

Contact Information

Please provide constituents with your campaign contact information.

Name, as listed on the ballot:

Phone number:

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Facebook URL:

Twitter handle:

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Other:

Mission and Vision

Will you pledge to articulate a mission and vision for the Office that places the focus on justice, rather than winning cases, and align the work of the Office—including internal and external communications, training, policies, and hiring and promotion practices—to reflect that mission and vision? Please give a clear "Yes" or "No" and any explanation.

The Mission Statement of the office already embraces a mission of serving justice and a vision for the office that focuses on justice. The opening statement provides the following: The mission of the District Attorney is to seek justice, protect our communities, and represent those who have been the victim of crime.

Mass Incarceration

1. Do you agree that prosecutors' practices have contributed significantly to mass incarceration? Please give a clear "Yes" or "No" and any explanation

No, in serving justice it is necessary to use the tools that elected officials give judges and juries to enforce the law and provide for punishment for crimes. The question miss-states or confuses the role of the prosecutor. Please define what Practices you are referring to for a more detailed response.

2.Many experts say that overcharging by prosecutors unfairly pressures defendants into pleas, even with weak or insufficient evidence. Would you pledge not to use charging decision as a tool to gain leverage over defendants? Please give a clear "Yes" or "No" and any explanation.

This question too miss-states the proper role of the prosecutor in charging decisions. A proper charging decision should be based on sufficient evidence to establish not only probable cause for a particular offense but whether or not there is sufficient evidence to secure a conviction. Charging decisions are an important part of obtaining justice and should be used as such to secure justice. Over-charging of crimes is discouraged in the strongest of terms because the same does not comport with proper charging decisions.

3.Criminal justice contacts - however brief- can have negative psychological and employment effect, and often fail to address the underlying cause of crime. Will you work to expand diversionary programs so that, whenever possible, contact with the criminal justice system is avoided or limited? Please give a clear "Yes" or "No" and any explanation.

I have spent most of my career seeking creative solutions to the problems we have in the criminal justice system. I have pioneered prison alternatives and diversion programs of Drug Court, Mental Health Court, Veterans Courts, truancy prevention and restorative justice programs.

Racial Disparities

5. Will you commit to tracking and working to eliminate any racial disparities caused by decisions made by the Office, including disparities in charging decisions, bail recommendations, diversionary program placements, and plea bargains? Further, will you commit to making the results of your tracking easily accessible to the public? Please give a clear "Yes" or "No" and any explanation.

Decisions of this office are not based on *race* at all! The policies of the office specifically prohibit it. If such a tracking system was available to insure that race was not a part of decision making, I would make every effort to use it.

6. Will you commit to requiring that prosecutors participate in implicit bias training to reduce the possibility that subconscious and unintentional attitudes about other people based on characteristics such as race influence the prosecution of cases in your district?

I am open to such programs and training for myself and prosecutors, I would welcome any training opportunities that would insure that such implicit bias is not a part of decisions.

Poverty Penalties and Bail Reform

7. Do you favor changes at the state level to greatly reduce or eliminate the use of monetary payment as a condition of pretrial release? Please give a clear "Yes" or "No" and any explanation.

If some other method of insuring reappearance and protection of the public is available other than bail and bonds; I am open to considering it. The use of O.R. bonds with conditions where appropriate should be used by the courts. Failure to comply with the O.R. Bond should be prosecuted as a separate offense.

8. Will you limit requests for money bail and pledge to recommend, for all legally permissible cases, presumptive release of defendants without financial conditions unless there is an individualized showing of substantial and identifiable flight risk or danger to the community and that money bail is necessary to address this danger or flight risk? Please give a clear "Yes" or "No" and any explanation.

See the discussion of the purposes of bail in Brill v. Gurich. The purpose of bail is more than reappearance. It also serves to protect the public as do conditions of bail/bond which should be widely used to protect the offender, the alleged victims , and the public.

9. Will you commit to avoiding, imposing costs of diversionary program participation on individuals and basing charges, if absolutely necessary, on a "sliding scale" fee structure that considers an individual's ability to pay? Please give a clear "Yes" or "No" and any explanation.

I will use whatever lawful method of funding of these programs that the lawmakers give. I have and would be open to hardship cases and enhanced opportunities for payment of the costs of such probationary programs.

Transparency and Accountability

10. Will you pledge to collect and post online quarterly statistical information disaggregated by race and gender on felony and misdemeanor charging decisions, convictions, declinations, and diversion program placements? Please give a clear "Yes" or "No" and any explanation.

To the extent that funding and manpower is available to provide the resources to collect such data, I would consider participating to achieve the transparency and accountability that should be provided in governmental operations. These records are already available for interested persons to obtain on their own.

11. Will you pledge to publish on the Office website all policies, protocols, and MOUs regarding prosecution guidelines, police-involved incidents, bail recommendations, fines and fees, diversion programs, plea bargains, civil asset forfeiture, immigration considerations, and indigency determinations?

Please give a clear "Yes" or "No" and any explanation.

To the extent that funding and manpower is available to provide the resources to collect such data, I would consider participating to achieve the transparency and accountability that should be provided in governmental operations. These records are already available for interested persons to obtain on their own.

12. Will you pledge to develop and implement a plan to personally, regularly and meaningfully engage and communicate with the community in the county or counties you represent, including communities of color, the immigrant community, community-based organizations, and criminal justice reform advocates, and involve them in the project of determining the priorities of your office within the first 100 days of your term? Please give a clear "Yes" or "No" and any explanation.

I already seek community input from all the above stakeholders in developing policies and practices of the office and would anticipate continuing to receive such input beyond the first 100 days of the new term.

13. Will you pledge to create a Conviction Integrity Unit and, as part of that process, compare current operations against the guidelines published by the Innocence Project in October 2015? Please give a clear "Yes" or "No" and any explanation

I am willing to serve as a conviction integrity unit. I will have to review the guidelines you have referenced. I am committed to seeing that guilty individuals are convicted and innocent and/or wrongly

convicted individuals are exonerated.

14. Will you ensure, that every stage of the criminal process your office oversees is communicated to victims in terms they understand and take time to explain the process without legal jargon? Please give a clear "Yes" or "No" and any explanation.

Victim consultations are already an integral part of our operation.

15. Will you pledge to assign special prosecutors authorized to investigate and prosecute police killings of civilians, use-of-force cases, sexual assault by law enforcement officers and other cases of police misconduct as appropriate? Please give a clear "Yes" or "No" and any explanation.

Police misconduct cases or even cases where such conduct is questioned are evaluated with extreme care by me personally. Prosecutions of law enforcement officers for perjury, sexual assaults, and officer involved shooting, and other matters of the same ilk are handled with the highest levels of vigilance.

16. Will you pledge to recruit and hire people with criminal records to work in your District Attorney's Office? Please give a clear "Yes" or "No" and any explanation.

I am not opposed to hiring individuals who have reformed themselves from minor criminal infractions of the distant past. I even recommended that an individual make application for a para-legal position this last month when he completes his schooling. He is one who had completed our drug court program. However, the public looks to the DA prosecute those who break the law & maintain highest ethical standards. Hiring those who commit crimes as demonstrated by criminal history undermines the public confidence and trust in the office and those individuals who operate within the office.

Immigration

17. Will you pledge to adopt a written policy and training which encourages prosecutors to consider the unintended immigration-related consequences of prosecutorial decisions at all stages of a case and to use their discretion to reach immigration-safe dispositions for noncitizens whenever it is possible and appropriate? Please give a clear "Yes" or "No" and any explanation.

I would consider developing such a policy after I personally complete this training. However, I believe all law concerning immigration should be enforced but in a more compassionate and reformed immigration system. The current federal system is broken and needs to be overhauled by Congress to be more open, more compassionate, more vigilant, and more just.

18.To protect immigrant crime victims, will you pledge to adopt and promote a written U Visa policy that includes a rebuttable presumption of helpfulness and the direction that U Visa certifications be completed regardless of whether charges were brought, a conviction was achieved, or the case has concluded? Please give a clear "Yes" or "No" and any explanation.

Yes, the D.A. has a duty to serve all victims of crime regardless of immigration status. The U.S. Constitution provides protective rights to "all persons". I would consider developing such a policy after I personally complete this training. However, I believe all law concerning immigration should be enforced but in a more compassionate and reformed immigration system. We currently have

prosecutors on staff with experience in aiding victims in obtaining U-visas.

19. Will you pledge to adopt a written policy which prohibits questions about the immigration status of crime victim or witness?

This is an issue best resolved by the elected lawmakers. Immigration status may be an important law enforcement inquiry to protect victims and witnesses and refer for services available to such participants in the CJ systems such as U-visa. To the extent that identifying crime victims is used for immigration enforcement targeting abuses, I would be opposed to such tactics but would be duty bound to follow all laws relating to such matters.

Youth Justice

20. Will you pledge to not seek the certification of juveniles as adults?

Please give a clear "Yes" or "No" and any explanation. **Certification of Juveniles as adults in an important** consideration in many crimes. The criteria in statute and in recent case law of Miller v. Alabama and Montgomery v. Louisiana which provide for individualized sentencing and determination for prospects of amenability to rehabilitation should be followed. Juvenile trauma histories along with many other roadmaps of a juvenile offender's history should be considered at all stages of a juvenile offenders prosecution. Certification of other long term delinquent youths to achieve greater resources for rehabilitation or reform is also a worthy prosecutorial consideration that I favor to achieve the desired results of justice for the victims and for the offenders.

21. Will you pledge to require, when possible, that juvenile trauma histories t

be considered at all points in the process when evaluating whether a youth should be incarcerated, diverted, or subject to other dispositions? Please give a clear "Yes" or "No" and any explanation.

See answer #20 above

22. Will you pledge to never seek a life without parole sentence for a juvenile? Please give a clear "Yes" or "No" and any explanation. **No, an LWOP sentence may very well be an appropriate sentence for Juvenile Killers who are "permanently incorrigible" or "irreparably corrupt". Many crimes committed by these types of juvenile offenders are so violent and so heinous in their nature with long lasting trauma to victims that an LWOP sentence is more than warranted to protect the public from future acts of violence.**

Discovery

23. Will you pledge to require that prosecutors turn over full discovery to the defense pre-indictment? Please give a clear "Yes" or "No" and any explanation. **Discovery is available in every criminal case according to statute and prosecutors have an affirmative duty to turn over exculpatory material at every opportunity.**

24. Will you implement and require Brady training for your prosecutors which specifically addresses evidence considered exculpatory or that otherwise qualifies as Brady materials? Please give a clear "Yes" or "No" and any explanation. **Yes, we will also continue to administer our "open file" policy to**

ensure that Brady material and all other discoverable material is made available to the defense.

Other Issues

25. Will you adopt a policy requiring a criminal conviction before forfeiting property? Please give a clear "Yes" or "No" and any explanation. . **No, the burdens of proof are very different. Valid law enforcement remedial purposes**

are accomplished by redressing society's grievances with criminals by seizing and forfeiting the assets of their criminal enterprises

26. Will you vehemently oppose any attempt to criminalize either a doctor performing or a patient seeking an abortion? Please give a clear "Yes" or "No" and any explanation. **Legal precedents control in this question. Lawful restrictions on patients seeking and doctors performing abortions, as well as lawful 1st Amendment protests and their reasonable time place and manner**

restrictions, should be enforced as well as any other valid laws. The role of the District Attorney is to see that justice is done, to enforce law, and to serve to protect the public. Your question clearly demonstrates your fundamental misunderstanding of that role. The legislative branch elected by the people establishes public policy through the legislation that they pass. Unless that legislation is determined to be unconstitutional, I am duty bound to enforce it.

27. Will you commit to not seeking the death penalty? Please give a clear "Yes" or "No" and any explanation. **NO, the death**

penalty is lawful. Constitutional, and serves valid societal purposes. Although, its method and procedure are wide open to spirited debate, it will be sought by this District Attorney when proper in the exercise of discretion, after victim and law enforcement consultations and after a thorough analysis of the aggravating and mitigating circumstances and criteria under law. Seeking the death penalty should be the exception not the rule and should not be entered into flippantly but only should be sought after lengthy contemplation, deliberation, consideration, and

analysis for the worst of the worst murders in our society; and in those circumstances where it most warranted to establish justice.

28. Do you support alternatives to incarceration. Please give a clear "Yes" or "No" answer. If yes, please explain what kind of alternatives you would provide from your position as district attorney (examples include restorative justice, community service, drug court, mental health court, work release, personal recognizance bonds, etc.). **YES, see answer to question #4 above.**

Oklahoma Criminal Justice Reform

- Will you pledge to work toward the reforms recommended by Governor Fallin's Oklahoma Justice Reform Task Force in 2016. Please give a clear "Yes" or "No," and, if no, explain why. **I am for sensible criminal justice reforms. Many of the proposed Reforms by your organization or others are not "smart" or sensible such as the wholesale legalization of drugs, making offenses no longer crimes or reducing their penalties to misdemeanors; or the 2018 Proposed measures including busting A&B on P.O., Felony Eluding (Endangering others) & Child Trafficking to Misdemeanors are absurd.**

29. Will you commit to reviewing the cases of currently incarcerated people whose sentence would be a misdemeanor under SQ 780, and expediting release. Please give a clear "Yes" or "No" and explain why. **Making every drug possession a misdemeanor and making the theft threshold for a felony theft offense so high removes thief catching ability, making it harder to detect and detour theft crimes and organizations. The over-focus on valuation and not on the nature of the crime accommodates theft for profit enterprises and organizations and minimizes the impact of theft on the poor and the elderly, increasing market size and attractiveness of the illegal gun trade. Moreover, the decriminalization and lowering of classes of offenses contradicts our ability to combat the drug addiction problem in our communities lowering incentives for addicts to seek out**

and receive treatment, resulting in declining enrollments in drug courts and other treatment programs. A proper balance which looks to treatment resources as a first remedy and carries with it the incentives of potential incarceration serve the interests of criminal justice reform far better than decriminalization and reduction of potential penalties. Resources are more needed than the wholesale prison clearing measures motivated by economic interests only.

This DA SUPPORTS MEANINGFUL DIVERSION PROGRAMS, DA SUPPORTS UPFRONT TREATMENT FUNDING FOR EARLY INTERVENTION, DA SUPPORTS A SYSTEM OF CRIME STRUCTURING PENALTIES, GROUPING CRIMES BY IMPACT/THREAT TO THE PUBLIC, DA OPPOSES ADMIN. PAROLE THAT CIRCUMVENT CONSTITUTIONAL PROTECTIONS & IGNORES THE VOICES OF VICTIMS, DA SUPPORTS SENSIBLE CJ REFORMS THAT PROTECT PUBLIC SAFETY & OFFER OFFENDERS CHANCE TO

CHANGE, AGING/MEDICAL FRAIL PAROLE, RE-ENTRY PROGRAMS, REDUCING PENALTIES FOR TRUE NON VIOLENT OFFENSES IN FAVOR OF MEANINGFUL REHAB PROGRAMS, GRADUATED PENALTIES FOR DRUG TRAFFICKERS, and INTERVENTION PROGRAMS TO HIGH RISK POPULATION GROUPS (GANGS).

30. Will you commit to reviewing...release. Please give a clear Yes or.
/...**Yes, I favor Post Conviction Relief of these cases.**

31. Will you be a champion for reforms like state question 780 that work to reduce the number of Oklahomans behind bars, and also work to fund treatment and alternatives to incarceration? Please give a clear "Yes" or "No" and explain why. **I will continue to work for, support, and enhance opportunities for alternatives to incarceration including faith based programs for rehabilitation. I would welcome the promised windfall of monies to our communities that were promised by the proponents of the SQ 780 & 781 but to date no monies for treatment programs to the communities have been allocated or re-invested. This DA SUPPORTS MEANINGFUL DIVERSION PROGRAMS, DA SUPPORTS UPFRONT TREATMENT FUNDING FOR EARLY INTERVENTION, DA SUPPORTS A SYSTEM OF CRIME STRUCTURING PENALTIES, GROUPING CRIMES BY IMPACT/THREAT TO THE PUBLIC, DA OPPOSES ADMINISTRATIVE PAROLE THAT CIRCUMVENT CONSTITUTIONAL PROTECTIONS & IGNORES THE VOICES OF**

VICTIMS, DA SUPPORTS SENSIBLE CJ REFORMS THAT PROTECT PUBLIC SAFETY & OFFER

OFFENDERS A CHANCE TO CHANGE, AGING/MEDICAL FRAIL PAROLE, RE-ENTRY PROGRAMS, REDUCING PENALTIES FOR TRUE NON VIOLENT OFFENSES IN FAVOR OF MEANINGFUL REHABILITATION PROGRAMS, GRADUATED PENALTIES FOR DRUG TRAFFICKERS, and INTERVENTION PROGRAMS TO HIGH RISK POPULATION GROUPS (GANGS).

As District Attorney, I favor MRT alternatives & measures to strengthen families, offering employment training & job placement options, and moral based teaching treatment methods.

32. Will you commit to meet with organizations championing criminal justice reform around in-office and legislative changes that could be made to reduce the number of Oklahomans in prisons and jails? Please give a clear "Yes" or

"No." I have offered to meet with these organizations, including yours, to bring about sensible criminal justice reforms.

33. Will you pledge to use your position on the District Attorneys Council to ensure that communications, decisions, and deliberations about policies, protocols, etc., be made public in an easily accessible and searchable format?
The meetings are open to the public and the items mentioned are available to the public.

Please write your answers in this document and **email your responses** to Nicole McAfee at NMcAfee@acluok.org on or before **May 23, 2018**.

Oklahoma District Attorney Candidate Questionnaire

For more than 50 years, the American Civil Liberties Union of Oklahoma has worked in the courts, the legislature, and through public education to protect individuals' civil rights and liberties. As part of our organization's nationwide effort to cut the nation's prison population in half while combating racial disparities in the criminal justice system, the ACLU of Oklahoma is launching a public education campaign around prosecutorial discretion. Our goal is to educate voters, including members of the ACLU of Oklahoma and those directly impacted by incarceration, about the role the district attorneys play in mass incarceration. Our campaign will also work to provide voters with information about where candidates for District Attorney stand on critical criminal justice reform issues, such as prosecutorial transparency, policies that reduce incarceration, eliminating racial disparities in the criminal justice system system, and ending unjust policies such as the death penalty, money bail, and civil asset forfeiture. All candidates for District Attorney in Oklahoma are receiving this questionnaire, and answers will be posted online. Through this campaign, the ACLU of Oklahoma is working to make Oklahoma voters more aware of the awesome powers that District Attorneys have and hold candidates for this powerful position accountable to their communities' fundamental need for justice, safety, and respect.

Please write your answers in this document and **email your responses** to Nicole McAfee at **NMcafee@acluok.org** on or before **May 23, 2018**.

34. Will you commit to meet with organizations championing criminal justice reform around in-office and legislative changes that could be made to reduce the number of Oklahomans in prisons and jails? Please give a clear "Yes" or "No." I have offered to meet with these organizations, including yours, to bring about sensible reforms.

33. Will you pledge to use your position on the District Attorneys Council to ensure that communications, decisions, and deliberations about policies, protocols, etc., be made public in an easily accessible and searchable format?

Please write your answers in this document and **email your responses** to Nicole McAfee at NMcafee@acluok.org on or before **May 23, 2018**.

