



Series 300 Support Services	Effective Date 12/16/2022	Review Date Annually	Directive Number 305.2
Chapter 305 - Detention Management and Operations			
Reviewing Office Civil Rights Division			<input type="checkbox"/> New Directive <input checked="" type="checkbox"/> Revised <small>Revisions in <i>italics</i></small>
References			

DETAINEE BONDING

305.2 - 1 PURPOSE

To establish guidelines and procedures for the bonding of persons in the custody of the Detroit Police Department (DPD).

305.2 - 2 POLICY

All individuals that are in the custody of the DPD shall be processed expeditiously, e.g., arraigned, discharged, transferred to other jurisdictions, or released on bond as quickly as administratively possible and within the time frames established by DPD policy and law.

305.2 - 3 Definitions

305.2 - 3.1 Hold

Any outstanding charge(s) or warrant(s) other than those that serve as the predicate for the current arrest.

305.2 - 4 Procedures

305.2 - 4.1 General

1. In the event a detainee is released from the Detroit Detention Center (DDC) or transported to another location, by anyone other than the arresting officer, the releasing or transporting officer shall verify the identification of the detainee prior to transporting or release.
2. The investigator assigned to a case may release on initial charge (e.g., complainant refused to prosecute, pending the issuance of a not in custody warrant, discharge no case). The Officer in Charge (OIC) of the DDC station desk may release any detainee from *the DDC* with just cause. In order to release a detainee it is necessary that both the detention officer and the OIC verify the detainee’s identity.
3. This shall be accomplished by reviewing identifying information on the *Detainee Intake Sheet* to confirm proper identity. The OIC of the station desk shall make a Desk Blotter entry indicating the detainee’s name, other identifying information (e.g., date of birth, address) and the circumstances of the release (e.g., bond, pick-up by other jurisdiction, discharge, etc.).

305.2 Detainee Bonding**305.2 - 5 Non-Bondable Offenses****305.2 - 5.1 Charged on a Warrant**

1. Persons arrested on a warrant charging a felony, circuit court misdemeanor, or high misdemeanor cannot be released on bond. Any person registered on a warrant charging one (1) of these offenses must be taken before the appropriate magistrate for arraignment.
2. During normal business hours, Monday through Saturday, persons charged with a high misdemeanor will be arraigned in the Misdemeanor Courtroom. On Sundays, holidays and any other days when the Misdemeanor Court is not in session, any person charged with a high misdemeanor will be arraigned before the magistrate conducting felony and circuit court misdemeanor arraignments and hearings on writs of habeas corpus.

305.2 - 5.2 Charged Without Warrant

1. Persons charged with felonies, circuit court misdemeanors, or high misdemeanors without a warrant cannot be released on bond. However, detainees held on the aforementioned charges may be discharged by the officer in charge of the case with approval of the officer in charge of the DDC desk for the following reasons:
 - a. It appears from a review of the case that prosecution is unlikely;
 - b. It appears the charge will be reduced to a simple misdemeanor, or
 - c. When extenuating circumstances are present and the future appearance of the detainee is reasonably assured.
2. A person may not be bonded in cases involving a felony, circuit court misdemeanor or high misdemeanor hold for an outside authority or a hold for a misdemeanor warrant that is marked "Hold without Bond".

305.2 - 5.3 Releasing Persons at a Judge's Request

1. If a judge of immediate jurisdiction requests the release of a detainee, the officer in charge of the desk at the DDC shall so inform the officer in charge of the case;
2. If there are extenuating circumstances which preclude release, the officer in charge of the desk at the DDC shall contact the "on call" Wayne County Assistant Prosecutor for directions. If there is no objection from the prosecutor, the supervisor in charge shall contact the requesting judge, verify the authenticity of the request, and affect the release. If the prosecutor objects to the detainee's release, the prosecutor will contact the requesting judge and advise the judge of his or her objections, however, the decision of the judge is final.

305.2 - 6 Bondable Offenses**305.2 - 6.1 Interim Bail Act**

1. The Michigan Interim Bail Act requires that any person arrested, with or without a warrant, for a misdemeanor punishable by imprisonment for not more than one (1)

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- year or by a fine and who cannot be arraigned immediately, must be allowed to post a cash bond to guarantee his or her appearance in court and be released.
2. A detainee shall not be released on interim bond when, in the opinion of the officer in charge of the DDC desk, the detainee;
 - a. Is under the influence of intoxicating liquor and/or a controlled substance;
 - b. Is wanted by police authorities on other charge(s);
 - c. Is unable to establish or demonstrate his or her identity, or
 - d. When it would be otherwise unsafe to release the detainee because of danger to another person or other factor(s).
 3. While the release of a detainee on interim bond may be properly denied in these circumstances, the arresting officer shall document on his or her *Incident Report* the reason(s) for such denial.
 4. If no Detroit warrants are pending and any outside authority holding a warrant is unable to assume custody of a detainee arrested for a simple misdemeanor and the appropriate court is not in session, the Interim Bail Act shall apply.

305.2 - 6.2 Persons Charged with Traffic of Miscellaneous Warrants

1. Persons arrested on traffic warrants or other miscellaneous misdemeanor warrants emanating from 36th District Court, Traffic and Ordinance Division, may be released on bond without being registered, provided the person's identity is known to the officer in charge of the DDC desk and a criminal record check by computer inquiry has been obtained. If the person is unknown, a fingerprint clearance shall also be obtained.
2. If the person is to be released on bond an inventory search shall not be conducted.

305.2 - 6.3 Persons Held on Weekends for Traffic and Ordinance Offenses

The 36th District Court, Traffic and Ordinance Division does not hear cases on weekends. Therefore, to ensure that persons charged with traffic and ordinance offenses who cannot post bond are not excessively detained, the following procedures shall apply on weekends:

1. The 36th District Court, Traffic and Ordinance Division, will maintain a weekend list of persons being held for traffic offenses who are unable to post bond;
2. Prior to 10:00 a.m. on every Saturday, each holding facility shall contact the Warrant Office at 36th District Court, Traffic and Ordinance Division, and give the names, charges, dates and times of arrests, and bond amounts of all traffic and ordinance offenders still in their custody; and
3. Each Saturday, between the hours of 10:00 a.m. and 1:00 p.m., a duty judge/magistrate of 36th District Court, Traffic and Ordinance Division, will review the weekend list to ascertain that no person is being unreasonably detained;
 - a. If, at the discretion of the duty judge/magistrate, any person is being unreasonably detained, the duty judge/magistrate will contact the DDC and request release of the concerned detainee, even though such detainee may not have sufficient resources to meet the required bond;

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- b. If there are any extenuating circumstances which preclude release, such as a failure to satisfactorily establish the detainee's identity, or discovery that the detainee is wanted on other more serious charges, the officer in charge of the DDC desk shall apprise the judge/magistrate;
- c. When a detainee is to be released at the request of the duty judge/magistrate, the bond receipt form must be completed. The member preparing the bond receipt form shall enter the words "No Deposit" in the space designating amount of deposit and the name of the requesting judge/magistrate shall be entered in the space noted "Bond Posted By." The detainee shall be scheduled for appearance at the next session of 36th District Court, Traffic and Ordinance Division. The bond receipt form shall then be processed in the normal manner; and/or
- d. These provisions in no way preclude or limit discretion to release indigent persons as dictated by existing procedures (refer to Section 6.1 of this Directive); the officer in charge of the desk should exercise this discretion where circumstances warrant.

305.2 - 7 Types of Bonds Authorized**305.2 - 7.1 Personal Bond**

1. All persons arrested with or without a warrant and charged with a simple misdemeanor (92-days or less) may be released on personal bond at the discretion of the officer in charge of the DDC desk upon the completion of processing and after clearances have been obtained. The bond receipt form shall be completed by entering the words "NO DEPOSIT" in the space designated for the amount of deposit, and signing the rank and name in the space noting "Bond Posted By". The bond receipt form shall then be processed in the normal manner.
2. When the original charge on a detainee was a felony but was reduced after further investigation and the detainee is re-registered on a misdemeanor charge, the aforementioned procedure shall also apply.
3. If a person is arrested on LEIN information only for a simple misdemeanor held by outside authorities, will not be picked up and is unable to post bond, the arrested person shall be released on his or her own recognizance unless there are extenuating circumstances (e.g., the person is under the influence of alcohol or drugs and it is deemed unsafe to release them). He or she shall be instructed to appear at the jurisdiction holding the warrant.

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305.2 - 7.2 Cash Bond

1. A cash bond is made by depositing an amount of money for the violation involved as suggested by the 36th District Court, Traffic and Ordinance Division Bonding Schedule.
2. A cash bond shall be made in United States currency only.

305.2 - 7.3 Surety Bonds

1. If a person is unable to produce the cash required for a bond, then surety bonds will be accepted for bondable traffic offenses from any surety company on the authorized bonding company list on file with the Warrant Office and posted in the DDC;
2. Surety Bonds shall be processed as an Interim Bond except that the name of the bonding agency will appear in the space noted "Bond Posted By".

305.2 - 8 Bonding Schedule

Bond amounts are determined by the court of proper jurisdiction holding the hearing and addressing bond matters.

305.2 - 9 Court Arraignment Schedule

1. Persons arrested on traffic and ordinance offenses that are subsequently released on bond shall be scheduled a court date three (3) weeks from the date of issue, or later as requested by the court. The schedule shall be as follows for court appearance, except when the court is closed because of a legal holiday. Any additional changes will be conducted by the court.

Day Bonded Out	Three (3) Weeks/Day to Appear
Monday	Monday
Tuesday	Tuesday
Wednesday	Wednesday
Thursday	Thursday
Friday	Friday
Saturday	Monday
Sunday	Tuesday

2. All Detainee Intake Sheets (DIS), requests for warrants, and bonds previously mentioned shall be forwarded immediately to 36th District Court, Traffic and Ordinance Division.

305.2 - 9.1 Interim Bond court Dates

1. The officer in charge of the DDC desk is responsible for ensuring that the outside authority that issued the warrant is contacted and the following information is obtained: the magistrate's name, amount of bond, place and time of required appearance.

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2. A minimum of *twenty-one (21)* days shall be observed when establishing the day and date of appearance.

305.2 - 10 Disposition of Bond Receipts and Money

1. The bond receipt, Cash Bond, 36th District Court (C of D 278-RE), shall be prepared for persons released on 36th District Court, Traffic and Ordinance Division Bonds.
2. The officer in charge of the oncoming shift shall audit the bond *receipts* and is responsible for the *receipts* until relieved from the desk and a new audit is conducted.
3. The white copy of the bond receipt shall be given to the person posting the bond, and the pink copy shall be filed at the DDC.
4. The Platoon One clerk shall prepare the Report of Cash Bonds Transmitted to Court (DPD 245). This report shall list all 36th District Court, Traffic and Ordinance Division bonds received during the preceding 24-hour period. In addition, *the original white copy goes to the bondee, and the remaining two (2) copies go with the Detainee Intake Sheet and Transmittal. The Platoon Two clerk shall ensure that the Transmittal, copy of the bond receipts and Detainee Intake Sheets are faxed or scanned to 36th District Court no later than 11:00 a.m. each morning.*
5. Bond receipts shall only be given to the person whose appearance is required in court. This does not prohibit a third party from giving or loaning funds to the arrested person.

305.2 - 10.1 Interim Bond Receipt (DPD 620)

1. The Interim Bond Receipt, (DPD 620), will be used for releases described above.
2. It shall be prepared in quadruplicate and the original copy shall be given to the detainee. The remaining three (3) copies and the bond money shall be forwarded to *Budget Operations* as soon as possible. *The Office of Departmental Financial Services* is open from 8:00 a.m. to 4:00 p.m., Monday through Friday.
3. *The Office of Departmental Financial Services* will endorse the fourth copy of the receipt upon receiving the bond money. The fourth (blue) copy will be returned to the station where it shall be retained for one (1) year. *The Office of Departmental Financial Services* shall forward the bond money and the second (2nd) copy of the receipt to the magistrate who issued the warrant. *The Office of Departmental Financial Services* shall retain the third (3rd) copy as the department's receipt.

305.2 - 11 Bond Refunds

1. If a 36th District Court, Criminal Division defendant is released on cash bond and discharged without prosecution or because the warrant is denied, the officer in charge should update the *information in the Jail Management System (JMS)* with the appropriate disposition. The presiding judge will instruct the court clerk to refund the bond.
2. If the detainee is discharged in the courtroom, *and has no other holds*, the detainee will receive the necessary authorization from courtroom personnel.
3. A similar procedure shall be followed as above for 36th District Court, Traffic and Ordinance Division cases.