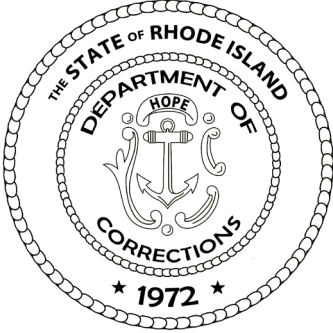



RHODE ISLAND DEPARTMENT OF CORRECTIONS POLICY AND PROCEDURE

	POLICY NUMBER: 5.07-5 DOC	EFFECTIVE DATE: 06/14/2022	PAGE 1 OF 6
	SUPERCEDES: 5.07-4 DOC	DIRECTOR: Please use BLUE ink. 	
SECTION: CASE RECORDS		SUBJECT: BAIL	
AUTHORITY: Rhode Island General Laws (RIGL) § 42-56-10 (22), Powers of the director; § 12-13-1 , Right to release pending trial on giving of recognizance; § 12-13-1.2 , Penalty for an offense committed while on release; § 12-13-1.3 , Pretrial Release; § 12-13-2 , Warrant for apprehension of accused person; § 12-13-3 , Guardian to give recognizance; § 12-13-4 , Persons authorized to bail jail prisoners; § 12-13-8 , Qualifications of sureties; § 12-13-10 , Deposit of money in lieu of bail; § 12-13-20 , Status of person surrendered or committed; § 12-13-21 , Registration of sureties			
REFERENCES: N/A			
INMATE / PUBLIC ACCESS?		<input checked="" type="checkbox"/> YES	
AVAILABLE IN SPANISH?		<input checked="" type="checkbox"/> NO	

I. **PURPOSE:**

To outline the process for posting bail for awaiting trial detainees being held at the Rhode Island Department of Corrections (RIDOC).

II. **POLICY:**

Individuals/Bail Bondsmen may post bail for awaiting trial detainees being held in the custody of the RIDOC. In lieu of bail being posted, all detainees shall remain in custody.

III. DEFINITIONS:

1. **Cash Bail** - Bail that is paid upfront in the full amount, either with cash, a certified bank check, or a credit card.
2. **Surety Bail** - Surety bail is the posting of property to secure the release of an awaiting trial detainee.
3. **Double Surety Bail** - Double surety bail is the posting of two pieces of property by two (2) separate owners to secure the release of an awaiting trial detainee.
4. **Bail Bondsman** - A bail bondsman is a person who provides bail bonds for people charged with crimes and who do not have the money necessary to post the entire bail with the court. The bail bondsman acts as a surety by providing money to the court for the person's bail, promising the defendant will appear in court.

IV. PROCEDURES:

A. Bail Process

1. **All** individuals wishing to post bail for awaiting trial detainees must go to the Intake Service Center (ISC):
2. The Records and ID Captain/designee, who is responsible for assisting all individuals posting bail, shall:
 - a. Speak with the individual requesting to post bail and identifies the individual who is posting the bail as either:
 - (1) Professional Bondsman; or
 - (2) Private Bail (relative, friend).
 - b. Inform the individual of the amount of the bail, including a twenty-five dollar (\$25) administrative fee, consistent with [RIGL § 12-13-4](#), as amended.
 - c. Instruct the individual posting bail to remain in the ISC reception area until the paperwork is processed.

- d. Determine if the awaiting trial detainee:
 - (1) is a new commitment or is on the court list on the day the bail is posted, in which case the bail can only be posted after 6:00 p.m. (After the courts are cleared and the court paperwork is quality controlled).
 - (2) is not a new commitment or is not on the court list the day of the bail being posted, in which case the bail can be collected anytime during operating hours. The detainee's release will be determined at the time bail is posted and is dependent upon the bail release schedule.

B. Bail Options

1. Cash Bail

Cash bail includes any of the following:

- a. Cash
- b. Certified bank checks.
- c. Credit card payments
 - (1) An awaiting trial detainee who has his/her credit card at the time of commitment may use it for bail.
 - (2) The person posting the bail uses his/her credit card at the time of bail only if said person has proper identification (i.e., a valid state-issued license or photo identification) and the credit card has his/her name on it.

NOTE: The transaction is placed through the credit card intermediary vendor. A user fee may be incurred from the credit card intermediary; however, such cost will be absorbed by the cash bail fund.

d. Check from RIDOC's Inmate Accounts Office:

- (1) The awaiting trial detainee completes a money transfer slip.

- (2) Custody and control staff bring the transfer slip to Inmate Accounts after receiving approval from the Warden/designee of the facility where the awaiting trial detainee is housed.
- (3) The Inmate Accounts check is delivered to the Records and ID Unit Bail Station for processing.
- e. The individual posting bail delivers a check from Western Union.

2. Surety Bail

- a. An [Affidavit for Bail form](#) must be completed in full, approved by signature of the Attorney General's representative or an authorized court clerk (per the appropriate Court), and be presented to the Records and ID Unit.
- b. Ten percent (10%) of the total surety bail can be cash, which changes the process into a cash bail process (see cash bail procedures, Section [III.B.](#)).

3. Double Surety Bail

- a. Completed and approved [Affidavit for Bail form](#)(s) must be presented to the Records and ID Unit.
- b. Twenty percent (20%) of the total double surety bail can be cash, which changes the process into a cash bail process (see cash bail procedures, Section [III.B.](#)).

C. Rhode Island Law Enforcement Telecommunications System (RILETS)

- 1. Awaiting trial detainee information is verified during the bail process. RILETS includes information retrieved from the Bureau of Criminal Identification (BCI) and the National Criminal Information Center (NCIC).
- 2. The Records and ID Captain/designee accesses RILETS and enters the awaiting trial detainee's name, alias(es), and date(s) of birth.
 - a. If the awaiting trial detainee has any additional outstanding warrant(s), they are listed on the RILETS screen.
 - b. If an affidavit and arrest is present, the corresponding law enforcement agency is notified to confirm the warrants are active.

- c. If there is an active bench warrant that is not already listed in the charge screen of the Inmate Facility Tracking System (INFACTS), it must be entered in the database.
- d. Bench warrants for detainees who are “held without bail” will terminate the bail process. Every effort is made to have the awaiting trial detainee appear at the next available court date. Only one (1) [RI Judiciary Bail and Recognizance Conditions form](#) is completed for each bail unless more than one case or more than one court is involved.

D. Collection of Cash and Surety Bail

- 1. Once the Records and ID Captain/designee has completed the [RI Judiciary Bail and Recognizance Conditions form](#), the individual posting bail is instructed to report to the Records and ID Unit Bail Station.
- 2. The Records and ID Captain/designee collects the exact cash amount of the bail, processes a credit card or collects a completed [Affidavit for Bail form](#) to satisfy the bail, generates a bail receipt in the Bail Database, and:
 - a. Gives one (1) copy of the bail receipt to the individual posting the bail and attaches another copy to the [RI Judiciary Bail and Recognizance Conditions form](#) for cash bail;
 - b. Has the individual posting a cash bail sign and write his/her address on the [RI Judiciary Bail and Recognizance Conditions form](#) in the “Party Posting Bail” and advises individual of the monetary responsibilities of bail (i.e., amount paid) and the return of posted bail.
 - c. Has the individual posting a surety bail sign the [RI Judiciary Bail and Recognizance Conditions form](#) in the “Surety” section.
 - d. Informs the individual posting the bail that the awaiting trial detainee will be released according to the posted bail release schedule.
- 3. If the inmate being released on bail is at the Women’s Facility, the Records and ID Unit shall direct the person posting bail to the Women’s Facility and provide an approximate time of release.

4. The Records and ID Unit shall bring the completed bail paperwork to the Women's Facility and processes the detainee in accordance with building specific procedures for the detainee's release (positive identification, iris scan, and property inventory).
- E. Notification of Main Control Center

The Record and ID Captain/designee informs the Count Officer at the releasing facility that an awaiting trial detainee will be released on bail and provides him/her with the following information;

1. full name;
 2. date of birth;
 3. Inmate identification number;
 4. cell assignment, if applicable; and
 5. any special conditions (i.e., transfers to Immigration and Customs Enforcement, or other law enforcement agency).
- F. Release of Awaiting Trial Detainee (on Bail)

The release of an awaiting trial detainee on bail shall be specified in a facility-specific standard operating procedure (SOP) developed by the Wardens of the Intake Service Center and Women's Facility. This SOP shall be developed within thirty (30) days of the effective date of this policy and approved by the Assistant Director of Institutions and Operations (ADIO).