

Section 1.03: Release or detention pending trial

- (a) the nature and circumstances of the offense charged, including whether the offense is a crime of violence or involves narcotics;
 - (b) the weight of the evidence against the accused;
 - (c) the history and characteristics of the accused, including
 - (1) character, physical and mental condition, family ties, employment, financial resources, length of residence in community, community ties, past conduct, history of drug or alcohol abuse, criminal history, and record concerning appearances at court proceedings;
 - (2) whether, at the time of the current offense or arrest, defendant was on probation or parole or on release pending trial, sentencing, appeal, or completion of sentence under federal, state, or local law;
 - (d) the nature and seriousness of danger to any person or the community, if the accused is released.
 - (e) In a case involving domestic violence, give the alleged victim an opportunity to be heard regarding the danger posed by defendant. 18 U.S.C. § 2263 (effective Sept. 13, 1994).
2. If a secured bond or surety bond is being considered, inquire about defendant's financial resources and, if appropriate, the sources of any property to be designated for potential forfeiture or offered as collateral. See 18 U.S.C. § 3142(c)(1)(B)(xii), (c)(2), and (g)(4).
- C. If there is a pretrial services agency in your district (18 U.S.C. § 3154), use the report of the interview by the pretrial services officer as an aid to fixing bail. If you do not have a pretrial services agency, consult the probation office.
- D. In developing information from defendant relevant to bail, the following questions are typical:
- 1. Are you married?