



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.

CANDIDATE NAME: Lynn Moen

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):

Yes, I believe there is a balance between keeping our community safe and a person's right to be presumed innocent until found guilty. In my practice in Mecklenburg County I have seen the effects on people who are accused of lower level crimes be incarcerated. For many, incarceration for one day will result in unemployment. There are many people in our community who cannot afford a day without earning their hourly wage. I believe the Magistrate should weight the allegations compared to the safety of the community and the possible outcomes to the person accused of the crime who is still presumed innocent.

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 believe the pretrial policies should be reviewed and updated as should most policies. I do not believe that policies should remain static in general. I know there are other cities that have reformed pretrial policies without resulting in increased crime. I believe we as a legal community have a duty to look at what is happening here and learn from what is working in other cities. While doing that, I

believe we also have to be willing to make changes to ensure our system is fair to those who are innocent until proven guilty. Those awaiting a trial, to which the pretrial policies apply, are accused but are presumed innocent. I would advocate fairness to ensure that people are treated fairly who are presumed innocent.

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, I agree that the overuse of cash bonds could harm individuals and the community. There is an affordable housing crisis in Mecklenburg County that disproportionately affects those in poverty and people of color. If the nature of the alleged crime is that in which an unsecured bond or release to a family member is likely to lead to the accused individual to appear in court then I agree a cash bond may be excessive. I believe the judge’s role to be to establish the least restrictive avenue to ensure the accused individual returns to court. There are accused individuals who are incarcerated because they cannot pay less than \$200 for their 10% of their bond. If there is a better option then I believe it is fair to make sure they can be out to support their family, keep their job, and keep or find secure housing.

- 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):

Yes, I believe the role of secured bonds to be the counterbalance to ensure safety and that the accused individual will return to court. The judge's role is to balance the safety of the community and the rights of the individual who is presumed innocent until proven guilty. If there are factors present that indicate that this individual may be a safety risk or a risk to not return, then the secured bond may be necessary.