



## County of Galveston Bail Procedures

*Revised: August 8, 2018*

**SCOPE & SUMMARY:** This document describes the collection and flow of information resulting in bail determination for an arrestee in the Galveston County Jail. There may be other intake processes that are not described in this document.

### **Booking & Intake**

#### **1: Arresting Officer Intake**

Arresting officer brings the arrestee into the arresting officer room. The on-duty nurse makes an initial gross assessment of whether the arrestee requires emergency medical attention before booking.

The arresting officer generates documentation for the arrestee, including:

- a sworn statement of probable cause with a requested bail amount for an on-view arrest<sup>1</sup> (Appx. A),
- temporary commitment,
- request for probable cause finding (Appx. B; GC2) with top portion completed,
- statutory warnings by magistrate (Appx. C; GC3) with top portion completed, and
- waiver or request for appointed counsel (Appx. D; GC4) with top portion completed.

Galveston County Sheriff's Office (GCSO) personnel enter the arresting officer room and input basic personal data about the arrestee (e.g., name, identifying characteristics) into the jail database (JMS). GCSO personnel and/or the arresting officer collect and inventory the arrestee's property.

#### **2: Search & Inventory**

GCSO moves the arrestee into the search room, puts the arrestee's personal property in a locker, finishes searching the arrestee if necessary, and instructs the arrestee on depositing personal funds into the jail's financial system before money and credit cards are locked away.

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<sup>1</sup> For warrant arrests, bail is generally set in the warrant and cannot be revised except by the court with jurisdiction over bail in that case.

### **3: Medical Screening**

The on-duty nurse screens the arrestee for physical and mental health. The nurse generates a Tex. Code Crim. P. art. 16.22 notification and a Screening Form for Suicide and Medical/Mental/Developmental Impairments (Appx. E) on pink paper, indicating to the magistrate whether or not the arrestee screens positive for mental illness or disability.

### **4: Booking**

GCSO staff enter information from the arresting officer's documentation into JMS about the charge against the arrestee. If there is any delay between stages, the arrestee may be placed in a holding cell (see 8b).

### **5: Mugshot**

GCSO takes arrestee's photo and uploads it to JMS.

### **6: Fingerprints & Criminal History**

GCSO captures the arrestee's fingerprints electronically, which are submitted to the Department of Public Safety for retention and positive identification of the arrestee. At the same stage, the arrestee's criminal history is obtained. Warrants and holds may also be identified.

### **7: Financial interview**

GCSO directs arrestees to a voluntary financial interview with Personal Bond Office (PBO) employees in "bonding visit" booths who explain to arrestee the nature and significance of the financial interview (Appx. F). PBO verifies arrestee's ability to pay a financial condition of release by assisting the arrestee in completing the Affidavit of Financial Condition (Appx. G) on yellow paper. PBO records the "amount the arrestee could reasonably pay" in a spreadsheet. PBO provides the completed Affidavit of Financial Condition to GCSO to be routed to the examining court with the arrestee's booking paperwork.

### **8: Assemble Booking Paperwork & Hold Arrestee**

- a. GCSO assembles all of the arrestee's booking paperwork and duplicates it. One copy is placed in or initiates the arrestee's jail file. The second copy is put in an outbox for the examining court.
- b. The arrestee is placed in an appropriate holding cell based on gender, state of intoxication and level of charge.
- c. The arrestee is given a phone access code and permitted to use the phone.
- d. Arrestees may make bail in the amount determined by the arresting officer and released before the examining court is held.

## Examining Court

### **9: Preparation for Examining Court**

- a. Twice per day, between 5 and 6 am and between 5 and 6 pm, the on-duty magistrate clerk collects the contents of the outbox in the jail booking area containing each arrestee's documentation. For every arrestee who is still in custody and has not appeared before a magistrate, the clerk:
  - i. prepares an Excel document listing arrestees who need to see the magistrate, and
  - ii. prepares a package of documents for the magistrate for each arrestee on the list, including:
    - a sworn statement of probable cause with a requested bail amount for an on-view arrest<sup>2</sup> (Appx. A),
    - request for probable cause finding (Appx. B; GC2),
    - statutory warnings by magistrate (Appx. C; GC3),
    - waiver or request for appointed counsel (Appx. D; GC4),
    - Tex. Code Crim. P. art. 16.22 notice and CJIS Screening Form for Suicide and Medical/Mental/Developmental Impairments, indicating whether or not the arrestee screened positive for mental health issues (Appx. E), and
    - Affidavit of Financial Condition (Appx. G) or an Arrestee Interview Option form (Appx. F) if a financial interview was not done for that arrestee.
- b. Between 6 and 7am, the magistrate clerk provides the magistrate package and excel spreadsheet to the magistrate on duty and the Personal Bond Office by email. If the magistrate is physically present in the jail, the package may be passed from the clerk to the magistrate by hand at the booking desk.
- c. The Personal Bond Office adds a column to the excel spreadsheet, fills in whether each accused arrestee is eligible for personal bond under Tex. Code Crim. P. art. 17.03, and returns the spreadsheet to the magistrate.

### **10: Examining Court**

- a. Between 7 and 8am daily, arrestees who have not appeared before a magistrate are taken from holding to a courtroom in the jail. The on-duty magistrate:
  - i. gives required warnings,
  - ii. explains financial conditions of bail to the group of arrestees (Appx. H),
  - iii. completes the forms provided by the clerk for each arrestee,
  - iv. determines whether there is probable cause supporting each arrest,
  - v. sets bail and conditions:

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<sup>2</sup> For warrant arrests, the warrant is included to indicate to the magistrate that bail has already been determined.

- based on the Affidavit of Financial Condition and any other available evidence, the Magistrate considers their own answer to the question on the Affidavit of Financial Condition:<sup>3</sup> what amount the arrestee could reasonably pay within 24 hours of his or her arrest, from any source, including the contributions of family and friends, and
  - unless there is cause to support a pretrial detention order, financial bail conditions should follow these guidelines:
    - cash-only bail should not exceed 100% of the magistrate-determined “amount the arrestee could reasonably pay”;
    - surety bond should only be set if the magistrate-determined “amount the arrestee could reasonably pay” is greater than \$250 and less than 10% of the bond amount;
    - no guideline on personal bond if fees are authorized to be charged as court costs;
- vi. asks whether the arrestee can afford bail (Appx. H),
- vii. asks the arrestee if they want an appointed attorney,
  - If the arrestee requests an appointed attorney, they are asked to recertify the Affidavit of Financial Condition for that purpose. If the arrestee has not completed an Affidavit of Financial Condition, they are provided with a pauper’s affidavit (GC5) to fill out in the jail courtroom. The completed affidavit is returned with the magistrate paperwork for an order either appointing counsel or denying the request by a district or statutory county court judge.
- viii. Mental health assessment is ordered for arrestees with positive mental health screenings. The Tex. Code Crim. P. art. 16.22 form order (Appx. E) is routed to the Gulf Coast Center staff in the jail.
- b. Arrestees are returned to holding cells, where they remain for several hours after bail setting.
- c. The clerk routes completed magistrate paperwork to the county or district clerk for filing and provides copies of bail orders/amounts to PBO.
- d. PBO identifies arrestees for whom the lowest available cost of release exceeds “the amount the arrestee could reasonably pay” from the arrestee’s Affidavit of Financial Condition and completes a Bail Review form (Appx. I) on green paper only for those arrestees. The Bail Review form is returned to GCSO and placed in the outbox for the court.

## 11: Bail Review

- a. Within 48 hours of arrest, if (1) an arrestee has not been released on bail and (2) a Bail Review form has been completed, GCSO brings the arrestee before the magistrate again for a bail review hearing.

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<sup>3</sup> Magistrate need not find facts on the record on this issue at this stage.

- b. District and/or County Courts at Law appoint a defense attorney to appear at Bail Review hearings at 7 am and 7pm every day. On arrestee request, the appointed attorney will make limited appearance for the purpose of presenting evidence and arguments in favor of the arrestee at the Bail Review hearing. The State will be represented by and Assistant Criminal District Attorney at each hearing to present evidence and arguments against the arrestee on issues of bail.
- c. The magistrate conducts an individual assessment of whether another amount of bail or other condition provides sufficient sureties. At the hearing, the arrestee must have an opportunity to describe evidence in his or her favor, and to respond to evidence described or presented by law enforcement. If the decision-maker declines to lower bail from the prescheduled amount to an amount the arrestee is able to pay, then the magistrate must provide written factual findings or factual findings on the record explaining the reason for the decision, and after jurisdiction vests by the filing of an appropriate charging instrument, the arrestee must be given a formal adversarial bail review hearing before a County or District Judge before whom the case is pending.
- d. Arrestees who do not make bail are sent to classification to be given a housing assignment in the jail.

For implementation by:  
Galveston County Sheriff  
District Courts  
County Courts at Law  
Commissioners Court  
Magistrates

#### APPENDIX:

- A: Sworn statement of probable cause with a requested bail amount
- B: Request for probable cause finding (GC2)
- C: Statutory warnings by magistrate (GC3)
- D: Waiver or request for appointed counsel (GC4)
- E: Tex. Code Crim. P. art. 16.22 notification and CJIS Screening Form for Suicide and Medical/Mental/Developmental Impairments
- F: Arrestee Option to Complete Affidavit of Financial Condition
- G: Affidavit of Financial Condition
- H: Magistrate Script for Bail Issues
- I: Bail Review
- J: Booking area process map

## Appendix A

# Probable Cause Affidavit & Complaint



THE STATE OF TEXAS

Vs.

LEE, ROXANA LEE

W/F

14318 PICTON DR., HOUSTON TX 77032

CASE# 18-00002021

RESIST ARREST SEARCH OR TRANSPORT (MA) PC - 38.03(a)

OFFENSE CODE 48010006

BOND: \$1,500

HONORABLE PENNY L. POPE  
JUSTICE OF THE PEACE  
PRECINCT NO. 3  
GALVESTON COUNTY, TX

In the name and by the authority of the state of Texas

Before me, the undersigned authority, on this day personally appeared Affiant, B. Wright, who, after being by me duly sworn, on oath deposes and says: That heretofore, to wit, on or about Sunday, May 28, 2018 and before the making and filing of this complaint, in the County of Galveston and State of Texas, Lee, Roxana Lee did then and there unlawfully commit the offense of: RESIST ARREST SEARCH OR TRANSPORT - PC - 38.03(a)

Your Affiant is B. Wright. The affiant being a sworn and commissioned peace officer of the Galveston County Sheriff's Office bases his belief on the following facts:

On 05/28/18, at approximately 0140 hours, while working as 2P42 I was dispatched to the area of the beach and Crystal Beach Rd., Crystal Beach, Galveston County, Texas for the report of a highly intoxicated female who had called 911 with an unknown problem. The female, later identified as ROXANA A. LEE (F/W [REDACTED]), was located in the area of Monkhouse and the beach. Roxana was highly intoxicated and hysterical. Her complaint was that her Brother in law, sister in law, daughter, and two friends of her daughter had left on foot and she wanted to make sure they were ok. Dep. Healy located those subjects safe on HWY 87. They reported they left Roxana because she was very intoxicated and none of them wanted to be around Roxana. Roxana was a danger to herself in her condition and was taken into custody for Public intoxication. Once Roxana was placed into the Patrol Car 3606 she became even more hysterical and combative. She attempted to kick out the windows of the patrol car, and was spitting in the unit. She was then restrained with the seat belt in an attempt to stop her actions. At this point she placed her foot out of the drivers side rear door and stiffened up refusing to enter the unit for transport. Roxana was ultimately pepper sprayed to induce compliance with transport. She still refused to get fully into the vehicle and had to be pushed into the unit. Probable cause existed to believe Roxana Ann Lee, commits an offense if he intentionally prevents or obstructs a person he knows is a peace officer or a person acting in a peace officer's presence and at his direction from effecting an arrest, search, or transportation of the actor or another by using force against the peace officer or another. Having probable cause, Roxana Ann Lee was taken into custody for Resisting arrest, search, or transportation, (M/A), with a \$1500 bond and Public Intoxication, (M/C) with a \$500 bond through JP3. Roxana Ann Lee was transported to Galveston County Jail Crystal Beach Sub Station for processing.

against the peace and dignity of the state.

  
Affiant's Signature

Subscribed and sworn to before me, a peace officer of the State of Texas, and pursuant to 602.002 Texas Government Code, on Monday, May 28, 2018

  
Peace Officer's Signature

Justice of the Peace, Precinct # 3  
Galveston County, Texas

## Appendix B



THE STATE OF TEXAS

§

IN THE \_\_\_\_\_ OF

VS.

§

GALVESTON COUNTY, TEXAS

§

COURT NO. \_\_\_\_\_

**PEACE OFFICER'S REQUEST FOR MAGISTRATE'S PROBABLE  
CAUSE FINDING IN ACCORDANCE WITH ART. 17.033, C.C.P.**

The Defendant in the above styled and number cause was arrested, without a warrant, for the offense of \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ at \_\_\_\_\_ o'clock \_\_\_\_\_.M. I hereby request that a magistrate review the probable cause affidavit prepared by this officer concerning the facts of the arrest, and/or conduct an examining trial into this offense and then sign a written finding of probable cause, if such a finding is supported by the evidence.

\_\_\_\_\_ This **misdemeanor case** requires a probable cause finding within **24 hours** of arrest.

\_\_\_\_\_ This **felony case** requires a probable cause finding within **48 hours** of arrest.

Respectfully Submitted,

\_\_\_\_\_  
OFFICER'S SIGNATURE

\_\_\_\_\_  
DEPARTMENT

\_\_\_\_\_  
PRINTED OFFICER'S NAME

\_\_\_\_\_  
DATE

\_\_\_\_\_  
TIME

**MAGISTRATE'S PROBABLE CAUSE FINDING – BOND SETTING ORDER**

The above styled and numbered cause was filed in Justice of the Peace Court in Galveston County, Texas. Defendant was arrested without a warrant. In accordance with Art. 17.033, C.C.P., this court

\_\_\_\_\_ has reviewed the complaint together with the probable cause affidavit submitted by the arresting officer, and/or conducted an examining trial in this case

\_\_\_\_\_ Court finds probable cause for further detention **DOES** exist.

\_\_\_\_\_ Court finds probable cause for further detention **DOES NOT** exist and **ORDERS** the Sheriff of Galveston County, Texas to immediately **RELEASE** the defendant from custody.

\_\_\_\_\_ This finding was made on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ at \_\_\_\_\_ o'clock, \_\_\_\_\_.M.  
(within **24 hours** of this **misdemeanor** Defendant's arrest).

\_\_\_\_\_ This finding was made on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ at \_\_\_\_\_ o'clock, \_\_\_\_\_.M.  
(within **48 hours** of this **felony** Defendant's arrest).

\_\_\_\_\_ Finding made is based on ☐ live testimony ☐ affidavit ☐ lack of affidavit ☐ no live testimony  
☐ other: \_\_\_\_\_

\_\_\_\_\_ Defendant's bond is set at \$ \_\_\_\_\_, ☐ Pre-Trial Release authorized, if checked.

\_\_\_\_\_ Additional Conditions of Bond: \_\_\_\_\_

**Signed** this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

MAGISTRATE'S SIGNATURE

COURT: \_\_\_\_\_

## Appendix C

**Statutory Warnings By Magistrate**

Arts. 15.17, 26.04, C.C.P.

THE STATE OF TEXAS §  
COUNTY OF GALVESTON §

(PLEASE PRINT LEGIBLY)

This is to certify that on this day, designated below, I administered to herein identified accused the warning and admonishment required by Articles 15.17 and 26.04 of the Texas Code of Criminal Procedure, by informing him/her in clear language the following:

_____		DOB: ____/____/____	_____	A.M./P.M.
<b>Name of Accused</b>			<b>Arrest Date</b>	<b>Arrest Time</b>
(1)	You have been accused of the offense(s) of :			
	Charge #1: _____	Bond:\$ _____	Charge #2: _____	Bond:\$ _____
	Charge #3: _____	Bond:\$ _____	Charge #4: _____	Bond:\$ _____
	Charge #5: _____	Bond:\$ _____	Charge #6: _____	Bond:\$ _____
(2)	You have a right to retain counsel.			
(3)	You have the right to remain silent.			
(4)	You have a right to have an attorney present during any interviews with peace officers or attorneys representing the State.			
(5)	You have the right to terminate the interview at any time.			
(6)	You have the right to request the appointment of counsel, if you are indigent and cannot afford counsel.			
(7)	You have the right to an examining trial.			
(8)	You are not required to make a statement and that any statement made by you may be used against you.			

Upon inquiry by the Court, the defendant stated the defendant is a citizen of

- ☐ the United States of America, or  
☐ the country of \_\_\_\_\_, (check one) a ☐ mandatory ☐ discretionary notification country.  
☐ Have you ever served in the U.S. Military? ☐ Yes ☐ No

The Court further informed the defendant that

- ☐ As a non-U. S. citizen, who is being arrested or detained, you are entitled to have us notify your country's consular representatives here in the United States. Do you want us to notify your country's consular officials? ☐ Yes ☐ No  
☐ Because of your nationality, we are required to notify your country's consular representative here in the United States that you have been arrested or detained. We shall notify your country's consular officials as soon as possible.

In addition, after advising the Accused of his/her right to counsel :(check one)

- ☐ Arrestee **requested** appointed Counsel and forms were completed and forwarded to \_\_\_\_\_ court or designee on \_\_\_\_\_, 20\_\_ by ☐ Hand delivery ☐ Interoffice mail ☐ U.S. Mail  
☐ Arrestee did **not** request appointed counsel

Further, I find that the Accused ☐ IS ☐ IS NOT currently on bail for a separate offense, or ☐ that I do not have enough information to make this determination

**Total** BOND(s) for these combined offense(s) is set at \$ \_\_\_\_\_, each being set individually as stated herein above.

☐ Pre-Trial Release bond is authorized, if checked.

I certify the above statutory warning and other matters stated herein occurred at (check one) ☐ 5700 Avenue H, Galveston, Galveston County, Texas, or at ☐ \_\_\_\_\_, Galveston County, Texas on \_\_\_\_\_, 20\_\_ Time: \_\_\_\_\_ A.M./P.M.

\_\_\_\_\_  
PRESIDING MAGISTRATE

\_\_\_\_\_  
MAGISTRATE'S PRINTED NAME AND TITLE/POSITION  
GALVESTON COUNTY, TEXAS

☐ Defendant refused to sign

This is to certify that on this day, designated below, I received the above warning and admonishment required by Articles 15.17 and 26.04 of the Texas Code of Criminal Procedure

Date \_\_\_\_\_

Defendant Signature \_\_\_\_\_

## Appendix D

COUNTY OF GALVESTON

Defendant's Name: \_\_\_\_\_ SPN No. \_\_\_\_\_  
Booking No. \_\_\_\_\_  
Offense: \_\_\_\_\_ Service No. \_\_\_\_\_  
Offense: \_\_\_\_\_ Warrant No. \_\_\_\_\_

**WAIVER OF APPOINTED COUNSEL**

I have been advised of my right to representation by counsel in the trial of the charge pending against me. I have been further advised that if I am unable to afford counsel, one will be appointed for me. Understanding my right to have counsel appointed for me if I am not financially able to employ counsel, I wish to waive that right and request the court to proceed with my case without an attorney being appointed for me. I hereby waive my right to counsel.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Defendant Signature

**REQUEST FOR COUNSEL**

I have been told by the Magistrate that I have the right to request the appointment of a lawyer. I understood the warnings given to me by the Magistrate. I do want to request the appointment of an attorney.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Defendant Signature

**ORDER SETTING ADDITIONAL CONDITIONS OF BOND**

IT IS THE ORDER OF THE COURT that if you receive an appointed attorney and make bond, you shall comply with the following additional terms and conditions of bond:

1. You shall keep all appointments with your attorney;
2. You shall attend all court settings, and;
3. You shall notify your attorney or your attorney's office of any changes in your residence address, business address or telephone numbers within twenty-four (24) hours of such change.

Any violation of these conditions may result in your bond being held insufficient and you being returned to custody.

\_\_\_\_\_  
Judge/Magistrate

Defendant's principal language if not English: \_\_\_\_\_

I understand these conditions of my bond.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Defendant Signature

## Appendix E

**SUSPECTED OF HAVING MENTAL ILLNESS OR MENTAL RETARDATION**

In compliance with Art16.22 of the CCP, the Galveston County Sherriff's Office is hereby giving notice that the Inmate noted has given us reasonable cause to believe that he or she has mental illness or is a person with mental retardation. This belief is based on a previous determination of such during the past year, or the defendant's behavior immediately before, during, and after the defendant's current arrest.

Inmate: \_\_\_\_\_ DOB: \_\_\_\_\_ Booking Number: \_\_\_\_\_ SPN: \_\_\_\_\_  
(Print Name)

The Inmate is exhibiting the following behavior, or the following information has been received by the Sheriff's Office

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_
4. \_\_\_\_\_
5. \_\_\_\_\_

Date: \_\_\_\_\_ Time: \_\_\_\_\_ of Determination of Suspected Mental Illness or Mental Retardation

Name: \_\_\_\_\_ Title: \_\_\_\_\_ of Mental Personnel Making Determination.

Date: \_\_\_\_\_ Time: \_\_\_\_\_ Notice Forward to Magistrate (within 72 hours of determination)

Notice Given by:

S.O. ID Number: \_\_\_\_\_ Signature: \_\_\_\_\_

Received by:

Printed Name: \_\_\_\_\_ Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**ORDER OF DETERMINATION**

Upon review of the information provided in this notice, the court finds.

( ) there is reasonable cause to believe that the defendant has a mental illness or is a person with mental illness, and hereby orders.

( ) The Gulf Coast Center ( ) \_\_\_\_\_

(Other)

to collect information regarding whether the defendant has mental illness as defined by Section 571.0003, Health and Safety Code, or is a person with mental retardation as defined by Section 591.0003 Health and Safety Code, including information obtained from any previous assessment of the defendant and to provide to the court a written assessment of the information collected within

( ) 30 days of this order (felony)

( ) 10 days of this order (misdemeanor)

( ) there is insufficient cause to believe that the defendant has a mental illness or is a person with mental retardation

( ) the defendant is no longer in custody as a result of this arrest

Signed this the \_\_\_\_\_ day of \_\_\_\_\_

Judge / Magistrate

\_\_\_\_\_  
Court

### Screening Form for Suicide and Medical/Mental/Developmental Impairments

County:	Date and Time:	Name of Screening Officer:	
Inmate's Name:	Gender:	DOB:	If female, pregnant? Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown <input type="checkbox"/>
Serious injury/hospitalization in last 90 days? Yes <input type="checkbox"/> No <input type="checkbox"/> If yes, describe:			
Currently taking any prescription medications? Yes <input type="checkbox"/> No <input type="checkbox"/> If yes, what:			
Any disability/chronic illness (diabetes, hypertension, etc.) Yes <input type="checkbox"/> No <input type="checkbox"/> If yes, describe:			
Does inmate appear to be under the influence of alcohol or drugs? Yes <input type="checkbox"/> No <input type="checkbox"/> If yes, describe:			
Do you have a history of drug/alcohol abuse? If yes, note substance and when last used			
*Do you think you will have withdrawal symptoms from stopping the use of medications or other substances (including alcohol or drugs) while you are in jail? If yes, describe			
*Have you ever had a traumatic brain injury, concussion, or loss of consciousness? Yes <input type="checkbox"/> No <input type="checkbox"/> If yes, describe:			
<b>*If yes, Notify Medical or Supervisor Immediately</b>			
<b><i>Place inmate on suicide watch if Yes to 1a-1d or at any time jailer/supervisor believe it is warranted</i></b>			
	YES	NO	<b>"Yes" Requires Comments</b>
<b><i>IF YES TO 1a, 1b, 1c, or 1d BELOW, NOTIFY SUPERVISOR, MAGISTRATE, AND MENTAL HEALTH IMMEDIATELY</i></b>			
Is the inmate unable to answer questions? If yes, note why, notify supervisor and place on suicide watch until form completed.			
1a. Does the arresting/transporting officer believe or has the officer received information that inmate may be at risk of suicide?			
1b. Are you thinking of killing or injuring yourself today? If so, how?			
1c. Have you ever attempted suicide? If so, when and how?			
1d. Are you feeling hopeless or have nothing to look forward to?			
<b><i>IF YES TO 2-12 BELOW, NOTIFY SUPERVISOR AND MAGISTRATE. Notify Mental Health when warranted</i></b>			
2. Do you hear any noises or voices other people don't seem to hear?			
3. Do you currently believe that someone can control your mind or that other people can know your thoughts or read your mind?			
4. Prior to arrest, did you feel down, depressed, or have little interest or pleasure in doing things?			
5. Do you have nightmares, flashbacks or repeated thoughts or feelings related to PTSD or something terrible from your past?			
6. Are you worried someone might hurt or kill you? If female, ask if they fear someone close to them.			
7. Are you extremely worried you will lose your job, position, spouse, significant other, custody of your children due to arrest?			
8. Have you ever received services for emotional or mental health problems?			
9. Have you been in a hospital for emotional/mental health in the last year?			
10. If yes to 8 or 9, do you know your diagnosis? If no, put "Does not know" in comments.			
11. In school, were you ever told by teachers that you had difficulty learning?			
12. Have you lost / gained a lot of weight in the last few weeks without trying (at least 5lbs.)?			
<b><i>IF YES TO 13-16 BELOW, NOTIFY SUPERVISOR, MAGISTRATE, AND MENTAL HEALTH IMMEDIATELY</i></b>			
13. Does inmate show signs of depression (sadness, irritability, emotional flatness)?			
14. Does inmate display any unusual behavior, or act or talk strange (cannot focus attention, hearing or seeing things that are not there)?			
15. Is the inmate incoherent, disoriented or showing signs of mental illness?			
16. Inmate has visible signs of recent self-harm (cuts or ligature marks)?			
Additional Comments (Note CCQ Match here):			
Magistrate Notification Date and Time: Electronic or Written (Circle)	Mental Health Notification Date and Time:	Medical Notification Date and Time:	
Supervisor Signature, Date and Time:			



## Appendix F

THE STATE OF TEXAS

CAUSE NO. \_\_\_\_\_

vs.

\_\_\_\_\_

SPN. NO. \_\_\_\_\_

**The above-named arrestee has been read the following:**

You have the option to participate in a voluntary interview about your individual financial circumstances with a Personal Bond Officer.

You must participate in an interview and complete an Affidavit of Financial Condition to have your individual financial circumstances considered by the Magistrate when your bail is set. The same information may be used to determine whether you qualify for an appointed attorney.

If you do not participate in the financial interview and complete an Affidavit of Financial Condition, the magistrate will set your bail without considering your individual financial circumstances and you will not be entitled to a bail review hearing, which depends on the amount of your bail and your Affidavit of Financial Condition.

This will be your only opportunity to complete a financial interview and complete an Affidavit of Financial Condition. Would you like to participate in an interview?

\_\_\_\_\_ The above-named arrestee **declines** the financial interview.

\_\_\_\_\_ The above-named arrestee **does not appear competent** to complete the financial interview and will be evaluated under the procedures set out in Texas Code of criminal Procedure 16.22

\_\_\_\_\_  
Date

\_\_\_\_\_  
Arrestee signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Officer signature

## Appendix G

NOTICE: THIS DOCUMENT CONTAINS SENSITIVE DATA.

THE STATE OF TEXAS

CAUSE NO. \_\_\_\_\_

vs.

\_\_\_\_\_

SPN. NO. \_\_\_\_\_

**Affidavit of Financial Condition**

Name: \_\_\_\_\_

Phone No. \_\_\_\_\_

Address: \_\_\_\_\_

D.O.B. \_\_\_\_\_

City, State: \_\_\_\_\_

Zip Code: \_\_\_\_\_

The significance of this form has been explained to me. I understand that I am not required to complete this form. I understand that the information I provide on this form will become part of a public record, and it will be used by judges who determine **my bail amount** and/or **my eligibility for a court appointed attorney** if I request one.

I declare under penalty of perjury that the information in this affidavit is true and correct.

I am \_\_\_married or \_\_\_ not married and I/we support \_\_\_\_\_ dependents who are:

Name	Relationship	Age

I have no other assets or income except for the following:

Present cash available:

Type	Myself	My Spouse	Financial Institution
Cash			
Checking			
Savings			
Safety Deposit Box			
Other			
<b>TOTAL:</b>			

Amounts of money I am owed:

Debt type & who owes it?	To Myself	To My Spouse	When expected?

I have the following opportunities to borrow money:

Type	Available amount	Lender/Financial Institution
Credit cards		
Credit line		
Personal loan		
Other		
<b>TOTAL:</b>		

I own the following assets:

Type	Value	Monthly Pmt.	Loan balance	Location
Home				
Other Real Estate				
Motor vehicle 1				
Motor vehicle 2				
Furniture				
Notes, Mortgages, Trust & Deeds				
Stocks/Bonds				
Animals of Value				
Jewelry				
Other:				

<b>Monthly Income (Gross)</b>	<b>Myself</b>	<b>My Spouse</b>	<b>Total</b>
<b>Employment</b>			
<b>Real Property</b>			
<b>Interest &amp; Dividends</b>			
<b>Gifts</b>			
<b>Alimony</b>			
<b>Child Support</b>			
<b>Retirement</b>			
<b>Disability</b>			
<b>Unemployment</b>			
<b>Public Assistance</b>			
<b>Other Sources</b>			
<b>TOTAL:</b>			

Estimation of itemized monthly expenses:

<b>Expense</b>	<b>Monthly Amount</b>
<b>Rent/Housing</b>	
<b>Car Payment &amp; Insurance</b>	
<b>Utilities</b>	
<b>Food, clothing, toiletries</b>	
<b>Child care</b>	
<b>Health Insurance</b>	
<b>Medical expenses</b>	
<b>Credit card</b>	
<b>Court-ordered payments</b>	
<b>Child support</b>	
<b>Phones, internet &amp; cable</b>	
<b>Cigarettes, alcohol, &amp; drugs</b>	
<b>Other:</b>	
<b>TOTAL</b>	

Taxes and legal costs I owe:

<b>Owed to</b>	<b>Amount</b>

Expected changes in income or expenses:

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**My employment history for the prior two years:**

Current or last job:

Employer name:\_\_\_\_\_

Gross monthly pay:\_\_\_\_\_

Address:\_\_\_\_\_

Start mo./yr.:\_\_\_\_\_

Phone number:\_\_\_\_\_

End mo./yr.:\_\_\_\_\_

Prior job(s):

Employer name:\_\_\_\_\_

Gross monthly pay:\_\_\_\_\_

Address:\_\_\_\_\_

Start mo./yr.:\_\_\_\_\_

Phone number:\_\_\_\_\_

End mo./yr.:\_\_\_\_\_

Employer name:\_\_\_\_\_

Gross monthly pay:\_\_\_\_\_

Address:\_\_\_\_\_

Start mo./yr.:\_\_\_\_\_

Phone number:\_\_\_\_\_

End mo./yr.:\_\_\_\_\_

**My spouse's employment history for the prior two years:**

Current or last job:

Employer name:\_\_\_\_\_

Gross monthly pay:\_\_\_\_\_

Address:\_\_\_\_\_

Start mo./yr.:\_\_\_\_\_

Phone number:\_\_\_\_\_

End mo./yr.:\_\_\_\_\_

Prior job(s):

Employer name:\_\_\_\_\_

Gross monthly pay:\_\_\_\_\_

Address:\_\_\_\_\_

Start mo./yr.:\_\_\_\_\_

Phone number:\_\_\_\_\_

End mo./yr.:\_\_\_\_\_

Employer name:\_\_\_\_\_

Gross monthly pay:\_\_\_\_\_

Address:\_\_\_\_\_

Start mo./yr.:\_\_\_\_\_

Phone number:\_\_\_\_\_

End mo./yr.:\_\_\_\_\_

If unemployed, list the last job you had and efforts to gain employment:

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Additional information you want to provide to explain why you may not be able to pay for bail or an attorney:

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What is the highest amount you could reasonably pay within 24 hours of your arrest, from any source, including the contributions of family and friends?

\$ \_\_\_\_\_

I am \_\_\_ or \_\_\_ am not free on bond in another case. Amount of bond: \$ \_\_\_\_\_

Name of person who paid for bond: \_\_\_\_\_

Bondsman's/Company Name: \_\_\_\_\_

I am \_\_\_ or \_\_\_ am not represented by attorney \_\_\_\_\_ in another criminal case. My attorney is currently \_\_\_\_\_ RETAINED or \_\_\_\_\_ APPOINTED.

Name & Phone Number of Nearest Relative: \_\_\_\_\_

The information listed above is accurate and I will immediately notify the court of any changes in my financial situation. **I understand that all information in this affidavit is subject to verification and that falsifying this information is a criminal offense.**

Date: \_\_\_\_\_ Defendant Signature: \_\_\_\_\_

SUBSCRIBED and SWORN to before me pursuant to 602.002 of the Texas Government Code,  
on this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Signature: \_\_\_\_\_

Peace Officer / Personal Bond Officer / Magistrate / Notary



**Certification Required to Request Appointed Counsel:**

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, I have been advised by the \_\_\_\_\_ Court of my right to representation by counsel in the trial of the charge pending against me. I am without means to employ counsel of my own choosing and I hereby request the court to appoint counsel for me. By signing my name below, I swear, that all of the above information about my financial condition is current, accurate, and true. By signing below, I understand that a court official can verify any of the information for accuracy as required to determine my eligibility.

Date: \_\_\_\_\_ Defendant Signature: \_\_\_\_\_

SUBSCRIBED and SWORN to before me pursuant to 602.002 of the Texas Government Code, on this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

Signature: \_\_\_\_\_

Peace Officer / Personal Bond Officer / Magistrate / Notary

After reviewing this sworn pauper's oath application I find that this defendant:

\_\_\_\_\_ is indigent under the guidelines of Galveston County and IS entitled to appointment of an attorney.

\_\_\_\_\_ does not meet the guidelines of Galveston County and IS NOT entitled to appointment of an attorney.

\_\_\_\_\_ application needs to be reviewed further by the court that this case is to be filed in.

\_\_\_\_\_ is partially indigent under the guidelines of Galveston County and is ORDERED to pay \$100 for a misdemeanor or \$200 for a felony prior to the appointment of an attorney.

\_\_\_\_\_  
DATE

\_\_\_\_\_  
MAGISTRATE

## Appendix H



## Magistrate Script for Bail Issues

### Instructions to the group

During court today, I may set your bail. Your bail sets the requirements for you to wait for trial in the outside world instead of being jail. Your bail might require you to do or not do certain things and put up some amount of money as a promise that you will show up for court. How much money you need to pay to be released from jail will depend on the type of bail I set for you.

If I tell you that you have a “cash-only” bail, that means you will need to come up with the full amount of your bail to be released.

If I tell you that you are eligible for a surety bond, that means you are eligible to pay a fee to a bondsman to post bail for you. In most cases, a bondsman charges 10% of your bail amount as a bond fee, with a minimum fee around \$250. The bond fee that you pay will be between you and whatever bondsman you might choose.

If I tell you that you are authorized for a personal bond, you will be eligible to pay the county a fee of \$20 or three percent of your bail amount, whichever is more, and if you fail to appear in court, you will be responsible to pay the full bail amount. I may decide whether to allow you to pay your personal bond fee at a later date by charging the personal bond fee as a court cost.

Finally, if I tell you that you are being released on your personal recognizance, that means you may have non-financial conditions on your release, and you can be released on your word that you will show up for your court dates without paying any money.

I might also deny bail, in which case you will be staying in jail.

If you are here on a misdemeanor, you may have already been told that you have a bail amount set by your arresting officer. I might change that bail amount. If you are here on a warrant, your warrant probably set or denied your bail. I cannot change bail set or denied in a warrant.

For those of you who filled out an Affidavit of Financial Condition, it has been provided to me, and I will take it into consideration when I set your bail.

## Individual questions

### Cash only:

I am going to set your bail at \$[amount], cash only. That means you will need to come up with the full amount to be released.

Will you be able to make bail within 24 hours?

[If arrestee responds “no”] What is the most you think you could come up with?

[Magistrate may inquire further, change bail, or remind the arrestee that they waived the financial interview]

### Surety bond:

I am going to set your bail at \$[amount] and you are eligible for a surety bond. That means you will probably need to come up with at least \$[greater of 10% of the bail or \$250] to pay a bail bondsman to be released.

Will you be able to make bail within 24 hours?

[If arrestee responds “no”] What is the most you think you could come up with?

[Magistrate may inquire further, change bail, or remind the arrestee that they waived the financial interview]

### Personal bond:

I am going to set your bail at \$[amount] and you are eligible for personal bond. That means you can pay the county \$[greater of 3% of the bail or \$20] to be released.

[if fees assessed as court costs] I am assessing those fees as court costs, so you won't have to pay them before your release.

Will you be able to make bail within 24 hours?

[If arrestee responds “no”] What is the most you think you could come up with?

[Magistrate may inquire further, change bail, or remind the arrestee that they waived the financial interview]

## **Bail review hearing**

You have been brought back before the court for a review of your bail. The affidavit you completed indicates that you could afford to pay \$[amount] for your bail, and your current bail would require you to pay \$[cost of release] for [current bail type].

In this hearing, I will be deciding whether another amount of bail or other condition provides sufficient sureties for you.

The state will present evidence against you, and you or your attorney will have an opportunity to present evidence in your favor.

[state offers evidence]

[arrestee offers evidence]

[the magistrate may inquire further]

[if bail is not modified, the magistrate must make findings in writing or on the record of the reasons for the decision]

## Appendix I

THE STATE OF TEXAS

CAUSE NO. \_\_\_\_\_

vs.

\_\_\_\_\_

SPN. NO. \_\_\_\_\_

**BAIL REVIEW**

Arrestee's Affidavit of Financial Condition indicates the highest amount the arrestee could reasonably pay is:

\$ \_\_\_\_\_

The lowest cost of release available to the arrestee is:

_____ Personal Bond	\$ _____ Bail Amount	\$ _____ Cost of release Greater of \$20 or 3% of Bond Amount
_____ Surety Bond	\$ _____ Bail Amount	\$ _____ Cost of release Greater of \$250 or 10% of Bond Amount
_____ Cash Bail	\$ _____ Bail Amount = Cost of release	

\_\_\_\_\_ Magistrate bail review hearing required. The lowest cost of release available to the arrestee exceeds the highest amount the arrestee's Affidavit of Financial Condition indicates the arrestee could reasonably pay.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Personal Bond Officer

After reviewing this arrestee's bail and considering the evidence presented by the arrestee, I find that:

\_\_\_\_\_ Another amount of bail or other condition provides sufficient sureties. The arrestee's bail is revised as follows:

\_\_\_\_\_ Cash or Surety Bond    \_\_\_\_\_ Cash Only    \_\_\_\_\_ Personal Recognizance

\_\_\_\_\_ Personal Bond    \_\_\_\_\_ Personal Bond fees assessed as court costs

\$ \_\_\_\_\_  
Revised Bail Amount

\_\_\_\_\_ Bond conditions in addition to conditions previously set:

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\_\_\_\_\_ Another amount of bail or other condition does not provide sufficient sureties for the following reasons:<sup>1</sup>

\_\_\_\_\_ Findings stated on the record

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\_\_\_\_\_  
DATE

\_\_\_\_\_  
MAGISTRATE

\_\_\_\_\_  
<sup>1</sup> Another bail review hearing is to be scheduled once jurisdiction vests in the arrestee's trial court.



## Appendix J

Galveston County Bail Procedures

