



Legislation Text

File #: 15-2430, Version: 1

Title:
2015 Pretrial Services Eligibility Policy

Summary

ACTION:

1) Rescind Board Action of February 1, 2011 which authorized the 2011 Pretrial Services Eligibility Policy

2) Approve the 2015 Pretrial Services Eligibility Policy, as recommended by the District Court Subcommittee

Staff Contact: Thomas Eberly, Director, Criminal Justice Services

Presentation: Yes

BACKGROUND/JUSTIFICATION:

In 2001, the Mecklenburg Board of County Commissioners (BOCC) established a Pretrial Services Eligibility Policy. This policy was created to provide direction to the program in releasing defendants from jail pending trial. On February 1, 2011, the BOCC revised the policy to reflect business process changes in Pretrial Services and a significant revision of the 26th Judicial District's Bail Policy.

Over the past year, Criminal Justice Services collaborated with the 26th Judicial District and the Laura and John Arnold Foundation to again improve the bail process in Mecklenburg County. The County was one of four sites in the country to be selected by the Foundation to receive technical assistance and exclusive access to their pretrial risk assessment tool. This tool, which is prepared by Mecklenburg County Pretrial Services for the Court, predicts defendants risk-level for failure to appear in court and future criminal activity. It also indicates whether a defendant has a propensity for violent behavior. The 26th Judicial District, under advisement of the District Court Subcommittee, agreed to adopt the Foundation's risk assessment tool and modified its Bail Policy accordingly on October 7, 2014. The District Court Subcommittee also reviewed the 2011 Pretrial Services Eligibility Policy and made recommendations to change the Policy so that it synchronizes with the 26th Judicial District's Bail Policy and extensive research from the Arnold Foundation.

The BOCC is requested to adopt the proposed policy to enhance public safety. The proposed policy will enhance public safety by 1) prohibiting all high risk defendants from receiving

supervision from Pretrial Services regardless of their charge and 2) permitting the Court to make referrals for supervision on low and moderate risk defendants. These defendants will receive consideration for supervision from the program if they meet program eligibility requirements and are not charged with murder, sex, robbery, or escape related offenses.

It should be noted that the Pretrial Services Eligibility Policy was originally created when the program was authorized to directly release defendants from jail pending trial. As part of the business process changes implemented in recent years, Pretrial Services adopted national standards and established that defendants may only be accepted for supervision when directly referred by a judicial officer at the first appearance hearing or subsequent bond hearing. Thus, the need for the Policy has been mitigated by the direct involvement of a judicial officer in the release decision.

If approved, the County Manager will enter into a newly created Memorandum of Understanding (MOU) with the 26th Judicial District. This agreement will outline the responsibilities of both parties in providing and utilizing the program's services, respectively.

The proposed policy put forth by the District Court Subcommittee is included as an attachment ("2015 Pretrial Services Eligibility Policy"). The 2011 Pretrial Services Eligibility Policy, with comments regarding changes, and the MOU are also provided.

PROCUREMENT BACKGROUND:

N/A

POLICY IMPACT:

The recommended 2015 Pretrial Services Eligibility Policy will replace the 2011 Pretrial Services Eligibility Policy.

FISCAL IMPACT:

N/A