

Leveraging Pre-trial Release to Reduce Crime and Re-victimization

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Special Thanks

Senator Don East



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.

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

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.

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:

- That the defendant stay away from the home, school, business or place of employment of the alleged victim.
- That the defendant refrain from assaulting, beating, molesting, or wounding the alleged victim.
- That the defendant refrain from removing, damaging or injuring specifically identified property.
- 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.
- 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.

STATE OF NORTH CAROLINA
 In the General Court of Justice
 County of DISTRICT OF SUPERIOR COURT
 15CJ 002289
 03/15/2013

PLAINT NUMBER
 1109 AT TAYLOR RD
 GREENVILLE NC 27614
 1380318976
 03/15/2013

CHARGE
 15CJ0289 SIMPLE ASSAULT, SEXUAL PUNISHMENT, SIMPLE ASSAULT

DEFENDANT
 NANCY S. RAY

CONDITIONS OF RELEASE AND RELEASE ORDER

YOUR RELEASE IS NOT GUARANTEED

YOU MUST PROMISE TO APPEAR OR CUSTODY SET RELEASE

DEFENDANT RELEASE DUBIAL

03/15/2013 10:50 AM ORIGINAL COPY

Example of a Bond Modification used in Pitt County

AOC Form Update (12/01/12)

The Pre-trial Release Investigation "Practically Applied"

- Allows law enforcement, prosecutors, victims, judicial officials, and the community to develop restrictions that are specific to the crime and/or the defendant that encourages behavior modification.
- No increase in funding is needed for new prisons as this is not a crime, merely a tool to effect an immediate bond revocation.

The Pre-trial Release Investigation

- Allows law enforcement agencies to focus efforts on known recidivists, thus reducing future victimization and increasing offender accountability.
- If embraced and utilized by local communities, crime rates can be driven down almost instantaneously.

Domestic/Family Violence

Nationally 14% of all homicides are in the context of Domestic Violence

But in North Carolina its...

DV homicides in NC 2008- 2012

Twenty Two Percent*
(23%*)

2008- 2012



Gunman kills 26 at school

Conn. rampage is 2nd deadliest in US
By JOHN CHRISTOFFERSEN
Associated Press

NEWTOWN, Conn. — A man killed his mother at home and then opened fire Friday inside the elementary school where she taught, massacring 26 people, including 20 children, as youngsters cowered in fear to the sound of gunshots reverberating through the building and screams echoing over the intercom.

The 29-year-old killer, carrying two handguns, committed suicide at the school, bringing the death toll to 28, authorities said.

The rampage, coming less than two weeks before Christmas, was the nation's second-deadliest



Connecticut State Police lead children from the Sandy Hook Elementary School in Newtown, Conn., following a shooting at the school that left 27 dead, including the gunman, Friday.

N.Y. firefighters killed in ambush

Former convict used fires to set trap for responders, police say

By JOHN KIRKS
Associated Press

WEBSTER, N.Y. — An ex-convict gunned down firefighters after luring them to his neighborhood by setting a car and a house ablaze Monday, then took shots at police and committed suicide while several homes burned.

Authorities used an armored vehicle to help residents flee dozens of homes on the shore of Lake Ontario a day before Christmas. Police

restricted access to the neighborhood, and officials said it was not clear whether there were other bodies in the seven houses that had been left to burn.

The sister of the gunman, who lived with him, was unaccounted for. The gunman's motive was unknown.

The gunman fired at the four firefighters when they arrived shortly after 3:30 a.m. at the blaze in Webster, a suburb of Rochester, town police Chief Gerald Pickering said.

The first police officer who arrived chased the suspect and exchanged gunfire.

The gunman lay in wait outdoors

» Online
Shooting: See more photos from the scene at nando.com/nationpics

for the firefighters' arrival, then opened fire — probably with a rifle and from atop an earthen berm, Pickering said.

"It does appear it was a trap," he said.

The gunman, William Spengler, had served more than 17 years in prison for beating his 92-year-old grandmother to death with a hammer in 1980 at the house next to where Monday's attack happened, Pickering said at afternoon news

conference. Spengler, 62, was paroled in 1998 and had led a quiet life since, authorities said. Convicted felons are not allowed to possess weapons.

Two firefighters, one of whom was also a town police lieutenant, died at the scene, and two others were hospitalized. An off-duty officer who was passing by was also injured.

Another police officer, the one who exchanged gunfire with Spengler, "in all likelihood saved many lives," Pickering said.

Emergency radio communications capture someone saying he

SEE AMBUSH, PAGE 12A



Law enforcement learned that Muhammad's ex-wife, who had obtained a protective order against him, lived near the Capital Beltway in Clinton, a community in suburban Prince George's County, Maryland. Information was also developed about an automobile purchased in New Jersey by Muhammad.

Much to their shock, police discovered that the New Jersey license plates issued to Muhammad on the **blue 1990 Chevrolet Caprice had been checked by radio patrol cars several times near shooting locations in various jurisdictions in several states, but the car had not been stopped because law enforcement computer networks did not indicate that it was connected to any criminal activity and they were focused exclusively on the "white van."**

On October 3, 2002, D.C. police stopped the Caprice for a "minor traffic infraction," two hours prior to the shooting of Pascal Charlot, after which witnesses reported seeing a Caprice near the scene.

On October 8, Baltimore city police investigated a dark blue Chevrolet Caprice with a person sleeping inside parked near the Jones Falls Expressway at 28th St. in Baltimore. The officers were concerned that the driver's license was from Washington state and the vehicle tag was from New Jersey. Despite the fact that the vehicle was suspicious enough for them to investigate, and the fact that the vehicle fit the description of a vehicle associated with the shooting in D.C. five days earlier, the officers did not question the occupants extensively, nor did they search the vehicle.

This statute can help with the federal law

Possession of a firearm while subject to a Protection Order - 18 U.S.C. § 922(g)(8)

It is illegal for a person to possess a firearm while subject to a court order restraining such person from harassing, stalking, or threatening an intimate partner or the child of an intimate partner or from engaging in other conduct that would place an intimate partner in reasonable fear of bodily injury to the partner or child. The protection order must have been issued following a hearing as to which the defendant had actual notice and an opportunity to participate. The protection order must also include a specific finding that the defendant represents a credible threat to the physical safety of the victim, or must include an explicit prohibition against the use of force that would reasonably be expected to cause injury.

Transfer of Firearm to Person Subject to Order of Protection - 18 U.S.C. §922(d)(8)

It is illegal to transfer a firearm to a person knowing or having reasonable cause to believe that such person is subject to a court order that restrains him/her from harassing, stalking, or threatening an intimate partner or the child of an intimate partner. A violation of Section 922(d)(8) must be knowing. Proof concerning knowledge on the part of the supplier may be difficult to establish unless the purchaser acknowledges in the firearm application that he/she is a prohibited person.

While it sounds great, we have...

Challenges

Challenges

Currently, pre-trial release conditions are retained in the clerks office of each county of issuance and are only accessible during normal business hours.

Is there anywhere these orders can be housed now and would allow the officer in the field 24/7 access?

Challenges

Although NCAWARE offers a centralized place to store the pre-trial release conditions so they are accessible 24 hours a day, only two Judicial Districts are utilizing it.

Pitt County's Pretrial Enforcement Program

The "Who" and the "How to"

Bond Modification Forms

Pitt County

Conditions of Release for Persons Charged with Domestic Violence

STATE OF NORTH CAROLINA
 PITT County
 In the General Court of Justice
 District Superior Court Division

STATE VS. [REDACTED]

CONDITIONS OF RELEASE FOR PERSON CHARGED WITH A CRIME OF DOMESTIC VIOLENCE
 O.S. 15A-531.1

FINDINGS

The undersigned let this office finds that the defendant - small space is charged with assault on, striking, communicating a threat to, or covering a witness provided in Articles 20, 21, or 22 Chapter 15 of the General Statutes upon a finding of former spouse of a person with whom the defendant has had an intimate relationship, or a violation of an order entered pursuant to Chapter 20B, Domestic Violence, of the General Statutes.

The undersigned judicial official [] has reviewed the defendant's criminal history as shown on a criminal history report provided by a law enforcement officer or a parole officer. [] has reviewed the defendant's criminal history as shown on a criminal history report because no report could be obtained within a reasonable time.

ORDER

Based upon the foregoing findings, the undersigned judicial official orders the following conditions of release IN ADDITION to a bond of \$ []:

The defendant shall participate in a risk assessment with all terms, conditions and rules of the Pitt County Sheriff's Office Electronic Monitoring Program. The defendant shall not be permitted to participate in the Sheriff's program until the defendant is in the custody of the Pitt County Detention Center and has been processed into the program. The Sheriff is granted the authority to impose restrictions on the defendant's movement outside the Electronic Monitoring Program. If any law enforcement officer establishes reasonable grounds to believe that a person, condition or rule of the Sheriff's Electronic Monitoring Program or the Sheriff's program has been violated, any law enforcement officer may arrest and detain the defendant for a period of 24 hours. The Sheriff's Office will file for a modification of the bond of \$ [] if the defendant and the bond set for to allow, he/she may post bond.

The defendant shall stay away from the home (street) in the company of an enforcement officer for personal delivery, or sales, and both of the child, labor, business, or place of employment of the alleged victim.

The defendant shall refrain from assaulting, harassing, molesting, or violating the alleged victim.

The defendant shall refrain from possessing, displaying or using a firearm, deadly weapon.

The defendant may not be in the company of the alleged victim or any other person who is a victim of the crime at any time unless approved by a judge.

Other restrictions:
 The defendant shall have no contact with the alleged victim.
 The defendant shall comply with the terms of any valid domestic violence protective order in effect and these terms, whichever are more restrictive.
 The defendant shall not consume any firearms.
 The defendant shall not possess or consume any alcohol or other intoxicating substances, as prescribed by a physician.
 The defendant shall not be equipped with a GPS device and comply with the conditions of that program.

If you are subject to a Domestic Violence Protective Order, you must comply with its terms and these, whichever are the most restrictive. If you violate any of these conditions, this Bond will be revoked, an order for your arrest will be issued immediately, and you will be subject to contempt of court penalties under N.C.S. 15A-204 for each violation. For any violation the Court recommends a new bond be set at \$ [] secured.

I acknowledge receipt of a copy of the Order.

Signature of Defendant: [REDACTED] Date: [REDACTED]
 Signature of Court Official: [REDACTED] Title: [REDACTED]

NOTE TO JUDICIAL OFFICIAL: The law enforcement officer or district attorney who provided the defendant's criminal history report shall prepare the report in accordance with DOJ requirements. This report shall NOT be placed in the case file.
 ADOPTION, Rev. 10/15 (last amended REVISED June 20, 2013)

Conditions of Release for Persons Charged with other Crimes

NORTH CAROLINA
 PITT COUNTY
 STATE OF NORTH CAROLINA
 IN THE GENERAL COURT OF JUSTICE
 DISTRICT COURT DIVISION
 FILE NO. [REDACTED]
 MODIFICATION OF BOND ORDER

DEFENDANT: [REDACTED]
 CHARGES: [REDACTED]

After notice and hearing or with the consent of the State and Defendant, the bond is modified from \$ [] to \$ [] effective this date. All existing special release conditions are superseded by this release order and are no longer in effect. The defendant's release from custody is subject to the following conditions:

The defendant shall participate in and comply with all the terms, conditions and rules of the Pitt County Sheriff's Office Electronic Monitoring Program. Defendant must be approved for participation by the Sheriff's program staff. The defendant shall remain in the Sheriff's custody at the Pitt County Detention Center until he/she is processed into the program. The Sheriff is granted the authority to impose restrictions on the defendant's movement outside the Electronic Monitoring Program. If any law enforcement officer establishes reasonable grounds to believe that a term, condition or rule of the Electronic Monitoring Program or the Sheriff's program has been violated, any law enforcement officer may arrest and immediately return the defendant to the Pitt County Detention Center and the Court recommends a new bond of \$ [] in lieu of EOMP and the bond set for above, he/she may post bond of \$ [] secured.

If you are subject to a Domestic Violence Protective Order, you must comply with its terms and these, whichever are the most restrictive. If you violate any of these conditions, this Bond will be revoked, an order for your arrest will be issued immediately, and you will be subject to contempt of court penalties under N.C.S. 15A-204 for each violation. For any violation the Court recommends a new bond be set at \$ [] secured.

The defendant shall not assault, threaten, go to the premises of or molest or [] []

The defendant shall not be in the presence of or communicate with [] through an attorney. If the defendant has a prior case with this person, the communication through third parties concerning the victim of the case does not violate this provision.

The defendant shall not possess or consume any alcohol or controlled substance.

The defendant shall be equipped with SCRAM device and comply with conditions of the program.

The defendant shall not use a []

The defendant shall not be outside his/her place of residence from [] Sun. between the hours of [] and []

The defendant shall not possess any firearm or other dangerous or deadly weapon.

The defendant shall carry a copy of this Bond Order and any later Bond Modification Order on his/her person at all times when he/she is off his/her own premises. He/she must show the copy of such orders to any law enforcement upon request.

The State represents that all witnesses notified to be notified under the Victim Rights Act have been notified or reasonable notification efforts have been made and that these witnesses have been given time to object or request to be heard on the notification and either do not object or have not responded.

Other: []

This [] day of [] 20 []

Comment: [] District Court Judge Presiding

Attorney/Defendant's Attorney: [] I acknowledge receipt of a copy of this Bond Order. []

Defendant/Defendant's Attorney: [] Defendant: [] Revised 8/13

James Hannan

"Review of Process"

NORTH CAROLINA
 PITT COUNTY
 STATE OF NORTH CAROLINA
 IN THE GENERAL COURT OF JUSTICE
 DISTRICT COURT DIVISION
 FILE NO. 13C051435
 MODIFICATION OF BOND ORDER

Defendant: James Hannan
 Charges: DVC

After notice and hearing or with the consent of the State and Defendant, the bond is modified from \$ [] to \$ [] effective this date. All existing special release conditions are superseded by this release order and are no longer in effect. The defendant's release from custody is subject to the following conditions:

The defendant shall participate in and comply with all the terms, conditions and rules of the Pitt County Sheriff's Office Electronic Monitoring Program. Defendant must be approved for participation by the Sheriff's program staff. The defendant shall remain in the Sheriff's custody at the Pitt County Detention Center until he/she is processed into the program. The Sheriff is granted the authority to impose restrictions on the defendant's movement outside the Electronic Monitoring Program. If any law enforcement officer establishes reasonable grounds to believe that a term, condition or rule of the Electronic Monitoring Program or the Sheriff's program has been violated, any law enforcement officer may arrest and immediately return the defendant to the Pitt County Detention Center and the Court recommends a new bond of \$ [] in lieu of EOMP and the bond set for above, he/she may post bond of \$ [] secured.

If you are subject to a Domestic Violence Protective Order, you must comply with its terms and these, whichever are the most restrictive. If you violate any of these conditions, this Bond will be revoked, an order for your arrest will be issued immediately, and you will be subject to contempt of court penalties under N.C.S. 15A-204 for each violation. For any violation the Court recommends a new bond be set at \$ [] secured.

The defendant shall not assault, threaten, go to the premises of or molest or [] []

The defendant shall not be in the presence of or communicate with [] through an attorney. If the defendant has a prior case with this person, the communication through third parties concerning the victim of the case does not violate this provision.

The defendant shall not possess or consume any alcohol or controlled substance.

The defendant shall be equipped with SCRAM device and comply with conditions of the program.

The defendant shall not use a []

The defendant shall not be outside his/her place of residence from [] Sun. between the hours of [] and []

The defendant shall not possess any firearm or other dangerous or deadly weapon.

The defendant shall carry a copy of this Bond Order and any later Bond Modification Order on his/her person at all times when he/she is off his/her own premises. He/she must show the copy of such orders to any law enforcement upon request.

The State represents that all witnesses notified to be notified under the Victim Rights Act have been notified or reasonable notification efforts have been made and that these witnesses have been given time to object or request to be heard on the notification and either do not object or have not responded.

Other: []

This [] day of Feb 23 2013

Comment: [] District Court Judge Presiding

Attorney/Defendant's Attorney: [] I acknowledge receipt of a copy of this Bond Order. []

Defendant/Defendant's Attorney: [] Defendant: [] Revised 8/13

NCCIS NCAWARE - Release Order - PROD Page 1 of 1

NORTH CAROLINA COURT INFORMATION SYSTEM
 NCAWARE Home > Process Search > Person Results > Process Results > Case Summary - Release Orders Tab > Release Order - Conditions Tab

March 28, 2013 3:26 PM
 Help About... Exit

File Number: PITT - 13CR 051485 (ISSUED) - RELEASE ORDER
 Defendant Name: HANNAN, JAMES ERIC
 Person True Name: HANNAN, JAMES, ERIC

| Defendant | Offenses | Conditions | Additional Forms | Related Cases | Court Info |
|-----------|----------|--|---|---------------|------------|
| | | Release Authorization | AUTHORIZED ON EXECUTION | | |
| | | Release Condition | ELECTRONIC HOUSE ARREST(EHA)WITH SECURED BOND | | |
| | | Bond Amount | 100.00 | | |
| | | Domestic Violence | YES WITH HOLD | | |
| | | Warrantless Arrest for Conditions Violation | NO | | |
| | | FTA under Prior Release Order | NO | | |
| | | 2nd & Subsequent FTA in Case | NO | | |
| | | Arrestable Restrictions | IF EOMP VIOLATED BOND WILL BE SET @ 25,000 SEC BOND/NOT ASSLT/THRTN/GO TO PREM/WEAPON/BE IN PRES OF OR COMM WITH WENDY MENNIGER NOT POSSES FIREARM OR DANG WEAPON/NOT GO ON ANY PART OF RAMS HORN ROAD, THIS ORDER DOES NOT PROHIBIT HIM FROM RESIDING ON | | |
| | | Additional Information | TARA DELL LANE | | |
| | | Detection Facility | PITT COUNTY DETENTION CENTER | | |
| | | Detention Date | | | |
| | | Custodian Instructions | PRODUCE DEFENDANT IN COURT AS PROVIDED | | |
| | | Jail Indicator | NO | | |
| | | Edit Release Conditions | | | |

Print Process Cancel Case Summary

Pitt County's Pretrial Enforcement Program

The "How to"

NCAWARE

"Create Document"

STATE OF NORTH CAROLINA
 PITT County
 In The General Court Of Justice
 District Superior Court Division
 STATE VERSUS
 JAMES ERIC HANNAN
 550 TERRA DEL LANE
 GREENVILLE NC 27858
 13CR051485
 ASSAULT ON A FEMALE
 CONDITIONS OF RELEASE AND RELEASE ORDER
 Amount of Bond \$ 100.00
 Location of Court: PITT County Courthouse, DC03
 Date: 04/10/2013 Time: 08:30 AM

Conditions of Release

STATE OF NORTH CAROLINA
 PITT County
 STATE VERSUS
 JAMES ERIC HANNAN
 550 TERRA DEL LANE
 GREENVILLE NC 27858
 13CR051485
 ASSAULT ON A FEMALE
 CONDITIONS OF RELEASE AND RELEASE ORDER
 Amount of Bond \$ 100.00
 Location of Court: PITT County Courthouse, DC03
 Date: 04/10/2013 Time: 08:30 AM

Hypothesis

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

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.