

Maricopa County Board of Supervisors
301 W Jefferson
10th Floor
Phoenix, AZ 85003

September 18, 2019

Dear Chairman Gates and Members of the Board:

The undersigned local, state, and national advocacy organizations urge you to appoint an interim county attorney who is determined to reform the Maricopa County Attorney's Office and the Arizona criminal legal system as a whole. We urge you to appoint an interim county attorney who will pledge to not seek election in 2020. Finally, we urge you to implement a fully transparent and inclusive appointment process that meaningfully incorporates the feedback of people directly impacted by the criminal legal system.

Our full list of recommendations is below:

1. We urge you to appoint a county attorney who will commit to fairly investigating claims of prosecutorial misconduct, properly disciplining prosecutors when necessary, and protecting the due process rights of people charged with crimes.

The Maricopa County Attorney's Office has a [well-documented history](#)¹ of allowing prosecutorial misconduct to go unchecked. Serious misconduct ranging from [Brady violations](#)², to [sexual harassment](#)³ both within and without the County Attorney's office, to [innocent people being sent to death row](#)⁴ has persisted with few, if any, consequences. It is indicative of a decades-long culture of misconduct that flows from the top down, one that prioritizes winning convictions over pursuing fairness and seeking justice.

¹ Anna Arceneaux and Jared Keenan, "We are fighting Maricopa County's rampant prosecutorial misconduct," acluaz.org, April 4, 2019,

<https://www.acluaz.org/en/news/we-are-fighting-maricopa-countys-rampant-prosecutorial-misconduct>.

² Steven Hsieh, "The cop's a known liar. No one told her. Now, she's free from prison," Phoenix New Times, March 1, 2019,

<https://www.phoenixnewtimes.com/news/arizona-woman-freed-from-prison-because-of-cops-history-of-lies-11222176>.

³ Sonu Wasu, "Personnel file reveals prosecutor Juan Martinez's harassment problems go back 30 years," ABC 15, August 10, 2019,

<https://www.abc15.com/news/region-phoenix-metro/central-phoenix/personnel-file-reveals-prosecutor-juan-martinezs-harassment-problems-go-back-30-years>.

⁴ Saeed Ahmed and Greg Botelho, "Debra Milke, who spent 22 years on Arizona death row, has murder case tossed," CNN, March 24, 2015,

<https://www.cnn.com/2015/03/24/justice/arizona-debra-milke-death-sentence/index.html>.

2. We urge you to appoint a county attorney who will be radically transparent with the public, be responsive to public records requests, and work directly with those most impacted by the criminal legal system when important decisions are being made.

Historically, when the public has asked questions about how prosecutors are being disciplined for misconduct, the Maricopa County attorney has fought tooth and nail to hide public information. The lack of transparency comes at a heavy financial cost to taxpayers as the [public has been forced to](#)⁵ sue the county to access what is rightfully theirs under Arizona public records law. Former county attorney Bill Montgomery even [threatened to pass legal fees on to police departments](#)⁶ if they refused to comply with his order to control their records.

3. We urge you to appoint a county attorney who will work to reduce our prison population by ending prosecutions that disproportionately impact low-income people, people of color, and people in need of medical care, and take seriously their duty to seek justice for those who've been harmed and/or lost their lives to police violence.

The Maricopa County Attorney's Office has aggressively prosecuted [people suffering from mental illness](#)⁷, [lawful medical marijuana patients](#)⁸, and [people caught in the cycle of poverty](#)⁹. Meanwhile, police officers who have injured or killed our loved ones almost never face consequences due to prosecutorial decisions of the county attorney.

⁵ Dillon Rosenblatt, "ACLU alleges Maricopa County Attorney illegally withholds public records," The Arizona Capitol Times, May 22, 2019, <https://azcapitoltimes.com/news/2019/05/22/aclu-alleges-maricopa-county-attorney-illegally-withholds-public-records/>.

⁶ Jason Pohl, Uriel J. Garcia, Perry Vandell and Michael Kiefer, "Maricopa County attorney seeks to usurp police control of records, video," The Arizona Republic, May 21, 2018, <https://www.azcentral.com/story/news/local/phoenix/2018/05/21/maricopa-county-attorney-bill-montgomery-police-records-video/624111002/>.

⁷ Uriel Garcia, "Mom of a jailed woman with mental illnesses asks that she be released," The Arizona Republic, July 25, 2019, <https://www.azcentral.com/story/news/local/phoenix/2019/07/24/carlos-garcia-puente-arizona-mental-illness-woman-release-bill-montgomery/1816323001/>.

⁸ Elizabeth Whitman, "Bill Montgomery Admits His Office Screwed Up in Pursuing Marijuana Extract Case," Phoenix New Times, May 8, 2019, <https://www.phoenixnewtimes.com/news/bill-montgomery-mcao-aclu-marijuana-concentrates-extracts-case-11281637>.

⁹ Taylor Fingert, "Montgomery: Shanesha Taylor has one shot to avoid prosecution," The Arizona Republic, November 5, 2014, <https://www.azcentral.com/story/news/local/scottsdale/2014/11/05/montgomery-shanesha-taylor-prosecution-abrk/18542615/>.

4. We urge you to appoint a county attorney who will end the office's harmful and regressive lobbying against criminal legal reform.

The Maricopa County attorney has [long stood in the way](#)¹⁰ of bipartisan, evidence-based criminal legal reform legislation at the state Capitol by lobbying lawmakers to maintain the status quo. As a direct result, our prison population has grown nearly twice as fast as [our state population](#)¹¹. Arizona now spends more taxpayer dollars on keeping people in prison than we spend on higher education, and lags behind [34 other states](#)¹² that reduced both crime rates and corrections spending over the last decade. We need a county attorney who will be an advocate for criminal legal reform.

5. We urge you to appoint a county attorney who will pledge to not run for election in 2020.

Voters should be allowed to fairly decide who their next county attorney will be. Status as an incumbent will give the interim county attorney an unfair advantage in a contentious race when the voters of Maricopa County will not have had a say in their appointment. This is fundamentally undemocratic. We urge the Board of Supervisors to respect the democratic process and appoint a true interim county attorney to address the concerns listed above, not to consolidate political power or advance their political careers.

6. We urge you to make the appointment process fully transparent and inclusive by ensuring the involvement of people directly impacted by the criminal legal system.

We commend your decision to approve a citizens county attorney selection review committee to help you choose the next county attorney. We would have preferred for this committee to be fully representative of the community by including people directly impacted by the criminal legal system. However, we believe formerly incarcerated people, family members of currently incarcerated people, or people with other direct experiences with unjust prosecution and policing can still have a voice in this process. Those closest to the problem are the closest to the solution, and incorporating the feedback of those directly impacted is crucial to appoint a county attorney that has the best interest of all Maricopa County residents at heart.

¹⁰ Julia Shumway, "Prosecutors' honor questioned as criminal justice measures die," The Arizona Capitol Times, June 14, 2019, <https://azcapitoltimes.com/news/2019/06/14/prosecutors-honor-questioned-as-criminal-justice-measures-die/>.

¹¹ Fwd.us, "Arizona's Imprisonment Crisis: The High Price of Prison Growth," pg. 2.

¹² Cameron Kimble and Ames Grawert, "Between 2007 and 2017, 34 States Reduced Crime and Incarceration in Tandem," The Brennan Center for Justice, August 6, 2019, <https://www.brennancenter.org/blog/between-2007-and-2017-34-states-reduced-crime-and-incarceration-tandem>.

We appreciate your time and consideration.

Sincerely,

Puente Human Rights Movement
LUCHA - Mass Liberation Project
The ACLU of Arizona Campaign for Smart Justice
American Friends Service Committee - Arizona (AFSC-AZ)
Arizona Attorneys for Criminal Justice (AACJ)
Poder In Action
Humanist Society of Greater Phoenix
Fund for Empowerment
Black Lives Matter Metro Phoenix
Central Arizona National Lawyers Guild
Progress Now Arizona
Arizona Advocacy Network Foundation
The Justice Collaborative
Color of Change PAC
House Democratic Whip Athena Salman
Arizona State Senator Martín Quezada, LD 29
Arizona State Representative Diego Rodriguez, LD 27
Arizona State Senator Juan Mendez, LD 26