

District Attorney Candidates' Assembly

April 26, 2022

We urge the Orange-Chatham District Attorney's Office to implement and act on policies that promote transparency and consistency, reduce incarceration and unnecessary interactions with the criminal justice system, and end racial and wealth-based disparities.

To achieve this, we ask the next District Attorney to enact the following policies within the first year:

1.) Transparency & Consistency

- a. Create a publicly-available guideline and resource statement to assist the public in understanding the DA's work; the services the DA's office can connect victims, defendants, and defendants' families with; and the principles it uses in decision-making, in particular re: diversion, plea deals, sentencing choices, and restorative justice.
- b. Work with either UNC's Criminal Justice Innovation Lab and/or the Duke Wilson Center for Science and Justice to gather data on plea deals and to track for racial disparities.

2.) Reduction of Incarceration & Involvement with Criminal Justice System

- a. Decline to prosecute drug possession for personal use and drug paraphernalia charges. Instead, direct individuals toward diversion and substance abuse programs.
- b. Make diversion the rule. If charges must be pursued, prioritize diversion over incarceration during all phases of prosecution. Recommend treatment in lieu of incarceration where probationers have behavioral or mental health issues. When diversion is not an option, allow those with no prior or with minimal records to enter a First Offender Deferred Prosecution Agreement or a Conditional Discharge to dismiss the case.
- c. Implement mass relief in both Orange & Chatham Counties for driver's license suspensions due to failure to pay fines & fees, as has been done in other North Carolina counties. Consider Durham County's DEAR program as one potential model.
- d. Create a Sentencing Review Process specifically for Orange and Chatham Counties to determine if sentencing relief is appropriate in cases previously tried by DAs in Prosecutorial District 18 that led to incarceration. We support the following model with its emphasis on input from community stakeholders and transition support: <https://fairandjustprosecution.org/wp-content/uploads/2020/01/Model-Sentencing-Review-Guidelines-FINAL.pdf>

3.) Implement Policies to End Racially-Biased and Wealth-Based Pretrial Detention

Do not request cash bail unless there is clear evidence that a defendant poses a flight risk or is a danger to an individual or the community. When cash bail is requested under these limited, high-risk circumstances, align cash bail amounts with the accused's ability to pay, i.e., so that the financial burden placed on low-income and higher-income defendants is equitable.

We also ask for the next District Attorney to agree to:

- The continuance of the diversion program for drivers whose only offense is driving without a license, including working with Orange County Justice United members to make the program more accessible and affordable.
- Follow-up meetings in six months and one year.