

# Candidate Responses – Orange County Commonwealth’s Attorney

## **S. Page Higginbotham III**

### Question 1: Position Seeking:

SH: Commonwealth’s Attorney

### Question 2: Have You Previously Held this Position?

SH: No

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

SH: 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?

SH: If elected I believe my challenge would be the budget. In any office there are certain costs that are known quantities, but securing funding for hiring and retaining an excellent staff of attorneys and support personnel is difficult with inflationary pressures on salaries. In my experience there are fewer attorneys willing to work in rural areas, therefore offering a competitive salary is key. In the surrounding counties, prosecutors have had to work closely with their Board of Supervisors to make sure the compensation packages they are able to offer are helping attract the best candidates. Here in Orange, I would do the same. I would also want to regain grant money that has helped fund attorney positions in the past. Grants can allow the county to use county funds in the most effective way possible for this office, that is hiring and retaining talented people who want to live and work in our wonderful county.

### 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?

SH: I do believe that coalitions are the key to achieving justice and equality in our criminal justice system. It is also imperative for the Commonwealth’s Attorney to be in the community talking with the people of Orange. Citizens need to know that the Commonwealth’s Attorney will listen and, where appropriate, make changes. Working with local civic organizations and communities of faith to build trust and cooperation is key. We also need to make sure that our youth feel safe and valued. I know our School Resource Officers and they are not only good officers, but some of the best advocates for our young people. Working with them and Juvenile Probation and Parole to keep children from getting caught up in the system is one of the keys to improving not only outcomes, but how our young people view the county that they will soon inherit.

For the system to work and for justice to be done, the Commonwealth’s Attorney’s office should also encourage local law enforcement agencies to engage all our local communities, especially minorities. In my experience, local law enforcement in Orange is well-trained and well-equipped. The Sheriff’s Department and Town Police Departments are also becoming

much more diverse, and this is a good thing. Officers are also younger than they have been historically. That is why it is so critically important for the Commonwealth's Attorney's office to offer training for law enforcement. This can be as simple as a workshop on how to perform a legal/constitutional traffic stop, but these trainings can also include important information on tactics to de-escalate volatile situations and how to engage a person having a mental health emergency. By partnering with law enforcement and engaging with the community my office will always strive for justice and equality.

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

SH: Plea agreements have to involve the Commonwealth's Attorney and the defendant, who is usually represented by an attorney. The Court can never be involved in the negotiations, but must ultimately decide whether to accept or reject the plea offer. Before presenting any agreement, the Commonwealth must consult with the victim. In fact, the Victim's Bill of Rights, which was strengthened by the General Assembly this year, states:

In a felony case, the attorney for the Commonwealth shall consult with the victim either verbally or in writing (i) to inform the victim of the contents of a proposed plea agreement and (ii) to obtain the victim's views about the disposition of the case, including the victim's views concerning dismissal, pleas, plea negotiations and sentencing.

This is the law and I would follow it, acknowledging that the ultimate decision on what, if any, offer to make remains in the discretion of the Commonwealth. While there is no similar requirement that law enforcement be consulted, I believe not involving them is foolish. Law enforcement can often offer great insight into the circumstances surrounding the crime. They also have a stake in the outcome of their hard work and if they believe that a sentence is too harsh or too lenient, I would listen. But, in the end, the final decision must, and in my office would be, with the attorneys representing the Commonwealth. My father always said that "every defendant deserves a fair deal," and that is true, but a fair deal is fair to Commonwealth's interests too. Victims and law enforcement deserve to be heard.

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?

SH: The most important change I would implement is better communication from the Commonwealth's Attorney's office. Better communication with Law Enforcement leads to better and more efficient outcomes. Better communication with victims can not only win more cases, but also help manage expectations. Better communication with defense counsel can build trust, avoid delay, and ensure the rights of the accused.

My office will win cases, but we will also lose cases and often we will be forced to make compromises. People know and expect this, and if you communicate openly and honestly with them it is often better received. I know this is a challenge for any prosecutor and that many people have unrealistic expectations, but, the sooner you tell them what you think is possible, the better the potential outcome. It takes a lot of time and patience to talk with all the parties, but if it is done correctly, it can streamline the judicial process. Unnecessary continuances and dropping charges just to reinstate them inconveniences the Court and Law Enforcement and

can do real harm to both criminal defendants and victims. Clear and timely communication will be the goal of my office.

Orange is a rural county, but it is growing and changing. As people from other parts of the state move here, it is essential that we do more to educate drivers about rural hazards. Farmers are particularly vulnerable to increasing traffic and speeds. My office will work with our agricultural stakeholders to educate drivers and to enforce traffic laws to help counteract the trends of increasing numbers of traffic accidents involving farm equipment and livestock. My office will always seek to involve our local agricultural community along with law enforcement to resolve animal welfare issues before they become cases.

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?

SH: Yes, the local drug court is working, but it is in its infancy and there is definitely room for improvement. When it functions correctly the Drug Court program should benefit everyone. Users get much needed treatment that is often not available in our jails and prisons. Often the user/defendant is the primary victim of their own addiction, but there are also collateral victims, like victims of theft or violence stemming from the drug use. These victims are less likely to be revictimized because participants in drug court are either making progress with their addictive behavior or being sanctioned by the Court. Either way the community is safer while they are being closely supervised. Often when drug abusers are simply “out on bond,” they continue to use which not only leads to overdoses, but also increases drug dealing and its attendant crime.

I believe we could improve the program by having more “buy in” from the community, especially providing more treatment options in this county. There is an acute lack of counselors and clinicians here in Orange. We see that more populous counties have access to better public and private treatment. We lack resources, both human and financial, to achieve the same levels of success we see in places like Culpeper. But, challenges have to be met, and I would be committed to the program and moving it forward. I would work with the local community services board and other county agencies to apply for grant funding to help fill the gaps in care.

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

SH: Use of force cases (officer involved shootings or deaths) whether fatal or otherwise are some of the most difficult cases a Commonwealth’s Attorney will face. But, in many ways they are the same as other cases. I would do my best to fairly assess the circumstances, considering all the information provided by the investigation, and bring charges if they were warranted. Just as in any other case, if I felt I had a conflict of interest, I would ask that a special prosecutor from another jurisdiction be appointed and recuse myself. While the investigation is typically governed by the policies and procedures of the involved agency, I know that in this county, local law enforcement does not investigate their own fatal/serious use of force cases, but rather refers them to the Virginia State Police for investigation.

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