



Maricopa County Attorney Candidate Questionnaire

For 60 years, the American Civil Liberties Union of Arizona has worked in the courts, the legislature, and in the community to protect the civil rights and liberties of all Arizonans, including those incarcerated. The ACLU's Campaign for Smart Justice is a nationwide effort to cut the nation's prison population in half while challenging racism in the criminal legal system. As part of this mission, the ACLU of Arizona is educating voters about the role county attorneys play in mass incarceration. Our campaign will also work to provide voters with information about where candidates for county attorney stand on critical criminal legal reform issues, such as prosecutorial transparency, policies that reduce incarceration, eliminating racial disparities in the criminal justice system, and ending unjust policies such as the death penalty and money bail. All candidates for Maricopa County Attorney will receive this questionnaire, and answers will be posted online. Through this campaign, the ACLU of Arizona hopes to make voters more aware of the power of this elected position and hold candidates accountable to their communities' fundamental need for justice, safety, and respect.

Please write your answers in this document and email your responses to Analise Ortiz at aortiz@acluaz.org on or before March 6, 2020.



Contact Information

Please provide constituents with your campaign contact information.

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Mission and Vision

1.

Why do you want to be the next Maricopa County Attorney?

As the first female Maricopa County Attorney, it is an honor to serve the community in a way that allows me to accomplish meaningful change. I have great respect for the responsibility that comes with this position and the impact it has on the members of this community.

2.

If elected, what would you immediately change about Arizona's current criminal legal system through the power of your position as county attorney?

As Maricopa County Attorney, I immediately sought to promote and hire character-driven professionals. This bi-partisan and diverse group of individuals, who are driven by their passion to do right by the residents of Maricopa County, have helped to create significant change in the organization and shift prosecution by the office to focus on the offender and not just the offense. This philosophical change will have a significant impact on the criminal justice system in Maricopa County. I am creating advisory boards to ensure those in the community have a voice and direct communication with this office. I have also focused resources to ensure



transparency through a more responsive and robust public records request process.

Mass Incarceration

3.

Contact with the criminal legal system – however brief – can have negative and long-lasting psychological and employment consequences, while often failing to address the underlying causes of crime. Will you work to expand diversionary programs? If so, please explain in what circumstances you would offer diversion or deferred prosecution. Explain how you would fund such programs for indigent defendants.

One of my first priorities in office was to remove barriers to diversion. Beginning January 1, 2020, I directed MCAO to no longer collect the \$640 case fee, established by my predecessor, as a requirement to participating in diversion programs. I am currently working on two initiatives at the Arizona State Legislature to expand diversion. The first bill will expand funding to address programs for defendants who are lacking financial resources. The second bill removes current statutory language that prevents defendants who have committed a specific crime from being disqualified from diversion opportunities. The agency's new Felony Diversion Program has created six treatment tracks for offenders. Four of these tracks are for individuals who have underlying issues with substance abuse and two are focused on critical thinking and life skills. All six tracks are evidence-based and the diversion participant is placed in a track based on their individual needs and not their offense.

4.

Do you have a specific decarceration goal? Please give a definitive “Yes” or “No” and a clear explanation of the goal and what specific policies you will enact to help you achieve it.

No. The goal of the criminal justice system and this office is to reach a fair and just result in each individual case, not hit a quota or statistical benchmark. My commitment to improving and expanding diversion



programming along with recent changes to the office’s plea policies will result in a fair degree of decarceration. But ultimately, prosecutors must be guided by what is the right thing to do in each individual case. This means balancing the needs of the offender with the interests of the victims, witnesses, and the community.

Racism in the criminal legal system

5.

Do you believe the current criminal legal system targets Black and brown people more than white people? If so, how do you plan to combat racism within the criminal legal system? Please give a definitive “Yes” or “No” and a clear explanation.

As your county attorney, race is not and will not be a consideration in charging decisions and prosecution. If a prosecutor inappropriately uses race, ethnicity or any other constitutionally protected status in the prosecution of a case, I will take swift action.

Legislation

6.

If you are elected, what role do you see yourself playing at the state Legislature as it relates to criminal legal reform?

As Maricopa County Attorney, my role is to be a subject matter expert and serve as a resource on matters impacting public safety. I strongly believe in collaborative partnerships with our elected officials to ensure reasonable and responsible policies are enacted to reform and better our criminal justice system.

7.

Do you support legislative efforts to increase the amount of time people can earn off their prison sentence? Please give a definitive “Yes” or “No” and a clear explanation.



Yes. Those who have committed certain low-level offenses deserve the opportunity to earn credit for time served. I also believe that those who want to work and learn new skills while incarcerated should have the opportunity to do so.

Prosecutorial Practices

8.

Will you limit requests for money bail and pledge to recommend, for all legally permissible cases, presumptive release of defendants without financial conditions? Please give a definitive “Yes” or “No” and a clear explanation.

Yes. Arizona law already favors the release of a defendant on their own recognizance and I agree with the law. When requesting bail or other release conditions, I expect prosecutors to carefully balance the nature of the charges, the need to assure their appearance in court, with the safety of the victims, witnesses, and the community.

9.

Will you commit to not prosecuting either a doctor performing or a patient seeking an abortion should either or both ever become illegal in Arizona? Please give a definitive “Yes” or “No” and a clear explanation.

As Maricopa County Attorney, I have an ethical and legal obligation to enforce the law, regardless of how I may feel personally about it.

10.

Please clearly articulate your stance on the death penalty. Do you believe it is ever appropriate to seek the death penalty? If so, when?

Yes. But, I believe the death penalty should be reserved for the cases that are the worst of the worst. As Maricopa County Attorney, I have already withdrawn the death penalty in two cases. When reviewing cases for the death penalty, I believe prosecutors should examine three items: 1. The



victim 2. Was the nature of the crime heinous or depraved? 3. Prior felony convictions of the defendant.

Immigration

11.

Will you pledge to adopt a written policy and institute adequate training for your Office that encourages prosecutors to consider the immigration-related consequences of prosecutorial decisions at all stages of a case and to use their discretion to achieve dispositions that do not negatively affect noncitizens? Please give a definitive “Yes” or “No” and a clear explanation.

Yes. As Maricopa County Attorney, I have directed staff to implement training on this topic. To be clear, we do not proactively investigate the immigration status of an offender. If we are made aware of the offender’s immigration status, we can adjust any disposition or resolution accordingly when it is appropriate.

Transparency and Accountability

12.

Will you pledge to gather and post online quarterly statistical information disaggregated by race and gender on felony and misdemeanor charging decisions, convictions, declinations, and diversion program placements? Please give a definitive “Yes” or “No” and a clear explanation.

Yes. As Maricopa County Attorney, I have directed staff to create a statistical analysis unit that will gather and post a variety of statistical data for public dissemination.

13.

Will you pledge to publish on the Office website all policies, protocols, and MOUs regarding prosecution guidelines, police-involved incidents, bail recommendations, fines and fees, diversion programs, plea bargains, civil asset forfeiture proceedings,



immigration considerations, and indigency determinations? Please give a definitive “Yes” or “No” and a clear explanation.

Yes. Many of these items are already publicly available and we are currently establishing protocols for items of this nature to be collected and published on the website.

14.

Will you pledge to develop and implement a plan to personally, regularly and meaningfully engage and communicate with the community in the county you represent, including communities of color, the immigrant community, community-based organizations, and criminal justice reform advocates, and involve them in the project of determining the priorities of your office within the first 100 days of your term? Please give a definitive “Yes” or “No” and a clear explanation.

Yes. I have already directed staff to develop community and business advisory committees to meet with me on a regular basis. I plan to consult with these various stakeholders when looking for community input on policy issues that arise in the business of the Maricopa County Attorney’s Office. I am particularly focused on groups of individuals who are most impacted by our policies and may not traditionally have a role in providing input to the county attorney.

15.

Will you pledge to create an independent Conviction Integrity Unit? Please give a definitive “Yes” or “No” and a clear explanation of how you would establish such a unit.

Yes. We have been studying models in other jurisdictions to determine best practices and will move forward once we have identified an evidence-based protocol.

16.

Will you pledge to assign special prosecutors to investigate and prosecute police killings of civilians, use-of-force cases, sexual assault by law enforcement officers



and other cases of police misconduct? Please give a definitive “Yes” or “No” and a clear explanation.

This office has updated and implemented a new critical incident response protocol. Examples of incidents include an officer-involved shooting, a death that occurs while a person is being arrested or in custody, or an incident, such as a traffic collision, where serious physical injury or death occurs. When these situations arise, it is the responsibility of this office to review and analyze the facts and evidence submitted to us by law enforcement. We review the facts as an independent charging agency to ensure that that the due process rights of any potential criminal defendants, well as the rights of any potential victims, are protected.

Discovery

17.

Will you commit to implementing a policy of open file discovery through which defendants or their attorneys have access to the prosecutor’s entire file? Please give a definitive “Yes” or” No” and a clear explanation.

Yes. The office currently uses a functional equivalent to “open file” discovery process. All prosecutorial files are considered public records and only privileged work product of statutorily-protected information is redacted when files are requested.

18.

Regardless of your answer above, will you implement and require *Brady* training for your prosecutors which specifically addresses evidence considered exculpatory, or that otherwise qualifies as *Brady* materials? Please give a clear “Yes” or “No” and any explanation.

Yes. We have both training and a Rule 15 disclosure/Brady review committee specific to a prosecutor’s obligation and also train on other ethical duties of the prosecutor. We offer a myriad of courses on Brady and ethics far beyond what is required by the State Bar of Arizona. Additionally, Brady issues are brought be forth an internal brady review



committee who makes the determination as to whether or not to place an officer on a list.

19.

Will you commit to implementing a policy that mandates the disclosure of any and all evidence in your Office's possession that could potentially be used for impeachment purposes by a defendant? Please give a clear "Yes" or "No" and any explanation.

Yes. We commit to disclosing all impeachment materials that the law, our ethical obligations and the principles of reciprocal discovery as established by the Arizona Supreme Court require us to disclose.

