

**FILED**  
A.M. *9:30* P.M.

MAY 09 1991

BARBARA JAYO, CLERK  
**JOANN McDANIEL**  
Deputy Clerk

IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT OF  
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF OWYHEE

IN THE MATTER OF THE OWYHEE  
COUNTY JAIL

ADMINISTRATIVE ORDER  
NO. 91-4

**ADMINISTRATIVE ORDER ESTABLISHING  
OWYHEE COUNTY JAIL RELEASE PROGRAM**

The present jail used by Owyhee County was designed and built to incarcerate eight (8) inmates, and the population of the Owyhee County Jail has exceeded eight (8) persons. The holding of more than eight (8) persons overnight in the Owyhee County Jail increases the possibility of civil disorder in the jail with resultant injury to inmates and/or staff. The County cannot take unilateral action to relieve the overcrowded condition, but the Owyhee County Jail can operate, for a limited time, at a maximum population of eight inmates.

**THEREFORE BE IT ORDERED THAT** the Owyhee County Sheriff shall reduce the population of the Owyhee County Jail to a maximum of eight (8) inmates at 6:00 o'clock P.M. each day. If the population of the

Jail is in excess of eight at 6:00 o'clock P.M., the following standards will be regarded to reduce the population:

A. The Sheriff will complete and update personal information for each inmate in custody to determine each individual's ranking, based on:

1. Outside Jurisdiction Inmates

Any inmate that can be released to another jurisdiction where charges are pending.

2. Misdemeanor Inmates

Any misdemeanor inmate that has served the majority of a sentence and has no disciplinary report while in custody will be returned to the sentencing Judge to determine if they are a candidate for house arrest and <sup>be</sup> allowed to return to work.

3. Pre-Sentenced Inmates

Use of VERA point Scale Release System standards contained in Administrative Order No. 89-2 as amended by Administrative Order No. 90-5. See Exhibits A and B as attached.

4. Sentenced and Felon Inmates

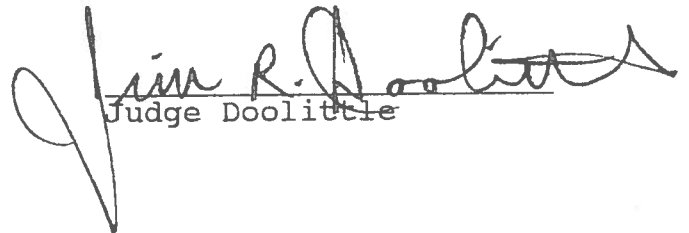
Use of the Vera Point Scale Release System as outlined in Administrative Order No. 89-2/90-5 and who in the

judgement of the Sheriff would present a lesser propensity to commit criminal acts and commit violent acts. See Exhibits A and B as attached.

5. All proposals for release will be submitted to the Prosecuting Attorney and the resident Magistrate for the purpose of gaining their input prior to any discretionary releases.
  6. A report will be prepared each week and submitted to the court for their continued information.
- B. Prior to any release, each inmate will sign an agreement whereby they agree to rules that limit their activity to work, church, school and home. They will be allowed to attend family events, travel for care of family welfare and other legitimate activity on a case by case basis with the approval of the Sheriff.
- C. Released inmates will agree to contact the Sheriff on a regular basis as directed.
- D. Released inmates will agree to return to the Owyhee County jail to be held in compliance with any Court Order that is in effect at the time of the required return, if room becomes available.

E. Any violation of the agreement or any criminal activity will subject the inmate to immediate return to the Owyhee County Jail. A level of probable cause will be sufficient to return the inmate.

DATED this 6<sup>th</sup> day of May, 1991.

  
Judge Doolittle

OWYHEE COUNTY SHERIFFS' OFFICE

RELEASE AGREEMENT

I understand that I am being considered for early release from the OWYHEE COUNTY JAIL due to the overcrowding caused by the commitment of more persons than is possible for the Jail to hold. If I am granted an early release, I understand that I must obey all the laws of the State of Idaho and abide by the following rules and direction as explained to me.

Employer is \_\_\_\_\_

Type of work \_\_\_\_\_

Work hours---From \_\_\_\_\_ to \_\_\_\_\_, Days: \_\_\_\_\_ through \_\_\_\_\_

Travel to and from work \_\_\_\_\_

Church attended \_\_\_\_\_

Date and hours: \_\_\_\_\_

School attended \_\_\_\_\_

Date and hours \_\_\_\_\_

Residence: \_\_\_\_\_

Own or rent \_\_\_\_\_

All Persons that reside there \_\_\_\_\_

List all travel that will be required on a regular basis to maintain your family (grocery, doctor, etc.)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

I, \_\_\_\_\_, agree that I will attend work and school as listed above. When not at work or school as listed, I will leave my residence only as listed above or with the permission of the Sheriff. Any time that I am unable to attend work or school or if I am required to leave the residence for a legitimate reason not listed, I will request and receive permission

of the Sheriff prior to leaving the residence. To request permission of the Sheriff, I will phone \_\_\_\_\_. I agree that I will return to the OWYHEE COUNTY JAIL to complete any Court Ordered detainment as directed if room becomes available. I will report to the Sheriff by phone on the following basis:

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I further agree that I will not violate any Laws of the State of Idaho and that I will not violate any of the rules of this Agreement of Early Release while released from the OWYHEE COUNTY JAIL. I further agree that the Sheriff, based on probable cause, can return me to and detain me at the OWYHEE COUNTY JAIL for the balance of any legal commitment for any violation of Law or this Agreement.

Further stipulations: \_\_\_\_\_

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Date: \_\_\_\_\_

Witness:

\_\_\_\_\_  
\_\_\_\_\_

FILED	
8:20	A.M.
NOV 14 1989	
NED J. WERR, CLERK	
<i>J. Nordall</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

EXHIBIT A

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

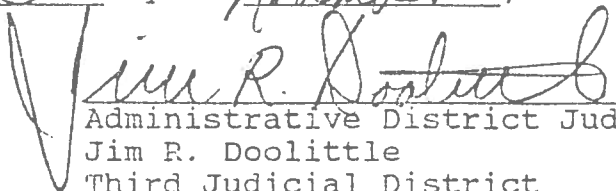
<u>Criteria</u>	<u>Points</u>
A. Prior Misdemeanor Record	-1
B. Prior Misdemeanor Convictions involving child abuse, sexual abuse domestic violence, escape, failure to appear, use of drugs and/or alcohol, or use of violence	-1 for each

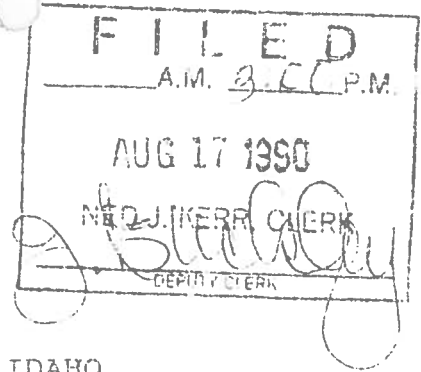
C. Prior Felony Convictions -2 for each

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 13<sup>th</sup> day of November, 1989.

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



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

Administrative Order No. 90-5

Administrative Order Amending  
Procedures Governing The Pre-Trial  
Release Program

This Court previously entered an administrative order which established a Pre-Trial Release Program in Canyon County and which set forth procedures to govern the operation of that program. Since the entry of that order, Canyon County has become subject to the provisions of a United States District Court judgment which governs the operations and maintenance of the Canyon County Jail. This judgment sets a "cap" on the jail population which is significantly lower than has been maintained at the jail over the past several years.


In order to assist the county in complying with the jail population mandates of the United States District Court, it is necessary that the pre-trial release program officers be given expanded authority to admit persons to recognizance releases. Therefore, IT IS HEREBY ORDERED that this Court's Administrative Order 89-2 be amended as follows:

EXHIBIT B

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. In addition, the Pre-Trial Release Officer may, when jail population conditions warrant it, release at his or her discretion persons charged with misdemeanors who acquire a positive score of less than 6 points, or who have been arrested on warrants for failure to pay fines, court costs or other fees. 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, 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 other than the charges of grand theft or felony driving without privileges 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 the interview document containing the assessed score and a recommendation as to release and conditions to be imposed upon release. A person charged with grand theft or felony driving without privileges who acquires a positive score of 6 or more points may be admitted to recognizance release at the discretion of the Pre-Trial Release Officer upon conditions which the officer finds appropriate.

IT IS FURTHER ORDERED that all other provisions of this Court's Administrative Order 89-2 as amended by Administrative Order 90-1 shall remain in full force and effect.

Dated this 16<sup>th</sup> day of August, 1990.

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