

Bail

Bail is money that the court requires be paid in order to assure a defendant's court appearances after release from custody. Pursuant to the requirements of California Penal Code section 1269(b), Judges of the San Diego County Superior Court annually review and set bail amounts for felony, misdemeanor and infraction charges.

Detention facilities and court clerks are authorized to release inmates from custody after accepting bail in the amounts as set for each specific charge. Bail will be accepted, once an inmate's identity has been verified by Sheriff's Records and cleared a want and warrants check. An inmate has the right to post bail on any case with a bail amount set, regardless of the status of other arrests, PRIOR to any future court date(s). If an inmate is at court and/or en route to court at the time the bail is posted, it will NOT be accepted.

SETTING BAIL

For inmates booked into custody with new charges (pre-arraignment), bail is determined by the charges. Unless otherwise indicated on the Booking Intake/Personal Property Inventory (form J-15) to stack bail, if there is more than one charge, the highest bail amount will be imposed for the entire arrest.

The first charge line will reflect the charge with the highest bail, the bail amount for that charge and the Bail Flag "Y". All other charges will reflect on the subsequent lines, the Bail Flag for each will be set to "I" for inclusive and all other bail amounts removed.

If the arresting officer noted "Stack Bail" on the J-15, the individual bail amounts and Bail Flags of "Y" for each charge will remain. The combined bail amounts for each charge will be the total bail set for the entire arrest.

For inmates booked into custody for post-arraignment charges, the previously set bail as ordered by the court will be reflected on the court document and/or warrant abstract and booked as such.

The following identifies when each bail flag should be used:

- **B - No Bail Required** – use for B&R, Court B&R or Work Release
- **H - Held Without Bail** – use for charges where bail is not an issue (i.e. sentenced charges, State Parole, Immigration holds, etc.)
- **I - Inclusive** – use for subsequent charges when bail for the entire arrest/case has been set (i.e. warrant abstract, court document)

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- **N – No Bail** – use when a warrant or court document indicates no bail
- **Y – Yes** – use when bail is applicable

BAIL PAYMENTS

Bail is received, verified and entered into the Jail Information Management System (JIMS) at the custody information offices. Once entered into the JIMS, Funds Receipts for the bail payments are forwarded to booking so inmates can be processed for release from Sheriff's custody.

Minor corrections on bail or fine receipts are acceptable, EXCEPT when the change(s) involves the AMOUNT of the bail. Minor corrections must be legible, and may include such items as court appearance date, court location and booking number. The person making the correction must initial and ARJIS the corrections.

Any major corrections such as changes in money, amount require a new receipt. The original JIMS transaction and receipt is to be "VOIDED" by a Detention Processing Supervisor (DPS). When voiding a receipt, "VOID" must be written across the face of the receipt. The reason for the "VOID" must be noted and the initials/ARJIS of the technician and DPS or Watch Commander will be made on it.

The following forms of bail payments will be processed at the detention facilities:

CASH BAIL: Monies applied in the form of cash, check, money order, cashier's check or a combination which guarantees the bail amount (*See Detention Information Manual Section 5*).

PROFESSIONAL BAIL BONDS: A Bail Bond Company provides a surety instrument which guarantees the bail amount. Once the validity of a bond is verified for pre-arraignment inmates, a technician shall be notified to change the court date and time according to the Daily Release Schedule (*See Detention Information Manual Section 5*).

SELF BAIL: Inmates booked with enough cash can request to self-bail. The inmate will complete an Authorization for Cash Disbursement (form J-50) releasing funds from his/her account for self-bail. The inmate may also use a personal check, with proper ID (*See Detention Information Manual Section 5*).

BAIL MODIFICATION REQUESTS

Reference California Penal Code sections 1275 and 1269(c)

At the time of arrest, an officer may request a 1275 PC order to increase or reduce bail and/or a 1275.1 PC order. Requests to modify the established bail may also be made during court proceedings. All bail modifications must be judicially authorized. During court hours, this is done by either the Presiding or Felony Arraignment Judge. The arresting agency and/or attorneys will contact the court directly. Court orders authorizing modification of bail will be received and processed at the facilities per court update procedures.

After court hours, the Duty Judge must be contacted by the facility Watch Commander. Any requests to contact the Duty Judge are to be referred to the facility Watch Commander. The Watch Commander is the only person authorized to contact the Judge. To request bail modification after hours, arresting officers will be required to complete the Bail Setting Request (form J-107).

BAIL INCREASE/REDUCTION REQUESTS - EIGHT HOUR BAIL HOLD PER PC 1275

When a completed J-107 is received from an arresting officer at intake/pre-book, the request must be time-stamped on the front and two copies made. The original will be given to the Watch Commander. The Watch Commander will review the J-107 for completeness and resolve any questions.

One copy of the J-107 will be given to the pre-book technician and the other copy to the Detention Processing Supervisor (DPS). It is imperative the necessary computer entries are made to ensure the inmate does not post bail prior to judicial review of the request.

Pending the judicial review inmate processing staff will:

1. Select the disposition 8HR
2. Enter "8 hour bail hold," date, and time in the Booking Maintenance notes
3. Enter **88** cents to the regular bail amount to indicate a bail setting request is pending
4. Place a copy of the request in the inmate's custody record

After the Watch Commander receives the judicial decision, he/she will make the necessary notations on the J-107 form and provide it to the on-duty DPS, who will ensure its timely processing. Inmate processing staff will then make the appropriate computer entries and distribute the order appropriately.

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If the bail increase is **APPROVED**:

1. Remove the 8HR disposition
2. Change the bail amount to reflect the approved amount and replace the **88** cents with **44** cents to indicate the bail modification was approved by a judge
3. Delete the Booking Maintenance notes previously entered

If the bail increase is **NOT APPROVED**:

1. Remove the 8HR disposition
2. Do not change the bail amount - replace the **88** cents with **00** cents
3. Delete the Booking Maintenance notes previously entered

In either situation, the original J-107 form becomes a permanent part of the custody record.

NOTE: The 8 hour bail hold time begins when the inmate is accepted into the facility (the time stamped on the J-15). It is not the time the Bail Setting Request is received.

If the bail increase is approved after the eight hours, the bail increase will be processed and accepted **ONLY** if the inmate has not already posted bail.

BAIL PER 1275.1 PC ORDER

A 1275.1 PC order requires the person posting bail to prove and declare to the court that all monies and security used to post bail were not obtained by illegal means. When there is cause to believe that any money or security for bail was feloniously obtained, a 1275.1 PC order may be granted by a judge. Once a 1275.1 PC order is placed on an inmate, only the COURT has the authority to authorize the acceptance of bail. Either a court order will be received releasing the inmate from custody or allowing the acceptance of bail. Bail will not be accepted for inmates with a 1275.1 PC order without authorization from the court.

Once a 1275.1 PC order has been granted by either the J-107 form or a court order, inmate processing staff will:

1. Enter "Bail per 1275.1 PC" in the Booking Maintenance notes section.
2. Select P – PC 1275.1 bail flag - this will cause the TOTAL BAIL AMOUNT to reflect as **0**

Once a 1275.1 PC order is imposed, the inmate is not able to post bail until a court order/document is received releasing the 1275.1 PC order and/or authorizing the acceptance of bail.

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BAIL PREVIOUSLY POSTED

The following examples are how a bail previously posted may affect an inmate's status.

Released on bail previously posted:

A court document ordering an inmate to be released on a bond previously posted must be immediately processed for release. The disposition to close out this arrest will be BOND. The notes section must also be updated to state, "Released on bond previously posted".

CUSTODY STATUS Defendant REMANDED to custody of Sheriff without bail with bail set at / increased to / reduced to \$ _____
 PC1275.1 HOLD. Pretrial Services Report Ordered re: SOR
 REMAINS AT LIBERTY RELEASED: on bail previously posted. after booking DEJ OR SUPERVISED OR - comply with P.T.S. conditions

Notes: Released on bond previously posted

Code Section	Description	CL	DV	Bail Info		Court Info		Disposition		
				Disposition	Rlse	DispositionDt/Tm	Warrant #	OCN	Bill Agency	Notes
148(A)(1) PC	OBSTRUCT/ETC PUB OF	M		BOND	Y	04-11-2018 1052			SDHP	
415 PC	DISTURB THE PEACE	M		DNI	Y	04-11-2018 1052			SDHP	
415(3) PC	OFFENSIVE WORDS:PL	M		DNI	Y	04-11-2018 1052			SDHP	

Remain at liberty on bail previously posted:

The court may also indicate that an inmate is to remain at liberty on bail previously posted. This must be processed the same way as shown in the previous above example. The arrest will also be closed out with the disposition of BOND. The notes section must also be updated to reflect this information.

CUSTODY STATUS Defendant REMANDED to custody of Sheriff without bail with bail set at / increased to / reduced to \$ _____
 PC1275.1 HOLD. Pretrial Services Report Ordered re: SOR
 REMAINS AT LIBERTY RELEASED: on bail previously posted. after booking DEJ OR SUPERVISED OR - comply with P.T.S. conditions

Notes: Released on bond previously posted

Code Section	Description	CL	DV	Bail Info		Court Info		Disposition		
				Disposition	Rlse	DispositionDt/Tm	Warrant #	OCN	Bill Agency	Notes
484 PC	THEFT	M		BOND	Y	04-11-2018 1032			SDSO	

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Bail previously posted remains in effect:

The court may remand an inmate to custody with a bail amount but may indicate a bail previously posted is to remain in effect. In this example, an inmate must pay the remaining balance of the bail amount in order to be released from custody.

MENTAL HEALTH Proceedings suspended pursuant to PC1368. Mental competency examination on _____ at _____ by Forensic Psychiatry Clinic. Females - Room 1003, Central Division; Males – Central Detention Facility. Hearing on _____ at _____ in Dept. _____ of the Central Division. The Sheriff is ordered to transport the defendant to and from the examination and hearing stated above.

OTHER Verbal notice of license suspension (DL 310) signed. Fingerprint form filed.

Book & Release – Report on _____ at _____ to Central Vista Las Colinas Detention Facility.

- Previously posted bail of \$40,000 remains in effect

CUSTODY STATUS Defendant REMANDED to custody of Sheriff without bail with bail set at / increased to / reduced to \$ **50,000**

PC1275.1 HOLD. Pretrial Services Report Ordered re: SOR

REMAINS AT LIBERTY RELEASED: on bail previously posted. after booking DEJ OR SUPERVISED OR - comply with P.T.S. conditions

Prior to posting the bond, the detentions information assistant must contact a detentions processing technician to change the bail amount.

When processing the bond in JIMS, the detentions information assistant will notate the bond previously posted remains in effect.

Bond Company: 59 **Bond Fee:** .00 **CHARMS #:** _____

Notes: Name: PARKER, WIN J; Book#: 18100265
Bond previously posted in the amount of \$40,000 remains in effect

Fund Type	Amount	Item #
PROFESS	10,000.00	1131732653266
	.00	
Total:	\$ 10,000.00	

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Released on bail previously posted with conditions:

The court may also state the custody status as "Remanded", but they are allowing the inmate to be released if special circumstances are met. In the example below, the court marked remanded on the document but specified the inmate may be released on bond previously posted once the parole hold is lifted.

*- Court reinstates the \$50,000 Bail Bond # 5551933259 **

CUSTODY STATUS Defendant REMANDED to custody of Sheriff without bail with bail set at increased to / reduced to \$ 50,000

PC1275.1 HOLD. Pretrial Services Report Ordered re: SOR Refer to CPAC.

REMAINS AT LIBERTY RELEASED: on bail previously posted. after booking DEJ OR SUPERVISED OR - comply with P.T.S. conditions

same terms and conditions to an authorized representative of: _____ on _____ at _____

Release Conditions: Attend self-help mtgs. per week and submit proof at each court hearing. Abstain from alcohol.

Not use or possess any controlled substances without a valid prescription. Not possess narcotic paraphernalia.

Defl. waives 4th amendment rights and agrees to submit person, vehicle, place of residence, property, personal effects to search at any time with or without a warrant, and with or without reasonable cause, when required by a Probation Officer or other law enforcement officer until revoked. for the duration of deferred entry of judgment. Have no contact with / stay away from: _____ Protective Order issued.

Previously ordered: 4th WAIVER continues deleted PROTECTIVE ORDER continues deleted.

WARRANT Arrest Bench Warrant ordered Bail set at \$ _____ No Bail. Counsel reports no contact with defendant.

Schedule for hearing. Mandatory appearance. Night service authorized. Cash bail may be forfeited. ISSUED ON: _____

HOLD issuance to DATE ABOVE. Warrant previously ordered/issued remains outstanding rescinded RECALLED ON: _____

Affidavit requested. Due by: _____

BAIL is exonerated forfeited reinstated from bail, refund balance. Declaration of non-collusion/ re-assumption of liability filed. ** Defl may be released on posted bond if parole hold addressed/lifted*

Bail forfeiture is set aside and bond is reinstated exonerated upon payment of court cost \$ _____ within 30 days of conviction.

Bond #: _____ Bond \$ _____ Bond Co. _____

Date: _____ ATTEST A TRUE COPY, Clerk of the Superior Court by _____ Deputy

In this example, once the parole hold is lifted the inmate is to be release on bond previously posted with the disposition of BOND.

BAIL ON APPEAL

California Penal Code section 1272 and 1272.1 govern the conditions under which the court may grant an inmate the right to bail while appealing his/her case. Pursuant to PC 1272 after the conviction of an offense not punishable by death, a defendant who has made application for probation or who has appealed his/her conviction may be admitted to bail by the court of jurisdiction.

Per PC 1272.1, release on bail pending appeal is ordered by the court if the defendant demonstrates all of the following:

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- Not likely to flee
- Does not pose a danger to the community
- The appeal is not for the purpose of delay and is raised on a substantial legal question, which could result in the reversal of the conviction

When a court document is received that indicates bail on appeal is granted, "\$_____ Bail on Appeal" will be entered in the Booking Maintenance notes.

If an inmate posts bail on appeal through a bail bond agency, an Appeal Bail Bond will be used. This bond differs from a non-appeal bond because there is no future court date. Before the bail can be entered into the JIMS, custody information staff will contact a technician to change the bail amount in the Bail Info tab and select OTHER in the Court Info tab (no date or time will need to be entered).

BAIL ON HOLD

When an inmate posts bail for an out of county or fugitive hold arrest, the arrest will need to be booked. The hold arrest will be closed out using the RBHD - Rebook Hold disposition and an additional arrest will be completed using the correct booked arrest type (*See Additional Arrest section A*).

When an Inmate posts bail on an out of county warrant, a teletype message will be sent to the issuing agency as notification of the inmate's release, court and bail information. The date and time of appearance will be included as well as the charges, case number, court of jurisdiction and bail amount. After sending the message, the out of county agency is to be called to confirm the teletype message was received. The person who confirmed receipt of the message and the date and time of the call is to be indicated on the teletype.

For inmates posting bail on a fugitive warrant, the DPT will notify the Sheriff's Fugitive Unit by faxing a copy of the warrant and bail information.

BAIL BOND SURRENDER

Reference Sheriff's Policy and Procedure section Q.15 Bail Bond Surrender

Per California Penal Code section 1301, any bail or other person who so arrests a defendant in this state shall, without unnecessary delay, and in any event within 48 hours of the arrest, deliver the defendant to the court or magistrate before whom the defendant is required to appear or to the custody of the sheriff or police for confinement in the appropriate Jail in the County or City in which defendant is required to appear. California Penal Code sections 1300-1306 authorize the surrender of an inmate at any time before the forfeiture of a bond.

Bail Bond Surrenders (BBS) will be accepted at all times for both misdemeanor and felony charges/cases. Bail bond surrenders will NOT be accepted for out of county cases. All BBS must be reviewed for accuracy by an on duty supervisor (or lead detention processing technician) prior to acceptance.

NOTE: Bail Bond Surrenders will NOT be accepted for cases when the inmate is already in custody on the case. The agent will be instructed to contact the court as the case is being adjudicated.

The bailer (or depositor) must provide one of the following:

1. A certified copy of the bail bond.
2. A certified copy of the certificate of deposit.
3. An affidavit given by the bail licensee or Surety Company listing all the specific information that would be included on a certified copy of the bail bond. (Name of defendant, DOB, charges, court of jurisdiction, bail amount, date the bail was posted, booking number (if applicable), warrant or case number (if applicable), bond number, Surety Company, agency, and the name of the person authorized to apprehend and surrender the defendant.

NOTE: If 1 or 2 is presented, it must be accompanied by a signed letter addressed to the Detention Facility Services Bureau whereby the bondsman, or depositor, certify the bail bond is in full force and has not been exonerated.

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If the defendant is in custody on another charge, a bailer may execute the surrender at the facility by providing the documents specified above. The defendant will be booked for an appearance in the appropriate court per California Penal Code sections 1300 and 825.

Prior to pre-booking the BBS, a want and warrant check of SD Law is done to determine if a warrant was issued on the case.

If an active warrant was found to be issued for the case, the warrant will be called for and cleared and the arrest, bail, charges and court will be booked per the warrant.

If a warrant was NOT issued for the case, book the inmate using the booked arrest type OBKD – Booked Other. The bail, charges and court will be per the BBS.

In the notes section, indicate the arrest is in relation to a BBS and refer to the original booking number. *Example: BBS same as bkg 1234567.*

The original BBS documentation is forwarded to the court of jurisdiction and a copy is placed in the inmate's custody record.

NOTE: Bail bond surrenders with case numbers will NOT be released under the authority of PC 825. If the inmate was scheduled to appear and a court paper is not received, a Court Contact Log (form J-17) is completed requesting further direction from the court.

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