2018 Maryland State's Attorney Questionnaire

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Name *

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Baltimore City

Policies Aimed at Reducing Mass Incarceration

1. Limit the Use of Money Bail & Expand Pre-Arrest Diversion

The continued use of unjust cash bail policies contributes to the overall incarceration of poor people and people of color by keeping them incarcerated simply because they are too poor to pay bail.

What role, if any, do you think money bail should play in our justice system?

Money bail has no place in today's criminal justice system. It disproportionately burdens minority communities and is unconstitutional.
If elected, what changes will you implement in your office to limit the use of money bail in the justice system?

I will issue an office-wide directive on day 1 that no prosecutor will seek or recommend cash bail in any case. I will also advocate for the statewide abolition of cash bail, and I have already pledged that I will not accept donations from the bail bond industry or their underwriters.

Since the implementation of new judicial rules regarding money bail, public defenders and advocates have reported an uptick in requests for “no-bond.” Will you support legislation that further limits these “no-bond” requests?

Yes. In addition, I will convene conversations among prosecutors, defense attorneys, pretrial services, and judges about risk assessment tools that do not reinforce race- and class-based factors.

If elected, will you prohibit line attorneys from requesting “no-bond” for all defendants eligible for release, unless there is a substantial risk to the community or high likelihood of flight by at least clear and convincing evidence?

- Yes
- No

Will you support expansion of pre-trial unsecured bonds?

- Yes
- No
Will you support expansion of the County’s Pretrial Release Program to ensure that those made eligible for the program do not have to wait for weeks to be released?

- Yes
- No

Will you support the establishment of pre-charge diversion programs that by way of a deferred prosecution (known as a STET disposition), end, upon completion, with dismissal?

- Yes
- No

Will you refuse or return any campaign donations from bail bonds companies, or executives or owners of bail bonds companies?

- Yes
- No

2. Keep People Out of Jail for Drug-Related Offenses

Years of experience with ineffective drug laws and the latest medical research on addiction suggest that treating drug use as a public health issue, as opposed to a criminal justice issue, is a more effective approach to reducing harm.

Will you support changing the County’s Drug Court program to include a pre-plea diversion program for all low-level drug offenses?

- Yes
- No
What do you consider a low-level drug offense?

Possession of controlled dangerous substances or paraphernalia.

Will you decline to prosecute marijuana possession or distribution of less than four ounces? If not, why not?

Yes. This will facilitate legalization, which is the next natural step for Maryland.

Will you commit to charging a cite-and-release misdemeanor for all cases involving possession of less than one ounce of controlled substances?

☐ Yes
☐ No

In the absence of sufficient evidence of intent to cause death, will you commit to not charging drug overdose cases as homicides?

☐ Yes
☐ No

Will you publicly support the creation of safe injection sites in your county, to provide those suffering from drug addiction with access to clean supplies, naloxone, and medical or addiction treatment?

☐ Yes
☐ No

3. Adopt Policies to Avoid the Criminalization of Poverty

Local criminal justice systems disproportionately harm people living in poverty. Whether through the imposition of fines and fees as a condition to resolving cases, or through laws that effectively criminalize homelessness, local actors have imposed a poverty penalty on many within the community.
Will you refuse to permit “ability to pay” to play a role in determining eligibility for bail, a plea agreement, the appropriate sentence, or entrance to a diversionary program?

- Yes
- No

Will you agree to waive fees for anyone who cannot pay for associated and mandatory classes associate with diversion programs? If no, why not?

Yes, I will agree to waive all such fees.

Will you oppose incarceration based upon the failure to pay fines or fees, unless there is uncontroverted proof the individual is able but willfully refusing to pay?

- Yes
- No

Will you establish a strong presumption against prosecuting loitering laws, public urination violations, and other conduct that is a symptom of homelessness or poverty?

- Yes
- No

Policies Aimed at Reducing Excessive Punishments

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1. Treat Kids Like Kids

Recognizing that children's brains continue developing until around the age 25 and that research supports their enhanced capacity for rehabilitation, children should not be prosecuted in adult court and they should not be given punishments that preclude the opportunity for redemption.

Will you decline to ask for sentences that are de facto life without parole for any person under 18 at the time of the offense and join defense motions to reconsider existing sentences of this kind?

- Yes
- No

Will you establish a strong presumption against prosecuting Department of Juvenile Services referrals from school suspension or expulsion cases when there is no use of force resulting in serious physical harm?

- Yes
- No

Will you establish a presumption of consenting to the transfer of juvenile defendants automatically charged in adult court to juvenile court?

- Yes
- No

Will you publicly support changing any and all “direct file” laws that require children to be prosecuted as adults?

- Yes
- No
Will you publicly support laws that raise the age of adult criminal responsibility?

☐ Yes
☐ No

2. Promote Proportionate Sentencing and Provide Pathways to Second Chances

People are more than their worst acts, and even people who commit the most serious offenses often change their lives profoundly over time. To recognize the worth and potential for growth in all people, it is important for locally elected prosecutors to provide individualized consideration to the character and background of each person and to the circumstances surrounding the commission of the offense. It also is critical for elected prosecutors to promote opportunities for release, through parole or clemency, and to help remove barriers to reentering society for those who are released from incarceration.

Will you commit to reducing the percentage of cases where a maximum sentence is sought by prosecutors?

☐ Yes
☐ No

Will you pledge to establish an office policy against increasing or threatening to increase the number or severity of charges in order to secure more favorable plea dispositions or waivers of rights?

☐ Yes
☐ No

Will you publicly oppose any proposed legislation that would create new mandatory minimum sentences or lengthen existing minimum sentences?

☐ Yes
☐ No
Will you allow line attorneys to recommend sentences below mandatory minimums where factual bases permit pleas to lesser included offenses?

- Yes
- No

Will you pledge to support second chances by both limiting parole opposition and committing to affirmatively advocate for parole on behalf of those who demonstrate outstanding growth and maturity during their incarceration?

- Yes
- No

3. Promote Policies That Aid Undocumented Communities

To prevent collateral consequences of convictions, will you implement an office-wide policy requiring prosecutors to consider immigration consequences in charging, plea, and sentencing decisions?

- Yes
- No

Will you decline to require a guilty plea before admission to a diversion program?

- Yes
- No
Will you establish or continue to support a policy to support non-citizens who are seeking post-conviction relief based on a defense attorney's ineffective assistance regarding immigration consequences?

- Yes
- No

Will you prohibit line attorneys from collaborating with ICE by aiding in the arrest and removal of defendants in the courthouse?

- Yes
- No

Policies that Promote Police Accountability

Although charged with serving and protecting, police officers are too often the perpetrators of violence against our communities—as has been seen regularly in Maryland. Enhancing transparency and accountability is crucial to promoting trust between the community and law enforcement. In the wake of flood of police misconduct, especially violence against people of color and children, the State's Attorney must be committed to rigorously and independently investigating and prosecuting police misconduct.

Will you commit to the creation of a special prosecution unit to investigate and charge allegations of police misconduct, including police-involved violence and corruption?

- Yes
- No

When legally able to do so, will you release any dash-camera, body-camera, or other audio or video footage related to police-involved misconduct within 24 hours of any charging decision?

- Yes
- No
Will you decline to utilize testimony from officers known to have committed misconduct in the past including, but not limited to, perjury, making false allegations, or withholding exculpatory evidence from the defense?

☐ Yes
☐ No

Will you release to the defense and to the public any internal lists identifying officers with a history of lying or other misconduct?

☐ Yes
☐ No

Policies that Promote Transparency and Accountability to the Community

Enhancing transparency and accountability within the State's Attorney's office is critical to ending the win-at-any-cost pursuit of high conviction rates that is failing our communities. Our elected prosecutors must build a culture focused on seeking justice for victims, and ensuring that justice is equal. This requires being open to community scrutiny and feedback, paying close attention to racial disparities, and prioritizing the needs of victims and their families.

Will you maintain and publish regular statistics about prosecution, including the number of misdemeanor and felony cases filed each month, disposition statistics, pretrial incarceration rates and length of stay by offense category, and average bond for each class of offense, to measure the effectiveness of policies aimed at efficacy and reform?

☐ Yes
☐ No
And will you include race information at all steps, committing to publicly report any significant racial disparities at any stage of the process?

- Yes
- No

Will you build a staff that reflects the diversity of the community the office serves?

- Yes
- No

Will you commit to regular communication with community members and organizations, including regularly scheduled open sessions and regular meetings with civilian oversight boards to listen to and then address concerns over police-community relationships and allegations of police brutality?

- Yes
- No

Policies that Guard the Community Against Abuse of Power by Officials

Fraud and public corruption undermines public trust in government. There's also the inevitability of mistakes that in the case of public prosecutions are inevitable and their impacts can be life altering. It's crucial that elected prosecutors serve as one of the first lines of defense to protect the less powerful in our society from exploitation, especially when it comes to abuse of power by those in government who are supposed to act in the public interest.
Will you end the process of abusive civil asset forfeiture wherein the county seizes cash or possessions before there has been conviction or instances where there is not even proof of criminal activity?

- Yes
- No

Will you commit to use asset forfeiture only in criminal cases after a conviction has been obtained, and ensure there is a meaningful opportunity for members of the community to contest seizure when it happens?

- Yes
- No

Will you support statewide legislation to end the use of civil asset forfeiture?

- Yes
- No

Will you ensure the return of personal property seized in relation to an investigation immediately upon the conclusion of the fact-finding stage (following dismissal, plea or trial)?

- Yes
- No
Will you create mechanisms for a second look at charging decisions, plea bargains and convictions, because mistakes are inevitable and the consequences life-altering?

- Yes
- No

If it does not exist, will you create a conviction review unit, complete with an independent panel to review the unit’s findings? Will you operate that unit transparently and publish regular data summarizing the unit's findings?

Yes and yes. Also, we will recruit to lead the conviction review unit an attorney from the "innocence" community who has seen firsthand that wrongful convictions are not rare statistical events but arise more often than anyone would want.

Please use the space below to explain or elaborate upon your response to any of the questions above.

Please provide any additional information that you would like to share.

On a number of these issues, I have publicly stated that I would go farther than some of the questions allow. These include the abolition of cash bail in Baltimore; the categorical halt of mandatory minimums; doing everything in the Office's power to shield vulnerable immigrant communities from unconstitutional actions; eliminating life without parole for juvenile offenders; and ending the prosecution of victims of addiction and trafficking for petty offenses.