

# 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**

*The pursuit of justice has been my mission since I began as an Assistant District Attorney in 2010. “Winning” cases for the sake of winning is both morally repugnant and unethical. As a prosecutor, I have no friends to reward or any enemies to punish, it is my job to seek justice. This is a question of rule of law. Rule of law is the backbone of democracy.*

*As District Attorney, my hiring and promotion practices will reflect this philosophy. The District Attorney should not reward those who have no respect for the pursuit of justice and the rule of law. Training of newly hired attorneys will focus on giving them an understanding of our mission, the mission of justice.*

## 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 will start by saying that I believe incarceration and vigorous prosecution of certain offenders is necessary to maintain a society. Quite simply, there are many individuals who simply need to be in prison. However, I believe it to be uncontroverted that there are indeed many in prison who should not be there. For example, certain classes of drugs and drug users at one point in time were prosecuted more heavily than others. The practical realities of electoral politics has contributed heavily to this phenomenon. People who run for office want to stay in office after getting there, and heavy handed prosecutorial practices have proven to be beneficial to some politically motivated prosecutors.*

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**

*My oath and obligation requires me to only file charges that I am confident that are supported by evidence. The practice of over charging is common, and often goes unchecked. I pledge that I will not engage in this practice if elected, nor suffer it to be done by anyone in the office. I will file charges that are supported by a finding of probable cause.*

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**

*Diversion programs are a necessity and should be used whenever possible. These programs recognize individuals who deserve a second chance and allow them to remain productive members of society. I support the use of these programs and will make it my policy that they be used in situations where an individual is not charged with a serious crime, lacks any significant criminal history and has demonstrated the willingness to be a productive member of society.*

## 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**

*Yes, the elimination of any disparities begins with keeping accurate data. I will make it a practice of the office to track the demographic information of the individuals whom we come into contact with and review this data with the office on a regular basis to identify any trends that may be present.*

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**

*Yes, I myself have had training in the field of implicit bias through a program at Duke University School of Law. This multidisciplinary training was eye opening. Whenever such training is made available, I will require not just prosecutors but office support staff to participate in this training. There are many decisions that take place in a District Attorney’s office, and these decisions should be free from both implicit and explicit bias*

## 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.

**No**

*There are situations in which cash bail is warranted and just. This primarily applies to situations where public safety may be compromised as a result of not placing such a condition. This should be applied in a manner consistent with the alleged facts of the case, the individual’s criminal record and other legal considerations.*

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.

**No**

*Bail considerations will be accessed on a case by case basis and in a manner consistent with the law. In situations where it is warranted, cash bail will be requested. These situations can sometimes encompass scenarios that can’t be anticipated. The court system deals with human beings, not widgets, but I will pledge to treat every individual fairly and in accordance with the law.*

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**

*Diversion programs are a necessity and should be used whenever possible. These programs recognize individuals who deserve a second chance and allow them to remain productive members of society. I support the use of these programs and will make it my policy that they be used in situations where an individual is not charged with a serious crime, lacks any significant criminal history and has demonstrated the willingness to be a productive member of society.*

## 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**

*I will collect and post this information so long as the resources to do so are provided by the Administrative Office of the Courts. Funding for the criminal justice system has been cut over the years, and I strongly support funding any system that makes the process more transparent. Sunshine always brightens democracy.*

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**

*If there are written policies concerning these subjects they will be published on the office website wherever it can be done in a manner consistent with the legal obligations of the office. Any information that could compromise the integrity of prosecutions or the safety of law enforcement will not be published on the website.*

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**

*It is my plan to have town hall meetings with all interested parties in our community within the first 100 days of my term. I will continue this practice throughout my term and try to do so several times a year. We must build bridges into the communities we serve.*

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 will ensure that the process is clearly communicated to victims wherever I am required to do so by the Victim’s Rights Act and whenever it is otherwise warranted.*

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 + No**

*In many situations concerning officers, I believe that the local District Attorney may not be the most objective party to prosecute and/or investigate the case. Wherever possible, I would request that these cases be assigned to the North Carolina Attorney General’s office or the North Carolina Conference of District Attorneys. This would prevent any actual or perceived conflicts.*

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.

**No**

*I will implement a fair hiring process that takes into account the whole individual and what they have to offer the office. A pledge to hire people with criminal records to work in an office that is tasked with criminal prosecution is not practical.*

## 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**

*I will implement a U Visa policy that encompasses the normal situations that occur with other criminal cases. There are always situations where charges are not brought or a conviction was not obtained, and there truly was an aggrieved party. So long as the immigrant victim can show that they were indeed a crime victim, the U Visa certification will be completed.*

## 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**

*Removal to the adult system should be limited to situations where it is required by law. However, there may be some exceptional cases that must be evaluated on a case by case basis.*

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**

*The scientific data does demonstrate that youth do not have the same mental faculties as adults. Wherever possible, trauma histories should be considered when dealing with juveniles.*



## 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**

*I have no problem with exercising an abundance of precaution with regards to discovery obligations. Prosecutors should not be in the practice of “hiding the ball” at any stage of the process, whether pre or post indictment.*

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**

*Brady training should be part of the orientation of every new hire in the office. This should apply to prosecutors as well as support staff. We should all be on the same page as to our obligations with regards to Brady materials. There have been many wrongful convictions due to either willful or negligent handling of Brady materials.*

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 believe the rules of professional responsibility and general statutes address this matter. Not only would such violations result in termination but they could result in disciplinary action by the State Bar and criminal prosecution.*

## Death Penalty

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

No

*I support capital punishment. It should be applied in a manner consistent with the Constitution and the general statues. Politics, race and/or socioeconomic status of the victim or accused should never be a consideration in pursuit of capital punishment. I will do my part to ensure that no innocent person ever be executed under my watch.*

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