[Please answer all questions]

Contact Information (For survey administrator use only)

For Public Use (To be posted online along with survey responses)

a. Candidate Name: Mike Freeman
b. County: Hennepin
c. Campaign website: http://www.votemikefreeman.com/
d. Campaign email address: mikefreemanhca@gmail.com
e. Campaign phone number: 612-460-7595
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 Jana Kooren at jkooren@aclu-mn.org.]

Ending Mass Incarceration

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

Please elaborate:

Perhaps prosecutors have contributed to mass incarceration in some other places in the U.S. but we have not experienced "mass incarceration" in Minnesota. Minnesota has one of the lowest incarceration rates in the country. Our criminal justice system and leaders have invested in probation, specialty courts addressing drug, veteran and mental health issues. In fact, through these multi-jurisdictional efforts the crime rate has come down over the last 15 years generally. We in the Hennepin County Attorney's Office have worked hard to divert juveniles and adults from minor drug and property crimes, and led the sweeping drug sentencing reforms during the 2016 legislative session. We remain vigilant to aggressively charge and prosecute violent offenders. Moreover, I personally applied and have been selected as a member of the Law Enforcement Leaders to reduce crime and incarceration and have attended several seminars in D.C. We are presently working to bring this group to Minnesota to discuss the issues. www.lawenforcementleaders.org
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

Please elaborate:

Our past practices of diversion - adult and juvenile - have already reduced the incarceration population. In fact, the prison population in Minnesota - historically, one of the lowest in the nation - was even more positively impacted by the major drug reform our office championed. In the Hennepin County Attorney's Office, our practices of decriminalizing truancy and curfew and refusal to routinely charge low level drug offenses has also decreased incarceration. Through our Juvenile Detention Alternative Initiative (JDAI) we helped reduce our average daily juvenile detention population from over 100 a day to below 50 juveniles a day. We believe a better approach to targeted reductions in prison population is done by bringing stakeholders together and use data to drive important policy changes, rather than suggest arbitrary percentages. We will continue to reduce low-level crime prosecution and focus on serious and violent crime.

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

See Above

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

Please elaborate:

Absolutely, and in fact our policies and office practices already reduce prosecution of low-level drug crimes partially through our break through programs of diversion, treatment and the use of Drug Court with its rehabilitation model. We are now expanding our work through implementing automatic expungement for those drug offenders who successfully complete our drug diversion programs. I will continue to work to ensure these practices are always followed in this office and to encourage others statewide to follow our practices.
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

Please elaborate:

We have been handling police shootings and other misconduct cases over the last several years. My decision to discontinue using grand juries to make charging decisions in police shooting cases has expedited the process and made it more accountable and transparent. Others throughout Minnesota and the Country are starting to follow our lead.

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

Please elaborate:

We are willing to enter into such discussions. The current Minnesota Attorney General has not yet expressed an interest in taking these cases. However, given that we will have a new Attorney General next year I remain committed to engage in this dialogue to see what opportunities are available in the future. We use our standard conflict of interest protocols and do not believe any of the recent police prosecutions, shootings or other circumstances have presented us with a real conflict of interest.
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

Please elaborate:

Our staff has recently gone through extensive anti-bias training, including office-wide implicit bias training, by one of the U.S. leading experts from the University of Washington.

We requested and worked with personnel from the now-defunct Council on Crime and Justice to review our juvenile charging standards. That effort concluded there was no measurable bias. We are seeking to do additional analysis with adult prosecutions soon.

Hennepin County's evidence-based bail evaluation tool is a model for the state of Minnesota. Our Brady policies and protocol are one of the leading ones in the country.

This work is never complete and we will remain vigilant in our evaluation, training, and recommendations.

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

Please elaborate:

Yes. The Hennepin County Attorney's Office is deeply committed to eliminating racial profiling and racial bias throughout the criminal justice system. I have required implicit bias training for all Hennepin County Attorney staff. Further, we have been supportive of law enforcement agencies, and assisted when appropriate, in aggressive training programs to eliminate implicit and explicit bias in police work. I have also promoted the use of body-worn cameras for law enforcement as a means of safeguarding against bias. Our office will take all-appropriate action if it becomes aware of evidence demonstrating that racial profiling or racial bias has occurred in a case, up to and including the dismissal of charges.
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

Please elaborate:

I have supported review of making sure case bail is only used in critical cases.

Cash bail is necessary in some cases of very violent behavior or when the serious offender has a history of failing to appear.

We in the Hennepin County Attorney's Office do not generally prosecute misdemeanors or gross misdemeanors - that is where there has been abuse in other areas of the country. To that end, we are open to participating in system-wide dialog about how proposed changes can best serve the county and its residence.

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

Please elaborate:

I have made it a practice to meet with a broad cross section of the community on a regular basis and when re-elected I plan to expand that practice. Community input is a key part of my decision making process. A classic example is, discontinuing using the grand jury and to decide to make charging decisions myself in police shooting cases after extensive study and valuable input from the community. Now more than ever, having regular engagement with communities impacted by the work of our office is critical. I am currently working on a process for additional communication and dialog around our child protection system. I also see a more valuable way for cross-jurisdictional collaboration to expand these efforts and plan to take a leadership role in this endeavor.
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

Please elaborate:

We post some of these items now and pledge to expand our postings. This is a very expansive list and some of the items have not been easy to post in the past. However, we are undertaking a review of our current postings and agree the items above are important policy matters to share with the community.

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

Please elaborate:

The Hennepin County Attorney’s Office has been working for many months to create a dashboard of our criminal charging and disposition data that can be updated on a monthly basis to promote accountability and transparency in our work. We hope to have this available in the next month or two. We do not originate the data on race or gender; that information is collected by law enforcement and the courts and then shared with us for limited use. As a result, we are currently working through whether we are able to post race and gender data (even in its disaggregated form) and still be in compliance with the agreements we have to receive the data.
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

Please elaborate:

Our office has provided training to staff on the immigration process. Our office also provides diversion programming to juveniles and adults without regard to their immigration status so that all who are otherwise eligible may participate. I was recently made aware of the possibility that the acceptance of responsibility that all diversion participants must complete might have the potential to be used in immigration proceedings if filed with the Court. Accordingly, we immediately changed our diversion policy to permit the acceptance of responsibility to not be filed with the Court.

In other plea negotiations, however, the consideration of collateral consequences such as immigration, employment, licensing, scholarships, military eligibility and others raises significant concerns that people will be treated unfairly. We believe in equal protection under the law and our mission includes “justice and fairness every day and in everything we do.” Offenders facing adverse immigration consequences could receive more favorable treatment than other citizens, employed people could receive more favorable treatment than the unemployed, students could receive more favorable treatment than those not in school. Because we are committed to fairness and justice, we base our charging, plea negotiations, trials, and sentencings on the facts of the particular case and the culpability of the particular offender rather than on the collateral consequences that may occur as a result of a particular outcome.

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

Please elaborate:

The Hennepin County Attorney's Office has been a leader in helping folks with U visas and will continue to do that. We do not require a particular outcome in the consideration in the U visa process.
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

Please elaborate:

I have not in the past and will not in the future support use of state or county resources in the enforcement of federal immigration law. Immigration is a federal responsibility.

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

Please elaborate:

Our current practice with juveniles has been to decriminalize or divert for minor offenses. We are among the leaders in Minnesota in this practice. We only seek adult certification for the most serious violent offenses such as homicide or violent rape.
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

Please elaborate:

Minnesota has defined children as those people who are under 18 years of age. So, it would be up to the legislature, taking into account any scientific research and community standards, to determine that life sentences are not available for juveniles and to change the age for life sentence eligibility to 25. It is rare for our office to seek a life sentence for a juvenile and only in the most heinous offenses would we seek life without the possibility of release. I must approve all juvenile cases where a life sentence without the possibility of release is sought.

Thank you for participating in this survey.