

503 ASSISTING BAIL BONDSMEN

- I. Purpose: To provide employees with Department policy when officers are called upon to assist bail bondsmen in retaking a subject on bail pursuant to Florida Statutes Chapter 903.
- II. Discussion: A bondsman has a legal and financial interest in assuring the appearance in court of a defendant for whom the bondsman has posted bail. If a defendant fails to appear, the bond is forfeited and the bondsman can then arrest the non-appearing party. F.S. § 903.22 allows a bondsman to authorize a police officer to assist in retaking a subject and arrest a subject prior to or after bond forfeiture when the bondsman presents the officer with a properly endorsed certified copy of the bond. However, if the requirements are not fully met for retaking a subject, an officer who assists in the capture or arrest of a subject may be liable for damages due to the false arrest.

III. Procedure:

- A. Due to the potential liability for false arrest, officers should not interfere with the freedom of the accused or make an arrest solely at the request or direction of a bondsman who is seeking assistance in retaking a subject on bond.
- B. Often the subject in which a bondsman is seeking to retake has an outstanding arrest warrant. Officers may arrest for an outstanding arrest warrant. When a subject of a bondsman's request is identified as having an outstanding arrest warrant, an officer may follow the procedures for arresting a subject who has an outstanding warrant.
- C. If an outstanding warrant does not exist and only a certified copy of the bond is presented then officers should not enter a private dwelling to assist the bondsman in retaking the subject. See SOP 307.3 - Entry of a Dwelling to Effect an Arrest.
- D. If a subject does not have an outstanding warrant, an officer does not have to assist or remain with a bondsman while the bondsman is retaking a subject on bond. It is important to note that mere presence of an officer at such an incident can lend the color and authority of law to the bondsman's act of arresting a subject. Consequently, an improper arrest or other illegal act(s) by the bondsman could expose the officer to civil liability.

An officer is not, however, restricted from being near the arrest scene, provided that he/she remains detached from the actual arrest.

- E. If officers respond to a disturbance involving a bondsman, they should first determine the extent of the bondsman's authority. Evidence of such authority, a certified copy of the bond, should be in the bondsman's possession.

1. If the bondsman's broad authority applies to the facts as determined by the officers, the bondsman should be allowed to leave with the accused party in custody.
2. If the bondsman has no authority, as in the case of third-party home forcible entries, enforcement action should be considered.
3. Officers should ensure that it is documented that a copy of the bond was reviewed along with the name of the bonding company, the name of the bondsman, and the name of subject retaken on the bond.
4. If a subject being taken in custody by a bondsman claims false arrest, battery, or other acts were committed against his or her person by the bondsman, the officer should take a General Offense report and require a certified copy of the bond as proof of an exception allowing for the recapture of the subject. If it is believed a bondsman exceeded his or her authority in recapturing a subject, the case should be referred to the State Attorney's Office upon supervisor's approval and any latent investigation as may be necessary.
5. Officer should follow standard procedures for taking a complaint and conducting an investigation when a bondsman alleges that he or she is the victim of assault or battery while retaking of an individual on bond.

Supersedes SOP 503, dated 4/21.