



A REPORT TO THE PEOPLE OF PIMA COUNTY
AND
A BIENNIAL REPORT ON
THE PIMA COUNTY ATTORNEY'S OFFICE
FOR 1977 AND 1978

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ACQUISITIONS

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THE PIMA COUNTY ATTORNEY'S OFFICE
FOR 1977 AND 1978

PREPARED BY:

THE HONORABLE
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PIMA COUNTY ATTORNEY

JACK C. STILLWELL,
RESEARCH ANALYST

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OFFICE OF THE

Pima County Attorney

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STEPHEN D. NEELY
PIMA COUNTY ATTORNEY

DAVID G. DINGELDINE
CHIEF DEPUTY

TO: THE PEOPLE OF PIMA COUNTY

We have followed the normal format of illustrating and documenting the activities of the office during 1977 and 1978 in this report. We have also included some information from prior years for comparison. However, the report goes somewhat further than normal because we have included a summary analysis of some of the issues facing the criminal justice system and the people of this community, whom we serve. We have taken this additional step for three reasons:

1. To illustrate how serious the crime problem is in Pima County;
2. To make possible an appraisal of the performance of my office and the other criminal justice agencies in relation to the size of the problems they face, and the resources they have;
3. To contribute to the planning process and to public discussion of the consequences of changes in government services which may occur as a result of shortsighted application of our tax dollars.

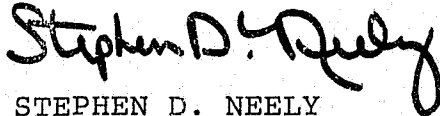
The challenges which face our community must be discussed openly. Information about the who, what, where, and how of government services, and especially the fight against crime, must be available to the public if the best possible decisions about what is essential and what is frill are to be addressed. Your comments on the information in this document and the forecasts of the consequences of static funding levels for law enforcement are also a part of the public discussion of these issues. I would urge you to speak out if anything we say strikes a responsive chord.

It has been a privilege for me to serve you as Pima County Attorney since November of 1976. I believe we have maintained the high standards that gave rise to our selection as the Model Metropolitan Prosecutor's Office by the National District Attorneys' Association during fiscal year 1976-77. No other prosecutor's office in the United States has been so honored.

Additionally, there have been continuous, successful efforts by members of the office to upgrade services in the areas of civil legal representation for the county, Adult Diversion, Family Support, and with the able assistance of the Pima County Sheriff's Department, Consumer Protection and Economic Crime. Each of these divisions has increased productivity far beyond the limited increases in budgetary resources. But I would especially like to express my gratitude to the staff and citizen volunteers whose efforts continue to bring national recognition and acclaim to our Victim Witness Program.

It has become fashionable to belittle the efforts of government workers. Despite any national accolades for excellence, my employees seek only to serve you well here in Pima County. They have earned my respect for their efforts; I believe you will find their performance worthy of yours.

Respectfully submitted,

A handwritten signature in black ink that reads "Stephen D. Neely". The signature is written in a cursive style with a large, prominent "S" at the beginning.

STEPHEN D. NEELY
PIMA COUNTY ATTORNEY

slm

Introduction

The operations and activities of all government agencies should be as open as possible. While some situations may require temporary confidentiality, ultimately the public has a right to know what policies and procedures are being implemented by the officials elected to executive positions. However, there is a considerable difference between "mere statistics" and material which has been sifted, analyzed and interpreted in such a way as to clarify and explain events and trends. I have attempted to provide such material this year because I feel that the criminal justice process is not well understood, and because there are several very important issues currently being discussed, and resolved, which will have a great impact on the future of local government and the Criminal Justice System. My intent in this report is to inform, explain and analyze, not to convince, propagandize or provide easy solutions. My staff has taken great pains to collect the best available information from a wide variety of sources. Nevertheless, some will attempt to explain away the findings because all the different agencies' statistics do not completely agree. However, because the trends are clearly evident, rejection of the data because of differing statistical methods is not justified. Minor differences in data are often more of a guarantee of authenticity than complete agreement.

It is my hope that some of the data contained in this report will provoke discussion of the quandary in which criminal justice agencies find themselves with a constantly increasing workload, and stable, hence inadequate, funding. The balance that has been struck between workload and funding in this community has led to a very strange situation. The Criminal Justice System has become more innovative, more efficient, and increasingly better able to cope with almost any individual problem, yet its capacity to deal with the overall crime situation has diminished. So we are doing a better job on a smaller proportion of the crimes being committed.

The relationship between crime and society's attempts to deal with it has never been easy to understand. But the consequences of current policies regarding the delivery of government services, and their costs, are becoming easier to understand as experience and research provide information to us. Apparently "you get what you pay for" and failing to increase criminal justice funding above the inflation rate results in more crime.

PART ONE

CRIMINAL JUSTICE SYSTEM PERFORMANCE
IN PIMA COUNTY

There are two factors which must dominate any discussion of crime and the criminal justice system in Pima County. The first factor is that the annual FBI publication called the Uniform Crime Reports, which compares the population of a given area to the number of reported crimes, shows that the crime rate in Pima County tripled between 1970 and 1978. The second factor is that once inflation has been accounted for, there has been no relative increase in the budgets of Pima County's criminal justice agencies during that same period. (See Appendix Two)

Both theory and common sense indicate that if increases in crime are not followed by increases in the community's commitment to the criminal justice system, further increases in crime will occur. One study indicates that these increases will compound at approximately 6% per year¹. That is, if 100 crimes occur because of some unknown effect and no appropriate economic response follows, the second year 106 crimes will occur, the third year 113 crimes, the fourth year 120, and so forth. It is a fact that the 1977 Uniform Crime Report shows Tucson to have the highest crime rate of any community; 9,670 crimes per 100,000 persons. This was an increase of 530 crimes per 100,000 persons at a time when most communities experienced decreases (e.g. Daytona Beach, Fla. from 10,582 to 9,578; Las Vegas, Nev. from 10,238 to 9,453). Most of the jurisdictions which experienced declines in 1977, do not have explanations for them, nor do we really understand the continued increase in the crime rate in Pima County. So, no specific conclusions can be drawn.

¹ Eli M. Noam, "The Criminal Justice System: An Economic Model", in Modeling The Criminal Justice System, ed. by Stuart S. Nagel (Beverly Hills, California, Sage Publications, 1977) Page 41.

It is, however, interesting to note in light of the compounding effect mentioned above, that the difference between Pima County's 1976 and 1977 crime rate per 100,000 persons (9,140 and 9,670) is 5.5%.

Few things are more difficult than trying to reconcile the statistics produced by criminal justice agencies. But if one is able to tolerate some ambiguity, a general picture of the relationship between crime and the system emerges. The Tucson Area Crime Survey, conducted by the Pima County Attorney's Office, found that approximately 3.6 times as many crimes are committed as are reported (see Table One). The Uniform Crime Report (UCR) data submitted by law enforcement agencies to the State UCR collection office shows an exact count of the number of crimes reported and how many were cleared. Clearances can be of two types: clearance by arrest of the perpetrator and clearance by exceptional means where the perpetrator has been identified but for some reason cannot be arrested and/or charged. In 1978, the Arizona Justice Planning Agency found that statistical problems are created by the time lag between the date of the crime and the date of sentencing. At any rate, keeping in mind that a crime committed in 1977, could have been solved in early 1978, and not be due for trial until May or June of 1979, is helpful when analyzing criminal justice statistics.

As the number of crimes reported to law enforcement rises, a bottleneck is created which generally results in a decrease in the percentage of those crimes cleared by law enforcement (See Figures One and Five). This phenomenon has occurred in Pima County where only about 10% of burglary and larceny cases are now cleared. Most statistical procedures for predicting crime rates show a "bottleneck" or inverse relationship between the number of crimes reported and the number cleared ² which is greater when talking about property crimes.

² James Alan Fox, Forecasting Crime Data: An Econometric Analysis (Lexington, Massachusetts: D.C. Heath and Company, 1978) , Pages 26 to 28.

FBI Uniform Crime Report
and
Tucson Victimization Survey Comparison

<u>CRIMES</u>	Actual # of Incidents*	Est. Annual Rate	1977 UCR Rates	Survey/UCR Ratios
All Crimes	973	34,646	9,671	3.60 to 1
<u>Property Crimes</u>	823	29,330	9,163	3.20 to 1
Burglary	210	7,484	3,282	2.28 to 1
Vehicle Theft	91	3,029	555	5.46 to 1
<u>Violent Crimes</u>	150	5,340	507	11.00 to 1
Robbery	63	2,245	164	13.70 to 1

NOTE: RATES HAVE BEEN CALCULATED AT INCIDENTS PER 100,000 PERSONS

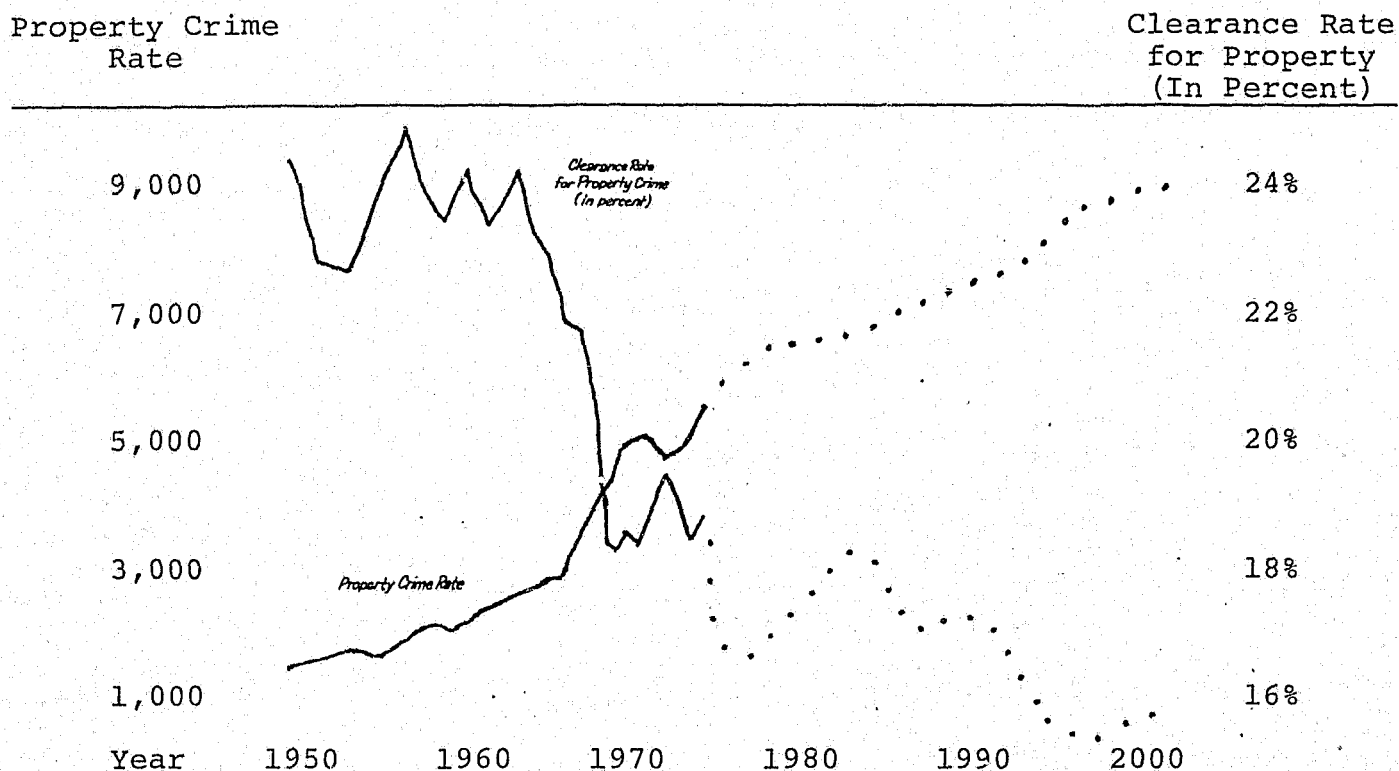
* THE SURVEY PERIOD WAS 9/1/77 to 2/28/78

Survey Property Crime to Violent Crime Ratio: 5.49 to 1
FBI/UCR Property Crime to Violent Crime Ratio: 18.00 to 1

The source of the UCR data is:
Crime in the United States-1977 Uniform Crime Reports

Figure One

FORECAST OF NATIONAL PROPERTY CRIME RATES
AND PROPERTY CRIME CLEARANCES



Source: Forecasting Crime Data, an Econometric Analysis,
by James A. Fox, pp. 57-59.

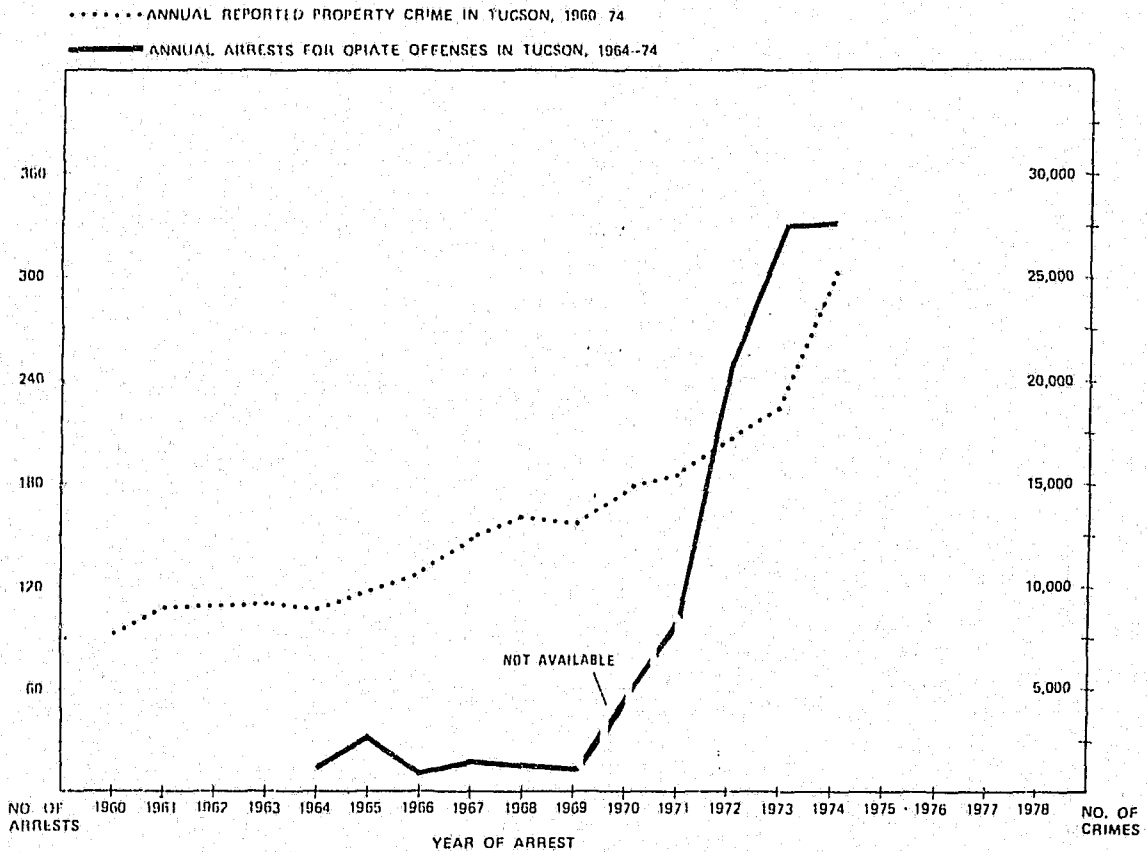
Because of the much smaller number of violent crimes, and the traditionally greater concern about these offenses, a much smaller increase in them has taken place.

The secrecy of drug addiction, and for that matter of criminal activity, make any discussion of drug related crime somewhat speculative, but common sense and the data available both indicate that the changes in the drug distribution network which occurred in the 1972-1974 period and the increase in the numbers of addicts in the Tucson area during the 1968 to 1978 period, have greatly contributed to the increase in crime rates experienced here (see Figure Two). Part of the response of the community has been to establish treatment and rehabilitation agencies, although it took some time for the need for these services to become generally known and accepted. The criminal justice agencies have responded to the increase in drug transactions and drug related crime by establishing special units such as the Metropolitan Area Narcotics Squad and the Arizona Drug Control District. These units have definitely had an effect upon the traffic in drugs but precise measurements are impossible to achieve. Often factors completely out of the control of local officials such as the spraying of Mexican marijuana with the drug " paraquat ", have dramatic temporary effects. The presence of drugs, the traffic in drugs, and drug addicts, now appear to be a permanent part of the scene in Southern Arizona and large scale activities to limit and control them will probably be needed as a permanent part of the criminal justice system response.

Increases in the workloads of the prosecutors and courts have not been as large as those experienced by law enforcement. However, since these agencies were, and are still, receiving a much smaller share of the available funds, they have also been hardpressed. Even with efforts to reduce the handling of less serious matters by concentrating on the identification of serious offenders, the diversion of first-time property crime offenders, and the handling of marijuana cases involving small amounts and first-time offenders as misdemeanors, our workload invol-

Figure Two

Relationship between Reported number of property crimes and number of Opiate Offenses



Source: An Epidemiologic Study Of Heroin Use Patterns And Trends In Four Cities On The Mexican-- American Border. Executive Office Of The President, Special Action Office for Drug Abuse Prevention: Washington, D.C. January 1975 P.51

ving felony prosecutions has increased 23% during the last four years (1975-78) from 3442 cases opened to 4477 cases opened. Without these efforts to prioritize our workload, the increase would have been 48%, or more than double that actually experienced.* The County Attorney's Office has also tried to make itself more efficient by specializing certain activities such as the review of cases for charging, the prosecution of drug crimes and complex white-collar crimes (special joint law enforcement prosecution teams), special prosecutors for sex crimes and arson, and assignment of specially designated cases considered serious offenses to experienced trial attorneys. We have managed to hold our own; i.e., things have not gotten any worse. Like most criminal justice agencies the budgetary conditions under which we have had to operate have forced us to concentrate on economical operations. While the initial effect of such restrictions are often beneficial experiences shows that prolonged dieting leads to starvation and/or permanent damage.

The new Arizona criminal code has unexpectedly placed great strain upon the records sections of criminal justice agencies because of its provisions containing mandatory prison sentences for repeat offenders. It turns out that retrieval of the records of prior convictions is not as simple as might have been hoped and consequently, either some defendants will not receive the sentences possible under the new law or more staff must be assigned to finding and retrieving these records.

Courts in Pima County have also experienced an increase in workload, but have been cushioned by the inability of law enforcement to handle its increased workloads and the efforts of the prosecutors to be more efficient. Filings of traffic matters have increased by more than 200% in both the County's Justice Courts and the Tucson Municipal Courts. Criminal cases in both of the lower court systems did drop in 1973 when "drunkenness" was decriminalized, but have since returned to their 1972 levels. Other types of cases have also increased in the lower

* Prioritization was necessary because during this period the staff assigned to prosecuting cases could not be increased.

courts. Efforts to divert cases into mediation and arbitration, instead of expensive, and ineffective, court hearings are underway. These efforts have shown some promise of providing both less expensive and more effective case outcomes.

The Superior Court shows many of the same strains, but because the number of judges is tied to the population, this Court has been able to increase its man-power. The number of criminal (felony) cases handled in the Superior Court has been increasing at a relatively constant rate of approximately 6% per year for the last 7 years, while civil case filings have increased even more rapidly. The dispositions of cases in the Superior Courts have also maintained an approximately 20% trial rate during this period. That is to say that around 20% of the cases carried to conclusion are disposed of by trial. This is two to three times higher than the national average. Trials represent a high investment of judicial and attorney resources.

Cost estimates based on 1977 budgets showed that each criminal trial averaged about 3 times the cost of cases disposed of by plea agreements (See Table Two for 1977-1978 Case Cost Comparisons). These are, of course, estimates of the average cost of these outcomes and most cost less while some cost far more. The resources available to an agency are an important consideration in what management policies and procedures are adopted, since strategies that exhaust available time and money before the end of the budget year are not favored by those who are responsible for adopting governmental budgets. Predictably, prosecution management thus becomes less of a factor and budget management more of a factor in determining the level of "plea bargaining" which must be engaged in by prosecutors.

The courts have also adopted new concepts such as PreTrial Release Screening Programs, consolidation of Justice Court staff, special judges to assign cases, and criminal bench assignments to try to increase judicial efficiency. To a great extent, the Courts have been successful in avoiding major administrative cost increases, though one must question whether their efficiency level has risen.

FELONY CASE COSTS IN 1977 AND 1978 SHOWING AGENCY COSTS AND ACTIVITY COSTS

AGENCY	PLEAS	TRIALS	DISMISSALS	AVERAGE FOR AGENCY
<u>1977 Costs</u>				
County Attorney	\$ 642	\$ 2,140	\$ 214	\$ 665
Public Defender	\$ 333	\$ 1,110	\$ 111	\$ 353
Superior Court	\$ 439	\$ 1,462	\$ 146	\$ 495
Not Guilty Cost	-----	\$ 4,712	\$ 471	\$ 1,513
Pre-Sentence Investigation cost	\$ 169	\$ 169	-----	\$ 169
Guilty but no probation cost	\$ 1,583	\$ 4,881	-----	\$ 1,682
One year's probation supervision cost	\$ 186	\$ 186	-----	\$ 186
Guilty with probation cost	\$ 1,769	\$ 5,067	-----	\$ 1,868
<u>1978 Costs</u>				
County Attorney	\$ 654	\$ 2,180	\$ 218	\$ 671
Public Defender	\$ 504	\$ 1,680	\$ 168	\$ 478
Superior Court	\$ 366	\$ 1,220	\$ 122	\$ 489
Not Guilty Cost	-----	\$ 5,008	\$ 508	\$ 1,638
Pre-sentence Investigation cost	\$ 278	\$ 278	-----	\$ 278
Guilty but no probation cost	\$ 1,802	\$ 5,358	-----	\$ 1,916
One year's probation supervision cost	\$ 251	\$ 251	-----	\$ 251
Guilty with probation cost	\$ 2,053	\$ 5,609	-----	\$ 2,167

The probation departments (Adult and Juvenile) have also reacted to the increase in workload by doing more work with essentially the same staff levels, or with inadequate "catch up" adjustments. Some of the probation workload increases have also come from the increasing court caseloads, but most has come from the consideration that probation is much less costly than incarceration and from changes in correctional philosophy. There are now on probation in Pima County more persons than are incarcerated in all of the State Department of Correction's institutions.

Since 1972, then, most Pima County criminal justice agencies have received budget increases approximating inflation. The number of reported crimes has risen about 300% during this period, although we have recently seen slight decreases in certain offenses. Police efforts to deal with the massive increases in the number of reported crimes -- without any real increase in resources, have resulted in decreasing clearance rates, especially in property crimes such as burglary (see Table One and Figure Three). Compared to 1972 clearance rates, fewer than half as many burglaries are solved now as then and the total number of burglaries is more than 2 times higher.

Pima County *
Burglary Statistics

	Number Reported	Clearances	
		Number	Percentage
1972	4,324	908	21%
1978	10,547	1,089	10%

* These figures include Tucson and the surrounding area.

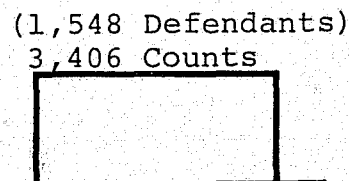
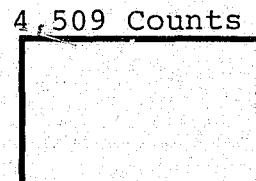
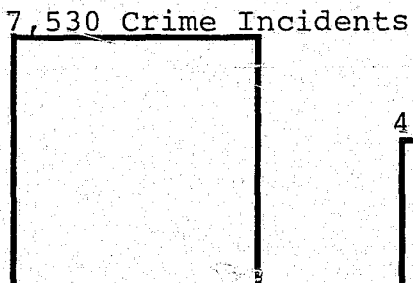
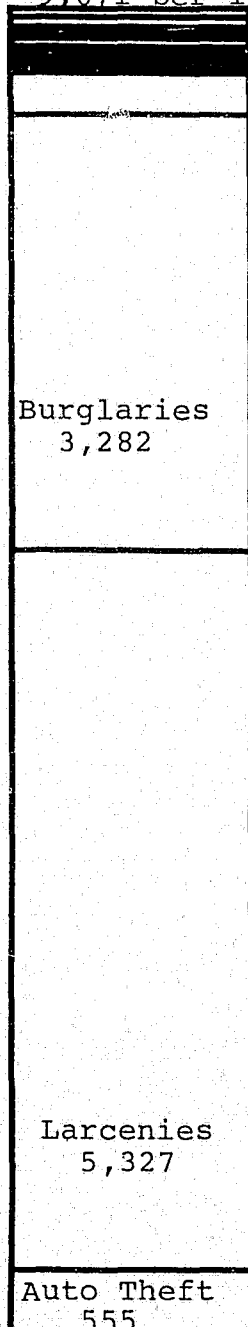
Thus, only a few more burglaries were solved last year than in 1972. The future looks just as dim (see Figure Four) since the recent slight decreases in the crime rate combined with the tremendous pressure to

(131,274 Crime Incidents)
34,676 per 100,000 persons

(41,649 Crime Incidents)
9,671 per 100,000 persons

Others 11.1
Rapes 40.9
Robberies 164
Assaults 291

CRIME IN PIMA COUNTY 1977
A COMPARISON OF ESTIMATED,
REPORTED, CLEARED, CHARGED
AND CONVICTED FELONIES



Total Estimated Felonies

Reported to Police Agencies

Cleared by Police Agencies

Charged by County Attorney

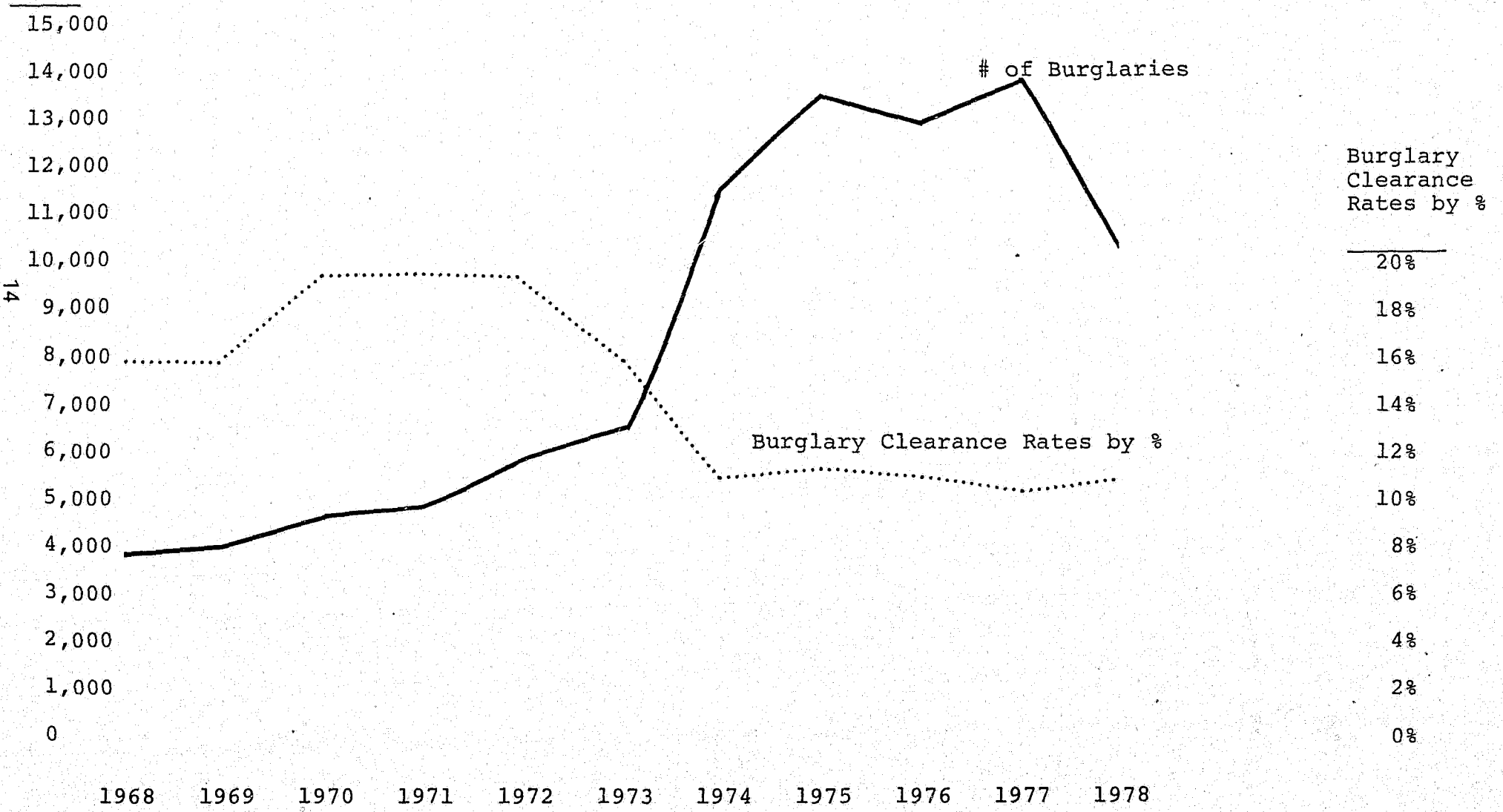
Convicted Felonies

Figure Three

Number of Burglaries and Burglary Clearance Rates : Tucson Police Department and Pima County Sheriff Office Combined UCR Data

Figure Four

Number of Burglaries



reduce governmental budgets probably implies that no increased effort against our crime problem will be undertaken. This is a critical point because prosecution, judicial handling, and correctional efforts cannot take place unless crimes have been solved and defendants identified. Thus the criminal stays at large and continues his or her contribution to the crime problem and when others see that that criminals don't get caught they then cause the compounding effect mentioned earlier because they become criminals too.

Most police agencies maintain extensive patrol efforts which prevent some crimes, and certainly serve many other necessary functions. However, research indicates that patrol efforts cannot solve most crimes which have already been committed. However the political advantages of police patrol efforts are obvious. Uniformed officers in marked vehicles are highly visible. Politicians can point with justifiable pride to the patrol effort as an example of public dollars well spent in the quest for "law and order".

Unfortunately in apportioning the law enforcement "dollar" elected officials who control the purse strings often give undue priority to the patrol function over the crime solving, or investigative, function for these very reasons. Public confidence is buoyed by the visibility of additional patrolmen and the politicians need not consider whether that law enforcement "dollar" ought to have been a dollar and a half. Traffic accidents are investigated, response time in emergency calls is reduced, barking dogs are silenced, traffic tickets are written (government income is increased), all of the important service functions of the police are accomplished with dispatch, but unsolved burglaries remain unsolved and the burglar strikes again.

Although most of the United States is now experiencing less crime, Tucson's crime rate has not decreased significantly. Given the current political climate we can expect the relationship between high crime rates and "no increase" funding of criminal justice agencies to continue. While elected officials may campaign for office as "law and order" candidates they also often refuse after election to accept responsibility

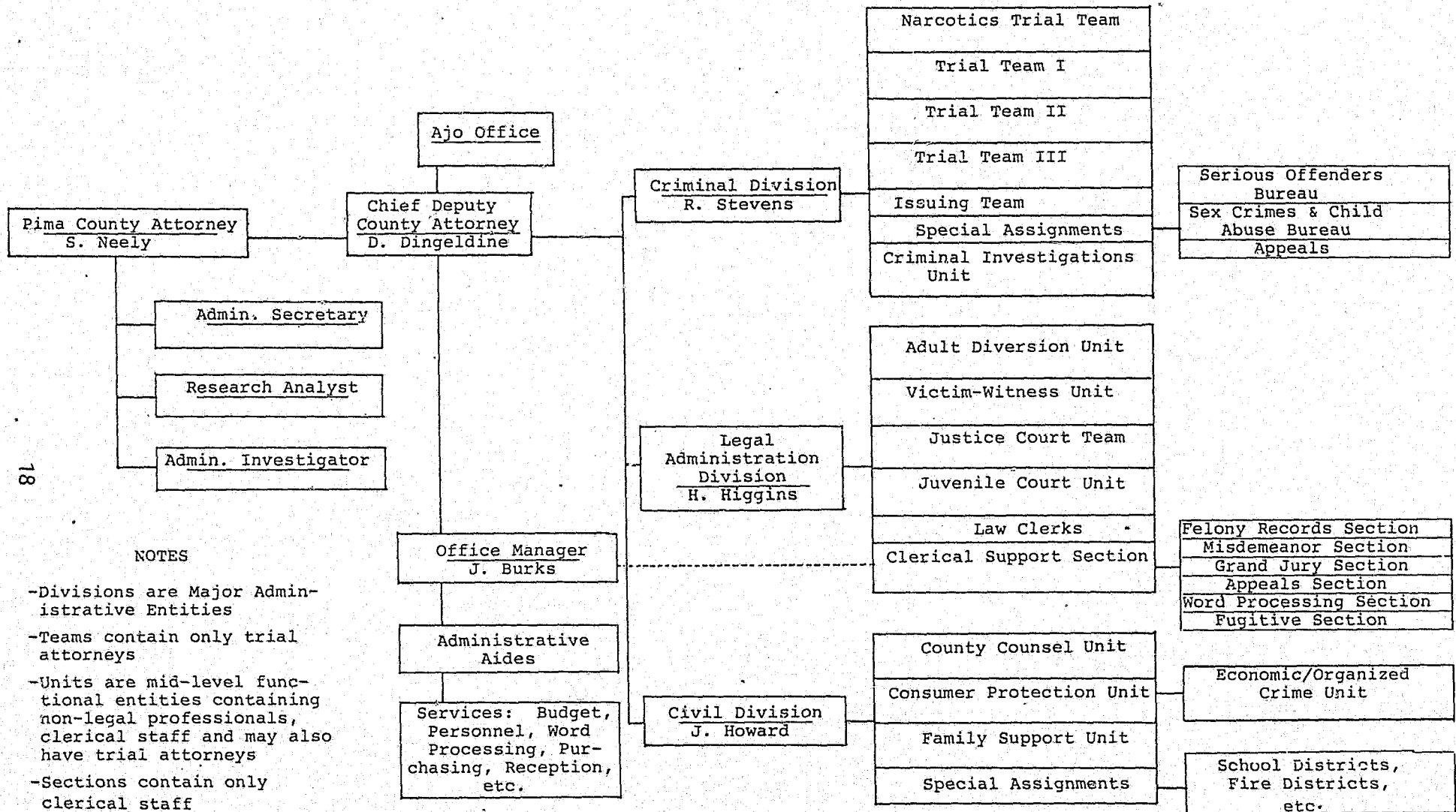
for that part of the crime problem attributable to the failure to respond to increased crime with an increase in resources. If the general public would only realize that tax dollars directed away from legitimate criminal justice needs are being "swapped" for higher and higher crime rates, then perhaps other types of governmental services might be selected to hold the line on tax increases. Part of the responsibility does of course rest on the shoulders of criminal justice officials who have nearly always felt a duty to abide by the decisions of their elected overseers. Most often they have done so in silence because protest against the decisions of elected officials seemed unseemly and disrespectful. The limits of blind obedience are reached when at budget time, the focus is always on the costs of criminal justice services instead of on the level of crime that may be tolerable to the community. A discussion of the number of rapes, burglaries, or armed robberies which might be "acceptable " is impossible when the budget-approving body refuses to recognize that its actions, at least in part, help determine the community's crime rates.

PART TWO

The Office of the County Attorney

(See Figure Five and Appendix One)

TABLE OF ORGANIZATION
FOR THE PIMA COUNTY ATTORNEY'S OFFICE



NOTES

- Divisions are Major Administrative Entities
- Teams contain only trial attorneys
- Units are mid-level functional entities containing non-legal professionals, clerical staff and may also have trial attorneys
- Sections contain only clerical staff

Criminal Division

The County Attorney is a central figure in the Criminal Justice System since his office must review all those cases where law enforcement officers feel they have identified a suspect and have sufficient evidence. The issuing attorney reviews the police file, and according to written policy and procedure, either begins a criminal prosecution or requests the officer to obtain further information. Not all crimes are solved, and not all solved can be proven in court. Although specific information for earlier years is difficult to ascertain the issuing attorneys generally approve 55% to 60% of all requests to "issue a case" on a felony charge. Some of the rejected cases are later issued as felonies after further information is obtained. Some are prosecuted as misdemeanors (less serious offenses), if that is all that the available evidence will support, this occurs approximately 19% of the time when a request for felony charges is made.

Outcome of Requests to Issue* Felony Charges

Felony charges Issued	55% to 60%
Misdemeanor Prosecutions Authorized	19%
	<hr/>
Subtotal of cases prosecuted	74% to 79%
	<hr/>
Total of all other outcomes	26% to 21%
	<hr/>
Total of cases presented to the County Attorney	100%

Thus at least three-quarters of the law enforcement agency arrest or crime solving efforts are authorized some sort of prosecution. This general percentage is higher than that seen in most jurisdictions but it is not an unusual one. Generally the higher the issuing percentage the greater the number of cases which do not end in a conviction. Table Three shows the distribution of felony charges filed in the last four years. Basically the only difference of statistical significance is the sudden decrease in marijuana charges during 1978.

Felony Charges Filed by The Pima County Attorney's Office
A 1975--1978 Comparison

Type of Charge Filed	1975		1976		1977		1978	
Assault/battery	271	5.3%	304	5.1%	341	5.9%	381	7.0%
Burglary	714	14.1%	679	11.4%	730	12.6%	736	13.4%
DRUGS								
Prescription Drug Vio.	78	1.6%	149	2.5%	89	1.5%	99	1.8%
Marijuana, Felony	508	10.0%	836	14.1%	803	13.8%	432	7.9%
Marijuana, Misdemeanor #	(405)		(584)		(648)		(506)	
Narcotic Drugs (Heroin)	457	9.0%	544	9.2%	406	7.0%	648	11.8%
TOTAL DRUG	1043	21.0%	1529	25.7%	1298	22.4%	1179	21.5%
Forgery	464	9.2%	428	7.2%	317	5.5%	299	5.5%
Fraud	301	5.9%	363	6.1%	403	6.9%	366	6.7%
HOMICIDE								
Murder (1st,2nd,attempted)	32		44		37		31	
Manslaughter	4		3		2		10	
Vehicular Manslaughter	12		16		40		16	
Negligent Homicide *	--		--		--		4	
Other	--		--		2		2	
TOTAL HOMICIDE	48	.94%	63	1.1%	81	1.4%	66	1.2%
Kidnapping	98	1.9%	237	4.0%	133	2.3%	189	3.4%
Obstructing Justice	51	1.0%	38	.63%	55	.95%	13	.24%
Rape	66	1.3%	103	1.7%	86	1.5%	90	1.6%
Robbery	317	6.3%	322	5.4%	268	4.6%	293	5.3%
Theft	886	17.5%	994	16.7%	938	16.2%	1014	18.5%
All other Felonies	810	16.0%	885	14.9%	1157	19.9%	854	15.6%
TOTAL CHARGES FILED	5069		5945		5807		5480	

Not included in the totals, shown for comparison purposes only

* Created by the 1978 revision of the Criminal Code

This decrease was not associated with changes within this office or the rest of the local criminal justice community, and so may not be permanent.

Table Four shows distribution of closed cases over the last four years. The Table shows that the County Attorney's office obtains most of its convictions from those defendants who enter pleas of guilt. On a percentage basis, about 60% of those guilty pleas are entered after the negotiation of a plea agreement between the defense and the prosecution. While some have questioned the plea agreement as a method of obtaining an admission of guilt, the office has written policies relating to what offenses may be reduced or dismissed and strict control of the quality of the plea agreements is maintained. Generally the law does not allow greater sentences to be imposed upon defendants who have multiple charges relating to the same course of criminal conduct. Thus the plea agreement in such a case might simply dismiss some of the multiple counts of an indictment which would not affect the sentence anyway in exchange for a guilty plea on the most serious offense originally charged.

The disposition statistics also show that the office consistently takes over 10% of all defendants prosecuted (12% ave.) to trial. This is a trial rate higher than the national or Arizona averages. Furthermore in over 68% of all such trials (73% ave.) the defendant is found guilty of at least one charge. Since only those cases where no plea agreement is possible go to trial one would expect that the defense would win a substantial number of them. The fact that such a high percentage results in convictions, considering the fact that so many go to trial, is a tribute to the skills of the Criminal Division staff.

The Table also shows the increasing use by the office of alternatives to the full criminal justice process when it appears that something useful is available. The Adult Diversion program has provided an alternative for 5% to 7% of all defendants prosecuted during the period listed in the Table (The Adult Diversion Program will be discussed below on page 30 in more detail).

Disposition of Closed Felony Cases
1975 Thru 1978

Type of Disposition	1975	1976	1977	1978
<u>TRIALS</u>				
Guilty	211	189	204	187
Acquitted	99	49	94	64
Trial subtotal	310	238	298	251
GUILTY PLEAS	1054	1304	1226	1239
DISMISSALS *	927	825	889	788
<u>GRAND TOTAL</u>	2291	2367	2413	2278

*DISMISSALS BY TYPE

	1975	1976	1977	1978
A. Cases Where The Defendant Did Not Contest Guilt				
1. Deferred Prosecution	228	148	118	154
2. Negotiated Pleas	99	165	144	96
3. Full Restitution Made	32	23	20	68
Subtotal	359	336	282	318
B. Cases Where Prosecution Impossible or Prevented				
1. Victim or Witness Refused To Cooperate or was Unavailable	44	45	89	79
2. Extradition Refused	12	6	22	9
3. Evidence Supressed	15	12	20	12
4. Other Reasons	85	50	23	20
Subtotal	156	113	154	120
C. ALL OTHER REASONS				
	412	376	453	350
Total Dismissals	927	825	889	788

Prosecutorial effectiveness can be measured many ways -- simply taking the percentage of cases taken to trial and the percentage resulting in conviction, is one way. Table Five shows two other methods of measuring the relative effectiveness of the office. On a more subjective basis the office was designated a model NDAA (National District Attorneys Association) office in 1977, due to at least four (4) innovative, nationally recognized Criminal Justice Program units;

Adult Diversion Program

Victim Witness Program

Economic Crime Unit

Narcotic Strike Force *

The office is held in high regard in other respects and has participated in a national study on plea bargaining, and recently completed Phase I of the Tucson Area Crime Survey.

The criminal division is organized into four (4) trial teams, where senior attorneys supervise the work of regular deputy county attorneys. The issuing of felony cases and the criminal investigators unit is also under the supervision of the Chief Criminal Deputy, William Randolph Stevens.

* The Strike Force began as a county effort, later expanded to a four county effort, still later was the nucleus of the Narcotic Intelligence Network of Arizona (NINA), the Arizona Drug Control District, and is now the center of a Quad-State strike force involving Arizona, New Mexico, Colorado, and Utah. Unfortunately it is known by all these names and sometimes is rather confusing to persons not familiar with all the name changes.

PROSECUTORIAL SUCCESS MEASURES
1975 THRU 1978

TRADITIONAL CONVICTION RATIOS

The traditional measure of the conviction rate is calculated by determining the total number of trial verdicts of guilty and the number of guilty pleas divided by the total number of cases taken to trial and the guilty pleas . All cases dismissed are ignored.

$$\frac{\text{trial convictions + guilty pleas}}{\text{cases taken to trial + guilty pleas}} = \text{Conviction Ratio}$$

<u>1975</u>	<u>1976</u>	<u>1977</u>	<u>1978</u>
1265	1493	1430	1426
-----	-----	-----	-----
= 93%	= 97%	= 94%	= 96%
1364	1542	1524	1490

PROSECUTORIAL EFFECTIVENESS RATIO

The traditional method of calculating prosecutorial effectiveness was designed during times when there were few alternatives to the full criminal justice process . A more accurate measure of the effectiveness of the Pima County Attorney's Office must also take into account the other methods for dealing with defendants who don't contest their guilt and who participate in such programs as Adult Diversion, or who make full restitution of any financial losses caused by their crimes. This method is also more accurate because dismissals are taken into account when it is calculated .

$$\frac{\text{trial convictions + guilty pleas + A type dismissals}}{\text{All Cases Disposed}} = \text{Prosecutorial Effectiveness Ratio}$$

<u>1975</u>	<u>1976</u>	<u>1977</u>	<u>1978</u>
1624	1829	1712	1744
-----	-----	-----	-----
= 71%	= 77%	= 71%	= 77%
2291	2367	2413	2278

Legal Administration Division

This division of the office was created in an internal reorganization in mid-1978. The general mission of the division is to coordinate all of the activities relating to case paper flow, and to provide a vehicle for the supervision of a number of other functions which are all related to the prosecution efforts of the office, but do not involve the Superior Court or the direct handling of legal matters. Consequently, a number of diverse functions are represented in this division. The prosecution of Justice Court cases (misdemeanors which occur in unincorporated areas), Juvenile Court cases involving defendants under 18 years of age, the Adult Diversion Program, and the Victim Witness Program all are coordinated through the Legal Administration Division. The head of the Legal Administration Division is Harold Higgins.

Justice Court

A team of attorneys is assigned to the four (4) consolidated Justice Courts in Tucson to represent the State of Arizona. Because of budgetary considerations several of these positions are usually held by persons who, while they are licensed attorneys, must occupy law clerk positions. The case load in the justice courts is heavy and involves large numbers of trials on drunk driving charges. Each attorney is typically responsible for about 50 contested cases per week. Growth in the Justice Court case load in 1978 resulted in a request, from the Court, to create two additional judgeships. The establishment of new judgeship positions would require additional attorneys to maintain the administrative framework currently being used. Although the Court's request was turned down, for budgetary reasons, continued growth in the population and the Court's calendar will eventually necessitate the expansion of the Justice Courts. Since the public's most likely contact with the judicial system is in our lower courts, one could anticipate that many of the "popular" ideas of what the prosecutor, judges, and courts are really like would result from exposure to these Courts.

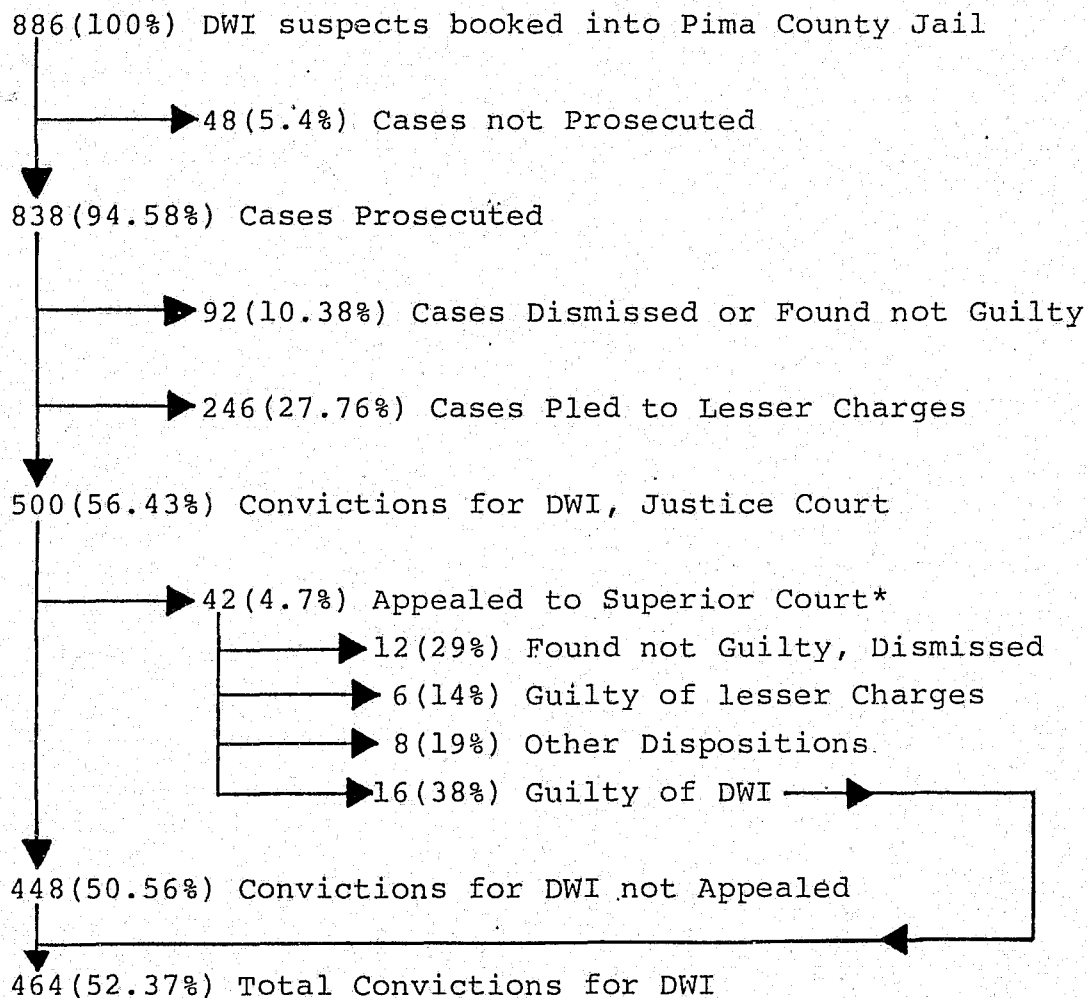
It is therefore unfortunate that budgetary matters appear to be the basis for most decisions concerning these important Courts. In 1977 research projects were conducted by the County Attorneys Office on DWI cases and on the subpoenaing of Justice Court witnesses. These studies showed that a high percentage of those charged with DWI (driving while intoxicated) were convicted (see Figure Six). The Justice Court witness study found that there were more efficient ways to handle the summoning of witnesses than the traditional method of personal service but also found that a simple rearrangement of court procedures could eliminate the necessity for most subpoenas. The change in Court procedures was therefore implemented by the Court and the number of subpoenas issued by the office was reduced by about 85%.

Juvenile Court

In discussing the work of the County Attorney's office in the Juvenile Court it is important to remember that the authority of the Juvenile Court is far greater than those Courts which deal with adult offenders. The Juvenile Court has the authority, for instance, to decide which cases are "important" enough to refer to the County Attorney's Juvenile Court Unit for prosecution. In all other County Courts it is the prosecutor who decides on the "importance" of the charges. Consequently when reviewing the work load statistics of the Juvenile Court Unit one must keep in mind that they represent only a part of those juveniles referred to the court by law enforcement agencies. Most observers of the Juvenile Justice System have long commented on the unsettling disparity between Pima County's very high juvenile arrest rates (40% higher than the State rate, see Figures Seven and Eight) and the fact that the number of cases prosecuted by the County Attorney's Office is only slightly higher than the State average. In addition to this the percentage adjudicated by the Court is less than half the State average. However recent administrative changes at the Court may change the relationship described above.

Figure Six

Estimated 1977 County DWI Caseflow, Booking thru Conviction and Appeals



* Figures from Pima County Attorney's Office, End of Year Case Summary, 1977.

Source: Andrew C. Dowdle, "Driving Under The Influence Of Intoxicating Liquor Or Drugs (A.R.S. 28-692.01) In The Pima County Criminal Justice System", (Unpublished Masters Research, University of Arizona, 1978), p.15.

JUVENILE COURT UNIT
WORKLOAD STATISTICS 1977 and 1978

	<u>1977</u>	<u>1978</u>
<u>New Cases Opened</u>	1613	1377
<u>Total Cases Closed</u>	1460	1350

<u>Breakdown of Closed Cases</u>		
Guilty by Trial	103	134
Not Guilty	28	23
Trial subtotal	<u>131</u>	<u>157</u>
Pleas of Guilty	802	713
Dismissals	309	202
Adjusted after a petition was filed	218	278
	<u>1460</u>	<u>1350</u>
<u>Breakdown of Sentences</u>		
Probation	280	406
Committed to the Dept. of Corrections	35	43
Other sentences	617	398
Total sentenced	<u>932</u>	<u>847</u>

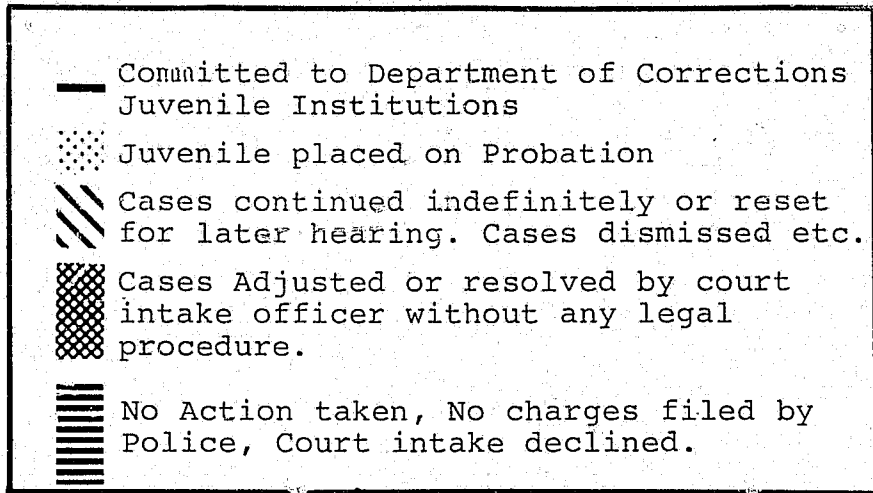
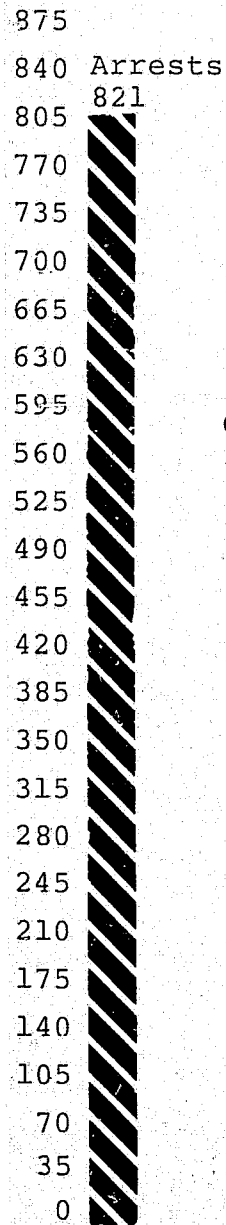
NOTES AND INTERPRETATIONS

No equivalent to the prosecutorial effectiveness ratio can be calculated for Juvenile Court cases because many of the prosecutorial options which figure into its determination are decisions made by the Court or its staff.

The traditional ratio is comparable to that found in the adult cases.

	<u>1977</u>	<u>1978</u>
Percentage of trials won	<u>79%</u>	<u>85%</u>
Traditional Conviction ratio	97%	94%
Percent of petitioned cases committed to the Dept. of Corr:	3.9%	3.8%

Rate
per
10,000
Juveniles



<u>Actual Numbers</u>			
	Juvenile Population	Arrests	Court Referrals
Pima County	134,185	11,018	7,345
Maricopa County	389,210	17,515	19,443
All other Counties	218,840	8,004	8,393
State Totals	742,235	36,537	35,699

Outcomes

547

2

21

106

250

168

Arrests
450

Outcomes

500

8

38

38

220

196

Arrests Outcomes
412 413

5

69

58

186

95

Arrests Outcomes
492 481

6

43

56

211

165

PIMA COUNTY

MARICOPA COUNTY

ALL OTHER COUNTIES

STATEWIDE TOTALS

1977
JUVENILE ARRESTS
and
JUVENILE COURT CASE OUTCOMES

Table Six shows the County Attorney's Juvenile Court workload in 1977 and 1978. The effectiveness measures calculated from this data compare well with those taken from the Superior Court data dealing with adults.

The Juvenile Court staff consists of 3 full-time attorneys, a special part-time attorney, a Victim Witness advocate, a criminal investigator, and several clerical staff. An additional full-time attorney is to be utilized at the Juvenile Court by "borrowing" one from the Criminal Division on a rotating basis because of recent increases in the workload.

Adult Diversion Program

The ADP (Adult Diversion Program) was begun in 1974, by the County Attorney's Office because the concept of diverting selected cases out of the full Criminal Justice System process, when the result of prosecution could be reasonably anticipated, seemed to have both humanitarian and, system efficiency benefits. Considerable experimentation with providing services to certain misdemeanor defendants has shown that for that group the benefits are minimal to nonexistent. For felony defendants however, the expected benefits have been shown. During 1979, research into the long term effects of diversion will be conducted by the office but even without this followup work the value of diversion can be seen in the reduction of the trial case loads of Criminal Division attorneys by an average of three cases per month and a reduction in the number of total felony trials of about 60 per year (see Table Seven). The adoption of the Adult Diversion model conceived here by the Maricopa County Attorney in 1978 points out the value of this program.

The Diversion program has also returned over \$175,000 in restitution to crime victims. In 1978 alone, \$63,701.00 was returned by Diversion program clients as a part of their Diversion contract.

Figure Eight

ARIZONA JUVENILE JUSTICE SYSTEM - 1977

Arrest Rates	Statewide 492 per 10,000	Pima County 821 per 10,000
Number of Cases Referred to Juvenile Court	35,699	7,345
Adjusted by Court Intake Staff- No Review by Prosecutor	44%	47%
Dismissed by Court Probation Staff- No Review by Prosecutor	4%	4%
Still Pending Court Review at Year's End- No Prosecutor Review	30%	26%
Forwarded to Prosecutor	22%	24%
Petitions Dismissed by Court	3%	3%
No Court Disposition (cases continued and transferred)	*5%	*16%
Other	4%	.1%
Adjudicated (Found Guilty)	10%	4%
Placed on Probation	8.8%	3.6%
Committed to Department of Corrections	1.2%	.4%

* Some of these cases later resulted in an adjudication of delinquency, therefore all following percentages would also change.

ADULT DIVERSION PROGRAM
WORKLOAD STATISTICS 1977 and 1978

	<u>1977</u>	<u>1978</u>
<u>Number of Defendants Considered</u>	324	402
Accepted	186 (57%)	236 (59%)
Rejected	138 (43%)	166 (41%)
<u>Number of Diversion Participants Terminated</u>	131	158
Successful Completion	100 (76%)	117 (74%)
Unsuccessfully Terminated		
Rearrest (new charges)	13	12
Non-cooperation	18	29
	31 (24%)	41 (26%)

NOTES AND INTERPRETATIONS

Average monthly caseload	243 *	156
Percent of all cases issued considered by Diversion	13.4%	15.7%
Percent of all cases issued accepted by Diversion	5.7%	6.6%
Amount of money collected from program participants and returned to victims	\$ 36,355	\$ 63,701

* The total caseload was composed of both felony and misdemeanor defendants for several years before all misdemeanor diversion efforts were ended.

A study by the office indicates that the Adult Diversion Program is one of the few criminal justice programs/services which can be shown to be cost effective. The cost savings involved is produced by reducing the number of cases which must be processed by all of the agencies involved. It is not easy to estimate how cases diverted from the system would have been handled, yet the calculation of any savings achieved depends upon such a comparison. Nevertheless the fact that a savings can be shown no matter what assumptions about the outcomes of the cases are made indicates that Adult Diversion is cost effective even if the exact dollar amount is difficult to determine.

Estimated Diversion Program Cost Savings *

	Minimum	Mid-Range	Maximum
1977	\$ 76,375	\$ 138,275	\$ 210,055
1978	\$ 27,883	\$ 116,617	\$ 205,351

Victim Witness Program

As the Diversion Program mentioned above contacted crime victims during 1974 and 1975 to ask for permission to divert the persons charged, the fact that crime victims had been "forgotten" was again noted. An application for a special grant from the National Institute for Law Enforcement and Corrections was prepared in 1975. This grant established the Victim Witness Program and that program has been engaged in providing all sorts of services to victims, witnesses and persons in personal trauma. The program format has drawn national attention because the program has established a unique relationship with

* Complete information about the methodology involved and the specific assumptions made may be obtained from the Fourth and Fifth Annual Adult Diversion Program Reports published by the Pima County Attorney's Office.

Tucson's law enforcement agencies and now provides 7 day a week, 24 hour coverage for police officers, who need assistance in providing extensive crisis intervention. In addition the program has also developed procedures for handling neighborhood disputes and other matters which occasionally tie up the judicial system. It also continues to provide information about what is going on in the criminal justice system to over 10,000 persons a year who are involved as victims or witnesses. Table Eight shows that the program is still experiencing case load growth of such magnitude that it is likely that this program has not yet matured and it will play an even larger role in the future. The Victim Witness Program also is one of the few joint City of Tucson and Pima County Projects where little dispute about the value of the program, or its administration exists.

As a part of the federal grant which helped establish the program Stanford Research Institute conducted an evaluation of the program's efforts. This evaluation indicated that the witness related work of the program was very cost effective because it could help both citizens and police officers avoid appearances in court when hearings had been changed to another date. The crisis intervention efforts of the program also provide some savings but to a lesser extent because it represents a new service instead of a more effective delivery of already existing services. The Stanford evaluators believe that the crisis intervention and mediation work of the Victim Witness program are important contributions to the justice system and may well develop into national innovations as the concept of the Public Defender, and the 911 emergency telephone number have.

VICTIM WITNESS PROGRAM
WORKLOAD STATISTICS 1977 and 1978

<u>Counseling and Crisis Intervention</u>	<u>1977</u>	<u>1978</u>
On-Site Crisis Intervention	576 (69%)	967 (67%)
Non-Emergency Counseling or Social Services Referrals	264 (31%)	473 (33%)
TOTAL	840	1440

AGENCIES REFERRING CLIENTS TO THE VICTIM WITNESS PROGRAM

Criminal Division				
County Attorney's Office		67 (8%)		245 (17%)
Tucson Police Department	281	(33%)	580	(40%)
Pima County Sheriff's Dept.	261	(31%)	310	(22%)
Law Enforcement subtotal		542 (64%)		890 (62%)
Other Criminal Justice Agencies		131 (16%)		215 (15%)
All other sources		100 (12%)		90 (6%)
Grand Total		840 (100%)		1440 (100%)

COURT RELATED INFORMATION GIVEN TO VICTIMS AND WITNESSES

Initial contacts	3,989 (40%)	4,270 (43%)
Trial Alert and Appearance Notification	1,558 (16%)	2,230 (22%)
Pre-sentence contacts with victims	1,225 (12%)	620 (6%)
Case disposition contacts	3,137 (32%)	2,875 (29%)
Total Information Contacts	9,909 (100%)	9,995 (100%)

Civil Division

County Counsel Unit

The County Counsel Unit is one of the most important components of the entire County Attorney's Office since by statute it is the County's law firm. The wide variety of legal matters handled by staff attorneys in 1978 is reflected in Table Nine. Specific cases include the defense of a suit filed by the Southern Arizona Legal Aid Society alleging unconstitutional overcrowding at the Pima County Jail, the protection of Colossal Cave from explosions caused by prospectors which might have damaged the cave's formations, and the defense of several suits alleging employment discrimination. Moreover, much of the caseload carried by the attorneys assigned to the County Counsel Unit involves the prosecution of persons in violation of various pollution statutes and regulations, and the enforcement of zoning statutes and building code violations. In addition, the Unit represents the State of Arizona in civil commitment hearings held to determine whether persons who have had a petition requesting involuntary commitment, or the appointment of permanent guardians. County Counsel also file litigation designed to collect unpaid taxes and other monies owed the County. Mrs. Rose Silver, a former County Attorney, is the Supervisor of the Unit. She and the other Civil Division Unit heads report to James M. Howard who is the Chief Civil Deputy.

Family Support Unit

One of the greatest problems experienced by women with children who are divorced or separated from the children's father is collecting child support funds. Since women with children without sufficient funds often require public money for support, the Federal Government provides financial support to County Attorneys to obtain court orders for child support, and to monitor the collection of the money--- this financial support amounts to 75% of all the money necessary to operate

Table Nine

WORKLOAD STATISTICS
OF THE
CIVIL DIVISION
COUNTY COUNSEL UNIT
IN 1978

Legal Advice and Services
to County Government

Review of proposed contracts involving Pima County	912
Review of insurance claims	63
Preparation and review of proposed County Ordinances and Board of Supervisor Resolutions	54
Formal legal opinions having the effect of law for county government	28

Legal Representation for Pima County

Answers in Court to Garnishments involving county employees	191
Merit System hearings involving Employee Grievances	54
Suits against Pima County alleging Discrimination and violations of employee civil rights	19
Suits alleging breach of contract or seeking enforcement of a contract	5
A class action Federal Court suit alleging violations of jail inmate constitutional rights	1

Collection of Debts Owed Pima County

Court suits seeking judgements	65
Review of bankruptcy files for money owed the county *	527
Review of real estate and bulk business sales	73

Enforcement of County Ordinances
and State Regulations

Air pollution cases	43
Right of eminent domain	14
Tax appeals	12
Environmental complaints	9
Health violations	6
Planning and zoning cases	6

Mental Health Matters

Guardianship cases	39
Petitions for involuntary commitment	39

Adoption Matters

Initial Interviews	252
Legal Execution of Documents	276
Formal Filing of Documents	381
Court Hearings on Adoptions	318

* Claims for \$ 73,933 in back taxes and other debts were filed based on these reviews. Approximately \$ 49,626 was paid to the county treasury in 1978 as the result of these claims.

FAMILY SUPPORT UNIT WORKLOAD STATISTICS
1975 THRU 1978

<u>Work Activity</u>	<u>1975</u>	<u>1976</u>	<u>1977</u>	<u>1978</u>
Screening Interviews	3703	4898	4133	5335
Investigations	445	654	823	1339
Court Hearings	2257	2535	1190	2749
Trials	162	148	219	255

Dispositions				
Court Orders for Child Support	514	684	1141	1892
Dismissed Cases	46	144	710	493

COLLECTIONS OF COURT ORDERED CHILD SUPPORT
1975 THRU 1978

<u>Recipient of Funds</u>	<u>1975</u>	<u>1976</u>	<u>1977</u>	<u>1978</u>
Local Cases				
Non-Welfare)	\$ 370,877	\$ 363,819	\$ 294,490	\$ 943,570
Welfare)			\$ 68,642	\$ 72,093
Out of State Cases				
Non-Welfare)	\$ 930,779	\$ 1,166,043	\$ 975,226	\$ 1,300,755
Welfare)			\$ 301,434	\$ 105,814
Special Paternity Cases				
Non-Welfare	N.A.	N.A.	\$ 60,629	\$ 90,681
Welfare	N.A.	N.A.	\$ 18,848	\$ 22,222
Other *	N.A.	N.A.	N.A.	\$ 2,070
TOTAL PAYMENTS	\$ 1,301,656	\$ 1,529,862	\$ 1,719,269	\$ 2,537,205

* Undistributed funds being held by the Clerk of The Superior Court

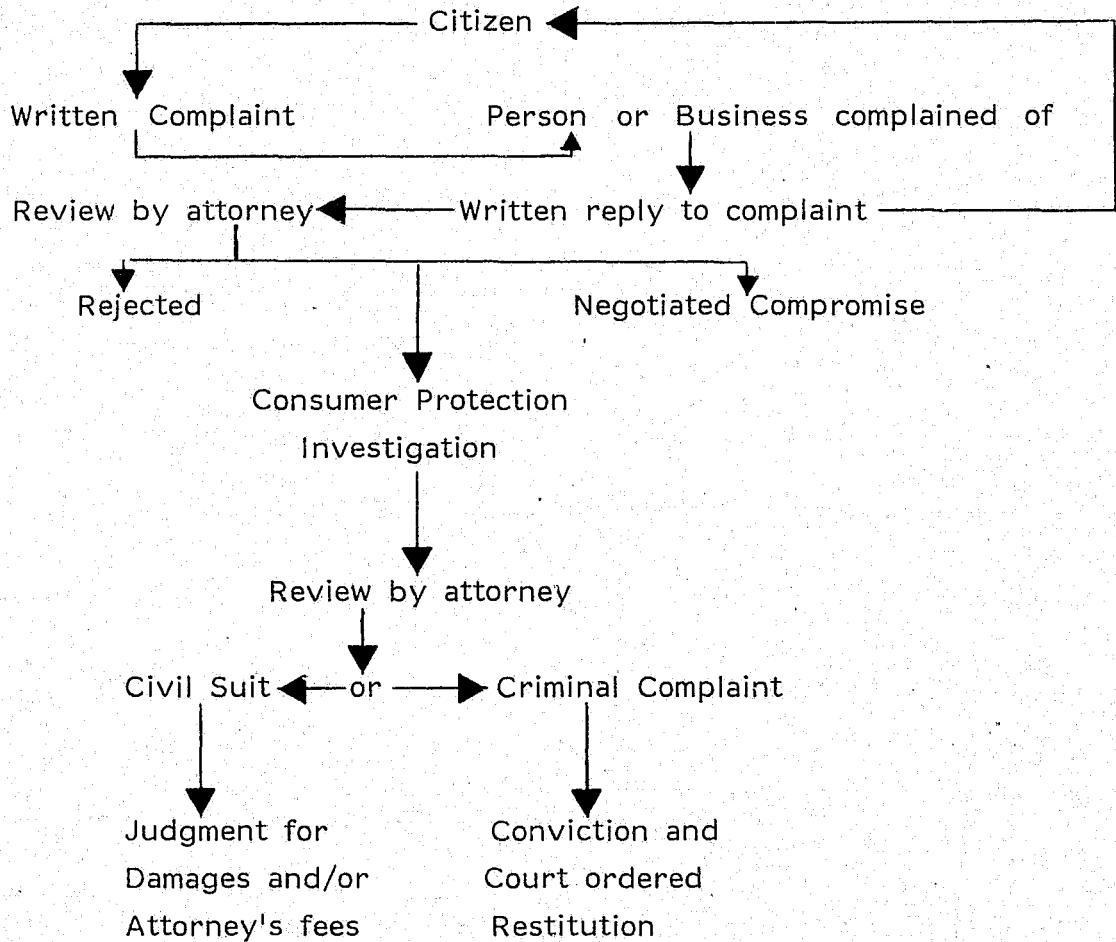
the Unit. The workload of this unit has increased tremendously in the last four (4) years, as has the amount of money collected by the efforts of the Family Support Unit. Table Ten shows the figures referred to above. In spite of the fact that this unit receives most of its funding from the Federal Government it has labored under financial restrictions since its inception because the money received to run the program is simply considered general revenue by the County while its budget must compete against those county agencies who receive only local taxes for funds. Prior to the Federal participation in the funding of this Unit Pima County was expending about \$150,000 per year for its support. The amount which the County now spends is approximately \$100,000 a year. This reduction in spending is unfortunate because the Unit is extremely cost effective and the need for its services are constantly increasing.

Consumer Protection and Economic Crime Units

The purpose of the Consumer Protection Unit is self-explanatory but the need to "protect" consumers has not been a major social concern for very long. When the policy of government towards consumer problems was "let the buyer beware", the degree of consumer protection provided was less. The growth of advertising has been instrumental in this change because of the fact that misrepresentations were both easier to make, sometimes without intention, and certainly easier to conceal and reached a far larger audience. Current law in Arizona assigns the primary responsibility for consumer protection to the State Attorney General's Office. An agreement between the Attorney General and the County Attorney has delegated this primary responsibility to the Pima County Attorney. This office has in turn further delegated some particular duties to Tucson's City Attorney. In this way the total workload has been distributed without placing a severe strain on any of the offices involved.

The process developed by the Consumer Protection Unit for processing citizen complaints is graphically displayed below:

Consumer Protection Workload Flow



This process seldom proceeds to conclusion because many complaints are settled by the person complained of after receipt of the written complaint. Still others are dropped when the citizen sees the written reply to his or her complaint, or are settled by an agreement negotiated by the attorney assigned to the complaint. Table Eleven shows the work load of the Consumer Protection Unit. These figures show that total contacts were down about 11% but that complaints accepted by the office were up 23%.

CONSUMER PROTECTION AND ECONOMIC CRIME UNITS
1977 AND 1978 STATISTICS

ECONOMIC CRIME UNIT

The Economic Crime Unit works as a law enforcement/prosecution task force. Referrals to it are handled as criminal cases or as civil cases depending upon the facts, the available evidence, and the probability of obtaining restitution for those victimized.

CRIMINAL PROSECUTIONS OF WHITE COLLAR CRIMES

Most frauds are prosecuted by the Consumer Protection Unit . In addition securities violations and land frauds are prosecuted by the Economic Crime Unit . Over 150 criminal cases were prosecuted during 1978, by either the Consumer Protection Unit (primarily frauds) or the Economic Crime Unit, and at year's end active cases against Sixty-Two (62) defendants were being prosecuted . Restitution ordered by the sentencing court in these cases amounted to \$ 68,722.76 which was 15.4% of all money recovered for victims by both Units.

CONSUMER PROTECTION UNIT

This unit accepts complaints from citizens which are related to business practices . After the filing of a complaint the business involved is asked to explain its side of the controversy. If evidence that a crime has been committed, or that a state or federal regulation has been violated is discovered then a further investigation and/or filing of a court case will occur.

	1977	1978
Complaints and Inquiries	4820	4317
Complaints opened	1814	2224
Complaints closed	1707	2262
Total Money Recovered	\$ 155,931	\$ 445,521
Litigation		
Administrative Subpoenas	48	90
Assurance of Discontinuance	10	17
Complaints for Injunctive Relief	9	23
Judgements Awarded	6	11
Actions Dismissed	3	3
Penalties , Fines , and Attorney Fees received for the Consumer Protection Revolving Fund	\$ 31,991	\$ 28,916

This indicates a better match between the type of inquiries made by the public and the type of complaints which the office thought were appropriate. The amount of money recovered for victims by the unit nearly tripled in 1978, while the amount recovered from defendants for Attorney's fees and the costs of conducting investigations increased 11%. The Consumer unit also made over 54 presentations to various public gatherings and participated in numerous television, radio, and newspaper interviews throughout the year.

PART THREE

Notes and Conclusions

Volunteers and Interns

At least three separate units of the office make use of individual citizens who wish to contribute their time and efforts to worthwhile causes. The Consumer Protection, Adult Diversion and Victim Witness programs all make use of volunteers to supplement the available staff, and thus handle more work than could otherwise be managed. Without the volunteers the Victim Witness Program could not function at all and the other units would be restricted. In the case of the Victim Witness Program about 750 hours of volunteer time is donated each month. If this work was to be performed by paid staff an additional 5 persons (and \$53,000) would be necessary. The office also makes use of advanced graduate and law school students under arrangements with the University of Arizona. These students receive some credit hours for their efforts and receive exposure to the " Real World " environment provided by the County Attorney's Office. The office receives the value of their labor and the satisfaction of helping to educate tomorrow's leaders in terms of problems which are real to those who have them.

Costs and Benefits

There is no question that the County Attorney's Office is a costly enterprise. Its budget was nearly 4 million dollars in fiscal year 1978-79, and will probably exceed 4.2 million in fiscal year 1979-80. It does, of course provide services to the community with the money it has available. In addition, as has been noted in various portions of this report, the office also recovers substantial sums of money for direct return to citizens and generates cost savings for other governmental agencies and citizens as well. Table Twelve shows that the amount recovered has almost doubled in the last two years and is now larger than the formal budget.

FUNDS RECOVERED OR RECEIVED
BY THE PIMA COUNTY ATTORNEY
A 1977-1978 COMPARISON

	<u>1977</u>	<u>1978</u>
FUNDS RECOVERED AND RETURNED DIRECTLY TO TAXPAYERS		
Restitution collected from Adult Diversion Participants	\$ 36,355	\$ 63,701
Child Support obtained by the Family Support Unit	\$1,330,343	\$2,458,351
Restitution obtained by the Consumer Protection Unit	\$ 155,931	\$ 376,798
Restitution ordered in Criminal Cases	\$ 91,357	\$ 168,273
Sub-total	<u>\$1,613,986</u>	<u>\$3,067,123</u>

FUNDS RECOVERED OR RECEIVED BY THE PIMA COUNTY ATTORNEY TO FINANCE HIS OWN OPERATIONS AT NO COST TO THE COUNTY

Attorneys fees and penalty's ordered in civil Consumer Protection cases	\$ 31,991	\$ 28,916
Direct payments to the Family Support Unit (75% of direct costs plus overhead) ¹	\$ 296,389	\$ 275,940
Federal Grants , State Payments ² , and other payments	\$ 319,006	\$ 256,010
Sub-total	<u>\$ 647,386</u>	<u>\$ 560,866</u>

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FUNDS RECOVERED FOR
OTHER GOVERNMENTAL AGENCIES

	<u>1977</u>	<u>1978</u>
Back Taxes and debts owed Pima County	\$ 73,617	\$ 137,910
Child Support funds recovered for state welfare departments and the federal government to repay Aid For Dependent Children advances ³	\$ 388,924	\$ 194,840
Sub-total	\$ 462,541	\$ 332,750

ESTIMATED COST SAVINGS TO TAXPAYERS
AND GOVERNMENT AGENCIES FROM SERVICES
PERFORMED BY THE COUNTY ATTORNEY ⁴

Savings Generated by the Adult Diversion Unit	\$ 210,055	\$ 195,960
Savings generated by the Victim Witness Unit	\$ 7,222	\$ 53,000
Sub-total	\$ 217,277	\$ 248,960
GRAND TOTAL	\$2,941,190	\$4,209,699

1. These payments are 75% of the operating costs of the Family Support Unit and an overhead factor. There is a contract between the County and the Federal government which states what services must be provided by the County Attorney. Fathers who fail to support their children are a major legal and social problem in America today.
2. The Arizona Legislature recognized the cost savings of a properly executed Adult Diversion Program in a subsidy law passed in 1977. The law states that each county with a Diversion Program can receive up to half the actual cost of the program from the state.
3. While this money is returned to the welfare department it should be recognized that the funds involved have actually already been given to the mother to support her children.

4. (A) The Adult Diversion cost savings formula is contained in the Fourth Annual Report of the Diversion Program published by this office in early 1978.
- (B) The Victim Witness cost savings formula is contained in the Second Year Evaluation of that program which was prepared by Stanford Research Institute in 1977.
- (C) There are many other activities conducted in the office which are directed at providing the most effective service for the least cost but since they are part of the normal course of work they have not been included here.

The meaning of the fact that the funds recovered are greater than the formal budget is that the tax funds used by the County Attorney's Office are producing for the community just as if they had been invested. The County Attorney's Office, as has been indicated, costs about four million dollars. Its budget is about 3% of the total county budget. In the last four county budgets it has increased from 2.51% to 3% of the total budget because several of the outstanding programs started with federal grants were made a permanent part of the office. The percentage of the total county budget allocated for criminal justice services has not changed during the last four years (see Appendix Two).

The value of an effective, efficient County Attorney's Office is not of course primarily financial but instead relates to the quality of life in the community. The freedom from the fear of crime, and from crime itself, which ought to follow the speedy, impartial, and fair enforcement of the criminal law, simply cannot be quantified. That value is nevertheless real and is assumed, at some minimum level, by most of us.

Conclusions

Clearly Pima County's position as a high crime community is at least partially the result of the decisions made in years past by elected officials. The lessons of the past are important as we prepare to make the decisions which will effect the future because those who fail to learn the lessons of the past are doomed to repeat them. The crucial policy question which I want to raise here at the conclusion of this report, is how the criminal justice agencies should be funded.

We currently budget criminal justice agencies on the basis of the costs. That is, the question asked is "How much will it cost?" Yet there are other government services and social problems which are addressed by asking questions about the size of the problem, or the need for the service. Health problems are among those where costs are considered after the basic decision to provide a needed, or required, service level has been made.

Why shouldn't crime be addressed in a similar way? Why shouldn't society, elected officials, and the general public ask how much crime is acceptable, and how much money is needed to get it to the acceptable level? I believe that crime in Pima County is too high, but perhaps my opinion is a minority one. The problem which is faced by criminal justice agencies when the allocation of community resources is discussed is that they are expected to produce a solution to the "crime problem" when no goals have been set, no agreement about the nature of the problem has been reached, and the primary consideration is the cost of criminal justice services. Furthermore the discussion about costs is always centered on the relationship between crime control costs and other government agencies budgets, or the tax level which will result in the re-election of the interested officials, or almost any variable but the amount and nature of the crime in the community, and the costs of reducing that crime. I don't believe that any reduction in crime is possible without increased expenditures. I may be wrong, but unfortunately no one will ever know, since no discussions about how to control or reduce crime are really desired by those who control the budgets of the criminal justice agencies. I believe that public safety and crime reduction is a high priority. I believe that some of the services now budgeted on demand should be cost budgeted instead. I believe we are already paying the price for budgeting our criminal justice agencies with the central concern their costs. The price we pay is the highest crime rate in the United States. The price we are paying is the reduction in the number of solved burglaries from 20% to 10% of those reported to law enforcement agencies. The price we will continue to pay is the deterioration of the quality of life in our community. We are all familiar with the feeling of helplessness that being a victim produces. We are all familiar with the feeling that the institutions of our society have lost control of events. The greatest tragedy our present crime control policies have produced is acceptance, by nearly all, that crime is inevitable, that we must reduce our expectations, that after all is said and done nothing could have been changed anyway.

I hope that not everyone has accepted the litany of failure outlined above. If this report has irritated, provoked, or upset you then I suggest to you that much needs to be done. The best opportunity to reduce crime was about eight (8) years ago and we are now in a situation where much of the crime we have is the result of our failure to repond to changing conditions. Any efforts now must be greater because of our past failures. Further delay in changing the attitudes of the public, the elected officials, and the criminal justice agencies officials who have accepted the present funding model would be very foolish. We have much to preserve and protect. The sooner we begin the more we can accomplish.

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Director.

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APPENDIX ONE

ROSTER AND ORGANIZATION
PIMA COUNTY ATTORNEY'S DEPARTMENT
February 1, 1979

I. DEPARTMENTAL ADMINISTRATION

Stephen D. Neely,
County Attorney

David G. Dingeldine,
Chief Deputy County Attorney

Shirley Melnikoff, Administrative Assistant
Peter R. Maheu, Administrative Investigator
Jack C. Stillwell, Research Analyst
Andrew C. Dowdle, Research Assistant

John W. Burks, Officer Manager

Support Personnel

Karen Brewer
Mary Fimbres
Thelma Flores
Jill Olson

Word Processing Center

Cecilia Maish, Lead Secretary

Mary Bevilacqua
Sandra Cisneros
Virginia Dominquez
Jolene Newburn
Devi Powers

APPENDIX ONE CONT'D

II. CRIMINAL DIVISION

Wm. Randolph Stevens, Jr., Chief Criminal Deputy

Deputy County Attorneys

David L. Berkman, Team Leader
Michael P. Callahan, Team Leader
John W. Dickinson, Team Leader
John M. Roll, Team Leader

Michael D. Alfred
Julia S. Anderson
Paul S. Banales
Geoffrey Cheadle, Jr.
David R. Cole
Raner C. Collins
John E. Davis
Sydney K. Davis
Zada EdgarSoto
Jesse J. Figueroa
Barbara S. Gelband
Richard J. Gonzales
Jim D. Himelic
James D. Hunter

Barbara E. LaWall
Thomas A. Letnes, II
Cindy S. Martinez
Frederick W. McNeill
Edward C. Nesbitt
Christopher M. O'Connell
Elizabeth C. Peasley
Kenneth J. Peasley
Thomas C. Reed
Richard M. Rollman
Jeffrey D. Ross
D. Jesse Smith
Richard L. Strohm
Victor A. Wild

Criminal Investigations Unit

Rex K. Angeley, Chief Investigator

Glenn J. Doze
Kenneth R. Janes
Carl L. Kishman
Susan L. Moore
Robert L. Treadway
Michael R. Rios
Betty Warren, Secretary

APPENDIX ONE CONT'D

III. LEGAL ADMINISTRATION DIVISION

Harold L. Higgins, Jr., Director

Justice Court Team

Deputy County Attorneys

Luis M. Castillo, Jr.
Carol L. Eley
Richard D. Nichols

Juvenile Court Unit

Clinton R. Stinson, Supervisor

Deputy County Attorneys

Stefani J. Gabroy
Arthur J. Hutton
Edward B. Truman

Criminal Investigator

Edward Cyran

Support Personnel

Jacqueline Stratton
Carmen Teran

Law Clerks

Al Barrera
Ann Dawson
Michael Lex
Dennis Lusk
James Riley
Douglas Shook *
William Sullivan*
Kimberley Taylor *
Thomas Wolf *
Thomas Zawada

* Third Year Law School Student allowed to practice under supervision as a part of their training.

APPENDIX ONE CONT'D

III. LEGAL ADMINISTRATION DIVISION (cont'd)
Harold L. Higgins, Jr., Director

Clerical Support Section

John W. Burks, Office Manager

Felony Bureau

Joyce Dean, Supervisor

Charging Unit

Jean Tate, Unit Leader

Karen Carter
Nichola Deahl
Millie Ellis
Shirley Hansen
Linda Valukas

Prosecution Assistance Unit

Patricia Ramirez, Unit Leader

Rosie Alcorta
Wendy Blum
Bernice Kelty
Josie Tupiken
Elvia Valenzuela
Lucia Villarreal

Records and Appeals Unit

Christine Romo, Unit Leader

Celina Gallego
Francis Leon

Extraditions and Fugitives

Rickey Macey

Misdemeanors

Carol Carstens, Supervisor
Lois Nelson

CONTINUED

1 OF 2

APPENDIX ONE CONT'D

III. LEGAL ADMINISTRATION DIVISION (cont'd)
Harold L. Higgins, Jr., Director

Record Destruction

Miriam Cruz

Adult Diversion Unit

John M. Davis, Program Coordinator

Counselors

Marie Antonuccio
Antonio G. Apodaca
Armando Espinoza
Keith H. Judson
Terrie Northrup
Sanders D. Terkell

Intake Officer

James H. Polito

Support Personnel

Anthony S. Pawlicki, Supervisor

Kathleen McGuire
Donna Sladek

Victim Witness Unit

David L. Lowenberg, Program Coordinator

Advocates

Celeste Brosenne
Edward Espinoza
Paul Forgach
Marcia Gawedzinski
Vinita Goodin
Yvonne C. Tellez

Support Personnel

Patricia Anaya, Supervisor

Adela Martinez
Cecilia Rodriguez

APPENDIX ONE CONT'D

IV. CIVIL DIVISION

James M. Howard, Chief Civil Deputy

County Counsel Unit

Rose Silver, Supervisor

Deputy County Attorneys

Richard Arrotta	John R. Neubauer
Howard L. Baldwin	Lawrence Ollason
Mark R. Christensen	Peter R. Pearman
Lloyd W. Fickett	G. Lawrence Schubert
John C. Gabroy	Ronald J. Stolkin
Albin Krietz	Rita Vatter
Ronald M. Lehman	

Law Clerks

Beverly K. Cline	William Mills
Paula Davidon	Claire J. West
Gary E. Donahoe	

CETA Project

Peggy Horswell

Support Personnel

Sally Carlson	Deborah Powers
Ana Gonzalez	Mariann Stanfield
Tina Perry (Adoptions)	

Consumer Protection Unit

Howard L. Fell, Coordinator

Deputy County Attorneys

Alan D. Davidon
John R. Moffitt

Investigators

Susan Beaty	David Rodriguez
John Cheek	Joanne Winkelmann (LOA)
Al Fine	

APPENDIX ONE CONT'D

IV. CIVIL DIVISION (Cont'd.)

James M. Howard, Chief Civil Deputy

Support Personnel

Kathi Baker, Administrative Assistant

Marie Stapleman, Supervisor

Rachel Jacques

Diane Urban

Economic Crime Unit

Richard L. Parrish, Prosecution Coordinator

Leslie G. Turner, Investigation Coordinator

Deputy County Attorney

Alan D. Davidon

Criminal Investigator

Louis Spalla

Support Personnel

Beverly A. Cline

Family Support Unit

Jeanne E. Stauffer, Director

Deputy County Attorneys

Gilbert E. Boissy

William V. Hornung

Selma Paul

Edward C. Wong

Investigators

Juan Nunez, Supervisor

Nellie O. Pineda

Paul M. Swift

Support Personnel

Douglas G. Gillam, Administrative Assistant

Helen L. Olivas, Supervisor

Zoranna C. Cool

Patti Coshatt

APPENDIX ONE CONT'D

CIVIL DIVISION (cont'd)

Family Support Unit cont'd

Patricia E. Courson
Julia Haley
Roselyn Harrison
Gloria Martinez
Martha Redondo
Mary Thompson
Maria E. Valenzuela

V. AJO OFFICE

James Cy Henry, Deputy County Attorney

Gloria Robles, Secretary

VI. ASSIGNED TO ARIZONA DRUG CONTROL DISTRICT

Deputy County Attorneys

L. Terry Grimble
James W. Cochran

VII. LIAISON OFFICERS

Dick Clarke Pima County Sheriff's Department
Del Haury Tucson Police Department
Jim Pignato Department of Public Safety

APPENDIX TWO

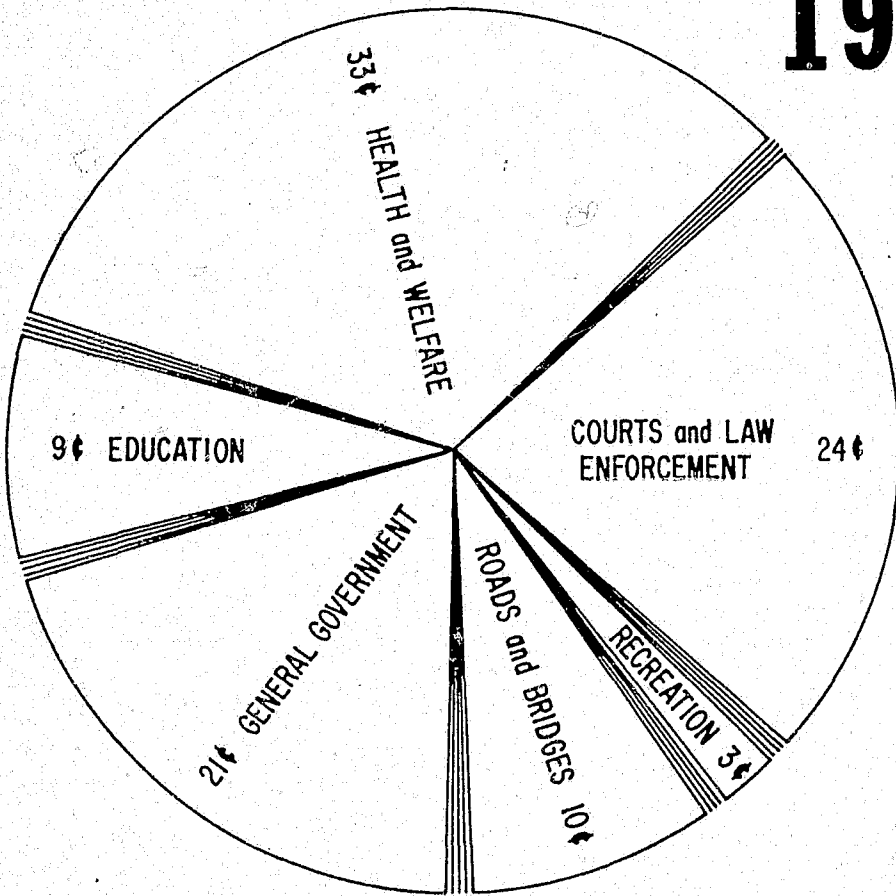
PIMA COUNTY BUDGET DOLLARS 1975-1978

Governmental Service Area	Fiscal Year			
	1975	1976	1977	1978
General Government.	21%	21%	18%	16%
Education	9%	9%	9%	9%
Health and Welfare	33%	33%	36%	38%
Courts and Law Enforcement	24%	25%	24%	25%
Recreation	3%	3%	4%	3%
Roads and Bridges	10%	9%	9%	10%

NOTE: These figures do not include any budget overruns.

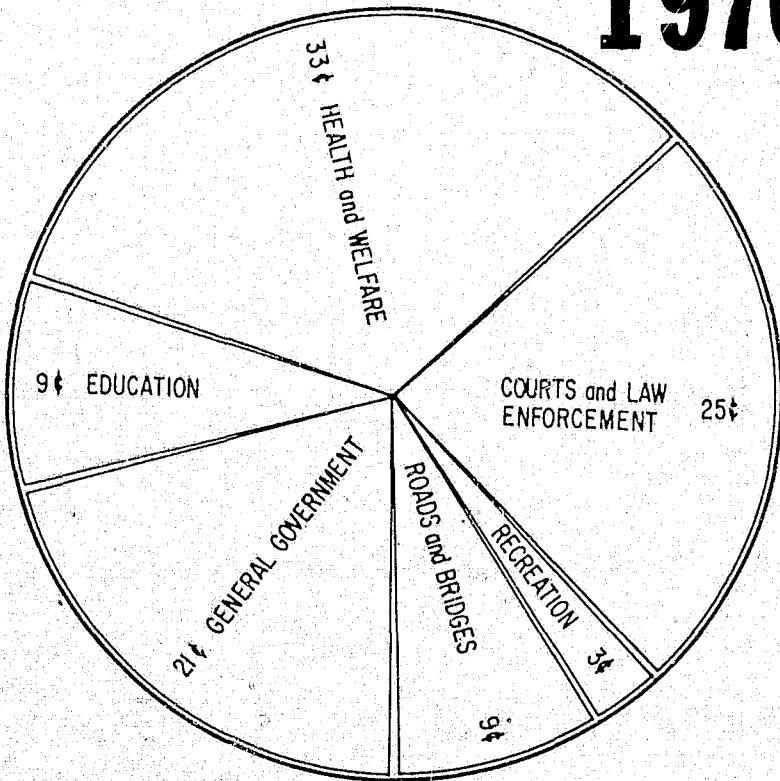
SOURCES: Pima County Annual Reports and Adopted Budgets for Fiscal Years 1978-79, 1977-78, 1976-77, 1975-76, and 1974-75.

1975 EXPENDITURES



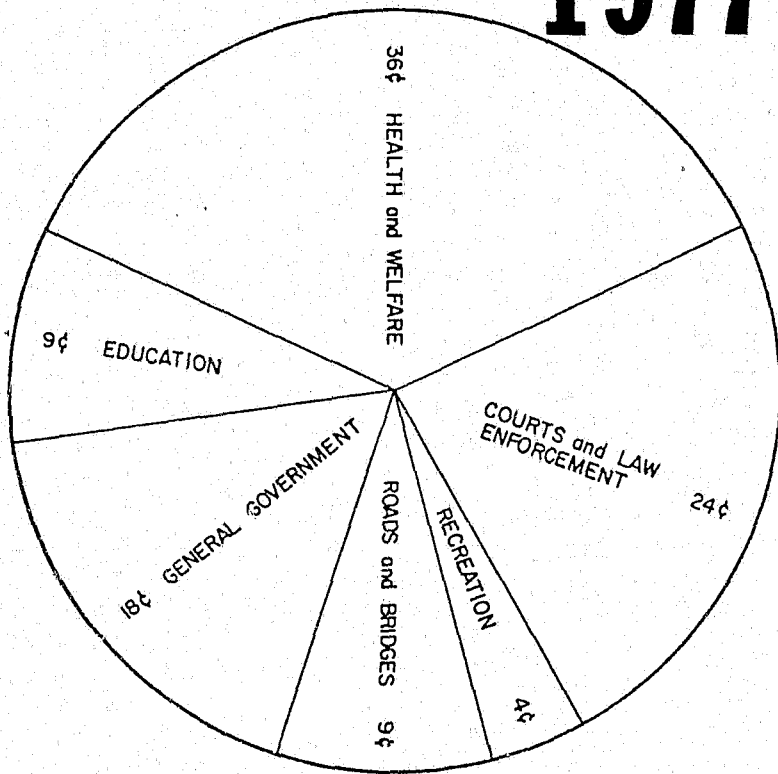
GENERAL GOVERNMENT	\$ 18,133,417
EDUCATION	8,176,959
HEALTH and WELFARE	29,349,564
COURTS and LAW ENFORCEMENT	21,006,152
RECREATION	2,312,623
ROADS and BRIDGES	8,341,714
TOTAL	\$ 87,320,429

1976 EXPENDITURES



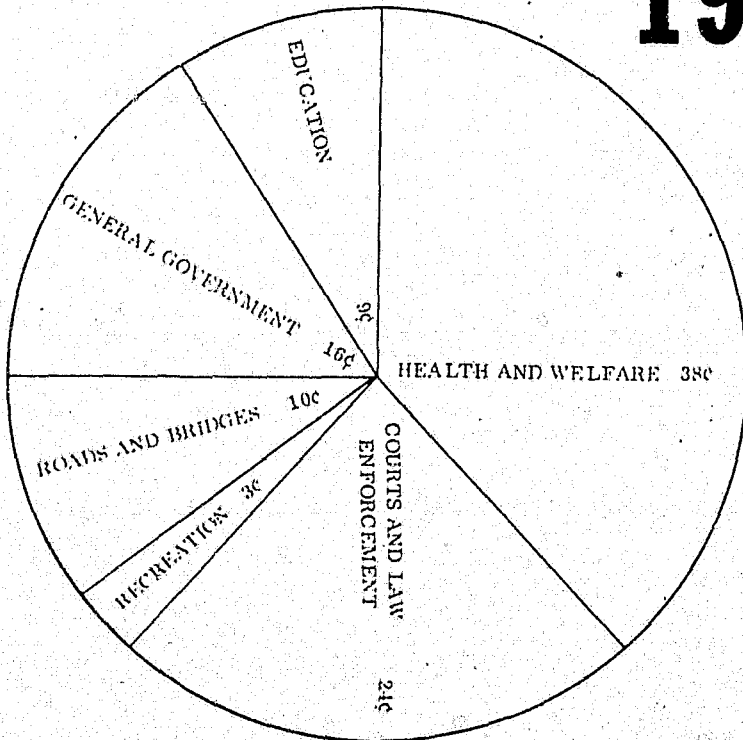
GENERAL GOVERNMENT	\$ 21,371,808
EDUCATION	8,868,013
HEALTH and WELFARE	34,008,291
COURTS and LAW ENFORCEMENT	25,761,172
RECREATION	2,879,069
ROADS and BRIDGES	9,396,923
TOTAL	\$ 102,285,276

1977 EXPENDITURES



GENERAL GOVERNMENT	\$ 20,262,491
EDUCATION	10,568,926
HEALTH and WELFARE	41,250,614
COURTS and LAW ENFORCEMENT	27,623,487
RECREATION	4,116,691
ROADS and BRIDGES	10,018,355
TOTAL	\$113,840,564

1978 EXPENDITURES



GENERAL GOVERNMENT	\$ 19,179,075
EDUCATION	11,030,900
HEALTH AND WELFARE	46,753,780
COURTS AND LAW ENFORCEMENT	28,643,512
RECREATION	3,236,196
ROADS AND BRIDGES	12,531,044
TOTAL	\$121,374,537