

BERKELEY POLICE DEPARTMENT

DATE ISSUED: January 13, 1994

GENERAL ORDER B-1

SUBJECT: BAIL

PURPOSE

- 1 - The purpose of this General Order is to establish procedures governing the collection and handling of bail.

POLICY

- 2 - Berkeley Police Department employees shall follow the guidelines set forth in this Order as they relate to the handling of bail.

AUTHORIZATION

- 3 - Cash, Traveler's Checks, Cashier's Checks, Money Orders, Western Union Moneygrams, United States Treasury Bonds, and surety or bail bonds may be accepted as bail for any person in custody, or named in a warrant charging a bailable offense, subject to the limitations indicated.
 - (a) Bail bond certificates or credit cards, issued by some automobile clubs, are not acceptable in lieu of one of the approved forms of bail.

BAIL BOND BROKERS

- 4 - Bail bond brokers are controlled by the Insurance Commissioner of the State of California and do not need a City of Berkeley business license to post surety or bail bonds.
 - (a) No bail bond broker shall post any part of his/her transaction in cash, Treasury Bonds, or checks unless he/she possesses a valid City of Berkeley business license.
 - (b) A list of bail bond brokers is maintained in the jail.

GENERAL PROCEDURE

- 5 - Bail transactions for persons not in custody shall be handled by Service Bureau personnel, except:
 - (a) When the Berkeley-Albany Municipal Court (BAMC) office is open, subjects under its jurisdiction shall be referred there.
 - (b) When the Warrant Detail is open, subjects of all outside warrants shall be referred there.
- 6 - Bail shall be set in accordance with the Bail Schedule established by the judges of the BAMC.

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- 7 - Bail transactions for persons in custody shall be handled by Service **Bureau** personnel.

CASH

- 8 - Cash may be accepted as bail and a bail register receipt, form 314-595, given for the total, including penalty assessment.
- (a) When cash is accepted, the Service **Bureau** employee shall write the denominations of the currency tendered in the "denomination" box on the receipt.

TREASURY BONDS

- 9 - Treasury Bonds may be accepted and posted in a lesser amount than the bail, including penalty, providing the difference is covered by the posting of:
- (a) Cash.
- (b) A surety or bail bond.
- 10 - A bail register receipt shall be given for the total face value of Treasury Bonds plus any cash.
- (a) The bonds shall be described by serial number and the total of coupons attached to each shall be noted.
- (b) If a surety or bail bond is posted to cover the difference, its serial number shall be noted, but the receipt shall not include the value of this bond.
- (c) Treasury Bonds may not be posted in an amount greater than the bail, including penalty, nor may change be made from the register drawer.

SURETY OR BAIL BONDS

- 11 - Surety or bail bonds may be accepted and posted in a lesser amount than the bail, including penalty, providing the difference is covered by the posting of:
- (a) Cash
- (b) Another surety or bail bond.
- 12 - Surety or bail bonds must be approved by a Service **Bureau supervisor** or authorized employee of the Service **Bureau** or Warrant **Detail**.
- 13 - Each bond shall be checked to determine that the following information is included, and any omission is sufficient cause to decline approval:

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- (a) The date must be the date of arrest or any subsequent date, and indicated by month, day, and year.
 - (b) The defendant's name must be spelled correctly.
 - (c) The charge or charges must be the same on which the defendant is booked.
 - (d) The word "misdemeanor" or "felony" must be written in the frame titled "insert misdemeanor or felony".
 - (e) The "sum" shall be the amount of bail, including penalty, or the maximum amount of the bond, whichever is less. The sum shall not include any cash posted in conjunction with the bond.
 - (f) The name of the Court and the appearance date.
 - (g) The bond must bear the signature of at least one "attorney-in-fact" and be notarized.
 - (h) The Personal File Number and Corpus Event Number (PFN and CEN).
 - (1) When CORPUS computer problems prevent the PFN and CEN from being available, the bond may be accepted and the numbers added to the bond at a later time. The employee accepting the bond shall be responsible for adding the missing numbers when they become available.
 - (i) Bonds must be presented in person by a bail bond broker and not through a power-of-attorney.
- 14 -** No bail register receipt shall be given for a surety or bail bond, except to cover the amount of any cash posted in conjunction with it, nor may change be made from the bail register.
- 15 -** Money Orders, Cashier's Checks, Traveler's Checks, and Western Union Moneygrams may be accepted as bail for persons in custody. Each document must be made payable to the Berkeley Police Department. A bail receipt shall be issued in accordance with the provisions of paragraph #17.

MULTIPLE WARRANTS

- 16 -** The correct bail must be obtained and a separate receipt given for each jurisdiction when a person is arrested on multiple warrants from multiple jurisdictions. One bond or check cannot be divided between courts. The following examples are given as guides:
- (a) One subject, one court, one warrant, one receipt.

*Highlighted text is new.

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- (b) One subject, one court, two warrants, one receipt.
- (c) One subject, two or more courts, one or more warrants from each court, one receipt for each court which includes all the warrants from that court.

SPECIAL BAIL REGISTER RECEIPT INSTRUCTIONS

- 17 - Under certain circumstances a court must mail a notice of forfeiture to the depositor of bail; therefore, each receipt shall contain the name and mailing address of the firm or person posting bail.
- 18 - Each court must be accurately identified on every receipt by name and the five digit judicial district code listed in the Court/DMV roster maintained in the **CLETS Operating Manual, Table 17, located** in the **Communications** Center.
- 19 - When accepting a check for a BAMC warrant, the original warrant shall be stapled to the check and both placed in the bail register for transmittal to the court by the **Public Safety** Business Office.
- 20 - The employee accepting bail shall write the PFN and CEN on the bail receipt for all in-County bail receipts prepared.

PROCESSING OF BAIL

- 21 - All bail received for people in custody on local charges or subjects of BAMC warrants shall be placed in the bail register. The **Public Safety** Business Office shall be responsible for forwarding such bail to the court office on the next business day.
- 22 - All cash, Cashier's Checks, Traveler's Checks, Money Orders, Western Union Moneygrams, United States Treasury Bonds, and surety or bail bonds received for people arrested for other jurisdictions shall be placed in the register and be forwarded to the appropriate jurisdiction by the **Public Safety** Business Office. A letter of transmittal shall accompany bail which is forwarded to an outside jurisdiction.
- 23 - The name and mailing address of the firm or person posting bail shall be included when the bail is transmitted to the proper agency.
- 24 - The employee handling any bail transaction shall:
 - (a) Immediately notify the **Communications** Center and arrange for the PIN to be updated.
 - (b) Enter the required information in the **arrest** log maintained at the **jail booking area**.

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- (c) Complete the return of service.
 - (1) Only sworn personnel can sign warrants and shall assist non-sworn personnel as requested.

25 - On each business day a member of the Warrant **Detail** shall obtain a photocopy of each bail register receipt related to warrants to insure the ultimate accounting of all transactions.

COURT APPEARANCE DATES

26 - Court appearance dates shall be set in accordance with the schedule maintained at the Public Counter of the Service **Bureau**.

RELEASING PRISONERS

27 - The employee who accepts bail or who receives an order of release from BAMC for any subject who is in custody is responsible for insuring that the subject is released from custody. This responsibility cannot be delegated.

P.I.N. AND N.C.I.C. CHECKS

28 - Before accepting bail, the employee handling the transaction shall insure that the subject of the bail has been checked through the Police Information Network (PIN) and National Crime Information Center (NCIC).

References: General Orders J-1, R-17, W-4, and W-6
California Penal Code: Sections 1297, 1305 and 1306
Police Information Network: Form 2-68-095
California Department of Justice Automated Information Services Manual
CALEA Standards