

Leveraging Pre-trial Release to Reduce Crime and Re-victimization (Update)



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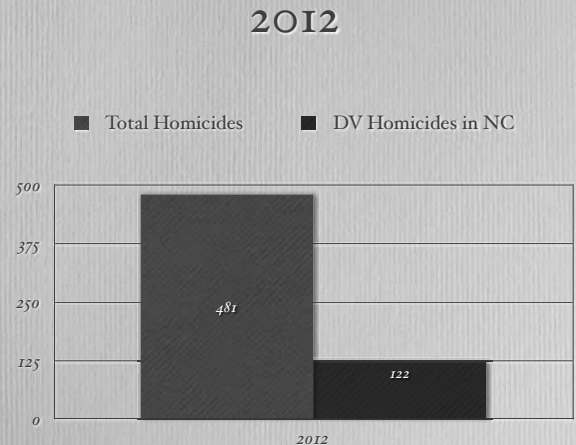
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Why is pretrial release important?

DV homicides in NC 2012

Twenty Two Percent
(25%)



Witness Tampering

Witness tampering is the most committed, yet under reported, under investigated, and under prosecuted crime there is that victims of domestic violence face post arrest.

“Meet me at the hill where we used to park”:
Interpersonal processes associated with victim recantation

https://vaw.msu.edu/wp-content/uploads/2013/10/Bonomi_2011_Meet-me-at-the-hill.pdf

Experience and Research Tells Us

- Needs more research attention because prosecutors are seven times more likely to prosecute when victims were perceived to be cooperative (Dawson & Dinovitzer, 2001)
- “The most **dedicated** of professionals **cannot effectively address the problem of witness intimidation** unless they know how and when it is likely to occur, how to recognize it and investigate it, and how to respond in a manner that protects the witness while holding the offender accountable – **not only for the original crime, but for the efforts to obstruct justice**” (Garvey, 2014, p. 88)

Public Safety

Problem Solvers

The Problem

Crime and re-victimization

Pre-trial Release Violations in Pitt County

Investigative DV Reports CBA May 2012

Selected cases with an OCA number where the case was cleared by arrest from May 1, 2012 - May 31, 2012. The following data represents additional calls and/or arrest from May 1, 2012 - December 1, 2012 involving the original suspects from May 1, 2012 - May 31, 2012.

Investigative DV Reports CBA May 2012

60% of the offenders had additional contact with law enforcement in the form of another investigation and/or arrest.

Investigative Non-DV Reports CBA May 2012

49% of the offenders had additional contact with law enforcement in the form of another investigation and/or arrest.

Things to Remember

- Study conducted in the Bronx, NY
- Reoffending happened early among those convicted for misdemeanor or domestic violence violations
- Of those rearrested for domestic violence, approximately two-thirds reoffended within the first six months

Rempel, M., M. Labriola, and R. Davis. "Does Judicial Monitoring Deter Domestic Violence Recidivism? Results of a Quasi-Experimental Comparison in the Bronx." *Violence Against Women* 14(2) (February 2008): 185-207, available online at <http://vaw.sagepub.com/cgi/content/abstract/14/2/185>

History of Pre-trial Release in North Carolina

In 2004, almost one in five domestic homicide victims were murdered in North Carolina by defendants who were free on bond for other domestic violence charges. As a result, legislation was drafted and implemented (NCGS 15A-534.1).

Utilizing this legislation, the Pitt County Sheriff's Office implemented the electronic monitoring program. This program monitors a select group of domestic violence offenders during the pretrial phase.

NCGS 15A-534.1

- Provides law enforcement officers with powers of arrest for violation of pretrial release in the following misdemeanor cases:
 - Assaults
 - Communicating Threats
 - Domestic Criminal Trespass
 - Violation of a DVPO
 - Stalking

NCGS 15A-534.1

- Additionally, it provides law enforcement officers with powers of arrest for violation of pretrial release in the following felonies provided in Articles 7A, 8, 10, or 15 of Chapter 14:
 - Article 7A - Rape and other sex offenses
 - Article 8 - Assaults
 - Article 10 - Kidnapping and Abduction
 - Article 15 - Arson

Relationships per 15A-534.1

The victim and suspect must be...

- Spouse
- Former Spouse
- Person who one lives or has lived with as if married

But this statute did not address all crime

Special Thanks

Senator Don East



(Not so) Recent Expansion of Pre-trial Release in North Carolina

In 2011, the North Carolina Legislature provided law enforcement officers with powers of arrest for violations of pre-trial release in ***all*** criminal cases(NCGS 15A-534).

There is ***no*** relationship requirement between the victim and suspect with this statute.

Reason for lack of use by law enforcement officers...

1) Session Law 2011-245⁵²---warrantless arrest

NOTE: Show slide, "Warrantless Arrest."

(1) Officers are authorized to make a warrantless arrest of a person on pretrial release if the person violate a condition of a pretrial release order. The violation does not need to be in the presence of the officer.

(2) Effective date: December 1, 2011

Training Stats

- 85% of Attendees had never received training on *Crawford v. Washington*
- 82% of Attendees had never received training on pretrial release enforcement

15A-534 and 15A-534.1 The Process Explained...

The Process

- After an arrest is made, the defendant is brought before a judicial official to have his or her bond set.
- This bond could be secured or unsecured based upon a number of factors.
- In addition to a monetary amount, the judicial official may set additional restrictions on the defendant pending the final disposition of the case.

N.C.G.S. 15A-534

...The judicial official authorizing pretrial release under this section 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 his release; and advise him that his arrest will be ordered immediately upon any violation. The order of release must be filed with the clerk and a copy given the defendant.

N.C.G.S. 15A-534 continued...

...In imposing conditions of pretrial release and in modifying and revoking orders of release under this section, the judicial official must take into account all evidence available to him which he considers reliable and is not strictly bound by the rules of evidence applicable to criminal trials.

N.C.G.S. 15A-534.1

- (2) A judge may impose the following conditions on pretrial release:
- a. That the defendant stay away from the home, school, business or place of employment of the alleged victim.
 - b. That the defendant refrain from assaulting, beating, molesting, or wounding the alleged victim.
 - c. That the defendant refrain from removing, damaging or injuring specifically identified property.
 - d. That the defendant may visit his or her child or children at times and places provided by the terms of any existing order entered by a judge.
 - e. That the defendant abstain from alcohol consumption, as verified by the use of a continuous alcohol monitoring system, of a type approved by the Division of Adult Correction of the Department of Public Safety, and that any violation of this condition be reported by the monitoring provider to the district attorney.

Hypothesis

The implementation of a pre-trial release enforcement program will reduce re-victimization and increase offender accountability in North Carolina.

Concerns

- Training (lack of)
- Access to ***all*** PTR Conditions (real time)
- Citizen initiated charges
- Tracking of DV Homicide Data