

Green Party Questionnaire for Alameda County District Attorney

**GREEN PARTY OF ALAMEDA COUNTY
2018 ENDORSEMENT DECISION**

Please email your responses to: GPAC-VoterGuide@yahoogroups.com. In the subject line, please include "County District Attorney".

We prefer that you convert your answered questionnaire into a .pdf document, so we can post it directly to our website. Or simply include your responses in the body of an email, and we will do the conversion.

If it is not possible for you to email, please snailmail your responses so we receive them by 3/25, to:

County District Attorney
c/o Green Party of Alameda County,
[2022A Blake Street * Berkeley, CA 94704](https://www.google.com/maps/place/2022A+Blake+Street,+Berkeley,+CA+94704)

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Current line of work: Attorney, Self-Employed

Are you in favor of doing away with money bail? Why?

Yes. I am strongly in favor of eliminating money bail. Money bail creates a tiered justice system, one for poor people and one for rich people. It criminalizes poverty by keeping people locked up not because they have been guilty of any crimes or are a threat to public safety, but simply because they don't have enough money to post their bail. Meanwhile, rich people can simply post bail and leave custody even if they pose a

threat to public safety. Money bail doesn't advance public safety and it perpetuates inequality.

Furthermore, the racial disparities in who is currently incarcerated for inability to post bail are outrageous. People of color are disproportionately held in custody due to their inability to post bail, which forces people to plead guilty just to get out of jail. Money bail is also wasteful. Over the course of two years, experts estimate that Alameda County [spent \\$14.8 million dollars](#) to incarcerate people who the prosecutor ultimately did not charge or whose charges were dismissed. These funds can be reallocated to prevent crime by supporting re-entry efforts, including job placement and housing assistance.

How do you (or will you) monitor those in your office to prevent abuse of the current money bail system?

I have supported legislative efforts to reform money bail on the statewide level, including SB10 for many years, and will continue to do so as District Attorney. As District Attorney, I will significantly expand the pre-trial release program in the county with the presumption of release and release on recognizance for people, unless there is credible evidence that a person poses a serious flight risk or a threat to public safety. All my ADAs (Assistant District Attorneys) will be notified and expected to follow this policy. If an ADA believes a person is a flight risk or a threat to public safety and wants to keep them in jail until their day in court, they will have to seek approval from a team of supervisors and present credible evidence for their assessment. If we determine that a person must be incarcerated prior to conviction for any reason, we will also initiate and cooperate in efforts to expedite the resolution of the case.

Under what circumstances do you think a juvenile should be prosecuted as an adult?

There are no circumstances under which I believe a juvenile should be prosecuted as an adult. The development science is clear that brain development is not complete until a person is in their mid twenties. Numerous studies have shown the devastating harms of prosecuting children as adults. Prosecuting youth as adults not only destroys their lives, it does nothing to make our communities safer.

I believe the best way for the justice system to serve youth is through investments in education, after school programs, targeted employment, and age appropriate interventions when they individuals do commit crimes. My efforts will be dedicated to establishing neighborhood courts, community service alternatives, and restorative justice programs for youth.

What determinates would go into such a decision to ask for a death penalty?

The voters in Alameda county have voted twice (in 2012 and 2016) to abolish the death penalty. There have been too many instances of innocent people who have been executed or sent to death row and later exonerated for us to risk making such an irreversible mistake. Furthermore, the racial disparities in death row inmates is stark and disturbing. I will respect the wishes of Alameda County voters and not seek the death penalty if I have the honor of being elected as your District Attorney.

What is your policy with regard to prosecuting non-violent political resistance and protest?

People have a right to express their political views through protest and resistance. That is the basic premise of democracy and the times we are in certainly call for it. When many Black Lives Matter protestors shut down BART temporarily in November 2014 to raise awareness about the unjustified killings of Black people by law enforcement, Nancy O'Malley decided to charge those brave activists. It took months of tremendous public pressure to persuade O'Malley to drop those charges.

I will not prosecute cases of non-violent political resistance and protest. Such prosecution, apart from being frivolous and a waste of everyone's time and taxpayers' money, does not advance justice, as is the mission of the District Attorney's office. It also has a chilling effect on people's willingness to engage in a democracy and express their outrage at obvious injustices. Studies and practical experience have also shown that civic engagement by formerly incarcerated persons helps to reduce recidivism.

Under what circumstances would the DA office prosecute police for extreme use of force? Provide an example of the "least" extreme use of force where prosecution is justified.

The greatest danger to public safety with respect to police is the unjustified use of force, which creates a justifiable lack of public trust. As your next District Attorney, I will establish a "Police Accountability Unit" that will vigorously investigate and prosecute all allegations of unlawful conduct by law enforcement officers. Past allegations of unlawful police misconduct include sex trafficking, sexual assaults, unconstitutional conduct, perjury, obstruction of justice, bribery, racially biased policing, and even killings of civilians by law enforcement officers. I will not tolerate unlawful conduct by police officers who abuse the power they are given by the public to protect and serve our communities.

One "real-life" example of the "least" extreme use of force where prosecution is justified is the practice of handcuffing Blacks in Oakland. The Stanford study exposed that, in 2014, OPD handcuffed 193 Whites and 2,890 Blacks without making an arrest.

Handcuffing innocent people based on race is a demeaning, coercive, and likely unconstitutional practice that needs to end immediately. I would look to see what prosecutorial options are available to combat and stop this practice.

Do you agree that policing involves systemic racism? If so, how will your office deal with the injustice of this system? Do you acknowledge that systemic racism exists in the DA office? If so, how will your office deal with the injustice of this system?

Policing in Alameda county most certainly involves racism. Black children make up less than 13% of the county but are 53% of felony arrests. There is no way you can have such outrageous disparities and not think policing in this country, and certainly in this County, doesn't involve systemic racism. My office will deal with systemic racism in the following ways:

- a. I will fully enforce the Negotiated Settlement Agreement (NSA) the Oakland Police Department has been under for over a decade and support the efforts of the police commission that the Oakland voters recently passed to hold police accountable;
- b. I will ensure that all law enforcement agencies in Alameda County adopt the "best practices," guidelines and standards developed under Oakland's NSA;
- c. I will create a "Police Accountability Unit" in my office that will vigorously and transparently investigate and prosecute all unlawful police misconduct; and
- d. I will initiate and pursue a review of all cases charged in the past 7 years to identify any prosecutions by my office where racially-biased policing impacted the disposition of the case and seek to provide appropriate remedies to ameliorate the harm caused.

Furthermore, there is plenty of evidence that there is deep racism within the current DA's office. A recent study by the Center On Juvenile and Criminal Justice, the Burns Institute, and the National Center for Youth Law found that between 2010-2016 in Alameda County, Black youth were 65 times more likely and Latino youth were 27 times more likely to be prosecuted as adults than White youth. Only systemic racism in the current DA's decision-making process can explain those disturbing disparities. I will address the issues of systemic racism in the DAs office in the following manner:

- a. Examine all the current data and identify data gaps that can reveal to us where exactly the racial disparities are originating and how they can be stopped. I will work with experts like the Vera Institute who have done this type of assessment with DAs in other counties throughout the nation.

- b. All the ADAs will receive continual training on systemic racism and implicit bias as part of their professional development.
- c. I'll implement fair and just charging policies that are designed to reduce incarceration. For instance, to address the above mentioned disparities with regard to youth of color being prosecuted as adults, I will institute a policy to never charge any youth as adults under any circumstances. That would totally eliminate the racial disparities in the prosecution of youth as adults.
- D. Finally, I will initiate and pursue a review of all cases charged in the past 7 years to identify any prosecutions by my office where racially-biased decision-making impacted the disposition of the case and seek to provide appropriate remedies to ameliorate the harm caused.

What do you attribute mass incarceration to and what part do you believe the District Attorney has played in increasing mass incarceration?

The state of California has built 22 prisons and only one institution of higher education in the last 30 years. The charging and sentencing decisions District Attorneys all over California have made in the last 30 years have filled those prisons to the point of unconstitutional overcrowding, such that the United Supreme Court ordered Governor Brown to immediately institute policies to reduce incarceration in 2011. That is to say, along with racially biased policing, District Attorneys have been chiefly responsible for creating and increasing the system of mass incarceration through their regressive and outdated policies and practices.

Since 2011, Californians have embarked on a justice reform era and passed legislations and ballot measures that would ensure public safety and reduce incarceration. Legislation like AB 109, and ballot measures such as propositions 36 (reform three strikes), 47 (reduce some nonviolent offenses from felonies to misdemeanors), 57 (eliminated prosecutorial discretion to charge youth as adults and parole reform), and 64 (legalized recreational marijuana), have passed through the legislature and ballot box. Unsurprisingly, these reforms have been almost categorically opposed by District Attorneys throughout California despite their popular support by voters. Alameda County DA O'Malley strongly opposed proposition 47, and stayed silent on the other three measures despite the fact that all three ballot measures passed by over 65% in the county. Furthermore, O'Malley is currently the second vice-president of the California District Attorney Association, which has almost categorically opposed all legislation efforts to pass laws to undo mass incarceration.

I am running for District Attorney because the status quo is unacceptable. **In the last 50 years, the Alameda County DA seat has not been challenged by anybody.** It has simply been passed down from one regressive DA to another in a manner that is hardly democratic. I am running in order to end mass incarceration, eliminate racial disparities in the criminal justice system and hold law enforcement officers accountable. I am running for office in order to give people a second chance at a first class life. The dawn of a new era of justice is on the horizon.

Anything you would like to add?

I decided to run for District Attorney because I am a drum major for justice. The status quo for criminal justice in Alameda County is profoundly unjust and I am prepared to apply my years of service both as a lawyer and as an active member of the community to address racial, gender and class inequalities in the criminal justice system via the District Attorney's office. I am passionate about justice for all members of the community, police accountability, stopping gun violence and ending human trafficking.

For 30 years, I have fought tirelessly for civil rights, gender equality and racial justice. I have represented countless victims of sex and race-based discrimination, achieved large settlements in racial and sexual harassment cases, and successfully argued a racial harassment case before the United States Supreme Court. I have been a Northern California Super Lawyer every year since 2004, and I have held leadership positions in a variety of organizations.

I earned my B.A. degree from Yale College and a J.D. and M.A. in Jurisprudence & Social Policy from the University of California Berkeley School of Law. I have been admitted to practice law in California since 1983. I started my legal career as a criminal defense attorney at the Bayview Hunters Point Community Defenders Office in San Francisco. Since 1991, I have specialized in federal civil rights litigation, successfully suing the California Department of Corrections. As an advocate for CDCR employees, mainly women subjected to sexual harassment or retaliation for complaining about sexual harassment, I had to go inside the walls of Pelican Bay, Corcoran, CSP-Sacramento and CSP-Solano; I have represented clients who worked at Mule Creek, San Quentin, High Desert, Salinas Valley State Prison and CHAD. In my private practice, I also represented numerous **victims of crime** in Alameda County who were not given a fair shake by the Alameda County District Attorney's office.

I believe that I have the knowledge, skills and experience to successfully bring about major reform in the administration of justice in Alameda County.