

**PLACE IN RETURN BOX** to remove this checkout from your record.  
**TO AVOID FINES** return on or before date due.  
**MAY BE RECALLED** with earlier due date if requested.

| DATE DUE | DATE DUE | DATE DUE |
|----------|----------|----------|
|          |          |          |
|          |          |          |
|          |          |          |
|          |          |          |
|          |          |          |
|          |          |          |
|          |          |          |
|          |          |          |
|          |          |          |
|          |          |          |

A SITUATIONAL ANALYSIS OF BOUNTY HUNTER CONDUCT:  
IMPLICATIONS FOR LICENSING AND REGULATION

BY

Mischelle Taylor Stone

A DISSERTATION

Submitted to  
Michigan State University  
in partial fulfillment of the requirements  
for the degree of

DOCTOR OF PHILOSOPHY

College of Social Science

2005

# A SITUATIONAL ANALYSIS OF BOUNTY HUNTER CONDUCT: IMPLICATIONS FOR LICENSING AND REGULATION

By

Mischelle Taylor Stone

This dissertation uses qualitative and quantitative methods to examine the role of bounty hunters in the criminal justice system, as well as their opinions about licensing and regulation of their occupation. The research addresses three major problems. First, there is virtually no research on who bounty hunters are as an occupational group. Second, there is no systematic documentation of how they go about performing their work as private sector agents in the criminal justice system. Third, there is no understanding of the implications licensing and regulation have on this occupational group.

While this study seeks to explore the social reality of the bounty hunter, it also seeks to examine the tension between the old and the new in bail enforcement work. Using a combination of naturalistic inquiry, qualitative measurement, and content analysis, an attempt is made to expand our knowledge about the role of bail enforcement in the criminal justice system, and to challenge the underlying assumptions social scientists, lawmakers, and

journalists have made about this role.

Constructivism is used as a theoretical framework to conceptualize the day-to-day reality of the bounty hunter. Data from the study suggest that bounty hunters use a constructivist approach in their work that allows them to systematically construct meaning of relevant factors in any given situation, assess their importance, and apply them accordingly. Further, the data suggest that some bounty hunters do meet the occupational criteria for a profession; however, it also suggests that the professional criteria may not be met by many of those working in the occupation. Because many members of this occupation lack systematic and widespread participation in those activities that might qualify the occupation as a profession, several recommendations are made that would assist the occupation in achieving the professional status it seeks.

This study challenges previous assumptions about the lack of standardized practices guiding the work bounty hunters do. In doing so, it helps to inform the ways in which licensing and regulation can help integrate the occupation into the criminal justice system based on its unique contributions, while at the same time protect the public interest.



Copyright by  
MISCHELLE TAYLOR STONE  
2005

## ACKNOWLEDGMENTS

I am grateful to my committee members, Dr. Vince Hoffman, Dr. Bruce Benson, Dr. Cy Stewart, and Dr. Laura Bierema for the time and assistance they provided me. They all gave generously of their time and energy, and each has made a unique contribution to its completion.

I am also grateful to Dr. Frank Horvath for the many contributions he made to my personal and professional development during the time he was at MSU.

I also want to thank several bail enforcement agents. Ken Bush and Dan Kane provided assistance in the early stages of this project, and provided referrals to other agents that helped to broaden the perspective of the study. Scott Olson, President of the National Enforcement Agency and owner of the National Institute of Bail Enforcement gave generously of his time and expertise. His support for this research and his insightful comments have given the research depth and understanding that might not otherwise be present. Jeff Kirkpatrick, Vice-President of the Professional Bail Agents of the United States, provided invaluable assistance in accessing members of the association for inclusion in the study. The quality of this study was enormously enhanced by the help all of these people gave me by referring me to other agents.

I am also very appreciative of the assistance given to me by individual members of Professional Bail Agents of the United States and the members of the National Enforcement Agency. Their willingness to open themselves up to the scrutiny involved in this project speaks to the strength of their commitment to advance their occupation and move toward garnering professional status.

I also want to thank Dr. Steve Edwards, who was gracious in his comments on an early draft of the proposal, and my friends Scott Kunkel and Heith Copes for the support they have given me with this project and others.

I wish to express my deepest gratitude to three other people for the assistance they gave me while serving as members of my committee early in my tenure at MSU. First, I wish to thank Dr. Ken Christian, Professor Emeritus, whose unwavering support for and confidence in me was a thread of sanity to which I clung, however tenuously, on many occasions. I value and respect his wisdom and feel honored to be counted among his friends. I also want to thank the late Dr. Chris Vanderpool. Although his physical contribution to my scholarly journey was cut short by his untimely death, I am forever changed for having known him and having been blessed by his intellect, good humor, and belief in the goodness of the human spirit.

I especially want to express my deep appreciation for the contributions the late Dr. Denny Payne made to this project and to my personal and professional development. Denny had an uncanny way of cutting to the heart of any matter I came to him with. He gave generously of his time and his wisdom and I valued it more than he ever knew. I always left our interactions feeling cared about as a human being, and his presence in my life has made an immense difference.

Finally, I wish to express my appreciation and abiding affection for Jean, without whom this journey would not have been possible. She has given generously of all that she has and is in order to help me along the way. I am eternally grateful.

## PREFACE

### The Use of Pseudonyms for Interviewees

Due to my heavy reliance on qualitative data and the frequent use of quotations obtained during participant interviews, I have assigned pseudonyms to interviewees. They are presented in Appendix A. One interviewee wished to remain anonymous and is referred to as such. While the names of the other interviewees have been changed for the purposes of protecting their confidentiality, other identifying information such as gender, years of experience and regional residence is accurately reported for each respondent.

## TABLE OF CONTENTS

|  |     |
|--|-----|
| LIST OF TABLES .....   | xi  |
| INTRODUCTION.....  | 1   |
| The Problem of Bounty Hunters .....                            | 2   |
| Research Question and Approach.....                            | 5   |
| Significance of the Research.....                              | 11  |
| Chapter Summary.....   | 13  |
| CHAPTER 1  |     |
| LITERATURE REVIEW.....   | 14  |
| History of Bail Bonding.....                                   | 14  |
| The Relationship of Bounty Hunters to Bail Bondsmen.....       | 28  |
| Chapter Summary.....   | 41  |
| CHAPTER 2  |     |
| THEORETICAL FRAMEWORK.....                                     | 42  |
| Chapter Summary.....   | 55  |
| CHAPTER 3  |     |
| METHODOLOGY.....   | 56  |
| Research Techniques.....                                       | 56  |
| Research Sample.....   | 61  |
| Data Collection.....   | 65  |
| Survey Questionnaires.....                                     | 65  |
| Survey Response Rates.....                                     | 67  |
| Interviews.....  | 72  |
| Interview Response Rates.....                                  | 79  |
| Participant Observation.....                                   | 81  |
| Chapter Summary.....   | 87  |
| CHAPTER 4  |     |
| RESULTS AND ANALYSIS.....                                      | 89  |
| Who Bounty Hunters Are.....                                    | 89  |
| Personal Demographics.....                                     | 90  |
| Professional Demographics.....                                 | 94  |
| What Bounty Hunters Do and How They Do It.....                 | 132 |
| Bounty Hunter Opinions Regarding Licensing and Regulation..... | 160 |
| Chapter Summary.....   | 184 |
| CHAPTER 5  |     |
| CONCLUSIONS AND DISCUSSION.....                                | 185 |
| Chapter Summary.....   | 212 |

|   |     |
|---|-----|
| APPENDICES.....   | 213 |
| APPENDIX A: Interviewee Pseudonyms.....   | 214 |
| APPENDIX B: Sample Contract Between Bondsman and Bounty<br>Hunter.....                | 218 |
| APPENDIX C: Compendium of Bounty Hunter Laws.....                                     | 222 |
| APPENDIX D: Survey Questionnaire.....   | 231 |
| APPENDIX E: Survey Questionnaire Cover Letter.....                                    | 242 |
| APPENDIX F: Informed Consent Form.....  | 244 |
| APPENDIX G: Letter of Support from the National Institute<br>Of Bail Enforcement..... | 246 |
| APPENDIX H: Survey Questionnaire Follow-Up Letter.....                                | 248 |
| APPENDIX I: Interview Guide.....  | 250 |
| APPENDIX J: Fieldwork Record.....   | 254 |
| REFERENCES.....   | 256 |

## LIST OF TABLES

- Table 1: Number of Questionnaires Mailed Out and Returned, and Response Rates for Each Group Included in the Survey
- Table 2: Number of Interview Participants by Each Survey Response Group
- Table 3: Personal Demographic Characteristics of Bail Enforcement Agents Responding to the Survey Questionnaire
- Table 4: Education Level Demographic Characteristics of Bail Enforcement Agents Responding to the Survey Questionnaire
- Table 5: Type of Degree and Major of Bail Enforcement Agents Who Are College Graduates
- Table 6: Work Status and Income Characteristics of Bail Enforcement Agents Responding to the Survey Questionnaire
- Table 7: Type of Other Work Engaged In by Bail Enforcement Agents Responding to the Survey Questionnaire
- Table 8: Geographical Region of Residence Reported by Survey Respondents
- Table 9: Agents Reporting Licensing or Registration as a State Requirement, and Whether They Are Licensed or Registered in Any State
- Table 10: Types of Professional Licenses Held By Survey Respondents
- Table 11: Type of Control Technique Certification Reported by Survey Respondents
- Table 12: Site of Training Completion for Survey Respondents by Type of Institute
- Table 13: Percentage of Bail Enforcement Agents Engaging in On-The-Job Training and Number of Months Spent in Training



- Table 14: Number and Percentage of Cases Worked by Type of Referral Source
- Table 15: Number and Percentage of Cases Resulting in a Successful Recovery
- Table 16: Mean Scores for Level of Importance of Fugitive Characteristics and the Nature of the Bond in Effecting a Successful Fugitive Recovery
- Table 17: Number and Percentage of Agents Reporting the Routine Use of a Badge or Clothing as Identification
- Table 18: Mean Scores for Level of Importance of Technical Skills, Interactional Skills, Character Traits, and Experiential Skills in Effecting a Successful Fugitive Recovery
- Table 19: Mean Scores for Survey Respondents' Opinions Regarding the Role of Licensing and Regulation
- Table 20: Comparison of Attitudes About Licensing and Registration for Agents With Less Than Five Years of Experience and Agents With Five or More Years of Experience
- Table 21: Comparison of Levels of Importance of Factors Considered When Effecting a Fugitive Recovery
- Table 22: Comparison of Levels of Importance of Skills and Personality Traits Used When Effecting a Fugitive Recovery

## INTRODUCTION

A number of events over the past several years have brought considerable attention to the actions of bounty hunters, and have resulted in new efforts to license and regulate them. These efforts are related in large part to the perception that lawmakers and others have of bounty hunters as undereducated, unskilled and out of control.

Among the more notable events bringing attention to bounty hunter conduct are the deaths of a 38-year-old man who was shot and killed in a Pittsburgh home by two bounty hunters in December, 2004, and of a man and his wife in Phoenix, Arizona who were reportedly killed by bounty hunters in September, 1996. Although initial media reports of the Phoenix killings portrayed the group of five men as bounty hunters working for a bail company out of California, it was later discovered that the men were not employed in that capacity, and were in fact, simply engaging in an act of burglary. Quoted in the *Philadelphia Enquirer* a week after the initial media account of the incident, Maricopa County Attorney Rick Romley (1997) stated, "Bounty hunting was just a ruse to get out of trouble if they got caught" (p. 1). Despite this acknowledgement and on-going publication of the events surrounding the arrests of the five men, the perception of

lawmakers, journalists and the public in general is that bounty hunters are out of control and in need of greater regulation. While many of these media-generated accounts of bounty hunter conduct often lack factual accuracy, they, along with movies and "reality" television shows, are largely responsible for our perception of bounty hunters as rogue entrepreneurs who are on the side of the law but who are not bound by it. This is important, because this perception appears to be an important factor in recent efforts to regulate their conduct.

#### The Problem of Bounty Hunters

Alternately known as fugitive recovery agents, bail enforcement agents, and skip tracers, bounty hunters are responsible for the return of people (fugitives) to the court after they have failed to appear at a court hearing, effectively "skipping" out on the bail that has been posted. The bail may have been posted by the defendant, but in many cases it is posted by a bail bondsman, relative, or friend on their behalf. When the defendant fails to show up for the court hearing, the amount of the bail is ordered forfeited to the court if the defendant (now a fugitive) cannot be returned to the court within a specified period of time.

The historical tradition of the bounty hunter dates back to the thirteenth century in Europe (Tablowsky and Quinn, 1993), and in the United States bounty hunters have served as private sector law enforcement agents for over two centuries (Pope, 1998). Despite this long history, most of what we know about bounty hunters and the work they do comes from highly sensationalized media accounts of their conduct.

The actions of bounty hunters involved in the events in Pittsburgh and Phoenix are only two examples of several incidents involving bounty hunters over the years. Concerns expressed by lawmakers, journalists, and the public about these types of incidents appear to center primarily on the nature and extent of the unregulated authority bounty hunters have in conducting search and arrest activities. This authority, granted in an 1872 U.S. Supreme Court ruling<sup>1</sup>, grants broad powers to bounty hunters to arrest a defendant without being encumbered by many of the restrictions imposed upon police. This authority is granted to them by virtue of their association with a bail bondsman. The ruling reads, in part:

---

<sup>1</sup>See Taylor v. Taintor, 83, U.S. (16 Wall.)366, 371-72 (1872).

Whenever they choose to do so may seize him [the fugitive] and deliver him up in their discharge; and if this cannot be done at once may imprison him until it can be done. They may pursue him to another state; may arrest him on the Sabbath, and, if necessary, may break and enter his house for that purpose. The seizure is not made by virtue of process. None is needed. It is likened to the arrest by the sheriff of an escaping prisoner...

*Taylor* essentially authorizes the bondsman and his agents to:

- (1) continue custody over the principal
- (2) seize the principal without process
- (3) imprison the principal until the latter may be surrendered into the custody of the state
- (4) utilize agents
- (5) pursue the principal into another state
- (6) break and enter the principal's dwelling

Although the freedom supplied to bondmen and their bounty hunter agents in *Taylor* is not absolute, it does allow them to act with extremely broad discretion as long as they can demonstrate a good-faith belief that the residence being entered belongs to the suspect or is the residence the

defendant listed in his bail contract. Still, fugitive recovery agents generally enjoy sweeping legal powers, and despite the fact that their powers often exceed those of police officers, many states have historically been reluctant to regulate them. As Paul Wice (1974) points out, states have not only resisted regulating their actions, but have historically "...allowed ...bounty hunters to assume an increased importance" (p. 50). However, this reluctance to regulate the conduct of bounty hunters appears to be fading fast in light of recent events involving their perceived misconduct.

Our lack of knowledge about this occupational group contributes to a lack of understanding about the intricacies and nuances of their work, and allows the image of the bounty hunter as uneducated, unskilled, violent, and out of control, to dominate our thinking about them. This dissertation seeks to examine this image as it is rooted in the reality of the day-to-day lives of bounty hunters and the work they do, and to explore the implications of licensing and regulation for this occupational group.

#### Research Question and Approach

The research described in this dissertation is an exploratory study that seeks to answer the following questions: (1) what are the personal backgrounds and work

experiences of bounty hunters? (2) what is the process by which they identify and employ situational factors in effecting a fugitive recovery? and (3) what are their views and perspectives regarding the licensing and regulation of their occupation? The primary goal of the research is to inform our knowledge about who bounty hunters are, and to examine the role they play in the criminal justice system. While there does appear to be a small body of literature that examines their role in a legal context, most of what we know comes from anecdotal<sup>2</sup> or media-generated accounts. Some of these accounts are relayed via television shows, movies, or documentaries, and others from bounty hunters themselves. These accounts are frequently "charged" with adrenaline-based footage of bounty hunters in hot pursuit of a fugitive in the dark of night, shotguns loaded and poised for action. A current television show has as its star a shirtless bounty hunter decked out in a silver-studded leather vest chasing bail skips around an island community. Frequently accompanied by his bounty hunting wife, (who is clad in pink hot pants and a low-cut, tight

---

<sup>2</sup>For the most comprehensive anecdotal account of the work done by bounty hunters, see *Bounty Hunter* by Bob Burton (1984), and *The Seekers*, by Joshua Armstrong and Anthony Bruno (2000).

fitting knit top designed to show off her ample bosom), these two "agents" are armed with cans of mace the size of small fire extinguishers.

Contemporary novels that have bounty hunters (both male and female) as their central characters portray the main character engaged in fool-hardy escapades that alternately result in the bounty hunter shooting someone (justifiably, of course), or endlessly running in circles only to "stumble" on the fugitive and make a recovery as the book rises to its comedic end. While humorously entertaining, these accounts do little to inform us about the realities of the work this occupational group does, and may, in fact, support the stubborn myths associated with their work-related identity and their tasks. Given their long history of association with the criminal justice system, it is important that their identity and their work be examined systematically in a context related to their day-to-day activities within this system, and not in a self-serving media-generated context that exploits them and their work for pure entertainment value. Without such an examination we will continue to experience a void in our understanding of how the work they do impacts the criminal justice system, and how this affects our ability to make



informed decisions about what, if any, measures should be taken to regulate their conduct.

Using an exploratory research design, I attempt to create rich descriptions of the complex circumstances that describe who bounty hunters are and what they do. One such set of circumstances is that of experienced bounty hunters as they try to arrest a fugitive who has jumped bail. Given the secretive and stealthy nature of their work, bounty hunters frequently work on the "fringes" of the criminal justice system and enhance their effectiveness in making a recovery by *not* being noticed. This has made an examination of their work especially challenging.

This methodological challenge is addressed using a variety of research methods, including surveys, interviews, and fieldwork. As Patton (2002:247) notes, using several kinds of methods embodied within both qualitative and quantitative approaches can strengthen a study. As described by Denzin (1983), this "methodological triangulation" has the advantage of providing diverse ways of examining the same phenomenon. Given that so little is known about whom bounty hunters are or what they do, it was important to utilize methods that would facilitate the greatest amount of access to the bounty hunters themselves.

The data upon which this research is based come from utilizing the three methods outlined above. Clearly, the use of survey methodology provides the greatest access to the largest number of people (Backstrom and Hursh-Cesar, 1981; Dillman, 1978;). It is also a cost-effective tool that can be used to generate knowledge about a large number of people across a broad spectrum of opinions, behaviors, and attitudes (Backstrom and Hursh-Cesar, 1981). In this study, one hundred forty-seven bounty hunters completed surveys. These completed surveys yielded information about the following: (1) their demographic characteristics; (2) the factors they identify and consider when effecting a recovery, and (3) their opinions about the nature and extent of bounty hunter regulation. The data obtained from these completed surveys was analyzed using quantitative methods to identify patterns of responses, and to elucidate relationships between demographic characteristics, attitudes, and opinions. For example, the opinions bounty hunters had regarding the licensing and regulation of their occupation were examined in a context of the number of years of experience they had working as a bounty hunter.

In addition to describing who bounty hunters are, this research also sought to explore the nuances of bounty hunter work. To address this issue, 71 bounty hunters were

interviewed from a subset of survey respondents who indicated their willingness to participate in an interview. I conducted these interviews using an interview guide. While it would have been ideal for each of the interviews to be conducted in person, this was cost and time prohibitive. As a result, some of the interviews were conducted via telephone, and others were conducted in person when it was economically and geographically feasible to do so.

As Patton (2002) notes, the use of interviews provides a depth of understanding that cannot be obtained using only pre-selected, standardized questions of the nature seen in surveys. The interview guide I used in this study outlined general areas of interest to me that could not be efficiently explored in the survey, but could be during the interview. The areas explored in depth included the individual's demographic background, training and experience, knowledge related to job performance, and opinions about licensing and regulation. For example, interview participants were asked to explain how they entered the field of fugitive recovery, to summarize their "philosophy" of fugitive recovery work, and to identify specific factors they considered when assessing how "dangerous" a fugitive recovery situation was.

While not providing the breadth of analysis that survey research provided, this type of qualitative analysis facilitated an understanding of individual experiences that was not possible to obtain using only survey data.

In addition to surveys and interviews, fieldwork was also conducted. Like interview participants, fieldwork participants were selected from a subset of those survey participants who indicated a willingness to have the researcher participate in a fieldwork experience with them. As was the case with interviews, more extensive fieldwork would have been completed had time and cost not been considered. However, such was not the case. As a result, this observational method was used with a very small number of participants in an effort to provide rich contextual detail that gave insight into the setting in which the bounty hunters conducted their work, the activities that took place within that setting, and the meanings the bounty hunters attached to those activities.

### Significance of the Research

The goal of this research was to increase our understanding of who bounty hunters are, what they do, and what role they play in the criminal justice system. Using systematic data-gathering techniques, an attempt was made to gather personal and occupational information that described

who they are and the work they do, to solicit their opinions about licensing and regulation of the occupation, and to document their experiences. At a time when nearly 62% of pretrial felony defendants are released on bail—22% of whom fail to appear for their court appearances (Bureau of Justice Statistics, 2000)—these issues have particular significance.

This study has implications for our understanding of the occupational attributes of bounty hunters and their role in the criminal justice system; however it has special significance for a thorough understanding of the tensions between the old and the new—between the bounty hunter as rogue entrepreneur, and the bounty hunter as private sector law enforcement agent. It also has implications for the fundamental assumptions we make about what their backgrounds and experiences are, and for the regulatory control that flows from these assumptions. Further, it has implications for our understanding of how adults learn.

Since this is the most comprehensive study of bounty hunters to date, it will also have significance for future researchers wishing to better understand the contributions private sector actors make in public sector functions. This may assist in forging new public-private sector relationships that move past the tenuous handholding that cur-

rently characterizes the relationship between bounty hunters and the rest of the criminal justice system.

#### CHAPTER SUMMARY

This chapter has provided an introduction to the study, including a statement of the problem, the significance of the problem, and the methods used to research the problem. The purpose of this research is to answer the following questions: (1) what are the personal and professional backgrounds of bounty hunters? (2) what are the situational factors they identify and employ in effecting a successful recovery? and (3) what are their views and perspectives regarding the licensing and regulation of their occupation? Both the quantitative and qualitative methods used to gather data to answer these questions are identified.

The implications for this research are also identified. Among these implications are those that relate to bounty hunting as a profession, the establishment of "best practices" in the work they do, the impact of licensing and regulation on the occupation, and our knowledge about the processes involved in adult learning.

## CHAPTER 1

### LITERATURE REVIEW

Nearly all of the scholarly works that address bounty hunter conduct are found in the literature that examines their conduct in relation to the law. Much of this work focuses on the extent to which bounty hunters are state actors, and/or the extent to which their powers of arrest ought to be constrained. While a legal framework provides a useful context for the examination of specific aspects of bounty hunter conduct (especially their broad powers related to search and arrest), it is less informative for the development of a comprehensive understanding of who bounty hunters are or how the work they do impacts on the criminal justice system. A more useful context for understanding these issues is their relationship to the bail bond process generally, and bondsmen<sup>3</sup> in particular.

#### The History of Bail Bonding

While the exact origins of bail bonding are unknown, Goldfarb (1965) notes that it was during the first thousand years A.D. that a system of bail bonding began to develop in England. During the thirteenth century in England,

---

<sup>3</sup> While it would generally be appropriate to use a term that is more gender-neutral, here the term bondman is used because it is reflective of the term the industry uses for someone who writes bonds, regardless of gender.

magistrates began traveling between counties, spending a few months a year in each locality. To prevent prolonged detention of suspects, the local sheriff would often release prisoners on their own recognizance or into the custody of family members. Later, prisoners were released into the custody of a surety<sup>4</sup> (Tablowsky and Quinn, 1993: 267). In transferring custody of the principal<sup>5</sup> to the surety, it was recognized that there was no distinction between state incarceration and a surety's custody (Drimmer, 1996:745). As such, bondsmen were obliged to retrieve the fugitive and return him to the court, just as if he were in the custody of the police. In requiring such, common law failed to differentiate between the recapture of a suspect by a sheriff and the arrest of a fugitive by a bondsman to avoid forfeiting bail. By granting these powers to fulfill these obligations to the state, the law viewed the actions of the bondsman and his bounty hunters to be those of the state (Doane, 1985:216; Drimmer, 1996: 747).

---

<sup>4</sup> The party posting the bail is referred to as the "bail bondsman" or "surety".

<sup>5</sup> The "principal" is the person arrested and freed on bond while awaiting trial.



Today, much remains the same in the United States. Bail bondsmen are given their authority to "recover" defendants who have skipped bail by failing to appear in court by courts in local jurisdictions. In most cases, the application process for approval as a bonding agent simply requires a letter of request to the court and a demonstration of the ability to financially cover the posted bonds. As such, many bail bondsmen operate through large insurance companies because they are more likely to be indemnified via their association with the insurance industry. Not many "mom and pop" bail bond agencies have the financial resources to cover all the bonds they might possibly write at the time they submit their application for approval. Furthermore, in every state that allows surety bonds, bail bondsmen are required to be licensed and are regulated as an agent of the insurance industry.

The regulation of bail bondsmen relates primarily to their ability to post bond for a defendant, and speaks more to their function as fiduciary agents and guarantors of bail than it does to the broad powers they enjoy as agents of the state to "seize and deliver" a defendant upon the forfeiture of bail (Doane, 1985:216). Much more has been written about the contractual aspects of the bond writing business and the reciprocity between the bondsman and the

courts than about the broad discretionary powers of search and arrest afforded bail bondsmen and their bounty hunter agents (e.g., Doane, 1985; Landes, 1974; Toborg, 1983). In particular, there have been few attempts to examine the role of bail agents and the bounty hunters they hire as private sector enforcement agents.

There was one important difference between bail bonding in Europe and bail bonding in the United States. Early in the history of bail bonding in England, a bail bondsman was given actual physical custody of the principal and was allowed, if the surety so desired, to imprison the principal the same as if he was the sheriff (Devine, 1991). It was, however, rare that the surety had to imprison the principal. This was largely due to the fact that principals had strong ties to their local communities (which were homogenous in their make up), and there was a general lack of mobility between communities. Unlike Medieval England, however, the United States was not homogenous and people did not know each other well (Chamberlin, 1998). This was especially true in the years following the industrial revolution. Even though the relationship between the surety and the principal was more anonymous, the role of the bondsman in the United States was an important one in

pre-trial release proceedings and preventing jail overcrowding.

Currently, the source of a bondsman's authority to seize up and arrest a principal derives not just from common law, but from state statutes (Doane, 1985; Hansen, 1981; Toborg, 1983). The authority of a bondsman to recapture a principal is not a matter of criminal procedure, but is instead a matter of private contract between the bondsman and the principal. In some states, the courts view the relevant statute as a mere codification of common law; in others, there is an attempt to regulate the behavior of the bondsmen and their agents, especially as it relates to the search and arrest procedures for principals who have failed to present for trial (Doane, 1985:219). It is the lack of procedural safeguards in common law that underlie problems currently identified as being unique to bail bondsmen and their bounty hunter agents.

The U.S. Constitution, while not specifically guaranteeing bail, does guarantee a bail hearing in criminal cases and prevents excessive bail from being required.<sup>6</sup> At the bail hearing, a judge makes a decision as

---

<sup>6</sup>See U.S. CONST. AMEND. VIII (stating that "[e]xcessive bail shall not be required").

to whether a person can post bail to ensure their appearance for future court dates. The judge makes the decision whether to grant the bail based primarily on two factors: (1) the need to protect the public from the person, and (2) the need to guarantee the person's appearance in court. In addition to making a determination about the person's eligibility for bail, the judge also determines what type of bond will be requested and how much (if anything) it will be. A defendant can be denied bail or he can be released on three different types of bail bond: cash/surety, "ten percent," or personal recognizance. If the person is released on personal recognizance, no money is required to be paid to the court in order to be released. People arrested for misdemeanor offenses are often released on personal recognizance, especially if they do not have violent histories and have ties to the community in which they are living. Many defendants, however, must post bail in order to be released from jail until the time of their trial, and most states allow for surety bonds. This means that they will allow the bail bond to be posted by a bondsman, a family member or a friend. In many cases, defendants turn to bail bondsmen to post the bail because the defendant, his relatives or friends cannot afford the bail.

The majority of states have a "ten percent rule" that allows a defendant to post ten percent of the cash bail bond to secure his release from jail. The ten percent rule was enacted in many states in the late 1970s after civil libertarian groups successfully argued in the courts that only the rich were eligible to bond out under the old cash surety system (where the total cash amount of the bail bond was required to be posted prior to release from jail pending trial). With the enactment of the ten percent rule, bail bonds became affordable for more people. In becoming more affordable, however, it also decreased the need for the bail bondsman. For example, if a defendant is arrested for drunk driving in a state that has enacted the ten percent rule, he would be eligible to post \$500.00 on a \$5,000.00 bond. Thus, he could post \$500.00 himself and be released from jail. If he could not post the \$500.00 himself (or with the assistance of friends and/or family), he would contact a bail bondsman. The bondsman would have the defendant sign a contract guaranteeing his appearance for all court proceedings, and would charge the defendant approximately 10% of the cash amount for his willingness to post the bond in the court. Under the ten percent rule, bondsmen are limited to charging a 10% fee on the bond. However, because the amount the bondsman charges is the

same as the ten percent amount of the bond the defendant would pay to the court himself, the defendant often bypasses the bondsman and pays the ten percent directly to the court. Therefore, many bondsmen no longer post many bonds in ten percent cases. In cases involving large cash/surety bonds, the bondsman may require that the defendant offer some collateral on the contract, so that in the event he does not pay the bondsman, or in the event he "skips" on the contract, the bondsman still has civil recourse to collect the amount due. Typical collateral includes vehicles, homes, boats, or other recreational vehicles. At times, parents and other relatives will offer the collateral for the defendant if he has none of his own to offer to the bondsman. Additionally, in contractually identifying the residence where he will be staying during his pre-trial release, the defendant gives the bail bondsman the right to enter the residence at will. Further, the bondsman is contractually guaranteed the ability to arrest the defendant at any time he suspects the bond contract is about to be violated, and is not required to wait for an actual violation before returning the defendant to jail and securing the return of his bond from the court.

It is of interest to note here what procedurally happens to a bail bond in the event that a defendant fails to appear for a scheduled hearing and the court orders the bond forfeited to the court. In the case of a bond posted by a bondsman, the whole amount of the bond is forfeited. Thus, if the bondsman has posted \$500.00 (10% of a \$5,000.00 bond) to the court, he must provide remuneration to the court for an additional amount of \$4,500.00. In the event that the defendant himself has posted the \$500.00, the court is, in some states, able to extract the remaining \$4,500.00 from a state taxpayer fund. Thus, the benefit of having bondsmen and their agents secure a defendant's appearance in court extends not just to the defendant and the bondsman, but to the taxpayer, as well.

To guarantee that defendants appear in court, bondsmen often employ bounty hunters. As agents of bail bondsmen, bounty hunters are afforded the broad discretionary powers vested in the bondsmen by the court (Drimmer, 1996). In granting custody of the defendant to the bail bondsman, the state gives the bondsman and his agents comprehensive powers to search for and arrest the defendant. It is the responsibility of the court to notify the bondsman if the defendant fails to appear for any of his scheduled hearings. If a defendant fails to appear in court, the

court holds an initial bond forfeiture hearing, at which time the bondsman is given a specific period of time (often ranging from ten to ninety days) to return the person to the court for his hearing. In the event the bond has been posted by family members or friends, courts often extend this period of time, sometimes extending it to one year. While many bail bondsmen would prefer to recover a defendant who has "skipped" on bail themselves, time often constrains their ability to do so, especially since so many bondsmen have a business to run. While some bail bondsmen do post information about the fugitive onto the Internet, most prefer to contract directly with individual bounty hunters they have a history of working with (see a sample contract in Appendix B). Despite the existence of stereotypes to the contrary, most bail bondsmen make every effort to stay away from generic Internet postings because, despite broad *legal* power to seize and detain fugitives, they remain civilly liable for agents acting on their behalf. Thus, it is in their best business interest to minimize the possibility that errors in process or judgment will result in harm to the defendant or to an innocent victim (Anonymous interview: 1998).

Because bondsmen can facilitate a defendant's release from incarceration before trial, they save the state a



significant expense. In addition, they are able to guarantee the return of the defendant with greater ability than the police (Doane, 1985; Drimmer, 1996; Hansen, 1981; Toborg, 1983), and this makes their appeal to the court system and law enforcement all that much greater.

There are several indications that the private bail bonding system generally works well. For example, the fugitive rate for defendants out on bail posted by bondsmen is approximately 1%; for personal recognizance and other forms of bail, it is estimated to be anywhere from 8% to 15% (Anonymous, 1998; Reynolds, 1994). As one bondsman stated, "If my failure to appear rate was anywhere near four to five percent, I would be out of business. I couldn't possibly afford to lose that amount to the courts..." (Anonymous, 1998). Further, this same bail bondsman reports that "almost forty percent of all failures to appear turn out to be simple misunderstanding on the part of the defendant about the court date or time" (Anonymous, 1998).

While several analyses of the bail bond system have been constructed in the past, most have focused on the "draconian nature" of the bail bond system in general, and the profitability of such a system for either the courts or the public (American Bar Association, 1980; Landes, 1974;

Toborg, 1983). In response to several of these analyses, a variety of "bail reforms" (including the ten percent system) have been initiated to reduce the importance of the bail bondsman in the pre-trial process (Toborg, 1983:141). In some states (Illinois, Kentucky, Oregon, Maine, and Wisconsin) commercial bail has been eliminated altogether. There has not, however, been a concurrent level of examination of the role of bail bondsmen and their agents as it relates to the recapture of fugitives as a mechanism for guaranteeing their surety.

As previously noted, the American bail system is predicated on a concern over undue detention of arrestees. As Hansen (1981) states, "Pre-trial release, whether by bail, personal recognizance, or some other method, is premised upon the maxim that every individual is presumed innocent until proven guilty beyond a reasonable doubt" (p. 597). Because not every person is innocent, however, any system of pre-trial release must balance the rights of the accused with the needs of society to assure his presence at trial (Drimmer, 1996:749; Hansen, 1981:597). Early in the history of bail bonding in the U.S. judges were usually acquainted with both defendants and sureties. This familiarity was often the basis for the issuance of surety, and for the most part, there was little problem with

defendants not appearing for trial. However, as the nation expanded during the mid-19<sup>th</sup> century, deep community roots and relationships began to disappear. As a result, personal surety evolved into a commercial system, with bondsmen engaging in surety practices to make a profit (Drimmer, 1996). This was facilitated by the perception that people who lacked deep communal roots would constitute a greater risk of not appearing for trial, and subsequently presented a greater financial risk to the bail bondsman. It was during this time that the bondsman also came to be viewed as proxy for the state, and bail was specifically viewed as a form of continued imprisonment (Doane, 1985; Drimmer, 1996).

This alignment of the bondsman with the interests of the state underlies the lack of procedural safeguards in fugitive arrests. This has resulted in some cases of abuse perpetrated by bail bondsmen upon fugitives and their families; however as Doane (1985) notes, courts have been reluctant to address such abuses:

Because sureties possess such universally accepted authority to make arrests, courts may prefer to dispose of particular instances of surety abuse of principals by relying on tenuous

analysis rather than impose liability on a surety for abusing his authority (p. 221).

This arrangement is complicated by the fact that law enforcement officials have come to rely even more heavily on bondsmen due to the lack of available resources within the publicly funded criminal justice system to facilitate fugitive retrieval. Toborg (1983) argues that bondsmen also diffuse responsibility for the release of defendants, which serves to insulate judges from adverse publicity that may arise if a defendant commits another crime while released on bail. Thus, the role of the bail bondsman plays into the overall "success" of the courts as an important factor in state sanctioning of the authority of bail bondsmen and their bounty hunter agents. So, too, is the use of bounty hunters a significant reason that the private bail system works.

Reynolds (1994) has argued that the success in the private bail system, combined with the failures of the public bail system, suggest that private, commercial bail bonding is a preferred alternative to either personal recognizance bonds or a public bail system administered by tax-funded pretrial release agencies. Some states have adopted the use of pretrial release agencies as an alternative to the private bail bond system. Where the

original intent of the involvement of pretrial release agencies in the bond business was to provide help to indigent, nonviolent defendants who couldn't afford to post bond, it has evolved into a system characterized by high fail-to-appear rates of approximately 17% (Reynolds, 1994). Further, Reynolds (1994:18) argues that such systems involve higher costs to taxpayers, and that the pretrial release agency staff members have no real incentives to keep their fugitive rates low. Other problems with the system are related to the fact that pretrial release defendants commit twice as many crimes while awaiting trial as did defendants released on private bail (Reynolds, 1994:19).

#### The Relationship of Bounty Hunters to Bail Bondsmen

One of the reasons for the overall success of the private bail bond system is the relationship between bail bondsmen and bounty hunters. Although their exact numbers are not known, estimates of the number of bounty hunters range from 4,000 to 7,000 (Anonymous, 1998; National Center for Policy Analysis, 1996). Despite new legislation in many states in the past five years establishing criteria for who may become a bounty hunter, few states specifically require licensing or registration. While some states have established specific licensing criteria, most only

establish "occupational" criteria. For example, California requires that bounty hunters be at least 18 years old and complete two power-of-arrest courses. In Nevada, bounty hunters must be at least twenty one years of age and have no arrests for felonies or drug offenses. They must pass a drug test, prove mental fitness, and take a minimum of 80 hours of training in courses ranging from constitutional law to arrest procedures. Four states--Oregon, Wisconsin, Illinois, and Kentucky--bar bounty hunters from arresting or apprehending fugitives. Illinois requires that a fugitive be provided with an extradition hearing prior to being extradited back to the state from which they fled. Texas requires that bail jumpers be apprehended by either a licensed security guard or a private detective. Illinois, Oregon and Kentucky have eliminated commercial bail altogether as a method of securing pre-trial release. Only eleven states require bounty hunters to be licensed. Several states require bounty hunters to notify police when they are effecting an arrest. And until only recently when new legislation was passed in Arizona requiring bounty hunter registration, police in that state were specifically prohibited from interfering with bounty hunters (for a complete listing of bounty hunter laws compiled by the American Bail Institute, see Appendix C).

State legislation passed within the past five years in many states has been designed to address a lack of "internal or external consistency" in the way commercial bail bondsmen and their agents have operated (Hansen, 1981). This apparent lack of accountability has recently come under close scrutiny by journalists and lawmakers and appears to largely be a result of the heightened publicity surrounding perceived abuses perpetrated by bounty hunters during their fugitive recovery operations.

There is no doubt that the role of bondsmen in general, and bounty hunters specifically, have expanded in the past two decades. This expansion is consistent with the increasing privatization of public functions (Bayley and Shearing, 1996; Drimmer, 1996; McMullen, 1996; O'Leary, 1994; South, 1989). Drimmer (1996) relates this to a general trend toward privatization of law enforcement:

Nowhere are those efforts [toward privatization] more evident than in law enforcement. The skyrocketing crime rate now costs the nation a total of \$425 billion each year, requiring appropriations for the criminal justice system of over 1.5% of the gross domestic national product. The expenses associated with incarceration are particularly high, as states spend approximately

\$20,000 a year on each of the approximately one million prisoners that overcrowd the nations jails...While some states have experimented with alternative prison and police proposals, the efficiency and superior service associated with the private sector has led many states to enter into contracts with private entities to perform various elements of law enforcement (p. 760).

As Drimmer notes, expenditures on the criminal justice far exceed \$400 billion. It is of note that these expenditures do not include the tens of billions of dollars currently being spent on Homeland Security that were appropriated in the three years following the terrorist attacks on the nation in September, 2001. Notably, his analysis also does not include data from the past decade, which has seen the number of incarcerated individuals increase to nearly two million, and the cost per year of incarceration jump to nearly \$22,000 per year (BJS, 2004).

As states increasingly rely on private bondsmen to assist in pretrial custodial arrangements, the importance of the bondsman is heightened for both the state and the fugitive. By effectively holding the keys to jail overcrowding, bondsmen ingratiate themselves into the criminal justice system in ways that serve the goals established by



police and corrections officials who are operating on reduced budgets (Doane, 1985; Drimmer, 1996; Hansen, 1981,). As a result, police, court and corrections officials rely on bail bondsmen to reduce the incarcerated population, and on bounty hunters to locate defendants either before an initial arrest or after an escape.<sup>7</sup>

Despite the reliance of the criminal justice system on bondsmen and bounty hunters, courts still generally refuse to regulate them as actors of the state. This refusal creates an inherent irony in their position in the criminal justice system, especially for bounty hunters. Although their authority is established via their position as proxy for the state, the state generally fails to recognize them *solely* as state actors. Instead, they enjoy a kind of legal and professional ambivalence that has portrayed them on the one hand as agents of the state, and on the other hand as independent contract agents engaging in private enterprise endeavors. This appears to be due to the fact that it is the state who is the major beneficiary of bounty hunters' broad powers (Drimmer, 1996; Hansen, 1981) despite

---

<sup>7</sup>For insight into the use of bounty hunters, one only has to look at the case of the FBI's use of private bounty hunters in their search for suspected Olympic bomber Eric Rudolph, and the capture of international fugitive Andrew Luster in Mexico by a private bounty hunter after the FBI could not locate him.

the business nature of the arrangement between the bondsman and the fugitive. As Drimmer (1996) points out, however, there is an apparent contradiction in this rationale:

...while private actors do not face the constitutional limitations of police officers, neither do they enjoy the same powers of search and arrest. Private debt collections, for instance, exemplify agents that courts have not deemed state actors constrained by constitutional standards and that, accordingly, do not enjoy rights greater than other private actors, regardless of the contractual terms between lender and debtor (p. 764).

Because bounty hunters enjoy considerably more freedom from constitutional limitations than do other private actors, they are perceived as having significantly more authority than even the police have. They can, for example, search for and arrest suspects regardless of whether they have escaped confinement or failed to appear for trial. And except in those jurisdictions where it is specifically prohibited, they may arrest and transport subjects back to court at any time. They do not have to mirandize a suspect when they arrest him. Neither do they have to announce their presence before entering a dwelling

offered as collateral on a bond. Drimmer (1996) argues that these freedoms result from the value of bondsmen and their agents to the criminal justice system, and also underlie their threat to private citizens. He also argues that the general lack of regulation of bounty hunters and the unique role they play in the criminal justice system are a result of the extent to which states benefit from their services. Bail penal amounts, for example, nearly tripled from \$375 million to \$968 million between 1982 and 1992 (Becker, 1994:26). Thus, states not only profit from the presence of bounty hunters in the criminal justice system in general, but from their efficiency and use of unregulated authority. Drimmer (1996) argues that despite the use of excessive and indiscriminate force, states have been reluctant to consider the elimination (or even modification) of bounty hunters' authority because of their cost saving benefits to the states.

In spite of his harsh criticism of what he sees as bounty hunter abuse of their broad discretionary powers, Drimmer (1996) acknowledges that stripping bounty hunters of these powers would "...hinder their abilities and decrease their impetus to find and return dangerous criminals to the court's jurisdiction" (p.777). In fact, he acknowledges that the role of the bounty hunter in

contemporary criminal justice poses an anomaly. On the one hand, the activities of bounty hunters have been considered both corrupt and corrupting, and on the other their value to the criminal justice system is indisputable.

The indispensable role of bounty hunters in the criminal justice system extends to every arena of the system, including police, courts and corrections. Many people, including legislators, argue that it is untenable that bounty hunters should not be subjected to state regulations and control given their symbiotic relationship with the criminal justice system. This belief has led to recent initiatives at both the state and federal levels of government to regulate them. For example, several states, including Arizona, have recently passed legislation that more clearly specifies who may become a bounty hunter and what the training requirements are for those wishing to engage in fugitive recovery work. At the federal level, Representative Asa Hutchinson (R-Arkansas) sponsored the Bounty Hunter Responsibility Act (2000)--legislation that would have required national registration of bounty hunters. Although this legislation never made it out of committee, it was a seminal attempt at national regulation of bounty hunters.

While some have argued for increased regulation of bounty hunters, others point out that bounty hunters act as agents of bondsmen, who, for the most part, are already licensed and regulated by insurance industries in the various states. In many states, bondsmen are required to maintain a high degree of accountability in their record-keeping, and are generally prohibited from contracting with government officials or offering incentives to potential clients (Anonymous, 1998; Dill, 1975).

The problem, it seems, is one of balancing the positive contributions bounty hunters make to the criminal justice system while protecting the interests and safety of the public. Too, there must be some awareness among legislators of how regulating bounty hunters would change the fundamental nature of bail bonding, and might even eliminate it altogether. If, for example, legislation prohibits a bondsman from recovering fugitives from another state, why would any bondsman write a bond for anyone who posed even the slightest threat of fleeing the state? Much like bankers who underwrite mortgages based on credit histories, bail bond agents are likely to refuse bonds to anyone except those for whom the surest collateral can be offered. In many cases, this would involve repossessing the collateral posted by family members, and would involve

the forfeiture of homes, vehicles and other possessions. There would be no attempt on the part of the bondsman to recover the defendant; instead, he would simply forfeit the bond to the court and go after the collateral posted by the defendant and/or the family members.

As Hansen (1981) notes, eliminating private bail from the bail process altogether would necessitate that it be replaced with an alternative system. He proposes two primary pretrial release methods to replace the surety system, both of which are already in place in some states and are being considered in others:

...alternatives include release upon personal recognizance (possibly attended by restrictive conditions), which has in many jurisdictions become the presumed method of release, and release under a 'ten percent deposit' system which bypasses the bondsman. Under the latter method ten percent of the amount of an appearance bond is deposited with the court and such is thereafter returned (or ninety percent thereof) upon the performance of the conditions of the release (p. 605).

In Hansen's scenario, the court essentially acts as the bondsman, and according to Hansen, this system of bail

would eliminate discrimination based on a person's indigent status. On this continuum of bond arrangements, however, there is no middle ground. Thus, a felon with three prior convictions would either be released on a personal recognizance bond or would be granted a ten percent bond (purportedly of some relatively high amount). This creates the potential for the financial conflict of interest in the court alluded to earlier, where the court essentially expresses its willingness to accept the ten percent amount as "paid in full" in the event the defendant does not appear for future court hearings.

One solution noted by Drimmer (1996) includes the possibility of divesting bounty hunters of their broad powers altogether: "...the states and the federal government could completely divest bounty hunters of their broad powers" (p. 776). In doing so, bounty hunters would only have the same rights as private citizens in searching for and recovering suspects. This would necessitate, however, that bondsman could only recoup their bonds by filing civil lawsuits, so there would be no point in hiring a bounty hunter.

It may be worthy to note here once again that the divestiture of bounty hunter powers impacts not just bail bonding, but the criminal justice system as a whole. As

Toborg (1983) notes:

In return for courts' actions to assure their profitability, bondsmen have written bond for defendants who might otherwise have been detained, helped the criminal justice system to maintain social control over released defendants prior to trial and assisted the court in locating defendants who failed to appear and returning them for trial (p. 155-56).

However, Drimmer (1996) acknowledges that completely divesting bounty hunters of their powers is not feasible. Instead, he proposes a compromise that would allow bounty hunters to continue to play an important role in the criminal justice system, but would serve to limit the incidents of apparently indiscriminate violence that are perceived to be perpetrated on the public by bounty hunters:

Based on the importance of bondsmen and bounty hunters to the criminal justice system, and the dangers inherent in bounty hunting, bounty hunters should be afforded many of the broad rights of search and arrest enjoyed by police officers, beyond those of private citizens. At



the same time, in allowing bounty hunters to assume a greater role in the criminal justice system, states and the federal government must move to limit the increasingly frequent nationwide violence that bounty hunters inflict on the public at large (p. 777).

Ultimately, however, Drimmer returns to the argument made by Hansen (1981)--that bounty hunters are indeed agents of the state, and as such, should be subjected to the same restrictions as other agents of the state, including police officers.

While Drimmer and Hansen have called for stricter regulations on bounty hunters, Reynolds (1994), perhaps prophetically, proposed expanding the role of private bounty hunters into public criminal justice domains. Among the roles he proposed for bounty hunters were tracking down suspects in federal cases involving terrorism and kidnapping, routine involvement in unsolved cases such as those portrayed on the television program "Unsolved Mysteries", involvement in organizations such as "Crime Stoppers", where public funds would be used to pay bounty hunters to apprehend criminals and recover stolen property, and using the bail bond system in lieu of probation and parole.

## CHAPTER SUMMARY

Each of the "solutions" to the "problem" of bounty hunters acknowledges their symbiotic relationship to the criminal justice system. What is not acknowledged, however, is whether the "problem" of the bounty hunter is rooted in fact or fiction, and whether the problem is one of perception or reality. While researchers generally agree that the function of bail bonding is an important one and would not likely continue if bondsmen could not recover fugitives, there is a lack of agreement about what to do about perceived bounty hunter misconduct. Our lack of knowledge about who bounty hunters are and what they do impairs our understanding of this issue and others. Further, it leaves little room for the creation of new paradigms that might maximize the contributions bounty hunters make to the criminal justice system.

## CHAPTER 2

### THEORETICAL FRAMEWORK

Because there has been virtually no systematic inquiry into who bounty hunters are or how they go about doing their work, much of what we know about them comes from purely anecdotal accounts. One theory that is helpful in systematically understanding the circumstances of fugitive recovery is constructivism. As Merriam and Cafarella (1999) note, constructivism is a learning process that people use to make sense of their experience. Further, they note that this process of making meaning exists on both an individual level and a social level.

Bounty hunters use a constructivist approach in their work that allows them to construct the meaning of relevant factors in any given situation, and accordingly, make assessments about how important they are and how to apply them. In essence, they construct knowledge about a situation that allows them to know how to proceed. Phillip Candy (1991) speaks to this issue of knowledge construction in relation to adult learning, which tends to be self-directed:

The constructivist view of learning is particularly compatible with the notion of self-direction, since it emphasizes the combined

characteristics of active inquiry, independence, and individuality in a learning task (p. 278).

It is of note that these three characteristics are present not only in the process of learning the tasks associated with bounty hunting (e.g., how to access public records or how to conduct an interview), but are traits that characterize bounty hunting as an occupation, as well (Burton, 1990).

Ormrod (2004) notes that the process of acquiring, organizing, and synthesizing information may occur in "unique, idiosyncratic ways" (p. 179-180). Further, the process of constructing knowledge can be highly individualized. Thus, a learner actively constructs information to create an individual reality, and does not simply "absorb" information passively. Ormrod (2004) further notes that constructivist learning is contextual, and as such, is "influenced by the physical and social contexts in which people are immersed" (p. 181).

Not only is constructivist learning context-dependent, it is also related to two specific types of knowledge—declarative and procedural. We possess declarative knowledge about we remember from previous experiences, and also possess procedural knowledge about how to do things. This procedural knowledge is functional in that it allows

us to know how to respond in particular circumstances (Ormand, 2004: 203).

It is not surprising then, that constructivist learning dominates the process by which bounty hunters come to learn what to do and how to do it. Because constructivist learning is dynamic, it is also not surprising that bounty hunters rely more heavily on constructivist learning than formal training as they gain experience in their work. Jeff said this in an interview after he was asked if he used to do things more "by the book" earlier in his bounty hunting career:

Oh, gosh yes. Everyone does. You know, the whole focus of the [training] institute is on doing things correctly, trying to limit your criminal and civil liability. So of course when I got done there I thought, 'This is the correct way to do it'. But after awhile you learn that really what they are teaching you are guidelines, not really rules, because the rules change depending on the circumstances. So you take a look around and see what is going on and decide from there what to do. It's not like you can just go into it with a playbook and expect you have the power to run a play. It's more like a

quarterback having a play he thinks he is going to run when he breaks from the huddle, but when he comes up to the line he sees a particular defense and decides to call an audible at the last minute instead.

Schon (1983) describes the knowledge that comes with this type of experience as practice knowledge, knowledge that Merriam and Cafarella (1999) refer to as the cornerstone of reflective practice. They argue that "Reflective practice allows one to make judgments in complex and murky situations—judgments based on experience and prior knowledge" (p. 232). I can think of few other occupations where the requisite skill of making judgments in "complex and murky situations" is any more essential than it is in bounty hunting.

In addition to the practice of reflection, bounty hunters also appear to construct what Ormrod (2004) refers to as "schemas" or "scripts" (p. 279). These schemas consist of related concepts or ideas that provide information about a particular object or event. She further notes that these schemas "...influence what information is 'learned' from a given instance of that event" (p. 279).

This phenomenon is expressed in the words of Jamie as he explained how he uses bits and pieces of information to assess the level of dangerousness of a given situation:

Well, there are lots of cues to let you know how to proceed. But you can't make the mistake of letting a previous experience blind you to what could happen. It's really about putting the factors into an equation. A plus B, plus C equals D. Like, is it a violent offense he is wanted on, does he have a history of being armed, what's at stake for him going to jail, and things like that. If none of these things are there, well, it may be that the risk is lower. But suppose you locate him in a bar, surrounded by friends, and they are all drunk. Well, that alone changes everything. Now I have to put together a plan for how to grab him up that wasn't part of my original idea when I was planning to get him at home when he was asleep. And maybe I will still do that—wait until he goes home and goes to sleep—but it still requires me to re-evaluate the situation based on where I found him. You have to be able to add up the factors in a hurry, and in this business they are always

changing. I try to control them as much as I can, but you just never know until you're in it.

The process of constructivist learning embedded in Jamie's experience compliments and is embodied in the basic tenets of symbolic interactionism. Specifically, the ways in which bounty hunters come to know what to do is a function of the meanings they attach to the people and events around them. In addition, like the process of constructing knowledge, the process of assigning meanings is a dynamic one; the meanings we assign are influenced by how others act toward us. Further, both knowledge construction and symbolic interactionism are rooted in the process of attaching meaning to situations, others and things. As discussed earlier in this chapter, this study attempts to examine how bounty hunters identify the factors that affect their decision-making in their immediate environments—i.e., the nature of the offense and where the fugitive had bonded out to. It is also a study of how they make meaning of these factors in the context of a recovery.

Both constructivism as a theoretical framework and symbolic interactionism as a research framework are embodied in the phenomenological approach. The phenomenologist is interested in gathering descriptive data about the nature of social life. As Herman (1994) notes, "...the



[phenomenological] researcher interprets the world from the subjective perspectives of the subjects under examination" (p. 91). This approach lends itself particularly well to qualitative research. This is not to say, however, that quantitative research is not interpretive, for it is. Like qualitative research, quantitative research is also guided by a set of beliefs about the world and how it should be viewed.

Symbolic interactionism places primary importance on the meanings people attach to the world around them (Blumer, 1969; Martindale, 1960; Petras and Meltzer, 1994; Taylor and Bogdon, 1984; Turner, 1978;). Blumer (1969) identifies three basic premises upon which symbolic interactionism resides. The first is that people act toward people and events on the basis of the meanings these things have for them. The second premise is that the process of assigning meanings is a dynamic one; that the meanings we assign are influenced by how others act toward us. The third premise of symbolic interactionism is that the process of attaching meaning to situations, others and things is a function of our *interpretation* of them. For Blumer, organizations and cultures are made up of people who are involved in a constant state of interpreting the world around them. As Taylor and Bogdon (1984) point out,

people may act within an organization or culture, but it is their interpretations and definitions of the situation that determines their actions. Blumer (1969) argues that behavior does not have clear causes and that the kinds of factors affecting one's definition of a situation are of one's own choosing and thus are not subject to causal analysis. Thus, Blumer advocates for an inductive, exploratory approach to study the empirical world. This approach is consistent with constructivist principles.

The basic premises of Blumer's symbolic interactionism provide an appropriate research framework for the development of a deeper understanding of the conduct of bounty hunters. Bounty hunters are always initially presented with a variety of "facts" and circumstances surrounding the fugitive's flight from the criminal justice system; however, it is their interpretation of these facts and circumstances that guides the process of the recovery. For example, the facts and circumstances may include the gender of the fugitive, the nature of the original offense for which the fugitive was on bail, the fugitive's past criminal history, and a whole host of other considerations. Or, as some bounty hunters lament, it may include only a name and a phony address. How a bounty hunter goes about the process of locating the fugitive and actually making

the recovery depends in large part on how these facts and circumstances are interpreted. Take for example, the following circumstances surrounding a hypothetical bail jumper: (1) the nature of the original offense is extremely violent; (2) the fugitive has a history of assaultive crimes; (3) the fugitive has stated in the past that he will never return to prison, and (4) the fugitive was originally bailed out by a friend. How these "facts" are interpreted (in fact, which facts even get interpreted) by the bail enforcement agent will guide the process he uses in effecting a recovery. Indeed, many of these circumstances may be considered related to their decision as to whether they will even take the case. While it is likely that these facts and circumstances will be interpreted differently by each bounty hunter, it is also likely that there will be emergent themes that help bind together the lived experiences of individual agents. Symbolic interactionism provides a research framework within which these themes can emerge and be understood. For example, consider the following descriptions three different bounty hunters gave in their interviews with me as they recounted how they decide whether to let a fugitive know they were after them, and the mechanism they use to convey that information.

Toby (black male with less than five years of experience):

The whole idea is to keep one step ahead, knowing that you are one step behind to begin with. It [locating the fugitive] involves anticipation--where they could be, who they are with, what they are doing. Now, if it's somebody I know, like someone I picked up before, maybe I have some sort of relationship with them from before. And depending on how things went before, I might just go up right to his girlfriend's house or maybe his parents' house and say, hey, you seen Jamal? Especially if they know I treated them right the last time and I haven't got nothin' against him personally, then, yeah, I will let them know I am looking for him, and leave a card telling them to let him know so we can work something out. But if I don't know him that well and haven't had any previous contact with his people, then no, I'm not going to just march on up to the door and introduce myself. I am going to do a lot more research before I reveal my cards to anyone who I think might tip him off. And in a case like that, where I don't know the people involved, I can't anticipate as much. So then I have to assume the worst and prepare accordingly.

Ellen (Hispanic [Mexican] female with more than ten years experience):

I am a better conversationalist. I can usually get anyone to tell me anything I want. Sometimes I plead, sometimes I use a pretext. This works good for me because people are more suspicious of men. Anytime a man takes the lead, people are more apprehensive. I don't get too much information using the phone. The anonymity of the phone makes it easier to hang up and not cooperate. So that means I have to talk to people to get information, so I risk that someone will tip the rabbit [fugitive] that I am after them. As for when I talk to people, that depends. Sometimes it is late in the chase and other times early. Mostly it depends on my relationship to the rabbit and his family or friends. If we've had a relationship in the past, well the, yes, I might go right into conversation with people--assuming it was a good relationship. But if it was bad last time--like he wouldn't listen to reason and tried every which way to run--well then, no, I'm not going to

let anyone know I'm on his tail until I am ready to trap the rabbit.

Sonny (white male with five to ten years of experience):

There is no hard and fast rule about when to let him [fugitive] know you are after him. But you gotta rely on your experiences to tell you what the right thing to do is. You definitely don't want to let him know if you're pretty sure it will spook him into actively hiding. A lot of people think that these guys take off and go into hiding. Not so. In fact, as I always say, people change but their patterns don't. So if they frequent titty bars when they aren't on the run, they will do it when they are. And if they drink too much, they will drink too much when they're on the run. So just knowing things like that will help to know where to look, even if it isn't in their old neighborhood. But unless I know the guy and have some decent history with him, I'm probably not going to let him know I am after him. Partly that's for safety, but mostly because I think it drives them further underground, at least for awhile. Now someone I know or dealt with before, sure, I will usually

go to his family and try to convince them that all 'round it's better that he turn himself in and I don't want him to get hurt by someone else who might be looking for him on some deal who doesn't know him and doesn't care about him, either. So then getting the family or the girlfriend to understand that I just want what's best for the guy is an important part of getting them to cooperate. In the end, I guess it all comes down to trust.

Clearly the emergent theme that ties together each of these accounts is how important the bounty hunter's history with the fugitive is in helping to construct a plan for how to effect the recovery. Specifically, this history helps the bounty hunter to develop a strategy for when to put the fugitive "on notice" that he is being sought, and when not to. By understanding the meaning the bounty hunters attach to this history, we are better able to understand the context in which their work occurs. This approach appears to be especially well-suited for studying small groups of people. As Marshall and Rossman (1999) point out:

The phenomenological genre tends to focus on the

experiences of a few individuals to explore in detail, and, often, over time, their deeply held understanding of some facet of their lives (p. 63).

Thus, phenomenology provides a useful context for the application of the principles embedded in constructivism and symbolic interactionism.

#### CHAPTER SUMMARY

This chapter outlines a theoretical framework of constructivism and a research framework of symbolic interactionism which are embedded in the phenomenological approach. These frameworks provide a context for understanding the process bounty hunters use to construct knowledge from their experience, and form schemas that guide their behavior. They also help us to understand how this knowledge is systematically applied as bounty hunters identify relevant factors and apply them in their work environment.



## CHAPTER 3

### METHODOLOGY

This exploratory study was designed to (1) identify the personal backgrounds and work experiences of bounty hunters; (2) identify the process by which they identify and employ situational factors in effecting a fugitive recovery, and (3) assess their views and perspectives regarding the role of licensing and regulation on their occupation. The current study and its conclusions are constructed from data that was gathered using survey questionnaires, semi-structured interviews, and fieldwork. This triangulation of methods is useful for shedding new light on questions and for overcoming the bias that comes from single-method studies (Denzin, 1983). It is an especially effective way to reconcile the use of qualitative and quantitative data within the same study (Patton, 2002). Further, I argue it is a particularly effective method for both gathering and analyzing data in studies that are exploratory in nature.

#### Research Techniques

Once dominated by techniques borrowed from the experimental sciences, social sciences now present an array of research methods ranging from ethnomethodology to sociolinguistics to symbolic interactionism and postmodernist

discourse (Marshall and Rossman, 1999). However, despite a surge in qualitative works over the past three decades, there remains a decided imbalance in the literature on research methods, with quantitative methods dominating research strategies, as well as perspectives on what constitutes "good science". In short, quantitative research continues to garner greater respect, perhaps in part because of the concomitant notion people have about its ability to generate more "precise" conclusions about social phenomena.

The debate about the legitimacy and validity of using qualitative methods to study social phenomena has spawned an "either-or" mentality about the utility of various research methods. Certainly quantitative approaches have "quantities" as their fundamental emphasis. On the other hand, qualitative approaches focus on the "essence and ambience" of social phenomena (Berg, 2001:3). The noted sociologist Albert Reiss (1968) may have summed up this debate best when he said:

There appear to be two camps in sociology that have a long history of mutual suspicion and disrespect. The 'hard heads', the men who would measure, say with Lord Kelvin: 'If you cannot measure, your knowledge is meager and

unsatisfactory.' The 'soft heads', scorning the precise for insight and the 'sociological imagination', would send men out into the real world. They are 'live' sociologists 'living' sociology (p. 351).

In identifying this methodological dilemma as "unnecessary"<sup>8</sup>, Reiss argues that the two approaches are inextricably linked and that polarization of the methodologies limits social inquiry. Thus, establishing simple quantities without meaningful interpretation would be as vacuous an endeavor as simply offering meanings for individual experiences without concerning oneself with the number of other individuals who may have experienced the same phenomenon. Stebbins (2001) argues that meaningful interpretation of statistical data and the augmentation of qualitative data with descriptive statistics are equally valuable and necessary processes. This has particular import for exploratory research, since by its very definition it involves investigation. At its best, exploratory research involves the systematic discovery,

---

<sup>8</sup> For more on the quantitative-qualitative debate, see H.S. Becker's *Doing Things Together* (1986), J. Johnson's *Research Design and Research Strategies* (1998), and C. Seale's *The Quality of Qualitative Research* (1999).

examination, and analysis of social and cultural phenomena. (Patton, 2002). It is not simply a synonym for qualitative research because, as noted above, qualitative elements are found in most kinds of research. Exploratory research is a very distinct form of discovery that is at once both a process and a goal. Or, as Johnson (1998) notes, "Exploratory research can be the primary focus of a given design or just one of many components" (p. 139). Perhaps the most comprehensive definition of exploratory research is provided by Stebbins (2001):

*Social science exploration is a broad-ranging, purposive, systematic, prearranged undertaking designed to maximize the discovery of generalizations leading to description and understanding of an area of social or psychological life. Such taken, a distinctive way of conducting science—a scientific process—a special methodological approach (as contrasted with confirmation), and a pervasive personal orientation of the explorer. The emergent generalizations are many and varied; they include the descriptive facts, folk concepts, cultural artifacts, structural arrangements, social*

processes and beliefs and belief systems normally found there (p. 3).

As Stebbins (2001) further notes, this definition, while broad enough to apply to all of science, offers significant insight into the role of exploration as an important scientific process. As Marshall and Rossman (1999) note, the purpose of exploratory research is to investigate little-known phenomena, to identify or discover significant categories of meaning, and to generate hypotheses for future research (p. 33). It is these unique strengths of the qualitative genre that promote and bolster exploratory research and provide a strategic frame-work for understanding the lives individuals live. The work lives of bounty hunters are exceptionally well-suited for such exploration, not just because little is known about their experiences, but also because they operate in richly diverse environments, often alone. The work they do and the meaning they construct about the people and events that guide their work are essentially unknown not only to researchers, but often to other bounty hunters as well.

Denizen and Lincoln (2000) argue that while the practice of qualitative research is by its nature creative and interpretive, it nevertheless proceeds in a systematic

manner. In this study, this process began with considerations related to obtaining a sample.

### Research Sample

Because the focus of the phenomenological genre is on the individually lived experiences of participants, it has implications for the size of the sample. Specifically, Patton (2002) argues that this genre is almost always dominated by a quest for "depth versus breadth" (p. 227). Further, he argues that this requires careful consideration of whether one wishes to examine a narrow range of experiences for a larger number of people, or whether one wishes to examine a broader range of experiences for a smaller number of people (p. 227). This research involves the latter design.

The primary source of data for this study was a sample of 147 people, all of whom were active in bounty hunting during the calendar year of 2003. As previously noted, gaining access to these people provided some unique challenges due to the nature of the work they do and their reliance on secrecy in doing it. My goal was to obtain as diverse a sample as possible, not with the goal of generalizing to all bounty hunters, but with a goal of informing our understanding about this group of people about whom so little is known. Preliminary access to one population of

bounty hunters—all of whom belonged to a national organization of bounty hunters—was initially obtained two years prior, during the proposal writing stage of the dissertation. However, between the time the proposal was written and data collection began, the association leadership withdrew its support for the project and denied access to its members. Thus, data collection was begun using network sampling because, as Singleton and Straits (1999) point out, this method has particular utility for identifying members of the target population who are unknown to the researcher. In an attempt to identify bounty hunters who might participate in the study, I made a request to the Executive Committee of the Michigan Council of Private Investigators (MCPI) to announce to their list-serve members that this study was being conducted, and that I sought to be contacted by anyone who had engaged in bail enforcement activity during 2003. This announcement resulted in my being contacted by eleven people via e-mail and one person via telephone. In responding to the inquiries via e-mail and during the telephone conversation, I invited each prospective participant to participate in the research by completing a survey questionnaire.

As noted previously, there were no national or state government registries that contained the names and

addresses of bounty hunters. This necessitated soliciting the cooperation of associations to which bounty hunters belong. Having had support for the study withdrawn by one association, I sought out the cooperation of others, two of which agreed to support the research. These two associations were the Professional Bail Agents of the United States (PBUS) and the National Enforcement Agency (NEA). Contact was made with the Executive Board of PBUS, and they granted my request to use the association as a conduit for access to their membership. The Executive Board of PBUS assisted me by introducing me to members attending the PBUS bi-annual membership meeting. Every PBUS member attending the opening session of the bi-annual meeting was given a brief introduction to the nature of the research and was provided with the opportunity to participate in the study. A member of the PBUS Executive Board expressed to the members his support for the research, and encouraged members to participate in the research.

Association members of the National Enforcement Agency (NEA) were identified from the NEA membership list provided by the Director of the agency. While these two membership associations provided access to groups of bounty hunters that were otherwise relatively inaccessible, this type of "convenience" sampling had its drawbacks. Chief among



them, perhaps, was that it constituted a "catch-as-catch-can" (Singleton and Straits, 1999:158) approach to securing participants. That is, the method relied on the participation of subjects who were "readily available", thereby limiting the extent to which the results could be generalized to a larger population. However, the focus of this study was on exploring the "lifeworld" (Denizen, 1983:134) of bail agents as they operate as private entrepreneurs in a public criminal justice system, not on establishing statistical probabilities, nor generalizing to a larger population. Another limitation to this type of sampling was that members of the sample were, in large part, derived from membership lists from two professional associations. Therefore, one could argue that there was a qualitative difference between these bounty hunters and those who did not belong to such associations. This may have had the effect of skewing our understanding of who bounty hunters are, the methods by which they effect a successful recovery, and their attitudes about licensing and regulation. Nevertheless, it is important to note that without the cooperation of these two associations, this study would not have been possible.

Another sampling method utilized in this study was the use of snowball sampling. Also known as chain sampling

(Patton, 2002; Singleton and Straits, 1999), this method identifies prospective participants from sampling people who know others who may be appropriate for the study. As Singleton and Straits (1999) note, this is often a good method to use with target populations who know each other, whose activities are clandestine, and whose characteristics are unknown. This method of sampling was facilitated through both verbal and written contact with participants, and also through the use of the survey questionnaire (Appendix D). For example, upon completion of the questionnaire, participants were asked at the end to provide the names and addresses of any other bounty hunters they knew so that they could also be sent a survey packet. These three sampling methods—network, convenience, and snowball—all utilized the same techniques.

## DATA COLLECTION

### Survey Questionnaires

Because my interest was in gathering comprehensive data—that is, information regarding demographic data, employment histories, types and amounts of education and training, and attitudes about licensing and regulation—I chose surveys as the most efficient method of gathering this data from the largest number of participants. The

survey data was collected between January and June, 2004. Using Likert-type scales and open-ended questions, participants were queried about their work experiences, including those not related to bounty hunting, as well as their attitudes about whether licensing and/or regulation should be required of those working in the occupation. Subjects were also asked to rate a number of factors on their importance in facilitating a successful recovery. Accompanying each of the survey questionnaires was a cover letter explaining the nature of the research (Appendix E), and a consent form (Appendix F), wherein the participant could indicate a willingness to participate in a face-to-face or telephone interview, and/or allow me to accompany the participant into the field and/or take photographs.

Although time did not allow for PBUS members to complete the survey at the time of the distribution, those members who agreed to participate were given a survey packet that contained a survey questionnaire, a cover letter explaining the nature of the research, a consent form, and a self-addressed envelope so that completed surveys and consent forms could be returned to me.

Each member on the NEA list was sent a survey packet with the same questionnaire, cover letter and consent form

as those provided to the PBUS members. Those survey packets, however, also contained a cover letter of introduction and support from the Director of the NEA, encouraging them to participate (Appendix G).

Those subjects referred through network and snowball sampling also received a survey questionnaire, cover letter, and consent form. The number of surveys in these two categories totaled nineteen. Participants from all response categories were given thirty days within which to return the questionnaire. If the completed questionnaire was not returned during that time, a follow-up letter (Appendix H) was sent reminding them to complete and return the survey. It was not possible to identify PBUS members for follow-up since they were provided their survey packets in a face-to-face meeting. In all, 806 follow-up letters were sent, resulting in only 22 additional completed surveys being returned.

#### Survey Response Rates

A total of 1,010 survey packets were provided to prospective participants. The response rates of each of the four categories of respondents—PBUS members, NEA members, network referrals, and snowball sampling referrals—are shown in Table 1. The table also contains data on the percentage of questionnaires mailed out and

returned for each response category. It should be noted here that there were a total of 116 mailed questionnaires that were returned as undeliverable from all four categories of respondents. This left a total of 994 potential participants.

Eighty-five surveys were distributed to PBUS members, of which 12 (14%) were returned. Eight hundred and eighty one survey packets were mailed to NEA members. Of these surveys, 113 (13%) were returned completed.

Survey packets mailed to prospective participants via network sampling totaled 12. Of those 12, 10 (83%) were completed and returned. Of the sixteen subjects identified and surveyed through snowball sampling, twelve (75%) returned completed questionnaires.

**Table 1. Number of Questionnaires Mailed Out and Returned, and Response Rates for Each Group Included in the Survey**

| Category of Respondent | Total Surveys<br>(N=994) | Total Number of Responses<br>(N=147) | Overall Response Rate<br>(15%) |
|------------------------|--------------------------|--------------------------------------|--------------------------------|
| PBUS Member            | 85                       | 12                                   | 14                             |
| NEA Member             | 881                      | 113                                  | 13                             |
| Network Referral       | 12                       | 10                                   | 83                             |
| Snowball Referral      | 16                       | 12                                   | 75                             |

Not surprisingly, the response rate varied considerably depending on the category of the respondent.

For instance, the response rate for those referred via snowball sampling was 75%, while for NEA members it was much lower (13%). The rate for NEA members was slightly lower than that of PBUS members (14%). Both NEA members and PBUS members had much lower rates of response than did those participants obtained through network and snowball sampling (83% and 75% respectively).

The disparity in these response rates warrants brief comment. The differences may be attributable to three factors. First, by and large, PBUS members are first and foremost bail bondsmen, so many of them do not participate in the recovery of their own "skips". Instead, they hire out the work of finding a skip to bounty hunters with whom they contract on a regular basis for such service. Thus, they may feel they have less invested in research that focuses so directly on recovery activities. However, the fact that I made a request for their participation in a face-to-face meeting may have increased their participation rates somewhat. Second, NEA members are, by definition and training, bail enforcement agents. Although many of them may engage in other forms of employment in addition to their bounty hunting activities, they frequently consider themselves to be part of a larger fraternity whose commitment to bounty hunting is tied to the training and

certification they received from the NEA. Thus, even though my initial contact with them through the mail was more impersonal, the percentage who responded to the survey nearly mirrored that of PBUS members. Third, those respondents referred via network sampling also had generally higher response rates (75%) than did respondents selected via their association membership. Like PBUS members, this group had a more personalized invitation to participate via the e-mail or telephone correspondence they had with me prior to receiving a survey. Similarly, the respondents obtained from network and snowball sampling were people who, in effect, constituted a "personalized" referral from a colleague to participate in the research. It was, for example, frequently the case that one participant would convey to me that they had called another prospective participant to ask them if they would be interested in participating. This has particular meaning among the members of this occupation, as revealing the identity of another agent is generally unacceptable practice without the permission of the agent.

It is also worth noting here some factors that may have contributed to the overall low survey response rates. As noted previously, bounty hunters are members of an occupational group about whom very little is known. This

is not surprising given the lack of a national registry, virtually non-existent licensure and/or certification standards, and the clandestine nature of their activities. Because of the nature of their jobs, bounty hunters are required to "operate under the radar" of those they seek and frequently, of other actors in the criminal justice system. While their work requires a curiosity about people and their actions, with the exception of the actual recovery, much of the process of satisfying this curiosity occurs at a distance from the fugitive himself. Their approach to their work goes beyond mere surveillance, and involves securing information on a number of different levels from a variety of sources. They gather information, not give it, and they watch and listen from afar, preferring to observe without being noticed. They are the seekers, not the sought. As a result, they value their anonymity in much the same way that an undercover narcotics police officer might. This anonymity is protected, in part, by revealing the tricks of the trade very cautiously and selectively. So, even when such revelation might broadly advance their own cause, they may be reluctant to share the information they identify as being so critical to their anonymity and so important to the overall success of their jobs. As Ben explained,



Look, I work alone. I always have. I don't like sharing information with others because you never know who they associate with. I mean, you might be talking to a cop about a guy on the run and the next thing you find out, he's the guy's second cousin. But there are a lot of misconceptions about us and the work we do, so anything I can do to help you put the word out about those of us who act like professionals, I will do.

### Interviews

In her work on interactionist research methods, Herman (1994) points out that sociologists use many different methods to construct an overall research strategy and to collect data. One of these strategies—the interview—is identified by Herman and many others as beneficial when used in conjunction with other data-collection techniques (see Kvale, 1996; Lofland and Lofland, 1995; Marshall and Rossman, 1999; Symon and Cassell, 1998). A wide variety of interview structures has been identified in the literature; however three structures appear to dominate. Although all the designs are used to collect data using open-ended questions, "...they differ in the extent to which the interview questions are determined and standardized before

the interview occurs" (Patton, 2002:342). Thus, it is helpful to think of these interview designs as being on a continuum of pre-determination and standardization.

At one end of the continuum is the informal conversational interview. Commonly referred to as the unstructured or unstandardized interview, this interview design is the most open-ended approach and does not include pre-determined sets of questions (Becker and Greer, 1970; Herman, 1994; Patton, 2002). As Herman (1994) points out, this type of interview requires that "...the interviewers must *in situ* develop, alter, and generate questions during the interview" (p. 99). Becker and Greer (1970) also note that this type of interview allows the researcher to pursue interesting leads, and to generate "new hypotheses...during the course of the interview" (p. 133). This structure offers the researcher in the field a good deal of flexibility to pursue information because she can move in whatever direction appears to be appropriate given the events and behaviors occurring at any give moment in the social setting. It also allows the researcher to spontaneously pursue new information as it is generated either by behavior and events, or by responses to previous questions. In addition, responses previously given can be explored in greater depth, and questions can be tailored to

the individual. This interview structure allows for elucidation and elaboration of events, behaviors, and "rationales" for action, so is particularly well-suited for studying those populations about which little is known. It also has particular application for research that is designed to study people (such as bounty hunters) who are being observed in the process of constructing their reality and defining their situations.

Despite all of the benefits of this method, using the informal, unstructured interview has some distinct disadvantages. Perhaps foremost among them is the difficulty this method presents for organizing and analyzing data from the interviews. Different questions generate different responses, and this requires that the researcher spend a great deal of time sifting through both the questions and the answers to find emergent patterns or themes in the data. Another disadvantage is that this interview format may lead to greater interviewer bias and interpretation, leaving the interview more vulnerable to interviewer effects (Patton, 2002).

At the other end of the continuum is the structured or standardized interview. While still remaining open-ended, this approach requires careful consideration and construction of all of the questions before the interview. The

questions are designed to be all-encompassing and comprehensive so as to elicit all relevant data (Herman, 1994). Each interviewee is asked the same questions in the same way (Patton, 2002). In essence, the researcher will collect the same amount of related content for every participant.

In between the two extremes on the continuum is the semi-standardized interview, sometimes referred to as the focused interview (Herman, 1994), or the interview guide (Patton, 2002; Taylor and Bogdan, 1984). This kind of interview may involve asking a number of pre-determined questions in a specific order, but also allows the interviewer to explore responses and other topics quite freely. Or, it may involve constructing general subject areas, within which the interviewer is free to explore with the participant to illuminate the particular subject. Thus, much like the conversational interview, the interview guide allows the researcher the flexibility to establish and maintain conversation with the participant, but generally delimits in advance the subjects to be explored.

Despite their differences—or maybe because of them—these interview designs all have specific advantages for the researcher. These designs can be combined to capitalize on these advantages. For example, the interview

guide approach can be combined with a standardized format by specifying specific key questions exactly as they must be asked, and leaving the rest of the questions to be explored in an unstructured format. For this study on bounty hunters, specific questions were constructed in an interview guide (Appendix I) in an attempt to gain an understanding of their entry into the field, as well as their backgrounds, including educational and occupational histories. Overall, general areas of inquiry were pre-determined; however, I was still free to explore a myriad of topics in depth as they presented themselves in the social setting. This had the advantage of "...providing greater salience and relevance to the questions" (Patton 2002:349).

The utility of this approach is demonstrated in several situations that occurred during different interviews. For example, while interviewing Ben, a bounty hunter from the Northeast, I asked him a question from the inter-view guide about his perception of how dangerous he thought his work was overall. In answering the question, he not only explained his beliefs about the overall danger of bail enforcement, but went on to explain in rich detail how the level of danger changes according to how the recovery effort proceeds, the factors that are involved in

precipitating the changes, and the rationale he uses for determining how to respond to the perceived changes. He explained it this way:

Look, you can plan all you want. In fact, you have to plan. My ability to determine what level of threat exists is based on a lot of factors, but the reality of it is, you just never know. It's always a gamble, and a serious one with potentially deadly consequences. You might have a guy with a pretty minor offense—maybe even someone you got before. And there have been no problems, none at all. But on that given day, with things going on in his life you don't know about, all of a sudden he decides to go off. And you just happen to be at that place at that moment. You don't know what triggers it. Maybe he don't even know. So now I can see he's agitated, not like last time, and I shift into high alert. I may have to get authoritative with him, maybe like a counselor and sympathize with him. Anything to calm him down. I do whatever it takes at that moment to get the job done with the least amount of trouble for everyone.

In another interview, a respondent from the

Midwest (Bud) was asked about his level of agreement with the statement that bail enforcement agents play an important part in the criminal justice system. While he had answered "Agree" in his survey, he clearly had some strong opinions about this issue that were elucidated in the interview. For example, he responded,

Hell, yes! Do you really think that law enforcement has the time or resources to track down the half million people who've skipped bail here in just our state? I mean, we put our lives on the line to go to get these guys--and some women, too--and we don't cost the taxpayers a red cent. In fact, we save them money because lots of people don't even know that when someone posts ten percent of a bond then don't show up in court, that money comes out of a state fund. So we are performing a service for taxpayers not just from a justice perspective, but from a financial perspective, too. A lot of people don't know that.

His response to that single question then allowed me to pursue a line of questioning related to the various

financial arrangements for bonds that exist in various states. This might not have been otherwise possible without utilizing the interview format.

#### Interview Response Rates

Of the 147 respondents who completed and returned survey questionnaires, 86 respondents initially agreed to participate in an interview; however, despite repeated attempts, contact could only be made with 71 of them in order to complete an actual interview. The response rates for survey respondents who eventually participated in an interview are presented in Table 2. It should be noted that due to the relatively small number of respondents who agreed to participate and could be contacted for an interview, an attempt was made to interview all of those respondents who agreed to be interviewed. Further, the respondents were geographically spread out across the United States, thereby limiting the feasibility of completing face-to-face interviews. Therefore, all but three of the interviews were completed via telephone.

Of the 12 PBUS members who completed questionnaires, 3 of the respondents (25%) participated in an interview. Of those 3 interviewees, only 1 (33%) gave his consent for me to accompany him into the field.



**Table 2. Number of Interview Participants by Each Survey Response Group**

| Category of Survey Respondent | Total Surveys Returned (N=147) | Total Number Participating in an Interview (N=71) | Overall Response Rate (%) |
|-------------------------------|--------------------------------|---|---------------------------|
| PBUS Member                   | 12                             | 3   | 25                        |
| NEA Member                    | 113                            | 62  | 55                        |
| Network Referral              | 10                             | 3   | 30                        |
| Snowball Referral             | 12                             | 3   | 25                        |

One hundred thirteen NEA members completed the survey. Sixty-two (55%) of these respondents were interviewed. Twenty-two NEA members (19%) also gave their consent for me to accompany them into the field.

Of the 10 survey respondents obtained via network sampling who completed the survey, 3 (30%) participated in an interview. Only 1 (10%) agreed to allow me to accompany him into the field.

Of the 12 survey respondents obtained via snowball sampling who completed the survey, 3 (25%) participated in an interview. None of these respondents agreed to allow me to accompany them into the field.

Each of the respondents who participated in an interview was asked permission to tape record it. Of the 71 completed interviews, 65 participants granted permission for it to be tape recorded.

## Participant Observation

Because this study focused on the behavior of bounty hunters and their interpretation of their environments, the combination of participant observation and semi-structured interviews was an appropriate method. However, like any research that focuses on a large group of people, these methods—even though combined—fall short in their utility. This is because of the impossibility of observing and/or interviewing such a large group of people.

In light of the challenges in gaining access to difficult populations, Dillman (1978) suggests alternative data collection methods that may be used by themselves or in conjunction with other methods. Among these is participant observation.

As noted previously, social scientists in general, and symbolic interactionists in particular, use a variety of research methods to gather data that frames an understanding of individually lived experience such as that of bounty hunters. Included among these methods are interviewing and fieldwork/participant observation (Denizen and Lincoln, 2000; Herman, 1994; Kvale, 1996; Patton, 2002). These methods are frequently accompanied by the use of mail surveys, and such was the case here. While any and all of these methods might be used to explore any given social

phenomenon, participant observation, in conjunction with interviewing, is particularly well-suited for documenting individuals' definitions of situations and their constructions of reality (Berg, 2001; Blumer, 1969; Herman, 1994; Janesick, 2000; Kvale, 1996; Lofland and Lofland, 1995; Marshall and Rossman, 1999; Patton, 2002). As both an overall research strategy and a data-gathering method, participant observation has been well-documented in the literature. It has particular import for the study of bounty hunters because it, more than any other method, allows the researcher to become immersed in the social world within which these agents operate. Consistent with the research goal of experiencing reality as bounty hunters do, participant observation allows the researcher to see, hear and otherwise experience the research setting in much the way that the agent does. While it is acknowledged that one person can never really experience the world in the exact same way that another does, it is nevertheless possible to develop systematically detailed accounts of the everyday experiences of the participants.

Participant observation, as a research strategy, refers to the process by which a researcher establishes and maintains a multi-faceted, relatively long-term association with others in a natural setting for the purpose of devel-

oping a comprehensive understanding of the events and behaviors that occur in that setting (Herman, 1994:97; Lofland and Lofland, 1995:18). It necessitates that the researcher participate, to some degree, in the experiences of those being observed. Of the many "roles" established between the observer and the observed in participant observation, the participant as observer is most applicable for the study of bounty hunters as they effect a recovery. While the unique features of the bounty hunter occupation make it well-suited for participant observation, there are other features that make access a challenge, including the fact that the social world of the agents is fraught with secrecy. Many states do not have specific oversight of bounty hunters so gaining access to their numbers is difficult. Further, bounty hunters often operate in isolation and rely on stealth and cunning in order to effect a recovery. Their ability to recover a fugitive depends in large part on that fact that they and their techniques are not known. Gaining access to this population is difficult; gaining access to their environment is even more so.

In the participant as observer role, the researcher's presence is known to the participants. This requires, of course, that the researcher gain access to the participants in an overt manner. Participants consent to the presence

of the researcher and with the researcher, negotiate a mutual set of obligations that define their relationship (Herman, 1994; Taylor and Bogdan, 1984).

The fieldwork in this study involved no role pretense on my part in that the two agents were aware of my presence, and to a limited degree the purpose of the research. The receptivity of both agents to my presence could be described as welcoming, and both agents demonstrated a high level of interest in "getting the real story out" about bounty hunters. This may have served as the primary motivation for both agents to allow me to accompany them into the field. Although neither agent would allow photographs to be taken (both expressing liability concerns and concerns about their anonymity), each of them appeared cooperative and anxious to share their opinions about their work and the strategies and techniques they used to effect a successful recovery. As Lee (1995) points out, "...receptivity to the presence of a fieldworker is often shaped by situational factors, as well as by a recognition that some opportunistic advantage might be gained from the research" (p. 16). For the two agents (Carlos and Hank) I accompanied in this study, there was clearly a desire for "accurate" information to be disseminated to the public by a "credible" source.

In addition to being an overall design strategy, participant observation is also a data-gathering method (Bogdewicz, 1992; Dewalt, Dewalt, and Wayland, 1998; Johnson, 1998; Marshall and Rossman, 1999; Patton, 2002; Taylor and Bogdan, 1984). As a data-gathering method, participant observation is guided by the research question(s). For research involving bounty hunters, the questions are (1) what are the personal backgrounds and work experiences of bounty hunters? (2) what are the situational factors they identify and employ in effecting a fugitive recovery? and (3) what are their views and perspectives regarding the licensing and regulation of their occupation? The primary interest here was in exploring who bounty hunters are, the ways in which they come to define the "situation" of a recovery, and the factors they use to guide their decision making in how to actually go about making the recovery.

The use of the participant observation method involved the systematic noting and recording of events and behaviors in the field in which bounty hunters work. As noted by Marshall and Rossman (1999) and others (see Bogdewicz, 1992; Lofland and Lofland, 1995; Whyte, 1997), a researcher may record these events, behaviors and artifacts by using field notes—systematic, detailed, concrete and non-

judgmental descriptions of what has been observed. (See Appendix J for the note-taking guide used in recording fieldwork data). Taylor and Bogdan (1984) also suggest that that in addition to recording events, behaviors and conversations, the observer should also record "hunches" about those events and behaviors, and this was also done in this study.

It should be noted here that there are many types of notes taken during observation and in large part, those considered "field notes" are not actually written in the field. Instead, the term "field notes" more specifically refers to the expanded account of events and behaviors that were observed during a given observational period that are written after returning from the field (Bogdewicz, 1992; DeWalt, et. al, 1998). Thus, as Dewalt, et. al (1998) point out, "field notes are simultaneously data and analysis—both a record of observation and conversation, and a product constructed by the researcher" (p. 271). This is the process I used in recording my field data. This method helped to maintain the epistemological integrity of this body of qualitative research in that it reflected the overall design strategy and is consistent with the theoretical framework of symbolic interactionism.

As previously noted, access to fieldwork was somewhat difficult to obtain. However, 24 of the 147 survey respondents agreed to allow me to accompany them into the field. Of these respondents, two were selected for their willingness to allow me to accompany them and because the timing of their availability coincided with mine. In total, 33 hours were spent with these two agents—16 hours over two days with one agent, and 17 hours over two days with the other. While both agents were located in the Midwest, each was located in a different state.

The use of participant observation in conducting the fieldwork was designed to supplement questionnaires and interviews, and provided valuable knowledge about who bounty hunters are, what they do, and how they do it. Combined with surveys and interviews, this method also provided a logical and compelling connection between the qualitative research genre and the overall research design strategy.

#### CHAPTER SUMMARY

This chapter offers justification for using triangulated data-gathering methods to examine who bounty hunters are and what they do. Specifically, this chapter seeks to elucidate the benefits of using both quantitative and qualitative data to understand (1) what the personal



backgrounds and work experiences of bounty hunters are; (2) the process by which they identify situational factors relevant to a successful recovery, and (3) the views and perspectives of bounty hunters regarding licensing and regulation of their occupation. I have argued that the use of survey questionnaires, semi-structured interviews, and participant observation provide the contextual richness that helps enlighten our views about these issues.

## CHAPTER 4

### RESULTS AND ANALYSIS

The purpose of this study was threefold: first was to identify the personal backgrounds and work experiences of bounty hunters; second was to identify the process by which they identify and employ situational factors in effecting a fugitive recovery, and third was to assess their views and perspectives regarding the licensing and regulation of their occupation. The primary goal of the research was to inform our knowledge about bounty hunters and the role they play in the criminal justice system.

This chapter presents the data and findings for identifying who bounty hunters are, the process by which they identify and employ situational factors in effecting a successful recovery, and what their opinions are regarding licensing and regulation of their occupation. Both quantitative and qualitative data are utilized in the presentation of these findings.

#### **WHO BOUNTY HUNTERS ARE**

In an attempt to answer the question of who bounty hunters are, the demographic characteristics of bounty hunters were divided into two categories—personal, and

professional. Among the personal characteristics were identifiers such as sex, race, age, marital status, household income, political orientation and educational level. Educational level was further divided into highest level of formal education, college degree, and degree major. Professional (occupational) characteristics included such identifiers as employment status, amount and type of fugitive recovery training, the number and type of fugitive cases worked, and information related to other work the agents engage in besides bail enforcement.

Quantitative data obtained from the surveys is generally presented in aggregate form. The quantitative data is elucidated through the use of qualitative data obtained from interviews with the survey respondents.

#### Personal Demographics

Table 3 displays the personal demographics for race, sex, age, income, and marital status obtained from survey respondents. As shown in Table 3, the agents are overwhelmingly married (57.8%), white (80.3%), and male (91.2%). In addition, most are either between the ages of 36 and 45 (31.1%) or 46 and 55 (31.3%). As a group, nearly half (49%) of these agents tend to identify as moderate in their political stance. Over sixty-five percent report having a yearly household income of \$51,000 or more, with

34% of these agents reporting a yearly household income exceeding \$75,000.

**Table 3. Personal Demographic Characteristics of Bail Enforcement Agents Responding to the Survey Questionnaire**

| Personal Characteristic      | Total Number of Respondents (N=147) | Response Rate* (%) |
|------------------------------|-------------------------------------|--------------------|
| <u>Race</u>                  |                                     |                    |
| White                        | 118                                 | 80.3               |
| Non-White                    | 28                                  | 19.0               |
| Missing                      | 1                                   | .7                 |
| <u>Sex</u>                   |                                     |                    |
| Male                         | 134                                 | 91.2               |
| Female                       | 13                                  | 8.8                |
| <u>Age</u>                   |                                     |                    |
| Under 25                     | 4                                   | 2.7                |
| 26-35                        | 27                                  | 18.4               |
| 36-45                        | 46                                  | 31.3               |
| 46-55                        | 46                                  | 31.3               |
| 55 and Older                 | 24                                  | 16.3               |
| <u>Marital Status</u>        |                                     |                    |
| Married                      | 85                                  | 57.8               |
| Single                       | 28                                  | 19.0               |
| Divorced/Separated           | 32                                  | 21.7               |
| Widowed                      | 1                                   | .7                 |
| Missing                      | 1                                   | .7                 |
| <u>Political Orientation</u> |                                     |                    |
| Conservative                 | 56                                  | 38.8               |
| Moderate                     | 72                                  | 49.0               |
| Liberal                      | 13                                  | 8.8                |
| Missing                      | 6                                   | 3.4                |
| <u>Household Income</u>      |                                     |                    |
| Less than \$25,000           | 12                                  | 8.2                |
| \$25,000-\$50,000            | 35                                  | 23.8               |
| \$51,000-\$75,000            | 46                                  | 31.3               |
| More than \$75,000           | 50                                  | 34.0               |
| Missing                      | 4                                   | 2.7                |

\*Totals may not equal 100 due to rounding.

The reported yearly household income level of bounty hunters is of interest given that only 29.3% of respondents

reported working full-time in their bail enforcement activities. It is however, also of note that most (57.8%) of the agents reported being married, thereby having the potential for a two-income household.

Other demographic characteristics of respondents include those related to their educational level. The results of these demographics are presented in Table 4.

**Table 4. Education Level Demographic Characteristics of Bail Enforcement Agents Responding to the Survey Questionnaire**

| Personal<br>Characteristic | Total Number<br>of Respondents<br>(N=147) | Response<br>Rate<br>(%)* |
|----------------------------|---|--------------------------|
| <u>Educational Level</u>   |   |                          |
| High School or Less        | 28  | 19.0                     |
| Some College               | 82  | 55.8                     |
| College Degree             | 27  | 18.4                     |
| Graduate Degree            | 10  | 6.8                      |

As indicated in Table 4, most agents had at least some college. Eighty-two agents (55.8%) reported having some college, while an additional 18.4% (n=27) have a college degree. Further, 6.8% of respondents (n=10) reported having a graduate degree.

As shown in Table 5, of the 36 respondents having a college degree, 16 (43.2%) had a bachelor's degree. Twenty-seven percent (n=10) reported having an associate's degree, and twenty-seven percent (n=10) reported having a graduate

degree. The major most frequently identified by respondents was that of social science.

**Table 5. Type of Degree and Major of Bail Enforcement Agents Who Are College Graduates**

| Degree Characteristic      | Total Number<br>of Respondents<br>(N=37) | Response<br>Rate<br>(%) |
|----------------------------|--|-------------------------|
| <u>Type of Degree</u>      |  |                         |
| Associates                 | 10                                       | 27.0                    |
| Bachelors                  | 16                                       | 43.2                    |
| Graduate                   | 10                                       | 27.0                    |
| Missing                    | 1  | 2.7                     |
| <u>Undergraduate Major</u> |  |                         |
| Social Science             | 16                                       | 43.2                    |
| Liberal Arts               | 7  | 18.9                    |
| Business/Finance           | 8  | 21.6                    |
| Other                      | 6  | 16.2                    |

\*Totals may not equal 100 due to rounding.

It may be of interest here to briefly note the different undergraduate degree majors specified by respondents as it just one of the characteristics that speaks to the diversity of backgrounds among members of this occupational group. Respondents reported majors both in and out of the social sciences, including criminal justice, sociology, and private security. A little more than one-third (n=13) of respondents having an undergraduate degree reported majoring in criminal justice. Somewhat surprisingly, none reported majoring in law enforcement. Some of the other degree majors included education, accounting, architecture, telecommunications, forestry, religion and biology.

The personal demographics describing the educational characteristics of bounty hunters appear to contradict the commonly held belief that they are uneducated. However, before making broad generalizations about who bounty hunters are, it is worthwhile to note that there is the possibility that there is something unique about "educated" bounty hunters that makes them more likely to respond to and participate in research such as this. We cannot, however, ever know for sure which characteristics of a survey sample are specifically related to a participant's propensity to respond. As a result, we are left to respond to the data as it presents itself, avoiding the temptation to second-guess that which cannot be controlled.

#### Professional Demographics

Consistent with my desire to understand who bounty hunters are through an examination of their personal characteristics, I also sought to describe them through a variety of professional characteristics. Among these professional demographics were occupational characteristics related to their business status and business income, as well as their employment status. They were also queried about what, if any, type of work they did in addition to bail enforcement, how much and what type of bail enforcement training they had, and who the sources of their

referrals were. In addition, they were asked a variety of questions about the extent to which they were licensed or registered to work as bail enforcement agents. They were also asked to identify whether they worked in bail enforcement (B.E.) full-time or part-time, the amount of time they spent in bail enforcement activities, the number of years of experience they had in bail enforcement, what their business status was, what their preference was for how they worked, and how much they earned from their bail enforcement activities (Table 6).

Table 6 shows that 70.1% of respondents (n=103) work part-time in their bail enforcement activities. For a small majority (51.7%) of these agents, less than 50% of their total work time is in bail enforcement activities, while 43.5% (n=64) spent more than 50% of their total work time in bail enforcement activities. What this means is that, even though agents may be spending more than 50% of their total work time in bail enforcement activities, it still constitutes part-time work for them. Given this statistic, it is likely that even though over 60% (n=89) of respondents own their own bail enforcement business, they work at it part-time. Further, it is of note that in working at bail enforcement part-time, the majority of



20

W

21

N

—

—

22

W

23

W

24

W

25

W

26

W

27

W

28

W

29

W

30

agents (63.3%) earned less than \$15,000 annually from this work.

**Table 6. Work Status and Income Characteristics of Bail Enforcement Agents Responding to the Survey Questionnaire**

| Occupational<br>Characteristic    | Total Number<br>of Respondents<br>(N=147) | Response<br>Rate<br>(%) |
|-----------------------------------|---|-------------------------|
| <u>Employment Status</u>          |   |                         |
| Full-time                         | 43  | 29.2                    |
| Part-time                         | 103                                       | 70.1                    |
| Missing                           | 1   | .7                      |
| <u># of Years in B.E.</u>         |   |                         |
| Less than five                    | 70  | 47.6                    |
| Five to ten                       | 37  | 25.2                    |
| More than ten                     | 33  | 22.4                    |
| Missing                           | 7   | 4.8                     |
| <u>Business Status</u>            |   |                         |
| Own business                      | 89  | 60.5                    |
| Work for other agent(s)           | 25  | 17.0                    |
| Work for other agency             | 14  | 9.5                     |
| Missing                           | 19  | 12.9                    |
| <u>Percent time spent in B.E.</u> |   |                         |
| Less than 50%                     | 76  | 51.7                    |
| More than 50%                     | 64  | 43.5                    |
| Missing                           | 7   | 4.8                     |
| <u>Amount Earned from B.E.</u>    |   |                         |
| Less than \$15,000                | 93  | 63.3                    |
| \$15,000-\$29,999                 | 18  | 12.2                    |
| \$30,000-\$75,000                 | 11  | 7.5                     |
| More than \$75,000                | 7   | 4.8                     |
| Missing                           | 18  | 12.2                    |
| <u>Work Preference</u>            |   |                         |
| Alone                             | 32  | 21.8                    |
| Ask agents as needed              | 51  | 34.7                    |
| Employ other agents               | 13  | 8.8                     |
| Missing                           | 10  | 6.8                     |
| Not Applicable                    | 41  | 27.9                    |

Those respondents owning their own businesses were asked their preference for how they worked and the majority indicated that they employ other agents to help them on an "as needed" basis. Just over 8% (n=13) of the agents who owned their own business reported that they employed other agents on a regular basis, and this is consistent with data that describe this occupation as one that is engaged in primarily on a part-time basis.

Also shown in Table 6, 17% (n=25) of those agents who did not own their own business reported that they primarily work for other individual bail enforcement agents. Only 9.5% (n=14) of agents reported that they worked for another agency. While not specified as such, it is possible that these agencies are bail bonding agencies with whom bounty hunters contract for fugitive recovery work.

Given that nearly 70% of respondents work part-time, it is of interest to note what other type of work they do. It is also of interest to examine the extent to which they are required to be licensed or registered in their state of residence, as this may have implications for whether they support such regulation as workers primarily employed in the occupation part-time. Further, it is important to understand the nature and extent of the training agents may have received, as an argument can be made that those who

are fully immersed in the occupation ought to be more highly trained and regulated. This argument is predicated on the notion that because they spend more of their time in bail enforcement activities, they are at higher risk for encountering problems such as those described earlier with regard to use of force. In addition, part-time agents have argued that they frequently work under the supervision of other, more experienced agents, and are therefore less likely to encounter problems arising from (ab)use of force issues that are linked to agent discretion. As Wade, a part-time agent with less than five years of experience stated in his interview:

When I go out it's usually with another agent. I rarely get a referral myself, but then I've only been at it for a couple of years. I haven't made a name for myself yet. But I am careful who I work for, too. I don't want any problems and I am willing to do what I am told to do. One of the guys I work with uses me regularly, but only if he feels he needs backup. In his case, I am almost always the second or third guy, and I am there to cover his back in case anything goes wrong. I go where I am told and do what he tells me to do. Now, I think with him he's the kind of

guy who is comfortable with me because he knows about my military background and knows I know how to handle myself and take orders.

On the other hand, a counter-argument has been made by full-time agents (whether they own their own businesses or not), that part-time agents are less experienced, and are therefore at greater risk for such problems, especially if they work on their own. As Garth put it during his interview:

Hoo, boy! Now you've touched a nerve! I think a lot of how we got our bad reputation is from all of these part-timers running around the country acting like cowboys. They figure they can get the guy at any cost and frankly, they don't have that much to lose. But I have a business and a reputation and I don't take to people who muddy up the waters for us reputable guys by taking unnecessary risks and acting like fools. We're businessmen just like any other businessmen, and we take our work seriously. We aren't about to put everything we have at risk just to haul in some yahoo misdemeanor who missed his court date because he never bothered to check his mail.

As noted by the examples above, there is wide disparity of opinions about this issue of who presents the greater threat and therefore requires greater regulation. Some bounty hunters, however, have experienced serious legal problems despite their attempts to minimize the risk. In a recent case in New Jersey, an appeals court granted a bounty hunter a new trial on his 2003 conviction of trespassing because the presiding judge in the case failed to consider *Taylor v. Taintor* (1872) as having any defining authority in the case (Newsday.com, 2005). The bounty hunter reportedly put his foot in the doorway of a home owned by a fugitive's mother. The mother had co-signed the bail application and listed her address as her son's address. After the agent put his foot in the doorway, police were called and the agent was arrested. The appellate court ruled that since the agent had learned in a bail recovery course that the 1872 Supreme Court ruling gave him the legal right to enter the home, he should be entitled to use it in his defense. The presiding judge in the original case called the 1872 ruling "archaic" and "irrelevant".

In another case, a bounty hunter (Link) from the northeast was left fighting for his occupational life after being arrested and charged with kidnapping, and possession

of a firearm, and possession of ammunition. While both of the possession charges were eventually dropped, the agent was tried on the kidnapping charge. Although a jury found him not guilty of the criminal kidnapping charge, he was sued in civil court by the fugitive for false imprisonment. The fugitive eventually withdrew his suit, but not before leaving the agent "destitute". Link reported that he "...cannot find representation to follow up and bring those that violated my rights, through political prosecution and caused me irreparable [sic] harm and mental anguish." He also reported that he had arrested "...a politician's relative who was in fact a fugitive from justice...", and that he suffered political retribution as a result.

Table 7 presents occupational data detailing the type of other work agents do in addition to their bail enforcement activities. Respondents were initially asked if they engaged in work other than bail enforcement to earn income. A large majority (85%) of agents reported that they did. In fact, several respondents attributed the "necessity" of doing other work to the fact that bounty hunters are "becoming a dying breed" in light of changes in bail bonding laws. These changes include those occurring in states that are adopting the ten percent rule that allows defendants to bond out for a mere ten percent of the

surety bond. Other changes are related to the prohibition of bail bonds that have a bondsman as an intermediary.

**Table 7. Type of Other Work Engaged In by Bail Enforcement Agents Responding to the Survey Questionnaire**

| Occupational<br>Characteristic                    | Total Number<br>of Respondents<br>(N=147) | Response<br>Rate<br>(%) |
|---|---|-------------------------|
| <u>Other Work</u>                                 |   |                         |
| Yes   | 125                                       | 85.0                    |
| No  | 21  | 14.3                    |
| Missing   | 1   | .7                      |
| <u>Type of Other Work</u>                         |   |                         |
| Professional/Tech Ops                             | 11  | 7.5                     |
| Exec/Admin/Man. Ops                               | 39  | 26.5                    |
| Sales   | 1   | .7                      |
| Admin Supp Occupations,<br>including Clerical     | 16  | 10.9                    |
| Precision Prod/Craft<br>& Repair Occupations      | 7   | 4.8                     |
| Machine Ops/<br>Assemblers/Inspectors             | 1   | .7                      |
| Transportation and<br>Material Moving Occupations | 5   | 3.4                     |
| Handlers/Equip Cleaners<br>Helpers & Laborers     | 8   | 5.4                     |
| Service Occupations,<br>Except Private Households | 30  | 20.4                    |
| Missing   | 14  | 9.5                     |
| Not Applicable                                    | 15  | 10.2                    |

Hewett, an agent from the Midwest with ten years of experience, related the following during his interview:

Look, it's almost impossible for most of us to make a good living doing this. So many of the states have gone to ten percent that it's



hardly worth it for a person to even contact a bail bondsman anymore. Why should they? There's no good reason for them to have to pay a bondsman the ten percent plus when he can just pay the ten percent the court asks so that he can get out of jail. Except on those really high bonds, nearly everyone can come up with ten percent. So if it is a ten percent state and the court only demands ten percent of the total bond for the person to get out, he's just gonna give the court the ten percent and bypass the bondsman altogether. And if he bypasses the bondsman, he bypasses us. No court has ever called me up directly and asked me to recover a fugitive. They just get the rest of the bond the fugitive technically forfeits either from a taxpayer fund like they do here, or they just wait until the police stumble on the guy on a traffic stop or some other way.

Ben, an agent from the Northeast with five to ten years of experience put it similarly:

There are times when it is a full-time job. I can't just stop working a case because I have to go to my other job. I am working the case in my head or getting one of my pals to do it for me

until I get the guy. It is tough for me to juggle my full-time job as a security supervisor with my bail enforcement work. I don't get a lot of sleep, let's put it that way. But I think--no, I know--I would have a lot more work if people relied on bail bondsman more than they do now. Really, they should have to, because it's only the bondsman who really gives a damn if the guy ever shows up in court. The courts, they don't care. As long as they get some money, they usually don't care. So if people post the ten percent on their own, the court will just take that and wait until the next time they come through to go after them. Because I get almost all of my cases from the bail bondsman, if he doesn't get the business, neither do I.

Unlike the agents above, who attribute their part-time work to the ten percent rule, other agents attribute it to other business factors. Kurt, an agent from the Northeast with two years of experience attributed his lack of full-time bail enforcement to the fact that he is new to the business.

Well, you know, I don't have the reputation or the contacts that some of the other guys have. I

got into it after I got out of the military. Therefore, I have had to work my way into it. I think attending (the NEA) school has helped more than anything because I knew from what Scott said that it could be a tough business to make a living at. But the networking is good, and I've gotten a couple of calls from guys I was in school with from other states who want something done. So now I feel it's just a matter of time until I can make a name for myself. In that respect, it's like any other business.

Even though it appears that the structure of bail bonding may be a factor why some agents work part-time, it is not the sole reason. However difficult it may be to identify a single reason why agents work part-time, the data clearly indicate that most agents do, in fact, work part-time.

In their responses to the question of what work they engaged in (other than bail enforcement) to earn income, respondents provided as many as fifty different occupations. Among the occupations listed by the respondents were museum worker, polygraph examiner, boat captain, cab driver, electrician, counselor, pastor, tool and dye maker, diesel instructor, and construction worker. For analysis

and presentation purposes, these occupations have been grouped into nine occupational categories using the Census 2000 Standard Occupation Classification. While it might have been methodologically appropriate to collapse categories where the individual number of respondents is low (e.g., Sales or Machine Operators), I chose not to do so because I again wanted to highlight the diversity among the people of this occupational group.

The professional characteristics of bounty hunters reflect their work lives and help us to better understand who they are in relation to the work they do. They also help us to better understand whether the work they do can be considered a profession or merely an occupation, and it is helpful here to examine whether the knowledge and skills they possess exist within the context of a profession, or whether, as some have suggested, they are merely occupational abilities that might, for example, be present among any group of unskilled workers.

Historically, one of the most-used constructs for identifying the traits of a profession was that of the attribute model (Pavaloko, 1988). As Pavaloko (1988) notes, "The main feature of the attribute model is the effort to identify attributes or traits that can be used to distinguish professions from other kinds of occupations"

(p. 19). Pavaloko codifies these attributes into eight different categories. The first of these categories is the presence of a knowledge base that serves as a basis for the occupation's members to claim special expertise. While it is clear from the data in this study that bounty hunters do possess a broad knowledge base that is similar to that possessed by police officers and other investigators, it is also clear that there are specific skills and techniques that one must know in order to be successful in capturing fugitives. It appears, however, that knowing *when* to use what they know is of equal importance to *what* they know. This became apparent as I accompanied Carlos, an agent from the Midwest into the field to effect a recovery of a 19-year-old fugitive who had failed to appear on a charge of auto theft. Carlos was an eight-year veteran of bail enforcement work. He reported that he "stumbled into" fugitive recovery work after being discharged from the military and being offered a part-time job helping out another bail enforcement agent. He reported that he had attended a privately run institute of bail enforcement training after working approximately two years on a part-time basis.

Carlos works in the capital city of a Midwestern state. As we traveled from his small corner office in a

one-story building, he explained that he had a "pretty good" idea where the fugitive was living (with his girlfriend), and that he planned to go to her apartment, do a brief surveillance of the residence, and then decide how to proceed. He related that we were headed to the outskirts of the city, on the south side, where the girlfriend reportedly resided. He reported that he was provided the girlfriend's name and address by the fugitive's mother after he had gone to her home looking for him. It was his mother's home that was listed on the bail bond contract. He reminded me that since this was not the address listed on the bail bond, he was not allowed to enter the residence without the permission of the owner:

Now, you know I can't just go in there [the house]. If she doesn't give me permission, or someone there doesn't give me permission, there's no way I can get in. Honestly, I am hoping he just forgot, you know, maybe he got wrapped up in something or maybe even got a job and just forgot. But I am going to assume the worse—that he's hiding from me and everyone else, and that he doesn't want to return to court. I hope for the best and plan for the worst.

Carlos was armed with a 40-caliber semi-automatic Glock handgun which was concealed under his sports jacket. He reported that he had never had to use his weapon in the "dozens" of arrests he had made over the past eight years. He stated, "This work takes brains, not braun". He expressed that his primary concern was that it would not be a good time to approach the residence or the subject, and explained that "not a good time" meant that there were too many other people around, or that something was going on in the residence that could be escalated by his presence at the door (he cited a domestic argument as an example). He also explained that he doesn't like to "take someone in" when there are children present, especially if the situation "could go bad." He explained that the fugitive we were after had a prior criminal conviction for possession of marijuana, but that he had no documented history of violence.

In this example, Carlos was using a variety of factors as cues for when and how to approach the residence. Among them were the amount and type of activity at the residence and the fugitive's prior criminal history and history of violence. He also expressed concern about how to gain entry to the residence for a search in the event that the fugitive was not readily visible. He finally acknowledged

that he might have to "sit up on" the house for an extended period of time in order to determine if the fugitive was actually there.

Clearly the agent was relying on a variety of non-verbal cues present in the environment to help him determine the best course of action. When queried about how he knew which of these courses to choose, he replied, "Well, it's really a combination of intuition and experience. Really, given this kid's history, he seems more foolish than dangerous."

Thus, the "rules" he followed for how to proceed varied within the totality of circumstances, and were characterized by a complexity in both their development and their application. This is knowledge that Pavaloko refers to as "...normative and prescriptive, not scientific."

A second trait of the attribute model Pavaloko identifies is that of the relationship of work to important values of society. While a number of agents who were interviewed identified financial gain as a primary motivator for their persistence, many also spoke of their desire to make a contribution to society.

Doogie, a male agent from the Northeast with five to ten years of experience put it this way:



Why do I do it? Because I love it! There's too much red tape in law enforcement. Here in \_\_\_\_\_ [state], police officer's aren't respected. For me, I can do the job without a uniform and there's no red tape and as long as you have the court documents you are okay. I have the feeling that I am doing something good-making a contribution.

Thus, while the criminal justice system is replete with incidences of injustice, society holds "justice" as a basic value. Engendering justice is therefore defined by society as a noble goal of the criminal justice system, and this goal appears to be shared by bounty hunters, as well.

A third trait identified by Pavaloko is that of training, specifically the amount and type of training. Training that encourages the ability to manipulate ideas and concepts and that results in specialized knowledge characterizes this trait. That the majority of agents had received training is an indicator of the presence of this trait. Although the training is somewhat diverse in its content and amount depending on the institute where it is taken, there is a common body of knowledge regarding laws, control techniques, and other aspects of conduct being taught in these institutes.

A fourth trait of the attribute model is that of motivation. Specifically, motivation to provide a service to others (as contrasted with self-interest) is prevalent. Teddy, an agent with two-and-a-half years of experience stated:

I perform a service for the community. No one else is going to do it. There's no way law enforcement can do this job effectively. Not with the way resources are. We are the public's only recourse for getting these guys off the street. That's part of what drives me--the sense of justice I have. These guys bonded out saying they would appear in court to take their medicine and here they are, running around the country without a care in the world, maybe hurting other people. It's not right. So I spend my time putting together the pieces of the puzzle, in fact, most of my time is spend putting the puzzle together. Only about five percent is put into the actual capture. And I feel good when I take him to jail--like I accomplished something for society. Now I'm going to get paid, true, but I wouldn't tell anybody this, but I'd probably do this work for free I like it so much. So I go to

a lot of lengths to make sure I get the guy because I just don't want him out there running around.

The fifth trait of the attribute model is that of autonomy. As Pavaloko notes, autonomy, more than any other trait, serves to differentiate work groups. Bounty hunters have a great deal of autonomy at both the individual level and the work group level. Although they function within the purview of the criminal justice system, they have the greatest amount of autonomy of all of the agents in the system. While some of this has to do with the nature of their work, a good deal of it has to do with their status as independent contractors.

The sixth attribute is that of commitment, and according to Pavaloko, it generally refers to the types of sentiments people have about their work. Many of those interviewed in this study spoke about their work almost as if it was a calling. Jorge, an agent with only two years of experience stated:

I don't know any other way to put it. I just love doing this work. I'd do more of it if I could get it. I love everything about it. It's an adrenaline rush at times, that's for sure, but that's just a small part of it. It's really a

game of cat and mouse. You hide, I try to find you. You know I'm coming, but you don't know how or when. I could be rolling up behind you while I am pushed in a wheelchair in a mall, or I could be next in line at the coffee machine at 7-11. To me the whole thing is the best work I've ever had.

The seventh attribute is a sense of community, or the presence of a common identity. This is facilitated in the realm of bounty hunters through annual meetings sponsored by national associations, and through on-going training offered at various training institutes. There is little doubt that bounty hunters identify themselves as a special breed. Jake put it this way when asked how bounty hunters are different from other agents in the criminal justice system:

I think I know what you mean. It's true, we are different. We're loners, really. We can work well as members of a team but really, we enjoy it being one-on-one. We like making our own decisions and not being told what to do or how to do it.

Another important aspect of developing a common identity is controlling who enters the profession. This is

done primarily in two ways—through enrollment in training institutes where socialization takes place, and through the tight-knit alliances that are formed with bail bondsmen. It would be the rare case that a bounty hunter would be successful without having an established relationship with a bondsman. And given the high degree of civil liability that the bondsmen feel when hiring bounty hunters, it is extremely difficult to get hired on any regular basis if the relationship with the bondsman does not exist. Most bondsmen will only work with a bounty hunter who is a known entity and who comes referred by someone else the bondsman knows and respects. Danny, a bounty hunter who also is a bail bondsman put it this way:

I don't care who you are or what you say you've done. If I don't know you or know someone who knows you I'm not going to hire you—period. It's not worth takin' the risk working with someone I don't know. Some of these guys, they're as bad as they guys they say they are chasin'. But most of them, they all have references, they can all tell you who they've worked with in the past and hell, I don't hesitate, I call and get a reference on 'em from the other bondsmen. And they'll tell me yes or no, it's that simple.

It is acknowledged, however, that despite the importance of their alliance with bail bondsmen, bounty hunters may begin work in many states without this alliance, and in fact, without any formal training or regulatory oversight at all.

The last attribute of a profession identified by Pavaloko is a code of ethics. The system of norms and values that guides bounty hunter conduct can be and is written in many training institutes. It can also be unwritten. For the most part, however, the code of ethics broadly outlines the expectations for conduct. While there are few mechanisms for the enforcement of a code of ethics at this time, they are considered to be an important part of the membership of at least one national bail enforcement association.

It appears that there is sufficient evidence to suggest that the occupation of bail enforcement does, indeed, have several attributes of a profession. There is, however, evidence to suggest that many bounty hunters do not attend training institutes where these attributes are bestowed.

As noted previously, an overwhelming majority of respondents (85%) engage in work in addition to fugitive recovery. That the majority of these agents are employed

in the Executive/Administrative/Managerial field is not surprising, as it is quite possible that many of these agents are also bail bondsmen who own their own bail bonding business. This would be consistent with the data in Table 5 that shows that over 60% of them own their own bail enforcement business. The occupational classification with the next highest amount of agents employed is the service occupation, which includes security and personal protection personnel, police officers, and other law enforcement personnel.

Respondents were asked during the course of their interview about specific factors that help determine whether they work part-time or full-time. While a small minority (9.9%) of the 71 interviewees indicated that they choose to work part-time due to other employment commitments, most (91.1%) stated that they would like to work full-time at bail enforcement, but the work is not readily available to them. Max, an agent regionally located in the West put it this way:

Oh, gosh, yes, I would like to do it full time. But very few make it in this profession full time. It's not that there aren't enough skips to keep us all busy full time, it's just that with all the PR [personal recognizance] and ten

percent bonds being issued by the courts, no one but the police have responsibility for picking them up. And there's no way they have the ability to keep up with looking for these guys with all of the other work they have to do.

Emmett echoed that statement, and linked his lack of referrals to his geographic location:

I'll take referrals from almost anybody, but I get almost all of my referrals from a couple of bail bondsmen I work with. They know they can count on me to get the job done, so they call me. But we're not in the city, you know, and that makes a big difference. When people want to hide they stay in an urban area. Not that I wouldn't go to the urban area, but usually the guy in the city has the advantage because he has more bondsmen to work with and even the ones he doesn't work with on a regular basis might call him to go pick someone up in an area he's already familiar with. It cuts down on time and money, and that's what our job is all about—getting the job done as quick, easy and inexpensive as possible.



Thus, even though many bounty hunters desire to work at bail enforcement full-time, the structure of bail bonding plays an important part in determining the extent of their work. This is the case whether the bonding occurs at the court level or the bondsman level.

In addition to those professional characteristics that describe the type of work they do, those that look at the "qualifications" of bounty hunters also offer important insight into who they are. As previously discussed, these qualifications are frequently called into question by law makers and members of the media. It is the case, however, that little is actually known about these qualifications, especially the nature and extent of their training.

Any discussion of bounty hunter training must take place in the context of current requirements regarding licensing and regulation of bounty hunters. The variation in state-by-state requirements was briefly discussed in Chapter 1. What is important to note here is that not all states require bounty hunters to participate in training, and it would be a gross understatement to say there is a lack of systematic regulation of them or their work. However, despite the scarcity of systematic licensing or other regulation, there is evidence that overall, bounty hunters

do participate in training, even when not required to do so by their state of residence. Information describing the state of residence for respondents is contained in Table 8. For purposes of analysis, state of residence has been grouped according to regions identified in Census 2000.

As shown in Table 8, the majority of respondents reside in the Midwest. This is not surprising in light of the fact that the majority of survey participants were identified from their participation in the NEA, which has the Chicago area as its central training location. Those residing in the Northeast constitute the next largest group of respondents, followed by the South and the West.

**Table 8. Geographical Region of Residence Reported by Survey Respondents**

| Occupational<br>Characteristic | Total Number<br>of Respondents<br>(N=147) | Response<br>Rate<br>(%) * |
|--------------------------------|---|---------------------------|
| <u>Region of Residence</u>     |   |                           |
| West                           | 19  | 12.9                      |
| Midwest                        | 49  | 33.3                      |
| South                          | 33  | 22.4                      |
| Northeast                      | 44  | 29.9                      |
| Missing                        | 2   | 1.4                       |

\*Totals may not equal 100 due to rounding.

Table 9 contains additional information about the professional characteristics of survey respondents. The characteristics in this table refer to agents' reports as to whether their individual states have licensing and

registration requirements, and to whether they themselves are licensed or registered in any states.

As indicated in Table 9, the majority of respondents (67.3%) report that registration is not required in their state. Additionally, a majority (52.4%) also report that licensure is not required. Commensurate with this, just over 59% of respondents indicated that they were not licensed in any state. Only 22.5% (n=33) of respondents indicated they were registered in any state. Just over thirty-seven percent (n=55) of respondents reported they were licensed in any state.

**Table 9. Agents Reporting Licensing or Registration as a State Requirement, and Whether They Are Licensed or Registered in Any State**

| Occupational<br>Characteristic     | Total Number<br>of Respondents<br>(N=147) | Response<br>Rate<br>(%) * |
|------------------------------------|---|---------------------------|
| <u>State Registration Required</u> |   |                           |
| Yes                                | 40  | 27.2                      |
| No                                 | 99  | 67.3                      |
| Don't Know                         | 1   | .7                        |
| Missing                            | 7   | 4.8                       |
| <u>State Licensure Required</u>    |   |                           |
| Yes                                | 58  | 39.5                      |
| No                                 | 77  | 52.4                      |
| Don't Know                         | 10  | 6.8                       |
| Missing                            | 2   | 1.4                       |
| <u>Registered in Any State</u>     |   |                           |
| Yes                                | 33  | 22.4                      |
| No                                 | 105                                       | 71.4                      |
| Missing                            | 9   | 6.1                       |
| <u>Licensed in Any State</u>       |   |                           |
| Yes                                | 55  | 37.4                      |
| No                                 | 87  | 59.2                      |
| Missing                            | 5   | 3.4                       |

\*Totals may not equal 100 due to rounding.

In addition to asking respondents about licensing and registration requirements in their states of residence, I also asked them about the types of occupational licenses they held. As shown in Table 10, respondents primarily held one or more of four different types of licenses. Among these types of licenses are Bail Enforcement Agent (BEA), Bail Bondsman, Private Investigator (PI)/Detective, and Vehicle Repossession (REPO).

Table 10 shows that over half (59.8) of respondents reported holding more than one occupational license. The license most frequently held by multiple license holders was that of Bail Bondsman (n=25).

**Table 10. Types of Professional Licenses Held By Survey Respondents**

| Occupational<br>Characteristic      | Total Number<br>of Respondents<br>(N=117) | Response<br>Rate<br>(%) |
|-------------------------------------|---|-------------------------|
| <u>Type of Professional License</u> |   |                         |
| BEA                                 | 47  | 40.2                    |
| PI/Detective                        | 23  | 19.6                    |
| Bail Bondsman                       | 15  | 12.8                    |
| Bail Bondsman/PI                    | 12  | 10.3                    |
| Bail Bondsman/BEA                   | 9   | 7.7                     |
| BEA/PI                              | 7   | 6.0                     |
| Bail Bondsman/REPO                  | 2   | 1.7                     |
| Other                               | 2   | 1.7                     |

In addition to holding multiple occupational licenses, many bounty hunters (62%) also have a permit to carry a concealed weapon (CCW). Given that such a percentage of

recovery agents report having such a permit, it is of interest to note how many of them have had firearms training.

Table 11 shows how many agents reported having firearms safety/use certification, as well as certification in other types of control techniques. In addition to being certified in firearms use and safety, agents reported being certified in other control techniques as well.

**Table 11. Type of Control Technique Certification Reported by Survey Respondents**

| Training<br>Certification<br>Type | Total Number<br>of Respondents<br>(N=147) | Response<br>Rate<br>(%) |
|-----------------------------------|---|-------------------------|
| <u>Firearms Use/Safety</u>        |   |                         |
| Yes                               | 92  | 62.6                    |
| No                                | 55  | 37.4                    |
| <u>Pressure Point Control</u>     |   |                         |
| Yes                               | 48  | 32.7                    |
| No                                | 99  | 67.3                    |
| <u>Verbal Judo</u>                |   |                         |
| Yes                               | 48  | 32.7                    |
| No                                | 99  | 67.3                    |
| <u>Caning</u>                     |   |                         |
| Yes                               | 8   | 5.4                     |
| No                                | 139                                       | 94.6                    |
| <u>Fast Handcuffing</u>           |   |                         |
| Yes                               | 65  | 44.2                    |
| No                                | 82  | 55.8                    |
| <u>Other</u>                      |   |                         |
| Yes                               | 48  | 32.7                    |
| No                                | 99  | 67.3                    |

Among the other techniques were pressure point control tactics, verbal judo, caning, fast handcuffing, and personal and executive protection. Verbal judo is described as a type of tactical communication that involves verbally persuading others into voluntary compliance. Nearly one-third (n=48) of respondents reported being certified in this technique. Caning is a type of training that involves mastering the use of a walking cane as a defensive weapon. Fewer than 6% (n=8) of respondents were certified in caning techniques. More than 44% (n=65) of respondents reported being certified in fast, or tactical handcuffing. Agents also reported having been trained in a variety of other control techniques, including the use of batons in subduing a fugitive, martial arts, such as jujitsu and karate, and a variety of other physical restraint techniques designed to subdue a fugitive.

The data in Table 11 clearly show that the majority of respondents have certification in at least one area of training. Most hold certification in multiple training techniques.

It is worth noting here that this level of training was not unexpected among this cohort of respondents. This is because the majority of the respondents were obtained via their membership in the NEA and as a condition of that

membership, one must complete the training provided by its training institute, The National Institute of Bail Enforcement (NIBE). However, even when training certification was not obtained at the NIBE, it was frequently obtained via attendance at another private training institute similar to NIBE. For purposes of analysis, these institutes have been collapsed into three categories, NIBE, other state sponsored institutes, and other private sponsored institutes. Table 12 presents data on where bail enforcement agents obtained their training.

**Table 12. Site of Training Completion for Survey Respondents by Type of Institute**

| Institute Type                 | Total Number of Respondents (N=147) | Response Rate (%) |
|--------------------------------|-------------------------------------|-------------------|
| <u>NIBE</u>                    |                                     |                   |
| Yes                            | 115                                 | 78.2              |
| No                             | 31                                  | 21.1              |
| Missing                        | 1                                   | .7                |
| <u>Other State Sponsored</u>   |                                     |                   |
| Yes                            | 13                                  | 8.8               |
| No                             | 134                                 | 91.2              |
| <u>Other Private Sponsored</u> |                                     |                   |
| Yes                            | 18                                  | 12.2              |
| No                             | 129                                 | 87.8              |

As Table 12 indicates, it is clear that the majority (78.2%) of respondents have attended and completed at least one training program. It should be noted, however, that there is some overlap in the data, as some respondents have

attended more than one training institute. Despite this fact, it is clear that most agents have participated in training sponsored by at least one institute.

In the course of interviewing agents I asked them about their motivation for attending training. Overwhelmingly, the majority (99%) reported that they have attended training even when it was not required and have paid their own way. As Ellen put it:

We insist on training. Training, training, training. And education. We take advantage of every opportunity to train, both locally and nationally. We won't deal with no one who hasn't been trained. It's too risky and not a risk we are willing to take. There are enough risks in this business that you can't control, but training is one you can control. It's always worth the cost down the road. Training is one thing that you do that always pays. No matter how you look at it, training is a must.

Cameron reported that he felt so strongly about being trained that he spent his own money to become a trainer himself. Skilled in a variety of control tactics, this agent stated the following:



There's no substitute for training. A lot of people think they can get by without it, but I don't use anybody who's not trained. What would be the point? You bring too many problems into an already touchy situation when you go into it without training. Nobody in their right mind would get into these situations without some training—even if it was only with one other agent. It's too dangerous and it don't pay. People forget that even though you might be able to justify using force on someone to the police, that don't mean that the guy isn't going to sue you in civil court. And even if you're right and did the right thing, it might cost you a fortune just to defend yourself. It's just not worth it.

Given that a lack of training is one of the criticisms most frequently levied against bounty hunters, an attempt was made to explore all forms of training they may have engaged in. This included both formal training such as that provided by a training institute, and less formal training, such as that gained through on-the-job experience. Toward this end, participants were specifically asked if they had spent any time in the field being trained by another, more experienced bail enforcement agent. If

so, they were asked to specify how many months they spent being trained in the field before they accepted their first case on their own. Responses varied from one to thirty-six months. For the purpose of presentation, the responses to the number of months spent in on-the-job (OTJ) training were collapsed into two categories, less than six months and more than six months. The results for these items are presented in Table 13.

**Table 13. Percentage of Bail Enforcement Agents Engaging in On-The-Job Training and Number of Months Spent in Training**

| Training<br>Characteristic   | Total Number<br>of Respondents<br>(N=147) | Response<br>Rate<br>(%) |
|------------------------------|---|-------------------------|
| <u>OTJ Training</u>          |   |                         |
| Yes                          | 70  | 47.6                    |
| No                           | 75  | 51.0                    |
| Missing                      | 2   | 1.4                     |
| <u>Months Spent Training</u> |   |                         |
| Less than 6 months           | 44  | 29.9                    |
| More than 6 months           | 24  | 16.3                    |
| Missing                      | 2   | 1.4                     |
| Not Applicable               | 77  | 52.4                    |

Table 13 shows that a small majority of respondents did not participate in on-the-job training. However, it is of note that respondents are almost equally divided between those who did participate and those who did not. Of those 70 respondents who did participate, 44 (29.9%) participated in training that lasted six months or less, and 24 (16.3%) participated for more than six months.

The data presented in Tables 12 and 13 show that the majority of respondents report having attended training and obtained certification in at least one control technique. Further, the data show that nearly half of the respondents have also participated in some on-the-job training. This data, then, appears to contradict their image as untrained in control techniques, and suggests that they have received training that would help them minimize the risk of physical altercation and avoid the use of excessive force.

In addition to the occupational characteristics associated with training and licensing and registration, there are several other occupational characteristics that help to inform us about who bounty hunters are. Among these are the number of cases they work, the sources of the referrals for their cases, and how successful they are in their work.

In an attempt to explore the types of cases bounty hunters work, survey respondents were asked to identify how many cases they had participated in (either as a primary investigator or as an assistant to another agent) during the 2003 calendar year. They were also asked to specify the source of referral for these cases. These results are presented in Table 14.

**Table 14. Number and Percentage of Cases Worked by Type of Referral Source**

| Referral Source       | Number of Cases Worked<br>(N=2413) | Percentage<br>(%) |
|-----------------------|------------------------------------|-------------------|
| Bail Bondsman         | 1,600                              | 66.3              |
| Defendant's Relatives | 483                                | 20.0              |
| Law Enforcement       | 290                                | 12.0              |
| Other                 | 40                                 | 1.7               |

Not surprisingly, the results shown in Table 14 clearly indicate that the majority of cases were referred by bail bondsmen. These results also support what the agents previously stated in their interviews regarding the availability of work. It seems that bail enforcement is an occupation of "feast" for some, and "famine" for others. For example, 51 (34.7%) agents worked fewer than five cases in 2003, and a nearly identical number (35.4%) worked more than fifteen cases. Also worth noting here is the relatively high number of cases (n=483) that were referred by relatives of defendants. This number may be reflective of bail bonding practices previously discussed in Chapter 1. Specifically, it appears to reflect a trend toward family hiring the bail bondsman to post the bond for the defendant, or posting the bond directly themselves. As previously noted, families often are required to post collateral (i.e., property) to assure the bondsman the defen-

dant will appear for his court dates. When the defendant fails to appear, the family potentially stands to lose a house or other property, so they have a good deal invested in making sure that the defendant is returned to the court when he skips on his bail. Of additional interest is the number of referrals (n=290) made to bail agents by law enforcement officials. In addition to referrals by law enforcement personnel, relatives of defendants, and bail bondsmen, respondents also reported that they had received referrals (n=40) from a variety of other sources, including insurance companies, private investigators, other bail enforcement agents, friends and U.S. Immigration and Naturalization Services.

Forty-eight respondents (32.7%) reported that they accepted international cases where the defendant had fled the country. These 48 respondents pursued 51 defendants, with the majority (90%) pursuing only one defendant internationally. The greatest number of defendants pursued internationally by any bail agent was 5, and this was reported by two agents.

Agents were also asked what percentage of their cases resulted in a successful recovery (Table 15).

**Table 15. Number and Percentage of Cases Resulting in a Successful Recovery**

| Percentage of Cases | Total Number<br>of Respondents<br>(N=147) | Response<br>Rate<br>(%) |
|---------------------|---|-------------------------|
| Less than 25%       | 20  | 13.6                    |
| 25% - 50%           | 22  | 15.0                    |
| 51% - 75%           | 14  | 9.5                     |
| More than 75%       | 81  | 55.1                    |
| Missing             | 10  | 6.8                     |

Eighty-one respondents (55.1%) reported an arrest percentage of 75% and above. Only twenty respondents (13.6%) reported a successful recovery rate of less than twenty-five percent.

A much more comprehensive understanding of the role of bounty hunters in the criminal justice system begins to emerge out of the professional and personal demographics discussed above. Despite the personal and occupational diversity present among members of this occupational group, there is evidence to suggest that they do have traits in common that, at least in part, characterize their occupation. Of additional importance in understanding the role of bounty hunters in the criminal justice system is understanding what they do and how they do it.

#### **WHAT BOUNTY HUNTERS DO AND HOW THEY DO IT**

In an attempt to explore what the work of bounty hunters is and how they go about doing it, data were

analyzed from the three dominant data-gathering methods previously discussed—survey questionnaires, interviews, and participant observation.

As discussed previously, the goal of bail enforcement work is just as it says—to enforce bail. This is the case whether the work is referred to as fugitive recovery (wherein the agent “recovers” the fugitive), or skip tracing, (wherein the agent “traces” the skip). To elucidate the way in which this enforcement, recovery or trace is done, survey respondents were asked how important a variety of factors were in helping them to effect a successful recovery. In essence, these factors inform the decision making of bounty hunters as they go about trying to locate and capture a fugitive.

Interviewees were asked a series of questions from the interview guide that allowed for further exploration of data obtained in their surveys. Participant observation allowed for in-depth conversational exploration of these factors, and for direct observation of their application in the field during a two recovery attempts. What follows in this section is a presentation of the results of the data obtained using these three methods.

Bounty hunters were asked to rate the level of importance of several factors related to their ability to

successfully effect a recovery (Table 15). These factors are characterized by their relationship to fugitive characteristics and the nature of the bond. Four response categories were used to measure the level of importance. The categories and their assigned values were: Very Important (1), Somewhat Important (2), Somewhat Unimportant (3), and Very Unimportant (4). Missing cases were excluded from the analysis. Mean scores were computed for each factor for respondents by summing the assigned value of each of the responses and dividing by the number of scores summed. Lower mean scores represented greater importance of a factor.

It can be seen in Table 16 that, in general, respondents identified both the nature of the bond and fugitive characteristics as being either somewhat important or somewhat unimportant. There was very little variation in the mean scores for either of these factors. For example, the lowest mean score ( $\underline{M}=1.45$ ) was on the amount of physical danger perceived present at the time of the recovery. The highest mean score ( $M=2.39$ ) was on whether the fugitive failed to appear in an in-state or an out-of-state court.



**Table 16. Mean Scores for Level of Importance of the Nature of the Bond and Fugitive Characteristics in Effecting a Successful Fugitive Recovery**

| <u>Factor</u>                         | <u>Mean</u> | <u>Sd.</u> |
|---------------------------------------|-------------|------------|
| <u>Nature of the Bond</u>             |             |            |
| Q. 46a (Bondable Offense)             | 1.88        | (1.45)     |
| Q. 46b (Bondsman's History)           | 2.02        | (1.33)     |
| Q. 46f (Reason for failure to appear) | 2.31        | (1.40)     |
| Q. 46g (In/out of state)              | 2.39        | (1.39)     |
| Q. 46h (Where bonded to)              | 2.05        | (1.47)     |
| <u>Fugitive Characteristics</u>       |             |            |
| Q. 46c (Offender Characteristics)     | 1.71        | (1.38)     |
| Q. 46d (Fugitive's lifestyle)         | 1.60        | (1.41)     |
| Q. 46e (Criminal History)             | 1.52        | (1.30)     |
| Q. 46i (Physical danger)              | 1.45        | (1.07)     |

The mean score of 1.45 indicates a belief that perceived physical danger is somewhat important, whereas the mean score of 2.39 indicates a belief that whether the case is an in-state or out-of-state case is somewhat unimportant. The fact that all mean scores fall somewhere between these two values indicates that each of the factors is essentially only somewhat important. Thus, the informative value of the ratings of these factors may lie in their overall value to the recovery process itself, and not necessarily in the relationship of one factor to another. It may, therefore, be useful to discuss such factors in this context.

One of the difficulties in identifying the situational factors that bounty hunters use in effecting a recovery is the meaning any specific factor has within a given context. For example, it was clear from the quantitative analysis that the mean score for the factor of "perceived danger" was the lowest for all of the factors, indicating its greater importance in effecting a recovery. In the course of their interviews, I asked respondents to elaborate on this factor specifically, as it appeared to be related to many other factors.

In interviewing respondents about this factor, I reminded them of their answer to the question in the survey. I then asked them the open-ended question "What factors do you consider when the dangerousness of a situation is being assessed?" Only by asking this question as a follow-up to their survey response was I able to garner the contextual information that allowed me to better understand the process by which they came to decide what a "dangerous" situation was. It is important to note here that my focus was not on why they considered a situation dangerous, but the process they used to reach a conclusion about it's dangerousness. As described by each of the interviewees, the process initially begins with a brief assessment of a variety of "sub-factors". Among these sub-

factors are the nature of the offense, how much the fugitive has to lose, the reason why the fugitive failed to appear, and the neighborhood where the fugitive is suspected to be hiding.

In the process of interpreting these factors in relation to one another, the agent appears to utilize a decision tree that allows him to subsequently evaluate the other factors. Several of these factors were considered in the case of Jed, an agent with seven years of experience who spoke about the process he uses to assess dangerousness:

Well, it's a never-ending process, I will tell you that. This is something you constantly have to reassess. Let's say I find out from the bondsman that the offense for which he was out on bond was an assaultive offense—or maybe it involved a weapon, like say, a drive-by [shooting]. In that case, I'm thinking from the get-go that this could be dangerous. Now let's add that not only is it a drive-by, but he's a three-striker. So now he's lookin' at life without parole maybe. Well, that takes it up another notch. Now let's say he's fled to an area where he's hangin' with some of his

homeboys. So I get down to 'the hood' lookin' for this brother, and I can tell from the first couple of homeboys I talk to that there's not gonna be any cooperation there, and in fact, might be some resistance. Well, you can see where this is going. What started out to maybe not be much of anything with a guy who failed to appear because, hell, I don't know, let's say he don't pick up his mail, now all of a sudden it's a much bigger deal. The danger level went from almost nothin' to something serious as I get more into it. Now let's say I find the guy. After all that, yeah, I'm gonna be careful. So I might bring in a guy to help me take him in, or maybe I will do a bit more surveillance just to minimize the risk of taking him in. But yeah, I'm gonna be more careful that I might have in the beginning because now I know things I didn't know in the beginning and I want to minimize the possibility of escalation.

Cash, an agent with more than ten years of experience echoed this process:

You can't know what is going to happen, you can only try to lessen the risk. But the risk keeps

changing, and you can't predict how or when it will change. Things can be running totally smooth right up until you go to handcuff the guy, the all of sudden he decides he wants to save face in front of his kid or his girlfriend so he starts putting up a fight. Right then you gotta be paying attention-like always-because there are subtle cues people give off about what they're feeling or how they are going to act. And you have to be able to read these cues. Some of the most important cues are those dealing with violence. You have to always assume that there is going to be a problem. You tell them, 'Hey, I don't want no problems and you don't want no problems, right?' I say, 'You can go easy or you can go hard, but you're goin' with me.' I don't try to embarrass them or give them a hard time. In fact, one time I had a guy who I arrested on Father's Day and he was havin' a hard time with it and just kept sayin' he didn't want to go on Father's Day. So after we arrested him and we went to the hotel I let him call his family and they came down to the hotel and we had a little celebration in the room and then he was cool. So

in that case things were looking touchy for awhile but then later they cooled down and everything went smooth after that. You just gotta be flexible and know when it's time to come down hard and when it's time to ease up. But you gotta pay attention, you definitely gotta pay attention.

As shown in table 16, survey respondents generally agreed that factors relating to the nature of the bond and fugitive characteristics were at least somewhat important in helping them effect a recovery. In addition, they also identified several technical skills and personality traits that were very important in helping them effect a recovery. For example, they identified effective communication skills, the ability to listen, patience, and the ability to read verbal and non-verbal cues as being very important. What this suggests is that there is general agreement among the members of this occupation as to what types of skills and techniques are important in effecting a recovery. This supports my earlier assertion that the systematic application of these skills and techniques is common to this occupation, and is one of eight fundamental attributes that Pavaloko (1998) identifies as being essential to a profession.

In identifying the level of importance of these skills and traits, survey respondents provided a foundation for using interviews to explore the relationship between case-related factors and their skills and traits. For example, during one interview, Monte expanded on the how the nature of the offense and his assessment of physical danger play into the skills he uses:

The nature of the offense, well, that doesn't really matter that much to me because I will go after anyone. And his size don't matter, either because this is a game of wits. I'm always extra cautious no matter what the case. You'd be naïve--and I've seen it happen--to think that the most minor charge can't become a big problem. I depersonalize things. It don't matter to me why the guy didn't show. It only matters if I can use it to convince him that it's in his best interest to come in. Like one time I had a guy whose mother was in the hospital and he didn't appear because he knew he was going to jail and he didn't want to go with his mother in the hospital. So I went to the hospital and talked to him and we sat in the little room and I listened to him talk about his mother and her

illness and I talked to him like I was his father—you know, what would his mother want and all that. So I gave him the chance to go in and say goodbye to her and then we walked out together, and I didn't put the cuffs on him or anything until after we got outside because you know, he didn't want the people at the hospital to see him like that. But I was concerned when I went up there because there he was all upset and everything and you just don't know what will happen. You always prepare as though it could go bad. Here, though, it wasn't so bad because I didn't think there would be a lot of physical danger because we were in a hospital and his mother was there, and despite how tough these guys talk and act, they don't want to look bad in front of their mothers.

Archie also spoke to this issue:

Taking the guy in, that's what's important. So I have to use anything and everything I can to make that happen, I mean, within the bounds of the law. We are different than cops. They get paid for eight hours of work whether they are able to arrest the guy or not. And that warrant might



still be there if they are off for a couple of days and they come back to work they can try again, if they have time. But if something else comes up, they may not get back to it for weeks or maybe months. We have to get our information on our own—we don't get agency cooperation or help. We can't just walk into Social Services and say we'd like some information. We have to go about it totally different. We just don't have the same data sources they [law enforcement] have. Now, this can work to our advantage, because I think lots of times cops rely too much on those databases and don't think creatively enough about other ways to get information other than to show their badge and say they are from such and such police agency and expect cooperation. On the other hand, we don't have all that red tape to go through, and that works to our advantage. But we have to be determined. I'm not going to get a cent unless I bring the guy in. There's just no way around it. That means that I have to rely on my intuition and other sources of information rather than official ones. I have to be more creative. So I like to

know as much as I can about a guy because I figure it gives me the edge. I know him, but he doesn't know me. Really, it [success] is in being able to think fast on your feet. You gotta be able to blend in. It's like being a chameleon, adapting to the environment you're in. In the end, it really just comes down to who wears who out first. And I don't never wear out.

The role of "intuition" was explored in the interviews, and several participants raised it as an issue before I did. While there was a tendency at times for the participants to speak about intuition as a near-mystical quality, it was clear from their reports that what appeared to be intuition on the surface was really just a technique the agent used to synthesize information. This technique is best described by Barry Neil Kaufman (2001):

Intuition is merely *fast logic* in a *slow logic* world. It refers to the process of going from A to D to S to Z without having to fill in the blanks in between in order to make the connections that *slow logic* does incrementally. ...When we develop a meaningful level of self-trust and comfort, we allow our thinking process to operate more optimally and, thus, make

connections and insights in a fraction of the time otherwise required (p. 33).

Like many people experienced in their occupation, bounty hunters report having a "feel" for when something "isn't quite right." They characterize this feel as intuition. As Kaufman points out, however, this feel develops with experience and is essentially a thought process that occurs without having to make the same logical connections that a slower logic would require. This explanation helps account for the impression I developed while conducting the interviews and participant observation that bounty hunters with more experience relied more heavily on intuition to guide their actions than did less experienced ones, and this is supported by the data in Tables 19, 20, and 21. There were several indicators of this phenomenon in the interview responses given to my inquiry about the role of intuition in guiding their actions. Gabe, an agent who had been working as a bounty hunter for approximately eighteen months said this about assessing the physical risk of harm:

I think it is very, high. This is a risky business. These guys we are after aren't choirboys. If they were they wouldn't be in this situation. You can never tell what will happen

and you don't ever want to let your guard down. You may go into it thinking that he's not going to be a problem but you have no way of really knowing that. You just never know what you've got until you get into it. So you have to assume he is going to be a problem. That way you are never caught unprepared.

Contrasted with this assessment is the assessment of Vito, a veteran bounty hunter with more than ten years of experience:

Really, the risk is pretty low. If you look at the number of times we actually get into it with someone it's very, very few. Sure, there is the potential for it to happen, but the probability just isn't that high. Not that you want to take it for granted. But after you spend a few minutes with the bondsman, or even the relative, you start to get a sense of what you are up against, and you can plan accordingly. Most of the time it's very uneventful. Heck, I would estimate that over 50% of my cases involve someone who simply forgot about the date [they were supposed to appear]. That doesn't mean I'm not going to take him in, but I don't have to

hire an army to help me do it, either. Ninety-nine percent of the time I can predict within fifteen minutes of getting the paperwork how it [the recovery] will go down--assuming I have the basic information I need about who I am after and what the circumstances are. But, I've done so many now even that doesn't really matter that much.

Evident in the responses above is the process by which bounty hunters interpret the symbolic meaning of factors in their environment and in their experience. These examples suggest that bounty hunters do engage in a process of assigning meaning to people and events and then act accordingly. Understanding how they come to assign this meaning provides important insight into the rationale they have for how they go about doing their work. The process is clearly a dynamic one. Further, it is evident from the examples above that the process bounty hunters use to attach meaning to situations and the people in them is a function of their interpretation of those situations.

What follows is another example related to this phenomenon and focuses once again on the factors that are assessed when effecting a recovery. Of particular note in this example is the way in which the factors are inter-

connected, and the process used to configure a bigger picture of what the agent might be able to expect at the time of recovery:

Well, here's the thing. For me, the perceived risk is always high. It's never not high. But, because of this, the actual risk is pretty low. What that means is, is that I always prepare for the worst. If there's something I don't know for sure, I assume it's the worst. So I get some of the pieces of the puzzle from the bondsman--or let's say the family--and I start to put the puzzle together--you know, where he might be, who he's with, what he's doin'. But then I get another piece--let's say a phone call from someone sayin' where they think he's at--but somethin' about it just doesn't seem right. Now maybe somebody's got a beef with this guy and it's legit, but I'm thinking, what's with the phone call? 'Cause the guys I think he's hangin' out with, they're not the one's makin' the call. So now I think somethin's up, but I don't know what. So I'm gonna be extra careful from that point forward. Not that I'm not gonna check out the phone call, but I'm gonna be careful. Maybe do

some more homework, see who lives at the address I was given, maybe snoop around more. Now maybe I would've ended up at that address anyway, even without the phone call, but the phone call itself doesn't really fit. So that piece doesn't fit. And when a puzzle piece doesn't fit, that's a sign to watch out. Something's not right. So now the perceived risk is higher even though the actual risk might be the same (Rad).

This example again demonstrates the process bounty hunters engage in when evaluating or "sizing up" the danger involved in effecting the recovery. Evaluating this particular factor appears to have importance because of its perceived connection to other factors that influence how a bounty hunter goes about effecting the recovery.

This same process extends to other arenas of bounty hunter conduct, as well. For example, respondents were asked whether they routinely used any kind of badge or wore any kind of clothing that identified them as a bail enforcement agent. The results are presented in Table 17. As the table shows, the majority of respondents, (73.5%) use a badge, and 60.5% use other identifying clothing (such as a vest, a jacket, or a hat) in the course of doing their work.

It is not only the number of agents reporting their use of a badge or clothing that is of interest, but also the process they use in deciding when to identify themselves as bail enforcement agents.

**Table 17. Number and Percentage of Agents Reporting the Routine Use of a Badge or Clothing as Identification**

| Identifying Item | Total Number of Respondents (N=147) | Response Rate (%) |
|------------------|-------------------------------------|-------------------|
| <u>Badge</u>     |                                     |                   |
| Yes              | 108                                 | 73.5              |
| No               | 32                                  | 21.8              |
| Missing          | 7                                   | 4.8               |
| <u>Clothing</u>  |                                     |                   |
| Yes              | 89                                  | 60.5              |
| No               | 54                                  | 36.7              |
| Missing          | 4                                   | 2.7               |

Overwhelmingly, 100% of the interviewees reported that they were very judicious in the use of these identifiers. As I accompanied Hank into the field, I asked him to elaborate on the process he used to determine when to use his badge and identifying clothing and when not to. He put it this way:

Look, I have the same rights as anyone else. Just your average Joe, really. No more and no less. I don't have a license—I don't need one and neither would you if you wanted to walk up and try to take the guy into custody. But I do have a copy of the original bond and a copy of



the warrant. That's what makes me different from the average Joe. So my badge, I ordered it. It doesn't give me any big authority or anything like that. But when I go to the police department to let them know I'm in town looking for someone, I show them my ID card and my badge. To a lot of cops it doesn't mean a thing. And to some people, too. But it's just for identification. I don't go around flaunting it. But I have my ID and my badge just in case there is any doubt and just in case the skip thinks I'm trying to kidnap him or something. But I don't show it unless I have to. Now my jacket, that's different. I will wear that, especially if there's more than one of us on a job or it's dark because I want everybody to be able to tell who's who, and the cops, too. Again, I only wear it on certain occasions. I have to know when to wear it and when not to. Now if I'm trying to walk up behind a guy at 7-11 who's there to get his morning coffee, I sure ain't gonna have it on or be flashin' my badge. But if the clerk at the store had a problem with me escorting the guy out the door I might show him my ID and badge after I

got the guy in cuffs and secured in the van. But only then would I show it, and it'd be to avoid a bigger problem with the cops being called and the guy yellin' he was being kidnapped. I don't especially take to lettin' some of these guys even know who I am. I'd rather just tell them who I'm workin' for--that's all the name they need to know.

As we traversed the city streets of the skip's old neighborhood, we stopped four times so that Hank could talk to four different men on the street. We were looking for a fugitive, a 29-year-old black male, who failed to appear on a charge of possession of cocaine a week earlier. The bondsman's attempts to reach the skip by telephone in the days following his failure to appear had not been successful. Not once in his encounters with the four men did Hank show his badge. Neither did he have any identifying clothing on. Wearing jeans, athletic shoes and a long sleeved Henley shirt, he looked more like the people on the street than not, except that he was white and the men he encountered were black. He had with him a black and white copy of a picture of the fugitive from a previous arrest. I got out of the car with him as we approached each subject. Showing the picture to each one, he asked each of

the four people we encountered whether they had seen the guy. Each replied that they had not, and that they did not know who he was. As we re-entered his van following our encounter with citizen #4, Hank expressed his skepticism and explained to me that in that particular neighborhood, "people know each other." He stated that he was now left with a decision as to whether to trust his skepticism and keep looking in that area, or to abandon his search in that neighborhood. He decided to trust his skepticism. In doing so, he made the decision to return to the area the next day in a different vehicle and use a more covert observational approach. He also made the decision at that moment to drive through the "drug district" given the fugitive's history of dealing drugs. He explained in doing so that he hoped to "maybe get lucky" and see the fugitive either on the street or coming or going out of a house or a local bar.

I asked Hank about his decision to confront the people he saw on the street rather than begin with covert surveillance of the area. As he explained it, he was "counting on" his ability to appear sympathetic to the fugitive and was hoping that he could convey this sympathy to others in the neighborhood and they could relay it to the fugitive. He explained it this way:

Well, I could spend a day or two or maybe a week doing surveillance and get nothing. As always, time is money. This guy already has a history. He knows the routine. And I don't know why he didn't show up; the bondsman called his mother and the number he had for a former girlfriend and they claimed they hadn't seen him. He doesn't have a history of violence, other than a tussle he got into with his girlfriend awhile back. So I'm hoping this is a case where reason will prevail. By letting people know I am looking for him I am basically trying to tell him through others that I'm here to help him get out of this jam. You know, he can take advantage of the help, or he can go the hard way. But I'm sure he already knows that. Talking to others, that's just my reminder to him. I didn't leave a card, but I did tell these guys to have him call his bondsman right away. Things will only get worse for this guy as time goes on. He's gonna go back (to court)-it's just a matter of time. Now somebody else who doesn't know the system or how all of this works, yeah, I might do more surveillance to start. But this guy, he knows

somebody's after him by now, so I'm not letting him know anything he doesn't already know.

I also asked Hank if he felt any sense of danger as he approached each of the subjects. He replied,

No, no real sense of danger. The only thing I really would worry about in this situation is that one of these guys might mistake me for an undercover cop and have something going on that I don't know about. So I could spook him and he might react to me based on his belief that I am a cop. That would be my main worry. Of course, there is always the chance that one of these guys is a nut and could go off for no reason, but that risk is not any higher here than anywhere else.

This fieldwork example exemplifies the process bounty hunters engage in for deciding when and how to use a badge and/or identifying clothing, as well as assessing danger. It is also an example of the factors they consider regarding which skills and techniques they use in searching for and actually recovering a fugitive. The process illustrated in this example involved a rapid assessment of environmental and interpersonal factors that guided the agent in knowing when and where to search, when and if to

get out of the vehicle, and what manner to use in relating to the subject.

In an attempt to further explore how this process is used with regard to the specific techniques and skills, I asked survey respondents (N=147) to rate the importance of a variety of skills and traits in effecting a recovery. I broke out the types of skills and traits into four categories: technical skills, interactional (relational) skills, personality (character) traits, and experiential traits.

Among the technical skills identified are such abilities as being able to know how and when to use a weapon, the ability to access public records, and the ability to gather relevant information from those public records. Interactional, or relational, skills refer to those that characterize how they interact with others, specifically those information sources (including friends and relatives) whose information leads to the whereabouts of the fugitive, and the fugitive themselves. Such traits allow an agent to effectively blend in with the environment, know who to talk to and when, and how to listen.

Character traits refer to those traits that are more a function of one's personality and are more difficult to learn than technical or interactional skills. Among these

traits are curiosity, patience, and inquisitiveness. Experiential skills, on the other hand, are traits that may be rooted in either technical, interactional, or character traits, but are, in general, traits that develop with experience. Among these traits is the ability to recognize and respond to verbal and non-verbal cues, to know how to operate within the "gray" areas of the law, and to use discretion in when and how to act.

It may be worthwhile here to acknowledge that all traits essentially have the potential to be experiential traits. That is, it is likely that no matter the trait, it develops as one gains experience utilizing that trait. It is clear, however, that some traits lend themselves more readily to experiential development than others.

Table 18 shows the results of the survey data for these four categories of factors. Four response categories were used to measure the level of importance. The categories and their assigned values were: Very Important (1), Somewhat Important (2), Somewhat Unimportant (3), and Very Unimportant (4). Missing cases were excluded from the analysis. Mean scores were computed for each item for respondents. Lower mean scores represented greater importance of an item.

**Table 18. Mean Scores for Level of Importance of Technical Skills, Interactional Skills, Character Traits, and Experiential Skills in Effecting a Successful Fugitive Recovery**

| <u>Factor</u>                | <u>Mean</u> | <u>Sd.</u> |
|------------------------------|-------------|------------|
| <u>Technical Skill</u>       |             |            |
| Q. 49h (Gather information)  | 1.48        | 1.23       |
| Q. 49j (How to use weapons)  | 1.35        | 1.20       |
| <u>Interactional Skill</u>   |             |            |
| Q. 49a (Communication)       | 1.25        | 1.18       |
| Q. 49f (Ability to blend in) | 1.39        | 1.21       |
| Q. 49i (Ability to listen)   | 1.29        | 1.18       |
| <u>Character Trait</u>       |             |            |
| Q. 49b (Patience)            | 1.26        | 1.18       |
| Q. 49c (Curiosity)           | 1.47        | 1.34       |
| Q. 49k (Stamina)             | 1.62        | 1.54       |
| <u>Experiential Skill</u>    |             |            |
| Q. 49d (Read cues)           | 1.27        | 1.18       |
| Q. 49e (Gray areas)          | 1.82        | 1.60       |
| Q. 49g (Who to talk to)      | 1.33        | 1.19       |

As Table 18 shows, overall, respondents identified each of these traits as being at least somewhat important. Respondents identified several of the traits as being very important, regardless of the category of trait into which they fell. For example, they identified effective communication skills ( $\underline{M}$ =1.25), patience ( $\underline{M}$ =1.26), the ability to read verbal and non-verbal cues patience ( $\underline{M}$ =1.27), and the ability to listen when people talk ( $\underline{M}$ =1.29) as having greater importance than how to use weapons ( $\underline{M}$ =1.35), the ability to blend in ( $\underline{M}$ =1.39), curiosity ( $\underline{M}$ =1.47), the ability to gather information ( $\underline{M}$ =1.48), and having the



stamina to stay in position for long periods of time ( $\underline{M}=1.62$ ). The trait that ranked of least importance was the ability to work within the gray areas of the law ( $\underline{M}=1.82$ ).

In addition to these skills and traits, survey respondents also identified a variety of others they thought were important in effecting a recovery. Since these responses only numbered one each, however, they are only mentioned briefly here. One respondent each identified the following traits as being important to them: the ability to depersonalize the fugitive's actions, the presence of common sense, good teamwork, good investigative skills, the ability to react quickly, good planning, and the ability to possess and operate the appropriate surveillance equipment.

Overwhelmingly, bounty hunters do identify specific skills and traits as being important in their work. What this suggests is that there is a body of shared knowledge that is valued by the members of this occupational group, and that this knowledge is identified as being essential to being successful in their work. For a bounty hunter, being successful means capturing the fugitive and returning him to jail.

## **BOUNTY HUNTER OPINIONS REGARDING LICENSING AND REGULATION**

In addition to asking survey respondents (N=147) to identify the importance of various skills and traits in effecting a recovery, they were also asked to rate their level of agreement on a number of issues related to their regulation. Among these issues were how important they feel their role in the criminal justice system is, whether they should be licensed or registered, and if so, whether the regulation should be at the state or federal level of government. They were also asked their opinions about whether such regulation might help to standardize bounty hunter practices, might lead to a more professional view of the bounty hunter, whether it would increase professionalism, and whether it might help to improve the financial gain they receive from their bounty hunter work.

The rating categories for each item were: Strongly Disagree (1), Disagree (2), Agree (3) and Strongly Agree (4). Mean scores for each item were computed by summing the assigned value of each of the responses and dividing by the number of scores summed. Missing cases were excluded from the analysis. Higher mean scores represented a greater degree of agreement with an item. These results are presented in Table 19.

**Table 19. Mean Scores for Survey Respondents' Opinions Regarding the Role of Licensing and Registration**

| <u>Item #</u> | <u>Issue</u>                | <u>Mean</u> | <u>Sd.</u> |
|---------------|-----------------------------|-------------|------------|
| Q. 54         | (CJ Role)                   | 3.66        | .82        |
| Q. 55         | ("Professional" Occupation) | 3.63        | .80        |
| Q. 56         | (Federal Licensing)         | 2.65        | 1.38       |
| Q. 57         | (State Licensing)           | 2.91        | 1.14       |
| Q. 58         | (Federal Registration)      | 2.78        | 1.28       |
| Q. 59         | (State Registration)        | 3.05        | 1.06       |
| Q. 60         | (View as Professionals)     | 3.40        | .97        |
| Q. 61         | (Standardize Practices)     | 3.35        | 1.10       |
| Q. 62         | (Increase Professionalism)  | 3.35        | 1.06       |
| Q. 63         | (Improve Financial Gain)    | 2.98        | 1.50       |
| Q. 64         | (Licensing Bail Bondsmen)   | 2.50        | 1.51       |

The results in Table 19 show that respondents generally indicated agreement with each of the issues identified above. Not surprisingly, the strongest level of agreement ( $\underline{M}=3.66$ ) was on the item "Bail enforcement agents play an important role in the criminal justice system." This was followed closely by item #55, "Bail enforcement should be considered a 'professional' occupation" ( $\underline{M}=3.63$ ). Respondents were also in relatively strong agreement ( $\underline{M}=3.40$ ) that licensing bail enforcement agents would help them to be viewed by others in the criminal justice system as professionals. In addition, they generally agreed that licensing would help standardize practices ( $\underline{M}=3.35$ ), and similarly, that licensing would increase the professionalism of bail enforcement agents ( $\underline{M}=3.35$ ).

To a lesser degree, respondents agreed that licensing would help to improve their financial gain, and that

licensing should be required at the state level ( $\underline{M}$ =2.98 and  $\underline{M}$ =2.91, respectively). There was even less agreement ( $\underline{M}$ =2.78) that registration should be required at the federal level. The least amount of agreement was with whether licensing should be required at the federal level ( $\underline{M}$ =2.65), and whether licensing would be effective without licensing bail bondsmen ( $\underline{M}$ =2.50).

Since much of the time spent in interviews focused on this issue of licensing and regulation, I was able to gain a better understanding of the context in which respondents answered these items. Specifically, I asked about the rationale for favoring one form of regulation over another, or in favoring no regulation to some regulation. In general, respondents were in favor of regulation, and this is indicated in their general level of agreement with items 60, 61, and 62. It should be noted, however, that many interviewees, while in general agreement about licensing and/or registration, expressed caution about how it would affect their use of discretion. As Guyot (1991) notes in her discussion of police discretion, the skilled use of discretion requires that officers be able to assess a situation and know what to do based on that assessment. She argues that there are a number of attributes an officer has that affects the quality of their decisions. The skills

and traits Guyot identifies as being fundamental to the exercise of discretion are: 1) Curiosity; (2) Judgment of Danger; (3) A tragic perspective; (4) Decisiveness, and (5) Self-Control. Like police officers, bounty hunters also utilize these skills and traits to assess situations and determine what actions to take.

Possessing alert curiosity is an essential trait for bounty hunters and allows them to detect the unusual. They are able to notice things in their environment that are less apparent to others. They come to know what Guyot refers to as the "ordinary flow of events" and can detect deviations from them. Some bounty hunters refer to this capability as a "sixth sense", although as previously discussed, it appears to simply be fast logic:

Look, you can do it [recovery work] by the book if you want, but there really isn't a book that tells you how to do it in every situation. You can't rely on a fixed set of rules in every situation. There have to be guidelines, true, but they have to be flexible enough to allow us to do our jobs. There are going to be some things common to every case, and every case will be different from another case in some way. You have to be able to detect when something isn't

right. And that's true no matter how much planning you do. You might say, gee, he's at his 75-year-old mother's house, so that's no problem. But what you see is a hot rod parked in the drive and figure, hey, if it was a Buick LeSabre it would be one thing, but a hot rod? So that tells you maybe someone else is living there or at least visiting, and that tells me find out who belongs to that car before I go in there—or at least get some help. You gotta have a sixth sense about these things (Price).

Roth related the following:

I got a tip one time that a guy was stayin' with his girlfriend. I went to a house where the girlfriend lived and it was pretty nice—it didn't look like a drug house or nothin' like that. And after a bit she let us come in and even let us do a search and kept saying 'he ain't here, I ain't seen him'." And there wasn't a thing there that would indicate he had been there. We even checked the attic. So I suggested that we just sit down and wait for awhile and she started stammering and saying no, we couldn't do that because she had to leave, etcetera. She seemed

to get pretty agitated when I said we would wait. So I started to get curious about why she was all nervous when I said that. And when I started to sit on this little love seat type thing she had in the living room she ran over and directed me to the chair. So then I really got curious. So we looked under the love seat and there he was, with the bottom springs all torn out, hiding. Now, a lot of guys might have just waited outside or maybe not waited at all, but me, I could sense something wasn't right. Especially because I thought the tip was a good one.

Using this fast logic (intuition) to assess the dangerousness of a situation is a skill that bounty hunters universally value. Like police officers, bounty hunters identify danger as an unavoidable part of the job. They also agree that making errors in judgment about the dangerousness of a situation can result in civil and legal liability claims that can threaten their careers. They must be able to assess the potential for danger and act as circumstances dictate. As Dane described it, he always errs on the side of caution when approaching an unpredictable situation:

Things can and do jump off in a hurry. You have to be on your toes at all times. Just about the time you let your guard down, something is sure to happen. But you can't go into every interaction apprehensive because you can get a lot of information by acting friendly and casual.

But you still have to be wary.

Despite this caution, the consequences for misjudging a situation can be dire. On the one hand, the bounty hunter can over-react and cause harm to the fugitive or innocent bystanders. On the other hand, if the bounty hunter under-reacts, harm or even death can come to him.

One of the traits bounty hunters display that affects their assessment of dangerousness is the perspective they carry into their interactions with fugitives. Because the work of bounty hunters consistently focuses on what people have done wrong, and on how they are trying to "escape" their responsibilities, it would be easy for them to develop a jaded perspective about fugitives and those who help them. But participants in this study appear to have developed a larger, compassionate perspective about their work and the fugitives they are chasing. This perspective appears helpful in assessing how to go about their work:



I definitely try to depersonalize the whole situation. You can't judge someone else until you've walked in their shoes. When I go after someone I don't have any idea why they didn't appear. Maybe they are in the hospital, heck, maybe they even died. Now, it is their responsibility to contact the bondsman to let them know what is going on, but still, you just don't know. I think I read somewhere where about 40% of quote fugitives just simply forgot about their court date. That seems about right to me. So for me to get all worked up and think that this guy is the scum of the earth and he's gotta be put behind bars, nah, I don't usually get an attitude--especially with no reason (Brady).

By having such a perspective, it helps direct the efforts of the bounty hunter toward assistance rather than interference. This results in less danger for the bounty hunter, thereby reducing liability.

Another trait important to effective recovery work is decisiveness. Bounty hunters make countless decisions throughout the course of a fugitive recovery. Perhaps one of the most important decisions they make is when to act--i.e., when to effect the recovery. In making the recovery,

the agent occasionally resorts to making threats or using force. But interview data seem to suggest that the use of threats and force is judicious and for most participants, a last resort. As Ellen noted, she knew when to use one or the other:

Women are better conversationalists. Men try to bully people into giving them information. People don't respond too well to that. They clam up. But you gotta know when to get serious, too. I went with my husband on a case once and he was trying to be polite with this woman trying to convince her to come with us, even when she was being wicked with him. Finally, I grabbed her by the hair and threw her down. He was reluctant to physically intervene. Hey, I've got eight kids. I know how to control somebody!

The last trait associated with the use of discretion is self-control. Participants in this research reported that self-control played an important part in how they go about their work. Specifically, they indicate that reading verbal and non-verbal cues and being able to effectively communicate with people are important traits that underlie self-control. Interview participants clearly linked a lack

of self-control with higher liability. Art suggested that a lack of self-control could exacerbate a situation:

You already have a situation where tension is high. This guy you're after, his whole world is about to change just because you showed up at his door at that particular moment. He has a lot at stake. And he is going to beg and plead, and so is his family, not to take him—to let him call the bondsman the next day and work it out. And when you tell them that can't happen, they get upset. And they can be vicious, yelling, calling you names, sometimes getting right up in your face. This is definitely not the time for you to get upset, too. This is the time for you to be matter-of-fact, be cool, be calm and collected. Believe it or not, most people take comfort in that. Yeah, there's some that will get even more pissed off, but still, it just doesn't pay for you to get that way, too.

All of these skills underlying the use of discretion are skills that bounty hunters identify as being essential to the performance of their work. They are skills that are combined and used in various ways depending on any given circumstance, and any sort of regulation that is perceived

as interfering with the ways in which these skills can be combined is generally seen by bounty hunters as not being beneficial. For example, Pamela expressed concern in her interview that licensing would hamper her use of discretion that she sees as being so essential to her job:

Well, licensing in and of itself is not a bad idea. The problem comes when you get some agency trying to dictate what you can and can't do. There's so many things that come up that it would be impossible to say do this or do that. You have to leave it to the discretion of the agent to know what to do. So how can you judge if they didn't do it right—you weren't there. Now some things, yes, it's clear they shouldn't be done. But I don't know about licensing for things that *shouldn't* be done. What good would that do? But enforcing training, yes, that can happen, and should happen because that's where the emphasis needs to be.

This issue of agent discretion was present in the responses of several interviewees. Clearly what each of them was referring to was the ability to make decisions and take action without having a prescription

for when or how to do it. Anna, who also writes bonds, stated the following:

Just take the issue of controlling your emotions. It's essential in this job that you don't personalize what he [the fugitive] is or isn't doing. So you go after him, and let's say he's your own [bond]. Now I got into the [bonding] business to help people. So it would be easy for me to get mad when he takes off and doesn't appear like he's supposed to. It's like being robbed in a way. But if I get mad, I can't stay clear headed, and then I can't work the case as well as I could otherwise. So what kind of licensing is going to help in this situation? Who's going to be able to put together a manual for how to keep cool? That's just not going to happen. That's something that is a part of your personality, and if it isn't, you learn to make it part of your personality or you get out of the business real quick.

Despite her skepticism about the ability of licensing to help standardize all practices, she indicated strong agreement with this item in her survey.

Respondents were also in general agreement ( $\bar{M}=3.35$ ) that licensing at either the state or federal level would increase the professionalism of agents. As Aiden put it:

It would help screen out some of these guys who don't have a clue about what they are doing. We could better control who got into the profession and at least have some idea of how many of us there are doing this work. And that would come with standardizing practices.

On the other hand, Jock indicated strong disagreement with this item in his survey. He stated,

Look, you can try all you want. People are going to do what they are going to do. You can't have someone out in the field trying to watch what you are doing all the time and maybe second-guessing it. A license to work is one thing. But one thing leads to another and another and it's hard to reign in. You're never going to get everyone to do the same things the same way.

Lamar expressed his skepticism this way:

I think either one [licensing or registration] is a good idea. It would really help us, I think, weed out the bad ones who give us such a bad reputation. But I have my concerns about who

would be responsible for regulating us. Any regulating agency worth its salt must also help an industry, not just go after it. Look at OSHA. They can't just be a watch-dog without providing guidelines and the kind of help that industries need to meet the guidelines. The ideal agency would do as much consulting as monitoring. I would want them to be as concerned about the welfare of our business as we are, not to be there just to receive complaints. Plus, most of the complaints would come from us anyway, not the public. Like if someone was operating without a license or registration or whatever. But whenever you get regulation started on the heels of what we have been going through for the past couple of years with all the bad press, politicians are only interested in one thing--and that's showing their constituents that they are taking action about a problem. That's not the kind of help this industry needs right now. That would just create more problems than we already have.

Ellen experience expressed her concern as it related to the ability of agents to exercise discretion:

No amount of licensing and regulation is going to standardize practices because we all work as independent contractors. That's different than a lot of professions that are licensed—mostly those employees work for an agency or a business. We work for our own businesses. But what would help standardize practices is standardizing education and training, and that is something that the state can help with. Like, I am against people with criminal records themselves doing this work. I don't care what the offense was that they were convicted of. You just don't let the fox guard the hen house. But with regulation, apart from education and training, you don't want to impair discretion. I know that that's where the problem is, really, with the use of discretion, but I think it is best addressed through education and training, not through strong regulation that has nothing to do with, or is impractical about education and training.

Amman echoed these statements:

My concern is that we will have people regulating us who don't understand what we do or how we do it—or maybe even why we do it. That would be a



big problem. Plus, this is a job that is highly individualistic. It requires a lot of creativity and initiative and I can see where regulation could impair that. With some jobs, it doesn't matter—you could have a chimpanzee doing the job and it would get done the same way every time no matter who was doing it. But not this job. So how would they regulate the job, which is what they would really be doing—regulating the job, not the person—so that it would get done the same way every time? I am in favor of having standardized requirements for who can work in this business, but not for setting the specifics of the job so that we are all trying to get the job done while being handcuffed ourselves.

Jamie said this about licensing and registration:

Mostly, I am in favor of it. But here's the thing. It would really help us if there were standardized requirements for working from state to state because right now it's hard having different requirements in every state. So that would be an argument for federal licensing. But there's a big problem with that and that is, what federal agency do you know of that actually helps

an industry? Have you ever tried to get help from a federal agency? Ever tried to get a simple question answered? It's impossible. So the kind of help we need to structure things to make it easier for us would come from the federal government, but the day-to-day help we might need from the feds would be impossible to get. So that leaves us with being licensed at the state level. The problem, of course, is that by being licensed at the state level, every state has its own requirements, pretty much like it is now. So we are caught in a catch-22. Frankly, I don't know what to recommend to solve the problem. Unless someone gets creative and allows for standardizing state-by-state requirements, then has a state agency for dealing with problems that arise, or maybe have each state do its own monitoring.

There was a much lower level of agreement ( $\bar{M}=2.50$ ) as to whether licensing bail enforcement agents could be effective if bail bondsmen were not also licensed as bail enforcement agents. This lower level of agreement stems, in part, from the perception survey respondents have that what they do is distinct from bail bonding. In fact, as

one agent noted, this arrangement might actually hurt his business, as bail bondsmen might be more likely to pursue their own skips under such an arrangement.

While there appears to be general agreement that there would be benefits to licensing and regulation, most of the agents interviewed appeared cautious in their support of licensing or registration at either the federal or state level for fear that it would impact on their use of discretion in carrying out their work.

Given these varying views on licensing and registration, I decided to examine the survey data to see if these differences were related to the level of experience an agent had working as a bounty hunter (Table 19).

T-tests were constructed in an attempt to analyze whether there were differences in attitudes between agents with varying levels of experience. Thus, survey respondents were categorized into two groups—those who had less than five years of experience, and those who had five or more years of experience. Rating categories for each item were Strongly Disagree (1), Disagree (2), Agree (3), and Strongly Agree (4). Mean scores for each item were computed for agents with less than five years of experience and agents with five or more years of experience by summing the assigned value of each of the responses and dividing by

the number of scores summed. Lower mean scores represented lesser agreement with an item. Independent-sample t-tests were used to investigate between group differences for agents with less than five years of experience and those who had more than five years of experience regarding their views on licensing and registration.

As shown in Table 20, the groups did not significantly differ with respect to their attitudes about the role bail enforcement agents play in the criminal justice system, or about the impact of licensing and registration on their occupation.

Despite the lack of statistically significant differences between the groups, it is of interest to note that agents with five years of experience or more were in slightly stronger agreement on most of the items than were agents with less than five years of experience. For example, agents with more five years of experience or more tended to be in stronger agreement ( $\bar{M}=3.70$ ) than agents with less than five years of experience ( $\bar{M}=3.66$ ) that bail enforcement agents play an important role in the criminal justice system. They were also in slightly stronger agreement ( $\bar{M}=2.66$ ) than less experienced agents ( $\bar{M}=2.56$ ) that federal licensure should be required for bail enforcement agents.

**Table 20. Comparison of Attitudes About Licensing and Registration for Agents With Less Than Five Years of Experience and Agents With Five or More Years of Experience**

| Item # | Issue                   | Agent Group |        |          |        | t                   |
|--------|-------------------------|-------------|--------|----------|--------|---------------------|
|        |                         | < 5 Years   |        | 5+ Years |        |                     |
|        |                         | (N=70)      |        | (N=70)   |        |                     |
|        |                         | Mean        | (Sd.)  | Mean     | (Sd.)  |                     |
| Q. 54  | (Role)                  | 3.66        | (.61)  | 3.70     | (.98)  | t(138)= -.31, n.s.  |
| Q. 55  | (Profession)            | 3.66        | (.63)  | 3.66     | (.93)  | t(138)= .00, n.s.   |
| Q. 56  | (Federal License)       | 2.56        | (1.13) | 2.66     | (1.49) | t(138)= -.45, n.s.  |
| Q. 57  | (State License)         | 2.89        | (1.08) | 2.91     | (1.21) | t(138)= -.15, n.s.  |
| Q. 58  | (Federal Register)      | 2.71        | (1.14) | 2.74     | (1.30) | t(138)= -.14, n.s.  |
| Q. 59  | (State Register)        | 2.96        | (1.08) | 3.13     | (1.06) | t(138)= -.95, n.s.  |
| Q. 60  | (Professional View)     | 3.39        | (.91)  | 3.43     | (1.03) | t(138)= -.27, n.s.  |
| Q. 61  | (Standardize Practices) | 3.27        | (.80)  | 3.37     | (1.24) | t(138)= -.57, n.s.  |
| Q. 62  | (Professional)          | 3.30        | (.82)  | 3.37     | (1.24) | t(138)= -.42, n.s.  |
| Q. 63  | (Financial Gain)        | 2.96        | (1.26) | 2.96     | (1.66) | t(138)= .00, n.s.   |
| Q. 64  | (License Bondsmen)      | 2.27        | (1.21) | 2.64     | (1.66) | t(138)= -1.51, n.s. |

Although not statistically significant, the largest difference between more experienced agents ( $\bar{M}=2.64$ ) and agents with less experience ( $\bar{M}=2.27$ ) was on item #64—Licensing bail enforcement agents would not be effective unless bail bondsmen were also licensed as bail enforcement agents. Despite stronger disagreement between the two groups on this item, it is of note that all agents generally indicated disagreement with this issue. There were two items where the level of agreement was the same for both groups—item #55 (“Bail enforcement should be considered a ‘professional’ occupation” [ $\bar{M}=3.66$ ]) and item

#63 ("Licensing bail enforcement agents [at either the state or federal level] would increase the professionalism of bail enforcement agents [ $M=32.96$ ]).

An attempt was also made to explore whether there were differences between how members of these two groups rated the importance of a variety of factors in making a fugitive recovery (Table 20). Rating categories for each item were Very Important (1), Somewhat Important (2), Somewhat Unimportant (3), and Very Unimportant (4). Mean scores for each item were computed for agents with less than five years of experience and agents with five or more years of experience by summing the assigned value of each of the responses and dividing by the number of scores summed. Lower mean scores represented greater importance. Independent-sample t-tests were used to investigate between group differences for agents with less than five years of experience and those who had more than five years of experience regarding their views on licensing and regulation. As can be seen in Table 21, the groups did not significantly differ with regard to how important they rated these factors in helping them to effect a successful recovery; however, agents with more than five years of experience consistently rated these factors as being less

important in effecting a recovery than agents with less than five years of experience.

**Table 21. Comparison of Levels of Importance of Factors Considered When Effecting a Fugitive Recovery**

| Item #                          | Issue                 | <u>Agent Group</u> |              |             |              | <u>t</u>            |
|---------------------------------|-----------------------|--------------------|--------------|-------------|--------------|---------------------|
|                                 |                       | < 5 Years          |              | 5+ Years    |              |                     |
|                                 |                       | (N=70)             |              | (N=70)      |              |                     |
|                                 |                       | <u>Mean</u>        | <u>(Sd.)</u> | <u>Mean</u> | <u>(Sd.)</u> |                     |
| <u>Nature of the Bond</u>       |                       |                    |              |             |              |                     |
| Q. 46a                          | (Offense)             | 1.56               | (1.06)       | 1.97        | (1.26)       | t(138)= -2.10, n.s. |
| Q. 46b                          | (History)             | 1.79               | (.85)        | 2.03        | (1.18)       | t(138)= -1.40, n.s. |
| Q. 46f                          | (Reason)              | 2.16               | (1.06)       | 2.24        | (1.23)       | t(138)= - .44, n.s. |
| Q. 46g                          | (In/out<br>of state)  | 2.16               | (1.06)       | 2.44        | (1.24)       | t(138)= -1.47, n.s. |
| Q. 46h                          | (Bonded to)           | 1.80               | (1.18)       | 2.07        | (1.26)       | t(138)= -1.32, n.s. |
| <u>Fugitive Characteristics</u> |                       |                    |              |             |              |                     |
| Q. 46c                          | (Physical)            | 1.43               | (.81)        | 1.73        | (1.24)       | t(138)= -1.70, n.s. |
| Q. 46d                          | (Lifestyle)           | 1.41               | (1.06)       | 1.53        | (1.13)       | t(138)= - .62, n.s. |
| Q. 46e                          | (Criminal<br>History) | 1.26               | (.63)        | 1.51        | (1.13)       | t(138)= -1.67, n.s. |
| Q. 46i                          | (Danger)              | 1.23               | (.64)        | 1.50        | (.85)        | t(138)= -2.14, n.s. |

Table 21 also shows that more experienced agents rated the nature of the offense as being less important ( $\underline{M}$ =1.97) than did agents with less than five years of experience ( $\underline{M}$ =1.56). Further, more experienced agents also rate the importance of where the fugitive has bonded out to as being less important ( $\underline{M}$ =2.07) than did agents with less experience ( $\underline{M}$ =1.80). Despite these differences, both groups generally reported that each of the factors were somewhat important overall in their ability to effect a recovery.

Survey respondents were also asked to rate the importance of a variety of skills and personality traits in making a fugitive recovery. Survey respondents were again categorized into two groups—those who had less than five years of experience, and those who had five or more years of experience. Rating categories for each item were Very Important (1), Somewhat Important (2), Somewhat Unimportant (3), and Very Unimportant (4). Mean scores for each item were computed for agents with less than five years of experience and agents with five or more years of experience by summing the assigned value of each of the responses and dividing by the number of scores summed. Lower mean scores represented greater importance. Independent-sample t-tests were used to investigate between group differences for agents with less than five years of experience and those who had more than five years of experience regarding their views on licensing and regulation.

As shown in Table 22, the groups did not differ with respect to the importance they assign to the skills and personality traits they use when effecting a recovery. Like other factors involved in the process of a recovery, these skills and traits are generally more important to agents with less than five years of experience than they are to agents with five or more years of experience. For



example, the ability to use effective communication skills was rated less important ( $\underline{M}=1.21$ ) for agents with five years of experience or more than it was for agents with less than five years of experience ( $\underline{M}=1.01$ ). Similarly, the ability to blend into a variety of different environments is also viewed by more experienced agents as being less important ( $\underline{M}=1.39$ ) than it is for less experienced agents ( $\underline{M}=1.13$ ). Further, having the ability to know how and when to use weapons is similarly less important ( $\underline{M}=1.31$ ) for experienced agents than it is for less experienced agents ( $\underline{M}=1.11$ ).

**Table 22. Comparison of Levels of Importance of Skills and Personality Traits Used When Effecting a Fugitive Recovery**

| Item # | Issue            | Agent Group |        |          |        | t                   |
|--------|------------------|-------------|--------|----------|--------|---------------------|
|        |                  | < 5 Years   |        | 5+ Years |        |                     |
|        |                  | (N=70)      |        | (N=70)   |        |                     |
|        |                  | Mean        | (Sd.)  | Mean     | (Sd.)  |                     |
| Q. 49a | (Communication)  | 1.01        | (.12)  | 1.21     | (.93)  | t(138)= -1.78, n.s. |
| Q. 49b | (Patience)       | 1.04        | (.20)  | 1.20     | (.93)  | t(138)= -1.39, n.s. |
| Q. 49c | (Curiosity)      | 1.23        | (.89)  | 1.44     | (1.03) | t(138)= -1.32, n.s. |
| Q. 49d | (Read Cues)      | 1.06        | (.23)  | 1.20     | (.93)  | t(138)= -1.25, n.s. |
| Q. 49e | (Gray Areas)     | 1.60        | (1.30) | 1.81     | (1.41) | t(138)= - .94, n.s. |
| Q. 49f | (Adaptability)   | 1.13        | (.34)  | 1.39     | (1.00) | t(138)= -2.04, n.s. |
| Q. 49g | (Who To Talk To) | 1.04        | (.20)  | 1.34     | (.96)  | t(138)= -2.55, n.s. |
| Q. 49h | (Records)        | 1.21        | (.45)  | 1.50     | (1.03) | t(138)= -2.13, n.s. |
| Q. 49i | (Listen)         | 1.06        | (.23)  | 1.24     | (.94)  | t(138)= -1.61, n.s. |
| Q. 49j | (Weapons)        | 1.11        | (.36)  | 1.31     | (.96)  | t(138)= -1.64, n.s. |
| Q. 49k | (Stamina)        | 1.40        | (1.37) | 1.59     | (1.07) | t(138)= - .90, n.s. |

Despite the lack of significant differences between the groups, however, it is of note that both groups generally identified each of the skills and personality

traits as being at least somewhat important in successfully capturing a fugitive.

#### CHAPTER SUMMARY

This chapter has provided data description and analysis that informs our knowledge about who bounty hunters are, what they do, and how they do it. It has also examined the views of bounty hunters regarding licensing and regulation of their occupation. The data analysis in this chapter provides a comparison of the views of bounty hunters who have different levels of experience. Specifically, it examines the levels of importance agents with less than five years experience and agents with five or more years of experience assign to a variety of factors. Among these factors are those associated with the nature of the bond and fugitive characteristics, as well as those related to specific skills and techniques bounty hunters possess. While there is a general lack of statistical significance between the two groups, there are some descriptive differences which suggest that more experienced agents generally identify specific traits as being less important than their less experienced counterparts.

## CHAPTER 5

### CONCLUSIONS AND DISCUSSION

Media accounts of bounty hunter conduct only appear to capture the most dramatic incidences of bounty hunter misconduct, thereby giving the impression that members of this occupational group are a rag-tag bunch of untrained, uneducated, and unskilled cop-wannabes whose own criminal histories are as bad as those of the fugitives they are chasing. They also present them as being in dire need of regulation in order to prevent the kind of highly-sensationalized misconduct previously discussed. As the data in this study suggest, this may not be the case at all.

The use of qualitative methods in this study has allowed me to explore bounty hunter conduct and opinions in a context that otherwise would not be available. Despite my attempts to survey nearly a thousand people who had either self-identified as bounty hunters or who had completed bounty hunter training, this effort was not realized. The survey response rate, even after a follow-up mailing, was less than desirable. I acknowledge, therefore, that many of my conclusions and my discussion of them, must be viewed with those limitations in mind.

Despite the limitations imposed by the relatively small sample number (N=147), I believe that the quantitative data helps to inform our view of who bounty hunters are and the work they do. It was important, however, that the quantitative data be given contextual support, and this was done using qualitative data. It is the qualitative analysis that gives both the bounty hunters and their activities life throughout this study.

Generally, this study sought to examine who bounty hunters are, what they do, and how they do it. Specifically, it sought to answer the following questions: (1) what are the personal backgrounds and work experiences of bounty hunters? (2) what is the process by which they identify and employ situational factors in effecting a fugitive recovery? and (3) what are their views regarding licensing and regulation of their occupation. The major conclusions drawn from the data in this study have implications in four broad areas:

- 1) Bounty hunting as a profession
- 2) The establishment of "best practices" that can be facilitated and monitored through licensing and regulation
- 3) The role of private sector employees in the criminal justice system
- 3) Adult learning strategies

More specific conclusions drawn in this study are discussed within the context of these broad areas.

### **1) Bounty hunting as a profession**

*a) Bounty hunters are an occupational group who share an occupational identity, and who are trained, educated, and skilled in the work they do.*

It is no surprise that respondents in this study were predominantly white males. Whether there was something unique about these men that motivated them to participate in research such as this, or whether the occupation is, in fact, dominated by these demographics is a question that cannot be definitively answered. It is important to note, however, that the dominance of this demographic has the potential to dominate the perspective of this research. While every attempt was made to include a variety of perspectives on the issues addressed in this study, the small number of respondents did not make this possible.

In addition to the dominance of the white male perspective, it is also of note that survey respondents were predominantly married and had some college. Just over one-third of respondents had household incomes above \$75,000. Most (62.2%) were over age 45. In addition, nearly half of the respondents identified as "moderate" in their political stance. Only 15 of the 147 respondents reported that they had ever been convicted of a crime, and

only one of these fifteen reported that he had been convicted of a felony (grand theft auto). Among the types of misdemeanors for which they reported being arrested were possession of marijuana, larceny, disorderly conduct, and OUIL. It is of note that one respondent reported being convicted of official misconduct.

It is clear from the data that most bounty hunters work at fugitive recovery only part-time. The majority (51.7%) reported that they spend less than 25% of their total work time in bail enforcement activities. As previously noted, however, this part-time status appears to be due primarily to the nature of bail bonding. Despite the part-time nature of their business, the majority (60.5%) of respondents reported that they owned their own bail enforcement business. Of the respondents who own their own business, the largest majority (34.7%) reported that they hired other agents on an as-needed basis. Further, the work that bounty hunters reported doing to earn income other than that which they earn from bail enforcement is extremely varied. The occupations identified by respondents included, but were not limited to, boat captain, security supervisor, computer technician, and pastor.

The majority of respondents reported that their

state of residence did not require either licensing or registration. Despite the lack of licensing and registration requirements, and in spite of it being a part-time occupation, most respondents reported that they possessed at least one occupational license related to their bail enforcement work. Among these occupations were private investigator, bail bondsman, bail enforcement agent, and vehicle repossession agent.

It is also of note that even though many states do not require agents to be licensed or registered, an overwhelming majority have completed the training offered by at least one training institute. Among the control techniques they reported being trained in were firearms safety/use, pressure point control tactics, verbal judo, caning, fast handcuffing, and personal (executive) protection. Further, nearly half of the respondents spent at least six months gaining on-the-job training from a more experienced agent.

As expected, respondents reported that the largest majority of their referrals came from bail bondsmen. Other major sources of referrals included other bail enforcement agents, law enforcement, and relatives of defendants.

By and large, bounty hunters are educated, and do attend training institutes. Eighty-one percent of

participants had at least some college, and the vast majority had attended at least one training institute. In addition to learning specific skills and techniques while participating in these institutes, they also learn the shared norms that dominate how bounty hunters go about doing their work. Among the techniques they learn are how to establish and maintain physical control over individuals, how to perform a variety of tasks such as using databases and ruses, and how to conduct surveillance. They also learn about the relationship between bounty hunting and bail bonding, as well as the various laws that apply to their conduct in each of the states. Nearly half reported that they had also received on-the-job training with an experienced agent.

There is also sufficient evidence to suggest that bounty hunting as an occupation does meet the minimal criteria for a profession. Clearly, there is a set of shared expectations for bounty hunter conduct and this helps bounty hunters to establish a common identity and sense of purpose as members of an occupational group. There is also a formalized code of ethics that is taught in the training institutes that acts as a guide for bounty hunter conduct in the field. Overall, the demographic characteristics of bounty hunters identified in this study



stand in stark contrast to those presented in the media. As such, they describe members of an occupational group who possess a set of skills and traits that characterize the work they do. Having said this, it is also important to note that not all members of the occupation participate in training that imparts these skills and traits. Further, information on the type and quality of the training bounty hunters do receive is lacking. Thus, the lack of systematic participation by members of the occupation, the lack of a mandate for such participation, and the lack of standardization of training call into serious doubt whether this occupation can be considered a profession. Until these issues can be more thoroughly documented, it will remain difficult to reach a definitive conclusion as to whether this occupational group constitutes a profession.

*b) Bounty hunters systematically employ a variety of skills and techniques that allow them to be effective in recovering fugitives.*

While the conduct of bounty hunters may appear to outside observers to be governed by a "get your man at any and all costs" mentality, this research indicates this is not the case. In fact, this research indicates that contrary to popular opinion, bounty hunters are very deliberative and systematic in their behaviors, spending much of

their time and resources on setting up the recovery within the guidelines of civic and legal liability.

Stosh put it:

Hey, this is my *business* [emphasis his]. Why in the world would I want to jeopardize my career and everything I have worked for just for the supposed thrill of kicking in a door? I can no more afford to do that than I can afford to drive the wrong way on the interstate just for the thrill of it. That would be ridiculous. People who do that kind of stuff, they just don't know what they're doing. Ninety-nine percent of the time there's a better way to go about it [effecting a recovery].

As described by several agents, the recovery itself can be anti-climactic, coming after hours, weeks, and sometimes months of research and planning. In fact, the interview data support a strong desire on the part of bounty hunters to avoid having to be physically aggressive during a recovery.

Using constructed knowledge, bounty hunters systematically identify and prioritize a number of different factors that help structure the way in which they search for and recover fugitives. Among these factors are

patience, the ability to read verbal and non-verbal cues, and the effective use of communication. It is, however, of note that the unique ways in which the knowledge is constructed makes it appear at times as though bounty hunters operate in a non-systematic, if not haphazard, way.

There are a number of other factors that bounty hunters consider when effecting a recovery that have to do with the characteristics of the offender and the offense. Among these characteristics are the nature of the offense, the physical characteristics of the fugitive, the criminal history of the fugitive, the fugitive's lifestyle, and the physical danger perceived to be present in an environment. Interestingly, these characteristics are used as much to inform the bounty hunter about the fugitive's whereabouts as they are to guide him in how to make the actual recovery.

Data from this study indicate that less experienced agents may rely more heavily on characteristics associated with the fugitive and the offense to effect a recovery than more experienced agents do. One possible explanation for this reliance on these factors is that less experienced agents have a more limited knowledge base than experienced agents, who have had more time to broaden both their knowledge and their skills. Consequently, agents with less

experience tend to rely on "tangible" information (e.g., nature of the offense, physical characteristics of the fugitive, and where the fugitive has bonded out to) to guide their actions. Conversely, more experienced agents may rely more heavily on knowledge that has accumulated over years of experience. This experiential knowledge may indicate a particular course of action, even when the "tangible" information might indicate otherwise. Similarly, the factors identified in Table 21 and the skills and traits identified in Table 22 may be considered more important by less experienced agents because of the relative difference in cumulative knowledge gained through time and experience.

Interview data from bounty hunters demonstrate that bounty hunters do engage in individual constructivism, and that they can clearly articulate the ways in which factors are assessed and combined to form an emerging picture of where the fugitive is and how to go about the recovery. In addition, these factors are assessed for their ability to help the bounty hunter limit his civil and legal liability. Because much of the work involved in a recovery occurs behind the scenes, it is frequently devalued by other agents in the criminal justice system, and outright ignored by the media and the general public. Thus, the popular

notion that bounty hunters are not skilled in the way they go about their work is misguided at best, and disparagingly uninformed at worst.

*c) Bounty hunters favor regulation of their occupation.*

The popular notion that bounty hunter misconduct is a result of a failure to regulate the industry has resulted in a host of legislation being proposed over the past several years to regulate their conduct. This legislation has primarily focused on establishing criteria for who may become a bounty hunter, and suggests that controlling admission to the occupation will help eliminate misconduct. Both the survey and the interview data suggest that bounty hunters do favor controls on both admission to and practice in the occupation, particularly as they relate to requirements for training and education. The preferred method of regulation appears to be state registration because it is identified as being more "user-friendly" than federal registration or licensure. Respondents expressed concern that the benefits of federal registration would be outweighed by the lack of helpfulness a federal agency could effectively and efficiently give the occupation.

**2) The establishment of "best practices" that can be facilitated and monitored through licensing and regulation**

*a) Support for the creation of "best practices" is tempered by skepticism that governmental regulation is the appropriate mechanism.*

The results of this research suggest that, while bounty hunters do support regulation, they are skeptical about the implementation of meaningful regulation for three primary reasons. First is their concern with regulation that is grounded in good theory, but will not work in practice. For example, they are concerned about any form of regulation, including licensure, that would constrain the application of their skills and techniques any more than they already are. They expressed concern, for example, about being prohibited from entering a residence without first knocking on the door. Given that the nature of the offense for which the fugitive is being sought is absconding, this required "warning" would make it much more difficult to capitalize on the element of surprise, which they define as being so critical in their work. It is also feared that this type of regulation might also interfere with the nature of the bondsman-bounty hunter relationship, and might have significant implications for whether bondsmen choose to write bonds. As noted previously, bondsmen essentially enter into a private business arrangement with defendants, and in so doing, require that the address they bond to become part of this arrangement. This gives the

bondsman the right to enter the property in the event that they defendant fails to fulfill his obligation to the bondsman. It gives the bondsman a tool by which to recover the defendant in the event he absconds, and also gives the bounty hunter access to the fugitive when he is hiding in his own home.

Second, bounty hunters expressed concern about the impact of regulation on the amount of discretion they use in conducting their work, and in how this discretion is applied. That is, they expressed fear that regulation would impede their discretion, making it more difficult to apprehend fugitives. They expressed concern that they would be limited as to the techniques and skills they use in effecting a recovery (i.e., not be able to use ruses or pretext calls). They reported a belief that the unique nature of their jobs necessitates that they have broad latitude in how they exercise discretion.

A third area of concern regarding licensing and regulation is related to the perceptions bounty hunters have of government bureaucracies as inefficient and ineffective. Respondents believed that standardizing practices within the occupation could help others to view them as professionals. It is of note, however, that bounty hunters also expressed considerable doubt about the

government's ability to help do this in a way that they defined as helpful to their occupation, especially if the efforts were made at the federal level. Several respondents spoke to the benefit the occupation would gain from standardizing conduct requirements across the states. Especially noted was the benefit of not having to learn the different laws in each of the states when tracking a fugitive cross-country. Despite recognition of this benefit as a way to help standardize conduct and practice, most respondents were skeptical about the government's ability to assist them with this task.

*b) Respondents overwhelmingly support the involvement of the occupation in discussions with the government about any efforts to regulate their occupation.*

While skeptical about the effects of licensing and regulation on their occupation, interview data suggests that bounty hunters do support the involvement of the occupation in discussions to establish regulatory criteria. One concern of bounty hunters is the notion that theirs is a highly misunderstood occupation that has historically had a bad reputation, and that it is this reputation that dominates the thinking of legislators and the general public. Consequently, they express an eagerness to participate in a dialog with legislators and others to enlighten them about the work they do. The willingness of



legislators and others to be enlightened, however, is tempered by their own bias. One agent reported that almost all of his efforts to educate legislators and law enforcement personnel about the role of bounty hunters had been rebuffed:

Oh, Christ, I can't tell you the pages and pages and pages of material I have prepared for people and sent it up there (to the state legislature) only to get there to talk with them and find out they haven't even read anything—not anything—that I sent them. I have given them all kinds of statistics and information to try to help them understand what it is we do and they just aren't interested. But every time they get wind that somebody has done something wrong, up goes the red flag and everyone runs around trying to figure out what the next best solution is. Same thing with the Sheriff. He promised he would be at a presentation I was giving here in town and never showed up. Hell, I finally gave up. It got to be a waste of my time and money.

This sense of frustration with trying to educate others about their work appears to dominate the efforts of bounty hunters, and this, along with the

bias they encounter in their efforts, appears to serve as an impediment to improved dialog between the two groups.

### **3) The role of private sector actors in the criminal justice system**

As private contractors in the public criminal justice system, bounty hunters play a unique role in our efforts to bring people to justice. That they are granted their powers in this system by a Supreme Court ruling makes their position even more unique. Bounty hunters have been granted wide latitude in both their powers and in the ways they go about exercising them. While there has been considerable debate in the legal literature about whether bounty hunters ought to be considered public actors, for now, at least, they are generally not treated as such by the criminal justice system. Thus, they are not constrained by the same constitutional goals or methods of public law enforcement personnel, and do not have as the deterrence of crime as their goal. This allows them to focus their efforts solely on recovery work and underlies their position as private entrepreneurs in a public system.

Survey and interview data suggest that the impact of bounty hunting on other components of the criminal justice system is widespread. The work bounty hunters do to

recover fugitives frees up public law enforcement personnel to focus on crime prevention and control, and supports a private system of bail bonding that frees up jail space. Although the work of bounty hunting is primarily related to the business concerns of bail bondsmen, it is primarily through this relationship that it remains intricately tied to policing, courts and corrections.

Licensing and other forms of regulation that impact on bounty hunting necessarily impact on the other components of the criminal justice system. Without a mechanism for "enforcing" the bonds they write, bail bondsmen would be much less likely to write bonds and fewer people absconding on bail would be returned to the court for the administration of justice. This could have the effect of increasing crime as absconders are left free to commit new crimes, having no fear that they will be actively pursued for having failed to appear in the courts.

In addition to their impact in the areas of bond enforcement, policing, corrections, and the courts, bounty hunters also have the potential to impact on other important areas of our justice system. They could, for example, make substantial contributions in the areas of domestic and foreign terrorism and immigration. They could also be used extensively to search for fugitives (especially sex

offenders) whom state and federal law enforcement have not been successful in locating.

#### **4) Adult Learning Strategies**

*a) Understanding the process by which bounty hunters come to learn how to do their work helps inform our knowledge about adult learning in the workplace.*

One of the major criticisms of bounty hunters has been their apparent lack of a systematic knowledge base that serves as a foundation for the application of a specific set of skills in the workplace. One helpful strategy for understanding how bounty hunters go about their work is to understand the situational factors they identify that inform their decision making. As noted previously, bounty hunters form scripts about events that serve to guide their actions. Some of these scripts are solitary in their existence, while others are inherently connected to other scripts. Bounty hunters employ these scripts in an attempt to make sense of their environment and of the events that are occurring within the environment. These scripts serve bounty hunters in two ways. First, they serve to inform the bounty hunter as to which knowledge to draw upon in any given situation. This knowledge informs the bounty hunter of a variety of factors present in the environment (including the potential for danger). Second, scripts serve as scaffolding for decision-making, with each successive

"tier" offering some new, cumulative support for a particular action.

Interview data in this study suggest that bounty hunters use both declarative and procedural knowledge in their decision-making process. It also suggests that effecting a recovery requires kneading both kinds of knowledge into a blended schema.

In addition to their use of schemas to inform their knowledge about situations, bounty hunters engage in re-defining a situation based on new information received about it. This may be because of the nature of the work they do, which can be extremely unpredictable even under the best of circumstances and with the utmost preparation. As noted previously, bounty hunters work under potentially volatile circumstances that involve dealing with people who are experiencing high levels of stress. Redefining events and objects in their environment helps bounty hunters to revise an old schema or develop a new one based on new information or new interpretations of old information. If bounty hunters fail to develop this ability to restructure, it may impede their ability to be successful in making fugitive recoveries. This is consistent with the work of Merriam and Caffarella (1999), wherein they state that "If we are unable to change our earlier thought patterns (that

is, fine-tune or restructure them), our chances of being able to frame and act on problems from a different perspective are remote, if not impossible" (p. 205-206).

*b) Understanding how bounty hunters come to learn their work has implications for training and education.*

The data in this study suggest that bounty hunters do, in fact, participate in training and education. While most of this training has been obtained through their formal participation at bail enforcement institutes, some of the respondents indicated that they had received on-the-job (OTJ) training. While the nature and extent of this OTJ training varied between one month and twenty-four months, most reported they had participated in this type of training for at least three months. As previously noted, this type of training provides an excellent forum for learning both declarative as well as procedural knowledge. It also affords the learner the opportunity to receive immediate feedback, and is as learner-centered as it is information-centered.

Training that takes place within the confines of formal organizations such as training institutes also offers opportunities for bounty hunters to gain both declarative and procedural information. These institutes not only teach specific skills and techniques (such as how

to conduct surveillance, how to be a good listener, and how to use control techniques), but also teach under what circumstances the skills and techniques should be used. The contextual aspect of this process facilitates knowledge transfer that helps bounty hunters be more effective in their work.

Education that takes place in formal organizations such as training institutes is also both information-centered and learner-centered. Respondents reported that they had received education regarding both civil and criminal law as it applies to liability and the constitutional foundations for their conduct. They also reported receiving education regarding the limits of their authority, prohibited behavioral practices, and how to interact with law enforcement personnel. Like the training they receive, their education also places a strong emphasis on knowledge transfer. Respondents in this study reported that this transfer of knowledge was a skill important to the success of their work. Therefore, future efforts designed to provide continuing education for bounty hunters would benefit from structuring programs that focus on the learner's ability to transfer information knowledge to procedural knowledge.

c) *Understanding how bounty hunters come to learn their work has implications for licensing and regulation.*

Much of the criticism of bounty hunters has centered on their perceived lack of training and education. As a result, legislation that has been introduced in the past eight years has focused on requiring minimal levels of training and education, and on creating administrative oversight to monitor bounty hunter participation.

One of the benefits of regulation identified by respondents in this study was of enforced training and education. Regulators interested in structuring legislation to address this issue can benefit from an enhanced understanding of the ways in which bounty hunters come to learn what their work is and how it is performed. Further, legislation directed at requiring and/or providing certifying and continuing education for bounty hunters should have as its focus both declarative and procedural knowledge. This could serve to standardize the information and practices that bounty hunters generally support as being essential to the long-term survival of their occupation. Further, drafting such legislation would maximize its effectiveness in reducing misconduct if it was developed, at least in some part, from the constructed knowledge already shared by bounty hunters. Legislation drafted by



politicians with little or no understanding of the work lives of bounty hunters received little support from bounty hunters. Dane elaborated on his belief that regulation would benefit the occupation as a whole, but only if it included input from members of the occupation:

It's [bounty hunter opposition] mostly about the fact that nobody—other than maybe bondsmen—really understands what we do. I think if they took the time to listen to us and really get to know who we are, they wouldn't have such a low opinion of us. Especially cops. People take a look at us and see that the only monitoring that is done is by ourselves, and they think, hey, they can do whatever they want. And really, we pretty much can. But this job requires a unique attitude and outlook and that would be hard to monitor. But they could monitor whether people attended training, whether they had any complaints against them, etcetera. Even though the association I belong to monitors this now, there's no real teeth in it. But if this was all that licensing did, I think it would still bring some credibility to the profession that we don't have right now.

Understanding who bounty hunters are and what they do have important consequences for efforts to license or otherwise regulate them. Results of this research call into question previous assumptions made about members of this occupation and suggest that previous attempts to regulate their conduct may have been shortsighted.

In proposing legislation to regulate their conduct, lawmakers have assumed that there were no standardized practices guiding the actions of bounty hunters. This assumption is contradicted by this research. Further, lawmakers have assumed that bounty hunter misconduct is a prevalent phenomenon that is best addressed through the enactment of sweeping legislation to establish criteria for becoming a bounty hunter. Among the criteria being established are those related to training and education. In enacting such legislation, it was widely assumed that bounty hunters would oppose the establishment of such criteria. This research suggests that this is not the case. In fact, as the Director of one privately-owned training institute stated, "We strongly encourage training, of course, but not just because it is our business. Any time there is an incident involving misconduct it hurts all of us" (Hewett).

What is currently missing from the debate regarding regulation of bounty hunters is a dialogue between lawmakers and bounty hunters themselves. Because of this, key contributions of bounty hunters to the criminal justice system are ignored. Subsequently, legislation blankets the entire occupation without a clear understanding of how pervasive the problem of misconduct really is. If a dialogue existed between bounty hunters and lawmakers it would become readily apparent that they share a common goal: to reduce the number of incidents involving abuse of discretion and excessive use of force. In addition, lawmakers would be able to write and enact legislation having had the "inside view" of bounty hunting. Perhaps most importantly, they would have access to information that describes the impact of bounty hunting on other functions of the criminal justice system—especially courts and corrections. Better understanding this impact could also lead to new partnerships with other agents of the criminal justice system to address problems that we are unable to address with our current resources. Skilled bounty hunters could, for example, assist in locating sex offenders, missing persons, or federal fugitives for a fraction of the price currently being spent on traditional law enforcement methods.

A dialogue with bounty hunters would also encourage lawmakers to include bounty hunters in developing solutions to identified problems within the occupation. It could, for example, help address the issue of people who practice with no training, few skills, or no concern for criminal or civil liability. In essence, it could eliminate the presence of the "rogue entrepreneur" who has little or no regard for established practice. This might have the consequence of standardizing and strengthening training standards for the occupation. Recent legislation designed to limit who may enter the occupation does not serve these purposes.

Establishing clear, reasonable guidelines for bounty hunter conduct would help bounty hunters to limit their criminal and civil liability. The key to such guidelines, however, is that they protect the public yet support the bounty hunter in fugitive recovery operations. While many view *Taylor v. Taintor* as an anachronism in today's legal world, it is clear that it continues to dominate as the source of legal authority for bounty hunter conduct. Although the nature of bail bonding has not changed in several hundred years, it may be time for bounty hunters to revisit the wisdom of relying almost entirely on this legal ruling for the source of their authority. Legislation that

was rooted in an appreciation for the role of bounty hunters in the criminal justice system could serve to establish new justification for their authority, standardize their practices, and improve their performance.

Data obtained from participants in this research suggests that bounty hunters do support regulation of their occupation. They are, however, skeptical about broad-ranging legislation that comes in response to egregious acts by a handful of bounty hunters that they do not identify as being representative of their occupation. This may be the reason why they favor registration over licensure, and why they favor it at the state level instead of the federal level. Further, they express a desire for legislation that standardizes practices from state-to-state, but also provides for monitoring and assistance that is easily accessible and does not present a bureaucratic barrier to their work performance. Establishing a dialogue between legislators and bounty hunters would go a long way toward resolving the tension between the old view of the bounty hunter as uneducated, untrained and unskilled, and the new view that has the bounty hunter as a professional agent whose function compliments that of other criminal justice functions.

## CHAPTER SUMMARY

This study has provided insight into the day-to-day lives of bounty hunters. It has challenged widely-held assumptions about who bounty hunters are and what they do. In doing so, it has provided documentation of the personal and professional backgrounds of bounty hunters, as well as the skills and traits they possess. It has examined how they learn to use these skills and traits to identify and employ situational factors relevant to effecting a successful recovery. It has also shed light on the implications this learning process has for education and training, as well as licensing and regulation.

The results of this study have also generated several suggestions for increasing the participation of bounty hunters in the regulation process, and for ways in which regulation can be of benefit to the bounty hunting occupation. Results also suggest ways in which regulation can assist the occupation in resolving the tensions that currently exist between it and the other components of the criminal justice system.

## APPENDICES

APPENDIX A  
INTERVIEWEE PSEUDONYMS



| <u>PSEUDONYM</u> | <u>GENDER</u> | <u>RACE</u> | <u>EXPERIENCE</u> | <u>REGION</u> |
|------------------|---------------|-------------|-------------------|---------------|
| 1. Rand          | M             | W           | < 5 years         | Midwest       |
| 2. Art           | M             | W           | 5-10 years        | South         |
| 3. Aiden         | M             | W           | < 5 years         | South         |
| 4. Cash          | M             | W           | > 10 years        | South         |
| 5. Matteo        | M             | W           | < 5 years         | South         |
| 6. Keenan        | M             | W           | < 5 years         | Northeast     |
| 7. Rad           | M             | W           | 5-10 years        | Northeast     |
| 8. Hunter        | M             | W           | < 5 years         | Northeast     |
| 9. Mitch         | M             | W           | < 5 years         | Midwest       |
| 10. Brady        | M             | W           | < 5 years         | West          |
| 11. Raj          | M             | W           | < 5 years         | Northeast     |
| 12. Amman        | M             | W           | 5-10 years        | Northeast     |
| 13. Anna         | F             | W           | > 10 years        | West          |
| 14. Jorge        | M             | W           | < 5 years         | South         |
| 15. Doogie       | M             | W           | 5-10 years        | Northeast     |
| 16. Ford         | M             | W           | 5-10 years        | South         |
| 17. Kurt         | M             | W           | < 5 years         | Northeast     |
| 18. Sarge        | M             | W           | 5-10 years        | Northeast     |
| 19. Teddy        | M             | W           | < 5 years         | Northeast     |
| 20. Ben          | M             | W           | 5-10 years        | Northeast     |
| 21. Markus       | M             | W           | < 5 years         | Northwest     |
| 22. Sonny        | M             | W           | 5-10 years        | West          |
| 23. Bud          | M             | W           | < 5 years         | Midwest       |
| 24. Archie       | M             | W           | < 5 years         | Midwest       |
| 25. Ellen        | F             | W           | > 10 years        | West          |
| 26. Richie       | M             | W           | < 5 years         | Midwest       |
| 27. Jamie        | M             | W           | 5-10 years        | Northeast     |

| <u>PSEUDONYM</u> | <u>GENDER</u> | <u>RACE</u> | <u>EXPERIENCE</u> | <u>REGION</u> |
|------------------|---------------|-------------|-------------------|---------------|
| 28. Jasper       | M             | W           | < 5 years         | Midwest       |
| 29. Jake         | M             | W           | 5-10 years        | Northeast     |
| 30. Carlos       | M             | W           | 5-10 years        | Midwest       |
| 31. Justin       | M             | W           | > 10 years        | West          |
| 32. Cameron      | M             | W           | 5-10 years        | Midwest       |
| 33. Hurley       | M             | W           | > 10 years        | Midwest       |
| 34. Link         | M             | W           | > 10 years        | Northeast     |
| 35. Ralph        | M             | W           | < 5 years         | Midwest       |
| 36. Gabe         | M             | W           | < 5 years         | Northeast     |
| 37. Fannie       | F             | W           | < 5 years         | Midwest       |
| 38. Max          | M             | W           | < 5 years         | West          |
| 39. Enrique      | M             | W           | > 10 years        | South         |
| 40. Garth        | M             | W           | > 10 years        | West          |
| 41. Jock         | M             | W           | 5-10 years        | West          |
| 42. Caz          | M             | W           | 5-10 years        | West          |
| 43. Donny        | M             | W           | > 10 years        | Northeast     |
| 44. Hank         | M             | W           | > 10 years        | South         |
| 45. Stosh        | M             | W           | > 10 years        | Northeast     |
| 46. Tracy        | M             | W           | 5-10 years        | Northeast     |
| 47. Mikey        | M             | W           | 5-10 years        | Midwest       |
| 48. Price        | M             | W           | 5-10 years        | West          |
| 49. Cal          | M             | W           | > 10 years        | West          |
| 50. Jimmie       | M             | W           | < 5 years         | Midwest       |
| 51. Toby         | M             | NW          | < 5 years         | Northeast     |
| 52. Juan         | M             | NW          | < 5 years         | Northeast     |
| 53. Logan        | M             | W           | > 10 years        | South         |
| 54. Grover       | M             | W           | < 5 years         | West          |
| 55. Pamela       | F             | NW          | < 5 years         | Northeast     |

| <u>PSEUDONYM</u> | <u>GENDER</u> | <u>RACE</u> | <u>EXPERIENCE</u> | <u>REGION</u> |
|------------------|---------------|-------------|-------------------|---------------|
| 56. Julio        | M             | W           | < 5 years         | South         |
| 57. Hewett       | M             | W           | > 10 years        | Midwest       |
| 58. Monte        | M             | W           | 5-10 years        | Midwest       |
| 59. Roth         | M             | W           | > 10 years        | Northeast     |
| 60. Bryce        | M             | W           | < 5 years         | Midwest       |
| 61. Vito         | M             | W           | > 10 years        | South         |
| 62. Judd         | M             | W           | < 5 years         | Northeast     |
| 63. Lamar        | M             | W           | 5-10 years        | Northeast     |
| 64. Riley        | M             | W           | < 5 years         | South         |
| 65. Dane         | M             | W           | > 10 years        | Northeast     |
| 66. Wade         | M             | W           | < 5 years         | South         |
| 67. Jed          | M             | W           | 5-10 years        | South         |
| 68. Syl          | M             | W           | < 5 years         | Midwest       |
| 69. Emmett       | M             | W           | 5-10 years        | Northeast     |
| 70. Shelby       | M             | W           | < 5 years         | Northeast     |
| 71. York         | M             | W           | < 5 years         | West          |

## APPENDIX B

### SAMPLE CONTRACT BETWEEN A BONDSMAN AND A BOUNTY HUNTER

## Agreement for Apprehension and Surrender of Bailee

Date

Bond Number

Bailee

Bond Amount

AKA

Bail Agency

DOB

Forfeiture Date

Court

Arrest Agent

Jail

Judgment Due Date

This agreement is made on \_\_\_\_\_, between \_\_\_\_\_, a duly licensed Michigan bail agent, hereinafter referred to as "Bail Agent", and \_\_\_\_\_, hereinafter referred to as "Arrest Agent", and is entered into to effectuate the timely apprehension and surrender of the Bailee named above, hereinafter referred to as "Bailee", subject to the following terms and conditions:

1. Arrest Agent shall take all necessary lawful steps to locate, apprehend and surrender the above-named Bailee to the \_\_\_\_\_ County Jail, pursuant to the provisions of M.C.L.A. 765.26, in order to facilitate Bail Agent's relief from forfeiture.

(a) Arrest Agent warrants that he or she has read and is familiar with Michigan's Compiled laws relating to bail and the arrest of a fugitive. Further, that he or she will conduct himself or herself in accord with the guidelines and criteria regarding fugitive apprehension efforts set forth therein.

(b) Arrest Agent further warrants that he or she is experienced in the field of fugitive apprehension, and that he or she stays current with the information necessary to conduct her/himself as a professional in the fugitive apprehension field.

2. Upon the apprehension and surrender of the Bailee by Arrest Agent to the above-named jail on or before the \_\_\_\_\_ day of \_\_\_\_\_, Bail Agent agrees to pay to Arrest Agent the sum of \_\_\_\_\_ as compensation for Arrest Agent's independent contractor services.

(a) In the event a Michigan law enforcement agent or agency takes custody of Bailee as a direct result of the investigation and apprehension efforts of Arrest Agent, the above compensation figure shall be deemed fully earned upon verification by Bail Agent that Bailee is in jail within the State of Michigan, said verification shall not be unreasonably held.

(b) Such direct action(s) warranting payment includes (1) the personal arrest and surrender of Bailee by Arrest Agent and delivery to the county jail where originally bailed, and (2) locating Bailee and causing arrest by Michigan law enforcement officers in Arrest Agent's presence, based upon Arrest Agent's investigative efforts and leads.

(c) If Bailee is arrested by any law enforcement or any other authorized third person without the direct assistance of the Arrest Agent, not in the presence of Arrest Agent, the above-referenced independent contractor fee shall not be paid to the undersigned Arrest Agent.

(d) If this Bailee has forfeited additional bonds written by the Bail Agency, said forfeitures having been declared prior to execution hereof, and if these bonds can be exonerated because of Bailee's arrest and surrender hereunder, Arrest Agent shall be entitled to an independent contractor's fee for same if the fee agree upon is a percentage basis, unless this subparagraph is crossed out and initialed by both parties.

(e) It is agreed between the parties to this agreement that in addition to the above-stated independent contractor fee to be paid upon his or her performance, Arrest Agent shall be entitled to expenses reimbursement upon full performance as follows:

(If no mileage, etc., provisions appear above, it shall be agreed that no expenses reimbursement is intended).

4. In the event a dispute over payment of the independent contractor's fee or expenses arises, the parties agree to binding arbitration by a panel of three arbiters who shall all be licensed Bail Agents or Private Investigators who will be selected as follows: one arbiter shall be selected by the Regional Director of N.A.B.E.A., one from a list of three arbiters by Arrest Agent, and the third by the mutual agreement. If a party fails to submit a list, the Regional Director shall select same. The three selected arbiters shall meet with the Bail Agent and Arrest Agent together within 30 days of their appointment to take evidence and hear the dispute. A majority finding by the arbiters shall issue within 15 days to all parties, and shall finally resolve the dispute. The party prevailing in this arbitration proceeding shall be entitled to costs and reasonable attorney fees.

5. Arrest Agent shall not make any representation to any person or entity that he or she is an employee of Bail Agent; if asked, Arrest Agent shall properly identify himself or herself as a "Fugitive Apprehension Agent" or a "Recovery Agent" independently contracted by Bail Agent to apprehend Bailee.

6. Arrest Agent shall fully indemnify and hold Bail Agent (and Bail Agent's General Agent, Employer and/or surety company) harmless from any and all liabilities arising as a result of Arrest Agent's acts or omissions in the course of seeking to perform hereunder.

7. Arrest Agent agrees to cease Bailee apprehension efforts upon telephonic notice from Bail Agent, followed by a written request to cease mailed within 24 hours from telephonic notification. If efforts of Arrest Agent prior to termination clearly lead to the apprehension, arrest and surrender of Bailee, Arrest Agent shall be entitled to receive payment of the independent contractor's fee agreed above. If a dispute arises as to payment entitlement, the above arbitration provisions shall apply.

8. For the purpose of notice hereunder, the parties and their addresses are as follows:

**Bail Agent:**

Name

Agency Name

Address

City

State

Zip

Telephone

Fax

**Arrest Agent:**

Name

DBA

Address

City

State

Zip

Telephone

Fax

**IN WITNESS WHEREOF**, the undersigned do hereby agree to the above-stated terms and conditions as of the date which first appears above.

Bail Agent Signed

Arrest Agent Signed

Printed or Typed

Printed or Typed

APPENDIX C

COMPENDIUM OF BOUNTY HUNTER LAWS



By

Jonathan Drimmer

Edited by

Dennis A. Bartlett

**A. States outlawing commercial bonding, utilizing public bail systems, or banning bounty hunting**

**1. Wisconsin**

Wis. Stat. § 969.12 provides that no surety can be compensated for serving as a surety, effectively eliminating the commercial bond market. See Kahn v. McCormack, 299 N.W.2d 279 (Ct. App. 1980) (upholding constitutionality of statute and stating that purpose of the law is to eliminate the commercial bond industry).

**2. Oregon**

Defendant only can be released from custody on conditional release, deposit bond, or on his own recognizance (i.e., no surety bonds). Or. Rev. Stat. §§ 135.255, .260, .265. In State v. Epps, 585 P.2d 425 (Or. 1978), the Oregon Supreme court abolished the broad common law rights of bounty hunters and bond agents, and applied the Uniform Criminal Extradition Act to bounty hunters seeking to take defendants over state lines.

**3. Illinois**

A statute enacted in 1963 designed to eliminate commercial bail bond industry. See Schilb v. Kuebel, 264 N.E.2d 377, 380 (Ill. 1970), aff'd 404 U.S. 357 (1971); Ill. Stat. Ch. 725 §§ 5/110-7, 5/110-8. "No bail bondsman from any state may seize or transport unwillingly any person found in this State who is allegedly in violation of a bail bond posted in some other state." Ill. Stat. Ch. 725 § 5/103-9.

**4. Kentucky**

Kentucky expressly outlaws the commercial bail bond industry. Ky. Stat. § 431.510 (outlawing commercial bail

bond industry); see Stephens v. Bonding Assoc. of Kentucky, 538 S.W.2d 580 (Ky 1976) (upholding statute). Bond agent from another state seeking to arrest fugitive who has fled to Kentucky must get a warrant. Ky. Rev. Stat. § 440.270.

**B. States eliminating free lance bounty hunters, but allowing full time "runners" who work for 1 bond agent at a time.**

**1. Florida**

All bail runners must be licensed, and work only for one bond agent (i.e., eliminating free lance bounty hunters), be over 18, a resident of the state, have no criminal record, and pass a certification course, Fla. Stat. § 648.37. One cannot make an arrest on an out of state bond unless the person is licensed in the state or the state where the bond was written. Fla. Stat. § 648.30.

**2. North Carolina**

All bail runners must be licensed. N.C. Gen. Stat. §§ 58-71-40. Runner must be over 18, no felony convictions, a resident of the state, have necessary training and experience., N.C. Gen. Stat. 58-71-50. Must take 20 hours of education for a license. N.C. Gen. Stat. § 58-71-71. Must take an examination. N.C. Gen. Stat. § 58-71-70. Bounty hunters only can work for one bonding company (same as Florida). N.C. Gen. Stat. § 58-71-65 (1996). Bondsmen and runners cannot enter the homes of third parties to apprehend a fugitive. State v. Mathis, 509 S.E.2d 155 (N.C. 1998).

**3. South Carolina**

All bail runners are required to be licensed (S.C. Stat 38-53-80), can have no criminal record for the past ten years, must be a resident of the state, be over 18 (38-53-90), must take a 20 hour class and pass an examination (S.C. Stat. 38-53-80) and can only work for one bond agent who will supervise and be responsible for their conduct (38-53-120). Bond agents must supply to clerk of court in the

county where they operate a list of their runners. (38-53-120).

## **C. States Requiring Licensing (11 states)**

### **1. Indiana**

Recovery agents must be licensed. Ind. Code Ann. § 27-10-3-1 (1997). To obtain a license, recovery agents must be at least 18 years old, be a citizen of the U.S., be a resident of the state for at least 6 months, at least 10 years must have elapsed after any felony conviction to obtain a license (5 years for misdemeanor), Ind. Code Ann. § 27-10-3-5, and they must pass an examination given by the State, Ind. Code Ann. § 27-10-3-6. Recovery agents must notify the sheriff in their respective locales of residence, Ind. Code Ann. § 27-10-3-17, and bail bond agents must give the state a list of recovery agents they employ. Ind. Code Ann. § 27-10-3-14. Bail bond agent and bounty hunter cannot forcibly enter the home of a third party. Mishler v. State, 660 N.E.2d 343 (Ind. App.1996).

### **2. Nevada**

All bond agents and their agents must be licensed. Nev. Code §§ 697.090, 697.180. To obtain a license, a bail enforcement agent must be at least 21 years old, be a U.S. citizen, have a high school diploma or equivalent, have no felony record, pass a psychological examination, pass a written examination, and pass a drug test. Nev. Code §§ 697.173, 697.200 (written examination), 697.186 (letter from police saying no criminal record). Bounty hunter also must take a training class within nine months of being hired as a bounty hunter. Nev. Code § 697.177. After making an arrest, bail enforcement agent must notify the local law enforcement agency of the jurisdiction in which the defendant was apprehended of his identity, the identity of the defendant, and where the defendant is being taken to be surrendered into custody. Before forcibly entering an inhabited dwelling, a bail enforcement agent must notify the local law enforcement. Nev. Code. § 697.325.

### **3. Mississippi**

Bail enforcement agents must be licensed. Requirements are being at least 21 years of age, resident of the state at least 1 year, no felony record. Miss. Stat. Ann. § 83-39-3.

### **4. South Dakota**

Bail runner must be licensed, and have no felony record. S.D.C.L. §§ 58-22-12, 58-22-13 (must submit fingerprints), 58-22-16 (must pass a written examination). Bond agent must notify the state of the runners they employ. S.D.C.L. §§ 58-22-27, 58-22-52. Out of state bail agent or runner must notify local law enforcement where he intends to conduct activities, and present evidence of out of state license. If he has no license, he cannot conduct search and arrest activities. § 58-22-51.

### **5. Connecticut**

Requires licensing, training (20 hours of study), and background checks (no felony record). Police officers are forbidden from being bounty hunters. Bounty hunters must notify local police before making an arrest, and cannot carry wear clothes or carry a badge suggesting he is an agent of the state or federal government. C.G.S.A. § 29-152e through §29-152l.

### **6. Arizona**

Bounty hunters must be licensed (Ariz. Rev. Stat. § 13-3885), pass a background check (Ariz. Rev. Stat. § 20-323), and complete a training class (Ariz. Rev. Stat. §§ 20-3001 through 3005). Bounty hunters only can enter a home with the consent of the occupants present at the time of entry, and cannot wear clothes indicating that the bounty hunter is a state or federal official. Bond agents must notify the state that they are utilizing particular bounty hunters. Once a year, bond agents also must notify the state of all bounty hunters they have used. Out of state bounty hunters must contract with Arizona licensed recovery agents. Ariz. Rev. Stat. § 13-3885.

### **7. Utah**

Bounty hunters must be licensed (Utah Code Ann. § 53-11-107), be 21 years of age, a citizen or legal resident of

U.S., complete a state background check, a training class, and perform minimum time in the field as an apprentice, bond agent, or law enforcement officer (Utah Code Ann. § 53-11-108, et. seq.). Local police must be notified before making an arrest. (Utah Code Ann. §§ 53-11-122, 123).

## **8. Iowa**

Bounty hunters must be licensed and notify local police of a defendant's location before making an arrest. Iowa Code § 80A.3. A victim can sue a bail bond agent as well as the bounty hunter for misconduct. Iowa Code § 80A.16A. A bounty hunter cannot enter the home of or use force against an innocent third party. State v. McFarland, 598 N.W.2d 318 (Iowa Ct. App. 1999).

## **9. Louisiana**

All recovery agents must be licensed by DOI. There are education requirements to obtain and keep license. Out of state recovery personnel must contract with a bail agent **licensed in Louisiana**. Recovery personnel required to wear apparel identifying bail bond company during apprehension or surrender in a private residence. For apprehension in a private residence, notification of local law enforcement required. (LAC Title 37, Part XVIII, Ch. 49, Reg 65, Sec. 4901 et seq.)

## **10. California**

Bail fugitive recovery agents must be 18 years old, have no felony convictions, complete a specified training courses, and notify local law enforcement of their intent to apprehend a bail fugitive no more than 6 hours before doing so. They must have written authorization from the bond agent when making an arrest, and cannot forcibly enter any premises, except pursuant to certain existing provisions of law governing arrest by a private person. Bounty hunters cannot represent themselves as law officers, or wear badges or uniforms that a reasonable person might mistake for a government agency. All bounty hunters must carry with them a certification of completion of required courses and training programs. Out of state bounty hunters must be licensed in their home states, or be licensed bail agents. Private detectives need not obtain a separate bounty hunter license to operate in the state. This law will remain in effect only until January 1, 2005. Cal. Penal Code § 1299.

In addition, bounty hunter or bond agent who captures defendant in California must go through extradition procedures to transport him interstate. Cal. Penal Code § 847.5 (1995 West); Ouzts v. Maryland Nat'l Ins. Co., 505 F.2d 547 (9th Cir.1974). After an arrest of a defendant on bail, the surety must deliver him to the court or police within 48 hours of the arrest if it occurs within California; if the arrest occurs out of state, the surety must deliver the defendant within 48 hours of their entering California. Cal. Penal Code § 1301.

## **11. West Virginia**

All "bail bond enforcers" must register with the West Virginia state police. That registration must: (1) identify at least one bond agent for whom the enforcer is authorized to act, (2) include written authorization from that bonding agent, (3) include the enforcer's certified fingerprints, and (4) include one photograph. To register, an enforcer must be at least 21 years old, a citizen of the U.S., and have no felony convictions. A bonding agent can grant an ongoing 2-year authorization to an enforcer who is a West Virginia citizen to seek all defendants for whom the bonding agent acts as surety. The bonding agent otherwise can grant a 60 day authorization to an enforcer, in which case the enforcer must notify the state police of the time and place of any proposed action, and if the enforcer is not a state resident, he also must notify the police the date he will enter the state. Out of state bounty hunters must abide by the same requirements of in-state (including written authorization from in-state bonding agent). An enforcer is to be considered the legal agent of the bonding agent. An enforcer cannot: (1) enter an occupied residential structure (i.e., a house or apartment) without the consent of the occupants who are then present, (2) arrest a defendant without written authorization from the bondsman, (3) wear or carry any uniform or badge that implies that the enforcer is a state agent or employee (but "may display identification that indicates his or her status as a bail bond enforcer only"), and (4) must exercise due care to protect the safety of third parties. H.B. 4481 (Enacted April 4, 2000).

## **D. Other State Laws**

### **1. New Hampshire**

Recovery agents must be trained and certified through a program approved by the Professional Bail Agents of the United States, and register with the Secretary of State (who will issue proof of registration). Bail agency must have at least \$300,000 in liability insurance for recovery activities, and recovery agents acting as independent contractors must have liability insurance of at least \$300,000. Bail agents and recovery agents must inform the chief of police of the relevant municipality when searching for bail jumper. N.H. Stat. § 597:7-b.

### **2. Georgia**

Bounty hunter must be at least 25 years old, must be a U.S. citizen, must obtain a gun permit, and must notify the local police of the intended arrest. Bondsmen must register with the sheriff of the county in which the bondsman is a resident all bail recovery agents that he employs. A bounty hunter must carry identification cards issued by bondsman, which describe the bounty hunter's physical appearance, and contains the bondsman's signature. Bounty hunter cannot wear clothing or carry badges suggesting that he is a public employee. An out of state recovery agent must be able to prove that he is licensed in his home state, or hire a Georgia bounty hunter if there is no licensing law in his home state. Ga. Code § 17-6-56 through 17-6-58.

### **3. Colorado**

Bond agents must take class in bail recovery, and a bond agent who wants to hire anyone other than another licensed bail agent to perform recovery work must submit to the state a certificate showing that such person has received training from a bail recovery training program, and submit his fingerprints (the person cannot have a criminal record). The bail agent then cannot hire this person until the state completes a background check based on the fingerprints. Col. Rev. Stat. § 12-7-105.5.

### **4. Tennessee**

A bounty hunter cannot have criminal record, must notify local police of defendant's location, and present to the

police a copy of the warrant, a copy of the bond, and evidence that bounty hunter has been hired by bond agent. Tenn. Code Ann. § 40-11-3.

## **5. Arkansas**

H.B. 1163, enacted April 15, 1999. Only licensed bail agents, private investigators, or law enforcement officers, or people who have 2 years of actual work as a licensed investigator, bond agent, or law enforcement officer can seek and arrest fugitives. Such person must be at least 21 years of age, have no felony record, and notify the local police of his presence and provide them with the defendant's name, charges, and suspected location.

## **6. Texas**

Tex. Code Crim. P. 17.19 states that bail gent can obtain warrant from court before seeking to arrest defendant, and a judicial warrant is required to arrest with force, Tex. Code Crim. Proc Art 17.19 (Vernon 1977); see Austin v. State, 541 S.W.2d 162 (Tex. Cr. App. 1976). Uniform Criminal Extradition Act requires that bond agent or bounty hunter take defendant before magistrate prior to transporting over state lines. See Landry v. A-Able Bonding, Inc., 75 F.2d 200 (5<sup>th</sup> Cir. 1996).

## **7. Oklahoma**

Out of state bounty hunter or bond agent must be accompanied by peace officer or licensed Oklahoma bond agent when seeking to apprehend bail jumper. Okl. Stat. § 1750.14.

NOTE: This compendium of bounty hunter laws was taken from the website of the American Bail Coalition, June 8, 2005 (www.americanbailcoalition.com).



APPENDIX D

SURVEY QUESTIONNAIRE

**GENERAL INSTRUCTIONS:** In this questionnaire I ask for information regarding your background and experience, your work as a bail enforcement agent, and your opinions about the regulation of bail enforcement agents. This information will be used to develop an accurate account of who bail enforcement agents are, and the process they engage in when tracking and capturing a fugitive. It also examines the opinions agents like yourself have about regulating bounty hunter conduct.

**I. BACKGROUND CHARACTERISTICS:** Because so little is known about who bail enforcement agents are or what their day-to-day lives are like, it is important to obtain background information about them. This section asks for information that helps describe who bail enforcement agents are. Please put a check mark (✓) in the box next to your answer.

1. What is your sex?

☐ MALE

☐ FEMALE

2. What is your race?

☐ WHITE

☐ NONWHITE

3. What is your current marital status?

☐ NEVER MARRIED

☐ MARRIED

☐ DIVORCED

☐ SEPARATED

☐ WIDOWED

4. What is your current age?

☐ UNDER 25

☐ 26-35

☐ 36-45

☐ 46-55

☐ 56 +

5. What is the highest level of formal education you have completed?

☐ HIGH SCHOOL OR LESS

☐ SOME COLLEGE

☐ COLLEGE DEGREE (specify degree and major) \_\_\_\_\_ / \_\_\_\_\_

☐ GRADUATE DEGREE (specify degree and major) \_\_\_\_\_ / \_\_\_\_\_

6. What is your approximate gross household income from all sources, before taxes, in 2003?

☐ LESS THAN \$25,000

☐ \$25,000 to \$50,000

☐ \$51,000 to \$75,000

☐ MORE THAN \$75,000

7. Which of the following best describes your usual stand on political issues?

☐ CONSERVATIVE

☐ MODERATE

☐ LIBERAL

**(GO TO THE NEXT PAGE)**

**II. OCCUPATIONAL CHARACTERISTICS AND BACKGROUND:** This section asks about the type and amount of work you do, including work that may or may not be related to bail enforcement. Your answers to these questions will help paint a picture of your work life, including the kind of training you may have received in your work as a bail enforcement agent. Please place a check mark (✓) in the box next to your answer, or fill in the blank as appropriate.

8. Do you engage in bail enforcement (fugitive recovery) work full-time?

☐ YES (Skip to question 11)

☐ NO (Go to question 9)

9. Do you engage in any work full-time other than bail enforcement?

☐ YES (Go to question 10)

☐ NO (Go to question 11)

10. If YES, what, if any, work do you do full-time? \_\_\_\_\_

11. In which state do you have your primary residence? \_\_\_\_\_

12. Does your state of residence require you to be licensed as a bail enforcement agent?

☐ YES

☐ NO

☐ DON'T KNOW

13. Are you licensed in any state to work as a bail enforcement agent?

☐ YES (Go to question 14)

☐ NO (Skip to question 15)

14. If YES, in which of the following states are you licensed to work as a bail enforcement agent?

☐ ALABAMA

☐ ALASKA

☐ ARIZONA

☐ ARKANSAS

☐ CALIFORNIA

☐ COLORADO

☐ CONNECTICUT

☐ DELAWARE

☐ FLORIDA

☐ GEORGIA

☐ HAWAII

☐ IDAHO

☐ ILLINOIS

☐ INDIANA

☐ IOWA

☐ KANSAS

☐ KENTUCKY

☐ LOUISIANA

☐ MAINE

☐ MARYLAND

☐ MASSACHUSETTS

☐ MICHIGAN

☐ MINNESOTA

☐ MISSISSIPPI

☐ MISSOURI

☐ MONTANA

☐ NEBRASKA

☐ NEVADA

☐ NEW HAMPSHIRE

☐ NEW JERSEY

☐ NEW MEXICO

☐ NEW YORK

☐ NORTH CAROLINA

☐ NORTH DAKOTA

☐ OHIO

☐ OKLAHOMA

☐ OREGON

☐ PENNSYLVANIA

☐ RHODE ISLAND

☐ SOUTH CAROLINA

☐ SOUTH DAKOTA

☐ TENNESSEE

☐ TEXAS

☐ UTAH

☐ VERMONT

☐ VIRGINIA

☐ WASHINGTON

☐ WASHINGTON, D.C.

☐ WEST VIRGINIA

☐ WISCONSIN

☐ WYOMING

**(GO TO THE NEXT PAGE)**

15. Apart from any license your state may or may not require, does your state of residence require bail enforcement agents to register with any state authority as a bail enforcement agent?

☐ YES

☐ NO

16. Apart from any states you may be licensed as a bail enforcement agent, are you registered with a state authority to work as a bail enforcement agent?

☐ YES (Go to question 17)

☐ NO (Skip to question 18)

17. In which states are you registered to work as a bail enforcement agent?

- |   |                                       |                                       |   |
|---|---------------------------------------|---------------------------------------|---|
| <input type="checkbox"/> ALABAMA        | <input type="checkbox"/> ALASKA       | <input type="checkbox"/> ARIZONA      | <input type="checkbox"/> ARKANSAS         |
| <input type="checkbox"/> CALIFORNIA     | <input type="checkbox"/> COLORADO     | <input type="checkbox"/> CONNECTICUT  | <input type="checkbox"/> DELAWARE         |
| <input type="checkbox"/> FLORIDA        | <input type="checkbox"/> GEORGIA      | <input type="checkbox"/> HAWAII       | <input type="checkbox"/> IDAHO            |
| <input type="checkbox"/> ILLINOIS       | <input type="checkbox"/> INDIANA      | <input type="checkbox"/> IOWA         | <input type="checkbox"/> KANSAS           |
| <input type="checkbox"/> KENTUCKY       | <input type="checkbox"/> LOUISIANA    | <input type="checkbox"/> MAINE        | <input type="checkbox"/> MARYLAND         |
| <input type="checkbox"/> MASSACHUSETTS  | <input type="checkbox"/> MICHIGAN     | <input type="checkbox"/> MINNESOTA    | <input type="checkbox"/> MISSISSIPPI      |
| <input type="checkbox"/> MISSOURI       | <input type="checkbox"/> MONTANA      | <input type="checkbox"/> NEBRASKA     | <input type="checkbox"/> NEVADA           |
| <input type="checkbox"/> NEW HAMPSHIRE  | <input type="checkbox"/> NEW JERSEY   | <input type="checkbox"/> NEW MEXICO   | <input type="checkbox"/> NEW YORK         |
| <input type="checkbox"/> NORTH CAROLINA | <input type="checkbox"/> NORTH DAKOTA | <input type="checkbox"/> OHIO         | <input type="checkbox"/> OKLAHOMA         |
| <input type="checkbox"/> OREGON         | <input type="checkbox"/> PENNSYLVANIA | <input type="checkbox"/> RHODE ISLAND | <input type="checkbox"/> SOUTH CAROLINA   |
| <input type="checkbox"/> SOUTH DAKOTA   | <input type="checkbox"/> TENNESSEE    | <input type="checkbox"/> TEXAS        | <input type="checkbox"/> UTAH             |
| <input type="checkbox"/> VERMONT        | <input type="checkbox"/> VIRGINIA     | <input type="checkbox"/> WASHINGTON   | <input type="checkbox"/> WASHINGTON, D.C. |
| <input type="checkbox"/> WEST VIRGINIA  | <input type="checkbox"/> WISCONSIN    | <input type="checkbox"/> WYOMING      |   |

18. What percentage of your total work time is spent in bail enforcement activities?

☐ LESS THAN 25%

☐ 25% TO 50%

☐ 51% TO 75%

☐ MORE THAN 75%

19. Do you engage in work where you earn an income other than bail enforcement?

☐ YES (Go to question 20)

☐ NO (Skip to question 21)

20. What is the other work you do other than bail enforcement to earn income?

---

21. In your employment as a bail enforcement agent, do you primarily:

☐ OWN YOUR OWN BAIL ENFORCEMENT BUSINESS (Go to question 22)

☐ WORK FOR ANOTHER BAIL ENFORCEMENT AGENT (Skip to question 23)

☐ WORK FOR ANOTHER BAIL ENFORCEMENT AGENCY (Skip to question 23)

**(GO TO PAGE 4)**

22. In owning your own bail enforcement business, do you primarily:

☐ WORK ALONE    ☐ ASK OTHER AGENTS TO ASSIST YOU AS NEEDED

☐ EMPLOY OTHER AGENTS ON A REGULAR PAYROLL

23. How many years have you worked as a bail enforcement agent?

☐ LESS THAN FIVE YEARS    ☐ FIVE TO TEN YEARS    ☐ MORE THAN TEN YEARS

24. Which of the following occupational licenses do you hold? (Check all that apply)

☐ BAIL ENFORCEMENT AGENT LICENSE

☐ PRIVATE INVESTIGATOR/DETECTIVE LICENSE

☐ BAIL BOND LICENSE    ☐ VEHICLE REPOSSESSION LICENSE    ☐ NONE

☐ OTHER (Please specify) \_\_\_\_\_

25. How much income did you earn from bail enforcement activities before taxes in 2003?

☐ LESS THAN \$15,000    ☐ \$15,000 TO \$29,999    ☐ \$30,000 TO \$44,999

☐ \$45,000 TO \$59,999    ☐ \$60,000 TO \$75,000    ☐ MORE THAN \$75,000

26. Does your state of residence require a license to carry a concealed weapon?

☐ YES (Go to question 27)

☐ NO (Skip to question 28)

27. Are you licensed to carry a concealed weapon in your state of residence?

☐ YES

☐ NO

28. Are you licensed to carry a concealed weapon in states other than the one in which you reside?

☐ YES (Go to question 29)

☐ NO (Skip to question 30)

**(GO TO THE NEXT PAGE)**

29. In which of the following states are you licensed to carry a concealed weapon?

- |   |                                       |                                       |   |
|---|---------------------------------------|---------------------------------------|---|
| <input type="checkbox"/> ALABAMA        | <input type="checkbox"/> ALASKA       | <input type="checkbox"/> ARIZONA      | <input type="checkbox"/> ARKANSAS         |
| <input type="checkbox"/> CALIFORNIA     | <input type="checkbox"/> COLORADO     | <input type="checkbox"/> CONNECTICUT  | <input type="checkbox"/> DELAWARE         |
| <input type="checkbox"/> FLORIDA        | <input type="checkbox"/> GEORGIA      | <input type="checkbox"/> HAWAII       | <input type="checkbox"/> IDAHO            |
| <input type="checkbox"/> ILLINOIS       | <input type="checkbox"/> INDIANA      | <input type="checkbox"/> IOWA         | <input type="checkbox"/> KANSAS           |
| <input type="checkbox"/> KENTUCKY       | <input type="checkbox"/> LOUISIANA    | <input type="checkbox"/> MAINE        | <input type="checkbox"/> MARYLAND         |
| <input type="checkbox"/> MASSACHUSETTS  | <input type="checkbox"/> MICHIGAN     | <input type="checkbox"/> MINNESOTA    | <input type="checkbox"/> MISSISSIPPI      |
| <input type="checkbox"/> MISSOURI       | <input type="checkbox"/> MONTANA      | <input type="checkbox"/> NEBRASKA     | <input type="checkbox"/> NEVADA           |
| <input type="checkbox"/> NEW HAMPSHIRE  | <input type="checkbox"/> NEW JERSEY   | <input type="checkbox"/> NEW MEXICO   | <input type="checkbox"/> NEW YORK         |
| <input type="checkbox"/> NORTH CAROLINA | <input type="checkbox"/> NORTH DAKOTA | <input type="checkbox"/> OHIO         | <input type="checkbox"/> OKLAHOMA         |
| <input type="checkbox"/> OREGON         | <input type="checkbox"/> PENNSYLVANIA | <input type="checkbox"/> RHODE ISLAND | <input type="checkbox"/> SOUTH CAROLINA   |
| <input type="checkbox"/> SOUTH DAKOTA   | <input type="checkbox"/> TENNESSEE    | <input type="checkbox"/> TEXAS        | <input type="checkbox"/> UTAH             |
| <input type="checkbox"/> VERMONT        | <input type="checkbox"/> VIRGINIA     | <input type="checkbox"/> WASHINGTON   | <input type="checkbox"/> WASHINGTON, D.C. |
| <input type="checkbox"/> WEST VIRGINIA  | <input type="checkbox"/> WISCONSIN    | <input type="checkbox"/> WYOMING      |   |

30. Have you completed any bail enforcement training at the National Bail Enforcement School?

☐ YES

☐ NO

31. Have you completed any bail enforcement training at any school/agency other than the National Bail Enforcement School?

☐ YES (Go to question 32)

☐ NO (Skip to question 33)

32. What is (are) the name(s) of the school/agency where you have received bail enforcement training?

\_\_\_\_\_  
\_\_\_\_\_

33. Which of the following control techniques do you hold certification in? (Check all that apply)

☐ PRESSURE POINT CONTROL TACTICS    ☐ VERBAL JUDO    ☐ CANING

☐ FIREARMS USE/SAFETY    ☐ FAST HANDCUFFING

☐ PERSONAL/EXECUTIVE PROTECTION

☐ OTHER (Please specify) \_\_\_\_\_

☐ NONE

34. In your experience as a bail enforcement agent, did you spend any time in the field being trained by another, more experienced bail enforcement agent(s)?

☐ YES (Go to question 35)

☐ NO (Skip to Question 36)

**(GO TO THE NEXT PAGE)**

35. In the course of being trained by another agent, how many months did you train before you accepted your first case on your own? \_\_\_\_\_ (Months)

36. Do you accept fugitive recovery cases where the fugitive has fled to and is living in another country?

☐ YES (Go to question 37)

☐ NO (Skip to question 38)

37. How many fugitive recovery cases involving international flight did you accept in the year 2003?

☐ LESS THAN 5

☐ 5-10

☐ 11- 15

☐ 15 OR MORE

☐ NONE

38. Do you routinely use any kind of badge in the course of doing bail enforcement work?

☐ YES

☐ NO

39. Do you routinely wear clothing that identifies you as a Bail Enforcement Agent in the course of doing your bail enforcement work?

☐ YES

☐ NO

40. Approximately how many fugitive recovery cases did you participate in (either as the primary investigator or as an assistant to another bail enforcement agent) during 2003?

☐ LESS THAN FIVE  
FIFTEEN

☐ FIVE TO TEN

☐ ELEVEN TO 15

☐ MORE THAN

41. During the year 2003, what was the number of referrals made to you by bail bondsmen? \_\_\_\_\_

42. During the year 2003, what was the number of referrals made to you by law enforcement? \_\_\_\_\_

43. During the year 2003, what was the number of referrals made to you by relatives of defendants? \_\_\_\_\_

44. During the year 2003, were referrals made to you from sources other than bail bondsmen, law enforcement and/or relatives of defendants?

☐ YES (Go to question 45)

☐ NO (Skip to question 46)

45. Please identify all other sources of referral to you during 2003, and the number from each referral source.

Source: \_\_\_\_\_

Number: \_\_\_\_\_

Source: \_\_\_\_\_

Number: \_\_\_\_\_

Source: \_\_\_\_\_

Number: \_\_\_\_\_

Source: \_\_\_\_\_

Number: \_\_\_\_\_

**(GO TO THE NEXT PAGE)**

46. Bail enforcement agents often consider a variety of factors when they are attempting to make a fugitive recovery. For each factor identified below, please place a check mark (✓) next to the response that best reflects how important the factor is overall in helping you to make a successful recovery.

- a. The nature of the bondable offense:  
☐ VERY IMPORTANT    ☐ SOMEWHAT IMPORTANT    ☐ SOMEWHAT UNIMPORTANT    ☐ VERY UNIMPORTANT
- b. The bondsman's history with the fugitive:  
☐ VERY IMPORTANT    ☐ SOMEWHAT IMPORTANT    ☐ SOMEWHAT UNIMPORTANT    ☐ VERY UNIMPORTANT
- c. The physical characteristics of the offender (size, tattoos, scars, etc.):  
☐ VERY IMPORTANT    ☐ SOMEWHAT IMPORTANT    ☐ SOMEWHAT UNIMPORTANT    ☐ VERY UNIMPORTANT
- d. The fugitive's living style (drug use, neighborhood environment, type of friends, etc.):  
☐ VERY IMPORTANT    ☐ SOMEWHAT IMPORTANT    ☐ SOMEWHAT UNIMPORTANT    ☐ VERY UNIMPORTANT
- e. The fugitive's criminal history (number/type of offenses, whether weapons are used, etc.):  
☐ VERY IMPORTANT    ☐ SOMEWHAT IMPORTANT    ☐ SOMEWHAT UNIMPORTANT    ☐ VERY UNIMPORTANT
- f. The reason the fugitive failed to appear in court:  
☐ VERY IMPORTANT    ☐ SOMEWHAT IMPORTANT    ☐ SOMEWHAT UNIMPORTANT    ☐ VERY UNIMPORTANT
- g. Whether the fugitive has failed to appear in an in-state court or an out-of-state court on the current offense:  
☐ VERY IMPORTANT    ☐ SOMEWHAT IMPORTANT    ☐ SOMEWHAT UNIMPORTANT    ☐ VERY UNIMPORTANT
- h. The address/location the fugitive has bonded out to:  
☐ VERY IMPORTANT    ☐ SOMEWHAT IMPORTANT    ☐ SOMEWHAT UNIMPORTANT    ☐ VERY UNIMPORTANT
- i. The amount of physical danger you believe you will be in at the time of the capture:  
☐ VERY IMPORTANT    ☐ SOMEWHAT IMPORTANT    ☐ SOMEWHAT UNIMPORTANT    ☐ VERY UNIMPORTANT

47. Please list any other factors that you consider important in helping you to make a successful fugitive recovery:

- a. \_\_\_\_\_
- b. \_\_\_\_\_
- c. \_\_\_\_\_
- d. \_\_\_\_\_
- e. \_\_\_\_\_

48. Approximately what percentage of your bail enforcement cases result in an arrest (recovery)?

- ☐ LESS THAN 25 %    ☐ 25 TO 50 %    ☐ 51 TO 75 %    ☐ MORE THAN 75 %

(GO TO THE NEXT PAGE)



49. Bail enforcement agents often use a variety of skills and possess personality traits that aid in the process of tracking and capturing a fugitive. For each of the skills and traits listed below, please place a check mark (✓) next to the response that best describes how important the factor is overall in helping you to make a successful recovery.

a. Effective communication skills:

☐ VERY IMPORTANT   ☐ SOMEWHAT IMPORTANT   ☐ SOMEWHAT UNIMPORTANT   ☐ VERY UNIMPORTANT

b. Patience:

☐ VERY IMPORTANT   ☐ SOMEWHAT IMPORTANT   ☐ SOMEWHAT UNIMPORTANT   ☐ VERY UNIMPORTANT

c. Inquisitiveness (Curiosity):

☐ VERY IMPORTANT   ☐ SOMEWHAT IMPORTANT   ☐ SOMEWHAT UNIMPORTANT   ☐ VERY UNIMPORTANT

d. The ability to “read” people (using verbal and nonverbal cues):

☐ VERY IMPORTANT   ☐ SOMEWHAT IMPORTANT   ☐ SOMEWHAT UNIMPORTANT   ☐ VERY UNIMPORTANT

e. The ability to effectively operate within the “gray areas” of the law:

☐ VERY IMPORTANT   ☐ SOMEWHAT IMPORTANT   ☐ SOMEWHAT UNIMPORTANT   ☐ VERY UNIMPORTANT

f. The ability to adapt to and blend into a variety of different environments:

☐ VERY IMPORTANT   ☐ SOMEWHAT IMPORTANT   ☐ SOMEWHAT UNIMPORTANT   ☐ VERY UNIMPORTANT

g. The ability to know which people to talk with to gather relevant information:

☐ VERY IMPORTANT   ☐ SOMEWHAT IMPORTANT   ☐ SOMEWHAT UNIMPORTANT   ☐ VERY UNIMPORTANT

h. The ability to gather information from public records and databases:

☐ VERY IMPORTANT   ☐ SOMEWHAT IMPORTANT   ☐ SOMEWHAT UNIMPORTANT   ☐ VERY UNIMPORTANT

i. The ability to listen when people talk:

☐ VERY IMPORTANT   ☐ SOMEWHAT IMPORTANT   ☐ SOMEWHAT UNIMPORTANT   ☐ VERY UNIMPORTANT

j. The ability to know when and how to use weapons (both lethal and non-lethal):

☐ VERY IMPORTANT   ☐ SOMEWHAT IMPORTANT   ☐ SOMEWHAT UNIMPORTANT   ☐ VERY UNIMPORTANT

k. The stamina to remain in surveillance positions for long periods of time:

☐ VERY IMPORTANT   ☐ SOMEWHAT IMPORTANT   ☐ SOMEWHAT UNIMPORTANT   ☐ VERY UNIMPORTANT

50. Please list any other skills you think are important to a bail enforcement agent in making a successful recovery.

- a. \_\_\_\_\_
- b. \_\_\_\_\_
- c. \_\_\_\_\_
- d. \_\_\_\_\_
- e. \_\_\_\_\_
- f. \_\_\_\_\_

**(GO TO THE NEXT PAGE)**

51. Overall, what do you believe the risk of physical harm is to the bail enforcement agent when making a fugitive recovery?

☐ LITTLE RISK

☐ MODERATE RISK

☐ HIGH RISK

52. In general what is the number of days the courts in your state allow for an agent to make a recovery before the bail bond is forfeited by a **bondsman**? \_\_\_\_\_ days

53. In general, what is the number of days the courts in your state allow for an agent to make a recovery before the bail bond is forfeited by a **private individual** who posted the bond? \_\_\_\_\_ days

**III. Respondent's opinions regarding the role of licensing and regulation:** There has been considerable discussion at both the state and federal levels of government over the past couple of years about regulating bounty hunters. This section asks your opinions about whether bail enforcement agents should be regulated. Please place a check mark (✓) next to the response that best indicates your level of agreement or disagreement with the statement.

54. Bail enforcement agents play an important role in the criminal justice system.

\_\_\_\_\_ Strongly Disagree

\_\_\_\_\_ Disagree

\_\_\_\_\_ Agree

\_\_\_\_\_ Strongly Agree

55. Bail enforcement should be considered a "professional" occupation:

\_\_\_\_\_ Strongly Disagree

\_\_\_\_\_ Disagree

\_\_\_\_\_ Agree

\_\_\_\_\_ Strongly Agree

56. Bail enforcement agents should be required to be licensed by the federal government:

\_\_\_\_\_ Strongly Disagree

\_\_\_\_\_ Disagree

\_\_\_\_\_ Agree

\_\_\_\_\_ Strongly Agree

57. Bail enforcement agents should be required to be licensed by the state government:

\_\_\_\_\_ Strongly Disagree

\_\_\_\_\_ Disagree

\_\_\_\_\_ Agree

\_\_\_\_\_ Strongly Agree

58. Bail enforcement agents should be required to register with the federal government:

\_\_\_\_\_ Strongly Disagree

\_\_\_\_\_ Disagree

\_\_\_\_\_ Agree

\_\_\_\_\_ Strongly Agree

59. Bail enforcement agents should be required to register with the state government:

\_\_\_\_\_ Strongly Disagree

\_\_\_\_\_ Disagree

\_\_\_\_\_ Agree

\_\_\_\_\_ Strongly Agree

**(GO TO THE NEXT PAGE)**

60. Licensing bail enforcement agents (at either the state or federal level) would help others in the criminal justice system to view bail enforcement agents as professionals.

\_\_\_\_\_Strongly Disagree      \_\_\_\_\_Disagree      \_\_\_\_\_Agree      \_\_\_\_\_Strongly Agree

61. Licensing bail enforcement agents (at either the state or federal level) would help standardize practices among bail enforcement agents.

\_\_\_\_\_Strongly Disagree      \_\_\_\_\_Disagree      \_\_\_\_\_Agree      \_\_\_\_\_Strongly Agree

62. Licensing bail enforcement agents (at either the state or federal level) would increase the professionalism of bail enforcement agents.

\_\_\_\_\_Strongly Disagree      \_\_\_\_\_Disagree      \_\_\_\_\_Agree      \_\_\_\_\_Strongly Agree

63. Licensing bail enforcement agents (at either the state or federal level) would help to improve the financial gain bail enforcement agents get from capturing fugitives.

\_\_\_\_\_Strongly Disagree      \_\_\_\_\_Disagree      \_\_\_\_\_Agree      \_\_\_\_\_Strongly Agree

64. Licensing bail enforcement agents (at either the state or federal level) would not be effective unless bail bondsmen were also licensed as bail enforcement agents.

\_\_\_\_\_Strongly Disagree      \_\_\_\_\_Disagree      \_\_\_\_\_Agree      \_\_\_\_\_Strongly Agree

**\*\*\*If you are willing to be interviewed by me, and/or willing to allow me to accompany you on a fugitive recovery, please read and sign the document attached to the back of the questionnaire and return it along with the questionnaire in the self-addressed, stamped envelope.**

**THANK YOU!**

## APPENDIX E

### SURVEY QUESTIONNAIRE COVER LETTER

## MICHIGAN STATE UNIVERSITY

---

### A SITUATIONAL ANALYSIS OF BOUNTY HUNTER CONDUCT: IMPLICATIONS FOR LICENSING AND REGULATION

Dear Bail Enforcement Agent:

I am doctoral student at Michigan State University and a licensed private investigator in the State of Michigan. In the course of my work I have had many conversations with bail enforcement agents ("bounty hunters") and attended their annual meeting in Las Vegas a couple of years ago. During the course of these conversations, I became aware that the image of bounty hunters historically portrayed in Western movies and on television has recently been reborn in the "legitimate" media. These accounts often present an image of the bail enforcement agent as uneducated, unskilled, violent, out of control, and in need of regulation. This has resulted in a great deal of debate at the state and federal levels of government about regulating bounty hunters.

There is virtually no research that describes who bounty hunters are, or that examines their image as it is rooted in the reality of their day-to-day lives and the work they do. No one has asked bounty hunters themselves about whether they think regulation is necessary. This survey is the first of its kind to develop an understanding of these issues from the perspective of the agents themselves.

You have been selected for participation in this survey because you have been identified as someone with bail enforcement experience. Completion of this questionnaire will take approximately 45 minutes, and your completion of the questionnaire indicates your willingness to participate in the survey. Your participation in the survey and your responses will be confidential. All data will be compiled so that no identifying information about individual respondents will be retained once the project is completed. You may, of course, refuse to complete the questionnaire if you wish. Questions regarding the survey should be directed to Mischelle Taylor Stone, 1012 West High Street, Suite H, Mt. Pleasant, MI 48858. You may also contact me through my e-mail at [Stonemis@msu.edu](mailto:Stonemis@msu.edu) or reach me by telephone at 989-779-9736.

Your participation is critical to the success of this research. Therefore, I ask that you please complete the attached questionnaire and return it in the self-addressed, stamped envelope within ten (10) days. Your completion of the questionnaire will help lead to a better understanding of who bail enforcement agents are, the nature of the work they do, and the role they play in the criminal justice system.

Thank you for your cooperation and the prompt return of this questionnaire.

Mischelle Taylor Stone, Licensed Private Investigator  
Doctoral Student, School of Criminal Justice  
Michigan State University

---

Any questions about participants' rights that may be raised by this study should be directed to Peter Vasilenko, PhD., Chairperson, University Committee on Research Involving Human Subjects, Michigan State University, East Lansing, MI 48824 (telephone: 517-355-2180. ([www.humanresearch.msu.edu](http://www.humanresearch.msu.edu)).

APPENDIX F

INFORMED CONSENT FORM

**Informed Consent for Dissertation Research Project Participation:  
A Situational Analysis of Bounty Hunter Conduct**

Dear Bail Enforcement Agent:

I am a licensed private investigator in the State of Michigan. In the course of my work I have had many conversations with bail enforcement agents. I recently attended a national meeting of bail enforcement agents ("bounty hunters") in Las Vegas, and it became apparent in my conversations with the agents that the topic of regulation is one that is hotly debated. I am now a graduate student at Michigan State University, and have the opportunity to study this issue in depth utilizing input from bail enforcement agents themselves. You have been selected for participation in the study because of your experience as a bail enforcement agent.

Your participation in this project will include being interviewed by me. All interviews are completely voluntary and you may decide not to be interviewed. The interview may be over the telephone or face-to-face. Telephone interviews will last less than one hour. Because face-to-face interviews may take place during an actual recovery experience, they may take several hours. Your willingness to allow me to accompany you as an observer on a recovery is completely voluntary, so you may consent to be interviewed even if you do not wish to have me accompany you on a recovery operation. If I accompany you on a recovery operation, I may ask your permission to allow me to take photographs; however, all of the data gathered during the interviews and field work will be confidential, and identities of the participants will be known only to me. Data that could be used to identify individuals will be destroyed at the conclusion of the writing process. You will have the opportunity to withdraw from the study at any time up until April 1, 2004. At that point, I will be in the final stages of the writing process and will not be able to remove any quotations from the document.

This study will be shared with my dissertation committee and other appropriate members of the Michigan State University community. The dissertation that results from this work will be published in hard copy and microfiche, both of which will be housed at the Michigan State University campus library in East Lansing, Michigan.

I appreciate your willingness to participate in my research, which will help us to learn more about who bail enforcement agents are and what they do. If you have any questions, please feel free to contact me at 989-779-9736, or e-mail me at [Stonemis@msu.edu](mailto:Stonemis@msu.edu) and I will be happy to reply.

Thank you.

Mischelle T. Stone

Please indicate your willingness to participate in an interview or field work (or both) with me by signing below and checking each of the activities you would be willing to participate in.

Signature \_\_\_\_\_ Print Name \_\_\_\_\_

Address \_\_\_\_\_ Telephone (\_\_\_\_) \_\_\_\_\_

E-mail  
Address \_\_\_\_\_ Date \_\_\_\_\_

I consent to (check all that apply):

- \_\_\_\_\_ An Interview with the Researcher
- \_\_\_\_\_ Allowing the Researcher to Accompany Me Into the Field
- \_\_\_\_\_ Allowing Photographs to be Taken While on a Fugitive Recovery Operation

APPENDIX G

LETTER OF SUPPORT FROM THE  
NATIONAL INSTITUTE OF BAIL ENFORCEMENT



# National Institute of Bail Enforcement

P.M.B. Box 268    3105 N. Ashland Ave.    Chicago, IL 60657    815-675-0260  
[www.NIBE@bounty-hunter.net](mailto:www.NIBE@bounty-hunter.net)  
Scott Olson, National Director    [solson@bounty-hunter.net](mailto:solson@bounty-hunter.net)

August 4, 2004

Dear NIBE Agent:

Enclosed you will find a survey from Mischelle Stone, a woman who is completing her Ph.D in Criminal Justice at Michigan State University. She also teaches in the Department of Justice Sciences at the University of Alabama at Birmingham. Mischelle is trying to examine the role of Bail Enforcement Agents in the criminal justice system, and I believe her research will make an important contribution to our efforts to help others better understand who we are and what we do. Perhaps most important, she is looking at the work we do from our perspective.

I am sure that you are aware that recent events involving Bail Enforcement Agents have almost exclusively been negatively portrayed in the media. Such overage does a disservice to the work we do and the role we play in the criminal justice system. I believe the research being conducted by Mischelle can address this negative publicity, and can also help us and others in the criminal justice system better understand the positive contributions we make to the system.

Therefore, I am asking your cooperation in filling out this survey and send it back to Mischelle as soon as possible. If you have any questions, you may contact Mischelle at 989-772-5084, or call me at the Institute at 815-675-0260.

Sincerely,

Scott Olson  
National Director

Enclosure

"The Harvard of Bounty Hunters"-Police Magazine

APPENDIX H

SURVEY QUESTIONNAIRE FOLLOW-UP LETTER

## **MICHIGAN STATE UNIVERSITY**

---

### **A SITUATIONAL ANALYSIS OF BOUNTY HUNTER CONDUCT: IMPLICATIONS FOR LICENSING AND REGULATION**

Dear Bail Enforcement Agent:

I recently sent you a survey questionnaire that contains questions related to your experience as a bail enforcement agent. I am writing now to remind you of the importance of completing and returning the questionnaire. The research I am completing as part of my doctoral degree focuses on the role of bail enforcement agents in the criminal justice system and the implications this role has for licensing and regulation of your work. This survey is the first of its kind to develop an understanding of these issues from the perspective of the agents themselves.

You have been selected for participation in this survey because you have been identified as someone with bail enforcement experience. Completion of this questionnaire will take approximately 45 minutes, and your completion of the questionnaire indicates your willingness to participate in the survey. Your participation in the survey and your responses will be confidential. All data will be compiled so that no identifying information about individual respondents will be retained once the project is completed. You may, of course, refuse to complete the questionnaire if you wish. Questions regarding the survey should be directed to Mischelle Taylor Stone, 1012 West High Street, Suite H, Mt. Pleasant, MI 48858. You may also contact me through my e-mail at [Stonemis@msu.edu](mailto:Stonemis@msu.edu) or reach me by telephone at 989-779-9736.

Your participation is critical to the success of this research. Therefore, I ask that you please complete the questionnaire and return it in the self-addressed, stamped envelope within ten (10) days. Your completion of the questionnaire will help lead to a better understanding of who bail enforcement agents are, the nature of the work they do, and the role they play in the criminal justice system.

Thank you for your cooperation and the prompt return of this questionnaire.

Mischelle Taylor Stone, Licensed Private Investigator  
Doctoral Student, School of Criminal Justice  
Michigan State University

---

Any questions about participants' rights that may be raised by this study should be directed to: Peter Vasilenko, PhD., Chairperson, University Committee on Research Involving Human Subjects, Michigan State University, East Lansing, MI 48824 (telephone: 517-355-2180 ). ([www.humanresearch.msu.edu](http://www.humanresearch.msu.edu)).

APPENDIX I  
INTERVIEW GUIDE

## **A Situational Analysis of Bounty Hunter Conduct: Implications for Licensing and Regulation**

### **Interview Guide**

**1. What was the process by which the bounty hunter began working as a bail enforcement agent?**

- ✓ Relationships to bail bondsmen
- ✓ Relationships to other bail enforcement agents
- ✓ On-the-job training
- ✓ Relationship to other work being performed
- ✓ Number of years experience

**2. What is the reason(s) for working full-time/part-time as a bail enforcement agent?**

- ✓ Choice vs. availability of work
- ✓ Effect of 10% rule
- ✓ Relationship to bail bondsman
- ✓ Other work

**3. Qualifications**

- ✓ Education
- ✓ Related experience
- ✓ Training (formal and OTJ)

**4. What factors are considered when deciding to/not to attend bail enforcement training programs?**

- ✓ Mandatory training vs. voluntary training
- ✓ Informal vs. formal training
- ✓ Types of control techniques trained in (certification?)\
- ✓ Other types of formal training provided by organizations other than BEA affiliated

**5. Types of cases accepted/declined**

- ✓ Preferred cases/circumstances
- ✓ Factors affecting decision to accept/decline cases
- ✓ Rationale

**6. Use of badges/other clothing for identification**

- ✓ Regulatory requirements
- ✓ Situational factors that govern where and when used
- ✓ Advantages and disadvantages

**7. What factors are considered when the “dangerousness ” of a situation is being assessed?**

- ✓ Nature of offense (assaultive?)
- ✓ Number of offense (3<sup>rd</sup> striker?)
- ✓ Criminal history of offender
- ✓ Reason why offender failed to appear
- ✓ In/out of state flight
- ✓ Physical attributes
- ✓ Relationship to bail bondsman
- ✓ Lifestyle (friends, neighborhood, etc.)
- ✓ Factors affecting decision to/not to let fugitive know he’s being sought
- ✓ Factors involved in capturing in public vs. private setting
- ✓ Factors weighted differently?

**8. Philosophy of bail enforcement**

- ✓ Role of “justice” in CJ system
- ✓ Financial considerations
- ✓ Using private sector to fill gap in public system
- ✓ Fee structure
- ✓ Adrenaline rush

**9. What skills should one possess to maximize effectiveness in fugitive recovery?**

- ✓ Good listener
- ✓ Effective communication skills
- ✓ Ability to adapt to one’s environment (through appearance, language use, etc.)
- ✓ Tenacity/Persistence
- ✓ Ability to “read” people
- ✓ Knowledge of the law
- ✓ Ability to safely use firearms
- ✓ Ability to effectively interview
- ✓ Driving skills
- ✓ Most important skills

**10. What traits should one possess to maximize effectiveness in fugitive recovery?**

- ✓ Inquisitiveness
- ✓ Tenacity
- ✓ Patience
- ✓ Independent thinker/worker
- ✓ Motivation
- ✓ Most important traits

**11. What knowledge should one possess to maximize effectiveness in fugitive recovery?**

- ✓ Databases (CCH, public records, vehicle ID searches, etc.)
- ✓ Law enforcement system/jurisdictions
- ✓ Police procedures (surveillance, canvassing, interrogation, interviewing, etc.)

**12. What role does “gut feeling” or “hunch” play in how a recovery is effected?**

- ✓ Intuition
- ✓ Sensory response
- ✓ Logical (albeit unconscious) accumulation of knowledge placed in experiential context

**13. What aspects of regulation would be beneficial to BEAs?**

- ✓ State vs. federal regulation
- ✓ Licensing vs. registration
- ✓ Professionalization
- ✓ Improved collaboration with law enforcement agencies
- ✓ Financial gain (via changes in 10% rule)
- ✓ Standardize conduct
- ✓ Code of ethic
- ✓ Mechanism for dealing with violations of standards

**14. What aspects of regulation would not be beneficial to BEA's?**

- ✓ State vs. federal regulation
- ✓ Licensing vs. registration
- ✓ Constraints on authority
- ✓ Lack of understanding of occupation
- ✓ Regulation of private sector functions by public institutions
- ✓ Failure to hold bondsmen to similar standard

APPENDIX J  
FIELDWORK RECORD



P. \_\_\_\_ of \_\_\_\_

### **Fieldwork Record**

---

Date: \_\_\_\_\_

Time: \_\_\_\_\_ to \_\_\_\_\_

Setting:

---

Notes

---

## REFERENCES

## REFERENCES

- American Bar Association. (1980). *Standards relating to the administration of criminal justice: pretrial release*. Boston: Little, Brown and Co.
- Anonymous. (1998). *Interview with bail bondsman regarding the relationship between bail bondsmen, bounty hunters and the criminal justice system*.
- Backstrom, C. and Hursh-Cesar, G. (1981). *Survey Research*. New York: John Wiley and Sons.
- Bayley D. and Shearing, C. (1996). The future of policing. *Law and Society Review*, 30, 585-606.
- Becker, I. (1994). Bail storms. *California Lawyer*, June, 26-28.
- Becker, H.S. (1986). *Doing things together*. Evanston: Northwestern University Press.
- Becker, H.S. and Greer, B. (1970). Participant observation and interviewing: a comparison. In W. Filstead (ed.) *Qualitative methodology: Firsthand involvement with the social world (pp.122-142)*. Chicago: Markham Publishing Co.
- Berg, B. (2001). *Qualitative research methods for the social sciences*. Needham Heights, N.J.: Allyn and Bacon.
- Blumer, H. (1969). *Symbolic interactionism: theory and method*. Englewood Cliffs, N.J.: Prentice-Hall.
- Bogdewicz, S. (1992). Participant observation. In B. Crabtree and W. Miller (eds.), *Doing qualitative research (pp. 45-69)*. Newbury Park: Sage Publications.
- Bureau of Justice Statistics, U.S. Department of Justice (2000). Pretrial release and detention statistics (May). Retrieved 4/9/04 from <http://www.ojp.usdoj.gov/bjs/pretrial.htm>

- Burton, B. (1990). *Bail enforcer: the advanced bounty hunter*. Boulder, CO: Paladin Press.
- Candy, P.C. (1991). *Self-direction for lifelong learning*. San Francisco: Jossey-Bass.
- Chamberlin, J. (1998). Bounty hunters: can the criminal justice system live without them? *University of Illinois Law Review*, Fall, 1998 (pp. 1175-1205).
- Denzin, N. (1983). Interpretive interactionism. In G. Morgan (ed.) *Beyond method: Strategies for social research* (pp. 129-146). Beverly Hills, CA: Sage Publications.
- Denzin, N. and Lincoln, Y. (2000). The discipline and practice of qualitative research. In N. Denizen and Y. Lincoln (eds.), *Handbook of qualitative research* (pp. 1-36). Thousand Oaks, CA: Sage Publications.
- Devine, F. (1991). Commercial bail bonding: a comparison of common law alternatives.
- Dewalt, K., Dewalt, B., and Wayland, C. (1998). Participant observation. In H. Russell Bernard (ed.), *Handbook of methods in cultural anthropology* (pp. 259-299). Walnut Creek, CA: AltaMira Press.
- Dill, F. (1975). Discretion, exchange and social control: bail bondsmen in criminal courts. *Law and Society Review*, 9, 639-674.
- Dillman, D. (1978). *Mail and telephone surveys: the total design method*. New York: John Wiley and Sons.
- Doane, M. (1985). "Liability of bail bondsmen under section 1983". *Washington and Lee Law Review*, 42, 1, Winter, 215-245.
- Drimmer, J. (1996). When man hunts man: the rights and duties of bounty hunters in the American criminal justice system". *Houston Law Review*, 33, Fall.
- Goldfarb, R. (1965). *Ransom: a critique of the American Bail system*. New York: John Wiley and Sons.

- Guba, E. and Lincoln, Y. (1982). Epistemological and methodological bases of naturalistic enquiry. *Education and Technology Journal*, 30: 233-252.
- Hansen, J. (1981). "The professional bondsman: a state action analysis". *Cleveland State Law Review*, Fall 595-646.
- Guyot, D. (1991). *Policing as though it mattered*. Philadelphia: Temple University Press.
- Henwood, K. (1996). Qualitative inquiry: perspectives, methods and psychology. In J. Richardson (Ed.), *Handbook of qualitative research methods in psychology and the social sciences* (pp. 1-26). Leicester: BPS Books.
- Herman, N. (1994). Interactionist Research Methods: an overview. In N. Herman and L. Reynolds, *Symbolic interaction* (pp. 90-111). Dix Hills, N.Y.: General Hall, Inc.
- Janesick, V. (2000). The choreography of qualitative research design: minuets, improvisations, and crystallization. In N. Denizen and Y. Lincoln (eds.) *Handbook of qualitative research* (pp. 379-399). Thousand Oaks, CA: Sage Publications.
- Johnson, J. (1998). Research design and research strategies. In H. Russell Bernard (ed.) *Handbook of methods in cultural anthropology* (pp. 131-171). Walnut Creek, CA: AltaMira Press.
- Kaufman, B.N. (2001). *Power Dialogues*. Sheffield, Mass: Epic Century Publishers.
- Kavale, S. (1996). *InterViews: an introduction to qualitative research interviewing*. Thousand Oaks, CA: Sage Publications.
- Landes, W. (1974). "The bail system: an economic approach." In G. Becker and W. Landes, *Essays in the economics of crime and punishment* (pp. 135-163). New York: National Bureau of Economic Research.
- Lee, R. (1995). *Dangerous fieldwork*. Thousand Oaks, CA: Sage Publications.

- Lofland, J. and Lofland, L. (1995). *Analyzing social settings*. Boston: Wadsworth Publishing Company.
- Marshall, C. and Rossman, G. (1999). *Designing qualitative research*. Thousand Oaks, CA: Sage Publications.
- Martindale, D. (1960). *The nature and types of sociological theory*. Boston: Houghton Mifflin Company.
- Merriam, S. and Caffarella, R. (1999). *Learning in adulthood*. San Francisco: Jossey-Bass.
- McMullen, J. (1996). The new improved monied police. *British Journal of Criminology*, 36, 1, Winter, pp. 85-108.
- National Center for Policy Analysis (1996). *Bounty hunting: Making the bail system work*. Unpublished manuscript.
- O'Leary, D. (1994). Reflections on police privatization. *FBI Law Enforcement Bulletin*, 63, 9, September, pp. 21-25.
- Ormrod, J.E. (2004). *Human Learning*. Upper Saddle River, N.J.: Pearson.
- Patton, M. (2002). *Qualitative research and evaluation methods*. Thousand Oaks, CA: Sage Publications.
- Pavaloko, R. (1988). *Sociology of Occupations and Professions*. Itasca, Illinois: F.E. Peacock Publishers, Inc.
- Petras, J. and Meltzer, B. (1994). Theoretical and ideological variations in contemporary interactionism. In N. Herman and L. Reynolds, *Symbolic interaction* (pp. 55-63). Dix Hills, N.Y.: General Hall, Inc.
- Pope, J. (1998). *Bounty hunters, marshals, and sheriffs: Forward to the past*. Westport, Conn: Praeger.

- Reiss, A., Jr. (1968). Stuff and nonsense about social surveys and observation. In H. Becker, B. Greer, D. Reisman, and R. Weiss (eds.), *Papers presented to C. Everett Hughes* (pp. 351-367). Chicago: Aldine Publishing Co.
- Reynolds, M. (1994). *Using the private sector to deter crime*. Dallas: National Center for Policy Analysis.
- Romley, R. (1997). Quoted in "Burglary, not bounty hunting, is alleged". *Philadelphia Inquirer*, September 14.
- Schon, D.A. (1983). *The reflective practitioner: how professionals think in action*. New York: Basic Books.
- Seale, C. (1999). *The quality of qualitative research*. Thousand Oaks, CA: Sage Publications.
- Shearing, C.D. and P.C. Stenning. (1981). Modern private security: its growth and its implications. In M. Tonry and N. Morris (eds.) *Crime and Justice: An American Review*, (pp. 85-99). Chicago: University of Chicago Press.
- Singleton, R. and Straits, B. (1999). *Approaches to Social Research*. New York: Oxford University Press.
- U.S. Justice Department Sourcebook of Criminal Justice Statistics Online (2000). *Felony Defendants in Large Urban Counties, 2000*: <http://www.albany.edu/sourcebook/pdf/t555.pdf>
- South, N. (1988). *Policing for profit: the private security sector*. London: Sage Contemporary Criminology.
- Stebbins, R. (2001). *Exploratory research in the social sciences*. Thousand Oaks, CA: Sage Publications.
- Symon, G. and Cassell, C. (1998). Reflections on the use of qualitative methods. In G. Symon and C. Cassell (eds.), *Qualitative methods and analysis in organizational research* (pp. 1-9). London: Sage Publications.

- Tablowsky, P. and Quinn, J. (1993). "Pre-trial release in the 1990s: Texas takes another look at non-financial release conditions". *New England Journal on Criminal and Civil Commitment*, 38, 19, 267-274.
- Taylor, S. and Bogdan, R. (1984). *Introduction to qualitative research methods*. New York: John Wiley and Sons.
- Toborg, M. (1983). "Bail bondsmen and criminal courts." *The Justice System Journal*, 8,2, pp. 141-156.
- Turner, J. (1978). *The structure of sociological theory*. Homewood, I.L.: The Dorsey Press.
- Whyte, W. F. (1997). *Creative problem solving in the field: reflections on a career*. Walnut Creek: AltaMira Press.
- Wice, P. (1974). *Freedom for sale*. Lexington, Mass: Lexington Books.



MICHIGAN STATE UNIVERSITY LIBRARIES



3 1293 02736 9366