

Standing Order re Sign & Release and Book & Release Warrants

Based on the Protocol developed by the Adult Detention Initiative of which this Court is a part, and Minn. Stat. § 629.415, subs. 3-4, the following Standing Order was effective January 1, 2024, due to a statutory change and remains in effect until further Order of a Chief Judge of this district. This order replaces the June 22, 2018, Sign and Release Standing Order and the January 14, 2019, Book and Release Standing Order.

I. Sign and Release Warrants

A. Authorized Use – The use of Sign and Release Warrants is authorized as follows:

1. **Misdemeanor Offenses** – All Misdemeanor Offenses, except:

- a. Domestic Assault (Minn. Stat. § 609.2242)
- b. Violation of an OFP (Minn. Stat. § 518B.01, subd. 14)
- c. Violation of an HRO (Minn. Stat. § 629.75).

2. **Gross Misdemeanor Offenses** – All Gross Misdemeanor Offenses, except:

- a. Driving While Impaired (Minn. Stat. § 169A.20)
- b. Violation of an OFP (Minn. Stat. § 518B.01, subd. 14)
- c. 4th Degree Assault (Minn. Stat. § 609.2231)
- d. 5th Degree Assault (Minn. Stat. § 609.224)
- e. Domestic Assault (Minn. Stat. § 609.2242)
- f. 5th Degree Criminal Sexual Conduct (Minn. Stat. § 609.3451)
- g. Malicious Punishment of a Child (Minn. Stat. § 609.377)
- h. Neglect or Endangerment of a Child (Minn. Stat. § 609.378)
- i. Violation of an HRO (Minn. Stat. § 609.748, subd. 6)
- j. Harassment or Stalking (Minn. Stat. § 609.749)
- k. Interference with an Emergency Call (609.78, subd. 2)
- l. Nonconsensual Dissemination of Sexual Images (Minn. Stat. § 617.261)
- m. Violation of a DANCO (Minn. Stat. § 629.75).

B. When Issued – Court clerks shall issue a Sign and Release Warrant for each defendant who was sent a summons to appear in court for a qualified offense and who fails to appear at the first-set arraignment or first appearance on the case.

C. Exceptions – The court may issue a warrant that requires the defendant to be booked, post bail or comply with other conditions of release if a prosecutor shows, by a preponderance of the evidence, that bail is necessary:

1. For the safety of an alleged victim;
2. Because the defendant poses a risk to public safety; or
3. Because the defendant otherwise poses a danger to self or others.

D. Sign and Release Warrants – The Sign and Release Warrant shall be a bench warrant with a \$0 (no) bail amount and a narrative comment shall be made in MNCIS that it is a Sign and Release Warrant.

E. Law Enforcement – When a law enforcement officer encounters a person who has a warrant, the officer will call the warrant office to determine what type of warrant is in place. When the only warrant is a Sign and Release Warrant and there is no other basis to arrest the person, the officer will obtain a court date and the warrant office will recall the warrant.

1. **In Hennepin County** – When the law enforcement contact is in Hennepin County, the officer will complete a sign and release form with a new court date and will have the defendant sign it. Refusal to sign will be noted but is not a basis to arrest on the warrant. One copy of the form will be given to the defendant and the other will be efiled in MNCIS.

2. **Out of Hennepin County** – When the law enforcement contact is outside of Hennepin County, the officer will provide the new court date information to the defendant.

F. Fail to Appear – If the defendant fails to appear at the given date, a bench warrant with monetary bail may issue.

G. New Offense – If the defendant is being booked on a new offense or a new PC hold, the defendant may be booked and held on the new offense despite having a Sign and Release Warrant. The defendant shall not be held on the Sign and Release Warrant; therefore, if the other issue(s) is/are resolved, the jail will release the defendant with a court notice to appear out of custody.

II. Book and Release Warrants

A. Authorized Use – The use of Book and Release Warrants is authorized for gross misdemeanor offenses charged by the County Attorney’s Office and all Felony Offenses except:

1. Driving While Impaired (Minn. Stat. § 169A.20)
2. Violation of an OFP (Minn. Stat. § 518B.01, subd. 14)
3. Domestic Assault (Minn. Stat. § 609.2242)
4. Violation of an HRO (Minn. Stat. § 609.748, subd. 6)
5. Harassment or Stalking (Minn. Stat. § 609.749)
6. Violation of a DANCO (Minn. Stat. § 629.75)
7. Any degree of Criminal Sexual Conduct (Minn. Stat. § 609.342, *et seq.*)
8. Nonconsensual Dissemination of Sexual Images (Minn. Stat. § 617.261).

B. When Issued – Court clerks will issue a Book and Release/NBR Warrant for each defendant who is sent a summons to appear in court for an eligible offense and who fails to appear at the first appearance on the case, if the summons was returned as undeliverable and as long as no other active warrant exists for the defendant.

C. Book and Release/NBR Warrants – The Book and Release/NBR Warrant will be a bench warrant with a \$0 amount of bail and a narrative comment shall be made in MNCIS that it is a Book and Release/NBR Warrant.

- D. Exceptions** – The court may issue a warrant that requires the defendant to post bail or comply with other conditions of release if a prosecutor shows, by a preponderance of the evidence, that bail is necessary:
1. For the safety of an alleged victim;
 2. Because the defendant poses a risk to public safety; or
 3. Because the defendant otherwise poses a danger to self or others.
- E. Law Enforcement** – When a law enforcement officer in Hennepin County encounters a person who has a warrant, the officer will call the warrant office to determine what type of warrant is in place. If there is an active Book and Release/NBR Warrant, the officer will bring the defendant to either the Public Safety Facility or a local police facility with booking capabilities. When a law enforcement officer outside Hennepin County encounters a person with a Book and Release/NBR Warrant, the person shall be transported to the Hennepin County Public Safety Facility to complete the booking procedure.
- F. Booking Procedure** – If the Book and Release/NBR Warrant is the only basis for the arrest, the defendant will be booked, photographed and fingerprinted. The officer or jail staff will complete a release citation and court slip with the new court appearance date obtained from the warrant office. Refusal to sign the court slip alone is not a basis to detain the defendant but will be noted. The release citation will be efiled with the District Court.
- G. Fail to Appear** – If the defendant then fails to appear at court on the designated appearance date, a bench warrant with monetary bail shall issue.
- H. New Offense** – If the defendant is being booked on a new offense or new PC hold, the defendant may be booked and held on the new offense despite having a Book and Release/NBR Warrant. The defendant shall not be held solely on the Book and Release/NBR Warrant; therefore, if the other issue(s) is/are resolved, the jail will release the defendant with a court notice to appear out of custody.

BY THE COURT:

Dated: March 15, 2024

Kerry W. Meyer
Chief Judge of District Court