

# THURMONT POLICE DEPARTMENT

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| <b>GENERAL ORDER</b>                                    | <i>Date Issued:</i> Jan. 18, 2008 | <i>Effective Date:</i> Jan. 18, 2008 | <i>Order No:</i> Chapter 2.9 |
| <i>Authority: Chief of Police</i><br>Gregory L. Eyer    |                                   | <i>Manual Page No:</i>               |                              |
| <i>Subject: Request for Assistance by Bail Bondsmen</i> |                                   | <i>Replaces Page No:</i>             |                              |
| <i>CALEA Standard:</i> 41.2.5, 41.2.6                   | <i>Distribution:</i> <b>ALL</b>   | <i>Amends:</i>                       | <i>Number of Pages:</i> 4    |
| <i>Related Documents:</i>                               |                                   | <i>Rescinds:</i>                     |                              |

This Directive is for internal use only, and other than as contraindicated here this Directive does not create or enlarge this Department's, governmental entity's, any of this Department's officers, and/or any other entities' civil, criminal, and/or other accountability in any way. This Directive is not to be construed as the creation of a standard of safety or care in any sense, with respect to any complaint, demand for settlement, or any other form of grievance, litigation, and/or other action. Deviations from this Directive, if substantiated, can only form the basis for intra-Departmental administrative action(s) (including discipline and/or termination).

## I. PURPOSE:

To establish a standardized response to requests for assistance by bail bondsmen.

## II. DISCUSSION:

Occasionally, the Thurmont Police Department may be called upon to assist a bail bondsman with the apprehension of a subject they want taken into custody. Members of the Department must be aware that bail bondsmen are authorized to take persons into custody without a warrant. This action may stem from civil violations and/or a breach of contact in which the bail bondsman has the civil authority to return the subject to the Detention Center or the courts. A police presence, whether to keep the peace or to serve as an active participant, can place the Department in situations of potential liability.

## III. POLICY:

The Thurmont Police Department will assist bail bondsmen in accordance with the scope of our authority as outlined in this order; Criminal Procedure Article, Title 2, Subtitle 2; and THE WARRANT OF ARREST – Hall vs. Hall, 6 G&J, 386, Lewin vs. Uzuber, 65 Md. 341.; whereas: “If the warrant is in due form and issued by a person having a right to issue it, the duty of the officer is to execute it without further inquiry, and the warrant will protect him.”

#### **IV. DEFINITIONS:**

**BONDSMAN:** any person, firm, company, or cooperation engaged in the business and/or activity of becoming surety for compensation on bonds in criminal cases or any agent, employee or representative of any such person, firm, or corporation.

**BOND:** a form of collateral, including cash, real estate or other valuable property, which is offered to ensure the attendance of a defendant in a criminal proceeding.

**CERTIFIED WARRANT DOCUMENT:** a true test copy of warrant bearing the embossed seal of the Court.

#### **V. PROCEDURES**

##### **A. Request for Assistance**

1. When a dispatcher receives a call from a bondsman requesting assistance in the apprehension of a subject, the dispatcher shall attempt to verify through the NCIC/MILES computer that an arrest warrant exists for the subject. If the dispatcher obtains confirmation that an arrest exists for the subject, the dispatcher will then dispatch this call for service and inform the responding officer of the confirmation
2. If the dispatcher cannot verify that the subject is wanted through NCIC/MILES, then the dispatcher will ascertain if the bondsman has in his possession a certified warrant document. If so, the dispatcher will assign the call for service and the responding officer(s) and/or supervisor will review the warrant prior to any action being taken. The warrant document must contain a raised or embossed seal of the court.

**If the warrant cannot be verified through NCIC/MILES and the bondsman does not possess a certified warrant document, the Thurmont Police Department WILL NOT effect an arrest.**

##### **B. Response**

1. In the event that an officer responds to a request for assistance from a bondsman in accordance with this policy, the bondsman will not be allowed to participate or interfere in the apprehension of the subject. Once the subject has been arrested, the arresting officer(s) will transport the subject to the Detention Center for service of the warrant.

C. Authority of Bail Bondsman

1. A bondsman has certain extraordinary powers under the common law, as a result of the bond contract he has with his client. A bail bond is a form of insurance where a person or company promises to produce the accused for trial or forfeit a fixed sum of money to the court. Rule 4-217 of the Maryland Rules defines a surety as “a person other than the defendant who, by executing a bail bond, guarantees the appearance of the defendant.”
2. Bondsmen may, at any time, within or outside the state having jurisdiction over the offense, apprehend a fugitive who has failed to appear in court and physically restrain him and transport him to jail or court. Bondsmen are authorized by the nature of the bond contract to make forcible entry into the home of the subject of the bond. Bondsmen may be liable for criminal violations or civil wrongdoing if in the course or apprehending the subject, the bondsmen act unreasonably or outside the scope of their contractual authority.

D. Third Party Limitations

1. Bondsmen are **not** authorized to make forcible entry into the home of a third person in order to apprehend a fugitive, and they may be subject to criminal and civil liability if they do.

E. Authority of Officers

1. Officers will assist bondsmen in apprehending a subject **only** if a dispatcher confirms the existence of an arrest warrant for the subject **OR** the officer personally inspects a certified warrant document in the possession of the bondsman.

**ATTACHMENTS :**

**DOCUMENT DATES :**

*Amended Date:*

*Review Date:*

*Review Date:*

*Review Date:*

*Rescinds:*

*Order Written By: Chief Gregory L. Eyer*

*Order Edited and Approved By: Chief Gregory L. Eyer*

*Accreditation Standards Included in this Order*

*CHAPTER 41*