
Bail Bond Service Relations

319.1 PURPOSE AND SCOPE

It is a function of the Montgomery County Sheriff's Office to provide a public safety service to citizens of the county which may include the arrest and detention of persons for alleged violations of General Statutes or County Ordinances. As a result of these actions, persons will be regularly taken into custody and presented before Judges, Magistrates and other judicial officials and thereby potentially placed in detention centers. Many of these individuals may subsequently be released from custody on pretrial bail. These procedures will create interactions with bail bond services and their employees

319.2 POLICY

This policy is to provide guidelines to employees as it pertains with interactions with bail bond services and their employees in accordance with N.C. General Statues, Administrative Codes and policies and procedures of this agency. This policy is also to provide guidance to sheriff office personnel as it pertains to providing information, assistance, communications and collaborations to bail bond services and their employees. As well as information and assistance to arrestees and inmates, their family or friends concerning pretrial bail and or licensed companies who provide these services.

319.3 DEFINITIONS

Bail Bondsman. – Any person who is approved and licensed by the N.C. Insurance Commissioner and who pledges cash or approved securities with the NC Insurance Commissioner as security for bail bonds written in connection with a judicial proceeding and who receives or is promised money or other things of value in exchange for writing the bail bonds designed to provide persons being held in custody access to pretrial release from custody.

Bounty Hunter or Runner. - A person employed by a bail bondsman for the purpose of assisting the bail bondsman in presenting the defendant in court when required, assisting in the apprehension and surrender of defendant to the court, keeping the defendant under necessary surveillance, or executing bonds on behalf of the licensed bondsman when the power of attorney has been duly recorded.

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Arrestee – A person who is under arrest for an alleged crime but has not been presented before a Judge, Magistrate or other judicial official to establish probable cause and conditions of bond.

Inmate – A person who has been arrested for an alleged crime and has been presented before a Judge, Magistrate or judicial official and probable cause has been established and they have been lawfully committed to a detention center as a condition of bond.

319.4 PROVIDING ASSISTANCE TO A BAIL BONDSMAN, BOUNTY HUNTER OR RUNNER

Sheriff's office personnel shall understand bail bond companies and their employees are a part of a licensed industry, which is governed by N.C. General Statutes and N.C. Administrative Code and are regulated by the N.C. Insurance Commissioner. The duties, powers and responsibilities of this industry coexist with the Courts, law enforcement and detention centers. However, employees should be aware this is a licensed industry is not a part of the criminal justice system and are not considered criminal justice officers:

- (a) At no time shall sheriff's office personnel provide any of the following assistance to a bail bond service.
 - (1) Provide any information obtained from National Crime Information Center (NCIC), N.C. Division of Criminal Information (DCI), NC Criminal Justice Law Enforcement Automated Data Services (CJLEADS), NC Automated Warrant Repository (NCAWARE) or other similar criminal justice information providers.
 - (2) Make any entry into National Crime Information Center (NCIC) wanted files for the sole purpose of assisting a bail bond service.
 - (3) Provide any record generated by the sheriff's office, i.e. incident report, arrest report or inmate booking report, photograph or other information obtained from these reports or other similar information which is not viewable to the public.
 - (4) Assist or have any role with the physical apprehension of person by a bail bond service.
 - (5) Have a bail bondsman or their employee assist with the physical apprehension or arrest of any person.
 - (6) Delay the arrest of a person to allow a bail bondsman service to apprehend the person before law enforcement.

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- (7) Unreasonably delay the processing of an arrestee to allow bail bondsman service to communicate with the arrestee for the purpose of bond or surrendering.
 - (8) Provide any unsolicited information or assistance to arrestees or inmates, their family or friends as it pertains to recommendations or endorsements of attorneys or bail bond companies, in any manner which would illustrate or be perceived as a conflict of interest or accept any payment, rebate, gift or promise of anything of value, directly or indirectly, from a bail bond service company or their employee as it may relate to the duties of the sheriff's office employee, in violation of NCGS 58-71-95 (1).
- (b) Sheriff's office personnel shall provide the following assistance to a bail bondsman services.
- (1) Respond to any 911 call or request for law enforcement assistance placed by a citizen or bail bonds service to investigate an alleged crime, breach of the peace or incident which is in accordance with agency policy as it pertains to calls for service.
 - (2) Allowing inmates reasonable access to communicate with bail bond services for the purpose of obtaining pretrial releases from custody.

319.5 ALLOWING COMMUNICATIONS WITH BAIL BOND SERVICES

An arrestee does not have an immediate need for a bail bond service and thus communicating with a bail bond service is unnecessary and the arrestee's process shall not be unreasonably delayed for this purpose.

However, when a person has been lawfully confined as an inmate to a detention center then sheriff's office personnel shall in accordance with state law and federal recommendations provide each newly admitted inmate with reasonable opportunities to utilize and access a telephone to contact an attorney(s), family member(s), friend(s) and/or others to include bail bond service(s).

319.6 ACCESS TO THE DETENTION CENTER

The sheriff's office understands the necessity and importance of bail bond services to communicate and discuss the proposition of entering into agreements to facilitate the inmate's pretrial release from custody.

Identification- Any bail bondsman arriving at the prescreening and receiving area of the booking section of the detention center may be asked to produce their NC Department of Insurance credentials identifying them as a licensed employee of a bail bond service, if they are not known by sheriff's office personnel.

Visit and Communication - Any bail bond service needing to communicate with an inmate will need to arrive in the prescreening and receiving area of the booking section of the detention center and communicate via the portal windows without entering the secured section of the facility.

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Surrendering a Person on Bail - Any bail bond service arriving at the detention center with a person who the bail bond service is desiring to surrender and revoke their bail obligation(s) with that person shall also arrive in the prescreening and receiving area of the booking section of the detention center and communicate via the portal windows without entering the secured section of the facility.

Business and Service Visits- Any bail bond service or their employee needing to meet with sheriff's office personnel, Magistrates, inmate's family or friends for the purpose of gathering information related to providing services to an inmate or potential inmate should feel welcome to use the unsecure portions of the facility i.e. main lobby, visitation lobby or Magistrate's lobby to conduct their business.

319.7 PROVIDING CONTACT INFORMATION OF BAIL BOND SERVICES

Information of Licensed Bail Bond Companies- Bail bond companies and their business information is maintained and is available from the N.C. Department of Insurance. This type of information is also available in public telephone directories, websites and other publications. Inmates, their family and friends are encouraged to avail themselves to these resources to communicate with bail bond services.

Abbreviated List of Bail Bond Companies- The Montgomery County Sheriff's Office will provide to inmates and the public an abbreviated list of bail bond companies who regularly and routinely visit the detention center for the purpose of providing pretrial release bonds. This abbreviated list may be provided in a written or in an electronic format and will be at no cost to the inmate, bail bond company or the public.

Electronic Boards and Kiosks- Bail bonding companies and their employees must understand the contact information which is provided by the sheriff's office must be reasonable and will only be provided as a convenience to the public and inmates. Bail bond companies desiring to have their contact information listed must meet the guidelines listed herein and must make a written request to the Sheriff annually between December 1st and December 31st and the abbreviated list will be updated in January of the following year. If a bail bond company who is listed wishes to make corrections pertaining to their contact information, they also must make a written request annually between December 1st and December 31st.

Cards, Flyers and Signs- Bail bonding companies are prohibited from posting or leaving business cards or flyers on the premises of the detention center or placing any signs on the grounds of the detention center.

