

Bonding Practices

On May 26, 2016, I requested information on “how the release or detention decisions are being made generally in each unit and bonding practices” and “a general description of how bail decisions are made in your unit and the bond schedules that the unit uses.” Requests were sent to the Unit Administrator and also to the presiding judge of each unit. I received the following responses:

- Judge Hagerty and Donna Wunderlich, Unit 3, Bismarck
 - [South Central Bond Schedule](#)
 - “If bond is not set by the bond order, we set it at a court hearing, obtaining information from the defendant and from the State. The State makes a recommendation. The defendant or defense counsel responds. The Judge sets bond.”
 - Type of information you look for from the defendant and the State in a hearing to set the bond:
 - “I typically want to know where the defendant resides, how long the defendant has resided at the address, whether it is someone else’s address, whether the defendant is employed, and if so, how long the employment has lasted, general criminal record information, whether the defendant has failed to appear in past cases, whether the defendant is on supervised probation, and general family ties information.”

- Judge Jon Jensen, Nelson and Grand Forks County
 - [Nelson and Grand Forks County Bond Schedule](#)
 - “Individuals who are unable to post bond or who have been detained for an offense not included in the bond schedule have their bonds set at the next available appearance date. In those instances bond is left to the individual discretion of each judge and no uniform schedule or criteria are applied.”
 - Type of information the judges are typically given in a bond hearing to help inform their decisions:
 - “Each judge requests different information. The prosecutor usually provides a criminal history summary emphasizing any failures to appear at other proceedings and the nature of the current charge. Common questions for defendants in this district are:
 - Ties to the community;
 - Employment status; and
 - Ownership of real property in ND”

- Judge Frank Racek, Fargo
 - “Our bond schedule is one page long. Misdemeanors (excluding some involving violence, weapons, or fleeing/eluding police) are set at \$400 cash for residents and \$2000 for non-residents. The one exception is DUI which is \$800. (\$4000 non-resid) Felonies and the excluded mis. are must appear. Most non-violent felony cases are released after appearance on \$500 bail, unless high danger/flight risk. When I checked with the jail last week, we had no folks in jail on that day on \$400 bail, and only one person for DUI or 24/7 violations who did not have other charges which would have held them anyway. In Fargo we have 6 court sessions per week for first appearances, and often adjust bail there.”
 - [Cass County Bond Schedule](#)
 - [Fargo Municipal Court Bond Schedule](#)

- Carolyn Probst, Unit 4 (NCJD and NWJD)
 - [North Central Judicial District Bond Schedule](#)
 - [Northwest Judicial District Bond Schedule](#)
 - These schedules are only applicable to those individuals who are arrested and have not seen a judge. (after hours/weekends)
 - “All defendants that have had a bond hearing and cannot post bond may request one bond review hearing that is automatically set for a hearing. Beyond that, they need to properly petition the court for future bond review requests. If the defendant has an attorney, all requests go through the attorney.”

- Judge David Nelson (NWJD)
 - “In the NW district we have no special list of items that the judge will use in deciding bond. Each case is different and each case will have some piece of unique information that at least one side (State or Defendant) will think the judge should know.
 - I would say that I look at the following as a loosely based ranking of importance. However in an individual case, a lower ranking issue can rise to the top.
 - Charge. Degree of danger to self or others, likelihood of new charges.
 - Defendant’s past history of convictions.
 - Defendant’s past history of non- appearance.
 - Defendant’s mental & physical health.
 - Time until next court event.
 - How long has the Defendant been in custody.
 - Residency of the Defendant (local or transient, length of time in area).
 - Victim’s needs/wishes.
 - Defendant’s pending charges.
 - Wishes of the lawyers.

- Over the last 30 years I have established some general amounts and conditions for each charge. I will use the above to increase or decrease the amount and add or subtract conditions.”

	SCJD	Nelson and GF County	Cass County	Fargo Municipal	NCJD	NWJD
DUI	\$350	\$775 (1 st offense, escalating for multiple)	\$800 (\$4000 non-resident)	\$650	\$750	\$750 (misd) \$1500 (fel)
Class A Misd.	\$500	\$1000	\$400 (\$2000 non-resident)		\$1500	\$1500
Class B Misd.	\$250	\$500	\$400 (\$2000 non-resident)	\$100-\$1000 (varies)	PR	\$750