

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 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 focus on justice will be the primary mission of my office.

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.

No, although policies in some prosecutors offices have certainly contributed to mass incarceration and I plan on ensuring my office supports programs and efforts that use alternatives to incarceration, the legislative classification of crimes and the mandatory sentences currently required under structured sentencing have created the force behind mass incarceration.

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

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, Guilford County has a strong history of creating and using diversionary programs. I plan on building on those programs and creating effective new ones like a Veterans court.

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

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

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

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

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

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

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.

I support the idea of publishing information but we do not have an Office website. Also a number of the areas you ask about like indigency determinations are made by a judge not by our Office (our office has always and will continue to push for individuals to have representation on every charge, especially in light of the dedicated and talented Public Defenders Office in Guilford County).

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

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

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 will pledge to assign knowledgeable and experienced prosecutors to handle the cases you reference. I will also pledge to seek assistance from the Attorney General’s Office or prosecutors from other districts if there is any type of conflict that requires a special prosecutor or investigation.

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 cannot pledge that I will hire someone with a criminal record. I would hire someone with a criminal record depending on the record and if the position does not require a clean record to do the job.

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

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.

No, there are some crimes and situations that require the motion to remove a juvenile to the adult system. Those are rare and would only be considered in the most extreme of cases.

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

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

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. Our Office would continue to maintain an open file policy, meaning that all information we receive must be turned over to the defense.

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

Death Penalty

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

No.

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C A R O L I N A

JUSTICE POLICY CENTER

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