

STATE OF MINNESOTA

IN DISTRICT COURT

EIGHTH JUDICIAL DISTRICT

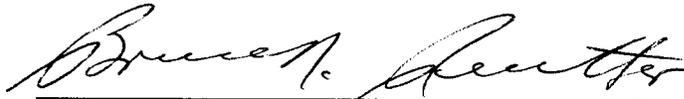
ADMINISTRATIVE POLICY NUMBER 20

PRE-TRIAL RELEASE FORM AND PROTOCOL

The Eighth Judicial District Judges met on February 11, 1994 and discussed the adoption of a pre-trial release form and protocol for use in the Eighth Judicial District as recommended by the Eighth District Racial Fairness Implementation Committee.

On motion, second, and majority vote of the Eighth Judicial District Judges, the attached Pre-trial Release Form and Protocol are adopted effective April 1, 1994.

Dated: February 11, 1994



BRUCE N. REUTHER, CHIEF JUDGE
EIGHTH JUDICIAL DISTRICT

PROTOCOL FOR USE OF PRETRIAL RELEASE POINT SCALE FORM

1. The form is to be utilized in all cases involving felony and gross misdemeanor level offenses and all cases involving misdemeanor violation of 609.224 Assault in the 5th Degree Assault (Domestic Assault) or of 518B.01 Violation of Order for Protection. The form shall also be utilized in any case where the prosecutor or law enforcement is requesting bail.
2. The prosecutor or law enforcement shall fill out as much of the form as possible and the completed form should be transmitted to the court administrator prior to the defendant's first appearance in court. An appropriate criminal history check should be conducted by the prosecutor or law enforcement prior to appearance by the defendant to insure that Sections VII and VIII are completed.
3. At the first appearance of the defendant in court, the judge shall make appropriate inquiry of the defendant to answer any of the unanswered questions on the form.
4. Total point values are added to determine the appropriate release recommendation. The judge then notes on the form the amount of bail, if any, additional conditions of release and the judge then signs and dates the form.

PRETRIAL RELEASE POINT SCALE

NAME: _____ DATE OF BIRTH: ____/____/____
Last First Middle

ADDRESS: _____

CHARGE: _____
If more than one use most serious as defined by Sentencing Guidelines

PUBLIC DEFENDER: _____ Eligible _____ Ineligible

I. Present offense/Main Charge Requiring Judicial Review

- _____ A. See reverse side for list of offenses +9
- _____ B. Weapon used (See MS 609.11 (4&5)) +9

- II. Present Offense/Main Charge Not Requiring Judicial Review**
- _____ Other felony not on review list +3
 - _____ Gross/misdemeanor/traffic 0

- VI. Age**
- _____ Age 21 or under +3
 - _____ Age 22 or over 0

- III. Current Minnesota Residence**
- _____ Three months or less +1
 - _____ Over three months 0

- VII. Failure To Appear**
(Includes present offense)
- _____ Failure within last 3 yrs +6
(verified by bench warrant)
 - _____ No prior failure 0

- IV. Living situation**
- _____ Living Alone +1
 - _____ Living with relatives or others 0

- VIII. Prior Criminal Record**
- _____ A. Felony, gross misd. person convictions +9 each
 - _____ B. Misd. person conv. +6 each
 - _____ C. Other felony conv. +3
 - _____ D. Other gross/misd (excl.non-alcohol related traffic) +1
 - _____ E. No prior conv. 0

- V. Employment/Income**
- _____ Employed less than 20 hrs/wk Unemployed or not student Not receiving public or other entitlements +3
 - _____ Employed 20 hrs + per week Full time student Receiving public assistance or other entitlements 0

POINT TOTAL:

Recommendation:

(0-8) NBR _____

(9-17) CR _____

(18+) Review Required _____

Review Required List _____

Holds _____

Detainer _____

BAIL AMOUNT: \$ _____

Additional Conditions:

Judge's Signature: _____

Date: _____

LIST OF OFFENSES REQUIRING JUDICIAL REVIEW FOR PRE-TRIAL RELEASE

SENTENCES

609.11 Minimum Term of Imprisonment

HOMICIDE

609.185 Murder in the I Degree
609.19 Murder in the II Degree
609.195 Murder in the III Degree
609.20 Manslaughter in the III Degree
609.205 Manslaughter in the II Degree
609.21 Criminal Vehicular Operation

CRIMES AGAINST THE PERSON

609.221 Assault in the I Degree
609.222 Assault in the II Degree
609.223 Assault in the III Degree
609.2231 Assault in the IV Degree
609.224 Assault in the V Degree (Domestic Assault)
609.245 Aggravated Robbery
606.24 Simple Robbery
609.25 Kidnapping
609.251 Double Jeopardy, Kidnapping
609.255 False Imprisonment
518B.01 Violation of Order for Protection
609.749 Harassment/Stalking

CRIMES AGAINST UNBORN CHILDREN

609.2661 Murder of Unborn Child in the I Degree
609.2662 Murder of Unborn Child in II Degree
609.2663 Murder of Unborn Child in III Degree
609.2664 Manslaughter of Unborn Child in I Degree
609.2665 Manslaughter of Unborn Child in II Degree
609.267 Assault of Unborn Child in I Degree
609.2671 Assault of Unborn Child in II Degree
609.272 Assault of Unborn Child in III Degree

SEX CRIMES

609.322 Solicitation, Inducement & Promotion of Prostitution
609.323 Receiving Funds Derived from Prostitution
609.342 Criminal Sexual Conduct in the I Degree
609.343 Criminal Sexual Conduct in the II Degree
609.344 Criminal Sexual Conduct in the III Degree
609.345 Criminal Sexual Conduct in the IV Degree
609.352 Solicitation of Children to Engage in Sexual Conduct

CRIMES AGAINST THE ADMINISTRATION OF JUSTICE

609.485 Escape from Justice
Fugitive from Justice

DAMAGE TO PROPERTY

609.561 Arson I Degree
609.562 Arson II Degree
609.582(1)(2) Burglary in I & II Degree

CRIMES AGAINST PUBLIC SAFETY & HEALTH

609.66 Dangerous Weapons
609.67 Machine Guns & Short Barrelled Shotguns
609.713 Terroristic Threats
152.021 Controlled Substance Crime in I Degree
152.022 Controlled Substance Crime in II Degree
152.023 Controlled Substance Crime in III Degree