

MECKLENBURG COUNTY PRETRIAL RISK ASSESSMENT & PRAXIS

Instruction Manual



Prepared by Luminosity, Inc.

6/1/2010

MECKLENBURG COUNTY PRETRIAL RISK ASSESSMENT & PRAXIS

Instruction Manual

Table of Contents

| | |
|---|----|
| Introduction..... | 1 |
| Pretrial Risk Assessment Completion | 3 |
| Defendant and Case Information | 4 |
| Risk Assessment | 5 |
| Factors Considered | 5 |
| Risk Level | 10 |
| Additional Considerations | 11 |
| Recommendation | 12 |
| Conditions of Release | 14 |
| Additional Comments/Recommendation..... | 15 |
| Appendix A | 16 |
| Appendix B..... | 17 |
| Appendix C..... | 20 |

INTRODUCTION

Each time a person is arrested and accused of a crime a decision, known as a bail decision, must be made to determine if the defendant will be released back into the community or detained in jail awaiting trial. The bail decision is intended to balance the legal and constitutional rights afforded to accused persons awaiting trial with the need to protect the community, maintain the integrity of the judicial process, and assure court appearance. Pretrial services agencies perform critical functions related to the bail decision - they serve as providers of the information necessary for judicial officials to make the most appropriate bail decision and monitor and supervise defendants released with conditions pending trial. A pretrial risk assessment is intended to assist pretrial services in performing these critical functions.

The Mecklenburg County Pretrial Risk Assessment is a research-based objective tool that identifies the likelihood of failure to appear in court and the danger to the community posed by a defendant pending trial. The assessment is intended to identify (1) “low” risk defendants who can be safely released into the community with limited or no conditions pending trial; (2) “moderate” and “higher” risk defendants whose risk can be minimized by utilizing appropriate release conditions, community resources, and/or interventions upon release; and (3) the “highest” risk defendants, those for whom no condition or combination of conditions can reasonably assure the safety of the community or appearance in court, so they can be detained pending trial.

The assessment serves as the foundation for a recommendation regarding bail. Bail recommendations are guided by North Carolina General Statute §15A-534, pretrial services legal and evidence-based practices¹, and national standards² related to pretrial release. Pretrial services agencies are tasked with assisting judicial officials with identifying the least restrictive terms and conditions of bail that will reasonably assure a defendant will appear for court and not present a danger to the community during the pretrial stage.

Pretrial Services Legal and Evidence-Based Practices are interventions and practices that are consistent with the legal and constitutional rights afforded to accused persons awaiting trial and methods research have proven to be effective in reducing unnecessary detention while assuring court appearance and the safety of the community during the pretrial stage

¹ Marie VanNostrand, Ph.D. “*Legal and Evidence-Based Practices: Application of Legal Principles, Laws, and Research to the Field of Pretrial Services*” (National Institute of Corrections and Crime and Justice Institute, 2007).

² See (1) American Bar Association Standards for Criminal Justice *Standards on Pretrial Release, Third Edition* (2002); (2) National District Attorney’s Association *National Prosecution Standards, Second Edition* (1991) pp: 138-150; and (3) National Association of Pretrial Services Agencies *Standards on Pretrial Release, Third Edition* (2004).

MECKLENBURG COUNTY PRETRIAL RISK ASSESSMENT & PRAXIS

Considering the information above, Mecklenburg County developed a praxis to serve as a tool to aid pretrial services with developing bail recommendations and determining appropriate levels of case supervision. The praxis is a tool that puts theoretical knowledge and research into practice, provides guidance to pretrial services relating to the appropriate recommendation of term and conditions of bail, while considering the current charge and risk posed by the defendant, that are reasonably necessary to address the risk of pretrial failure. If pretrial supervision is appropriate, the praxis also provides guidance for the appropriate level of supervision (frequencies and types of contacts) also known as differential case supervision.



The risk assessment and praxis are used when (1) a defendant is referred to pretrial services by a judicial official without the benefit of a bond report and (2) during the bond report process. Instructions for the completion of the Mecklenburg County Pretrial Risk Assessment and utilization of the corresponding praxis are provided in this manual.

PRETRIAL RISK ASSESSMENT COMPLETION

When a defendant is referred to pretrial services by a judicial official without the benefit of a bond report, a risk assessment should be completed to assist in determining if the program will accept the defendant on supervision. Under this circumstance, complete the risk assessment (excluding the recommendation section) per the instructions below. If supervision is accepted, the praxis should be consulted to determine the appropriate level of supervision. All of the instructions below should be followed when conducting the bond report process.

The assessment examines a defendant's status at the time of arrest as it relates to the current charge(s), pending trial status, criminal history, residence, employment, and history of drug abuse. For this reason, the risk assessment is intended to be completed soon after arrest. Completing the risk assessment as soon as possible after the arrest increases the likelihood of capturing the most accurate information. Similarly, pretrial services staff must have completed a bond report which consists at a minimum of an interview with the defendant and a thorough criminal history check. Attempts to verify information contained in the risk assessment must be made and although verifications are strongly encouraged, they are not required for assessment completion.

The risk assessment is composed of three sections and related subsections as shown below (see Appendix A for an example of a completed risk assessment).

- ◆ Section I: Defendant and Case Information
- ◆ Section II: Recommendation
 - Conditions of Release
 - Additional Comments/Recommendation
- ◆ Section III: Risk Assessment
 - Factors Considered
 - Risk Level
 - Additional Considerations

The assessment report layout is designed to highlight the recommendation being made by pretrial services to the judicial official; therefore, the order of presentation is the Defendant and Case Information section, Recommendation section, and Risk Assessment section. To complete the assessment report, however, the Risk Assessment section is completed before the Recommendation section. For this reason, the instruction manual follows the order necessary to complete the instrument and not the order it appears on the assessment report.

Defendant and Case Information

Section I of the risk assessment provides the basic information about the defendant that is helpful for identification and case tracking purposes. None of the information in this section is used for the assessment of risk.

Complete the defendant and case information fields by following the instructions below.

Appearance Date – enter the date the bond report is due in court.

Case Number – enter the case number assigned to the current charge(s).

Completion Date – enter the date the risk assessment was completed.

Defendant Name – enter the full name of the defendant.

PID Number – enter the defendant’s Positive Identification Number.

Interviewer – enter the full name of the pretrial staff person completing the risk assessment.

Address – enter the defendant’s current address.

Race/Ethnicity – enter the defendant’s race/ethnicity (American Indian, Asian, Black, Hispanic, White, Other, or Unknown).

Sex – enter the defendant’s sex (Male, Female, or Unknown).

Date of Birth (DOB) – enter the defendant’s date of birth.

Court – enter the court jurisdiction (District Court or Superior Court).

Event – enter the court event type (First Appearance or Bond Hearing).

Charge(s) – enter the defendant’s charge(s) for the corresponding arrest event. The convention below is suggested for entering charges. A defendant charged with two counts of shoplifting and one count of possession of cocaine would be entered as shown below:

Misd. Shoplifting, 2cts; Felony Possession of Cocaine, 1ct

Risk Assessment

A summary of the risk assessment is provided in Section III. There are two sections where the results of the risk assessment are provided – *Factors Considered* and *Additional Considerations*. Full description of *Factors Considered* and *Additional Considerations* subsections are provided below.

Factors Considered

A defendant's risk level is calculated based on eight (8) factors. Guidance for selecting accurate responses to the factors is provided below.

1. **Charge Type** – Defendants charged with a felony offense are more likely to fail pending trial compared to defendants charged with a misdemeanor offense. The charge type for an Order for Arrest (OFA) for Failure to Appear (FTA) is determined based on the charge type of the underlying charge.

To respond to the factor *Charge Type*, enter the charge type and description of the most serious charge. Complete the sentence below:

The most serious charge is a [enter misdemeanor or felony] for [enter the charge description].

NOTE: If the most serious charge is a felony, place an * at the end of the sentence to indicate that this factor represents a risk for the defendant.

2. **Released Pending Trial** – Defendants that are on release status pending trial at the time of arrest are more likely to fail pending trial compared to defendants who were not on release pending trial. Released pending trial requires: 1) that the defendant was previously arrested/cited for one or more charges for jailable offenses that have not been “disposed of;” 2) was arrested for a new crime that was allegedly committed while released on bail pending trial; and 3) that a future court date has been set or that a warrant has been issued for failure to appear.

- ◆ The charges must be for jailable offenses in a criminal or traffic (not civil) court at the time of arrest.
- ◆ Exception: If the current arrest is solely for a failure to appear, the underlying charge related to the failure to appear does not constitute *Released Pending Trial*.
- ◆ The following scenarios DO NOT constitute the factor *Released Pending Trial*:

MECKLENBURG COUNTY PRETRIAL RISK ASSESSMENT & PRAXIS

- A defendant is arrested, remains incarcerated pending trial, and is served with new warrants; or
- A defendant is arrested, released pending trial, and is arrested for a charge with an alleged offense date that is prior to the first arrest.

If the defendant meets the criteria for the factor *Released Pending Trial*, enter the charges, release information, locality, and court. Complete the sentence below:

*The defendant was on release status pending trial at the time of arrest for [enter the charge description] on [enter the bond amount/type] from [enter the locality/court].**

NOTE: If the defendant was on release status pending trial at the time of arrest, place an * at the end of the sentence to indicate that this factor represents a risk for the defendant.

If the defendant was not on release pending trial at the time of arrest, use the sentence below:

The defendant was not on any release status pending trial at the time of arrest.

3. **Criminal History** – Defendants that have one or more adult criminal conviction(s) are more likely to fail pending trial compared to defendants who have no adult criminal convictions. Only convictions for a jailable offense constitute a criminal history. This includes misdemeanor convictions that may carry the possibility of a jail sentence. Criminal traffic offenses carrying a possible penalty of jail time, such as Driving While under the Influence (DWI), are counted.

To respond to the factor *Criminal History*, enter the number of criminal convictions as an adult. If the defendant has no criminal convictions as an adult enter “no.” Complete the sentence below:

The defendant has [enter the number of convictions] prior conviction(s) as an adult.

NOTE: If the defendant has one or more prior convictions as an adult, place an * at the end of the sentence to indicate that this factor represents a risk for the defendant.

4. **History of Failure to Appear** – Defendants that have two or more failures to appear in court are more likely to fail pending trial compared to defendants that have one or no failures to appear. This risk factor is defined as an arrest/citation for failure to appear, bail jumping, or an OFA that was a result of failing to appear. A failure to appear for a single court appearance is counted once regardless of the number of OFAs issued related to the one

MECKLENBURG COUNTY PRETRIAL RISK ASSESSMENT & PRAXIS

court appearance. An arrest for failure to appear is not counted if there is confirmation that the defendant was in custody (jail or prison) when the failure to appear occurred.

To respond to the factor *History of Failure to Appear*, enter the number of failures to appear. If the defendant has never failed to appear enter “no” for the number of FTAs. Complete the sentence below:

The defendant has [enter the number of FTAs] prior FTA(s).

NOTE: If the defendant has two or more prior FTAs, place an * at the end of the sentence to indicate that this factor represents a risk for the defendant.

5. **History of Violent Convictions** – Defendants that have two or more violent convictions are more likely to fail pending trial compared to defendants with one or no violent conviction. For the purposes of risk assessment, violent conviction is generally defined as any act that causes physical injury to another person. This includes most charges within the following categories found in North Carolina General Statute Chapter 14: Criminal Law: Homicide, Kidnapping and Abduction, Malicious Maiming, Burglary and Other Housebreakings, Robbery, Arson and Other Burnings, Assaults (Misdemeanor or Felony), and Rape and Sexual Offenses (see Appendix B for a complete list of violent charges).

A conviction for attempt or being an accessory before the fact to commit any of the offenses is counted. A conviction for conspiring or being an accessory after the fact to commit any of the offenses is not counted.

To respond to the factor *History of Violent Convictions*, enter the number of violent convictions. If the defendant has never been convicted of a violent offense, enter “no” for the number of violent convictions. Complete the sentence below:

The defendant has [enter the number of violent convictions] prior violent conviction(s).

NOTE: If the defendant has two or more prior violent convictions, place an * at the end of the sentence to indicate that this factor represents a risk for the defendant.

6. **Length at Current Residence** – Defendants that have lived at their current residence for less than one year are more likely to fail pending trial compared to defendants that have lived at their residence for more than one year. A residence is where the defendant currently lives and does not include non-residences such as a jail, prison, halfway house, hospital, or shelter.

If the defendant had a fixed residence at the time of the arrest, enter the length of time the defendant has lived at his or her current residence. Complete the sentence below:

MECKLENBURG COUNTY PRETRIAL RISK ASSESSMENT & PRAXIS

The defendant has lived at [his/her] current residence for [enter the length of time].

If the defendant is homeless or did not have a fixed residence at the time of the arrest complete the following sentences:

*The defendant did not have a fixed residence at the time of arrest.**

NOTE: If the defendant has lived at his/her current residence for less than one year, place an * at the end of the sentence to indicate that this factor represents a risk for the defendant.

7. **Employed, Primary Caregiver, Student, Retired, or Disabled** – Defendants that are not employed, a primary caregiver, student, retired, or disabled at the time of the arrest are more likely to fail pending trial compared to defendants that are employed, a primary caregiver, student, retired, or disabled. Employment includes part or full time as long as the defendant worked regularly and consistently for a minimum of 20 hours per week. A defendant is considered a primary caregiver if he or she is responsible for, and consistently cares for, at least one dependent child (under the age of 18) or disabled or elderly family member, living with the defendant at the time of the arrest. A defendant is considered a student if he or she is enrolled in high school or is attending college part or full-time. A defendant is considered retired if he or she is receiving retirement benefits or retirement savings. A defendant is considered disabled if he or she is receiving disability benefits.

To respond to the factor *Employed, Primary Caregiver, Student, Retired, or Disabled*, select the statement that best describes the defendant's status.

- ◆ If the defendant was employed at the time of the arrest, complete the following sentence:

At the time of the arrest, the defendant had been employed continuously for [enter the length of time] by [enter name of employer].

- ◆ If the defendant was a primary caregiver, complete the following sentence:

At the time of the arrest, the defendant was the primary caregiver for [enter the caregiver type].

- ◆ If the defendant was a student, complete the following sentence:

At the time of the arrest, the defendant was enrolled as a [enter part or full-time] student at [enter the name of the school or educational institution].

- ◆ If the defendant was retired, complete the following sentence:

MECKLENBURG COUNTY PRETRIAL RISK ASSESSMENT & PRAXIS

At the time of the arrest, the defendant had been retired for [enter the length of time].

- ◆ If the defendant was disabled and receiving disability benefits, complete the following sentence:

At the time of the arrest, the defendant was disabled and receiving disability benefits.

- ◆ If the defendant was not employed, a primary caregiver, student, retired, or disabled, complete the following sentence:

*At the time of the arrest, the defendant was not employed, a primary caregiver, student, retired, or disabled.**

NOTE: If the defendant was not employed, a primary caregiver, a student, retired, or disabled at the time of arrest place an * at the end of the sentence to indicate that this factor represents a risk for the defendant.

8. **History of Drug Abuse** – Defendants that have a history of drug abuse are more likely to fail pending trial compared to defendants that do not have a history of drug abuse. For the purposes of risk assessment drug abuse includes any illegal or prescription drugs and does not include alcohol. Consideration should be given to the information provided by the defendant, criminal history, information contained in supervision records, and any information provided by references regarding drug use (excluding alcohol).

Indications of a history of drug abuse include, but are not limited to, the following: 1) previously used illegal substance(s) repeatedly (this is to be distinguished from short-term experimental use); 2) defendant admits to previously abusing illegal or prescription drugs; 3) the criminal history contains drug related convictions; and 4) the defendant received drug treatment in the past.

Any one or a combination of the factors above can be used to determine whether or not the defendant has a history of drug abuse.

If the defendant has a history of drug abuse, enter the types of drugs that the defendant currently abuses or has abused in the past. Complete the following sentence:

*The defendant has a history of [enter the type(s) of drug(s)] abuse.**

NOTE: If the defendant has a history of drug abuse, place an * at the end of the sentence to indicate that this factor represents a risk for the defendant.

MECKLENBURG COUNTY PRETRIAL RISK ASSESSMENT & PRAXIS

If the defendant does not have a history of drug abuse, complete the following sentence:

The defendant does not have a history of drug abuse.

Risk Level

Calculating Risk Level is a simple mathematical procedure based on responses to eight (8) factors. First, the risk score is calculated. For each factor indicated, add the corresponding point value to the defendant's risk score. The point values are as follows:

| Factor | Point Value |
|---|-------------|
| Charge Type – the most serious charge is a felony | 1 point |
| Released Pending Trial – the defendant was on release status pending trial at the time of arrest | 1 point |
| Criminal History – adult criminal history includes at least one misdemeanor or felony conviction | 1 point |
| History of Failure to Appear – defendant has two or more FTAs | 2 points |
| History of Violent Convictions – defendant has two or more violent convictions | 1 point |
| Length at Current Residence – defendant has lived at his or her current residence for less than one year | 1 point |
| Employed, Primary Caregiver, Student, Retired, or Disabled – defendant was not employed, a primary caregiver, a student, retired, or disabled at the time of arrest | 1 point |
| History of Drug Abuse – the defendant has a history of drug abuse | 1 point |

Once the risk score is calculated convert it to a risk level using the table below:

| Risk Score | Risk Level |
|------------|---------------|
| 0 – 1 | Low |
| 2 | Below Average |
| 3 | Average |
| 4 | Above Average |
| 5 – 9 | High |

Indicate the appropriate risk level on the risk assessment by completing the following sentence:

The pretrial risk assessment identifies the defendant's risk level as [enter the risk level: low, below average, average, above average, or high].

Place this statement on the assessment following the Factors Considered.

Additional Considerations

There are common additional considerations that should be reported whenever they are applicable to a defendant. The common additional considerations and corresponding completion instructions are documented below.

1. **The defendant is known by law enforcement to be gang involved** – this additional consideration is applicable if the defendant has been identified through NC GangNet as known by law enforcement to be gang involved. GangNet is the database used across the state to track known gang members. This information can be accessed by Mecklenburg County Pretrial Services staff through KB-COPS Record Management System. KB-COPS is maintained by the Charlotte/Mecklenburg Police Department and contains information needed to identify a defendant as gang involved.

If a defendant is known by law enforcement to be gang involved, use the following sentence:

Per the GangNet database, law enforcement has identified the defendant as gang involved.

2. **The defendant has a hold** – this additional consideration is applicable if the defendant has a hold due to an outstanding warrant or a detainer.

If the defendant has a hold, complete the following sentence:

The defendant has a hold for [enter the type of hold] in [enter the locality/agency if known].

3. **The defendant is currently under active criminal justice supervision** – this additional consideration is applicable if the defendant was under active criminal justice supervision at the time of arrest including probation, post-release supervision, drug court, pretrial supervision or any other form of active criminal justice supervision. Active supervision does NOT include unsupervised probation, a term of good behavior, or release on bail without pretrial supervision.

If the defendant is currently under active criminal justice supervision, complete the following sentence:

The defendant is currently on [enter the supervision type] supervision for [enter the charge/offense] in [enter the locality if known].

4. ***The defendant is known by law enforcement to be a priority offender*** – this additional consideration is applicable if the defendant has been identified through KB-COPS Record Management System as known by law enforcement to be a priority offender.

If a defendant is known by law enforcement to be a priority offender, use the following sentence:

Per KB-COPS Record Management System, law enforcement has identified the defendant as a priority offender.

If there are additional mitigating factors or clarification is needed for any of the risk factors or additional considerations indicated above, narrative comments may be made in the *Additional Considerations* section of the risk assessment. Examples could include a defendant with a prior criminal history, but the conviction was over ten years ago for a non-violent misdemeanor. In this example, you may consider using the following sentence.

Although the defendant has a risk factor for criminal history, his conviction was over ten years ago for a non-violent offense and criminal history checks show that there has been no new criminal activity since.

Recommendation

Section II of the risk assessment provides a graphical representation of the recommendation in addition to a summary of recommended standard and non-standard conditions of release, and additional comments and details of the recommendation. Upon completing an investigation and risk assessment, pretrial staff will use the praxis to guide the recommendation. The praxis shall be utilized for all defendants with misdemeanor, traffic, or non-violent felony charges. The praxis does not apply to violent felony charges or probation violations. The Mecklenburg County Praxis was developed to provide guidance to pretrial services staff while making a bail recommendation (see Appendix C).

It is expected that pretrial services staff will follow the praxis. On rare occasions, deviation from the praxis may be considered. Deviation from the praxis may be considered only when there are extraordinary circumstances not accounted for in the risk assessment that leads staff to believe the praxis recommendation is insufficient to reasonably assure court appearance and the safety of the community. Documentation for deviating from the praxis must be provided in the *Additional Comments/Recommendation* section of the risk assessment. The following steps for using the praxis are provided below:

- ◆ When the most serious current charge is a non-violent felony, utilize grid 3.

MECKLENBURG COUNTY PRETRIAL RISK ASSESSMENT & PRAXIS

- ◆ When the most serious current charge is a misdemeanor that is assaultive or domestic violence related, utilize grid 2. This includes charges of communicating threats and stalking.
- ◆ When the most serious current charge is a misdemeanor that is non-assaultive or traffic, utilize grid 1.

NOTE: The praxis does not apply to violent felony charges or probation violations and are not included in any of the grids (see Appendix B for a list of violent charges).

The Recommendation section of the assessment contains six (6) options and includes the following:

1. Written promise to appear
2. Unsecured bond
3. Custody of designated person
4. Secured bond
5. Custody of designated organization
6. House arrest with electronic monitoring*

*Although §15A-534(a) provides this as a release option, Mecklenburg County does not provide this type of program.

Using the applicable grid on the praxis, one of the six options must be selected based on the defendant's risk level. The recommendation options are related to bond type. There are three bond types:

- ◆ **Non-secured:** includes written promise to appear, unsecured bond, and custody of designated person. Use this bond type when the praxis guides the recommendation to a non-financial form of release based on the defendant's level of risk. This bond type is the least restrictive option.
- ◆ **Secured bond or release to the custody of a designated organization supervision alternative:** means a secured bond with an alternative release option to the custody of a designated organization. Use this bond type when the praxis guides the recommendation to the release to the custody of an organization, i.e., release to Mecklenburg County Pretrial Services, based on the defendant's level of risk.
- ◆ **Secured bond:** means an appearance bond secured by one of the following: a cash deposit in the full amount, by mortgage, or at least one solvent surety. Use this option when the praxis guides the recommendation to financial conditions only, based on the defendant's level of risk.

MECKLENBURG COUNTY PRETRIAL RISK ASSESSMENT & PRAXIS

To select the recommendation option, shade the box with one of the above listed recommendation options.

A recommendation will include a bond amount range that is guided by the praxis based on the defendant's level of risk. In circumstances where the praxis guides the recommendation to include pretrial supervision, a corresponding level of supervision will be included. The levels of supervision include administrative, standard, and intensive. The contact requirements for each supervision level³ are as follows:

| Supervision Level | Description |
|-------------------|--|
| Administrative | Weekly automated phone reporting, post-court kiosk reporting, face-to-face office contact as needed |
| Standard | Post-release office conference and assessment (within 72 hours), monthly office contact with pretrial services case manager, weekly automated phone reporting, post-court kiosk reporting, monthly criminal history checks through the Automated Criminal Infractions System (ACIS), participate in a drug/alcohol testing and monitoring program, participate in a specified substance abuse assessment and any treatment recommended as a result of the assessment |
| Intensive | Post-release office conference and assessment (within 72 hours), weekly office contact with pretrial services case manager, weekly automated phone reporting, post-court kiosk reporting, monthly criminal history checks through the Automated Criminal Infractions System (ACIS), participate in a drug/alcohol testing and monitoring program, participate in a specified substance abuse assessment and any treatment recommended as a result of the assessment |

Conditions of Release

If a bond type option is recommended that includes *Pretrial Supervision*, indicate any of the following conditions that are needed to respond to the identified risk factors.

- ◆ Do not use alcohol
- ◆ Participate in a drug/alcohol testing and monitoring program
- ◆ Participate in a specified substance abuse assessment and any treatment recommended as a result of the assessment
- ◆ Do not illicitly use any controlled substance
- ◆ Continue to seek/maintain employment

³ Levels of supervision are designed to describe the types and frequencies of contact and activities with a defendant on pretrial supervision. For a complete description of the Mecklenburg County Pretrial Services program rules and regulations for defendants on supervision, see the standard operating procedures manual.

MECKLENBURG COUNTY PRETRIAL RISK ASSESSMENT & PRAXIS

- ◆ Continue or begin an education program
- ◆ Not possess a firearm or other dangerous weapon
- ◆ Not enter specified premises or areas
- ◆ Have no contact of any type with: (specify person or persons)
- ◆ Other: (specify non-standard condition or conditions)

Additional Comments/Recommendation

This section of the risk assessment provides an opportunity to describe the need to request additional conditions of release and to provide a summary of the recommendation. Making a recommendation summary consists of bond type, bond amount range, and supervision level.

Recommendations Based on the Praxis:

If the recommendation includes pretrial supervision, use the following example:

Consistent with the praxis, it is respectfully recommended that the defendant be released with a secured bond with an alternative release option of release to the custody of Mecklenburg County Pretrial Services in the bond amount range of [enter the bond amount range] with a supervision level of [enter supervision level administrative, standard, or intensive].

If the recommendation does not include pretrial supervision, use the following example:

Consistent with the praxis, it is respectfully recommended that the defendant receive a [enter recommendation type written promise to appear, unsecured bond, custody of designated person, or secured bond] in the bond amount range of [enter the bond amount range].

Recommendations not Based on the Praxis:

If the recommendation deviates from the praxis, use the following example:

As an exception to the praxis, it is respectfully recommended that the defendant receive a [enter recommendation type: written promise to appear, unsecured bond, custody of designated person, or secured bond] in the bond amount range of [enter the bond amount range]. Deviation from the praxis is for the following facts and circumstances: [enter a description for the reason(s) for deviating from the praxis].

APPENDIX A

Section I: Defendant & Case Information (The information in this section is not used for the assessment of risk)

Appearance Date: 03/19/2010 **Case Number:** 99999999 **Completion Date:** 03/19/2010
Defendant Name: Test, Pretrial Case **PID Number:** 99999 **Interviewer:** Arrest P. Analyst
Address: 1616 Fourth Street, Charlotte, NC 28202
Race/Ethnicity: Other **Sex:** Male **DOB:** 06/23/1976
Court: District Court **Event:** Bond Hearing
Charge(s): Misd. Shoplifting, 2 cts; Felony Possession of Cocaine, 1 ct.

Section II: Recommendation

| | | | | | |
|---------------------------|----------------|------------------------------|--------------|------------------------------------|---|
| | | | | | |
| Written Promise to Appear | Unsecured Bond | Custody of Designated Person | Secured Bond | Custody of Designated Organization | House Arrest with Electronic Monitoring |

Conditions of Release

- ◆ Do not illicitly use any controlled substance
- ◆ Participate in a drug/alcohol testing and monitoring program
- ◆ Continue to seek/maintain employment

Additional Comments/Recommendation

Consistent with the praxis, it is respectfully recommended that the defendant be released with a secured bond with an alternate release option to the custody of Pretrial Services in the bond amount range of \$5,000-\$25,000. The combination of the recommended conditions of release with pretrial supervision is intended to mitigate the risk concerns identified by the pretrial risk assessment.

Section III: Risk Assessment

Factors Considered (*Indicates a risk for this defendant)

1. The most serious charge is a felony for possession of cocaine*
2. The defendant was not on any release status pending trial at the time of arrest
3. The defendant has 2 prior convictions as an adult*
4. The defendant has no prior FTAs
5. The defendant has no prior violent convictions
6. The defendant has lived at his current residence for 5 years
7. The defendant was not employed, a primary caregiver, a student, retired, or disabled at the time of the arrest*
8. The defendant has a history of cocaine abuse*

The pretrial risk assessment identifies the defendant's risk level as above average.

Additional Considerations

- ◆ The defendant is currently on probation supervision for possession of cocaine in Mecklenburg County

APPENDIX B

General Statute 14 Violent Charge List-2010

| Statute | Description of Offense |
|--|--|
| Article 6: Homicide | |
| 14-17 | First-degree murder |
| 14-17 | Second-degree murder |
| 14-18 | Voluntary manslaughter |
| 14-18 | Involuntary manslaughter |
| 14-18.2(b) | Injuring pregnant women during the commission of a felony |
| 14-18.2 (c) | Injuring pregnant women during commission of misdemeanor that is act of domestic violence |
| Article 7A: Rape and Other Sex Offenses | |
| 14-27.2 | First-degree rape |
| 14-27.3 | Second-degree rape |
| 14.27-4 | First-degree sexual offense |
| 14-27.5 | Second-degree sexual offense |
| 14-27.7 | Sexual act by parental substitute with minor |
| 14-27.7 | Sexual act by custodian with victim of any age |
| 14-27.7A | Statutory rape or statutory sexual offense with person 13, 14, or 15 years old: when the defendant is at least 6 years older than person when the defendant is more than 4 but less than 6 years older than person |
| Article 8: Assaults | |
| 14-28 | Malicious castration |
| 14-29 | Castration or maiming |
| 14-30 | Malicious maiming |
| 14-30.1 | Malicious acid throwing |
| 14-30 | Malicious assault and battery in secret manner with deadly weapon and intent to kill |
| 14-32(a) | Assault with deadly weapon with intent to kill, inflicting serious injury |
| 14-32(c) | Assault with deadly weapon with intent to kill |
| 14-32.1(e) | Aggravated assault on handicapped person |
| 14-32.1(f) | Simple assault on handicapped person |
| 14-32.2(b)(1) | Patient abuse: intentional conduct resulting in death |
| 14-32.2(b)(3) | Patient abuse: conduct resulting in serious bodily injury |
| 14-32.3 | Domestic abuse, neglect, and exploitation of disabled or elder adults |
| 14-32.4 | Assault inflicting serious bodily injury |
| 14-33(a) | Simple assault, simple assault and battery, or simple affray |
| 14-33(b)(9) | Assault and battery on sports official |
| 14-33(c)(1) | Assault: inflicting serious injury with deadly weapon |
| 14-33(c)(2) | Assault on female |
| 14-33(c)(3) | Assault on child under 12 |
| 14-33(c)(4) | Assault on government official |

MECKLENBURG COUNTY PRETRIAL RISK ASSESSMENT & PRAXIS

| Statute | Description of Offense |
|--|---|
| 14-33(c)(5) | Assault on school bus personnel |
| 14-33.2 | Habitual misdemeanor assault |
| 14-34 | Assault by pointing a gun |
| 14-32.1 | Discharging or attempting to discharge firearm into occupied property |
| 14-34.2 | Assault with deadly weapon on governmental official or on company or campus police officer |
| 14-34.4(a) | Tampering with food, drugs, or cosmetics with intent to cause serious injury |
| 14-34.4(b) | Threatening to tamper with food, drugs, or cosmetics with intent to extort |
| 14-34.5(a) | Assault with firearm on law-enforcement, probation, or parole officer |
| 14-34.5(b) | Assault with firearm on detention facility employee |
| 14-34.6(a) | Assault on firefighter or emergency personnel |
| 14-34.6(b) | Assault on firefighter or emergency personnel - inflicts serious bodily injury or uses a deadly weapon other than a firearm |
| 14-34.6(c) | Assault with firearm on firefighter or emergency personnel |
| 14-34.7(a) | Assault inflicting serious bodily injury on law-enforcement, probation, or parole officer |
| 14-34.7 (b) | Assault inflicting serious bodily injury on detention facility employee |
| Article 10: Kidnapping and Abduction | |
| 14-39 | First-degree kidnapping |
| 14-39 | Second-degree kidnapping |
| 14-41 | Abduction of minor |
| 14-43.2 | Involuntary servitude |
| 14-43.3 | Felonious restraint |
| Article 14: Burglary and other Housebreakings | |
| 14-51, -52 | First-degree burglary |
| 14-51, -52 | Second-degree burglary |
| 14-53 | Breaking out of dwelling house |
| 14-54(a) | Breaking or entering building with intent to commit felony or larceny |
| 14-54(b) | Misdemeanor breaking or entering building |
| 14-55 | Preparation to commit burglary |
| 14-56 | Breaking or entering car, boat, airplane, etc., with intent to commit felony or larceny |
| 14-57 | Burglary with explosive |
| Article 15: Arson and Other Burnings | |
| 14-58 | First-degree arson |
| 14-58 | Second-degree arson |
| 14-59 | Burning public building |
| 14-60 | Burning educational institution |
| 14-61 | Burning bridges, certain buildings |
| 14-62 | Burning uninhabited dwellings, certain other buildings |
| 14-62.1 | Burning building in process of construction |
| 14-62.2 | Burning church, chapel, or meeting house |
| 14-63 | Burning boat or barge |

MECKLENBURG COUNTY PRETRIAL RISK ASSESSMENT & PRAXIS

| Statute | Description of Offense |
|----------------------------|---|
| 14-64 | Burning gin house or tobacco house |
| 14-65 | Burning dwelling house owned or occupied by defendant |
| 14-66 | Burning personal property |
| 14-67.1 | Burning building not otherwise covered by statute |
| 14-69.1 | Making false report of destructive device in any structure or vehicle |
| 14-69.2 | Perpetrating hoax by use of false bomb |
| Article 17: Robbery | |
| 14-87 | Armed robbery or attempted armed robbery |
| 14-87.1 | Common-law robbery |
| 14-88 | Train robbery |
| 14-89.1 | Safecracking or attempted safecracking |

APPENDIX C

MECKLENBURG COUNTY, NORTH CAROLINA PRAXIS

Grid 1

Misdemeanor Non-Assaultive and Traffic*

| Risk Levels | Bond Type | Bond Range | Pretrial Supervision |
|-------------------|---|---------------|----------------------|
| Low (0,1) | Non-secured | \$100-\$1,000 | Non-applicable |
| Below Average (2) | Non-secured | \$100-\$1,000 | Non-applicable |
| Average (3) | Non-secured | \$100-\$1,000 | Non-applicable |
| Above Average (4) | Secured Bond or Release to the Custody of a Designated Organization Supervision Alternative | \$500-\$2,500 | Administrative |
| High (5-9) | Secured Bond or Release to the Custody of a Designated Organization Supervision Alternative | \$500-\$2,500 | Intensive |

*If the alleged offense is alcohol related, defendant to be released to a sober adult or released when sober.

Grid 2

Misdemeanor Assaultive/Domestic Violence Related* (Including Charges of Communicating Threats and Stalking)

| Risk Levels | Bond Type | Bond Range | Pretrial Supervision |
|-------------------|---|-----------------|----------------------|
| Low (0,1) | Non-secured | \$1,000-\$2,500 | Non-applicable |
| Below Average (2) | Non-secured | \$1,000-\$2,500 | Non-applicable |
| Average (3) | Secured Bond or Release to the Custody of a Designated Organization Supervision Alternative | \$1,500-\$3,000 | Administrative |
| Above Average (4) | Secured Bond or Release to the Custody of a Designated Organization Supervision Alternative | \$2,500-\$5,000 | Standard |
| High (5-9) | Secured Bond or Release to the Custody of a Designated Organization Supervision Alternative | \$2,500-\$5,000 | Intensive |

*If domestic violence related the bond range is doubled.

Grid 3

Felony Non-Violent

| Risk Levels | Bond Type | Bond Range | Pretrial Supervision |
|-------------------|---|------------------|----------------------|
| Low (0,1) | Non-secured | \$2,500-\$10,000 | Non-applicable |
| Below Average (2) | Non-secured | \$2,500-\$10,000 | Non-applicable |
| Average (3) | Secured Bond or Release to the Custody of a Designated Organization Supervision Alternative | \$2,500-\$10,000 | Standard |
| Above Average (4) | Secured Bond or Release to the Custody of a Designated Organization Supervision Alternative | \$5,000-\$25,000 | Standard |
| High (5-9) | Secured Bond or Release to the Custody of a Designated Organization Supervision Alternative | \$5,000-\$25,000 | Intensive |

*The praxis does not apply to violent felony charges or probation violations and are not included in any of the grids.

Praxis Notes

1. Non-secured includes Written Promise to Appear, Unsecured Bond, and Custody of Designated Person [N.C.G.S. §15A-534(a)]
2. Secured Bond or Custody of a Designated Organization Supervision Alternative means that the judicial official has set a secured bond with an alternate release option to the Custody of a Designated Organization (Pretrial Services) as authorized by N.C.G.S. §15A-534(a)
3. Special conditions can be ordered for any charge and risk level
4. The praxis does not apply to violent felony charges or probation violations and are not included in any of the grids
5. If the charge is domestic violence related the bond range is doubled

Levels of Supervision

Administrative

- ◆ Weekly automated phone reporting
- ◆ Post-court kiosk reporting
- ◆ Face-to-face office contact as needed

Standard

- ◆ Post-release office conference & assessment (within 72 hours)
- ◆ Monthly office contact with pretrial services case manager
- ◆ Weekly automated phone reporting
- ◆ Post-court kiosk reporting
- ◆ Monthly criminal history checks through the Automated Criminal Infractions System (ACIS)
- ◆ Participate in a drug/alcohol testing and monitoring program
- ◆ Participate in a specified substance abuse assessment and any treatment recommended as a result of the assessment

Intensive

- ◆ Post-release office conference & assessment (within 72 hours)
- ◆ Weekly office contact with pretrial services case manager
- ◆ Weekly automated phone reporting
- ◆ Post-court kiosk reporting
- ◆ Monthly criminal history checks through the Automated Criminal Infractions System (ACIS)
- ◆ Participate in a drug/alcohol testing and monitoring program
- ◆ Participate in a specified substance abuse assessment and any treatment recommended as a result of the assessment