



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.

CANDIDATE NAME: JIM BLACK

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, I would support a policy to expand magistrates' issuance of summons instead of warrants for lower level charges. There are many presumptively innocent people who are incarcerated for the sole reason that they cannot afford to pay their bond. This results in devastating consequences including job loss, eviction, and places tremendous stress on their families as well. A policy which expands the issuance of summons will protect low-income defendants from the harsh consequences of unnecessary pretrial detention.

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 would support pretrial policy reform. The current bond system is unfair and leads to unequal outcomes based on wealth. A fairer policy would be to allow a judge to thoroughly analyze the individual's situation and make an informed decision based on the individual's particular set of circumstances rather than using a "one size fits all" approach to setting bond amounts.

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, the overuse of cash bail can cause harm to individuals and the community and I agree that reform is needed. The current system can cause great financial harm to an individual and his family. It can also result in an erosion of the community's faith in the justice system. It is hard to trust a system which incarcerates presumptively innocent people based on their ability to pay. A more holistic approach is needed in order to more fairly address conditions of pretrial release.

- 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. A person who is deemed too dangerous for release should be denied bond altogether. Everyone else should be released on his own recognizance, placed on pretrial supervision, placed on electronic monitoring or be given a reasonable bond.