

The Just Criminal Justice Group, LLC



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Owner/Manager

May 1, 2025

Senator Matthew L. LaMountain, Chair
Senate Judiciary Committee
The Statehouse
Providence, RI 02903

Representative Robert E. Craven, Sr., Chair
House Judiciary Committee
The Statehouse
Providence, RI 02903

RE:

Senate Bill No. 518
BY Mack, Acosta, Kallman, Gu, Britto, Euer
ENTITLED, AN ACT CREATING A SPECIAL
LEGISLATIVE COMMISSION TO STUDY THE
IMPACT AND POTENTIAL ECONOMIC
BENEFITS OF BAIL REFORMS ON BLACK
RHODE ISLANDERS AND THE STATE (Creates
an 11 member commission to analyze the
impact and potential economic benefits of
bail reforms on Black Rhode Islanders, and
would report back by February 5, 2026, and
expire on April 5, 2026.)

House Bill No. 6245
BY Place, Lombardi, Hull, Ajello, Felix, Brien,
Cruz
ENTITLED, AN ACT RELATING TO CRIMINAL
PROCEDURE -- BAIL AND RECOGNIZANCE
(Creates a bail task force to study the need of
monetary conditions of bail and to consider
other methods for ensuring an accused's
appearance in court, enhance public safety
and honor the presumption of innocence.)

Dear Chairman LaMountain, Chairman Craven, and Members of the Senate and House Judiciary Committees:

Thank you for this opportunity to express strong support for both Senator Mack and Representative Place's thoughtful legislation creating a task force to study, analyze, and make recommendations for improvements to Rhode Island's current bail system. Although different in certain respects, both would continue a long and proud tradition of lawmakers achieving much needed positive and impactful reforms that have both improved the quality of justice and enhanced public safety in Rhode Island. These successful efforts took place through the collaborative efforts of criminal justice stakeholders, community members, and others.¹

¹ These efforts include the enactment of legislation creating a task force to study and make recommendations regarding improving eyewitness identification procedures (2010 - § 12-1-16).

A number of states have already addressed issues regarding bail reform using a variety of measures including constitutional amendments, legislation, litigation, court rule changes and orders, and statewide study groups made up criminal justice stakeholders and others. Most recently the Ohio Supreme Court ordered the creation of a task force of criminal justice stakeholders to study and make recommendations considering:

- Pros and cons of a money bail system and/or bail bond schedule
- Data results following the elimination of money bail or a bond schedule, specifically pertaining to failure-to-appear (FTA) rates, jail population, and financial impact
- Information regarding the use of risk assessment tools
- Experience using evidence-based alternatives to pretrial detention

The final report of the Ohio Supreme Court's task force made a comprehensive series of recommendations for changes to that state's bail system including the use of a validated risk assessment tool to inform judges required to make decisions regarding release; certain amendments to court rules; requiring the presence of counsel at initial appearance; tailoring pre-trial services; considering alternatives to detention; enhanced use of technology; education and training of judges and counsel; and uniform data collection.²

At the outset it must be recognized that when it comes to bail Rhode Island starts from a much different place than other states. Rhode Island bail law is made up of a complex and interrelated mesh of state constitutional provisions, statutes, and court decisions and rules favoring release on personal recognizance—a practice that is consistent with the presumption

Improvement of lineup procedures task force); enhance the electronic recording of custodial interrogations in their entirety (2011 - § 12-7-22. Electronic recording of custodial interrogations task force); Special Senate Task Force to Investigate and Make Recommendations for Any Changes to the Law, Court Rules or to Policies and Procedures Currently in Place to Enhance the Timely and Complete Disclosure of Discoverable Material in Criminal Cases (2018 -- R 0328 (2018 -- S 2984)). The final reports of these groups and the improvements to standards, procedures, and policies they inspired are available upon request. At other times criminal justice stakeholders have come together without a legislative mandate and worked collaboratively and successfully to achieve other reforms including The Justice Reinvestment Initiative (beginning work in 2016) and the enactment of the Comprehensive Community Police Relationship Act (CCPRA) in 2015 (2015 RIPL Chapters 214, 235)

² These nationwide efforts are described in Wendy R. Calaway and Taylor Wadian, ARTICLE: JUDICIAL DISCRETION AND BAIL REFORM, 92 University of Missouri Kansas City 235 (Winter, 2023); REPORT AND RECOMMENDATION OF THE SUPREME COURT OF OHIO TASK FORCE TO EXAMINE THE OHIO BAIL SYSTEM, SUP. CT. OHIO (July 2019),

<https://www.supremecourt.ohio.gov/docs/Publications/bailSys/report.pdf> (last visited 5/1/25)

of innocence—being favored in most cases, especially the less serious ones. Notwithstanding, every year the General Assembly considers a number of thoughtful bills (presumably deemed necessary and at the behest of the constituents served by the legislators introducing them) that would serve to make the Rhode Island bail system fairer and more equitable especially in the use of pre-adjudication detention and the use of monetary conditions of bail (MCOB). This legislation recognizes an inconvenient and unfortunate truth - MCOB fall hardest on the indigent. The reasons for this are self-evident - those able to post money or property to secure their release are able to have liens on the property posted lifted and most if not all of the money posted returned to them at the end of the case, assuming that they appear for their court dates. Those that cannot must seek the services of a bail bondsman and pay the non-refundable fee necessary to secure their release. The regressive nature of such a system is readily apparent. It falls heaviest upon the indigent and those most likely to have MCOB imposed upon them. This may be why, in the not-too-distant past, the General Assembly took additional actions to reduce the reliance on MCOB and other sanctions resulting from poverty that are imposed for non-payment.³

Statistics collected in 2018 from the Rhode Island Department of Corrections (RIDOC) via APRA provide impetus for further study of the reasons why MCOB are imposed, especially in less serious cases. The following information was requested -

- For each of the calendar years 2015, 2016, 2017, and 2018, the number of criminal defendants charged solely with misdemeanor offenses who were:
 - detained for failure to post monetary bail and
 - the average length of stay at the ACI for such defendants for each calendar year

The data collected demonstrated that while almost all misdemeanants upon which MCOB are eventually released, most before their first court date. This of course begs the question – why are such conditions imposed in the first place, especially when considering the collateral

³ These efforts include:

- 2008 – Elimination of “Cash Only” bail (2008 RIPL Chapters 234, 320)
- 2006 – Adjustment to what a day at the ACI is worth resulting in less detention for failure to pay court costs (2006 RIPL Chapters 374, 443)
- 2022 - comprehensive and wide-ranging legislation, introduced at the request of The Judiciary, which completely revamped the way in which court costs, fees, and assessments are assessed and waived, especially in cases of indigency, resulting in almost the complete eradication of incarceration resulting from the failure to pay court costs.

consequences that arise from pre-trial detention, such as the loss of housing, employment, and education? ⁴

Finally, the legislature may wish to adjust the makeup of the task force or the objectives delegated to it. At a minimum any task force formed for this purpose should be required to study and make recommendations regarding the following:

- Is additional legislation or changes to court rules such as the Bail Guidelines needed.
- Is additional regulation of bail bondsman and bail commissioners advisable, given the pervasive nature of money in the Rhode Island bail system, its negative impact and potential for abuse. In the case of bail commissioners, consideration should be given to what may appear, at least to some, to be unseemly – the requirement of payment for judicial services to secure release on weekends and other times when the court is not in session. ⁵
- Appropriate use of Pre-Trial Services by the court and counsel especially in light of the obligation imposed upon it by § 12-13-24.1 to provide information relevant to the court's decision to impose MCOB or a less restrictive alternative at the defendant's initial appearance in court, which on many occasions takes place without the assistance of counsel. ⁶
- Negative impact of pre-trial detention on defendants including the loss of employment, housing, and educational opportunities.
- Impact of MCOB on failure-to-appear rates, jail population, and the direct and indirect costs involved

⁴ The spreadsheets provided by RIDOC in response to the 2018 APRA request are attached. An identical and more-timely request has been made of RIDOC and the results will be provided to the committee once they are received.

⁵ Potential and actual abuses of MCOB are described in the following, copies of which are attached – DiLauro, Time to take next step in making RI's bail system more fair / Opinion. The Providence Journal (4/6/25); Mulvaney, Well known bondsman is rebuked by RI judge. The Providence Journal (2/7/25)

⁶ § 12-13-24.1 provides in pertinent part that the Pre-Trial Services Unit's primary purpose is to provide pre-arraignment and post-arraignment services to defendants and that its pre-arraignment reports to the court may include the results of a risk screen, mental health and substance use needs, and an opinion if an in-depth assessment is needed post-arraignment. (emphasis added)

- Use of appropriate risk assessment tools to inform the decision regarding whether or not to impose MCOB at initial appearance
- Alternatives to pretrial detention
- Availability of counsel at initial appearance

Rhode Island's successful use of task forces in the past to address thorny criminal justice issues strongly mitigates in favor of creating one here to address the difficult problems inherent in our current bail system, including the pervasive role that money plays in it. The 'past is prologue' and thoughtful solutions are possible using this method.⁷

Thank you again for this opportunity to express strong support for both Senator Mack and Representative Place's thoughtful legislation. Please feel free to contact me at any time should you have any questions or concerns.

Respectfully Submitted,

A handwritten signature in blue ink, appearing to read "Michael A. DiLauro". The signature is fluid and cursive, with a large loop for the letter 'D'.

Michael A. DiLauro, Esq.

CC: Members, Senate and House Judiciary Committees

Enclosures

⁷ William Shakespeare, *The Tempest*, Act II, Scene 1 ("Whereof what's past is prologue, what to come in yours and my discharge"); these prior successful efforts are described in footnote 1, *supra*.

Bail Status CY15 At Release File

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	cash	45	2.3	2.3	2.3
	surety	1236	62.1	62.1	64.4
	held w/o bail	708	35.6	35.6	100.0
	Total	1989	100.0	100.0	

Length of Stay & Bail Status Crosstabulation

		Bail Status			Total
		cash	surety	held w/o bail	
Total LOS	0	7	437	66	510
Days	1	18	383	168	569
AWT	2	5	216	135	356
	3	6	84	63	153
	4	3	25	16	44
	5	2	20	11	33
	6	0	8	12	20
	7	0	12	20	32
	8	0	8	8	16
	9	0	1	9	10
	10	1	1	4	6
	11	0	6	9	15
	12	0	5	19	24
	13	0	5	38	43
	14	1	5	47	53
	15	1	3	13	17
	16	1	2	7	10
	17	0	0	6	6
	18	0	0	8	8
	19	0	3	3	6
	20	0	1	2	3
	21	0	1	2	3
	22	0	1	4	5
	23	0	1	5	6
	25	0	1	0	1
	26	0	0	1	1
	27	0	1	5	6
	28	0	1	3	4
	29	0	0	4	4
	32	0	0	1	1
	34	0	0	1	1
	36	0	0	1	1
	37	0	1	2	3
	38	0	0	2	2
	39	0	0	1	1
	41	0	1	0	1

43	0	0	2	2
45	0	0	1	1
53	0	0	1	1
54	0	0	1	1
61	0	0	1	1
68	0	0	2	2
73	0	0	1	1
172	0	1	0	1
273	0	0	1	1
365	0	2	1	3
5115	0	0	1	1
Total	45	1236	708	1989

Bail Status CY16 At Release File

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	cash	68	2.4	2.4	2.4
	surety	1700	58.3	58.3	60.7
	held w/o bail	1147	39.3	39.3	100.0
	Total	2916	100.0	100.0	

Length of Stay & Bail Status Crosstabulation

		Bail Status			Total
		cash	surety	bail	
Total LOS	0	24	629	139	792
Days	1	20	544	278	842
AWT	2	8	226	163	397
	3	6	103	98	207
	4	3	51	35	89
	5	1	24	15	40
	6	1	20	16	37
	7	0	21	16	37
	8	0	11	10	21
	9	1	11	8	20
	10	0	1	9	10
	11	0	4	13	17
	12	0	5	15	20
	13	0	3	73	76
	14	0	20	103	123
	15	1	6	34	41
	16	0	2	31	33
	17	0	2	17	19
	18	0	2	6	8
	19	1	3	2	6
	20	0	1	9	10
	21	0	1	5	6
	22	0	1	3	4
	23	0	0	2	2
	24	1	1	2	4
	25	0	1	2	3
	26	1	1	5	7
	27	0	0	3	3
	28	1	2	6	9
	29	0	0	5	5
	30	0	0	2	2
	31	0	0	3	3
	33	0	0	2	2
	34	0	0	3	3
	35	0	0	1	1

37	0	0	1	1
42	0	0	1	1
43	0	0	1	1
44	0	0	1	1
46	0	0	1	1
49	0	0	1	1
52	0	0	1	1
57	0	0	1	1
59	0	1	0	1
73	0	0	1	1
83	0	0	1	1
84	0	1	0	1
117	0	1	0	1
185	0	1	0	1
249	0	0	1	1
260	0	0	1	1
351	0	0	1	1
Total	69	1700	1147	2916

Bail Status CY17 At Release File

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	cash	86	3.8	3.8	3.8
	surety	927	41.4	41.4	45.2
	held w/o bail	1226	54.8	54.8	100.0
	Total	2239	100.0	100.0	

Length of Stay & Bail Status Crosstabulation

		Bail Status			Total
		cash	surety	held w/o bail	
LOS (Days)	0	17	291	149	457
	1	28	257	282	567
	2	16	131	199	346
	3	5	61	96	162
	4	4	29	32	65
	5	3	21	11	35
	6	2	17	18	37
	7	1	14	25	40
	8	0	12	23	35
	9	0	12	14	26
	10	0	7	9	16
	11	2	6	16	24
	12	1	4	21	26
	13	0	8	57	65
	14	1	16	110	127
	15	0	5	42	47
	16	0	1	28	29
	17	1	3	17	21
	18	0	3	8	11
	19	0	6	3	9
	20	0	2	4	6
	21	0	2	2	4
	22	0	3	4	7
	23	0	1	1	2
	24	0	1	4	5
	25	1	0	2	3
	27	1	2	6	9
	28	0	2	8	10
	29	1	1	2	4
	30	1	0	2	3
	32	0	1	1	2
	33	0	0	1	1
	34	0	1	1	2
	35	1	0	2	3
	36	0	0	1	1

37	0	1	1	2
38	0	1	0	1
39	0	0	1	1
40	0	2	1	3
41	0	1	1	2
42	0	0	2	2
43	0	0	1	1
47	0	0	1	1
48	0	0	1	1
51	0	0	1	1
56	0	0	2	2
57	0	0	2	2
59	0	0	1	1
60	0	1	3	4
61	0	0	1	1
77	0	0	1	1
89	0	1	0	1
127	0	0	1	1
167	0	0	1	1
171	0	0	1	1
274	0	0	1	1
435	0	0	1	1
Total	86	927	1226	2239

Bail Status CY18 Release File

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	cash	91	4.0	4.0	4.0
	surety	832	36.7	36.7	40.7
	held w/o bail	1347	59.3	59.3	100.0
	Total	2270	100.0	100.0	

Length of Stay & Bail Status Crosstabulation

		Bail Status			
		cash	surety	held w/o bail	
LOS (Days)	0	21	311	192	524
	1	23	218	318	559
	2	18	113	223	354
	3	8	55	105	168
	4	9	22	24	55
	5	5	12	14	31
	6	2	14	16	32
	7	1	7	14	22
	8	0	3	18	21
	9	0	3	9	12
	10	0	8	6	14
	11	0	5	16	21
	12	0	7	12	19
	13	0	6	37	43
	14	0	13	87	100
	15	0	5	35	40
	16	0	5	30	35
	17	0	2	13	15
	18	0	2	11	13
	19	0	2	5	7
	20	0	3	8	11
	21	0	0	7	7
	22	0	1	3	4
	23	0	2	4	6
	24	0	1	3	4
	25	0	0	6	6
	26	0	1	3	4
	27	0	1	4	5
	28	2	2	11	15
	29	0	1	5	6
	30	0	1	4	5
	31	0	1	4	5
	32	0	0	5	5
	33	0	0	4	4

34	1	1	2	4
35	0	1	5	6
36	0	0	1	1
37	0	1	3	4
39	0	0	1	1
40	0	0	4	4
41	0	0	1	1
42	0	0	1	1
43	0	0	3	3
44	0	0	5	5
45	0	0	6	6
46	0	1	0	1
48	0	0	1	1
49	0	0	1	1
50	0	0	3	3
51	0	0	4	4
53	0	0	1	1
55	0	0	1	1
56	0	0	3	3
58	0	0	1	1
59	0	0	4	4
60	0	0	1	1
64	0	0	1	1
66	0	0	2	2
68	0	0	1	1
70	0	0	3	3
71	0	0	1	1
72	0	0	1	1
74	1	0	0	1
75	0	0	1	1
76	0	0	1	1
81	0	1	1	2
82	0	0	1	1
83	0	0	1	1
88	0	0	2	2
89	0	0	1	1
96	0	0	1	1
97	0	0	1	1
105	0	0	1	1
116	0	0	1	1
126	0	0	1	1
144	0	0	1	1
155	0	0	1	1
161	0	0	1	1
178	0	0	1	1
185	0	0	1	1
207	0	0	1	1

230	0	0	1	1
253	0	0	1	1
317	0	0	1	1
343	0	0	1	1
367	0	0	1	1
370	0	0	1	1
391	0	0	2	2
399	0	0	1	1
616	0	0	1	1
992	0	0	1	1
Total	91	832	1347	2270

COLUMNS | Opinion *This piece expresses the views of its author(s), separate from those of this publication.*

Time to take next step in making RI's bail system more fair | Opinion

Michael A. DiLauro Guest columnist

April 6, 2025, 6:06 a.m. ET

Key Points AI-assisted summary

A Rhode Island bail bondsman attempted to charge a defendant's family an illegal nonrefundable fee instead of posting the required bail money.

Rhode Island's bail system disproportionately impacts low-income individuals who often rely on bondsmen and lose money even when charges are dropped.

While Rhode Island has made progress in reforming court costs, a comprehensive review of the bail system is necessary to address its inherent flaws.

Katie Mulvaney's article "Well-known bondsman is rebuked by RI judge" (News, Feb. 7) may have been shocking to many, but it was no surprise to those who work in the criminal justice system.

The facts of this case are troubling. Rather than post the bail money he collected from the defendant's family – which would be returned to them after the defendant appeared in court and the case was closed – the bondsman attempted to pocket a portion of it as a nonrefundable fee.

And while no criminal wrongdoing has been reported thus far (indeed, the quasi-judicial officer caught up in this unfortunate incident, attorney/bail commissioner Frank Saccocia, appears to have acted appropriately by promptly reporting the incident), a serious violation of court rules appears to have taken place.

By way of background, both bail commissioners and bondsmen fill essential roles in our criminal justice system. The former serve as quasi-judicial officers, appointed by

the chief judge of the District Court. They are empowered to set personal recognizance or security bail, or, in more serious matters, hold a defendant without bail until the next court day. This is done during non-business hours at the police station in a proceeding referred to as a “special arraignment.” The latter – the bondsmen – are private business entities who, for a nonrefundable fee, post property to ensure a defendant’s release. (This bondsmen arrangement is different from the situation where a defendant or their family posts the full value of the bail themselves.)

Thus, the cost of bail falls hardest upon those least able to bear it: the indigent and poor. Those unable to post bail without the assistance of a bondsman are forced to pay money that will never be recovered – a system that is inconsistent with the idea of the presumption of innocence. Indeed, studies show that monetary conditions of bail often lead to a wealth-based detention gap, with the poor suffering additional collateral consequences – such as the loss of housing, employment and education – as they linger in detention facilities.

Need a break? Play the USA TODAY Daily Crossword Puzzle.

The pervasive infiltration of money in our criminal justice system invites abuse, leading to situations like the one discussed in Ms. Mulvaney’s article. For example, even when a defendant can post the full amount of bail at a special arraignment, they still must remit a nonrefundable fee. Requiring a defendant to pay an extra fee for judicial services and due process is, at best, unseemly and, at worst, unfair.

Rhode Island “bail law” is composed of an interrelated mesh of state constitutional provisions, statutes, and court decisions and rules. Compared to other states, Rhode Island’s laws certainly have some redeeming qualities. For example, release on personal recognizance – a practice that is consistent with the presumption of innocence – is favored in most cases, especially the less serious ones. Moreover, the courts’ websites contain forms that require judges to explain why personal recognizance is not appropriate before setting monetary conditions of bail; although it appears that this obligation is most often honored in the breach.

Over the last several years, the General Assembly and judiciary have made tremendous progress in reforming the court cost system. The days when people were detained for failure to pay such costs are, thankfully, over. More recently, the courts have improved the ways that restitution is collected and the system is now more efficient.

Therefore, the time is ripe to take the next step: a comprehensive evaluation of our bail system.

Each year dozens of bills are considered by the General Assembly on this topic. A special task force, composed of a variety of criminal justice stakeholders, should be formed to study and make recommendations for improvements to a system that – while at times good – could certainly be made better.

Michael A. DiLauro is owner and manager of The Just Criminal Justice Group.

POLITICS

'You should know better': Why a storied RI bail bondsman was reprimanded in court



Katie Mulvaney

Providence Journal

Updated Feb. 6, 2025, 11:12 a.m. ET

Key Points

Procaccianti has been a bail bondsman in RI since 1987

He was ordered into court over an incident with a bail paid in Pawtucket

A warning was sent to all bail bondsman in RI reminding them of proper procedure

PROVIDENCE – Bail bondsman Rudolph “Rudy” Procaccianti is a frequent presence in Rhode Island courts, ready to pledge property as collateral to secure people’s freedom as they await a criminal trial.

His bonding career began in November 1987, when he followed in the footsteps of his uncle, Armand, according to Journal archives.

But Procaccianti recently landed on the radar of Superior Court Presiding Justice Alice B. Gibney, whose job duties include overseeing the 15 bail bonds people operating in Rhode Island.

Gibney summoned Procaccianti to a hearing Jan. 14 after receiving a report that the storied bondsman had asked Frank Saccoccio, a Pawtucket bail commissioner, to give him the \$5,000 in cash bail Saccoccio had just received from a family during an after-hours felony arraignment.

“He wants me to turn over the money. I said no,” Saccoccio said recently. “It’s not the way it’s supposed to work.”

'I'm not turning the money over to a bondsman'

Bail commissioners, also known as justices of peace, arraign people charged with crimes during off hours. They make the call on whether to release the individual on bail or order the person held. Among their duties, as assigned by the court – they must deposit any bail money they receive with the District Court registry the next business day.

Procaccianti proposed shortly after the November arraignment that he take the cash bail from Saccoccio and that he, instead, would secure a property bond as collateral. He assured Saccoccio he’d return the money to the family, court records said.

“I’m not turning the money over to a bondsman,” Saccoccio said. “I don’t turn it over to anyone but the court.”

How do bail bonds work in Rhode Island?

Bail bonding is a shadowy yet essential element of the criminal justice system. Practitioners charge a fee, often 5% of the full amount set by a judge or bail commissioner, to bail out people who can't afford to post cash or property themselves. Bail bondsmen pledge properties as collateral. Though bondsmen assume the risk that the defendant might flee, it can prove lucrative.

"The bail bonding business is a competitive business and there are multiple people in that business. It takes some level of assertiveness and activity to maintain," said Andrew Horwitz, director of the Roger Williams University School of Law Criminal Defense Clinic.

Its practitioners must rely on word of mouth to ply their trade and be available at odd hours on short notice. And it's a cash trade.

"In order to make it work, I think a bail bondsman has to hustle. You have to be the guy that people call," Horwitz said.

'This incident was neither orderly or professional'

A District Court administrator alerted Gibney to "express concern" about the incident after hearing from Saccoccio, according to a transcript of the Jan. 14 hearing before Gibney.

Saccoccio said he'd never been confronted with a request like Procaccianti's during his eight years as a bail commissioner for 10 communities and the state police.

He puzzled over how Procaccianti had learned so quickly about the arraignment.

"It was amazing how quickly he got my number," Saccoccio said. Saccoccio could not recall the name of the defendant in the case.

The event raised Gibney's ire.

"I am charged with the orderly management of this process and of this court. And this incident was neither orderly or professional. I don't want to hear of another episode like this. Not from lawyers, not from bail commissioners, not ... through inmate correspondence, and not through the administration of another court," Gibney said.

Gibney cautioned that, as presiding justice, she is empowered to revoke a bond person's registration if they act unprofessionally.

"I don't want to hear another thing about something like this. You should know better. You have been around longer than I have," Gibney said.

Lawyer Michael Garland spoke on Procaccianti's behalf at the hearing.

"Your honor, I think the message has been received," Garland said, "I can assure you this won't happen again."

Reached this week, Garland said, "All I can say is I think the transcript speaks for itself and I can't go beyond that."

"Clearly what was described is outside of the normal and appropriate practice," Horwitz said. "Once cash is handed to a bail commissioner, the commissioner is obliged to maintain control of the cash and appropriately deliver it to the court."

Warning sent out to all bail commissioners after

After learning of the incident, District Court leadership reminded bail commissioners of the appropriate protocols via email.

The court warned that any time cash is posted by a defendant or someone on their behalf, that the money and paperwork must be submitted to the court on the next business day.

"Under no circumstances are bail commissioners authorized to return money to anyone once it has been collected in exchange for a bondsman wanting to post a property bond for a defendant," the email stated.

This story has been updated with new information