



Charleston County Sheriff's Office Policy and Procedures Manual

Sheriff Carl Ritchie

9-09 Bondsman Procedures

- ☐ New
- ☐ Revised
- ☒ Reviewed

ACA Standards Reference:	N/A
CALEA Standards Reference:	N/A
NCCHC Standards Reference:	N/A
SCLEA Standards Reference:	N/A
SC Minimum Standards:	N/A

This policy dated 1/28/2025 replaces prior policies cited above and supersedes all previously issued directives.

I. Purpose:

All inmates detained at the Sheriff Al Cannon Detention Center (SACDC) have the right to access a bondsman. This policy establishes rules and regulations for Detention Center Personnel and their interaction with bail bondsmen, agents, and their runners.

II. Policy:

It is the policy of the SACDC to regulate the activities of bail bondsmen, agents, and their runners while on Charleston County property, through the registration and issuance of a Bondsman Identification (I.D.) Card.

III. Definitions:

- A. For purposes of this procedure, the word "deputy" applies to all agency employees with a certification classification of Class I, Class II, Class III, or Reserve Deputy, as defined by the South Carolina Criminal Justice Academy.

The following terms are used interchangeably; however, they carry guidance to specific employees based on usage of the term:

1. Deputy, deputies, deputy sheriff, detention deputy, sworn employee, uniformed sworn employee, sworn administrative employee, and
2. civilian, non-sworn employee.

- B. *Employee:* When used without further clarification, the term employee is inclusive of all agency members (sworn and non-sworn).

IV. Procedure:

- A. All bondsmen and their agents will be approved and licensed by the State of South Carolina, pursuant to Section 38-53-80, of the Code of Laws of South Carolina, 1976, as amended.
- B. All bondsmen must be registered with the facility before being permitted to present their bonds at the facility.
- C. A current list of all licensed bondsmen will be maintained by the Legal Liaison.
- D. Bonds will be accepted by the facility in accordance with the SACDC Policy

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- E. Any bondsman desiring to be relieved as surety on a bond, must follow the provisions contained in Section 38-53-50, of the Code of Laws of South Carolina, 1976, as amended.

Proof of an inmate being “off bond” must be in the form of a legal document recognized by the Court. Verbal notification is not sufficient to have an inmate reclassified as “off bond.”

- F. Bondsman Identification Card:
1. It is the responsibility of each bondsman to supply to the facility prior to July 1st of each year, a certified true copy of his/her license renewal and power of attorney, both issued by the Charleston County Clerk of Court.
 2. In order to obtain an identification card, a bondsman must appear in person at the lobby and:
 - a. complete a *Security/Employment Background Verification Form (SACDC form-334)* for each bonding company.
 - b. submit a valid South Carolina Driver's License or a South Carolina Identification Card.
 - c. pay a twenty dollar annual fee for each bonding company, to cover the administrative costs associated with the issuance of the identification card.
 - d. be fingerprinted and photographed.
 - e. authorize the facility to perform a background investigation.
 3. All bondsmen who comply with the requirements and pass the background investigation, will be issued an identification card by the Security Division. The *SACDC Identification Issue Form (SACDC form-462)* will be completed by the Security Supervisor issuing the identification card.
 4. The identification card is issued by and remains the property of the SACDC. The bondsmen must have their bondsman identification card to post bond with the facility.

5. The Bondsman identification card will contain:
 - a. the bondsman's name;
 - b. bondsman's photograph;
 - c. name of the bonding company;
 - d. expiration date;
 - e. the bondsman's signature.
 6. Improper use of the identification card will result in immediate confiscation and the bondsman's privileges with the facility will be suspended.
 7. Bondsmen must wear the identification card so that it is readily visible while on SACDC property.
 8. Lost Bondsman identification cards must be reported to the Security supervisor immediately.
 - a. The bondsman will complete a written statement on their company letterhead, explaining the loss of the Bondsman identification card.
 - b. Paper bonds will not be accepted from this individual until a new Bondsman identification card has been issued.
 - c. A fee of ten dollars will be charged to cover the administration costs of re-issuing a new Bondsman identification card.
- G. The Detention Chief or designee retains the right to deny, suspend, revoke, or refuse to renew an identification card for violations of any of the following:
1. Soliciting business in or on the premises of the facility. The term "soliciting" includes advertising and giving gratuities.
 2. Loitering in or on the premises of the facility when not on specifically authorized business.
 3. Improper use and/or allowing the use of the identification card.

4. Any other violation of the provisions contained in Section 38-53-170, of the Code of Laws of South Carolina, 1976, as amended.
 5. Communication with detention personnel to act as intermediaries in the furtherance of obtaining bonds.
- H. Upon suspension of a Bondsman identification card, the card must be surrendered immediately to the Security Supervisor. Suspended bondsmen will not be permitted to post bonds with the facility. Any applicable paperwork and documentation regarding the violations will be forwarded to the South Carolina Insurance Commission for review.
- I. A bondsman whose identification card has been suspended, has the right to request a suspension review by the Detention Chief or designee for reinstatement. This request must be made in writing within five working days from the date of suspension and include the reasons the bondsman believe that suspension was in error or unjustified. After the causes for suspension have been addressed, and it is determined that the identification card will be reinstated, the bondsmen will again be permitted to post bond with the facility.
- J. Inmate Access to Bail Bondsmen:
1. Inmates will be allowed to contact a bondsman by telephone during the booking process and/or after their bond hearing, during his/her normal recreation period.
 2. Under no circumstances will a member of the SACDC (detention, civilian, or contracted employee), recommend a bondsman to an inmate.
 3. A listing will be provided in processing and the housing units for inmates to access a list of bonding companies.
- K. Motion to Vacate Bond:
1. If a defendant who has bonded out of the facility does not appear in Court, is re-arrested or in any way violates any condition of the bond, the bondsman may surrender the defendant to the Detention Center and file an Affidavit of Surrender of Defendant by Surety, (SCCA Form 636) requesting to be relieved as surety.
 - a. The bondsman is responsible for filing the Motion to be

Relieved on Bond (SCCA Form 635) with the Clerk of Court for processing. A copy of the Motion must be served on the defendant, his attorney, and the Solicitor's Office.

- b. The Bondsman must provide to the SACDC and the court a clocked copy of the Motion from the Clerk of Court Office within three business days (defined as those days that the Court is open for transactions and filing) following recommitment.
 - c. The Court shall then schedule a hearing to determine if the surety should be relieved on the bond and notify all parties of the hearing date.
 - d. The judge will make a ruling ordering the bondsman to be relieved, or to remain on bond.
 2. The following documents are required:
 - a. *Arrest and Booking Report;*
 - b. *Affidavit of Surrender of Defendant by Surety; and*
 - c. *Motion to be Relieved on Bond.*
 3. The Lobby Detention Deputy will:
 - a. verify all prior charges and bond information utilizing JMS;
 - b. sign the booking report and Affidavit of Surrender;
 - c. scan and forward the booking report and Affidavit to Active Records;
 - d. enter the off bond information into JMS; and
 - e. return the original signed paperwork to the Bondsman.
 4. Active Records will print the booking report and Affidavit for inclusion in the inmate's file.
 5. If the defendant is incarcerated as a result of a bench warrant, the surety shall file an affidavit with the court stating that the defendant is incarcerated in the appropriate detention facility as a result of the

bench warrant as well as the violation of the specific term(s) of the bail bond stated in the bench warrant. Once the affidavit has been filed, the surety is relieved of all liability on the bond by the court.

6. After the surety has been relieved by order of the court, a new undertaking (bond) must be filed with the appropriate court in order to secure the subsequent release of the defendant. The undertaking must contain the same conditions included in the original bond unless the conditions have been changed by the courts.
7. A bondsman is able to withdraw his/her Motion to Relieve and remain on bond by submitting a Withdrawal Notice. The Withdrawal Notice must be clocked in by the Clerk of Court Office and the bondsman must immediately provide a certified copy to the jail to facilitate the release of the inmate.
8. If a bondsman needs to rescind a bond that has already been accepted by the Lobby Detention Deputy, the bondsman must submit a Motion to Relieve on Bond as described in section K above. This paragraph will apply to all bond rescissions without regard for the length of time that passes between when the bond is delivered to the SACDC and the bondsman acts to recover the bond.