



**ELECTION 2018 VERMONT STATE'S ATTORNEY
CANDIDATE SURVEY**

Dear Candidate,

On behalf of the statewide membership of the American Civil Liberties Union of Vermont, we request your response to the enclosed candidate survey.

All Vermont candidates for State's Attorney are receiving this survey, the purpose of which is to provide our members and the wider community with information on your priorities and perspective as a candidate for State's Attorney.

Please help educate voters by providing your full response by **June 22, 2018**.

For fifty years, the ACLU of Vermont has worked in the courts, the legislature, and communities to protect the civil rights and liberties of all people. As part of the ACLU's nationwide effort to cut the nation's prison population in half while combatting racial disparities in the criminal justice system, the ACLU of Vermont has launched a statewide campaign to educate voters about the role State's Attorneys play in Vermont's criminal justice system. Our campaign will work to provide voters with information about where candidates stand on urgent criminal justice reform issues, including reducing incarceration rates, eliminating racial disparities, increasing prosecutorial transparency, responding to the opiate epidemic, and enhancing the well-being and safety of our communities.

This survey is developed and administered by the ACLU of Vermont, a nonpartisan 501(c)(4) nonprofit organization. The ACLU of Vermont does not endorse or oppose candidates for elected office.

Thank you in advance for your participation!

Survey Instructions

We will compile the responses from candidates that complete this survey in a Voter Guide that will be posted online and distributed to our members and to the general public for educational purposes only.

Responses will be reprinted verbatim and in their entirety, up to the word limit for each question. Where neither “Yes” nor “No” is selected, or if you choose not to complete this survey, we will indicate in the Voter Guide that no response was received. All respondents will receive a copy of their submitted responses and have an opportunity to correct any mistakes.

Please answer each question in **250 words or less** by writing your answers in this document and emailing them to ACLU of Vermont communications director Kate Connizzo at kconnizzo@acluvt.org by June 22, 2018.

CANDIDATE QUESTIONNAIRE

Campaign Information

Candidate name: _____

County: _____

Campaign point of contact: _____

Campaign mailing address, email & phone: _____

CRIMINAL JUSTICE PERSPECTIVE AND PRIORITIES

- Do you believe that Vermont should reduce its current incarceration rate? Please give a clear “Yes” or “No” and describe what role, if any, State’s Attorneys play in determining how many people are incarcerated or under some form of criminal justice supervision in this state?
- If elected, would you commit to implementing policies and practices that will reduce your county’s incarcerated population by a specific percentage by the end of your term? Please give a clear “Yes” or “No” and any explanation. If “Yes,” please identify your goal and what specific combination of reforms you anticipate will achieve this goal.
- In past legislative sessions, Vermont’s Department of State’s Attorneys and Sheriffs has opposed criminal justice reform measures in the legislature while supporting tougher criminal penalties. Will you commit to speaking out in support of legislation to reduce incarceration, even if it means taking positions that are counter to the Department’s? Please give a clear “Yes” or “No” and any explanation.

FAIRNESS IN CHARGING, BAIL, PLEAS, AND SENTENCING

- Do you support a policy to reduce the use of money bail as a condition of pretrial release to ensure that no one is incarcerated solely on the basis of their inability to pay? Please give a clear “Yes” or “No” and any explanation.
- Would you commit to developing and implementing written guidelines for charging and plea bargain practices to ensure prosecutors do not overcharge or unfairly pressure defendants into pleas? Please give a clear “Yes” or “No” and any explanation.
- Do you support increasing reliance on Vermont’s restorative justice system? Please give a clear “Yes” or “No” and any explanation and if you answer yes, please say what would you do to increase participation in that system for the benefit of victims and survivors as well as offenders.
- In assessing sentencing options, would you consider alternatives to the Field Supervision Unit (F.S.U.) form of post-release supervision that do more to reduce re-incarceration rates for technical violations? Please give a clear “Yes” or “No” and any explanation.

ADDRESSING RACISM IN VERMONT’S CRIMINAL JUSTICE SYSTEM

- Do you believe prosecutorial practices contribute to racial disparities in Vermont’s criminal justice system, including disparities in charging decisions, bail recommendations, diversionary program placements, and plea bargains? Please give a clear “Yes” or “No” and any explanation, and if you answer yes, what if anything would you do to address those disparities?
- Will you commit to collecting and making publicly available relevant data and statistical information on bail and charging decisions, pleas, convictions, and placements in diversion programs, while accounting for race, gender, disability, and other characteristics? Please give a clear “Yes” or “No” and any explanation or other measures you would implement to promote transparency in your office.
- Would you decline to file charges where evidence indicates that a police officer engaged in racial profiling or other racial bias? Please give a clear “Yes” or “No” and any explanation.

PUBLIC HEALTH APPROACHES TO ADDICTION

- Do you support a public health-centered approach to substance use and addiction that emphasizes decriminalization and harm reduction, increases access to treatment, and does not involve prosecution for drug possession? Please give a clear “Yes” or “No” and any explanation, and if you answer yes, what specific strategies would you support, both inside and outside the criminal justice system, to implement that approach?

- Do you know how many people prosecuted in your county are currently incarcerated post-conviction for an offense in which addiction was the driving factor? Please give a clear “Yes” or “No” and any explanation.

TREATMENT FOR PEOPLE WITH MENTAL HEALTH ISSUES

- Would you commit to enacting policies to divert defendants with mental health issues away from the criminal justice system and into treatment and support services in the community? Please give a clear “Yes” or “No” and any explanation.
- Do you know how many people prosecuted in your county and currently in DOC custody have a mental health issue, including but not limited to a serious mental illness or other mental health condition? Please give a clear “Yes” or “No” and any explanation.

HOLDING LAW ENFORCEMENT ACCOUNTABLE

- Would you commit to assigning special prosecutors authorized to investigate and prosecute officer-involved shootings and other use-of-force cases, and cases of police misconduct? Please give a clear “Yes” or “No” and any explanation.
- Do you support a policy requiring a criminal conviction before forfeiting property, including for third parties’, and regular reporting on all civil assets seized by law enforcement, including how seized assets were spent or used? Please give a clear “Yes” or “No” and any explanation.

MINIMIZING COLLATERAL CONSEQUENCES OF INCARCERATION

- People with a criminal conviction can face long-term barriers to housing and employment among other collateral consequences as a result of having a criminal record. Would you commit to implementing policies to mitigate collateral consequences? Please give a clear “Yes” or “No” and any explanation.
- Would you commit to requiring prosecutors to consider the potential collateral consequences to children and families in making prosecutorial decisions—especially the decision to seek a prison sentence for a parent or a minor—and to use their discretion to avoid adverse consequences for children and families whenever appropriate? Please give a clear “Yes” or “No” and any explanation.
- Would you commit to implementing guidelines for prosecutors to consider immigration-related consequences of prosecutorial decisions and to use their discretion to avoid adverse immigration-related consequences for noncitizens whenever appropriate? Please give a clear “Yes” or “No” and any explanation.
- Vermont's Fair and Impartial Policing Policy prevents law enforcement agencies from contacting federal immigration authorities except in limited circumstances,

though under statute these policies do not extend to the State's Attorneys' offices. Will you commit to limiting communication between your office and federal immigration authorities to instances where your office is presented with a criminal warrant or subpoena?