



# Phillips County Sheriff's Office

221 S. Interocean Ave., Holyoke, CO 80734

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*Michael Beard, Sheriff*

*Abelardo Magana, Undersheriff*

**SUBJECT:** Bonding

**NUMBER:** 701.4

**EFFECTIVE:** Jan 01, 2021

## **POLICY:**

It is the policy that the sheriff's office will comply with and permit any inmate in custody of the Phillips County Sheriff's Office, whether housed in Phillips County or in another County, the ability to make or post a bond, after a bond has been set by the courts of Colorado or an agent permitted to set bond.

## **DEFINITIONS:**

### **Bond**

- A bond is set according to a Judge; Court ordered warrant or a Bond Commissioner. The purpose of the bond is to assure an individual's appearance in court. The amount of the bond is what it will take to release an individual from jail.

### **Bond Commissioner or Bond Hearing officer**

- Are agents of the court that, in some cases, may set Bonds for new arrestees before they appear in front of a judge.

### **Cash Bond**

- A cash amount is paid by the defendant to cover the total cost of the bond. This can be paid in the form of cash, a money order, a credit card, or bank checks. Personal checks are not accepted. There is an attached fee to post a cash bond.

### **Co-Signed Personal Recognizance Bond**

- A dollar amount of the bond is established, however a person other than the defendant has to sign the bond promising that the defendant will appear for their future court dates. The "co-signer" must be approved through the courts or Bond Commissioners. The "co-signer" is also responsible for paying the cash amount of the bond in the event that the defendant fails to appear in court.

### **No Bond**

- A defendant does not qualify for a Bond until seen by a judge. In most cases this should happen within 48 hours of the arrest.

### **Personal Recognizance Bond (PR)**

- A dollar amount of the bond is established; however, the defendant only has to sign the bond promising to appear on the future court dates. The defendant must have a mailing address and be approved through the courts or Bond Commissioners.

### **Property Bond**

- This type of bond requires the court's approval. The defendant or family, friends, etc. must





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post property with the court that is of greater value than the bond. The courts would retain legal title to the property and could sell it in the event the defendant fails to appear in court.

## **Surety Bond**

- The defendant or family, friends, etc. must contact a professional Bail Bondsman to post the bond. The Bondsman has an attached fee for their services and usually requires some type of collateral. Their fee is generally 15% and they usually require a minimum fee to provide the service. The Bondsmen are registered through the state, and we maintain a list of unacceptable Bondsmen who have defaulted on their bonds. Staff members will not recommend a bondsman.

## **PROCEDURE:**

- I. Once a bond has been set, the Phillips County Sheriff's Office will comply with any bonding requirements.
- II. If the bond has been set as a cash bond the Phillips County Sheriff's Office or the facility where the defendant is being housed can accept any cash bond in person. If one would like to use a credit card, the bond amount can be posted via the Phillips County website. Once that bond has been posted the defendant will be released within 6 hours.
- III. If the bond has been set as a Personal Recognizance bond the defendant will be processed out and released within 6 hours after the bond has been set.
- IV. If the bond has been set as a Co-Signed Personal Recognizance Bond once the defendant and the Co-Signer have filled out the bonding paperwork, the defendant will be released within 6 hours.
- V. If the bond gets set as a property bond, once the Phillips County Sheriff's Office is notified by the Courts that property has been presented to them in accordant with statue, the Phillips County Sheriff's Office will release the defendant within 6 hours.
- VI. If the defendant is using a Surety Bond, once the surety paperwork if filled out and filed with the Sheriff's Office the defendant will be released within 6 hours.
- VII. If there should be any violation of the bonding, a party can file a complaint by contacting the Undersheriff of Phillips County via telephone 970-854-3644.

