

# OREGON DA FOR THE PEOPLE

## OREGON DA FOR THE PEOPLE PLATFORM

The district attorney (DA) is the most powerful position in the criminal legal system. DAs oversee prosecution and influence the culture of policing in their county. The DA decides what crimes to prosecute, who to charge, what charges and how many charges to bring, whether and when to offer a plea deal, and when treatment and diversion programs are used as an alternative to a prison sentence. The success of a prosecuting office is usually measured by its conviction rates. This encourages the prosecuting of more people and putting more people in prison. The DA's office and prosecutors have few mechanisms of accountability. Generally, they can't be charged with a crime for things they do while pursuing a case under U.S. Supreme Court law, even if what they do is illegal.<sup>1</sup>

In most places, district attorneys are elected and serve terms of four years. They often run unopposed and remain in office until they retire. Most people don't know who they are, how much power and influence they hold, or that we have the power to vote DAs and their policies and practices into, or out of, office.

The Oregon DA for the People campaign builds community power with those who are most impacted by the criminal legal system and policing. We are working to decrease the harm that these systems have on people's everyday lives. This platform, created with the input of grass-roots organizations and community members, will push candidates to commit to less harmful policies that *when* and *if* implemented may decrease some harm.

This is not only a campaign—this is a movement for abolition. Members of the Oregon DA for the People coalition hold a commitment to this work for the long haul, beyond this election cycle. The skills, relationships, and power built in this struggle will aid us on the path to creating a world where communities meet their needs for safety, accountability, and healing together, without relying on the targeted violence of police or the criminal legal system.

**Oregon DA for the People wants a DA who will commit to and implement policy changes that are decarceral<sup>2</sup> and reduce their office's harm, power, and influence including:**



### **1. STOP TARGETING BLACK, BROWN, INDIGENOUS, AND IMMIGRANT COMMUNITIES**

Our criminal legal and policing systems were created to uphold white supremacy, and racial bias continues to drive these systems. Black, Brown, Indigenous, and Immigrant communities are disproportionately affected at every step in the policing and legal systems. They are more likely to be stopped by police, detained pretrial, charged with more serious crimes, and sentenced more harshly.<sup>3</sup> A Black person in Oregon is six times more likely

to be in jail or prison than a white person, and an Indigenous person is 2.5 times more likely to be in jail or prison than a white person.<sup>4</sup> Oregon is the only state that allows people to be convicted of a crime by a non-unanimous jury. Antisemitic and anti-immigrant public sentiments led to non-unanimous juries being added to the Oregon state constitution in the 1930s. This addition takes power from minority jury members, so they cannot stop prejudiced verdicts.<sup>5</sup>

Immigrant communities experience unique threats when in contact with the criminal legal system, including deportation and family separation. Even documented residents may lose their status and face deportation after a conviction, sometimes through proceedings they cannot understand.

**We want a district attorney who will:**

- Always immediately drop cases deemed to be based in racial profiling.
- Always decline to prosecute charges brought by the Gun Violence Reduction Team, formerly named the Gang Enforcement Taskforce, which carries out traffic stops that target African American Portlanders.<sup>6</sup>
- On their first day in office, apologize for the history of racialized injustice in our current systems.
- On their first day in office, publicly support changing the Oregon constitution to eliminate non-unanimous juries and push the Oregon District Attorneys Association to continue supporting this change.<sup>7</sup>
- On their first day in office, support Portland's Immigrant communities through actively instructing trial attorneys to not share information with deportation authorities about individuals who are present in the courts or held in jail.
- On their first day in office, publicly declare that Immigration Customs Enforcement (ICE) agents are not allowed to arrest individuals on Oregon courthouse property.
- On the first day in office, implement an office-wide policy requiring prosecutors to consider immigration consequences in charging, plea, and sentencing decisions.
- Within the first 100 days in office, maintain and publish an up-to-date interactive data dashboard showing the number and type of charges and outcomes under DA jurisdiction, including data detailed by race.
- Within the first 100 days in office, publish all historical data showing racial disparities and use this data to inform equitable policies.<sup>8</sup>
- Within the first 100 days in office, create a detailed plan outlining how the police department and police unions will achieve at least a 50% consistent reduction in arrests brought against aggressively policed communities of color.<sup>9</sup>
- Within the first 100 days in office, ensure all legal services are provided in people's preferred languages in all interactions with the system.
- Within the first 100 days in office, expand pre-plea diversion programs that allow individuals to obtain dismissals of their charges without entering a guilty plea.



## 2) DECLINE TO PROSECUTE INDIVIDUALS WITH MENTAL HEALTH CONDITIONS

Prisons and jails are being used to cage individuals with mental health conditions instead of providing them care in their communities. Police target people with mental health conditions.<sup>10 11</sup> Sixty-nine percent of women in Oregon's jails and prisons said trauma led to their initial involvement in the criminal legal system.<sup>12</sup> These aggressively policed individuals aren't offered adequate mental health treatment or resources as they traverse the confusing court system. Those whose mental health must be assessed before they can go to trial aren't being assessed in a timely manner.<sup>13</sup> This leaves them in jail for months without being convicted of any crime. Once inside Oregon jails and prisons, the experience is traumatizing itself, and individuals' conditions often get worse.<sup>14</sup> Suicide is the leading national cause of death within the prison system.<sup>15</sup> The criminal legal system is not where people experiencing mental health issues belong.

### **We want a district attorney who will:**

- Always decline to prosecute individuals with mental health conditions and divert them to programs outside of the criminal legal system.
- On their first day in office, publicly apologize for the harm policing, prisons, and jails have caused to individuals with mental health conditions.
- On their first day of office, publicly denounce the use of arrests and any use of force by police against people who are experiencing mental health crises.
- On their first day of office, clearly communicate with police and prosecutors that the DA's office will not be prosecuting individuals with mental health conditions.
- Within the first 100 days in office, decrease the DA office's budget based on the reduction of charges being brought against individuals with mental health conditions and encourage the county to redirect the savings to county mental health services.
- Within the first 100 days in office, publicly support the reallocation of funds from the DA's office to create meaningful trauma-informed treatment and diversion programs. These programs will exist outside of the criminal legal system, and individuals will be able to remain in their communities.



### 3) TREAT KIDS LIKE KIDS

DA policies should be informed by science. The human brain is not fully developed until 25 years old or later. The areas of the brain responsible for decision-making and impulse control do not fully develop until this time.<sup>16</sup> Traumatic interactions with the criminal legal system and law enforcement hinder the development of kids and youth and harm their futures.

Youth of color in Oregon are more likely to be arrested, more likely to be charged, less likely to be released on bail, more likely to be convicted, less likely to be put on probation and more likely to be incarcerated.<sup>17</sup> In Oregon's schools, Black youth are twice as likely as white youth to be disciplined, and more than twice as likely to be suspended, increasing their likelihood of incarceration. This process of criminalizing youth is known as the "school to prison pipeline".<sup>18</sup>

#### **We want a district attorney who will:**

- Always decline to apply Measure 11 charges for people under the age of 25.
- Always decline to prosecute cases referred by SROs.
- Always decline to prosecute youth for misdemeanors and school-based arrests.
- On the first day in office, publicly support the repeal of Measure 11, which imposes mandatory minimum sentences and is a primary force for charging youth as adults.
- On their first day in office, publicly support ending the school to prison pipeline by eliminating the presence of law enforcement officers at Oregon schools, including Student Resource Officers (SROs).



### 4) COMMIT TO ENDING MASS INCARCERATION

Prosecutors are a primary driver of mass incarceration in Oregon and across the United States by pushing plea deals and supporting mandatory minimum sentencing. As of August 2019, 14,706 people were in Oregon prisons,<sup>19</sup> reflecting a 188% growth in prison population since 1993.<sup>20</sup> Over 90% of cases do not go to trial because the defendant takes a plea deal.<sup>21</sup> Even when they are

innocent, defendants often take these deals. Many want the process to end, to be released from jail, and fear higher sentences post-trial from a system they know is already stacked against them. Plea deals are used by DAs to increase conviction rates, which they tout for public and political acclaim.

The Oregon constitution requires that every incarcerated individual work 40 hours a week, even though they are paid \$1.25 or less per hour.<sup>22</sup> Forced prison labor supports the system of mass incarceration by cutting costs and maintaining daily functioning of prisons. More people in prison creates more profit for corporations which use prison labor, like Oregon Corrections Enterprises. More people in prison also benefits corporations which provide goods and services to prisoners at inflated prices with added fees, like Telmate.<sup>23</sup>

Jails and prisons are not mechanisms that support true accountability and healing from harm. Success should be measured through just outcomes, declining prison populations, and reduction of crime.

**We want a district attorney who will:**

- Always decline to apply mandatory minimum charges including Measure 11.
- Always decline to seek capital punishment in any case.
- Always decline to seek life sentences without the possibility of parole.
- On their first day in office, publicly support giving everyone in prison the chance to go before the parole board.
- On their first day in office, publicly acknowledge the injustice of profiting off of prisoners.
- On their first day in office, publicly support prisoners being paid a living wage and eliminate charges for basic necessities (food, phone calls, toiletries, menstrual products, etc.).
- On their first day in office, publicly advocate for the repeal of the death penalty in Oregon and the commuting of sentences of all prisoners on Oregon's death row.
- On their first day in office, publicly support the reallocation of funds from the DA's office to community-based programs that support housing, mental and physical healthcare, education, and job training to address some of the root causes of why people are criminalized and ultimately may become incarcerated.<sup>24 25</sup>
- On their first day in office, publicly support the reallocation of funds from the DA's office to restorative justice programs that exist outside of the criminal legal system and provide solutions for accountability, safety, and healing that involve both survivors of crimes and those charged with crimes.
- Within the first 100 days in office, drop charges and release people currently being held in jail or monitored for offenses that are no longer being prosecuted.
- Within the first 100 days in office, establish a Retroactive Release Unit to decrease the number of people in Oregon's jails and prisons by releasing people currently incarcerated for offenses that are no longer being prosecuted and where applicable referring them to community-based programs.
- Within the first 100 days in office, establish a Record Review Unit to clear records of individuals who have convictions for offenses that are no longer being prosecuted. This process will support people with gaining employment and housing which is difficult to do with a criminal record.
- Within the first 100 days in office, establish a Reentry Services Unit. This unit will connect individuals who are no longer in prison with housing, jobs, education, and mental and physical healthcare.



## 5) HOLD POLICE AND PROSECUTORS ACCOUNTABLE

The system of policing in the United States has carried out a long history of enacting violence and racism against community members with veritable impunity. Recent events across the state and country show that this pattern continues to the present day. Too many of our loved ones have been harmed, traumatized, or murdered by police violence. Official public records are not kept on cases of police murder and brutality in Oregon, so members of this coalition did our own research. We were not able to find any instances of police officers being prosecuted for killing or injuring civilians on the job.

Prosecutors are also law enforcement. They take over where the police leave off in a system that sends people to prison and jail, parole, and probation. Prosecutors amplify police practices of criminalizing people of color and poor people into the courtroom unless DAs demand otherwise. Like police, prosecutors have a history of unethical behavior in pursuit of cases. For example, prosecutors often violate the *Brady* Rule.<sup>26</sup> This legal rule requires prosecutors to turn over all evidence to defense attorneys that may cast doubt on the defendant's guilt or support the defendant's innocence. Illegally disregarding the *Brady* Rule means more people are found guilty, including innocent people, and sentenced to longer times in prison. Prosecutors cannot be sued for *Brady* violations, or other ethics violations, even if they purposely prosecute innocent people—so it is imperative that DAs demand that their prosecutors follow the law and fire them if they do not.<sup>27</sup>

We want District Attorneys who support the complete transformation of a system that targets and endangers communities rather than keeping them safe. They have the power to change the culture of policing and prosecution. DAs must hold police officers accountable for brutality, murder, and misconduct. DAs must demand transparency and ethical behavior from their prosecutors.

### **We want a district attorney who will:**

- Always prosecute police for killing and injuring our community members.
- On the first day in office, make a public statement opposing police misconduct and violence, supporting the demilitarization of the police, and announcing that the district attorney's office prioritizes restorative justice over conviction rates.
- On the first day in office, pressure the police force to remove and de-certify unethical officers by dropping cases brought by or with testimony from officers on the "do not call" list; maintain and release a public list of officers who are accused of misconduct, including racial bias and excessive force; and prohibiting prosecutors from working with any officer on this list.<sup>28</sup>
- On the first day in office, make it clear to prosecutors in the DA's office that they must follow the *Brady* Rule and terminate any prosecutors who have a pattern or history of *Brady* violations or other ethics violations.
- Within the first 100 days in office, collect and publish data to make public all plea deals and outcomes of the DA's office. This data will be separated by race, gender, income, and ethnic background and include what charges, bail requested, and sentenced offered.



## 6) DECRIMINALIZE HOUSELESSNESS, SEX WORK, AND DRUG USE

The “War on Drugs” started by President Nixon and continuing into the present day, used fear and racist rhetoric about Black people and communities in order to justify increased policing, prosecutions, and incarceration.<sup>29</sup> In 1986, President Reagan signed into law the Anti-Drug Abuse Act resulting in the creation of mandatory minimum sentences for drug possession, expanding on the Comprehensive Crime Control Act passed by Congress in 1984 to establish the use of mandatory minimums.<sup>30</sup> These new laws, and their state corollaries, increased prison populations, and intentionally harsher sentences for crack cocaine disproportionately affected the Black community.<sup>31</sup>

This pattern continues today as “tough on crime” political campaigns target and criminalize Black, Brown, and Indigenous people, the poor and working class, queer and trans communities, Immigrant communities, sex workers, people living with disabilities, people who use drugs and alcohol, and people with mental health conditions. Criminalizing drug use, sex work, and houselessness harms our most marginalized neighbors and criminalizes their means of survival.

### **We want a district attorney who will:**

- Always decline to prosecute minor offenses including: trespassing; shoplifting (including offenses that are essentially shoplifting but charged as larceny); larceny under \$250; disorderly conduct; inciting a riot; disturbing the peace; receiving stolen property; minor driving offenses (including operating with a suspended or revoked license); breaking and entering where it is into a vacant property or where it is for the purpose of sleeping or seeking refuge from the cold and there is no actual damage to property; obstructing a highway; erecting an illegal structure; loitering; wanton or malicious destruction of property; prostitution; commercial sex solicitation; minor in possession of alcohol; drug possession; drug possession with intent to distribute; a stand alone resisting arrest charge; a resisting arrest charge combined with only charges that all fall under the list of charges to decline to prosecute.
- On their first day of office, publicly acknowledge and apologize for the impact that the “war on drugs” and “tough on crime” policies have had on communities of color and poor and working class communities.
- On their first day in office, fully decriminalize all aspects of sex work in Oregon, as recommended by Amnesty International. Decriminalization harms people who do sexual labor by choice, circumstance, or coercion, including sex workers, people profiled as sex workers, and those who purchase sexual services.<sup>32</sup>
- On their first day in office, publicly support the passing of legislation in Oregon that would protect people in the sex trades from economic exploitation and interpersonal violence, and educate the public and the DA’s office on the difference between sex work and human trafficking.
- On their first day in office, publicly support the reallocation of funds from the DA’s office to community-based programs that support housing, education, jobs, harm reduction, mental health services, and addiction.

# JOIN US AND SIGN ON TO THE OREGON DA FOR THE PEOPLE PLATFORM ON OUR WEBSITE: OREGONDAFORTHEPEOPLE.COM

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