

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: _____ Satana Deberry _____

Address: _____ 3111 Courtney Creek Blvd Durham 27713 _____

E-mail Address: _____ deberry4da@gmail.com _____

Phone: _____ 919-824-5765 _____

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 _____ **Satana Deberry** _____

Residence address _____ **3111 Courtney Creek Blvd Durham, NC 27713** _____

Cell-phone Number _____ **919-824-5765** _____ E-mail _____ **deberry4da.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 do not have an exact number count for the number of felony cases in which I was defense counsel. It is most accurate to say that I defended dozens, if not hundreds, of felony cases during my career as a

defense attorney. In all those cases, with three notable exceptions, I was first chair. I defended one serious felony case in which I served as standby counsel to a defendant who defended himself at trial. Additionally, I served as second chair in two capital murder cases.

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

I have extensive managerial experience dating as far back as college when I served as the manager of the Princeton University Tiger Refreshments – the concessions vendor for university athletic events. In that role, I managed all the staff for prep and game day events. I have managed attorneys and nonprofessional staff as General Counsel of the NC Department of Health and Human Services. At Annie E. Casey Foundation, I managed a team of professional and masters level consultants providing technical assistance to state child welfare and juvenile justice agencies. At Habitat for Humanity, I managed all aspects of the nonprofit from human capital to construction to finance and budget. At the NC Housing Coalition, I have continued to manage the human capital and budget of a statewide, complex, nonprofit agency with many private and public funding sources.

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?

Habitual felon status is a questionable sentencing tactic used more often to force defendants into plea bargains than to assist in the fair and equal administration of justice. Sentencing is the responsibility of judges – not prosecutors. Under structured sentencing, a judge has the tools to enhance sentencing if necessary. If a defendant is dangerous to the community and requires enhanced sentencing, then that defendant should be charged properly at the beginning of the adjudicative process. Status offenses unfairly shift sentencing discretion to the State not the judge. As such, habitual felon indictment suffers from the same implicit racial bias as all other prosecutorial charging decisions in Durham County,

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 morally, ethically, theologically, and in all other ways opposed to the death penalty. I believe the practice is irrevocably flawed and does not provide justice to victims nor society. I believe it suffers from racial and socioeconomic bias and there is no way to ensure that it is being ethically applied. The death penalty is a human rights violation and should be abolished. Consequently, as District Attorney, I would not seek the death penalty in any case in Durham County.

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?

Racial discrimination and bias is rampant in North Carolina's criminal justice system. In fact, the only indisputable outcome of the criminal justice system is not that we are safer as a whole but that black and brown people are incarcerated.

There is no clearer example of how broken the criminal justice system is than our local jail. In addition to being overcrowded, the jail is disproportionately filled with black people. Black people, who make up only 38 percent of Durham's population, make up 80 percent of the people in jail. I will prioritize working with the courts and Sheriff's Office to drastically decrease the daily census count at the jail from my first day in office.

Additionally, I will openly and publicly acknowledge that racial bias exists in the DA's office and work to bring that to an end. I will ensure that there is fairness in the prosecutorial decision making process in the following clear, definable ways:

- Require routine implicit bias training for prosecutors and other office staff, including myself;
- Engage an outside, independent reviewer to routinely review data to expose and address racial inequity; and
- Incorporate racial impact review in performance review for individual prosecutors.

I will also work with community and national partners to create meaningful guidance to prosecutors on reducing the impact of implicit bias in prosecution. It is impossible for one person to know how to deconstruct a system built over centuries to be unequal, unfair, and unjust – so I am willing to learn from others how to change.

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

- 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

I have learned from my work in financial systems advocacy that algorithms generally reinforce the biases that already exist in society rather than alleviate them. Risk assessments tools often include variables that are influenced by socioeconomic and racial factors rather than scientific evidence.

- 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

- e. Automatic bond review procedures for misdemeanor defendants?

Yes or No

However, I would further note that most misdemeanor charges should not result in arrest in the first place. People charged by police with low level misdemeanors or nonviolent felonies should first be given the opportunity to appear in court before being considered a flight risk. Evidence has shown that imposition of bond is not positively correlated with court appearance.

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. Diversion is not a reward. Diversion is a common sense prosecutorial practice.

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. These programs are necessary for the fair and equal administration of justice.

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?

True access to the courts requires more than the District Attorney's office – it requires coordination with the Clerk of Superior Court as well as the Superior and District Courts. However, because the District Attorney controls the criminal court calendars, there are some immediate changes that can be made:

- **Coordinated Spanish interpreter calendars – the DA's office can create Spanish only calendars that are scheduled in advance for certain sessions of District and Superior Court – for example, once per quarter. Victims, defendants, and witnesses can request in advance that their cases be heard during one of these sessions. This will also benefit litigants in other courts, as Spanish language interpreters will be scheduled in advance and available for services in all courts. In addition, interpreters for rarer languages can be scheduled during these court sessions.**
- **Spanish only traffic court – Some of the overwhelming volume of traffic court can be handled with Spanish only traffic courts. Like the coordinated interpreter calendars, these can be regularly scheduled sessions staffed with interpreters and appropriate court staff.**

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

I oppose the use of cash bail in most misdemeanor and nonviolent felony cases. Most of these cases can be addressed by a citation system similar to that for traffic offenses. For the small number of those cases that cannot be handled by a citation system, people should still be given the opportunity to appear in court before they are required to post bail. There is evidence from other states that the imposition of bail does not secure presence in court – it only keeps poor people incarcerated and subject to the collateral and damaging consequences of that incarceration. For people charged with violent felonies or who are a danger to the community, cash bail may still be appropriate but there is no indication that it will keep those people in jail.

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?

I am very concerned about the criminalization of poverty. The root of the criminalization of poverty in Durham is over policing of certain populations by law enforcement. Diversion from court is the simplest, most direct way to avoid the imposition of fines and fees. As I have mentioned several times, most misdemeanors can be handled with a citation system. With a citation system, people are not arrested, do not have to post bail, and do not have to appear in court. Avoiding court appearances avoids the imposition of costs and fees which further exacerbates the collateral consequences to poorer residents. As DA, I would actively and purposefully divert low level cases from court.

For cases that do come to court, as DA I would actively work with judges and sentencing experts to develop ways to minimize fines and fees. The General Assembly has made it very difficult to avoid the imposition of fines and fees in sentences.

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

I believe we prosecute too many issues that are directly related to lack of access to services for substance abuse and mental health. That means the police make too many arrests related to the personal use, not the distribution, of drugs. There are also issues related to lack of stable housing that are criminalized for no good reason.

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

First, as District Attorney, it would be my policy to reorient the work of the office to review cases within days of filing. That would enable the diversion of cases before they needed to be calendared for District Court. Fewer cases in court mean attorneys have more time to work with their clients before court and be prepared for cases when they are calendared.

I would also implement a system of open file discovery in all district court cases. A computerized system for case management would be a long term strategy for enabling this discovery – especially a cloud based system that attorneys and law enforcement could access from their own desktops.

As mentioned in another section, I would also implement regular Spanish only calendars. There would be no wasted time in court trying to find interpreters or continuing cases because a defendant didn't understand.

Finally, my office would hold investigators accountable for showing up in court and having their reports ready for prosecutors. If a case shows that it is not to be continued again, my office will dismiss if the State is not ready. It is not fair and equal administration of justice to hold defendants accountable but not law enforcement and prosecutors.

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

The answers to this question will mirror and work in concert with the answers to the previous question.

Again, my main priority around misdemeanors and nonviolent felonies is to divert those people from jail and court in all cases. In cases where citations are not available or appropriate at charging, those low level cases will be assigned to a diversion calendar where additional options for diversion will be considered.

For every defendant held in the jail, a bond hearing should be held within 24 hours. A rotating slate of prosecutors will be assigned to every bond hearing.

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

Durham has often had a police department and Sheriff's Office that have felt disconnected from the community.

The number one issue in every law enforcement agency in the country is its lack of acknowledgment of its implicit bias around communities of color and low income communities. That is no different in Durham County. The only way to change that is for consistent sunlight to be cast on accountability measures and disclosure of law enforcement tactics and policies – especially around arrests. There are far too many cases of city police making arrests that are unnecessary and target certain populations – particularly young black people. Sustained involvement by the Human Relations Commission and the citizens advisory board are key to reforming the implicit bias in the system. It is also necessary for command officers to be held accountable for the actions of officers they supervise and for real discipline to be imposed around the overuse of arrest power.

Additionally, the next largest shortcoming of law enforcement is its insistence on military style training of its rank and file. State budget cuts, federal surplus policy and a certain culture mean that police departments spend time training to engage combatants. Policing civilian communities means taking a different approach to de-escalating encounters. There are several community groups in Durham with the desire and capacity to work with the police force on changing this culture. We should be engaging them in the process of police training.

Finally, law enforcement officers increasingly live outside Durham County – sometimes police academy classes do not include a single Durham resident. This is problematic in numerous ways. It means that the police force is attracting people who just want to be police, not people who want to be police in their own community. That makes a huge difference in the understanding of and investment in Durham. It means police see Durham neighborhoods as places to “keep under control” rather than places to engage and keep safe. It is a fallacy to believe “community policing” can be a priority in a place where the police do not represent the community.

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 in NC. In our state we disproportionately incarcerate black people – especially at the pre-trial stage in local [jails](#). While NC’s prison population has gone down slightly, our jail population has exploded from the practice of arresting more and more people for misdemeanor and nonviolent felonies. We are holding more and more substance abusers and people with mental health issues in local jails rather than diverting them to treatment programs.

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

First, I would bring a new level of transparency to the office. There is not even a basis level of transparency in the current DA’s office. There is no publicly available listing of who works in the office nor how to directly contact the DA. There are no established routes for advocacy for victims, lawyers or defendants. I would establish a more accessible environment for interacting with the office and its resources.

Additionally, I would establish a clear, concise, deliberate prosecutorial policy. Currently, the administration of justice depends on either personal relationship with the District Attorney or regular contact with prosecutors. Outcomes are inconsistent with the fair administration of justices. Outcomes may depend on the particular day or ADA to whom the case has been assigned. This is unfair to both victims and defendants.

Finally, I believe the current DA’s office is both too involved with law enforcement and not involved enough. Here is why. I deeply believe that it is the responsibility of the District Attorney to serve the people of Durham County – not the law enforcement community. That means the DA should make an independent evaluation of any cases referred from law enforcement for prosecution. The District Attorney has 100% discretion in charging and bringing matters to court – that discretion should be used to reduce the impacts of racial bias and poverty in the system. This is not currently happening. However, it is equally important that the law enforcement community be able to consistently depend on communication and cooperation with the DA’s office. This is also not happening. Law enforcement agencies are not clear on what the prosecutorial policy of the DA’s office is – or if in fact, there even is one. This means law enforcement is sometimes frustrated that they are unnecessarily engaging and arresting people on charges that will ultimately be dismissed. It also means law

enforcement is not focused on the investigation of the violent crime that actually makes our community unsafe.

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?

Obama (2012); Clinton (2016)

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

Satana Deberry

3111 Courtney Creek Blvd Durham, NC 27713

919.824.5765

satana.deberry@gmail.com

Senior level executive with over a decade of experience in policy, regulatory, governmental, administrative, human resource and contractual/legal matters. Experienced in providing leadership on wide variety of business, legal and political issues with strong project management skills. Highly skilled in managing relationships and building partnerships. Motivational leadership style that results in reaching targeted goals.

PROFESSIONAL SKILLS

Strategic Planning/Organizational Development

- Launch and manage needs assessments and definitions
- Identification of organizational resources and resource planning
- Facilitation of process change across organizations
- Creation and Facilitation of team structures and organizational alignment

Business and Legal Planning and Operations

- Operationalize strategic plans with strong mission focus
- Identification of long-term threats and resources to operational models
- Innovative and creative application of organizational business principles
- Exceptional ability to grasp and synthesize knowledge

Advocacy and Community Affairs

- Decades of experience in federal, state, and local government affairs
- Exceptional knowledge of community economic development
- Experience with non-profit organizations and governmental agencies
- Proven record of relationship building across public and private sectors

PROFESSIONAL EXPERIENCE

North Carolina Housing Coalition

2013-present

Executive Director

- Executive leader of North Carolina's statewide affordable housing advocacy and educational organization
- Provide advocacy, education, technical assistance for and to consumers and developers of affordable housing.
- Legislative and policy experience in state Housing Trust Fund, LIHTC (both state and federal), energy efficiency for low to moderate income communities
- Management of Carolina Homeless Information Network (CHIN) – nation's only statewide Homeless Information Management System

Habitat for Humanity of Durham, Inc

2011-2012

Interim President/Executive Director

- Provided overall executive leadership for largest affordable home builder in Central North Carolina.
- Experienced HOME and CDBG grantee
- Managed team through organizational and resource transition.
- Collaboratively developed organization's first construction operational schedule
- Created strong team oriented working environment and strong accountability with organizational restructure

- Developed organization's first Resource Development Plan

Non-Profit Consultant, Durham, NC 2008-2011

Provide strategic planning, legal, legislative and development consulting services to senior staff of social entrepreneurship nonprofits.

- Supervised financing deal between client, RBC Centura Bank, and Federal Home Loan Bank of Atlanta that provided long-term low interest loan support for expansion of client infrastructure
- Implemented food procurement program that saved client over \$500K/yr in bottom line operational costs
- Collaboratively developed and implemented legislative strategy that will result in over \$350K/yr of operational expenses for client
- Provide legal/business support to President, Chief Operations Officer, Finance Director, Development Director, and Human Resources Director
- Written several large scale federal grants

The Annie E. Casey Foundation, Baltimore, MD 2006-2008

Senior Associate – Casey Strategic Consulting Group

Provided strategic support and guidance as well as management consulting to senior governmental and non-profit leaders in bringing about reform, with the goal of strengthening health and human service delivery systems and communities; work with senior administrators to reform health care, child welfare and juvenile justice systems.

- Created and implemented training program for Richmond, Virginia Social Services Agency.
- Provided organizational and leadership development support for staff reorganization of Virginia Department of Social Services.
- Managed strategic initiative with the state of Maryland to reform existing children services system. Engagement included long term strategic planning around policy, communications, information technology and budgetary goals.
- Provided strategic planning and guidance on the Maryland Opportunity Compact – a financing tool used to improve the performance of health and human services systems that deal with working families.
- Project manager for strategic planning, business development, financial management and management consultant team.

NC Department of Health and Human Services, Raleigh, NC 2001-2006

General Counsel

Served as principal legal advisor to the Secretary and the Department with a focus on planning, guiding and organizing legal affairs; advised senior management and executive team on legal and policy issues in healthcare and law; member of the Executive Committee; primary departmental liaison to the North Carolina Attorney General's Office.

- Provided policy expertise on healthcare financing that resulted in reduced litigation to agency
- Led cross functional team in \$100M civil/criminal audit of major federal program
- Organized cross functional legal teams that resulted in enhanced client satisfaction and improved litigation results
- Created, hired and supervised staff for first comprehensive Equal Opportunity Office for agency in 10 years

Self-Help, Durham, NC 2000-2001

Director, Foreclosure Prevention Project

Served as advisor to President of \$2B financial services firm on legal and policy issues

- Created and implemented program to provide legal and economic support for victims of lending abuses.

- Implemented a pro-bono program for lawyers to litigate lending abuses.
- Developed community education program to highlight responsible lending practices. Program led to creation of a major policy center devoted to responsible lending

Deberry & Hand, PLLC, Rockingham, NC/Durham, NC

1996-2000

Attorney/Partner

Founded and operated small law firm business and focused on Civil and Criminal Litigation in all courts (state and federal) and the representation of Non-profit organizations. City Attorney for small municipality.

US Department of the Interior, Washington, DC

1994-1996

Honors Program Attorney

Areas of practice included Employment law, Endangered Species Act, Land Use/Environmental Litigation

EDUCATION

DUKE UNIVERSITY, The Fuqua School of Business, Durham, NC

Master of Business Administration, Health Sector Management

DUKE UNIVERSITY School of Law, Durham, NC

Juris Doctor

PRINCETON UNIVERSITY, Princeton, NJ

AB, Sociology. Magna cum laude.