

# Derek Russ

## Survey Response

### Candidate for Judge Municipal and Traffic Court Division D

#### Election Day - November 8, 2022

**1. Safe Communities :** I support substance abuse and mental health treatment conducted by medical professionals, not police and deputies. I support crisis intervention by highly trained and skilled individuals who work to de-escalate tension and promote nonviolence among our communities. As a member of the judiciary, I will advance and protect a public health approach to resolving issues that arise from these challenges. **AGREE**

**2. Poverty and Justice :** Economic stability is essential for safety, and many of our community members are prevented from secure housing, leading to employment challenges, and carries an impact on mental health. People accessing the courts should be given consideration for their socio-economic and health conditions. **AGREE**

**3. School-to-Prison Pipeline :** I support a separation between the criminal justice system and schools. As a judge, I will work to end zero-tolerance policies in schools, and shift behavioral issues back to schools, without criminal justice system involvement. **AGREE**

**4. Habitual Offender Sentencing Enhancement :** I agree that maximum sentences already account for "the worst of the worst" in any given criminal activity, and people who have been previously punished are deemed to have served their time (including onerous probation terms). I believe habitual offender laws are unnecessarily punitive. **AGREE**

**5. Sentencing Reform :** I support the creation of a trauma assessment tool that would be used prior to sentencing. I will work to ensure that people charged with crimes are informed of all collateral consequences that accompany a conviction--voting, employment, housing, education, professional licensing, and the reduction in rights during all potential future criminal allegations. Further, I support an end to excessively long and punitive sentences that provide no meaningful opportunity for rehabilitation, hope, or second chances. **AGREE**

**6. Technical Violation of Probation :** I support the speedy review of people accused of technical violations, within the 10-day "hold" on their release. I will work to allow individuals accused of crimes to live their lives and have a chance for alternatives to confinement, treatment, or weekends in jail to restore them, rather than ruin their futures and their families. **AGREE**

**7. Charge or Release :** I believe Louisiana should take steps towards charging the accused within ten days, on non-capital cases, or released with or without bond, according to flight risk.

**AGREE**

**8. Judicial Transparency :** I will recuse myself if any of these financial supporters, or their immediate family members, are scheduled to appear in my courtroom, including other elected officials. **AGREE**

**9. Voting Rights:** As an elected official and community leader, I will support and enforce Act 271 (the notification of rights prior to entering a guilty plea), along with the streamlined voter registration system under Act 127 (both passed in the 2021 legislative session). **AGREE**

**10. Equal Treatment Under the Law :** I expect all government employees to maintain the highest ethical standards but recognize that, like all humans, we sometimes fall short. I will not stand for preferential treatment in my courtroom and will be particularly mindful of the relationship between prosecutors and police. My decisions, including those regarding bond or sentencing, will be consistent regardless of race, gender, wealth, or network connections.

**AGREE**

**11. Accountability :** I support the creation of a judicial reporting system that includes the demographics of people accused and the specific outcomes, such as dismissals, deferrals to alternatives, bond rulings, detention, voir dire, number of court dates, and punishment. **AGREE**

**12. In your opinion, do you believe that a judge's spouse should be held to a similar ethical standard as the judge themselves? Yes or No (please explain) :** Yes. I believe that a judge's spouse's activities may very likely be imputed on the judge himself/herself. For example, recently Supreme Court Justice Clarence Thomas' wife was found to be involved with the US Capitol riot, which undoubtedly has stained Justice Thomas and his impartiality, or the perception thereof, because of the actions of his spouse. So absolutely, judges' spouses should be held to a similar ethical standard.

**13. Do you anticipate any conflict based on personal relationships and former business interests? Yes or No (please explain) :** No. Personal relationships and former business interests have never caused any conflict in my sixteen years of practicing law, and certainly will not upon me being elected judge on Tuesday, November 8, 2022, as if any conflict arises, I will without hesitation recuse myself from hearing that matter.

**14. Additional Income:** Do you believe public servants should be restricted so they may focus on the position for which they are elected? **YES**

**15. Which of your previous positions do you think provided you with the most experience for this role? (Please explain) :** My roles as the son of the late Catherine Bogan Russ Brown; prosecutor in Municipal and Traffic Court; and Minute Clerk in Municipal and Traffic Court

have provided me with the most experience for this role. My mother taught me the values of integrity, character, and the importance of doing unto others as I would have them do unto me. She taught me that each person, no matter his/her background, family name, or size of his/her bank account, is just as important as the next person. Her timeless values with which she raised me carried me through my sixteen years' employment in Municipal and Traffic Court, a court that is rife with corruption. I prosecuted over 152,000 cases in a fair and compassionate manner, with not one single complaint about my temperament. I have been on all sides in Municipal and Traffic Court. I have represented defendants there for two years, prosecuted there for 14 years, and clerked there for two years, all with the highest standards of ethics.

**16. Community Oversight of Criminal Legal System :** I support the establishment of strong and empowered community boards, which will monitor public servants in the police department, the courthouse, and the jails. I believe judges and prosecutors should be held accountable for their actions. I support judicial accountability in open and transparent courtrooms. **AGREE**

**17. Precedent and Stare Decisis :** Judges review pre-existing caselaw to make their rulings, and at times must decide whether to follow precedent, to overturn precedent, or to make a ruling on a new law or ordinance. What rationale do you follow in making such determinations?

**As a judge in New Orleans Municipal and Traffic Court, If I disagree with a higher court's precedent, until the higher court changes the ruling, or the law itself is changed, the binding precedent is authoritative on my interpretation of the meaning of the law; however, in my fourteen years of employment in New Orleans Municipal and Traffic Court the only seriously controverted issue that I can recall were issues surrounding NOPD checkpoints, in which case STATE of Louisiana v. Leon JACKSON, No. 00-KK-0015 applied.**

**18. Precedent and Stare Decisis :** Louisiana voters overwhelmingly amended the constitution to end non-unanimous juries prior to the U.S. Supreme Court deeming them as unconstitutional. Despite this, neither group mandated the reversal of roughly 1500 convictions where one or two jurors maintained their position of "not guilty." Louisiana appellate courts disagreed on the constitutionality of these past convictions, and the state Supreme Court decision is forthcoming. If you were on the Louisiana Supreme Court, which way would you rule on retroactivity, and why?

**My answer is simple. If I were on the Louisiana Supreme Court, I would rule that in all cases in which a Louisiana non-unanimous jury convicted defendants, the retroactivity rule shall apply. I think the Supreme Court of Louisiana said it best in Case No. 2015-CA-1750, "...we are duty bound to ... apply the Louisiana Constitution[.]" We are a nation of laws, not of men. When a nation's laws are flouted by the political leadership it is only a matter of time until the populace shows the same disrespect for law and order. We must apply the Louisiana voters' decision to end non-unanimous juries.**

**19. What impact, if any, do you believe race has had on Louisiana's justice system? :** Race has had a detrimental impact on Louisiana's justice system and continues to have an impact on Louisiana's justice system. I have seen the impact, specifically in New Orleans Municipal and Traffic Court, Division "D", wherein my opponent allows race to influence his decisions in a biased way, leading to a particular demographic receiving leniency that others do not receive. For example, I have witnessed where the judge considered guilty pleas and the resulting impact on driving records of individuals of a particular race, with no consideration given to other demographics, amongst other things.

**In 50 words or less, tell our community why they should trust you with their vote.:** I believe Orleans Parish residents deserve to have fair, accessible, compassionate, and experienced judges, who have a deep commitment to serving this parish and its residents, not only during election cycles, but also during their tenure as public servants. I will be a fair judge to ALL PEOPLE, no matter their race, gender or class.