

Update from the Criminal Justice Innovation Lab

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Promote a **fair & effective criminal justice system, public safety & economic prosperity** through an evidence-based approach to criminal justice policy

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Focus areas

- Policing
- Overcriminalization
- Bail

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Strategy

Pilot Projects	Research	Models
Support stakeholders as they develop & implement consensus solutions Evaluate impact	Help stakeholders understand how the system functions & the governing legal rules	Provide practical, legal & evidence-based options for reform

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The Citation Project

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THE CITATION PROJECT
POLICE DEPARTMENT PILOT SITES

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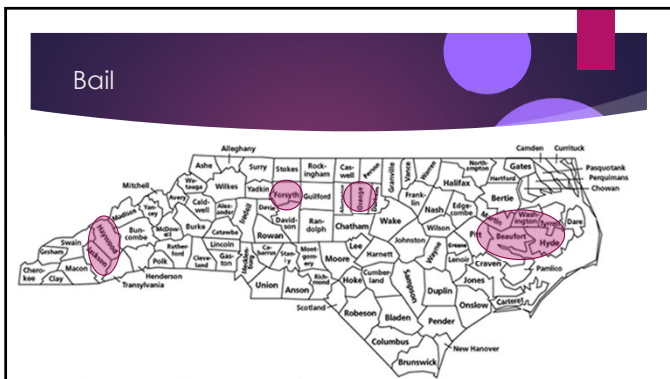
The Citation Project

1. Develop Model Citation In Lieu of Arrest Policy
2. Implement Model Policy in police department pilot sites
3. Conduct a rigorous evaluation assessing the Policy's impact

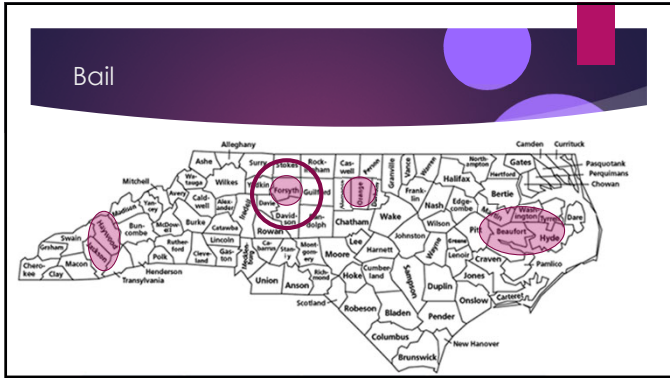
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JD 21 Initiatives

- New tool for magistrate & judge bail decisions

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FORSYTH COUNTY MAGISTRATE BAIL EXPLANATION FORM
FOR CITIZENS, THIS FORM APPLIES TO ALL ARRESTS.

Magistrate Name	Name		
Magistrate Address	Address		
Case No.	Case No.	Case No.	Case No.
Offense Charge	Class of Offense	Class of Offense or F. Statute	Class of Offense or F. Statute

STEP 1: (For all cases)

STEP 2: (For all cases)

STEP 3: (For all cases)

STEP 4: (For all cases)

STEP 3.5: (For all cases)

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- Incorporates statutory requirement that written promise, custody release or unsecured bond must be imposed unless won't reasonably assure appearance; will pose a danger of injury; or is likely to result in interference with criminal proceeding
- Presumption that Class 2 & 3 misd. will get conditions other than secured bond
- Checklist to identify additional people who can be released on conditions other than secured bond
- A-E felonies don't get presumption or checklist screening
- Reasons for imposing secured bond
- Ability to pay
- Detention bond hearings
- Maximum bond table
- Preserves discretion; deviations allowed if documented

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Full report here: <https://c Jill.sog.unc.edu/wp-content/uploads/sites/19452/2021/03/JD21-Second-Quarterly-Report-FINAL-3.2.2020.pdf>

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JD 21

- Magistrates **issued conditions other than secured bond in majority of cases**
 - 73% of Class 2 & 3 misdemeanor cases
 - 13% of Class A-E felony cases
 - 55% of "Intermediate cases"

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JD 21

- **New criminal charges during the pretrial period decreased 4.78 percentage points**

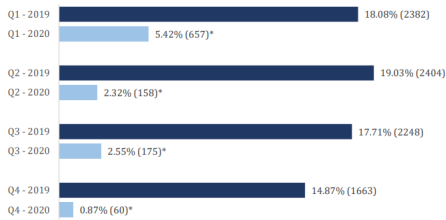
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	2019	2020	% pt. difference
<i>Forsyth County</i>			
New criminal charges	23.97% (3907)	19.19% (1914)	-4.78*
New felony charges	15.33% (1107)	15.83% (303)	0.50
New non-traffic misdemeanor charges	43.23% (1689)	44.88% (859)	1.65
New traffic misdemeanor charges	74.69% (2918)	73.09% (1399)	-1.60
<i>Guilford County</i>			
New criminal charges	20.20% (3967)	20.04% (2051)	-0.16
New felony charges	21.02% (834)	27.74% (569)	6.72*
New non-traffic misdemeanor charges	43.33% (1719)	44.08% (904)	0.75
New traffic misdemeanor charges	70.89% (2812)	66.75% (1369)	-4.13*
<i>Buncombe County</i>			
New criminal charges	19.94% (1652)	17.49% (1383)	-2.45*
New felony charges	25.61% (423)	22.99% (318)	-2.62
New non-traffic misdemeanor charges	53.57% (885)	51.99% (719)	-1.58
New traffic misdemeanor charges	59.20% (978)	57.85% (800)	-1.35

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JD 21

- **The number & percentage of court non-appearances decreased**

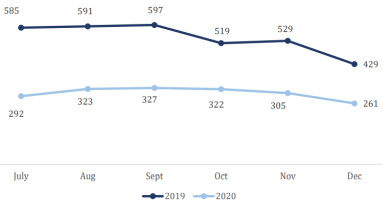


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JD 21

- 44% decrease in pretrial bookings

Figure 5. Number of pretrial bookings, Quarters 3 & 4 of 2019 and 2020



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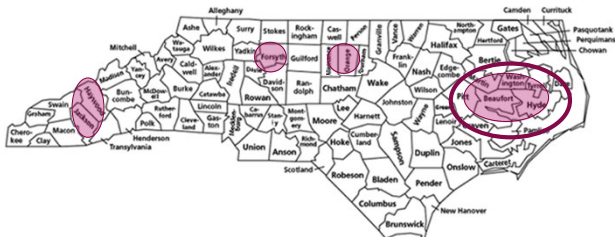
JD 21

- Median length of stay decreased from 2 to 1 day
- Jail Detentions by Race
 - Bookings decreased 40% for Blacks; 49% for Whites
 - Blacks had a larger decrease in the number of days detained than Whites



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Bail



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JD 2 Initiatives

- New tool for magistrate bail decisions
- First appearances for all defendants

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Full report here: <https://cjjl.sog.unc.edu/wp-content/uploads/sites/19452/2021/03/JD2-Second-Quarterly-Report-FINAL-3.2.2020.pdf>

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JD 2

- Magistrates **issued conditions other than secured bond in**
 - 79% of Class 3 misdemeanor cases
 - 18% of Class A-E felony cases
 - 44% of "Intermediate cases"

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JD 2

- **39%** of misdemeanor detainees afforded a new first appearance proceeding were released on a condition other than a secured bond

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JD 2

- **Percentage of individuals who acquired any new charge during the pretrial period went down** in all counties & reduction was statistically significant in Martin County.

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	2019	2020	% pt. difference
<i>Beaufort (Metropolitan)</i>			
New criminal charges	19.94% (484)	18.78% (296)	-1.16
New felony charges	19.83% (96)	19.63% (59)	0.10
New non-traffic misdemeanor charges	44.83% (217)	40.20% (119)	-4.63
New traffic misdemeanor charges	73.76% (357)	72.30% (214)	-1.46
<i>Hyde (Noncore)</i>			
New criminal charges	13.04% (24)	8.03% (11)	-5.01
New felony charges	16.67% (4)	9.09% (1)	-7.58
New non-traffic misdemeanor charges	37.50% (9)	27.27% (3)	-10.23
New traffic misdemeanor charges	75.00% (18)	81.82% (9)	6.82
<i>Martin (Noncore)</i>			
New criminal charges	16.20% (227)	12.54% (112)	-3.66*
New felony charges	17.62% (40)	16.96% (19)	-0.66
New non-traffic misdemeanor charges	40.09% (91)	35.71% (40)	-4.38
New traffic misdemeanor charges	71.81% (163)	70.54% (79)	-1.27
<i>Tyrrell (Metropolitan)</i>			
New criminal charges	9.65% (105)	8.48% (48)	-1.17
New felony charges	11.43% (12)	10.42% (5)	-1.01
New non-traffic misdemeanor charges	32.38% (34)	27.08% (13)	-5.30
New traffic misdemeanor charges	78.10% (82)	91.67% (44)	13.57*
<i>Washington (Noncore)</i>			
New criminal charges	17.96% (155)	13.74% (61)	-4.22
New felony charges	14.84% (23)	21.31% (13)	6.47
New non-traffic misdemeanor charges	30.97% (48)	49.18% (30)	18.21*
New traffic misdemeanor charges	76.13% (118)	60.66% (37)	-15.47*

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JD 2

- FTA Rates
 - **All counties had either statistically significant decreases in FTA rates or no statistically significant change in FTA rates**
- C&F Rates
 - Beaufort & Washington experienced statistically significant increases in C&F rates for charges occurring in Q1 2020 but neither county experienced statistically significant increases in that metric in later quarters of 2020

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JD 2

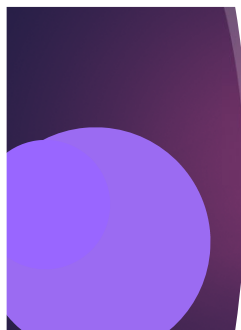
- Bookings (Beaufort)
 - **40% decrease in pretrial bookings**
- By Race
 - **Reduction was almost identical for Black & White individuals**



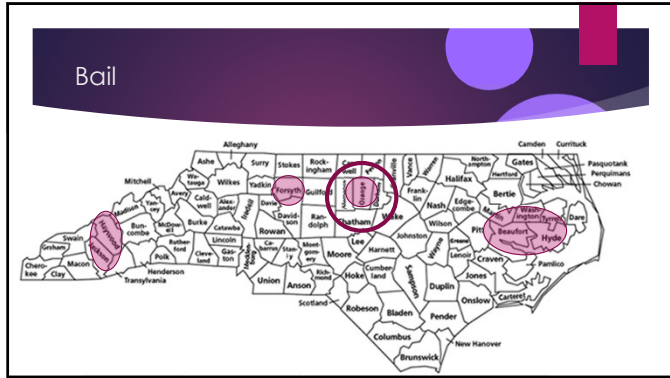
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What's Next

- JD 2: Evaluation wraps up this Summer
- JD 21: Applied for grant funding to extend evaluation for 1 year



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Orange County Initiatives

- New tool for magistrate bail decisions
- New procedure for judicial responses to non-appearances

Full details in report here: <https://cijl.soc.unc.edu/wp-content/uploads/sites/19452/2021/05/Q1-1-2021-Eval-Report-FINAL.pdf>

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ORANGE COUNTY MAGISTRATE BAIL EXPLANATION FORM	
<p>Step 1: To be completed before you see an OFA after a 48 hour arrest in a 48 hour case with judge setting conditions of arrest.</p> <p>DO NOT STOP</p> <p>STEP 1: CHECKER ALSO CHECK ONE OF THE OPTIONS IMMEDIATELY BELOW:</p> <ul style="list-style-type: none"> <input type="checkbox"/> written promise <input type="checkbox"/> cash or bond <input type="checkbox"/> unsecured bond <input type="checkbox"/> OR INVESTIGATOR'S REPORT (if available) OR ORANGE COUNTY BAIL EXPLANATION FORM (if available) OR ORANGE COUNTY BAIL EXPLANATION FORM (if available) 	<p>STEP 2: To see charged offense a non OFA Class 1 or 2 misdemeanor?</p> <p>STEP 2: CHECKER ALSO CHECK ONE OF THE OPTIONS IMMEDIATELY BELOW:</p> <ul style="list-style-type: none"> <input type="checkbox"/> written promise <input type="checkbox"/> cash or bond <input type="checkbox"/> unsecured bond <input type="checkbox"/> OR INVESTIGATOR'S REPORT (if available) OR ORANGE COUNTY BAIL EXPLANATION FORM (if available) OR ORANGE COUNTY BAIL EXPLANATION FORM (if available)
<p>STEP 3: To see risk factors apply?</p> <p>DO NOT STOP</p> <ul style="list-style-type: none"> <input type="checkbox"/> written promise <input type="checkbox"/> cash or bond <input type="checkbox"/> unsecured bond <input type="checkbox"/> OR INVESTIGATOR'S REPORT (if available) OR ORANGE COUNTY BAIL EXPLANATION FORM (if available) OR ORANGE COUNTY BAIL EXPLANATION FORM (if available) 	<p>STEP 4: Assess the statutory risk factors. Review on written promise, custody release, or unsecured bond.</p> <p>DO NOT STOP</p> <ul style="list-style-type: none"> <input type="checkbox"/> <input type="checkbox"/> will not necessarily cause defendant's appearance as required Apply: _____ <input type="checkbox"/> <input type="checkbox"/> present a danger of injury to any person Apply: _____ <input type="checkbox"/> <input type="checkbox"/> likely to result in destruction of evidence, subornation of perjury or intimidation of potential witnesses Apply: _____ <input type="checkbox"/> <input type="checkbox"/> No other factor <input type="checkbox"/> <input type="checkbox"/> written promise <input type="checkbox"/> <input type="checkbox"/> unsecured bond <input type="checkbox"/> <input type="checkbox"/> cash or bond <input type="checkbox"/> <input type="checkbox"/> written promise <input type="checkbox"/> <input type="checkbox"/> unsecured bond <input type="checkbox"/> <input type="checkbox"/> cash or bond <input type="checkbox"/> <input type="checkbox"/> written promise <input type="checkbox"/> <input type="checkbox"/> unsecured bond <input type="checkbox"/> <input type="checkbox"/> cash or bond
<p>STEP 5: To see risk factors for decisions to be addressed by custody release to partial appearance?</p> <p>DO NOT STOP</p> <ul style="list-style-type: none"> <input type="checkbox"/> written promise <input type="checkbox"/> cash or bond <input type="checkbox"/> unsecured bond <input type="checkbox"/> OR INVESTIGATOR'S REPORT (if available) OR ORANGE COUNTY BAIL EXPLANATION FORM (if available) OR ORANGE COUNTY BAIL EXPLANATION FORM (if available) 	<p>STEP 5: To see risk factors for decisions to be addressed by custody release to partial appearance?</p> <p>DO NOT STOP</p> <ul style="list-style-type: none"> <input type="checkbox"/> written promise <input type="checkbox"/> cash or bond <input type="checkbox"/> unsecured bond <input type="checkbox"/> OR INVESTIGATOR'S REPORT (if available) OR ORANGE COUNTY BAIL EXPLANATION FORM (if available) OR ORANGE COUNTY BAIL EXPLANATION FORM (if available)

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ORANGE COUNTY BENCH CARD
Responses to Non-Appearances in Criminal District Court

Case #	
Judge's Name	
Defendant's Name	
Case Number	

Step 1: Must the non-appearance be excused?

Yes - EXCUSED. Do not court date with notice to defendant and counsel, if represented.
(JUDGE COMPLETE)

No - UNEXCUSED. GO TO STEP 2.

Step 2: Do the facts before me for a charge or probation violation that is a non-DWI Class 1-3 misdemeanor call for bond or probation conditions?

No - GO TO STEP 3.

Yes

- Issue an OCA setting conditions, which can include money bond, in your discretion
- Written promise
- County rehabilitative services
- Secured bond \$ _____
- Secured bond \$ _____

Exercise discretion, decline to issue OCA & reschedule court date for other reasons.

(JUDGE COMPLETE)

Step 3: Have a prior non-appearance in this case or the presence of a prior non-appearance in another pending case?

Yes

- Issue an OCA setting conditions, which can include money bond, in your discretion
- Written promise
- County rehabilitative services
- Secured bond \$ _____
- Secured bond \$ _____

Exercise discretion, decline to issue OCA & reschedule court date for other reasons.

(JUDGE COMPLETE)

No - Do not court date with notice to defendant and counsel, if represented.
(JUDGE COMPLETE)

Judge did not see process. Check this box when judge excuses defendant and declines to follow the court's recommended conditions.

NOTE: All Chapter 20 cases require Driving and Driving While License Revoked (DWL) with the "Traffic Make Good". DWL cases are subject to additional DWL procedures adopted by the State Bar of Florida in Administrative Order No. 2020.

Key Features

- Applies in district court only
- Allows judge to excuse a non-appearance in any case e.g., for lack of proper notice
- **Recommends that court date be rescheduled without arrest when it's the person's 1st non-appearance on Class 1-3 misdemeanor charges or probation violation for same or technical reasons**
- Preserves judge's discretion
- Simple & fast execution

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**Orange County—
Early Results**

Magistrates issued a condition **other than secured bond**

In **79%** of non-DWI Class 1-3 misd. cases

In **71%** of other cases

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**Orange County—
Early Results**

When choosing conditions other than secured bond, **use of written promise predominated (66% of all cases)**

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Orange County—
Early Results

Pretrial bookings decreased 37%

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Orange County—
What's Next

Evaluation continues through 12/21. Will examine pretrial failures & other metrics

Revised local bail policy

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NC Court Appearance Project


- With Pew Research Center
- 3 local stakeholder teams
- Help teams craft solutions promoting court appearances & improving judicial responses to missed court dates
- Apply this Summer



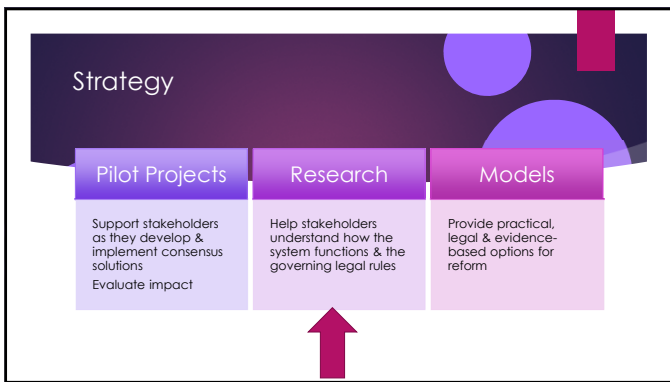
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Rural Jail Project

- With RTI
- 1 rural jurisdiction
- Help stakeholders understand who is entering the local jail & why; identify areas for improvement e.g., diversion
- Foundation for larger docket of rural work
- Apply this Summer



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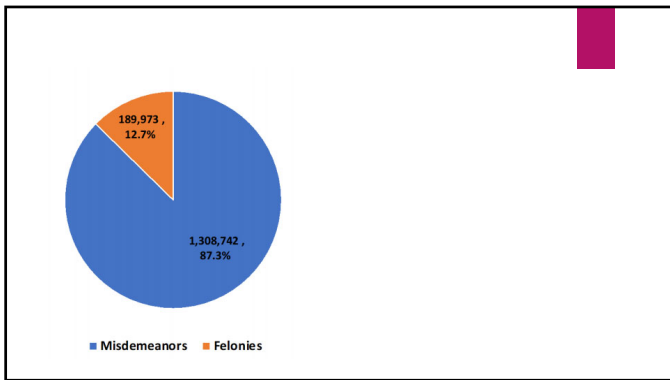


Charging Data Report

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NC charged 1.5M crimes
in 2020
—
What percent were misdemeanors?

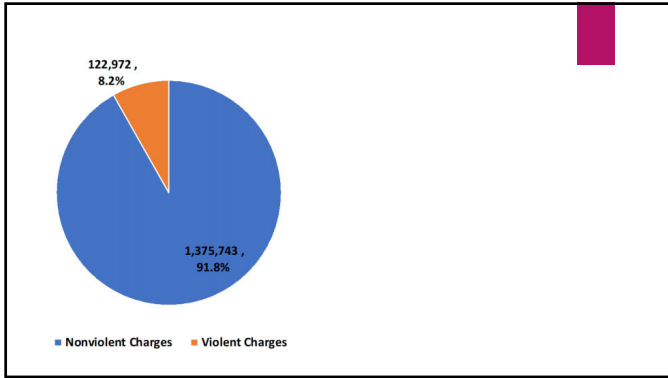
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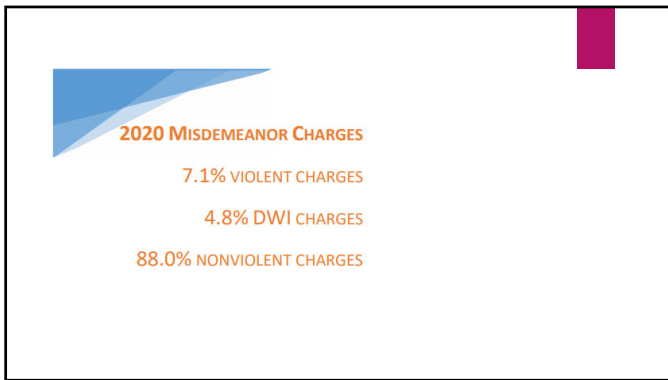
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NC charged 1.5M crimes
in 2020
—
What percent were violent?

45




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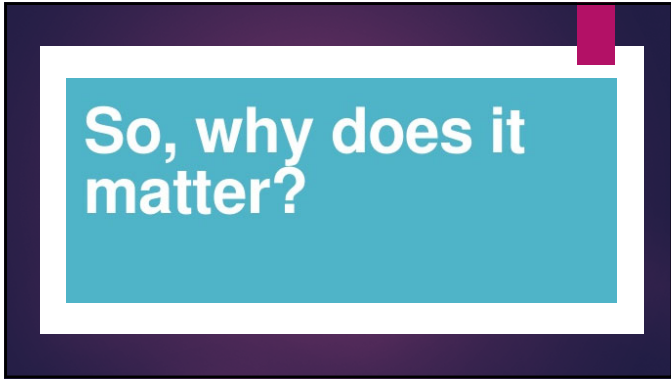


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Non-DWI Misdemeanor Traffic Charge	Number
Speeding	272,845
DWLR non-impaired	139,364
Expired registration card/tag	110,124
No operator's license	93,932
Operating vehicle with no insurance	42,691
Reckless driving to endanger	34,174
Fictitious/alterd title/registration	33,564
Reckless driving - wanton disregard	26,631
Drive or allow driving no registration	22,225
Canceled, revoked, suspicious certificate or tag	19,774
DWLR impaired	14,710
Window tinting violation	10,523
No liability insurance	9,450
Drive or allow driving, plate not displayed	5,226
Hit/run leaving scene of property damage	4,945



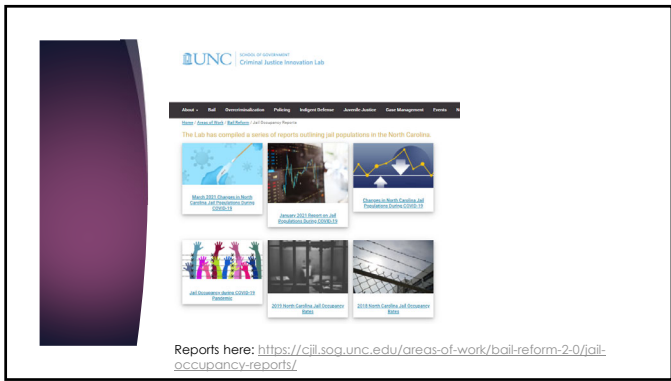
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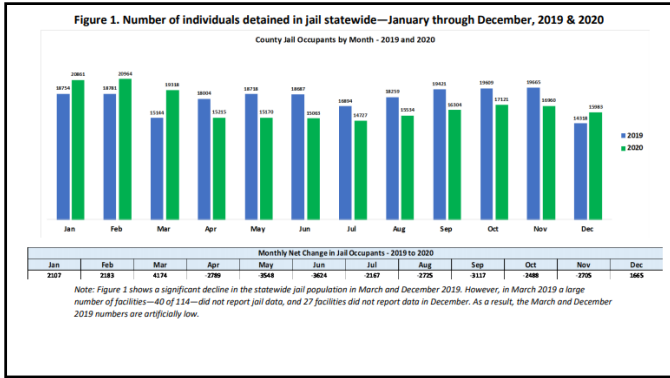
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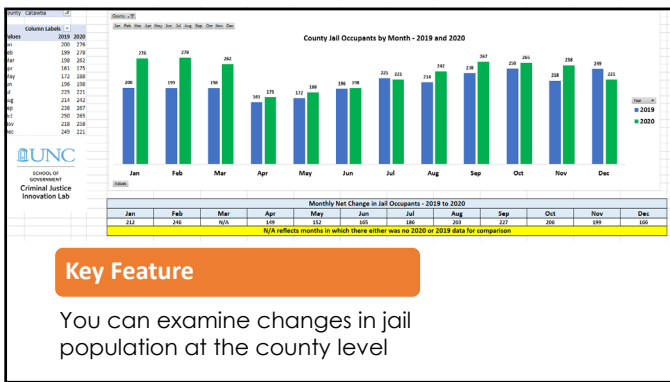
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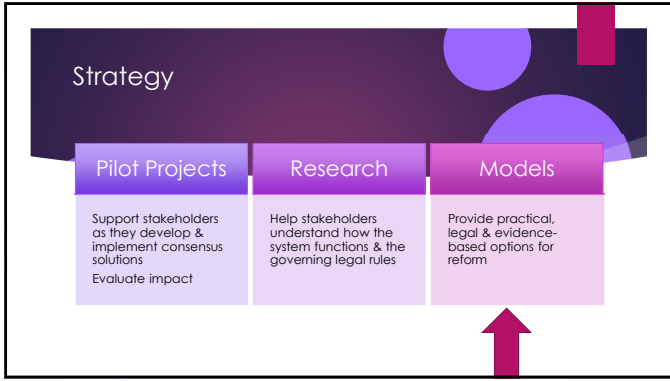
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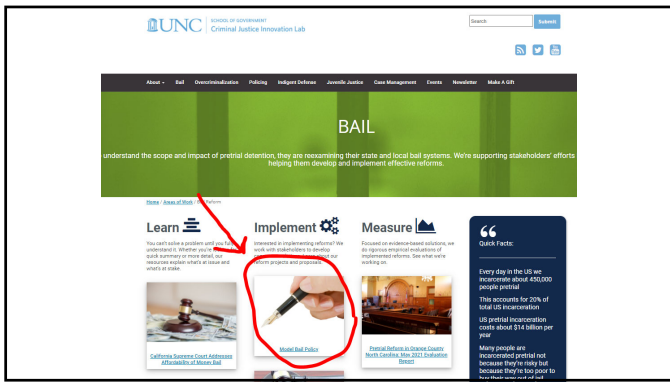
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- NC Court Appearance Project** – Apply this Summer
- NC Rural Jail Project** – Apply this Summer

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Feedback from:

- NC AOC
- Senior Resident Superior Court Judges
- Chief District Court Judges
- DAs
- Chief Public Defenders
- Plaintiffs' lawyers in NC class action lawsuit
- NC DOJ
- And more

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Key Features

- Recommended language e.g., statutory requirements

IV. Exceptions—Release Not Authorized.
 In the circumstances listed in this section, state law provides that the defendant may not be released pretrial or may be detained temporarily. In these circumstances, and unless another form is specified below, the judicial official shall complete form AOC-CR-200, checking the option for "four release is not authorized" and documenting on that form a brief description of the basis for denying release, such as "Capital Case" or "Governor's Warrant."

A. Capital Cases.
 It is within the discretion of a judge (and only a judge) to decide whether a defendant charged with a capital offense will be released before trial. G.S. 15A-533(c). A magistrate or clerk must deny release when determining conditions of release for a defendant charged with a capital offense. A judge shall determine eligibility for release and conditions of release for a defendant charged with a capital offense as provided in this policy.

B. Parole or Post-Release Supervision Violators.
 A defendant arrested on an order of "temporary or conditional revocation" of post-release supervision or parole is not entitled to conditions of release. G.S. 15A-136E, G.S. 15A-137E. Upon committing the defendant to custody, if a probation/parole officer was not the arresting officer, the presiding judicial official should notify the local chief probation or parole officer of the arrest as soon as feasible or ensure that such notification is made.

C. Certain Fugitives.
 A fugitive defendant charged in another state with an offense punishable by death or life imprisonment has no right to pretrial release. G.S. 15A-736. Also, a fugitive arrested on a governor's warrant has no right to pretrial release. ROBERT L. FARR, STATE OF NORTH CAROLINA, ENLIGHTENMENT MANUAL: 57 (3d ed. 2013). These defendants shall be committed to jail without conditions of release being set. *Id.* at 48.

As discussed in section VII.B below, a defendant arrested on a fugitive process for an offense that is not punishable by death or life in prison is entitled to conditions of release and that condition must be a secured bond. G.S. 15A-736.

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Key Features

- Explanatory notes
- Optional language

Note: Insert appropriate language depending on the availability of EHA equipment in your jurisdiction and your policy decision about whether EHA should be allowed as a condition of release and if so, under what circumstances. In a report available [here](#), the UNC School of Government Criminal Justice Innovation Lab offers a summary of the research on the effectiveness of electronic monitoring, and other pretrial supervision tools. As discussed in that report, research uncovered only four studies evaluating the effectiveness of pretrial electronic monitoring, and two of the studies are quite old. Although the two newer studies suggest that the use of electronic monitoring can positively impact pretrial outcomes, only one metric in one study found the benefits of electronic monitoring to exceed 5%. Also, none of the studies accounted for the significant costs of implementing an electronic monitoring program. If you wish to address electronic monitoring in your policy, sample language that can be adapted to your needs is provided immediately below.

Note: Sample language to prohibit the use of electronic monitoring:
 Secured bond with EHA shall not be imposed as a condition of release in [District ___/___ County].

Note: Sample language when electronic monitoring is allowed:
 Secured bond with EHA shall not be imposed as a condition of release unless the judicial official determines that EHA equipment is immediately available and that lack of such equipment will not result in pretrial detention. Secured bond with EHA may be imposed only in extraordinary circumstances. [Consider delineating here what would constitute extraordinary circumstances.] Only a judge may impose secured bond with EHA, and written findings are required. Notwithstanding G.S. 7A-313.1, the cost of EHA may not be passed on to the defendant.

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Key Features

- Sample Forms & Colloquies

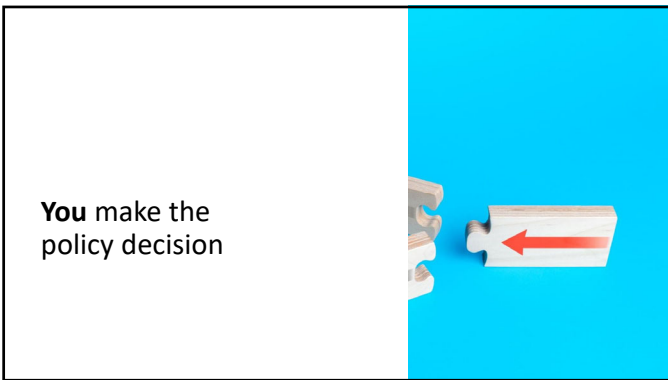
Appendix A: Sample Forms for Documenting Pretrial Decision Making 57

1. Alamance County Form 57
2. Forsyth County Magistrate & Judge Forms 59
3. Judicial District 2 Magistrate Form 63
4. Orange County Form 65

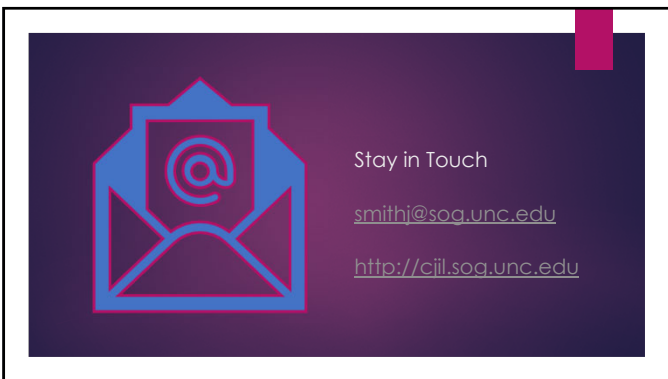
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