

## **DEPARTMENT GENERAL ORDER 99-55**

OFFICE of the CHIEF OF POLICE  
REPLACES: General Order 83-6/83-7  
SOP 501.08.01/501.70.04  
501.76.00/501.90.00

DATE: October 14, 1999

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### **CRIMINAL PROCESS/WARRANT SERVICE**

#### **I. PURPOSE.**

To establish guidelines governing the execution of all legally issued warrants and/or other criminal process documents as mandated by a duly constituted court of law.

#### **II. DEFINITIONS.**

Arrest Warrant - A written order from a court directed to a peace officer, or some other person specifically named, commanding the arrest of the person or persons named in the warrant.

Capias Warrant - A writ requiring a peace officer take the physical body of an individual into custody and deliver same to the appropriate court.

Search Warrant - A written order of a court commanding the search of a person, place, or thing and the seizure, or photographing or copying, of property found thereon or therein. Items which are seized will be held as evidence pursuant to a related criminal proceeding, or destroyed as contraband.

#### **III. WARRANT SERVICE.**

Warrants may be issued by a Missouri Supreme Court Judge, Circuit Court Judge, Associate Circuit Court Judge, or Municipal Judge. State arrest warrants will be forwarded to the St. Louis County Police Department's Warrant Service's Unit for execution, while municipal arrest warrants will be retained by the Police Department for service.

##### **A. Types of warrants.**

## 1). Arrest Warrants

An arrest warrant will routinely be obtained by presenting a judicial officer, such as a magistrate, an affidavit which shall be a sworn complaint, containing statements that establish probable cause to believe that the person to be arrested committed the crime as charged. The sworn affidavit must present the judicial officer sufficient facts to enable him/her to make an independent determination that there is probable cause to believe that the person to be arrested committed the crime as described.

In those instances where an officer is assigned to execute an arrest warrant issued upon a sworn complaint, the officer shall not be required to verify the validity of the warrant. Once the warrant has been determined to have been duly signed by a judicial officer, contains the name of the suspect, and identifies the charge, the officer may execute the warrant with clear protection from civil penalty.

In addition, an officer shall not be required to have physical possession of an arrest warrant at the time an arrest is made. The officer need only have personal knowledge of the warrant's existence to justify the arrest of the individual named in the warrant.

As soon as practical following an arrest based on an arrest warrant, the officer shall serve the warrant on the subject named therein. Service shall consist of the officer reading the particulars of the warrant to the suspect. The officer shall then complete the service data on the warrant and cause same to be forwarded to the appropriate judicial officer.

## 2). Search Warrants

In those instances where a search warrant is required to further an ongoing criminal investigation, the investigating officer(s) will, upon approval of their bureau commander, contact the St. Louis County Prosecuting Attorney's office in regard to the drafting of an affidavit. This shall set forth the probable cause necessary for a search warrant to be issued. The information contained in such an affidavit shall be of a timely nature and describe in detail, the person, place, or thing to be searched and the items to be seized, photographed or copied. Once the affidavit has been completed, the investigating officer will sign the document as the affiant, while the assist officer shall sign as the co-affiant.

If a confidential informant is being used, the informant must

accompany the officer to the prosecuting attorney's office unless otherwise excused for personal safety reasons or some other mitigating factor.

The signed affidavit shall then be delivered before a magistrate and it shall be his/her responsibility to determine if adequate probable cause exists to support the issuance of a search warrant. Should the magistrate elect to approve a search warrant, it must be executed promptly.

In those instances where the place to be searched is a private dwelling or other type of real property, a search team shall be formed in advance of the execution of the warrant. The team shall be supervised by a sergeant or commander and will consist of as many additional officers as deemed necessary. One officer shall be designated as the seizing officer and it shall be his/her responsibility to collect and document all items of evidence and/or contraband found during the search. All officers shall be required to wear protective body armor during the execution of a search warrant.

Where the premises to be searched is located outside of the City of Clayton, the commander of the search team, or his designate, will contact the appropriate law enforcement agency, advise them of the planned execution of the search warrant, and request that one or more marked police units assist with the proposed entry.

Upon arrival at the scene, the officers executing the search warrant will identify themselves and state their purpose before effecting entry except in those cases where to do so may place the search team's safety in jeopardy.

All persons occupying a dwelling or other type of premises that is the subject of a search warrant shall be gathered and confined to one central location during the full duration of the search.

At the completion of a search, the original copy of the search warrant and a copy of the inventory and return sheet will be provided to the owner or such other occupant as may be present on the premises. Should a premises be unoccupied, the documents shall be posted in a conspicuous place prior to the officer's departure.

The completed second and third copies of the warrant and the return and inventory sheet shall be returned to the issuing magistrate within ten days from the original date of issue. When possible, these documents shall be returned by the officer who initially secured the

search warrant and will be hand-delivered to the judge or his court clerk.

Evidence seized during the execution of a search warrant shall be handled in accordance with department procedures.

3). Capias Warrants

Refer arrest warrants.

B. State Warrants/Fugitives

Arrest warrants issued for state criminal statute violations will generally be retained by the court for delivery to the Warrant Services Unit of the St. Louis County Police Department. However, in those instances where a suspect is being held on a "Twenty-hour" hold order, the officer applying for the warrant shall hand-carry the completed warrant to the St. Louis County Justice Center and serve same on the defendant.

Should a municipal agency be inadvertently given a warrant where the "Twenty-hour" hold provision is not an issue, the officer will hand-carry the warrant directly to the Warrant Services Unit and release same into their care and custody. This applies even in those instances where the subject named in the warrant is in custody of either another police agency or at the St. Louis County Justice Center.

In either event, the officer handling the case is responsible to incorporate all necessary information concerning the charge, warrant number, issuing court, bond, return date, disposition of warrant, etc. within the police report. This shall assist the Justice Center intake section and/or the Warrant Services Unit in notifying local and out-of-state authorities relative to outstanding warrants, active wants, or pending extradition proceedings.

As the St. Louis County Warrant Services Unit is also responsible for the extradition process of out-of-state prisoners arrested within St. Louis County, to alleviate or avoid unnecessary duplication, the following items of information shall be documented as part of the arrest/confinement process:

- 1). A specific notation will be included on the booking sheet detailing where the subject(s) are wanted: e.g. City, County, State, etc.
- 2). The reference number of the arrest entry shall be entered onto the appropriate space of the booking sheet.
- 3). The confirmation teletype by the issuing agency shall be attached to a Supplemental Investigative Report and entered in the case file.

- 4). Should this department receive a verbal or written inquiry from the issuing out-of-state agency, such inquiries shall be directed to the St. Louis County Police Department's Warrant Services Unit.

### C. Municipal Warrants

Municipal warrants will be handled at the local level.

## IV. EXECUTION OF WARRANTS.

Sworn personnel may, by virtue of the legal authority vested in them, be required to periodically execute arrest and/or search warrants. Should such be the case, the officer(s) involved shall not only comply with the guidelines presented in this order, but those established in related general orders which are applicable to the warrant service and arrest process.

### A. Authority to Execute Warrants

The authority to serve and/or execute a warrant shall be solely reserved to sworn members of the Police Department.

### B. Territorial Limitation on Warrant Execution

- 1). Warrants issued by a Circuit Court Judge or Supreme Court Judge may be executed anywhere within the State of Missouri.
- 2). Arrest warrants issued by a Municipal, or Associate Circuit Court Judge, hearing violations of municipal ordinances shall be executed only within the county where such Municipal or Associate Court Judge has authority. RSMo 479.11 states, in part, "All warrants issued by a Municipal or Associate circuit Judge hearing violations of municipal ordinances shall be directed to the City Marshall, Chief of Police, or any other police officer of the municipality, or to the sheriff of the county. The warrants shall be executed by the City Marshall, Chief of Police, police officer or sheriff at any place within the limits of the county, and not elsewhere, unless the warrants are endorsed in the manner provided for warrants in criminal cases."

Once a municipal warrant has been issued, sworn officers of this command shall not exceed the boundaries established for the REJIS network (of which this department is a member) to arrest subjects wanted on a City of Clayton warrant. This area includes the independent City of St. Louis, and St. Louis, St. Charles, Franklin, and Jefferson Counties.

### C. Time Requirements for Warrant Execution

Arrest warrants should be executed without unreasonable delay. In those instances where execution may be deliberately delayed so as to seize additional evidence or contraband incident to the arrest, the delay may in fact render any evidence that is seized tainted and inadmissible, even though the arrest itself may be valid.

Search warrants shall be executed as soon as practical and shall expire if same is not executed and a return made within ten (10) days after the date of making the application (RSMo 542.276). Search warrants may be executed at any time of the day or night unless there is a notation on the warrant indicating specific times for service.

### D. Use of Force in Warrant Execution

In addition to the following statutory restrictions governing forcible entry into a dwelling or other premises for the purpose of executing a warrant, the use of force by sworn personnel in conjunction with the execution, or attempted execution, of a warrant shall comply with the department's "Use of Force," policy (Refer General Order 98-34).

#### 1). Arrest Warrants

As a general rule, an officer may not, to make an arrest pursuant to a felony warrant, force entry into private premises until such time as the officer has identified himself, stated his/her purpose, and been refused admittance. Forced entry includes not only the use of actual force, but the opening of a locked door with a passkey or the opening of a closed but unlocked door. However, an officer may force entry if, following a reasonable amount of time, no response to such an announcement of identity or purpose is forthcoming, and the officer has reasonable grounds to believe that the person to be arrested is on the premises. Forcible entry may also be permitted without knocking or announcement of identity and purpose, if reason exists to believe such conduct would endanger the safety of either the officer(s) or occupants of the premises.

Should an officer possess an arrest warrant for a subject believed to be located in the residence of a third party, the officer shall be required to:

- a. Obtain the consent of one of the owners to gain entry, or
- b. Act on emergency circumstances that are not police initiated, or

- c. Obtain a search warrant.

Force should not be used to gain entry to a dwelling or private premises pursuant to a misdemeanor arrest warrant, unless an emergency or other circumstances exist to make such entry imperative.

- 2). Search Warrants

Should information exist to indicate that a proposed entry to execute a search warrant be high risk, the St. Louis County Tactical Unit may be requested to effect entry and secure the scene prior to officers from this command entering the premises. However, such a request shall originate with either the Chief of Police or a command rank officer, or in their physical absence, upon their verbal approval.

In those instances when a premises is unoccupied at the time a search warrant is executed, the commander of the search team may use such force as is necessary to gain entrance.

- E. Statutory Provisions for Summoning Aid

Pursuant to the authority set forth in RSMo 70.873, members of the City of Clayton's police, fire, and public works departments may respond and provide assistance as requested to any mutual aid or emergency aid request within the State of Missouri or in any bordering state having reciprocal legislation. Similarly, the City may request such assistance.

In addition, should the City require assistance, it may call upon neighboring municipal jurisdictions, St. Louis County, and those police and fire assets located within the police Code 1000 Mutual Aid Area III, and Region C of the fire mutual aid network.

Activation of either assistance network may be initiated by the senior police official on duty (Chief of Police or Watch Commander).

## V. PURGING OF WARRANTS.

Arrest warrants are automatically purged as a matter of procedure. The time frames governing such purges, particularly as they relate to different types of charges, are as follows:

- 1). The REJIS network purges municipal ordinance (misdemeanor) warrants at the end of three years. A list of the purged warrants is then forwarded to the Police Department, at which time the warrant documents are removed from the files and sent to the City's Traffic

Violations Bureau. The City Prosecutor shall then review the warrants for reactivation. Should the prosecutor decide against reactivating a warrant, same will be filed as a continued case, but one that is no longer in the system.

- 2). Misdemeanor warrants issued by St. Louis County Circuit Courts are purged after seven (7) years, based upon periodic review by the St. Louis County Prosecuting Attorney's office.
- 3). Felony warrants issued by the St. Louis County Circuit Courts remain in the system without automatically being purged.

BY ORDER OF:

RICHARD T. MORRIS  
Chief of Police

RTM:dld

CALEA Reference: 74.3.1/74.3.2