OFFICE OF THE

COCHISE COUNTY ATTORNEY

P.O. Drawer CA
Bisbee, Arizona 85603

EDWARD G. RHEINHEIMER
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Telephone: (520) 432-8700
Drug Unit Fax: (520) 432-4208

August 17, 2012

The Honorable Janice K. Brewer
Arizona Governor
Executive Tower
1700 W. Washington
Phoenix, AZ 85007-2890

RE: Cochise County Attorney's Office Annual Report on Investigation of Child Abuse Cases

The Honorable Governor Janice K. Brewer:

Pursuant to A.R.S. §8-817 each County Attorney is required to independently submit an annual report of activity regarding the investigation of child abuse cases. The attached information reflects the activity for Fiscal Year 2011/2012.

Protocols for multidisciplinary reporting are currently being formulated and should be in place for future reporting periods.

If you have any questions or concerns, please do not hesitate to contact me.

Sincerely,

COCHISE COUNTY ATTORNEY'S OFFICE

By: _____
DOYLE B. JOHNSTUN
CHIEF CRIMINAL DEPUTY COUNTY ATTORNEY

DBJ:ggg

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ANNUAL REPORT ON INVESTIGATION OF CHILD ABUSE CASES FISCAL YEAR 2011/2012

SUMMARY:

Arizona Revised Statute (A.R.S.) §8-817 requires each County Attorney to independently submit an annual report of activity under the "Multidisciplinary Protocol for Investigation of Child Abuse." The Cochise County Attorney's Office tracks those cases submitted for prosecution

PROSECUTION AGENCY ACTIVITY – COCHISE COUNTY ATTORNEY'S OFFICE

The following table represents cases designated as Criminal Conduct Allegations (CCA).

Submittals by A.R.S. charge	CCA Charges Filed	Not Filed	Disposition by A.R.S. Charge
46	17	34	17

Submittals reflect law enforcement reports received by the Cochise County Attorney's Office during the fiscal year 2011-2012.

CCA Charges Filed are cases wherein the Cochise County Attorney's Office filed at least one charge reflecting a Criminal Conduct Allegations. This total includes cases submitted in a prior fiscal year.

Not Filed includes matters declined, because there was insufficient evidence to ensure a reasonable likelihood of conviction or, diverted in the interest of justice, referred to another agency for prosecution, cases received but still under review (4), and cases presented to the Grand Jury, but a No Bill was returned.

Dispositions include cases completed by the prosecutor that resulted in a conviction, an acquittal or dismissal. This also includes cases charged in a prior year, but completed in this fiscal year.

Law Enforcement Agency Activity:

No statistic are available from Law Enforcement. Of the 46 cases submitted to the Cochise County Attorney's Office, the Cochise County Attorney does not know how many involved joint investigation with involvement by CPS and/or a forensic interviewer nor does the County Attorney know why a joint investigation did not occur.

OFFICE OF THE

COCHISE COUNTY ATTORNEY

ADULT DIVERSION PROGRAM

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August 16, 2012

Arizona Prosecuting Attorney's Advisory Council (APAAC)
Attn: Diana Cooney
1951 W. Camelback Rd., Ste. #202
Phoenix, Arizona 85015

RE: Cochise County Adult Diversion Program Summary

Dear Ms. Cooney,

The Cochise County Attorney's Office Adult Diversion Program (ADP) defers cases that are referred into the program by the prosecuting attorney. The program's primary objectives are to remove from the traditional system of adversarial trial defendant's that do not contest their guilt and are likely to benefit from an effective community-based program of rehabilitation while simultaneously maximizing limited public resources. These objectives are pursued within the more important context of public safety.

A defendant will not be accepted into ADP unless they first qualify on a variety of grounds and demonstrate a commitment to take responsibility for their actions. They must also demonstrate to ADP that they are both willing and able to take corrective measures to resolve any outstanding issues they caused.

The ADP works to achieve its primary objectives by imposing law abiding behavior, reporting requirements and other terms and conditions that must be satisfied over the duration of the program. Defendants must pay in full any outstanding restitution, participate in community service and attend/complete counseling (when applicable). Other terms and conditions may be imposed if the circumstances require. All the terms and conditions must be satisfied prior to a defendant's successful release from the program. A successful release will result in a dismissal of the charges.

The following summary of ADP statistics for FY2011/2012 is hereby submitted pursuant to A.R.S. § 11-362 and the APAAC Deferred Prosecution Guidelines Program Standards (G)[i].

1. Total number of defendants accepted into the program: **110**

2. Number of defendants that successfully completed the program: **57**

3. Number of defendants that were revoked from the program: **14**

4. Number of active cases remaining in the program: **39**

5. The total amount of restitution collected during the year: **$12,085.51**

6. Total charges under the domestic violence heading: **6**

7. Breakdown by crime:

A.	Driving on a suspended license	1
B.	Failure to appear	5
C.	Assault	2
D.	Domestic violence assault	3
E.	Threatening and Intimidating	1
F.	Aggravated assault	2
G.	Disorderly conduct	9
H.	Criminal damage	4
I.	DV/Criminal damage	1
J.	DV/Criminal trespass	1
K.	DV/Violation of a court order	2
L.	Resisting arrest	1
M.	False reporting to law enforcement	6
N.	Criminal nuisance	1
O.	Animal cruelty	1
P.	Endangerment	3
Q.	Reckless driving	2
R.	Fraudulent use of credit card	1
S.	Scheme to defraud	1
T.	Theft	4
U.	Shoplifting	20
V.	Burglary	1
W.	Theft of a vehicle	1
X.	Felony Flight	1
Y.	Possession of marijuana	30
Z.	Possession of drug paraphernalia	31
AA.	Use of a non-dangerous drug	1
AB.	Illegal possession of a prescription drug	2
AC.	Possession of marijuana for sale	1
AD.	Underage consumption of alcohol	5
AE.	Sale of alcohol to a minor	2
AF.	Contributing to the delinquency of a minor	1
AG.	Illegal discharge of a firearm	2

While it is impossible to formally or with any certainty measure the wider impact this program has on criminal justice resources, criminal justice and/or overall public safety, some conclusions can be reasonably estimated by looking at the numbers alone. First and foremost, in at least 57 different cases the victim and the community were made whole. In addition to those 57 successful cases, 39 more defendants have the continued opportunity to reintegrate into their community as non-criminal working citizens, parents, siblings, neighbors, friends and associates - unencumbered by the immeasurable economic baggage of a prior conviction. Employed and employable non-criminal working citizens are less likely to reoffend and are otherwise good for our community and help us all to shoulder the costs of our government and other societal burdens.

Of the 110 participants admitted into the program last year, 57 have completed the program successfully with 39 more participants on track to do the same. This means the prosecutor's office has shed 96 cases from the workload of a relatively small office. This has a dramatic and significant impact on the time prosecutors will have to dedicate to the more serious and dangerous offenses and more problematic and repetitive offenders. The increased time a prosecutor will have to focus on serious cases is immeasurable, as time can often translate as the difference between winning and losing a difficult case.

About 10% of referred cases were revoked from the program. Upon revocation, the prosecutor's case is returned with a written admission of guilt. This means that even upon revocation the returned case will likely resolve without a trial due to the increased strength of the State's case. Once again, even in situations where a case was revoked from the program, there is a measure of time saved from the process.

In approximately 10% of referred cases, prison is a real possibility upon conviction. A prison term is estimated to cost the state $35,000 per year per defendant. If the charges can be resolved effectively without incurring this high incarceration cost, the community as a whole will benefit.

In addition to the more obvious areas of impact to the defendant, victim and our local prosecutor's office, there is a wider impact to the system as a whole. A few examples, the Court calendar and residual administrative burden will be reduced proportionally for each case diverted/deferred. When a case is successfully diverted, other city, county and state employees such as police officers, government staff and/or civilian administrators/witnesses are freed from interviews, hearings, trials and other obligations. The unencumbered government employees can now focus on other public service and the civilian witnesses can remain working and earning a living in their respective positions in the community. While it is nearly impossible to calculate, these time savings translate into additional tax dollars both earned and saved.

It is our hope here in Cochise County that our diversion program will become more efficient and more effective with each passing year. Beginning fiscal year 2012/2013 we will track "age", "employment", and any other statistic required or imposed by the APAAC Guidelines.

Contact us with any questions or concerns. It is our mission to serve our state and our local community to the best of our abilities.

Sincerely,

EDWARD G. RHEINHEIMER
COCHISE COUNTY ATTORNEY

BY: Jason Lindstrom
Cochise County Attorney's Adult Diversion Program

[i] A breakdown by age and employment was not tracked prior to FY2012/2013 but can be submitted for FY2012/2013 by request. This information would need to be compiled retroactively as it was not previously a part of our tracking process.