



*It's time to shift gears  
on criminal justice*

— VOTER —  
**TOOLKIT**

2014

*Who are the most powerful elected officials most voters have never voted for?*

ANSWER:

Your District Attorney & Sheriff

## **THE POWER OF THE DISTRICT ATTORNEY AND SHERIFF**

Voters from every county in California elect one Sheriff who is responsible for enforcing the law and keeping our communities safe, and one District Attorney who speaks “for the people” in the criminal courts and prosecutes individuals who commit crime. The duty of the Sheriff is to fairly enforce the law by apprehending individuals suspected of committing crime, as well as working to increase public safety by supervising crime prevention and rehabilitation efforts. The District Attorney (DA)’s primary duty is to promote the safety of our communities by prosecuting those who break the law. Both elected officials are responsible for serving the interests of all members of the

community and enforcing the laws without prejudice, bias, or political purposes.

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

Many voters don’t realize that the District Attorney and Sheriff are two of the most powerful elected officials in the state.



## *It's time to shift gears on criminal justice*

**District Attorneys and Sheriffs make policy decisions that go far beyond individual cases** and impact our communities, county budgets and the state budget. Over the last few decades, as a result of changes in the law, the power of District Attorneys and Sheriffs is unprecedented.

The DA and Sheriff can set young people on the path to rehabilitation or through a revolving door to prison.

The DA and Sheriff 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 and Sheriff can be advocates for the interests of *all* people or can respond to special interests.

Now it is time to exercise your power to select, endorse, and vote for District Attorney and Sheriff candidates that speak for you and your community.

### **THE DA HAS THE POWER TO:**

- » Set the stakes by deciding what charges to file.
- » Choose whether to seek a death sentence.
- » Give someone a second chance by directing them to treatment or rehabilitation instead of jail.
- » Influence state policy.
- » Listen and respond to the community.
- » Provide services to crime victims.

### **THE SHERIFF HAS THE POWER TO:**

- » Run the county jail system.
- » Use alternative punishments to incarceration.
- » Minimize crime by providing opportunities for rehabilitation.
- » Influence state policy.
- » Listen and respond to the community.

# The DA & Sheriff speak for you:

## WHAT ARE THEY SAYING ON THESE ISSUES?

Budget crisis | Drug laws | Juvenile justice | Use of force | Rehabilitation and prevention |  
Jails | Immigrants' rights

### BUDGET CRISIS

California continues to feel the impact of the worst budget crisis in its history. While vital services and education have been cut to the bone, the criminal justice system still 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.

District Attorneys and Sheriffs have the power to drive the costs of our prisons and jails through their choices about who to arrest, what charges to file, which plea bargains to offer, and who to keep in jail for how long. The community should be able to count on DAs and Sheriffs to make decisions that protect both our communities and our tax dollars.

DAs and Sheriffs also have a powerful presence at our state's Capitol. They should use their influence to support evidence-based reforms to our criminal justice system that both increase public safety and save money.

### DRUG LAWS

Studies show that regardless of their race or ethnicity, people use and sell drugs at the same rate. However, African Americans and Latinos are more likely to be arrested and prosecuted for drug offenses. Additionally, some DAs and Sheriffs choose to send non-violent drug offenders to jail rather than to substance abuse treatment programs that cost less, help people recover from the drug addiction, and reduce crime.

People who are convicted of low-level drug possession typically leave jail with a felony on their record. This felony conviction acts as a major barrier to obtaining a job, housing, food stamps, or grants for higher education.

District Attorneys and Sheriffs should ensure that drug laws are enforced fairly and equally, regardless of the color of your skin or your economic status. They should encourage drug treatment and other incarceration alternatives, which are proven crime-reduction tools. They should also support creating an option to charge simple possession as a misdemeanor instead of a felony, which would allow people every opportunity to get back on their feet and become productive members of society.

## **JUVENILE JUSTICE**

School discipline policies are implemented for the protection of our children while they are at school and to create a warm and welcoming environment for all students to thrive. When a school calls the police, the District Attorney decides whether to prosecute the behavior as a crime or respond through another route such as school discipline. Sheriffs often hold discretionary power to recommend alternatives to incarceration for many juveniles. They can also recommend supervised mental health or treatment programs.

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.

Sheriffs and DAs should actively support alternatives to the criminal justice system for youth, such as mentor programs. They 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.

## **USE OF FORCE**

The District Attorney and Sheriff's jobs necessitate a close working relationship with the police and Deputies in the Sheriff's Department. But sometimes that relationship can get too close and can influence how they react to allegations of excessive force or misconduct.

The DA decides when to prosecute a law enforcement 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 law enforcement 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.

As the chief law enforcement official in the county, Sheriffs are responsible for managing Sheriff's Deputies, who carry out most of the day-to-day law enforcement duties and manage the county jails. It is vital that Sheriffs lead by example and investigate allegations of transgressions or abuses of power amongst Sheriff's Deputies.

The DA and Sheriff can play an important role in promoting cooperation and trust between law enforcement and the community, by supporting civilian oversight of law enforcement, and by promoting transparency in responding to allegations of police misconduct.

## **REHABILITATION AND PREVENTION**

Rehabilitation programs and reentry support for people leaving jail and prison 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 recent budget crisis, we have dismantled nearly all rehabilitation programs in prisons.

District Attorneys and Sheriffs should support effective rehabilitation programs, in prisons, jails, and in the community – programs that prepare inmates to successfully reenter the community, protect public safety, and reduce the costs of corrections. DAs and Sheriffs should create and support programs that provide a second chance, particularly to young adults charged with non-violent crimes, or those with drug, alcohol, or mental health issues.

## **JAILS**

In 2011, the Supreme Court declared California's prisons so severely overcrowded that the conditions violated the US Constitution. In response, the legislature created "realignment," an effort to reduce prison populations by keeping low-level, non-violent offenders at the county level rather than send them to state prison.

Realignment presents a historic opportunity to implement alternatives to incarceration, such as mental health and drug treatment programs which will save money, reduce crime, and increase public safety. However, many counties have chosen to use realignment funds to construct new jails or expand existing ones, instead of investing this new money into community-based programs proven to rehabilitate. This will only recreate the same broken system that the state failed to fix.

While realignment is putting pressure on county jails, that's because most jails have been crowded with people who are still awaiting their day in court. In California, 63% of people in jail have not yet had trial or been sentenced for the crime charged. Many of them simply cannot afford bail, a problem that disproportionately affects low income communities. Pretrial incarceration not only damages lives; it also damages the budget. It costs \$100 per day to incarcerate someone.

The District Attorney and Sheriff serve on their county's Community Corrections Partnership, a board of local officials who make important decisions about sentencing low-level offenders, pre-trial incarceration, and using realignment funds. They should use this momentous power to implement alternatives to incarceration, and develop community supervision programs for people awaiting trial.

## **IMMIGRANTS' RIGHTS**

Trust between local law enforcement and immigrant communities is essential to promoting public safety. California currently deports more immigrants who have no or only minor criminal convictions than any other state, often through local law enforcement collaboration with federal immigration authorities. This collaboration and other practices that particularly impact immigrant community members undermine trust in law enforcement; victims and witnesses do not report crimes when they fear doing so may lead to deportation.

Sheriffs and District Attorneys should do their job of promoting public safety in local communities, not enforcing broken federal immigration laws. All Sheriffs should fully comply with the TRUST Act — a new state law that limits enforcement of immigration detainers — and adopt policies that further limit detainer enforcement. Sheriffs and District Attorneys should support pre-trial release for criminal defendants regardless of immigration status as well as policies to limit arrests and impoundment of vehicles related to unlicensed driving. Additionally, Sheriffs and District Attorneys should implement policies that enable immigrant victims of crimes to seek law enforcement certification for U visa applications without barriers.

# SAMPLE QUESTIONS FOR DISTRICT ATTORNEY CANDIDATES

## BUDGET CRISIS

- » California spends an exorbitant amount of money on corrections at both the state and county level. In developing policies for charging and plea bargaining, would you consider the impact these choices have on both your county's and the state's corrections budget?

## DRUG LAWS

- » 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?
- » Do you support creating an option to charge low-level drug possession as a misdemeanor rather than a felony? Why or why not? Would you publically support a ballot initiative or legislation to create this option?
- » 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?

## 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?

- » What would you do to reduce the number 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?

## USE OF FORCE

- » As District Attorney, how would you handle a fatal use of force incident involving local police?

## REHABILITATION & PREVENTION

- » What programs and policies would you implement as District Attorney to reduce crime and increase public safety in the county?
- » 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?

## JAILS

- » 63% of people in California's jails are being held pretrial. What steps would you take to safely reduce the rate of pretrial incarceration in our county?

## IMMIGRANTS' RIGHTS

- » As DA, what would you do to develop a trusting relationship with the immigrant community in your county?

# SAMPLE QUESTIONS FOR SHERIFF CANDIDATES

## BUDGET CRISIS

- » How would you like to see our county spend its realignment money?

## USE OF FORCE

- » Do you support civilian oversight of law enforcement? How would you encourage community participation in law enforcement oversight? Many people are too intimidated to go into a Sheriff's Department to file a complaint. How would you reduce this barrier to community feedback?

## REHABILITATION & PREVENTION

- » Do you support rehabilitation programs in prison, jail, and in the local community? If so, how would you advocate to continue expanding funding for these programs?

## JUVENILE JUSTICE

- » 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 Sheriff to promote these programs?

## DRUG LAWS

- » Do you support creating an option to charge low-level drug possession as a misdemeanor rather than a felony? Why or why not? Would you publically support a ballot initiative or legislation to create this option?
- » What do you think is the most effective way to deal with low-level drug offenders?
- » How would you increase access to drug treatment for people charged and convicted of low level offenses?

## JAILS

- » Do you support the use of an evidence-based assessment tool to reduce the reliance on money bail that keeps so many people incarcerated for no public safety reason while they await their day in court?
- » As Sheriff, how would you use realignment funds to reduce the pretrial jail population in our county?

## IMMIGRANTS' RIGHTS

- » As Sheriff, how would you ensure that our county is fully compliant with the TRUST Act?



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