

CHIEF OF DETECTIVES

NOTICE

May 20, 2020

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TO: All Concerned Personnel

FROM: Chief of Detectives

SUBJECT: BAIL DEVIATION PROCEDURE - REMINDER

The purpose of this Notice is to remind Department personnel of the current bail deviation procedure in accordance with the Department Manual, Volume 4, Section 680.45, "Requesting an Increase in Felony Bail."

On March 2, 2020, the Superior Court of California, County of Los Angeles implemented a new Pretrial Risk Evaluation Program (PREP) which will allow qualifying arrestees booked for non-violent or non-serious offenses to be released pre-arraignment upon review by a magistrate. Law enforcement agencies can cite and release the arrestee or seek a bail enhancement within the four-hour window from the time the arrestee is booked to the time a magistrate reviews the arrestee's case for release.

Numerous repeat offenders or arrestees with violent/serious criminal histories have recently been released shortly after being booked. After identifying an arrestee's violent/serious crime history or repeat offenses, the arresting officers or detectives **shall** request a bail deviation (bail increase or no bail) to maintain the arrestee in custody and preserve public safety.

NOTE: Penal Code Section 1270.1 prohibits the release of an arrestee on bail in an amount OTHER THAN THAT SET FORTH IN THIS BAIL SCHEDULE prior to a hearing in open court for:

- Violent felonies as described in P.C. Section 667.5(c), but not 460(a);
- Serious felonies as described in P.C. Section 1192.7(c) (including those listed in P.C. Section 1192.8); 2
- Violations of P.C. Sections 136.1(c), 243(e)(1), 262, 273.5, 422 (as a felony), and 646.9; and,
- Violation of P.C. Section 273.6 if the detained person made threats to kill or harm, has engaged in violence against, or has gone to the residence or workplace of the protected party.

The Department Manual, Volume 4, Section 680.45: REQUESTING AN INCREASE IN FELONY BAIL, defines the requirements for bail deviations as follows:

- Prior to arraignment, an officer shall request a bail deviation when an arrestee was arrested without a warrant;

- The defendant was arrested for a bailable felony offense or misdemeanor offense of violating a domestic violence restraining order; and,
- The officer has reasonable cause to believe that the scheduled bail amount is insufficient to assure the defendant's appearance or to assure the protection of a victim, or family member(s) of a victim, of domestic violence.

NOTE: Currently, the Los Angeles County Bail Deviation process is available **24-hours a day, seven days a week**, including holidays.

PROCEDURES

ARRESTING OFFICER'S AND DETECTIVE'S RESPONSIBILITIES: Officers seeking a bail deviation on an arrestee shall:

- Book the suspect and obtain a booking number;
- Advise the detective supervisor/watch commander of the circumstances of the case which necessitate a bail deviation;
- Obtain approval from the detective supervisor/watch commander to request a bail deviation;
- Contact the *Los Angeles County Probation Department, Pretrial Services* and fax the *Request to Increase Bail Form - LASC CRIM 205 Rev. 06/18*, (See attached) which includes the following information:
 - Bail amount requested;
 - Circumstances which led to the arrest;
 - Reason(s) for the bail deviation request;
 - Aggravating circumstances which support the bail increase request;
 - Whether or not the arrestee is considered a flight risk;
 - Whether or not the arrestee can bail out on the current standard bail;
 - Whether or not the arrestee is considered a threat to the community and/or victim(s);
 - Arrestee's prior criminal history;
 - Arrestee's identification numbers (e.g., CII, FBI, Social Security Number, Driver's License, etc.); and,
 - Requesting officer's name and call-back number.

NOTE: All bail deviation requests should be faxed to *Los Angeles County Probation Department, Pretrial Services* (213) 487-6493. For any inquires or verification of receipt, contact the *Pretrial Services* at (213) 351-0373.

The information provided to the Los Angeles County Bail Deviation/Pretrial Services will be immediately reviewed by the on-duty Bail Magistrate Judge. Once the Judge decides on the bail deviation requests, the requesting officer or detective will be contacted and advised of the Judge's decision. If a bail deviation is granted, the jail facility where the arrestee is in custody will receive a teletype of the court order from the Los Angeles County Bail Deviation/Pretrial Services informing them of the bail deviation.

- Upon approval of the request, document the determined bail and the Bail Judge's name in the narrative portion of the arrest report;
- Notify the watch commander of the jail facility about the revised bail amount; and,
- Obtain a copy of the teletype from the jail facility and attach it to the arrest report.

DETECTIVE SUPERVISOR / WATCH COMMANDER'S RESPONSIBILITIES: The detective supervisor / watch commander shall:

- Review the arrest report which documents the facts and circumstances which establish the reasonable cause to believe that the scheduled bail amount is insufficient;
- Determine if the bail deviation request is justified; and,
- If approved by a Bail Judge, ensure the required information is documented in the arrest report and a copy of the jail teletype is attached.

JAIL WATCH COMMANDER / SUPERVISOR'S RESPONSIBILITIES: Upon notification by the Department employee of an approved bail deviation, the jail watch commander/supervisor shall ensure that the arrestee's bail deviation is updated on all booking/jail forms and that Records and Identification Division, Booking and Records Update Unit, is contacted.

RECORD AND IDENTIFICATION (R&I) DIVISION, BOOKING AND RECORDS UPDATE UNIT'S RESPONSIBILITIES: Upon contact by jail personnel of a bail deviation, R&I Division personnel shall update the bail in the Automated Justice Information System (AJIS).

Any questions regarding this Notice should be directed to Detective Services Group, Investigative Analysis Section at (213) 486-7010.

APPROVED:



KRIS E. PITCHER, Deputy Chief
Chief of Detectives



DOMINIC H. CHOI, Deputy Chief
Chief of Staff
Office of the Chief of Police

Attachment

DISTRIBUTION "D"

