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Proposal to Appoint Bail Commissioners

Summary

In order to ensure the timely processing of arrestees charged with misdemeanor offences, and to provide the ability to set bail for these arrestees at the earliest possible time it is proposed that the Weber County Commission appoint bail commissioners pursuant to Title 17 Chapter 32 of the Utah Code.

Statement of Issue

Judges in Utah have up to 24 hours to approve an arresting officer's Probable Cause statement and set bail. Under this practice if someone is arrested on a minor charge they could spend up to 24 hours in jail prior to being offered bail. This becomes problematic for the Weber County Correctional Facility as we average 32 bookings per day, far exceeding the holding cell capacity in our admissions area. In addition, the delay on setting bail unnecessarily subjects someone arrested for a minor offence to more invasive searches, limited access to phones after bail is set, inefficiencies in staff productivity, and unnecessary incarceration for low level offenders. In the past bail has been set according to the uniform bail schedule allowing bail to be set on misdemeanor offences at the time of booking. This process is now outdated and causes the need for bail commissioners.

Proposed Solution

Supervisory staff in the admissions/release bureau of the Sheriff's Office should be sworn in and bonded as bail commissioners. They will receive no additional compensation for this duty. These individuals will be tasked with setting and receiving bail on misdemeanor offences. This will create 24 hour coverage for bail commissioners.

Action Items

- The Sheriff's Office will create a policy setting the duties of bail commissioners
- With advice from the Sheriff the County Commissioners will appoint and swear in members of the Sheriff's Office as bail commissioners.
- Oaths and bonds of the office of bail commissioners shall be filed with the County Clerk's Office.

Attachments

- UCA 17-32 (Bail Commissioners)
- Weber County Sheriff's Office Bail Commissioner Policy Draft
- Recommendation from the Sheriffs Office for Bail Commissioners



Chapter 32 Bail Commissioners

17-32-1 Powers and duties of bail commissioners.

- (1) The county executive, with the advice and consent of the county legislative body, may appoint one or more responsible and discreet members of the sheriff's department of the county as a bail commissioner.
- (2) A bail commissioner may:
 - (a) receive bail for persons arrested in the county for a felony; and
 - (b) fix and receive bail for persons arrested in the county for a misdemeanor under the laws of the state, or for a violation of any of the county ordinances in accordance with the uniform bail schedule adopted by the Judicial Council or a reasonable bail for county ordinances not contained in the schedule.
- (3) Any person who has been ordered by a magistrate, judge, or bail commissioner to give bail may deposit the amount with the bail commissioner:
 - (a) in money, by cash, certified or cashier's check, personal check with check guarantee card, money order, or credit card, if the bail commissioner has chosen to establish any of those options; or
 - (b) by a bond issued by a licensed bail bond surety.
- (4) Any money or bond collected by a bail commissioner shall be delivered to the appropriate court within three days of receipt of the money or bond.
- (5) The court may review the amount of bail ordered by a bail commissioner and may modify the amount of bail required for good cause.

Amended by Chapter 99, 2015 General Session

17-32-2 Collection of fines by bail commissioners -- Disposition.

- (1) In addition to the duty of fixing bail, a bail commissioner shall have power to collect and receipt money tendered in payment of the fine of a person serving sentence in default of the payment of the fine when the court is closed.
- (2) Money collected by a bail commissioner shall be delivered to the court that issued the commitment order within three days of receipt of the money.

Amended by Chapter 283, 1990 General Session

17-32-3 Term of bail commissioners -- No additional compensation -- Bond and oath.

- (1) A commissioner appointed under this chapter shall:
 - (a) serve at the pleasure of the governing body; and
 - (b) receive no additional compensation as a bail commissioner.
- (2) Before beginning his duties as a bail commissioner, he shall:
 - (a) take and subscribe an oath to faithfully and impartially discharge the duties of his office;
 - (b) give a \$2,500 bond to the county wherein he is appointed, with two good and sufficient individual sureties or with a single corporate surety that is approved by the governing body conditioned for the faithful performance of his duties as a bail commissioner; and
 - (c) account for and turn over to the appropriate court within three days receipt of all money, bonds, property, and records coming into his hands as a bail commissioner.

- (3) At the expiration of his term of office, a bail commissioner shall surrender and turn over all funds, bonds, property, paper and records then in his hands pertaining to his office.
- (4) Suit upon any bond issued under this section may be brought by the county or any person injured as a result of a bail commissioner's actions.

Amended by Chapter 283, 1990 General Session

17-32-4 Oaths and bonds to be filed.

The oath and bond of the office of a bail commissioner shall be filed with the county clerks of their respective counties.

Amended by Chapter 283, 1990 General Session

Bail Commissioner Policy Draft

502.10 BAIL COMMISSIONERS

The Weber County Commission may appoint members of the Sheriff's office to serve as bail commissioners pursuant to Title 17 Chapter 32 of the Utah Code.

<https://le.utah.gov/xcode/Title17/Chapter32/17-32.html>

The bail commissioner may receive bail for persons arrested for a felony, and set bail for all misdemeanor offences, as well as for a violation of a Weber County ordinance. The bail commissioner shall set bail in accordance with the suggested bail or maximum fine listed in the uniform fine schedule adopted by the Judicial Council or a reasonable bail for county ordinances not contained in the schedule.

https://www.utcourts.gov/resources/rules/ucja/append/c_fineba/docs/Uniform_Fine_Schedule.pdf

If, prior to release, the court reviews and sets bail or other release conditions the court order shall supersede the amount set by the bail commissioner, the necessary changes shall be made in the jail management system, and the inmate shall be notified of the change.

The bail commissioner is responsible for the accurate acceptance and processing of bail and/or bail bonds. The bail commissioners may also accept the fine of a person serving a sentence in default of the payment of the fine. Money and bonds collected by the bail commissioner shall be delivered to the appropriate court within three days of receipt.

The bail commissioner will serve at the pleasure of the Weber County Commission, and receive no additional compensation.

Recommendation for Weber County Bail Commissioners

Lieutenant Brian Baggs

Sergeant Matthew Maier

Sergeant Jacob Stimpson

Sergeant Mark Marigoni

Sergeant Daniel Driggs

Corporal Jessica Bickle

Corporal Jakob Johnson

Corporal Robert Schaelling

Corporal Chase Tischer

Corporal Christopher Ryan