



# LAGUNA BEACH POLICE DEPARTMENT

## TRAINING BULLETIN # 20-03

### Bail Enhancement

#### PURPOSE

The purpose of this training bulletin is to provide employees with the proper procedures regarding bail enhancements. Please follow the steps below to ensure your Bail Enhancement process is done correctly:

#### **1. Probable Cause Declaration**

The arresting officer first needs to complete a Probable Cause Declaration form after the arrest. It is important that the Probable Cause Declaration is completed and signed.

#### **2. Open the M-170 Declaration for Motion to Increase Bail form**

This form is stored on the N drive. It is important to know there are no lists or documents that state how high a bail amount should be raised to. This amount is up to the officer that is completing the form. The following is a list of facts and circumstances that should be considered when determining how much you want the bail to be enhanced to:

*Factors of aggravation, seriousness of the offense, firearms or weapons used, injuries, use or possession of controlled substances by the defendant, previous record, danger to the public, alleged threats to the victim and or witness to the crime charged, community ties, employment, family, property and length of residence, holds and pending charges.*

#### **3. Complete the M-170 form (the following is a guide on how to answer each of the sections):**

Section #1 states, "I am a Sworn Police Officer in the State of California."

Section #2 - fill in the charge(s) the defendant was arrested for.

Section #3 - check "Yes"

Section #4 - this amount is the current bail for the charge the offender was arrested for

Section #5 - *(the following is an example of a narrative for this section)*

"I, Officer Saturday, request bail be increased to \$100,000 for **John Doe** due to the following factors of aggravation: **Doe** was arrested today for felony residential/commercial burglary after he trespassed onto private property and then entered an unlocked door of an office/retail building, which was also used as a residential

Information provided by DTO M. Short



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location where four persons were sleeping at the time **Doe** entered. **Doe** also stole a package valued at approximately \$100 from inside of the office space which had exterior and interior video recordings. He also possessed methamphetamine hidden in his sock which he wore into the posted, secured, LBPB jail facility, which is a felony violation. **Doe** was charged with felony burglary and felony possession of meth in a jail facility, along with two misdemeanors. **Doe** is a drug addict who has previous convictions for misdemeanor drug possession and DUI. He is currently homeless and unemployed and has previously gained financial assistance from his parents for bail and attorney representation.”

Section #6 – This is where you state how much you want the bail increased to.

Section #7 has two options, which are Yes or No. Please follow the directions below:

- i. Check “Yes” if you feel the bail amount could be obtained fraudulently. You need to explain your reasons for this. Factors to consider may be:

*Current employment, Marital status, Next of kin, Property and Length of residence, Any illegal money-making activity, Criminal history, Type of crime for, etc.*

- ii. Check “No” if the reasons listed above are not a factor.

Section #8 – this amount is the current bail for the charge the offender was arrested for.

If you answered “Yes” to Section #7, the open field below Section #7 is where you would describe your probable cause to believe that the source of any consideration, pledge, security, deposit, or indemnification paid, given, made, or promised for the execution of bail would be feloniously obtained.

Section #11 – City, County, State, Date and Time.

The Declarant is the person who completed the **M-170** form. Once the form is completed, follow the next steps of the process, which are listed below.

#### **4. Call Pre-Trial Services**

The phone number for Pre-Trial Services is (714) 647-4581. Advise them you will be forwarding the Declaration for Motion to Increase Bail form (**M-170**) and the Probable Cause Declaration.

#### **5. Fax both forms to Pre-Trial Services at (714) 647-4815.**

#### **6. Call Pre-Trial Services again.**

Do this in order to confirm that each of the forms were received. Also, provide your email address and direct telephone number so a representative can contact you if needed. It is important you give Pre-Trial Services your cellular phone number or a direct number so they can reach you directly.

#### **7. Advise our Jailers of your attempts to Enhance Bail.**



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Let the Jailer on-duty know that the offender is not to bail. Also, if the offender is being transported to OCJ, advise OCJ that a Bail Increase is pending. The Bail increase process can take approximately one to eight hours. It is possible you will not be notified if the Bail Increase was approved or what the bail was increased to.

LBPD TRAINING OFFICE