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# **OFFICE OF THE ARIZONA ATTORNEY GENERAL**

**Five-Year Strategic Plan  
Fiscal Years 2014 - 2018**

# MESSAGE FROM THE ATTORNEY GENERAL



*As Attorney General, I am committed to defending Arizona. Not only does my office represent the state in court, but it is also my job to advocate for security along the international border, to protect consumers, and to keep the public safe from criminal predators. In addition, it is my commitment that this office treats every legal matter with integrity, thoroughness and fairness.*

**- Tom Horne, Arizona Attorney General**

# Agency Mission

The Office of the Attorney General will provide comprehensive legal protection to the citizens of Arizona and quality legal services to the state agencies by upholding the Constitution and enforcing the law in a fair and just manner.

# Agency Description

The Office of the Attorney General (the “AGO”) was created by Article V, Section I of the Arizona Constitution. The Attorney General is an elected position and holds office for a four-year term. Powers of the Attorney General are conferred by the Arizona Constitution and by statute. One fundamental responsibility of the Attorney General’s Office is to act as legal advisor to all state agencies, boards, and commissions except those few exempted by law. Additional primary responsibilities include prosecuting and defending proceedings in which the State has an interest and rendering written opinions upon questions of law.

To fulfill these responsibilities, the Department of Law is divided into legal divisions and administrative offices. The legal divisions are the Child and Family Protection, Civil, Criminal, Criminal Appeals & Capital Litigation, Public Advocacy and Civil Rights, and the Solicitor General’s Office. Other divisions and programs performing administrative and support functions include: Administrative Services, Business & Finance, and Community Outreach. Each division is further organized into sections that specialize in a particular area of practice.

Legal, Policy, Administrative, and Support functions are coordinated and promoted by the Executive Office.

# **STRATEGIC ISSUES:**

❖ **To Defend the Border from Criminal Activities**

❖ **To Protect Citizens Against Crime: Children, Seniors, Families & Communities**

❖ **To Provide Protection to Consumers**

❖ **To Provide Exemplary Legal Services**

# **STRATEGIC ISSUE #1 : To Defend the Border from Criminal Activities**

Our Nation's southern border has experienced a dramatic surge in cross-border crime and violence in recent years due to intense competition between Mexican drug cartels and criminal smuggling organizations that employ predatory tactics to realize profits. The criminal enterprises are engaging in diversified organized criminal activity ranging from drug trafficking, to hijacking cargo shipments, to human smuggling and money laundering, to murder. Arizona and Mexico need to work in cooperation to combat the organized criminal enterprises that control drug trafficking and criminal smuggling into the U. S. Both Arizona and Mexico need to continue working to cut off funding for border criminal enterprises; enlist international businesses in eliminating money laundering; increase multi-agent and bi-nation crime fighting task forces; and help Mexico reform its justice and law enforcement system. In an effort to address the dramatic surge in cross-border crime, the Office of the Attorney General will take a pro-active role and dedicate resources to implement initiatives to dismantle this organized criminal activity.

**Goal 1:** To disrupt criminal organizations that engage in cross border violence.

### **Strategies:**

- Coordinate efforts on border security with federal, state and local law enforcement in Arizona and with Mexican law enforcement.
- Provide technical assistance to other law enforcement agencies, specifically in the use of financial data, to develop evidence relating to underlying criminal activity.
- Provide federal and state law enforcement agencies with timely legal advice on investigative procedures as well as training on relevant legal issues.
- Provide legal counsel and assistance in wiretap and undercover investigations.
- Develop a Southwest Border Area information sharing network.
- Assist in the creation of a chain of inter-related task forces in the Southwest Border area, concentrating on anti-money laundering enforcement at the highest levels.

**Goal 2:** To reduce the financial power of criminal enterprises.

### **Strategies:**

- Dismantle racketeering enterprises through aggressive prosecution and civil racketeering remedies.
- Deprive organized crime of the property and profit that keep it in business and simultaneously fund future investigations and prosecutions of similar crimes through forfeiture proceedings.
- Specialize in complex financial prosecutions to reduce the financial power of criminal enterprises.
- Foster multi-jurisdictional collaboration to identify, investigate, and disrupt financial activities that facilitate cross-border violence and money laundering.
- Enhance coordination of the Southwest Border states' anti-money laundering (AML) efforts.

## **STRATEGIC ISSUE #2 : To Protect Citizens Against Crime: Children, Seniors, Families & Communities**

The Attorney General's Office prioritizes the protection of Arizona's population. This includes children, seniors, and individuals with physical or mental impairments, who are more vulnerable to abuse, neglect and exploitation; victims of violent crimes; identity theft; healthcare fraud and abuse; consumer fraud; and other crimes; all of which are prosecuted by our Office.

In the context of children, the Attorney General's Office provides comprehensive legal representation to the Department of Economic Security in two very distinct areas requiring diligent case management. In Child Protective Services (CPS) there is a rise in the severity of abuse and neglect of children that has resulted in staggering increases in the number of children in care. At the end of Fiscal Year 2012, CPS had 14,216 children in care. This represents a 16.75% increase over Fiscal Year 2011, and continues to impact efforts to achieve safe and timely permanency for Arizona's children in foster care. With respect to Child Support Enforcement, the Attorney General works to ensure the economic sufficiency of children through the establishment of paternity and pursuit of child support. This is of particular relevance where, as here in Arizona, 45% of children are born to un-wed parents and statistics show that parents who contribute financially are more involved in their children's lives.

Nearly 7,000 cases of vulnerable adult mistreatment are reported to the State annually. The typical victims in these cases are females over the age of 85. The over-eighty-five-year-old population is the fastest growing age group in the state and is estimated to increase 141% by the year 2020. It is critical that this population be defended against physical abuse, neglect and scammers who seek financial gains.

When a person is discriminated against based on his/her disability, race, color, religion, sex, familial status, age, or national origin, the Arizona Civil Rights Act has been violated. This type of discrimination may take place when individuals seek employment, attempt to exercise their right to vote, enjoy public accommodations, or seek housing. The AGO enforces anti-discrimination laws through investigation of complaints, alternative dispute resolution, and litigation, as well as education and outreach programs.

The AGO is also dedicated to ensuring justice to Arizona's victims. Victim Services Advocates provide support to victims in cases prosecuted by our office. Some of the services offered by the Advocates include keeping victims informed about court dates, assisting them in finding counseling services, and providing information on how the criminal justice system works. The AGO is also devoted to achieving justice for victims as it works to uphold the convictions and sentences of criminal defendants when their convictions and sentences are appealed. These efforts protect Arizona's communities, as the AGO strives to keep dangerous criminals off the streets.

Also worth noting is the AGO's statewide crime prevention and education initiative. The AGO's Community Outreach and Education group participates in community events statewide, which educate individuals on topics such as identity theft, consumer scams, life care planning issues, civil rights, senior abuse, and victim's rights. In addition, this group provides written and web-based resources to community groups on a wide range of issues.

# To Protect Citizens Against Crime: Children, Seniors, Families & Communities

**Goal 1:** Promote the safety, economic sufficiency and well-being of children.

**Strategies:**

- Protect children through effective litigation and efficient case management in dependency, guardianship and adoption proceedings, when attempts to reunite families prove unsuccessful.
- Provide training to AGO and DES staff, CPS caseworks, supervisors, members of the judiciary and various child welfare system stakeholders throughout Arizona for effective case management.
- Increase enforcement activity in judicial and administrative establishment of new child support orders.

**Goal 2:** Combat abuse of Arizona's senior population.

**Strategies:**

- Use the strengths, skills, and resources across AGO Divisions to ensure the success of the Taskforce Against Senior Abuse (TASA).
- Work closely with other law enforcement offices, state and local agencies, and senior-focused groups to assure an aggressive investigative and prosecutorial presence in the State.
- Utilize the Advisory Group, comprised of community, business, and governmental leaders, to keep abreast on matters concerning senior citizens in Arizona.
- Provide a dedicated telephone number through which the public, other law enforcement agencies, caregivers and family members can report concerns and receive information and referrals.
- Offer educational opportunities around the state in which seniors can participate.
- Offer training and education to groups who have significant interactions with the senior population.

**Goal 3:** Protect victimized citizens and keep communities safe.

**Strategies:**

- Improve the treatment of crime victims by exhibiting leadership, promoting public policy reforms where needed and increase the quality of victim services through the administration of the Victims' Rights Program.
- Participate in victim service network events.
- Provide for efficient and effective delivery of quality services to victims during all stages of criminal prosecutions.
- Participate and serve as a leader statewide on victims' issues.
- Collaborate with other law enforcement agencies to recognize individuals in Arizona who made significant contributions to victims' rights.
- Competently and efficiently defend the State in all capital and non-capital appellate cases.
- Enhance written and oral advocacy skills through participation of training.
- Improve expertise in handling federal habeas litigation through participation in training related to federal appeals under 28 U.S.C. § 2254.

## **STRATEGIC ISSUE #3 : To Provide Protection to Consumers**

Arizonans are all too often threatened by consumer fraud. Scammers are continually finding new and inventive ways to take advantage of consumers. Fraudulent loan schemes, dishonest repair shops, and new threats found on the internet are only a few examples of fraud cases that can result in injury to the consumer. Among other potential impacts, harmed consumers may suffer financial loss, may have their credit history tarnished, may have difficulties obtaining a mortgage loan modification, or may be using a prescription drug that could put their health in danger. The economic crisis, in particular, has created a number of vulnerable consumers who are often targeted for work-from-home scams. Similarly, with Arizona ranking among the states hardest hit by the nation's mortgage crisis, a surge in mortgage-rescue fraud has followed. These scams victimize people who are already in distress and who place their trust in dishonest people. Consumer scams of any nature are detrimental and the Attorney General's Office is dedicated to vigorously prosecuting these cases.

Antitrust laws affect the daily lives of all consumers, whether they are shopping for groceries, purchasing a car, or downloading new software from the Internet. These laws play an important role in ensuring that the consumer has the benefit of competitive prices and high quality goods and services. The antitrust laws foster competition in the marketplace and prevent anticompetitive mergers and business practices. The AGO enforces Arizona's antitrust laws by investigating and, when warranted, filing suit against businesses and individuals engaged in price fixing and bid rigging. Further, the AGO takes legal action against businesses that refuse to deal fairly with customers, suppliers, or rivals. Also, businesses who allocate territories or customers, or who monopolize, or attempt to monopolize, a market are prosecuted by the AGO. The AGO is devoted to protecting the foundation of our economy that consists of free and open competitive markets for the benefit of Arizona's consumers.

**Goal 1:** To deter fraudulent business practices as a means to protect consumers against fraud.

**Strategies:**

- Investigate and prosecute violations of the Arizona Consumer Fraud Act.
- Increase public awareness through consumer education and alerts, presentations, and the distribution of literature.
- Pursue consumer fraud cases through sting operations to send a message to businesses that the next customer they try to defraud may be an agent from the AGO.
- Take court action if companies do not live up to their earlier agreements to settle consumer fraud allegations.

**Goal 2:** To protect and promote competition for the benefit of consumers through enforcement of antitrust laws.

**Strategies:**

- Collaborate with other state and federal antitrust enforcers in investigating and prosecuting anticompetitive conduct.
- Advocate for competitive markets by filing amicus briefs and commenting on proposed state and federal legislation that will affect competitive markets, consumer choice and price.
- Meet with constituent individuals and businesses to discuss local markets, and take action where necessary to protect and restore competition to those markets.
- Increase outreach/public entity training in antitrust laws and state procurement laws.

## **STRATEGIC ISSUE #4 : To Provide Exemplary Legal Services**

One of the fundamental responsibilities of the Attorney General's Office is to act as legal advisor to all state agencies, boards, and commissions, except those few exempted by law. The AGO represents its client agencies on matters concerning public monies, procurement, finance, open meetings, public records, employment law, general agency advice, statutory construction, administrative certification, licensing, administrative enforcement actions, and related litigation.

Between fiscal year (FY) 2008 and FY 2012, at a time when the AGO's budget was reduced by \$32.8 million and had a 27.7% reduction in appropriated positions, the demand for resources required to defend or bring litigation caused by mandated budget cuts and sweeps, legislative implementation of public policy decisions, and referenda and initiatives increased markedly. Furthermore, with the economic downturn, caseloads in many parts of the office have increased due to fraud and other crimes being on the rise. Simultaneously, the AGO continually strives to respond to requests to litigate or intervene in matters that have great public interest as timely as possible. Examples include SB 1070, the Patient Protection and Affordable Care Act, the Arizona medical marijuana initiative, and Colorado City (a community where local police have great allegiance to Warren Jeffs).

The AGO also provides mediation services to the people of Arizona and state agencies. These services are available for a variety of matters and are delivered in a neutral, non-threatening environment. The mediation process saves time, as the disputing parties can often resolve their differences without lengthy and costly litigation. The AGO continues to work towards maintaining a satisfaction rate of participants above 90%.

As an agency that so heavily relies on the intellect and skills of its staff, the importance of retaining talent and experience cannot be underestimated. The AGO continues its efforts to hire and retain the highest quality professionals. In addition, the AGO continues to enhance its efforts in providing ongoing training to its staff. Training efforts focus on streamlining processes, sharing best practices and ensuring that staff is properly trained and fully utilizing technology and other resources that have been made available.

The AGO is devoted to providing the highest quality of legal services to best serve the State of Arizona and its citizens. In order to achieve this, all divisions are focused on identifying ways to deliver services more effectively and efficiently while maintaining excellence.

**Goal :** To provide a superior level of legal services to our client agencies, the public and the State of Arizona.

### **Strategies:**

- Retain professional, experienced, high-quality staff by implementation of a new, more rigorous hiring process; a more effective annual employee evaluation process; and expansion of the current recruitment process.
- Improve efficiency of legal services delivery through client relation meetings with agencies that frequently require our services.
- Provide advanced client agency training sessions in the areas of public records law, open meeting law, conflict of interest law and related legal restrictions on the activities of public officials and employees.
- Maintain the Continuing Legal Education (CLE) programs currently being offered by the Solicitor General's Office.
- Develop guidelines for AGO communications with members of the public to ensure consistency, integrity and fairness through services being provided by the AGO.

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