

Mississippi Coalition of Bail Sureties, Inc. Code of Ethics & Conduct

POLICY

Each agent licensed through the Mississippi Insurance Department (MID) shall engage in appropriate and ethical conduct when carrying out official duties (and while engaging in off-duty activities) which directly reflect the moral standards, ideals and principles espoused by the Mississippi Coalition Bail Sureties, Inc (MCOBS).

The MCOBS Code of Ethics & Conduct is embodied in the Constitution, state laws and proposed legislation, and municipality and local government statutes. This document is an acknowledgement of the rights and responsibilities for each member of the Mississippi bail bond industry. It consists of two parts: the Code of Ethics, which states the type of conduct that the bail bonding industry in Mississippi considers acceptable; and the Disciplinary Action Code, which sets forth the behaviors that the Mississippi bail bonding industry deems unacceptable.

This Code of Ethics & Conduct shall apply to all persons licensed according to the rules established by the MID.

Ethical conduct is any conduct which promotes health, safety, welfare, discipline and morals of all persons licensed by the MID.

Unethical conduct is any conduct that impairs the license holder's ability to function in their employment position of bonding and/or a pattern of behavior that is detrimental to the health, safety, welfare, discipline, or morals of students and colleagues.

Immediate Family Prohibition

Mississippi Code Section 83-39-3 (2) (b) (1): No person who is a relative of either a sworn state, county or municipal law enforcement official, judicial official, an employee, independent contractor or the contractor's employee of any police department, sheriff's department, jail or corrections facility, that houses or holds federal, state, county or municipal inmates (who are or may be eligible for bail) shall write a bond in the county where the law enforcement entity or court in which the person's relative serves is located.

PREAMBLE

All agents shall believe in the worth and dignity of each human being, recognize the supreme importance of the pursuit of truth, devotion of excellence, and commitment to social responsibility of the Constitution of the United States of America which "guarantee in fulfillment bail".

For the purposes stated herein, the following definitions apply:

Bond	A guarantee in fulfillment of bail, usually an amount of money; for the appearance of an accused in court.
Capias	A document issued by a court in order to assure that a defendant properly appears before a court. Defendant is in accused status and may be held until next court date/session or until bond is posted at direct intake facility.
Court Ordered Release	The discharge of a defendant by reason of a court order.
Mittimus	A legal document which commits an individual to the custody of the Commissioner of Corrections pending disposition of charges (continuance mittimus, family matters mittimus) or pursuant to a sentence (judgment mittimus).
Temporary Surrender	A defendant admitted to a correctional facility by a peace officer or authorized official of the Immigration and Naturalization Service, but without a court order.
Bench Warrant	Indicating a defendant is in accused status and may be held until the next court date indicated or until bond is posted. A bench warrant shall be accepted at a direct intake facility only.
Initial Appearance	(A.) to be held (incarcerated) without unnecessary delay, but with 48 hours of arrest; the following shall, (B.) have an attorney appointed, (C.) be informed of charges of defendant, (D.) probable cause determined, (E.) advised of rights and (F.) release requirements set (bond).
Preliminary Hearings (Felony)	(A.) Attorney appointed, (B.) probable cause to be determined. (1.) If there is probable cause the defendant is bound over to Grand Jury. (2.) If there is no probable cause the defendant is

	discharged from custody. (C.) Preliminary hearing has been waived. (D.) Case dismissed or Nolle Prosequi. (E.) Conditions for release are set (bond). (F.) Case settled for misdemeanor.
Arraignment	The first court appearance for felonies or misdemeanors; attorney is appointed, and defendant is advised of charges. Defendant enters a plea. The case can be settled on a guilty plea or set for trial on a not guilty plea.
Bartering	Conducting any unauthorized transaction for which payment of any kind is made, promised, or expected.
Immediate Family	Relative means a spouse, parent, grandparent, child, sister, brother, or a consanguineous aunt, uncle, niece, or nephew. Violation of this prohibition shall result in license revocation.

STANDARDS OF CONDUCT & ETHICS

Each employee in the bail bond industry shall:

1. Every agent shall comply with all federal and state laws, regulations and/or statues of the State of Mississippi, lawful instructions/orders from the MID, proposed legislation, current laws, governmental orders, rules and regulations, and public policy that affect the interests of the client and the bonding industry.
2. Every agent shall enforce all rules, regulations, and policies of the bail bond industry as appropriate. All persons shall submit full and complete disclosure to all parties involved in the securing of a bond. This will prevent liabilities, penalties, or detriments which might arise from their involvement in that particular undertaking or underwriting that secures the release from custody of a person who is charged with a criminal offense.
3. Every agent shall make sure all surrenders are conducted in a safe and secure manner and maintained. "Surrender" means the delivery of the defendant, principal on bond, physically to the sheriff or chief of police (or in his absence his jailer). It is the duty of the sheriff, chief of police, or his jailer to accept the surrender of the principal when presented and such act is complete upon the execution of verbal or written surrender notice presented by an agent and shall relieve the bail agent of liability on the principal' s bond. This can also mean verbal or written notice to the sheriff or police in that jurisdiction followed by notice of surrender to the court of the proper jurisdiction.
4. If a defendant in any criminal case proceeding or matter fails to appear for any proceeding as ordered by the court, then the court shall order the bail forfeited. A judgment nisi and a bench warrant is issued at the time of nonappearance. The judgment nisi shall be returnable within ninety (90) days from the date of issuance. If during such period the defendant appears before the court, or is arrested and surrendered, the judgment nisi shall be set aside and a copy of the judgment that is set aside shall be served on the surety by personal service or certified mail. If the surety produces the defendant or provides the court with reasonable mitigating circumstances upon such showing, then the forfeiture shall not be made final. If the forfeiture is made final, a copy of the final judgment shall be served on the surety within ten (10) working days by either personal service or certified mail. Execution of final judgment shall be automatically stayed within ninety (90) days from the date of entry of final judgment. If the defendant shows in court voluntarily, or in custody after surrender or arrest, the court shall on its own motion direct the forfeiture to be set aside and the bond exonerated as of the date the defendant first appeared in court.
5. Every agent shall comply with all laws, rules, and regulations of public government officials and meet responsibilities. Whenever a final judgment is entered against a surety within eighteen (18) months of the date of the final forfeiture the defendant appears for court, is arrested or surrendered to the court, or if defendant is found to be incarcerated in another jurisdiction and a hold order placed on defendant, then the amount of bail, less reasonable extradition costs (excluding attorney fees), shall be refunded by the courts upon application of the surety.
6. Agents should never intentionally jeopardize the safety and welfare of their fellow agents' licenses by not returning the defendant to custody on forfeiture and must make every effort to return the defendant to his proper jurisdiction. When a final judgment is entered against a surety licensed by the MID and has not been set aside after ninety (90) days or later (if such time is extended by the court issuing the revocation order) then the court shall order the department to revoke the authority of the surety within five (5) business days of receipt of the revocation. If after ten (10) business days of such notification the revocation order has not been set aside by the court, then the commissioner shall revoke the authority of the surety and all agents of the surety and notify the sheriff in every county of such revocation.
7. Agents must cooperate fully and truthfully in any inquiry or investigation conducted by the MID and the Board of the MCOBS. Any acts committed by an agent that jeopardizes the security of the bail bond industry shall be strictly prohibited. These acts include prostitution, human trafficking, sexual extortion, kidnapping, armed robbery, bribery or kick-backs to public officials,

engaging in abusive or obscene language, threatening and/or intimidating behavior, unprofessional and illegal behavior, behavior that could in any manner reflect negatively on the Mississippi bail bond industry, engaging in excessive use of non-deadly force or unauthorized use of a firearm, or working under the influence of alcohol or illicit drugs. Use of non-deadly force shall be authorized only when reasonably necessary to protect any person from immediate physical threat or property damage during capture of a forfeiture. The level of non-deadly force used shall be minimal, incremental, and appropriate to the immediate circumstances. Non-deadly force shall be defined as force not intended or reasonably expected to cause death or serious injury. Non-deadly force shall not normally be used when a defendant flees. Confrontation shall be deferred when such force is likely to result in escalation of the incident. Whenever possible, all agents must use verbal intervention in an effort to defuse tension to maintain control and compliance when approached. Non-deadly force shall be the cause of last resort. Non-deadly force shall only be used to the degree and duration necessary to achieve its authorized objective. When non-deadly force is applied, agents shall be prohibited from using harassment or punishment towards any person. Law enforcement officials are always there for help with the capture of defendants who otherwise willfully fail to appear or comply with conditions of the court.

8. Engaging in personal and/or business matters of the defendant to any unauthorized person not related to the bond being secured or releasing any confidential, unauthorized or inaccurate release of information, records, or documents is prohibited. This includes entering into a personal or business agreement with an inmate and/or engaging in political activities with the lawyer, prosecutor, or judge. No person under the license of an agent shall give legal advice or a legal opinion in any form.
9. Agents shall not engage in conduct that constitutes, or gives rise to, the appearance of a conflict of interest. Unauthorized acceptance of any items or service not related to the surety written to secure the bond is forbidden; including but not limited to gifts, political contributions, rewards or promises of future employment.
10. Every agent shall report any arrest (including one's self) of bail agents licensed by the State of Mississippi or show proof of receipt on any summons received from a law enforcement agency or court and subsequent disposition, including conviction, to an appropriate board or appropriate supervisor by the next scheduled work day following the arrest of a bail agent; no later than forty-eight (48) hours of the arrest or receipt of summons. This arrest shall not apply to summons received for minor traffic violations, but the agent shall submit supporting documentation of arrest, receipt of summons, or disposition. Agents shall report any arrest or subsequent disposition that result in conviction to the board or appropriate supervisor within forty-eight (48) hours.
11. Every agent shall operate under only one (1) trade name. A soliciting bail agent and bail enforcement agent shall operate only under the professional bail agent's name. No license shall be issued to or renewed for any person who has been convicted of a felony that the commissioner finds directly relates to the duties and responsibilities of the business of a professional bail agent, soliciting bail agent, or bail enforcement agent; including, but not limited to any felony that involves an act of fraud, dishonesty, breach of trust, or money laundering.
12. Every agent shall supply all indemnitors to an undertaking with a true copy of any document representing a binding legal contract of the bail bond application, waiver of information, extradition, photos, collateral receipt, and promissory note to which they are to be or are being committed. The contract shall be completely filled out with four names and four different telephone numbers and signed by defendant. When bail is given, the principal is regarded as delivered to the custody of his sureties. Their dominion is a continuance of the original imprisonment. The seizure is not made by virtue of a new process, because none is needed.
13. Every agent shall conduct their business to avoid controversies and conflicts with their fellow bail agents, nor should the agent volunteer an opinion of a competitor's transaction. All agents shall maintain appropriate demeanor at all times.
14. Every agent shall appropriately file information as required by the State Ethics Commission as necessary.
15. Nothing prohibits an agent from holding collateral or taking a security interest in collateral for the purpose of insuring the payment on the premium of the bond posted (or indemnifying the bail agent for losses incurred) due to a forfeiture of a bond or the costs of apprehension and surrender of the principal. However, agents shall not engage in unauthorized appropriations or use of any property belonging to the defendant or his indemnitors (i.e., driving a vehicle taken as collateral, etc.). There is a statutory right to do credit.
16. Every agent shall return collateral security or other indemnities when the fee or premium on the bond has been paid in full or when the bail agent's obligation on the bond has been terminated. All members of the Mississippi bail bond industry vested with law enforcement authority will, at all times, abide by the State of Mississippi's current laws, proposed legislation, governmental orders, rules and regulations, and any other significant information and public governmental policies under which they operate. This shall include making special efforts to fully understand their relationship to other public officials (including other law

enforcement agencies) particularly on matters of jurisdiction, both geographically and substantively. This is the responsibility of the agent and other public officials.

17. Each agent shall make all possible efforts to support the MCOBS by: (A) supporting, contributing, remitting financial dues and fees approved by the coalition as necessary for membership, and positively enhancing the coalition; (B) protecting the coalition from the illegal conduct of any professional agent, soliciting agent or bail enforcement agent and reporting the same to the appropriate state officer of the board; and (C) demonstrating a high regard for rendering quality public service. Agents shall also participate in local, statewide and national limited bail coalitions and associations to enhance the goals and objectives set out by the MCOBS.
18. Agents shall not, unless compelled to do so by law or by court order, divulge or disclose to any person or agency personal information regarding the principal or indemnitor of any undertaking that has not been forfeited or breached. The inherent right to privacy of the individual and the position of trust of the agent demand compliance with this concept. Because agents represent the legal will of the community (be it local, state, or federal) they must be aware of the limitations and proscriptions which the people, through law, have placed upon them. They must recognize the genius of the American system of government (which gives absolute power to no man, groups of men, or institutions), and they must ensure that they (as a prime defender of that system) do not pervert its character.
19. Every Agent shall have a positive attitude towards their profession and regard the discharges of their duties as a public trust. Also, agents must recognize their responsibilities as public servants through diligent study and sincere attention to self-improvement. Agents shall strive to make the best possible application of the science of the bail industry in order to provide appropriate solutions for different scenarios (i.e., in the field of human relationships, strive for effective leadership and public influence in matters affecting public safety and bail bonding). The agent shall appreciate the importance and responsibility of their profession and hold bonding work to be an honorable profession rendering valuable service to their community and their country.
20. Each Agent shall not injure the reputation or be inconsistent with the high ideals of the MCOBS. This includes the improper or illegal use of coalition logos, word markings, coalition website and other symbols for commercial purposes. Members who infringe on the coalition's intellectual propriety rights for commercial purposes shall be treated the same as a non-limited surety member. There shall be no (A) unauthorized acquisition, disclosure or distribution of access information, passwords, or electronically transmitted confidential membership or financial information, (B) improper use of the data and information through misuse of proprietary computer software (i.e., online dues, online registration, or bonding license verification), (C) violation of internet guidelines, (D) unauthorized access, use, or exportation of electronic data files or equipment through use of the limited surety agents' proprietary computer software, or (E) any egregious act conspicuously offensive to the standards of the Mississippi Bail Bonding Commission.