

Study Guide: Commitment Orders and Surety - Detention Duties

Lesson Purpose:

This lesson focuses on processing inmates into a detention facility, verifying the legality of their detention through commitment orders, and understanding the role of surety in bail and bond proceedings.

Key Training Objectives:

1. Commitment Orders

What a Commitment Order Must Contain: Before a person can be accepted into a detention facility, the commitment order must include the following six critical items:

Subject's Name or Identity: This must be the inmate's real name, not a placeholder like "John Doe." If their name is unknown, list them as "unknown" and provide a physical description.

Offense Charged: The crime the inmate is charged with must be clearly stated (e.g., murder, robbery). The charge helps with cell assignments.

Provisions for Release or Judicial Order to Hold: Instructions for the release of the inmate or an order that the person must be held until a bail hearing.

Specific Detention Facility: The commitment order must specify the facility where the inmate is to be confined. The inmate cannot be held in any facility other than the one named in the commitment order.

Court Appearance Information: The order must include when and where the inmate must appear in court.

Signature of the Judicial Officer: The order must be signed by an authorized judicial officer, such as a magistrate or judge.

2. Verifying Commitment Orders

Officers must review the commitment orders to ensure they are valid before accepting an inmate into custody. Specifically, the officer must:

Confirm the six elements (listed above) are present.

Ensure that the commitment is legally authorized by a judicial officer (e.g., magistrate, judge).

The officer should not accept an inmate into custody if the commitment order is invalid or incomplete.

3. Medical Clearance Before Confinement

There are specific circumstances where officers must refuse to confine an inmate until they obtain medical clearance:

Inmates who are unconscious, having convulsions, showing signs of a head injury, displaying severe intoxication, or experiencing other medical emergencies (e.g., internal bleeding, severe abdominal pain).

Inmates with conditions that suggest the need for immediate medical attention must be cleared by a physician before they can be confined.

4. Medical Screening and Confidentiality

Medical screening must be performed on all inmates before confinement to determine any immediate health risks. This includes screening for alcohol or drug withdrawal, mental illness, or suicidal tendencies.

Officers must handle confidential medical information appropriately, following HIPAA guidelines, to avoid legal issues related to disclosure of sensitive health information.

5. Supervision of Special Needs Inmates

Inmates requiring special attention (e.g., those with alcohol dependence, substance dependence, mental illness, or physical impairments) must be closely supervised.

Suicidal inmates and those with violent tendencies must be monitored frequently to prevent harm to themselves or others.

Surety and Bond Procedures

1. What is a Surety?

A surety is a person or company (typically a bondsman or bonding company) that guarantees the appearance of a defendant in court by providing a bond to secure their release. The surety pledges to pay the full bond amount if the defendant fails to appear in court.

2. Role of a Surety in Bail and Bond:

Before Breach of Bond Conditions:

A surety may surrender the defendant (return them to custody) before any bond conditions are violated. This means that the surety is released from the bond without penalty if they return the defendant.

After surrendering the defendant, the surety must provide the bond documents to the sheriff and receive a receipt. The clerk of court will then exonerate (release) the surety from the bond obligation.

After Breach of Bond Conditions:

If the defendant violates the conditions of the bond (e.g., fails to appear in court), the surety can still surrender the defendant, but may face additional consequences. The surety can either arrest the defendant and return them to the sheriff or surrender them if they are already in custody.

3. Release Procedures:

Types of Release for Unsentenced Inmates:

Secured Bond: The defendant provides collateral (money or property) to be released. The bond guarantees the defendant's court appearance.

Unsecured Bond: The defendant signs an agreement to pay if they fail to appear in court, but no immediate payment is required.

Written Promise to Appear: The defendant is released based on their promise to appear in court without posting a bond.

4. Precautions for Releasing to a Bondsman:

Officers must take the following precautions before releasing a detainee to a bondsman:

Verify the bonding company is authorized to operate in the state.

Ensure the bondsman is a legitimate agent of the company.

Check the bond document carefully for the following:

The signature of the bondsman.

The company seal or insurance certificate.

The date and bond amount.

The time and place for the inmate's court appearance.

If the bondsman revokes their guarantee, they can return the defendant to the facility for rebooking.

5. Reviewing Bond Documents Before Release:

Officers must check five key sections of the bond document before releasing an inmate:

The bond amount.

The release conditions.

The date and time of the court appearance.

The company's seal (if required).

The signature of the bonding agent.

Additional Study Tips:

Practice reviewing commitment orders and ensure you can identify missing or incorrect information that could make the order invalid.

Understand the difference between accepting custody and confining an inmate. In some cases, you may accept custody without confining them until they receive medical clearance.

Familiarize yourself with bond procedures and the role of a surety. Understanding when and how a surety can surrender a defendant is critical for managing inmate releases correctly.