



Barbara LaWall
Pima County Attorney

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March 21, 2018

Kathy Brody, Legal Director kbrody@aclu.org
ACLU of Arizona
P.O. Box 17148
Phoenix, Arizona 85011

Re: *Misleading Solicitation*

Dear Ms. Brody:

I write at the suggestion of Steve Kilar, Communications Director for the ACLU of Arizona ("ACLU"), to request formally that the ACLU cease and desist from disseminating a misleading solicitation concerning me and my Office. My Chief Deputy, Amelia Craig Cramer, spoke yesterday with Mr. Kilar who urged that I put my concerns in writing addressed to you.

The ACLU has disseminated a solicitation to its membership and others encouraging them to urge me to withdraw support for HB2241. Reasonable minds may differ with regards to the wisdom of this particular Bill, and I am not complaining about the fact that the ACLU has urged its membership and others to contact me urging me to alter my position on the proposed legislation. However, I am complaining about the fact that the ACLU's solicitation contains the misleading and inaccurate suggestion that the Bill would "force Arizonans suffering from drug addiction into prisons for years without treatment." In addition, the ACLU's solicitation falsely suggests that I support putting those suffering from addiction in prison. This is simply untrue.

I have always been a strong advocate and a provider of treatment and prevention for persons suffering from addiction. I started the first drug court in Pima County more than twenty years ago. I am dedicated to helping those suffering from substance abuse disorders with diversion from prosecution.

My Office leads the way in Arizona, and in the nation, with the Drug Treatment Alternative to Prison program (DTAP), which provides residential treatment to addicts who would otherwise be headed to prison. The DTAP program has reduced recidivism and saved lives, while also saving Pima County taxpayers millions of dollars. It has a rolling success rate of 65%.

Contrary to the statement disseminated in the ACLU's solicitation, HB 2241 does NOT punish individual drug users who possess or use these drugs to feed their addictions, and it is highly misleading to suggest that HB 2241 would punish drug users by sending them to prison. This Bill increases the sentence for convicted drug traffickers and drug dealers who flood our community with the deadly poisons of fentanyl, carfentanyl, and heroin. It does NOT punish those who are arrested for simple drug possession.

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We are dealing today with an increasingly severe state and local opioid epidemic. Every day more than 115 Americans die after overdosing on opioids. The Centers for Disease Control show that opioid deaths in 2016 spiraled to 42,000. Heroin is one of the most addictive and dangerous drugs on the market, and fentanyl, 100 times stronger than morphine, is even more potent. Increasingly, we are seeing heroin mixed with fentanyl. Fentanyl is so deadly and dangerous that DEA has put out a briefing guide on how to handle it and it has changed how first responders do their jobs. A very tiny amount accidentally absorbed through the skin or inadvertently inhaled is enough to send a grown man to the emergency room.

As a prosecutor, I have personally witnessed the ravages of drug addiction. This is why I fight to seek funding to maintain the DTAP program and help those suffering from addiction to have the option of treatment instead of prison. It is also why I support increased penalties in HB 2241 for those drug dealers and traffickers who supply the deadly and insidious poisons that endanger the lives of so many.

I hope the ACLU will urge legislators to continue to fund the Pima County Attorney's DTAP program.

Meanwhile, I ask that the ACLU correct its erroneous statements and cease and desist from further disseminating the misleading solicitation.

Sincerely,


Barbara LaWall
Pima County Attorney