OFFICE OF THE SANTA CRUZ COUNTY ATTORNEY

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August 29, 2014

Arizona Prosecuting Attorney's Advisory Council
Kim MacEachern, Staff Attorney
1951 W. Camelback Road, Suite 202
Phoenix, Arizona 85015

Santa Cruz County Attorney's Office
Liliana Ortega, Chief Deputy County Attorney
2150 N. Grand Avenue, Suite 201
Nogales, Arizona 85621

Dear Ms. MacEachern:

We are submitting this report pursuant to A.R.S. 11-362 regarding the Santa Cruz County Attorney's Office Deferred Prosecution Program (Program). The purpose of the Program is to quickly remove first-time domestic violence misdemeanor offenders from the criminal justice system and provide them with an alternative to prosecution. The Program may be made available to a defendant upon notice to the victims. The victims' input regarding the prosecution is strongly considered in deciding whether to offer the program in a domestic violence case.

Participants in the program agree to plead guilty. The courts defer acceptance of the guilty plea and set periodic review hearings while the defendant participates in the Program. During the deferred prosecution period, a defendant is required to complete specific terms and conditions which can include abstaining from drug and alcohol use, domestic violence counseling, anger management counseling, parenting classes, random drug testing, and community service work. If the defendant completes all the terms, the County Attorney's Office files a motion to dismiss with the court. If a defendant does not complete the terms, the County Attorney's Office

requests a sentencing date. Because the defendant has already pled guilty, a trial is not necessary, and the parties proceed to sentencing.

The Program was suspended during 2012 and 2013 due to a potential conflict with a grant contract. The Program has recently been reinstated. During the 2013-2014 fiscal year, 7 defendants participated in the program. Three participants completed the Program successfully and their cases were dismissed.

Sincerely,

for

Liliana Ortega
Chief Deputy County Attorney

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2013-2014 Legislative Report §8-817

Santa Cruz County Attorney's Office

Number of Criminal Conduct Allegations Investigated: 17

Number of Joint Investigations: 10

Number of Cases Presented for Review: 17

Number of Persons Charged: 16

Number of Declines: 1

Reason for Decline: Insufficient evidence

Reasons Why Joint Investigations Did Not Take Place:

Seven cases were not joint investigations. Four of those cases did not involve family members, and therefore, the Department of Child Safety was not involved. Three of the cases were referrals directly from Customs and Border Protection for prosecutions declined by the U.S. Attorney's Office. The suspects were incarcerated and children were released to family members by CBP.