

**COUNTY OF MONROE
OFFICE OF THE SHERIFF
ROCHESTER, NEW YORK**

GENERAL ORDER MULTI-BUREAU	DATE OF ISSUE March 9, 2021	EFFECTIVE DATE March 9, 2021	NO. 046-21
SUBJECT: GENERAL ORDER Bail Receipt, Processing, and Deposit		DISTRIBUTION All Personnel	AMENDS
REFERENCE: NYSLEAP 5.3, NYSSA 57			RESCINDS 046-11

Purpose: To establish and maintain a standardized procedure for the receipt, processing, and deposit of individual bail into the Monroe County Sheriff's Office (MCSO) Bail Account.

Policy: It is the policy of the MCSO to manage and account for bail in such a way so as to ensure proper accountability over all funds received and ensure accuracy of all records and affidavits that are processed and/or maintained.

I. MCSO Bail Account

- A. The MCSO bail account is a non-interest bearing cyclical checking account used to transfer cash bail and credit card bail received by the Office of Sheriff to the jurisdiction setting the bail. The account may not be used for any other purpose.
- B. The Superintendent will designate staff members within Jail Administration to act as the bank account custodian. Only authorized persons who have his/her signatures on file with the custodian may write checks against the account. New signature cards will be filed as needed.

II. Acceptable Forms of Currency

- A. The following forms of currency will be accepted for the release of a person in custody when cash bail has been authorized by the responsible jurisdiction. No foreign currency will be accepted for bail.
 - 1. Cash must be in the exact amount.
 - 2. Credit Cards (Visa, Master Card, Amex, and Discover).

III. Persons Authorized to Receive Bail

- A. Personnel assigned to the Jail Records Office or Central Booking may accept bail for persons held in the jail on bail set by the committing jurisdiction or a Superior Court assuming jurisdiction.
- * B. Deputies may also accept cash bail only when serving a warrant with bail authorization (or in instances where an Appearance Ticket is contingent upon receipt of bail).

IV. Processing Cash Bail

A. Cash bail received by Jail Records staff will be processed according to the following guidelines:

1. Confirm that the individual posting the bail has the exact amount of cash necessary for the bail and secure all monies on their person until Jail staff requests it.
2. Verify that the defendant is held on a Supreme, County, Family, or Town bail and pull the defendant's Jail Records folder.
3. Ensure that the individual posting the bail provides proper photo identification. Acceptable identification may include any State Driver or Non-Driver photo ID, NYS pistol permit, US/Foreign passport, US Military ID, Resident Alien photo ID, Welfare/Medicaid photo ID, or school ID with a birth certificate. A duty Sergeant must approve any other forms of identification.
4. Complete the top left section of the Bail Receipt Form, documenting the information that is provided by the individual posting the bail in the section to include the date, his/her name, address, phone number, and occupation. All other data will be obtained from the defendant's Jail Record folder.
5. Cash bail will be counted in front of the individual posting the bail using the currency counter located in the Jail Records office. For all bails, two (2) staff members will count the monies independently of each other to ensure that the amount is accurate and verify that the bail being accepted is correct, adding his/her name and IBM # in the bail log, while in the presence of the individual posting the bail. A receipt from the currency counter will be generated.

Note: Money will not be accepted from the individual posting the bail until staff members are prepared to count it and all necessary paperwork is completed including a warrant/NYSPIN check. Cash will never be left unattended.

6. Bail amounts received will be indicated on the Bail Receipt Form. Two staff members will sign the form with his/her name and IBM # and obtain the signature of the individual posting the bail.
7. Two (2) copies of the bail receipt and the receipt from the currency counter will be attached to the funds and all will be placed in an envelope with the defendant's name, court and bail amount noted on the outside of the envelope in indelible ink. The envelope will be sealed in front of the individual posting the bail and secured in safe #1 in Jail Records.

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Note: For county bails (excluding towns), the original securing order stating the bail amount set by the court must be included in the envelope. A copy of the securing order will be attached to the release packet.

8. The top copy of the Bail Receipt will be provided to the individual posting the bail and a copy will be placed in the inmate's release packet.
9. All necessary entries will be placed in the corresponding bail log (County, Supreme and Family or Town Courts), to include the date, where the bail was taken (i.e., JR - Jail Records, Road), name of the defendant, Deputy's IBM #, jurisdiction setting the bail, receipt number, and bail amount indicating cash or credit.

B. When Police Bureau Deputies accept bail, they will complete the Bail Receipt Form and issue a copy to the individual posting the bail. The Deputy will deliver the cash bail and remaining copies of the receipt, along with the attached bench warrant or warrant of arrest to Jail Records. The Police Bureau Deputy will remain at Jail Records until staff confirms the amount received and performs the necessary documentation in the bail log.

- C. Once the bail is accepted, Jail Records staff will complete the current procedures for verifying the defendant's release and forward the necessary paperwork to Central Booking for processing the release of the detainee.

V. Processing Credit Card Bail

- A. Staff will ensure that the detainee is releasable and that there are no other holds, warrants, or bail that need to be resolved before the detainee can be released.
- B. Jail Records staff will ensure that the person wishing to pay bail is the cardholder using an acceptable photo ID. All necessary address and phone contact information will be obtained from the person wishing to pay bail.

Note: Individuals who are in custody may use their own credit card at the time of arrest to pay their own bail. The individual must indicate this at the time his/her property is taken from them at booking. The credit card and acceptable photo ID will be removed from their wallet for use during the credit card transaction. Once the transaction is complete, the individual's credit card and phone ID will be secured with their property.

- C. Jail Records staff will log onto the GOVPAYNET website using the appropriate PLC code at the credit card processing computer in the Jail Records office. They will enter the required information into the GOVPAYNET system including: detainee name, date of birth, court name, charges and bail amount being charged to the credit card.
- D. Jail Records staff will swipe the bailer's credit card, filling in all required address and phone number fields. The transaction will then be submitted for processing.
- E. A signature sheet will be faxed to Jail Records from GOVPAYNET. The sheet will be reviewed by Jail Records staff to ensure that all information is correct, and then signed by the bailer. A copy of this form will be given to the bailer.
- F. A Wire Confirmation will then be faxed by GOVPAYNET. Jail Records staff will ensure that the funds were deposited into the appropriate bail account.
- H. The signature sheet and Wire Confirmation will be attached to the bail receipt. Secured in the safe and logged.

VI. Preparing the Bail Deposit

- A. Deposits will be made to the bail account on weekdays as necessary, excluding holidays.
- B. The Superintendent will designate a clerk in Jail Administration to retrieve, count, and prepare the deposit. An additional clerk will be designated as a back-up and trained for any scheduled/unscheduled absences.
- C. The Jail Administration clerk will bring the keys to the Jail Records Corporal who will open safe #1 and remove all bail for counting. Counting the bail money and preparing the deposits will always take place in the presence of the Jail Records Supervisor in the supervisor's office. In the absence of a jail records supervisor the booking supervisor and/or duty sergeant.

Note: The Jail Administration clerk will return the Jail Records safe #1 keys to Jail Administration upon completion of preparing the bail deposits.

- D. Each envelope will be opened and the clerk will ensure that the money attached to the bail slip matches what is documented on the slip by placing the money into a currency counter.
- E. The clerk will confirm the money attached to the bail slip against what is recorded in the logbook and place a checkmark next to the entry.

- F. Once all the individual bails listed in the logbook are accounted for, all of the bail money is placed in the currency counter for a grand total, which is confirmed against the grand total of the entries in the logbook.
- G. Using Red Ink a line will be drawn under the last entry "Deposit" is written with the total amount deposited. The clerk will initial with IBM next to deposit and the supervisor will initial the individual deposit lines in space next to each line in addition to the total line.
- H. A deposit slip and the cash will be placed in a bank issued moneybag, which will be secured in Jail Records safe #2 until picked up by members of the Prisoner Transport Unit. The Jail Records supervisor and Jail Administration clerk will initial and write their IBMS then log the moneybag number and the amount in the bag into the Bank Deposit logbook and secure the moneybag in safe #2.
- I. Once the deposit has been prepared, the Jail Records Corporal will contact the Prisoner Transport Sergeant who will assign two (2) armed Deputies to retrieve the moneybag from the Jail Records safe #2 and deliver the money to the bank.
- J. Prisoner Transport staff removing the bag for transport to the bank will sign the logbook to confirm it is being removed from safe #2.
- K. The Deputies will return a receipt for the deposit to the account custodian in Jail Administration.

Note: The keys to the Jail Records safe #2 will be kept in the Prisoner Transport Supervisor's Office.

VII. Bail Bonds

Bail Bonds will no longer be processed through Jail Records. Bail Bonds will be served through the court of record and a Certificate of Release will be forwarded to Jail Records by the Court.

VIII. Accounting Practices

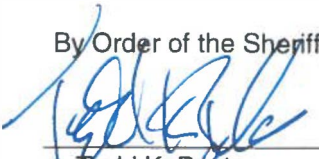
- A. Any cash bail received by the Sheriff's Office over \$10,000 must be reported to the Internal Revenue Service (IRS) via Form 8300. This includes any transaction over \$10,000 or multiple transactions exceeding \$10,000. The MCSO staff member processing the bail is required to complete IRS Form 8300. Two (2) copies of this completed form will be made, with one (1) copy given to the bailor and one (1) copy with bail for Jail Administration. The original form will be mailed to the following address within fifteen (15) days of the transaction:

Internal Revenue Service
Detroit Computing Center
PO Box 32621
Detroit Michigan 48232

If, upon request, the bailor is unable to or refuses to provide a Social Security number, this form must still be completed and a statement explaining why the Social Security number is not included must be attached to the report. IRS Form 8300 is available on the MCSO Intranet>Forms>County/Human Resources/Other Non-MCSO Forms.

- B. Jail Administration will complete a monthly reconciliation report of the Bail Account cash activities and forward the report to the Monroe County Controller.
- C. The Staff Services SCU will perform an annual audit of the Bail Account and submit a report of their findings to the Commander of Staff Services, the Undersheriff, and the Sheriff (as outlined in **MBGO-51 Standards and Compliance Unit**).

By Order of the Sheriff,



Todd K. Baxter

* Represents a change from previous general order