



Candidate Survey for Los Angeles City Attorney Responses for Candidate: Marina Torres

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: Marina Torres.

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:

While I promote the welfare of individuals within LA, criminalizing adult, voluntary, and consensual sex, which includes the exchange of sexual services, is against the human right to personal autonomy and privacy. As City Attorney, I am not in the position to tell consenting adults who they can have sexual relations with and on what terms. I do care about the safety of all citizens within Los Angeles and it has been found by the Human Rights Watch that criminalization against sex workers in turn makes them more vulnerable to violence such as rape and murder due to being easy targets as the attacker assumes the police will not help them. Workers may also be forced to work in unsafe locations as they hide from the police.

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:

As a federal prosecutor I will also strongly encourage my deputies to consider immigration status and consequences with certain categories of misdemeanors. In my experience as a federal prosecutor, I pushed for that within the department and fought with my supervisors to do so. It does not make sense for a small misdemeanor to determine whether an individual stays in America or is deported. In addition, when I was working on DACA under the Obama administration I saw individuals stripped of their DACA status because of a DUI. As next City Attorney I will prioritize considering immigration status when charging certain misdemeanors.

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:

As City Attorney, I will work alongside our prosecutors to implement the weighing of all factors when deciding criminal charges such as the sufficiency of the evidence; the likelihood of success at trial; the probable deterrent, rehabilitative, and other consequences of conviction; and the adequacy of noncriminal approaches. As a prosecutor myself, I've spent my career pushing for racial justice and equal treatment within the system of law enforcement, and I pride myself on being an agent of change. As City Attorney, I'll work to increase the diversity of our law enforcement, push for more implicit bias and de-escalation training, and continue to prioritize reimagining our police force.

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:

My goal is to rebuild public trust in the L.A. government and institutions, which will foster an environment where citizens happily and willingly abide by all the rules and regulations. A “Do Not Call” list would might be the proper protocol for dealing with such instances of misconduct, dishonesty, and racism – but agreeing as a whole to not prosecute such cases, without trying to see if it can be done without this particular officer’s testimony, would be wrong policy. I have had exactly this situation come up in the context of a rape case, and we were able to substitute out the problematic officer’s testimony and proceed without it.

Before an officer makes it onto a “Do Not Call” list I would hope for that officer to have taken a temporary or permanent leave of absence from the department depending on the gravity of their misconduct. If their leave is only temporary, during that time I would want them to be placed through a training course to learn how they can amend their mistakes in the future. Simply putting the officer’s names on a list does not teach them any lessons or prevent the same issue from reoccurring down the line.

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 appointee of President Obama, I was part of the team that crafted and implemented DACA. I am the daughter of undocumented parents who, like many others, came from Mexico in pursuit of a better life. I personally understand the struggles of poverty and being undocumented, and how access to opportunities changes lives. I pledge to work with my attorneys to avoid drastic consequences of criminal charges and offer alternatives to incarceration where possible – in fact, I have a strong record of having done this, not just at DHS but also during my years as a prosecutor. I often fought with the front office in pushing for sentences of one day less than a year, or entirely different charges, to ensure that a person's immigration status wouldn't be affected. This is another reason we need more diverse hiring in the CA's office! So often, the defendant and I are the only people of color in the courtroom. It is paramount that we get more of us inside the system for any change to be long-lasting, since we can approach criminal matters with an eye towards rehabilitation and diversion, instead of an incarceration-first model.

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:

Absolutely. As a federal prosecutor, I've spent the better part of my career advocating for alternatives to incarceration, when appropriate. I'm a firm believer in restorative justice practices that emphasize rehabilitation, not imprisonment or detention. As the next City Attorney, I'd readily implement policies and guidelines that mitigate unnecessary arrests and detentions by city law enforcement and limit the use of pre-trial detention -- which often disproportionately affect low-income and minority communities.

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:

During my campaign I've made my position on homelessness clear: the causes of homelessness are multifaceted, the needs of the unhoused are not monolithic, and the solutions to LA's homelessness crisis must be equally diverse and multi-pronged. The current strategy of blatantly criminalizing homelessness and conducting law enforcement “sweeps” isn't just cruel -- it's ineffective. I've had homeless family members. I thoroughly and personally understand this issue, and have long maintained that increasing housing affordability and housing access represents both the most compassionate and the most pragmatic way to alleviate our city's homelessness crisis.

As the next City Attorney, a chief priority of mine will be collaborating with city government to bring this homelessness crisis to close. I certainly believe part of that strategy entails limiting the prosecution and criminalization of houselessness (especially when such enforcement has previously been done without prioritizing offers of services and shelter).

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'm a daughter of undocumented immigrants and grew up in a poor, working class neighborhood in the Inland Empire. I personally understand the struggles of poverty, and know individuals who have been trapped in cycles of poverty due to quality of life pressures and fees imposed by local law enforcement. As the next City Attorney, I'd certainly support amnesty and dismissal for past low-level citations so that Los Angeles' most vulnerable have a chance to get back on their feet. Enforcing small fines for petty, low-level offenses ultimately don't make our community any safer.

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:

No. While I’m aware of the complaints against the CNAP, I don’t believe the solution is to get rid of the program. It’s a program that has been used effectively to combat the scourge of criminal gangs preying on low-income tenants in poor working neighborhoods – dismantling this program (instead of fixing it) sends the message that these communities aren’t a safety priority for the city. I’ve said this before, and these communities agree – the solution is better quality policing, not dismantling the police. I pledge to put more resources and focus on eliminating racial bias in these programs and make them more effective for these communities.

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:

Ensuring the integrity and accountability of local law enforcement is a top priority of mine. As a federal prosecutor, I dedicated a significant part of my career to auditing and investigating the performance of law enforcement, and advocating for substantial change from within the system. As the next City Attorney, Angelenos can expect that same passion for accountable and responsible law enforcement to be translated into action and policy. So yes, I certainly support creating a system for tracking criminal referrals in cases involving peace officers and publicly reporting information, as appropriate.

Candidate Statement

For the last ~20 years, I've been working at the top of my field -- including the Obama Administration and as an Assistant U.S Attorney -- and I am uniquely qualified to assume the challenges and responsibilities of the City Attorney's Office. My identity and upbringing further differentiate me from my opponents: before I ever stepped foot in a courtroom, my family grappled with the challenges of incarcerated family members, homeless family members, and the looming threat of deportation. To me, issues of civil liberties, civil rights, and racial and economic justice aren't abstractions -- they're lived experiences.

Moreover, I'm the only candidate to have been honored not once but *twice* by the ACLU -- the "Courageous Advocacy Award" in 2011 for work on *Vasquez v. Rackauckas* (successfully challenged enforcement of Orange County gang injunction on procedural due process grounds) and the 2010 "Social Justice Award" (for litigation against the state of California for failure to properly protect farm workers' rights).

As city attorney, I'll work tirelessly to make Los Angeles a more equitable, livable, and fair city for everyone. I'm an LA native and I deeply care about this city and its people. I also personally and thoroughly understand many of the pressing issues facing our community. I have the passion and zeal to tackle LA's issues head-on, and my broad legal experience makes me the most qualified candidate to do so.