

Judicial District 30B Pretrial Justice Pilot Project

Third 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, and graduate student research support.
- 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 began 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 2019 evaluation results for the first nine months of the project. 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 implemented 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 have been the most common condition imposed in JD 30B, the decision to make an arrest versus issue a citation often resulted 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. As of the third quarter, questions have arisen as to the fidelity of implementation of this component which we hope to explore in the final months of the project.

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.

Evaluation Results

Professor Vaske is fully responsible for the evaluation portion of the pilot program. Faculty and students from Western Carolina University (Chasey Davis, Christine Davis, Brittany Smith, and Collyn Miller), North Carolina State University (Meagan Pittman), University of North Carolina Chapel Hill (Hallie Allen), Duke University (Jessica Wilkerson), and University of Alaska Anchorage (Dr. Troy Payne) were instrumental to data collection and preparation of the data for analysis. Evaluation results for the project's first nine months are presented in the pages that follow.

30B Pretrial Project: Third Quarter Implementation Check-In

Conditions of Release

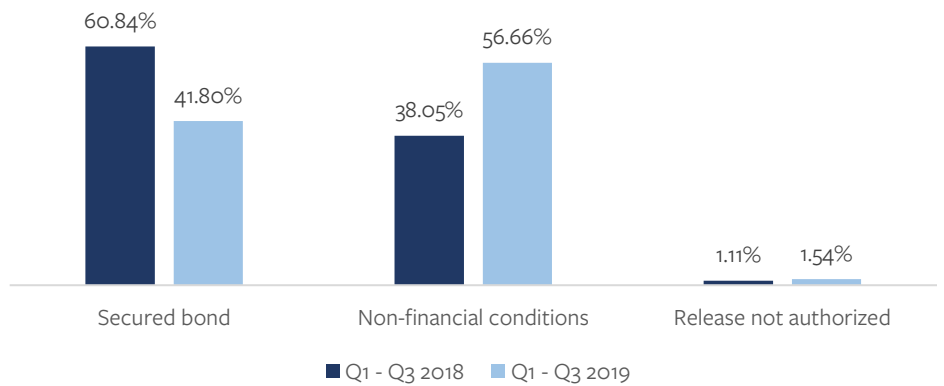
Executive Summary

- This implementation check-in compares the last conditions of release for the first three quarters of 2019 to the first three quarters of 2018.
- The percentage of cases receiving a non-financial condition increased 34.74% for Haywood County and 63.88% for Jackson County during the first three quarters of 2019 relative to the same period in 2018.
- Within 30B, there was a greater increase in the use of non-financial conditions for felonies (+68.59%) compared to misdemeanors (+39.68%). This pattern of findings was similar for Haywood and Jackson Counties.
- Secured bonds decreased 31% during the first three quarters for 30B, with a 38% decrease for Jackson County and a 27% decrease for Haywood County.

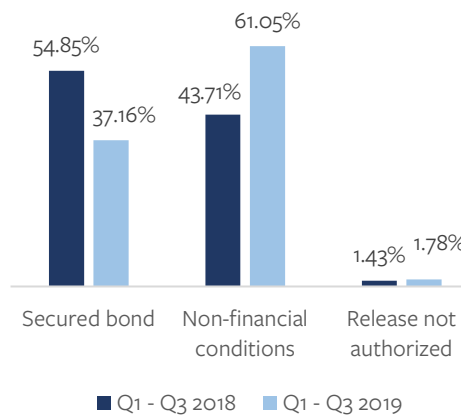
Judicial District 30B

The purpose of this implementation check-in is to compare the last conditions of release during the first three quarters (Q1 – Q3) of 2019 to those issued during the first three quarters of 2018.¹ The graphs below compare the percentage of secured bonds (financial bonds) to the percentage of non-financial conditions for the first three quarters of 2019 to 2018. Non-financial conditions include written promises, unsecured bonds, and custody releases. As shown in the graph for all charges, the percent of non-financial conditions issued during the first three quarters of 2019 was 18.61 percentage points higher than the percent issued during the same period in 2018. Stated differently, the percentage of non-financial conditions was 48.93% higher in 2019 relative to the percentage of non-financial conditions in 2018.² During the same time frame, there was a 19.04 percentage point decrease in the percentage of secured bonds issued (60.84% versus 41.80%). Similar trends were observed for misdemeanor and felony charges.

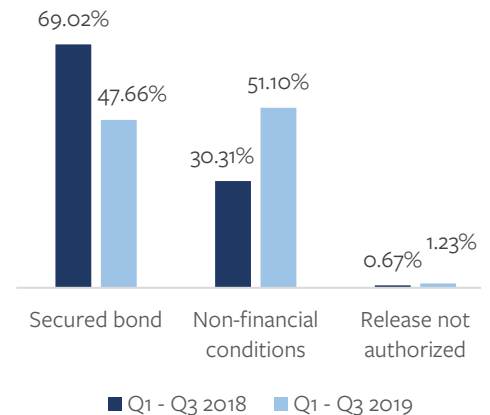
Percent of conditions of release for all cases in 30B



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 is in the table below. As shown in the table, there was a 14.85 percentage point increase in the percentage of unsecured bonds issued during the first three quarters of 2019 relative to 2018. The expanded use of unsecured bonds during 2019 was observed for both misdemeanors and felony charges.

Conditions of release in 30B for Quarters 1, 2, and 3 for 2018 and 2019

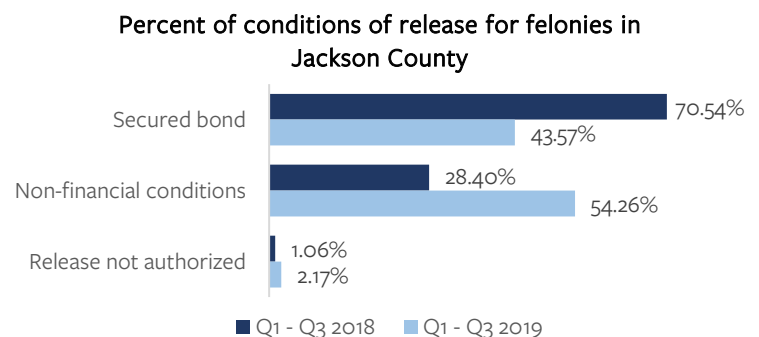
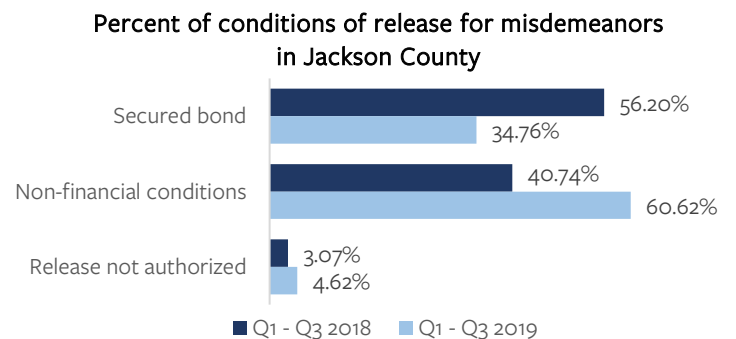
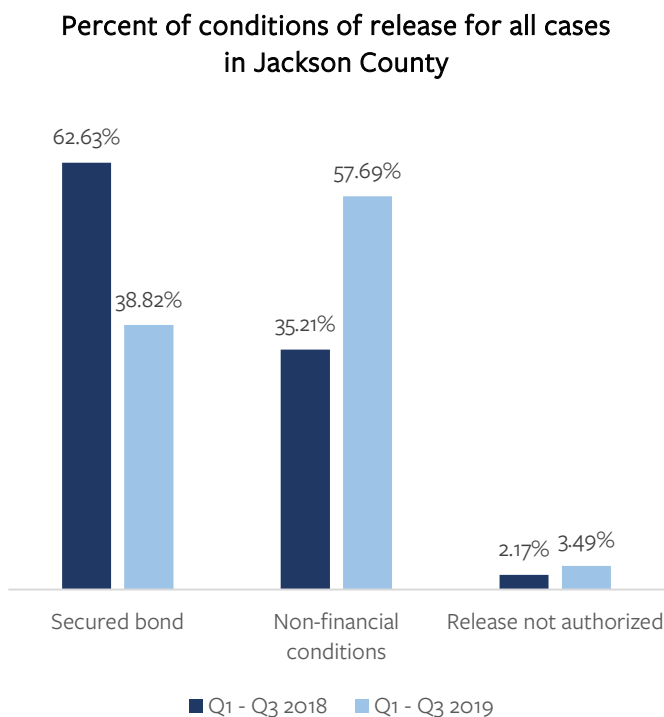
	Felony	Misdemeanors	Total
Custody release	0.17%	1.27%	0.80%
	0.10%	1.66%	0.97%
EHA with secured bond	0.06%	0.00%	0.02%
	0.00%	0.00%	0.00%
Secured bond	68.96%	54.85%	60.82%
	47.66%	37.16%	41.80%
Unsecured bond	29.75%	26.38%	27.81%
	44.53%	41.18%	42.66%
Written promise	0.39%	16.06%	9.43%
	6.47%	18.22%	13.03%
Not authorized	0.67%	1.43%	1.11%
	1.23%	1.78%	1.54%

Legend

2018
2019

Jackson County

The graph below shows that in Jackson County the percentage of cases receiving non-financial conditions increased 63.88% during the first three quarters of 2019 relative to the same period in 2018. Also, the percentage of cases receiving a secured bond decreased 38.02% or 23.81 percentage points during the first three quarters of 2019 compared to 2018. This pattern of results was similar for both misdemeanor and felony offenses in Jackson County.



Jackson County cont.

There were substantial increases in the use of unsecured bonds and written promises to appear. The percentage of unsecured bonds was 11.64 percentage points higher in the first three quarters of 2019 relative to the same period in 2018.

Conditions of release in Jackson County for Quarters 1, 2, and 3 for 2018 and 2019

	Felony	Misdemeanors	Total
Custody release	0.00%	0.12%	0.07%
	0.14%	0.12%	0.12%
EHA with secured bond	0.00%	0.00%	0.00%
	0.00%	0.00%	0.00%
Secured bond	70.54%	56.20%	62.63%
	43.57%	34.76%	38.82%
Unsecured bond	28.40%	32.52%	30.67%
	43.03%	41.69%	42.31%
Written promise	0.00%	8.10%	4.47%
	11.10%	18.82%	15.26%
Not authorized	1.06%	3.07%	2.17%
	2.17%	4.62%	3.49%

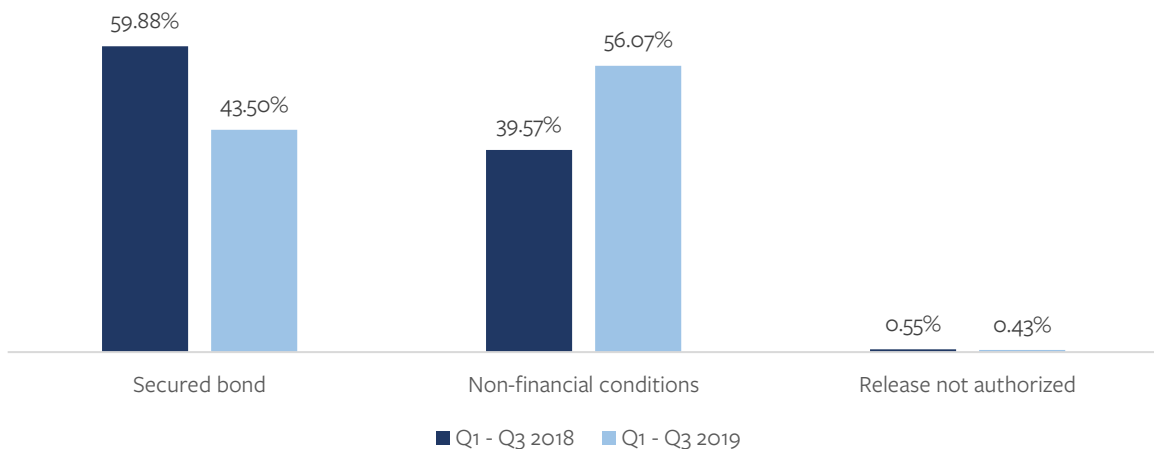
Legend

2018
2019

Haywood County

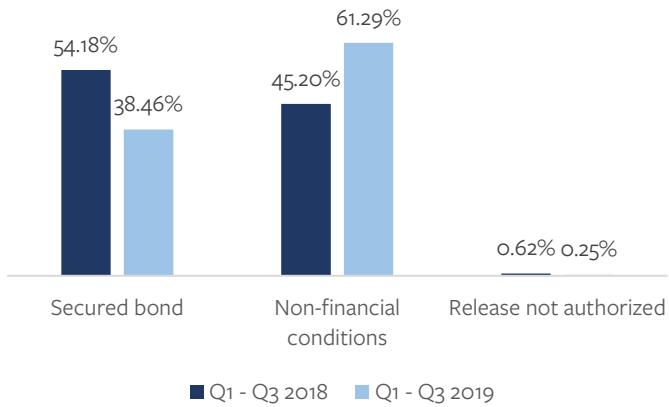
The percentage of cases receiving non-financial conditions in Haywood County increased 41.70% during the first three quarters of 2019 relative to the first three quarters of 2018. The increased use of non-financial conditions was observed for both felonies (56.41% increase) and misdemeanors (35.58% increase). Similarly, the percentage of cases receiving a secured bond decreased 27.36% overall, and 29.01% for misdemeanors and 26.35% for felonies.

Percent of conditions of release for all cases in Haywood County

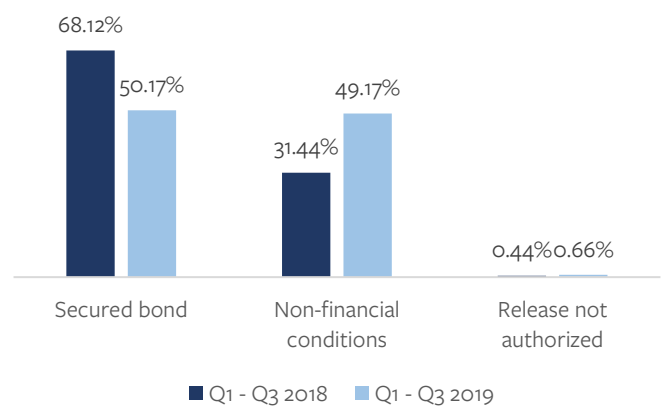


Haywood County cont.

Percent of conditions of release for misdemeanors in Haywood County



Percent of conditions of release for felonies in Haywood County



The table below shows that the largest increase in non-financial conditions was among unsecured bonds, with a 63.12% increase in the use of unsecured bonds between 2018 and 2019.

Conditions of release in Haywood County for Quarters 1, 2, and 3 for 2018 and 2019

	Felony	Misdemeanors	Total
Custody release	0.27%	1.85%	1.20%
	0.08%	2.50%	1.46%
EHA with secured bond	0.09%	0.00%	0.04%
	0.00%	0.00%	0.00%
Secured bond	68.03%	54.18%	59.85%
	50.17%	38.46%	43.50%
Unsecured bond	30.55%	23.31%	26.27%
	45.45%	40.90%	42.86%
Written promise	0.62%	20.05%	12.10%
	3.64%	17.89%	11.76%
Not authorized	0.44%	0.61%	0.55%
	0.66%	0.25%	0.43%

Legend

2018
2019

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

¹ All data within this information sheet was derived from the Administrative Office of the Courts conditions of release report. The data contains information on the conditions of release from January 1st to September 30th for 2018 and 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 appear, bond modification hearings, or other court processes.

² Two indices of change are noted in the summary: (1) percentage point difference, and (2) percent change. Percentage point difference is calculated as: % in 2019 - % in 2018. Percent change is calculated as: ((% in 2019 - % in 2018) / % in 2018) * 100.

30B Pretrial Project: Third Quarter Implementation Check-In

Non-Appearance Rates

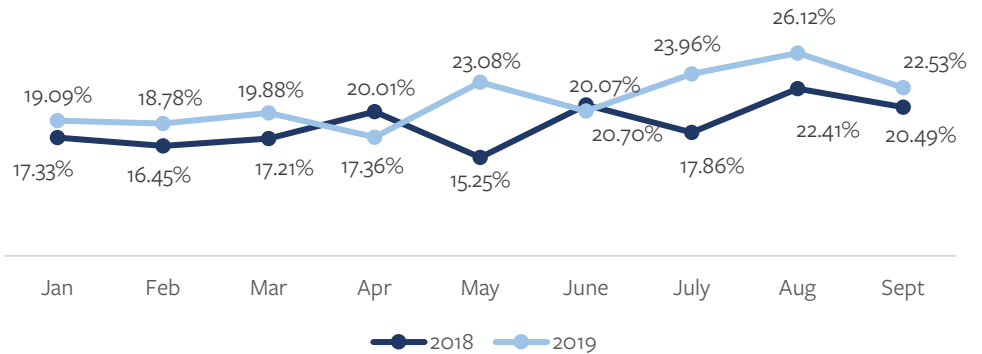
Executive Summary

- This implementation check-in examines the prevalence of non-appearance among defendants in Jackson and Haywood Counties during the first three quarters of 2019 and 2018.
- Data showed that, on average, approximately 80% of defendants attended court as scheduled in Jackson County in 2018 and 2019. In Haywood County, approximately 83% attended court in 2018 and 2019.
- On average, the non-appearance rate increased 2.57 percentage points in Jackson County, and 1.41 percentage points in Haywood County in 2019 relative to 2018.
- In both counties, the average non-appearance rate is highest for the traffic calendars during the first three quarters of 2019 and 2018.
- However, non-appearance rates increased most for the Minor Traffic calendar in Jackson County, while the Canton calendar showed the largest increase in non-appearance for Haywood County.

Jackson County

The current implementation check-in presents the non-appearance rates for defendants on District Court calendars during the first three quarters of 2018 and 2019.¹ The data below illustrates the percentage of defendants that failed to appear as recorded from the Criminal, Traffic, and Minor Traffic (MTV) calendars in the first nine months of 2018 and 2019. On average, the percentage of defendants who have failed to appear is 2.57 percentage points higher in 2019 relative to 2018. While the percentage of defendants failing to appear has slightly increased relative to 2018, the average court appearance rate was 81.37% in 2018 and 78.79% in 2019 for Jackson County. Analysis of the 2019 calendars shows that a large number of non-appearances on the July (30.84% and 36.87%) and August (35.51% and 35.78%) 2019 MTV calendars account for the substantial increase in non-appearance rate during those months of 2019.

Non-appearance rates for defendants during the first three quarters of 2018 and 2019 in Jackson County



Average non-appearance rate by type of calendar during the first three quarters of 2018 and 2019 in Jackson County

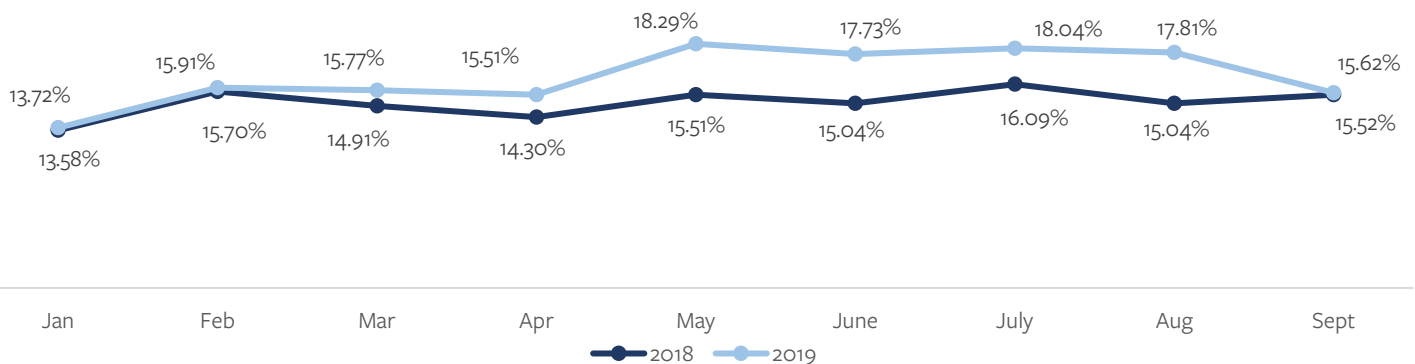
	2018	2019	Change
Minor Traffic	26.28%	31.77%	+5.49%
Traffic	15.97%	19.94%	+3.97%
Criminal	12.50%	15.02%	+2.52%

The data show that, on average, 31.77% of defendants on the Minor Traffic calendar did not attend court during the first three quarters of 2019, making it the calendar with the highest failure to appear rate. The Minor Traffic calendar also had the highest failure to appear rate during the same period in 2018 (26.28%), and the highest percent of change (5.49%) between 2018 and 2019. Defendants who have a mix of infractions and traffic misdemeanors are placed on the Minor Traffic calendar, while the Traffic calendar predominantly contains defendants who are charged with traffic misdemeanors.

Haywood County

The graph below shows the non-appearance rates for the first three quarters of 2018 and 2019 in Haywood County. These non-appearance data points come from the District, Other, Canton, ONO, Traffic, and Minor Traffic Violations calendars in Haywood County. The Canton calendar consists of cases that are initiated by law enforcement in the towns of Canton and Clyde. The ONO calendar includes probation violations, charges initiated via summons or warrants, and other charges that were assigned to the next available court date. Analyses show that 83.51% of defendants (on average) attend their court dates as scheduled in District Court. Non-appearance rates for the first three quarters of 2019 are, on average, 1.41 percentage points higher than those from the same period in 2018.

Non-appearance rates of defendants during the first three quarters of 2018 and 2019 in Haywood County



Average non-appearance rate by type of calendar during the first three quarters in Haywood County

	2018	2019	Change
Minor traffic	19.82%	21.36%	+1.54%
Traffic	17.49 %	19.85%	+2.36%
District/Other	11.02%	11.89%	+0.87%
Canton	14.86%	18.45%	+3.59%
ONO	9.43%	12.07%	+2.64%

The prevalence of non-appearance in 2019 is highest for the Minor Traffic and Traffic calendars. In fact, 57.44% of all defendants who did not appear in court during the first three quarters were defendants who were scheduled on the Traffic or Minor Traffic calendars. Finally, the courts with the largest increases in non-appearance between 2018 and 2019 were the Traffic (+2.36%), Canton (+3.59%), and ONO (+2.64%) calendars.

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

¹ The current data was recorded from the physical District court calendars in the Clerk's Office. Data do not include charges from Superior Court calendars.

30B Pretrial Project: Third Quarter Implementation Check-In

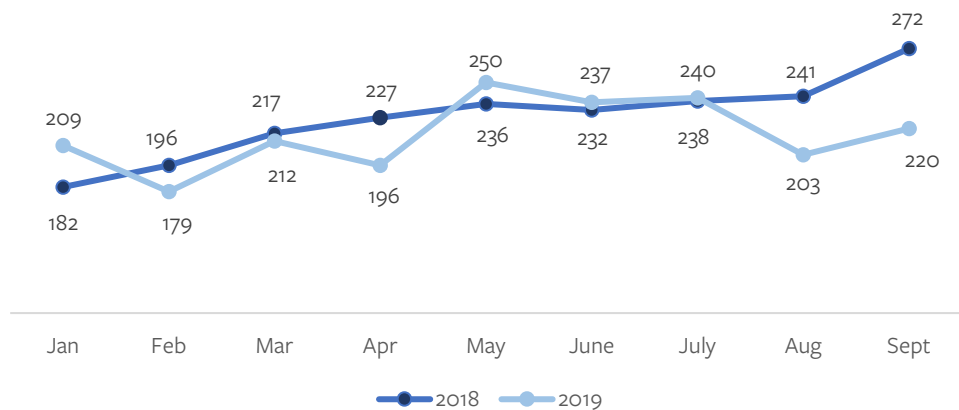
Pretrial Detention

Executive Summary

- This implementation check-in examines the number of pretrial detention bookings and length of stay for defendants in the first three quarters of 2018 and 2019 in Haywood County.
- On average, the number of bookings for pretrial defendants is 3.97% lower in 2019 than in 2018.
- In addition to fewer bookings, data shows that fewer jail bookings are resulting in a pretrial detention of 3+ days and for 10+ days for the first nine months of 2019 relative to the same period in 2018.
- The pattern of results was similar for misdemeanor only bookings and felony only bookings.

The current implementation check-in presents data on the number of jail bookings and length of pretrial detention for defendants in Haywood County in 2018 and 2019. The Haywood County Sheriff's Office provided the research team with all booking data from 2018 and 2019. To prepare the data for analysis, the research team: (1) constrained the data to defendants whose charge status was recorded as pretrial, awaiting trial, or case dismissed; (2) excluded cases where defendants received a non-financial bond condition and were detained zero days; (3) removed cases where the charge type included those serving a sentence on the weekend, child support, civil contempt, holding for other counties or agencies, quick dips, and writs; (4) removed cases where the last recorded bond condition was noted as a non-financial condition and the defendant was not held on pretrial detention; and (5) restructured the data so that the booking event was the unit of analysis rather than the charge for a specific defendant. Data for the number of bookings for pretrial defendants in 2018 and 2019 is illustrated below.

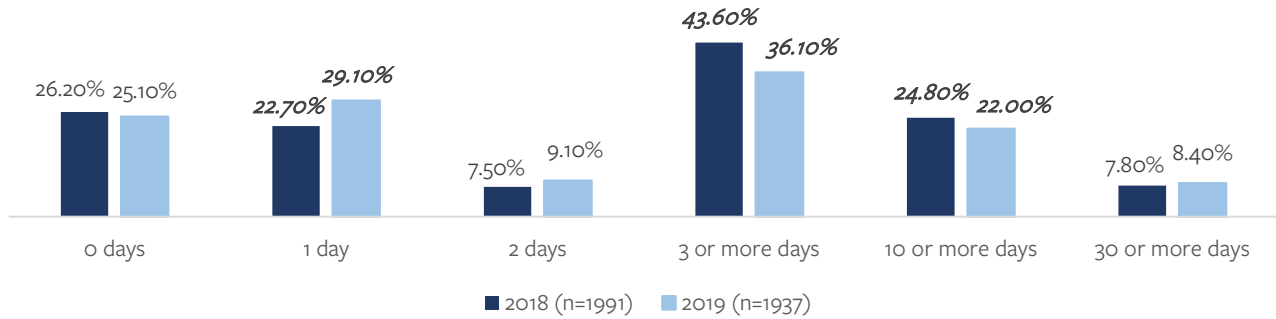
Number of pretrial bookings into the Haywood County Detention Center for the first three quarters of 2018 and 2019



The data show that the number of admissions into the jail was, on average, 3.97% lower in 2019 compared to 2018. The number of pretrial bookings were higher for the months of January, May, June, and July 2019, relative to the same period in 2018.

Aside from the number of bookings, we examined whether or not the length of stay changed during the first nine months of 2019 relative to the same period in 2018. It is expected that the length of stay may decrease in 2019 because Haywood County began providing first appearance hearings within 72 hours of booking to defendants charged with misdemeanors, lower level felonies, and probation violations beginning in January 1st, 2019. The graph below illustrates the percentage of bookings for all offenses that resulted in a stay that was 0 days, 1 day, 2 days, 3 or more days, 10 or more days, and 30 or more days. Analyses show that the percentage of bookings detained for one day is significantly higher in 2019 compared to 2018 (29.10% vs. 22.70%, respectively). The number of bookings, however, resulting in pretrial detention of 3 or more days (36.10% vs. 43.60%, respectively) and 10 or more days (22.00% vs. 24.80%) are significantly lower in 2019 than in 2018.

Percent of bookings by length of stay in Haywood County Detention Center for the first three quarters in 2018 and 2019



Percent of bookings by length of stay for misdemeanor only offenses for first three quarters in 2018 and 2019

	2018 (n=992)	2019 (n=1070)
0 days	30.00%	28.70%
1 day	28.00%	35.90%*
2 days	9.30%	10.50%
3 or more days	32.70%	24.90%*
10 or more days	14.20%	11.60%
30 or more days	3.80%	4.40%

Percent of bookings by length of stay for felony only offenses for first three quarters in 2018 and 2019

	2018 (n=714)	2019 (n=560)
0 days	22.10%	22.70%
1 day	17.80%	21.00%
2 days	6.30%	7.30%
3 or more days	53.80%	46.80%*
10 or more days	33.90%	32.10%
30 or more days	10.50%	11.80%

* Significant difference at the .05 level. Findings that are statistically different or statistically significant indicate that differences between the two percentages are not due to chance alone or statistical noise.

Similar findings emerge when pretrial length of stay is examined among bookings for misdemeanor only and felony only offenses. Among both misdemeanors and felonies, a smaller number of bookings were detained for 3 or more days in 2019 than in 2018. 24.90% of misdemeanor bookings were detained for 3 or more days in 2019 compared to 32.70% in 2018. Similarly, 46.80% of felony bookings were detained for 3 or more days in 2019 compared to 53.80% of felony bookings in 2018.

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

¹ Data for the current implementation check-in comes from the booking data that are extracted from the Haywood County Detention Center's management information system. Findings from the current report may differ from confinement reports due to the removal of defendants given a non-financial bond condition and the removal of cases that may not be subject to the new conditions of release decision-making framework.

30B Pretrial Project: Third 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 (54%) than Jackson County defendants (37%).
- 40% of defendants in Haywood County and 38% of Jackson County defendants were released on an unsecured bond at the end of the first appearance hearing.
- 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 (22%) than Jackson County defendants (13%).

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, defense counsel was present at only 7.4% of first appearance hearings.

There was a total of 380 first appearance hearings held between January 1st and September 30th, 2019.¹ Out of 380 defendants, 284 defendants were not being held on a 48-hour domestic violence case. 37.32% of non-48 hour defendants had their bonds modified.

Percent of non-48 hour defendants receiving a bond modification at first appearance

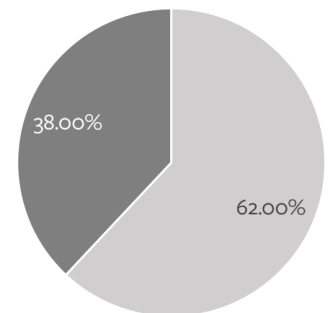
	#	%
Bond not modified	178	62.67
Bond modified	106	37.32
Total # of non-48 hour defendants	284	

Among those non-48 hour defendants who had their bonds modified, 72.38% had their bonds unsecured, 20% had their bond amounts modified, while 7.61% had their bond amounts modified and their bonds unsecured. On average, bond amounts decreased 89.55% or \$5,572.00 for non-48 hour defendants who had their bonds modified.²

38.00% of all defendants were released on an unsecured bond at the end of their first appearance hearing.

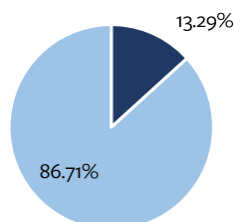
13.29% of all defendants who had a secured bond at the end of the first appearance hearing had their bond amounts reduced. On average, secured bond amounts were reduced 55.68% or \$5,618.00 for defendants still held on a secured bond.³

Percent of defendants released on an unsecured bond at first appearance



■ Still had a secured bond ■ Released on an unsecured bond

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



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

219 defendants or 62.00% of all defendants had a secured bond at the end of the first appearance hearing. The average bond amount of those with a secured bond was \$20,789.00. 8.30% of defendants had a secured bond amount of \$500 or less at the end of first appearance.

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. Defense counsel was present at 91.9% of the first appearance hearings.

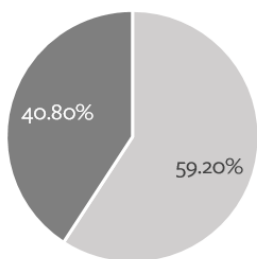
There was a total of 819 first appearance hearings held between January 1st and September 30th, 2019. Out of the 819 defendants, 696 of the defendants were not being held on a 48-hour domestic violence case. 54.16% of those non-48 hour defendants had their bonds modified during their first appearance hearing.

Percent of non-48 hour defendants receiving a bond modification at first appearance

	#	%
Bond not modified	319	45.83
Bond modified	377	54.16
Total # of non-48 hour defendants	696	

Of those that had their bonds modified, 73.6% had their bonds unsecured, 19.46% had their bonds modified in amount, and 6.93% had their bond amounts modified and one or more of their bonds unsecured. Of those non-48 hour defendants whose bond amounts were reduced, the average amount of change in secured bond amount was $-\$5,517.93$ or 87.63%. 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 defendant released on an unsecured bond at first appearance

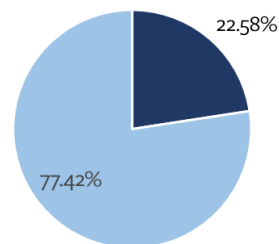


■ Still had a secured bond ■ Released on an unsecured bond

40.80% of all 819 defendants were released on an unsecured bond at the end of the first appearance hearing. 59.20% were still detained on a secured bond.

Of the 478 defendants who were held on a secured bond at the end of the first appearance hearing, the average bond amount was $\$31,599.27$, and 8.4% of defendants had a final bond amount of $\$500$ or less.

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



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

25.58% of all defendants who were still held on a secured bond at the end of the first appearance hearing had their bond amounts reduced. This reduction occurred through either one or more of their bonds being unsecured, or the amount of their secured bond being reduced. The average amount of reduction between their initial and final bond amount was $\$10,845.41$ or a decrease of 58.24% 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. All questions regarding implementation can be directed to Professor Jessica Smith at smithj@sog.unc.edu.

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

² Bond amounts for this area could decrease if: (a) the secured bond was modified to an unsecured bond (thus reducing the overall secured bond amount), or (b) the defendant was still detained on a secured bond but the amount was reduced.

³ Secured bond amounts for this metric could decrease only if the secured bond amount was reduced, since this metric focuses on bond amounts of individuals who are still have a secured bond at the end of first appearance.

30B Pretrial Project: Third Quarter Implementation Check-In

Summons in Lieu of Warrant

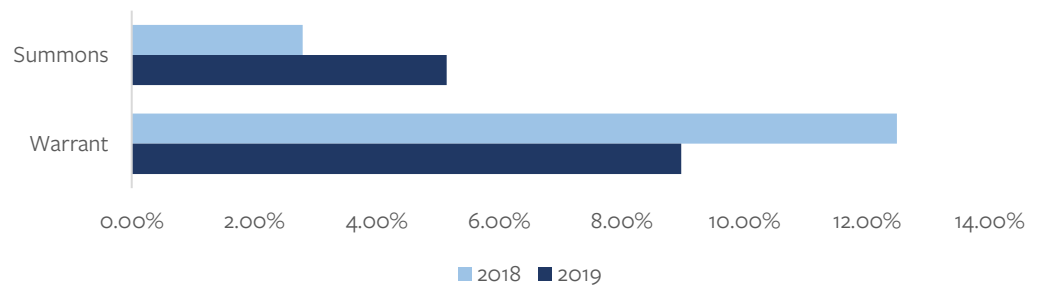
Executive Summary

- This implementation check-in compares the use of summons during the first three quarters of 2019 and 2018.
- Similar to prior results, the percentage of summons issued increased 84.37% during the first nine months of 2019 relative to the same period in 2018.
- 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.

Judicial District 30B

Similar to the previous implementation check-ins, the current data show that the percentage of summons for criminal charges has increased 84.37% in the first three quarters of 2019 (5.14%) relative to the first three quarters of 2018 (2.79%). The percentage of warrants decreased 28.18% during the first three quarters of 2019 (12.49% in 2018 vs. 8.97% in 2019).^{1, 2}

Percent of cases issued a summons or warrant during the first three quarters of 2018 and 2019



The table below shows the percentage of charges issued via a summons or warrant to law enforcement and non-law enforcement during the first three quarters of 2018 and 2019.³ As shown in the table, there were significant increases in the percentage of charges initiated by summons for both law enforcement (+1.79 percentage points) and non-law enforcement (+0.56 percentage points).

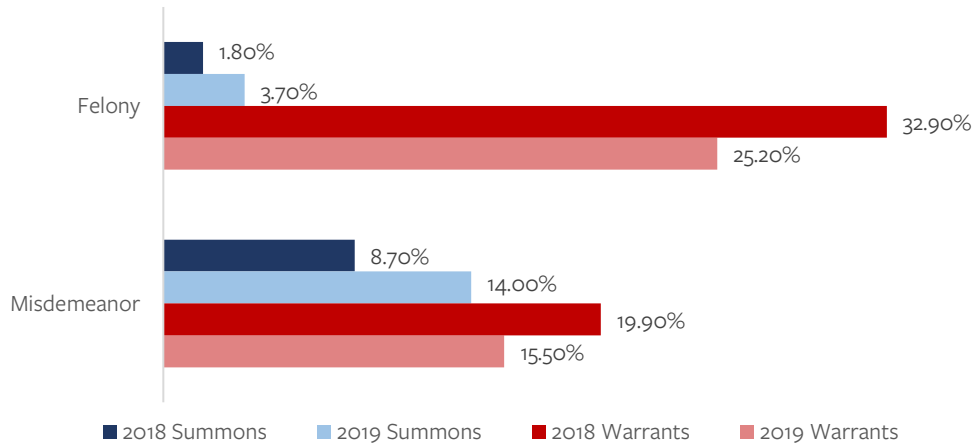
Percent of charges issued a summons or warrant to law enforcement and non-law enforcement during the first three quarters of 2018 and 2019 in 30B

	2018	2019	Change
% of charges initiated by summons to law enforcement	0.49	2.28	1.79
% of charges initiated by summons to non-law enforcement	2.29	2.86	0.56
% of total charges initiated by summons	2.79	5.14	2.35
% of charges initiated by warrants to law enforcement	10.21	7.40	-2.81
% of charges initiated by warrants to non-law enforcement	2.28	1.57	-0.71
% of total charges initiated by warrants	12.49	8.97	-3.52
Total # of charges	19834	18363	

Judicial District 30B cont.

There were significant increases in the percentage of summons issued for both felonies and non-traffic misdemeanors. In 2018, 1.80% of felonies received a summons, while 3.70% of felonies were issued a summons in the first three quarters of 2019. Similarly, 8.70% of non-traffic misdemeanors received a summons in the first three quarters of 2018 versus 14.00% of misdemeanors in the same period 2019. During the same time period, the percentage of felonies and misdemeanors issued a warrant decreased approximately 23%.

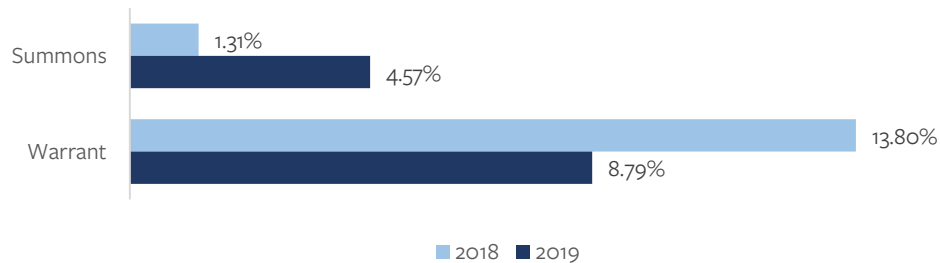
Percent of felonies and misdemeanors issued a summons or warrant during first three quarters of 2018 and 2019 in 30B



Jackson County

Within Jackson County, the percentage of cases issued a summons increased 3.26 percentage points during the first three quarters of 2019 (4.57%) relative to the same time in 2018 (1.31%).

Percent of charges issued a summons or warrant during the first three quarters of 2018 and 2019 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 2.37 percentage points from the first three quarters of 2018 to the same period in 2019. The percentage of warrants issued to law enforcement decreased 3.76 percentage points during the same period. Similar trends were seen for non-law enforcement.

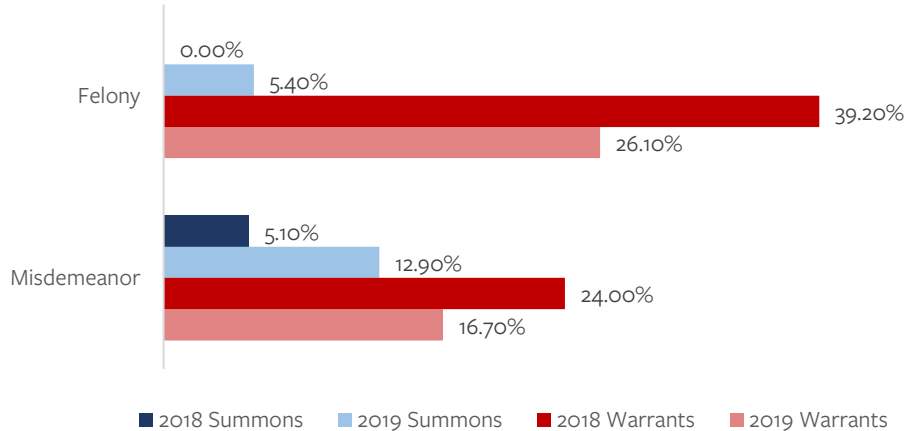
Percent of charges issued a summons or warrant to law enforcement and non-law enforcement during the first three quarters of 2018 and 2019 in Jackson County

	2018	2019	Change
% of charges initiated by summons to law enforcement	0.22	2.58	2.37
% of charges initiated by summons to non-law enforcement	1.09	1.98	0.89
% of total charges initiated by summons	1.31	4.57	3.26
% of charges initiated by warrants to law enforcement	11.15	7.39	-3.76
% of charges initiated by warrants to non-law enforcement	2.65	1.39	-1.25
% of total charges initiated by warrants	13.80	8.79	-5.01
Total # of charges	8275	7819	

Jackson County cont.

As shown in the graph below, 0% of felonies and 5.10% of non-traffic misdemeanors were issued a summons during the first three quarters of 2018 versus 5.40% of felonies and 12.90% of misdemeanors in the first three quarters of 2019. This represented a 5.40 percentage point increase in the use of summons for felonies, and a 7.80 percentage point increase for misdemeanors. In terms of warrants, the percentage of warrants issued for felonies decreased 13.10 percentage points for the first three quarters of 2019 relative to the same period in 2018. Similar trends were observed for warrants issued for misdemeanors, although the decrease was more modest (a 7.30 percentage point decrease).

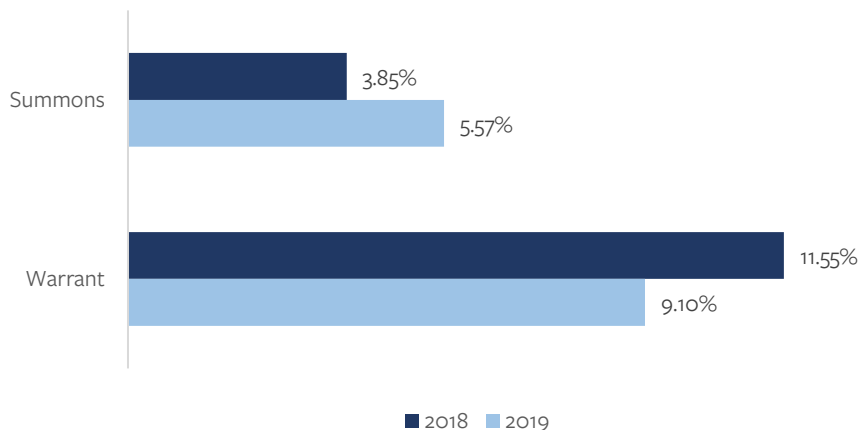
Percent of felonies and misdemeanors issued a summons or warrant during first three quarters of 2018 and 2019 in Jackson County



Haywood County

During the first nine months of 2019, the percentage of charges issued a summons (5.57%) increased 1.72 percentage points relative to the percentage of charges during the same period in 2018 (3.85%). The percentage of cases issued a warrant decreased 21.17% in the first nine months of 2019 (9.10%) relative to the same period of 2018 (11.55%).

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



Haywood County cont.

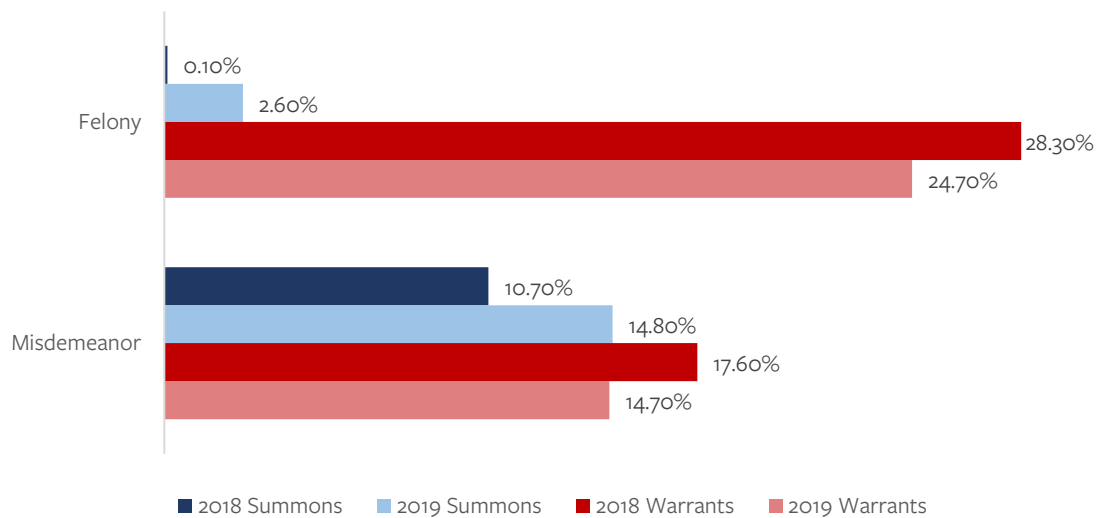
The percentage of charges initiated by summons to law enforcement increased 1.37 percentage points or 197.36% from the first three quarters of 2018 to the first three quarters of 2019. The percentage of charges initiated by warrants to law enforcement decreased 22.41%. Similar trends were observed for the percentage of summons and warrants issued to non-law enforcement.

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

	2018	2019	Change
% of charges initiated by summons to law enforcement	0.69	2.06	1.37
% of charges initiated by summons to non-law enforcement	3.16	3.51	0.35
% of total charges initiated by summons	3.85	5.57	1.72
% of charges initiated by warrants to law enforcement	9.53	7.40	-2.14
% of charges initiated by warrants to non-law enforcement	2.02	1.71	-0.31
% of total charges initiated by warrants	11.55	9.10	-2.44
Total # of charges	11559	10544	

The percentage of summons increased 2.50 percentage points for felonies and 4.10 percentage points for misdemeanors during the first nine months of 2019 relative to the same period in 2018. The percentage of charges initiated via a warrant decreased 3.60 percentage points for felonies and 2.90 percentage points for misdemeanors.

Percent of felonies or misdemeanors issued a summons or warrant during the first three quarters 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. All questions regarding implementation can be directed to Professor Jessica Smith at smithj@sog.unc.edu.

¹ All data within this information sheet was derived from the Administrative Office of the Courts case number-level data on felonies and misdemeanors between January 1st to September 30th for the years of 2018 and 2019.

² Two indices of change are noted in the summary: (1) percentage point difference, and (2) percent change. Percentage point difference is calculated as: % in 2019 - % in 2018. Percent change is calculated as: ((% in 2019 - % in 2018) / % in 2018) * 100.

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

30B Pretrial Project: Third Quarter Implementation Check-In

Citations in Lieu of Arrest

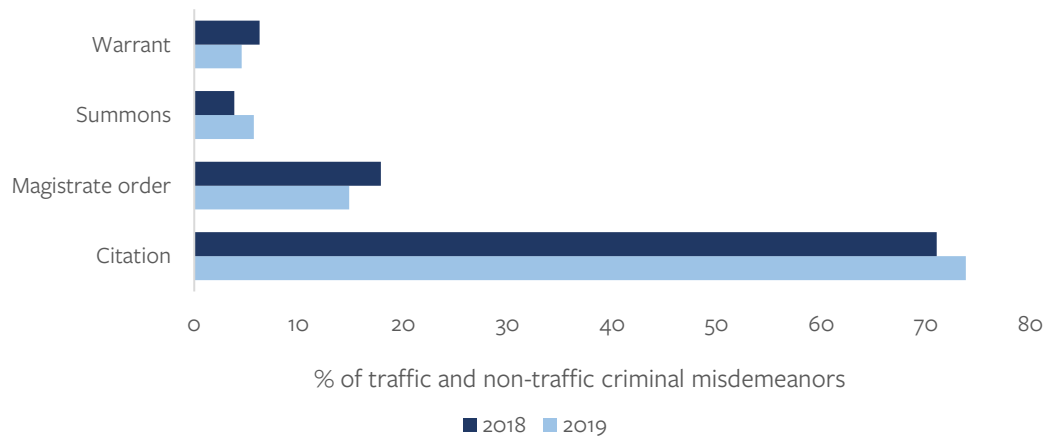
Executive Summary

- This implementation check-in compares the use of citations for misdemeanors during the first three quarters of 2019 to the first three quarters of 2018.
- There was 3.90% increase in the percent of charges initiated via a citation during the first three quarters of 2019 compared to the same time period for 2018.
- Citations for traffic criminal offenses increased 2.79% for Jackson County and 3.33% for Haywood County from the first three quarters of 2018 to the first three quarters of 2019.
- The percent of citations issued for non-traffic misdemeanors increased 8.15% in Haywood County, while the use of citations decreased 9.19% in Jackson County.
- A random sample of misdemeanor only defendants show that individuals served with a citation (versus summons, warrant, or magistrate order) are not more likely to commit a new crime while on pretrial release or fail to appear.

Judicial District 30B

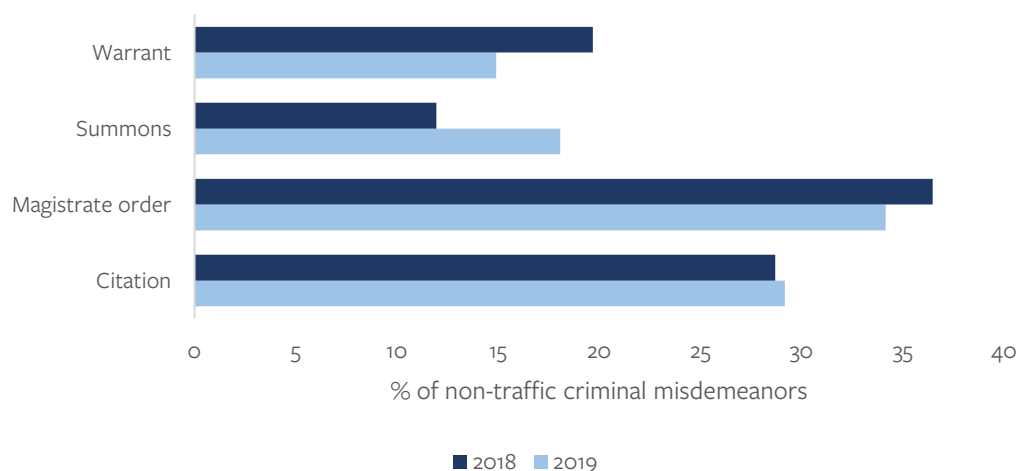
The current implementation check-in reports on the use of citations for charges served during the first three quarters of 2018 and 2019 where a misdemeanor is the highest charge. In the first three quarters of 2019, citations were issued for 73.80% of all misdemeanors.¹ This represented a 3.90% increase relative to the number of citations issued in the first three quarters of 2018 (71.03%).

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



While citations were issued for approximately 90% of traffic misdemeanors in the first three quarters of both 2018 and 2019, only 29.16% of non-traffic misdemeanors were issued a citation in 2019, which was a 1.64% increase from the first three quarters of 2018 where 28.69% of misdemeanors were initiated via a citation.

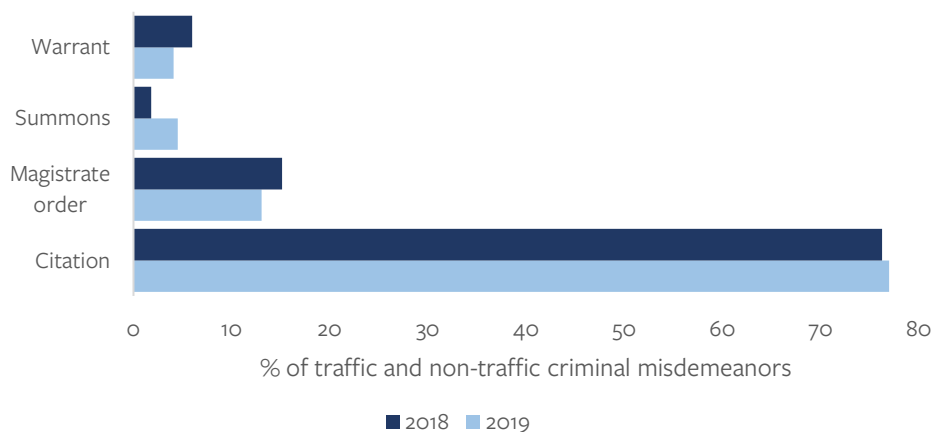
Percentage of non-traffic misdemeanors by process type for the first three quarters of 2018 and 2019 in 30B



Jackson County

The percentage of misdemeanor charges issued a citation increased .94% during the first three quarters of 2019 (76.97%) relative 2018 (76.25%). Further analyses showed that the increase in citations was predominantly driven by an increase in the percent of traffic related misdemeanors that were issued a citation (2.79% increase), rather than non-traffic criminal misdemeanors, which experienced a 9.19% decrease (33.56% in 2018 vs. 30.48% in 2019).

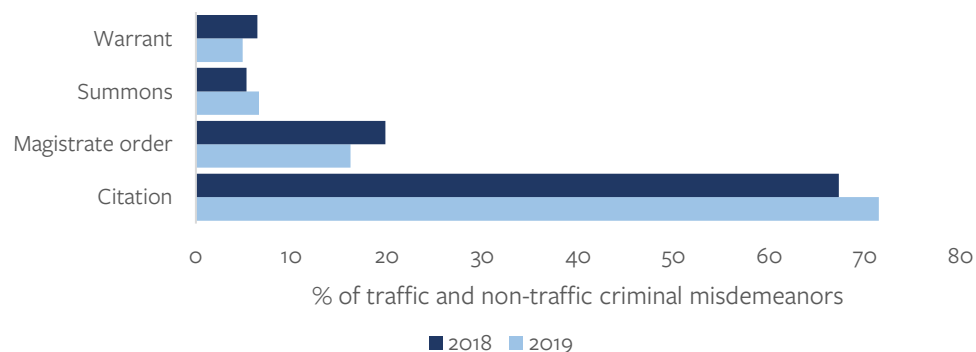
Percentage of traffic and non-traffic misdemeanors by process type for the first three quarters of 2018 and 2019 for Jackson County



Haywood County

There was a 6.19% increase in the use of citations for all criminal misdemeanors within Haywood County during the first three quarters of 2019 (71.42%) relative to the same period in 2018 (67.25%). The expanded use of citations was demonstrated for both non-traffic criminal misdemeanors (8.15% increase) and traffic misdemeanors (3.33% increase).

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



Are defendants who receive a citation more likely to fail to appear or commit a new crime while on pretrial release than defendants who are served through a warrant or magistrate order?

A random sample of 1,290 defendants were taken from the population of 5,168 defendants who were served with a felony or misdemeanor charge between January 1st, 2019 and June 30th, 2019. Of these 1,290 defendants, 675 misdemeanor only defendants had their cases disposed as of September 30th, 2019, allowing researchers to examine the prevalence of failure to appears. Data showed that misdemeanor only defendants who were served via a citation were not more likely to fail to appear or to commit a new crime pretrial than misdemeanor defendants who were served through alternative processes.

	Citation	Warrant or Magistrate Order	<i>p</i>
New criminal offense prior to disposition	14.50%	17.50%	0.302
Failure to appear	15.80%	14.10%	0.695

P values greater than .05 ($p > .05$) suggests that face value differences in the percentage of failure to appear or new pretrial crime between citations and other processes are due to chance alone and do not reflect statistically meaningful differences.

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

¹ The 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 1st to September 30th for the years of 2018 and 2019.

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