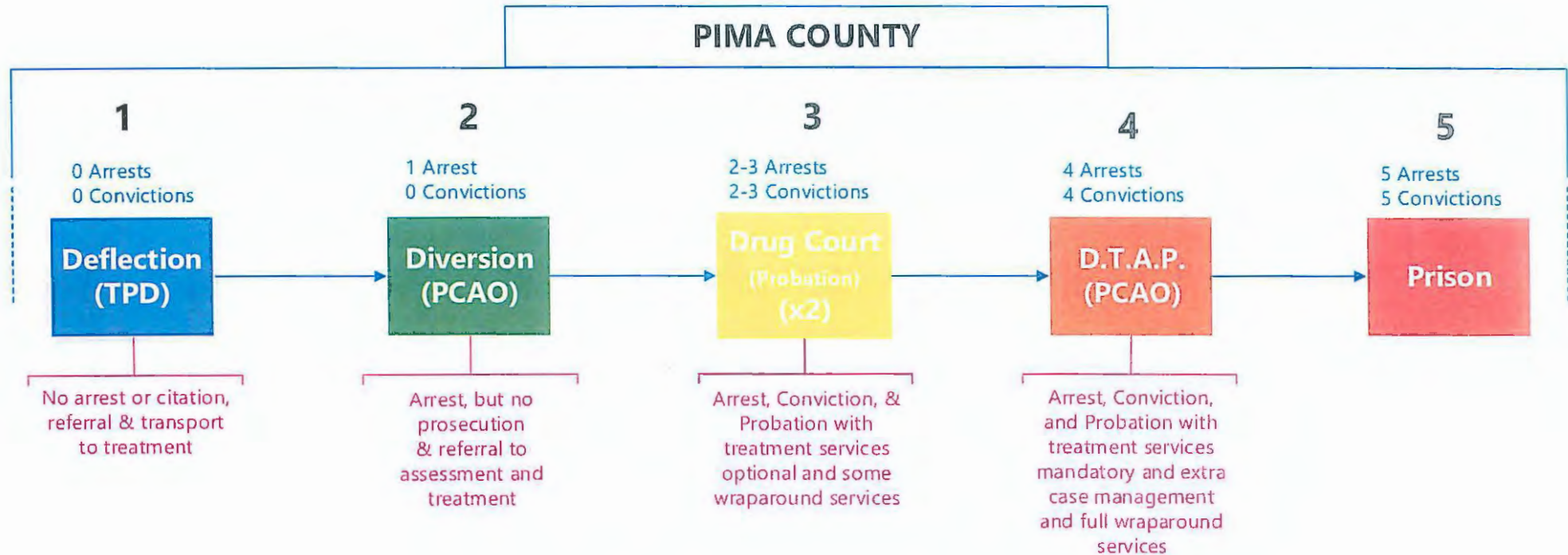


Tab 3



ADULT FELONY DRUG POSSESSION INTERVENTIONS (Heroin, Cocaine, Fentanyl, etc.)

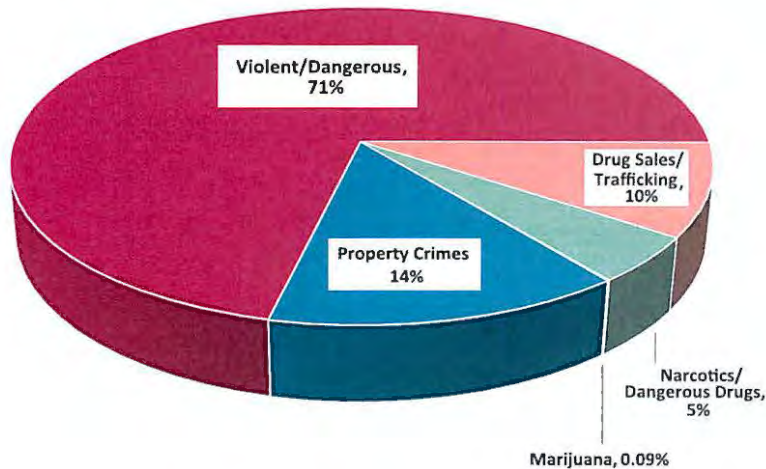


Tab 4

KNOW THE FACTS

Arizona's Prison Population -FROM PIMA COUNTY

State Prison Inmates from Pima County: Comparison
of Violent or Dangerous, Property & Drug Offenses



95% of prison inmates
committed offenses
harming victims.

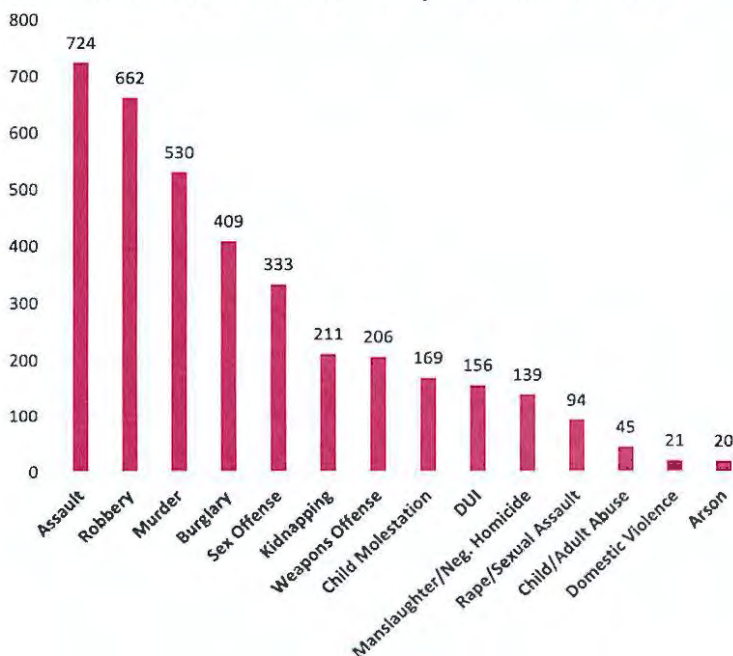
71% of prison inmates were
convicted of violent or
dangerous crimes.

Source: Arizona Department of Corrections Data for July 2018



The Arizona Department of Corrections reports 71% of inmates from Pima County have been convicted of at least one violent or dangerous crime, such as murder, rape, armed robbery, or domestic violence.

Inmates from Pima County for Violent Crimes



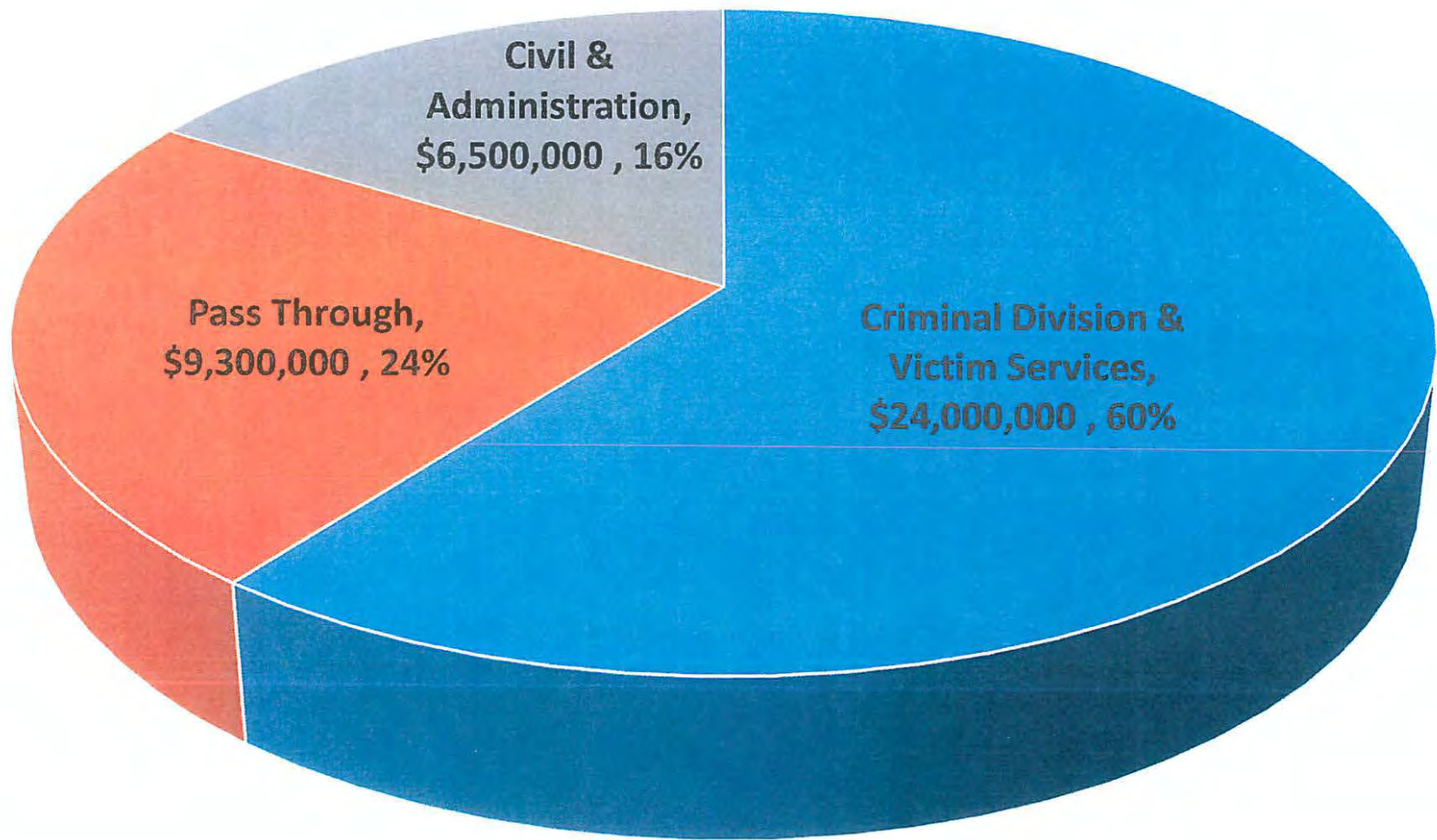
14%, the second largest
group, were convicted of
property crimes, mostly
repeat offenders involved in
trafficking in stolen
property, fraud, forgery, and
identity theft.

Source: Arizona Department of Corrections Data for July 2018



Tab 5

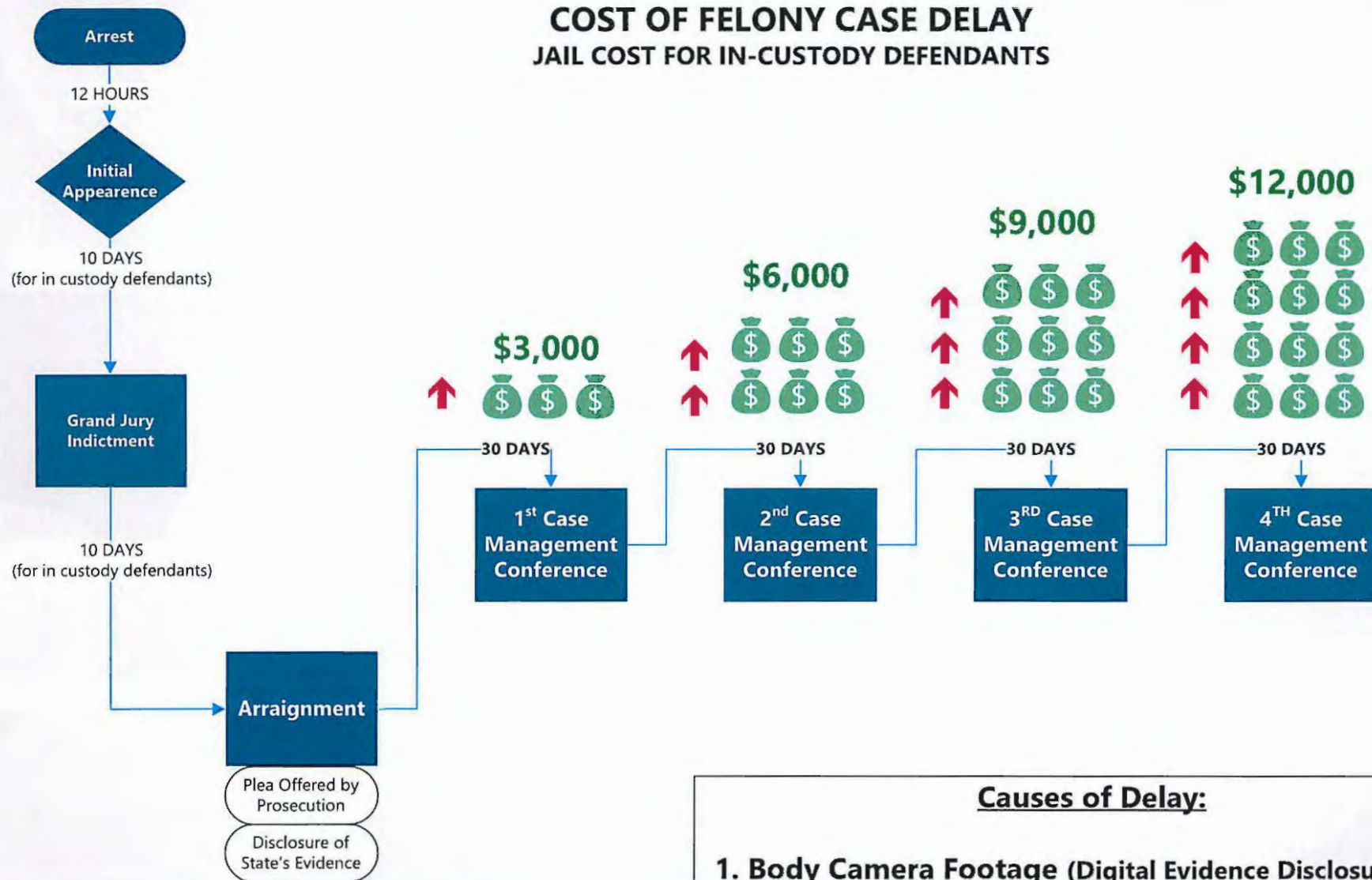
PCAO Budget Breakdown



Tab 6



COST OF FELONY CASE DELAY JAIL COST FOR IN-CUSTODY DEFENDANTS

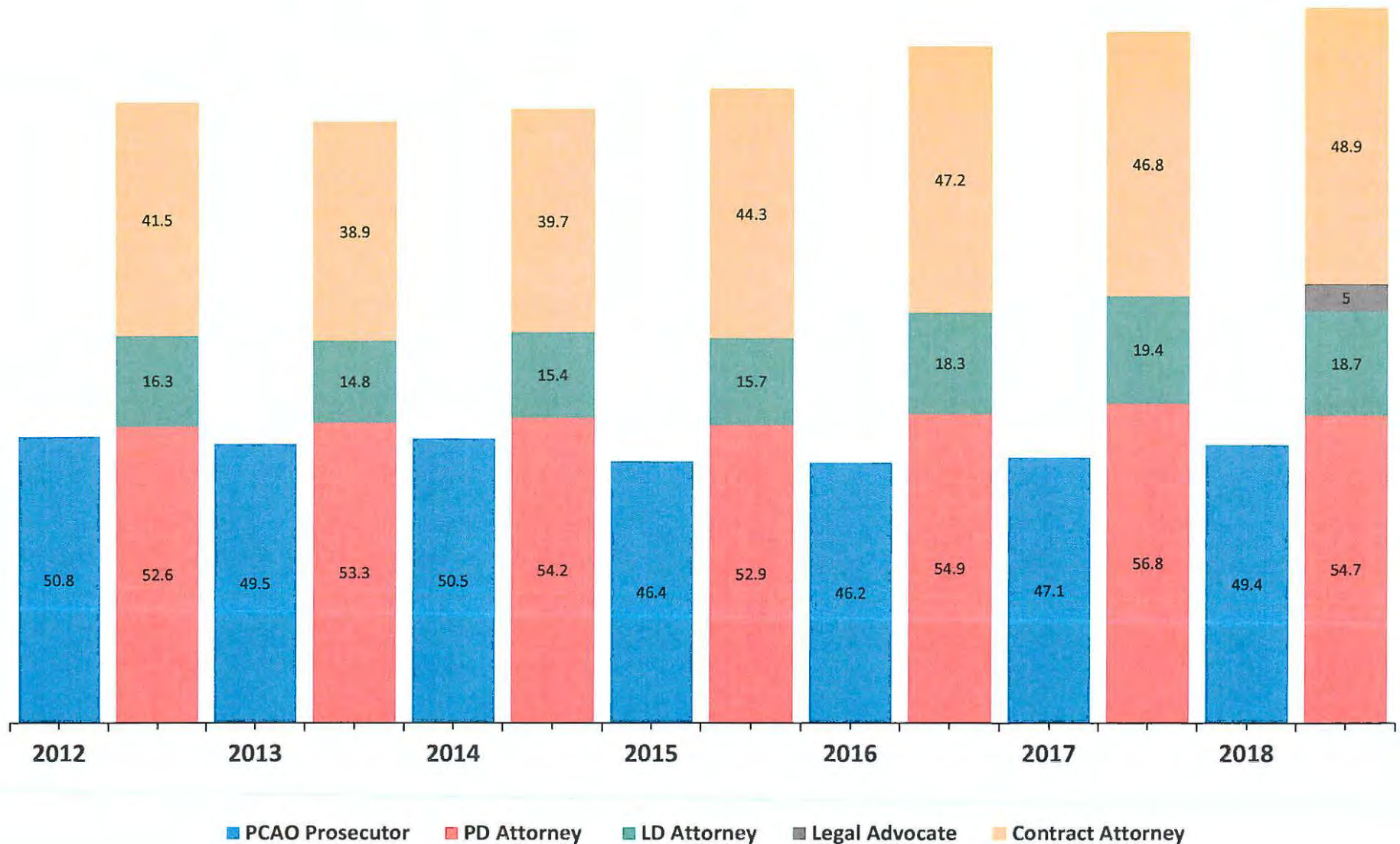


Causes of Delay:

1. Body Camera Footage (Digital Evidence Disclosure)
2. Inadequate Staffing (Expedited Plea Negotiation Team)

Tab 7

Average Number of Felony PCAO Prosecutors vs Number of County Felony Indigent Defense Attorneys



Tab 8



Barbara LaWall
Pima County Attorney

Pima County Attorney's Office
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Tucson, AZ 85701

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

MEMORANDUM

TO: C.H. Huckelberry
Pima County Administrator

CC: Honorable Chairman and Members
Pima County Board of Supervisors

FROM: Barbara LaWall *BL*
Pima County Attorney

DATE: January 14, 2019

RE: FY 2019/20 Proposed Budget

I hereby submit the Fiscal Year 2019/20 proposed budget for my Office, which unfortunately reflects continued substantial reduction of federal, state, and local funds available to supplement general fund expenditures.

In developing this proposed FY 2019/20 budget, I have identified the resources necessary to continue to achieve the mission of my Office, which is to pursue justice, prosecute criminals, and protect the community. To achieve this mission, we: provide services to victims of crime; protect the safety of those victims and the community, at large, by prosecuting those who have committed crimes that harm and endanger them – targeting for prison sentences those who are violent and dangerous, as well as repetitive, chronic, and habitual offenders, while seeking alternatives to incarceration for others, including treatment, for those who are mentally ill and drug addicted; and we provide excellent civil legal services to enhance ethical, effective, and efficient county government.

Criminal Justice Reform Measures

Criminal Justice Reform measures have recently become a hot topic both nationally and locally. I take pride in the fact that my office has been a leader in criminal justice reform for years pre-dating this trend, and I continue to suggest, promote, and implement significant criminal justice improvements.

Last June I provided to the Board of Supervisors a memorandum listing Key Issues Related to Justice Reform in Pima County detailing wide-ranging reforms that can be implemented either locally or through state legislation. My efforts have always been guided by a desire for continuous improvements to the criminal justice system. Many of my office's innovations and reforms in our criminal justice system have been implemented through grant funding

obtained by presenting imaginative proposals to create new programs or to improve existing programs. One of the most successful has been our Drug Treatment to Prison (DTAP) program, now entering its eighth year of operation. Another is our new Felony Drug Diversion Program. For years, my office has developed and successfully implemented diversion programs involving misdemeanor crimes, juvenile crimes, and minor non-violent felony crimes. The new Felony Drug Diversion Program significantly expands our programming designed to provide alternatives to incarceration. Moreover, we have taken a leadership role in county-wide criminal justice reform efforts.

Attached to this Memorandum is a summary of our criminal justice reform efforts over the past year.

Budget Challenges This Year

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

As we enter 2019, even more budget reductions may be on the horizon. Over the past few years various grants, on which my Office has relied, have either been totally eliminated or reduced. These include: The Arrest Grant (Encourage Arrest Policies and Enforcement of Protection Orders Program), the STOP Violence Against Women Grant, and the Arizona Victims' Rights Implementation Grant.

We were successful last year in obtaining short-term, bridge-funding from a private foundation – the Tucson Family Foundations – to address partial funding of two Victim Advocates for one year. The Risk Assessment, Management and Prevention Program (RAMP) is focused on addressing intimate partner domestic violence earlier in the cycle of violence before it becomes life-threatening. Sustained longer-term funding is necessary to continue providing domestic violence victims with services along with our partner Emerge! Center Against Domestic Abuse. Overall, we continue to see declines in grant opportunities and funding of existing grant programs.

Many of our ongoing special revenue programs are also experiencing declining revenues. These include: Anti-Racketeering Fund (ARF), Criminal Justice Enhancement Fund (CJEF), and Fill the Gap (FTG). ARF revenue is declining in response to the reduced number of cases presented by law enforcement. CJEF revenue is distributed by statutory formula, and the revenue is based on statewide fines, fees, and court collections which have been steadily declining. Similarly, FTG appropriations are tied to the decrease in fine, fee, and

surcharge revenues received from the Criminal Justice Enhancement Fund (CJEF).

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

According to the Superior Court's CACTIS/AGAVE Criminal Case Status Report dated January 1, 2019, the average caseload of our felony prosecutors is 68 - more than double the average felony caseloads of attorneys with the Public Defender (27) and with the Legal Defender (30). We have only 47 felony prosecutors handling 3,196 felony cases at a given time. Meanwhile, there are more than twice that number - 77 attorneys - employed by Public Defense Services handling 2,157 felony cases at a given time. The remaining approximately 1,000 felony cases that we prosecute are defended by contract attorneys paid for by the County and by private attorneys. One consequence of having an inadequate number of felony prosecutors is delay in the disposition of cases.

As we discussed last October, the loss of experienced prosecutors and staff to several other agencies such as the U.S. Attorney's Office, Homeland Security, Attorney General's Office, and Pinal County Attorney's Office have highlighted the need for a salary review of the County Attorney Classifications. I appreciate your direction to the Human Resources Department (HRD) to undertake a salary survey for the County Attorney Classifications and look forward to additional funding necessary to implement pay adjustments in response to new pay ranges, mid-points, and weighted averages. In anticipation of completion of the HRD's study, I request that contingency funding be set aside for implementation during the upcoming fiscal year. A quick calculation for an across-the-board increase for the general fund positions at five percent, plus employee-related expenses, would cost approximately \$549,500 for staff and approximately \$414,600 for attorneys; and at ten percent it would cost approximately \$1.1M for staff and approximately \$829,250 for attorneys.

The Legal Services Building (originally the Home Federal Savings Building) was constructed in 1967 and requires some long-term capital improvement projects (CIP). We understand future CIP projects include window resealing to address heating/cooling issues, along with leakage/water damage that can occur during rain storms. We appreciate your approval and direction to Facilities Management to proceed with modifications to the 14th and 15th floors. In particular, the buildout of the 15th floor will address overcrowding on some other floors, as well as provide an opportunity to later resume the abatement program on remaining floors in the building.

Over the last decade, I have reduced my Office's General Fund supplies and services budget and completely eliminated the capital budget to accommodate the dramatic budget cuts that had to be implemented during the Great Recession. The elimination of then-vacant positions that was necessary to absorb various cost increases has severely strained my staff, and there is no ability to further reduce my Office's General Fund budget to absorb any additional cost increases. Nevertheless, operational expenses continue to increase. With the loss of grants, declining special revenues, and increased demands for services, my Office is not in a position to absorb any additional expenses, and it is necessary that I now submit three supplemental budget requests. The office functions and services we provide to the community are varied and complex requiring a highly-skilled, knowledgeable, and large labor force. While technology is generally viewed as a means to achieve efficiency, it comes with a cost – more human capital as the demands and expectations for more data must be processed at increasing speed.

Supplemental Budget Requests

Digital Evidence Disclosure

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

My Office is experiencing data and information overload, now approaching a crisis stage, as a result of the exponential increase in the tremendous volume of digital audio and video recordings provided to us by law enforcement agencies, private businesses, and community residents who are witnesses, victims, and perpetrators of crimes.

This evidence comes primarily from body worn cameras (BWC), videos, photographs, audio recordings, private security cameras used by retail businesses, and cell phones used by victims, witnesses, and perpetrators of crimes. The sheer volume of this evidence has inundated and overwhelmed my office.

We require additional funding for additional staff necessary to process this greatly increased volume of digital evidence which must be reviewed and redacted for disclosure. We must review all the evidence in each criminal case, including all BWC video footage and all other recordings. In many cases, digital recordings constituting evidence, must be redacted to remove confidential information, such as a victim's address, prior to disclosure to defense counsel. Moreover, if a public records request is made for a digital recording, a separate redaction may have to be undertaken prior to release of the recording.

Several law enforcement agencies, most notably the Tucson Police Department (TPD), have outfitted their officers with BWC. What began over the past couple of years as a limited rollout has now gone department-wide for all patrol officers. TPD has equipped its patrol officers with BWC, and has trained its officers to turn on those BWC throughout the duration of all incidents. This provides a huge quantity of lengthy video recordings, often from multiple officers recording for hours at the same crime-scene, in addition to law enforcement vehicle cameras, which also provide audio and video recordings of incidents. Each and every audio and video recording associated with a criminal case must be reviewed by my staff to determine what, if any, evidence it contains. Last year, TPD began its rollout of a couple of hundred BWC. This year, TPD now utilizes more than 500 BWC and is expected to receive grant funding for another 129 BWC, which will further exacerbate the strain on our resources. Sahuarita Police Department has 49 BWC and plans to add 31 cameras to its patrol cars. Marana Police Department currently has 60 BWC and will add another 5 BWC along with its current 60 in-car cameras. Oro Valley currently has 65 BWC, and The University of Arizona Police Department has 56 BWC along with 20 in-car cameras.

We cannot keep up with this explosion of BWC and other video footage.

Currently, our Legal Processing Support (LPS) redaction staff members handling felony cases are having to spend approximately 75% of their time reviewing and redacting BWC footage to remove victim information and other confidential information before the redacted version of the BWC footage can be disclosed to defense attorneys. The remaining 25% of their time is allocated to the review and redaction of the other forms of digital media.

Meanwhile, more retail establishments, including convenience stores, department stores, and electronics stores, as well as private citizens have installed and are using security cameras. Recordings taken from these cameras can be used as evidence in law enforcement investigations and in criminal prosecutions of retail thefts, robberies, and assaults that take place at these businesses and residences. As with BWC footage, each retail establishment recording must be reviewed to determine what evidence it contains, and it must be disclosed to defense counsel. If a public records

request is made for the recording, it must be separately reviewed for necessary redactions, then redacted, and subsequently produced. Again, these review and redaction processes significantly increase the amount of time necessary for my staff to complete this work. Because different retailers and citizens use a wide range of video formats, and there is no universal format, we require the appropriate software to review and redact each type of video format. Axon has software that can do all types. So, for efficiency purposes, we have had to acquire the license to use Axon software.

Both BWC footage and retail/resident video footage generally must be reviewed in real time and must be both downloaded and re-uploaded (following redaction) in real time. This uses significant staff labor and is extremely inefficient. Software and hardware enhancements are needed to expedite the downloading and uploading processes. Increased staffing is necessary in order to review and redact the footage. Some criminal cases will involve a multitude of BWCs. For example, a first degree murder case in 2018 involved 16 officers on-scene producing 42 BWC files generating approximately 40 hours of BWC footage. In addition to the 40 hours to review the footage, another 124.5 hours of staff time was required to redact all the files due to the amount of information needed to be redacted.

With the ubiquity of cell phones containing emails, texts, social media posts, photos, videos, and other data, more and more law enforcement investigations involve the retrieval of such data from the cell phones of witnesses, victims, and perpetrators of crimes. Those data then must be reviewed for evidentiary purposes, disclosed to defense counsel, and produced in response to public records requests after appropriate redactions are made. This, too, demands an increasing amount of staff time in my office.

For every hour of BWC footage, an additional two hours is required to process the redaction for a total of three hours for every hour of footage.

My office receives approximately 1,500 hours of unredacted BWC footage each month from all police departments in the County. Having only 10 redacting LPS staff members with the proper software to perform all redactions on BWC footage makes this redaction function a bottleneck in operations. All BWC footage must go through the redaction team before the footage can be disclosed. Approximately 400 hours of BWC footage can be reviewed, redacted, and disclosed each month with our current LPS staffing. Paralegal staff also, on average, reviews 180 hours of BWC footage each month, in addition to the LPS redaction staff. Based on the current rate of incoming footage versus the amount of footage that can be redacted each month, over the course of the year 2019, it is expected that there will be more than 13,900 hours of undisclosed footage holding all other external variables constant such as a change in the number of officers wearing BWC or the number of cases with

major felony charges – twice as long to redact equals 27,889.2 hours. We are currently experiencing situations of the courts ordering disclosure of the redacted BWC by a specific date, which, in turn, disrupts our ongoing efforts to redact BWC footage in other major felony cases according to our internal prioritization designed to focus on the most violent and dangerous offenders and to expedite plea negotiations in other cases. The overwhelming number of hours to review and redact cannot be addressed through more expensive overtime.

In order to deal with the high volume of electronic evidence being presented by law enforcement agencies to my Office, I am seeking a supplemental budget package to fund 10 support staff positions and associated specialized computer hardware and software totaling \$459,966. It should be noted that even with these additional 10 positions, it will not possible to meet the demands arising from increasing BWC footage.

We are working with the Courts and Public Defense Services to implement a new Superior Court Administrative Order that will alleviate some of the demand for redaction of BWC involving lower level felony crimes, but this will not alleviate the need for the additional 10 positions we are requesting be included in our supplemental departmental budget; the Court Order has merely reduced the number of positions immediately needed this year to 10.

Expedited Plea Negotiation Team

This supplemental funding is to develop an Expedited Plea Negotiation Team to speed the resolution of felony cases, particularly those with defendants in jail custody.

Felony cases are issued (either post-arrest or pre-arrest) after law enforcement detectives meet with prosecutors in our Operations Bureau Charging Unit when those prosecutors determine that there is sufficient evidence to prove the case beyond a reasonable doubt. Approximately 60% of all cases presented by law enforcement are issued and presented to the Grand Jury for charging. (The remaining 40% are referred for misdemeanor prosecution or declined for prosecution.) Of those felony cases that are charged and prosecuted, roughly half are negotiated to plea agreements by the prosecutors in the Operations Bureau, without ever being assigned to a trial team.

We believe more felony cases might be negotiated to plea agreements sooner by the prosecutors in our Operations Bureau if there were more prosecutors in that Bureau, so that some of those prosecutors could be assigned to serve as an Expedited Plea Negotiation Team. They would spend a substantial portion of their time actively involved in negotiating plea agreements in person or by telephone with defense counsel.

Six years ago, in order to enhance internal efficiency in our office, we consolidated both the issuing/charging function and the case evaluation system (CES) plea negotiation function for most felony cases into a single, centralized unit which we call the Charging/CES Unit within our Operations Bureau. Following that consolidation into the centralized Charging/CES Unit, 55% of our felony cases have been disposed of via plea agreements without ever having been assigned to a trial team. Previously, only 34% of our cases had been disposed of via plea agreements before being assigned to a trial prosecutor. In other words, the number of felony cases disposed of via CES, has increased 62% as a result of the consolidation of the charging and CES functions into the centralized Operations Bureau.

This enhanced efficiency realized by consolidating our Charging/CES Unit within our Operations Bureau has enabled us to handle a growing caseload without any increase in our number of prosecutors and support staff.

There is an opportunity now to enhance efficiency further, not only within our office but throughout the entire criminal justice system, if we can expedite the time to disposition of cases via plea agreements using an Expedited Plea Negotiation Team for CES cases in our Operations Bureau.

As you are aware, the time to disposition of felony cases is a significant cost driver of the criminal justice system. The faster we can negotiate the plea agreement with defense counsel in cases that can be resolved in that fashion, the shorter the time to disposition of those 96% of all felony cases resolved, producing cost savings across the criminal justice system. For felony defendants who are residing in jail custody during the pendency of their cases, the cost savings to the County of expediting the time to disposition and those defendants' release or transfer out of the Jail is even greater.

The Charging/CES Unit in our Operations Bureau now presents plea offers to defense counsel in most felony cases at the time of Arraignment (10 days following arrest for in-custody defendants and 20 days following arrest for out-of-custody defendants). We ask that the defendant accept the plea at or before the first Case Management Conference (30 days following the Arraignment).

However, most pleas are not entered by the time of the first Case Management Conference. Indeed, the time to disposition of felony cases has been growing. The longer time to disposition of cases means more court hearings and more costs for indigent defense, the courts, and jail costs for in-custody defendants. Generally, pleas are not entered until the second or third Case Management Conference, which is 60 or 90 days following Arraignment.

One reason for this delay is that the felony prosecutors in our Operations Bureau who handle the CES plea negotiations are the same prosecutors who are booked solid with issuing/charging appointments with the various law enforcement agencies' detectives all day long and do not have sufficient time to dedicate to the CES function to respond via telephone or in person to defense attorneys who make counter-offers to the original plea offer or who seek to confer regarding case details prior to advising their client whether to accept a pending plea offer. The primary form of communication the CES prosecutors do have time to engage in is via email after business hours, which does not lend itself to back-and-forth conversations involving complicated exchanges of information and the types of questions and responses to questions necessary for successful negotiations in many cases.

(Another reason for the delay is that we are backlogged in terms of the time it takes our legal processing support staff to redact body worn camera (BWC) video which must be disclosed to defense counsel before defense counsel will recommend that their client accept a plea agreement. The need for additional legal processing support staff to address this issue is addressed in another supplemental budget request.)

We have only five prosecutors in the Operations Bureau to handle all issuing/charging and all CES plea negotiations (apart from homicide cases and cases handled by our Special Victims Bureau – those involving sexual assault, child abuse, and domestic violence). We cannot afford to transfer prosecutors from our felony trial teams to the Operations Bureau because our felony trial teams' caseloads remain extremely high.

According to the Superior Court's CACTIS/AGAVE Criminal Case Status Report dated January 1, 2019, the average caseload of our felony prosecutors is 68 – more than double the average felony caseloads for the Public Defender (27) and the Legal Defender (30). The County Attorney's Office is under-staffed to negotiate pleas more quickly. We have only 47 felony prosecutors handling 3,196 felony cases at a given time. Meanwhile, there are more than twice that number – 77 attorneys – employed by Public Defense Services handling 2,157 felony cases at a given time. The remaining approximately 1,000 felony cases that we prosecute are defended by contract attorneys paid for by the County and by private attorneys.

Law enforcement agencies presented our five Operations Bureau prosecutors with approximately 10,000 felony cases in 2018, of which they issued more than 6,200, almost fully occupying their time with the issuing/charging function and leaving them precious little time to confer with defense attorneys to complete CES plea negotiations. At present, these prosecutors mostly handle negotiations via email, which is not as effective as oral communications by telephone or in person.

One consequence of having an inadequate number of felony prosecutors is delay in the disposition of cases. For defendants who are in custody in the Pima County Jail while their cases are pending resolution, the delay in the time to disposition of their cases is particularly expensive. As you may be aware, a large percentage of the Jail population is made up of felony pre-trial detainees. Adding prosecutors to our Felony Charging Unit, which should facilitate expediting resolution of the pending felony cases, should result in some savings at the Jail and in other parts of the criminal justice system that would offset the personnel costs incurred. The estimated cost is \$244,315 in supplemental funding to provide us with two additional prosecutors and two additional support staff members, plus associated supplies and services to add to our Operations Bureau to focus on the CES plea negotiation function.

We anticipate the entire cost for these positions will be more than offset by savings through reduced jail bed days of pre-trial felony defendants.

The estimate of the savings just for Jail bed days will be on the order of \$480,000 or more. (This does not include other savings that would be realized throughout the criminal justice system as a result of expediting case dispositions.) This rough estimate of cost savings is calculated as follows:

Review of available disposition data for the past fiscal year reflects the approximate percentages of defendants entering plea agreements following the number of days since their felony Arraignment:

30 days or less – 8%
31-60 days – 25%
61-90 days 17%
91-120 days –17%
More than 120 days – 33%

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

Each felony case that reaches entry of the Plea Agreement 30 days earlier, therefore would save approximately \$3,000 in Jail costs (not including transportation costs and other criminal justice system costs for the court, prosecution, and indigent defense counsel).

The Sheriff's Department produces a weekly snapshot of the Jail population. Comparing the number of felony pre-trial detainees on that snapshot (1,322 as of December 27, 2018) to the number of felony cases pending on the report produced by the Superior Court (3,196 as of January 1, 2019), one can see that approximately 40% of all felony defendants with cases pending in Pima County are being held in Jail custody.

On an annual basis (not a snapshot), we charged approximately 5,600 felony cases – 40% of that number is 2,240. So, we estimate that there were roughly 2,240 felony pre-trial defendants in jail custody last year while their cases were pending.

If we could more quickly process just 20% of our felony cases involving in-custody defendants (448 cases), getting them to disposition just 30 days earlier, we estimate we could save \$1,344,000 in jail costs alone. Just expediting by one month the cases of 160 felony inmates, at the rate of \$3,000 per defendant in jail costs for the month, would yield a savings of \$480,000 per year.

Adding two prosecutors plus two support staff to the Operations Bureau to focus on CES and to serve as an Expedited Plea Negotiation Team is anticipated to result in the ability to plead at least 160 felony cases 30 days earlier, for a savings of at least \$480,000 in jail expenses. This does not include cost savings that will ripple throughout the criminal justice system by reducing the time to disposition. In other words, the benefit will be at least double the cost of this supplemental budget package.

Ensure Adequate Victim Services Staffing

The Pima County Attorney's Office Victim Services Division provides crisis advocacy to victims of felony crimes at crime scenes 24 hours a day 365 days a year. Additionally, the Victim Services Division provides court advocacy to victims of felony crimes, as well as misdemeanor victims of domestic violence and other violent crimes. Moreover, the Victim Services Division administers the Victim Compensation Program.

The County Attorney's Office leverages the county funding allocated to our Victim Services Program by using highly-trained volunteer victim advocates. For every staff victim advocate, we have four or more volunteers. Through a well-orchestrated scheduling operation, we provide staff back-up for all volunteer shifts, thereby ensuring that all calls for service can be responded to in a timely fashion.

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

Unfortunately, we previously were unsuccessful in obtaining two significant ongoing government-funded grants (ARREST and STOP grants) that provided funding of several Victim Advocates necessary to sustain our ongoing Victim Services Program and to assure coverage with crime-scene advocacy for any crime victim as requested by Law Enforcement including all victims of intimate partner domestic violence (DV) who are at elevated risk or high risk

for serious physical injury or death, including victims in misdemeanor cases who screen in at elevated or high risk to suffer future extreme violence. We were, however, successful in obtaining limited short-term bridge funding as part of a coalition in which our Office has taken the lead and is collaborating with Emerge! Center Against Domestic Abuse and with the Tucson Police Department, Pima County Sheriff's Department, and Southern Arizona Legal Aid to reduce the lethality, harm, and incidence of DV cases in Pima County for two Victim Advocate positions through May 2019. We are uncertain whether the funding will continue beyond this date and are, therefore, requesting contingency funding (should the private grant funding not be extended) in the amount of \$120,884.00.

The increase in victims identified as requiring services from the Victim Services Division has highlighted the need for additional volunteers. Last year, we had the highest number of active volunteers in both the court and on-scene crisis settings in program history (close to 120 volunteers). Due to the high level of demand for services, we have reached the maximum administrative capacity for our current volunteer coordinators, who are also Victim Advocates. While the Victim Services program needs more volunteers to be able to meet the ever growing needs of crime victims in the community, our current volunteer coordinators are unable to provide continuing training, supervision, and mentoring for any additional volunteers. Providing funding for an additional Victim Advocate to function as the volunteer coordinator/advocate would provide the necessary staff to help the division grow its volunteer program and leverage more resources to ensure more victims can access services.

Additionally, we recently submitted a grant application to the federal Office on Violence Against Women for a grant entitled Justice for Families which would provide funding for much-needed Victim Advocates and a volunteer coordinator to enhance DV victim participation, safety, and advocacy in all court-related proceedings. Because we do not yet know whether we will be successful in obtaining either the new federal grant funding or an extension of the private grant funding, we are seeking a supplemental budget allocation to cover the costs of all six Victim Advocate positions (including an Advocate Assistant). Salary and ERE for five Victim Advocates and one Victim Advocate Assistant cost a total of \$302,734, of which \$241,768 could be set aside in a contingency fund for four victim advocate positions because some or all of this funding would be needed only if we are unsuccessful in obtaining requested grant funding.

DTAP Contingency Fund

The adopted FY 2018/19 County Administration Budget included contingency funding of \$750,000 for the DTAP program. During the course of the current fiscal year, some funds are being transferred to the Probation Department to

cover the salary and ERE for the surveillance officer serving the DTAP Program's Probation team on nights and weekends. While there may be a need to use a small portion of the remaining contingency for wraparound recovery services, the majority of the contingency fund will not be necessary this fiscal year. We understand a new contingency fund will need to be set aside for DTAP for next fiscal year. However, a smaller amount is being requested in the amount of \$500,000. Again, a portion of the funds will be dedicated to the Probation Department to fund the surveillance officer, while the remainder will be set aside for use to fund wraparound recovery support services for DTAP participants.

Overall Budget Situation

I am proud of the achievements that have been accomplished by my office while fulfilling my mandated Constitutional duties efficiently and effectively, despite recessionary budget cuts and continuing budgetary challenges, while also implementing numerous criminal justice reforms that benefit criminal defendants, assist victims, prevent crime, and save taxpayer dollars.

As Pima County Attorney, my primary mission is to keep this community safe by holding criminals accountable, helping victims of crime, preventing crime, and protecting the community. I consider the Pima County Attorney's Office to be an out-of-the-box criminal justice reformer and have taken risks in creating new and innovative programs to serve crime victims and to serve criminal defendants who suffer from substance use disorder and mental illness, as well. While cost benefit analysis is always a consideration, it cannot come at the expense of justice and public safety.

My ability to successfully adjust and realign operations based on ever-changing demands is reflected in the many significant accomplishments achieved by my Office. These accomplishments have been achieved despite the challenge posed by unduly high caseloads carried by our felony prosecutors – currently averaging more than 65 cases per attorney at any point in time. This compares with an average public defender caseload of 27 cases and legal defender caseload of 30 cases per attorney at any point in time. The defense counsel caseloads are appropriate; the prosecutor caseloads are far too high.

Economic indicators seem to reflect a more positive outlook for our financial future, and we must continue, above all, to focus on employees who have worked hard over the past several years while struggling with financial hardships. The employee compensation plan adopted by the Board of Supervisors and implemented this fiscal year is well deserved for all hard-working county employees. 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 as a whole.

I encourage you and the Board to address employee compensation again during the development of the FY 2019/20 budget. 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.

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 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 urge you strongly to include in this year's budget a compensation increase for all County Attorney employees, and an upward adjustment of the pay range for attorneys and other classifications where the existing county pay ranges are dramatically below market levels.

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.

Attachments

County Attorney Programs Providing Alternatives to Incarceration and Alternatives to Prosecution

The Pima County Attorney's Office has developed and implemented a number of special programs to divert non-violent, non-dangerous individuals from prosecution and to provide alternatives to incarceration.

Drug Treatment Alternative To Prison (DTAP)

The Drug Treatment Alternative to Prison Program offers drug-addicted, non-violent felony offenders treatment in lieu of prison. DTAP has a 65% rolling success rate. It is a proven solution that reduces recidivism, saves lives, and saves millions of dollars. In 2014, the DTAP program was recognized by the National Association of Counties with its Achievement Award. We continue to expand eligibility criteria, thereby increasing the number of eligible participants and successful diversion from prosecution.

As the Drug Treatment Alternative to Prison (DTAP) program enters its eighth year of operation, it continues to receive recognition on local, state and national levels for its innovative and progressive design as well as its dedication to evidence-based best practice standards. In 2018, the DTAP program director, Kate Lawson, was invited to sit on an expert panel with the Substance Abuse and Mental Health Services Administration (SAMHSA) to discuss with other national leaders in criminal justice reform how the DTAP program utilizes medication-assisted treatment (MAT) to improve recovery rates and reduce recidivism. Under our new SAMHSA grant funding (effective October 1, 2018), DTAP will also begin an improved cross-specialty court collaboration, working with all other problem-solving court programs on training to better align to best practice standards, as well as improve resources for participants.

We continue to partner with a variety of community based agencies in providing treatment and wraparound recovery support services to participants in the DTAP Program. And we continue to apply for and obtain grant funding to sustain and further expand this program.

Felony Drug Diversion

The Pima County Attorney's Office in late 2017 launched a new Felony Drug Diversion Program operated in partnership with Community Bridges, Inc. Through this new program, those charged with the felony crime of drug possession (heroin, methamphetamines, cocaine, or other narcotic and dangerous drugs) are offered treatment in lieu of incarceration. If they succeed in one to six months of treatment, the felony case against them is dismissed.

Misdemeanor Adult Diversion

The Pima County Attorney's Office continues to offer diversion from prosecution for first and second-time non-violent, non-dangerous, low level

offenders, including individuals charged with marijuana possession and other minor crimes. Participants admit their crime, pay restitution to any victims, and complete a program of constructive consequences. These misdemeanor diversion programs have an overall success rate of 86%. We continue to expand eligibility criteria, thereby increasing the number of eligible participants and successful diversion from prosecution.

Bad Check Program

The Pima County Attorney's Bad Check Program continues to be the number one in the nation. The Pima County Attorney's Office joined with local law enforcement agencies and local businesses to establish this pre-charge diversion program, which is designed to reimburse individuals or merchants for losses they incurred from receiving bad checks. Successful participants avoid ever being charged with a crime.

Community Justice Boards

The County Attorney's Community Justice Boards continue to provide a diversion alternative to adjudicating a juvenile as delinquent. These Boards, comprised of community volunteers, engage the juvenile, the victim, and the juvenile's family in a restorative justice process that gives the victim a voice, holds the juvenile accountable, and equips the juvenile to make better decisions and life choices going forward.

Juvenile Diversion

In addition to operating our own Community Justice Board diversion program for juveniles, the Pima County Attorney continues to support and authorize the referral of non-violent, non-dangerous juvenile offenders to the Juvenile Diversion Program run by the Juvenile Probation Department and to Teen Court run by Pima Prevention Partnership. These programs offer first time juvenile offenders alternatives to prosecution and detention.

Law Enforcement Deflection Programs

The Pima County Attorney's Office has supported both the Tucson Police Department and the Pima County Sheriff's Department mental health deflection programs and the Tucson Police Department's new substance use deflection program. Implementation of law enforcement deflection programs, while maintaining public safety, direct individuals to appropriate care and intervention instead of being processed through the criminal justice system. Supporting these programs balances the interest in maintaining public safety with the need to help people affected by mental illness or substance use disorder (addiction) get their lives back on track.

Individuals found to possess illegal drugs can avoid arrest through these law enforcement agencies' deflection programs. And those who are arrested can avoid prosecution through my office's diversion programs.

Within the legal discretion statutorily afforded to me as the county's prosecutor, I have ensured those suffering from addiction who do not pose any public safety threat should have the opportunity to receive treatment through Diversion, Drug Court, and DTAP. We exercise legally-authorized discretion to the extent possible to refrain from incarcerating those who suffer from substance use disorder who would benefit from treatment and rehabilitation. These are highly unique prosecution efforts not replicated in any other Arizona prosecutor's office.

The Pima County Attorney's Office has transcended the walls of the courtroom and now collaborates with social service agencies, acting as a problem-solver, exploring innovative strategies to reduce recidivism by serving the treatment and social service needs of criminal defendants suffering from mental illness and substance use disorder in addition to protecting public safety and serving victims. I recognize my role as one that reacts to crime effectively both inside and outside the courtroom. My office is an agent of positive change in the criminal justice system – both in efficient and effective case-processing and disposition, and also in crime prevention.

Grant Funding Obtained by the County Attorney's Office to Provide Services to Criminal Defendants and Probationers

I am proud, as a prosecutor, to be doing all I can to ensure that the criminal justice system affords necessary, comprehensive re-entry services to help those suffering from substance use disorder and mental illness to succeed on probation, to refrain from recidivism, and to improve their lives and the lives of their dependent children. It may be unusual for a prosecutor to seek funding to provide services for convicted criminals, but I consider this to be an important part of my job to reduce crime in our community.

Services for Felony Drug Court Participants and Training for the Felony Drug Court Team

Over the past year, I obtained new federal grant funding that provides wrap-around recovery resources to probation-identified participants of the felony Drug Court program, providing services including transportation, housing, clothing for work, household items, and other assistance. Also, with this grant funding, Drug Court team members receive training on best practice standards, and have been included in state and national conferences.

Services for all Mental Health Court Participants and Training for the Mental Health Courts' Teams

Under a new grant I obtained from the U.S. Department of Justice (DOJ) effective January 1, 2019, mental health courts on the felony and misdemeanor levels will also benefit from a new "umbrella of specialty court services" currently in development. Under this new collaboration, each problem-solving

court will receive staff training on best practice standards and new innovations like co-occurring court programs, evaluation services and program recommendations, and participants will have access to additional treatment and wrap-around resources as additional funding sources are identified.

Problem Solving Courts Collaborative (PSCC)

Under two new multi-year grants I obtained from the U.S. Department of Health and Human Services Substance Abuse & Mental Health Services Administration (SAMHSA) and from the Department of Justice's Bureau of Justice Assistance (BJA), the former Behavioral Health Treatment Court Collaborative (BHTCC) has transitioned to a new committee entitled the Problem-Solving Courts Collaborative. Chaired by Hon. Kyle Bryson, Presiding Judge of Pima County Superior Court, this Collaborative's new name reflects the progression to the umbrella of specialty court programs and resources. The new Collaborative will continue to be chaired by Judge Bryson, and will be tasked with oversight of the new Consolidated Misdemeanor Problem-Solving (CMPS or "Compass") Court, assisting current problem-solving courts to implement best practice standards, and ensuring better information and resource sharing among all specialty court programs in Pima County.

New Consolidated Misdemeanor Problem Solving Court

Thanks to multi-year funding I obtained from both SAMHSA and BJA, a new Consolidated Misdemeanor Problem-Solving (CMPS) Court is currently in active development. Significant time, resources and leadership from my Office are being invested into the design, development and implementation of this new specialty court under the leadership of my Chief Deputy and my Director of Specialty Court Initiatives. They are working together with the Presiding Superior Court Judge and administrators and judges from the Pima County Consolidated Justice Courts and Tucson City Court. We are pleased also to have the collaboration of the Offices of the Pima County's Public Defense Services, the Tucson City Prosecutor, and the Tucson Public Defender on this important new project.

This innovative new specialty court will be one of the first specialty courts in the country dedicated to serving criminal defendants and probationers suffering from co-occurring disorders including both substance use disorder (addiction) and mental health disorders. Typically, drug courts and mental health courts have been separated. This will be a combination drug court/mental health court in one. CMPS Court will provide resources to address the needs of the "whole person" – needs including not only treatment for mental illness and addiction, but also needs including housing, transportation and life skills.

CMPS Court will be housed in the Pima County Consolidated Justice Courts building, and it will handle consolidated cases from Tucson City Court and from the Justice Courts (and will accept referrals from any limited jurisdiction court in Pima County, once the initial pilot project phase is complete).

The goal of CMPS Court is to help individuals who have repeatedly been arrested and convicted of misdemeanor crimes whose recidivism is a result of co-occurring mental health and substance use disorders. By providing these individuals with a problem-solving court applying evidence-based best practice standards for drug courts along with wraparound recovery support services (as we have done for repeat felony offenders in the DTAP Program), we hope to reduce or eliminate their recidivism. This not only will improve the lives of these individuals, at the same time, it will reduce our Jail population and reduce the number of cases being processed in our city and county misdemeanor courts. In addition, it will prevent future felony drug cases.

With the addition of this CMPS Court, we complete our criminal justice system continuum of care for criminal defendants suffering from substance use disorder in Pima County.

New Grants/Sustainability Planning

I am dedicated to finding sustainable and diverse funding sources, including federal and state funding, to maintain and expand these many criminal justice reform projects my Office has implemented, is developing, or supporting.

In 2018, to support the specialty court programs outlined above, I applied for three federal grants and was awarded two:

1. Adult Treatment Drug Court grant from SAMHSA, \$2 million over five years; and
2. Justice and Mental Health Collaboration Program grant, \$750,000 over three years.

However, these grants do not cover all costs of the existing specialty court programs (including DTAP), nor will they fully fund the new programs we seek to implement over the coming year. In addition to the grant funding I have sought, I am actively pursuing funding from state appropriations to meet these needs. Diverse funding resources will ensure that the high-risk, high-need individuals these programs serve will have treatment and wrap-around resource needs met, and that should one funding source be suspended or eliminated there are other funding sources to offset that loss. I am appreciative that the Board of Supervisors has agreed to lobby in favor of such state funding.

Participation in County-Wide Criminal Justice Reform Efforts

Jail Super Users Task Force

Approximately one year ago, the Pima County Adult Detention Complex identified a list of individuals who had been arrested and jailed more than ten times (“high users”) or 20 times (“super users”) in the previous 24 months. The Criminal Justice Reform Unit convened a task force to begin problem-solving opportunities to break the cycle of incarceration, exploring both individual-specific opportunities as well as programmatic opportunities. Chief Deputy County Attorney Amelia Cramer, Paula Perrera (formerly the Supervising Attorney of my Civil Division’s Health Law Unit and now the County’s Behavioral Health Director), and Kate Lawson, my Director of Specialty Court Initiatives, all have taken active roles in the task force, including arranging for housing and treatment for the county’s most-arrested individual. Utilizing funding from the Pima County Community Development outside agency program, we were able to allocate funding to pay for the placement of this individual who had been arrested 41 times in the past two years for low-dollar shoplifting and disorderly conduct, and had cost local taxpayers \$64,000 in jail fees alone during this period, in a residential treatment community. Since this placement in April 2018, the individual has had no new arrests (no new jail stays) and has been compliant with conditions of probation. This success story is encouraging, and I will continue to work collaboratively to find positive solutions to address this group of individuals who are serious recidivists in the criminal justice system in Pima County, the vast majority of whom are committing only low level, misdemeanor offenses.

Data Exchange Committee

Paula Perrera, former Supervisor of the Health Law Unit in my Civil Division and now Behavioral Health Director for Pima County, along with Kate Lawson, my Director of Specialty Court Initiatives, have participated over the past year in the Data Exchange Committee, chaired by Amy Fish, Deputy Director of Grants, Management and Innovations. The committee is tasked with improving data-sharing among Pima County departments (primarily criminal justice and health entities at this time), developing data-sharing agreements, ensuring there are no duplications of resources when investing in new or existing databases, and identifying all current databases in use.

Safety + Justice Challenge

My Office has been actively involved from day one with the Safety + Justice Challenge sponsored by the MacArthur Foundation. I assigned my Chief Deputy, Amelia Cramer, to attend all planning and implementation meetings and to serve on the Community Collaborative. She and other prosecutors and staff from my Office have devoted hundreds of hours to this project to reduce Pima County’s Jail population and to eliminate racial and ethnic disparities. My Office will continue to be actively involved in this project.

Other Criminal Justice Reform Projects

In addition to my own justice reform projects and the others in which my Office has participated, as discussed above, representatives from my Office have remained engaged and active in numerous other county and community projects.

Kate Lawson assisted the county in its successful application for a SAMHSA grant that will support early diversion/deflection by local law enforcement. Kate has also participated in the Housing First project, the Safety and Justice Challenge program, the Tucson Homeless Coalition, the U.S. Attorney's Office Arizona Re-Entry Coalition, the Arizona Mental Health Criminal Justice Coalition, the Stepping Up program, and is helping to form a state-wide coalition for Crisis Intervention Team (CIT) training.

My Office continues to co-sponsor the Southern Arizona CIT training program, along with Tucson Police Department and the Pima County Sheriff's Department, and I have assigned Kate to be the one of the program's facilitators. This 40-hour training is specially designed for public safety personnel to receive training on mental health and practical application skills for crisis de-escalation. This program has consistently been recognized as one of the leading programs in the nation.