FINDINGS AND ORDER on Motion for Detention under G.L. c. 276, § 58A	DOCKET NO.	MASSACHUSETTS TRIAL COURT
DEFENDANT'S NAME:		COURT DIVISION:

SECTION I FINDINGS

The REASONS for the Court's order under G.L. c. 276, § 58A, are:

1. ☐ The defendant is charged with an offense designated in G.L. c. 276, § 58A(1). _____
2. ☐ The nature and seriousness of the danger posed to any person or to the community that would result in the defendant's release _____
3. ☐ The nature and circumstances of the offense charged _____
4. ☐ The potential penalty the defendant faces _____
5. ☐ The defendant's family ties _____
6. ☐ The defendant's employment record _____
7. ☐ The defendant's history of mental illness _____
8. ☐ The defendant's reputation _____
9. ☐ The risk that the defendant will obstruct or attempt to obstruct justice or threaten, injure or intimidate, or attempt to threaten, injure or intimidate a prospective witness or juror _____
10. ☐ The defendant's record of convictions _____
11. ☐ The defendant's record for illegal drug distribution _____
12. ☐ The defendant's present drug dependency _____
13. ☐ The defendant is on bail awaiting adjudication of a prior charge _____
14. ☐ The acts alleged in this case involve abuse as defined in G.L. c. 209A, § 1, or a violation of a temporary or permanent order issued pursuant to G.L. c. 208, §§ 18, 34B or 34C; G.L. c. 209, § 32; G.L. c.209A, §§ 3,4 or 5, or G.L. c. 209C, §§ 15 or 20.
15. ☐ The defendant has a history of orders issued against him or her pursuant to the statutes listed in item 14 _____
16. ☐ The defendant is on probation, parole, or other release pending completion of a sentence for any conviction.
17. ☐ The defendant is on release pending sentence or appeal for any conviction.

SAMPLE

SECTION II FINDINGS

Additional findings of fact and further explanation if necessary: _____

DATE:	JUSTICE:

FINDINGS AND ORDER under G.L. c. 276, § 58A	DOCKET NO.	TRIAL COURT OF MASSACHUSETTS

☐ **ORDER OF RELEASE ON PERSONAL RECOGNIZANCE WITHOUT SURETY**

I find the Commonwealth has not met its burden of clear and convincing evidence that no conditions of release will reasonably assure the safety of individuals or the community. The evidence does not demonstrate that the defendant's release on personal recognizance (1) will endanger the safety of another person or the community or (2) will not reasonably assure the appearance of the defendant.

☐ **ORDER OF PRETRIAL DETENTION**

Following the Commonwealth's motion for a detention hearing pursuant to G.L. c. 276,§58A(2), and after a hearing conducted in accordance with G.L. c. 276,§58A(2) & (5), I find, based upon clear and convincing evidence, that no conditions of release imposed upon the defendant will reasonably assure the safety of ☐ another person, namely, _____, and/or ☐ the community. G.L. c. 276,§58A(3). I therefore **ORDER** the detention of the defendant pending trial. The defendant shall be brought to trial as soon as reasonably possible, but in the absence of good cause, the defendant shall not be detained for a period exceeding 120 days (or exceeding 180 days, if in Superior Court), excluding any period of delay as defined in Mass. R. Crim. P. 36 (b)(2). I further order the defendant be committed to custody or confinement in a correctional facility separate, to the extent practicable, from persons awaiting or serving sentence or being held in custody pending appeal. I further **ORDER** that the defendant be afforded reasonable opportunity for private consultation with counsel. The Court's reasons for this order are listed in Sections I and II.

☐ **ORDER OF CONDITIONAL RELEASE**

Following the Commonwealth's motion for a detention hearing pursuant to G.L. c. 276, § 58A(2), and after a hearing conducted in accordance with G.L. c. 276, § 58A(4) & (5), I find that the defendant's release on personal recognizance alone will not reasonably assure the appearance of the defendant as required or will endanger the safety of another person in the community. G.L. c. 276, § 58A(2). **I THEREFORE IMPOSE THE FOLLOWING CONDITIONS** which I find are the least restrictive conditions that will reasonably assure the appearance of the defendant as required and the safety of all other persons and the community. G.L. c. 276, § 58A(2)(B). The Court's reasons for this order are listed in Sections I and II.

1. ☐ Defendant will not commit a federal, state or local crime during the period of release. Should the defendant commit a violation of this or any other condition imposed by this order, the order may be revoked and the defendant ordered to pretrial detention. G.L. c. 276, § 58B. (This condition is required in all orders. G.L. c. 276, § 58B)
2. ☐ Defendant will remain in the custody of _____, who agrees to assume supervision and to report any violation of a release of condition to this Court, and is able reasonably to assure the Court that the defendant will appear as required and will not pose a danger to the safety of any person or the community.
3. ☐ Defendant will maintain or actively seek employment;
4. ☐ Defendant will maintain or commence an education program;
5. ☐ Defendant will abide by the following specific restrictions on personal associations, place of abode or travel:

   _____
6. ☐ Defendant will avoid all contact with the alleged victim(s) of the crime charged and with any potential witness(es) who may testify concerning the offense: _____
7. ☐ Defendant will report on a regular basis to the following law enforcement agency, pretrial service agency, or other agency as follows:

   _____
8. ☐ Defendant will comply with the following curfew: _____
9. ☐ Defendant will not possess a firearm, destructive device, or other dangerous weapon;
10. ☐ Defendant will refrain from the excessive use of alcohol or any use of a narcotic drug or other controlled substance, without a prescription from a licensed medical practitioner;
11. ☐ Defendant will undergo available medical, psychological, or psychiatric treatment, or treatment for drug or alcohol dependency and/or remain in a specified institution if required for that purpose, as follows: _____

    _____
12. ☐ The defendant will execute an agreement to forfeit property upon failing to appear as required and provide proof of ownership, value and encumbrances (see separate agreement attached hereto).
13. ☐ Defendant shall execute a bail bond in the sum of $ _____;
14. ☐ Defendant will return to the custody of _____ for the following hours after release for employment, schooling or limited purpose, as follows: _____
15. ☐ Defendant will satisfy the following other conditions: _____

    _____

DATE:	**JUSTICE:**
DATE:	**DEFENDANT:** I have read and understand these conditions. I understand if I violate any condition it may result in my arrest and incarceration, and the revocation of my release.
DATE:	**INTERPRETER:** Signature of Interpreter, if any: I have translated the terms of this Order and the acknowledgement set forth above to the defendant prior to his / her signature.

SAMPLE