

SPRINGFIELD POLICE DEPARTMENT

Standard Operating Guideline

Effective Date: 07/01/2015	Supersedes Policy Dated: 05/31/2014	Rescinds:	SOG Number: 408.2
Accreditation Index: 43.1.5, 74.1.1			
Part Title: Operations		Chapter Title: Legal Process	
Chief of Police:			

Warrant Service, Search Warrants, Civil/Legal Process

I Policy

It is the policy of the Springfield Police Department to provide responsible and professional service of criminal process consistent with the lawful authority granted to Springfield Police Officers. Officers are charged with the duty to insure that the authority of any criminal process served is valid on its face and to restrict service of such process to that of courts with proper jurisdiction. All civil process shall be served only upon direction of a commanding officer. (CALEA 74.1.1(b))¹

II Definitions

Arrest – actual restraint of a person by a law enforcement officer or a person's submission to the custody of an officer of the law, under the authority of a warrant or otherwise.²

Bail Bond Agent – a surety agent or an agent of a property bail bondsman who is duly licensed under the provisions of Missouri Revised Statutes sections 374.700 to 374.775 and who is employed by and working under the authority of a licensed general bail bond agent.

Civil Process – writs, summons, mandates, or other process issuing from the court of law to a cause of action of a civil nature. (CALEA 74.1.1(b))

Criminal Process – those writs, summonses, mandates, warrants or other processes issuing from a court of law, compelling a person to answer for a felony, misdemeanor, or municipal

1 *5th Edition* and bullet references removed from all CALEA Standard citations throughout the body of the policy, per Policy Change Order 15-028.

2 Definition of *Arrest* revised, typographical correction, per Policy Change Order 15-028.

SOG 408.2

Warrant Service, Search Warrants, Civil/Legal Process

Effective Date: 07/01/2015

ordinance violation. This term shall also include processes issued to aid in crime detection or suppression such as search warrants and subpoenas. (CALEA 74.1.1(b))

General Bail Bond Agent – a surety agent or a property bail bondsman, as defined in sections 374.700 to 374.775, who is licensed in accordance with those sections and who devotes at least fifty percent of their working time to the bail bond business in this state.

General Ordinance Summons – a General Ordinance Summons (GOS) is issued by this department for city ordinance violations. (CALEA 74.1.1(c))

Outside Agency – any other municipality, county, or state in which the agency has no legal authority to serve or execute process by use of its own personnel.

Property Bail Bondsman – a person who pledges United States currency, United States postal money orders, cashier's checks, or other property as security for a bail bond in connection with a judicial proceeding, and who receives or is promised therefor money or other things of value.

Subpoena (Summons) – a written order issued by a court that commands a person to appear before the court at a stated time and place.³

Surety Bail Bond Agent – any person appointed by an insurer by power of attorney to execute or countersign bail bonds in connection with judicial proceedings, and who receives or is promised money or other things of value therefor.

Surety Recovery Agent – a person, not performing the duties of a sworn peace officer, who tracks down, captures, and surrenders to the custody of a court a fugitive who has violated a bail bond agreement, excluding a bail bond agent or general bail bond agent.

Warrant of Arrest – A written order from a court directed to a peace officer or some other person specifically named, commanding him/her to arrest the person named in the warrant. (CALEA 74.1.1(c))

III Procedure

- 1 CRIMINAL PROCESS: SECURING WARRANTS, NOTICES TO APPEAR, SUBPOENA AND SUMMONSES
 - 1.1 It is the responsibility of all officers to secure the appropriate documents on complaints that are to be filed in Municipal Court. (CALEA 74.1.1(c & d))
 - 1.1.1 When a General Ordinance Summons (GOS) is signed by an officer or complainant and the suspect cannot be located, copies of the summons will be forwarded to Municipal Court for a warrant to be issued.

3 Definition of *Subpoena (Summons)* revised, capitalization change, per Policy Change Order 15-028.

SOG 408.2

Warrant Service, Search Warrants, Civil/Legal Process

Effective Date: 07/01/2015

- 1.1.2 If located, the suspect may be taken into custody and served with the summons or may be served the summons without incarceration.
 - 1.1.2(a) The yellow copy of the summons will be given to the suspect.
 - 1.2 Records Unit personnel will submit all Municipal Ordinance Violation case files to the Municipal Court Clerk for processing.
 - 1.3 When a felony warrant is to be obtained, the case file will be turned over to the Criminal Investigations Division. (CALEA 74.1.1(c & d))
 - 1.3.1 The Criminal Investigations Division shall present the case to the State Prosecutor's Office after the proper case report forms are completed.
- 2 WARRANT INFORMATION AND ASSIGNMENT
- 2.1 Springfield Police Officers shall actively serve arrest warrants. (CALEA 74.1.1(f & g))
 - 2.1.1 Warrants may be assigned by a supervisor or self assigned for service by the officer.
 - 2.1.2 Officers may obtain information on active municipal warrants and department probable cause items for service through the following sources: (CALEA 74.1.1(c & d))
 - 2.1.2(a) All active municipal warrants and probable cause items are available on the MDT Daily Briefing page on SharePoint;
 - 2.1.2(b) All active municipal warrants are listed on the City of Springfield website at the following location: <http://www.springfieldmo.gov/spd/Wanted/MunicipalWarrants/Default.aspx>; ⁴(CALEA 74.1.1)
 - 2.1.2(c) Recently issued probable cause items are listed on the Springfield Police Daily Bulletin; ⁵
 - 2.1.2(d) Active municipal warrants and probable cause items may be located through the RMS by conducting a detailed search.
- 3 WARRANT SERVICE PROCEDURE
- 3.1 Only sworn personnel are authorized to serve a warrant.
 - 3.2 All officers are responsible for ensuring that warrants are served in a timely fashion. (CALEA 74.1.1(i))
 - 3.3 Officers shall serve verified arrest warrants from other jurisdictions. The service of these warrants is dependent upon the issuing jurisdiction's commitment to extradite

4 Section 2.1.2(b) revised, punctuation change, per Policy Change Order 15-028.

5 Section 2.1.2(c) revised, punctuation change, per Policy Change Order 15-028.

SOG 408.2

Warrant Service, Search Warrants, Civil/Legal Process

Effective Date: 07/01/2015

- the person. Warrants issued outside the State of Missouri shall be served only if they are for a felony offense. (CALEA 74.1.1(c & d))
- 3.4 Prior to making an arrest pursuant to a warrant, the arresting officers shall verify the validity of the warrant. (CALEA 74.1.1)
- 3.4.1 The verification shall be made by:
- 3.4.1(a) Requesting Communications verify the warrant; OR ⁶
- 3.4.1(b) Making direct contact with the MULES terminal operator; OR ⁷
- 3.4.1(c) In the case of a Springfield Municipal warrant, by making direct contact with the Springfield Municipal Court.
- 3.5 The MULES operator shall make notification to the issuing authority.
- 3.6 All persons arrested on a warrant shall be booked into the Greene County Jail.
- 3.7 Booking information shall include a computer printout of the warrant information and confirmation. (CALEA 74.1.1(h))
- 3.8 The arresting officer will document the warrant arrest with an RMS report. At minimum, the report shall include: ⁸ (CALEA 74.1.1)
- 3.8.1 Location of arrest;
- 3.8.2 Date and time of service;
- 3.8.3 Name of the defendant;
- 3.8.4 The type of warrant and issuing agency;
- 3.8.5 The warrant number.
- 3.9 The MULES operator is responsible for canceling the warrant in MULES. ⁹
- 3.10 Telecom will receive requests from outside agencies to attempt service of warrants. Initial requests may be received by telephone or fax; however, computer verification must be received before a check can be conducted. (CALEA 74.1.1)
- 3.10.1 Telecom will initiate a police response.
- 3.10.2 If a request is made to notify the requesting agency of the efforts made, they will be contacted by computer message. ¹⁰
- 4 CITY OF SPRINGFIELD MUNICIPAL WARRANTS
- 4.1 All Springfield Municipal Court warrants will be entered into the MULES system by Records personnel. City warrants are downloaded into the RMS system via an

6 Section 3.4.1(a) revised, punctuation change, per Policy Change Order 15-028.

7 Section 3.4.1(b) revised, punctuation change, per Policy Change Order 15-028.

8 Section 3.8 revised pertaining to warrant arrest reporting requirements, subsections specifying information to include in the report were added, per Policy Change Order 15-028.

9 Section 3.9 added, subsequent sections were renumbered accordingly, per Policy Change Order 15-028.

10 Section 3.10.2 (previously 3.9.2) revised, punctuation correction, per Policy Change Order 15-028.

SOG 408.2

Warrant Service, Search Warrants, Civil/Legal Process

Effective Date: 07/01/2015

- electronic interface with Municipal Court. Warrant entries will include: ¹¹ (CALEA 74.1.1)
- 4.1.1 The date and time of entry (tracked electronically in both MULES and RMS) (CALEA 74.1.1(a));
 - 4.1.2 The warrant number (CALEA 74.1.1(h));
 - 4.1.3 The source, type, and nature of the warrant (i.e. Springfield Municipal Court, Arrest Warrant for Failure to Appear, Stealing); (CALEA 74.1.1(b-d))
 - 4.1.4 The name of the defendant (CALEA 74.1.1(e));
- 4.2 Upon notification by the Emergency Communications Department that an officer has made a Springfield Municipal Court Warrant arrest, the MULES operator shall:
- 4.2.1 Complete the "Officer's Return" section of the warrant; ¹²
 - 4.2.2 Fax the warrant to the Greene County Jail;
 - 4.2.3 Make a copy of the warrant;
 - 4.2.4 Note if the warrant service was reactive or proactive; ¹³
 - 4.2.5 Note the case number and the arresting officer; ¹⁴
 - 4.2.6 Place a copy in the Served/Recalled Warrants mailbox; ¹⁵
 - 4.2.7 At the time of warrant cancellation, update RMS to show the warrant has been served and the date and time of service. ^{16 17}
- 4.3 When an officer arrests a person on a municipal warrant, they shall:
- 4.3.1 Check to see if it is a Failure to Appear (FTA) warrant;
 - 4.3.2 If it is a FTA warrant and the date of the FTA violation on the warrant is listed as later than September 29, 2003, the officer may issue a summons for the violation; ¹⁸
 - 4.3.3 When completing the summons, the officer will include the offense date and time of the FTA violation and the offense location (Municipal Courthouse). ¹⁹
- 4.4 This Department shall assist with the extradition of persons arrested on Springfield Municipal warrants by other agencies.
- 4.4.1 Officers shall be sent to transport such persons within any adjoining county of Greene County.

11 Section 4.1 added, subsequent section renumbered accordingly, per Policy Change Order 15-028.

12 Section 4.2.1 revised, unnecessary word removed, per Policy Change Order 15-028.

13 Section 4.2.4 revised, minor rewording, per Policy Change Order 15-028.

14 Section 4.2.5 revised, syntax change, per Policy Change Order 15-028.

15 Section 4.2.6 revised, punctuation change, per Policy Change Order 15-028.

16 Section 4.2.7 added, per Policy Change Order 15-028.

17 Section previously numbered 4.2, pertaining to warrant entry, was deleted, per Policy Change Order 15-028.

18 Section 4.3.2 revised, punctuation added, per Policy Change Order 15-028.

19 Section 4.3.3 revised, punctuation added, per Policy Change Order 15-028.

SOG 408.2

Warrant Service, Search Warrants, Civil/Legal Process

Effective Date: 07/01/2015

- 4.4.1(a) These adjoining counties are: Dade, Lawrence, Christian, Webster, Dallas and Polk.
- 4.4.2 The MULES terminal operator shall advise other agencies about our extradition limitations and coordinate the extradition of these people with the on-duty Watch Commander and/or an on-duty Patrol Supervisor.²⁰
- 4.4.3 The number of officers and the type of vehicle used to transport a prisoner from another jurisdiction shall be based on a number of factors:
 - 4.4.3(a) The charge for which the warrant was issued;
 - 4.4.3(b) The exhibited behavior of the person to be transported;
 - 4.4.3(c) The availability of a patrol car equipped with a prisoner shield system or a Detention Transportation Vehicle.²¹
- 4.4.4 Once the decision has been made to extradite a person, the person shall be picked up within 24 hours.
- 4.4.5 Based upon input from a Municipal Judge, prisoners may be extradited from jurisdictions of non-adjoining counties.²²

5 GREENE COUNTY WARRANTS

- 5.1 Persons arrested only for Greene County warrants shall be taken directly to the Greene County Jail.
- 5.2 Persons arrested for Greene County warrants who have additional charges shall be handled as follows:
 - 5.2.1 If the subject was arrested on other charges, the subject shall be booked into the Greene County Jail on those charges as well as the warrant.²³
 - 5.2.2 If other municipal charges apply, officers are encouraged to issue the appropriate summonses and book the subject into the Greene County Jail.
- 5.3 Any sworn officer of the Springfield Police Department may serve an Order of Protection issued by the Greene County Court. (CALEA 74.1.1(b & f))
 - 5.3.1 When an officer comes in contact with a person who has such an order and has not been served the officer shall obtain the order from the Greene County Sheriff's Office, read the order to the subject, and execute the order at that time.

²⁰ Section 4.4.2 revised, unnecessary word removed, per Policy Change Order 15-028.

²¹ Section 4.4.3(c) revised, minor rewording, per Policy Change Order 15-028.

²² Section 4.4.5 revised, minor wording change, per Policy Change Order 15-028.

²³ Section 5.2.1 revised, minor wording change, per Policy Change Order 15-028.

SOG 408.2

Warrant Service, Search Warrants, Civil/Legal Process

Effective Date: 07/01/2015

- 5.3.2 The Protection Order will be signed by the officer serving the order. It will then be forwarded to the Greene County Sheriff's Office by Records Personnel.

- 6 OTHER JURISDICTION WARRANTS (CALEA 74.1.1(c & d))
 - 6.1 Officers shall serve verified arrest warrants issued by other jurisdictions. The service of these warrants is dependent upon extradition limits from the issuing jurisdiction.
 - 6.2 Subjects arrested for warrants issued due to an ordinance violation in a municipality other than Springfield are to be handled as followed:
 - 6.2.1 The subject shall be booked into the Greene County Jail; or
 - 6.2.2 If the municipality is within close proximity of the Springfield city limits, an attempt should be made to release the arrested person to an officer of that agency.²⁴
 - 6.3 Subjects arrested for warrants issued by other counties shall be booked into the Greene County Jail. (CALEA 74.1.1(e & h))
 - 6.3.1 A computer printout of the warrant information and confirmation shall be delivered to the Greene County Jail along with the subject.²⁵
 - 6.4 Subjects arrested for Federal warrants or charges shall be booked into the Greene County Jail regardless if other warrants exist. A "HOLD" shall be placed on the subject for all other outstanding warrants.²⁶

- 7 SEARCH WARRANTS²⁷ (CALEA 43.1.5(a))
 - 7.1 All search warrants will be guided by RSMo 542.261 through 542.301.
 - 7.2 Only sworn personnel will be involved in the execution of a search warrant.

- 8 PROPERTY SEIZED THROUGH SERVICE OF A LEGAL PROCESS
 - 8.1 Although the Springfield Police Department does not serve documents of civil process, which result in seizure of property, there may be an occasion when the department does become the benefactor of such property seizure. Should the department receive any property as a result of a legal process, said property shall, upon receipt, be:
 - 8.1.1 Properly recorded on official reports as to how it came into the possession of the department;
 - 8.1.2 Properly inventoried if placed in use by the department;

²⁴ Section 6.2.2 revised, minor wording change, per Policy Change Order 15-028.

²⁵ Section 6.3.1 revised, confirmation printout added, section previously numbered 6.3.2 deleted, per PCO 15-028.

²⁶ Section 6.4 revised, capitalization change, per Policy Change Order 15-028.

²⁷ Section 7 revised, subsections were reorganized, per Policy Change Order 15-028.

SOG 408.2

Warrant Service, Search Warrants, Civil/Legal Process

Effective Date: 07/01/2015

- 8.1.3 If the property is disposed of by the department it shall be properly processed according to existing City Ordinance or Missouri State Statutes governing disposal or federal statutes regarding forfeitures.

9 APPREHENSIONS BY BAIL BOND AGENT- LAW ENFORCEMENT RESPONSE

- 9.1 Any General Bail Bond Agent, Property Bail Bondsman, Bail Bond Agent, Surety Recovery Agent, or Surety Bail Bond Agent intending to apprehend a person within the corporate city limits of Springfield must respond to the front desk at Police Headquarters.²⁸
 - 9.1.1 They must inform front desk staff of their intention to apprehend before making such apprehension.²⁹
 - 9.1.2 The agent shall produce:
 - 9.1.2(a) A certified copy of the bond;
 - 9.1.2(b) An appropriate document identifying the principal and the person to be apprehended.
- 9.2 The employee at the front desk will review the provided documentation to ensure it is complete and accurate.³⁰
- 9.3 In the event of a notification by a Surety Recovery Agent, the front desk employee shall determine if they plan to enter a residence in order to affect fugitive recovery.³¹
- 9.4 The front desk employee will page the on-duty Watch Commander for notification.³²
- 9.5 The Watch Commander will call 864-1803 for briefing and will determine whether or not a police officer should respond with the bondsman.³³
- 9.6 The front desk employee will record pertinent information into a logbook to be maintained at the front desk.
- 9.7 Failure on the part of the Bail Bond or Security Recovery Agent to make the required notification is a Class A Misdemeanor for the first violation and a Class D felony for subsequent violations and, if reported, will be investigated by officers.

IV Attachments

28 Section 9.1 revised, capitalization changes, per Policy Change Order 15-028.

29 Section 9.1.1 revised, punctuation and minor wording change, per Policy Change Order 15-028.

30 Section 9.2 (previously 9.3) was moved and renumbered, minor wording and punctuation changes were also made, per Policy Change Order 15-028.

31 Section 9.3 (previously 9.2) was renumbered, capitalization change also made, per Policy Change Order 15-028.

32 Section 9.4 revised, minor wording and punctuation change, per Policy Change Order

33 Section 9.5 revised, capitalization and punctuation change, per Policy Change Order