COUNTY ADMINISTRATOR'S OFFICE

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C.H. HUCKELBERRY
County Administrator

May 25, 2018

J. Arthur Eaves, Attorney
Sanders + Parks Attorneys at Law
3030 North Third Street, Suite 1300
Phoenix, Arizona 85012

Re: **Anti-Racketeering Revolving Fund – Outside Agency Expenditure Requests**

Dear Mr. Eaves:

On March 20, 2018 I forwarded to you a memorandum from Pima County Attorney Barbara LaWall in response to your recommendation to seek clarification on 16 Anti-Racketeering Revolving Fund outside agency expenditure requests.

The Board of Supervisors would like to address this issue at its next meeting, which will be held June 12, 2018. I would appreciate your review of Ms. LaWall's memorandum by June 1, 2018.

Sincerely,

C.H. Huckelberry
County Administrator

CHH/lab

Enclosure

c: The Honorable Chairman and Members, Pima County Board of Supervisors
The Honorable Barbara LaWall, Pima County Attorney

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C.H. HUCKELBERRY
County Administrator

March 20, 2018

J. Arthur Eaves, Attorney
Sanders + Parks Attorneys at Law
3030 North Third Street, Suite 1300
Phoenix, Arizona 85012

Re: **Anti-racketeering Revolving Fund – Outside Agency Expenditure Requests**

Dear Mr. Eaves:

Please review the attached March 19, 2018 memorandum from Pima County Attorney Barbara LaWall in response to your recommendation to seek clarification on 17 Anti-racketeering Revolving Fund outside agency expenditure requests.

Sincerely,

C.H. Huckelberry
County Administrator

CHH/anc

Enclosure

c: The Honorable Chairman and Members, Pima County Board of Supervisors
The Honorable Barbara LaWall, Pima County Attorney

Barbara LaWall
Pima County Attorney

Pima County Attorney's Office
32 N. Stone Avenue, #1400
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Phone: 520-724-5600
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MEMORANDUM

To: C.H. Huckelberry, Pima County Administrator

From: Barbara LaWall, Pima County Attorney

Date: March 19, 2018

Re: Anti-racketeering Revolving Fund – outside agency expenditure requests

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A. Introduction

At the February 20, 2018 Board of Supervisors meeting, the Board approved 33 of my requests, as required by A.R.S. § 13-2314.03 and Board of Supervisors Policy C 6.3, to expend funds from the Pima County Attorney's Office Anti-racketeering Revolving Fund in support of community-based programs at outside agencies whose missions are supportive of and consistent with law enforcement policies, efforts, or initiatives. The Board sought clarification as to the remaining 17 requests. The Board's decision followed recommendations by its outside counsel, J. Arthur Eaves, set forth in a letter dated February 16, 2018, which the Board voted to make public. In that letter, Mr. Eaves recommended that the Board "seek clarification" with respect to the remaining 17 requests.

With minor exceptions related to the application from the Angel Heart Pajama Project, I respectfully disagree with Mr. Eaves that any clarification is necessary; nonetheless, I am providing this memorandum in response to the Board's request. In doing so, I emphasize that the Board's role in approving Pima County Attorney's Office Anti-racketeering Revolving Fund expenditure requests is limited to determining whether each proposed expenditure is legally authorized, not whether it reflects a sound policy decision. *See* A.R.S. § 13-2314.03(E) ("The board of supervisors *shall approve* the county attorney's use of the monies if the purpose is authorized by [§ 13-2314.03], section 13-4315 or federal law.") (Emphasis added). Policy issues raised by Mr. Eaves are not reasons for the Board to object to approval; accordingly, I will consider the policy issues he has raised just as I would consider any recommendation from a concerned citizen.

I begin by addressing the repeated objection by Mr. Eaves that community-based programs which, in his words, "keep kids off the streets during high risk hours," are insufficiently connected to law enforcement efforts, policies, or initiatives.[1] I set forth below the individual basis for finding that each of the 17 community-based programs as to which Mr. Eaves raised questions or sought clarification is "supportive of and consistent with a law enforcement effort, policy, and/or

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[1]Letter from J. Arthur Eaves to Chuck Huckelberry ("Eaves Letter"), at 1 (Feb. 16, 2018).

initiative" and thus is an eligible recipient of Anti-racketeering funds.[2] In doing so, I identify several areas in which Mr. Eaves appears to have either overlooked or misread the information regarding the program submitted in the outside agency's application. Last, I address issues Mr. Eaves raised with respect to those expenditures for which he recommended approval, and which the Board of Supervisors has approved.

B. Research shows that promoting protective factors among juveniles reduces delinquency

Mr. Eaves appears to believe that the connection between community-based programs that engage juveniles and reduction in delinquency (juvenile crime) is too "tenuous" to demonstrate that those programs are "supportive of and consistent with a law enforcement effort, policy, and/or initiative." It is, however, well recognized that family- and community-level "protective factors" such as mentoring from involved adults, involvement in educational and social opportunities, and opportunities for prosocial participation are among those factors that are "crucial in reducing the likelihood that youths will engage in delinquency and other problem behaviors such as violence and substance abuse."[3]

Community-based programs that help educate and mentor youth and involve them in productive after school activities can help develop these protective factors, and therefore reduce the likelihood of future delinquency. After school programs, for example, have been shown to keep children engaged during the time period in which they are "most likely to engage in risky behavior, including vandalism, violent crime, and sexual activity,"[4] and therefore reduce delinquency. "Research and evaluation studies have shown that participation in after school programs have a positive impact on juvenile crime and help reduce pregnancies, teen sex,

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[2]Department of Justice Equitable Sharing Program, Interim Policy Guidance Regarding the Use of Equitable Sharing Funds ("Interim Guidance"), § B(1)(*l*) (2014).

[3]United States Department of Justice, Office of Juvenile Justice and Delinquency Prevention, *Literature Review: Protective Factors Against Delinquency*, at 10 (Dec. 2015) (available at https://www.ojjdp.gov/mpg/litreviews/Protective%20Factors.pdf) ("*Literature Review*"); *see also* Centers for Disease Control and Prevention, *Youth Violence: Risk and Protective Factors*, at https://www.cdc.gov/violenceprevention/youthviolence/riskprotectivefactors.html (last accessed Feb. 26, 2018).

[4]Nellie Mae Education Foundation, *Critical Hours: Afterschool Programs and Educational Success*, at 34 (May 2003), available at https://www.nmefoundation.org/resources/time/critical-hours-after-school-programs-and-education.

and boys' marijuana use."[5] One long-term United States Department of Justice study of a large after school program in Los Angeles, for example, showed that students who "consistently attended" the program "demonstrate[d] a substantively significant reduction in the juvenile crime hazard" over those who inconsistently attended or did not participate in the program.[6] Additionally, a 2015 literature review by the United States Department of Justice's Office of Juvenile Justice and Delinquency Prevention listed a Big Brother Big Sister Community-Based Mentoring Program that provided one-on-one adult mentoring as an evidence-based program demonstrated to decrease children's likelihood of drug and alcohol use and violence.[7]

Logically, children are not only at risk of delinquency, but also are at risk of crime *victimization* during after school hours. This has been shown to be particularly so for violent offenses.[8] Accordingly, after school programming for children not only prevents delinquency but also prevents victimization – prevention efforts that are directly supportive of and consistent with law enforcement efforts, policies, and initiatives.

Community-based programs that provide educational opportunities also support the law enforcement mission of reducing delinquency and crime. About two-thirds of state prison inmates nationally lack high school diplomas,[9] compared to twelve percent of the population as a whole.[10] In Arizona prisons, several thousand inmates are currently enrolled in high school equivalency and

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[5]American Institutes for Research, *Afterschool Programs Make a Difference: Findings From the Harvard Family Research Project* (2017), available at http://www.sedl.org/pubs/sedl-letter/v20n02/afterschool_findings.html.

[6]United States Department of Justice, National Institute of Justice, *The Long-Term Effects of After-School Programming on Educational Adjustment and Juvenile Crime: A Study of the LA's BEST After-School Program* (June 2007), *available at* http://www.lasbest.org/imo/media/doc/LASBEST_DOJ_Final%20Report.pdf.

[7]*Literature Review*, at 10.

[8]United States Department of Justice, Office of Juvenile Justice and Delinquency Prevention, *Literature Review: Afterschool Programs*, https://www.ojjdp.gov/mpg/litreviews/Afterschool_Programs.pdf.

[9]United States Dep't of Educ., Policy and Program Studies Service, *State and Local Expenditures on Corrections and Education*, at 2 (July 2016), *available at* https://www2.ed.gov/rschstat/eval/other/expenditures-corrections-education/brief.pdf; *see also* Bureau of Justice Statistics, *Special Report: Education and Correctional Populations*, at 1 (Jan. 2003, NCJ 195670), *available at* https://www.bjs.gov/index.cfm?ty=pbdetail&iid=814.

[10]United States Census, *Educational Attainment in the United States: 2015*, available at https://www.census.gov/content/dam/Census/library/publications/2016/demo/p20-578.pdf.

functional-literacy programs.[11] And, of course, habitual truancy is itself unlawful and an act of incorrigibility.[12] Community-based programs that help keep children in school (for example, by providing them with backpacks or shoes) reduce truancy by definition.

Thus, community-based programs that promote educational attainment and provide children opportunities that promote protective factors have the preventative effect of helping reduce crime. Preventative programs are clearly permissible recipients of anti-racketeering funds. Indeed, Mr. Eaves appears to recognize this to some degree, noting, in recommending approval, for example, of an expenditure request from Center for Economic Integrity that the program kept children during "the riskiest hours for juveniles to engage in criminal behavior and/or be exposed to crime and substance use or abuse."[13] But, for those types of community-based programs, Mr. Eaves apparently believes there must be an *additional* connection to law enforcement before he will conclude that an organization that engages youth is "supportive of and consistent with a law enforcement policy, effort, and/or initiative."[14]

Mr. Eaves requires no such additional second level of law enforcement connection for many other community-based programs that do not involve law enforcement directly, but that he quite rightly concludes are "supportive of and consistent with a law enforcement effort, policy, and/or initiative." Perimeter Bicycling Association of America (PBAA), for example, sought funding for a program that allows sentenced juvenile delinquents to perform community service required as a condition of their sentences in the PBAA offices. And, Neighbors for Justice sought funds for a program that provides diversion to juveniles who have been accused of a criminal offense. Because these programs help those who are accused of or have committed offenses, Mr. Eaves correctly concluded that they are supportive of law enforcement without requiring any additional law enforcement connection or the involvement of law enforcement officers.

It is unclear why Mr. Eaves did not apply the same standard to community-based programs that help young people avoid ever being involved in the juvenile justice system by promoting protective factors that have been proved to reduce delinquency. It certainly is not because of the language in the federal guidelines –

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[11]Arizona Dep't of Corrections, Corrections at a Glance (Jan. 2018), *available at* https://corrections.az.gov/sites/default/files/REPORTS/CAG/2018/cagjan18.pdf.

[12]A.R.S. § 15-803(B); *see also* A.R.S. § 8-201.

[13]Eaves Letter, at 8.

[14]*See* Eaves Letter, at 22 (reviewing request by Rincon Optimist Club: "Other organizations have suggested keeping kids off the street was a law enforcement mission. While that may hold a kernel of truth, my recommendation is that there should be some additional connection to law enforcement goals or law enforcement involvement.").

the guidelines do not require direct law enforcement connection, let alone multiple law enforcement connections or direct law enforcement participation. Community-based programs that provide the types of activities that promote protective factors proven to reduce delinquency support law enforcement, as do programs that provide community-service or diversion opportunities for those already in the juvenile justice system. They just do it in different ways. Nothing in the guidelines supports applying a different standard to the former than to the latter.

Mr. Eaves' questioning of the eligibility of these community-based, preventative programs for this funding is unfounded. They are not merely "noble"—they all support the law enforcement goals of reducing delinquency and preventing victimization and thus qualify for anti-racketeering funding.

C. Responses to the Board's request for clarification[15]

Here, I respond individually to each of the expenditure requests for which Mr. Eaves recommended "seek clarification." It is my sincere hope that, upon reviewing these responses, the Board will reach the straightforward conclusion that each of these community-based programs qualifies for anti-racketeering funding.

1. Angel Heart Pajama Project

Mr. Eaves states:

"Angel Heart is a non-profit group which serves the worthwhile purposes of providing children in difficult situations with pajamas and books. While this is a noble cause, it is unclear how this goal is supportive of or consistent with a law enforcement goal.

A. The application lists a page of agencies which it supports; not one of them is a law enforcement agency.
B. There is mention of a new program whereby the group provides first responders with books for children. 'First responders' does not equate with law enforcement. This could be limited to paramedics or other emergency personnel. We need to see evidence from a police agency that (1) they have utilized books from this program and (2) the use of the books

[15]All of the information taken from the applications and Pima County Attorney summary spreadsheets is publicly available as part of the Board of Supervisors' February 20, 2018 Agenda background material, at the following links:
https://pima.legistar.com/View.ashx?M=F&ID=5778288&GUID=34108BEA-8F15-49EA-A172-73BF8DA36927;
https://pima.legistar.com/View.ashx?M=F&ID=5778289&GUID=6B76C15B-CDC7-4E94-AD9D-A4D62AE1C27E;
https://pima.legistar.com/View.ashx?M=F&ID=5778287&GUID=6DF8CBE9-5D9A-47F7-92C3-FF4D2DD7D736.

have been effective to support a law enforcement interest or purpose.

C. The Application Certificate seems to indicate that an officer, director, trustee or fiduciary of the applicant has been convicted of a crime. (It may be because of a lack of clarity in the certification, but this needs to be resolved.)"

The Program's application (previously provided) states:
Angel Heart Pajama Project supports the many children who are in the system due to problems at home, drug use or parental abuse. The state of Arizona's number of children in the system is 17,000 and approximately 5,000 or more in Pima County. The collaboration with schools, business and churches that Angel Heart Pajama Project has allows us to promote safe behaviors and literacy in our community.

Angel Heart Pajama Project works in support of community agencies that provide shelter, foster care and homeless service to children. In addition we are supporting first responders with books to have in their cars in order to give children when they are in distress from a situation during a house, school or anywhere they are called to intervene.

Our organization provides the comfort needed for a child and promotes literacy in our community. It is great when a police officer gives out a book to a child in an emergency. It models the respect and caring that our officers and other responders need in situations where the child is distressed and needs a friendly touch.

The Pima County Attorney's summary spreadsheet (previously provided) states:
Funds will support a community based program providing pajamas and books for children in homeless shelters and in foster care to 13 Pima County agencies servicing this distressed, at risk population. Additionally books are with first responders to give to children when they are called to intervene.

Clarification by the Pima County Attorney of her legal analysis:
This program helps support at-risk youth who have experienced problems at home, including drug use or parental abuse, providing them new pajamas and books. First responders (including, as indicated in the application, police officers), provide children with books as part of the program. Angel Heart has since clarified that, while it works with all first responders such as firefighters and EMTs, as well as police officers and sheriff's deputies, it uses anti-racketeering funding only to work directly with *law enforcement*. (*See* attached memorandum.) This program provides a positive experience for children facing crisis after they have

been victimized by a crime, such as abuse or neglect, or by an incident such as a home burning down that likely will be investigated as a possible crime (potential arson), and engages middle- and high-school students in preparing books and pajamas for distribution. As explained in more detail in Section B, above, Angel Heart Pajama Project is supportive of and consistent with the law enforcement effort, policy, and/or initiative of reducing delinquency by promoting protective factors for at-risk youth and also serves victims of crime.

Mr. Eaves asserts that "[w]e *need to see evidence* from a police agency"[16]supporting this program's connection to law enforcement. But, respectfully, his advice is inaccurate. Neither state law nor the federal guidelines requires "evidence from a police agency" in order to evaluate the decision of a law enforcement agency such as the Pima County Attorney's Office to allocate anti-racketeering funds to a community-based program. Indeed, the federal guidelines merely provide that "[t]he chief law enforcement officer must approve the transfer and must ensure the recipient is a qualified entity."[17] And they list among the examples of permissible recipients a "job skills program."[18] Naturally, no "evidence from a police agency" would be required to show that such a program qualifies.

Mr. Eaves also notes a deficiency in the certification provided by Angel Heart. Mr. Eaves is correct, and also correct in his supposition that this was merely a misunderstanding by Angel Heart. This has been corrected with a revised certification attached to this memorandum.

2. Casa de los Niños

Mr. Eaves states:

"CN is seeking a grant for what is a great purpose but seems tenuously related to law enforcement purposes.

CN seeks $5,000.00 to fund a course program for adolescent girls which 'promotes healthy psychosocial development in female adolescents.' The course will focus on topics: (1) being a girl and understanding our bodies, (2) girls issues in today's society, (3) positive self-image, (4) friendship, dating and the importance of being assertive, (5) making tough choices, (6) talking about touch, (7) let's talk about sex, (8) STD's and contraception, and (9) visions for a stronger future.

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[16]Eaves Letter, at 5.

[17]Interim Guidance, § V(B)(1)(*l*).

[18]*Id.*

Undoubtedly these are all worthy topics; however, it is a stretch to say that any of those topics related to any of the permissible uses of RICO funds.

CN says their program supports law enforcement purposes by preventing juvenile crime. That connection does not seem justified.

CN also claims the program will reduce substance abuse. While one of the course topics might touch on substance abuse (Making Tough Choices), substance use appears to be only a small part of one of nine courses taught here.

This may be a program worthy of grant funds, however, the current application fails to demonstrate that the program satisfies the laws and guidelines for the expenditure of RICO funds.
PCAO approved this expenditure as:

1. A gang prevention program.
2. A substance abuse prevention program.
3. A community-based program supportive of law enforcement interests and policies.

While the application briefly mentions substance use and gang prevention, it does not seem fair to classify this as a 'gang prevention program' or 'substance abuse education program.'

The law enforcement policies and interests supported by this group seems extremely tenuous."

<u>The Program's application (previously provided) states:</u>
*The Pima County Attorney's Office seeks to implement, promote, and participate in programs that reduce crime and enhance the quality of life in our community. Adolescence is a time of tremendous growth and potential, but also a time of considerable risk during which social contexts exert powerful influences. Many adolescents face pressures to use alcohol, cigarettes, or other drugs and may experience a wide range of adjustment and mental health issues. The [*Go Grrrls *Project (GGP)] preemptively provides a forum for helping adolescent females cope with pressures and transition into adulthood successfully. Young girls who participate in programs like GGP make healthier choices including: avoiding drugs and alcohol and eating right; enjoy school and have better educational outcomes; and have better self-control and higher self-esteem. GGP helps participants to build positive supportive relationships.*

GGP is consistent with the County Prosecutor's policy and initiatives to prevent juvenile crime and collaborate with others to make communities safer and improve the quality of life. Adolescence can be a trying time for

youth and often ties to problems in school such as chronic absence/truancy, low achievement, disruptive behaviors, and dropping out. In turn, this often links to adolescent depression/anxiety, suicide ideation, substance use, and juvenile delinquency system involvement. GGP workshops integrate didactic instruction, class discussion, group exercise, worksheets, role playing, and journal assignments to help the girls internalize what they have learned. The following participant comments illustrate same: "I understand you don't have to put up with someone just because they are cool; I like how the others were really helpful when I shared my situation; I will think more before doing things; and I will teach my friends how well a good situation could turn bad."

<u>The Pima County Attorney's summary spreadsheet (previously provided) states:</u>
Funding for this community based program will inform and guide at-risk adolescent females to make healthy choices, including avoiding drugs, alcohol, and risky sexual behaviors. It provides adolescents with the knowledge and tools needed to combat unsafe and potentially criminal behaviors.

<u>Clarification by the Pima County Attorney of her legal analysis:</u>
Mr. Eaves' dismissal of this program's connection to law enforcement is disappointing in that it shows a lack of knowledge regarding the ways in which to protect girls who have been victimized or are at risk of being victimized by perpetrators of sexual and physical abuse. One would hope that, especially in the current cultural environment surrounding awareness about the impact of sexual assault on women and girls, Mr. Eaves could appreciate how educating and empowering at-risk girls translates into reduced victimization through sexual and physical violence.

This program provides a positive, empowering experience for girls during adolescence. In doing so, it promotes protective factors that reduce the risk of delinquency, substance abuse, and gang activity, and in addition helps girls avoid being the victims of sexual and physical abuse. As explained in more detail in Section B, above, these benefits are supportive of and consistent with the law enforcement effort, policy, and/or initiative of avoiding delinquency and reducing the risk of crime victimization.

In addition, by helping reduce substance abuse and gang activity, the program qualifies as a substance-abuse- and gang-prevention program under A.R.S. § 13-2314.03(F). Mr. Eaves asserts, with "because I say so" as his apparent authority, that this program does not qualify as a substance-abuse- or gang-prevention program. But it is difficult to see how a program that has among its benefits reduction in risk of substance abuse and gang activity does not qualify. Perhaps Mr. Eaves' objection is

that the program has many additional benefits *in addition to* reduction in risk of substance abuse and gang activity, but it would be a strange objection indeed that a program has too many benefits to qualify for anti-racketeering funding.

3. Educational Enrichment Foundation

Mr. Eaves states:

"EEF is an organization which pays for the teens to be involved in extracurricular activities that now require parents to pay additional money. Activities like sports and band are effectively unavailable to low income students whose families cannot afford the extra fees.

EEF pays the fees for teens who qualify for low cost meals in the school system.

This seems like an excellent program but the way in which it supports law enforcement policy and interests has not been demonstrated."

The Program's application (previously provided) states:

This program encourages school engagement among teens within the Tucson Unified School District. 73% of students enrolled in TUSD qualify for free or reduced price lunches. This segment of the population in Tucson is frequently disenfranchised, having no activities in which to engage, or positive role models like teammates and coaches to influence and encourage them to stay in school through graduation. Being on a team or in a group like band keeps teens on campuses after school while their peers roam with no purpose, encouraging criminal behavior.

Dropouts and disconnected youth are more likely to become involved in substance abuse and other criminal activities. EEF's data reveals that 97% of the high school seniors whose fees are paid to join a sports team or a fine arts group graduate from high school and over 85% are enrolled in college immediately following graduation, increasing their chances of staying away from criminal activity, as well as improving their economic outlook, another indicator of who is more likely to commit crimes.

The Pima County Attorney's summary spreadsheet (previously provided) states:

This community based program will use the funds to subsidize the participation fees for at-risk TUSD high school and middle school students, increasing participation in competitive sports teams and fine arts programs for those who would otherwise be unable to afford the participation fees and will deter crime, gang activity, and substance abuse.

Clarification by the Pima County Attorney of her legal analysis:
After school programs like this one provide extracurricular activities that help reduce the risk of juvenile delinquency, as noted in more detail in section B, above. This program is supportive of and consistent with the law enforcement effort, policy, and/or initiative of reducing delinquency.

4. First Tee of Tucson

Mr. Eaves states:
"The First Tee is a great program seeking to enhance the lives and choices of youth by pairing them with a mentor and teaching them golf.

The First Tee's application makes reference to reducing crime by building self-esteem, but any connection to crime reduction seems tenuous, at best.

This is another noble program which would certainly be worthy of funding by some organization, but First Tee has failed to demonstrate a real connection to gang prevention, substance abuse education or support a tangible goal of law enforcement. As such, First Tee would not be an appropriate use of RICO funds."

The Program's application (previously provided) states:
We keep kids in school and offer life lessons through the game of golf. This is not a country club. We help kids in economically disadvantaged areas, we teach values by caring adults. Some volunteer coaches are TPD officers and retired teachers. One in five public school children drop out of school before finishing high school. Our program prevents crime by teaching kids how to make choices to steer their future in a positive direction. We provide access to safe places and caring adult mentors who help kids grow socially, emotionally and academically.

The First Tee programming is part of the solution. Using our proven curriculum, our goal is to increase the number of kids entering middle and high school to achieve success by preparing them to address the 3 predictors that lead to disengagement: attendance, behavior and course performance. Our participants must submit report cards as part of our curriculum. The First Tee coaches are trained to empower youth to make decisions by thinking about consequences, build rapport and establish positive relationships, nurture golf and life skills and create a fun learning environment.

The Pima County Attorney's summary spreadsheet (previously provided) states:
This community based program helps youth entering middle and high school achieve success by preparing them to address the predictors that lead to disengagement from school. The funds will allow the program to

provide reduced fees and scholarships to impoverished and at risk youth, deterring them from truancy, substance abuse, and gang activity, etc.

Clarification by the Pima County Attorney of her legal analysis:
After school programs like this one provide extracurricular activities and mentoring that help reduce the risk of juvenile delinquency or other unlawful acts, including truancy, as explained in more detail in Section B, above. It is also worth noting that this programming is primarily provided at the El Rio Golf Course, which is in a part of Pima County designated "at risk" in the Economic Innovation Group's Distressed Communities Index.[19] This program is supportive of and consistent with the law enforcement effort, policy, and/or initiative of reducing delinquency.

5. Higher Ground A Resource Center

Mr. Eaves states:
"HGRC is a large organization providing services to a vast array of young people. It is certainly a praise-worthy organization doing excellent community service.

It is probably possible for HGRC to draft an application that would satisfy the requirements for RICO funding but they have failed to do so. Their application all but ignores the questions asked by the application and reads like an advertisement for their organization.

They talk about improving people's lives in a number of ways. They deal with kids who have any number of difficulties. Clearly, they are primarily an after-school program. The problem is they fail to identify specific law enforcement purposes they support.

Finally, they request $5,000 to fund a STEM and robotics program without providing even a hint as to how that program serves a law enforcement purpose. If the PCAO and HGRC choose to clarify HGRC's request for funding, it is highly recommended that HGRC uses the application form utilized by all 49 of the other applicants or at least provide focused answers which are responsive to the analysis of whether this is an appropriate expenditure of RICO funds.

Additionally, HGRC states as one of their purposes to provide "college scholarship." That is a specifically prohibited use of RICO funds."

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[19] www.eig.org/dci (El Rio's zip code is 85745).

The Program's application (previously provided) states:
There are two components of our after school program, academic tutoring and recreational program[m]ing that coincide with our mission of academic success and positive identity. . . .

Recreational Programming at Higher Ground is a great opportunity for our students to experience programs that they wouldn't have the opportunity to do otherwise due to the lack of finances in their family. Last school year the majority of the students we served had their first experience in the specific recreational activity they joined and for some a first in having any recreational activity at all. All recreational activities provided are designed to supplement the Tucson Unified School District. We do not offer any sport that their school offers. Instead, we provide alternative sports and encourage our students to support their school by joining their sports teams.

Recreational programs build positive identity to students. In recent studies, it has been proven that students engaged in after-school recreational activities perform better academically and also decreases the chance of dropping out. Our community's dropout rate is 45% from the two high-schools.

Higher Ground is . . . dedicated to youth development and community engagement. We strive to increase academic performance, family engagement, and healthier communities. Current systems in place to achieve these goals include mandatory homework time with tutoring support, as well as, recreational activities such as: art, dance, jiu-jitsu, music, basketball, and archery. All of these services are offered to our students absolutely free. . . .

The focus of our recreational programming is not necessarily the skills learned or the competition. Rather the attitude, discipline, and teamwork necessary to participate in team sports. We are able to help students learn focus and for many of them provide an[] outlet for anger or their creativity. Last year, 73% of our students improved their social skills and 81% increased their self-esteem. . . .

All the funding from RICO will be used to purchase equipment and materials. All funds from RICO will go directly to impacting students and programming. The Total Budget for the Rec Program is $38,400. We are requesting $5000.

The Pima County Attorney's summary spreadsheet (previously provided) states:
This community based agency will utilize funding to supplement recreational after-school programs which provide academic support with one-on-one tutoring for at-risk youth from the Pima County Juvenile Court Center and other needed areas.

Clarification by the Pima County Attorney of her legal analysis:
It appears Mr. Eaves had difficulty interpreting Higher Ground's application because it did not hew to the format of the other agencies' applications and, in addition to describing the purpose for which the funding was sought, also provided non-relevant information about the agency in addition to that related to the program for which funding was sought. But the application clearly and unambiguously demonstrates that Higher Ground seeks anti-racketeering funding *solely* for the purchase of equipment and material to support its recreational programming. Therefore, Mr. Eaves' concern about use of the funds for scholarships is unfounded. Moreover, the program promotes, to at-risk youth, positive after-school activities of the type that have been shown to reduce delinquency, as described in more detail in Section B, above. Indeed, the application specifically notes that a significant majority of its participants increase their social skills and self-esteem. These are exactly the types of protective factors that have been shown to reduce delinquency.[20] Higher Ground is located in a portion of Pima County designated "distressed" in the Economic Innovation Group's Distressed Communities Index.[21] In fact, Higher Ground serves an area with one of Pima County's highest distress scores – nearly 88%. Over 80% of the students it serves qualify for free or reduced-price lunches, and more than 60% of them have parents who did not finish high school. This program is supportive of and consistent with the law enforcement effort, policy, and/or initiative of reducing delinquency, as described in more detail in Section B, above.

6. Lohse Family YMCA

Mr. Eaves states:
"LFYMCA is a non-profit organization operating a gym and community center providing after-school and summer programs to children in an area that is economically stressed.

According to the application, the children and families who utilize the facility and its services are higher risk for crime and substance abuse.

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[20] *Literature Review*, at 3, 6.

[21] www.eig.org/dci (Higher Ground is in the ZIP code 85713).

Like many other programs, the after school and summer programs will keep kids occupied during the high risk after school and summer times.

This application makes no mention of law enforcement involvement in the program. It also makes no mention of gang or substance abuse programming.

Similar to other organizations, the LFYMCA appear to be a fantastic program doing great work for families in the community, however, the connection with law enforcement seems tenuous at best.

LFYMCA does claim that their program reduces and deters crime but other than keeping kids occupied during high risk hours, there is no connection to law enforcement.

Federal guidelines cite youth programs as a potentially appropriate use of RICO funds, but the guidelines specifically say 'a youth program with drug and crime prevention education.'

This is a youth program, but there is no mention of any content relating to law enforcement purposes.

You should seek clarification and allow LFYMCA to tell you if the grant will be used to sponsor content regarding crime and drug prevention."

<u>The Program's application (previously provided) states:</u>
Children and families whom the YMCA will serve with the resources from this grant have a greater chance of not ending up in our court system. Our partnership with the County Attorney's Office reduces and deters crime. We teach kids to swim, to read and write, and to develop and maintain healthy habits such as nutrition and exercise. We model and teach volunteerism and philanthropy. By giving back, young people become more productive members of our community as they develop into adults. We continue to implement nationally recognized programs for middle school and high [school] students with our Y Leaders Program and Youth in Government. We are dedicated to improving the mind, body and spirit of all we touch. Not only do we provide access to a safe environment, we serve meals and teach healthy eating and nutrition. In 2017, we would like to continue to be a program partner with the Pima County Attorney's Office by providing positive programming and safe environments as positive alternatives for our youth and families.

Parents need to know that their children are safe and are developing healthy lifestyles. The YMCA does this through structured programming and safe facilities. We give YMCA youth the tools, opportunities and

environment to grow into healthy productive adults in our society. We focus in three areas: Healthy Living, Social Responsibility and Youth Development. We incorporate the values of Respect, Honesty, Caring and Responsibility in all we do! Together, we can continue to make the difference that matters in young families and children's lives!

The Pima County Attorney's summary spreadsheet (previously provided) states:
Funding will support this community based program which provides a safe haven and constructive programming for financially stressed at-risk families by providing an opportunity for scholarship assistance for their children, thereby deterring crime, substance abuse, and gang activity.

Clarification by the Pima County Attorney of her legal analysis:
Lohse Family YMCA is located in a portion of Pima County designated "at-risk" in the Economic Innovation Group's Distressed Communities Index.[22] This program promotes positive activities for children when school is out in the summer. It models positive behaviors that children can emulate. It promotes protective factors of the type demonstrated to reduce delinquency, as described in more detail in Section B, above. The program is supportive of and consistent with the law enforcement effort, policy, and/or initiative of reducing delinquency.

7. Marana Broncos Youth Football

Mr. Eaves States:
"MBYF is a youth football league. They are seeking $5,000 to provide equipment to players from low-income families.

The only connection to law enforcement is the claim that 'several coaches and volunteers within the organization are law enforcement officers.' The participation of coaches and volunteers in youth sports organizations is highly variable. Because the only real connection to law enforcement is through coaches and volunteers, PCBS should ask Ms. LaWall to provide information indicating that law enforcement officers have made up a significant number of the coaches and volunteers over the years and that their participation has been consistent."

The Program's application (previously provided) states:
The Marana Broncos offer scholarship opportunities to less fortunate families in order to ensure that all children receive the same opportunity to participate. Scholarships include reduced registration fees and in some cases equipment costs. Reducing costs ensures that everyone can gain all of the benefits from participating in organized sports.

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[22] www.eig.org/dci (Lohse Family YMCA is in the ZIP code 85701).

Several coaches and volunteers within the organization are law enforcement officers (Tucson Police, Oro Valley Police, and Pima County Sheriff.) These officers volunteer their time to help shape and mold several young lives. All of our coaches do their best to instill the importance of responsibility, discipline and a strong work ethic. All of these traits are extremely important in shaping a young person's life.

The Pima County Attorney's summary spreadsheet (previously provided) states:
Funding for this community based program will provide reduced registration fees and sports equipment for at-risk youth, increasing participation for these youth, deterring substance abuse, and criminal activity.

Clarification by the Pima County Attorney of her legal analysis:
This program promotes positive activities for children outside school hours. It teaches them skills associated with protective factors of the type demonstrated to reduce delinquency, as described in more detail in Section B, above. This program is supportive of and consistent with the law enforcement effort, policy, and/or initiative of reducing delinquency.

8. Metropolitan Education Commission
Mr. Eaves states:
"ME[C] is a non-profit organization which provides guidance to adolescents regarding pursuing educational goals including completing high school and attending college.

MEC assists people from any background so it is not fair to say that this organization serves exclusively at-risk populations. However, MEC clearly has an interest in reaching out to at risk youths.

The only law enforcement connection is the idea that kids who are engaged in their education will be less likely to commit crime. MEC cites studies which found that students who are encouraged to go to college are less likely to engage in delinquent behaviors. The link to law enforcement seems tenuous."

The Program's application (previously provided) states:
We will contribute to crime reduction in juveniles by working with youth from high-risk minority populations i.e., Hispanic, Native American and African American communities by working closely with staff from Youth on Their Own, Pima County One-Stop, Tucson Urban League, and Tucson Indian Center to identify program participants. We will coordinate a specific outreach to male students, who are at higher risk of dropping out of high school and getting involved in criminal activity. We are reminded

of this reality through a paper written by Shannon Ward and Jenny Williams, titled "Does Juvenile Delinquency Reduce Educational Attainment?" (2014), the authors investigate young men and the delinquent acts they committed by age 16 and how these acts impact two measures of educational attainment: high school graduation and college graduation."

On the Pima County Attorney's website, we see there is significant concern over gang crimes. When going through the list of gangs, the groups are primarily Hispanic and Native American men. This emphasizes the need to target male students who are participants in our partner agencies and most vulnerable to getting involved in criminal activities. The MEC is in a strong position to make a difference through its 34 member commissioner group who are leaders from public and private organizations – city, government, education, social services, and cultural groups. Serving as commissioners are: the CEO of the Tucson Urban League, the Executive Director of Youth on Their Own, and a Tucson Indian Center representative. In addition, we work closely with the Pima County One-Stop agency leadership to support their workforce development goals. Through individual meetings and small group workshops, we will provide exploration and planning services and RCAC staff will emphasize the importance of completing a high school education and help students think of and plan for their life beyond high school. We will use a variety of resources to help them explore their interests, strengths, and career options.

<u>The Pima County Attorney's summary spreadsheet (previously provided) states:</u>
Funding for this community based program will provide college and career planning services for youth from high-risk minority populations (Hispanic, Native American, African-American communities) who are at a greater risk of dropping out of high school and participating in criminal activity.

<u>Clarification by the Pima County Attorney of her legal analysis:</u>
This program provides educational guidance to help children from high-risk populations to complete high school and move on to college. It specifically reaches out to male students, who are at a higher risk of dropping out of school and engaging in criminal activity. As explained in more detail in Section B, above, this type of program is supportive of and consistent with the law enforcement effort, policy, and/or initiative of reducing delinquency.

9. Midvale Park Neighborhood Association

Mr. Eaves states:

"MPNA is a non-profit neighborhood association. MPNA describes nebulous goals such as promoting community cooperation and interacting with law enforcement.

They seek funding to support a festival. MPNA claims that the festival will allow the community to interact with law enforcement. There is no more specific description of what law enforcement's role will be. The application describes no law enforcement activities which might occur at the festival.

This is in contrast to an application for another festival which described specific benefits to law enforcement.

Funds will be used for DJ services, insurance, stage rental, jump house, kiddie train, tables and chairs and something called fingerprint kits.

The Program's application (previously provided) states:

The City of Tucson and the Tucson PD and Sheriff's Department have always encouraged the communities to organize its residents to help each other out. To work with Law Enforcement in the reduction in crime, vandalism, etc. More specifically, both the TPD and Pima Sheriff's Department are encouraging residents, whether documented or not, to reach out to them without fear of retribution or being turned over to immigration (Crime Prevention). It is the intent of Midvale Park Neighborhood Association to encourage that program and promote it as well. We want all residents of the community to feel safe in their homes and neighborhoods. Also together with TPD and some of our local business partners like the Woods Apartments we have several "Crime Free Multi-Housing Units" within Midvale Park. Additionally, these funds will assist Midvale Park Neighborhood Association with putting on our National Night Out, which will be part of our Fall Festival program.

Midvale Park Neighborhood Association events have and always will be in alignment with the TPD and Pima County Sheriff's Department goals, with respect to community awareness, building trust in the community, community policing, community ride-along – to promote awareness for the general public of what the police face every day. Every month Midvale Park has representatives from TPD in at our monthly meeting to discuss crime statistics and what can and can't be done to improve them. The Woods Apartments is a great example of a "Crime Free Multi-Housing Unit". Many times ideas are put forward from the community or the TPD that has improved both the TPD and/or the Neighborhood group. Such collaboration is great for all interested parties. Another great feature of

our program is the community cleanups we do. By providing park clean ups and clean ups in the washes, the graffiti is down and presents a clean healthy community. We will be also sponsoring movies in the park as part of our community building. This supports the TPD's plan to encourage getting the community together as one unit, working together to combat crime and build trust with the TPD and Pima County Sheriff's Department. Our events are open to everyone but focused mainly on our community within Midvale Park. Our local businesses in the area are encouraged as well, because it all works to the community's advantage to stick together and work as a team.

The Pima County Attorney's summary spreadsheet (previously provided) states:
Funding will support this community based neighborhood association in its work to combat crime and build collaborations with law enforcement with two events annually, including the Annual National Night Out.

Clarification by the Pima County Attorney of her legal analysis:
Midvale Park is located in a portion of Pima County designated "distressed" in the Economic Innovation Group's Distressed Communities Index.[23] This program helps strengthen the community, building trust with law enforcement and encouraging neighbors to report crime. The National Night Out involves a collaboration with both the Tucson Police Department and Pima County Sheriff's Department. These activities are supportive of and consistent with the law enforcement effort, policy, and/or initiative of reducing crime.

10. PPEP Microbusiness and Housing Development Corporation
Mr. Eaves states:
"PMHDC is a non-profit corporation which seeks to foster community development 'by offering financial product, business services and community-based programs.' The program states that it will help former inmates by providing loans, capital and business services to assist them in starting small businesses.

The stated mission is certainly admirable and could be aligned with the law enforcement purpose of rehabilitating ex-prisoners so that they can successfully re-enter society.

The funds will be used to: provide technical assistance ($4,000), business counseling ($3,000), loan processing ($2,000), and material/supplies ($1,000). PCBS should inquire as to what entailed in these categories. The first three are service expenses.

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[23] www.eig.org/dci (Midvale Park is in the ZIP code 85746).

- To whom will these funds be paid?
- By whom will the services be provided?
- What is the service of the loans?
- What interest rates are being charged?
- Where is the capital coming from?
- What terms are being offered in exchange for capital?
- How long has this organization been in existence?
- Do they have any success stories?
- Does PMHDC provide loans, capital and advice to other types of business development clients?
- Would providing funds to this organization constitute the government conferring an unfair business advantage to certain business owners or investors?"

The Program's application (previously provided) states:
PMHDC can assist clients who are re-starting their lives when released from prison or in the transition of a homeless situation. These individuals have limited options since in our society today it is difficult to obtain employment with a criminal record or no personal history or references. Many do not have the opportunity to re-integrate into society and in many cases return to prison or homeless shelters. There are individuals who are electricians, landscapers, or have acquired a trade skill while in prison or in the military. Our mission is to assist this underserved population interested in starting their own business and who are determined to become economically self-sufficient. PMHDC will assist them by providing capital and the necessary training and technical assistance (T/TA) to start their own business. PMHDC is committed to working with the law enforcement efforts and initiatives by providing an economic option for those who desire to be self-sufficient. The overall purpose of the PMHDC Program is to assist ex-prisoners and/or homeless population to become economically self-sufficient with the following PMHDC objectives: 1) assisting ex-prisoners or homeless to establish microenterprise businesses through the provision of loans, T/TA, and 2) assisting the development of credit history and/or in repairing their credit scores.

Eligible ex-prisoners or homeless individuals may process a loan to develop a microenterprise business. A microenterprise is defined as a small business employing 10 people or less, requiring small start-up capital. Most microenterprises are family businesses employing one or two persons including the business owner. These individuals have skills to develop a business and just need that extra assistance to initiate the process. It is a motivation to entrepreneurs to have access to capital to assist them with a business start-up. This type of program will create an income source and in time may create jobs in the community. PMHDC

can provide T/TA services to the ex-prisoner or homeless client as necessary.

The Pima County Attorney's summary spreadsheet (previously provided) states:
This community based program assists former prisoners who are either homeless or are restarting their lives after release from prison by providing microbusiness enterprise loans when they demonstrate an inability to borrow from conventional financial institutions.

Clarification by the Pima County Attorney of her legal analysis:
This re-entry program provides micro-loans to ex-prisoners and homeless people to help them start businesses. It is supportive of and consistent with the law enforcement effort, policy, and/or initiative of facilitating prisoner re-entry into society. None of the anti-racketeering money itself is loaned to the individuals, but rather is used to defray some of the costs associated with the program. With respect, Mr. Eaves' questions are not relevant to whether the program itself qualifies for anti-racketeering funding, which is the extent of the Board's authority. *See* A.R.S. § 13-2314.03(E) ("The board of supervisors *shall approve* the county attorney's use of the monies if the purpose is authorized by [§ 13-2314.03], section 13-4315 or federal law.") (Emphasis added).

11. Rincon Optimist Club
Mr. Eaves states:
"ROC is an organization dedicated to helping youth. ROC seeks $3,000 to purchase new shoes, socks and backpacks for students from low-income families. The thought is that providing these items can remove barriers to school attendance.

The connection to law enforcement is tenuous. ROC claims that their program reduces truancy which keeps kids off the street which reduces crime during those hours. Second, ROC claims that this program helps kids graduate and makes them less likely to be criminals.

Other organizations have suggested keeping kids off the street was a law enforcement mission. While that may hold a kernel of truth, my recommendation is that there should be some additional connection to law enforcement goals or law enforcement involvement."

The Program's application (previously provided) states:
Crime in the community which is committed by school age children, is frequently associated with truancy and dropouts. Students who are involved with achieving educational goals and school activities, have less opportunity for contact with criminal elements and less time to become

involved in criminal ventures. "Shoe Days" are directly designed to help kids stay in the classroom, and in the social mainstream with their fellow students. We have received a large amount of objective feedback from our educational contacts and event organizational partners that the Rincon Optimist's "Shoe Days" have helped "at risk" students to stay in school, and achieve educational goals.

Law enforcement professionals frequently cite the inability of apprehended suspects to support themselves in the workforce as the major factor in turning to crime. A lack of education is a major obstacle in securing gainful employment. This helps to explain how recidivism and crime committed by adults can be traced back to the lack of educational achievement during their critical school age days.

The Pima County Attorney's summary spreadsheet (previously provided) states:
Funding for this program will help students from highly stressed families who do not have adequate clothing or shoes, and are at high-risk of not attending class, falling behind, and dropping out of school. This community based program partners with the Education Enrichment Foundation for TUSD and southern Arizona's Vail School District to provide shoes and other needed clothing for at-risk elementary students, thereby deterring drug abuse, truancy, and criminal activity.

Clarification by the Pima County Attorney of her legal analysis:
This program provides at-risk youth with shoes, socks, school supplies, and a free meal from a local restaurant. Its purpose, in part, is to increase self-esteem and give children a positive image of themselves. These protective factors have been demonstrated to reduce all forms of delinquency or other unlawful acts, including truancy, as explained in more detail in Section B, above. This program is supportive of and consistent with the law enforcement effort, policy, and/or initiative of reducing delinquency.

12. The Shyann Kindness Project
Mr. Eaves states:
"SKP seeks funds for its annual backpack night. Backpacks and other useful items will be provided to underprivileged kids on a night with other activities.

The connection to law enforcement seems tenuous. Other than boosting self-esteem which leads to better chances of staying in school, there are really no other law enforcement purposes served here."

The Program's application (previously provided) states:
Our efforts complement those of the agency in reaching out to and connecting with at-risk youth. Such connections foster the building of self-esteem and the development of mature thinking and attitude, all of which combine to move these youths away from illegal and/or criminal tendencies. As such, these youths act as role models for others at-risk so the pattern of positive behavior is reinforced, duplicated and progresses forward with a beneficial rippling effect within the at-risk community.

Giving children the tools they need to be successful in school allows them to have higher self-esteem, making it less likely they will drop out of school and more likely they will graduate and become productive citizens rather than pursue a criminal path. The teaching portion of our program emphasizes treating others with respect and accepting everyone as they are. Bullying is addressed in a way that teaches about being proactive in discouraging a bully rather than standing by and watching or participating in the bullying. Our program also encourages befriending someone new to the school or community, thereby discouraging joining a gang to have their needs met.

The Pima County Attorney's summary spreadsheet (previously provided) states:
This community based program partners with the Sunnyside School District and provides backpacks and needed supplies for at-risk youth in the Sunnyside neighborhood making it less likely that they will drop out of school and more likely to graduate.

Clarification by the Pima County Attorney of her legal analysis:
This program serves the Sunnyside area, which is a portion of Pima County designated "distressed" in the Economic Innovation Group's Distressed Communities Index.[24] This program provides at-risk youth with backpacks. It helps increase students' self-esteem, a protective factor that has been demonstrated to reduce all kinds of delinquency, and it encourages school attendance, thereby reducing truancy (chronic absenteeism), which is unlawful and an act of incorrigibility. This program is supportive of and consistent with the law enforcement effort, policy, and/or initiative of reducing delinquency.

13. Sunnyside Neighborhood Association
Mr. Eaves states:
"SNA's mission is all over the place. Clearly, they have a mission to get older people and younger people to cooperate to their mutual benefit.

[24] www.eig.org/dci (Sunnyside is in the ZIP code 85706).

Some of their projects appear to benefit and involve law enforcement, others do not.

SNA seeks $5,000 to spend as follows:
1) $3,000 for supplies needed to host the All-American Awards Program
2) $500 for tools and supplies for neighborhood cleanups
3) $250 for bicycle supplies
4) $1,000 for something called Peace Garden

With the exception of the $500 for tools and supplies for neighborhood cleanup which entails graffiti removal, SNA has failed to establish how the other activities support real law enforcement interests and policies.

I recommend approving $500 but seeking clarification for the remaining projects."

The Program's application (previously provided) states:
Many people come to perform acts of community service whether it is by volunteer[ing] for school or for the CJB program or through the court system. We work hand in hand to repair the harm done by the youth to restore the trust of the youth to their community. The young people also help with cleanups and graffiti repair...

By working in the community in which they live they tend to respect the work that they have done and are more likely not to repeat the offense. We are working, through our programs, to instill pride for their community thereby becoming future leaders for their community and will give back as they get older and will sustain their neighborhood in continuing efforts for the betterment of their community.

The Pima County Attorney's summary spreadsheet (previously provided) states:
Funding for this program will involve youth and seniors to give youth a better sense of belonging in their community. The program engages at-risk youth together with the community and law enforcement. The All American Awards program supports at-risk youth to stay in school, and be recognized by their community, thus deterring criminal activity.

Clarification by the Pima County Attorney of her legal analysis:
This program helps strengthen community and provides at-risk youth with an opportunity to work with seniors in the area. Children work in the peace garden with adult volunteers, learn bike maintenance, and work on neighborhood cleanup. These kinds of positive activities for youth are associated with reduced delinquency, as explained in more detail in Section B, above. This program serves the Sunnyside area, which is a

portion of Pima County designated "distressed" in the Economic Innovation Group's Distressed Communities Index.[25] This program is supportive of and consistent with the law enforcement effort, policy, and/or initiative of reducing delinquency.

14. Tucson Urban League

Mr. Eaves states:

"Project Yes is another after school program which cites its basis for RICO funding as the high risk of committing offenses or using drugs in the after-school hours.

Unfortunately, Project Yes makes no mention of anti-gang, substance abuse courses or any programming that supports law enforcement issues.

Some, but not all, of their participants are at risk and there is no mention of law enforcement involvement.

The connection to law enforcement interests is tenuous."

The Program's application (previously provided) states:

The purpose of this program is to provide a safe and constructive after school environment for children in grades K-8 while assisting them with improving their academic skills...in addition to making sure that kids are kept safe, have supportive mentors they can turn to, and have healthy food to keep their energy and concentration levels up, research shows that students that participate in quality afterschool learning programs see an improvement in their academics, are more engaged in learning, and are more self-confident in what they can achieve.

To protect the public safety, keep Pima County safer and to improve the quality of life in our community. Why we need afterschool programming:

- *The hours between 3pm and 6pm are the peak hours for juvenile crimes and experimentation with drugs, alcohol, cigarettes and sex.*
- *Police chiefs agree that afterschool programs are needed to reduce youth violence and crime.*
- *Youth who do not participate in afterschool programs are nearly three times more likely to skip classes or use drugs.*

Project Yes provides a safe and constructive after school environment for children in grades K-8 while assisting them with improving their academic skills. Children attending Project Yes are provided with direct academic support, English Language Learner tutoring (ELL), computer technology

[25] www.eig.org/dci (Sunnyside is in the ZIP code 85706).

training, structured recreational activities, youth development, and arts and crafts activities.

The Pima County Attorney's summary spreadsheet (previously provided) states:
Funding will support this community based after-school program which provides a safe and constructive after-school environment for at-risk children in grades K-8, many of whom come from broken families (including incarcerated parents), or may be affiliated with gangs, or involved with crime, drug, and substance abuse.

Clarification by the Pima County Attorney of her legal analysis:
This program provides after-school activities of the type that have been shown to help reduce delinquency, as explained in more detail in Section B, above. This program is supportive of and consistent with the law enforcement effort, policy, and/or initiative of reducing delinquency. While Mr. Eaves states that "[s]ome, but not all, of their participants are at risk," Mr. Eaves cites no authority supporting the proposition that 100% of participants in a program must be "at risk" for it to qualify as supportive of and consistent with law enforcement. Moreover, no juvenile is immune from the risk factors of delinquency. Finally, the Angel Family Center is located in a portion of Pima County designated "distressed" in the Economic Innovation Group's Distressed Communities Index.[26]

15. Tucson Youth Development
Mr. Eaves states:
"TYD focuses on encouraging youth to finish their education and become contributing members of society. One of many of their programs pairs students with law enforcement officers for mentoring students who are interested in law enforcement careers.

The primary focus of this program appears to be on making young people ready to enter the workforce. Other than the positive effects of attention and encouragement on a child's future, there is little here to say that this group's mission supports a law enforcement effort policy or initiative."
The Program's application (previously provided) states:
As well as providing alternative education through two high schools and extensive workforce development programming under contract with Pima County, TYD is a participant in the Pima County Pathways to Justice Careers (PJC) for Youth. Pima PJC engages high school students interested in careers in law and first response systems, such as emergency medical services, firefighting and law enforcement. This is an after-school program that meets twice each week to engage students in career

[26] www.eig.org/dci (Angel Family Center is in the ZIP code 85713).

exploration and exposure activities, including a summer job through the Pima County Summer Jobs Program.

The TYD PJC Program specifically educates students on the reasons to maintain clean records in order to identify and qualify for rewarding justice related careers. PJC participants develop an education and career plan specifically based on their individual aptitudes and interests. They also earn certifications that will help them be competitive in the job market including First Aid and CPR. Students earn a monthly stipend during the school year and a paycheck by working in justice related summer jobs. All of this experience and education help students develop employment soft skills including: communication, teamwork, networking, problem solving and critical thinking, and professionalism.

The Pima County Attorney's summary spreadsheet (previously provided) states:
This community based program provides at-risk youth participants, who face significant barriers to education and employment, including poverty, adjudication, homelessness, and academic instability, with training and alternative education and workforce development programming. TYD provides participants with the skills and knowledge necessary to become contributing members of the community.

Clarification by the Pima County Attorney of her legal analysis:
This program promotes protective factors associated with reduced delinquency, as explained in more detail in Section B, above, including the factors Mr. Eaves notes: "the positive effects of attention and encouragement on a child's future." Moreover, this program serves high-poverty areas and specifically encourages children interested in justice-related careers. This program is supportive of and consistent with the law enforcement effort, policy, and/or initiative of reducing delinquency and promoting careers in law enforcement.

16. Women's Foundation of Southern Arizona
Mr. Eaves states:
"WFSA seeks funding to support Unidas, an after-school leadership program for high school aged girls. They attend regular classes. A portion of the curriculum relates to substance abuse and domestic violence.
WFSA has speakers from various law enforcement agencies from time to time.

WFSA is involved in many other activities. It is unclear how many presentations per year relate to substance abuse education, domestic violence, or involve law enforcement speakers."

The Program's application (previously provided) states:
In addition to providing participants with weekly positive and healthy after-school activities, the girls become more knowledgeable about issues such as teen pregnancy, relationship violence and substance abuse. To help the teen participants become more knowledgeable about these and other issues, the Women's Foundation brings in guest speakers for their weekly after-school sessions, schedules site visits and tours throughout the community for the teens and makes our resource library available to the teens. As a core part of their curriculum, the teens regularly meet with and hear hour-long presentations from:

- *Law enforcement and fire department leadership*
- *Victims services*
- *Pima County Attorney's Office – Barbara LaWall has been a regular guest speaker*
- *University of Arizona Women's Resource Center and campus law enforcement*
- *As well as many other community, corporate and nonprofit leaders.*

After learning about key issues in our community and meeting with key leaders, the teen participants then publish a Request for Proposal on a specific topic, review the resulting applications, conduct site visits, and ultimately award $5,000 to a community organization to address their focus issue. Previous grants have funded programs that address violence prevention and self-defense, mental health and substance abuse services, and programs that challenge the portrayal of women in the media as it relates to issues such as body image, rape and sexuality. In their most recent semester, the Unidas participants were especially interested in learning about alternatives to incarceration and how that impacts men, women and families.

The Unidas participants examine social justice issues that affect girls in our local community – relationship violence, substance abuse, mental health, teen pregnancy, etc. Throughout the semester they not only learn about the issues but how they affect the greater community. The Unidas participants explore volunt[ee]rism and philanthropy and how these efforts can allow individuals to pursue their passions in a bigger sense and make a positive impact on their community. This program engages young women in how they can be better citizens and how to be actively civically engaged with their community.

One of the projects that the Unidas teens have championed over the years, with their volunteer time and, some years, with their grant making is Camp Fury. Throughout the year, these teen leaders learn about a variety of injustice and gender parity issues, and through their strategic grant

making in past years, have selected the Camp Fury program as a high priority, specifically to help engage young women in learning about careers in law enforcement, fire and first responding.

The Pima County Attorney's summary spreadsheet (previously provided) states:
Funding will support an after-school leadership and philanthropy program targeting a diverse group of high school age girls from across the county who learn about social justice issues, volunteerism, and grant making, thereby keeping them engaged in their community and preventing drug abuse and criminal activity.

Clarification by the Pima County Attorney of her legal analysis:
This is an after-school leadership program for girls. It has direct law-enforcement involvement with speakers appearing from law-enforcement agencies. This program promotes the types of protective factors that have been shown to reduce delinquency, as explained in more detail in Section B, above. This program is supportive of and consistent with the law enforcement effort, policy, and/or initiative of reducing delinquency.

17. Youth On Their Own
Mr. Eaves states:
"YOTO is another group helping homeless teens by providing a number of services aimed at assisting these teens to graduate high school. YOTO cites several statistics for the proposition that increased graduation rates lead to decreased crime rates.

The problem here is that it is another program which has an attenuated connection to law enforcement support. YOTO submitted a lengthy proposal which barely mentions substance abuse education.

This excellent organization probably will not qualify for RICO funds, but should give Ms. LaWall a chance to clarify."

The Program's application (previously provided) states:
By helping homeless and at-risk youth to stay in school, this program supports law enforcement efforts in reducing risk for crime, therefore reducing the effects of crime.

Statistics show that, without a high school diploma, youth are likely to continue the cycle of poverty and are more likely to commit crimes, abuse drugs and alcohol, draw on public assistance, become teenage parents, live in poverty and, sadly, commit suicide. Specifically, 75% of state prison inmates are high school dropouts, as are 59% of inmates in the federal system. There is a direct correlation between high school

graduation and crime rates. The three core components of the YOTO Program – accountability-based financial assistance, basic human needs material assistance, and guidance – are intended to give homeless students the resources, support and skills they need to live independently and make staying in school and graduating a priority.

During the last two school years, YOTO Program Coordinators implemented more expansive services, on being "YOTO Group" at some of our higher YOTO student demographic schools (e.g., Cholla, STAR, Tucson High, etc.). The Program Coordinators facilitated monthly workshops at these schools during the past academic year, typically during Education and Career Action Plan hours or lunch. These workshops provide an opportunity for YOTO students to learn important life skills in a safe, comfortable, peer-centered environment. It is also an opportunity to meet with their Program Coordinator and to bring other friends who are on their own and may benefit from YOTO. A typical YOTO Group session is 60 minutes and includes:

- *YOTO announcements (scholarship or internship opportunities, etc.)*
- *Student-centered team building activity (hands on)*
- *Discussion/debrief of team building activity*
- *Speaker or Activity*
- *Discussion/debrief/Q&A*

Program Coordinators create workshops based on the needs of the students and have partnered with other agencies, including YOTO's AmeriCorps State members, to bring diverse workshops to various schools.

During the 2016-2017 school year, two Marana Police Department officers presented at the YOTO Groups. They spoke to youth about their rights and what to do if they were to run into trouble with the law. The conversations were eye-opening for the students and we hope to continue the partnership with local law enforcement in future years. There is also opportunity for personnel to participate in the community-wide Homeless Youth Resource Fairs, which YOTO chairs and are conducted quarterly.

<u>The Pima County Attorney's summary spreadsheet (previously provided) states:</u>

Funding of this community based program will be used to expand programs that assist homeless and at-risk youth to stay in school. Youth who remain in school are less likely to: commit crimes, abuse drugs and alcohol, become teenage parents, live in poverty, or commit suicide. This program gives homeless students the resources, support, and skills they need to live independently, stay in school, and graduate.

Clarification by the Pima County Attorney of her legal analysis:
This program helps homeless and at-risk youth finish school, preventing truancy, which is unlawful and a basis for an incorrigibility determination. Staying in school has been shown to reduce delinquent and other criminal conduct, as well, as explained in more detail in Section B, above. This program is supportive of and consistent with the law enforcement effort, policy, and/or initiative of reducing delinquency.

D. Notes of concern raised by Mr. Eaves in approving other requests are unfounded.

In a couple of instances, Mr. Eaves raised notes of concern in nonetheless recommending approval of other requests. Respectfully, those concerns are without merit.

1. 88-CRIME, Inc.

Mr. Eaves states that, while specifically permitted under the federal guidelines provision regarding reward information, he also asserts (without explanation) that this "[p]robably does not qualify as a community-based program."[27] It is difficult to guess at Mr. Eaves' reasoning. 88-CRIME, Inc. is a 501(c)(3) nonprofit organization apart from, though supportive of, the Pima County Attorney's Office's 88-CRIME anonymous tip line program. The mission of 88-CRIME, Inc. is to provide rewards for successful tips presented to the anonymous tip line – surely supportive of and consistent with a law enforcement effort, policy, and/or initiative. 88-CRIME, Inc.'s application made clear that the anti-racketeering funds would go to the independent nonprofit outside agency:

"Reward procedures and decisions are made by the 88-CRIME, Inc. Board of Directors. 88-CRIME, Inc. accepts contributions and raises funds to pay the rewards. Tax dollars are not used for rewards. 88-CRIME, Inc. is funded by donations and fundraising. Funds from the Pima County Attorney's Office will assist in the coming months with sustaining the reward program as well as public information and education campaigns associated with the program."

2. Emerge! Center Against Domestic Abuse

Mr. Eaves warns that the use of the PCAO logo on Emerge!'s materials and website could "cross the line into campaign materials."[28] The use of the PCAO logo shows victims that prosecutors support Emerge! and support its assistance to them as crime victims. This is important for their empowerment and for their success in recovering from the abuse they have suffered.

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[27]Eaves Letter, at 4.

[28]Eaves Letter, at 10.

E. Conclusion

The information previously provided to the Board demonstrated that each of my Office's anti-racketeering expenditure requests qualified for funding under Arizona law. To the extent any clarification was desirable, this memorandum provides it. Accordingly, I respectfully request that the Board now approve the remaining 17 requests without further delay.

Attachments: Memorandum from Angel Heart Pajama Project
Revised certification from Angel Heart Pajama Project

Angel Heart Pajama Project

Memo

Date: March 12, 2018

To: Barbara LaWall
Pima County Attorney
32 N. Stone
Tucson, Arizona 85701

From: Maria Patterson
Angel Heart Pajama Project
9420 E. Golf Links, Suite 108 PMB 193
Tucson, Arizona 85730

RE: Pima County Anti-Racketeering funds

You have asked for clarification regarding our Community Organization Application for funding assistance from the Pima County Attorney's Anti-Racketeering funds.

Our application referenced First Responders. There was a question about this. The only First Responders we work with for this project are law enforcement agencies: Pima County Sheriff's Department and the Tucson Police Department.

We are also submitting a new certification as we made a mistake on the original because the wording is confusing. The certification document is attached.

CERTIFICATION BY COMMUNITY ORGANIZATION APPLICANT

Applicants for funds must certify in writing the following aspects of its background and compliance with Arizona and federal law and Department of Justice guidelines:

I, the undersigned head of the applicant entity, certify that:

		Yes	No
A.	Applicant is a state, county, or local government department or agency; or applicant is a private, non-profit 501(c)(3) or (4) organization. Tax I.D. Number: _____	☒	☐
B.	Applicant is primarily engaged in providing a program that is both community-based and supportive of and consistent with a law enforcement effort, policy, or initiative.	☒	☐
C.	Applicant agrees to account separately for all anti-racketeering funds received.	☒	☐
D.	Applicant agrees to utilize and apply standard accounting requirements and practices employed under state or local law for recipients of federal, state, or local funds and to provide documentation for any audit that may be performed by a governmental entity authorized to audit the use of such funds.	☒	☐
E.	Applicant is in compliance with federal civil rights laws.	☒	☐
F.	Applicant is in compliance with all other Arizona and federal laws that apply to applicant.	☒	☐
G.	No officer, director, trustee, or fiduciary of the applicant has been convicted of a felony offense under federal or state law, or convicted of any drug offense.	☒	☐
H.	Applicant agrees not to use funds for personal or political purposes.	☒	☐
I.	Applicant agrees that funds will not be used for any purpose that would constitute an improper or illegal use under the laws, rules, regulations, or orders of the state or local jurisdiction in which the applicant is located.	☒	☐

Maria Patterson
Print Name of Requesting Agency Director

Maria Patterson
Signature of Requesting Agency Director