

# Judicial District 30B Pretrial Justice Pilot Project

## First Quarter 2019 Report

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### Introduction

Judicial District 30B’s pretrial justice pilot project has two core components:

1. Implement six unanimously agreed to reforms to JD 30B’s pretrial system to address the negative consequences of pretrial detentions.
2. Empirical evaluation of those reforms.

The project was initiated and led by Senior Resident Superior Court Judge Bradley B. Letts. Other judicial system participants included District Court Judges; Magistrates; Clerks of Court; the District Attorney and Assistant District Attorneys in that office; defense lawyers; and members of the law enforcement community, broadly defined to include sheriff and police departments, campus police, and jail administrators. In addition to these local stakeholders, this project was supported by:

- Professor Jessica Smith, W.R. Kenan, Jr. Distinguished Professor, School of Government, The University of North Carolina at Chapel Hill. Professor Smith supported the project by helping to secure project funding; leading and facilitating stakeholder meetings and engagement; providing legal advice and analysis; developing and writing Implementation Plans for each of the reforms; coordinating data collection from the NC AOC; and writing reports. Funding from Smith’s endowed professorship covered her travel to and from JD 30B, meals for meeting participants, printing of the Cite or Arrest pocket card for officers and the new pretrial release decision-making rubric.
- Professor Jamie Vaske, Associate Professor, Western Carolina University. Professor Vaske leads the project’s evaluation component, including designing evaluation plans; securing funding for evaluations; obtaining Institutional Review Board approval; supervising student support; and working with stakeholders to develop systems to collect key data points. In January 2019, Vaske will begin executing project evaluation, and is responsible for all evaluation reports.
- Tom Maher, Executive Director, NC Indigent Defense Services (NC IDS) and NC IDS. Maher played a key role in implementation of the early involvement of counsel reform; NC IDS is supporting the project by paying contract lawyers’ fees and administering the early involvement of counsel program.
- NC AOC Research and Planning. Staff in the NC AOC office of Research and Planning provided assistance with respect to collecting and understanding NC AOC data.
- State Justice Institute (SJI). This project was supported by a grant from the SJI, administered by the National Center for State Courts and the Pretrial Justice Institute (PJI). Grant funding supported technical assistance by PJI. Specifically, PJI’s Will Cash and John Clark led the project’s kick-off meetings. Clark served as a project consultant and led training for stakeholders on new pretrial procedures.

Reforms took effect on January 1, 2019. This report briefly describes those reforms and presents first-quarter 2019 evaluation results. For more information about the project see the full project report [here](#).

## Implemented Reforms

### *New decision-making framework for determining conditions of pretrial release*

JD 30B's old Local Bail Policy included a table setting suggested bond amounts based on the punishment class of the charged offense. Best practices recommend against the use of such tables. Additionally, stakeholders determined that although the current charge's offense class is relevant to the bail decision, other individualized factors regarding the defendant and the circumstances of the offense are important in assessing appropriate pretrial release conditions. Moreover they found that the old Bail Policy and its bond tables tend to push decision-makers towards a secured bond in contravention of state law, which requires release on a written promise, custody release, or unsecured bond unless the decision-maker finds that those conditions will not reasonably assure appearance; will pose a danger of injury to any person; or are likely to result in the destruction of evidence, subornation of perjury, or intimidation of witnesses. And finally, stakeholders wanted to develop an easily implemented tool that would *quickly* identify those defendants who can be released on non-financial conditions, to reduce the occurrence of wealth-based incarceration of individuals who pose little risk to public safety or of flight.

Stakeholders adopted a new decision-making framework for determining conditions of pretrial release. The new framework applies in all circumstances except where the statutes require other considerations or outcomes. Key features include:

- An easily implemented, stakeholder-created tool to quickly identify low-risk defendants who immediately can be released on non-financial conditions.
- A requirement that decision-makers follow the statutory mandate and impose non-financial conditions unless they determine that such release will not reasonably assure appearance; will pose a danger of injury to any person; or is likely to result in the destruction of evidence, subornation of perjury, or intimidation of witnesses.
- Detailed notes guiding decision-makers through the decision-making process.
- Recommended maximum bond amounts for secured bonds and the requirement that ability to pay be considered in connection with imposition of that form of release.
- Requiring documentation of reasons for imposing a secured bond and deviating from recommendations in the framework.

### *First appearance for all in-custody defendants.*

This reform provides first appearances for in-custody defendants charged with misdemeanors and Class H and I felonies (highest charge) or arrested on a failure to appear (FTA) within 72 hours of arrest or at the first regular session of the district court in the county, whichever occurs first.

Current law requires a first appearance for in-custody *felony* defendants within 96 hours of being taken into custody or at the first regular session of the district court in the county, whichever occurs first. Because the law does not require first appearances for in-custody misdemeanor defendants, these defendants may sit in jail for weeks or more until their first court date. This can lead to scenarios where misdemeanor defendants are incarcerated pretrial when the charged offense cannot result in a custodial sentence upon conviction or where they are incarcerated pretrial for a longer period than they could receive in a custodial sentence if convicted. Additionally, stakeholders learned of research suggesting that pretrial detention of low-level defendants has negative public safety consequences and

negative case outcomes for defendants. These reasons counsel in favor of first appearances for in-custody misdemeanor defendants, to ensure prompt judicial review of the magistrate's bond determination, and a determination that detention is warranted because of pretrial risk as opposed to inability to pay financial conditions. Additionally, a separate reform (discussed below) provides for defense counsel for certain in-custody defendants; the new first appearances are necessary to effectuate that reform.

#### *Early involvement of counsel at pretrial proceedings*

Early involvement of counsel at pretrial proceedings will better inform judges' pretrial decisions and protect defendants' rights in light of the significant consequences associated with pretrial detention. Early involvement of counsel is recommended by national standards and has been specifically recommended for North Carolina. This reform includes a Standing Order issued by the Senior Resident Superior Court Judge providing for the appointment of NC IDS retained "contract counsel" to represent defendants at the first appearance and the first detention bond hearing (if any; see below). Covered defendants include those whose highest charge is a misdemeanor or Class H or I felony and those arrested for a FTA. Contract counsel meet with defendants at the jail and review defendants' criminal history records prior to the first appearance. Contract counsel are retained and paid pursuant to contracts with NC IDS. Contract counsel serve only for these purposes; assigned counsel will be appointed to represent defendants after the first appearance and first detention bond hearing (if any).

Implementation note: Although stakeholders hoped to implement this reform in both counties, it was only fully implemented in the first quarter in Haywood County.

#### *Increased use of summons in lieu of arrest*

This change is designed to implement best practices, give effect to the statutory direction that a warrant for arrest should issue when a person needs to be taken into custody, statutory rules regarding citizen's warrants, and to reduce wealth-based pretrial detentions of low-risk defendants. An arrest triggers an initial appearance and imposition of conditions of pretrial release. Because secured bonds are the most common condition imposed in JD 30B, the decision to issue a warrant for arrest over a summons often results in imposition of a secured bond. As noted above, imposition of secured bonds can lead to unnecessary detentions and associated costs, both to taxpayers, the community in terms of negative public safety results, and for the defendants. This reform was effectuated by incorporating into the Local Bail Policy a new decision-making framework for magistrates when deciding whether to issue a summons versus a warrant.

#### *Increased use of citations in lieu of arrest*

Promoting the increased use of citation in lieu of arrest is recommended by law enforcement and other groups. Use of citations is widely embraced as a law enforcement tool, and promoting the greater use of citations has been adopted as a criminal justice strategy elsewhere. Greater use of citations offers potential benefits, including increased efficiency for law enforcement. One report found that citations require 24.2 minutes to process versus arrests, which require 85.8 minutes; citations thus offer a time savings of just over an hour per incident. Promoting the increased use of citations in lieu of arrests also can help reduce unnecessary pretrial detentions of low-risk defendants and associated costs, unfairness, and negative public safety outcomes. An arrest triggers an initial appearance and imposition of conditions of pretrial release. Because secured bonds are the most common condition imposed in JD 30B, the decision to make an arrest versus issue a citation often results in imposition of a secured bond and associated wealth-based detentions described above. Thus, it is asserted that better decisions

regarding whether to issue a citation versus making an arrest will promote officer efficiency, public safety, and efficient use of taxpayer funds.

This reform included implementation of a law enforcement driven and approved Cite or Arrest Pocket Card for patrol officers to encourage the increased use of citations in lieu of arrest for certain misdemeanors, in the officer's discretion. Although the overall project was a collaborative, multi-stakeholder endeavor, only the law enforcement community participated in the creation of the Pocket Card.

*Detention bond hearings for defendants intentionally detained on secured bonds*

For those defendants intentionally detained on unattainably high secured bonds because of concerns about public safety, flight risk, and risk of subornation of perjury, destruction of evidence, and intimidation of witnesses, the JD 30B Local Bail Policy was revised to provide for a detention bond hearing. At that hearing, defendants will be provided with the procedural protections understood to be part of a constitutionally compliant preventative detention scheme, including among other things the right to counsel; the right to present evidence; and proof by the State, by clear and convincing evidence, that no condition of release can reasonably assure safety, appearance, and protection of the judicial process.

**First Quarter Evaluation Results**

Professor Vaske is fully responsible for the evaluation portion of the pilot program. Western Carolina University students Chasey Davis and Christine Davis were instrumental in data collection and entry for Jackson and Haywood Counties. Western Carolina University provided support for research assistants through the 2018-2019 Provost Internal Grant. First Quarter evaluation results are presented in the pages that follow.

# 30B Pretrial Project: First Quarter Implementation Check-In

## Conditions of Release

### Executive Summary

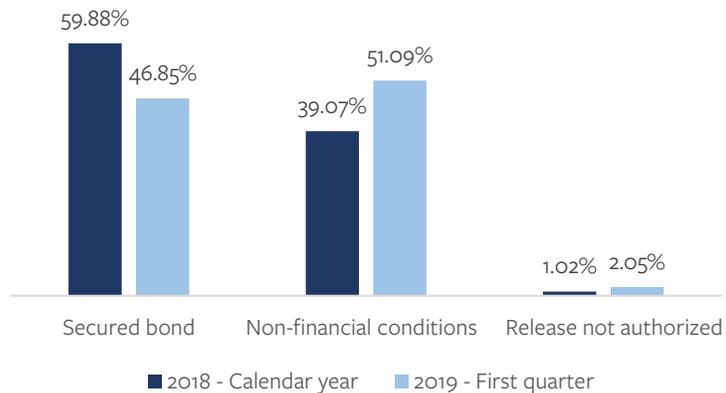
- This implementation check-in compares the last conditions of release during the first quarter of 2019 to those for the 2018 calendar year.
- The percentage of cases issued a non-financial condition was 12 percentage points higher in 30B during the first quarter of 2019 relative to the 2018 calendar year.
- The data suggest expanded use of unsecured bonds for felonies and misdemeanors in both Haywood and Jackson counties.
- The percentage of cases issued a secured bond during the first quarter of 2019 was 21.41 percent lower in Jackson County and 8.50 percent lower in Haywood Counties.
- The study will continue to examine trends in conditions of release, as well as assessing the relationships between conditions of release, failure to appear, and new criminal activity.

### Judicial District 30B

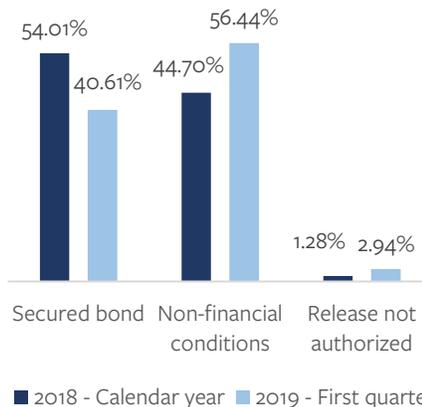
A new decision making framework for conditions of release was implemented in Judicial District 30B beginning January 1<sup>st</sup>, 2019. The purpose of this implementation check-in is to compare the last conditions of release during the first quarter of 2019 to those issued during the 2018 calendar year.<sup>1</sup>

The graphs below compare the percentage of secured or financial bonds to the percentage of non-financial conditions for the 2019 first quarter to the 2018 calendar year. Non-financial conditions include written promises, unsecured bonds, and custody releases. As shown in the graph for all charges, the percentage of non-financial conditions issued during the first quarter of 2019 was 12.02 percentage points higher than the percentage issued during the 2018 calendar year. During the same time frame, there was a 13.03 percentage point decrease in the percentage of secured bonds issued (59.88% versus 46.85%). Similar trends were observed for misdemeanor and felony charges.

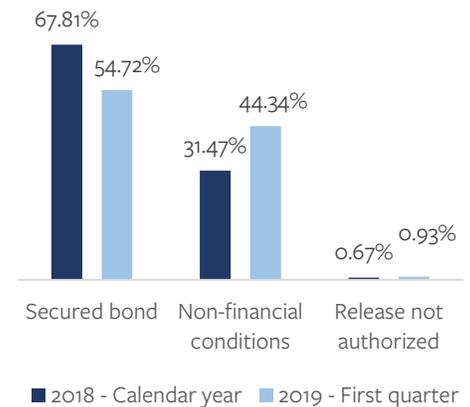
Percent of conditions of release for all cases in 30B



Percent of conditions of release for misdemeanors in 30B



Percent of conditions of release for felonies in 30B



## Judicial District 30B cont.

A more detailed analysis of the conditions of release are shown in the table below. As shown in the table, there was an 11.88 percentage point increase in the percentage of unsecured bonds issued during the first quarter of 2019 relative to the entire 2018 calendar year. The expanded use of unsecured bonds during 2019 was observed for both misdemeanors and felony charges, with a 13.98 percentage point increase in unsecured bonds for misdemeanors and a 9.12 percentage increase for felonies.

### Conditions of release for 2018 calendar year and first quarter of 2019 in 30B

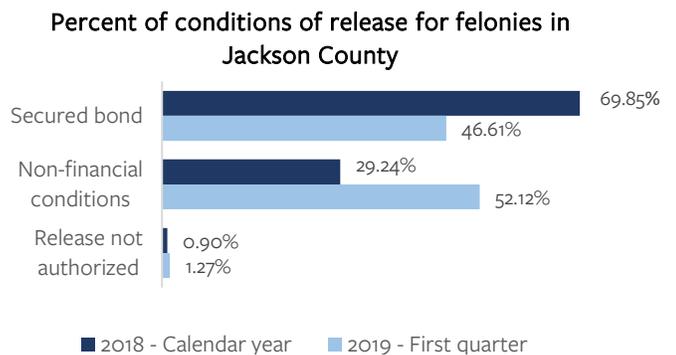
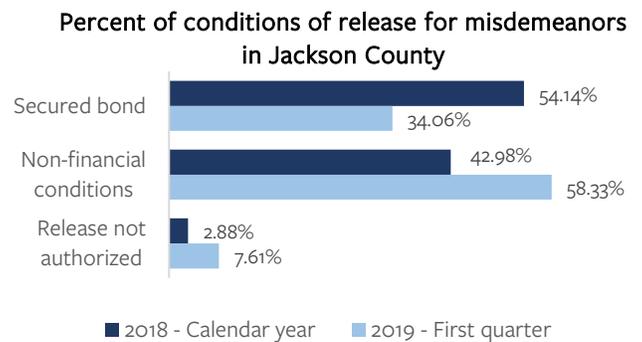
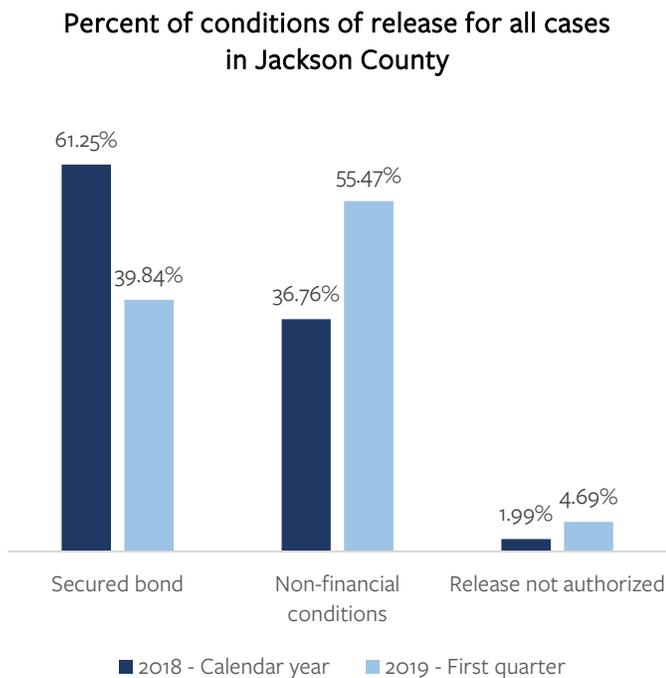
	Felony	Misdemeanors	Total
Custody release	0.21%	1.32%	0.85%
	0.00%	1.72%	0.96%
EHA with secured bond	0.04%	0.00%	0.02%
	0.00%	0.00%	0.00%
Secured bond	67.81%	54.01%	59.88%
	54.73%	40.61%	46.85%
Unsecured bond	30.88%	28.10%	29.28%
	40.00%	42.09%	41.16%
Written promise	0.38%	15.29%	8.95%
	4.34%	12.64%	8.97%
Release not authorized	0.68%	1.28%	1.03%
	0.93%	2.94%	2.05%

**Legend**

2018
2019

## Jackson County

The graph below shows that the percentage of cases receiving non-financial conditions was 18.71 percentage points higher in the first quarter of 2019 (55.47%) than the 2018 calendar year (36.76%). Also, the percentage of cases receiving a secured bond was 21.41 percentage points lower in 2019 relative to the 2018 calendar year. This pattern of results was similar for both misdemeanors and felony offenses in Jackson County.



## Jackson County cont.

There were significant increases in the use of unsecured bonds and written promises to appear from the 2018 calendar year to the first quarter of 2019. The percentage of unsecured bonds was 11.27 percentage points higher in the first quarter of 2019 relative to 2018, while written promises to appear increased 7.49 percentage points. It is notable that the percentage of unsecured bonds and written promises increased more for felonies (13.55 and 9.32 points respectively) than misdemeanors (9.40 and 6.05 point increases).

### Conditions of release for 2018 calendar year and first quarter of 2019 in Jackson County

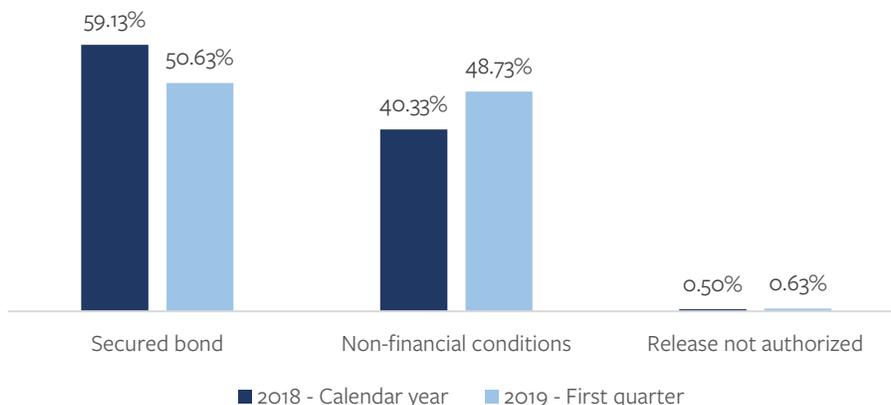
	Felony	Misdemeanors	Total
Custody release	0.00%	0.09%	0.05%
	0.00%	0.00%	0.00%
EHA with secured bond	0.00%	0.00%	0.00%
	0.00%	0.00%	0.00%
Secured bond	69.85%	54.14%	61.25%
	46.61%	34.06%	39.84%
Unsecured bond	29.25%	35.16%	32.48%
	42.80%	44.57%	43.75%
Written promise	0.00%	7.72%	4.23%
	9.32%	13.77%	11.72%
Release not authorized	0.90%	2.88%	1.99%
	1.27%	7.61%	4.69%

Legend
2018
2019

## Haywood County

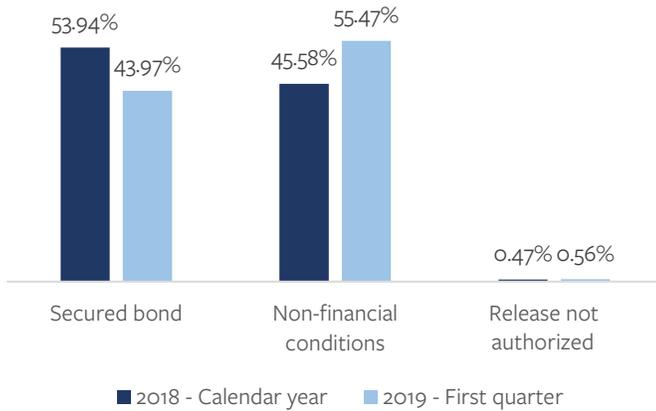
Similar to Jackson County, the percentage of cases receiving non-financial conditions in Haywood County was 8.40 percentage points higher in the first quarter of 2019 relative to the 2018 calendar year. This percentage of increase was similar for both misdemeanors (9.89 percentage increase) and felonies (7.04 percentage increase). Also, the percentage of secured bonds was 8.50 points lower during the first quarter of 2019 compared to the 2018 calendar year (50.63% vs. 59.13%).

Percent of conditions of release for all cases in Haywood County

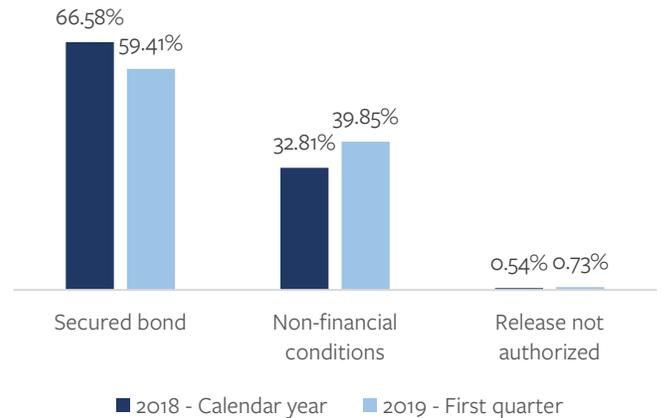


## Haywood County cont.

Percent of conditions of release for misdemeanors in Haywood County



Percent of conditions of release for felonies in Haywood County



Similar to 30B, there was a 12.23 percentage point increase in the use of unsecured bonds in Haywood County from 2018 to the first quarter of 2019, with the largest increase in unsecured bonds for misdemeanor offenses (16.30 percentage point increase).

### Conditions of release for 2018 calendar year and first quarter of 2019 in Haywood County

	Felony	Misdemeanors	Total
Custody release	0.34%	1.94%	1.28%
	0.00%	2.60%	1.48%
EHA with secured bond	0.07%	0.00%	0.03%
	0.00%	0.00%	0.00%
Secured bond	66.58%	53.94%	59.13%
	59.41%	43.97%	50.63%
Unsecured bond	31.86%	24.52%	27.53%
	38.39%	40.82%	39.77%
Written promise	0.61%	19.13%	11.53%
	1.47%	12.06%	7.49%
Release not authorized	0.54%	0.47%	0.50%
	0.73%	0.56%	0.63%

Legend

2018
2019

Please direct all questions regarding the analyses to Dr. Jamie Vaske, Associate Professor at [jvaske@email.wcu.edu](mailto:jvaske@email.wcu.edu). All questions regarding implementation can be directed to Professor Jessica Smith at [smithj@sog.unc.edu](mailto:smithj@sog.unc.edu).

<sup>1</sup> All data within this information sheet was derived from the Administrative Office of the Courts conditions of release report. The 2018 data covers all final conditions issued between January 1<sup>st</sup>, 2018 and December 31<sup>st</sup>, 2018. The 2019 data contains information on the conditions of release from January 1<sup>st</sup>, 2019 and April 4<sup>th</sup>, 2019. For the 2019 data, the condition of release refers to the *last* condition for cases. Note this condition may change (example: from secured to unsecured or unsecured to secured) in response to violations, failure to appears, bond modification hearings, or other court processes.

# 30B Pretrial Project: First Quarter Implementation Check-In

## Failure to Appear

### Executive Summary

- This implementation check-in examines the prevalence of failure to appear among defendants in Jackson and Haywood Counties after implementing pretrial reforms on January 1<sup>st</sup>, 2019.
- Data from court calendars shows there has been no significant change in the percentage of defendants who failed to appear during the first quarter of 2019 relative to the first quarter of 2018.
- Defendants who failed to appear in court were more likely to have a secured bond (versus an unsecured bond or a written promise), suggesting that secured bonds do not necessarily ensure future court appearances.
- The study will continue to examine the prevalence of failure to appears during implementation.

### Jackson County

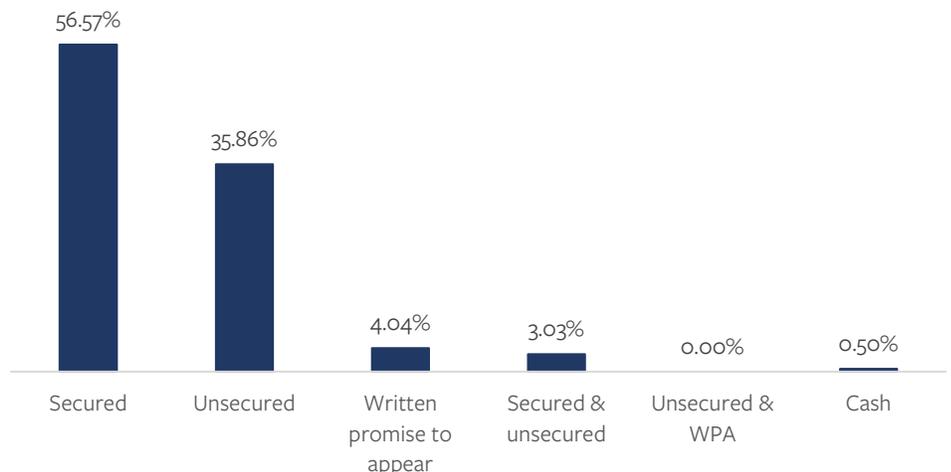
The current implementation check-in presents the average percent of defendants who fail to appear for subsequent court dates for the first quarter of 2018 and 2019.

The data below illustrates the percentage of failure to appears (FTAs) that was recorded from the District, Other, Traffic, and Minor Traffic calendars in 2018 and 2019. As shown in the figure, the percentage of defendants who have failed to appear in January 2019 is 1.76 percentage points higher than the percentage in January 2018. A similar trend continued in February and March where the percentage of those failing to appear was 2.33 and 2.67 percentage points higher (respectively) in 2019 relative to the same months in 2018. While the percentages increased, they were not statistically significant, suggesting that the increases were within the allowable margin of error. Of those that failed to appear and had a recorded bond condition, 56.57% had a secured bond as their last bond condition compared to 35.86% of FTA defendants who had an unsecured bond.<sup>1</sup>

Percent of defendants who failed to appear during the first quarter of 2018 and 2019 for Jackson County



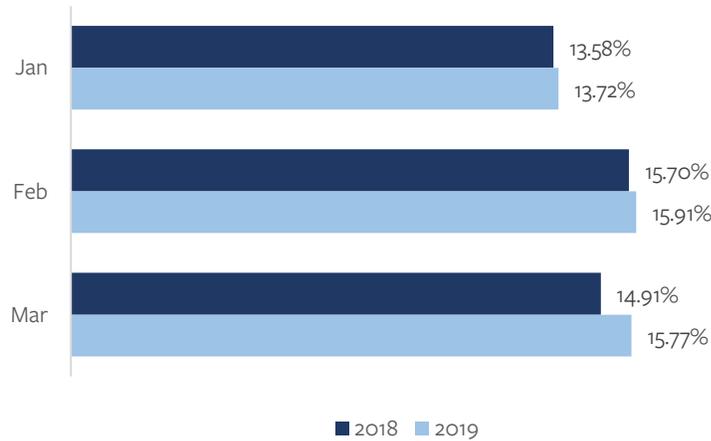
Conditions of release among failure to appears for Jackson County



## Haywood County

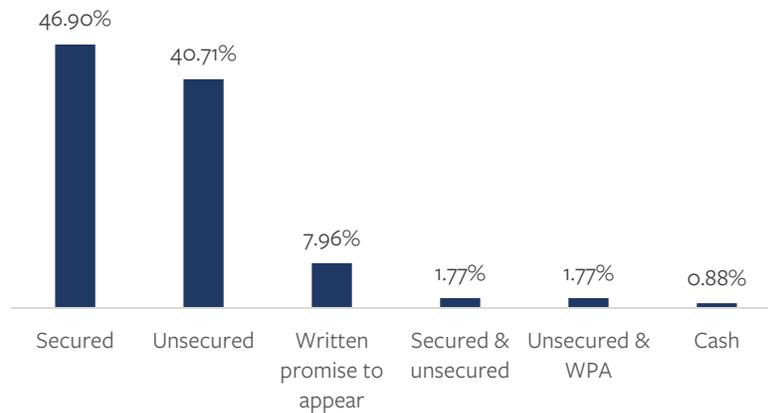
The graph below shows the failure to appear (FTA) rates for the first quarter of 2019 in Haywood County. These FTA data points come from the District, Other, Canton, Traffic, and Minor Traffic Violations calendars in Haywood County. As shown in the data, there has not been a significant change in the percentage of defendants failing to appear in court between the first quarter of 2019 relative to the first quarter of 2018. During January 2019, 13.58% of defendants failed to appear in court, compared to 13.72% of defendants in January 2018. Similar differences were observed for February 2018 and 2019. The percentage of FTAs did increase .86 percentage points from March 2018 to March 2019, but this change was not statistically significant ( $p = .52$ ). To be statistically significant, the probability value must be equal to or less than .05 ( $p \leq .05$ ), which would suggest that a difference is so rare or extreme that we expect it to occur only 5 out of 100 times under standard research conditions.

Percent of defendants who failed to appear during the first quarter of 2018 and 2019 for Haywood County



The analyses also examined whether certain conditions of release were more prevalent among FTA defendants compared to other conditions of release. Of those with a bond condition, the prevalence of FTA was higher among defendants with a secured bond (46.90%) compared to those who last condition was an unsecured bond (40.71%) or a written promise to appear (7.96%).

Conditions of release among failure to appears for Haywood County



Please direct all questions regarding the analyses to Dr. Jamie Vaske, Associate Professor at [jvaske@email.wcu.edu](mailto:jvaske@email.wcu.edu). All questions regarding implementation can be directed to Professor Jessica Smith at [smithj@sog.unc.edu](mailto:smithj@sog.unc.edu).

<sup>1</sup> The current data was recorded from the physical court calendars in the Clerk's Office. Conditions of release and amount of bond refers to the last condition of release for the defendant, as recorded on the court calendar.

# 30B Pretrial Project: First Quarter Implementation Check-In

## First Appearances & Early Involvement of Counsel

### Executive Summary

- This implementation check-in examines the outcomes of the first appearance hearings and early involvement of counsel. Both Jackson and Haywood Counties have implemented first appearance hearings, but only Haywood County has implemented the early involvement of counsel.
- Haywood County defendants were more likely to have their bonds modified at first appearance (50%) than Jackson County defendants (30%).
- After first appearance, approximately 1/3<sup>rd</sup> of defendants were released on an unsecured bond in both counties.
- Of those who had a secured bond at the end of the first appearance hearing, Haywood County defendants were more likely to have their bond amounts modified (21.3%) than Jackson County defendants (8.57%).
- The study will continue to examine the pretrial outcomes for first appearance hearings.

### Jackson County

Within Jackson County, defendants charged with misdemeanors, Class H and I felonies, or arrested for a failure to appear have been given access to a first appearance hearing, in line with the 30B Pretrial Reform. However, the majority of defendants (94.1%) did not have defense counsel at the first appearance hearing.

There was a total of 131 first appearance hearings held between January 1<sup>st</sup> and March 31<sup>st</sup>, 2019.<sup>1</sup> Out of 131 defendants, 90 defendants were not being held on a 48-hour domestic violence case. 30% of non-48 hour defendants had their bonds modified.

Percent of non-48 hour defendants receiving a bond modification

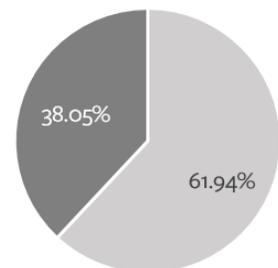
	#	%
Bond not modified	63	70.00
Bond modified	27	30.00
Total # of non-48 hour defendants	90	

Among those non-48 hour defendants who had their bonds modified, 23.07% had their bond amounts modified, while 7.69% had their amounts modified and their bonds unsecured. The average amount of change in bond amount was -\$5,750.00 for non-48 hour defendants who had their amounts modified.

Approximately 38% of all defendants were released on an unsecured bond at the end of their first appearance hearing.

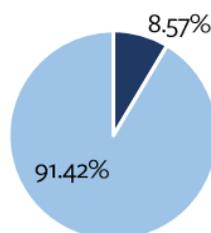
Only 8.57% of defendants who had a secured bond at the end of the first appearance hearing had their bond amounts reduced. The average amount reduced between initial and final bond amount was \$5,750.00.

Percent of defendants released on an unsecured bond



■ Secured bond ■ Unsecured bond

Percent of defendants with a secured bond who had their amounts reduced



■ Had bond amt reduced  
■ Did not have bond amt reduced

70 defendants or 61.94% had a secured bond at the end of the first appearance hearing. The average bond amount of those with a secured bond was \$13,449.28. 10.1% of defendants had a final secured bond amount of \$500 or less.

## Haywood County

Within Haywood County, defendants charged with misdemeanors, Class H and I felonies, or arrested for a failure to appear have been given access to a first appearance hearing and had defense counsel representation for the first appearance hearing.

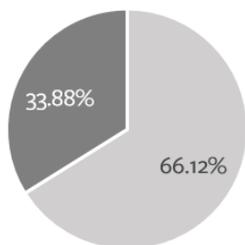
There was a total of 304 first appearance hearings held between January 1<sup>st</sup> and March 31<sup>st</sup>, 2019. Out of the 304 defendants, 259 of the defendants were not being held on a 48-hour domestic violence case. 50.19% of those non-48 hour defendants had their bonds modified during their first appearance hearing.

### Percent of non-48 hour defendants receiving a bond modification

	#	%
Bond not modified	129	49.80
Bond modified	130	50.19
Total # of non-48 hour defendants	259	

Of those that had their bonds modified, 20.15% had their bonds modified in amount, and 10.08% had their bond amounts modified and their bonds unsecured. Of those non-48 hour defendants whose bond amounts were reduced, the average amount of change in secured bond amount was \$8,024.24. This amount of change reflects changes for the defendants who had some of their bonds modified from a secured to an unsecured bond (which decreases their total secured bond amount), as well as those who remained held on a secured bond at the end of the first appearance hearing but their secured bond amount was reduced.

### Percent of defendants released on an unsecured bond



■ Secured bond ■ Unsecured bond

33.88% of all 304 defendants were released on an unsecured bond at the end of the first appearance hearing.

Of the 197 defendants who were held on a secured bond at the end of the first appearance hearing, the average bond amount was \$21,665.235, and only 4.6% of defendants had a final bond amount of \$500 or less.

21.3% of first appearance defendants with a secured bond had their bond amounts reduced. The average amount of reduction between their initial and final bond amount was \$7,335.71 for defendants who remained held on a secured bond at the end of the first appearance hearing.

Please direct all questions regarding the analyses to Dr. Jamie Vaske, Associate Professor at [jvaske@email.wcu.edu](mailto:jvaske@email.wcu.edu). All questions regarding implementation can be directed to Professor Jessica Smith at [smithj@sog.unc.edu](mailto:smithj@sog.unc.edu).

<sup>1</sup> The current data only examined pretrial outcomes for defendants' initial first appearance hearing. Defendants' who had subsequent first appearance hearings for subsequent charges were not included in the analyses.

# 30B Pretrial Project: First Quarter Implementation Check-In

## Summons in Lieu of Warrant

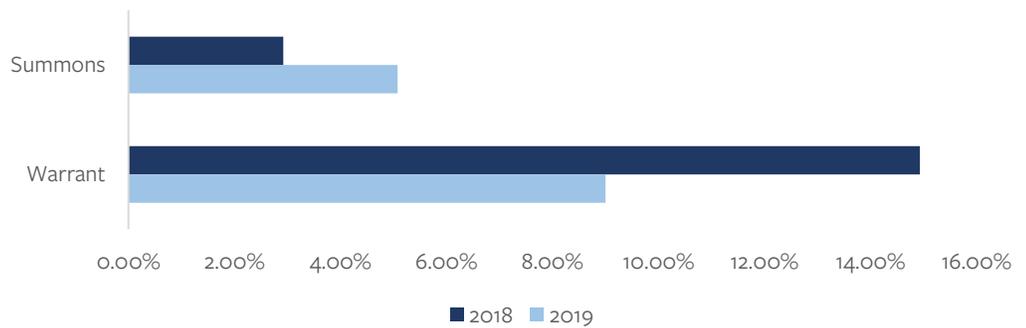
### Executive Summary

- This implementation check-in compares the use of summons during the first quarter of 2019 to those in the first quarter of 2018.
- The percentage of summons issued during the first quarter of 2019 increased 73.97% from the first quarter of 2018 for all of 30B.
- The expanded use of summons was evident in felonies, non-traffic misdemeanors, and traffic misdemeanors.
- This pattern of results was consistent for both Jackson and Haywood Counties.
- There was a significant expansion in the use of summons for criminal cases where the witness was a law enforcement officer for the district overall, as well as for both counties.
- The study will continue to examine the use of summons, and will examine the prevalence of failure to appear and new criminal offenses for those given a summons.

### Judicial District 30B

Data from the Administrative Office of the Courts suggests that the percentage of summons for felonies and all misdemeanors has increased 73.97% in 2019 (5.08%) relative to the first quarter of 2018 (2.92%), while the percentage of warrants decreased 39.71% during the first quarter of 2019 (14.93% in 2018 vs. 9.00% in 2019).<sup>1, 2</sup>

Percent of charges issued a summons or warrant during the first quarter of 2018 and 2019 in 30B



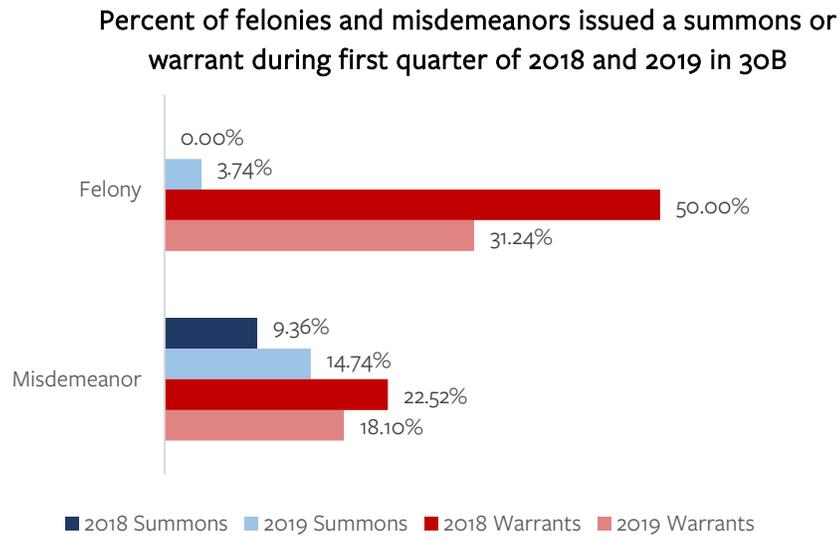
The table below shows the percentage of charges issued via a summons or warrant to law enforcement and non-law enforcement during the first quarter of 2018 and 2019.<sup>3</sup> As shown in the table, there were significant increases in the percentage of charges initiated by summons for both law enforcement (+375.90%) and non-law enforcement (+18.58%).

Percent of charges issued a summons or warrant to law enforcement and non-law enforcement during the first quarter of 2018 and 2019 in 30B

	2018	2019	% Change
% of charges initiated by summons to law enforcement	0.45	2.15	375.90
% of charges initiated by summons to non-law enforcement	2.47	2.93	18.58
% of total charges initiated by summons	2.92	5.08	73.97
% of charges initiated by warrants to law enforcement	12.23	7.40	-39.51
% of charges initiated by warrants to non-law enforcement	2.70	1.61	-40.54
% of total charges initiated by warrants	14.93	9.00	-39.72
Total # of charges	5987	5731	

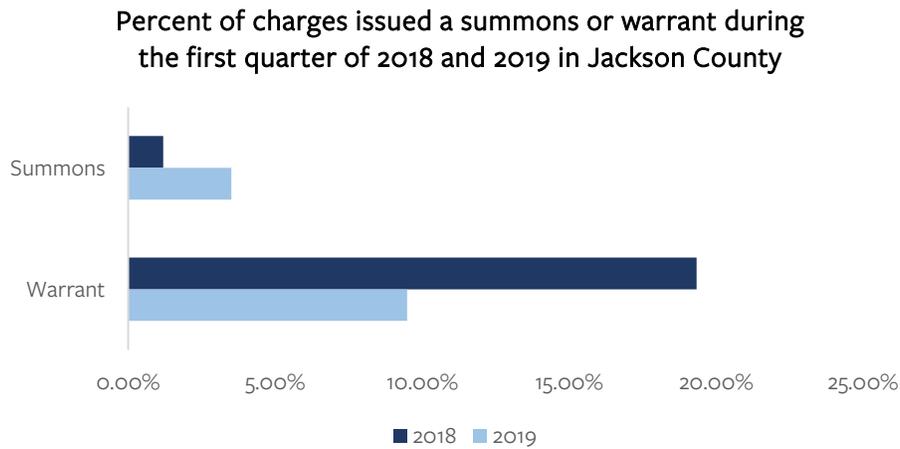
## Judicial District 30B cont.

There were significant increases in the percentage of summons issued for both felonies and non-traffic misdemeanors. In 2018, 0% of felonies received a summons, while 3.74% of felonies were issued a summons in the first quarter of 2019. Similarly, 9.36% of non-traffic misdemeanors received a summons in 2018 versus 14.74% of misdemeanors in 2019.



## Jackson County

There was an increase in the percentage of summons issued for criminal charges in the first quarter of 2019 (3.51%) relative to the first quarter of 2018 (1.19%) in Jackson County.



The table shows the percentage of charges initiated via summons or warrants for all misdemeanors and felonies to law enforcement and non-law enforcement. The percentage of charges initiated via summons to law enforcement increased 2.06 percentage points or 1875.53% from 2018 to 2019. During the same period, the percentage of warrants issued to law enforcement decreased 47.68%. Similar trends were seen for non-law enforcement.

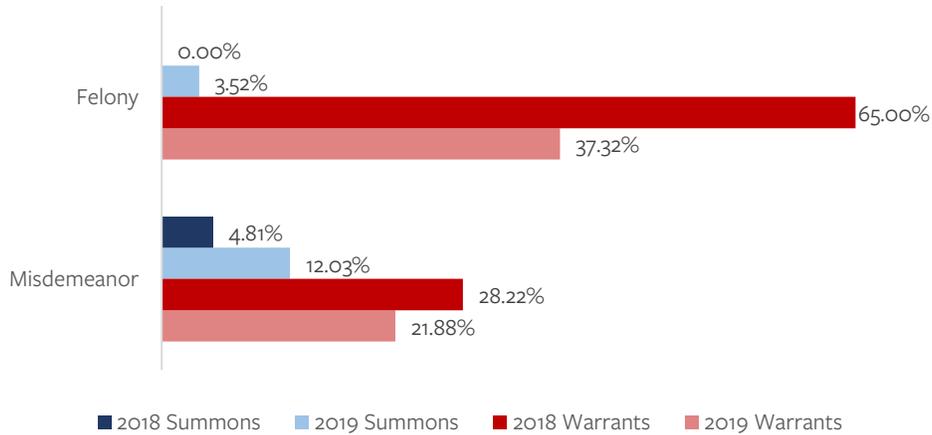
### Percent of charges issued a summons or warrant to law enforcement and non-law enforcement during the first quarter of 2018 and 2019 in Jackson County

	2018	2019	% Change
% of charges initiated by summons to law enforcement	0.11	2.17	1875.53
% of charges initiated by summons to non-law enforcement	1.08	1.34	24.19
% of total charges initiated by summons	1.19	3.51	194.96
% of charges initiated by warrants to law enforcement	16.03	8.39	-47.68
% of charges initiated by warrants to non-law enforcement	3.31	1.10	-66.81
% of total charges initiated by warrants	19.34	9.49	-50.94
Total # of charges	2595	2623	

## Jackson County cont.

As shown in the graph below, 0% of felonies and 4.81% of non-traffic misdemeanors were issued a summons during the first quarter of 2018 versus 3.52% of felonies and 12.03% of misdemeanors in 2019. This represented a 3.52 percentage point increase in the use of summons for felonies, and a 7.22 percentage point for misdemeanors. In terms of warrants, the percentage of warrants issued for felonies decreased 27.68 percentage points for the first quarter of 2019 relative to 2018. Similar trends were observed for warrants issued for misdemeanors, although the decrease was more modest (a 6.34 percentage point decrease).

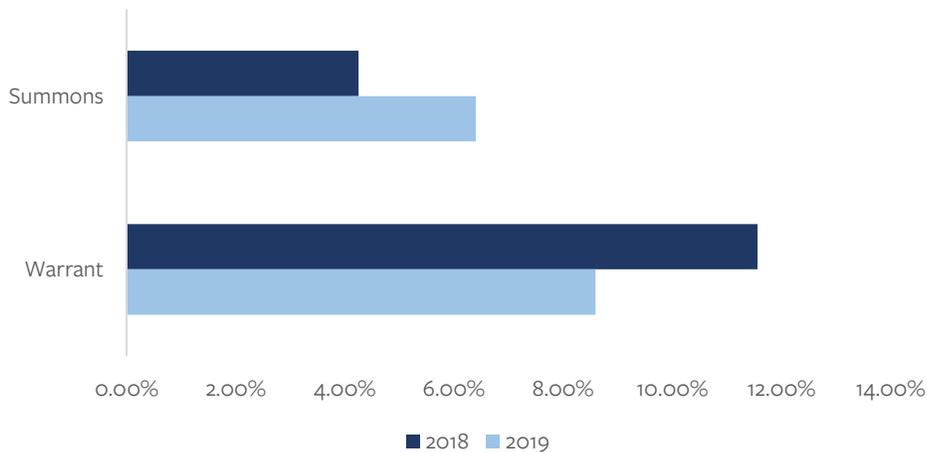
Percent of felonies and misdemeanors issued a summons or warrant during first quarter of 2018 and 2019 in Jackson County



## Haywood County

There was a 50.58% increase in the percent of charges receiving a summons in the first quarter of 2019 (6.40%) relative to the first quarter of 2018 (4.25%). During the same time frame, the percentage of cases issued a warrant decreased 25.69%.

Percent of charges issued a summons or warrant during the first quarter of 2018 and 2019 in Haywood County



## Haywood County cont.

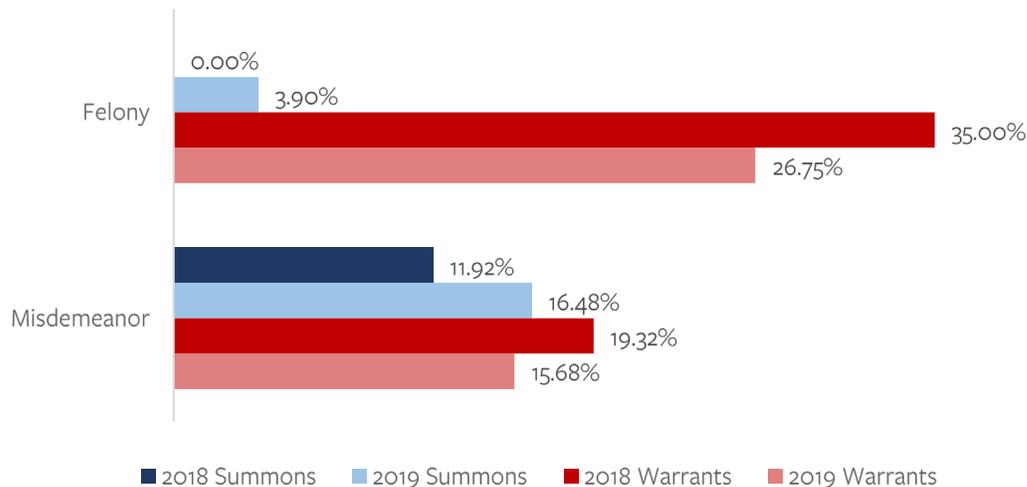
The percentage of charges initiated by summons to law enforcement increased 1.42 percentage points or 200.13% from the first quarter of 2018 to the first quarter of 2019. The percentage of charges initiated by warrants to law enforcement decreased 2.75 percentage points or 29.54%. Similar trends were observed for the percentage of summons and warrants issued to non-law enforcement, yet the percent of change was not as significant.

### Percent of charges issued a summons or warrant to law enforcement and non-law enforcement during the first quarter of 2018 and 2019 in Haywood County

	2018	2019	% Change
% of charges initiated by summons to law enforcement	0.71	2.12	200.13
% of charges initiated by summons to non-law enforcement	3.54	4.28	20.96
% of total charges initiated by summons	4.25	6.4	50.59
% of charges initiated by warrants to law enforcement	9.32	6.56	-29.54
% of charges initiated by warrants to non-law enforcement	2.24	2.03	-9.53
% of total charges initiated by warrants	11.56	8.59	-25.69
Total # of charges	3392	3108	

The use of summons was expanded for felonies and non-traffic misdemeanors. The largest expansion of summons was for the use of non-traffic misdemeanors, which increased 4.56 percentage points (from 11.92% of misdemeanors receiving a summons in the first quarter of 2018 to 16.48% of misdemeanors in 2019). Smaller changes were observed for felonies where 0% of felonies received a summons in 2018 compared to 3.90% in 2019.

### Percent of felonies and misdemeanors issued a summons or warrant during first quarter of 2018 and 2019 in Haywood County



Please direct all questions regarding the analyses to Dr. Jamie Vaske, Associate Professor at [jvaske@email.wcu.edu](mailto:jvaske@email.wcu.edu). All questions regarding implementation can be directed to Professor Jessica Smith at [smithj@sog.unc.edu](mailto:smithj@sog.unc.edu).

<sup>1</sup> All data within this information sheet was derived from the Administrative Office of the Courts case number-level data on misdemeanors between January 1<sup>st</sup> to March 31<sup>st</sup> for the years of 2018 and 2019.

<sup>2</sup> Percent of change is calculated as  $[(2019 \% - 2018 \%)/(2018 \%)] * 100$ .

<sup>3</sup> Law enforcement agencies were identified using the "Witness Agency" variable in the Automated Criminal/Infractions System (ACIS).

# 30B Pretrial Project: First Quarter Implementation Check-In

## Citations in Lieu of Arrest

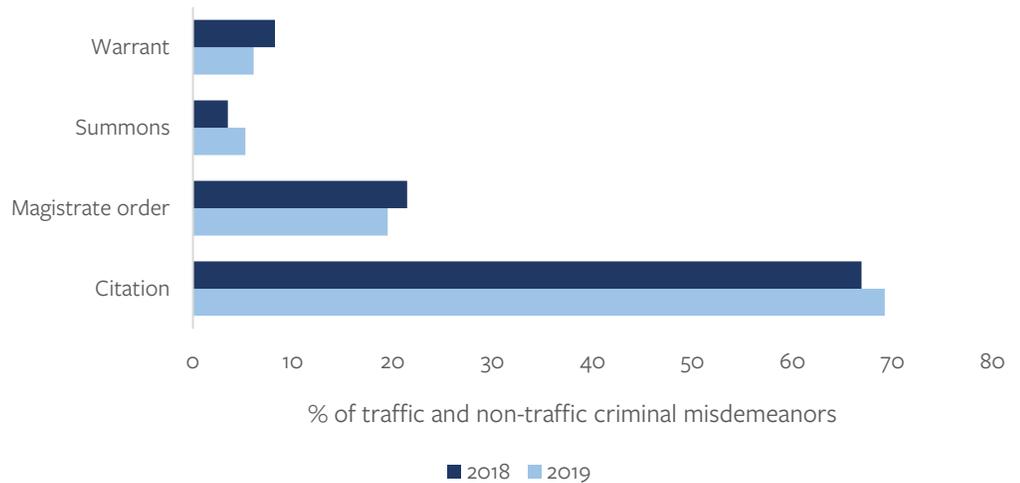
### Executive Summary

- This implementation check-in compares the use of citations for misdemeanors during the first quarter of 2019 to those in the first quarter of 2018.
- There was approximately a 2-percentage point increase in the use of misdemeanor cases issued a citation from 2018 to 2019.
- Approximately 90% of traffic misdemeanors (e.g., expired registration, speeding, DWLR) were issued a citation in 2018 and 2019.
- There was a 5 - 10% decrease in the use of citations for non-traffic misdemeanors from 2018 to 2019.<sup>2</sup>
- This pattern of results was consistent for both Jackson and Haywood Counties.
- Data suggests that law enforcement may consider expanding their use of citations for misdemeanor drug and property offenses.
- The study will continue to examine the use of citations in lieu of arrests, and will examine the prevalence of failure to appear and new criminal offenses for those given a citation.

### Judicial District 30B

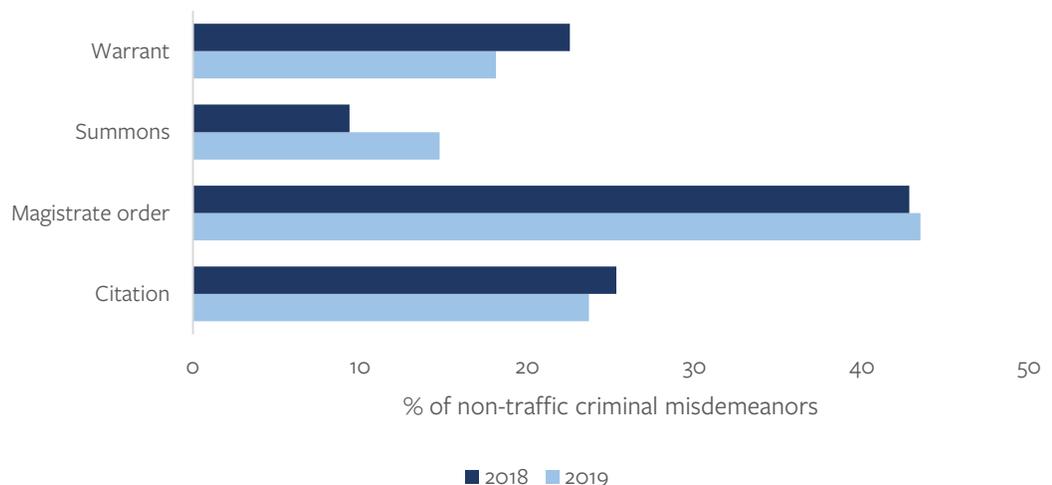
In the first quarter of 2019, citations were issued for 69.20% of all misdemeanors.<sup>1</sup> This represented a 2.31 percentage point increase relative to the number of citations issued in the first quarter of 2018.

Percentage of traffic and non-traffic misdemeanors by process type for the first quarter of 2018 and 2019 in 30B



While citations were issued for approximately 90% of traffic misdemeanors in the first quarter of both 2018 and 2019, only 23.66% of non-traffic misdemeanors were issued a citation in 2019, which was a 6.46% decrease from the first quarter of 2018.

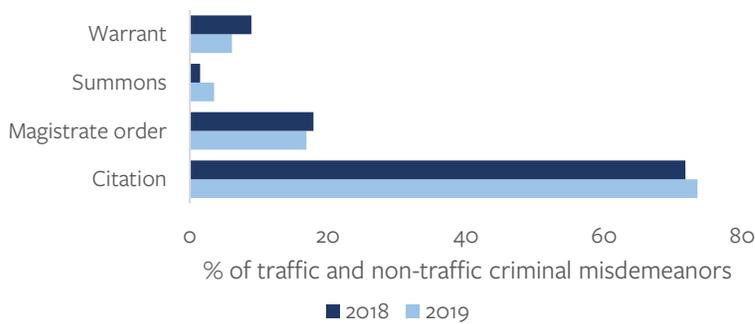
Percentage of non-traffic misdemeanors by process type for the first quarter of 2018 and 2019 in 30B



## Jackson County

Similar to 30B overall, there was a 1.75 percentage point increase in the use of citations issued for misdemeanors in 2019 (73.49%) relative to 2018 (71.74%). Citations were only issued for 25.31% of non-traffic misdemeanors in the first quarter of 2019, which was 10.29% lower than the percentage in 2018.

**Percentage of traffic and non-traffic misdemeanors by process type for the first quarter of 2018 and 2019 for Jackson County**



The table includes the most prevalent non-traffic, non-person misdemeanors for Jackson County and the percentage of cases that were issued a citation. For instance, out of 69 possession of drug paraphernalia charges, only 13.04% were issued a citation. Law enforcement may consider increasing their use of citations for these offenses, where appropriate.

**Percent of cases issued a citation for most prevalent misdemeanors in 2019 in Jackson County**

	% of cases issued a citation
Possession of drug paraphernalia	13.04%
Possession of marijuana paraphernalia	48.89%
Misdemeanor larceny	25.00%
Possession of marijuana up to 1/2 oz.	57.89%
2 <sup>nd</sup> degree trespassing	27.03%
Injury to personal property	19.44%
Resisting public officer	9.38%
Possession of stolen goods	10.53%

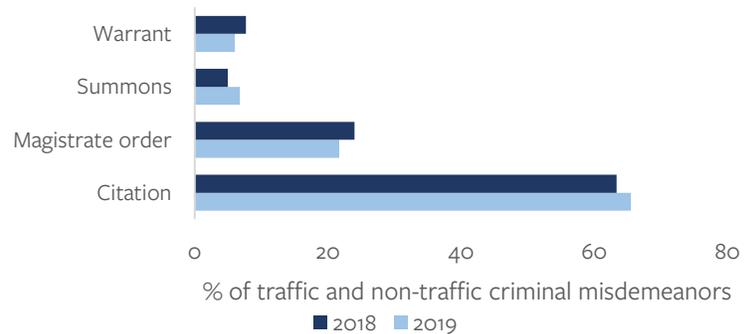
## Haywood County

**Percent of cases issued a citation for most prevalent misdemeanors in 2019 in Jackson County**

	% of cases issued a citation
Possession of drug paraphernalia	23.33%
Possession of marijuana up to 1/2 oz.	69.05%
Misdemeanor larceny	17.11%
Possession of marijuana paraphernalia	58.73%
Resisting public officer	3.33%
2 <sup>nd</sup> degree trespassing	14.29%
Possession of stolen goods	20.37%
Simple possession schedule IV	21.43%
Simple possession schedule III	13.64%

There was a 2.14 percentage point increase in the use of misdemeanor cases given a citation in the first quarter of 2019 (65.51%) relative to 2018 (63.36%). Yet, there was a 4.47% decrease in the percentage of citations issued for non-traffic criminal misdemeanors in 2019. The table lists the use of citations for the most prevalent drug and property misdemeanors in Haywood County. For instance, out of 90 possession of drug paraphernalia charges, 23.33% were issued a citation.

**Percentage of traffic and non-traffic misdemeanors by process type for the first quarter of 2018 and 2019 for Haywood County**



Please direct all questions regarding the analyses to Dr. Jamie Vaske, Associate Professor at [jvaske@email.wcu.edu](mailto:jvaske@email.wcu.edu). All questions regarding implementation can be directed to Professor Jessica Smith at [smithj@sog.unc.edu](mailto:smithj@sog.unc.edu).

<sup>1</sup> All data within this information sheet was derived from the Administrative Office of the Courts case level data on non-traffic and traffic misdemeanors between January 1<sup>st</sup> to March 31<sup>st</sup> for the years of 2018 and 2019.

<sup>2</sup> Amount of change is calculated as  $[(2019 \% - 2018 \%)/(2018 \%)] * 100$ .