

## 20 Questions for Delaware Attorney General Candidates

### CANDIDATE: LAKRESHA ROBERTS (D)

The Coalition for Smart Justice is committed to cutting the number of prisoners in Delaware in half and eliminating racial disparities in the criminal justice system. Prosecutors are essential to achieving those goals. Since the attorney general is the leading law enforcement officer in the state and oversees the work of all the career prosecutors in Delaware, we are prioritizing a campaign to communicate with voters about attorney general candidates' positions on issues related to criminal justice reform. This questionnaire is the focus of that effort.

### Leadership

1. Will you pledge to articulate and implement a vision for the Department of Justice that recognizes Delaware's mass incarceration problem, supports criminal justice reform and aligns the work of the Department—including internal and external communications, training, policies, and hiring and promotion practices—to reflect that vision? Please give a yes or no answer, and any explanation you believe is necessary.

Yes  No

I believe that in order to make lasting criminal justice reform, we must admit that the system is broken and have the political will to change it. As Attorney General, I will be committed to promoting a culture and implementing policies that ensure that the Department fulfills its duty to support a fair criminal justice system and address mass incarceration.

2. How should the success of a prosecutor in Delaware be measured?

The success of a prosecutor should be measured by their professionalism and ability to appropriately resolve cases. It is imperative that prosecutors exercise sound judgment in resolving cases, evaluating the unique facts and circumstances in every case. The prosecutor must balance factors including the defendant's rehabilitative needs, input of the victim, facts of the case, and need for public safety. A prosecutor must be flexible and fair and resolve cases in a way to ensure best outcomes for all parties involved in a case, including the defendant.

3. What would you do to reduce the racial disparities at various stages of the Delaware criminal process?

Transparency is key in order to inform the public and the Department of Justice. By collecting and analyzing case data, Department leadership can identify racial disparities in case dispositions. This data will allow management to address performance issues, identify training needs, and improve internal policies.

## Mass Incarceration

### 4. Do you believe Delaware incarcerates too many people? What would you do to substantially reduce the number of prison admissions in Delaware?

Yes. Data clearly shows that Delaware's incarceration rates are higher than the national average. As Attorney General, I will establish policies that direct prosecutors to seek incarceration for defendants who pose a true risk to the community and seek alternatives to incarceration (e.g. diversion programs, community supervision) for non-violent, low risk offenders.

### 5. Do you believe that prosecutors' practices have contributed significantly to mass incarceration? Why or why not?

The "tough on crime" approach of the past has influenced the approach that prosecutors take to resolve cases. It is time for this style of practice to change. Prosecutors must be dedicated to resolving cases in a way that results in best outcomes for everyone - victims, defendants, and the community. As Attorney General, I will be committed to changing this antiquated approach to prosecution.

### 6. Do you support pre-arrest and pre-trial diversion programs? What steps would you take to increase the number of people who are diverted, including diversion to programs and resources outside the criminal justice system?

Yes, I support pre-arrest and pre-trial diversion programs. These programs provide an opportunity for defendants to receive rehabilitative services while avoiding the burden of a criminal conviction or adjudication and their collateral consequences. As Attorney General, I will support the development of new diversion programs and the expansion of existing programs. This will allow more individuals to be diverted to programs that can meet their needs.

### 7. Will you pledge to support increased involvement of prosecutors at the charging stage in order to ensure that cases prosecutors do not wish to pursue are dismissed early or

never get charged in the first place? Please give a yes or no answer, and any explanation you believe is necessary.

Yes  No

8. Will you pledge to adopt policies and training so that prosecutors in Delaware only file charges that would lead to fair punishment if the defendant were sentenced on all charges and not to use the threat of less-supported or duplicative charges to secure plea bargains? Please give a yes or no answer, and any explanation you believe is necessary.

Yes  No

9. Will you pledge to advocate for the elimination of the automatic issuance of warrants for failures to pay fines? Please give a yes or no answer, and any explanation you believe is necessary.

Yes  No

## Sentencing

10. Do you support shortening the average length of sentences served in Delaware? What steps will you take to make that happen?

The ultimate goal of a sentence should be to meet the rehabilitative needs of the defendant and ensure public safety. I am supportive of legislative measures to reduce the length of sentences such as that which was proposed in HB42. As Attorney General, I will commit working to identify solutions to address mass incarceration.

11. Will you pledge that you will advocate for the elimination of all mandatory minimum sentences? Please give a yes or no answer, and any explanation you believe is necessary. If there are any mandatory minimums you support, please identify them specifically.

Yes  No

I am in favor of revising minimum-mandatory sentencing requirements. I fully support HB 307 which removes all minimum-mandatory sentencing requirements for juveniles adjudicated delinquent in Family Court. This bill allows Family Court judges to exercise more discretion in the sentences they issue in delinquency cases. I also believe that adult

sentencing schemes should be thoroughly reviewed to determine under what circumstances judges should have greater discretion in imposing sentences.

12. Will you pledge to oppose efforts to bring back the death penalty in Delaware, and to instruct prosecutors not to seek the death penalty if it is reinstated? Please give a yes or no answer, and any explanation you believe is necessary.

Yes  No

I am against the death penalty as I believe it is morally reprehensible and fiscally irresponsible. The data is clear that it disproportionately impacts African Americans and is much costlier than life sentences. I do not believe that the General Assembly should pass a bill to reinstate the death penalty, and I will oppose efforts to reinstate the death penalty.

## Pre-trial Detention

13. Do you support substantially reducing the number of people detained pre-trial in Delaware? What steps will you take to make that happen?

Yes. I fully support efforts to reform Delaware's bail system. Whether or not an individual is detained pre-trial should not be contingent upon their ability to pay cash bail. Detention should be based on the alleged offense, risk to the community, and flight risk.

14. Will you pledge to support changes in the law that eliminate or radically reduce the use of monetary payment as a condition of pretrial release? Please give a yes or no answer, and any explanation you believe is necessary.

Yes  No

15. Some people have proposed allowing for up to 10 days of pretrial detention without any possibility of release before certain people charged with crimes have a full evidentiary hearing on whether they should be detained. Do you support shortening that period to 3 days like other states? Please give a yes or no answer, and any explanation you believe is necessary.

Yes  No

## Transparency and Accountability

16. Will you pledge to collect and publicize statistical information disaggregated by race and gender on charging decisions, plea bargaining and sentence recommendations, convictions, declinations and diversion program placements? Please give a yes or no answer, and any explanation you believe is necessary. If you only support publicizing some of this data, please specify.

Yes  No

17. Will you pledge to publicize all policies, protocols, and MOUs regarding prosecution guidelines, police-involved incidents, bail recommendations, fines and fees, diversion programs, plea bargains, civil asset forfeiture, and immigration considerations? Please give a yes or no answer, and any explanation you believe is necessary. If you only support publicizing some of these policies, please specify.

Yes  No

I understand the importance of transparency and believe that the Department of Justice must work to expand public access to criminal justice information. I fully support sharing of information that does not compromise the State's ability to prosecute cases. In the case where information must be withheld, in the interest of transparency, the Department must provide a clear explanation for its basis for doing so.

18. Will you pledge to require all Delaware prosecutors to share police reports and witness statements with defense attorneys at or before preliminary hearings? Please give a yes or no answer, and any explanation you believe is necessary.

Yes  No

As an experienced prosecutor, I understand the importance of sharing information with defense counsel in a timely fashion in order to ensure that proceedings are fair and efficient. I pledge to require prosecutors to share available police reports and witness statements at or before preliminary hearings subject to the prosecutors' compliance with the Victims' Bill of Rights and court orders.

19. Will you pledge to reform DOJ's Actual Innocence Project to expand it into a fully staffed Sentence Review Unit whose mission to review the cases of people who may be actually innocent of a crime for which they were convicted (without other eligibility restrictions), and to include in the mission the review of lengthy sentences that there is good cause to modify under 11 Del. C. § 4217 (and support legislative change to allow for Deputy Attorneys General to move to modify sentences)? Please give a yes or no answer, and any explanation you believe is necessary.

Yes  No

## Juvenile Justice

20. Under what circumstances, if any, do you believe people under 18 should be prosecuted as adults? Will you pledge to support changes in the law consistent with your answer?

As Attorney General, I will commit to evaluating best practices as they relate to consideration of a juvenile's age and whether they should be prosecuted as an adult or juvenile. I will advocate for any necessary changes to be made. Furthermore, I support the use of amenability hearings to allow judges to exercise discretion in determining the appropriate venue for juvenile cases.