

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):

Pretrial detention is a system that, as it currently stands, discriminates against minorities in a way that increases the likelihood that they will be jailed and increases recidivism.

According to the CA. Constitution, public safety is the top responsibility of local government, however, I do not think that pretrial detention reform is a threat to public safety. I believe that there are smarter ways to administer this system to work with those who do not have the economic ability to afford bail. And, do so in such a way that does not further condemn them to a higher likelihood of jail time.

Question 2: Do you support passage of SB 10?

YES NO OTHER

Explain (200 words maximum):

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>

Representing the interests of working class people on the Orange County Board of Supervisors is the cornerstone of my campaign. We need reform in the bail system to make it reasonable and fair for those who cannot afford bail and to increase public safety. While some may criticize SB 10 for harming public safety, it actually increases public safety by ensuring that high-risk defendants must stay in jail until their court date, even if they are a high-income earner and can afford bail under our current system. I have decades of public safety experience from my history as a first responder. I believe that locking up people who are accused of a non-felony crime who have no criminal history is not smart, fiscally responsible, or the humane thing to do.

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):

There needs to be substantial reform in Orange County's judicial system. This reform represents systemic challenges that need to be addressed, but they need to be addressed intelligently. As a public safety official, I do not believe that withholding funding from the Sheriff's department is the best way to mandate reform. The Sheriff and District Attorneys' offices provide necessary public services that are vital to ensuring public safety in Orange County. I will do everything within my power to increase public safety and work with these agencies in solving their long standing institutionalized problems. I feel that it can be construed as counter intuitive to compromise the public safety of our residents in the near term in an effort to produce needed institutional reform in the long run. Any reform should be done right the first time so it has a lasting effect that will stand the test of time.

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):

I absolutely believe in the Brown Act and the public’s right to a long and open public comment period. As a community leader in Orange County for decades, I have had my own frustrations with legislative bodies cutting public comment in an effort to minimize the public’s voices on the issues that affect them. Public comment is an integral part of our local democracy and should be celebrated, not cut short.

Increased transparency is one of the top priorities of my campaign. I believe we need to fully empower the Campaign, Finance & Ethics Commission to be able to do the job voters intended it to do, this means fully funding this commission. Also, being the only Democrat on the Board of Supervisors, I will make sure that issues are actually debated in front of the public instead of everything being decided in closed session behind closed doors, which is what we are dealing with right now.

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):

Criminalizing homelessness is inhumane and expensive. According to the growing body of research on this subject, it is far cheaper and more effective to house the homeless rather than criminalizing them and forcing them to show up in emergency rooms. Resources that are being spent criminalizing homelessness should be spent on protecting public safety and responding to higher-priority calls. Unless and until we have a shelter bed or a permanent supportive housing unit for every homeless individual in Orange County, some will continually be forced to sleep outside.

Homelessness is a multi-faceted issue that will require a multi-faceted response, including working with the community rather than continuous criminalization. I 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):

Solving our homelessness crisis is one of the top priorities of my campaign. A well-funded Countywide housing fund is essential for expanding the services that homeless residents of our

County need. Orange County must adopt a Housing First model that connects people to either permanent supportive housing or transitional housing first and then helps them obtain a job, control their addiction, or handle their mental illness. As stated above, the criminalization of homelessness is wrong and has proven to be far more costly than simply housing them. Therefore, focusing on the expansion and development of shelters and permanent supportive housing, is a step in the right direction to offer the human dignity our homeless neighbors deserve and can actually save us money in the long run. More importantly, it is the most humane and effective solution to the problem. Moreover, shelters and permanent supportive housing will not be enough to fully solve this issue. We need a program that identifies those who are at risk of becoming homeless so that we can help keep them housed. We also need an Alfresco Gardens center for the homeless individuals who may never feel comfortable living indoors, many of whom are veterans who suffer from intense Post Traumatic Stress. Here, homeless individuals can sleep outside and have access to bathrooms, water, and be protected.

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):

Yes, I do support policies like the California Values Act that protect undocumented families from being separated from one another. I believe that our local tax dollars should not be used to help ICE in their efforts to deport undocumented immigrants, unless the circumstances call for it, which are outlined in the California Values Act.

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):

I will support or introduce action to the Board of Supervisors to provide county funding for counsel for indigent Orange County residents in removal proceedings. Our immigration court system is broken on many levels, and the lack of guaranteed counsel is certainly one of them. If county funding can help those who are going through this complicated and stressful process, then we should take that action in Orange County to support those who may be wrongfully deported if they lack such counsel.

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):

Orange County's jail system is in need of some pretty important reforms. These institutions must maintain certain sanitary standards and prisoners must be protected from abuse.

As only one vote on the Orange County Board of Supervisors, this reform could prove difficult to navigate, however, I do believe that it should be a priority for the County.

Nevertheless, under the jurisdiction of the Orange County Board of Supervisors, I will do everything in my power to see that these abuses are ceased and that standards are met.

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>

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 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):

Those who are going through our judicial system should be knowledgeable about their rights and should be encouraged to civically participate once they are able. I would need to know more details on the cost of such a program, but I am inclined to support programs that encourage more people to take part in our democratic processes.

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>

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/>

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 and divert youth from contact with the juvenile justice system?

YES NO OTHER

Explain (200 words maximum):

Investing in our young people is one of the smartest things we can do as a County. That is why I have put prioritizing funding for early childhood education, after-school programs, and other youth programs as one of my campaign's top priorities. Early childhood education ensures that children will do better in school throughout their lives and therefore have a better chance in succeeding in life. After-school programs keep kids off the streets, build relationships in the community, and foster the development of a positive social environment for young people to thrive in. I am a strong supporter of expanding investments in youth-development and community-based programs.

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>

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):

Yes, I believe that we should be using the Mental Health Services Act funding to help residents in our County who suffer from mental illness. There are many programs that are being debated and prioritized for that funding and I believe that we should rely on the best quantitative and qualitative data available to properly allocate the funds. We need to figure out what works and what does not work, then invest in the programs that are most effectively serving our residents. I also believe that it is important to be on the front lines of this issue now. If we experience another recession in the next few years, and we do not build the social service infrastructure needed to alleviate poverty, mental illness, addiction, and homelessness, we will be woefully unprepared. I want Orange County to be a leader in social services to those who are suffering from mental illness and the smart allocation of these funds is an integral part in achieving that goal.

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)

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.

As a firefighter and fire captain for over 30 years, I learned how to evaluate complex situations, keep those around me composed, and implement a plan of action to protect people in danger. I think Orange County's government needs this type of experience right now on the Board of Supervisors.

As your Supervisor, I will fight to:

- Reduce homelessness by dealing with the root causes of the crisis.**
- Increase transparency throughout county government.**
- Protect funding for the services our most vulnerable residents rely on.**
- Improve access to early childhood education and after-school programs.**
- Empower the new Campaign Finance Commission to be able to do their job.**
- Protect open space, including Coyote Hills, and safeguard the character of our neighborhoods.**
- Maintain fast emergency response times.**

I am the ONLY candidate for Supervisor endorsed by the Democratic Party of Orange County, the Orange County Professional Firefighters Association, OC Young Dem's, Congressman Lou Correa, former Congresswoman Loretta Sanchez, Assemblywoman Sharon Quirk-Silva, and dozens of community and elected leaders throughout North Orange County.

I would be honored to earn your endorsement and support!

-Joe Kerr