



# MEMORANDUM

To: The Honorable Chair and Members of the Pima County Board of Supervisors

From: Barbara LaWall, Pima County Attorney *BL*

Date: June 7, 2016

Re: Pima County Attorney Statistics Including Conviction Rate

*Felony Conviction Rate at Trial of 84.9%*

During the Board of Supervisors Budget Hearing on April 19, 2016, Chair Sharon Bronson posed a question to me relating to the felony conviction rate at trial. As I informed the Board at that time, the Arizona Supreme Court publishes annual statistics reflecting a conviction rate in Pima County of 84.9% in felony trials for fiscal year 2014/15. Attached is a copy of the Arizona Supreme Court statistics for all Arizona counties, reflecting an acquittal rate at trial of 15.1%, which translates to a conviction rate at trial of 84.9%.

The Arizona Supreme Court statistics are the ones that have been reported to the Board on an annual basis for many years. So, any comparison of year-over-year statistics to evaluate trends would be comparing apples to oranges if it were to rely upon another set of data calculated in a different manner.

A former Assistant Public Defender has submitted a report he generated based upon numbers he asserts he obtained from Pima County Superior Court. However, the numbers he presents differ from the numbers the Superior Court has shared with my Office; his numbers are not accurate. Using his inaccurate numbers, the former Assistant Public Defender then applies his own, personal methodology to calculate rates for a variety of outcomes. Based on his flawed numbers, the former Assistant Public Defender suggests an overall conviction rate of 71.4%, which is lower than that reflected in any official record and is simply incorrect.

The former Assistant Public Defender in his report includes a link to the Supreme Court's website where official statistics of the Pima County Superior Court are reported showing that the felony acquittal rate at trial in Pima County for *calendar year* 2014 was 16.8%, reflecting an official conviction rate for that calendar year of 83.2%. This percentage is very close to the conviction rate of 84.9% calculated by the Arizona Supreme Court for the 2014/15 *fiscal year*, which is what I reported to the Board.

The bottom line is that it cannot be disputed that the Pima County Attorney's Office obtains convictions in the vast majority of its felony trials.

**Barbara LaWall**  
Pima County Attorney

Pima County Attorney's Office  
32 N. Stone Avenue  
Suite 1400  
Tucson, AZ 85701

Phone (520) 740-5600  
Fax (520) 740-5495

[www.pcao.pima.gov](http://www.pcao.pima.gov)

*Overall Conviction Rate of 91.9%*

It should be noted that the conviction rate at trial involves only a fraction of the total number of felony cases; it does not include cases in which defendants plead guilty. When all felony convictions are accounted for - including convictions at trial and through plea agreements - the overall conviction rate for the County Attorney's Office is 91.9%.

*Less than 2% of Felony Drug Cases Go to Trial*

This same former Assistant Public Defender also submitted in his report a representation of the number of felony trials involving drug cases. Again, the number he cites is incorrect. It is also severely misleading without context. In fiscal year 2014/15, law enforcement agencies presented a total of 3,343 individuals to the County Attorney's Office for prosecution on felony drug charges. Of those, my Office issued felony charges against 1,681 - only 50%. My Office took 46 of those felony drug cases to trial. In other words, only about 1.4% - less than 2% - of all felony drug cases were taken to trial. And the vast majority of defendants in those cases who went to trial were offered plea agreements, which they rejected.

Meanwhile, 98.6% of individuals charged with felony drug possession or other drug-related crimes were *not* taken to trial on felony charges. Their cases were either dismissed, diverted, charged as misdemeanors, pled to probation with standard Drug Court as an option, or pled to our Drug Treatment Alternative to Prison (DTAP) Program, in which we which doubled the number of participants accepted this past year with the help of increased grant funding.

*Violent and Dangerous Felony Crimes Targeted for Trial*

Sixty-five percent (65%) of the felony cases taken to trial by the Pima County Attorney's Office involve violent and dangerous offenders, as compared with only 24% when I first was elected in 1996. It is these violent and dangerous offenders who are targeted for trial to protect public safety.

# Superior Court Case Activity

Fiscal Years 2014/2015

RANK	CRIMINAL TRIALS				TRIAL RATES				ACQUITTAL RATES			
	FY 14		FY 15		FY 14		FY 15		FY 14		FY 15	
1	STATE	1323	STATE	1253	PIMA	5.6%	PIMA	6.2%	APACHE	0.0%	APACHE	0.0%
2	MARICOPA	730	MARICOPA	668	MOHAVE	2.9%	MOHAVE	3.5%	GREENLEE	0.0%	GRAHAM	0.0%
3	PIMA	350	PIMA	352	COCHISE	1.7%	PINAL	3.4%	LAPAZ	0.0%	GREENLEE	0.0%
4	MOHAVE	61	PINAL	67	GRAHAM	1.1%	GILA	2.6%	GRAHAM	0.0%	LAPAZ	0.0%
5	YUMA	45	MOHAVE	59	APACHE	1.6%	STATE	2.4%	COCHISE	0.4%	NAVAJO	0.0%
6	COCHISE	31	YUMA	25	YUMA	2.1%	MARICOPA	2.1%	NAVAJO	5.9%	SANTA CRUZ	0.0%
7	PINAL	23	YAVAPAI	24	NAVAJO	0.8%	COCHISE	1.8%	YUMA	8.9%	GILA	6.7%
8	YAVAPAI	17	GILA	15	STATE	2.5%	YUMA	1.5%	MARICOPA	11.4%	COCHISE	7.1%
9	COCONINO	16	COCHISE	14	GILA	1.8%	COCONINO	1.4%	COCONINO	12.5%	MOHAVE	10.2%
10	GILA	15	COCONINO	13	PINAL	1.3%	YAVAPAI	1.2%	GILA	13.3%	MARICOPA	11.4%
11	NAVAJO	15	NAVAJO	7	MARICOPA	2.3%	GREENLEE	1.2%	PINAL	13.0%	YUMA	12.0%
12	SANTA CRUZ	8	APACHE	3	YAVAPAI	1.0%	APACHE	1.1%	STATE	14.2%	STATE	13.2%
13	APACHE	5	SANTA CRUZ	2	COCONINO	1.4%	LAPAZ	0.9%	PIMA	16.9%	PIMA	15.1%
14	GRAHAM	3	GREENLEE	2	LAPAZ	1.0%	SANTA CRUZ	0.8%	YAVAPAI	29.4%	YAVAPAI	16.7%
15	GREENLEE	3	LAPAZ	2	SANTA CRUZ	1.4%	NAVAJO	0.4%	SANTA CRUZ	37.5%	PINAL	25.4%
16	LAPAZ	1	GRAHAM	0	GREENLEE	0.8%	GRAHAM	0.0%	MOHAVE	36.1%	COCONINO	38.5%

RANK	DEFENDANTS DISPOSED				DOC/DOC PROBATION				DISMISSAL RATE*			
	FY 14		FY 15		FY 14		FY 15		FY 14		FY 15	
1	STATE	53,323	STATE	51,245	PINAL	51.1%	PINAL	45.3%	YAVAPAI	3.5%	YAVAPAI	2.9%
2	MARICOPA	31,618	MARICOPA	31,617	MOHAVE	43.0%	MOHAVE	41.9%	NAVAJO	6.1%	APACHE	5.7%
3	PIMA	6,294	PIMA	5,704	YAVAPAI	37.7%	YAVAPAI	38.1%	GREENLEE	6.1%	GREENLEE	5.0%
4	NAVAJO	2,415	PINAL	3,118	GILA	36.5%	COCHISE	39.0%	PIMA	6.4%	GRAHAM	6.0%
5	PINAL	2,262	YAVAPAI	1,985	PIMA	35.1%	PIMA	36.6%	GRAHAM	6.6%	PIMA	6.8%
6	YUMA	2,155	MOHAVE	1,701	COCHISE	33.6%	GILA	35.2%	COCHISE	6.9%	NAVAJO	7.8%
7	YAVAPAI	2,123	YUMA	1,688	LAPAZ	31.9%	YUMA	31.2%	GILA	7.2%	PINAL	8.3%
8	MOHAVE	2,047	NAVAJO	1,683	STATE	28.8%	NAVAJO	30.2%	PINAL	8.4%	GILA	9.5%
9	COCONINO	1,093	COCONINO	907	YUMA	26.4%	STATE	28.6%	SANTA CRUZ	9.8%	COCHISE	9.6%
10	COCHISE	947	COCHISE	770	NAVAJO	25.3%	APACHE	28.6%	COCONINO	10.1%	COCONINO	10.4%
11	GILA	833	GRAHAM	603	MARICOPA	25.0%	LAPAZ	28.4%	APACHE	11.8%	MOJAVE	10.9%
12	GRAHAM	698	GILA	580	GRAHAM	23.6%	GRAHAM	26.2%	STATE	12.0%	SANTA CRUZ	11.9%
13	APACHE	305	APACHE	262	SANTA CRUZ	23.6%	MARICOPA	23.9%	MOJAVE	12.7%	STATE	12.5%
14	SANTA CRUZ	297	SANTA CRUZ	244	COCONINO	21.7%	COCONINO	21.1%	MARICOPA	14.4%	YUMA	14.3%
15	LA PAZ	207	LA PAZ	222	APACHE	20.7%	GREENLEE	21.1%	YUMA	14.9%	MARICOPA	15.1%
16	GREENLEE	131	GREENLEE	161	GREENLEE	16.0%	SANTA CRUZ	13.9%	LAPAZ	38.2%	LAPAZ	27.9%