

Report & Recommendations

Wake County & 10th Judicial District Pretrial Learning Site Steering Committee

December 2021



Letter from the Chair

As chair of the Pretrial Learning Site Steering Committee, I count myself fortunate to be a part of a criminal justice system where there is strong cooperation amongst stakeholders. The Pretrial Learning Site Steering Committee brought together stakeholders from across our criminal justice system and community to closely examine opportunities to improve the 10th Judicial District's pretrial system.

We entered this project with a collective commitment to ensure decisions around pretrial release are made carefully with due consideration given to the harms that can result from an unnecessary pretrial detention of an individual and the risks to our community of pretrial release. The Steering Committee believes that the recommendations from this project are consistent with that goal and that they further increase the fairness and equity in the 10th Judicial District's criminal justice system.

I would like to thank the Steering Committee members for making a significant commitment to advance this project and these recommendations. The Committee was especially aided in its work by team leads Jennifer Gibbs and Ryan Davidson who provided tremendous time and support to this project for which I am extremely grateful. I would also like to thank Advancing Pretrial Policy Research (APPR) for providing ongoing support and educational resources as part of this Learning Site project.

The citizens of Wake County can be proud that our County has a long history of supporting pretrial programs and reform efforts. The Pretrial Learning Site project and recommendations continue in that tradition as we strive to implement best practices across our criminal justice system.

N. Lorrin Freeman

Wake County District Attorney





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Project Overview

Wake County has been engaged in a yearlong effort to examine the pretrial criminal justice system as part of the Learning Site project with Advancing Pretrial Policy & Research (APPR). APPR is a project of the National Partnership for Pretrial Justice with support from Arnold Ventures. APPR provides technical assistance, peer support, and team-based resources to Learning Sites committed to improving pretrial justice. Learning Sites partner with APPR to examine their pretrial systems, identify pretrial improvements, and implement the Public Safety Assessment (PSA).

Wake County was selected by APPR, along with four other localities nationwide, to participate in the Learning Site project in 2020. These localities include Youngstown, OH; Miami-Dade County, FL; Williamson County, TX; and Douglas County, NE.

The project is chaired by District Attorney Lorrin Freeman and involves 10th Judicial District Stakeholders, the County, the Sheriff's Office, and members of community organizations. The Steering Committee has been meeting monthly since September 2020. Several subcommittees (Legal Subcommittee, Data Subcommittee, & System Mapping Subcommittee) have also been meeting frequently to work through several issue areas. The Pretrial System Map, from initial Law Enforcement contact to case disposition, can be found in Attachment B.

The goal of the project is to ensure that those individuals who should not be in jail during the pretrial period are released from custody with the appropriate pretrial release conditions.



The Steering Committee developed Mission, Vision, and Value statements at the beginning of the project to guide its process.

Mission

Build a pretrial system for Wake County that promotes fairness and equity by balancing community safety, concern for victims, and the rights and needs of individuals facing criminal charges

Vision

Utilize resources to build an evidence-based pretrial system that allows for the consistent application of objective criteria by providing judicial officials with the tools to effectively balance the rights, interests and safety concerns of the community, victims and individuals charged with crimes.

Values

- Fair, Equitable, & Consistent
- Respect, Trust, & Transparency
- Evidenced-based
- Stability

- Timeliness
- Least Restrictive
- Community Safety
- Collaborative



Steering Committee Membership

Name	Agency	Email
Lorrin Freeman, Project Chair	District Attorney	Lorrin.Freeman@nccourts.org
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Committee Recommendations





1) Implement Magistrate Card at Initial Appearance

This process supplements and provides structure for the magistrate's application of G.S. 15A-534. Specifically, it requires compliance with G.S. 15A-534(b), requiring a written promise, custody release or unsecured bond unless certain factors are found, creates presumptions for certain release conditions and emphasizes certain factors in the decision-making process. G.S. 15A-534(c) specifies factors that must be considered when setting pretrial conditions. A number of those factors are incorporated into this decision-making process. In deciding whether to follow recommended release conditions or to deviate, magistrates should consider other factors specified in G.S. 15A-534(c) including the weight of the evidence against the defendant; the person's family ties, employment, character, mental condition, and length of residence in the community; and any other relevant evidence. This recommendation would also require the Magistrate to make a written finding when imposing a Secured Bond.

Purpose: Standardized Magistrate review of bail conditions at initial

appearance consistent with statutory framework of using least

restrictive conditions that meet pretrial objectives and require a

written finding when imposing a Secured Bond pursuant to G.S.

15A-534(b).

Action Needed: Training for 10th Judicial Magistrates on use of form

Note: The secured bond schedule on the Magistrate Card reflects the current

secured bond schedule. If the secured bond schedule is updated, the

Magistrate Card will be updated at that time.

Wake County Magistrate Initial Appearance Card

Please refer to the 10th Judicial District Bond Policy & NC General Statutes

Pretrial release should be the norm, and detention is the carefully limited exception. (United States v. Salerno, 481 U.S. 739 (1987))

Pretr	ial Release Not Authorized by Magistrate				
	Class A Felony				
	Parole Warrant				
	Governor's Warrant				
	Rebuttable Presumption Hold for certain drug trafficking, gang, or	firearms	offenses- G.S. 15A-533 (d)(e)(f)		
	Crimes of Domestic Violence – 48 hour rule – G.S. 15A-534.1				
	Probation Violation with pending felony or prior sex offense – G.S.	15A-134	45(b1)		
	udicial Order to Hold without Bond				
	ederal Indictment or Federal Detainer (if seen by Magistrate on S	tate chai	rge as well)		
	Detention to Protect Public Health (G.S. 15A-534.5)				
	Manufacturing Methamphetamine (G.S. 15A-534.6)				
	Communicating a threat of Mass Violence – 48 hour rule (G.S. 15A	-534.7)			
Secur	ed Bond Required	Possi	ble additional conditions for all		
	Failure to Appear in Court – G.S. 15A-534 (d1)	indivi	iduals:		
	Probationer Charged with Felony – G.S. 15A-534 (d2)		The share of a B department of		
	udicial Order Requiring Secured Bond		Electronic Monitoring Electronic House Arrest		
Revie	ew for Least Restrictive Conditions (G.S. 15A-534)		Continuous Alcohol Monitoring (CAM)		
			Pretrial Release Program		
	requires that the judicial official impose a:		No Contact Order		
	Written Promise to Appear and/or Custody Release/Pretrial Release Program and/or	☐ Any other conditions that the Court deems			
	Unsecured Bond	appropriate.			
	Oliseculed Bolid		Footows for Consideration		
Secure	ed Bond if it is determined that such release:		Factors for Consideration G.S. 15A-534(c)		
			G.3. 13A-334(c)		
	Will not reasonably assure the appearance of the defendant in court		Nature & Circumstances of the offenses charged		
	Will pose a danger of injury to any person; or		including evidence of violence		
	Is likely to result in destruction of evidence, subornation of				
_	perjury, or intimidation of potential witnesses		Weight of the evidence against the defendant		
	' ' ''		Defendant's family ties, employment, financial		
When	imposing Secured Bond Judicial Official shall:		resources, character, and mental condition		
	Record written findings on AOC Form CR200 (Blue Sheet) for				
	all Secured Bonds		Whether the defendant is intoxicated to such a		
			degree that he would be endangered by being		
Eugiti	ive Warrant		released without supervision		
rugiti	If charged with crime carrying life in prison or death penalty:		Length of his residence in the community		
	Pretrial Release Not Authorized by Magistrate				
	Tetrial Nelease Not Authorized by Magistrate		Record of convictions		
	All other charges:		History of flight to avoid prosecution or failure to		
	Follow 10th Judicial District Bond Policy		appear at court proceedings		
DWI			appear at court proceedings		
	Refer to G.S. 20-138.1 and the 10th Judicial District Bond		Any other evidence relevant to the issue of pretrial		
	Policy		release.		
	•				

^{*}This card provides a non-exhaustive list of applicable NC General Statutes.

Suggested Secured Bond Amounts

Please refer to the 10th Judicial District Bond Policy & NC General Statutes

Class of Offense	Suggested Secured Bond
Misdemeanor Class 3	Up to \$750
Misdemeanor Class 2	Up to \$1,000
Misdemeanor Class 1	Up to \$2,000
Misdemeanor Class A1	\$1,000 - \$5,000
Driving while Impaired	\$500 - \$10,000
Felony Class I	\$2,000 - \$10,000
Felony Class H	\$3,000 - \$15,000
Felony Class G	\$15,000 - \$50,000
Felony Class F	\$15,000 - \$50,000
Felony Class E	\$30,000 - \$75,000
Felony Class D	\$50,000 - \$200,000
Felony Class C	\$50,000 - \$250,000
Felony Class B2	\$200,000 - \$500,000
Felony Class B1	\$500,000 - \$1,500,000
Felony Class A	No Bond (unless set by a Superior Court Judge)
Fugitive Warrant	Set amount appropriate for the underlying offense, but at least \$25,000
Governor's Warrant	No Bond
Parole Warrant	No Bond
Habitual Felon	at least \$25,000 secured
144 1 6 1 1 1 6 1 1 1	

When a defendant who has failed to appear on a charge is taken into custody for that failure to appear and is brought before a judicial official, the judicial official should set bond in accordance with G.S. 15A-534(d1).

Suggested Bond Amounts for Drug Trafficking Cases

Class of Offense	Maximum Punishment	Suggested Bonds
Drug Trafficking Class H	Mandatory 25 months minimum/ 39 months maximum	\$50,000 - \$100,000
Drug Trafficking Class G	Mandatory 35 months minimum/ 51 months maximum	\$50,000 - \$200,000
Drug Trafficking Class F	Mandatory 70 months minimum/ 93 months maximum	\$50,000 - \$200,000
Drug Trafficking Class E	Mandatory 90 months minimum/ 120 months maximum	\$50,000 - \$200,000
Drug Trafficking Class D	Mandatory 175 months minimum/ 222 months maximum	\$200,000 - \$500,000
Drug Trafficking Class C	Mandatory 225 months minimum/ 282 months maximum	\$500,000 - \$1,500,000

Suggested Bond Amounts for Probation Violations

Underlying Offense Class	Suggested Bonds
Misdemeanor Class 3	\$5,000 - \$10,000; \$10,000 minimum (Absconder)
Misdemeanor Class 2	\$5,000 - \$10,000; \$10,000 minimum (Absconder)
Misdemeanor Class 1	\$5,000 - \$10,000; \$10,000 minimum (Absconder)
Misdemeanor Class A1	\$10,000 - \$20,000; \$20,000 minimum (Absconder)
Felony Class I	\$10,000 - \$25,000; \$25,000 minimum (Absconder)
Felony Class H	\$10,000 - \$25,000; \$25,000 minimum (Absconder)
Felony Class G	\$25,000 - \$50,000; \$50,000 minimum (Absconder)
Felony Class F	\$25,000 - \$50,000; \$50,000 minimum (Absconder)
Felony Class E	\$50,000 - \$75,000; \$75,000 minimum (Absconder)





2) Implement Public Safety Assessment at First Appearance

The Public Safety Assessment (PSA) offers an objective, validated tool for understanding an individual's likelihood of success when released on pretrial. Based on an actuarial study, individuals are scored on both the likelihood to be arrested with a new charge or fail to appear during the pretrial period. The Pretrial Services Program will fill out the Assessment for individuals remaining in custody before First Appearance. The Judicial Officer retains discretion for determining release conditions. The Committee has developed a Violent Offense List for purposes of filling out the PSA. The PSA will initially be filled out for individuals with misdemeanors and H and I felonies. After implementation, there will be a continual review of data and there will be a full post-implementation evaluation conducted to verify that the tool is validated for Wake County. Attachment A contains an overview of the PSA and the Violent Offense List approved by the Steering Committee.

Purpose: Provides empirically validated risk information to a judicial official

during First Appearance which can be considered in determining

conditions of release.

Action Needed: Establish processes for filling out the PSA and communicating the

report to the Court for First Appearance; Reorganize Pretrial Services Program staffing to accommodate changes; Develop training for all stakeholders; and Plan for a local validation study

after 6 months of implementation. May require additional funding.





3) Increase Pretrial Support Services

As a part of the PSA Implementation, the Committee developed the Release Conditions Matrix, which provides a differential pretrial supervision. This will allow Pretrial Services to allocate resources to those individuals most needing assistance. The Release Conditions Matrix will guide the level of supervision and support. Additional support services for all Pretrial clients could include connecting individuals with job placement services, providing bus passes for transportation to court proceedings, or referring individuals to local behavioral health providers.

Purpose: Increase resources to support an individual's success while on

pretrial.

Action Needed: Reorganize Pretrial Services Program staffing to accommodate

changes; Identify corresponding community resources and connect

individuals to those resources. May require additional funding.

Pretrial Services Recommendations - 10th Judicial District

Pretrial release should be the norm, and detention is the carefully limited exception. United States v. Salerno, 481 U.S. 739 (1987)

Review for Least Restrictive Condition (NCGS 15A-534)

Statute requires that the judicial official impose a:

- Written Promise to Appear and/or
- Custody Release/Pretrial Release Program and/or
- Unsecured Bond

Secured Bond if it is determined that such release:

- will not reasonably assure the appearance of the defendant in court
- 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

Possible additional conditions for all individuals:

- Electronic Monitoring
- Electronic House Arrest
- Continuous Alcohol Monitoring (CAM)
- Pretrial Release Program
- No Contact Order
- Any other conditions that the Court deems appropriate.

Release Conditions Matrix

Release Conditions Matrix						
	New Criminal Arrest (NCA) Scaled Score					
Failure to	1	2	3	4	5	6
Appear (FTA) Scaled Score	91% Likely Arrest-Free	85% Likely Arrest-Free	78% Likely Arrest-Free	68% Likely Arrest-Free	55% Likely Arrest-Free	47% Likely Arrest-Free
1	WPTA/	WPTA/				
89% Likely to Appear	Unsecured Bond	Unsecured Bond				
2	WPTA/	WPTA/				
85% Likely to Appear	Unsecured Bond	Unsecured Bond	Administrative	Standard	Standard	
3						
81% Likely to Appear		Administrative	Administrative	Standard	Standard	Intensive
4						
73% Likely to Appear		Administrative	Administrative	Standard	Intensive	Intensive
5						
69% Likely to Appear		Standard	Standard	Intensive	Intensive	Intensive
6						
65% Likely to Appear				Intensive	Intensive	Intensive

^{*}Success rates in the current matrix are from national PSA evaluation studies. Wake County will be conducting a post-implementation evaluation and will update the success rates based on local data when complete.

Pretrial Supervision Levels

	Pretrial Release Services by Supervision Level			
Pretrial Release Services	WPTA/ Unsecured Bond	Administrative	Standard	Intensive
Court Date Reminders	X	X	X	X
Criminal History Watch List		Х	Х	Х
Initial Check in		By Phone	In Person	In Person
Phone Check in			Monthly	Bi-Weekly
Court Date Check In				In Person

^{*}Pretrial Supervision levels can be used with secured bond. Amount of secured bond should be determined based on what will meet the objectives for which the bond is being set.

• Written Promise to Appear or Unsecured Bond:

- o Release the defendant on his written promise to appear NCGS 15A-534(a)(1)
- Release the defendant upon his execution of an unsecured appearance bond in an amount specified by the judicial official.
 NCGS 15A-534(a)(2)

Court Date Reminders

o Pretrial Services Program will text and call the defendant prior to the next scheduled court date.

Criminal History Watch List:

o Pretrial Services Program will place the defendant on the CJ LEADS "Watch List" for notification of new criminal charges.

Check-ins:

- Initial Check-in
 - Defendant shall call Pretrial Services Program on the next business day for the initial check-in.
 - Defendant shall appear at the Pretrial Services Program offices on the next business day for the initial check-in.
- Phone Check-in: Defendant shall call Pretrial Services Program on the pre-determined frequency.
- Court Date Check-in: Defendant shall check in with the Pretrial Services Program in person at/after their scheduled court
 appearance. The case manager will record their visit, verify that the defendant is complying with all requirements, and
 connect them with any necessary resources.

Other Case-Specific Conditions

- Pretrial Monitoring Defendants are placed into the Indigent (no cost) or Self-Pay (daily fee) Program.
 - <u>Electronic Monitoring</u>: Defendants ordered into EM are not under house arrest and do not have a curfew. These defendants may have Exclusion Zones created and enforced.
 - Electronic House Arrest: A Defendant ordered into EHA can only leave the defendant's residence for the purpose of employment, counseling, a course of study, or vocational training. The standard curfew for defendants on EHA is 8pm-6am 24 hours a day, 7 days a week, unless modified by the Judicial Official. All EHA defendants will have Inclusion Zones surrounding the defendant's residence. These defendants may have Exclusion Zones created and enforced.
 - Continuous Alcohol Monitoring (CAM): Defendants ordered into CAM are being monitored for alcohol use only. These
 defendants are not tracked via GPS.
- o Assessment: Judicial Official orders defendant to complete an assessment, such as Mental Health or Substance Abuse.
- No Contact Orders, to include distance restrictions, and any other appropriate conditions: Judicial Official issues a no-contact order for the defendant.
- Any other conditions that the Court deems appropriate.





4) Pretrial Jail Status 'Real-Time' Dashboard

The report was developed by the Wake County Sheriff's Office to provide a 'real-time' list of jail residents to key stakeholders. The report will be updated daily and allows for filtering based on highest charge, bond amount, and days in custody. The report also identifies individuals whose case can be considered for additional review.

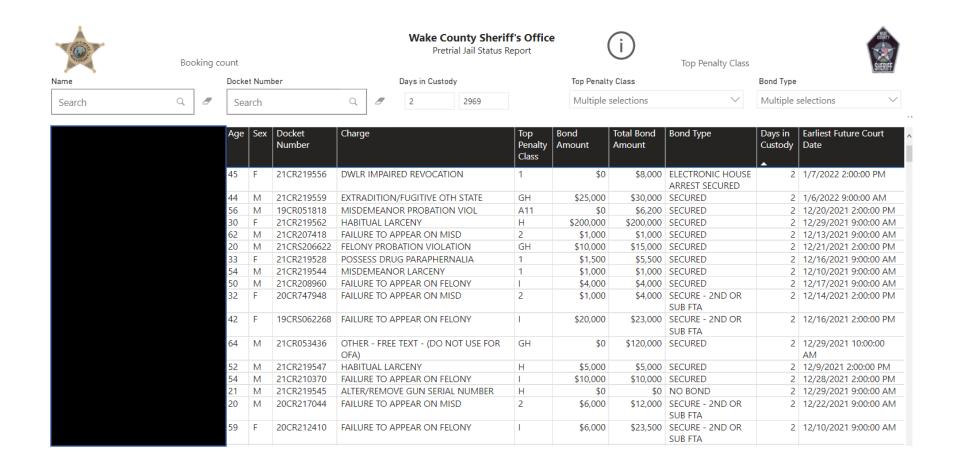
Purpose: Provide additional frequent review of jail population with daily

dashboard updates

Action Needed: Provide training to key stakeholders on how to use report. Conduct

end user validation of data accuracy and user acceptance testing.

Pretrial Jail 'Real-Time' Dashboard







5) Secured Bond Schedule

The secured bond schedule is established in the Administrative Order Setting 10th Judicial District Pretrial Release Policies. The Order adopts recommended policies as a guide in determining conditions of pretrial release in the 10th Judicial District. The Order was last updated on February 1, 2013. The Steering Committee reviewed the secured bond schedule and suggested changes to lower the minimum suggested secured bond amounts in several offense classes (Misdemeanor A1, Driving While Impaired, Felony I, Felony H, and Felony E, Drug Trafficking Felony H, Probation Violation Misdemeanor 3, 2, 1, and A1). The Steering Committee will review the Secured Bond Schedule after recommendations from this report have been implemented and data is available for review.

Purpose: Adjust the suggested secured bond amounts in certain offense

classes in the context of the Committee's pretrial reform goals

Action Needed: Revision to the Administrative Order Setting 10th Judicial District

Pretrial Release Policies by the Senior Resident Superior Court

Judge

10th Judicial District - Suggested Secured Bond Schedule - Recommendation

	10th Judicial District	10th Judicial District
	(Wake County)	(Wake County)
Class of Offense	Current	Recommended
Misdemeanor Class 3	Up to \$750	Up to \$750
Misdemeanor Class 2	Up to \$1,000	Up to \$1,000
Misdemeanor Class 1	Up to \$2,000	Up to \$2,000
Misdemeanor Class A1	\$1,000 - \$5,000	Up to \$5,000
Driving while Impaired	\$500 - \$10,000	Up to \$10,000
Felony Class I	\$2,000 - \$10,000	Up to \$10,000
Felony Class H	\$3,000 - \$15,000	Up to \$15,000
Felony Class G	\$15,000 - \$50,000	\$15,000 - \$50,000
Felony Class F	\$15,000 - \$50,000	\$15,000 - \$50,000
Felony Class E	\$30,000 - \$75,000	\$20,000 - \$75,000
Felony Class D	\$50,000 - \$200,000	\$50,000 - \$200,000
Felony Class C	\$50,000 - \$250,000	\$50,000 - \$250,000
Felony Class B2	\$200,000 - \$500,000	\$200,000 - \$500,000
Felony Class B1	\$500,000 - \$1,500,000	\$500,000 - \$1,500,000
Felony Class A	No Bond (unless set by a Superior Court Judge)	No Bond (unless set by a Superior Court Judge)
Fugitive Warrant	Set amount appropriate for the underlying offense, but at least \$25,000	Set amount appropriate for the underlying offense, but at least \$25,000
Governor's Warrant	No Bond	No Bond
Parole Warrant	No Bond	No Bond
Habitual Felon	at least \$25,000 secured	at least \$25,000 secured

	10th Judicial District (Wake County)	10th Judicial District (Wake County)
Drug Trafficking	Current	Recommended
Drug Trafficking Class H	\$50,000 - \$100,000	\$25,000 - \$100,000
Drug Trafficking Class G	\$50,000 - \$200,000	\$50,000 - \$200,000
Drug Trafficking Class F	\$50,000 - \$200,000	\$50,000 - \$200,000
Drug Trafficking Class E	\$50,000 - \$200,000	\$50,000 - \$200,000
Drug Trafficking Class D	\$200,000 - \$500,000	\$200,000 - \$500,000
Drug Trafficking Class C	\$500,000 - \$1,500,000	\$500,000 - \$1,500,000

10th Judicial District		10th Judicial District	
	(Wake County)	(Wake County)	
Probation Violations	Current	Recommended	
Misdemeanor Class 3	\$5,000 - \$10,000	Up to \$10,000	
Wisdeffieaffor Class 5	\$10,000 minimum (Absconder)	Up to \$10,000 (Absconder)	
Misdemeanor Class 2	\$5,000 - \$10,000	Up to \$10,000	
Wilsdeffieaffor Class 2	\$10,000 minimum (Absconder)	\$10,000 minimum (Absconder)	
Misdomooner Class 1	\$5,000 - \$10,000	Up to \$10,000	
Misdemeanor Class 1	\$10,000 minimum (Absconder)	\$10,000 minimum (Absconder)	
Misdemeanor Class A1	\$10,000 - \$20,000	Up to \$10,000	
Wisdemeanor Class A1	\$20,000 minimum (Absconder)	\$10,000 minimum (Absconder)	
Folomy Class I	\$10,000 - \$25,000	Up to \$10,000	
Felony Class I	\$25,000 minimum (Absconder)	\$10,000 minimum (Absconder)	
Folomy Class II	\$10,000 - \$25,000	\$10,000 - \$25,000	
Felony Class H	\$25,000 minimum (Absconder)	\$25,000 minimum (Absconder)	
Folomy Class C	\$25,000 - \$50,000	\$25,000 - \$50,000	
Felony Class G	\$50,000 minimum (Absconder)	\$50,000 minimum (Absconder)	
Folony Class F	\$25,000 - \$50,000	\$25,000 - \$50,000	
Felony Class F	\$50,000 minimum (Absconder)	\$50,000 minimum (Absconder)	
Folony Class F	\$50,000 - \$75,000	\$50,000 - \$75,000	
Felony Class E	\$75,000 minimum (Absconder)	\$75,000 minimum (Absconder)	





6) Public Defender's Office present at all first appearance hearings.

Providing individuals defense counsel representation at first appearance has become a best practice across the country. The Public Defender's Office does not currently staff first appearance hearings on a regular basis and does not have access to a defendant's criminal history at this stage in the process. Providing defense counsel during first appearance would allow counsel to offer arguments on behalf of defendants to the Judicial Official. This process needs to be designed in a manner that provides a meaningful first appearance for the defendant.

Purpose: Increase representation for defendants in First Appearance

Action Needed: Proposal from the Public Defender's office for implementation of a

process that provides meaningful representation and coordination

of logistics by Criminal Justice Operations Committee. The proposal

should be ready for review in February 2022.





Attachment A: PSA Overview & Violent Offense List



Public Safety Assessment: How It Works

The Public Safety Assessment (PSA) is an actuarial assessment that uses nine factors to predict three pretrial outcomes: Failure to Appear (FTA), New Criminal Arrest (NCA), and New Violent Criminal Arrest (NVCA). Use of the PSA, in combination with other pretrial improvements, is associated with improved pretrial outcomes. The PSA does not replace judicial discretion. The PSA provides judicial officers with research-based information that they weigh, along with other information, to make more informed pretrial decisions.

PSA Factors and Pretrial Outcomes

This table shows the nine factors used by the PSA and which factors are used to predict each outcome.

	PSA FACTORS AND PRETRIAL OUTCOMES				
	PSA FACTOR	FTA	NCA	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 arrest	✓	✓	✓	
4.	Prior misdemeanor conviction		✓		
5.	Prior felony conviction		✓		
5A.	Prior conviction (misdemeanor or felony)	✓		✓	
6.	Prior violent conviction		✓	✓	
7.	Prior failure to appear in the past 2 years	✓	√		
8.	Prior failure to appear older than 2 years	✓			
9.	Prior sentence to incarceration		✓		



Factor Weights

To calculate the scores, each PSA factor is weighted and assigned different points according to the strength of its relationship with the specific pretrial outcome. At the end of the assessment, the points for each pretrial outcome are totaled. The total points assigned to FTA and NCA are then converted to two separate scales ranging from 1 to 6. Lower scores indicate a greater likelihood of pretrial success. The points assigned to NVCA are converted to a scaled score and then to the presence or absence of a "violence flag."

The following series of tables show how the PSA assigns points to the factors for each outcome and then converts them to scaled scores or a violence flag.

Failure to Appear (FTA)

FTA refers to a person missing a pretrial court hearing and the court, in response, issuing a warrant, capias, or other similar response.

The PSA converts the total number of FTA points to a final, scaled score ranging from 1 to 6.

Failure to Appear: Points			
PSA FACTOR	RESPONSE	POINTS	
Pending charge	No	0	
at the time of the arrest	Yes	1	
Prior conviction (misdemeanor or felony)	No	0	
	Yes	1	
Prior failure to	No	0	
appear in the past 2 years	Yes, just 1	2	
	Yes, 2 or more	4	
Prior failure to appear older than 2 years	No	0	
	Yes	1	

Failure to Appear: Scaled Score		
TOTAL FTA POINTS	SCALED FTA SCORE	
0	1	
1	2	
2	3	
3 or 4	4	
5 or 6	5	
7	6	



New Criminal Arrest (NCA)

NCA refers to a person being arrested while on pretrial release. It includes both a custodial arrest and an arrest by citation or summons.

New Criminal Arrest Points RESPONSE POINTS PSA FACTOR 23 or older 0 Age at current arrest 22 or 2 younger Pending charge 0 No at the time of the arrest Yes 3 No 0 Prior misdemeanor 1 conviction Yes No 0 Prior felony conviction Yes 1 0 No Prior violent conviction Yes, 1 or 2 Yes, 3 2 or more 0 0 Prior failure to appear in the 1 Yes, just 1 past 2 years Yes, 2 2 or more No 0 Prior sentence to incarceration 2

Yes

The PSA converts the total number of NCA points to a final, scaled score ranging from 1 to 6.

New Criminal Arrest: Scaled Score

TOTAL NCA POINTS SCALED NCA SCOR	
0	1
1 or 2	2
3 or 4	3
5 or 6	4
7 or 8	5
9 to 13	6



New Violent Criminal Arrest (NVCA)

NVCA refers to a person being arrested for a violent offense while on pretrial release. It includes both a custodial arrest and an arrest by citation or summons.

The PSA converts the total number of NVCA points to a scaled score and then to a "violence flag."

New Violent Criminal Arrest

New Violent Criminal Arrest: Points		
PSA FACTOR	RESPONSE	POINTS
Current violent	No	0
offense	Yes	2
Current violent	No	0
offense and 20 years old or younger	Yes	1
Pending charge at the time of the arrest	No	0
	Yes	1
Prior conviction (misdemeanor or felony)	No	0
	Yes	1
Prior violent conviction	No	0
	Yes, 1 or 2	1
	Yes, 3 or more	2

Violence Flag		
TOTAL NVCA POINTS	SCALED NVCA SCORE (VIOLENCE FLAG)	
0 or 1	1 (NO)	
2	2 (NO)	
3	3 (NO)	
4	4 (YES)	
5	5 (YES)	
6 or 7	6 (YES)	

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PUBLIC SAFETY ASSESSMENT

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Wake County Violent Offense List

	NORTH CAROLINA STATUTES – CHAPTER 14: CRIMINAL LAW	
STATUTE	DESCRIPTION	CLASS
Article 2B	Violent Habitual Felon	
14-7.1	Violent Habitual Felon	
Article 3	Rebellion	
14-8	Rebellion Against the State	F-F
Article 3A	Terrorism	
14-10.1	Terrorism	One class higher
Article 4	Subversive Activities	
14-11	Activities Aimed at Overthrow of Government, Use of Public Buildings	M-1
Article 5A	Endangering Executive and Legislative, and Court Officers	
14-16.6	Assault on Executive, Legislative, or Court Officer	F-F, I
14-16.7	Threats Against Executive, Legislative, or Court Officers	F-I
Article 6	Homicide	
14-17	Murder in the First Degree and Second Degree Defined; Punishment	F-A, B1, B2
14-18	Punishment for Manslaughter Voluntary, Involuntary	F-D, F
Article 6A	Unborn Victims	,
14-23.2	Murder of an Unborn Child; Penalty	F-A, B1, B2
14-23.3	Voluntary Manslaughter of an Unborn Child; Penalty	F-D
14-23.4	Involuntary Manslaughter of an Unborn Child; Penalty	F-F
14-23.5	Assault Inflicting Serious Bodily Injury on an Unborn Child; Penalty	F-F
14-23.6	Battery on an Unborn Child	M-A1
Article 7A	Rape and Other Sex Offenses	
14-27.2	First-degree Rape	Re-codified
14-27.2A	Rape of a Child; Adult Offender	Re-codified
14-27.3	Second-degree Rape	Re-codified
14-27.4	First-degree Sexual Offense	Re-codified
14-27.4A	Sexual Offense with a Child; Adult Offender	Re-codified
14-27.5	Second-degree Sexual Offense	Re-codified
14-27.5A	Sexual Battery	Re-codified
14-27.7	Intercourse and Sexual Offenses with Certain Victims	Re-codified
14-27.7A	Statutory Rape or Sexual Offense of Person who is 13, 14, or 15 Years Old	Re-codified
Article 7B	Rape and Other Sex Offenses	
14-27.21	First-degree Forcible Rape	F-B1
14-27.22	Second-degree Forcible Rape	F-C
14-27.23	Statutory Rape of a Child by an Adult	F-B1
14-27.24	First-degree Statutory Rape	F-B1
14-27.25	Statutory Rape of Person who is 15 Years of Age or Younger	F-C, B1
14-27.26	First-degree Forcible Sexual Offense	F-B1
14-27.27	Second-degree Forcible Sexual Offense	F-C
14-27.28	Statutory Sexual Offense with a Child by an Adult	F-B1
14-27.29	First-degree Statutory Sexual Offense	F-B1
14-27.30	Statutory Sexual Offense with a Person who is 15 Years of Age or Younger	F-C
14-27.31	Sexual Activity by a Substitute Parent or Custodian	F-E
14-27.32	Sexual Activity with a Student	F-G, I
14-27.33	Sexual Battery	M-A1
	Sexual Contact or Penetration Under Pretext of Medical Treatment	F-C
112-27.33A		-
12-27.33A Article 8	Assaults	the state of the s
Article 8		F-C
Article 8 14-28	Assaults Malicious Castration Female Genital Mutilation of a Child	F-C F-C
Article 8 14-28 14-28.1	Malicious Castration Female Genital Mutilation of a Child	
14-28 14-28.1 14-29	Malicious Castration Female Genital Mutilation of a Child Castration or Other Maiming Without Malice Aforethought	F-C F-E
Article 8 14-28 14-28.1	Malicious Castration Female Genital Mutilation of a Child	F-C

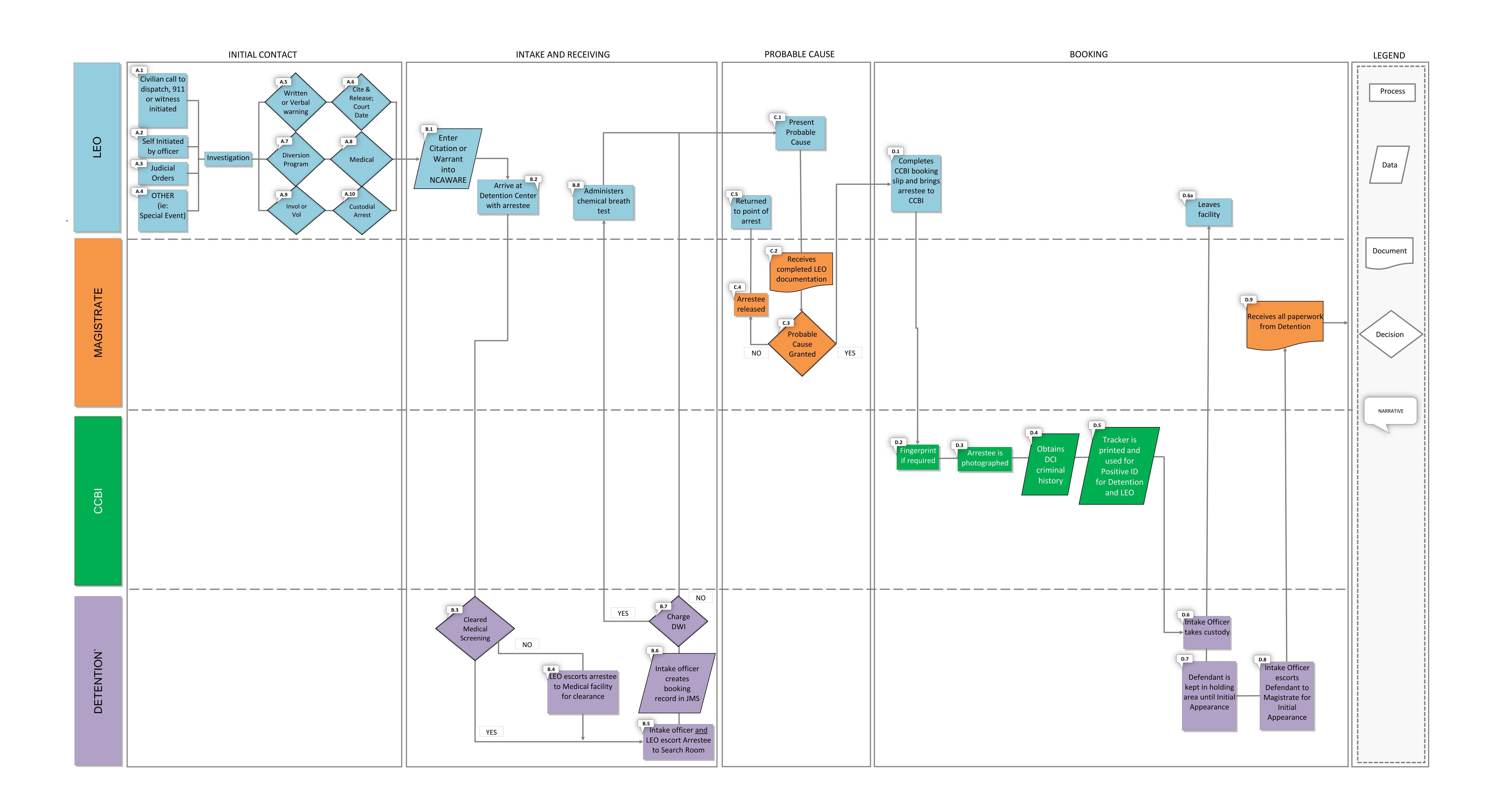
	NORTH CAROLINA STATUTES – CHAPTER 14: CRIMINAL LAW	
STATUTE	DESCRIPTION	CLASS
14-32	Felonious Assault with Deadly Weapon with Intent to Kill or Inflicting Serious Injury; Punishments	F-C, E
14-32.1	Assaults on Handicapped Persons; Punishments	F-F; M-A1
14-32.2	Patient Abuse and Neglect; Punishments	F-C, E, F, H
14-32.3	Domestic Abuse, Neglect, and Exploitation of Disabled or Elder Adults	F-F, G, H, I
14-32.4	Assault Inflicting Serious Bodily Injury; Strangulation; Penalties	F-F, H
14-33	Misdemeanor Assaults, Batteries, and Affrays, Simple and Aggravated; Punishments	M-A1, 1, 2
14-33.2	Habitual Misdemeanor Assault	F-H
14-34	Assaulting by Pointing Gun	M-A1
14-34.1	Discharging Certain Barreled Weapons or a Firearm into Occupied Property	F-C, D, E
14-34.10	Discharge Firearm Within Enclosure to Incite Fear	F-F
14-34.2	Assault with a Firearm or Other Deadly Weapon Upon Governmental Officers or Employees, Company Police Officers, or	F-F
	Campus Police Officers	
14-34.4	Adulterated or Misbranded Food, Drugs, or Cosmetics; Intent to Cause Serious Injury or Death; Intent to Extort	F-C
14-34.5	Assault with a Firearm on a Law Enforcement, Probation, or Parole Officer or on a Member of the North Carolina National	F-E
	Guard, or on a Person Employed at a State or Local Detention Facility	
14-34.6	Assault or Affray on a Firefighter, an Emergency Medical, Technician, Medical Responder, and Hospital Personnel	F-F, H, I
14-34.7	Certain Assaults on a Law Enforcement, Probation, or Parole Officer or on a Member of the North Carolina National Guard,	F-F, I
	or on a Person Employed at a State or Local Detention Facility	
14-34.9	Discharging a Firearm from Within an Enclosure	F-E
Article 9	Hazing	
14-35	Hazing	M-2
Article 10	Kidnapping and Abduction	
14-39	Kidnapping	F-C, E
14-40	Enticing Minors Out of State for the Purpose of Employment	M-2
14-41	Abduction of Children	F-F
14-43.3	Felonious Restraint	F-F
Article 10A	Human Trafficking	
14-43.11	Human Trafficking	F-C, F
14-43.12	Involuntary Servitude	F-C, F
14-43.13	Sexual Servitude – Child Victim and Adult Victim	F-C, D
Article 13	Malicious Injury of Damage by Use of Explosive or Incendiary Device or Material	
14-49(a)	Malicious Use of Explosive or Incendiary; Punishment	F-D
14-49.1	Malicious Damage of Occupied Property by Use of Explosive or Incendiary; Punishment	F-D
Article 14	Burglary and Other Housebreakings	
14-51	First Degree Burglary	F-D
14-51.2	Home, workplace, and motor vehicle protection; presumption of fear of death or serious bodily harm.	F-H
Article 15	Arson and Other Burnings	
14-58	Punishment for Arson First Degree	F-D
14-58.2	Burning of Mobile Home, Manufactured-Type House or Recreational Trailer Home	F-D
14-59	Burning of Certain Public Buildings	F-F
14-60	Burning of Schoolhouses or Buildings of Educational Institutions	F-F
14-62.1	Burning of Building or Structure in Process of Construction	F-H
14-62.2	Burning of Churches and Certain Other Religious Buildings	F-E
14-63	Burning of Boats and Barges.	F-H
14-65	Fraudulently Setting Fire to Dwelling Houses.	F-H
14-66	Burning of Personal Property.	F-H
14-69.3	Arson or Other Unlawful Burning that Results in Serious Bodily Injury to a Firefighter, Law Enforcement Officer, Fire	
	Investigator, or Emergency Medical Technician	F-E

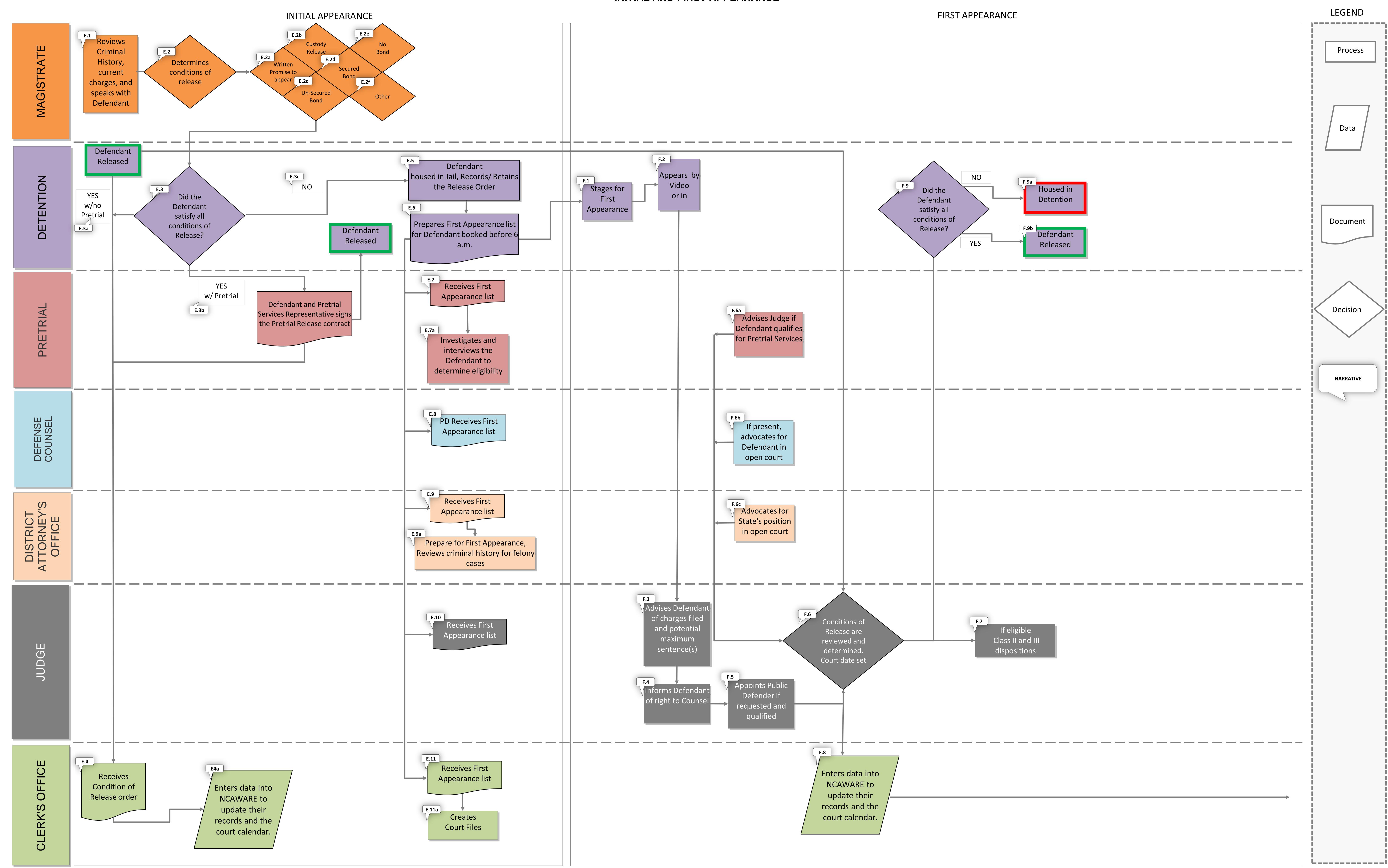
	NORTH CAROLINA STATUTES – CHAPTER 14: CRIMINAL LAW	
STATUTE	DESCRIPTION	CLASS
14-69.3	Arson or Other Unlawful Burning that Results in Serious Injury to a Firefighter or Emergency Medical Technician	F-E
Article 17	Robbery	
14-87	Robbery with Firearms or Other Dangerous Weapons	F-D
14-87.1	Punishment for Common-Law Robbery	F-G
14-88	Train Robbery	F-D
Article 26	Offenses Against Public Morality and Decency	
14-178(b)(1)	Incest	F-B1
14-178(b)(2)	Incest	F-C
14-190.16	First Degree Sexual Exploitation of a Minor	F-C
14-202.1	Taking Indecent Liberties with Children	F-F
14-202.4	Taking Indecent Liberties with Student	F-I
14-196.3	Cyberstalking	M-2
14-202.3	Solicitation of child by computer or certain other electronic devices to commit an unlawful sex act.	F-H
Article 30	Obstructing Justice	
14-221	Breaking or Entering Jails with Intent to Injure Prisoners	F-F
14-226	Intimidating or Interfering with a Witness	F-G
Article 33	Prison Breach and Prisoners	
14-258.2	Possession of Dangerous Weapon in Prison	F-F, H
14-258.3	Taking of Hostage, Etc., by Prisoner	F-F
14-258.4	Malicious Conduct by Prisoner	F-F
Article 35	Offenses Against the Public Peace	
14-277.3A	Stalking	F-F, H; M-A1
14-277.1	Communicating Threats	M-1
Artcle 36	Offenses Against Public Safety	2
14-280	Shooting or Throwing at Trains or Passengers	F-I
Article 36A	Riot, Civil Disorders, and Emergencies	
14-288.2	Riot; Inciting to Riot; Punishments	F-H; M-1
14-288.8	Manufacture, Assembly, Possession, Storage, Transportation, Sale, Purchase, Delivery, or Acquisition of Weapon of Mass	F-F
14 200.0	Death and Destruction	'
14-288.9	Assault on Emergency Personnel; Punishments	F-I
Article 36B	Nuclear, Biological, or Chemical Weapons of Mass Destruction	<u> </u>
14-288.22	Unlawful Use of a Nuclear, Biological, or Chemical Weapon of Mass Destruction; Punishment	F-A, B1
Article 39	Protection of Minors	1 71, 51
14-318	Exposing Child to Fire	M-1
14-318.2	Child Abuse a Misdemeanor	M-A1
14-318.4	Child Abuse a Felony	F-B2, D, E, G
Article 52	Miscellaneous Police Regulations	, -, -, -
14-401	Putting poisonous foodstuffs, antifreeze, etc., in certain public places, prohibited.	M-1
14-401.14	Ethnic Intimidation; Teaching Any Technique to be Used for Ethnic Intimidation.	M-1
Chapter 20	Motor Vehicles	··· -
20-141.4(a1)	Felony Death By Motor Vehicle	F-B2
-U-141.4(d1)	relong beach by Motor Vernicle	1 02
20-141.4(a3)	Felony Serious Injury By Motor Vehicle	F-F

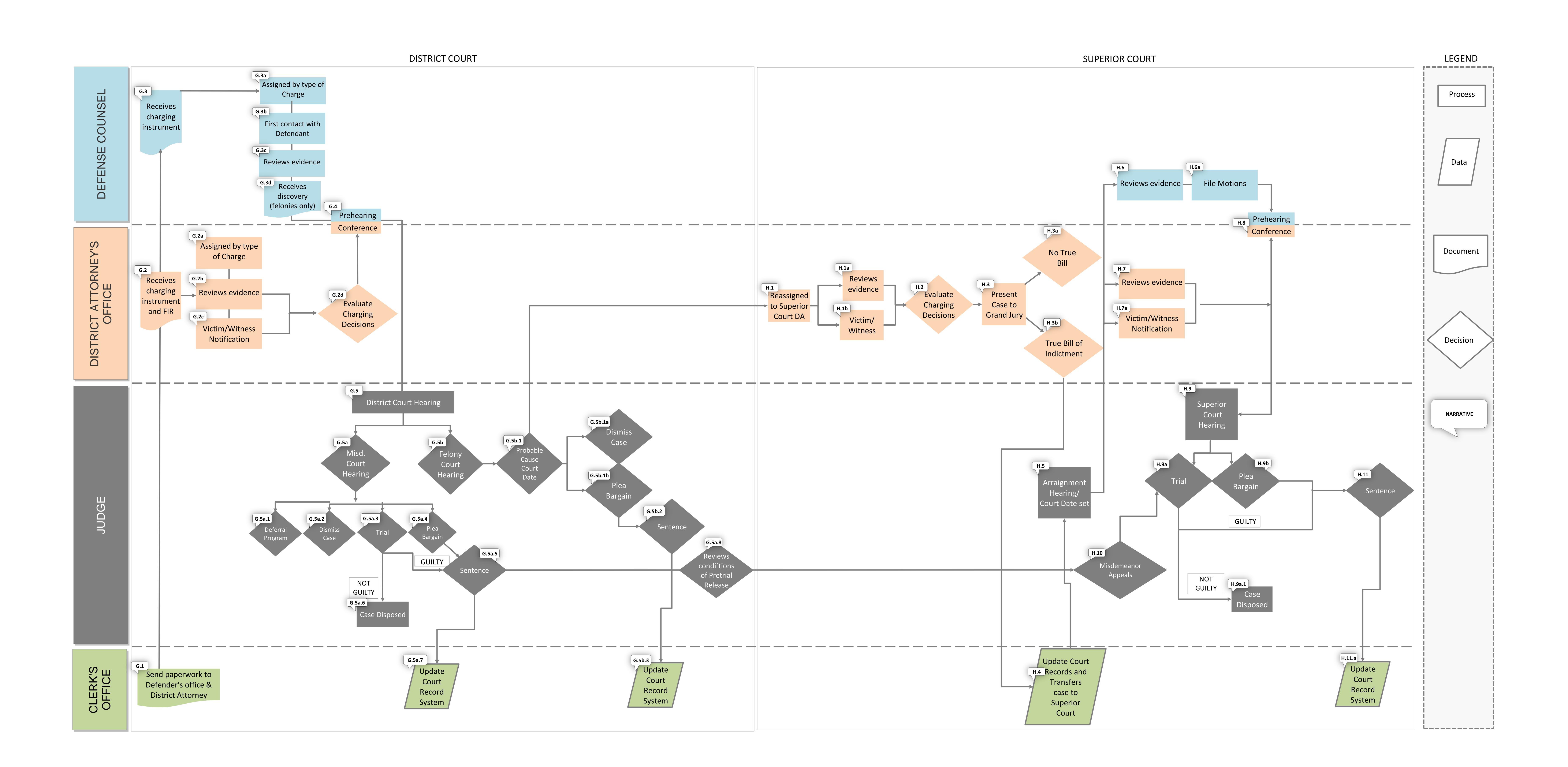




Attachment B:Pretrial System Map & Narrative











Wake County Pretrial System Map - Narrative

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	Probable Cause	
D.	Booking	5
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A. INITIAL CONTACT

- A.1. Civilian call to 911/dispatch.
- A.2. Self-Initiated by officer usually at a traffic stop.
- A.3. Judicial Orders A judicial official issues an order for arrest.
- A.4. Other All other circumstances of initial contact.
- A.5. Written or Verbal Warning The officer issues a written or verbal warning to the individual. No further action is taken. No documentation is made.
- A.6. Cite & Release The officer determines that the offense can be cited, and the individual can be released. There are certain offenses that cannot be cited (i.e. felonies and domestic violence offenses)) No custodial arrest occurs.
- A.7. Diversion Program The Officer determines that the individual is eligible for a prearrest diversion program (i.e. NC State's student conduct process). No citation or custodial arrest occurs. The individual may still be subject to charges if the diversion program is not completed.
- A.8. Medical The officer determines that the individual needs to go to the hospital for medical care. The individual may still be cited and/or arrested depending on the offense.
- A.9. Involuntary or voluntary commitment The Officer determines that the individual needs a mental health evaluation and seeks an IVC. The individual could also seek a voluntary mental health evaluation. The individual may still be cited and/or arrested depending on the offense.
- A.10. Custodial Arrest The Officer determines that the individual has committed offenses requiring a custodial arrest.



B. INTAKE AND RECEIVING

- B.1. Officer enters citation or warrant into NC AWARE.
- B.2. Officer arrives at Detention Center with Arrestee.
- B.3. WCSO Detention staff determines whether the individual will be accepted by the jail due to medical conditions.
- B.4. If not accepted, the Officer will take the individual to the hospital to receive medical clearance and provides paperwork to Detention staff.
- B.5. Arrestee is searched.
- B.6. WCSO Detention staff creates a booking record in the Jail Management System (JMS). The individual is NOT admitted to jail at this point.
- B.7. DWI charges the arresting officer administers a breathalyzer test.



C. PROBABLE CAUSE

- C.1. Officer proceeds to probable cause hearing.
- C.2. Magistrate receives paperwork from the Officer and hears the facts of the charge.
- C.3. Magistrate hears the facts of the charge. The defendant is not present during the Probable Cause Hearing. No criminal history is reviewed.
- C.4. No probable cause is found arrestee is released.
- C.5. Officer returns arrestee to the site of arrest.



D. BOOKING

- D.1. Probable cause is found the officer and arrestee proceed to CCBI.
- D.2. City-County Bureau of Investigation (CCBI) receives the defendant. If offense requires fingerprinting, per state statute, CCBI will fingerprint the defendant.
- D.3. The defendant is photographed.
- D.4. CCBI prints a DCI report.
- D.5. A tracker is printed and used for positive identification.
- D.6 WCSO Intake Officer takes custody of defendant.D.6a. Arresting Officer leaves facility.
- D.7. Defendant is kept in holding until initial appearance.
- D.8. WCSO brings the defendant to the Magistrate for the Initial Appearance.
- D.9. Magistrate receives paperwork from WCSO.





E. Initial Appearance

- E.1. Magistrates use CJ LEADS, NC AWARE, and DCI report to review criminal history, including FTA history. Magistrates follow NC General Statutes 15A-533 & 15A-534 (add Attachment A) and the 10th Judicial District Bond Policy (add Attachment B). Magistrates speak with defendant.
- E.2. Magistrates have the following options for conditions of release
 - E.2a. Written Promise to Appear
 - E.2b. Custody Release
 - E.2c. Unsecured Bond
 - E.2d. Secured Bond
 - E.2e. No Bond (certain charges are required to have no bond per General Statutes)
 - E.2f. Other: Magistrates can attach other conditions of release to the above options including pretrial release or pretrial monitoring.
- E.3. WCSO Records staff will determine whether the defendant has met all conditions of release.
 - E.3a. If the defendant meets the conditions and no pretrial release or pretrial monitoring is ordered, the defendant is released from custody by the WCSO.
 - E.3b. If the defendant meets the conditions and the conditions include pretrial release or pretrial monitoring, the defendant must sign the Pretrial Release or pretrial monitoring contact with Criminal Justice Alternatives (CJA).
 - E.3c. If the defendant does not meet the conditions of release, the defendant is housed in the jail.
- E.4. Clerk of Court's office receives a copy of the Condition of Release Order and creates the shuck.
- E.5. WCSO Detention staff houses the defendant in the classification dorm (in most cases) and Records retains the Release Order in the defendant's file.
- E.6. WCSO Detention staff prepares the First Appearance list based on those defendants who were admitted prior to 6am that day on weekdays only.
- E.7. CJA's Pretrial Release staff receives a copy of the First Appearance list.
- E.7a. CJA staff target defendants to determine eligibility. Certain charges are not targeted. CJA staff perform a criminal history records check of each targeted defendant. CJA staff further excludes defendants based on criminal history. CJA staff interviews remaining defendants and prepares eligibility list by updating CE Pretrial software.
- E.8. Public Defender's Office receives copy of the First Appearance list.





- E.9. District Attorney's Office receives copy of the First Appearance list.
 - E.9a. DA's office reviews criminal history for felony charges and all domestic violence charges.
- E.10. Judges receive a copy of the First Appearance list.
- E.11. Clerk's office receives a copy of the First Appearance list.
- E.11a. Clerks prepare shucks for First Appearance.





F. FIRST APPEARANCE

- F.1. WCSO Detention staff prepares defendants for first appearance.
- F.2. All defendants appear by video except for certain serious charges, high-profile cases, extraditions, and for certain language interpretation needs. First appearance schedule Domestic violence cases: 11am and 3pm on Mondays; 10am & 3pm on Tuesday to Friday. All other cases: 2pm on Monday to Friday (holiday exceptions apply). Out of Custody felony cases appear at 9am on the next business day (Monday Friday).
- F.3. Judge presides over first appearance. Judge advises defendant of charges and the potential maximum sentence per charge as determined by NC General Statute.
- F.4 Judge informs defendant of right to counsel. Defendant can opt for Public Defender, privately retained attorney, or pro se representation.
- F.5. If defendant requests public defender and is qualified, the Judge appoints a public defender. Defendant fills out Indigency Status form or waives right to Public Defender.
- F.6. If the Magistrate set conditions of release, Judge reviews conditions and after hearing from the DA's Office, Pretrial Services, and Defense Counsel (if present), and confirms or adjusts the conditions. If the Magistrate has not set conditions of release (i.e. as determined by NC General Statute), then the Judge sets the conditions of release. The Judge consults with the DA's Office to set the next available court date. There is no formal policy that dictates the duration before the next court date.
- F.7. If eligible, the Judge can dispose of some class II and III misdemeanor charges in first appearance. This includes Free the People cases on Thursday afternoons. For Free the People cases, the public defender is present.
- F.8. If release conditions are modified by the judge, the Clerk updates NCAWARE.

 The Clerk's office receives Conditions of Release and receives signed Waiver of
 Counsel if applicable from detention staff.
- F.9. WCSO staff determine if defendant meets conditions of release.
 - F.9a. If the release conditions are not met, the defendant is re-housed in the jail until the conditions can be met or the court date.
 - F.9b. If defendant meets the set conditions of release, the defendant is released from custody.



G. DISTRICT COURT

- G.1. Clerk's Office sends Assignment of Council to Public Defender's office.
- G.2. District Attorney's Office Receives the charging instrument and felony investigative report.
 - G.2a. Cases are assigned based on the charge type. Misdemeanors are assigned to a courtroom and not to a particular ADA. District Court Felony cases are assigned to ADAs on a rotating weekly basis. Superior Court cases are assigned by category (i.e.: SVU, Drug Charges, DV).
 - G.2b. The DA's office reviews the evidence in the case.
 - G.2c. The DA's office notifies the victims and witnesses of upcoming court dates.
 - G.2d. DA's Office evaluates charging decision for further action.
- G.3. Public Defender's Office or Private Counsel- PD's office or private counsel receives the charging instrument.
 - G.3a. The PD's office assigns the case to a public defender based on charge type. The charge type categories for the PD's office are Misdemeanor, E I Felonies, A I Felonies.
 - G.3b. The PD's Office contacts a defendant in custody within 3 business days after the case.
 - G.3c. The PD's office reviews evidence.
 - G.4d. The PD's office and Private Counsel receive discovery in felony cases.
- G.4. Prehearing Conference The DA's Office and Public Defender will discuss the charges, facts of the case, and negotiate disposition.





- G.5. District Court Hearing All cases start in District Court.
 - G.5a. Misdemeanor Court Hearing: Judge convenes the hearing with the DA's Office and Defense Counsel. If the defendant is in custody, bond conditions are reviewed. Possible outcomes of the hearing:
 - G.5a.1 Deferral Program The defendant agrees to enter a deferral program (i.e.: First Offenders, 90/96, Drug Court). The charges will be dismissed upon successful completion of the program. If unsuccessful, the charges will be returned to court.
 - G.5a.2 Dismiss Case Judge dismisses case. The case is disposed.
 - G.5a.3 Trial All trials in district court are bench trials. Absent all other options, the case will proceed to trial.
 - G.5a.4 Plea Bargain The DA's office offers the defendant a plea bargain. The defendant accepts the plea bargain and receives any agreed to sentence. The case is disposed.
 - G.5a.5. If the Judge finds the defendant guilty, the defendant will receive a sentence.
 - G.5a.6.If the Judge finds the defendant not guilty, the case is disposed without a sentence.
 - G.5a.7 Clerk updates court record system with dispositions.
 - G.5a.8. Misdemeanor convictions may be appealed to Superior Court. If appealed, District Court will review conditions of release and modify if necessary.
 - G.5b. Felony Court Hearing: Judge convenes the hearing with the DA's Office and Defense Counsel. If the defendant is in custody, bond conditions are reviewed.
 - G.5b.1. Probable Cause: DA presents probable cause for proceeding and the Judge rules on probable cause. Probable Cause hearing must be done within 15 days of First Appearance. Probable cause hearings can be postponed by agreement of the parties. In most cases, no probable cause hearing is held because the case is indicted and sent to superior court or the case is disposed by plea.
 - G.5b.1a. If no probable cause is found, the case can be dismissed, or DA's office can re-present the case.
 - G.5b.1b. If probable cause is found, the DA's office may offer the defendant a plea bargain.





- G.5b.2. If the defendant accepts the plea bargain, the Judge will sentence the defendant in District Court. If the DA's office does not offer a plea bargain or the defendant rejects the plea bargain, the case proceeds.
- G.5b.3. Clerk updates court record system with dispositions.



H. SUPERIOR COURT

- H.1. Cases not resolved in district court are reassigned by the DA's office to a Superior Court ADA.
 - H.1a. The new ADA reviews the evidence and contacts the victim and witnesses.
 - H.1b. The ADA reviews evidence.
- H.2. The ADA evaluates the charging decision for further proceedings.
- H.3. The ADA presents the case to the Grand Jury.
 - H.3.a. If the Grand Jury returns a No True Bill, the case be re-presented by the DA's Office or it can be dismissed.
 - H.3.b. If the Grand Jury returns a True Bill of Indictment, the Clerk of Court's office is notified.
- H.4. After indictment, the Clerk of Court's Office transfers the case to Superior Court.
- H.5. The Superior Court Judge holds the arraignment hearing. At the arraignment hearing, the defendant is advised of the charges and receives the next court date.
- H.6. The PD's office reviews evidence in the case.
 - H.6a The PD's office files motions related to the case.
- H.7. The DA's office reviews the evidence in the case.
 - H.7a. The DA's office notifies the victims and witnesses of upcoming court dates.
- H.8. Prehearing Conference The DA's Office and Public Defender will discuss the charges, facts of the case, and negotiate disposition.
- H.9. Superior Court Hearing is held.
 - H.9a. Jury Trial is held.
 - H.9a.1. If found not guilty, the case is disposed.
 - H.9b. Plea Bargain is negotiated, and defendant is sentenced.
- H.10. Misdemeanor appeals are heard in Superior Court. Misdemeanors other than infractions may be appealed to Superior Court. The misdemeanor appeal is heard by jury trial.
- H.11. If the Judge/jury finds the defendant guilty, then the defendant is sentenced by the Judge.
- H.12. The Clerk of Court updates court records system with case disposition.