

Section 18: Release
Subject: Bonds and Fines
Revised: 02/2016

Authorized: _____ **Effective date:** _____
Sheriff Paul A. Sigsworth

POLICY

Under certain circumstances, agency employees may accept bonds posted on behalf of an Erie County Jail inmate to the appropriate court, potentially allowing for the inmate to be released from custody. This policy has been developed to provide employees with appropriate guidelines to ensure that bonds are properly accepted and that inmates are then properly released.

DEFINITIONS

Employee—includes the Sheriff, any Deputy Sheriff, and any Corrections Officer whose job duty at any time would require that employee to engage in activity covered by this policy.

Bond—a written obligation between a jail inmate and the court through which the inmate/defendant is charged with a violation of law, wherein the inmate is bound to appear in court at a future time—and to abide by other conditions that may be set by the court—in exchange for the inmate providing cash or other item of value to the court as collateral for release from custody.

Recognizance—a written obligation in which a jail inmate/defendant wherein the inmate/defendant acknowledges future responsibility to the court through with the inmate/defendant is criminally charged. Generally used to refer to a “personal” recognizance bond, executed upon the order of a court that allows the inmate/defendant to be released from further custody upon the execution of his/her signature, with the understanding that the inmate/defendant must appear at all future court proceedings as ordered by the court.

Cash bond—a bond that is satisfied by the surrender of the inmate/defendant of a court-ordered amount of currency (or money order) to that court in exchange for the defendant’s release from custody.

10% bond—a bond that is satisfied by the surrender of the inmate/defendant of a court-ordered amount of currency (or money order) in the amount of 10% of the amount of the full bond in exchange for the defendant’s release from custody.

Property bond—a bond that is satisfied by the promised surrender of certain real estate, valued at an amount set by the involved court, to that court if a defendant does not follow the dictates of bond conditions in exchange for the inmate/defendant’s release from custody.

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Surety bond—a bond that is satisfied by the issuance of an insurance certificate in the name of the inmate/defendant in an amount equal to, or exceeding, the amount of the required bond as set by the court. Surety bond certificates are issued by bail bond agents, who have a fiduciary responsibility to the court to which the certificate is issued, to ensure the future appearance of the jail inmate/defendant as ordered by the court.

BOND ACCEPTANCE

Employees will only accept bonds posted through a court having jurisdiction in Erie County, and only on behalf of a jail inmate, and only at the Erie County Jail, as follows:

- A. Personal recognizance and surety bonds for any offense—felony or misdemeanor—will be accepted at any time.
- B. In felony cases filed in the various municipal courts or the Erie County Common Pleas Court, cash bonds cannot be accepted and must be posted with the Clerk of that Court.
- C. In misdemeanor cases requiring the posting of a cash bond, the bond must be posted with that particular court's Judge, Magistrate, or Clerk if they are available. If they are not available, then an employee is authorized to take such cash bond (money order) on behalf of the court in accordance with a bond schedule published by that court, unless the specific amount of the bond is noted on the charging document, i.e.: arrest warrant, bench warrant. Employees will consider the Judge, Magistrate, or Clerk unavailable for purposes of this policy if the court is closed.
- D. An employee will not accept any bond for an inmate for the Vermilion Municipal Court at any time, unless specifically requested to do so by the Judge, any Magistrate, the Clerk, or any Deputy Clerk of that Court. Anyone wishing to post a bond through the Vermilion Municipal Court will be referred by the employee to that Court during its business hours, and to the Vermilion Police Department if that Court is closed. Vermilion Police Department dispatchers are Deputy Clerks of the Vermilion Municipal Court.

PROCEDURES

An employee accepting a bond and/or completing a bond form prior to the release of an inmate will follow the procedures listed below.

- A. The charge screen will be checked to determine the amount and type of bond that is required for release of the inmate. The inmate's file should also be checked to determine if the bond type and amount is correct.

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B. Personal Recognizance bond.

1. If the inmate may be released on his/her own recognizance:
 - a. The appropriate bond form shall be properly completed.
 1. The box indicating a personal signature and an amount will be marked.
 2. It will be the responsibility of the releasing employee to ensure the bond is accurately completed.
 - b. The releasing employee shall explain the bond to the inmate emphasizing that this is a personal recognizance bond and the inmate may be held responsible for the amount should he/she not appear for a court date.
 - c. The inmate will sign the bond, including address and phone number if available, on the lines provided on the right side of the bond marked defendant.
 - d. The releasing employee will sign the bond on the line above Deputy/Corrections Officer.
 - e. The inmate will be given a Bond Release Information Form with the name and address of the court, phone number of the court, date and time of scheduled court date, and any conditions of release set by the court.
 - f. The releasing employee will place the bond in the box in Main Control to be forwarded to the court.

C. Personal Recognizance bond with co-signer.

1. If the inmate may be released on his/her own recognizance with a co-signer:
 - a. The appropriate bond form shall be properly completed.
 1. The box indicating a personal signature with co-signer and an amount will be marked.
 2. The co-signer's name should be typed (or written) in after "along with the following named person(s)" on the bond form.
 3. It will be the responsibility of the releasing employee to ensure the bond is accurately completed.
 - b. The employee shall determine if a specific person has been designated by the court to be the co-signer. The employee will verify through acceptable photo identification that the co-signer is the person designated by the court. If a specific person has not been designated by the court, the non-designated co-signer's photo identification will also be verified. All co-signers, prior to co-signing a bond, will be checked through LEADS/NCIC to ensure that no outstanding warrants exist for the co-signer, and to also ensure that there are no outstanding protection orders that prevent

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the co-signer from having contact with the inmate. An employee will not allow an individual who appears to be under the influence of alcohol or drugs, who appears to be mentally ill, or who otherwise appears to be unfit to assume the responsibility for the inmate as a co-signer, to co-sign a bond.

- c. The releasing employee will explain the bond to the co-signer, emphasizing that both the inmate and the co-signer may be held responsible for the bond amount in the event the inmate does not appear for the scheduled court date.
- d. The co-signer will sign the bond, including address and phone number if available on the lines provided on the left side of the bond marked Co-Signer / Bond Posted By.
- e. The releasing employee shall explain the bond to the inmate, emphasizing that both the inmate and the co-signer may be held responsible for the bond amount in the event the inmate does not appear for the scheduled court date.
- f. The inmate will sign the bond, including address and phone number if available, on the lines provided on the right side of the bond marked Defendant.
- g. The releasing employee will sign the bond on the line above Deputy/Corrections Officer.
- h. The inmate and/or the co-signer will be given a Bond Release Information Form with the name and address of the court, phone number of the court, date and time of scheduled court date, and any conditions of release set by the court.
- i. The releasing officer will place the bond in the box in Main Control for forwarding to the court.

D. Property bond.

1. Property bonds will not be accepted by an employee at the Erie County Jail.
2. All arrangements for a property bond must be done at the court of jurisdiction.

E. Cash and/or 10% bond.

1. If an inmate is posting money to be released on bond, either 10% or full amount, or for fines:
2. Funds for bonds or fines must be posted in the form of a money order(s) totaling to the exact amount. Cash, personal checks, and/or money orders or cashier's checks from foreign banks will not be accepted.
 - a. Money orders will be made out to the Court through which the charge the inmate is being held on was filed.

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1. The person posting the bond/fine will sign the money order.
 2. It will be the responsibility of the releasing officer to ensure:
 - a. The money order is made out to the correct court.
 - b. The amount of the money order matches the Bond/Fine amount.
 - c. The money order is not expired.
 - b. The officer accepting the money order will issue a receipt to the person posting the bond/fine. The receipt must include:
 1. Date and court.
 2. Money order number and amount.
 3. Defendant's name and name and address of the person posting the bond.
 4. Indication of type of payment (bond, fine, etc.).
 5. Signature of the officer accepting the bond or fine.
 - c. The officer accepting the money order will complete a deposit envelope for the bond/fine. The deposit envelope must include:
 1. Date and court.
 2. Receipt number.
 3. Defendant's name and name and address of the person posting the bond.
 4. The amount of bond/fine being posted.
 5. Indication of type of payment (bond, fine, etc.).
 6. Signature of the officer accepting the bond/fine.
 7. The deposit envelope will be attached to the bond, if a bond is required. In the event that cash is being posted for the payment of a fine, a bond form will not be completed. The envelope will be placed in the lock box in Main Control.
- F. Inmate posting cash/10% bond or fine from his/her commissary account.
1. If an inmate is using his/her commissary money to post a bond or to pay a fine, a check payable to the court shall be generated. The releasing employee officer will follow the above listed procedure listing the inmate as the person posting the bond/fine.
- G. Completion of bond form for cash/10% bond.
1. If the inmate may be released after cash or 10% bond is posted, the appropriate bond form shall be properly completed by checking the box indicating that the bond is either a cash bond or a 10% bond. The completed deposit envelope will be attached to the bond form. It is the

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responsibility of the releasing employee to ensure that the form is accurately completed.

2. The releasing employee shall explain the bond to the inmate emphasizing that this bond money may be forfeited if he/she fails to appear for a court date, and will also be advised that, at the discretion of the court, all or some of the funds posted may be levied as fines or court costs.
3. The inmate will sign the bond, including address and phone number if available, on the lines provided on the right side of the bond marked Defendant.
4. The releasing employee will sign the bond on the line above Deputy/Corrections Officer.
5. The inmate will be given a Bond Release Information Form with the name and address of the court, phone number of the court, date and time of scheduled court date, and any conditions of release set by the court.
6. The releasing employee will place the bond in the box in Main Control for forwarding to the court.

H. Surety Bond.

1. Prior to releasing a prisoner on a bond written by an bail bond agent, the releasing employee shall:
 - a. Determine the authority of the person representing the bail bond company.
 1. The employee will verify the identification of the bail bond agent.
 - b. The employee will determine if the bonding company is acceptable to the court.
 1. A list of acceptable bonding companies for all of the courts in Erie County, issued by the Clerk of the Erie County Common Pleas Court, will be kept in the bond book in the Jail Sergeant's Office for necessary reference.
 - c. The releasing employee will check the bond for accuracy before accepting it from an agent.
 1. Bond agents will provide all necessary forms for release of the inmate.
2. The releasing employee will place the bond in the box in Main Control for forwarding to the court.

End of policy