

REPORT OF THE D.C. BAIL AGENCY

For The Period

January 1, 1977—December 31, 1977

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ACQUISITION

REPORT OF THE DISTRICT OF COLUMBIA
BAIL AGENCY
FOR THE PERIOD
JANUARY 1, 1977 - DECEMBER 31, 1977

D.C. BAIL AGENCY
400 F Street, N.W.
Washington, D.C. 20001

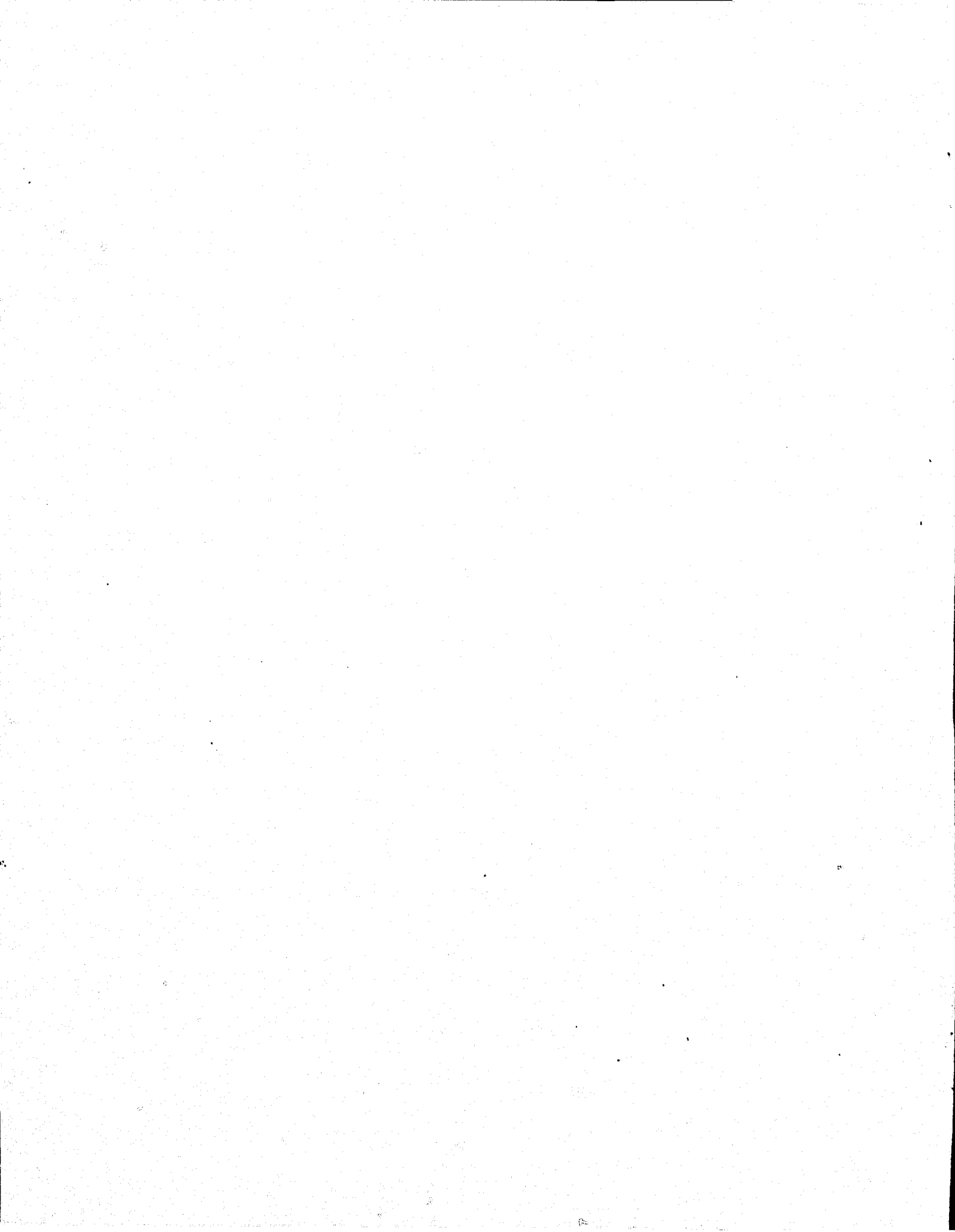


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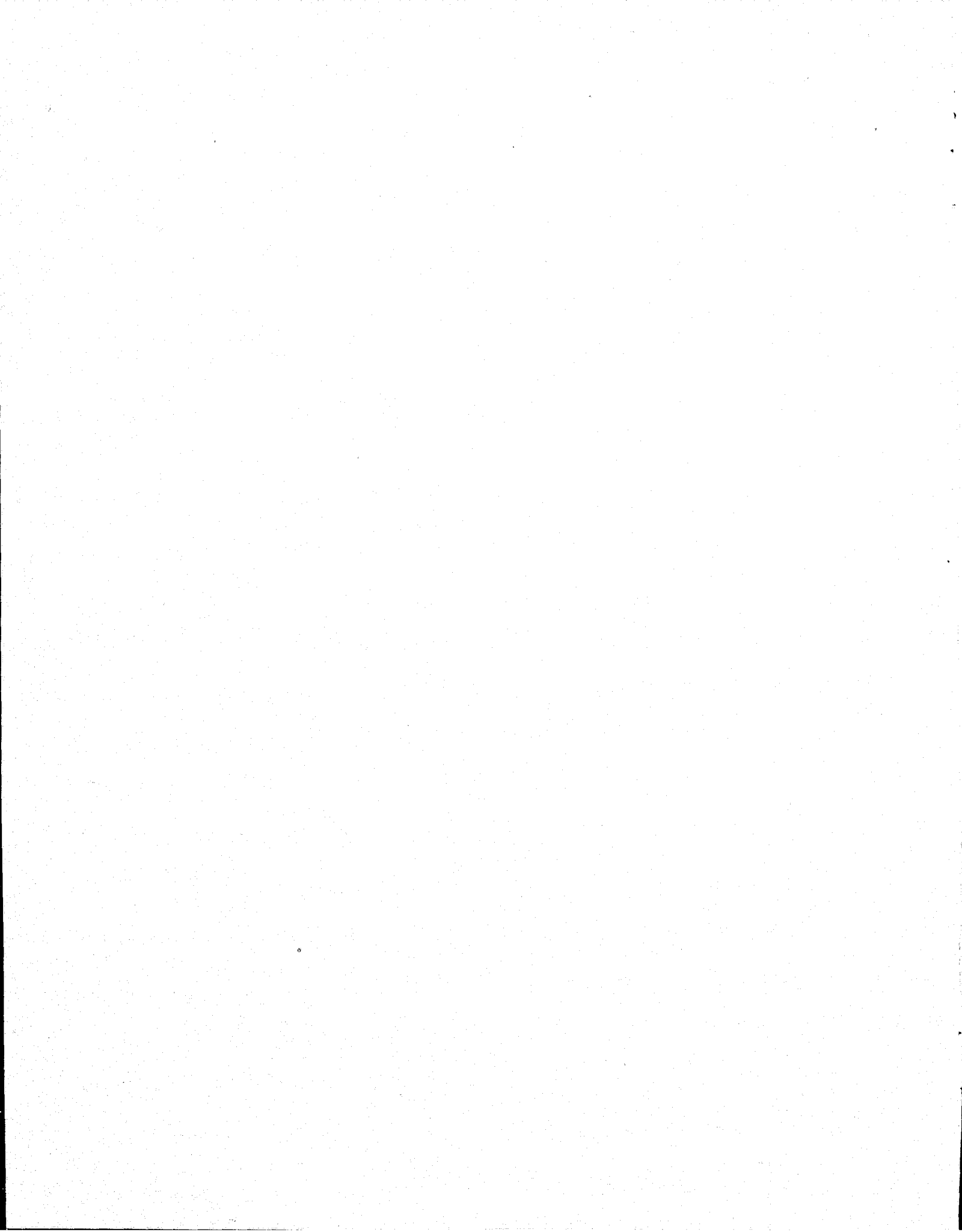
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May 31, 1978



I. Introduction.

This annual report describes and summarizes the accomplishments of the District of Columbia Bail Agency during the year 1977, the eleventh year of its existence as a publicly funded agency. The goals of the program have remained the same since 1971 and are spelled out in the law.^{1/} The manner in which these goals were accomplished underwent significant changes during 1977. During this time the Agency began using computer technology to assist in the processing of information and the preparation of reports for use by the criminal justice system.

The steps culminating in the automation of the Bail Agency's operations began three years ago with a grant from the Law Enforcement Assistance Administration. After months of work designing the computerized system, writing and testing programs, and training personnel in the use of the data entry terminals, the first bail reports were generated by computer on January 31, 1977. As the year progressed more and more of the daily tasks were carried out by the computer. By October, the Agency was entering every new case into the data base.

Although the computer has affected the day-to-day responsibilities of almost every employee, the basic objectives

^{1/} D.C. Code §23-1303-1308.

of the Agency remain unchanged. The first priority of the Agency continues to be the collection and verification of information for bail-setting judges and magistrates to be used in fashioning appropriate pretrial release conditions. The second goal of the Agency is to reduce needless pretrial detention by reviewing the cases of those detained after the initial bail hearing and providing up-dated reports for bond review purposes when appropriate. The third main objective requires providing assistance to pretrial releasees to help them understand and comply with release conditions. Where possible, the Agency assists them with employment or other social services. The following pages describe the way in which the Agency attempted to meet its goals during 1977.

II. Goals and Accomplishments of the D.C. Bail Agency During 1977.

A. Daily Workload

Since its inception in 1966 the primary function of the D.C. Bail Agency has been to serve as a neutral fact-finding organization, assisting judges and magistrates by providing information needed in the pretrial release process. This activity consists of two stages: First, background information is gathered from the arrestees, references and various criminal justice sources. Second, a recommendation is formulated by applying objective standards to the individual circumstances of each arrestee.

The process begins with an interview of the arrestee. In the case of an arrestee charged with a misdemeanor, and otherwise eligible for release on a citation,^{2/} the interview will probably be conducted over the telephone from a local police station. For those not eligible for this form of early release, Agency personnel conduct interviews either at the Central Cellblock (the overnight holding facility in the Police Department) or

^{2/} The citation program is a process by which an arrestee is released by the Police following an investigation and recommendation by the D.C. Bail Agency. The accused is given a Citation Release Form with the date upon which he is to appear before an appropriate prosecutor.

the Court Cellblock. The interview is initiated with a "Miranda^{3/} warning," explaining the arrestee's rights as well as the potential uses of the information, followed by a series of questions regarding community ties and pending or prior involvement with the criminal justice system. Following the interview an attempt to corroborate or verify the information is made through references provided by the arrestee. Calls are made, when appropriate, to probation or parole officers. A "criminal history" is compiled using police arrest records, computer inquiries, court and Bail Agency records. Finally, the information together with a recommendation is entered into the Automated Bail Agency Data Base (Aba Daba) via on-line computer terminals. When requested, a printed report summarizing this information can be generated by the computer to be made available to the judges, prosecutor and defense attorney at the time of the bail-setting hearing.

During 1977 the Agency conducted a total of 23,509 interviews.^{4/} This figure includes cases processed through

3/ Miranda v. Arizona, 304 U.S. 536 (1966). The defendant is advised that any information he provides will be used in court and that he may talk with his lawyer before he talks with the Bail Agency representative.

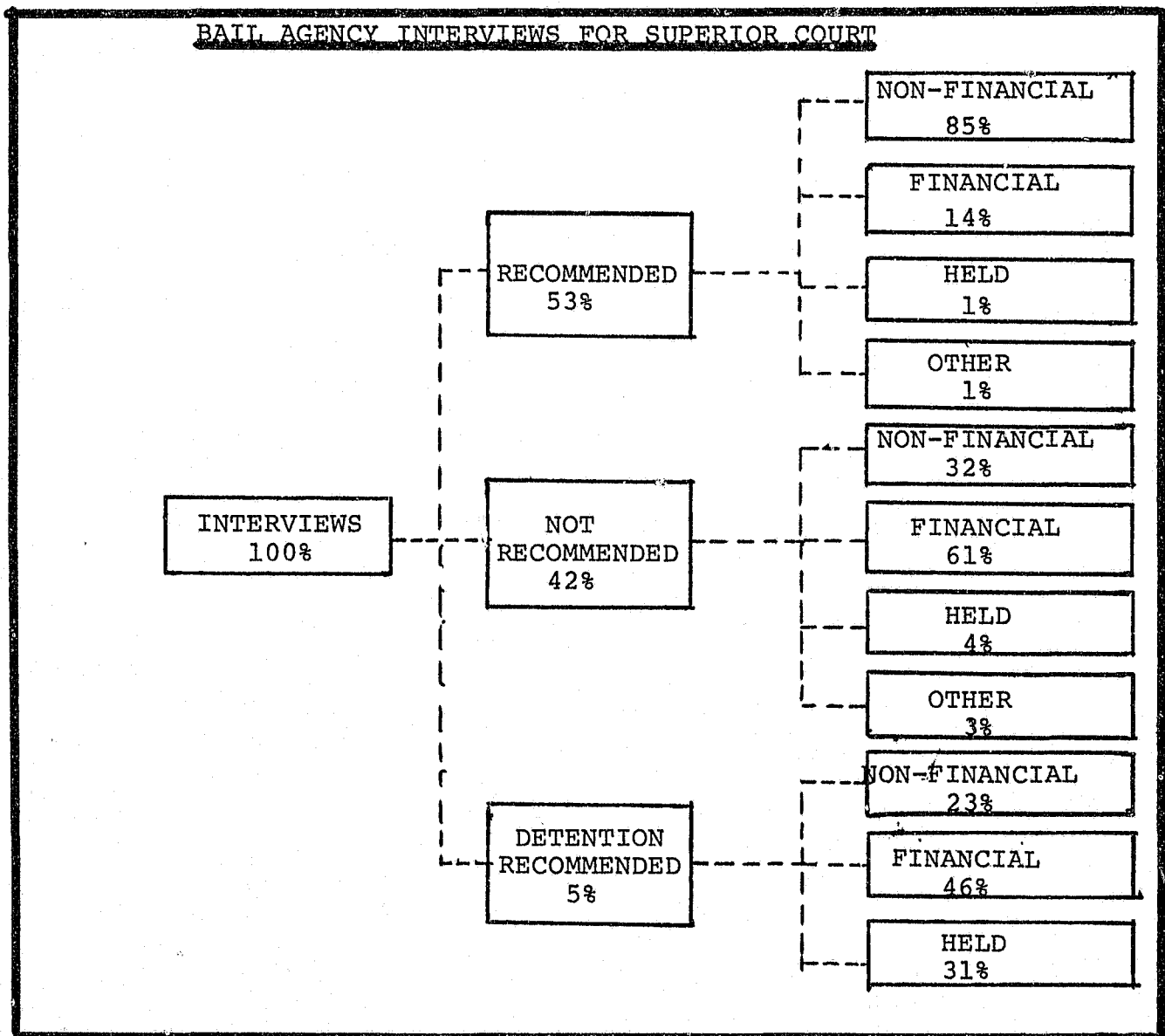
4/ This figure represents 17,509 initial bail reports in Superior and U.S. District Courts, 4,682 traffic citation interviews, 987 traffic "lock-ups," and 301 bond reviews.

the citation program (misdemeanors, traffic offenses and municipal ordinance violations) as well as cases brought to both the Superior Court and the United States Magistrates. Considering only criminal cases prosecuted by the United States Attorney, and excluding traffic cases and municipal code violations ("D.C. cases"), the Agency prepared a total of 17,509 bail investigations in both the Superior and Federal Courts. Most of these cases (13,582) were Superior Court "lock-up" cases. Citation cases constituted 3,805 of the total. The remaining 1,272 cases involved federal charges brought before the United States Magistrates. There was almost no change in the Superior Court workload when 1976 figures are compared with 1977 figures. The reports prepared for U.S. Magistrates in the United States District Court, however, declined from 1,613 to 1,272.

The citation program also experienced a reduction from 1976 to 1977. In 1976, 5,429 arrestees charged with U.S. misdemeanors were interviewed. In 1977 only 3,805 arrestees were referred to the Bail Agency for an eligibility determination.

After the interview and verification process is completed, a recommendation is made. The Bail Agency will

either: 1) recommend some form of non-financial or conditional release; 2) recommend (in Superior Court only) that a pretrial detention hearing be held pursuant to D.C. Code §23-1322; or 3) make no recommendation concerning release. The correlation between the Agency's recommendation and Court action can be seen in the following table, which represents only Superior Court "lock-up" cases where some form of pretrial release or bond was set.

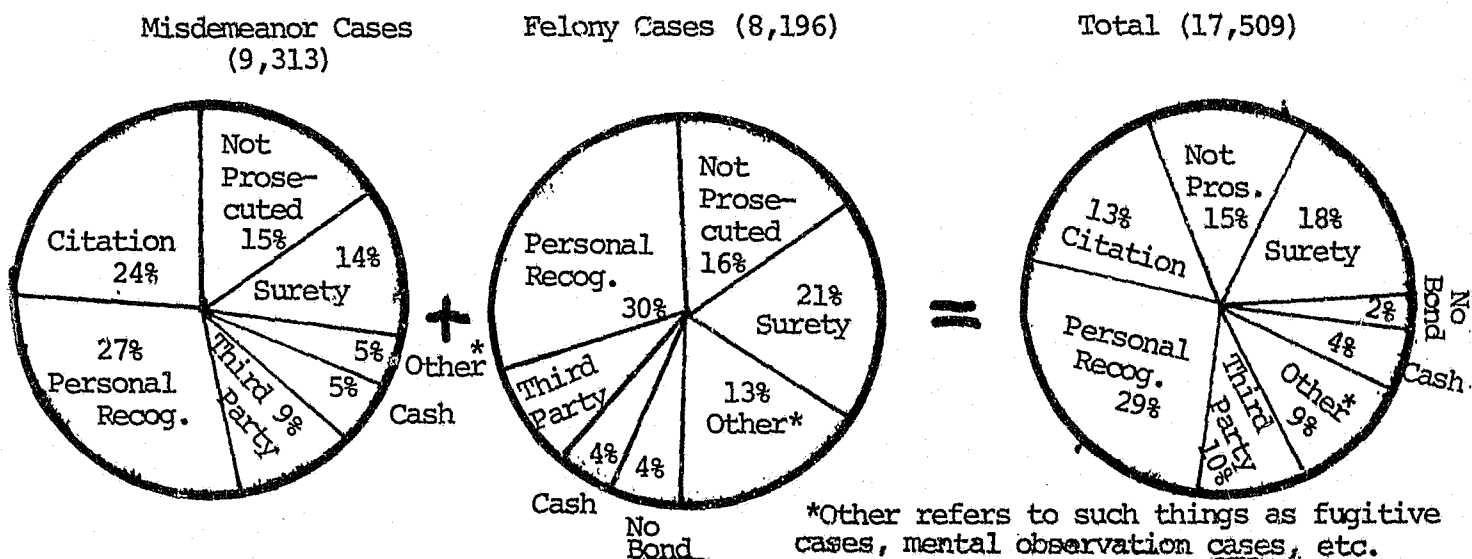


Although there was a substantial increase in the number of Agency recommendations for pretrial detention hearings in Superior Court cases during 1977,^{5/} there was no increase in the court's use of this procedure over the year before.

In United States District Court the percentage of positive recommendations remained constant from 1976 to 1977. The use of non-financial release by the United States Magistrates increased 10%.

Court action at the initial bail hearing for both misdemeanor and felony charges is illustrated below.

INITIAL RELEASE CONDITIONS SET IN THE DISTRICT OF COLUMBIA - 1977



^{5/} During 1977 the Agency adopted the policy of recommending a detention hearing for each case qualifying under D.C. Code §23-1322.

In addition to the reports prepared for the initial bail hearing, the Bail Agency provides a number of other interviewing services to the Court. Occasionally a surety bond is set and the defendant is detained because the judge does not have sufficient verified information to justify release on non-financial conditions. Often subsequent reports can be prepared either at the request of a judge in the form of a bond review, or at the initiative of the Bail Agency when it appears that additional information can be verified and a new recommendation made. During 1977 the Agency submitted 301 updated reports for bond review purposes. In addition, the Bail Agency is occasionally called upon to prepare reports for defendants arraigned on Grand Jury original indictments, or conduct the initial screening for the purpose of a referral for a mental competency examination. Another pre-release service carried out by the Bail Agency is the submission of bail reports for "traffic lock-ups" -- individuals charged with traffic or municipal code offenses who have been detained. In 1977 the Agency verified and submitted 987 reports to assist the Court in the pretrial release process for these cases.

In addition to the interviewing services provided by the Bail Agency, a major objective is to help pretrial releasees in understanding and complying with release

conditions and to assist them with medical, social and employment services.^{6/} The most important release condition is the obligation to return to Court. Many of the Agency's post release services are directed to the goal of producing defendants for court appearances. These follow-up services begin immediately following release. For several years the Superior Court judges have adopted the practice of requiring all releasees to report to the Bail Agency for a post-release interview. The purpose of this interview is to reinforce what the judge said in Court by reviewing release conditions. Another level of follow-up services designed to assure appearance in Court is the sending of notification letters reminding defendants of all scheduled hearings.^{7/} In 1977 this function became part of the Agency's automated procedures. Over 30,000 letters were sent notifying defendants of appearances in both the Superior Court of the District of Columbia and U.S. District Court for the District of Columbia. With the computer generating the letters, not only has one full-time position been made available for other work, but the possibility of error in address or court date has been significantly reduced.

6/ See D.C. Code §23-1303(h)(4).

7/ See D.C. Code §23-1303(h)(2).

In addition to the notification letters, the Agency attempts to remind defendants of upcoming court appearances by telephone. In 1977, 6,099 defendants were released on personal recognizance or conditional release in Superior Court and 729 in U.S. District Court. Most of these releasees were required to maintain weekly contact with the Bail Agency as a condition of release. Every time a defendant checks in, he or she is reminded of the next scheduled court date. If there is a discrepancy between the defendant's understanding and the Agency's records as to the date, the problem can be investigated before the misunderstanding results in a failure to appear.

As with many aspects of the Agency's operations, 1977 marked the beginning of new procedures for handling defendant check-ins with the aid of the computer. When a defendant telephones the Agency his or her name and date of birth is entered on a video display terminal. Through a series of display screens, the Agency employee can review the present address with the defendant and enter a change of address if necessary. The release conditions and court dates for all pending cases, whether in Superior Court or District Court, are displayed. The check-in and acknowledgement of the court date are entered into the data base automatically. If there

is an outstanding bench warrant or if someone such as the defendant's attorney has left a message, that too is displayed and can be conveyed to the defendant.

Although the focus of the activities of the Condition Supervision Section of the Agency is assisting releasees in complying with conditions, the Agency is required by law to report violations to appropriate court officials.^{8/} Given the substantial curtailment of positions for this function, the Bail Agency is able to report only the most serious violations. During 1977 the Bail Agency sent 779 notices of violations to the Court and the U.S. Attorney's Office. This figure is over twice the number submitted the previous year. Most of these (354) involved violations of the condition to report for narcotics testing and treatment at the Narcotics Treatment Administration. Two hundred sixty four (264) violations were forwarded from third party custody organizations that wished to schedule a court hearing or surrender custody.

For each of the 779 notices of violations forwarded to the United States Attorney's Office, the Bail Agency recommended a hearing. A total of 243 hearings were held.

In addition to the notices of violation, the Bail Agency provides upon request from the Court or Probation Office (at

^{8/} See D.C. Code §23-1303(h)(6).

time of sentencing) summaries of condition compliance by convicted defendants for use by the sentencing judge. Compliance information is routinely provided if a defendant is rearrested.

During 1977 the Agency continued to carry out its statutory obligation of assisting releasees with employment, medical or other social services with the Community Resources Unit. As in the previous year, a single Agency employee coordinated the activities of student interns from various universities in the Washington Area. Most services provided were of a referral nature.

During the year, 188 defendants applied for assistance and accounted for a total of 462 office visits and 772 referrals. As in the past, the most frequently requested type of assistance was for job counselling and placement. Six hundred twenty nine (629) employment referrals were made.

As part of its function of providing social and employment services to pretrial releasees the Agency continued to serve on committees of the National Alliance of Businessmen's Crime and Employment Project, the Interagency Council on Crime and Employment, and the Commission on the Status of Women.

B. Third Party Custody

Third party custody has been an important option available to the Court in fixing pretrial release conditions. More

strictly supervised in its approach than release on personal recognizance, it is an attractive and cost effective alternative to incarceration. It has been viewed as an important "middle ground" between release and detention. Defendants thought to pose a higher risk of flight or danger can nevertheless be placed in a closely monitored setting which can also provide social services.

The year 1977 saw both a reduction in third party custody services and an increase in the Court's involvement in defining its expectations for third party custodians. The Board of Judges of Superior Court adopted a set of performance standards for third party custodians. At the close of the calendar year, Dismas - long an active, community-based program operating in Northeast Washington - was preparing to close. The Bureau of Rehabilitation was looking for funds to avoid a similar fate. Other programs were forced to reduce their intake due to reduced funding levels. A \$100,000 line item in the Bail Agency's 1978 Budget for third party custody services was unavailable since the City was operating on a "Continuing Resolution" rather than an approved budget.^{9/}

The standards adopted by Superior Court at the recommendation of a special committee of the Court were written to clarify the Court's expectations of organizations providing custody

^{9/} At the time of the printing of this report the 1978 Budget has been enacted and the process of awarding the appropriate contracts has begun.

services. They established for example, acceptable ratios between supervisory staff and clients, a minimum number of weekly contacts with the defendant, the obligation to accompany defendants to court on hearing dates, and the maintenance of accurate records, to name just a few.

The standards also describe a certification process that calls for the review of compliance with the standards annually. Consistent with its statutory mandate to coordinate the activities of third party custodians, the Bail Agency's role as evaluator was also set forth in the standards.

With the Agency's new responsibilities for evaluation as well as the likelihood that the Agency will be responsible for distributing and monitoring the expenditures of funds much more attention will be focused on this area in the future.

C. Automation

The Bail Agency officially entered the computer age with the generation of the first bail report on January 31, 1977. The planning and programming which preceded this event began three years earlier with a grant from the Law Enforcement Assistance Administration. A contract was signed with the Federal Systems Division of IBM to produce a design for the automated system and develop the necessary computer programs. After almost a year of intensive effort by IBM and the Bail Agency, and in

cooperation with most of the criminal justice agencies at work in the District, the Automated Bail Agency Data Base (Aba Daba) was completed, tested, and put into production.

It was decided that the workload would be computerized in stages to allow time for training employees and further testing of the programs. The first stage consisted of all new arrestees whose last name began with the letters A through D. On January 31, the first interviews were entered into the data base and the first computer-printed reports were used in court. As the year progressed a greater proportion of the workload was handled with the assistance of the computer. It was a time of major adjustment for the staff. Not only was a significant amount of training necessary for each individual but there were numerous equipment failures and programming "bugs" to be corrected.

In spite of the problems and frustrations, by October all new cases were being processed through the computer. As the data base increased and as more of the staff became familiar with the computer's capabilities, the benefits became more apparent.

The impact of the computer has been felt by the defendant, the staff, and the criminal justice system. For the defendant it has meant better information on court dates and release

conditions. When a check-in call is made the Agency representative is able to enter the defendant's name and retrieve pertinent information on all pending cases whether in Superior or District Courts.

For the staff of the Bail Agency, the computer has changed virtually every job description. While the transition has at times been difficult, it has also provided an opportunity to master new skills. As the computer assimilates more and more strictly clerical functions, the "clerical staff" has been able to move into other professional positions.

Perhaps the greatest impact yet to occur will be experienced by the rest of the criminal justice system. The Automated Bail Agency Data Base is an integral component in the development of the District's Offender Based Tracking System (OBTS), funded by the Law Enforcement Assistance Administration. Upon completion of this system a defendant can be accounted for at any point from arrest through termination of sentence. A great deal of duplication in the collection of data will be eliminated. Finally, more sophisticated research will be possible leading, hopefully, to continuing improvement in the quality of the administration of justice.

D. Research

In its role as an information arm for the Courts of the District of Columbia, the Bail Agency gathers a great deal of

data on each defendant who comes in contact with the Criminal Justice System. This data includes social or demographic information used by the Court in evaluating the pretrial release potential of the accused. Such information typically includes employment history, residential and family ties as well as complete criminal history information. Only recently has the Agency developed the capability for analyzing the wealth of data in its files.

During 1977, two research studies were completed. The first project was carried out in cooperation with the Office of Crime Analysis and was based on a computer analysis of 54 data elements for each case entering the Criminal Justice System during 1975 - more than 20,000 cases in all. The second study examined the effect of different levels of pretrial supervision on appearance rates, rearrest rates, and condition violation rates. Both studies may be obtained by writing to the Bail Agency. The following is a brief summary of the findings of each.

"The Pretrial Offender In The District of Columbia".

Some Highlights

This report presents a wide variety of information on the pretrial offender who was processed through the District of Columbia's court systems in 1975. By focusing on the pretrial process, this research provides empirical data on the characteristics of a very large offender group that affects the

operations of every component in the system. Information covers demographic and socio-economic characteristics of the offender, type and seriousness of the offenses filed against the accused, criminal justice status of the defendant at the time of arrest, initial bail determination, and information on the final outcome of the case.

In 1975, over 20,000 persons were arrested for offenses that ranged from FBI index crimes to less serious misdemeanors such as possession of marijuana and soliciting for prostitution. Nine out of ten persons arrested in the District of Columbia were brought before a judicial officer in the court of local jurisdiction, D.C. Superior Court, while the remainder were processed through the U.S. District Court for possible violation of a federal offense. Five general offense categories account for 57 percent of the total cases processed by the courts in 1975: drug, larceny, assault, robbery and burglary offenses. One out of every four persons was charged with an offense that, in this jurisdiction, is classified as violent in nature.

One out of every two persons charged with a crime in the District of Columbia in 1975 was under the age of twenty-five. Eighty-five percent of the total population were male, and ninety percent were black. Women tended to be slightly younger than males at the time of arrest. Overall, the pretrial offender

population were predominantly lifetime residents of the Washington metropolitan area.

Forty-six percent of the pretrial population were unemployed at the time of arrest, with the jobless rate highest among those under the age of twenty-five. The levels of unemployment reported were largest among blacks and women. Seventy percent of the unemployed gave their major source of support as either family or a government assistance program. Data on the employed population do not reveal strong employment ties: less than half of those employed had worked at their current job for more than one year. Persons employed were more likely to be working in occupations of an unskilled nature and reported salary levels reflect this finding: 50 percent of those employed earned less than three dollars per hour.

The educational achievement level of the pretrial population was low, particularly among those defendants who were unemployed. Fifty-seven percent of the pretrial population as a whole had not attained a twelfth grade education or its equivalent. Of the unemployed, two out of three had not advanced beyond the eleventh grade.

Fifty-two percent of the pretrial population had no history of adult convictions or current supervisory ties with the criminal justice system at the time of arrest. Fourteen percent

did have a prior record but no ties with the system. Finally, thirty-three percent were on some form of conditional release when arrested. Defendants in this category were on some form of pretrial release, probation, parole or on work-release status at the time of arrest. Persons on conditional release were on the average charged with more serious crimes than those with no current ties to the system. From another perspective, 37 percent of all 1975 papered cases involved defendants who entered the judicial process two or more times in the year of study.

Seventy percent of the pretrial population who had formal charges filed with the courts in 1975 were released into the community on some form of non-financial conditions pending trial. A comparison of the release conditions imposed by the two courts found that persons processed through the U.S. District Court were released with non-financial conditions more often than those initially brought to D.C. Superior Court.

Defendants charged with less serious crimes, those with fewer convictions, and those not on some form of conditional release received non-financial conditions of pretrial release more often than other offenders. Conversely, persons on some form of conditional release, those who had violated a criminal justice order, or those with extensive records of prior convictions and/or failures to appear were more likely to receive

some form of financial conditions of release or were held without bond in some manner.

In 1975, one out of every five persons whose cases were brought before the court had no charges filed by the government at the initial hearing. Of the cases "papered" by the courts, 55 percent did not lead to a conviction. A significantly higher proportion of defendants were found not guilty in Superior Court (57 percent) than in District Court (34 percent). Sentencing outcomes for 1975 defendants who were ultimately convicted disclose that 51 percent were placed on probation, 32 percent were sentenced to a period of incarceration, and 17 percent received a suspended sentence or fine. The average length of time from arrest through final disposition for all 1975 cases was 84 days or 12 weeks.

"How Does Pretrial Supervision Affect Pretrial Performance?"

Some Highlights

In 1975, the year of this study, 70% of the pretrial population was initially released on some form of non-financial release under Bail Agency supervision. This relatively high proportion of conditional releases raised the question of whether the setting and monitoring of so many conditions was accomplishing anything. It was suspected that the setting and enforcement of conditions should reduce pretrial crime and insure a high appearance rate. With nearly 4,000 persons at

liberty on pretrial release at any given time the cost of supervision (depending on the intensity) could be high.

To test the hypothesis, an experiment using random assignment procedures was conducted in Washington by the Bail Agency. We sought to determine whether increased levels of supervision improved pretrial performance. Three levels of supervision were compared: "Passive Supervision" -- supervision which consisted of defendant-initiated contact; "Moderate Supervision" -- supervision which consisted of the Agency's initiating contact with the defendant; and "Intensive Supervision" -- supervision which included contact with the defendant in the community.

The impact of supervision was examined using the following outcome measures: court appearance, rearrest during the pretrial period, and compliance with court-ordered conditions of release. In all cases the Agency provided the service of notification by mail of court dates in addition to the other levels of supervision described.

The Bail Agency confronted the task of designing a study that would permit random assignment of cases to test for the risk factors of both appearance and danger, and to examine the relationship of different levels of supervision to the two risk factors. Such a design was conceived: The 300 cases selected for random assignment to one of the three groups were all felonies -- those charges which seemed to cause the most concern to the public.

The study results were at once expected in some instances and surprising in others.

- The defendants in the most closely supervised group made 98% of their required appearances. The other groups had rates of 95% and 96%.
- Pretrial crime -- as measured by rearrest during the pretrial period -- was not significantly different ranging from 19.6% (least intensive) to 19.8% (more intensive) and 19.5% (most intensive).
- Of the total number of those rearrested 80% were originally charged with crimes of robbery, burglary, auto theft, forgery, and larceny.
- 71% of the defendants in the most closely supervised group complied with all their conditions of release. By contrast only 52% of those in the group with the least supervision and 62% of the other group complied with all conditions of release.

In short, the study seems to bear out the premise that more intensive supervision improves appearance rates but does not affect rearrest rates.

III. Directions for the Future.

As suggested in last year's report, release practices in the District of Columbia have improved dramatically over the practices that existed shortly before the passage of the Bail Reform Act of 1966. As was also noted, the bail revolution is still an unfinished business. As long as people are detained pretrial because they are unable to afford to pay their way out then we have not accomplished the reform intended by passage of the Bail Reform Act and its progeny.

In the District of Columbia we have been experimenting with a law that permits consideration of danger in fixing pretrial conditions of release as well as in denying release altogether. Our experiments have fallen far short of the mark. A law that was intended to eliminate the hypocrisy of fixing high money bonds to insure detention has not been implemented with imagination. It is still easier to ensure detention with a high money bond than to follow the directives of the law. Difficulties in implementing that law as written have led the Congress to reexamine the law with an eye toward amending its provisions.

At this juncture it should be clear that as long as money and surety bond continue to be a form of pretrial release there will be a means for detaining the poor. What few

realize is that the existence of money and surety are also a means of releasing the potentially dangerous. If our system is to become one which faces squarely the issue of release or detention it must eliminate the means by which it can invoke the rationale of one to insure the existence of the other.

The Agency, by means of its newly developed automated system, has committed itself to tracking the data necessary for the making of such difficult decisions as release or detention pretrial. We cannot avoid our obligation to do so since the law is so clear in its mandate. The supervision study referred to above has demonstrated that conventional wisdom does not always prove correct. We intend to follow that study with others so that we can assist the courts in an even more informed manner. We hope to provide judges with data about the people who have appeared before them so that they can evaluate their own practices. We also hope to refine our own operations to insure that timely and accurate information and predictions are available in order to prevent problems. In short, one of our main goals for the coming year is to analyze the data our automated system contains and use it to enable the system to do its job in conformity with the law as written.

We expect the coming year to bring us a new name; a name that better describes our role in the Criminal Justice System.

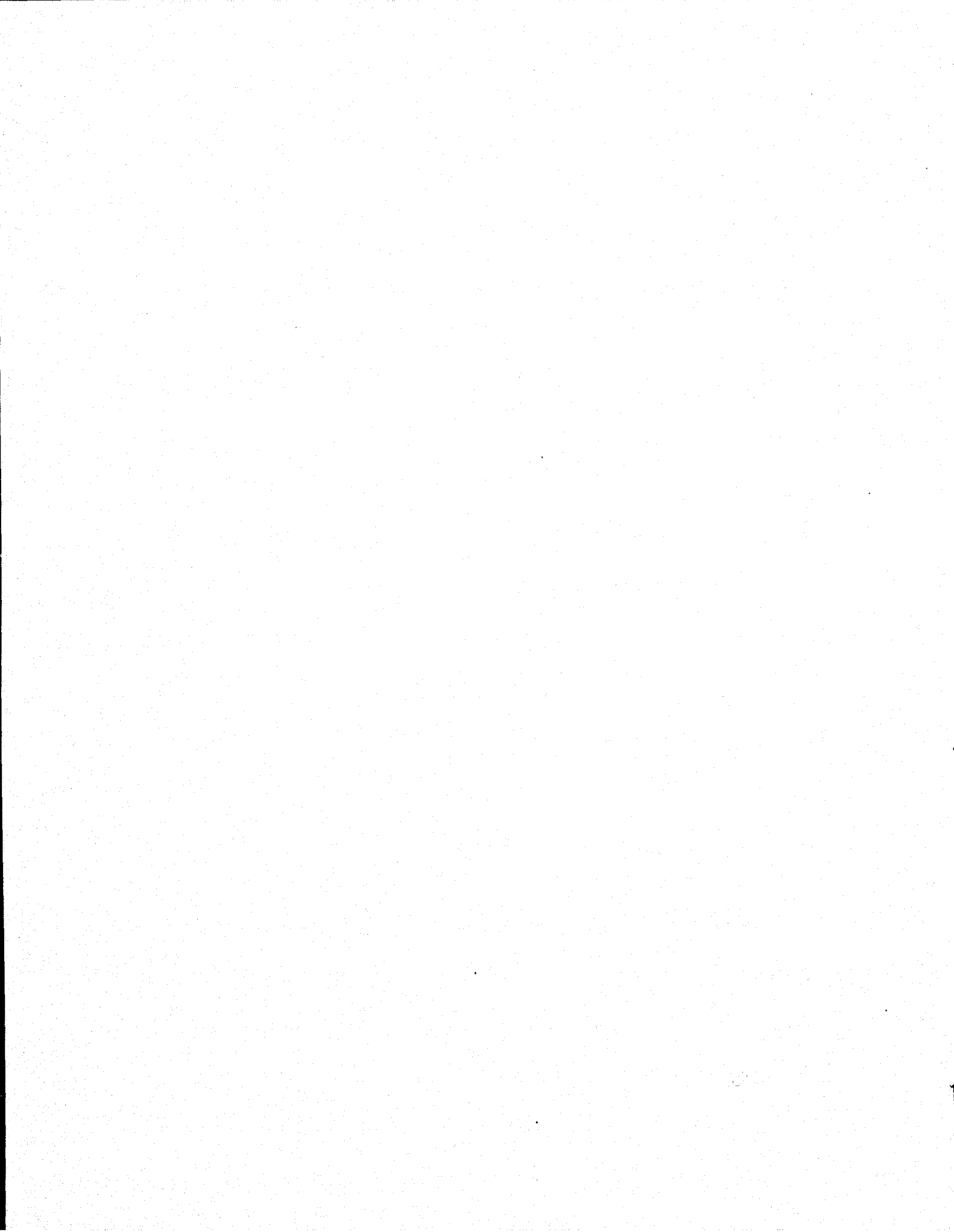
S. 2556, a Bill to change the name of the D.C. Bail Agency to the District of Columbia Pretrial Services Agency, has already passed the Senate and is pending in the House. Major components of the system have had representatives testify and give support to the measure. The change is long overdue both because the Agency has nothing whatsoever to do with "bail" and because the new title is much more descriptive of the types of services that we perform.

Finally, we expect to continue to participate in the many community activities we have supported in the past. Panels, speeches, seminars, training sessions, educational programs for adults and juveniles alike, all are activities we believe are crucial to help the general public to understand what we do and why. Last year staff members participated in more than a hundred such appearances and we expect to do no less in the coming year.

IV. Conclusion

This is a particularly difficult period for the Bail Agency. In addition to attempting to sustain its high level quality of work in the face of severe budget problems it is converting as many of its functions as possible to its newly developed automated system. Transition is always difficult but even more so under these circumstances. We are confident that we will be able to complete the change in fine order because of the support we have. The judges, magistrates, lawyers, police, marshals, and all criminal justice personnel have cooperated beyond expectation.

As we move into and begin to operate from our new courthouse we have the most serious task of seeing to it that our work matches the physical plant in which it is presented. It is because of the assistance we receive from our Executive Committee, the Mayor, the City Council, and the Congress that we can look forward to the challenges of the coming year with eager anticipation.



APPENDIX A

"Chapter 13.--BAIL AGENCY AND PRETRIAL DETENTION

SUBCHAPTER I--DISTRICT OF COLUMBIA BAIL AGENCY

"Sec.

- "23-1301. District of Columbia Bail Agency
- "23-1302. Definitions
- "23-1303. Interviews with detainees; investigations and reports; information as confidential; consideration and use of reports in making bail determinations.
- "23-1304. Executive committee; composition; appointment and qualifications of Director.
- "23-1305. Duties of Director; compensation; tenure.
- "23-1406. Chief assistant and other agency personnel; compensation.
- "23-1307. Annual reports to executive committee, Congress and Commissioner.
- "23-1308. Budget estimates.

"SUBCHAPTER II--RELEASE AND PRETRIAL DETENTION

- "23-1321. Release in noncapital cases prior to trial.
- "23-1322. Detention prior to trial.
- "23-1323. Detention of addict.
- "23-1324. Appeal from conditions of release.
- "23-1325. Release in capital cases or after conviction.
- "23-1326. Release of material witnesses.
- "23-1327. Penalties for failure to appear.
- "23-1328. Penalties for offenses committed during release.
- "23-1329. Penalties for violation of conditions of release.
- "23-1330. Contempt.
- "23-1331. Definitions.
- "23-1332. Applicability of subchapter.

"SUBCHAPTER I--DISTRICT OF COLUMBIA BAIL AGENCY

- "§23-1301. District of Columbia Bail Agency

"The District of Columbia Bail Agency (hereafter in this subchapter referred to as the "agency") shall continue in the District of Columbia and shall secure pertinent data and provide for any judicial officer in the District of Columbia or any officer or member of the Metropolitan

Police Department issuing citations, reports containing verified information concerning any individual with respect to whom a bail or citation determination is to be made.

"§23-1302. Definitions

"As used in this chapter--

"(1) the term 'judicial officer' means, unless otherwise indicated, the Supreme Court of the United States, United States Court of Appeals, United States District Court for the District of Columbia, the Superior Court of the District of Columbia or any justice or judge of those courts or a United States commissioner or magistrate; and

"(2) the term 'bail determination' means any order by a judicial officer respecting the terms and conditions of detention or release (including any order setting the amount of bail bond or any other kind of security) made to assure the appearance in court of --

"(A) any person arrested in the District of Columbia,
or

"(B) any material witness in any criminal proceeding in a court referred to in paragraph (1)

"§23-1303. Interviews with detainees; investigations and reports; information as confidential; consideration and use of reports in making bail determinations

"(a) The agency shall, except when impracticable, interview any person detained pursuant to law or charged with an offense in the District of Columbia who is to appear before a judicial officer or whose case arose in or is before any court named in section 23-1302(1). The interview, when requested by a judicial officer, shall also be undertaken with respect to any person charged with intoxication or a traffic violation. The agency shall seek independent verification of information obtained during the interview, shall secure any such person's prior criminal record which shall be made available by the Metropolitan Police Department, and shall prepare a written report of the information for submission to the appropriate judicial officer. The report to the judicial officer shall, where appropriate, include a recommendation as to whether such person should be released or detained under any of the conditions specified in subchapter II of this chapter. If the agency does not make a recommendation, it shall submit a report without recommendation. The agency shall provide copies of its report and recommendations (if any) to the United States attorney for the District of Columbia or the Corporation Counsel of the District of Columbia, and to counsel for the person concerning whom the report is made. The report shall include but not be limited to information

concerning the person accused, his family, his community ties, residence, employment, and prior criminal record and may include such additional verified information as may become available to the agency.

"(b) With respect to persons seeking review under subchapter II of this chapter of their detention or conditions of release, the agency shall review its report, seek and verify such new information as may be necessary, and modify or supplement its report to the extent appropriate.

"(c) The agency, when requested by any appellate court or a judge or justice thereof, or by any other judicial officer, shall furnish a report as provided in subsection (a) of this section respecting any person whose case is pending before any such appellate court or judicial officer or in whose behalf an application for a bail determination shall have been submitted.

"(d) Any information contained in the agency's files, presented in its report, or divulged during the course of any hearing shall not be admissible on the issue of guilt in any judicial proceeding, but such information may be used in proceedings under section 23-1327, 23-1328, and 23-1329, in perjury proceedings, and for the purposes of impeachment in any subsequent proceeding.

"(e) The agency, when requested by a member or officer of the Metropolitan Police Department acting pursuant to court rules governing the issuance of citations in the District of Columbia, shall furnish to such member or officer a report as provided in subsection (a).

"(f) The preparation and the submission by the agency of its report as provided in this section shall be accomplished at the earliest practicable opportunity.

"(g) A judicial officer in making a bail determination shall consider the agency's report and its accompanying recommendation, if any. The judicial officer may order such detention or may impose such terms and set such conditions upon release, including requiring the execution of a bail bond with sufficient solvent sureties as shall appear warranted by the facts; except that such judicial officer may not order any detention or establish any term or condition for release not otherwise authorized by law.

"(h) The agency shall --

"(1) supervise all persons released on nonsurety release, including release on personal recognizance, personal bond, nonfinancial conditions, or cash deposit with the registry of the court;

"(2) make reasonable effort to give notice of each required court appearance to each person released by the court.

"(3) serve as coordinator for other agencies and organizations which serve or may be eligible to serve as custodians for persons released under supervision and advise the judicial officer as to the eligibility, availability, and capacity of such agencies and organizations;

"(4) assist persons released pursuant to subchapter II of this chapter in securing employment or necessary medical or social services;

"(5) inform the judicial officer and the United States attorney for the District of Columbia or the Corporation Counsel of the District of Columbia of any failure to comply with pretrial release conditions or the arrest of persons released under its supervision and recommend modifications of release conditions when appropriate;

"(6) prepare, in cooperation with the United States marshal for the District of Columbia and the United States attorney for the District of Columbia, such pretrial detention reports as are required by Rule 46 (h) of the Federal Rules of Criminal Procedure; and

"(7)" perform such other pretrial functions as the executive committee may, from time to time assign.

"§23-1304 Executive committee; composition; appointment and qualifications of Director

"(a) The agency shall function under authority of and be responsible to an executive committee of five members of which three shall constitute a quorum. The executive committee shall be composed of the respective chief judges of the United States Court of Appeals for the District of Columbia Circuit, the United States District Court for the District of Columbia, the District of Columbia Court of appeals, the Superior Court, or if circumstances may require the designee of any such chief judge, and a fifth member who shall be selected by the chief judges.

"(b) The executive committee shall appoint a Director of the agency who shall be a member of the bar of the District of Columbia.

"§23-1305. Duties of Director; compensation; tenure

The Director of the agency shall be responsible for the supervision and execution of the duties of the agency. The Director shall receive such compensation as may be set by the executive committee but not in excess of the compensation authorized for GS-16 of the General Schedule contained in section 5332 of title 5, United States Code. The Director shall hold office at the pleasure of the executive committee.

"§23-1306. Chief assistant and other agency personnel;
compensation

"The Director, subject to the approval of the executive committee, shall employ a chief assistant and such assisting and clerical staff and may make assignments of such agency personnel as may be necessary properly to conduct the business of the agency. The staff of the agency, other than clerical, shall be drawn from law students, graduate students, or such other available sources as may be approved by the executive committee. The chief assistant to the Director shall receive compensation as may be set by the executive committee, but in an amount not in excess of the amount authorized for GS-14 of the General Schedule contained in section 5332 of Title 5, United States Code, and shall hold office at the pleasure of the executive committee. All other employees of the agency shall receive compensation, as set by the executive committee, which shall be comparable to levels of compensation established in such chapter 53. From time to time, the Director subject to the approval of the executive committee, may set merit and longevity salary increases.

"§23-1307. Annual reports to executive committee, Congress
and Commissioner

"The Director shall on June 15 of each year submit to the executive committee a report as to the agency's administration of its responsibilities for the previous period of June 1 through May 31, a copy of which report will be transmitted by the executive committee to the Congress of the United States, and to the Commissioner of the District of Columbia. The Director shall include in his report, to be prepared as directed by the Commissioner of the District of Columbia, a statement of financial condition, revenues, and expenses for the past June 1 through May 31 period.

"§23-1308. Budget estimates

"Budget estimates for the agency shall be prepared by the Director and shall be subject to the approval of the executive committee.

SUBCHAPTER II--RELEASE AND PRETRIAL DETENTION

"§23-1321. Release in noncapital cases prior to trial

"(a) Any person charged with an offense, other than an offense punishable by death, shall, at his appearance before a judicial officer, be ordered released pending trial on his personal recognizance or upon the execution of an unsecured appearance bond in an amount specified by the judicial officer, unless the officer determines, in the exercise of his discretion, that such a release will not reasonably assure the appearance of the person as required or the safety of any other person or the community. When such a determination is made, the judicial officer shall, either in lieu of or in addition to the above methods of release impose the first of the following conditions of release which will reasonably assure the appearance of the person for trial or the safety of any other person or the community, or, if no single condition gives that assurance, any combination of the following conditions:

"(1) Place the person in the custody of a designated person or organization agreeing to supervise him.

"(2) Place restrictions on the travel, association, or place of abode of the person during the period of release.

"(3) Require the execution of an appearance bond in a specified amount and the deposit in the registry of the court, in cash or other security as directed, of a sum not to exceed 10 percentum of the amount of the bond, such deposit to be returned upon the performance of the conditions of release.

"(4) Require the execution of a bail bond with sufficient solvent sureties, or the deposit of cash in lieu thereof.

"(5) Impose any other condition, including a condition requiring that the person return to custody after specified hours of release for employment or other limited purposes.

No financial condition may be imposed to assure the safety of any other person or the community.

"(b) In determining which conditions of release, if any, will reasonably assure the appearance of a person as required or the safety of any other person or the community, the judicial officer shall, on the basis of available information, take into account such matters as the nature and circumstances of the offense charged, the weight of the evidence against

such person, his family ties, employment, financial resources, character and mental conditions, past conduct, length of residence in the community, record of convictions, and any record of appearance at court proceedings, flight to avoid prosecution, or failure to appear at court proceedings.

"(c) A judicial officer authorizing the release of a person under this section shall issue an appropriate order containing a statement of the conditions imposed, if any, shall inform such person of the penalties applicable to violations of the conditions of his release, shall advise him that a warrant for his arrest will be issued immediately upon any such violation, and shall warn such person of the penalties provided in section 23-1328.

"(d) A person for whom conditions of release are imposed and who, after twenty-four hours from the time of the release hearing, continues to be detained as a result of his inability to meet the conditions of release, shall, upon application, be entitled to have the conditions reviewed by the judicial officer who imposed them. Unless the conditions of release are amended and the person is thereupon released, the judicial officer shall set forth in writing the reasons for requiring the conditions imposed. A person who is ordered released on a condition which requires that he return to custody after specified hours shall, upon application, be entitled to a review by the judicial officer who imposed the condition. Unless the requirement is removed and the person is thereupon released on another condition, the judicial officer shall set forth in writing the reasons for continuing the requirement. In the event that the judicial officer who imposed conditions of release is not available, any other judicial officer may review such conditions.

"(e) A judicial officer ordering the release of a person on any condition specified in this section may at any time amend his order to impose additional or different conditions of release, except that if the imposition of such additional or different conditions results in the detention of the person as a result of his inability to meet such conditions or in the release of the person on a condition requiring him to return to custody after specified hours, the provisions of subsection (d) shall apply.

"(f) Information stated in, or offered in connection with, any order entered pursuant to this section need not conform to the rules pertaining to the admissibility of evidence in a court of law.

"(g) Nothing contained in this section shall be construed to prevent the disposition of any case or class of cases by forfeiture of collateral security where such disposition is authorized by the court.

"(h) The following shall be applicable to any person detained pursuant to this subchapter:

"(1) The person shall be confined to the extent practicable, in facilities separate from convicted persons awaiting or serving sentences or being held in custody pending appeal.

"(2) The person shall be afforded reasonable opportunity for private consultation with counsel and, for good cause shown, shall be released upon order of the judicial officer in the custody of the United States marshal or other appropriate person for limited periods of time to prepare defenses or for other proper reasons.

"§23-1322. Detention prior to trial

"(a) Subject to the provisions of this section, a judicial officer may order pretrial detention of--

"(1) a person charged with a dangerous crime, as defined in section 23-1331(3), if the Government certifies by motion that based on such person's pattern of behavior consisting of his past and present conduct and on other factors set out in section 23-1321 (b), there is no condition or combination of conditions which will reasonably assure the safety of the community;

"(2) a person charged with a crime of violence, as defined in section 23-1331(4), if (i) the person has been convicted of a crime of violence within the ten-year period immediately preceding the alleged crime of violence for which he is presently charged; or (ii) the crime of violence was allegedly committed while the person was, with respect to another crime of violence on bail or other release or on probation, parole, or mandatory release pending completion of a sentence; or

"(3) a person charged with any offense if such person, for the purpose of obstructing or attempting to obstruct justice, threatens, injures, intimidates, or attempts to threaten, injure, or intimidate any prospective witness or juror.

"(b) No person described in subsection (a) of this section shall be ordered detained unless the judicial officer --

"(1) holds a pretrial detention hearing in accordance with the provisions of subsection (c) of this section;

"(2) finds --

"(A) that there is clear and convincing evidence that the person is a person described in paragraph (1), (2), or (3) of subsection (a) of this section;

"(B) that --

"(i) in the case of a person described only in paragraph (1) of subsection (a), based on such person's pattern of behavior consisting of his past and present conduct, and on other factors set out in section 23-1321 (b), or

"(ii) in the case of a person described in paragraph (2) or (3) of such subsection, based on factors set out in section 23-1321 (b),

there is no condition or combination of conditions of release which will reasonably assure the safety of any other person or the community; and

(C) that except with respect to a person described in paragraph (3) of subsection (a) of this section, on the basis of information presented by proffer or otherwise to the judicial officer there is a substantial probability that the person committed the offense for which he is present before the judicial officer; and

(3) issues an order of detention accompanied by written findings of fact and the reasons for its entry.

"(c) The following procedures shall apply to pretrial detention hearings held pursuant to this section:

"(1) Whenever the person is before a judicial officer, the hearing may be initiated on oral motion of the United States attorney.

"(2) Whenever the person has been released pursuant to section 23-1321 and it subsequently appears that such person may be subject to pretrial detention, the United States attorney may initiate a pretrial detention hearing by ex parte written motion. Upon such motion the judicial officer may issue a warrant for the arrest of the person and if such person is outside the District of Columbia, he shall be brought before a judicial officer in the district where he is arrested and then shall be transferred to the District of Columbia for proceedings in accordance with this section.

"(3) The pretrial detention hearing shall be held immediately upon the person being brought before the judicial officer for such hearing unless the person or the United States attorney moves for a continuance. A continuance granted on motion of the person shall not exceed five calendar days, unless there are extenuating circumstances. A continuance on motion of the United States attorney shall be granted upon good cause shown and shall not exceed three calendar days. The person may be detained pending the hearing.

"(4) The person shall be entitled to representation by counsel and shall be entitled to present information by proffer or otherwise, to testify, and to present witnesses in his own behalf.

"(5) Information stated in, or offered in connection with, any order entered pursuant to this section need not conform to the rules pertaining to the admissibility of evidence in a court of law.

"(6) Testimony of the person given during the hearing shall not be admissible on the issue of guilt in any other judicial proceeding, but such testimony shall be admissible in proceedings under sections 23-1327, 23-1328, and 23-1329, in perjury proceedings, and for the purposes of impeachment in any subsequent proceedings.

"(7) Appeals from orders of detention may be taken pursuant to section 23-1324.

"(d) The following shall be applicable to person detained in this section:

"(1) The case of such person shall be placed on an expedited calendar and, consistent with the sound administration of justice, his trial shall be given priority.

"(2) Such person shall be treated in accordance with section 23-1321-

"A) upon the expiration of sixty calendar days, unless the trial is in progress or the trial has been delayed at the request of the person other than by the filing of timely motions (excluding motions for continuances): or

"(B) whenever a judicial officer finds that a subsequent event has eliminated the basis for such detention.

"(3) The person shall be deemed detained pursuant section 23-1325 if he is convicted.

"(e) The judicial officer may detain for a period not to exceed five calendar days a person who comes before him for a bail determination charged with any offense, if it appears that such person is presently on probation, parole, or mandatory release pending completion of sentence for any offense under State or Federal law and that such person may flee or pose a danger to any other person or the community if released. During the five-day period, the United States attorney or the Corporation Counsel for the District of Columbia shall notify the appropriate State or Federal probation or parole officials. If such officials fail or decline to take the person into custody during such period, the person shall be treated in accordance with section 23-1321, unless he is subject to detention under this section. If the person is subsequently convicted of the offense charged, he shall receive credit toward service of sentence for the time he was detained pursuant to this subsection.

"§23-1323. Detention of addict

"(a) Whenever it appears that a person charged with a crime of violence, as defined in section 23-1331 (4), may be an addict, as defined in section 23-1331 (5), the judicial officer may, upon motion of the United States attorney, order such person detained in custody for a period not to exceed three calendar days, under medical supervision, to determine whether the person is an addict.

"(b) Upon or before the expiration of three calendar days, the person shall be brought before a judicial officer and the results of the determination shall be presented to such judicial officer. The judicial officer thereupon (1) shall treat the person in accordance with section 23-1321, or

(2) upon motion of the United States attorney, may (A) hold a hearing pursuant to section 23-1322, or (b) hold a hearing pursuant to subsection (c) of this section.

"(c) A person who is an addict may be ordered detained in custody under medical supervision if the judicial officer--

"(1) holds a pretrial detention hearing in accordance with subsection (c) of section 23-1322"

"(2) finds that--

"(A) there is clear and convincing evidence that the person is an addict;

"(B) based on the factors set out in subsection (b) of section 23-1321, there is no condition or combination of conditions of release which will reasonably assure the safety of any other person or the community; and

"(C) on the basis of information presented to the judicial officer by proffer or otherwise, there is a substantial probability that the person committed the offense for which he is present before the judicial officer; and

"(3) issues an order of detention accompanied by written findings of fact and the reasons for its entry.

"(d) The provisions of subsection (d) of section 23-1322 shall apply to this section.

"§23-1324. Appeal from conditions of release

"(a) A person who is detained, or whose release on a condition requiring him to return to custody after specified hours is continued, after review of his application pursuant to section 23-1321(d) or section 23-1321(e) by a judicial officer, other than a judge of the court having original jurisdiction over the offense with which he is charged or a judge of a United States court of appeals or Justice of the Supreme Court, may move the court having original jurisdiction over the offense with which he is charged to amend the order. Such motion shall be determined promptly.

"(b) In any case in which a person is detained after (1) a court denies a motion under subsection (a) to amend an order imposing conditions of release, (2) conditions of release have been imposed or amended by a judge of the court having

original jurisdiction over the offense charged, or (3) he is ordered detained or an order for his detention has been permitted to stand by a judge of the court having original jurisdiction over the offense charged, an appeal may be taken to the court having appellate jurisdiction over such court. Any order so appealed shall be affirmed if it is supported by the proceedings below. If the order is not so supported, the court may remand the case for a further hearing, or may, with or without additional evidence, order the person released pursuant to section 23-1321(a). The appeal shall be determined promptly.

"(c) In any case in which a judicial officer other than a judge of the court having original jurisdiction over the offense with which a person is charged orders his release with or without setting terms or conditions of release, or denies a motion for the pretrial detention of a person, the United States attorney may move the court having original jurisdiction over the offense to amend or revoke the order. Such motion shall be considered promptly.

"(d) In any case in which--

"(1) a person is released, with or without the setting of terms or conditions of release, or a motion for the pretrial detention of a person is denied, by a judge of the court having original jurisdiction over the offense with which the person is charged, or

"(2) a judge of a court having such original jurisdiction does not grant the motion of the United States attorney filed pursuant to subsection (c),

the United States attorney may appeal to the court having appellate jurisdiction over such court. Any order so appealed shall be affirmed if it is supported by the proceedings below. If the order is not supported, (A) the court may remand the case for a further hearing (B) with or without additional evidence, change the terms or conditions of release, or (C) in cases in which the United States attorney requested pretrial detention pursuant to section 23-1322 and 23-1323, order such detention.

"§23-1325. Release in capital cases or after conviction

"(a) A person who is charged with an offense punishable by death shall be treated in accordance with the provisions of section 23-1321 unless the judicial officer has reason to believe that no one or more conditions of release will

reasonably assure that the person will not flee or pose a danger to any other person or to the community. If such a risk of flight or danger is believed to exist, the person may be ordered detained.

"(b) A person who has been convicted of an offense and is awaiting sentence shall be detained unless the judicial officer finds by clear and convincing evidence that he is not likely to flee or pose a danger to any other person or to the property of others. Upon such finding, the judicial officer shall treat the person in accordance with the provisions of section 23-1321.

"(c) A person who has been convicted of an offense and sentenced to a term of confinement or imprisonment and has filed an appeal or a petition for a writ of certiorari shall be detained unless the judicial officer finds by clear and convincing evidence that (1) the person is not likely to flee or pose a danger to any other person or to the property of others, and (2) the appeal or petition for a writ of certiorari raises a substantial question of law or fact likely to result in a reversal or an order for new trial. Upon such finding, the judicial officer shall treat the person in accordance with the provisions of section 23-1321.

"(d) The provisions of section 23-1324 shall apply to persons detained in accordance with this section, except that the finding of the judicial officer that the appeal or petition for writ of certiorari does not raise by clear and convincing evidence a substantial question of law or fact likely to result in a reversal or order for new trial shall receive de novo consideration in the court in which review is sought.

"§23-1326/ Release of material witness

"If it appears by affidavit that the testimony of a person is material in any criminal proceeding, and if it is shown that it may become impracticable to secure his presence by subpoena, a judicial officer shall impose conditions of release pursuant to section 23-1321. No material witness shall be detained because of inability to comply with any condition of release if the testimony of such witness can adequately be secured by deposition, and further detention is not necessary to prevent a failure of justice. Release may be delayed for a reasonable period of time until the deposition of the witness can be taken pursuant to the Federal Rules Criminal Procedure.

"§23-1327. Penalties for failure to appear

"(a) Whoever, having been released under this title prior to the commencement of his sentence, willfully fails to appear before any court or judicial officer as required, shall, subject to the provisions of the Federal Rules of Criminal Procedure, incur a forfeiture of any security which was given or pledged for his release, and, in addition, shall, (1) if he was released in connection with a charge of felony, or while awaiting sentence or pending appeal or certiorari prior to commencement of his sentence after conviction of any offence, be fined not more than \$5,000 and imprisoned not less than one year and not more than five years, (2) if he was released in connection with a charge of misdemeanor, be fined not more than the maximum provided for such misdemeanor and imprisoned for not less than ninety days and not more than one year, or (3) if he was released for appearance as a material witness, be fined not more than \$1,000 or imprisoned for not more than one year, or both.

"(b) Any failure to appear after notice of the appearance date shall be prima facie evidence that such failure to appear is willful. Whether the person was warned when released of the penalties for failure to appear shall be a factor in determining whether such failure to appear was willful, but the giving of such warning shall not be a prerequisite to conviction under this section.

"(c) The trier of facts may convict under this section even if the defendant has not received actual notice of the appearance date if (1) reasonable efforts to notify the defendant have been made, and (2) the defendant, by his own actions, has frustrated the receipt of actual notice.

"(d) Any term of imprisonment imposed pursuant to this section shall be consecutive to any other sentence of imprisonment.

"§23-1328. Penalties for offenses committed during release.

"(a) Any person convicted of an offense committed while released pursuant to section 23-1321 shall be subject to the following penalties in addition to any other applicable penalties:

"(1) A term of imprisonment of not less than one year and not more than five years if convicted of committing a felony while so released; and

"(2) A term of imprisonment of not less than ninety days and not more than one year if convicted of committing a misdemeanor while so released.

"(b) The giving of a warning to the person when released of the penalties imposed by this section shall not be a prerequisite to the application of this section.

"(c) Any term of imprisonment imposed pursuant to this section shall be consecutive to any other sentence of imprisonment.

"§23-1329. Penalties for violation of condition of release

"(a) A person who has been conditionally released pursuant to section 23-1321 and who has violated a condition of release shall be subject to revocation of release, an order of detention, and prosecution for contempt of court.

"(b) Proceedings for revocation of release may be initiated on motion of the United States attorney. A warrant for the arrest of a person charged with violating a condition of release may be issued by a judicial officer and if such person is outside the District of Columbia he shall be brought before a judicial officer in the district where he is arrested and shall then be transferred to the District of Columbia for proceedings in accordance with this section. No order of revocation and detention shall be entered unless, after a hearing, the judicial officer finds that--

- "(1) there is clear and convincing evidence that such person has violated a condition of his release; and
- "(2) based on the factors set out in subsection (b) of section 23-1321, there is no condition or combination of conditions of release which will reasonably assure that such person will not flee or pose a danger to any other person or the community.

The provisions of subsections (c) and (d) of section 23-1322 shall apply to this subsection.

"(c) Contempt actions may be imposed if, upon hearing and in accordance with principles applicable to proceedings for criminal contempt, it is established that such person has intentionally violated a condition of his release. Such contempt proceedings shall be expedited and heard by the court without a jury. Any person found guilty of criminal contempt for violation of a condition of release shall be imprisoned for not more than six months, or fined not more than \$1,000, or both.

"(d) Any warrant issued by a judge of the Superior Court for violation of release conditions or for contempt of court, for failure to appear as required, or pursuant to subsection (c) (2) of section 23-1322, may be executed at any place within the jurisdiction of the United States. Such warrants shall be executed by a United States Marshal or by any other officer authorized by law.

"§23-1330. Contempt

"Nothing in this subchapter shall interfere with or prevent the exercise by any court of the United States of its power to punish for contempt.

"§23-1331. Definitions

"As used in this subchapter:

"(1) The term 'judicial officer' means, unless otherwise indicated, any person or court in the District of Columbia authorized pursuant to section 3041 of Title 18, United States Code, or the Federal Rules of Criminal Procedure, to bail or otherwise release a person before trial or sentencing or pending appeal in a court of the United States, and any judge of the Superior Court.

"(2) The term 'offense' means any criminal offense committed in the District of Columbia, other than an offense triable by courtmarshal, military commission, provost court, or other military tribunal, which is in violation of an Act of Congress.

"(3) The term 'dangerous crime' means (A) taking or attempting to take property from another by force or threat of force, (B) unlawfully entering or attempting to enter any premises adapted for overnight accommodation of persons or for carrying on business with the intent to commit an offense therein, (C) arson or attempted arson of any premises adaptable for overnight accommodations of persons or for carrying on business, (D) forcible rape, or assault with intent to commit forcible rape, or (E) unlawful sale or distribution of a narcotic or depressant or stimulant drug (as defined by any Act of Congress) if the offense is punishable by imprisonment for more than one year.

"(4) The term 'crime of violence' means murder forcible rape, carnal knowledge of a female under the age of sixteen, taking or attempting to take immoral improper, or indecent liberties with a child under the age of sixteen years, mayhem, kidnaping, robbery burglary, voluntary manslaughter, extortion or blackmail accompanied by threats of violence, arson, assault with intent to commit any offense, assault with a dangerous weapon, or an attempt or conspiracy to commit any of the foregoing offenses, as defined, by any Act of Congress or any State law, if the offense is punishable by imprisonment for more than one year.

"(5) The term 'addict' means any individual who habitually uses any narcotic drug as defined by section 4731 of the Internal Revenue Code of 1954 so as to endanger the public morals, health, safety, or welfare.

"§23-1332. Applicability of subchapter

"The provisions of this subchapter shall apply in the District of Columbia in lieu of the provisions of section 3146 through 3152 of title 18, United States Code.

APPENDIX - B
BAIL REFORM ACT (1966)
18 U.S.C. §3146-3151

§3146. Release in noncapital cases prior to trial

(a) Any person charged with an offense, other than an offense punishable by death, shall at his appearance before a judicial officer, be ordered released pending trial on his personal recognizance or upon the execution of an unsecured appearance bond in an amount specified by the judicial officer, unless the officer determines, in the exercise of his discretion, that such a release will not reasonably assure the appearance of the person as required. When such a determination is made, the judicial officer shall, either in lieu of or in addition to the above methods of release, impose the first of the following conditions of release which will reasonably assure the appearance of the person for trial or, if no single condition gives that assurance, any combination of the following conditions:

(1) place the person in the custody of a designated person or organization agreeing to supervise him;

(2) place restrictions on the travel, association, or place of abode of the person during the period of release;

(3) require the execution of an appearance bond in a specified amount and the deposit in the registry of the court, in cash or other security as directed, of a sum not to exceed 10 percentum of the amount of the bond, such deposit to be returned upon the performance of the conditions of release.

(4) require the execution of a bail bond with sufficient solvent sureties, or the deposit of cash in lieu thereof;
or

(5) impose any other condition deemed reasonably necessary to assure appearance as required, including a condition requiring that the person return to custody after specified hours.

(b) In determining which conditions of release will reasonably assure appearance, the judicial officer shall, on the basis of available information take into account the nature and circumstances of the offense charged, the weight of the evidence against the accused, the accused's family ties, employment, financial resources, character and mental condition, the length of his residence in the community, his record of convictions, and his record of appearance at court proceedings or of flight to avoid prosecution or failure to appear at court proceedings.

(c) A judicial officer authorizing the release of a person under this section shall issue an appropriate order containing a statement of conditions imposed, if any, shall

inform such person of the penalties applicable to violations of the conditions of his release and shall advise him that a warrant for his arrest will be issued immediately upon any such violation.

(d) A person for whom conditions of release are imposed and who after twenty-four hours from the time of the release hearing continues to be detained as a result of his inability to meet the conditions of release, shall, upon application, be entitled to have the conditions reviewed by the judicial officer who imposed them. Unless the conditions of release are amended and the person is thereupon released, the judicial officer shall set forth in writing the reasons for requiring the conditions imposed. A person who is ordered released on a condition which requires that he return to custody after specified hours shall, upon application, be entitled to a review by the judicial officer who imposed the condition. Unless the requirement is removed and the person is thereupon released on another condition, the judicial officer shall set forth in writing the reasons for continuing the requirement. In the event that the judicial officer who imposed conditions of release is not available, any other judicial officer in the district may review such conditions.

(e) A judicial officer ordering the release of a person on any condition specified in this section may at any time amend his order to impose additional or different conditions of release: Provided, That, if the imposition of such additional or different conditions results in the detention of the person as a result of his inability to meet such conditions or in the release of the person on a condition requiring him to return to custody after specified hours, the provisions of subsection (d) shall apply.

(f) Information stated in, or offered in connection with, any order entered pursuant to this section need not conform to the rules pertaining to the admissibility of evidence in a court of law.

(g) Nothing contained in this section shall be construed to prevent the disposition of any case or class of cases by forfeiture of collateral security where such disposition is authorized by the court. Added Pub.L. 89-465, § 3(a), June 22, 1966, 80 Stat. 214.

Codification. Former section 3146, derived from Act Aug. 20, 1954, c. 772, § 1, 68 Stat. 747, which prescribed penalties for jumping bail, was stricken out by Pub.L. 89-465, § 3(a), June 22, 1966, 80 Stat. 214. The subject matter is now covered by sections 3150 and 3151 of this title.

§ 3147. Appeal from conditions of release

(a) A person who is detained, or whose release on a condition requiring him to return to custody after specified hours is continued, after review of his application pursuant to section 3146 (d) or section 3146 (e) by a judicial officer, other than a judge of the court having original jurisdiction over the offense with which he is charged or a judge of a United States court of appeals or a Justice of the Supreme Court, may move the court having original jurisdiction over the offense with which he is charged to amend the order. Said motion shall be determined promptly.

(b) In any case in which a person is detained after (1) a court denies a motion under subsection (a) to amend an order imposing conditions of release, or (2) conditions of release have been imposed or amended by a judge of the court having original jurisdiction over the offense charged, an appeal may be taken to the court having appellate jurisdiction over such court. Any order so appealed shall be affirmed if it is supported by the proceedings below. If the order is not so supported, the court may remand the case for a further hearing, or may, with or without additional evidence, order the person released pursuant to section 3146(a). The appeal shall be determined promptly. Added Pub. L. 89-465, § 3(a), June 22, 1966, 80 Stat. 215.

§3148. Release in capital cases or after conviction

A person (1) who is charged with an offense punishable by death, or (2) who has been convicted of an offense and is either awaiting sentence or sentence review under section 3576 of this title or has filed an appeal or a petition for a writ of certiorari, shall be treated in accordance with the provisions of section 3146 unless the court or judge has reason to believe that no one or more conditions of release will reasonably assure that the person will not flee or pose a danger to any other person or to the community. If such a risk of flight or danger is believed to exist, or if it appears that an appeal is frivolous or taken for delay, the person may be ordered detained. The provisions of section 3147 shall not apply to persons described in this section: Provided, That other rights to judicial review of conditions of release or orders of detention shall not be affected. Added Pub.L. 89-465, §3(a), June 22, 1966, 80 Stat. 215, and amended Pub.L. 91-452, Title X, §1002, Oct. 15, 1970, 84 Stat. 952.

§3149. Release of material witnesses

If it appears by affidavit that the testimony of a person is material in any criminal proceeding, and if it is shown that it may become impracticable to secure his presence by subpoena, a judicial officer shall impose conditions of release pursuant to section 3146. No material witness shall be detained because of inability to comply with any condition of release if the testimony of such witness can adequately be secured by deposition, and further detention is not necessary to prevent a failure of justice. Release may be delayed for a reasonable period of time until the deposition of the witness can be taken pursuant to the Federal Rules of Criminal Procedure.

§3150. Penalties for failure to appear

Whoever, having been released pursuant to this chapter, willfully fails to appear before any court or judicial officer as required, shall, subject to the provisions of the Federal Rules of Criminal Procedure, incur a forfeiture of any security which was given or pledged for his release, and, in addition, shall, (1) if he was released in connection with a charge of felony, or while awaiting sentence or pending appeal or certiorari after conviction of any offense, be fined not more than \$5,000 or imprisoned not more than five years, or both, or (2) if he was released in connection with a charge of misdemeanor, be fined not more than maximum provided for such misdemeanor or imprisoned for not more than one year, or both, or (3) if he was released for appearance as a material witness, shall be fined not more than \$1,000 or imprisoned for not more than one year, or both.

Added Pub.L. 89-465, §3 (a), June 22, 1966, 80 Stat. 216.

§3151. Contempt

Nothing in this chapter shall interfere with or prevent the exercise by any court of the United States of its power to punish for contempt.

Added Pub.L. 89-465, §3(a), June 22, 1966 80 Stat. 216.

APPENDIX C

FINANCIAL REPORT (DOLLAR AMOUNTS IN THOUSANDS)

FISCAL YEAR 1977

	Allotted by Appropriation	Expended & Obli- gated through September	Total FY 1977	Balance- End Of FY
Personnel Compensation and Personnel Benefits	722.8	717.3	717.3	5.5
Communication, Print- ing, Supplies, Travel, Other Services	43.4	48.7	48.7	-5.3
TOTAL	766.2	766.0	766.0	+ .2

FINANCIAL REPORT (DOLLAR AMOUNTS IN THOUSANDS)

LEAA Grant - Development of Offender Based Tracking System
(OBTS)

Grant Period: June 30, 1976 through August 31, 1977

A.	Personnel: Programmer	17.0
B.	Benefits:	1.7
C.	Contractual: Reimbursement to MPD - Computer Assistance and Processing Time	116.6
D.	Equipment (Rental): 14 Display Terminals, 2 Control Units, 3 Printers, Telecommunication Lines	43.2
E.	Supplies and Training	<u>1.0</u>
	TOTAL	179.5

FINANCIAL REPORT (DOLLAR AMOUNTS IN THOUSANDS)

LEAA Grant - Development of Offender Based Tracking System
(OBTS)
Second Year Funding

Grant Period: February 12, 1978 through November 5, 1978

A.	Personnel: Programmer	18.3
B.	Benefits:	1.8
C.	Contractual: Reimbursement to MPD - Computer Assistance and Processing Time	91.0
D.	Equipment Rental:	<u>33.9</u>
	TOTAL	145.0



APPENDIX D

STATUTORY REPORT OF THE D.C. BAIL AGENCY FOR PERIOD JUNE 1, 1977 TO MAY 31, 1978

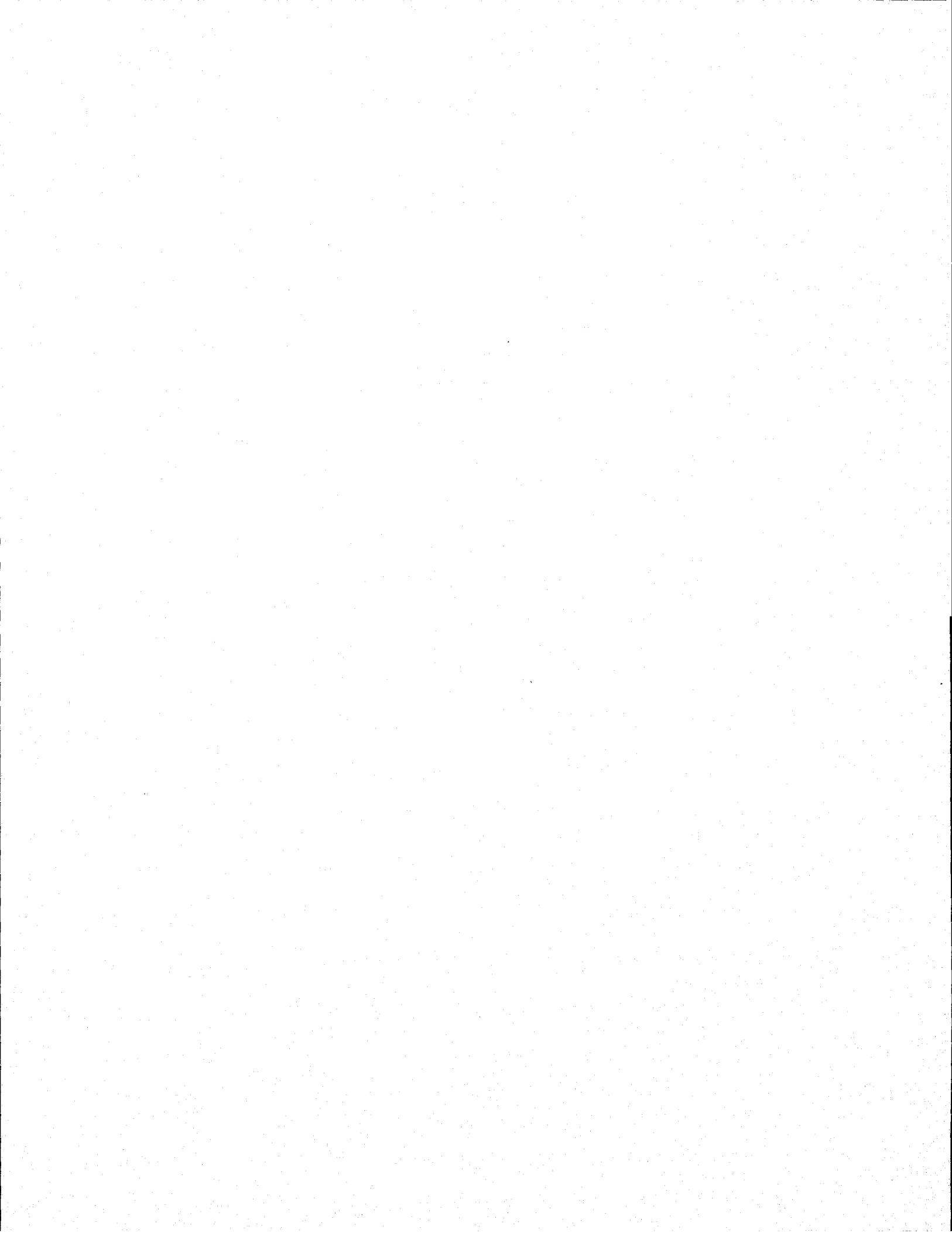
Public Law 91-358 or D.C. Code §23-1307 provides that on June 15 of each year the Director of the Bail Agency shall submit to the Executive Committee a report of the Agency's administration of its responsibilities for the period June 1 to May 31 of the previous year. Copies of the report are to be transmitted to the Congress of the United States and the Mayor of the District of Columbia.

Traditionally the Bail Agency has prepared statistical summaries of its operations not only for the period mandated by statute but also on a fiscal year basis for budget preparation purposes and on a calendar year basis for planning and comparison purposes. This year's statutory report is respectfully submitted with the calendar year report. A description of the Agency's responsibilities and workload can be found in the preceding pages. Due to the problems associated with the Agency's recent conversion from a manual to an automated information system precise workload statistics from June 1, 1977 to May 31, 1978 are not available at this time. However, the workload has remained relatively stable and the statistics compiled for the calendar year report give a good approximation of the activities of the Agency during the statutory reporting period.

Financial Condition

During fiscal year 1977, ending September 30, 1977, \$766,200 was appropriated for the Bail Agency (See Appendix C). The undisbursed balance was \$228.71. Until May of 1978 Congress had not passed a Budget for the District of Columbia and all District Agencies were operating by authority of a "continuing resolution." When the Fiscal 1978 budget was approved, \$887,600 was appropriated to the Bail Agency. Of this sum, \$100,000 is to be contracted for third party custody services.^{1/} In addition, on February 1, 1978, the Agency was awarded \$145,000 from the Law Enforcement Assistance Administration. This represents the Bail Agency's share of a \$600,000 grant to the District of Columbia for second year funding of an Offender Based Tracking System (OBTS).

^{1/} At the time of the printing of this report the process of awarding appropriate third party custody contracts had begun.



END