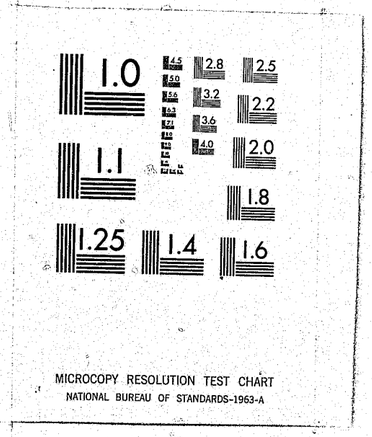

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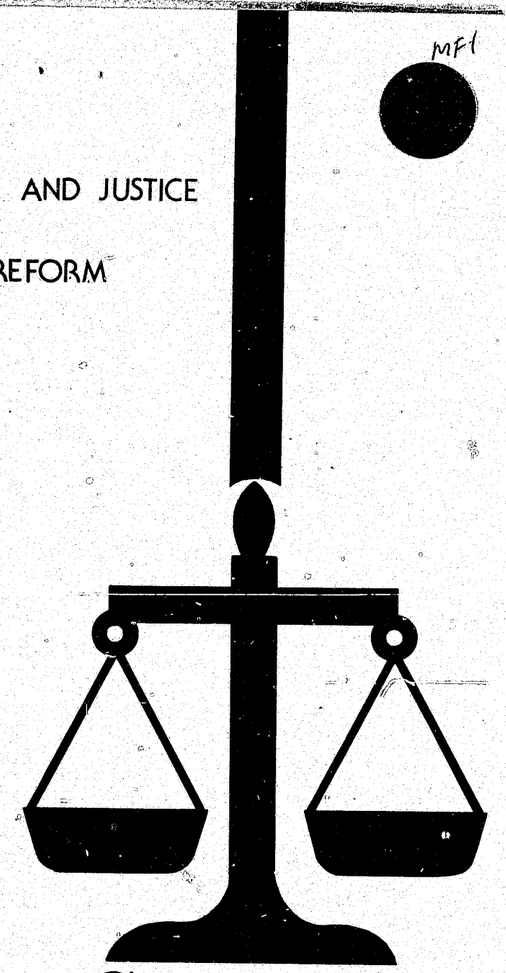
BALANCING EQUITY, SAFETY, AND JUSTICE THROUGH PRE-TRIAL REFORM



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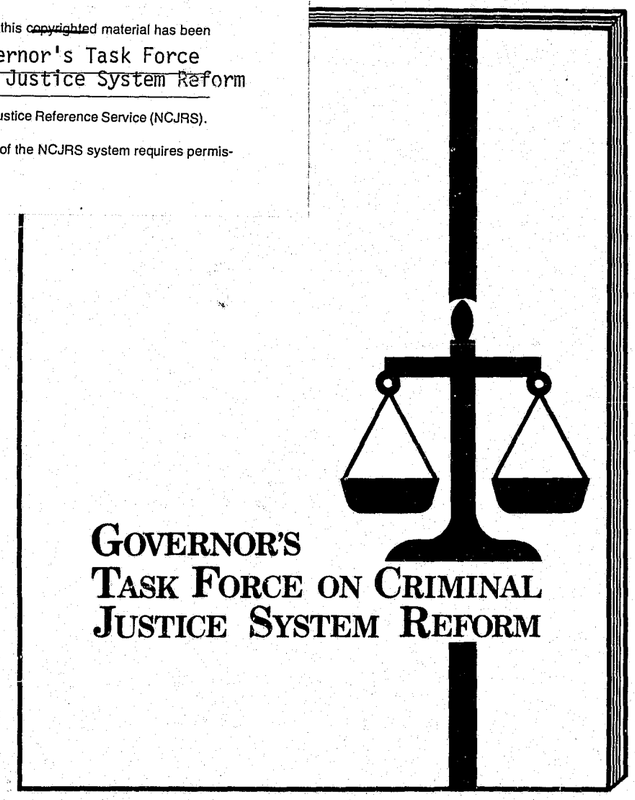
erg, Chief Justice; Co-Chairman • Jim Smith, Attorney General; Co-Chairman
sk Force on Criminal Justice • 314 West Jefferson • Tallahassee, Florida 32301

BALANCING EQUITY, SAFETY, AND JUSTICE

THROUGH PRE-TRIAL REFORM



GOVERNOR'S TASK FORCE ON CRIMINAL JUSTICE SYSTEM REFORM

GOVERNOR'S TASK FORCE ON
Criminal Justice System Reform

ALAN C. SUNDBERG
CHIEF JUSTICE
Co-Chairman

JIM SMITH
ATTORNEY GENERAL
Co-Chairman

Dear Governor Graham,

For any group of people to adhere to an established set of rules, they must perceive those rules as fair and unbiased. The Task Force investigation concerning how to increase equity within the criminal justice system discovered at an early stage that one of the major concerns about fairness was concentrated in the pre-trial release and detention process of our system. The present system relies heavily on financial forms of release which by definition discriminates against the poor. At the same time, the protection of Florida's citizenry against further harm by those already suspected of having committed criminal acts must be considered of primary importance.

The history of such issues has usually ended with a program directed either at the release of individuals on a wholesale basis or the detention of individuals on a large scale. The Task Force defined their position based upon a combination of both functions. The first component is directed at releasing non-dangerous individuals. The second is directed at procedures to detain those individuals who through repeated offenses have established themselves as a threat to society.

Since we are dealing with a population that is accused and not convicted, special attention must be paid to the protection of individual rights. We feel that this package taken as a whole will provide the foundation for increasing equity within the criminal justice response of Florida, and will establish our pre-trial procedures for release and detention as a model for the rest of the nation.

Respectfully,

Alan C. Sundberg
Chief Justice

Jim Smith
Attorney General

ELLIOT BUILDING, 401 SOUTH MONROE STREET, TALLAHASSEE, FLORIDA 32301, PHONE (904) 488-8977

Governor's Task Force on Criminal Justice

System Reform

BALANCING EQUITY, SAFETY, AND JUSTICE THROUGH PRE-TRIAL REFORM

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December, 1981

Table of Contents

Introduction

By Executive Order dated September 2, 1980, Governor Bob Graham created the Governor's Task Force on Criminal Justice System Reform to examine criminal justice problems and to make policy recommendations for improving the administration of justice in Florida. The Governor named Attorney General Jim Smith and Chief Justice Alan Sundberg as Co-Chairmen of the Task Force. Twenty persons were appointed to the Task Force, representative of such groups as the Legislature, the Bar, the Judiciary, criminal justice professionals, and laypersons. The Task Force held hearings in Tallahassee, Miami, Tampa, Jacksonville, and Starke to receive testimony and reports from experts, working professionals, agency officials, concerned citizens, and inmates.

Since June of 1981, the Task Force has been working to draft and finalize recommendations on various issues within the criminal justice system. This report represents the conclusions of the Task Force in the area of pre-trial reform, and is being submitted to the Governor for his review and action prior to the 1982 session of the Legislature. A previous report, issued in advance of the 1981 session, contributed to the enactment of recommendations increasing the pay and professional status of correctional officers. The Task Force will be finalizing recommendations in other areas during the first six months of 1982 for inclusion in a final report to the Governor in June of 1982.

Pre-trial reform has been recommended repeatedly by study groups and commissions for two decades, and attempted in the Legislature, the Courts, and with the electorate. All of these attempts have been directed at establishing a presumption in favor of the release of a defendant prior to trial, based on the principle that one is innocent until proven guilty. These attempts have sought to correct the inequity existing in the present system of financial bail, but all have failed.

The present Task Force recommendations go beyond these past efforts by integrating a policy of "preventive detention" with a presumption in favor of release. Whereas past efforts to develop a policy of pre-trial release have failed to offer safeguards to insure the detention of dangerous persons, the Task Force has concluded that a policy of presumptive release can only be successful when designed in coordination with a policy of preventive detention.

The history of criminal justice system reform indicates that proposed changes attract a wide variety of responses. While diverse responses to proposed changes is a cherished activity in a democratic society, piecemeal adoption of particular reform packages often renders those reforms ineffective. It is the intent of the Task Force that the policies of presumptive release and preventive detention stand together.

Executive Summary

The Task Force on Criminal Justice System Reform has passed recommendations providing for pre-trial release based on non-financial considerations and for the pre-trial detention of dangerous persons. These recommendations, if implemented, would result in a substantial restructuring of the system of pre-trial release in Florida.

There are three major thrusts to the recommendations stated below. First, Florida statutes and court rules would be amended to state a presumption in favor of the release of the defendant prior to trial based upon the defendant's promise to appear. This presumption, built upon the premise that one is innocent until proven guilty, places the burden upon the state to show that a person should be detained while awaiting trial. If the state cannot show good cause for such detention, then the defendant should be released. The court can set conditions of release deemed appropriate to insure the safety of the community, the integrity of the judicial process, or the appearance of the defendant at trial.

Second, the Task Force would remove the dominant role that financial considerations play in release and base the release decision on non-financial considerations such as residence, family ties, and employment. This would take away the role of commercial bail bonding agency in providing for the release of defendants. At the present time, the release decision is usually based on a defendant's ability to raise bail, and the commercial bail bondsman is the primary source of money for bail. The shift from financial to non-financial considerations is designed to increase the equity of the system of pre-trial release so that indigent defendants will not be detained simply because they cannot raise bail.

Third, in recognition of the problem of "revolving door" criminal justice, where a person arrested one day is back on the street committing a crime the next, the Task Force has recommended the establishment of criteria for the detention of arrestees considered dangerous. At present, only those arrested for capital and life felonies are denied the right to bail and the only legitimate purpose for denying release is to assure the defendant's appearance at trial. Under the proposed modification, a defendant could also be detained if his or her release would constitute a threat to the safety of the community or to the integrity of the trial.

Recommendations

These recommendations were drafted by the Task Force Subcommittee on Increasing Equity Within the Criminal Justice System. The topic was discussed at several Task Force meetings and the recommendations were passed in concept in September of 1981. The recommendations in the final form below were passed unanimously by the Task Force on November 18, 1981. These recommendations are divided into two sections: pre-trial release and pre-trial detention.

Recommendations for Pre-Trial Release

1. The Florida Rules of Criminal Procedure and/or the Florida Statutes should be amended to create a presumption in favor of pre-trial release on a defendant's promise to appear on personal recognizance, provided that the defendant cooperates with the pre-trial investigation as recommended in Recommendation 6(a) of this report. This presumption may be overcome by a finding that there is a substantial risk of non-appearance unless clearly defined additional conditions of release are imposed, or that the defendant may be denied pre-trial release pursuant to those recommendations contained in the next section of this report.

2. Upon finding that release on personal recognizance is unwarranted, there should be imposed the most appropriate conditions necessary to assure the defendant's appearance in court, protect the safety of the community, prevent intimidation of witnesses or interference with the orderly administration of justice. The conditions imposed should be directly related to the defendant and/or the nature of the risk created by release of the defendant.

3. Monetary conditions should be set only when it is found that no other conditions of release will reasonably assure the defendant's appearance in court. Upon finding that a monetary condition should be set, the judicial officer should require the first of the following alternatives considered sufficient to provide reasonable assurance of the defendant's appearance;

   a. The execution of an unsecured bond in an amount specified by the judicial officer;

   b. The execution of an unsecured bond in an amount specified by the judicial officer, accompanied by the deposit of cash or securities equal to ten percent of the face amount of the bond. The deposit should be returned at the conclusion of the proceedings less a specified amount for administration, provided the defendant has not defaulted in the performance of the conditions of the bond; or

c. The execution of a bond secured by the deposit of the full amount in cash or other property or by the obligation of qualified, uncompensated sureties.

4. A person with authority to release an arrested defendant should be available 24 hours a day to make the release decision.

5. Although the ultimate authority in pre-trial detention must always rest with the judiciary, authority to release those who come within articulated standards may be delegated, where appropriate, to law enforcement personnel, specifically appointed magistrates, a pre-trial services agency or an existing state agency in order to assure presence of a release authority at all hours.

6. Prior to a release decision being made by the pre-trial release authority, law enforcement officers or individuals designated from existing state agencies should conduct a pre-trial release investigation to the extent required to make an informed release decision.

   a. The arrested defendant should be required to assist the investigation by giving to the pre-trial investigator, under oath if necessary, information pertinent to the release decision, including information regarding family ties, employment, residence, financial status, and prior criminal record including arrests and court appearances, whether resulting in conviction or not.

   b. A defendant should not be required to divulge to the investigator any information relating to the offense for which he is being considered for pre-trial release. Any information elicited from the defendant pursuant to a pre-trial release investigation may be used solely for purposes of determining eligibility for pre-trial release and may not be used against the defendant in any other proceeding, other than prosecution for perjury.

7. A pre-trial services authority should be created, funded by administrative fees and surcharges imposed upon defendants, for purposes of administering release programs. It may be good, from a cost-benefit standpoint, to examine the potential for expanding the resources in this area to allow more participation by the probation officers in performing such duties. This would represent an alternative to creating an additional pre-trial release agency. The authority would:

   a. Conduct release investigations pursuant to Recommendation 6;

   b. Monitor compliance with release conditions for all released into its custody;

   c. Promptly inform the court of all apparent violations of pre-trial release conditions, the arrest of persons released, and recommend appropriate modifications of release conditions;

   d. Remind persons released prior to trial of their court dates and assist them in getting to court, if necessary;

   e. Make initial release decisions and release, pre-trial, defendants who fall within eligibility standards.

8. Upon motion by either the defense or the prosecution, or upon information supplied by the pre-trial services authority indicating that there should be additional release conditions imposed, the court should promptly re-examine the release decision.

9. Upon sworn affidavit by the prosecuting attorney, law enforcement officer or representative of a pre-trial service authority establishing reasonable grounds to believe that a defendant has intentionally violated the conditions of release, a judicial officer may issue an order directing that the defendant be taken into custody and brought forthwith before the appropriate judicial officer to review the conditions of release. After the defendant is taken into custody the judicial officer shall:

   a. Set new or additional conditions of release, or;

   b. Schedule a pre-trial detention hearing within five (5) calendar days.

10. A law enforcement officer having probable cause to believe that a defendant has violated conditions of release should be authorized, when it is impractical to secure an order, to arrest the defendant and take him or her forthwith before the appropriate judicial officer to review conditions of release.

Recommendations for Pre-Trial Detention

1. The state constitution should be amended to permit denial of pre-trial release under highly restrictive procedures. The categories of persons to whom release may be denied should be specifically set forth, carefully defined and limited. Pre-trial detention should be permitted only when it is deemed absolutely necessary in obtaining the presence of a defendant at trial, insuring the integrity of the judicial process or protecting the community from imminent, serious criminal offenses.

2. Pre-trial release should be denied only after a judicial hearing at which the court shall have found, by clear and convincing evidence, that the safety of the community, the integrity of the judicial process, or the defendant's reappearance cannot be reasonably assured by any mode of pre-trial release.

3. A pre-trial detention hearing should be convened by a judicial officer whenever the prosecutor, law enforcement officer or representative of the pre-trial release authority alleges, in a verified statement, that a defendant if released is likely to flee, threaten or intimidate witnesses or court personnel, or constitutes a danger to the community through serious criminal activity. Any such complaint shall include specific factual allegations that led to the filing of such statement.

4. At the conclusion of a pre-trial detention hearing, a finding of probable cause having been made, the judicial officer should issue an order of detention if he finds by clear and convincing evidence that:

   a. The defendant, for purposes of interfering with or obstructing, or attempting to interfere with or obstruct justice has threatened, has injured, or intimidated or has attempted to threaten, injure or intimidate any prospective witness, juror, prosecutor or court officer, and that no condition of release is adequate to protect the integrity of the judicial process; or

   b. The defendant constitutes a danger to the community because:

      i. The defendant is charged with a criminal offense involving violence and;

         (a) has been convicted of a crime punishable by death or life in prison, or;

         (b) has been convicted of a criminal offense involving violence within the ten years prior to the date of the current arrest, and;

         (c) the court finds that no conditions of release are sufficient to protect the safety of the community from serious criminal offenses by the defendant or;

      ii. The defendant is charged with a felony which does not involve violence, and

         (a) has been convicted within the ten years preceding the current arrest of at least three other felony offenses which would not be defined as "related offenses" under the Florida Rules of Criminal Procedure, and

         (b) the court finds that no conditions of release are sufficient to protect the safety of the community from serious criminal offenses by the defendant, or

      iii. The defendant is on pre-trial release and is arrested for a crime and the court finds that no conditions of release are sufficient to protect the safety of the community, or;

   c. The defendant is likely to flee and no conditions of release will reasonably assure the defendant's re-appearance, or;

   d. No conditions of release will reasonably assure the re-appearance of a defendant charged with trafficking in cannibus, cocaine, or an illegal drug as defined in Florida Statute 893.135 which carries a mandatory minimum sentence and the judge finds by a preponderance of evidence that the defendant has committed the offense charged, or;

   e. The defendant has violated the condition of release, and no additional conditions are reasonably likely to assure his or her presence at trial, to insure the integrity of the judicial process, or to protect the community from imminent, serious criminal offenses.

5. Pretrial detention hearings should meet the following criteria:

   a. The pre-trial hearing should be held within five days from the date that the individual is taken into custody; no continuance of the hearing should be permitted except with the consent of the defendant;

   b. In order to provide adequate information to both sides in their preparation for a pre-trial detention hearing, discovery prior to the hearing should be as full and free as possible;

   c. The burden of proof and of going forward at the pre-trial detention hearing should be on the prosecution. The defendant should be entitled to be represented by

counsel, to present witnesses and evidence on his or her behalf, and to fully cross-examine witnesses testifying against him or her. In the proceeding, evidence may be presented as to any matter that the court deems relevant to the determination for danger to the community, danger to the prosecution of the case, or the likelihood of flight on the part of the defendant. Any such evidence which the court deems to have probative value may be received regardless of its admissibility under the exclusionary rules of evidence, provided the defendant is accorded a fair opportunity to rebut any hearsay statements. This section shall not be construed to authorize the introduction of any evidence secured in violation of the Constitution of the United States or the Constitution of the State of Florida.

6. A pre-trial detention order should:

   a. Be based solely upon evidence introduced at the pre-trial detention hearing;

   b. Be in writing;

   c. Be entered within 24 hours of the conclusion of the hearing;

   d. Include the findings of fact and conclusions of law of the judicial officer with respect to the reasons for the order of detention and the reasons why the integrity of the judicial process, the safety of the community, and the presence of the defendant cannot be reasonably assured by advancing the date of trial or imposing additional conditions on release.

7. The speedy trial time for a defendant in custody pursuant to a pre-trial detention order should be no more than sixty days. Failure to try a defendant held in custody within that period should result in the defendant's immediate release from custody pending trial.

8. Every convicted defendant should be given credit, both against maximum and minimum term, for all time spent in custody as a result of the criminal charge for which a prison sentence is imposed, including such time as a result of a pre-trial detention order.

9. Temporary release of a defendant should be available if necessary in order to adequately prepare his defense. Such release may be made to the custody of the defense attorney, or when this is inadequate to insure the defendant's presence at trial and the safety of the community, the custody of a law enforcement officer.

10. A defendant prior to trial should be confined in facilities separate from those convicted persons awaiting or serving sentences or being held in custody pending appeal. Any restrictions on the rights that the defendant detained pre-trial would have as a free citizen should be as minimal as institutional security and order require. The rights and privileges of defendants detained pre-trial in no instance should be more restricted than those of convicted defendants who are detained.

Discussion

I. The Current System

Current pre-trial release procedures usually revolve around the use of a bond schedule, approved by the circuit court and used by the booking officer at each county jail. (Some larger counties have already established special pre-trial release authorities that do not depend as extensively on the bond schedule.) The bond schedule lists bondable offenses and the amount of bail which must be posted for release, according to offense charged. That is, when an individual is arrested and brought to the jail, the booking officer uses the bond schedule to tell the defendant how much bail he must post to obtain release.

There are two basic ways to post bond. One, the defendant can raise the cash amount stated through his own resources. This money is deposited with the court and refunded when the accused appears for trial. Second, the defendant can arrange to post bail through a commercial bail bondsman. In this instance, the defendant pays the bondsman a non-refundable fee, usually ten percent of the bond amount, in return for the bondsman signing for the defendant's release.

When a defendant is released on bond through either of these methods, the failure to appear in court when required can result in a forfeiture of the bond amount. Upon failure to appear and estreature by the court, the bondsman is liable for the entire bond. If the defendant appears within twelve months the bondsman is released from that obligation.

A defendant who is unable to raise the specified bond amount will be detained until a first appearance hearing is held, unless a county has established some procedures by which a release on recognizance can be considered. Some counties release defendants on their own recognizance when they meet certain conditions.

It should also be noted that use of the bond schedule is not mandatory. If an arresting officer or a state attorney, for example, indicates to the booking officer that a person should be detained for first appearance hearing, then the person can be held with no opportunity, until that hearing, to be released.

The first appearance hearing before a judge must be held within 24 hours of arrest for every person who is detained. At the first appearance, the judge determines what form of pre-trial release will reasonably assure the appearance of the defendant. The stated bond can be raised or lowered, or a defendant can be released on his own recognizance or on some other non-financial conditions of release. At the judges direction, prior to the first appearance, the Department of Corrections may prepare a pre-trial investigation to make recommendations regarding the release of the accused.

Under the Florida Constitution, all defendants, except those accused of capital or life felonies, have the right to bail. The Florida Rules of Criminal Procedure state that the purpose of bail is to insure the defendant's appearance, and the Rules define bail as both financial and non-financial forms of release. There is no provision for the detention of dangerous persons. Therefore, under the present system a judge who desires to detain an individual considered to be dangerous must rely on setting high bond to insure that release is not obtained.

In addition, many individuals involved in organized crime or drug trafficking have adequate financial resources to post bond easily and never show up for trial. Many in the judiciary have indicated that this is a problem when individuals whom the judges wanted incarcerated have been able to meet the high bond, and consequently have purchased their release.

Commercial bail bondsmen are licensed and regulated through the Department of Insurance. Bondsmen play a significant role in deciding who gets released by virtue of their choices of who to bond. While it can be argued that bondsmen choose to bond only those who are good risks, it should also be noted that the Task Force received testimony which indicated that low profit cases are often ignored by the commercial industry.

II. The Problem

The problem of jail overcrowding has been a major factor in the reconsideration of pre-trial release and detention practices in Florida in recent years. Approximately two-thirds of Florida's jail population consists of persons awaiting trial. Statewide reforms in pre-trial release policies to arrange for more releases have been suggested before, but these are usually met with skepticism and resistance due to public concern over the soft treatment of lawbreakers. The findings of research over the past fifteen years indicate that:

1. Individuals who could be released without hurting the chances of their appearing for trial or endangering the community are being detained in increasingly overtaxed local detention facilities.

2. Individuals whom judges would rather release are being detained in those facilities because the commercial bail agencies play too great a role in determining who is released.

3. Serious offenders who present a danger to the community or to the integrity of the prosecution of a case are often released because insuring appearance at trial is the only legal purpose for detention.

4. A system has developed that bases the release decision upon financial abilities rather than upon assuring the defendant's appearance in court.

Over the past fifteen years, every major criminal justice task force, study group and special commission, including the President's Advisory Commission on Criminal Justice Standards and Goals, the American Bar Association, the Board of Directors of the National Association of Pre-Trial Service Agencies, the National Center for State Courts, and the Uniform Rules Committee of the National Conference of Commissioners on Uniform State Laws have researched the problem and determined that "the existing money bail system" of pre-trial release is contributing to problems in the criminal justice process. Specifically, problems such as jail overcrowding, lack of equity and discrimination based on wealth, inefficient use of resources, and limited court participation in the release decision are the most often cited products of pre-trial release practices based primarily upon financial ability.

Reform of the system of pre-trial release in Florida has been attempted on several fronts over the past two decades. The Legislature, the Courts, and the Constitutional Revision Commission of 1977 have each considered pre-trial reforms that would have established a presumption in favor of release. Bills in the Legislature have never reached the point of a floor vote. The Florida Supreme Court amended the Florida Rules of Procedure to establish various pre-trial release options, but did not establish a presumption toward release. A Circuit Court of Appeals ruling that the pre-trial release system was discriminatory was declared moot after the Supreme Court made this amendment. The Revision Commission proposed a constitutional amendment that would have established a presumption for release, but this amendment was defeated in a package of amendments by the Florida electorate.

Governor Bob Graham, in establishing policies and priorities for the 1981-83 Legislative sessions with a concern for swift and impartial adjudication of alleged violators statewide, suggested that the state should insure that bail setting practices do not result in unfair and discriminatory and disparate treatment. The Governor's Planning Conference on Urban Progress in 1980 suggested the use of release on recognizance for selected non-violent crimes as an alternative to the use of setting bond.

The focus of pre-trial reform efforts has been the creation of equitable release practices that would result in more offenders being released prior to trial. Public concern, however, has repeatedly been expressed over the release of known criminals who are awaiting trial and the apparent lack of regard for public safety. Throughout the history of pre-trial reform efforts, the issue of presumptive release has been regarded as the opposite of preventive detention. The Task Force has

concluded that these two policies are not mutually exclusive and that a policy of presumptive release can only be effective when designed in coordination with a policy of preventive detention.

Therefore, the Task Force has sought to construct a coordinated policy that establishes a presumption in favor of release as well as criteria on which to base a decision to detain. The Task Force has set out reasonable criteria to define three distinct situations that justify detention:

a. Threat posed by the defendant to the community;

b. Risk that the individual may not re-appear for trial; and

c. Threat to the integrity of the prosecution, including threats to victims, witnesses and members of the criminal justice system who are involved in the prosecution.

In setting out these criteria, the Task Force has sought to avoid two extremes. On the one hand, the Task Force did not want to state the definitions so generally that courts would be reticent to utilize power to detain. On the other hand, the Task Force did not want to state the definitions so specifically that the court would not be able to detain a person who should be detained.

III. Reform Strategy

The presumption in favor of release provision adopted by the Task Force provides that a defendant be released unless there are no conditions that can be set that will reasonably assure that he will appear in court when required, that he will not commit further criminal offenses while on release, and that he will not interfere with the prosecution of his case. This release is dependent upon the defendant's promise to appear and upon the defendant's cooperation with the pre-trial investigation. The court is responsible for imposing the most appropriate conditions possible to accomplish these assurances.

The court may delegate the authority to release defendants to law enforcement personnel, specifically appointed magistrates, or a pre-trial services agency. This delegated authority would make release decisions based on articulated statewide standards of release. Those individuals detained would have a first appearance hearing within 24 hours of arrest in which a judge would set the conditions of release. The conditions which could be set would be limited to those which would directly insure the defendant's appearance at trial, the safety of the community or the integrity of the prosecution. Financial conditions could only be set if no other conditions were considered sufficient to assure the appearance of the defendant in court.

The court could impose the least restrictive of three types of financial bond: an unsecured bond, an unsecured bond accompanied by a ten percent deposit, or a secured bond. The securing of bond by compensated surety (commercial bail bondsmen) would not be an option under this provision.

The Task Force has recommended a pre-trial services authority for the purpose of administering release programs, funded by administrative fees imposed on defendants. This authority could be located within an existing agency such as the Department of Corrections or the State Court Administrator, or it could be a newly created agency. The function of this authority would be conducting pre-trial release investigations, monitoring compliance with release conditions, notifying the court of violations of these conditions, and notifying releasees of court dates. The delegated authority to release described above would also be located within the authority.

Whenever a prosecutor, law enforcement officer or pre-trial release officer believes that the accused is likely to flee or represents a threat to the community or to the prosecution of the case, he may file a statement of factual allegations against the defendant. The judge must then convene a pre-trial detention hearing within five days to determine whether grounds exist for the continued detention of the defendant. The burden of proof at the detention hearing lies with the state. The Task Force has detailed what the court must find in this hearing in order to detain the accused.

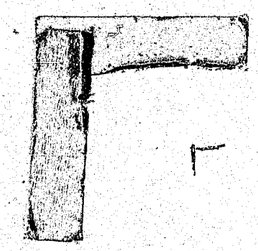
Other recommendations passed by the Task Force provide descriptions of the nature and use of the pre-trial investigation, the rules of procedure for the detention hearing, and the procedures for reconsideration of a release order, as in the case of a violation of the conditions of release.

The major financial impact of these recommendations would appear to lie in the operation of a pre-trial services authority. Sufficient personnel would have to be provided so that a person with authority to release the arrested defendant would be available at all hours of the day and to handle the workload involved in conducting pre-trial investigations and monitoring compliance with conditions of release. Some of this financial impact could be offset by the collection of administrative fees and surcharges.

Because these recommendations shift the burden of the pre-trial release decision more squarely onto the court's shoulders, some additional judges would be needed to handle the detention hearing.

The impact of implementation of these recommendations on the jail population is unknown. It is anticipated that some persons presently detained will be released, and some presently

released will be detained, but estimating the number of each is impossible. Release on recognizance programs in several of the larger counties in the state have resulted in a reduction of jail populations, but these programs have not included the preventive detention provisions. Information on present jail populations is not adequate to make projections on the impact of these proposals.



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