

# 2022 SCC District Attorney Questionnaire

Email \*

REDACTED

First Name \*

Daniel

Last Name \*

Chung

Current Occupation \*

Candidate for Santa Clara County District Attorney

Please list your top endorsements (up to 5) \*

Los Gatos Police Officers Association, Gilroy Councilmember Carol Marques, Gilroy Councilmember Dion Bracco, Palo Alto Councilmember Greg Tanaka

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

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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? \*

I am a career prosecutor who is committed to prosecuting crime. I will fight for public safety, victims' rights, and systemic changes. I will enforce laws and pursue balanced reforms. As DA, I will prioritize prosecuting repeat, serious, and violent offenders. The revolving door for criminals that DA Rosen has helped created in the last 12 years must stop. We must take seriously both violent and property crimes. We have to be tougher on crime and hold people accountable.

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? \*

I am campaigning daily until the sun sets and have been hearing heartbreaking stories from residents and small business owners. As DA, I will strengthen community outreach and partnerships with law enforcement and mental health services. We need a new DA who is going to be more involved in the community. We need more prosecutors who are assigned to particular neighborhoods and are hearing the real, specific, and concrete concerns of those neighbors. The current DA's office is too detached from the community that it serves.

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? \*

Quality of life crimes must be taken seriously. We must care about both small crimes and big crimes. Small crimes bubble up into bigger crimes. When people are not held accountable and feel like they can continually get away with things, there is a breakdown in our society. We must be sympathetic to the homeless, but when they commit crimes repeatedly (and especially if they are serious or violent crimes), we must hold them accountable. I will enforce laws and make sure that our community members are not continually harmed by quality of life crimes.

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? \*

Everybody is equal under the law. I will enforce the law fairly no matter who you are.

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? \*

Defunding the police is a terrible idea, and everybody who advocated for that is now backpedaling because of the disastrous effects of having understaffed police agencies. We should support law enforcement and make sure that they are well trained and qualified. Bad police officers should be held accountable. We should be more transparent with the Brady list with all prosecutors in the DA's Office. We should uphold the rights of peace officers and make sure that due process is respected even for them.

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? \*

I fully support Santa Clara County law enforcement officers and am proud to be endorsed by the Los Gatos Police Officers Association. I want to have more collaborative relationships with all of the law enforcement agencies in the county so that we improve criminal investigations and prosecutions. Prosecutors should be regularly training police officers so that they are doing their job with the highest degree of integrity, competence, and compassion. The DA should be prosecuting resisting arrest cases. Officers should not have to tolerate violence and disrespect. Everybody deserves to be treated with dignity and fairness.

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? \*

I will take my oath seriously and enforce all laws to the best of my ability. Obviously, we cannot prosecute everything (due to resources), but I will exercise my discretion to make sure that we are upholding both the letter and the spirit of every law to the best of our ability. Our main responsibility is law enforcement. We are not social workers or legislators.

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. We should have collaborative relationships with federal law enforcement, and when they go through due process and serve proper documents, we must honor them.

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? \*

They are being recalled because they violated their oaths of office and are ignoring laws and making up their own laws. A DA should enforce laws and take his oath of office seriously. SF and LA are seeing the disastrous effects on public safety when a DA refuses to follow the law. If you don't take your oath seriously and violate it constantly, you should be recalled or removed from office.

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? \*

Many of these proposals are only affecting law-abiding citizens. Law-abiding citizens should get to freely enjoy their Second Amendment rights. We need to target illegal guns and people who use guns to inflict harm on others. When guns are used in crimes, we should punish offenders significantly to deter other gun crimes. We as a society need to better invest in mental health services on the front end.

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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? \*

If you commit repeat, serious, and violent offenses, you should be held accountable. Violent and property crimes must be taken seriously. Mandatory sentences are sometimes necessary to keep the public safe. Everybody makes mistakes and deserves second chances. However, justice also requires accountability. And if you continue to harm our communities and refuse to change, then you should be held accountable. And sometimes that requires prison. For first-time, low-level, or non-violent offenders, diversion programs and alternatives to incarceration and probation grants can be life-changing and offer unique second chances to stay out of the criminal justice system.

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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? \*

A lot of these reforms deceived the public, and we are experiencing their disastrous results. Many of these reforms need changes and amendments. We especially need to give back discretion to prosecutors so that they can hold accountable repeat, serious, and violent offenders. We also need to re-evaluate credits and early releases so that we are not releasing dangerous individuals back into our community. Victims' rights matter, and they should be entitled to speedy justice and truth in sentencing. There needs to be greater balance in the system so that it treats both defendants and victims with fairness and dignity.

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