Spokane County Prosecuting Attorney Steve Tucker faces his most serious challenge yet in a five-man race.

Steve Tucker has heard the expression, too. “Anyone but Tucker!” The veteran prosecuting attorney, who’s led the office for the past 12 years, chalks it up to the anti-incumbent sentiment sweeping the nation.

“The mood of voters nationwide is kind of concerning,” says Tucker, a Republican. “They don’t care who’s really running? I’m not sure how it became anybody but me... “I think my experience is a lot broader [than my challengers’] and I bring law enforcement to it,” says Tucker, 59, who was a state trooper for 11 years before graduating from Gonzaga School of Law in 1984 and becoming a deputy prosecutor.

Several of his primary challengers, however, say the anti-Tucker cries are not about some national political movement, but rather about Tucker himself, who they say is an absentee administrator who doesn’t take on cases, instead relying on his deputies to lead his office while he collects a fat paycheck (about $145,000 a year).

“Contempt,” is how most of Tucker’s employees view him, says Dave Stevens, 48, who had been one of Tucker’s underlings for nine years — until he announced in February he would seek his boss’ job and Tucker fired him.
"I can do a better job than Tucker and the county would be safer for it," Stevens says, explaining his campaign. "All of the other competitors would actually be there [at the prosecutors' office], which would be a big change. All of us would aggressively prosecute cases, which would also be a big change."

Stevens says he would set standards for the office, in part by creating a policy manual for deputy prosecutors to consult when, say, they're considering offering someone a plea bargain. “On certain cases, you plea bargain and there’s no problem with that, [but] we have been cutting deals wholesale,” says Stevens, who’s been endorsed by the Spokane County Republican Party.

**Chris Bugbee, 43, has also worked for Tucker,** but left the office in 2002 to run his own private practice. He has emerged as a formidable challenger, raising $19,481 compared to Tucker’s $11,874 and Stevens’ $7,787, according to the latest Public Disclosure Commission records. Meanwhile, Democrat Frank Malone has brought in $6,964 and Jim Reierson, who has no official party affiliation, has not reported any fundraising.

Bugbee has also secured some significant endorsements, including those of the Spokane Police Guild, the Spokane County Deputy Sheriff’s Association and the Fraternal Order of Police.

Republicans of Spokane County, which endorses candidates separately from the county party, split their endorsement between Bugbee and Tucker.

At the top of Bugbee’s priority list is addressing poor morale in the office. He intends to do this by prosecuting some cases himself, pushing to get deputy prosecutors more resources and working with county commissioners, the sheriff and police chiefs.

“Everything else follows from that,” he says. “The prosecutor should be responsive to the public and he should be willing and able to answer questions.”

Bugbee says he would also work to speed up prosecutors’ response time, filing charges sooner and making more thorough examinations of cases (allowing more of them to be diverted to alternative programs). “We’re going to figure out a way to get it done,” Bugbee says.

---

**On the Issues**

Read each candidate’s thoughts on marijuana, snitches, the death penalty and more

- Chris Bugbee
- Frank Malone
- Jim Reierson
- Dave Stevens
- Steve Tucker

---

**How vigorously will you prosecute marijuana cases?**

The citizens of Washington state have clearly articulated that they do not want to see true medical marijuana cases prosecuted. I will establish prosecutorial standards and guidelines that will eliminate wasteful investigation and prosecution of medical marijuana patients and medical marijuana growers. I will continue to prosecute recreational misdemeanor and felony violations, but I will discourage law enforcement from booking misdemeanor offenders.

**What sort of cases would you consider for the death penalty?**
I am pro-death penalty and was a member of the major crimes unit that disagreed with Steve Tucker’s failure to seek the death of Robert Yates. Still, Washington’s death penalty needs to be seriously improved or eliminated. Since its reinstatement over 30 years ago, roughly 300 aggravated murders have been prosecuted. Only four have been executed — and three were “volunteers” who waived their appeals.

**What guidance would you give to other prosecutors regarding the use of snitches?**

Snitches are a necessary evil in the investigation and prosecution of many violent offenses, gang cases and major drug-distribution conspiracies. Still, criminal informants present the risk of providing false and misleading information that could result in wrongful convictions ... . Corroborating evidence will generally be required to prosecute, but not always. The buck will stop with me in cases where strong objective evidence is not present to corroborate informant information.

**How many cases and what kind would you personally litigate every year?**

I anticipate trying one to two cases per year. They would be the most important cases in our community. My cases would range from serious violent offenses to misdemeanors which become extraordinarily relevant to the public’s interest in the integrity of my office and in the criminal justice system generally ... . The reason for trying cases would be twofold: First, to lead deputy prosecutors by example; second, to show the citizens of Spokane County that their elected prosecutor takes his job seriously.

**How vigorously will you prosecute marijuana cases?**

It is common sense that we will prosecute any case which has been charged. The real question is what will we try to accomplish in a particular context? For example, a DUI charge involving marijuana means that someone is putting our lives at risk. Just like alcohol intoxication, these defendants need to stop. Medical marijuana is a different matter, and because the law permits its possession, I will not try to find devious ways to prosecute it.

**What sort of cases would you consider for the death penalty?**

The law provides for the death penalty when the victim of a homicide is a law enforcement officer, corrections officer or firefighter in performance of official duties. This is a no-brainer; these are capital crimes. Contract killings and drive-by shootings are also high on the priority list, as are crimes with multiple victims. Domestic violence should also be a focus.

**What guidance would you give to other prosecutors regarding the use of snitches?**

Informants are a fact of life in complicated crimes. It is common sense that the first defendant to talk gets the best deal ... . Often they agree to a “free talk,” giving information that cannot be used against them. There can also be a polygraph. At this point, they may get an offer to testify. It is important that prosecutors be sure that the informant is not embellishing the tale to make it more attractive. However, the jury will decide in the end.

**How many cases and what kind would you personally litigate every year?**

I expect to put my name on a number of cases and do a trial every 45 days. These will be cases in which the office needs to make a strong statement. For example, career criminals, violent offenders and sex offenders often need to know that they must either plea or go to trial. We will be ready for trial and will not agree to continue their case.

**How vigorously will you prosecute marijuana cases?**
I know there’s a movement to have marijuana legalized. I’m not in favor of that. Marijuana in its current form has a higher THC factor. It’s stronger and more deadly and people who use it often get hooked on other drugs. . . . My real concern is young people who get hooked on this stuff. Medical marijuana: If they have a valid prescription, it’s not always above-board.

**What sort of cases would you consider for the death penalty?**

I think it’s a case-by-case basis. I think the nature of the case, the type of victims [are important]. There are certain aggravating factors that have to be met before you can ever go after the death penalty. I think [serial killer] Robert Yates is an example — certainly when you have multiple victims, when you have somebody killing who takes pleasure in the killing and who has no redeeming qualities.

**What guidance would you give to other prosecutors regarding the use of snitches?**

I’ve had a lot of experience with that, especially with drug cases…. Informants are some of the most dangerous people to work with because most of the time, they have their own agenda. You have to be very careful to rely on an informant…. As far as advice to prosecutors, basically you have to know their complete history.

**How many cases and what kind would you personally litigate every year?**

I think it depends on the nature of the case. Death penalty cases, for example. I think it’s a case-by-case basis and think it depends on the nature of the case, the type of victim and the type of public interest in the case.

**How vigorously will you prosecute marijuana cases?**

A misdemeanor conviction for simple possession of marijuana carries mandatory jail time, which is rarely appropriate for misdemeanor possession. In a time of declining budgets and stretched resources, prosecuting simple possession of marijuana cannot be a priority. My priority will be to prosecute major crimes such as homicides, crimes against children, sex crimes, robberies, felony assaults, burglaries, drug trafficking, domestic violence cases and DUIs. I will also focus on prosecuting career criminals.

**What sort of cases would you consider for the death penalty?**

In Washington state, the death penalty is reserved for the worst crimes, like murdering a police officer, or murdering a witness in a criminal proceeding, and serial murderers. The Washington state Legislature has further limited the death penalty to convictions where the prosecutor has provided prior notice that there is reason to believe there are no sufficient mitigating circumstances to merit leniency, and after conviction a jury or judge has further found beyond a reasonable doubt that there are no mitigating factors meriting leniency. I have no problem seeking the death penalty in those cases with those safeguards.

**What guidance would you give to other prosecutors regarding the use of snitches?**

It doesn’t matter what you call them: cooperative individuals, confidential informants, snitches, stool pigeons, finks or rats. If they are testifying in order to get a lighter sentence or work off charges, they have a motive to lie and are therefore inherently unreliable. They should be used with extreme caution and as a last resort, and then only with independent corroboration if at all possible.

**How many cases and what kind would you personally litigate every year?**
I would personally litigate cases which call into question whether the criminal justice system is working: those that involve the prosecution of law enforcement officers, and those in which the public might be concerned that those well-connected are getting preferential treatment. The public should be able to trust that I am doing my level best to protect our community and hold criminals accountable without favoritism. … When crimes are plea-bargained without reason, our community is not being protected.

**How vigorously will you prosecute marijuana cases?**

Budget cuts have caused our office to prioritize our charging decisions. Delivery and/or possession of larger amounts will be prosecuted. Lower amounts possessed may go to our diversion program or go into the backlog until they can be handled.

**What sort of cases would you consider for the death penalty?**

There must be at least one aggravating factor (listed by statute) present to consider the death penalty. First-degree aggravated murder is the only case where the death penalty can be applied, with life without chance of parole being the alternative. We meet with senior prosecutors and victims after thorough review of the facts before making a decision. Washington has only put one person to death against his will in the last 15 years.

**What guidance would you give to other prosecutors regarding the use of snitches?**

Our prosecutors use snitches to get information that otherwise may not be obtainable. Prosecutors know the credibility of this kind of information (especially if the informant is trying to get a deal in exchange). Juries are also informed to pay attention to the credibility of these witnesses in trial.

**How many cases and what kind would you personally litigate every year?**

I currently have a first-degree murder case pending for the last year where sanity of the killer is the main issue. However, I manage an office of 140 people (65 of which are attorneys) and serve on several boards and committees with regular meetings. With weekly staff meetings, labor-management meetings and regular “walk-in” problems, carrying a regular caseload is not practical. This is common practice in comparable counties across Washington.

The only Democrat in the race is Frank Malone, 67, who served in the Air Force and Air National Guard for 26 years, got a master's in business administration from Eastern Washington University and then graduated from Gonzaga Law in 1985.

Malone says he threw his hat in the ring after growing tired of people bitching about the prosecutors’ office.

“It was just complaining and complaining about how things were going,” says Malone, who’s been endorsed by the county Democratic Party as well as Spokane Mayor Mary Verner and state Sen. Chris Marr (D-6 th ). “We’ve facing all kinds of challenges and it’s the old story: You can’t win the lottery if you don’t buy a ticket.”

Malone says his management experience and his M.B.A.distinguish him from the other candidates. “Leadership is a many-faceted thing,” he says. “It’s basically what’s needed there. And I have an understanding of the budget. I know how the different pieces interact.”

The fourth challenger, 59year-old Jim Reierson, has no official party affiliation but is running as a “Law and Order” candidate. With a law degree from the University of Arkansas, Reierson has worked as a prosecutor in Walla Walla and currently is a deputy prosecutor in Kootenai County.
He ran against Tucker in 2006 and lost, so why run again?

“Basically because Spokane is not as safe as Kootenai County,” he says. He attributes that in part to inefficient prosecution: Reierson criticizes the number of suspects who are released from the county jail because charges hadn’t been filed within the required 72 hours.

“The reason it’s important is many of these people have criminal histories and aren’t from the area, meaning they’ll flee or continue to commit other crimes,” he says. “I don’t think [Tucker] deserves another four years. I really don’t think the man has any real concern for victims.”

Tucker’s used to being attacked during a campaign. His 84-year-old mother is still bothered by it, though, and asks him why he continues to run.

“This is just what I want to do,” he tells her.

6th District State Representative

In the August primary, newcomer Shelly O’Quinn has to get past one of two men who have already been the 6th District Representative.

Spokane County Assessor

Assessor Ralph Baker finds himself assailed by opponents from outside and inside his office.

Spokane County Prosecuting Attorney

Spokane County Prosecuting Attorney Steve Tucker faces his most serious challenge yet in a five-man race.

The Odd Duck

One Democrat tries to hold back the Republican flood toward the Spokane County Board of Commissioners.

The Third’s Party

Dems take on the chosen Dem and a GOP candidate cites the Bible — all in one district.

Storming the Castle

Cathy McMorris Rodgers has a healthy advantage in fundraising, name recognition and ... well, see for yourself.

Read all our 2010 election coverage