

Melissa R. Hyatt
Chief of Police

Baltimore County Police Department
Headquarters
700 E. Joppa Road
Towson, MD 21286
(410) 887-2214
Fax (410) 887-8887



"INTEGRITY...FAIRNESS...SERVICE"

SPECIAL ORDER # 2020-07

DATE: May 19, 2020

TO: All Police Department Personnel. To be Announced at Roll Call and a Copy Posted on the Department's Intranet Site.

RE: Video Bail Hearings and Releases from the Precincts on Bail Bonds.

EFFECTIVE: Immediately.

BACKGROUND: Technology now exists that will allow the Department to begin conducting bail hearings via video conference. The equipment needed to conduct video bail hearings is installed in several of the Department's precincts. This equipment allows precincts to present their prisoners before the District Court commissioners without having to transport the prisoners from their facility. The ability to perform bail hearings via video will save the Department the expenses associated with transporting prisoners to the District Court's facilities and guarding them while they await their hearings. This program also reduces the potential for prisoners to escape while they are being transported to, or guarded at, a District courthouse.

As the Department begins conducting bail hearings via video, it is important for members to realize that there will also be new responsibilities placed upon them as part of this program. Members will need to become familiar with several court forms used by the commissioners during and after bail hearings. They will be responsible for ensuring that forms are signed by the prisoners and returned to the commissioners. At the conclusion of a hearing, members will need to know what procedures to follow when a prisoner is being released from the Department's custody or continuing to be held. Lastly, members will need to become familiar with the process to follow when Release From Commitment forms (CC-DC-CR-013) are received for prisoners who are being held at the precinct awaiting transport to the detention center.

PURPOSE: To establish procedures for precinct personnel to conduct video bail hearings with the district court commissioners and conduct releases from the precincts.

RELATIONSHIP TO DEPARTMENTAL VALUES: By implementing these procedures for video bail hearings, we will be providing an enhanced level of **SERVICE** to the communities we serve by freeing resources in a timely manner.

POLICY: Members of the Department will comply with the following procedures when conducting bail hearings via video conference and releasing prisoners from the Department's precincts.

SPECIAL ORDER #2020-07 (Continuation)

PROCEDURES:

FORMS

- Initial Appearance Report (DC-CR-007) - used at **every** bail hearing and printed by the commissioner at the conclusion of the hearing. It contains a summary of the information the commissioner reviewed with the defendant and provides the commissioner's pretrial release determination (i.e., released on personal recognizance, released on unsecured personal bond, held on a required bail bond, or held without bond) for cases presented during the bail hearing and any release conditions (e.g., stay away from victim, location, etc.). The form will be signed by the defendant at the conclusion of every hearing. If a defendant has more than one case, there will be a separate Initial Appearance Report form for each case.
NOTE: Initial Appearance Reports for defendants released on unsecured personal bond will include the phrase, "Unsecured personal bond." Members conducting reviews of Initial Appearance Reports should use the presence of this phrase to indicate that the defendant is being released on an unsecured personal bond.
- Bail Bond (CC-DC-CR-008) - this form is utilized:
 1. During an initial appearance before a commissioner, if the commissioner is releasing the defendant on an unsecured personal bond. The defendant will sign this form and agree that they will be released; however, they will be responsible for posting the specified monetary bail **only** if they fail to appear in court. The defendant will sign and provide their address on the form.
NOTE: A Release From Commitment form (CC-DC-CR-013) will not be provided by the commissioner when releasing a defendant on an unsecured personal bond.
 2. After a defendant's bail hearing, when they are being held on a required bail bond, and the commissioner has received their bail. The commissioner will send the Bail Bond form (CC-DC-CR-008) and request it is signed by the defendant and returned. Upon return of the signed form, the commissioner will issue a Release From Commitment form (CC-DC-CR-013) for the defendant.
- Commitment Pending Hearing (CC-DC-CR-012) - this form is completed when a commissioner has:
 1. Placed a bail bond on the defendant that must be posted prior to their release from custody; or
 2. Ordered the defendant held without bond.
- Release From Commitment (CC-DC-CR-013) - this form is completed by the commissioner when a defendant's bail bond has been posted and he or she may be released from custody.
- Application for Representation by Office of Public Defender (DC-099) - sent by the commissioner if the defendant has elected to apply for a court-appointed attorney during the bail hearing or a public defender for future court proceedings. If the defendant wishes to apply for a court-appointed attorney or a public defender, the commissioner will complete this form on the defendant's behalf by asking the defendant all of the questions on the application. After completion by the commissioner, the form will be sent to the precinct for the defendant to sign.
- Informed Consent Release (DC-099A) - When a defendant has requested a public defender, and after the commissioner has completed the Application for Representation by Office of Public Defender form (DC-099), the defendant will sign this form providing their consent for the commissioner to use their social security number to query the Maryland Automated Benefits System (i.e., Wages) and request information from the Maryland Comptroller.
- Request for Text Message Notifications (CC-DC-107) - When a defendant has requested a public defender at a bail hearing, this form will be completed to enroll the defendant in the text message program. The program will send text messages to the defendant's cell phone to remind them of their trial dates.

SPECIAL ORDER #2020-07 (Continuation)

PREPARING PRISONERS FOR A VIDEO BAIL HEARING

- Desk officers will process prisoners in accordance with Field Manual, Article 4 (Arrest, Custody, and Court) and Field Manual, Article 5 (Prisoners).
- Upon completion of a prisoner's arrest and processing documents, a desk officer will review the documents to determine if he or she believes the prisoner:
 1. Is eligible to be released at the conclusion of their bail hearing (i.e., if released on personal recognizance or if released on unsecured personal bond); or
 2. Must continue to be held regardless of the outcome of the bail hearing because they have outstanding warrants or detainers from another jurisdiction who has already indicated that they will respond to Baltimore County to take custody of the person upon their release.
- The desk officer who conducted the review of the prisoner's arrest and processing documents will advise the shift commander if they believe the prisoner:
 1. Is eligible to be released at the conclusion of their bail hearing (i.e., if released on personal recognizance or if released on unsecured personal bond); or
 2. Must continue to be held regardless of the outcome of the bail hearing because they have outstanding warrants or detainers from another jurisdiction who has already indicated that they will respond to Baltimore County to take custody of the person upon their release.
- Upon notification that a desk officer has completed a review of a prisoner's arrest and processing documents, the shift commander will:
 1. Review the prisoner's arrest and processing documents; and
 2. Advise the desk officers if the prisoner:
 - a. Is eligible to be released at the conclusion of their bail hearing (i.e., if released on personal recognizance or if released on unsecured personal bond); or
 - b. Must continue to be held regardless of the outcome of the bail hearing because they have outstanding warrants or detainers from another jurisdiction who has already indicated that they will respond to Baltimore County to take custody of the person upon their release; and
 3. Document their determination in the facility's Incarceration Log Book; and
 4. Identify an officer to present the prisoner for their video bail hearing.

NOTE: Officers who are not assigned to the desk may be selected to present prisoners for their hearings.
- The prisoner will then be notified that their bail hearing will be conducted via video in lieu of transport to a courthouse for an in-person hearing.
- A desk officer will ensure the officer selected to be present during the video bail hearing has been told prior to the start of the proceeding if the prisoner:
 1. Is eligible to be released at the conclusion of their bail hearing (i.e., if released on personal recognizance or if released on unsecured personal bond); or
 2. Must continue to be held regardless of the outcome of the bail hearing because they have outstanding warrants or detainers from another jurisdiction who has already indicated that they will respond to Baltimore County to take custody of the person upon their release.
- If a prisoner refuses a video bail hearing:
 1. The officers must:
 - a. Make reasonable and documented attempts to present the defendant before the commissioner via video.

NOTE: Actions taken to present the defendant will be documented in an Incident Supplement or in the *Arrest Narrative* field of the defendant's EBooking record.
 - b. Notify the court commissioner of the defendant's refusal and actions taken to attempt to present him or her.
 2. The court commissioner will issue temporary commitment documents once the defendant is presented, if he or she refuses to participate in the video bail hearing.
 3. A bail hearing before a judicial official will be provided on the next business day.

VIDEO BAIL HEARING PROCESS

- Once the shift commander has completed their review of a prisoner's paperwork and documented their review in the facility's Incarceration Log Book, a desk officer will telephone the district court commissioner office by calling 410-512-2030 or 410-512-4030 to:
 1. Notify a commissioner that a prisoner is ready for a bail hearing; and
 2. Inquire what telephone number will be used to fax the documents.

NOTE: The telephone numbers used by the commissioners are as follows:

 - a. Office 1: 410-512-2033
 - b. Office 2: 410-887-3350
 - c. Office 3: 410-887-3232
 - d. Office 4: 410-887-3362
- The court commissioner will instruct the desk officer to fax the required cover sheet and arrest paperwork to one of the fax numbers used by the commissioners.

NOTES:

1. The cover sheet of the fax must contain the:
 - a. Prisoner's last name; and
 - b. Precinct's name and telephone number; and
 - c. Shift commander's determination stating if the prisoner:
 1. Is eligible to be released at the conclusion of their bail hearing (i.e., if released on personal recognizance or if released on unsecured personal bond); or
 2. Must continue to be held regardless of the outcome of the bail hearing because they have outstanding warrants or detainers from another jurisdiction who has already indicated that they will respond to Baltimore County to take custody of the person upon their release.
2. The arrest paperwork must contain a copy of the:
 - a. Form 166, Arrest Report, with the prisoner's verified Universal Control Number (i.e., FBI number) and State Identification (SID) number; and
 - b. Required charging documents (e.g., Form DC/CR2, Statement of Charges, Form DC/CR4, Statement of Probable Cause, warrants, etc.); and
 - c. Any other necessary documents.

NOTE: The original documents faxed to the commissioner will be saved and retained with the prisoner's arrest processing documents.

- A court commissioner will contact the precinct when they are ready to begin a prisoner's video bail hearing.
- Upon notification from a court commissioner, an officer will secure the prisoner with handcuffs and leg shackles and move them to the video bail hearing room that contains the communication equipment for the hearing.

NOTES: Officers present during bail hearings will ensure their:

1. Body worn camera (BWC) is not used to record the hearing, but may activate their BWC if an incident occurs during the proceeding (e.g., the defendant becomes disorderly, etc.).
2. Radio volume is lowered to avoid disrupting the hearing.
3. Cellular devices are placed in silent mode.

- The court commissioner will initiate the video bail hearing call to the precinct's terminal.

NOTE: The precinct terminal should auto-answer the call from the commissioner.

- If the Language Line is needed for a prisoner, the commissioner will make the necessary phone call for an interpreter.
- At least one officer shall remain with the prisoner during the entire process of the video bail hearing.

NOTE: When selecting an officer to be present during a video bail hearing, members are reminded that the requirements provided in Field Manual, Article 5, addressing the safety and supervision of prisoners must continue to be completed (e.g., physical observations of prisoners, completion of the Incarceration Log Book entries, etc.).

- Court commissioners will ask prisoners if they will be requesting a court-appointed or private attorney to be present for the bail hearing.

SPECIAL ORDER #2020-07 (Continuation)

- If a prisoner requests a court-appointed attorney:
 1. The commissioner will first qualify the defendant using an Application for Representation by Office of Public Defender form (DC-099) and an Informed Consent Release form (DC-99A). The forms will be sent to the precinct for the defendant's signature.
 2. Once qualified, the commissioner will provide a copy of the defendant's charging documents to the court-appointed attorney, who will be stationed at the courthouse.
 3. The court-appointed attorney will review the paperwork and the defendant's criminal record.
 4. The court-appointed attorney will call the pre-programmed number for the precinct when they are ready to interview the defendant.
 5. The court-appointed attorney will advise the commissioner when the interview is complete and they are ready to proceed with the bail hearing.
 6. The commissioner will contact the precinct and initiate the video call when they are ready to proceed with the bail hearing.

NOTE: The court-appointed attorney will be able to hear the defendant's responses and communicate with the commissioner during the hearing, if necessary.
- If a prisoner requests a private attorney:
 1. The defendant will be allowed to call the private attorney from the precinct.
 2. The private attorney will respond to the courthouse if they wish to be present at the bail hearing.
 3. The private attorney will be provided with a copy of the charging documents by the commissioner, and will be given time to review the paperwork.
 4. The private attorney will be able to participate in the hearing in the same manner and capacity as a court-appointed attorney.
 5. If the private attorney wishes to participate in the hearing over the telephone in lieu of responding to the court, the private attorney will contact the commissioner's office and the commissioner will initiate a call to him or her once the defendant has been presented for the video bail hearing.

NOTE: The private attorney will be able to hear the defendant's responses and communicate with the commissioner during the hearing, if necessary.
- The court commissioner will advise the officer present during the bail hearing which forms need to be completed during the hearing.
- The officer and prisoner will complete all necessary forms as directed by the court commissioner.

NOTE: If a prisoner refuses to sign any of the paperwork, the officer will write, "Refused to sign" in the signature block and place their initials and identification number after it.
- Upon conclusion of a bail hearing, the officer present during the hearing will:
 1. Ask the commissioner if the prisoner is released in all of the cases presented during the bail hearing, or is being held in any case(s); and
 2. Fax the signed court forms back to the commissioner using the telephone number specified by the commissioner (i.e., Office 1: 410-512-2033, Office 2: 410-887-3350, Office 3: 410-887-3232, or Office 4: 410-887-3362).

NOTE: No prisoner may be released from the Department's custody until all of the required forms have been received by the commissioner.
- If the commissioner states that the defendant will continue to be held as the result of a case(s) presented during the hearing (i.e., held on a required bail bond or held without bond):
 1. The commissioner will fax a copy of the Commitment Pending Hearing form(s) (CC-DC-CR-012) to the precinct.

NOTE: Faxed copies of the Commitment Pending Hearing form(s) (CC-DC-CR-012) will be used if the defendant is transported to the detention center. Original Commitment Pending Hearing forms (CC-DC-CR-012) will be sent to the detention center by the commissioners via the Department's mail carriers.

SPECIAL ORDER #2020-07 (Continuation)

2. The officer who was present during the bail hearing will ensure:
 - a. A copy of all Commitment Pending Hearing forms (CC-DC-CR-012) received from the commissioner are placed with the defendant's arrest documents.
 - b. A copy of any additional documents generated during the bail hearing are placed with the defendant's prisoner property.
 - c. The defendant is secured in the appropriate prisoner detention area to await transportation to the detention center.

NOTES: Defendants will not continue to be held following their bail hearings unless:

1. A Commitment Pending Hearing form (CC-DC-CR-012) has been received from the commissioner; or
 2. The defendant has outstanding warrants or detainers from another jurisdiction who has already indicated that they will respond to Baltimore County to take custody of the person upon their release.
- If the commissioner states that the defendant will be released as the result of a case(s) presented during the hearing (i.e., released on personal recognizance or released on unsecured personal bond), the officer who was present during the bail hearing will ensure the defendant is:
 1. **Immediately** released from the Department's custody.
EXCEPTION: Defendants who are not eligible for release because they have outstanding warrants or detainers from another jurisdiction who has already indicated that they will respond to Baltimore County to take custody of the person upon their release.
 2. Provided with a copy of all of the documents completed during the bail hearing.
NOTE: A second copy of all of the documents will be made and placed with the prisoner's arrest processing documents.
 3. Provided with any prisoner property belonging to them that is being held at the facility.
 - Officers present during bail hearings shall notify their shift commander of any issues encountered during a video bail hearing.

RELEASES VIA BAIL BONDS

- Court commissioners intending to release a prisoner on a paid bail bond will:
 1. Contact the precinct to notify a desk officer of their intent to release a prisoner on a paid bail bond; and
 2. Fax to the precinct a Bail Bond form (CC-DC-CR-008) to be returned to the commissioner after being signed by the prisoner.
- When a court commissioner notifies a desk officer of their intent to release a prisoner on a paid bail bond, a:
 1. Second review of the prisoner's arrest and processing documents must be conducted **immediately**; and
 2. Review of the prisoners bail hearing documents must be conducted **immediately**.
- The desk officer receiving the notification will **immediately** review the prisoner's arrest, processing, and bail hearing documents to determine if the prisoner:
 1. Is eligible to be released on bail bond; or
 2. Must continue to be held because they have additional:
 - a. Bail bonds that must be posted; or
 - b. Case(s) with a denied bond; or

SPECIAL ORDER #2020-07 (Continuation)

- c. Outstanding warrants or detainers from another jurisdiction who has already indicated that they will respond to Baltimore County to take custody of the person upon their release.

NOTE: Members are reminded to check all of the Commitment Pending Hearing forms (CC-DC-CR-012) and Initial Appearance Report forms (DC-CR-007) received at the conclusion of the prisoner's bail hearing as it is possible for a defendant to be released in one case and held on a required bail bond or held on a denied bond in another case. It is also possible for a prisoner to have been released in all cases presented during their bail hearing; however, they are not eligible for release because they have outstanding warrants or detainers from another jurisdiction who has already indicated that they will respond to Baltimore County to take custody of the person upon their release.

- The desk officers conducting the review of a prisoner's arrest, processing, and bail hearing documents will advise the shift commander if they believe the prisoner:
 1. Is eligible to be released on bail bond; or
 2. Must continue to be held because they have additional:
 - a. Bail bonds that must be posted; or
 - b. Case(s) with a denied bond; or
 - c. Outstanding warrants or detainers from another jurisdiction who has already indicated that they will respond to Baltimore County to take custody of the person upon their release.
- Upon notification that a desk officer has completed a review of a prisoner's arrest, processing, and bail hearing documents, the shift commander will:
 1. **Immediately** review the prisoner's arrest, processing, and bail hearing documents; and
 2. Advise the desk officers if the prisoner:
 - a. Is eligible to be released on bail bond; or
 - b. Must continue to be held because they have additional:
 1. Bail bonds that must be posted; or
 2. Case(s) with a denied bond; or
 3. Outstanding warrants or detainers from another jurisdiction who has already indicated that they will respond to Baltimore County to take custody of the person upon their release; and
 3. Document their determination in the facility's Incarceration Log Book.
- The desk officer receiving the Bail Bond form (CC-DC-CR-008) will:
 1. Identify the prisoner that is being released; and
 2. Have the prisoner sign the Bail Bond form (CC-DC-CR-008); and
 3. Fax the signed form back to the commissioner using the telephone number specified by the commissioner (i.e., Office 1: 410-512-2033, Office 2: 410-887-3350, Office 3: 410-887-3232, or Office 4: 410-887-3362).
- Upon receiving the signed Bail Bond form (CC-DC-CR-008), the commissioner will fax a Release From Commitment form (CC-DC-CR-013) to the precinct for the prisoner.

NOTE: Prisoners being held on a required bail bond will not be released from the Department's custody until a Release From Commitment form (CC-DC-CR-013) has been received by the precinct.
- Upon receiving the Release From Commitment form (CC-DC-CR-013), desk officers will:
 1. Release the prisoner from the Department's custody as ordered by the shift commander; or
 2. Continue detention of the person as ordered by the shift commander.
- Officers releasing defendants following the reception of a Release From Commitment form (CC-DC-CR-013) will ensure the defendant is provided with:
 1. Copies of all of their bail hearing and release documents; and
 2. Any prisoner property belonging to them being held at the facility.

SPECIAL ORDER #2020-07 (Continuation)

REPORTING

- Upon release of a prisoner from the Department's custody (i.e., released following their bail hearing, release after posting a bail bond, or transfer to the detention center), all of the prisoner's arrest and bail hearing documents will be combined into a packet and provided to the appropriate supervisor for review.

SUPERVISORS

- Review arrest and bail hearing documents.
NOTE: Supervisors will ensure an associated central complaint (CC) number is displayed on each document. If multiple CC numbers are associated with a document, all of the numbers must be displayed. Documents that do not display CC numbers cannot be scanned into the RMS by the IRMU.
- Ensure a copy of prisoners' arrest and bail hearing documents are made for the precinct's files.
- Forwards the original documents to the Information & Records Management Unit (IRMU) for scanning into the Department's records management system (RMS).

SHIFT COMMANDERS

- Determine if prisoners:
 1. Are eligible for release prior to being presented for their bail hearings; and
 2. Will be released from the Department's custody or continue to be held upon reception of Release From Commitment forms (CC-DC-CR-013).
EXCEPTION: If the shift commander is not available to **immediately** respond to the precinct to review a prisoner's arrest, processing, and bail hearing documents, upon notification that a commissioner intends to release the prisoner on bail, the shift commander may delegate responsibility for providing this determination to a supervisor. In these cases, the supervisor's name, identification number, and determination will be recorded in the facility's Incarceration Log Book.
- Identify officers to present prisoners for their video bail hearings.
NOTE: Officers who are not assigned to the desk may be selected to present prisoners for their hearings.
- Experiencing a problem with any part of the video bail hearing process, will contact the Bureau Chief of the Operations Bureau, or their designee.

IMPLEMENTATION: This Special Order will be distributed electronically to all Department members. Shift/Unit supervisors will be responsible for the referencing of this Special Order.

By order of,



Melissa R. Hyatt
Chief of Police