

**Criminal Justice
Innovation Lab:
Bail Reform Projects**

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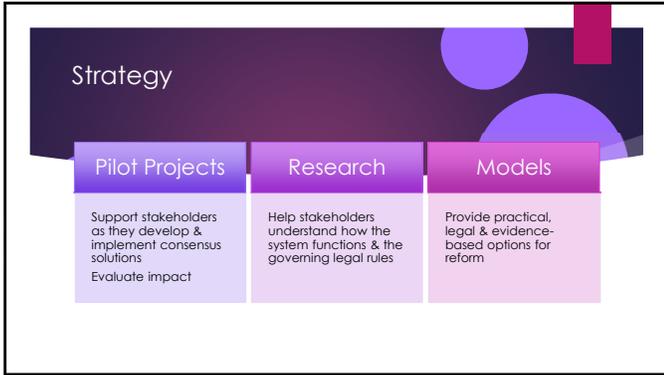
Promote a **fair & effective criminal justice system, public safety & economic prosperity** through an evidence-based approach to criminal justice policy

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Focus areas

- Policing
- Overcriminalization
- Bail

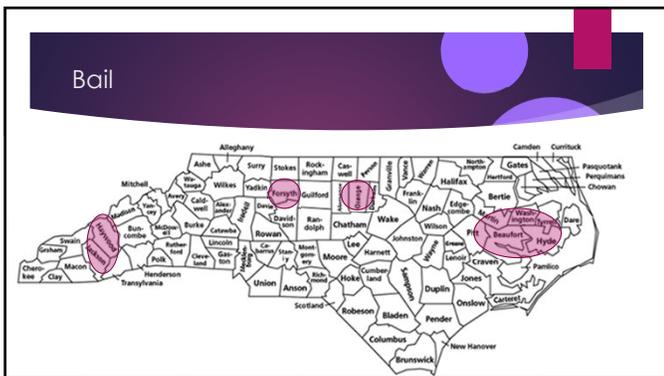
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JD 21 Initiatives

- New tool for magistrate & judge bail decisions

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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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FORSYTH COUNTY MAGISTRATE BAIL EXPLANATION FORM

STEP 1: Determine if the defendant is eligible for release

STEP 2: Assess the defendant's risk

STEP 3: Check for other court orders

STEP 4: Apply the bail explanation form

STEP 5: Document the decision

MAGISTRATE'S EXPLANATION OF DECISION

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Full report here: <https://cjjl.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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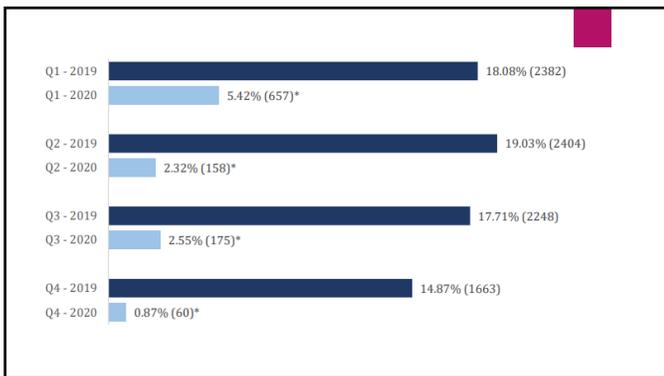
	2019	2020	% pt. difference
<i>Forsyth County</i>			
New criminal charges	23.97% (3907)	19.19% (1914)	-4.78*
New felony charges	15.33% (1107)	15.83% (303)	0.50
New non-traffic misdemeanor charges	43.23% (1689)	44.88% (859)	1.65
New traffic misdemeanor charges	74.69% (2918)	73.09% (1399)	-1.60
<i>Guilford 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	70.88% (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

- Jail Detentions: 44% decrease in pretrial bookings

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



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JD 21

- Jail Detentions
 - Median length of stay decreased from 2 to 1 day

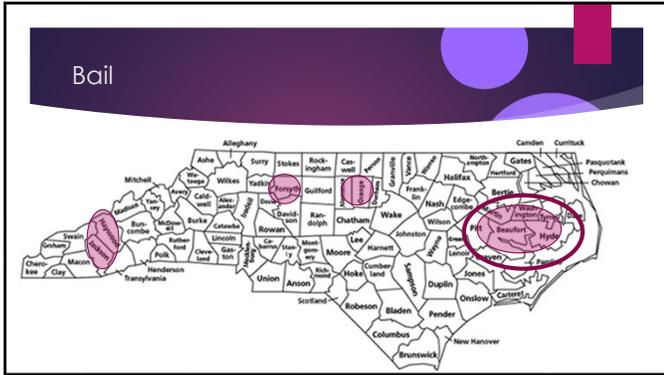
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JD 21

- 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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JD 2 Initiatives

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

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Full report here: <https://c Jill.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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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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Bail



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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://cjj.sqa.unc.edu/wp-content/uploads/sites/19452/2021/05/Q1-2021-Eval-Report-FINAL.pdf>

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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



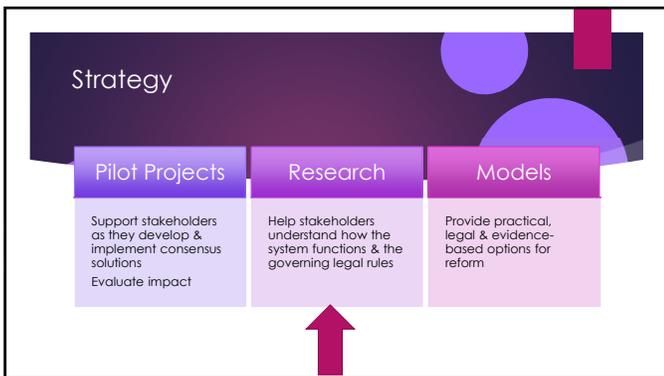
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Rural Jail Project

- 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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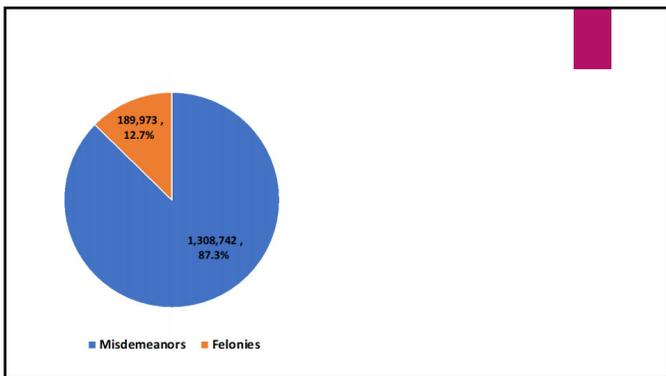
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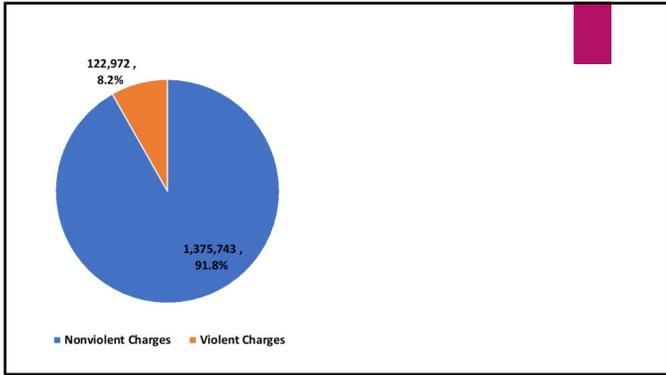
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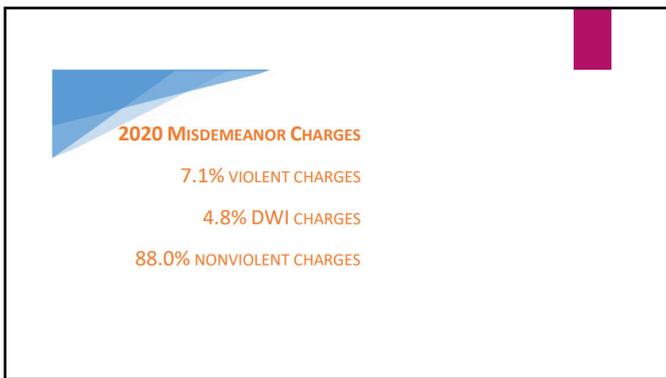
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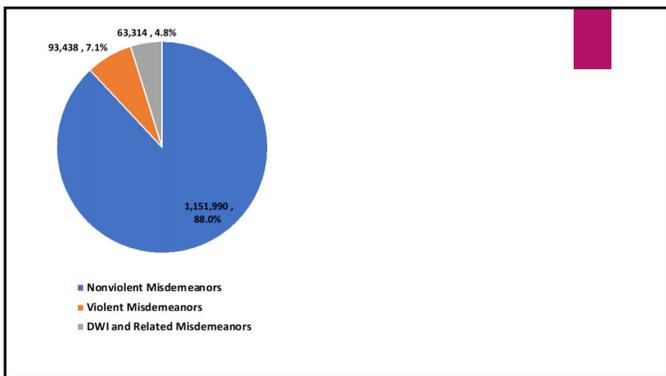
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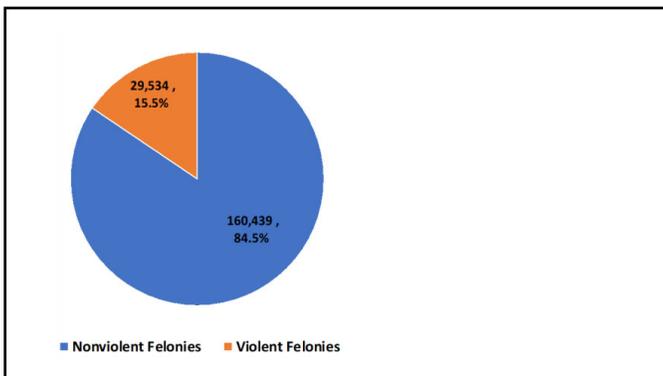


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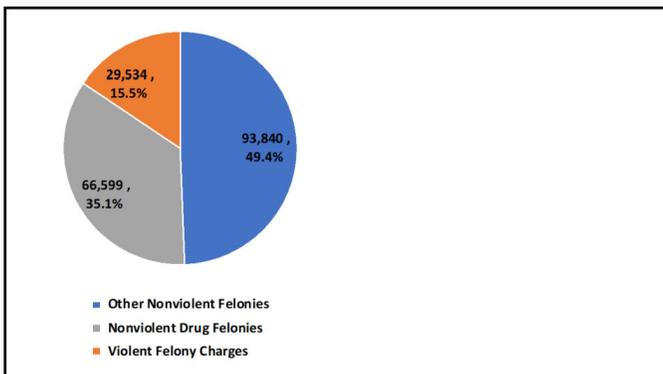
Non-DWI Misdemeanor Traffic Charge	Number
Speeding	272,845
DWLR non-impaired	139,364
Expired registration card/tag	110,124
No operator's license	93,932
Operating vehicle with no insurance	42,691
Reckless driving to endanger	34,174
Fictitious/alterd title/registration	33,564
Reckless driving - wanton 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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North Carolina Statewide & County-Level Criminal Charging Data in 2020
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 UNC School of Government Criminal Justice Innovation Lab
 February 2021

In this report and its accompanying spreadsheet ([here](#)), we provide detailed information about criminal charging in North Carolina in 2020. For felony offenses, we provide data at the state and county level on, among other things, the number and percent of nonviolent and violent felony charges, separating out drug charges. At the misdemeanor level, we parse the data into still more categories, including breakdowns for, among other things, impaired driving and related charges (DWI), non-DWI traffic charges, ordinance violation, other nonviolent misdemeanor charges, and violent misdemeanor charges. We also explore how criminal charging changed during the pandemic. There is a lot to unpack in the new spreadsheet. In this report, we present some of the top line results.

Statewide Data—All Charges
 Consistent with 2019 data, the vast bulk of 2020 criminal charging in North Carolina was for nonviolent misdemeanor offenses. In 2020, 1,498,715 criminal offenses were charged statewide. Of those charges,

Report here: <https://cjjl.sog.unc.edu/wp-content/uploads/sites/19452/2021/02/2020-Charging-Data-Report-2.25.2021.pdf>

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2020 Violent and Nonviolent Misdemeanor Charges										
Statewide	63,314	878,505	8,447	265,038	1,151,990	93,458	891	7.1%	0.6%	1,308,742
County	2020 Total DWI & Related Misdemeanor Charges	2020 Nonviolent, Non-DWI Related Traffic Misdemeanor Charges	2020 Nonviolent Ordinance Violation Misdemeanor Charges	2020 Other Nonviolent Misdemeanor Charges	2020 Total Nonviolent Misdemeanor Charges (excluding DWI & Related)	2020 Violent Misdemeanor Charges	2020 Violent Misdemeanors Per 100,000 Population	2020 Percentage Violent Misdemeanor Charges of all Misdemeanors	2019 - 2020 Change in Percentage of Violent Misdemeanors	2020 Total Misdemeanor Charges
Alamance	1,295	16,224	87	4,137	20,450	1,955	1,153	8.3%	0.0%	23,670
Alexander	164	1,636	4	932	2,572	318	848	10.4%	1.5%	3,054
Allegany	54	552	9	255	816	80	718	8.4%	0.7%	950
Ashe	186	5,117	8	753	5,878	463	2,894	7.1%	2.4%	6,527
Ashe	189	1,328	2	694	2,024	235	864	9.6%	0.3%	2,448
Avery	149	1,298	1	511	1,810	125	712	6.0%	-0.4%	2,078
Beaufort	444	3,383	17	1,617	2,019	444	949	5.0%	0.7%	7,909
Bertie	90	2,784	6	408	3,198	221	1,166	6.3%	0.7%	3,509
Bieden	300	4,146	10	778	4,934	290	886	5.2%	1.1%	5,324
Brunswick	1,065	8,668	18	4,275	12,961	1,444	1,011	9.3%	-0.3%	15,470
Buncombe	1,560	16,636	393	7,589	24,418	2,131	816	7.6%	1.3%	28,109
Burke	522	2,292	15	2,142	9,449	973	1,075	8.9%	2.0%	10,944
Cabarrus	1,488	16,190	110	3,968	30,248	1,054	487	3.2%	0.3%	32,900
Caldwell	403	7,768	45	2,448	10,261	1,085	1,320	9.2%	1.5%	11,749
Camden	101	1,134	3	208	1,345	55	322	2.4%	0.7%	1,481
Carteret	714	3,355	59	2,342	7,746	624	898	6.0%	0.0%	9,084
Caswell	132	2,102	2	241	2,345	129	571	5.0%	1.0%	2,606
Catawba	805	17,213	148	4,622	22,499	1,408	882	5.7%	0.2%	24,706
Chatham	419	6,597	35	1,438	8,470	685	920	7.2%	-1.1%	9,574
Cherokee	135	2,240	1	670	2,911	338	1,181	10.0%	0.8%	3,384
Chowan	80	349	7	282	2,038	130	861	9.7%	-2.0%	1,218
Clay	84	1,504	2	337	1,643	132	1,175	7.1%	0.8%	1,880

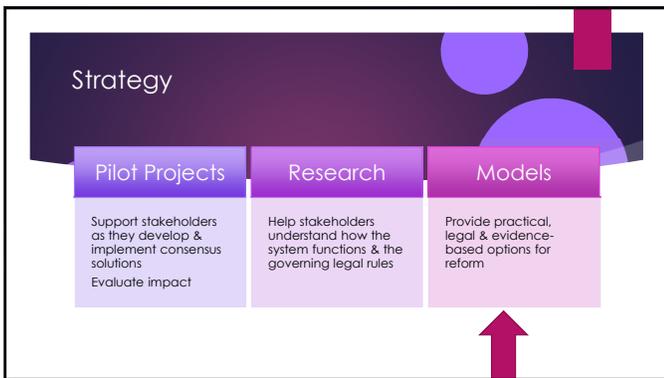
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Jail Data

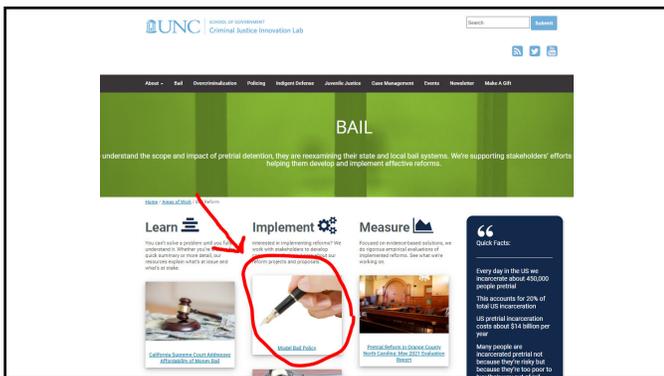
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Feedback from:

- 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-1368.6; G.S. 15A-1376. 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 EXTRADITION MANUAL 57 (3d ed. 2013). These defendants shall be committed to jail without conditions of release being set. *Id.* at 43.

As discussed in section VIII.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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We clarify the legal & evidence-based guardrails

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You make the policy decision



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