**523.1  PURPOSE ANDS SCOPE**

The purpose of this policy is to establish a system to assist defendants in securing release from jail through the bonding process.

**523.2  POLICY**

It is the policy of the Custer County jail is facility that an arrestee or current inmate be afforded a bond setting hearing as soon as practicable and to establish a means for the bail/bond to be posted.

**523.3  BOND HEARING**

The detentions supervisor shall ensure all persons arrested and booked into the Custer County Jail are brought before the court for an individualized bond setting hearing. The hearing shall be in person or Audiovisual Conferencing Technology. The hearing shall be with a magistrate or judge of the 11th Judicial District or a state appointed Bond Hearing Officer. The bond setting hearing shall be provided as soon as practical but no later than 48 hours after the arrestee is brought to the Custer County Jail. In the case there is no high speed internet access it is permissible to conduct the hear ing telephonically.

If he defendant refuses to attend court, is unable to attend court due to a debilitating physical ailment or is unable to proceed do to drug or alcohol use or mental illness it shall be documented in the inmates file. The court shall be notified of the circumstances preventing the hearing. The detentions supervisor, the Sheriff and Undersheriff shall be also be notified of the circumstances preventing the bond setting hearing.

**523.4  METHODS OF POSTING BOND**

An arrestee or representative of an arrestee may post a bond at a minimum with cash, money order or cashier's check. If bond is being paid by, cashiers check or money order it shall be made out to Custer County and never to the defendant. Beginning January 1, 2022, or sooner if available, a bond may be paid by an electronic means without the need for the payor to be present at the jail.

**523.5  BONDING PAPERWORK**

The individual processing the bond shall certify, in writing, that the payor received a copy of the bond paperwork, the Legal Rights Related to Posting Money Bond and information regarding the defendants next court date and location. A copy of the certification shall be placed in the defendants file. As part of the bonding process the surety shall not be asked if the money deposited for the bond can be used to satisfy the defendant's debts. If the defendant is posting his/her own bond (s)he may be asked if the money being used as bond be used to satisfy debts.

**523.6  LEGAL RIGHTS**

The Colorado legislators have created certain legal rights related to posting money bond. Those rights are listed below and the detentions supervisor will ensure they are posted:

1. On the Sheriff's Office website,

2. In a common area of the building accessible to the public and clearly visible to the public or anyone wishing to post bond,

3. In the inmate handbook,

4. At the booking counter readily accessible to inmates and

5. In a common area of the jail clearly visible to the inmates.

6. The notice must include information on how to file a complaint about violations of these provisions.

Legal rights Related to Posting Money Bond:

  A. Bond fees, booking fees, and other fees or debits never need to be paid to secure a person's release on money bond. A payor need only pat the bond amount in order to secure release.

  B. 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 maximum3.5% credit card payment fee. No other bond-related fees may be charged at any time, including kiosk fees or fees for payment by cash, check or money order.

  C. 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.

  D. A sheriff must release a defendant within six (6) hours after a personal recognizance bond is set and the defendant has returned to the jail or withing six hours after a cash bond has been set and the defendant has returned to jail and the defendant of surety notified the jail that bond is prepared to be posted, unless extraordinary circumstances exist. In the event of a delay or more than six hours, a surety and the defendant have a right to know what, if any, extraordinary circumstances is causing the delay. Supervisory conditions of release do not justify a delay in release; except that a sheriff may hold a defendant up to 24 hours if necessary to ensure a defendant is fitted with required electronic monitoring.

E. 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.

  F. A surety may never be asked to sued 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 fo bond money my a defendant to pay a debt is never required adn is entirely a voluntary choice by the defendant.

**523.7  RELEASE OF INMATE UPON POSTING BOND**

Unless extraordinary circumstances exist, the detention officer on duty shall release the defendant who is granted a Personal Recognizance Bond (PR Bond) as soon as practicable but no later than six (6) hours after the defendant physically present in the jail.

Unless extraordinary circumstances exist, the detention deputy on duty shall release a defendant who is granted a Cash Bond as soon as practicable but no later that six (6) hours after the bond is set, after the defendant is physically present in the jail, and after the defendant of surety notifies the jail that the defendant or surety is prepared to post the bond. If the on duty detention deputy fails to release the defendant within six (6) hours, the detentions deputy shall inform the defendant and any person posting bond on behalf fo the defendant the reason for the delay and shall document the reason for the delay in the defendant"s file. A supervisory condition of release does not serve as a legal basis to continue to detain the defendant.

**523.7.1**ELECTRIC MONITORING

If the defendant is ordered released upon condition of being subject to electronic monitoring, the defendant may be held up to as long as practicable but on longer than twenty-four (24) 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 judge orders that the defendant not be released without electronic monitoring based on finding that the electronic monitoring is necessary for public safety., then the time limits regarding release of the defendant in this do not apply. However, if a defendant is held more than twenty-four (24) hours after posting bond awaiting electronic monitoring fitting, the Sheriff shall bring the defendant to the court the next day to court is in session and explain the reason for the delay.

**523.8  BONDING FEES**

Bond fees, booking fees and other fees or debts never need to be paid to secure a defendant's release on a money bond. A payor or surety need only pay the bond amount in order to secure release.

While never a basis to hold a defendant iin jail, the following fees are chargeable as debt to the defendant after release if he payor chooses not to pay the fees a teh time of bonding: A $10.00 bond fee and a maximum 3.5% credit card payment fee. No other bond-related fees amy be charged at any time, including any kiosk fees or fees for payment by cash, check or money order.