

Inmate Right to Bail

611.1 POLICY

It is the policy of the Mesa County Sheriff's Office to meet the requirements set forth in C.R.S. 16-4-102, pertaining to an individual's right to bail.

611.2 DEFINITIONS

Extraordinary Circumstances - Includes an emergency that renders staff unable to process bonds and release defendants, but it does not include a lack of staffing resources or routine administrative practices.

611.3 PROCEDURE

611.3.1 BOND REQUIREMENTS

Personal Recognizance Bond

- Unless extraordinary circumstances exist, the custodian of a jail shall release a defendant who is granted a personal recognizance bond as soon as practicable but no later than six hours after the defendant is physically present in the jail

Cash Bond

- Unless extraordinary circumstances exist, the custodian of a jail shall release a defendant who is granted a cash bond as soon as practicable but no later than six hours after the bond is set, after the defendant is physically present in the jail, and after the defendant or surety notifies the jail that the defendant or surety is prepared to post bond.

A defendant who has posted bond must be released regardless of whether the defendant has paid any outstanding fee, cost, or surcharge, including bond processing fees, booking fees, pretrial supervision fees, or electronic monitoring supervision fees.

If the custodian fails to release the defendant within six hours, the custodian shall inform the defendant and any person posting bond on behalf of the defendant of the reason for the delay and shall document the reason for the delay in the defendant's file.

611.3.2 ELECTRONIC MONITORING BOND REQUIREMENT

A supervisory condition of release does not serve as a legal basis to continue to detain the defendant; except that, if the defendant is ordered released upon the condition of being subject to electronic monitoring, the defendant may be held up to as long as practicable but no longer than twenty-four hours after the defendant is physically present in the jail and the defendant's bond has been posted, if such delay is necessary to ensure the defendant is fitted with electronic monitoring and the court has authorized the defendant to be held until the electronic monitor is fitted. If the court orders electronic monitoring for the protection of a specific individual, and the defendant is ordered to have no contact with that specific individual, and the judge orders that the defendant not be released without electronic monitoring based on finding that the electronic monitoring is

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necessary for public safety, then the time limits regarding the release of the defendant in this subsection (2)(e) do not apply. However, if a defendant is held more than twenty-four hours after posting bond awaiting electronic monitoring fitting, the sheriff shall bring the defendant to the court the next day the court is in session and explain the reason for the delay.

611.3.3 REQUIRED NOTICE OF RIGHTS TO BOND

In addition to making the following notice available to any individual, including the defendant, inquiring about posting bond, the agency will post the following notice of rights at the following locations:

- Agency website
- The Inmate Handbook
- At the Bonding Window

Legal Rights Related to Posting Money Bond, Pursuant to Section 16-4-102, C.R.S.

1. Bond fees, booking fees, and other fees or debts never need to be paid to secure a person's release on money bond. A payor need only pay the bond amount in order to secure release.
2. While never a basis to hold a defendant in jail, the following fees are chargeable as a debt to the defendant after release if the payor chooses not to pay the fees at the time of bonding: A \$10 bond fee and a maximum 3.5% credit card payment fee. No other bond-related fees may be charged at any time, including any kiosk fees or fees for payment by cash, check, or money order.
3. Bond payments are to be made out to the holding county and are never to be made out in the name of the incarcerated person.
4. A sheriff shall/must release a defendant within six hours after a personal recognizance bond is set and the defendant has returned to jail or within six hours after a cash bond has been set and the defendant has returned to jail and the defendant or surety notified the jail that bond is prepared to be posted unless extraordinary circumstances exist. In the event of a delay of more than six hours, a surety and the defendant have a right to know what, if any, extraordinary circumstance is causing the delay. Supervisory conditions of release do not justify a delay in release; except that a sheriff may hold a defendant for up to 24 hours if necessary to ensure a defendant is fitted with required electronic monitoring.
5. Anyone who posts a money bond has the right to receive a copy of the bond paperwork, including documentation of the next upcoming court date.
6. A surety may never be asked to use posted bond money to pay a defendant's debts. Only when defendants have posted their own money bond may they be asked if they would like to voluntarily relinquish bond money to pay their debts. Relinquishment of bond money by a defendant to pay a debt is never required and is entirely a voluntary choice by the defendant.

To file a complaint for a violation of any of the above:

Mesa County Sheriff's Office

Mesa County Sheriff's Office Custody Manual

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- By email: socomplaint@mesacounty.us
- By phone: (970) 244-3539
- In-person: During lobby business hours, ask for Professional Standards
- For persons in custody: ask to speak with the on-duty supervisor

The agency will post a notice in the common areas of the Detention Facility, clearly visible to inmates and in public portions of the Detention Facility clearly visible to individuals posting bonds, which will contain at a minimum the following information:

- Bond fees, booking fees, and other fees or debts never need to be paid to secure a person's release on money bond. A payor need only pay the bond amount in order to secure the release
- The sheriff shall/must release a defendant within six hours after a personal recognizance bond is set and the defendant has returned to jail or within six hours after a cash bond has been set and the defendant has returned to jail and the defendant or surety notified the jail that bond is prepared to be posted unless extraordinary circumstances exist. However, a sheriff may hold a defendant for up to twenty-four hours if necessary to ensure a defendant is fitted with the required electronic monitoring

To file a complaint for a violation of any of the above:

- By email: socomplaint@mesacounty.us
- By phone: (970) 244-3539
- In-person: During lobby business hours, ask for Professional Standards
- For persons in custody: ask to speak with the on-duty supervisor

611.4 TRAINING

The agency will train all staff who process bonds on this policy and publish this policy to all Detention staff.