

ALAMEDA COUNTY SHERIFF'S OFFICE  DETENTION AND CORRECTIONS  POLICY AND PROCEDURE	NUMBER: 11.18	PAGES: 1 of 6
	RELATED ORDERS: None	
	ISSUED DATE: July 1, 1989	
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	REVISION DATE: August 26, 2012	
CHAPTER: Intake, Transfer, Release and Records	SUBJECT: Bail/Fine - Paid in Full	

- I. PURPOSE: To set policy and procedure governing accepting bail and fines.
- II. POLICY: Bails shall be accepted in all instances where the cases(s) is not eligible for other pre-arraignement release and where a bail amount is listed on the warrant, court disposition, or set by the bail schedule. Fines and balance of fines are penalties set by the court and payments are accepted in a similar manner as bail.
- III. PROCEDURE:
- A. ACCEPTABLE LEGAL TENDER FOR PAYMENT OF BAILS AND FINES:
1. Cash - U.S. currency only (only negotiable paper acceptable for payment of fines)
  2. Surety/Bail Bond: The Bond must be complete and correct in the following areas:
    - a. Inmate's full name and A.K.A.
    - b. Personal File Number (PFN)
    - c. Case or docket number
    - d. Charge(s)
    - e. CEN (multiple CEN numbers require separate bonds)
    - f. Bail amount
    - g. Court date and time
    - h. Must contain the surety of the Bond on the face or a page two
    - i. Must be signed by the bondsman
    - j. Surety of the Bond must be for the exact amount posted on the disposition or more. If less, the bond is not valid.
    - k. If any of the above is missing or inaccurate, the Bond is not valid.
  3. U.S. Treasury Bonds

4. Certified Bank Cashier checks; some money institutions issue what they term an “Official Check” if the amount is \$10,000.00 or less, and a “Cashier Check” if the amount is over \$10,000.00. “Official Checks” are subject to the same process as Cashier Checks. Note: When a Cashier’s Check is issued by a financial institution that is over \$10,000.00, they are responsible for filing the 8300 IRS form. The employee responsible for processing the bail should verify the check’s authenticity by calling the financial institution.
  - a. Must be payable to the Alameda County Sheriff’s Office
  - b. May be for the exact amount or less
  - c. No change will be given or checks cased by the Intake, Transfer and Release (ITR) or Control Point-11 staff
  - d. Questions and/or concerns about the validity of a Cashier’s or Official check will be referred to the ITR sergeant; 24-hour numbers for various banking institutions are available to Booking/ITR personnel.
5. Property Bonds: Initiated at Superior Court. The Property Bond will be sent to the jail in the form of a court order and must have all of the following information to be valid:
  - a. Signed by a Superior Court Judge
  - b. Have an official court stamp
  - c. Be received by Superior Court and not from a third party (i.e. family, attorney, bond agents, unknown fax)
  - d. If the Property Bond is for less than the subject’s bail amount, a combination of the other acceptable legal tenders, with the exception of Surety/Bail Bonds, will be accepted for the remaining portion of the bail.
    - 1) A Power of Attorney is for use with Bail Bonds only and cannot be used in connection with Federal Immigration Bonds. A Power of Attorney is void if used with other powers of the same surety company or in combination with powers from any other surety company.

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MULTIPLE JAIL JACKETS:

1. If a subject has multiple jail jackets that require bail and one or more valid bond(s) is/are posted in combination with any invalid bond(s), staff shall only accept the valid bond.
- 2.
3. Invalid bonds are to be returned to the person posting bail.

4. Bonds given to the lobby staff must be receipted for, or returned to the person posting bail.
5. In the event that a subject has multiple jackets and one or more of the jackets does not meet the citation criteria set forth in Policy and Procedure 11.10, "Citation Release," bail will only be accepted for the jacket(s) that do not meet the citation criteria.
  - a. Once an acceptable legal tender for payment of the bail has been posted for jacket(s) that do not meet the citation criteria, the subject will be cited on the remaining citable jacket(s).
  - b. The court dates for citable jackets(s) will be updated according to the out-of-custody court calendar. It is possible that the subject will be released with different court dates for the bailed and cited jacket(s).

B. GLENN E. DYER DETENTION FACILITY (GEDDF): Lobby and ITR

1. The Lobby employee receiving the bond will telephone the booking clerk.
2. Intake, Transfer and Release staff will provide information such as; court date, time, warrant check and/or any additional bail information by telephone.
3. The Lobby staff will write the bail. If additional questions arise, the Records' Deputy will be contacted.
4. Prior to the inmate's actual release, the jail jacket will be checked for accuracy by the Records' Deputy and signed by the Watch Sergeant.

B. SANTA RITA JAIL (SRJ): ITR and CP-11: "Cash" bails will be processed by CP-11 staff and regular bails by ITR (Bail Desk). The only legal tender accepted for a bail listed as "Cash Bail Only," or "Cash Only" are cash – US Currency or Certified Bank Cashier checks. Bail agents appearing in person must show identification to proceed to the ITR Bail Window. The CP-11 employee processing a cash bail receiving the bond will:

1. Telephone the ITR Bail Desk.
2. Intake, Transfer and Release staff will send a copy of the front and back of the disposition slip.
3. Intake, Transfer and Release is responsible for assigning the court date, time, the warrant check and/or any additional bail information. The information is to be written on the copy of the disposition, prior to sending it to CP-11 via pneumatic tube or fax.
4. The jail jacket will be kept at the bail desk.

5. Control Point-11 will write the bail/fine receipt and make a copy of the person or bail agent's identification.
  6. The CP-11 employee must have cash verified by the account clerk.
  7. The Xerox copy of the disposition shall not be shown or given to the bondsman or public.
  8. If additional bail questions arise, the Records' Deputy we'll be contacted.
  9. Once the bail/fine receipt is written, the information will be documented on the disposition copy by CP-11 staff. The copy of the bail and a copy of the identification will be returned to the bail desk in a timely manner.
  10. The information on the copy will be transferred to the front of the jail jacket and the copy of the disposition slip and a copy of the person's identification will be placed inside.
  11. Prior to the actual release of the inmate the inmate's jail jacket will be checked for accuracy by the Records' Deputy and processed pursuant to Policy and Procedure 11.09, "Inmate Release Process."
  12. If a bail/fine receipt is "voided"; the original and copies must be forwarded to the accounting unit, along with any related paperwork.
- E. REPORTING BAILS OF \$10,000.00 OR MORE: Per section 26 of the United States Code (U.S.C.) 1.60501-2T, a Federal or State court clerk who receives more than \$10,000 in cash as bail for an individual charged with a specified criminal offense, must make a return of information with respect to that cash receipt. For purposes of this section, a clerk is the clerk's office, department, division, branch, or unit of the court that is authorized to receive bail. Cash is defined as U.S. coin and currency. The information is required under the Violent Crime Control and Law Enforcement Act of 1994 and must be reported on Internal Revenue Service (IRS) Form 8300.
1. "Specified Criminal Offense" means:
    - a. A Federal criminal offense involving a controlled substance (as defined in Section 802 of Title 21 of the U.S. Code) provided the offense is described in Part D of Subchapter I or subchapter II of title 21 of the U.S. Code; (Calif. Health & Safety Code 11000, et seq)
    - b. Racketeering (as defined in Section 1951, 1952, or 1955 of Title 18 of the U.S. Code and Calif. Penal Code 330 and 331)
    - c. Money laundering (as defined in Section 1956 or 1957 of Title 18 of the U.S. Code and Calif. Penal Code 186.9 and 186.10)

- d. A State criminal offense substantially similar to an offense described in 26 USC 1.6050.25 paragraph (b) (2) (i), (ii), or (iii) of this section, (i.e.; items (1), (2) and (3) described above)
2. Upon receiving \$10,000.00 or more (U.S. Currency) as bail in specified criminal offenses as set forth above, the lobby technician/clerk will issue a receipt and obtain from the depositor the information for purposes of completing the attached form (IRS Form 8300-see attached sample). The lobby clerk shall complete the following:
  - a. Part I: The name, address, and taxpayer identification number (TIN) of each person posting the bail except if the person posting bail is a licensed bail bondsman in the jurisdiction in which the bail is received.
  - b. Verification must be made of each payer's identity listed on the return by driver's license or comparable documentation with a photograph (i.e., passport, DMV identification card)
  - c. Part II: The name, address, and taxpayer identification number (TIN) of the individual charged with the specified criminal offense
  - d. Part III: The date the cash was received, the amount of cash received, type of transaction, description of service (bail) and criminal offense
  - e. Part IV: Business that received the cash:  
Alameda County Sheriff's Office  
Facility Name (GEDDF or SRJ)  
Facility Address (for GEDDF or SRJ)  
Employer identification number: 94-6000501  
Nature of business: Law Enforcement
  - f. The lobby clerk will sign and date the form, indicate their title and include the phone number
  - g. Obtain signature of the payer on the "Statement and Notice," (sample attached) sign and date the form. Give a copy of the form to the payer of bail
  - h. Make three (3) copies of IRS Form 8300 and distribute as follows:
    1. Mail original form to:  
Internal Revenue Service  
Detroit Computing Center  
P.O. Box 32621  
Detroit, MI 48232
    - a. One copy given to the payer (with a copy of the "Statement and Notice")

- b. One copy filed in the lobby/CP-11
  - i. File the IRS Form 8300 by the 15th day after the cash was received. If that date falls on a weekend or legal holiday, file the form on the next business day.
  - j. Copies of each form will be kept for five years from the date of filing.