

IN THE DISTRICT COURT OF THE SIXTH JUDICIAL DISTRICT

IN RE: REVISION OF ADMINISTRATIVE
ORDER No. 94-01 REGARDING THE
BANNOCK COUNTY PRETRIAL RELEASE
COURT SERVICES PROGRAM

)
)
)
)
)
)
)

**ADMINISTRATIVE ORDER
2016-5**

The Courts of the Sixth Judicial District have been utilizing the Bannock County Pretrial Release Court Services Program as an alternative to jail since its implementation in 1994. The program was established to assist with jail overcrowding conditions, pursuant to authority granted under I.C.R. 5 and 46. This program was officially established and implemented pursuant to Administrative Order No. 94-01. It was determined that this program would operate on a set of objective standards developed to furnish reasonably reliable indications that the released defendants will appear at future court proceedings without further violations of the law. Defendant information was and continues to be obtained using a variety of sources including NCIC and personal interview. A pretrial report was and continues to be prepared which includes prior criminal history, failures to appear, verifiable employment, financial information, local and family ties, all to assist the Courts in determining pretrial release eligibility.

This program has been effectively utilized by the Courts and appropriately managed by the Court Services office for the past 22 years, and has provided the objective basis needed to comply with Idaho law and to meet the standards as set above while providing an alternative to defendant incarceration prior to trial or other disposition of the case.

The Pretrial Release Court Services Program was intended and continues to provide an alternative to pretrial detention by releasing defendants according to constitutional principles, judicial eligibility requirements, and community protection. Since its inception, pretrial incarceration or release decisions have been well informed and consider all reasonably available evidence and relevant data to improve community safety, reduce jail populations, and provide many defendants the opportunity to succeed prior to disposition, through pretrial supervision. A

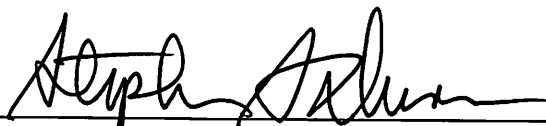
review of Administrative Order No. 94-01 shows that certain provisions contained therein are outdated and in need of revision.

Therefore, IT IS HEREBY ORDERED that Administrative Order No. 94-01 is rescinded and replaced as follows:

1. The Courts of this District will continue to participate in the Bannock County Pretrial Release Court Services Program as administered under the guidelines described herein.
2. Court Services Officers shall administer the Bannock County Pretrial Release Program as provided by this Order and shall perform such other duties as required by the Administrative District Judge. The Court Services Officers shall serve under the general supervision of the Administrative District Judge and the Court Services Director.
3. Court Services Officers shall use an interview packet to be used as a permanent record consisting of program explanation, release of information, interview record, criminal history background and public defender forms, as modified from time to time by the Court Services Director with the approval of the Administrative District Judge.
4. Court Services Officers shall interview every person arrested and admitted to the Bannock County Jail who have been unable to post bond prior to their initial arraignment. Court Services Officers shall verify information obtained from the defendant, to the fullest extent possible, prior to judicial review. The Court Services Officers shall present to the Court all documents used in the Pretrial Release Program to be placed in the criminal file of the Defendant.
5. All persons released under the Pretrial Release Program or otherwise placed in said program by a judge shall be monitored by the Court Services Officers or as directed by the Court Services Director. The Court Services Officers shall promptly report any violation of release conditions to the presiding Court for appropriate judicial action, including the issuance of warrants.
6. When a defendant is released through the Pretrial Program, he/she shall receive, review and sign a Release Agreement prior to his/her release. Release conditions imposed by the Court and Court Services offers may include, but not limited to, the following:
 - a. Court attendance instructions;
 - b. No violations of the law;

- c. Travel limitations;
 - d. Telephone/Reporting contact instructions;
 - e. In person check-ins as required;
 - f. Residential requirements;
 - g. Employment requirements;
 - h. Urinalysis or breath test for drugs or alcohol;
 - i. Driver's license requirements;
 - j. No further acts of violence;
 - k. Submit to searches as required;
 - l. Limitations on social activities, including associations;
 - m. Home visits;
 - n. Referral appointment, if any;
 - o. Electronic monitoring as necessary;
 - p. Monthly cost for supervision.
7. Any conditions require the order of the presiding Judge and no release shall occur prior to arraignment.
8. Public disclosure of the records of this program shall be governed by I.C.A.R. 32(d)(13).
9. This administrative order is subject to amendment by the Administrative Judge as necessary, and shall be formally reviewed periodically for appropriate modifications and update.

DATED and EFFECTIVE this 5th day of August, 2016.



STEPHEN S. DUNN, Administrative District Judge
Sixth Judicial District

CC: All judges of the Sixth Judicial District
Clerks of the Sixth Judicial District
All attorneys in the Sixth Judicial District
Sara Thomas, Administrative Director of the Courts
Suzanne Johnson, 6th District Court Administrator