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NORTH CAROLINA  
CATAWBA COUNTY FILED

IN THE GENERAL COURT OF JUSTICE  
SUPERIOR COURT DIVISION  
DISTRICT 25B

2022 JUL 27 A 10: 54

CATAWBA CO., O.S.C.

BY  CATAWBA COUNTY  
PRETRIAL RELEASE & BAIL POLICY

Revised and updated 7/26/2022

**I. Authority**

Pursuant to North Carolina General Statute 15A-535, the undersigned Senior Resident Superior Court Judge of Judicial District 25B, 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 25B.

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(a), 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, with an emphasis on non-monetary conditions of release.

### III. Statutory Pretrial Release Factors to Consider

Pursuant to G.S. 15A-534(c), 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, 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 record of convictions;
- 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 detainers;
- 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;

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 on a written promise to appear.
2. Release the defendant upon 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 provide supervision.
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.
5. House arrest with electronic monitoring.

B. Per G.S. 15A-534(b), the judicial official granting pretrial release must impose condition (1), (2), or (3) 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. Magistrates shall use the ***Magistrate Initial Bond Decision Form, attached as Exhibit A***, in every case when setting a condition of release regardless of the type of condition pursuant to 15A-534, and pursuant to the terms and conditions of this policy. When a judge sets a bond as required by statute, the judge shall use the ***Judicial Bond Decision Form, attached as Exhibit B***. These forms do not replace the required use of forms AOC-CR-200 and AOC-CR-201.

D. For Misdemeanor Class II, Class III, Infractions, and Ordinances, the presumptive bail type is a written promise to appear or an unsecured bond. ***See Misdemeanor Class II and III Offenses: Presumption for Release on Written Promise to Appear or Execution of Unsecured Appearance Bond, attached as Exhibit C.***

E. The following systematic bond review process for all cases in superior and district court shall apply:

1. Conditions of pretrial release shall be reviewed before a judge at the first appearance hearing.

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. Prior to setting or modifying a condition of release that includes secured monetary bail, the judicial official must conduct an inquiry into the defendant's ability to pay the full amount of the monetary bail.
6. It is a rebuttable presumption that a defendant is unable to pay any secured bond amount that exceeds 2% of that person's monthly income.
7. It is a rebuttable presumption that any defendant is unable to afford any amount of secured bond if the defendant:
  - a. Is eligible for court appointed counsel;
  - b. Is, or within the past 6 months, has been homeless;
  - c. Has income at or below 200% of the federal poverty guidelines;
  - d. Is a full-time student;
  - e. Has been incarcerated pursuant to an active sentence within the past 6 months;
  - f. Is residing in a mental health or other treatment program, or has resided in such a program in the past 6 months; or
  - g. Is or has dependents who are eligible to receive SNAP benefits (food stamps), Medicaid, Temporary Assistance for Needy Families, Supplemental Security Income, Social Security Disability Income, public housing, or any other federal or state public assistance.
8. 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.

- F. 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.
- G. A judicial official may place restrictions on a defendant's travel, associations, conduct, or place of abode as additional conditions of pretrial release.
- H. 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.
- I. 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 D.**

#### V. 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 E.**
  - 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 F.**

2. Catawba County's Release Conditions Matrix, *attached as Exhibit G* and Monitoring Conditions, *attached as Exhibit H*, provides guidance to judicial officials in setting conditions consistent with the statutory presumption of release on least restrictive terms and conditions.

#### VI. Custody Release to Catawba County Pretrial Services

- A. Judges may authorize custody release of a defendant to CCPS pursuant to 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.

#### VIII. 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.

#### IX. 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 the District Court 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 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).

**X. 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 I)*** 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 the defendant to be non-compliant, the judicial official shall issue an Order for Arrest or notice to appear in court for a hearing.

**XI. Effective Date**

This order shall be effective on and after August 1, 2022.

This is the 27 day of July, 2022.

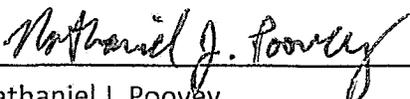
  
\_\_\_\_\_  
Nathaniel J. Poovey  
Senior Resident Superior Court Judge



Exhibit A – Magistrate Initial Bond Decision Form (will be printed front & back)

Charged offense involves domestic violence \_\_\_\_\_  
 Charged offense involves violence or injury to a person \_\_\_\_\_  
 Defendant has prior conviction against the same person(s) \_\_\_\_\_  
 Charged offense is stalking or cyberstalking  
 Charged offense requires sex offender registration or is a failure to register as a sex offender offense or is a serious sex offense  
 Charged offense is DWI and defendant has at least one prior DWI conviction within the last seven years  
 Defendant was under influence of alcohol, drugs, narcotics, pills or other impairing substance at the time of arrest indicating a substance use problem that may require treatment  
  
 Defendant is impaired such that immediate release is likely to cause harm to self/others/property  
  
 Defendant exhibits other factors that indicate they are a danger to self/others including known mental health diagnosis  
  
 At the time of arrest Defendant assaulted a Law Enforcement Officer and/or resisted arrest and/or attempted to flee to elude arrest  
 Charged offense involved Defendant's use of a firearm or deadly weapon  
 Charged offense is a drug trafficking offense  
 Charged offense involves manufacturing methamphetamines  
 Charged offense related to gang activity \_\_\_\_\_  
 Defendant's incarceration is necessary to prevent the likely destruction of evidence, subornation of perjury or intimidation of potential witnesses  
  
 Other factors/reasons for setting bond set for below  
  
 DEFENDANT'S CRIMINAL HISTORY was reviewed (Not Optional) Magistrate Initial Here \_\_\_\_\_

**BASED ON THE FOREGOING FINDINGS OF FACT THE COURT CONCLUDES AS A MATTER OF LAW THAT;**

- The Defendant can afford to pay the amount of a secured bond such that it will not result in detention.  
 The Defendant cannot afford to pay the amount of a secured bond such that it will not result in detention.  
 (If Defendant cannot afford the bond, set bond on bond order form including AOC-CR-200 and 201.)  
 The Court has found the facts noted above by clear and convincing evidence and there are no alternative conditions of release adequate to reasonably assure the appearance of the defendant as required; prevent a danger of injury to any person; or prevent the likely destruction of evidence, subornation of perjury, or intimidation of potential witnesses.

**IT IS HEREBY ORDERED** that the defendant's bond is \$ \_\_\_\_\_  Secured  Unsecured

- Written promise to Appear  Custody Release  
 Additional conditions of pretrial release are attached on AOC-CR-200 or Other

Date

Name of Presiding Magistrate

Signature of Presiding Magistrate

STATE OF NORTH CAROLINA

File Number(s)

22 R 247

CATAWBA COUNTY

In the General Court of Justice  
District/Superior Court Division

STATE VERSUS

Name and Address of Defendant(s)

2022 JUL 27 A 10:55

CATAWBA CO., S.C.

JUDICIAL  
BOND DECISION

Date of Offense

Court Date

BY *[Signature]*

Offense(s)

This matter came on for hearing before the undersigned District/Superior Court Judge to review the bond of the above noted Defendant. The Defendant was present with his/her attorney \_\_\_\_\_, and the District Attorney, the court heard from the parties including providing the Defendant the opportunity to testify, call witnesses and present evidence. After considering all the evidence and hearing arguments of counsel the court makes the following:

FINDINGS OF FACT BY CLEAR AND CONVINCING EVIDENCE:

Check any that apply and make written findings for all items checked:

ABILITY TO PAY

Defendant's ability to pay:  Unemployed

Employed

Gross income \_\_\_\_\_

Income is above federal poverty level

Income is at or below 200% of federal poverty level

Defendant is  eligible for court appointed counsel: \_\_\_\_\_

Defendant is NOT eligible for court appointed counsel.

Defendant is a Fulltime Student enrolled at \_\_\_\_\_.

Defendant has been incarcerated within the last 6 months \_\_\_\_\_.

Defendant has been homeless within the past 6 months.

Defendant resides in a mental health facility or other treatment program \_\_\_\_\_.

Defendant is or has dependents who receive any federal or state public assistance (e.g. Snap benefits – food stamps, Medicaid, Temporary Assistance for Needy Families – TANF, Social Security Supplemental Income, Social Security Disability Income, public housing, or other Federal or State assistance program based on financial hardship)

Any of the foregoing creates a rebuttable presumption that any person is unable to afford any amount of secured bond. Nonetheless, there is a rebuttable presumption that a person is unable to pay any amount of secured bond that exceeds 2 percent of that person's monthly income.

Defendant has stated in open court that he/she can make a secured bond in the following amount \_\_\_\_\_

Defendant has insufficient ties to the community to assure appearance \_\_\_\_\_

Defendant has history of Failures to Appear (FTAs)

Defendant has a prior record of

A felony conviction; or

Misdemeanor convictions within the last five years demonstrating a pattern of conduct for committing the same or substantially similar offenses therefore likely to re-offend

Defendant has outstanding warrants on another charge or a hold or detainer from another state or federal agency

Charged offense was committed when Defendant was on pretrial release for a related offense or on supervised probation for any offense or has pending probation violations: \_\_\_\_\_

- Charged offense involves domestic violence \_\_\_\_\_.
  - Charged offense involves violence or injury to a person \_\_\_\_\_.
  - Defendant has prior conviction against the same person(s) \_\_\_\_\_.
  - Charged offense is stalking or cyberstalking
  - Charged offense requires sex offender registration or is a failure to register as a sex offender offense or is a serious sex offense
  - Charged offense is DWI and defendant has at least one prior DWI conviction within the last seven years
  - Defendant was under influence of alcohol, drugs, narcotics, pills or other impairing substance at the time of arrest indicating a substance use problem that may require treatment or has a history of substance abuse
- 
- Defendant is impaired such that immediate release is likely to cause harm to self/others/property
- 
- Defendant exhibits other factors that indicate they are a danger to self/others including known mental health diagnosis
- 
- At the time of arrest Defendant assaulted a Law Enforcement Officer and/or resisted arrest and/or attempted to flee to elude arrest
  - Charged offense involved Defendant's use of a firearm or deadly weapon
  - Charged offense is a drug trafficking offense
  - Charged offense involves manufacturing of methamphetamines
  - Charged offense related to gang activity \_\_\_\_\_.
  - Defendant's incarceration is necessary to prevent the likely destruction of evidence, subornation of perjury or intimidation of potential witnesses
- 
- Other factors/reasons for setting bond set for below
- 
- DEFENDANTS CRIMINAL HISTORY WAS REVIEWED**

**BASED ON THE FOREGOING FINDINGS OF FACT THE COURT CONCLUDES AS A MATTER OF LAW THAT:**

- The Defendant can afford to pay the amount of a secured bond such that it will not result in detention.
- The Defendant cannot afford to pay the amount of a secured bond such that it will not result in detention.  
(If Defendant cannot afford the bond, set bond on bond order form including AOC-CR-200 and 201.)
- The Court has found the facts noted above by clear and convincing evidence and there are no alternative conditions of release adequate to reasonably assure the appearance of the defendant as required; prevent a danger of injury to any person; or prevent the likely destruction of evidence, subornation of perjury, or intimidation of potential witnesses.

**IT IS HEREBY ORDERED** that the defendant's bond is \$ \_\_\_\_\_  Secured  Unsecured

- Written promise to Appear  Custody Release
- Custody Release to Catawba County Pretrial Services.
- Additional conditions of pretrial release are attached on AOC-CR-200 or Other

Date	I have received a copy of this Bond Review form. Signature of Defendant	
Date	Name of Lawyer for Defendant	Signature of Lawyer for Defendant
Date	Name of Presiding Judge	Signature of Presiding Judge

**Exhibit C – Misdemeanor Class II and III Offenses: Presumption for Release on Written Promise to Appear or Execution of Unsecured Appearance Bond (will be printed front and back)**

OFFENSE	STATUTE
Allowing Unlicensed Person to Drive	20-34
Carrying Concealed Weapons, First Offense	14-269(a)(a1)
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 License 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)
Begging &/or Solicit Alms	Local Ordinance

Exhibit D – 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.

Drug	Amount	Class	Maximum Secured Bond
Marijuana	>10 lbs - 49 lbs.	H	\$5,000
	50-1,999	G	\$25,000
	2,000-9,999	F	\$50,000
	10,000 or more	D	\$200,000
Methaqualone	1,000 -4,999 dosage units	G	\$25,000
	5,000 - 9,999	F	\$50,000
	10,000 or more	D	\$200,000
Cocaine	28 - 199 grams	G	\$50,000
	200 - 399 grams	F	\$100,000
	400 or more	D	\$250,000
Methamphetamine	28-199 grams	F	\$50,000
	200-399 grams	E	\$100,000
	400 or more	C	\$250,000
Amphetamine	28-199 grams	H	\$5,000
	200 - 399 grams	G	\$25,000
	400 or more	E	\$100,000
Opium/Opiate/ Opioid/Heroin	4-13 grams	F	\$50,000
	14-27 grams	E	\$100,000
	28 or more	C	\$500,000
LSD	100-499 dosage units	G	\$25,000
	500-999 dosage units	F	\$50,000
	1,000 or more dosage units.	D	\$200,000
MDA/MDMA	100-499 units/28-199 grams	G	\$25,000
	500-999 units/200-399 grams	F	\$50,000
	1,000 units/400 grams or more	D	\$250,000
Substituted Cathinones	28-199 grams	F	\$50,000
	200-399 grams	E	\$100,000
	400 or more	C	\$250,000
Synthetic Cannabinoids	In excess of 50-249 dosage units**	H	\$5,000
	250-1,249	G	\$25,000
	1,250-3,749	F	\$50,000
	3,750 or more	D	\$200,000

\*The maximum secured bonds included in this table are taken from the minimum fines required for the respective offenses.

\*\* A dosage unit is 3 grams of synthetic cannabinoid or any mixture containing such substance.

**Maximum Secured Appearance Bond Amounts – Felonies (other than Drug Trafficking).**

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	\$200,000
B2	\$200,000
C	\$50,000
D	\$50,000
E	\$25,000
F	\$15,000
G	\$10,000
H	\$5,000
I	\$2,500

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BY [Signature]  
S.S.C.

**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	\$1,000
1	\$500
2	Use written promise, custody release or unsecured bond
3	Use written promise, custody release or unsecured bond
DWI (non-felony)	\$500

## Exhibit E – Catawba County Pretrial Services Eligibility Policy

### I. Program Eligibility

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#### A. General

2022 JUL 27 A 10:55

CATAWBA CO., N.C.

BY



- 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 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, any 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.)

# 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		
<b>New Criminal Activity (NCA)</b>				
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		
Prior Sentence to Incarceration		No=0 Yes=2		
<b>Total NCA Pts.                      Total NCA Score</b>				
<b>New Violent Criminal Activity (NVCA)</b>				
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		
Prior Conviction (Misdemeanor or Felony)		No=0 Yes=1		
<b>Total NVCA Pts.                      Total NVCA Score</b>				

Pretrial Release Approved:    YES      NO

Violent Activity Flag:    YES      NO

Recommended Level \_\_\_\_\_

Exhibit G - 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	WPA	WPA				
2 85% Likely to Appear	WPA	WPA	WPA or Unsecured Bond		Level 2	
3 81% Likely to Appear		WPA or Unsecured Bond	WPA or Unsecured Bond		Level 2	Level 3
4 73% Likely to Appear		WPA or Unsecured Bond	Unsecured Bond or Level 1	Level 2	Level 2	Level 3
5 69% Likely to Appear		WPA or Unsecured Bond	Unsecured Bond or Level 1	Level 2	Level 3	Level 3
6 65% Likely to Appear				Level 2	Level 3	Level 3

2022 JUL 27 A 10:55

2022 JUL 27 A 10:55

CATAWBA CO., O.S.C.

BY 

Exhibit H- Catawba County Pretrial Services Release Activities and Conditions

Pretrial Release Activities and Conditions	Level 1	Level 2	Level 3
Mandatory Statutory Conditions	X 2022 JUL 27 A 10:55	X	X
Court Date Reminders 72-96 hours in advance	X CATAWBA CO., S.S.C.	X	X
New arrest checks by CCPS monthly	X BY 	X	X
Check-Ins/Face-Face with CCPS Case Manager	1x/month	2x/month	2x/Month w/ CCPS discretion to increase and/or increase if court ordered
Check-Ins by Phone with CCPS Case Manager	1x/Month	2x/Month	Weekly
<b>Other Possible Requirements set by Judge:</b>	[REDACTED]		
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 I: Response to Non-Compliance and Non-Compliance Protocols

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	High
	Failed to check-in and no contact within 2 calendar days	Medium	High	Submit Notice of Non-Compliance
	Failed to check-in and no contact within 5 calendar days	High	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	High
	Failed to contact case manager as scheduled within 2 calendar days	Medium	High	Submit Notice of Non-Compliance
	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	High	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	Medium unless Court Orders other response		
	FTA warrant issued for missing court for non-pretrial services cuses	High unless Court Orders other 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

<b>Definitions: Levels of Non-Compliance</b>		
<b>Minor Violations</b>	<b>Moderate Violations</b>	<b>Severe Violations</b>
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.

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