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East Valley Bar Association

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“The Truth Will Set You Free”

A Framework for Discussing Criminal Justice Reform



Maricopa County Attorney's Office

Environmental Snapshot

- **Maricopa County covers 9,200 square miles**
- **4.17 million people (10% change over 2010)**
- **MCAO:**
 - 360 Prosecutors, 45 Civil Attorneys, 50 Sworn Investigators, plus another 500 support staff, including paralegals, secretaries, IT, etc.
- **Over 32,000 Felony Prosecutions in FY 2015.**



Population Demographics

24.7% of population under 18 (- 1.7%)

14.2% Over 65 (+ 1.3%)

56.5% W/Non-Hispanic (- 2.2%)

30.5% Hispanic/Latino (+ .6%)

5.9% African-American (+ .9%)

4.2% Asian (+ .7%)

2.8% Native American (+ .7%)



Population Demographics

Veterans 7.2%

Foreign Born 14.9%

Same House Year Before, 80.7%



Demographic Impacts

Heterogeneous State;

Mobile, new to Arizona;

Multiple Languages

Multiple Ethnicities



Maricopa County Attorney's Office



- Southwest Corner 30 miles from Mexican Border
- Hub for Sinaloa Cartel Heroin Distribution
- Arizona Main Thoroughfare for Drug Trafficking, FY 2015



Border State Impacts

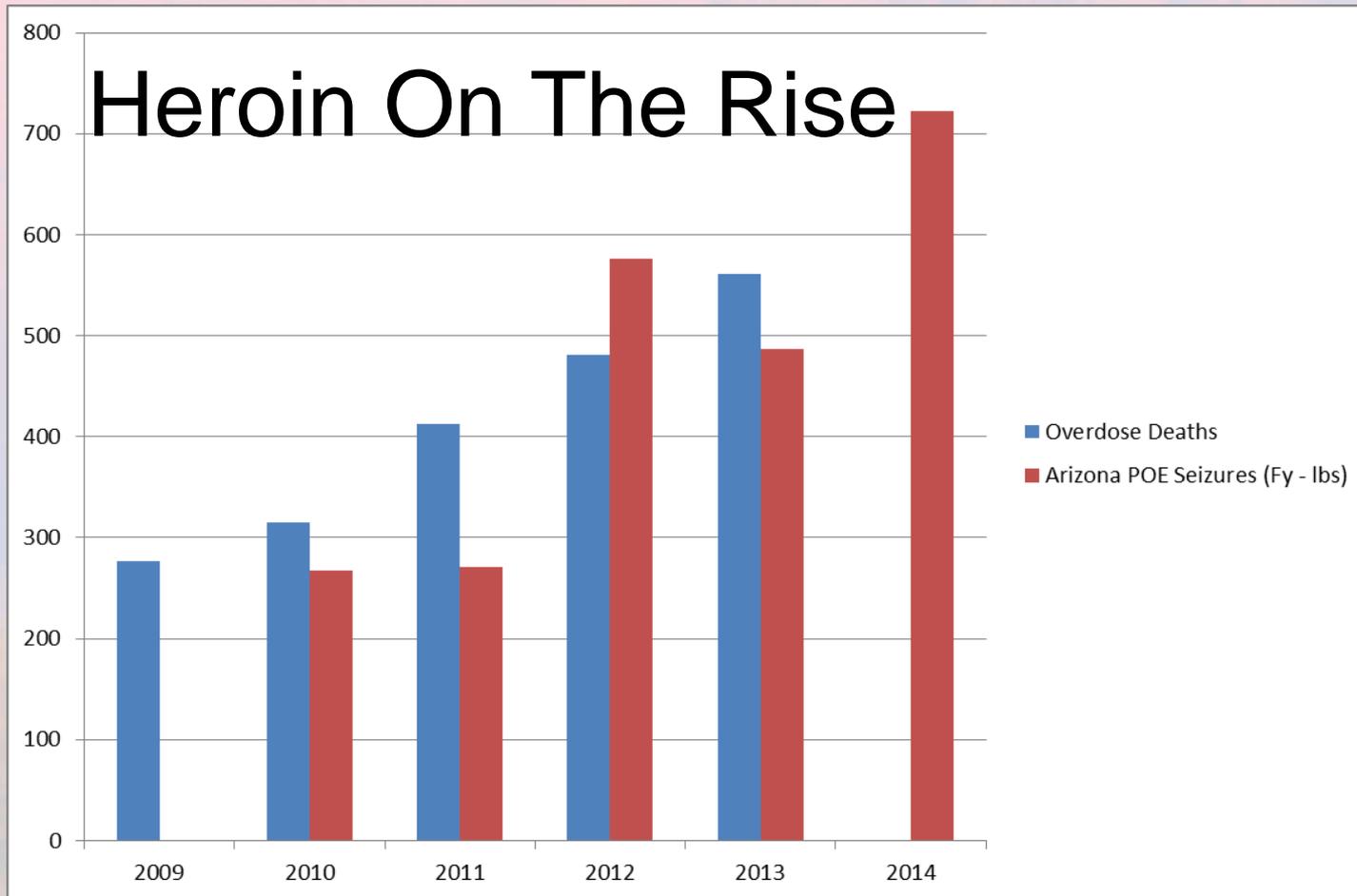
United States Border Patrol Southwest Border Sectors

Total Illegal Alien Apprehensions By Fiscal Year (Oct. 1st through Sept. 30th)

Fiscal Year	Big Bend <i>(formerly Marfa)</i>	Del Rio	El Centro	El Paso	Laredo	Rio Grande Valley <i>(formerly McAllen)</i>	San Diego	Tucson	Yuma	Southwest Border Total
2011	4,036	16,144	30,191	10,345	36,053	59,243	42,447	123,285	5,833	327,577
2010	5,288	14,694	32,562	12,251	35,287	59,766	68,565	212,202	7,116	447,731
2009	6,360	17,082	33,521	14,999	40,569	60,989	118,721	241,679	6,951	540,865
2008	5,391	20,761	40,961	30,312	43,658	75,473	162,390	317,696	8,363	705,005
2007	5,536	22,920	55,883	75,464	56,714	73,430	152,460	378,239	37,992	858,638
2006	7,520	42,636	61,465	122,256	74,840	110,528	142,104	392,074	118,549	1,071,972
2005	10,536	68,506	55,722	122,679	75,346	134,186	126,904	439,079	138,438	1,171,396
2004	10,530	53,794	74,467	104,399	74,706	92,947	138,608	491,771	98,660	1,139,282
2003	10,319	50,145	92,099	88,816	70,521	77,749	111,515	347,263	56,638	905,065
2002	11,392	66,985	108,273	94,154	82,095	89,927	100,681	333,648	42,654	929,809
2001	12,087	104,875	172,852	112,857	87,068	107,844	110,075	449,675	78,385	1,235,718
2000	13,689	157,178	238,126	115,696	108,973	133,243	151,681	616,346	108,747	1,643,679
1999	14,952	156,653	225,279	110,857	114,004	169,151	182,267	470,449	93,388	1,537,000

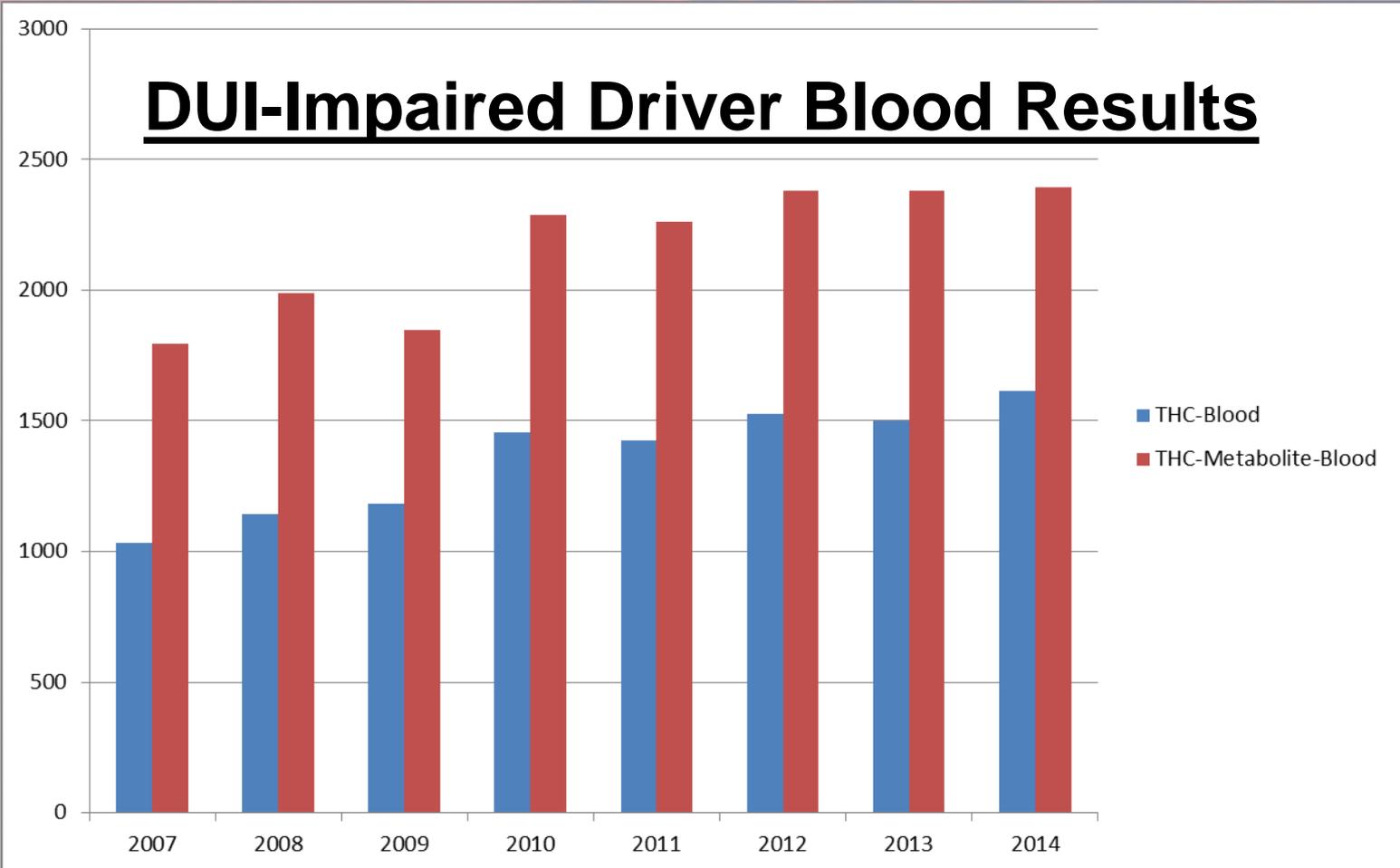


Border State Impacts





Other Drug Impacts





Differentiated Response

Substance Offenders
First Time Felony Offenders
Repeat Felony Offenders
Habitual Violent Offenders



Substance Offenders

- Arizona is a treatment first state
 - 1996 Voters Approved Proposition 200, mandating treatment for first two possession/use offenses – NO PRISON
- Deferred Prosecution
- Diversion

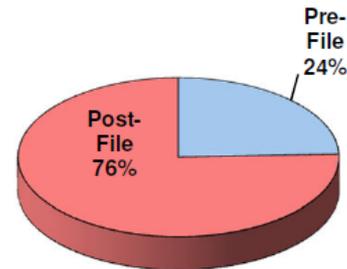


TASC Performance

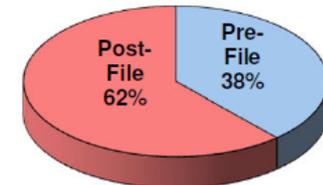
Intake Summary

Drug Diversion Program	20086
<i>Pre-File</i>	4205
<i>Post-File</i>	13014
Possession of Marijuana	46691
<i>Pre-File</i>	17930
<i>Post-File</i>	28736
Total	66777

DIVERSION

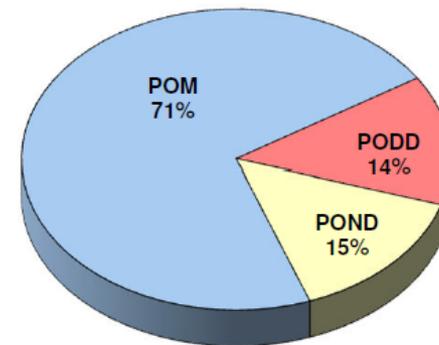


POM



Felony Offenses

Possession of Marijuana	52428
Possession of Dangerous Drugs	10160
<i>Methamphetamine</i>	9063
<i>Other Dangerous Drugs</i>	1072
Possession of Narcotic Drugs	10721
<i>Cocaine</i>	6736
<i>Crack</i>	1220
<i>Heroin/Other</i>	1209
<i>Prescription Fraud</i>	1643
Total	73309



*May exceed total clients due to multiple offenses



TASC Outcomes

Terminations

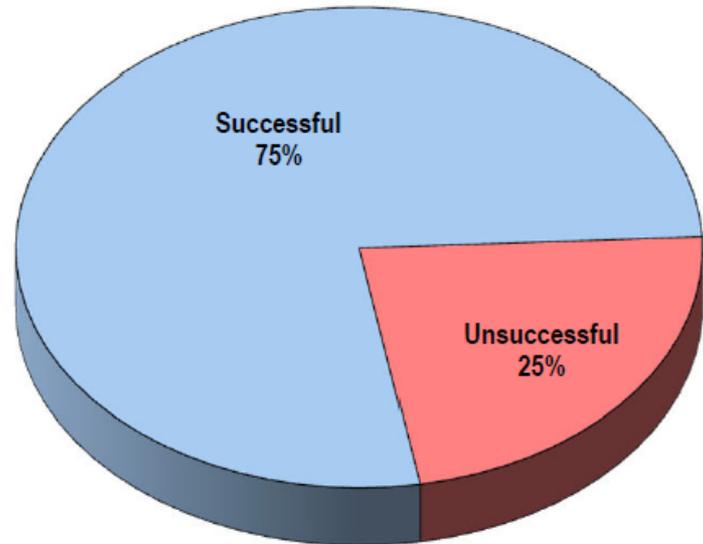
Terminations - Diversion

<i>Successful</i>	11822
<i>Unsuccessful</i>	4703

Terminations - POM

<i>Successful</i>	26122
<i>Unsuccessful</i>	6616

Total	49263
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Diversion

Juvenile – 80-90%

Adults – Felony Pretrial Diversion
Program



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Crime and Sentencing



Prisoners in Arizona 2014

Who is in Prison?

Inmate Category	September 30, 2009 Population	March 31, 2011 Population	August 31, 2013 Population
Violent Offender	26,457 (65.4%)	27,572 (69.1%)	28,715 (70.7%)
Non-Violent Offender	13,974 (34.6%)	12,324 (30.9%)	11,887 (29.35%)
Repeat Offender	33,896 (83.8%)	33,072 (82.9%)	33,853 (83.4%)
First Offender	6,535 (16.2%)	6,824 (17.1%)	6,749 (16.6%)
Violent Repeat Offender	22,265 (55.1%)	22,714 (56.9%)	23,881 (58.7%)
Violent First Offender	4,192 (10.4%)	4,858 (12.2%)	4,834 (11.9%)
Non-Violent Repeat Offender	11,631 (28.8%)	10,358 (26.0%)	9,972 (24.5%)
Non-Violent First Offender	2,343 (5.8%)	1,966 (4.9%)	1,915 (4.7%)
Violent and/or Repeat Offender	38,088 (94.2%)	37,930 (95.1%)	38,687 (95.3%)
Total	40,431 (100.0%)	39,896 (100.0%)	40,602 (100.0%)



Repeat Felony Offenders

Default is Probation with determinate sentencing upon revocation

NON-DANGEROUS OFFENSES—§ 13-702					
Class	First Offense—§ 13-702(D)				
	MIT*	MIN	P	MAX	AGG*
2	3	4	5	10	12.5
3	2	2.5	3.5	7	8.75
4	1	1.5	2.5	3	3.75
5	.5	.75	1.5	2	2.5
6	.33	.5	1	1.5	2

Probation eligible, except for drug offenses in which the amount exceeds the statutory threshold pursuant to § 13-3405(C), § 13-3407(D), (E), (F) & (G), or § 13-3408 (D) & (E)



Habitual Violent Offenders

DANGEROUS OFFENSES—§ 13-704

Class	First Offense § 13-704(A)			One Historical Prior § 13-704(B),(D)			Two Historical Priors § 13-704(C),(E)		
	MIN	P	MAX	MIN	P	MAX	MIN	P	MAX
2	7	10.5	21	14	15.75	28	21	28	35
3	5	7.5	15	10	11.25	20	15	20	25
4	4	6	8	8	10	12	12	14	16
5	2	3	4	4	5	6	6	7	8
6	1.5	2.25	3	3	3.75	4.5	4.5	5.25	6



Crimes Rates

Arizona and Maricopa County have experienced a precipitous drop in crime rates.

- Overall Crime lowest in 50 years **2014** – 3,597.4 **1965** – 3,547.8
- Violent Crime lowest since 1971 **2014** – 399.9 **1971** – 400.6
- Murder lowest in 50 years **2014** – 4.7 **1965** – 5.0
- Property Crime lowest in 50 years **2014** – 3,197.5 **1963** – 3,200.4
- Robbery lowest since 1969 **2014** – 92.8 **1969** – 99.9
- Auto Theft remains lowest since 1960 **2014** – 261.3 **1960** – 338.4



Specific Crime Rates

United States vs. Maricopa County crime rates in 2014:

	<u>National</u>	<u>Maricopa County</u>
Violent Crimes	365.5 (-1.0%)	380.7 (-5.6%)
Property Crimes	2,496.1 (-5.0%)	3,033.5 (-7.2%)

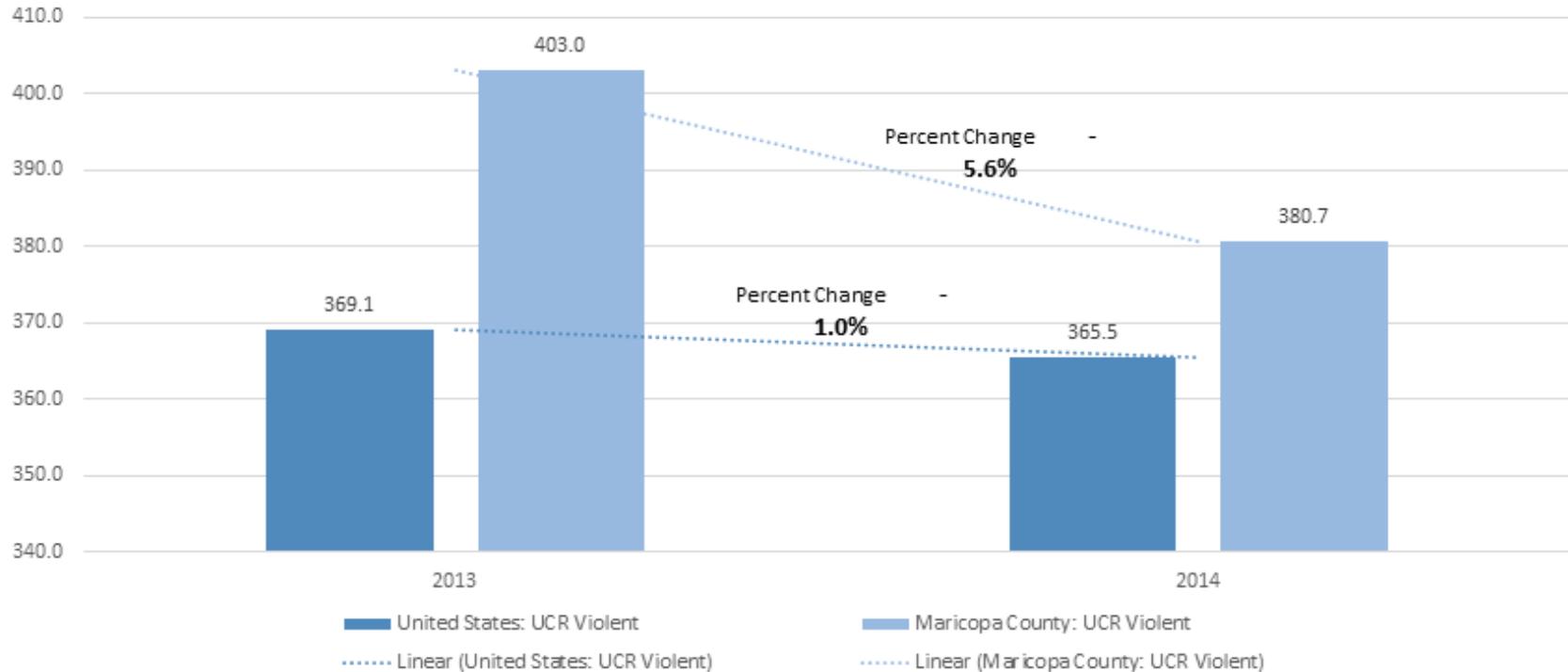
Violent crimes: murder, rape, robbery, aggravated assault

Property crimes: burglary, larceny-theft, motor vehicle theft, arson



Specific Crime Rates

UCR INDEX CRIME VIOLENT - RATE PER 100,000
UNITED STATES AND MARICOPA COUNTY
2013 TO 2014



Source: United States UCR data from Crime in the United States, 2014. UCR county level offense data obtained from Crime in Arizona annual reports from AZ DPS. County rates were calculated using U.S. Census Bureau county level population estimates.



The Right People Are in Prison

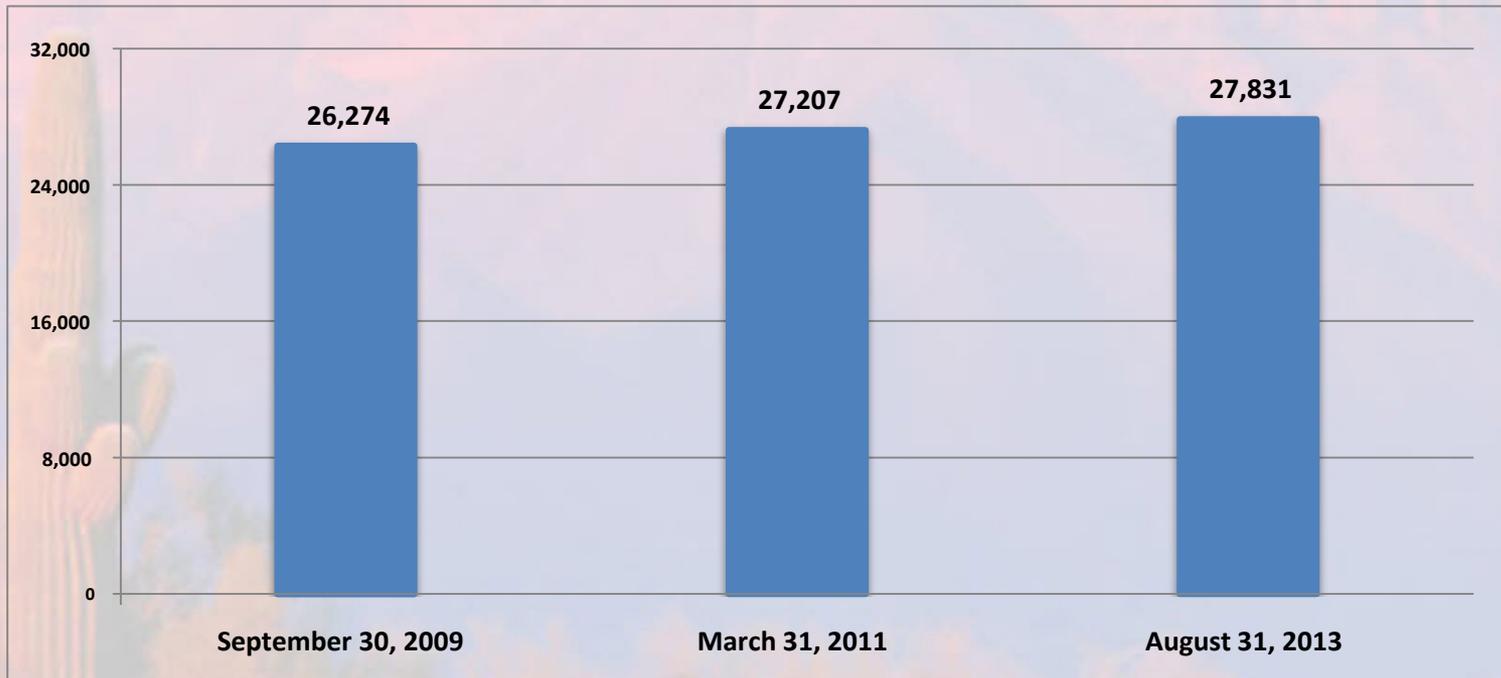
- **Over 95% have committed a violent felony or multiple felonies**
 - “Dangerous Offenses” as defined by AZ law
 - Offenses involving injury, weapon use or a sex offense
 - Dangerous Crimes Against Children
- **Less than 5% are non-violent first offenders**

www.azsentencing.org



Violent Offenders

- Violent offender population increased by 2.3%





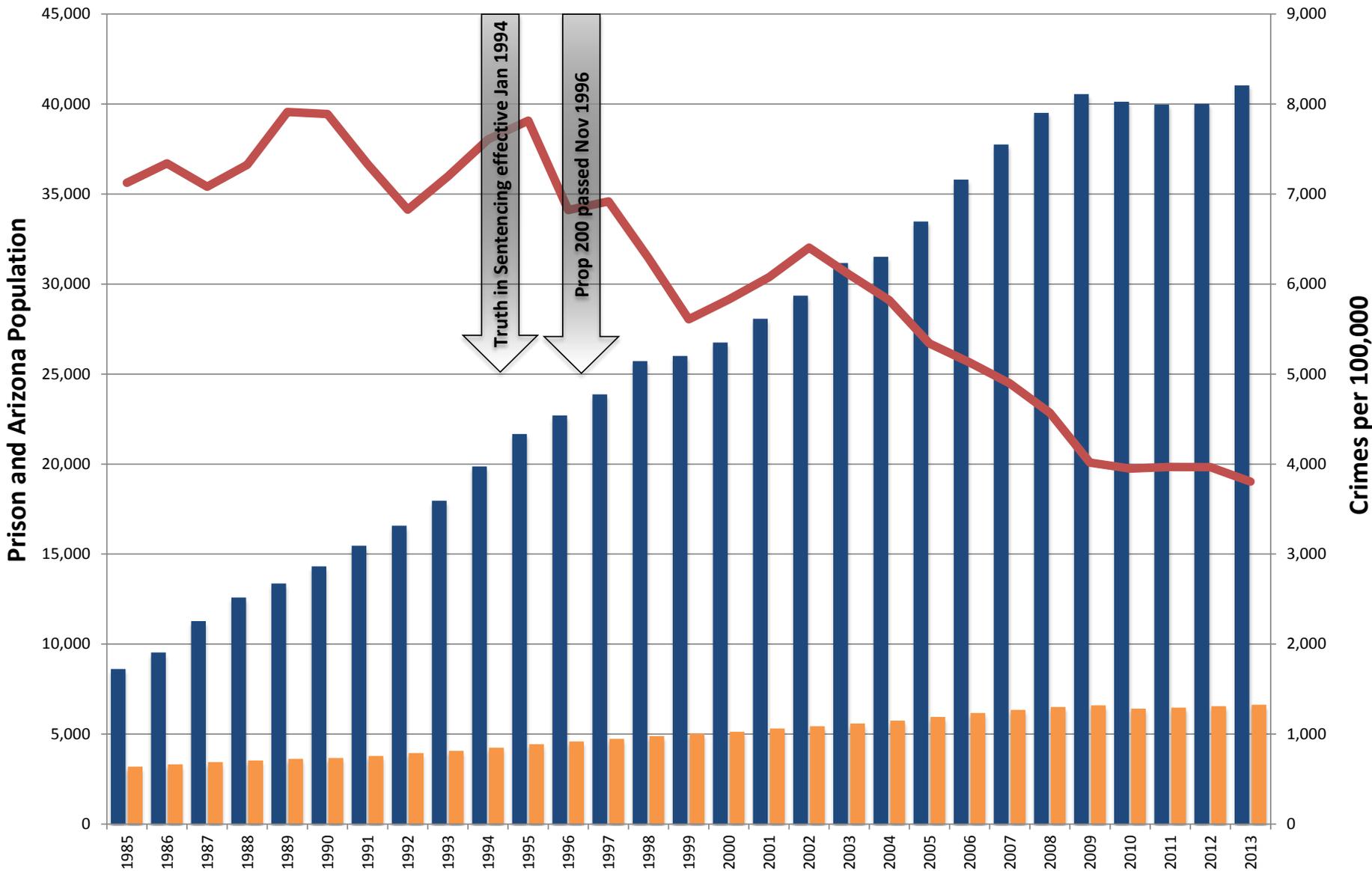
Non-Violent Offenders

- Non-Violent offender population increased by 0.6%



Arizona Prison Population and Crime Rate 1985 - 2013

■ Prison Population
 ■ AZ Population (in millions)
 — AZ Crime Rate





The Right People Are in Prison

- Only 131 of the roughly 40,000 inmates in our prison system are there for possessing marijuana.
 - Most have pled down from more serious offenses.
 - Cannot be incarcerated in prison for first two possession/use offenses.



Incarceration \$aves

- 3,100 additional offenders imprisoned 2005 - 2010
- 11.5 repeat offenses per year (apx. 1 per month)
- 33-month average prison sentence
- ***98,038 additional crimes prevented***



Incarceration Saves

98,038 prevented crimes

88,234 (90%) property crimes

X \$1,900 (average cost per offense)

\$167.7 million

9,904 (10%) violent crimes

X \$20,000 (average cost per offense)

\$196 million



INMATE COMMITMENT OFFENSES

OFFENSE	US Citizens	Crim. Aliens	TOTAL	%
Arson	141	8	149	0.3%
Assault	5,103	376	5,479	12.8%
Auto Theft	1,744	46	1,790	4.2%
Burglary/Criminal Trespass	3,165	96	3,261	7.6%
Child/Adult Abuse	251	20	271	0.6%
Child Molestation	1,439	296	1,735	4.0%
Criminal Damage	155	5	160	0.4%
Domestic Violence	192	3	195	0.5%
Drug Possession	3,163	60	3,223	7.5%
Drug Sales/Trafficking	4,075	2,071	6,146	14.3%
DUI	1,577	186	1,763	4.1%
Escape	150	4	154	0.4%
Forgery	497	20	517	1.2%
Fraud	272	5	277	0.6%
Identity Theft	374	18	392	0.9%
Kidnapping	1,038	358	1,396	3.3%
Manslaughter/Neg. Homicide	671	98	769	1.8%
Murder	2,675	390	3,065	7.1%
Other	1,406	88	1,494	3.5%
Rape/Sexual Assault	480	70	550	1.3%
Robbery	3,387	236	3,623	8.4%
Sex Offense	2,407	261	2,668	6.2%
Theft	1,133	17	1,150	2.7%
Trafficking in Stolen Property	774	9	783	1.8%
Weapons Offense	1,826	66	1,892	4.4%
TOTAL	38,095	4,807	42,902	100.0%
%	88.8%	11.2%		100.0%



INMATE CRIMINAL HISTORY

	US Citizens	Crim. Aliens	TOTAL	%
Violent Offenders *	28,209	2,588	30,797	71.8%
· <i>Current</i>	19,705	2,155	21,860	51.0%
· <i>Historical</i>	8,504	433	8,937	20.8%
Non-Violent Offenders	9,886	2,219	12,105	28.2%
TOTAL	38,095	4,807	42,902	100.0%

** Total Violent Offenders; includes offenders of a non-violent statute who have used a weapon or caused an injury*

	US Citizens	Crim. Aliens	TOTAL	%
Prior ADC Prison Term	20,391	745	21,136	49.3%
First ADC Prison Term	17,704	4,062	21,766	50.7%
TOTAL	38,095	4,807	42,902	100.0%



Myths:

Prisons are full of low level,
non-violent drug offenders

Prosecutors over charge, under
disclose, and regularly convict
the innocent



Questions?

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