

LIBERTY CITY LESBIAN, GAY, BISEXUAL AND TRANSGENDER DEMOCRATIC CLUB

2009 DISTRICT ATTORNEY PRIMARY ELECTION QUESTIONNAIRE

Name Dan McCaffery Office Sought District Attorney Date April 2, 2009

- 1) What is your experience with the LGBT community both generally and/or professionally?

Throughout my professional and personal life, I have worked with, interacted with, and otherwise known countless LGBT individuals. I consider my LGBT friends, family and co-workers to be valuable to me for the level of diversity they bring to me and those around me. I would say that my experiences with them have been as varied as my experiences with anyone that I have known or worked with and I truly value the impact they have had on me.

For this reason, I am the only candidate for District Attorney who has specifically mentioned that we need to treat all people – regardless of race, age, religion, or sexual orientation – with respect and dignity. I am also the only candidate who has gone on record in support of full marriage equality. As stated to Mark Segal and reported in the March 20, 2009 edition of *Philadelphia Gay News*, “McCaffery responded: ‘It shouldn’t even be an issue, all people should be treated with fairness. Of course I support marriage equality.’”

- 2) How have you advanced, through professional and personal achievements, the rights of the LGBT community, racial and ethnic minorities, and persons with disabilities?

I consider myself to be a staunch and vocal advocate of LGBT rights and equality. I believe that my advocacy on behalf of, and respect for all individuals, regardless of sexual orientation, gender, disability or racial or ethnic status has been a pervasive theme in my life and I would like to think that I have asked those who might not otherwise do so, to think about and evaluate their own personal beliefs.

- 3) Do you support the rights of LGBT people to the following:

- a. Marriage?
YES
- b. Civil Unions?
Yes however, I support full marriage equality.
- c. Domestic Partnership?
Yes however, I support full marriage equality.
- d. Second-parent adoption?
YES
- e. Protection from workplace discrimination?
YES
- f. Protection from housing discrimination?
YES
- g. Protection from acts of violence based on their sexual orientation or gender identity?
YES

- 4) Do you consider transgender rights a civil rights issue? Explain your answer.

Yes, I do consider transgender rights to be an issue of civil rights. Quite simply put, civil rights are those rights that all citizens are supposed to have, including the right to safety, the right to utilize public services and accommodations, and the right to protections from discrimination. When transgender people are subject to any of these violations, or are refused equal protection under the laws, protection from discrimination in housing and employment, or law enforcement, then their civil rights are being violated.

- 5) What would you do to actively enforce hate crimes legislation?

I believe that in order to best enforce hate crimes legislation, all attorneys working for the District Attorneys Office should have a strong, working knowledge of existing hate crimes legislation and should work with law enforcement to better identify and document instances in which a violent crime was committed “with malicious intent toward the actual or perceived race, color, religion, national origin, ancestry, mental or physical disability, sexual orientation, gender or gender identity of another individual or group of individuals.”

Hate crimes and all hate-based incidents are serious offenses; they shall get prosecuted to the fullest extent of the law. Recognizing the fear and stress typically suffered by victims of hate crimes and the far-reaching negative consequences that they have on our community, we will vigorously commit to enforcing hate-crime laws and will ensure proper and effective prosecution of them. Indeed, I plan to create a specialized LGBT Unit as part of the Victim Services Division. I hope to comprise this new unit of a lesbian and a gay man who will serve as victim advocates, assisting all LGBT victims of crime. These two advocates will be experienced in serving LGBT victims of sexual assault. We will use the full power of the District Attorney’s office to influence legislators to pass laws that better protect all citizens of Philadelphia, including the immediate restoration of mental or physical disability, sexual orientation, and gender identity to the commonwealth’s Ethnic Intimidation Act.

- 6) Do you have any openly LGBT members of your staff? What will you do to make your office a safe place for openly LGBT staff members?

I know and work with both openly gay individuals and closeted individuals. I am adamant that each and every person who works for me knows that their culture, their background, and their relationships will receive nothing but the utmost respect from me and my employees. I have a zero tolerance policy for racism, sexism, homophobia, ageism, or religious persecution.

- 7) How will you prioritize the creation of an LGBT liaison within the District Attorney’s office?

Other city’s have had proven success with identifying and charging specific individuals within their District Attorneys Office to act as Liaison officers to affinity communities such as the LGBT community, immigrant communities, or low income communities. I believe strongly in taking an individual, holistic approach to addressing criminal justice issues and that would include considering the formation of an LGBT liaison to work with the City’s LGBT groups, the Mayor’s LGBT liaison, and the police to best address issues of concern to the LGBT community. Also, as stated above, I plan to create a specialized LGBT Unit as part of the Victim Services Division.

- 8) How will you support LGBT sensitivity training for Philadelphia police and prosecutors?

I have a zero tolerance policy for bigotry or closed minds. I will work tirelessly to ensure that as the District Attorney, I provide all of my employees with the charge for equality and the knowledge and training they need to be successful in implementing that charge. I will consider sensitivity training for my own employees and a program to work in conjunction with the City’s LGBT groups, the Mayor’s LGBT liaison, and the police to best address criminal justice issues of concern to the LGBT community.

- 9) How would you support public accommodations for transgender individuals who work in your office or appear in the criminal justice system?

This question may be slightly beyond my abilities to affect, however, I can say with no reservation that my zero tolerance policy will include public accommodations for those individuals, be they employees, complainants, victims, court personnel, or witnesses and they will be treated with appropriate respect and dignity at all times.

- 10) LGBT youth sometimes act out because of harassment at school or in the home due to their gender/sex identity. When ADAs prosecute cases against these members of our community, what

will you do to prepare your staff to be sensitive to their issues? Additionally, LGBT youth who spend time in juvenile detention facilities face many dangers. What alternative sentences might you seek in their cases?

I believe law enforcement has been failing our young people, LGBTQ and straight alike. We must stop taking a cookie-cutter approach to juvenile crime. All kids are different, each with a unique background. Simply arresting, prosecuting and detaining children – without intensively investigating and addressing the circumstances and family life of each and every individual child we encounter – remains a failing strategy. This is especially true of LGBT youth who faces significantly higher levels of harassment both in and out of the home as well as higher levels of suicide.

A better strategy will require us to invest more time, compassion, wisdom, and resources into our juvenile system. When I am the District Attorney, my employees will know up front that all individuals with whom they come in contact, especially those individuals who have been victimized, are to be treated with absolute respect and dignity. Alternative sentences can include involvement with the William Way Center, the Youth Attic Center, or other youth oriented LGBT organizations or facilities.

- 11) What has been the general nature of your practice and particular areas of concentration? Please describe any changes throughout the years?

From 1991 through 1996, I served the citizens of Philadelphia as an Assistant District Attorney. As a member of the Habitual Offenders Unit I brought hardened juvenile criminals to trial on adult charges. In the Major Trials Unit, I prosecuted major felony cases, including gun-point robbery, shootings, arson and drug crimes.

My time in the DA's office was spent in the courtroom, not behind a desk, tirelessly fighting for the victim's rights before a judge and jury. I had the fortune of being recognized uniformly as one of Philadelphia's top prosecutors, and I was routinely given the toughest criminal cases involving some of our city's most vicious criminals.

Since leaving the office, I made a unilateral decision not to become a defense attorney. Instead, I took a position with a small firm and have helped grow the firm to its present position as one of the region's fastest growing law firms. I have acted as the firm's managing partner and on its management team- a very important component to the position of the District Attorney, who is responsible for administering a thirty-two million dollar budget and overseeing close to 350 assistants and an equal number of support staff.

- 12) Describe a few of the most significant cases you have litigated. Please give a summary of the substance of the cases, the citations if available, and why you believe they were significant.

I have not directly litigated any LGBT-centric cases.

- 13) State briefly why you are seeking the Democratic nomination to be DA in Philadelphia, and what qualities you believe you possess that would serve you especially well if you were elected to the office.

I am the proud son of Seamus and Rita McCaffery, two Irish Immigrants who fled Belfast to escape persecution and oppression to make the lives of their children better than the life they left. Two people from a small part of the world who have made a huge impact on their adopted city.

It was a violent hate crime that caused my parents to flee their home. And it is my desire to fight violent crime that leads me here today. My father, a former Irish boxing champion was beaten into a coma with a mallet by a group of thugs -ending his promising career in the

ring. He came to America, became a tradesman and union organizer. My mom was a janitor at Farrell School in Rhawnhurst for over 25 years. They taught my brothers, sisters and me the value of hard work and getting involved in our community. We were taught to treat all people, regardless of their backgrounds, their race religion or sexual orientation with respect and dignity. We were taught to stand up and fight for justice and to always fight with passion.

When I was in the District Attorneys office, I was part of an elite team of hand picked prosecutors. I was assigned to prosecute the city's most violent predators-gun toting robbers, shooters, rapists, drug dealers. I brought my blue-collar work ethic to the courtroom and stood toe to toe with these dangerous criminals and fought to put them and keep them behind bars.

Under Lynn Abraham I tried thousands of cases and stood up for thousands of victims. I would thank Lynn for her years of service to our city. I promise to build on her success and pick up the fight where she left off. But make no mistake about it, I will offer a dramatic departure from the status quo.

I promise to bring compassion and common sense to every case. The DA is the gatekeeper to the criminal justice system. So we must make sure we arrest the right person, charge them with the appropriate offense and once convicted, ensure that the sentence given fits the crime.

I believe in this city. I believe that the office of the District Attorney can make a difference. Those who want to corrupt our city, to deal drugs, and sell in illegal handguns or commit violent crimes should know that I pledge to make this office meet its potential. I will be the voice of the victims, and make all Philadelphians proud of what we accomplish.

14) What are the most pressing needs of reform in our judicial system in your opinion?

I believe that the time has come to hold weak judges accountable. Too many judges appear more responsive to the party machine that helped elect them than to providing true justice to Philadelphians. They often show up late for work and then take extra-long lunch breaks, leaving our prosecutors, victims, and subpoenaed police personnel sitting around the courthouse waiting ... and waiting ... for their proceedings to occur. Weak judges are responsible for dismissing too many cases, allowing too many continuances at the request of defense attorneys seeking to delay justice, and setting bond too low, which has caused a glut of fugitives who now owe our financially-strapped city a *billion dollars* in forfeited bail.

When I become DA, I will name names by asking my assistant DAs to keep track of when judges show up in court. We will track sentences, dismissal rates, continuances, levels of bail, and other quality-of-fairness indicators. I will put all of this information on a publicly accessible website, so that Philadelphians will have no trouble knowing which judges earn their tax-funded salaries, and which do not.

15) For what organizations have you done pro-bono work?

Democratic City Committee, a number of labor unions. I serve on the Board of Directors of Father Judge High School, and Self-Help Movement, Inc. an organization which provides drug and alcohol counseling in Philadelphia.

16) Have you ever belonged to any organizations, associations or clubs that prohibit or limit its membership on the basis of race, color, religion, sexual orientation, gender, disability, national origin, sexual orientation or gender identity?

NO

17) Do you support a woman's right to choose?

YES

18) How would your office be more transparent than the previous administration?

As DA, I will prosecute corruption whenever and wherever we find evidence of it. Pay-to-play politics remains an enduring stain on our city. I will hold my supporters to the highest ethical standards.

I was pleased that other candidates have followed my call to create an anti-corruption task force to clean up city government. I will look for an experienced corruption prosecutor to lead such an effort.

Please return by Friday April 3rd via e-mail to matt@libertycity.org

Or via mail to:

Liberty City Lesbian and Gay Democratic Club

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