



Roll Call Training Bulletin

Produced by: Sgt. Andy Hall, Sex Assault & Child Abuse

Katherine Lester, Chief of Police

Prepared by: Officer Jason Meier, PSU

Volume 105

Bail Enhancements / Examination of Funds

1-11-23

Courts have discretion to increase a suspect's bail above and beyond the local bail schedule or statutory bail amount. A judge will consider the following when setting, reducing, or denying bail (1275(a)(1) PC):

- The protection of the public
- The seriousness of the offense charged
- The suspect's previous criminal record
- The probability of the suspect appearing at trial or at a hearing

When making considerations related to drug offenses, the judge will consider the following factors (1275(b) PC):

- The amount of narcotics involved; and
- whether the suspect is already on bail for drug offenses.

This bail amount will remain the suspect's bail until another judge determines that there is a change in circumstances and decides to reduce the suspect's bail. Typically, this will occur upon a noticed bail motion subsequent to arraignment.

Step 1. When should a Bail Enhancement Request (1269c PC) be sought?

When making an arrest, officers may deem it appropriate to request a bail enhancement. Factors to consider when determining whether to request a bail enhancement include, but are not limited to (1275(a)(1) PC):

- The protection of the public / community.
- The seriousness of the offense charged (i.e., injury / threats to the victim, weapon used, etc.).
- The criminal history of the suspect.
- Whether the suspect presents a flight risk.

SACRAMENTO COUNTY SHERIFF'S DEPARTMENT
SUPERIOR COURT OF CALIFORNIA
Department Sacramento Police Dept.
COUNTY OF SACRAMENTO, STATE OF CALIFORNIA

THE PEOPLE OF THE STATE OF CALIFORNIA vs Defendant: _____ Nref No: _____ AKA's: _____	Case No. _____ Charge: _____ Custody No: _____
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REQUEST FOR BAIL ENHANCEMENT
(P.C. 1269c)

I, _____, a Peace Officer employed by the Sacramento Police Department, hereby make this application for the setting of a higher bail in the above-entitled matter.

I have arrested _____ without a warrant, in the County of _____ for the crime of _____. The amount of bail set forth in the bail schedule is \$ _____.

For the reasons set forth below, I have reasonable cause to believe that the amount of bail set forth in the schedule of bail for the offense charged is insufficient to assure the above-named person's appearance. The facts and circumstances in support of my belief are as follows:

I declare under the penalty of perjury that the foregoing is true and correct.

Dated: _____
 County of _____ Agency Sacramento Police Dept. Badge # _____

DETERMINATION BY MAGISTRATE
(P.C. 1269c)

Bail to remain per schedule \$ _____
 Bail reset in the amount of \$ _____
 Additional terms and conditions: _____

Dated _____ Magistrate _____
 Noted by Officer _____ Badge No _____

MI7421 FORM 055
Copy 1 - Court File
Copy 1 - Court File
Copy 2 - Booking
Copy 3 - District Attorney



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*NOTE: When considering the above, officers must detail articulable facts relevant to the case. For instance, if a suspect has been arrested for a DV case, officers should indicate whether the suspect has made statements indicating he/she will attack the victim again if released or has been arrested for committing a serial offense (e.g., a series of burglaries or robberies). Additionally, officers should articulate whether the suspect has shown a propensity for disobeying court orders in the past or has prior strikes. The facts to be considered when justifying your request need to support the criteria given.

Step 2. How is a bail enhancement requested?

In order to make a bail enhancement request officers need to fill out a form called a "Request for Bail Enhancement". These forms are located inside the jail booking area with all the other paperwork. Officers can also request one from jail staff. When using Web KPF booking forms, there is an option for bail enhancement on the last page of the booking paperwork. Prior to completing the booking form, officers can click the bail enhancement checkbox and one will be printed out with the arrest paperwork and most of the form prefilled.

There is a section on Form 055, pictured above, where officers write the justification for the request. Officers should be as thorough and accurate as possible, because eventually this will be sworn to under penalty of perjury. There is another section of the form for officers to include the current bail amount – this information can be obtained from jail staff in the booking area or on the Inmate Information page of the Sacramento County Sheriff Office's website.

Step 3. When should an Examination of Funds (1275.1 PC) also be requested?

The Court has the power under 1275.1 PC to force a suspect to present evidence that any funds used to post bail are not feloniously obtained. The suspect must then present this evidence at a hearing in front of a judge before bail out is allowed. This is commonly used in cases involving drug trafficking / sales. Factors to consider when making this request include, but are not limited to:

- Whether the suspect has a legitimate source of income.
- Whether the suspect has been charged with a crime where they would profit from their criminal enterprise (drug sales, fraud, identity theft, etc.).

SACRAMENTO COUNTY SHERIFF'S DEPARTMENT
SACRAMENTO SUPERIOR COURT DISTRICT
COUNTY OF SACRAMENTO, STATE OF CALIFORNIA
EXAMINATION OF SOURCE OF BAIL
(1275 PC DECLARATION)

THE PEOPLE OF THE STATE OF CALIFORNIA vs Defendant: _____ Xref No: _____ AKA's: _____	Case No. _____ Charge: _____ Custody No: _____
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Based upon the facts set forth below, there is reason to believe that the defendant may proffer the proceeds of the felonious activity as bail in the present case.

Defendant is under arrest for a drug trafficking crime Bail has been set at \$ _____
 The charges involve the seizure of a significant amount of drugs: (type) _____ (amount) _____
 There is other evidence of defendant's involvement in drug trafficking; (specify - i.e., pay/owe sheets, etc.) _____

Defendant is accused of multiple counts of sale of drugs. Cash in the amount of \$ _____ and/or assets valued at approx \$ _____ were seized from the defendant.
 Defendant has no known legitimate source of income.
 Defendant's known legitimate source of income appears insufficient to post the required bail.
 Other facts: _____

Compliance with P.C. 1275 would be facilitated by a hearing to ensure that the source of any bail or premium posted by defendant was not feloniously obtained.

I declare under penalty of perjury that the foregoing is true and correct. _____ (Declarant) _____ (Date)

***** MAGISTRATE'S ORDER (1275 P.C.) *****

If bail is tendered in this case for this defendant, the Sheriff of Sacramento County shall bring the defendant and the offered bail to the appropriate magistrate for a hearing pursuant to P.C. 1275. The defendant shall not be released until the magistrate has approved the proffered bail.

MAGISTRATE: _____ DATE _____

Judge of the Superior Court

Additional terms and conditions: _____

Executed the _____ day of _____, 20____ at Sacramento, CA

Noted by Officer _____ ID# _____ Date _____

MJ7421 FORM 055-1

Copy 1 - Court File
Copy 2 - District Attorney
Copy 3 - Inmate

Copy 1 – Court File



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Step 4. Who authorizes the request?

Once officers have completed these forms, a judge will hear the petition. If the request occurs during normal business hours, officers can petition a judge in the jail courts if one is available. If the request occurs after normal business hours, officers have the option to contact the on-call judge. (The on-call judge may be contacted during normal business hours as well). The on-call judge can be contacted by calling the **County Operator at 916-875-6900**. The operator will need to be notified that the officer needs to speak to the on-call judge regarding a bail enhancement request. The judge will require the following information: the current charges, a summary of the case, the suspect's criminal history, the current bail amount, and why the officer thinks the amount is insufficient. If the judge grants the officer's request, then the new amount will be written in the space provided along with the authorizing judge's name.

**NOTE:* If the on-call judge is unavailable to hear bail enhancement requests between the hours of midnight – 0800 hrs., then officers should complete the paperwork; notify jail staff that a bail enhancement will be requested as soon as a judge is available; notify the watch commander; and advise dayshift officers to complete the request as close to 0800 hrs. as possible.