5-03/110.05 - Multiple Bail, Multiple Charges, Deviations From Schedule and Own Recognizance (OR) Releases

In all sections of the felony bail schedule that have more than one bail amount listed, the highest amount shall apply unless the arresting deputy has indicated on the booking slip that a lesser amount is appropriate.

The arresting deputy shall designate which of the multiple bail amounts apply. He must have direct knowledge that the amount designated meets the specifications of the felony bail schedule.

In cases of multiple arrest charges, designate amount for the highest grade felony and/or the greatest amount of bail.

The one exception from the Department rule that releases authorized by a judge or commissioner must be a written document signed by a judge will be a verbal authorization for release by the on-duty superior court commissioner. This commissioner is responsible for handling requests for deviation from the felony bail schedule, as authorized in 1269(c) PC, when court is not in session. Each commissioner assigned to such duty will remain at his home during the duty hours and will be accessible via telephone to hear and make decisions on requests for deviation from the bail schedule. The hours are:

- Weekdays - from 2200 to 0800 hours;
- Weekdays - from 0800 to 0900 hours, contact clerk, department 100; and
- Weekends - from 1000 to 1600 hours and from 2200 to 0800 hours.

Applications for deviation during court hours may be made by filing the declaration in Department 100, Criminal Courts Building, 210 West Temple Street, Los Angeles.

The prisoner shall, in all cases, be retained at the original booking facility until the amount of bail is resolved whenever there is an application to raise the bail or if one is being considered.

The procedure for releases resulting from bail deviation cases shall be as follows:

- The peace officer or the person making the request for deviation will have the Request and Delegation for Deviation from Felony Bail Schedule (SH-J-359), required by 1269(c)PC, prepared in advance of telephoning the IRC watch commander.
- The caller should identify himself and give the following information:
    - Police department, Sheriff's station, or place from which he is calling;
    - Telephone number from which he is calling;
    - Arrestee's name;
    - Booking number;
    - Charges; and
    - Scheduled bail amount;
- IRC watch commander, who maintains a confidential list of on-duty commissioners and their telephone numbers, shall relay the above information to the on-duty commissioner. The commissioners, when notified by Sheriff's personnel, will telephone the arresting agency to converse directly with the requestor;

- The commissioner will inform the deputy making the request for bail deviation that both sides of the telephone conversation are being tape-recorded;
- The declarant shall read the declaration, which must set forth facts and circumstances sufficient to give reasonable cause to believe that the amount of scheduled bail is insufficient to assure appearance of the arrestee or that it is excessive; and
- The commissioner, upon hearing the declaration, may make his decision and order, forthwith, to the officer in charge;

- Information may be obtained by the commissioner from the on-duty deputy district attorney when application for Own Recognizance Release or Reduced Bail is requested;
- The commissioner will make an oral order and also prepare an original and 2 copies of an Order Fixing Bail OR Release with the following distribution:
  - Original copy sent via U.S. mail to the municipal court division where arraignment is to be held;
  - One copy sent via U.S. mail to the arresting agency; and
  - Copy retained by the commissioner;
- Should there be an order made to release an arrestee on OR, he shall not be released until he has been notified in writing of the following:
  - Time and place of his required appearance in court;
  - That he is charged with a felony; and
  - That he is guilty of a felony (1319.4 PC) if he willfully fails to appear as he agreed to in his Notice to Appear (SH-CR-66);
- The commissioner shall send the original of the order for OR release to the court to which the arrestee is to return. A copy shall be sent to the arresting agency and the commissioner shall retain a copy; and
- The original of the notice to appear will be sent by the arresting agency to the court where the arrestee is to appear.