



Pima County Attorney Candidate Questionnaire

For 60 years, the American Civil Liberties Union of Arizona has worked in the courts, the legislature, and in the community to protect the civil rights and liberties of all Arizonans, including those incarcerated. The ACLU's Campaign for Smart Justice is a nationwide effort to cut the nation's prison population in half while challenging racism in the criminal legal system. As part of this mission, the ACLU of Arizona is educating voters about the role county attorneys play in mass incarceration. Our campaign will also work to provide voters with information about where candidates for county attorney stand on critical criminal legal reform issues, such as prosecutorial transparency, policies that reduce incarceration, eliminating racial disparities in the criminal justice system, and ending unjust policies such as the death penalty and money bail. All candidates for Pima County Attorney will receive this questionnaire, and answers will be posted online. Through this campaign, the ACLU of Arizona hopes to make voters more aware of the power of this elected position and hold candidates accountable to their communities' fundamental need for justice, safety, and respect.

Please write your answers in this document and email your responses to Analise Ortiz at aortiz@acluaz.org on or before May 20, 2020.



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?
 - a. As a 44 year administration sunsets with a retirement, we are in great need of true reform in Pima County. This office broke the all-time recorded history in Superior Court by filing nearly 7000 felonies last year, while the Republican Sheriff was telling us our crime rate is down. 32% of those, the far away highest percentage of any other crime, was simple drug possession and paraphernalia. These policies have left our community unhealthy and less safe. I am so invested in my home, this community where I was raised, that I simply could not abide another succession to a homicide prosecutor who was unwilling to commit to reform until he filed for office. The position is too critical to accept the status quo.

2. If elected, what would you immediately change about Arizona's current criminal legal system through the power of your position as county attorney?
 - a. We must embrace treatment at 1/3rd the cost. We must deflect simple drug possession straight to treatment and leave drug courts only for those where treatment has failed repeatedly or aggravating factors are present. With these savings, we build the first financial crimes unit this office has had in nearly 20 years. We go after fraud, scam, wage



theft, mortgage application fraud and other oppressive schemes that keep our community from thriving.

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.
 - a. The Tucson Police Dept has begun deflection with success. I will collaborate, encourage, and provide pressure if necessary to have the Sheriff's Department join in, so we have deflection county wide. Treatment should not begin with jail. Jail is traumatic and unhealthy even in non-Covid times. We should deflect straight in to treatment. My 'second responder' community communicates they are prepared to increase capacity for treatment.
 - b. Drug courts/Diversion will be an incremental step up from deflection for those where treatment is not working repeatedly or other criminal or harmful behavior is occurring.

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.**
 - a. Because this office still prosecutes drug possession and paraphernalia as felonies, there will be an immediate decarceration effect.
 - b. JLWOP is over.
 - c. The death penalty is over.
 - d. Transfer of a juvenile to adult court will require my personal signature. (i.e. never? Rare?)
 - e. My prosecutors asking for a natural life sentence will require my personal signature (i.e. never? Rare?)
 - f. My prosecutors will be trained on the research that talks about pro-social loss after a 5 year term. Even the strongest of families struggle to survive or surmount a prison sentence longer than 5 years. My



prosecutors will go through their supervisors if they need to pitch a sentence in excess of 5 years, especially for a non-violent offense.

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.**
 - a. I want to combat disparity in stops and arrests, but the data in Pima County indicates the true disparity lies in detention, charging, and conviction.
 - b. I intend to hire a criminologist to track, interpret and honestly share data. We have a deep lack of transparency currently, and that must end. It is not enough to talk reform, we must prove outcomes.
 - c. Cash bail is done under my administration. My prosecutors will argue dangerousness and/or flight risk. 90% of the time, they should be arguing for specific conditions to mitigate concerns. In other words, they will be in agreement for release.

Legislation

6. If you are elected, what role do you see yourself playing at the state Legislature as it relates to criminal legal reform?
 - a. I have several brilliant strategic partners and endorsers who are fully behind reform. The current Pima County Attorney’s Office has fought to defeat every reform bill. With me, we will have the opposite.
 - b. I am excellent at building relationships and consensus. I worked night and day with my federal partners, until we agreed upon terms that allowed for the release of 1800 nonviolent migrants in March, out of federal detention, before the virus hit those facilities.
 - c. I will use these skills not only with allies but to quietly educate folks across the aisle to the benefits and savings of reform. And I will be the prosecutor of the second largest county in AZ within APAC to lend support or exert positive pressure with my Maricopa counterpart.



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.** Please see above. Existing and growing partnerships to improve successful outcomes.

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.
 - a. **YES.** Please see above. My opponent became criminal chief and continued to require cash bail until his last day at work. Ending cash bail is a driving force for me.
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.
 - a. **YES.** My first public, substantive post as a candidate was on the danger of Roe falling and my avowal to protect women, families, and providers.
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? **NEVER.**
I am on record as against the death penalty since the ‘90s when it was very difficult to carry that position in Arizona. I was the education chair of then called Coalition of Arizonans to Abolish the Death Penalty. (Now DPAA.) My opponent says he is against the death penalty but signed a death notice last February. When it came time to file for office, he reassigned every homicide case he had but kept the death case for himself. I have asked voters to consider what we do, as much as what we claim. .



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.**

- a. I am bilingual, and I devoted my career to the defense and protection of migrants and immigrants living in our community.
- b. I already have an agreement with my colleague Matthew Green, an eminent immigration attorney of high integrity to train young prosecutors on immigration consequences.
- c. I will expect of my prosecutors to assess the immigration consequence at the outset of any case, without relying on a defense attorney to assert the issue.
- d. Common sense will rule the day. If the defendant is not a danger, if a lengthy prison sentence is not called for, then a life sentence of deportation would be nonsensical and counterproductive to family unity in our community.

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.** Please see answer above about the hiring of a criminologist.

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.



- a. **YES.** With the caveat of privacy and HIPAA, transparency will be our goal.
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.**
- a. Personally is the key word. I vow to not only be available and accessible, but *present* not just in election time but year-round.
 - b. I am already meaningfully present throughout the county because of my criminal justice career and will maintain that.
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.**
- a. A unit was created four years ago. It has not produced a single exoneration. It is staffed by one attorney who I well-intentioned but not well placed. I need to hire a true innocence attorney to come in.
 - b. The unit HAS begun to look at sentencing disparity to entertain cases where sentences were far too harsh. It has resulted in two cases with a reduction. I want to dramatically increase this effort.
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.**
- a. We simply cannot rely on a 25 year old prosecutor independently raising the alarm on the behavior of a 25 year veteran officer. This group must be independent.
 - b. Frankly, and not to oversimplify, I would like my prosecutors to be able to exit the building and consult with outside attorneys when they suspect serious error, malfeasance, etc.



- c. And actual prosecutions must be assigned outside the office. We need neutrality and independence that we don't have now.

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**. It's critical; yes.
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**. We have to re-train the office. This is a problem area that will probably require the most overhaul, of any other topic. I am already targeting high integrity prosecutors to come in as supervisors in the hopes that I can prevail.
19. Will you commit to implementing a policy that mandates the disclosure of any and all evidence in your Office's possession that could potentially be used for impeachment purposes by a defendant? Please give a clear "Yes" or "No" and any explanation. **YES**. It's just not sufficient and not well handled currently. Training, overhaul, supervision, as described above.

THANK YOU SO MUCH FOR THIS OPPORTUNITY. -LC
