

NC Summit Bail Reform Proposals
Jessica Smith, UNC School of Government

On March 15, 2019, Professor Jessica Smith and The University of North Carolina at Chapel Hill School of Government hosted North Carolina's first Criminal Justice Summit. At the Summit, national and state experts with broad-ranging ideological perspectives discussed key issues capturing attention in North Carolina and around the nation and explored how they impact justice, public safety and economic prosperity in North Carolina, and whether there is common ground to address them. A diverse group of 240 state leaders and stakeholders attended the Summit. One Summit session was a panel discussion on Bail Reform. The panel was moderated by Jessica Smith, W.R. Kenan Jr. Distinguished Professor, UNC School of Government. Panelists included:

- Marc Levin, Vice President, Criminal Justice, Texas Public Policy Foundation and Right on Crime
- Eric Halperin, Chief Executive Officer, Civil Rights Corps
- Kevin Tully, Public Defender, Mecklenburg County NC
- Spencer B. Merriweather, District Attorney, Prosecutorial District 26

After the panel discussion, Summit participants submitted live, anonymous responses using handheld receivers to several questions. The first question asked them to assess the importance of the issue. Specifically, it asked:

Bail reform is an important issue for North Carolina; we need to work on it.

Poll results were as follows: Agree, 95.15%; Disagree, 3.03%; Undecided, 1.82%. Attendees then were asked to provide live, and anonymous feedback on consensus reform proposals offered by the panelists. Choices for each question included: Support; Support, with caveats; Oppose; Undecided. The questions and results were as follows:

1. Adopt a carefully limited constitutional preventative detention procedure for the most dangerous defendants who cannot safely be released pretrial.
81.67% of participants supported this proposal, with 45% supporting it with caveats; 11.67% opposed this proposal; and 6.67% were undecided.
2. Revise local policies to honor the existing statutory preference for nonfinancial conditions.
94.51% supported this proposal, with 22.53% supporting it with caveats; 2.75% opposed this proposal; and 2.75% were undecided.
3. Eliminate wealth-based detentions by requiring ability to pay determinations before imposition of financial conditions.
88.34% supported this proposal, with 25.56% supporting it with caveats; 5.56% opposed this proposal; and 6.11% were undecided.
4. Reinvest money spent on unnecessary pretrial incarceration in appropriate pretrial supervision and services.
94.03% supported this proposal, with 19.57% supporting it with caveats; 2.72% opposed this proposal, and 3.26% were undecided.

In addition to this feedback, Summit participants were encouraged to include other reform proposals on their written Summit evaluation forms. Reform proposals offered in those comments included:

- Create model local bail policies.¹
- State funding for pretrial programs statewide, with no fees charged to defendants.
- Allow defendants to make a deposit with the court in an amount similar to that currently paid to a commercial bondsman.
- Early involvement of counsel in bail proceedings.
- Funding for defense investigators prior to the first appearance.
- Robust ability to pay determinations.
- Allow defense counsel to calendar bond hearings.
- Increased mental health and substance use programs.
- Eliminate commercial bail bonds and/or financial conditions.
- Take more time at the first appearance to determine appropriate conditions.
- Require judicial officials to record reasons for imposing secured bonds.²

A full report of the Summit is posted [here](#).

¹ Under North Carolina law, the senior resident superior court judge must devise and issue a local bail policy. G.S. 15A-535(a).

² Under North Carolina law, a judicial official only is required to record reasons for imposing a secured bond if doing so is required by the local bail policy. G.S. 15A-534(b).