



**2020 Primary Election Candidate Questionnaire
District & Superior Court Judge
Mecklenburg County**

The American Civil Liberties Union (ACLU) of North Carolina, a nonpartisan organization, would like to provide voters with information about where candidates stand on important issues relating to the criminal legal system. Our goal is to educate voters about local candidates' positions on important issues.

All primary candidates for District and Superior Court Judge in Mecklenburg County are receiving this questionnaire. Responses will be made publicly available.

2020 Primary Election Candidate Questionnaire

District & Superior Court Judge

Mecklenburg County

CANDIDATE NAME: Judge Aretha Blake

In Mecklenburg County, as many as 90 percent of the people in jail are being held before their day in court and without being convicted of any crime. Some of those people will pay hard-earned money to secure their release before trial, but many who cannot afford to pay money bail could be stuck in jail for days or weeks.

Studies show that spending just three days in jail can cause a person to lose their job, home, or custody of their children. And research suggests that pretrial detention increases the likelihood that a person will be convicted and receive a longer sentence. All of these harms disproportionately affect people of color and people who are living in poverty.

There are many ways to reduce the harm caused by jailing people before trial, and Mecklenburg County court officials have taken some important steps to work toward solutions to this problem. District and Superior Court Judges can play a key role by supporting pretrial reform efforts, carrying out policy changes made by court policy-makers, and taking into consideration research that shows secured bond does not improve appearance rates and case outcomes.

1. One way to reduce the number of people who are locked in jail before trial is to avoid booking them into the jail in the first place. Magistrates may issue summons (court dates) instead of arrest warrants for lower-level charges. This policy can not only prevent harmful pretrial incarceration, but it can also save time and court resources.

If elected, would you support a policy to expand magistrates' issuance of summons instead of arrest warrants for certain lower-level charges?

Response (Please give a clear “yes” or “no” and any explanation):

As an incumbent District Court Judge, I defer to the decision-making of magistrate judges, who are trained judicial officials, to evaluate and decide based upon the individual facts before the magistrate whether to issue a summons or arrest warrant pursuant to the governing North Carolina General Statutes. The law allows magistrate judges to issue a summons where appropriate, and I am

confident in our magistrates' abilities to follow the letter of the law in making that determination.

2. In Mecklenburg County, efforts are underway to implement reforms to the pretrial system. *Will you affirmatively support that reform and any additional pretrial policy reform, and encourage other court system actors (such as magistrates, other judges, clerks) to implement the policy changes?*

Response (Please give a clear “yes” or “no” and any explanation or specific reforms you recommend):

Yes, I support efforts that generally ensure that Mecklenburg County's pretrial system maintains the safety of the community by providing data-based levels of oversight of defendants prior to trial. I am committed to working with my colleagues on the bench and other stakeholders to evaluate the effectiveness of specific proposed reforms to the pretrial system and to support the implementation of data-informed processes that benefit the community as a whole.

3. Social science research shows that cash bail (secured bond) is not more effective at ensuring people return for their court date than other conditions of pretrial release, such as release to a family member or unsecured bond. Unaffordable secured bond leads to longer periods of pretrial detention and disproportionately affects people living in poverty and people of color. Pretrial detention is correlated with increased rates of recidivism as well as higher rates of pleas and longer sentences. Yet, in Mecklenburg County, a secured bond was ordered in more than 41% of misdemeanor cases in 2018.
 - a. *Do you agree that the overuse of cash bail (secured bond) as a condition of pretrial release can cause harm to individuals and the community, and that reform is needed to reduce those harms?*

Response (Please give a clear “yes” or “no” and any explanation):

Yes, research has shown that the cash bail system can have a detrimental impact to families and the community. Reform is underway in many states, including North Carolina. Mecklenburg County, specifically, after many years of study and based upon empirical data, revised its Bail Policy on January 23, 2019. Recognizing that “[t]he purpose of the pretrial release decision includes providing due process to those accused of a crime; maintaining the integrity of the judicial process by securing defendants for trial; protecting victims, witnesses, and the community from threat, danger, or interference; and minimizing the unnecessary use of secure detention,” the 2019 Bail Policy for the Twenty-Sixth Judicial District (Mecklenburg County) makes clear the requirements of the N.C.G.S. 15A-534(b) and establishes a Release Conditions Matrix

based upon the validated Public Safety Assessment tool that is based upon the risk of a defendant committing a new crime if released prior to trial and the risk of a defendant failing to appear for future court dates.

- b. Do you agree that secured bond, and especially unaffordable secured bond, should be used as a condition of release only when no other conditions of release or pretrial support programs can ensure the safety of other members of the community and that the person will appear in court?*

Response (Please give a clear “yes” or “no” and any explanation):

No, Section 15A-534(b) of the North Carolina General Statutes establishes three separate situations where a secured bond is appropriate, one of which is not identified in the question. Specifically, the statute provides that the judicial official must release the defendant on a written promise to appear, upon execution of an unsecured appearance bond, or place the defendant in the custody of a person or organization who agrees to supervise the defendant unless the judicial official determines:

- 1. That release will not reasonably assure the appearance of the defendant in court;**
- 2. That release will pose a danger of injury to any person; or**
- 3. That release will likely result in the destruction of evidence, subordination of perjury, or intimidation of potential witnesses.**

As an incumbent District Court Judge, I am committed to following the statute, with which the Bail Policy for the 26th Judicial District is consistent.