

# 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 May 7, 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.**

*Mission statement is to pursue justice with integrity and commitment. The goal is to treat each case individually based on the facts and circumstances involved.*

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

**No.**

*I don't agree with that statement because that is not a practice I am familiar with. Again it depends on the facts and circumstances of each case. If it is possible to treat the offender so that they can become a productive member of society that should be a priority. However, when the crime is so serious, or no matter what service had been provided the offender does not change their conduct the only solution is incarceration in order to protect the community.*

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.**

*The duty of the prosecutor is to bring charges they know they can prove based on the evidence they have.*

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.**

*A person who enters the criminal justice system typically has an underlying problem that brought them into the system. To be able to identify the problem and provide services to prevent the person from coming back and having them be a productive member of society is the goal. Services for drug addiction, mental health issues and domestic violence treatment are key in helping offenders get back on track.*

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.**

*The job of the prosecutor is to restore the victim to where they were prior to the crime occurring and holding offenders accountable regardless of race, economic status, sexual orientation etc.*

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.**

*Implicit bias training would be a benefit to the entire office.*

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

**No.**

*A secured bond is appropriate in some circumstances depending on the severity of the crime and the potential flight risk of the offender. Bonds are set by Magistrates, the District Attorney’s office is involved only if there is a request for reduction or modification of release. When such a request arises I will require my assistants to have thoroughly reviewed the offender’s criminal history, if any, the facts and circumstance of the current case and make a recommendation to the court accordingly.*

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.**

*That should be the practice statewide. Bail should not be used as a punishment.*

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 goal is not to add more unnecessary financial burdens to the offender in order for them to get treatment with the end goal of changing their behavior.*

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.**

*It is extremely important that the community knows what is happening in the District Attorney's office, how cases are being pursued, the disposition of cases, how the office is working with service providers and what the office is doing to best serve the community.*

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.**

*As much as is practicable.*

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.**

*Very important that the District Attorney’s office openly communicate with the public to make sure the needs of the community are being and the voices of the citizens are being heard.*

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.**

*As a prosecutor I worked closely with my victims and helped them navigate through the system. Most victims do not find themselves in court on a regular basis and the process can be overwhelming. It is important to make the victim feel as comfortable as possible and get their input in how they want the case resolved.*

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.

*I believe if an officer within my jurisdiction is charged with a crime or allegations of misconduct are made public my office would have to recuse and a special prosecutor be assigned in order to avoid any sign of impropriety.*

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.

*It would depend on the position sought and the crime committed.*

## 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.**

*Also I would pledge to work with local agencies that provide immigration services.*

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.

*It would depend on the severity of the crime and all of the facts and circumstances of the case. A decision would be made on an individual case by case basis after a thorough review.*

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.

*It would depend on the severity of the crime and all of the facts and circumstances of the case. A decision would be made on an individual case by case basis after a thorough review.*



## 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.**

*There is no reason not to provide discovery. Defense should have discovery as soon as possible in order to advise their client and prepare for trial if the case can't be settled.*

No

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.**

*It is a benefit to everyone.*

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.**

*Absolutely.*

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.**

*It may be appropriate under certain circumstances. A decision should be made on a case by case basis after thorough review of the facts and circumstances.*

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