

Equal Justice Under Law in Arizona

The Hampton Protocol

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A Governor-Led Initiative to Restore Constitutional Accountability in Arizona's Criminal Justice System Through Executive Investigation, Oversight, and Enforcement

Executive Summary

Fred Hampton, Chairman of the Illinois Black Panther Party, was assassinated in 1969 during a pre-dawn raid coordinated between local law enforcement and the FBI, following infiltration by an informant. His killing was later determined to be the result of a deliberate government operation, not a lawful police action. The Hampton case stands as one of the clearest historical examples of unchecked law-enforcement power operating outside constitutional limits—and a reminder of why executive oversight exists.

Arizona's criminal justice system today suffers from a different, but structurally related failure: a lack of effective accountability for police misconduct, prosecutorial abuse, and judicial corruption. When internal review mechanisms

fail and professional guilds police themselves, constitutional rights erode and public trust collapses.

This white paper proposes the Hampton Protocol—a governor-led, constitutionally grounded enforcement framework that aggressively uses existing executive powers to trigger criminal investigations when public safety, civil rights, or constitutional order are at risk.

Under Arizona law, the Governor has authority—through the Department of Public Safety (DPS), executive supervision, and statutory law-enforcement powers—to investigate any public servant, including police officers, prosecutors, judges, attorneys, and elected officials, when credible evidence of criminal conduct exists.

This initiative reforms the criminal justice system from the street level inward, complementing a forthcoming white paper proposing a constitutional amendment to reform the Arizona State Bar and judicial governance, which addresses corruption at the institutional apex.

The combined result: equal justice under the law—not privilege, immunity, or professional caste protection.

I. The Accountability Crisis in Arizona's Criminal Justice System

1.1 Structural Failures of Internal Oversight

Arizona relies heavily on self-policing systems:

- Police departments investigate their own officers.
- Prosecutors rarely charge law enforcement partners.
- Judges discipline judges through closed, insular processes.
- Attorneys are governed by a State Bar that operates as a quasi-governmental NGO.

These structures consistently fail to produce accountability in cases involving:

- Excessive force and civil-rights violations
- Evidence tampering or Brady violations
- Prosecutorial misconduct and wrongful convictions
- Judicial conflicts of interest and ethical breaches

National studies consistently show that less than 1–2% of police misconduct complaints result in serious discipline, and criminal prosecutions of officers are exceedingly rare—even when misconduct is substantiated.

1.2 Documented Costs of Corruption and Abuse

The consequences are measurable:

- Arizona cities and counties have paid hundreds of millions of dollars in civil settlements related to police misconduct and wrongful incarceration.
- Wrongful convictions impose long-term incarceration costs, compensation liabilities, and public-safety harm when real offenders remain free.
- Community distrust increases crime reporting failures, witness non-cooperation, and civil unrest—driving higher policing and incarceration costs.

1.3 The Case for Executive Intervention

When internal justice systems fail, executive authority is not optional—it is required.

The Arizona Governor is not merely a ceremonial figurehead. The office exists precisely to intervene when public institutions endanger constitutional order or public safety.

II. Constitutional and Statutory Powers of the Arizona Governor

2.1 Executive Authority Over Law Enforcement

Under the Arizona Constitution and state statutes:

- The Governor is the chief executive responsible for faithful execution of the laws.
- The Governor exercises authority over the Department of Public Safety, a statewide law-enforcement agency with criminal investigative power.
- DPS has jurisdiction to investigate any criminal offense, including those committed by:
 - Local law-enforcement officers
 - Prosecutors and attorneys
 - Judges and court officials
 - Elected and appointed public servants

No class of public official is exempt from criminal law.

2.2 Authority to Initiate Investigations

The Governor may:

- Direct DPS to open criminal investigations when credible evidence or systemic risk exists.
- Convene multi-agency task forces to investigate patterns of misconduct.
- Refer cases directly for prosecution outside compromised local jurisdictions when conflicts of interest exist.
- Use subpoena power, audit authority, and executive reporting requirements to compel transparency.

2.3 Relationship to Judicial Independence

The Hampton Protocol does not interfere with lawful judicial decision-making.

It targets criminal acts, not legal rulings—such as:

- Bribery
- Evidence suppression
- Fraud
- Conspiracy
- Civil-rights violations under color of law

Judicial independence does not include immunity from criminal law.

III. Proposed Policy: The Hampton Protocol

3.1 Core Principle

No badge, robe, license, or office places a person above the law.

The Hampton Protocol establishes a standing executive framework for rapid, independent criminal investigation of public-servant misconduct when traditional channels fail or are compromised.

3.2 Trigger Conditions

Investigations may be initiated when:

- Credible evidence of criminal conduct exists.
- Patterns of complaints indicate systemic abuse.
- Civil settlements or judicial findings suggest unlawful behavior.
- Whistleblowers or journalists present substantiated documentation.
- Public safety or constitutional rights are at imminent risk.

3.3 Investigative Scope

The protocol authorizes DPS-led investigations into:

- Police use-of-force incidents and cover-ups
- Prosecutorial misconduct (evidence suppression, coercion, fabrication)
- Judicial corruption (bribery, conflicts, obstruction)
- Attorney misconduct rising to criminal thresholds
- Collusion between public officials and private interests

3.4 Structural Safeguards

To prevent abuse:

- Investigations are evidence-driven, not political.
- Findings are documented and subject to judicial process.
- Criminal charges proceed through lawful courts, not executive decree.
- Transparency reports are issued to the public, protecting due process.

IV. Implementation Timeline (First 90 Days)

Day 0–10:

Executive order establishing the Hampton Protocol.

Appointment of a DPS-based Public Integrity Command reporting directly to the Governor.

Day 11–45:

Audit and review of:

- Prior civil-rights settlements
- Repeated misconduct complaints
- Known wrongful-conviction cases
- Judicial ethics referrals with criminal indicators

Day 46–90:

Formal investigations initiated where thresholds are met.

Referrals to special prosecutors or grand juries as appropriate.

Public reporting on findings, actions taken, and reforms recommended.

V. Fiscal and Public-Safety Impact

5.1 Current Cost Baseline

Arizona taxpayers currently absorb:

- Massive civil-liability payouts
- Long-term incarceration costs from wrongful convictions
- Duplicative policing and court inefficiencies
- Economic harm from destabilized communities

5.2 Cost Reduction Through Accountability

Effective accountability yields:

- Fewer civil settlements and judgments
- Reduced wrongful incarceration costs
- Lower crime through restored community trust
- Improved officer morale and professionalism

Even modest reductions in misconduct-related litigation and incarceration can save tens to hundreds of millions of dollars annually.

5.3 Long-Term Systemic Benefits

- Deterrence of corruption
- Restoration of constitutional legitimacy
- Equal application of law
- Strengthened public confidence in justice institutions

VI. Relationship to Broader Constitutional Reform

This white paper addresses the street-level and operational side of criminal justice reform.

A forthcoming companion white paper proposes an Arizona Constitutional Amendment to reform judicial and attorney governance—specifically addressing:

- The transfer of sovereign power to the Arizona State Bar
- The creation of unaccountable quasi-governmental elites
- Structural corruption within the legal profession

Together, these reforms address both ends of the system:

- Inception and enforcement (The Hampton Protocol)
- Institutional and constitutional governance (Judicial and Bar Reform)

Conclusion

Fred Hampton's assassination was made possible by secrecy, unaccountable power, and institutional collusion. Arizona must ensure that such conditions—whether manifesting as overt violence or quiet corruption—never take root within its own justice system.

The Hampton Protocol reasserts a foundational American principle:

The law governs the governors, the police, the courts, and the governed alike.

By using the full constitutional authority of the Governor's office to investigate crime wherever it occurs—including within government itself—Arizona can restore integrity, reduce costs, protect civil rights, and finally deliver equal justice under law.

Key Outcomes if Implemented:

- Real accountability for public-servant crime
- Reduced taxpayer liability
- Safer communities
- Restored constitutional order
- A justice system worthy of public trust

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