



# STATE OF CONNECTICUT

## STATE ETHICS COMMISSION

### DECLARATORY RULING 92-A

#### Application of Code of Ethics To Department of Correction Employees and Deputy Sheriffs Acting As Bounty Hunters

David Shultz has asked for a declaratory ruling as to whether, under the Code of Ethics for Public Officials, deputy sheriffs or Department of Correction employees may accept employment with bail bondsmen as bounty hunters, and if so, whether the Code permits them to use their state identifications and badges when engaged in such outside employment. A deputy sheriff is a public official within the meaning of Conn. Gen. Stat. §1-79(o) and is subject to the Code of Ethics for Public Officials. Employees of the Department of Correction are state employees within the meaning of Conn. Gen. Stat. §1-79(q) and also are subject to the Code of Ethics for Public Officials.

A party who posts the required amount of bail for an arrested person is known as a "bail bondsman," and the person who has been arrested and is released on bond pending his scheduled court appearance is known as the "principal." State v. Nugent, 199 Conn. 537, 543 (1986). Bail is considered a continuation of the original imprisonment. Nugent, supra, p. 544. A bail bondsman and his authorized agents (*i.e.*, bounty hunters) have a common law right to apprehend and deliver a principal who has failed to appear in court and has forfeited his bond. A bondsman, or his agent, is not only permitted to seize a defaulting principal, he may break and enter the principal's home to do so, and is permitted to imprison the principal until he can be delivered to the proper authorities. State v. Nugent, supra, pp. 544-550.

Section 1-84(b) of the Code prohibits the acceptance of other employment which will either impair a state employee's or public official's independence of judgment with respect to his or her state duties or which will result in the disclosure of confidential information acquired in the course of his or her state service. In addition, under Conn. Gen. Stat. §1-84(c), a state employee or public official may not use his or her public position or confidential information acquired as a result of such position to obtain financial gain for himself or herself or for a business with which he or she is associated.

In Ethics Commission Advisory Opinion No. 86-12, 48 Conn. L.J. No. 25, p. 2C (December 16, 1986) the Commission found that a judicial branch family relations counselor should not engage in the business of writing bail bonds. Among the factors considered were the counselor's potential use of his office to gain access to potential customers, the conflict between the interests of a family relations counselor and of a bail bondsman, and the possible disclosure of confidential information. By the same reasoning, a Department of Correction employee who has access to confidential information concerning prisoners, or who has access to the prisoners themselves, will be precluded from accepting employment as a bounty hunter. In addition, defaulting principals are good for a bounty hunter but bad for the Department of Correction. Accepting employment as a bounty hunter would therefore impermissibly impair the independence of judgment of a Department of Correction employee, in violation of §1-84(b).

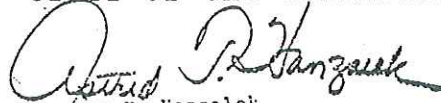
It is conceivable that there are Department of Correction employees whose duties are of such a ministerial nature, and who are so far removed from the incarceration and rehabilitation functions of the Department that the potential for use of office or confidential information does not exist. Unless the employee's independence of judgment would be thereby impaired, employment as a bounty hunter may be permissible. Under no circumstances, however, would any such person be permitted to exhibit state identification or otherwise claim the authority of the State when engaged in such pursuits.

Pursuant to Conn. Gen. Stat. §54-1f(a) a deputy sheriff has the responsibility to arrest any person for any offense in his precinct when the person is apprehended in the act or on the speedy information of others, and the arrest may be accomplished without a previous complaint or warrant. When in hot pursuit, a deputy sheriff may pursue the offender outside of his precinct into any part of the State to effect the arrest. (See §54-1f(c)). As a peace officer within the meaning of Connecticut's penal code (See Conn. Gen. Stat. §53a-3(9)) a deputy sheriff enjoys the benefits of laws designed to protect law enforcement personnel and assist them in the performance of their duties. Specific sanctions exist for persons who fail to assist, who assault, or who hinder a deputy sheriff in the performance of his duties. (See Conn. Gen. Stat. §§53a-167b, 53a-167c, 53a-167a). The protections afforded a deputy sheriff are not necessarily contingent upon the display of a badge or other identification. (See State v. Woolcock, 201 Conn. 605, 628-632 (1986), in which a defendant was held accountable under §53a-167c for assaulting an undercover police officer whom he knew to be a narcotics agent). A deputy sheriff may also be

called upon to act as an attendant to a judge in court, and thereby gain access to information concerning bond principals' habits and whereabouts. (See §51-30).

A deputy sheriff's broad authority to apprehend, arrest and detain individuals, the protections afforded him as a peace officer, and his access to the court system as a participant, not an observer, would be invaluable to a bounty hunter seeking to locate and deliver a principal on a bond. However, any exercise of a deputy sheriff's authority or access in furtherance of bounty hunting would violate Conn. Gen. Stat. §1-84(c). A deputy sheriff cannot shed his mantle of authority at will, yet he may never use his authority for financial gain. He may therefore never engage in the profession of bounty hunting. Parenthetically, a bounty hunter's goal of locating and delivering defaulting principals using the virtually unlimited palette of methods available under the common law necessarily conflicts with a deputy sheriff's criminal law enforcement duties, in violation of §1-84(b).

By order of the Commission,



Astrid T. Hanzalek

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Astrid T. Hanzalek  
Chairperson

Dated 2-5-92

