

2022 SCC District Attorney Questionnaire

Email *

REDACTED

First Name *

Sajid

Last Name *

Khan

Current Occupation *

Deputy Public Defender

Please list your top endorsements (up to 5) *

Planned Parenthood Advocates Mar Monte, State Senator Dave Cortese, California Assemblymember Ash Kalra, California Assemblymember Alex Lee, Retired Judge LaDoris Cordell

How many years of experience do you have as a lawyer? *

14+

District Attorney Questions. A minimum of 10 of the 12 questions below will be the in-person questions asked during the candidate forum. The answers below will be posted on our website for full transparency.



SILICON VALLEY PUBLIC ACCOUNTABILITY FOUNDATION

Many residents of Santa Clara County have been the victim of crime or know someone who has been the victim of crime. Our residents pay the costs for mob retail theft, vehicle break-ins, graffiti, catalytic converter theft, sideshows, vandalism, and more. What is your plan to combat and prevent crime at the neighborhood level and decrease violence in our county? Will you seek the highest penalties for crimes like these and seek to recover costs to the public through asset seizure laws? *

Those of us who call Santa Clara County home continue to feel unsafe and fearful under the leadership of an incumbent district attorney who relies on prisons and jails as the primary response to crime.

The current DA's office continues to define justice by how long it incarcerates people and utilizes other practices like cash bail, three strike enhancements and mandatory minimum sentences that have not made us safer.

As a public defender in this community, I have come to learn that so many people who commit the harms of property crimes are living on the margins in our communities. They have been victims of harms themselves and suffer through family separation, homelessness, unemployment, drug and alcohol dependence, debt and mental illness.

Many of these people have come through our courthouses and jails. They have not been rehabilitated and made more whole, but instead have been further traumatized and destabilized by our criminal legal systems and then released back into our communities.

I'm running for DA because we can't keep ignoring the root causes of harm and continue turning to the same failed policies and imbalanced budgets that prioritize policing and punishment over care and services.

The continued emphasis on incarceration and criminalization where we destabilize communities, separate families, cut off access to housing, shortchange schools, fail to heal people and perpetuate systemic racism will not stop property crime and leave us feeling safer in our homes and streets.

Our path to public safety isn't through jails, prisons and harsher sentences.

This moment demands real investment in the full dignity and well-being of all our people. We must ensure all our fellow human beings have access to a good education, competitively paying jobs, safe and clean housing, comprehensive health care and community ties and support.

By doing so, we prevent harms like burglaries and retail thefts from happening in the first place.

And when property crimes do occur, we must determine in each case the evidence-based intervention that will restore crime victims and also address root causes underlying an incident, including mental illness, substance abuse and unhealed trauma. We must hold people accountable—while also promoting healing and rehabilitation.

These system responses, more creative and effective than incarceration-centric measures, will stop the cycle that manifests in these harms and will actually make our communities safer and give us the peace of

mind we all desire and deserve.

Please see an op-ed I wrote on the subject here: <https://sanjosespotlight.com/khan-addressing-property-crimes-in-santa-clara-county/>

How will you work with and empower concerned residents, neighborhood associations, community organizations, and small businesses who have been impacted by crime or who want to be proactive in their communities to fight crime? *

My goal is to be a truly representative District Attorney once elected, and in order to do so, I understand that means ensuring that my staff in leadership roles are truly representative of the community. I have already started this process with my campaign by hiring women in the top two leadership roles on this campaign, one of which is my campaign manager, Amaris Leon, who identifies as a queer woman of color, and has experienced first hand many of the disparities our society refuses to eliminate, such as houselessness and barriers to medical treatment.

By employing, collaborating with, and relying upon a diverse team, I will be able to make mindful, wise, and necessary decisions to ensure the dignity and safety of all people in Santa Clara County.

As District Attorney, I will be an advocate for widespread systems transformation. I will work with legislators, judges, public defenders, law enforcement, and other community stakeholders to advance justice through policy reforms. We must also foster input from and engagement with non-governmental community organizations like neighborhood groups, labor coalitions, non-profits, and youth organizations.

I am committed to ongoing communication with individuals and organizations directed at driving change and implementing the best reforms for the people of Santa Clara County.

I will consult with labor leaders, unions and community agencies on an ongoing basis to hold corporations accountable and protect working class members of our community.

Many residents are frustrated with the free pass that many members of our homeless community seemingly get for breaking the law. While being homeless is not a crime, those who are homeless and who are camping in unauthorized areas, creating blight, brandishing and trafficking weapons, exposing their genitals to children, performing sex acts in public, defecating and urinating in public view, discarding used syringes in public areas, using narcotics, and more are committing crimes. What is your plan to address these everyday issues residents face related to homelessness? *

As a member of this community and as an advocate for human and civil rights, I support and encourage all efforts that increase our social safety nets in order to provide safety, health and dignity for all, including ethical and transit-oriented development to ensure everyone has access to affordable housing.

I will fight to reallocate money away from our systems of mass incarceration and criminalization and work to devote those resources and savings to fully fund services and programs - namely education, healthcare, mental health, and substance abuse treatment, vocational training, and housing - that actually make our communities healthier and safer.

When people engage in harmful behaviors like those listed, we will respond with evidence based interventions that address the root causes of the harm and stop the cycle of suffering in our communities.

Will you administer the criminal justice system equally among every person charged with a crime or will you be more lenient depending on the defendant's race, gender, orientation, or economic status? *

My approach will be to seek evidence-based sentences that take into account the circumstances of the harm, the grave impact on the survivor and the community, the desires of the survivor, and the context, age, background, prospects for rehabilitation, and threat of future harm of the accused. Ultimately, we will strive for outcomes that hold offenders accountable, honor and respect survivors, and address root causes so that the harm never occurs again. This will be the approach whether or not accused people exercise their rights to trial. As DA, I vow to fairly and thoughtfully balance all of these critical considerations in seeking out the most just and necessary outcome in each case. And while some may not agree with our office's decisions or response on a particular case, we will always center survivors, apply the law fairly, and fight to achieve justice for every person regardless of race, gender or socioeconomic status.

Morale within our law enforcement community appears to be at an all time low with attacks on the Peace Officer's Bill of Rights and calls for defunding the police by politicians. What does police reform mean to you, how will you hold bad officers accountable, and do you believe that the Peace Officer's Bill of Rights should be preserved or modified? *

Most pressing in Santa Clara County is the issue of police accountability. From 2015-2020 in the Bay Area, police officers killed 110 people, including eighteen killed by San Jose police. Sixty-seven percent of those people killed were Black, Latinx, or Asian. Not a single police officer who killed any of these people was prosecuted.

In the last 5+ years, 20 people - including 17 people of color - were killed by San Jose Police and the Santa Clara County DA's office did not prosecute a single officer involved in those killings with a single crime.

We must ensure that our community can trust in law enforcement and that law enforcement patrolling our streets are doing their jobs lawfully and humanely.

I will prosecute police officers who unjustifiably kill or use excessive force. I will not prosecute cases where police violate the Constitution or engage in racially discriminatory practices when collecting evidence. I will not allow police officers who have proven to be dishonest to serve as witnesses in court. I will prosecute police officers who falsify reports or commit perjury.

If elected, you would be the lead law enforcement official in the county. Do you support Santa Clara County law enforcement officers and how do you see yourself personally building sustainable relationships with the numerous law enforcement agencies throughout our county? *

I am committed to working with and supporting police officers who do their jobs lawfully and humanely in our communities. I am committed to ensuring our police officers have safe working conditions, competitive pay, meaningful health care, and access to trauma informed care and mental health services.

When any of us break the law, we should expect there to be consequences. The standard should be no different for law enforcement. In order to gain trust with the community, police officers need to be held accountable when they break the law. I will hold police officers who violate the law accountable so that we can cultivate community trust between law enforcement and the people they serve which will lead to long term community safety.

Are there any federal, state, or local laws that you will not prosecute or penalties for breaking *
the law that you will not seek? If so, what are they and explain your rationale?

We will stop prosecuting gang enhancements that result in excessive, inhumane sentences, perpetuate systemic racism and mass incarceration, fail to address root causes of crime, and don't make our communities safer. 88% of gang enhancement prosecutions in Santa Clara County are against people of color.

I have seen how gang enhancements devastate and impact communities of color. The enhancements motivate--or at least rationalize--all sorts of inhumane police treatment of people of color, including mass detention and cataloging people's bodies for marks or indicia or association. I have seen this close up and spoken at length about the need to get out of the racist gang enhancement process.

Our office will not overcharge. For example, we will only charge offenses that are "wobblers" (crimes that can be charged as felonies or misdemeanors) as misdemeanors, absent identified aggravating factors. We will not seek three strikes enhancements that are often used as leverage to coerce pleas.

Do you support the 2019 Santa Clara County Sanctuary decision of not notifying ICE when *
law enforcement releases undocumented serious and violent criminals for either citing and releasing or after time has been served for a crime?

Yes. When elected, I will direct my staff to have no interaction with ICE. The incumbent has repeatedly advocated for county compliance with ICE. I reject that approach. I will revise the immigration policy to eliminate the need to impose more severe consequences on those seeking relief in immigration proceedings. I will end the practice of requiring people to "plead up", admitting more serious charges, or accepting a more harsh sentence in exchange for dispositions that have potential immigration benefits. I do not believe a person should be incarcerated for longer or receive a felony rather than a misdemeanor as part of a negotiation for less severe immigration consequences.

San Francisco DA Chesa Boudin and Los Angeles DA George Gascon are facing recalls by *
their respective constituents. Why do you believe they have been recalled? What is your position on these recalls and do you agree with them?

I am rooted and invested in Santa Clara County and have worked here for my entire career. I know how the system here in this place has failed and resulted in injustice and am uniquely qualified to make our criminal legal system here in Santa Clara County more just and our communities here more safe and dignified. I am not focused on or paying significant attention to what's happening in San Francisco and LA.

The city of San Jose recently read into law an ordinance requiring gun owners to pay a tax and purchase liability insurance. Additionally, there are several other gun control measures in the pipeline (<https://bit.ly/3k6eSfQ>). Critics have stated most of these laws and proposals unfairly target law abiding gun owners and do nothing to address violence in the city. Do you believe these laws and proposals will reduce violence in San Jose and hold up in court, why or why not? What would you advocate for to reduce gun violence in Santa Clara County? *

I am supportive of creative, innovative solutions to gun violence in our communities while also being committed to the laws and spirit of our United States Constitution.

We discuss violence as a monolithic character trait rather than what it truly is – something that is born out of a series of circumstances like shame, fear, isolation, poverty, lack of opportunity, unaddressed trauma and mental health issues, or even toxic societal reinforcements.

And if we as a community declare that we want to reduce and even eliminate violence, we have to invest in addressing the underlying causes to reach our goal. It's time for a more holistic and evidence-based approach to violence in our community.

A truly survivor-centered response to violence would include the broad availability of mental health treatment, counseling, trauma-informed care, culturally rooted and relevant healing practices, and the the removal of barriers to reporting harms and accessing both community-based services and victims' compensation.

Many reforms have been enacted at the state and local level that have affected our judicial system. Many of these reforms favor rehabilitation vs. incarceration and reduced sentences for even violent crimes. This stands as crime continues to rise in our communities and it appears reforms are not working as intended. What is your stance on mandatory minimum sentences for violent felony crimes? How do you propose holding those convicted accountable in order to reduce crime and keep our communities safe? *

We will not achieve long term, sustainable public safety through our jails and prisons. There is simply no evidence of that. I do not support defining justice in a particular case solely by a jail or prison term and do not support one sized fits all sentencing schemes that ignore root causes and context of harm.

Public safety isn't mandatory minimums, life, LWOP (life without the possibility of parole) sentences where we send predominantly men of color to prison for life and lengthy sentences, separating them from their families and their families from them.

Public safety is honoring the humanity of even those who do the worst things, remembering their stories & contexts, healing their traumas.

Public safety is rethinking the metric that incarceration equals justice.

Public safety is crafting narrowly tailored sentences and treatment plans that may or may not include incarceration, that hold people who commit crimes accountable but also honor their humanity and capacity for redemption, that helps heal the roots of their misbehaviors through the use of supervision, wraparound services, residential treatment facilities, halfway houses or counseling centers, concurrently promoting public safety and justice for victims.

Prop 47 and AB109 reclassified numerous felony crimes to misdemeanors. Prop 57 shortened prison sentences for non convicted violent offenders and was the driving force behind the ruling for 20,000 convicted sex offenders to be reviewed for early release from prison. What is your position on Props 47, 57, and AB 109? What changes, if any, would you advocate need to be made to these laws? *

I supported these laws when passed and continue to support them now. They have helped repair harms of mass incarceration and systemic racism, reduced our jail and prison populations and provided pathways for people for rehabilitation and reintegration into our communities.