

[Please answer all questions.]

Contact Information (For survey administrator use only)



About the Campaign (For Public Use: to be posted online along with survey responses)

- a. Candidate Name: John Choi
- b. County: Ramsey
- c. Campaign website: www.johnchoi.org
- d. Campaign email address: johnchoicampaign@gmail.com
- e. Campaign phone number: See above
- f. Please provide a link to a headshot of the candidate. (Or email a jpeg or other image to Aliya Khan, akhan@aclu-mn.org.)
- g. (Optional) Please provide a link to a video clip (no longer than 60 seconds) of the candidate answering this question from Rock the Vote: “How would you be a champion for young people, particularly those of color?” [Questions? Contact XX.]

Ending Mass Incarceration

- 1. Do you agree that prosecutors’ practices have contributed significantly to mass incarceration?
Please select:
 - Yes
 - No

It is undeniable that criminal justice policies over the past several decades have fueled mass incarceration in this country and prosecutors play a pivotal role in the justice system. In Minnesota, prosecutors have been leading efforts to collaborate with our justice partners at the state level to institute reforms that decrease reliance on incarceration. I do not believe incarceration is always the best way to achieve public safety. Recently, [I was honored by Minnesota Lawyer as an Attorney of the Year](#) for my leadership in bringing people together to drive drug sentencing reform which eliminated mandatory minimums, decreased incarceration for low-level drug possession and redirected savings to treatment at the local level. In Minnesota, sentencing guidelines are utilized by our justice system to ensure parity in consequences for similar types of crimes across our state. According to the most recent

Drug Sentencing Guidelines Report, the rate of incarceration is decreasing in Minnesota for the first time in years. I have supported the Juvenile Detention Alternatives Initiative, which has reduced the average daily population of youth detained from over 100 per day to as few as 13. As an active member of Law Enforcement Leaders to Reduce Crime and Incarceration, I am working to convene 100 police officers and prosecutors to discuss mass incarceration here in Minnesota. In addition, we have created a pre-charge felony diversion program for adults, developed plans to expand diversion eligibility for adult felony cases and are working with justice stakeholders to revisit arrest and pre-trial policies.

2. Will you commit to implementing practices aimed at reducing the jail and prison populations by a specific percentage by the end of your upcoming four-year term?
Please select:

Yes

No

As stated above, the Drug Sentencing Reform Act of 2016, which was led by prosecutors, has already begun to reduce the numbers of people being incarcerated. We believe this is just a start and we need to continually evaluate data - with a racial equity lens - to understand who is being incarcerated for which types of crimes and consider whether other alternatives could be appropriate and in the interest of public safety. Recognizing the significant challenges associated with being addicted to drugs, I am proud of the work we did in 2012 and 2013 with people whose parental rights had been terminated due to the effects of drug addiction to pass new legislation called the Family Reunification Act, which provided a legal path to reunite teens languishing in the foster care system if their parents have rehabilitated and the court finds reunification to be in the teen's best interest. In order for our justice system to be truly just, we must embrace the concept of mercy, believe people deserve second chances and mitigate collateral consequences of justice involvement so people can fully participate in our democracy, secure affordable housing and obtain a living wage job after they are released. I am proud of my efforts over the years to support the Second Chance Coalition and their reform efforts, as well.

If "Yes," please identify your goal and what specific combination of reforms you anticipate will help realize this goal.

In 2019, we will revisit eligibility for adult felony diversion with an eye toward expanding criteria to offer more people diversion and explore other innovative strategies with a focus on continuous improvement. We continue to partner on Ramsey County's Juvenile Detention Alternatives Initiative (JDAI), which has not only reduced the average daily population in our Juvenile Detention Center, but is now considering how to develop community-based alternatives to placement for youth who have committed more serious crimes. In addition, we work through our Criminal Justice Coordinating Committee to host Warrant Resolution Days, reduce revocation rates, issue auto-reminders of court dates, and improve pre-trial risk and bail evaluation. Lastly, [I have been a strong proponent of restoring voting rights to people convicted of felonies upon release](#) so they can fully participate in our democracy.

3. Will you commit to decreasing prosecutions of drug offenders and instead promote the use of diversion and/or treatment programs?

Please select:

- Yes
 No

As indicated above, I brought the defense bar and police together to come to an agreement on drug sentencing reform and creating a criminal justice reinvestment account that currently funds treatment at the local level. On the local level, I led the effort to establish a Veteran's Treatment Court in Ramsey County, and have invested significant resources in all of our four treatment courts, including drug treatment. Treatment courts are a diversionary opportunity to help people address the underlying causes of their criminal involvement by focusing holistically on their unique situation, establishing goals collaboratively with the participant, increasing accountability to those goals, and having a team of people (judge, attorneys, social worker, mentor, etc.) all focused on supporting their success. I would like to see a greater commitment to funding these alternatives at the state level and more investment in treatment courts throughout our state. In addition, I believe there are fundamental concepts used in treatment courts that can be expanded and used in traditional court cases as well.

Standing Up to Police Misconduct

4. Will you swiftly, thoroughly, and transparently investigate officer-involved shootings and claims of police brutality, and make your findings publicly available?

Please select:

- Yes
 No

I have taken my duty to respond to officer-involved shootings incredibly seriously during my tenure in office and have been adamant about maintaining the integrity of the process and complete transparency under the law. In response to increased calls from our community for transparency that was prohibited under the law with respect to grand juries, I committed to releasing as much information as we could and still comply with the law. When it became clear the grand jury process itself was creating distrust in officer-involved shootings, as opposed to appreciating the community voice it was designed to bring, I committed to having our staff review each case and making the decision on our own, in the interest of full transparency and accountability, unless specific circumstances warrant the enhanced investigative capacity of a grand jury. At every step in the process, whether we decide to charge a case or not, we are fully transparent, releasing all of the evidence we have reviewed at the appropriate time and explaining the justification under the law for the decisions we make.

5. Because prosecutors need to work closely with law enforcement personnel, officer-involved shootings and claims of police brutality necessarily create conflicts of interest for prosecutors. Will your office recuse itself and call for an independent investigation by the Attorney General of Minnesota in such cases?

Please select:

Yes

No

Our current Attorney General has not expressed an interest in taking these cases, however, I am open to exploring this issue with her successor. I am one of a select group of progressive prosecutors across the nation who has been engaged through the Institute for Innovation in Prosecution at John Jay College in New York to reimagine the role of the prosecutor to that of a community problem-solver. Through this work, I have developed relationships with many reform-minded prosecutors nationwide who are exploring the idea of a statewide solution such as the model used in New York. Of course, as with any other crime, we apply our conflict of interest policy to every case and would conflict a case out if necessary to avoid a specific conflict. There are other ways to approach this issue, such as appointing an independent prosecutor, as we did in the case against Jeronimo Yanez, who helped bring an independent perspective into our review of the BCA's investigation into the death of Philando Castile.

Combatting Racial Disparities

6. Will you commit to implementing internal ongoing anti-bias training and examining bias in charging, hiring decisions, bail recommendations, diversionary-program placements, and plea bargains.

Please select:

Yes

No

Absolutely. We already do. We recognized long ago that every single human being has bias and it can impact the discretion our employees rely on to make decisions. We have partnered with our justice partners - judges, public defenders, corrections and others - to conduct trainings on implicit bias, offered our own, and require every employee in our office to be trained on implicit bias in hiring before they can serve on a hiring panel. We have an employee-led diversity and inclusion committee and have a strategic plan in place to increase awareness and ability to relate to people across race, class, and culture. Through ongoing trainings, an online resource library our staff has developed, and a commitment to implementing the Intercultural Development Inventory (IDI) office wide, we have set the expectation that all staff will continue to improve their intercultural skills and incorporated it into staff and management performance reviews. In addition, we have invited Jeff Robinson, the ACLU Director of the Trone Center for Justice and Equality, to conduct a mandatory joint training involving racial justice and equity for prosecutors, public defenders and judges in the spring of 2019. We have also conducted two comprehensive race disparity and decision point analysis studies, in conjunction with our work as a partner in JDAI, all of which was made public on the County's JDAI website and through local media stories.

7. Will you decline to file charges against an individual where evidence indicates racial profiling or other racial bias in stopping, searching, or arresting the individual, or investigating the crime?

Please select:

- Yes
 No

We do not charge cases where the officer would have serious past Brady violations, which include racial bias among others.

Ending Poverty Penalties and Money Bail

8. Minnesota's Constitution prohibits excessive bail but does not require individuals to post money bail at all. Thus, prosecutors have the discretion to refrain from asking courts to require money bail. Would you commit to starting a system that ends in release without cash bail in most circumstances?

Please select:

- Yes
 No

Unless people are deemed by a judge to pose a threat to public safety or be likely to fail to appear for their next court appearance, I do not believe a defendant should be held simply because they do not have enough money to post bail for misdemeanor-level offenses. With regard to felony crimes, the same legal limitations apply for the judge who makes this decision, but prosecutors can play a role in the bail arguments that are made to the court. More study and data is needed in the area of felony cases, but I am open to evidenced-based changes that can be made in our office that promote public safety and continued participation in court. One promising pilot initiative we undertook starting in 2012 enables conditional release utilizing GPS technology to keep victims safe in domestic violence situations. Over the past six years, GPS technology has been proven to increase accountability, public safety and court appearance rates while reducing the need for pre-trial detention.

Ensuring Accessibility, Transparency, and Accountability

9. Will you commit to developing and implementing a plan to personally, regularly, and meaningfully engage and communicate with all constituencies in your county in the first 100 days of your term (especially communities of color, immigrant communities, community-based organizations, and criminal-justice-reform advocates) and to involve them in determining the priorities of your office?

Please select:

- Yes
 No

We have regular and ongoing conversations with our constituents, particularly those from communities of color, immigrants, and others who are disproportionately impacted by the justice system.

10. Will you commit to post on your office's website all policies, protocols, and MOUs dealing with prosecution guidelines, police-involved incidents, bail recommendations, fines and fees, diversion programs, plea bargains, civil asset forfeiture, immigration considerations, and indigent determinations?

Please select:

Yes

No

We already post some of this information and are open to expanding what we post. We do this through our work with JDAI, the County's Budget Process and on our website. We believe in transparency - we work for the public and the public has a right to know how we are doing our work.

11. Will you commit to collect and post on your office's website quarterly statistical information disaggregated by race and gender on felony-charging decisions, convictions, declinations to charge, and diversion-program placements?

Please select:

Yes

No

As mentioned above, [during my tenure in office](#), we have conducted and presented to the community several decision point analyses through our JDAI initiative with all data disaggregated by race, age, and gender. Two years ago, we implemented a new case management system with the goal of better understanding our data and being able to share it with the public. We have had numerous unforeseen challenges in getting the new system up and running and in validating the data in the new system to ensure its accuracy. We hired a data analyst in our criminal division and recently hired another data analyst in our juvenile division to expand our capacity around data-informed decision-making and are committed to making more data available on our website, as we are accountable to the public. We always disaggregate our data, when possible, by race, age, and gender so we can identify and better understand disproportionate impacts.

Protecting Immigrant Communities

12. Will you commit to adopt a written policy and a training program that encourages prosecutors to (1) consider the unintended immigration-related consequences of prosecutorial decisions at all stages of a case and to (2) use their discretion to reach immigration-safe dispositions for noncitizens whenever it is possible and appropriate?

Please select:

- Yes
 No

In the landmark Padilla decision in 2010, the Supreme Court held that criminal defendants could claim ineffective assistance of counsel if their attorney failed to inform them of the collateral immigration consequences of their criminal conviction before they entered into a plea agreement. We believe the duty to consider such consequences in plea negotiations should extend to prosecutors as well, in the interest of justice. We regularly consider the implications of plea deals on immigration status and are willing to mitigate them when appropriate. Our staff members have participated in trainings around immigration matters to better understand the implications of our decisions on non-citizens in the federal immigration system. With improved understanding and the significant investment we made in a number of cases, including, but not limited to, ██████ (2012), ██████ (2018) and [Chamroeun Phan \(2017\) to mitigate collateral deportation consequences](#), we realized we need increased capacity to consider immigration and other collateral consequences, both at the time of plea negotiations/sentencing and when we're asked to consider re-sentencing retroactively. Therefore, [we are hiring an experienced immigration attorney](#) in our office within the coming months to advise our attorneys internally about collateral consequences and also assist with U-VISAs and prosecutor-led expungements for deserving individuals.

13. To protect immigrant victims of crime, will you commit to adopt and promote a written U-Visa policy that includes a rebuttable presumption of helpfulness and requires that U-Visa certifications be completed regardless of whether charges were brought, a conviction was achieved, or the case has concluded?

Please select:

- Yes
 No

See above. The addition of the community services attorney will enhance our capacity in this regard.

14. Will you commit to refrain from using any of the resources of your office to enforce federal immigration laws, leaving such enforcement to federal officials?

Please select:

- Yes
 No

Immigration is and must stay a federal responsibility. It is critical to our local law enforcement efforts that people are able to trust law enforcement and not fear that their information is being provided to ICE officials.

Advancing Youth Justice

15. Will you reduce the number of children in adult court by (1) committing to reduce the number of minors prosecuted as adults and (2) expanding the use of informal diversion and pre-filing diversion in juvenile cases?

Please select:

- Yes
 No

Certifying youth as adults should only be reserved for the most serious offenses. Our data shows that a very small number of youth under 18 are prosecuted as adults in Ramsey County. I am well aware of emerging studies around brain development and am in the process of revisiting the policies in our office in that context. As mentioned above, we have already expanded our diversion criteria for youth, but we will revisit our data to understand how best to enhance it further. Through the more than 700 people who engaged in our community engagement efforts through Marnita's Table (2015-16) and the Community Task Force on Safe Schools (2016-17), we heard loud and clear the desire for us to transform our practices to be more restorative and we are working with our staff to understand their perspectives as we seek to redesign a less adversarial system. We have been exploring this re-design ever since and it will be an important part of my next term in office.

16. Recognizing that children and youth are categorically less culpable than adults, that they have less impulse control, and that they have a profound capacity for transformation, will you decline to seek life in prison without the possibility of parole for any person who was under 25 at the time of an offense your office is prosecuting?

Please select:

- Yes
 No

In order for the justice system to be fair, we have to make decisions based on behaviors and understanding the context of each individual situation. The age of the person accused of committing a crime is a critical factor, based on what we now know about brain development and impulse control. However, justice would not be served by making arbitrary commitments to certain factors without the full context of the unique situational factors that are presented in each case. That being said, I believe that life in prison should be reserved only for the people who have committed the most serious, egregious offenses. Culpability is an important consideration and age is a key factor in determining culpability.