

Questions 1 & 2

We believe that equal justice for all includes putting an end to wealth-based inequality in our justice system. Reforming California's bail system is a critical part of this effort. On any given day, roughly 60% of people in California jails are being detained before trial or sentencing simply because they cannot afford to post bail.¹ Data show that Orange County spends hundreds of thousands of dollars each year to jail individuals whose cases are dismissed or against whom charges are never filed.² A California Court of Appeals has recently ruled that due process requires consideration of ability to pay and non-monetary alternatives before an individual can be detained when too poor to pay money bail.³ SB 10 (The California Money Bail Reform Act) aims to restructure - statewide - the current bail system and significantly reduce the use of money bail and prioritize services to help people make their court appearances while their cases move forward. The LA County Board of Supervisors has launched a study to evaluate, among other things, best practices for utilizing evidence-based risk assessment tools to ensure appearances in court and protect public safety without pretrial detention and for establishing a robustly-funded pretrial services entity to support these efforts.⁴

Question 1: Would you introduce or support action by the Board of Supervisors to reduce the use of pretrial detention?

YES NO OTHER

Explain (200 words maximum): Pre-trial detention should be the exception rather than the rule for ensuring that defendants show up for trial. The savings achieved by using other non-custodial measures could be invested for creating an improved criminal justice system, with more thorough investigations, more judges, streamlined procedures, and improved prison conditions. Furthermore, pre-trial detention can often have damaging impacts on defendants, their families and communities. Even if a person is ultimately acquitted and released, pre-trial detention contributes to lost income and undue stigma for having been in prison while waiting for trial. These situations are particularly egregious when charges are never filed or charges are dismissed because of the potential for abuse of individuals by the system. Orange County should be following the lead of LA County to study the use of evidence based risk assessment tools and any other best practices used by other jurisdictions to minimize pre-trial detentions and the need for bail without jeopardizing public safety.

¹ Sonya Tofoya, "Pretrial Detention and Jail Capacity in California," Public Policy Institute of California, July 2015, http://www.ppic.org/content/pubs/report/R_715STR.pdf

² "Not in it for Justice," Human Rights Watch, April 2017, <https://www.hrw.org/report/2017/04/11/not-it-justice/how-californias-pretrial-detention-and-bail-system-unfairly#page>

³ <http://caselaw.findlaw.com/ca-court-of-appeal/1886990.html>

⁴ "Motion by Supervisor Sheila Kuehl and Hilda Solis," Los Angeles County Board of Supervisors, March 2017, <http://file.lacounty.gov/SDSInter/bos/supdocs/112060.pdf>

Question 2: Do you support passage of SB 10?

YES NO OTHER

Explain (200 words maximum): I support SB 10 because the current system isn't working and has created a two-tiered system of justice. Bail systems unduly impact disadvantaged individuals, their families, and the broader community particularly when those individuals are ultimately found not-guilty of the crime with which they are charged. Bail systems often wreak havoc on families when individuals lose jobs and are stigmatized by pre-trial incarceration leading to lost income, lost custody of children, and eviction. It is not fair that individuals endure these hardships before they have the opportunity to defend themselves in court just because they can't afford to pay bail. Pre-trial supervision has proven to be a much more effective alternative in jurisdictions where it has already been implemented. We know that pre-trial supervision leads to safer communities, so it is a no brainer to implement the system statewide.

Question 3

The high profile trial of Scott Dekraai, the largest murder case in the County's history, revealed decades of constitutional violations by the Orange County District Attorneys' Office and the Orange County Sheriff's Department. For over thirty years, the Sheriff's Department has illegally operated secret snitch tanks in its jails, violating countless criminal defendants' right to an attorney, while the DA's Office unconstitutionally withheld evidence of the program's existence, benefits provided to the informants, and even of people's innocence, from defendants and defense attorneys. As the California Court of Appeal stated in upholding the recusal of the entire DA's office from prosecuting the Dekraai case, "The magnitude of the systemic problems cannot be dismissed."⁵ The Board of Supervisors controls funding to the DA and Sheriff and could exercise that control to require substantial reforms within the offices. Yet quarter after quarter and year after year, the Board has voted to allocate substantial portions of the County's budget, including the vast majority of money in Quarterly Budget Adjustments, to the agencies.

Question 3: Would you introduce or support action by the Board of Supervisors to make continued funding of these agencies contingent upon their adoption of policies to prevent prosecutorial and law enforcement misconduct and mandating increased transparency?

YES NO OTHER

Explain (200 words maximum): It is infinitely clear to me that reform of the DA's office is required, and we need to use all levers of government to make that happen. It is inexcusable that the DA's office blatantly defied the law. For years, Orange County has stumbled from one law enforcement scandal to the next. Our justice system needs to be about justice as opposed to winning convictions. If we don't have confidence in our justice system, we can't have confidence in the rule of law that holds our society together. Elected officials in Orange County need to demonstrate that they value the rule of law by holding the DA's office accountable, and holding back funds would be an effective message that things need to change.

⁵ <http://caselaw.findlaw.com/ca-court-of-appeal/1755575.html>

Question 4

We believe that a true democracy requires an informed electorate that is able to hold its elected representatives accountable. As the Brown Act says, the Board of supervisors “and the other public agencies in this State exist to aid in the conduct of the people’s business,” and so the law requires that its “actions be taken openly and that [its] deliberations be conducted openly...The people insist on remaining informed so that they may retain control over the instruments they have created.” Yet over the years, the Board has fought multiple public battles, including in lengthy and costly lawsuits, resisting principles of government transparency, accountability and oversight. They have restricted the amount of time allowed and number of opportunities for public comment during their meetings, sometimes taking a combative tone with concerned community members, refused to disclose communications between government officials and agencies in violation of the Public Records Act, and authorized the immediate destruction of certain categories of public records to circumvent its disclosure rules.

Question 4: Would you introduce or support action by the Board of Supervisors to increase the amount of time devoted to and opportunity for public comments and the ability of the community to access important public records?

YES NO OTHER

Explain (200 words maximum): This is a no brainer. Supervisors are supposed to work for the best interests of residents of Orange County and need to be accountable to the public. We need to maximize transparency in order to establish trust that our elected officials are making decisions that are in the public’s interest. In addition to the measures you advocate above, Supervisors need to be more present during public comment. They often leave the chamber and are distracted by their cell phones while in the chamber. Cell phone usage should be banned while the board is in session.

Questions 5 & 6

We believe true freedom and equality includes the end to laws that criminalize homelessness (i.e. laws that make it a crime to sleep in public, even when people literally have nowhere else to sleep) and the right to housing and basic needs services, so all our communities can thrive. Orange County and 33 out of its 34 cities have ordinances that make it a crime to sleep in public. Enforcement of these ordinances is not a solution to homelessness. Because the County’s severe shortage of affordable housing, permanent supportive housing, and emergency shelter forces fully half of all people experiencing homelessness to sleep in public, they cannot comply with these laws. Enforcement only makes it more difficult for them to escape homelessness by burdening them with criminal records, heavy fines and fees, and jail time. On the other hand, providing people with safe, affordable housing as an immediate response to their needs is widely acknowledged as the most effective, humane, and fiscally responsible way to end homelessness. That’s why we advocate in support of ending the criminalization of homelessness and expanding access to affordable housing and supportive services.

Question 5: Would you introduce or support action by the Board of Supervisors to repeal County and City laws that criminalize homelessness in Orange County?

YES NO OTHER

Explain (200 words maximum): The criminalization of homelessness does nothing to solve the problem and only makes it harder for people experiencing homelessness to ultimately get off the street. A study conducted by UCI and the Jamboree Group clearly shows that it is far more productive to focus policies on the development of permanent supportive housing. The reality is that we will have sizable populations of people experiencing homelessness until we solve the shortage of affordable housing. We also need to educate the community to avoid the pitfalls of acting on stereotypes. The vast majority of people experiencing homelessness are people who have jobs. They contribute to the community and simply need a helping hand to get back into a stable living arrangement. Many ended up on the street through no fault of their own. They are simply victims of public policy that has gone awry. It is far cheaper and more beneficial to the community as a whole to help them back into permanent supportive housing. In addition, we need to be pursuing policies that create a living wage and more affordable options for healthcare.

We believe that access to permanent, affordable housing is critical to the County's efforts to end homelessness and reduce housing precarity for low-income households.

Question 6: Would you introduce or support action by the Board of Supervisors that invests in a well-funded Countywide housing trust fund for affordable housing and supportive services?

YES NO OTHER

Explain (200 words maximum): I think this is one of several possible options that we need to explore. We need to allocate resources to maximize the benefit to the community regardless of the specific solutions that are ultimately implemented. The bottom line is that we need to be targeting policies that get people into permanent supportive housing over other policies that act as nothing more than band-aids. Getting people off the streets solves many other problems with regard to mental health and self-medicating, so it needs to be the central focus of any policies that are advocated.

Question 7 & 8

The Trump Administration's aggressive immigration enforcement tactics threaten millions of immigrants, and their families, in California. These tactics rely on collaboration and cooperation with local law enforcement agencies, as well as mining state and local databases and technologies for information about where immigrants live, work, and play to allow them to find and arrest people. The California Values Act (SB 54) is a state law that protects California residents by prohibiting local law enforcement agencies from cooperating with federal immigration authorities in certain circumstances. Cities and counties within California have passed even greater protections for their immigrant residents. However, the Orange County Board of Supervisors recently voted to join a lawsuit challenging the constitutionality of some provisions of the California Values Act, and the city of Los Alamitos is attempting to "exempt" itself completely from the binding state law.

Question 7: Would you support policies like the California Values Act that prohibit local law enforcement agencies from cooperating with federal immigration authorities, including local policies that seek to protect from disclosure to ICE information about immigrants that is used only to locate people for civil immigration enforcement purposes?

YES NO OTHER

Explain (200 words maximum): SB54 was passed and signed into law in 2017. Local jurisdictions are arms of the state, and therefore, have an obligation to uphold the laws of California. I believe in promoting policies that maximize the contributions of every resident of Orange County to be productive members of the community.

Because there is no right to appointed counsel in removal proceedings, most noncitizens are forced to fight their deportation cases without the assistance of a lawyer. For this reason, counties and cities have provided funding to help cover legal services for immigrants facing deportation. For example, the Los Angeles County Board of Supervisors voted to contribute \$3 million dollars for this purpose.

Question 8: Would you introduce or support action by the Board of Supervisors to provide county funding for counsel for indigent Orange County residents in removal proceedings?

YES NO OTHER

Explain (200 words maximum): Removal proceedings are implemented on an individual basis, which often causes families to be split apart. In many cases, spouses and children are permanently split from a loved one who is also the bread winner of the family. These situations cause unnecessary hardships. Because of the high-stakes costs of removals to local communities, we should invest in due-process measures to make sure that the removals are legal and warranted by the specific circumstances of each case.

Question 9

We consider civilian oversight to be one of the most effective ways to ensure that a basic standard of care is provided to people in jail. Conditions that fail to meet constitutional, state and department standards for physical security, medical care, mental health care and living environment are unlawful and inhumane. A report by the ACLU SoCal Jails Project describes an environment of violence, abuse and unsanitary living conditions in Orange County's jails system, and a record of denial and indifference by the officials in charge.⁶ The report reveals arbitrary discipline, inadequate medical and mental health care, and faulty classification and grievance systems, among other violations. Despite scandals and investigations into the treatment of incarcerated people, the Orange County Sheriff's Department has ignored multiple calls for reform and failed to take action. In 2008, the Board of Supervisors created the Office of Independent Review (OIR) to oversee the department's handling of critical incidents, investigations of alleged officer misconduct, officer-involved shootings and in-custody deaths. The attorney-client relationship the office has with the department, however, impedes true independence. Hence, there remains a profound need for oversight that is neutral and objective to investigate the culture of violence and abuse in OC jails and reform policies throughout the county jail system. An impartial and independent oversight body can further the goal of transparency and accountability and also begin to restore public trust.

Question 9: Would you introduce or support action by the Board of Supervisors to create a civilian oversight body with substantive authority, including but not limited to subpoena and investigatory powers, of the Orange County Sheriff's Department?

YES NO OTHER

Explain (200 words maximum): We need to make sure we have adequate oversight to ensure that the human rights of incarcerated individuals are not being violated. Given that the current measures have not been effective in ameliorating the problems, we need to do something different. An independent oversight body could be an effective means for addressing the problem as long as it is sufficiently independent of the County Board of Supervisors, which has also had problems with transparency. The board has been heavily criticized by the Voice of OC in recent years for effectively co-opting commissions and committees under its purview through the appointment of members lacking sufficient qualifications to be effective. I am completely in favor of establishing independent oversight as long as we can ensure it is truly independent.

Question 10

We believe that no civil right is more important in our democracy than the right to vote. In California, 350,000 people incarcerated in county jails or on probation are eligible to vote, but may not be able to do so.⁷ Incarcerated individuals across the state face challenging informational and

⁶ Esther Lim and Daisy Ramirez, "Orange County Jails," ACLU of Southern California, June 2017, <https://www.aclusocal.org/sites/default/files/ocjails2017-aclu-socal-report.pdf>

⁷"Voting Rights Barriers & Discrimination in Twenty First Century California: 2000-2013," Lawyers' Committee for Civil Rights of the San Francisco Bay Area, March 2014, <https://www.lccr.com/wp-content/uploads/Voting-Rights-Barriers-In-21st-Century-Cal-Update.pdf>

procedural barriers to voting. Complex laws and registration procedures, limited training, and poor coordination between election offices and the criminal justice system lead to the dissemination of inaccurate and misleading information.⁸ In Orange County, faulty policies and practices of the sheriff's department results in de facto disenfranchisement of incarcerated citizens. Ensuring access to their basic right to vote serves to protect and preserve the principles of democracy and may also facilitate rehabilitation and reduce the risk of recidivism.⁹

Question 10: Would you introduce or support action by the Board of Supervisors to create or mandate a voter education and registration program for justice-involved and justice-impacted individuals, including but not limited to public education and outreach, in the Orange County jail and probation systems?

YES NO OTHER

Explain (200 words maximum): Given the many examples of abuses by county government cited in your questions above, my preference would be to implement measures that secure access by community-based organizations to accomplish the same goal. However, since the BOS has the duty and responsibility to provide a voter education and registration program, I support having them provide this to justice involved and justice impacted individuals including public education and outreach in the OC jail and probations systems.

Question 11

We believe all California youth deserve access to high quality community based services adequate to meet their needs. Recent years have seen crime rates in California fall to levels not seen since the 1960s.¹⁰ Orange County has similarly seen rapid downward trends in felony arrest and detention rates for youth in the juvenile justice system.¹¹ Both respect for basic human rights and the scientific consensus about adolescent development demonstrate that secure detention should only be used at last resort, with rehabilitative programming and support provided in community-based settings whenever possible.¹²

Question 11: Would you introduce or support action by the Board of Supervisors to expand investment in youth-development and community-based and controlled programs aimed to prevent

⁸ Erika Wood and Rachel Bloom, "De Facto Disenfranchisement," American Civil Liberties Union and Brennan Center for Justice at New York University School of Law, 2008, <https://www.brennancenter.org/sites/default/files/legacy/publications/09.08.DeFacto.Disenfranchisement.pdf>

⁹ Matt Vogel, "The Violence of Voicelessness: The Impact of Felony Disenfranchisement on Recidivism," Berkeley La Raza Law Journal, 2012, <https://scholarship.law.berkeley.edu/cgi/viewcontent.cgi?referer=&httpsredir=1&article=1252&context=blrj>; "Felony Disenfranchisement: A Primer," The Sentencing Project, 2016, <http://www.sentencingproject.org/publications/felony-disenfranchisement-a-primer/>

¹⁰ "Crime in California 2016," California Department of Justice, August 2017, <https://openjustice.doj.ca.gov/downloads/pdfs/cd16.pdf>

¹¹ "Orange County," California Sentencing Institute, <http://casi.cjcj.org/Juvenile/Orange>

¹² Juan E. Méndez, "Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment," United Nations, March 2015, http://antitorture.org/wp-content/uploads/2015/03/Children_Report.pdf; "Children Exposed to Violence," December 2012, U.S. Department of Justice, <https://www.justice.gov/defendingchildhood/cev-rpt-full.pdf>

and divert youth from contact with the juvenile justice system?

YES NO OTHER

Explain (200 words maximum): I think that community-based rehabilitative programs are an excellent way to invest in our youth as preventative measures that reduce contact with the juvenile justice system. I am supportive in community-based investments in these programs through the county government as long as these investments are accompanied by evidence-based data that demonstrates the effectiveness of specific programs and vendor's of those programs so that we have full transparency and accountability.

Question 12

We believe high-quality community-based mental health services should be available to everyone in need and that ensuring access to these services will improve the lives of Orange County residents and also reduce negative interactions with law enforcement. According to a recent Grand Jury report,¹³ Orange County suffers from a severe shortage of psychiatric beds and other critical mental health services. The Mental Health Services Act provides funding to counties to address these shortages. However, according to a recent report¹⁴ by the California State Auditor, Orange County had built up over \$240 million in unspent Mental Health Services Act funding. The Orange County Board of Supervisors has the power to use these unspent funds to increase access to mental health services and supports for Orange County residents in need. In fact, the Board has recently committed \$90 million in unspent Mental Health Act Services Funding to permanent supportive housing for people experiencing homelessness with mental illness.

Question 12: Would you introduce or support action by the Board of Supervisors to expend all available Mental Health Services Act funding for community-based mental health services?

YES NO OTHER

Explain (200 words maximum): I believe it is a travesty that our current board is not maximizing the availability of resources to address mental health. According to your own accounting, there are \$150 million in additional resources that need to be allocated. We have a lot of people who could benefit from that funding. It needs to be allocated without further delay.

Candidate Statement

Please provide a statement (not to exceed 250 words) to explain to ACLU members and activists and Orange County voters why, if you are elected, they can count on you to be a champion on the most pressing issues facing Orange County.

¹³ https://www.calhospital.org/sites/main/files/file-attachments/grand_jury_mental_health_website_report_0.pdf

¹⁴ <http://www.auditor.ca.gov/pdfs/reports/2017-117.pdf> (pages 45-47)

As a member of the LGBTQ community, I know first-hand what it's like to be discriminated against. During my youth I was severely bullied over a period of 10 years without anyone to serve as an advocate to protect me. As a result, I'm sensitive to the needs of the underserved members of our community. I believe very strongly that we should be implementing policies and programs that empower everyone to maximize their contributions to our community. That means routing out unjust discriminatory practices and policies; instilling transparency in our county government; and educating the broader community to avoid false solutions based on stereotypes in lieu of evidence-based approaches to the big problems we face. I am an Aerospace Business Executive who manages multi-million dollar acquisition programs with large teams. I stand up and empowering collaborative teams to explore solutions without preconceived ideas of what they should be. We need more people with collaborative skills on our County Board of Supervisors to bring city governments and advocacy groups together through an open and transparent process to discover and implement solutions to our problems.