



MEMORANDUM

Date: July 16, 2018

To: The Honorable Ally Miller, Member
Pima County Board of Supervisors

From: C.H. Huckelberry
County Administrator 

Re: **Your Fiscal Year 2018/19 Alternative Budget Proposal**

I forwarded your proposed Fiscal Year 2018/19 budget alternative to the Courts and other Elected Official Offices that may have been affected by your proposal and asked for their review and comment as to whether the funds identified in your proposal could be provided for road repair.

Attached are the responses from each of the Elected Officials and Courts.

As you can see, almost all have declined to offer the requested reductions and have outlined operational impacts if these funds were transferred as you have requested. The Treasurer and Assessor have indicated a possible budget transfer but I have declined their offer until near the end of the fiscal year 2018/19. At that time we will be in a better position to understand the service impacts and implications of these transfers.

As County Administrator, I can respond for all of the departments or agencies under my direct supervision. The individual budgets for these departments were prepared through a long process, beginning at the end of Calendar Year 2017. During this six-month process, the budgets were individually reviewed by me and analyzed in great detail by our Budget staff in the Finance and Risk Management Department. These budgets were also subject to five days of public hearings before the Board of Supervisors and two statutory hearings for both Tentative and Final Budget adoption. The amounts requested and approved by the Board in their individual budgets are sufficient to cover their operating expenses for the coming fiscal year and I will not adjust those as requested in your June 19 proposal.

As one example of how flawed your analysis is relates to the proposed reduction of \$10,959,514 from the Stadium District for capital projects. This project is for soccer and sports field development as is paid with car rental and hotel bed tax revenues both of which cannot legally be used for road repair.

The Honorable Supervisor Ally Miller
Re: **Your Fiscal Year 2018/19 Alternative Budget Proposal**
July 16, 2018
Page 2

I do understand your desire to increase funding for transportation road repair. The Board of Supervisors total allocation is \$2,600,465 and you have suggested this be reduced by 260,046.50 which means a budget reduction in each office of \$52,009. Please advise if you wish to reduce your budget by \$52,009 and transfer these funds to the Transportation Department for road repair.

CHH/mp

Attachment

c: The Honorable Chairman and Members, Pima County Board of Supervisors
Honorable Michael Stevenson, Presiding Constable
Honorable John Peck, Presiding Judge, Ajo Justice Court
Honorable Beth Ford, Pima County Treasurer
Honorable Toni L. Hellon, Clerk of the Superior Court
Honorable Kyle A. Bryson, Presiding Judge, Arizona Superior Court
Honorable Kathleen Quigley, Presiding Judge, Juvenile Court, Pima County
Honorable Adam Watters, Presiding Justice of the Peace
Honorable Raymond J. Carroll, Justice of the Peace, Green Valley Justice Court
Honorable Bill Staples, Pima County Assessor
Honorable Dustin Williams, Pima County Schools Superintendent
Honorable Barbara LaWall, Pima County Attorney
Ron Overholt, Court Administrator, Pima County Superior Courts



PIMA COUNTY CONSTABLES
240 N. STONE AVENUE, LOWER LEVEL
TUCSON, AZ 85701
(520) 724-5442
(520) 724-5445 FAX

MEMORANDUM

Date: June 22, 2018

To: Chuck Huckelberry
County Administrator

From: Michael Stevenson
Presiding Constable #10

Re: Response to request for Decrement Budget Amounts in Accordance with Supervisor Ally Miller's Alternative Budget Proposal, Dated, June 21, 2018.

The Constables office is a "Bare Bones" budgeted department which I am sure you are aware of. We have 13 employees, 10 of which are elected officials and their salary is established by statute. Operating expenses consist primarily of wages and motor pool costs. Our revenue is generated through mileage reimbursement and other fees from our statutory regulated fee schedule. After careful review of other line items it is determined that we have no significant funds we would be able to contribute as requested.

The Constables office is currently anticipating exceeding revenue projections this year by \$63,043.00 and these overages are returned to the County's overall budget.

The Constable's office also utilizes the Constable Ethics Training and Standards Board (CESTB) for additional funding for equipment such as: protective ballistic vests, uniforms, other equipment and some vehicle costs when funds are available to minimize impact to the County budget. These funding requests are offered twice a year and are not guaranteed, but we have been fortunate to receive funds over the past several years for these additional needs.

It is my goal to operate the Constables office as efficiently as possible without unnecessary expense. I appreciate your efforts to reduce costs but we currently do not have significant funds to relinquish from our budget.

Respectfully submitted

John Peck
Justice of the Peace

Yvette Montijo
Court Administrator



Jose L. Gonzalez
Constable
(520) 387-5403

AJO JUSTICE COURT No. 3
111 LA MINA AVENUE
AJO, ARIZONA 85321
(520) 387-7684

To: C.H. Huckelberry
Administrator
Pima County

9 July 2018

From: John Peck 
Presiding Judge
Ajo Justice Court

In your 6/21/18 memo, you requested our analysis of the impact of a 5% budget reduction – \$36,666.85 – for the Court’s 2018-19 fiscal year. Following is my response and that analysis.

- The Ajo Justice Court has never overspent its approved budget and has aggressively worked to operate below budget and minimize requests for increases. Our requested operation expense budget for FY2018-19 is actually less than that approved by the Board of Supervisors for the fiscal year just ended. That for FY2017-18 was itself only a .0022% increase from the year before. To my knowledge, we have never requested supplemental funding to an approved budget, and certainly not in the past two decades.
- In FY2015-16, we were required to reduce our operating budget by 2%, which took us close to the bone, but emphasized the need to be as fiscally prudent in the future as possible, and we have been.
- Our largest operating expense is that for motor pool costs, at \$20,000. This is not reducible: it includes an oft-repaired vehicle for our Adult Probation Officer’s day-to-day work, and another, equally used vehicle essential for mandatory staff meetings and training sessions. At 140 miles from Tucson, and a similar distance from Phoenix, our accessible motor pool, however modest, is essential for Court functions.
- There are no possible reductions in service expenses that could possibly bridge even a significantly lesser amount. While we have developed a passport center, encouraged a Community Justice Board, pioneered domestic-violence victims assistance, opened the Court on Saturday and Sunday mornings as needed to handle in-custody cases, and fostered community discussion and training on aging issues and conflict resolution, we have done so through existing staff, community grants, and private contributions. We have neither requested nor been given additional county funds for these and other projects..
- In my May 2018 report to the Board of Supervisors, I gave a heads-up on the likely impact of a proposed utility rate increase in this community and expressed my concerns about increased Facility costs directly attributable to not having had a resident Facilities staff member since March 2017. I am grateful that the latter issue has been resolved, but the rate increase – over which we have no control – looms.

In short, there is no place to make a reduction. The impact would be on personnel, not programs or services, and the result would be an enormous disservice to this rural community and, frankly, to the justice system of which we are a part.

I’d be less than candid if I didn’t express my general dismay with what seems a less-than-reflective manner of suggesting budget reductions; simplistic 1.25%, 2.5%, 5%, and 10% across-the-board proposals are the hallmarks of the ax, not the scalpel.

If you have further questions, please don’t hesitate to ask.

cc: Hon. Kyle Bryson, Presiding Judge
Pima County Superior Court

Hon. Adam Watters, Presiding Judge
Pima County Consolidated Justice Courts



PIMA COUNTY TREASURER'S OFFICE

Beth Ford, CPA
Pima County Treasurer

240 North Stone Avenue
Tucson, AZ 85701-1199
(520) 724-8341

July 10, 2018

To: C.H. Huckelberry,
County Administrator

From: Beth Ford 
Pima County Treasurer

Re: Submittal of Decrement Budget Amounts in Accordance with Supervisor Ally Miller's
Alternative Budget Proposal

You requested me to provide you with an impact on the Treasurer's Office if we had to reduce our budget by \$260,136.50. I believe we can absorb a temporary budget cut of that size without serious reduction in the quality of our service. The cuts would come primarily from unfilled positions. Our response times to our taxpayers and departments will increase by not filling these positions, but not to an unacceptable level at this time.

However, I will need to hire four currently unfilled positions to be able to maintain our service level. We have started the process to fill three of these positions. Ally Miller proposed an immediate hiring freeze. Not filling these positions will have a serious negative impact on the office. As you are aware, Steve Ponzo will be retiring at the end of the month. I will need to hire two IT positions to replace his skills. In addition, we are short cashiering staff with the 2019 tax season approaching. If we are unable to fill these positions there will be much longer wait times for our taxpayers and a delay in processing tax payments.

The Treasurer's Office can absorb the budget cut for this year only as long as we can fill the four positions identified. If cuts are required for next year, we will evaluate our situation at that time.

Office of the Clerk of the Superior Court
Toni L Hellon, Clerk of the Superior Court
(520)724-3216
(52) 724-3531 Fax

Memorandum

TO: C.H. Huckelberry, County Administrator

FROM: Toni L. Hellon, Clerk of the Superior Court 

DATE: July 11, 2018

RE: Submittal of Decrement Budget Amounts in Accordance with Supervisor Alley Miller's Alternative Budget Proposal

Mr. Huckelberry,

The below information is in response to your request for the budget impacts for the Clerk of the Superior Court's office, FY2018/2019 Budget, if we were required to reduce our budget by \$548,751.45 to allow funding for road repairs.

In order to reach the target of \$548,751.45, the following reduction in service would have to be implemented.

The funding for the Passport Process would have to cease. We currently expend the following expenses for this process: (which is our only "non-statutory responsibility")

- Approximately \$84,467 in personnel and benefit cost for the two employees at the Justice Court window
- Postage cost of \$3,528/Annually
- Supply cost of \$100
- Downtown Office Personnel Process and Delivery cost of \$3,448
- **Total: \$91,543**

In addition, the updating or refreshing of office wide personal computers would have to be put on hold. The personal computers currently in use are five (5) years old. Some of the impacts of continuing use of these older personal computers are an increase in down time with aging computer systems, increased security threats due to aging or unsupported software, inability to run the newer security software and an increase in support and maintenance cost as personal computers age due to expiring warranties and compatibility problems. This would put us in non-compliance with the recent mandate by the Board of Supervisors.

- **Total: \$285,708**

The remainder of the funding would have to be funded from the Special revenue funds. We are currently budgeted to transfer \$572,766 from the special revenue funds to the general fund. The additional cost would bring the total FY2018/2019 budgeted transfer to \$744,266. Where the following was noted in the 2018/2019 Recommended Budget Summary comments section....*"The Department is budgeting \$572,766 for transfer. However, the department is being careful not to create negative fund balance in their special revenue fund. Recent fiscal year activity has been lower than budgeted and the situation is stable"*. The special revenue fund balance would likely become unstable and would again be a cause for concern in the future.

- **Total: \$171,500**

- **Grand Total: \$548,751**

Conclusion

As was stated during the budget presentation, our organization strives to institute cost savings measures such as delayed hiring, re-allocation of positions to maximize cost savings, eliminating seven year mid-point increases and worked closely with the budget department in order to validate and create efficiency bench marks to ensure compliance with approved budgets, transparency and accountability

We believe as an organization we are operating the budgets in an efficient and effective manner and instituting the budget decrement of \$548,751.45, would be detrimental to the Public with the elimination of the Passport program and use of aging computers office wide. In addition, the current stable situation of the fund balances of special revenue funds would once again become an item of concern for depletion in the future.

cc: Casimiro A. Hernandez, Finance Director
file



Arizona Superior Court
Pima County
110 West Congress Street
Tucson, Arizona 85701

Hon. Kyle A. Bryson
Presiding Judge

Telephone (520) 724-3768

Fax (520) 724-8367

Ronald G. Overholt
Court Administrator

Memorandum

TO: C.H. Huckelberry, County Administrator

FROM: Hon. Kyle A. Bryson, Presiding Judge, Arizona Superior Court, Pima County
Ronald G. Overholt, Court Administrator, Arizona Superior Court, Pima County KAB

DATE: July 12, 2018

RE: Submittal of Decrement Budget Amounts in Accordance with Supervisor Ally Miller's
Alternative Budget Proposal

We are in receipt of your memorandum dated June 21, 2018, in which you asked for an analysis of any budget impacts that may occur if we were required to reduce our budget by \$849,591.95. A review of the non-mandated, but essential programs and services that would be severely negatively impacted include the following:

Drug Court
Mental Health Court
Pretrial Services Jail Reduction Efforts
Community Restitution
Collections
Presentence Reports
Domestic Violence Arrest Team
Conciliation Court Services
Law Library-Self Help Center

These all represent valuable programs and services and provide the citizens of Pima County access to their justice system. The Court is presently operating on a tight budget and could not absorb a reduction in the amount suggested without eliminating programs from the above list. We strongly recommend the Superior Court not be reduced so we can continue providing these valuable services.



Pima County Juvenile Court Center

2225 E. Ajo Way
Tucson, Arizona 85713

Hon. Kathleen Quigley
Presiding Judge

Telephone (520) 724-2000

Fax (520) 243-2222

Ronald G. Overholt
Court Administrator

Memorandum

TO: C.H. Huckelberry, County Administrator

FROM: Hon. Kathleen Quigley, Presiding Judge, Juvenile Court, Pima County *KK*
Ronald G. Overholt, Court Administrator *JO*

DATE: July 12, 2018

RE: Submittal of Decrement Budget Amounts in Accordance with Supervisor Ally Miller's Alternative Budget Proposal

We are in receipt of your memorandum dated June 21, 2018, in which you requested an analysis of any budget impacts that may occur if we were required to reduce our budget by \$611,653.73. A review of our budget, non-mandated, but essential programs and services reveal such a reduction would have severe negative impacts on the following services and programs, among others:

The Alternative Community Engagement Services (ACES) Center
Juvenile Detention Alternatives Initiative (JDAI)
Family Drug Court
Electronic Monitoring and GPS for at risk juveniles on probation
Youth Achieving Resource Development Skills (in partnership with Tucson Clean and Beautiful)
Mediation in dependency matters
Collections
School outreach programs
Detention programming

Reductions of these programs and services would negatively impact our community and deny services and programs to the citizens on Pima County. The Court is presently operating on a tight budget and could not absorb a reduction in the amount suggested without eliminating programs from the above list. We strongly request and recommend no reductions be made to these valuable programs and services.

Pima County
Consolidated Justice Court
TUCSON, ARIZONA 85701-1199

HONORABLE ADAM WATTERS
PIMA COUNTY PRESIDING JUDGE
PRESIDING JUDGE, DOMESTIC VIOLENCE COURT
PRECINCT NUMBER ONE

240 NORTH STONE AVENUE
TELEPHONE (520) 724-3505
FAX: (520) 222-1842

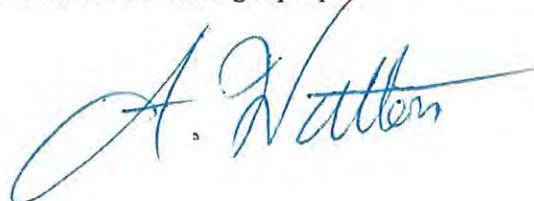
To: C.H. Huckelberry, County Administrator
From: Hon. Adam Watters, Presiding Justice of the Peace
Date: July 12, 2018
RE: Supervisor Ally Miller's Alternative Budget Proposal

On June 21, 2018 I received your memo requesting an analysis of the budget impact to the Consolidated Justice Court based on a reduced budget of 5% or \$375,217.50. This proposed budget reduction is not just a reduction to our general fund appropriation but includes our special revenue funds as well. The Court's general fund appropriation is not large enough to support all court expenditures. Consequently, we rely heavily on special revenue funds for mandated services and essential operating expenses.

As you are aware we have eliminated all case backlogs and are processing our cases within the Supreme Court time standards. We have been active participants in the MacArthur Grant project, reducing warrants and expanding court hours. Warrants are down 40% over FY15 and are now at an all time low of just over 14,000. In FY18 we served approximately 96,000 customers with an average wait time of 3 minutes. Our IT department has made significant enhancements to our case management system creating numerous efficiencies as well as initiating outbound call and text reminders. Most importantly the Court has worked ardently to be a good steward of county and state funds. We have reduced FTE's over the years from 125 to 116 and absorbed over \$519K in unfunded pay adjustments awarded by the Board of Supervisors. In short, we are a lean organization and provide outstanding service to the public. Asking the court to take another 5% budget cut to include special revenue funds will have grave consequences.

One of the few departments in the court that is not a mandated service is the Call Center. In FY18, call center staff received 157,078 telephone calls, up 57% since FY16. The majority of calls are for the purpose of making telephonic fine payments and inquiring about cases that have been forwarded to collections. While the call center is a tremendous convenience to the public it is not a required service. Should the Board choose to implement the 5% budget cut proposed by Supervisor Miller the court will have no option but to eliminate this department. This will end telephonic payments, however, the public will still be able to make payments and access information through the court's website or in person at the courthouse.

I would strongly encourage the Board not to adopt this alternative budget proposal.





RAYMOND J. CARROLL
JUSTICE OF THE PEACE
GREEN VALLEY JUSTICE COURT

July 12, 2018

C.H. Huckelberry
Pima County Administrator
130 W. Congress St. #10
Tucson Arizona 85701

Dear Mr. Huckelberry,

This communication is in response to Supervisor Miller's proposal to supplement county road repair funds for fiscal year 2018-2019.

As I presented at the May 1, 2018 Pima County Board of Supervisor's budget hearing for Justice Court Precinct #7, Green Valley Justice Court is highly dependent on Special Revenue Funds and Supplemental Funding in the amount of \$24,500.00 to operate our security services at a minimal level in the coming year.

Currently, Green Valley Justice Court must use funds budgeted for Court Clerk positions to offset security expenses for this fiscal year. If the supplemental funding request is not approved the Green Valley Justice Court will not have the resources to fund existing security expenses, let alone meet any of the other unique security challenges facing our rural Court in this time of increased and inherit risk to our government, and its civilian Court employees.

After personnel services in the amount of almost 97.0% of the current Green Valley Justice Court budget, 100% of our concern is tied to an ongoing security assessment being conducted this fiscal year, which has already identified functionally obsolete security equipment (Cameras, metal detectors, x-ray machine) inside an aging facility located in a government complex neighboring other agencies equally susceptible to threats and violent incidents on an increasingly severity of scale.

As the County Administrator has toured Green Valley Justice Court you surely recognize the fact that we have no armed security personnel. Our S.A.V. bailiffs are unpaid and unarmed, while contributing 1000 plus hours of staffing to our courtroom each year. They do the difficult work under great stress and conflict like any armed bailiff at consolidated court. We need to better insure their safety under our watch or pay for armed professionals.

The Court was planning to use some of the funds to expand the contracted hours with Vet Sec Security. Our current Officer works 5 days a week from 7:45am to 4:45pm with an hour lunch break. We would like to increase his hours from 7:45am to 5:15pm with a paid lunch hour, so that Court employees

have security from the time they arrive until the time they leave the building. Defendant's often show up after security leaves and during the Vet Sec Security Guard's lunch hour in which there is no monitor of who enters the building. This would not be possible if the 5% cut to our Court were to be implemented.

In closing, all these costs and risks are urgent. I will assure the Administrator if we must adjust our financial limitations downward this year, we will participate fully and patiently await future investment to our facility and security force in future budgets.

Sincerely,

Raymond J. Carroll
Green Valley Justice of the Peace, Precinct 7

cc.

Hon. Kyle Bryson, Presiding Pima County Superior Court Judge
Hon. Adam Waters, Presiding Pima County Consolidated Justice of the Peace

Monica Perez

Subject: FW: Submittal of Decrement Budget Amounts in Accordance with Supervisor Ally Miller's Alternative Budget Proposal

From: Dustin Williams [mailto:Dustin.Williams@schools.pima.gov]
Sent: Thursday, July 12, 2018 12:33 PM
To: Monica Perez <Monica.Perez@pima.gov>
Cc: Sandy Paris <sandy.paris@schools.pima.gov>; Leah Swisher <leah.swisher@schools.pima.gov>
Subject: RE: Submittal of Decrement Budget Amounts in Accordance with Supervisor Ally Miller's Alternative Budget Proposal

Hello Monica,

These cuts to our budget are not possible. We simply do not have the funds. I am requesting a template or draft that my office can use that does not support these cuts.

From: Lois Burlingham
Sent: Thursday, June 21, 2018 5:00 PM
To: Dustin Williams <dustin.williams@schools.pima.gov>
Cc: Sandy Paris <sandy.paris@schools.pima.gov>; Monica Perez <Monica.Perez@pima.gov>
Subject: Submittal of Decrement Budget Amounts in Accordance with Supervisor Ally Miller's Alternative Budget Proposal

Good afternoon, Superintendent Williams.

Please see the attached correspondence from Mr. Huckelberry regarding this subject.

Regards,

Lois Burlingham, Special Staff Assistant
Pima County Administrator's Office
130 W. Congress, 10th Floor
Tucson, AZ 85701

(520) 724-8781



Office of the Pima County Assessor
240 N Stone Avenue
Tucson, AZ 85701

Bill Staples
Assessor

Lon Berg
Chief Deputy Assessor

Date: July 12th, 2018

To: C. H. Huckelberry
County Administrator

From: Bill Staples 
County Assessor

Re: Your Memorandum dated 6/21/18

Staff has estimated our current budget balance as of June 30th, 2018 at approximately \$800,000. Please feel free to reappropriate these funds as directed by the Board of Supervisors. Attached is your 3/8/18 Memorandum to the Board of Supervisors titled Assessor Budget Surpluses.

Your 6/21/18 Memorandum requests an additional \$400,000 +/- 2018/2019 FY Budget Reduction. For the purposes of this Memorandum, I will assume this offices 2018/2019 FY Budget will receive an upward adjustment to reflect the Board of Supervisor Employee Compensation package. If this assumption is incorrect, drastic measures will need to be taken to remain at or under budget.

The Assessor's office current payroll includes 104 out of 131.5 Budgeted Positions. Several employee retirement dates are known however, recruitment is not underway. The suggested hiring freeze would greatly impact our ability to serve the public.

However, our ability to absorb approximately \$400,000 in budgeted reductions for the 2018/2019 FY only, is possible. Several statutorily required mailings could be postponed for one year.

Attachment



MEMORANDUM

Date: March 8, 2018

To: The Honorable Chairman and Members
Pima County Board of Supervisors

From: C.H. Huckelberry
County Administrator *CHH*

Re: **Assessor Budget Surpluses**

A member of the Board of Supervisors recently asked for the amount of money returned by the County Assessor, Bill Staples, to the General Fund over the last five fiscal years. The table below shows the amount of funds remaining in the Assessor's budget at the end of each fiscal year. These excess funds reverted to the County General Fund to be re-appropriated for the following fiscal year.

FY	Budget	Actual	Variance
2017	\$ 8,651,426	\$ 7,593,033	\$ 1,058,393
2016	\$ 8,492,999	\$ 7,678,291	\$ 814,708
2015	\$ 8,987,373	\$ 8,126,782	\$ 860,591
2014	\$ 8,996,549	\$ 8,377,760	\$ 618,789
2013	\$ 8,635,053	\$ 7,914,276	\$ 720,777

The major area where surplus funds were generated within the budget is in personnel services, which was \$963,193 under budget in Fiscal Year (FY) 2016/17 and \$1,150,420 under budget in FY 2015/16.

CHH/anc

c: Tom Burke, Deputy County Administrator for Administration
Keith Dommer, Director, Finance and Risk Management
Robert Johnson, Budget Manager, Finance and Risk Management



Barbara LaWall
Pima County Attorney

Pima County Attorney's Office
32 N. Stone Avenue, #1400
Tucson, AZ 85701

Phone: 520-724-5600
www.pcao.pima.gov

MEMORANDUM

To: C.H. Huckelberry, Pima County Administrator

From: Barbara LaWall, Pima County Attorney *BLW (by ace)*

Date: July 13, 2018

Subject: Budget Impact Analysis of Supervisor Miller's Alternative Budget Proposal for FY 2018/19

Introduction

Your June 21, 2018 memorandum transmitted Supervisor Miller's Alternative Budget Proposal for FY 2018/19 (attached), which includes a proposed general-fund budget cut for the County Attorney's Office in the amount of \$2,368,556.10. You requested an analysis of the impact that such a budget cut would have on the Pima County Attorney's Office. This memorandum presents my budget impact analysis.

The Alternative Budget Proposal Would Impede the Provision of Core Services

In Supervisor Miller's alternative budget proposal, she states that "the goal of these recommendations is to focus on efforts on funding core services...." She notes that "Parks & Recreation Department is not reduced since it is one of the core services the County provides." We can all agree that the Parks & Recreation Department provides core services, but the Pima County Attorney's Office also provides core services to county residents. The goal of county government is to provide for the public health, safety, and welfare of county residents. Drastically cutting the County Attorney's budget would impede our delivery of core services that help ensure public safety and protect the public health and welfare. Respectfully, I believe that many in the community would not support Supervisor Miller's views, expressed in her proposal, about some of the services she does not consider to be "core services."

The County Attorney's mandated duties include representing the state in all felony and juvenile criminal matters occurring throughout Pima County and all misdemeanor criminal matters in unincorporated areas of Pima County, as well as providing legal advice and representation to the County and its affiliated entities, including special taxing districts. These are just a few of the many

duties imposed on the Pima County Attorney, which are set forth in 120 civil statutes, 78 criminal statutes, plus the Pima County Code, Pima County Administrative Procedures, and Board of Supervisors Policies. The alternative budget proposal would cut the County Attorney's Office budget to the point where we would be unable to continue to fulfill all those mandated duties.

The Alternative Budget Proposal Would Require a Drastic Reduction in Force
My January 16, 2018 memorandum (attached) transmitting my FY 2018/19 Proposed Budget detailed budget challenges and included requests for additional funding in four supplemental budget packages. The adopted FY 2018/19 general fund budget for the County Attorney's Office is \$23,685,561, of which personnel expenses comprise \$22,063,357 or 93% of the overall general fund budget. The remaining \$1,622,204 is allocated to supplies and services. Historically, the supplies and services budget for my Office has been inadequate, and the shortfall has been addressed through attrition savings. Over the last decade, in order to accommodate the dramatic budget cuts that had to be implemented during the Great Recession, I have reduced my Office's General Fund supplies and services budget and completely eliminated the capital budget. Nevertheless, operational expenses continue to increase, and grant funding has decreased. There is simply no way to further reduce my Office's supplies and services budget.

In order to cover the increased expenses noted above, while at the same time drastically reducing my supplies and services budget, I have been forced to eliminate then-vacant staff positions. This has severely strained my staff. Nevertheless, after careful consideration, I have determined the only approach available to achieve a reduction of over \$2.3 million in the general fund budget for the County Attorney's Office would be through a reduction in force. A 10% budget reduction could be achieved only through a corresponding 10% reduction in staffing. Pursuant to Pima County Merit System Rule 11.4 (C) Layoff (attached), "the Appointing Authority shall draft a layoff plan" which "shall be approved by the County Administrator prior to implementation." In this scenario, such a plan would require Board action. Obviously a reduction in force would be devastating, and even the discussion of such an ill-conceived prospect is detrimental to employee morale, not only in my department, but throughout the county as a whole.

Using an average salary per classification plus employee-related expenses (ERE) of 35% to achieve the general fund reduction would involve a layoff of 35.5 staff members:

12	Attorneys
6	Paralegals
6	Legal Secretaries
6.5	Legal Processing Support Specialists
1	Victim Advocate
1	Criminal Investigator
1	Diversion Specialist
1	Administrative Services Support
<u>1</u>	<u>Administrative Services Specialist</u>
35.5	Total

Negative Impacts to the County Would Result from the Alternative Budget Proposal

A reduction in force that would lay off these 35.5 staff members would necessarily result in the elimination of civil and criminal-related revenues to Pima County. Each fiscal quarter, I submit a revenue report (attached) detailing the revenue collected by the work of attorneys and staff in my Office that directly benefits the general fund. The reduction in staff necessitated under the alternative budget proposal would prohibit and interfere with my Office's ability to perform operations related to revenue-generating functions. The time and effort necessary to collect the data and submit requests for reimbursement or collections of outstanding revenue is time consuming and labor intensive and would have to be relinquished in favor of higher priority mandated duties.

Layoff of these staff members also would necessitate the cessation of diversion programs through which defendants are afforded the opportunity to avoid prosecution. This would increase costs to other criminal justice departments, including Pretrial Services, Public Defense Services, Justice Courts, Superior Court, and Probation.

My Office's staffing is already inadequate to keep up with the additional caseloads generated with the increase in population, increase in law enforcement personnel, ongoing high crime rate—including an upswing in violent crime within the City of Tucson—and other issues affecting and impacting the entire criminal justice system. A further, dramatic reduction in my Office's staffing in order to accommodate the alternative budget proposal would make an already bad situation much, much worse. Deputy County

Attorney caseloads, which already are unacceptably high, would become overwhelming.

Deputy County Attorneys carry felony caseloads that are, on average, well over double those of indigent-defense lawyers. As reflected in the monthly Arizona Superior Court Attorney Criminal Case/Defendant Status Report known as CACTIS (attached), there are currently 48 Deputy County Attorneys who are felony prosecutors in my Office; they average 67 cases per attorney. By comparison, the 55 felony attorneys in the office of the Public Defender average 29 cases per attorney; the 19 felony attorneys in the office of the Legal Defender average 27 cases per attorney; and the five felony attorneys in the office of the Legal Advocate average 30 cases per attorney.

The Deputy County Attorneys in my Charging Unit, which also negotiates CES pleas, handle an average of almost 100 cases each. (This includes only charged cases that are prosecuted; each of these attorneys also handles an average of another 50-60 cases that are presented to them by law enforcement officers and detectives for review but are not charged.)

As it is now, Pima County Superior Court is unable to meet felony case processing guidelines (attachment). As presented in my FY 2018/19 proposed budget, additional attorneys are needed to reduce the caseloads of the felony prosecutors in my Office and to assist in earlier resolution of criminal cases.

These negative impacts would be contrary to the efforts the County has been undertaking through its MacArthur Foundation-supported Safety + Justice Challenge and other Criminal Justice Reform efforts. Moreover, these negative impacts would require that I cease allocating my staff to participate in the Safety + Justice Challenge, its Community Collaborative, and the other county-led criminal justice reform committees and projects in which we have been enthusiastically participating for the past four years. We simply would not have the resources to continue to participate.

The Alternative Budget Proposal Would Prevent the County Attorney's Office from Performing all its Legally Mandated Duties

The Board of Supervisors controls the county budget, including the allocation of funds to each department. That includes not just those departments operated under the Board of Supervisors through its delegation of administrative authority to the County Administrator, but also those departments led by independent elected officials such as the County Attorney's Office. While the Board has great discretion with respect to the county budget and its allocation

of funds, it also has certain legally-mandated parameters within which it must operate, including an obligation to fund the departments led by independent elected officials with sufficient resources to enable them to fulfill their statutorily-mandated duties. (See November 15, 2017 County Attorney Opinion regarding *Effect of Board of Supervisors' IT-related Policies on County Elected Officials*, attached). As explained above, further cuts to my Office's funding would make this impossible.

The Alternative Budget Proposal's Suggested Reduction of the County Attorney's Office Budget by 10% is Arbitrary and Capricious

The alternative budget proposal states that "[r]eductions were made to various departmental general fund expenditures up to a 10% maximum reduction for each department." While there may be disagreements surrounding the funding for roads, I am not aware there is a budgetary crisis that would warrant across-the-board budget reductions to all county departments. Even if there were such a crisis, no explanation has been offered in the alternative budget proposal for the different percentages of reductions proposed for the various departments. The selection of 10% is not explained in any way. It appears to be random, having no foundation or basis in its selection and thus would be "arbitrary and capricious." For a board of supervisors to act in an arbitrary and capricious manner that prevents an elected official from performing her statutorily-mandated duties is not permissible.

The Alternative Budget Proposal Ignores the Ongoing Impact Suffered by the County Attorney's Office through the Great Recession and Its Aftermath

The alternate budget proposal states it is based in "[f]inding ways to do more with less...." It ignores the fact that the Pima County Attorney's Office, as explained above, is already doing more with less. We cannot sustain further cuts, certainly not in the magnitude of those proposed.

During the Great Recession, like all County department heads, I was forced to eliminate many positions. I found a way to reorganize the County Attorney's Office to enhance efficiency in a way that enabled me to continue to meet my statutory duties and to enable the office to perform as effectively as possible with fewer resources. Since FY 2015/16, I have eliminated a total of 46 full-time equivalent positions, of which 24 were general fund positions. These eliminated general fund positions include 14 deputy county attorneys, two paralegals, four legal secretaries, and four administrative positions. My Office now operates at the bare minimum staffing necessary to fulfill our legally-required duties.

The performance of my Office and the outstanding work of my employees and volunteers is clearly demonstrated each year and summarized in our significant accomplishments memo submitted with our budget request (attachment). My Office has been operating, and continues to operate, by "doing more with less." Drastically cutting 10% more from our budget would prevent us from continuing to do what needs to be done; we would have no choice but to do *less* with less.

The Alternative Budget Proposal Suggests that an Infrastructure Issue Should Take Precedence over Health, Safety, and Welfare Issues Addressed by the County Attorney's Office; both are Important

While the alternative budget proposal's "focus on our most crucial need in the community at this time: our disastrous roads" is an important infrastructure issue, there are other important and significant public health, safety, and welfare issues that are also crucial community-wide issues. The prosecution function is necessary to protect public safety. So is the public health function. Behavioral Health is a public health priority for Pima County, as the Board has recognized in acknowledging the need to care for those who are among the most vulnerable in our community. My Health Law Unit handles the legal work necessary to obtain court-ordered mental health evaluation and treatment for thousands of individuals each year.

Moreover, I am proud to provide a drug treatment alternative to prison. I also successfully operate an Adult Diversion Program, which is comprised of eight separate diversion entities, including misdemeanor and felony drug diversion programs, as well as 22 Community Justice Boards, which provide a largely volunteer-led diversion program that offers services to juveniles. The elimination of these programs in order to accommodate the proposed budget cut would be a tragedy for the community, and the increased criminal justice costs that would follow would make the intended savings illusory.

Attachments:

- 1 - June 21, 2018 Memorandum from County Administrator
- 2 - January 16, 2018 FY 2018/19 Proposed Budget
- 3 - Pima County Merit System Rule 11-Terminations
- 4 - June 13, 2018 Quarterly Revenue Report
- 5 - CACTIS Criminal Case Status Report
- 6 - Arizona Supreme Court Rules Outlining Court Case Processing
- 7 - November 15, 2017 County Attorney Opinion regarding *Effect of Board of Supervisors' IT-related Policies on County Elected Officials*
- 8 - PCAO Significant Accomplishments 2017

Attachment 1



MEMORANDUM

Date: June 21, 2018

To: The Honorable Barbara LaWall
Pima County Attorney

From: C.H. Huckelberry
County Administrator 

Re: **Submittal of Decrement Budget Amounts in Accordance with Supervisor Ally Miller's Alternative Budget Proposal**

At adoption of the Fiscal Year 2018/19 Final Budget, the Board of Supervisors approved the budget, but also eliminated the \$0.25 cent road property tax. Supervisor Ally Miller submitted the attached alternative budget proposal that would generate sufficient revenues to fund the \$0.25 cent road tax and more. Based on the Board's rejection of a separate road property tax, it would be appropriate to obtain additional cost savings in the County's budget to try to fund road repair.

Based on Supervisor Miller's proposal, I am asking your analysis of any budget impacts that may occur if you were required to reduce your budget by \$2,368,556.10 and allow those funds to be used for road repair.

Please forward your budget impact analysis to me prior to Friday, July 13, 2018 for Board consideration of using the funds suggested by Supervisor Miller to supplement County road repair funds.

CHH/anc

Attachment

Alternate Budget Proposal FY 2018/2019 Submitted by Supervisor Ally Miller

The goal of these recommendations is to focus efforts on funding core services and making road repairs the number 1 priority for Pima County. It is time to reduce expenditures and to reprioritize spending in Pima County. Following is a summary of the adjustments made to the County Administrator Budget Recommendations as of Friday, June 15, 2018. The details for each department are provided in the attached schedule.

Reductions were made to various departmental general fund expenditures up to a 10 percent maximum reduction for each department with the exception of the Communications Department and Kino Stadium District. To accomplish this reduction in operations budgets I am recommending an immediate hiring freeze in all departments.

The Communications Department budget has been reduced by 50%. Pima County should be outsourcing printing projects and the budget has continued to climb each year. A proposed budget of \$1,130,237 is to be utilized for all county communications needs.

The Kino Stadium district general fund expenses were reduced by \$42,415.70, in addition to the Kino Sports Complex capital projects of \$10,959,514 being reduced to 0. I am recommending we postpone soccer and sports complex improvements while we focus on our most crucial need in the community at this time: *Our disastrous roads.*

Several departments were not reduced including the Elections department and the County Recorder department due to upcoming elections. Parks & Recreation Department was not reduced since it is one of the core services the County provides.

The total of all reductions was \$31,407,393.07.

Of this reduction, I have allocated \$2,000,000 to the Sheriff Department to meet the Pima County Deputy Association request of an additional \$1.8 million to meet the goals of the step program. This will improve morale and end potential litigation on this matter.

The balance of \$29,407,393.07 is allocated to the Transportation Department for road repairs. Along with these monies I have reduced the operations Budget of the Transportation department by 20% (\$8,689,690.80) and moved these monies to fund road repairs. This will add an additional \$38,097,083.87 for road repairs in this fiscal year.

Moving forward, it is critical that all departments be given efficiency improvement goals. We will not improve until we set efficiency goals and hold department managers accountable to these goals. Finding ways to do more with less is how the private sector must operate and it is past time that we operate our government in the same manner. We must fund road improvements and reduce our property taxes in Pima County to make our economy thrive. While it may be a difficult transition, we all know change will not happen until we make it happen.

**Alternate Budget Proposal FY 2018/2019
Submitted by Supervisor Ally Miller**

Secondary Property Tax Recommendations

I am recommending that we do not increase our rates from 2017/2018.

\ attachment

Alternate Budget Proposal

Department	County Administrator Recommended	Dollar (Reduction) or Increase	Alternate Budget Recommendation	Percentage Reduction Gen Fund Portion of Budget	Percentage of Total Budget (Reduction) or Increase
AS - Assessor	\$ 8,726,583.00	\$ (436,329.66)	\$ 8,290,253.35	5.0%	-5.00%
BOS - Board of Supervisors	\$ 2,600,466.00	\$ (260,046.50)	\$ 2,340,419.50	10.0%	-10.00%
CA - County Administrator	\$ 6,026,250.00	\$ (247,720.80)	\$ 5,778,529.20	10.0%	-4.93%
CC - Clerk of the Superior Court	\$ 12,146,498.00	\$ (548,761.48)	\$ 11,597,736.52	5.0%	-4.52%
CD - Community Development & Neighborhood Conservation	\$ 12,413,658.00	\$ (476,322.90)	\$ 11,937,335.10	10.0%	-3.84%
CE - County Economic Development Administration	\$ 753,390.00	\$ (75,339.00)	\$ 678,051.00	10.0%	-10.00%
CI - Clerk of the Board	\$ 1,613,129.00	\$ (161,312.90)	\$ 1,451,816.10	10.0%	-10.00%
CM - Communications and Graphic Services	\$ 2,260,474.00	\$ (1,130,237.00)	\$ 1,130,237.00	50.0%	-50.00%
CO - Comptroller	\$ 1,699,352.00	\$ (169,935.20)	\$ 1,439,416.80	10.0%	-10.00%
CS - Community Services, Employment & Training	\$ 25,719,585.00	\$ (774,013.30)	\$ 24,945,571.70	10.0%	-3.01%
DE - Environmental Quality	\$ 7,928,020.00	\$ (142,133.90)	\$ 7,785,886.10	10.0%	-1.79%
DSD - Development Services	\$ 6,911,803.00	\$ -	\$ 6,911,803.00	0.0%	0.00%
ED - Attractions & Tourism	\$ 2,750,845.00	\$ (163,312.50)	\$ 2,587,532.50	10.0%	-5.94%
EL - Elections	\$ 6,662,425.00	\$ -	\$ 6,662,425.00	0.0%	0.00%
FM - Facilities Management	\$ 70,032,423.00	\$ (2,312,022.20)	\$ 67,720,400.80	10.0%	-3.30%

Alternate Budget Proposal

Department	County Administrator Recommended	Dollar (Reduction) or Increase	Alternate Budget Recommendation	Percentage Reduction Gen Fund Portion of Budget	Percentage of Total Budget (Reduction) or Increase
FN - Finance & Risk Management	\$ 292,223,467.00	\$ (3,125,677.26)	\$ 289,097,879.75	2.5%	-1.07%
FBC - Medical Examiner	\$ 4,013,898.00	\$ (394,861.80)	\$ 3,619,016.20	10.0%	-9.84%
GGC - Grants, Government Services Administration	\$ 1,779,848.00	\$ (177,984.80)	\$ 1,601,863.20	10.0%	-10.00%
QI - Quality Improvement & Innovation	\$ 5,098,716.00	\$ (384,877.60)	\$ 4,713,838.50	10.0%	-7.56%
HD - Health	\$ 25,991,613.00	\$ (511,261.16)	\$ 25,470,351.85	5.0%	-1.97%
HR - Human Resources	\$ 3,394,646.00	\$ (339,464.60)	\$ 3,055,181.50	10.0%	-10.00%
IT - Information Technology	\$ 13,963,976.00	\$ (684,598.80)	\$ 13,269,377.20	5.0%	-4.91%
JCA - Justice Court Ajo	\$ 762,787.00	\$ (36,866.85)	\$ 726,120.15	6.0%	-4.81%
JCG - Justice Court Green Valley	\$ 635,847.00	\$ (28,805.35)	\$ 607,041.65	6.0%	-4.53%
JOT - Justice Court Tucson	\$ 9,282,298.00	\$ (375,217.60)	\$ 8,907,080.50	6.0%	-4.04%
JU - Juvenile Court	\$ 34,296,354.00	\$ (811,653.73)	\$ 33,684,700.28	2.5%	-1.78%
KSC - Kino Sports Complex	\$ 16,647,998.00	\$ (11,001,929.70)	\$ 5,646,069.30		-66.48%
OEM - Office of Emergency Management & Homeland Security	\$ 1,819,195.00	\$ (64,952.90)	\$ 1,754,242.10	10.0%	-3.67%
OBS - Behavioral Health	\$ 45,168,669.00	\$ (664,608.24)	\$ 44,604,050.76	1.26%	-1.28%
PAC - Pima Animal Care	\$ 12,359,948.00	\$ (286,411.20)	\$ 12,073,536.80	10.0%	-2.32%

Alternate Budget Proposal

Department	County Administrator Recommended	Dollar (Reduction) or Increase	Alternate Budget Recommendation	Percentage Reduction Gen Fund Portion of Budget	Percentage of Total Budget (Reduction) or Increase
PCA - County Attorney	\$ 40,482,418.00	\$ (2,388,566.10)	\$ 38,093,852.90	10.0%	-5.86%
PDS - Public Defense Services	\$ 33,428,834.00	\$ (1,842,312.95)	\$ 31,787,621.05	5.0%	-4.91%
			\$ -		
PO - Procurement	\$ 2,496,386.00	\$ (249,638.60)	\$ 2,246,747.40	10.0%	-10.00%
RA - Recreation	\$ 21,022,033.00	\$ -	\$ 21,022,033.00	5.0%	0.00%
PL - Public Library Administration	\$ 4,559,703.00	\$ (288,470.30)	\$ 4,271,232.70	10.0%	-6.33%
RE - Recorder	\$ 6,861,827.00	\$ -	\$ 6,861,827.00	0.0%	0.00%
RKS - Rocking K South CFD	\$ 100,000.00	\$ -	\$ 100,000.00	0.0%	0.00%
SC - Superior Court	\$ 52,745,670.00	\$ (849,591.95)	\$ 51,896,078.05	2.5%	-1.61%
SD - Sheriff	\$ 164,520,820.00	\$ 2,000,000.00	\$ 166,520,820.00		1.22%
SS - School Superintendent	\$ 3,420,900.00	\$ (87,596.00)	\$ 3,333,306.00	5.0%	-2.56%
SUS - Office of Sustainability and Conservation	\$ 1,832,231.00	\$ (184,723.10)	\$ 1,747,607.90	10.0%	-8.56%
TO - Treasurer	\$ 3,068,591.00	\$ (260,136.50)	\$ 2,808,454.50	10.0%	-8.48%
TR - Transportation	\$ 150,500,676.00	\$ 29,467,393.07	\$ 179,968,069.07		18.54%
WIN - Wireless Integrated Network	\$ 3,024,117.00	\$ -	\$ 3,024,117.00	0.0%	0.00%

Alternate Budget Proposal

Department	County Administrator Recommended	Dollar (Reduction) or Increase	Alternate Budget Recommendation	Percentage Reduction Gen Fund Portion of Budget	Percentage of Total Budget (Reduction) or Increase																																	
	\$ 152,035,591.00	\$ -	\$ 152,035,591.00	0.0%	0.00%																																	
<table border="1"> <thead> <tr> <th>TR - Transportation</th> <th>Proposed</th> <th>Alternate</th> </tr> </thead> <tbody> <tr> <td>General Fund Total</td> <td>\$ -</td> <td></td> </tr> <tr> <td>Operations Funds Total</td> <td>\$ 43,448,464.00</td> <td>\$ 34,758,763.20</td> </tr> <tr> <td>Non-General Funds and Grants</td> <td>\$ 240,000.00</td> <td>\$ 240,000.00</td> </tr> <tr> <td>Capital Projects - Transportation Bonds</td> <td>\$ 23,760,084.00</td> <td>\$ 23,760,084.00</td> </tr> <tr> <td>Capital Projects - Non-Bonds</td> <td>\$ 83,052,138.00</td> <td>\$ 83,052,138.00</td> </tr> <tr> <td>**Alternate Road Funding**</td> <td>\$ -</td> <td></td> </tr> <tr> <td>Reduce DOT Operations 20%</td> <td></td> <td>\$ 8,889,690.80</td> </tr> <tr> <td>All Dept Reductions</td> <td></td> <td>\$ 29,407,393.07</td> </tr> <tr> <td>Total Added Road Funding..</td> <td></td> <td>\$ 38,097,083.87</td> </tr> <tr> <td>TR - Transportation Total</td> <td>\$ 150,500,676.00</td> <td>\$ 179,908,069.07</td> </tr> </tbody> </table>						TR - Transportation	Proposed	Alternate	General Fund Total	\$ -		Operations Funds Total	\$ 43,448,464.00	\$ 34,758,763.20	Non-General Funds and Grants	\$ 240,000.00	\$ 240,000.00	Capital Projects - Transportation Bonds	\$ 23,760,084.00	\$ 23,760,084.00	Capital Projects - Non-Bonds	\$ 83,052,138.00	\$ 83,052,138.00	**Alternate Road Funding**	\$ -		Reduce DOT Operations 20%		\$ 8,889,690.80	All Dept Reductions		\$ 29,407,393.07	Total Added Road Funding..		\$ 38,097,083.87	TR - Transportation Total	\$ 150,500,676.00	\$ 179,908,069.07
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Attachment 2



Barbara LaWall
Pima County Attorney

Pima County Attorney's Office
32 N. Stone Avenue, #1400
Tucson, AZ 85701

Phone: 520-724-5600
www.pcao.pima.gov

MEMORANDUM

TO: C.H. Huckelberry
Pima County Administrator

CC: Honorable Chair and Members
Pima County Board of Supervisors

FROM: Barbara LaWall *BL*
Pima County Attorney

DATE: January 16, 2018

RE: FY 2018/19 Proposed Budget

I hereby submit the Fiscal Year 2018/19 proposed budget for my Office, which unfortunately reflects substantial reduction of federal, state, and local funds.

In developing this proposed FY 2018/19 budget, I have identified the resources necessary to continue to achieve the mission of my Office, which is to pursue justice, prosecute criminals, and protect the community. To achieve this mission, we: provide services to victims of crime; protect the safety of those victims and the community at large by prosecuting those who have committed crimes that harm and endanger them – targeting for prison sentences those who are violent and dangerous, as well as repetitive, chronic, and habitual offenders, while seeking alternatives to incarceration for others, including treatment, for those who are mentally ill and drug addicted; and provide excellent civil legal services to enhance ethical, effective, and efficient county government.

In determining what resources are necessary to operate my Office to achieve its mission, I have reflected on the significant financial obstacles we, like so many other criminal justice agencies, have endured during and since the Great Recession. We struggle to do more with less, while continuing to provide our mandated and necessary functions with excellence, despite diminishing funding for staff and operational expenses.

Budget Challenges This Year

As we enter 2018, even more budget reductions may be on the horizon. Over the past year, three grants on which my Office has relied have either been totally eliminated or reduced. These include: the Arrest Grant (Encourage Arrest Policies and Enforcement of Protection Orders Program); the STOP Violence Against Women Grant; and the Arizona Victims' Rights Implementation Grant.

C.H. Huckelberry
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The Arrest Grant award provided my Office with \$899,868 over three years and funded positions for four Attorneys, one Paralegal, and one Legal Secretary. The Arrest Grant provided for the central review and prosecution of all felony and misdemeanor Domestic Violence (DV) cases. The purpose of the grant was to reduce domestic/dating violence (including sexual assault and/or stalking in the context of domestic/dating violence up to and including serious physical injury and homicide and implement an Intimate Partner Lethality/Risk Assessment into Pima County's criminal justice system.

The STOP Grant helped address some ongoing and emerging systemic gaps including: (1) identifying and channeling greater resources and supports to victims who are at greatest risk due to the specific characteristics and dynamics of their offenders; (2) adequately charging and holding offenders sufficiently accountable, especially in DV cases involving the highly under-reported and all too often unrecognized crimes of sexual assault and strangulation; and (3) establishing a formal county-wide coordinated community response to domestic violence. The STOP Grant annually provided more than \$200,000 to fund positions for two Victim Advocates, one Paralegal, and one support staff, along with funding for contract services with Emerge! Center Against Domestic Abuse, and the Southern Arizona Center Against Sexual Assault (SACASA) operated by CODAC Behavioral Health.

The Arizona Attorney General Victims' Rights Implementation Grant, which historically funded six Legal Processing Support positions, has been gradually reduced annually, including a recent \$61,500 reduction. This grant funding has been critically important in providing crime victims with support and mandated notification as required by statute.

In addition to the previous budget reductions over the last ten years, regarding my Office's statutorily mandated operations funded by the General Fund Budget, the base budget has been reduced for the next fiscal year by \$69,698, resulting from the Enterprise Software Adjustment.

More than 92% of my Office's General Fund Budget is allocated to personnel, with the remaining 8% allocated to supplies and services. While that ratio may be appropriate, the overall amount of funding in my Office's budget is inadequate. Historically, I have been successful in obtaining federal and state grants to supplement the Pima County General Fund appropriation for my budget, thus enabling my Office to provide critical resources to our community. These grants have provided additional personnel, not only in support of criminal prosecution but also in the provision of crime victim services. The loss and reduction of grants, increased operational expenses, and the recent proliferation of overwhelming evidence contained in a variety of digital formats produced by law enforcement pose significant challenges and imminent threats to my ability to maintain the necessary level of victim

C.H. Huckelberry
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services for our community and to achieve systemic efficiency in the prosecution function.

Over the last decade, I have reduced my Office's General Fund supplies and services budget and completely eliminated the capital budget to accommodate the dramatic budget cuts that had to be implemented during the Great Recession. The elimination of then-vacant positions that was necessary to absorb various cost increases has severely strained my staff, and there is no ability to further reduce my Office's General Fund budget to absorb any additional cost increases. Nevertheless, operational expenses continue to increase. With the loss of grants and increased demands for services, my Office is not in a position to absorb any additional expenses, and it is necessary that I now submit four supplemental budget requests.

Supplemental Budget Requests

Digital Evidence Processing

As I mentioned last year, an area of growing and significant concern for my Office is the increasing levels of technical services and personnel necessary to process the overwhelmingly high volume and variety of electronic and digital evidence.

My Office is experiencing data and information overload as the result of digital audio and video recordings provided to us by law enforcement agencies, private businesses, and community residents who are witnesses, victims, and perpetrators of crimes. This evidence comes primarily from body worn cameras, tablet devices used by inmates at the Pima County Adult Detention Facility, private security cameras used by retail businesses, and cell phones used by victims, other witnesses, and perpetrators of crimes. The sheer volume of this evidence has inundated and overwhelmed my office. We require additional funding both for staffing and software in order to process this greatly increased volume of digital evidence. We must review all the evidence in each criminal case. In many cases, digital recordings constituting evidence, must be redacted to remove confidential information, such as a victim's address, prior to disclosure to defense counsel. Moreover, if a public records request is made for a digital recording, a separate redaction may have to be undertaken prior to release of the recording.

Several law enforcement agencies, most notably the Tucson Police Department, have begun to outfit their officers with body worn cameras. They have trained their officers to turn the body worn cameras (BWC) on during all incidents. This provides a huge quantity of video recordings, often from multiple officers recording for hours, in addition to law enforcement vehicle cameras, which also provide audio and video recordings of incidents. Each audio and video recording associated with a criminal case must be reviewed by my staff to determine what, if any, evidence it contains. The Tucson Police

C.H. Huckelberry
January 16, 2018
Re: FY 2018/19 Proposed Budget
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Department now utilizes 400 BWC and is expected to receive grant funding for another 197 BWC, which will further exacerbate the strain on our resources.

Last year, the Jail piloted, and then transitioned to full implementation, a program of providing electronic tablets (iPads) to its inmates. The tablets are capable of making phone calls and sending text messages and emails. Inmates and their families pay for the services, so they do not impose a financial burden on the Jail. However, the vast quantity of recorded information generated through these devices has exponentially increased the workload for my staff members who review the monitored and recorded communications of Jail inmates. Previously, inmates were limited in the number and length of calls they could make. We had sufficient staffing to review all those inmate calls for evidentiary purposes. Both inculpatory and exculpatory information was revealed in the recordings of those calls. Now, our staffing level is woefully inadequate to keep up with the vast number of recorded calls, texts, and emails generated by Jail inmates.

More and more retail establishments, including convenience stores, department stores, and electronics stores, as well as private citizens have installed and are using security cameras. Recordings taken from these cameras can be used as evidence in law enforcement investigations and in criminal prosecutions of retail thefts, robberies, and assaults that take place at these businesses and residences. As with body worn camera footage, each retail establishment recording must be reviewed to determine what evidence it contains, and it must be disclosed to defense counsel. If a public records request is made for the recording, it must be separately reviewed for necessary redactions, then redacted, and subsequently produced. Again, these review and redaction processes significantly increase the amount of time necessary for my staff to complete this work. Because different retailers and citizens use a wide range of video formats, and there is no universal format, we require the appropriate software to review and redact each type of video format. Axon has software that can do all types. So, for efficiency purposes, we have had to acquire the license to use Axon software.

Both BWC footage and retail/resident video footage must be reviewed in real time and must be both downloaded and re-uploaded (following redaction) in real time. This uses significant staff labor and is extremely inefficient. Software and hardware enhancements are needed to expedite the downloading and uploading processes. Increased staffing is necessary in order to review and redact the footage.

With the ubiquity of cell phones containing emails, texts, social media posts, photos, videos, and other data, more and more law enforcement investigations involve the retrieval of such data from the cell phones of witnesses, victims, and perpetrators of crimes. Those data then must be reviewed for evidentiary

C.H. Huckelberry
January 16, 2018
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purposes, disclosed to defense counsel, and produced in response to public records requests after appropriate redactions are made. This, too, demands an increasing amount of staff time in my office.

In order to deal with the high volume of electronic evidence being presented by law enforcement agencies to my Office, I am seeking a supplemental budget package to fund five support staff positions and associated specialized computer hardware and software totaling \$253,667.

Charging Unit Staffing

I continue to evaluate and implement opportunities to streamline our operations to manage our workload with fewer positions, as has been necessitated by past budget reductions, and to find ways to improve the efficiency of the criminal justice system throughout Pima County to reduce system costs overall.

For example, I established a new Felony Charging Unit, which provides an opportunity to dispose of many cases earlier in the process. I am seeking supplemental funding to expand the centralized Felony Charging Unit in order to expedite the resolution of felony cases. At present, approximately 50-60% of all felony cases presented by law enforcement agencies are charged and prosecuted. Of those, approximately half are negotiated to plea agreements by the prosecutors in the Felony Charging Unit, without those cases ever being assigned to trial teams. We believe more felony cases might be negotiated to plea agreements sooner by the prosecutors in the Felony Charging Unit if there were more prosecutors in that Unit, providing them with sufficient time to negotiate in person or by telephone with defense counsel.

Since we consolidated the issuing/charging function for most felony cases into the single, centralized Charging Unit five years ago, a full 55% of our cases have been disposed of via plea agreements without ever having been assigned to a trial team. (Previously, only 34% of our cases were disposed of via plea agreements before being assigned to a trial team.) In other words, the number of felony cases disposed of utilizing our Case Evaluation System (CES), has increased 62% as a result of the consolidation of the issuing function into the central Charging Unit. Ultimately, approximately 95% of all felony cases are resolved via plea agreements.

The time to disposition of felony cases is a significant cost driver of the criminal justice system. The faster we can negotiate the plea agreement with defense counsel in cases that can be resolved in that fashion, the shorter the time to disposition of those 95% of felony cases resolved, producing cost savings to the criminal justice system.

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The Charging Unit is able to present plea offers to defense counsel in most felony cases by the time of the Arraignment (10 days following arrest for in-custody defendants and 20 days following arrest for out-of-custody defendants). We ask that the defendant accept the plea at or before the Case Management Conference (30 days following the Arraignment).

Nevertheless, the time to disposition of felony cases has been growing. A longer time to disposition of cases means more court hearings and more costs for indigent defense, the courts, and jail costs for in-custody defendants.

The reason for the increase in the time to disposition is that most pleas are not entered by the time of the Case Management Conference. One reason for this is that our Felony Charging Unit prosecutors are booked with issuing appointments with the various law enforcement agencies/detectives all day long and do not have sufficient time to respond via telephone or in person to defense attorneys who make counter-offers to the original plea offer or who seek to confer regarding case details prior to advising their client whether to accept a pending plea offer. The primary form of communication they do have time to engage in is via email after business hours, which does not lend itself to back-and-forth conversations involving complicated exchanges of information and the type of questions and responses to questions necessary for successful negotiations in many cases.

I have only five prosecutors in my centralized Charging Unit, plus two other CES charging prosecutors in my Special Victims Bureau who specialize in sexual assault, child abuse, and domestic violence cases. I cannot afford to transfer prosecutors from my felony trial teams to the Charging Unit, because the felony trial team caseloads remain extremely high. Meanwhile, law enforcement presented these five Charging Unit prosecutors with approximately 11,100 felony cases in 2017, of which they issued approximately 6,400, leaving them precious little time to confer with defense attorneys for plea negotiations.

My Office has only 50 felony prosecutors who handle more than 99% of all felony cases in Pima County. (The remaining 1% of felony cases are prosecuted by the Tucson Office of the Arizona Attorney General's Office.) While the Board has provided funding to offset the loss of grant positions, we have not received funding to increase the number of felony prosecutors in more than a decade. The felony Trial prosecutors continually carry caseloads averaging over 60 cases each. The Felony Charging Unit prosecutors are handling in excess of 1,200 cases per year presented to my office from local law enforcement.

By contrast, the three public defense offices – the Public Defender, Legal Defender, and Legal Advocate – have 72 felony defense attorneys who handle

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80% of the felony cases in Pima County. (The remaining 20% of felony cases are defended by Court Appointed Counsel (15%) and private attorneys (5%).) The number of felony cases per year per felony public defense attorney is 71.¹

One consequence of having an inadequate number of felony prosecutors is delay in disposition of cases. For defendants who are in custody in the Pima County Jail while their cases are pending resolution, the delay in the time to disposition of their cases is particularly expensive. As you may be aware, a large percentage of the Jail population is made up of felony pre-trial detainees.

Adding prosecutors to our Felony Charging Unit, which should facilitate expediting resolution of the pending felony cases, should result in some savings at the Jail and in other parts of the criminal justice system that would offset the personnel costs incurred. I am seeking \$353,529 in supplemental funding for three attorney and two support staff positions to add to my Charging Unit.

I anticipate the entire cost for these positions will be offset by savings through reduced jail bed days of pre-trial felony defendants. Indeed, I estimate the savings just for jail bed days will be on the order of \$450,000 or more. (This does not include other savings that would be realized as a result of expediting case disposition.). This rough estimate of cost savings is calculated as follows:

Data for the past two calendar years reflects the following number of days following felony Arraignment to entry of the Plea Agreement:

30 days or less - 11%
31-60 days - 25-30%
61-90 days 17-20%
91-120 days - 11%

Generally, there is a Case Management Conference 30 days following Arraignment. If the plea is not entered by time of the first Case Management Conference, then typically there is another Case Management Conference scheduled 60 days following the Arraignment and so on. So, cases generally reach plea agreements at 30 day intervals.

Jail bed days for pre-trial felony defendants cost approximately \$100 per day or \$3,000 per person every 30 days.

Each felony case that reaches entry of the Plea Agreement 30 days earlier, therefore would save approximately \$3,000 in Jail costs (not including

¹ The foregoing numbers do not include the prosecutors and assistant public defenders who are assigned to handle juvenile and misdemeanor cases or appeals.

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transportation costs and other criminal justice system costs for the court, prosecution, and indigent defense counsel).

Chief Byron Gwaltney provided a snapshot of the Jail population as of December 21, 2017, showing a total of 1,339 Felony Pre-Trial Detainees on that date. If 15% of those felony defendants' cases could be expedited by 30 days, that would result in approximately 200 cases that could be pled 30 days earlier. Thus, 200 inmates x \$3,000 in jail costs for the month would yield a savings of \$600,000 per year. Indeed, if only 12% of their cases could be expedited by 30 days, that would result in approximately 160 cases that could be pled 30 days earlier. Thus, 160 inmates x \$3,000 in Jail costs for the month would yield a savings of \$480,000 per year.

Adding three prosecutors plus support staff to the Charging Unit is anticipated to result in the ability to plead 12-15% of felony cases 30 days earlier, for a cost savings of between \$480,000 and \$600,000 per year.

Victim Advocates' Overtime Compensation

Another supplemental request involves our Victim Advocate classification which was reviewed under the Fair Labor Standards Act and determined by the Pima County Human Resources Department not to meet the job duties test to remain an exempt classification. As such, our Victim Advocates became hourly employees in November 2016, which has resulted in increased costs related to additional payments for overtime necessary for staff Victim Advocates to perform essential duties. Victim Advocates provide victim services 24/7/365 for all crime victims in felony and juvenile cases. My Office meets this demand by leveraging our resources with a ratio of one staff member to five volunteers, utilizing 173 trained community members who provide crisis advocacy services to crime victims on a voluntary basis. These trained volunteers contributed 23,162 hours last fiscal year, gifting Pima County with \$446,563 in donated victim services. During FY 2015/16, volunteers provided 7,474 services to 1,820 victims (1,270 crisis victims on-scene and 550 victims in court or in the office). Even with the support of trained volunteers, our overtime expenditures associated with Victim Advocates has increased as I warned would occur during my budget submission last fiscal year. Based on calculations from a calendar year of overtime and associated employee-related expenses, I am seeking an adjustment of \$120,884 to our budget to offset the additional costs associated with this change in Victim Advocates to non-exempt classification, which is necessary to provide victim services 24/7/365 during FY 2018/19.

Contingency to Ensure Adequate Victim Services Staffing

In addition to providing crisis advocacy to victims of felony crimes at crime scenes 24 hours a day 365 days a year, the Victim Services Division also provides court advocacy to victims of felony crimes, as well as misdemeanor

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victims of domestic violence. Moreover, the Victim Services Division administers the Victim Compensation Program.

Through a well-orchestrated scheduling operation, we provide staff back-up for all volunteer shifts, thereby ensuring that all calls for service can be responded to in a timely fashion.

Moreover, the County Attorney's Office stretches the county funding allocated to our Victim Services Program by seeking and obtaining as much grant funding as possible to pay for our staff victim advocates.

This year, through the federal Victims of Crime Act (VOCA) grant program, we obtained funding for salaries and benefits for 10 FTEs, including three Assistant Advocate positions that were previously funded through a grant from the Arizona Criminal Justice Commission (ACJC), and seven Victim Advocate positions previously funded by VOCA, as well as professional training programs. The award runs from the federal fiscal year that started last October through September 30, 2020. This grant will help us sustain our ongoing efforts in the Victim Services Division.

Unfortunately, we failed to obtain Federal Government funding of the STOP grant that we had hoped would continue to pay for two staff Victim Advocate positions required to sustain our ongoing Victim Services Program and to ensure coverage with crime-scene advocacy for all victims of intimate partner DV who are at elevated risk or high risk for serious physical injury or death, including victims in misdemeanor cases who screen in at elevated or high risk to suffer future extreme violence.

We are in the process of seeking private grant funding for these two Victim Advocate staff positions. We have submitted applications to more than a dozen private foundations as part of a coalition in which our Office has taken the lead and is collaborating with Emerge! Center Against Domestic Abuse and with the Tucson Police Department, the Pima County Sheriff's Department, and Southern Arizona Legal Aid to reduce the lethality, harm, and incidence of domestic violence cases in Pima County.

But, because do not know whether we will be successful in obtaining any private grant funding, we are seeking a contingent supplemental budget allocation to cover the costs of these two Victim Advocate positions totaling \$106,126.

Overall Budget Situation

As I have done over the past two decades, I continue to look at ways to improve the criminal justice system to the extent my Office has the authority and resources to do so and I am proud of the efficiencies I have implemented over

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the years. As noted above, and as previously reported, I recently consolidated my CES attorneys into a centralized Felony Charging Unit, expanded the use of automation, and utilized victim advocate volunteers to significantly enhance efficiency.

Moreover, I have devoted significant efforts recently to expand diversion opportunities for non-violent, non-dangerous criminal defendants. Expansion of my longstanding diversion programs, including Adult Misdemeanor Diversion, the Bad Check Program, and the juvenile Community Justice Boards, which are operated by only a handful of staff along with many dozens of volunteers, has resulted in far fewer cases being processed through the criminal justice system. While these programs cost money to operate from my Office (some of which is paid for with anti-racketeering funds seized from criminal enterprises), they have been demonstrated to reduce recidivism. These diversion programs thus reduce the number of future cases that otherwise would have to be handled by my Office and the other criminal justice agencies, resulting in long-term savings.

I am pleased to have obtained an appropriation from the State Legislature in late 2017 that has enabled me to commence a new Felony Drug Diversion Program to afford adults charged with a felony for the first time for possession for personal use of narcotic drugs or dangerous drugs (methamphetamines, heroin, cocaine, and the like) the opportunity to undergo treatment in lieu of prosecution. The first participants were able to enter this new Felony Drug Diversion Program in November 2017. I am hopeful that this program will prove to be a success.

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, and the use of volunteers can be quickly offset when law enforcement agencies present more cases to my Office for review. While we have successfully battled this headwind of limited financial and human resources to date, we are at a critical breaking point where further increased demand for our criminal prosecution and victim services, combined with the loss of prosecution and victim service related grants, will jeopardize our ability to efficiently deliver these services.

Last Fiscal Year, my Office's Criminal Division reviewed a record number of more than 11,100 felony criminal cases presented by 30 different federal, state, and local law enforcement agencies throughout Pima County. In particular, the Tucson Police Department (TPD) and the Pima County Sheriff's Department presented more cases than the previous year, with TPD responsible for 59.7% of all felony cases presented by law enforcement for review. All local law enforcement agencies report that they are actively recruiting, training, and deploying more officers throughout Pima County. As

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a result, we anticipate an additional increase in our workload over the next year, which will be a challenge for my Office to handle with our current allocated General Fund 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 continue to increase to slightly over 6,400 filings, so have the number of cases disposed. In fact, last year, my Office again increased the number of disposed cases involving more than 5,700 felony criminal defendants, the second highest during any one year over the last decade. This represents an increase of more than 11% in total dispositions over the last decade. Challenging our progress is the unduly high caseloads carried by our felony prosecutors currently averaging over 65 cases per attorney at any point in time. This compares with an average public defender caseload of 27 cases and legal defender caseload of 30 cases per attorney at any point in time.

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 financial hardships. In their struggle to make ends meet, I continue to observe many employees in my Office working second and third jobs. 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 income are tempted to leave and do so in response to heavy workloads and reduced staff levels associated with the overall loss of funding and our inability to hire skilled and experienced replacement staff. In particular, felony attorney caseloads are still unacceptably high, and challenges in hiring skilled and experienced support staff, as a result of turnover, is a challenge to my Office's ability to implement even more efficient measures that would benefit the criminal justice system. Ongoing failure to increase compensation for our employees to market levels is occurring and will undoubtedly continue to result in the loss of more of our most talented employees.

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 employees. Talented and experienced men and women are crucial to the success of this Office as we work to protect and serve the community. We cannot continue to succeed in this work without adequate, appropriately compensated, and well-trained personnel.

The movement of employees through their respective salary ranges is critical to the retention of skilled employees, provides an opportunity to hire employees with relevant experience, and provides incentive for applicants to

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accept the entry level salary, knowing they can obtain raises over time. The 2016 Arizona County Government Salary and Benefit Survey by Arizona Association of Counties reviewed the salaries of several classifications used by my Office. In every case the average salary of employees within each classification was significantly below the median salary. I again urge you and the Board of Supervisors to approve and fund an employee compensation plan for FY 2018/19.

The foundation of my Office budget reflects the amazing contributions and accomplishments attributable to the dedicated and hard working 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 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

Attachment 3

11.1 RESIGNATION

- A. Written notice of resignation shall be submitted to the Appointing Authority at least ten (10) business days prior to the effective date of the resignation. If written notice is not received, oral notice of resignation becomes effective on the date stated by the employee and must be witnessed and documented by the Appointing Authority or designee. A written confirmation of the resignation shall be sent to the employee within two (2) business days of the employee's oral notification.
- B. In accordance with ARS § 23-1502, if an employee believes that intolerable working conditions exist that compel him/her to resign, in order to preserve the right to bring a constructive discharge claim against the County, the employee must notify the department in writing fifteen (15) calendar days prior to submitting his/her resignation.
 - 1. The department shall investigate the employee's working conditions and submit a written response to the employee within fifteen (15) calendar days after receiving the employee's written communication of alleged intolerable conditions.
 - 2. If the employee rejects the department's response, he/she may proceed with submitting his/her resignation.
- C. A resignation may be withdrawn by an employee, with the written consent of the department, no later than ten (10) business days after the effective date of the resignation. If the request and/or approval occur after the effective date of the resignation, it shall be considered a break in service and the employee's new date of hire will be the first day he/she returns to County employment.
- D. An employee who is chosen for a County elected position shall resign from regular County employment prior to taking the oath of office.
- E. In accordance with the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA), a regular employee inducted, ordered, or enlisted into active service of the uniformed service may resign from County employment and retain all reemployment rights. Pursuant to USERRA, a termination action for the purpose of military service is not considered a "break in service" if the employee has been separated for less than five (5) years.

11.2 DISMISSAL

A dismissal is the involuntary termination of employment for a disciplinary reason as provided in Rule 12.

11.3 TERMINATION DURING INITIAL PROBATION

An employee may be terminated, without the right of appeal, at any time during initial probation. However, the terminated employee may file a grievance in accordance with Merit System Rule 13.3 if unlawful discrimination under County Personnel Policies, Merit System Rules, or Administrative Procedures is alleged.

11.4 LAYOFF

Layoff shall not be used in lieu of discipline.

- A. An employee may be laid off due to reduced demand for services, functions or programs; lack of funds; elimination of position; for inability to perform the essential functions of the employee's position with or without reasonable accommodation, or for failure to successfully complete promotion, demotion or reappointment probation as provided in Merit System Rule 8. An employee laid off under this Rule shall have no right of appeal.
- B. The decision regarding which classification(s) shall be affected by layoff and when layoff shall be effective shall be made by the Appointing Authority. In each instance, based on circumstances within the department, the layoff plan shall state whether or not grant-funded employees shall be grouped with other employees for layoff purposes.
- C. When an Appointing Authority determines that a layoff is necessary, the Appointing Authority shall draft a layoff plan, which, when the layoff is for reasons other than reduced demand for services, functions or programs, lack of funds and/or elimination of position, may be merely an explanation of the grounds for layoff. All layoff plans shall be approved by the County Administrator prior to implementation.
- D. When any classification is subject to layoff, non-permanent status employees in that classification in the same department shall be terminated before any permanent status employee is laid off, unless exempted by the Board of Supervisors. All vacant positions in that classification should be eliminated before laying off any employee in such classification.

- 11.4 E. When permanent employees in a classification become subject to layoff due to reduced demand for services, functions or programs, lack of funds and/or elimination of position, the Appointing Authority shall determine which employee(s) shall be laid off based on seniority as defined in MSR 1 and qualifications of all permanent employees in that classification in the same department. Seniority is the primary factor, unless exempted by the County Administrator. Qualifications (i.e. knowledge, skills and abilities) are the secondary factor, unless otherwise exempted by the County Administrator.
- F. Human Resources shall notify employees to be laid off, in writing, as soon as possible, but no later than thirty (30) calendar days prior to the effective date of layoff. The written notice shall be hand delivered or sent certified with return receipt and first class mail. The notice shall contain the effective date of layoff, pre-layoff reappointment, reemployment and reinstatement rights, and a copy of the County Administrator approved layoff plan.
- G. Pre-layoff Reappointment: Prior to the effective date of layoff, an employee subject to layoff may be appointed non-competitively by any Appointing Authority having a vacant position of the same or lower salary grade or open salary range for which the employee meets the minimum qualifications.
1. The salary for pre-layoff reappointment shall be set in the same manner as for entrance salary, Personnel Policy 8-117.
 2. The effective date for pre-layoff reappointment shall be before the date on which the layoff would have been effective. The employee shall retain all accrued sick leave, annual leave and compensatory time.
 3. An employee who accepts a pre-layoff reappointment shall serve a twelve (12) month probation.
 4. An employee who accepts a pre-layoff reappointment retains reinstatement rights.
 5. An employee who accepts a temporary or detail assignment, prior to layoff, retains pre-layoff reappointment rights during the assignment and is subject to layoff at the end of the temporary or detail assignment.
- H. Reinstatement: An employee who is laid off shall be eligible and may apply for reinstatement to the department and the classification from which laid off. The employee shall be eligible for reinstatement for a period of two (2) years from the effective date of layoff.

- 11.4 I. Reemployment: An employee who has been laid off may apply for reemployment to any classification by submitting a written request and an employment application and shall be considered a County employee for certification purposes. A laid-off employee shall be eligible for reemployment and shall be considered a County employee for certification purposes for a period of two (2) years from the effective date of layoff.

11.5 TERMINATION FOR OTHER REASONS

- A. Employees on initial probation, temporary employees, intermittent employees, or new hire Pima County Trainee Program employees who have not completed the Trainee Program, may be terminated at any time without cause and with no right of appeal.
- B. Any employee may be terminated pursuant to the Policy on Employment of Relatives, Personnel Policy 8-101.
- C. An employee may be terminated for inability to meet the minimum qualifications, for failure to pass a required background check, or for failure to obtain and/or maintain licensing, certification or other requirements for the position currently held.
- D. An employee may be terminated for failure to return to work from an approved leave of absence without pay.
- E. An employee shall be terminated pursuant to federal and/or state law for failure to establish or resolve employment authorization or identity verification.
- F. An employee who fails to submit a resignation notice in a timely manner as required by Personnel Policy 8-108 C. shall be terminated after the County has been notified that the employee has been awarded long term disability.

Attachment 4



Pima County Attorney's Office

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Barbara LaWall
Pima County Attorney

MEMORANDUM

TO: C. H. HUCKELBERRY, COUNTY ADMINISTRATOR

FROM: DAVID SMUTZER, LEGAL ADMINISTRATOR

DATE: June 13, 2018

SUBJECT: **PIMA COUNTY ATTORNEY'S OFFICE QUARTERLY REVENUE REPORT**

Attached, please find the Pima County Attorney's quarterly revenue report for **January, February, March 2018**. The total quarterly revenue of \$934,751.19 is comprised of \$95,962.26 Criminal/Civil Division Collections and \$838,788.93 from Criminal/Civil Division Fines Imposed (Attachment 1). For fiscal year 2017/2018, the total revenue amount is \$3,078,378.44 which is comprised of \$636,318.82 from Criminal/Civil Collections and \$2,442,059.62 from Criminal/Civil Division fines Imposed (Attachment 2). Attachment 2 is a running total since the beginning of the reporting period in November 1995. For the entire reporting period the legal and enforcement efforts of this office resulted in \$85,238,309.41 in Criminal/Civil Division Collections and \$126,342,815.00 in Criminal/Civil Fines Imposed, totaling \$211,581,124.41.

The purpose of this report is to reflect this department's legal role and ability in Pima County to impose and enforce collections of fines, fees, bonds, and victim restitution. *By statute, eligible Criminal/Civil Division Collections are recorded as revenue to the general fund primarily through the Clerk of the Court, Justice Court or the Treasurer's Office and not this office.* The Fines imposed are generally the responsibility of court that has jurisdiction over the case; when collected by statute, a portion of the fines will also be credited as revenue to the general fund. In some civil cases, the fines imposed and enforced by this office may be collected as revenue to an enterprise or special revenue fund such as Risk Management, Solid Waste and Wastewater Management. *Each affected department assumes the responsibility for reporting, budgeting and depositing their funds to their respective cost centers and revenue accounts.*

Additional revenue for the Pima County General Fund is the reimbursement of County Attorney expenses associated with Department of Corrections (DOC) cases. Pursuant to A.R.S. 31-227, the County Attorney along with other Pima County Justice and Law Enforcement Agencies are now submitting requests for reimbursement of DOC cases through the Clerk of Superior Court. The Pima County Attorney's Office has submitted documentation seeking reimbursement of \$57,603.41 for the period July, 2013 through November, 2017. Of the requested amount, \$51,467.74 has been awarded and deposited as non-departmental revenue benefitting the General Fund (Attachment 3). *By statute, once these funds are received, this money must also be deposited as revenue to the Pima County General Fund and not this office.*

C.H. HUCKELBERRY, COUNTY ADMINISTRATOR
RE: Pima County Attorney's Office Quarterly Revenue Report
June 13, 2018
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Since fiscal year 2000/2001, the Adult Diversion Unit is responsible for \$1,571,955.16 in Victim Restitution Collections and \$1,186,558.24 in General Fund Fee Collections totaling \$2,758,513.40 through **March 2018** (Attachment 4). For the months of **January, February, March 2018** the Adult Diversion Victim Restitution Collections was \$3,974.00 and General Fund Fee Collections was \$40,323.80 both totaling \$44,297.80.

Pima County is eligible for reimbursement under the Southwest Border Prosecution Initiative for a portion of the prosecution costs associated with Federal Drug Cases. Reimbursement of eligible costs and funding is limited from the U.S. Department of Justice Reimbursement Agreement effective July 13, 2000. Pima County Attorney's Office has submitted documentation to the Office of Revenue and Collection seeking reimbursement of \$2,352,496.00 eligible costs for the period of July 13, 2000 through June 2012. Of the requested amount, \$1,729,209.94 has been awarded and deposited as non-departmental revenue benefitting the General Fund.

Pursuant to A.R.S. 13-2314.03, Pima County Attorney's Office Anti-Racketeering reports are posted and available at the Pima County Attorney's Office website:
<http://www.pcao.pima.gov/admindivision.aspx>

Since inception, the Bad Check Program has been responsible for the collection and restitution of victim funds totaling \$14,758,746.06 through **March 2018**. For the months of **January, February, March 2018** the Bad Check Program Restitution Collections for victims was \$20,627.55 (Attachment 5).

This report supplements various county financial management system reports summarizing sources of revenue and expenditures by Pima County as provided for by statute.

Improved enforcement of outstanding fines, fees, bonds and victim restitution with additional staffing resources allocated to my office could generate additional revenue as documented by the Harvey M. Rose Criminal Justice Management Audit.

Attachments

cc: The Honorable Chair and Members, Board of Supervisors
Barbara LaWall, Pima County Attorney
Amelia Cramer, Chief Deputy County Attorney
Thomas Weaver, Chief Criminal Deputy
Andrew Flagg, Chief Civil Deputy
Keith Dommer, Director, Finance and Risk Management
Clerk of the Board of Supervisors
Michelle Hamilton, Division Manager, Revenue Management FN

I hereby declare under penalty of perjury under the laws of the State of Arizona, that the foregoing is true and correct to the best of my knowledge. Executed at Tucson, Pima County, Arizona.

Date

6/18/18

David Smutzer



Quarterly Revenue Reports

January, February, March

DIVISION	Collected
Criminal (Bond Forfeitures)	28,650.00
Civil (Revenues/Fines)	67,312.26
Subtotal	\$ 95,962.26
DIVISION	Fines Imposed
Criminal Misdemeanors	770,790.20
Civil (Revenues/Fines)	67,998.73
Subtotal	\$ 838,788.93
Total	\$ 934,751.19

County Attorney Summary Report

(Through 3/2018)

Fiscal Year	Criminal/Civil Collections	Criminal/Civil Fines Imposed	Totals
11/95-6/96	\$ 2,879,964.05	\$ 3,168,427.82	\$ 6,048,391.87
1996-1997	7,790,066.68	20,837,298.67	28,627,365.35
1997-1998	6,638,402.40	8,451,530.15	15,089,932.55
1998-1999	2,488,574.88	2,881,746.44	5,370,321.32
1999-2000	1,285,094.78	5,427,860.71	6,712,955.49
2000-2001	2,679,610.93	5,426,369.79	8,105,980.72
2000-2002	3,864,789.67	3,609,916.03	7,474,705.70
2002-2003	1,405,037.36	3,857,854.45	5,262,891.81
2003-2004	4,172,652.84	2,262,975.27	6,435,628.11
2004-2005	2,736,995.36	2,636,841.46	5,373,836.82
2005-2006	1,855,882.05	4,119,381.38	5,975,263.43
2006-2007	3,084,645.81	4,712,448.17	7,797,093.98
2007-2008	4,113,355.47	5,752,977.66	9,866,333.13
2008-2009	4,915,120.48	7,192,356.74	12,107,477.22
2009-2010	9,704,616.43	18,477,982.76	28,182,599.19
2010-2011	5,309,028.14	5,787,056.01	11,096,084.15
2011-2012	6,326,491.68	3,622,996.40	9,949,488.08
2012-2013	3,881,182.47	5,834,244.00	9,715,426.47
2013-2014	4,460,638.71	4,767,674.66	9,228,313.37
2014-2015	2,685,334.41	1,919,957.43	4,605,291.84
2015-2016	1,353,628.99	1,158,160.56	2,511,789.55
2016-2017	970,877.00	1,994,698.82	2,965,575.82
2017-2018	636,318.82	2,442,059.62	3,078,378.44
TOTAL	\$ 85,238,309.41	\$ 126,342,815.00	\$ 211,581,124.41

**Reimbursement of County Attorney Expenses
Associated With Department of Corrections Cases
(Through 3/2018)**

Period	Submitted	Received
7/2013 - 12/2013	\$ 7,532.53	\$ 7,354.42
1/2014 - 3/2014	3,485.24	3,460.47
4/2014 - 6/2014	3,704.13	3,503.51
7/2014 - 9/2014	4,896.90	3,022.71
10/2014 - 12/2014	5,356.96	5,296.68
1/2015 - 3/2015	3,191.67	3,191.67
4/15/2015	4,725.94	4,725.94
4/30/2015	1,221.25	1,221.25
5/31/2015	1,059.79	1,059.79
6/30/2015	743.41	743.41
7/31/2015	1,167.02	1,167.02
8/31/2015	722.36	722.36
11/30/2015	2,342.80	2,342.80
12/31/2015	1,147.34	1,147.34
1/31/2016	1,032.03	1,032.03
2/29/2016	858.52	858.52
3/31/2016	1,051.51	1,051.51
4/30/2016	799.54	799.54
5/31/2016	742.63	742.63
6/30/2016	676.36	676.36
7/31/2016	416.23	416.23
8/31/2016	582.53	582.53
9/30/2016	476.19	476.19
10/31/2016	468.33	468.33
11/30/2016	585.41	585.41
12/31/2016	466.90	466.90
1/31/2017	806.04	806.04
2/28/2017	552.23	552.23
3/31/2017	1,086.07	1,043.62
4/30/2017	787.82	787.82
5/31/2017	1,162.48	1,162.48
6/30/2017	996.90	
7/31/2017	522.97	
8/31/2017	487.73	
9/30/2017	656.01	
10/31/2017	594.95	
11/30/2017	496.69	
TOTAL	\$ 57,603.41	\$ 51,467.74

Adult Diversion
Quarterly Revenue Report

Month	Restitution Collections	General Fund	Combined Total
January	\$ 985.42	\$ 14,865.00	\$ 15,850.42
February	277.29	11,993.80	12,271.09
March	2,711.29	13,465.00	16,176.29
Total	\$ 3,974.00	\$ 40,323.80	\$ 44,297.80

(Through 3/2018)

Fiscal Year	Restitution Collections	General Fund Collections	Combined Total
2000/2001	\$ 53,766.28	\$ 42,697.00	\$ 96,463.28
2001/2002	71,400.41	45,251.36	116,651.77
2002/2003	99,173.57	41,165.28	140,338.85
2003/2004	74,748.97	53,631.72	128,380.69
2004/2005	63,347.07	50,166.46	113,513.53
2005/2006	63,723.64	45,390.00	109,113.64
2006/2007	90,880.33	47,884.35	138,764.68
2007/2008	141,724.71	49,430.00	191,154.71
2008/2009	129,361.07	46,488.25	175,849.32
2009/2010	147,167.95	37,571.99	184,739.94
2010/2011	123,537.09	44,737.60	168,274.69
2011/2012	98,858.67	45,645.00	144,503.67
2012/2013	208,523.18	53,547.00	262,070.18
2013/2014	98,518.74	65,276.00	163,794.74
2014/2015	47,885.82	148,948.81	196,834.63
2015/2016	13,505.58	126,826.90	140,332.48
2016/2017	35,776.42	141,640.72	177,417.14
2017/2018	10,055.66	100,259.80	110,315.46
Inception Total	\$ 1,571,955.16	\$ 1,186,558.24	\$ 2,758,513.40

Bad Check Program
Quarterly Restitution Report
(Through 3/2018)

Month	Restitution Collections	New Merchants	Total (\$)
January	\$ 5,929.74	1	
February	6,566.93	4	
March	8,130.88	4	
Total	\$ 20,627.55	9	\$ 20,627.55

Attachment 5



Arizona Superior Court in Pima County Attorney Criminal Case / Defendant Status Report



Report date/time: 7/1/18 05:10 AM

ROATYSTT

Contract Attorney - All Activity

Number of Defendants - Days from Arraignment to Current Case Event

Attorney	0 to 90	91 to 120	121 to 150	151 to 180	181 and up	Totals
ABRAMS, IVAN S	0	0	0	2	8	10
AGUILERA, BENJAMIN W	7	0	2	1	2	12
ALATORRE, JAVIER	2	1	0	0	10	13
ALTSCHULER, JANET L	1	3	2	0	2	8
AMARU, JACOB M	0	0	1	0	6	7
BERRY, BOBBI	1	0	1	1	9	12
BOCK, RICHARD C	0	0	0	0	1	1
BOND, STEPHANIE K	2	0	1	0	7	10
BRERETON, NICHOLAS W	2	0	0	3	5	10
BURNS, BRENDAN M	9	1	1	2	5	18
CATRILLO, BARBARA TAPPER	5	0	0	1	6	12
CHAVIRA-CHAVEZ, DARLENE	3	0	0	0	1	4
DAVILA, MARIA S.	8	0	0	0	6	14
DE HAAN, STUART P	5	1	0	1	3	10
DENNIS, ANNA	5	0	0	2	3	10
DIPPEL, ADAM R	0	0	1	1	0	2
DIROBERTO, JOSEPH P	2	0	0	2	2	6
EVANS, MARK E	0	1	5	1	18	25
GREEN, MATTHEW H.	1	0	0	2	4	7
HONCHAR, CORNELIA W	7	1	0	1	4	13
HUERTA JR, SAUL M	5	1	0	1	4	11
JACOBS, THOMAS	0	0	1	1	17	19
KIMMINAU, CHRISTIAN J	7	0	0	2	9	18
LANSDALE JR, JACK L	3	1	0	0	7	11
MEADE, STEPHANIE	3	2	0	0	10	15
MOSS, VANESSA C	3	0	2	0	3	8
MUNOZ, ALEJANDRO E.	4	0	0	1	5	10

Attorney Criminal Case / Defendant Status Report

Contract Attorney - All Activity

Number of Defendants - Days from Arraignment to Current Case Event

Attorney	0 to 90	91 to 120	121 to 150	151 to 180	181 and up	Totals
NELSON-MELBY, GUENEVERE	2	0	1	0	9	12
PAGE, ADAM CHRISTIAN	0	1	1	0	5	7
PANZARELLA, RAYMOND V.	6	1	0	1	4	12
PLOWMAN JR, LEO M	1	3	0	2	12	18
PRINCE, NATALIE	6	0	0	0	5	11
REIDY, BARTHOLOMEW D.	7	1	0	0	10	18
RESNICK, MARK R.	1	1	0	0	2	4
ROACH, BRADLEY K.	2	0	1	0	8	11
ROGERS, JEFFREY J.	4	2	0	0	5	11
SALTER, KRISTIAN H.	6	1	0	0	2	9
TAYLOR, DOUGLAS W.	0	0	0	1	11	12
THORPE, JILL E.	1	0	2	0	7	10
UDALL, LAURA E.	0	0	0	0	1	1
VALENZUELA, RODOLFO	2	0	0	1	3	6
WEST, STEVEN D	3	0	0	0	8	11
WILKISON, DAVID T	7	2	4	0	6	19
WILSON, THOMAS H.	0	1	0	0	6	7
WOOD, LANCE J	4	0	0	0	8	12
ZARZYCKI, JEREMY ANDREW	2	0	0	0	8	10
ZONDER, SCOTT D	8	0	1	0	0	9
	147	25	27	30	277	506

Attorney Criminal Case / Defendant Status Report

County Attorney - All Activity

Number of Defendants - Days from Arraignment to Current Case Event

Attorney	0 to 90	91 to 120	121 to 150	151 to 180	181 and up	Totals
ACOSTA, MALENA	7	2	1	3	6	19
ALLEN, CAROLINE SAKURA	12	5	2	3	26	48
ANDERSON, BETH A	12	3	5	1	30	51
ANDERSON, JOHN G	8	4	0	2	30	44
ARANETA, MICHELLE C	10	3	1	1	30	45
ASPACHER, VIRGINIA DAWN	3	0	2	1	20	26
BRANDES, LEWIS A	0	0	0	0	7	7
CES, 1	198	35	11	13	22	279
CES, 2	109	26	12	8	20	175
CES, 3	148	15	17	2	15	197
CES, 4	45	5	4	7	26	87
CES, 5	188	29	16	11	25	269
CES, 6	135	21	14	10	21	201
CES, DV	134	18	9	5	12	178
CES, SVU	41	5	2	3	2	53
CHALK, BRUCE	3	1	0	0	3	7
CHAMBLEE, MICHELLE Y	2	0	2	0	7	11
CONATSER, SOO CHANG	21	7	7	5	22	62
COUNTY, ATT PENDING ASSIGNMENT	44	0	0	0	0	44
CULVER, ASHLEY B	11	6	9	2	20	48
DARANYI, IAN M	1	0	0	0	1	2
DENT, JENNIFER	17	4	1	6	31	59
DIEBOLT JR, MARK T.	2	3	6	4	29	44
DUNCAN, LYNDSY A	17	1	4	0	21	43
EDGETT, JOHN G	9	1	6	5	34	55
EKLUND, MATTHEW P.	21	5	4	4	28	62
FARKAS, M ELIZABETH	8	2	1	0	25	36
FORNOF, RACHAEL J	1	0	1	1	5	8
GOODWIN, J ALAN	6	0	1	3	15	25
GREEN, NICOL R.	2	1	1	1	12	17
GREENE, BAIRD S	10	6	3	2	11	32
HOLLEY, APRIL E	10	5	4	1	25	45
HOUSTON, DAVID A	4	2	2	0	14	22

**Attorney Criminal Case / Defendant Status Report
County Attorney - All Activity**

Number of Defendants - Days from Arraignment to Current Case Event

Attorney	0 to 90	91 to 120	121 to 150	151 to 180	181 and up	Totals
JENSEN, B NOELLE	12	8	4	4	29	57
KAISERMAN, JULIA R.	9	2	5	2	22	40
KNEUP, NICOLETTE	8	3	4	5	35	55
LABUFF, JACOB P	0	0	0	0	3	3
MASON, ALEX GREGORY	4	0	1	0	23	28
MCCRAY, MATTHEW R	40	8	3	5	38	94
MCINROY, KELLY M	16	0	4	2	15	37
MILLER, TERESA (TRACY) A	8	4	3	2	32	49
MOSHER, JONATHAN C	1	0	1	0	6	8
OTTO, VICTORIA A.	6	0	4	0	18	28
PENDING, WARRANT	1	0	0	0	0	1
PORTERFIELD, DONALD	5	1	2	2	23	33
PROGRAM, DTAP	20	4	2	2	3	31
PYLIPOW, LAUREN E	5	4	1	1	20	31
RICARD, JOEL J	13	10	12	4	24	63
RICKS, JOSEPH H	12	1	5	6	21	45
ROUBICEK, LAURA L	3	0	0	0	3	6
RUESCH, GABRIELLE Y	10	1	7	4	17	39
SCHMIDT, RYAN C.	2	1	1	1	10	15
SCHNEIDER, ASHLEY C	4	1	0	0	30	35
SCHWARTZ, ROBIN W.	6	0	0	1	28	35
SOTTOSANTI, JULIE	3	1	0	0	3	7
SOUTH, DANIEL B	5	0	1	0	10	16
STRUCKMEYER, FREDERICK STERLING	8	2	3	5	29	47
SUMMERS, TAI A	0	1	0	0	0	1
TAYLOR, JONATHAN C	15	7	5	7	35	69
TOWNSEND, GEOFFREY R	6	7	2	1	21	37
WADMAN, JEFFREY V	1	0	0	0	0	1
WARD, CHRISTOPHER A.	25	6	2	3	34	70
	1487	287	220	161	1127	3282

Attorney Criminal Case / Defendant Status Report

Legal Defender - All Activity

Number of Defendants - Days from Arraignment to Current Case Event

Attorney	0 to 90	91 to 120	121 to 150	151 to 180	181 and up	Totals
ALGER, KRISTINE M	19	4	1	0	6	30
ARCE, NANCY J	20	0	1	1	7	29
BOWEN, C MICHELLE	18	6	0	2	5	31
BRILLIANT, ESTHER I	2	2	1	1	8	14
CRAWFORD, SUZANNE	4	2	1	3	13	23
ELSBERRY, ANNE	21	1	0	2	5	29
ERICKSON, GEORGE H	11	1	0	1	15	28
FOX, MOLLY S	19	3	0	1	6	29
FREY, VINCENT J.	7	1	0	0	4	12
FULLIN, JAMES L.	3	0	0	0	4	7
GRIEM, BENJAMIN D	11	2	1	3	15	32
KAPLAN, CHRISTOPHER R	17	4	0	1	7	29
KASHTELIAN, DMITRY VALENTIN	18	1	1	2	11	33
LA MASTER, RYAN S	21	2	0	1	8	32
LDO, PENDING	0	0	0	0	1	1
MENDOLA, BENJAMIN	18	3	2	2	14	39
METZGER, MICHELLE C	10	5	5	3	9	32
ROONEY, KARA R	17	3	3	1	9	33
RYAN, STEPHANIE G	12	1	4	0	14	31
STILES, RACHEL L	12	5	1	1	8	27
	260	46	21	25	169	521

Attorney Criminal Case / Defendant Status Report

Other Countys Prosecutor - All Activity

Number of Defendants - Days from Arraignment to Current Case Event

Attorney	0 to 90	91 to 120	121 to 150	151 to 180	181 and up	Totals
MCDERMOTT, THOMAS C	0	0	0	0	2	2
	0	0	0	0	2	2

Attorney Criminal Case / Defendant Status Report

Other Countys Public Defender - All Activity

Number of Defendants - Days from Arraignment to Current Case Event

Attorney	0 to 90	91 to 120	121 to 150	151 to 180	181 and up	Totals
ASSIGNMENT, LA PENDING	3	1	0	0	0	4
BURKE, KEVIN M	9	4	0	1	5	19
PALSER, WALTER	7	0	6	0	17	30
REPOVSCH, JOHN WILLIAM -GATES	18	4	2	3	6	33
VERENNA, A. KATE BOUCHEE	12	6	4	3	8	33
YIALIZIS, CYNTHIA JOAN	10	3	2	4	16	35
	59	18	14	11	52	154

Attorney Criminal Case / Defendant Status Report

Other Prosecutors - All Activity

Number of Defendants - Days from Arraignment to Current Case Event

Attorney	0 to 90	91 to 120	121 to 150	151 to 180	181 and up	Totals
ATTORNEY, GENERAL	17	3	0	0	1	21
CLARK, DOUGLAS L	0	0	0	0	2	2
DELANEY, JESSE L	3	1	1	1	6	12
EMERSON, JORDAN E	2	0	0	0	5	7
KLINGERMANN, NICHOLAS	0	0	0	1	1	2
KREAMER HOPE, JARED	2	2	0	0	1	5
MCBRIDE, JARRED J	1	0	0	0	0	1
MORROW, NANETTE C.	2	1	0	2	13	18
MOSER, JOSHUA	2	0	0	6	7	15
SCHWARTZ, ADAM J	0	0	1	0	0	1
ST JOHN, LINDSAY P	3	0	0	0	12	15
	32	7	2	10	48	99

Attorney Criminal Case / Defendant Status Report

Private Attorney - All Activity

Number of Defendants - Days from Arraignment to Current Case Event

Attorney	0 to 90	91 to 120	121 to 150	151 to 180	181 and up	Totals
AGUILERA, BENJAMIN W	0	0	0	0	1	1
ALTSCHULER, JANET L	9	2	1	0	2	14
AMARU, JACOB M	2	0	0	1	9	12
ARIANO, CHRISTOPHER H	0	0	0	0	1	1
ARMSTRONG, BRADLEY J	0	0	0	0	1	1
BAKER, MICHAEL S	0	0	0	1	0	1
BARNARD, STEPHEN PAUL	0	0	0	0	1	1
BEHAN, MICHELLE LYNN	7	2	1	0	3	13
BERRY, BOBBI	2	0	1	1	1	5
BLOOM, MICHAEL J	2	0	0	0	10	12
BLUMBERG, BRUCE E	0	0	0	0	2	2
BOCK, RICHARD C	2	2	1	0	5	10
BOCKEL, MARK C	0	1	0	1	1	3
BOND, STEPHANIE K	0	0	0	0	1	1
BRERETON, NICHOLAS W	0	0	0	0	1	1
BROWN, MATTHEW O	0	0	0	0	1	1
BURNS, BRENDAN M	0	0	0	0	1	1
BUTLER III, A BATES	0	0	0	0	1	1
CANTOR, DAVID M	0	0	0	0	1	1
CARRILLO, ERIN M	0	0	0	0	1	1
CARRILLO, FREDERICK M	0	0	0	0	1	1
CATES, DWANE M	0	0	0	0	1	1
CATRILLO, BARBARA TAPPER	4	0	0	0	0	4
CHAPMAN, SEAN C	0	0	0	0	3	3
CHARNESKY, JAMES A	0	0	0	0	1	1
CHAVIRA-CHAVEZ, DARLENE	0	0	0	0	1	1
COHN, EDWARD F	1	0	1	0	0	2
COOPER, DANIEL H.	4	0	0	0	6	10
DAMIANAKOS, ELIAS	1	0	4	0	0	5
DAMON, GEORGE P.	1	0	0	0	0	1
DAVIDSON, MATTHEW C.	1	0	1	0	0	2
DAVILA, MARIA S.	0	0	0	0	1	1
DE HAAN, STUART P	0	1	0	0	0	1

Attorney Criminal Case / Defendant Status Report

Private Attorney - All Activity

Number of Defendants - Days from Arraignment to Current Case Event

Attorney	0 to 90	91 to 120	121 to 150	151 to 180	181 and up	Totals
DENEA, MICHAEL P	1	0	0	0	0	1
DENNIS, ANNA	0	0	0	0	1	1
DI PIETRO, BRIAN G	0	1	0	0	1	2
DIAZ, HECTOR J	0	0	0	0	1	1
DIEGLIO, DINA	0	2	0	0	1	3
DIROBERTO, JOSEPH P	1	1	0	0	0	2
DONAU III, ALFRED S.	2	0	0	0	1	3
DORAN, CHRISTOPHER M	1	0	0	0	0	1
ELLINWOOD, RALPH E	1	0	0	0	2	3
FIDEL, LOUIS S.	0	1	0	0	1	2
FINCH, JEREMIAH LUKE	0	0	0	1	0	1
FISCHER, ROBERT W	0	0	0	0	1	1
FLORES, RAMIRO S	2	0	1	0	5	8
FRANCIS JR, DOUGLAS TYLER	0	0	0	0	2	2
FRISBY, PRISCILLA	1	0	0	0	0	1
GALLEGO, RAFAEL F.	7	2	1	0	11	21
GATTONE, PAUL J	1	0	0	0	1	2
GEE, LAWRENCE Y.	0	1	1	1	7	10
GREEN, MATTHEW H.	0	0	0	0	1	1
GUTIERREZ, PETER A.	4	0	0	0	0	4
HAMILTON, JOSHUA F	3	2	1	1	3	10
HANKEY, JAMES N	0	0	0	0	2	2
HANUS, ALEC JOHN	4	2	1	0	1	8
HARTZELL, THOMAS S.	2	0	0	0	4	6
HARWIN, MICHAEL A.	1	1	0	0	1	3
HERNANDEZ, CLAY	3	2	0	0	7	12
HIGGINS JR, THOMAS E.	2	0	0	0	4	6
HONCHAR, CORNELIA W	0	0	0	0	1	1
HUFFMAN, RYAN A	0	0	0	1	0	1
HUNTER, JAMES D.	0	0	0	1	0	1
KAFFANA, DANIEL J	1	0	0	0	0	1
KAPPUS SHAW, JILL	0	0	0	0	1	1
KELLER, PETER	1	0	0	0	1	2
KRISHN, ANSHUL	0	0	0	1	0	1

Attorney Criminal Case / Defendant Status Report
Private Attorney - All Activity

Number of Defendants - Days from Arraignment to Current Case Event

Attorney	0 to 90	91 to 120	121 to 150	151 to 180	181 and up	Totals
KURLANDER, HARLEY	1	0	0	0	0	1
LACKEY, CARY L	1	0	0	0	1	2
LANSDALE JR, JACK L	0	0	1	0	5	6
LE LIEVRE, DAVID K	1	0	0	0	3	4
LEWIS, EDWARD CH	0	0	0	0	1	1
LEWIS, KIRK D	0	0	0	0	2	2
LIECHTY, CLINTON L.	1	0	0	0	0	1
LIPARTITO, DAVID E	0	0	0	0	1	1
LOPEZ, RANDOLFO V.	1	0	0	0	0	1
LOUGEE, RICHARD L.	0	2	0	0	7	9
MADRIL, RICHARD	0	0	0	0	1	1
MARCANTEL, ANDREW C	1	0	0	0	0	1
MEADE, STEPHANIE	1	0	0	0	0	1
MEDINA, CARLOS A	1	1	0	0	0	2
MONTGOMERY, DAN W	0	0	0	0	1	1
MORAN, PATRICK ALAN	1	0	0	0	0	1
MOSS, VANESSA C	1	0	0	0	1	2
NELSON-MELBY, GUENEVERE	0	0	0	0	1	1
NESBITT, EDWARD C.	0	1	0	0	4	5
OLMEDO-GUERRA, M BELEN	0	0	0	0	1	1
ORE-GIRON, JULIANA L	1	0	0	0	1	2
PANZARELLA, RAYMOND V.	0	0	0	2	0	2
PICCARRETA, MICHAEL L.	0	0	0	0	1	1
PITTMAN, MICHAEL S	3	0	0	2	3	8
PLOWMAN JR, LEO M	0	0	0	1	2	3
Pro Per	0	0	0	0	3	3
RALLS, STEPHEN G.	0	0	0	0	1	1
RAYMOND, ANGEL ANN	1	0	0	0	1	2
REDMON, NATHANIEL SCOTT	1	0	0	0	0	1
REIDY, BARTHOLOMEW D.	1	0	0	0	0	1
RESNICK, MARK R.	2	2	6	0	21	31
ROACH, BRADLEY K.	2	0	0	0	1	3
ROGERS, JEFFREY J.	1	0	0	1	1	3

Attorney Criminal Case / Defendant Status Report

Private Attorney - All Activity

Number of Defendants - Days from Arraignment to Current Case Event

Attorney	0 to 90	91 to 120	121 to 150	151 to 180	181 and up	Totals
ROMO VEJAR, JESUS R.	2	0	0	0	0	2
SCILEPPI, CHRISTOPHER L.	1	0	1	1	8	11
SHERICK, STEVEN	2	0	2	0	2	6
SIMON, COREY A	0	0	0	0	1	1
SMITH, D JESSE	2	1	2	1	5	11
SPECTOR, CHARLES LOWELL	1	0	0	0	0	1
SPECTOR, GARY F.	0	0	0	1	2	3
SPIVACK, LOUIS	0	0	1	0	1	2
ST LOUIS, JOSEPH P.	1	0	1	0	6	8
STANDRING, JAMES RONALD	0	0	0	0	1	1
STANT, C AKI	0	0	1	0	0	1
STOLTZ, GREGORY I	1	0	0	0	0	1
STORTS III, BRICK P.	0	0	0	0	4	4
STUEHRINGER, JAMES W	1	1	1	0	0	3
THRUSH, BRADLEY E.	0	2	0	0	2	4
TORRALBA, HOMERO	1	1	0	0	1	3
UDALL, LAURA E.	2	0	0	1	0	3
VARGAS, J BERT	1	0	0	0	0	1
VAUGHAN, MICHAEL H.	1	0	0	0	0	1
VINGELLI, MICHAEL J.	0	0	0	0	1	1
WEISS, STEPHEN M.	2	0	0	0	0	2
WEST, STEVEN D	0	0	1	0	0	1
WILKISON, DAVID T	1	0	0	0	1	2
WILLIAMS, MARK LEE	1	1	0	0	1	3
WILLIMANN, MARK F.	0	0	0	0	2	2
WILSON, THOMAS H.	1	1	0	0	1	3
WOLKIN, ROBERT S.	0	0	0	0	1	1
WOOD, LANCE J	0	0	0	0	3	3
WRAE, NATASHA	3	0	0	0	3	6
ZARZYCKI, JEREMY ANDREW	1	0	0	0	1	2
	121	36	32	20	230	439

Attorney Criminal Case / Defendant Status Report

Public Defender - All Activity

Number of Defendants - Days from Arraignment to Current Case Event

Attorney	0 to 90	91 to 120	121 to 150	151 to 180	181 and up	Totals
ANDRADE JR, RODRIGO	10	5	4	4	9	32
BOATWRIGHT, RUSSELL E	19	6	4	1	8	38
BOND, ALAN D	16	1	4	5	16	42
CHORNY, JOEL M	10	1	7	0	14	32
CLUCK, JUSTIN S	7	5	3	2	9	26
COOMER, NANCY M	2	1	0	0	0	3
COOMER, RICHARD ALEXANDER	2	1	1	2	3	9
COULTER, SEAN STUART	15	4	2	1	19	41
COWAN, MARY M	5	5	3	2	11	26
DAUBERT, KATHERINE M	10	6	0	4	9	29
DICAMPLI, NICKI	13	6	1	2	7	29
DIFFENDERFER, SAMUEL WILSON	13	2	4	0	9	28
DUVALL, JULIE C	3	4	0	1	2	10
ELUYODE, MAGUETTE N	9	4	6	2	12	33
FEINMAN, JOEL	0	0	0	0	2	2
FERGUSON, MARIAM K	0	0	0	0	1	1
GRAHAM, EVA A	45	1	0	2	4	52
HAMPSON, RENEE L	9	5	0	3	1	18
HILL, TREVOR R	16	3	3	4	17	43
JOHNSON, JENNA L	17	7	4	3	1	32
KAMM, T CLAYTON	8	0	1	2	9	20
KATSARELIS, CRISTIE M	39	4	1	2	4	50
KATSARELIS, EFTHYMIOS T	16	5	1	3	8	33
KATZ, REBECCA E	15	5	1	1	13	35
KESSLER, CRAIG L	7	0	1	1	19	28
KINGSTON, RICHARD K	50	1	0	1	3	55
KNAUER, THOMAS A	8	3	5	1	12	29
KOSTICK, SARAH R	2	1	1	1	8	13
KRAUSS, HEIDI E	12	2	1	5	8	28
LAPRADE, MATTHEW R	11	4	1	1	5	22
LIFFITON, JOSHUA M	20	0	1	7	11	39
LYNCH, CHRISTOPHER J	13	1	2	0	12	28
MANE, APARNA S	15	4	3	1	3	26

**Attorney Criminal Case / Defendant Status Report
Public Defender - All Activity**

Number of Defendants - Days from Arraignment to Current Case Event

Attorney	0 to 90	91 to 120	121 to 150	151 to 180	181 and up	Totals
MASURSKY, LEO M	3	0	0	1	12	16
MESSMER, MATTHEW	9	0	0	0	17	26
MOLNAR, CORRINNA B	8	0	2	1	11	22
MOSLEY, KURT E	33	6	8	0	4	51
O'BRIEN, JOHN ANDREW	3	0	2	2	14	21
OKRENT, ABIGAIL R	13	2	5	4	7	31
PAGE, MEGAN K	0	0	0	0	1	1
PENDING ASSIGNMENT, PDO	18	0	0	0	2	20
PRIESTMAN, DAWN L	10	9	6	0	13	38
RABAN, CARMEN L	1	0	0	1	1	3
RAPAPORT, MARLA S	22	1	3	0	3	29
ROSENBLUTH, MICHAEL	11	8	1	0	6	26
SKITZKI, PAUL	5	4	4	1	14	28
SOLAND, WILLIAM R	21	2	0	0	0	23
STEWART, RACHEL LYNN	15	4	4	2	4	29
STRUTHERS, TATIANA	3	0	1	1	13	18
SURHIO, LISA M	7	7	4	3	13	34
SWEENEY, KIMBERLY A	38	3	2	0	3	46
UMEDA, SEN D	18	4	1	1	0	24
UZUNOVA, ISKRA M	39	1	7	0	4	51
VALENTINE, NOELLA NICOLE	10	5	6	2	10	33
VOLL, KATHERINE MARIE	13	2	4	3	7	29
WADE, NATHAN THOMAS	14	1	2	0	13	30
WALTERS, JOHN T	16	2	0	0	2	20
WARD, CATHLEEN A	18	5	3	0	5	31
WILLE, GRANT D	10	5	1	2	6	24
	795	168	131	88	454	1636

Attorney Criminal Case / Defendant Status Report

Unknown - All Activity

Number of Defendants - Days from Arraignment to Current Case Event

Attorney	0 to 90	91 to 120	121 to 150	151 to 180	181 and up	Totals
	155	1	1	1	5	163
	155	1	1	1	5	163

Attachment 6

APPENDIX G: Arizona Supreme Court Rules Outlining Court Case Processing

Rule 8.1. Priorities in scheduling criminal cases

- a. **Priority of Criminal Trials.** The trial of criminal cases shall have priority over the trial of civil cases. Any scheduling conflicts will be resolved in accordance with Rule 5(j), Uniform Rules of Practice.
- b. **Preferences.** The trial of defendants in-custody and defendants whose pretrial liberty may present unusual risks shall be given preference over other criminal cases.
- c. **Duty of Prosecutor.** The prosecutor shall advise the court of facts relevant to determining the order of cases on the calendar.
- d. **Duty of Defense Counsel.** The defendant's counsel shall advise the court of the impending expiration of time limits in the defendant's case. Failure to do so may result in sanctions and should be considered by the court in determining whether to dismiss an action with prejudice pursuant to Rule 8.6.
- e. **Extraordinary Cases.** Within twenty-five days after the arraignment in Superior Court either party may apply in writing to the court for a hearing to establish extraordinary circumstances requiring the suspension of Rule 8 in a particular case. Within five days of the receipt of the application the court shall hold the hearing and make findings of fact. The findings shall be immediately transmitted to the Chief Justice who may approve or decline to approve them. Upon approval of the findings by the Chief Justice, they shall be returned to the trial court where upon motion of either party the trial court may suspend the provisions of Rule 8 and reset the trial date for a time certain.

Rule 8.2. Time limits

- a. **General.** Subject to the provisions of Rule 8.4, every person against whom an indictment, information or complaint is filed shall be tried by the court having jurisdiction of the offense within the following time periods:
 - (1). **Defendants in-custody.** 150 days from arraignment if the person is held in-custody, except as provided in subsection (a), paragraph (3) of this section.
 - (2). **Defendants Released From Custody.** 180 days from arraignment if the person is released under Rule 7, except as provided in subsection (a), paragraph (3) of this section.
 - (3). **Complex Cases.** One year from arraignment for cases in which the indictment, information or complaint is filed between December 1, 2002 and December 1, 2005, and for subsequent cases 270 days from arraignment if the person is charged with any of the following:
 - (i) 1st Degree Murder, except as provided in paragraph (a)(4) of this rule,
 - (ii) Offenses that will require the court to consider evidence obtained as the result of an order permitting the interception of wire, electronic or oral communication,
 - (iii) Any complex cases as determined by a written factual finding by the court.

(4). **Capital Cases.** Twenty-four months from the date the state files a notice of intent to seek the death penalty pursuant to Rule 15.1(i).

b. **Waiver of Appearance at Arraignment.** If a person has waived an appearance at arraignment pursuant to Rule 14.2, the date of the arraignment held without the defendant's presence shall be considered the arraignment date for purposes of subsection (a), paragraphs (1), (2), (3), and (4) of this rule.

c. **New Trial.** A trial ordered after a mistrial or upon a motion for a new trial shall commence within 60 days of the entry of the order of the court. A trial ordered upon the reversal of a judgment by an appellate court shall commence within 90 days of the service of the mandate of the Appellate Court.

d. **Extension of Time Limits.** These time limits may be extended pursuant to Rule 8.5.

e. **Trial Dates.** In all superior court cases except those in which Rule 8 has been suspended pursuant to Rule 8.1(e), the court shall, either at the time of arraignment in superior court or at a pretrial conference, set a trial date for a time certain.

Rule 8.4. Excluded Periods

The following periods are excluded from the computation of the time limits set forth in Rules 8.2 and 8.3:

a. Delays occasioned by or on behalf of the defendant, including, but not limited to, delays caused by an examination and hearing to determine competency or intellectual disability, the defendant's absence or incompetence, or his or her inability to be arrested or taken into custody in Arizona. If a finding by the court that the defendant is competent or has been restored to competency or is no longer absent occurs within 30 days of the time limits set forth in Rules 8.2 and 8.3, an additional period of 30 days is excluded from the computation of the time limits.

b. Delays resulting from a remand for new probable cause determination under Rules 5.5 or 12.9.

c. Delays resulting from extension of the time for disclosure under Rule 15.6.

d. Delays necessitated by congestion of the trial calendar, but only when the congestion is attributable to extraordinary circumstances, in which case the presiding judge shall promptly apply to the Chief Justice of the Arizona Supreme Court for suspension of any of the Rules of Criminal Procedure.

e. Delays resulting from continuances in accordance with Rule 8.5, but only for the time periods prescribed therein.

f. Delays resulting from joinder for trial with another defendant as to whom the time limits have not run when there is good cause for denying severance. In all other cases, severance should be granted to preserve the applicable time limits.

g. Delays resulting from the setting of a transfer hearing pursuant to Rule 40 of these rules.

Rule 8.5. Continuances

a. **Form of Motion.** A continuance of a trial may be granted on the motion of a party. Any motion must be in writing and state with specificity the reason(s) justifying the continuance.

b. **Grounds for Motion.** A continuance of any trial date shall be granted only upon a showing that extraordinary circumstances exist and that delay is indispensable to the interests of justice. A continuance may be granted only for so long as is necessary to serve the interests of justice. In ruling on a motion for continuance, the court shall consider the rights of the defendant and any victim to a speedy disposition of the case. If a continuance is granted, the court shall state the specific reasons for the continuance on the record.

c. **Other Continuances.** No further continuances shall be granted except as provided in Rules 8.1(e), 8.2(e) and 8.4 (d).

Attachment 7



MEMORANDUM

Pima County Attorney's Office
Civil Division
32 North Stone Ave, Suite 2100
Phone 520.724.5700 Fax 520.620.6556

To: Pima County Elected Officials
C. H. Huckelberry, Pima County Administrator

From: Andrew L. Flagg, Chief Civil Deputy
Regina L. Nassen, Deputy County Attorney and Chief Ethics Counsel

Date: November 15, 2017

Subject: Effect of Board of Supervisors' IT-related Policies on County Elected Officials

This Opinion replaces and supersedes Formal County Attorney Opinion No. 2004-02, "*Authority of County Administrator to Enforce Pima County's Administrative Policy Regarding Acquisition of Computer Equipment and Software against Elected Officials.*"

Background

New Policy: D 27.2

At its September 5, 2017, meeting, the Board of Supervisors adopted a new IT-related policy, D 27.2, *Pima County Information Technology Program Lifecycle Management Plan*. The new policy imposes presumptive lifecycles for various types of IT-related hardware, and requires all departments, including those under the various elected officials, to work with the central-county IT Department ("Central IT") and the Procurement Department when selecting and acquiring hardware and software in order to make such acquisitions in the most cost-effective manner. The motion approving the policy contained direction to modify the policy to provide that elected officials should develop and submit their own lifecycle policies. However, the policy also contains a number of provisions that imply that Central IT will exercise greater qualitative control over the selection of hardware and software by County departments, including departments headed by elected officials. Violations of the policy "will result in the offending software or hardware solution being removed from access to the County network."

Amendment of Existing Policy: D 27.1

At the September 5, 2017 meeting, the County Administrator also indicated that he plans to propose amendments to Policy D 27.1, *Pima County Information Technology Program*, and he provided a draft revised policy to the Board.

Policy D 27.1, as currently written, delegates authority to the County Administrator to administer the County's IT program and provides that "[i]t is the policy of the Board of Supervisors that all Elected Officials, Appointing Authorities and Department Directors are responsible to ensure their

departments/divisions: participate in the Pima County IT Program, utilize and leverage the IT operational environment provided by the County Administrator, and adhere to the procedures and guidelines established and administered by the County Administrator.”

The County Administrator has promulgated several Administrative Procedures pursuant to this delegated authority. Administrative Procedure 27-2, *Pima County IT Hardware & Software Purchases*, requires all software and hardware acquisitions to be “reviewed and approved as conforming to the submitting department’s automation plan, County system standards, and/or approved budget by the Pima County Administrator’s designee prior to acquisition.” A proposed acquisition that is found to not comply with those requirements must be justified in a written request for a variance. The policy also authorizes the County Administrator to “block or terminate any component of the IT Program, ... which has been detected to violate any County policy, especially any device/application/resource that poses a serious threat to security or integrity of the IT Program.”

The draft proposed revisions to Policy D 27.1 would add even stronger statements requiring all departments, including those headed by elected officials, to adhere to centrally-promulgated security standards, utilize centralized IT contracts for hardware and software purchases, and comply with “County IT published software versions, server and storage standards, computer standards and telecommunications (networking and phone) equipment.” Provisions have been added that prohibit accessing the County email and network systems using personal devices, and using County computers to access personal email and other electronic accounts; that authorize the County Administrator to “block or re-direct acquisitions that have been determined to be in violation of any County policy in order to maintain conformity to the standards and security for the County”; and that subject elected officials who violate the policy to “budget sanction by the Board of Supervisors.” The County Administrator has indicated that he has directed staff to revise the draft to address some of the concerns that have been raised about these new provisions, so it will likely be somewhat different when it is actually proposed for adoption.

Questions Presented

We have been asked to revisit the issues addressed in County Attorney Opinion 2004-02 and explain whether and to what extent County elected officials are required to abide by these Board of Supervisors IT-related policies and County Administrator procedures.

Discussion

Delegation of Authority to County Administrator

Our 2004-02 opinion concluded that County Administrator promulgated procedures are not binding on elected officials, and that the Board of Supervisors, by requiring hardware and software purchases by elected-official departments to be approved by the County Administrator, had improperly delegated to him too much of the Board’s discretionary authority. We have reviewed that conclusion, and the authority on which it was based, as well as subsequent legal authority, and are now updating and revising this aspect of our opinion.

The 1987 Attorney General Opinion relied upon in our 2004-02 analysis opined that “[p]owers granted to a governing body cannot be subdelegated, or transferred from the heads of agencies to

their subordinates, unless specifically authorized by legislation.”¹ The court opinions cited by that opinion do not, however, support such a broad statement. In one case, the Arizona Court of Appeals held that a school district governing board could not delegate, to the district superintendent, the authority to decide whether to retain a probationary teacher.² The relevant statute, however, specifically referred to “the board’s intention” to not offer a contract. And it specifically allowed the board to delegate to the superintendent the task of notifying the teacher of the retention/non-retention decision, which implied that no other delegation was permitted. The statutory language therefore clearly did not permit delegation of the decision at issue; the case does not establish a broader rule prohibiting any delegation of authority in the absence of specific statutory authorization.

In the other case relied upon by the Attorney General, the Arizona Court of Appeals held that a school board could not be bound by a collective bargaining agreement, nor could it delegate to the teachers’ union the right to fix salaries.³ The rule that an elected body cannot delegate its discretion to a private organization, however, does not mean that a public body cannot delegate some measure of discretionary authority to subordinate governmental bodies or officials. And A.R.S. § 11-201(A) specifically contemplates that a board of supervisors will delegate some measure of authority, by referring to “agents ... acting under the board of supervisors’ authority.”

It is true that a governmental body that has *legislative* authority cannot delegate that authority to another branch of government or to a subordinate official or body.⁴ But the authority delegated by the Board to the County Administrator in the IT policies, though it certainly involves the exercise of some discretion, and though the line is not always clear,⁵ is more executive than legislative. It is therefore our opinion that the Board’s delegation to the County Administrator of broad authority to administer and oversee the execution of its IT policies, including the authority to promulgate administrative procedures consistent with the goals expressed in those policies, is not improper.

Relationship between the Board of Supervisors and other County Elected Officials

Most of the cases we rely on for our analysis of the extent to which Board policies can bind other elected officials involve disputes between a county board of supervisors and the superior court, which is part of the judicial branch of State government. Those disputes involve a separation-of-powers component that a dispute between the county’s executive officials does not. Nevertheless, the reasoning in these cases appears to be applicable to the latter situation.⁶

1 1987 Ariz. Op. Atty. Gen. 189 (187-119).

2 Peck v. Bd. of Ed. of Yuma Union High Sch. Dist., 126 Ariz. 113, 115 (App. 1980).

3 Bd. of Ed. of Scottsdale High Sch. Dist. No. 212 v. Scottsdale Ed. Ass’n, 17 Ariz. App. 504, 510 (1972), *vacated on other grounds*, 109 Ariz. 342 (1973).

4 Tillotson v. Frohmiller, 34 Ariz. 394, 401 (1928); Southern Pac. Co. v. Cochise Cnty., 92 Ariz. 395, 404 (1963).

5 “The line of demarcation between what is a legitimate granting of power for administrative regulation and an illegitimate delegation of legislative power is often quite dim.” State v. Marana Plantations, Inc., 75 Ariz. 111, 114 (1953).

6 The Court of Appeals held, in Reinhold v. Bd. of Sup’rs of Navajo County, that the justice court, as a “constitutionally created body,” has the inherent right to “preserve its existence.” 139 Ariz. at 231-232. The

A county's executive authority is split among its board of supervisors and the other elected officials: assessor, treasurer, superintendent of schools, recorder, county attorney, and sheriff. The board has the broadest scope of authority, but each of the other elected officials has some area within which they exercise discretionary authority independent of the board. The board and each individual elected official has the right to conduct their official business without unreasonable interference from the others, but they are likewise required to act reasonably, and to cooperate with one another. What is reasonable will vary according to the circumstances, and depending on how discretionary a particular function is.⁷

Thus, a board of supervisors controls the overall county budget, including the allocation of funds to elected-official departments,⁸ but also has an obligation to adequately fund those departments.⁹ And those other elected officials are obligated to cooperate with the board regarding its fiscal decisions,¹⁰ and abide by the administrative policies and procedures developed by the board or under its direction¹¹—but only to the extent that this does not unreasonably interfere with their ability to decide how best to carry out the functions of their office.¹²

elected county offices are, like the justice court, established by the Arizona Constitution. Ariz. Const. art. VI, § 1 (establishing justice courts); Ariz. Const. art. XII, § 3 (establishing elected county offices). County elected officials therefore have this same right to defend their authority. See also Maricopa County v. Bioett, 21 Ariz. App. 286, 290 (1974) (recorder had the right to hire legal counsel, at county's expense, to sue the board of supervisors in order to defend his office; "To hold otherwise would leave the recorder at the complete mercy of those desirous of improperly usurping his functions").

- 7 In this regard, it should be noted that the board of supervisors has statutory authority to "supervise" the assessor and treasurer to a greater degree than the other elected officials. A.R.S. § 11-251(1) (board of supervisors may "supervise the official conduct of all county officers ... charged with assessing, collecting, safekeeping, managing or disbursing the public revenues").
- 8 A.R.S. § 11-201 (board of supervisors "has the power to . . . Determine the budgets of all elected and appointed county officers enumerated under § 11-401").
- 9 A.R.S. § 11-601 ("county charges" include "Salaries of county ... officers, deputies and employees and necessary expenses incurred in the conduct of their offices."); see also Bd. of Sup'rs of Maricopa County v. Stanford, 70 Ariz. 277, 282 (1950) ("it is the duty of the supervisors to budget properly for the operation of the assessor's office"); Bioett, 21 Ariz. App. at 290 ("the legal expenses incurred by the recorder [to sue the board of supervisors] were such 'necessary expenses' as to make them a county charge.").
- 10 Maricopa County v. Dann, 157 Ariz. 396, 398-399 (1988) (court should have complied with process for requesting an exemption from countywide hiring freeze because the policy was generally applicable, reasonable, and did not "interfere with the statutory or constitutional functions of the court"); Maricopa County v. Tinney, 183 Ariz. 412, 414 (1995) ("In times of financial difficulty, it is not unrealistic to expect the judiciary to cooperate with the legislative branch of government in working within restricted budgets.").
- 11 Lockwood v. Bd. of Sup'rs of Maricopa County, 80 Ariz. 311, 315 (1956) (Board of Supervisors can control the court's purchase and use of vehicles—provided it doesn't hamper the court's ability to operate, and provided its actions aren't arbitrary).
- 12 Mann v. Maricopa County, 104 Ariz. 561, 566 (1969) ("The Board of Supervisors had the ministerial duty of approving the [personnel] requests, unless there is a clear showing that the judges acted unreasonably, arbitrarily, and capriciously in making the request."); Broomfield v. Maricopa County, 112 Ariz. 565, 568 (1975) ("The Board of Supervisors to challenge the action of the presiding judge would have to make a clear showing

The Pima County Board of Supervisors has a legitimate interest in minimizing IT-related expenses, maintaining the compatibility of systems that interact with one another, and protecting the data stored in those systems. It is therefore not unreasonable for the Board to require all elected officials to lease or purchase computer equipment in compliance with normal county procurement procedures, use standardized equipment when possible, comply with reasonable security standards, and work cooperatively with other departments that have related IT systems. The various Pima County elected officials must therefore comply with the IT policies' requirements except in those instances in which those requirements are inconsistent with the reasonable exercise of their discretion regarding how to carry out their delegated functions. And before departing from the policies, they must attempt diligently and in good faith to reach agreement or work out a compromise with central administration.¹³ The County Administrator, Central IT, and the Board must also, however, act reasonably and grant exceptions to the policies' requirements when appropriate.¹⁴ Ultimately, an elected official's decisions about their IT system must be honored unless the official is acting arbitrarily and capriciously.

Two provisions in the policies are worth specifically mentioning. Section 4 of the new lifecycle policy says that an "offending software or hardware solution" can be "removed from access to the County network." If such an action would disrupt the ability of an elected-official department to conduct its business, it would not be appropriate in the absence of some sort of emergency situation. The "budget sanction" provision in the proposed amended IT Program policy is also potentially problematic. As noted above, the Board of Supervisors controls the County's budget and it may, when setting a budget, take into account what it perceives as bad fiscal decisions on the part of elected-official departments. If the policy, by "budget sanction," means no more than that, it is not particularly concerning. But the Board of Supervisors *is* obligated to provide the resources reasonably necessary for the various elected officials to do their jobs; a "budget sanction" cannot be so severe as to disrupt the functioning of the official's department.¹⁵

that the decision was unreasonable, arbitrary or capricious, and, in the absence of such clear showing, the decision of the presiding judge must be upheld.").

13 *Reinhold*, 139 Ariz. at 232. ("Mutual cooperation and an attempt to settle differences between the various branches of government is not only desirable, it is a legal prerequisite . . . ;" the court should exercise its power to compel the board to provide funding for personnel "only when there is no established method for obtaining needed personnel or when a reasonable, good faith, diligent effort to utilize such methods has been attempted and has failed.")

14 *Powers v. Isley*, 66 Ariz. 94, 106 (1947), ("the Board of Supervisors must exercise discretion, but they must act in a reasonable manner and not arbitrarily or capriciously in disapproving such salary. Neither must the judge in fixing the salary act arbitrarily or capriciously or unreasonably").

15 If the "sanction" involves taking money out of an elected official's current-year budget, there are also budget-law restrictions; the Board can "transfer monies between budget items" only if "[t]he transfer is in the public interest and based on a demonstrated need." A.R.S. § 42-17106(B)(2). If the sanction is intended to be punitive, it is difficult to imagine that that would qualify as a "demonstrated need." The County Administrator has indicated, however, that this is not the intent.

Conclusion

We revise our 2004-02 opinion regarding the Board's delegation of authority to the County Administrator to administer the County's IT program and find that such a delegation is not improper.

We do not, however, depart from the analysis in the rest of the 2004-02 opinion. The law requires the Board of Supervisors and the other elected officials with whom the Board shares the County's executive authority to work together in a reasonable manner so that each is able to act within the scope of their authority without unreasonable interference from, but also without unreasonably impinging upon, the others' discretion. The Board of Supervisors, as the repository of the broadest of the County's executive powers, including the power of the purse, has a legitimate interest in ensuring that County IT systems are acquired in a cost-effective manner, that they are appropriately secure, and that interacting systems are compatible to the extent necessary. Elected officials must respect Board policies designed to achieve those goals. At the same time, the selection and configuration of IT systems is often central to an elected official's conduct of their office, and the Board must respect their discretion in this regard, unless their actions are arbitrary or capricious.

Attachment 8



Office of the Pima County Attorney Significant Accomplishments 2017

FINANCIAL HIGHLIGHTS

1. The Asset Forfeiture Unit, during calendar year 2017, had 93 bonds forfeited and 29 bonds partially forfeited, resulting in \$548,216.52 in bond forfeiture monies sent directly to the county general fund.
2. The Adult Diversion Program collected \$35,776.42 in restitution and \$141,640.72 in revenue sent directly to the general fund for a total of \$177,417.14 for fiscal year 2016-17.
3. Victim Services Division utilized 173 trained community volunteers to provide crisis and advocacy services to crime victims. These trained volunteers, working along with our Victim Advocates, contributed 23,162 hours last fiscal year, gifting Pima County with \$446,563 in donated victim services. During fiscal year 2016-17, volunteers provided 7,474 services to 1,820 victims (1,270 crisis victims on-scene and 550 victims through court or in the office).
4. The Crime Victim Compensation Program processed 272 new victim claims and paid out \$297,267 from our grants and monies received from restitution awards, assisting victims with payments for medical, mental health, lost wages, crime-scene cleanup, transportation, and funeral expenses. Victims also received \$52,906.72 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 \$350,174.
5. The Civil Division Tort Unit received 26 new lawsuits in the period from July 1, 2016 through June 30, 2017, and currently has 30 open/active lawsuits in various stages of litigation. In that same period, the Tort Unit closed 33 matters. The total demand in the closed and pending closure cases was \$125,187,500. The total payout in those cases was \$388,900, a savings of \$124,798,600 (over 124 million).
6. The Civil Division Tax & Bankruptcy Unit, during fiscal year 2016-17, filed claims in bankruptcy cases totaling \$311,256.48 and collected \$596,309.67 in real and personal property taxes, benefitting Pima County. During the 2017 fiscal year, the Unit handled 924 cases consisting of 147 bankruptcy cases, 269 excess proceeds cases, 337 tax lien foreclosure cases, 58 tax court appeals, 67 small claims tax court appeals, and 46 eminent domain cases.
7. The Bad Check Diversion Program served a total of 9,426 individuals and merchants participating in the program as victims of bad checks. For FY 2016-17, the Program successfully returned \$83,279 in restitution to 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 cases from the criminal justice system.

8. The 88-CRIME Program, since inception, approved more than \$1,630,920 in cash rewards and assisted in the recovery or seizure of property valued at \$20,058,827, seized drugs valued at \$90,431,283 and 489 weapons. Tips received by 88-CRIME have resulted in 5,974 arrests. For FY 2016-17, 88-CRIME received 3,431 tips assisting law enforcement in protecting our community.
9. Administration staff trained and utilized 163 volunteers throughout the Pima County Attorney's Office (not including the Victim Services Division volunteers or Community Justice Board volunteers). Administrative volunteers donated 18,052 hours calculated at \$13.33 per hour saving Pima County \$240,626.50 in fiscal year 2016-17.
10. Our detectives, along with the Drug Enforcement Administration (DEA) Task Force detectives, seized from criminal enterprises one residence and seven vehicles used in connection with their criminal activities, resulting in assets and currency totaling \$426,000.00; DEA Task Force detectives seized over 6.2 kilos of meth, over 34.5 kilos of cocaine, 20 kilos of heroin, and made 17 arrests.

Our detectives, along with Homeland Security Investigations (HSI) Task Force detectives seized over seven pounds of methamphetamine, 20 pounds of cocaine, 219 kilos of marijuana, 10 pounds of heroin, \$49,000 in U.S. currency, four firearms, five vehicles, and made 23 felony arrests/indictments. Fentanyl and ecstasy pills were also seized.

CRIMINAL PROSECUTION

1. The Criminal Division, during fiscal year 2017, reviewed a total of 11,131 criminal cases presented by 30 federal, state, and local law enforcement agencies primarily 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 4,778 exceeding both Maricopa County (3,474) and the state of Arizona (3,347). However, the number of reported homicides in Pima County (49) for calendar year 2016 was a 6.5% increase over the number of reported homicides in Pima County (46) for calendar year 2015. The Felony Unit prosecutors' average caseloads are above the reasonable range.

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 2016-17, a total of 74.4% 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 18,585 cases with 11 prosecutors (1,690 cases per prosecutor) compared to the City of Tucson, which handled 38,757 cases with 30 prosecutors (1,292 cases per prosecutor). Our misdemeanor prosecutors' caseloads are now at the high end of the reasonable range.
3. The Juvenile Unit was presented 3,998 cases by law enforcement resulting in 2,517 cases

filed. Our juvenile prosecutors' caseloads are in the reasonable range.

4. The Detective Division received 10,909 requests for investigative services, served 2,869 subpoenas, conducted 534 interviews, located 1,020 victims, located 960 witnesses, and completed 48 special investigations during FY 2016-17. The Detectives Division also made 48 arrests.
5. A PCAO detective is assigned to and participates with the Pima County Sheriff's Department Domestic Violence Task Force. During FY 2016-17, Domestic Violence Detectives served 370 arrest warrants and made 10 probable cause arrests.
6. The Pima County Attorney's Office addresses domestic violence through specialized prosecution, a dedicated court, and victim advocacy. Domestic Violence Court arraigned 1,536 misdemeanor cases, channeling 811 of the most serious cases for heightened oversight. Victim advocates assisted a total of 2,180 domestic violence victims in court (1,209 through Domestic Violence Court) and 504 domestic violence victims on-scene.
7. The Pima County Attorney's Office has taken the lead in developing and implementing a statewide Domestic Violence Intimate Partner Risk Assessment Instrument and in developing a local Protocol for use in Pima County in coordination with law enforcement and nonprofit domestic violence service agencies. In 2017, major progress was made in this endeavor. The goal of the Assessment and related Protocol is to reduce the number of domestic violence murders and assaults causing serious physical injury. The Assessment evaluates a victim's risk for lethality or assault causing serious physical injury. The Assessment instrument is completed by law enforcement officers at the scene of a domestic violence arrest. The results of the risk Assessment then are immediately used in two ways: first, the results are submitted to the Court with the arrest paperwork so that the judge can consider, at the arrestee's Initial Appearance at the Jail, whether to impose release conditions on the arrestee (such as orders of no-contact with the victim and no return to the home) while the case is pending; and, second, the results are used by law enforcement officers and victim advocates to determine which victims are at elevated risk or high risk for homicide or serious physical injury, to inform those victims of their risk level, and to immediately connect those at elevated or high risk with safety planning and community-based services, including housing and counseling services, among others. In fiscal year 2016-17, a total of 627 victims were screened at felony crime-scenes in Pima County, of whom about 77% screened at high-risk of being murdered. The majority (76%) of those at high-risk were successfully connected with community-based advocacy and support services.
8. In 2016, the Arizona Supreme Court requested consideration of statewide implementation of the Pima County Lethality Assessment/Intimate Partner Risk Assessment form and Protocol. The Supreme Court asked the Arizona Prosecuting Attorneys Advisory Council (APAAC) to develop recommendations for a uniform, statewide form with a statewide protocol and to submit them to the Court. APAAC then appointed a committee whose co-chair was a representative from the Pima County Attorney's Office. Shortly thereafter in 2016, the Governor's Office of Youth Faith and Family sponsored evidence-based research regarding the use of risk assessments in intimate partner domestic violence cases. The Governor's Office supported research by

Dr. Neil Websdale of NAU in collaboration with Dr. Jill Messing from ASU. In 2017, the APAAC Committee - which was co-chaired by a representative of the Pima County Attorney's Office and included as members both Drs. Websdale and Messing, as well as a representative from Pima County's local service provider, Emerge! Center Against Domestic Abuse – developed and presented recommendations to the Arizona Supreme Court. Among those recommendations was a request that the Court issue an Administrative Order approving a new, standardized domestic violence intimate partner risk assessment instrument for use statewide. That recommendation was approved in December 2017, with an effective date of April 2, 2018, to allow time for printing and training prior to implementation.

9. The Pima County Attorney's Office has been the lead in coordinating and implementing the current Domestic Violence Intimate Partner Risk Assessment Protocol in conjunction with law enforcement and nonprofit agencies in Pima County and will continue to be the lead in implementing the new, statewide standardized instrument. The Pima County Attorney's Office, in partnership and collaboration with the Pima County Sheriff's Department, the Tucson Police Department, Emerge! Center Against Domestic Abuse, and Southern Arizona Legal Aid, has developed plans to expand use of the newly-approved, uniform risk assessment to include victims of misdemeanor as well as felony intimate partner domestic violence throughout Pima County. Together, they have formed a Task Force to seek private grant funding for this expansion, and the Task Force submitted a number of grant proposals in 2017.
10. The Pima County Attorney's Office in coordination with local law enforcement and local community providers implemented and administered collaborative trainings focusing on the investigation and prosecution of Domestic Violence cases. On May 24, 2017, advocates from the Victims Services Division and prosecutors from the Criminal Division's DV Unit coordinated with the Tucson Police Department for a full day of training/presentation to Law Enforcement from various local agencies including Marana Police Department, Oro Valley Police Department, and South Tucson Police Department. On October 23, 2017, advocates from the Victim Services Division and prosecutors from the DV Unit coordinated with the Pima County Sheriff's Department for a full day training/presentation to law enforcement from various local agencies including the Casa Grande Police Department. The trainings were well received by all agencies, and the feedback on the evaluations was such that both PCSD and TPD each has considered adopting the full day training as an annual event with the Pima County Attorney's Office as their partner.
11. For the last four years, the Pima County Attorney's Office has been the lead for the Domestic Violence Forensic Strangulation Protocol in Pima County. This protocol has been a collaborative effort with the Pima County Sheriff's Department and the Southern Arizona Center Against Sexual Assault. In 2017, the Strangulation Protocol expanded to include the Tucson Police Department. For the last two quarters of 2017, the victims of intimate partner violence with a strangulation component were evaluated for the same access to medical treatment and evidence collection services.
12. In 2017, the Pima County Attorney's Office and the Pima County Sheriff's Department revived the P.C. Alert protocols. 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. In 2017, the protocol expanded to include arrests made from compliance checks. Currently, the Pima County Sheriff's Department DV Team (which includes a Pima County Attorney's Office Detective) performs compliance checks, which are unannounced visits to locations prohibited to the defendant by the Criminal Courts. Any defendant found to be in violation is arrested and charged. The information is forwarded to the Victim Services Division of the Pima County Attorney's Office for immediate outreach to the victim.

13. On April 20, 2017, the Pima County Attorney's Office participated in a committee to review current Order of Protection standards across the state. At the initial meeting many barriers and obstacles that limit Order of Protection access to victims were discussed with ideas to amend or eliminate those barriers. A follow-up webinar for the committee was scheduled for September 15, 2017. The Pima County Attorney's Office participated in the follow-up meeting aimed at reviewing recommendations for the improvement of Orders of Protection in Arizona. Recommendations include items that can be implemented today with policy changes, as well as items for future legislative/systemic changes. These recommendations range from advocate availability in rural courthouses to extending the length of time Emergency Orders of Protection can remain active
14. Victim advocates made 50,064 contacts with 10,163 crime victims, providing 106,767 services (including 24-hour crisis intervention, group crisis intervention, court accompaniment, advocacy, assistance with victim compensation, and referrals to community services) during FY 2016-17.
15. 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. Between July 1, 2016 and June 30, 2017, there were 86 cases in which Blake was involved in assisting victims. Of those 86 cases – 14 of them went to trial. Colleen, the courthouse dog's handler, had more than 146 contacts with victims where Blake was involved. Many of these were child victims of terrible abuse. Blake was able to comfort and provide a feeling of safety for these young victims.
16. The Pima County Attorney's Office maintains 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 these protocols are updated to reflect changes in legislation and service agencies. In the past year, updates/revisions have been made to the protocol for the Multidisciplinary Investigation of Child Abuse and to the Domestic Violence Response Protocol. Revisions to the Domestic Violence Response Protocol continue as the Arizona Supreme Court will be issuing a decision on

the risk/lethality assessment instruments in December. If approved, there will be an implementation date of April 2, 2018, followed by judicial training by the Arizona Administrative Office of the Courts and law enforcement basic training by AZPOST to occur in March, 2018.

17. 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, a non-profit agency that began under leadership from the Pima County Attorney's Office in 1995. In FY 2016-17, the Arizona Children's Advocacy Center served 1,318 victims of alleged child abuse and conducted 1,163 forensic interviews. There were 868 case dispositions (including actions that occurred at issuing and after indictment) through the County Attorney's Office for 971 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.
18. The Pima County Attorney's Office co-chairs 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. This year, DVFRT expanded its membership to include DV survivors and representatives from the Pascua Yaqui Tribe. It completed its fourth review and report to the Arizona Attorney General and worked on implementing the recommendations of past reports.
19. The Pima County Attorney's Office continued to work with law enforcement, victim services, and the Sexual Assault Resource Team, previously Southern Arizona Center Against Sexual Assault, to develop a forensic strangulation exam program. In appropriate cases, victims of strangulation are offered a free forensic exam to determine whether the victim is injured and to document evidence of domestic violence. Twenty-nine forensic strangulation exams have been performed. The forensic strangulation team continues to track its cases and evaluate team agent performance.

CIVIL LEGAL SERVICES

1. The Employment Unit opened 18 employment related cases in 2017. These cases were administrative proceedings before the Pima County Merit System Commission and Pima County Law Enforcement Merit System Council, the Arizona Civil Rights Division/Equal Employment Opportunity Commission, and Federal Court and Arizona Superior Court. A total of 16 employment cases are currently pending. The Unit closed 15 employment cases in the last year, with no adverse decisions to the County and one monetary settlement. In total, the Employment Unit saved the County at least \$35,601,190 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, including training all supervisors and managers on implementation of Prop. 206. The legal advice included analysis, research, and

assistance in a variety of disciplinary matters as well as Paid Sick Time, Americans with Disabilities Act, and Fair Labor Standards Act issues.

2. The Health Law Unit during FY 2016-2017, reviewed, revised, and drafted health-related contracts and managed approximately 2,143 active cases involving petitions for involuntary commitments to the hospitals for mental health treatment which is a significant increase from the previous FY year. The Unit provided numerous hours of training to law enforcement agencies and hospitals on the civil commitment process as well as several hours of training to various County departments and community organizations on topics such as legal intervention in tuberculosis cases, as well as open meetings and public records laws. The Unit worked closely with community partners to design an outpatient evaluation process which, when implemented, will save the County money by reducing the number of hospital days for which it pays. The Unit works with the County's Data Exchange Committee to identify the various data sources in the County's health, community services, and justice systems in order facilitate the exchange and analysis of that data to improve outcomes for individuals using County programs. Once again, 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 is implementing new legislation for the supervision and treatment of non-competent-not-restorable and guilty except insane criminal defendants.
3. The Sheriff's Legal Advisor Unit responds to requests for legal advice and assistance on a 24-hour, seven-day-per-week basis. During FY 2016-2017, the Unit provided 70 hours of training and reviewed 51 contracts and Intergovernmental Agreements. In addition to responding daily to multiple requests for advice, the Unit reviewed approximately 3,341 public records request.
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. BTU also provides advice and training throughout the County on open meeting and public records laws. 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. They provided legal advice on issues ranging from environmental compliance and liability to state constitutional requirements and business-risk assessment. BTU lawyers are currently defending the County in a lawsuit brought by the Goldwater Institute, and have briefed or helped other units brief several significant appellate cases. Significant matters the Unit worked on last year include:
 - a. Assisted outside counsel in settling a large lawsuit involving a \$5,000,000 claim by a County roadway contractor; settled for \$400,000, with payment going to the contractor's surety

- b. Participated, on behalf of the County, in power company rate cases before the Arizona Corporation Commission; helped convince Commission to maintain a municipal discount, which will save the County around \$1,000,000 this year
 - c. Continued pursuing an administrative appeal involving water quality certification for the Rosemont Mine
 - d. Assisted Procurement with revising and updating County contract templates
 - e. Participated as issuer's counsel in several debt issuances
 - f. Currently defending a Goldwater Institute lawsuit challenging the legality of the County's lease-purchase transaction with World View. The Court of Appeals recently ruled in the County's favor on one issue; other aspects of the case continue to be litigated in the trial court
 - g. Currently working on several ground leases for the development of land both downtown and at the Aerospace Business Park for new and existing employers
5. The Land Use and Environmental Unit enforces County environmental and land use ordinances, provides legal advice, and defends claims related to County activities for the County and affiliated entities. The Unit manages an active caseload of administrative proceedings and matters litigated in state and federal courts. The Unit also provides representation in defending the County from environmental liability for landfills once owned or operated by the County.

ADMINISTRATION

1. IT released CAMMS for Felony Case Management System replacing the 25+ year old CAPS PowerBuilder application. This release removes the dependency on WordPerfect as all documents generated in CAMMS are Microsoft Word paving the way for the eventual elimination of WordPerfect.
2. In coordination with the release of the CAMMS Felony Case Management System, IT re-developed and released a new external CAMMS web-based application to replace the CAPS-based web application ensuring that the courts and law enforcement maintain continued access to critical case information.
3. IT procured and upgraded three critical primary Cisco firewalls that had come to end-of-life to continue meeting ACJIS security requirements. This project was completed internally by IT staff saving the County \$22,000 in consultant fees.
4. IT, along with Administration, continued to participate in collaborative efforts among multiple agencies to provide required data and assistance to the County in its efforts to support the MacArthur grant.
5. IT implemented Worldox Web to enable civil staff to access data and documents remotely.

6. IT replaced 28 aging HP 4700 LaserJet printers with HP M651xh and M653dn printers, reducing printing repair costs significantly and enhancing security through the use of Secure Print technology.
7. IT replaced and configured the Juvenile Division ASA-5540 firewall, as the current firewall reached its end of life in September 2017.
8. IT developed a Priors component for CAMMS to allow the input and tracking of all priors requests against cases in CAMMS. This includes all felony, misdemeanor, and juvenile cases.
9. IT developed a specialized application to assist all County Attorney Offices and Law Enforcement Agencies throughout the state in managing RICO monies and reporting of all seized assets as required by the state legislature.
10. The Pima County Attorney's Information Technology (I.T.) unit successfully upgraded its OnBase solution from version 16 to version 17 to ensure continued technical relevance, security, and distribution of enhanced user features.
11. Administrative Services prepared and submitted, on time, 686 monthly, quarterly, and annual financial reports to federal, state, and local agencies, as well as various departments during FY 2016-17.

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 87 adult volunteers participating in the program. The 18 Community Justice Boards have received 376 referrals in calendar year 2017. Program compliance in 2017 is 96%. The cases referred to the Community Justice Boards are juvenile cases that were not prosecuted. Successful completion and diversion from prosecution saves the county from defense, court, and probation costs.
2. The Communities Addressing Responsible Gun Ownership Program (CARGO) attended 15 community events and distributed 1,135 gunlocks in 2017. The "Lock up Your Gun" campaign distributed 5,480 gunlocks to 43 participating community organizations and partners. A total of 6,615 gunlocks were distributed free to the community for calendar year 2017. Since inception of the CARGO Program and the "Lock up Your Gun" campaign, we have distributed more than 86,000 gunlocks. These gunlocks are paid for with funds seized from criminal enterprises.
3. The Adult Diversion Programs diverted 850 defendants from criminal prosecution providing significant savings to the county and the courts. The success rates for these programs were 88% for felonies, 92% for substance charges, and 78% for misdemeanors, with an overall success rate of 85%.

4. 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. In the last fiscal year we have conducted three trainings, which included representatives from every law enforcement agency in Pima County (including Pima College, University of Arizona, and tribal police departments). Each training averages about 45 participants, and is a full 40 hour week. This training facilitates safe intervention by law enforcement officers when dealing with individuals suffering from mental health crises.
5. The Pima County Attorney's Office worked closely throughout 2016-17 with the County Administrator, the Sheriff, the Court, Pretrial Services, the Probation Department, and Indigent Defense 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, and hosting a national leadership institute of prosecutors from across the United States. As part of its commitment to the Safety + Justice Challenge, the Pima County Attorney's Office has implemented a Misdemeanor Drug Diversion Program and is piloting a Felony Drug Diversion Program in conjunction with Community Bridges, Inc. and the Public Defender's Office, with technical assistance from the Association of Prosecuting Attorneys and financial assistance from the MacArthur Foundation. PCAO has obtained state funding for the Felony Drug Diversion Program to sustain it on an ongoing basis, and has worked with the Superior Court Presiding Judge, through the Behavioral Health Treatment Court Collaborative, to implement a timeline and a plan to develop a Consolidated, Multi-Jurisdiction Misdemeanor Problem-Solving 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 and Tucson City Court.

Once completed, the Consolidated, Multi-Jurisdiction Misdemeanor Problem-Solving Court is expected to reduce recidivism; thereby, reducing 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. The Pima County Attorney's Office is using funds it administers under the Behavioral Health Treatment Court Collaborative (BHTCC) grant from the federal Substance Abuse & Mental Health Services Administration (SAMHSA) to plan and develop this new Problem-Solving Court. Moreover, the Pima County Attorney's Office is pursuing means by which to improve and expand its Adult Diversion Programs for those non-violent, non-dangerous defendants charged with both misdemeanors and felony drug possession or paraphernalia offenses.

6. The Pima County Attorney's Office was selected by the national Association of Prosecuting Attorneys (APA) and the MacArthur Foundation (MacArthur) as the first prosecutor's office in the country to host a national Leadership Institute on "Prosecutors as Change Agents." The conference included events at the County Attorney's Office, as well as at the Justice Courts building and other locations throughout Tucson. Attendees included more than two dozen prosecutors from over 13 states, as well as representatives from the International Association of Chiefs of Police, the Vera Institute of Justice, the APA, and MacArthur. Pima County is one of only ten core sites selected to receive significant grant funding from MacArthur's Safety

+ Justice Challenge to safely reduce its county Jail population. We are the only core site in Arizona. Our Office has been one of the County's key partner agencies involved with the Safety + Justice Challenge from its inception, and we are pleased to be recognized as a national leader with regard to making positive changes in the criminal justice system. Being selected as the first host site for the national Leadership Institute recognizes the leadership role the Pima County Attorney's Office has undertaken as part of the Safety + Justice Challenge and the resources we have dedicated to the Challenge.

7. The Pima County Attorney's Office has continued its leadership role in facilitating a special ethics training for law enforcement officers and prosecutors throughout Pima County known as "What You Do Matters: Lessons from the Holocaust." This training was developed by the U.S. Holocaust Memorial Museum in Washington, D.C. in conjunction with top prosecutors and law enforcement officers, and its curriculum is approved by the Museum. Arizona is the first state to bring the training out of the Museum and into the community. Facilitators underwent a year-long training to become certified and subsequently have undergone mandatory, annual refresher trainings. The ethics training, which has been presented to law enforcement academy trainees, to law enforcement agency commanders, and to law enforcement officers from a variety of local and state agencies is sponsored jointly by the Arizona Police Officer Standards and Training Board and the Arizona Prosecuting Attorneys Advisory Council, both of which offer continuing education credits for the training.