

VOTER TOOLS

Questions for Candidates
for New Orleans District Attorney



Important dates:

Early Voting

Oct
20-27
2020*

Election Day

Nov
3
2020

* Dates may change depending on adoption of an emergency election plan.
To stay up-to-date, visit geauxvote.com.

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For more information about the Vera Institute of Justice, visit www.vera.org.
For more information about this tool, visit www.vera.org/wegotthepower or
contact Sarah Omojola, associate director, at somojola@vera.org.

Introduction

To be an informed voter, it is important that you understand the role of a district attorney (DA) and the impact of the DA's choices. The Vera Institute of Justice (Vera) developed this tool as a guide for people participating in DA candidate forums and debates or performing research on the candidates. The questions in the tool will help you understand the options the DA has at each stage of the criminal justice process: charging, bail, diversion, discovery, case processing, plea bargaining, and sentencing.

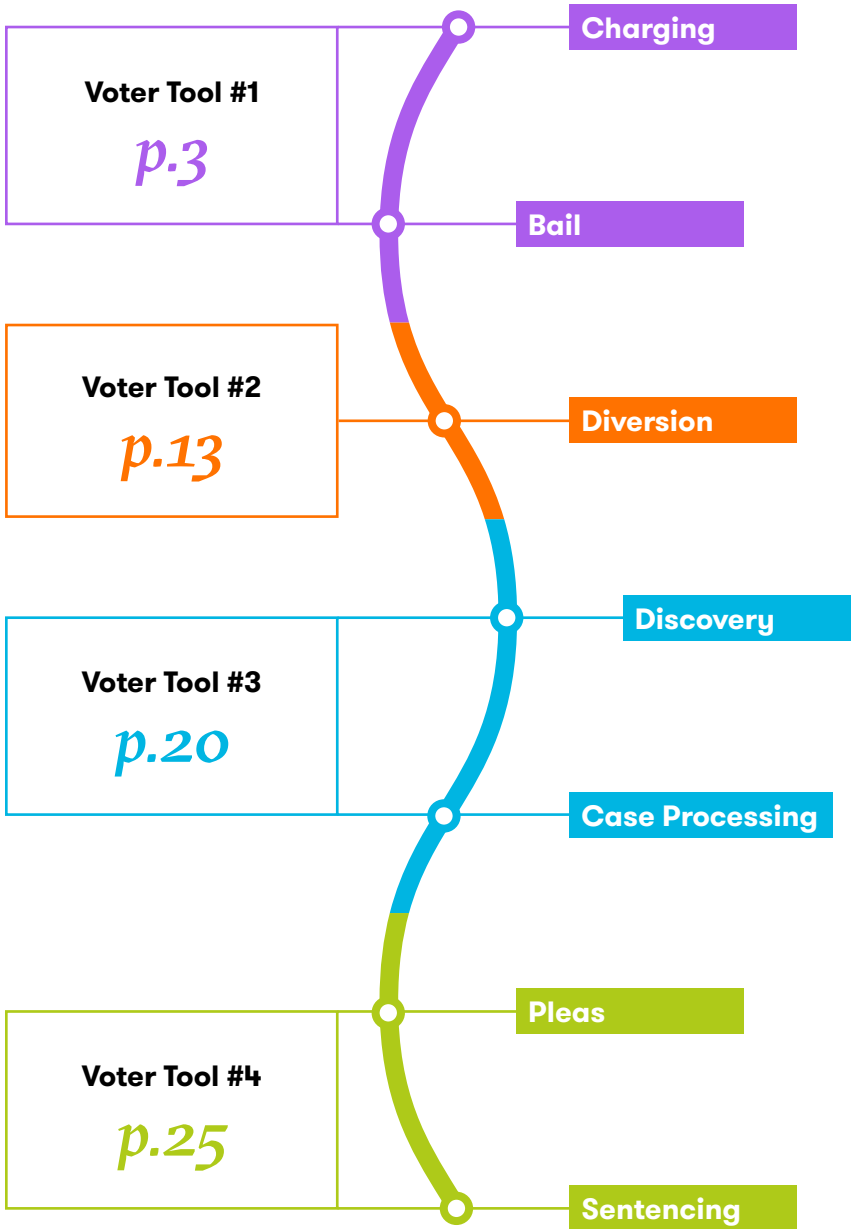
Use this tool to familiarize yourself with the role of the DA.


Tune in to DA candidate forums and debates and visit each candidate's website to learn their philosophies.

Review each section of this tool, which provides important questions voters can use to understand the candidates' positions.

Use the pages at the back of this packet to record the candidates' positions on the issues that matter the most to you.

The Role of Prosecutors: 7 Key Decision Points





Voter Tool

#1

Charging and Bail

Positions on Charging

Declining to prosecute: Declining to prosecute cases is the most direct way that prosecutors can lessen the impact of the criminal legal system. For example, some offices have committed to not charging cases arising from items found during traffic stops. Similarly, by choosing not to prosecute quality-of-life offenses or ones that pose no threat to public safety, prosecutors can keep people from being saddled with a criminal record that prevents them from finding employment and housing, which may in turn lead to a cycle of criminal justice involvement.

Screening periods: State law allows for long periods of time for a district attorney to decide whether to charge a person with a crime. Some district attorneys' offices have committed to making charging decisions within five days and others within 48 hours. In New Orleans right now, people who cannot afford hundreds or thousands of dollars to pay their bail may wait in jail as long as 60 days after being arrested to find out if they have been officially charged with a felony.

Q1 — Many offices are declining to prosecute crimes that they consider to pose no harm or threat to community safety. What offenses would you consider declining?

Q2 — When a child is accused of certain crimes, the DA can decide to charge them as a juvenile or an adult. Under what circumstances would your office charge a child as an adult?

Q3 — What will be your office's time period for case screening?

Q4 — Will you collect data regarding charging decisions by race, age, and gender to identify where disparities exist? What data will you share with the public?

Q5 — What action will you take to remedy disparities in charging?


Positions on Bail

If a person is charged with a crime, prosecutors have the power to advocate for pretrial release instead of recommending that a judge set money bail or detain the person without bail. The use of money bail is a major driver of pretrial detention and debt for New Orleanians. On any given day, one-third of our jail population is locked up simply because they cannot afford to pay.

Q1 — Will you advocate for release without the use of money bail as the norm and not the exception?

Q2 — Will you collect and analyze data on bail decisions by race, age, and gender to identify where disparities exist? What data will you share with the public?

Q3 — What action will you take to remedy disparities in bail?

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Voter Tool

#2

Diversion

Positions on Alternatives to Detention; Bolstering Community-Based Diversion Programs

Diversion programs offer a wide range of alternatives to traditional prosecution. They are an off-ramp from the criminal legal system to community services, conflict resolution, and treatment of underlying issues. Diversion can be available for people charged with a wide variety of offenses. Diversion programs can be run by a DA's office or the court system, or a DA's office can refer diversion cases to community-based organizations.


Q1 — What alternatives to prosecution do you envision your office using or investing in?

Q2 — For what crimes or categories of crimes will you consider diversion?

Q3 — How will you identify and support community-based organizations in their work to help people minimize their contact with the criminal legal system?

Q4 — Will you collect, analyze and publicly share data on diversion programs, referrals and successes by race, age, and gender to identify where disparities exist? What data will you share with the public?

Q5 — What action will you take to remedy disparities in diversion?



Voter Tool

#3

Discovery and Case Processing

Positions on Discovery and Case Processing

The evidence in criminal cases is called “discovery,” and its availability to the person charged and their lawyer is mostly controlled by the prosecutor. The U.S. Supreme Court has ruled that people are entitled to receive discovery before a criminal trial, but what is turned over and when varies from office to office.


The Sixth Amendment guarantees the right to a speedy trial and prosecutors play a big role in ensuring this right is upheld. While a case is pending, people and their families remain in limbo. The timely resolution of cases is generally in the best interests of survivors of crime, witnesses, people who are charged, and the public.

Q1 — **Discovery:** How and when will your office share discovery with people charged and their lawyers?

Q2 — **Case Processing:** How will you ensure that cases are processed in a timely manner?

Q3 — Will you collect and analyze discovery and case screening and processing data by race, age, and gender to identify where disparities exist? What data will you share with the public?

Q4 — What action will you take to remedy disparities in discovery and case processing?



Voter Tool

#4

Pleas and
Sentencing

Positions on Pleas

Very few criminal cases go to trial; most cases are resolved when the accused person agrees to plead guilty under the conditions offered by a prosecutor. During this plea bargaining process, the prosecutor controls the charges offered, the sentence length, the type of sentence, and conditions of supervision. The starting point for plea bargaining is usually the sentence for the most serious charge filed in the case. DAs can provide their line prosecutors in their offices with clear guidelines about how to offer pleas.

Q1 — What guidance and authority will you give your prosecutors with respect to plea offers?

Q2 — Will you allow prosecutors in your office to make an initial offer that is less than the maximum penalty allowable?

Q3 — Will you collect and analyze plea bargaining data by race, age, and gender to identify where disparities exist? What data will you share with the public?

Q4 — What action will you take to remedy disparities in plea bargaining?

Positions on Sentencing

A DA's sentencing recommendations carry significant weight with judges. There are many options at the sentencing stage that can alter the course of a person's life. For example, in Louisiana, a law known as the "habitual offender statute" or "multiple bill" allows a DA to override a judge's discretion and increase the sentence that people with prior convictions will serve. By deciding to invoke this law—or not—the DA can essentially determine whether someone has no further involvement with the legal system or serves a significantly longer sentence.

Q1 — What policies or best practices will inform your sentencing recommendations?

Q2 — Will you recommend alternatives to incarceration and other community-based alternatives like substance abuse treatment, mental health services, or other programs, in addition to probation?

Q3 — Will you collect and analyze sentencing data by race, age, and gender to identify where disparities exist? What data will you share with the public?

Q4 — What action will you take to remedy disparities in sentencing?



Candidate answers



Arthur Hunter

Charging and Bail _____

Diversion _____

Discovery and Case Processing _____

Pleas and Sentencing _____

Jason Williams

Charging and Bail _____

Diversion _____

Discovery and Case Processing _____

Pleas and Sentencing _____

Keva Landrum

Charging and Bail _____

Diversion _____

Discovery and Case Processing _____

Pleas and Sentencing _____

Morris Reed

Charging and Bail _____

Diversion _____

Discovery and Case Processing _____

Pleas and Sentencing _____

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