Missouri Association of Prosecuting Attorneys

Special Victims Best Practices Subcommittee
(Rule 33 Recommendations*)*
Approved August 2019

Note: A best practices recommendation of the Missouri Association of Prosecuting Attorneys is the product of careful consideration by experienced prosecuting attorneys. However, it is only a recommendation. A best practices recommendation may or may not be feasible or desirable to implement in every jurisdiction. There may be other methods in local jurisdictions to reach the same or similar objectives.

Definition of Special Victims: Special victims are victims of domestic violence, sexual assaults, elder abuse, child physical and sexual abuse, Internet crimes against children, human trafficking, harassment/ stalking, the disabled and victims with special needs.

Best Practices Statement: Prosecutors should be dedicated to seeking justice and preserving the integrity of the evidence in the case, as well as the safety of victims, pursuant to Article 1, Section 32.1(6), witnesses and the community, and victim and witness cooperation by seeking bonds and special conditions of release, which the defendant and surety must guarantee in accordance with Article 1, Section 32.2.

RECOMMENDATION #1: Prosecutors should work to train law enforcement to include relevant information in their probable cause statements including but not limited to:

1. Reasons the defendant may pose a danger to the victim, the victim's family and the community, including but not limited to:
    a) Presence of lethality & risk factors[1], such as:
        - *Whether physical violence increased in frequency or over the past year*
        - *Whether the defendant ever used a weapon against the victim or another person or threatened to do so*
        - *Whether the victim or others believe the defendant is capable of killing another person*
        - *Whether the defendant has ever put their hands around the victim's or another person's neck or throat*
        - *Whether the defendant is extremely and/or constantly jealous*

    b) Reference to the nature of the offense(s) set out in the body of the PC statement if the facts of the offense(s) support a continuing danger/threat to the victim, the community, or any other person.
    c) Additional destabilizing factors, such as:

[1] If the submitting law enforcement agency administers a "lethality assessment," thought should be given to attaching it to the PC statement and including a statement that references the lethality assessment and states that "it is incorporated by reference herein."

- recent separation from an intimate partner or other change in family and/or household circumstances, including death, hospitalization, dissolution and relocation.
- mental health/ behavioral changes or indicators, including suicidal and/or homicidal ideation
- recent employment or financial hardship
- child custody modification/ disputes
- substance abuse

d) Defendant's history of violence against special victims, which goes beyond defendant's arrest and conviction history to any known instances of violence against special victims reported by the victim or other parties (beyond the current charges and type of victim), such as

- animal abuse
- domestic violence
- sexual violence
- elder abuse/ special needs
- child physical and/or sexual abuse/child pornography
- human trafficking
- harassment/ stalking

e) Other risk factors to the victim or the victim's family, such as:

- geographical proximity to the victim
- other types of access to the victim or the victim's family, such as work or school, or custody arrangements
- ownership or possession of weapons

f) Facts showing offense(s) committed in violation of bond or probation conditions.

g) Facts about the defendant forcibly resisting arrest or threatening arresting law enforcement officers and/or facts about danger posed by defendant resisting by flight.

h) Defendant's unlawful possession of firearms or other weapons.

2. Reasons the defendant may not appear in court, such as:
   - *Prior failures to appear*
   - *Prior resisting arrests*
   - *Probation/ parole warrants and history of warrants*
   - *Driver's license status*
   - *Prior extraditions, or Governor's Warrant*
   - *Defendant's connection to jurisdiction, such as Defendant is homeless, is transient, has no local address, or has no local ties.*
   - *Prior convictions*
   - *Offense committed while on pre-trial release or probations*
   - *Prior court order violations*
   - *Defendant's flight or other efforts to avoid apprehension.*
   - *Defendant statements about or preparations for flight.*
   - *Law enforcement contacts showing defendant's continued and repeated undeterred criminal conduct (this could include repeated municipal violations in addition to state law violations).*

RECOMMENDATION #2: Prosecutors should work with law enforcement to bring completed warrant referral packets to the prosecutor as soon as possible. Absent extenuating circumstances, law enforcement should bring the completed warrant referral packet to the prosecutor's office within 5 days of the incident or its reporting to law enforcement. *See Initial General Recommendations and Domestic Violence Recommendations for additional guidance on the timing of charging decisions.*

Commentary: Prosecutors requests to seek a warrant/bond and appropriate conditions are greatly weakened when the charges are not filed quickly after the incident or its reporting to law enforcement.

RECOMMENDATION #3: Absent extenuating circumstances, prosecutors should always seek a warrant in all cases involving violence against special victims. *See Domestic Violence Recommendations #9(2).* Subject to Recommendation #4, prosecutors should file a memo with the court requesting special conditions which will provide for the protection and safety of the community or other person, including but not limited to the crime victims and witnesses, the victim's family and others. *See attached Sample Memos, which may be adapted for the case and jurisdiction.*

RECOMMENDATION #4: If prosecutors believe the defendant is a danger to the community or other person, including but not limited to the crime victims and witnesses, the victim's family and others, prosecutors should seek detention pursuant to Rule 33.01(d). Prosecutors should consider numerous factors, including but not limited to those listed in Recommendation #1, and file a Motion to Detain. Prosecutors should be prepared to present evidence at the detention hearing to meet the clear and convincing standard of proof required by Rule 33.01(d).

Commentary: It should be noted that, pursuant to Rule 33.07, the rules of evidence need not apply at bond hearings. The burden of proof to hold a defendant without bond is clear and convincing evidence otherwise the conditions are set in the discretion of the court on the basis of available information. See Rule 33.01(d).

RECOMMENDATION #5: If prosecutors are not able to obtain detention, and do not feel that special conditions alone will secure defendant's appearance or the safety of the community or other person, including but not limited to the crime victims and witnesses, the victim's family and others, prosecutors should request additional conditions of release which may include monetary bond, which should be guaranteed by the surety in accordance with Article 1, Section 32.2.

1. If prosecutors are unable to secure a monetary bond pursuant to Rule 33.01(c), prosecutors should request Released on Own Recognizance bond, with a monetary value included, including special bond conditions, such as those referenced in the attached Sample Memos.
2. Prosecutors should monitor the defendant's compliance with said special non-monetary bond conditions and diligently enforce said special conditions of bond. *See Domestic Violence Recommendations #9(4).*
3. If Defendant violates said special conditions, prosecutors should seek immediate re-arrest of the defendant pursuant to Rules 33.01(f) and 33.08. *See Domestic Violence Recommendations #9(4).*
4. Prosecutors should consider requesting the court order a no bond warrant when prosecutors believe the life, safety and/or health of the victim, witnesses, defendant and/or the community are in danger. Prosecutors should be prepared to provide those extenuating circumstances to

the court in a written recommendation to hold without bond and be prepared to conduct a detention hearing.

Commentary: Prosecutors should be aware that special conditions of bond are broken into 2 categories, non-monetary and monetary. Monetary conditions include conditions that require the defendant to pay some money, such as SCRAM and electronic monitoring. Non-monetary conditions include, no contact, no social media, relinquishing weapons, etc. Prosecutors must consider non-monetary special conditions before recommending monetary conditions. If non-monetary conditions cannot ensure the safety of the victim, witnesses and community then prosecutors should request monetary special conditions.

RECOMMENDATION #6: Absent detention or a pre-trial services agency, prosecutors should request the Court require the defendant to report to the Court at a minimum one time per week to ascertain compliance with pre-trial conditions.

Prosecutors should consider seeking the additional following conditions of release:

1. No contact with the victim by any means, including indirect contact such as via another person and/or social media. No contact includes anywhere the victim may be, such as public places where the defendant may encounter the victim.
2. No contact with the victim's family by any means, including indirect contact such as via another person and/or social media. No contact includes anywhere the victim's family may be, such as public places where the defendant may encounter the victim's family.
3. No abusive or assaultive behavior
4. Not possess computer or internet capable device
5. Not be near parks, schools or other places where children congregate
6. No contact with persons under the age of 18.
7. House arrest or electronic monitoring
8. Drug/ alcohol monitoring, such as SCRAM or the Patch.
9. Firearms seized or turned over to law enforcement agency or 3rd party in court, with an affidavit by 3rd party that 3rd party understands conditions of release.
10. Child support
11. Supervised custody/ visitation, with appropriate, independent 3rd party.
12. Parenting classes
13. Substance abuse assessment
14. Sex offender assessment
15. Not possess or consume alcohol or other mood-altering substances without prescription of a physician.
16. Domestic violence education seminar

RECOMMENDATION #7: Prosecutors should notify victims within 24 hours of filing charges against the defendant. At that time, prosecutors should notify victims of defendant's right to review of bond within 48 hours and again in 7 days, pursuant to Rules 22.07, 22.08(c), and 33.05, and their right to be notified and heard pursuant to the above referenced rules as well as Article 1, Section 32.1(2) and Section 595.209.1(4).

Prosecutors should ensure that the victim is notified directly, a letter will not suffice.

Commentary: Victims should be notified and if they are unable to appear, prosecutors should consider obtaining a statement from the victim. Prosecutors should notify the victim that any text message, email or other written or recorded statement may have to be provided to the defense as part of our Rule 25.03 discovery obligations.

RECOMMENDATION #8: Prosecutors should be prepared to present evidence at the bond hearing in addition to the victim's statement, such as:

- *911 calls*
- *Jail calls and/or other correspondence from the defendant and/or his family or associates, including social media posts*
- *Pictures, videos, medical records or other evidence*
- *Law enforcement officers and/or other witnesses*
- *Evidence of any other factors referenced in Recommendation #1*

RECOMMENDATION #9: In order to effectively handle special victims' cases, prosecutors should seek to obtain and maintain current training specific to special victims' cases and the impact of trauma. Prosecutors should seek opportunities to further train law enforcement on the knowledge they have received relative to special victims' cases.

Commentary: The National District Attorneys Association, the Missouri Office of Prosecution Services (MOPS) and other organizations frequently provide specialized training related to special victims. Scholarships and other financial assistance are often available to attend these trainings. After completing a comprehensive initial training, prosecutors should continue to hone their craft by seeking out Continuing Legal Education opportunities related to the prosecution of special victims' cases. MOPS provides training by webinar at no cost to Missouri's prosecutors.

«TableStart_Case»IN THE CIRCUIT COURT OF GREENE COUNTY, MISSOURI

STATE OF MISSOURI,	)
Plaintiff,	)
vs.	) Case No. «Cs_CauseNumber»
	)
	) PA File No. «Cs_FileNumber»
«DEF_FIRSTNAME» «DEF_MIDDLENAME» «DEF_LASTNAME» «DEF_NAMESUFFIX»	)
Defendant.	)

STATE'S REQUEST FOR ARREST WARRANT AND TO DETAIN PENDING TRIAL

COMES NOW, Plaintiff, State of Missouri, pursuant to the Missouri Constitution, Article I, Section 32.2; Sections 544.457 and 544.676, RSMo; and Missouri Supreme Court Rules 22.04, 22.05, and 33.01; and, based upon the probable cause statement filed contemporaneously herewith and incorporated by reference herein and the statements in support of request for conditions of release set out below, requests that the Court issue an arrest warrant and that defendant be detained pending trial. In support of the request for issuance of a warrant and to detain pending trial, Plaintiff further states:

1. Pursuant to Missouri Supreme Court Rule 22.04, the probable cause statement filed contemporaneously herewith and incorporated by reference herein provides sufficient facts to show that a felony has been committed and that there are reasonable grounds to believe the defendant will not appear upon a summons and/or that the defendant poses a danger to a crime victim, the community or any other person.

2. Pursuant to Missouri Supreme Court Rule 22.04(d); the Missouri Constitution, Article I, Section 32.2; Sections 544.457 and 544.676, RSMo; and Missouri Supreme Court Rule 33.01(d); and based on the probable cause statement filed herein, and the following additional available information, the State requests the Court find there is clear and convincing evidence that no combination of nonmonetary conditions and monetary conditions will secure the safety of the community or other person, including but not limited to the crime victim(s) and witness(es) and that the Court order that the defendant be detained pending trial or other disposition:

3. Alternatively, should the Court not order the Defendant detained pending trial, Plaintiff requests that the Court,

a. Impose the conditions of release required by Missouri Supreme Court Rule 33.01(b) as set out in Exhibit A to Arrest Warrant,

b. Find that additional conditions of release set out in Exhibit A to Arrest Warrant are necessary to secure the appearance of the Defendant at trial, or any other stage of the criminal proceeding, or the safety of the community or other person, including but not limited to crime victims and witnesses, and

c. Set bail upon a finding that non-monetary conditions alone will not secure the appearance of the defendant at trial, or any other stage of the criminal proceedings, or the safety of the community or other person including but not limited to the crime victim(s) and witness(es) and that security or supervision by a surety is necessary to ensure the defendant's appearance and compliance with the Court's conditions of release.

WHEREFORE, Plaintiff prays that the Court issue an arrest warrant for the defendant and that defendant be detained pending trial and for such other and further relief as the Court finds just and proper.

Respectfully submitted,

_____

«Cs_PAFirstName» «Cs_PAMiddleName» «Cs_PALastName»

«Cs_PATitle»

Mo. Bar No. «Cs_ProsecutingAttorney»

1010 Boonville

Springfield, MO 65802

(417) 868-4061

FAX (417) 868-4160«TableEnd_Case»

EXHIBIT A«TableStart_Case» TO ARREST WARRANT

State of Missouri v. «Def_FirstName» «Def_MiddleName» «Def_LastName» «Def_NameSuffix»
Case No: «Cs_CauseNumber»«TableEnd_Case»

The Court finds, pursuant to Missouri Supreme Court Rule 22.04, based upon the probable cause statement filed herein that there are reasonable grounds to believe:

☐ the defendant will not appear upon a summons

☐ the defendant poses a danger to a crime victim, the community, or any other person

☐ DETAIN PENDING TRIAL OR OTHER DISPOSITION. The Court further finds, pursuant to the Missouri Constitution, Article I, Section 32.2, Sections 544.457 and 544.676, RSMo, and Missouri Supreme Court Rule 33.01(d), that, by clear and convincing evidence, based upon the showing and available information in the State's Request for Arrest Warrant and Pretrial Detention and the probable cause statement filed herein, no combination of nonmonetary conditions and monetary conditions will secure the safety of the community or other person including the victim(s) and witness(es) and the Court, therefore, denies bail herein and orders the defendant detained pending trial and any other stage of the criminal proceeding.

SPECIAL CONDITIONS OF RELEASE:

If defendant is released on bail or otherwise, pursuant to Missouri Supreme Court Rule 33.01(b) the defendant's release shall be upon the condition that:

☒ [33.01(b)(1)] Defendant will appear in the court in which the case is prosecuted or appealed, as ordered by the Court.

☒ [33.01(b)(2)] Defendant will submit to the orders, judgment and sentence, and process of the Court.

☒ [33.01(b)(3)] Defendant shall not commit any new offenses and shall not tamper with any victim or witness in this case, nor have any person do so on the defendant's behalf.

☒ [33.01(b)(4)] Defendant shall comply fully with any and all conditions imposed by the Court in granting release.

☐ If the defendant is released on bail or otherwise, the Court finds, pursuant to the Missouri Constitution, Article I, Section 32.2; Sections 544.457 and 544.676, RSMo; and Missouri Supreme Court Rule 33.01(c), that based upon the probable cause statement, the available information from the State's Request for Arrest Warrant and Conditions of Release, and the factors in Rule 33.01(e), the above conditions are not sufficient and that the following additional conditions of release are necessary to ensure the defendant appears at trial, or any other stage of the criminal proceedings, and the safety of the community or other person, including but not limited to the victim(s) and witness(es):

☒ [33.01(c)(16)] Within 24 hours of release, Defendant shall go to the web site: https://www.courts.mo.gov/casenet/, look up this case by case number, and register for "track this case" to receive reminders of court dates.

☐ [33.01(c)(1)] The defendant is placed in the custody of the following designated person or organization agreeing to supervise the defendant: _____.

☐ [33.01(c)(2)]The defendant's travel, association and place of abode is restricted as follows:

- ☐ Defendant to have no contact with any victim and not to be within 1,000 feet of any victim, or any victim's residence or place of employment/education.
- ☐ Defendant not to associate with any co-defendant, accomplice, or co-actor.
- ☐ Defendant to reside at the home of record on file with the Court and to report any change in address to the Court within twenty-four hours.
- ☐ Defendant to have no contact with children under eighteen (18) years of age.
- ☐ Defendant not to be on premises of any park, school, daycare, playground, recreational facility, or other place where children congregate.
- ☐ Defendant not to be on premises of establishment where the primary item for sale is alcoholic beverages.
- ☐ Defendant shall surrender his/her passport to the Court.
- ☐ _____

☐ [33.01(c)(3)] The Defendant shall report regularly as follows:

☐ to the Court's bailiff _____.

☐ to Defendant's bonding company weekly. (Bonding company to report to the Court any failure of the defendant to report within 24 hours and to file a compliance report regarding conditions of release monthly with the Court)

☐ to Greene County Pretrial Services within 24 hours of release and to follow all Pretrial Services' directives.

☐ to _____.

☐ [33.01(c)(4)] Defendant shall wear a GPS location electronic monitoring device. ***Provider's 24-hour contact information to be filed with Court. Provider to immediately call 911 to report device tampering violations for investigation under Section 575.205, RSMo.*** (See below for specific travel exclusion zones, if any)

☐ [33.01(c)(4)] Defendant shall wear an electronic continuous alcohol monitoring system. ***Provider's 24-hour contact information to be filed with Court. Provider to immediately call 911 to report device tampering violations for investigation under Section 575.205, RSMo.***

☐ [33.01(c)(4)] Defendant shall comply with random testing for drug or alcohol use _____.

☐ [33.01(c)(4)] Defendant shall not operate any motor vehicle without installing and using an ignition interlock device.

☐ [33.01(c)(4)] Defendant to be administered the RANT (Risk and Needs Assessment Triage tool) by Greene County Pretrial Services.

☐ [33.01(c)(5)] Defendant shall ☐seek employment, ☐maintain employment, ☐maintain or commence an educational program as follows: _____.

☐ [33.01(c)(6)] Defendant shall comply with a curfew and be in his residence from 9:00 pm to 5:00 am.

☐ [33.01(c)(7)/33.01(c)(16)] Defendant shall not possess a firearm, ammunition, or other deadly weapon or have any such weapons in Defendant's residence or vehicle and Defendant to surrender to Sheriff any Concealed Carry (CCW) permit;

☐ [33.01(c)(8)] Defendant shall abstain from possession or use of alcohol or any controlled substance without a physician's prescription.

☐ [33.01(c)(9)] Defendant shall undergo medical, psychological or psychiatric treatment, including treatment for drug or alcohol dependency and remain in a specified institution if required for that purpose as follows: _____.

☐ [33.01(c)(10)] Defendant shall be released from custody from _____ to _____:

☐ for employment at _____

☐ for school at _____

☐ for treatment at _____

☐ for the following _____

and to return to custody by or a warrant will immediately issue.

☐ [33.01(c)(11)] Defendant shall be placed on home supervision:

☐ without the use of an electronic monitoring device.

☐ with the use of GPS electronic monitoring device with house arrest from choose start time to choose end time (if no times specified, house arrest inside defendant's residence is 24 hours and 7 days a week). (***Provider's 24-hour contact information to be filed with court. Provider to immediately call 911 to report device tampering violations for investigation under Section 575.205, RSMo***)

Travel exceptions for house arrest which must be prescheduled with the Electronic Monitor/GPS provider:

☐ Defendant may travel directly to and from appointments with defense attorney

☐ Defendant may travel directly to and from medical appointments

☐ Defendant may travel directly to and from grocery store closest to residence

☐ Defendant may travel directly to and from place of employment

☐ [33.01(c)(4)/33.01(c)(11)] GPS Travel Exclusion Zones for Defendant's subject to GPS location monitoring or home supervision. The following locations where the victim may be found are already known to defendant and, pursuant to Section 595.226.2, RSMo., the Court FINDS that limited disclosure of such locations as ordered herein will not compromise but will instead facilitate the safety of the victim and, therefore, the Court ORDERS that prior to any release, the defendant shall be notified that he/she may not travel in or be in these exclusion zones and that said exclusion zones shall be made known to the Prosecutor's Office, Defendant's Attorney, Defendant's Pretrial Service Officer and/or Bondsman and the GPS provider (***GPS provider to immediately call 911 to report exclusion zone violations and request victim wellbeing check***):

_____.

☐ [33.01(c)(16)] Other conditions as follows: _____.

BAIL DETERMINATION (*complete if pretrial detention not ordered*):

☐ Release on own recognizance with the above conditions of release.

☐ BAIL set at _____. Pursuant to Missouri Supreme Court Rule 33.01(c), the Court finds that based upon the probable cause statement and other available information contained in the State's Request for Arrest Warrant and Conditions of Release, nonmonetary conditions alone will not secure the appearance of the defendant at trial, or at any other stage of the criminal proceedings and that the safety of the community or other person, including but not limited to crimes victims or witnesses and that security or supervision by a surety is necessary to ensure the defendant's appearance and compliance with the Court's conditions of release:

☐ Surety bond

☐ Cash bond deposited with Court

☐ Property bond approved by the Court

☐ OPEN COURT ONLY BOND (by administrative order applies automatically to bonds $25,000 and higher)

«TableStart_Case»IN THE CIRCUIT COURT OF GREENE COUNTY, MISSOURI

STATE OF MISSOURI,	)
Plaintiff,	)
vs.	) Case No. «Cs_CauseNumber»
	)
	) PA File No. «Cs_FileNumber»
«DEF_FIRSTNAME» «DEF_MIDDLENAME» «DEF_LASTNAME» «DEF_NAMESUFFIX»	)
Defendant.	)

STATE'S REQUEST FOR ARREST WARRANT AND CONDITIONS OF RELEASE

COMES NOW, Plaintiff, State of Missouri, pursuant to the Missouri Constitution, Article I, Section 32.2; Sections 544.457 and 544.676, RSMo; and Missouri Supreme Court Rules 22.04, 22.05, and 33.01; and, based upon the probable cause statement filed contemporaneously herewith and incorporated by reference herein and the statements in support of request for conditions of release set out below, requests that the Court issue an arrest warrant with the conditions of release set out in Exhibit A to Arrest Warrant. In support of the request for issuance of a warrant and conditions of release, Plaintiff further states:

1. Pursuant to Missouri Supreme Court Rule 22.04, the probable cause statement filed contemporaneously herewith and incorporated by reference herein provides sufficient facts to show that a felony has been committed and that there are reasonable grounds to believe the defendant will not appear upon a summons and/or that the defendant poses a danger to a crime victim, the community or any other person.

2. Plaintiff requests that the Court impose the conditions of release required by Missouri Supreme Court Rule 33.01(b) as set out in Exhibit A to Arrest Warrant.

3. Pursuant to Missouri Supreme Court Rule 22.04(d), based on the probable cause statement filed herein, the following additional available information, and the factors set forth in Rule 33.01(e), Plaintiff further requests that the Court find that additional conditions of release set out in Exhibit A to Arrest Warrant are necessary to secure the appearance of the defendant at trial, or any other stage of the criminal proceeding, or the safety of the community or other person, including but not limited to crime victims and witnesses:

Automated notification of upcoming court appearances is highly effective at reducing the risk of failure to appear.[2] In addition,

4. The State further requests pursuant to Rule 33.01(c) that the Court find that non-monetary conditions alone will not secure the appearance of the defendant at trial, or any other stage of the criminal proceedings, or the safety of the community or other person including but not limited to the crime victim(s) and witness(es) and that security or supervision and guarantee by a surety is necessary to ensure the defendant's appearance and compliance with the Court's conditions of release.

---

[2] Eckert, M. and Rouse, M. (1991). The 1991 Court-Date Notification Study: A Preliminary Report on CJA Notification Procedures and Their Impact on Criminal Court Failure-to-Appear Rates, February 4, 1991 Through March 27, 1991. New York, NY: New York City Criminal Justice Agency. Rouse, M. and Eckert, M. (1992). Arraignment-Date Notification and Arraignment Appearance of Defendants Released on Desk Appearance Tickets: A Summary of Preliminary Findings. New York, NY: New York City Criminal Justice Agency. Murray, C., Polissar, N., and Bell, M. (1998). The Misdemeanant Study: Misdemeanors and Misdemeanor Defendants in King County, Washington, Seattle, WA. Crozier, T.L. (2000). The Court Hearing Reminder Project: "If You Call Them, They Will Come," King County, WA: Institute for Court Management Court Executive Development Program. Nice, M. (2006). Court Appearance Notification System: Process and Outcome Evaluation, A Report for the Local Public Safety Coordinating Council and the CANS Oversight Committee. White, W. F. (2006). Court Hearing Call Notification Project, Coconino County, AZ: Criminal Coordinating Council and Flagstaff Justice Court. Jefferson County Criminal Justice Planning Unit (2006). Jefferson County Court Notification Program Six Month Program Summary, Jefferson County, CO. Herian, M.N. and Bornstein, B.H. (2010). "Reducing Failure to Appear in Nebraska: A Field Study," The Nebraska Lawyer, 13, no. 8. Kainu, M. (2014). Automated Court Notifications. Washington, D.C.: District of Columbia Pretrial Services Agency.

BAIL AMOUNT REQUESTED: $_____

☐ OPEN COURT ONLY BOND (by administrative order applies automatically to bonds $25,000 and higher)

☐ Surety Bond

☐ Cash only Bond

WHEREFORE, Plaintiff prays that the Court issue an arrest warrant for the defendant and that Court impose the conditions of release indicated in Exhibit A to the Arrest Warrant and for such other and further relief as the Court finds just and proper.

Respectfully submitted,

_____

«Cs_PAFirstName» «Cs_PAMiddleName» «Cs_PALastName»

«Cs_PATitle»

Mo. Bar No. «Cs_ProsecutingAttorney»

1010 Boonville

Springfield, MO 65802

(417) 868-4061

FAX (417) 868-4160«TableEnd_Case»

EXHIBIT A«TableStart_Case» TO ARREST WARRANT

State of Missouri v. «Def_FirstName» «Def_MiddleName» «Def_LastName» «Def_NameSuffix»
Case No: «Cs_CauseNumber»«TableEnd_Case»

The Court finds, pursuant to Missouri Supreme Court Rule 22.04, based upon the probable cause statement filed herein that there are reasonable grounds to believe:

☐ the defendant will not appear upon a summons

☐ the defendant poses a danger to a crime victim, the community, or any other person

SPECIAL CONDITIONS OF RELEASE:

Pursuant to Missouri Supreme Court Rule 33.01(b) the defendant's release shall be upon the condition that:

☒ [33.01(b)(1)] Defendant will appear in the court in which the case is prosecuted or appealed, as ordered by the Court.

☒ [33.01(b)(2)] Defendant will submit to the orders, judgment and sentence, and process of the Court.

☒ [33.01(b)(3)] Defendant shall not commit any new offenses and shall not tamper with any victim or witness in this case, nor have any person do so on the defendant's behalf.

☒ [33.01(b)(4)] Defendant shall comply fully with any and all conditions imposed by the Court in granting release.

The Court further finds, pursuant to the Missouri Constitution, Article I, Section 32.2; Sections 544.457 and 544.676, RSMo; and Missouri Supreme Court Rule 33.01(c), that based upon the probable cause statement, the available information from the State's Request for Arrest Warrant and Conditions of Release, and the factors in Rule 33.01(e), the above conditions are not sufficient and that the following additional conditions of release are necessary to ensure the defendant appears at trial, or any other stage of the criminal proceedings, and the safety of the community or other person, including but not limited to the victim(s) and witness(es):

☒ [33.01(c)(16)] Within 24 hours of release, Defendant shall go to the web site: https://www.courts.mo.gov/casenet/, look up this case by case number, and register for "track this case" to receive reminders of court dates.

☐ [33.01(c)(1)] The defendant is placed in the custody of the following designated person or organization agreeing to supervise the defendant: _____.

☐ [33.01(c)(2)]The defendant's travel, association and place of abode is restricted as follows:

- ☐ Defendant to have no contact with any victim and not to be within 1,000 feet of any victim, or any victim's residence or place of employment/education.
- ☐ Defendant not to associate with any co-defendant, accomplice, or co-actor.
- ☐ Defendant to reside at the home of record on file with the Court and to report any change in address to the Court within twenty-four hours.
- ☐ Defendant to have no contact with children under eighteen (18) years of age.
- ☐ Defendant not to be on premises of any park, school, daycare, playground, recreational facility, or other place where children congregate.
- ☐ Defendant not to be on premises of establishment where the primary item for sale is alcoholic beverages.
- ☐ Defendant shall surrender his/her passport to the Court.
- ☐ _____

☐ [33.01(c)(3)] The Defendant shall report regularly as follows:

- ☐ to the Court's bailiff _____.
- ☐ to Defendant's bonding company weekly. (Bonding company to report to the Court any failure of the defendant to report within 24 hours and to file a compliance report regarding conditions of release monthly with the Court)
- ☐ to Greene County Pretrial Services within 24 hours of release and to follow all Pretrial Services' directives.

☐ to _____.

☐ [33.01(c)(4)] Defendant shall wear a GPS location electronic monitoring device. ***Provider's 24-hour contact information to be filed with Court. Provider to immediately call 911 to report device tampering violations for investigation under Section 575.205, RSMo.*** (See below for specific travel exclusion zones, if any)

☐ [33.01(c)(4)] Defendant shall wear an electronic continuous alcohol monitoring system. ***Provider's 24-hour contact information to be filed with Court. Provider to immediately call 911 to report device tampering violations for investigation under Section 575.205, RSMo.***

☐ [33.01(c)(4)] Defendant shall comply with random testing for drug or alcohol use _____.

☐ [33.01(c)(4)] Defendant shall not operate any motor vehicle without installing and using an ignition interlock device.

☐ [33.01(c)(4)] Defendant to be administered the RANT (Risk and Needs Assessment Triage tool) by Greene County Pretrial Services.

☐ [33.01(c)(5)] Defendant shall ☐seek employment, ☐maintain employment, ☐maintain or commence an educational program as follows: _____.

☐ [33.01(c)(6)] Defendant shall comply with a curfew and be in his residence from 9:00 pm to 5:00 am.

☐ [33.01(c)(7)/33.01(c)(16)] Defendant shall not possess a firearm, ammunition, or other deadly weapon or have any such weapons in Defendant's residence or vehicle and Defendant to surrender to Sheriff any Concealed Carry (CCW) permit;

☐ [33.01(c)(8)] Defendant shall abstain from possession or use of alcohol or any controlled substance, without a physician's prescription.

☐ [33.01(c)(9)] Defendant shall undergo medical, psychological or psychiatric treatment, including treatment for drug or alcohol dependency and remain in a specified institution if required for that purpose as follows: _____.

☐ [33.01(c)(10)] Defendant shall be released from custody from _____ to _____:

☐ for employment at _____

☐ for school at _____

☐ for treatment at _____

☐ for the following _____

and to return to custody by or a warrant will immediately issue.

☐ [33.01(c)(11)] Defendant shall be placed on home supervision:

☐ without the use of an electronic monitoring device.

☐ with the use of GPS electronic monitoring device with house arrest from choose start time to choose end time (if no times specified, house arrest inside defendant's residence is 24 hours and 7 days a week). (***Provider's 24-hour contact information to be filed with court. Provider to immediately call 911 to report device tampering violations for investigation under Section 575.205, RSMo***)

Travel exceptions for house arrest which must be prescheduled with the Electronic Monitor/GPS provider:

☐ Defendant may travel directly to and from appointments with defense attorney

☐ Defendant may travel directly to and from medical appointments

☐ Defendant may travel directly to and from grocery store closest to residence

☐ Defendant may travel directly to and from place of employment

☐ [33.01(c)(4)/33.01(c)(11)] GPS Travel Exclusion Zones for Defendant's subject to GPS location monitoring or home supervision. The following locations where the victim may be found are already known to defendant and, pursuant to Section 595.226.2, RSMo., the Court FINDS that limited disclosure of such locations as ordered herein will not compromise but will instead facilitate the safety of the victim and, therefore, the Court ORDERS that prior to any release, the defendant shall be notified that he/she may not travel in or be in these exclusion zones and that said exclusion zones shall be made known to the Prosecutor's Office, Defendant's Attorney, Defendant's Pretrial Service Officer and/or Bondsman and the GPS provider (***GPS provider to immediately call 911 to report exclusion zone violations and request victim wellbeing check***):

_____.

☐ [33.01(c)(16)] Other conditions as follows: _____.

BAIL DETERMINATION:

☐ Release on own Recognizance with the above conditions of release.

☐ BAIL set at _____. Pursuant to Missouri Supreme Court Rule 33.01(c), the Court finds that based upon the probable cause statement and other available information contained in the State's Request for Arrest Warrant and Conditions of Release, nonmonetary conditions alone will not secure the appearance of the defendant at trial, or at any other stage of the criminal proceedings and that the safety of the community or other person, including but not limited to crimes victims or witnesses and that security or supervision by a surety is necessary to ensure the defendant's appearance and compliance with the Court's conditions of release:

☐ Surety bond

☐ Cash bond deposited with Court

☐ Property bond approved by the Court

☐ OPEN COURT ONLY BOND (by administrative order applies automatically to bonds $25,000 and higher)