

PA PAC Questionnaire for District Attorney Candidates - 2018

Please return this completed form along with your resume or a brief biographical statement describing your education, work history, community service, and prior political experience as soon as possible, but by **March 12**, at the latest.

You may e-mail your responses to Tom Miller at tom-miller1@nc.rr.com or you may send a printed copy of your responses to Durham PA-PAC c/o Tom Miller, 1110 Virginia Avenue, Durham, NC 27705

Please note that following the March 12 deadline, the Durham People's Alliance PAC may publish your responses to this questionnaire and your resume.

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

Candidate's name: _Roger Allen Echols,
Jr. _____

Address: 605 Wellwater Ave., Durham, NC
27703 _____

E-mail Address:
raechols@yahoo.com _____

—

Phone: (919) 452-
4255 _____

When responding to this questionnaire, type your answers in italics, bold, or a different font to distinguish your answers from the questions. Please do not use colors. You may explain your answer to every question, but please be concise. If possible, limit your answer to each question to no more than 350 words. If you use words or ideas from another person, please attribute your source.

Candidate's name *Roger Echols* _____

Residence address *605 Wellwater Ave., Durham, NC*
27703 _____

Cell-phone Number (919) 452-4255 _____ E-mail
raechols@yahoo.com _____

Concerning the District Attorney's Office and Criminal Justice

1. Please describe your experience in prosecuting and/or defending felony cases. Your answer should include the number of such cases you have handled and should identify the number of cases where you were primarily responsible for the prosecution or defense (i.e., "first chair").

I have prosecuted all types of felony cases as first chair to include property crimes, financial crimes, drug trafficking, sex offenses, child sex offenses, violent crimes, domestic violence crimes and homicides. I would estimate that the total number of felony cases that I have prosecuted as first chair to be well into the thousands which would include over 100 felony jury trials. My trial experience includes trials in all the areas mentioned above including several sex offense cases and 10 homicide trials.

2. What is your experience managing a large staff of professional and non-professional employees? *I have managed the District Attorney's Office as District Attorney for the last 3.5 years. During this time period the staff has grown to over 40 total employees. We have dealt with all personnel challenges and maintained stability. Prior to being District Attorney, I had the responsibility of managing the District Attorney's staff of 37 employees as Chief Assistant District Attorney to the Honorable Judge Stanback. For almost 2 years I managed a staff of 13 employees as Chief Assistant District Attorney of Prosecutorial District 9A.*

3. As District Attorney, what would be your policy in charging under the habitual felony statute? Would you take into account the nature of the triggering offenses and the proportionality of the possible punishment upon conviction? *I have given our prosecutorial staff the following guidance in prosecuting under North Carolina's Habitual Felon Statute: 1.) Consider the nature of the triggering offenses. Specifically, if the triggering offenses are lower class felonies, Class G, H, and I felonies, then prosecution as a habitual felon should generally not be considered. 2.) Consider whether or not this is the first occasion that the defendant has qualified to be prosecuted as a habitual felon. In other words if this is the first time the defendant qualifies, notwithstanding other factors, it should be less likely that a habitual felon prosecution is sought. 3.) Consider the current crimes we are prosecuting. If the charged felony is not a violent crime, a habitual felon prosecution should be less likely. If the current charged crime is a property crime such as obtaining property by false pretenses, a habitual felon prosecution should be rare. In many of these situations, not even a felony prosecution should be pursued despite the defendant's habitual felon status.*

4. Do you support the death penalty? Do you support its abolition or would you modify its application in any way? As District Attorney, what criteria would you use in determining when you would seek to impose the death penalty upon a criminal defendant? *I am not a proponent of the death penalty although I do recognize that it is allowable under the law. The victim's rights amendment to the North Carolina Constitution and victim's rights statutes require that prior to the disposition of the case that the district attorney's office offer the victim (victim's next of kin in homicides) the opportunity to consult with the prosecuting attorney before disposition of the case which includes plea offers and sentencing. When the death penalty is allowable by law I believe the constitution and the law requires us to consult with the next of kin before making a decision on capital punishment because it relates to disposition and sentencing even though we are not required to follow the victim's family's wishes. I would support the abolition of the death penalty. The criteria that I use in determining whether or not to*

seek the death penalty is 1.) Whether or not a statutory aggravating circumstance exists which would allow us to proceed in seeking the death penalty, 2.) The number of statutory aggravating factors present, 3.) The strength of the evidence on the statutory aggravating factors, 4.) The number and strength of evidence of any known mitigating factors, 5.) The strength of the facts for the homicide case itself, and 6.) The opinion of the victim's family. The death penalty at most should be rarely considered. In those rare occasions, the strength of the State's case should be extremely high. I have had to make the decision as to whether or not to seek the death penalty in over 100 cases since becoming District Attorney and have filed notice to seek the death penalty once. Furthermore, I removed the death penalty from consideration on three cases in which notice to seek the death penalty had been given prior to me taking office.

5. Do you think that there are issues of racial discrimination and bias in the prosecution of criminal cases in North Carolina? Describe the problem. If you believe such issues exist, as District Attorney what would you do to combat them? *I do believe there are issues of racial discrimination and bias in the prosecution of criminal cases in North Carolina. Prosecutors have discretion. With discretion there is the possibility of bias and discrimination. To combat issues of discrimination as District Attorney I recognize that the possibility of bias and discrimination exists. I do not believe that we can take for granted that our decisions will not have a biased effect just because we have the honest aim of being fair all of the time. I believe that we have to consistently think about these issues and talk about the issues as prosecutors and as a staff to combat the issue. In my tenure as District Attorney 10 prosecutors have received training on implicit racial bias training. The number of prosecutors receiving training is the highest it could have reasonably been to this point given the availability of training. Because of the limited availability of training, the prosecutors that have received training have presented information to the prosecutors who have not had the opportunity to attend training. If allowed to continue as District Attorney, I would endeavor to have all prosecutors receive training as the opportunities for training become available.*

6. Concerning the 2016 NCCALJ Report on Pretrial Justice: Please circle or underline "Yes" or "No" to indicate your answer to the following questions. If you wish to explain your answer to any question, you may. Please limit your explanation to no more than 50 words for each item.

Do you support or oppose:

- a. The expanded use of citations by law enforcement?

Yes or No

Yes I support the expanded use of citations. Citations would alleviate the need of those charged to be in any type of custody for offenses in which there should be no conditions of release other than to come to court.

- b. The use of unsecured bonds for pretrial release instead of secured bonds?

Yes or No

Yes I support the use of unsecured bonds or written promises to appear in appropriate cases which would be most misdemeanors and nonviolent felonies. I have always instructed

our prosecutors handling first appearances to recommend the least restrictive pretrial conditions as practicable for the situation. I would support the use of unsecured bonds in other offenses as long as there are safeguards in place for community safety which sometimes can be achieved through pretrial services.

c. The use of an empirically-derived pretrial risk assessment tool by every magistrate in every criminal case at the initial appearance?

Yes or No

Yes. Under our current rules for pretrial services only those charged with misdemeanors and lower level felonies are automatically screened for pretrial while others are only screened if a prosecutor and judge agree to allow screening to be done. I have agreed that all defendants seeking to be screened by pretrial services should be screened. Within, the last two years I have expressed my support in writing to the Human Relations Commission for greater use of pretrial risk assessment tools and pretrial services. I have verbally expressed the same support to the county, our Senior Resident Superior Court Judge, our Chief District Court Judge and our Chief Public Defender.

d. Having a prosecutor screen cases before the initial pretrial release decision and for both prosecution and defense to be present at that hearing?

Yes or No

Yes. Having a prosecutor screen cases thoroughly before a pretrial release decision could have many benefits related to prosecution and efficiency. If a screening is to be done before a magistrate's decision it would have to involve a lot of coordination among agencies which I would be open to as District Attorney. A prosecutor currently reviews all cases before initial appearances before a judge. Additionally, a prosecutor and a public defender are present at all initial appearances. I have and would continue to support this process. In fact, each year I have verbally and in writing advocated to the county for the continued funding of a prosecutor and assistant public defender for this purpose.

e. Automatic bond review procedures for misdemeanor defendants?

Yes or No

Yes. At times we have had bond review procedures in place, including currently. Every Friday a jail administrator, an asst. da, and an asst. public defender meet to review low bonds regardless of the offense charged. Unfortunately, there is no judge at these meetings. I have expressed the desire for a judge to be involved in these bond review meetings.

7. As District Attorney, would you support expanding the Misdemeanor Diversion program to persons of all ages, and to persons with a prior record or more than one misdemeanor charge?

Yes, I would support expanding the Misdemeanor Diversion Program to persons of all ages. When the Misdemeanor Diversion Program began and was only available to 16 and 17 year olds, I expressed my support for no age limit even if there needed to be two separate programs. I do support misdemeanor diversion for more than one charge. Currently, our Misdemeanor Diversion Program is available to those with more than one charge. The number of charges is not a bar as long as the charges

are eligible. I probably would not support misdemeanor diversion for those with a record for two reasons. First, the reasoning for misdemeanor diversion was to keep individuals from ever being charged with an offense because practice and research has shown increased recidivism once an individual has contact with the court system. Also, we recognized the costs and imperfections associated with expungements that could be avoided if individuals without a record had charges diverted without ever being charged. These goals don't exist for those who already have records. Additionally, there are other tools in place that could serve those with records. For some offenses, we will enter what we refer to as informal deferred prosecutions which allow those defendants with records to not get an additional conviction and avoid court costs and fees.

8. As District Attorney, will you advocate for increased funding for mental health and substance abuse assistance for persons subject to arrest or incarcerated in the jail?

Yes I would advocate for more funding in both of those areas. Our Mental Health Court is an extraordinary program that we had to figure out how to do successfully without the help of the State procedurally or financially. Because our Mental Health Court is an informal deferral program, it could not exist without the district attorney even with the county's willingness to fund it. In creating our Mental Health Court we eventually looked to Wake County as a model. At the time that we were communicating with Wake County, Wake County was 8 months into its program. Although Wake County has a population of more than 3 ½ times that of Durham, they had 5 people in their Mental Health Court. The end of February marked 8 months that our Mental Health Court has been in existence and we had 27 people in our Mental Health Court. Initially, Mental Health Court Coordinators set our capacity at 25 participants. Currently without funding we believe we have the capacity for more. However, without more funding there is a limit to the number of people this court can serve. We have been in need of increased substance abuse treatment generally in this county and beyond. Increased funding for treatment would be a benefit to those who receive it and the community at large.

9. As District Attorney, what measures would you support and/or take to make our courts more accessible to non-English speaking victims, defendants, and witnesses?

Currently we have 4 Spanish speaking staff members who assist significantly when there are Spanish speaking victims and witnesses. However, they can only help minimally with Spanish speaking defendants because that would be a conflict. Even though we serve a significant population whose first language is Spanish, we also encounter non-English speaking victims and defendants who speak languages other than Spanish. I support greater funding to hire more interpreters to make the courts more accessible to non-English speaking victims, witnesses and defendants.

10. Do you support or oppose the use of cash bail? Please explain.

Cash bail is not the best form of determining pretrial release because it is inherently unfair to those without financial means and it gives an unfair advantage to those who have financial means. I would support any measures that allows us to use non-biased risk assessment tools to determine an accused's level of threat to the community and increased funding that would allow expansion of our county pretrial services. I would support a change in State law that would make

changes to the cash bail system or eliminate it as long as safety to the community is balanced with achieving pretrial release for the accused.

11. Are you concerned about the criminalization of poverty and, if so, what policies will you put in place to avoid fees and costs for poor people arrested, deferred into a program, or detained in the Durham County jail?

Criminalization of poverty and the effects of crime on the impoverished are issues in the nation, state and county that concerns me. Currently, I consistently dismiss charges of soliciting alms. In many cases, we also currently offer informal deferred prosecutions which allows defendants to avoid all court costs and fees. When a judgment is entered in a case, it is within a judge's power to remit costs. We don't oppose the remission of costs and fees when a defendant is unable to pay. When a defendant enters a formal deferred prosecution or a plea agreement that includes a community service requirement, we allow the defendant to complete community service outside of probation so the defendant can avoid the \$250 community service fee. Mental Health Court is also a court that does not require court costs or fees of any kind. Any time a defendant does not have the ability to pay costs of any kind including jail fees that defendant should not face a criminal or civil penalty.

12. Are there criminal offenses that you believe should be decriminalized?

Many class 3 misdemeanors should be decriminalized and or at least made into infractions. Some of these offenses include littering, urinating in public, sleeping in a public park, soliciting alms. I certainly believe many other offenses are over criminalized such as misdemeanor marijuana. If we are serious about treating addiction as a health issue rather than a criminal issue we have to figure how we will exactly treat it as a health issue. Currently, we seek to do that by determining whether or not a person, particularly underage persons have an addiction. This often leads to us not prosecuting low level possession of marijuana. I am open to discussions in how to handle possession of controlled substances in ways that will not criminalize people.

13. As District Attorney, how would you make District Court more efficient?

Even though District Court is relatively efficient, improvements in efficiency could be made. Current administrative orders put in place by the Chief District Court Judge requires that cases be disposed within 120 days. Administrative orders that allow certain procedures to be carried out by a magistrate in traffic court currently make traffic court very efficient. I believe separate calendars for morning and afternoon could make district court more efficient. I also believe requiring attendance of law enforcement in court on their court days (and not just be on call) would help make district court more efficient. In order to make any of these changes, the Chief District Court Judge would have to agree to implement such changes. We have already began discussions to make changes regarding the attendance of law enforcement that would work for law enforcement and benefit everyone else involved in the court system as it relates to efficiency. Over the last 4 years we have consistently disposed of cases in district court of a rate greater than 115%.

14. What would you do to ensure that defendants' speedy trial rights are protected, particularly for defendants who are being held in jail?

The best way to make sure that a defendant's right to a speedy trial is protected is to make sure procedures are in place so that his or her cases are regularly set on a calendar throughout the process so that the defendant through his attorney can make all appropriate arguments to the Court. We currently have a case management system that requires us to calendar criminal cases on the first available case management court date after indictment. After the case is calendared the defense has equal say regarding all future scheduling. Therefore, each time a case is on a Superior Court calendar all parties have an equal opportunity for input regarding whether or not the case is continued and the date the case is continued to. Equally important in making sure speedy trial rights are not violated is making sure delays are not the fault of the State. In all major cases, those in which defendants are likely to be in custody, I require prosecutors to meet with investigators forensic investigators. This procedure helps to get the appropriate evidence to the State Crime Lab to avoid unnecessary delays. While these procedures do not always insure that cases are disposed of as quickly as I would like they do help make sure that we comply with the constitution and laws that govern a defendant's right to a speedy trial.

15. What are the shortcomings of law enforcement in Durham? What can be done to correct them?

Law enforcement agencies could continue to make community policing a high or higher priority. If law enforcement agencies emphasized having daily non enforcement contact with citizens, law enforcement could earn the trust of the community while giving the officers an opportunity to get to know the citizens that they serve as people. Greater sensitivity of officers might be achieved through increased non adversarial contact while making the community a willing partner in solving crime.

Violent crime is the biggest challenge that law enforcement faces. I believe greater success in investigating the most serious crimes can be positively affected by have more investigators. As mentioned in an earlier answer, the creation of a robbery task force has strengthened the quality of robbery investigations. Increased investigators in other violent crime areas would improve investigations in those areas as well. In order to achieve these changes it may not be necessary to increase funding for the law enforcement agencies. Resources could be redirected from other areas to achieve higher numbers of investigators for violent crimes.

16. Do we incarcerate too many people in North Carolina? Do we incarcerate the right people? Please explain your answer.

Yes we incarcerate too many people statewide in North Carolina and some are unnecessarily incarcerated given the offenses they committed. Based on the total number of people in North Carolina incarcerated, I would say yes. Individuals who commit violent crimes and are a danger to the community should be the people we seek to incarcerate in this state. Individuals who are repeat offenders who commit violent crimes and crimes against people should be incarcerated. To the extent that we are not largely incarcerating those types of offenders, we are incarcerating the wrong people.

17. As District Attorney, what policy or organizational changes would you make that have not otherwise been anticipated by the questions in this questionnaire?

Currently 2/3rds of the Superior Court staff prosecutes violent crime. 25 percent of the Superior Court Staff prosecutes property crimes and crimes against people. Only 8.3 percent of the Superior Court staff prosecutes drug offenses. If I would make any changes I would consider taking a District Court prosecutor and have him or her add to the prosecution of violent crimes and crimes against people.

Concerning You

18. Have you ever been publicly or privately disciplined by the North Carolina State Bar or any other professional or occupational licensing authority in North Carolina or any other state? "Disciplined" should be read to include reprimands, censures, and warnings in addition to license suspension, surrender, revocation, and disbarment. Is the State Bar or any governmental authority considering a complaint against you at the present time? Have you ever been found in contempt of court? For each "yes" answer, please provide us with a description of the action taken, when it was taken, the authority in question, and a statement of the facts and events giving rise to the action or complaint against you.
No

19. Have you ever been convicted of a criminal offense (other than a minor traffic offense)? Is there a criminal charge currently pending against you? If the answer to either of these questions is yes, please identify the offense, the tribunal, and the sentence or penalty imposed. Please also describe the circumstances giving rise to the charge and/or conviction. *No*

20. Is there any unsatisfied judgment pending against you? If the answer to this question is yes, please identify the party or parties with a judgment against you, the tribunal, the amount of the judgment, and the circumstances giving rise to the judgment. Are you currently a plaintiff or defendant in a lawsuit? If the answer to this question is yes, please identify the adverse parties and the tribunal where the matter is pending. Please describe the nature of the claim or claims in the suit and the circumstances giving rise to the claim. *No*

19. For whom did you vote in the 2012 and 2016 presidential general elections?

2012 – Barack Obama, 2016 – Hillary Clinton

Thank you and please remember to provide us with a copy of your resume or biographical statement.

I have been a prosecutor for nearly 20 years. I have prosecuted all types of cases during my tenure as a prosecutor. My experience has given me the required judgment to analyze investigations and cases appropriately. My experience has also given me a sense of how and when to use the significant power of discretion that a prosecutor possesses to the benefit of the community, victims and when appropriate defendants. I believe our communities should be safe from violent crime and those who commit violent crime. As a result I have increased the number of prosecutors who prosecute violent crime in my tenure as your Elected District Attorney. I believe the victim and safety of the community are the highest priorities when prosecuting violent crime. However, in many circumstances, I believe discretion should be used to refrain from criminalizing or incarcerating people if there are other alternatives which do not compromise the rights of victims or the safety of the community.

In my tenure as District Attorney, I have connected with the community in several ways. I have regularly participated in activities in public schools including speaking as a guest lecturer, speaking to young men's groups, speaking at career fairs, judging spelling bees and advising for mock trial competitions. I have also participated as a speaker for religious and community organizations including Boys and Girl Scouts. I attend many PAC (Partners Against Crime) meetings as well as Together for Resilient Youth (TRY) meetings. I participate in our county's Criminal Justice Advisory Committee where I am serving as Chairperson for the second year.

I was grew up in Hillsborough, North Carolina. My mother raised me to serve others, respect everyone and the value of hard work. I have attended Dickerson Chapel AME Church since 1977 where I have been active as a choir member, Steward and class leader. I am blessed and proud to be a 12 year survivor of stage 4 cancer.

ROGER ECHOLS

605 Wellwater Ave, Durham, NC 27703 · (919) 452-4255
raechols@yahoo.com ·

RE-ELECTION TO BE DISTRICT ATTORNEY OF DURHAM COUNTY NORTH CAROLINA

EXPERIENCE

SEPTEMBER 01, 2018 – PRESENT

DISTRICT ATTORNEY, PROSECUTORIAL DISTRICT 14, DURHAM COUNTY, NC

Elected District Attorney – Responsible for the prosecution of all criminal matters in Durham County, NC. Chief administrator and policy maker for the Office of the District Attorney. Managed a staff of 43 employees including 21 prosecutors

NOVEMBER 10, 2010 – AUGUST 31, 2014

ASSISTANT DISTRICT ATTORNEY, PROSECUTORIAL DISTRICT 14

Chief Asst. DA – Responsible for the direct supervision of all superior court assistant district attorneys, district court supervisor and administrative assistant. Prosecuted a caseload of violent felonies including homicides, felony assaults and robberies

OCTOBER 01, 1998 – NOVEMBER 09, 2010

ASSISTANT DISTRICT ATTORNEY, PROSECUTORIAL DISTRICT 9A

Chief Asst. DA from 2009 – 2010 where I was responsible for prosecuting a full caseload and for the supervision of 13 staff members. During my 12 year tenure I prosecuted cases in district court, juvenile court and superior court. I prosecuted misdemeanors, dwi's, drug offenses, drug trafficking, property offenses including burglary, violent offenses including crimes of domestic violence, homicides, rapes, child sex offenses, felony assaults and robberies

EDUCATION

MAY 1998

JURIS DOCTOR, UNIVERSITY OF TENNESSEE COLLEGE OF LAW

MAY 1995

B.A. ECONOMICS, UNIVERSITY OF NORTH CAROLINA AT CHAPEL HILL

ACTIVITIES

Volunteered as a mentor

Member of Dickerson Chapel AME Church where I serve as a Steward, Class leader, Sunday School secretary and choir member