

2022 SCC District Attorney Questionnaire

Email *

REDACTED

First Name *

Jeff

Last Name *

Rosen

Current Occupation *

Santa Clara County District Attorney

Please list your top endorsements (up to 5) *

San Jose Police Officers' Association, Santa Clara County Deputy Sheriff's' Association, Crime Victims United, San Jose Mayor Sam Liccardo, San Jose Mercury News, for a more complete list of my endorsements, please visit: www.jeffrosen.org

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

29 years

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? *

To prevent crime and decrease violence, the DA's Office uses both hard power and soft power. Hard power is prosecuting serious, violent and repeat offenders and sending them to jail or prison. We successfully prosecute thousands of serious, violent and repeat offender cases each year.

Soft power is preventing crime from happening in the first place by keeping teenagers away from gangs and drugs with positive programs run by the DA's Office, police departments, community non-profits and youth sports. The DA's Office deploys several community prosecutors to neighborhoods that are plagued by violence to help these neighborhoods organize and work with law enforcement to promote safety. We also teach the Parent Project to thousands of families to help parents of troubled teens become stronger families. We teach the Parent Project in the county jail as well, because rehabilitation programs for those incarcerated makes them less likely to commit crimes when they are released back into the community. I just received an award for being an early and strong supporter of Santa Clara County's Re-Entry centers which provides educational, employment and housing assistance to those released from jail or prison and back into our County. While the average recidivism rate in California is about 70%, the recidivism rate in Santa Clara County is 44%.

We will soon be rolling out a version of Operation Ceasefire which will bring together gang members, employers, faith leaders, parole officers, police officers, and community based organizations to provide strong positive incentives for gang members to leave their gangs, and strong negative consequences for continuing to commit serious and violent crimes.

We have used asset forfeiture funds to run programs including, The Parent Project, Gun Buybacks, and grants to community based organizations that are keeping kids away from gangs and drugs, and helping address racial inequities in our society.

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? *

Our DA Victims Services Unit helps tens of thousands of crime victims each year get restitution, counseling and emergency food and shelter. Our Community Prosecutors work directly with concerned residents, neighborhood associations, community organizations and small business owners to reduce crime. We have worked with Issa Ajlouny of Safer San Jose to reduce burglaries in South San Jose.

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? *

Homelessness is a complex societal problem that cannot be solved through the criminal justice system. Being homeless is not a crime and the police will not arrest a person for being homeless and the DA's Office will not prosecute for being homeless. If a homeless person commits a crime, we will prosecute that case and seek a resolution that holds the person accountable and also addresses some of that person's unique problems, including mental illness and/or drug addiction. If a homeless person is the victim of a crime, we will prosecute that crime and help the victim heal and get back on their feet and provide them with services including food, shelter, and counseling.

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? *

Yes.

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? *

I am adamantly against defunding the police. We need more police officers in San Jose not fewer. Police officers are a cost effective way to reduce crime and pay for themselves in fewer property and violent crimes committed. Police reform means better training, more tools like mental health professionals to go out on calls with the police or instead of the police, and holding officers accountable when they have broken the law. I have prosecuted more than 60 law enforcement officers for crimes including: excessive use of force, assault, drunk driving, drug trafficking, grand theft, bribery, possession of child pornography, perjury, fraud, rape and murder.

I believe that POBAR has been modified by the state legislature in the last few years.

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? *

Absolutely and I have built strong relationships with officers since I became a prosecutor in 1995 and worked my way up with officers who became Sgts, Lts, Captains and Chiefs. Endorsed by PORAC, SJPOA and SCCDSA. Currently, I meet regularly with and have very strong relationships with all of the county's police chiefs, as well as our federal partners in the FBI, Secret Service, ATF, and DEA.

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? *

If the only charges against a person are simple possession of drugs or under the influence of drugs, the first two in a year will go straight to County Behavior Services for drug treatment. Cases filed in criminal court would take more than a year to resolve, and at the conclusion of the case, the court would order the person to go to drug treatment. I think we should do that right away which is why we refer the individuals to drug treatment. Drug addiction is a public health problem. However, if the person commits a third offense within a year, we will file all three cases because this is now becoming a public safety issue. This approach is similar to how we have handled those arrested for being drunk in public.

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? *

No. I said then that I believed the County Jail should notify ICE about the small number of undocumented individuals who committed serious or violent crimes like: burglary, robbery, child molestation, rape, assault with a deadly weapon, attempted murder, murder. I testified with SJPD Chief Eddie Garcia, but the Board of Supervisors disagreed with us.

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 the Santa Clara County District Attorney, not the SFDA or LADA. Ask their constituents why they are being recalled.

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 the Mayor's efforts to try new things to reduce gun violence. Whether his liability insurance will work, remains to be seen.

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? *

Crime goes up and down for many reasons, including: demographics, environment, wealth inequality, number of police officers and style of policing. Individuals convicted of violent felony crimes are a danger to the community and must be held appropriately accountable. In the case of violent felony crimes, that means prison. The DA's Office has a conviction rate of more than 99% on felony crimes from negotiated settlements to jury verdicts. Swift and certain justice is a way to reduce and deter crime. There is a sentencing range for violent felony crimes - low, middle and high. I support mandatory minimum sentences for violent felony crimes.

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 support AB109's goal of having counties handle low level crimes and not the state prisons. At the local level, our county provides re-entry resources to offenders which helps them successfully rehabilitate back into the community. This is better for that individual, their family, crime victims and the entire community. The county's recidivism rate is much lower than the statewide average. I think AB 109 could be improved by lengthening the amount of time a person is on probation.

I supported Prop 47 because felony convictions for low level thefts and drug addiction are racially disproportionate, needlessly increase the state prison population which is expensive, and make it very difficult for these individuals to successfully reintegrate back into our community which is in everyone's best interest. I believe that misdemeanor convictions for these low level crimes can hold individuals appropriately accountable while making it easier for them to become successful and law abiding citizens. California's felony threshold for thefts is \$950 which is a lower threshold than 40 other states.

There were two parts of Prop. 57. One part stated that prosecutors could no longer unilaterally charge a juvenile directly into adult court, but would now have to seek approval first from a Juvenile Court Judge. I supported this part because sentencing is a primarily judicial responsibility. The second part of Prop 57 provided for the early release of those who had not committed "violent" offenses. I had my concerns because I believed that the list of "violent" offenses left out many violent crimes and therefore, allowed for the early release of individuals who committed crimes that most people would find violent and dangerous.

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