

WHO IS THE MOST
 **POWERFUL**
ELECTED OFFICIAL
MOST VOTERS HAVE NEVER HEARD OF?

ANSWER: YOUR DISTRICT ATTORNEY

“The discretion [District Attorneys] have to prosecute cases or reject them gives them more control over the fate of those accused of a crime than a judge or jury.”

—*Voters often underinformed in DA contests, Waco Tribune-Herald*

OVER →

THE POWER OF THE DISTRICT ATTORNEY

Voters from every county in California elect one attorney whose job it is to speak “for the people” in the criminal courts. The primary duty of the District Attorney (DA) is to promote the safety of our communities by prosecuting those who break the law. As the “peoples’ lawyer,” the DA is supposed to serve the interests of all members of the community and to enforce the laws without prejudice, bias, or political purposes.

A great deal of power and responsibility lies in the hands of District Attorneys. Yet most voters don’t pay close attention to the positions of DA candidates. Many voters simply skip this box on the ballot. Even editorial boards of newspapers often do not bother to endorse DA candidates. Without involvement from voters, community organizations, opinion leaders and the media, the immense powers that we put in the hands of DAs will go unchecked.

Many voters don’t realize that the District Attorney is one of the most powerful elected officials in the state.

THE D.A. HAS THE POWER TO:

- ★ Decide who should be sentenced to die.
- ★ Set the stakes by deciding what charges to file.
- ★ Send someone away for life under the Three Strikes Law.
- ★ Give someone a second chance.
- ★ Influence state policy.
- ★ Listen to and respond to the community.

District Attorneys make policy decisions that go far beyond individual cases and impact the local community, county budgets and the state budget. Over the last 30 years, as the result of changes in the law, the discretion and therefore the power of District Attorneys is unprecedented.

- ★ The DA can set young people on the path to rehabilitation or through a revolving door to prison.
- ★ The DA can help build positive relationships between law enforcement and the community—or turn a blind eye to abuses by police and unfair enforcement of the law.
- ★ The DA can be an advocate for the interests of *all* the people or can respond to special interests.

NOW IT IS TIME TO EXERCISE YOUR POWER. SELECT, ENDORSE AND VOTE FOR A DISTRICT ATTORNEY CANDIDATE THAT SPEAKS FOR YOU AND YOUR COMMUNITY.

THE DA SPEAKS FOR YOU: WHAT IS HE OR SHE SAYING ON THESE ISSUES?

BUDGET CRISIS | DEATH PENALTY | DRUG LAWS | JUVENILE JUSTICE | POLICE USE OF FORCE | REHABILITATION AND PREVENTION | THREE STRIKES

BUDGET CRISIS

California is facing the worst budget crisis in its history and yet the criminal justice system accounts for one of the largest expenses in the General Fund. Over the last 20 years, **California's corrections budget has increased by 450%**. We are locking up more people, at greater expense, despite decreases in crime rates. Meanwhile funding for schools, social services and community protection has been slashed.

District Attorneys drive the costs of the prison system through their choices about what charges to file and which plea bargains to offer. The community should be able to count on DAs to make decisions that are both fiscally smart and promote public safety. District Attorneys also have a powerful presence in Sacramento. They should use their influence to support reforms that save money—to protect our communities *and* protect other vital services that play a critical role in reducing crime, like education.

DEATH PENALTY

Because California doesn't have the money needed to fund investigations, expand crime labs, or relocate witnesses, **half of all murders in the state go unsolved**. Yet, District Attorneys continue to waste money on the death penalty, even though most people on death row die of old age just like those sentenced to permanent imprisonment. Each time the DA seeks the death penalty, it costs the county \$1 million more than a non-death penalty case, and it costs the state millions more. If we were to convert all death sentences to permanent imprisonment instead, we would save taxpayers \$1 billion over the next five years—savings that could be used to solve more crimes and promote violence prevention.

District Attorneys should put the needs of the community first: they should not pursue costly death penalty cases when they can seek permanent imprisonment instead. DAs who do continue to pursue the death penalty must take steps to minimize the risk of sending an innocent person to death row and ensure that the death penalty is applied fairly.

DRUG LAWS

Studies show that, regardless of their race or ethnicity, people use and sell drugs at the same rate. But in many places, African Americans and Latinos are more likely to be prosecuted for drug offenses and more likely to be sent to state prison than people of other races. Similarly, people with more money are also more likely to avoid convictions and prison sentences because they can afford to post bail while they fight the charges or pay for private rehabilitation programs. **District Attorneys should ensure that drug laws are enforced fairly and equally, regardless of how much money you have or the color of your skin.**

Additionally, some District Attorneys send non-violent drug offenders to prison rather than to rehabilitation programs that cost less and reduce repeat crime. If non-violent drug offenders were kept in local facilities instead, the state could save \$1 billion over five years. District Attorneys should encourage plea bargains that include drug treatment and rehabilitation in place of incarceration.

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JUVENILE JUSTICE

Zero tolerance policies in schools have led to greater criminalization of young people. When a school calls the police, the District Attorney decides whether to prosecute the behavior as a crime or to respond through another route such as school discipline. Frequently, low-income students and students of color enter the criminal system while their wealthier or white classmates are given alternatives. Once they are part of the criminal justice system, youth are much more likely to re-offend in a more serious way, creating a pipeline from schools to prisons. The DA also decides whether a child will be charged as an adult. Studies show youth charged as adults often grow up to be criminals: they re-offend more quickly, more seriously and at a higher rate than youth kept in the juvenile justice system.

District Attorneys should actively support alternatives to the criminal justice system for youth, such as mentor programs. DAs should apply their discretion in a fair and unbiased manner and support policies and local efforts to **reduce the number of children in all communities who are brought into the juvenile justice system.**

POLICE USE OF FORCE

The District Attorney's job necessitates a close working relationship with the police. But sometimes that relationship can get too close and can influence how the DA reacts to allegations of excessive police force or misconduct. The DA decides when to prosecute a police officer for using force that injures or kills. The DA also decides whether to pursue charges like resisting arrest against civilians in cases where officers used force. And the DA decides when to investigate and prosecute police for such crimes as planting evidence and lying in court. In these situations, the DA must act with independent judgment and in the interests of the community, and must not be influenced by special interests. **The District Attorney can also play an important role in promoting cooperation and trust between the police and the community,** by supporting civilian oversight of law enforcement, and by promoting transparency in responding to allegations of police misconduct.

REHABILITATION AND PREVENTION

Over 95% of California prison inmates will be released and returned to their communities. Rehabilitation programs are essential to reducing victimization and violent crime. California currently has among the highest rates of repeat offending in the nation. Yet, because of the budget crisis, we are dismantling nearly all rehabilitation programs in prison, meaning more people will go directly from prison to the streets with no support system, no new job training and no coping skills.

District Attorneys should support effective rehabilitation programs, in state prison and in the local community, programs that prepare inmates for reentry, protect public safety, and reduce the costs of corrections. DAs should create and support programs that provide a second chance, particularly to young adults charged with non-violent crimes, and DAs should support funding for drug, alcohol and mental health treatment.

THREE STRIKES

The District Attorney is the critical decision maker under the Three Strikes Law - he or she decides whether a case should be charged as a second or third strike. Because a third strike can be as trivial as stealing a pair of socks, **this decision can mean the difference between a short sentence in county jail or 25 years to life.** DAs should adopt policies that limit three strikes charges to violent felonies. DAs should also support reforming the Three Strikes Law to ensure that the punishment fits the crime.

KNOWLEDGE IS POWER: SAMPLE QUESTIONS FOR DISTRICT ATTORNEY CANDIDATE QUESTIONNAIRES/ FORUMS

BUDGET CRISIS | DEATH PENALTY | DRUG LAWS | JUVENILE JUSTICE | POLICE USE OF FORCE | REHABILITATION AND PREVENTION | THREE STRIKES

BUDGET CRISIS

- ★ The state is facing the worst budget crisis in nearly a century and spending on corrections is an enormous drain on the General Fund. Would your charging and plea bargaining policies consider the impact of your decisions on the state budget?
- ★ Do you support reducing spending on corrections and if so how? If not, how do you propose to fund the current corrections system?

DEATH PENALTY

- ★ Death penalty trials require many more resources from the prosecution, defense, and court system than other homicide trials and cost the taxpayers millions each year. Are you concerned about the amount of money and resources used in death penalty cases?
- ★ What would your policies be as District Attorney regarding when to seek the death penalty?
- ★ What would you do as District Attorney to minimize the risk of sentencing an innocent person to death?
- ★ Would you support changing the law to replace the death penalty with permanent imprisonment?

DRUG LAWS

- ★ Do you support sending non-violent drug offenders to state prison, why or why not?
- ★ What would your office policies be regarding plea bargaining in drug offense cases? Would you encourage plea bargains that include drug treatment and rehabilitation in place of incarceration and state prison?
- ★ Studies show racial disparities in drug law enforcement, despite the fact that whites and people of color use and sell drugs at the same rate. Are you concerned about racial disparities in drug law enforcement and if so, what would you do to minimize these disparities?

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JUVENILE JUSTICE

- ★ 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?
- ★ Do you support sending young offenders to restorative justice programs and other avenues that divert young people out of the juvenile justice system and toward new opportunities? If so, what would you do as District Attorney to promote such programs?
- ★ What would you do to reduce the numbers of juveniles—particularly Latino and African American youth—who are brought into the criminal justice system? What policies would you put in place to ensure fair and unbiased use of prosecutorial discretion in juvenile court?

POLICE USE OF FORCE

- ★ As District Attorney, how would you handle a fatal use of force incident involving local police?
- ★ Do you support civilian oversight of law enforcement?

REHABILITATION AND PREVENTION

- ★ What programs and policies would you implement as District Attorney to reduce crime and increase public safety in the county?
- ★ Do you support rehabilitation programs in prison and in the local community? If so, would you advocate to continue and expand funding for such programs?
- ★ Do you support diversion and mentor programs for first time offenders ages 18-25? If so, what would you do as District Attorney to promote such programs?

THREE STRIKES

- ★ What would your office policy be regarding the application of the Three Strikes Law? What criteria would you use to determine when to charge someone with a second or third strike under the Three Strikes Law?
- ★ Would you ever prosecute non-violent felonies such as petty theft as a third strike under the law?
- ★ Would you support reforming the Three Strikes Law to require that the third strike be a violent felony?

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