



## **2020 Primary Election Candidate Questionnaire Board of Commissioners - Wake 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 Wake County Commissioner are receiving this questionnaire. Responses will be made publicly available.

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**CANDIDATE NAME: Maria Cervania**

Wake County's jail population has increased disproportionately to the county's population growth over the past 30 years. At times, as many as 90 percent of people in jail in Wake County 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. County Commissioners can play a key role by seeking opportunities to fund pretrial services programs and supporting reforms by the Sheriff's Department and county courts.

1. One way to prevent the harm of pretrial incarceration and to combat mass incarceration is to avoid booking people into the jail in the first place. Law enforcement officers have the discretion to issue a citation (a ticket with a court date) instead of arresting someone. This policy has been successfully implemented in other counties for certain lower-level charges. Issuing more citations can not only prevent harmful pretrial incarceration, but it can also reduce costly jail overcrowding and save law enforcement time and money.

*As a county commissioner, would you support the Wake County Sheriff's Department's expanded use of citations instead of arrest warrants for lower-level charges?*

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

**Yes, I support expanded use of citations instead of arrest warrants for lower-level charges. This is all a matter of efficiency: issuing a citation takes less time than arresting, transporting and booking. The results would be that law enforcement may focus on more serious crime instead of low-level non-violent misdemeanors.**

**This efficiency also affects the entire criminal justice system. It reduces 1) the amount of time spent booking and releasing people who are ultimately approved for pre-trial release; 2) the number of low risk individuals requiring screening for pre-trial services; and 3) the need for court involvement prior to release.**

**Holding people in jail who do not pose a significant safety risk also exacerbates overcrowding, creates unsafe conditions, and places a huge financial burden on taxpayers.**

**Most importantly, it protects the rights of the accused. As stated in the introduction, pre-trial incarceration has collateral consequences; it leads to people losing their jobs, damaging their reputation, not being able to care for their children, losing contact with loved ones, and accumulating financial debt.**

**Speaking of financial, pre-trial incarceration is based mostly on financial ability, which is discriminatory. When a person must remain in custody, research has shown a correlation between pre-trial incarceration and higher conviction rates, citing that those who are not free to prepare for trial may be at a disadvantage in court.**

**When it comes to young and first-time offenders, diversion from the criminal justice process using citations instead of arrests may keep them from becoming involved in the criminal justice system in the first place.**

2. Pretrial services programs are a key part of successful policies to keep people out of jail before their day in court and to help people get to their court dates. These programs range from basic supports such as court date reminders, court-based childcare, and transportation vouchers, to programs such as mental health and substance use treatment and no-fee electronic monitoring.

*As a county commissioner, would you commit to supporting pretrial services, and seek funding to expand pretrial services in your county?*

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

**Yes, I would commit to pre-trial services, and seek funding to expand pre-trial services in Wake County.**

**As in the response for Question 1, it is to the benefit of the accused, law enforcement, the criminal justice system and the taxpayers to implement pro-active policy and practices to avoid pre-trial incarceration.**

**By working and communicating with the accused with low to no cost pre-trial services, there is a show of commitment and respect to their rights at the pre-trial period. Through pre-trial services tailored to an individual’s needs, there is a building of trust and a direction towards positive outcomes especially in the potential reduction of conviction and recidivism.**

3. Pretrial services programs work hand-in-hand with court-system reforms to prevent the harms that come with requiring payment of secured money bonds in order to be released. Wake County lags behind other metropolitan counties in the state in addressing pretrial reform in a meaningful way.

*As a county commissioner, will you encourage and support the pretrial reform efforts of the court-system actors in your county, and seek funding to facilitate those reforms where relevant?*

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

**Working at the Texas Office of Court Administration as a Research Project Manager, we looked at all the issues that have been brought up in this questionnaire.**

**I will encourage and support the pre-trial reform efforts of the court-system actors in my county, and seek funding to facilitate those reforms where relevant.**

**It is illogical to set a bail amount without the trial court making any inquiry into the ability to pay or any alternatives to cash bail, but instead relied on pre-set bail schedules. He or she could remain locked up for days to years.**

**I support eliminating or reducing fees and fines that hinder re-entry efforts and turn jails into debtors’ prisons. This would include eliminating cash bail and the need to secure money bonds.**

**We know that people are more likely to be acquitted if they pay bail, in part because they are less likely to take plea deals just to get out of jail. Being released before trial closely correlates with a not guilty verdict, suggesting that the system is not punishing the guiltiest, but rather the people who cannot make bail and paying for their release.**

**Washington, D.C. largely eliminated cash bail (now holds only those defendants deemed too dangerous to release); about 90 percent appear for their court dates.**