

1. Are you in favor of doing away with money bail? Why or why not?

Yes, I will eliminate money bail in Alameda County. Money bail is unconstitutional. It also criminalizes poverty by keeping people in custody not because they are guilty of a crime 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 is also used by prosecutors to coerce plea bargains resulting in greater criminalization of Black, Brown and immigrant communities.

2. What will you do to prevent abuse of the current money bail system?

Again, money bail does not protect public safety and it perpetuates inequality.

My platform includes a plan to adopt and share with our justice partners a comprehensive race-neutral, evidence-based pretrial assessment tool and establish a network of community-based release options to replace our unfair money bail system.

Over the course of two years, experts estimate that Alameda County spent \$14.8 million dollars to incarcerate people whom the prosecutor ultimately did not charge or whose charges were dismissed. I will propose that these funds be reallocated to prevent crime by supporting reentry efforts, including job placement and housing assistance.

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

Never. I will immediately direct all deputies to identify cases where the office has charged or incarcerated a youth under the age of 18 as an adult and review them for alternative dispositions, and impose a prohibition on charging youths as adults on all future cases subject to prosecution in our office.

Our approach to young people engaged in the system is deeply flawed. There are no circumstances under which I believe a juvenile should be prosecuted as an adult. The neuroscience 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 community safer.

I believe the best way for the justice system to serve youth is through investments in education, after school programs, employment opportunities for good jobs, and age-appropriate interventions when they do commit crimes. I will establish a young adult court, similar to the one in San Francisco, to divert and support young adults under the age of 25 who are facing felony charges. I will not seek life without the possibility of parole sentences for young people under the age of 25. I will work with local school systems and educators across the County to improve our outreach to young people to help them make better life decisions, reduce gun violence and avoid entanglement with the criminal justice system.

We need a DA that understands that “none of us want to be judged by the worst thing we’ve ever done in our lives.” Bryan Stevenson, **Just Mercy**

4. What would your process and criteria be for determining whether to seek the death penalty in a particular case?

Not applicable. My platform, Point #5, includes a commitment that I will not charge the death penalty in any case, in alignment with the voters of Alameda County who voted twice to abolish the death penalty

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

I will not prosecute non-violent political resistance and protest. As a civil rights attorney and activist, and someone who was arrested, prosecuted and incarcerated for her participation in a civil rights demonstration, the notion of incarceration in retaliation for peaceful protest violates my basic values.

6. Under what circumstances would the DA's office prosecute a police officer for excessive use of force? Please describe what would constitute excessive use of force that would justify prosecution.

Under California law, a police officer may only use deadly force when the officer reasonably believes that the force is necessary to defend against an imminent threat of death or serious bodily injury. If an officer uses deadly force when it is not reasonably necessary to defend against an imminent threat of death or serious bodily injury, in the absence of extenuating circumstances, he or she will be prosecuted.

We are committed to end the double standard for law enforcement vs. a regular resident of our County. The use of excessive force is prohibited by the Constitution and the laws of the State of California, and if an officer of the law violates the Penal Code,

in the absence of extenuating circumstances, he or she will be prosecuted. In my practice, excessive force has been defined under the law as force beyond that reasonably necessary to lawfully arrest or detain someone, to prevent escape, to overcome resistance, or in self-defense. What would constitute excessive use of force depends on the circumstances, including the severity of the crime alleged, the lawfulness of the officer's actions and the reasonableness of the force used.

As District Attorney, I will establish a Public Accountability Unit to vigorously investigate, provide a prompt public report and prosecute all allegations of unlawful conduct by law enforcement officers and other public officials. I also commit to requesting, whenever appropriate, that California's Attorney General assist in directing, investigating, managing and prosecuting both fatal and serious incidents involving the use of force by police officers pursuant to Section 13 of Article V of the California Constitution, to avoid the appearance of impropriety if not an actual conflict of interest.

7. Do you believe that there is systemic racism in law enforcement, the DA's office and/or the criminal court system? If so, how will your office acknowledge and address that systemic racism and its consequences?

Yes, I am aware that a Black person in Alameda County is 20 times more likely to be incarcerated than a White resident;

Between 2010-2016, a Black child was 65 times more likely to be prosecuted as an adult than a White child. Between 2010-2016, a Latinx child was 27 times more likely to be prosecuted as an adult than a White child. Black and Brown children are 86% of all juvenile felony arrests. District Attorneys like Terry Wiley have driven the bus from the playground to the prison.

As District Attorney, I will aggressively address the systemic racism and its consequences for Black and Brown communities by

- Partnering with youth justice organizations such as Urban Peace Movement, the National Center for Youth Law, the Haywood Burns Institute, the Center for Young Women's Development, BOSS and Youth Alive to stop overcriminalization of Black and Brown youth;
- Identifying the points in the adult courts where Black and Brown people are overcharged and subject to overcriminalization based on the color of their skin and address the biases employed by deputies and judges in processing cases, including pre-trial detention decisions and plea dispositions;
- Identifying and rejecting cases brought to us by law enforcement agencies that are racially motivated or infected with racial bias in the initiation of the arrest;
- Ensuring that members of immigrant communities receive the required language services and support to receive a fair disposition of their cases.

8. What is the role of the DA in preventing recidivism? What policies or practices would you implement to prevent or reduce recidivism?

DAs must be stewards of their prosecutions and the residents of Alameda County and

make sure that the end result is not recidivism. Supporting and fostering robust reentry programs is key in real criminal justice success. Quite often, the underlying issues that led to a person's incarceration were not addressed during their incarceration. It becomes an unstoppable cycle unless there is intervention and better reentry services.

For a reentry program to truly work it needs to be a proactive and collaborative effort with all the stakeholders, especially community partners who administer many of the post-release programs. Holistic reentry programming calls upon the DA to champion and develop institutional support for family reunification, housing access, fair chance hiring, trauma-informed healthcare and legal services.

9. How should the DA take into consideration the immigration or citizenship status of criminal defendants?

As the DA, I will continue to support a sanctuary state. We will not use the immigration status of defendants as a coercive tool. I will also establish a Division of Immigrant Assistance to bridge the gap between the immigrant community and law enforcement. Our office will help immigrant survivors of crime navigate through our judicial system and connect them with local services that can provide them with advocacy, healing, and immigration security (U.S. law provides several protections to undocumented immigrants who have been victims of a crime).

Language justice is a key practice used in social justice movements to create inclusion and dismantle traditional systems that have disenfranchised non-English speakers. The Division of Immigrant Assistance will incorporate culturally competent services that understand the language spoken by defendants and victims of crime and open more opportunities for bilingual prosecutors so that the real story is not lost in translation.

10. What is your policy regarding the availability of alternatives to incarceration? What alternatives to incarceration would you support, and in what circumstances?

The current criteria to access and benefit from our diversion courts is too restrictive. Diversion courts are often less expensive and the time waiting for resolution is short. Our policy is to create more effective pathways for alternatives to incarceration and accountability for veterans, people with mental health challenges, economic and housing insecurity and those suffering from serious mental illness and/or drug addiction.

We will conduct an immediate assessment of the current criteria and resources available for each alternative court and set quantifiable goals to increase the effective use of these courts and establish a network of neighborhood courts.

11. What is the appropriate role of the victim in a criminal prosecution? Does that vary with the type of case, such as sexual assault? Will you prosecute domestic violence cases even when the victim does not cooperate?

Every victim of crime in a criminal prosecution needs to be respected, treated with dignity and given a meaningful voice in the decision on how to hold the person

responsible for their harm accountable. Having led the fight to make sexual assault illegal under Title IX and represented victims of sexual assault, I am aware of the special needs of victims of this type of crime. I am fully committed to addressing violence in our community and especially against women and children, including the literally hundreds of crimes labeled as “domestic violence.” Intimate violence cases that result in serious bodily harm or injury which include elder abuse, family violence and intimate partner violence will be prosecuted as appropriate, even when the victim does not cooperate. When dealing with such cases, I will always prioritize the safety, needs, and desires of survivors (and children, if they are involved) and seek long term solutions that will keep families and communities safe.

12. What is the appropriate role of the DA, if any, in addressing homelessness?

We are living now in two pandemics – COVID and the Housing Crisis. There is a great need to create housing security for many that are victims of crime or court-involved. We must urgently create housing for residents who are victims of human trafficking, formerly incarcerated returning residents, people suffering from severe mental illness and foster children aging out of the system.

I will support efforts to balance the over-investment in market rate housing by building below market rate housing on all public lands, partnering with small landlords to increase available housing; investing in vacant structures across the County as possible sites for development of affordable housing; unlocking vacant parcels to make them available for development; supporting efforts to purchase rental properties and transform units into long-term affordable housing. I will support rent subsidy programs for low-income and senior residents, and residents struggling with mental health challenges to help them remain sheltered.

Currently, our justice system and prosecutions over-criminalize young people, poor people, folks struggling with mental illness and/or unhoused residents. We need to stop criminalizing being unhoused. I hear time and time again that someone was arrested for starting a fire to keep warm, or for having a tent in an area that was restricted. These cases are low-level misdemeanors and should not be clogging the system. People in housing transition should be getting support not handcuffs – and certainly not being charged and sitting in jail for just trying to survive on the streets.

As District Attorney, I will also take an aggressive stance against unlawful evictions and landlords who frequently violate the California Civil Code provisions that protect tenants.

I will expand our investment in each of the alternative courts that impact our most vulnerable residents and ensure that our investment is focused on positive life-changing outcomes instead of incarceration and punishment. I would also look for ways to partner with the ***Built for Zero*** movement to eliminate homelessness in our County.

13. What changes would you make to the policies and practices of the Alameda County DA's office?

My 10-point platform lists many changes in the policies and practices of the current administration. First and foremost, I will restore integrity, transparency, equity and accountability to the DA's office. My deputies will be held accountable for the racial disparities in charging, pretrial incarceration motions, plea dispositions and parole hearings. I will actively seek to reduce the number of low-level prosecutions and focus on serious violent crime, fully support and establish effective reentry support programs, a re-entry commission and create institutional support for family reunification, access to housing, job training and opportunities, healthcare and legal services, be a champion of gun violence reduction, stop charging juveniles as adults, establish age-appropriate courts for youths between 18-25, implement greater protections for immigrant communities, stop criminalizing mental illness and homelessness, establish a Public Accountability Unit and expand the Conviction Integrity Unit to examine current cases.

14. **Have you signed, or will you soon sign, the Move to Amend's candidates' and elected officials' pledge? It supports HJR 48, the We the People amendment to the US Constitution, which would abolish corporate personhood, rescind constitutional rights for corporations, and end financial expenditures being legally treated as expressions of free speech: <https://www.movetoamend.org/pledge>**

Yes.

15. **Anything you would like to add?**

I have the knowledge, skills and experience to manage the office of District Attorney and implement a vision of justice done right. Our platform includes plans to protect public safety, hold police accountable and remove officers who are not serving the public, end mass incarceration, eliminate the death penalty and ensure that victims of crime receive the full justice they deserve. I will create partnerships with organizations, cities and government agencies to ensure that seniors, youth and poor people are not exploited and overcriminalized. I will strive to give everyone a second chance at a first-class life by expanding alternatives to incarceration and institutionalizing support for returning citizens.

Mass incarceration has been a major factor in exacerbating poverty and homelessness, particularly impacting women and children. We can fight poverty in California by eliminating money bail, promoting alternatives to incarceration, expanding pre and post-diversion opportunities and restorative justice programs for youth and adults, people with substance use disorders, and first time offenders, alternative dispositions for people with disabilities (mental or physical), eliminating the use of sentencing enhancements and establishing veteran courts, drug courts, neighborhood courts, and homeless courts. I will create institutional support for family reunification, access to housing, job training and opportunities, healthcare and legal services. I believe that we can and should provide robust support to victims of crime as they navigate the criminal justice system without criminalizing or threatening them.

I believe that criminal justice reform is urgently needed to stop the criminalization of poverty by punishing people when they cannot afford an attorney or quality representation, post bail, pay fines and fees imposed by the courts and find gainful employment. As clergy woman Melissa Cedillo notes, “The American prison system today is a new iteration of this long-standing white supremacist goal — to control and dehumanize people of color, the impoverished, the marginalized.”

As an African-American woman, I am compelled to challenge and change this system.

I have business and administrative experience, superior educational credentials and a wealth of life experience as a survivor and an advocate. My entire professional career has been about representing victims and holding people and institutions accountable and I have done it well in this community. I have lived in this County for most of the last 43 years and have positive connections with its people around the County. Our ability to garner 42% of the vote in 2018 in less than 2 years speaks volumes about the level of trust that our community has in my leadership and values.

I am

- the only woman in the race
- the only mother and grandmother who has raised many children
- the only survivor of domestic violence and sexual assault
- the only survivor of the juvenile justice system
- the only survivor of the foster care system
- the only candidate prosecuted by the Alameda County District Attorney’s office
- the only lawyer who has argued a case in the United States Supreme Court and won
- the only lawyer with a winning history of prosecuting law enforcement officers who engaged in misconduct
- the only lawyer who has been a lead plaintiff in a history-making and precedent-setting case (Alexander (Price) v. Yale (1977) 459 F.Supp.1, 631 F.2d 178 (2nd Cir. 1980)
- the only lawyer to be honored as California Lawyer of the Year (CLAY Award - 2002)
- the only candidate to run a successful law firm for 30 years
- the only candidate to complete 2 marathons and 14 half-marathons