

PROCEDURE MANUAL

05-04



MICHIGAN STATE POLICE

Interim Bond Procedures

Purpose: This procedure manual establishes the process for taking interim bonds. Enforcement members shall become familiar with the provisions of the Interim Bond Act, [MCL 780.581-780.587](#).

Effective Date: April 19, 2022

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Definitions:

None

Section 1: Interim Bond Procedures

1.1 When Interim Bond May Be Used

- a. Persons arrested with or without a warrant for a misdemeanor punishable by imprisonment for not more than one year, or by a fine or both, where no magistrate is available, may post an interim bond to ensure their court appearance, except as provided in Section 1.2. The bond may be posted with the arresting enforcement member, the direct supervisor of the arresting enforcement member, or the sheriff or deputy in charge of the county jail.
 - i. The sum of money to be posted shall be no more than the maximum possible fine, or less than 20% of the minimum possible fine, that may be imposed for the offense for which the person was arrested. This includes the offenses of "No Operators License" and "Driving While License Suspended, Revoked, or Denied."
 - ii. When a warrant is issued, the magistrate may endorse a greater or lesser amount for an interim bond on the back of the warrant.
- b. When an arrest is made on a misdemeanor warrant from another county, the arresting enforcement member may release the arrested person on personal recognizance unless the warrant is for a violation of domestic assault and the person is a spouse, former spouse, has or has had a dating relationship, or resides or has resided in the same household as the victim. An interim bond receipt shall be submitted with the words, "Released on Own Recognizance," written on the face of the receipt.
- c. The arresting enforcement member shall inform an arrestee eligible to post an interim bond of their right to do so.

1.2 When Interim Bond Procedures Shall Not Be Used

- a. Regardless of the existence of circumstances favorable to release, an arrestee shall not be released on interim bond when, in the opinion of the arresting enforcement member, any of the following circumstances exist:

- i. The arrestee is under the influence of intoxicating liquor and/or a controlled substance.
 - ii. The arrestee is wanted by police authorities on some other charge.
 - iii. The arrestee is unable to establish or demonstrate his or her identity.
 - iv. It would be otherwise unsafe to release the arrestee because doing so poses a danger to another person or because of some other significant reason.
- b. While release of a prisoner on interim bond may properly be denied in these circumstances, the arresting enforcement member shall document his or her reasons for such denial in the incident report.
 - i. Some area jails may refuse to lodge prisoners that they are required by statute to accept. In such areas, local commanders shall establish policy covering how and when these prisoners shall be released.
- c. Interim bond shall not be taken for a non-lodgeable traffic violation of the Michigan Motor Vehicle Code.
- d. Interim bond procedures shall not be used when a person is arrested for a felony, either with or without a warrant.
- e. Interim bond shall not be taken if the person is arrested without a warrant pursuant to arrest authority in [MCL 764.15a](#), domestic assault, where that person has a child in common with the victim, resides or has resided in the same household as the victim, has or has had a dating relationship with the victim, or is a spouse or former spouse of the victim, and shall not be released until they can be brought before a judge or district court magistrate.
- f. Interim bond shall not be taken if the person is arrested with a warrant for a violation of [MCL 750.81](#) or [750.81a](#), domestic assault, and the person shall not be released until they can be brought before a judge or district court magistrate.
- g. Interim bond procedures shall not be used if a magistrate is available for arraignment and the setting of regular bail bond.
- h. Interim bond shall not be taken on an arrest for violation of an injunctive order.
- i. In situations where a person has a valid warrant for their arrest but does not possess the interim bond amount specified on the warrant, enforcement members shall not take a lower bond amount unless directed to do so by the warrant holding agency or issuing court.
- j. When a condition causing the enforcement member to deny interim bond to an arrestee no longer exists and a magistrate is still unavailable, the interim bond procedures listed in Section 1.1 may be initiated.

1.3 Lodging Procedures

- a. Persons arrested for lodgeable misdemeanors who are unable to post interim bond, are ineligible to post bond, or are not released with a Uniform Law Citation, UD-008, or Commercial Vehicle Citation, MC-008, shall be lodged pending arraignment or other proper disposition.

- b. Work site commanders shall establish procedures with sheriffs and local police departments within their post area to ensure that in the event a bond is posted at the jail for a person arrested by the department, the necessary information is transmitted to the post.

1.4 Bonding Procedures

- a. Cash, or personal recognizance when permitted, are the only forms of interim bond that may be accepted.
- b. The person accepting interim bond shall establish the amount of the bond, subject to local policies and within statutory parameters.
- c. If the prisoner cannot post the required bond, they shall be given a reasonable opportunity to make telephone contacts with friends or relatives who may be able to furnish the required money. If, after making contact with friends or relatives, the bond is immediately forthcoming, the prisoner may be allowed to await its arrival at the post, at the supervisor's discretion.
 - i. If the supervisor determines the bond will not arrive within a reasonable time, or there are insufficient personnel present to provide security, the supervisor shall direct the arresting enforcement member or another enforcement member to lodge the prisoner pending the posting of the bond.
- d. The Interim Bond Receipt, UD-078, shall be completed and signed by the enforcement member receiving the bond. A copy shall be provided to the arrested person posting bond.
- e. When receiving interim bond, the receiving enforcement member shall make an entry of the transaction on an Official State Police Receipt, ADM-027.
 - i. When the transaction occurs in a location other than the worksite, the receiving enforcement member shall make entry in the Official State Police Receipt Book, in addition to the interim bond receipt requirements above, as soon as practical. Disposition of the official receipt may be made according to written directives covering receipt records and bond disposition.
- f. When a cash bond is received, the worksite copy of the Interim Bond Receipt, UD-078, when completely processed, shall be neatly folded and attached to the corresponding receipt in the Official Michigan State Police Cash Receipt Book, together with the magistrate's receipt and/or money order stub or certified mail return receipt.
- g. When a person is released on personal recognizance bond, the post copy of the completed interim bond receipt shall be attached to the arrest report.
- h. For procedures on bond receipts and accountability, refer to the written directives on those topics.

1.5 Disposition of Bond

- a. When the person posting the bond is arrested on a warrant, the bond shall be directed without unnecessary delay to the issuing magistrate.
- b. Interim bond received shall be deposited with the magistrate within 48 business hours.

- c. If the interim bond money must be mailed to the magistrate, it shall be sent in the form of an imprest cash check or money order by first class mail, or if problems develop, by certified mail. Any costs incurred shall be paid from imprest cash funds.

Review Responsibility: Budget and Financial Services Division

Accreditation Standards: CALEA