

NORTH CAROLINA
CATAWBA COUNTY

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
DISTRICT 19

CATAWBA COUNTY
PRETRIAL RELEASE & BAIL POLICY
Revised and updated 2/05/2026

FILED
DATE: February 6, 2026
TIME: 9:38:25 AM
CATAWBA COUNTY
CLERK OF SUPERIOR COURT
BY: J. Holsclaw

I. Authority

Pursuant to North Carolina General Statute 15A-535, the undersigned Senior Resident Superior Court Judge of Judicial District 19, which is comprised of Catawba County, in consultation with the Chief District Court Judge, orders the following policies be followed within the District in determining the conditions of pretrial release of a defendant charged with a crime.

II. General Bail & Pretrial Release Policy

A. This policy acknowledges the basic principle that a defendant is entitled to the presumption of innocence. Conditions of pretrial release should never be used as a tool for encouraging guilty pleas or to punish a defendant. The law is intended to be applied equally to all defendants. Setting conditions of pretrial release is case-specific, and judicial officials must minimize unnecessary use of secured detention, consider each case separately, and balance the totality of circumstances as set forth herein.

The Constitutions of both the United States (Amendment VIII) and North Carolina (Article I, Section 27) state that “excessive bail shall not be required.” To this end, and pursuant to G.S. 15A-535(a) and G.S. 15A-535(b), the following policies are adopted as the policies for determining conditions of pretrial release in Judicial District 19.

B. The pretrial release decision includes providing for defendants’ due process and rights to equal protection under the law while also balancing the need to protect victims, witnesses, and the community from threat, danger, or interference. Per G.S. 15A-534(b), with the exceptions of (1) a Defendant charged with a violent offense, as defined by 15A-531(9), and (2) a Defendant who has been convicted of three or more offenses (each of which is at least a Class 1 misdemeanor) in separate sessions of court within the previous ten years, there is a presumption of release on the least restrictive terms and conditions reasonably necessary to assure the safety of the community and appearance of a defendant as required.

III. Statutory Pretrial Release Factors to Consider

Pursuant to G.S. 15A-534(c), the judicial official considering the conditions of pretrial release shall direct the arresting officer, Catawba County Pretrial Services personnel, or the district attorney to provide an entire criminal history report of each defendant. In determining which conditions

of pretrial release should be imposed or whether there exist factors justifying imposition of a secured bond and the amount thereof, the judicial official must, on the basis of available information, consider the following criteria:

- A. The nature and the circumstances of the offense(s) charged;
- B. The weight of the evidence against the defendant;
- C. The defendant's family ties, employment status and history, financial resources, character, housing situation, and mental condition;
- D. Whether the defendant is intoxicated to such a degree that he/she would be endangered by being released without supervision;
- E. Whether the defendant resides in the community, and if so, the length of residency;
- F. The defendant's entire criminal history;
- G. The defendant's history of flight to avoid prosecution or failure to appear at court proceedings or history of failing to comply with court orders;
- H. Whether the defendant is on probation;
- I. Protection of public health from known communicable diseases;
- J. Pending charges in court at the time of the alleged offense including compliance with current pretrial release conditions;
- K. The defendant's history of substance abuse;
- L. Outstanding warrants, holds, or detainees;
- M. Domestic violence lethality indicators such as: victim attempting to end the relationship; history of violence; use of or access to weapons; threats to kill victim, children, or commit suicide; substance abuse; obsession with victim; mental health issues; surveillance or stalking of victim; sexual assaults; and
- N. Any other evidence relevant to the issue of pretrial release.

IV. Conditions of Pretrial Release

- A. Per G.S. 15A-534(a), a judicial official must impose at least one of the following conditions:
 1. Release the defendant upon execution of an unsecured appearance bond in an amount specified by the judicial official.
 2. Place the defendant in the custody of a designated person or organization agreeing to provide supervision.
 3. 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.
 4. House arrest with electronic monitoring.
- B. Per G.S. 15A-534(b), unless the defendant is charged with a violent offense, the judicial official granting pretrial release must impose condition (1) or (2) above, unless doing so will not reasonably assure the defendant's appearance; 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. In considering pretrial release for a Defendant who has been convicted of three or more offenses, each of which is a Class 1 misdemeanor or higher within the previous 10 years, the judicial official must impose condition (3) or (4) of subsection A of this Article. *See 15A-534(b).* For a defendant charged with a violent offense, the provision of 15A-534(b1) shall apply.
- D. The following systematic bond review process for all cases in superior and applicable cases in district court shall apply:
 1. Eligibility for pretrial release shall be reviewed before a judge at the first appearance hearing for individuals who remain in custody.
 2. Prior to the individualized bail hearing, notice shall be provided to defendants of the federal constitutional rights at issue and the type of facts being relied on to make the decision.
 3. Notice shall be provided to each defendant that financial information will be collected at the individualized bail hearing, and the notice must include an explanation of the significance of the financial information to be collected.
 4. Defendants shall be provided a meaningful opportunity to be heard before a neutral fact-finder and to present and confront evidence and argument on appropriate conditions of release or detention.
 5. If a secured financial condition of release is required, there shall be either an individualized finding that the defendant can afford to pay the amount (such that it will not result in detention), or that the pretrial detention of the person is necessary.
- E. If a judicial official imposes custody release pursuant to 15A-534(a)(3), the defendant may elect to execute a secured bond under 15A-534(a)(4), as an alternative to custody release.
- F. A judicial official may place restrictions on a defendant's travel, associations, conduct, or place of abode as additional conditions of pretrial release.
- G. If a defendant is required to provide fingerprints pursuant to G.S. 15A-502(a1), (a2), (a4), or (a6), or a DNA sample pursuant to G.S. 15A-266.3A or G.S. 15A-266.4, and (i) the fingerprints or DNA samples have not yet been taken, or (ii) the defendant has refused to provide the fingerprints or DNA sample, the judicial official shall make the collection of the fingerprints or DNA sample a condition of pretrial release.
- H. If a judicial official determines that imposing condition (4) or (5) is necessary per G.S. 15A-534(a), the judicial official must record the reasons for doing so in writing on the appropriate bond form. ***Maximum Secured Appearance Bond Amounts are attached as Exhibit A.*** In each and every order authorizing pretrial release for (i) a defendant who is charged with a violent offense or (ii) a defendant who has been convicted of three or more offenses in separate sessions of court, each of which is a Class 1 misdemeanor or higher offense, within the previous 10 years, the judicial official must make written

findings of fact explaining the reasons why the judicial official determined the conditions of release to be appropriate by applying the factors provided in Article III of this order.

V. Custody Release to Catawba County Pretrial Service

- A. Unless otherwise prohibited herein or by statute, judges may authorize custody release of a defendant to CCPS pursuant to G.S. 15A-534(a)(3). If, at a Bond Hearing or First Appearance, the judge chooses to authorize custody release to CCPS, the judge shall set an unsecured bond and authorize release to CCPS by documenting such release on the appropriate form.
- B. Pursuant to G.S. 15A-535(b), the defendant can only be released to the custody of CCPS if the program accepts supervision of the defendant and the defendant consents, in writing, to be supervised. If CCPS accepts a defendant and the defendant consents, a Pretrial Services agreement will be signed by both parties, attached to the release order and made a part of the official court record.
- C. If CCPS does not accept the defendant or the defendant does not consent, the defendant will be held unless/until the secured bond is met, or the conditions of release are modified by an authorized judicial official.

VI. Services Provided by Catawba County Pretrial Services (CCPS)

- A. Catawba County Pretrial Services (CCPS) provides pretrial supervision and services to defendants pending trial when authorized by a judicial official as a condition of release if the program accepts supervision of the defendant and the defendant consents, in writing, to be supervised. CCPS provides differential case supervision including levels of supervision with varying types and frequencies of supervision contacts. The supervision and services provided to individual defendants will be guided by the Release Conditions Matrix and Monitoring Conditions.
- B. Upon determining a defendant's eligibility, CCPS will conduct an initial risk assessment with eligible defendants and provide this information to judicial officials to aid in making pretrial release decisions including eligibility to participate in CCPS. ***See CCPS Eligibility Criteria, attached as Exhibit B.***
 1. CCPS will complete an initial risk assessment on all eligible defendants and provide the results to the Court, Assistant District Attorney, and Defense Counsel at Bond Review Hearings, and when necessary, at First Appearance Hearings. ***See CCPS Risk Assessment Tool, attached as Exhibit C.***
 2. Catawba County's ***Release Conditions Matrix, attached as Exhibit D and Monitoring Conditions, attached as Exhibit E,*** provides guidance to judicial officials in setting conditions consistent with the statutory presumption of release

on least restrictive terms and conditions.

- C The judicial official, in determining the conditions of pretrial release, may place the defendant on electronic monitoring ("EM") with CCPS, if available.

VII. Order for Release

Per G.S. 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 release; and advise the defendant that arrest will be ordered immediately upon any violation. The order for release must be filed with the clerk and a copy given to CCPS and the defendant.

VIII. Modification of Order for Release

- A. Per G.S. 15A-534(e), a magistrate or a clerk may modify any pretrial release order at any time prior to the first appearance before a Judge. At or after such first appearance, except when the conditions of pretrial release have been reviewed by the Superior Court per G.S. 15A-539, a District Court Judge may modify a pretrial release order of the magistrate or clerk or any pretrial release ordered by a District Court judge 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 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 a Superior Court judge, at any time as set out in G.S. 15A-536(a).

IX. Revocation of Pretrial Release

- A. Pursuant to G.S. 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 CCPS determines a defendant who is being supervised by CCPS has violated the conditions of release, CCPS shall use the ***Response to Compliance and Non-Compliance Protocol (attached as Exhibit F)*** and, if appropriate, submit a Notice of Non-Compliance to the Court of jurisdiction. This Notice shall be

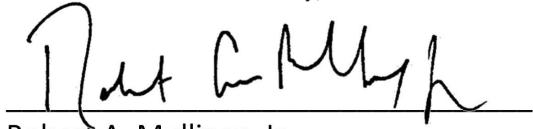
made part of the court file and the Pretrial Services agreement will be terminated. The judicial official shall review the non-compliance and determine if action is necessary. If the judicial official determines the defendant to be non-compliant, the judicial official shall issue an Order for Arrest or notice to appear in court for a hearing.

X. Effective Date

XI.

This order shall be effective upon entry.

2/5/2026 4:18:18 PM
This is the 6th of February, 2026



Robert A. Mullinax, Jr.
Chief District Court Judge
District 36

2/6/2026 9:27:07 AM



Nathaniel J. Poovey
Senior Resident Superior Court Judge
District 19

Exhibit A: Bond Guidelines

Maximum Secured Appearance Bond Amounts - Drug Trafficking

If a bond is set in excess of these recommendations, reasons for doing so must be documented.

Punishment Class	Maximum Secured Bond
C	\$5 Million
D	\$4 Million
E	\$3 Million
F	\$2 Million
G	\$1 Million
H	\$500,000

Maximum Secured Appearance Bond Amounts - Violent Offenses

Pursuant to G.S. 15A-533(b), for violent offenses there shall be a rebuttable presumption that no condition of release will reasonably assure the appearance of the person or safety of the community.

If a judge determines that release is warranted for a violent offense, the judge shall set conditions of pretrial release in accordance with G.S. 15A-534.

Maximum Secured Appearance Bond Amounts—Felonies (other than Drug Trafficking and Violent Offenses).

If a bond is set in excess of these recommendations, reasons for doing so must be documented.

Punishment Class	Maximum Secured Bond
A	Set by Judge
B1	\$5 Million
B2	\$4 Million
C	\$2 Million
D	\$1.5 Million
E	\$1 Million
F	\$750,000
G	\$500,000
H	\$250,000
I	\$100,000

Maximum Secured Appearance Bond Amounts—Misdemeanors

If a bond is set in excess of these recommendations, reasons for doing so must be documented.

Punishment Class	Maximum Secured Bond
A1	\$50,000
1	\$10,000
2	2,500
3	1,000
DWI (non-felony)	\$100,000

Exhibit B – Catawba 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 detainees.
- 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 Catawba County or a neighboring county (Alexander, Burke, and/or Caldwell 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 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.)

Exhibit C- Catawba County Pretrial Services Risk Assessment Tool

Pretrial Services Risk Assessment Tool

Failure to Appear (FTA)	Answer	Points		Total FTA Points	FTA Scaled Score
Pending Charges @ Time of Arrest			No=0 Yes=1		0 =1 1 =2 2 =3
Prior Convictions (Misdemeanor or felony)			No=0 Yes=1		3 =4 4 =4 5 =5
Prior FTA in Past 2 Years			0=0 1=2 2 or more=4		6 =5 7 =6
Prior FTA Older than 2 Years			No=0 Yes=1		Total FTA Pts. Total FTA Score
New Criminal Activity (NCA)					
Age @ Current Arrest			23 or older=0 22 or younger=1		0 =1 1-2 =2
Pending Charge @ Time of Arrest			No=0 Yes=3		3-4 =3 5-6 =4
Prior Misdemeanor Conviction			No=0 Yes=1		7-8 =5 9-13 =6
Prior Felony Conviction			No=0 Yes=1		
Current or Prior Violation of Probation/Parole			No=0 Yes=2	Total NCA Pts.	Total NCA Score
Prior Sentence to Incarceration			No=0 Yes=2		
New Violent Criminal Activity (NVCA)					
Current Violent Offense			No=0 Yes=2		0-3 =No 4-7 =Yes
Current Violent Offense & 20 Years Old or Younger			No=0 Yes=1		A score between 4-7 indicates a violent activity flag and increases a defendant's risk by one level. (Ex. Level I to Level II)
Prior Violent Conviction			0=0 1=1 2=1 3 or more=2		
Pending Charge @ the Time of Offense			No=0 Yes=1	Total NVCA Pts.	Total NVCA Score
Prior Conviction (Misdemeanor or Felony)			No=0 Yes=1		

Pretrial Release Approved: YES NO

Violent Activity Flag: YES NO

Recommended Level _____

Exhibit D - Catawba County Release Conditions Matrix

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

Exhibit E - CCPS Monitoring Conditions

Pretrial Release Activities and Conditions	Level 1	Level 2	Level 3
Mandatory Statutory Conditions	X	X	X
Court Date Reminders 72-96 hours in advance	X	X	X
New arrest checks by PTS monthly	X	X	X
Check-Ins/Face-Face with PTS Case Manager	1x/month	2x/month	2x/Month w/PTS discretion to increase and/or increase if court ordered
Check-Ins by Phone with PTS Case Manager	1x/Month	2x/Month	Weekly
<u>Other Possible Requirements set by Judge:</u>			
Electronic Monitoring (EM)		Judge Discretion	X
Curfew w/ EM		Judge Discretion	Judge Discretion
Territory Restriction w/EM		Judge Discretion	Judge Discretion
No Contact with P/W	Judge Discretion	Judge Discretion	Judge Discretion
Other	Judge Discretion	Judge Discretion	Judge Discretion

Explanation of Monitoring Conditions

Mandatory Statutory Conditions: The person appears in court for all hearing (and abides by all laws if statutorily applicable).

Court Date Notifications: The person receives all court date notifications and replies if requested by pretrial services case manager.

Criminal History Checks: The person's criminal history is checked for new criminal charges at least once a month.

Check-Ins/Face-Face: The person complies with face to face check-ins with pretrial services case manager as per scheduled/ordered.

Check-Ins/Phone Contact: The person complies with phone check-ins with pretrial services case manager as per schedule set after initial case contact.

Other Requirements: The person complies with any and all other requirements set forth by the Judge and Catawba County Pretrial Services Director.

Exhibit F: Response to Non-Compliance and Non-Compliance Protocols – Page 1

Response to Non-Compliance Protocol						
Supervision Condition	Type and Level of Non-Compliance	Response to Non-Compliance (Low, Medium, High) by Supervision Level				
		Level 1	Level 2	Level 3		
Scheduled Check-Ins Face-Face w/PTS CM	Failed to check-in and no contact the following business day	Low	Medium			
	Failed to check-in and no contact within 2 calendar days	Medium		High		
	Failed to check-in and no contact within 5 calendar days	Submit Notice of Non-Compliance				
	Failed to check-in and no contact within 7 calendar days	Submit Notice of Non-Compliance				
Contact with PTS Case Manager (Other than Face/Face)	Failed to contact case manager as scheduled	Low		Medium		
	Failed to contact case manager as scheduled within 2 calendar days	Medium		High		
	Failed to contact case manager as scheduled within 5 calendar days	High	Submit Notice of Non-Compliance			
	Failed to contact case manager as scheduled within 7 calendar days	Submit Notice of Non-Compliance				
	Failed to contact case manager as scheduled within 10 calendar days	Submit Notice of Non-Compliance				
Appear for scheduled court events	Failed to show up for scheduled court Appearance without PTS knowledge	Notice to the Court on new PSA & High Response				
	FTA warrant issued for missing court for non-pretrial services cases	Notice to the Court on new PSA & High Response				
	FTA warrant issued for missing court on the pretrial services charge	Notice to the Court on new PSA & High Response				
New criminal activity (offense date after date of release to Pretrial Supervision)	In or Out-of-custody for new charge above a Class 3	Submit Notice of Non-Compliance & High Response	Submit Notice of Non-Compliance & High Response	Submit Notice of Non-Compliance & High Response		

Exhibit F: Response to Non-Compliance and Non-Compliance Protocols – Page 2

Definitions: Levels of Non-Compliance		
Minor Violations	Moderate Violations	Severe Violations
Generally, involves violations that show a lapse in judgment and do not cause harm to defendant or others.	Violations that appear to show a disregard for court orders and pretrial supervision but did not cause harm or potential harm to others.	Violations that appear to show a willful and/or repeated disregard for court orders and pretrial supervision, and/or violations which cause or present a risk of harm to themselves and/or others.

Definitions: Response to Non-Compliance*	
Low Response	<ul style="list-style-type: none"> Work directly with the defendant: <ul style="list-style-type: none"> Call and get into contact with the defendant Verbally reinforce conditions of supervision with defendant Make appropriate service referral (if available to PTS to make) Work with defendant to identify barriers to compliance and opportunities to support compliance
Medium Response	<ul style="list-style-type: none"> Continue the efforts listed in the low response category. <ul style="list-style-type: none"> Explore alternative referral sources (if available to PTS to make) Work with partners: (if provided to PTS to make) <ul style="list-style-type: none"> Consult with contacts provided by the defendant Consult with defense attorney Increase phone calls/texts to remind of court date
High Response	<ul style="list-style-type: none"> Continue the efforts listed in the low and medium response categories. Consider changes in supervision requirements: <ul style="list-style-type: none"> May increase office contact frequency May increase office contact type May increase the level of supervision classification Add a personal phone call to the text court date reminders Consider developing a written and signed problem-solving plan to address barriers and support compliance.
Submit Notice of Non-Compliance	<ul style="list-style-type: none"> Send revocation request for non-compliance to supervisor for review, approval and signature. Provide notice of non-compliance to the Court for Judge to consider issuing OFA.
*	<ul style="list-style-type: none"> Document all actions appropriately. The Pre-Trial Services Director reserves the right to deviate from these standards due to extenuating circumstances.