

HAMILTON COUNTY PRETRIAL RELEASE SCHEDULE

This schedule applies to all cases to be filed in the Circuit and Superior Courts of this county and the City of Carmel, City of Noblesville, and City of Fishers Courts. THE SHERIFF OF HAMILTON COUNTY IS HEREBY ORDERED TO FOLLOW THIS SCHEDULE FOR DETERMINING THE PRETRIAL RELEASE/DETENTION FOR ALL PERSONS ARRESTED WITHOUT WARRANTS FOR CRIMINAL OFFENSES TO BE FILED IN THE ABOVE COURTS.

Pursuant to the authority of the Hamilton County Circuit and Superior Courts to establish a reasonable basis for release/detention in criminal cases, a pretrial release program is established in accordance with the following terms and conditions as approved this date:

1. All persons detained in the Hamilton County Jail and otherwise eligible to post bond under the existing bond schedule shall be subject to pretrial release screening and risk assessment. This pretrial release schedule shall control the release/detention of all persons screened by the Pretrial Screening Program.
2. If a person is arrested for an alcohol related offense, then that person shall not be screened until the person is eligible for release pursuant to the chart established for this purpose by I.C. 35-33-1-6.
3. If a person is not screened within eight hours of arrest, or within eight hours of being eligible for screening under paragraph 2 above, that person shall be released/detained in accordance with the Hamilton County Bond Schedule already in effect.
4. Except as provided in paragraph 3 above, no person shall be released pursuant to this Pretrial Release Schedule or the Hamilton County Bond Schedule until that person is screened by the Hamilton County Pretrial Release Program, and that screening shall include the administration of at least one State approved pretrial risk assessment and such other risk assessment instrument(s) that may be approved and required by the judges of the Circuit and Superior Courts of Hamilton County.
5. All decisions regarding release and/or release conditions under this Pretrial Release Schedule are conditional and may be reviewed *sua sponte* by the court at the initial hearing based upon information obtained through the pretrial screening process. Either the Prosecuting Attorney or the Defendant may request, in writing, a hearing on the Defendant's pretrial release, conditions of release or detention upon a representation that there is factual information outside the screening report that should be considered.

6. The following four risk categories are established:

- Category 1
- Category 2
- Category 3
- Category 4

7. Every detainee classified in Category 4 shall be detained in custody until his or her release can be reviewed by a judicial officer at or before the initial hearing.

8. A person shall be placed in Category 4 if he/she:

- (a) is charged with Murder and/or Attempted Murder;
- (b) is arrested on a violation of probation warrant unless a bond is specifically set in the warrant order;
- (c) is arrested on a notice of non-compliance of community corrections (or transferred from work release to the Hamilton County Jail by order of the court);
- (d) is a person who cannot be positively identified at book-in including, but not limited to, those individuals who refuse to cooperate in their identification by refusing to be fingerprinted, individuals who provide conflicting identification, and individuals whose identifying information cannot be verified;
- (e) is arrested on an order for revocation of pretrial release or revocation of bond for a pending criminal offense, or there is good cause to believe the defendant is on pre-trial release or bond for a pending criminal offense;
- (f) is arrested for Battery, Stalking, Invasion of Privacy, or Strangulation for a period not to exceed 24 hours after book-in; thereafter, release shall be in accordance with the attached matrix;
- (g) is arrested for Escape/Failure to Return to Lawful Detention or has been extradited back to Hamilton County from federal jurisdiction or the jurisdiction of any other state.
- (h) refuses to cooperate in the risk assessment and/or pretrial screening process

9. Any person charged with Murder and/or a Level 1 and/or a Level 2 felony shall be detained in custody until his or her release/detention can be reviewed by a judicial officer at or before the initial hearing.

10. A person charged with a violent Level 3, 4, and/or 5 felony shall be detained in custody until his or her release can be reviewed by a judicial officer at or before the initial hearing.

- (a) For purposes of this schedule, Class C, Class B, Level 3, 4, and 5 felony, is a “violent offense” if it is alleged that:
 - (i) the defendant carried, possessed, or used a firearm or a deadly weapon;
 - (ii) death or serious bodily injury to any person occurred;
 - (iii) force or the threat of force against a person occurred; or
 - (iv) the offense is Rape, Criminal Deviate Conduct, Child Molesting, or Burglary of a dwelling; or
 - (v) the defendant attempted, aided, induced or caused, or engaged in a conspiracy, to commit an offense involving the above.

11. Any person assessed at Category 1, Category 2, or Category 3 that is not charged with Murder, a Level 1 or 2 felony, or a violent Level 3, 4, or 5 felony shall be released on their own recognizance and shall be supervised at the level shown in the attached matrix.

12. For the purpose of identifying the appropriate level of supervision from the attached matrix, the risk categories are defined as follows:

- (a) Less serious misdemeanors:
 - (i) This category includes all nonviolent misdemeanor offenses except Operating a Vehicle While Intoxicated (“OWI”);
 - (ii) “Nonviolent” for this category means an offense in which:
 - (A) no firearm or deadly weapon was used or involved in any way;
 - (B) no bodily injury occurred to any person;
 - (C) no force was used or threatened against any person.
- (b) More serious misdemeanors, and Level 6 felonies are ones in which there is an allegation that:
 - (i) the defendant possessed or carried a firearm or other deadly weapon;

- (ii) bodily injury occurred;
 - (iii) there was use of force or a threat of force, including by use of motor vehicle;
 - (iv) the defendant resisted law enforcement either forcibly or by fleeing;
- and includes first time OWI offenses.
- (c) The category of Possession of a Narcotic Drug, Possession of a Syringe, and any OWI where there has been a prior conviction within 10 years, encompasses only those offenses.
 - (d) Non-violent Level 3, 4, and 5 Felonies. A “non-violent offense” is defined as one in which:
 - (i) no firearm or deadly weapon was used or involved in any way;
 - (ii) no bodily injury occurred to any person; and
 - (iii) no force was used or threatened against any person.
 - (e) Violent Level 3, 4, and 5 Felonies. A “violent offense” is defined for purposes of this schedule as one in which it is alleged that:
 - (i) the defendant carried, possessed, or used a firearm or a deadly weapon;
 - (ii) death or serious bodily injury to any person occurred;
 - (iii) force or the threat of force against a person occurred; or
 - (iv) the offense is Rape, Criminal Deviate Conduct, Child Molesting, or Burglary of a dwelling; or
 - (v) the defendant attempted, aided, induced or caused, or engaged in a conspiracy, to commit an offense involving the above.
 - (f) The final category, including Murder, Attempted Murder, and Level 1 and 2 Felonies, encompasses only those offenses.

13. Pretrial conditions of release may include, but is not limited to, any or all of the following:

- (a) Report for pretrial supervision periodically;

- (b) Remain in the supervisory custody of a named responsible person;
- (c) Live and stay at a specified address;
- (d) Not leave the state of Indiana without the written consent of the court;
- (e) Have no contact with the victim/complaining witness;
- (f) Not use or possess alcohol;
- (g) Not use or possess any controlled substances unless on order of a licensed physician;
- (h) Submit to a drug/alcohol testing at your expense;
- (i) Remain at your residence except for specified hours that are approved by the Pretrial Release Program for a specific purpose;
- (j) Not possess a firearm or other dangerous weapon;
- (k) Seek and maintain full time employment/student status;
- (l) Undergo necessary medical or psychiatric treatment, including drug or alcohol abuse treatment;
- (m) Not commit nor be arrested or charged for any criminal offense;
- (n) Comply with any other condition reasonably calculated to assure appearance in court as required or to assure the safety of any other person , yourself, and the community;
- (o) Defendant specifically agrees to waive extradition from any jurisdiction inside or outside the United States, wherever he/she may be found, and also agrees not to contest any effort to return him/her to the state of Indiana;
- (p) Electronic and/or alcohol monitoring, with or without home detention;
- (q) Operation of a motor vehicle only if the vehicle is equipped with an operating, certified ignition interlock device;
- (r) Post a cash or surety bond to assure your appearance;
- (s) Provide a current address in writing to the court and the releasee's counsel within 24 hours of a change in where the release physically resides;
- (t) Appear in court at all times required;

- (u) Provide a valid e-mail address to the court and releasee's counsel for the purpose of receiving court notices and reminders of hearing dates; and
- (v) Provide a valid telephone number to the court and releasee's counsel for a cellular telephone that is capable of receiving text messages for the purpose of receiving court notices and reminders of hearing dates;
- (w) Maintain an operational telephone and/or access to an operational e-mail address

SO ORDERED this _____ day of _____, 2016.

Paul A. Felix
Judge, Hamilton Circuit Court

Steven R. Nation
Judge, Hamilton Superior Court 1

Daniel J. Pflieger
Judge, Hamilton Superior Court 2

William J. Hughes
Judge, Hamilton Superior Court 3

J. Richard Campbell
Judge, Hamilton Superior Court 4

Wayne A. Sturtevant
Judge, Hamilton Superior Court 5

Gail Bardach
Judge, Hamilton Superior Court 6

Gregory L. Caldwell
Judge, Noblesville City Court

Brian G. Poindexter
Judge, Carmel City Court

Daniel Henke
Judge, Fishers City Court