program served a total of 9,482 individuals and merchants participating in the program as victims of bad checks. For FY 2018-19, the Program successfully returned $69,562 in restitution to the victims of bad checks. The Bad Check Program continues to be the top program of its kind in the nation and is a pre-indictment program diverting thousands of cases from prosecution in the criminal justice system.

5. The 88-CRIME Program has, since inception, approved $1,698,820 in cash rewards and assisted in the recovery or seizure of cash and property valued at $20,451,230, seized drugs valued at $91,097,638, and 543 weapons. Tips received by 88-CRIME have resulted in 6,105 arrests. For FY 2018-19, 88-CRIME received 3,662 tips assisting law enforcement in protecting our community.

6. The Civil Division Tort Unit handled very complex and emotionally charged cases alleging wrongful death, catastrophic and serious bodily injury cases, and civil rights violations. The cases handled in 2018-2019 included a claim of wrongful death arising out of the death of an inmate in the Pima County Adult Detention Center, claims of unconstitutional conduct by sheriff's deputies and prosecutors, and serious injury cases arising out of automobile accidents caused by a county employee (driver) and a claim that a county-owned roadway was negligently designed, constructed, or maintained. The Unit also handled a number of less serious personal injury cases where a permanent or catastrophic injury is not alleged, such as minor car accidents involving county employees or trip and fall cases.

7. In FY 2018-2019, the Tort Unit opened 66 new matters consisting of 34 new claims, 29

new civil lawsuits, and three civil appeals. In the same time period, the Tort Unit worked on 10 existing lawsuits and appeals opened in prior fiscal years and closed 30 lawsuits.

The total demand in the 30 cases that closed in the fiscal year was $75,440,640. Of the 30 closed lawsuits, only six resulted in a payout of settlement monies. The total payout for all six cases was $4,733,888, resulting in a savings of $70,706,752. And, of the six cases that settled, the total demand was $32,695,000, resulting in a net savings of $27,961,112.

Had like results been obtained by outside counsel, it would have been at significantly higher cost to the County. By keeping as many cases in-house as possible, the Tort Unit saves the County a significant amount of money. The cost of sending a single case out can easily equal or exceed the cost of an entire year's salary for a Tort Unit lawyer who, at any given time, could be handling 10 or more open cases.

To achieve these outstanding results, the lawyers in the Tort Unit briefed and argued cases before the Arizona Court of Appeals and the United States Court of Appeals for the Ninth Circuit. One significant win for the Tort Unit was a published opinion in favor of the County in the federal lawsuit entitled *Taylor v. County of Pima, et al.* The *Taylor* ruling, which was widely publicized by the media, significantly limited the amount of damages the plaintiff could receive on his claims of wrongful incarceration, savings the citizens of Pima County potentially millions of dollars.

When not in court, the attorneys in the Tort Unit routinely provide the elected Constables, the Pima County Sheriff's Department, the Pima County Department of Transportation, and Pima County's Risk Management team with ongoing advice regarding active lawsuits, claims, and other matters involving litigation or the potential for litigation. The Tort Unit attorneys also provide training at the corrections' academy, the deputy academy, and for other departments as requested.

8. The Civil Division Tax & Bankruptcy Unit provides legal advice and representation for the Assessor, Treasurer, and the Finance Department's Property Tax Appeal Unit. Much of the Unit's efforts are focused on defending property tax appeals and the Treasurer's interests 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 FY 2017-18, the Unit filed claims in bankruptcy cases totaling $573,634.49 and collected $410,700 in real and personal property taxes. During FY 2019, the Unit handled approximately 1,026 cases consisting of 139 bankruptcy cases, 314 excess proceeds cases, 377 tax lien foreclosure cases, 100 tax court appeals, 53 small claims tax court appeals, and 43 eminent domain cases.

9. In FY 2018-19, the Civil Forfeiture Unit completed the forfeiture of property seized by Pima County law enforcement agencies (including the Pima County Sheriff, Tucson Police Department, Pima County Counter-Narcotics Alliance, Arizona Game & Fish, Marana Police, Sahuarita Police, Arizona Department of Corrections, Oro Valley

Police, and Pascua Yaqui Police) in 210 cases, thereby denying to criminals the use of assets or the retention of ill-gotten gains valued at approximately over $2.38 million. Total criminal appearance bonds forfeited on behalf of the state were $377,200.

10. Administration staff trained and utilized 55 volunteers in the Pima County Attorney's Office (not including the Victim Services Division volunteers or Community Justice Board volunteers). Volunteers donated 6,229 hours calculated at $13.33 per hour, saving Pima County $166,071.81 in FY 2018-2019.

11. Our Detectives, along with Drug Enforcement Administration (DEA) Task Force detectives, seized from criminal enterprises two properties, a vacant lot and a boat used in connection with criminal activities, resulting in assets and currency totaling $720,000.00. In conjunction with the DEA Task Force, PCAO detectives seized over 90 kilos of meth, over 10 kilos of cocaine, almost two kilos of heroin and fentanyl, and made seventeen arrests.

    Our Detectives, along with Homeland Security Investigations (HSI) Task Force detectives seized 42 pounds of methamphetamine, 26 pounds of cocaine, 110 pounds of marijuana, as well as about 49 pounds of other elicit miscellaneous drugs including fentanyl, $717,491 in U.S. currency, and numerous vehicles valued at $107,000; and they made 40 felony arrests (narcotics and money laundering) and served 61 search warrants.

CRIMINAL PROSECUTION AND VICTIM SERVICES

1. The Criminal Division, during FY 2019, reviewed a total of 10,579 criminal cases presented by 30 federal, state, and local law enforcement agencies primarily throughout Pima County. Unfortunately, due primarily to its border adjacent position Pima County continues to maintain one of the higher crime rates per 100,000 populations in the nation, with a crime index of 4,143 exceeding both Maricopa County (3,168) and the state of Arizona (3,019).

    However, the number of reported homicides in Pima County (57) for calendar year 2018 showed a 16.2% decrease under the number of reported homicides in Pima County (63) for the previous calendar year 2017.

    The average caseloads of Felony prosecutors remain well above the reasonable range. A year-end snapshot reveals the average felony prosecutor caseload to be 66 (more than double the average caseloads of felony defense attorneys in Pima County's public defense services agencies).

    In order to protect public safety, the County Attorney places a priority on taking violent and dangerous 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 FY 2018-19, a total of 75.4% of all felony trials involved defendants charged with violent and dangerous crimes, including homicides, aggravated assaults, sexual assaults, armed robberies, drive-by shootings, and felony DUIs.

2. The Misdemeanor Unit handled 17,978 cases with 11 prosecutors (1,634 cases per prosecutor). Our misdemeanor prosecutors' caseloads are now at the high end of the reasonable range.

3. The Juvenile Unit was presented 3,175 cases by law enforcement resulting in 2,005 cases filed. Our juvenile prosecutors' caseloads remain in the reasonable range.

4. The Detectives Division received 8,398 requests for investigative services, served 1,785 subpoenas, conducted 477 interviews, located 927 victims, located 860 witnesses, and completed 58 special investigations during FY 2018-19. The Detectives Division also made 11 arrests.

5. A PCAO detective is assigned to and participates with the Pima County Sheriff's Department Domestic Violence Task Force. During FY 2018-19, Domestic Violence Detectives served 304 arrest warrants and made 11 probable cause arrests.

6. Victim Services. The Pima County Attorney's Office addresses domestic violence through specialized prosecution, a dedicated court, and victim advocacy. Victim advocates assisted a total of 1,776 domestic violence victims in court (both misdemeanor and felony) and provided crisis response to 1,999 domestic violence victims on-scene, through outreach, following an incident or before and after forensic interviews.

7. Victim advocates made 48,442 contacts with 10,958 crime victims, providing 113,955 services (including 24-hour crisis intervention, group crisis intervention, court accompaniment, advocacy, assistance with victim compensation, and referrals to community services) during FY 2018-19.

8. In 2012, the Pima County Attorney's Office initiated a Courthouse Dog Program with Russell, a fully-trained service dog. Russell quickly demonstrated his value and the demand was so great that in 2013 we added, Blake, a second dog. In FY 2018/19, there were 324 cases in which Blake or Baja assisted child victims of abuse.

9. The Pima County Attorney's Office initiated and implemented several multi-agency protocols for the investigation and prosecution of crimes affecting children and families. They are the Multidisciplinary Investigation of Child Abuse Protocol, 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/. Periodically the protocols are updated to reflect changes in legislation and service agencies.

10. The Pima County Attorney's Office continues in its leadership role for the development and implementation of the statewide lethality assessment known as the *Arizona Intimate Partner Risk Assessment Instrument System (APRAIS).* It is used by law enforcement officers in responding to domestic violence calls involving intimate partners. The APRAIS assesses the potential risk posed by a perpetrator of intimate partner violence that could result in serious physical injury or death to the victim. Its

use affords courts evidence-based information to guide decision-making in connection with determining initial conditions of release for those arrested for intimate partner domestic violence.

11. The Pima County Multidisciplinary Task Force (MDT) for Child Abuse Prevention is managed by the Pima County Attorney's Office Special Victims Unit and the Southern Arizona Children's Advocacy Center (SACAC). In FY 2018-19 there were 945 case dispositions through the County Attorney's Office for 2,149 child abuse charges. Additionally, 96% of the cases presented at the Advocacy Center were jointly investigated by the Department of Child Services, the Office of Child Welfare Investigations, and law enforcement, ensuring a high level of service coordination across agencies.

12. The Pima County Attorney's Office participates in the Domestic Violence Fatality Review Team (DVFRT). DVFRT is committed to working together in a "no blame, no shame" environment to critically review systems related to a domestic violence homicide in an effort to uncover areas where the response may have been inadequate and to make systemic improvements going forward.

13. In FY 2019, the Pima County Attorney's Office and the Pima County Sheriff's Department continued to work together on a P.C. Alert Protocol. The collaborative protocol, which began in 2011, connected victims of domestic violence with services and immediate access to Victim Services in the Criminal Justice System upon arrest of the perpetrator.

CIVIL LEGAL SERVICES

1. In FY 2018-19, the Employment & Elections Unit opened 24 employment-related cases. A total of 23 employment cases are currently pending. The Unit closed 23 employment cases in the last year with one monetary settlement. In total, the Employment Unit saved the County at least $100,000 in demanded claims.

   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. The legal advice included analysis, research, and assistance in a variety of disciplinary matters and Paid Sick Time, Americans with Disabilities Act, Family and Medical Leave Act, and Fair Labor Standards Act issues.

   The Unit also provided regular legal advice and representation for the Recorder, School Superintendent, and the Elections Department. The Unit submitted a comment that was adopted in the Arizona Secretary of State's proposed Election Procedures Manual. In 2018-19, the Elections Unit also represented County defendants in a City of Tucson initiative petition challenge and successfully defended against a federal lawsuit seeking to enforce a consent decree to which neither the County nor the Recorder was a party.

2. The Health Law Unit during FY 2018-19, managed 2,921 active involuntary mental health commitment cases, *an increase of over 24% from the prior fiscal year*, with 644

of those resulting in a hearing for court-ordered treatment in Superior Court, *an increase of 14%.*

The Unit also represents Pima Animal Care Center in several animal forfeiture cases, and played a key role in drafting substantial revisions to the animal control ordinances as well as the proposed ordinance to restrict the sale of tobacco products and electronic smoking devices to minors.

The Health Law Unit continues to participate in county-wide data sharing initiatives including advising the County's Data Exchange Committee and working with stakeholders to draft a release of information authorization for the pilot "Housing First" homelessness program.

The unit reviewed, revised, and drafted contracts for the Health Department, the Department of Behavioral Health, the Office of Emergency Management, Pima Animal Care Center, and the Office of the Medical Examiner, and provided training and advice on such issues as the Title 36 process, HIPAA compliance, and public health programs.

3. The Sheriff's Legal Advisor Unit responds to requests for legal advice and assistance on a 24-hour, seven days per week basis. During FY 2018-19 the Unit provided 142 hours of training and reviewed 55 contracts and IGAs. In addition to responding daily to multiple requests for advice, the Unit reviewed approximately 4,638 public records requests.

4. The Business & Transactions Unit (BTU) provides legal advice to most Pima County departments and special taxing districts about all aspects of their operations; assists in the structuring of the County's many business transactions; handles commercial litigation matters, either in-house or with assistance of outside counsel; acts as issuer's counsel on all County debt issuances; and provides PCAO's audit-response letters to the County's auditors. The BTU also provides advice and training throughout the County on open meeting, public records, and contract law.

   Last year the BTU attorneys reviewed, negotiated, and/or drafted hundreds of contracts, contract amendments, ordinances, and resolutions involving complex business and legal issues. They provided legal advice on issues ranging from environmental compliance and liability to state constitutional requirements and business-risk assessment. BTU lawyers are currently representing the County in several lawsuits involving statutory and constitutional interpretation, and have briefed or helped other units brief several significant appellate cases. Among other things during the last year, BTU:

   a. Defeated the Goldwater Institute's appeal of an adverse trial court ruling in the lawsuit related to the World View transaction, and filed a motion for summary judgment regarding the final phase of that lawsuit – Goldwater's Gift Clause claim.

   b. Won a lawsuit filed jointly by the County and TUSD against the State of Arizona regarding the State's refusal to pay TUSD additional state aid for

education; in addition to obtaining declaratory and injunctive relief, the County was awarded $28,000 in attorney fees.

c. Continued to work on several economic development deals involving the lease or sale of County-owned property in downtown Tucson, including development of 75 E. Broadway, and a lease of 97 E. Congress to Southern New Hampshire University.

d. Settled a long-term dispute with Davis-Monthan Air Force Base regarding sewer connection fees.

e. Helped structure an arrangement with Southwest Gas for use of biogas generated by wastewater facilities.

f. Assisted PDEQ with its triennial Clean Water Act review.

g. Participated on behalf of the County in several power company rate cases before the Arizona Corporation Commission.

h. Assisted with multiple contract amendments needed to facilitate an upgrade to provide faster, more reliable service to public entities that use the Pima County Wireless Integrated Network (PCWIN) system.

i. Assisted Pima County Flood Control District in negotiating and drafting an intergovernmental agreement with Marana to cooperate in the design and construction of the El Rio Preserve Bank Protection Project, which will provide flood control improvements for the preserve and trail system.

j. Assisted with development agreements and land transfers between Pima County, nonprofit organizations, and underlying land owners to facilitate development of a new youth center in Amado.

5. The Land Use and Environmental Unit enforces County environmental and land use ordinances, provides legal advice, and 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.

ADMINISTRATION

1. Client Services continues to provide unparalleled customer service as reflected by an overall satisfaction feedback rating of 95.2%. This number is produced from the help desk ticketing system, Spiceworks, using an automated process that provides a user satisfaction survey following each completed service interaction. Each user has the opportunity to provide a rating of one through five stars, along with comments to share any additional information regarding their service. This information is aggregated to formulate our final satisfaction rating each year.

2. The Client Services team upgraded Microsoft Windows 10 to version 1909 across all desktop platforms which included security baseline updates, Windows Defender updates, Windows Information Protection and Microsoft Edge security updates to improve the security profile on every desktop device.

3. The Client Services team continues to improve and provide cyber-security training to all incoming employees and existing staff on a bi-monthly basis. This training emphasizes the critical nature of data security and the responsibility of each employee to protect organizational data.

4. The Infrastructure team prides itself in its continued ability to maintain an overall network uptime of 99.9914%. This number reflects a total of 45 minutes of total downtime from two events which were confirmed PCAO issues that occurred on 7/28/2019 and 11/1/2019.

   This level of network availability comes from careful attention to hardware and software maintenance schedules, managing multiple redundant resources and aggressive security management strategies related to constant attack vectors attempted against our network. Although the Office has experienced additional interruptions throughout the past year, every other instance was the result of unplanned outages from outside entities and were almost never a result of internal failures.

5. The Infrastructure team procured and implemented 96 terabytes of additional storage on the NetApp Storage Area Network (SAN) to offset the rapidly growing needs of the Office. This growth is primarily a result of body worn camera usage by law enforcement agencies, continued capacity increases in mobile devices, video, and growth in disclosure file size.

6. The Infrastructure team deployed additional network monitoring software to increase the ability to identify advance threat vectors and respond rapidly to those threats to further reduce the chance of data breaches. Upon implementation of this software, we were able to immediately identify previously unrecognized threats from several state-sponsored countries and respond accordingly to thwart any further attempts from those sources.

7. The infrastructure team removed all network dependencies in the Legal Services Building by moving all equipment from the building and vastly improving the ability to process share data between law enforcement and the courts during power outages. In addition, this removed the need to maintain support for the SAN, ultimately saving the organization more than $10,000 in support costs year to year.

8. The Infrastructure team replaced two critical firewalls located in the Juvenile Unit and the Children's Advocacy Center. These firewalls replace hardware that was no longer under support by either the manufacturer or third-party vendors and posed a significant security risk as security patches were no longer published for these devices.

9. The Software Development team completed and implemented a new external version of CAMMS for outside law enforcement agencies and the courts. This new version provides significant required improvements to the interface, substantially improved security, and more accurate and timely sharing of data than pervious iterations of this application.

10. The Software Development team completed and implemented a new version of the E-Discovery application for internal users. The new version adds significant functionality from the previous version and offloads the building of disclosure packages to services located on high-powered servers. This approach allows users to send packages for processing while freeing up their workstations for other, more critical tasks.

11. The Software Development team developed and successfully implemented an arrest alert system for the Crime Strategies Unit as part of the Intelligence driven prosecution project. This application tracks and monitors defendants being booked into the County jail and alerts prosecutors, staff, and outside law enforcement, in real time, when individuals being tracked and identified are booked into Pima County jail.

12. The Software Development team and the Infrastructure team successfully implemented a WIKI page for the Crime Strategies Unit as part of the intelligence-driven prosecution project. This WIKI enables the Crime Strategies Unit an opportunity to manage any type of electronic information related to an individual on a single, defendant-focused page. This includes images, documents, and data. Each individual page created for the WIKI is produced from a specially developed process incorporated into CAMMS allowing the Crime Strategies Unit to identify and simply generate each initial page.

13. Administrative Services prepared and submitted, on time, 825 monthly, quarterly, and annual financial reports to federal, state, and local agencies, as well as various departments during Fiscal Year 2018-19.

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 86 adult volunteers participating to operate the program.

   The 19 Community Justice Boards referred 345 juvenile offenders in calendar year 2019. These are cases that are not prosecuted. Program compliance is 95%. Successful completion and diversion from prosecution saves the county from defense, court, and probation costs.

2. A new Community Justice Board was created in October to serve the Vail community, providing first-time juvenile offenders the opportunity to utilize our restorative justice diversion program.

3. The Communities Addressing Responsible Gun Ownership Program (CARGO) attended 15 community events and distributed 745 gunlocks in 2019. The "Lock up Your Gun" campaign has distributed a total of 4,239 gunlocks free to the community for calendar year 2019. Since inception of the CARGO and "Lock up Your Gun" programs, more than 96,000 gunlocks have been distributed. These gunlocks are paid for with funds seized from criminal enterprises.

4. The Adult Diversion Programs diverted more than 900 criminal defendants from prosecution providing significant savings to the county and the courts. The success rates for the various Adult Diversion Programs were: 47% for the Felony Drug Diversion Program, 86% for marijuana and paraphernalia charges, 95% for alcohol charges, 87% for other misdemeanors, and 75% for felonies other than drug possession, with an overall success rate of 81%.

5. The Pima County Attorney's Office, along with the Sheriff's Department and the Tucson Police Department, has taken a leadership role in providing Crisis Intervention Training (CIT) to law enforcement officers throughout Pima County. Last fiscal year we conducted numerous trainings and expanded outreach to include Community Service Officers primarily tasked with community parks, Tucson Fire Department staff and TPD Evidence Team members. Each training averages 50 participants, and consists of a full 40-hour week training. This training facilitates safe intervention by law enforcement officers when dealing with individuals suffering with mental health crises.

6. The Pima County Attorney's Office continued to worked closely throughout FY 2018-19 with the County Administrator, the Sheriff, the Court, Pretrial Services, the Probation Department, and Indigent Defense, as well as with the new Criminal Justice Reform Unit, on the MacArthur Foundation Safety + Justice Challenge to assist with implementation of strategies to reduce the Jail population and to eliminate racial disparities in that population. The Pima County Attorney's Office devoted significant staff time and office leadership toward participation in the Community Collaborative and the various committees, as well as attending national conferences and meetings.

7. Also, as part of its commitment to the Safety + Justice Challenge, the Pima County Attorney's Office established the new Felony Drug Diversion Program in conjunction with Community Bridges, Inc. and the Public Defender's Office. PCAO obtained state funding for the Felony Drug Diversion Program for services to be provided to diversion participants. During the programs first year FY 2018-19, there were 207 participants in the program with an initial success rate of 47%.

8. The Pima County Attorney's Office worked with the Presiding Superior Court Judge, and the Behavioral Health Treatment Court Collaborative, to implement a timeline and a plan to develop a Consolidated Misdemeanor Problem Solving (CMPS) Court, adding substance

abuse assessment, drug testing, and addiction treatment services to the range of services available in the Misdemeanor Mental Health Courts at Justice Court.

PCAO was successful in obtaining two federal grants, including one from the Department of Justice and another from the Department of Health & Human Services Substance Abuse and Mental Health Services Administration, which will provide millions of dollars over the next five years to fund the establishment of this new Consolidated Misdemeanor Problem Solving (CMPS) Court (and to provide some funding to help sustain the existing felony Drug Treatment Alternative to Prison Program and the existing standard felony Drug Court).

The program was implemented during calendar year 2019 and the COMPS Court is expected to reduce recidivism and reduce the use of incarceration in the Jail for non-violent, non-dangerous defendants suffering from mental illness and drug addiction, and those who are homeless. Serving high-risk (to recidivate), high-need (co-occurring mental health and substance use disorders) individuals who have a high number of contacts with the justice system. Individuals are typically homeless and often have hundreds of contacts with police in the months leading up to entry into the program. CMPS coordinates intensive treatment with housing, transportation, and other wrap-around services and resources.

9. The Pima County Attorney's Office continues its leadership role in facilitating special ethics training for law enforcement officers and prosecutors throughout Pima County. Known as "What You Do Matters: Lessons from the Holocaust," this specialized ethics training was developed by the U.S. Holocaust Memorial Museum in Washington, D.C. and top prosecutors and law enforcement officers.