



Candidate Survey for Los Angeles City Attorney Responses for Candidate: Faisal Gill

About this survey: The ACLU of Southern California invited candidates for Los Angeles City Attorney, to participate in a survey about their positions on some of the most pressing issues facing LA. This document is the full response of one candidate: Faisal Gill.

For the full survey results, go to <https://www.aclusocal.org/en/la-city-attorney-candidate-survey> to see each candidate's unedited responses to the policy questions and unedited candidate statement on why they will be a champion on ACLU issues.

Our candidate questionnaire does not endorse any candidate. ACLU SoCal is a nonprofit that does not endorse or oppose any candidates for elected public office.

Question 1: Would you agree to decline to charge people with consensual sex work related offenses, including prostitution (buying and selling) and loitering with intent to commit prostitution?

Candidate Answer:

YES NO

Candidate Explanation:

I will add prostitution and loitering with intent to commit prostitution to a list of charges which will be prioritized for dismissal or pre-plea diversion. Prostitution and loitering with intent to commit prostitution are two of the most commonly charged misdemeanors in Los Angeles. As a city, it is both morally wrong and fiscally irresponsible to be spending our limited resources on criminalizing consensual sex work instead of, for example, building more housing and providing more services for the homeless.

Question 2: Contact with the criminal legal system, even for the adjudication of misdemeanor offenses, produces long-term, harmful consequences. Research has shown that diverting or declining to charge low-level misdemeanor offenses reduces the likelihood of future involvement with the criminal legal system. Are there certain categories of misdemeanors, including those that arise from poverty, drug dependence or mental health issues, that the City Attorney's Office is currently prosecuting that you would decline to prosecute or prioritize for diversion? If so, please explain.

Candidate Answer:

YES NO

Candidate Explanation:

Too often, the LA City Attorney's office has been unacceptably broad in its prosecution of misdemeanor charges. The next City Attorney must take a different approach to enforcing the law. I will take immediate steps to significantly reduce prosecutions for minor offenses. I will also decline cases referred from pretextual stops made by law enforcement.

In addition, I will expand the number and type of charges that qualify defendants for pre-trial diversion and build upon existing diversion programs intended for specific populations, such as those who struggle with substance abuse and mental illness. I will carefully monitor these programs to ensure that participants receive the supportive services they need to avoid future contact with the justice system. Wherever possible, I will avoid imposing financial costs on program participants. If there are costs, I will ensure that they are adjusted based on income and contain indigency exceptions.

Question 3: For cases that are not declined or diverted, will you implement an office-wide policy that the least severe applicable charges be applied, and that the lowest sentencing outcome is the correct recommendation?

Candidate Answer:

YES NO

Candidate Explanation:

Historically, the City Attorney's office has been more likely to overcharge than to undercharge. While it will be my default approach to pursue the least severe charges and the lowest sentencing outcomes, I do not believe in governing in absolutes. If a case is especially serious and merits more severe charges, my office will act accordingly.

Question 4. Will you create a “Do Not Call” list of officers with histories of misconduct, dishonesty, racism or bias and issue an office-wide policy instructing Deputy and Assistant City Attorneys to reject officers on the “Do Not Call” list as potential witnesses and to decline to prosecute cases involving these officers?

Candidate Answer:

YES NO

Candidate Explanation:

As City Attorney, I will create a list of police officers with a history of misconduct or other credibility issues. Such issues could include reported incidents involving, for example, racial profiling, lying during testimony, excessive force or bias, among other things. Arrests made by the officers on this list will either be subject to special review, or, depending on the circumstances, my office will decline to accept these cases or call these officers as witnesses.

Building robust Brady List databases is crucial to making this system work. A Brady List is an internal database that prosecutors use to track police officers and government witnesses who have engaged in or faced accusations of official misconduct. The name comes from a 1963 Supreme Court case called *Brady v. Maryland*, which decided that a prosecutor has a duty to disclose all material evidence that is favorable to the defense. Subsequent cases have expanded this obligation to include anything a prosecutor knows that may impeach the credibility of an officer or expert witness.

Maintaining accurate Brady lists will also allow prosecutors in the City Attorney’s office to more effectively improve local policing practices by identifying concerning patterns with particular officers or departments.

Question 5: California law requires that prosecutors shall, in the interests of justice, consider the avoidance of adverse immigration consequences in the plea negotiation process. Cal. Pen. Code § 1016.3(b). A conviction for even a minor offense may lead to detention and deportation, inhibit a lawful permanent resident's application for citizenship or prevent someone from securing permanent legal status. Appropriate resolutions of offenses are highly fact-specific but prosecutors must consider the consequences to all defendants from any proposed disposition. Prosecutors should also consider the immigration consequences of prosecutorial policies—as *any* conviction exponentially increases the risks of immigration enforcement.

If elected, will you commit to (1) actively working with defense counsel in individual cases to avoid immigration consequences of criminal charges, prosecutions or convictions, and (2) recommending dispositions that limit negative immigration consequences, including pre-plea diversion programs?

Candidate Answer:

YES NO

Candidate Explanation:

As an immigrant, it is my core belief that every single person who comes to the United States seeking a better life should have a shot at it – and, that contact with the justice system should not affect that opportunity.

As City Attorney, I will work to make sure that everyone who is detained has access to an attorney. I will also ensure that prosecutors consider a person's immigration status when determining how a non-violent but deportable case should be resolved. For example, a DUI is a deportable offense. A DUI is a serious charge – but, one that hundreds of thousands of Americans with legal status are charged with each year. These folks may suffer legal consequences, but these consequences do not include being ripped from one's home and family and being sent back to a potentially dangerous environment in another nation. Any case that impacts a person's ability to stay in the United States will be supervised and signed off on by the departmental head.

The simple truth is that immigrants should not receive harsher punishments than citizens for their offenses. I will ensure that fair and equal treatment under the law extends to immigration status.

Question 6: Even short durations of detention can have destabilizing effects on an individual's life and those around them, drive up populations of LA County jails, and increase the risk of immigration enforcement.

If elected, will you commit to (1) revising filing guidelines and guidance to LAPD to avoid unnecessary arrests, consistent with state law; and (2) enact guidelines for your prosecutors to limit use of pre-trial detention?

Candidate Answer:

YES NO

Candidate Explanation:

As City Attorney, I will instruct my prosecutors to decline to request cash bail. Cash bail criminalizes poverty. The ability of a defendant to post bail doesn't make them any more or less dangerous. Pre-trial detention should be reserved for defendants who pose a clear threat to themselves or others, rather than defendants who can't afford to buy their way out of jail.

In March 2021, the California Supreme Court ruled that it's unconstitutional to keep defendants incarcerated simply because they cannot afford bail. The court instructed judges to favor pre-trial release and consider a defendant's ability to pay when setting bail. Based on this ruling, judges are only allowed to keep defendants locked up if "clear and convincing" evidence demonstrates that it is the only way to protect the public and ensure that the defendant shows up for court.

This decision represents an important step forward, but it did not end the practice altogether. If I am elected, as a default position, City Attorney prosecutors will not ask for cash bail or pre-trial detention unless there is a clear and considerable threat to public safety.

Question 7: Enforcement of ordinances that make it a crime to be unhoused is not a solution to housing displacement. Enforcement does nothing to address housing unaffordability—the root cause of housing displacement—and only makes life more difficult for our most economically deprived community members by burdening them with criminal records, heavy fines and fees, and jail time. Additionally, law enforcement “sweeps” result in people losing all of their belongings -- including medication, blankets, clothing, and important paperwork. Instead of harmful “sweeps,” municipalities can provide services and trash collection to people who are living in unsheltered encampments.

If elected, would you end or limit prosecution of laws that criminalize houselessness (including sleeping/sitting in public, possession of bulky items, camping in public, sleeping in vehicles, loitering, possession of shopping carts, panhandling, and public urination)?

Candidate Answer:

YES NO

Candidate Explanation:

The City Attorney's office plays a crucial role in addressing the homelessness epidemic. Let me be clear: the criminalization of unhoused people is immoral, impractical and an abuse of the law. As LA City Attorney, I will not prosecute unhoused people for the "crime" of not having a place to live, under the legal guise of trespassing on public property, vagrancy, using city services, vandalism, failing to appear for court, sleeping on the sidewalk or the multifold other charges that have been developed to systematically criminalize poverty. The homelessness crisis cannot be dealt with through the criminal justice system. Homelessness is a housing issue, a public health issue and an economic issue and I will advocate for the development of long-term solutions and supportive services that treat the problem in those terms.

I will also commit to supporting a housing guarantee or any other policy that will ensure every Angeleno has access to housing that is affordable, safe and sustainable.

Question 8: Would you support amnesty and dismissal for past citations, fines, and fees for low-level quality of life offenses?

Candidate Answer:

YES NO

Candidate Explanation:

I will make it a priority to dismiss past citations, expand access to record expungement, increase retroactive case review and increase opportunities for resentencing.

Under California law, the conditions for criminal record dismissal – which can create barriers to education, income, housing and more – are exclusionary and limited, with only those convicted of particular crimes being eligible for the program. I will advocate for the process to be accessible to more people.

I will also work to dismiss past fines and fees. These fines and fees can be imposed for traffic violations, court costs, administrative violations and more. Because they are flat fees, they act as a regressive tax – or, a “poverty penalty.” We must put a stop to this.

Upon taking office, I will conduct a systematic review of past misdemeanor cases handled by the City Attorney’s office in order to address mistakes, reverse convictions for crimes that would be treated differently now – for example, marijuana-related offenses – and expunge records wherever possible.

Question 9: The LA City Attorney’s office has been criticized for its “Citywide Nuisance Abatement Project” which works to evict tenants and place them under surveillance. As the LA Times reported in 2020, and a UCLA report confirmed this year, this City Attorney-driven housing displacement primarily targets Black and Latino renters in Los Angeles. Will you commit to dismantling the discriminatory CNAP project and ending 47.50 evictions, which exacerbate the homelessness crisis in LA?

Candidate Answer:

YES NO

Candidate Explanation:

While I understand that sometimes, there may be properties, businesses or persons who neighbors consider to be a “nuisance,” surveillance and eviction – the tools most commonly used by the Citywide Nuisance Abatement Project – are not the solution. The City often relies on tenuous and arbitrary evidence and overlooks or ignores the circumstances of those who are targeted by CNAP. More often than not, 47.50 evictions are random, unjustified and a violation of the tenant’s rights. CNAP has a decades-long history of unfairly targeting persons and businesses for eviction based on unreliable evidence. Advocates and critics of the process have fought for reform and have received broken promises in return. It’s time to take a different approach.

Question 10: In Los Angeles County, criminal conduct involving law enforcement officers—in their personal or professional capacity-- is often investigated primarily by the District Attorney's Justice System Integrity Division (JSID), which issues public memos of its charging decisions in use of force cases. But both law enforcement agencies and the District Attorneys' office can and sometimes do refer criminal cases involving peace officers to city prosecutors for misdemeanor prosecution. The Los Angeles City Attorney's Office has not tracked nor publicly reported on its consideration of or charging decisions in cases involving law enforcement officers. If elected, would you commit to creating a system for tracking criminal referrals in cases involving peace officers and publicly reporting information about all charging decisions?

Candidate Answer:

YES NO

Candidate Explanation:

I firmly believe that the first step in fixing the issues in our criminal justice system is measuring how significant these issues are. As City Attorney, I will conduct a rigorous analysis – with the assistance of experts in the field – of both past and present data regarding the Office's charging decisions. I will release the data documenting outcomes and decision-making processes at each stage of our cases, from intake to sentencing. I will make this data available to the public and easily searchable, so that patterns of disparate treatment – based on race, neighborhood, economic status and more – can be identified and addressed. I will work with independent, external partners to analyze the data and identify racial disparities at key decision points, including charging, pretrial release, plea offers and sentencing.

Candidate Statement

Los Angeles needs a progressive, reform-minded City Attorney to work hand-in-hand with the District Attorney to enact comprehensive and systemic change.

I have been a civil rights and criminal defense attorney for two decades, and if I'm elected, I'm committed to delivering a fairer and more just Los Angeles, in which the law is used to protect and support the people of our city, instead of being used as a weapon against vulnerable and marginalized communities.

In order to halt the cycle of incarceration, poverty, homelessness and family disruption that has plagued our city, our state and our nation for decades (if not longer), Los Angeles needs a City Attorney like me, who's willing to stand up and say, "No."

Because the City Attorney is the lawyer for the LAPD, the 2022 election will also determine whether the city government can, and will, deliver the demands made of it by "we the people" in the wake of George Floyd's murder and the protests that followed. The people of Los Angeles want the LAPD held to account. As City Attorney, I will take concrete steps that will deliver real accountability to both the victims of police violence and the public.

The 2022 City Attorney race matters. It will shape the form that justice takes in our city going forward. We cannot continue doing the same thing we have been and expecting a different result. Los Angeles wants change, and I'm ready to deliver it.

.