



Maricopa 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 Maricopa 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 March 6, 2020.

Contact Information

Please provide constituents with your campaign contact information.

Name, as listed on the ballot: Julie Gunnigle

Phone number: (480)266-0129

E-mail: jg@gunnigle2020.com

Website: www.gunnigle2020.com

Facebook URL: <https://www.facebook.com/Gunnigle2020/>

Twitter handle: @JulieGunnigle

Instagram: Gunnigle 2020



Mission and Vision

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

The criminal justice system in Maricopa County is both emblematic of and partially responsible for systemic and systematic failures of ensuring equal justice under the law. The residents of Maricopa County, those impacted by violent crime and those lives caught up in a system because of low-level or non-violent excessive prosecution, deserve to have leaders that bring both the passion to make drastic, needed and critical changes to the system while carrying the experience to accomplish big things.

Many candidates running for this position are talking about similar issues and similar fixes to those issues – but we have seen time and time again prosecutors elected who fail to implement those changes because of political pressures or the inability to take on bad policing or carry a mantle of moral authority to change the system.

I am the only candidate who has looked in the eyes of corrupt politicians and held them accountable under the law. I believe that in Arizona elected officials have, for too long, created profit streams like private prison pipelines rather than fight for true measures that reduce crime and keep our communities safe.

This position has the power to both prioritize the prosecution of crimes that matter, and enact lasting criminal justice reforms including ending cash bail, mass incarceration, and the school-to-prison pipeline. I am running because I believe that this office has been on the wrong side of history for too long: from blocking LGBTQ adoption, to forcing taxpayers to front Joe Arpaio's legal fees, from employing prosecutors who sexually harass interns, to opposing childhood sexual assault protections. I believe that reform is possible, but only if we get to the heart of the problem: the perverse profit motive, self-dealing, and corruption in our government that profits from over-incarceration.

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



As you know, this office has the power and discretion to make meaningful criminal justice reforms on day one. My day one priorities would be the creation of three new bureaus: a conviction integrity unit that checks the work of police and prosecutors to ensure that convictions are just; an independent police use of force unit separate from the line prosecutors; and a financial crime and public corruption unit that focuses on those who abuse power.

On day one, I would dismiss every pending low-level marijuana case, and make office policy that no personal-use amounts of cannabis will be charged and the no objections will be filed when those convicted of such offenses move to set aside their convictions. I would dismiss Juan Martinez and make clear that this office will not tolerate sexual harassment of any employee. I would instruct the attorneys that this office will stop seeking cash bail and only seek pretrial conditions that keep the public safe and minimize flight risk. I would stop the charge stacking (and use of Hannah priors in particular) that drives up sentences. Last, I would commit to uniform data collection practices so that these efforts will be transparent, measurable, and publicly available.

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.

Sadly, even this question does not get at the root cause of so many detainments in our legal system. While creating diversion programs for those with addiction, those with PTSD, those with abuse or those with housing insecurity are vital – I also think this office has the ability to go much further than that. We have the ability to create an environment where one of the top law enforcement officials is advocating for reduction in the number of incarcerated individuals and shifting the resources used to lock people up to invest in communities, ensure community-based policing, providing food for kids who are going hungry and invest in our schools.



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. My goal would be to bring Maricopa County’s incarceration rate in line with the national average over the course of four years. Given the scope of our incarceration problem, this is no small task and would represent an almost 26% reduction in our prison population and average yearly savings of \$250 million once achieved. We can reach those ambitious numbers, while keeping our communities safe by:

- 1) Focusing on reentry. Too often, those who have previously served time are sent back for technical violations of community supervision or probation tails. Engaging with employers and community supports to aid reentry, coupled with graduated sanctions for non-criminal violations and eliminating probation tails would reduce needless secondary prison admissions.
- 2) Reducing the average length of stay. I will be a voice for the elimination of the mandatory minimums that tie judges hands and prioritize incarceration over rehabilitation. I am also committed to ending charge stacking policies and Hannah priors on day one
- 3) Diverting drug cases to treatment. We will create and expand diversion offerings so that drug crime (and drug motivated crime) are diverted from the criminal justice system and into appropriate 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 systemic racism in our criminal justice system is undeniable. We know that at every step of the criminal justice system Black and brown people are treated differently: they have more frequent contacts with police, are more frequently targets of traffic stops, are more likely to be charged with a crime, and, when



charged, are more likely to serve longer prison sentences than any other population. To fix it, we must:

- 1) Be committed to transparent collection of uniform data and measurable goals of reducing racial disparities. This office has historically been one of the least transparent government offices, it is difficult to track disparities, particularly in plea agreement offers.
- 2) Be committed to reforming drug prosecution. The war on drugs is a significant driver of the racial divide in policing and prosecution. We need to invest in significant diversion and deflection practices and work to end mandatory minimums that needlessly and disproportionately imprison communities of color.
- 3) Be committed to stopping the school-to-prison and fostercare-to-prison pipeline. Ending zero tolerance, providing vocal support and opportunity for restorative justice in the system, and passing Raise the Age legislation are all data-driven efforts I support to make this a reality.

Legislation

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

This role is as much about enforcement as it is about advocacy. I believe that the County Attorney should be an advocate for criminal justice reform at the Legislature, especially on those issues like mandatory minimums, earned release credits, and prison conditions that are essential to a functioning criminal justice system and fundamentally legislative.

Anything that I advocate as solutions to any of these questions I also believe should be codified into law so county attorneys who don't implement these changes are forced to and the criminal justice system can't easily be reverted back to the status quo based on one election.



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. The current system has only served to drive up the length of sentences and provides little incentive for rehabilitation while incarcerated. I support current efforts for earned release credits and will continue to do so when elected. I also believe though we should look at other models being adopted across the country that keep our communities safe while making sure our system is fair.

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. I believe in the elimination of money bail because no person should lose their freedom for no other reason than finances. In instances where there are flight risks or continued risk to public safety, I pledge to seek orders of detention, rather than unattainable amounts of money bail to ensure attendance in court.

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 will not prosecute abortion in our state. Were *Roe v. Wade* to fall, it is not just abortion, it is also the sale of contraceptives that will be criminalized. I have seen how the criminal law involves itself in the personal decisions of whether and when to become a parent, and I am committed that Arizona will not follow this path.

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?

There is significant literature that shows the abject failure of the death penalty as a policy. It generally fails as a deterrent factor. There is a lack of effective drugs used in the procedure. Countless cases of those who are exonerated because of their



innocence and of course the giant racial disparity gap in the seeking of the death penalty.

Right now, the County Attorney ranks in the top 99.9% percentile in terms of the number of death penalty notices filed. I am committed to a thorough review of every pending death case, to ensure fair, transparent enforcement and that biases are eliminated.

While all of that is said, I do not believe we should completely abolish the death penalty as there may be – under the most narrow and strictest standards – a need for public safety in the use for the rare most egregious and heinous of crimes.

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.

I will adopt a policy that all prosecutors individually consider not just the immigration consequences, but also the collateral consequences of any conviction, including jobs, housing, family circumstances, to ensure that justice is being done when the office recommends a disposition. So, yes but with this qualification: I do not believe in blanket policies that would charge someone differently based on immigration or any other status.

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. This is a day one priority.



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. This is a day one priority.

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. Transparency and accountability are central to my campaign and how I plan to lead the office. I will continue the tradition I am building of coffee paired with conversation with anyone who wants to discuss the office. Moreover, I am also committed to the creation of an advisory board that includes communities of color, the immigrant community, community-based organizations, and criminal justice reform advocates, in addition to prosecutors, defense attorneys, formerly incarcerated individuals, victims organizations, and law enforcement. Stakeholders deserve a seat at the table and I am committed to fostering connections among all groups impacted by the criminal justice system.

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. This is a day one priority. I will create a unit and staff it with attorneys who are committed to independent, good-faith review of previous conviction and claims of actual innocence and an external advisory board to oversee the process.



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. This is a day one priority. Our system of prosecution relies on partnerships with law enforcement to investigate and prove cases. It presents a conflict of interest that prosecutors would be asked to simultaneously rely on and hold officers accountable, whether it be for use of force or any other misconduct. For this reason, I believe that the creation of a unit with actual independence to prosecute these referrals is a necessary first step.

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. Having seen the pitfalls associated with open file discovery implementation, I will also push for open file and discovery reform to be codified in statute as it is in a multitude of other states.

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.

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.

