

*“If we do not impose ethics upon ourselves, someone else will.”*

## **Code of Ethics and Standards of Conduct**

The Bail Agent shall at all times conduct themselves with the proper Dress and Decorum expected from a Professional working in the Criminal Justice System.

### Section 1: Relations with the Client

Article 1. In justice to those who place their faith, confidence, interests in the Bail Agent should endeavor constantly to be informed of current laws, proposed legislation, Governmental orders or regulations, and other significant information and public policies which may affect the interests of the client.

Article 2. The Bail Agent should make a constant practice of full and complete disclosure to all parties, be they principal or indemnitor, of any and all possible liabilities, penalties, or detriments which may arise from their involvement in that particular undertaking which secures the release from custody of a person who is charged with a criminal offense.

Article 3. The Bail Agent should not, prior to forfeiture or breach, arrest or surrender any principal and thereby terminate his release from Governmental custody unless the Agent can materially show good cause for such action. Such good cause should reasonably take the form of judicial action, information concealed, or misrepresented or the renunciation of an indemnitor or the principal any of which may be considered material to the risk assumed by the Bail Agent.

Article 4. The Bail Agent, upon receipt of notice of forfeiture or breach where notice is required or personal knowledge of forfeiture or breach, should promptly and formally notify any and all indemnitors and real parties of interest of the forfeiture or breach by the principal. The Bail Agent should concisely state the liability thereby incurred or pending at that time.

Article 5. The Bail Agent should supply all indemnitors to an undertaking with a true copy of any document representing a binding legal contract to which he or she is to be or is being committed.

Article 6. When an examination of the material factors of a potential undertaking reasonably convinces a Bail Agent that he or she will be unable to undertake that particular bail relationship, the Bail Agent should immediately inform all involved parties that he or she will not be able to secure the release of the defendant so that the defendant or his or her affiliates may promptly seek his or her release by another means.

Article 7. Every Bail Agent should comply in full with the laws and regulations governing the transaction of bail in his or her state. Such compliance must necessarily include those matters dealing with the trust and fiduciary relationship as it relates to monies and properties which may secure an undertaking. The highest moral and ethical practice should be maintained when entering into a trust or fiduciary relationship.

Article 8. Each Bail Agent shall at all times conduct themselves in a professional manner and refrain from ANY defaming comment to any client concerning another Bail Agent, General Bail Agent, Court Officer, Judge, or any other person involved in the Criminal Justice System.

### Section 2: Relations with the General Public

Article 1. The Bail Agent should keep themselves informed as to movements affecting the criminal justice system in his or her community, state, and the nation so that he or she may be able to constructively contribute to public thinking in matters of legislation, expenditures, public safety, and other questions dealing with the welfare of the general public. The Bail Agent shall strive to find more effective means of fighting crime.

Article 2. It is the paramount duty of the Bail Agent to protect the general public against misrepresentations or unethical business practices in the bail industry. He or she should endeavor to eliminate in their community any practices which could be damaging to the public or to the dignity and integrity of the bail industry. The Bail Agent shall assist any regulatory agency or business practices review board charged with regulating the practices of the members of the bail industry.

Article 3. The Bail Agent shall not, except as provided by law, engage in activities that constitute the practice of law and should refrain from making comments and representations which may lead the public to believe that the Bail Agent is practicing law.

### Section 3: Relations with the Government Sector

Article 1. The Bail Agent, with due regard for the special position of responsibility and trust that this profession places an Agent in, should assist and cooperate with the judiciary, law enforcement agencies, and public prosecutors in the orderly administration of justice, so long as such assistance or cooperation does not compromise the honesty and integrity of the Bail Agent or of the public officer.

Article 2. Unless compelled to do so by law or by court order, the Bail Agent should not divulge or disclose to any person or agency personal information regarding the principal or indemnitor of any undertaking which has not been forfeited or breached. The inherent right to privacy of the individual and the position of trust of the Bail Agent demand compliance with this concept.

Article 3. The Bail Agent should make great efforts to verify and confirm any information which he or she may give to a court, law enforcement agency, or any other public agency. Failure to do so, or an intentional misrepresentation of a fact to any one of the entities, must be construed as a breach of the fundamental relationship of trust between the Bail Agent and the Governmental sector.

Article 4. The Bail Agent shall take great care to adhere to the Judges and Courts understanding that Bail fees are 10 percent of the Amount of the Bond set by said Judges and that amount be collected by the Agent at the time the bond is executed. If any part of this bond fee is financed, the Judge may at any time of his/her choosing, inspect the records of the Bail Agent to verify the full bond fee is being collected.

Article 5. ALL agents shall strictly and promptly adhere to ANY order of ALL Judges, both Circuit and Municipal.

### Section 4: Relations with Fellow Bail Agents

Article 1. The Bail Agent shall not conspire with other Bail Agents to regulate rates or restrict trade within the Bonding Profession.

Article 2. The Bail Agent should so conduct his or her business as to avoid controversies and conflicts with his or her fellow Bail Agents and should not voluntarily disparage the business practice of a competitor or volunteer an opinion of a competitor's transaction. If his or her opinion is sought, it should be rendered with strict professional integrity, honesty, and courtesy.

Article 3. The Bail Agent should seek no unfair advantage over his or her fellow Bail Agents, and should willingly share with them the lessons of his or her experience and study. The Bail Agent should also inform his or her fellow Bail Agents of established hazards involving a prospective client if such hazards exist.

Article 4. If a Bail Agent is charged with unethical business practices by a Government regulatory agency or by a grievance committee comprised of his or her peers, the Agent should place all pertinent facts and rebuttal before the accusatory body promptly and voluntarily for investigation and judgment.

Article 5. The Bail Agent should constantly strive for the highest degree of attainable professionalism. This should be expected and demanded from all Bail Agents and by all those persons involved in the bonding industry, regardless of position.

Article 6. The Bail Agent should make extensive effort to support, contribute to, and participate in local, statewide, and national Bail Agent associations whose goals are to preserve and enhance the integrity, quality, and honor of the bonding industry.

Article 7. ALL Bail Agents who engage the services of a legally licensed Bail Enforcement Agent (Bounty Hunter) SHALL, in a prompt manner, fulfill the obligations of that agreement.

### Section 5: Responsibilities of General Agents

Article 1. The General Agent shall make all efforts to insure Bail Agents who represent them in this State act in accordance with this CODE OF ETHICS.

Article 2. All General Agents shall follow the highest of business ethics in the event of attempting to entice a Bail Agent away from another General Agent.

### CONCLUDING SANCTION

The Articles of the Code of Ethics are combined to guarantee high integrity and dignified professionalism from those who adhere to the principles of business and moral conduct outlined within. No inducement of profit and no instructions from clients or outside parties can ever justify departure from these principles or from the injunction of this Code of Ethics.

Any Bail Agent who observes or has verifiable proof of violations of the Code of Ethics by any other Bail Agent, shall be required to provide such information in writing to this Organization to be forwarded to the Sanctioning Committee for review. If this Committee finds any Bail Agent knowingly makes any false accusation against another Bail Agent, the Agent making the false statement may be permanently dismissed from this organization. All members of this organization understand violations of this CODE OF ETHICS may result in sanctions being taken, and either temporary or permanent dismissal from this Professional Organization may occur.

\*Special thanks to the Kansas Bail Agents Association for their permission to use their Code of Ethics as the basis for this information.

\*\*\*\*\*Updated July 14, 2016