

Oklahoma District Attorney Candidate Questionnaire

Contact Information

Please provide constituents with your campaign contact information.

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Mission and Vision

1. 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.

Yes.

We must protect our community through the ethical and fair pursuit of justice. Traditional prosecutorial approaches make the assumption that justice is served with prison sentences and/or convictions. Yes, prison and convictions can be the proper execution of justice in certain cases. However, I decline to adhere to prosecutorial policies that see this as the only form of justice. Justice is also served by the reduction of crime. My policies would embrace both convictions and prison when appropriate but also seek justice through effective approaches to crime reduction which address the likely causes of criminal conduct. We know these causes to be drugs, alcohol, and mental illness. When appropriate, judicially supervised alternatives to incarceration with high accountability can yield to just results and decrease the likelihood of future criminal behavior.

Mass Incarceration

2. Do you agree that prosecutors’ practices have contributed significantly to mass incarceration? Please give a clear “Yes” or “No” and any explanation

Yes but this is only one piece of the pie contributing to mass incarceration. Robust prosecution and incarceration in certain circumstances is needed to maintain public safety. However, I do believe that many inmates in prison should not be there - inmates with mental illness and/or substance use disorders, and veterans with PTSD. Incarceration driven policies in DA offices

have contributed to mass incarceration but legislative classification of crimes and mandatory minimums have also been contributing factors.

3. 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.

Yes.

Overcharging is unethical and does not abide by the standards of the American Bar Association that specifically prohibit the filing of charges that lack necessary proof based on the facts and the evidence.

4. 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.

Yes.

For offenders with the appropriate risk and need levels as identified by a validated assessment, I would fully support diversionary programs and alternatives to incarceration. I have assisted with the development of the deferred prosecution program in Tulsa County and have spent the last 8 years working with diversion programs and alternatives to incarceration including Drug Court, DUI Court, Mental Health Court, Veterans Treatment Court, Community Sentencing, and Women in Recovery.

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.

Yes.

Offenders need to be held accountable and victims need to be listened to and restored to the where they were prior to the crime (as much as possible) regardless of race, gender, sexual orientation, or socio-economic status. It is likely that more resources will be required than are presently available to track and analyze such data. As resources are available, I will institute tracking and analysis of this data.

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?

Yes.

As the DA, I would insure that this training is required for all prosecutors and support staff. I participated in this training in the last year.

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.

Yes

Pretrial release decisions should be based on risk to commit and new offense (risk to public safety) and flight risk. A secured bond is appropriate for violent crimes, repeat offenders, and for offenders identified to be a flight risk. Bonds are set by Judges according to the bond schedule. I would train assistant DA’s to carefully review criminal history and the facts of the current case and make an appropriate recommendation to the Court when there is a request for reduction of bond. I will work with legislators, stakeholders and judges to shift from bond schedules to an assessment of flight risk and risk to public safety.

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.

Yes. See the previous answer. Bond should be determined for non-violent offenders on an individualized showing of danger to the community or of flight risk.

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.

Yes.

Reasonable fees for diversionary programs and treatment programs which are less than fines and fees assessed through the traditional criminal justice system may be necessary to help fund these programs. But a defendant should never be denied access to or be terminated from these programs due to his/her inability to pay. Sliding scale fee structures should be used in these situations.

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.

Yes, when resources are available.

The resources of the DA’s office are already stretched thin. While I agree that this is desired and beneficial, the sheer volume of this information and compiling such for publication would be impossible without more staff and increased funding. Tulsa County recently had this data gathered and analyzed by the Vera Institute. The Vera Report is available to the public. I would support gathering and analysis of data to improve efficiencies and outcomes from outside organizations and student researchers.

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.

No.

Publication of all the information listed in this question would require staffing and funding for more staff in an already tight budget. The limited resources now must be used on robust prosecution of those who need to be incarcerated, on assessing non-violent offenders for appropriate rehabilitative programs, and on adequate salaries to keep top performing attorneys in the DA’s office. In addition, the question requires a pledge to publish all the information and documents listed. There could be instances where this would compromise an investigation or the safety of a victim, law enforcement, and/or the public. As the DA, I would be as transparent as possible while still maintaining the need to exercise discretion in certain circumstances about what is made public.

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.

Yes.

I believe it is important to hold meetings in various areas of the city both to hear from citizens and to share more about the District Attorney’s office. Community collaboration is also key to bringing smart reform to the criminal justice system as there are many important stakeholders in the system. I have already been involved for years in organizations working on reform and on efficiencies within the system including Outside-Inside Collaboration for Justice, Stepping Up,

Sequential Intercept Mapping, and the Criminal Justice Collaborative. I would continue to be a part of these groups.

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

Not at this time.

Again, limited resources are available at this time.

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.

Yes.

Regular communication throughout each stage of a case is essential to make sure that victims are heard and that they feel protected and supported.

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.

No.

I will pledge to assign the most experienced and knowledgeable prosecutors in the office to handle these types of cases.

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.

No.

I cannot pledge that I will recruit and hire individuals with criminal records. I would be open to reviewing applicants for certain positions with a record depending on what type of criminal history was involved and what time period has elapsed since the disposition of his/her case.

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.

No.

Dispositions should be based on applying the law to the facts and evidence for a just result.

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.
No.

The law in regards to U Visas requires more than a presumption of helpfulness for law enforcement to certify a petition. By signing the petition, law enforcement is verifying that a victim has been, is being, or is likely to be helpful in the investigation and prosecution of the case. Under this standard in accordance with all the requirements of the law, I would support certification of a petition.

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

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.

No.

This question implies that this would never be done. I cannot commit to never seek certification of juveniles as adults when the facts of the case warrant such.

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

Yes.

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.

Yes, except in the case of “irreparable corruption” according to the law.

This is prohibited except in rare circumstances. The U.S. Supreme Court ruled in *Montgomery v. Louisiana* (2016) that mandatory life without parole sentences are unconstitutional. The Oklahoma Court of Criminal Appeals held that imposing this sentence on minors is prohibited unless there is a finding “beyond a reasonable doubt that the defendant is irreparably corrupt and permanently incorrigible.”

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.

No.

This is not always possible or practical. I pledge to have all prosecutors follow the law in regards to discovery.

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 follow the law in regards to Brady materials.

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.

That is not the law at this time in Oklahoma.

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.

No.

The DA does not decide what is determined to be criminal. The criminalization of certain behaviors is decided by legislative passage of laws. The DA is charged with enforcing the law and prosecuting those who break the law. The following laws are in place in regards to this issue in Oklahoma: 21 O.S. 684, 21 O.S. 862.

27. Will you commit to not seeking the death penalty? Please give a clear “Yes” or “No” and any explanation.

No.

There are still egregious and extraordinary acts of criminal behavior that warrant the death penalty.

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.

As stated above, I have spent the last 8 years working with alternatives to incarceration including Drug Court, DUI Court, Mental Health Court, Veterans Treatment Court, Community Sentencing, and Women in Recovery and would make these a higher priority in the office. Prosecutors would be trained to better identify offenders who are likely to be rehabilitated through an alternative program which leads to increased public safety and lower costs to taxpayers. Once proper referrals to the current programs are standard practice, I would like to explore the implementation of restorative justice and other programs.

Oklahoma Criminal Justice Reform

29. 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.
Yes and No.

I will be an advocate when possible for reform but is the job of the District Attorney to make sure the law is followed. It is up to the legislators to enact legislation for reform.

30. 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.

Not at this time.

Resources have to be prioritized and this could not be a top priority with the current budget and resources available to the DA's office.

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.

Yes and No.

This question is vague in that it asks me to champion a reform that may be similar to 780 but without an actual proposal. I cannot pledge to champion something that is not yet identified specifically. I will champion reform and further funding for treatment and alternatives to incarceration whenever possible.

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."

Yes.

I already do. I have been part of Outside Inside Collaboration for Justice, Stepping Up, Sequential Intercept Mapping, the Vera study, and the Criminal Justice Collaborative since their inception.

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?

No.

This question is very broad in the amount of information requested to be made public and assumes that one person can ensure that this happen.