

2015 Mecklenburg County Pretrial Services Eligibility Policy

I. Program Eligibility

A. General

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

B. Residential

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

C. Automatic Exclusions

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

II. Ineligible Offenses

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

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

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

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