

EXHIBIT E

UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT

TRE MCPHERSON, ET AL.,	:	CIVIL NO. 3:20-CV-0534 (JBA)
<i>Petitioners,</i>	:	
	:	
v.	:	
	:	
NED LAMONT, ET AL.,	:	
<i>Respondents.</i>	:	MAY 1, 2020

DECLARATION OF ROBERT J. CRISTIANO

The undersigned declarant, Robert J. Cristiano, being duly sworn, hereby deposes and declares under the pains and penalties of perjury, pursuant to 28 USC §1746, that:

1. I work for the Connecticut Judicial Branch, in the Bail Services unit of the Court Support Services Division, (CSSD), as a Regional Manager. I have been with the Judicial Branch for 29 years and in my current role since 2010.

2. My 29 years working for the Judicial Branch, CSSD began with 10 years within Adult Probation Services, followed by 19 years within Bail Services. During this time, I spent approximately 5 years as a Supervisor and 10 years as a Regional Manager.

3. As a Regional Manager, I oversee the Bail Services offices at nine court locations and statewide Night Bail Services operations, and provide direct oversight of eight supervisors. My primary responsibilities are to oversee operational functions, develop and implement changes, manage staff, develop and deliver trainings, evaluate and measure performance, and report and measure agency outcomes. I also oversee the Eligibility Investigation Unit for one of our diversionary programs, the Pretrial Alcohol Education Program. I am a liaison to internal and external stakeholders, and my duties at times include training and answering questions for the State's Attorney's Office, Public Defender's Office, defense attorneys, as well as Judicial Branch staff, including training at judges' conferences when asked to do so:

4. Based on my own personal knowledge, background and experience I can explain the system of bail in the Connecticut court system briefly as follows, in this flow chart:

System flow as to how a client moves through the bail system

Police encounter

Custodial arrest by police:

- If arrested on a warrant containing a court-set bond amount:
 - Client bonds out; or
 - Client remains in custody
- If arrested on a warrant allowing the police to set the bond amount or arrested without a warrant, and the police set the bond amount with or without non-financial conditions of release in accordance with Connecticut General Statutes § 54-63c:
 - Client bonds out; or
 - Client remains in custody

Bail review during non-court hours

- During non-court hours, Bail Services conducts Bail Intake Interviews and Investigations pursuant to Connecticut General Statutes §§ 54-63d and 54-63b (a) for all clients who remain in custody on police-set bond amounts, prioritizing clients whose bond amounts are likely to be affected as a result of the bail review.
- Bail Services options after a Bail Intake Interview and Investigation and applying the Uniform Weighted Release Criteria established pursuant to Connecticut General Statutes § 54-63b (b):
 - Keep the police-set bond amount;
 - Reduce the bond amount, and order the release of the client on a lesser bond amount with or without non-financial conditions of release; or
 - Remove the bond amount, and order the release of the client upon the execution of a written promise to appear with or without non-financial conditions of release

Bail review during court hours

- During court hours, Bail Services:
 - Conducts Bail Intake Interviews and Investigations pursuant to § 54-56b (a) for all clients who remain in custody on any court or police set bond amount prior to their presentment for arraignment; and
 - Generates recommendations for the court concerning the terms and conditions of release applying the Uniform Weighted Release Criteria established pursuant to Connecticut General Statutes § 54-63b (b)
- During arraignment, the court will hear recommendations concerning the terms and conditions of release from the following before ordering the release of the client pursuant to Connecticut General Statutes § 54-64a:
 - State's Attorney
 - Defense counsel
 - Bail Services

- Results for a client if the case is not disposed of during arraignment:
 - If the court orders the release of the client upon the execution of a written promise to appear with or without non-financial conditions of release, the client is released once they execute the promise to appear;
 - If the court orders the release of the client upon the execution of a bond with or without surety and with or without non-financial conditions of release, the client:
 - If able to post the bond, is released from custody once they do so; or
 - If unable to post the bond, is remanded to the custody of the Department of Corrections until they are able to post the bond or until the final disposition of their case;
 -)

Bail review after arraignment – Jail ReInterview (JRI)

- Bail Staff specializing in JRI reviews information on and meets with all clients held on bond amounts of \$150,000 or less and the client’s attorney or the Office of the Public Defender to:
 - Assist or facilitate the client in posting the bond amount ordered, which includes identifying family members or other individuals who may be able to help the client post the bond, and connecting the client with those individuals; and/or
 - Determine whether any additional information gathered justifies recommending a bond modification to the court, which may include a recommendation for a reduced bond amount, Intensive Pre-Trial Supervision, and/or residential treatment services
 - JRI staff also review information on and meet with clients identified either by JRI staff, Public Defender Social Workers, court referrals, or attorneys to determine whether a bond modification recommendation for residential treatment is appropriate.
 - If JRI staff determine that a recommendation for a bond modification is appropriate, they assist the client’s attorney or the Office of the Public Defender in bringing a Motion for Bail Modification with the court for the court to determine whether to modify the client’s bond amount or other conditions of release..
5. CSSD Policy 4.1, copy attached, as Exhibit A, provides that CSSD will provide prompt bail pre-trial release services for persons/clients referred to CSSD by the police, pursuant to Section 54-63c, of the General Statutes, or by a Judge of the Superior Court. (See Exhibit A, attached).
6. Bail Staff use specific factors to decide what type and how much bond should be posted. These factors are called “uniform weighted release criteria” and they are required by Connecticut General Statutes § 54-56b (b).

What are the weighted release criteria?

- The nature and circumstances of the offense

- The defendant's record of previous convictions
 - The defendant's past record of appearance in court after being admitted to bail
 - The defendant's family ties
 - The defendant's employment record
 - The defendant's financial resources
 - The defendant's character and mental condition
 - The defendant's community ties
7. Except in cases where a person is arrested on a warrant signed by a judge and the bond has already been set or denied by the judge, all arrested persons have the right to be interviewed about the terms and conditions of their release.
8. The Jail Re-Interview Program ("JRI") is a program to help pre-trial offenders who have not posted bond. As a result of a re-interview, the court may change the amount of the bond or the conditions of release. The JRI Staff may also recommend that the court refer offenders for treatment.
9. CSSD policy 4.7, copy attached as Exhibit B, describes in detail the JRI process, and provides that CSSD assigned staff will review information for defendants held in lieu of bond, and reassess identified defendants at a Department of Correction (DOC) facility to facilitate the bond process or to determine if a bond modification recommendation is appropriate.
10. Following a number of emergency measures, Judge Carroll as the Chief Court Administrator issued a number of Notices and Orders impacting Judicial Operation, but as of March 26, 2020, one of those orders stated, in part, that Effective immediately and until further notice, entrance to courthouses that remain open is being limited to those individuals who are: Filing or have a

hearing for a Temporary Restraining Order. Therefore, emergency Temporary restraining Orders, to my knowledge, at all times were being accepted and acted upon by a judge.

11. CSSD Executive leadership has had conference calls with Judge Joan Alexander, who is the statewide presiding judge for all criminal matters, to discuss on-going CSSD pretrial releases and next steps during this COVID-19 operational plan of the state courts. Between March 25, 2020 and April 28, 2020, Bail Services JRI staff have undertaken a special review of approximately 1500 pretrial inmates, and the court has granted a total of 172 defendants release upon the execution of a Written Promise to Appear as a result of a JRI bond modification recommendation and a review of their cases by the State and Public Defender. This is slightly more than 10% of pretrial inmates previously held on bond, being re-interviewed, and then having a judge approve a bond modification to a Written Promise to Appear, resulting in release. Despite the operational limitations of the Courts, to a reasonable degree of professional certainty, this initial phase of the review of the pretrial population has been a success.
12. After a review of the case, if the court orders release upon the execution of a Written Promise to Appear, Promise to Appear paperwork is sent to the records office of the correctional facility, and the inmate can be released by DOC without having to make a personal appearance in court.
13. I reviewed the relevant records from the Judicial Branch, as well as the regularly kept business records of Bail Services for the named petitioner in this case, Tre McPherson, #391124. Upon review, initially McPherson was held on a total of \$5,100 bond, and he had a criminal history reflecting the following:
 - Conviction 10/21/2015 Failure to Appear 2nd 1 year
 - Conviction 12/18/2019 Larceny 2nd 5 years e/s, probation 3 years (active out of Stamford)
 - Arrest 01/02/2020 Bridgeport Operating without License, Failure Maintain Proper Lane. ReArrest 02/18/2020. Outstanding warrant. \$10,000 bond.
 - Arrest 01/24/2020 Bridgeport Operating Under Suspension, Failure Proper Lane. ReArrest 02/18/2020. Outstanding warrant. \$10,000 bond.

- Arrest 01/24/2020 Bridgeport Operating Under Suspension, Failure Display Plate. ReArrest 02/18/2020. Outstanding warrant. \$10,000 bond.
- Pending 02/26/2020 Bridgeport Reckless Driving, Evading with Injury, Operating Under Suspension, Failure Drive Proper Lane. Next Court Date 06/19/2020 Bond set \$5,000.
- Pending 02/20/2020 Norwalk Failure to Appear 1st. Underlying Violation of Probation. Next Court Date 07/01/2020 Bond set \$100. Underlying case Failure to Appear 1st 10/08/2015 5 years e/s/a 1 day, probation 5 years.

14. Although CSSD staff review the case, and make recommendation, it is extremely important to understand that the judge is the ultimate decision maker regarding terms and conditions of pretrial release. CSSD is not. From my experience, Mr. McPherson has an involved or active criminal justice profile. In my opinion, Mr. McPherson still presents high risk for failing to reappear and for reoffending, which could affect his potential to be released on a Written Promise to Appear. His release on a Written Promise to Appear is a judgment call for a judge under the uniform weighted release criteria. My summary, in part, is based on his Failure to Appear 1st pending on the Violation of Probation charge, which is on an underlying Failure to Appear 1st (felony) conviction. McPherson additionally has convictions for felony larceny and two counts of felony sale of controlled substance both of which resulted in violation of probation guilty pleas and three year prison terms. Also, a separate conviction for Failure to Appear 2nd where he received a sentence of 1 year to serve. The removal of the Failure to Appear warrants, potential vacating, allows the client to be released **IF** the court granted the client into a JRI placement. But there are a lot of **IFs** that need to be decided by the judge on this client.
15. On April 22, 2020, Mr. McPherson's criminal defense counsel filed a Motion to Vacate the Rearrests. See Exhibit C, attached.
16. On April 27, 2020, the criminal court in Bridgeport, Judge Alexander, vacated the Failures to Appear (that were holding him up from release) based on defense Motions, and lowered the existing bonds (in Bridgeport GA # 2 & GA 20 Norwalk) to Promises to Appear.

17. As a result, on April 27, 2020, Mr. McPherson was released from the DOC on a Promise to Appear.

18. With regard to the other pretrial detainee at issue in this case, I have reviewed the records of Ms. Pattikate Williams-Void, and her criminal history reflects the following:

- Conviction 10/16/2002 Sale Narcotics 21a-277(b) 1 year e/a/a 10 days, probation 3 years
- Conviction 01/25/1979 Assault 3rd 3 month e/s, probation 1 year

She is presently held on bond on the following three files out of New Britain Superior Court:

- H15NCR200325256S Sale Narc, Control w/I 1500' \$25,000
- H15NCR200325254S Sale Narc, Control w/I 1500' \$25,000
- H15NCR200325253S Sale Narc, Control w/I 1500' \$25,000

19. Ms. Williams-Void was interviewed by Bail Services during court hours utilizing our Bail Intake process which includes a risk assessment. At arraignment, Bail Services recommended that the court set a bond on each file, all three, at a Written Promise to Appear (non-financial release) with the following Conditions of Release imposed: Electronic Monitoring with a lockdown setting except for leaves for medical, legal and court appointments. However, the Court imposed the following on each of three files, at \$25,000 cash or surety bond (for a total of \$75,000), with the following Conditions of Release imposed: Electronic Monitoring with a lockdown setting except for leaves for medical, legal, and court appointments.

20. There are always important factors to consider when interpreting the bond set by a judge, be it non-financial or financial and most notable the amount on financial circumstances. The CT statute varies slightly between that of Bail and Judicial criteria, but they are different, and those differences can have significant contributions to the ultimate decision maker – the Court. See Conn. Gen. Stat. Sec. 54-64a. Release by judicial authority.

21. The next initiative CSSD leadership and Judge Alexander have discussed with respect to the pretrial population during COVID-19 operational plan for the state courts is to start reviewing those clients who have been screened and accepted into a residential treatment program through the JRI process. These cases will first be reviewed by the State's Attorney and Public Defender to determine if an agreed upon disposition can be reached that includes placement into the program.
22. If an agreement for disposition cannot be reached, the Court may consider a conditional promise to appear however, case disposition would be the preferred process. A videoconference from DOC to the court could be set up for those cases in which a plea will be entered as part of the agreement before any release to the program.
23. If no plea is required, a videoconference would not be necessary and all the paperwork for release would be processed through DOC. In either scenario, the defendant would not be brought to court. There are approximately 20 of these cases ready to go. If we all agree this can work and is in the best interest of the client, we can begin the process of scheduling the video conference and/or release immediately.
24. In an on-going and continuing exchange of e-mails, between CSSD and the Office of the Chief Public Defender, we discussed trying to identify those individuals who have been held in pretrial status at DOC who may have enough time in to cover the maximum sentence allowed by statute for the charge they are being held on. The hope is that the Public Defenders would know about these cases and could bring those that fall into this category to the court for a disposition. We could accomplish this through videoconferencing or if an agreement could not be reached, a Written Promise To Appear to allow the defendant out of DOC custody.

25. In view of all of the foregoing, despite the operational limitations due to the COVID-19 management protocols, cases are being reviewed and processed and pre-trial detainees are successfully being reviewed and released.

Pursuant to Conn. Gen. Stat. §§1-24a, 53a-157b, and 28 U.S.C. §1746, I declare under the pains and penalties of perjury that the foregoing statements are true and accurate to the best of my knowledge and belief.

Dated this 1ST day of May, 2020.

A handwritten signature in black ink, appearing to read "Robert J. Cristiano", written over a horizontal line.

Robert J. Cristiano

Declaration Exhibit A

 State of Connecticut JUDICIAL BRANCH COURT SUPPORT SERVICES DIVISION POLICY AND PROCEDURES	POLICY NO. 4.1	EFFECTIVE DATE: November 1, 2017	PAGE 1 of 16
	SUPERSEDES: October 1, 2016		
APPROVED BY: Gary A. Roberge, Executive Director	TITLE: ADULT SERVICES BAIL INTAKE / ASSESSMENT PROCEDURES		

1. **Policy** The Court Support Services Division (CSSD) will provide prompt bail pre-trial release services for persons/clients referred to CSSD by the police, pursuant to Section 54-63c, http://search.cga.state.ct.us/r/statute/dtsearch_form.asp of the Connecticut General Statutes, or by a Judge of the Superior Court.

2. **Definitions** – See **Exhibit I**

3. **Procedures**

A. For purposes stated herein, staff assigned to the Bail Services Units will be responsible for the completion of the procedures as noted in Sections 3.B. and 3.C. of this policy.

B. Bail Services provided during non-court session hours.

- (1) Bail Services staff will contact assigned police departments to obtain necessary information as related to clients being held in lieu of bond, bail interviews conducted during previous shifts, clients requiring a bail interview, and note all information obtained in the automated Non-Court Bail Log.
- (2) Subsequent to contacting assigned police departments, Bail Services staff will prioritize the non-court session coverage shift to make certain as many clients as possible held on police (not Court) set bonds are interviewed.
- (3) Bail Services staff will introduce themselves and explain the role or statutory responsibility of the Bail interview in accordance with the Bail Services Introduction to Client – Sample Guide. (**CSSD Attachment B**).
- (4) Bail Services staff will complete a CSSD Case Data Record (CDR), JD-CR-124, for each client interviewed during non-court hours. Bail Services staff will then manually or electronically calculate the written uniform weighted release criteria in accordance with the CSSD Pre-trial Risk Assessment Point Scale (**CSSD Attachment C**) and record on the CDR the score within the Non-Court Bail Log. Bail Services staff will make all attempts to



Links for this policy:

<u>CSSD Policy 4.5</u>	<u>JD-AP-142</u>
<u>CSSD Policy 4.7</u>	<u>JD-AP-143</u>
<u>CSSD Policy 4.8</u>	<u>JD-AP-166</u>
<u>CSSD Policy 4.15</u>	<u>JD-CL-46</u>
<u>CSSD Policy 5.11</u>	<u>JD-CR-4</u>
<u>CSSD Policy 5.20</u>	<u>JD-CR-13</u>
	<u>JD-CR-70</u>
	<u>JD-CR-124</u>

 State of Connecticut JUDICIAL BRANCH COURT SUPPORT SERVICES DIVISION POLICY AND PROCEDURES	POLICY NO. 4.1	EFFECTIVE DATE: November 1, 2017	PAGE 2 of 16
	SUPERSEDES: October 1, 2016		
TITLE: ADULT SERVICES BAIL INTAKE / ASSESSMENT PROCEDURES			

independently verify the information obtained during the bail interview process. Notations for all contacts will be recorded in the Bail Commissioner Comment section of the CDR.

- (5) Bail Services staff will complete a criminal history investigation for each client interviewed. The criminal history investigation will include but not be limited to the following automated systems:
 - a. Connecticut On-Line Law Enforcement Communication Teleprocessing System (COLLECT)
 - b. National Crime Information Center (NCIC)
 - i. In-state inquiries
 - ii. Out-of-state inquiries for any state(s) in which the client resides, has resided in, and/or has a particular connection to a state(s)
 - c. CMIS: Adult (Bail, Family, Probation) and Juvenile Services
 - d. Criminal & Motor Vehicle System (CRMVS)
 - e. Department of Correction system
 - f. Paperless Re-Arrest Warrant Network (PRAWN)
- (6) If Bail Services staff determines that the client has an outstanding arrest warrant or other hold, either in-state or out-of-state, Bail Services staff will attempt to verify/confirm with the law enforcement agency lodging the warrant.
- (7) Bail Services staff will review the law enforcement incident report and/or Arrest Warrant Affidavit, if available, in order to consider the nature and circumstances of the offense prior to making a Bail Determination(s).
- (8) If Bail Services staff determines that the client is on parole or some other form of community-based release under the supervision of the Department of

 State of Connecticut JUDICIAL BRANCH COURT SUPPORT SERVICES DIVISION POLICY AND PROCEDURES	POLICY NO. 4.1	EFFECTIVE DATE: November 1, 2017	PAGE 3 of 16
	SUPERSEDES: October 1, 2016		
TITLE: ADULT SERVICES BAIL INTAKE / ASSESSMENT PROCEDURES			

Correction, Bail Services staff will notify the supervising officer of the client's arrest and incorporate any pertinent information provided by the officer into the Bail Determination. If there is a Supervised Persons FL17 entered into the COLLECT system, Bail Services staff will attempt to contact the supervising officer at the provided telephone number.

- (9) If Bail Services staff determines that the client is under the supervision of probation, Bail Services staff will review supervising officer's CMIS Case Note(s) and incorporate any pertinent information obtained into the Bail Determination. If there is a Supervised Persons FL17 entered into the COLLECT system, Bail Services staff will attempt to contact the supervising officer at the telephone number noted in the FL17.
- (10) If Bail Services staff determines that the client is under either non-court session hours release condition(s) and/or condition(s) of release, Bail Services staff will review supervising officer's CMIS Case Note(s) and/or review pre-trial supervision Case Note(s). Bail Services staff will incorporate any pertinent information obtained into the Bail Determination. Bail Services staff will enter a Case Note noting arrest information according to CSSD Policy and Procedure 4.5, CMIS Case Notes. If there is a Supervised Persons FL17 entered into the COLLECT system, Bail Services staff will attempt to contact the supervising officer at the telephone number noted in the FL17.
- (11) If the instant offense is violation of probation Bail Services staff will review the CMIS Case Notes to determine if the client has been provided a copy of the Warrant Service / Condition Notification Letter, JD-AP-143. If CMIS notes do not reflect that the client was given a copy of the Warrant Service / Notification Letter the Bail Services staff will complete the Pre-Trial Intake/ Condition Notification Letter, JD-AP-142. The Bail Services staff will have the client sign the form and provide the client with a copy of the Pre-Trial Intake / Condition Notification Letter.
 - a. Bail Services staff will attach the original Pre-Trial Intake/Condition Notification Letter, JD-AP-142, to the Bail Case Data Record for record retention purposes.
 - b. Bail Services staff will enter a Case Note noting the client was provided

 State of Connecticut JUDICIAL BRANCH COURT SUPPORT SERVICES DIVISION POLICY AND PROCEDURES	POLICY NO. 4.1	EFFECTIVE DATE: November 1, 2017	PAGE 4 of 16
	SUPERSEDES: October 1, 2016		
TITLE: ADULT SERVICES BAIL INTAKE / ASSESSMENT PROCEDURES			

a copy of the Pre-Trial Intake / Condition Notification Letter, JD-AP-142.

- (12) Bail Services staff will consider all of the information obtained, including point scale score, and make a Bail Determination for each interview conducted during non-court hours. The Bail Determination will be based upon the premise that the least restrictive condition of release necessary to ensure the appearance in court of the client and sufficient to reasonably ensure the safety of any other person will not be endangered is the pre-trial release alternative of choice. If a client's point scale score is zero (0) or above and Bail Services staff is not ordering a non-financial form of release, the circumstances supporting the Bail Determination must be noted in the "Bail Commissioner Comment" section on the CDR.
- (13) When a client being interviewed meets one (1) or more of the circumstances noted below and has a point scale score of zero (0) or higher, Bail Services staff should first consider a financial bond order based upon the seriousness and nature of the circumstances of the arrest. In these cases, Bail Services staff will access and utilize the Financial Bond Guideline as outlined within this policy. Bail Services staff will note the circumstance(s) as indicated below or other supporting factors in the "Bail Commissioner Comment" section of the CDR.
 - a. Currently charged with a crime(s) involving a "firearm" as defined within the definition section of this policy.
 - b. Currently charged with a Family Violence crime(s) and has a pending or prior conviction for a Family Violence offense and/or has had the Family Violence Education Program (FVEP).
 - c. Currently on probation and charged with a new arrest.
- (14) Once a determination is made that a financial bond will be ordered, the Bail Services staff will either electronically or manually complete the financial bond rating scale and obtain the recommended financial bond amount from the Financial Bond Guideline (**CSSD Attachment D**). If the Bail Services staff orders a financial bond amount greater than the recommended guideline amount the Bail Services staff will note the reason for the deviation in the

 State of Connecticut JUDICIAL BRANCH COURT SUPPORT SERVICES DIVISION POLICY AND PROCEDURES	POLICY NO. 4.1	EFFECTIVE DATE: November 1, 2017	PAGE 5 of 16
	SUPERSEDES: October 1, 2016		
TITLE: ADULT SERVICES BAIL INTAKE / ASSESSMENT PROCEDURES			

“Bail Commissioner Comment” section of the CDR.

- (15) Bail Services staff will inform police department personnel of each interview and Bail Determination including any Non-court Session Hours Release Condition(s) and provide the police department with a completed Bail Ordered Amount and Conditions form, Judicial Form JD-AP-166.
- (16) Bail Services staff will advise the client of the Bail Determination. Bail Services staff may, at the request of the client, assist the client in notifying family, friends, and/or references of any bond changes.
- (17) Bail Services staff will complete all necessary non-financial release paperwork resulting from the bail interview process including the Promise to Appear Form, JD-CR-13, or Appearance Bond, JD-CR-4, noting the scheduled court appearance date of the client’s arraignment proceeding and any terms and/or non-court session hour release condition(s). Bail Services staff will complete the Bail Ordered Amount and Conditions form, JD-AP-166, and distribute appropriate copies. Copies will be provided to the arresting agency, the client, and Bail Services will retain a copy with the CDR.
- (18) Bail Services staff will consider all of the information obtained for each Bail Interview conducted during Non-court Session Coverage hours for the setting/implementing/ordering Non-court Session Hours Release Condition(s). The setting of conditions will focus on, but not be limited to, cases in which there is an identified victim. For Family Violence cases, Bail Services staff may set an order of protection which may include a No Contact or Stay Away Condition(s) as indicated in CSSD Policy and Procedure 4.8, Bail Pre-trial Supervision. If a client is being released on a non-financial release, Bail Services staff will be responsible for Section 3.B. (23) of this policy. If a financial bond is determined, Bail Services staff will be responsible for Section 3.B. (17) of this policy.
- (19) Bail Services staff will explain the condition(s) of release to the client, instruct the client to sign the non-financial release paperwork, and provide the client with a copy in accordance to CSSD Policy and Procedure 4.8, Bail Pre-trial Supervision. If you are initiating a release with conditions the next available arraignment date should be ordered.

 State of Connecticut JUDICIAL BRANCH COURT SUPPORT SERVICES DIVISION POLICY AND PROCEDURES	POLICY NO. 4.1	EFFECTIVE DATE: November 1, 2017	PAGE 6 of 16
	SUPERSEDES: October 1, 2016		
TITLE: ADULT SERVICES BAIL INTAKE / ASSESSMENT PROCEDURES			

- (20) Bail Services staff will provide the original non-financial release paperwork to law enforcement personnel to accompany the client's court paperwork to the Clerk of Court.
- (21) Bail Services staff will enter client information and Non-Court Session Release Condition(s) into the Protective Order Registry, and/or the COLLECT system Supervised Persons FL17 transaction(s) for clients released on a condition(s) of, "do not contact victim" and/or "do not possess any dangerous weapons" in accordance with CSSD Policy and Procedure 4.15, Supervised Person File 17 and/or CSSD Policy and Procedure 4.8, Bail Pre-trial Supervision. Bail Services staff will process the Protective Order Registry and/or Supervised Person FL17 with the following statement entered in the "miscellaneous" field: *"This is a Bail Condition of Release and is a basis for arrest under 53a-222 or 53a-222a, Violation of Conditions of Release."*
- (22) Bail Services staff will maintain the Non-Court Bail Log during non-court session shift(s). Bail Services staff will additionally provide their respective supervisor(s) with an end of shift summary.
- (23) When feasible, Bail Services staff will enter all data collected into CMIS in accordance with CSSD Policy and Procedure 5.11, Employee Responsibility to Automated Data Systems.
- (24) A Bail Services supervisor or their designee will review all Non-Court Bail Log completed by Bail staff under their supervision as outlined in pre-established protocol. This will be conducted on the first business day following each non-court session shift (s).
<http://ares/cssd/cmris/CMIS%20Document%20Library/Forms/AllItems.aspx?RootFolder=%2fcssd%2fcmis%2fCMIS%20Document%20Library%2fBail%20Procedures%20%2d%20Documentations&FolderCTID=&View=%7b3CA9E30D%2dF5D7%2d45EB%2d974F%2d306EAD1CE1A8%7d>

C. Bail services provided during court session hours.

- (1) Prior to an arraignment proceeding, Bail Services staff will complete the Case Data Record (CDR), Judicial Form JD-CR-124, for all clients referred to

 State of Connecticut JUDICIAL BRANCH COURT SUPPORT SERVICES DIVISION POLICY AND PROCEDURES	POLICY NO. 4.1	EFFECTIVE DATE: November 1, 2017	PAGE 7 of 16
	SUPERSEDES: October 1, 2016		
TITLE: ADULT SERVICES BAIL INTAKE / ASSESSMENT PROCEDURES			

CSSD for a bail interview.

- (2) Bail Services staff will independently verify the information obtained during the bail interview process, when possible.
- (3) Complete a criminal history investigation for each client referred for bail interview prior to arraignment. The criminal history investigation will include but not be limited to the following automated systems:
 - a. Connecticut On-Line Law Enforcement Communication Teleprocessing System (COLLECT)
 - b. National Crime Information Center (NCIC)
 - i. In-state inquiries
 - ii. Out-of-state inquiries for any state(s) in which the client resides, has resided in, and/or has a particular connection to a state(s)
 - c. CMIS: Adult (Bail, Family, Probation) and Juvenile Services
 - d. Criminal & Motor Vehicle System (CRMVS)
 - e. Department of Correction system
 - f. Paperless Re-Arrest Warrant Network (PRAWN)
- (4) Upon completion of the record check, Bail staff will either manually or electronically calculate the Point Scale score. If the client was interviewed during non-court session hours the Bail staff will obtain the completed Case Data Record and proceed accordingly.
- (5) If Bail Services staff determines that the client has an outstanding arrest warrant or other hold either in-state or out-of-state, Bail Services staff will attempt to verify/confirm with the law enforcement agency lodging the warrant.
- (6) Review the law enforcement incident report and/or Arrest Warrant Affidavit, if available, in order to consider the nature and circumstances of the offense prior

 State of Connecticut JUDICIAL BRANCH COURT SUPPORT SERVICES DIVISION POLICY AND PROCEDURES	POLICY NO. 4.1	EFFECTIVE DATE: November 1, 2017	PAGE 8 of 16
	SUPERSEDES: October 1, 2016		
TITLE: ADULT SERVICES BAIL INTAKE / ASSESSMENT PROCEDURES			

to making a Bail Recommendation(s).

- (7) If Bail Services staff determines that the client is on parole or some other form of community-based release under the supervision of the Department of Correction, Bail Services staff will notify the supervising officer of the client's arrest and incorporate any pertinent information provided by the officer into the Bail Recommendation. If there is a Supervised Persons FL17 entered into the COLLECT system, Bail Services staff will attempt to contact the supervising officer at the provided telephone number.
- (8) If Bail Services staff determines that the client is under the supervision of probation, Bail Services staff will review supervising officer's CMIS Case Note(s) and incorporate any pertinent information obtained into the Bail Recommendation. Bail Services staff will enter a Case Note noting arrest and/or arraignment information according to CSSD Policy and Procedure 4.5, CMIS Case Notes. If there is a Supervised Persons FL17 entered into the COLLECT system, Bail Services staff will attempt to contact the supervising officer at the telephone number noted in the FL17.
- (9) If Bail Services staff determines that the client is under either non-court session hours release condition(s) and/or condition(s) of release, Bail Services staff will review supervising officer's CMIS Case Note(s) and/or review pre-trial supervision Case Note(s). Bail Services staff will incorporate any pertinent information obtained into the Bail Recommendation. Bail Services staff will enter a Case Note noting arrest information according to CSSD Policy and Procedure 4.5, CMIS Case Notes. If there is a Supervised Persons FL17 entered into the COLLECT system, Bail Services staff will attempt to contact the supervising officer at the telephone number noted in FL17.
- (10) The Bail Services staff will consider all of the information obtained, including point scale score, and make a Bail Determination concerning the terms and/or condition(s) of release for each interview conducted prior to an arraignment proceeding. The Bail Determination will be based upon the premise that the least restrictive condition of release necessary to ensure the appearance in court of the client and sufficient to reasonably ensure the safety of any other person will not be endangered is the pre-trial release alternative of choice. If a client's point scale score is zero (0) or above and Bail Services staff is not

	State of Connecticut JUDICIAL BRANCH COURT SUPPORT SERVICES DIVISION POLICY AND PROCEDURES	POLICY NO. 4.1	EFFECTIVE DATE: November 1, 2017	PAGE 9 of 16
		SUPERSEDES: October 1, 2016		
TITLE: ADULT SERVICES BAIL INTAKE / ASSESSMENT PROCEDURES				

recommending a non-financial form of release, the circumstances supporting this Bail Determination must be entered in the “Bail Commissioner Comment” section on the CDR.

- (11) In cases where a non-financial release with conditions will be recommended, the Bail Services staff should consider using the contracted network of services to address any needs identified during the bail interview process. Bail Services staff will utilize the Bail Program Referral Guide (**CSSD Attachment E**), in conjunction with the Bail Decision Aid questions within the CDR, to identify an appropriate Condition of Release(s).
- (12) Once a determination is made that a financial bond will be recommended, the Bail Services staff will either electronically or manually complete the financial bond rating scale and obtain the recommended financial bond amount from the Financial Bond Guideline (**CSSD Attachment D**). If the Bail Services staff recommends a financial bond amount greater than the recommended guideline amount the Bail Services staff will note the reason for the deviation in the “Bail Commissioner Comment” section of the CDR.
- (13) In cases where a Financial Bond is required, Bail Services staff will ask the client how much bail they can post. When setting the bond amount the client’s ability to post a certain amount must be considered. Bail Services staff are encouraged to recommend the 10% alternative bond in all cases where the client is unemployed or found to have limited income. Ten percent bail recommendations should also be contemplated when clients live out of state, have limited identification, failed to appear, or the use of these funds could be used in a disposition. Bail Services staff should instruct the client that upon disposition of their case, all funds posted by a 10% bond would be returned to them at the Clerk of Court unless it is used as part of a disposition.
- (14) If the client is charged with a family violence offense, Bail Services staff will provide case information to, and coordinate Bail Recommendation(s) with, a CSSD Family Relations Counselor.
- (15) Upon request, Bail Services staff will provide a completed CDR, noting the Bail Recommendation, to the Judge, State’s Attorney, and defense counsel. If these copies are distributed, Bail Services staff will retrieve all copies upon

 State of Connecticut JUDICIAL BRANCH COURT SUPPORT SERVICES DIVISION POLICY AND PROCEDURES	POLICY NO. 4.1	EFFECTIVE DATE: November 1, 2017	PAGE 10 of 16
	SUPERSEDES: October 1, 2016		
TITLE: ADULT SERVICES BAIL INTAKE / ASSESSMENT PROCEDURES			

completion of the arraignment process.

- (16) Provide the Court with a Bail Recommendation during the arraignment process.
- (17) Bond Modifications
 - a. All Bond Modifications shall require at a minimum an updated PRAWN and FLQW/FL02 warrant check. Case notes should also be checked for recent activity.
 - b. At the Bond Modification Hearing, Bail Services staff shall have a copy of the Case Data Record that is either an original or a printed copy from CMIS scanned documents.
 - c. Upon completion of the Bond Modification Hearing, Bail Services staff shall complete a copy of the Bond Modification / Supervised Release Form, Judicial Form JD-CR-70.
 - d. For the purposes of this policy, the receiving jurisdiction of a foreign court arraignment will require the completion of the Bond Modification / Supervised Release Form, JD-CR-70.
 - e. Work in conjunction with the Jail Re-Interview staff to coordinate and provide client Bond Modification(s) in accordance with CSSD Policy and Procedure 4.7, Jail Re-Interview Program.
- (18) Complete all necessary non-financial release paperwork including Promise to Appear, JD-CR-13, or the Appearance Bond, Judicial Form, JD-CR-4, for clients released from custody at arraignment or as a result of a Bond Modification noting the next scheduled court appearance date and any terms and/or condition(s) of release.
- (19) Explain the condition(s) of release to the client, instruct the client to sign the non-financial release paperwork, and provide the client with a copy in accordance with CSSD Policy and Procedure 4.8, Bail Pre-trial Supervision.
- (20) Complete all referrals for clients ordered by the Court to receive supervision

	State of Connecticut JUDICIAL BRANCH COURT SUPPORT SERVICES DIVISION POLICY AND PROCEDURES		POLICY NO. 4.1	EFFECTIVE DATE: November 1, 2017	PAGE 11 of 16
				SUPERSEDES: October 1, 2016	
TITLE: ADULT SERVICES BAIL INTAKE / ASSESSMENT PROCEDURES					

and/or treatment services from community-based providers as a condition(s) of release in accordance with CSSD Policy and Procedure 4.8, Bail Pre-trial Supervision.

- (21) Obtain signed Authorization for Release of Information, JD-CL-46 form, as necessary.
- (22) Bail Services staff will make certain that all Case Data Records (CDR's) in which a pre-trial condition was ordered, are entered into CMIS by the end of the next business day. CDRs which contain a Promise to Appear or a financial bond order will be entered into CMIS within five (5) business days of the arraignment proceeding. Arrest Data Records (ADR's) completed during non-court hours and released prior to arraignment will be entered within 10 business days of the interview.
- (23) Bail Services staff will prioritize the entry into CMIS, Case Data Records which are categorized as Foreign Court Assignments where the client is held on a Court Set Bond after the arraignment process. These cases will be prioritized on the same business day for scanning, in accordance with CSSD Policy and Procedure 5.20, Electronic Client Record Retention, in an effort to minimize duplication in the originating court location.
- (24) Provide pre-trial conditional release supervision in accordance with CSSD Policy and Procedure 4.8, Bail Pre-Trial Supervision.
- (25) Enter all required client and case information, into CMIS subsequent to the arraignment proceeding in accordance to CSSD Policy and Procedure 5.11, Employee Responsibilities to Automated Data Systems.
- (26) Upon order of the Court, Bail Services electronically forwards to the client a Bail Commissioner Letter (as described under Section 2. Definitions), providing notice of the client's next scheduled court date.
- (27) For all Bail Services clients, Bail Services staff will explain the Client Notification Project and properly record in CMIS, the client's preference for notifications.

 State of Connecticut JUDICIAL BRANCH COURT SUPPORT SERVICES DIVISION POLICY AND PROCEDURES	POLICY NO. 4.1	EFFECTIVE DATE: November 1, 2017	PAGE 12 of 16
	SUPERSEDES: October 1, 2016		
TITLE: ADULT SERVICES BAIL INTAKE / ASSESSMENT PROCEDURES			

- (28) Screen all re-arrests ordered by the Court, utilizing the necessary automated systems, to determine if the client ordered re-arrested was incarcerated at the time of the re-arrest order.
- (29) Bail Services staff will file Continuance Notification letters returned to the Court as address unknown, or returned for any other reason, in the appropriate client court file.

4. **CMIS Queues**

- A. Bail Services staff will audit the **Non-Court Active Conditions Queue** within CMIS Queues on a daily basis. Bail Services staff will appropriately close out in CMIS cases assigned to their office location that are not under current active supervision.
- B. Bail Services staff will audit the **Cases Without Docket Queue** within CMIS Queues on a weekly basis. Bail Services staff will appropriately address in CMIS cases where a docket number is not imported.
- C. Bail Services staff will audit the **Incorrect – Case Owners or Status Queue** within CMIS Queues on a weekly basis. Bail Services staff will assign in CMIS cases to the appropriate staff.
- D. The Bail Services supervisor or designee will review the Bail Services staff audit of CMIS queues on a monthly basis. The supervisor review will include the proper utilization of CMIS processing.
- E. Non-Court Bail Log – supervisor review.

- 5. **Exceptions** Any exception to this policy will require prior written approval from the Division's Executive Director.

 State of Connecticut JUDICIAL BRANCH COURT SUPPORT SERVICES DIVISION POLICY AND PROCEDURES	POLICY NO. 4.1	EFFECTIVE DATE: November 1, 2017	PAGE 13 of 16
	SUPERSEDES: October 1, 2016		
TITLE: ADULT SERVICES BAIL INTAKE / ASSESSMENT PROCEDURES			

EXHIBIT I

Definitions

- A. Authorization for Release of Information A Judicial Form, JD-CL-46, completed by CSSD staff and signed by the client that allows for an exchange of information between CSSD and a third party.
- B. Automated Data System All automated data-based systems employed by CSSD in accordance with CSSD Policy and Procedure 5.11, Employee Responsibility to Automated Data Systems.
- C. Incorrect – Case Owners or Status Queue A queue generated by the CMIS automated system, which notes active bail cases assigned to non-active and/or incorrect security profiles.
- D. Cases Without Docket Queue A queue generated by the CSSD automated system, which notes bail cases without a docket number associated.
- E. Bail Commissioner Letter Upon order of the Court, a letter sent to a client subsequent to failing to appear for a scheduled court appearance that notifies the client of their next scheduled court appearance and the possible penalties for any further missed court appearances.
- F. Bail Decision Aid Supplemental information obtained within the Case Data Record and utilized by the Bail Services staff to determine appropriate pre-trial condition(s) of release.
- G. Bail Determination The terms and/or condition(s) of release ordered by Bail Services staff during non-court session hours.
- H. Bail Interview A written report on all clients interviewed, pursuant to Section 54-63d, http://search.cga.state.ct.us/r/statute/dtsearch_form.asp utilizing a CSSD Case Data Record.
- I. Bail Program Referral Guide A guide which provides Bail Services staff with a recommended Conditional Release based on information contained within the Bail Decision Aid section of the CDR.

 State of Connecticut JUDICIAL BRANCH COURT SUPPORT SERVICES DIVISION POLICY AND PROCEDURES	POLICY NO. 4.1	EFFECTIVE DATE: November 1, 2017	PAGE 14 of 16
	SUPERSEDES: October 1, 2016		
TITLE: ADULT SERVICES BAIL INTAKE / ASSESSMENT PROCEDURES			

- J. Bail Recommendation A report, either written or oral, noting the recommended terms and/or condition(s) of release prepared by Bail Services staff based upon the information obtained during the bail interview process.
- K. Case Note Electronically maintained documentation of casework by the CSSD employee for each client in accordance with CSSD Policy and Procedure 4.5, CMIS Case Notes.
- L. CMIS (Case Management Information System) A database of information for Court Support Services Division (CSSD) cases.
- M. COLLECT Manual The manual provided by the Connecticut State Police and maintained in CSSD offices detailing the proper abbreviation and instructions to be utilized when entering information into the COLLECT system.
- N. Client Notification Project An automated notification provided to adult clients reminding them of their upcoming court dates and/or next report dates.
- O. Condition(s) of Release Court ordered pre-trial condition(s) of release.
- P. Continuance Date Notification An electronic notification sent to each client interviewed by CSSD noting their next scheduled court appearance date.
- Q. Criminal History Investigation Process by which Bail Services staff utilizes automated information systems to obtain a client's prior arrests, case status, and case disposition information.
- R. CSSD Automated Data Record (ADR) An automated version of Judicial CSSD intake form (CDR), JD-CR-124, which is produced via data entered into the CMIS system.
- S. CSSD Case Data Record (CDR) The Judicial CSSD intake form, JD-CR-124 completed for persons/ clients referred to CSSD by the police, pursuant to Section 54-63c, http://search.cga.state.ct.us/r/statute/dtsearch_form.asp of the Connecticut General Statutes, or by a Judge of the Superior Court.
- T. Dangerous Instrument For the purpose of this policy, any instrument, article or substance which, under the circumstances in which it is used or attempted or threatened to be used, is capable of causing death or serious physical injury, and includes a "vehicle" as that term is defined in this section and includes a dog that has

 State of Connecticut JUDICIAL BRANCH COURT SUPPORT SERVICES DIVISION POLICY AND PROCEDURES	POLICY NO. 4.1	EFFECTIVE DATE: November 1, 2017	PAGE 15 of 16
	SUPERSEDES: October 1, 2016		
TITLE: ADULT SERVICES BAIL INTAKE / ASSESSMENT PROCEDURES			

been commanded to attack, except a dog owned by a law enforcement agency of the state or any political subdivision thereof or of the federal government when such dog is in the performance of its duties under the direct supervision, care and control of an assigned law enforcement officer. See Connecticut General Statute Section 53a-3, http://search.cga.state.ct.us/r/statute/dtsearch_form.asp.

- U. Family Violence Family violence means an incident resulting in physical harm, bodily injury or assault, or an act of threatened violence that constitutes fear of imminent physical harm, bodily injury or assault between family or household members. Verbal abuse or argument shall not constitute family violence unless there is present danger and the likelihood that physical violence will occur.
- V. Financial Bond Guideline A guideline which provides Bail Services staff with a recommended surety bond amount once a decision has been made that a non-financial bond will not be determined / recommended.
- W. Firearms For the purpose of this policy, any sawed-off shotgun, machine gun, rifle, shotgun, pistol, revolver or other weapon, whether loaded or unloaded from which a shot may be discharged. See Connecticut General Statute Section 53a-3, http://search.cga.state.ct.us/r/statute/dtsearch_form.asp.
- X. Foreign Court Arraignment An arraignment which occurs after the service of a warrant through PRAWN where the arraignment court location is different from the originating court location.
- Y. Jail Re-Interview Project A CSSD program whereby assigned staff reviews client information for clients held in lieu of bond and reassess certain clients at a Department of Correction or lockup facility to determine if a modification of bond is appropriate in accordance with CSSD Policy and Procedure 4.7, Jail Re-Interview Process.
- Z. Jail Re-Interview Staff Bail Services staff assigned to the Jail Re-Interview Project.
- AA. Non-Court Active Conditions Queue A queue generated by the CSSD automated system, which notes all clients released on a non-court session hours condition(s) of release for which the record was not closed out after arraignment when the condition is no longer in effect.

 State of Connecticut JUDICIAL BRANCH COURT SUPPORT SERVICES DIVISION POLICY AND PROCEDURES	POLICY NO. 4.1	EFFECTIVE DATE: November 1, 2017	PAGE 16 of 16
	SUPERSEDES: October 1, 2016		
TITLE: ADULT SERVICES BAIL INTAKE / ASSESSMENT PROCEDURES			

- BB. Non-Court Bail Log An automated log noting all police departments contacted, clients held in lieu of bond, bail interview(s) conducted, bail determination(s), police department(s) where bail interview(s) were conducted, time bail interview(s) were conducted, and point scale score.
- CC. Non-Court Session Coverage Bail services provided by Bail Services staff outside of the course of regular court hours of operation.
- DD. Non-Court Session Hours Release Condition(s) A condition(s) set on a client by Bail Services staff as part of non-court session hours condition(s) of release.
- EE. Non-Financial Release Paperwork Judicial form(s) (Promise to Appear JD-CR-13, or Appearance Bond JD-CR-4) that are completed by Bail Services staff, and signed by the client, noting the terms and/or condition(s) of release.
- FF. Order of Protection File 20 (FL20) A COLLECT screen that allows a CSSD employee to enter information about pre-trial and adult probation cases into the COLLECT system in order to alert police to a client's condition(s) or special circumstance(s).
- GG. Point Scale A numeric score which is calculated based upon a written uniform weighted release criteria established by CSSD pursuant to Section 54-63b of the Connecticut General Statutes http://search.cga.state.ct.us/r/statute/dtsearch_form.asp.
- HH. Protective Order Registry (POR) A Judicial Branch system that allows a CSSD employee to enter information about pre-trial cases into the POR system in order to alert police to a client's condition(s) or special circumstances.
- II. Safety Risk Offenses A list of offenses or charges (**CSSD Attachment A**) which, for the purpose of this policy, are to be considered when answering the Safety Risk Offense questions within the CDR.
- JJ. Supervised Persons File 17 (FL17) A COLLECT screen that allows a CSSD employee to enter information about pre-trial and adult probation cases into the COLLECT system in order to alert police to a client's condition(s) or special circumstance(s).

STATE OF CT - JUDICIAL BRANCH
COURT SUPPORT SERVICES DIVISION

Attachment A
4.1 – Bail Intake / Assessment Procedures

BAIL SAFETY RISK OFFENSES *

CHARGE	CHARGE
Arson 1 st , 2 nd , 3 rd	Murder
Assault on Police Officer	Negligent Homicide
Assault 1 st , 2 nd , 2 nd with a Motor Vehicle	Negligent Homicide with a Motor Vehicle
Breach of Peace 1 st	Possession of Sawed Off Shotgun or Silencer
Burglary 1 st , 2 nd	Possession of Child Pornography 1 st , 2 nd , 3 rd
Carrying a Dangerous Weapon	Reckless Burning
Carrying a Pistol without a Permit	Reckless Endangerment 1 st , 2 nd
Criminal Mischief 1 st	Robbery 1 st , 2 nd , 3 rd
Criminal Negligent Homicide	Sexual Assault 1 st , 2 nd , 3 rd
Criminal Possession of a Firearm	Stalking 1 st
Criminal Possession of a Pistol / Revolver	Strangulation 1 st , 2 nd , 3 rd
Cruelty to Person	Tampering with a Witness
DWI (Felony)	Theft of a Firearm
Harassment 1 st	Threatening 1 st , 2 nd
Home Invasion	Unlawful Discharge of a Firearm
Illegal Possession of an Assault Weapon	Unlawful Restraint 1 st , 2 nd
Illegal Sexual Contact 53-21(2)	Violation of a Civil Protective Order
Inciting Injury	Violation of Deadly Weapon Registry
Inciting a Riot 1 st , 2 nd	Violation of a Protective Order
Intimidating Witness	Violation of a Restraining Order
Kidnapping 1 st , 2 nd	Weapon in a Motor Vehicle
Manslaughter 1 st , 2 nd	

* Include subsection of these offenses.

Bail Services Introduction to Client

Sample Guide

Hello. My name is _____. I am a Bail Commissioner from the Court Support Services Division. I am here to interview you about your bond. I am going to ask you a number of questions to help me decide how much your bond should be or how much I recommend to the court that it should be.

Please answer my questions honestly because your answers will affect my decision. The information you give me is voluntary and will be used only to help me decide or recommend the conditions of your release; it cannot be used for any other purpose. At your arraignment copies of the information you give me will be made available to the Court, the State's Attorney, and your Defense Counsel. If you have any questions at any time, please ask and I will do my best to answer.

STATE OF CT – JUDICIAL BRANCH
COURT SUPPORT SERVICES DIVISIONAttachment C
4.1 – Bail Intake – Assessment Procedures

Pretrial Risk Assessment Point Scale

1	Charge (Most Serious)	-20 = Capital Felony -10 = Class A Felony -9 = Class B Felony -8 = Class C Felony -7 = Class D Felony -6 = Class E / Unclassified Felony -5 = Class A Misdemeanor -4 = Class B Misdemeanor -3 = Class C Misdemeanor -2 = Class D Misdemeanor -1 = Unclassified Misdemeanor 0 = Motor Vehicle Violation
2	Marital Status	0 = Not Married (includes separated, divorced, and widowed) +3 = Married
3	Lives with	0 = Alone +3 = Nonimmediate family or roommate +6 = Immediate family
4	Verifiable References	0 = No +4 = Yes
5	Means of Support	0 = None or Incarcerated +2 = Reliance on others (includes government support) +5 = Self-reliance (part-time, seasonal, & full-time employment)
6	Length at Employer	0 = Less than one year at current job +3 = One year but less than two years at current job +5 = Two or more years at current job
7	Education	0 = Less than High School +2 = HS or equivalent +5 = More than High School
8	Substance/Mental Health	+3 = No 0 = Yes
9	Prior Failure to Appear*	0 = No prior failure to appears -7 = Prior FTA for a misdemeanor charge -8 = Prior FTA for a felony charge *COUNT PENDING or CONVICTED FTA CHARGES
10	Number of Convictions	0 = No convictions -1 = One or two convictions -5 = More than two convictions
11	Pending Charges	0 = No pending charges -4 = Pending charges
12	Safety Risk Convictions	0 = Not charged with a Safety Risk Offense and does not have a Safety Risk Offense conviction -2 = Charged with a Safety Risk Offense and has a Safety Risk Offense Conviction
13	Safety Risk Pending	0 = Not charged with a Safety Risk Offense and does not have a Safety Risk Offense pending -2 = Charged with a Safety Risk Offense and has a Safety Risk Offense pending
14	Dangerous Instrument	0 = No Dangerous Instrument Involved -2 = Dangerous Instrument Involved
	TOTAL POINTS	Below zero: Surety or 10% Bond Zero or more: Nonfinancial form of release

STATE OF CT – JUDICIAL BRANCH
COURT SUPPORT SERVICES DIVISION

Attachment D

4.1 – Bail Intake – Assessment Procedures

Financial Bond Guidelines

(To be completed when making a surety bond recommendation)

Offense Severity

Start with the most serious charge on the docket as your frame of reference.

Rate the severity of the charge based on how it compares to other charges in the same charge category.

Examples of factors that might make a charge more or less severe are provided below.

Least Severe	→	→	Moderately Severe	→	→	Most Severe
0	-1	-2	-3	-4	-5	-6
Examples: singular charges, nonviolent charges, no injuries or damages, no outstanding warrants or pending charges, good status on probation/parole/treatment, prior treatment success, small quantity of drugs, turned self in on a warrant, history of reliable court appearances				Examples: multiple charges, violent charges, outstanding warrants, pending charges, history with same victim, victim injuries, weapons involvement, large quantity of drugs, property damages, threat to public safety, severe substance abuse, poor probation/parole/treatment status, high exposure, chronic history of failing to appear		

Client Risk

Refer to the Bail Point Scale. Add up items #2 through #11 and circle the corresponding rating below.

Low Risk	→	→	Moderate Risk	→	→	High Risk
(+16 and above)	(+12 to +15 pts)	(+8 to +11 pts)	(+4 to +7 pts)	(0 to 3 pts)	(-1 to -4 pts)	(-5 and below)
0	-1	-2	-3	-4	-5	-6

Total Rating (sum of Offense Severity and Client Risk ratings) = _____ (0 to -12)

Charge Type/Class	Rating Scale Total												
	0	-1	-2	-3	-4	-5	-6	-7	-8	-9	-10	-11	-12
Unclassified Misdemeanor	\$500	\$500	\$500	\$500	\$500	\$1,000	\$1,000	\$1,500	\$2,500	\$5,000	\$7,500	\$10,000	\$15,000
Class C Misdemeanor	\$500	\$500	\$500	\$500	\$1,000	\$1,000	\$1,500	\$2,500	\$5,000	\$7,500	\$10,000	\$15,000	\$20,000
Class B Misdemeanor	\$500	\$500	\$500	\$1,000	\$1,000	\$1,500	\$2,500	\$5,000	\$7,500	\$10,000	\$15,000	\$20,000	\$25,000
Class A Misdemeanor	\$500	\$500	\$1,000	\$1,000	\$1,500	\$2,500	\$5,000	\$7,500	\$10,000	\$15,000	\$20,000	\$25,000	\$50,000
Class D Felony	\$1,000	\$1,500	\$2,500	\$5,000	\$7,500	\$10,000	\$15,000	\$20,000	\$25,000	\$50,000	\$75,000	\$100,000	\$150,000
E/Unclassified Felony	\$1,500	\$2,500	\$5,000	\$7,500	\$10,000	\$15,000	\$20,000	\$25,000	\$50,000	\$75,000	\$100,000	\$150,000	\$200,000
Class C Felony	\$2,500	\$5,000	\$7,500	\$10,000	\$15,000	\$20,000	\$25,000	\$50,000	\$75,000	\$100,000	\$150,000	\$200,000	\$250,000
Class B Felony	\$5,000	\$7,500	\$10,000	\$15,000	\$20,000	\$25,000	\$50,000	\$75,000	\$100,000	\$150,000	\$200,000	\$250,000	\$500,000
Class A Felony	\$25,000	\$50,000	\$75,000	\$100,000	\$150,000	\$200,000	\$250,000	\$500,000	\$750,000	\$1,000,000	\$1,250,000	\$1,500,000	\$2,000,000

Notes:

- When the primary charge is a FTA, the bond amount should reflect the most serious charge, either the FTA or underlying charge.
- When a defendant is arrested on a violation of probation, bail staff should use the most serious underlying charge when determining what charge class to use when utilizing the financial bond guideline.

Recommended Bond Amount (refer to the Guidelines above) \$ _____

☐ The Bail staff bond recommendation DOES NOT exceed the FBG bond recommendation☐ The Bail staff bond recommendation DOES exceed the FBG bond recommendation --- Circle Reason:

Bond previously set by court/warrant

Extradited from another state

Repeat pattern of non-compliance

Parole hold

Exceptionally severe charges

Immigration hold

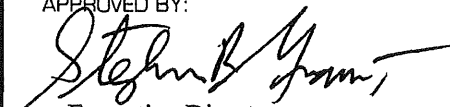
Pattern of repeat behavior in short time period

STATE OF CT - JUDICIAL BRANCH
COURT SUPPORT SERVICES DIVISION

Attachment E
4.1 – Bail Intake / Assessment Procedures

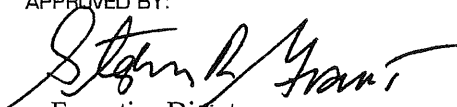
Bail Program Referral Guide			
PERSONAL NEEDS	SERVICE NEED LEVEL HIGH / MEDIUM / LOW	RECOMMENDED PROGRAM	SERVICE
Substance Abuse	<u>High</u> - Three yes in the Substance Abuse section	ABH Provider or JRI Program	Counseling / Intensive Outpatient / LMHA
	<u>Medium</u> - Two yes in the Substance Abuse Section	AIC	TAD
	<u>Low</u> - One yes in the Substance Abuse Section	Bail Supv or AIC	Random Urines
Mental Health	<u>High</u> - Three yes in the Mental Health section	ABH Provider / Jail Diversion	R & R / ASIST / LMHA
	<u>Medium</u> - One or two checked yes in the Mental Health section	AIC / DMHAS / Jail Diversion	R & R / ASIST / LMHA
Education / Employment	<u>High</u> - Less than GED and Unemployed	AIC	Job Services
	<u>Medium</u> - High School equivalency and unemployed	AIC	Job Services
Compliance Needs:			
Support Structure	<u>High / Medium</u> 2 or more checked in this section	AIC	R & R
	<u>Low</u> - one item checked in this section	Bail Supv	Call/ Report
Criminal History	<u>High</u> - 3 or more convictions	ABH	Anger Management
	<u>Medium</u> - 2 prior convictions	AIC	R & R
	<u>Low</u> - 1 prior conviction	Bail Supv	Call / Report
Prior Compliance/ Safety Risk	<u>High</u> - FTA and VOP and Violent Offense	G4S and ABH	EMS and Anger Management
	<u>Medium</u> - FTA OR VOP and Violent Offense	ABH	Anger Management
	<u>Low</u> - FTA OR VOP OR Lengthy Criminal History	AIC	R & R

Declaration Exhibit B

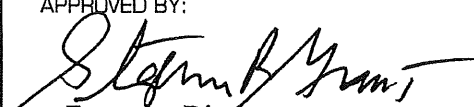
 <i>State of Connecticut</i> JUDICIAL BRANCH COURT SUPPORT SERVICES DIVISION POLICY AND PROCEDURES	POLICY NO. 4.7	EFFECTIVE DATE: February 20, 2014	PAGE 1 of 5
	SUPERSEDES: April 1, 2011		
APPROVED BY:  Executive Director	TITLE: ADULT SERVICES JAIL RE-INTERVIEW PROCESS		

1. **Policy** The Court Support Services Division (CSSD) will maintain a Jail Re-interview (JRI) Program whereby assigned staff will review information for defendants held in lieu of bond, and reassess identified defendants at a Department of Correction (DOC) facility to facilitate the bond process or to determine if a bond modification recommendation is appropriate.

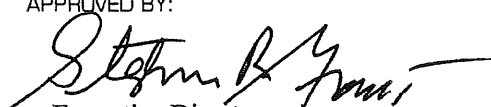
2. **Definitions**
 - A. Arraignment The initial court appearance subsequent to arrest.
 - B. Bail Decision Aid – Pre-trial Condition of Release Record A secondary assessment form utilized by JRI/IAR staff to determine appropriate pre-trial conditions of release. The Bail Decision Aid assessment form is incorporated in the CSSD Case Data Record, Form JD-CR-124, CR124.PDF.
 - C. Bond Modification A court hearing whereby the defendant's bond is reviewed by the Court due to circumstantial changes.
 - D. Case Management Information System (CMIS) For the purpose of this policy, an automated system utilized by the JRI staff to maintain JRI Interviews.
 - E. Conditions of Release Court-ordered conditions of release.
 - F. Daily Admission Log A report generated and distributed from the Department of Correction to the Jail Re-Interview (JRI) staff with all inmates admitted to the DOC on a daily basis.
 - G. CSSD Case Data Record The standardized intake form, Judicial Form JD-CR-124, CR124.PDF completed on all referrals to the Court Support Services Division.
 - H. Intensive Pre-trial Supervision Officer (IPSO) CSSD staff who will be supervising clients in the community who are Court ordered into the Intensive Pre-Trial Supervision Track (IPST).
 - I. Intensive Pre-trial Supervision Track (IPST) A specialized CSSD supervision program that provides intensive pre-trial supervision, monitoring, and community-based services for clients who would otherwise remain incarcerated on bond.

 <i>State of Connecticut</i> JUDICIAL BRANCH COURT SUPPORT SERVICES DIVISION POLICY AND PROCEDURES	POLICY NO. 4.7	EFFECTIVE DATE: February 20, 2014	PAGE 2 of 5
	SUPERSEDES: April 1, 2011		
APPROVED BY:  Executive Director	TITLE: ADULT SERVICES JAIL RE-INTERVIEW PROCESS		

- J. Interview for Bond Form The form utilized by the Jail Re-Interview Program to assist individuals in the bond process.
 - K. Interview Form The form utilized by Jail Re-Interview staff to re-interview a client for possible referral/placement into a community-based program.
 - L. Jail Re-interviewer IAR Specialist assigned to the JRI project responsible for secondary assessments on pre-trial defendants held in lieu of bond at correctional centers statewide.
 - M. Monthly Statistical Report A report generated by CMIS to track all defendants re-interviewed and released, as well as the number of bed days saved during the report month.
 - N. Non-residential Alternative Adult out-patient community-based services.
 - O. Originating Intake / Assessment and Referral (IAR) Unit The IAR unit that completes the initial case data record and presents the bail recommendation at arraignment.
 - P. Promise to Appear A non-financial document, Judicial Form JD-CR-13, CR013.PDF signed by the defendant whereby he/she agrees to return for his/her next official court appearance as well as all conditions of release.
 - Q. Residential Manager CSSD's central office employee who manages and maintains all residential treatment program placements.
 - R. Residential Treatment Program In-patient residential treatment for both male and female offenders eighteen years of age and older.
3. **Procedures** IAR staff will forward a copy of a completed CSSD Case Data Record CR124.PDF to the assigned Jail Re-interviewer for all individuals held in lieu of bond subsequent to arraignment.
- A. JRI staff will:
 - (1) Screen all case data records received and determine appropriate defendants to be re-interviewed.

 <i>State of Connecticut</i> JUDICIAL BRANCH COURT SUPPORT SERVICES DIVISION POLICY AND PROCEDURES	POLICY NO. 4.7	EFFECTIVE DATE: February 20, 2014	PAGE 3 of 5
	SUPERSEDES: April 1, 2011		
APPROVED BY:  Executive Director	TITLE: ADULT SERVICES JAIL RE-INTERVIEW PROCESS		

- (2) Contact originating IAR office and the Office of the Public Defender/private attorney for each individual identified to be reassessed at Department of Correction (DOC) facilities.
 - (3) Obtain any additional pertinent case and/or client information (i.e., police report).
 - (4) Utilize the daily admission/discharge log from the DOC and JRI's CMIS Reports to identify defendants held in lieu of bond to assist in the bond process.
 - (5) Utilize and fully complete the Interview for Bond form (**CSSD Attachment A**), to assist the defendant in the bond process. All Interviews will be signed by the defendant and all information will be entered into CMIS within two (2) business days.
 - (6) Contact a designated DOC staff to coordinate a re-interview schedule.
 - (7) Screen all defendants referred utilizing the Jail Re-Interview/Bail Commission Interview Form (**CSSD Attachment B**) or Spanish version, (**CSSD Attachment B-1**) which incorporates the Bail Decision Aid.
 - (8) Consider all information obtained and formulate a bond modification plan if appropriate.
 - (9) Contact the originating IAR office and Office of the Public Defender/private attorney to review placement recommendation and/or the bond modification plan.
- B. If a CSSD residential treatment bed is recommended, the JRI staff will by the electronic referral link in CMIS, contact and provide the Residential Manager with all initial referral information.
- C. If a defendant is considered for Intensive Pre-Trial Supervision the JRI staff will forward its recommendation to both Bail Services and the Public Defender's Office.

 <i>State of Connecticut</i> JUDICIAL BRANCH COURT SUPPORT SERVICES DIVISION POLICY AND PROCEDURES	POLICY NO. 4.7	EFFECTIVE DATE: February 20, 2014	PAGE 4 of 5
	SUPERSEDES: April 1, 2011		
APPROVED BY:  Executive Director	TITLE: ADULT SERVICES JAIL RE-INTERVIEW PROCESS		

- D. Should any other alternative be sought, JRI staff will contact the appropriate service provider.
- E. JRI staff will be responsible for obtaining program placement information from the respective provider and forward all information to the originating IAR office and the Office of the Public Defender/private attorney.
- F. JRI staff will coordinate with the originating IAR office to determine who will present the bond modification plan.
 - (1) If JRI staff presents the bond modification plan, he/she will inform the originating IAR staff of the defendant's conditions of release.
 - (2) IAR/JRI staff presenting the bond modification will ensure that a Promise to Appear, JD-CR-13, CR013.PDF has been signed and that all conditions of release have been reviewed with the defendant.
 - (3) If conditions of release include a CSSD provider, the provider will be contacted and informed of the conditions of release by the JRI staff/IAR staff.
 - (4) If conditions include a residential placement, the provider will be notified by the JRI /IAR staff that the defendant is ready to be transported.
 - (5) The IAR staff will enter modified conditions into CMIS.
- G. JRI staff will be responsible to enter Case Notes into CMIS on any action taken on an individual referred for assessment. If the case has not been created, JRI staff will create the case and assign it to the local Bail Staff person.

4. Jail Re-Interview Statistical Procedures

- A. JRI staff will record all individuals re-interviewed in CMIS.
 - (1) Defendants who are released from DOC custody as part of interventions by the JRI staff will be maintained in CMIS.

 <i>State of Connecticut</i> JUDICIAL BRANCH COURT SUPPORT SERVICES DIVISION POLICY AND PROCEDURES	POLICY NO. 4.7	EFFECTIVE DATE: February 20, 2014	PAGE 5 of 5
	SUPERSEDES: April 1, 2011		
APPROVED BY:  Executive Director	TITLE: ADULT SERVICES JAIL RE-INTERVIEW PROCESS		

(2) JRI staff will update CMIS daily on individuals referred to the JRI program in accordance with established protocol.

B. All monthly statistical reports will be entered in CMIS by the 5th of the month for the preceding month.

C. Upon case closure of any JRI Alternative, JRI staff will scan all file documents into CMIS within five (5) business days of the closure.

5. **Exceptions** Any exception to this policy will require prior written approval from the Division's Executive Director.

STATE OF CT - JUDICIAL BRANCH
COURT SUPPORT SERVICES DIVISIONAttachment A
4.7 - Adult Services - Jail Re-Interview ProcessSTATE OF CONNECTICUT
COURT SUPPORT SERVICES DIVISION
INTERVIEW FOR BOND

INMATE # _____ LAST NAME _____ FIRST NAME _____

DOB: ____/____/____ SSN: ____/____/____ RACE: W B H A/PI UNK. GENDER: F / M

INTERVIEWER: _____ INTERVIEW LOCATION: _____ CASE # _____

INTERVIEW DATE: ____/____/____ NEXT COURT DATE: ____/____/____

DOCKET # _____ GA/JD: _____ BOND: _____

ADDRESS: _____

LIVES WITH: _____ PHONE (____) _____

PROTECTIVE ORDER: Y / N VERIFIED: Y / N

VICTIM: _____ RELATIONSHIP: _____

CONTACT(S) FOR BOND:

NAME: _____ PHONE (____) _____

NAME: _____ PHONE (____) _____

NO CONTACT AVAILABLE ____ NO CALLS NEEDED ____ ALREADY CALLED ____

EMPLOYED: Y / N EMPLOYER: _____

CLIENT HAS MONEY: Y / N AMOUNT: _____ LOCATION: _____

SUBSTANCE ABUSE ISSUES: Y / N DESCRIBE: _____

MENTAL HEALTH ISSUES: Y / N DIAGNOSIS: _____

INTERESTED IN PROGRAM: Y / N / N/A

CLIENT ON PROBATION: Y / N PROBATION OFFICER'S NAME _____

PUBLIC DEFENDER/PRIVATE ATTORNEY: _____

CLIENT HAS BEEN INFORMED THAT A REFERRAL MUST BE RECEIVED FROM THE COURT/ BAIL COMMISSIONER
OR THEIR ATTORNEY / PUBLIC DEFENDER TO BE CONSIDERED FOR A PROGRAM: Y / N

COMMENTS: _____

JRI ACTION: CALL MADE _____ LEFT MESSAGE _____ # NOT IN SERVICE _____

SIGNATURE: _____

By signing this form, I agree to allow the Bail Services Officer to contact the person(s) given as Contact(s) for Bond.

STATE OF CT - JUDICIAL BRANCH
COURT SUPPORT SERVICES DIVISION

Attachment B

4.7 – Adult Services - Jail Re-Interview Process



STATE OF CONNECTICUT
COURT SUPPORT SERVICES DIVISION
JAIL RE-INTERVIEW/ BAIL COMMISSION

INTERVIEW FORM

Interviewer _____ DOC Facility: _____

Date: _____

Status: Pre-Trial / Direct Sentence

PERSONAL INFORMATION

Inmate Name: _____ Inmate Number: _____

(Last Name, First Name)

DOB: _____ Age: _____ SSN: _____

Race: _____ Gender: _____ Marital Status: _____

Address: _____ Phone #: _____

Lives with (relationship & name): _____

Length in CT: _____ Previous Residence (Town/State): _____

Alternate Contact: _____ Phone #: _____

Number of Dependent Children _____ Ages: _____ Will child(ren) reside with client: ☐ Yes ☐ No

Currently Pregnant: ☐ Yes ☐ No If yes, due date _____

EDUCATION AND WORK EXPERIENCE

☐ < 12 years Education: _____ School Attended: _____ Interest to return: ☐ Yes ☐ No

Present/Past employment and length: _____

☐ Unemployed: Why? _____

Disabled: ☐ Yes ☐ No If yes, receiving SSI? ☐ Yes ☐ No SSD? ☐ Yes ☐ No

LEGAL INFORMATION

GA#: _____ Bond: _____ NCD: _____

Public Defender/ Attorney: _____

Probation ☐ Yes ☐ No - Probation Officer: _____

Prior Probation Violation(s) ☐ Yes ☐ No If yes, why _____

Protective Order: ☐ Yes ☐ No Victim Name: _____ Relationship to client: _____

Protective Order Verified: ☐ Yes ☐ No

STATE OF CT - JUDICIAL BRANCH
COURT SUPPORT SERVICES DIVISION

Attachment B

4.7 - Adult Services - Jail Re-Interview Process

CRIMINAL HISTORY/SAFETY RISK ASSESSMENT**Current Charges****Previous Charges**

Offense 1: _____
Offense 2: _____
Offense 3: _____
Offense 4: _____
Offense 5: _____

Prior, pending, or current FTA ☐ Yes ☐ No If yes, why _____

This question should be answered if the current charge involves a violent offense:

Prior Record: ☐ None ☐ Misd ☐ Felony

SUBSTANCE ABUSE HISTORY**Primary****Secondary****Tertiary**

Drug of choice: _____
Method: _____
Amount used: _____
Age first used: _____
Date of last use: _____

Under influence at time of arrest: ☐ Yes ☐ No

Additional substances: _____

If heroin, does client receive Methadone? ☐ Yes ☐ No If yes, current dose: _____

Substance Abuse Treatment History:**Inpatient:**

Where : _____ When: _____ Successful: _____
Where : _____ When: _____ Successful: _____
Where : _____ When: _____ Successful: _____

Outpatient:

Where : _____ When: _____ Successful: _____
Where : _____ When: _____ Successful: _____
Where : _____ When: _____ Successful: _____

Reason for any unsuccessful discharges: _____

STATE OF CT - JUDICIAL BRANCH
COURT SUPPORT SERVICES DIVISION

Attachment B
4.7 – Adult Services - Jail Re-Interview Process

MEDICAL HISTORY

Medical Issues: ☐ Yes ☐ No _____

Medications: ☐ Yes ☐ No _____

Medical Insurance: ☐ Yes ☐ No _____

MENTAL HEALTH HISTORY

Mental Health Issues: ☐ Yes ☐ No _____

If yes, diagnosis (when/where) _____

Current Psychotropic Medications: ☐ Yes ☐ No Previous Psychotropic Medications: ☐ Yes ☐ No

If yes, name, dosage, frequency _____

Suicidal/Homicidal Ideations:

Past Ideation: ☐ Yes ☐ No If yes, describe _____

Current Ideation: ☐ Yes ☐ No If yes, reported to: _____

QMHP/Name

Suicidal/Homicidal Attempts:

Past Attempts ☐ Yes ☐ No If yes, when and how _____

Recent Attempts ☐ Yes ☐ No If yes, when and how _____

Mental Health Treatment History:

Inpatient:

Where : _____ When: _____ Successful: _____

Where : _____ When: _____ Successful: _____

Where : _____ When: _____ Successful: _____

Outpatient:

Where : _____ When: _____ Successful: _____

Where : _____ When: _____ Successful: _____

Where : _____ When: _____ Successful: _____

Recommendations based on Bail Decision Aid /JRI Assessment:

I agree to allow the Jail Re-Interview staff to contact persons, institutions and agencies named above to verify information provided herein.

Client Signature

Date

ESTADO DE CT- RAMA JUDICIAL
DIVISIÓN DE SERVICIOS DE APOYO AL TRIBUNAL

Attachment B-1
4.7 Adult Services – Jail Re-Interview Process

ESTADO DE CONECTICUT
DIVISION DE SERVICIOS DE APOYO AL TRIBUNAL
REENTREVISTA EN LA PRISION/COMISIONADO DE FIANZA

FORMULARIO INFORMATIVO

Entrevistador _____
Departamento de Correcciones/Lugar _____
Fecha: _____ Status Ante Juicio /Sentenciado _____

INFORMACIÓN PERSONAL

Nombre del Recluso _____ Número del Recluso _____
(Apellido, Nombre)
Fecha de Nacimiento _____ Edad: _____
Numero de Seguro Social: _____
Raza: _____ Genero: _____ Estado Civil: _____
Dirección: _____ Numero de Teléfono _____
Vive con (nombre y apellido) y tipo de relación _____
Cuanto tiempo en CT _____ Domicilio Anterior (Cuidad/Estado): _____
Contacto alternativo: _____ Numero de Teléfono _____
Cuantos dependientes son menores _____ Edades _____ El menor (es) vivirá con el recluso
☐ Si ☐ No
Actualmente Estas Embrazada ☐ Si ☐ No Si contesto que si, fecha de parto _____

EDUCACIÓN Y EXPERIENCIA LABORAL

<12 anos de Educación _____ Escuela a la que asistió _____
Interesado(a) en regresar ☐ Si ☐ No
Empleos en el pasado/presente y por cuanto tiempo _____
☐ Desempleado: Por que? _____
Incapacitado ☐ Si ☐ No Si contesto si, estas recibiendo SSI? ☐ Si ☐ No SSD? ☐ Si ☐ No

INFORMACIÓN LEGAL

Numero del Distrito: _____ Fianza: _____ Próxima Fecha para presentarse en el Tribunal: _____
Defensor Publico /Abogado: _____
Libertad Probatoria ☐ Si ☐ No Agente De Probatoria: _____
(Quebranto una Libertad Probatoria Anterior) ☐ Si ☐ No Si contesto si, por que? _____
Orden de Protección ☐ Si ☐ No Nombre y Apellido de la Victima _____
Relación a la persona _____
Orden de Proteccion Verificada ☐ Si ☐ No

ESTADO DE CT- RAMA JUDICIAL
DIVISIÓN DE SERVICIOS DE APOYO AL TRIBUNAL

Attachment B-1
4.7 Adult Services – Jail Re-Interview Process

ANTECEDENTES DE DELTOS / EVUALACIÓN DE RIESGO DE SEGURIDAD AL PUBLICO

Cargos Actuales

Cargos Anteriores

Delito 1: _____
Delito 2: _____
Delito 3: _____
Delito 4: _____
Delito 5: _____

Tiene un fallo por falta a comparecer, pendiente previo o actual ☐ Si ☐ No Si contesto si, por que:

Esta pregunta debe de ser contestada si el cargo pendiente tiene que ver con un delito violento:

☐ Ninguno

☐ Delito Menor

☐ Delito Mayor

ANTECEDENTES DE ABUSO DE SUBSTANCIA

	<u>Primero</u>	<u>Segundo</u>	<u>Tercero</u>
Droga de preferencia	_____	_____	_____
Uso:	_____	_____	_____
Cantidad que utiliza	_____	_____	_____
A que edad comenzó	_____	_____	_____
Cuando uso por última vez:	_____	_____	_____

¿Estaba bajo los efectos cuando lo arrestaron? ☐ Si ☐ No

Substancias Adicionales: _____

¿Estas bajo el plan de Metadona por "Heroína"? ☐ Si ☐ No

Si contesto que si, cual es la dosis: _____

Historial de Tratamiento de Abuso de Substancia

Internado:

Lugar: _____	Cuando: _____	Logro Completar: _____
Lugar: _____	Cuando: _____	Logro Completar: _____
Lugar: _____	Cuando: _____	Logro Completar: _____

Consulta Externa

Lugar: _____	Cuando: _____	Logro Completar: _____
Lugar: _____	Cuando: _____	Logro Completar: _____
Lugar: _____	Cuando: _____	Logro Completar: _____

Razón alguna por la cual no completo este tratamiento _____

ESTADO DE CT- RAMA JUDICIAL
DIVISIÓN DE SERVICIOS DE APOYO AL TRIBUNAL

Attachment B-1
4.7 Adult Services – Jail Re-Interview Process

HISTORIAL MEDICO

Problemas de salud: ☐ Si ☐ No _____
Medicaciones: ☐ Si ☐ No _____
Plan Medico: ☐ Si ☐ No _____

HISTORIAL DE SALUD MENTAL

Problemas con la Salud Mental: ☐ Si ☐ No _____
Si contesto si, diagnostico (cunado /donde): _____

Medicamentos de Psicotrópico Actual: ☐ Si ☐ No Medicamentos de Psicotrópico Anterior:
☐ Si ☐ No Si contesto que si, Nombre, Dosis, Cuantas veces _____

Tendencias suicidas/homicidas

Tendencias Anteriores ☐ Si ☐ No Si contesto que si, describa: _____
Tendencias Recientes: ☐ Si ☐ No Si contesto que si quien se lo informo: _____

QMHP Nombre

Intentos de Suicida/ Homicida

Intentos Anteriores ☐ Si ☐ No Si contesto que si, cuando y como _____
Intentos Recientes ☐ Si ☐ No Si contesto que si cuando y como _____

Historial de Tratamiento de Salud Mental

Internado:

Lugar: _____	Cuando: _____	Logro Completar: _____
Lugar: _____	Cuando: _____	Logro Completar: _____
Lugar: _____	Cuando: _____	Logro Completar: _____

Consulta Externa

Lugar: _____	Cuando: _____	Logro Completar: _____
Lugar: _____	Cuando: _____	Logro Completar: _____
Lugar: _____	Cuando: _____	Logro Completar: _____

Recomendaciones basada por el ayudante del Comisionado de Fianzas / resultado de entrevista: _____

Estoy de acuerdo con que el personal de reentrevistas de prisiones se comunique con los
Individuos, instituciones y agencias antes nombradas para verificar informaciones aquí suministradas.

Firma del Cliente

Fecha

Declaration Exhibit C

DOCKET NOS. MV20-0702916-S MV20-0703104-S MV20-0703162-S	:	SUPERIOR COURT
STATE OF CONNECTICUT	:	J.D. OF FAIRFIELD
V.	:	AT G.A. 2 BRIDGEPORT
TRE MCPHERSON	:	APRIL 22, 2020

MOTION TO VACATE REARRESTS ¹

The Defendant, TRE MCPHERSON, by and through the undersigned counsel, hereby moves to vacate the re-arrests ordered by this Court on February 18, 2020, and to restore the above-captioned matters to the regular court docket. Good cause, as set forth herein, exists for the granting of this motion.

1. In the above-captioned matters, the Defendant is charged as follows:

- In MV20-0702916-S, with *Operation of a Motor Vehicle Without a License*, in violation of Conn. Gen. Stat. §14-36(a), and *Failure to Drive in a Proper Lane*, in violation of Conn. Gen. Stat. §14-236.
- In MV20-0703104-S, with *Illegal Operation Under Suspension*, in violation of Conn. Gen. Stat. §14-215, and *Failure to Drive in a Proper Lane*, in violation of Conn. Gen. Stat. §14-236.

¹ This motion is filed in the Judicial District of Fairfield Courthouse (Part A) pursuant to the March 18, 2020, Order issued by the Chief Court Administrator, the Honorable Patrick L. Carroll III, limiting each Judicial District in the State of Connecticut to one location for all matters due to the COVID-19 pandemic.

- In MV20-0703162-S, with *Illegal Operation Under Suspension*, in violation of Conn. Gen. Stat. §14-215, and *Failure to Display Plates*, in violation of Conn. Gen. Stat. §14-18(a;
2. On February 18, 2020, this Court ordered rearrests after noting the absence of the Defendant when the above-captioned matters were called on the record;²
 3. Upon information and belief, the Defendant was in a detox program at SCADD Acute Care & Evaluation in New London, CT, on February 18, 2020;
 4. In any event, the Defendant was taken into custody on February 26, 2020, on an unrelated motor vehicle incident and has remained in custody since then. He has not been served with any rearrest warrant. Thus, the functional equivalent of the execution of said orders has been performed;
 5. For the foregoing reasons, and others that may be adduced at a hearing on this motion, the Defendant believes good cause exists for the granting of this motion;
 6. Accordingly, the undersigned hereby moves this Court to vacate the current rearrest orders and to assign these matters back to the Court's regular docket.

WHEREFORE, in the interest of justice and fairness, this motion should be granted.

² Any increase in bond, if ordered, is unknown to counsel. The rearrest orders occurred prior to counsel's involvement in the pending matters and any warrants pursuant to those orders have not yet been served. It is unknown to counsel whether a Bail Commissioner's Letter was issued on a previous court date.

Respectfully Submitted,

THE DEFENDANT
TRE MCPHERSON

By: Daniel Fernandes Lage
Daniel Fernandes Lage, Esq.
Juris #437260
Ruane Attorneys at Law
1 Enterprise Drive, Suite #305
Shelton, CT 06484
(203) 925-9200
daniel@ruaneattorneys.com

HIS ATTORNEY

ORDER

The foregoing motion, having been heard, it is hereby ORDERED:

GRANTED/DENIED

By: _____, J.
JUDGE

CERTIFICATION

I hereby certify that a copy of the above was faxed, delivered and/or mailed, postage prepaid, on April 22, 2020, to the following parties of record:

State's Attorney Cornelius P. Kelly, Esq.
Office of the State's Attorney of Connecticut – Judicial District of Fairfield
1061 Main Street
Bridgeport, CT 06604

Daniel Fernandes Lage

Daniel Fernandes Lage, Esq.
Commissioner of the Superior Court

FACSIMILE FILING
COVER SHEET

JD-CL-73 Rev. 5-10

INSTRUCTIONS

CONNECTICUT JUDICIAL BRANCH
SUPERIOR COURT

www.jud.ct.gov

1. See the back/page 2 for Procedures and Technical Standards for Electronic Filing.
2. Do not fax the back/page 2 of this form to the court.
3. Type or print legibly. One cover sheet must be submitted for each document.
4. The filing party shall keep the signed copy of the pleading, document or other paper while the action is pending, during any appeal period and during any applicable appellate process.
5. The transmission record of each filing shall be the filing party's confirmation of receipt by the Court. Please do not call the Clerk's Office to confirm receipt.

TO: The Superior Court named below.

- ☐ Judicial District at: _____ ☒ Geographical Area No.: 2 at Bridgeport
- ☐ Housing Session at: _____ ☐ Juvenile Matters at: _____
- ☐ Small Claims Area at: _____ ☐ Child Protection Session at Middletown

Fax number of above Court

Docket number

MV20-0702916-S

(Include prefix: for example, CI, CP, CR, CV, FA, HC, JV, MI, MV, SC, SP)

Title of document faxed

State of Connecticut v. Tre McPherson #391124

Number of pages

(Unless otherwise directed by the court, documents shall not be more than 20 pages (including cover sheet).)

The filing party assumes the risk of incomplete transmission or other factors that result in the document not being accepted for filing.

From:

Name (Print or type full name of person to be contacted, if necessary)

Attorney James Ruane

Date

04/23/2020

I am an attorney or law firm excluded from e-filing: ☐ Yes ☒ No Juris number: 430245

Telephone number (include area code)

203-925-9200

Fax number (include area code)

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Date

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 Al hacer clic en el signo de interrogación (?) obtendrá información sobre esa parte del formulario.

APPEARANCE

JD-CL-12 Rev. 9-13
 P.B. §§ 3-1 thru 3-6, 3-8, 10-13, 25A-2

STATE OF CONNECTICUT
SUPERIOR COURT
 www.jud.ct.gov

Instructions — See Back/Page 2
 ADA Notice — See Back/Page 2

Notice To Self-Represented Parties

A self-represented party is a person who represents himself or herself. If you are a self-represented party and you filed an appearance before and you have since changed your address, you must let the court and all attorneys and self-represented parties of record know that you have changed your address by checking the box below:

☐ I am filing this appearance to let the court and all attorneys and self-represented parties of record know that I have changed my address. My new address is below.

Return date
Docket number MV20-0702916-S

Name of case (Full name of Plaintiff vs. Full name of Defendant)

STATE OF CONNECTICUT V. TRE MCPHERSON

☐ Judicial District ☐ Housing Session ☐ Small Claims ☐ Geographic Area number <u>2</u>	Address of Court (Number, street, town and zip code) 172 GOLDEN HILL STREET, BRIDGEPORT, CT 06604
Scheduled Court date (Criminal/Motor Vehicle Matters) N/A	

Please Enter the Appearance of

Name of self-represented party (See "Notice to Self-Represented Parties" at top), or name of official, firm, professional corporation, or individual attorney RUANE ATTORNEYS AT LAW		Juris number of attorney or firm 430245
Mailing Address (Number, street) (Notice to attorneys and law firms - The address to which papers will be mailed from the court is the one registered or affiliated with your juris number. That address cannot be changed in this form.) 1 ENTERPRISE DRIVE, SUITE 305		Post office box Telephone number (Area code first) 203-925-9200
City/town SHELTON	State CT	Zip code 06484
Fax number (Area code first) 203-925-9207		E-mail address intaketeam@ruaneattorneys.com

in the case named above for: ("x" one of the following parties; if this is a Family Matters case, also indicate the scope of your appearance)

- ☐ The Plaintiff (includes the person suing another person).
☐ All Plaintiffs.
☐ The following Plaintiff(s) only: _____
☐ The Defendant (includes the person being sued or charged with a crime).
☐ The Defendant for the purpose of the bail hearing only (in criminal and motor vehicle cases only).
☐ All Defendants.
☐ The following Defendant(s) only: _____
☐ Other (Specify): _____
☐ This is a Family Matters case and my appearance is for: ("x" one or both)
☐ matters in the Family Division of the Superior Court ☐ Title IV-D Child Support matters

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 2. ☐ This appearance is in addition to an appearance already on file.

I agree to accept papers (service) electronically in this case under Practice Book Section 10-13 ☐ Yes ☐ No

Signed (Individual attorney or self-represented party) James Ruane	Name of person signing at left (Print or type) JAMES O. RUANE	Date signed 04/22/2020
---	--	---------------------------

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Name and address of each party and attorney that copy was mailed or delivered to STATE'S ATTORNEY'S OFFICE, 172 GOLDEN HILL STREET, BRIDGEPORT, CT 06604		For Court Use Only	
Signed (Signature of filer) James Ruane	Print or type name of person signing JAMES O. RUANE	Date signed 04/22/2020	Telephone number 203-925-9200

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TO: The Superior Court named below.

☐ Judicial District at: _____☒ Geographical Area No.: 2 at Bridgeport☐ Housing Session at: _____☐ Juvenile Matters at: _____☐ Small Claims Area at: _____☐ Child Protection Session at Middletown

Fax number of above Court

Docket number

MV20-0703408-S

(Include prefix: for example, CI, CP, CR, CV, FA, HC, JV, MI, MV, SC, SP)

Title of document faxed

State of Connecticut v. Tre McPherson #391124

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Attorney James Ruane

Date

04/23/2020

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Telephone number (Include area code)

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Fax number (Include area code)

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APPEARANCE

JD-CV-12 Rev. 9-13
P.B. §§ 3-1 thru 3-6, 3-8, 10-13, 25A-2

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SUPERIOR COURT
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Return date
Docket number MV20-0703104-S

Name of case (Full name of Plaintiff vs. Full name of Defendant)

STATE OF CONNECTICUT V. TRE MCPHERSON

Judicial District ☐ Housing Session ☐ Small Claims ☐ Geographic Area number 2 Address of Court (Number, street, town and zip code)
172 GOLDEN HILL STREET, BRIDGEPORT, CT 06604

Scheduled Court date (Criminal/Motor Vehicle Matters)

N/A

Please Enter the Appearance of

Name of self-represented party (See "Notice to Self-Represented Parties" at top), or name of official, firm, professional corporation, or individual attorney
RUANE ATTORNEYS AT LAW

Juris number of attorney or firm
430245

Mailing Address (Number, street) (Notice to attorneys and law firms - The address to which papers will be mailed from the court is the one registered or affiliated with your juris number. That address cannot be changed in this form.)

1 ENTERPRISE DRIVE, SUITE 305

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Telephone number (Area code first)

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City/town

SHELTON

State

CT

Zip code

06484

Fax number (Area code first)

203-925-9207

E-mail address

intaketeam@ruaneattorneys.com

in the case named above for: ("x" one of the following parties, if this is a Family Matters case, also indicate the scope of your appearance)

☐ The Plaintiff (includes the person suing another person).

☐ All Plaintiffs.

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☐ All Defendants.

☐ The following Defendant(s) only:

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☐ matters in the Family Division of the Superior Court

☐ Title IV-D Child Support matters

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2. ☐ This appearance is in addition to an appearance already on file.

I agree to accept papers (service) electronically in this case under Practice Book Section 10-13

☐ Yes ☐ No

Signed (Individual attorney or self-represented party)

James Ruane

Name of person signing at left (Print or type)

JAMES O. RUANE

Date signed

04/22/2020

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For Court Use Only

Signed (Signature of filer)

James Ruane

Print or type name of person signing

JAMES O. RUANE

Date signed

04/22/2020

Telephone number

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- ☐ Housing Session at: _____ ☐ Juvenile Matters at: _____
- ☐ Small Claims Area at: _____ ☐ Child Protection Session at Middletown

Fax number of above Court

Docket number

MV20-0703408-S

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State of Connecticut v. Tre McPherson #391124

Number of pages

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Attorney James Ruane

Date

04/23/2020

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JD-CL-12 Rev. 9-13
 P.B. §§ 3-1 thru 3-6, 3-8, 10-13, 25A-2

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Return date
Docket number MV20-0703162-S

Name of case (Full name of Plaintiff vs. Full name of Defendant)

STATE OF CONNECTICUT V. TRE MCPHERSON

☐ Judicial District ☐ Housing Session ☐ Small Claims ☐ Geographic Area number <u>2</u>	Address of Court (Number, street, town and zip code) 172 GOLDEN HILL STREET, BRIDGEPORT, CT 06604
---	--

Scheduled Court date (Criminal/Motor Vehicle Matters)

N/A

Please Enter the Appearance of

Name of self-represented party (See "Notice to Self-Represented Parties" at top), or name of official, firm, professional corporation, or individual attorney	Juris number of attorney or firm
RUANE ATTORNEYS AT LAW	430245

Mailing Address (Number, street) (Notice to attorneys and law firms - The address to which papers will be mailed from the court is the one registered or affiliated with your juris number. That address cannot be changed in this form.)	Post office box	Telephone number (Area code first)
1 ENTERPRISE DRIVE, SUITE 305		203-925-9200

City/town	State	Zip code	Fax number (Area code first)	E-mail address
SHELTON	CT	06484	203-925-9207	intaketeam@ruaneattorneys.com

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- ☐ Small Claims Area at: _____ ☐ Child Protection Session at Middletown

Fax number of above Court

Docket number

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Title of document faxed

State of Connecticut v. Tre McPherson #391124

Number of pages

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Name (Print or type full name of person to be contacted, if necessary)

Attorney James Ruane

Date

04/23/2020

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DOCKET NO: MV20-0703408-S : SUPERIOR COURT
STATE OF CONNECTICUT : J.D. OF FAIRFIELD
V. : AT G.A. 2 BRIDGEPORT
TRE MCPHERSON : APRIL 22, 2020

MOTION FOR MODIFICATION OF BOND¹

The Defendant, TRE MCPHERSON, hereby moves pursuant to The Fifth and Fourteenth Amendments of the United States Constitution, Article First, § 8 of the Connecticut Constitution, and § 38-17 of the Connecticut Practice Book, for this Honorable Court to reduce the Defendant's bond to a promise to appear. In support of this motion, the Defendant makes the following representations:

1. On February 26, 2020, the Defendant was arrested and charged in the above-captioned matter with the following:
 - *Evading Responsibility*, in violation of Conn. Gen. Stat. §14-224 (b) (2),
 - *Reckless Driving*, , in violation of Conn. Gen. Stat. §14-222,
 - *Illegal Operation Under Suspension*, in violation of Conn. Gen. Stat. §14-215,
 - *Failure to Drive in a Proper Lane*, in violation of Conn. Gen. Stat. §14-236;
2. On February 18, 2020, this Court ordered rearrests after noting the absence of the Defendant when the above-captioned matters were called on the record;
3. Upon information and belief, the Defendant was in a detox program at SCADD Acute Care & Evaluation in New London, CT, on February 18, 2020;
4. On February 26, 2020, this Court ordered a bond of \$5000 in the above-captioned matter. The Defendant is unable to post this bond;

¹ This motion is filed in the Judicial District of Fairfield Courthouse (Part A) pursuant to the March 18, 2020, Order issued by the Chief Court Administrator, the Honorable Patrick L. Carroll III, limiting each Judicial District in the State of Connecticut to one location for all matters due to the COVID-19 pandemic.

5. On March 11, 2020, the World Health Organization officially classified COVID-19 as a pandemic.² Connecticut, along with most other states, has declared a state of emergency, and President Donald Trump has declared a national emergency. With confirmed cases on the rise in Connecticut, the collective community, including the courts, must take necessary action to protect the community at large, especially vulnerable populations such as prisoners;
6. As of April 21, 2020, the new strain of coronavirus which causes COVID-19, has infected over 2,500,000 people, leading to at least 172,210 deaths worldwide;³
7. As of 2:00 P.M. on April 21, 2020, the Department of Corrections has listed 308 inmates and 222 staff members as positive for COVID-19. Individuals counted among that list are confirmed as having been located in Bridgeport Correctional Center, where the Defendant is currently housed.⁴
8. The Defendant has essentially now served almost two months in prison on these motor vehicle charges.
9. As before, but certainly now in light of the COVID-19 pandemic and given the state of the nation, the Defendant has no incentive to flee the area or abscond. During his release, the Defendant will be subject to the Governor's directives urging residents to stay home to reduce the spread of the highly contagious COVID-19 virus;
10. Moreover, the Defendant is not a risk or danger to the community. The Defendant has no history of violence in his record and poses no imminent threat to the community—but while he remains detained COVID-19 poses a direct and imminent threat to his life. The aforementioned, in addition to the non-violent nature and offense-level of his current charges, constitutes good cause for the granting of this request.

WHEREFORE, the Defendant respectfully requests this Court to modify the conditions of the Defendant's release.

² *WHO Characterizes COVID-19 as a Pandemic*, World Health Organization (March 11, 2020) at <https://bit.ly/2W3dwpS>

³ *Coronavirus Map: Tracking the Spread of the Outbreak*, The New York Times (March 12, 2020), at <https://nyti.ms/2U4kraud> (updating regularly).

⁴ <https://portal.ct.gov/DOC/Common-Elements/Common-Elements/Health-Information-and-Advisories> (April 22, 2020).

Respectfully Submitted,
THE DEFENDANT,
TRE MCPHERSON

By: *Daniel Fernandes Lage*
Daniel Fernandes Lage, Esq.
Juris #437260
Ruane Attorneys at Law
1 Enterprise Dr., Suite 305
Shelton, CT 06484
Phone: 203.925.9200
Fax: 203.925.9207

ORDER

Upon consideration of the foregoing Motion, it is hereby ORDERED:

GRANTED/DENIED

By _____, J.
JUDGE

CERTIFICATION

This is to certify that a copy of the foregoing motion has been mailed, postage prepaid, to the Office of the State's Attorney of the Judicial District of Fairfield and the Office of the Bail Commissioner on the above date at the above Judicial District.

Daniel Fernandes Lage

Commissioner of the Superior Court


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Fax number of above Court _____	
Docket number MV20-0703408-S	
(Include prefix: for example, CI, CP, CR, CV, FA, HC, JV, MI, MV, SC, SP)	
Title of document faxed State of Connecticut v. Tre McPherson #391124	
Number of pages _____	
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From:

Name (Print or type full name of person to be contacted, if necessary)		Date
Attorney James Ruane		04/23/2020
I am an attorney or law firm excluded from e-filing: ☐ Yes ☒ No Juris number: 430245		
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EXHIBIT F