

FY 2017/2018 Budget



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1. Budget Transmittal

2. Budget Charts

3. Office Statistics

4. Criminal Justice Process



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MEMORANDUM

TO: C.H. Huckelberry
Pima County Administrator

CC: Honorable Chair and Members
Pima County Board of Supervisors

FROM: Barbara LaWall
Pima County Attorney *BL*

DATE: January 17, 2017

RE: Fiscal Year 2017/18 Proposed Budget

I am pleased to submit the Fiscal Year 2017/18 proposed budget for my Office, which reflects my intended allocation of limited federal, state, and local funds.

First, however, I commend you and the Board of Supervisors for your thoughtful, balanced, fair, and sustainable employee compensation plan adopted for Fiscal Year 2016/17. I encourage you to again include a funding component for salary adjustments for all county employees for FY 2017/18.

In developing this proposed FY 2017/18 budget, I have reflected on the significant financial obstacles my Office, like so many other criminal justice agencies, has endured since the Great Recession. We have been struggling to do more with less, while continuing to provide our mandated functions with excellence, despite diminishing staff and supplies.

As we enter 2017, even more budget reductions may be on the horizon. Arizona's forfeiture statutes, which provide opportunities to fund gang and substance abuse prevention and diversion programs, may also see dramatic changes that could result in significant reductions to our state equitable sharing financial resources. These state resources have been instrumental in my ability to establish, maintain, and expand various successful crime prevention and diversion programs, including Community Justice Boards (CJB) and School Multi-Agency Response Teams (SMART), and to obtain supplemental funding for my Drug Treatment Alternative to Prison program (DTAP). Through my CJB and SMART programs, juveniles have been provided opportunities for intervention resulting in diversion from prosecution, remaining in school, and being mentored to become productive citizens in our community. The CJB program consists of 18 Community Justice Boards that were referred 372 juvenile offender cases for calendar year 2016. The program continues to have a 94% compliance rate annually. The success of

C.H. Huckelberry
January 17, 2017
Re: FY 2017/18 Proposed Budget
Page 2 of 6

this program is contingent upon Anti-Racketeering funding which funds the administration and staffing of approximately \$200,000 annually. The DTAP program operates with very little in the way of General Fund resources, utilizing grants and forfeiture funds, as well as AHCCCS funding under the Affordable Care Act, to offer needs-based wraparound recovery support services in lieu of prison to certain non-violent, repetitive felony offenders who are addicted to drugs and motivated to change their behavior. The number of participants in the DTAP program increased by 50% this past year and is now double the number it was six years ago when the program began. With a rolling success rate of approximately 70%, these individuals become productive, tax-paying citizens. Studies have proven that DTAP reduces recidivism and saves millions of county and state dollars, while saving lives.

These state equitable sharing resources also have provided funding for my Communities Addressing Responsible Gun Ownership (CARGO) program which, in conjunction with my Lock-up Your Gun campaign, distributed 5,473 gunlocks at no charge in coordination with 53 participating community organizations.

Successful programs, such as these, operated with funds seized from criminal enterprises, now face severe cutbacks and even possible extinction should an overhaul of the statutes redirect these funds away from local law enforcement and prosecution agencies.

Specially-funded programs include the Bad Check Program (BCP), which assists Pima County residents and businesses by collecting restitution for victims who receive checks with insufficient funds. The BCP also provides defendants with an option of pre-charge diversion from prosecution. During Fiscal Year 2015/16 there were 65 deferred prosecution agreements signed, of which 57 were diverted from prosecution. Successful completion and diversion from prosecution saves the county from indigent defense costs, court costs, and probation and jail costs. The MacArthur Foundation praised the BCP as the only pre-charge diversion program available in Pima County. The MacArthur Foundation's consultants noted that the BCP is one of the programs that is working to reduce the jail population and to eliminate racial and ethnic disparities.

Regarding my Office's statutorily-mandated operations funded by the General Fund Budget, more than 92% is allocated to personnel, with the remaining 8% allocated to supplies and services. While that ratio is appropriate, the overall amount of funding in my Office's budget is inadequate. Fortunately, I have a history of being able to successfully obtain 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 victim services.

I previously reduced my Office's General Fund supplies and services budget and completely eliminated the capital budget due to the dramatic budget cuts that had to be implemented during the Great Recession. Many capital costs have been absorbed by other funding sources including our Anti-Racketeering Funds. The elimination of vacant positions that were necessary to absorb various cost increases has strained both staff and any ability to further reduce my Office's General Fund budget to absorb any additional cost increases. Under this budget, my Office will not be in a position to absorb any significant additional expenses without corresponding budget increases.

The Victim Advocate classification, under the Fair Labor Standards Act, was reviewed and determined not to meet the job duties test to remain an exempt classification. As such, our Victim Advocates became hourly employees in November, which has resulted in increased costs related to additional payments for overtime necessary 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 122 trained community members who provide crisis and advocacy services to crime victims on a voluntary basis. These trained volunteers contributed 21,063 hours last fiscal year, gifting Pima County with \$421,260 in donated victim services. During fiscal year 2015-16, volunteers provided 6,420 services to 1,914 victims (1,479 on-scene crisis services and 435 services to victims in court or in the Office). Even with the support of trained volunteers, our overtime expenditures associated with Victim Advocates have increased. I am monitoring these costs as more data becomes available and, if necessary, may approach the Board next fiscal year for an adjustment to our budget to offset the additional costs associated with this change in Victim Advocates to non-exempt classification.

Another factor that may increase the amount of overtime for Victim Advocates is the potential loss of grant funding of three positions that support our Victim Advocates. Assistant Advocates perform a variety of essential, but routine, clerical, or less-skilled duties previously handled by Victim Advocates, including restocking crisis vehicles with reference materials and supplies, data entry, monitoring court hearings and documenting outcomes, assisting with victim calls in misdemeanor cases, and fielding telephonic inquiries from victims and the general public regarding upcoming court hearings and other criminal justice information. Ninety percent of the Assistant Advocates' duties comprise tasks previously performed by Victim Advocates – the equivalent of 2.7 FTEs, or 5,616 hours per year. If the Assistant Advocate positions are eliminated, these duties will revert to Victim Advocates. Previously, as exempt employees, Victim Advocates could absorb these additional duties in their work week. If Victim Advocates re-assume these duties, they will incur overtime, increasing overtime costs to more than double the current hourly rate of Assistant Advocates. The alternative would be to reduce the number of

C.H. Huckelberry
January 17, 2017
Re: FY 2017/18 Proposed Budget
Page 4 of 6

victims served, or the number of services provided. Given a 10% increase in caseloads in FY16, and a 21% increase in services those victims required, it is impractical to forecast a reduced demand for services in FY18.

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. Expansion of my diversion programs, including Adult Misdemeanor Diversion, the Bad Check Program, and the Community Justice Boards, which are operated by only a handful of staff and dozens of volunteers, has resulted in fewer cases being processed through the criminal justice system. While these programs cost money to operate from my Office, they save even more money for the County overall with respect to the cases presented and have demonstrated, like my Drug Treatment Alternative to Prison program, to reduce future recidivism, thus reducing the number of future cases to be presented. I continue to look at ways to expand diversion opportunities.

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 with limited financial and human resources to date, we are at a critical point where the slightest increase in demand for our criminal prosecution services will jeopardize our efficient delivery of services.

One area of significant concern for my Office is the increasing technical and personnel support necessary to process digital video records created by the use of body-worn cameras (BWC) by local law enforcement officers. The video storage, security, redaction, and production of the digital data for criminal cases, disclosure, and public records requests are already challenging our prosecutors, support staff, and information technology staff and resources. Specialized software and training, as well as additional staff, will be necessary to manage the increasing volume of digital data not only from BWC but from personal data assistants, retail video recording devices, and even public cameras used by jurisdictions monitoring traffic. Law Enforcement agencies such as Tucson Police Department are actively seeking grant funding for 300 more BWC, which will further exacerbate the strain on our resources. Again, I will be monitoring the proliferation of the various forms of digital data and will evaluate the demands for increased technical and personnel support that will be required of my Office. Because the Tucson Police Department has sought grant funding to increase exponentially this next year its use of body-worn cameras, it is possible that my Office's needs for technical and personnel

C.H. Huckelberry
January 17, 2017
Re: FY 2017/18 Proposed Budget
Page 5 of 6

support to deal with the digital records produced by those cameras likewise will increase exponentially, as well.

Last calendar year, my Office's Criminal Division reviewed a record number of approximately 11,000 felony criminal cases presented by 30 different federal, state, and local law enforcement agencies throughout Pima County. In particular, both the Tucson Police Department (TPD) and the Pima County Sheriff's Department presented more cases than the previous year, with TPD responsible for 58% of all felony cases presented by law enforcement for review. All local law enforcement agencies are actively recruiting, training, and deploying more officers throughout Pima County. As a result, we anticipate an increase in our incoming workload over the next year, which will be a challenge for my Office to handle with our current allocated General Fund resources. While, at this point in time, I am not requesting additional operational funding, I will continue to monitor this situation and will alert you if, at some point, it necessitates a request for additional resources.

My ability to successfully adjust and realign operations based on ever-changing demands is reflected in the many significant accomplishments achieved by my Office. For example, while yearly criminal case filings continue to increase (slightly over 6,300 filings), so have the number of cases disposed. In fact, last year, my Office disposed of cases involving more than 5,600 felony criminal defendants, the third highest during any one year over the last decade. This represents a 10% increase in total dispositions over the last decade. Challenging our progress is the unduly high caseloads carried by our felony prosecutors currently averaging over 70 cases per attorney. This compares with an average public defender caseload of 30 cases per attorney.

Economic indicators seem to reflect a more positive outlook for our financial future, and we must continue, above all, to focus on employees who have worked hard over the past several years while struggling with their own financial hardships. In their struggle to make ends meet, I continue to observe many employees 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 will undoubtedly continue to result in the loss of more of our most talented employees.

C.H. Huckelberry
January 17, 2017
Re: FY 2017/18 Proposed Budget
Page 6 of 6

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 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 that will provide salary increases in FY 2017/18.

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

With the ongoing commitment and support provided to my Office by the Board of Supervisors and County Administration, we continue to be 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



Office of the Pima County Attorney Significant Accomplishments 2016

FINANCIAL HIGHLIGHTS

1. The Asset Forfeiture Unit, during calendar year 2016, had 72 bonds forfeited and 16 bonds partially forfeited, resulting in \$359,551.00 in bond forfeiture monies sent directly to the county general fund.
2. The Adult Diversion Program collected \$13,505.58 in restitution and \$126,826.90 in revenue sent directly to the general fund for a total of \$140,332.48 for fiscal year 2015-16.
3. Victim Services Division utilized 122 trained community volunteers to provide crisis and advocacy services to crime victims. These trained volunteers, working along with our Victim Advocates, contributed 21,063 hours last fiscal year, gifting Pima County with \$421,260 in donated victim services. During fiscal year 2015-16, volunteers provided 6,420 services to 1,914 victims (1,479 crisis victims on-scene and 435 victims through court or in the office).
4. The Crime Victim Compensation Program processed 249 new victim claims and paid out \$414,084 from our grants and monies received from restitution awards, assisting victims' payments for medical, mental health, lost wages, crime-scene cleanup, transportation, and funeral expenses. Victims also received \$148,711 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 \$562,795.
5. The Civil Division Tort Unit received 18 new lawsuits from July 1, 2015 through June 30, 2016, and currently has 31 open/active lawsuits in various stages of litigation. In that same period, the Tort Unit closed 28 matters. Additionally, the Tort Unit is monitoring an additional 13 claims that remain open. A total of four claims closed without litigation.
6. The Civil Division Tax & Bankruptcy Unit, during fiscal year 2015-16, filed claims in bankruptcy cases totaling \$361,936.89 and collected \$972,581.12 in real and personal property taxes, benefitting Pima County. During the 2016 fiscal year, the Unit handled 811 cases consisting of 219 bankruptcy cases, 226 excess proceeds cases, 214 tax lien foreclosure cases, 78 tax court appeals, 34 small claims tax court appeals, and 40 eminent domain cases.
7. The Bad Check Diversion program served a total of 9,402 individuals and merchants participating in the program as victims of bad checks. For fiscal year 2015-16, the program successfully returned \$129,165 in restitution to the victims of bad checks. The Bad Check program continues to be the top program of its kind in the nation and is a pre-indictment program diverting cases from the criminal justice system.

8. The 88-CRIME Program has, since inception, approved more than \$1,500,000 in cash rewards and assisted in the recovery of \$18,737,000 property, nearly \$89,000,000 worth of drugs seized and over 400 weapons were seized. Tips received by 88-CRIME have resulted in 5,640 arrests. For fiscal year 2014-15, 88-CRIME received 2,856 tips.
9. Administration staff trained and utilized 139 volunteers in the Pima County Attorney's Office (not including the Victim Services Division Volunteers). Volunteers donated 16,217 hours calculated at \$13.33 per hour saving Pima County \$216,172.61 in fiscal year 2014-15.
10. Our detectives, along with the Drug Enforcement Administration (DEA) Task Force detectives, seized from criminals six residences and 18 vehicles, resulting in assets and currency totaling \$1,845,507.00; DEA Task Force detectives seized 1.2 kilos of meth, 1.3 kilos of heroin and made 15 arrests.

Homeland Security Investigations (HSI) Task Force detectives seized 9.02 pounds of methamphetamine, five pounds of cocaine, 87.9 pounds of marijuana, \$228,960.00 in U.S. currency, five firearms, two vehicles, and made 19 felony arrests (narcotics and money laundering).

CRIMINAL PROSECUTION

1. The Criminal Division reviewed a total of 9,449 criminal cases presented by 34 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 4,933 exceeding both Maricopa County (3,481) and the state of Arizona (3,403). The number of reported homicides in Pima County (51) for calendar year 2014 was a 27% decrease over the number of reported homicides in Pima County (70) for calendar year 2013. 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 offenders to trial. This ensures that they receive prison sentences that will hold them fully accountable and remove them from the community for as long as possible. For fiscal year 2014-15, a total of 64.5% of all felony trials involved defendants charged with violent crimes, including aggravated assaults, sexual assaults, armed robberies, drive-by shootings, and felony DUIs.

2. The Misdemeanor Unit handled 20,317 cases with 11 prosecutors (1,847 cases per prosecutor) compared to the City of Tucson which handled 50,597 cases with 30 prosecutors (1,687 cases per prosecutor). Our misdemeanor prosecutors' caseloads are now at the high end of the reasonable range.
3. The Juvenile Unit was presented 4,295 cases by law enforcement resulting in 2,660 cases filed. Our juvenile prosecutors' caseloads are in the reasonable range.
4. The Detectives Division received 9,211 requests for investigative services, served

2,810 subpoenas, conducted 630 interviews, located 696 victims, located 856 witnesses, processed 1,324 requests for technical services, and completed 110 special investigations during fiscal year 2014-15. The Detectives Division also made 60 arrests.

5. A PCAO detective is assigned to and participates with the Pima County Sheriff's Department Domestic Violence Task Force. During fiscal year 2014-15, Domestic Violence Detectives served 307 arrest warrants and made 30 probable cause arrests.
6. The Pima County Attorney's Office addresses domestic violence through a specialized prosecution, a dedicated court, and victim advocacy. Domestic Violence Court arraigned 1,665 misdemeanor cases, channeling 799 of the most serious cases for heightened oversight. Victim advocates assisted a total of 2,261 domestic violence victims in court (1,137 through Domestic Violence Court) and 317 domestic violence victims on-scene.
7. Victim Services Division advocates made 35,710 contacts with 8,291 crime victims, providing 67,824 services (including 24-hour crisis intervention, group crisis intervention, court accompaniment, advocacy, assistance with victim compensation, and referrals to community services) during fiscal year 2014-15.
8. 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, 2014 and June 30, 2015 there were 78 cases in which Blake was involved assisting victims. Of those 78 cases – 13 of them went to trial. Colleen, the courthouse dog's handler, had more than 186 contacts where Blake was involved.
9. The Pima County Attorney's Office recently developed and took the lead in implementing a Lethality Assessment Protocol in coordination with law enforcement and nonprofit domestic violence agencies. In 2015, the Pima County Attorney's Office expended the Protocol after successfully lobbying the State Legislature to adopt a law requiring judges to consider risk for lethality in determining conditions of release from jail for those arrested on domestic violence charges. The goal of the Lethality Assessment Protocol is to reduce the number of domestic violence murders by assessing victims' risk for homicide and then connecting those identified as being at high with advocacy services. The Protocol is now two-fold. First, it has victim advocates at crime scenes evaluating domestic violence victims for lethality risk and connecting those at high risk with social services. Second, the Protocol now also has local law enforcement officers complete a Lethality Assessment form at all domestic violence crime scenes and then submit that form to the court reporting factors indicating risk of future lethality posed by the domestic violence perpetrator. The court is required by the new law to consider those factors and that Lethality Assessment in making decisions regarding conditions of release from jail for those arrested on domestic violence charges. In 2015, Victim Advocates from the Pima County Attorney's Office trained judges, Pretrial Services staff, and prosecutors on the new law and on how to utilize the Lethality Assessment.

In fiscal year 2014-15, a total of 783 victims were screened, of whom about 86% were at high-risk of being murdered. The majority (65%) of those at high-risk were successfully connected with advocacy services.

10. Pima County's Drug Treatment Alternative to Prison (DTAP) program is administered by the Pima County Attorney's Office. DTAP provides drug treatment and needs-based wraparound recovery support services in lieu of prison to selected non-violent, repetitive felony offenders who are addicted to drugs and motivated to change their behaviors. DTAP was initially funded entirely by federal grants, but now operates with a combination of AHCCCS funding, federal grants, an Arizona legislative appropriation, a minimal amount of county funds, and private donations. After the Pima County Attorney's Office received new federal grant funding, it was able to double the size of the program in 2015 while maintaining an average 70% success rate. Success is defined as maintaining sobriety, committing no further crimes, living independently, and working as productive tax-paying citizens. Cost-benefit studies have proven DTAP reduces recidivism and saves millions of county and state dollars, while saving lives.
11. In conjunction with the federal grant funding it obtained to sustain and expand the DTAP Program, the Pima County Attorney's Office also obtained grant funding to augment the services provided to defendants in felony Drug Court and felony Mental Health Court. In addition, the Pima County Attorney's Office obtained grant funding for Pima County to initiate a Behavioral Health Treatment Court Collaborative (BHTCC) that includes not only the Pima County Superior Court but also the Pima County Justice Court, all of the city and town courts located in Pima County, the tribal courts for the Pascua Yaqui and Tohono O'odham, and the Federal District Court. Judge Kyle Bryson chairs the BHTCC, while the grant administration is managed by the Pima County Attorney's Office. The BHTCC is working to develop a consolidated municipal problem solving court that will include a Drug Court modeled after the DTAP Program and will be coordinated with existing Mental Health Courts in Pima County Justice Court and Tucson City Court, as well as existing Veteran's Courts in Pima County Justice Court and Tucson City Court. The BHTCC also is working to facilitate the sharing of mental and behavioral health information regarding defendants who have cases in multiple courts and who frequent the Pima County Jail so as to enable a coordinated response to better identify and target repetitive criminal offenders who suffer from mental illness and addiction so as to ensure they are provided with coordinated services to address their illnesses and to reduce their recidivism.
12. 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.
13. The Pima County Multidisciplinary Task Force (MDT) for Child Abuse Prevention is

run by the Pima County Attorney's Office Special Victims Unit and the Southern Arizona Children's Advocacy Center, a non-profit agency that began under leadership from the Pima County Attorney's Office in 1995. In the fiscal year 2014-15, the Children's Advocacy Center evaluated 1,237 child victims of alleged abuse and 846 defendants were presented to the County Attorney's Office for child abuse charges. Additionally, of the cases presented at the Advocacy Center, the Department of Child Services and law enforcement jointly investigated 95% of the appropriate cases, ensuring a high level of service coordination across agencies.

14. The Pima County Attorney's Office co-chairs the Domestic Violence Fatality Review Team (DVFRT). The Team 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 was inadequate. This year, DVFRT expanded its membership to include professionals from the mental health and education fields. It completed its third review and report to the Arizona Attorney General and worked on implementing the recommendations of past reports. Some of the recommendations from prior reports have been implemented, including a training by PCAO for City Court Attorneys regarding potential felony charges stemming from multiple violations of Orders of Protection. A referral system has also been set up among City Court, PCAO, and Tucson Police to send potential felony cases back to law enforcement for further investigation.
15. The Pima County Attorney's Office continued to work with law enforcement, victim services, and the 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 ensure the victim is not injured and to document evidence of domestic violence. In connection with the program, Emerge! Center Against Domestic Abuse and PCAO Victim Advocates provided training on domestic violence and strangulation to volunteers, staff, and forensic nurses working with the program. PCAO felony attorneys provided training to Sexual Assault Nurse Examiners (SANE) on testifying in court and Emerge! and SANE provided training on Strangulation Forensic Exams to Sheriff's Department detectives and staff.
16. The Pima County Attorney's Office continued to work on a Coordinated Community Response to domestic violence. Two multi-agency committees have been working on domestic violence lethality assessment program and orders of protection (OOP) to address victim safety. The lethality assessment committee was instrumental in enacting legislation requiring judges at initial appearances to consider domestic violence lethality assessments. The OOP committee worked to educate agencies involved in issuing, serving, and enforcing OOP on best practice recommendations.
17. The Pima County Attorney's Office worked closely throughout 2015 with the County Administrator, the Sheriff, the Court and its Pretrial Service and Probation Department, and Indigent Defense on the MacArthur Foundation Safety + Justice Challenge to evaluate the current population of detainees in the Pima County Jail, assess whether there are any racial disparities, and come up with a proposal to reduce the Jail population and to eliminate racial disparities. The Pima County Attorney's Office provided massive quantities of data to this project and devoted significant staff time of

Office leadership in the project of data analysis and strategic planning. As part of its commitment to the Safety + Justice Challenge, the Pima County Attorney's Office has begun an expansion of its Diversion Programs, has re-initiated its offer to develop an Early Disposition Program for felony cases, and has taken other steps to facilitate the goal of reducing the use of incarceration in the Jail for non-violent, non-dangerous defendants.

18. The Pima County Attorney's Office, in conjunction with the Pima County Sheriff's Department, Emerge! Center Against Domestic Abuse, Pima County Indigent Defense, and the Courts, established a new Domestic Violence Blueprint for Safety Task Force that has begun the work of developing a broader and deeper coordinated community response to domestic violence. The Pima County Attorney's Office is chairing this Task Force, which has expanded to include the Tucson Police Department, other local law enforcement agencies, Southern Arizona Legal Aid, and other agencies, and will be conducting a strategic planning process to be followed by a grant application process to obtain the necessary funding for augmentation of services that will cost money.

CIVIL LEGAL SERVICES

1. The Employment Unit opened 20 employment related cases in the last year. These cases were administrative proceedings before the Pima County Merit System Commission, Pima County Law Enforcement Merit System Council, Arizona Civil Rights Division/Equal Employment Opportunity Commission, federal court cases, and Superior Court cases. A total of 28 employment cases are currently pending. The Unit closed 27 employment cases last year, with no adverse decisions to the County and one monetary settlement. In addition to handling this caseload, the Employment Unit provided legal advice and information on a daily basis to Pima County's elected officials and departments. This included analysis, research, and assistance in a variety of disciplinary matters and Americans with Disabilities Act and Family Medical Leave Act issues. In addition, the Unit reviewed and provided advice regarding revisions to the Merit Rules for the Pima County Merit System Commission and Pima County Administrative Procedures.
2. The Health Law Unit during the fiscal year 2014-2015, reviewed, revised, and drafted health related contracts and managed approximately 2,000 active cases involving petitions for involuntary commitments to the hospitals for mental health treatment which is a slight increase from the previous year's case volume and successfully defended several appeals of those cases. The Unit provided numerous hours of training to law enforcement agencies, hospitals, and adult probation on the civil commitment process as well as several hours of training to various county departments on public records and open meeting laws. The Unit also assisted the County with drafting its health insurance benefits plan. This included assessing the implications of the Patient Protection and Affordable Care Act and ERISA on the County's plan. The Unit continued to develop innovative and regulatory compliant ways to provide local match funding for local hospitals that provide graduate medical education and a disproportionate share of services to low income and uninsured populations. The Unit researched and drafted revisions to the Animal Care Code, the Food Code, and the Pool Code which will allow

the involved Departments to substantially modify their service delivery models and keep pace with best practices. The Unit provided the Medical Examiner with successful legal advice and representation in relation to two public records lawsuits involving the release of autopsy photos to the press. The Unit worked to further the safety and protection of the public through the successful prosecution of involuntary TB cases, numerous dangerous dog cases and development and implementation of a public health emergency response plan to the Ebola outbreak and natural disasters. The Unit also assisted the PCAO with the design and drafting of operation agreements for its Drug Treatment Alternative to Prison program and with the design and drafting of 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 fiscal year 2014-2015 the Unit provided 63 hours of training and reviewed 67 contracts and Intergovernmental Agreements. In addition, the Unit provided advice and assistance in responding to the multitude of public records requests received by the Sheriff's Department.
4. The Business & Transactions Unit (BTU) provides legal advice to most Pima County departments and special taxing districts about all aspects of their operations; assists in structuring the County's many business transactions; handles commercial litigation matters, either in-house or with assistance of outside counsel; 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, and the Unit handles real property condemnations. Last year the BTU attorneys, along with the Health Law Unit attorneys, reviewed, negotiated, and/or drafted several thousand contracts, contract amendments, ordinances, and resolutions involving complex business and legal issues, and provided legal advice on issues ranging from environmental compliance and liability to state constitutional requirements and business-risk assessment.
5. The Land Use and Environmental Unit enforces County environmental and land use ordinances and provides legal advice, and defends claims related to County activities in these areas for the County and affiliated entities. The Unit manages an active caseload of both administrative proceedings and matters litigated in state or federal courts. The Unit also provides representation in defending the County from environmental liability for landfills once owned or operated by the County. This year, the County received a favorable ruling from the Ninth Circuit Court of Appeals requiring the District Court to independently scrutinize the terms of the State's settlement agreements with third-parties that the State deemed to be *de minimis* contributors to groundwater contamination at the former Broadway-Pantano landfill. The Unit has also participated in a special enforcement project to address blighted properties in Ajo.

ADMINISTRATION

1. The Pima County Attorney's Information Technology Unit (IT) worked closely with Pima County IT (PCIT) and successfully relocated the Disaster Recovery (DR) site, originally located at the Sheriff's office, to the Pima Emergency Communications and

Operations Center (PECOC) data center on 22nd street. The PECOC data center is a highly redundant and secure location that offers easier access to resources by PCAO IT staff.

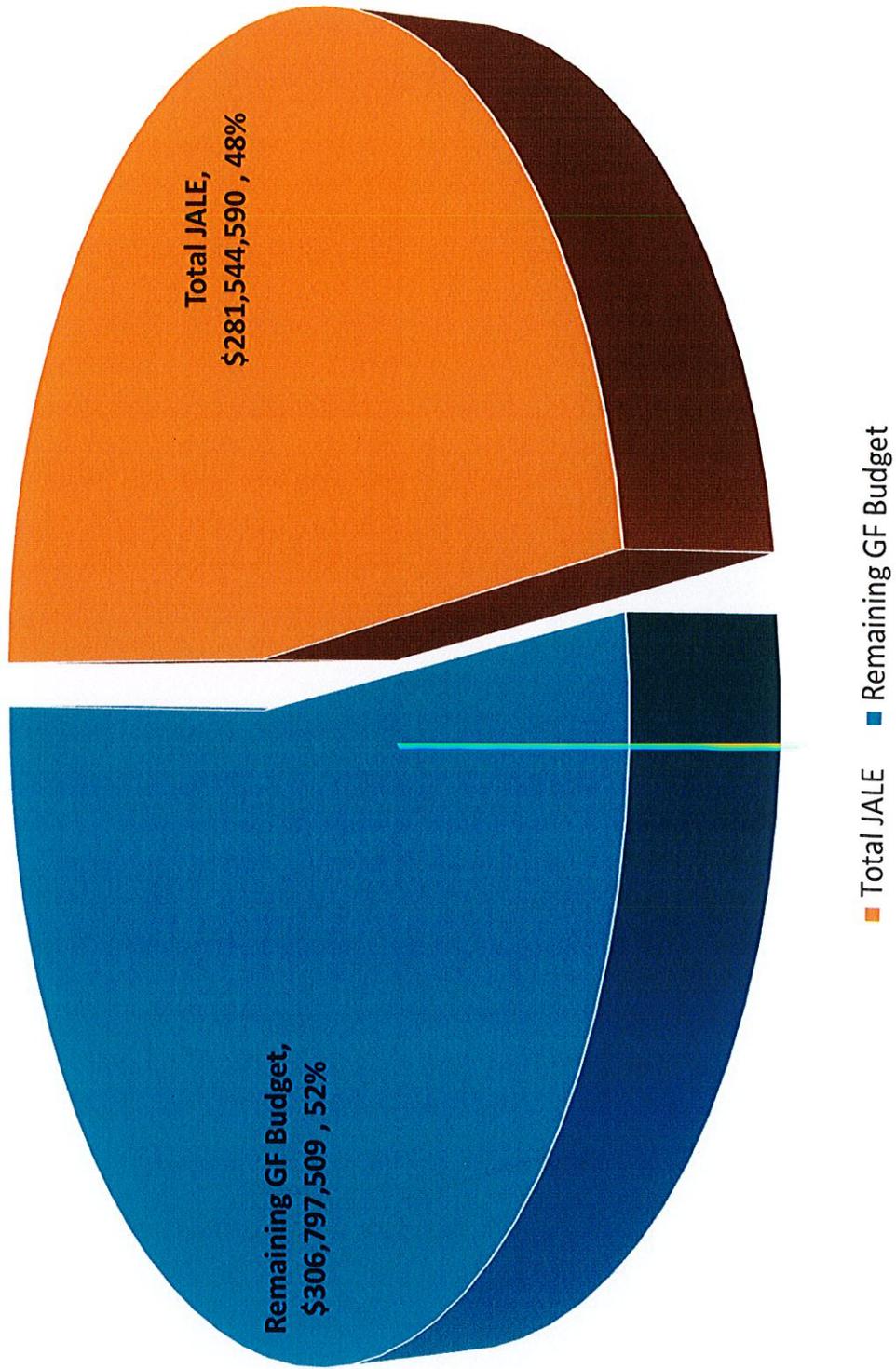
2. IT in collaboration with PCIT, repurposed existing NetApp SAN equipment once used by PCIT to enhance the existing PCAO network. Through the use of a new head unit containing Solid State Drives (SSD) technology and approximately 20TB of additional storage for data storage, we were able to extend the overall life of our Storage Area Network at no additional cost to County taxpayers.
3. IT updated all data feed web services ensuring a consistent architecture was followed in an effort to maintain a dependable and redundant system that guaranteed reliability between our office and participating courts and law enforcement agencies. This included converting an outdated FTP process used by the Sheriff's office to the consistent Web Service/XML feed. This update provides seamless electronic transmission of data among various criminal justice agencies.
4. The Pima County Attorney's Office continues to manage and maintain the eDiscovery portal in its efforts to reduce its carbon footprint and impact on the environment. Over the past year, PCAO has seen an increase in the adoption and usage of this system from the Public Defender's Juvenile Division and outside counsel resulting in an additional 10% paper savings from the previous year. In the past year we've eliminated an additional 300,315 pages of paper and over the lifespan of the program reduced approximately 1,212,029 pages of paper in total.
5. IT replaced a critical data feed server running Microsoft Windows Server 2003 with IIS 6.0 with Microsoft Windows Server 2012 R2 running IIS 8.0. In addition, the server was moved to the primary data site and a secondary replicated site was placed at the PECOC center to ensure availability and redundancy under any natural or man-made disaster.
6. IT continued maintaining and upgrading its networking infrastructure replacing core switches and various floor switches to further expand the network efficiency and penetration throughout the Legal Services Building to all connected devices. The results of this are enhanced file transfers, virtual machine performance, security and capacity while continuing to maintain a 99.998% network uptime.
7. IT upgraded all critical websites to the Microsoft 4.5 Framework and ported them to a new server running Windows Server 2012 R2 and IIS 8.0 at the Primary Data Center. This includes a fully redundant version located at PECOC site. This update ensures key information-sharing by participating agencies and ensures an extremely high level of availability.
8. IT distributed 60 additional Dell VDI Zero Clients as a replacement technology for aging desktop computers. Zero Clients provide greater fault tolerant, less maintenance, greater data security, and higher availability via server redundancy and require less energy to operate.

9. IT implemented a new redaction software application, which has proven to reduce processing time by as much as 75%, allowing staff to be more efficient and focus on other critical tasks.
10. IT completed a Factor Analysis of IT and Information Risk (FAIR) assessment of PCAO's critical IT infrastructure. Each PCAO IT system was evaluated for its loss event frequency which is a measurement of how well current controls mitigate vulnerabilities to the asset. FAIR assessment information provides input to the Automation Plan, guiding the use, acquisition, and protection of IT resources.
11. IT collaborated with CommVault, PCAO's current electronic backup solution vendor, to deploy a cost-effective backup solution that offers additional functionality for mobility requirements. IT, in cooperation with PCIT, utilized de-commissioned PCIT Dell servers to reduce project costs.
12. Administrative Services prepared and submitted on time 839 monthly, quarterly and annual financial reports to federal, state, local agencies and various departments during fiscal year 2014-15.

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 85 volunteers participating in the program. The 17 Community Justice Boards handled 377 juvenile offender cases for calendar year 2015. The program had a 94% compliance rate for the year.
2. The Community Addressing Responsible Gun Ownership Program (CARGO) attended 29 fairs and distributed 1,703 gunlocks. The "Lock up Your Gun" campaign distributed 8,864 gunlocks to 69 participating community organizations and individuals. A total of 10,567 gunlocks were distributed free to the community for calendar year 2015. These gunlocks are paid for with funds seized from criminal enterprises.
3. The Adult Diversion Programs diverted 1,035 defendants from criminal prosecution, including three charged with felonies, 515 charged with substance charges, and 517 charged with other misdemeanor offenses. The success rates for these programs were 60% for felonies, 93% for substance charges, and 80% for other misdemeanors, with an overall success rate of 86%.
4. The ACT Now Truancy Program held a sweep in March 2015 and successfully diverted all those cited through the Community Justice Board Diversion Program with 100% success. Reducing truancy is important to preventing juvenile crime and to mitigate against the possibility of future adult criminal activity.

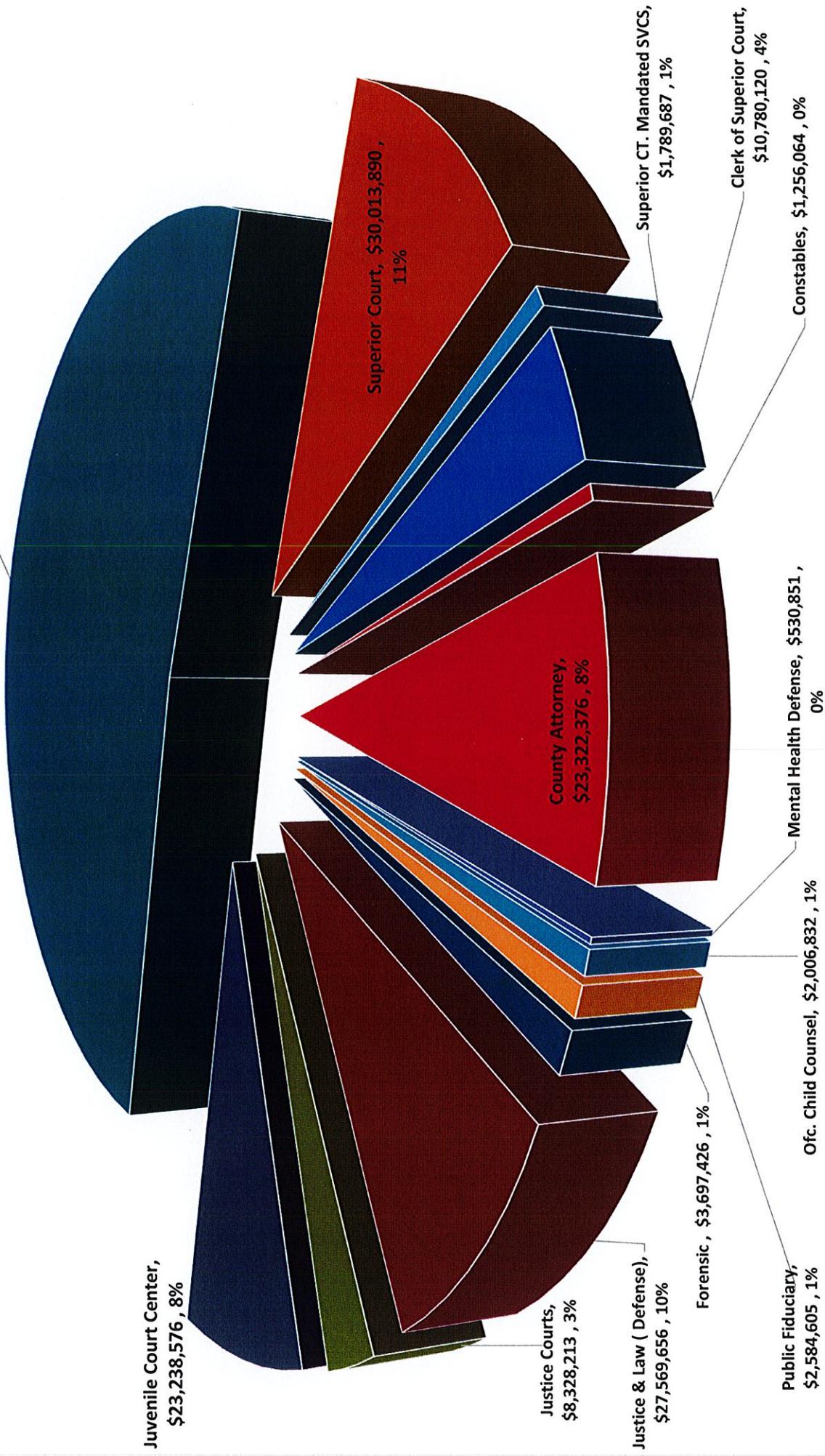
Justice & Law Enforcement GF Budget FY 16/17 Compared to Remainder of GF Budgets



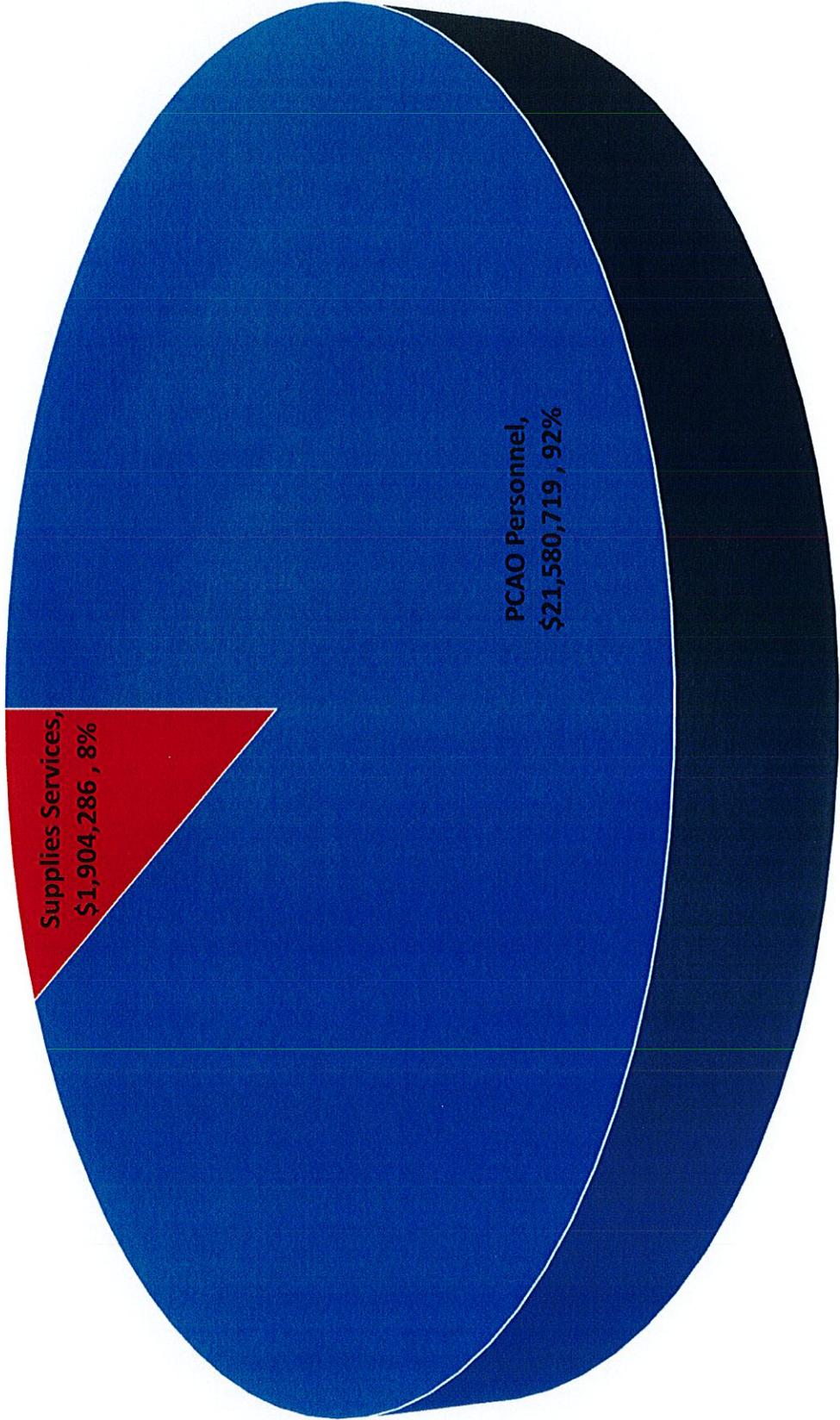
Justice & Law Enforcement General Fund Adopted FY 16/17

\$281,544,590

Sheriff, \$146,426,294, 52%

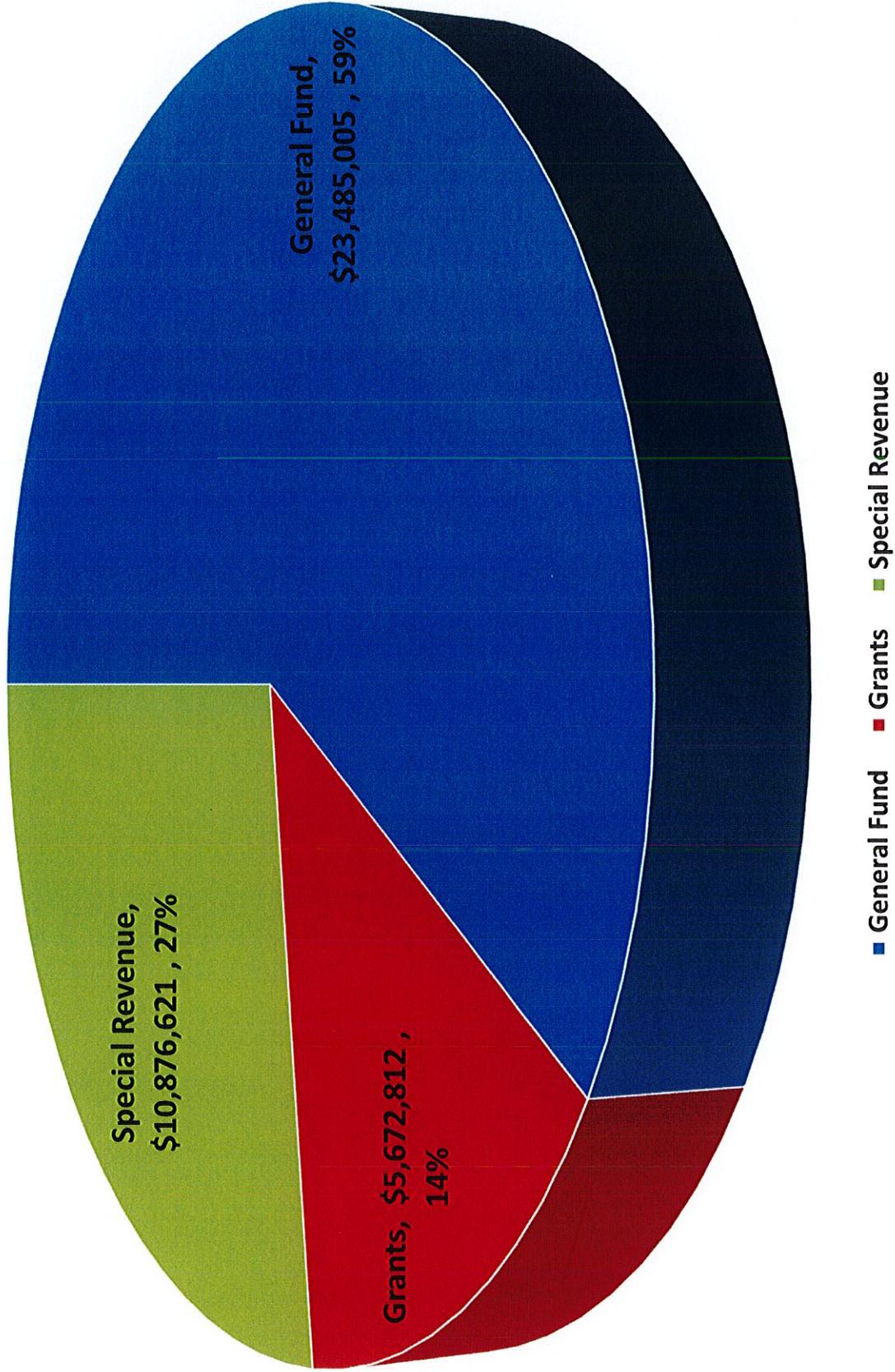


Pima County Attorney's Office Personnel & Supply/Services FY 17/18



■ PCAO Personnel ■ Supplies Services

**Pima County Attorney's Office GF, Grants, & Special Revenue
Requested for FY 17/18**



Pima County Attorney's Office
PCAO Budget Comparision for FY 2017 - FY2018

<u>Functional Area</u>	<u>Expenditures</u>		<u>FTE'S</u>	
	<u>FY 16/17</u>	<u>FY 17/18</u>	<u>FY 16/17</u>	<u>FY 17/18</u>
General Fund	\$ 23,322,376.00	\$ 23,431,178.00	341	341

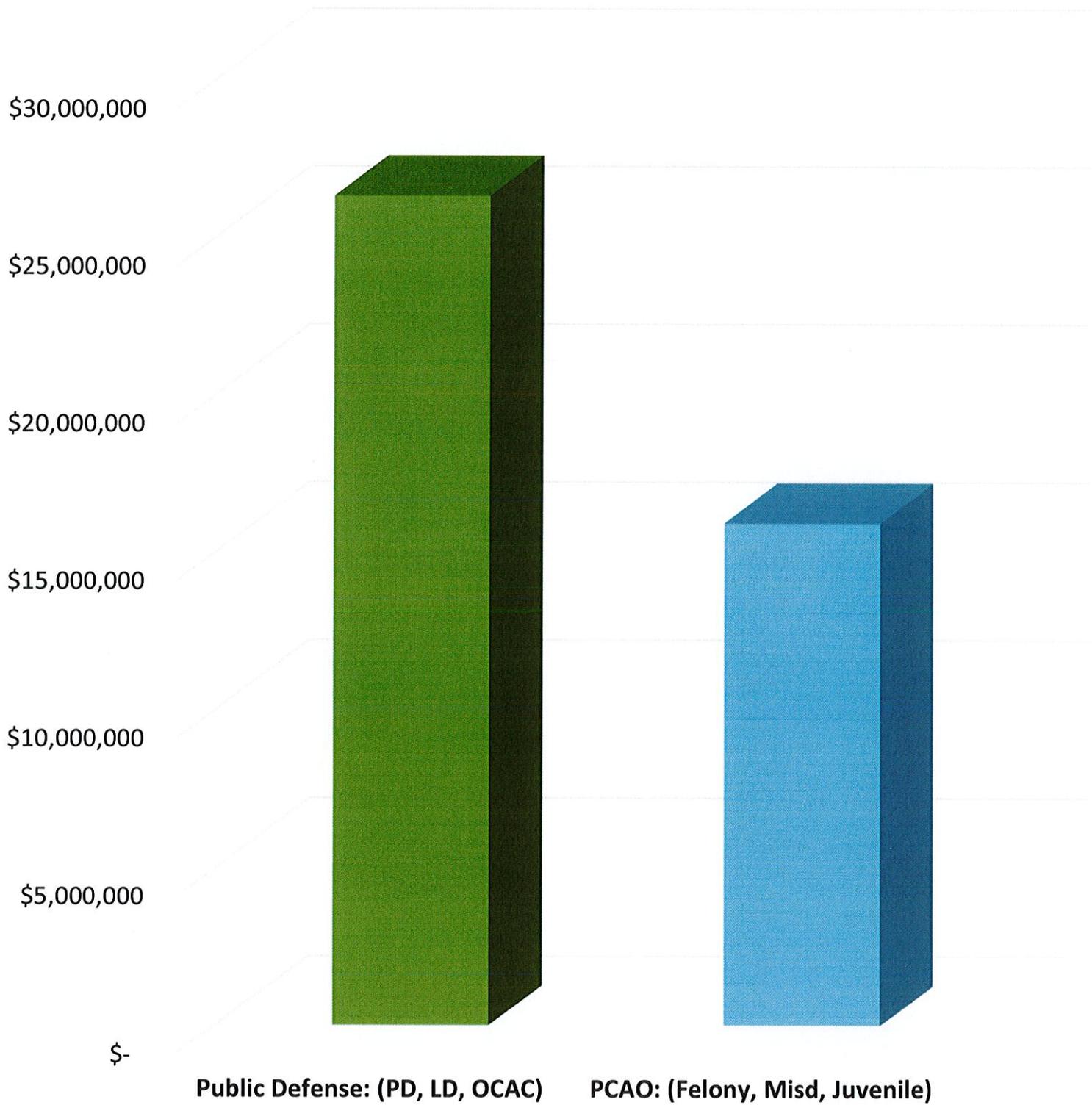
<u>Special Revenue</u>	<u>FY 16/17</u>	<u>FY 17/18</u>	<u>FY 16/17</u>	<u>FY 17/18</u>
Bad Check Program	\$ 219,721.00	\$ 148,415.00	3	2
Employee Sanctions	\$ 244,350.00	\$ 117,092.00	5	2
CJEF	\$ 1,111,115.00	\$ 1,102,350.00	13	16
DTAP	\$ 300,000.00	\$ 300,000.00	0	0
Fill the Gap	\$ 1,007,737.00	\$ 1,061,731.00	19	18
RICO	\$ 9,491,384.00	\$ 7,795,649.00	27	21
Consumer Protection	\$ 33,110.00	\$ 33,110.00	1	1
Reinventing Justice	\$ 33,119.00	\$ 32,285.00	1	1
Victim Witness Comp.	\$ 263,178.00	\$ 269,116.00	2	2
Victim Restitution	\$ 15,000.00	\$ 15,000.00	0	0
Total	\$ 12,718,714.00	\$ 10,874,748.00	71	63

<u>Grants</u>	<u>FY 16/17</u>	<u>FY 17/18</u>	<u>FY 16/17</u>	<u>FY 17/18</u>
AATA	\$ 154,288.00	\$ 212,508.00	2	3
Arrest Grant	\$ 528,551.00	\$ 531,890.00	7	6
Crime Victim Asst.	\$ 108,062.00	\$ 233,017.00	2	5
Drug Grant	\$ 587,872.00	\$ 509,682.00	9	8
Fed. VOCA	\$ 600,000.00	\$ 600,000.00	0	0
JAG	\$ 186,215.00	\$ 324,798.00	3	2
HIDTA Attorney	\$ 129,098.00	\$ 116,372.00	2	2
HIDTA Investigator	\$ 97,682.00	\$ 159,135.00	1	1
STOP	\$ 389,051.00	\$ 313,398.00	5	5
Voca	\$ 755,690.00	\$ 634,935.00	10	10
Victim Rights Imp.	\$ 335,985.00	\$ 354,257.00	6	6
Total	\$ 3,872,494.00	\$ 3,989,992.00	47	48

Total All Areas	\$ 39,913,584.00	\$ 38,295,918.00	459	452
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Source:PCAO Budget Data

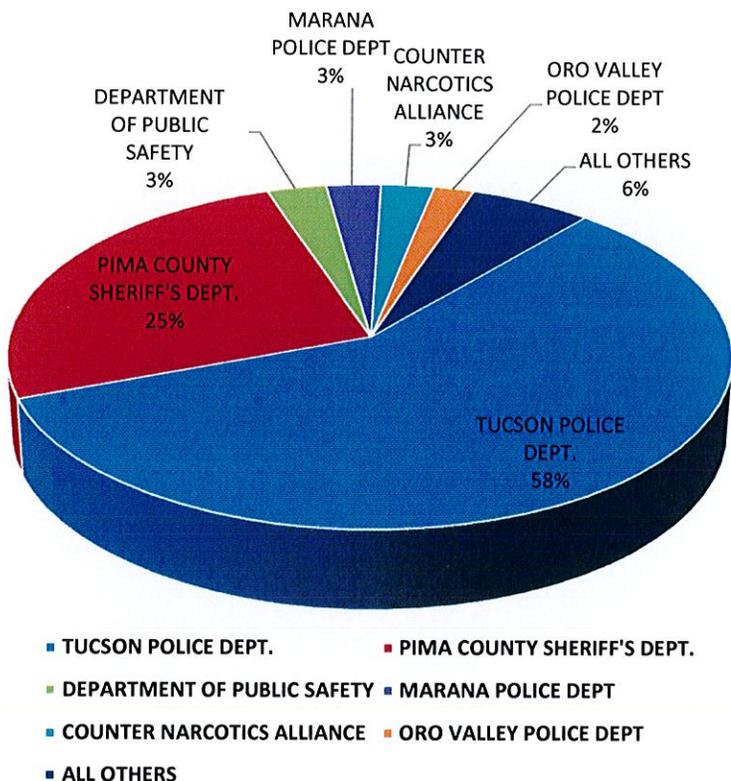
PCAO Prosecution VS Public Defense Budget Comparison for FY 17/18



Pima County Attorney's Office

Pima County Felony Defendant Initiation by Law Enforcement Agencies Calendar 2016

LEA 2016 Presented



AGENCY NAME	Presented # Defendant
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<u>ALL OTHERS</u>	
SOUTH TUCSON POLICE DEPT.	122
TOHONO O'ODHAM POLICE DEPT	111
UNIVERSITY OF ARIZONA PD	97
DEPT OF CORRECTIONS	86
SAHUARITA POLICE DEPARTMENT	72
PASCUA LAW ENFORCEMENT	32
DEPT OF HOMELAND SECURITY	27
PIMA COMMUNITY COLLEGE P.D.	23
DRUG ENFORCEMENT ADMIN	14
US POSTAL INSPECTOR	12
TUCSON AIRPORT AUTHORITY	11
DEPARTMENT OF TRANSPORTATION	7
PIMA COUNTY ATTORNEY'S OFC	7
ALCOHOL TOBACCO & FIREARMS	5
U.S. BORDER PATROL	3
COCHISE COUNTY SHERIFF'S DEPT	2
DAVIS-MONTHAN P.D.	2
UNION PACIFIC RAILROAD	2
US FOREST SERVICE	2
AZ DEPT OF LIQUOR LIC AND CTRL	1
MARICOPA COUNTY SHERIFF'S DEPT	1
PIMA ANIMAL CONTROL CENTER	1
U.S. SECRET SERVICE	1
US IMMIGRATION	1
TOTAL ALL OTHERS	642

LEA 2016	Presented
TUCSON POLICE DEPT.	6166
PIMA COUNTY SHERIFF'S DEPT.	2716
DEPARTMENT OF PUBLIC SAFETY	311
MARANA POLICE DEPT	286
COUNTER NARCOTICS ALLIANCE	280
ORO VALLEY POLICE DEPT	208
ALL OTHERS	642
TOTAL ALL 30 AGENCIES	10609

Source: PCAO CAPS

This report uses the initiation date for the presented and Issued.

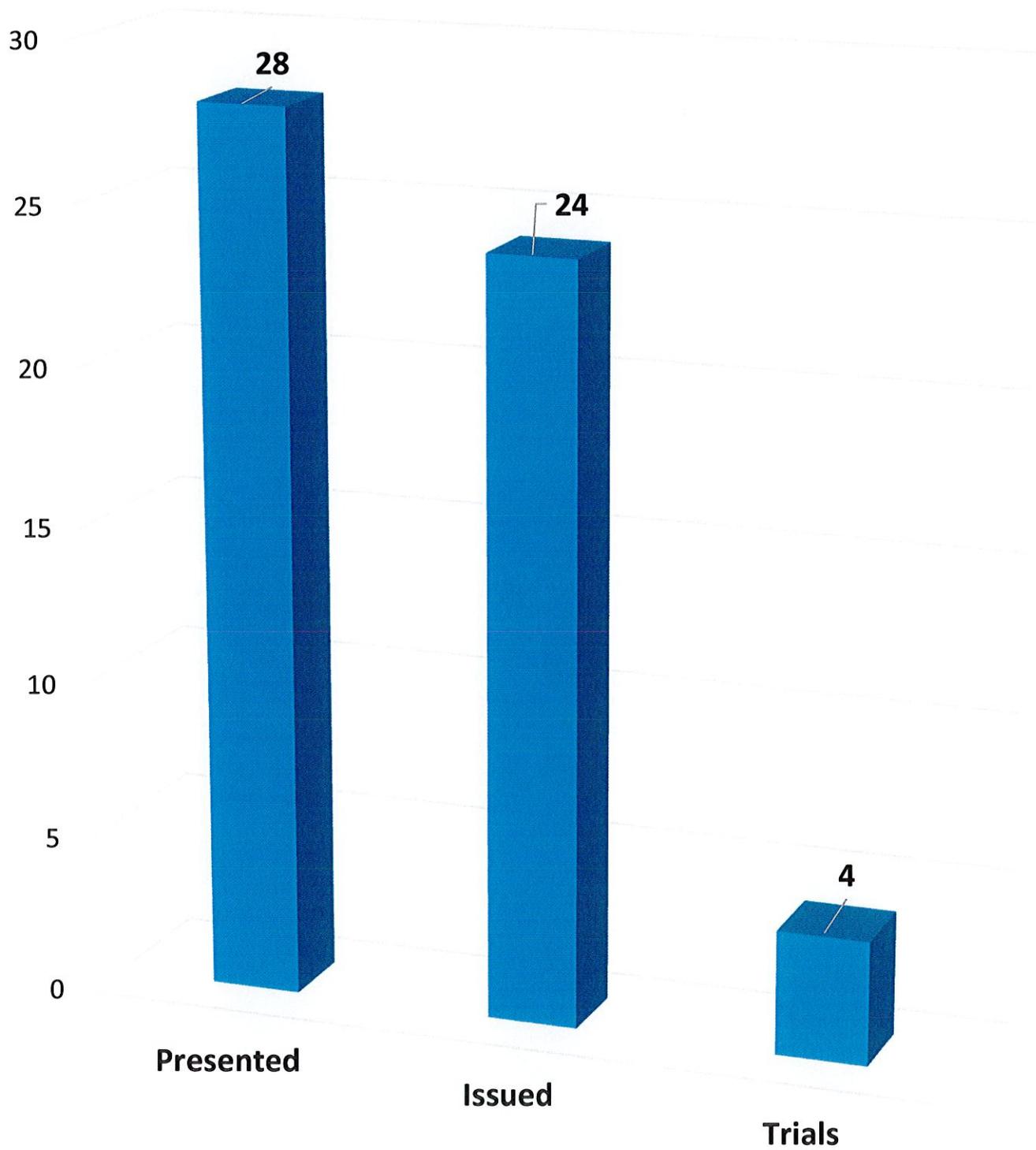
**Arizona Supreme Court Data
Superior Court Case Activity
Fiscal Years 2015/2016**

RANK	CRIMINAL TRIALS			TRIAL RATES			ACQUITTAL RATES		
	FY 15		FY 16	FY 15		FY 16	FY 15		FY 16
	STATE	MARICOPA	PIMA	STATE	MARICOPA	PIMA	STATE	MARICOPA	PIMA
1	1253	668	352	1138	6.2%	6.2%	5.2%	0.0%	0.0%
2	668	352	67	595	3.5%	3.4%	3.8%	0.0%	0.0%
3	352	67	59	288	2.6%	2.4%	3.3%	0.0%	0.0%
4	67	59	24	66	2.1%	1.8%	4.9%	0.0%	0.0%
5	59	24	15	62	1.5%	1.5%	2.4%	0.0%	0.0%
6	25	24	14	30	1.4%	1.2%	2.1%	0.0%	0.0%
7	24	15	13	24	1.2%	1.2%	1.3%	6.7%	0.0%
8	15	14	7	18	0.9%	0.8%	1.2%	7.1%	0.0%
9	14	7	3	15	0.8%	0.4%	1.5%	10.2%	10.0%
10	7	3	2	13	0.7%	0.4%	1.2%	11.4%	12.3%
11	3	2	2	11	0.6%	0.4%	0.0%	12.0%	12.9%
12	2	2	0	8	0.5%	0.4%	2.1%	13.2%	12.9%
13	2	0	0	5	0.4%	0.4%	1.9%	15.1%	15.3%
14	0	0	0	3	0.3%	0.4%	1.5%	16.7%	16.7%
15	0	0	0	0	0.0%	0.0%	1.0%	25.4%	19.7%
16	0	0	0	0	0.0%	0.0%	0.0%	38.5%	20.0%

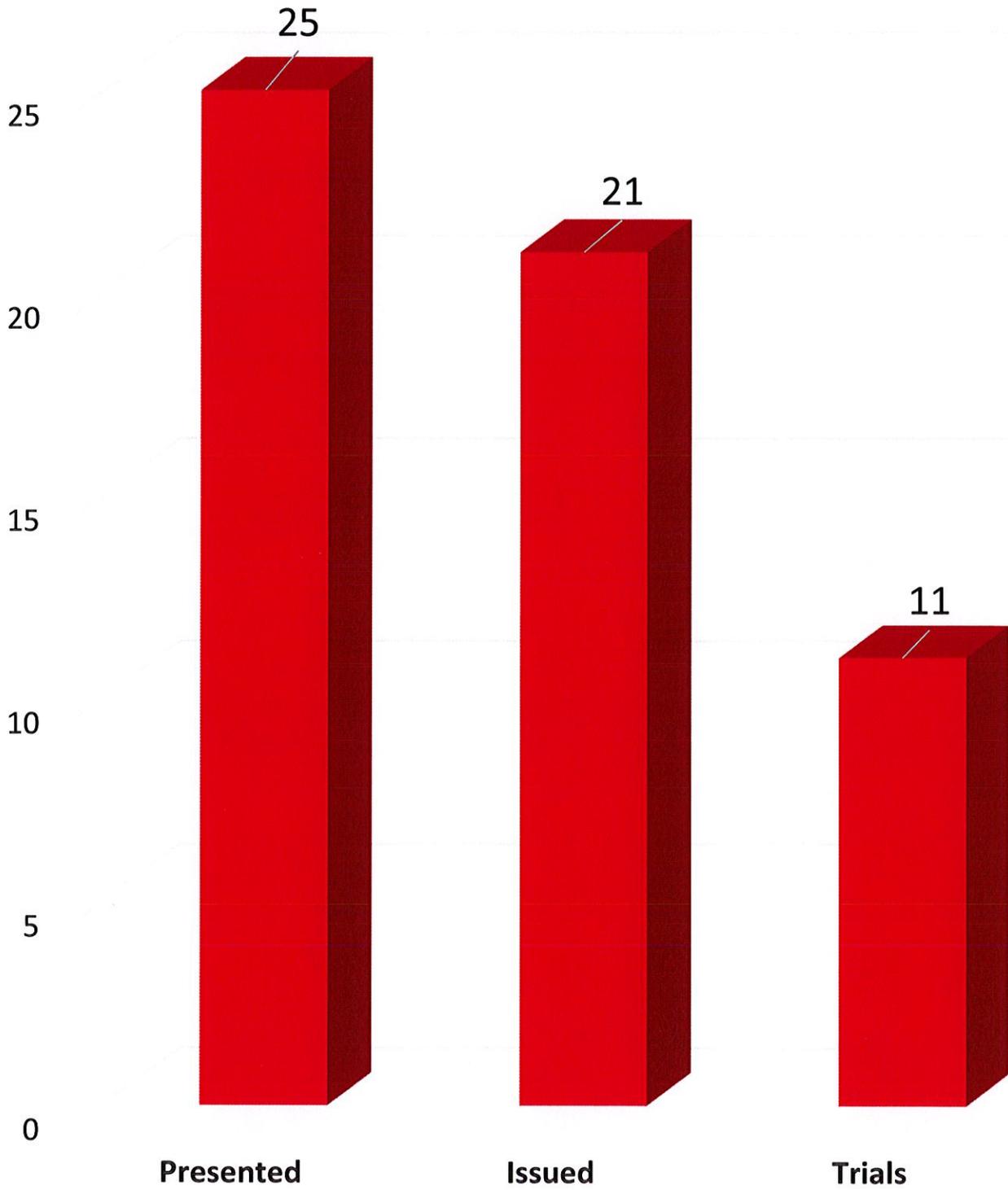
RANK	DEFENDANTS DISPOSED			DOC/DOC PROBATION			DISMISSAL RATE*		
	FY 15		FY 16	FY 15		FY 16	FY 15		FY 16
	STATE	MARICOPA	PIMA	STATE	MARICOPA	PIMA	STATE	MARICOPA	PIMA
1	51,245	31,617	5,704	48,054	45.3%	41.9%	47.1%	2.9%	4.7%
2	31,617	5,704	3,118	28,422	38.1%	39.0%	43.2%	5.7%	5.2%
3	5,704	3,118	1,985	5,339	36.6%	36.6%	38.3%	5.0%	6.0%
4	3,118	1,985	1,701	3,695	35.2%	31.2%	37.7%	6.0%	7.6%
5	1,985	1,701	1,688	2,005	34.1%	30.2%	37.7%	6.8%	8.1%
6	1,701	1,688	1,683	1,649	33.0%	28.6%	34.1%	7.8%	8.4%
7	1,688	1,683	907	1,544	30.5%	28.6%	33.0%	8.3%	8.8%
8	1,683	907	770	1,081	30.0%	28.6%	30.5%	9.5%	10.5%
9	907	770	603	999	28.6%	28.6%	30.0%	9.6%	10.3%
10	770	603	580	978	28.6%	26.2%	28.8%	10.4%	11.5%
11	603	580	262	618	28.4%	26.2%	26.6%	10.9%	13.2%
12	580	262	244	549	26.2%	23.9%	24.6%	11.9%	13.5%
13	262	244	222	376	23.9%	21.1%	24.2%	12.5%	13.8%
14	244	222	161	260	21.1%	21.1%	19.9%	14.3%	14.2%
15	222	161	138	201	21.1%	21.1%	19.5%	15.1%	16.9%
16	161	138	0	138	13.9%	13.9%	16.9%	27.9%	25.4%

* Dismissals include Diversion completions, old bench warrants, etc.

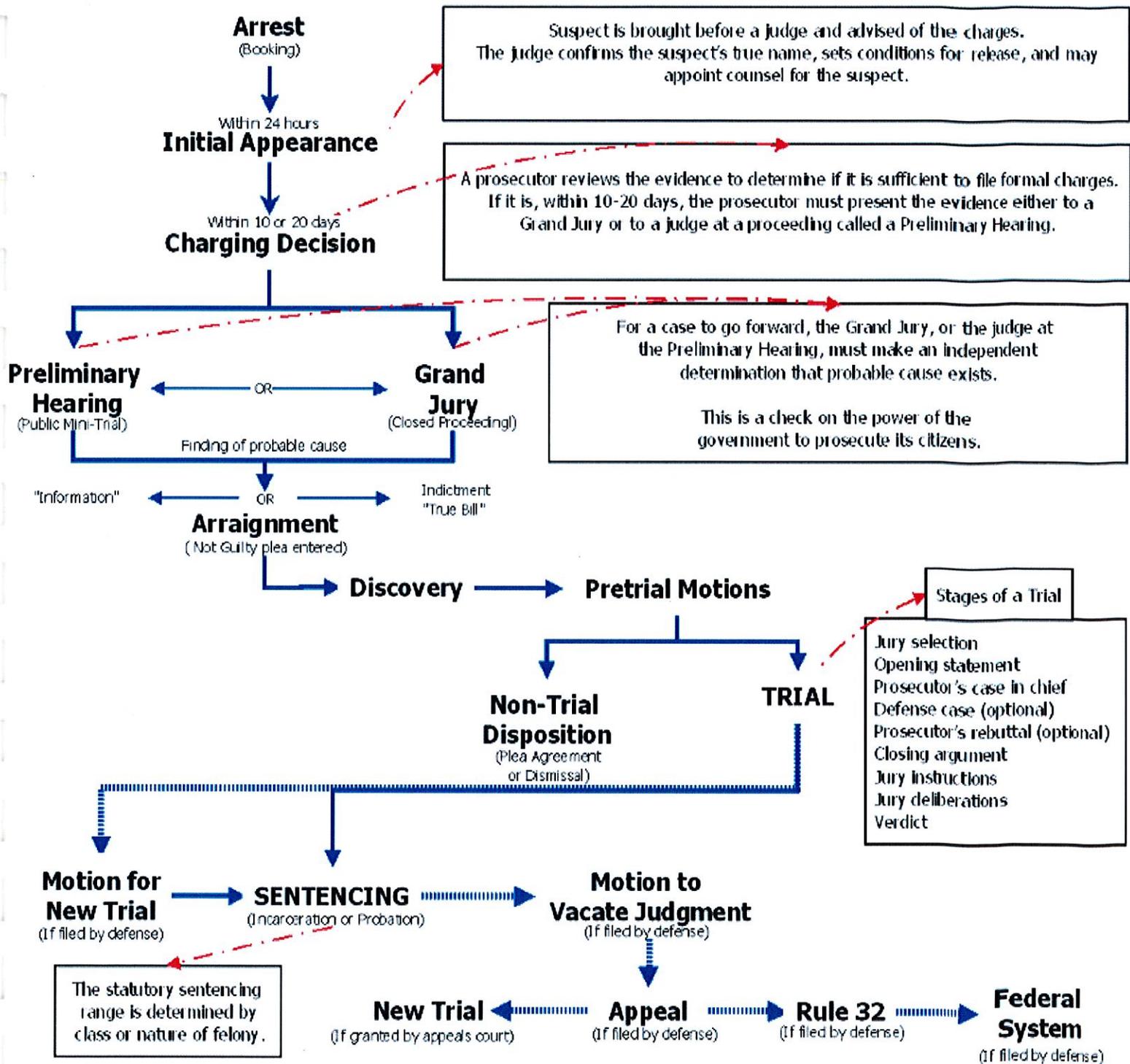
14% of all 2nd Degree Murder Defentants to Trial for FY-2016

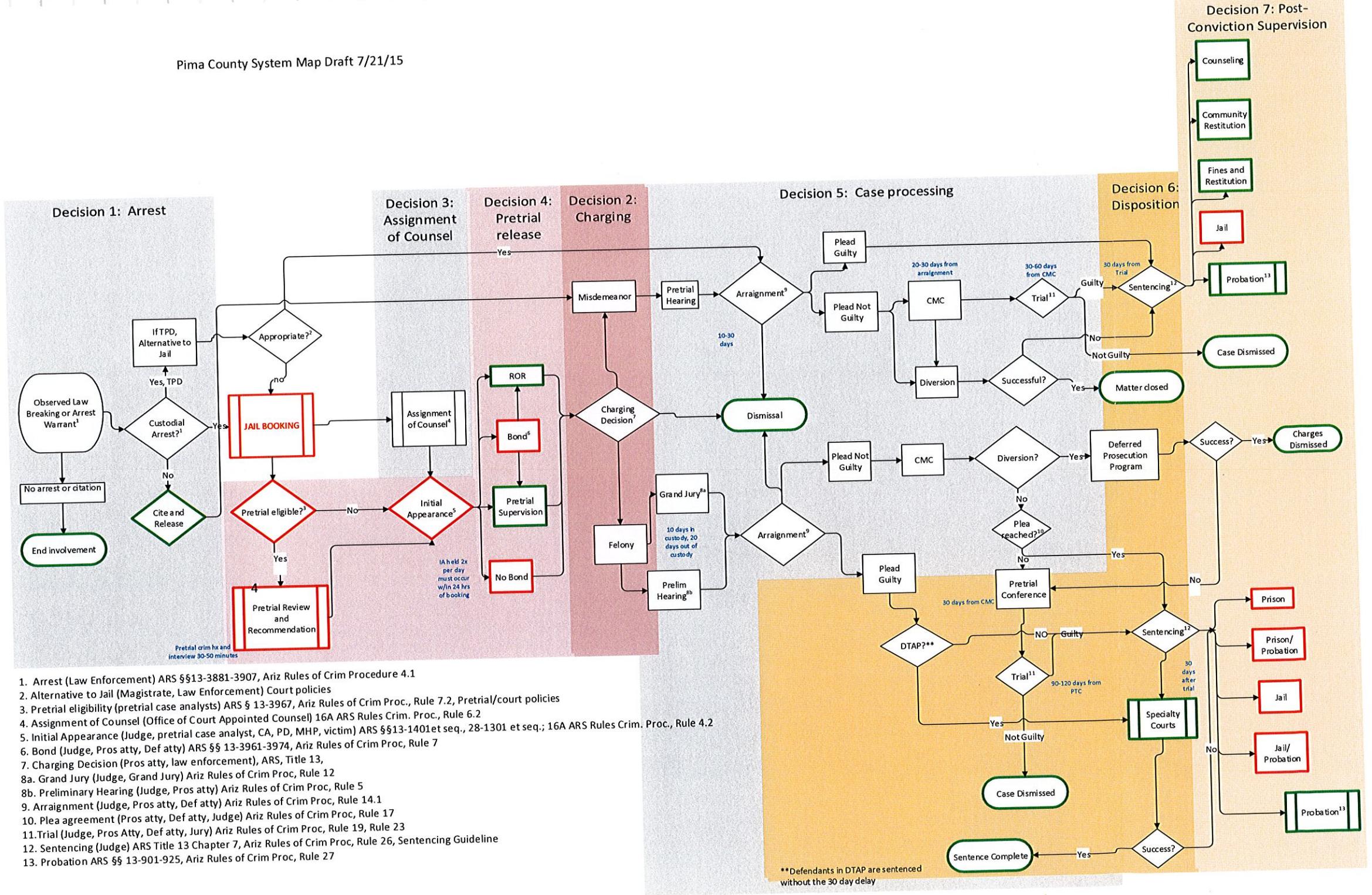


44% of all 1st Degree Murder Defendants To Trial for FY-2016



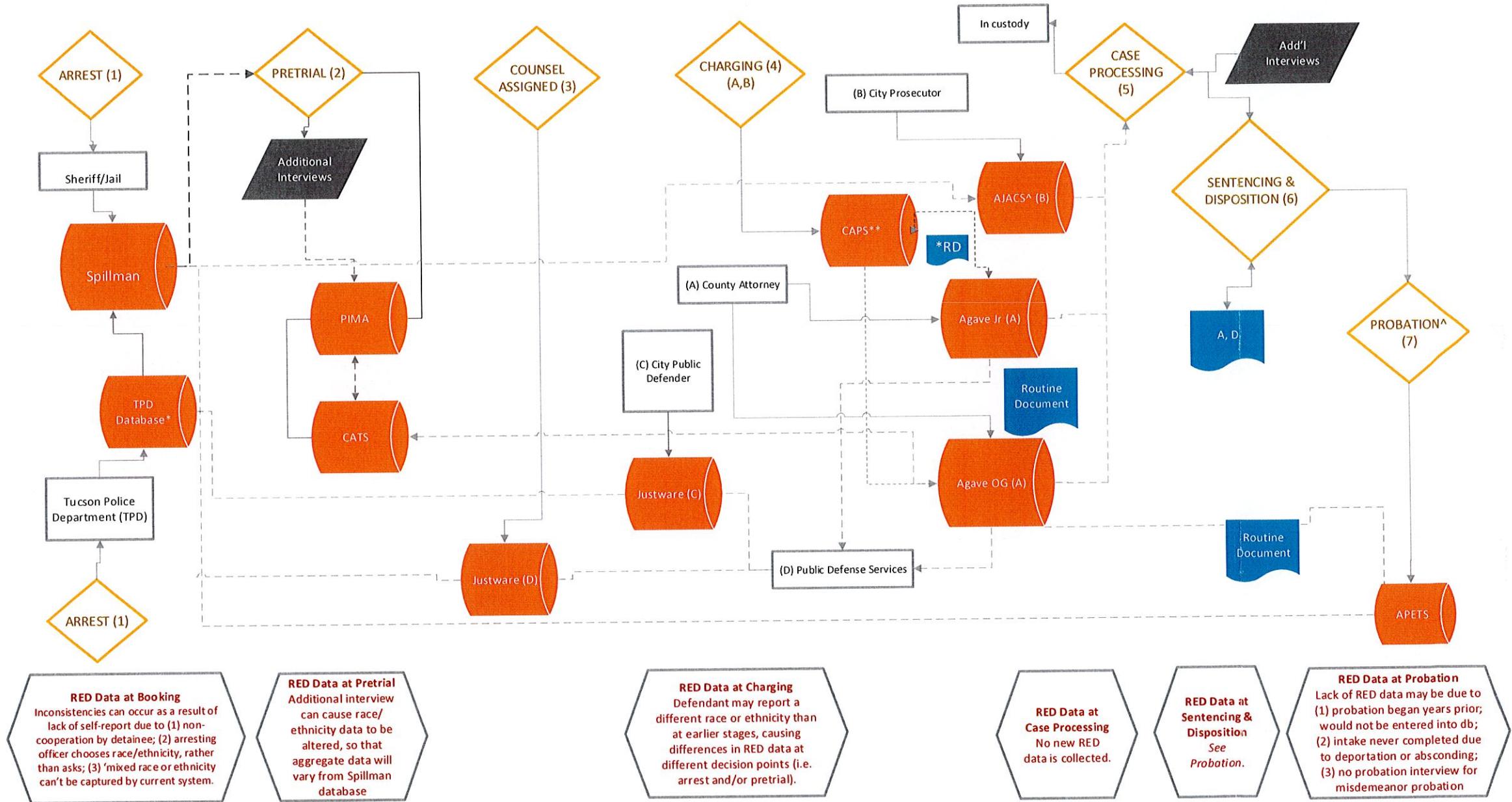
Criminal Justice Process





1. Arrest (Law Enforcement) ARS §§13-3881-3907, Ariz Rules of Crim Procedure 4.1
2. Alternative to Jail (Magistrate, Law Enforcement) Court policies
3. Pretrial eligibility (pretrial case analysts) ARS § 13-3967, Ariz Rules of Crim Proc., Rule 7.2, Pretrial/court policies
4. Assignment of Counsel (Office of Court Appointed Counsel) 16A ARS Rules Crim. Proc., Rule 6.2
5. Initial Appearance (Judge, pretrial case analyst, CA, PD, MHP, victim) ARS §§13-1401 et seq., 28-1301 et seq.; 16A ARS Rules Crim. Proc., Rule 4.2
6. Bond (Judge, Pros atty, Def atty) ARS §§ 13-3961-3974, Ariz Rules of Crim Proc, Rule 7
7. Charging Decision (Pros atty, law enforcement), ARS, Title 13,
- 8a. Grand Jury (Judge, Grand Jury) Ariz Rules of Crim Proc, Rule 12
- 8b. Preliminary Hearing (Judge, Pros atty) Ariz Rules of Crim Proc, Rule 5
9. Arraignment (Judge, Pros atty, Def atty) Ariz Rules of Crim Proc, Rule 14.1
10. Plea agreement (Pros atty, Def atty, Judge) Ariz Rules of Crim Proc, Rule 17
11. Trial (Judge, Pros Atty, Def atty, Jury) Ariz Rules of Crim Proc, Rule 19, Rule 23
12. Sentencing (Judge) ARS Title 13 Chapter 7, Ariz Rules of Crim Proc, Rule 26, Sentencing Guideline
13. Probation ARS §§ 13-901-925, Ariz Rules of Crim Proc, Rule 27

**Defendants in DTAP are sentenced without the 30 day delay



*Routine documents include: Notice of Supervening Indictment, Transmittal Certificate of Record, and others
 TPD=City of Tucson, City of South Tucson, and UA Police
 Case Processing includes: pleas, arraignment, continuation, court calendaring, and diversion. (If individual at this stage has multiple encounters with the system, then data is updated and overwritten, altering both case level and aggregate data).
 ^AKA "Post-Conviction Supervision"
 Automatic data feed is represented by dotted line (if not direction indicated, assume left to write and up to down)
 **County Attorney Prosecutor System



Legend:
TEXT:
BOLD – Active
 Normal Text – In development
 Italics – In queue, not started

UNES:
 Color: Associated with source of Data
 Normal – Active information deployment or receipt
 Dotted: In development, not active or started

