

BATON ROUGE POLICE DEPARTMENT

General Order
No.263

Effective Date
11-01-1994

Revised Date
01-01-2001

Subject: Assisting Bail Bondsmen

Reviewed 9/1/16

POLICY

It is the policy of this department when requested by bail bondsmen regarding the apprehension of wanted persons, to proceed in a manner consistent with federal and state law.

It is not the intention of this General Order to request officers to do the job bail bondsmen are contracted to do. Therefore, officers' actions will be consistent with federal and state law, when informed of a bondsman's intent to remand a defendant. At all times officers are to act in an impartial capacity. That is, officers are to have the same regard for the safety of the defendant and others present as for the safety of the bondsman.

La. C.Cr.P. Art. 340 states: "For the purpose of surrendering the defendant, the surety may arrest him. The surety shall be liable, however, for all damages caused by the negligent manner or means used by him or his agents [bondsmen] and employees in apprehending and arresting the defendant, whether the damage is to the defendant or a third person. In addition, the surety's agents or employees shall be liable for all damages caused by the negligent manner or means used by them in apprehending and arresting the defendant, whether the damage is to the defendant or to a third party".

PROCEDURES

I. Field Procedure

- A. Prior to obtaining assistance from the Department, a bondsman must have a copy of the bond forfeiture in hand. Without adequate documentation, these individuals will be treated as any other citizen.
- B. Officers, when dispatched relative to a bail bondsman and the arrest of a defendant for his failure to appear, will first advise a supervisor. The supervisor will then accompany the officer to the call. Departmental personnel are obligated by law to protect life and property from illegal excesses perpetrated by any person(s). However, the bondsman as an agent for the surety has every right to arrest the defendant and deliver him to the court officer charged with his detention.
- C. If there is a verifiable bench warrant issued for the subject, an officer may take the defendant into custody as per normal procedure.
- D. If there is no warrant for the subject, officers are to ensure that no one is injured nor property damaged. In these cases a report must be filed detailing all actions taken by the department and the activities of others involved including any physical or personal harm or damage.