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# MEMORANDUM

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Date: March 19, 2018

To: The Honorable Chairman and Members  
Pima County Board of Supervisors

From: C.H. Huckelberry  
County Administrator 

Re: **The Nature and Cost of Felony Drug Cases in Pima County**

As you know, there has been renewed interest in criminal justice system reform. This interest began with the County receiving the MacArthur Grant, developing a pay-for-success model and is evolving to determine if reasonable alternatives exist to improve outcomes and lower costs. There has also been renewed interest at the State level to understand the cause and effect relationship with specific sentencing requirement for criminal offenses versus the cost of incarceration.

I have asked our Criminal Justice Reform Unit to examine felony drug arrests, their prosecution and defense. Attached is an analysis I requested regarding the nature and cost of felony drug cases in Pima County prepared by our Public Defense Services and Public Defender. A summary of their findings is attached in the March 2, 2018 memorandum.

Of concern is approximately two-thirds of felony drug cases involve drugs weighing less than one gram, which is likely drug possession for personal use. The report correctly concludes that we are spending large amounts of public money each year in prosecuting small-scale drug offenses, a majority of which involve less than one gram of drugs. An alternative to this level of public expenditure on these types of crimes should be actively explored by all components of the criminal justice system.

CHH/anc

Attachment

c: Wendy Petersen, Assistant County Administrator  
Dean Brault, Director, Public Defense Services  
Joel Feinman, Public Defender



# MEMORANDUM

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## OFFICE OF THE PIMA COUNTY PUBLIC DEFENDER

Date: March 2, 2018

To: Chuck Huckelberry, Pima County Administrator

CC: Wendy A. Petersen, Assistant Pima County Administrator

From: Dean Brault, Pima County Public Defense Services Director  
Joel Feinman, Pima County Public Defender

Subject: The nature and cost of felony drug cases in Pima County

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Dear Mr. Huckelberry,

After receiving your memo dated February 5, 2018, we have been analyzing the data on felony drug offenders represented by the Pima County Public Defender's office, in order to better determine how felony drug offenses impact Pima County and the City of Tucson criminal justice systems. We organized our data analysis around answering three main questions:

- 1) How many felony arrests involve drug offenses, and of what amounts?
- 2) How many felony indictments involve drug offenses, and of what amounts?
- 3) How much money does it cost Pima County and the City of Tucson to prosecute felony drug offenses, in particular *de minimis* offenses involving less than one gram of drugs?

### I. Executive summary.

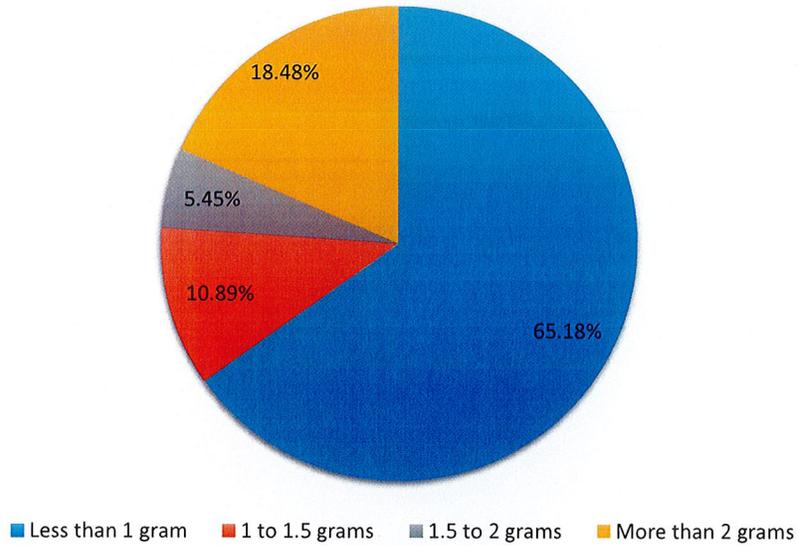
33% of all felony cases indicted in Pima County are drugs cases, which includes all drug types and offenses - possession, sales, trafficking, etc. This 33% costs Pima County and the City of Tucson more than \$39 million every calendar year.

22% of all felony cases indicted in Pima County are drug cases involving less than one gram of drugs. This 22% costs the city and county more than \$26 million every calendar year. This is just shy of the entire annual \$28 million budget of the Pima County Health Department.

### II. Analysis.

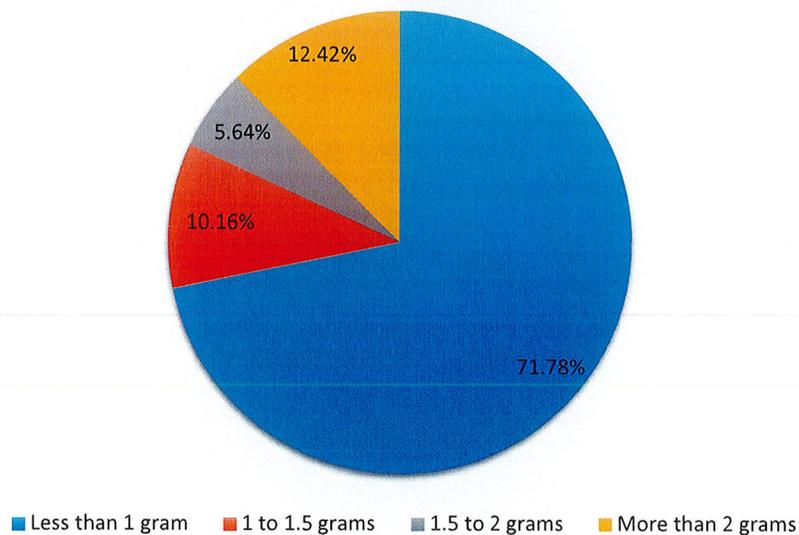
Between July 1, 2017, and January 31, 2018, 2,903 Public Defender clients were arrested. Of these, 947 were arrested on felony drugs charges, including sales, trafficking, and possession. These drug cases accounted for 32.6% of the total Public Defender pre-indictment case load. Of these 947 cases, 65.18% concerned the seizure of drugs weighing less than one gram.

### 7/1/17 - 1/31/18; All PD felony drug cases by amount



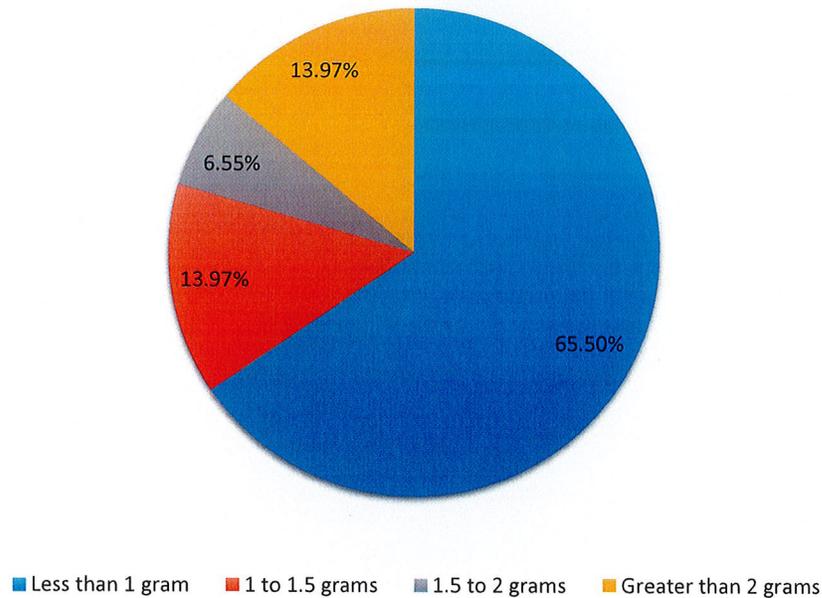
When we remove trafficking and sales cases, and only include possession cases, we find that 71.78% of all felony drug possession arrests involve less than one gram of drugs.

### 7/1/17 - 1/31/18; PD felony drug possession cases by amount



Not all felony arrests lead to indictments. As stated previously, 2,903 Public Defender clients were arrested for felony offenses during this time, 947 of them on felony drug charges. The Pima County Attorney filed a felony indictment in 1,534 of these 2,903 total cases, and 503 out of all 947 drug cases. In sum, the County Attorney filed a felony drug indictment 53.1% of the time a person was arrested for a felony drug offense, and these felony drug indictments accounted for 33% of all indicted felony cases. The amount of drugs involved in the 503 post-indictment drug cases, *which include all drug types, including marijuana, and all drug charges, including possession, sales and trafficking*, is below.

### 7/1/17 - 1/31/18; All PD indicted felony drug cases by amount



As you can see, two-thirds of all indicted felony drug cases - 330 cases in all – involved less than one gram of drugs. These 330 cases represent 22% of all of the 1,534 felony indictments filed by Pima County Attorney in the relevant time period. The 503 total felony drug cases that include all drug amounts are 33% of all of the 1,534 felony indictments filed by the Pima County Attorney in the relevant time period.

These cases have a significant impact on Pima County and the City of Tucson criminal justice budgets, which we measured according to the annual dollars spent by the city and county agencies responsible for the arrest, detention, prosecution, defense, and adjudication of felony defendants. The total annual felony budgets of these agencies are listed below.

It is important to note that “total budget” only includes money drawn from the city and county general fund adopted budgets, and only includes the amount of money the respective agencies annually spend on felony law enforcement. We believe that these are in fact conservative figures, as they do not include ancillary costs that are a part of every felony case, such as administrative costs, investigative costs (TPD and PCSO figures only include patrol costs, not detective costs), crime lab costs, the cost of jailing defendants past the first day of booking, and evidence storage.

Agency	Total budget	All post-indictment drug cases (33%)	Post-indictment drug cases < 1 gram (22%)
Tucson Police Department - Patrol Division (felonies offenses only)	\$58,389,099.77	\$19,268,402.92	\$12,845,601.95
Pima County Sheriff - Operations Division (felony offenses only)	\$19,222,502.74	\$6,343,425.90	\$4,228,950.60
Public Defense Services	\$16,627,765.00	\$5,487,162.45	\$3,658,108.30
Jail booking cost for Public Defender clients	\$914,967.54	\$301,939.29	\$201,292.86
Pima County Attorney felony division	\$13,763,346.81	\$4,541,904.45	\$3,027,936.30
Superior Court - felony adjudication and Pretrial Services	\$6,993,408.70	\$2,307,824.87	\$1,538,549.91
Clerk of the Court - felony Services	\$3,270,950.32	\$1,079,413.61	\$719,609.07
<b>TOTAL</b>		<b>\$39,330,073.49</b>	<b>\$26,220,048.99</b>

### III. Conclusion.

Both Pima County and the City of Tucson are spending a large amount of money each year on prosecuting very small-scale drug offenses, the majority of which concern less than one gram of drugs. Historically, ideas for criminal justice reform have focused on differentiating between types of drugs and types of charges; cocaine vs. heroin, possession vs. sales, etc. While these differences are important, the data the Pima County Public Defender’s Office is collecting demonstrates that focusing on the amount of drugs involved in felony arrests and prosecutions is at least as important for meaningful criminal justice reform efforts. Pima County and the City of Tucson spend at least \$26 million a year to prosecute felony drug offenses that involve a shockingly small amount of drugs. This is just shy of the entire annual \$28 million budget of the Pima County Health Department. The Pima County Public Defender strongly supports efforts to redirect some of that \$26 million away from *de minimis* drug arrests and prosecutions, and towards health and treatment programs that more effectively protect our community and serve its best fiscal interests.