

GENERAL ORDER NO. 14

PLAN FOR PROMPT DISPOSITION OF CRIMINAL CASES

Upon approval of the Reviewing Panel designated in accordance with 18 U.S.C. §3165(c) and Rule 50(b) of the Federal Rules of Criminal Procedure, the time limits and procedures set forth herein shall supersede those previously in effect.

DATED: April 7, 1980

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SPEEDY TRIAL PLAN

I. Introductory Material

A. The Plan for Prompt Disposition of Criminal Cases for the Northern District of California is set forth in Section II of this report. The Plan has been approved and adopted by the Court upon the recommendation of the Planning Group.

B. The Planning Group for the Northern District of California consists of the following individuals:

Chief Judge Robert F. Peckham, Chairman  
Judge Alfonso J. Zirpoli  
Judge William H. Orrick  
Judge William W. Schwarzer  
Chief Magistrate Richard S. Goldsmith  
G. William Hunter, United States Attorney  
James F. Hewitt, Federal Public Defender  
Glen E. Robinson, United States Marshal  
Michael E. Sterrett, Attorney-in-Charge  
Organized Crime & Racketeering Section,  
Dept. of Justice  
Jerrold M. Ladar, Private Attorney  
Weyman I. Lundquist, Private Attorney  
William L. Whittaker, Clerk of Court  
Harry W. Schloetter, Chief Probation Officer  
Jay L. Schaefer, Reporter

C. Copies of the Plan and this report will be available for public inspection at the Office of the Clerk of the United States District Court in San Francisco and in San Jose. Copies of the Plan (Section II) will be distributed upon request to members of the Bar who practice before the District Court.

## II. Plan for Achieving Prompt Disposition of Criminal Cases

Pursuant to the requirements of Rule 50(b) of the Federal Rules of Criminal Procedure, the Speedy Trial Act of 1974 (18 U.S.C. Chapter 208, the Speedy Trial Act Amendments of 1979 (Pub. L. No. 96-43, 93 Stat. 327), and the Federal Juvenile Delinquency Act (18 U.S.C. §§ 5036, 5037), the Judges of the United States District Court for the Northern District of California have adopted the following time limits and procedures to minimize undue delay and to further the prompt disposition of criminal cases and certain juvenile proceedings:

### 1. Applicability

(a) Offenses. The time limits set forth herein are applicable to all criminal offenses triable in this court, including cases triable by United States Magistrates, except for petty offenses as defined in 18 U.S.C. § 1(3). Except as specifically provided, they are not applicable to proceedings under the Federal Juvenile Delinquency Act. [§ 3172]

(b) Persons. The time limits are applicable to persons accused who have not been indicted or informed against as well as those who have, and the word "defendant" includes such persons unless the context indicates otherwise.

### 2. Priorities in Scheduling Criminal Cases

Preference shall be given to criminal proceedings as far as practicable as required by Rule 50(a) of the Federal Rules of Criminal Procedure. The trial of defendants in custody

solely because they are awaiting trial and of high-risk defendants as defined in section 5 should be given preference over other criminal cases. [§ 3164(a)]

3. Time within which an Indictment or Information Must be Filed

(a) Time Limits. If an individual is arrested or served with a summons and the Complaint charges an Offense to be prosecuted in this district, any Indictment or Information subsequently filed in connection with such charge shall be filed within thirty (30) days of arrest or service. [§ 3161(b)]

(b) Grand Jury Not in Session. If the defendant is charged with a felony to be prosecuted in this district, and no grand jury in the district has been in session during the 30-day period prescribed in subsection (a), such period shall be extended an additional 30 days. [§ 3161(b)]

(c) Measurement of Time Periods.

(1) Arrest. If a person has not been arrested or served with a summons on a federal charge, an arrest will be deemed to have been made at such time as the person: (i) is held in custody solely for the purpose of responding to a federal charge; (ii) is delivered to the custody of a federal official in connection with a federal charge; or (iii) appears before a judicial officer in connection with a federal charge.

(2) Summons. In the absence of a showing to the contrary, a summons shall be considered to have been served

on the date of service shown on the return thereof.

(3) Superseding Charges. See section 4(d),  
infra.

4. Time Within Which Trial Must Commence.

(a) Time Limits. The trial of a defendant shall commence not later than 70 days after the last to occur of the following dates:

(1) The date on which an indictment or information is filed in this district;

(2) The date on which a sealed indictment or information is unsealed; or

(3) The date of the defendant's first appearance before a judicial officer of this district.

[§ 3161(c)(1)]

(b) Retrial; Trial After Reinstatement of an Indictment or Information. The retrial of a defendant shall commence within 70 days from the date the order occasioning the retrial becomes final, as shall the trial of a defendant upon an indictment or information dismissed by a trial court and reinstated following an appeal. If the retrial or trial follows an appeal or collateral attack, the court may extend the period if unavailability of witnesses or other factors resulting from passage of time make trial within 70 days impractical. The extended period shall not exceed 180 days. [§ 3161(d)(2),(e)]

(c) Withdrawal of Plea. If a defendant enters a

plea of guilty or nolo contendere to any or all charges in an indictment or information and is subsequently permitted to withdraw the plea, the time limit shall be determined for all counts as if the indictment or information were filed on the day the order permitting withdrawal of the plea became final.

[§ 3161(i)]

(d) Superseding Charges.

(1) Indictment or Information Superseded.

If, after an indictment or information has been filed, an indictment or information is filed which charges the defendant with the same offense or with an offense required to be joined with that offense, the time limit applicable to the subsequent charge will be determined as follows:

(i) If the original indictment or information was dismissed on motion of the defendant before the filing of the subsequent charge, the time limit to trial (under section 4(a), above) shall be determined without regard to the existence of the original charge. [§ 3161(d)(1)]

(ii) If the original indictment or information is pending at the time the subsequent charge is filed, the trial shall commence within the time limit for commencement of trial on the original indictment or information.

[§ 3161(h)(6)]

(iii) If the original indictment or information was dismissed on motion of the United States Attorney

before the filing of the subsequent charge, the trial shall commence within the time limit for commencement of trial on the original indictment or information, but the period during which the defendant was not under charges shall be excluded from the computations. Such period is the period between dismissal of the original indictment or information and the date the time would have commenced to run on the subsequent charge (under section 4(a), above) had there been no previous charge.

(2) Complaint Superseded. If any charge contained in a complaint filed against a defendant is dismissed or otherwise dropped, and thereafter a complaint, indictment or information is filed which charges the defendant with the same offense or an offense based on the same conduct or arising from the same criminal episode, the time limits set forth in sections 3 and 4 of this Plan, which are applicable to such subsequent charge, shall be determined without regard to the existence of the original charge. [§ 3161(d)(1)]

(3) Subsequent Charge in Complaint. If any charge contained in a complaint, information or indictment filed against a defendant is dismissed or otherwise dropped, and thereafter a complaint is filed which charges the defendant with the same offense or an offense based on the same conduct or arising out of the same criminal episode, the time limit within which an indictment or information must be obtained shall be determined without regard to the existence of the original

complaint, information or indictment. [§ 3161(d)(1)]

(4) Same Offense Charged. Under (d)(1)(ii) and (iii), above, unless the court finds that the subsequent charge is not for the same offense charged in the original indictment or information, or not for an offense required to be joined therewith, the trial on the subsequent charge shall commence within the time limit for commencement of trial on the original indictment or information.

(e) Measurement of Time Periods. For the purposes of this Section:

(1) If a defendant signs a written consent to be tried before a magistrate and no indictment or information charging the offense has been filed, the time limit shall run from the date of such consent.

(2) In the event of a transfer to this district under Rule 20 of the Federal Rules of Criminal Procedure, the indictment or information shall be deemed filed in this district when the papers in the proceeding or certified copies thereof are received by the clerk.

(3) A trial in a jury case shall be deemed to commence at the beginning of voir dire.

(4) A trial in a non-jury case shall be deemed to commence on the day the case is called, provided that some step in the trial procedure immediately follows.

(f) Related Procedures.



(1) Earliest Appearance. At the time of the defendant's earliest appearance before a judicial officer of this district, the officer will take appropriate steps to assure that the defendant is represented by counsel and shall appoint counsel where appropriate under the Criminal Justice Act and Rule 44 of the Federal Rules of Criminal Procedure.

(2) Setting Trial Date. The court shall have sole responsibility for setting cases for trial after consultation with counsel. At the time of arraignment or as soon thereafter as is practicable, each case will be set for trial on a weekly or other short-term calendar. [§ 3161(a)]

(3) Pre-trial Motions. Except as otherwise ordered by the court, all motions shall be filed within ten (10) days from the date of arraignment.

(4) Pre-trial Hearings. All pre-trial hearings shall be conducted as soon after the arraignment as possible, consistent with the priorities of other matters on the court's criminal docket.

(5) Trial Date. Individual calendars shall be managed so that it will be reasonably anticipated that every criminal case set for trial will be reached during the week of original setting. All counsel shall advise the court at the time of trial setting or as soon as practicable thereafter, of conflicts with the trial date. A conflict in schedules of Assistant United States Attorneys or defense counsel will not be

a ground for a continuance or delayed setting unless the court determines that such a continuance of the trial date is in the ends of justice under section 3161(h)(8). See section 5(c), infra.)

(6) Notice by Government. At the time of the filing of a complaint, indictment, or information, including a superseding complaint, indictment or information, the United States Attorney shall give written notice to the court of that circumstance and of the government's position with respect to the computation of time limits, as required by Section 6(b)(3).

5. Defendants in Custody and High-risk Defendants.

(a) Time Limits. Notwithstanding any longer time periods that may be permitted under sections 3 and 4, the following time limits will also be applicable to defendants in custody and high-risk defendants as herein defined:

(1) The trial of a defendant held in custody solely for the purpose of trial on a federal charge shall commence within 90 days following the beginning of continuous custody.

(2) The trial of a high-risk defendant shall commence within 90 days of the designation as high-risk.

[§ 3161(b)]

(b) Definition and Notice.

(1) If a defendant is being held in custody solely for the purpose of awaiting trial, the United States

Attorney shall so advise the court and the clerk at the time custody commences or as soon as possible thereafter.

(2) A high-risk defendant is one designated by the United States Attorney as posing a danger to himself or any other person or to the community. The United States Attorney shall notify the court and the clerk of such designation at the time the designation is made.

(3) If the court finds that the filing of a "high-risk" designation as a public record may result in prejudice to the defendant, it may order the designation sealed for such period as is necessary to protect the defendant's right to a fair trial, but not beyond the time that the court's judgment in the case becomes final. During the time the designation is under seal, it shall be made known to the defendant and defense counsel but shall not be made known to other persons without the permission of the court.

(c) Measurement of Time Periods. For the purposes of this section:

(1) A defendant is deemed to be in detention awaiting trial when he or she is arrested on a federal charge or otherwise held for the purpose of responding to a federal charge. Detention is deemed to be solely because the defendant is awaiting trial unless the person exercising custodial authority has an independent basis (not including a detainer) for continuing to hold the defendant.

(2) If a case is transferred pursuant to Rule 20 of the Federal Rules of Criminal Procedure and the defendant subsequently rejects disposition under Rule 20 or the court declines to accept the plea, a new period of continuous detention awaiting trial will begin at that time.

(3) A trial shall be deemed to commence as provided in sections 4(e)(3) and (4), above.

6. Exclusion of Time from Computations.

(a) Applicability. In computing any time limit under sections 3, 4, or 5, the periods of delay set forth in 18 U.S.C. § 3161(h) shall be excluded. Such periods of delay shall not be excluded in computing the minimum period for commencement of trial under section 7, infra.

(b) Determination and Recordation of Excludable Time.

(1) Court. Determinations concerning excludable time shall normally be made on the record by the court or the magistrate.

(2) Counsel.

(i) Counsel shall have five (5) days from the date of the court's determination of excludable time in which to object to the determination. Counsel shall have the responsibility for examining the clerk's records of excludable time for completeness and accuracy.

(ii) All motions, opposition to

motions, and other papers filed and orders presented to the court for signing in any clerical proceeding shall state which, if any, of the exclusions under § 3161 are applicable and how much time should be excluded, as provided in Local Rule 340-2.

(iii) The attorney for the Government and the attorney for the defendant may at any time enter into stipulations with respect to the accuracy of the docket entries recording excludable time. To the extent that the amount of time stipulated by the parties does not exceed the amount recorded on the docket for any excludable period of delay, the stipulation shall be conclusive as between the parties unless it has no basis in fact or law. It shall similarly be conclusive as to a co-defendant for the limited purpose of determining, under 18 U.S.C. § 3161(h)(7), whether time has run against the defendant entering into the stipulation. To the extent that the amount of time stipulated exceeds the amount recorded on the docket, the stipulation shall have no effect unless approved by the Court.

(3) United States Attorney. The United States Attorney shall calculate and record excludable time with respect to proceedings prior to the filing of an indictment or information. Excludable time calculations shall be reported to the court and to the clerk at the time the information or indictment is filed or as soon as possible thereafter.

(4) Clerk. The Clerk of the Court shall enter on the docket information with respect to the excludable

periods of time which have been determined for each defendant.

(5) Documents and records prepared or maintained by the Clerk or the United States Attorney relating to excludable time are for informational purposes only and shall not constitute evidence that such excludable time has occurred in fact in the absence of a judicial determination or stipulation.

(c) Continuances.

(1) Request for Continuance. In the event that either party seeks a continuance under § 3161(h)(8), counsel for that party shall file a written motion stating:

(i) the period of time proposed for exclusion;

(ii) the basis of the proposed exclusion; and

(iii) whether or not the defendant is being held in custody. In appropriate circumstances, the motion may include a request that some or all of the supporting material be considered ex parte and in camera.

(2) Order Granting Continuance. If it is determined that a continuance is justified, the Court shall set forth its findings in the record, either orally or in writing. If the continuance is granted under 18 U.S.C. § 3161(h)(8), the Court shall also set forth its reason for finding that the ends of justice served by granting the continuance outweigh the best

interests of the public and the defendant in a speedy trial. If the continuance is to a date not certain, the Court shall require one or both parties to inform the Court promptly when and if the circumstances that justify the continuance no longer exist. In addition, the Court shall require one or both parties to file periodic reports bearing on the continued existence of such circumstances. The Court shall determine the frequency of such reports in the light of the facts of the particular case.

(3) Pre-Indictment Continuance.

(1) In the event that the United States Attorney anticipates that an Indictment or Information will not be filed within the time limit set forth in section 3, the Government may file a written motion with the Court for a determination of excludable time. In the event that the Government seeks a continuance under 18 U.S.C. § 3161(h)(8), the United States Attorney shall file a written motion with the Court requesting such a continuance and shall provide the Court with the record of excludable time maintained pursuant to section 6(b)(3), above.

(4) Post-Indictment Continuance.

(1) In the event that the Court continues a trial beyond the time limits set forth in section 4 or 5 of this plan, the Court shall determine whether the limit may be recomputed by excluding time pursuant to 18 U.S.C. § 3161(h).

7. Minimum Period for Defense Preparation.

Unless the defendant consents in writing to the contrary, the trial shall not commence earlier than 30 days from the date on which the indictment or information is filed or, if later, from the date on which the defendant first appears through counsel or on which the defendant expressly waives counsel and elects to proceed pro se.

(a) In circumstances in which the 70-day time limit for commencing trial on a charge in an indictment or information is determined by reference to an earlier indictment or information pursuant to section 4(d), above, the 30-day minimum period shall also be determined by reference to the earlier indictment or information.

(b) When prosecution is resumed on an original indictment or information following a mistrial, appeal, or withdrawal of a guilty plea, a new 30-day minimum period will not begin to run.

(c) A change of counsel or of pro se status shall not restart the 30-day minimum period. The Court will in all cases schedule trials so as to permit counsel adequate preparation time in light of all the circumstances.

[§ 3161(c)(2)]

8. Time Within Which Defendant Should be Sentenced.

(a) Time Limit. A defendant shall ordinarily be sentenced within 45 days of the date of the conviction or plea of



guilty or nolo contendere.

(b) Presentence Report. If the defendant and defense counsel consent on the record, a presentence investigation may be commenced prior to a plea of guilty or nolo contendere or a conviction.

9. Juvenile Proceedings.

(a) Time Within Which Trial Must Commence. An alleged delinquent who is in detention pending trial shall be brought to trial within 30 days of the date on which such detention was begun, as provided in 18 U.S.C. § 5036.

(b) Time of Dispositional Hearing. If a juvenile is an adjudicated delinquent, a separate dispositional hearing shall be held no later than 20 court days after trial, unless the court has ordered further study of the juvenile in accordance with 18 U.S.C. § 5037(c).

10. Sanctions.

(a) Dismissal Not Required. Failure to comply with the requirements of Title I of the Speedy Trial Act may entitle the defendant to dismissal of the charges. Nothing in this plan shall be construed to require that a case be dismissed or a defendant released from custody in circumstances in which dismissal or release would not be required by 18 U.S.C. § 3162 or § 3164.\* The Court retains the power to dismiss a case for

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\*Dismissal may also be required in some cases under the Interstate Agreement on Detainers, 18 U.S.C., Appendix.

unnecessary delay pursuant to Rule 48(b) of the Federal Rules of Criminal Procedure.

(b) High-Risk Defendants. A high-risk defendant whose trial has not commenced within the time limit set forth in 18 U.S.C. § 3164(b) shall, if the failure to commence trial was through no fault of the attorney for the government, have the release conditions automatically reviewed. A high-risk defendant who is found by the court to have delayed intentionally the trial of his or her case shall be subject to an order of the court modifying the nonfinancial conditions of release under Chapter 207 of Title 18 U.S.C., to ensure that the defendant shall appear at trial as required. [§ 3164(c)]

(c) Discipline of Attorneys. In a case in which counsel: (1) knowingly allows the case to be set for trial without disclosing the fact that a necessary witness would be unavailable for trial, (2) files a motion solely for the purpose of delay knowing it is frivolous and without merit, (3) makes a statement for the purpose of obtaining a continuance knowing it to be false and which is material to granting of the continuance, or (4) otherwise willfully fails to proceed to trial without justification consistent with 18 U.S.C. § 3161, the Court may punish such counsel as provided in 18 U.S.C. § 3162(b) and (c). The sanctions which may be imposed on such attorney include: (i) reducing up to 25% the compensation of an attorney appointed under the Criminal Justice Act; (ii) fining retained counsel up

to 25% of their fee; (iii) fining the attorney for the Government up to \$250; (iv) prohibiting the attorney for the Government from practicing before that Court for not more than 90 days; or (v) filing a report with the appropriate disciplinary committee.

(d) Alleged Juvenile Delinquents. An alleged delinquent in custody whose trial has not commenced within the time limit set forth in 18 U.S.C. § 5036 shall be entitled to dismissal of the case pursuant to that section unless the Attorney General shows that the delay was consented to or caused by the juvenile or the juvenile's counsel, or would be in the interest of justice in the particular case.

11. Persons Serving Terms of Imprisonment.

If the United States Attorney knows that a person charged with an offense is serving a term of imprisonment in any penal institution, the United States Attorney shall promptly seek to obtain the presence of the prisoner for trial, or cause a detainer to be filed, in accordance with the provisions of 18 U.S.C. § 3161(j).

12. Additional Responsibilities.

(a) Magistrate or District Judge.

(1) At the time the defendant first appears in court with counsel, the court shall establish for the record the date of arrest or summons, indictment or filing of information or complaint, and the date of other significant Speedy Trial Act events. The court shall also establish the date

of the first appearance through counsel for the purposes of section 7 of this plan and determine excludable time pursuant to section 6, above.

(2) If the court orders the defendant or the case removed or transferred under the Federal Rules of Criminal Procedure, the court shall determine the amount of excludable time through the day the order for removal or transfer is signed.

(b) Marshal. The Marshal shall report to the clerk as soon as possible:

(1) The names and reasons for detention of all persons taken into custody;

(2) The change of status of any person in custody; and

(3) The arrest of a defendant out of the district on a warrant issued by this court.

(c) District Planning Group. As part of its continuing study of the administration of criminal justice in this district, the District Planning Group will pay special attention to those cases in which there is a failure to comply with the time limits set forth herein. From time to time, the Group may make appropriate recommendations to the court.

(d) Responsibilities of Clerk. In addition to maintaining statistical data as required by the Administrative Office of the United States Courts, the Clerk will from time to time report to the other members of the Planning Group concerning

failures to comply with any time limit set forth herein. The Clerk will provide the Circuit Council with any information it requests on the status of criminal cases in this district.

13. Effective Date.

(a) This plan shall take effect upon approval of the reviewing panel designated in accordance with 18 U.S.C. § 3165(c). This plan supersedes those previously in effect. However, the dismissal sanction and the sanctions against attorneys authorized by 18 U.S.C. § 3162 and reflected in sections 10(a) and (c) of this plan shall apply only to defendants whose cases are commenced by arrest or summons on or after July 1, 1980, and to indictments and informations filed on or after that date.

(b) If a defendant was arrested or served with a summons before July 1, 1979, the time within which an information or indictment must be filed shall be determined under the plan that was in effect at the time of such arrest or service.

(c) If a defendant was arraigned before August 2, 1979, the time within which the trial must commence shall be determined under the plan that was in effect at the time of such arraignment.

(d) The provisions of 18 U.S.C. § 3164, reflected in section 5 of this plan, became effective on August 2, 1979, the date the Speedy Trial Act amendments were signed.

### III. Summary of Experience under the Act within the District

#### A. Progress toward Meeting the Permanent Time Limits.

The court has made substantial progress towards meeting the time limits. As experience with the act increases, more findings of excludable time are being made, thus increasing the rate of compliance. With the expanded exclusion for motions (§ 3161(h)(1)(F)) and the increasing use of § 3161(h)(8), there should be full compliance by July 1, 1980.

#### B. Problems Encountered.

A lack of awareness and understanding of the Speedy Trial Act has been the major obstacle to compliance. The anticipation of sanctions on July 1, 1980, and increasing experience with the act are facilitating compliance efforts.

#### C. Incidence of, and Reasons for, Requests or Allowances of Extensions of Time beyond the District's Standards.

The reasons for extensions beyond the time limit to trial are described in Table 2 of Section VIII (Statistics). The longer extensions were granted under § 3161(h)(8), frequently because of the unavailability of counsel, the complexity of the case, or the number of defendants.

#### D. Reasons Why Exclusions Were Inadequate to Accommodate Reasonable Periods of Delay.

The exclusions, as amended, would have been adequate, had they been recorded, to bring all criminal cases into compliance.

#### E. The Effect on Criminal Justice Administration of

### Prevailing Time Limits.

A reduction in the number of criminal filings and a change in the nature and complexity of cases commenced since the act was implemented make the effects of the Speedy Trial Act difficult to isolate. From the year ending June 30, 1976 through the year ending in 1979, the median time (actual days) from filing to disposition of criminal cases has increased from 3.2 to 4.4 months, while the percentage of defendants not in compliance with the 30 and 60-day time limits (actual days minus excludable time) has decreased.

The act focuses greater attention on criminal cases, causes more cases to be reassigned, and causes more court activity, including determination of excludable time; whether cases will terminate more quickly (in terms of total elapsed days, not "net" time countable under the act), however, remains an open question.

#### F. Effect of Compliance with the Time Limits on the Civil Calendar.

The Speedy Trial Act has not yet had an effect on the civil calendar. Since the act became effective, there has been a 10% increase in the annual civil filings but the median time from filing to disposition has decreased from 9 to 8 months. However, with several lengthy criminal trials scheduled and three judgeships presently vacant, there could soon be a serious interruption in the scheduling of civil trials.

G. Frequency of Use of Sanctions under 18 U.S.C. § 3164 (Release from custody or modification of release conditions.)

No sanctions have been imposed under § 3164.

IV. Procedures and Innovations that have been adopted by the District Court to Expedite the Disposition of Criminal Cases

1. The district regularly convenes and expanded planning group that includes, in addition to the members required by statute, three district judges, the Special Agent-in-Charge of the Organized Crime Strike Force, and the Chief Assistants of United States Attorney and Marshal. The group addresses a variety of problems including some beyond immediate scope of the Speedy Trial Act.

2. The Court has adopted the following Local Rule (340-2):

All motions and other papers filed in any criminal action or proceeding shall show on the first page beneath the file number which, if any, of the exclusions under 18 U.S.C. § 3161 may be applicable to the action sought or opposed by the motion or other paper, and the resulting excludable time.

3. Additional responsibilities of the Court, Magistrates, United States Attorney and Marshal are described in section II.

4. A weekly COURTRAN print-out (Appendix) enables the court and Clerk's Office to monitor criminal cases closely.



V. Statement of Additional Resources to Achieve Compliance with the Act.

With the filling of all judgeships and the maintenance of the present staffing levels of the Clerk, United States Attorney, Marshal, and Probation Office, no additional resources will be needed to comply with the Speedy Trial Act.

VI. Recommendations for Changes in Rules.

Rule 20 of the Federal Rules of Criminal Procedure should be amended to allow the defendant to waive venue in the district in which a complaint is pending and consent to be charged in the arresting district. At the present time, the defendant can waive indictment and trial under Rules 7, 11, and 20(b). Permitting the waiver of venue would further expedite Rule 20 proceedings.

VII. Incidence and Length of, Reasons for and Remedies for Detention Prior to Trial.

The judges in this district have uniformly applied the standards of the Bail Reform Act. Statistics concerning the number of defendants detained and the length of detention are reported in the tables in Section VIII (Statistics).

VIII. Statistical Tables.