



## **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](mailto:aortiz@acluaz.org) on or before March 6, 2020.



## Contact Information

Please provide constituents with your campaign contact information.

Name, as listed on the ballot: Ryan Tait

Phone number: (602) 529-4845

E-mail: [Ryan@taitforcountyattorney.com](mailto:Ryan@taitforcountyattorney.com)

Website: [Taitforcountyattorney.com](http://Taitforcountyattorney.com)

Facebook URL: <https://www.facebook.com/RyanTaitforCountyAttorney/>

Twitter handle: Rtait2020

Instagram:

Other:

## Mission and Vision

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

My path to this candidacy was one I never expected. I grew up in a small town in southern California that had very little crime and very little diversity during the “tough on crime era” that permeated politics from the 1970s through the last decade. Nobody in my community talked about criminal justice reform. I, like most in my community, gave little to no thought about criminal justice reform because the “justice” system didn’t impact us personally. The ability to ignore the realities of the system was a privilege that I did nothing to earn or deserve. I didn’t have friends go to prison. I wasn’t asked if I had drugs or weapons in the car when I was pulled over. As a suburban white male, I wasn’t seen by police as a threat. I was given the benefit of the doubt.

I was fortunate to have parents who dedicated their personal lives to serving others and their professional lives to serving the public as school teachers. Their example and teachings instilled in me a desire to serve others. For as long as I can remember, my friends and family have told me that I was destined to be an attorney.

I remember being in junior high as an aggressive classmate repeatedly punched me and taunted me because I belonged to a minority religion. I felt



powerless and scared. Fortunately, my parents taught me to find ways to turn these traumatic experiences into assets. Such bullying gave me a compassion for those who are suffering that I might never have otherwise had. I wanted to become a prosecutor to stand up to bullies. I wanted to be a “minister of justice,” which is how the role of “prosecutor” was described in my law school classes. It appealed to me that prosecutors purportedly had no client but the truth. I felt that becoming a prosecutor was the best way to serve the community as a lawyer. I did not consider the ethical dilemmas that role would force me to address. I was wrong.

When I became a prosecutor in the Maricopa County Attorney’s Office I learned that the truth was less important than enforcing the policies that ensured reelection for the politician heading the office. In that office, this often resulted in responding to fear-mongering and an archaic view of human behavior and crime. After 6 years, as the discomfort in my conscience grew, I ultimately realized that my passion for serving was better suited for standing up to the overreach of zealous and rigid prosecution.

I left the County Attorney’s Office in 2012 to pursue criminal defense at a firm where over 90% of my clients were Latin immigrants, who faced immigration consequences--in addition to those imposed in the criminal court. I then saw the depth of the suffering caused by a justice system that was myopically focused on retribution and vengeance, rather than lifting people out of a criminal lifestyle. It was there that I learned of the incredible weight under which individuals suffer when charges are false, exaggerated or overly harsh. I suffered empathically with those people as I fought for justice and fair outcomes on their behalf, and I felt the weight of my responsibility to ensure those protections for the most vulnerable.

In 2015, I left that firm and started my own criminal defense firm, which in a short period of time grew dramatically. As a founding partner, I administered over my staff, human resources decisions, and I learned how to be a wise steward of money coming in and going out of the firm. I presided over the growth of the firm as it expanded to include immigration law, civil litigation and family law. In these responsibilities I learned the essential qualities of leadership needed to inspire employees in an organization to be principle-driven and productive. Starting a business is hard, and in the early years, I sometimes had to sacrifice taking home a paycheck to avoid laying employees off. I learned that an organization is no more



effective than those working every day to achieve a purpose, and that those workers rely heavily on the leadership of the organization to sacrifice both for them and the shared vision of the firm.

I did not aspire to be County Attorney until the pain of seeing injustice in the lives of my clients became too much to bear without fighting for systemic change. I believe that serving in both the roles of a felony prosecutor and a criminal defense attorney are absolutely critical to understanding how deeply-entrenched the culture of “winning at all costs” is within the Maricopa County prosecutor’s office. Only a person with experience working in both positions will be able to marshal the commitment necessary to overcome the obstacles inherent in such a deeply-entrenched culture and change how justice is administered. As the only candidate with more than a brief period of felony prosecution experience in that office, I once was a part of that culture. I understand it, and I know the personalities that are in it. More importantly, I know very intimately the painful process of coming to terms with the reality that such a culture doesn’t serve the interests of justice or the community. I know what it takes to change the hearts and minds of those serving in the prosecutors’ office because I went through that change myself.

I also believe that my experience of managing an organization where people depend on my leadership is critical for leading and administrating within other organizations. I have made mistakes throughout that process, and I have learned an incredible amount of valuable lessons that will help me hit the ground running from day one.

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

In general, my policies would seek to employ methods supported by data and research to lower recidivism, reduce the prison population, and bolster rehabilitation. As outlined below, that will include a dramatic modification of charging, release, plea, and sentencing policies. Change areas will include expanding the number of diversion eligible offenses, reducing the aggressive nature of what conduct is charged, eliminating cash bail for offenders who don’t pose



identifiable threats to the community or individuals, restructuring plea policy to focus on just and sensible outcomes--as opposed to mirroring rigid mandatory minimum sentencing laws, expanding early release credits for good behavior, expanding reentry programs, employing means to reverse previously administered injustices, tracking the prosecution office and process, and making data on prosecutions in Maricopa County publicly available in order to account for the impact of these policies. Last, I will also work to eliminate racial, ethnic, and gender disparities in all the areas mentioned above.

There are areas where I would expand prosecution in the office. Arizona has long focused on punishing the vulnerable, while the powerful and politically connected are ignored. We see this in Arizona with companies who skirt the rules to pay workers under the table and deny them of their labor rights under the law. We've seen it in politicians who engage in self-dealing at the taxpayers expense. I will make it my priority to level the playing field and ensure that everyone is held to the same standard.

### **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.

Diversion programs are dramatically more effective at lowering recidivism outcomes for felony convictions, and these programs save taxpayers a significant amount of money at the same time.<sup>1</sup> This is true of hard illicit drugs, not just marijuana possession (which I would not prosecute). All drug possession offenses will be handled through diversion because data suggests that prison is one of the least effective and most expensive means to curb substance abuse. Substance abuse disorders are aggravated by a felony conviction and by prison, not cured by them. Drug possession for personal use constitutes 45.32% of all charged offenses in

---

<sup>1</sup> <https://www.ncjrs.gov/pdffiles1/nij/grants/251665.pdf>



Maricopa County.<sup>2</sup> 21.3% of all inmates in Arizona prisons are serving time for a drug offense.<sup>3</sup>

I would also remove the prohibition that currently exists for any felony at a class 3 level or higher. Each case should be evaluated on its own, rather than issuing a blanket policy that ignores the dramatic differences that often exist in cases with the same charges. I would expand diversion programs for veterans whose criminal conduct is an outgrowth of untreated service-related struggles.

Diversion would be the norm for all non-violent first offenses. Special consideration would be given to defendants under the age of 25 for other offenses, because research has established that the parts of the brain that impact one's ability to make wise decisions do not mature until this point.<sup>4</sup> If the criminal justice system is able to rehabilitate an individual when they are young, they are very unlikely to recommit offenses in their 30s and beyond. Both prison and a felony conviction undermine the prospects of that rehabilitation by eliminating opportunities to contribute to society in meaningful ways that would steer someone away from crime. By socializing youth in prison, they are likely to develop habits and qualities that spur later criminal conduct. We need to change this approach.

To say that diversion will be used in these cases is not to say that people who commit crimes will be without consequences. The diversion programs must be more than the anemic TASC diversion program that currently exists (as one example). Not all diversion programs are equal, which demands that diversion programs be modeled after programs that have been proven effective.<sup>5</sup> That will require financial investment in robust programs that are sufficient to address the underlying issues that led to crime. Currently, the budget for the State Department of Corrections is approaching \$1.2 billion. The cost per inmate is approximately \$25,000 per year. In county jails, the cost is approximately \$37,000 per year.

By eliminating cash bail for many individuals and reducing the size of the prison population, a substantial amount of funding will be freed up to pay for

---

<sup>2</sup> <https://afscarizona.files.wordpress.com/2017/07/drug-sentencing-in-arizona-prescription-for-failure.pdf>

<sup>3</sup> <https://afscarizona.files.wordpress.com/2017/07/drug-sentencing-in-arizona-prescription-for-failure.pdf>

<sup>4</sup> <https://www.themarshallproject.org/2015/03/20/too-old-to-commit-crime>

<sup>5</sup> [https://www.wsipp.wa.gov/ReportFile/756/Wsipp\\_The-Comparative-Costs-and-Benefits-of-Programs-to-Reduce-Crime-v-4-0\\_Full-Report.pdf](https://www.wsipp.wa.gov/ReportFile/756/Wsipp_The-Comparative-Costs-and-Benefits-of-Programs-to-Reduce-Crime-v-4-0_Full-Report.pdf)



expansive pretrial diversion programs. Throughout the country, where these policies have been instituted, the cost of even very robust diversion programs is substantially less than the cost of incarceration. In Brooklyn, for example, the Drug Treatment Alternative Program offers residential treatment with individual and group counseling, as well as vocational training. It eliminates the problem of homelessness for these individuals, which is a substantial driver of crime, gets them the treatment they need to address underlying issues and puts them on the path of establishing long-term employment. This program costs half the cost of incarceration in New York and has a dramatically higher success rate at reducing recidivism.<sup>6</sup>

These changes will take time as the fiscal effect of reducing incarceration is realized over time. As much as I would like to implement these programs unilaterally, it will require cooperation from other government bodies responsible for allocation of funding. I am absolutely committed to being an outspoken advocate before legislative and executive officials for seeing the programs brought into effect. Some of these programs will not need to wait, however. Many individuals who will be eligible will not require intervention as substantial as residential treatment, and where appropriate, those changes will be made immediately.

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.

Before answering this question, I think a major caveat is necessary. While I am willing to set a loose goal, I will not commit to a specific figure for two reasons. Committing to a specific incarceration rate or prison population, no matter what the number, is tantamount to saying I would to pre-determine justice regardless of what naturally occurs (or irrespective of how many crimes are actually committed). Thus, I reject that premise. The correct incarceration rate is that which best serves the interests of justice, fosters rehabilitation and protects the community. Managing the incarceration rate, rather than focusing on fixing the process and

---

<sup>6</sup> Crossing the Bridge: An Evaluation of the Drug Treatment Alternative-to-Prison (DTAP) program. The National Center on Addiction and Substance Abuse at Columbia University, 2003.



motives that drive it essentially puts the cart before the horse, and consequently my categorical answer is no to a specific numerical commitment.

Having said that, the “natural crime rate” for a jurisdiction—and how you measure it—are going to be associated with what the “natural incarceration rate” should be for that same jurisdiction. Thus, you can inductively deduce a range of incarceration rates which might be appropriate, assuming nothing else changes and that you have accounted for all other factors affecting the justice system and the natural crime rate for a jurisdiction. With this caveat in mind, and another technical problem which I will mention below, I will commit to the following based upon the best data available for the Maricopa County jurisdiction within the state of Arizona.

I believe that reducing Arizona’s prison population by 50% over a ten year period is a reasonable estimate, with approximately 60% of that reduction coming from changes in Maricopa County and the remainder coming through advocacy to impact policies in other jurisdictions. This figure would put Maricopa County roughly in-line with the incarceration rate of other urban jurisdictions with similar demographics and crime rates.<sup>7</sup>

Currently, Maricopa County and the State of Arizona are huge statistical outliers compared with other states and municipalities. In the past 40 years, Arizona’s prison population has grown 3 times as much as the state population. The obvious questions to ask are (1) why is there such a large discrepancy and (2) how do we explain it?

Arizona’s crime rate peaked around 1995, and it has steadily declined since that time.<sup>8</sup> While it is tempting to associate increased prison sentences with Arizona’s reduction in crime, research has demonstrated that Arizona’s mandatory minimum sentencing laws and increased incarceration rates have actually prevented Arizona’s crime rate from declining further and faster than it’s natural trend would otherwise predict, instead of fostering it.<sup>9</sup> Consequently, it is clear that

---

<sup>7</sup> <https://www.fwd.us/news/arizona-imprisonment-crisis-part-2/>

<sup>8</sup> Arizona Crime Rates 1960-2015, [www.disastercenter.com](http://www.disastercenter.com)

<sup>9</sup> <https://journals.sagepub.com/doi/abs/10.1177/0032885511415224?journalCode=tpjd>,  
<https://www.scientificamerican.com/article/do-prisons-make-us-safer/>,  
<https://www.publicsafety.gc.ca/cnt/rsrscs/pblctns/ffcts-prsn-sntnacs/index-en.aspx#exe>



how Maricopa County's justice system is operating is affecting both Arizona's crime rate and its incarceration rate, and inflating them above their natural levels.

Now for my technical caveat. I would hasten to note that committing to a specific number is also impossible because of the failure of the County Attorney's Office to provide meaningful data on charging and sentencing decisions. Were that information available, it would be much easier to arrive at an accurate estimate of the impact of my specific policies on the incarceration rate. As I am committed to putting a data reporting system in place, that number may change as information is collected. The primary goal is always to implement policies to drive down crime and improve community safety in the most cost-effective way. Accordingly, reduction in prison population must be accompanied by efforts to address crime in the ways that have proven to be more effective than prison. To that end, I would make the following substantive changes, which are based on success stories in other jurisdictions.

1. Eliminate prison for possession of drugs for personal use and divert those individuals to pre-conviction treatment programs.
2. Eliminate prison for all marijuana cases.
3. Eliminate prison for first time, non-violent offenses, except public corruption cases or those resulting in catastrophic financial loss.
4. Eliminate prison for offenders who do not pose a articulable risk of safety to the public.
5. Require prosecutors to dismiss sentencing "enhancer" allegations that would result in an unjust mandatory minimum prison sentence following trial.
6. Reform plea policy to be focused on reducing recidivism, just outcomes and community safety, rather than mandatory minimum sentencing laws.
7. Expand diversion programs non-violent offenders.
8. Expand diversion programs designed to assess and address the underlying issues for veterans and those suffering with mental health issues.
9. Remove allegations of "Hannah Prior" sentencing enhancement allegations for those without prior felony convictions.
10. Remove non-violent drug possession prior allegations as sentencing enhancers.



11. Require prosecutors to recommend reinstatement on probation for technical probation violations (such as failure to pay fines) where no new crime has been committed.
12. Direct prosecutors to recommend unsupervised release for misdemeanors and felony offenses where there is no articulable risk to public safety.
13. Advocate for expansion of pretrial service supervision to model after the Washington D.C. Pretrial Services Agency<sup>10</sup> to address concerns about flight risk.
14. Cease imposing prison for adult prostitution except for appropriate cases where the defendant is charged with directing or obtaining the earnings of a prostitute and has prior felony convictions.
15. Cease imposing prison for shoplifting.
16. Advocate for reallocation of savings on incarceration costs to pretrial diversion programs, treatment availability in prison, and reentry programs to reduce recidivism.
17. Advocate for legislative reforms that will expand these policies to jurisdictions outside of Maricopa County.
18. Meet with head prosecutors in other agencies to advocate for adoption of these policies in other jurisdictions.
19. Advocate for increasing early release credits for inmates who demonstrate rehabilitation through good behavior and participation in prison treatment programs.

It is expected that implementing these policies will not only have the immediate effect of reducing the prison population by eliminating or shortening sentences where appropriate, but also by reducing recidivism through data-driven, non-prison alternatives.

### **Racism in the criminal legal system**

20. 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.

---

<sup>10</sup> <https://www.psa.gov/?q=node/499>



Yes. The current system is a product of disproportionate policing in Black and brown communities and disparate charging and sentencing for those who are investigated and/or arrested. In Maricopa County, Black defendants receive an average sentence for marijuana sales of 43 months, compared to 27.75 months for their white counterparts.<sup>11</sup> In Arizona, there is a 12:1 disparity between crack and cocaine sentencing.<sup>12</sup> Both Black and brown defendants are also likely to serve longer sentences for fewer charges than their white counterparts.<sup>13</sup>

The criminal justice system as it exists does little to rehabilitate those who are brought into it, which leads to cycles of crime that are perpetuated in these communities. I will implement a data collection and reporting system that addresses the degree of this disparity with precision and apply modified policies to bring charging decisions and sentencing outcomes into parity between races. Additionally, I expect that the long-term result of these more intelligent responses that are focused on rehabilitation will reverse the impact of pushing individuals into a life cycle of repeated criminal conduct, so that the justice system reduces recidivism in these communities instead of creating or furthering it.

## **Legislation**

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

As mentioned above, the cooperation of the state Legislature is absolutely essential in reallocating the tax dollars saved from decarceration to programs that ensure rehabilitation. I would be a tireless voice before the Legislature to ensure that my policy objectives are met with supportive fiscal policy coming out of the Legislature. I would also advocate for legislative reforms that better serve the interests of justice, including

- Arguing for increased early release credits for good behavior

---

<sup>11</sup> <https://afscarizona.files.wordpress.com/2017/07/drug-sentencing-in-arizona-prescription-for-failure.pdf>

<sup>12</sup> <https://afscarizona.files.wordpress.com/2017/07/drug-sentencing-in-arizona-prescription-for-failure.pdf>

<sup>13</sup> <https://afscarizona.files.wordpress.com/2017/07/drug-sentencing-in-arizona-prescription-for-failure.pdf>



- Increasing the ability of judges to impose a fair outcome where mandatory minimums would result in an overly harsh outcome
- Establishing a process for expungement of prior offenses once those with a felony conviction have repaid their debt to society and become productive citizens
- Decriminalizing marijuana
- Expanding funding for diversion and reentry programs
- Expanding affordable housing programs and reducing homelessness
- Expanding funding for mental health treatment
- Reducing funding for incarceration and completely eliminating private prisons. It is important to note that our massive spending on incarceration is more than enough to pay for the necessary expansion of funding to these other critical areas and would likely result in a net savings to the taxpayers, as evidenced in many other states where such reforms have been made.
- Eliminating prison as an option for technical probation violations (failure to pay fines, failing a drug test, etc.) that don't involve the commission of a new offense
- Reducing drug possession offenses to misdemeanors
- Reducing citizen status offenses, such as constructive possession of a firearm, to misdemeanors when there is no evidence of intent to use the firearm to harm
- Making substance abuse treatment available to all inmates suffering from substance abuse issues
- Making therapy available to all inmates in need of treatment to address drivers of violent and property crimes
- Eliminating mandatory prison repetitive sentencing enhancements for those who have never before been convicted of a felony (so called "Hannah Priors")
- Reform mandatory minimum sentencing to distinguish between violent and non-violent prior offenses.
- Ending solitary confinement for extended periods and without due process. Extended solitary confinement has been proven to increase violent behavior.
- Ending incarceration for juvenile delinquencies. There is no research that indicate positive outcomes for incarcerating juveniles.
- Reform the policies of the Department of Child Safety to provide more resources for reunification of children to their parents, instead of being so



quick to remove them to foster care, where they become statistically more likely to turn to crime

- Reform educational disciplinary procedures that, like the criminal justice system, have been rooted in archaic forms of retribution that do not serve the interests of transforming the child. I would also advocate for reallocation of incarceration money to fund programs for educators to ensure that disciplinary protocols in schools are rooted in outcome-driven principles and supported by sound research. This is an absolutely imperative process to eliminate the school-to-prison pipeline.
- Supporting other initiatives that further the interests of a more intelligent and measured criminal justice system and opposing any measures that do the opposite

22. 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. Arizona has the 5<sup>th</sup> highest incarceration rate in the country. This is driven not only by the range of offenses that require prison, but by a sentence for nearly all offenses that is much longer than the national average. Arizona’s prison population is 12 times larger today than it was 40 years ago, while the national prison population has only quadrupled.<sup>14</sup> Between 2000 and 2017, the number of Arizona defendants sentenced for non-violent offenses have grown by 80%.<sup>15</sup> On average, inmates from Maricopa County serve sentences 25% longer for violent crime than the national average. They serve more than double the amount of time for property crimes than the national average.<sup>16</sup>

We must have incentives for inmates to begin their rehabilitation in prison and we must make programs available to them that allow that to happen. This should include vocational training along with treatment tailored to the individual. Research suggests that for every dollar spent on treatment in prison, the taxpayers

---

<sup>14</sup> <https://36shgf3jsufe2xojr925ehv6-wpengine.netdna-ssl.com/wp-content/uploads/2018/09/The-High-Price-of-Prison-Growth.pdf>

<sup>15</sup>

<sup>16</sup> <https://36shgf3jsufe2xojr925ehv6-wpengine.netdna-ssl.com/wp-content/uploads/2018/09/The-High-Price-of-Prison-Growth.pdf>



save \$1.91 in costs for future prosecution for new offenses that are avoided.<sup>17</sup> We must also fund aftercare reentry programs, because when coupled with in-custody treatment, that number goes up to \$2.69. Jobs training has been shown to improve that number to \$5.28.<sup>18</sup> Currently, only approximately 3% of inmates in Arizona with substance abuse disorders are provided treatment in custody.<sup>19</sup> We should be spending taxpayer dollars in ways that yield a return on investment in the form of reduced crime. Shortening sentences frees up the money in the corrections budget to allow that and doing so will have a growing impact on crime-reduction over time.

### **Prosecutorial Practices**

23. 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. Money bail should be eliminated for misdemeanor offenses and those felonies where there exists no articulable safety risk to the community or serious flight risk. Flight risk should primarily be addressed through an improved pretrial services supervision program, modeled after the Pretrial Services Agency in Washington, D.C.

24. 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.

Yes. While I am personally opposed to abortion in most cases, this decision should belong to the mother alone and any people with whom she chooses to seek guidance. This should not be a criminal issue. The money that would be spent prosecuting these cases would be better spent on educating, providing resources and

---

<sup>17</sup> [https://www.wsipp.wa.gov/ReportFile/756/Wsipp\\_The-Comparative-Costs-and-Benefits-of-Programs-to-Reduce-Crime-v-4-0\\_Full-Report.pdf](https://www.wsipp.wa.gov/ReportFile/756/Wsipp_The-Comparative-Costs-and-Benefits-of-Programs-to-Reduce-Crime-v-4-0_Full-Report.pdf)

<sup>18</sup> [https://www.wsipp.wa.gov/ReportFile/756/Wsipp\\_The-Comparative-Costs-and-Benefits-of-Programs-to-Reduce-Crime-v-4-0\\_Full-Report.pdf](https://www.wsipp.wa.gov/ReportFile/756/Wsipp_The-Comparative-Costs-and-Benefits-of-Programs-to-Reduce-Crime-v-4-0_Full-Report.pdf)

<sup>19</sup> <https://afscarizona.files.wordpress.com/2017/07/drug-sentencing-in-arizona-prescription-for-failure.pdf>



otherwise empowering people to make wise decisions regarding their own health, including reproductive health.

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

I have struggled with how to respond to the most terrifying criminal act of murder. I have been fortunate to consult with victims directly impacted by these decisions. As a result of those discussions and in responding to the pull of my own conscience, I have determined that I will not seek the death penalty when elected County Attorney. I am opposed to the death penalty for several reasons. First, it has been proven not to have any deterrent effect.<sup>20</sup> Second, it requires that government employees bear the responsibility of taking another life. And thus, it extends a moral responsibility to all involved for the taking of that life. Third, it is astronomically expensive and inefficient to administer.<sup>21</sup> Fourth, it subjects the survivors to a much lengthier process before they are ever able to experience any real sense of closure and has a well-documented effect of prolonging their suffering.<sup>22</sup>

## **Immigration**

26. 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. The mandate of my own conscience to serve my fellow men and women is not circumscribed by geopolitical lines on a map, the language I speak, or the color

---

<sup>20</sup> <https://www.amnestyusa.org/a-clear-scientific-consensus-that-the-death-penalty-does-not-deter/>

<sup>21</sup> [https://www.supremecourt.gov/opinions/URLs\\_Cited/OT2016/16-5247/16-5247-2.pdf](https://www.supremecourt.gov/opinions/URLs_Cited/OT2016/16-5247/16-5247-2.pdf)

<sup>22</sup> <https://www.psychologytoday.com/us/blog/talking-about-trauma/201610/death-penalty-may-not-bring-peace-victims-families>



of my skin. All of the consequences of criminal prosecution on an individual should be considered in fashioning the outcomes that align with justice and the pursuit of uplifting, protecting and transforming all people.

### **Transparency and Accountability**

27. 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. The office will track and report on each of these facts on each case submitted to the County Attorney’s Office.

28. 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. My office will commit to complete transparency of all prosecution policies and protocols.

29. 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. This process has already begun as I have engaged in meetings with community leaders from diverse backgrounds and experiences to formulate the



policy positions I am advocating. I would continue to do so throughout my administration.

30. 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. I would establish a Prosecution Integrity Unit that deals not only with ensuring ethical prosecution on pending cases and faulty convictions, but also reviewing prior sentences that were unduly harsh. The unit would also handle pursuing legal means to overturn past marijuana possession convictions and other unjust convictions. The unit would also retroactively review cases where exculpatory post-conviction information becomes available. Prosecutors in this unit would include attorneys with a prosecutorial background, as well as those with a defense background in order to ensure objectivity in the decision process.

31. 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.

Yes. The Prosecution Integrity Unit would also contain a bureau that is focused on handling allegations of police misconduct. Because the relationship between prosecutors and police officers is so intertwined, this unit would have to consist of prosecutors who are hired from outside jurisdictions with no personal or professional relationship with local law enforcement agencies. The unit would also include civilian input from community leaders who represent civilians most impacted by incidents of misconduct.

## **Discovery**

32. 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 with one exception. I will not provide information that is protected by the Arizona Victim's Bill of Rights. As a prosecutor in Maricopa County, I was trained to never record certain interviews because the recordings became subject to mandatory disclosure rules. This mentality has undermined the interests of justice for decades. But otherwise, I am completely committed to liberal disclosure of all evidence.

33. 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. I will ensure that each prosecutor is trained to adopt a liberal disclosure policy on all materials that are related to a case. The decision on whether material is exculpatory should not be unilaterally made by prosecutors. While I trust that most prosecutors are well-intentioned, the legal system is inherently competitive. This results in the interests of justice often being thwarted by a desire to win, rather than a desire to do justice. It is in the nature of all of us to be tempted by what our ego demands, rather than what justice demands, even when we aren't aware of it. Free disclosure is the antidote to that naturally human quality.

I will also employ a liberal policy of including officers on the Brady list whenever they have been found to have committed a violation. The decision on whether that information ultimately becomes relevant to a criminal case should not be unilaterally made by the prosecutor. Finally, because it has been reported that local law enforcement agencies purge the disciplinary records of officers after three years, I would keep records of all the disciplinary reports at the County Attorney's Office.

I am committed to protecting the due process rights of officers just as much as any other person accused of wrongdoing, but I would oppose any efforts at the legislature to delay disclosure of those allegations. There are sufficient prophylactic measures that can be taken to protect officers during the course of potential



appeals, without undermining the attorneys on a case from being aware of potential issues with any witness.

34. 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, as stated above.

