

DATE:	MAY 23, 2022
NUMBER:	Q.47
SUBJECT:	NEGOTIABLE PAPER IN LIEU OF CASH FOR PAYMENT OF BAIL/FINES
RELATED SECTIONS:	B.5 , P.3

PURPOSE

To fulfill legal and department requirements for the acceptance of negotiable paper in-lieu of cash for payment of bail or fines. This section does not apply to the acceptance of bail bonds.

POLICY

Cashier's checks, money orders, and personal checks are acceptable forms of negotiable paper.

Subject to the restrictions described in this section, cashier's checks and money orders issued by U.S. businesses (i.e., Western Union money order, postal money order, traveler's check, credit unions, banks, saving & loan associations) are acceptable for any fee or fine, or deposit of bail when made payable to the San Diego County Treasurer.

Personal checks shall be accepted only in amounts up to \$300.00, and only for offenses that are not declared to be a felony.

PROCEDURE

The prepaid document shall be for an amount equal to, or less than the amount of the bail or fine. If it is for less than the amount of the bail or fine, the difference shall be made up of cash or other negotiable paper payable to the San Diego County Treasurer.

I. GENERAL INSTRUCTIONS

- A. The acceptance of negotiable paper in lieu of cash for bail or fines is the only permissive action authorized by the Board of Supervisors (#83, 12-15-69). The detention facility shall not accept personal checks for any "out of county warrant" arrests or for Superior Court Juvenile traffic warrants.
- B. Prior to accepting bail, detentions processing staff will verify the incarcerated person has cleared wants and warrants. If the incarcerated person has not cleared the wants and warrants process, bail will not be accepted (refer to DSB P&P Q.41 section II for wants and warrants clearance procedures).
- C. Western Union money orders and certain other prepaid documents are sometimes received so an incarcerated person may self-bail. Due to the reliability of these documents, the watch commander may approve the cashing of the document and the placement of the funds on the incarcerated person's account. The requested amount to be cashed must be the exact amount of the bail or less. These documents shall not be cashed when the requested amount exceeds the incarcerated person's bail amount.

- D. Cashier's checks will only be accepted during routine banking hours. The Detentions Processing Supervisor (DPS) (or designee) will verify the funds prior to the information being entered into the computer.
- E. Money orders or checks received in an incarcerated person's name shall first be endorsed and cashed (following check cashing procedures) and the money taken from their account for self bail.
- F. Money orders and other prepaid documents from a foreign country shall not be accepted. They may be cashed through regular check cashing procedures if marked "payable in United States currency."
- G. Bail for federal incarcerated persons shall be posted with the federal authorities who will in turn advise the detention facility when the subject is to be released.

II. PERSONAL CHECKS (FOR "IN-COUNTY" COURTS ONLY)

Personal checks for bails up to \$300 may be accepted for local misdemeanor offense only. Personal checks will not be accepted for felony charges, including out of county and out of state warrants.

- A. Checks shall be drawn from a California banking institution with name and address printed on it. Temporary personal checks will not be accepted.
- B. Checks shall be made payable to the San Diego County Treasurer.
- C. Checks shall be for an amount equal to or less than the amount of bail or fine (if less than the amount of bail or fine, the difference shall be accompanied by cash or other negotiable paper to make up the exact amount of bail or fine).
- D. Checks shall not be "second party" checks, be "post-dated" or "pre-dated," or have other irregularities.
- E. Valid photo identification shall be required.
- F. The back of the check shall be stamped with a detention facility stamp, and the writer's name, driver's license number and other identification shall be noted by the accepting detentions information assistant, who shall also provide an ARJIS number on the check. When approving a check, the DPS or watch commander shall also provide an ARJIS number on the check.