6-12/000.00 Bail Deviation Program

The Bail Deviation Program began in 1985 and was enacted by Penal Code section 810(b). This section designed a program that is twofold and administered by the Probation Department. The first part of the program gives pre-arraigned inmates the right to attempt to obtain a bail reduction or "OR" (own recognizance), if they are not eligible to be cited out. The second part gives arresting officers the ability to enhance an inmate's bail when pre-designated bail is not applicable or insufficient.

The Bail Deviation Program gives inmates specific rights and establishes specific procedures which must be followed and complied with. It also gives peace officers another tool for keeping an inmate in custody if the circumstances warrant bail enhancement.

OVERVIEW

The inmate must be permitted to make application for bail deviation within eight hours of booking.

The telephone call to the Bail Deviation Unit must be given in addition to the three telephone calls normally afforded to arrested persons. The Bail Deviation Unit accepts collect telephone calls from inmates and operates seven days a week and on holidays. The hours are posted in the jail booking area.

The calls to the Bail Deviation Unit should take 30 to 45 minutes. During this time the Bail Commissioner's Aide will request information about the inmate's arrest, family and employment history. A criminal history check is done to assist the bail commissioner in deciding whether or not a bail reduction or an OR should be granted.

The Commissioner's Aide will attempt to verify information obtained from the inmate and will contact the station watch commander, watch sergeant, or jailer. Any opposition to the reduction in bail shall be presented at this time and this information shall be passed on to the Bail Commissioner.

Any increase or reduction of bail for an inmate in custody will be forwarded to the station via teletype from the Bail Deviation Unit.

When an arrest is made during the time when the Bail Deviation Unit is not operational, the inmate shall be given the opportunity to make their request when the Bail Deviation Unit becomes operational again. This will, under certain circumstances (shift changes), require that an inmate’s booking information be flagged to ensure compliance with these procedures.

BOOKING OFFICER'S RESPONSIBILITIES

During the booking process, the booking officer shall inform each inmate, not eligible for release on a citation, of his/her right to seek an OR release or bail reduction.

The booking officer shall complete and explain the Bail Reduction Form (SH-R-440). The hours of operation and the telephone number for the Bail Deviation Unit are posted in the jail booking area. If the inmate waives the right or makes the call to the Bail Deviation Unit, check the appropriate box on the Bail Deviation Form. **If the Bail Deviation Unit is closed, notify the jailer so the inmate can make the call at a later time.**

Peace officers seeking bail enhancement may contact the Bail Deviation Senior Aide by calling (213) 351-0373. The officer must state name, title, agency, unit, and telephone number. The arrestee's name, address, age, booking number and charge should then be given. The Commissioner will make a decision based on the information supplied by the officer. The more specific the officer is about the reasons for the increase, the more likely the Commissioner will rule favorably.

If opposed to a lowered bail or OR release (deviation), the officer shall receive approval from the on-duty watch commander. All facts for opposing a bail reduction or an OR release shall be specified on the Bail Deviation Form.

JAILER'S RESPONSIBILITIES

Check booking slips for compliance with the Bail Deviation Program. Make sure all inmates who are not eligible for release on a citation have a completed Bail Deviation Form in their booking package.

Flag booking packages of inmates who did not make their calls due to closure of the Bail Deviation Unit and advise your relief which inmates require calls.

The day shift jailer shall transmit a list of those inmates in custody who qualify (not warrant arrests) to the Bail Deviation Unit by 0800 hours and make a copy for the station. The station copy shall be maintained for two years.

See station specific procedures on how to transmit the above list.

WATCH SERGEANT'S RESPONSIBILITIES

The watch sergeant shall review the booking slip and sign the Bail Deviation Form for each inmate booked at the station who is not eligible for release on a citation. They shall also focus special attention to ensure that inmates are given the required access to the Bail Deviation Unit and the Bail Commissioner.

For bail amount view the bail schedule at www.lacourt.org.