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3. Posted signs at police facilities, which prohibit any civilian from carrying a concealed firearm into the building, will be obeyed by all non-commissioned personnel who are not authorized by the Department to carry a firearm.

4. Non-commissioned personnel who are not authorized by the Department to carry a firearm will also be prohibited from the following:

a) Carrying any concealed weapon on their person while on-duty.

b) Carrying any concealed weapon while operating any Department owned vehicle, on or off-duty.

c) Carrying any concealed weapon, when a vehicle is being used for Department related business.

5. Any non-commissioned personnel found violating this policy will be subject to disciplinary action.

C. Reserve Police Officers

1. Reserve Officers will be prohibited from teaching any firearms safety course to the general public for the purpose of qualifying those intending to carry concealed firearms.

2. Except when in uniform and traveling to and from duty, off-duty Reserve Officers may not carry any weapons or firearms which would violate Missouri State Statutes.

a) The Ballwin Police Department does not authorize any Ballwin Police Reserve Officers to carry a concealed weapon in any capacity as a Reserve Officer unless on an official special assignment.

b) The Ballwin Police department does recognize the individual citizen's right to carry a concealed weapon as authorized by statute.

c) All active Ballwin Police Reserve Officers are authorized to carry a concealed weapon under the following guidelines:

- 1) Reserve Officers must obtain a Carry Concealed Permit issued in accordance with Missouri Law;
- 2) Reserve Officers may not carry concealed any firearm issued to them by the Ballwin Police Department. As of this writing, the Department does NOT currently issue, and has no future plans to issue, any firearm to any Reserve Officer of this department;
- 3) Reserve Officers obtaining a Carry Concealed Permit through their local county police/sheriff must submit a copy of the permit to the Chief of Police through the chain of command and the copy will be placed in the Reserve Officer's personnel file;
- 4) All Reserve Officers will be required to meet the training for concealed carry permits at their own cost. The Ballwin Police

Department will not offer training intended to satisfy the requirements of the Carry Concealed Permit requirements.

d) Any Reserve Police Officers involved in any incident involving a firearm while not engaged in activities relevant to his/her work as a Ballwin Police Reserve Officer must immediately notify the Commander of the Ballwin Police Reserve Unit.

f) Any violation of the Missouri Carry Concealed Statute or this policy will be reason for immediate dismissal

D. Retired Police Officers

1. Retired police officers of the Ballwin Police Department are not considered employees of this Department and are not entitled to any liberties authorized by this Department.

2. The Ballwin Police Department does not authorize any Ballwin Police retired officers to carry a concealed weapon in any capacity, except for situations granted by law.

3. Retired Police Officers are subject to the conditions and terms as set forth by the Missouri Carry Concealed Statute.

4. The Ballwin Police Department will not offer training intended to satisfy the requirements of the Carry Concealed Permit to retired officers.

IV. DEPARTMENT PROCEDURES

A. Patrol Tactics

1. Officers should have a heightened awareness of the possibility that all subjects contacted may be in possession of a firearm.

2. Officers will not use the fact that concealed carry exists as their only justification to frisk an individual. Reasonable suspicion is required to conduct a frisk of an individual.

3. Absent other factors or information, when making routine contact with vehicle operators, passengers, or the general public, the officer should ask the individual(s) if they have a firearm on them or in the vehicle and if they are licensed to carry a firearm. If the response is positive, the officer should ask where the firearm is located and to see the individual's license to carry a concealed firearm.

4. The officer should instruct the individual not to touch the weapon for any reason. The officer should also instruct anyone else who might have access to the weapon not to touch it and to keep their hands visible.

5. When the location of the weapon is made known to the officer, the officer will then make a decision as to whether or not to disarm the individual(s).

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Absent other factors, the mere fact that an individual has an endorsement or is otherwise in lawful possession of a concealable firearm does not automatically require an officer to routinely seize the weapon and/or handcuff an individual. The officer needs to be mindful of the individual's right to possess a lawful concealable firearm and balance that right with the officer's legitimate interest in their own personal safety as well as the safety of others. In any event, the officer will always have the discretion to disarm the individual should the officer believe it necessary to do so and to take any other reasonable, lawful action deemed appropriate by the officer. Such decisions and actions should be based upon the totality of the circumstances and the officer's reasonable belief that such actions are necessary and lawful.

6. If an officer elects to disarm an individual, the handgun should be handled in such a manner to ensure positive control (e.g., the trunk of the individual's vehicle, toolbox of a pickup truck, the officer's patrol vehicle, etc.). A computer theft check of the weapon may also be conducted.

7. If the individual is in compliance with the concealed handgun law and has not committed any other violation that results in their arrest or, absent any other reason to seize the weapon (e.g., evidence, domestic disturbance, highly upset, openly hostile, etc.), the weapon should be returned by the officer in a manner deemed safe by the officer.

8. If the individual is arrested for any reason and the weapon is an element of the offense or otherwise seized for evidentiary purposes, the weapon shall be rendered safe and packaged as evidence and stored in the usual manner.

9. Officers will not attempt to unload a firearm that they are unfamiliar with. Officers unsure or unfamiliar with a firearm should seek assistance from other law enforcement personnel who are familiar or qualified to handle the firearm to secure it properly.

10. A C.A.R.E. report shall be written on all incidents involving the seizure of a weapon and a computer check shall be conducted on the weapon. This information should be noted in the officer's report.

B. Disposition of Firearm by Arresting Officer

There will be occasions when officers arrest a certificate or endorsement holder, and a decision of what to do with the firearm must be made. Officers should use discretion and their best judgment when making that decision, depending on the totality of the circumstances.

If the individual is arrested for any reason and the weapon is not an element of the offense and absent any other reason to seize the weapon and the weapon is otherwise lawfully possessed, the firearm will be seized and held for safekeeping pending claim by the individual at a later time, pursuant to GO 53-01 (Return of Seized Firearms).

C. Firearm Recovery Procedures

The following procedures will be used when the disposition of the firearm is to inventory

it along with the prisoner's personal property at a detention facility.

1. Officers will obtain assistance from a knowledgeable person in law enforcement if unfamiliar with unloading procedures for the particular firearm.
2. Always point the firearm in a safe direction.
3. If possible, take the firearm outdoors to unload or, if in the station, use the bullet trap.
4. If the firearm is a semi-automatic unload it by removing the magazine and working the slide. Lock the slide to the rear (if possible).
5. If the firearm is a revolver unload it by opening the cylinder and removing the ammunition.
6. Visually and physically inspect the firearm for ammunition.
7. The firearm, ammunition and/or magazine(s) will be entered as prisoner's property on the booking sheet as outlined in GO 35-01(Holdover Entry and Prisoner Processing).
8. A plastic cable tie will be used to secure the unloaded firearm in the following manner:
 - a) If the firearm is a semi-automatic the plastic cable tie will be placed through the magazine well and the ejection port. The plastic cable tie will be cinched tight and the slide allowed to move forward.
 - b) If the firearm is a revolver the plastic cable tie will be placed through the empty cylinder and cinched tight.

NOTE: The officer will not place his/her initials on the firearm.

9. The firearm, ammunition and/or magazine(s) will be placed in a white handgun envelope, labeled "Handgun" and sealed with the adhesive/taped envelope fold.

NOTE: The firearm and the ammunition may be packaged in the same handgun envelope. Ammunition should be placed in a manila envelope and sealed, separating it from the firearm.

10. All firearms and ammunition will be packaged separately from the arrestee's other property.
11. The appropriate evidence forms and other paperwork should be completed by the arresting officer in the following manner:
 - a) The officer will then print "CCW Permit" on the top front and back of the handgun envelope.
 - b) The arrest number will be legibly written below "Safekeeping" on the handgun envelope.
 - c) In the "Suspect" section of the handgun envelope, print the owner's last and

- first names and middle initial and check the "Other" box.
- d) Print the owner's address and phone number.
- e) The "Weapon Description" section should be completed.
- f) The officer will print his/her first initial and last name, and DSN in the appropriate spaces.
- g) As the firearm is considered legally possessed property, the owner should expect the return of his/her firearm. Therefore, "N/A" will be printed across "Laboratory Use".
- h) An entry will be made on the property receipt listing "Firearm" with a disposition of "Safekeeping"

12. The handgun envelope and evidence receipt will then be placed in an outer evidence locker pending the disposition of the arrest. A photo copy of the evidence receipt will be submitted with the C.A.R.E. report.

D. Arrival Procedures at the Station.

When a prisoner is transported directly to our station from the scene of arrest, these procedures will be followed:

1. Upon arrival, notify the on-duty supervisor of the recovery of a legally concealed firearm.
2. The supervisor will meet the officer at the station outside the booking area.
3. The arresting officer and supervisor will ensure that the firearm is safe.
4. The supervisor will make available a handgun envelope and locking device.
5. The officer will follow the procedure for recovering the firearm as outlined in this policy Section C above.
6. The booking officer will log the weapon information on the arrest register in the box marked "Prisoner Property Seized at time of Booking".

E. Release of a Prisoner Possessing a Firearm

When releasing prisoners from custody, the releasing officer will:

1. If a prisoner posts bond or is to be released from custody, advise the supervisor that the prisoner has a firearm in their personal property.
2. If the individual is to be released to another agency, the weapon will not be released to that agency. The other agency officer will be informed that the prisoner had a legally concealed firearm. The arrestee shall be told the weapon is being held for safekeeping and that they should contact this Department at a later time, during normal business hours, to arrange for the return of the weapon.

3. If the individual is not released to another agency, when released from our custody, the weapon will not be released to the individual at that time. Again, they should be told that the weapon is being held for safekeeping and to contact this Department at a later time to claim the weapon.

4. The releasing officer shall provide the individual with a photo copy of the Evidence Receipt for the weapon. The releasing officer shall fully describe the weapon being held for "safekeeping" on the receipt.

5. The arrestee should be told that they should contact the Division of Criminal Investigations (Property Control Officer) during normal business hours (8:00AM-5:00PM Monday thru Friday) to arrange for the return of the weapon pursuant to GO 53-01 (Return of Seized Firearms).

F. Releasing a weapon when an individual wishes to claim a Concealed-Carry Endorsement weapon that has been seized for safekeeping

1. They should be referred to watch commander;

2. The watch commander will pull the report and notify the Commander of the Division of Criminal Investigations that the individual is inquiring about the release of the weapon.

4. The DCI Commander will review the report and make a determination as to whether the weapon is to be released. Unless the circumstances dictate otherwise, the weapon will only be released to the person from whom it was taken or the legal owner.

5. The appropriate paperwork shall be completed at the time of release.

6. A supplemental police report shall be written reflecting that the weapon was released with appropriate documents attached to the report.

7. When a weapon is released, the individual shall be instructed to load the weapon at some other location and not in the police building or on the property of the Police Department.

G. Prisoner Pick Up other agencies

When a Ballwin officer responds to another agency for a prisoner pickup, if the releasing agency has a weapon that belongs to the arrestee and wants the officer to take the weapon along with the prisoner, the officer shall decline to take custody of the weapon. The officer shall tell the releasing officer that the arrestee will be told to contact their agency at a later time to make arrangements for the return of the weapon.

H. Investigation/Violation of Concealed Carry Endorsement

Although violating certain provisions of the Missouri's Concealed Carry Laws (RSMo 571.107.1) is not a criminal act, the law does allow for a Court Summons – Complaint/Information to be issued in certain situations (e.g., carrying a concealed

CITY OF BALLWIN
POLICE DEPARTMENT

GENERAL ORDER 39-05

EFFECTIVE: OCTOBER 14, 2014

UPDATED: MAY 9, 2016

TO: ALL PERSONNEL

INDEX AS: IDENTIFICATION CARDS
I.D. CARDS

SUBJECT: DEPARTMENT IDENTIFICATION CARDS

I. PURPOSE

The purpose of this General Order is to ensure the public can identify law enforcement officers and certain that the person they are dealing with is in fact an officer. This will enhance the officer's ability to perform their duties, promote confidence in the public and make officers more accountable for their actions.

II. GENERAL

All law enforcement and civilian employee will be issued Department identification cards in order for both sworn and non-sworn employees to travel or perform agency duties in times of emergencies. Identification documents shall contain the employees photograph, name, title and features to make copying difficult. Documents should also contain information regarding the bearer's qualifications and specialized training.

III. POLICY

A. All Ballwin Police Department employees:

1. All employees will carry at all times their Ballwin Police Department issued identification card while in the City of Ballwin or on official Department business, unless impractical or dangerous to do so.
2. All employees shall furnish their name, DSN, and rank or position to any person requesting they do so. If further requested, employees will furnish their official I.D. card as proof of identification, unless impractical or dangerous to do so.

B. Police Officers:

1. In addition to the above, police officers shall also carry their Department issued badge, during the above times.

C. Retirees

1. A Department issued identification card and badge will be issued to retired sworn members of this Department in good standing.

D. Reserve Officers

1. Department identification cards will be issued to active Reserve officers of this

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Department and will read "Reserve" where the rank would be on the front of the card.

IV. DEPARTMENT IDENTIFICATION CARDS

- A. Department identification cards will be produced by the Police Department. The front will be laminated with a hologram material. It will contain the following information:
1. Front:
 - a. Ballwin Police city logo
 - b. Rank
 - c. Employee name: First and Last
 - d. DSN
 - e. Expiration date
 - f. Date of Birth
 - g. Eye Color
 - h. Height
 - i. Weight
 - j. Hair Color
 - k. Employee Photograph
 - l. Department Patch Logo and watermark Photo in background
 2. Back
 - a. Warning
 - b. Police Department address
 - c. Police Department telephone number
 - d. Postage Guarantee
 - e. Chief's Signature
 - f. Right Thumbprint
- B. With the authorization of the Commander of Administrative Support, Police Department Identification Cards will be:
1. Updated due to the change in employee status or rank.
 2. Renewed on expiration date when officer's status is still active.
 3. Replaced due to loss or theft.
 4. Revoked due to separation of employment under all circumstances.

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BY ORDER OF:  5-11-16
Kevin B. Scott, Chief of Police Date

MPCCF REFERENCE

39.5

CITY OF BALLWIN
POLICE DEPARTMENT

GENERAL ORDER 39-06

EFFECTIVE:	DECEMBER 18, 2014	CANCELS:	GENERAL ORDER 24-07
TO:	ALL PERSONNEL	INDEX AS:	ASSAULTS DOMESTIC VIOLENCE VICTIM SERVICES STALKING
SUBJECT:	DOMESTIC VIOLENCE PROCEDURE		

I. PURPOSE

The purpose of this General Order is to (1) establish guidelines for police intervention in acts of domestic violence; (2) provide increased understanding of and attention to the domestic violence problem; and (3) improve our procedures for the handling of domestic violence cases by providing maximum safety for domestic violence victims, and members of this Department.

II. POLICY

The primary objective in responding to domestic violence calls are to de-escalate violent situations, to reduce the potential for victim and officer injury, to reduce repeat calls, to enforce laws against violators and to facilitate prosecution, where applicable. Therefore, it is the policy of this Department to refer abusers and victims of domestic violence to professional agencies for counseling, and to arrest persons found to be responsible for crimes in domestic situations.

III. DEFINITIONS

- A. Abuse includes, but is not limited to the occurrence of any of the following acts, attempts, or threats against a person protected under RSMo 455.100 to 455.085.
- B. Assault: purposely or knowingly placing or attempting to place another in fear of physical harm; purposely causing injury to another person either with the intent to cause injury or through recklessness.
- C. Coercion: compelling another by force or threat of force to engage in an activity from which the victim has a right to abstain or to abstain from conduct in which the victim has the right to engage.
- D. Harassment and Stalking: engaging in a course of conduct involving more than one incident that causes alarm or distress to another person and serves no legitimate purpose. The course of the conduct must be such that would cause a reasonable person to suffer substantial emotional distress. (Note: does not include constitutionally protected activity)
- E. Sexual Assault: causing or attempting to cause another to engage involuntarily in any sexual act against that person's will.
- F. Unlawful imprisonment: holding, confining, detaining or abducting another person against that person's will.

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- G. Adult: any person 18 years or older, or otherwise emancipated.
- H. Family or Household member: defined as spouses, former spouses, adults related by blood or marriage, adults who are presently residing together or have resided together in the past, an adult who is or has been in a continuing social relationship of a romantic or intimate nature with the victim, and adults who have a child in common regardless of whether they have been married or have resided together at any time.
- I. Ex parte Order of Protection: an order of protection issued by a court before the respondent has received notice of the petition, or an opportunity to be heard relative to the order.
- J. Full Order of Protection: an order of protection issued by a court after a hearing on the record where the respondent has received notice of the proceedings and has had an opportunity to be heard.
- K. Primary physical aggressor: the most significant rather than the first aggressor. In making the determination, an officer should consider:
 - 1. The intent of the law to protect victims of domestic violence from continued abuse;
 - 2. The comparative extent of injuries inflicted or serious threats creating fear of physical injury;
 - 3. The history of domestic violence between the persons involved.

IV. DOMESTIC ASSAULT CHARGES:

A. Domestic Assault in the First Degree, RSMo 565.072

- 1. A person commits the crime of domestic assault in the first degree if he or she attempts to kill or knowingly causes or attempts to cause serious physical injury to a family or household member as defined in section 455.010, RSMo.
- 2. Domestic assault in the first degree is a class B felony unless in the course thereof the actor (suspect) inflicts serious physical injury to the victim, in which case it is a class A felony.

B. Domestic Assault in the Second Degree, RSMo 565.073

- 1. A person commits the crime of domestic assault in the second degree if the act involves a family member as defined in section 455.110 RSMo, and he or she;
- 2. Attempts to cause or knowingly causes physical injury to such family or household member by any means, including but not limited to, by use of a deadly weapon or dangerous instrument, or by choking or strangulation; or
- 3. Recklessly causes serious physical injury to such family or household member or;
- 4. Recklessly caused physical injury to such family or household member by means of a deadly weapon.
- 5. Domestic assault in the second degree is a class C felony.

C. Domestic Assault in the Third Degree, RSMo 565.074

1. A person commits the crime of domestic assault in the third degree if the act involves a family or household member as defined in section 455.010, RSMo, and;
2. The person attempts to cause or recklessly causes physical injury to such family or household member; or
3. With criminal negligence the person causes physical injury to such family or household member by means of a deadly weapon or dangerous instrument; or
4. The person purposely places such family or household member in apprehension of immediate physical injury by any means; or
5. The person recklessly engages in conduct which creates a grave risk of death or serious physical injury to such family or household member; or
6. The person knowingly causes physical contact with such family or household member knowing the other person will regard contact as offensive; or
7. The person knowingly attempts to cause isolation of such family or household member by unreasonably and substantially restricting or limiting such person's access to other persons, telecommunications devices or transportation for the purposes of isolation.
8. Domestic assault in the third degree is a class A misdemeanor.
9. A person who has pleaded guilty to or been found guilty of the crime of domestic violence in the third degree more than two times against any family or household member as defined in RSMo 455.010, is guilty of a class D felony for the third or any subsequent commission of the crime of domestic assault. The offenses described in this subsection may be against the same family or household member or against different family or household members.

V. PROCEDURES

A. Communications Officer's Responsibilities

1. Due to the fact the communications officer is likely to be the first person to receive the call, he or she is the key person in determining the type of response.
2. The communications officer is responsible for deciding whether a police officer is needed at the scene. To assist in making that decision, the communications officer shall determine the following, if possible:
 - a) Location of the incident and type of incident?
 - b) Is the crime (incident) in progress?
 - c) Is a weapon involved?
 - d) Has the caller or anyone at the address been injured? Is an ambulance needed?
 - e) Name of complainant (at this point, if there is evidence of injury or weapon, or major threat of violence, dispatch police units; and then ambulance if needed. Keep the complainant on the phone if possible and obtain additional information.)
 - f) Assailant's name and present whereabouts, if on scene? If known, obtain a direction of travel, elapsed time, and any other information useful to the responding officers; i.e. suspect description, on foot or in vehicle, vehicle description.
 - g) Was alcohol or drugs involved in any way?
 - h) Has there been previous history/reports of domestic violence?

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3. Listen for background noises that assist in evaluating the threat level (screams, shouts, threats, breaking glass or furniture). These sounds will raise the potential danger level and can help provide the probable cause required by the units responding.
4. Maintain telephone contact until the officers arrive in order to monitor the incident and provide support for the victim. (Use crisis intervention skills).
5. The communications officer shall provide the responding officers with as much information as possible to identify potential risks at the scene, including previous call history. The C.A.D. system shall maintain a log of all domestic violence related calls, and communications officers shall notify units assigned to a call of domestic violence if officers of this Department have responded for a similar call involving the same individual within the past twelve (12) hours.
6. The communications officer will check the files for an Ex-Parte and Full Protection Orders located in the Communications office and the REJIS computer system for active orders from other jurisdictions, and will advise the responding officers of the existence of any order, and the type of any order that does exist.
7. On all domestic violence calls a minimum of two units will be dispatched, and the Supervisor will be advised of the call.

B. Uniformed Patrol Responsibilities

Response to Call: Officers will respond immediately on domestic violence calls, and should coordinate their approach to the scene. A minimum of two officers will be dispatched on all domestic violence calls.

1. Approaching the Scene:

- a) Avoid the use of siren or emergency lights in the vicinity of the scene (when this is done the vehicle must be operated consistent with motor vehicle regulations such as speed and the making of appropriate stops, etc.) as this can increase the tension of persons emotionally out of control and can result in an attack upon the officer(s).
- b) When appropriate, do not park the police unit directly in front of the scene.
- c) Persons encountered while approaching the domestic dispute scene should briefly be questioned about the incident and parties involved. Remain alert for an assailant leaving the scene. Obtain witness information if applicable.
- d) Observe the location of the call before making contact with the complainant.
- e) Consider the surroundings before knocking on door; listen and look into nearby windows to obtain additional information about the situation (layout of house, number of people involved, weapons, etc.)
- f) Officers must be concerned for their safety as well as the disputants'. To minimize the possibility of injury, stand on the side of the door when knocking, and remember that the unexpected may occur when the door opens.

2. Initial Contact With The Occupant(s):

- a) Identification: Identify themselves as police officers by name, give an explanation of police presence, and request entry into the home (when conditions permit). If the complainant is in the home, ask to see him or her.
- b) Consent Search: Officers may enter and conduct a search of the premises if consent

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has been given to do so. Although a consent search eliminates need for a warrant and for probable cause, such consent must be given freely and voluntarily. If two people have joint ownership of a place or thing, either one may give a valid consent to search. A spouse can consent to the search of premises used jointly by both husband and wife. This is also true if man and woman are only cohabitants. However, if one of them exercises control over part of a premises, the other cannot give a valid consent to search.

- c) Refused Entry: When refused entry to a residence, be persistent, explaining that a complaint has been received and must be verified. If still refused, request the dispatcher to call the complainant and establish if services are needed. If services are needed, or contact cannot be made by the dispatcher, and you are still refused entry, contact your supervisor and explain the situation, as it is known to you. The supervisor on the scene will decide whether to remain or leave. If officers are to remain at the scene, they should move to public property and maintain a position from which they can observe the premises.
- d) Forced Entry: There may be times when enough probable cause or exigent circumstances exist to indicate that a crime is occurring has just occurred or that a life is in danger. In these cases, if entry is refused, forced entry may be necessary to protect a life or make an arrest. Among the circumstances that can provide probable cause to force entry include cries for help, weapons discharged, obvious signs that a struggle occurred, and/or an eyewitness account that a crime occurred and the victim is still on the premises. Officers shall evaluate the following elements when considering forced, warrantless entry: (a) the degree of urgency involved and the time required to obtain a warrant; (b) the possibility of danger to others, including police officers left to guard the site; (c) whether the suspected offense involved violence; and (d) whether officers reasonably believe that persons may be armed.

3. Once Inside, Establish Control By:

- a) Inquiring about the nature of dispute.
- b) Identify parties involved.
- c) Being aware of potential weapons in the surroundings.
- d) Determine if person(s) are in other rooms (children or other adults) and the extent of their injuries, if any. These persons should be separated from the parties involved and kept out of hearing range (to avoid compromising their witness statements).
- e) Listen for spontaneous statements from all parties present.

4. Protecting the Victim

- a) Officers must protect the victim from further abuse. Separate from assailant, administer first aid, and arrange for medical attention if the victim is hurt.
- b) Victims can sustain internal injuries to the stomach, breast areas, portion of the head covered by hair, and the back. Pregnant women are often kicked in the stomach. The absence of external injuries does not mean the victim has not been assaulted.
- c) If the victim appears to be injured and yet refuses medical assistance, carefully document any observed injuries, as well as the refusal of medical treatment.

5. Interviewing the Parties Involved

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- a) Ensure safety and privacy by interviewing victim in a separate area away from the assailant, witnesses or bystanders.
- b) Critical to the success of the interview is the police officer's manner. Officers must show interest through effective listening and remain aware of nonverbal communication signals.
- c) Officers shall attempt, where the situation allows, a low-key approach in domestic violence cases.
- d) Allow the parties to describe the incident (individually) without interruption at the beginning of the interview. Expect the parties to vent their emotions to relieve their tensions.
- e) After the parties vent their emotions, and while still separated, the officer(s) should ask about the details or points of clarification and summarize the stated accounts, allowing the parties to point out anything that may be misrepresented.

NOTE: THE VICTIM'S STATEMENT IS SUFFICIENT IN ITSELF TO ESTABLISH PROBABLE CAUSE, SO LONG AS THE OFFICER CAN REASONABLY BELIEVE THE STATEMENT IS TRUE.

6. Interviewing Witnesses

- a) Witnesses to the incident - children, other family members and neighbors should be interviewed as soon as possible.
- b) These witnesses also may be in a significant emotional crisis.
- c) If witnesses provide information about prior assaults, document the incident to establish pattern.
- d) Children of the disputants should be interviewed with care and kindness. Sit, kneel or otherwise be at their level when speaking to them. Signs of trauma and apparent healing of abuse wounds should be noted.

7. Arrest Decisions

- a) Officers will effect an arrest, regardless of whether a victim signs a complaint and is desirous of prosecution, based on probable cause and supported by the statements of the victim or witnesses, of abusers in domestic situations in the following circumstances:
 - 1) Where a felony has been committed.
 - 2) Where the officer(s) is/are aware of a past history of assaults committed by the abuser and there is probable cause to believe that another assault has occurred.
 - 3) Where any weapon was used to inflict the injury, or was used to intimidate or threaten the victim.
 - 4) Where a physical assault has occurred and, if the officer takes no action, there is strong likelihood that further violence or injury might result.
 - 5) In cases where the conditions of a valid order of protection issued under the terms of the Missouri Adult Abuse Law have been violated.
 - 6) Where there are valid warrants, or computer wanteds, on file for either party.
 - 7) When a second call for domestic violence at the same address within twelve (12) hours will result in arrest of the principle aggressor, based upon probable cause.

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b) Immediate Arrest Effort

If the offender is not at the scene, an immediate investigative effort will be made by the patrol officer(s) to effect an arrest pursuant to the guidelines stated in Section V, B, 7a,1-7). If the arrest effort is unsuccessful, an immediate computer wanted will be placed.

NOTE: THE VICTIM'S STATEMENT IS SUFFICIENT IN ITSELF TO ESTABLISH PROBABLE CAUSE, SO LONG AS THE OFFICER CAN REASONABLY BELIEVE THE STATEMENT IS TRUE.

8. Determining Probable Cause

- a) Probable cause is defined as a combination of facts which would lead a person to reasonably believe that a crime is being or has been committed. The "Probable Cause" standard applied in domestic violence cases is no different from the standard applied in other offenses.
- b) Items to Be Considered in Establishing Probable Cause. Officers shall consider the following in establishing probable cause:
 - 1) Statements of the victim(s) and witnesses.
 - 2) Visible or diagnosed injuries. (However, officer(s) must remember that not all assaults will leave visible marks.)
 - 3) Physical evidence (weapons, broken glass, bloodstained articles, torn clothing, etc.)
 - 4) Admissions/Actions of accused person.
 - 5) Prior incidents of calls of similar or related nature.

NOTE: ARREST IN PRIMARY PHYSICAL AGGRESSOR CASES. WHEN TWO PERSONS ASSAULT EACH OTHER IN A MISDEMEANOR CASE, THE OFFICER MAY ELECT TO ARREST ONLY THE PRIMARY PHYSICAL AGGRESSOR. THE OFFICER WILL COMPLETELY DESCRIBE THE CIRCUMSTANCES FOR HIS DECISION IN HIS/HER POLICE REPORT.

- c) Items Not To Be Considered In Establishing Probable Cause. Officers shall disregard the following when establishing probable cause:
 - 1) Fact that the parties involved are related or live together.
 - 2) Facts that the parties are divorced, separated, or are in the process of getting a divorce.
 - 3) That the victim had declined prosecution in previous incidents.
 - 4) Fact that the offense (e.g. Assault) may have followed actions by the victim (e.g. nagging, etc.)

9. Gathering of Evidence

Physical evidence in domestic violence cases is just as important as in any other case, and

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falls into three general forms: (1) injuries to the victim; (2) evidentiary articles that substantiate the attack; and (3) the crime scene itself.

- a) Officers will obtain color photographs of victim's injuries in felony and state misdemeanor cases when (1) the injuries are visible; and (2) will have the photographs obtained by an officer of the same sex as the victim when the injuries are situated on a part of the body that is not normally visible. If the suspect claims injury the location of the injury will be photographed even if no injury is visible.
- b) Photographing of the crime scene to show any signs of a struggle is preferred, but if not possible then a complete written description will be included in the officer's report of the incident.
- c) The victim's account of injuries can be corroborated by a medical examination.
- d) Have victim sign release of Medical Records Section of Domestic Violence Supplement (BPD # 40).
- e) Obtain copies of reports from medical personnel, i.e. Paramedics/ER. Identify medical personnel.
- f) In cases to be presented to the St. Louis County Prosecuting Attorney's Office, a taped copy of the call(s) will be obtained by submitting an Evidence Transmittal Request form (BPD #23) to Commander, Bureau of Operational Support. The recording will be seized and processed as evidence.
- g) All articles of evidence will be collected as in all other investigations.

10. Victim Assistance To Be Offered

In addition to the foregoing, officers will assist victims of domestic violence and their children. Responding officers will inform the victim of available judicial remedies as follows:

- a) Inform the victim that ex-parte "orders of protection" can be obtained by making application at the Adult Abuse Office of the St. Louis County Circuit Clerk, or in an after-hours emergency at the Department Headquarters.
- b) The victim will be directed to the Adult Abuse Office when:
 - 1) The Adult Abuse Office is open and ample time remains to reasonably expect the victim to respond prior to closing;
 - 2) The primary aggressor has been arrested and justifiably held for twenty-four (24) hours and the Adult Abuse Office will be accessible prior to the expiration of the twenty-four (24) hour hold.
- c) The disputants are to be made aware of the services of the Victim Service Unit. In addition the officer shall provide the victim with a domestic violence information sheet.

11. Immediate Issuance of "Orders of Protection".

- a) This Police Department will provide assistance to a victim during times that the Adult Abuse Office is closed providing:

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- 1) The victim has provided sufficient information for the completion of an official police report detailing the alleged adult abuse; and
 - 2) Circumstances indicate the need for the immediate issuance of an ex-parte “order of protection”.
- b) To facilitate the issuance of ex-parte “orders of protection” during times that the Adult Abuse Office is closed, all Sergeants and Lieutenants will be deputized by the Circuit Clerk as Special Deputy Circuit Clerks for the purpose of administering oaths necessary to obtain orders of protection. Procedures will be followed pursuant to the St. Louis County Law Enforcement Manual (BPD Manual #13) as established by the St. Louis County Family Court, Chapter IV, Sections C – E.
 - c) When the need for immediate action exists, the victim will be directed to report to Department Headquarters to make application for an ex-parte “order of protection” pursuant to the St. Louis County Law Enforcement Manual. If determined necessary by the on-duty supervisor, transportation may be provided.
 - d) The Special Deputy Circuit Clerk will provide the victim with the appropriate forms and an instruction manual as found in Addendum A of the St. Louis County Law Enforcement Manual (BPD Manual #16) for their completion and be prepared to assist as necessary.
 - e) The Adult Abuse Petition for an “order of protection” and the Financial Statement of Petitioner must be signed under an oath administered by the Special Deputy Circuit Clerk.
 - f) When all forms have been completed, the Special Deputy Circuit Clerk will contact the In-Take Department of the St. Louis County Department of Justice Services advising they will be faxing an Order of Protections and other documents.
 - g) The Special Duty Circuit Clerk will fax the completed sworn documents as directed by to the St. Louis County Law Enforcement Manual (BPD Manual #13), Chapter IV, Sections C – E.
 - h) The Duty Clerk/Judge will review the documents and transmit a signed copy by facsimile back to the reporting officer, pursuant to the St. Louis County Law Enforcement Manual (BPD Manual #13) Section V, Orders of Protection, after the return of the signed Orders.
 - i) The reporting officer will provide the victim with three (3) photocopies of the signed ex-parte “order of protection” and a photocopy will be placed in the ex-parte file in Communications. The Communications Officer will enter the ex-parte into the REJIS computer system.
 - j) If the suspect is available, an immediate service of the order shall be made utilizing two of the victim’s copies (one for the suspect and one for the proper return information to be sent to the Adult Abuse Office). The Division of Communications should immediately enter the service information into REJIS.
 - k) All original documents will be forwarded to the Adult Abuse Office of the St. Louis County Circuit Clerk on the next business day, whether during normal Family Court hours and After-Hours Orders of Protection have been served to a respondent.

C. Detention of Arrest Person(s)

When an arrest has been made, the person(s) arrested will be held in custody by this Department for the legally permitted maximum length of time, or until one of the following

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occurs:

1. Bail is properly posted for the subject's release.
2. A warrant is obtained (State level cases), and the subject is properly transferred to the custody of the St. Louis County Correctional Facility.
3. Expiration of the twenty-four (24) hour rule.
4. If a warrant is refused the subject will be released from custody as soon as identification (fingerprinting and photographing) process is completed.
5. In City Ordinance cases, no one is to be released on a summons at the scene of the incident.

D. Handling Of Non-Criminal Domestic Dispute Calls

The disputants are to be made aware of domestic counseling services. In addition the officer shall provide the victim with a domestic violence information sheet.

E. Reports Written and the Coding of Calls

On all domestic violence calls the primary assigned officer shall complete a report of the incident, including the Domestic Violence Supplement Report, BPD Form #40. Officers should use the following report writing checklist to assure complete information concerning the incident is included in the report;

1. Time of arrival and occurrence.
2. Relevant 911 information (communications tape).
3. Spontaneous statements of either party.
4. For each party interviewed, document the following:
 - a) relationship of parties involved/witnesses
 - b) name, DOB, address, phone numbers – work/home
 - c) each party's account of events
 - d) responses to officer's questions
 - e) past history with each party involving domestic violence
 - f) officer's observations
 - g) detailed descriptions of injuries, including those not visible
 - h) each party's emotional state and demeanor
 - i) any alcohol or drug impairment
5. Name and phone numbers of contact persons that can always reach the victim.
6. Children present, note age and general welfare.
7. Officers shall document any evidence collected, and medical treatment received by either party.
8. Officers shall document probable cause for an arrest for domestic violence, and note existence of any warrants or prior arrest or convictions involving domestic violence.

Officers will also obtain from the victim and include in the report the responses to the following questions:

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cc: City Attorney

MPCCF REFERENCE

22.8, 39.6

GENERAL ORDER 39-07
SEIZURE AND FORFEITURE OF VEHICLES & OTHER PROPERTY
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that a decision is made to charge a suspect with a felony a hold should be placed on the suspect's vehicle and other seized property should be held for civil forfeiture. This does not affect items being held by this department as evidence in a criminal case.

- B. CAFA states "The rights of an innocent owner of property are superior to any right or claim of the state..." In other words, property that is used by or in the possession of a suspect during the commission of a felony can only be held for civil forfeiture if it belongs to the suspect or if the owner is not "an innocent party". An "innocent party" is defined as one "...who did not have actual knowledge that the property was used or intended for use in the course of, derived from or realized through criminal activity." In cases where an officer believes that the owner, who is not the suspect, may have had such knowledge, the officer has the authority to seize the property. The seizing agency shall conduct an investigation into the owner's degree of knowledge regarding the property's use. Additionally, there must be an investigation conducted in all cases in which ownership is an issue.

IV. PROCEDURE

In felony cases where civil forfeiture proceedings are to be initiated officers must complete a departmental CAFA Civil Forfeiture Seizure form (BPD-58), which is to be forwarded to the Bureau of Criminal Investigation for processing, **prior to leaving work for the day**. Likewise, every attempt should be made to complete the original police report that is related to the property seizure, prior to the officer leaving work for the day. The Commander of the Division of Criminal Investigation shall be responsible for processing the necessary paper work regarding civil forfeitures with the Prosecuting Attorney's Office within four (4) days of the seizure, as required by State Statute.

V. SUMMARY

CAFA provides law enforcement with an effective tool to deter serious crime by allowing for the seizing & possible forfeiture of a suspect's property when it is used in the commission of a serious crime. The U.S. Constitution; however, stresses the importance of protecting all individuals from unreasonable seizures. Officers are encouraged to take advantage of civil forfeiture as a viable enforcement tool, as long as the circumstances of the incident comply fully with the boundaries outlined in CAFA, thus avoiding the possibility of an unreasonable seizure.

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BY ORDER OF: Chief Steven Schicker 1/2/15
Steven Schicker, Chief of Police Date

ATTESTED BY: Robert Kuntz 1/6/15
Robert Kuntz, City Administrator Date

cc: City Attorney

MPCCF REFERENCE

39.7

Disturbance” under (RSMo. 574.010) or an applicable Ballwin Ordinance.

3. Language or manner of address that may provoke violence will not be permitted and may subject the violator to an arrest for “Peace Disturbance” under (RSMo 574.010) or an applicable Ballwin Ordinance.
4. Groups of employees and members of labor organizations representing employees may have a legal right to peacefully engage in picketing/handbilling on certain private property areas. The owners of the property requesting the arrest of members of these groups for trespass should be informed that the National Labor Relations Board must make the final determination whether the employees have the right to enter and remain on private property for their stated purpose. This procedure only applies for complaints of criminal trespass, all other laws will be enforced.
5. Police will inform a representative of the employees' group that they have until 5:00 P.M. of the next Federal business day following the complaint to file an unfair labor practice petition with the National Labor Relations Board. The person notified of the National Labor Relations Board petition requirement will be recorded on the Labor Dispute Report.
6. If the employee group produces the National Labor Relations Board charge, the police will defer any action on a trespassing complaint until the National Labor Relations Board rules on the employees' right to enter and remain on private property.

III. TRESPASSING ON PRIVATE PROPERTY

If the employees fail to file the National Labor Relations Board charge by the stated deadline, the police will treat the complaint as they would any other criminal trespassing complaint.

If the National Labor Relations Board rules in favor of the employees, the police will take no further action on a trespassing complaint. If the National Labor Relations Board rules against the employees, the complaint will be treated as any other trespassing complaint. A representative of the employee group engaged in handbilling/picketing activity shall be informed that the employees must leave the private property area or they will be subject to arrest prior to the initiation of enforcement action.

For the purpose of enforcement, the areas that employee groups may use during the period awaiting the National Labor Relations Board ruling and after a favorable ruling is granted, would include areas open to the public only, i.e., public parking lots and shopping center malls. The individuals engaged in picketing/handbilling will not be permitted to enter the interior portion of the business or private parking areas without permission of the property owners unless so specified in the National Labor Relations Board ruling. In the case of enclosed shopping malls, the mall area will be accessible to the individuals engaged in handbilling/picketing but they will not be allowed to enter the businesses within the mall.

The right to conduct picketing/handbilling on private property is not absolute. The Police Department can restrict the activities of the employee group if their activity would create a potential public safety hazard. For example: A strip parking lot is too small to accommodate the employee group and the potential for someone being struck by a vehicle would require some

IV. OVERVIEW

Missouri State Statute 557.035 specifically addresses Hate Crimes. Under this statute, the State may provide enhanced penalties for the crimes of Property Damage, Unlawful Use of a Weapon, Assault, Harassment, Trespassing, Rioting or other criminal acts which the State believes to be knowingly motivated by race, color, religion, national origin, sex, sexual orientation or disability of the victim or victims. Refer to the current Missouri State Statute for more specific information.

V. INITIAL RESPONSE PROCEDURES

When an officer at the scene of an incident believes that it may have been motivated by racial, religious, ethnic or sexual orientation bias, the officer shall take all preliminary actions necessary, such as:

- A. Expressing empathy for the victim and showing a sincere interest in his/her well being;
- B. Determining whether any perpetrators are present and, if so, taking appropriate enforcement measures;
- C. Restoring order to the crime scene and taking any necessary actions to gain control of the situation;
- D. Identifying any injured parties and taking steps to provide medical assistance;
- E. Identifying any witnesses or others who have knowledge of the crime;
- F. Protecting the crime scene;
- G. Summoning a supervisor to the scene.

VI. SUPERVISOR'S RESPONSIBILITIES

The supervisor shall confer with the initial responding officer, take measures to ensure that all necessary preliminary actions have been taken and, if not the on-duty Watch Commander, will inform the Watch Commander of the criminal act. The supervisor shall request any appropriate additional personnel necessary to accomplish the following:

- A. Provide immediate assistance to the crime victim such as:
 - 1. Expressing empathy for the victim and showing a sincere interest in his/her well-being;
 - 2. Expressing the law enforcement agency's official position on the importance of these cases, the measures that will be taken to apprehend the perpetrators, and the officers' and department's interest in the victim's well-being;
 - 3. Allowing the victim a period in which to express his immediate concerns and feelings;
 - 4. Assisting the victim in identifying and contacting individuals or agencies that

may provide support and assistance. These may include family members or close acquaintances, family clergy or departmental chaplain and community service agencies that provide shelter, food, clothing, child care or other related services: and,

5. Providing security and precautionary advice to the victim and arranging for any additional security that may be required for protection of the victim.
- B. Conduct a standard preliminary investigation to include initial interviews of the victim and any witnesses to the incident.
- C. Ensure that all relevant facts are documented on an incident and/or arrest report and make an initial determination as to whether the incident should be classified as a Hate Crime offense.

VII. INVESTIGATOR'S RESPONSIBILITIES

Investigative personnel assigned to alleged Hate Crime incidents shall be responsible for the following:

- A. When responding to the scene of an alleged Hate Crime incident investigators shall assume control of the follow-up investigation. This includes:
1. Assuring the scene is properly protected, preserved and processed and all physical evidence of the incident is removed as soon as possible. If evidence of an inflammatory nature cannot be physically removed (e.g., painted words or signs on a wall) the owner of the property shall be contacted to remove such material as soon as possible and the officer shall follow-up to ensure that this is accomplished in a timely manner;
 2. Conducting a comprehensive interview with all victims and witnesses at the scene, or as soon as possible thereafter, and canvassing the neighborhood for additional personal sources of information;
 3. Notifying other appropriate personnel in the chain of command, depending on the nature and seriousness of the offense, and its potential inflammatory and related impact on the community;
 4. Working closely with the prosecutor's office to ensure that a legally adequate case is developed for prosecution;
 5. Coordinating the investigation with agency, state and regional intelligence operations. These sources shall provide the investigative officer with an analysis of any patterns, organized groups and suspects potentially involved in the offense;
 6. Coordinating the investigation with other units of the agency and with outside agencies where appropriate;

7. Maintaining contact with the initial responding officer and keeping him apprised of the status of the case;
 8. Making a final recommendation as to whether the incident should be classified as a Hate Crime for accelerated prosecutorial consideration.
- B. Investigative officers shall also take the lead role in providing ongoing assistance to the crime victim to include:
1. Contacting the victim periodically to determine whether he is receiving adequate and appropriate assistance; and
 2. Providing ongoing information to the victim about the status of the criminal investigation.

VII. COMMUNITY RELATIONS/CRIME PREVENTION

- A. Hate Crimes are viewed in the community not only as crimes against the targeted victim, but also as a crime against the victim's racial, religious, ethnic or sexual orientation group as a whole. Working constructively with segments of this larger audience after such incidents is essential to help reduce fears, stem possible retaliation, help prevent additional incidents and encourage any other previously victimized individuals to step forward and report those crimes. Towards this end, the Division of Community Affairs, or officers so assigned, shall:
1. Meet with neighborhood groups, residents in target communities and other identified groups to allay fears, relay this agency's concern over and response to this and related incidents, reduce the potential for counter-violence and provide safety, security and crime prevention information;
 2. Provide direct and referral assistance to the victim and his/her family;
 3. Conduct public meetings on Hate Crimes and violence in general, and as it relates to specific incidents;
 4. Establish liaison with formal organizations and leaders; and
 5. Expand, where appropriate, existing preventive programs such as anti-hate seminars for school children.

VIII RECORD UNIT

The Record Unit shall complete all reports necessary to comply with statistical reporting requirements for hate crimes including:

- A. Hate crime incident report forwarded to the Federal Bureau of Investigation with the monthly uniform crime reports.
- B. Quarterly hate crime report.

BY ORDER OF: Clay Steven Schicker 1/30/15
Steven Schicker, Chief of Police Date

ATTESTED BY: Robert Kuntz 2/29/15
Robert Kuntz, City Administrator Date

cc: City Attorney

MPCCF REFERENCE