

## 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.<sup>1</sup> 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.<sup>2</sup> 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.<sup>3</sup> 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.<sup>4</sup>

**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):

Bail amounts should be decided by the likelihood of the accused to show up in court, not by a bureaucratic list with no tethers to individual circumstances. Poor people are treated abominably by the criminal justice system. They often have warrants against them for not paying previous traffic fines or fees, many of which are overly high to begin with. Courts don't take into account ability to pay. Each case is different, and each person has specific circumstances which must be evaluated. The use of an evidence-based risk assessment tool would make all the difference in this area.

**Question 2:** Do you support passage of SB 10?

YES       NO       OTHER

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<sup>1</sup> 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](http://www.ppic.org/content/pubs/report/R_715STR.pdf)

<sup>2</sup> "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>

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

<sup>4</sup> "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>

Explain (200 words maximum):

Our current system is akin to a debtor's prison, with people who cannot afford their bail being held in jail for extended periods of time, only to be released when charges are eventually dropped. People should not be held in jail merely because they are unable to pay outrageously high bail amounts. I understand that many county supervisors are afraid to address this issue because they feel they will be blamed if even one suspect who is released from jail commits a heinous crime, but the rights of all are at stake the way things are now, so this must be addressed.

### 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."<sup>5</sup> 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):

Money is a powerful motivator. If the District Attorney and the Sheriff will not adopt policies that prevent misconduct and if they will not go down the road of maximum transparency, they don't deserve the level of funding they currently get. I feel that any infringement upon the rights of the accused people with these underhanded and illegal actions by the District Attorney and the Sheriff need to be addressed firmly and with conviction. No more using informants to gain information against people who are being held in jail. This violates their rights and I am opposed to that behavior.

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<sup>5</sup> <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):

Our county government has become less and less transparent because they are afraid to make the tough decisions needed to help Orange County move forward and they don’t want the rest of us to realize they have failed. In a recent meeting on homelessness, Chairman of the Board of Supervisors, Andrew Do pronounced that the Board “has failed” and he is right. Their failures affect all of us and it is time we elect a real leader like me to right the ship. I will fight to ensure the county government is transparent in everything they do. I will make sure that public speaking time is never again cut to a bare minimum because only with the protection of our First Amendment rights will this county once again thrive in unity.

## 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):

I understand and appreciate all sides of this discussion but being homeless just is not illegal. I believe that law enforcement should be able to enforce reasonable laws, but only if there are adequate resources available for the homeless so they do have someplace safe to sleep at night. I believe that assistive housing is a step towards solving homelessness. We must adopt a come as you are policy at all assistive housing facilities as studies show those who are housed wind up cleaning up their lives and getting back on track.

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):

Affordable housing is one prong of the solution to the increasing homeless issue. Housing by itself, without services, will fail, so providing funding for affordable housing and supportive services will be the key to solving this homeless issue. I fully support a housing first approach, even though I am not a big fan of using public money for fixing social issues. I understand that money has been provided for this issue and is not being used currently. That must change.

## 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):

I understand and appreciate the argument that many feel undocumented immigrants will not report crimes to law enforcement for fear they will be turned over to ICE. I've done a lot of research and spoken to many law enforcement officers from various agencies and they all tell me this problem has existed prior to SB54 and since the passage of SB54 it has not changed at all. My own research says that SB54 violates Article 1, Section 8, Clause 4 of the United States Constitution and follow up rulings by the United States Supreme Court. As such, I oppose SB54. I know that some say we are wasting local resources by giving information to ICE, but my own discussions with law enforcement revealed that this is not true. Law enforcement learns about deportation holds when they run a person's identification prior to even arresting them.

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):

I believe in equal rights for all people, regardless of their immigration status, gender, religion or any other classification that may apply. I do not believe rights should be prioritized. Again, I am not a fan of providing public money to solve civil issues, but since this is a basic right for everyone except those facing removal proceedings, I believe we should provide the same rights to those facing the removal proceedings. To handle it any other way would amount to prioritizing the rights of some people over those of other people. That directly violates my own personal and political philosophies.



## 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.<sup>6</sup> 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):

Transparency is something we need more of. The Orange County Sheriff's Department has shown that it will abuse its power and authority when left unchecked. This kind of unlimited power is dangerous to a free society. Our personal liberty is at risk and thus, I believe some form of citizen's oversight committee to oversee the issues like the jail informant issue are imperative.

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<sup>6</sup> 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.<sup>7</sup> 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.<sup>8</sup> 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.<sup>9</sup>

**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):

The right to vote is not something anyone should take lightly as it is our only way to have a say in who serves in our government. As such, it is imperative that we educate those who are in jail or on probation.

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<sup>7</sup>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>

<sup>8</sup> 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>

<sup>9</sup> 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.<sup>10</sup> Orange County has similarly seen rapid downward trends in felony arrest and detention rates for youth in the juvenile justice system.<sup>11</sup> 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.<sup>12</sup>

**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):

I would support having private organizations run a program to prevent and divert youth from contact with the juvenile justice system. I would give them the access they need to be successful. I do not believe this is an issue the government should take on itself. It is not equipped to adequately perform these types of services and should leave that to the experts who do it on a daily basis.

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

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

<sup>12</sup> 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](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,<sup>13</sup> 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 report<sup>14</sup> 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 have stated time and time again that I am not a fan of using public money to solve social issues, but I am also realistic and understand the situation. We have money that can only be used for one purpose and it is just sitting there unused. I believe it is irresponsible of the Board of Supervisors to sit on this money when the mental health system is struggling. I would like to see this money used towards mental health and homeless assistance. I believe we should encourage private organizations to take on the issues and be supportive of their efforts and that's where this money could come in.

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<sup>13</sup> [https://www.calhospital.org/sites/main/files/file-attachments/grand\\_jury\\_mental\\_health\\_website\\_report\\_0.pdf](https://www.calhospital.org/sites/main/files/file-attachments/grand_jury_mental_health_website_report_0.pdf)

<sup>14</sup> <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.

I am running for Board of Supervisors for one reason and one reason only—I want to make a difference in our world. I have no aspirations of higher office. When I considered a run for public office again, I chose the Board of Supervisors because I feel they can make the most difference in our world today. I have taken the time to understand the issues from all sides and have crafted plans for each issue that can be put into effect the day I am sworn in. I am a strong leader who is not afraid to make an unpopular decision. I do not shy away from controversy when I know I am doing the right thing. I am planning to hold open door sessions every single month to enable any and all Orange County residents to speak with me about their pressing issues. I will fight for every issue until it is solved. I will only make decisions after examining the facts and understanding fully the ramifications of said decisions. I will not backdown from doing what is right just because some special interest group protests. My decisions will always be made in the best interests of the entire county. While I will specifically serve those residents in the 2<sup>nd</sup> District, my concerns will be with the entire county. My decisions will be made in a non-partisan manner and only after all avenues are explored.