



ACLU of Arizona
P.O. Box 17148
Phoenix, AZ 85011

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Allister Adel
Maricopa County Attorney's Office
225 W. Madison St.
Phoenix, AZ 85003

County Attorney Adel:

The Maricopa County Attorney's Office has a sordid history of pursuing retaliatory charges against political opponents and allowing ethical violations to go unchecked.¹ Serious misconduct ranging from *Brady* violations² to sexual harassment,³ to sending innocent people to death row⁴ have persisted with few, if any, consequences. It is indicative of a decades-long culture of misconduct and impunity that flows from the top-down, one that prioritizes convictions over pursuing fairness and seeking justice.

When you were appointed County Attorney, you assured the residents of Maricopa County that you would usher in a new era of accountability and transparency.⁵ However, we have seen little progress to fulfill that promise and recent media reports have exposed troubling actions by your prosecutors and a culture of impunity within the MCAO that continues to thrive at the expense of constitutional rights.

Civil rights leaders and community activists have been sounding the alarm about misconduct in your office for years. This situation requires clear and urgent action including immediate accountability measures to remedy the harms your office caused

¹Anna Arceneaux and Jared Keenan, "We are fighting Maricopa County's rampant prosecutorial misconduct," [acluaz.org](https://www.acluaz.org/en/news/we-are-fighting-maricopa-countys-rampant-prosecutorial-misconduct), 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>

⁵ Meg O'Connor, "Allister Adel Promises Change, Avoids Specifics at First Press Conference," *Phoenix New Times*, Oct. 17, 2019, <https://www.phoenixnewtimes.com/news/allister-adel-maricopa-county-attorney-criminal-justice-montgomery-11373225>



people exercising their right to protest and to assure the public that they are safe from political prosecutions in the future.

The facts show that prosecutors in your office: (1) colluded with Phoenix Police to target and arrest Black Lives Matter movement leaders⁶, (2) allowed police officers to lie to the grand jury⁷, (3) failed to disclose exculpatory evidence to the grand jury⁸, and (4) created a fictional gang to enhance criminal charges.⁹

Since November, organizations working toward the liberation of Black people, including Mass Liberation Arizona, Black Lives Matter-Phoenix Metro, Poder in Action, Tomorrow We Vote, Trans Queer Pueblo, Black Phoenix Votes and many others have made public demands for your office to drop all charges against all people arrested for protesting against police violence throughout 2020.¹⁰ Indeed, outrage about these cases has even reached state and national levels with Arizona lawmakers and celebrities calling for dismissal of the charges.¹¹

⁶ Dave Biscobing, “What did Allister Adel Know About Protest ‘Gang’ Charges?”, Feb. 22, 2021, <https://www.abc15.com/news/local-news/investigations/protest-arrests/what-did-allister-adel-know-about-protest-gang-charges>

⁷ Dave Biscobing, Prominent Activist Bruce Franks Jr. Targeted By Phoenix Police, Feb. 10, 2021, <https://www.abc15.com/news/local-news/investigations/protest-arrests/prominent-activist-bruce-franks-jr-targeted-by-phoenix-police>

⁸ Dave Biscobing, Prominent Activist Bruce Franks Jr. Targeted By Phoenix Police, Feb. 10, 2021, <https://www.abc15.com/news/local-news/investigations/protest-arrests/prominent-activist-bruce-franks-jr-targeted-by-phoenix-police>

⁹ Dave Biscobing, Officials Create Fictional Gang to Punish Phoenix Protestors, Feb. 7, 2021, <https://www.abc15.com/news/local-news/investigations/protest-arrests/politically-charged-officials-create-fictional-gang-to-punish-phoenix-protesters>

¹⁰ Josh Kelety, “ACLU, Activist Groups Denounce Prosecutions of Anti Police Brutality Protestors”, November 17, 2020, <https://www.phoenixnewtimes.com/news/aclu-activists-prosecutions-phoenix-police-protesters-gang-charges-11515264>

¹¹ Kaila White, BLM protesters and supporters — including Mark Ruffalo — call for charges to be dropped, February 25, 2021, <https://www.azcentral.com/story/news/local/phoenix/2021/02/24/mark-ruffalo-others-demand-charges-against-blm-protesters-dropped/6806231002/>



While the dismissal¹² of many¹³ of the charges are a good first step, your office signaled its intention to refile some charges¹⁴ even while there are still remaining cases that warrant dismissal with prejudice.

As such, we demand the following immediate actions from your office:

- 1) Seek dismissal of all protest-related charges *with prejudice* and commit not to refile any of the protest-related charges from 2020.

As was revealed by ABC 15, your prosecutors used false testimony from Phoenix Police officers to fabricate a gang to punish and silence political critics. This decision taints all cases arising from the July 18, August 9, and October 3 protests and demonstrates that your office cannot impartially prosecute people who attended any protest against police violence in the summer of 2020. This is true even for cases in which individuals are accused of minor offenses like property damage. You must seek dismissal of these charges with prejudice to make certain they will not be refiled by anyone in your office.

- 2) Fire all prosecutors involved in the political prosecutions of protestors, including April Sponsel and Nick Michaud.

In an interview with 12 News, you stated that prosecutors failed to follow office protocols when obtaining indictments in these cases.¹⁵ Those indictments were based on false information and lies that arguably would have been discovered had the prosecutors involved followed MCAO's policies. People who are charged with crimes can face devastating impacts to their lives, the lives of their families and to their communities. When false charges are filed, the impact of the criminal legal system is borne by those charged without any justification at all. Individuals and communities affected by the seriousness of these violations and the ongoing harm caused by these prosecutors cannot wait for the outcome of Judge Steinle's

¹² The Associated Press, "Maricopa County attorney moves to drop protest cases with gang charges," Feb. 14, 2021, <https://ktar.com/story/4026642/maricopa-county-attorney-moves-to-drop-protest-cases-with-gang-charges/>

¹³ Dave Biscobing, "Charges dropped against Bruce Franks Jr., 11 other protesters following ABC15 investigation," March 9, 2021, <https://www.abc15.com/news/local-news/investigations/protest-arrests/charges-dropped-against-bruce-franks-jr-and-11-other-protesters>

¹⁴ The Associated Press, "Charges Being Dropped for 12 Protestors Arrested in Phoenix, March 9, 2021, <https://apnews.com/article/arrests-phoenix-f740e8bd62bb01f1a737ea2a836312af>

¹⁵ Brahm Resnik, "Top prosecutor was kept in dark about controversial gang charges against Phoenix police protesters, office says," February 21, 2021, <https://www.12news.com/article/news/politics/top-prosecutor-was-kept-in-dark-about-controversial-gang-charges-against-phoenix-police-protesters-office-says/75-32de695a-d5f3-4e2b-8e71-1d8a24f3b849>



investigation. The findings by ABC 15 already laid out the facts. Hold the prosecutors accountable by firing them immediately and making it clear to all prosecutors in your office that this type of misconduct will no longer be tolerated.

3) Disband the First Responder Bureau

All the protest-related cases were handled by the First Responder Bureau, a new unit created to cater to the false narrative that police officers are the frequent targets of violence rather than the very people often inflicting violence and harm on communities. The unit serves no purpose but to silence critics of police brutality and it must be disbanded.

4) Increase transparency between your office and the community.

Since these political prosecutions began, the Maricopa County Attorney's Office has skirted responsibility by leaving the public in the dark and leaving many questions unanswered. It's part of a pattern of secrecy in this office. County attorney offices maintain critical data that can help inform policy, demonstrate areas of racial bias, improve efficiency, reveal drivers of mass incarceration, and influence laws. The public deserves to have access to accurate data about who you are prosecuting and why. We demand a true, up-to-date data dashboard that provides raw data and information, including the demographic data of all charges and prosecutions, bail, whether diversion was offered, and case outcomes.

We look forward to your response and remain hopeful that you will take the necessary actions outlined above on behalf of the residents of Maricopa County you were elected to represent.