



Maricopa County Attorney

RACHEL H. MITCHELL

July 3, 2023

Katie Hobbs
Arizona Governor
State Capitol
1700 West Washington Street
Phoenix, AZ 85007

Governor Hobbs:

Since statehood, it has been status quo in Arizona that the duty and discretion to conduct criminal prosecutions for public offenses rests with county attorneys unless a statute specifically provides otherwise. As county attorneys, each of us exercises such discretion daily. The governor's office should not interfere with the discretion of prosecutors in fulfilling their duties as elected officials. Executive Order 2023-11, however, is a sweeping attempt to do just that. Whether this was the intended purpose, the result is an unnecessary and unjustified impingement on the duties and obligations of elected county attorneys in Arizona.

Executive Order 2023-11 sets a dangerous precedent and suggests that any Arizona governor can order the attorney general to assume all duties related to an entire category of criminal prosecution and, by consequence, prohibit local prosecutors from acting. This is contrary to A.R.S. § 41-193(A)(2) which only relates to existing, individual cases and not whole categories of crimes and (A)(5) which only permits the governor's office to direct the attorney general to assist county prosecutors.

This executive order results in an exercise of authority not vested in the governor's office. It is a substantial overreach to suggest the governor may strip away prosecutorial discretion from local, elected officials.



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We ask that you rescind the usurpation of the rightful decisions of elected prosecutors by rescinding Section 1 of Executive Order 2023-11 and Section 2 insofar as it would limit access to criminal history records or crime lab support no later than July 7, 2023.

Finally, we write to confirm that "State Agency," as used in Executive Order 2023-11 does not include any county-level government officers and agencies. Please confirm our understanding no later than July 7, 2023

Sincerely,

Rachel H. Mitchell
Maricopa County Attorney

William P. Ring
Coconino County Attorney

Kent Volkmer
Pinal County Attorney

Matt Smith
Mohave County Attorney

Jon R. Smith
Yuma County Attorney

Dennis McGrane
Yavapai County Attorney

Brad Carlyon
Navajo County Attorney



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Brian M. McIntyre
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Scott Adams
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