



Latino Democratic Club Questionnaire

November 2019 Candidate Endorsements

Leif Dautch for District Attorney

<https://leif2019.com/>

1.) Why are you running for this position?

I'm running for District Attorney because Trump's election in 2016 showed me that the costs of sitting on the sidelines are just too high. I realized that if we don't fully engage with the political process, if we don't throw everything we've got - including ourselves - into the arena, then we don't have the right to sit at home and complain.

So I decided to do something about our broken criminal justice system. We lock up too many people, yet don't keep our communities safe. We spend hundreds of millions of dollars, yet have some of the highest recidivism rates in the country. We talk about reform, yet perpetuate racial inequities in the justice system. All the while, a humanitarian and public health crisis plays out on our streets with the homeless population.

I'm running for District Attorney because I know there is a better way. A model grounded in compassion and progressive values, but one that keeps our streets safe. A model that ensures victims of crime get the justice they deserve, while defendants get the help they need to address the root causes of crime. A model that will make us proud to live in an equitable and safe San Francisco.

2.) What are you going to do for the Latino Community as an elected official?

Although San Francisco has been a leader in some areas of criminal justice reform, its failure to address racial inequities in the justice system is a stain on that record. Much attention is focused on the fact that African-Americans make up 50% of San Francisco county jail, while comprising only 5% of the city's population. But Latinos are also 12% over-incarcerated statewide compared to their population. If I'm lucky enough to be elected District Attorney, every action I take will be addressed to eliminating that disparity.

First, we need to rebuild the broken relationship between the Latino community and the District Attorney's Office and Police Department. That means holding accountable police officers who engage in misconduct, including against Latino victims. Unlike our current DA, I've never been involved in running the Police Department. Instead, I'm the only candidate in the race who is both a prosecutor and who manages a team of prosecutors, and I will bring that experience and objectivity to officer-involved cases. Moreover, rather than taking years to investigate these cases, I vow to complete my investigation of any officer-involved shooting within 6 months and

hold a town hall explaining my decision to charge, or not charge, the officer. Finally, I will follow the lead of jurisdictions like Chicago and Milwaukee by exploring *all* possible charges (including offenses like assault with a deadly weapon or negligent discharge of a firearm) that can be filed to provide victims and their families the justice they deserve.

Second, we need to address institutional racism and implicit bias. Some DA's Offices have started requiring implicit bias training for prosecutors on an ongoing basis (sometimes using virtual reality technology), a practice I would adopt. This equity lens must inform every charging decision, plea bargain, and sentencing recommendation a prosecutor makes.

Third, we need to recognize that the driver of most crime is a lack of economic opportunity, particularly in minority communities. As President of the Juvenile Probation Commission, I spearheaded efforts to start culinary arts and coding programs at Juvenile Hall. I also oversaw the expansion of "Project Pull," a program providing paid summer internships to justice-involved youth, from jobs with city departments to private employers like UPS and Safeway. These targeted investments in underserved communities provide pathways out of poverty and crime, and I would partner with Latino community-based organizations to connect people with those employment opportunities.

Finally, while I believe the outgoing DA reached out to the Latino community early in his tenure, that community engagement has evaporated in recent years. I would bring that energy and engagement back, reviving community advisory boards and blue ribbon commissions to study issues like community-police relations and bail reform. I would also appoint representatives from the Latino community to every single board and commission I oversee. I also want to start a "Kids in the Courtroom" program to get prosecutors into junior high and high school classrooms as mentors, hold regular Town Halls to address community concerns, and release annual reports with full transparency on the role that race plays at each phase of a criminal prosecution: arrest, charging, disposition, and sentencing. We should have the most transparent, community-driven DA's Office in the country, and if I'm lucky enough to be elected, I hope you will hold me accountable to that goal.

Housing:

3.) Can you tell us your position on SB 50 and your reason for that position?

I opposed Senate Bill 827 last year and have not seen enough community outreach or assurance that gentrification would not be accelerated to support SB 50.

4.) Do you support sustaining the shelter for students and their families at Buena Vista Horace Mann? What should we do to expand this program city wide?

I support the shelter at Buena Vista Horace Mann. Family homelessness is a serious problem in San Francisco, and working a block away from the Tenderloin Community School, I frequently see families who are sleeping in their cars send their kids to school with supplies and clothing from their trunk. In a city with an \$11 billion budget and one out of every 10,000 residents a billionaire, that is a moral and political outrage. So I support creative solutions like using school gyms for shelters. I think there should always be housing preference for students and families at that particular school, but if there is extra room, then we can start to expand to surrounding neighborhoods. Once the pilot project at BVHM is completed and we iron out some of the kinks in the program, we should expand it to other schools with capacity throughout the city. Each should have a neighborhood preference, but with excess capacity being offered to neighboring communities.

5.) Should the Affordable Housing Bond be \$500 million or \$1 Billion in the next upcoming San Francisco election? Why do you support that amount over the other?

I would support a \$1 Billion Affordable Housing Bond. It took decades of inaction and poor planning to create the current affordability crisis, and half measures will not get us out of it.

6.) Do you oppose the Monster in the Mission? Do you support the Marvel in the Mission?

I support the Marvel in the Mission, not the Monster in the Mission. In light of the gentrification that has already decimated the Mission, it is time for a 100% truly affordable housing project developed by and for the community.

These issues around housing insecurity and gentrification are why I am proposing we create an Eviction Defense Unit within the DA's Office to prosecute landlords who fraudulently evict tenants. In fact, this is one of my primary motivations for running for District Attorney. My wife and I have been tenants in five apartments over a combined 18 years in San Francisco. In 2017, the building we rented in was sold, and we were threatened with an owner move-in eviction. I had seen an NBC Bay Area report earlier that year finding that at least 25% (and perhaps as many as 50%) of OMI evictions are fraudulent. So I asserted my rights and fought back the eviction threat, only to be served with notice of a 12% proposed rent increase, passing on the new owners' increased property taxes as a maintenance and operations pass-through.

One of the most infuriating parts of the NBC report is that when they took evidence of dozens of fraudulent evictions to the San Francisco District Attorney's Office and laid out their investigation, the District Attorney - in the midst of an affordable housing and homelessness crisis - declined to pursue a single case. The Office hid behind a strained reading of a 2007 California Supreme Court ruling, trying to justify its failure to prosecute a single case of fraudulent eviction over the past eight years.

That stops with me. During my nearly 7 years as a Deputy Attorney General, I've handled over 400 criminal cases and have personally argued in the California Supreme Court. I know what those cases say, and I can assure you: there is prohibition on a local prosecuting agency bringing criminal charges for fraudulent evictions – especially against a repeat bad actor. When you think about the sort of criminal cases that are pursued, the current DA's position is even more absurd.

If elected District Attorney, I would make it a priority to prosecute landlords who willfully evict tenants under false pretenses. This would complement recent efforts to provide counsel to tenants facing eviction, as well as the various civil and injunctive relief that is available. But as we saw with the Wall Street Collapse of 2008, for many bad actors, a civil fine is just a cost of doing business – it is the threat of jail time that really scares them and deters predatory behavior. If we truly want to stem the tide of fraudulent evictions, and the homelessness crisis those evictions further, the District Attorney's Office needs to play its role. I will make sure it does.

Education:

7.) About 50 non-citizen parents voted for school board in 2018. What can you do to expand the access and security for Immigrant Parent Voting (Prop N 2016) for the 2020 School Board Election?

The District Attorney is one of the top legal representatives for San Francisco and must stand up to hostile forces in Washington, D.C. that are targeting our immigrant populations and trying to suppress the right to vote. I have spoken to school parents who want to vote in school elections but are understandably concerned that their identifying information may be turned over to the federal government. I vow to fight any such efforts by the federal government to access immigrant parent voting records. One possibility would be to follow New York City's example with driver's license records and promise to immediately destroy all such records if requested by the federal government. That is the level of legal protection that we must offer immigrant parents to make them feel comfortable exercising their right to vote in school board races. I will fight and think creatively to make that happen.

8.) Spanish speakers comprise almost half of English Learners (ELs) in the San Francisco Unified School District (SFUSD), yet only 8% were re-classified in the 2015-16 school year. This is only halfway to the goal and outcomes for other English Learners. How can you support bridging this disparity?

I am proud to have earned the support of School Board members Mark Sanchez and Gabriela Lopez (among our 80+ endorsers), and if elected DA, I look forward to working with them to address this racial achievement gap. Two areas I want to focus on are truancy and mentorship. If children are not in school, they are not learning, and they are at greater risk of juvenile justice involvement. The answer to this is not prosecuting parents, like past DAs have done. It is parent outreach by teachers, which requires giving teachers the time and incentive to do that. We could also follow the lead of some East Bay schools who have started lotteries (Warriors tickets, etc.) for families whose kids regularly attend school.

I also want my prosecutors to get into the classroom to mentor young people and teach them about their legal rights. Not only does this serve an educational and motivational unction, but it provides a positive first interaction for kids with law enforcement and starts to rebuild that broken relationship with the community.

9.) Latinos went without an elected school board member from 2004 to 2016 (12 years), yet comprise the second largest SFUSD population at 27%. Do you believe district elections for school board elections can bring more equitable representation to Latino parents?

I generally support district elections for school board and supervisor/council elections as a way of maximizing diversity. With Mark Sanchez and Gabriela López currently on the School Board, I would defer to their analysis about whether district elections would increase or decrease Latino representation on the Board.

Immigration:

10.) Asylum seekers at California border ballooned from 17,284 in fiscal 2017 to 38,269 in fiscal 2018. A backlog has grown to more than 820,000 CA immigration cases, each takes several months to process. San Francisco has done a great job supporting legal defense for asylum seekers. What should San Francisco's role be to provide social services to asylum seekers while awaiting justice?

San Francisco should make all of its social services available to asylum seekers, as it does for any other resident. Our city has always been a sanctuary for those seeking safety and justice,

and it is even more important to affirm that policy given the disgrace currently in the White House.

I worked on these asylum cases when I was clerking for a judge on the Ninth Circuit Court of Appeal in San Francisco, and one particular case, *Henriquez Rivas v. Holder*, sticks in my mind. In that case, a young woman from El Salvador fled her homeland after testifying against the gang members who had killed her father. She sought asylum in the U.S. because she faced retribution from the gang if she returned home. However, each of the lower courts denied her asylum request based on established caselaw. My judge and I believed that caselaw was wrongly decided, and we convinced the entire Ninth Circuit to revisit that precedent. The court agreed to rehear the case and ultimately overturned its previous rulings, making it easier for victims and witnesses of crime like that courageous young woman to obtain asylum. Almost a decade later, that case is still the proudest moment of my legal career.

11.) Would you/have you advocated for a Clean Dream Act that includes TPS recipients?

Based on my previous answer it should come as no surprise that I absolutely support a Clean Dream Act that includes TPS recipients!

12.) Do you have any plans to advance the rights for undocumented immigrants to receive housing services?

One of the most important things the next District Attorney can do is avoid plea bargains and resolutions that have collateral consequences on the immigration rights and services available to undocumented people. If elected DA, I will make sure every new prosecutor I hire is thoroughly trained on these issues, that we establish policies to avoid collateral consequences whenever possible, and that we include data in our annual report on this issue so that the public can hold us accountable (the current DA hasn't issued an annual report of any kind since 2016).

Criminal Justice:

13.) Are you for or against tasers for use in San Francisco?

Against. The series of recent taser deaths in San Mateo County (and elsewhere) is deeply disturbing and requires study before tasers should even be considered here.

14.) What is your plan to add supportive services and reduce revisitation?

We have a crisis of mass incarceration at the national, state, and local level that we must address now. To me, there's a right way to reform the criminal justice system, and there's a wrong way.

The wrong way is to simply release tens of thousands of people from prison, having done nothing to address their underlying issues or to prepare them to re-enter society, and then throw up our hands when crime rates increase — as with property crime rates in San Francisco. The right way is neither quick nor easy. To ensure lasting safety and justice for victims and defendants alike, we must reduce incarceration rates by reducing crime rates. We need to address the societal drivers of criminal conduct, and the specific issues that cause an individual to re-offend. If elected District Attorney, here are three areas I'd focus on to reduce incarceration rates.

First, we need to move away from a system focused on punishment and toward a rehabilitative and restorative justice model. The juvenile justice system provides a path. The sole purpose of our juvenile system is to rehabilitate young people. Every sentence, every probation condition, every placement is targeted at the underlying cause of a young person's problem, whether it be mental health or substance abuse, a lack of economic opportunity, or gang influence. Working to address root causes has allowed San Francisco to significantly reduce the number of kids entering our justice system without a corresponding uptick in juvenile crime rates. In fact, our Juvenile Hall is so empty, there are calls to shut it down (I would like to turn it into a Mental Health Justice Center for those battling mental illness inside and outside our criminal justice system).

But there is no reason a 19-year-old should be denied this rehabilitative focus while a 17-year-old benefits from it. We should incrementally expand these rehabilitative programs to the adult population, beginning with 18- to 24-year-olds. Once we show that such a focus can reduce incarceration and crime rates for "transitional age youth," we can expand it to the rest of the adult population for qualifying offenses.

Second, let's rethink the prosecutor's role, starting with the measures of their effectiveness. Rather than a single-minded focus on conviction rates, we should judge district attorneys on the recidivism rates of those they prosecute. By doing so, we would shift their incentives from simply obtaining a guilty verdict to addressing the actual needs of the defendant. Prosecutors are well positioned to help in that assessment. In fact, the San Diego district attorney's office has had early success with a project in which prosecutors work with the defense team, probation department and court to develop a plan for defendants so they can seek out the programs and skills while incarcerated that they will need to successfully re-enter society. Prosecutors can also highlight the staggering costs to the taxpayer of the prison industrial complex, costs that should be a factor in deciding whether (and how much) prison time is appropriate for a given crime.

Third, we need to reduce barriers for formerly incarcerated people re-entering society. For decades, we have erected barriers to housing, jobs, voting and government services for people with criminal records. Not only is there no evidence these restrictions deter criminal conduct, there is mounting evidence that they increase the chances someone will re-offend. We need to eliminate these barriers and, for example, allow the inmates who fought the devastating Tubbs, Thomas and Camp fires the opportunity to become firefighters when released. We should allow people on parole to vote, just as those on probation can. We cannot expect returning individuals to buy into a society that denies them a voice.

Such a fundamental shift in how we approach criminal justice will not occur overnight. But there are no term limits on District Attorney, I plan to spend the next decade or two steering this ocean liner in a new direction. If we want a legal system that is fair and just, we need to start now.

Equity:

15.) How would you support cannabis and alcohol parity for the Mission and Excelsior with other San Francisco neighborhoods?

We are an interconnected city. When we have citywide crises like our humanitarian and public crisis with the homeless population, every neighborhood must answer the call (by, for example, building a navigation center in every supervisor district). We also must equitably spread community benefits and amenities around the city. It is unacceptable that the number of bars and liquor stores in the Mission outnumber the number of grocery stores and other resident-serving amenities by orders of magnitude. Although the DA does not have direct oversight over

planning decisions, I would publicly support efforts to block permits for new bars or liquor stores until grocery stores and other beneficial community businesses are established.

16.) How would you and how have you supported Latinx parity for Commissioners, Elected Officials, and Legislative Staff?

I will continue the outgoing DA's neighborhood prosecutor program, but where possible, assign attorneys who actually live in those neighborhoods. For example, I would assign a Latino prosecutor to Mission Station. I will also increase outreach to local law schools and bar association fellowship program that focus on historically underrepresented communities to expand the diversity of our hiring pool. I would also explore the feasibility of a "Rooney Rule" for applicants and promotional opportunities, similar to that adopted in the NFL for head coaching positions and recently adopted by a federal judge in San Francisco for judicial clerks. This would require interviewing at least one person of color before making any job offer or promotional decision. Finally, as DA, I would appoint representatives from the Latino community to every single board and commission I oversee, and make sure that Latino perspectives are represented in my front office.

17.) How do you measure the Latinx community receiving equity of San Francisco resources? How would you ally to help the Latinx receive equity?

From a District Attorney perspective, we have not achieved true equity until we eliminate the racial disparities in the criminal justice system and deliver justice for Latino crime victims the same way we would for any other victim of crime. That means holding powerful interests accountable for misconduct, be they corporate interests, law enforcement, or elected officials. And unlike past leaders, I will be completely transparent on our progress toward meeting those goals so that you can hold me accountable. If I'm fortunate enough to get elected DA and do not make measurable progress in those areas over the next four years, I won't deserve another term in office.