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COMPLETE

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Page 1: Candidate Contact Info ( For administrator use only)

**Q1** Candidate Name

Deirdre "DK" Hirner

**Q2** County

Cole

**Q3** Contact Person

DK Hirner

**Q4** Contact Email

**Q5** Contact Phone Number

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Page 2: About the Campaign (For Public Use: to be posted online along with survey responses)

**Q6** Campaign website

[www.dkhirnerforprosecutor.com](http://www.dkhirnerforprosecutor.com)

**Q7** Campaign email address

**Q8** Campaign phone number

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**Q9** Please provide a link to a candidate photo. Headshot preferred.

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Page 3: End the Use of Money Bail

**Q10** Does your county currently use cash bail?

Yes

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**Q11** Will you support litigation aimed at prohibiting cash bail for low-level misdemeanors?

My initial reaction to litigation is no; however, I would need to see the nature of the litigation.

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**Q12** Will you support the complete abolition of cash bail? Why or why not?

I would be opposed. Use of money bail depends upon the situation. There may be circumstances where cash bond is appropriate.

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**Q13** In the absence of legislation overhauling Missouri's cash bail system, will your office commit to taking a default position of release on recognizance for all defendants accused of misdemeanors and nonviolent felonies, unless there is a substantial risk to the community or high likelihood of flight?

Yes

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Page 4: Adopt Policies to Avoid the Criminalization of Poverty

**Q14** Will you implement a policy providing that an individual's inability to pay fines, fees, or costs will not play a role in determining eligibility for bail, a plea agreement, the appropriate sentence, or entrance to a diversionary program?

Yes

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**Q15** Will you adopt fee waiver programs for diversionary programs?

The fees currently paid in Cole County pay for the diversion programs. Alternative funding sources, such as grants, will need to be found. I am committed to seek alternative funding.

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**Q16** Will you oppose incarceration based upon the failure to pay fines or fees, unless there is uncontroverted proof that the individual is able but willfully refusing to pay?

It may prove difficult to differentiate between one truly unable and one refusing to pay. I would use my prosecutorial discretion to make the determination based upon facts and the evidence.

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**Q17** Will you establish a strong presumption against prosecuting sit-sleep-lie laws, public urination violations, and other conduct that is a byproduct of homelessness or poverty?

Such violations more likely fall under city ordinance, and thus would be within municipal jurisdiction. If under county jurisdiction, I would take matters of homelessness or poverty under consideration regarding any decision to prosecute.

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## Page 5: Ending Mass Incarceration

**Q18** Do you agree that prosecutors' practices have contributed significantly to mass incarceration? Please select "Yes" or "No" and provide an explanation.

Yes. As a society, and regarding prosecutors' practices, we are not treating addiction as a public health issues but as a crime.

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**Q19** Will you commit to implementing practices that will reduce the jail population and reduce state prison commitments by a specific percentage by the end of your first term? Please select "Yes" or "No" and provide explanation. If "Yes", please identify your goal and what specific combination of reforms you anticipate will achieve this goal.

I will do everything in my power to ensure that persons who are imprisoned are there because they deserve to be there, and not because the only reason for being placed in jail is that a person could not afford to post bond.

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## Page 6: Keep People Out of Jail for Drug-Related Offenses

**Q20** Will you support diversion programs for all low-level drug offenses?

Yes

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**Q21** What diversion programs are currently used in your community?

Drug Court, Veterans Court, DWI Court and a pre-trial release program.

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**Q22** Will you decline to prosecute drug possession or distribution in small amounts?

Regarding distribution of a small amount, this might best addressed as a deferral such that if the within a year there is no second incident then the first is not prosecuted. Or, the prosecutor could enter into an agreement, agreeing to dismiss the charge if the alleged distributor agrees to specified conditions. Regarding possession, if the possessor had for example a small amount of heroin or meth, I would not be opposed to reducing the crime to a misdemeanor, if the person successfully completes a drug-rehabilitation program.

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**Q23** In the absence of sufficient evidence of intent to cause death, will you commit to not charging drug overdose cases as homicides?

Yes.

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**Q24** Will you publicly support the creation of safe injection sites in your county, to provide those suffering from drug addiction with access to clean supplies, naloxone, and medical or addiction treatment?

I would need to review studies of where the practice has been implemented. Public money may be better spent on diversion programs. But, generally speaking, I am not opposed to the creation of safe injection sites.

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## Page 7: Treat Kids Like Kids

**Q25** Will you commit to never seeking detention for juveniles charged with misdemeanors or non-violent offenses?

Juvenile officers determine whether they think a juvenile should be certified as an adult, and then bring evidence forward to a juvenile judge, who makes the certification. Once certified, only then does the juvenile come before the prosecuting attorney. However, the Prosecutor's Office can weigh-in on the matter. I would not be opposed to weighing-in with regard to certification, giving attention to issues such as whether the juvenile has been negatively involved with the Division of Youth Services.

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**Q26** Will you commit to never seeking transfer to adult court for juveniles 16 and younger?

As I understand, the Prosecuting Attorney in Cole County has no say in this. Such matters go to the juvenile justice system. I would, however, weigh-in to review the evidence and determine whether it warrants transfer.

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**Q27** Will you decline to seek life-without-parole sentences for young people between the ages of 18 and 25?

No, I cannot commit to an absolute. Such decisions must be based on a review of background information, prior convictions, etc.

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**Q28** Children are less able to make an informed decision when deciding to talk to the police. Will you vocally support a policy that prohibits the interview or interrogation a child--either as a witness, suspect, complainant, or respondent--by law enforcement without the presence of a parent or guardian?

This is currently required under Missouri Statute. I am committed to following the law and do support such policy.

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## Page 8: Do Not Seek the Death Penalty

**Q29** Each death prosecution cost taxpayers an average of \$2.3 million. Minorities are more likely to be selected for death prosecutions, and more likely to be sentenced to death. Will you commit to ending this expensive practice, and commit to never seeking the death penalty?

I cannot commit to "never" seek the death penalty. The death penalty had not been abolished in Missouri. But it is saved for "the worst of the worst" and depending upon the facts, it may be warranted.

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**Q30** Where DNA or other evidence that may lead to exoneration is in your possession, will you commit to always making that evidence available for independent testing should the defense ask to test?

Yes.

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## Page 9: Promote Proportionate Sentencing and Provide Pathways to Second Chances

**Q31** Prosecuting attorneys across the country have routinely adopted policies of charging the most serious readily provable offenses, to make it easier to charge bargain when seeking a guilty plea. Will you adopt a policy to charge the least severe acceptable charge, so that the charge more accurately reflects the alleged conduct and does not create artificial incentives for a defendant to plead guilty?

It depends on the circumstances and the facts. But, I would not charge a person with a crime where the facts do not support the crime.

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**Q32** Will you commit to reducing the percentage of cases where a maximum sentence is sought by prosecutors?

No

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**Q33** Will you publicly oppose any proposed legislation that would create new mandatory minimum sentences or lengthen existing minimum sentences?

Yes

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**Q34** Will you pledge to support second chances by both limiting parole opposition and committing to affirmatively advocate for parole on behalf of those who demonstrate outstanding growth and maturity during their incarceration?

I could not commit to affirmatively advocate until such time what constitutes "outstanding growth and maturity" is clearly defined or mutually understood by all parties. I do believe in second chances for people.

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**Q35** Will you use pre-plea diversion programs and create explicit benchmarks to reduce the number of people incarcerated pre-plea and pretrial?

Yes.

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## Page 10: Promote Policies that Aid Undocumented Communities

**Q36** Many individuals end up in immigration detention based on arrests for quality of life offenses, which are never charged and are often eligible for ticketing (as Class C offenses). Will you commit to directing law enforcement to ticket, instead of arrest, for class c misdemeanors including marijuana possession, disorderly conduct, public intoxication, "hot" checks less than \$20, simple assault, and criminal trespassing?

Police, as prosecutors, have discretion. I would not tell police when they can or cannot use their discretion.

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**Q37** If permitted under state law, will you direct law enforcement officers to not inquire about immigration status?

No, it would depend upon the circumstances.

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**Q38** Will you refuse to cooperate and liaise with ICE?

No. Many years ago, I had experience working with the Immigration and Naturalization Service regarding an undocumented worker. No benefit is derived from refusal to cooperate.

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## Page 11: Policies that Promote Transparency and Accountability to the Community

**Q39** Will you maintain and publish regular statistics about prosecution, including the number of misdemeanor and felony cases filed each month, disposition statistics, pretrial incarceration rates and length of stay by offense category, and average bond for each class of offense, to measure the effectiveness of policies aimed at efficacy and reform?

To the extent the office maintains statistics, I will post them on the website, readily accessible to the public. And, I will comply with open records and sunshine requests.

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**Q40** Will you include racial information at all steps, committing to publicly report any significant racial disparities at any stage of the process?

Yes.

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**Q41** Will you help to end both explicit and implicit racial bias in policing by refusing to file charges that result from racial profiling?

Racial profiling is wrong. I will never strike black jurors without cause.

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**Q42** Will you build a staff that reflects the diversity of the community the office serves?

Yes. In fact I have experience doing so. When Sheila Simon was elected Lt. Governor of Illinois, I served as her Chief of Staff. She said build a staff that looks like the people of Illinois. That is what I did.

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**Q43** Will you commit to regular communication with community members and organizations, including regularly scheduled open sessions?

Yes, absolutely. I have built a career regularly communicating with all stakeholders. Open communication is an essential part of my fabric.

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**Q44** Will you prioritize the needs of the victims of violence by expanding support of victim/witness service programs and improving communication with victims and family members?

Yes, absolutely.

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**Q45** Will you make office policies--like criteria for pretrial diversion and policies governing sentencing recommendations--public?

Yes.

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**Q46** Will you commit to a full investigation including presentation before a grand jury of all cases involving police-involved shootings or other violence resulting in death or bodily injury?

Incidents involving police misconduct require a special or independent prosecutor to avoid conflict under Missouri's ethics rules. Any such decision would be up to the independent prosecutor.

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**Q47** Access to information promotes fairness, congeniality, and the early resolution (either through pleas or dismissals) of criminal cases. Will you create an open-file discovery system, to provide information to defense counsel as you receive it?

Yes.

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Page 12: Policies that Guard the Community Against Abuse of Power by Officials

**Q48** Will you commit to using asset forfeiture only after a conviction has been obtained, and ensure that there is a meaningful opportunity for members of the community to contest the seizure?

Yes

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**Q49** What is your position on the Prosecuting Attorney's role, if any, in ensuring that indigent defendants receive competent and diligent representation?

The prosecutor absolutely plays a role ensuring indigent defendants have representation, and that is to ensure that indigent defendants have access to public defenders. Prosecutors cannot do their jobs if the public defenders are not doing theirs. It is in the best interest of justice.

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**Q50** Will you support statewide legislation to end the use of civil asset forfeiture?

No

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**Q51** Recognizing that prosecutive mistakes are inevitable and the consequences are life-altering, will you create mechanisms for a second look at charging decisions, plea bargains, and convictions?

I commit to looking into such matters.

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**Q52** Will you work with the community and law enforcement to charge and convict those who criminally defraud the public or abuse public office for personal gain?

Yes, absolutely.

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