

# North Carolina District Attorney Candidate Questionnaire

As part of our organizations' effort to reduce the state prison population while combatting racial disparities in the criminal justice system, the ACLU of North Carolina and the Carolina Justice Policy Center are interested in engaging with North Carolina's district attorneys. Our goal is to educate voters, and those who have been impacted by the justice system, about the influence that district attorneys can have on policies that reduce or fuel mass incarceration.

We would like to provide voters with information about where candidates for district attorney across our state stand on critical criminal justice reforms, such as prosecutorial transparency, reducing incarceration, eliminating racial disparities in the criminal justice system, and ending the death penalty.

All candidates for district attorney in North Carolina are receiving this questionnaire. Responses will be made publicly available in an effort to hold candidates accountable to their communities' fundamental need for justice, safety, and respect.

**Please write your answers in this document and email your responses to Susanna Birdsong at [sbirdsong@acluofnc.org](mailto:sbirdsong@acluofnc.org) on or before April 17, 2018.**

**Responses may also be mailed to:**

ACLU of North Carolina  
PO Box 28004  
Raleigh, NC 27611

## Mission and Vision

1. Will you pledge to articulate a mission and vision for the Office that places the focus on justice, rather than winning cases, and align the work of the Office—including internal and external communications, training, policies, and hiring and promotion practices—to reflect that mission and vision? Please give a clear “Yes” or “No” and any explanation.

**Yes,**

*I believe that district attorneys are to be ministers of justice. My office will be structured, trained and seek to be transparent and open to the public. The community in Pitt County has lost trust in the office and I will work to rebuild that relationship. I want all citizens to feel that the office understands and represents them.*

No

## Mass Incarceration

2. Do you agree that prosecutors’ practices have contributed significantly to mass incarceration? Please give a clear “Yes” or “No” and any explanation.

**Yes,**

*I have personally been involved in cases where the evidence was extremely weak, yet prosecutors used extreme charges to attempt to force a plea.*

No

3. Many experts say prosecutors overcharging defendants even when they have weak or insufficient evidence unfairly pressures defendants into taking pleas. Would you pledge only to file charges that you are confident the evidence supports? Please give a clear “Yes” or “No” and any explanation.

**Yes,**

*I will pledge to only file charges that are supported by the evidence.*

No

4. Contact with the criminal justice system can negatively affect a person's psychological wellbeing and ability to obtain employment; it also often fails to address the underlying cause of crime. Will you work to expand diversionary programs so that, whenever possible, contact with the criminal justice system is avoided or limited? Please give a clear "Yes" or "No" and any explanation.

Yes,

*My goal is to reduce crime and recidivism. The office will utilize diversionary programs whenever possible to redirect individuals out of the criminal justice system and towards becoming productive members of society. I intend to expand our drug court, create a mental health court and work to increase resources available to juveniles.*

No

## Racial Disparities

5. Will you commit to tracking and working to eliminate any racial disparities caused by decisions made by the Office, including disparities in charging decisions, bail recommendations, diversion program placements, and plea bargains? Please give a clear "Yes" or "No" and any explanation.

Yes,

*I will work to ensure that everyone regardless of race or social economic status is treated equally and fairly unlike the present office.*

No

6. A prosecutor's subconscious and unintentional attitudes about other people based on characteristics such as race often influences the outcome of a case. Will you commit to requiring prosecutors in your district to participate in implicit bias training to reduce the influence of these views in the prosecution of cases?

Yes,

*I have seen the influence of implicit bias in the outcome of cases and I have tried to make the public aware of this issue in this county. I will commit to ensuring that prosecutors are trained to counter the influence of implicit bias.*

No

## Poverty Penalties and Bail Reform

7. Do you favor changes at the state level to eliminate the use of monetary payment, or “cash bail,” as a condition of pretrial release? Please give a clear “Yes” or “No” and any explanation.

**Yes,**

*There are many people with minor charges who simply cannot make monetary payments because of extremely limited income or mental health issues.*

No

8. Will you limit requests for money bail and pledge to recommend, for all legally permissible cases, presumptive release of defendants without financial conditions unless there is an individualized showing of substantial and identifiable flight risk or danger to the community? Please give a clear “Yes” or “No” and any explanation.

**Yes,**

*I will limit requests for money bail to those who are substantial flight risks or danger to the community.*

No

9. Will you commit to searching for alternative, less costly diversion programs that will lessen the financial burden on individuals? Please give a clear “Yes” or “No” and any explanation.

**Yes,**

*The present office seems to send people with limited means to programs that require them to expend those limited funds. It then becomes a hardship for the entire family.*

No

## Transparency and Accountability

10. Will you pledge to collect and post online annual statistical information disaggregated by race and gender on felony and misdemeanor charging decisions, convictions, declinations, and diversion program placements? Please give a clear “Yes” or “No” and any explanation.

**Yes,**

*This community no longer trusts the district attorney’s office. That information is important to demonstrate that everyone is being treated equally.*

No

11. Will you pledge to publish on the Office website all policies, protocols, and MOUs regarding prosecution guidelines, police-involved incidents, bail recommendations, fines and fees, diversion programs, plea bargains, civil asset forfeiture, immigration considerations, and indigency determinations? Please give a clear “Yes” or “No” and any explanation.

**Yes,**

*The community needs this information to regain its’ trust in the Pitt County District Attorney’s Office.*

No

12. Will you pledge to develop and implement a plan to personally, regularly and meaningfully engage and communicate with your community, including communities of color, immigrant communities, community-based organizations and criminal justice reform advocates, and involve them in determining the priorities of your office within the first 100 days of your term? Please give a clear “Yes” or “No” and any explanation.

**Yes,**

*I will get the community involved in forming the priorities of the office.*

No

13. Will you ensure that every stage of the criminal process is clearly communicated to victims in plain language? Please give a clear “Yes” or “No” and any explanation.

**Yes,**

*I want victims to have a clear understanding of the process and the stages involved.*

No

14. Will you pledge to assign special prosecutors authorized to investigate and prosecute police killings of civilians, use-of-force cases, sexual assault by law enforcement officers, and other cases of police misconduct as appropriate? Please give a clear “Yes” or “No” and any explanation.

**Yes,**

*In fact I will even go so far as to form a conviction integrity unit to look into old cases.*

No

15. Will you pledge to recruit and hire people with criminal records to work in the District Attorney’s Office? Please give a clear “Yes” or “No” and any explanation.

Yes,

**No.**

*Because you do not explain in what capacity you are discussing. But I am open to working with people with criminal records in diversion programs. I just need more information concerning what this question concerns. If the additional funding were available and the situation was right I would consider the possibility.*

## Immigration

16. To protect immigrant crime victims, will you pledge to adopt and promote a written U Visa policy that includes a rebuttable presumption of helpfulness and the direction that U Visa certifications be completed regardless of whether charges were brought, a conviction was achieved, or the case has concluded? Please give a clear “Yes” or “No” and any explanation.

**Yes,**

*Victims are often reluctant to cooperate with the prosecution of cases because they fear deportation.*

No

## Youth Justice

17. Will you pledge to not seek to remove juveniles to the adult justice system, unless required by statute? Please give a clear “Yes” or “No” and any explanation.

**Yes,**

*I was a juvenile prosecutor for eight years and I understand the issue involved. I know some prosecutors use the threat as a bargaining ploy.*

No

18. Will you pledge to require, when possible, that juvenile trauma histories be considered at all points in the process when evaluating whether a youth should be incarcerated, diverted, or subject to other dispositions? Please give a clear “Yes” or “No” and any explanation.

**Yes,**

*When I was a juvenile prosecutor I always took into account the trauma that a juvenile may have experienced.*

No

## Discovery

19. Will you pledge to require that prosecutors turn over full discovery to the defense pre-indictment? Please give a clear “Yes” or “No” and any explanation.

Yes

**No,**

*But I will turn over full discovery when the case is indicted. I will also switch the office to electronic discovery. In my opinion the Pitt County District Attorney’s Office has used the old system so that some evidence could be withheld without being noticed.*

20. Do you currently require—and if not, will you implement—Brady training for your prosecutors, which specifically addresses evidence considered exculpatory or that otherwise qualifies as Brady materials? Please give a clear “Yes” or “No” and any explanation.

**Yes,**

*I will require that my prosecutors turn over Brady materials as soon as possible.*

No

21. Do you currently have—and if not, will you commit to creating—a process to address willful discovery violations, including Brady violations, by prosecutors in your office? Please give a clear “Yes” or “No” and any explanation.

**Yes,**

*I will immediately address willful discovery violations and I will not stand for it.*

No



## Death Penalty

22. Will you commit to not seeking the death penalty? Please give a clear “Yes” or “No” and any explanation.

Yes

No,

*I can imagine a crime so extreme that the death penalty is warranted. But, I will implement a team of 3 or 5 individuals, myself included of course, composed of diverse race and sex to review cases that are considered for the death penalty. This community has lost trust in the office and needs to know that that decision would not be made lightly and would be made by a diverse team.*

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