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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

DATE: January 8, 2016

RE: FY 2016/17 Proposed Budget

I am pleased to submit the FY 2016/17 proposed budget for my Office, which reflects my intended allocation of limited federal, state, and local funds.

In developing this proposed FY 2016/17 budget, I have reflected upon the significant financial obstacles my office, just like so many other criminal justice agencies, has endured during and 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.

Now, unfortunately, my Office, like all law enforcement agencies throughout Pima County, is faced with further budget reductions as a result of the recent announcement of the immediate suspension of federal equitable sharing payments under the Department of Justice Asset Forfeiture program. These federal funds had allowed us and our justice partners, for more than 30 years, to purchase equipment, provide training, and upgrade technology that, otherwise, would have required additional appropriations from the County's General Fund.

As we enter 2016, even more budget reductions may be on the horizon. Arizona's forfeiture statutes, which provide opportunities to fund gang and substance abuse prevention 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. With more

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than 377 juvenile offenders participating last year, the CJB diversion program had a 94% compliance rate. The DTAP program operates with very little in the way of General Fund resources, utilizing grants and forfeiture funds to offer need-based wraparound recovery support services in lieu of prison to select non-violent, repetitive felony offenders who are addicted to drugs and motivated to change their behavior. The number of participants in the DTAP program doubled this past year. With a success rate of 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 Community Addressing Responsible Gun Ownership (CARGO) program which, in conjunction with my Lock-up Your Gun campaign, distributed 8,864 gun locks at no charge in coordination with 69 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.

Regarding my Office's General Fund Budget, more than 93% is allocated to personnel, with the remaining 7% 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 an ongoing 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 the provision of victim services. I am extremely pleased in my Office's ability to expand victim services by having advocates, once again, officed in Sahuarita/Green Valley and Marana/Oro Valley paid for by the recent Victims of Crime Act grant I obtained.

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. The elimination of vacant positions that were necessary to offset the costs of the across-the-board compensation increases has rendered my remaining staff over-worked and has eliminated any ability to further reduce my Office's General Fund budget to absorb any additional cost increase. Under this budget, my Office will not be in a position to absorb any additional expenses or requests to absorb employee pay increases.

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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 many cases early in the process. Expansion of my diversion programs, including Adult Felony Diversion and Misdemeanor Diversion, the Bad Check Program, and the Community Justice Boards (for juveniles), which are operated by only a handful of staff and 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.

However, the increased efficiencies and monetary savings gained through consolidation of operations, innovation in charging and pleading cases, specialized diversion programs, as well as automation, and the use of volunteers can be quickly offset when law enforcement agencies present more cases to my Office for review. While we have successfully battled this headwind of limited financial and human resources to date, we are at a critical point where the slightest increase in demand for our civil and criminal services will jeopardize our efficient delivery of services.

Last year my Office's Criminal Division reviewed a total of 9,449 felony criminal cases presented by 34 different federal, state, and local law enforcement agencies throughout Pima County. 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 be high, so have the number of cases disposed. In fact, last year, my Office disposed of cases involving more than 5,500 felony criminal defendants, the second highest during any one year over the last decade. This represents a 28.5% increase in total dispositions over the last decade. Increased stress, having to do more with less, stagnant wages, and competition from other prosecutors' offices hiring my talented staff all contributed to increased

employee turnover.

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, which I learn about through their requests for permission to engage in outside employment. 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 their income are tempted to leave and do so in response to the heavy workloads they have been asked to handle under reduced staffing 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 will undoubtedly continue to result in the loss of more of our most talented employees.

Similar to most service-oriented operations, the vast majority of funding my Office receives is directly allocated to personnel. The nature of the work we do requires highly trained and experienced employees. Talented and experienced men and women are crucial to the success of this Office as we work to protect and serve the community. We cannot continue to succeed in this work without adequate, appropriately compensated, and well-trained personnel.

The lack of funding to move well-performing employees through their respective salary ranges has created an "efficiency drag" on the criminal justice system. Efficiency drag is created because our salary structure exhibits the following three characteristics: 1) low entry-level salaries, 2) salary compression, and 3) inability to retain experienced, skilled employees. The corresponding impacts are: 1) inability to attract and hire qualified entry-level applicants, 2) inability to attract and hire experienced applicants, 3) inability to retain well performing, experienced personnel, and 4) diversion of existing personnel resources to training new hires resulting from the high rates of turnover.

This can best be illustrated in the salaries of the Legal Processing Support staff in the County Attorney's Office. The average hourly pay for that position is \$14.50 per hour. The midpoint of the pay range is \$19.04 per hour, but not one of the 56 employees in this classification has reached the midpoint, even though six employees have greater than 19 years of service in the

classification. One would assume that those with greater than 10-15 years should be near the top of the range. By not providing funding to support compensation increases for longevity, the County has compressed employees (impeded progression) within the salary ranges. Examples of this situation can be found in other County Attorney employee classifications, as well:

- Legal Processing Support totals 56 employees, but none of their salaries has reached the midpoint, even though six of them have been in the position for 19+ years.
- There are 22 Victim Advocates, three of whom have been in their positions for 17+ years, yet none has reached the midpoint of their salary range.

Additional classifications with five or fewer employees above the midpoint with 16+ years of experience:

- Criminal Investigators total 20 employees, yet only one is paid a salary barely above midpoint after 16+ years.
- There are 40 Legal Secretaries, yet only five are paid barely above midpoint. The highest paid employee has 20+ years of experience yet is closer to the midpoint than the maximum of the salary range.
- In the Paralegal classification, 5 out of 57 employees with 16 years or more in the position, yet their salaries remain closer to the midpoint than to the maximum within the range. Even the highest paid with 22 years in this category is closer to the midpoint than to the maximum.

To address these issues, I am submitting, for the first time in years, a supplemental package requesting funding to increase compensation for my well-performing employees who have provided years of service. 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 an incentive for applicants to accept the entry level salary, knowing they can obtain raises over time. All three benefits will resolve the issue of efficiency drag and result in a skilled and even more productive workforce benefiting the entire criminal justice system.

While providing a one-time, across-the-board increase to address the higher cost-of-living is somewhat beneficial, it does not adequately attack the systemic problem of lack of movement through a salary range that has not occurred during and since the Great Recession. Providing the requested supplemental funding to support longevity pay for good performers not under formal discipline will: 1) move experienced personnel through their salary ranges, 2) encourage retention of good employees and their associated institutional knowledge, and 3) provide efficiencies gained with a highly motivated and experienced staff. In contrast, rejecting the requested funding

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would continue the current unacceptable position of: 1) inability to attract skilled applicants to fill entry-level positions, 2) inability to attract experienced applicants to fill critical job functions, and 3) inability to compete in the increasing competitive local job market.

My plan is to use supplemental budget funding to move everyone who is qualified and has been in their classification 10 years or more to the range mid-point salary and to provide an additional 2.5% for each year above 10 years. (For attorneys, the calculations are based on their respective original bar dates and an additional 1.0% for each year above 10-years is capped at year 20). The total cost of this compensation package is \$900,412, which represents approximately 4.0% of my existing personnel budget.

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