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Bail Accepted by Police Officers  
in Charge of Station-houses.

In the matter of officers in charge of Station-houses taking bail from persons arrested on warrants, as referred to in the proceedings of May 31, 1912, a further communication, as follows, was received from the Board's Counsel:-

"Baltimore, Md., July 1, 1912.

Josiah Kinsey, Esq., Secretary,  
Court House, City.

Dear Sir:-

In compliance with the request of the Board of Police Commissioners, I have examined the opinion of Attorney-General Poe, as rendered to the police justices, in response to their request for his opinion of the provisions of Act of 1912, Chapter 777, with reference to police captains and other officers taking bail; and it seems to me to be just as well to set forth his language on this subject which is as follows:-

"The answer to this inquiry is found in section 632 F, wherein it is expressly provided that when any person shall be arrested and brought to any station house in the City of Baltimore during the absence of a police magistrate assigned thereto, under a warrant upon which there has been endorsed by the police magistrate, the amount of bail to be required, the police captain, lieutenant or other police officers in charge of the station-house, shall release for the next hearing before said magistrate, the person so arrested, upon his furnishing security for his appearance at the hearing, in double the amount endorsed upon the warrant. The Legislature in my opinion, has the undoubted authority to clothe the police captain, lieutenant and other police officers in charge of the station house with the power herein conferred upon them, and the officers in question by virtue of the language above referred to have the authority to accept bail in double the amount endorsed upon the warrant, and to take such steps as are necessary to satisfy them as to the value of the security offered. I see no reason why the officers in question should not administer an oath to the person offering themselves as recognizers, although some question may be raised on this point, as the Act fails to expressly confer this specific authority on the officer. I do not understand that an oath is essential to the validity of a recognizance."

You will observe, substantially he is in accordance with my opinion as rendered to the Board sometime since.

In reply to your request for a draft of the instructions to be given police captains and others, as to their procedure in taking bail at the station houses, in the absence of the police justices, after the police justices have endorsed the amount of bail on the warrant, as provided for in the Act of 1912, section 777, I send you the following:

FIRST: Police captains, lieutenant, or other police officers in charge of a station house may act under the terms of this law in accepting bail.

SECOND: In accepting bail they may administer the oath, as is done by the police justice while performing this part of his duty at the station house.

THIRD: Nothing but real or leasehold property located in Baltimore City, can be accepted in those cases, where the amount of bail has been endorsed on the warrant by the police justice. But this is not to be understood as interfering with the procedure under the law, where a deposit of money or security may be accepted in cases where the penalty is a fine, as is now the practice.

FOURTH: The amount of bail must be double the amount endorsed on the warrant.

FIFTH: The officers cannot accept any money or security in those cases where the police justice has fixed the amount of the bail to be required, and endorsed it on the warrant.

SIXTH: The real or leasehold property must be of such value as to be reasonably certain that it is worth double the amount of bail endorsed on the warrant. And if unencumbered it is more desirable. In the event it is subject to a mortgage, especial care should be exercised to ascertain that the equity of redemption is of sufficient value to justify the property being accepted as bail.