MARICOPA COUNTY ATTORNEY ACCOUNTABILITY QUESTIONNAIRE

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?

  The routine money bail request by the County Attorney’s office is not useful. If elected as the County Attorney, release will be the standard request unless money bail is required to protect the safety of the community based on a violent crime or excessive failures to appear in victim-based crimes.

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

  The routine imposition of money bail in most cases is a problem because it punishes poverty. If a person is unable to pay for their freedom, they are forced to remain in custody for long periods of time. Often time people will accept plea offers in order to shorten their length of time in jail. Additionally, the imposition of money bail often causes people who are already in a delicate financial situation to lose their employment while incarcerated.

- 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?

  My ideal system for determining pretrial release would be as follows:
  1) Pretrial release is the presumptive request.
  2) If the charged offense/s are violent or victim crimes, then review if the accused has a history of failing to appear for court. If there are no failure to appear, then pretrial release is the presumptive request with release conditions that include do not return to the incident location, do not contact the victim in person, by electronic means or through third parties and do not threaten, harm or harass the alleged victim.
  3) If the alleged offense is a violent or victim crime and the person has a history of failing to appear in court, then request that electronic monitoring be imposed along with the condition that the accused does not return to the incident location, not contact the victim in person, by electronic means or through third parties, and do not threaten, harm or harass the alleged victim.
  4) If the charged offense/s are not violent or victim crimes, but the accused has a history of failing to appear in court, initially pretrial release will still be the
presumptive request. If the accused routinely fails to appear for court, while on release, electronic monitoring will be requested.

5) If the accused commits a violent or victim crime while on release, then electronic monitoring will be imposed.

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

The concern that I have about alternatives to money bail is that electronic monitoring has an expense to it as well. I would hope that Pretrial services would implement a sliding scale payment of electronic monitoring fees or the opportunity to perform community service in lieu of electronic monitoring fees.

**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?

  Yes

- 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, through grants if a person is not able to afford monitoring.

- 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

- 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
• 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

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

**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? Yes. Are there any limitations or exceptions to your answer? No

**Yes/No**

• Will you eliminate all fees, costs, and fines associated with pretrial diversion programs? Yes, I would apply for grants to pay for the costs.

• 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?

  Yes, I would allow them to complete diversion and utilize grants to compensate the victim for their loss.

**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? Yes

If so, what strategies would you implement to ameliorate existing inequities?

I will have routine meetings and reviews with the supervisors to ensure that plea offers and programs are offered equally across the board and ensure that people who are able to hire private attorneys are not offered better resolutions than those who are unable to pay.

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

The repayment of fines, restitution or court costs should not be the factor in deciding if an expungement to resolve the case is allowed. Restitution to a victim, should be the priority

- 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? No

If not, who might be the best public or private actor?

The offenses listed above are often classified as misdemeanor or petty offenses. Those offenses are not handled by the Maricopa County Attorneys office, they are handled by the municipal jurisdictions.

- How should county attorneys handle such offenses?

If one of the offenses above can be treated as a misdemeanor, it should be handled as such, rather than over-charging the offense as a felony.

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. Any felony charges that arise from driver’s license suspension because of failure to pay fines, will not be handled as felony offenses, but rather declined as a felony offense.

- 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?
  
  Yes

- 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?

  The Maricopa County Attorney’s office does not prosecute a majority of misdemeanor offenses. Misdemeanor offenses are primarily handled by municipal jurisdictions. When the County Attorney’s office has the discretion between charging an offense as a felony or a misdemeanor, my office will not charge an offense as a felony.

#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?
  
  If a child is prosecuted in an adult court, it should be limited to violent crimes.

- What factors are most important to that determination?
An individualized psychological, environmental and historical assessment should be made of a child before the decision to prosecute as an adult is made.

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

- If so, why? The Maricopa County Attorney’s office has rejected the current scientific data and already demonstrated that they believe a child is no different than an adult.

- 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?

  A line attorney must report to a supervisor when they are considering prosecuting a child as an adult. The supervisors will be required to report any children as adult decisions to the deputies, who will then directly report to me.

- Should a juvenile defendant ever be detained in custody pending trial or adjudicatory hearing? Depending on the circumstances

  - Under what circumstances? Release should be the presumptive position. If a child is charged with a violent offense, the procedures discussed above for money bail should be evaluated.

- Do you think it is appropriate to seek a sentence of life in prison without parole for a person under the age of 25? No

- Under the age of 18? No

  Why or why not? Any person who is sentenced to life in prison should have the possibility of parole.

- Can youth be an aggravating factor in a case? No

  Under what circumstances? N/A

- 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? Yes

If so, what steps, if any, would you take to alleviate it?

Juveniles will not be prosecuted criminally for truancy, misdemeanor or felony offenses without an opportunity to meaningfully participate in diversion programs that allow them to obtain their high school diploma, GED as well as an opportunity to obtain college credits.

• Do you believe children should be prosecuted for curfew violations, school fights, and for truancy? No

• Why or why not? Curfew violations, school fights and truancy are behavioral issues that should be handled similarly to public health issues. The child and parent should be allowed to attend counseling sessions and if the family dynamic is such that the children have a parent or parents who are unwilling or unable to provide a positive mentor for a child, the child should be assigned a mentor to give the child an opportunity to be introduced to positive influences outside of their family dynamic.

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

• 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
• Will you consider, with an open mind, all mitigation materials discovered by or presented to your office in juvenile cases, including re-sentencings? Yes

• 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

• 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

#3: RECOGNIZING CAPACITY FOR CHANGE

Short Answer

• Do all people who have committed crimes have the capacity to change over time?

I believe that all, if not most do have the capacity to change over time.

If not all, how do you determine who does have that capacity? An in depth non-partisan/non-court compensated psychological assessment needs to be conducted.

How does that belief influence your approach to sentencing? A non-partisan/non-court compensated assessment will be a key component of any recommendations. I also believe that after a child or individual has served at least 50% of their time, an additional non-partisan/non-court compensated psychological assessment should be undergone.

• What should be the goal of diversion programs? The goal of a diversion programs should be restorative, educational and impactful

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

The biggest flaws of the current diversion programs are that they are often premised on the ability to pay and they are not offered enough to people charged with offenses.
• Should diversion be limited to people with no criminal history or people charged with certain crimes? No

• Why or why not? The existence of past criminal history should not be a limiting factor because the past regime allowed people to plead to offenses that should not have been felony offenses or were drug offenses.

• In general, what role should someone’s prior convictions play in the resolution of a pending case? The severity, similarity and timing of a prior conviction could play a factor in a pending case if the pending case is a violent or victim crime. The presence of the prior conviction should not be the determining factor.

• When, if ever, is it appropriate to seek a “repetitive offender” enhancement or habitual offender sentencing? The only time repetitive offender enhancement is appropriate would be if a person has more than one prior for the same charged offense.

  ○ 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?

  ○ Not appropriate

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

  A prosecutor should advocate for parole when an offense is a non-violent, non-dangerous or non-victim offense and the inmate has demonstrated his/her ability to change.

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

• 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

- 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

- 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 will submit quarterly reports that detail charging vs turndown decisions, types of crimes prosecuted, diversion numbers, recidivism rates, racial backgrounds, average bond amount for each class of crime, and post-conviction review rates.

- What information do you believe community members should have regarding office policies, practices, and outcomes?

  The office policies, practices and outcomes will be made available to the community.

- What, if anything, should be kept confidential?

  Names and identifying information for cases.

**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?

I will commit to quarterly sessions with the community.

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?

The most effective way to address officer-involved shootings and officer misconduct is to form a team of seasoned investigators, who work solely for the County Attorney’s office to investigate major crimes, including officer-involved shootings and misconduct. These investigators will be required to routinely receive inclusion and sensitivity training as a condition of their employment. This bureau will also have seasoned attorneys who have demonstrated a commitment to justice. Those attorneys will work along-side my investigation team to thoroughly investigate the case. The County Attorney investigators and attorneys will then report their findings and charging decisions to me for ultimate authority of the prosecutorial decision.
- What prosecutors or prosecuting authority should investigate and prosecute these types of cases? My office will have a select group of seasoned attorneys who have demonstrated a commitment to justice, delegated to prosecuted officer-involved shootings. These prosecutors will also be assigned to review conviction integrity cases.

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

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?

My attorneys and investigatory team will review newly-discovered evidence.
• What involvement should the original prosecutor, if he or she is still working at the office, have in the case?

The original prosecutor should be allowed to prosecute the case unless there is evidence to support that that prosecutor knew or should have known of additional evidence.

• Do you believe there are any problems created by relying on informant testimony to obtain a conviction? Yes

• What are they? Informant’s testimony may be unreliable, especially if the informant is working with officers in order to obtain a more favorable plea offer in a pending case.

• If there can be problems with informant testimony, under what circumstances do you believe it is appropriate to rely upon it? It may be appropriate to rely upon an informant if the informant does not have pending charges.

• What types of forensic evidence do you believe are sufficiently reliable to support a conviction?

DNA evidence

• Are there any types of forensic evidence that should be excluded from a trial? What factors influence these determinations?

Any evidence that has been determined to be scientifically not reliable.

• Will you take steps to ensure your line prosecutors disclose information that is helpful to the defense? Yes

• If so, what will you do specifically? The office database will note what evidence is available in the case. There will be a section in the database to note what discovery was disclosed and the date it was disclosed.

• How will the scope of disclosure be defined? Disclosure will be defined as any and all information that can be used to either convict or acquit an accused
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

- 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

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

  Yes, if a scientific technique has been discredited from the scientific community, my office will not rely on it for a conviction.

- 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? No, substance use disorders are a health issue not a criminal justice issue.

- Do you believe prosecuting addicted persons increases or decreases their likelihood of recovery? Decreases

  Why? Prosecuting an addicted person, rather than providing treatment will decrease their likelihood of recovery because the underlying issue is not
addressed. There is an abundance of drugs being smuggled into the prisons. If an inmate is not exposed to drugs while imprisoned, he/she will likely be exposed to drugs once released and without treatment, will likely revert back to the addictive behaviors.

- Do you think the “war on drugs” has been effective? No

Why or why not? The only thing the “war on drugs” has been effective doing is incarcerating people of color and/or people of lower socio-economic status.

If yes, in what ways? N/A

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

The most effective way for county attorneys to address drug-related offenses is to realize that addiction is disease that needs to be addressed and treated like any other health issue.

- What punishment, if any, is appropriate for offenses involving the possession or purchase of drugs?

Punishment is not appropriate for possession or purchase of drugs, treatment is.

- What type of resolution would you most prefer? The possession or purchase of drugs should be resolved through treatment programs.

- If treatment is offered in lieu of incarceration, should failed efforts at recovery or relapse trigger incarcerative sentences in the future? No

- Do you believe seeking an incarcerative sentence is an appropriate response to drug sales?

It depends

- Why or why not? If a person is caught selling drugs to an undercover officer or a person working for an undercover officer, an incarcerative sentence is not appropriate.
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? Yes

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? I will decline to prosecute possession of marijuana offenses. If the amount possessed exceeds four pounds, I would require a person to obtain a dispensary license in exchange for a dismissal. If a person is unable to obtain a dispensary license, a diversion program will be imposed to that a charge can still be removed from their record.

Will you proactively vacate and expunge past marijuana convictions? Yes

Will you publicly support legislation to legalize marijuana? I have concerns about the current language that is proposed.

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

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

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? Yes
Why or why not? Opioids are highly addictive. In the courtroom daily, I see people addicted, crimes committed and families broken as a result of Opioid use. The people who sell opioids are responsible for this crisis.

- 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? No

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

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

- 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? 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?

A County Attorney should accept the evidence and provide treatment rather than punishment for minor offenses. Especially if evidence shows that punishing individuals for minor offenses increases the likelihood of re-offending.

• 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?
  Yes

• What if those practices diverge dramatically from a policy grounded in just-desserts or retribution?

The role of the prosecutor and County Attorney is to do justice, not to seek convictions. As a previous prosecutor and Chief Prosecutor, that has always been my goal.

• 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 would create policies that create and support public safety. If the public disagrees, hopefully their opinions will change with the data and safer neighborhoods to support my policy changes.

• What role should the moral commitment to punishment play in deciding which offenses to prosecute and what sentences to seek?

The moral commitment to punishment varies with a persons morals.

• Is it different for different types of offenses?

The moral commitment to punishment is more applicable to violent and/or victim crimes where another person is physically injured.
• 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?

I believe that the County Attorney has an obligation to make or attempt to make the victim whole when a crime victim has suffered a monetary loss supporting a restitution order.

• Are there any other adequate means through which that money could be collected?

The victim can be made whole through a diversion or compromise, where the charges are dismissed or reduced to misdemeanors once restitution has been paid. If a person is financially or physically unable to pay any type of restitution, then the accused should perform some type of community service in lieu of restitution and grant funds utilized to make the victim whole.

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

• 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? It depends on the circumstances

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

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. No
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)? Proof beyond a reasonable doubt

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 determining whether a case should be charged, the evidence should be examined to see if it demonstrates beyond a reasonable doubt that the accused has committed the crime.

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.?

No

Why or why not?

The evidence should support the type of charge filed. Mitigation, such as lack of criminal history, age, acceptance of responsibility, etc. can then be used to obtain a more favorable plea. The lack of criminal history used as a mitigator to decide what initial charges should be filed, may disproportionately give people of color higher charges.

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?

Yes

Why or why not?

A person should not be targeted because of the color of their skin

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

Will you commit to considering mitigating circumstances in each case and filing reduced charges when appropriate? I think mitigating circumstances should come into play in resolving cases, not in charging

**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? Whether the person has any prior criminal history, whether the accused is remorseful and the victim’s input.

- What role should retribution play in determining the length of incarcerative sentences? Retribution should not play a factor

- Is it different for different types of offenses? No

- Do you believe the sentences imposed in Maricopa County currently are too long, too short, or fair? Too long

- Is it different for different types of offenses? Drug possession charges are too long
• Or certain people? Particularly for black and brown people

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

Sentences on drug possession charges will be shortened because I will create policies to seek treatment rather than punishment

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

• 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?

The purpose of probation should be to provide treatment and services to assist a person in becoming a productive citizen

• 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.)? It depends

- Why or why not?

  If the offense indicates that the excessive consumption of alcohol was a factor in the charged offense then a limitation of alcohol consuming should be imposed. Likewise, if the charged offense is one where the accused committed the offense with others, then a limitation of associating with that person should be imposed at least for a limited time.

- Is probation a form of “second chance” that a person should be penalized for squandering or wasting? No

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

  The courts should allow a person an opportunity to correct the violation. If the violation is for non-payment of fines or fees, then a combination of reduced fines and community service in lieu of fines should be considered.

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

  No. It may often demonstrate that a person may not initially have taken probation seriously or the person may not have the financial means to pay the fines and fees.

- Under what circumstances should a term of probation be revoked and an incarcerative sentence imposed?

  If a person has repeatedly been given an opportunity to comply with probation and has the means to comply, but willfully chooses not to comply then a short term of incarceration, rather than prison may be appropriate.

- Is it ever appropriate to hold in jail someone who has been accused of a violation or is otherwise on a probation detainer? Yes

- If so, when and why?
If a person has the means to comply and has repeatedly demonstrated a willful choice to not comply, then a short term of incarceration may be appropriate. If not, what changes would you advocate?

**Yes/No**
- Will you commit to only seeking probation where it serves a rehabilitative goal focused on a specific need of the individual? Yes

- 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

- Will you establish a policy limiting the length of most probation terms to 6 months for misdemeanors and 1 year for felonies? Yes, depending on the circumstances

- 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? Yes

- 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 County Attorney does not have a role in enforcing federal immigration laws. As County Attorney, I would however, lobby for immigration reform.

• Should county attorneys consider collateral immigration consequences in charging decisions and plea offers? Yes

• What effect should those considerations have?

If an accused has been law abiding and supporting his/her family for years in the United States, one mistake should not cause a person to be torn from their family and the life that they have established in the United States.

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? Yes

• 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