



San Diego County Sheriff

Training Bulletin

William D. Gore, Sheriff

February 2017



Put them in/Keep them in

In August 2015, a prolific offender was arrested and charged with possessing stolen property, ID theft, and other forgery related crimes. The suspect, who was booked into custody with bail set at \$50,000, promptly bonded out and disappeared. In October, a similar arrest was made on a different suspect. In the second incident, the suspect, with the same bail amount, remained in custody through the court process, while the first continued at large, and probably committing additional crimes. What was different about these two arrests?

Putting crooks in jail is one thing; keeping them there is another matter. With the approval of Prop 47, a number of felonies were reduced to misdemeanors. While some affected crimes are still bookable, they have low bail thresholds. Also, many bail bondsmen will accept less than the traditional 10% and will also enter into credit card payment contracts instead of requiring the full amount up front. In the absence of a no-bail warrant or a parole hold, how can we prevent a suspect from using the fruits of his/her crimes as the method to bail out? One option to consider is found in PC 1275.1.

PC 1275.1 (a) states that money, which was feloniously obtained, cannot be used to post bail. If probable cause exists showing the suspect will use "dirty" money to bail out, a hold can be placed on the suspect. They will remain in custody until the judge is satisfied that any bail posted is from a legitimate source. In a typical situation, a person attempting to post the bail for the suspect is required to bring in pay stubs and bank statements proving that the bail money was actually earned. If proof of legitimate funds is provided, the judge will order the hold lifted, and the suspect can bail out. If not, the suspect will remain in custody for the remainder of the court proceeding.

Often used in financial crimes, the PC 1275.1 declaration can be used for any crime type.

Detailed below are some questions and answers related to this valuable tool.

The information in this Training Bulletin was provided by Detective Mark Kelley and edited for distribution by the In-Service Training Unit. If you have expertise in a particular subject and would like to write a training bulletin, please contact Corporal Michael Cruz at In-Service Training, [REDACTED]

Question: What are some examples to include in your 1275.1 request?

Answer: Facts include the defendant being unemployed, use of stolen credit cards to buy items that could be re-sold for money, the defendant had stolen checks in his possession when arrested, the defendant has a history of selling drugs, etc.

Question: Is there a form I use to get a 1275.1 hold?

Answer: Yes! The form is titled Bail Setting Request (J-107) is located in the Detentions section of the Department Forms page. The form can be hand-written, is very short, and doesn't require a great deal of effort to fill out.

Question: What is the process?

Answer:

A deputy completing the J-107 must set forth, under penalty of perjury, facts establishing probable cause to believe that the source of funds used for bail was feloniously obtained.

During court hours, fill out the form, take it to the duty judge, and explain your probable cause. If they sign it, take it to the jail and give it to the booking clerk.

After hours, simply fill out the J-107 and give it to the watch commander who will contact the on-duty judge for approval

While this is not a silver bullet, the 1275.1 bail hold is a valuable tool. At the very least, it will prevent a suspect from using the fruits of his/her crimes as the method to get out and continue their offending ways while the case is adjudicated.

If you have any questions, contact the Financial Crimes Unit at [REDACTED] or Deputy District Attorney [REDACTED]

See the link below for further information:

http://ssp.sdsheriff.com/DSB/IPD/_layouts/PowerPoint.aspx?PowerPointView=ReadingView&PresentationId=/DSB/IPD/Lists/Calendar/Attachments/474/Bail%20per%201275.pptm&Source=http%3A%2F%2Fssp%2Esdsheriff%2Ecom%2FDSB%2FIPD%2FLists%2FCalendar%2FDi spForm%2Easpx%3FID%3D474&DefaultItemOpen=1

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