

# North Carolina Rural Jail Project

## Columbus County Stakeholder Report

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**Jessica Smith**, W.R. Kenan Jr. Distinguished Professor & Director, Criminal Justice Innovation Lab,  
UNC School of Government

**Hannah Turner**, Project Manager, Criminal Justice Innovation Lab, UNC School of Government



SCHOOL OF GOVERNMENT  
Criminal Justice Innovation Lab

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## Background

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The North Carolina Rural Jail Project had two components. First, collecting and analyzing Columbus County data to better understand rural pretrial systems. In this part of the project, RTI International and the UNC School of Government Criminal Justice Innovation Lab (the Lab) collected and analyzed data to learn about the county's jail population and court operations. RTI also conducted interviews with local stakeholders, to provide context for the data findings. This project component was part of a larger body of work funded by Arnold Ventures' Advancing Pretrial Policy & Research (APPR).

In the project's second component, the Lab<sup>1</sup> helped stakeholders understand the data and develop policy initiatives that made sense for their community. This work was supported by the Lab's general operating budget. All decisions related to policy priorities and implementation were made by Columbus County stakeholders, who are experts on the needs and priorities of their community.

In October of 2021, RTI and the Lab invited criminal justice teams from rural North Carolina counties to apply to participate in the project. Applications were evaluated on several factors including, among other things, whether all key local leaders signed on to participate in the project and whether the jurisdiction could supply data from its jail management system. In November 2021, Columbus County was selected as the project site. Project participants included:

- Douglas Sasser, Senior Resident Superior Court Judge
- Scott L. Ussery, Chief District Court Judge
- Jonathan David, District Attorney
- Tabitha Etheridge, Defense Attorney
- Jesse Hill, Clerk of Superior Court
- Eddie Madden, County Manager
- Sandra Norris, Chief Magistrate
- Dennis Williams, Trillium Health Resources
- Mike Frazier, Probation/Parole Judicial District Manager

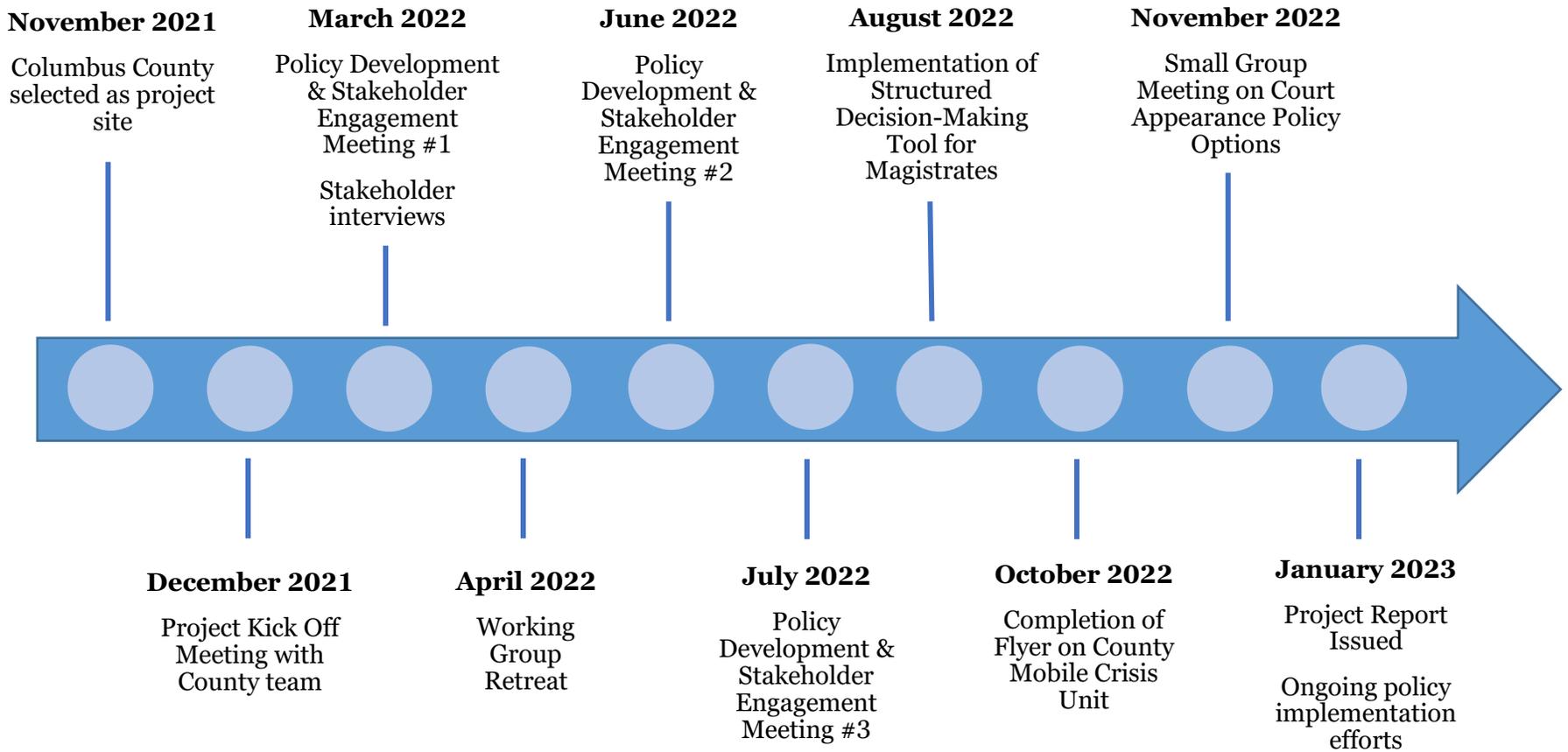
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<sup>1</sup> Including Lab Director Jessica Smith; Lab Project Managers Ethan Rex and Hannah Turner; and Lab Research Specialist Ross Hatton.

- Sherin Stanley, Chief Probation/Parole Officer
- Robert Creech, Columbus County Sheriff's Office
- Trina Worley, Columbus County Sheriff's Office
- Aaron Herring, Columbus County Sheriff's Office
- Douglas Ipock, Whiteville Chief of Police

Figure 1 below presents the project timeline.

**Figure 1. Project Timeline**



# Data Analysis

At an initial kick-off meeting in December 2021, stakeholders identified key data points of interest, including the county’s failure to appear and new pretrial criminal activity rates, as well as length of pretrial jail stays. Using jail data, data from the Lab’s North Carolina Criminal Information database and the Lab’s [Measuring Justice Dashboard](#), we addressed these data points and presented detailed findings on other issues at subsequent meetings. Highlights from those presentations are described below. These data points informed stakeholders’ policy development work, discussed in the next section.

## Court Data

The Lab presented court system data from its [Measuring Justice Dashboard](#), including information on criminal charging, citation versus arrest, summons versus warrant, court non-appearance, and pretrial criminal activity.

### Criminal Charging

Figure 2 below shows the total number and types of charges filed in Columbus County from 2018 to 2020, providing an overview of the local system. Displayed numbers show charge counts. The bulk of the charges in Columbus County (82%) are for non-violent misdemeanors. Violent felony charges make up less than 1.5% of all charges. While data prior to 2018 is not shown in this report, the same pattern can be seen back to 2014.

**Figure 2. Composition of Criminal Charging (2018 – 2020)**

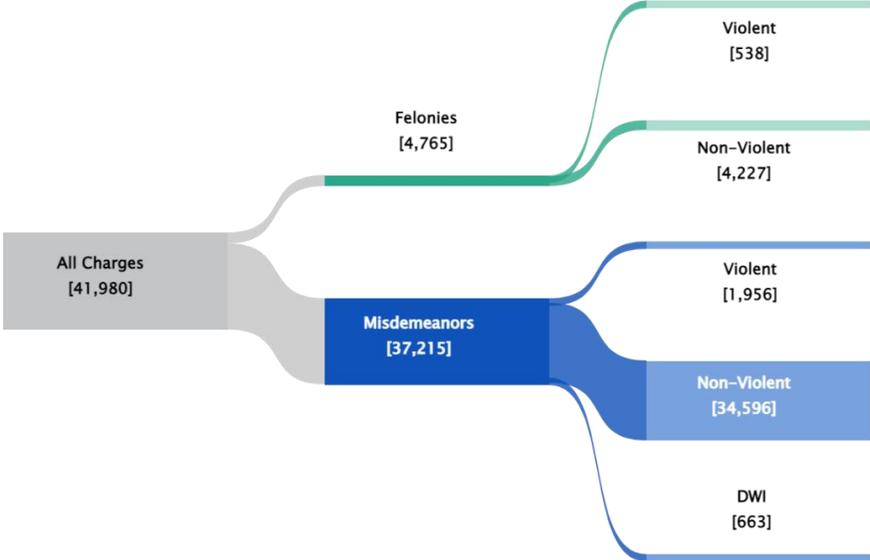


Table 1 shows the most frequently charged offenses from 2018 to 2020 in Columbus County. All of the top ten are non-DWI traffic offenses, and seven of the top ten are administrative traffic offenses. Knowing the county’s most commonly charged offenses can be a helpful data point when making policy decisions about allocating limited law enforcement and court resources.

**Table 1. Top 10 Most Frequently Charged Offenses (2018 – 2020)**

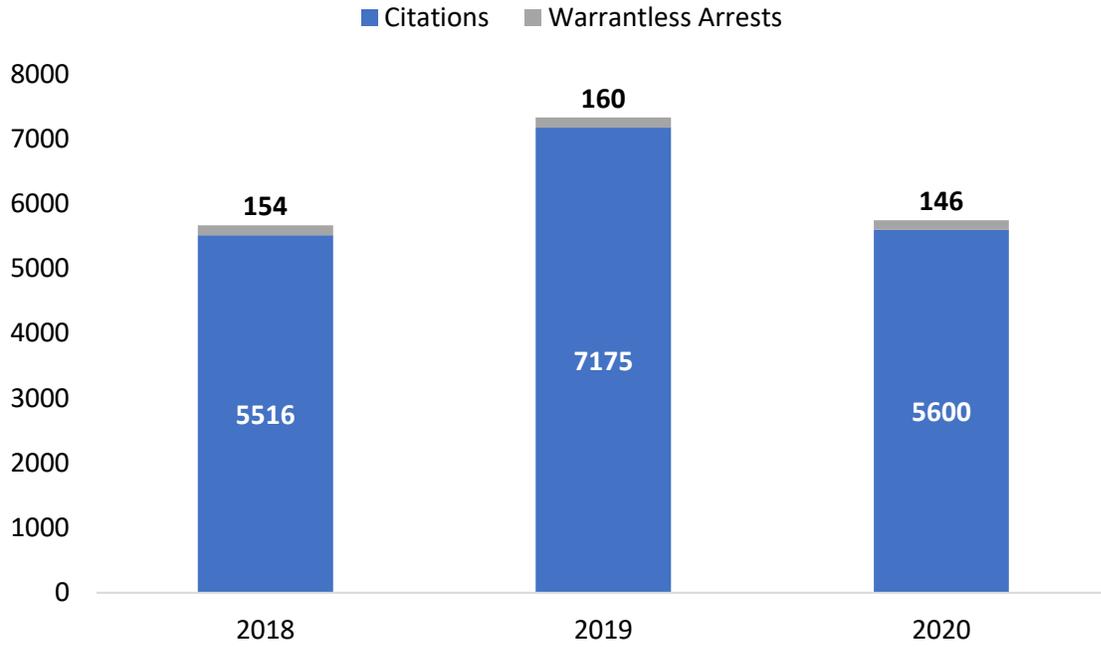
Rank	Description	Type	Category	Offense Total
1	SPEEDING	Misdemeanor	Non-Violent, Non-DWI Traffic	7,109
2	EXPIRED REGISTRATION CARD/TAG	Misdemeanor	Non-Violent, Non-DWI Traffic	4,512
3	DWLR NOT IMPAIRED REV	Misdemeanor	Non-Violent, Non-DWI Traffic	4,008
4	RECKLESS DRIVING TO ENDANGER	Misdemeanor	Non-Violent, Non-DWI Traffic	2,845
5	NO OPERATORS LICENSE	Misdemeanor	Non-Violent, Non-DWI Traffic	2,738
6	OPERATE VEH NO INS	Misdemeanor	Non-Violent, Non-DWI Traffic	2,007
7	FICT/ALT TITLE/REG CARD/TAG	Misdemeanor	Non-Violent, Non-DWI Traffic	1,077
8	CANCL/REVOK/SUSP CERTIF/TAG	Misdemeanor	Non-Violent, Non-DWI Traffic	1,008
9	RECKLESS DRVG-WANTON DISREGARD	Misdemeanor	Non-Violent, Non-DWI Traffic	966
10	DRIVE/ALLOW MV NO REGISTRATION	Misdemeanor	Non-Violent, Non-DWI Traffic	726

***Citation versus Arrest***

For most misdemeanor offenses, law enforcement officers have discretion to make a warrantless arrest or issue a citation. A citation directs someone when to appear in court at a later date, while a warrantless arrest takes them into custody.

The figures below show the number of citations and warrantless arrests made by officers for Columbus County for misdemeanor incidents. Figure 3 shows these data for traffic misdemeanors; Figure 4 for non-traffic misdemeanors. Nearly all incidents involving traffic misdemeanors (over 97%) are charged by citation; for incidents involving non-traffic misdemeanors, the citation rate never exceeded 66.76%.

**Figure 3. Number of Citations and Warrantless Arrests in Incidents Involving Traffic Misdemeanors (2018 – 2020)**



**Figure 4. Number of Citations and Warrantless Arrests in Incidents Involving Non-Traffic Misdemeanors (2018 – 2020)**

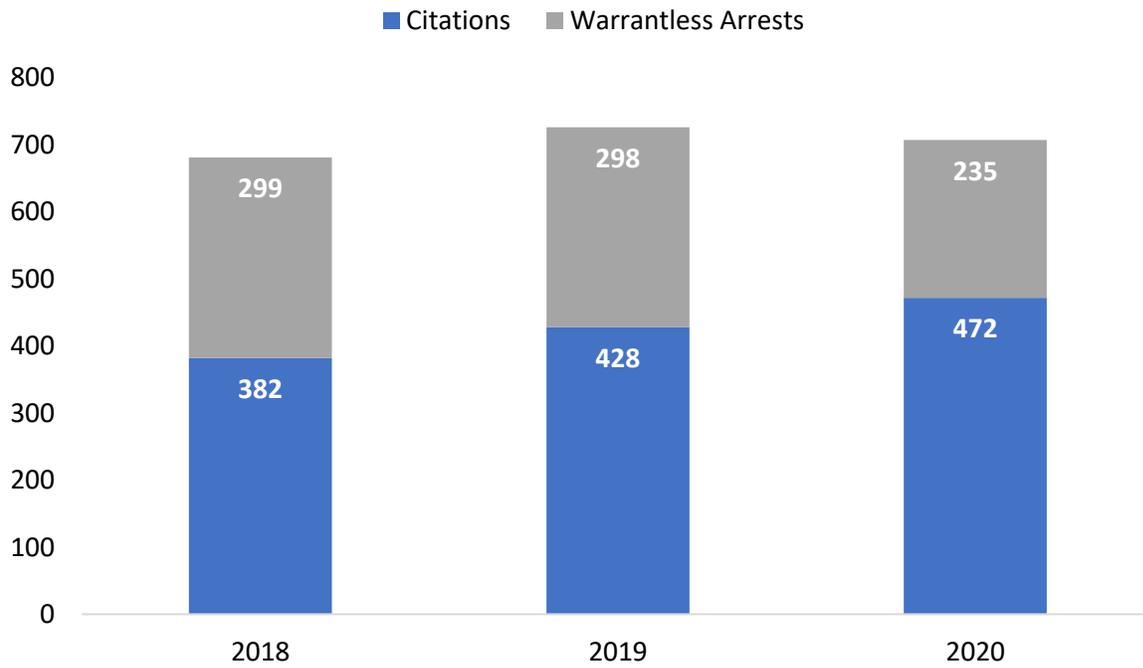


Table 2 shows the Columbus County offenses that most frequently resulted in a warrantless arrest in misdemeanor incidents from 2018 to 2020. This information helps stakeholders understand local practice at a granular level and may be an important resource should stakeholders be interested in pursuing citation in lieu of arrest policies for select offenses.

**Table 2. Top 10 Offenses that Resulted in a Warrantless Arrest (2018 – 2020)**

Rank	Description	Type	Percent Total	Offense Total
1	DRIVING WHILE IMPAIRED	Traffic	21%	448
2	RESISTING PUBLIC OFFICER	Non-Traffic	10%	206
3	DWLR NOT IMPAIRED REV	Traffic	5%	112
4	ASSAULT ON A FEMALE	Non-Traffic	5%	99
5	SECOND DEGREE TRESPASS	Non-Traffic	4%	90
6	MISDEMEANOR LARCENY	Non-Traffic	4%	84
7	RECKLESS DRIVING TO ENDANGER	Traffic	3%	71
8	SIMPLE ASSAULT	Non-Traffic	3%	62
9	POSSESS MARIJUANA UP TO 1/2 OZ	Non-Traffic	3%	58
10	POSSESS MARIJ PARAPHERNALIA	Non-Traffic	3%	55

### *Summons versus Warrant*

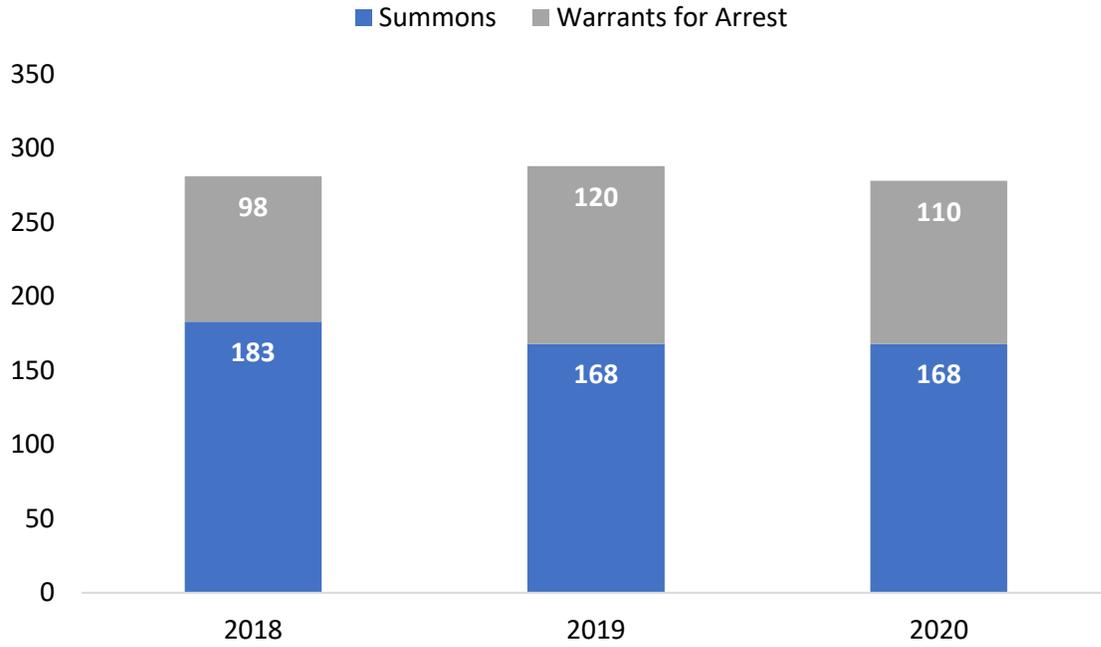
Judicial officials typically have discretion to charge an offense with a criminal summons or a warrant for arrest. The summons directs the person to appear in court; the warrant results in their custodial arrest.

Figures 5 and 6 show the number of summonses and warrants issued in Columbus County misdemeanor incidents. Figure 5 shows this data for incidents involving non-violent misdemeanors; Figure 6 for incidents involving violent misdemeanors.<sup>2</sup>

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<sup>2</sup> Other data we presented to stakeholders showed that from 2014 to 2017, Columbus County's monthly summons rate bounced between a low of 7.25% to a high of 38.24%. In 2018, however, it jumped, hitting a high of around 75% in July 2018. From that month until the end of 2020, the rate remained elevated, bouncing between a low of 44.67% to a high of 74.36%.

**Figure 5. Number of Summonses and Warrants Issued in Non-Violent Misdemeanor Incidents (2018 – 2020)**



**Figure 6. Number of Summonses and Warrants Issued in Violent Misdemeanor Incidents (2018 – 2020)**

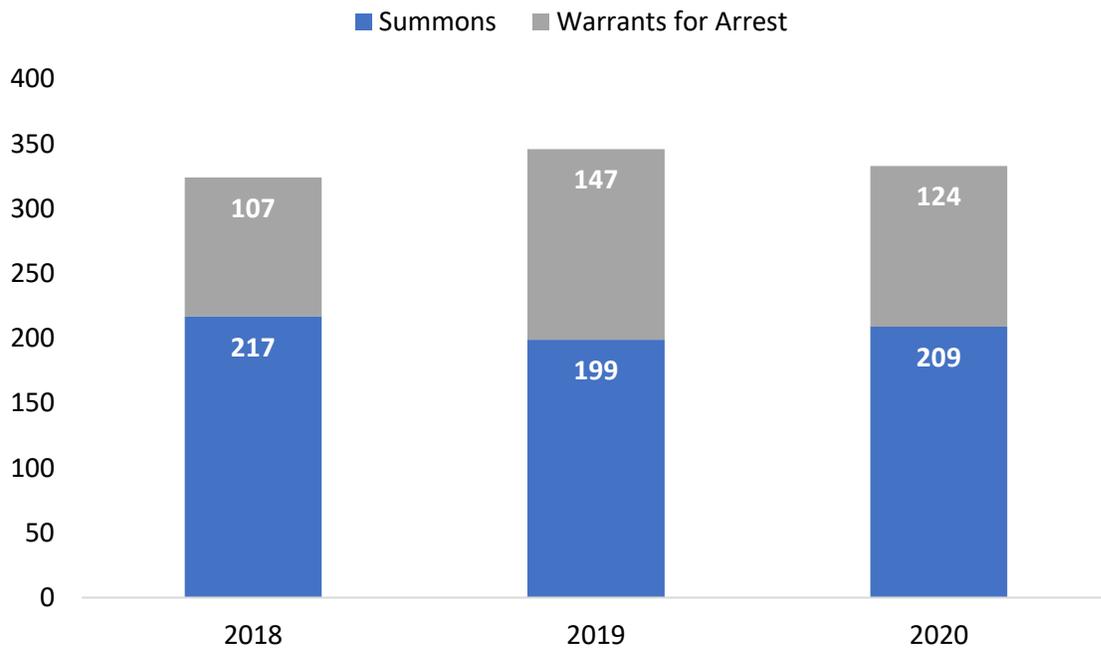


Table 3 shows which Columbus County misdemeanor offenses were most frequently charged by a warrant for arrest in misdemeanor incidents between 2018 and 2020. Columbus County’s top ten “warrant charges” are evenly split between violent and non-violent misdemeanor offenses. All of this information can be helpful when considering summons in lieu of arrest policies.

**Table 3. Top 10 Misdemeanor Offenses Charged by a Warrant (2018 – 2020)**

Rank	Description	Type	Percent Total	Offense Total
1	MISDEMEANOR LARCENY	Non-Violent	13%	163
2	ASSAULT ON A FEMALE	Violent	12%	155
3	COMMUNICATING THREATS	Violent	10%	130
4	INJURY TO PERSONAL PROPERTY	Non-Violent	6%	82
5	SECOND DEGREE TRESPASS	Non-Violent	5%	68
6	ASSAULT WITH A DEADLY WEAPON	Violent	5%	63
7	RESISTING PUBLIC OFFICER	Non-Violent	4%	51
8	SIMPLE ASSAULT	Violent	4%	50
9	DV PROTECTIVE ORDER VIOL (M)	Violent	3%	42
10	INJURY TO REAL PROPERTY	Non-Violent	3%	34

### *Court Non-Appearance*

Figure 7 below shows the percentage of incidents in Columbus County and statewide that have a missed court appearance.<sup>3</sup> As shown, most people appear in court as required. Columbus County’s non-appearance rate never exceeded 15.95%. Even when non-appearance rates are relatively low, they can cause concern, as every missed court date uses court resources, contributes to system-wide inefficiencies, and impacts victims, witnesses, and defendants.

<sup>3</sup> An incident includes all charges served on a person on the same day in the same county, even if those charges were initiated in different cases.

**Figure 7. Court Non-Appearance Rate by Year, Columbus County & Statewide (2018 – 2020)**

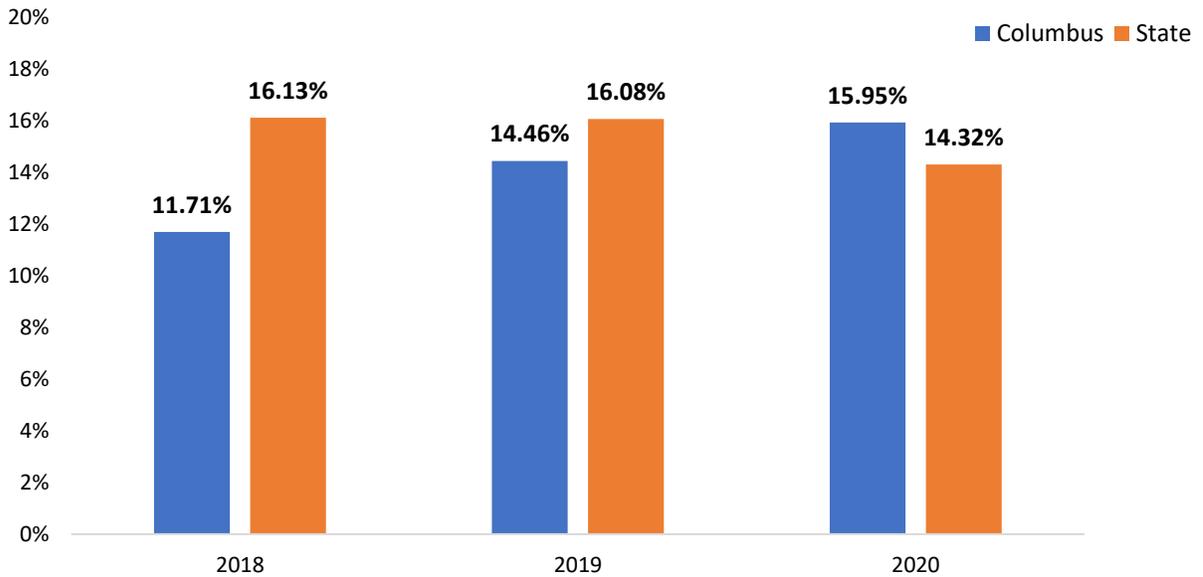


Figure 8 shows the number of non-appearances by incident initiation year. It provides information on the number of incidents impacted by a non-appearance and how that number has changed over time. It also highlights that while non-appearance rates are relatively low, the number of incidents impacted by a missed court date is not insubstantial. This information can be helpful in assessing the potential benefits of strategies to promote court appearance

**Figure 8. Number of Non-Appearances by Incident Initiation Year (2018 – 2020)**

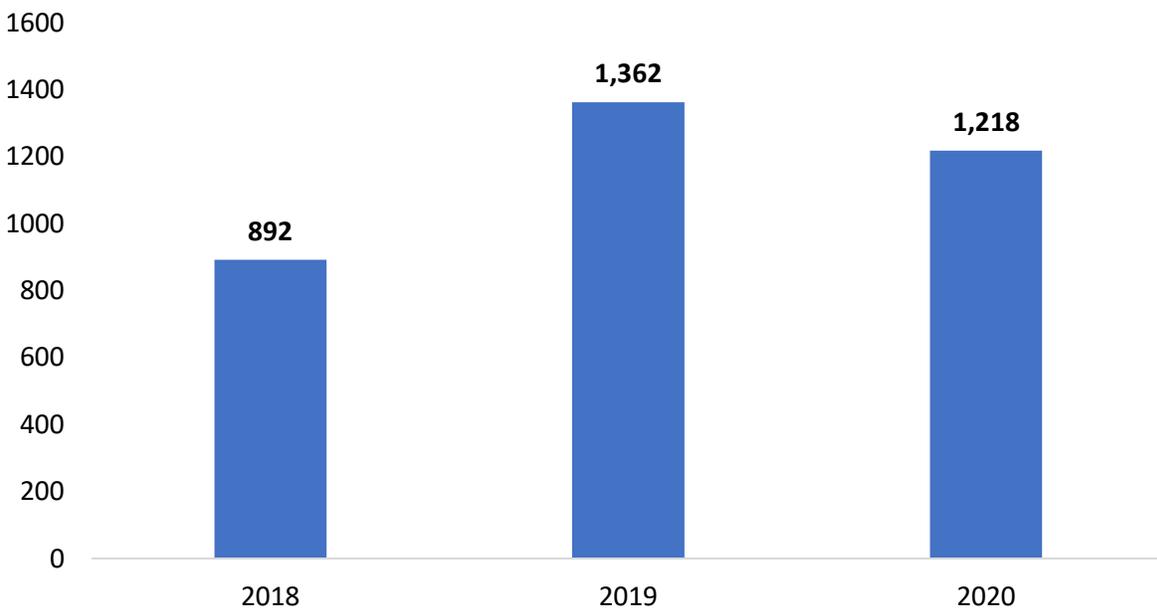


Figure 9 shows court non-appearance rates by the charged person's age. As seen below, younger people have higher non-appearance rates than older people. Knowing this can help stakeholders target efforts to improve non-appearance rates.

**Figure 9. Non-Appearance Rates by Charged Person’s Age, State & Columbus County (2018 – 2020)**

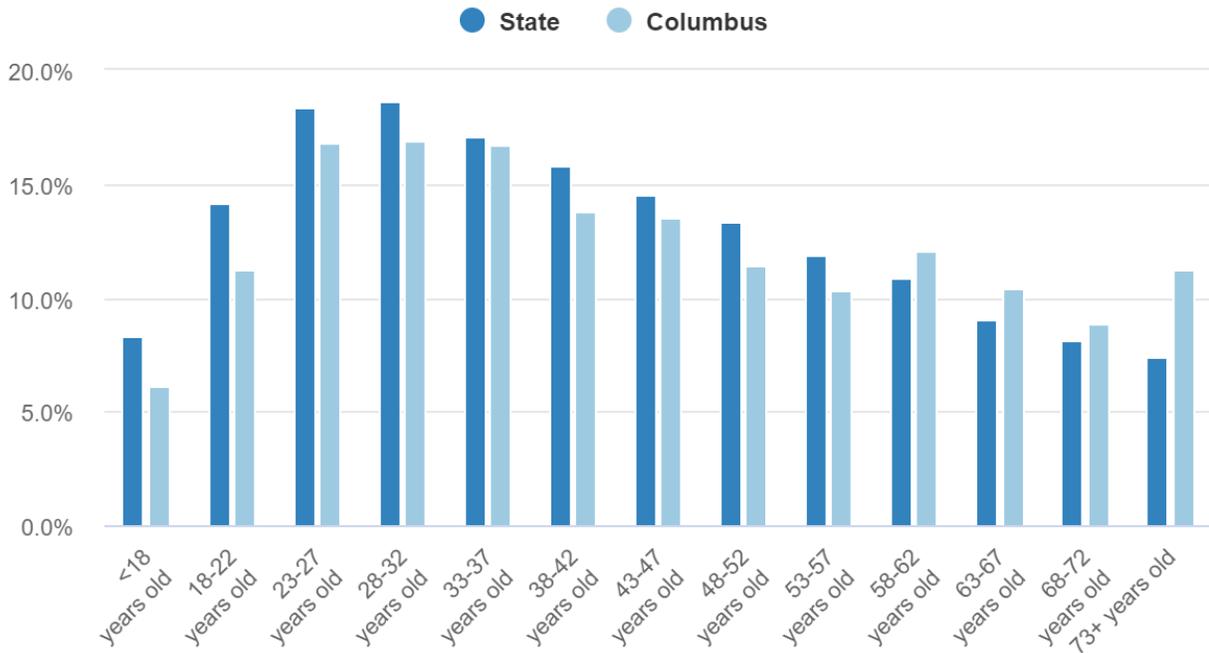


Figure 10 below shows the racial breakdown of all incidents, incidents with a court non-appearance, and the general population in Columbus County. Differences in non-appearance rates may be explained by many factors, such as socio-economic issues, levels of trust in the system, and court practices and procedures. Exploring these issues may be productive in developing strategies to improve court appearance (e.g., providing transportation assistance).

**Figure 10. Racial Breakdown of Incidents with a Non-Appearance (2018 – 2020)**

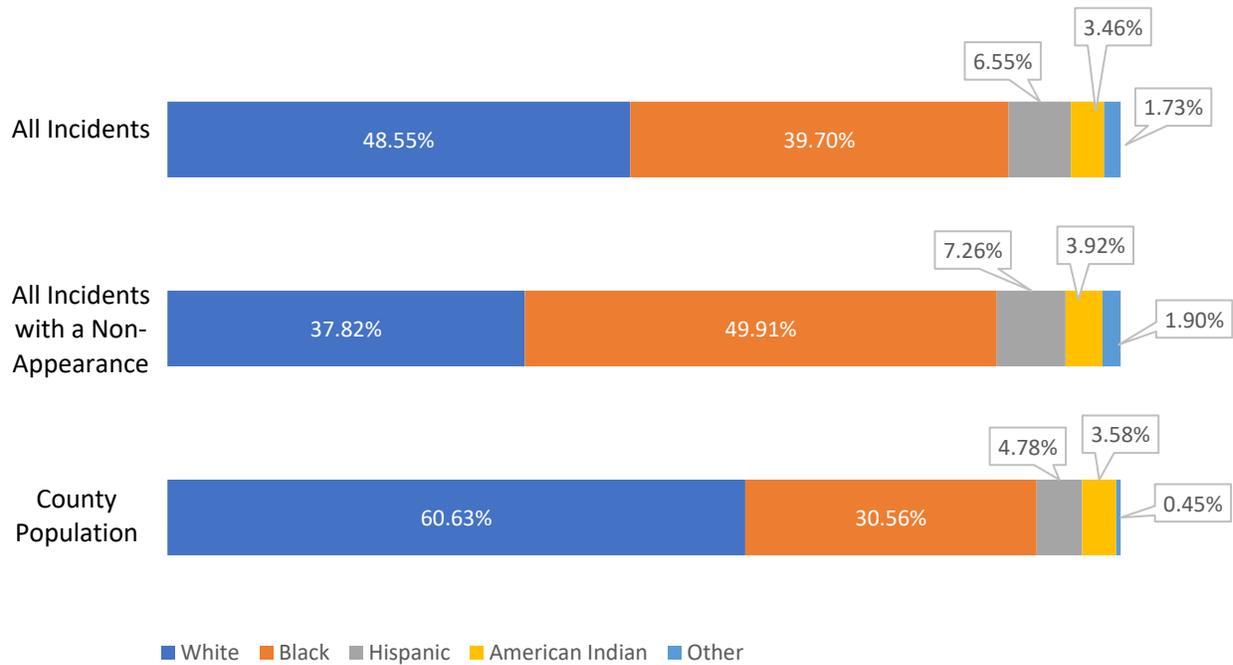


Figure Note: Differences may or may not be explained by other factors. Comparisons to local demographics are imperfect because cases may include people who reside in another jurisdiction.

Figure 11 shows the percentage and number of court non-appearances based on where the charged individual lives, providing a lens for examining how residence relates to non-appearance and potentially helping stakeholders target efforts to improve non-appearance rates. In Columbus County, nearly half of all missed appearances were by individuals who lived outside of the county.

**Figure 11. Non-Appearances Based on Charged Person’s Residence (2018 – 2020)**

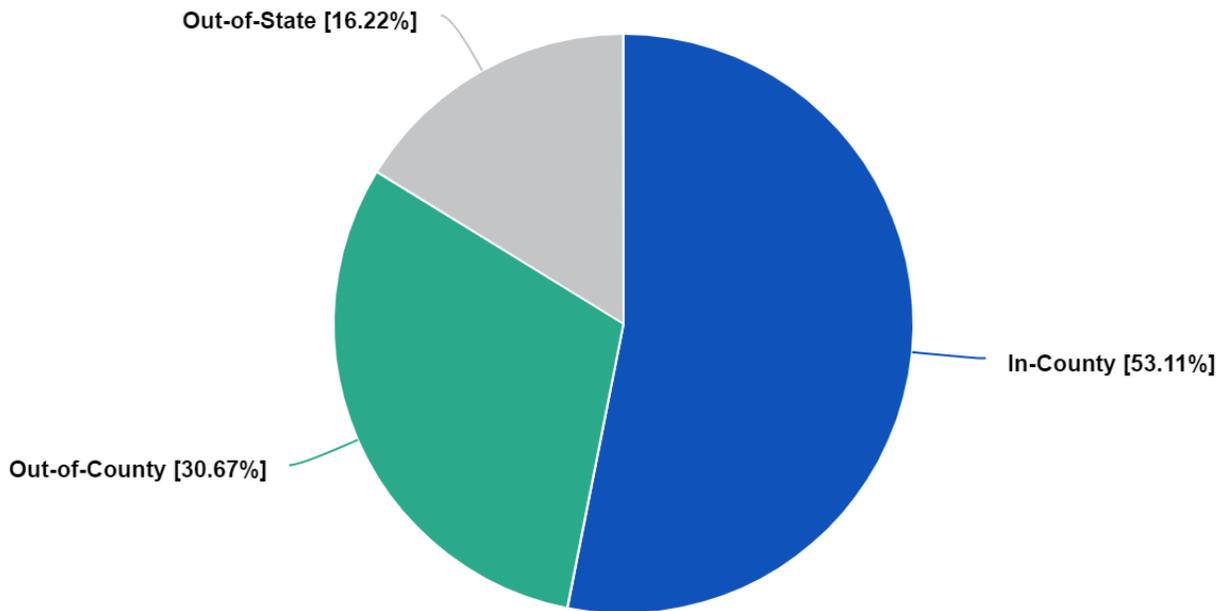


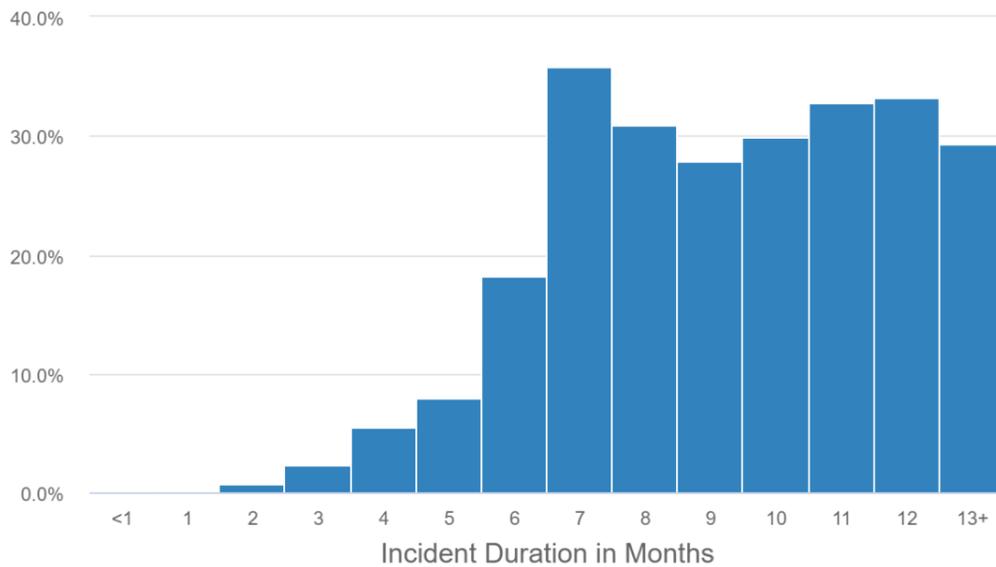
Table 4 shows the ten Columbus County offenses with the highest number of court non-appearances, helping stakeholders focus efforts to promote court appearance and develop better responses to missed appearances when they occur. As seen below, nine of the top ten offenses are non-DWI traffic offenses, and seven of those nine are administrative traffic offenses.

**Table 4. Top 10 Offenses with the Highest Number of Non-Appearances (2018 – 2020)**

Rank	Description	Type	Category	Non-Appearance Total	Non-Appearance Rate
1	DWLR NOT IMPAIRED REV	Misdemeanor	Non-DWI Traffic	1,176	29%
2	NO OPERATORS LICENSE	Misdemeanor	Non-DWI Traffic	668	25%
3	SPEEDING	Misdemeanor	Non-DWI Traffic	603	8%
4	EXPIRED REGISTRATION CARD/TAG	Misdemeanor	Non-DWI Traffic	603	13%
5	OPERATE VEH NO INS	Misdemeanor	Non-DWI Traffic	420	21%
6	FICT/ALT TITLE/REG CARD/TAG	Misdemeanor	Non-DWI Traffic	267	25%
7	RECKLESS DRIVING TO ENDANGER	Misdemeanor	Non-DWI Traffic	230	8%
8	DRIVE/ALLOW MV NO REGISTRATION	Misdemeanor	Non-DWI Traffic	201	28%
9	CANCL/REVOK/SUSP CERTIF/TAG	Misdemeanor	Non-DWI Traffic	163	16%
10	MISDEMEANOR LARCENY	Misdemeanor	Other	93	13%

Figure 12 shows the percent of court non-appearances by incident duration, helping stakeholders understand non-appearance rates in relation to incident disposition times. As seen below, Columbus County’s non-appearance rate more than doubles once an incident has been pending for six months, doubles again at the seven-month mark, and then remains high for longer incident durations.

**Figure 12. Percent of Non-Appearances by Incident Duration (2018 – 2020)**



***Pretrial Criminal Activity***

Figure 13 shows the percentage of criminal incidents where the person charged acquired a new offense during the pretrial period. Most people released pretrial are not charged with new criminal activity while on pretrial release in Columbus County. As shown below, 27.39% of incidents acquire any new pretrial charge. When new pretrial charges occur, they are most often misdemeanors. In fact, while not shown in the figure below, less than 1% of Columbus County incidents picked up a new violent pretrial felony charge. The county’s experience is similar to what is observed for the state.

**Figure 13. Pretrial Criminal Activity Rates, Columbus County & Statewide (2018 – 2020)**

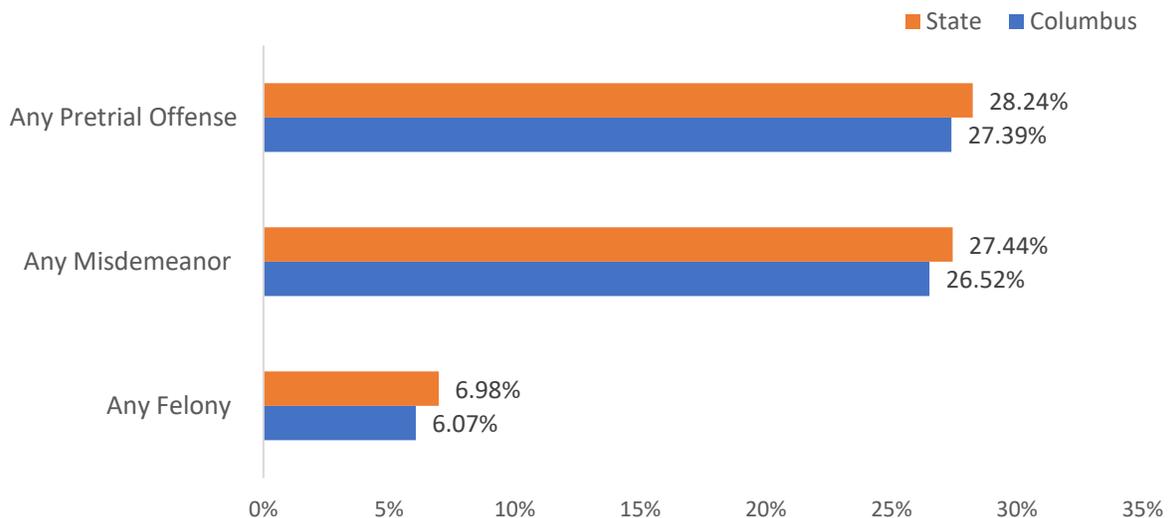


Figure 14 below shows the racial breakdown of all incidents, incidents with new pretrial criminal activity, and the general population in Columbus County. It provides a lens for examining racial differences in the system and may reflect broader trends in criminal charging.

**Figure 14. Racial Breakdown of Incidents with New Pretrial Criminal Activity (2018 – 2020)**

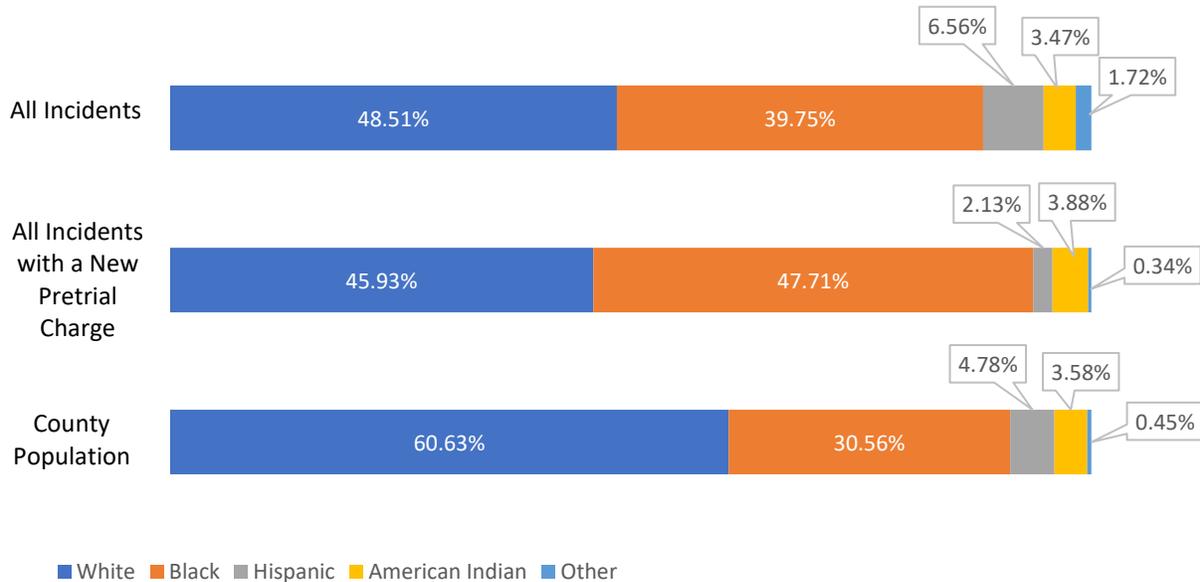


Figure Note: Differences may reflect broader trends in criminal charging and may or may not be explained by other factors. Comparisons to local demographics are imperfect because incidents may include people who reside in another jurisdiction.

Figure 15 displays the number of new pretrial criminal activity charges by charge type. It reinforces the data presented above, showing that the bulk of new pretrial charges are misdemeanors. It also shows that traffic misdemeanors are the single largest group of new pretrial charges.

**Figure 15. Count of New Pretrial Charges by Offense Type (2018 – 2020)**

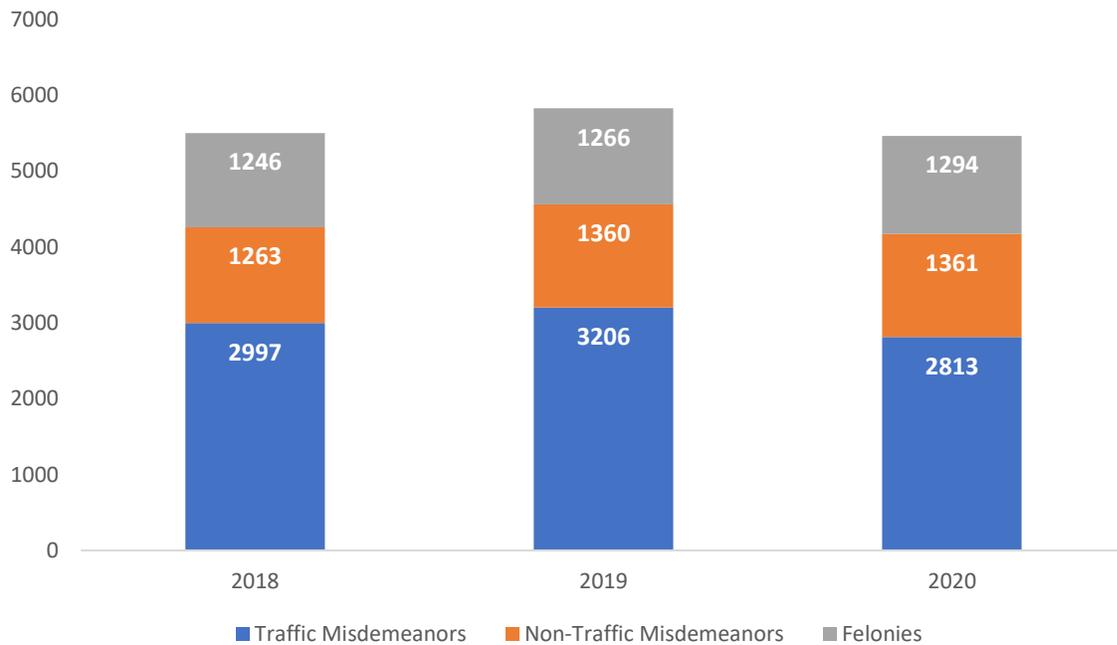


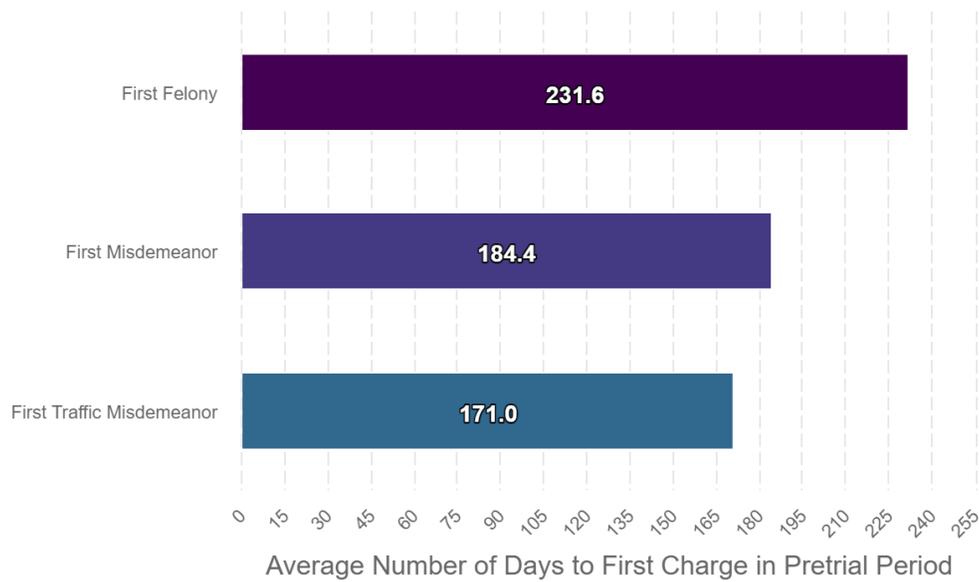
Table 5 shows Columbus County’s pretrial criminal activity at the offense level. All ten of the most commonly charged new pretrial offenses are misdemeanors, and seven are administrative traffic offenses.

**Table 5. Most Common New Pretrial Charges (2018 – 2020)**

Rank	Description	Type	Percent Total	Offense Total
1	DWLR NOT IMPAIRED REV	Traffic Misdemeanor	16%	2,659
2	EXPIRED REGISTRATION CARD/TAG	Traffic Misdemeanor	8%	1,266
3	SPEEDING	Traffic Misdemeanor	6%	925
4	OPERATE VEH NO INS	Traffic Misdemeanor	5%	781
5	NO OPERATORS LICENSE	Traffic Misdemeanor	4%	676
6	FICT/ALT TITLE/REG CARD/TAG	Traffic Misdemeanor	4%	610
7	MISDEMEANOR LARCENY	Non-Traffic Misdemeanor	3%	492
8	DRIVE/ALLOW MV NO REGISTRATION	Traffic Misdemeanor	2%	340
9	POSSESS DRUG PARAPHERNALIA	Non-Traffic Misdemeanor	2%	308
10	CANCL/REVOK/SUSP CERTIF/TAG	Traffic Misdemeanor	2%	293

Figure 16 shows the average number of days to first pretrial felony charge, first pretrial misdemeanor charge (any type, traffic or non-traffic), and first pretrial traffic misdemeanor charge. As seen below, the average number of days to first pretrial offense – in every offense category – is well over 100 days.

**Figure 16. Average Number of Days to First Pretrial Charge (2018 – 2020)**

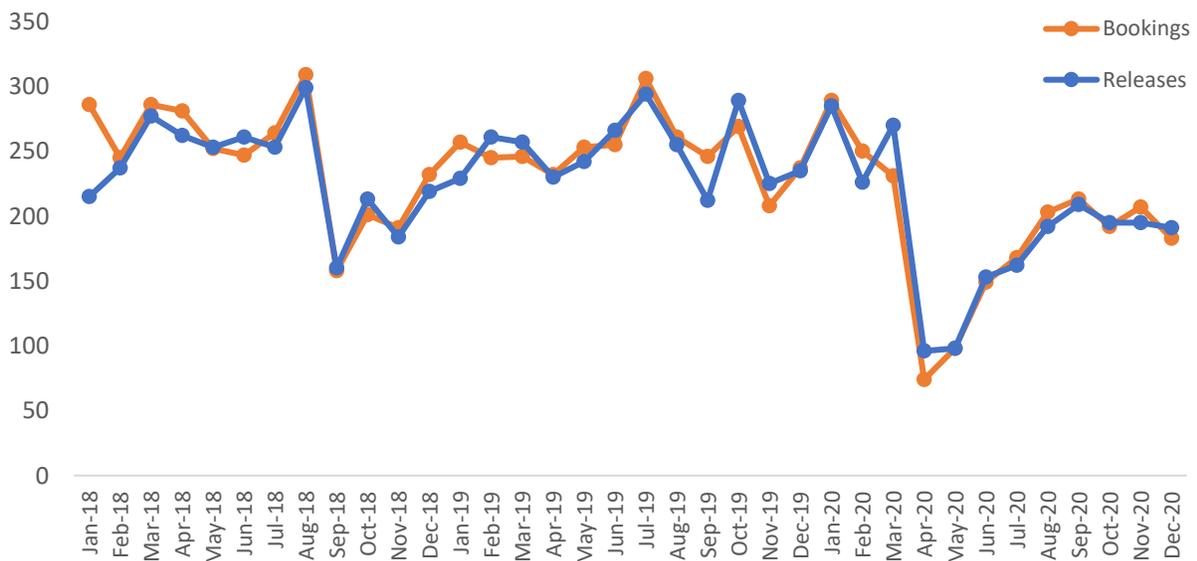


### Jail Data

The research team executed analyses on three years of county jail data (January 2018 to December 2020) to help stakeholders learn more about their jail population, with an emphasis on pretrial detainees.

Figure 17 shows the number of monthly jail bookings and releases. It shows an almost equal number of bookings and releases over time, meaning that there is significant turnover – or “churn,” a term used by a stakeholder – in the jail population.

**Figure 17. Monthly Bookings and Releases (2018 – 2020)**



Based on national data and analyses the Lab has executed in other North Carolina jurisdictions, we expected that most jail bookings would be pretrial bookings. This expectation was realized. In Columbus County, 85% of bookings were pretrial (Figure 18).

**Figure 18. Pretrial versus Non-Pretrial Bookings (2018 – 2020)**

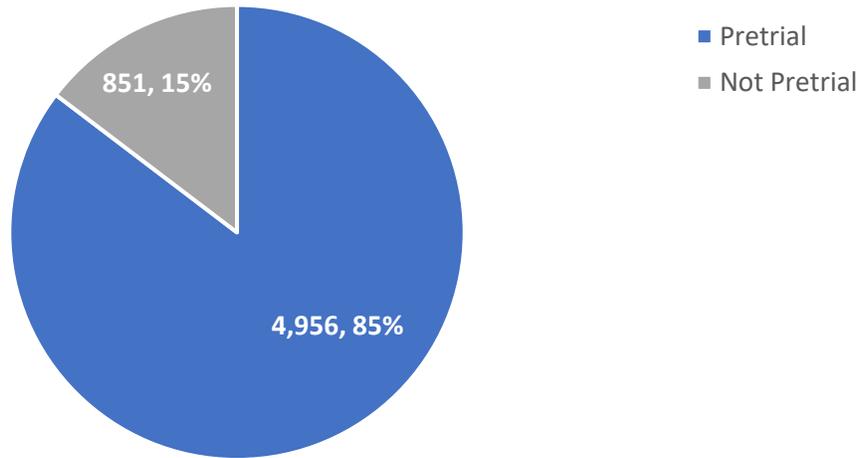


Figure 19 shows the breakdown of the pretrial population based on the highest booking charge.<sup>4</sup> The largest share of bookings (40%) were for highest charge misdemeanor offenses (including traffic and non-traffic misdemeanors). Twenty-five percent of bookings occurred solely due to Failure to Appear (FTA).

**Figure 19. Breakdown of the Pretrial Population by Highest Charge (2018 – 2020)**

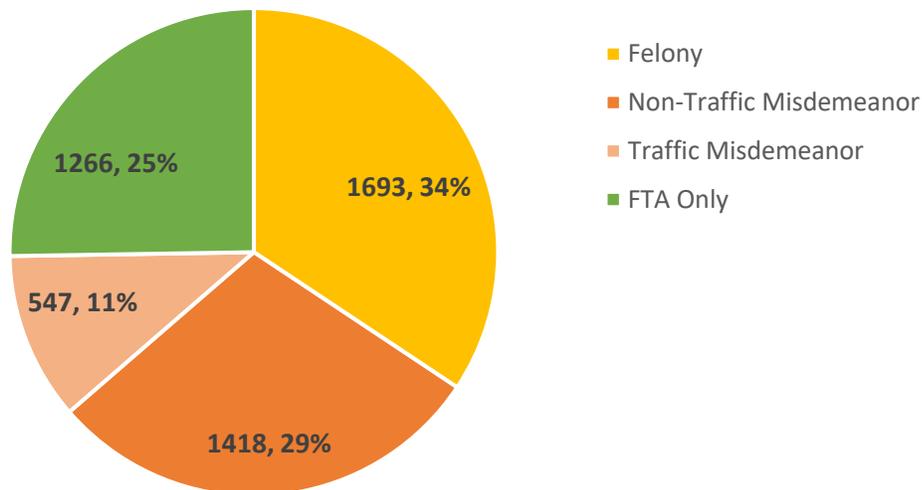


Figure Note: Thirty-two bookings had an unknown highest charge and were removed from this graph for clarity.

<sup>4</sup> If an individual was booked on a felony and a misdemeanor, for example, their booking would be counted as a felony since that is the highest charge.

Table 6 provides a more detailed look at the pretrial population, showing the number of bookings by highest charged offense class. Violent felonies (Class A-E felonies) made up less than 4% of bookings, while 68% of bookings were for non-DWI misdemeanors and Class H and I felonies, most of which are non-violent. Thirteen percent of bookings were for Class 2 and 3 misdemeanors, the lowest level offenses in North Carolina.

**Table 6. Breakdown of Pretrial Bookings by Highest Charge Offense Class (2018 – 2020)**

Highest Class	Number of Bookings	Percentage	Non-Violent Percentage
Class H Felony	660	19%	95%
DWI	426	13%	100%
Class A1 Misdemeanor	404	12%	0%
Class 1 Misdemeanor	400	12%	88%
Class I Felony	296	9%	99%
Felony No Offense Class	282	8%	86%
Class 2 Misdemeanor	280	8%	65%
Class 3 Misdemeanor	184	5%	100%
Misdemeanor No Offense Class	105	3%	100%
Uncategorized No Offense Class	74	2%	95%
Class G Felony	70	2%	90%
Class F Felony	67	2%	46%
Class D Felony	63	2%	0%
Class E Felony	52	2%	12%
Class C Felony	20	1%	0%
Class B1 Felony	9	<1%	0%
Class A Felony	3	<1%	0%

As shown in Figure 20 below, 93% of FTA-only bookings were for missed appearances on misdemeanor charges (traffic and non-traffic). FTA-only bookings include those where individuals are booked solely for missing a court date.

**Figure 20. Breakdown of FTA-Only Bookings by Underlying Charge (2018 – 2020)**

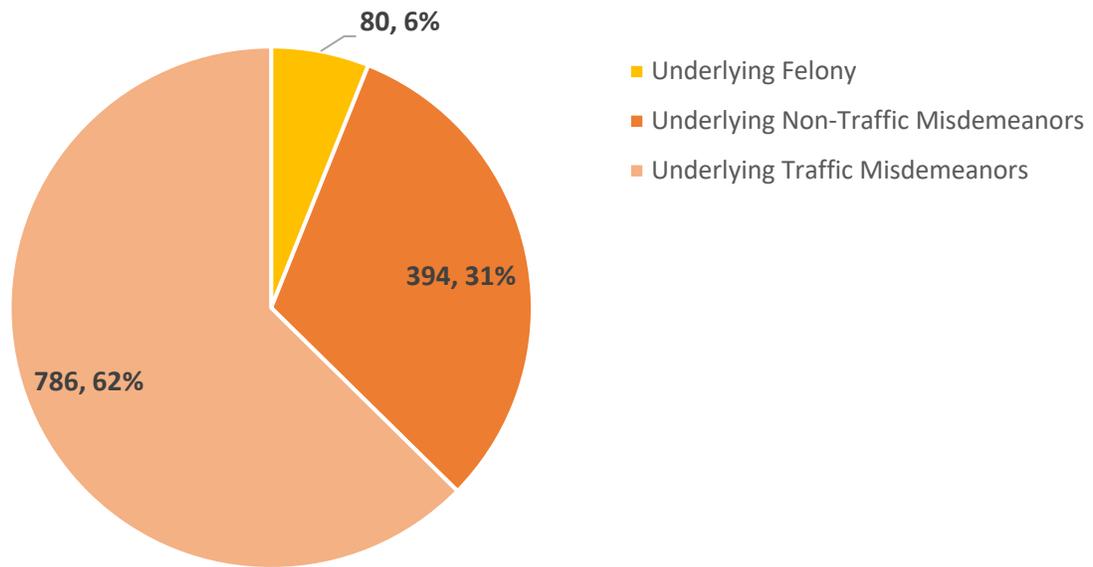


Figure Note: Six FTA-only bookings had an unknown underlying charge due to data entry issues and were removed from this graph.

Table 7 shows a breakdown of FTA-only bookings by highest charge offense class. It shows that 45% of FTA-only bookings were for underlying Class 3 misdemeanors, all of which were non-violent. FTA-only bookings where the underlying charge was a Class 1, 2 or 3 misdemeanor account for 68% of all FTA-only bookings.

**Table 7. Breakdown of FTA-Only Pretrial Bookings by Underlying Highest Charge Offense Class (2018 – 2020)**

Highest Class	Number of Bookings	Percentage	Non-Violent Percentage
Class 3 Misdemeanor	733	45%	100%
Class 1 Misdemeanor	205	13%	93%
Class 2 Misdemeanor	165	10%	86%
Class H Felony	111	7%	98%
DWI	101	6%	100%
Class I Felony	70	4%	100%
Misdemeanor No Offense Class	66	4%	100%
Class A1 Misdemeanor	55	3%	0%
Felony No Offense Class	43	3%	91%
Uncategorized No Offense Class	22	1%	95%
Class G Felony	17	1%	94%
Class E Felony	10	1%	30%
Class D Felony	7	<1%	0%
Class F Felony	6	<1%	50%
Class A Misdemeanor	1	<1%	0%
Class B1 Felony	1	<1%	0%
Class C Felony	1	<1%	0%

FTAs were also prevalent when we looked at the number of times different charges were recorded in the jail data. Table 8 below shows the charges that appeared most frequently in unique charge descriptions. As shown there, FTA on a misdemeanor was the most common charge in the data, and FTA on an unspecified underlying charge is the third most common charge.

**Table 8. Most Common Pretrial Charges (2018 – 2020)**

Charge Description	Charge Count
FTA on a Misdemeanor	2513
Driving While Impaired	390
FTA (Unspecified)	358
Misdemeanor Larceny	320
Obtain Property by False Pretense	317
Resisting Public Officer	307
Assault on a Female	256
Possess Drug Paraphernalia	235
Probation Violation	206

Figure Note: Because this analysis is not limited to highest charge, someone may be booked on these charges plus a more serious offense.

Our length of stay analysis (Figure 21) shows that for every offense category – including felonies – the majority of bookings were released within one day. For FTA-only and highest charge traffic misdemeanor cases, over 60% of bookings resulted in people being booked and released in *less than* one day.

**Figure 21. Length of Stay for All Pretrial Bookings (2018 – 2020)**

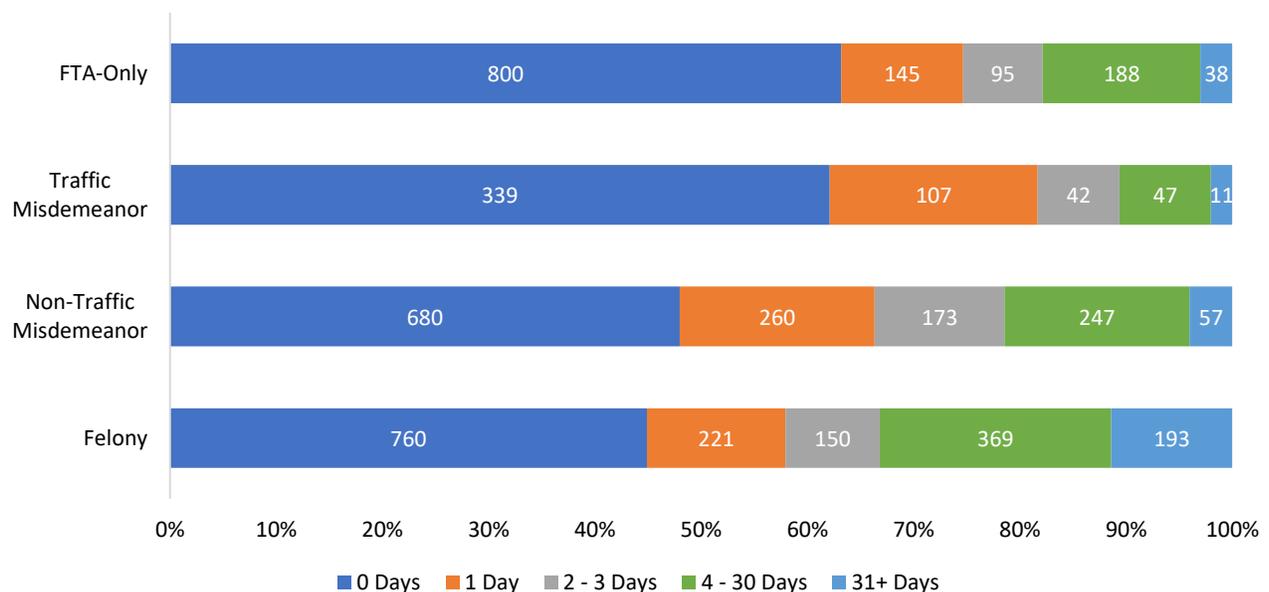


Figure Note: Thirty-two bookings with unknown highest charges were removed from this graph for clarity.

We also executed this analysis for FTA-only bookings with similar results (Figure 22). For FTA-only bookings where the underlying offense was a traffic or non-traffic misdemeanor, the majority were booked and released within one day.

**Figure 22. Length of Stay for FTA-Only Pretrial Bookings (2018 – 2020)**

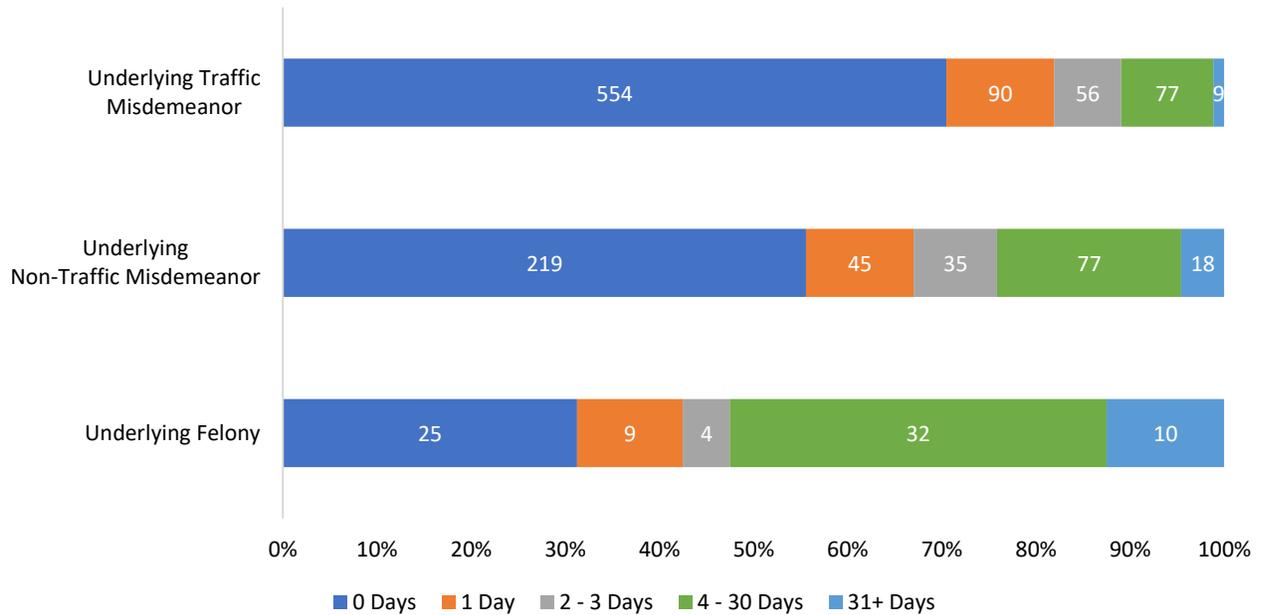
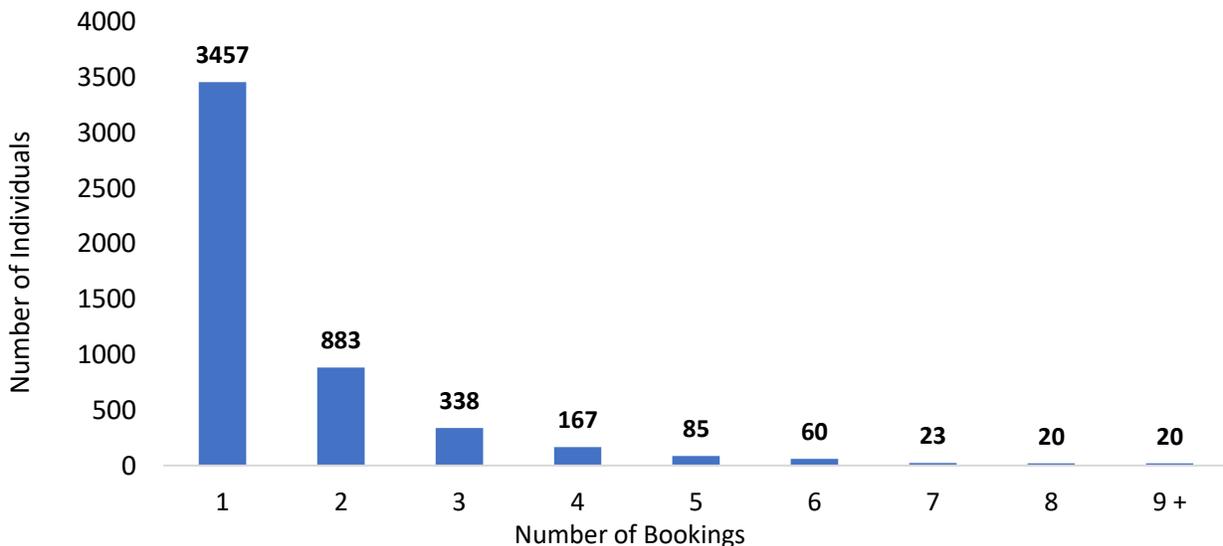


Figure Note: Six bookings with unknown highest underlying charges were removed from this figure for clarity.

Finally, we conducted a repeat booking analysis. As seen in Figure 23, most people had only one jail booking. Far smaller numbers of people had numerous jail bookings. Identifying individuals with high numbers of repeat bookings for possible diversion to community services may be an effective jail management strategy.

**Figure 23. Repeat Bookings Among Individuals in Columbus County (2018 – 2020)**



## Policy Development

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At the initial kick-off meeting in December 2021, stakeholders brainstormed the following policy issues to explore during the project:

1. Improving magistrate bail decisions, including
  - avoiding unnecessary detention of defendants who present little risk to the community but are detained because of inability to pay secured bonds set in their cases;
  - making better and more consistent bail decisions; and
  - developing processes for magistrates to record reasons for bail decisions, for review by the judge at the first appearance.
2. Diverting individuals with behavioral health issues to community services.
3. Improving court appearance rates.
4. Options to ensure that mandatory bond doubling and minimum secured bonds after an arrest for a failure to appear occur only as needed.
5. Preventative detention for the most dangerous defendants and addressing multiple defense requests for bond hearings.
6. Reviewing bail procedures in probation cases.
7. Alternatives for supervised release.
8. Reducing jail stays for individuals awaiting competency evaluations.
9. Addressing jail transportation issues associated with the 72-hour first appearance statute.

After reviewing the data, stakeholders prioritized the first five listed issues.

### Improving Magistrate Decision-Making

The jail data analyses revealed that 40% of pretrial jail bookings were for misdemeanor offenses (Figure 19). Many individuals charged with these offenses would not be eligible for incarceration even if convicted. Stakeholders recognized that many people charged with the lowest-level offenses often can be released safely into the community and that incarcerating them can be costly, can create unfairness, and can undermine public safety. Additionally, they wanted a process to promote better adherence to statutory bail guidelines and more consistent bail decisions; a process for magistrates to record reasons for their decision-making, for review by the judge at the first appearance; and a process that required consideration of ability to pay.

They considered various tools, including empirical risk assessment tools and structured decision-making tools. Ultimately, they decided to adopt a structured decision-making tool, adapted from tools that the Lab developed with stakeholders in other counties and that have been evaluated for impact.<sup>5</sup> Key features of the new tool, shown in Figure 24 below, include:

- A presumption that individuals charged with the lowest level misdemeanors – Class 2 and 3 misdemeanors – will be released on a condition other than secured bond.
- Uniform screening factors for individuals charged with other misdemeanor and lower-level felony offenses, and a presumption that if no such factors are present, individuals will be released on a condition other than secured bond.
- Incorporation of the statutory preference for conditions other than secured bond into the tool.
- A requirement that magistrates document reasons for imposing a secured bond.
- A requirement that magistrates consider ability to pay.
- Discretion to deviate from the tool’s recommendation.

The Lab drafted a tool for consideration by the stakeholders. Once the tool was approved, the Lab worked with the Chief Magistrate in August of 2022 to beta test the tool in the magistrate’s office with actual cases. That process resulted in important changes to the tool and revealed the need for an accompanying document to support magistrate decision-making. Specifically, the Lab created a “cheat sheet” (Figure 25) showing the offense class for the most commonly charged offenses in the county so that magistrates can quickly determine if the case is a Class 2 or 3 misdemeanor; an impaired driving offense, Class 1 or A1 Misdemeanor, or Class F-I Felony; or a Class A-E felony, as required by the tool.

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<sup>5</sup> See, e.g., Jessica Smith, Jamie Vaske & C. Ross Hatton, *Bail Reform in North Carolina Judicial District 21: Evaluation Report* (April 2022), [https://cjl.sog.unc.edu/wp-content/uploads/sites/19452/2021/09/JD-21-April-2022-Report\\_2022.4.13.pdf](https://cjl.sog.unc.edu/wp-content/uploads/sites/19452/2021/09/JD-21-April-2022-Report_2022.4.13.pdf); Jessica Smith, Jamie Vaske & C. Ross Hatton, *Pretrial Reform in Orange County, North Carolina: Evaluation Report* (May 2022), [https://cjl.sog.unc.edu/wp-content/uploads/sites/19452/2022/05/Spring-2022-Eval-Report\\_2022.5.6.pdf](https://cjl.sog.unc.edu/wp-content/uploads/sites/19452/2022/05/Spring-2022-Eval-Report_2022.5.6.pdf); Jessica Smith and Jamie Vaske, *Bail Reform in North Carolina Judicial District 2: Evaluation Report* (September 2021), <https://cjl.sog.unc.edu/wp-content/uploads/sites/19452/2021/09/JD-2-Final-Report-9.21.2021.pdf>. In all of these projects, the Lab found, among other things, that implementing structured decision-making tools resulted in a reduction in pretrial jail bookings without any significant increase in pretrial criminal activity. In the largest of these projects, the Lab also found no statistically significant differences by race in the rate of imposition of secured bond, secured bond amounts or reductions in jail bookings.

Stakeholders report that the tool is working smoothly and is being completed in nearly all cases. They also report that the tool provides valuable information to District Court judges for use at the first judicial review of bail.

**Figure 24. Columbus County Magistrate Bail Explanation Form, Front and Back**

**Front**

**COLUMBUS COUNTY MAGISTRATE BAIL EXPLANATION FORM**



**DO NOT COMPLETE THIS FORM IF:**

- > Defendant arrested on OFA after FTA
- > Specific bail statute applies e.g., recidivist firearm offense
- > Case involves only a probation violation
- > Case involves fugitive order/warrant

<b>Defendant Name</b>		<b>Magistrate Name</b>	
<b>Case #(s)</b>		<b>Date</b>	

**STEP 1:** What is the offense class of the most serious charge?<sup>1</sup>

Class 2 or 3 Misdemeanor **[GO TO STEP 4]**

DWI, Class 1 or A1 Misdemeanor or Class F-I Felony **[GO TO STEP 2]**

Class A-E Felony **[GO TO STEP 3]**

---

**STEP 2:** Check any that apply:

Charged offense was committed when Defendant was on pretrial release for a related offense<sup>2</sup>, or on supervised probation for any offense

Defendant has insufficient ties to the community to assure appearance or resides out of state<sup>3</sup>

Defendant has a history of FTAs<sup>4</sup>

Defendant has a prior record of a felony conviction or misdemeanor convictions within the last five years demonstrating a pattern of conduct<sup>5</sup>

Charged offense involves domestic violence<sup>6</sup>

Charged offense involves violence<sup>7</sup> or injury to a person<sup>8</sup>

Charged offense requires sex offender registration<sup>9</sup> or is a failure to register as a sex offender offense<sup>10</sup>

Charged offense is a drug trafficking offense<sup>11</sup>

Charged offense involves distribution of drugs<sup>12</sup>

Charged offense is stalking or cyberstalking

Charged offense is DWI and Defendant has at least one prior DWI conviction within the last 7 years

Defendant is impaired such that immediate release is likely to cause harm to self/others/property<sup>13</sup>

Charged offense involves Defendant's use of a firearm or deadly weapon or possession of a firearm in connection with a drug offense.

Charged offense related to gang activity<sup>14</sup>

**[IF ANY BOX IS CHECKED, GO TO STEP 3. IF NO BOX IS CHECKED, GO TO STEP 4]**

---

**STEP 3:** Make the statutory determination:

Statute *requires* the judicial official to impose a written promise, custody release, or unsecured bond *unless* he/she determines that such release **[check any that apply]**

will not reasonably assure the appearance of the defendant as required;

will pose a danger of injury to any person; or

is likely to result in destruction of evidence, subornation of perjury, or intimidation of potential witnesses<sup>15</sup>

**[IF ANY BOX IS CHECKED, GO TO STEP 5. IF NO BOX IS CHECKED, GO TO STEP 4]**

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**STEP 4:**  Follow policy recommendation & impose a written promise, custody release, or unsecured bond. **[FINISHED]**

Deviate from the policy recommendation & impose a secured bond. Record reasons below. **[GO TO STEP 6]**

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**STEP 5:**  Follow policy recommendation and impose a secured bond. Record reasons below. **[GO TO STEP 6]**

Deviate from the policy recommendation & impose a condition other than secured bond. **[FINISHED]**

---

**STEP 6: FOR ALL SECURED BONDS,** give reasons for imposing secured bond:

I considered all information presented regarding ability to pay.<sup>17</sup> **[FINISHED]**

## Back

1. If the matter is before the judicial official on a habitual felon charge, the judicial official should treat the offense at its “habitualized” offense Class level.
  2. This factor covers situations where the Defendant continues to engage in the same type of conduct (e.g., repeat larceny) or an escalating course of conduct (e.g., the defendant is charged with an injury to real property while on pretrial release for communicating threats to the property owner).
  3. The mere fact that the Defendant is homeless and does not have a home address does not warrant checking this box; inquiry should be focused on the Defendant’s connections to the community.
  4. There must be more than one prior FTA for this factor to apply. FTAs within the last two years are most relevant, as are OFAs for FTAs in cases other than minor traffic. Impaired driving is not a minor traffic case.
  5. The pattern of conduct must relate to the present offense. For example: the current charge involves drug possession and the Defendant has three priors within the last five years for misdemeanor drug or drug paraphernalia possession.
  6. An offense involves domestic violence when the relationship between the parties is one of the following:
    - Current or former spouses
    - Currently or formerly lived together as if married
    - Currently or formerly in a dating relationship
    - Have a child in common
    - Parent (or one in parental role)/child
    - Grandparent/grandchild
    - Current or former members of the same household
- Note: this list is drawn from G.S. 15A-534.1, the 48-hour domestic violence hold statute.*
7. For example, robbery, assault, assault by pointing a gun, and assault by strangulation.
  8. This factor applies when the offense involved harm to a person (e.g., assaultive conduct). It does not apply to offenses in which property is taken or harmed (e.g., larceny, embezzlement, obtaining property by false pretenses, etc.)
  9. For a list of offenses requiring sex offender registration, see Jamie Markham and Shea Denning, *North Carolina Sentencing Handbook 2017-18* (UNC School of Government, forthcoming 2018)
  10. See G.S. 14-208.11(a); Jessica Smith, *North Carolina Crimes: A Guidebook on the Elements of Crime* 268 (7<sup>th</sup> Ed. 2012) (discussing this offense).
  11. See G.S. 90-95(h); *NORTH CAROLINA CRIMES supra* note 10, at 721-739 (discussing trafficking offenses).
  12. For example, sale and delivery of a controlled substance and possession with intent to manufacture, sell, or deliver.
  13. For defendants in impaired driving cases, follow impaired driving procedures. In all other cases if a secured bond is imposed only because of this factor and the defendant remains detained, conditions must be revised without consideration of this factor when the defendant’s impairment no longer presents a danger of physical injury to himself or herself or others or of damage to property, but in any event, no later than 24 hours after secured bond was set.
  14. Specific evidence of relation to gang activity must be presented (e.g., admission of defendant or social media material). The mere statement that the defendant is a “validated” gang member is insufficient by itself to establish this factor.
  15. G.S. 15A-534(b). When making this inquiry, judicial officials should consider whether pretrial restrictions (e.g., restrictions of travel, associations, conduct or place of abode, as well as abstention from alcohol consumption, as verified by the use of an approved continuous alcohol monitoring system), which can be imposed with a written promise, custody release or unsecured bond, can sufficiently mitigate pretrial risk. See G.S. 15A-534(a).
  16. Pretrial restrictions can accompany any pretrial condition. See G.S. 15A-534(a) and note 15 above.
  17. If a secured appearance bond is imposed the judicial official must consider – among other relevant factors – the defendant’s ability to pay.

**Figure 25. Columbus County Offense Class “Cheat Sheet” for Magistrates**

**Columbus County Magistrate Bail Explanation Form: Offense Class Reference Sheet**

Most Common Offenses: Class 2 & Class 3 Misdemeanors			
Offense	Class	Offense	Class
ALLOW UNLICENSED TO DRIVE	3	OPEN CONT AFTER CONS ALC 1ST	3
CANCL/REVOK/SUSP CERTIF/TAG	3	OPERATE VEH NO INS	3
CARRYING CONCEALED GUN(M)	2	POSS/DISP ALT/FICT/REVD DR LIC	2
DR/ALLOW REG PLATE NOT DISPLAY	3	POSSESS MARIJ PARAPHERNALIA	3
DRIVE/ALLOW MV NO REGISTRATION	3	POSSESS MARIJUANA UP TO 1/2 OZ	3
DWLR NOT IMPAIRED REV	3	RECKLESS DRIVING TO ENDANGER	2
EXPIRED REGISTRATION CARD/TAG	3	RECKLESS DRVG-WANTON DISREGARD	2
FAIL TO RETURN RENTAL PROPERTY	3	RESISTING PUBLIC OFFICER	2
FICT/ALT TITLE/REG CARD/TAG	3	SECOND DEGREE TRESPASS	3
FICTITIOUS INFO TO OFFICER	2	SIMPLE ASSAULT	2
GIVE/LEND/BORROW LIC PLATE	3	SIMPLE POSSESS SCH VI CS (M)	3
NO LIABILITY INSURANCE	2	SPEEDING	3
NO OPERATORS LICENSE	3	WINDOW TINTING VIOL	3

Most Common Offenses: DWI, Class 1 & A1 Misdemeanors, Class F-I Felonies			
Offense	Class	Offense	Class
ASSAULT AND BATTERY	1	FLEE/ELUDE ARREST W/MV (F)	H
ASSAULT BY POINTING A GUN	A1	INJURY TO REAL PROPERTY	1
ASSAULT GOVT OFFICIAL/EMPLY	A1	LARCENY AFTER BREAK/ENTER	H
ASSAULT ON A FEMALE	A1	LARCENY BY EMPLOYEE	H
ASSAULT WITH A DEADLY WEAPON	A1	LARCENY OF A FIREARM	H
BREAK OR ENTER A MOTOR VEHICLE	I	MAINTN VEH/DWELL/PLACE CS (F)	I
BREAKING AND OR ENTERING (F)	H	MISDEMEANOR LARCENY	1
COMMUNICATING THREATS	1	OBTAIN PROPERTY FALSE PRETENSE	H
DRIVING WHILE IMPAIRED		POSS CS PRISON/JAIL PREMISES	H
DWLR IMPAIRED REV	1	POSSESS DRUG PARAPHERNALIA	1
FELONY LARCENY	H	POSSESS STOLEN FIREARM	H
FELONY POSSESSION OF COCAINE	I	POSSESSION OF FIREARM BY FELON	G
FELONY POSSESSION SCH II CS	I	PWIMSD SCH II CS	H

Most Common Offenses: Class A-E Felonies			
Offense	Class	Offense	Class
ATT ROBBERY-DANGEROUS WEAPON	D	FIRST DEGREE KIDNAPPING	C
ATTEMPT FIRST DEGREE BURGLARY	E	FIRST DEGREE MURDER	A
AWDW INTENT TO KILL	E	FIRST DEGREE SEX OFFENSE CHILD	B1
AWDW SERIOUS INJURY	E	INT CHILD ABUSE-SER PHYS INJ	E
AWDWIKISI	C	M/S/D/P CS W/N 1000FT SCHOOL	E
CONSP ROBBERY DANGRS WEAPON	E	NEG CHILD ABUSE-SER BOD INJ	E
DIS WEAP OCC DWELL/MOVING VEH	D	ROBBERY WITH DANGEROUS WEAPON	D
DIS WEAP OCC PROP SER BOD INJ	C	SECOND DEG MURDER W/O REGARD	B2
DISCHARGE WEAPON OCCUPIED PROP	E	SECOND DEGREE KIDNAPPING	E
FELONY DEATH BY VEHICLE	D	STAT SEX OFF W/CHILD BY ADULT	B1
FIRST DEGREE ARSON	D	STAT SEX OFF WITH CHILD <= 15	B1
FIRST DEGREE BURGLARY	D	STATUTORY RAPE OF CHILD <= 15	B1
FIRST DEGREE FORCIBLE RAPE	B1	STATUTORY RAPE OF CHILD <= 15	B1

## Diversion to Community Services

Team members expressed concern about the prevalence of substance use and mental illness in their jurisdiction and the lack of community-based services to address these issues. They reported that as a result, vulnerable people often become involved in the criminal justice system, which lacks the tools to address root causes of behavior.

In response to this concern, the Lab connected with administrators at Integrated Family Services (IFS), a local behavioral health provider, to learn more about options available for people who need substance use or mental health treatment. The Lab learned that IFS has operated a mobile crisis unit in Columbus County since 2018. The unit is available 24/7 to assist people in active crises related to substance use, mental illness, or developmental disability. The unit provides on-site services, where qualified professionals are dispatched to the scene of the crisis, and telehealth services, where the person in crisis can speak with a qualified professional by telephone. Mobile crisis staff are trained to de-escalate, address immediate needs, and create a list of recommended services. Within twenty-four hours of the initial event, a staff member will follow up to start connecting the person to additional resources. While anyone can call the mobile crisis unit, it can be a particularly useful tool for law enforcement when they arrive at a scene where someone needs behavioral health care.

Because local law enforcement and court system employees were unaware of the mobile crisis unit, the Lab developed a flyer (Figure 26) with information about this important service. To support diversion to community services, the Senior Resident Superior Court Judge will distribute the flyer to court employees and law enforcement agencies in the county.

Figure 26. Mobile Crisis Unit Flyer

## Columbus County Mobile Crisis Management Services

# CALL 1.866.437.1821

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### About The Program

 In 2018, Integrated Family Services (IFS) expanded their Mobile Crisis Management Services in Columbus County. Mobile Crisis Management (MCM) provides on-site and telehealth crisis prevention, crisis stabilization, and crisis response services to anyone in the community experiencing a crisis related to mental health, substance use, or a developmental disability. Anyone can utilize this service by calling the hotline, including law enforcement and court staff, who can request service on behalf of an individual in crisis. **MCM is available 24/7/365, and there is never a charge for the individual receiving the service.**

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### Columbus County Services

IFS typically has a provider available in Columbus County Monday through Friday, 8 am to 5 pm, to answer MCM calls where an in-person response is necessary. If it is outside these hours, or if a staff member is unavailable in Columbus, a provider may need to be dispatched from a surrounding county.

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### What to Expect When You Call

 When you call Mobile Crisis, a qualified professional from their call center will determine if a provider needs to be physically dispatched to respond or if the individual in crisis could benefit from telehealth services. Telehealth services are reserved for lower-level situations. If an in-person response is required, the crisis staff will be dispatched and will contact the referral source to provide their estimated arrival time. **The service is expected to be rendered in-person within 2 hours or by telehealth within 1 hour.**

The response is similar regardless of whether services are provided in-person or via telehealth. First, if there is a substantial safety concern, the crisis staff will work with their licensed clinician to determine appropriate next steps - which could include linkage to a local crisis center, emergency department, or petition for involuntary commitment. However, across 33 counties, IFS MCM has a 74% diversion rate - meaning that in 74% of incidents, individuals stay in the community and avoid transport to the hospital.

After determining basic matters of safety, the provider will develop a crisis plan to help deescalate the situation and address the individual's immediate concerns. The provider also will create a list of recommended services and help connect the individual to these services to meet their long-term needs.

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### Follow Up for People in Crisis

 Linking someone to treatment depends on the needed service and availability of appointments, providers, and/or beds. However, because IFS contracts with Trillium's entire service area, they have connections to resources across Eastern North Carolina. Within 24 hours of the initial crisis contact, MCM staff will conduct an in-person follow-up to monitor symptoms and continue connecting the individual with whatever services were recommended at the time of the incident.

**Questions? Contact:**  
**Tracy Hyde**, Director of Crisis Engagement and Outreach:  
[Tracy.Hyde@integratedfamilyservices.net](mailto:Tracy.Hyde@integratedfamilyservices.net)  
**Denike Davis**, Director of Crisis Operations:  
[Denike.Davis@integratedfamilyservices.net](mailto:Denike.Davis@integratedfamilyservices.net)

## Improving Court Appearance Rates

As noted above, the most common charge in the jail data was FTA on a misdemeanor. Additionally, 25% of all jail bookings were solely due to FTA. Other data obtained by the Lab showed very low use of the state's court date reminder system in Columbus County.

The Lab recently completed Phase I of the [NC Court Appearance Project](#), where it worked with three county-level teams to develop sixteen actionable policy initiatives to both promote court appearance and improve responses to missed appearances. At a policy development meeting in November 2022, the Lab presented some of the Court Appearance Project policy initiatives to promote court appearance. Stakeholders indicated an interest in moving forward with posters (Figure 27) and palm cards (Figure 28) to encourage sign-ups for the state court date reminder system and provide key court appearance information.

Among other things, posters and palm cards will inform people of the consequences of missing court, provide information about courthouse locations, and include a QR code to facilitate reminder system sign-ups. Research shows that court date reminder systems are effective at promoting court appearance and that notifications informing people of the consequences of a non-appearance are more effective than those that do not contain this information.

Additionally, the data above shows that younger people have the highest non-appearance numbers in Columbus County (Figure 9). The decision to include a QR code on these materials leverages this population's proficiency with technology. Posters will be posted in the Clerk of Court's and Magistrates' Office, at the front of the courthouse, outside the District Attorney's office and the district court judges' office, and at other high-traffic locations. The palm cards will be distributed by law enforcement officers when issuing citations and by lawyers and courthouse staff whenever they have contact with defendants. The Lab will facilitate work on these deliverables and help coordinate printing through the state Administrative Office of the Courts, which has agreed to produce these materials in its print shop.

**Figure 27. Mockup of Court Appearance Poster**



# Sign up for court date reminders!

**Step 1: Know your case number.**

If you don't know your case file number, you can find it by looking up your case details online. Go to [nccourts.gov/court-dates](http://nccourts.gov/court-dates) to find your case file number, county, and other details about your case.

**Step 2: Enroll online.**

Use your phone to scan the below QR code, then enter your county and case number. You can choose to receive text-message or email reminders about your upcoming court date. Standard message rates apply but the service is free. Anyone can enroll!



**Don't forget! Missing court has consequences.**

If you don't show up to court or resolve your case, you may be **arrested**. For many traffic violations, if you fail to appear your **driver's license will be revoked**.

Figure 28. Mockup of Palm Card

Front

**MAKE A PLAN. COME TO COURT.**  
**COLUMBUS COUNTY**

Find your court date and location at the top of your citation.

 **COURT LOCATIONS**

**123 Court St**  
**456 Appearance Ave**

**IF YOU MISS YOUR COURT DATE, YOU MAY BE ARRESTED AND/OR YOUR DRIVER'S LICENSE MAY BE REVOKED**



Back

Scan the QR code with your cell phone camera to sign up for **text message reminders** for your court date!



**HAVE A QUESTION?**

 123-456-7890

 [www.nccourts.gov/county](http://www.nccourts.gov/county)

**FIX IT ONLINE**

Some cases can be handled online. Go to [nccourts.gov/services](http://nccourts.gov/services) and click Citation Services to see if your case is eligible.

## Ensuring that Bond Doubling Only Occurs as Required

State law requires that when conditions of release are being imposed on a defendant who has failed to appear for the charges to which the conditions of release apply, the judicial official must, at a minimum, impose the conditions of release recommended by the Order for Arrest (OFA). If no conditions of release are recommended in the OFA, the judicial official shall require a secured appearance bond of at least double the most recent secured or unsecured bond for the charges or, if no bond has yet been required for the charges, in the amount of at least \$1,000.<sup>6</sup> These requirements are commonly referred to as “the bond doubling rule.”

Some stakeholders were concerned that the bond doubling rule required the judge to double bonds or set minimum secured bonds when issuing the OFA. In fact, this statutory rule applies to judicial officials setting conditions of release after an OFA has been issued but does not restrict the judge’s decision-making when issuing the OFA. Thus, if a judge wishes to avoid mandatory application of the bond doubling statute when the case is before the clerk or magistrate, the judge may, in appropriate cases, recommend conditions of release in the OFA, e.g., written promise. Using language borrowed from the Lab’s North Carolina Model Local Bail Policy, team members are looking at adding language to this effect to their updated local bail policy, and the Lab has agreed to assist with that process.

## Preventative Detention & Subsequent Bond Hearings

At the outset of the project, team members identified preventative detention for the most dangerous defendants and addressing multiple defense requests for bond hearings as important policy issues. Although at least twenty-two states, the District of Columbia and the federal system provide for pretrial preventative detention through constitutional or statutory provisions, North Carolina has not adopted a preventative detention procedure. Using its existing [detailed legal and policy research on the issue](#), the Lab facilitated discussions among stakeholders on preventative detention. Because it requires enabling statewide legislation, stakeholders set it aside. The initial articulated concern about limiting subsequent bond hearings was also set aside due to concerns with limiting review of bail for those detained pretrial.

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<sup>6</sup> See G.S. 15A-534(d1).

## Next Steps

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Although the project formally ends in January 2023, the Lab will continue to support local stakeholders in implementation of their chosen policy initiatives. Several planned next steps include:

- Presenting this report to the new sheriff and other local leaders for their feedback and input.
- Updating the county's local bail policy to reflect policy initiatives adopted during the project.
- Providing a recorded training for magistrates about how to use the structured decision-making tool.
- Designing and printing posters and palm cards to help promote court appearance.

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