Durham for All
2018 Judicial Candidate Questionnaire

Pretrial Release

1. Do you believe that Durham County judges currently rely on secured bonds too heavily, not heavily enough, or approximately correctly in setting conditions of pretrial release?
    1. While I am not privy to the facts and circumstances for which bonds were set by current judicial officials, I remain committed to the principle that excessive bonds destroy the familial unit; employment opportunities and housing opportunities. Not only in Durham County but throughout the State, if the accused are confined solely because they lack financial means then there is reliance on secured bonds to the detriment of the accused, their family and our community. As indicated by the American Bar Association, "bail is not a fine. It is not supposed to be used as punishment. The purpose of bail is simply to ensure that defendants will appear for trial and all pretrial hearings for which they must be present." Thus when considering bonds judicial officials need to be guided by the principle that bail should ensure the public safety, ensure the individual's presence and foremost should not interfere with the liberty of those who have not been convicted.

2. Do you believe that the current use of secured bonds disproportionately impacts the poor and people of color? If so, do you believe that a judge should adopt practices to ameliorate this result? What practices would be helpful?
    1. Yes, according to the Prison Policy Initiative in North Carolina, there are 66,000 people behind bars and "people of color are overrepresented in prisons and jails", these facts reveal the crisis that our community faces with respect to the over incarceration that people of color face. Research and experiences as both a public defender, prosecutor and lifelong Durham resident, have taught me that at during points of contact with the criminal justice system that poor people and people of color tend to be over policed and as a result often over prosecuted. As a judge, I will be committed to being fair and impartial, guided by the principles that it is my responsibility to set bonds that do not punish individuals who are merely accused of a criminal offense and utilize the pre-trial release program for every justice involved resident.

3. Do you believe the current jail population in Durham County is not large enough, larger than it needs to be, or about right?
    1. Having experience as an assistant public defender and prosecutor, I recognize that not only in Durham but across the country there is a need to address the pre-trial incarceration crisis. According to the Human Relations Commission, in 2015, there were 9,910 people detained in the Durham County Jail and 65% were held on misdemeanor offenses. This statistics speaks directly to the issue regarding our jail population, it demonstrates how we address failures to appear and the efficiency with which cases are disposed. Moreover, close to 5% of the population in Durham was jailed in 2015, although our current jail population has decreased, when there is one individual who is incarcerated for a non-violent offense because of their inability to pay, the system has contributed to the housing, employment, and education gap.

       The North Carolina Superior Court Judge's Benchbook, clearly states, "The statutory scheme expresses a preference for written promises, unsecured bonds, and custody releases."

Again, when there is even one defendant who poses no danger to a person, but is housed in the Durham County Jail, the Court system has failed to provide justice for our community.

4. Do you believe that a bond schedule, in which specific charges correspond to a presumptive secured bond amount, is a tool judges should use in setting conditions of pretrial release? Why or why not? If you favor the use of a bond schedule, under what circumstances do you believe it should be followed or not followed?
    1. The bond schedule is merely a suggestion that judicial officials may reference, however judicial officials should use their discretion and deviate from the suggested bond guidelines when imposing bond amounts that will restrict liberty and freedom. The accused, the victims and the facts are unique to each specific offense, thus a bond schedule, that isn't revised annually, fails to provide equity for everyone in the community. Judges must be careful, of the "one size fits all" method of setting bonds as this approach harms the community and is not rooted in equity and fairness. If elected, I will use my discretion to provide the fairness the schedule doesn't naturally provide. Further, the bond schedule needs to be revised to provide stronger standards across the board, but until such time, after carefully weighing the factors set forth by NCGS 15A-534, I will use my experience to set bonds that do not harm but that are equitable and fair.

5. What changes, if any, would you like to see in our local pretrial release policy? Do you believe that it is appropriate to presume release for all misdemeanors not involving domestic violence? What about low-level, non-violent felonies?
    1. The local pre-trial release program needs to be expanded, and all non-violent offenders should be screened for the program irrespective of their criminal history or failures to appear. According to Shima Baradaran & Frank McIntyre, Predicting Violence, the majority of inmates do not pose any safety risk to the public.

    2. Yes, it is appropriate to presume release for all misdemeanors not involving domestic violence. Courts for years have ruled that freedom and liberty should be the norm when judicial officials are determining bail. If elected, I will uphold the law which according to U.S. v. Salerno, 481 U.S. 739, 755 (1987) states in pertinent part that "in our society, liberty is the norm, and detention prior to trial or without trial is the carefully limited exception." Further, District Attorney Larry Krasner, dropped cash bail for most non-violent crimes, including misdemeanors, "we don't imprison the poor in the United States for the so-called crime of poverty".

    3. Yes, with respect to low-level, non-violent felonies, it is also appropriate to presume release. Again, if elected, I will uphold the law which according to State v. Thompson, 349 N.C. 483, 499, 500 (1998) "[I]t is beyond question that . . . liberty, is a fundamental right…The right to freedom prior to trial is reflected in the principle that there is a presumption of innocence in favor of the accused which is the undoubted law, axiomatic and elementary, and lies at the foundation of the administration of our criminal law."

6. Would you support a policy in which judges re-set cases involving misdemeanors and Class H/I felonies with notice to the defendant, rather than issuing a warrant, upon a first missed court date?
    1. We currently have a system in place where the Court will re-set cases involving misdemeanors and Class H/I felonies. The issue is that this program typically only allows for

emergency. I am in support of this program but would like to expand it to allow for more than one emergency or circumstance that causes an individual to fail to appear, the collateral consequences are too great for our community to punish the accused for failing to appear. A New York Times article entitled, The Bail Trap, indicated it best, "of the 2.2 million people currently locked up in this country, fewer than one in 10 is being held in a federal prison. Far more are serving time in state prisons, and nearly three-quarters of a million aren't in prison at all but in local city and county jails. Of those in jails, 60 percent haven't been convicted of anything. They're innocent in the eyes of the law, awaiting resolution in their cases."

7. What is your position on the Automated Notification System that sends text messages or phone calls to remind people of upcoming court dates? Do you believe it is effective or ineffective? Would you support the expansion of this program?
    1. Research from jurisdictions in New York, Arizona and Nebraska also utilize the Automated Notification System and provide data that speaks to the success of this program. Specifically, I am in support of any program that will help to improve the court appearance rates of the accused, reduce the number of individuals who are incarcerated for failing to appear, and reduce costs associated with missed hearings. A criminal justice system that is rooted in efficiency promotes quicker resolutions to cases and helps the accused conclude their criminal justice involvement and proceed with their lives.
    2. Most justice involved residents are rightfully distrustful of the criminal justice system and its players. I can appreciate such apprehension, as many individuals are not certain where their contact information will be stored or who will have access to their contact information. In addition, people who lack financial means have difficulty maintaining the same cellular phone number, thus making contact difficult. More specifically, if we can provide a program that prevents one person from being jailed it is successful but I would like for the personnel working for this program to have more resources and support.
    3. Yes, there is a need to expand this program. For an example, in other states, another productive component of this program provides for direct telephone calls to individuals to remind them of their court date. In addition, more education needs to be provided to judicial officials, defense attorneys and pro-se defendants regarding the services provided and the benefits of participating. Most importantly, in many jurisdictions there is a "needs based assessment" approach that determines obstacles defendant's face in reporting for court appearances. For an example, providing transportation, allowing children in the courtroom or assisting with child care options are tools that can be implemented to reduce failures to appear.

8. Under what circumstances do you believe that it is appropriate to set a cash-only bond as an alternative to a secured bond? Do you believe that bonds people should be utilized in all or most cases where a monetary condition is imposed to help assure an individual's presence in court? Why or why not?
    1. As a prosecutor, there has never been a time that I requested a cash-only bond. Relying heavily on my criminal defense experience, I understood the gravity of a cash only bond, which requires gross financial capital for freedom. In my fifteen years of legal experience prosecuting violent and non-violent offenders, I have never experienced a situation where it was necessary to require a cash bond versus a secured bond.
    2. No, the statute does not require the use of a bonding agent when a monetary condition is imposed. Further, there are programs in place to help assure the defendant's presence in court.

9. Do you prefer the money bail systems in states such as Kentucky and Massachusetts, where money bail is posted directly with the clerk of court and returned when the case is resolved, or the manner in which secured bonds are generally handled in North Carolina, where individuals pay a non-refundable premium to a bondsperson?
    1. There is a nationwide crisis with respect to criminalizing poverty and the current bail system. In all criminal justice systems, for many accused there is a hefty price tag placed on your freedom. For me the question is not about which system is preferable but rather how we ensure that judicial officials are setting the least restrictive pre-trial conditions. If judicial officials are committed to utilizing pre-trial release programs, releasing individuals on their own recognizances and unsecuring bonds when appropriate this will have a significant impact on the issue. In both Kentucky and Massachusetts many favor the concept that bail money is returned to the accused at the conclusion of the case, however if one cannot raise the money required then they are confined until the disposition of their case. We must address the root of the problem which is confining innocent individuals not, versus which system is preferable.

10. Do you support abolishing money bail? Why or why not?
    1. The need for bail reform is an important conversation that must occur with social justice reformers, prosecutors, defense attorneys, elected officials, communities and grassroots organizations across the state. According to an article, by Joe Hernandez, It's been one year since N.J. ditched cash bail, New Jersey "virtually eliminated money bail in January and switched to a system where judges consider each defendant's individual risk before deciding whether that defendant should be released or kept in jail while awaiting trial…The new method addressed a concern long held by criminal justice advocates that too many poor people were stuck behind bars simply because they couldn't afford to get out…Law enforcement officials also applauded the overhaul, since it allowed judges to keep potentially dangerous criminals locked up until trial." There is a lot that North Carolina can glean from states that are committed to social justice reform.

       In short, there is a dire need for this conversation to continue to occur in North Carolina. As mentioned previously, when addressing bond according to the statute the Court must weigh the factors set forth in 15a-534. According to the American Bar Association, "the law favors the release of defendants pending adjudication of charges. Deprivation of liberty pending trial is harsh and oppressive, subjects defendants to economic and psychological hardship, interferes with their ability to defend themselves, and, in many circumstances, deprives their families of support". It has been well reasoned with Courts across the country that bail practices that result in incarceration based on poverty violate the Fourteenth Amendment. Moreover, it remains to be seen how overhaul will occur or how it will look, but without question, there are definite cracks in the foundation of our current system that only impact those who are financially challenged, we must change the narrative.

11. Is it important for a judge to impose the least restrictive conditions of pretrial release possible to secure public safety, or are you more inclined to err on the side of imposing greater restrictions? Why or why not? How would you determine what conditions are necessary and appropriate?
    1. Yes, it is important for a judge to impose the least restrictive conditions or pre-trial release possible to secure public safety. More specifically, case law supports this principle and it is well understood that the "policy of the State of North Carolina on bail is to impose the least restrictive nonmonetary form of pretrial release that will reasonably assure the defendant's appearance in court". I will always follow the law and utilize my experiences both

professionally and personally to require the least restrictive non-monetary form of pre-trial release.

2. When determining which conditions to set forth the law requires that the judicial official set the least restrictive means possible to secure public safety. As a judicial official, it is imperative to listen to arguments presented by the defense, the State, community stakeholders and pre-trial release coordinators when determining the least restrictive means.

Sentencing

1. Some commentators have argued that there is a problem of mass incarceration in the country generally and in North Carolina specifically. Do you agree or disagree? Why?
    1. Grassroots organizations, social justice leaders, prosecutors, defense attorneys, elected officials and the former President of the United States Barack Obama, have addressed the need for criminal justice reform beginning with the mass incarceration crisis. I concur that there is a crisis that is impacting North Carolina and the crisis is not just nationwide, it is plaguing Durham as well. According to the Carolina Justice Policy Center, "twenty-five percent of the world's prison population is in the United States...37,000 people were imprisoned in North Carolina in 2017."

2. If you believe that the level of post-sentencing incarceration is too high, have the practices of Durham County judges contributed to this problem? If so, what would be different about your policies and practices? What role do you believe judges can or should play in rolling back incarceration levels?
    1. Without knowing the facts of each case, the defendant's record level, and the sentence imposed, it would be improper for me to remark on this question as it relates to Durham County judges. However, on a state and national level, it is evident that mandatory minimums and the "war on drugs" have led to the mass incarceration and excessive sentencing of thousands of justice involved residents. In July of 2015, in a speech to the NAACP, President Obama insisted that "the real reason our prison population is so high" is that "over the last few decades, we've also locked up more and more nonviolent drug offenders than ever before, for longer than ever before… The War on Drugs, he suggested, is just a continuation of America's "long history of inequity in the criminal-justice system," which has disproportionately harmed minorities." (Stephan Bibas, The Truth about Mass Incarceration) With 37,000 individuals incarcerated in North Carolina, it is evident that there is need for massive reform.

    2. Engrained in my body of work is my commitment to rendering the justice we need with the compassion we deserve, if elected those same principles will guide me in rendering fair and just decisions. I am often reminded of my own mis-steps with respect to my treatment of offenders. As a new prosecutor, I recall requiring everyone to complete 25 hours of community service as a part of their plea bargain. In my effort to be fair and treat all defendants the same, I had not recognized that I set up some individuals for failure. Some judges offer sentences that are like what I did as a young prosecutor: one-size-fits-all approach to justice. In an effort to be "tough on crime" some judges don't consider rehabilitation, grace, mercy and the power of redemption. If we are to address mass incarceration we need to address each case on its facts and merits and judges must render decisions that are not solely punitive. I am committed to rendering rulings that will be tempered with accountability and mercy.

       Further, I am committed to listening to community partners and participating in trainings that address the mass incarceration crisis and the role of the judiciary. Moreover, I am mindful and committed to race-equity training, this training will help me to render decisions that are

thoughtful and to be cognizant of how racism is deeply entrenched in the fabric of our community and how mass incarceration plays a role in disrupting familial cohesion, recidivism and fostering intergenerational poverty.

3. Judicial officials should utilize probationary sentences coupled with mental health and substance abuse conditions when appropriate for non-violent offenses unless there are extraordinary circumstances to the contrary. Judges should be well versed in the law and guided by truly seeking justice which requires sentences that reflect accountability and mercy. Bryan Stevenson said it best, "the closer we get to mass incarceration and extreme levels of punishment, the more I believe it's necessary to recognize that we need mercy, we all need justice, and perhaps-we all need some measure of unmerited grace."

3. Do you believe that individuals in Durham County are being punished too harshly as habitual offenders? Why or why not? If so, under what circumstances?
    1. Without having knowledge of how many individuals are indicted and subsequently convicted as habitual offenders, it would be inappropriate for me to respond to this question. The decision to indict an individual as a habitual felon rests with the State of North Carolina and the policy surrounding such prosecution rests with the elected District Attorney and not the Court.

       As a prosecutor, I have learned that many non-violent habitual offenders suffer from under-employment, mental health or substance abuse issues. The criminal justice system must be mindful of the harm that is created when we punish our most vulnerable because of an addiction or poverty. The justice system has a responsibility to rehabilitate and reform.

       With respect to pleas that are not negotiated the Court has a unique opportunity to render sentences that are not excessively punitive and can accept mitigating and extraordinary mitigating factors that will directly impact mass incarceration. If elected, I will remain committed to rendering sentences that are rooted in "just mercy".

4. Do you believe that there are particular types of offenses or individuals in Durham County that are generally punished too severely or too leniently? Which offenses or which individuals and why?
    1. Across the country, we penalize individuals because of their lack of financial means. Justice involved residents should not be punished because they have committed any offenses (such as misdemeanor larceny, shoplifting, obtaining property by false pretenses) that are directly associated with their need to provide basic essentials for themselves or immediate family members.
        1. If elected I would like to create a pre-booking and/or pre-trial diversion program that is geared towards decriminalizing poverty. Often we see individuals commit non-violent offenses because they lack means. Providing skills and opportunities to address housing and employment versus criminalizing individuals who lack means is the essence of justice.

5. How important do you believe mitigating factors are in determining an appropriate sentence? Are there particular mitigating factors that you believe are important to consider? If so, which ones? How should these factors be weighed against the nature of the offense itself?
    1. Mitigating factors are the cornerstone of rendering decisions that are cemented in accountability and mercy. These factors are directly correlated to addressing the issue of mass incarceration.

2. Further, NCGS 15A-1340 provides twenty-one mitigating factors for the Court to consider with the offender bearing the burden of proving by preponderance of the evidence that such factors exist. All factors are important and should be considered as they will deeply impact the accused's sentence.
3. According to 15A-1340.16b, if mitigating factors are present and are deemed to outweigh any aggravating factors, the court may sentence from the mitigated range. Further, in State v. Monserrate, 125 N.C. App. 22 (1997), "it is for the judge to assign whatever weight he or she deems appropriate to any given factor". A judicial official should carefully weigh factors of mitigation and aggravation and render a thoughtful sentence. As a prosecutor, in representing the State when individuals are accused of rape, robbery and murder, and I am mindful of the words of Bryan Stevenson, "each of us is more than the worst thing we've ever done." If elected, I understand that this same consideration and thoughtfulness must occur with respect to sentencing.

Fines & Fees

1. Do you believe that judges should assess a defendant's ability to pay before setting a fine or fee? What is your opinion of the policy adopted by District Court judges in Mecklenburg County, where the judge waives court costs if a defendant meets a standardized threshold of indigency?
    1. Yes, the Court must ensure that poverty is not criminalized and levying fines and fees can negatively impact those involved with the justice system. The Court can and should assess an individual's ability to pay before levying fines and fees. Often an individual's financial means has not improved since the issuance of a warrant, thus the accused would still lack financial means.
    2. Yes, I am in support of any policy that will end a user funded criminal justice system. Our current system has often been referred to by the community as a debtor prisons, we have to change this narrative. The court process can have a negative financial impact, both now and in the future. Judicial officials should always use their discretion and when appropriate waive fines for individuals who may not meet the threshold currently but consider future financial hardships.

2. Should a judge consider whether a person presently has the ability to pay a purge, or is able to take reasonable measures in the immediate future to do so, before incarcerating that individual for civil contempt? Do you believe that a court should require an individual to ask relatives or others who have no legal obligation to pay the individual's debts to meet a required payment schedule? Why or why not?
    1. While this is not an issue for Superior Court Judges, I have work experience in child support and the law requires judicial officials to hold a hearing with findings of fact that demonstrate an ability to pay prior to incarceration. North Carolina's civil contempt statutes "require that a person have the present ability to comply with the conditions for purging the contempt before that person may be imprisoned for civil contempt" McMiller v. McMiller, 77 N.C. App 808, 809.
    2. No, such a requirement is the antithesis of justice. The Court, should never engage in "tax collecting" and creating a system that creates generational and familial poverty.

3. In what types of circumstances, if ever, is it appropriate to impose jail fees? Does it vary according to the type of crime, the financial circumstances of the defendant, or any other factors?
    1. There has been much debate and demand for reform surrounding the monetization of misery. Judicial officials play a key role in how the most financially vulnerable in our communities are treated and should always hold hearings to determine the accused's ability to pay. Thus, the analysis regarding assessing jail fees should occur on a case by case basis. It is imperative

when assessing pre-trial jail fees that judicial officials consider whether the financial hardships that prevented the accused from posting bail would prevent the defendant from paying pre-trial jail fees.

2. To make a distinction with respect to the offense charged would be inappropriate for judicial officials. Judicial officials must be fair and impartial and should assess an individual's ability to pay based upon the financial information presented during the hearing.

4. Are you aware of whether or not the current judicial system collects more money through costs and fees than is necessary for its reasonable overhead? If it does, do you think that this method of general fundraising is a problem, or do you believe it is appropriate for the State government to cover other costs through this funding source? If you do believe it is inappropriate for the State to raise general funds in this manner, should a judge adopt practices and policies to ameliorate the problem? Finally, do you believe that it is appropriate for costs and fees to cover overhead for the judicial system, or are such legal financial obligations more properly classified as fines, in that they constitute punishment?
    1. Without knowing detailed information regarding monies collected, disbursements, personnel and expenditures for agencies related to the criminal justice system it would be improper for me to remark on this question.
    2. As a general principle, government agencies should not rely on its users to sustain the system.
    3. The law requires judges to consider an individual's ability to pay, that decision is not based in part on the need for the government's operating costs.
    4. It is important that Courts assess the ability to pay for each individual. Further, labeling the monies as fines doesn't address the root issue, which is taxing the poor. No matter how the cost is labeled, I am committed to rendering thoughtful decisions that assess an individual's ability to pay.

Probation Responses

1. What do you believe are the appropriate sets of responses for a positive drug screen for marijuana while an individual is on supervised probation?
    1. Probationers have accepted responsibility for their criminal conduct and the State and the Courts must now provide offenders with the tools needed to be successful. It is common knowledge that drug addiction is a disease and the criminal justice system needs to analyze how we treat those who are battling addiction, we must provide treatment and utilize services from providers in and around Durham. If elected, I am committed to rendering decisions that are rooted in addressing addictions and affording those suffering just mercy.

2. Do you believe Durham County probation officers are making appropriate use of 2-3 day punishments in the county jail ("dips" under the Justice Reinvestment Act)? Should they be used more or less and why?
    1. Whenever an individual has the ability to restrict another's freedom, this "power" should not be taken lightly thus although the law allows for 2-3 day punishments the proper administration of justice would require a hearing by a judicial official who would make such determinations.

       Without knowing detailed information surrounding the frequency, the nature of the violation, and the historical context regarding the probationer, it would be inappropriate for me to respond to appropriateness asked in this question. However, I remain committed that the restriction of liberty and freedom, no matter how short, will create a ripple of collateral

consequences that are far too great for probationers, thus this "power" should be exercised in the most extreme cases.

3. In your opinion, what is the best manner to handle technical violations of probation (those not involving formal charges for a new offense)? What should a judge try to accomplish in choosing from an array of possible responses?
    1. As stated in question 1, probationers have accepted responsibility for their criminal conduct and the State and the Courts must now provide offenders with the tools needed to be successful. The arc of justice does not require solely punishment it also requires rehabilitation. If elected, I am committed to rendering decisions that are rooted fairness. Judges must consider the disruption caused when confining an individual for a technical violation as opposed to providing more opportunities for treatment and rehabilitation. Courts must be invested in the fair administration of justice, coupled with compassion and mercy.

Diversion

1. Do you believe that is it appropriate to impose monetary conditions in connection with participation in a diversion program? Why or why not?
    1. No, any tax associated with participating in a diversion program criminalizes poverty. A case that rejects the "pay back to play" method is in re Register, where juveniles allegedly broke into and vandalized a house, causing thousands of dollars' worth of damage. Some of the accused agreed to contribute to restitution, while others lacked financial means. A subset of the juveniles who lacked financial means appealed the State's decision to prosecute, arguing improper selective prosecution. The court of appeals agreed—although principally on the rationale that the "purposes of the juvenile code are not served by making the willingness or ability of a juvenile pay compensation the determinative factor in the decision of whether to file a complaint as a juvenile petition." Id. at 346.

2. What is the appropriate response to an individual who is unable to pay for the drug treatment required by the terms of his or her supervision?
    1. The Court must ensure that poverty is not criminalized and levying fines and fees can negatively impact those involved with the justice system. The Court can and should assess an individual's ability to pay before levying fines and fees. The criminal justice system must rehabilitate, and we must place people in a better position than they were prior to contact with the system. Thus, associated costs should be waived and failure to pay should not result in a probationary violation.

3. What is the appropriate response where a supervised individual is unable to pay the community service fee of $250 but completes the requisite community service?
    1. Again, the Court must ensure that poverty is not criminalized and levying fines and fees can negatively impact those involved with the justice system. The Court can and should assess an individual's ability to pay before levying fines and fees. Oftentimes an individual's financial means has not improved since the issuance of a warrant, thus the accused would still lack financial means. If community service is completed at a non-profit of the accused's choice there is no reason to assess the fee.

4. Do you believe that an individual should get the benefit of a deferral or conditional discharge where the individual has complied with all requirements of the program other than those that require money, and the individual does not have the ability to pay the amount required? Why or why not?

1. The district attorney has discretion with respect to which cases are deferred and the terms and conditions of the deferral agreement. Pursuant to 15A-1341 and 15A-1344, the court has a role in response to a violation of the deferred prosecution agreement and "[i]f a probationer violates a condition of probation . . . the court . . . may continue the defendant on probation, with or without modifying the conditions, . . . or may order that charges as to which prosecution has been deferred be brought to trial . . . .".

   The General Assembly has not made it impossible to waive costs, fees and fines and in State v. Patterson (223 N.C. App. 180 (2012), the Court opined that it is reversible error for the court to operate under the mistaken impression that it has "no discretion but to charge court costs." Thus, the Court is tasked with how to respond to an individual's inability to pay and the impact of criminalizing poverty. With respect to failing to pay court costs, the Court can and should waive cost after the accused has demonstrated an inability to pay.

5. Do you believe that the current age limitation on Durham's pre-charge diversion program (only individuals between the ages of 16 and 21 are eligible) should be expanded or abolished? Why or why not?
   1. Although convictions can be avoided with a successful completion of post-arrest diversion programs, collateral consequences are reduced with the use of pre-charge diversion programs. At any age, arrest records, jeopardize employment opportunities and housing opportunities, thus I support any program that limits direct contact with the justice system and changes the narrative of how justice looks.

6. Do you believe Durham's pre-charge diversion program, which is limited to misdemeanors (not including traffic, gun, or sexual offenses), should be expanded to include other types of offenses? If so, which ones?
   1. The District Attorney has the ability to determine for which offenses to offer diversion. The Court should not weigh in on which cases are appropriate. Personally, I believe this is a question for the community and those harmed and if healing can occur through this program then it should not be limited by offense classes.

7. Should pre-charge diversion be available to individuals with some prior criminal history, or only those with no record of convictions or arrests? Why or why not?
   1. The criteria with respect to which offenses and which "accused individuals" are eligible for pre-charge diversion should be determined by the District Attorney's Office. It is imperative that there are parameters in place for law enforcement and program employees to reduce any bias or prejudices that may impact who is afforded entry into the program. As a prosecutor, I have provided informal deferred prosecutions post arrest to individuals with convictions on their criminal record, in an effort to reduce collateral consequences stemming from a conviction. However, I also recognize the impact of collateral consequences from an arrest and thus, personally, I support an expanded pre-charge program, we all make mistakes and are worthy of multiple chances.

Mental Health and Substance Abuse

1. As a general matter, are there any criminal charges that you believe should be treated as primarily public health concerns rather than criminal justice concerns? Why or why not? Which charges and/or individual circumstances do you believe should be considered or addressed differently than they currently are? What changes would you make to the way that drug possession and drug distribution charges are handled in our criminal courts?

1. The elected District Attorney is charged with determining which charges are treated as primary public health concerns rather than criminal justice concerns. Court systems around the country have created "specialized courts" that are focused on addressing the needs of individuals who suffer from mental health and substance abuse issues. While it would be inappropriate for me to address specific charges that should be treated as public health concerns, I am supportive of those Courts that address these needs.
2. In Durham, there is a drug court that addresses the concerns of individuals battling with addictions. As a prosecutor, I have participated in drug court and I am supportive of programs that address possession differently than distribution.

2. Do you believe our county's use of mental health and drug treatment courts should be expanded? Why or why not?
    1. Yes, I am fully supportive of any program that will improve the quality of life of participants. Further, as a prosecutor I have agreed to individuals participating in the drug treatment and likewise the mental health program. Having worked on both sides of the criminal justice system, I know better than most that justice can be achieved through the rehabilitation of individuals. We have the responsibility of rehabilitation, which means giving justice involved individuals the tools and the resources they need to be successful.

Juvenile Justice

1. Should cases involving 16- and 17-year-olds be handled differently than adult cases prior to "Raise the Age" going into effect December 1, 2019? If so, how?
    1. The manner which these cases are prosecuted should rest with the District Attorney's Office. If elected, I will follow the letter of the law and thus I cannot treat any case differently because legislation has not gone into effect. If elected, I would participate in discussions with other elected officials to determine how this issue will be fairly addressed prior to the legislation going into effect, however I must apply the law codified at the time of the offense. In addition, with respect to sentencing, judicial officials have the unique ability to listen to all mitigating factors presented and render thoughtful decisions based upon any evidence presented.

2. Should a judge take any steps to give meaning to this law prior to the effective date? Why or why not? If so, how?
    1. As a judicial official you are charged with following the letter of the law, thus it would be improper for a judge to take steps and give meaning to the law prior to its effective date. Representative Marcia Morey championed for "Raise the Age" for years prior to it becoming law, but as a judicial official she followed the law irrespective of her position, she fairly applied the law as codified at the time of the offense.

3. In sentencing individuals under the age of 25, do you believe recent studies in neuroscience showing that individuals do not reach full maturity with regards to rational decision-making and emotional development until their mid-twenties are relevant to the choice of sentence? Why or why not? If you do, how would you use this science in selecting an appropriate sentence?
    1. Yes, I am uniquely aware of how brain development impacts cognitive reasoning. Pursuant to 15A-1340.16, judicial officials shall consider evidence of mitigating factors present in the offense that make a mitigated sentence appropriate. Further the statute outlines factors of mitigation include: the defendant was suffering from a mental or physical condition that was insufficient to constitute a defense but significantly reduced the defendant's culpability for the offense; the defendant's age, immaturity, or limited mental capacity at the time of commission of the offense significantly reduced the defendant's culpability for the offense; and any other

mitigating factor reasonably related to the purposes of sentences. Thus, by statute judicial officials must take into account maturity and development. If elected, it would be my responsibility to render decisions that fully examine and contemplate each accused's mental and physical abilities as set forth by 15A-1340.16.

Immigration

1. A key issue in the recent primary race for Durham County Sheriff was whether to honor ICE detainers at the County jail. Candidate Clarence Birkhead stated that he would not honor ICE detainers in the absence of a judicial warrant, stating there was "nothing in the federal law that says I must participate." What is your position on the legality of holding individuals pursuant to an administrative warrant signed by an immigration officer rather than by a judicial official?
    1. There has been litigation across the country with respect to whether it is lawful to detain an individual on an immigration detainer issued by a law enforcement officer. Liberty and freedom are the cornerstone of our country and thus any violation of the Fourth amendment must be properly analyzed. Although this matter has not been adjudicated in North Carolina, other states have addressed this issue. Specifically, after criminal charges against Mr. Lunn, (formerly accused) were dismissed, he was held for a few hours pursuant to a detainer. He argued that this was an arrest that violated the Fourth Amendment and that exceeded officers' arrest authority under Massachusetts law. The high court of Massachusetts agreed, focusing on the officers' lack of authority. The court reasoned that holding a subject pursuant to a detainer is an arrest; a detainer is not an arrest warrant; officers may make warrantless arrests only for criminal offenses; and a detainer, at most, alleges a civil violation, not a crime. *Lunn v. Com.*, __ N.E.3d __, 2017 WL 3122363 (Mass. July 24, 2017). Further, because detainers address civil violations and are issued by officers and not neutral judicial officials, barring any other information to the contrary, such detainers are not valid to restrict freedom.

Public Support for Criminal Justice Policy Change

1. Would you commit to being part of a multi-agency group of public officials tasked with designing coordinated policies for dismantling mass incarceration and racial inequities in Durham's criminal justice system?
    1. As a member of the District Attorney's Office, I have participated with the City of Durham, the People's Alliance, elected officials and other grassroots organizations to address the crisis with respect to driver's restoration. It is important for elected officials to participate in discussions and groups that are designed to address criminal justice concerns. If elected, it would be my responsibility to advocate for fairness and justice.

2. Chief Justice Martin recently gave public voice to his support for Raise the Age legislation. Do you believe it is appropriate for District or Superior Court judges to similarly voice support for legislation affecting the criminal justice system? If so, what changes to our current criminal justice laws would you publicly support?
    1. According to a May 2017 article by the New and Observer Editorial Board, "It was a welcome sight to see state Supreme Court Justice Mark Martin at the General Assembly Monday advocating on behalf of juvenile defendants accused of nonviolent crimes." Judicial officials can provide a unique perspective to legislators with respect to the impact that laws have on the accused and the impact of collateral consequences. Thus, judicial officials should use their experiences and expertise to inform legislators about the impact of proposed or current legislation.

2. As a prosecutor, I have participated with the City of Durham to restore driver's license for individuals whose licenses were suspended primarily based upon their inability to pay or failure to appear in court. Many states around the country are rethinking laws that tie driver's license with an individuals' ability to pay. There are many grassroots organizations that have focused on this crisis and I will continue to use my voice and my energy to advocate for reform.
3. Although this is not legislation, from a policy standpoint, across the state we must make sure that we are not criminalizing poverty. It has been my desire to launch a poverty court in partnership with the Public Defender's Office and the District Attorney's Office. This court will address the persistent challenges of individuals who have limited financial resources. Individuals who commit crimes because of their need to provide basic care for themselves should have a special court where they can be provided with information and resources. Once those resources and counseling sessions are implemented and utilized, it is my hope that the District Attorney's Office will take a dismissal of the offense charged. In many jurisdictions, poverty courts are held in shelters to provide access to the Courts for individuals who have limited financial means. If elected, I will continue to use my voice and energy to advocate for fairness and equity for people low wealth.

3. Would you publicly support the bill recently introduced to decriminalize possession of less than four ounces of marijuana?
    1. In 2016, I was happy to hear of the work by Durham's FADE Campaign that led to the Durham City Council, voting unanimously to decriminalize possession of small amounts of marijuana. The council voted to have law enforcement officers issue citations for misdemeanor marijuana charges rather than a full custodial arrest. While there needs to be a conversation about the impact that the "war on marijuana" has on communities of color, likewise we must evaluate what amount fairly constitutes possession, distribution and trafficking. According to the Southern Coalition for Justice, "in Durham, NC blacks are 162% percent more likely to be searched incident to a routine traffic violation than whites, and blacks are 400% more likely to be arrested for possession of marijuana than whites even though usage rates of the drug are roughly the same." Thus, I support legislation that will directly address the impact that marijuana legislation has on the poor and communities of color who are often over policed. Moreover, I support any legislation that recognizes that we cannot criminalize individuals who are suffering from addiction, because to do so goes against principles of equity and fairness.

Other

1. Is there anything else you would like to tell us about you that you believe makes your candidacy unique?
    1. With more than 15 years of both criminal and civil experience, I have been a relentless advocate for the voiceless, forgotten and mistreated. I began my career at the Center for Death Penalty Litigation, working alongside attorneys committed to representing impoverished men and women sentenced to death. My commitment to service continued as I represented justice involved individuals, charged with both felonies and misdemeanors at the Office of the Public Defender in Fayetteville. As a current prosecutor, I seek justice for victims but recognize that our system should rehabilitate, offer additional chances and should not excessively sentence the accused.
    I am uniquely qualified for this position as I have sought truth and justice in the civil arena as well. At the Land Loss Prevention Project, I assisted attorneys who represented African-American and female farmers who were discriminated against by the Department of

Agriculture on the basis of race and sex. Whether as an Assistant Attorney General with the North Carolina Department of Justice representing the State with regards to violations of labor and environmental laws or as quasi-judicial official with the Employment Security Commission, presiding over unemployment insurance benefit hearings, I recognize that the system is only as effective as its unbiased, truth seeking players and that everyone deserves equal access to justice.

As a mother, I recognize that if elected, the overwhelmingly majority of the accused will be males and share the same skin color as my sons. Moreover, many of those accused will be low wealth and will have spent portions of their lives being neglected and wronged by the very systems designed to render assistance. For the sake of generations to come we have to reform our justice system, fairness and access to the court system require more than judicial officials who are complacent with the fractures and splinters in our system; justice requires impartial and compassionate judges who are willing to transform the system. I am committed to a system that is not built on chance and wealth but one that is built on the justice we need with the compassion and integrity we deserve.