

Media Analysis of Criminal Justice Reform in Catawba County, North Carolina An APPR Research-Action Site

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Overview

Catawba County, made up of 16 cities and townships, is a small media market with one major local newspaper and five affiliate stations. It is part of the Charlotte metropolitan area; therefore, media coverage of criminal justice reform efforts in Mecklenburg County are included in the report. Unlike Mecklenburg, Catawba is a red county and all of its elected officials are Republican.

Catawba County News Dynamics

The Pew Research Center examined local news dynamics in various counties. Following are highlights of [Catawba/Hickory](#) adult residents' views of local media:

- More than 64% of adults believe the news media is transparent, fair and thorough in their coverage of issues.
- 60% prefer to get their local news via television or news websites.
- 16% get their news via daily newspapers.
- 44% of adults say the topic that is most important for their daily life is crime; 41% felt local coverage of crime was important, but not for daily life.
- 64% of adults believe local journalists are in touch with the community.
- 72% of adults say the local media reports news accurately.

Major News Themes

Since 2015, criminal justice reform coverage in North Carolina has focused primarily on reducing jail and/or prison populations. Local media in Catawba County have covered criminal justice, and in the last month there has been an increase in criminal justice news stories. Although locally there are few stories on criminal justice reform with just one recent story on bail reform, the media market in Charlotte has been saturated with criminal justice reform reporting.

Below are major themes, followed by a more detailed explanation of specific stories:

Bail Reform

- Media coverage in Catawba County on bail reform we assess to be fair, representing both sides.
- Media outlets in Mecklenburg promote abolishing money bail and major themes are that this would create a fairer system. Most often stories include judges and law enforcement as the key message carriers. ([Jailed for being poor? In Mecklenburg, no more](#), The Charlotte Observer, March 2, 2019)
- The primary media frame throughout North Carolina is that money bail is unfair, and has unintended consequences that weigh disproportionately on the poor.

- There is no mention of the fairness of risk assessments in the county or fears that it will increase jail populations.
- Racial injustice is a major theme in Charlotte media where the money bail system is described as racially unjust. There is also messaging about money bail benefiting only the rich, because it is “stacked toward defendants who can pay their way to freedom.”
- Media around the use of risk assessments has been generally positive but has not been reported on specifically in either markets, with the exception of one story ([Mecklenburg County has a new bail policy. But does it go too far—or not far enough?](#) Teo Armus, March 20, 2019, Charlotte Observer)

Criminal Justice Reform

- The overall coverage of criminal justice reform is positive.
- There are multiple stories on criminal justice reform stemming from the Trump Administration’s [First Step Act](#).
- North Carolina media portray criminal justice reform as positive and as the right thing to do. ([How Criminal Justice Reform Bill Could Affect North Carolinians](#), WWAY-Channel 3)
- The Charlotte Observer has published several positive criminal justice reform pieces from national newspapers ([Crime is down but jail populations are up. Who's taking up all that space, then?](#) Keith Humphreys, Washington Post, April 24, 2017 and [The injustice of bail](#), Editorial, Pittsburgh Post-Gazette)
- There are some negative Associated Press stories of justice-involved individuals committing serious crimes after release on local affiliate news websites. The tone of these stories could discourage viewers from supporting criminal justice reform.
- The push to overhaul North Carolina’s criminal justice system through the Justice Reinvestment Act has garnered positive coverage about prison reforms and savings for the state.
- There is some national media that mentions reforms in North Carolina and a recent piece on abuse of prosecutorial power that featured former Durham County District Attorney Mike Nifong. This may come up as advocates are extremely concerned about reform efforts that seem to give judges too much power.

Story topics and analysis

Pretrial Release Coverage

The local media coverage on pretrial release in Catawba County included three stories in the last five years. Two of these stories included men who had committed fairly minor crimes—one was a [possession charge](#), the other [violated conditions of release](#)—while on pretrial release. The third [story](#) covered how pretrial release is determined. It covered both sides of the bail bond industry and law enforcement but the story's focus does not help us understand how local media would report on risk assessments or pretrial release.

Negative PSA Stories

There is a story that ran in The Charlotte Observer (Mecklenburg County has a new bail policy. But does it go too far — or not far enough? By Teo Armus, March 18, 2019) which cited unnamed bail bondsmen and sheriffs who were attributed as saying “relying so much on an algorithm to make decisions — as well as so rapidly encouraging release — may pose a threat to public safety.”

The story also cited “police and prosecutors have blasted the algorithm for releasing people charged with gun crimes, domestic violence and repeat offenders.” It included a story from New Jersey, where one mother sued the Arnold Foundation after her son was killed by a man who had been released in a jurisdiction in New Jersey utilizing the PSA.

It also said “locally, public safety watchdogs are quick to point out when defendants commit crimes after being released: In 2016, a man was involved in a Charlotte shootout after being [let go by the county before his trial](#). This refers to J’lan Floyd, who was charged in a shootout after he was let out of jail on pretrial release while waiting to be tried on a host of other gun-related charges.

The article also cited Jakieran Harris, who was convicted of cutting off his electronic monitoring bracelet in 2014 and then later in that same year a judge let him out on pretrial release. ([Does Meck County's pre-trial release program work?](#) Michelle Boudin, August 22, 2016, WCNC).

This story “[Gang member accused in officer's slaying was on probation](#), Michael Balsamo, Associated Press, Feb. 22, 2017,” ran on WSOC-TV, an affiliate station in Catawba County although the story originated in Los Angeles. Here is an excerpt:

At an emotional news conference on Monday, Whittier Police Chief Jeff Piper and Los Angeles County Sheriff Jim McDonnell pointed to a series of statewide criminal justice initiatives implemented in the past few years that they said have led to the release of too many criminals.

"We need to wake up. Enough is enough," Piper said. "You're passing these propositions; you're creating these laws that are raising crimes. It's not good for our communities and it's not good for our officers. What you have today is an example of that."

North Carolina Pretrial Justice Reform Poll

Last year, this story on a statewide [poll](#) which was conducted by Pretrial Justice Institute and the Charles Koch Institute to show if North Carolinians are ready for reform of the pretrial justice system and the practice of requiring money bail ran in Charlotte outlets. Lake Research Partners surveyed 538 registered N.C. voters over the phone. The poll has a margin of error plus or minus 4.2%. Here were the findings:

- While 21% of respondents said the criminal justice system treats everyone fairly, 79 percent of respondents disagreed.
- A majority of those surveyed said they believe there are structural inequalities within the criminal justice system that benefits the wealthy over the poor and working-class. Fifty-five percent of respondents said white people enjoy substantially better outcomes than people of color in the criminal justice system.
- 78% of N.C. voters want to reduce the number of arrests for nonviolent, low-level offenses and support issuing citations rather than making arrests in these circumstances.
- A little more than 70% of respondents favor limiting how many days a person not charged with a serious violent crime can remain in jail before trial if they can't afford money bond.
- Seventy percent also would prefer that decisions about detention be made using an assessment that factors in the arrested person's possible impact on public safety.
- Only 13% said the decision should be based on the risk of people failing to appear in court for trial.
- Nearly half of respondents believe prosecutors should have to argue for pretrial detention rather than requiring those charged to argue for their own release.

PJI cited changes to pretrial practices in Mecklenburg County, which, since 2011, has employed an evidence-based pretrial [assessment](#). The county jail population has decreased from 1,901 in 2009 to 1,093 in 2015. The county jail population decreased, but the public safety and court appearance rates increased. A [more recent study](#), "Evaluation of Pretrial Justice System Reforms That Use the Public Safety Assessment Effects in Mecklenburg County, North Carolina," was released in March 2019 and presents data reflective of the current PSA and related policy changes in Mecklenburg County. It also describes the effects of the overall policy reforms on important outcomes. A [supplemental second report](#) describes the role of risk-based

decision making in the outcomes and describes the effects of the PSA on racial disparities in outcomes and among different subgroups.

According to the released information, the findings are as follows:

- **Mecklenburg County released more defendants** and did not see an increase in missed court appointments or new criminal charges while defendants were waiting for their cases to be resolved.
- **The PSA policy changes were associated with less use of financial bail and a higher rate of defendants being released on a written promise or unsecured bond.** The proportion of defendants detained in jail was lower than it would have been in the absence of the policy changes. There was an improved alignment between defendant risk and the restrictiveness of release conditions.
- **Fewer cases resulted in guilty pleas and convictions than would have been the case in the absence of the reforms.** Because more defendants were released while their cases were pending, they may have had less incentive to plead guilty in order to get out of jail.
- Even though the PSA policy changes increased the percentage of defendants who were released pending trial — and even though a higher proportion of defendants were facing felony charges in the period after the PSA was implemented — **there was no evidence that the PSA policy changes affected the percentages of defendants who made all of their court appearances or who were charged with new crimes while waiting for their cases to be resolved.**
- Most of the changes in pretrial release conditions occurred at a step in the pretrial case process before the PSA report is completed. Thus, **having access to the information in the PSA could have had at most only a small effect on the way judges set release conditions.**
- **There was no evidence of racial disparity in the setting of release conditions and the PSA had no effect on racial disparities within the system.** Black defendants were more likely than other racial groups to be assessed by the PSA as being high-risk, though.

Risk assessments in Affiliate Stations and Larger News Media Outlets

With the exception of one article on money bail, there were no stories on risk assessments in the local media. However, in the larger media outlets, risk assessments have been described in various ways in the stories used for this media analysis. Included in the following are direct quotes from various media outlets:

- metrics — which can include questions about family ties, mental conditions and character — can be stacked against the most marginalized defendants in court.
- a system that relies on past convictions only keeps skewing the system against them.
- those public safety assessments — which are used in several dozen counties across the country, as well as all of Arizona, Kentucky and New Jersey — have also come under fire for what critics say is a racial bias that's baked into the Arnold Ventures algorithm.
([Mecklenburg County has a new bail policy. But does it go too far—or not far enough?](#)
Teo Armus, The Charlotte Observer, March 18, 2019)
- an algorithm that gives defendants two scores: one representing the probability they will show up to court, and the other for the probability that they will re-offend before their trial. If a judge wants to release a defendant, a matrix developed by the county uses both scores to suggest a condition to do so — none of which require money to be paid up-front.
- The algorithm just crunches the numbers it's given; there's no recourse.
- those algorithms — which are used in several dozen counties across the country, as well as all of Arizona, Kentucky and New Jersey — have also come under fire for what critics say is a baked-in racial bias.

Spokesperson Analysis

Main spokespersons in Catawba County criminal justice arena and outlying areas and quotes and statement they have issued on criminal justice reform topics:

- 36th District Attorney Scott Reilly (Catawba) supports jail diversion programs to reduce case backlog and resolve cases earlier. Appears concerned for victim's rights. ([District attorney talks case backlog, plea deals and first 100 days in office](#), Jordan Hensley, Apr 16, 2019)
 - "Quite frankly, you can't try the sheer number of cases that are filed each year," Reilly said. "I think we have the ability to try 60 cases (a year), that was the average number of cases that were tried with a jury in superior court. That is a tiny fraction of the cases that are actually charged ..."
 - "As a matter of efficiency and moving cases, it's just a fact that if you are going to resolve cases, you're going to have to give some incentive for defendants to plead guilty. And you do that in certain cases, and hopefully you can find the balance of what is fair and just in the pleas you offer."
- Catawba County Judge Nathaniel J. Poovey
 - Catawba County Judge Nathaniel J. Poovey—"Our court system is substantially underfunded. With the help of some very much needed resources, we could (1) drastically improve the delay in case disposition, (2) improve the court system's technology, which would allow us to remain user friendly and current/consistent with the technological advances seen in other industries and modern society, and (3) develop diversion programs and specifically tailored court sessions to help those litigants with special circumstances and needs."
 - Catawba County Judge Nathaniel J. Poovey—"When you walk into a courtroom like this, when you walk into a formal setting like this, it says we're here about business. We're here about rendering justice with a touch of mercy and walking humbly...Our country was founded on biblical principles. What does the Lord require of you but to walk justly, to love mercy and walk humbly with our God." ([Catawba County Justice Center opens for business](#), John Bailey, Hickory Daily Record, January 9, 2018)
- District Court Judge Elizabeth Trosch (Mecklenburg County)
 - District Court Judge Elizabeth Trosch (Mecklenburg County) – Money is a false proxy for public safety and for likelihood of appearance... who is actually violent is not any less of a danger to the community because they can afford to post bail." ([Mecklenburg County has a new bail policy. But does it go too far — or not far enough?](#) Teo Armus, WBTV-3 (The Charlotte Observer, March 18, 2019))
- Kristie Puckett Williams, a former justice-involved mother who is now a Regional Field Organizer for the ACLU of NC's Campaign for Smart Justice, advocating for bail reform.

- One missed court date shouldn't be considered a "failure to appear" — as it is under the new policy — because extenuating circumstances, such as a lack of transportation, or an emergency-room visit, could have kept someone from making it to court.
- District Attorney Spencer Merriweather
 - "If I believe a person should have a chance at release and should be able to live their life as they await trial, without posing a threat to the community...there shouldn't be an amount of money that's an impediment to that."
- Marcus Philemon, heads Courtwatch, a community group that tracks repeat offenders through the court system.
 - Marcus Philemon, speaking about pretrial release, told WCNC-TV, "I think it creates a community safety issue." ([Does Meck's pretrial release program work?](#), WCNC, Aug 22, 2016)
- Retired Superior Court Judge Richard Boner
 - "Not arresting someone for armed robbery is "ridiculous." The purpose of release conditions is two-fold," Boner said. "One is to make sure the person will show up for their court appearance, and the second function is to protect the public while the arrestee's case is pending. Certainly, a summons for a violent crime like armed robbery doesn't come close to meeting the second objective."
- "Bonds are in place to help protect the public from that person committing the crime again until their court date" quote by Iredell County Sheriff Darren Campbell. Iredell County is not in the immediate area. ([A look at how bail bonding works in Iredell](#), Robert E. Lee, Record & Landmark, April 9, 2017)
- Karen McCallum, a senior district attorney
 - McCallum said the magistrate's office is too lenient. "The district attorneys get calls several times a week from rape victims who defendants have been given summons," she said. "I'm all in for bail reform. But violent defendants should not be given summons to court. For those of you who don't know what summons are, it's an invitation to court. It's usually given to kids who are shoplifting or low-level misdemeanors."
- "The bail system and surety agents protect the state by keeping the burden of funding pretrial services off the backs of taxpayers; protect citizens by making sure the accused comply with the conditions of bail and face the court; and protect the accused by providing counsel and support during what can be a confusing and trying time. There are no better guardians of the criminal justice system than surety agents." — Don Mescia is the executive director of United Bail of America

Conclusion and recommendations

Since 2015, criminal justice reform coverage in North Carolina has been focused primarily on reducing jail and/or prison populations and systemic corruption. There is minimal media coverage of criminal justice reform reported on by local media outlets in Catawba County over the time period which was examined, but in the last month there were a few stories on the bail bond industry. There were also references to stories about poor outcomes in other states where bail reform was initiated, but nothing that should be of concern locally. These references appear to have gained little traction in the media in general appearing in obscure places or buried in other pieces.

Locally, there was little coverage on criminal justice reform --with just one recent story on bail reform. Statewide, there was significant positive coverage of Mecklenburg County's reform efforts. The coverage has focused primarily on bail reform and the use of risk assessments in the county. Nearly all of the framing focused on abolishing money bail and using risk assessments. There was no mention of other measures that may have supported the use of assessments.

There were some efforts by the bail bond industry to influence the discussion of bail reform in the surrounding counties but not specific to Catawba County. Some of the messages promoted themes that linked public safety to money bail.

Looking at the breakdown of stories reveals that the Charlotte market, which shares viewership with Catawba County, is far more robust around its criminal justice coverage primarily due to reforms in Mecklenburg County. Furthermore, there are just as many features on criminal justice as there are hard news pieces which reflects the desire of the media to humanize bail reform by focusing on the impact on money bail individuals.

There was also the 2018 Pretrial Justice Poll, which reported that 74 percent of respondents support bail reform, and 73 percent want to limit the length of detention for defendants not accused of committing serious violent crimes who are held solely due to their inability to pay bail. This gives voice to the community climate that seems very supportive of reform efforts.

Appendix A: Methodology and Search Parameters

To conduct this analysis, we researched media coverage of criminal justice reform issues concerning the money bail system, public safety assessments, and pretrial detention/release by performing searches using media intelligence tools, Google searches, media outlet websites, and news clip databases. We searched approximately 15 media outlets over a period from 2014-2019. Our sample consisted of daily, online and weekly newspapers, broadcast news outlets, radio talk news, and local NPR stations. We used the following criteria to identify relevant coverage:

- The primary focus of the story should be pretrial reform and/or the use of risk assessments.
- The story had to appear between January 2015 and March 2019.
- The following terms needed to appear either singularly or in combination:
 - Pretrial release
 - Pretrial detention
 - Public safety assessments
 - Bail reform
 - Risk assessments

We also limited our search to media in Catawba and its outlying areas, and affiliate stations that may be in the purview of the jurisdiction with the goal of getting a general consensus of the criminal justice conversation. With this focus, we retrieved 67 articles from some seven media outlets that contained our search terms and appeared within the proposed time period.

Press outlets:

Charlotte Observer
Charlotte Post
Duke Today
Daily Journal
News & Observer
Mecklenburg Times
The Observer News
Hickory Daily Record
The Herald Sun
Record & Landmark

News 14
WBT
WBTV-3 News
WCCB-TV FOX
WCNC-TV 6
WFAE
WJZY-FOX 46
WSOC-TV
WSOC-FM
WHKY

Classification of the media coverage

To create the analysis, we examined approximately 55 articles from news sources throughout the state of North Carolina. Of that 55, nearly half were included in the analysis. Most of the articles were hard news stories on criminal justice reform spurred by the First Step Act which would reformulate laws that impact low level drug charges. There is also a push to abolish money bail in North Carolina, with most outlets in support of using risk assessments to free low-level, non-violent justice-involved individuals. But there are few stories that reflect the efforts of money bail association to control the narrative on bail reform.

This is a breakdown of the stories based on criminal justice reform. Opinion pieces accounted for 27 percent of the stories, and were published online and possibly print. This reflects a lot of voices around the issue and the predominate voices were supportive of change. At least 35 percent were feature pieces that led with justice-involved individuals who had experienced pretrial detention because of not being able to pay money bail. These stories tended to be from large and small news outlets covering criminal justice reform throughout North Carolina and including articles by the Associated Press.

Article Type

Type	No. of stories	% total
News	27	38%
Opinion	5	27%
Feature	21	35%

Appendix B: List of cities and townships in Catawba County

Catawba County, North Carolina consists of the following cities and township:

- | | |
|--------------|--------------------|
| 1. Bandy's | 9. Hickory |
| 2. Banoak | 10. Jacobs Fork |
| 3. Brookford | 11. Long View |
| 4. Caldwell | 12. Maiden |
| 5. Catawba | 13. Mountain Creek |
| 6. Claremont | 14. Newton |
| 7. Clines | 15. Sherrills Ford |
| 8. Conover | 16. Terrell |

Appendix C: Articles and citations

- [A look at how bail bonding works in Iredell](#), Robert E. Lee, Record & Landmark, April 9, 2017
- [ACLU of NC kicks off campaign to end cash bail](#), Joe Killian, The Progressive Pulse, May 21, 2018
- [Bail isn't supposed to punish](#), John Hood, Daily Journal, April 29, 2019
- [Bail-bond system disadvantages the poor](#), Susan Ladd, News & Record, Feb. 25, 2017
- [Beware unintended consequences of bail reform](#), Don Mescia, Herald Sun, June 22, 2018
- [Braxton Winston has it wrong on cash bail reform](#), Don Mescia, The Charlotte Observer, June 15, 2018
- [Catawba County Justice Center opens for business](#), John Bailey, Hickory Daily Record, January 9, 2018
- [Charlotte Talks: Bail Has Kept The Poor Locked Up. That's Changing In Mecklenburg.](#) Chris Miller, WFAE 90.7, April 15, 2019
- [District attorney talks case backlog, plea deals and first 100 days in office](#), Jordan Hensley, Apr 16, 2019
- [Does Meck's pretrial release program work?](#), WCNC, Aug 22, 2016
- [For the Second Straight Year, Southerners on New Ground Marked Mother's Day by Bailing Black Women Out of the Durham Jail](#), Sarah Willets, Indy Week, May 16, 2018
- [Gang member accused in officer's slaying was on probation](#), Michael Balsamo, Associated Press, Feb. 22, 2017, WSOC-TV
- [How a North Carolina County Became a 'Laboratory' for Bail Reform](#), Arthur Rizer and Emily Mooney, R Street, April 25, 2019
- [How Bonds are Set and Utilizing Bail Bondsmen](#), Tom Neas, Hickory Record, June 5, 2016
- [If not cash bail, then what? Here are 6 solutions — and their potential problems.](#) Josh Shaffer, News & Observer, Feb. 21, 2109
- [Is Durham's bail-bond system unconstitutional? Why the judge said wait"](#) May 28, 2018)
- [It's time to end cash bail that leads unfairly to time in jail](#), David Hall, News & Observer, June 28, 2017
- [Jailed for being poor? In Mecklenburg, no more](#), The Charlotte Observer, March 2, 2019
- [Low-Income Defendants Jailed for Months Awaiting Trial for Misdemeanors](#), Leslie Boyd, Mountain Xpress, Jan. 26, 2018
- [Mecklenburg County has a new bail policy. But does it go too far — or not far enough?](#) Teo Armus, WBTV-3 (The Charlotte Observer, March 18, 2019)

- Mecklenburg Is Increasingly Issuing Summons Instead Of Arrests Warrants — Even for Violent Crimes, Steve Harrison, WFAE 90.7, October 10, 2018
- [Opening the lid on Criminal Sentencing Software](#), Robin A. Smith, Duke Today, July 19, 2017
- [Pay \\$500 on a panhandling charge or sit in jail for five days. Should NC find a better way?](#) Josh Shaffer and David Raynor, News & Observer, Feb. 21, 2019
- [Progressive Prosecutors Win Primaries In North Carolina](#), Matt Ferner, Huff Post, May 8, 2018
- [Reality Check: Summertime manhunt puts spotlight on bail reform](#), Justin Hinton, WLOS-13, Oct. 13, 2017
- [Without bail money, she pleaded guilty so she wouldn't give birth in jail](#), Josh Shaffer, News & Observer, Feb. 21, 2019
- [Torrey Smith and David Tepper Meet With District Attorney Spencer Merriweather to Discuss Bail Reform](#) (Video), October 3, 2018