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NED J. KERR, CLERK	
<i>J. Hordall</i>	
DEPUTY CLERK	

IN THE THIRD JUDICIAL DISTRICT OF IDAHO
IN AND FOR THE COUNTY OF CANYON

Administrative Order No. 89-2

Administrative Order Establishing
The Pre-Trial Release Program

This Court has been continually aware of the gradual development of overcrowding conditions at the Canyon County Jail and has again carefully reviewed those conditions; the Court has also reviewed the Idaho law regarding bail and recognizance pre-trial release of defendants charged with criminal acts, including Rules 5 and 46, Idaho Criminal Rules, and has reviewed present pre-trial release procedures in the County as well as the evaluation performed by an experienced consultant furnished by the National Institute of Corrections. It has become apparent to the Court that a pre-trial release program must be instituted in the County in order to reduce the overcrowding in the jail. Such a program must operate on a set of objective standards developed to furnish reasonably reliable projections that the released defendants will appear at future court proceedings with minimum risk to the public.

The Court has reviewed the VERA Point Scale Release System and has determined that the System has provided a successful pre-trial program in major metropolitan areas as well as rural areas throughout the country. The Court has determined that the System

provides the type objective basis needed to comply with Idaho Law and to minimize danger to the community and to the defendants.

The Court has also determined that the VERA Point Scale Release System can best be implemented through a Pre-Trial Release Division of the District Court Department, operated by a Pre-Trial Release Officer. Therefore, IT IS HEREBY ORDERED as follows:

1. A Canyon County Pre-Trial Division is established in the District Court Department. The Division shall administer the Canyon County Pre-Trial Release Program as described herein. The Division shall be operated by a Pre-Trial Release Officer who is deputized by the Canyon County Sheriff.
2. The Pre-Trial Release Officer shall administer the Canyon County Pre-Trial Release Program as provided by this Order, shall transport prisoners in custody to and from the Canyon County Jail as such prisoners are needed for interviews or for Court appearances, shall provide security protection to the Courts and Court personnel, and shall make arrests when necessary to maintain the security and safety of the defendants, witnesses, members of the public and Court personnel. The Pre-Trial Release Officer shall serve under the general supervision of the Administrative District Judge.
3. The Pre-Trial Release Officer shall adapt the VERA Point System for the Canyon County Pre-Trial Release Program and shall develop an Interview document to be used as a permanent record of the evaluation points awarded to each defendant interviewed.
4. The Pre-Trial Release Officer shall interview every person arrested and admitted to the Canyon County Jail and after verifying information received, shall assess a score for each person based upon the following criteria and guidelines:

<u>Criteria</u>	<u>POINTS AWARDED</u>	<u>Points</u>
A. <u>Residence</u>		
1. Owner or Buyer of Realty		1
2. In present residence 1 yr or more		3
3. In present residence 6 mos, or in present <u>and</u> prior residence for 1 year.		2
4. In present residence 4 mos, or in present <u>and</u> prior residence for		

- 6 mos. 1
- 5. Resident in general area 15 years 2
- 6. Resident in general area 5 years 1
- B. Family Ties
 - 1. Lives with family and has weekly contact 3
 - 2. Lives with family, or has weekly contact 2
 - 3. Lives with non-family 1
- C. Employment/Education
 - 1. Present job 1 year or more, or full-time student 3
 - 2. Present job 4 mos. or present and prior job 6 mos. 2
 - 3. Has job or is on unemployment benefits, welfare or Social Security (SSI) 1
- D. Prior Record
 - 1. No prior record 2
- E. Discretionary
 The Pre-Trial Release Officer may, in his or her discretion, add or subtract 1 point for each of the following criteria:

Pregnancy
 Self Surrender
 Pending Case
 Probation/Parole Status
 Old Age
 Prior Successful Release on Own Recognizance
 Medical Problems
 Use or Non-Use of Alcohol and/or Drugs

POINTS SUBTRACTED

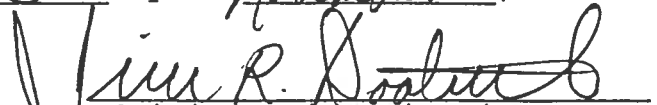
<u>Criteria</u>	<u>Points</u>
A. Prior Misdemeanor Record	-1
B. Prior Misdemeanor Convictions involving child abuse, sexual abuse domestic violence, escape, failure to appear, use of drugs and/or alcohol, or use of violence	-1 for each

C. Prior Felony Convictions -2 for each

D. Failure to Appear -1 for each

5. A person charged with a misdemeanor who acquires a positive score of 6 or more points may be admitted to recognizance release by the Pre-Trial Release Officer upon conditions which the Officer finds appropriate. Provided that this Paragraph does not apply to any person charged with a misdemeanor involving child abuse, sexual abuse, domestic violence or other violent actions, driving under the influence of alcohol or other drugs where an accident is involved or where the defendant has previously been charged with driving under the influence, providing controlled drugs to others, providing alcohol or drugs to minors, or charged with any failure to appear. In all such exclusions, the Pre-Trial Release Officer may not release the prisoner but shall submit a recommendation to the Court in accord with the procedure established in Paragraph 6.
6. A person charged with a felony or with a misdemeanor identified in the exclusionary proviso to Paragraph 5 shall be released only by Court order. The Pre-Trial Release Officer shall present to the Court his Interview document containing the assessed score and a recommendation as to release and conditions to be imposed upon release.
7. All persons released under the Pre-Trial Release Program shall be monitored by the Pre-Trial Release Officer or his/her designee. The Pre-Trial Release Officer shall promptly report any violation of release conditions to the Court for appropriate judicial action.
8. When directed by the Administrative District Judge, the Pre-Trial Release Officer shall monitor defendants released by Court Order and defendants placed on probation by the Court and shall report monitoring results to the Court.

Dated this 13th day of November, 1989.


Administrative District Judge
Jim R. Doolittle
Third Judicial District
County of Canyon, Idaho