



[BUDGET CRISIS](#) | [DEATH PENALTY](#) | [DRUG LAWS](#) | [JUVENILE JUSTICE](#) | [POLICE USE OF FORCE](#) | [REHABILITATION & PREVENTION](#) | [THREE STRIKES](#) | [IMMIGRATION](#)

CANDIDATES FOR DISTRICT ATTORNEY ANSWER ACLU'S QUESTIONS

This June 8th, Sonoma County Voters will elect an attorney whose job it is to speak "for the people" in the criminal courts. The primary duty of the District Attorney (DA) is to promote the safety of our communities by prosecuting those who break the law. As the "peoples' lawyer," the DA is supposed to serve the interests of all members of the community and to enforce the laws without prejudice, bias, or political purposes.

Sonoma County voters will be asked to decide whether to re-elect the current District Attorney Stephan Passalacqua or replace him with Jill Ravitch, Chief Deputy District Attorney in Mendocino County and a former Sonoma and Alameda County Deputy District Attorney.

A great deal of power and responsibility lies in the hands of District Attorneys. Yet most voters don't pay close attention to the positions of DA candidates. Many voters simply skip this box on the ballot. Even editorial boards of newspapers often do not bother to endorse DA candidates. Without involvement from voters, community organizations, opinion leaders and the media, the immense powers that we put in the hands of DAs will go unchecked.

Many voters don't realize that the District Attorney is one of the most powerful elected officials in the state.

The D.A. has the power to:

- Decide who should be sentenced to die.
- Set the stakes by deciding what charges to file.
- Send someone away for life under the Three Strikes Law.
- Give someone a second chance.
- Influence state policy.
- Listen to and respond to the community.

District Attorneys make policy decisions that go far beyond individual cases and impact the local community, county budgets and the state budget. Over the last 30 years, as the result of changes in the law, the discretion and therefore the power of District Attorneys is unprecedented.

- The DA can set young people on the path to rehabilitation or through a revolving door

to prison.

- The DA can help build positive relationships between law enforcement and the community – or turn a blind eye to abuses by police and unfair enforcement of the law.
- The DA can be an advocate for the interests of all the people or can respond to special interests.

To help voters decide who would best serve as District Attorney, the ACLU of Sonoma County sent questionnaires to both candidates covering the budget crisis, death penalty, drug laws, juvenile justice, police use of force, rehabilitation and prevention, Three Strikes law and immigration:

Here are their replies:

THE DISTRICT ATTORNEY CANDIDATES' ANSWERS

BUDGET CRISIS:

1. The state is facing the worst budget crisis in nearly a century and spending on corrections is an enormous drain on the General Fund. Would your charging and plea bargaining policies consider the impact of your decisions on the state budget? If so, how?

Stephan Passalacqua:

All of our charging and plea decisions are made in the interest of justice - what's best for the victim and the offender - in terms of whether they can benefit from treatment rather than jail before budget considerations. However, we are always mindful of the County and State budgets and we know that many of our successful alternative programs are also cost-effective for the taxpayer and the County and State officials who struggle with tight budgets.

Jill Ravitch:

The budget will be a larger issue within the office than before. Historically public safety has been exempt from budget cuts, but no more. It will be important to target essential services as well as those that can sustain a cut in services. We will need to work harder to identify external funding sources, and we will need to work together to address a shared effort to reduce income and avoid layoffs as opposed to a loss of staff. Currently we have more managers than ever before. If necessary, I will consider job reclassifications to reduce the number of managers without losing staff. In current times when the state is raiding local coffers, I would also work to lobby state officials to keep more local dollars in local government coffers.

As for what my charging and plea bargaining policies will be, I have to say that public safety will always come before budget considerations. By that I mean my office will file charges when there is sufficient evidence to support a case. Every case is different and plea bargaining will depend on the details of that particular case, including the facts of the case, the background of the offender, and input from the victim.

Any budget reductions will be reflected in subsequent proposals to the Board of Supervisors. I will make clear what my priorities are with regard to staffing and ensuring the safety of the public despite cutbacks. I will try to implement reductions to minimize loss of current positions and that may possibly result in not filling vacancies. My staff will be aware of my priorities, and there will be no fear tactics used such as threatening job losses to manipulate work product.

All that said, my first priority is the safety of this community. It is imperative that we not allow the current financial crisis to create a community that is "less safe." Every budget decision I make – be it cut or

expenditure – will be made with that as my focus. I will be mindful of how each dollar is spent so we are certain that our limited resources are going toward helping to protect and defend the citizens of Sonoma County.

2. Do you support reducing spending on corrections and if so how? If not, how do you propose to fund the current corrections system?

Jill Ravitch:

I think it is unfortunate that we are funding more penal institutions while at the same time reducing the school year for our kids. We need to find a better way to deal with the financial strain the criminal justice system puts on the budget, which is why alternative programs such as restorative justice, community service and rehabilitation programs need to be utilized for non-violent offenders as much as possible. However, funding for the corrections system is ultimately a decision for the Governor and legislature when budget decisions are made.

Stephan Passalacqua:

Our use of alternative programs where appropriate helps cut down on spending for corrections, as does our community work in crime prevention to keep kids out of gangs. We can't skimp on having safe, secure and well-managed correctional facilities. In fact, we ought to spend more on rehabilitating and training our inmates so they become productive members of society upon release to close the revolving door. If we invest in our schools, early childhood education and preventative programs, that will cut down on the need for a top-heavy correctional budget.

DEATH PENALTY:

1. Death penalty trials require many more resources from the prosecution, defense, and court system than other homicide trials and cost the taxpayers millions each year. Are you concerned about the amount of money and resources used in death penalty cases?

Stephan Passalacqua:

We always are concerned about being fiscally efficient and since I have been DA, we have not had death penalty trials. The cost of sending an inmate to death row is much more than keeping them in prison for their natural life, with the many constitutionally mandated appeals and high cost of security for death row. My philosophy is that the death penalty must be reserved for the "worst of the worst." And I have run my office in that manner.

Jill Ravitch:

Yes, I am concerned about the amount of money and resources used in death penalty cases. The problem with the death penalty is that in most cases it amounts to Life Without Parole because the vast majority of those sentenced to death die in prison of old age. There was even a news story of a defendant who wanted the death penalty imposed so he could be housed in a better cell with more amenities. Given the appeals process in death penalty cases, there is little likelihood anyone will be put to death in the near future. The cost of prosecuting and defending a death penalty case has grown, not to mention the time and expense of selecting a death qualified jury.

2. What would your policies be as District Attorney regarding when to seek the death penalty?

Jill Ravitch:

If elected District Attorney, I will have a protocol for review of all death eligible cases. The protocol will include a review of the facts of the case, the background of the offender and input from the victim's family, as well as a review of any mitigation information presented by the defense. The assigned trial attorney and

investigating officer will attend a meeting to present the case to a death penalty review team that will include senior lawyers who have handled murder trials, the chief investigator and myself. We will also invite the victim's family to a meeting to discuss the options and seek their input. After a thorough discussion of all factors, a decision will be made. That decision is subject to continued review as information develops concerning the case, or is presented by the defendant.

There have been few cases in this county where the death penalty has been sought. There have been cases where the defendant's criminal history was lengthy and very violent, where the facts of the case involved extreme violence, such as one involving a recently released convict who executed a police officer. The kidnap and murder of Polly Klass by Richard Allen Davis is another.

Stephan Passalacqua:

I believe the death penalty is for the worst of the worst like Ramon Salcido or Richard Allen Davis. I have been fortunate enough to not have a case that heinous under my tenure. We have to remember that there is currently a de facto moratorium on the death penalty in California so as DA, it's my job to make sure that we file charges that are not only appropriate based on the evidence, but also follow the letter of the law.

If the death penalty were available as a viable charge and the crime was along the lines stated above, I would carefully consider seeking the death penalty. I do not make knee jerk decisions and weigh each case carefully and individually.

3. What would you do as District Attorney to minimize the risk of sentencing an innocent person to death?

Stephan Passalacqua:

We investigate fully and completely, working with law enforcement and our own investigative staff. We would hate to find out an innocent person was convicted of any crime on our watch, and I do not know of any such instances. That is why we sometimes opt not bring charges. We need to be able to prove our case beyond a reasonable doubt, and I am committed that all cases going to trial meet that criteria.

Jill Ravitch:

The worst possible outcome of a death penalty case is to execute an innocent person. Modern science, particularly DNA analysis, has dramatically changed the criminal justice system both with regard to the investigation and prosecution of individuals as well as the exoneration of the innocent. It is incumbent upon the DA's office to be certain that the investigation and prosecution of the case is handled in a thorough manner and that any doubt about the strength of the case be explored completely. This really doesn't differ from the duty of a prosecutor in any criminal case. Though the stakes are higher, the responsibility is no different.

4. Would you support changing the law to replace the death penalty with permanent imprisonment (Life Without Parole)?

Jill Ravitch:

I have prosecuted murder cases where the death penalty was an option, but have never found a case where I advocated for it. It is my experience that the finality of a verdict bringing a sentence of life without parole gives a sense of closure to the victim's family, and to the community. It also delivers an immediate message to the defendant that he/she is never going to be free.

If elected, I will enforce the laws of this state. I do believe that as a society we are trending away from support for the death penalty, and would not be surprised to see the law changed. That decision is up to the voters.

Stephan Passalacqua:

I am committed to following the law. It is my understanding that such a change would require a vote of the people of California. I also understand there is a growing movement in that direction. When there is such a measure on the ballot, I will certainly give it close attention.

DRUG LAWS:

1. Do you support sending non-violent drug offenders to state prison, why or why not?

Stephan Passalacqua:

We have excellent programs for diversion and treatment here in Sonoma County. If we can get an offender into those programs, we see a much lower rate of recidivism, so I would generally aim for that outcome rather than sending someone to state prison who may only come out a hardened criminal, and not get the treatment or training they need.

Jill Ravitch:

We need to find other ways to deal with offenders who are drug and alcohol addicted, in addition to those with mental health issues. Non-violent offenders can serve commensurate sentences through community service. Instead of incarceration, where lessons on how to be a better criminal are learned which only increases recidivism, I believe it's better to reintegrate minor offenders through community service, appropriate counseling and other alternatives such as speaking to groups with similar issues. And in light of the state's ongoing budget woes – where tens of thousands of criminals may be released due to overcrowding and lawsuits – we should be more conscientious in our local DA's office of putting away the violent criminals and reforming and rehabilitating those who can be helped in other ways.

2. What would your office policies be regarding plea bargaining in drug offense cases? Would you encourage plea bargains that include drug treatment and rehabilitation in place of incarceration and state prison?

Jill Ravitch:

Plea bargaining is a necessary part of the criminal justice system. There are too many cases that are filed to allow each one to proceed through the system without some discussion and effort at resolution short of trial. Additionally, information is discovered at all aspects of the case that may have an impact on the strength of the case, or what the appropriate disposition should be. I can't announce any policies per se, but I can evince a philosophy that supports finding a disposition that is in the best interest of the public with regard to safety, serves to hold the offender accountable, and if substance abuse is involved, offers the offender a means of addressing the addictive aspect of whatever the offense is through rehabilitative measures.

There is a difference between a drug addict who possess drugs for his/her personal use and a profiteer who peddles narcotics. I believe that we need to work to address the addiction where possible in the hopes the drug user will be rehabilitated and not return to the criminal justice system.

Stephan Passalacqua:

We regularly offer such plea bargains where there is a non-violent offender who is willing to participate in the programs. We have had very successful results with these programs and I encourage others to use them as well.

3. Studies show racial disparities in drug law enforcement, despite the fact that whites and people of color use and sell drugs at the same rate. Are you concerned about racial disparities in drug law enforcement and if so, what would you do to minimize these disparities?

Jill Ravitch:

Yes, I am concerned with this disparity. I do not support racial profiling in any form and it will have no place in my office should I be honored to be elected District Attorney. I will work with other leaders in law enforcement to ensure that any racial disparities are not a result of profiling.

Stephan Passalacqua:

In Sonoma County, we are very sensitive to just this issue; we have a diverse and bilingual staff, and make regular outreach to the Latino and other minority communities. We also work closely with community groups who help minority and disadvantaged youth who are more likely to go into gangs. Engaging in outreach and prevention helps us better understand communities of color and prepares us to apply equal justice under the law to all who come before us.

JUVENILE JUSTICE:

1. What would your policy be regarding charging children in adult court? When would you use your authority to file charges in adult court and when would you pursue a case in Juvenile Court?

Stephan Passalacqua:

We have a strong juvenile court system and make every effort to keep juveniles out of adult court, and the consequences that may come as a result. Again, our prevention and education programs make a big difference in reducing gang violence and recidivism that may lead youth to end up in adult court.

Jill Ravitch:

We need to have trained prosecutors review, file and prosecute cases against the serious offenders. That said, every opportunity to impact the life of a young offender in a positive direction must be taken. Gangs continue to be a problem in Sonoma County and they account for a great deal of youth involved crime. We need to have prosecutors in juvenile court who understand the subtleties of how to differentiate between a youth who is truly involved in gang activity as opposed to one who is simply hanging around with the wrong crowd. We need to develop a countywide approach, expanding upon the Santa Rosa Mayor's Gang Task Force, to target at risk youth, provide programs to direct them to positive self-empowerment and away from gangs. We need to work against labeling people as gang members when the evidence does not support the charge, while aggressively prosecuting those who prey upon our community.

It is a rare case that merits direct filing. There is a process for review regarding fitness in the juvenile court prior to taking a youth to adult court. That process can provide both the prosecution and defense with some very important information that can impact the decision regarding how to go forward. It should not be considered lightly. That said, unfortunately there are some juvenile offenders who have already engaged in violent conduct, whose new offense merits a direct filing in order to move the case through the system effectively.

2. Do you support sending young offenders to restorative justice programs and other avenues that divert young people out of the juvenile justice system and toward new opportunities? If so, what would you do as District Attorney to promote such programs?

Jill Ravitch:

I think the restorative justice program is well suited to juvenile cases. In the right circumstance the program can be very effective. It should be applied to cases where the juvenile is receptive and will participate fully. I've known kids who have gotten a lot out of the program, as have victims.

There are other programs that are very successful, such as the Impact program that I helped bring to Mendocino County. It works to teach kids how to work together to problem solve, instills in them a sense of pride and builds self-esteem while also tutoring them in basic themes of respect and appreciation of others.

I have also discussed the idea of bringing the Boys and Girls Club to Juvenile Hall; it's an idea worthy of further discussion.

Juvenile court is very important in the criminal justice system because success there helps relieve the strain on the adult system. All participants in the juvenile system must not lose sight of the goal – to rehabilitate the youth and get the child back into the community where he or she can become a productive citizen. Different tools must be used than in adult court; tools that include an abundance of positive reinforcement, encouragement, and immediate consequences when there is willful disobedience. We can't let cases languish and all court officers must become familiar with the youth and the case being litigated to handle it effectively. To that end, juvenile court should not be used as a training ground with newer attorneys cycling through every few months. I believe experienced attorneys and court personnel should be handling these cases and that will be the case if I'm honored to be the next Sonoma County District Attorney.

Stephan Passalacqua:

Yes, we have implemented such programs and find that, by interacting with the offender, they are very effective in reducing recidivism and helping the victim to heal. It seems to be a good solution in many cases with all parties involved.

3. What would you do to reduce the numbers of juveniles-particularly Latino and African American youth-who are brought into the criminal justice system? What policies would you put in place to ensure fair and unbiased use of prosecutorial discretion in juvenile court?

Stephan Passalacqua:

We try to act with insight and fairness in all our dealings. As stated above, we have a diverse and bilingual staff, and participate in many community outreach programs.

Jill Ravitch:

I refer you back to my earlier comments about the juvenile justice system. We should all be concerned about kids at risk – from parents to teachers, community members, law enforcement, and the courts. By supporting early intervention programs, such as those handled through the Mayor's Gang Task Force, we look to tools to prevent kids from getting involved with gangs. Education and offering better alternatives can help keep kids from getting involved with drugs.

POLICE USE OF FORCE:

1. As District Attorney, how would you handle a fatal use of force incident involving local police?

Jill Ravitch:

I believe officer involved fatalities should be handled efficiently and thoroughly, just as any other investigation. Right now, these cases are dragging on for much longer than they should, putting the victim's family, the community and the officer through a long drawn out and very painful process. However, this does not in any way mean that I feel these cases should be rushed through and move so swiftly that justice is not served. Anyone who commits a violent crime, especially one resulting in a loss of life, be it a law enforcement officer or anyone else, will be prosecuted to the fullest extent of the law without question. My goal will always be justice.

Currently a law enforcement agency other than the agency involved in the incident conducts the investigation. Once the investigation is completed, it is submitted to the DA's office for review. The delay that many complain about occurs there. There is a Sonoma County Law Enforcement Chiefs Association Employee-Involved Fatal Incident Protocol, which establishes the countywide policy and procedures for prompt and efficient investigation of officer-involved critical incidents. This protocol calls for a review to be completed within 60 days. The Grand Jury recently noted that the DA's office is taking from 7 – 22 months to complete

the review. Furthermore, the review is conducted by prosecutors who are not managers, who are not relieved of other responsibilities in order to give them time to complete the review in a thorough and timely manner.

If elected, I will re-evaluate whether the DA's office should conduct the entire investigation, as is done in many neighboring counties. Concern on the part of the public has been voiced about the appearance of conflict of interest in law enforcement agencies investigating one another. It is important that we maintain the public trust in both the investigation and review of these cases.

Additionally, members of the management team will review the investigations, and prepare a report that I will then review. This will occur within the time set in the protocol unless extraordinary circumstances exist. As mentioned above, these cases are particularly painful for everyone. If we can cut short the time a victim's family and the entire community needs to be dragged through the details of a tragic event we should make every effort to make that happen. Once again, I'm not talking about taking shortcuts here, I'm saying it's important to all concerned that a determination be made in a timely manner.

Stephan Passalacqua:

Any time there is a loss of life, we take our time, are methodical and work towards a resolution based on facts – that is in respect to all parties involved. We don't just review cases, we analyze data and take these matters very seriously.

For example, we saw a sudden increase in officer-related fatalities in 2007-2008. There were 17 officer-related incidents during that time, which was more than the previous five years combined. Our response to the unforeseen increased workload was not to shuffle paper faster but instead to ask the bigger question – why the sudden increase? Is there a hidden issue that needs addressing?

We're not interested in rubber-stamping these incidents. We're more interested in reducing them and to that end, we've supported mental health crisis training for law enforcement. Since providing that training, we've only had one fatality (jail death).

Justice is the objective, and nobody gets preferential treatment in these cases. As with all cases, we take the situation seriously and will not rush through our investigation. Our commitment to be fair extends to the victim, the victim's family, the officer, the officer's family and the community.

2. Do you support civilian oversight of law enforcement?

Stephan Passalacqua:

There have been occasions in which my office has filed criminal charges on members of law enforcement - from drunk driving to embezzlement to possessing illegal assault rifles to obstruction of justice. Just because one enforces the law does not mean that person is above the law. A civilian oversight committee may be one answer, but we already have the Grand Jury which hears cases brought to it by the public.

Jill Ravitch:

The Grand Jury is empowered to conduct an independent review of law enforcement. I am not aware of any instance when the Grand Jury failed to investigate fully. If that is ever the case and it can be proven that the Grand Jury is demonstrated to be lacking, then I believe we should consider a civilian review board.

REHABILITATION AND PREVENTION:

1. What programs and policies would you implement as District Attorney to reduce crime and increase public safety in the county?

Jill Ravitch:

The Governor is under a mandate to reduce the prison population. We need to address the growing number of parolees, as well as those non-violent offenders who need to be accountable, but who don't merit prison sentences. The cost of incarceration is almost three times the cost of a rehabilitative program. Especially in

light of budget deficits, this type of approach must be considered.

There are diversion programs in place that I would review and consider expanding. If elected I will make clear that my priorities are in prosecuting violent offenders in an effective and efficient manner. I will support the diversion of petty crimes and rehabilitation programs where warranted over incarceration of non-violent offenders.

Stephan Passalacqua:

Our use of alternative and prevention programs is making a difference in reducing crime. We have brought innovation in this area that has greatly improved the administration of justice, raised public awareness and made our community safer.

We continue to fully support Drug Court and treatment to provide an opportunity for people to turn their lives around in a productive manner. Other programs include educational gang prevention programs in partnership with the Boys & Girls Clubs, DUI Court, Truancy Court, and the Alive at 25 program in the schools. Also, we have held numerous Elder Abuse forums throughout the county to provide knowledge to seniors so they can defend themselves against scams and fraud committed by con artists.

In addition, I believe that we should continue to make more upstream investments including spending more on rehabilitating and training our inmates so they become productive members of society upon release in order to close the revolving door. If we invest in our schools, early childhood education and preventative programs, we will cut down on the county's correctional budget.

2. Do you support rehabilitation programs in prison and in the local community? If so, would you advocate continuing and expanding funding for such programs?

Stephan Passalacqua:

Yes, they are shown to be effective. Prison's recidivism is high, alternative programs result in lower recidivism. I do believe there should be increased programs in prison as well, as these people will for the most part be back on the street in one day; we need to train, educate and rehabilitate prisoners. I think it is more cost effective in the long run than to keep having them return again and again.

In fact, we partnered with California Human Development and fully support their county prison re-entry program that has shown great success. In its first year, there has been only a 23% recidivism rate for those individuals in the program.

Jill Ravitch:

I do support diversion and mentoring programs, especially for youthful offenders. Considering the current economic crisis, county budgets are cut to the bone, however, I will work to find money for these kinds of programs wherever I can. I believe they work and they help deter young people from entering a life of crime. It is money well spent.

The goal of the criminal justice system is not simply to punish. It is to rehabilitate the offender as well. While public safety must always be at the forefront of any discussion, efforts to provide diversion and rehabilitation programs make sense because they take people out of the system saving valuable time and expense, and help get these individuals on the right track again thereby hopefully creating a stronger community.

3. Do you support diversion and mentor programs for first time offenders ages 18-25? If so, what would you do as District Attorney to promote such programs?

Jill Ravitch:

As stated above, yes I do. However, I reaffirm my support for diversion and mentor programs for first time offenders who commit non-violent offenses. My goals are to promote public safety, hold the guilty accountable and protect the innocent. Alternative sentencing and diversion programs can achieve these goals.

Stephan Passalacqua:

Yes. We already have numerous types of these programs in partnership with the California Human Development. My office recently received recognition for “Community Collaboration in Leadership” by CHD for our innovation and willingness to be proactive in these types of areas.

THREE STRIKES:

1. What would your office policy be regarding the application of the Three Strikes Law? What criteria would you use to determine when to charge someone with a second or third strike under the Three Strikes Law?

Stephan Passalacqua:

What would your office policy be regarding the application of the Three Strikes Law? What criteria would you use to determine when to charge someone with a second or third strike under the Three Strikes Law?

The three strikes law is a valuable tool to remove violent career criminals from our community. In fact, if the three strikes law was in effect in 1994, Richard Allen Davis would not have been in the community on parole and Polly Klaas would twenty-eight years old and alive today.

In my office, we are very careful and selective in asking for a 25 years to life sentence. We examine the prior strikes and closely evaluate whether the defendant has a history of violence and look closely at the underlying offense to determine what the appropriate course of action is. Any three strikes for disposition goes through a thorough process to ensure that we are fair and consistent in rendering equal justice under the law.

Jill Ravitch:

Currently the law requires that the District Attorney file all prior convictions that qualify under the Three Strikes law. There are provisions that have been carved out giving both the DA and the court discretion to strike those priors

If elected, my policy will be to file all strikes that are known and qualify under the Three Strikes Law if the new case is a violent felony.

2. Would you ever prosecute non-violent felonies such as petty theft as a third strike under the law?

Jill Ravitch:

The same policy will apply for non-violent felonies, unless and until the law is changed. However the prosecutors may also rely upon the state of the law to strike those prior convictions where appropriate. Additionally, in the case of a crime such as petty theft, where a misdemeanor rather than a felony can be filed, the prosecutor will use his or her discretion in deciding how to charge the case.

Stephan Passalacqua:

Please see above for the process involved. Under my tenure, we have not utilized the three strikes law for that type of offense.

3. Would you support reforming the Three Strikes Law to require that the third strike be a violent felony?

Stephan Passalacqua:

I would carefully review and evaluate any proposition that would reform the Three Strikes Law.

We should remember that if the Three Strikes Law had been in effect in 1994, twelve-year old Polly Klaas would still be alive and Richard Allen Davis would not have had the opportunity to commit another crime.

Jill Ravitch:

The Three Strikes Law has been reformed since originally passed. Courts and prosecutors now have more discretion to strike prior convictions. I have come across some cases where the third strike is a non-violent felony, but charging it as a third strike is supported by the history of the offender and the circumstances of the case. The cost of using three strikes law is being borne by the taxpayer with our aging prison population. We need to better evaluate whether the purpose of the law is being realized by charging non-violent offenders as third strikers and go from there.

IMMIGRATION:

1. For non-citizens, deportation is a collateral but important consequence of certain criminal convictions. How would you charging and plea bargain policies consider the impact of the immigration consequences on a defendant?

Jill Ravitch:

As District Attorney, I will be charged with enforcing the laws of the state. I do not believe a decision of whether to charge an individual with a crime should be based upon whether or not there are deportation consequences, but rather the decision should be based upon the offense alleged to have occurred and the criminal history of the offender. Similarly any plea negotiations should reflect a concern for public safety together with accountability for the offender.

Stephan Passalacqua:

Our charging and plea bargaining policies consider all evidence and circumstances in each case while still respecting and enforcing the law. Possible deportation is a secondary concern to the primary responsibility to evaluate the evidence and ensure a just application of the law.

2. Car impoundment of a non-licensed driver vehicle for a traffic violation can last 30 days and result in a cost exceeding \$2,000 to the driver and his/her family, even when the driver is not intoxicated, has no prior driving under the influence convictions and can provide a licensed driver to take the vehicle. Do you support a policy limiting the impoundment of vehicles to when the vehicle is needed for the collection of evidence, to remove a safety hazard or traffic obstruction, or when the suspension of driving privilege is due to driving under the influence?

Stephan Passalacqua:

I would welcome the review of a policy that better identifies when it is appropriate to impound vehicles, and the situations listed above are a good start for dialogue.

I also believe it is an appropriate time to have a conversation about reconsidering local law enforcement's stance in vehicle impounding especially when the vehicle is the only source of transportation, and subsequent income, for a family. Perhaps we should consider the model used in other jurisdictions where drivers are allowed to phone and arrange for transportation from a properly licensed driver.

Jill Ravitch:

This county engages in drivers' license checkpoints rarely, and to my knowledge, only to check for driving under the influence. I agree that DUI checkpoints should be used but as a tool to keep impaired drivers off the road. These checkpoints not only capture drunk drivers, but act as an excellent deterrent for driving under the influence. I think it is unjust that undocumented people are more susceptible to vehicle impoundment because they can not obtain a license. I do, however, support Sen. Gil Cedillo's attempts to pass a bill conforming with the Federal Real ID Act allowing undocumented immigrants to obtain a drivers license. I believe it would help keep unlicensed and uninsured motorists off our roads. That said, city and county agencies set their own policies regarding impoundment, and the DA can recommend, but not direct, this activity.

3. Do you believe that the close collaboration between local law enforcement and the federal immigration enforcement agency reduces the willingness of immigrants come forth and assist law enforcement agencies in solving crimes and to act as witnesses in criminal prosecutions?

Jill Ravitch:

It does concern me that any collaboration or perceived collaboration of local law enforcement with ICE does have the result of deterring immigrants from coming forward to help solve crimes. That said, the District Attorney's Office is a county agency. We enforce state laws. Correspondingly, we do NOT act as an arm of ICE and Homeland Security. The DA's office may work with federal agencies in the investigation of criminal acts, such as gang violence that violates both state and federal law.

Stephan Passalacqua:

Yes, it has been shown that immigrants are often afraid to call the police when needed such as in domestic violence situations. And this is not good for the community as a whole and makes our jobs that much harder.