

Germantown Police Department

Policies and Procedures

Number: 2-13
Effective Date: January 1, 2003
Subject: Bail Bondsmen
Previous Revisions:

I. PURPOSE

The purpose of this policy is to establish guidelines for officers who may encounter bail bondsmen or agents of bail bondsmen (bounty hunters) who are attempting to effect an arrest pursuant to their employment.

II. POLICY

It is the policy of the Germantown Police Department that officers should neither impede nor offer assistance to a bail bondsman or to the agent of a bail bondsman who is effecting a lawful arrest in the course of his/her employment.

III. DISCUSSION

Officers may be faced with a situation involving bail bondsmen and/or bounty hunters who are attempting to make an apprehension and who may request the aid of Germantown Police Department officers. Further, the bondsmen and/or bounty hunter may be from another jurisdiction and the question of extradition arises. Officers, after determining the identity of the bail bondsmen and or the bounty hunter and after checking the warrant (which is their authority to act), should engage in no agreements, nor act in concert, with the bail bondsmen and/or the bounty hunter. This means that officers should not enter or go upon the premises where the warrant is to be served in a manner that could reasonably be construed as an attempt to aid the bail bondsmen and/or the bounty hunter with their apprehension. Officers still have a duty to protect the public's peace. However, this should be handled as any other police matter.

IV. PROCEDURE

- A. State law vests a bail bondsman with authority to arrest the principal (suspect) after a conditional judgment of forfeiture has been rendered and extends that authority even after final forfeiture, if the principal is surrendered prior to payment. However, once payment has been made, the bail bondsmen's right to arrest and surrender the accused lapses.

- B. State law also requires a bail bondsman to give all agents a certified copy of the bond, properly endorsed, in order to authorize the arrest, and state law further allows the endorsed bond, in the hands of the bondsman's agent (bounty hunter), to serve a legal process. The certified copy of the bond must be exhibited to the principal (party to be arrested) when the principal is arrested.
- C. Whenever a person is taken into custody within the city limits of Germantown, the bail bondsman and/or the bounty hunter must present the Department with the following items:
 - 1. A copy of the applicable warrant,
 - 2. A copy of the bond, and
 - 3. Proper credentials from a bondsman verifying that the bounty hunter is an agent of a professional bonding company.
- D. Once an officer has verified the above information, that officer should neither impede nor offer assistance to the bail bondsman and/or the bounty hunter in apprehending the wanted party. The role of the Germantown Police Department should only be to respond and keep the peace if a disturbance ensues during the apprehension. Officers responding to such a scene should take no part in the apprehension other than helping maintain the peace.
- E. The authority of a bail bondsman and/or a bounty hunter to use force to effect a lawful arrest is limited to only that force which is necessary in order to effect the arrest.
- F. Bail bondsmen and/or bounty hunters are not required to follow rules of extradition when crossing state lines with an arrested suspect, provided that the arrest was legal and provided that a law enforcement officer offered no assistance in apprehending the subject.

V. **REVIEW PROCESS**

An annual review of this policy will be conducted to determine if it should be revised, cancelled or continued in its present form.

This policy shall remain in effect until revoked or superseded by competent authority.

