Justice in Durham Background Materials

Changing landscape of North Carolina - criminal justice reform at the local level

“Incumbents Are Out and a New Democrat is In.”

Local elections are increasingly being seen as a site for political change. There have been 4 races in which incumbents have been recently defeated in Durham County and Mecklenburg County.

In Durham County, Clarence Birkhead defeated Mike Andrews for Sheriff, and Satana Deberry won against incumbent Roger Echols in the Durham District Attorney race.

“Each of these races had its own peculiar dynamics, but overall they show voters opting to get rid of incumbents and existing approaches in favor of new faces and tactics.”

Regarding Deberry’s triumph:

“Deberry’s win in Durham was perhaps the most interesting victory of the four. Deberry, executive director of the North Carolina Housing Coalition, has no experience as a prosecutor, though she worked as a criminal-defense attorney earlier in her career. Deberry associated herself with Krasner—perhaps overly, as she was found to have cribbed heavily from Krasner’s website in the composition of her own. She won nearly 49 percent of the vote. Deberry campaigned on reducing jail populations, in part by eliminating cash bail, becoming more selective about prosecuting certain crimes, and working to eliminate racially disparate arrests and enforcement.”

“How Prosecutor Reform is Shaking Up Small DA Races.”

“Deberry has echoed the pledges of other reform-minded candidates, as well as saying that if she’s elected, her entire staff, including her, would undergo routine training to combat unconscious race or sex bias. Racial bias may seem an odd focus in Durham, where the police chief, senior trial judge and chief public defender are African-American, as is incumbent District Attorney Roger Echols. “Individually, they’d all say the system is screwed up,” said Deberry, who is also black. “But they’ve been trained to work a certain way in the system, and the system is racist.”
**Violent Crime and Gun Violence in Durham**


“As of Dec. 12, a total of 233 people had been shot in 207 incidents in the city, up from 193 people shot in 2016 and 198 by the same time in 2015.”

“Violent crimes in Durham – homicide, rape, robbery and aggravated assault incidents – rose 4 percent in the first nine months of the year, compared to the same period last year. The city numbers mirror a trend that saw violent crime rise 4 percent nationwide in 2016, according to the Federal Bureau of Investigation.”

**De-militarization of The Durham Police Department**

Durham becomes the first U.S. city to ban exchange between Israeli Army and Durham Police, effectively de-militarizing police training and expressing solidarity with Palestine.

**Misdemeanor Diversion Program**

The Misdemeanor Diversion Program was spearheaded by Judge Marcia Morey and implemented in 2014. She continues to advocate towards raising the age of adult prosecution, which is 16 in North Carolina.

“Instead of being formally charged with an offense, first-time, non-violent offenders ages 18 to 21 get 90 days to complete workshops tailored to their charges. Those workshops might include alcohol and drug education, employment and work-force initiatives and conflict-resolution classes.” (NewsObserver).

“Since the program started in 2014, 85 percent of 16- and 17-year-olds who completed it have kept their records clean, and similar programs have been started in seven other counties. In 2015, Durham extended the program to first-time nonviolent offenders aged 18-21. In that age group, 100 percent of the people who have completed the program have kept their records clean.”
The Death of DeAndre Ballard, NCCU student:
https://abc11.com/nccu-students-protest-killing-of-fellow-student-/4383940/

There is an investigation occurring surrounding the death of DeAndre Ballard, a senior at North Carolina Central University. Ballard was shot last month by a security guard in a parking lot near Ballard’s apartment complex. NCCU students have been protesting the security guard’s claim that he fired for the purpose of self-defense.

Written Consent for Vehicle Searches:

In October 2014, Durham implemented a policy that stated that written consent, in the form of a signature, was required in vehicle or motorist searches conducted by police.

“Besides vehicles, the written-consent policy applies to “consent searches of residences, businesses, vehicles, and electronic devices.” It does not affect searches carried out with a warrant or when an officer has probable cause to search. In those cases, consent is unnecessary.”

“Durham will be the second city in North Carolina to require written consent. Fayetteville adopted the policy in 2012 in response to racial disparities in traffic-stop searches, and Mance said since then the number of minority drivers stopped has gone down.”

However, in 2015 – it was found that the number of consent searches decreased by an average of 34 per month. Yet, the number of probable-cause searches increased by about 49 cases a month. Some believe that there is a “substitution effect” at play.

State Targeting of Black Voters


The U.S. Supreme Court decided to not reinstate North Carolina’s “Voter ID” law, widely considered to be one of the most strict voting laws in the nation, and a large factor in the suppression of Black voters. North Carolina Governor Pat McCrory, who was in favor of the Voter ID law due to concerns about voter fraud, had appealed from the 4th circuit court to the Supreme Court.

“In its ruling, the appeals court said the law was intentionally designed to discriminate against black people. North Carolina legislators had requested data on voting patterns by race and, with that data in
hand, drafted a law that would ‘target African-Americans with almost surgical precision,’ the court said.”

Other news and information – Police Annual Report, Police Misconduct and Activity, Protests

https://durhamnc.gov/DocumentCenter/View/20894/2017-4Q-Report
Durham Police Department Annual Report.

https://www.southerncoalition.org/tag/durham-police/
This web page has a bunch of current news sources and data collections related to Durham Criminal Justice and Durham police activity. However, most recent article was in December 2014.

https://www.southerncoalition.org/tag/police-misconduct/
This is another tag in the Southern Coalition for Social Justice: “Police Misconduct.”

“How the Activists Who Tore Down Durham’s Confederate Statues Got Away With It”
In August of 2017, protestors and activists tore down a statue in Durham that commemorated Confederate soldiers. They were arrested, but ultimately not pursued.

“This was not, it turned out, a sign of acquiescence. Sheriff Andrews quickly pursued aggressive arrest warrants, including felony charges for participating in and inciting a riot. Several activists were arrested the next day at a rally where they were demanding amnesty. Deputies also executed search warrants on several suspects’ homes. Under state law, the sheriff can determine the charges on which to arrest someone, but the district attorney determines what charges to bring in court. A 2015 state law also effectively bars the removal of any Confederate monuments. This resulted in a standoff among three nodes of the county government, all of them separately elected. The left-leaning county commission seemed just as happy to be rid of the statue, even if members disapproved of the method in which it had come down. The sheriff was furious and determined to punish the protestors. Echols, as prosecutor, had a delicate balance to strike. His job is law enforcement, and it requires close coordination with the sheriff. But he suggested early on that he was wary of prosecuting the case aggressively.”