

SUBJECT: Bond and Release Procedures		
5.12	EFFECTIVE: 2021	<i>James Van Beek, Sheriff</i>
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5.12.1 POLICY

Each inmate who is in custody for an alleged crime for which a bond and/or fine has been set shall be provided the opportunity to post a bond or pay a fine in accordance with applicable statutes and court directives and be released.

5.12.2 BONDING PROCEDURES

A. Review Prior to Bond Issue

Prior to issuing a bond, detention personnel shall review the charge to determine the type and location of bond that may be authorized. An individual may have more than one docket or detainer, each of which may have more than one charge.

B. Origination of Bond

1. County or the Fifth Judicial District Court of Colorado case bonds may be generated by the clerk of the combined court or by detention personnel;
2. All property bonds shall be initiated by the clerk of the combined court;
3. Personal recognizance (P.R.) and cosign bonds are authorized by the court having jurisdiction in Colorado; and
4. Municipal cash and surety bonds may originate with detention personnel.

C. P.R. Bonds

1. P.R. bonds may be authorized by the courts, the Sheriff, or his or her designee. This process is for all inmates with bondable charges.

D. Bond Payment Types

1. Bond payment may be cash, surety, or P.R. as authorized by the court.
2. Cash bonds may be processed by detention personnel. Surety bonds shall be initiated by a licensed bonds person who is in good standing with all courts.
3. If bond is paid my money order or cashier's check, the money order or cashier's check may be payable to the Eagle County or directly to the court. After depositing into the inmate's account, a check to the court will be written. **Incoming Checks are not to be made out to the inmate.**

E. Bond Payment Procedures

1. Money Order or Cashier's Check
 - a. The check will be deposited into the inmate's bail account in TurnKey (TK) and a check written to the court will be written on behalf of the inmate.
2. Cash Bond Procedures
 - a. Anyone may come to the ECDF and deposit cash into the TK kiosk in the public area of the facility. These funds are considered a transfer of funds to the inmate.
 - b. The Booking Deputy will transfer the funds from the inmate's trust account and into the bail account. Fees will not be assessed with bail funds unless at the discretion of the inmate posting the bond.
 - c. The Booking Deputy will write a check to the proper court.
 - d. If the payor chooses to not transfer funds to an inmate, they may choose to be a surety on the bond paperwork. They will be required to sign and provide their address and phone number for the bond form. They will receive a copy of the bond indicating the return court date for their records.
3. Credit Card Processing for Bonds
 - a. This process is still pending- will be available prior to January 1, 2022
4. Surety Bonds
 - a. Surety bonds shall be initiated by a licensed bonds person who is in good standing with all courts.

b. The bonds person will receive a copy of the bond paperwork for their records. F. Bond Fee/

Debts

1. It is expected that a bonds person pays a ten dollar (\$10) bond fee. Cash/ Credit/ Check bonds paid by the inmate or on their behalf (non-bond person) will not be charged a bonding fee.
2. Bond money will not be used to pay an inmate's debt. Only when an inmate posts their own bond will they be asked if they would like to voluntarily pay their remaining debts. A debt payment is never required as a condition of bond.
 - a. Bond fees, booking fees, and other fees or debts never need to be paid to secure a person's release on a money bond. A payor need only pay the bond amount in order to secure release.

5.12.3 RELEASE PROCEDURES

An inmate whose sentence is complete, has posted a bond, or has been ordered released by a judge shall be released within the times indicated below. All employees shall ensure that proper documentation for the inmate's release, collection and return of facility property, return of the inmate's personal property and funds are completed.

A. Release

1. Inmates may be permanently released upon:
 - a. Posting of bond;
 - b. Completion of a sentence;
 - c. Determination of invalid legal process such as:
 - i. Invalid warrant
 - ii. Misidentification of the inmate
 - d. Court order; or
 - e. Release to another agency.
2. Inmates may be otherwise released pursuant to this Order upon:
 - a. Writ of habeas corpus
 - b. Body receipt.

B. Timing of Release/ Release Procedure

1. Unless extraordinary circumstances exist, an inmate receiving a P.R. bond is to be released as soon as practical but no later than six (6) hours after returning from court and is physically in the jail.
2. Unless extraordinary circumstances exist, an inmate posting their own bond or a surety bond is to be released as soon as practical but no later than six (6) hours after the bond is set, the inmate is physically in the jail, and after the inmate or surety notifies the jail that bond has been posted.
3. If the jail fails to release the inmate within six (6) hours, the inmate and surety are to be informed of the delay and the jail shall document in the defendant's file the reason for the delay.
4. If electronic monitoring is ordered, the inmate may be held up to as long as practical but no longer than twenty-four (24) hours after the bond has been posted to ensure the inmate is properly fitted with the electronic monitoring device.
5. Review the inmate's release documents, bonds, and all detainers to:
 - a. Determine the type of release;
 - b. Ensure that the inmate has no outstanding warrants; and
 - c. Verify the court documents.
6. If victim notification is required:
 - a. The victim shall be notified (a minimum of three (3) attempts must be made); and
 - b. The notification or attempts at notification shall be documented.
7. The inmate's wristband shall be checked.
8. Anyone who posts a cash bond shall receive a copy of the bond paperwork including documentation of the next court date. The Booking Deputy will indicate in the file that a copy was provided upon release.
9. The inmate's property and funds shall be returned and the property release form shall be signed indicating the same.
10. Upon release, an inmate shall verify his or her identity by providing personal information such as his or her date of birth and social security number.
11. When the inmate is transferred to another agency, the inmate's identity shall be similarly verified.
12. An agency with a detainer on a transferred inmate must be notified via teletype as to the transfer location as well as the agency with which a detainer must then be placed.
13. The inmate shall be released and the detention computer system shall be updated.
14. The on-duty nurse shall be notified to obtain the inmate's medication.
15. If an inmate or payor of a bond wants to file a complaint in regards to their bond process, they are to be direct to eaglesherif.com and complete the electronic form.

C. Intoxicated Inmate Release

If an intoxicated inmate is to be released, the detention officer can only release the inmate to a sober adult. In the event that the well-being of the inmate is the cause for delay in their release beyond six (6) hours, it will be noted in the file.