



## Office of the Pima County Attorney Significant Accomplishments 2015

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### FINANCIAL HIGHLIGHTS

1. The Asset Forfeiture Unit, during calendar year 2015, had 55 bonds forfeited and 10 bonds partially forfeited, resulting in \$367,450.00 in bond forfeiture monies sent to the county general fund.
2. The Adult Diversion Program collected \$47,885.82 in restitution and \$148,641.81 in revenue for the general fund for a total of \$196,527.63 for fiscal year 2014-15.
3. Victim Services Division utilized 115 trained community volunteers to provide crisis and advocacy services to crime victims. These trained volunteers contributed 19,245 hours last fiscal year, gifting Pima County with \$384,900 in donated victim services. During fiscal year 2014-15, volunteers provided 5,259 services to 1,719 victims (1,224 crisis victims on-scene and 495 victims through court or in the office).
4. The Crime Victim Compensation Program processed 288 new victim claims and paid out \$458,657 from our grants and monies received from restitution awards for medical, mental health, lost wages, crime scene cleanup, transportation, and funeral expenses. Victims also received \$174,520 by staff successfully negotiating discounts with medical and mental health providers, resulting in a combined total assistance of \$633,177.
5. The Tort Unit has 53 open lawsuits in litigation with six involving claims where a potential jury verdict or settlement in excess of a million dollars is possible if the plaintiff should prevail. The total demand in these six cases is \$79 million. The Tort Unit also closed 20 cases; 16 were successfully resolved by motion or appeal, two were settled for a combined amount of \$165,000 (plaintiffs sought \$2-6 million), one resulted in a jury verdict of \$16,000 (plaintiff sought \$2-3 million at trial for a traumatic brain injury), and one was settled for \$10,750 (plaintiff demanded \$23,398.09). The total payout in the four cases that were tried or settled was only \$191,750, a savings to Pima County of \$5,831,648.09. The savings in the 16 cases resolved by motion or appeal is even greater. Out of the 20 closed cases, five were for wrongful death and/or serious physical and permanent injury claims.
6. The Tax & Bankruptcy Unit, during fiscal year 2014-15, filed claims in bankruptcy cases totaling \$1,110,918.08 and collected \$2,373,357.32 in real and personal property taxes benefitting Pima County. During the 2014-15 fiscal year, the Unit handled 793 cases consisting of 245 bankruptcy cases, 165 excess proceeds cases, 171 tax lien foreclosure cases, 88 tax court appeals, 93 small claims tax court appeals, and 31 eminent domain cases.
7. The Bad Check Prosecution Diversion Program served a total of 9,355 individuals and merchants participating in the program. For fiscal year 2014-15, the Program successfully returned \$172,540 in restitution to the victims of bad checks. The Bad Check Program continues to be the top program of its kind in the nation.

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.