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<b>DETENTION FACILITY POST ORDERS</b>		
<b>DETENTION DIVISION CHIEF</b> CHRIS LAWS <i>C. G. LAWS 1963</i>	<b>EFFECTIVE DATE</b> 12/01/1996	<b>REVISED DATE</b> 09/01/2013 09/28/2021
<b>NUMBER 011</b>	<b>TITLE</b>	<b>POSTS INVOLVED</b>
<b>PAGES 6</b>	<b>BONDS</b>	<b>RECORDS</b>

**PURPOSE:**

To insure bonds are prepared according to the guidelines set by the Municipal, County and District Courts. The Detention Facility does not accept charge cards, personal checks, or business checks for the posting of bonds.

**PROCEDURE:**

**1. 16-3-503. Bonds for persons with immigration-related issues**

On and after June 6, 2017, a law enforcement agency holding a defendant charged with a criminal offense shall not notify the defendant's bail bonding agent or a no compensated surety before the bond is posted that his or her bond or fees may be forfeited if the defendant is removed from the country. On and after June 6, 2017, a law enforcement officer shall no longer ask a defendant or a person other than a bail bonding agent to execute a waiver prior to posting a bond for a person charged with a criminal offense that states that he or she understands that the bond or fees shall be forfeited if the defendant is removed from the country. A bail bonding agent shall not communicate to a defendant that his or her bond or fees shall be forfeited if the defendant is removed from the country.

**2. In accordance with 16-4-102. Right to bail - before conviction:** Unless extraordinary circumstances exist, the custodian of a jail shall release a defendant **WHO IS GRANTED A PERSONAL RECOGNIZANCE BOND** as soon as practicable but no later than **SIX (6)** hours after the defendant is physically present in the jail. Unless extraordinary circumstances exist, the custodian of the jail shall release a defendant who is granted a cash bond as soon as practicable but no later than **SIX (6)** hours after the bond is set, after the defendant is physically present in the jail, and after the defendant or surety notifies the jail that the defendant or surety is prepared to post bond. If the custodian fails to release the defendant within six hours, the custodian shall inform the defendant and any person posting bond on

behalf of the defendant the reason for the delay and shall document the reason for the delay in the defendants file.

3. A supervisory condition of release does not serve as a legal basis to continue to detain the defendant; except that, if the defendant is ordered released upon condition of being subject to electronic monitoring, the defendant may be held up to as long as practicable but no longer than twenty-four hours after the defendant is physically present in the jail and the defendant's bond has been posted, if such delay is necessary to ensure the defendant is fitted with electronic monitoring and the court has authorized the defendant to be held until the electronic monitor is fitted. If the court orders electronic monitoring for the protection of a specific individual, and the defendant is ordered to have no contact with that specific individual, and the judge orders that the defendant not be released without electronic monitoring based on finding that the electronic monitoring is necessary for public safety, then the time limits regarding release of the defendant do not apply. However, if a defendant is held more than twenty-four hours after posting bond awaiting electronic monitoring fitting, the sheriff shall bring the defendant to the court the next day the court is in session and explain the reason for the delay. Before a bond is posted, a copy of "**LEGAL RIGHTS RELATED TO POSTING MONEY BOND PURSUANT TO SECTION 16-4-102, COLORADO REVISED STATUTE, shall be provided to the defendant and surety.**"
4. Once a PR bond or a money bond is posted, the defendant and surety shall be provided a copy of the **Receipt of Information Certification** form and bond paperwork.

#### **BONDING INFORMATION/CASH BONDS BY DEFENDANT:**

1. When notified that the defendant has money to cover the bond in his account, the Records staff will call the deputy where the subject is being housed to initiate a property release. The property release should state, "For bonding", the amount of the bond and a (ten) \$10.00 charge for the bonding fee, **and if they would like to voluntarily relinquish additional money to pay their debts.**
2. The Records staff will print one check made out to the Clerk of the Court for the bond amount.
3. The Records staff will transfer the bond fee to fee for bonding in the inmates account. The check will be forwarded to the Courts attached to the signed bond.
4. Once the property release is signed, it will be filed in the inmate's jacket. The Records staff will print out a receipt for the check, type the bond and any other required documents of the court, and log the bond.
5. The bond will be sent with the copies of the charging paperwork to Inmate Information. If another party brings in the money to finish covering a bond amount, the money will be deposited into the inmate's account.

6. The party will be given a receipt, but only **the defendant's name will be typed on the bond.**

### **CASH BONDS BY DEFENDANT - FINE ONLY**

This type of bond is cash only requiring the payment of a fine. If the bond is paid there is usually no court return date. This information will be found within the charging paperwork. If the subject has been advised and given a court date, the return court date must be listed on the bond. The bond (fine) can be paid by the defendant or an outside party may deposit money in the inmate's account. The outside party must be informed that they will receive no money back at the conclusion of the case and their name will not appear on the bond.

### **CASH BONDS (Owner of Cash):**

1. When another party bonds a defendant with cash, the Records staff will:
  - a. verify the owner of the cash has a valid government issued ID
  - b. make a copy of the ID and;
  - c. verify the name, age and address listed on the ID;
  - d. count the cash verifying the proper amount;
  - e. have a second employee verify amounts over \$250.00 (two hundred and fifty);
  - f. have the party fill out the IRS 8300 Form-report of cash payments for amounts received of \$10,000.00 (ten thousand dollars) and over;
  - g. Give the party a cash bond receipt.
2. The Records staff will then continue processing the bond by having the party check the appropriate MAY NOT box if they wish to have the courts return their money to them.
  - a. If the party wishes to have the funds applied to court costs, then have the party check the appropriate MAY box near the bottom of the form.
  - b. **This process should be explained to the party prior to their signing of the bond.**

### **LICENSED SURETY BONDS/PHONE 'CALL- IN' PROCESS:**

1. A bonding agent may phone the Front Desk to have a bond prepared ahead of time. The bonding agent **shall** provide the following:
  - a. their full name, license number and phone number;
  - b. the **full name and date of birth** of the person they wish to bond.
2. Once the Records staff has completed the bond, the bonding agent will be called to the Detention Facility to sign the bond.
3. The bond will then be sent to Releasing for completion of the releasing process.
4. A bonding agent who does not come to the jail within one (1) hour(s) of a Records staff notifying them that the bond is complete may be placed on a restriction list and lose their "call in" privilege for up to six months. ***The "Revocation of privilege" will be done by a Records Supervisor (or designee) who will also notify the bonding agent of the***

***restriction. The bonding agent will be required to appear in person before the bonding process will be commenced with all future bonds for the six-month period. A second infraction thereafter may result in the permanent removal of their call-in privilege.***

5. When a bonding agent calls to have a bond typed, the person receiving the information shall check the current courts issued "On the Board Report" (Bonding Board) to make sure that the bonding agent's name is not on the list.
  - a. If the bonding agent's name is on the list, they will be told to contact the court that has placed them on the list.
  - b. We will need to receive a fax from the courts ordering the bonding agent be removed from the unapproved list;
  - c. or if the bondsman has the paperwork showing the case number was paid at the courts.
  - d. Clearances on defendants to be released shall be run before the bond is typed.
6. If a warrant is discovered, the Records staff discovering the warrant shall be responsible for notifying the Records staff preparing the bond.
7. If a bonding agent has posted a bond and the defendant refuse to sign it, the bonding agent will be notified, and the bonding agent's Power of Attorney (POA) will be placed in the safe where the Facility will hold it for no longer than 3 working days.
8. The bonding agent can contact the Sheriff's Accounting Office to have the fee reimbursed.
  - a. If the bonding agent does not claim their POA within 3 days, it shall be mailed to them by first class mail and the bond fee will be forfeited.
  - b. The Records staff will make a copy of the cancelled bond and indicate on it "Cancelled".
  - c. This will alert Accounting Technicians that the bondsman may be contacting them.
  - d. The Detention Facility will not be responsible for lost mail.
9. Phone requests to post a bond prior to any inmate's arrival at the Facility will not be honored.

#### **FRONT DESK REQUESTS:**

1. Once the bonding agent has presented themselves at the Front Desk the following will take place:
  - a. The Records staff will verify the bonding agent identity;
  - b. check the power of attorney for the amount and expiration date and verify their credential license.
  - c. If a current copy of the license is not on file, a copy will need to be made and scanned into the computer.
  - d. The Records staff will verify that the bond will be typed on the English form;
  - e. unless specified on the yellow court sheet that the defendant is Spanish speaking only then the bond will be typed on the Spanish bond form.
2. Other forms that will need to be typed with the bond will be determined by the Tech.

(Felony Waiver, SRP Form, Immigration Form, etc.)

3. Once the bonding agent has signed the bond, paid the bonding fee, and provided the POA to the Records staff.
4. A copy of the bond will be given to the bonding agent for their records.

### **INMATE INFORMATION**

1. When receiving a call from the Front Desk asking for charging paperwork to be sent up, the Record staff will run a NCIC/CCIC clearance on the inmate.
  - a. The clearance shall include the original name and date of birth, as well as all alias names and dates of birth that do not appear on the criminal history.
  - b. The Records staff will also check the in-house computer for any warrants not yet entered on NCIC/CCIC and sign the jacket once this is completed.
  - c. The charging paperwork will then be sent to the Front Desk.
2. If additional warrants are found, the Front Desk staff will contact the bonding agent to see if they still want to post the bond.

### **PERSONAL RECOGNANCE (PR) BONDS WITH DESIGNATED CO-SIGNER**

1. Obtain ID from the cosigner at the Front Desk and make three copies of it;
  - a. One copy goes with the bond to the Courts;
  - b. One copy is filed with Court Services;
  - c. One copy is attached to the Release documents and placed in the inmate's booking file.
  - d. The co-signer will be asked if they would like to voluntarily pay the \$10.00 (ten dollar) bond fee. If they choose to pay the fee they must be provided with a receipt.
  - e. Have the cosigner sign the bond on the appropriate line and continue with the bonding process.

### **PERSONAL RECOGNANCE BONDS WITH CO-SIGNER**

1. Court Services employees must approve the co-signer. The following criteria shall be verified:
  - a. Co-signer must be 21 years of age;
  - b. must have a valid Colorado Driver's License or Valid ID
  - c. Must be employed for at least one year and be a resident of Colorado for 2 years
  - d. Cannot be currently on bond, probation, parole or have history of FTAs
  - e. The remainder of the process is completed the same as **PR BONDS WITH DESIGNATED CO-SIGNER.**

### **PERSONAL RECOGNANCE (PR) SRP BONDS**

A Records staff will complete these bonds and deduct the bond fee from the defendant's account, **if they voluntarily relinquish additional money to pay their debts.**

### **JUVENILE BONDS**

Bonds for juveniles will only be posted for individuals in our custody and subject to a direct filing by the court.

### **SPLIT BONDS**

1. A split bond consists of two different types of bonds for the same charge and the same case number.
2. The defendant will not sign any bond until all split bonds for an individual case have been posted.
3. No charge will be updated in the computer until all split bonds have met the Court's order.
4. The bonds will be logged on the bond log as one, after being stapled together. Split bonds should have written on them 'split bond, 1 of 2 or 2 of 2', as appropriate.

### **OUT OF STATE BOND BY SURETY**

The out-of-state bonding agent will need to contact a bonding agent from Colorado for the posting of the bond.

### **M1 MENTAL HEALTH HOLDS**

1. Prior to release, if it is determined that an inmate will be placed on a 72-hour M1 Hold because the inmate is a danger to himself or community, the medical unit will be notified for the evaluation.
2. No information shall be released to anyone concerning the inmate's status, except by the Duty Sergeant.

### **ADDITIONAL DUTIES**

1. In addition to typing bonds, the Records staff are responsible for the following bonding related tasks:
  - a. Verifying the bonds for completeness and accuracy daily  
accurate data entry of collected bond money and fees.
  - b. Ensuring that bond money and fees collected balance.
  - c. Organizing the bonds by the county/municipality of origin.
  - d. Prepare envelopes for out- of- county bonds for mailing.
  - e. Delivering bonds to the designated location for delivery to the courts on weekdays.