



Orleans Parish District Attorney Candidate Questionnaire

Since 1956, the ACLU of Louisiana has worked to advance and preserve the individual rights and liberties guaranteed by the Constitution and laws of the United States and the State of Louisiana. We are part of a nationwide network of affiliates that fights tirelessly in all 50 states, Puerto Rico, and Washington, D.C. The ACLU's Campaign for Smart Justice is a nationwide effort to cut the nation's prison population in half while combating racism in the criminal legal system. As part of this mission, the ACLU of Louisiana is educating voters about the role county attorneys play in mass incarceration. As a member of the [People's DA Coalition](#), we will also provide voters with information about where candidates for District Attorney stand on critical criminal legal reform issues, such as prosecutorial transparency, policies that reduce incarceration, eliminating racial disparities in the criminal legal system, and holding police accountable for misconduct.

All candidates running for Orleans Parish District Attorney will receive this questionnaire and answers will be posted online at www.laaclu.org. Through this campaign, the ACLU of Louisiana hopes to make voters more aware of the power of this elected position and hold candidates accountable to their communities' fundamental need for justice, safety, and respect.

Please write your answers in this document and email your responses to Chris Kaiser at ckaiser@laaclu.org on or before September 18, 2020.

For each of the following questions below, please indicate yes or no to the pledge, and provide a brief explanation if you would like.

1. Do you pledge to reduce the number and length of state prison admissions coming from your office? If yes, please identify a percentage by which you plan to reduce state prison admissions by the end of your first term, and what specific combination of reforms you anticipate will achieve your goal.

Yes

No

I believe that the rate of incarceration can be reduced by up to 40%. According to the June 2020 edition of the Louisiana Briefing Book, only 55.6% of persons incarcerated in prison are serving sentences for violent crimes. Additionally, only 6.7% of individuals in prison committed a sex crime. This means that 37.7% of those imprisoned are serving time for either drug crimes or property offenses. By reducing the number of people who receive sentences for drug crimes or property offenses, I anticipate that this should reduce the rate of admissions from my office by up to 35%.

I will further reduce the length of sentences by pledging never to use the habitual offender law except in extreme circumstances involving a violent offense.

2. Do you pledge to reduce the number of people locked up in the Orleans Justice Center awaiting their day in court? If yes, please identify a percentage by which you plan to reduce the number of people incarcerated pretrial by the end of your first term, and what specific combination of reforms you anticipate will achieve your goal.

Yes

No

I believe that a 50% reduction in the number of persons incarcerated in jail is achievable. According to a Vera Institute study from 2017, 42% of persons in jail in Orleans Parish awaiting trial were at low or low-moderate risk of not returning to court. A further 35% of persons were at moderate risk of not returning to court. This means that the vast majority of persons in jail can be trusted to return for court appearances without further supervision or with moderate supervision. By identifying those individuals who are imprisoned for non-violent offenses and those who fall into a lower risk category for absconding, I believe that the population at the jail may be reduced by up to 50%.

3. Do you pledge to stop seeking any “enhancements” under Louisiana’s Habitual Offender law--which add even more prison time on top of already extremely long prison sentences--to reduce incarceration and disproportionate sentences?

Yes*

No

The habitual offender law almost always leads to excessive sentences. For that reason, I will never use the habitual offender law on non-violent crimes. Additionally, I will push to reform Louisiana’s sentencing laws, including repealing habitual offender laws.

However, there are times that I may consider using the law if the potential sentence does not reflect the seriousness of the defendant’s actions. That said, the habitual offender law would be reserved for egregious, violent conduct for which the potential sentence does not match the severity of the crime.

For example, we know that domestic abuse by strangulation is a warning sign that the violence may escalate to murder. But the crime of domestic abuse by strangulation carries a maximum additional penalty of only 3 years. Even if a defendant is charged with domestic abuse by strangulation a second time, the maximum penalty is only 4 years. I do not believe that 4 years is a serious enough maximum sentence for that crime if the defendant has been convicted previously. In those types of cases, I would consider using the habitual offender law.

4. Do you pledge to treat kids as kids and not transfer people younger than 18 into adult criminal court to be prosecuted as adults?

Yes*

No

First, I will never send children under the age of 16 to adult court. No matter the circumstances, kids under 16 do not have the ability to reasonably anticipate the effects or fully understand the consequences of their actions.

For youth over the age of 16, it would be an extremely high bar to transfer the case to adult court. I would act in accordance with *Miller v. Alabama*, which held that a sentence of life without parole is unconstitutional for a child except in rare circumstances. In making that decision, I would look to three factors: (1) the seriousness of the crime, (2) the maturity of the youth, and (3) the potential for rehabilitation. A transfer to adult court would only occur if the crime involves multiple deaths, the youth shows that he or she understood his or her actions, and the youth is shown to be beyond rehabilitation. If one of these factors is not met, then the youth would not be transferred. I think it will be very rare that a youth is transferred to adult court.

5. Do you pledge to reduce racial disparities and overcriminalization by eliminating unaffordable fines and fees and always seeking alternatives to incarceration for misdemeanors and municipal offenses, which have long-standing patterns of racially disparate impacts on African-Americans?

- Yes
 No

Non-violent misdemeanors and municipal offenses should never receive a sentence of incarceration upon conviction.

6. Do you pledge to decline to prosecute marijuana possession charges, which disproportionately impact black communities?

- Yes
 No

I will not prosecute minor marijuana possession cases. Prosecution will be considered if a person is found to be distributing over a pound of marijuana. Because recreational marijuana is legal in almost half of the states, I will advocate for sensible reform to Louisiana's outdated and unreasonable marijuana laws.

7. Do you pledge to eliminate requests for pretrial incarceration for people accused only of municipal or non-violent misdemeanor offenses?

Yes

No

Because I am not going to seek a jail sentence for anyone convicted of a municipal or non-violent misdemeanor offense, it does not make sense that those same individuals would be held in jail awaiting trial. Any period of time in jail has an outsized impact on a person's mental health as well as his or her ability to continue employment and maintain stable housing.

8. Do you pledge to not seek pretrial incarceration unless there is specific evidence that the person's release would pose a danger to an individual's safety? If yes, please identify what specific policies you will adopt to accomplish this pledge.

Yes

No

There will be no objection to a request for release on a person's own recognizance. The Office will only request to hold someone awaiting trial if the person is a flight risk or at demonstrable risk of a violent offense. These determinations will be based on standardized assessments while taking into account a person's individual characteristics and circumstances.

9. Do you pledge to reduce wealth-based incarceration by always requesting bond reduction for people unable to afford the amount of money bail initially set, so that it matches their ability to pay? If yes, please identify what specific policies you will adopt to accurately determine a person's ability to pay.

Yes

No

My office will not oppose requests for bond reductions. The determination of ability to pay will be based on similar criteria as that to qualify for a public defender. Ability to pay will be based on average monthly income minus all expenses, including rent, utilities, food, etc. Additionally, it will be assumed that individuals who are making less than double the poverty line will be unable to afford bond.

10. Do you pledge to end incarceration for technical, non-criminal violations of probation or parole, by always recommending release of people incarcerated for technical violations?

Yes

No

Individuals should not be incarcerated for technical, non-criminal violations of probation or parole. These violations are not usually the result of any intentional misconduct but rather arise from individuals trying to juggle the demands of their daily lives with the requirements of supervision. By releasing those who have committed minor infractions, it will help break the cycles of incarceration and recidivism by allowing those individuals to continue their employment and maintain stable housing.

11. Do you pledge to ensure transparency by collecting and publishing quarterly statistical information, disaggregated by race and gender, on all key stages of prosecutorial decision-making, such as charging decisions, bail recommendations, declinations, diversion program offers and placements, convictions, plea bargains, and sentencing enhancements, and posting all office policies online?

Yes

No

I believe that transparency and accountability are key to establishing trust in the DA's Office. I plan to collect the following data and make it easily accessible to the public: (1) race and gender, (2) charging decisions, (3) bail amounts, (4) resolution of the charges, including convictions and diversion, (5) fines and fees assessed at conviction, and (6) sentencing length. Additionally, all office policies will be posted online.

12. Do you pledge to re-establish a Conviction Integrity Unit to review innocence claims, due process violations, coercive plea bargains, corrupt or racist police practices, and excessive sentences?

Yes

No

More information about my detailed plans for a Conviction Integrity Unit can be found in my platform, which is attached and available online at hunterforda.com.

13. Do you pledge to hold police accountable by ensuring independent investigations when police kill or seriously injure a member of the public? Please explain.

Yes

No

I plan to request independent investigations into killings and injuries caused by police. However, I am planning to prosecute violations of state law at the Orleans Parish District Attorney's Office. This is because the other option for prosecution would be to turn the case over to the Louisiana Attorney General, and I am skeptical that justice will be served in that instance.

14. Do you pledge to hold police accountable by documenting all police officers who have a pattern of dishonesty, perjury, excessive force, and other misconduct, and committing not to use or rely on those officers' reports or testimony in prosecutions?

Yes

No

I also plan to make this list available to the public, and I pledge not to call officers as witnesses who are found to have committed one of the above examples of misconduct.

15. Do you pledge to formally charge people accused of crimes within 5 days of incarceration, except for charges carrying up to life in prison, or agree to their release without bond?

Yes

No

I will run an enhanced and more efficient screening unit, so that charging decisions can be made before arrest. It is my goal that no arrest warrant issues without sufficient basis in the law or facts. An assistant district attorney will be available 24 hours a day, 7 days a week, 365 days a year to review and approve warrants. This will greatly speed up the charging process.

16. Do you pledge to never lock crime survivors in jail in order to secure their testimony?

Yes

No

For more information about the changes I plan to make regarding how the DA's Office addresses domestic violence in New Orleans, please see attached for my white paper on the issue. This is also available online at hunterforda.com.

17. Please indicate whether you pledge to publicly support any of the following legislative reforms which would reduce mass incarceration and end policies that have disproportionately impacted communities of color:

- Repealing Louisiana's Habitual Offender laws
- Statewide mandates for data reporting from prosecutors' offices
- Abolishing the death penalty
- Shortening the "charging window" in which the state has to file charges and bring a person before a judge for arraignment.

I will push to reform Louisiana's sentencing laws, including repealing habitual offender laws and abolishing the death penalty. While I have not ruled out the use of habitual offender law for extreme cases involving violence, I believe that habitual offender laws more often than not result in disproportionate sentences across the state. Furthermore, I will never use the habitual offender law for a non-violent offense or to force a plea deal.