

## PA PAC Questionnaire for District Attorney Candidates – 2022

Please return the completed form along with your resume or biographical statement describing education, work history, community service, and prior political experience, as well as a high-resolution headshot of yourself as soon as possible or no later than Saturday, Mar 19th at 5pm.

Please e-mail your responses to PAC Coordinators at [papacboard@googlegroups.com](mailto:papacboard@googlegroups.com) by Saturday, March 19th at 5pm.

Please note that following the Saturday, March 19th at 5pm deadline, the People's Alliance PAC may publish both your responses to this questionnaire and your resume.

When answering this questionnaire, please repeat the questions in your response document with each question numbered and organized as it appears here. Type your responses in italics, bold, or a different font to distinguish your responses from the questions. Do not use colors or shading. Please try to confine your responses to no more than 300 words unless another word limit is indicated. Do not feel obliged to exhaust the limit for each question.

If you use words or ideas from another person, please attribute your source.

Thank you for completing this questionnaire and for your willingness to serve the people of Durham.

Candidate's name: \_\_\_\_\_ Satana Deberry \_\_\_\_\_

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### About you:

- 1. Please describe if and how your religious and philosophical beliefs may affect your conduct and decision-making if you are elected.**

I believe deeply in the separation of church and state - especially in the courtroom. For everyone to be treated justly and fairly without prejudice or favoritism, my own religious and philosophical beliefs must take a backseat.

- 2. Please describe a situation in which you took a controversial position and explain how you handled it.**

I take controversial positions every day. My commitment to reform leaves me open to having my leadership and policies purposefully misunderstood. I am committed to justice, and I know we are doing the right thing. I handle it by being willing to engage in the discussion about why I think what we are doing is right. But at the end of the day, I am willing to take the criticism because I believe in what we are doing and have seen the positive impacts firsthand. Not only through the data and research but in the

lived experiences of members of our community. People often come up to me in the grocery store or at events and tell me how their lives or the lives of friends or family were changed for the better by the work we do.

### **3. Why should progressive voters support you? What expertise do you bring to your race?**

I promised to bring a fair and just approach to prosecution in Durham County; to focus on prosecuting the most serious and violent crimes; to divert people with mental health and substance abuse issues from court; to reduce mass incarceration; to listen to victims and witnesses; to focus on racial equity and transparency; to reduce reliance on cash bail; to reduce pretrial detention of people accused of low-level crimes; and to interrupt the school-to-prison pipeline. The office has accomplished all these things and more.

Under my leadership, the Durham DA's Office:

- Was the first prosecutor's office in the state to agree to sentencing relief for vulnerable people in state prisons considering the risks posed by COVID-19.
- Participated in development of a first-of-its-kind study on prosecutorial discretion and plea arrangements that is now in place in multiple prosecutors' offices around the country. Our plea tracker helps ensure that people charged with the same offense are receiving pleas in an equitable manner.
- Part of a [2021 study](#) that looked at 35 jurisdictions, including Durham, that elected reform-minded prosecutors and found our policies had no significant effect on crime — including murder.
- Developed roundtable meetings between DA's Office staff and our counterparts at Durham Police Department to enhance communication, coordination, and success in serious and violent cases.
- Worked with the Vera Institute to organize racial equity training for stakeholders across Durham's criminal legal system - resulting in the first Motion for Justice Racial Equity Training Day.
- With the DEAR Program, petitioned the court to waive \$2.7 million in unpaid traffic court debt providing thousands of our neighbors the opportunity to restore their drivers' licenses.
- Petitioned the court to expunge more than 6,000 charges for over 2,100 people who were 16 or 17 years old at the time of their offense but prosecuted as adults before NC raised the age of juvenile jurisdiction in 2019.
- Diverted school-based offenses from court.
- With the Religious Coalition for a Nonviolent Durham, launched quarterly meetings with families of victims of homicide to share information and build community.
- With the Criminal Justice Resource Center, launched a Post-Arrest Diversion program to support people charged with lower-level felonies avoid future offenses.

- Certified hundreds of U-Visa petitions for immigrant victims of crime.
  - Since 2020, began certifying T-Visa petitions for immigrant victims of human trafficking.
  - Demonstrated a deep commitment to hearing from community members – including justice-impacted neighbors – and community organizations about their needs and aspirations.
- 4. Please describe your involvement in civic and professional organizations, noting any offices you may have held.**

I am a longtime volunteer and advocate in the Durham community. Currently, I am an active member of the Durham Alumnae Chapter of Delta Sigma Theta Sorority, Inc (chapter officer) and serve on the board of the Durham Public Schools Foundation. I have previously served as Board Chair of Reinvestment Partners and board member and interim CEO of Durham Habitat for Humanity.

Nationally, I am on the Advisory Board of Fair and Just Prosecution - a national association that promotes evidence-based, data-driven reforms to the criminal legal system. I serve as a table member of the Institute for Innovation in Prosecution at John Jay College. I am a founding member of Black Women Lead - an organization that provides technical assistance and support for the 2% of elected American prosecutors who are black women. And this year, the Durham County DA's Office will join the American Prosecutors Association and the National Black Prosecutors Association for the first time.

**About your practice of law:**

- 5. Please describe your practice as a lawyer. Describe the areas of your practice and your specialties. If, over time, your practice has evolved or changed, describe the changes. Describe your various client bases as a part of your answer.**

I was admitted to the bar 28 years ago and my practice has evolved over that time. What began as a practice in environmental law has evolved over the years into a practice to understand and dismantle the political and social systems that restrict the lives of poor people, families, communities of color and other marginalized and underrepresented groups. I have been agency counsel to large federal (US Department of the Interior) and state agencies (NC Department of Health and Human Services), represented individual clients in civil and criminal matters, worked in philanthropy and community economic development (Annie E. Casey Foundation, Self Help), led nonprofits with million-dollar budgets, and now lead the prosecutor's office in the 4th largest county in NC.

- 6. Please describe the nature and extent of any pro bono legal work or other volunteer work you have done which best illustrates your values as a lawyer and as a person.**

The nature of my legal work over the last twenty years has precluded much pro bono legal work because I have been in public sector or nonprofit positions that did not allow such.

- 7. Have you ever been the subject of a complaint to the North Carolina State Bar or the North Carolina Judicial Standards Commission? If the answer is yes, please explain the circumstances and the outcome.**

No

**The District Attorney's Office:**

**8. If elected, in what ways will your office address and meaningfully impact the crime rate in Durham?**

Like many communities, Durham saw an increase in homicides last year, even as most other types of crime and overall violent crime were down - many categories by double digits. I do not say this to trivialize the recent increase in violence – but rather to underscore how pervasive, tragic, and unacceptable it is – and how badly we need better solutions.

In 2020, cities with higher poverty and unemployment rates [experienced](#) greater increases in crime, suggesting much of the increase was due to economic stress and inequality, rather than reform. Both cities that rejected *and* pursued reforms saw [similar increases](#) in homicides and violent crime.

As I have consistently demonstrated, my priority is the prosecution of serious and violent crime. I have reinforced that commitment in visible and concrete ways:

- Staff are assigned to a team and receives specialized training:
  - Homicide and Violent Crime - murders, shootings, armed robberies
  - Special Victims – domestic violence, sexual assault, child abuse, human trafficking, murders of victims of child abuse or intimate partner violence or victims targeted for their race, national origin, sexual orientation, or gender presentation)
  - Drug/Property Crime - drug trafficking, arson, burglaries, car theft, organized and gang crime
  - Juvenile - people under 18 charged with crime in juvenile and adult court. Additional responsibility for murders and shootings if the person charged is under 25.
  - Traffic - traffic related offenses, DWI and fatalities.
  
- We hold regular roundtable meetings with the DPD Homicide Unit to address intelligence and resource needs - resulting in stronger cases and fewer charge dismissals.
- We partnered with DPD to create one of the country's most effective Sexual Assault Kit Initiatives to quickly process current sexual assault cases and prosecute cold cases.
- Prosecutors seek court-ordered forfeiture of guns used in crimes and present in domestic violence situations. This prohibits defendants from being able to ask for guns back after their case is closed and allows the guns to be used by law enforcement to help solve other cases.

We know what works to reduce violence - proven and promising strategies already exist. But we need to work together and invest in those solutions long-term.

Homicide solve rates in Durham County are below 50% and even lower for other crimes. **The strongest deterrent to crime is the likelihood of being caught, not the severity of the sentence.** When so few people are caught, that deterrent effect is minimized. We cannot prosecute cases that are never charged. My office continues to work alongside law enforcement and invest in solving and prosecuting serious cases. However, we need help from people to come forward and talk about what they witness. Even with advanced

technology, the best evidence is a human witness willing to talk to law enforcement and then testify.

For more information, please visit the Durham County District Attorney's Office webpage: <https://medium.com/durham-district-attorneys-office>

**9. Please describe your experience managing a large staff of professional and non-professional employees.**

I have been managing large staffs and advising other organizations on leadership and organizational development for twenty years. For the past three years, I have managed the District Attorney's Office through an unprecedented worldwide pandemic. During my tenure, the office has accomplished some impressive organizational goals such as:

- One of the few jurisdictions in NC to never shut down courts
- Never shut down grand jury proceedings
- Never shut down essential proceedings related to the liberty and due process of people charged with crimes
- Resumed in person trials in January 2021 before most of the state
- Eliminated case backlog in District criminal and traffic court
- Dedicated hundreds of staff and ADA hours to training and continuing legal education

Related to staffing, I have made hires that make the DA's office look more like Durham. Before 2019, irrespective of who the elected DA was, the prosecutors and staff in the office all looked the same. Most of the prosecutors were white men and most of the staff were white women. Today, the prosecutors in my office have more racial, ethnic, language and sexual orientation diversity. More than half the Assistant District Attorneys are people of color with the number of black women increasing the most and the number of black men increasing at a close second. The DA's Office also has twice as many Spanish language speakers as it did when I took office.

Under my leadership, the DA's Office now has a formal internship program that recruits and trains law students from NC law schools and beyond. It has become a national model for introducing more diverse lawyers into the prosecutor pipeline. Equity is not just about changing what we do in the present - it is about creating equitable opportunities for the future.

**10. What is the single most important challenge facing the Durham County District Attorney's Office? What will you do to address it?**

Violent crime has increased nationwide. It is a consistent challenge to manage the prosecution of serious and violent crime - especially as evidence in those cases becomes more complicated with the addition of digital evidence. Every piece of evidence must be reviewed by a prosecutor in every case. The NC General Assembly has not allocated additional ADA positions to Durham County since the 1999-2001 budget. That means the DA's Office must do an increasingly more technical and difficult job with only 20 prosecutors. That is fewer than half what the National Center for State Courts recommends for jurisdictions the size of Durham County. I have been working with the Durham delegation to the legislature as well as with the legislative committee

of the NC Conference of District Attorneys to include more positions in the allocation. Meanwhile, my office has partnered with the Durham Police Department and the Criminal Justice Resource Center to receive grant funding that has allowed me to hire two additional prosecutors. This is further supplemented by a prosecutor funded by the City of Durham and a prosecutor funded by Durham County.

Additionally, starting salaries for prosecutors and staff is much lower than those same people can make in private practice. Starting salaries in the Durham DA's Office for prosecutors are \$55,000/yr. Starting salaries for support staff can be as low as \$36,000/yr. As you can imagine, this makes recruitment for the office difficult. Prosecutors in my office receive a great deal of responsibility early and are exposed to a wide range of complicated legal issues. Some are running the administration of court or learning to supervise other lawyers and staff in the office. As the Elected, it is my goal to provide them with a range of valuable legal and organizational development skills. This attention to their professional development increases their market value and ability to make more money elsewhere. This makes keeping experienced prosecutors difficult. Fortunately, over my three years in office, there have been many top-notch candidates interested in working in the Durham DA's Office because of our organizational culture rooted in values, ethics, transparency, and innovation. Otherwise, it is increasingly difficult to recruit and retain qualified prosecutors.

**11. What policies, training, hiring practices, or other measures will you implement to address the disparate prosecution of people of color and people who are poor in our criminal justice system?**

Most cases that come through Durham's courts are nonviolent and the people charged are poor people of color. The damaging effects of convictions and pretrial detention in these cases can increase a person's likelihood of committing new offenses.

My office consistently works to disrupt cycles of crime. To address the underlying causes behind offenses, we divert some cases to specialty courts. Cases may be referred to Drug Treatment Court, a post-conviction specialty court that offers services in lieu of an active sentence. For cases involving serious and persistent mental illness, Mental Health Court offers participants wraparound services and dismissal of charges upon successful completion. In late 2021, the Criminal Justice Resource Center (CJRC) was awarded a federal grant to expand Mental Health Court and place a diversion coordinator in the DA's Office in 2022.

The Post-Arrest Diversion Program (PAD) was created with CJRC in 2020 to hold people with prior histories of court involvement accountable, while connecting them to tools to avoid future offenses. The program targets lower-level felony cases. For each case, CJRC creates a tailored plan that may include Cognitive Behavioral Therapy, restorative justice, and/or treatment. Since the program launched in April 2020, 27 cases have been referred to PAD with 16 successful completions, nine pending, one dismissed prior to completion, and one unsuccessful completion. A victim in a case referred to PAD reported to the DA's Office that the program helped her, and her son repair their relationship after an incident in ways the traditional, adversarial court process would not have.

Prosecutors also work outside of these formal programs to ensure case resolutions are proportionate and promote success after disposition. This can include dismissing low-level charges in cases involving substance use, poverty, homelessness, or involving individuals with little to no prior criminal history.

This can also include allowing people to earn dismissals or the opportunity to avoid incarceration if they follow certain requirements.

As discussed in Question 9, I have built a DA's Office that is more reflective of Durham. Bringing more "lived experience" to the DA's Office is part of our overall strategy for addressing disparate treatment and prosecution.

Staff has been training with the Motion for Justice program on identifying and naming racial bias in the system. We organized a training led by Irving Joyner of NCCU School of Law and some of the nation's leading experts in racial discrimination and implicit bias. We received training from the UNC School of Government in racial bias in jury panels. We also have a regular book club that encourages us to examine our own biases and how that impacts our service to our community.

Finally, I have brought more equity to our decision-making processes. Internal policy mitigates against creating first time felons in nonviolent cases and we solicit mitigation packages in instances in which that will occur. Since 2019, we have worked with the Wilson Center at Duke University to track our felony pleas to ensure that our plea bargaining is fair and equitable. I use this tracker as an important management tool to make sure prosecutors are working within the policies, goals, and values of the office. Along with the DEAR program, we have restored drivers' licenses. We were the one of the first prosecutor's office in NC to expunge the records of people convicted as adults when they were 16- and 17-year-olds who could not be convicted today.

### **Concerning law and policy:**

#### **12. How can our legal system be more equitable and accessible to all?**

This question defies the 300-word limit.

What has been most shocking to me as District Attorney has been that almost all the defendants are black. My office commissioned an internal study of the NC prison population sentenced from Durham County and found that 85% of the people were black men. Given the reams of research evidence that shows that no one race commits more crime per capita than others, that is stark evidence of the over-reliance on charging and incarcerating black people. In NC, the court system does not even collect racial data. So, the bias starts with not even pretending to care about what happens to black people in the system.

Additionally, I see the economic and educational biases that show up every day in the courtroom. The dirty little secret of the criminal legal system is that not only are all the defendants black, but all the victims are, too. So, every day we see the most vulnerable people in our community - mostly young black people. They have mental health and substance abuse problems - often related to trauma - that have led to poor decision making. So many of the young people we see grew up in homes experiencing domestic abuse and/or housing instability. And they have limited economic opportunity to leave the violence in their neighborhoods.

Equity is obstructed when a system is so focused on people in the areas of most concentrated poverty. I do not think our courts will be equitable until our society is equitable. As a prosecutor, I do not get to choose the cases that come to my office. We must make sure that we understand the specific challenges of people in our community and be willing to find appropriate ways to hold them accountable and support

their overall wellbeing. We must address the root causes that lead us to continue to have the same conversation on crime and how to solve it.

**13. What, if anything, will you do to minimize the impact of immigration consequences in our community on justice-involved people? Specifically, please address the impact of Class H and I felony convictions on removability and deportability, given NC structured sentencing guidelines, and how this may impact your prosecutorial decisions and plea bargaining.**

State prosecutors are not immigration lawyers, but we do try to be aware of the collateral consequences of convictions. My office does not inquire into citizenship or immigration status. However, if we are made aware of a person's citizenship concerns, we try to craft a disposition that does not impact immigration status. H and I felonies are by and large nonviolent drug possession and property offenses. In line with my stated vision, those are the low-level felonies my office is most likely to divert to resources outside the courtroom whenever possible. Typically - even without immigration consequences - H and I felonies are broken down into misdemeanors.

**14. What can be done to address the impact of DWLR or No Operators License convictions?**

In Durham, we have had tremendous success with the DEAR program. So far, more than 11,000 people have had their ability to get a driver's license restored by the forgiveness of fines and fees. That has resulted in \$2.7M worth of forgiveness. Currently, the Durham DA's Office diverts DWLR, and No Operator's License matters to one of our traffic diversions programs. Those matters are then dismissed routinely.

Beginning in 2022, the Durham DA's Office is joining the Faith ID Network through a partnership with El Centro Hispano to provide driver education training and diversion programs to Spanish speaking residents in Durham County.

**15. What types of crimes should be prioritized for prosecution?**

The Durham DA's Office prioritizes the prosecution of serious and violent crimes in which there has been violence against a human victim. That includes, but is not limited to, homicides, robbery with a dangerous weapon, sexual assaults and rapes, intimate partner and family violence, and drug and weapons trafficking.

**16. How can the District Attorney's Office improve its support of victims of crimes?**

We have worked hard the last three years to improve our services to victims. For victims in District Court, we have a dedicated legal assistant who contacts all victims prior to the first court date to orient them to the process and understand their wishes. Victims can arrange to be on telephone standby in both District and Superior Court.

Prosecutors - especially those dealing with victims of sexual assault and physical abuse - now receive additional training in trauma informed techniques. We know that victims are not always ready to talk about what happened to them. We build cases around sensitivity to that. We also have developed an excellent working relationship with victim advocates at the Durham Crisis Response Center so that a

survivor's criminal case, safety planning and any civil cases are working in tandem to best ensure their well-being.

DA's Office staff has incorporated mediation and restorative justice in our toolbox to reach case outcomes that better serve victims as well as defendants and the community.

The courthouse was constructed with no dedicated spaces for victims. There is a single entrance and exit for every member of the public. In 2019, the Durham DA's Office applied for and received a grant from the Governor's Crime Commission to convert a conference room into a dedicated victim/witness room. The area is removed from the courtroom and office space and provides a private space for individuals and families with children to pass the time.

In 2021, the office opened a Victim and Witness Clothes Closet. This year we are expanding our clothes closet efforts in partnership with the Durham Crisis Response Center.

For the first time, the DA's Office secured county funding to pay courthouse parking fees for crime victims, civilian witnesses and their families attending court or meeting with staff regarding pending cases. Someone who would have otherwise had to pay to engage with their court case benefits from this funding nearly every day.

After hearing from families hurt and confused by the court process, I made a public promise at our town hall in early 2020 to partner with the Religious Coalition for a Nonviolent Durham to hold special quarterly sessions for the families of homicide victims. These meetings explain the court process to families and allow them to talk directly to me about any issues or complaints they might have. Families also can meet with the individual Assistant DA and legal assistant handling the case and ask specific questions. The sessions provide an opportunity to build relationships and more fully acknowledge families' losses than the formal court process often allows.

Finally, prosecutors in my office have won awards for their service to victims over the past three years. The felony domestic violence prosecutor was awarded the 2021 Victim Services Award for Distinguished Prosecutor from the U.S. Attorney's Offices for the Eastern, Middle, and Western Districts of North Carolina and the Victim Services Interagency Council of North Carolina. ADAs from the Durham DA's Office Traffic Team have been the MADD Prosecutor of the Year two out of the last three years. And I was a 2020 recipient of the NC Attorney General's Dogwood Award for service to victims of sexual assault.

#### **17. How can the efficiency of District Court be improved? Superior Court?**

During my tenure as District Attorney, we have vastly improved the efficiency of District Court. Over the last two years, while many jurisdictions were not operating courts, the Durham County courts were regularly conducting business while working with reduced calendars and social distancing. Because of this, we now have fewer pending District criminal and traffic Court cases than pre-pandemic, meaning we have no case backlog. District Court in Durham County is now operating in real time for the first time since the local rules of court were adopted over twenty years ago. Cases are now routinely handled within the 120-day limit set by the local rules.

There are approximately 4,100 criminal cases pending in Durham County Superior Court. The DA's Office has worked to make Superior Court calendars more accessible and easy-to-read. After exploring methods used by other jurisdictions and soliciting feedback from stakeholders in the courthouse and community, the DA's Office developed a new system for creating and publishing Superior Court trial calendars. Under the new system, proceedings are organized based on purpose and a single document is kept up to date to reflect timely additions to the calendar after it is published online. In addition, the new process captures first appearance dates set by magistrates. We have managed to resolve many of the oldest pending cases and not accrue an additional backlog during the COVID pandemic. Cases are moving more quickly through administrative sessions, but the Court Management System (CMS) is old and does not reflect the current state of practice. The DA's Office has begun the process of reviewing the local rules with the Senior Resident Judge and expects to be ready to present a proposed draft to the local bar by the end of 2022.

**18. What are the shortcomings of law enforcement in Durham? What can be done to correct them? Specifically, please address the interaction of the DA's office with DPD and the Sheriff's Department.**

From the perspective of the DA's Office, law enforcement in Durham could use more investigative services. Research shows that one of the best deterrents to crime is the likelihood of being caught. Clearance rates for homicides are below 50% and even lower for shootings. Even with all the technology available, violent crime requires long term investigation and intelligence gathering.

My office has regular roundtables with our DPD and Sheriff's Office staff to share intelligence and evaluate cases. We have quarterly meetings with the DPD homicide unit to update on cases, address mutual concerns, and build institutional knowledge and trust. Building this trust and relationship is important and the DA's Office appreciates the dedication investigators have shown through these difficult two years.

**19. What do you think of economic justice within the context of the justice system? Please address prosecutors' role in setting bail and in seeking fines, fees, and restitution in your response.**

As I mentioned above, my office has instituted policies to address economic justice. The office has a bond policy that only asks for secured bond in serious or violent cases in which there is a human victim, the person is a danger to themselves or others or a flight risk. That is the standard set by the North Carolina Constitution.

Additionally, our policy is to seek restitution when it is statutorily required. Otherwise, the Court should take ability to pay into consideration when imposing fines and fees. My office actively petitions the court for the remittance of fines and fees whenever possible - resulting in at least \$2.7M in court debt forgiveness.

Finally, in probation cases, my office does not prosecute violations that are the result of failure to pay fines and fees.

**20. How has the COVID-19 pandemic changed the functions of the position you occupy or are seeking?**

Covid changed the way people expect to work in an office setting but I do not believe it changed the core function of prosecution. It has helped me be a more creative and innovative manager. The nature of Covid meant we had to balance meeting with victims and witnesses with protecting our own health and safety.

The violent crime during the pandemic will certainly create more complicated and serious cases to manage as those cases are investigated and charged. My office will continue to bring the same level of ethical conduct and dedication to safety as we have always done no matter how this pandemic continues to unfold.

**21. As District Attorney, how would you make the prosecutors in your office more accessible to victims, defendants, and defense attorneys?**

Prosecutors in my office are already available to victims and defense attorneys. Our office technology was upgraded during the pandemic to respond to remote work. Now every ADA and every staff member has an integrated digital suite of projects that allows them to receive phone calls and emails even when working remotely.

As the elected, one of the things I work hard at is being accessible - not just to the people in the courthouse but to people in the community. I regularly attend community meetings, PAC meetings, speak at schools and to community organizations. My office maintains an active social media presence through which we routinely engage community members. We also push out public education materials about the criminal legal system through our social media and website.

Communication is one of our core values and I take accessibility seriously.

**Your politics:**

**22. For whom did you vote in the 2020 United States Senate and presidential elections?**

Cal Cunningham and Joe Biden

Again, thank you. **Please do not forget to provide us with your headshot and a resume or biographical statement.**