



# GENERAL ORDER



SERIES

503

NUMBER

4

EFFECTIVE DATE

March 7, 1986

SUBJECT:

Procedures and Responsibilities for the Acceptance of Collateral and Cash Bond

DISTRIBUTION

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ORIGINATING UNIT

PDD

The purpose of this order is to establish the policy and procedures for those organizational elements that accept collateral and cash bond for the various courts. This order consists of the following parts:

## PART I Responsibilities and Procedures for Members of the Department

- A. Members Authorized to Receive Collateral and Cash Bond.
- B. Acceptance of Collateral.
- C. Acceptance of Cash Bond.
- D. Internal Audit Control.
- E. Preparation of Collateral Sheets.
- F. Use of the Collateral Receipt Machine.
- G. Bonds and Collaterals to be Accepted for Arrests Made by U.S. Park Police.
- H. Delivery of Collateral.

## PART II Responsibilities and Procedures for Supervisory and Command Personnel

- A. Watch Commanders.
- B. Commanding Officers.

## PART I

### A. Members Authorized to Receive Collateral and Cash Bond.

1. Members the rank of lieutenant or above, station clerks, or collateral clerks in those organizational elements that maintain arrest books are permitted to accept collateral or cash bond.

2. Collateral or cash bond accepted for warrants, impounded vehicles, and lock-ups shall normally be collected in cash but may also be collected (in the exact amount) in the following manner:

- a. Bank money order;
- b. U. S. Postal money order;
- c. Certified bank check; or
- d. First-party personal check.

3. Persons posting collateral or cash bond with a first-party personal check shall be required to offer satisfactory documentary evidence of identity.

- a. Satisfactory documentary evidence can be defined as evidence that reasonably assures the receiving member that the person is who he/she claims to be and resides where he/she claims residency.
- b. The watch commander shall be notified of all instances of posting collateral or cash bond by means of a first-party personal check, and shall assume responsibility for accepting or not accepting the personal check.

4. **Second-party personal checks shall not be accepted under any circumstances.**

5. Department personnel authorized to accept collateral or cash bond shall prepare a PD Form 67 (Collateral Receipt) for all monies or checks accepted and provide a copy to the person depositing the collateral.

6. In no instance shall department personnel influence the violator's decision as to his/her choice of forfeiture or appearance in court.

B. Acceptance of Collateral.

1. Checks or money orders received by mail from violators and made payable to organizational elements or persons of this department, rather than the Clerk, D.C. Superior Court, shall be endorsed by that individual or an authorized person of the organizational element to the Clerk, D.C. Superior Court, for payment.

- a. Example: If the bank or U.S. Postal money order, certified bank check, or personal check is made payable to an organizational element of the department, such as the Traffic Enforcement Branch, an official of the Traffic Branch shall cause the following endorsement to be placed on the back of same under his/her signature: "Traffic Enforcement Branch, Metropolitan Police Department, payable to the Clerk, D.C. Superior Court."
- b. Authorized persons accepting personal checks shall place the name of the organizational element, the arrest number, and the receipt number on the reverse side of the check.
- c. Members handling the transaction shall record the check date and bank number on the collateral sheets.

2. Personal checks presented as collateral and not cleared by the bank shall be the basis for considering the violation for which tendered unsettled and outstanding.

- a. The returned check shall be referred to the organizational element that accepted the check. Every effort shall be made to have the violator make the check good within 10 days after receipt.
- b. The Check and Fraud Section shall be notified of any checks not satisfied within this time limit.
- c. An application for a warrant shall be presented to the Corporation Counsel by the arresting officer for the original violation with the returned check attached thereto.

C. Acceptance of Cash Bond.

1. Cash bond may be accepted in lieu of bond being posted by a professional bondsperson.

2. Members issuing a receipt (PD Form 67) for the cash, shall cross out the word "Collateral" on the receipt and enter the word "Bond."

3. Bond money forwarded to Superior Court and/or U.S. District Court shall be listed on a separate PD Form 108 (Cash Bond/Collateral List-To Appear).

4. All bond cases, whether the security is in the form of cash or posted by a professional bondsperson, must be forwarded to the appropriate court in accordance with the following procedures:

- a. In all cases where an arrest is made between the hours of 2200 Friday and 0900 Monday and the arrested person is eligible for and makes a bond release, district station personnel shall:
  - (1) Direct the arrested person to appear in D.C. Superior Court on Tuesday rather than on the next court day which would normally be Monday, except in cases of multiple co-defendants, where one defendant does not make bond or citation, the case shall be scheduled on the next court day.
  - (2) Direct persons arrested for federal offenses and released on bond to appear at U.S. District Court along with the arresting officer on Monday or the next scheduled court business day.
  - (3) If bond is posted by a professional bondsperson, advise him/her of the scheduled appearance date.

- b. When bond is posted during the above time period, station personnel shall forward the bond money to the appropriate court on the morning of the arrested person's scheduled appearance in court. This bond money will be forwarded in accordance with established transmittal procedures.
- c. If the arrested person is unable to post the required bond, he/she shall be detained and transported to court on the first court day subsequent to the arrest.

5. When an arrest is made at any other time than the period stipulated above and the arrested person posts the required bond, the case shall be forwarded to the appropriate court and heard the first court day after the bond is posted.

D. Internal Audit Control.

1. The station clerk, assistant station clerk, and/or the collateral clerk authorized to handle collateral shall be accountable for all monies received.

- a. All monies received shall be placed in a suitable container which shall be kept locked at all times.
- b. Under no circumstances shall any member accepting collateral be permitted to place such monies received anywhere on his/her person, or deposit it for safekeeping in any place other than the aforementioned container.
- c. Upon discovering any overage or shortage of collateral monies on hand, the verifying members shall immediately notify the watch commander of the element.

2. Before being relieved, authorized members handling collateral shall, with the relieving member, verify the monies on hand against the collateral receipts issued since monies were last sent to the courts, and also verify the amount of collateral recorded on the arrest book.

- a. The clerk going off duty shall then make an entry in a receipt book provided for that purpose, indicating the date, hour, and amount of collateral on hand, and shall sign his/her name as the "relinquishing station clerk."
- b. The clerk being relieved shall then turn the collateral over to the relieving clerk who shall sign his/her name in the column marked "station clerk receiving" (See Attachment "A").
- c. The clerk and the watch commander working the midnight tour of duty shall verify the amount of collateral recorded on the arrest book as well as the collateral receipts against the

collateral sheets and against the money to be sent to court. The verifying official shall then sign his/her name in the column of the record book marked "verifying official" indicating that the collateral to be sent to the respective court is the correct amount.

3. When monies are turned over by a station clerk, assistant station clerk, or collateral clerk to another officer for the purpose of delivering the monies to Superior Court and/or U.S. District Court, he/she shall require the officer receiving the monies to receipt for it by signing the receipt book and entering the date, time, amount received, and his/her signature on all copies of the PD Form 109 (Collateral Summary Sheet) in the lower left hand corner.

E. Preparation of Collateral Sheets.

1. When collateral is deposited on warrants, the number of the warrant and the date the defendant is to appear in court shall be recorded on PD Form 67 and PD Form 108.

2. If the defendant desires not to appear in court, the collateral and warrant number shall be recorded on the Collateral List-To Forfeit Sheet (PD Form 108-A).

3. Each charge shall be shown on the collateral sheet individually; collateral deposited on multiple charges against one defendant shall not be combined into one amount.

4. Unnecessary punctuation and abbreviation shall be avoided and every effort shall be made to see that all copies are legible.

5. All U.S. charges must be entered on PD Form 108 (Cash Bond/Collateral List-To Appear); no such charge shall be placed on any PD Form 108-A (Collateral List-To Forfeit). If the monies collected are for a combination of U.S. charges, D.C. charges, and/or Traffic charges, the different categories of charges shall be placed on separate PD Forms 108. (Note: Do not combine Bond and Collateral information on the same PD Form 108. List on separate forms).

6. When preparing Collateral Summary Sheets (PD Form 109), separate PD Forms 109 shall be prepared for monies scheduled for delivery to the U.S. District Court and Superior Court (Summary Sheets sent to Superior Court shall include U.S. cases, D.C. cases and traffic cases handled by that court).

7. When collateral sheets are prepared they shall be typed and distributed as outlined on the reverse side of the form.

8. Prior to separating the collateral receipts (PD Form 67) for listing on the various collateral sheets, the station clerk or collateral clerk shall note the number on the first and last collateral receipts together with the number of receipts voided within that sequence. This information shall be entered on the summary sheets below the total of the money being forwarded to the appropriate court.

F. Use of the Collateral Receipt Machine.

1. Collateral receipt machines supply an original and two (2) carbon copies of each collateral receipt issued (PD Form 67).

- a. The original copy (white) shall be given to the person depositing the collateral;
- b. The first carbon copy (white) shall be sent to court with the collateral sheets; and
- c. The second carbon copy (pink) shall remain in the machine until all receipts in the machine have been exhausted.
  - (1) When all receipts are exhausted, they shall be removed and placed in the container in which they were received; and
  - (2) The container shall be marked to indicate the dates covered and the numbers of the receipts (e.g., "85-001 to 85-900 - 1/10/85 to 2/5/86").

2. The white copies of the receipts that are to be forwarded to court shall be fastened together with a paper clip or a rubber band (Do Not Staple), and given to the transporting officer with the collateral sheets. Care must be exercised to see that all duplicate collateral receipts are legible and filled out completely.

3. When, for any reason, it becomes necessary to cancel or void a receipt, the word "Void" shall be written across the face of the original and both carbon copies, together with the reason for voiding the receipt.

- a. The original and first carbon copy shall be sent to the appropriate court, with the collateral sheets the morning of the next business day so that every receipt may be properly accounted for;
- b. The second carbon copy shall remain in its proper place in the receipt machine; and
- c. A new receipt shall be written in place of the one voided.

4. When it becomes necessary to void a receipt after the original copy has been given to the person depositing the collateral and the person has left the station, both carbon copies shall be voided as indicated above and a new receipt written.

- a. The original copy of the new receipt shall be attached to the element's copy of the PD Form 109 (pink copy) in the event the person who deposited collateral returns for a corrected receipt.

- b. The duplicate copy of the voided receipt shall be forwarded to the appropriate court as indicated above.
- c. The second carbon copy shall remain in its proper place in the receipt machine.

5. In all cases where a receipt is voided, the words "See Receipt No. \_\_\_\_\_ (new receipt number)," shall be placed on the voided receipt in addition to the information required above. The words "This receipt issued in lieu of receipt No. \_\_\_\_\_ (voided receipt number), which has been voided," shall be placed on each new receipt issued in lieu of a voided one.

G. Bonds and Collaterals To Be Accepted for Arrests Made by U.S. Park Police.

1. Members of the force authorized to accept collateral at the various elements of the Metropolitan Police Department, prior to acceptance of collateral for violations of certain regulations promulgated for the Park System of the District of Columbia and enforced by the U.S. Park Police, shall contact the station clerk at U.S. Park Police Headquarters to ascertain the collateral to be accepted for the offense charged.

2. In no event shall a station clerk accept an amount of collateral other than that quoted by the official in charge or the station clerk of the U.S. Park Police.

3. The forfeiture or non-forfeiture status of collateral required for violations of the National Capital Park Regulations shall be determined at the time inquiry is made of the station clerk or official in charge of the United States Park Police as to the amount of collateral.

4. All collateral received in connection with the foregoing shall be forwarded to the Financial Clerk's Office, Superior Court, in accordance with this order.

5. The schedule of "Minimum Collateral for Traffic Violations," issued by the judges of the Superior Court, is applicable to traffic violations in the National Capital Parks.

6. Bond and collateral for arrests by U.S. Park Police officers in the District of Columbia, in other than the National Capital Parks, shall be governed by the "Superior Court for the District of Columbia, District of Columbia Branch, Bond and Collateral List," as approved by the Board of Judges.

H. Delivery of Collateral.

1. Transporting officers shall deposit the collateral monies at the Financial Clerk's Office, Superior Court and/or the Clerk's Office, Magistrate Intake, U.S. District Court no later than 0930 hours of the same day that the member obtained the collateral.

2. All receipts for monies deposited along with a copy of PD Forms 108, 108A, and 109 shall be returned to the transporting officer's element on the same day as the deposit was made.

3. A unit official shall verify that the deposit was made by signing the PD Form 109, and returning the unit file copy to the member. The verified copy shall then be disposed of in accordance with the department's Records Disposition and Retention Schedule.

## PART II

### A. Watch Commanders.

Upon being notified of an overage or shortage of collateral monies on hand, the watch commander working the midnight tour of duty shall:

1. Immediately conduct an investigation as to the cause of the overage or shortage.

2. In the event of a shortage, take corrective action even to the extent that the clerk(s) responsible for the shortage shall be required to make up the amount needed to balance the totals.

3. In the event of an overage, retain the amount of overage for a period of not more than five (5) days.

a. If there has been no mistake in the collateral sheets, such overage shall be forwarded to the Chief of Police with a recommendation that it be placed in the Miscellaneous Trust Fund, D.C.

b. Any person or persons claiming the overage shall be directed to file a claim with the District of Columbia Government for the recovery of the money.

c. Affected watch commanders shall not satisfy such claims directly.

### B. Commanding Officers.

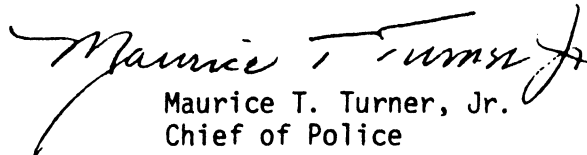
Commanding Officers shall:

1. Designate an official (for each tour of duty) to verify the collateral receipts issued during his/her tour of duty against the collateral recorded on the collateral sheets and the money collected. These audits shall be made at the expiration of each tour of duty.



2. Designate an official to verify all collateral receipts that have been returned to the element from the Financial Clerk's Office, Superior Court or the Clerk's Office, Magistrate Intake, U.S. District Court, and ensure that the verifying official enters, on the lower left hand corner of the PD Form 109, his or her rank, signature, and the date and time of the verification.

3. Designate, on each day except Saturday, Sunday, and holidays, an officer (on a daily basis or one officer regularly) to deliver the collateral with the collateral sheets, and receipts to the Financial Clerk's Office, Superior Court and/or the Clerk's Office, Magistrate Intake, U.S. District Court.

  
Maurice T. Turner, Jr.  
Chief of Police

Attachment

MTT:TAB:jtw

General Order No. 503.4