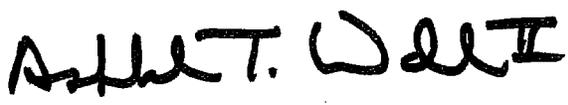


RHODE ISLAND DEPARTMENT OF CORRECTIONS POLICY AND PROCEDURE

| | | | |
|---|-------------------------------------|--|---------------------|
|  | POLICY NUMBER: 5.07-2 DOC | EFFECTIVE DATE: 08/11/08 | PAGE 1 OF 12 |
| | SUPERCEDES: 5.07-1 DOC | DIRECTOR: Please use BLUE ink.  | |
| SECTION: CASE RECORDS | | SUBJECT: BAIL | |
| AUTHORITY: Rhode Island General Laws (RIGL) § 42-56-10 (22), Powers of the director; § 12-13-1, Right to release pending trial on giving of recognizance; § 12-13-1.2, Penalty for an offense committed while on release; § 12-13-1.3, Pretrial Release; § 12-13-2, Warrant for apprehension of accused person; § 12-13-3, Guardian to give recognizance; § 12-13-4, Persons authorized to bail jail prisoners; § 12-13-8, Qualifications of sureties; § 12-13-10, Deposit of money in lieu of bail; § 12-13-20, Status of person surrendered or committed; § 12-13-21, Registration of sureties | | | |
| REFERENCES: N/A | | | |
| INMATE / PUBLIC ACCESS? | | <input checked="" type="checkbox"/> YES | |
| AVAILABLE IN SPANISH? | | <input checked="" type="checkbox"/> NO | |

I. PURPOSE:

To describe the process for releasing inmates from the Rhode Island Department of Corrections (RIDOC) on bail.

II. POLICY:

Individuals have the opportunity to post bail on behalf of inmates who are being held in the custody of the Rhode Island Department of Corrections in lieu of bail.

III. PROCEDURES:

A. Types of Bail:

The following types of bail are used to release inmates from the RIDOC:

1. Cash
2. Surety
3. Double Surety

B. Cash Bail:

Cash bail includes any of the following:

1. Cash not to exceed \$10,000

NOTE: An inmate who has cash at the time of commitment may use it for bail.

2. Certified bank check
3. Approved credit card for bail not to exceed \$10,000 subject to the following steps
 - a. The person posting the bail uses his/her credit card at the time of bail only if said person has proper identification (i.e., a valid state-issued license or photo identification).
 - b. The transaction is placed through the credit card intermediary vendor .
 - c. A user fee may be incurred from the credit card intermediary; however, such cost will be absorbed by the cash bail fund as defined in section III.M.
4. Check from RIDOC Inmate Accounts Office
 - a. Inmate to be bailed completes a money transfer slip.

- b. Custody and control staff deliver transfer slip to Inmate Accounts Office after receiving approval from the Warden or designee from the facility where the inmate is housed.
- c. RIDOC Inmate Accounts check is delivered to the Records and Identification (ID) Unit for processing by custody and control staff.

5. Western Union check

The individual posting bail delivers a check from Western Union.

C. Surety Bail

1. Surety bail is the posting of property in order to secure the release of the defendant. An Affidavit for Bail form approved by signature of the Attorney General's representative or an authorized court clerk (per the appropriate Court) (Attachment 1) must be presented to the Records and ID Unit.
2. The approved Affidavit for Bail form for surety bail must contain the following information:
 - a. Inmate's name
 - b. Name(s) and address(es) of person(s) who own(s) the property posted
 - c. Signature(s) of posted property owner(s)
 - d. Signature of Notary
 - e. Signature of either the Attorney General, Assistant Attorney General, authorized Clerks of the Court, or Judge
 - f. Bail amount
3. Ten percent (10%) of the total surety bail can be cash, which changes the process into a cash bail. (See cash bail procedures, Section III.B.)

D. Double Surety Bail:

1. Double surety bail is the posting of two pieces of property by two separate owners in order to secure the release of the defendant. Approved Affidavit for Bail forms (Attachment 1) must be presented to the Records and ID Unit.
2. Each of the two (2) approved Affidavits for Bail forms (Attachment 1) for a double surety bail must contain the following information:
 - a. Inmate's name
 - b. Names and addresses of persons who own the properties posted
 - c. Signatures of persons who own the properties posted
 - d. Signature of Notary
 - e. Signature of the Attorney General, Assistant Attorney General, authorized Clerks of the Court, or Judge
 - f. Bail amount
3. Twenty percent (20%) of the total surety bail can be cash, which changes the process into a cash bail. (See cash bail procedures, Section III.B.)

E. Bail Process:

1. All individuals wishing to post bail for inmates must go to the Intake Service Center (ISC).
2. The individual enters the outer ISC Reception Area and picks up the red telephone on the wall. This telephone is directly connected to the Records and ID Unit.
3. The Records and ID Captain or designee is responsible for assisting all individuals posting bail and completes the following activities:
 - a. Talks to the individual requesting to post bail and identifies the individual who is posting the bail as either:
 - (1) Professional Bondsman

- (2) Private Bail (relative, friend)
- b. Informs the individual of the amount of the bail, including a twenty-five dollar (\$25) administrative fee, consistent with RIGL § 12-13-4, as amended.
- c. Instructs the individual posting bail to remain in the ISC Reception Area until the paperwork is processed.
 - (a) If the inmate is a new commitment, no folder has been generated; therefore, only the original committing court document is available for review.
 - (b) A new commitment cannot be released until after all court documents have been received (which is usually after 5:30 PM on the day of the court appearance).

F. Inmate INFACTS File:

- 1. The Records & ID Captain or designee retrieves the inmate's INFACTS terminal file and completes the following:
 - a. Prints the "ID" and "Charge" screens.
 - b. Reviews the INFACTS file and the inmate's ID folder for the following:
 - (1) Conflicting information

Any conflict(s) must be rectified before the bail process may proceed.
 - (2) Inmate's latest court appearance (INFACTS)

If the inmate went to court on the day of the bail, the INFACTS file must be updated before the bail process may proceed.
 - (3) Aliases (INFACTS)

If the inmate has an AKA (alias), it is written on the bail papers for future reference when accessing the RILETS Terminal. (See Item III.G.)

(4) Comments (INFACTS)

(a) This section indicates whether the inmate is wanted by another law enforcement agency.

(i) When a detainer is lodged, bail is usually denied except in ii below, and the bail process ends.

(ii) In some instances the bail being posted may be for the detainer, especially in the case of double surety bail.

NOTE: A detainer may have been lodged for the individual who has already been arraigned as a fugitive and bail set.

(b) There may also be a condition of release that the Judge has ordered in the "Comment" section. This information must be entered on the Bail and Recognizance Conditions form (Attachment 2), and the inmate must initial this form prior to being released.

(c) If an additional date of birth appears in the Comments section, it is written on the printout.

(d) If there is an entry stating someone is to be notified upon the inmate's release, the bailing officer will make the notification prior to the inmate's release and document said notification in writing in the file.

G. Rhode Island Law Enforcement Telecommunications System (RILETS):

1. Inmate information is verified during the bail process. The RILETS includes information retrieved from the Bureau of Criminal Identification (BCI) and the National Criminal Information Center (NCIC).

-
2. The Records & ID Captain or designee accesses the RILETS terminal and enters the inmate's name, alias(es), and date(s) of birth.
 - a. If the inmate has any additional outstanding warrant(s), they are listed on the RILETS screen.
 - b. The corresponding law enforcement agency is notified to confirm the warrants are active.
 - c. If the warrants are active, they must be lodged at the RIDOC.
 - d. Active warrants usually terminate the bail process. Every effort is made to have the inmate appear at the next available court date.

H. Processing the Bail Recognizance Paperwork:

1. The Records & ID Captain or designee completes the Bail and Recognizance Conditions form (Attachment 2) with the following information:
 - a. Defendant's name, alias(es), and all dates of birth
 - b. Criminal case number
 - c. Type and amount of bail or recognizance
 - d. Conditions of release
 - e. Bail Commissioner's signature
 - f. A.C.I. in the "court section"
 - g. Date
2. Only one Bail and Recognizance Conditions form is completed for each bail unless more than one case or more than one court are involved.

I. Collection of Bail/Surety:

The Records & ID Captain or designee instructs the individual posting bail to report to the lower level bail station. Depending on the type of bail, either private or professional bail bondsman, the Captain/designee completes the following:

1. Private (i.e., Cash) Bail:
 - a. Asks the individual for some form of photo identification and writes the individual's name and address on the INFACTS printout.
 - b. Collects the cash bail from the individual.
 - c. Counts the money.
 - d. Writes the denominations and total amount on the INFACTS printout.
 - e. Counts the money again.
 - f. Places the money in the envelope and seals it.
 - g. Writes the amount of bail, the name of the individual being bailed, the date, and the log number on the outside of the envelope.
 - h. Deposits the money envelope in the drop safe located at the bail station.
 - i. Enters the following information in the cash bail log book located at drop safe:
 - (1) inmate's name
 - (2) amount of bail
 - (3) initials of ID staff making deposit.
 - j. Generates Bail Receipt in a database and enters the following information:
 - (1) log number
 - (2) date
 - (3) initials

- (4) name of inmate being bailed
 - (5) ID number
 - (6) date of birth
 - (7) facility from which inmate is being bailed
 - (8) cell number
 - (9) party posting bail and his/her address
 - (10) case number
 - (11) amount of bail
 - (12) indicates whether bail is surety or cash.
- k. Gives one (1) copy of the bail receipt to the individual posting the bail and attaches another copy to the Bail and Recognizance Conditions form (Attachment 2).
 - l. Has the individual sign the Bail and Recognizance Conditions form in the "Surety" section and advises individual of the monetary responsibilities of bail (i.e., refunding of funds) and the return of posted bail.
 - m. Informs the individual posting the bail that the inmate will be released according to the posted bail release schedule.
 - n. The individual waits in the visiting reception area.
2. Professional Bail Bondsman:
- a. Asks for photo identification, if a positive ID cannot be made of the professional bondsman.
 - b. Verifies the bondsman's license has not expired.

- c. Checks the Affidavit for Bail form (Attachment 1) to ensure the required amount of surety bail is indicated in the "Bail Amount" section.
- d. Checks for the bondsman's signature and that it was notarized and dated.
- e. Ensures the Attorney General's/designee's signature appears on the "Approved By" section of the form.
- f. Ensures the defendant's name appears in the appropriate area.
- g. Ensures the bondsman signs the Bail and Recognizance Conditions form in the "Surety" section of the document.
- h. For District Court bails, collects a \$13.00 personal check or money order from the bondsman, which must accompany the Affidavit. (The check must be made out to the District Court where the criminal case originated.)
- i. Informs the bondsman the inmate will be released according to the posted bail release schedule.

J. Notification of Main Control Center:

The Records & ID Captain or designee informs the Count Officer at the releasing institution that an inmate will be going out on bail and supplies him/her with the following information:

- 1. Inmate's full name
- 2. Date of birth
- 3. Identification number
- 4. Cell assignment, if applicable
- 5. Any special conditions (i.e., transfers to Immigration and Customs Enforcement , or other law enforcement agency)

K. Release of Inmate (on Bail):

1. The Records & ID Captain or designee arrives at the assigned release area at the scheduled bail release time and completes the following:
 - a. Compares the photo ID with the inmate's face.
 - b. Asks the inmate:
 - (1) full name
 - (2) date of birth
 - (3) charge(s)
 - (4) what court inmate appeared at
 - (5) amount of bail.
 - c. Has the inmate sign the Bail and Recognizance Conditions form (Attachment 2).
 - d. Has the inmate write the full address where s/he will be residing.
 - e. Informs the inmate of any special conditions of release, if applicable, and has the inmate initial appropriate area on the recognizance papers.
 - f. Gives the inmate the yellow copy of the Bail and Recognizance Conditions form and keeps white copy.
 - g. If there are no holds on the inmate, escorts him/her to the Main Control Center.

NOTE: The Records & ID Captain or designee detains the inmate if another law enforcement agency or jurisdiction has a hold on him/her until receiving agency representative(s) arrive(s).
2. The Control Center Officer verifies the inmate photo (on the ID card) with the inmate's face.

3. The Records & ID Captain or designee escorts the inmate out of the building or to the designated release area.

L. Updating INFACTS File:

The Records & ID Captain or designee retrieves the inmate's INFACTS file and enters his/her current status.

M. ACI Cash Bail Fund (cash bails only):

The Records & ID Captain or designee writes a check from the ACI Cash Bail Fund to the appropriate court and completes the following:

1. Removes the checkbook and ledger from the bail station desk and writes a check to the court for which the bail was collected and signed.
2. Obtains a second signature on the check from another authorized Records and ID staff member.
3. Attaches the check to the Bail and Recognizance Conditions form.
4. Enters the following information into the ledger:
 - a. Date check was written
 - b. Name of inmate bailed
 - c. Court that the check was written to
 - d. Check number
 - e. Amount the check was written for.
5. Places the check and the Bail and Recognizance Conditions form into an envelope with the name of the court for which the bail was collected.
6. Places the envelope into the designated area addressed for the Rhode Island State Sheriffs who will pick up and deliver on the next available court date.



STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

AFFIDAVIT FOR BAIL

SUPREME COURT SUPERIOR COURT FAMILY COURT DISTRICT COURT

COUNTY/DIVISION _____

| | |
|---------------------------------|-------------|
| 1. STATE OF RHODE ISLAND VS. | 2. CASE NO. |
|---------------------------------|-------------|

3. NAME OF PERSON POSTING PROPERTY _____
 ADDRESS _____
 THIS PROPERTY IS RECORDED IN THE NAME(S) OF _____

 PROPERTY IS LOCATED AT _____
 PROPERTY IS RECORDED AS PLAT NO. _____ LOT NO. (S) _____

CHECK "YES" OR "NO" FOR EACH OF THE STATEMENTS BELOW:

| | YES | NO |
|--|--------------------------|--------------------------|
| 1. Has your title to this property ever been questioned or disputed? | <input type="checkbox"/> | <input type="checkbox"/> |
| 2. Is there an agreement or contract outstanding for purchase of this property? | <input type="checkbox"/> | <input type="checkbox"/> |
| 3. Are there any taxes overdue on this property? | <input type="checkbox"/> | <input type="checkbox"/> |
| 4. Are there any mortgages, loans, liens, or other encumbrances recorded or unrecorded on this property? | <input type="checkbox"/> | <input type="checkbox"/> |
| 5. Is bail pledged against this property on any other case? | <input type="checkbox"/> | <input type="checkbox"/> |
| 6. Is there a suit pending judgment against this property? | <input type="checkbox"/> | <input type="checkbox"/> |

4. IF YOU ANSWERED "YES" TO ANY OF THE ABOVE QUESTIONS, SPECIFY THE CLAIMS BELOW:

| TYPE OF CLAIM AND/OR CLAIMANT | AMOUNT OF CLAIM |
|---|-----------------|
| _____ | \$ _____ |
| _____ | \$ _____ |
| _____ | \$ _____ |
| 1. TOTAL OF CLAIMS | \$ _____ |
| 2. This property is assessed by the city/town tax assessor at | \$ _____ |
| 3. TOTAL OF CLAIMS. (Enter item 1) | \$ _____ |
| 4. AVAILABLE VALUE. (Subtract item 3 from item 2) | \$ _____ |

I swear that I am over the age of eighteen years and am the owner of the property identified above and that all of the above statements are true.

I understand that a lien will be placed on this property as surety for bail in the above numbered case before the court indicated. As required by law I will not transfer or further encumber this property, within thirty (30) days of the date of acceptance of this surety by the court, unless a release of this lien is executed before that time.

SIGNATURE OF PERSON POSTING SURETY BAIL _____

DATE _____

SIGNATURE OF OFFICER BEFORE WHOM SIGNED AND SWORN _____

DATE _____

COMMISSION EXPIRES _____

TO BE FILLED IN BY ASSISTANT ATTORNEY GENERAL OR COURT CLERK

BAIL AMOUNT \$ _____ RECORDING FEE \$ _____

APPROVED BY _____

DISTRIBUTION

WHITE - COURT, YELLOW - INDIVIDUAL, PINK - ATTORNEY GENERAL

STATE OF RHODE ISLAND

BAIL AND RECOGNIZANCE CONDITIONS

STATE

VS

DEFENDANT

Criminal Case

ORDER

It is hereby ordered that the above defendant be released on his/her own recognizance and that the amount of the recognizance be set at \$

It is hereby ordered that bail for the above defendant be set at \$ (cash) (with surety).

Monetary conditions for bail have been imposed for the reasons that follow:

- The amount of cash or surety bail does not exceed the guidelines.
The amount of cash or surety bail does exceed the guidelines, and the reasons for departing from the guidelines are as follows:

CONDITIONS OF RELEASE

The following are the conditions under which you the undersigned, are being released today.

- 1. You must appear in court as required for all scheduled hearings.
2. You must keep the peace and be of good behavior.
3. You may not leave the state while this matter is pending without permission of the Court.
4. You must notify your attorney/bondsman and Clerk of the (District) (Superior) (Family) Court of any change of address.
5. You understand that when recognizance has been set in the District Court on a felony charge, it will remain in effect until arraignment in Superior Court when a new recognizance will be set.
6. The following are special conditions which you must also abide by:
7. You understand that if you violate any condition of your release, a warrant for your arrest may issue immediately and that after arrest and hearing, if you are determined to have violated your recognizance, the terms and conditions of any further release will be redetermined.

I AGREE TO COMPLY FULLY WITH ALL OF THE OBLIGATIONS IMPOSED ABOVE ON MY RELEASE, AND I AGREE THAT MY CASH BAIL MAY BE APPLIED TO COURT COSTS.

ORDER SIGNED BY:

Defendant

Judge/Clerk

Address

Court

Date

I / We agree to all the conditions set out above.

Surety

Surety



STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

AFFIDAVIT FOR BAIL

SUPREME COURT SUPERIOR COURT FAMILY COURT DISTRICT COURT

COUNTY/DIVISION _____

| | |
|--|-------------|
| 1. STATE OF RHODE ISLAND VS. | 2. CASE NO. |
| 3. NAME OF PERSON POSTING PROPERTY _____ | |
| ADDRESS _____ | |
| THIS PROPERTY IS RECORDED IN THE NAME(S) OF _____ | |
| PROPERTY IS LOCATED AT _____ | |
| PROPERTY IS RECORDED AS PLAT NO. _____ LOT NO. (S) _____ | |

CHECK "YES" OR "NO" FOR EACH OF THE STATEMENTS BELOW:

- | | YES | NO |
|--|--------------------------|--------------------------|
| 1. Has your title to this property ever been questioned or disputed? | <input type="checkbox"/> | <input type="checkbox"/> |
| 2. Is there an agreement or contract outstanding for purchase of this property? | <input type="checkbox"/> | <input type="checkbox"/> |
| 3. Are there any taxes overdue on this property? | <input type="checkbox"/> | <input type="checkbox"/> |
| 4. Are there any mortgages, loans, liens, or other encumbrances recorded or unrecorded on this property? | <input type="checkbox"/> | <input type="checkbox"/> |
| 5. Is bail pledged against this property on any other case? | <input type="checkbox"/> | <input type="checkbox"/> |
| 6. Is there a suit pending judgment against this property? | <input type="checkbox"/> | <input type="checkbox"/> |

| 4. IF YOU ANSWERED "YES" TO ANY OF THE ABOVE QUESTIONS, SPECIFY THE CLAIMS BELOW: | |
|---|-----------------|
| TYPE OF CLAIM AND/OR CLAIMANT | AMOUNT OF CLAIM |
| _____ | \$ _____ |
| _____ | \$ _____ |
| _____ | \$ _____ |
| 1. TOTAL OF CLAIMS | \$ _____ |
| 2. This property is assessed by the city/town tax assessor at | \$ _____ |
| 3. TOTAL OF CLAIMS. (Enter item 1) | \$ _____ |
| 4. AVAILABLE VALUE. (Subtract item 3 from item 2) | \$ _____ |

I swear that I am over the age of eighteen years and am the owner of the property identified above and that all of the above statements are true.
 I understand that a lien will be placed on this property as surety for bail in the above numbered case before the court indicated. As required by law I will not transfer or further encumber this property, within thirty (30) days of the date of acceptance of this surety by the court, unless a release of this lien is executed before that time.

SIGNATURE OF PERSON POSTING SURETY BAIL _____

DATE _____

SIGNATURE OF OFFICER BEFORE WHOM SIGNED AND SWORN _____

DATE _____

COMMISSION EXPIRES _____

TO BE FILLED IN BY ASSISTANT ATTORNEY GENERAL OR COURT CLERK

BAIL AMOUNT \$ _____ RECORDING FEE \$ _____

APPROVED BY _____

DISTRIBUTION

WHITE -- COURT, YELLOW -- INDIVIDUAL, PINK -- ATTORNEY GENERAL

STATE OF RHODE ISLAND

BAIL AND RECOGNIZANCE CONDITIONS

STATE

VS

DEFENDANT

Criminal Case

ORDER

It is hereby ordered that the above defendant be released on his/her own recognizance and that the amount of the recognizance be set at \$

It is hereby ordered that bail for the above defendant be set at \$ (cash) (with surety).

Monetary conditions for bail have been imposed for the reasons that follow:

- The amount of cash or surety bail does not exceed the guidelines.
The amount of cash or surety bail does exceed the guidelines, and the reasons for departing from the guidelines are as follows:

CONDITIONS OF RELEASE

The following are the conditions under which you the undersigned, are being released today.

- 1. You must appear in court as required for all scheduled hearings.
2. You must keep the peace and be of good behavior.
3. You may not leave the state while this matter is pending without permission of the Court.
4. You must notify your attorney/bondsman and Clerk of the (District) (Superior) (Family) Court of any change of address.
5. You understand that when recognizance has been set in the District Court on a felony charge, it will remain in effect until arraignment in Superior Court when a new recognizance will be set.
6. The following are special conditions which you must also abide by:
7. You understand that if you violate any condition of your release, a warrant for your arrest may issue immediately and that after arrest and hearing, if you are determined to have violated your recognizance, the terms and conditions of any further release will be redetermined. At that time you could be held without bail, have your bail increased, or you could be found in contempt of court. You also understand that the State may proceed against your sureties for violation of this recognizance.

I AGREE TO COMPLY FULLY WITH ALL OF THE OBLIGATIONS IMPOSED ABOVE ON MY RELEASE, AND I AGREE THAT MY CASH BAIL MAY BE APPLIED TO COURT COSTS.

ORDER SIGNED BY:

Defendant

Judge/Clerk

Address

Court

Date

I / We agree to all the conditions set out above.

Surety

Surety