



2020 Primary Election Candidate Questionnaire District Court Judge - 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 District Court in Wake County are receiving this questionnaire. Responses will be made publicly available.

2020 Primary Election Candidate Questionnaire District Court Judge - Wake County

CANDIDATE NAME: Damion L. McCullers

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. District 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 or 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):

Yes. The use of summons can be an effective tool in combating some of the challenges our county and its citizens face within our criminal justice system relating to pretrial release conditions. I have often witnessed the effect pretrial incarceration has on not only the

accused but the ripple that flows to children, family members etc. If the statutory requirements are met and the person is not a risk to themselves, the community, and is not a flight risk a summons can be a great tool to avoid those ill effects.

2. Wake County's court system lags behind other metropolitan counties in the state in addressing pretrial policy reform in a meaningful way. *Will you affirmatively support pretrial policy reform, and encourage other court system actors (such as magistrates, other judges, clerks) to implement policy changes?*

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

Yes. I will support reform as it is given to the judiciary via our legislators and governing bodies. As a judge I will be fair and impartial and I will support and enforce the rule of law.

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 Wake County, a secured bond was ordered in more than 80% 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. I am of the opinion the overuse of anything can cause harm. Secured bond is not an exception. I also believe following the law that is in effect will be a great first step to avoid the harms cited in the question. N.C.G.S. §15A-534(b) directs a judicial official to release a defendant on a written

promise to appear, an unsecured bond, or into the custody of a designated person or organization willing to supervise them if certain statutory criteria are satisfied.

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):

There are other statutory factors that have been prescribed for a judicial official to consider besides the two cited in the question, However, yes , I agree secured bond should be used only where the law requires.