

ROMAIN, TOUSSAINT

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

No

yes. my platform is on Reform and is predicated on the oath of a prosecutor to seek justice. In fact, I hope to replicate what Harry Kraemer has done in Philadelphia and other prosecutors from across the nation.

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

Absolutely. The tough-on-crime approach has done more to fill and re-fill prisons than any other policy in our criminal justice system. This approach has paralyzed prosecutorial discretion and sadly people are funneled through the courts, by prosecutors, before being dumped

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

No

Yes. This is also one of the stark contrasts between my opponent and I. As a manager, he forced his team to not only seek higher charges, but he was relentless in wanting and fighting for tougher sentences. He did this for my client who stole fish to eat by overcharging my client as an habitual felon.

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

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

No

There are ways of auditing decisions made in the prosecution of cases. Thus, I would implement policies where we would record that data and perform random audits as a result. We could also review specific instances of racial disparate decisions and hold individual prosecutors accountable.

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

No

There are several programs that already exist in Charlotte that would become mandatory to attend in order to maintain/remain compliant implicit bias training. For instance, Race Matters for Juvenile Justice and Dismantling Racism are two programs I attended and would require as part of employment.

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

90% of all of those in the criminal justice system live in poverty. These folks are also appointed public defenders. Consequently, any cash bail amount becomes an automatic barrier to being released from jail - all because of economics.

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

No

Money should have no place in who gets justice and who doesn't. Likewise money should not prevent one person from being released while another, who committed the same offense and gets the same bond, is able to get out; all because one person can afford it while the other cannot.

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

No

I have already searched for and identified alternative, less costly diversion programs in our community like Promise Resource Network. I am committed to offering and making available more programs like that.

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

No

To build community trust, we must become transparent about what we are doing in the prosecutor's office. For this to matter, our community must know that they can see what the office is doing and hold us accountable.

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

No

Same as # 10

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

No

Same as # 10

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

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

No

Absolutely yes! By creating a Police Integrity Unit, a group of individuals will investigate, indict and support the prosecution of officers who murder civilians (and any other form of crime or misconduct.)

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

I helped create the expunction clinic several years ago. (My opponent talks about creating an expunction clinic but that is not true. He is somehow trying to take credit for something that already existed.) But just like I currently help place individuals in jobs around my community, I will work to hire those with criminal records in my office

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

No

My father was an immigrant, as were many of my family members. This hits close to home and I would protect the immigrant crime victim as I would any other victim in our community.

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

No

I have advocated for Raising The Age for more than 5 years now. I have presented to agencies and organizations in favor of youth justice and thus not seek to remove juveniles to the adult justice system because juveniles don't belong in the adult system (unless required by statute.)

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

No

This must be included if we are to truly rehabilitate our youth.

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

Yes. I am in full favor of Open File Discovery and the disclosure being made pre-indictment (or pre-arraignment at the latest) in order to uphold the tenets of justice.

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

No

I will implement Brady training and hold prosecutors accountable when they violate this constitutional mandate.

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

No

Yes. To my knowledge prosecutors who violate Brady or other willful discovery violations are not held accountable under the current (or former) administration. To return justice to our criminal justice system, we must ensure that this office upholds constitutional standards for all.

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 stand firmly against the death penalty. I commit to not seeking it ever!

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