

Superior Court of California  
County of Imperial



**OPERATIONAL PROCEDURE**

**Subject: Request for Increased Bail**

**Objective:**

Per Penal Code § 1269c:

"If a defendant is arrested without warrant for a bailable felony offense or for the misdemeanor offense of violating a domestic violence restraining order, and a peace officer has reasonable cause to believe that the amount of bail set forth in the schedule of bail for that offense is insufficient to ensure the defendant's appearance or to ensure the protection of a victim, or family member of a victim, of domestic violence, the peace officer shall prepare a declaration under penalty of perjury setting forth the facts and circumstances in support of his or her belief and file it with a magistrate, as defined in Section 808, or his or her commissioner, in the county in which the offense is alleged to have been committed or having personal jurisdiction over the defendant, requesting an order setting a higher bail."

Penal Code § 1275 sets out what the judge or magistrate must consider in setting bail including "the protection of the public, the seriousness of the offense charged, the previous criminal record of the defendant, and the probability of his or her appearing at trial or at a hearing of the case."

**Process:**

1. If a peace officer believes that the amount of bail in the bail schedule is insufficient, the officer must fill out Local Form CR-01 Request for Increase/Decrease in Bail. This form is designed to meet the requirements of Penal Code § 1269c.
2. In completing the form, the officer must include the facts and circumstances that support the belief that bail as set forth in the bail schedule is insufficient for the case in question.
3. The officer must sign on the signature line titled "Signature of Person Making Request" to indicate that they are submitting the form under penalty of perjury.
4. Upon completion of the top half of the form, the peace officer must submit the form to the on-call magistrate by emailing it to [oncall@imperial.courts.ca.gov](mailto:oncall@imperial.courts.ca.gov). The on-call magistrate cannot address requests for bail increase without a completed form from the officer requesting the increase.
5. The officer may contact the on-call magistrate by phone about a bail increase request only after the form has been submitted.
6. Once the on-call magistrate has addressed the case and completed the form, it will be returned to the booking agency for any further processing of the Defendant.

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):	FOR COURT USE ONLY
TELEPHONE NO.: _____ FAX NO. (Optional): _____ ATTORNEY FOR (Name): _____	
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF IMPERIAL</b> <input type="checkbox"/> 220 Main Street, Brawley, CA 92227 <input type="checkbox"/> 939 West Main Street, El Centro, CA 92243	
DEFENDANT: _____	
<b>REQUEST FOR INCREASE/DECREASE IN BAIL</b> Penal Code §1269c	CASE NUMBER/BOOKING NUMBER: _____

**Date:** \_\_\_\_\_ **Booking Charges:** \_\_\_\_\_

**Bail Pursuant to Bail Schedule: \$** \_\_\_\_\_ **Bail Requested: \$** \_\_\_\_\_

[ ] Pursuant to Penal Code Section 1275.1, arresting officer requests arrestee not to be released on bail until appearing in court to show the non-felonious source of any bail money.

I request an [ ] increase in bail [ ] decrease in bail [ ] O.R. for the following reasons:

\_\_\_\_\_

Time of this Request: \_\_\_\_\_ Time of Booking: \_\_\_\_\_  
Name and ID Number of Requesting Person \_\_\_\_\_ Agency: \_\_\_\_\_

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Dated: \_\_\_\_\_  
Signature of Person Making Request

Request for Change in Bail: Approved: \_\_\_\_\_ Denied: \_\_\_\_\_

Request for PC1275.1: Approved: \_\_\_\_\_ Denied: \_\_\_\_\_

Bail Set At: \$ \_\_\_\_\_ Time: \_\_\_\_\_

Manner of Request: [ ] Phone [ ] In Person Name of Magistrate: \_\_\_\_\_

Name of Person Receiving Authorization from Magistrate: \_\_\_\_\_

\_\_\_\_\_  
Signature of [ ] Magistrate or [ ] Person Receiving Authorization from Magistrate

I certify that the defendant referenced herein has been booked into the Imperial County Jail on the charges noted above.

Date: \_\_\_\_\_ Time: \_\_\_\_\_  
(Name of Sheriff's Employee Receiving Request)