

Contact Information

Please provide constituents with your campaign contact information.

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Mission and Vision

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

I am running for Pima County Attorney because I love this community. My mission is to protect public safety, secure justice for crime victims and those accused of committing crimes, and to implement smart criminal justice reform. I am dedicated to protecting our community against serious crime while innovating toward a more effective system that provides justice for all.

My personal passion for this work emanates from my childhood experience of being bullied as a skinny debate nerd and discovering a way to use words to fight back against bullying, as well as my experience as an alcoholic/addict. I now have more than 18 years of sobriety, but I remember all too well the pain and suffering of addiction. It is a disease that deserves treatment, not punishment. I understand this firsthand.

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

If elected, I will immediately implement my Smart Reform agenda, which is as follows:

Expand drug diversion programs that divert people from jail and prison while encouraging treatment of drug addiction. This approach promotes rehabilitation, saves money, and saves lives.

End cash bail, which incarcerates the poor. Instead we must only incarcerate the dangerous.

Ensure that personal possession of marijuana does not result in jail or prison time. We must protect our children from drug sales and drug use, and we must protect our roadways from impaired drivers. But beyond protecting children and roadway safety, personal use of marijuana must not consume scarce criminal resources. It should be noted that such enforcement has had a disparate impact on communities of color,

including African Americans, Latinx people, and Native people. We need to eliminate these racial and ethnic disparities.

I will direct my Chief Criminal Deputy to make it a priority to focus upon the elimination of racial and ethnic disparities throughout the criminal justice system. And I will appoint a racially and ethnically diverse Community Advisory Panel to assist me and my Chief Criminal Deputy in this area of priority by providing regular input on evidence of these disparities and their impacts. I will direct the Chief Criminal Deputy to ensure that every single prosecutor and support staff person receives education and training on the existence of implicit bias and how to counter this insidious problem. In addition, I will urge local law enforcement agencies to provide similar training for their personnel, if they have not already done so. Furthermore, I will obtain and monitor on a monthly basis data and statistics regarding arrests, diversion offers, plea agreements, and trials and will transparently share these data and statistics with my Community Advisory Panel. When we see that there are racial and ethnic disparities, I will seek suggestions about how best to intervene to address this problem and will act. I will continue my own participation in the Racial and Ethnic Disparities Working Group of the Safety + Justice Challenge Community Collaborative and will ensure that my Chief Criminal Deputy also participates.

Stop seeking the death penalty, which is applied arbitrarily, does not deter criminals, costs a fortune, and subjects victims' families to decades of tortuous appeals.

Support deflection, diversion, and treatment programs instead of jail for misdemeanor crimes, such as trespassing or loitering, that are associated with poverty, mental illness, and homelessness.

Avoid unintended direct and collateral consequences of plea agreements (such as deportation) and support specialized legal representation for people who face possible immigration consequences. For serious, dangerous, or sexual offenders, deportation consequences may be both appropriate and intended. However, in most less serious cases, deportation is not proportionate to the crime and not an appropriate outcome.

Expand restorative justice programs, such as our innovative Community Justice Boards.

Advocate for rehabilitation as the primary focus for individuals who will be released from jails and prisons into our community. If our prisons make people more likely to commit future crimes, we are paying exorbitantly for our own future victimization. Jail and prison should work for us, not against us. We must start demanding our prisons be equipped to give us what we are paying for. People in a better position to re-enter our community, get a job, find stable housing, and live a crime-free life. We must put the "Corrections" back into the Department of Corrections.

Mass Incarceration

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

Absolutely, I will expand diversion programs.

First and foremost, I will work to expand existing *deflection* programs and to implement new ones. Deflection programs are pre-arrest interventions that allow someone suspected of criminal activity who suffers from mental illness or substance use disorder to be deflected away from the criminal justice system altogether and into treatment with no arrest or citation.

The Tucson Police Department (TPD) and Pima County Sheriff's Department have Mental Health Support Teams that deflect individuals in mental health crisis to the Crisis Response Center instead of arresting them and bringing them into the criminal justice system at all. In addition, TPD has another deflection program for those suffering from substance use disorder (commonly known as addiction) taking them to treatment at CODAC or Community Bridges instead of arresting them. These programs are working well for adults but need to be expanded. I will work with local law enforcement agency heads and police union leadership to help expand these deflection programs within the existing agencies where they are operating and to other law enforcement agencies.

I will also work with leaders in our schools, law enforcement, and community-based agencies to expand our existing Community Justice Boards, a restorative justice diversion program for juveniles run by volunteers, to include a pre-citation, pre-arrest deflection program operating under the same restorative justice model, using community volunteers.

Second, I will work to expand existing *diversion* programs and to implement new ones. Diversion programs afford those who have been arrested and charged with a crime the opportunity to have their charges dismissed (and to avoid a criminal conviction) if they engage in and complete therapeutic programming. I will ensure that those caught simply possessing drugs for personal use who are not deflected but are arrested by law enforcement officers are not prosecuted and instead are diverted to treatment, after which they may have the arrest charges dismissed.

The County Attorney's Office currently operates a misdemeanor diversion program for marijuana as well as a court-monitored diversion program known as the Consolidated Misdemeanor Problem Solving (CMPS) Court for misdemeanor defendants who repeatedly commit crimes such as shoplifting and trespassing due to their addiction and mental illness and consequent homelessness. The County Attorney's Office also

operates a Felony Drug Diversion Program for narcotic and dangerous drugs including heroin, meth, and cocaine. However, individuals are limited in the number of times they can participate in diversion, with escalating criminal justice consequences, which I will replace with escalating treatment interventions.

Additionally, I have already begun working to develop a new pre-indictment drug diversion program for those arrested on felony drug possession charges. This would allow arrestees to avoid ever being indicted and charged with a felony crime, creating an earlier exit from the criminal justice system than is available under the current Felony Drug Diversion Program.

The means by which I will fund diversion programming is to utilize an existing Felony Diversion account within the Pima County Attorney's Office consisting of hundreds of thousands of dollars appropriated in 2017 in a one-time budget allocation by the Arizona State Legislature, as well as by seeking additional funding from federal grants, state appropriations, and private foundation grants. I will leverage these resources with funding provided for treatment via AHCCCS (Arizona's Medicaid system), which is extensive because we are fortunate that Arizona is a Medicaid-expansion state. AHCCCS funding pays for intensive outpatient treatment and residential treatment for individuals suffering from substance use disorder and/or other behavioral health disorders, as well as mental illness and physical medical conditions. AHCCCS covers the funding necessary to provide treatment to nearly all diversion participants who have behavioral health and mental health and medical needs.

However, there are a few individuals who need treatment who are ineligible for AHCCCS and who do not have alternative insurance to cover treatment. For these individuals, the Pima County Attorney's Diversion account funds will be utilized. Additionally, Diversion account funds will be utilized to provide necessary wraparound recovery support services for diversion participants, such as transportation, housing, dental care, optometry, and food vouchers for those who are ineligible for SNAP benefits. Some case management and peer support services that are not covered by AHCCCS funding likewise can be paid for via the Pima County Attorney's Diversion account funds. This is the means by which the Pima County Attorney's Office has been funding its existing Felony Drug Diversion Program with a high degree of success and a tremendously low recidivism rate of only 15%.

Participants in diversion programs who can pay a reasonable, minimal fee to defray some of the costs of administration of these diversion programs may be asked to do so. However, such fees will be reduced or waived entirely for anyone unable to pay, including indigent defendants. No one will be prevented from participating in and succeeding in diversion programs based upon inability to pay.

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

Yes. It is my goal to reduce the number of inmates in the Pima County Jail so that the only people who are incarcerated are those who are violent or dangerous and pose a public safety risk. The jail population has gone down since Pima County began its involvement in a MacArthur Foundation sponsored Safety and Justice Challenge in 2014 from near capacity around 2,300 people to an average daily population of 1,960 in February 2020. More recently, on a temporary basis in response to the COVID-19 pandemic, the jail population has been reduced even further to fewer than 1,500 people. I believe these lower levels are more appropriate and should be sustainable. This is my goal.

Moreover, I have a goal of reducing the disproportionate percentages of jail inmates who are African American, Latinx, and Native American. The jail population has been approximately 10% African American, although the overall population in Pima County of African Americans is only 4%. Native Americans make up only 2.4% of the County population but represent three times that percentage in the jail population. Likewise, Latinx people are over-represented within the jail. My goal is to eliminate these racial and ethnic disparities to have the racial and ethnic composition of the jail population parallel that of the overall community. I will continue my active involvement in the Racial and Ethnic Disparities Workgroup that is part of the MacArthur Foundation-funded Safety and Justice Challenge and will enlist support from the community as well as all criminal justice agency partners to achieve this goal.

Additionally, I have a goal of reducing the number of those convicted of non-dangerous felony crimes who are sent to be incarcerated in state prison. This can be achieved in two ways - first, cease sending anyone to prison for felony possession of drugs for personal use; and second, institute a DUI Court that will provide adequate monitoring to minimize all public safety risks while providing treatment for alcoholism and addiction, instead of incarceration (operating similarly to our existing Drug Court and Drug Treatment Alternative to Prison Program). Currently, our punitive approach results in short prison sentences of a few months, which provide little or no treatment, and increase the future risks on our roadways. This expensive and counterintuitive approach must stop. DUI Courts have been shown to decrease the risk of future impaired driving behavior.

I am opposed to private prisons. In Arizona, many of those convicted of DUI are sent to private prisons. By implementing a community supervision alternative for this category of felony offenses, I hope to reduce use of private prisons.

Additionally, I have a goal of reducing the time spent in prison by non-dangerous people who do not pose a public safety risk and who actively engage in educational

programming and treatment. This will require a legislative change, which I will support. Programming and treatment should be available to all prison inmates who need it. Currently, according to the Department of Corrections' own statistics, more than 75% of all prison inmates need treatment for substance use disorder, but less than 3% receive such treatment.

Again, it is not a smart approach to fighting crime to pay exorbitantly for our own future victimization. Yet, this is what happens when we take non-dangerous people, put them in prison, and provide zero programming. There are far more effective, less expensive ways to reduce crime. I will advocate that the Legislature provide the necessary funding and mandate to the Department of Corrections that it afford all necessary treatment.

Racism in the criminal legal system

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

Yes, the criminal justice system negatively impacts black and brown people disproportionately. I have begun to work to combat racism within the criminal justice system by actively participating as a member of the Racial and Ethnic Disparities Workgroup that is part of Pima County's MacArthur Foundation-funded Safety and Justice Challenge. I look forward to the opportunity to do much more as County Attorney.

As noted above in response to question 2, I will direct my Chief Criminal Deputy to make it a priority to focus upon the elimination of racial and ethnic disparities throughout the criminal justice system. And I will appoint a racially and ethnically diverse Community Advisory Panel to assist me and my Chief Criminal Deputy in this area of priority by providing regular input on evidence of these disparities and their impacts. I will direct the Chief Criminal Deputy to ensure that every single prosecutor and support staff person receives education and training on the existence of implicit bias and how to counter this insidious problem. In addition, I will urge local law enforcement agencies to provide similar training for their personnel, if they have not already done so.

Furthermore, I will obtain and monitor on a monthly basis data and statistics regarding arrests, diversion offers, plea agreements, and trials and will transparently share these data and statistics with my Community Advisory Panel. When we see that there are racial and ethnic disparities, I will seek suggestions about how best to intervene to address this problem and will act.

I will continue my own participation in the Racial and Ethnic Disparities Working Group of the Safety + Justice Challenge Community Collaborative and will ensure that my Chief Criminal Deputy also participates.

Moreover, I will engage in recruitment and retention efforts directed towards enhancing diversity among the prosecutors and staff within the County Attorney's Office so that prosecutors and other personnel are more reflective of the community we serve.

Legislation

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

I intend to be an active lobbyist for smart and effective criminal justice reforms. I will personally talk and partner with state representatives, senators, and the Governor to advocate for bills that will implement criminal justice reform measures. Moreover, I will work closely with the county attorneys from the other 14 counties throughout Arizona, as well as with leaders of local and state law enforcement agencies and community-based agencies and affected groups to enlist their support for reform measures, as well.

In particular, I will be seeking legislation to expand eligibility for diversion; provide adequate funding to each county for diversion programs; decriminalize marijuana possession; eliminate money bail; provide automatic restoration of voting rights for all felons who have completed their sentences in prison or on probation; authorize sufficiently-protective alternative supervision programs (monitoring plus treatment) instead of prison for those convicted of felony DUI (these programs have been proven to reduce the risk of future impaired driving behavior); and mandate treatment for all who need it in prison. (As noted above in response to question 4, currently, less than 3% of all prison inmates receive treatment for mental and behavioral health disorders, while the state Department of Corrections' own reported statistics report that 75% of all prison inmates need such treatment.) Accompanying the availability of treatment for all who need it should be an opportunity for inmates to earn time off their prison sentence by participating.

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

Yes, I support this for people who do not pose an ongoing risk to community safety. In order to reduce recidivism, it is imperative that the criminal justice system incentivize those who will be released from prison (nearly all inmates) to re-enter the community successfully. The first step towards successful re-entry is for prison inmates to receive treatment services, education, and life skills training while they are incarcerated. To incentivize active and successful participation in such treatment, education, and life skills training, credit towards time off the prison sentence should be offered to inmates who do not pose a risk of dangerousness to the community.

As noted above in response to question 4, I have a goal of reducing the time spent in prison by inmates who actively engage in educational programming and treatment, and do not pose a threat to community safety, by as much as 50%. This will require a legislative change, which I will support.

Prosecutorial Practices

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

Yes, upon taking office, I will immediately direct all my deputy county attorneys not to seek money bail in any misdemeanor cases that do not involve a public safety risk (e.g., certain types of domestic violence cases) and in any felony cases where the only charge is simple possession of drugs for personal use, as well as in any felony cases in which the arrestee's criminal history and current charges do not indicate that s/he poses any significant risk to public safety if released from custody.

Additionally, I will formally ask the Presiding Judge of Superior Court to ensure that the judges assigned to make bail decisions are those who are committed to avoiding incarceration based on poverty and who will not impose bail where the arrestee does not pose a danger to public safety or a likelihood to flee from the jurisdiction of the court (as distinct from merely failing to appear due to difficulty in obtaining transportation, suffering from addiction and mental illness, or other personal problem that can be addressed with support services during pretrial release from custody).

My longer-term project will be to change state law to eliminate money bail altogether to ensure that custody determinations can be made solely based upon an assessment of dangerousness and/or likelihood to flee from the jurisdiction of the court, not poverty.

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

Yes. I am a proud supporter of a woman's right to choose. I am pleased that current Arizona statutes prohibit prosecution of abortion as a homicide. Should the United States Supreme Court reverse itself and overturn *Roe v. Wade*, existing state law would prevent prosecution. I would oppose and lobby against any change to this state law. In the highly unlikely event that Arizona might thereafter adopt new laws that purport to criminalize a woman's right to abortion and a doctor's right to perform abortion, I would decline to prosecute such cases, as I believe such would be unconstitutional under the Arizona Constitution; in any event, such would be an inappropriate use of limited resources.

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

I will not seek the death penalty as County Attorney.

The death penalty costs millions of taxpayer dollars with no added public safety benefit (given the availability of a sentence to natural life without parole), puts surviving family

members of homicide victims through decades of tortuous appeal hearings with no finality, and has been demonstrated to have been applied arbitrarily. (See the book *“Arbitrary Death: A Prosecutor’s Perspective on the Death Penalty”* by Rick Unklesbay.)

Immigration

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

Yes. This is one of my specific plans in terms of how I will enhance training for the Criminal Division of County Attorney’s Office.

It is imperative that not only defense attorneys but also prosecutors are educated, informed, and knowledgeable about adverse immigration-related consequences that can flow to defendants and their family members, including their dependents, from prosecutorial decisions (including diversion agreements and plea agreements and the documentation associated with those agreements) for individuals who are not lawfully present within the United States, regardless of whether they entered this country in violation of federal law or whether they entered lawfully but remained in the country in civil violation of the terms and conditions of their authorized visit or temporary residency.

Moreover, I will ensure that all prosecutors and victim advocates in the County Attorney’s Office are educated, informed, and knowledgeable about immigration-related consequences to victims participating in the criminal justice process and of how to ensure that victims of domestic violence, sexual assault, and trafficking are aware of how to obtain visas to remain lawfully in the United States.

Transparency and Accountability

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

Yes. Part of my effort to eliminate racial and ethnic and gender disparities in the criminal justice system will be to gather and transparently publicize monthly data and statistics regarding each decision point within the criminal justice system in which the County Attorney’s Office is involved. I will gather and report such data and statistics disaggregated by race, ethnicity, and gender.

The data I intend to gather includes that relating to: arrests; releases from jail custody following arrest and initial appearance; dismissals, diversions, and prosecutions of misdemeanor charges over which the County Attorney has jurisdiction; felony charging decisions by deputy county attorneys, including cases issued and taken to grand jury or

preliminary hearing for indictment and cases declined; diversion offers; diversion contracts accepted; successful versus unsuccessful performance on diversion; plea offers by deputy county attorneys; plea agreements entered into between the state and defendants; cases taken to trial; trial outcomes; sentences requested on behalf of the state; and sentences imposed.

I will post online the data available from County Attorney databases to the extent permitted by law (including the Victims Bill of Rights of the Arizona Constitution).

I will collaborate with the Tucson City Prosecutor and the other municipal prosecutors to compare data and statistics regarding the misdemeanors the County Attorney handles in Justice Courts versus the misdemeanors those City prosecutors handle in Tucson City Court and the other municipal courts.

And I will continue my active participation on the Racial and Ethnic Disparities Workgroup that is part of Pima County's MacArthur Foundation-funded Safety and Justice Challenge and will have my Chief Criminal Deputy participate, as well. Part of work of the Safety and Justice Challenge has been to gather and review such data from all criminal justice agencies in Pima County, including all the municipal and county law enforcement agencies, prosecutors' offices, defense attorney offices, and courts.

13. Will you pledge to publish on the Office website all policies, protocols, and MOUs regarding prosecution guidelines, police-involved incidents, bail recommendations, fines and fees, diversion programs, plea bargains, civil asset forfeiture proceedings, immigration considerations, and indigency determinations? Please give a definitive "Yes" or "No" and a clear explanation.

Yes. I believe in and am committed to transparency. I pledge to publish on the County Attorney's Office website all policies, protocols, and MOUs regarding prosecution guidelines, officer-involved uses of deadly force, bail recommendations, fines and fees, diversion programs, plea offers, civil asset forfeitures, and immigration considerations, and indigency determinations.

As Chief Criminal Deputy, I developed a formal written protocol for the County Attorney's Office that is utilized to determine how to determine whether law enforcement officer conduct involving dishonesty or otherwise undermining the credibility of an officer is to be disclosed by the prosecutor to defense counsel in criminal cases. This written protocol is a public record, which I will post on the County Attorney's Office website if elected County Attorney.

As County Attorney, I will also develop a formal written protocol for the review of officer-involved uses of deadly force, and this too will be published on the Office website.

Moreover, as County Attorney, I will implement new formal written bail recommendation policies and procedures, not permitting my deputies to seek bail in misdemeanor cases,

felony cases involving simple possession of drugs for personal use, and other cases in which the defendant does not pose a public safety risk or a risk to flee from the jurisdiction. These, too, will be published.

Additionally, as County Attorney, I will develop new, formal written policies, protocols, procedures, and guidelines in other areas. I will transparently publish all of these.

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

Yes. As County Attorney, I will continue and expand my regular and meaningful personal engagement with all communities throughout Pima County, including communities of color, the immigrant community, the LGBTQ community, the women's community, formerly incarcerated individuals, community-based organizations, and other criminal justice reform advocates. Many notable leaders and members of these communities and organizations actively support my candidacy because of the relationships I have developed and collaborations I have engaged in with them, as can be seen on the list of endorsers posted on my campaign website.

During my first 100 days as County Attorney, I will be establishing my Community Advisory Panel, as discussed above in response to question 5, to engage communities of color and the immigrant community, including community-based organizations that represent and serve those communities specifically, to involve them in advising and participating in development of the priorities for the County Attorney's Office that will be implemented in a strategic plan over the next four years.

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

Yes, I will maintain an independent Conviction Integrity Unit. The Pima County Attorney's Office was one of the very first in the United States and the very first prosecutor's office in the State of Arizona to establish an independent Conviction Integrity Unit. I will maintain and expand this Conviction Integrity Unit, as well as its relationship with organizations dedicated to preventing and overturning wrongful convictions and disproportionate sentences, including the University of Arizona Innocence Project and the Arizona Justice Project.

As Chief Criminal Deputy, I hosted a training for all prosecutors in the Pima County Attorney's Office on my number one priority as a prosecutor, which is to never convict an innocent person. The presenter at that training was a man by the name of Michael Morton, who has been exonerated after being wrongfully convicted of murdering his late wife. Mr. Morton spent decades in prison in Texas following his wrongful conviction

before finally being released. I had read Mr. Morton's book and determined that his message was one every prosecutor needs to hear, so I invited him to make the presentation. This type of training of all prosecutors in the County Attorney's Office will be an ongoing top priority for me. Focusing upon avoiding and rectifying wrongful arrests and convictions will not be limited to the Conviction Integrity Unit under my administration; it will be a centerpiece of what every prosecutor in the Office is charged to do.

16. Will you pledge to assign special prosecutors to investigate and prosecute police killings of civilians, use-of-force cases, sexual assault by law enforcement officers and other cases of police misconduct? Please give a definitive "Yes" or "No" and a clear explanation.

Yes, our reviews of police use of deadly force cases will continue to be conducted by a specially trained team of prosecutors. As Chief Criminal Deputy in the Pima County Attorney's Office, I developed a special team of prosecutors assigned to review the investigations of officer-involved use of deadly force, including those resulting in the deaths of civilians. This team is specially trained in the review and prosecution of cases involving assaults with deadly weapons and homicides. Team members are directed to go to the scene of every officer-involved use of force and are available 24/7/365 to do so, to ensure that they observe evidence first-hand prior to reviewing the investigation file.

The Pima County Attorney's Office for a number of years has had a Special Victims Unit (SVU) made up of expertly trained prosecutors who review investigations of sexual assault, make appropriate charging decisions, and prosecute those cases, working in close collaboration with victim advocates. Pima County Attorney's Office SVU team members have prosecuted law enforcement officers for sexual assault, including one police officer charged with sexually assaulting a suspect in the course of transporting her to the jail for booking, and a deputy sheriff charged with sexually assaulting a female officer.

I have personally prosecuted a DPS officer for sexually abusing a woman in a bar. He was found guilty by a jury. I am the only candidate with any experience holding police officers accountable for breaking the law, and my experience is that the vast majority of law-abiding police officers appreciate and respect these efforts. Police officers will be held to the same standards as civilians when they violate the law. Having experienced teams of prosecutors assigned to review such investigations, make appropriate charging decisions, and prosecute law enforcement officers who commit crimes is critically important.

Misconduct by law enforcement officers that does not rise to the level of a crime is appropriately handled via internal affairs investigations and personnel actions. I certainly will stand ready to work collaboratively with any law enforcement agency that seeks our advice or input regarding how to handle misconduct that does not rise to the level of

criminal activity. However, it should be made clear that such conduct is outside the direct authority of any County Attorney in Arizona.

As County Attorney, part of my job will be to provide civil legal representation and advice to all county departments, including the Pima County Sheriff's Department. In that capacity, I will ensure that experienced civil deputy county attorneys are prepared to provide high quality legal advice and representation to the Sheriff and his commanders in connection with disciplinary actions that are taken against deputies who commit misconduct. Because part of the role of civil legal advisor is to counsel clients and to provide any manner of useful advice, I will ensure that the Sheriff is informed about best practice standards with regards to police conduct.

Discovery

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

Yes, I will maintain a policy of open file disclosure. Defendants and defense counsel in a criminal case will have access to all documents and other evidence in the criminal case file maintained by the County Attorney's Office, within the bounds of the law and the Ethical Rules promulgated by the Arizona Supreme Court. I will, of course, need to ensure that confidential information, such as victim contact information, social security numbers, and the like - which are required by law to be maintained as confidential - are redacted before documents are disclosed. And there are limited exceptions to disclosing material to defendants themselves. For example, it is not appropriate for defendants to have access to alleged child pornography seized from their possession; however, defense attorneys are permitted to review that evidence.

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

Yes. As Felony Training Supervisor for the County Attorney's Office, I ensured there was training for all prosecutors on the important disclosure obligations under Rule 15.1 relating to information that is potentially exculpatory, as required by the Constitution and made clear by the United States Supreme Court in *Brady v. Maryland* and its progeny. Then, as Chief Criminal Deputy, I drafted and, upon its approval by the County Attorney, implemented a new, formal written Rule 15.1 Protocol.

I am a firm believer that disclosure of all potentially exculpatory evidence is critical to doing justice, and I will ensure that prosecutors and staff throughout the Pima County Attorney's Office adhere strictly to the requirements of Rule 15.1 and the *Brady* rule. My

policy will be to apply *Brady* liberally. In other words, the policy will be that if there is a call as to whether evidence is potentially exculpatory or not, and an argument could be made that it is not potentially exculpatory, disclose it anyway; always err on the side of disclosure.

Training regarding Rule 15.1 and *Brady* disclosure obligations, and my policy with regards to disclosure will be ongoing on a regular basis for all prosecutors.

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

Yes. As noted above in response to question 18, I am a firm believer that disclosure of all potentially exculpatory evidence is critical to doing justice, and I will ensure that prosecutors and staff throughout the Pima County Attorney's Office adhere strictly to the requirements of Rule 15.1 and the *Brady* rule. My policy will be to apply *Brady* liberally. This includes disclosure of all evidence in the possession of the County Attorney's Office that could potentially be used by a defendant to impeach the credibility of a witness.

Importantly, it should be noted that I will take a pro-active approach to gathering *Brady* material from law enforcement agencies that bring cases to the Pima County Attorney's Office for prosecution, because the Constitution as explained by the Supreme Court in *Brady* and its progeny requires disclosure of all potentially exculpatory evidence (including impeachment material) that is in the possession of the State, not only the prosecutor's office, but also the office of any law enforcement agency operating to enforce state law.