

# 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](mailto: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: Daniel A. Meier

Address: 100 E. Parrish Street, Suite 300, Durham, NC 27701

E-mail Address: daniel@meierlegal.com

Phone: 919.699.2851

*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: Daniel A. Meier

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## 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").

*A: I've been practicing Criminal Law in Durham County for almost sixteen years. The bulk of this time has been in private practice. Since 2005, I have been representing indigent clients as a member of the County's court-appointed defense counsel. I have also been on the Capitol Defenders contract list since 2012. During this time, I've represented several hundred individuals charged with felonies, from "low level" simple possession charges to first degree murder. Since the inception of the contract system, I have personally handled more than 150 "high level" felonies (A-D felonies; murders, sexual assaults, armed robberies, etc.) and over 450 low level felonies (E-I felonies; break-in, drug possessions, felony assaults, etc.). This is in addition to more than one thousand misdemeanor cases. With the exception of the occasional stand-in, typically when I've been out of town or in another trial, I have personally handled all of the cases I've been assigned.*

2. What is your experience managing a large staff of professional and non-professional employees?

*A: Prior to Law School, I received my MBA and Masters of Science in Health Administration and worked for various Health Care Organizations, (Methodist Health Care systems of San Antonio and the Medical Center of Arlington.) While in Arlington I supervised over 100 individuals as I was an assistant administrator which included the following – Serving as the property manager for the medical office buildings, managing the senior health centers, serving as the Physician recruiter, serving as the ethics and compliance officer, Director of Information Systems and was the assistant to the CEO and CFO.*

*From 2005 to the present, I have owned and operated my own law firm here in Durham. Throughout the years I have overseen the work of the office and several associates and staff.*

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?

*A: I support the movement to decrease the severity of the statute, including the recent changes to the law calling for a 4-level increase in the sentencing class for H and I felonies, as opposed to an automatic increase to class C. Though this is a slight step in the right direction, I believe more needs to be done. The Habitual Felon Statute is a embodies the harshness of the Nixon-Reagan-Clinton "Law and Order" years. It's taken too long for our legal and political systems to finally recognize the societal errors made in these preceding decades, and how these errors have contributed to a sharp increase in convictions and incarcerations. There's still more to be done to remedy the issues.*

*The statute is particular harsh when used with underlying felonies that are old, nonviolent, or otherwise low-level. On every case, we have to take into account the nature and age of the triggering offenses and how they relate to the pending charge. You also have to look beyond just the triggering offenses and examine the entire record. If the only felonies they have are the triggering felonies, that's a different circumstance than someone who has multiple additional felonies in their history.*

*As a defense attorney, I've pushed to have ADAs look at the bigger picture. The Statute is narrow, but criminal records fall within a much larger context. As District Attorney, I would not have hard and fast rules, but would have the ADAs consider the entire record and circumstance and only pursue Habitual Felon status if it's appropriate, not just because you can.*

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?

*A: No, I do not support the death penalty. I do not believe the State should be in the business of killing people. It is ineffective as a deterrent because individuals who murder are rarely thinking of the consequences when committing these acts. People who are willing to murder are not held back because there is a chance they'd get the death penalty as opposed to life without the possibility of parole. I would support its abolition.*

*Obviously, the death penalty is the law in North Carolina. But it is not an option that should be exercised without significant consideration and consultation with all involved.*

*The death penalty doesn't accomplish the goals that its proponents claim: deterrence to future criminal actors, prevention of similar crimes by the same actor, and restoration to victims' family and surrounding community. The death penalty rarely, if ever, gives the parties, the victims, or the State any real sense of closure. If "successful," the convicted individual is put to death. But this process takes literal decades, during which the victim's family and friends are forced to relive the experience with every court date.*

*Seeking the death penalty also requires a tremendous use of resources in the pre-trial stage, the trial itself, and all of the post-conviction work. We need all of these protections for the death penalty because mistakes are unacceptable, and literally final, and we've seen numerous people exonerated from death row, often after decades. It's naïve to think innocent people haven't been executed, and that's absolutely unacceptable. In addition, it's clear that the death penalty is unfairly imposed on minorities and the poor more than others, thus exhibiting the unequal application and biased that the Supreme Court refused to see in *McCleskey v. Kemp*.*

*Finally, the death penalty needlessly extends notoriety to Defendants. The trials are high-profile, as are the decades of appeals, which keep themselves and their cases in the news, needlessly revictimizing those involved. The only point of the death penalty is revenge or retribution, and that is not supposed to be the role of the criminal justice system.*

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?

*A: Yes. There is clearly racial discrimination and bias in our law enforcement and judicial systems, even if it is unintentional and the individual actors are not themselves racist.*

*Lawyers are trained to challenge the smallest factual differences in a case. Typically, these facts are laid out in witness testimony and police reports. However, there's often another fact that is obvious, but seldom recorded: race and ethnicity. The cases that land in my office are often identical in nature and factual basis to situations that, had they occurred in a different part of town or to a person of lighter complexion, would not have resulted in charges. To me, these scenarios make clear that there are deep rifts in the legal system that result in the unequal treatment of individuals and an increased incidence of criminal charges and convictions for minorities.*

*Does this mean that the officer(s) involved was deliberately targeting the individual? Usually no. However, therein lies the core of structural racism. There are discriminations so entrenched in the system as a whole—from the creation of certain laws to their prosecution in the court room—that they are not acted upon on the surface, but part of the deeper misunderstanding of culture and social hierarchy that have traveled through the generations.*

*District Attorneys need to be cognizant of these racial biases, recognize their existence in our own community, and act accordingly as to not play into that system. Every district attorney and ADA should complete racial equity training. This, in my opinion, should be a bare-minimum threshold requirement to have the job.*

*We live in an age where it is not only accepted, but encouraged to identify racial inequalities in public systems. Now more than ever, it is our responsibility to correct this behavior.*

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**—Arrest should be a last resort.

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

**Yes** or **No**.

- 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**—**BUT**, only as long as the assessment is not the only determinative factor and that there's no undue delay.

- 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**—There are more efficient and just means to screen cases. Please see my comments on bond above/below.

- e. Automatic bond review procedures for misdemeanor defendants?

**Yes** or **No**—There should be weekly low-bond (\$5,000 and less) reviews for all defendants.

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?

***A:** Yes. We need to focus more on consequences and not convictions. There should never be an arbitrary bar placed on an individual's efforts to reform. In some cases, a person received a deferral ten or more years ago, and is now stuck taking a conviction. That's not right. We need to expand the use to alternatives to convictions to all ages and all record levels. The Misdemeanor Diversion Program created by former Chief Judge Marcia Morey has proven to be an overwhelming success, with close to a 99% completion rate. With numbers like that, it makes absolute sense to expand these opportunities. I would look at each case and look for the just outcome, and stay away from arbitrary rules about when you lose eligibility for alternatives to conviction.*

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?

***A:** Yes. I've always advocated for increased funding for mental health and substance abuse. I also think it should be expanded for all, not just those subject to arrest or incarcerated in the jail. It's the lack of access and resources that often makes people subject to arrest or incarceration. We need to work to reform the entire system, and minimize the need for interactions with law enforcement and/or the criminal justice system.*

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?

*A: A few years ago, North Carolina was under threat of a DOJ lawsuit for not providing appropriate avenues and resources for non-English speaking individuals that found themselves in the court system system. For the last several years, I was on the statewide Language Access Stakeholders' Committee that helped establish the current guidelines. The Committee's recommendations resulted in an immediate increase in the availability, use and funding for interpreters, the creation of multi-lingual forms, and the availability of interpreters for all proceedings, whether criminal or civil. While the guidelines were sufficient to ensure equal access, the funding has not quite caught up. We need to continue educating the public and court actors on what is available, and to make sure no one is denied access to the courts due to language issues. I believe that District Attorneys across the state need to voice their support for increased funding and language access for all the participants in the court system.*

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

*A: We shouldn't have secured bonds below \$5,000, and people shouldn't remain in custody simply because they're poor. Far too often people languish in jail because they cannot come up with the \$200 they need to make bail. Then, thirty days later they plead guilty to a charge because it gets them out of custody for "time served." We also need to expand pretrial release options and resources (as well as expand alternatives to convictions) in cases where release is otherwise appropriate, but the person and their family lack financial resources. While I believe that cash bonds should be eliminated for low-level offenses, it's not practical to eliminate cash bonds for certain high-level crimes.*

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?

*A: Yes. It is not a crime to be poor and we need to stop thinking there is something inherently wrong with an individual that makes them poor. I think this is one of the biggest problems plaguing the criminal justice system. It's no secret that fees and fines keep people tethered to the courts for years on end. The initial minor infraction can lead to increased consequences and punishment simply because people cannot afford to pay the underlying court costs and fines. This often leads to OFAs for failure to comply, additional fees, and then the cycle continues. And, if someone cannot come up with the full amount they owe, but want to make payments, they have to request that at the time of conviction, and pay a \$20 "partial payments" fee. The general assembly can limit our ability to waive or remit fees. But they cannot impede our ability to dismiss charges and permit individuals charged with crimes to pursue deferrals. We also need to give people alternatives to fines. For instance, some crimes don't have a*

*monetary resolution. Instead, criminal conduct is often best resolved through community restoration.*

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

*A: Definitely. While it's not truly a decision for a DA to make, there are certainly some charges that I would like to see handled outside of the judicial system. Personal amounts of marijuana in personal or otherwise private spaces do not present a true danger to the community and does not warrant the resources of a full-scale state investigation and trial.*

*Non-impaired driving while license revoked should be treated like speeding tickets. At a certain point, it's not the driver's fault that they don't or can't get a license, which is often due to their inability to pay prior fees, court costs, etc.. But again, the circumstances need to be analyzed on a person-by-person basis.*

*Pan-handling. The current arrangement sees the dismissal of most panhandling tickets. But, to me, the real question is why are we charging in the first place? There's a time and place for charging an individual that's weaving in and out of the highway on foot, or being overly aggressive, but someone on the side of the road is not imposing in any criminal manner. This is also an example of criminalizing poverty. Unless there is a public safety reason, or they are crossing the line and harassing individuals, we shouldn't be prosecuting pan-handlers.*

*North Carolina started on the right path by creating the Class 3 misdemeanor system. But we need to go further. There are crimes like those named above, among others, that should not be criminal.*

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

*A: The first step to making District Court more efficient is a simple one: automatically provide police reports to the Defendants and their attorneys. While there is no statutory right to "discovery" in District Court, there is no downside to at least providing the police report. Currently, some ADAs will provide reports upon request, and some won't. Making the defense attorneys request them, then getting into a discussion of whether or not they will get it, or when, adds needless delays. This results in cases dragging on for weeks or even months on end, only to end in a quick dismissal in the immediate moments preceding trial—all because the report illustrates a defense, or a lack of evidence, or that another person actually committed the crime. Some cases are continued through several court dates because the defense attorney only has what their client says happened, and has no ability to fully discuss the case with them.*

*Obviously, many cases will still need to be tried. But providing the police reports will help make the resolution of the cases far more efficient and just.*

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

*A: Many of the issues concerning speedy trials come back to the question of bail. When a person is languishing in jail because they cannot afford bail, then a speedy trial is likely their way out of jail.*

*One of the things that needs to happen is an earlier investigation of the case by the assigned ADA, and a closer working relationship between the DA's office and Law Enforcement. Right now, it often seems that cases do not get a close look until the trial date approaches. If weaknesses are found, then the trial is often delayed as the State works to bolster their case, if that's possible. When cases come in, they should get an initial deep look to see if it's a weak case that can be made stronger, a weak case that is going to stay that way, or a strong case. Once you've analyzed the case early, and worked with law enforcement to fill in any gaps, an appropriate resolution to the case is generally easier to achieve. We need to look at cases early in the process, and periodic reviews of them until trial.*

*This is particularly so for individuals who are in jail. Their cases need to be looked at before the court dates to make sure everything is ready to go. It's not fair to an incarcerated defendant to continue the case because the State has not yet looked at the case, and didn't realize until the day of court that they needed additional evidence or information.*

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

*A: Three major shortcomings are lack of training, lack of accessibility to the community, and lack of a strong working relationship with the District Attorney's Office.*

*Durham still pays its officers significantly less than the surrounding communities, which has helped lead to an abundance of vacancies and staffing issues. One problem with all of these vacancies is that it reduces the ability to provide continued training to law enforcement, beyond what is legally required to maintain certification. We need to make sure that additional, regularly-scheduled training is offered so that the officers stay up to date on emerging trends in law enforcement, law in general, evidentiary matters, and continued racial equity/implicit bias training.*

*Years ago, DPD had a gang unit, a parks unit, a housing unit, and other units geared towards working with, and interacting with, the community. They have started to return to that model, with a housing unit starting up recently, and other units in the works. The housing unit helps increase the visibility in the community, as well as fosters more open communication and builds trust. We need more community engagement, which is also hindered by staffing issues and lack of resources.*

*It is also critical that the relationship between law enforcement and the District Attorney's office be strengthened. The LEOs and the ADAs need to work together on cases, and communicate early in the process, as well as throughout, to make sure that cases are being investigated appropriately, and appropriate resolutions are reached. In addition, when the*



*officers make mistakes, the ADAs need to explain it to them and work with them to improve in the future.*

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

*A: Yes, we incarcerate too many people in North Carolina. As noted elsewhere, and as studies show, people are often incarcerated because they lack resources to bond themselves out, or because they have untreated mental health and/or substance abuse issues. In addition, some crimes just shouldn't warrant incarceration. It costs a tremendous amount of money to incarcerate people (approximately \$110/day in the Durham County Jail, and a bit over \$80/day in the Department of Adult Corrections), and incarceration takes a tremendous toll on the families of the defendant as well as the community.*

*As for incarcerating the right people, no we often don't do a good job of that. We need to take a hard look at the individual, the crime, and the circumstances, and determine if incarceration is appropriate, or if there are alternatives. As mentioned above, there are certain crimes that don't warrant the resources we currently extend to offenses like simple possession, non-impaired DWLRs, and other class 3 misdemeanors. However, there are obviously crimes that warrant incarceration, whether temporary or long term. Does incarceration necessarily restore the individual or the community? Possibly, but maybe not. However, individuals that commit armed robbery, sexual assault or murder, among other crimes, need to be pulled out and isolated for a period of time.*

*Unfortunately, a major issue is lack of resources. We need to find alternatives to incarceration, as well as work to make any necessary incarceration productive. We need to expand educational opportunities, mental health services, substance abuse, job training, family counseling, etc. Most people who are incarcerated will be returning to their communities and we need to do what we can to give them the tools necessary to succeed when that happens, rather than watch them fall back into the patterns and choices that led to their incarceration in the first place.*

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

*A: I believe most of the policy changes have been addressed, from working on low bond reviews to expanding the use of deferrals/diversions. However, I also think we need to work with the Judges and law enforcement to set-up a monthly "amnesty" court for individuals who have warrants out for missed court dates. It's a tremendous waste of resources to process people through the system for missed court dates. We need to create a system where they can come in and get a new court date without being subject to arrest when they interact with law enforcement. Right now, there isn't a good system for someone who has missed court.*

*Obviously, there are always going to be individualized issues to look at, and people can't be allowed to miss court with impunity, but we do need a systemic way to address them.*

*We also need to look at a large scale purge/dismissal of cases that have significant age on them. This was done many years ago, and needs to be done again. In addition, I would instruct my staff to try to include all outstanding charges for defendants in plea deals.*

*Within the DA's office, I would make sure that there are structures in place for more experienced attorneys to work with and mentor younger attorneys, as well as allowing younger attorneys to second chair trials to gain experience.*

### **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.

**A:** 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.

**A:** 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.

**A:** No.

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

A: Barack Obama and Hillary Clinton

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

**Daniel Meier**  
Brief Bio

I received my law degree from the University of North Carolina at Chapel Hill in 2002. Prior to attending law school, I received my Master of Business Administration and Master of Science in Health Administration from the University of Alabama at Birmingham in 1997 and 1998 respectively, and my Bachelor of Business Administration from the University of Notre Dame in 1995.

I worked with Hospital Corporation of America, Inc., in San Antonio, Texas, and Arlington, Texas, prior to attending law school. While with HCA, I served as the Ethics and Compliance Officer, Property Manager, Physician Recruiter, Senior Health Center Manager, Y2K Facility Coordinator, Information Systems Director, and Assistant Administrator at the Medical Center of Arlington.

After graduating from UNC School of Law, I worked for several local law firms with a focus on general corporate/civil litigation matters, representing both plaintiffs and defendants. On April 1, 2006, I opened Daniel Meier, Attorney at Law, which has since grown into Meier Law Group PLLC.

While I have extensive experience outside the practice of law, and experience in all areas of law, for the past decade, I have focused heavily on Criminal Defense, having handled and tried cases ranging from speeding tickets to first degree murder. I have also remained active on the court appointed lists, representing a significant number of indigent clients.

I believe that we need to work to make the criminal justice system fair and accessible for all. The focus needs to be on Justice. We need appropriate consequences for criminal acts, not simply convictions, and we need to work to minimize incarceration.

I have lived in Durham for the last 16 years and am married to Leslie Meier, who was an officer with the Durham Police Department for 17 years before moving over to the Durham County Sheriff's Office as a Deputy last year.

# Daniel Meier

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## BAR ADMISSIONS:

North Carolina (Aug. 2002); Florida (May 2003)  
U.S. District Court for the Middle District (April 2004) and Eastern District (May 2004) of N.C.

## EDUCATION:

**University of North Carolina at Chapel Hill School of Law**, Chapel Hill, NC  
*Juris Doctor*, May 2002

**University of Alabama at Birmingham**, Birmingham, AL  
*Master of Science in Health Administration*. March 1998  
*Master of Business Administration*. March 1997

**University of Notre Dame**, Notre Dame, IN  
*Bachelor of Business Administration—Finance*. January 1995

## EXPERIENCE:

**Meier Law Group, PLLC**, Durham, NC  
*Owner*—small law firm.

**Maxwell, Freeman & Bowman, PA**, Durham, NC  
*Part-time Research Assistant/Contractor* with Jim Maxwell until 2015.  
*Summer Associate*, May 2001 to July 2001.

**Michael W. Strickland Associated, PA**, Raleigh, NC  
*Associate*, August 2005 to March 2006.

**Browne, Flebotte, Wilson & Webb, PLLC**, Durham, NC  
*Associate*, May 2003 to August 2005.

**North Carolina Court of Appeals**, Raleigh, NC  
*Extern*, January 2002 to April 2002.

**Medical Center of Arlington**, Arlington, TX  
*Assistant Administrator*, July 1988 to August 1999.

**Methodist Healthcare System of San Antonio**, San Antonio, TX  
*Administrative Resident*, July 1997 to July 1998.

**University of Alabama at Birmingham**, Birmingham, AL  
*Graduate Assistant*, Department of Health Services Administration, August 1995 to March 1997.

**Diagnostic Health Services, Inc.**, Dallas, TX  
*Assistant to the Vice President of Finance*, December 1994 to August 1995

*Intern, Summers 1992, 1993, and 1994.*