

# Candidate Responses – Orange County Commonwealth’s Attorney

**Diana Wheeler O’ Connell**

Question 1: Position Seeking:

DW: Commonwealth’s Attorney

Question 2: Have You Previously Held this Position?

DW: Yes

Question 2a: If yes, for how many years?

DW: 20 years

Question 3: Will you be attending the August 23, 2023, Orange County Candidate Showcase?

DW: Yes

Question 4: If elected as Commonwealth's Attorney, what do you envision to be your number one challenge to be? How would you overcome it?

DW: First and foremost the Commonwealth's Attorney is to ensure justice is served. Having said that the Code of Virginia lists more than 300 duties of the Commonwealth's Attorney. Besides investigating and prosecuting criminal offenses, the duties, include participating in truancy hearings for school children, ensuring that fire suppression costs as calculated by the Forestry Service are collected from individuals who let wildfires escape; serving as lead counsel for the Drug Treatment Court, to name just a few. In addition, managing an office and meeting statutory and administrative duties such as the access to criminal records through the State Police, County and State Budget requirements, and real time compliance with rapidly changing criminal laws.

Question 5: As an advocate, how will you build coalitions so that the criminal justice system gets the needed resources to achieve justice and equality?

DW: As Commonwealth's Attorney, I have built sound working relationships with many community partners at all levels - local, state and federal. We work with and count on various agencies including the Multidisciplinary Task Force that addresses child sexual abuse; and partnerships with Child Protective Services, Child Advocacy Centers, SAFE (the battered womans shelter - where I served on the Board of Directors for six years) and with Triad (local program addressing elder abuse). Additionally, I have partnered with the U.S. Attorney's Office in prosecuting offenses that have involved both state and federal offenses. In the past, that partnership has included murder cases, child sexual abuse, sex-trafficking, child pornography, and public corruption.

Question 6: When making plea deals, who is involved in this process? Are the victims or law enforcement involved in the decision making?

DW: The primary duty of a Commonwealth's Attorney is to prosecute felonies and misdemeanors charged under our laws. Prosecutors are advocates for crime victims and those

without a voice. Victim's rights remain at the center of the criminal justice system. Judicial confessions, also known as plea agreements, are negotiations with defense counsel assessing the strengths and weaknesses of individual criminal cases. Crime victims are consulted as to what their expectations are and told about the range of punishment available. The law enforcement officer is also a part of the weighing of the strengths/weaknesses of a case. Many times, victims are traumatized by the crimes they have suffered, and just "want it to all go away". Many times, victims do not want to testify, do not want to go to trial, or refuse outright to cooperate with the Commonwealth. All the attorneys in my office have attended training in dealing with trauma victims and attempt to assist victims in addressing their fears. There are times parents absolutely refuse to let their minor child testify, believing that the court process will further traumatize their child, and will not risk it. In that case, offers are made that may be unsatisfactory to the Commonwealth, but at least assure a conviction. Sometimes victims change their mind several times - wavering from refusing to testify to deciding to testify and back again. If an offer is made at the victim's request, and accepted by a defendant, the Commonwealth is bound by the offer made in good faith, even if the victim later changes his or her mind.

Question 7: What are the most important changes you wish to enact if elected to office? Are there policy items on your agenda that would directly impact the agricultural community?

DW: The most important policy item is to maintain and improve the quality of life in Orange County. Thus, this office brings criminal charges where warranted "without fear or favor" - which is the Judge's instruction to each Grand Jury. Unlike other larger jurisdictions that experience a lot of violent crimes, our most frequent crimes involve property offenses, drug possession, and child abuse. When the Department of Forensic Science Laboratory decided to stop "DNA touch-testing" for "mere" property crimes, I convinced them to do so for Orange County, so long as I specifically request the testing in writing. All our law enforcement officers know to ask me specifically for a letter, and I will do it. I have convinced the Medical Examiner's Office to perform a postmortem on more than one occasion when it was initially refused because law enforcement requested it as part of their investigation.

Question 8: Do you feel the new 'Drug Court' is working? If so, who do you think benefits most – the offenders, the victims, or the community?

DW: I initiated the Drug Treatment Court with a half a million-dollar grant. We have so many drug offenders whose probations were being revoked due to reoffending that the bill the county received from the Central Virginia Regional Jail was skyrocketing. Being able to offer selected drug users and put them on a path to proven rehabilitation has already reduced that cost to the county dramatically. A major goal in establishing the Drug Treatment Court is to save lives. The Drug Treatment Court initiated its first session last September. Participants are carefully selected. Among other criteria for selection into the program a participant cannot have a violent charge or have a violent conviction in the past. The program is designed for repeat offenders who continually violate their probation by continued drug use. Each participant is carefully screened - with input from law enforcement, the Commonwealth's Attorney, and the therapeutic providers. Every aspect of the participant's life is addressed - family, home, employment, health, and mental health. The involvement of every aspect of the program is intensive. In just a short time we are seeing wonderful results, not only saving lives but allowing individuals to become contributing productive citizens.

Question 9: As Commonwealth Attorney, how would you handle a fatal use of force incident involving local police?

DW: I have had previous experience in fatal use of force incidents. In my experience, the Virginia State Police responds immediately to the scene and begins intensive investigation. The officer involved is placed on administrative leave. The prosecutor is kept in immediate contact with and throughout the investigation. The investigative findings are presented to a Special Grand Jury (made up of citizens from the community) which then conducts its own inquiry and determines the appropriateness of placing charges. If the Special Grand Jury decides to return charges, a decision is made to determine whether a prosecutor from another jurisdiction should prosecute, to avoid a potential conflict of interest.

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