

**Standing Order re: Pre-Appearance Release by the Hennepin County
Public Safety Staff**

This Order sets the standards for pre-appearance release by the Hennepin County Public Safety Facility staff. This Order replaces the Standing Order re: Pre-Appearance Release by the Hennepin County Sheriff Public Safety Facility Staff issued June 18, 2024, and July 13, 2024.

Order

I. Driving While Impaired (DWI) Offenses

A. Felony DWI (First-Degree DWI)

1. **Detention on Probable Cause** – A person arrested for first-degree driving while impaired must be held without bail (HWB) until the person’s first court appearance,¹ unless the person’s release has been directed by either the prosecuting attorney or the arresting agency, or the person’s release is required because the applicable time periods that allow a person to be held without charges have expired.
2. **Formal Complaint Filed** – A person must be released upon posting the bail amount set in the complaint signed by a judge.

B. Driving While Impaired – Any Degree – While Inimical to Public Safety

1. **Detention on Probable Cause** – A person arrested for any degree of driving while impaired whose driving privileges are currently canceled as inimical to public safety must be held without bail (HWB) until the person’s first court appearance,² unless the person’s release has been directed by either the prosecuting attorney or the arresting agency, or the person’s release is required because the applicable time periods that allow a person to be held without charges have expired.
2. **Tab charged / Citation** - A person arrested for driving while impaired whose driving privileges are currently canceled as inimical to public safety must be held without bail (HWB) until the person’s first court appearance³.

¹ Minn. Stat. §169A.40, subd. 3(b).

² *Id.*

³ *Id.*

- 3. Formal Complaint Filed** - A person must be released upon posting the bail amount set in the complaint signed by a judge.

C. Gross Misdemeanor DWIs and Stand-Alone Gross Misdemeanor DAC-IPS

- 1. Detention on Probable Cause** – When a person is being held on probable cause that the person has committed one of these offenses, the person must be held without bail (HWB), unless a judge has set maximum bail (\$12,000⁴), the person’s release has been directed by either the prosecuting attorney or the arresting agency, or the person’s release is required because the applicable time periods that allow a person to be held without charges have expired.
- 2. Tab charged / Citation** – When an officer issues a tab charge or a citation for an offense under this section, the person must be released upon posting the maximum \$12,000⁵ bail or bond unless the person is ordered released earlier by a judge or the Department of Community Corrections and Rehabilitation (DOCCR) pursuant to the standards set forth in a separate standing order.
- 3. Formal Complaint Filed** – Defendants must be released upon posting the bail designated on the complaint, unless released without bail by DOCCR pursuant to the standards set forth in a separate standing order.

D. Misdemeanor DWIs⁶

- 1. Detention on Probable Cause** – When a person is being held on probable cause that the person has committed one of these offenses the person must be held without bail (HWB), unless a specific bail amount (which may be no bail required – “NBR”) is set by a judge, the person’s release has been directed by either the prosecuting attorney or the arresting agency, or the person’s release is required because the applicable time periods that allow a person to be held without charges have expired.
- 2. Tab charged / Citation** – When an officer issues a tab charge or a citation charging a person with a misdemeanor DWI offense under this section and the person is being held under Minn. R. Crim. P. 6.01, the person must be released upon posting the maximum \$4,000⁷ bond or cash bail, unless a specific bail amount (which may be no bail required – “NBR”) is set by a judge or the person is released by DOCCR pursuant to the standards set forth in a separate standing order.

⁴ Minn. Stat. §629.471, subd. 2(a).

⁵ *Id.*

⁶ Fourth Degree DWI with a DAC-IPS is not included here as it is included in Paragraph I.B.

⁷ Minn. Stat. §629.471, subd. 2(a).

3. **Formal Complaint Filed** – Defendants must be released upon posting the bail designated on the complaint, unless released by DOCCR pursuant to the standards set forth in a separate standing order.

II. Domestic Abuse Offenses⁸

A. No Contact Order Shall Issue - Any person released under this Order before making a court appearance who was being held related to a domestic abuse offense must be ordered to have no contact with the alleged victim(s) named in the police report and to stay at least three blocks away from the home and work addresses of the alleged victim(s). The electronic signature of the Criminal Presiding Judge may be applied to a Conditional Release Order by the Hennepin County Sheriff's Office to indicate the no contact conditions.

B. Violation of Domestic Abuse No Contact Order (DANCO) or Order for Protection (OFP) – All Offense Levels - Detention on Probable Cause – When a person is being held on probable cause that the person has committed a violation of a DANCO or OFP, the person shall be held without bail (HWB) for 36 hours (excluding the day of arrest, Sundays, and holidays) unless a judge has set bail or ordered the person's release.⁹

C. Felony Domestic Abuse Offenses

1. **Detention on Probable Cause¹⁰** – When a person is being held on probable cause that the person has committed a felony domestic abuse offense not otherwise addressed in this order, the person shall be held without bail (HWB), unless a judge has set bail or ordered the person's release, or the person's release has been directed by either the prosecuting attorney or the arresting agency, or the person's release is required because the applicable time periods that allow a person to be held without charges have expired.

2. **Formal Complaint Filed** – Defendants must be released upon posting the bail designated on the complaint, unless released without bail by DOCCR pursuant to the standards set forth in a separate standing order.

⁸ For the purposes of this order "domestic abuse offenses" means the following offenses: domestic assault, harassment, stalking, or violation of a DANCO or an OFP.

⁹ [Minn. Stat. §629.75, subd. 3](#); [Minn. Stat. § 518B.01, subd. 14\(e\)](#).

¹⁰ Felony violation of DANCO or OFP is governed by Paragraph II.B.

D. Gross Misdemeanor Domestic Abuse Offenses

1. **Detention on Probable Cause¹¹** - When a person is being held on probable cause that the person has committed one of these offenses, the person shall be held without bail (HWB), unless a judge has set bail or ordered the person released, or the person's release has been directed by either the prosecuting attorney or the arresting agency, or the person's release is required because the applicable time periods that allow a person to be held without charges have expired.
2. **Tab charged / Citation**
 - a. When an officer issues a tab charge or a citation charging a person with a gross misdemeanor violation of Minn. Stat. §518B.01 (OFP violation), §609.2242 (domestic assault) or §629.75 (DANCO violation) and the person is being held under Minn. R. Crim. P. 6.01, the person must be released upon posting the maximum \$30,000¹² bond or bail unless the person is ordered released earlier by a judge or the person is released by DOCCR pursuant to the standards set forth in a separate standing order.
 - b. When an officer issues a tab charge or a citation charging a person with a gross misdemeanor violation of Minn. Stat. §609.749 (harassment) and the person is being held under Minn. R. Crim. P. 6.01, the person must be released upon posting the maximum \$6,000¹³ bond or bail unless the person is ordered released earlier by a judge or the person is released by DOCCR pursuant to the standards set forth in a separate standing order.
3. **Formal Complaint Filed** – Defendants must be released upon posting the bail designated on the complaint, unless released without bail by DOCCR pursuant to the standards set forth in a separate standing order.

E. Misdemeanor Domestic Abuse Offenses

1. **Detention on Probable Cause¹⁴** - When a person is being held on probable cause that the person has committed one of these offenses, the person shall be held without bail (HWB), unless a judge has set bail or ordered the person released, or the person's release has been directed by either the prosecuting attorney or the arresting agency, or the person's release is required because the applicable time periods that allow a person to be held without charges have expired.

¹¹ PC hold for Gross Misdemeanor violation of DANCO or OFP is governed by Paragraph II.B.

¹² Minn. Stat. §629.471, subd. 3a.

¹³ Minn. Stat. §629.471, subd. 1.

¹⁴ PC hold for Misdemeanor violation of DANCO or OFP is governed by Paragraph II.B.

2. **Tab charged / Citation OFP or DANCO** - When an officer issues a tab charge or a citation charging a person with a misdemeanor violation of Minn. Stat. §518B.01 (OFP violation), or §629.75 (DANCO violation) and the person is being held under Minn. R. Crim. P. 6.01, the person shall be held without bail (HWB) for 36 hours (excluding the day of arrest, Sundays, and holidays)¹⁵. After the time has passed, the person must be released upon posting the maximum \$10,000¹⁶ bond or bail unless the person is ordered released by a judge or the person is released by DOCCR pursuant to the standards set forth in a separate standing order.
3. **Tab charged / Citation Domestic Assault** - When an officer issues a tab charge or a citation charging a person with a misdemeanor violation of §609.2242 (domestic assault) and the person is being held under Minn. R. Crim. P. 6.01, the person must be released upon posting the maximum \$10,000¹⁷ bond or bail unless the person is ordered released earlier by a judge or the person is released by DOCCR pursuant to the standards set forth in a separate standing order.
4. **Formal Complaint Filed** – Defendants must be released upon posting the bail designated on the complaint, unless released by DOCCR pursuant to the standards set forth in a separate standing order.

III. Other Felonies

- A. **Detention on Probable Cause** – When a person is being held on probable cause that the person has committed a felony not otherwise addressed in this order the person shall be held without bail (HWB), unless a judge has set bail or ordered the person’s release, or the person’s release has been directed by either the prosecuting attorney or the arresting agency, or the person’s release is required because the applicable time periods that allow a person to be held without charges have expired.
- B. **Formal Complaint Filed** – Defendants must be released upon posting the bail designated on the complaint, unless released by DOCCR pursuant to the standards set forth in a separate standing order.

IV. Other Gross Misdemeanors

- A. **Detention on Probable Cause** – When a person is being held on probable cause that the person has committed a Gross Misdemeanor not otherwise addressed in this order the person shall be held without bail (HWB), unless a judge has set bail or ordered the person’s release, or the person’s release has been directed by either the prosecuting

¹⁵ The person should be placed on the first available court calendar even if the 36 hours will not have expired before the calendar starts.

¹⁶ Minn. Stat. §629.471, subd. 3a.

¹⁷ *Id.*

attorney or the arresting agency, or the person's release is required because the applicable time periods that allow a person to be held without charges have expired.

- B. Tab charged / Citation** – When an officer issues a tab charge or a citation charging a person with a Gross Misdemeanor offense not otherwise addressed in this order and the person is being held under Minn. R. Crim. P. 6.01, the person must be released upon posting \$3,000 bond or \$500 cash bail unless the person is ordered released earlier by a judge or DOCCR pursuant to the standards set forth in a separate standing order.
- C. Formal Complaint Filed** - Defendants must be released upon posting the bail designated on the complaint, unless released by DOCCR pursuant to the standards set forth in a separate standing order.

V. Other Misdemeanors

A. Non-Payable Misdemeanors

- 1. Detention on Probable Cause** – When a person is being held on probable cause that the person has committed a misdemeanor that is not on the Statewide Payables List or the Hennepin County Ordinances Payables List, the person shall be held without bail (HWB), unless a judge has set bail or ordered the person's release, or the person's release has been directed by either the prosecuting attorney or the arresting agency, or the person's release is required because the applicable time periods that allow a person to be held without charges have expired. Nothing in this order shall limit an arresting officer's discretion to release the accused person without bail pending a formal complaint instead of a tab charge or citation.
- 2. Tab charged / Citation** – When an officer issues a tab charge or a citation charging a person with a misdemeanor that is not on the Statewide Payables List or the Hennepin County Ordinances Payables List, and the person is being held under Minn. R. Crim. P. 6.01, the person must be released upon posting \$300 bond or \$50 cash bail unless a different bail amount (which may be no bail required – “NBR”) is set by a judge or the person is released by DOCCR pursuant to the standards set forth in a separate standing order.
- 3. Formal Complaint Filed** – Defendants must be released upon posting the bail designated on the complaint, unless released without bail by DOCCR pursuant to the standards set forth in a separate standing order.

- B. Payable Misdemeanor and Petty Misdemeanor** – When a person is being held on probable cause that the person has committed a petty misdemeanor or a misdemeanor

on the Statewide Payables List¹⁸ or the Hennepin County Ordinances Payables List,¹⁹ a citation must be issued in lieu of continued detention.

VI. Exception For Release For Medical Necessity

The Sheriff or designee may release a person from custody without bail to a medical facility if the Sheriff believes it is medically necessary and consistent with public safety to do so. Such release shall occur without further order of the court only if the person is being held on a non-felony charge. The person should be given written notice of the next scheduled court appearance date.

VII. Authority To Apply Criminal Presiding Judge Signature To Conditional Release Forms

If a person is charged by a complaint that includes bail and conditions of release, and the person posts bail, the person shall be released on the conditions listed in the complaint. In such cases, a Conditional Release Order must be issued by the Hennepin County Sheriff's Office. Conditional Release Orders issued under this standing order may only contain conditions that do not require supervision by Probation ("above-the-line conditions"). The electronic signature of the Criminal Presiding Judge may be applied to Conditional Release Orders by the Hennepin County Sheriff's Office in accordance with this standing order.

By the Court:

Kerry W. Meyer

Chief Judge of District Court Date 11/7/2024

¹⁸ Statewide Payables Lists can be found at <https://www.mncourts.gov/GovernmentPartners/Statewide-Payables-Lists.aspx>.

¹⁹ Hennepin County Ordinances can be found at <https://mncourts.gov/GovernmentPartners/Local-Ordinances.aspx>. A fine amount is listed if payable. "Mandatory Court Appearance" is listed if not payable.