

**ORLANDO POLICE DEPARTMENT POLICY AND PROCEDURE
1207.2, STANDARD BONDS AND PRETRIAL RELEASE**

EFFECTIVE:	3/20/2018
RESCINDS:	1207.1
DISTRIBUTION:	ALL EMPLOYEES
REVIEW RESPONSIBILITY:	POLICE LEGAL ADVISOR
ACCREDITATION STANDARDS:	NONE
CHIEF OF POLICE:	ORLANDO ROLÓN

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1. STANDARD BONDS/PRETRIAL RELEASE

POLICY: It shall be the policy of the Orlando Police Department to ensure that certain arrestees are held for first appearance when appropriate. Officers will use sound discretion in determining whether an arrestee should be held and not allowed to post a standard bond set by the bond schedule before appearing before a judge. The officer must list the reasons for the hold. Any request to hold a defendant for first appearance on otherwise bondable charges must be approved by a supervisory officer.

PROCEDURES:

1. STANDARD BONDS/PRETRIAL RELEASE

1.1 BOND SCHEDULES

A standard bond schedule that sets pretrial release standards and presumptive bond amounts for Orange County is set by judicial administrative order.

As a general rule the bond schedule provides for a \$5,000 - \$10,000 bond for 1st degree felonies; a \$2,500 - \$5,000 bond for 2nd degree felonies; a \$1,000 - \$2500 bond for 3rd degree felonies; a \$250 - \$500 bond for 1st degree misdemeanors; a \$150 - \$250 bond for 2nd degree misdemeanors and a \$250 bond for City ordinance violations. Higher bonds or no bonds (until first appearance) are provided for certain types of offenses, such as domestic violence, escape, etc. Bonds are automatically doubled for those arrestees who reside outside the state.

The dollar amounts listed on the standard bond schedule are presumed to be correct and most arrests should not require a hold for first appearance. Officers may request a hold on the charging affidavit only where the officer:

- a. Specifically lists in the charging affidavit the reason why the arrestee should not be granted bond in accordance with the bond schedule; **AND**
- b. Receives supervisory approval to place the hold, and notes same in the affidavit.

1.2 REASONS TO REQUEST A HOLD FOR FIRST APPEARANCE

Some of the reasons why an officer may request a hold for first appearance, include, but are not limited to:

- a. The defendant has made a threat to retaliate against a witness or victim and the officer reasonably believes that the defendant may carry out the threat.
- b. The defendant is currently on some form of pretrial release for another offense. These defendants are currently not eligible for bond before first appearance but the jail may or may not be aware of the defendant's status. If the officer is so aware, the officer should inform BRC personnel accordingly.
- c. The facts or circumstances for the offense for which the defendant was arrested are particularly aggravated. The officer should be specific.
- d. The defendant has threatened to take flight upon release or the officer can otherwise document that the defendant is a flight risk.

- e. The defendant is believed to be wanted in another jurisdiction and the officer needs additional time to confirm the wanted status.
- f. The officer has reason to believe that the defendant is using an alias and the officer needs additional time to confirm the identity of the individual.
- g. Felony arrest involving a career criminal.
- h. When the source of funds used to post bail or procure an appearance bond may be linked to or derived from the crime alleged to have been committed or from any other criminal or illicit activities, the Member may request a "Nebbia Hold." If a judge grants the request and places a Nebbia hold on the defendant, a hearing will be held for the defendant to establish the source of the funds to be used to post bail.

This is not an exclusive listing of the reasons why an officer may believe that a hold for first appearance is appropriate; each case must be evaluated on its own merits. The officer must list the reasons for the hold.

It is expected that officers will use sound discretion in determining whether an arrestee should be held for first appearance and not allowed to post the standard bond listed within the schedule.