

## Maricopa County Attorney Candidate Questionnaire General Election

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 the criminally accused and 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 provide voters with information about candidates' positions on critical criminal legal reform issues, such as policies that reduce incarceration, eliminating racial disparities in the criminal legal system, and holding police accountable for misconduct. Both candidates running for Maricopa County Attorney will receive this questionnaire and answers will be posted online at [smartjusticeaz.org/mcao2020](http://smartjusticeaz.org/mcao2020). 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](mailto:aortiz@acluaz.org) on or before **August 26, 2020**.

**Within the first 100 days of being sworn in for the 2021-2024 term, will you pledge to do the following? Please check yes or no and provide a brief explanation.**

**1. Implement a policy to end all prosecutions of personal possession of marijuana, a criminal charge that disparately impacts people of color?**

Yes  No

This is a day one priority.

**2. End the use of cash bail in all cases by implementing a policy instructing prosecutors to never request cash bail to ensure that no one is ever kept in jail simply because they can't afford the money to get out?**

Yes  No

I will end the regressive system of cash bail that criminalizes poverty. If individuals are perceived to be a flight risk or a danger to the community, the office will proceed to a hearing to demonstrate that risk to the court, rather than asking for unattainable cash bail. I am committed to being an advocate at the state legislature and working with judges so we effectively implement this policy.

**3. Support the release of the elderly and other medically vulnerable people who are incarcerated and at high risk of contracting COVID-19 by proactively filing motions for release and motions for resentencing for any elderly or medically vulnerable person who**

**was originally committed to prison in Maricopa County and whose release poses no danger to the community?**

Yes  No

Yes, I support science and I listen to experts and public health officials. Science tells us that releasing elderly and medically vulnerable people who pose no danger to the community is good public policy and will slow the spread of COVID-19 in Maricopa County.

**4. Protect immigrant communities from deportation for minor offenses, by requiring prosecutors to bring lesser charges or decline to bring charges when the alternative could result in a person's deportation for a minor offense?**

Yes  No

It is time to end the era of SB 1070 and Joe Arpaio. I will work to ensure that pleas are immigration-neutral and work with coalition partners to restore trust in this office with the Latinx community.

**5. End long prison sentences for nonviolent crimes by implementing a policy directing prosecutors in your office to stop applying sentencing enhancements in all cases involving allegations of nonviolent crimes?**

Yes  No

The focus of the County Attorney should be crimes of violence, crimes that target women, children, and our seniors, as well as public corruption. By ending the practice of charge stacking and sentence enhancements, this office can be smarter with public resources and focus on crimes that directly impact Arizona families.

**6. Hold police accountable by ensuring independent investigations of police shootings and allegations of serious police misconduct by creating an independent investigation unit of prosecutors who will focus exclusively on police misconduct cases and that is staffed with prosecutors who do not work alongside local law enforcement on a regular basis.**

Yes  No

This is a day one priority. There is an undeniable conflict of interest between prosecutors and police by virtue of their close working relationship. I will create an independent and community involved unit to take on these cases and hold police accountable.

**7. Create an early warning system to flag police officers with a history of misconduct by documenting all police officers who have shown a pattern of excessive force, dishonesty,**

**and other misconduct or bias and agree to not rely on these officers in criminal prosecutions?**

Yes  No

Yes, creating an early warning system to flag police officers with a history of misconduct is a first step in rebuilding community trust. I believe that we need a statewide Brady list to address misconduct and bias across jurisdictional lines, with due process protections to ensure those lists are accurate. I will not rely on officers in criminal prosecutions who have demonstrated a past history of bias, dishonesty, or misconduct.

**8. Clear old marijuana possession convictions from people's records by supporting all eligible petitions for expungement of past personal possession marijuana convictions if it becomes possible under the Smart and Safe Act?**

Yes  No

As County Attorney, I will do everything possible to support people seeking to expunge old marijuana possession convictions under the Smart and Safe Act and give folks a real second chance.

**9. Please identify which of the following ballot measures and legislative reforms, if any, you do or would support:**

The Smart and Safe Act

As County Attorney, I will do everything possible to support people seeking to expunge old marijuana possession convictions under the Smart and Safe Act and give folks a real second chance.

The Second Chances, Rehabilitation, and Public Safety Act

It's a shame that partisan politics has forced our state from undertaking much-needed criminal justice reform that will make us safer and save taxpayers money.

Defelonization of the personal possession of drugs

For real criminal justice reform, our state legislators need to act and codify what constitutes personal possession of drugs to solve many of the longstanding debates on addiction and treatment. From a values perspective I believe we need to stop criminalizing addiction. I support the institution of deflection programs, case dismissals and charge reductions when warranted, diversion, as well as treatment programs. Addiction is a public health issue that must be treated like one. From an economic perspective, every dollar that we spend charging people with drug crime could be better spent on prevention and ending the school to prison pipeline.

## ❑ Elimination of mandatory minimum sentences

Mandatory minimums increase recidivism and are the reason why Arizona spends over a billion dollars a year on imprisonment. Eliminating mandatory minimums would give judges discretion and allow our criminal justice system to work as intended.

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