The Maricopa County Attorney holds extraordinary power in Arizona’s criminal legal system. Maricopa County is the fourth-largest metropolitan area in the country and accounts for nearly half of Arizona’s population. In 2018, Maricopa County sent 8,796 people to prison, accounting for roughly 58% of all prison admissions. Accordingly, how this office exercises discretion at each stage of criminal proceedings—from initial charging decisions to the sentences they seek to impose—has a huge impact on the state and determines whether our system is fair and just.

With the nation’s fifth-highest imprisonment rate and a static prison population, Arizona’s overreliance on incarceration is both costly and ineffective: it exacts enormous financial, emotional, and social costs on communities while exacerbating racial disparities and wasting finite resources. And harsh punishment does not improve public safety—the threat of increased sentences simply does not deter crime, either among the general public or convicted persons, and, because the experience of imprisonment is criminogenic, the imposition of longer terms of incarceration may actually heighten the likelihood that incarcerated individuals will reoffend upon release. Incarceration also entirely fails to address underlying issues or needs that lead to criminal activity in the first instance.

Given the influence the Maricopa County Attorney wields as a policymaker and civic leader with the legislature, state and local officials, and other community stakeholders, this office should deploy its substantial power to advance justice through policy reforms. This questionnaire evaluates whether county attorney candidates are committed to implementing the principles that will end mass incarceration and build a safer and more just America.

1. Poverty and the Criminal Justice System
2. The Prosecution and Sentencing of Juveniles
3. Recognizing Capacity for Change
4. Transparency and Accountability to the Community
5. Addressing Addiction
6. Punishment and Public Safety
7. Immigration Considerations

#1: POVERTY AND THE CRIMINAL JUSTICE SYSTEM
Money Bail

Arizona’s Constitution contains a presumption of pretrial release with a few exceptions for more serious offenses. Nevertheless, money bail is set in most criminal cases in Arizona.

Short Answer

- Do you think money bail is useful? For what purposes?

I am committed to ending cash bail for all non-violent and misdemeanor offenses. Money bail is unnecessary in the majority of cases to ensure presence at pretrial matters. But where there is clear evidence of flight risk on serious felonies, money bail does have the effect of decreasing incidents of flight. It may also be necessary in cases where there is a clear risk of harm to individuals or the community. As a general rule, Arizona’s reliance on money bail is unfortunately driven by a distorted understanding of the risks of a pretrial re-offense happening that has been perpetuated for decades by media emphasis on extraordinary, rare, and tragic cases.

- Do you believe there are any problems with using money bail in most cases? If so, what?

Money bail should not be used in most cases because it ignores the Constitutional guarantee of a “presumption of innocence” until a person is proven guilty. The pragmatic impact of requiring bail is that it increases the likelihood that a criminal defendant will accept a plea agreement to a charge of which they are not guilty in order to expedite their release. As a prosecutor in the Maricopa County Attorney’s Office, I heard many prosecutors allude to the fact that “out-of-custody defendants don’t plead.” This was unfortunately a reason many believed that efforts should be made to keep defendants in custody.

Money bail also unfairly creates a two-tiered justice system where the poor are given a pre-guilt punishment of incarceration that those who can afford to pay don’t receive. In the case of misdemeanors and many felonies, it systematically creates a scenario where one cannot reasonably fight their case or negotiate for a plea resolution, because
doing so would result in a harsher outcome than pleading guilty at the arraignment or early status conference.

- If you believe the money bail system should be replaced, and you had a blank canvas, what is your ideal system for determining pretrial release?

I am interested in replicating models like that designed by the Pretrial Services Agency in Washington, DC. The risk of flight or safety concern is assessed using a risk-assessment grounded in validated research, rather than current statutory factors or judicial impressions. When the risk of pretrial release is determined, it should always be primarily based upon sound scientific principles. The assessment should be designed to recommend the least restrictive, non-monetary release conditions available. The assessment used in D.C. is a great starting point, and there’s no reason it couldn’t be implemented quickly in Maricopa County.

Where risks exist, Pretrial Services would be bolstered to address those risks while the defendant is on release, including drug and mental health treatment through contracted partners. There should be some officers tasked with assisting pretrial defendants in need of employment to find employment opportunities.

Where programs such as this have been implemented, the results have been unmistakable. Over 90% of supervised pretrial defendants return to all of their court dates. Those supervised by these programs are significantly less likely to be charged with a new offense while on release than the people charged in jurisdictions where the program isn’t used, such as Maricopa County. It’s a clear winner for community safety and long-term crime prevention. It is less expensive than incarceration, which is an additional taxpayer benefit to protecting the Constitutional guarantee of the presumption of innocence.

- What concerns do you have about possible alternatives to money bail?

Notwithstanding the fact that the overall benefits of more robust pretrial services intervention will be increased community safety, there will undoubtedly be exceptional and rare cases where someone released pretrial will commit an offense that causes problems in the community. I am deeply concerned about the victimization of any people in the
community, but in the long-term and for the significant majority of people, society will be both safer and justice will be more fair by using the approaches like those I’ve outlined in the previous answers.

There will also be a cost associated with bolstering the pretrial services program. I am confident, however, that the net savings from a substantial reduction in the jail population through my policies would more than be enough to fund programs that are designed to improve community safety in data-driven ways.

Yes/No

- Will you adopt a written bail policy where your assistant county attorneys advocate for release on unsecured bail without conditions for all individuals unless there is clear and convincing evidence that the person has attempted to flee to evade prosecution or poses a clear and identifiable risk to another person? **Absolutely.**

- If release on unsecured bail is insufficient to protect against willful flight or an identifiable risk, will you require that assistant county attorneys only seek the least restrictive conditions necessary to accomplish those goals? **Yes.**

- Will you commit to only requesting GPS or electronic monitoring after a hearing where clear and convincing evidence reveals no other condition can protect the safety of others or ensure the person returns to court? **Yes.**

- Will you advocate for a policy ensuring that costs associated with GPS or electronic monitoring are covered by the appropriate government entity? **Yes, for low-income defendants. I am open to considering a threshold income, above which, costs can be passed on to the defendant. I am firmly opposed to the imposition of any financial sanction that will result in unfair punishment for those whose only violation of some condition is their inability to pay.**

- Will you require that, if an assistant county attorney determines that pretrial detention is necessary to protect the physical safety of other persons, he or she will follow the constitutional process to obtain an order of detention, instead of simply asking for an unattainable monetary bail amount?
Yes. Prosecutors will be directed to use bail exclusively to protect the community and reduce flight risk. I will never allow them to use it to gain a tactical advantage (creating false incentives for accepting plea agreements) or as a punishment prior to conviction.

- Will you designate an attorney to serve as a bail supervisor to ensure that bail requests are made uniformly and that all prosecutors faithfully execute your policy?

Yes, this will be a function of the Prosecution Integrity Unit.

- Will you commit to regularly reviewing jail data to ensure that persons who have been ordered released or do not pose a risk to the physical safety of other persons in the community are not being unnecessarily detained?

Yes, the Prosecution Integrity Unit will conduct regular audits to ensure that the policies and objectives of the office are being followed in practice.

- Will you agree not to use conditions of release or pretrial detention as a bargaining tool at any phase of the pretrial process?

Yes. Release conditions should not be a punishment that precedes a conviction, nor should they be an incentive for the accused to accept a plea. Where it becomes clear that the appropriate outcome in a case is not prison, the Deputy County Attorney should recommend release from custody.

Accessibility of Diversion Programs

Pretrial diversion creates opportunities for people accused of an offense to avoid the collateral consequences of a conviction, which can be detrimental to future employment, housing, citizenship, and education, and can lead to increases in recidivism. These programs require fees and often payment of restitution.

Short Answer

- Should an individual who is eligible for diversion, but unable to pay fines or restitution because of disability or poverty, be able to participate in pretrial diversion? Are there any limitations or exceptions to your answer?
Of course. If we can spend $25,000.00 to send a single person to prison for a year, we can invest a fraction of that to put them in a program that actually improves the likelihood of them becoming crime-free. The many diversion programs that have been implemented across the country are consistently less expensive than incarceration, so expanding diversion will be both more effective for public safety and less expensive for taxpayers, even if fees are waived based on income.

Yes/No

- Will you eliminate all fees, costs, and fines associated with pretrial diversion programs?

  Yes, wherever possible. No person should be denied pretrial diversion based on inability to pay. Where a person is unable to pay, or payment would interfere with repayment of restitution, the fees should be waived.

- If fees cannot be eliminated in all cases, will you create a robust fee-waiver program? Yes.

- Will you allow individuals who are unable to pay restitution because of disability or poverty to complete diversion, even where there is monetary loss suffered by a victim in the case?

  As a general rule, victims should not be required to subsidize the criminal acts of those who victimize them, so it is unfair in many cases to eliminate their right to restitution without their consent. I would, however, be in favor of (1) giving the victim categorical authority to forgive restitution, even after it has been ordered; (2) converting restitution orders to civil judgments in order to prevent them from holding up a person’s ability to reduce felonies to misdemeanors, be released from probation, or have their convictions set-aside in cases of disability or poverty; (3) allowing for restitution forgiveness on a case-by-case basis where the interests of justice merit it.
It is important to note that many of my proposed policies would improve the ability of defendants to pay restitution because they improve a person’s ability to earn a living. Expanding diversion helps avoid felony convictions, which is usually a tremendous impediment to finding good work. Reducing pretrial release helps prevent many from losing their jobs. Including jobs training as part of diversion, probation, and reentry programs improves the prospect of restitution being repaid. Finally, given that the expansion of rehabilitative programs is generally much less expensive than incarceration, the decrease in prison population should result in a substantial amount of the corrections budget being available for other programs, which should include restitution programs.

The Criminalization of Poverty

Criminal justice systems in Arizona disproportionately harm people living in poverty. Whether through the imposition of fines and fees as a condition to resolve cases or through laws that effectively criminalize homelessness, county attorneys have imposed a poverty penalty on many people within our communities.

Short Answer

- Does a county attorney have a responsibility to ensure that individuals are not treated differently in the criminal justice system based on their wealth or lack thereof? If so, what strategies would you implement to ameliorate existing inequities?

Yes. (1) Create a culture where prosecutors are rewarded for just outcomes, rather than win rates or imposing harsh consequences. (2) Implement generous disclosure policies so that defense attorneys receive exculpatory information, even if they don’t ask for it. (3) End cash bail for non-violent felonies and misdemeanor offenses. (4) Consider defendants’ ability to pay in deciding whether plea agreements include mandatory fines. (5) Direct prosecutors to consider the impact of socioeconomic status on criminal conduct in plea terms and sentencing recommendations. (6) Provide fee waivers in diversion, probation, and reentry programs based on income. (7) Include jobs training in pretrial, diversion, probation, prison, and reentry programs. (8) Direct defendants, whose crime is driven by
mental health disabilities, into treatment, rather than the criminal system. (9) Ensure that diversion and treatment programs address homelessness and lack of jobs training in cases where those factors contributed to the defendant committing criminal conduct.

- What role, if any, should the repayment of fines, restitution, or court costs play in resolving of an individual’s criminal case?

Financial issues should be a factor in determining one’s ability to terminate probation or have an offense set aside only to the extent that there is evidence of a deliberate unwillingness to pay, never because of an inability to pay.

- Is the County Attorney the most appropriate office for handling offenses that are committed because of poverty or homelessness, such as many cases of trespass, theft of necessities, panhandling, drinking in public, or open container violations? If not, who might be the best public or private actor?

No. Arizona should save the money that is currently spent on prosecuting poverty-driven crimes and invest in creating an agency that provides housing, vocational training, and mental health and substance abuse treatment. States that have done this demonstrate how it is less expensive and exponentially more effective at curbing future crime, thus increasing public safety.

- How should county attorneys handle such offenses?

Until such time as a separate agency exists to deal with poverty-based non-serious offenses, the County Attorney should partner with other groups to create diversion programs that provide housing, vocational training and treatment.

Yes/No
- Will you adopt policies to assist individuals in resolving drivers’ license suspensions, and any resulting misdemeanor traffic offenses, originally imposed because of non-payment of fines or fees?
Yes.

- Will you decline to seek incarceration based upon a person’s failure to pay fines, fees, court costs, or restitution, including child support, unless there is clear and convincing evidence that the individual is able but willfully refuses to pay? **Absolutely.**

- Will you presumptively decline to prosecute misdemeanor offenses when they are the byproduct of an individual’s homelessness or poverty, such as public urination, open container violations, theft of necessities, and trespass?

  Yes, by diverting them to programs that offer the services that will produce long-term benefits to them and the community.

**#2: THE PROSECUTION AND SENTENCING OF JUVENILES**

*Established science has demonstrated that children’s brains are not fully developed until they reach the age of 25. As a result, juveniles possess a “lack of maturity and an underdeveloped sense of responsibility,” tend to be “more vulnerable or susceptible to negative influences and outside pressures, including peer pressure,” and are “more capable of change.” Yet, to support its efforts to maintain juvenile life without parole, the previous Maricopa County Attorney commissioned a report rejecting this science and arguing that the judgment and impulse control of teens is not “meaningfully different from adults.”*

**Short Answer**

- When, if ever, do you believe a child should be prosecuted in adult court? What factors are most important to that determination?

  Prosecutors must recognize that the portions of the brain dealing with impulse control and decision making are not fully developed until around 25. There are two primary factors: (1) Is there enough time for the juvenile court to ensure substantial efforts at rehabilitation? (2) Does the act committed and other information indicate a need to protect the community, such that intervention is necessary? In general, juveniles who commit delinquent acts should be dealt with in ways that eliminate harmful consequences lasting late into their lives. Adult
prosecutions of juveniles should be rare and only done where necessary to protect the community. In cases where charging as an adult is necessary to effectuate rehabilitation and/or to protect the community, special consideration should be given to programs that don’t have a permanent negative impact on the juvenile.

- Do you believe that criminal consequences currently imposed on children in Maricopa County are too lenient or too severe? If so, why?

Maricopa County’s juvenile system is much better than the adult system in fashioning consequences that are focused on the methods that work in rehabilitating people. However, there is still far too great a reliance on detention and imprisonment. Research shows that juveniles who serve time in custody are more likely to reoffend and less likely to graduate high school. Detention should only be used in juvenile court to protect an individual or community against specific threats of harm. It should not be used to punish the juvenile for technical violations of court or probation orders. Currently, juveniles in Maricopa County are detained for up to 90 days as they wait for funding to enter residential treatment centers. This is unacceptable. In terms of reducing crime, research has clearly established that the money invested in treatment will produce a much higher success rate than detention. Funding must be made available to expand residential treatment and detention should only be used in rare cases.

- Arizona law unilaterally affords county attorneys discretion to charge juveniles in adult court when a child is aged 14 or older for a wide range of felony offenses. How would you instruct your line attorneys to exercise that discretion?

Juveniles should only be prosecuted in adult court for serious victim crimes where the juvenile’s age prevents the juvenile court from having adequate time to rehabilitate the Juvenile, and there is sufficient evidence of identifiable risk to the community. When a juvenile is charged as an adult, policies should exist that reflect the greater weight given to rehabilitation as a desired outcome; which would call for higher priority for diversion programs and non-prison alternatives.
• Should a juvenile defendant ever be detained in custody pending trial or adjudicatory hearing? Under what circumstances?

Only where there is a specific risk of harm to an individual or persons that can’t be addressed by residential treatment programs.

• Do you think it is appropriate to seek a sentence of life in prison without parole for a person under the age of 25? Under the age of 18? Why or why not?

I am opposed to life sentences for juveniles. Since the part of the brain that controls decision making and impulse control does not fully develop until the age of 25 for most people, the presumptive rule should be that life sentences for those under 25 are automatically precluded in cases where they were not the principal actor in a premeditated first-degree murder case that involved deliberation and planning (felony murder and accomplice liability cases should generally be precluded). It is possible, however, that some first-degree murders were of such an extraordinarily gruesome and heinous nature that a life sentence should not be automatically removed from consideration. Regardless of the decision at the time of the case resolution, there should be legal processes in place to reevaluate the continuation of a life sentence down the road for these cases. Circumstances change. Young people change. Surviving victims change their mind about the appropriate consequences. Our system cannot be rigidly unresponsive to these facts.

• Can youth be an aggravating factor in a case? Under what circumstances?

Youth is not an aggravating factor in criminal conduct.

• The term “school-to-prison pipeline” often refers to the disproportionate tendency of minors and young adults from disadvantaged backgrounds to become incarcerated, because of increasingly harsh school disciplinary action and prosecutorial practices. Do you believe the “school-to-prison pipeline” is a problem in your jurisdiction? If so, what steps, if any, would you take to alleviate it?
Much like the criminal justice system, school discipline for decades has rested upon the notion that the best way to correct behavior was to punish people who misbehave. Unfortunately, in attempting to implement these policies, authorities have unwittingly removed the resources and incentives these “problem” students need to succeed. The result is a reinforcement of problematic behavior, rather than a deterrent of such behavior. This is a problem in the Maricopa County jurisdiction as it is in most. I would work with local and state education officials to ensure that juvenile behaviors that can be dealt with in school with data-driven approaches are done so, rather than pushing them into the juvenile court system. Simultaneously, I would work to bring a research-driven approach to juvenile court that is focused on productive outcomes, rather than simply punitive ones.

- Do you believe children should be prosecuted for curfew violations, school fights, and for truancy? Why or why not?

**No, absent the use of a deadly weapon or serious physical injury. These prosecutions are an absolute waste of taxpayer resources. Where parents and schools can address behavioral issues, there is no need to involve lawyers and judges.**

**Yes/No**
- Will you presumptively decline to prosecute school disciplinary matters where there is no use or threat of force resulting in serious physical harm?
  Yes.

- Will you commit to educating yourself and all members of your office who handle cases involving juveniles about the science relating to brain development and the many ways in which children are profoundly different from adults in their functioning, perception of risk and consequences, impulse control and ability to resist peer pressure?
  Yes.

- If you ever seek to transfer a juvenile to adult court, will you only do so in the rare case where there is clear and convincing proof that no substantial opportunity for the child’s rehabilitation exists in the juvenile system, and transfer is necessary to protect the physical safety of members of the community?
  Yes, as stated above.
Will you work with defense counsel and the Public Defender to identify reputable psychologists, developmental experts, and mental health professionals respected by all parties, and hire from that list of experts when the State requires psychological, competency or sanity evaluations in juvenile criminal cases?

Yes. Unfortunately, the previous administration has ignored the bulk of scientific research on brain development and gone to great lengths to find outlier research to support their own unfounded preconceptions. This is a dramatic disservice to everyone affected by the criminal justice system.

Will you consider, with an open mind, all mitigation materials discovered by or presented to your office in juvenile cases, including resentencings?

Yes. Resentencings will be a specific function of the Prosecution Integrity Unit that will review prior sentences that don’t comport with justice. The line prosecutors will be met with a culture that demands that mitigation materials are all to be thoroughly reviewed and considered.

Will you commit to never seek or defend a life sentence without parole eligibility for any juvenile, and to only seek a life sentence with parole eligibility in rare circumstances where the child has personally committed a premeditated first-degree murder characterized by significantly aggravated circumstances?

Yes, precisely as I outline above.

Where a juvenile commits a homicide, where circumstances warrant is it appropriate to charge him or her with an alternate offense, such as manslaughter or attempted murder, to avoid mandatory sentencing provisions requiring a life term?

Yes. In all cases where mandatory minimum sentencing laws prevent a just and productive outcome, prosecutors will be encouraged to exercise their discretion in withdrawing sentencing enhancement allegations.
Short Answer

- Do all people who have committed crimes have the capacity to change over time? If not all, how do you determine who does have that capacity? How does that belief influence your approach to sentencing?

I have a lot of faith in people’s ability to change. However, I believe there are neurological and social limitations that make change more difficult and even impossible for some. The impact on sentencing is twofold: (1) These factors should influence the way “moral culpability” for various offenses is assessed and should be taken into account to determine what is fair. (2) These factors should be considered in determining the proper rehabilitative measures to be employed and how harshly they should be treated for violations on probation. There should be extensive efforts to evaluate the prospect one has for rehabilitation in identifying a correct sentence, but given the inherent limitations of human beings to accurately predict the future, the County Attorney must encourage the state legislature to make appropriate changes to the law to allow for early release for demonstrated rehabilitation. The best indication of one’s ability to change is always the fact that they have proven they have.

- What should be the goal of diversion programs?

  To prevent future crimes by rehabilitating the offender.

- What are the biggest flaws in Maricopa County’s current diversion programs?

  1. They are not offered frequently enough.

  2. They are often designed by people seeking profits through government contracts, rather than behavioral experts focused on rehabilitation. As a result, they are not responsive to the individual needs of the people placed in diversion. For instance, some of my clients have had to continue testing for marijuana in the TASC diversion program, even though they obtained a medical marijuana card and could consume it legally. For those struggling with substance abuse disorder, TASC’s intervention is woefully inadequate. Diversion should not just be about reducing prison population. It should be about reducing crime. In some cases, this means that the programs...
require more intervention and resources to ensure rehabilitation than what is currently offered.

(3) Too often, diversion programs are only available to those who have the financial means to participate, which creates a two-tiered system of justice based on socioeconomic status.

(4) Similar to point 2, there are numerous underlying issues that are not traditionally addressed by the criminal justice system, but they are underlying contributors to criminal conduct. This includes when a person doesn’t have housing, transportation, or job skills to be productive. Diversion should include residential treatment and vocational training where providing those resources will assist a person in living a crime-free life. It should be outcome-oriented and include efforts to transition people from program reliance to self-reliance over time. The Drug Treatment Alternative to Prison program in Brooklyn, New York, is a good case study example upon which to model appropriate programs for Maricopa County. They use extensive intervention and it costs half of what incarceration does.

- Should diversion be limited to people with no criminal history or people charged with certain crimes? Why or why not?

  Of course not. Diversion should be offered when it provides the best opportunity to ensure the person becomes law-abiding and productive; and doing so doesn’t present a risk to public safety. There are some crimes that should make someone ineligible for diversion, such as violent crimes resulting in serious harm and child sex crimes, but generally cases should be evaluated individually. Diversion should be based on what WORKS to reduce crime, not tradition.

- In general, what role should someone’s prior convictions play in the resolution of a pending case?

  They should be a factor that helps the prosecutor determine the best outcome to protect the community, deter crime, and rehabilitate the person charged. It should NOT be such a large factor that it eclipses almost all other considerations, as is the current policy in Maricopa County. The use of mandatory minimum sentencing based on the
repetitive offender statutes in Arizona is responsible for more injustice in the system than almost any other phenomenon.

- When, if ever, is it appropriate to seek a “repetitive offender” enhancement or habitual offender sentencing?

When doing so provides the best means for protecting the community. Because lengthy prison sentences statistically increase the likelihood that one will reoffend when they are released, it would be wiser to reduce prison sentences and invest the savings in a longer, more robust community supervision program that was designed to help those released succeed, rather than merely catch them when they fail.

  ○ When, if ever, is it appropriate to allege so-called “Hannah priors,” the practice of using offenses in the same indictment — even if they occurred hours apart, and even if the person has never before been convicted of a crime — to obtain a repetitive offender enhancement?

Hannah priors should be limited to cases where a person victimizes multiple people over several different occasions. Even then, it should not result in a rigid plea policy that dictates prison, nor should it be alleged after every trial where it can be alleged. Prosecutors should be given discretion to focus on intelligent and just results, rather than always seeking the harshest punishment the law allows. Hannah priors should never be used in cases of law enforcement inducing a drug user to sell small quantities to support their habit on multiple occasions.

- What role, if any, do you believe a prosecutor should play in advocating for parole?

The Prosecution Integrity Unit should evaluate parole cases and make recommendations for parole when appropriate. The primary factor should be whether there exists a history of transformation in custody and structures in place that provide for continued transformation and community safety upon release.
Yes/No

- Will you expand the use of diversion programs by making pre-plea diversion available to individuals with prior arrests and convictions? **Yes.**

- Will you publicly support efforts to make expungement more broadly available and easier to seek?

  Yes. Arizona currently does not allow expungement for any person convicted of a crime. It is unacceptable that those who have paid their debt to society and proven their rehabilitation continue to be punished indefinitely for isolated choices of their past. In fact, certain offenses are of such a nature that expungement should be automatic after the passage of a certain amount of time during which the convicted person has been law-abiding.

- Will you adopt a policy in which your office will presumptively not file any multiple bill or seek habitual offender sentencing, but instead only pursue enhanced penalties when a supervisor determines that the statutory ranges are demonstrably insufficient to protect other persons in the community from physical harm?

  Yes, where a person is charged with offenses that are prison mandatory only by virtue of the habitual offender statutes, the general policy will be for non-prison alternatives—absent evidence that community safety concerns dictate prison. Where prison is warranted, but repetitive offender statutes would result in an unjust outcome, the policy will require prosecutors to dismiss allegations of sentencing enhancers so as to effectuate a just outcome.

- Will you publicly support legislation that repeals Arizona’s strict time served laws, which require individuals to serve 85% of all prison sentences regardless of their behavior and readiness for release, so that rehabilitated individuals can earn early release from prison?

  Yes. Research supports the notion that a portion of money spent on prison could be more effectively spent on reentry programs that help released inmates integrate successfully back into society. By reducing prison sentences and increasing community supervision time, we can...
save hundreds of millions of dollars that could be used to sustain more effective reentry programs for those on community supervision.

- Will you develop policies so that prosecutors can advocate for parole eligibility for those who have shown promise while incarcerated and can be safely released?
  Yes.

#4: TRANSPARENCY AND ACCOUNTABILITY TO THE COMMUNITY

Engage with the Community You Represent

*Providing the community with information about arrest rates, charging decisions, and sentencing policies helps build and maintain trust between the office and the community it serves.*

**Short Answer**

- How do you intend to ensure the community can hold you accountable for fulfilling your campaign promises?

  I believe that the misconceptions regarding our criminal justice system (that have prevailed for many years in Maricopa County) have done so because politicians have failed to be transparent and forthright about what their office does. I will commit to transparency regarding the policies and decisions made in this office.

- What information do you believe community members should have regarding office policies, practices, and outcomes? What, if anything, should be kept confidential?

  Information should be publicly available unless it unreasonably invades the privacy of an individual without serving the public interest or creates a safety risk for individuals. Transparency should be the default.

**Yes/No**

- Will you track and regularly publish office data—the number and types of misdemeanor and felony cases filed each month, disposition statistics, pretrial incarceration rates and lengths of stay by offense category, and average bond for
each class of offense—so that the community can determine the need for reform and the effectiveness of new policies? **Yes.**

- Will you track racial information at all steps of the prosecution process and publicly report any significant racial disparities that arise? **Yes.**

- Will you build a staff that reflects the diversity of the community the office serves? **Yes.**

- Will you conduct open sessions with the community at least once every month and create other public channels for community members and organizations to engage with the office? **Yes.**

**Public Integrity Prosecutions**

2018 saw the highest number of officer-involved shootings ever recorded in Phoenix, and in 2019 several incidents revealed racist or violent tendencies of some Phoenix police officers. Mayor Kate Gallego and Police Chief Jeri Williamson have pledged greater accountability and transparency for the police department, and have even fired officers at the center of the controversies. County attorneys must be committed to independently investigating and prosecuting all persons engaged in criminal activity, including police.

**Short Answer**

- What is the most effective way to address officer-involved shootings and officer misconduct?

  Prosecutors and police agencies should share the goal of public safety without losing their independence from one another. This is easier said than done. In order to ensure a fair review of allegations of officer misconduct, I believe a review board must reflect diversity of thought by including civilians not tied to prosecuting or law enforcement agencies. I would establish a special unit to review allegations of officer misconduct that includes career prosecutors who have no career or personal connections to the agencies involved, as well as attorneys from non-prosecutorial backgrounds to advocate on behalf of the communities that are impacted by officer misconduct.

- What prosecutors or prosecuting authority should investigate and prosecute these types of cases?
As stated above, the unit that reviews these decisions must have independence. Prosecutorial experience is important to these decisions, but career prosecutors who make these decisions must come from jurisdictions that do not have personal ties or career ties with local agencies involved. There should be a unit review that also includes special prosecutors who are not career prosecutors, but who represent communities affected by police misconduct.

Yes/No
- Will you develop clear procedures and staff responsibilities for responding to officer-involved shootings, including a robust investigatory protocol and an independent investigatory team that has no regular contact with the law enforcement agency in question? Yes.

- Will you authorize release of body-cam recordings, dash-cam recordings, and audio or video surveillance related to police-involved shootings within 30 days of any incident? Yes.

- Will you commit to a full investigation of any allegation involving police corruption or illegal activity? Yes.

- Will you provide defense counsel with a list of law enforcement officials who are currently under investigation or who have committed misconduct in the course of their duties?

Yes. A bill was recently introduced in the Arizona legislature seeking to prevent officers from being added to the Brady list until they have exhausted an appeal in their case. While I support providing officers the opportunity to appeal these decisions, I do not support efforts to delay the disclosure of those cases.

Conviction Integrity Policies
Law enforcement officials and county attorneys will inevitably make mistakes. The consequences of wrongful convictions are manifold: the innocent person spends years in prison for a crime they did not commit, justice continues to elude the victim's family, and the public's confidence in the criminal justice system is undermined. To date, there
have been more than 2,000 exonerations in the United States, including only 23 in Arizona since 1989, and that only represents the cases that are known.

Short Answer

● If your office were presented with newly-discovered evidence suggesting innocence, who should investigate it? What involvement should the original prosecutor, if he or she is still working at the office, have in the case?

This is the purpose behind the Prosecution Integrity Unit I intend to create. The original prosecutor should be allowed to address the unit in responding to questions or concerns they have. The original prosecutor should not ultimately have decision-making power on the final outcome because it is challenging for all of us to be objective when facing the possibility that you were responsible for penalizing an innocent person. The Unit would consist of prosecutors, defense attorneys and potentially other civilians. They would have investigators to assist in collecting information.

● Do you believe there are any problems created by relying on informant testimony to obtain a conviction? What are they?

Informants have an unmistakable motive to lie for personal benefit. Paid informants have motive to induce criminal activity for personal benefit.

● If there can be problems with informant testimony, under what circumstances do you believe it is appropriate to rely upon it?

It shouldn’t be a hard rule that informant testimony is never used, but there should be some independent evidence to support their statements and prosecutors should bear a special responsibility to disclose any conceivable grounds for dishonesty (or vested interests).
• What types of forensic evidence do you believe are sufficiently reliable to support a conviction? Are there any types of forensic evidence that should be excluded from a trial? What factors influence these determinations?

DNA evidence, photography, video and a lot of forms of computer data are sufficiently reliable types of forensic evidence as to alleviate the concerns that accompany almost everything else. Bite mark and hair follicle evidence should be inadmissible because its reliability has been categorically refuted. Shaken baby syndrome, eye-witness testimony, and countless other common types of evidence are far less reliable than juries have traditionally been led to believe. The requirements of the Supreme Court case “Daubert” are theoretically correct. An opinion should only be allowed when supported by a general consensus in the scientific community, documented in peer-reviewed studies with a known error rate. Seems simple. The problem is that this concept is not really followed in practice.

Countless times evidence is introduced because it is the product of a specific person’s “training and experience.” This phrase has come to represent a huge loophole in the admissibility requirements of opinion evidence. Too often judges admit opinions because an expert has a lot of experience, rather than judging the reliability of the content they are testifying about. Ironically, there are many times when a person’s training and experience makes their opinion on a specific matter LESS reliable, not more. For instance, an officer may have extensive training on witness identifications, but if that training wasn’t grounded in sound research, it’s likely their opinion will be inaccurate. There needs to be a concerted effort to standardize instructions for juries that is based on generalized scientific principles, rather than relying on the persuasive abilities of any one witness in court on the matter. For example, a case involving allegations of shaken-baby syndrome should include a jury instruction that accurately states the prevalence of mistaken diagnoses of shaken baby syndrome, or else the evidence should not be allowed at all.

• Will you take steps to ensure your line prosecutors disclose information that is helpful to the defense? If so, what will you do specifically? How will the scope of disclosure be defined?
As a prosecutor in that office, I was admonished by leadership not to record discussions about the case with certain witnesses because those discussions would then have to be disclosed to the defense. The culture of the office needs to serve as a constant reminder that prosecutors are ministers of justice, not contestants in a competition. Disclose everything except the biographical information of the victims that is protected by the Arizona Victims Bill of Rights. Prosecutors shouldn’t be focused on gaining tactical advantages to win cases. They should be focused on ensuring the right people are held accountable for their actions in a just and fair way with the goal of improving public safety.

Yes/No

- Will you establish and fully staff a Conviction Integrity Unit (CIU) that examines post-conviction cases to identify and correct wrongful prosecutions?

  Yes, and to review sentences of those who were rightfully convicted but were punished in a manner that doesn’t comport with justice.

- Will the CIU remain separate from the office’s appellate division and trial prosecution teams, to ensure that people who are considering undoing a conviction are kept separate from those who traditionally seek to obtain or uphold one?

  Yes, the decision makers would include prosecutors--who did not work with the attorneys who prosecuted the cases--and attorneys who do not come from a prosecutorial background.

- Will you prohibit staff from relying on discredited scientific techniques, such as bitemark analysis, burn patterns, and hair strand matching? Yes, see above.

- Will you conduct regular *Brady* trainings, require assistant state attorneys to turn over all evidence that arguably falls within the *Brady* rule, and discipline assistant county attorneys who fail to comply with their *Brady* obligations? Yes.

#5: ADDRESSING ADDICTION
Years of experience with ineffective drug laws and the latest medical research on addiction suggest that treating problematic drug use as a public health issue, as opposed to a criminal justice issue, is a more effective approach to reducing harm. County attorneys should adopt policies or engage in actions to reduce the number of people in jails and prisons for drug-related offenses.

**Short Answer**

- Do you think the criminal justice system is the appropriate place to address substance use disorders?

Not as it exists today. Research suggests that some of the primary drivers of substance abuse are the lack of meaningful human connections and a deep sense of purpose. Drug possession is the most serious charge for over 20% of Arizona inmates in prison, yet prison removes people from those who love and support them and makes it more difficult to live with purpose and meaning. It socializes them in a stressful environment with other people who are struggling, often violent, and similarly untreated. Prison is undeniably an abject failure in treating substance abuse.

That is why I will NOT send people to prison for drug possession. Arizona wastes over $200 million each year incarcerating people for drug possession, when a fraction of that amount would support effective treatment alternatives that produce exponentially better results. Even when prison is not involved, drug offenders are typically met with a stigmatizing felony conviction that hinders their pursuit of meaningful work, which in turn makes it more difficult to develop a sense of meaning and purpose and creates financial barriers to success. To the extent that the criminal justice system responds to substance abuse disorders, its primary function should be to help, not to punish. Drug possession should presumptively be dealt with through diversion programs that include intensive and comprehensive treatment, including residential treatment centers where appropriate.

- Do you believe prosecuting addicted persons increases or decreases their likelihood of recovery? Why?
In Maricopa County it decreases their likelihood of recovery because it frequently results in prison, which (1) locks them in a cage, which communicates firmly to the person they are incapable of making decisions on their own that lead them to sobriety, (2) removes them from anyone in their life that loves them and would be interested in helping them find sobriety, (3) socializes them in a stressful, violent environment where they are often exposed to many criminal elements they never knew about before prison, (4) makes it incredibly difficult to find meaningful work upon their return to society, and (5) provides as much access to drugs as they had on the outside anyway.

It has been reported that over 70% of Arizona prison inmates report substance abuse problems, but less than 3% are receiving treatment in prison. Even probation does little to serve those suffering to find recovery because funding is prioritized for prison. As a result, very little programs are used in probation that are adequate to deal with substance abuse disorders. Studies indicate that the best option is residential treatment coupled with one-on-one counseling, group counseling, and vocational/jobs training. This has been implemented in New York at 50% the cost of prison and has produced dramatically better results.

- Do you think the “war on drugs” has been effective? Why or why not? If yes, in what ways?

The War on Drugs has been a complete failure. It has not reduced drug use or abuse. It has been consistently marked with violence that has been unending and horrific. It has been based upon outdated and discredited research on what drives drug abuse and what works to treat it. As a result, it has offered a “solution” that has only proved to deepen the problem of substance abuse.

- What do you believe is the most effective way, if any, for county attorneys to address drug-related offenses?

Absent any indication of a deep-seated substance abuse problem, diversion that includes limited therapy and drug testing should be used. When there are indicators of a substance abuse problem, they
should be placed in residential treatment, provided one-on-one counseling and group therapy as well as vocational training. This is more robust than any probation program currently offered, but half as expensive as prison.

- What punishment, if any, is appropriate for offenses involving the possession or purchase of drugs? What type of resolution would you most prefer?

When there is no evidence of a substance dependency, non-invasive diversion programs are appropriate. Where there is evidence of dependency, the residential treatment option outlined above is the most effective program of which I am aware. It should be done as part of a diversion program that prevents a felony conviction so long-term employment prospects are not undermined.

- If treatment is offered in lieu of incarceration, should failed efforts at recovery or relapse trigger incarcerative sentences in the future?

Unfortunately, my clients have confirmed over and over again that drugs are available in the jails. If that were not the case, I think incarceration could be appropriate for short stints for a short period to ensure sobriety prior to returning to treatment. To the extent that drugs are available in jail, it seems that remaining in treatment is likely always going to be a better option than removing them from treatment to jail.

I see no valid justification for a lengthy period of incarceration on drug possession offenses, no matter how many times a person fails. When an involuntary commitment is necessary to prevent serious risk of self-harm, a short period of commitment may be helpful. Substance abuse is a health problem. It should be treated, not stigmatized, and not exacerbated by consequences that don’t help. Where substance abuse leads to other crimes, those crimes should be dealt with appropriately, but we should not be painting all drug possessors with the same broad brush and incarcerate them based on fear of future unrealized crimes.

- Do you believe seeking an incarcerative sentence is an appropriate response to drug sales? Why or why not?
It depends on the case. I do believe it is appropriate to incarcerate those who prey on the vulnerabilities of others intentionally and deliberately by seeking to profit off those vulnerabilities, including pharmaceutical executives who intentionally push the over-prescription of addictive drugs. I do not believe incarceration is appropriate for those with substance abuse disorders who sell small amounts to support their habit.

- Arizona law ties severity of charge to the amount of controlled substances involved in an offense. Do you believe the quantity of drugs involved or seized is an appropriate proxy for a person’s danger to the community or role in a drug organization or distribution network?

It can be a useful fact, but it is not an adequate proxy by itself. I have seen many cases where a person who is desperate for money is offered an opportunity to make money simply by driving a package from one location to another. They do not know the person who is selling or buying the drugs, nor do they know the quantity of drugs being transported. A full consideration of the facts of the case should be employed in determining the extent of one’s role in a drug organization.

- Do you believe that evidence of a minor or insignificant role (such as a courier or mule) should be considered in determining whether to pursue increased charges based on the quantity of controlled substances recovered? Yes.

Yes/No
- Will you presumptively decline to prosecute marijuana-related offenses?

Yes, except those creating a risk to public safety, such as DUIs, or those resulting in actual harm, such as child abuse arising out of irresponsible consumption of marijuana while caring for a child.

- Will you proactively vacate and expunge past marijuana convictions? Yes.

- Will you publicly support legislation to legalize marijuana? Yes.
• Where dismissal is not possible, will you expand cite-and-release and diversion programs for drug offenses, including drug possession, possession of drug paraphernalia, and distribution of drugs?
  Yes.

• Will you refrain from charging defendants with possession with intent to distribute a controlled substance based solely on drug quantity or packaging?

  Yes, the statutory thresholds for sale are too low to rule out possession without intent to distribute. These cases will be determined on a case by case basis that looks at realistic evidence of intent.

• Will you primarily seek non-incarcerative sentences for defendants charged with simple possession, possession with intent to distribute, and street-level sale?

  Yes, where it appears they were not significant players in a drug selling organization or where sales appear to be small-scale transactions driven by feeding a substance abuse disorder.

Responses to the Opioid Crisis

The opioid crisis claims tens of thousands of lives every year and has shown few signs of abating. County attorneys can play an important role in limiting the harm caused by this epidemic.

Short Answer

• Do you believe sellers of opioids should be treated differently or more harshly than sellers of other types of controlled substances? Why or why not?

  I am wary of attempts to carve out different consequences for one illicit drug over another. This thinking has led to the dramatically disparate treatment of black communities in federal courts by imposing substantially harsher consequences for drugs used in those communities. The result has been the unnecessary dismantling of black families, which hurts, rather than helps those communities. Arizona attempted to stem methamphetamine use with harsher mandatory minimums for sellers and users, without any proof that
those laws have been effective at reducing methamphetamine use. The harm of an individual’s conduct on the community should be evaluated on a case by case basis, and not by removing discretion of people evaluating those cases. The consequences should be focused primarily on creating the desired outcome of increased community safety, which oftentimes does not mean a harsher sentence, even in cases of drugs that are more dangerous.

- Because of the potential danger of opioids, especially fentanyl, are there circumstances in which you believe that users of opioids should be incarcerated for their own protection?

I represented a man who overdosed on Fentanyl while in Maricopa County custody. Unfortunately, until the jail figures out how to keep drugs out of their facilities, this will not be an adequate solution. My experience suggests that the only real solution to substance abuse is to resolve the underlying causal issues. Efforts to control the external environment only work temporarily. I do believe that a period of involuntary commitment to a secure facility can be helpful for short periods of time to achieve a starting point of sobriety. However, unless we can guarantee that individuals do not access drugs in those facilities, no effort will be successful that isn’t primarily focused on addressing the drivers of substance abuse, which is why treatment should always be the front line of defense for substance abuse crimes.

- Do you believe that opioid addiction is more difficult to overcome, and therefore requires more aggressive treatment interventions, than other forms of addiction?

I believe there are common causes and cures for substance abuse disorders, as well as other forms of addiction. While I do believe some drugs have a more profound impact when abused, I believe the strength of the disorder is based primarily upon the depth of the psychological issues causing the addictive behavior, not the strength of the drug. The severity of the impact of a particular drug on one’s life and the lives of those they interact with is really what should drive
the aggressiveness of the treatment, not the particular drug that is causing problems.

Yes/No

- Will you adopt a policy stating that drug overdoses will not be prosecuted as homicides, except when there is sufficient evidence that the person purposefully caused the other's death?
  Yes.

- Will you publicly support the creation of supervised injection sites?

  Yes. Again, the goal is to reduce the harm to communities from drug abuse. Supervised sites improve the chances of moving people suffering from substance abuse disorder into treatment, and therefore serve the overall objectives of reducing harm.

- Will you adopt a Good Samaritan policy stating that individuals who call emergency services in response to an overdose or to seek treatment for addiction will not be prosecuted?

  Absent evidence of purposefully causing death, yes.

- Will you decline to file drug possession charges against any person who is found with controlled substances because he or she sought help for an overdose or addiction from a law enforcement officer or treatment provider?
  Yes.

#6: PUNISHMENT AND PUBLIC SAFETY

When is punishment productive or necessary?

Research reveals that, for minor offenses, prosecution and punishment decreases rather than increases public safety. Even misdemeanor convictions, short jail terms, or brief probationary sentences can weaken social ties, cause job or housing losses, and interfere with prosocial activities, which are critical to preventing recidivism. These effects, therefore, actually increase the likelihood that the individual will commit future offenses.
Short Answer

- How should a county attorney respond to evidence showing that prosecuting and punishing individuals for minor offenses does not reduce offending among the public and actually increases, rather than decreases, the likelihood of reoffending among those prosecuted?

I think it is time that we focus on reducing crime and improving community safety as our highest aim. Where prosecution policies are undermining that objective, I am committed to changing them, either by changing the way they are prosecuted, or reducing the number of offenses that result in prosecution.

- Criminal justice policy is often driven by the moral commitment to punishment, rather than evidence of its efficacy. Do you believe prosecutors should adopt evidence-based practices? What if those practices diverge dramatically from a policy grounded in just-desserts or retribution?

Effective policies DO often diverge dramatically from serving the interests of just-desserts or retribution. I believe citizens across the political spectrum desire a society that has lower crime. They want to see less people victimized and harmed. And the public wants to see more people, who have wandered off the path of a healthy life, restored to a place of health and productivity. For decades we have watched politicians prioritize personal advancement over truth and fairness. They have extorted our deepest fears by parading extraordinary and sensational stories before us to prop up unfair stereotypes and spread false narratives. This has been the undercurrent of the “tough-on-crime” wave that started in the 1970s and led to the United States having the highest incarceration rate in the world. People and groups of all political persuasions have awakened to the fact that this was a ploy for politicians to acquire and keep power. The voting public and tax payers realize that we are better than this. I believe our society has evolved to understand that evidence-driven solutions work better. The highest aim of the criminal justice system should be to produce a safer, happier society, not simply to punish or throw stones of retribution.
• How would you respond to research demonstrating that existing punitive policies, in spite of their public appeal, are actually decreasing rather than increasing public safety?

I have responded to that research by changing my own mind and heart when it comes to punitive policies. I once believed that many of the policies in the criminal justice system worked better than they do. I have awakened many friends and associates to the reality that we have been undermining public safety through the use of misguided punitive policies that falsely claimed to improve it. The public appeal of errant policies is diminishing. I am campaigning to be part of the solution. I want to educate my fellow citizens, who are unfamiliar with current criminal justice research—but realize the system is broken, and repair the system. The best way to accomplish this is to fashion consequences that are rooted in sound research and show their effectiveness at reducing crime and community harm.

• What role should the moral commitment to punishment play in deciding which offenses to prosecute and what sentences to seek? Is it different for different types of offenses?

Prosecution should be designed wholly for the safety and enrichment of the community. To the extent moral commitment to punishment plays a role, it should never undermine the primary goal of a better, safer, happier society. Prosecutors should make attempts at restorative justice, whereby they seek the healing of victims, not simply vengeance. Prosecutors traditionally seek revenge as a proxy for justice. Unfortunately, this approach has often served only to prolong the suffering of victims.

• Do you believe the county attorney has an obligation or duty to prosecute offenses and offer probationary plea agreements whenever crime victims have suffered monetary losses supporting a restitution order? Are there any other adequate means through which that money could be collected?

Ensuring a fair and just outcome that improves community safety is always the paramount obligation of the prosecutor. Restitution should not preempt that objective, but should be a part of what
dictates the appropriate charging decision and plea. Even probation often undermines the ability for someone to pay restitution to their victim because the felony conviction results in lost jobs and opportunities for employment. Where diversion can adequately protect the community, it should be the preferred method of imposing consequences so that victims have a greater chance at being made whole. The offsetting tax savings of reducing prison sentences should be used, in part, to supplement the victims’ compensation fund to further ensure that victims are made whole.

Yes/No
- Will you presumptively decline to prosecute low-level misdemeanors, where evidence shows prosecution actually decreases, rather than increases, public safety?

  Yes, unless evidence supports modified prosecution policies that have the effect of reducing those crimes. I am committed to crafting consequences that improve public safety and removing consequences that decrease public safety. That may mean refusing to prosecute certain cases, or modifying the way they are prosecuted and/or sentenced, such as offering diversion.

- Will the existence of monetary losses conclusively determine whether an offense is prosecuted or whether a certain penalty is sought? No.

- Will you presumptively decline to prosecute prostitution-related offenses and publicly support the decriminalization of sex work?

  Sex work does pose potential public health risks that cannot be ignored. However, I believe that decriminalization can be more effective than prosecution at addressing these issues. I would support efforts to decriminalize sex work, so long as structures are put into place to deal with the related public health issues. The criminal justice system can still play a role in dealing with sex trafficking and the exploitation of the vulnerable through profit schemes. Until those structures are in place, I would presumptively deal with misdemeanor prostitution offenses through diversion programs. I am open to working toward solutions for sex-trafficking that don’t include prosecution, but there would first need to be an adequate social structure in place to properly deal with human trafficking and
public health concerns prior to decriminalization. I will stridently support modifications to laws when research convincingly establishes that the changes will result in less violence against women, less trafficking, and improved public health.

- Where declination is not possible or appropriate, will you establish and offer expansive pre-charge or pre-plea diversion programs for misdemeanor offenses?

Yes, diversion will be available for misdemeanor offenses involving prostitution.

**Restraint in Charging and Fair Plea Bargaining**

*County attorneys have nearly unchecked authority to set priorities and choose the criminal charges they file, with enormous leverage over guilty pleas and the final disposition of cases.*

**Short Answer**

- By law, county attorneys are permitted to file charges when there is probable cause to believe an individual has committed a crime. Do you believe this is the proper standard for filing? If not, what standard would you have your office utilize instead (i.e., evidence to support proof beyond a reasonable doubt)?

Charges shall be filed when lawfully obtained evidence is sufficient to establish proof of guilt beyond a reasonable doubt and where the interests of justice warrant the charges.

- In filing charges, in what light should county attorneys view evidence? In the light most favorable to the State? The defense? Another standard? How would the choice affect charging outcomes?

**In charging, prosecutors should do their best to view evidence objectively as a minister of justice, not as an advocate for any particular outcome.**

- Should a county attorney ever consider filing lesser charges than the evidence clearly supports because of circumstances unique to a particular defendant, such as mitigating information, lack of prior or recent criminal history, etc.? Why or why not?
Yes. It is impossible for legislators to envision every scenario that will be implicated by the broad sweeping criminal statutes they pass. Prosecutors must exercise discretion in recognizing certain circumstances that appear to fall outside the umbrella of acts the legislature intended to include in crime definitions.

- Would you consider declining to file or pursue charges where particular law enforcement practices (like equipment stops, for example) or arrests lead to significant racial disparities? Why or why not?

Yes, where law enforcement policies have the effect of creating or exacerbating unfair and disparate treatment based on race, I will implement policies to address those practices, including declining charges where appropriate.

Yes/No

- Will you commit to only charging offenses where they are clearly supported by sufficient evidence to prove the defendant’s guilt beyond a reasonable doubt on each charge? Yes.

- Will you establish a policy against increasing or threatening to increase the number or severity of charges in order to secure more favorable plea dispositions or other waivers of rights? Yes.

- Will you commit to never conditioning plea offers on the pursuit of pretrial motions to suppress premised on potential constitutional violations? Yes.

- Will you limit the impact of the “trial tax” to the extent possible by only pegging a sentence to what is appropriate to protect public safety, and not to a sentence intended to punish a person for going to trial?

Yes. Prosecutors will have discretion to dismiss sentencing enhancement allegations when pursuing them would result in an unjust outcome.

- Will you commit to considering mitigating circumstances in each case and filing reduced charges when appropriate? Yes.

Lengthy Prison Sentences
Research reveals that extremely lengthy prison sentences do not promote public safety. They do nothing to deter criminal conduct; even for those who have committed acts of violence, they often incapacitate people for much longer than necessary to prevent future danger, and they break down familial ties and other social bonds that hinder an individual’s ability to rebuild his or her life once released.

Short Answer

- What factors should a prosecutor consider in determining an appropriate sentence in a given case?

  The immediate need for public safety and the effectiveness of the proposed sentence in reducing the risk of future crime.

- What role should retribution play in determining the length of incarcerative sentences? Is it different for different types of offenses?

  In cases of severe harm, retribution should play some role, but should be considered against risks to public safety and rehabilitation created by overly rigid and harsh sentences.

- Do you believe the sentences imposed in Maricopa County currently are too long, too short, or fair? Is it different for different types of offenses? Or certain people?

Maricopa County sentences people to terms that far exceed the national average without any correlated improvement in public safety or reduction in crime. Maricopa County is responsible for a very large portion of all prison sentences in Arizona, which collectively costs the taxpayers over $1 BILLION each year. Since 2000, Maricopa County has increased the number of first time, non-violent offenders sent to prison by 142%. The average length of sentence for nearly ALL crimes has increased significantly in that timeframe, even though the crime rate and the severity of crimes committed has been steadily declining both here and in jurisdictions that impose less severe sanctions. The average length of prison sentence for someone sentenced for possession of drugs in Arizona is over 3 years, and that is more than double the national average.

In fact, Arizona sentences people to prison for possession of Marijuana for a length of time that is almost as long as the national average for ALL DRUGS combined. In Maricopa County, the standard
plea offer for a chronic drug offender is SIX years, even if that person has NO victim crimes in their history. Arizona has the 4th highest incarceration rate in the country that has the highest incarceration rate in the entire world. Texas, Georgia, Utah, Louisiana, Michigan and countless other states have decreased their prison population by reducing prison sentences and increasing treatment and training. In fact, 32 states have decreased their prison population and their crime rate at the same time in the past decade. The data is clear. YES! Maricopa County sentences are too long and impose a threat to public safety and unjustified strain on the taxpayer.

- If you believe that the sentences currently sought should be either shortened or lengthened, how would you implement those changes once in office?

The ideal criminal justice system requires a joint effort between prosecutors and other governing bodies, because to replace prison with more effective methods, funding needs to be reallocated from prisons to other programs. I would work tirelessly to educate the legislature and governor on items where research suggests more intelligent options and request for those funding changes. Thankfully, legislators showed in 2018 that there is significant interest in making intelligent reforms. With a head prosecutor in Arizona’s largest county, who is an ally for common-sense reforms--instead of an impediment, I’m confident that effective changes will be made. (1) The current policy mandating prison for repeat drug offenders would be replaced with robust treatment intervention programs. I will not send people to prison for simple drug possession. (2) The current policies that require certain repeat offenders to plead to the highest charge with the most severe penalty would be removed. (3) So called “fast-track” plea policies that force defendants to accept pleas without the opportunity to prepare an adequate defense would be discontinued. (4) Prosecutors would be given discretion to remove the “trial tax” when imposing it would result in an unjust outcome. (5) Plea and diversion offers would be based upon fair and intelligent outcomes, rather than mandatory minimum sentencing laws.

Yes/No
• Will you commit to not seeking incarcerative sentences longer than 15 years, unless there is clear evidence that public safety, rather than retributive concerns, requires it? **Yes.**

• Do you commit to reviewing sentencing data, determining what offenses and practices are disproportionately driving incarceration, and then implementing plea guidelines in your office to address areas of concern? **Yes. I have already identified key areas where changes can be made.**

• Will you publicly oppose any proposed legislation that would create new mandatory minimum sentences, lengthen existing minimum sentences, or restrict parole eligibility and support legislation aiming to reduce minimum sentences and increase opportunities for parole? **Yes.**

**Mass Probation**

Probation is a significant contributor to mass incarceration. Though it was originally intended to serve as an alternative to incarceration to help people stay in their communities while they engaged in rehabilitative interventions, it has transformed into a system geared towards surveillance. Probation has also skyrocketed since 1980: more people are being supervised, and they are being supervised for longer periods of time. Prison admissions because of probation violations have similarly ballooned.

**Short Answer**

• In your opinion, what should the purpose of probation be?

  **To assist people to become law-abiding and productive.**

• Do you believe the surveillance function of probation is important (i.e., requirements regarding reporting, curfews, consuming alcohol, obtaining permission to move or travel, limits on who probationers may associate with, etc.)? Why or why not?

  **Yes. I think that surveillance can be an effective tool in rehabilitation because accountability is often a key function of change. The problem is not surveillance. The problem is when surveillance is used only as a tool to discover violations, instead of a tool to educate the probation officer on what efforts need to be implemented to help the probationer or to protect the community. Instead using surveillance**
like carrots and sticks (the wrong tool in this case). I will use it as a flashlight to monitor and show the way, as it was intended. Probation will be more effective when officers invest in the success of their probationers and are given the resources to help probationers succeed. Successful change typically occurs after multiple failed attempts. When such failures do not present a direct threat to public safety, the proper response is refining the resources used to encourage success. Incarceration should only be the result when a violation provides evidence of harm to the community or there is reason to believe that a period of brief incarceration will effectively motivate concerted effort at rehabilitation.

• Is probation a form of “second chance” that a person should be penalized for squandering or wasting?

No. Most change requires much more than just a second chance, and probation should reflect that reality. Probation should be a rehabilitation machine that needs continual maintenance and modifications until it reaches optimal effectiveness, measured by rehabilitated probationers.

• How should courts address technical (non-criminal) violations of probation?

Not with prison. Probationers should not go to prison for technical violations where no new crime has been committed. Courts should impose a less severe consequence that doesn’t interfere with other functions driving success, like work and treatment.

• Do technical violations demonstrate that a person is incapable or unwilling to rehabilitate?

Not usually. Many times they are a reflection of the fact that change is hard and requires persistence and renewed effort, notwithstanding setbacks.
• Under what circumstances should a term of probation be revoked and an incarcerative sentence imposed?

Only when new crimes have been committed, and there is clear evidence that a threat to community safety has developed by the person being released. It is possible that a brief period of jail can be imposed as a consequence if there is compelling evidence that doing so would spark positive change. The length of prison sentences that are required by revoking probation are uniformly too long to serve this purpose. Where non-incarcerative options exist to serve that same purpose, those should be imposed in lieu of incarceration.

• Is it ever appropriate to hold in jail someone who has been accused of a violation or is otherwise on a probation detainer? If so, when and why? If not, what changes would you advocate?

The hardline rule that currently exists is that most people on probation will be held without bail anytime a new felony is charged. This is a mistake, in large part because they are still presumed innocent of the new charge. Release conditions for probationers accused of new offenses should be held to the same standard as all other circumstances: Is there sufficient evidence to establish that a flight risk or specific safety concern exists, and what is the least-intrusive restriction that will address those concerns?

Yes/No

• Will you commit to only seeking probation where it serves a rehabilitative goal focused on a specific need of the individual?

Yes. In many cases, diversion will better serve that purpose and will be offered when that is the case.

• Will you request and offer limited probation conditions in each case and seek only conditions that relate directly to the rehabilitative goal of the supervision?

Yes. It’s shocking that this isn’t the standard already. We should only be doing things that serve to further the outcomes we are seeking.
Will you establish a policy limiting the length of most probation terms to 6 months for misdemeanors and 1 year for felonies?

So long as there is no apparent need for extended supervision, yes. I believe that limited probation terms will be appropriate for a vast number of offenses, but my plan is to improve the effectiveness of probation and use it in lieu of prison for many defendants currently receiving prison. In light of that fact, it may be appropriate to have longer supervision terms for some of those offenders. As I have pointed out in previous answers, positive change sometimes takes time. I believe that cases need to be evaluated by taking into account the specific circumstances of each case. The length of the probation term sought will match the needs of the person and the community.

Will you liberally offer early termination at sentencing, and support probationer requests for discretionary early termination, when the rehabilitative goal of probation has been fulfilled?
Yes.

Will you employ alternative sanctions for technical violations of probation, such as community service hours, additional treatment interventions, or temporary curfews, instead of seeking imprisonment time?
Absolutely.

Will you commit to seeking probation revocation only when the individual has committed a new felony offense or has continuously and willfully evaded supervision?
Yes.

Will you publicly support legislation to limit incarcerative responses to technical violations of probation?
Yes.

#7: IMMIGRATION CONSIDERATIONS

Over the last few years, federal enforcement of immigration law has become increasingly strict. ICE policies not only allow for deportation because of minor allegations like possession of drugs, but they also can undermine community safety by discouraging immigrant victims from going to court or speaking to law enforcement.
Short Answer

- What, if any, is a county attorney’s role in the enforcement of federal immigration laws?

  The enforcement of federal immigration laws should be left to federal agencies. Immigration consequences should be included in the calculus of what constitutes an appropriate outcome in any case.

- Should county attorneys consider collateral immigration consequences in charging decisions and plea offers? What effect should those considerations have?

  Yes. Plea agreements should consider the complete picture of what consequences exist as a result of accepting a plea and fashion an offer that results in a fair and just result.

Yes/No

- Will you publicly support local ordinances and statewide legislation that affirmatively limits law enforcement’s cooperation with ICE, and oppose any effort to enlist local law enforcement as federal immigration agents?

  Federal immigration laws need to be more compassionate and humane. If state and local legislative efforts would accomplish that end, I would be in favor. I would vehemently oppose laws such as SB1070, which essentially created a mandate to engage in racial profiling.

- Will you implement a policy requiring county attorneys to consider immigration consequences in charging, plea, and sentencing decisions?
  Yes.

- Will you expand pre-plea diversion programs that allow individuals to obtain dismissals of their charges without entering an admission or statement of guilt?
  Yes.

- Will you affirmatively support post-conviction litigation from non-citizens who pleaded guilty without being advised of the potential immigration consequences of their pleas?
Yes.