

## 20 Questions for Delaware General Assembly Candidates

**CANDIDATE NAME: GUILLERMINA GONZALEZ (D)**

**CANDIDATE DISTRICT: STATE REP. DISTRICT 22**

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. Elected officials are essential to achieving those goals. We have launched a campaign to communicate with voters about candidates' positions on issues related to criminal justice reform. This questionnaire is the focus of that effort. If you choose not to respond, we will indicate that in our public communications.

### Scale Questions

**1. Delaware sends too many people to prison with sentences that are too long.**

Strongly Agree  Agree  Neutral  Disagree  Strongly Disagree

Delaware's incarceration rate of 750 per 100,000 is above the US average and is among the highest in the world. For comparison, many European countries have rates around 100 per 100,000. Delaware Chief Justice Leo E. Strine Jr. criticized the incarceration rate and pointed out that the high rate has been ineffective in reducing crime. Delaware is holding a prison population more than 110 percent of capacity. Delaware needs to review its correction procedures to reduce unnecessary incarceration.

**2. Communities of color are over-policed and underserved.**

Strongly Agree  Agree  Neutral  Disagree  Strongly Disagree

Blacks and Hispanics are arrested and incarcerated at rates 2 to 5 times higher than whites, yet crime disproportionately affects communities of color.

**3. Prison time is an effective deterrent to crime. Longer sentences mean less crime.**

Strongly Agree  Agree  Neutral  Disagree  Strongly Disagree

The most effective crime-reeducation strategy must focus on social and economic factors known to be related to high crime rates. Of the 50 states, Delaware's crime rate puts it at 11<sup>th</sup> from the bottom, showing that Delaware's long prison sentences are not effective at deterring crime. The recidivism rate of 70% over three years shows that Delaware's prisons do little to break the cycle of crime.

4. It is important to invest more state resources into diversion programs such as drug treatment and community supervision so that fewer people go to prison.

Strongly Agree  Agree  Neutral  Disagree  Strongly Disagree

Diversion program can target the root causes that led to the crime in the first place. They can improve long-term community safety while reducing recidivism. Diversion programs are more cost efficient to the state in the long run than longer/harsher prison terms. Programs aimed at elimination of the conditions that lead to crime should also be considered.

5. It is important to invest more state resources into services that will assist people coming out of prison to find a job and be successful as they re-enter the community.

Strongly Agree  Agree  Neutral  Disagree  Strongly Disagree

Yes, services that assist people coming out of prison can break the crime cycle. The State of Virginia achieves a 3-year recidivism rate of 22%, similar to that of Norway. Delaware should invest the resources needed to achieve these levels of success.

6. When an especially egregious crime happens in Delaware, it is important to pass a law to make sentences harsher.

Strongly Agree  Agree  Neutral  Disagree  Strongly Disagree

The focus needs to be on prevention of future crimes by improving social conditions and on reducing the overall harm to society. Laws should enable flexibility so appropriate sentences can be imposed.

7. The state should retain the power to seize people's assets under current civil asset forfeiture laws even though no crime has been proven.

Strongly Agree  Agree  Neutral  Disagree  Strongly Disagree

Civil asset forfeiture is subject to abuse and denies due process to defendants.

8. People of color are treated more harshly by the police and prosecutors than white people.

Strongly Agree  Agree  Neutral  Disagree  Strongly Disagree

There is racial disparity in the criminal justice system and implicit bias in decision making. There is ample evidence that for the same criminal act white people are treated more leniently. People working in the police force and the justice system should

reflect the communities they serve for balanced decision making, which is not the case yet.

9. Probation sentences are too long and there are too many obstacles to meeting the terms of probation.

Strongly Agree  Agree  Neutral  Disagree  Strongly Disagree

The criminal justice system should change its focus from a punitive system to one which focuses on rehabilitation. As such, probation should be limited and facilitated as reasonable alternative to incarceration.

10. Delaware should reinstate the death penalty for murder.

Strongly Agree  Agree  Neutral  Disagree  Strongly Disagree

The death penalty is not an effective deterrent of crime. Execution is an unnecessarily brutal punishment. The last execution in the UK was in 1964 (and its rate of violent crime such as homicide is 75% lower than in the US).

11. Delaware should reinstate the death penalty only for murder of a police officer, prison guard or other first responder.

Strongly Agree  Agree  Neutral  Disagree  Strongly Disagree

Same answer as above; the death penalty is not an effective deterrent of crime. It is immoral and ineffective.

12. The state should establish a civilian oversight board that would review incidences such as serious police brutality or when a police officer kills someone while on duty.

Strongly Agree  Agree  Neutral  Disagree  Strongly Disagree

The police force and the criminal justice system should reflect the communities they represent to be fairer. A civilian oversight board provided with facts and figures would help reduce police abuse and increase community acceptance.

13. Bail reform is important so that a person's ability to access money does not determine who stays in prison awaiting trial and who goes home.

Strongly Agree  Agree  Neutral  Disagree  Strongly Disagree

Bail reform is needed to achieve a just system. Justice should be money blind. The current for-profit cash bail system is unjustly targeting poor people and people of color.

14. Juveniles should not be tried as adults no matter what crime they are accused of.

Strongly Agree  Agree  Neutral  Disagree  Strongly Disagree

The seriousness of the crime is not a relevant factor in determining how an individual should be tried. Factors to consider include mental capacity and social history. A holistic evaluation should be made to determine both.

15. People with a felony record should be able to have that record expunged by a judge, even for serious crimes, after a period of 5-10 years has elapsed with no further criminal activity.

Strongly Agree  Agree  Neutral  Disagree  Strongly Disagree

As the criminal system focuses on rehabilitation, opportunities to start anew should be offered. We all learn from mistakes.

## Open-Ended Questions

16. African Americans are 22 percent of Delaware's population and 51 percent of our prison population. What should the General Assembly do to reduce the racial disparities at various stages of our criminal process?

- **Level the playing field.** Provide access to adequate defense services and access to treatment programs to avoid costly incarceration. Offenders should maintain ties to their families and communities.
- **Invest in high school completion.** The more that potential offenders are educated the less chance that they become criminals.
- **Adopt racial impact statement legislation.** Develop an assessment of the racial/ethnic impact of sentencing legislation to detect potential disproportionate effects in imprisonment. Once clear, adopt and implement racial fairness policy goals.
- **Reorient the "war on drugs."** Support treatment and prevention for substance abuse. Increase community-based options for treatment with local nonprofit organizations that provide pertinent services. Adopt a scoring system to reflect evidence-based analysis avoiding unwarranted racial disparities.

*Source: Mauer, M. (2011). Addressing racial disparities in incarceration. The Prison Journal. Vol 91, Issue 3\_suppl, pp. 875 - 1015. Retrieved from*

<http://journals.sagepub.com/mylibrary.wilmu.edu/doi/full/10.1177/0032885511415227#articleCitationDownloadContainer>

17. The average length of stay in prison in Delaware is 50 percent longer than the national average. Will you pledge to advocate for the elimination of all mandatory minimum sentences? Please give a yes or no answer and any explanation you think is necessary. If there are mandatory minimums you support, please identify them specifically.

Yes, I am in favor of eliminating mandatory minimum sentences. Mandatory minimum sentences are cruel and ineffective. Nor do they address the root causes of criminal behavior. They are not even cost-effective as a means of reducing harm to society.

18. Do you support legislation and appropriation of funds requiring the collection, analysis and publication of statistical data in order to track prosecutorial decisions, evaluate the effectiveness policies and assess racial bias in the criminal justice system? Please give a yes or no answer and any explanation you think is necessary.

Yes, I support legislation to track prosecutorial decisions and assess racial bias in Delaware's criminal justice system. Unless we see facts and figures of where our criminal justice stands, we will not be able to address root causes and systemic issues.

19. Other than gun control legislation, how can Delaware fight our gun violence problem? Are there specific proposals that you would offer as a member of the General Assembly to reduce gun violence in the state?

Reducing gun violence is a must. I support common sense gun safety measures while respecting responsible gun ownership. It is about getting weapons of war away from criminals and off our streets, while preserving the Second Amendment rights of law-abiding gun owners. Options include:

- **Background checks** on all sales and increased enforcement to prevent those who should not have guns from acquiring them.
- **Raising the age to buy guns.**
- **Supporting and working with community-based initiatives such as:**
  - "Red flag laws" where the community can alert about people of concern.
  - "Moms Demand Action" or the "Delaware Coalition Against Gun Violence" bi-partisan groups promoting sensible gun legislation.

- “Alternatives to Violence Project”. The latter is a training program enabling participants to deal with potentially violent situations in new and creative ways. The program started in prisons in the mid-70s but since then it has been implemented in communities, schools, colleges among other places. It has the potential to reduce recidivism.

## 20. Do you support diversion for people accused of some violent crimes such as offensive touching and assault in the third degree?

Yes, diversion is the right thing to do. It offers criminal offenders the possibility of joining a rehabilitation program, which will help remedy the behavior leading to the original arrest and avoid conviction and a criminal record. Some individuals don't know better due to the lack of parenting, role models and support system. They deserve the chance to re-learn and be productive members of society. Opting for diversion programs frees the criminal justice system to address more important issues.