

# Bounty hunter

## Laws in the U.S.

In the United States legal system, the 1872 U.S. Supreme Court case *Taylor v. Taintor*, 16 Wall (83 U.S. 366, 21 L.Ed. 287), is cited as having established that the person into whose custody an accused is remanded as part of the accused's bail has sweeping rights to recover that person (although this may have been accurate at the time the decision was reached, the portion cited was obiter dicta and has no binding precedential value). Most bounty hunters are employed by a bail bondsman: the bounty hunter is paid a portion of the bail the fugitive initially paid. If the fugitive eludes bail, the bondsman, not the bounty hunter, is responsible for the remainder of the fugitive's bail.

Thus, the bounty hunter is the bail bondsman's way of ensuring his clients arrive at trial. In the United States, bounty hunters catch an estimated 31,500 bail jumpers per year, about 90% of people who jump bail.[1] Bounty hunters are also sometimes known as "bail enforcement agents" or "fugitive recovery agents," which are the preferred industry and polite terms, but in common speech (and language), they are still called "bounty hunters".

Bounty hunters are sometimes called "skiptracers," but this usage can be misleading. While bounty hunters are often skiptracers as well, skiptracing generally refers to the process of searching for an individual through less direct methods than active pursuit and apprehension, such as private investigators or debt collectors. Skiptracing can also refer to searches related to a civil matter and does not always imply criminal conduct on the part of the individual being traced.

In the United States of America, bounty hunters have varying levels of authority in their duties with regard to their targets, depending on the states in which they operate. As opined in *Taylor v. Taintor*, and barring restrictions applicable state by state, a bounty hunter can enter the fugitive's private property without a warrant in order to execute a re-arrest. In some states, bounty hunters do not undergo any formal training, and are generally unlicensed, only requiring sanction from a bail bondsman to operate. In other states, however, they are held to varying standards of training and licensure. In California, bounty hunters must undergo a background check and complete various courses that satisfy the penal code 1299 requirements.[2] In most states they are prohibited from carrying firearms without proper permits. Louisiana requires bounty hunters to wear clothing identifying them as such.[3] In Kentucky, bounty hunting is generally not allowed because the state does not have a system of bail bondsmen, and releases bailed suspects through the state's Pretrial Services division of the courts, thus there is no bondsman with the right to apprehend the fugitive. Generally, only fugitives who have fled bail on federal charges from another state where bounty hunting is legal are allowed to be hunted in Kentucky.[3] In Texas, every bounty hunter is required to be a peace officer, Level III (armed) security officer, or a private investigator.[4]

State legal requirements are often imposed on out-of-state bounty hunters, meaning a suspect could temporarily escape re-arrest by entering a state in which the bail agent has limited or no jurisdiction.

## International laws and legal protection

Bounty hunters can run into serious legal problems if they try to get fugitives from other countries. Laws in nearly all countries outside the U.S., which do not permit bounty hunting, would label the re-arrest of any fugitive "kidnapping" or the bail agent may incur the punishments of some other serious crime. Noted bounty hunter Duane "Dog" Chapman (star of the TV series *Dog the Bounty Hunter*) was arrested in Mexico after he apprehended the multi-millionaire rapist and fugitive Andrew Luster.[1] Chapman was later himself declared a fugitive by a Mexican prosecutor and was subsequently arrested in the United States to be extradited back to Mexico even though under Mexico's citizen arrest law, Dog and his crew acted under

proper policy and broke no other Mexican laws. Daniel Kear pursued and apprehended Sidney Jaffe at a residence in Canada. Kear was extradited to Canada, and convicted of kidnapping.[5] While the United States Government generally allows the activities of bounty hunters in the United States, the government is not as tolerant of these activities when they cause problems with other sovereign nations. [5] Several bounty hunters have also been arrested for killing a fugitive or apprehending the wrong person, mistaking them for a fugitive.[citation needed] Unlike police officers, they have no legal protections against injuries to non-fugitives and few legal protections against injuries to their targets.[citation needed] In a Texas case, bounty hunters Richard James and his partner DG Pearson were arrested in 2001 for felony charges during an arrest. The charges were levied by the fugitive and his family, but were later dismissed against the hunters after the fugitive's wife shot a deputy sheriff in another arrest attempt of the fugitive by the county sheriff's department. The hunters sued the fugitive and family, winning the civil suit for malicious prosecution with a judgment amount of 1.5 million dollars.

## **Bounty Hunter Info**

So you just finished watching the Dog Chapman show on TV or maybe one of the bounty hunter movies and you've decided that you want to be a recovery agent. By all appearances, it is an exciting and financially rewarding business and sometimes it is. But most of the time – it has to be one of worst jobs there is – long hours of surveillance that they never show on TV, extremely slow and a lot of the time, even no pay. Remember, you don't get paid if you don't find the skip. There are very real hurdles that you must clear to become a recovery agent such as background checks, education classes and licensing. Then when you actually do a recovery, you face one of the most dangerous situations in law enforcement. You never know what's behind the next door.

The first thing you need to do is forget what you've seen on TV because that's all make believe! If you've always wanted to be a police officer or a modern day Wyatt Earp – then go find a police force or sheriff's department to join. If you really want to be Rambo – go join the army – because there is absolutely no place for you in this business.

Someone has probably told you there was tons of money to be made as a bounty hunter. There is always a story about somebody finding a million dollar skip and making a hundred grand plus expenses. Not to be one to bust your bubble, but there are very few million dollar bonds written in this country and when one is written, it has so much collateral security attached to it the defendant can't afford to run. As a matter of fact, most bail bonds written are going to be secured with some form of collateral or indemnity guarantee. Most of the skips recovery agents look for are in the one thousand to five thousand range and most bail agents pay ten percent recovery fees and no expenses. That's the reason that almost any bail agent can probably name all the recovery agents in the whole country who are full time recovery agents and remotely successful. There's probably another three hundred recovery agents who have profitable sideline recovery businesses. There is probably more money made teaching wannabe bounty hunter schools than there is in all of the recoveries!

The reason you can't make any money being a recovery agent is simple. Most bail agents do a very good job of making sure their defendant goes back to court. If the defendant goes to court there is no one to recover. Most of the time a defendant misses court; it's some type of SNAFU, either with the court itself, the defendant's lawyer or a simple mistake on the part of the defendant. The other truth is that when a defendant does actually fail to appear – most bail agents do their own recoveries. They won't turn it over to a recovery agent until they know they can't find the defendant.

OK! So your still bound and determined to be a recovery agent, well you've got a long hard road ahead of you if your not a retiring law enforcement officer. The reality is that bail agents are not going to hire you without experience and you can't get experience if you can't work. So, the first thing you have to do is find

an existing recovery agent that you can work for (probably without the benefit of getting paid) and get some experience. But wait; let's talk about what it takes to be a recovery agent.

If you're a convicted felon – forget it. No one is hiring felons as recovery agents anymore – you are too much of a liability if something goes wrong. If you look like a biker, a gangbanger or maybe even Wyatt Earp with your black hat and duster – you can go home too. No one is going to hire you – we don't need that image around us, we want professionals who can get the job done – not TV characters who screw up and wind up on the ten o'clock news. OK, I know there are guys out there who look like that –as a matter of fact, some of the good ones do. But the reality is that they are former law enforcement or agents that have been doing this for a long time and are very good at what they do. Sad but true – they can get away with it and you can't! Nobody ever said life was fair.

Many states now require licensing and they require that you attend a state specific school. You'll need to check your state's laws and make sure you do what is required. There are states where you can't be a recovery agent, such as Arkansas, Florida, Texas Washington and the non-bail states of Illinois, Kentucky, Oregon and Wisconsin. If you get caught there, you'll wind up in jail for kidnapping. And then there's states like Arizona, Connecticut, Indiana, Mississippi, New Hampshire, Nevada and a few more where if you don't hold a license from that state, you'll wind up in jail. No money in that! Of course, you also need to know about the Uniform Extradition Act and be sure you comply with it in each state. One word of caution – there's a bunch of schools out there that will take a bunch of your money and only get you into trouble. Ask a lot of questions and get as many references as you can – and call the references. If you're afraid to call the references, you're looking at the wrong profession. Ask the bail agents you know which school they recommend.

If you do become a recovery agent and find a member of PBUS to work for, then you should come to the PBUS conferences and become a Certified Recovery Agent (CRA). The CRA program is a series of certifications taught by nationally certified law enforcement instructors and attorneys. Both your employer and you must be members of PBUS.

OK – now back to finding you someone to work with. The reality is you will probably have to work for no money for a year or two. Once you've gotten some experience – don't start sending e-mails and wasting money on letters to bail agencies. They just get thrown in the trash. The only way you're going to get hired is through referrals. You'll probably have to do some more work for someone you know and not get paid. I won't even talk to a recovery agent that is not referred by another bail agent I know. The real truth of the matter is simple – if you don't know any bail agents when you start – you are never going to get started. If you really want to make some money – you need to become a bail agent. If you really want to be a police officer, then join a police department. If you are still bound and determined to become a recovery agent – good luck! You're going to need it.