519 Bail Commissioners

519.1 PURPOSE AND SCOPE

The purpose of this policy is to establish the appointment, responsibilities, and authority of Bail Commissioners within the Davis County Sheriff's Office.

519.2 DEFINITIONS

Definitions related to this policy include:

OR – Own recognizance

519.3 APPOINTMENT OF BAIL COMMISSIONERS

The Davis County Commission may appoint members of the Sheriff's Office to serve as bail commissioners pursuant to Title 17 Chapter 32 of the Utah Code.

https://le.utah.gov/xcode/Title17/Chapter32/17-32.html

The bail commissioner will serve at the pleasure of the Davis County Commission, and receive no additional compensation.

519.4 RESPONSIBILITIES OF BAIL COMMISSIONERS

A. The bail commissioner may:
    1. Receive bail for persons arrested for a felony;
    2. Set and receive bail for all misdemeanor offen~~s~~es and violations of Davis County or city ordinance; and
    3. Accept the fine of a person serving a sentence in default of the payment of the fine when the court is closed.
B. The bail commissioner shall set bail in accordance with the suggested bail or recommended fine listed in the Uniform Fine Schedule adopted by the Judicial Council or a reasonable bail for city or county ordinances not contained in the schedule.

    https://www.utcourts.gov/resources/rules/ucja/append/c_fineba/docs/Uniform_Fine_Schedule.pdf

C. If, prior to release, the court reviews and sets bail or other release conditions the court order shall supersede the amount set by the bail commissioner, the admission/release bureau shall make the necessary changes in the jail management system, and the inmate shall be notified of the change.
D. The bail commissioner is responsible for the accurate acceptance and processing of bail and/or bail bonds.
E. Money and bonds collected by the bail commissioner shall be delivered to the appropriate court within three days of receipt.

519.5 SHERIFF OR BAIL COMMISSIONER'S AUTHORITY TO RELEASE ON OWN RECOGNIZANCE

As defined in Utah Code section 17-32-1[EG1]:

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A. The Sheriff or a bail commissioner may release an individual from the Davis County Correctional Facility on the individual's own recognizance (OR) if the following conditions are met:
    1. The individual was arrested without a warrant.
    2. The individual was not arrested for:
        a. A violent felony as defined in Utah Code Section 76-3-203.5 (1)(c)
        b. A "qualifying offense" as defined in Utah Code Section 78B-7-801(5)
        c. The offense of driving under the influence or driving with a measurable controlled substance in the body if the offense results in death or serious bodily injury to an individual.
        d. Rioting as defined in Utah Code section 76-9-101(4)
        e. Any domestic, stalking, or protective order-related crimes.
    3. The probable cause statement has not been submitted to the court.
    4. The individual agrees in writing to appear for pending criminal charges.
    5. The individual qualifies for release in accordance with sections (B) and (C) of this policy.

B. The bail commissioner shall take the following criteria into account when making a determination of an OR release.
    1. Criminal history
    2. Prior instances of failing to appear for a mandatory court appearance
    3. Current employment status
    4. Current residency
    5. Ties to the community
    6. An offense for which the individual was arrested
    7. Any potential criminal charges that have not yet been filed
    8. The individual's health condition
    9. Any potential risks to a victim, a witness, or the public
    10. Any other similar factors the bail commissioner determines to be relevant.

C. To ensure the criteria are being taken into account in an objective manner the bail commissioner shall utilize the OR Release Scoring Sheet and Release Own Recognizance Matrix (OR Matrix).

D. The bail commissioner shall review all objective information from the OR Release Scoring Sheet, score accordingly, and determine if the arrestee qualifies for an OR release based on the OR matrix.
    1. The bail commissioner shall inform the arrestee in writing or via tablet the results of interview within 24 hours.
        a. If an arrestee qualifies for an OR release, the bail commissioner will:
            i. Create an incident in the jail management system, documenting the arrestee qualified for an OR release.
            ii. Complete a Promise to Appear notice for the arrestee.
            iii. Upon the arrestee's release, give the arrestee a copy of the Promise to Appear notice, and
                a) A court date based on the released[EG2][EG3] court schedule, or
                b) Instruct them to contact the court within 24 hours or the next business day.

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iv. Send a copy of the Promise to Appear notice and OR Release Scoring Sheet to Jail Records.

b. If the arrestee does not qualify for an OR release, the bail commissioner will:
   i. Create an incident in the jail management system, documenting why the arrestee does not qualify; and
   ii. Scan the OR Release Scoring Sheet and attach to the incident.

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