

DEPARTMENT GENERAL ORDER 10-06

OFFICE of the CHIEF OF POLICE
REPLACES: General Order 00-16/00-16A

DATE: July 29, 2010

MUNICIPAL SENTENCING AND INCARCERATION

I. PURPOSE.

Persons sentenced to be incarcerated in the St. Louis County Justice Center by the City of Clayton Municipal Judge will require members of the Police Department to actively participate in the process, and provide such transportation and documentation services as required.

II. DEFINITIONS.

Bailiff - An officer who attends to matters under the court's direction.

Commitment Order - An order issued by a proper legal authority to commit a person to a correctional or mental institution.

III. GENERAL.

The St. Louis County Department of Justice Services will accept a municipal prisoner under two circumstances:

- 1). An individual sentenced by a municipal judge to a term of incarceration.
- 2). An individual with an active municipal arrest warrant on file.

IV. SENTENCING BY MUNICIPAL JUDGE.

In the event the City of Clayton Municipal Judge elects to sentence a subject to a term of incarceration in the St. Louis County Department of Justice Services, the judge shall have the option of either ordering the individual to be immediately conveyed to the St. Louis County Justice Center and lodged, or to permit the subject to surrender themselves at a later date. In each instance, the Court Clerk will prepare an Order of Commitment (Refer attachment) which will specify the defendant's name, offense, and term of sentence. The order shall be signed by both the City Prosecuting Attorney and the Municipal Judge.

Where a decision has been made to sentence a defendant to a term of incarceration, with such sentence to commence immediately following their court appearance, the Court Bailiff will detain the subject and request an on-duty patrol unit be dispatched to the scene. The defendant shall be released to the responding officer(s), at which time he/she will be conveyed to Police Headquarters. The officer will then complete a booking sheet on the defendant; however, this shall be utilized for informational purposes only, and will generally be discarded by Justice Center personnel at the time they have completed their own processing procedures. No fingerprint cards, photographs, or REJIS entries shall be completed by personnel of this command in connection with a Municipal Order of Commitment. The St. Louis County Department of Justice Services will assume custody of the defendant until the terms of their sentence have been satisfied.

Should the judge elect to permit a defendant to surrender themselves at a later date, the Court Clerk will again complete an Order of Commitment and deliver same to the uniformed supervisor of the Police Department's Administrative Division. The defendant will subsequently be instructed to contact the supervisor of Administrative Division to arrange the date(s) of their incarceration. As part of this process, the Administrative Lieutenant will verify the availability of space at the Justice Center with the Court Services Supervisor. The Order of Commitment will then be forwarded to the supervisor who will be on duty at the time the defendant has been scheduled to surrender themselves at this headquarters. A uniformed officer shall then complete a booking sheet on the subject and convey them to the Justice Center to be lodged.

As officers of this command will be serving primarily as a conduit to enforce the Court's decisions, they shall document their actions in the commitment process via Memorandum Report only.

V. FAILURE TO APPEAR WARRANT.

In those instances where a subject may be taken into custody for Failure to Appear in Municipal Court, the arresting officer shall book and process the individual in the prescribed manner. The warrant shall be served on the subject and upon completion of the return data at the bottom of the warrant, the officer will then attempt to collect the

amount of the bond posted on the warrant. If cash is collected the defendant will then receive one copy of the bond form, while two copies are retained for distribution. Should the defendant be unable to satisfy the bond requirement, the officer will issue the individual a summons for "Failure to Appear" with a new court date, and show that the defendant was released on their own recognizance. The arresting officer will then forward the warrant; and if applicable the bond form and any monies collected to the court clerk (Refer SOP 501.08.09).

Should a suspect again fail to appear in court, and they are arrested a second time on a Failure to Appear warrant, the arresting officer(s) involved will follow the same procedures that were used in the initial arrest situation. However, should an individual be subsequently arrested and charged with a Failure to Appear warrant a third time, the arresting officer(s) shall book and process the suspect, and then deliver them and original warrant to the Justice Center where they will be held until they are able to post bond or, if they are unable to post bond, until Municipal Court is again called into session. Note: No citation will be issued on third and subsequent offenses.

A copy of the warrant will be attached to the incident report, while a second copy of the warrant shall be forwarded to the Court Clerk.

When Municipal Court is again called into session, on-duty uniformed personnel shall be responsible for securing the subject from the Justice Center and delivering them to the court.

BY ORDER OF:

THOMAS J. BYRNE
Chief of Police

TJB:mj

CALEA Reference: 1.2.5/1.2.6/1.2.7