

Standing Order re: Pre-Appearance Release by the Hennepin County Sheriff Public Safety Facility Staff

This Order sets the standards for pre-appearance release by the Hennepin County Public Safety Facility staff. This Order replaces the Standing Order of the same name issued January 11, 2019, by the Honorable Ivy Bernhardson.

I. DRIVING WHILE IMPAIRED (DWI) OFFENSES

A. Felony DWI (First-Degree DWI)

1. **Detention on Probable Cause** – A person arrested for first-degree driving while impaired must be held without bail (HWB) until the person’s first court appearance,¹ unless the person’s release has been ordered by either the prosecuting attorney or the arresting agency, or the person’s release is required because the applicable time periods that allow a person to be held without charges have expired.
2. **Formal Complaint Filed** – A person a may be released upon posting the unconditional bail amount set in the complaint by the judge who signed it.

B. Driving While Impaired – Any Degree – While Inimical to Public Safety

1. **Detention on Probable Cause** – A person arrested for any degree of driving while impaired whose driving privileges are currently canceled as inimical to public safety must be held without bail (HWB) until the person’s first court appearance² unless the person’s release has been directed by either the prosecuting attorney or the arresting agency, or the person’s release is required because the applicable time periods that allow a person to be held without charges have expired.
2. **Tab charged / Citation** - A person arrested for driving while impaired whose driving privileges are currently canceled as inimical to public safety must be held without bail (HWB) until the person’s first court appearance³ unless a judge reviews the reports and sets an unconditional bail amount the defendant posts.
3. **Formal Complaint Filed** - A person a may be released upon posting the unconditional bail amount set in the complaint by the judge who signed it.

¹ Minn. Stat. § 169A.40, subd. 3(b).

² *Id.*

³ *Id.*

C. Other Mandatory Condition DWIs:

- **Second-Degree DWI**
- **Third-Degree DWI if any of the following circumstances exist:**
 - **the offender is under 19**
 - **the offender had a BAC of .16 or more**
 - **a child was in the car and the child is under 16 and more than 36 months younger than the offender**

1. **Detention on Probable Cause** – When a person is being held on probable cause that the person has committed one of these offenses, the person shall be held without bail (HWB), unless a judge has set maximum bail (\$12,000), the person's release has been directed by either the prosecuting attorney or the arresting agency, or the person's release is required because the applicable time periods that allow a person to be held without charges have expired.
2. **Tab charged / Citation** – Defendants who are tab charged under this section must be held without bail (HWB) until the person's first court appearance unless a judge has set maximum bail (\$12,000) or the person is released by the Department of Community Corrections and Rehabilitation (DOCCR) pursuant to the standards set in a separate standing order.
3. **Formal Complaint Filed** – Defendants must be released upon posting the bail designated on the complaint, unless released without bail by DOCCR pursuant to the standards set in a separate standing order.

D. Other Gross Misdemeanor DWIs and Gross Misdemeanor DAC-IPS

1. **Detention on Probable Cause** – When a person is being held on probable cause that the person has committed one of these offenses, the person must be held without bail (HWB), unless a judge has set bail, the person's release has been directed by either the prosecuting attorney or the arresting agency, or the person's release is required because the applicable time periods that allow a person to be held without charges have expired.
2. **Tab charged / Citation** – When a person is tab charged or is being held on a citation for an offense under this section the person must be held with a bail setting of \$6,000 bond or \$750 cash bail unless the person is ordered released earlier by a judge or DOCCR pursuant to the standards set in a separate standing order.
3. **Formal Complaint Filed** - Defendants must be released upon posting the bail designated on the complaint, unless released without bail by DOCCR pursuant to the standards set in a separate standing order.

E. Other Misdemeanor DWIs⁴

1. **Detention on Probable Cause** – When a person is being held on probable cause that the person has committed one of these offenses the person must be held without bail (HWB), unless a specific bail amount (which may be no bail required – “NBR”) is set by a judge, the person’s release has been directed by either the prosecuting attorney or the arresting agency, or the person’s release is required because the applicable time periods that allow a person to be held without charges have expired.
2. **Tab charged / Citation** – When a person is tab charged or is being held on a citation for an offense under this section the person must be held with a bail setting of \$1,000 bond or \$150 cash bail unless a specific bail amount (which may be no bail required – “NBR”) is set by a judge or the person is released by DOCCR pursuant to the standards set in a separate standing order.
3. **Formal Complaint Filed** – Defendants must be released upon posting the bail designated on the complaint, unless released without bail by DOCCR pursuant to the standards set in a separate standing order.

II. DOMESTIC ABUSE OFFENSES⁵

A. Violation of Domestic Abuse No Contact Order or Order for Protection – All Offense Levels - Detention on Probable Cause – When a person is being held on probable cause that the person has committed one of these offenses, the person shall be held without bail (HWB) for 36 hours (excluding the day of arrest, Sundays, and holidays) unless a judge has set bail or ordered the person’s release.⁶

B. Felony Domestic Abuse Offenses

1. **Detention on Probable Cause⁷** – When a person is being held on probable cause that the person has committed a felony domestic abuse offense not otherwise addressed in this order the person shall be held without bail (HWB), unless a judge has set bail or ordered the person’s release, or the person’s release has been directed by either the prosecuting attorney or the arresting agency, or the person’s release is required because the applicable time periods that allow a person to be held without charges have expired.

⁴ Fourth-Degree DWI-IPS not included here as it is included in Paragraph I.B.

⁵ For the purposes of this order “domestic abuse offenses” means the following offenses: domestic assault, harassment, stalking, or violation of a DANCO or OFP.

⁶ [Minn. Stat. §629.75, subd. 3](#); [Minn. Stat. § 518B.01, subd. 14](#).

⁷ Felony violation of DANCO or OFP is governed by Paragraph II.A.

2. **Formal Complaint Filed** – Defendants must be released upon posting the bail designated on the complaint, unless released without bail by DOCCR pursuant to the standards set in a separate standing order.

C. Gross Misdemeanor Domestic Abuse Offenses

1. **Detention on Probable Cause**⁸ - When a person is being held on probable cause that the person has committed one of these offenses, the person shall be held without bail (HWB), unless a judge has set bail or ordered the person released, or the person’s release has been directed by either the prosecuting attorney or the arresting agency, or the person’s release is required because the applicable time periods that allow a person to be held without charges have expired.
2. **Tab charged / Citation** - When a person is tab charged or is being held on a citation for an offense under this section the person must be held with a bail setting of \$10,000 bond or \$1,000 cash bail unless the person is ordered released earlier by a judge or the person is released by DOCCR pursuant to the standards set in a separate standing order.
3. **Formal Complaint Filed** – Defendants must be released upon posting the bail designated on the complaint, unless released without bail by DOCCR pursuant to the standards set in a separate standing order.

D. Misdemeanor Domestic Abuse Offenses

1. **Detention on Probable Cause**⁹ - When a person is being held on probable cause that the person has committed one of these offenses, the person shall be held without bail (HWB), unless a judge has set bail or ordered the person released, or the person’s release has been directed by either the prosecuting attorney or the arresting agency, or the person’s release is required because the applicable time periods that allow a person to be held without charges have expired.
2. **Tab charged / Citation** - When a person is tab charged or is being held on a citation for an offense under this section the person must be held with a bail setting of \$1,000 bond or \$150 cash bail unless a specific bail amount (which may be no bail required – “NBR”) is set by a judge or the person is released by DOCCR pursuant to the standards set in a separate standing order.
3. **Formal Complaint Filed** – Defendants must be released upon posting the bail designated on the complaint, unless released without bail by DOCCR pursuant to the standards set in a separate standing order.

⁸ Gross Misdemeanor violation of DANCO or OFP is governed by Paragraph II.A.

⁹ Misdemeanor violation of DANCO or OFP is governed by Paragraph II.A.

III. OTHER FELONIES

- A. **Detention on Probable Cause** – When a person is being held on probable cause that the person has committed a felony not otherwise addressed in this order the person shall be held without bail (HWB), unless a judge has set bail or ordered the person’s release, or the person’s release has been directed by either the prosecuting attorney or the arresting agency, or the person’s release is required because the applicable time periods that allow a person to be held without charges have expired.
- B. **Formal Complaint Filed** – Defendants must be released upon posting the bail designated on the complaint, unless released without bail by DOCCR pursuant to the standards set in a separate standing order.

IV. OTHER GROSS MISDEMEANORS

- A. **Detention on Probable Cause** – When a person is being held on probable cause that the person has committed a Gross Misdemeanor not otherwise addressed in this order the person shall be held without bail (HWB), unless a judge has set bail or ordered the person’s release, or the person’s release has been directed by either the prosecuting attorney or the arresting agency, or the person’s release is required because the applicable time periods that allow a person to be held without charges have expired.
- B. **Tab charged / Citation** – When a person is tab charged or is being held on a citation for a Gross Misdemeanor offense not otherwise addressed in this order the person must be held with a bail setting of \$3,000 bond or \$500 cash bail unless the person is ordered released earlier by a judge or DOCCR pursuant to the standards set in a separate standing order.
- C. **Formal Complaint Filed** - Defendants must be released upon posting the bail designated on the complaint, unless released without bail by DOCCR pursuant to the standards set in a separate standing order.

V. OTHER MISDEMEANORS

A. Non-Payable Misdemeanors

- 1. **Detention on Probable Cause** – When a person is being held on probable cause that the person has committed a misdemeanor that is not on the Statewide Payables List or the Hennepin County Ordinances Payables List, the person shall be held without bail (HWB), unless a judge has set bail or ordered the person’s release, or the person’s release has been directed by either the prosecuting attorney or the arresting agency, or the person’s release is required because the applicable time periods that allow a person to be held without charges have expired. Nothing in this order shall limit an arresting officer’s discretion to release the accused person without bail pending a formal complaint instead of a tab charge or citation.

2. **Tab charged / Citation** – When a person is tab charged or is being held on a citation for a misdemeanor that is not on the Statewide Payables List or the Hennepin County Ordinances Payables List, the person must be held with a bail setting of \$300 bond or \$50 cash bail unless a different bail amount (which may be no bail required – “NBR”) is set by a judge or the person is released by DOCCR pursuant to the standards set in a separate standing order.
3. **Formal Complaint Filed** – Defendants must be released upon posting the bail designated on the complaint, unless released without bail by DOCCR pursuant to the standards set in a separate standing order.

B. Payable Misdemeanor and Petty Misdemeanor – When a person is being held on probable cause that the person has committed a petty misdemeanor or a misdemeanor on the Statewide Payables List¹⁰ or the Hennepin County Ordinances Payable List,¹¹ a citation must be issued in lieu of continued detention.

V. EXCEPTION FOR RELEASE FOR MEDICAL NECESSITY


In all cases, a law enforcement agency that has a person in custody may release that person without bail to a medical facility if the agency believes that it is medically necessary and consistent with public safety to do so. Such release may occur without further order of the court. The accused should be given notice of any scheduled court appearance date. The court shall be notified of the release within one business day.

VI. AUTHORITY TO APPLY CRIMINAL PRESIDING JUDGE SIGNATURE TO CONDITIONAL RELEASE FORMS

If a person is charged in a complaint that includes bail and conditions of release, and the person posts bail, the person shall be released on the conditions listed in the complaint. In such cases, a Conditional Release Order must be issued by the Hennepin County Sheriff’s Office. Conditional Release Orders issued under this standing order may only contain conditions that do not require supervision by Probation (“above-the-line conditions”). The electronic signature of the Criminal Presiding Judge may be applied to Conditional Release Orders by the Hennepin County Sheriff’s Office in accordance with this standing order.

Dated: June 18, 2024

BY THE COURT:

 Meyer, Kerry (Judge)
2024.06.18 08:03:23
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Kerry W. Meyer
Chief Judge of District Court

¹⁰ Statewide Payables Lists can be found at <https://www.mncourts.gov/GovernmentPartners/Statewide-Payables-Lists.aspx>.

¹¹ Hennepin County Ordinances can be found at <https://mncourts.gov/GovernmentPartners/Local-Ordinances.aspx>. A fine amount is listed if payable. “Mandatory Court Appearance” is listed if not payable.