

19R235

BAIL POLICY FOR TWENTY-SIXTH JUDICIAL DISTRICT

I. Authority

Pursuant to North Carolina General Statute §15A-535, the undersigned Senior Resident Superior Court Judge, in consultation with the Chief District Court Judge, orders the recommended policies contained herein to be followed within this District in determining whether, and upon what conditions, a defendant may be released before trial. It is the intent of the Superior Court to review the policy on a biennial basis and update the policy whenever necessary.

II. General Policy on Pretrial Release Decisions

The purpose of the pretrial release decision includes providing due process to those accused of a crime, maintaining the integrity of the judicial process by securing defendants for trial; protecting victims, witnesses, and the community from threat, danger, or interference; and minimizing the unnecessary use of secure detention. Under the Eighth Amendment to the Constitution of the United States and Article I Section 27 of the Constitution of North Carolina excessive bail shall not be required. Accused persons, known as defendants, are presumed innocent unless proven guilty. As such, there is a presumption of release on the least restrictive terms and conditions reasonably necessary to assure the appearance of the person as required and the safety of the community with an emphasis on non-monetary conditions of release.

The judicial official granting pretrial release, pursuant to §15A-534(b), must release the defendant on his or her written promise to appear, upon his or her execution of an unsecured appearance bond, or place the defendant in the custody of a designated person or organization agreeing to supervise him or her unless the judicial official determines that such release will not reasonably assure the appearance of the defendant as required; will pose a danger of injury to any person; or is likely to result in destruction of evidence, subornation of perjury, or intimidation of potential witnesses.

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III. Persons Authorized to Determine Pretrial Release

Pursuant to §15A-532, any judicial official including a magistrate, clerk, judge, or justice is authorized to determine conditions of release unless:

- A. The person is charged with a capital offense, in which case, pursuant to §15A-533(c) a judge may determine in his or her discretion whether a defendant charged with a capital offense may be released before trial; and
- B. The person is charged with a crime of domestic violence, in which case, pursuant to §15A-534.1 the judicial official who determines the conditions of pretrial release shall be a judge unless the defendant has been retained in custody for 48 hours from the time of arrest without a determination being made by a judge. If a judge has not acted within 48 hours of arrest, the magistrate must determine pretrial release.

IV. Conditions of Pretrial Release

- A. Pursuant to §15A-534(a), a judicial official must impose at least one of the following conditions:
 - 1. Release the defendant on his or her written promise to appear;
 - 2. Release the defendant upon his or her execution of an unsecured appearance bond in an amount specified by the judicial official;
 - 3. Place the defendant in the custody of a designated person or organization agreeing to supervise him or her;
 - 4. Require the execution of an appearance bond in a specified amount secured by a cash deposit of the full amount of the bond, by a mortgage pursuant to G.S. 58-74-5, or by at least one solvent surety; and
 - 5. Require house arrest with electronic monitoring with the execution of a secured appearance bond under subdivision 4 above.
- B. Pursuant to §15A-534(b), the judicial official granting pretrial release must impose condition (1), (2), or (3) above unless the judicial official determines that such release will not reasonably assure the appearance of the defendant as required; will pose a danger of injury to any person; or is likely to result in destruction of evidence,

subornation of perjury, or intimidation of potential witnesses.

- C. When a judicial official grants pretrial release, Mecklenburg County's Release Conditions Matrix (Matrix) provides a guide to setting release conditions consistent with the statutory presumption of release with conditions (1), (2), or (3). See Attachment A.
- D. In the event that a magistrate determines that imposing condition (4) or (5) is necessary per the statute, the magistrate must record the reasons for so doing in writing on the AOC-CR-200 form. See Attachment D for a list of codes to use.
- E. In conjunction with this new bail policy, Mecklenburg County criminal justice stakeholders anticipate developing a systematic bond review process for cases in superior and district court.
- F. The presumptive bond type for a Misdemeanor Class III, Misdemeanor Class II, Infractions, and Ordinances is a written promise to appear or unsecured bond. A list of Misdemeanor III and Misdemeanor II charges is contained in Attachment B.
- G. Only a judge may determine in his or her discretion whether a defendant charged with a capital offense may be released before trial, per §I 5A-533(c). If the judge determines release is warranted, the judge must authorize release in accordance with Section IV (A).
- H. If condition (3) is imposed by the judicial official, the defendant may elect to execute a secured bond under subdivision (4) as an alternative to custody release.
- I. In addition to imposing at least one of the five conditions of release above, the judicial official may also place restrictions on the travel, associations, conduct, or place of abode of the defendant as conditions of pretrial release.
- J. When placing conditions of pretrial release on a defendant who has failed to appear on charges, the judicial official shall, pursuant to §15A-534(d1), impose the conditions recommended on the order for arrest issued for that failure to appear. If no conditions are recommended in that order for arrest, the judicial official shall set a secured bond in the amount of at least double the amount of the most recent secured or unsecured bond on the charges. If no bond has yet been required on the charges, a secured bond should be set at a minimum of \$1,000.

- 1. A judge at the First Appearance or Bond Review Hearing may authorize release to

Pretrial Services for a defendant who has failed to appear on charges, per Section VI (A) (1).

- K. There shall be a presumption that any person who is arrested for an offense classified as a Class 3 Misdemeanor who has fewer than four prior convictions and is brought before the magistrate for Initial Appearance pursuant to N.C.G.S. §15A-511 or before a district court judge for First Appearance pursuant to N.C.G.S. §15A-601 will be released on one of the following conditions:
 - 1. Release on the defendant's written promise to appear;
 - 2. Release the defendant upon execution of an unsecured appearance bond in an amount specified by the judicial official; or
 - 3. Place the defendant in the custody of a designated person or organization agreeing to supervise him or her.
- L. There shall be a presumption that no order for arrest shall issue for any person who has failed to appear at the first trial setting on a charge classified as a Class 3 Misdemeanor who has fewer than four prior convictions. The matter will be reset for hearing and notice of the new court date will be sent to the defendant.

V. Pretrial Release Conditions

Pursuant to §15A-534(c), when determining which conditions of release to impose, the judicial official must, on the basis of available information, take into account the following before setting the terms of pretrial release:

- A. The nature and circumstances of the offense charged;
- B. The weight of the evidence against the defendant;
- C. The defendant's family ties, employment, financial resources, character, and mental condition;
- D. Whether the defendant is intoxicated to such a degree that he or she would be endangered by being released without supervision;
- E. The defendant's length of residence in the community;
- F. The defendant's record of convictions;

- G. The defendant's history of flight to avoid prosecution or failure to appear at court hearings; and
- H. Any other evidence relevant to the issue of pretrial release.

Consistent with §15A-534(c), the judicial official should also take into consideration any of the following circumstances regarding the defendant:

- I. Protect public health/ known communicable disease;
- J. Pending charges in court at the time of the alleged offense including compliance with current pretrial release conditions;
- K. History of substance abuse;
- L. Outstanding warrants, holds, or detainers; and
- M. Domestic violence lethality indicators

VI. Services Provided by Mecklenburg County Pretrial Services

Mecklenburg County Pretrial Services completes an individualized assessment of risk on defendants and provides this information to judicial officials to aid in making the pretrial release decision. They also provide supervision and services to defendants when ordered as a condition of pretrial release.

- A. Pretrial Services shall complete an objective and research based risk assessment for all eligible defendants and provide the results to the Court, Assistant District Attorney, and Defense Counsel at First Appearance Hearings and, when necessary, Bond Review Hearings. The pretrial risk assessment shall include a local, state and national criminal history review and an objective assessment of risk. The pretrial risk assessment is used to identify the likelihood a defendant will fail to appear and will commit new criminal activity, including new violent criminal activity during the pretrial stage.
 - 1. Mecklenburg County's Release Conditions Matrix (Matrix) provides a guide for setting release conditions consistent with the statutory presumption of release with conditions (1), (2), or (3) pursuant to §15A-534. See Attachment A. The Release Conditions Matrix is a tool developed by representatives of the local criminal justice

system that considers the constitutional and statutory presumption of release on least restrictive terms and conditions and the risk of the defendant to guide release condition decisions.

- B. Pretrial Services provides pretrial supervision and services to defendants pending trial when authorized by a judicial official as a condition of pretrial release if the program accepts supervision of the defendant and the defendant consents, in writing, to be supervised. Pretrial Services provides differential case supervision including levels of supervision with varying types and frequencies of supervision contacts. The supervision and services provided to individual defendants shall be guided by the Release Conditions Matrix.

VII. Custody Release to Mecklenburg County Pretrial Services

- A. The judicial official may authorize the custody release of a defendant to Mecklenburg County Pretrial Services per Section IV (A) (3) above - *place the defendant in the custody of a designated person or organization agreeing to supervise him or her.*
 - 1. If the magistrate chooses to authorize the custody release to Mecklenburg County Pretrial Services at the Initial Appearance, the magistrate shall set a secured bond and authorize an alternate release to Pretrial Services by documenting on the AOC-CR-200 form or any other judicially approved form "alternate release to Pretrial Services if accepted and agreed to per §15A-535(b)."
 - 2. If the judge chooses to authorize the custody release to Pretrial Services at the First Appearance or Bond Review Hearing, the judge shall set a secured bond and authorize an alternate release to Pretrial Services by documenting on the AOC-CR-200 form or any other judicially approved form "alternative release to pretrial services if accepted and agreed to per §15A-535(b)."
- B. Pursuant to §15A-535(b), the defendant can only be released to the custody of Pretrial Services if the program accepts supervision of the defendant and the defendant consents, in writing, to be supervised. Attachment C contains the exclusionary criteria for Pretrial Services. If Pretrial Services accepts the defendant and the defendant consents, a Pretrial Services agreement will be signed by both parties, attached to the release order and made part of the official court record, and the defendant released to the custody of Pretrial Services. If Pretrial Services does not accept the defendant or the defendant does not

consent, the defendant will be held until/if the secured bond is met or the conditions of release are modified by an authorized judicial official.

VIII. Electronic Monitoring by the Charlotte-Mecklenburg Police Department as a Condition of Release

- A. The Charlotte-Mecklenburg Police Department (CMPD) operates an electronic monitoring program for defendants they deem to be high risks to community safety. If the CMPD submits a written request to supervise a defendant on the electronic monitoring program as a condition of pretrial release, the judicial official may, in their sole discretion, impose a secured bond per §15A-534(a)(4) and order electronic monitoring by CMPD as a condition of pretrial release. Electronic Monitoring is only a condition of release if CMPD agrees to supervise the defendant. If the court requires electronic monitoring as a condition of release the court may also list an alternative condition of release in the event that CMPD does not agree to supervise the defendant. The CMPD electronic monitoring program is not electronic house arrest as described in Section IV (A) (5).
- B. A judge at the First Appearance or Bond Review Hearing, acting in accordance with Section VI (A) (1) and Section VII (A), may authorize Pretrial Services and CMPD to dually supervise a defendant.

IX. Order for Release.

Pursuant to §15A-534(d), the judicial official authorizing pretrial release must issue an appropriate order containing a statement of the conditions imposed, if any; inform the defendant in writing of the penalties applicable to violations of the conditions of his or her release; and advise him or her that his or her arrest will be ordered immediately upon any violation. The order of release must be filed with the clerk and a copy given to the defendant.

X. Modification of Order for Release

- A. Pursuant to §15A-534(e), a magistrate or a clerk may modify any pretrial release order at any time prior to the first appearance before the District Court Judge. At or after such first appearance, except when the conditions of pretrial release have been reviewed by the Superior Court pursuant to §15A-539, a District Court Judge may modify a pretrial release order of the magistrate or clerk or any pretrial release order entered by him or

her at any time prior to:

1. In a misdemeanor case tried in the District Court, the noting of an appeal; and
 2. In a case in the original trial jurisdiction of the Superior Court, the binding of the defendant over to Superior Court after the holding, or waiver, of a probable cause hearing.
- B. After a case is before the Superior Court, a Superior Court Judge may modify the pretrial release order of a magistrate, clerk, or District Court Judge, or any such order entered by him or her, at any time prior to the time set out in §15A-536(a).

XI. Appeal of Pretrial Release Order

- A. Pursuant to §15A-538, a person who is detained or objects to the conditions required for his or her release which were imposed or allowed to stand by order of a District Court Judge may apply in writing to a Superior Court Judge to modify the order. The power to modify an order includes the power to substitute sureties upon any bond. Substitution or addition of acceptable sureties may be made at the request of any obligor on a bond or, in the interests of justice, at the request of a prosecutor.
- B. Pursuant to §15A-539, a prosecutor may at any time apply to an appropriate District Court Judge or Superior Court Judge for modification or revocation of an order of release.

XII. Revocation of Pretrial Release

- A. Pursuant to §15A-534(f), for good cause shown any judge may at any time revoke an order of pretrial release. Upon application of any defendant whose order of pretrial release has been revoked, the judge must set new conditions of pretrial release.
- B. If Pretrial Services determines that a defendant has violated the conditions of release they shall use the Response to Compliance and Non-Compliance Protocol (see Pretrial Services' Directives) and submit a Notice of Non-Compliance to the Court of jurisdiction. This Notice shall be made part of the court file. The judicial official shall review the non-compliance and determine if action is necessary. If the judicial official determines that the defendant presents a risk of flight and/or danger to the community, the judicial official shall request Pretrial Services staff to submit an OFA to bring the defendant back to custody or submit the appropriate paperwork to the jail if the defendant is in custody. The Pretrial Services Program reserves the right to directly

request a revocation in extenuating circumstances.

1. When the case is under the jurisdiction of the District Court and it is during normal Court business hours:
 - a) If the Court is in session, staff shall submit a Notice of Non-Compliance to the Assistant District Attorney in courtroom 1150.
 - b) If the Court is not in session, the request shall be made in the following order, depending upon the availability of the judge: the judge regularly scheduled to preside in Courtroom 1150, the Lead Criminal Judge, or the Chief District Court Judge.
 2. When the case is under the jurisdiction of the Superior Court and it is during normal Court business hours:
 - a) If the Court is in session, staff shall submit a Notice of Non-Compliance to the Assistant District Attorney in courtroom 5310 or 5350.
 - b) If the Court is not in session, staff shall submit a Notice of Non-Compliance directly to a Superior Court Judge.
 3. If the Courts are closed, staff shall submit a Notice of Non-Compliance to the Magistrate.
 - a) Pursuant to §15A-305.B.5, an order for arrest may be issued by a justice, judge, clerk, or magistrate when, in any criminal proceeding in which the defendant has become subject to the jurisdiction of the court, it becomes necessary to take the defendant into custody. A magistrate may only issue an OFA if the magistrate determines it is necessary to take the defendant into custody, specifically, that the defendant has violated the conditions of pretrial release AND presents a danger to the community or risk of flight.
 4. Any motion to strike an OFA due to Pretrial Services revocation will be handled in a manner described in the local rules of criminal procedure. The judge may consider the Notice of Non-Compliance in the court record.
- C. If CMPD determines that a defendant has violated the electronic monitoring condition of release, CMPD shall follow the provisions in §15A-401(b)(2)(f).

XIII. Justification of Bonds by Clerk

When an appearance bond is ordered to be secured by mortgage, or by a surety who is not an individual or a corporation licensed as a bail bondsman in Mecklenburg County, the bond shall be justified before the clerk. The clerk may require any individual surety to secure his or her obligation by the execution of a mortgage or deed of trust.

XIV. False Qualification by Surety

Pursuant to §15A-542, no person may sign an appearance bond as surety, knowing or having reason to know, that he or she does not own sufficient property over and above the exemption allowed by law, to enable him or her to pay the bond should it be ordered forfeited.

XV. Professional Bond Agents

No judicial official shall in any way or manner recommend the services of any particular bond agent to a defendant. If a defendant indicates to a judicial official that he or she wishes to secure the services of a professional bond agent, the judicial official shall furnish him or her the names and telephone numbers of those persons, firms, or corporations licensed to conduct such business in Mecklenburg County, and shall permit the defendant to call such of them as he or she may desire. No judicial official shall permit the bond agent, or agent or employee of a bond agent to loiter in or about his or her office.

XVI. Persons Prohibited from Becoming Surety

Pursuant to §15A-541(a), no sheriff, deputy sheriff, other law enforcement officer, judicial official, attorney, parole officer, probation officer, jailer, assistant jailer, employee of the General Court of Justice, other public employee assigned to duties relating to the administration of criminal justice, or spouse of any such person may in any case become surety on a bail bond for any person other than a member of his or her immediate family. No such person may act as agent for any bonding company or professional bondsman, or have any interest, directly or indirectly, in the financial affairs of any firm or corporation whose principal business is acting as bondsman.

XVII. Surrender of Principal by Surety

A surety may surrender his or her principal to the Sheriff, and may arrest the principal for this purpose. Upon surrender, the Sheriff shall provide a receipt to the surety, a copy of which shall be filed with the Clerk. Upon application of the surety, the Clerk must then

exonerate the surety from his or her bond. Any principal surrendered by the surety is entitled to an immediate hearing as to whether he or she will again be released.

XVIII. Continuing Effect of Bail Bond

Pursuant to §15A-534(h), any bail bond posted is effective and binding upon the obligors throughout all stages of the proceeding in the trial division of the General Court of Justice until the entry of judgment in the District Court from which no appeal is taken or the entry of judgment in Superior Court. The obligation of the obligor may be terminated, however, at an earlier time under the conditions set out in §15A-534(h).

XIX. Forfeiture of Bonds

If a principal does not comply with the conditions of a bail bond, the court having jurisdiction shall enter an order declaring the bail to be forfeited. The procedure for forfeiture contained in §15A-544 shall then be complied with.

XX. Effective Date

This order shall be effective on and after March 1, 2019. This the 23 day of January, 2019.

Handwritten signature of W. Robert Bell in black ink, consisting of a stylized 'W' followed by 'Robert Bell'.

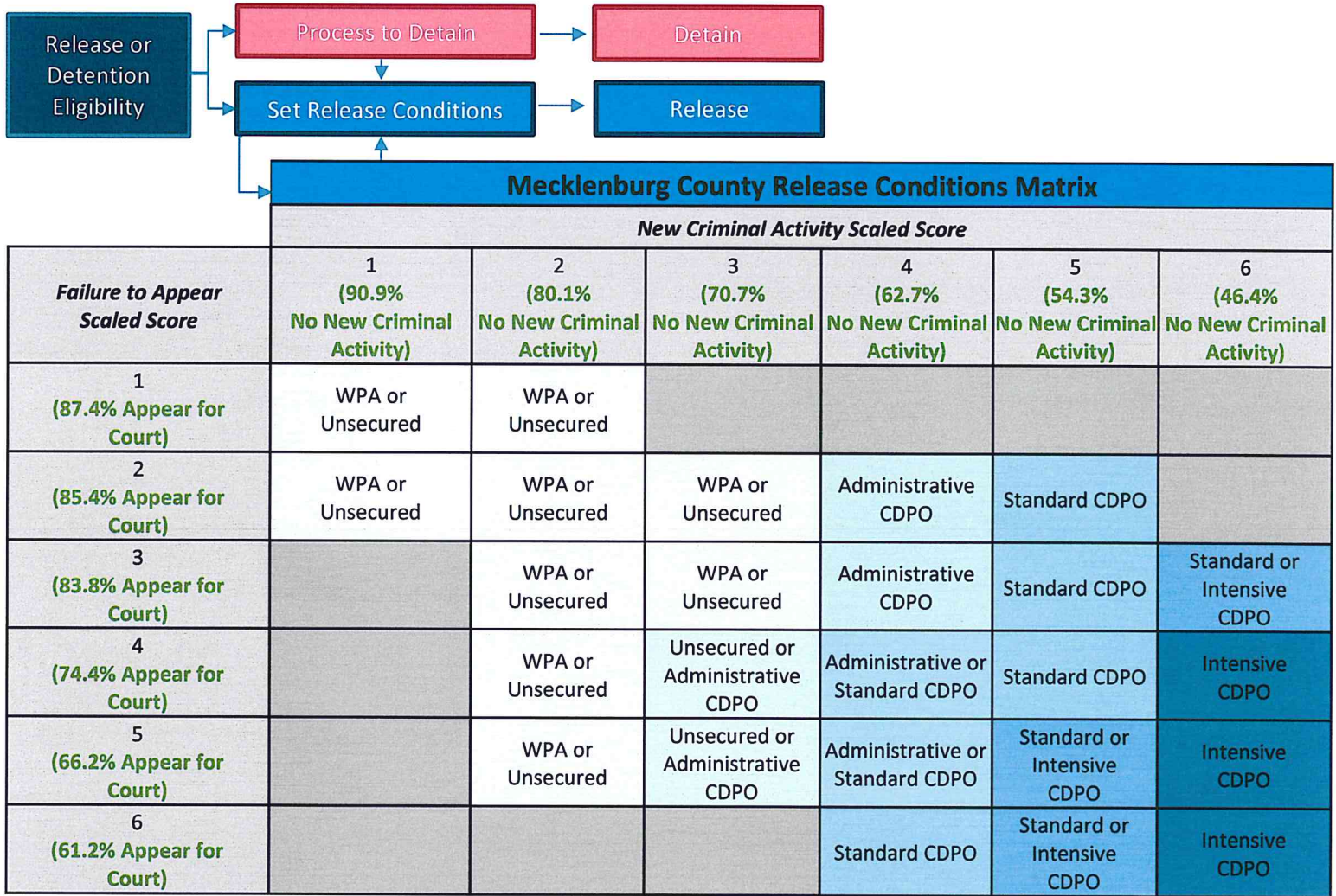
The Honorable W. Robert Bell
Senior Resident Superior Court Judge

Handwritten signature of Regan Miller in black ink, featuring a large, sweeping initial 'R' followed by 'Regan Miller'.

The Honorable Regan Miller
Chief District Court Judge

Attachment A - Mecklenburg County Release Conditions Matrix

Mecklenburg County uses a locally validated actuarial tool, the Public Safety Assessment (PSA), which “examines nine factors based on a person’s age, current charge, and criminal history to produce two risk scores: one that predicts risk of failure to appear for future court appearances, and a second that predicts risk of committing a new crime if released before trial. The PSA calculates its scores on a scale of one to six, with higher scores indicating a higher level of risk. The risk assessment also indicates an elevated risk of committing a new violent crime.”¹ Mecklenburg County criminal justice stakeholders used the results of the local PSA validation study to help them make the recommendations listed in the Release Conditions Matrix (Matrix). When a judicial official grants release, the Matrix serves as a guide to setting release conditions consistent with the statutory presumption of release with non-secured conditions G.S. § 15A-534 (b). In considering the presumptive release conditions in this Matrix, the court is encouraged to assess the totality of circumstances to decide appropriate release conditions in each individual case including additional assessments that may be available in some instances, for example in domestic violence cases.



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

Additional Notes:

1. If the person has a NVCA flag = **85.6% No New Violent Criminal Activity**
2. Defendant success rates noted in the Matrix are from the 2017 local validation of the PSA.
3. When the judicial official refers a defendant to CDPO, the Pretrial Services Agency will monitor the defendant in accordance with the supervision level listed in this Release Conditions Matrix. Where the Matrix lists two levels of supervision, the Pretrial Services Agency will monitor the defendant at the lower level listed unless otherwise ordered.
4. See Mecklenburg County’s Pretrial Services’ Directives for a full description of supervision levels and response to compliance and non-compliance protocols.

5. If the judicial official decides to impose a secured only release condition or house arrest with electronic monitoring, G.S. § 15A-534 (b) allows the local jurisdiction to provide requirements for recording the reasons for doing so. A monetary bail bond may only be forfeited for failing to appear for court, pursuant to G.S. § 15A-544.3.

Attachment B- Misdemeanor Class III and II Offenses with Presumption for Release on Written Promise to Appear or Execution of an Unsecured Appearance Bond

OFFENSE	STATUTE
Allowing Unlicensed Person to Drive	20-34
Carrying Concealed Weapons, First Offense	14-269(a)(al)
Conversion by Bailee, Lessee, Etc. (\$400 or less)	14-168.1
Cyber-Bullying, defendant under 18	14-458.1
Cyber-stalking	14-196.3
Defrauding Innkeeper	14-110
Disorderly Conduct	14-288.4
Driving a Commercial Vehicle after Consuming Alcohol	20-138.2A
Driving after Consuming	20-138.3
Driving While Licensed Revoked (non-DWI revocation)	20-28(a)
Expired, Altered, or Revoked Registration/Tag	20-111(2)
Failure to Appear on a Misdemeanor	15A-534
Failure to Carry/Sign Registration Card	20-57(c)
Failure to Carry License	20-7(a)
Failure to Comply with License Restrictions	20-7(e)
Failure to Notify DMV of Address Change for License	20.67
Failure to Report an Accident	20-166.1
Failure to Return Hired Property	14-167
Failure to Return Rented Property	14-168.4
Failure to Work after Being Paid	14-104
Failure to Yield to Emergency Vehicle	20-157
False Report to Police	14-225
Fictitious/Altered Title/Registration	20-111(2)
Financial Card Fraud	14-113.13
Fires- Negligently Setting	14-137
First Degree Trespass	14-159.12
Fishing without a License	113-174.1(a)
Furnishing False Information to Officer	20-29
Gambling	14-292
Harassing Phone Calls	14-196
Indecent Exposure	14-190.9
Injury to Personal Property, \$200 or Less	14-160(a)
Intoxicated or Disruptive in Public	14-444
Littering, 15 Pounds or Less, Non-Commercial	14-399(c)
Local Ordinance Violation	14-4
Marine/Wildlife Violations, First Offense	113-135
Marine/Wildlife Violations, Subsequent Offense	113-135
No Operator's License	20-7(a)
Obtaining Property for Worthless Check	14-106

Open Container, First Offense	20-138.7
Operating a Motor Vehicle with Expired License	20-7(f)
Operating Unregistered Vehicle or Not Displaying Plate	20-111(1)
Operating Vehicle without Insurance	20-313(a)
Possession of Scheduled V Controlled Substance	90-95(d)(3)
Possession of Drug Paraphernalia (Marijuana related)	90-113.22A
Possession of Marijuana (One-Half Ounce or Less)	90-95(a)(3)
Purchase, Possess, Consume Alcohol by 19 or 20 Year Old	188-302(1)
Racing/Speed Competition	20-141.3
Reckless Driving to Endanger	20-140
Resisting Officers	14-223
Second-Degree Trespass	14-159.13
Shoplifting/Concealment of Merchandise, First Offense	14-72.1
Shoplifting/Concealment of Merchandise, Second Offense	14-72.1
Simple Assault/Assault & Battery/Affray	14-33(a)
Speeding, More than 15 mph over Limit or over 80 mph	20.141(1)
Standing/Sitting/Lying on Highway	20-174.1
Unsealed Wine /Liquor in Passenger Area	188-401
Violation of Boating and Water Safety Provisions	75A
Window Tinting Violation	20-127
Worthless Check (simple, \$2000 or less)	14-107(d)(1)

Attachment C - Mecklenburg County Pretrial Services Exclusionary Criteria

2015 Mecklenburg County Pretrial Services Eligibility Policy

I. Program Eligibility

A. General

- ☐ The defendant must be recommended for supervision by a judicial official and meet the program's eligibility requirements.
- ☐ The defendant must be 16 years old or older.
- ☐ The defendant must be legally residing in the U.S. (e.g., U.S. citizen, permanent resident).
- ☐ The defendant must not have any warrants or detainers.
- ☐ The defendant must not have an unsecured or cash bond.
- ☐ The defendant must not be released through a bail

agent. B. Residential

- ☐ The defendant must reside in the State of North Carolina. If a defendant is not a resident of Mecklenburg County or a bedroom community (Union, Cabarrus, Iredell, Gaston, or Lincoln Counties), then courtesy supervision must be arranged for standard or intensive level cases. Courtesy supervision is not required for administrative level cases.
- ☐ If the defendant lives with the prosecuting witness (PW), the witness must approve that the defendant can return to the residence.
- ☐ If the victim is a child and resides with defendant, DSS caseworker must approve release if, and only if, there is a victim protection plan already in effect.

C. Automatic Exclusions

- ☐ The defendant is "high risk" based on the objective risk assessment tool utilized by Pretrial Services.
- ☐ The victim is hospitalized as a result of the offense and their medical status is unknown, critical, or serious.
- ☐ The defendant refuses to abide by the terms of the Pretrial Services supervision contract or judicial conditions of release.
- ☐ The defendant is a registered sex offender and their new offense is related to their status as a sex offender.
- ☐ The defendant does not have a co-signer available when under the age of 18. (Note: co-signer must meet program eligibility requirements.)

II. Ineligible Offenses

- ☐ The following charges are ineligible for supervision by Pretrial Services:

2nd Degree Sexual Exploitation Of Minor [E]
 3rd Degree Sexual Exploitation Of Minor [H]
 Abduction Of Children [F]
 Abduction Of Children – Conspiracy [G]
 Abduction Of Children - Induce To Leave [F]
 Aid And Abet Armed Robbery [D]
 Assault W/Deadly Weapon On Govt. Officer/Emp.-Gun [F]
 Attempt 1st Deg. Sex Off.-Victim Over 13-Aid Another [B2]
 Attempt 1st Deg. Sex Off.-Victim Over 13-D. Weapon [B2]
 Attempt 1st Deg. Sex Off.-Victim Over 13-Serious Injury [B2]
 Attempt 1st Deg. Sex Off.-Victim Under 13 [B2]
 Attempt 1st Deg. Sex Off.-Victim Under 13-Other [B2]
 Attempt 1st Degree Rape-Victim 13 Or More-Aid Another [B2]
 Attempt 1st Degree Rape-Victim 13 Or More-D. Weapon [B2]
 Attempt 1st Degree Rape-Victim 13 Or More-Serious Injury [B2]
 Attempt 1st Degree Rape-Victim Under 13 [B2]
 Attempt 1st Degree Rape-Victim Under 13-Other [B2]
 Attempt 2nd Degree Rape-By Force [D]
 Attempt 2nd Degree Rape-Victim Helpless (Mental/ Physical) [D]
 Attempt Sex Offense - Parental Role [F]
 Attempt Sex Offense - Parental Role – Other [F]
 Attempted Robbery With A Dangerous Weapon [E]
 Attempted Sexual Exploitation Of Minor [D]
 Babysit By/Home Sex Offender - By Sex Offender [F] Babysit
 By/Home Sex Offender 2+ - By Sex Offender [F] Babysit
 By/Home Sex Offender 2+ Home Of Sex Offender [F]
 Common Law Attempted Murder
 Common Law Attempted First Degree Murder [B2]
 Common Law Attempted Second Degree Murder
 Common Law Conspiracy Robbery Dangerous Weapon [D]
 Common Law Conspiracy Robbery Dangerous Weapon [D]
 Death By Vehicle – Felony [E]
 Escape By Hired Prisoner
 Escape From Local Jail - After Conviction [1M] (H Felony if convicted of a felony)
 Escape From Local Jail - After Conviction [1M] (H Felony if convicted of a felony)
 Escape From Local Jail - Awaiting Trial [1M]
 Escape From Local Jail Personnel - Awaiting Trial [1M]
 Escape From Local Jail Personnel -After Conviction [1M] (H Felony if convicted of a felony)
 Escape From Local Jail Personnel -After Conviction [1M] (H Felony if convicted of a felony)
 Escape From State Prison System – Felony [H]
 Escape From State Prison System – Misdemeanor [1M]
 Escapee Private Correctional Facility [H]
 Fail Register Sex Offender [F]

Fail Register Sex Offender [F]
Fail Register Sex Offender [F]
Fail Register Sex Offender [F]
Federal Prisoner
Felonious Hit/Run Serious Injury/Death [F]
First Degree Sexual Exploitation Of A Minor [C]
Fugitive/Extradition Other State
Interstate Compact -Probation/Parole
Manslaughter – Voluntary [D]
Manslaughter-Involuntary [F]
Manslaughter-Involuntary - Motor Vehicle [E]
Murder
Murder - First Degree [A]
Murder - Second Degree [B2]
Parole Violation
Parole Violation
Probation Violation
Probation Violation
Probation Violation
Probation Violation - Out Of County
Probation Violation - Out Of County
Rape Of A Child
Rape-1st Degree-Victim 13 Years Or More-Aid By Another [C]
Rape-1st Degree-Victim 13 Years Or More- Weapon [C]
Rape-1st Degree-Victim Under 13 [B1]
Rape-1st Degree-Victim Under 13-Other [B1]
Rape-2nd Degree By Force Against Will Of Victim [C]
Rape-2nd Degree-Victim Mentally/Physically Helpless [C]
Registered Sex Offender - Fail To Change Address
Robbery With Dangerous Weapon-Business/Other Place [D]
Robbery With Dangerous Weapon--Individual (Felony) [D]
Second Degree Sexual Exploitation Of Minor [E]
Sex Offender Emp. Violation – Childcare [F]
Sex Offender/Child Premises [H]
Sex Offense - Institution – Other
Sex Offense - 1st Degree Victim 13 Or Older-Serious Injury [C]
Sex Offense - 1st Degree Victim 13 Or Older-Serious Injury [C]
Sex Offense - 2nd Degree By Force Against Will Of Victim [C]
Sex Offense – Institution
Sex Offense - Parental Role [E]
Sex Offense -1st Degree Victim 13 Or Older-Aided By Another [C]
Sex Offense -1st Degree Victim 13 Or Older-Aided By Another [C]
Sex Offense Student (F) [G]

Sex Offense Student (M) [A1]
Sex Offense-1st Degree-Victim 13 Or Older- Weapon [C] Sex Offense-
1st Degree-Victim 13 Or Older- Weapon [C] Sex Offense-1st Degree-
Victim Under 13[B1]
Sex Offense-1st Degree-Victim Under 13-Other [B1]
Sex Offense-2nd Degree-Victim Mentally/Physically Helpless [C] Sex
Offender Use Social Website [I]
Sexual Battery - By Force/Against Will [A1]
Sexual Battery - Disabled/Incapacitated; Helpless [A1] Sexual
Exploitation Of Minor
Sexual Offense With A Child
Solicit By Computer/Appeal [G]
Solicit Child By Computer – Child [H]
Solicit Child By Computer - Defendant Believes To Be Child [H] Solicit
Electronic Mon. Device – Felony
Solicitation Of Child By Computer To Commit Unlawful Act [H] Solicitation
Of Child By Computer To Commit Unlawful Act [H] Stat Rape/Sex Offense
>=6yr [B1]
Stat Rape/Sex Offense >4<6yr [C]
Third Degree Sexual Exploitation Of A Minor [H]

Attachment D – Mecklenburg County Codes for Imposing Condition (4) or (5) under §15A-534(a)

Pursuant to G.S. §15A-534(b), “The judicial official in granting pretrial release must impose condition (1), (2), or (3) in subsection (a) above unless he determines that such release will not reasonably assure the appearance of the defendant as required; will pose a danger of injury to any person; or is likely to result in destruction of evidence, subornation of perjury, or intimidation of potential witnesses. Upon making the determination, the judicial official must then impose condition (4) or (5) in subsection (a) above instead of condition (1), (2), or (3), and must record the reasons for doing so in writing to the extent provided in the policies or requirement issued by the senior resident superior court judge pursuant to G.S. 15A-535(a).”

In the event that a magistrate determines that imposing a secured condition of bond is necessary per the statute, the magistrate must record the reasons for so doing in writing using the following codes:

A = Nature and circumstances of the offense charged

B = Weight of the evidence against the defendant

C = Personal/Community Stability

- 1) Family Ties
- 2) Employment
- 3) Financial Resources
- 4) Character
- 5) Mental Condition

D = Whether the defendant is intoxicated to such a degree that he or she would be endangered by being released without supervision

E = Length of residence in the community

F = Record of convictions

G = The defendant's history of flight to avoid prosecution or failure to appear at court hearings

H = Any other evidence relevant to the issue of pretrial release

I = Protect public health/known communicable disease

J = Pending charges in court at the time of the alleged offense including compliance with current pretrial release conditions

K = History of substance abuse

L = Outstanding warrants, holds, or detainers

M = Domestic violence lethality indicators