



P.A. MATT DURRETT

Prosecuting Attorney, District 04

Matt Durrett is in his second term as a Prosecuting Attorney for the Fourth Judicial District and is the Vice President and member of the Legislative Committee for the Arkansas Prosecuting Attorneys Association. Previously, he worked as a Deputy Prosecuting Attorney.

Describe the qualifications and experiences that make you the best candidate for the prosecutor's office.

I have been a prosecutor for the last 23 years, including the last 7 as the elected prosecutor. Over that time, I have prosecuted thousands of cases involving virtually every felony offense. I have prosecuted dozens of murder cases. I have been trying criminal cases for my entire time in the office. Since becoming the elected prosecutor, in addition to my caseload, which consists of numerous murder and rape cases, I supervise an office that has expanded to approximately 50 employees. I am also responsible for coming up with our office's yearly budget, which is now around \$1,500,000. I also have the obligation of justifying each and every part of that budget to the quorum court.

I serve on numerous boards and committees related to my job. I was selected as the Arkansas Prosecuting Attorneys Association's (APAA) representative on the Multi-Disciplinary Team (MDT) Oversight Committee. The Children's Advocacy Centers of Arkansas oversees MDTs, and this committee was established to help work more efficiently to fight child abuse. Until its temporary closure, I served on the Crisis Stabilization Unit Advisory Board. I am currently a member of the Washington County Criminal Justice Coordinating Committee and serve as co-chair. I am also a member of the APAA's Board of Directors and am presently Vice President of that association.

In your opinion, what is the biggest challenge facing the prosecutor's office and how do you plan to address it?

The Covid backlog has created numerous problems for our system. I believe that is the biggest challenge we currently face. It has affected every aspect of the system. Not only has it greatly increased the caseloads of our deputy prosecutors, it has led to long delays in the resolution of cases. This means that all involved in these cases from victims to defendants have had to wait far too long for their cases to be heard. I have been working with the Public Defender's Office to expedite cases as best we can. Our offices enjoy a good working relationship, which has enabled us to come up with different ideas to help alleviate the problem. Both offices are working to identify cases that can be moved up in the calendar. We partnered together to hold the first of what we hope will be several Warrant Clinics to get people with outstanding warrants to come in, discuss their cases with an attorney, and get them resolved without the offenders having to be arrested.

Prosecutors and Public Defenders statewide were recently appropriated \$1,000,000 each to hire part-time attorneys to help with cases filed during the Covid shut down. We are working in conjunction with the Public Defender's Office to focus on those cases. I am in the process of filling those positions as we speak. I am also working with the Public Defender's Office to get a permanent, full-time position at the jail to focus on resolving cases of those who are incarcerated. When that position is eventually filled, I will have a deputy designated in our office to work with that attorney to expedite those cases.

**What role should money/cash bail play in pretrial release?
What steps would you take to safely reduce the rate of
pretrial incarceration in our county?**

Cash bail plays a role in our system. It ensures that people arrested on a felony offense show up for court. It also serves to protect our citizens from violent offenders. It is undeniable, though that there are individuals who are in jail because they can't afford to post a bond. When those individuals do not pose a threat to our community or a risk of flight, we do what we can to release them. For the last two years, I have worked with the circuit judges and the sheriff's office to identify those individuals and allow them to be released on their own recognizance.

Two years ago, I sent a memo to the sheriff's office detailing which individuals can be released without having to post a bond. I set out criteria for the sheriff's office to follow...low-level, non violent offenders with no history of violence or failing to appear for court, along with a local address (Washington County or a neighboring county). That is still in effect today and will be as long as I am prosecutor.

Unfortunately, since Covid, we have seen a dramatic increase in the number of failures to appears. The sheriff's office started a monitoring program over a year ago to allow some non-violent offenders to be released on an ankle monitor. When a detainee meets the criteria of the monitoring program, the sheriff's office contacts me to get my consent to release them on a felony citation. When that program started, I met with the judge responsible for setting bonds to get the authority (since a bond had already been set) to release those people. I will continue to do this as long as is needed.

I am also working in my role as a member of the CJCC to start a robust pre-trial services program. That is one of the main recommendations of the Criminal Justice study that was completed in 2020, and something I strongly believe in. This will hopefully allow more people to be safely released from the jail, be provided with needed services, such as drug treatment and job training, and be moderately supervised to ensure that they show up for all court appearances.

What is your attitude/approach toward negotiating plea bargain versus trial litigation in criminal cases?

The important thing is that each case comes to a fair and just resolution, whether that be by a plea, a trial, or a dismissal of the charge(s), if necessary. Plea bargains are a vital part of the system. On average, we file over 3,000 new felony cases each year. We do not have the time or the resources for every case to go to trial. Even if we had the time to try them all, it would not be fiscally responsible to do that, especially when the vast majority of defendants wish to plead guilty.

Our office is, and has always been, dedicated to making fair plea offers. This is done by reviewing the nature of the charge, a defendant's criminal history, and the input of the victim in violent cases. Defense attorneys ensure that we do that. They know what is fair and what is not. They also have the knowledge to advise a defendant when accepting a plea offer is better than going to trial. Some cases need to go to trial. That is part of any lawyer's job. My approach is to make sure that those cases that go to trial are the ones that really need to.

What do you think is the most effective way to deal with low-level drug offenders? What would your office policies be regarding plea bargaining in drug offense cases? Use of these individuals as criminal informants?

With low-level drug offenders, our office's policy is treatment first, whether that be in drug court or through probation with drug treatment. I have always been a proponent of drug court. I believe that is one of the most powerful and effective tools our system has. I believe that society benefits more from a recovered addict who is working a job, paying taxes, and most importantly, reclaiming their life and family.

Our office, in almost all possession cases, offers one of the two above-listed options. Delivery cases are different. I believe that people selling methamphetamine, cocaine, fentanyl, or other dangerous drugs should serve prison time, be it in the Department of Correction or the Community Correction Center. There are exceptions, but most of the time, dealers will get an offer of prison time from our office.

Confidential informants play an important role in the fight against drug dealers. The vast majority of them will not sell drugs to a stranger. That is why confidential informants are used. Some are paid, but most do it to work off criminal charges. There have been concerns raised recently that these individuals are coerced into doing this work. While I do not agree with that, I certainly understand the concern. I am not naïve enough to believe that they are happy to be in the situation of being a confidential informant. However, they do benefit from it, in the form of reduced or dismissed charges. To address these concerns, our Drug Task Force started informing all of those individuals they want to use as an informant of their rights. Specifically, they are told that, before they agree to do anything, they have the right to speak to an attorney. This allows them to consult with an individual looking out for their best interests to help them make an informed decision.

Studies show racial disparities in drug law enforcement, despite the fact that white people and people of color use and sell drugs at the same rate. What would you do to minimize these disparities?

One thing that is NEVER taken into account by my deputies when making a filing decision or a plea offer is a defendant's race. It should go without saying that if any person in my office lets race influence a decision, that person would be immediately fired. I fully support all that law enforcement is currently doing to eliminate any implicit bias in their actions. I firmly believe that the law enforcement in both Washington and Madison Counties are striving to make sure that race plays no role in any of their actions. I also support the proactive steps law enforcement is taking to reach out to communities of color to build trust and ensure to those communities that racial fairness is of the utmost importance.

What would your policy be regarding charging children in adult court? When would you use your authority to file charges in adult court and when would you pursue a case in juvenile court?

Filing adult charges on minors should be rare. Arkansas law set forth conditions under which a minor can be charged as an adult. In some occasions, it is necessary. Some crimes are so heinous that adult charges are warranted. In some occasions, a juvenile has been through the juvenile system so many times, and has received so many services to change their behavior, that charges in the juvenile system are not appropriate. Any time we consider filing adult charges on a juvenile, we consult the mandated factors in the statute.

When we have made the decision to file adult charges on a juvenile, his or her attorney almost always files a motion to transfer the case back to juvenile court. This allows a judge to hear the nature of the charge, the evidence against the juvenile, the juvenile's history, and any services the juvenile has previously received through the system. The judge makes the final determination as to where the case will remain.

What would you do to develop a trusting relationship with the immigrant community in your county?

The main community we seek to build a relationship with is the Hispanic community. Within the last few years, I got the quorum court to fund a Spanish speaking victim assistant for our office. That employee reaches out to Spanish speaking victims of violent and non-violent crimes to ensure them that we are here to help them. She helps guide them through a system that many of them know nothing about. We make sure that they know their needs will be look out for and that we will do what we can to make them whole.

Another important role our office plays is in the U-Visa process. This process allows undocumented immigrants who have been a victim of a crime or a witness to one to receive a special visa. We receive numerous requests for those, and we review each of them. When they have been victimized or have played a role in a case, we approve those requests.

Law enforcement has been engaged in outreach to our immigrant community, which obviously includes immigrants from numerous nations. We have recently designated a prosecutor to provide any assistance our office can in that endeavor.

Mental health has been a significant topic throughout the debate about reducing the jail population. Incarceration has been widely shown to make mental health conditions worse. What steps will you take as DA to divert people with mental health conditions from the criminal justice system?

One of the responsibilities of our office is to handle involuntary mental commitments. This is a process where an individual can file a petition to have a person involuntarily committed if they suffer from a mental illness and pose a present danger of violence to themselves or others. Unfortunately, we see far too many of those cases. Some of these individuals are incarcerated. Depending on the nature of the charge, we file a petition when an officer contacts our office.

I am also very supportive of the Crisis Stabilization Unit. I believe that is a much-favorable alternative to incarceration for non-violent offenders. I am also supportive of establishing a Mental Health Court in Washington County. I first looked into this after speaking with the prosecutor for Craighead County after they established one. The Programming sub-committee is actively looking for a way to establish one here. That takes funding, among other things. The CJCC considers this to be a high priority, and I will do what I can in my role on the CJCC to help get one established here.

How would you handle use of force incidents involving local police?

It goes without saying that police officers are not above the law. It is my responsibility to review cases involving deadly physical force or any other illegal action by a police officer. Any time I review such a case, that review is based on Arkansas Code sections 5-2-607 and 5-2-610. The first governs the use of deadly physical force in defense of a person. The second involves the use of physical force by a law enforcement officer. That is what guides my review. If an officer's actions are justified, I will not file charges. If they are not, I will.