

Please return a completed questionnaire by June 12th, to Justice Gatson, Organizer, ACLU of Missouri. Jgatson@aclu-mo.org

PROSECUTING ATTORNEY CANDIDATE QUESTIONNAIRE

End the Use of Money Bail

The continued use of unjust cash bail policies contributes to the overall incarceration of poor people and people of color by keeping them incarcerated simply because they are too poor to pay bail. Locally elected prosecutors should adopt the following policies or engage in the following actions to reduce the use of cash bail.

1. What changes would you make to Jackson County's bail system, in light of the Safety and Justice Challenge?

As Prosecutor of Jackson County Missouri, my office will work to make changes to Jackson County's bail system by implementing the following measures:

- a. **Not recommending bail for misdemeanors and other low level non-violent offenses; and**
 - b. **Moving from a cash based process to a risk based assessment; such measures will ensure that low-level non violent offenders or those who need treatment will not needlessly sit in jail simply because they can not afford bail; which burdens the taxpayers who are paying for these individuals to be incarcerated. In addition, such measures will protect the public from those Defendants who pose an actual threat to public safety or a flight risk.**
2. Will you support the complete abolition of money bail? Why or why not?
As Prosecutor, I will support the complete abolition of money bail. under the current bail system, far too many people arrested for minor crimes remain incarcerated solely because they are unable to post bail. There is no data to support perpetuating the current system and, in fact, data shows overwhelming negative outcomes for detained arrestees eligible for release—lost jobs, lost homes, increased recidivism, increased costs on taxpayers, etc. The current bail system is the complete antithesis of what was intended, a system that bears no causal nexus between money bail and guaranteed appearance. Simply put, we have created a system that is ineffective at best, and a harm to public safety at worst.
 3. In the absence of legislation overhauling Missouri's money bail system, will your office commit to taking a default position of release on recognizance for all defendants accused of misdemeanors and nonviolent felonies, unless there is a substantial risk to the community or high likelihood of flight?

Yes

Keep People Out of Jail for Drug-Related Offenses

Years of experience with ineffective drug laws and the latest medical research on addiction suggest that treating drug use as a public health issue, as opposed to a criminal justice issue, is a more effective approach to reducing harm.

1. Will you support diversion programs for all low-level drug offenses? **As the next Jackson County Prosecutor, I will support diversion programs for all low-level drug offenses. These programs provide victims with a responsive forum to address a loss, to avoid arrest and prosecution of the defendant (in appropriate situations), and to bring the case to a conclusion as rapidly as possible in a more cost-effective manner.**

2. Will you decline to prosecute drug possession or distribution in small amounts? **As your next Jackson County Prosecutor, I will submit to diversion programs for low-level non-violent offenses such as drug possession or distribution in small amounts and review each charge on a case by case basis.**

3. In the absence of sufficient evidence of intent to cause death, will you commit to not charging drug overdose cases as homicides? **In the absence of sufficient evidence of intent, charging someone with a homicide seems excessive in nature and does not seem to address the purpose of the drug overdose statutes in various states. Drug overdose cases were initially designed to penalize so called drug "kingpins". "Many people who become addicted to illegal drugs resort to small-scale sale of drugs to support their addiction. This act is not directed at those people, but rather at the entrepreneurial drug dealers who traffic in large amounts of illegal drugs for profit." States with drug overdose homicides have an undeniable impact on low level non violent offenders.**

4. Will you publicly support the creation of safe injection sites in your county, to provide those suffering from drug addiction with access to clean supplies, naloxone, and medical or addiction treatment?

Yes. I also believe community partners should work with the Office of the Prosecutor to extend treatment programs and education.

Adopt Policies to Avoid the Criminalization of Poverty

Local justice systems disproportionately harm people living in poverty. Whether through the imposition of fines and fees as a condition to resolving cases, or through laws that effectively criminalize homelessness, local actors have imposed a poverty penalty on many within the community.

1. Will you implement a policy providing that an individual's inability to pay will not influence if an individual is offered a diversion program? **Yes. In lieu of the individual's ability to pay, they may be required to perform community service as it relates to being placed in a diversion program.**

2. Will you adopt fee waiver programs for those diversionary programs that currently require fees? **Yes.**

3. Will you oppose incarceration based upon the failure to pay fines or fees, unless there is uncontroverted proof that the individual is able but willfully refusing to pay? **Yes.**

4. Will you establish a strong presumption against prosecuting sit-sleep-lie laws, public urination violations, loitering, prostitution, solicitation, trespass and other conduct that is a byproduct of homelessness or poverty? **Yes.**

Treat Kids Like Kids

Recognizing that children's brains continue developing until around the age of 25, and that research supports their enhanced capacity for rehabilitation, children should neither be prosecuted in adult court nor given punishments that preclude the opportunity for redemption.

1. Will you decline to ask for sentences that are de facto life-without-parole for any person under 18 at the time of the offense? **Yes.**

2. How will you ensure that juveniles are not needlessly confined? What steps will your office take to make certain that the juvenile justice system operates in a rehabilitative, rather than punitive, manner?

3. Will you commit to never seeking detention for juveniles charged with misdemeanors or non-violent offenses? **Yes.**

4. For juveniles (under the age of 18) will you commit to never seeking transfer to adult court unless the charged offense is a capital felony? **As the next Jackson County Prosecutor, absent extreme and aggravating circumstances, I will not seek transfer.**

5. The human brain does not reach maturity until approximately age 25. Will you commit to creating diversion programs for defendants between 17-24, who are legally adults but are not developmentally mature? **Yes.**

6. Will you decline to seek life-without-parole sentences for young people between the ages of 18 and 25? **As your next Jackson County Prosecutor, absent extreme and aggravating circumstances, I will decline to seek life without -parole sentences for young people between the ages of 18 -25.**

7. Children are less able to make an informed decision when deciding to talk to the police. Will you vocally support a policy that prohibits the interview or interrogation of a child--either as a witness, suspect, complainant, or respondent--by law enforcement without the presence of a parent or guardian and prohibits waiving an attorney in closed court? **Yes.**

8. Will you establish a strong presumption against prosecuting school suspension or expulsion cases where there is no use or threat of force resulting in physical harm? **Yes.**

Do Not Seek the Death Penalty

The use of the death penalty has become increasingly isolated to a handful of jurisdictions within the United States. California's death penalty is routinely identified as one of the most dysfunctional, broken systems in the county. There is mounting evidence that the death penalty is fraught with error, provides no additional public safety benefit over other available sentences, and is routinely used against individuals with diminished culpability, including persons with intellectual disabilities and severe mental illness, youthful offenders under the age of 21, and those who have experienced extreme childhood trauma.

1. Each death prosecution cost taxpayers an average of \$2.3 million. Minorities are more likely to be selected for death prosecutions, and more likely to be sentenced to death. The death penalty is disproportionately used against black people. Will you commit to ending this racist and expensive practice, and commit to never seeking the death penalty? **Yes**

2. Knowing what you do about the racist and error-ridden history of the death penalty, will you support the commutation of current death row inmates out of Jackson County to life without parole? **Yes.**

3. How will your office avoid wrongful convictions, and what steps will you take to ensure that no one in Jackson County is convicted of a crime they did not commit? How will you minimize the negative consequences for those that have been wrongfully convicted? **My Office will avoid wrongful convictions by first addressing the reasons alleged for the wrongful convictions, thereafter, training will be performed on a yearly basis with all prosecutor to address the basis for the wrongful conviction. In other words, my Office is going to advocate for "root cause analysis," to find out why a wrongful conviction happened, as is done in the medical or transportation fields after disastrous events. No Conviction Integrity Units have a formal root cause process. Such an analysis can then lead to better policies and procedures in the future, such as improved eyewitness identifications and better interrogation procedures. My Office will minimize the negative consequences for those that have been**

wrongfully convicted by removing the current barriers that has prohibited the Defendant's case from being reviewed. A true conviction and integrity unit will be extended to individuals who will not be required to give up their legal and constitutional rights in order to have their case reviewed.

4. Will you commit to creating and properly resourcing a conviction integrity unit in Jackson County?

Yes. The Conviction and Integrity Unit shall be made up of members of the community, law enforcement, Criminal Law Professor and Defense Counsel. Said unit shall review the following cases: Police Officer related shootings, allegations of police misconduct, wrongful convictions, excessive sentencing, and prosecutorial misconduct. The makeup of the Unit will bring a level of transparency with the community in which it serves.

5. Where DNA or other evidence that may lead to exoneration is in your possession, will you commit to always making that evidence available for independent testing should the defense ask to test? **Yes.**

6. In cases involving false confessions or witness recantations, will you commit to agreeing to allowing a judge to hear and assess the value of that evidence, even after conviction? **Yes.**

Promote Proportionate Sentencing and Provide Pathways to Second Chances *People are more than their worst acts, and even people who commit the most serious offenses often change their lives profoundly over time. To recognize the worth and potential for growth in all people, it is important for locally elected prosecutors to provide individualized consideration to the character and background of each person and to the circumstances surrounding the commission of the offense. It also is critical for elected prosecutors to promote opportunities for release, through parole or clemency, and to help remove barriers to reentering society for those who are released from incarceration.*

1. Prosecuting attorneys across the country have routinely adopted policies of charging the most serious readily provable offenses, to make it easier to charge bargain when seeking a guilty plea. Will you adopt a policy to charge the least severe acceptable charge, so that the charge more accurately reflects the alleged conduct and does not create artificial incentives for a defendant to plead guilty? **Yes.**

2. Will you use pretrial intervention/diversion strategies in a significantly higher proportion of cases involving nonviolent, low-level, offenders? If yes, which offenses would you make eligible for diversion? Will you make diversion available to all defendants willing to participate, irrespective of their criminal histories? **Yes, I will generally make low-level non-violent offences available for diversion.**

3. Will you commit to never seeking a jail sentence for misdemeanors? Yes. Non-violent offenses? Yes. Drug possession? Yes, absent extreme and aggravating circumstances? Prostitution? **Yes.**

4. Will you commit to reducing the percentage of cases by 50% where a maximum sentence is sought by prosecutors? **Yes.**

5. Will you pledge to establish an office policy against increasing or threatening to increase the number or severity of charges in order to secure more favorable plea dispositions or waivers of rights? **Yes.**

6. Will you publicly oppose any proposed legislation that would create new mandatory minimum sentences or lengthen existing minimum sentences? **Yes.**

7. Will you publicly support the repeal of gang and other sentencing enhancements? **Yes.**

8. Will you pledge to support second chances by both limiting parole opposition and committing to affirmatively advocate for parole on behalf of those who demonstrate growth and maturity during their incarceration? **Yes.**

9. Will you use pre-plea diversion programs and create explicit benchmarks to reduce the number of people incarcerated pre-plea and pretrial? **Yes.**

Promote Policies that Aid Undocumented Communities

In the last year, undocumented communities have come under increasing attack because of increasingly vicious federal immigration laws. These policies not only allow for deportation because of minor allegations like possession of drugs, but they also make communities less safe, as undocumented victims fear going to court or speaking to law enforcement.

1. Many individuals end up in immigration detention based on arrests for quality of life offenses, which are never charged and are often eligible for ticketing (as Class C offenses). Will you commit to directing law enforcement to ticket, instead of arrest, for class c misdemeanors including marijuana possession, disorderly conduct, public intoxication, “hot” checks less than \$20, simple assault, and criminal trespassing? **Yes.**

2. Even expunged and sealed convictions can carry immigration consequences under federal law. Will you allow pretrial diversion without an admission of guilt, so as to avoid deportation based on diverted offenses? **Yes.**

3. If permitted under state law, will you direct law enforcement officers to not inquire about immigration status? **Yes.**

4. Will you refuse to cooperate and liaise with ICE? **I will commit to not utilizing Jackson County Prosecutor’s resources to enforce customs and immigration laws.**

5. Do you commit to vacating convictions that are making immigrants deportable, or preventing immigrants from seeking asylum or some sort of immigration relief. **I will commit to working with the immigrant community and local organizations to create common sense protections for immigrants and asylum seekers in Jackson County.**

Policies that Promote Transparency and Accountability to the Community

Enhancing transparency and accountability within the district attorney’s office is critical to ending the win-at-any-cost pursuit of high conviction rates that is failing our communities. Our elected prosecutors must build a culture focused on seeking justice for victims, and ensuring that justice is equal. This requires being open to community scrutiny and feedback, paying close attention to racial disparities, and prioritizing the needs of victims and their families.

1. Will you maintain and publish regular statistics about prosecution, including the number of misdemeanor and felony cases filed each month, disposition statistics, pretrial incarceration rates and length of stay by offense category, and average bond for each class of offense, to measure the effectiveness of policies aimed at efficacy and reform? **Yes.**

2. Will you include racial information at all steps, committing to publicly report any significant racial disparities at any stage of the process? **Yes.**

3. Will you help to end both explicit and implicit racial bias in policing by refusing to file charges that result from racial profiling? **Yes.**

4. Will you build a staff that reflects the diversity of the community the office serves? **Yes.**

5. Will you commit to regular communication with community members and organizations, including regularly scheduled open sessions? **Yes.**

6. Will you prioritize the needs of the victims of violence by expanding support of victim/witness service programs and improving communication with victims and family members? **Yes.**

7. Will you make office policies--like criteria for pretrial diversion and policies governing sentencing recommendations--public? **Yes.**

8. Will you gather, maintain, and make public data about prosecutions, diversions, plea offers, and sentencing? **Yes.**
9. Will you commit to the creation of an independent unit, or to bring on an independent prosecutor, in all cases involving police misconduct? **Yes.**
10. Will you commit to a full investigation including presentation before a grand jury of all cases involving police-involved shootings, corruption, fraud or any violence resulting in death or bodily injury? **Yes. Although the grand jury process is available, I will also allow the aforementioned cases to go to a preliminary hearing for the purpose of creating transparency with the Community.**
11. Access to information promotes fairness, congeniality, and the early resolution (either through pleas or dismissals) of criminal cases. Will you create an open-file discovery system, to provide information to defense counsel as you receive it? **Yes.**
12. Prosecutors have an obligation under the Brady doctrine to provide exculpatory information to defense counsel. a. What do you think the Brady doctrine requires of prosecutors? b. What specific changes would you implement (to the discovery process, to supervision within your agency, to communication channels with law enforcement) to ensure that Brady information is disclosed in a timely fashion? c. What specific training would you implement to ensure that your employees understood how and in fact do comply with their Brady obligations. What topic areas would that training cover? **A. The Brady doctrine requires a prosecutor to turn over all exculpatory evidence to the defendant in a criminal case. B. I would implement an "open file" policy which allows the Defendant to review all information in the Prosecutors files within 15 days of opening the file. Prosecutors would be held to a timeframe of providing any and all additional discovery to the defendant. Prosecutors would submit to yearly CLE training as well as training in the office to ensure that all staff was appraised of the policies and procedures in the office. The topics would include, but not be limited to training in discovery practices, Brady violations, transparency and dealing with police misconduct in cases.**

Policies that Guard the Community Against Abuse of Power by Officials

Fraud and public corruption undermine public trust in government. There's also the inevitability of mistakes that, in the case of public prosecutions, are as inevitable as their impacts are life-altering. It is crucial that elected prosecutors serve as one of the first lines of defense to protect the less powerful in our society from exploitation, especially when it comes to abuse of power by those in government who are supposed to act in the public interest.

1. Will you commit to using asset forfeiture only after a conviction has been obtained, and ensure that there is a meaningful opportunity for members of the community to contest the seizure? **Yes.**
2. What is your position on the Prosecuting Attorney's role, if any, in ensuring that indigent defendants in Jackson County receive competent and diligent representation? **I would advocate for additional resources through the public defenders office so that the indigent defendants are afforded zealous and adequate representation.**
3. Will you support statewide legislation to end the use of civil asset forfeiture? **Yes.**
4. Will you advocate for a fully funded Public Defender's office? **Yes.**
5. Will you work with the community and law enforcement to charge and convict those who criminally defraud the public or abuse public office for personal gain? **Yes.**

Local Control Of The Kansas City Police Department

As you are aware, Kansas City is the only city in the country that does not have local control of its police department. The lack of local control prevents real accountability from the police department to the people who pay their salaries. The Board of Police Commissioners are political appointments by Gov. Parson. This puts state politics in the heart of our policing. Local control can fix these issues.

1. Do you support the community's push for local control of the KCPD? Why? or Why not? **Yes, I believe that the Mayor should have full decision- making authority over the Police Department. This would expedite policy changes and discipline of Officers if needed without having to go through a board of police commissioners. The mayor would hire police, administer the oath of office, promote, discipline, provide for training, negotiate the collective bargaining agreement with the police unions and enforce it. This helps to ensure transparency and accountability between the police department and the community.**

2. Will you commit to working with other government bodies and community groups to support local control efforts in Kansas City? **Yes.**