

# KANSAS CITY, KANSAS POLICE

## GENERAL ORDER

SUBJECT: Surety

ORDER NUMBER: 40.17

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REFERENCE: CALEA Ch.

CROSS REFERENCE: 22-2807 --- 22-2809

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#### I. PURPOSE

- A. To establish departmental guidelines concerning Sureties that are attempting to apprehend bond fugitives in our jurisdiction.

#### II. DEFINITIONS

- A. "Surety" means a person or commercial surety, other than a defendant in a criminal proceeding that guarantees the appearance of a defendant in a criminal proceeding, by executing an appearance bond.
- B. "Agent of a surety" means a person not performing the duties of a law enforcement officer who tracks down, captures, and surrenders to the custody of a court a fugitive who has violated a surety or bail bond agreement.

#### III. GENERAL INFORMATION

- A. When a person secures a bond with a surety they create a unique relationship. This relationship allows the surety and their agents to take the fugitive client into custody at anytime.
- B. The surety has this unique relationship only with the fugitive client and not with any third person.
- C. The surety and/or an agent of a surety, while pursuing a fugitive client, has no authority to violate the criminal law. They must treat any third person as any citizen must treat any other citizen. A surety has no shield of protection from immediate police action in response to any violation of the criminal code.
- D. The surety must comply with all state and local laws concerning the carrying of a weapon. They must have special and specific legal authority from the State of Kansas or a political subdivision of the state to carry a weapon. (For example, A valid Kansas Private Detective's permit or a full Deputy Sheriff's Commission.)
- E. A surety has no lawful authority to enter in or remain on the premise of a third party individual when denied

permission to do so by the owner or keeper of the property.

- F. The term "Bounty Hunter" does not have legal standing under Kansas law. A so-called "Bounty Hunter" does not have a unique relationship with a fugitive client unless acting as a direct agent of the surety involved.

1. A "Bounty Hunter" must have direct authorization from a particular surety to act on that surety's behalf in any fugitive apprehension.
2. Like a surety, a "Bounty Hunter" has no authorization to violate the criminal code when apprehending a fugitive client.

### IV. ENCOUNTERS WITH SURETIES IN THE FIELD

- A. When an agent of surety and/or bounty hunter contacts the Department to notify us of a person(s) located at an address in our city with a confirmed warrant(s), the dispatcher will notify a supervisor in the respective patrol station. If the warrant amount is under \$1000 the supervisor will have the discretion whether or not Officers will respond to attempt to locate the wanted individual, even if the warrant(s) are issued by another jurisdiction.

- B. When Officers are dispatched to a surety call, they will notify a supervisor and once the identity of that surety is confirmed a supervisor will respond.

- C. KSA 22-2809 requires the surety to notify law enforcement authorities of any attempted apprehension before actually attempting the apprehension.

- D. The preferred place to meet a surety is the patrol station closest to the fugitive. The surety and/or agent of a surety shall present to the Officers a certified copy of the bond, a valid government-issued photo identification, written appointment of agency, if not the actual surety, and all other appropriate paperwork identifying the principal and the person to be apprehended before attempting such apprehension.

- E. Officers of this department will not allow a surety to commit a criminal code violation against an individual.

- F. Officers will not allow any surety or agent of a surety to become involved in official police actions.

- G. Officers will not allow any surety to use the officer's presence to cast an image or perception that they are utilizing the officer's police authority.

- H. An Officer shall document the interaction on a Miscellaneous Report and clear the scene. No Officer will follow a surety and/or agent of a surety to the actual scene of a confirmed fugitive.

### V. APPREHENDING FUGITIVES IN SURETY SITUATIONS

- A. An officer's response will be limited to the enforcement of confirmed warrants only. Officers will adhere to the following guidelines when they are dispatched to meet a

surety and/or agent of a surety at the actual scene of a suspected fugitive.

1. Officers shall seek a certified copy of the bond, valid government-issued photo identification, written appointment of agency, if not the actual surety, and all other appropriate paperwork identifying the principal and the person to be apprehended.
2. Determine whether the fugitive client has a confirmed warrant or a confirmed extraditable warrant from another jurisdiction.
3. Independently verify that the fugitive client listed in the confirmed warrant is indeed the same individual being sought.
4. If there is an outstanding confirmed warrant, and the fugitive is present the officer will follow Department warrant arrest procedures as outlined in General Order 1.8, Arrest Procedures.
  - a. The surety shall not assist or become involved in the detention and/or arrest of the fugitive client. Custody will remain with the officer at all times.
  - b. If an active arrest warrant does not exist officers will document the encounter on a Miscellaneous Report, bearing a complaint number, including the information contained in 1. above and clear the scene as the contract between the surety and the client may be a civil matter.

#### **VI. ENCOUNTERS WITH SURETIES AND FUGITIVES IN DISTURBANCES**

- A. Officers responding to a disturbance with a surety and/or agent of a surety shall immediately notify a supervisor.
- B. A supervisor will respond to all disturbances involving a surety and/or agent of a surety.
- C. Once on the scene, Officers will take control of the scene to preserve the peace. If the suspected fugitive is present the fugitive shall be detained.
- D. Once the fugitive's warrant has been confirmed an Officer will take the fugitive into custody and remove the fugitive from the scene. The Officer will ensure the fugitive is booked into the Wyandotte County Detention Center as outlined in General Order 1.8, Arrest Procedures.
- E. Officers will document on a Miscellaneous Report, bearing a complaint number, the police response to disturbances involving sureties that involve injuries, damage, or other pertinent facts. Persons in custody shall be advised on how to file a report or lodge a complaint upon their release from the Wyandotte County Detention Center.
- F. An Officer shall take a criminal report, when warranted, from a qualified third party individual. A qualified third party is anyone who has a vested interest in a crime being committed against him or her of which the fugitive cannot have any interest. An example could be a surety damaging a door to gain access to a fugitive of which only the third party has a vested interest.