



MECKLENBURG COUNTY CRIMINAL JUSTICE SERVICES

A NATIONALLY ACCREDITED PRETRIAL SERVICES ORGANIZATION

SMART DETENTION, SAFE RELEASE, EFFECTIVE SUPERVISION

April 18, 2024





Criminal Justice Services



Business Management



Pretrial Services



Recovery Court



Re-Entry Services



Forensic Evaluations Unit



Research & Planning

**The Pretrial Decisions
Determine
Mostly Everything.**

Caleb Foote, 1956



Mecklenburg County: Then and Now

2008

- Proposal to build new jail for \$360,229,000
- Pretrial Average Daily Population: 1,953
- Projected bed capacity need for 2020: 5,111 beds



Inmates sleeping on the floor in an overcrowded direct supervision housing pod.



Questions we started to ask

- Who is in our jail?
- Why are they in our jail?
- Who are we releasing?
- Who are we supervising?
- What are our bond setting practices?





Where we were in 2009...

Charge	Percent given Secure Bond
Driving While License Revoked	99%
Driving While Impaired	95%
Paraphernalia	99%
Resisting Arrest	97%
Possession of Marijuana	98%



Research Overview

Case disposition

Detained defendants were significantly **more likely to be convicted** than similar defendants who were released pretrial.

Likelihood of a sentence to incarceration

Detained defendants were over four times (4X) **more likely to be sentenced to jail** and over three times (3X) **more likely to be sentenced to prison** than similar defendants who were released at some point pending trial.

Length of a sentence to incarceration

Sentences for detained defendants were also significantly longer: Jail sentences were **nearly three times (3X) as long**, and prison sentences were **more than twice (2X) as long**.



Research Overview

Public safety pretrial (short term)

As length of pretrial detention increased up to 30 days, recidivism rates for low and moderate-risk defendants also increased.

Low-risk defendants held 2-3 days were almost **40 percent more likely to commit new crimes** before trial than similar defendants held no more than 24 hours.

Public safety post-disposition (long-term recidivism)

Low-risk defendants held 8-14 days were **51 percent more likely to commit another crime** within two years after completion of their cases than similar defendants held no more than 24 hours.



Common Elements of Charge-Based Decision Making Processes

Factors that guide decision making:

- Local bail policy
- ~~Bond schedules~~
- Gut or intuition
- Charge
- Relevant factors per NCGS
- Status quo or culture





Rationale for Risk-Based Decision Making

- Protect public safety
- Promote objective decisions and reduce biases
- Use system resources wisely
- Uphold “least restrictive means” in state statute
- Preserve legal and constitutional rights afforded defendants





Role of Pretrial Services

Provide information to the court to assist them with the pretrial release decision

Measure Risk

Provide supervision services that promote public safety and court appearance

Manage Risk





Public Safety Assessment

- Developed by Arnold Ventures
- Largest and most comprehensive multi-jurisdictional dataset of pretrial information
- 1.5 million cases from approximately 300 different cities, counties, and federal jurisdictions
- Does not require face-to-face interview

PSA Risk Factors

Risk Factor	Pretrial Outcome		
	Failure to Appear (FTA)	New Criminal Activity (NCA)	New Violent Criminal Activity (NVCA)
1. Age at current arrest		✓	
2. Current violent offense			✓
2a. Current violent offense and 20 years old or younger			✓
3. Pending charge at the time of the offense	✓	✓	✓
4. Prior misdemeanor conviction		✓	
5. Prior felony conviction		✓	
5a. Prior conviction	✓		✓
6. Prior violent conviction		✓	✓
7. Prior failure to appear pretrial in past 2 years	✓	✓	
8. Prior failure to appear pretrial older than 2 years	✓		
9. Prior sentence to incarceration		✓	

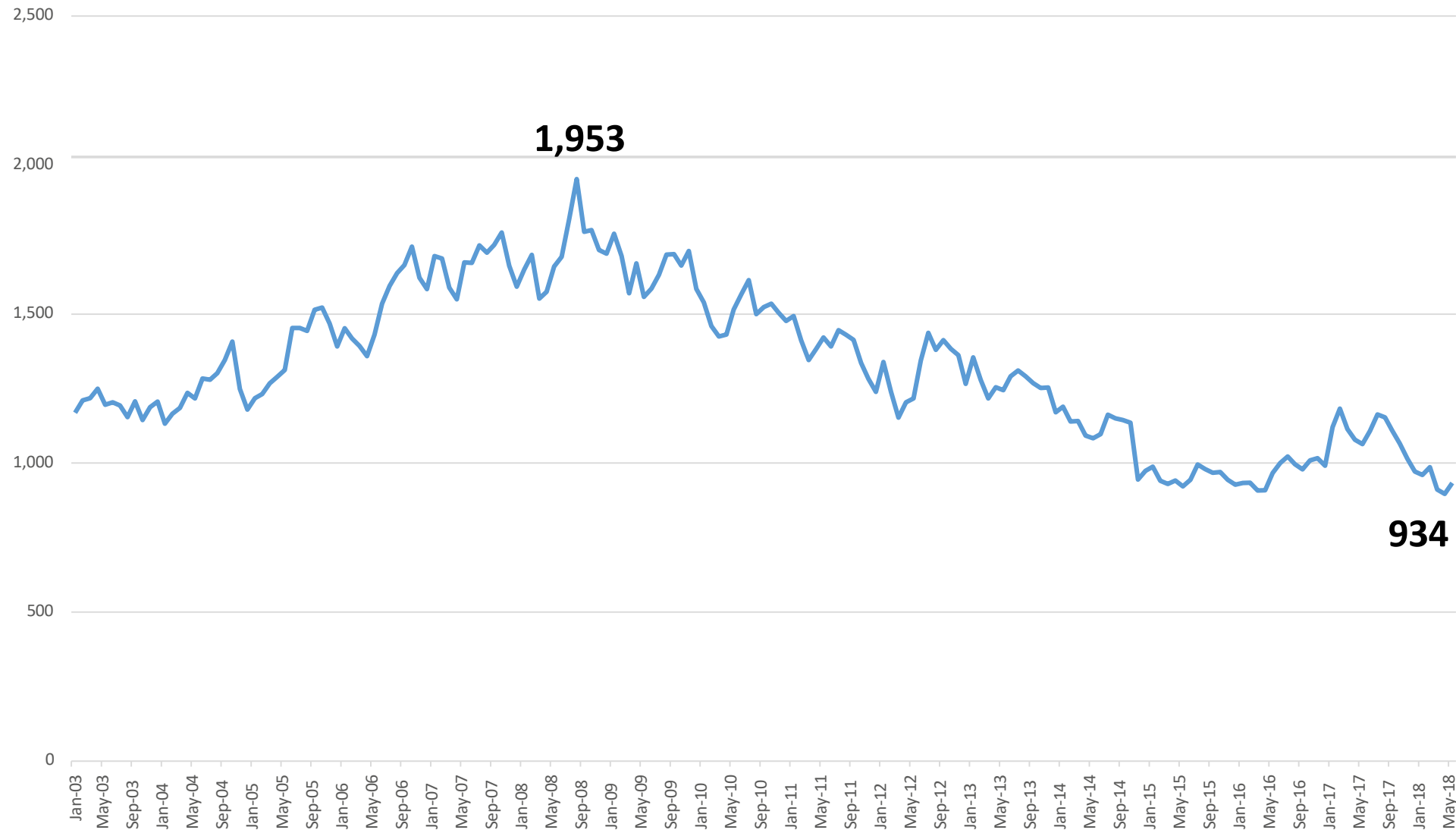
Release Decision-Making Matrix

New Criminal Activity (NCA) Score

		NCA 1	NCA 2	NCA 3	NCA 4	NCA 5	NCA 6
<i>Risk of Failure to Appear (FTA) Score</i>	FTA 1	WPA or UNSECURED	WPA or UNSECURED				
	FTA 2	WPA or UNSECURED	WPA or UNSECURED	UNSECURED or ADMINISTRATIVE CDPO	SECURED STANDARD / CDPO	SECURED/ INTENSIVE / CDPO	
	FTA 3		UNSECURED or ADMINISTRATIVE CDPO	SECURED STANDARD / CDPO	SECURED STANDARD / CDPO	SECURED/ INTENSIVE / CDPO	SECURED/DETAIN
	FTA 4		SECURED STANDARD / CDPO	SECURED STANDARD / CDPO	SECURED/ INTENSIVE / CDPO	SECURED/DETAIN	SECURED/DETAIN
	FTA 5		SECURED STANDARD / CDPO	SECURED INTENSIVE / CDPO	SECURED/ INTENSIVE / CDPO	SECURED/DETAIN	SECURED/DETAIN
	FTA 6				SECURED/DETAIN	SECURED/DETAIN	SECURED/DETAIN



Pretrial Average Daily Population January 2003 - May 2018

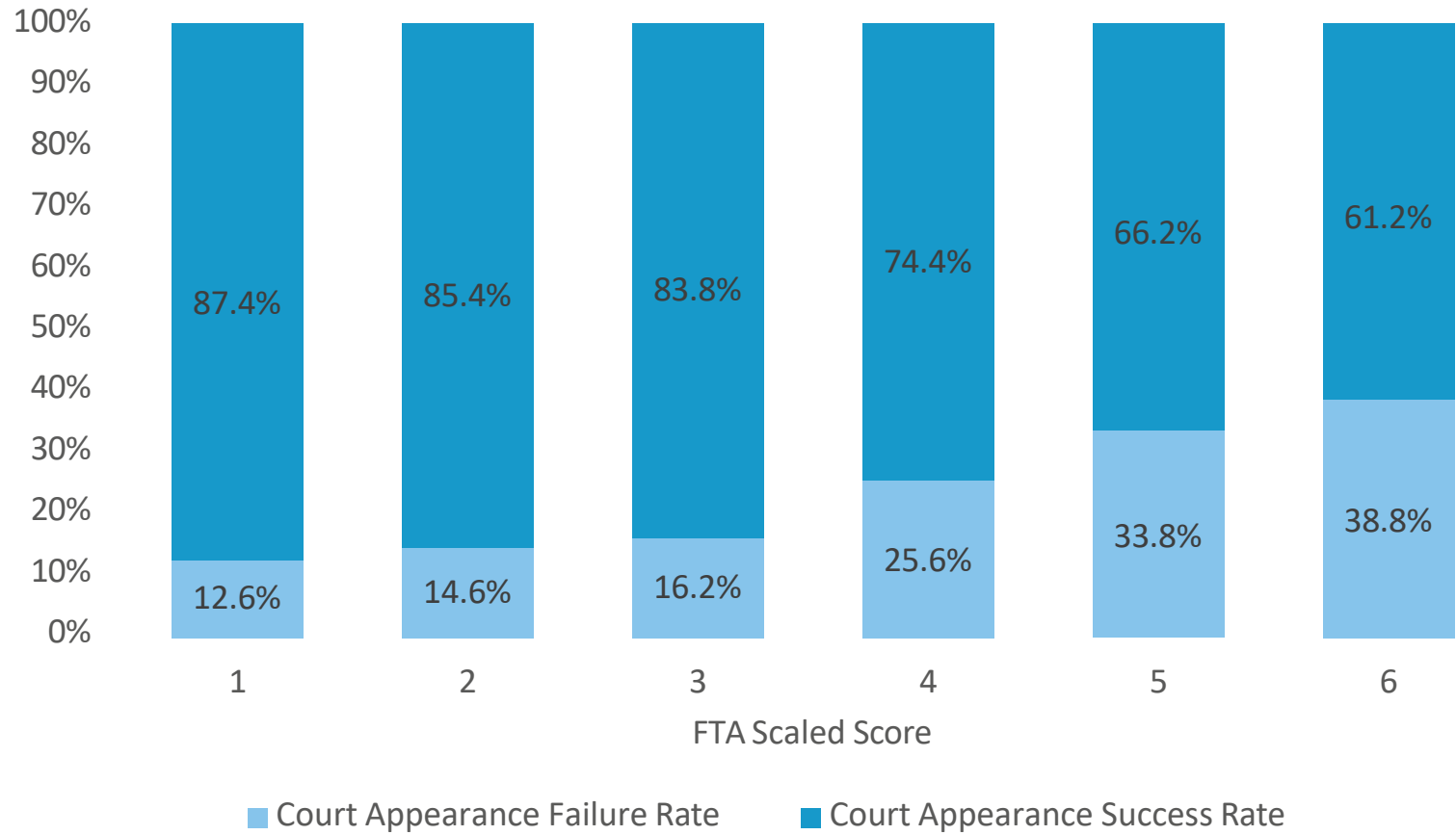




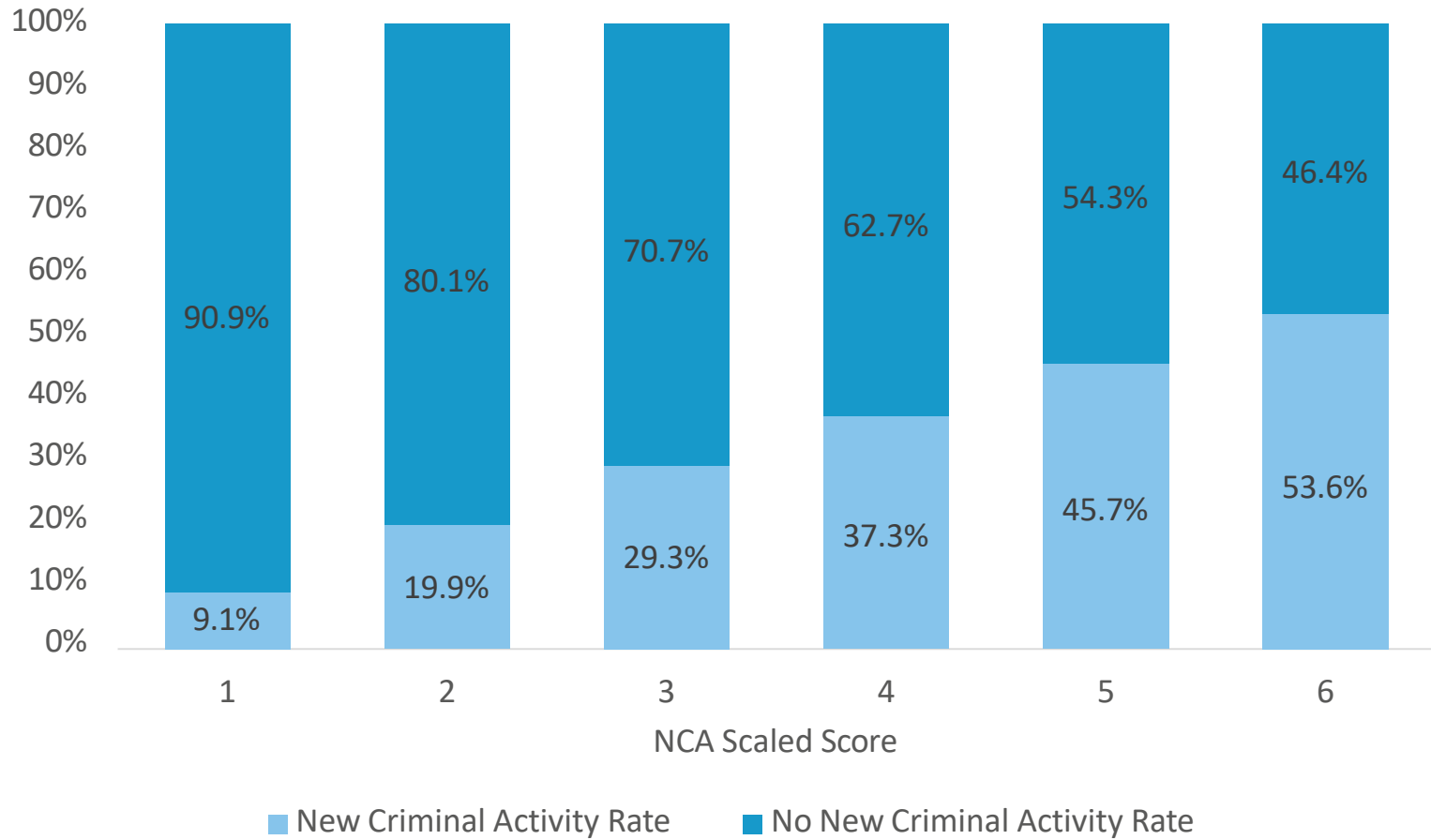
Mecklenburg PSA Validation and Assessment Study

- Conducted by Luminosity Solutions
- Supported by the Arnold Ventures
- Validation of the PSA
- Impact of PSA at Initial Appearance on:
 - Release Rates
 - Jail Population
 - Pretrial Outcomes

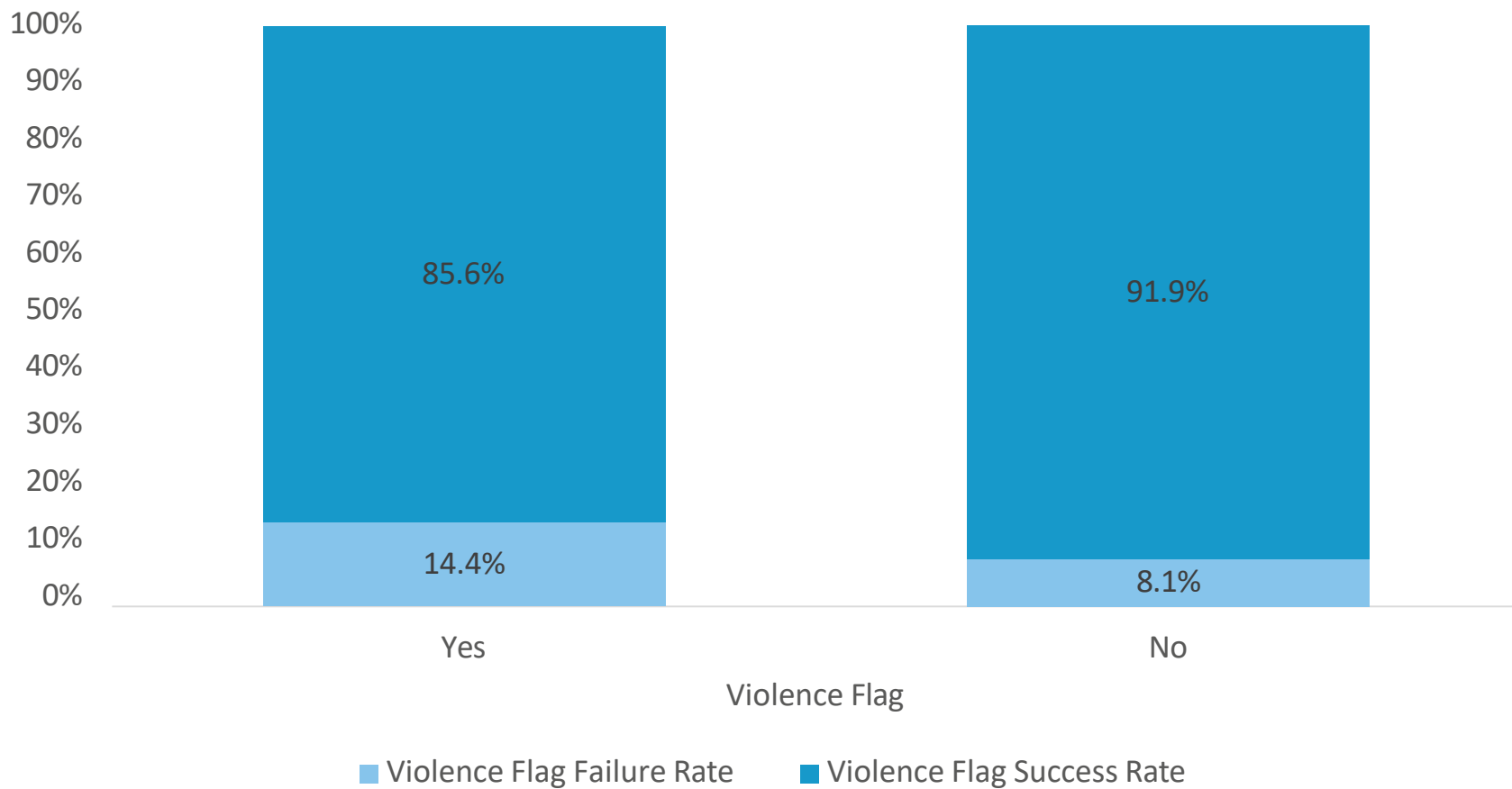
Mecklenburg PSA Validation Failure To Appear



Mecklenburg PSA Validation New Criminal Activity



Mecklenburg PSA Validation Violence Flag





Additional Key Findings of Local Effects

Evaluating the effects of the PSA in Mecklenburg County:

The PSA policy changes were associated with less use of financial bail and a higher rate of defendants being released on a written promise or unsecured bond.

Fewer cases resulted in guilty pleas and convictions.

PSA policy changes did not affect the percentage of defendants who made all their court appearances or who were not charged with a new crime while waiting for their cases to be resolved.

There was no evidence of racial disparity in the setting of release conditions and the PSA had no effect on racial disparities within the system.



Pretrial Supervision

Several guiding principles when assigning supervision:

- Defendants should be released with the least-restrictive conditions necessary to reasonably assure they will **appear for court** and not engage in **criminal activity**.
- The supervision level should be commensurate with the identified risk of pretrial failure.

Supervision Levels and Requirements

	Administrative	Standard	Intensive
Initial Office Visit	✓	✓	✓
Monthly Office Contact		✓	
Bi-weekly Office Contact			✓
Court Reminders	✓	✓	✓
Service Referral	✓	✓	✓
Monthly Criminal History Monitoring	✓	✓	✓
Drug Testing*	✓	✓	✓

Guiding Principles for Creating a Framework

People should be released with the least-restrictive conditions necessary to provide reasonable assurance of court appearance and law-abiding behavior.

Pretrial release levels should be commensurate with risk of pretrial failure.

Lower risk defendants should be released with minimal conditions, if any.

Higher risk defendants who are not detained should be released with conditions that mitigate their identified risk.

Any special conditions imposed should target a person's identified risk.

Decision Framework

Jurisdictions that develop intentional, legal and evidence-based guidelines:

- Improve chances of having a pretrial justice system that is more lawful, fair, and cost-effective.
- Maximize public safety, law-abiding behavior, and court appearance.
- Reserve expensive and limited detention space for persons who are least likely to succeed on pretrial release.

Release Conditions Matrix



Mecklenburg County Release Conditions Matrix						
New Criminal Activity Scaled Score						
Failure to Appear Scaled Score	1 (90.9% No New Criminal Activity)	2 (80.1% No New Criminal Activity)	3 (70.7% No New Criminal Activity)	4 (62.7% No New Criminal Activity)	5 (54.3% No New Criminal Activity)	6 (46.4% No New Criminal Activity)
1 (87.4% Appear for Court)	WPA or Unsecured	WPA or Unsecured				
2 (85.4% Appear for Court)	WPA or Unsecured	WPA or Unsecured	WPA or Unsecured	Administrative CDPO	Standard CDPO	
3 (83.8% Appear for Court)		WPA or Unsecured	WPA or Unsecured	Administrative CDPO	Standard CDPO	Standard or Intensive CDPO
4 (74.4% Appear for Court)		WPA or Unsecured	Unsecured or Administrative CDPO	Administrative or Standard CDPO	Standard CDPO	Intensive CDPO
5 (66.2% Appear for Court)		WPA or Unsecured	Unsecured or Administrative CDPO	Administrative or Standard CDPO	Standard or Intensive CDPO	Intensive CDPO
6 (61.2% Appear for Court)				Standard CDPO	Standard or Intensive CDPO	Intensive CDPO

WPA-Written Promise to Appear; CDPO- Place in the Custody of Designated Person or Organization

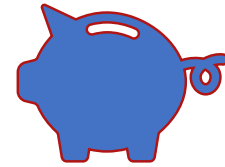
Financial Implications

Daily detention cost in Mecklenburg County

\$150.26 per inmate

Pretrial Services supervision is a more cost-effective option

Average daily cost is approximately \$3.08 per defendant

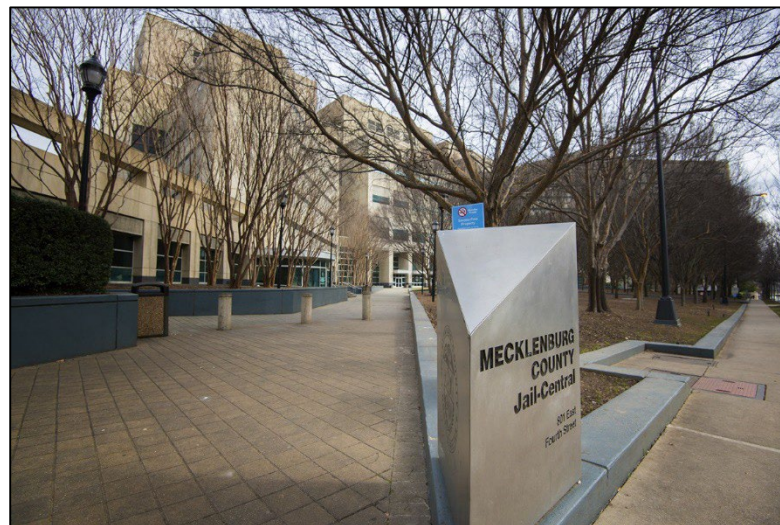




Mecklenburg County: Then and Now

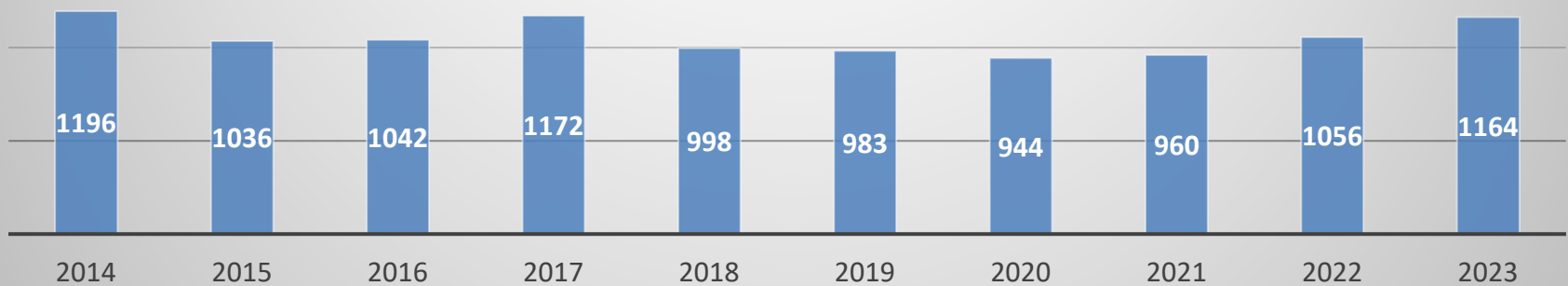
2024

- No new jail
- 2015 closure of the Work Release Center
- 2016 consolidation of adult jail population to Jail Central with bed capacity of 1,904
- 2019 revised Local Bail Policy
- 2019 created the Jail Population Coordinator position
- 2021 creation of data dashboards



MECKLENBURG COUNTY AVERAGE DAILY JAIL POPULATION

**Mecklenburg County Local Average Daily Jail Population
by Year
Calendar Years 2014-2023**



Note that the jail population includes locally sentenced individuals, i.e., "Sentenced to the Sheriff".

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