

A map of Arizona showing its 15 counties: Mohave, Coconino, Navajo, Apache, Yavapai, La Paz, Maricopa, Greenlee, Yuma, Pinal, Graham, Pima, Cochise, and Santa Cruz. A dark blue horizontal bar is overlaid across the center of the map.

Arizona's Prosecutors - Innovative Programs -

National Prosecutors' Consortium



November 2019

Table of Contents

Acknowledgements	1
The Evolving Role of the Prosecutor	2
The National Prosecutors’ Consortium	2
Overview of Arizona Prosecutor Programs	3
Innovative Programs - Examples	4
Maricopa County Attorney’s Office	
Felony Pretrial Intervention Program	5
Pima County Attorney’s Office	
Victim Services Volunteer Program and Gun Lock Program	7
Yavapai County Attorney’s Office	
Holocaust Training	10



Acknowledgements

The National Prosecutors' Consortium (NPC) is a collaboration between Prosecutors' Center for Excellence and Justice & Security Strategies funded by the Office of Justice Programs of the U.S. Department of Justice. This report was prepared by Kristine Hamann and Sarah Solano Geisler of Prosecutors' Center for Excellence. Special thanks to Executive Director Elizabeth Ortiz and Diana Cooney of the Arizona Prosecuting Attorneys Advisory Council (APAAC) for their outstanding support and guidance with this project. Thanks also to Prosecuting Attorney Barbara LaWall, former Prosecuting Attorney William Montgomery, and Prosecuting Attorney Sheila Polk for contributing to this report.

The National Prosecutor Consortium project was supported by Award No. 2015-DP-BX-KOO4 awarded to Justice & Security Strategies, Inc. by the Bureau of Justice Assistance, Office of Justice Programs, U.S. Department of Justice. The opinions, findings, and conclusions or recommendations expressed in this paper are those of the authors and do not necessarily reflect those of the Department of Justice.

The Evolving Role of the Prosecutor

Over the last forty years, there has been a dramatic transformation and expansion of prosecutors' mission, to not only vigorously prosecute criminal cases, but also to engage in crime prevention, problem solving and community partnerships. Prosecutors' fundamental goal is to protect the community and ensure justice when enforcing the law. Traditionally, a prosecutor's role was a limited and relatively passive one - to evaluate and prosecute arrests made by the police.¹ That role has expanded and evolved significantly. The shift is driven by the need for more complex solutions that not only seek positive outcomes for victims, but also strive for long-term solutions for preventing crime and assisting those who are entangled in the criminal justice system.

Prosecutors are uniquely situated to be effective in carrying out these new initiatives. They play a pivotal role in the criminal justice system, making decisions and exercising discretion about whether to prosecute, whom to prosecute, and how to prosecute. Also, as leaders in law enforcement, prosecutors can work with the police and other partners to improve community relationships and to build trust in the criminal justice system.



1. Catherine M. Coles, *Evolving Strategies in 20th- Century American Prosecution*, in *THE CHANGING ROLE OF THE AMERICAN PROSECUTOR, 182-187* (John L. Worrall & M. Elaine Nugent-Borakov, eds., 2008).

The National Prosecutors' Consortium

The National Prosecutors' Consortium (NPC) project is designed to collect information on innovative programs employed by prosecutor offices, to assist prosecutors in developing and deploy-

ing new programs, and to expand their research capabilities. The main areas of focus are the prevention of violent crime, community engagement, and encouraging victim/witness cooperation.

Many of the nation's prosecutors relish the opportunities presented by their expanded roles in the criminal justice system and have adopted innovative programs. However, the nature of their new initiatives is impacted by the size and resources of the organization. A large office with plentiful resources can implement multiple forward-thinking initiatives that impact a large segment of their population. Conversely, a smaller jurisdiction may only have the capacity to develop a smaller, yet still meaningful initiative.

Innovative programs described in this paper are newly developed initiatives undertaken by an office in keeping with its unique resources and the needs of its community. Ideas for new programs are freely shared amongst prosecutors and can nevertheless be innovative when they are introduced, implemented, and customized to suit the needs of a particular office. For instance, a program that would be considered innovative in a smaller office, may be more common-place in a larger office. We seek to highlight those offices that are embracing their new role by working within their capacity to bring effective and proactive programs to their communities.

As part of the NPC project, a prosecutor survey was administered during 2019 at the county level across the United States on a state-by-state basis. The survey captures baseline information about prosecutor offices and collects information about the various evolving and non-traditional aspects of a prosecutor's office, such as alternatives to incarceration, preventing violent crime, community outreach, victim/witness support, and treatment programs.



Overview of Arizona Prosecutor Programs

Arizona prosecutor offices range in size and in the types of communities that they serve. Some serve in large bustling cities like Phoenix and others work in suburban districts or rural areas. The available resources and staff vary greatly between the offices, as does the needs of their communities.

Out of 21 prosecutors' offices, 11 (53%) participated in the NPC survey. The survey demonstrates that the responding Arizona prosecutors participate in a wide variety of programs and initiatives. These programs include Mental Health courts, Drug courts, mental health services,

drug treatment, Restitution, Victim Services without Arrest, and Co-located Child Abuse reduction programs.²

The survey found that 89% of Arizona’s prosecutors engage in problem solving courts or other programs that offer alternatives to incarceration. Offices provided mental health services (56%), drug treatment (44%), and anger management/ domestic violence diversion (44%). Additionally, all offices offered victim assistance, 78% offered restitution programs, and 67% offered Victim Services without Arrest.

Community programs that prosecutors either run or participate in are also common. Arizona prosecutors are involved with Co-located Child Abuse reduction (78%), Co-located Domestic Violence reduction (67%), Community Engagement (56%), Youth Education (56%), and Adult Education (56%) programs.

2. Solomon, S. E., Uchida, C. D., Connor, C., Swatt, M. L., Revier, L., Quigley, A. M., & Hock, S. (2019). National Prosecutors’ Consortium Survey Highlights: Arizona. Justice & Security Strategies, Inc.

Innovative Programs - Examples

To demonstrate the variety of innovative programs initiated in Arizona, three offices are highlighted: Maricopa, the largest county, Pima, a slightly smaller county with around one million residents, and Yavapai, the smallest of the group with approximately 230,000 residents.

The Maricopa initiative is a Felony Pretrial Intervention program that provides tailored treatment plans to participants to address the root cause of their criminal behavior, while at the same time requiring participants to pay restitution to victims. Pima County runs a Victim Services and Crisis Training Volunteer program where members of the community can receive training on crisis intervention and victim support to assist police in responding to people in crisis. Pima County also administers a gun lock program where residents can obtain a free gun lock at six locations throughout the city. Yavapai County runs a particularly unique training for its law enforcement officers and prosecutors on lessons from the Holocaust and how to prevent future abuse of power and deprivation of basic human rights.

Maricopa County Attorney's Office

Population: 4.5 million

Number of Prosecutors: 260 full-time prosecutors, 28 part-time prosecutors

Felony Pretrial Intervention Program

The Felony Pretrial Intervention program gives defendants a chance to get their lives back on track and avoid traditional prosecution. The program strives to reduce recidivism by requiring defendants to complete a variety of treatment programs that address the root cause of their criminal behavior. Because treatment programs are tailored to each defendant's individual needs, the program produces more effective outcomes for the individual and the community.

Eligible participants are determined on an individual basis, using criteria that includes their current charges, overall criminal history, amount of loss they caused in the crime, input of the crime victims, and evidence-based risk assessment tools. Eligible defendants typically have minimal criminal history and express willingness to once again become productive members of society. Furthermore, they must admit to their criminal conduct, agree to make full restitution to all victims, and agree to the timely completion of all treatment programs as directed by their case manager. Violent defendants and others who pose a substantial risk to reoffend are ineligible.



Once a potential participant's case is fully reviewed and victims are consulted, the prosecutor determines if the program is a good fit. Once a defendant agrees to participate, the prosecution of

the case is suspended for one year. The defendant then reports to the service provider, who uses scientifically validated tools for determining that individual's specific treatment needs. The core curriculum for the cognitive treatment component of the program consists of the ["Thinking For a Change"](#) program, used by criminal justice organizations around the country.

The defendant is typically responsible for the cost of each treatment session on a "pay as you go" basis, because the County Attorney's Office wants participants to be as responsible for program participation as warranted. However, the County Attorney's Office works with the service provider to ensure that participants are not refused due to a genuine inability to pay and, where participants qualify, treatment is covered under the State's Medicaid program.

The service provider monitors each defendant's progress and if they are not actively participating in their treatment plan, prosecution is resumed. If convicted, the defendant then faces the full range of legal consequences for their crime, including probation, jail time, fines, or prison.

A key tenet of the program is proper restitution for victims, and as such, the defendant must be able to fully pay restitution before they complete their treatment. Restitution must be reasonable, and defendants must agree to pay at least 50% of the total restitution within their first month in the program. The program actually allows victims to receive restitution more quickly than the traditional prosecution approach.

In addition to benefitting crime victims through the prompt payment of restitution and the community by reducing recidivism, defendants also personally benefit through the individualized, scientifically proven rehabilitation strategies. Successfully completing the program is no minor feat and doing so allows the defendant to avoid a felony conviction. Once a defendant successfully completes the program, their criminal case is dismissed.



Pima County Attorney's Office

Population: 1,039,073

Number of Prosecutors: 67 criminal prosecutors
(50 felony, 12 misdemeanor, 5 juvenile)

Victim Services Volunteer Program and Gun Lock Program

The Pima County Attorney's Office has established a volunteer program for members of the community interested in assisting crime victims and people in crisis. The vetting and training process for victim advocate volunteers is very thorough to ensure high quality candidates are selected and are committed to long-term volunteer service. The Victim Services Division currently has close to 100 volunteers, some of whom have served for decades.

Volunteers for the Pima County Attorney's Office of Victim Services Program provide important services to the criminal justice system by supporting crime victims going through the court process or by responding to crime scenes at the request of law enforcement. Both programs require the volunteers to complete training on the criminal justice system and basic crisis intervention. Prospective volunteers must first complete 36 hours of basic training and another 30 hours of advanced training of their choosing, either in the area of court advocacy or crisis intervention.

Crisis Program – Responding to Crime Scenes

The primary role of crisis volunteers is to provide psychological first aid to crime victims throughout the Tucson metropolitan area and Pima County. At the request of law enforcement and regardless of whether or not an arrest is made, groups of up to three volunteers respond to multiple





Volunteers communicate with law enforcement at a crime scene.

crime scenes throughout their scheduled shift using unmarked police cars. Volunteers carry handheld radios in addition to their cell phones to ensure that communication can occur with law enforcement at all times.

Volunteers converse with each victim and use strategies consistent with the ABC model of crisis intervention to allow the victim to process their experience. All communication with the victim is confidential per Arizona statute, and in fact, the volunteers will likely never see the victim again after their initial interaction. While volunteers do not provide formal therapy or counseling, they do support the victim by helping the victim determine a possible course of action for the next 24 - 72 hours, providing information about their rights, and available resources.

A particularly unique aspect of this program is that volunteers collect data on each interaction they have with a victim. They fill out a standardized form in order to track and record the interactions in a database for grant and other data reporting needs. Regularly interns will reach out to victims who have received services to identify if the services offered were helpful and to offer any additional support that might be needed.

Volunteers are required to commit to this program for 20 hours per month for at least one year and can choose from a variety of shifts throughout the day and night. To further protect victim information, volunteers are required to sign a confidentiality form.

Volunteers are always supported by an on-call staff advocate who can provide information and assistance as needed.

Court Program – Providing Support for Victims in Court

Court volunteers serve victims in Superior Court, Justice Court, Juvenile Court and within the smaller municipal courts throughout Pima County. They accompany victims to court and provide support as their case progresses through the criminal justice system.

The time commitment for the court advocate program is one year, and volunteers must be available for at least 4 shifts per month during working hours.

Gun Lock Program

Because nearly all unintentional shooting deaths involving children occur in or near the home, the Pima County Attorney’s Office created the “Lock Up Your Gun Campaign”. Through the program, people can obtain a gun lock free of charge from six different locations throughout the city. The goal is to encourage people to store guns safely and thereby reduce the number of unintentional shootings.

The program was created in 2005, and since its inception, the County Attorney’s Office has distributed over 90,000 gun locks. Over 200 community partners have helped to distribute the gun locks and educate the community about safe storage. The County Attorney’s Office also partners with pediatricians, health and family clinics, mental health providers and organizations that serve families and children.

The universal gun locks are installed through the chamber to prevent the gun from being fired. Each lock comes with instructions and keys. Chamber locks are universal and fit most handguns, rifles, and shotguns.



Pima County gun locks. Photo Courtesy of: [Pima County Attorney’s Office](#)

Yavapai County Attorney's Office

Population: 231,993

Number of Prosecutors: 35 full-time prosecutors, 3 part-time prosecutors

Holocaust Training

Recognizing that study of the Holocaust provides important lessons into the horrific consequences that can occur when a corrupt government shifts the mission of the police from protecting the public to abusing basic human rights, a group of law enforcement and civic leaders from Yavapai County, Arizona took action to ensure those lessons are never lost. In 2006, the group traveled to the United States Holocaust Memorial Museum (USHMM) in Washington, D.C. to participate in a program entitled: *Law Enforcement and Society: Lessons of the Holocaust*. One member of the group was Sheila Polk, the Yavapai County Attorney, who has since worked tirelessly with other stakeholders to bring training on the Holocaust to Arizona's criminal justice professionals.



After the initial Washington, D.C. trip, County Attorney Polk knew that the program could have immense value for judges, prosecutors, and sworn law enforcement officers in Arizona. Since it would have been impractical to send the state's 800 judges, 1,000 prosecutors, and 15,000 sworn officers to Washington, D.C., County Attorney Polk set out to reproduce the programming in Arizona. She has collaborated with the USHMM, the Jewish Community Foundation of Greater Prescott, the law enforcement agencies of Yavapai County, the City of Cottonwood, the Arizona Peace Officer Standards and Training Board (AZPOST), and Arizona Prosecuting Attorney's Advisory Council (APAAC) to accomplish significant outreach in Arizona and surrounding states to further the reach of the training.

In 2010, County Attorney Polk began to strategize how the program she had seen at USHMM in 2006 could be brought to Yavapai County. Working with the Jewish Community Foundation of Greater Prescott and Doug Bartosh, City Manager of Cottonwood, she created the program known today as: *What You Do Matters: Lessons from the Holocaust*. Using law enforcement professionals instead of USHMM educators and historians, and portable posters instead of the USHMM's permanent exhibits, County Attorney Polk developed a program that allows police officers and prosecutors to experience the *Lessons from the Holocaust* without traveling to Washington, D.C. First presented in February of 2012, the program has been taught to law enforcement professionals throughout Yavapai County. With the support of AZPOST and APAAC, County Attorney Polk spearheaded the training of twenty-four facilitators with the goal of reaching all 15,000 sworn law enforcement officers in Arizona.

The program examines policing within the legal and political framework of Nazi Germany – a journey that eventually turned those who should protect life and liberty into those who intimidated, humiliated, deported, and eventually murdered millions of innocent people. Using historical images and stories from the Holocaust, the course utilizes trained facilitators to engage students in a dialogue about the role of law enforcement in today's communities and the importance of core values in ensuring the integrity and vibrancy of democracy.

Today, County Attorney Polk serves as one of the program's prosecutor facilitators. A law enforcement facilitator also leads each program session, which is provided free of cost. The program additionally qualifies for 3.5 hours of Arizona POST training for law enforcement and CLE credit for prosecutors. To date, over 5000 police officers and prosecutors in Arizona have received the training. This crucial program helps to ensure that the atrocities of the Holocaust are never forgotten, and most importantly, never repeated.



County Attorney Sheila Polk delivers a training to a group of Arizona law enforcement officers.

Photo Courtesy of: [The United States Holocaust Memorial Museum](https://www.ushmm.org/)